



Republic of Croatia



PRAVOBRANITELJICA
ZA RAVNOPRAVNOST SPOLOVA

OMBUDSWOMAN FOR GENDER EQUALITY

**ANNUAL REPORT
FOR 2011**

- summary -

Zagreb, March 2012



I. ACTIVITIES OF THE OMBUDSWOMAN FOR GENDER EQUALITY IN 2011

II. ANALYSIS BY AREAS OF WORK

1. Employment and Labor

- 1.1. The Status of Pregnant Women and Women Who Have Recently Given Birth
- 1.2. Users of Compensations for Maternity and Parental Leave – Analysis of the Croatian Institute for Health Insurance Data
- 1.3. National Employment Promotion Plan 2011-2016
- 1.4. Research „Representation of Women and Men in Leadership and Managerial Positions in Business Entities in Croatia“

2. Family

- 2.1. Domestic Violence
- 2.2. Research „Funding of Shelters for Victims of Domestic Violence“
- 2.3. Implementation of the National Strategy on Protection Against Domestic Violence 2011-2016
- 2.4. Free Legal Aid (FLA) and Survey on Romani Women as Beneficiaries of FLA
- 2.5. Drafting the National Strategy for Roma National Minority
- 2.6. Rules of Procedure in Cases of Domestic Violence, implementation in 2011

3. Sexual and Gender Minorities (LGBT)

4. Analysis of the Gender Structure of Asylum Seekers

5. Education

- 5.1. Analysis of Representation of Women and Men in Education
- 5.2. Gender Sensitive Language
- 5.3. Analysis of Religious Textbooks and Ombudswoman's Initiative for Dialogue
- 5.4. Education in general

6. Media

- 6.1. Annual Gender Research of Print and Internet Portals
- 6.2. Gender Stereotypes and Sexism

7. Reproductive Health

- 7.1. Law on Medically Assisted Insemination

8. National Policy for Gender Equality 2011-2015 – Analysis of implementation of measures in 2011

9. Gender Equality in Political Participation – Parliamentary Elections in 2011

- 9.1. Activities of Civil Society Organizations

10. Laws – Initiatives of the Ombudswoman for Gender Equality

III. CONCLUDING COMMENTS AND RECOMMENDATIONS OF THE OMBUDSWOMAN FOR GENDER EQUALITY



- SUMMARY OF THE ANNUAL REPORT FOR 2011 -

I. ACTIVITIES OF THE OMBUDSWOMAN FOR GENDER EQUALITY IN 2011

The Annual Report for 2011 (further: Report) of the Ombudswoman for Gender Equality, as well as all her previous reports, is based on the provision of the Article 5 of the Gender Equality Act¹, according to which gender equality means that women and men are equally present in all spheres of public and private life, have equal status, equal opportunities to exercise all rights and the same benefit from achieved results. The Report comprises of the work of the Office of the Ombudswoman for Gender Equality on citizens' complaints, on analysis and research conducted by the Ombudswoman's Office in 2011, on analysis of the statistics and on the results of monitoring the implementation of legal provisions and policies concerning anti-discrimination.

The primary task of the Ombudswoman for Gender Equality is to investigate individual complaints and to provide assistance to natural and legal persons who lodged complaints about discrimination based on sex, marital or family status and sexual orientation. In the complete and detailed version of the Annual Report for 2011, there is a description of 50 most characteristic and most important cases the Office of the Ombudswoman for Gender Equality was working on in 2011.

During 2011, the Office of the Ombudswoman for Gender Equality worked on a total of 1391 cases, 1359 of which were opened in 2011, and 32 cases were carried over from the previous years.

The number of 1391 cases is the increase of 87.5 % with regard to 742 cases dealt with in 2010, and it is divided as follows:

- 315 cases opened upon complaints filed by citizens, of which 283 were new cases opened in 2011², and 32 were cases from previous reporting periods;
- 25 new cases from 2011 opened upon the Ombudswoman's initiative concerning violation of gender equality principles or discrimination on the basis of sex in regards to individuals;
- 1051 case opened in 2011 upon the Ombudswoman's initiative concerning monitoring the implementation of the Gender Equality Act, or on the basis of communications received from other institutions, organizations or legal entities.

¹ Official Gazette no. 82/2008

² 294 complaints in 2010; 274 complaints in 2009.

The number of complaints has not increased in comparison to 2010 (308 in 2011³ compared to 323 in 2010). However, there is an increase in the number of cases in which the Ombudswoman reached a conclusion about the discrimination on the basis under her jurisdiction: 76 cases in 2011 compared to 60 in 2010.

In 63.9% of cases women were discriminated against, whereas men were discriminated against in 23.1% of cases. **Complaints were predominantly related to gender discrimination (76.6%), while a smaller percentage related to the sexual orientation (5.2%), marital or family status (3.6%), gender identity and expression (0.3%) while in 14.3% of cases there were no grounds for action under the Ombudswoman's jurisdiction.**

The Ombudswoman for Gender Equality received complaints from the citizens from all the parts of Croatia, but mostly from Zagreb (46.6%).

The biggest number of citizens who complained had a university degree (25,2%) and were 35-44 years of age.

The number of complaints regarding discrimination based on sexual orientation (8.5%) has slightly increased in comparison to previous reporting years (5.8% in 2010 and 4.4% in 2009). Taking into consideration this kind of complaints it seems that people of homosexual orientation are still reluctant to use available legal instruments of protection against discrimination or they still don't know they can submit complaints about discrimination to the Ombudsperson for Gender Equality.

Analysis of complaints shows that, like in previous years, citizens complain about indirect discrimination in a relatively small number of cases, which suggests that this legal guarantee has not yet taken hold in practice, and that citizens have a problem with understanding it.

The majority of complaints are still related to the issue of achieving employment and social rights. Citizens in large numbers complain about the conduct of state bodies, local and territorial (regional) self-government bodies, and other legal entities under jurisdiction of these bodies (57.1 %), and much less about the conduct of legal persons in private ownership (8.8%), or other natural or legal persons.

Upon complaints or upon personal initiative, the Ombudswoman for Gender Equality acted at governmental level as well as at local and territorial (regional) self-governmental level, including other legal and natural persons and the media. **She sent a total of 120 written warnings and 207 recommendations (three times more than in 2010), and provided citizens with an information about their rights and obligations in 143 cases (46.4%).**

In 2011 the Ombudswoman intervened in 6 court trials (4 at the Supreme Administrative Court, 1 at Administrative Court, 1 at the Municipal Civil Court). Out of the total number of interventions in 4 trials the intervener was the newly elected Ombudswoman for Gender Equality, Ms Višnja Ljubičić.⁴

In 2011 the Ombudswoman actively participated in sessions of the Committee for Gender Equality and the Committee for Human Rights and National Minorities of the Croatian Parliament and submitted her comments on drafts of laws and regulations.

³ This figure refers only to the cases which were opened in 2011 – 283 upon individual complaints and 25 upon the Ombudswoman's initiative.

⁴ Period from October 28th till December 31st 2011.

Also, during 2011 the Ombudswoman publicly spoke and pointed out instances of discrimination in numerous occasions. She visited 7 counties⁵, participated and held speeches at 45 round tables, conferences and public debates, organized 6 public events (1 regional conference, 2 round tables and 3 public panels)⁶, visited 4 shelters for women victims of violence from 4 different counties where she talked to women residents of shelters⁷, participated and gave speeches at 7 international conferences, held 5 meetings at the international level in her office, worked with 26 different civil society organizations from all over Croatia, 33 times appeared on TV and radio broadcasts. Her statements were published in 91 press articles or on Internet portals. Regularly updated official website of the Ombudswoman for Gender Equality (www.prs.hr) had 90360 visitors in 2011.

In 2011 the Ombudswoman conducted 4 independent researches on:

- employment and labor - 1⁸,
- media - 1⁹,
- domestic violence - 1¹⁰,
- social welfare - 1¹¹.

Out of these 4 independent researches, 2 were launched in the mandate of the newly elected Ombudswoman for Gender Equality, in whose mandate data for all of these studies were collected, processed and interpreted.

II. ANALYSIS BY AREAS OF WORK

1. EMPLOYMENT AND LABOR

In 2011, the largest number of individual complaints (65%) concerned the area of social welfare and employment, benefits associated with employment and labor. The biggest number of complaints about discrimination in this area (94.7%) regards gender discrimination. The biggest number of these complaints (56.25%) was filed by women, while men complained in 13.75% of cases in this area. In the remaining percentage of cases other legal or natural persons filed complaints on behalf of the individuals.

The cause for concern is the high number of complaints concerning sexual harassment in the area of employment and labor - 42.5%. Complaints for sexual harassment were filed exclusively by women.

⁵ Out of 7 visits to counties, 5 were realized by the Ombudswoman Višnja Ljubičić.

⁶ Out of 6 public events - 1 regional conference, 1 round table and 2 public panels were organized by the Ombudswoman Višnja Ljubičić.

⁷ Visits and meetings with residents of shelters were organized in the mandate of the Ombudswoman Višnja Ljubičić.

⁸ Research „Representation of Women and Men in Leadership and Managerial Positions in Business Entities in Croatia“

⁹ Annual Research concerning Gender Aspect of Media Content

¹⁰ Research „Funding Shelters for Women Victims of Violence“

¹¹ „Free Legal Aid Mechanism and Roma Women“

According to the data of the Croatian Employment Service (CES) from December 2011, **the share of women in the total number of the unemployed amounts to 53.6%, although according to the data of Croatian Bureau of Statistics (CBS) women make 51.8% of the total population of Croatia.** Furthermore, out of all newly employed women in 2011 (87 747), only 8.4% signed a contract for an indefinite time (7 450). The share of men who signed indefinite time contracts is 19.5%.

On the labor market, a significant segregation of women and men by industry still exists. Men dominate in 13 out of 20 fields of industry. This dominance is particularly visible in sectors which are traditionally considered "male" such as construction, mining, water supply, electricity or gas, waste management and remediation as well as transportation and storage. Out of 7 areas in which women make up the majority, the dominance of women is in industries that are traditionally considered "female", for example the area of primary and secondary education, health care and social welfare.

The above data are closely linked with data about the wage gap to the detriment of women. **According to recent CBS data, women on average earn 89.8% of average male gross salary per month, i.e. 90.1% of average net salary earned by men. Specifically, this means that women on the Croatian labor market on average earn 6 588 HRK less than men.**

Statistical figures show that from year to year, a trend of the people employed with fixed-term contracts continues and reaches 90.7%. Women still comprise the majority of the unemployed in Croatia, work in underpaid sectors, make up the majority of persons employed per fixed-term contracts (52.9%). The horizontal and vertical segregation between men and women in the labor market is still present.

1.1. The Status of Pregnant Women and Women Who Have Recently Given Birth

The number of complaints on the basis of gender discrimination, which the Office of the Ombudswoman for Gender Equality received from pregnant women and women who have recently given birth, in terms of their employment status or working conditions, in 2011 was also very low. The low number of individual complaints by pregnant women and women who have recently given birth is not surprising. Termination of employment and loss of a permanent source of economic revenue is especially hard for this group of women due to the increasing cost of living that the birth of a child brings. These women are therefore significantly more sensitive to the possible risk of victimization of the current or future employer if they file a complaint to the Ombudswoman for Gender Equality or if they initiate legal proceedings.

Distressing fact is also that pregnant women and women who have recently given birth are the victims of gender discrimination not only based on the conduct of their employers but also based on the conduct of public institutions which have a special obligation to take care of their health, economic situation and labor market position. This criticism primarily refers to the discriminatory practices of the Croatian Institute for Health Insurance, about which the Ombudswoman warned in previous reporting periods.

1.2. Users of Compensations for Maternity and Parental Leave – Analysis of the Croatian Institute for Health Insurance

The possibility of taking an additional maternity leave up to 6 months of child's age was used by men in only 0.47% of cases, which represents stagnation in comparison to 2010 when 0.4% fathers used this possibility.

181-900 days parental leave used 4,67% of men, which represents a slight increase compared to the 2010 when it was used by 3.8% of fathers. From this data we can conclude that **the process of harmonization of domestic, private and professional life is still not going in the direction of removing disparities in social status between men and women.**

1.3. National Employment Promotion Plan for the period 2011 – 2016 - implementation of measures for 2011 (NEPP)

Out of 33 analyzed NEPP's activities for 2011, 27 had implementation indicators expressed by the number of persons of a specific target groups. The Ombudswoman collected data for 21 activity and analysis of her Office showed the following:

- the total of 42 661 people were included in these activities, out of which 23 824 were women (55.8%);
- in 14 activities more men were included and in 7 more women,
- only 7 activities were conducted in all counties and the City of Zagreb in a way that both men and women were included

It's been noticed that the activities related to the decrease of female unemployment in the labor market were insufficiently implemented. Therefore, both, the State and the local and territorial (regional) self-governments should engage more in implementing the NEPP in order to develop additional incentives at the local level.

1.4. Research "Representation of Women and Men in Leadership and Managerial Positions in Business Entities in Croatia"

Research "Representation of women and men in leadership and managerial positions in business entities in the Republic of Croatia" was conducted by the Ombudswoman's Office on a sample of 428 companies. It showed that women are significantly, and in many cases extremely, under-represented on Croatian labor market on all levels, from regular jobs through managerial positions to participation in governing and supervisory boards or bodies.

Women make up only 19% of board members and only 9% of women are at the head of boards. Only 20% of women are members of supervisory boards and 11% of women are at the head of the boards, even though women in Croatia are the majority of highly educated population. The results show that women are significantly under-represented on the positions which bear most responsibility in entities that are majority-owned by the Republic of Croatia or in legal persons with public authorities. While in private businesses, which participated in this research, women occupy 36% of managerial positions, i.e. 23% of the

highest level managerial positions, in governmental/public business entities women occupy smaller percentages: 27% of managerial positions and 19% of the highest level managerial positions.

The above points out to the need of implementation of positive measures in order to create opportunities for adjustment of family and professional responsibilities, including measures to achieve more equal distribution of household and family tasks between men and women.

2. FAMILY

2.1. Domestic violence

In 2011, eleven (11) women were killed by male family members (total number of murders in Croatia was 48, among the family members - 19). This means that **22.9% of all murder victims in Croatia in 2011 were women murdered by a male member of their families (husband, common law partner, former husband, son, brother in law). 57.9% of all victims of murder within the family were women. The total of 910 persons were victims of the criminal act of violent behavior in a family, out of which 747 (82%) were women. The total number of victims of violent behavior in family in 2011 was 20 247. Within this number, 13 127 (64.8%) were women.**

Women endure for years the violence perpetrated by men with whom they were not married or living in common-law, but in a longer or shorter emotional/intimate relationship. Women are victims of all forms of violence, from the worst kind – as victims of murders to supposedly "the lightest" kind punishable as misdemeanor violations.

The protective measures provided by the Law on Protection from Domestic Violence are an effective mechanism for the protection of victims of violence, and some of them can have almost instantaneous effect.¹² Therefore, it would be very important that the police and the courts apply the same measures whenever it is necessary to protect the victim, especially when the victim's life is threatened. The interpretation of the term "life threat" should serve the purpose and be in the best interest of the victim.

An increase in the number of proposed protective measures, an increase in the number of implemented protective measures that are entrusted to be carried out by the police, and an increase of the number of filed appeals as well as the reduction of the number of police interventions, have been noticed. In 2011 the most frequently proposed were the protective measures of mandatory psychosocial treatment, compulsory treatment of addiction and restraining orders. The increase of the number of requests for imposing protective measures of

¹² Article 19 of the Law on Protection from Domestic Violence.

(1) Protective measures under Article 11 Paragraph 2 subparagraph 2, 3 and 4 of this Law may be applied before starting misdemeanor proceedings.

(2) Protective measures under Paragraph 1 of this Article shall be applied upon the proposal of a person exposed to violence or the authorized prosecutor with a prior consent of the victim, in order to eliminate a direct life threat from that person or other family members.

(3) The court will make a decision from Paragraph 1 of this Article, immediately, without delay, and no later than twenty-four hours from the proposal submission.

(4) The decision under Paragraph 3 of this Article, the court will terminate if the applicant under paragraph 2 of this Article does not file a motion to indict within eight days from the date of the decision.

(5) The court is obliged to warn the applicant under paragraph 2 of this article about the consequences of not filing a motion to indict under the Paragraph 4. of this Article.

mandatory psychosocial treatment and restraining orders is certainly a very good basis for the prevention of violent behavior, because each of these measures has the ultimate goal of modifying the behavior of abusers in such a way that in the future it becomes harmless for their victims. However, the analysis of the available data shows that the courts do not adopt even 50% of the proposed protective measures, although a slight increase in pronouncing and implementing protective measures has been noticed.

Leaving aside the need for assessment of protective measures issued to the misdemeanor offenders of domestic violence, or the right of magistrates' courts to assess, after the court proceedings, if it is necessary to impose the required protective measure or not, the Ombudswoman for Gender Equality notes that these data indicate the apparent discrepancy between the number of proposed and imposed protective measures, and the need to establish the reasons of this gap.

Very good news is the implementation of the Article 31. of GEL, which proved to be an effective instrument in combating partner violence, recognized as a form of sex discrimination against women, since the victims, who are without exception women, are exposed to harassment, stalking, abuse by men with whom they shared a brief relationship.

The data on crimes against sexual freedom and morality for 2011 show that in 93.8% of cases these crimes were committed against women, which leads to a conclusion that women are, unfortunately, still perceived as sexual objects, which as a final consequence results in serious crimes such as rape.

Police respects the warnings and recommendations issued by the Ombudswoman for Gender Equality which is a significant contribution to the fight against domestic violence.

It is necessary to ensure the conditions and financial support for the continuous implementation of psychosocial treatment measures, given that the first study conducted on the effects of the treatment showed that it contributes significantly to the reduction of recidivism of violent behavior in families.

The Ombudswoman for Gender Equality concludes that the legislative framework of combating violent behavior exists and that by being used in practice it's been improved and developed. What doesn't exist is the system of measures for assisting and supporting victims of violence and their children during and after the repressive system has done its part in the prosecution of abusers.

2.2. Research „Funding of Shelters for Victims of Domestic Violence“

The issue of funding shelters for victims of domestic violence was not adequately and satisfactorily resolved in 2011 since the law, which would regulate this issue, wasn't enacted. The Ombudswoman's research on the method of funding of shelters for victims of domestic

violence shows that there are still some difficulties in connection with the financing of autonomous women's shelters which threatens their smooth operation. Although almost all local and territorial (regional) self-governmental units, in accordance with the Social Welfare Act and the Protocol on Response to Domestic Violence, allocate some funds for shelters that are located in their area, these funds in their budgets make a very small share of between 0.01% and 0.16% of the total budget. Shelters emphasize that late and retroactive payment of funds is the main problem for the functioning of shelters. The abovementioned can certainly hamper their smooth operation, so the normative regulation of funding shelters is urgently needed.

2.3. Implementation of the National Strategy on Protection Against Domestic Violence for the period 2011-2016.

The measures from the National Strategy on Protection against Domestic Violence for the period 2011-2016, which have continuous implementation period, have been mainly carried out, but according to the performance indicators outlined in the Strategy for each measure, the activities whose implementation deadline was 2011, were implemented only partially. Measures are implemented mainly at the national (state) level, while the implementation of Strategy measures at the local (regional) level is poorly visible.

Documents such as the National Strategy on Protection against Domestic Violence for the period from 2011 to 2016, as well as the Zagreb Strategy on Protection Against Domestic Violence, which is a step forward and a good example of the efforts of the local and territorial (regional) self-government units in combating domestic violence, represent a well mapped out direction of combating this harmful social phenomenon.

It is particularly important to foster stronger economic empowerment of victims of violence with their employment and solving their housing problems, and in that sense boost activities in the planning and systematic implementation of these measures at all levels of society.

2.4. Free Legal Aid (FLA) and Survey on Romani Women as Beneficiaries of FLA

The Office of the Ombudswoman for Gender Equality conducted a survey regarding the use of the free legal aid mechanism by the women victims of domestic violence and Roma women, as a particularly vulnerable group. The survey showed that the institute of the free legal aid exists in practice and gives concrete results. However, it is necessary to improve the existing legislative approaches and practices so that the beneficiaries - victims of domestic violence, who need this kind of aid, could achieve it in a simpler way.

The Ombudswoman emphasizes that the recommendations given in her Annual Report for 2010 have not been adopted by the Law on Amendments to the Law on Free Legal Aid, nor has the system of free legal aid been improved satisfactorily. On the contrary, the Law on Amendments provided that the right to free legal aid was abolished for victims of violent behavior in families. Victims of domestic violence who use the institute of free legal aid are almost exclusively women, who are looking for secondary legal aid (mostly for representation before the court in the civil, extrajudicial or distraint proceedings).

The survey shows that the Roma women are really vulnerable group of women, to whom even secondary education, employment and a regular cash income are hardly accessible, and as such they must take care of themselves and their family members, and that, in that sense, they fit in the profile of an average woman victim of domestic violence. Therefore, the Ombudswoman for Gender Equality considers that, in order to improve the social position of particularly vulnerable groups of population, as in this case Roma women, it would be useful to include into the questionnaire an information about the nationality of the free legal aid applicant in order to collect more accurate data. Because of this the amount of financial resources for funding free legal aid should not be reduced.

2.5. Drafting the National Strategy for Roma national minority

During the reporting period, the Ombudswoman for Gender Equality has been involved in the preparation of the future National Strategy for Roma National Minority in Croatia. Bearing in mind the principles of gender equality, the Ombudswoman proposed measures based on the fact that Roma women, in addition to marginalization and discrimination on ethnic grounds, suffer gender discrimination which is manifested in two ways, within the Roma community with a strong patriarchal system and outside of Roma communities where they are, like other women, confronted with other forms of discrimination.

2.6. Rules of Procedure in Cases of Domestic Violence, implementation in 2011

Rules of Procedure in Cases of Domestic Violence (hereinafter the Protocol) define the obligation of competent authorities and include activities at the local and regional level of the coordinators for gender equality in government bodies and county committees for gender equality in dealing with the cases of domestic violence.

In relation to the coordinators for gender equality in government offices there is still a problem of unequal data collection and therefore the collected data cannot give a complete picture of the actual situation, which still points out to lack of full cooperation of all bodies and other factors on the level foreseen by the Protocol.

From the analysis of the obtained data it is evident that all the coordinators in the government offices are also members of county commissions for gender equality, which is in accordance with Art. 28. par. 2 of GEL. However, although it is an obligation explicitly foreseen by the Protocol, in 2011 only two coordinators for gender equality mentioned in their reports that they held meetings with the representatives of the competent bodies concerning issues of individual cases of domestic violence. Therefore, the current situation in this area is still not satisfactory.

The Ombudswoman for Gender Equality analyzed the work of county commissions for gender equality in relation to their obligations envisaged by the Protocol. Almost all of the commissions have stated that in the past year they established some form of cooperation with relevant authorities, with civil society organizations, coordinators for gender equality, Ministry of the Interior Affairs and centers for social welfare. However, in relation to the obligation of holding meetings regarding the issue of individual cases of family violence, the submitted reports indicate that only a few commissions held such meetings, and therefore a positive shift in this area as compared to previous years hasn't been noticed.

3. SEXUAL AND GENDER MINORITIES (LGBT)

The social status of sexual and gender minorities i.e. LGBT citizens of the Republic of Croatia hasn't been significantly changed compared to the 2010 and it remains unfavorable, primarily due to violent attacks motivated by prejudice.

The visibility of the LGBT community and their problems increased in 2011 primarily due to the activities of civil society organizations engaged in protecting and promoting equality of LGBT persons.

Repeated violence and hate crimes against LGBT people prove that homophobia in Croatian society still exists. There is still no visible improvement in terms of the protection of their fundamental human rights guaranteed by the Croatian Constitution and the Convention for the Protection of Human Rights and Fundamental Freedoms - the right to bodily security and integrity, which was particularly evident immediately before and during the LGTB "Pride Parade" in Split in June 2011.

Complaints that the competent institutions have not successfully fulfilled their obligation towards Split Gay Pride participants is founded because they did not ensure relatively unimpeded exercise of the constitutional right to freedom of expression and public assembly, and they have failed to provide even a basic level of protection from physical violence motivated by hatred which Parade participants were exposed to from the side of homophobic opponents. The Ombudswoman for Gender Equality was informed by the Department for Combating Terrorism of the Ministry of Interior Affairs that 22 criminal charges for hate crimes against LGBT people were filed after Split Gay Pride. Beside criminal charges 62 people were charged with misdemeanor for 103 offenses. At the same time, the Ombudswoman for Gender Equality emphasizes and commends extremely high level of professional police protection which the competent authorities and law enforcement officers ensured to the participants of Gay Pride in Zagreb.

Furthermore, the Ombudswoman for Gender Equality thinks that the existing legislative framework, which is based primarily on the Law on Same-Sex Unions of LGBT people, does not guarantee a level of protection to which they are entitled according to the Croatian Constitution, the European Convention on Human Rights and the European *acquis communautaire*, ie, that this Law does not guarantee to LGTB people adequate levels of social welfare, economic and societal protection, but only a very narrow set of property rights.

Therefore the Ombudswoman for Gender Equality considers that this situation calls for a new legislative framework. In addition, the development of the practice of the European Court of Human Rights (described in the comprehensive report version) will require a significant adjustment of Croatian legislation.

Using her authority as an intervener, according to the Anti-Discrimination Law, the Ombudswoman for Gender Equality decided to intervene in four judicial proceedings in 2011 concerning claims for discrimination based on sexual orientation (in one case before the Municipal Court, in one case before the Administrative Court, in two cases before the Supreme Court).

Although there are no specific statistics on the status of LGBT people on the labor market, through monitoring and participating in court cases concerning discrimination against LGBT

people, the Ombudswoman for Gender Equality came to a conclusion that a significant number of employers tends to discriminate against LGBT people. Specifically, those people who did not conceal their sexual orientation as a rule were placed somehow at a disadvantage in their working environment, so one can assume that they would be in equally disadvantaged situation during employment process if prospective employers would know their sexual identity at the time.

It is therefore necessary to raise awareness of the society further about the unacceptability of these forms of discrimination and to promote tolerance in all areas of public life, particularly in labor market, in order to ensure LGBT people the fundamental right to express and live their personal identity freely and without fear of judgment and prejudice.

4. ANALYSIS OF THE GENDER STRUCTURE OF ASYLUM SEEKERS

Asylum seekers are extremely sensitive and vulnerable social group within which there are even more sensitive and vulnerable social groups such as women, LGBT persons, children, people with disabilities, i.e. persons who are exposed to multiple discrimination. That means that it is necessary to take care of their needs and rights to be accepted and integrated. Continuing education and sensitization of professionals in relation to LGBT people is required, as well as raising awareness of granting approval of a proportional number to women asylum seekers in comparison to the total number of asylum seekers.

5. EDUCATION

In 2011 the Ombudswoman responded to several regulations in the field of education in relation to gender issues. At the initiative of the Ombudswoman for Gender Equality the Act on Art Education included the anti-discrimination provision which guarantees the availability of art education regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, social status, disability, sexual orientation and age. Other regulations in the area of education to which the Ombudswoman for Gender Equality proposed changes and/or amendments are: Draft of Textbook Standards, Draft of the Curriculum of Civic Education and the Decision on the Elements and Criteria for Selection of Candidates for Secondary School in 2012/2013.

The Ombudswoman for Gender Equality submitted several proposals for amendments to the Draft of the Curriculum of Civic Education. One of them was that the sources of learning and teaching include the Gender Equality Act and Law on the Ombudsman for Persons with Disabilities, Rules of Procedure in Case of Violence Among children and Adolescents (2004), Rules of Procedure in Cases of Domestic Violence (2008), The Convention on the Elimination of all Forms of Discrimination Against Women (UN, 1981), Anti-Discrimination Act, Single-parent Families: Personal Experience and Attitudes, History of Gay and Lesbian Life and Culture. Recommendation in relation to the inclusion of topics related to gender equality issues, which the curriculum foresees in the module on promotion of gender equality, was accepted,

while the proposal related to the listing of topics concerning discrimination based on marital and family status and sexual orientation was not accepted.

5.1. Analysis of Women and Men Representation in Education

This year's analysis of the Ombudswoman's Office on the "Representation of Women and Men in the Area of Education" shows particularly worrying negative trends related to the large under-representation of male teachers in primary schools (15.8%), while the same problem is much less evident at the level of secondary education.

At the secondary level education female students are still under-represented in industrial and vocational secondary schools, while male students are under-represented in art secondary schools. The number of male students in high schools compared to female students is also slowly decreasing.

Perhaps the biggest problem in terms of unequal gender representation is in the area of high education where the study areas are distinctly divided into "traditionally male" and "traditionally female. Distinctly "female areas" are the areas of social services, education of teachers and kindergarten teachers, educational and biological sciences, and as "male areas" engineering and engineering trades, computing services and security.

Among the teachers and teaching staff at colleges this year records an increase in the proportion of women which is a positive trend with respect to the still present overall under-representation of women in this area.

As far as MA level is concerned, the highest under-representation of men is in the field of natural sciences, and women in the field of technical sciences. The biggest disparity between women and men on doctoral level is in the field of technical sciences.

The analyzed data indicate a certain tendency of dividing occupations into "traditionally male" and "traditionally female", which is not in accordance with the provision of the equal presence of women and men in all spheres of public and private life prescribed by Article 5 of GEL.

5.2. Gender Sensitive Language

Although a significant positive shift in the number of those who comply with the provisions of GEL about advertising vacant job positions is visible, the Ombudswoman for Gender Equality further indicates the necessity of implementing gender-sensitive language in all fields of social activity, especially in legislation, education, regulation of local and territorial (regional) self-governing units and others who correspond with citizens on everyday basis.

5.3. Analysis of Religious Text-books and Ombudswoman's Initiative for Dialogue

After analysis of the textbook for the 8th grade of elementary school, "S Kristom u život" (With Christ into Life), the Ombudswoman for Gender Equality recommended that the Ministry of Education, Science and Sport completely removes a sentence "*Medicine and*

Psychology find a variety of causes, which are not yet fully explored, to this human condition“(referring to homosexuality)¹³ from the next edition, or reformulates it the way that it leaves no room for misinterpretation (that homosexuality is a disease). Until the end of the reporting year, no statement was received from the Ministry in relation to the issued recommendation.

After an analysis of religious books for the 3rd year of high school "*Životom darovani*," (Gifted with Life), the Ombudswoman for Gender Equality concluded that the textbook contains elements of discrimination based on sex (describing the traditional division of social roles for women and men, and describing characteristics and peculiarities of women and men in a very stereotypical way), and therefore not in accordance with provision of Article 4. paragraph 2. of the Law on Textbooks for Elementary and Secondary School which prescribes that *books, and additional teaching resource must not in its content be contrary to the Croatian Constitution and proclaimed principles of a democratic order that are specifically related to the protection of human and minority rights, fundamental freedoms, human and civil rights and gender equality.*

Therefore, the Ombudswoman for Gender Equality made a recommendation to the Ministry to prepare a new edition of the religious textbook "*Životom darovani*" for the next school year 2012./2013. in which the controversial parts from the current edition would be amended and thus would become compliant with the applicable legislation of the Republic of Croatia.

In relation to concepts such as abortion, assisted insemination/fertilization and genetic engineering, the Ombudswoman for Gender Equality proposed that relevant text should have a footnote with an explanation that such contents are regulated by positive legislature of the Republic of Croatia, and a clarification in which cases their execution is allowed. By the end of the reporting year, the Ombudswoman for Gender Equality did not receive any statement in relation to a warning, recommendation and proposal she issued to the Ministry.

However, positive examples have been noticed. The textbook for the eighth grade of elementary school "*With Christ into Life*" describes the relationship between the sexes, with an emphasis on "equal dignity" and "equal and same value of women and men".

The integration of such contents into textbooks is desirable and in accordance with Article 14 paragraph 2. of GEA, which provides that activities related to gender issues are an integral part of the preschool, primary and secondary education and higher education and training, and include the preparation of both sexes for active and equal participation in all areas of life.

With regard to the perceived problem, the Ombudswoman for Gender Equality initiated a dialogue and cooperation with experts in Catholic religious education within the national educational system, mostly because no such attempts had been made so far from the side of the Ombudsperson's institution. Therefore, the Ombudswoman for Gender Equality held meetings with representatives of the Croatian Bishops' Conference and the Agency for Education end of 2011.

¹³ p. 16th of the textbook "With Christ into Life"

5.4. Education in general

According to the recommendation of the Ombudswoman for Gender Equality, the Article 9 paragraph 1 of the new "Ethical Code of the University of Josip Juraj Strossmayer in Osijek", which was adopted in April 2011, forbids any direct or indirect discrimination based on "race, color, sex, sexual orientation, marital status, religion, age differences, political opinion, national, regional or social origin, property, birth, social status and physical or social difficulties". Article 10 Paragraph 1 forbids "any form of harassment and sexual harassment between members of the academic community".

6. MEDIA

Although laws and other regulations governing the media include provisions that require the elimination of sexism, gender stereotypes, and insulting, derogatory and demeaning portrayal of women and men from the media, the media continue to perpetuate gender stereotypes, and persistently use female body as an object to attract attention to other contents, products or services. It primarily goes to the detriment of women, but, consequently, to the detriment of the whole society.

This conclusion is based on the annual gender analysis of print and Internet portals which the Office of the Ombudswoman for Gender Equality conducted in 2011. The analysis shows that **sexism and gender stereotypes are predominant in the media in regards to the presentation of women, while, at the same time, certain topics are under-represented or non-existent, for example the position of women in rural areas, the problem of multiple discrimination, for example of women with disabilities or Roma women, gender equality in sport and education, etc.**

Problematic is the lack of wider social condemnation of sexism. Many current public statements of politicians or media representatives show that sexism is deeply ingrained into everyday speech, and perpetuated both, by women and men. The Ombudswoman for Gender Equality drew attention to many of such statements and called for a moral and political responsibility of persons who used sexist rhetoric in public speeches. It is necessary to promote gender equality, especially in the educational system.

6.1. Annual Gender Research of Print and Internet Portals

The number of articles published on issues of gender equality is constantly decreasing. In 2011 the number of articles associated with the area under the jurisdiction of the Ombudswoman for Gender Equality decreased by half (54%) in comparison to 2007, when the biggest number of articles concerning gender issues was published (3 835).

However, since 2006, when the Office of the Ombudswoman for Gender Equality started with the analysis of articles in newspapers and on Internet portals, the issue related to the protection of LGBT rights in 2011 took the first place on the list of most frequently covered issues in the

media from gender perspective. Almost negligible number of articles was related to the position of women in rural areas and gender equality in sport and education. Very few articles covered gender stereotypes in the media and beyond, or wrote about women in the military, police, mountain rescue services, demining and the like in non-stereotypical way. When reporting on domestic violence, the media were more sensitive than they were several years ago, but the titles and articles based on sensationalistic reporting with the use of inappropriate terms or details that further victimize a victim still exist.

6.2. Gender stereotypes and sexism - Differences in the representation of women and men in the media

The differences in the portrayal of women and men in the media, which the Office of the Ombudswoman for Gender Equality continuously monitors, show that sexism and gender stereotypes prevail to the extent that the public response to each and every case seems like a "drop in the bucket". Such differences are large and more prevalent to the detriment of women.

Activities and achievements of women, which are the results of their hard work in various walks of life, are seldom reported on and usually marginalized in relation to other topics. Thus the impression resulting from such media coverage is that women do not exist within certain areas of life or that they are not interested in the topic outside "light entertainment" such as news from show business, fashion, gossiping about rich and famous, cosmetics, dieting, etc.

Photos of a half dressed woman, with titles and contents which are based on emphasizing her physical proportions and with the commentaries about her looks, as well as frequent sexual references, which through identification create discomfort for female readers, are a part of the contents of almost all print media and the majority of news Internet portals.

The justification of the media is that they only offer what people want to read / watch / listen to, which is not true. In fact, from the variety of activities, accomplishments and interests that men and women pursue every day, the media choose and select those which will be presented to the public, and the way they will be presented. Their choice of what they will show or write about, as well as the manner in which such contents are presented, are responsible for promotion and reinforcement of gender stereotypes, and consequently the way in which something or somebody will be evaluated.

The media mostly use patronizing tone in regards to women. Since such a tone and manner of presentation is not used in relation to men, it is sex based discrimination. For example, it's hard to imagine that the journalist who would interview a male state inspector, or any other male public official, would point out how handsome he is and comment his success at work with "Kid knows!", as the case was in the article where the male journalist commented on professional achievements of a female state inspector with a remark: "Baby knows how!"

Gender stereotypes¹⁴ which are a part of the various messages, which reach people through the media and other public messages, have a great influence on how girls and boys will experience

¹⁴ „Happiness is in the purse – New research confirmed that women are the happiest when they buy a purse“; „Women's infatuation with shoes, diamonds and cosmetics is far from the one with purse, Večernji list, 27.09.2011.; „Pink for the Ladies“ – Tehno prilog V Magazina;

themselves and the opposite sex, as well as on the social climate in which individuals are forced to fit into predetermined expectations from the sex they belong to.

There is a certain small number of articles which in an objective and non-stereotypical way present women in various spheres of activity: a girl who plays soccer, national champion in mathematics, cybernetic anthropologist, head of the construction site, speleologist, a member of NATO forces operating in detecting explosives, officer of the Armed forces in Afghanistan, the only officer in the Croatian EULEX mission, female bodyguard, Lieutenant commander of the battle ship, demining expert, soccer judge, female boxers, football players. However, even these articles show deeply entrenched stereotypes about gender roles.

For example, in the article which wrote about the Croatian women's national football team a reporter refers to the prejudices about how women are perceived in football as "masculine" persons who are not interested in the usual "women's issues." Wishing to emphasize that this team breaks down stereotypes about women in football, the journalist uses another sexual stereotype, the one about "typical women's interests" such as wearing makeup and jewelry. Emphasizing physical attractiveness of female soccer players the article points out: "Is not it every man's dream? A beautiful woman who knows everything about football and can play it as well". So, for the journalist, and the audience who will recognize this kind of reporting as acceptable and normal, the fact that women are active in football in which they are still very rare, that they invest their time and make effort in order to achieve good results is not as important as the prejudice-based notion that by playing football women become "everyman's dream" and the fact that they "showed their charms before the photo lens".

The media attitude towards women is reminiscent of the comment a printing director addressed to famous Croatian journalist, feminist and writer, Marija Juric Zagorka, that she would be better off if she had more sense for sex appeal, and less sense for justice.

Media write seldom on the topic of gender equality in the labor market and it is usually in regards to commemorating certain national or international dates, which means that this topic is coming more into focus of interest of the media during marking the International Women's Day 8th March, or National Day for Combating Violence Against Women, or at the time of the adoption of certain laws.

Croatian Radio Television (CRT), one of the most influential media in the country, which was founded by the Croatian Government, conducted a study within the framework of implementation of the National Policy for Gender Equality for the period from 2011th to 2015th which provided a very useful insight into the knowledge and attitudes of CRT employees (journalists and editors-in-chief) on the subject of gender equality. Although the CRT male and female employees advocate gender equality as social value, they still express gender stereotypes, which are represented in a slightly larger percentage in males, while women are more insecure in estimating the current position of women and men in different areas as well as in advocating for positive shifts.

It is a matter of concern that only half of the respondents are interested in the issue of gender equality, that a quarter of respondents considers the education in gender equality as unnecessary, and that a third does not want to participate in education on this topic. At the same time over half the respondents does not know the mechanisms associated with the

establishment of gender equality in the institution in which they work, does not know the laws regarding discrimination based on sex nor the mechanisms for promotion of gender equality in Croatia.

Out of 900 employees of CRT to whom a questionnaire was sent by name, only 19% responded, which is also a good indicator how many employees of the public television perceive gender equality as an important topic, although at the same time and in principle they all declare that women and men should have equal legal rights and obligations.

7. REPRODUCTIVE HEALTH

7.1. Law on Medically Assisted Insemination

During the reporting period, the Croatian Government entered a Draft of the Law on Amendments to the Law on Medically Assisted Insemination into urgent procedure, and the changes were adopted by the Croatian Parliament. In public, these changes were marked as almost meaningless, because the changes allow for multiple fertilization of eggs to only a certain group of patients (those suffering from certain serious diseases), but not liberalize medical insemination to other patients.

The Ombudswoman for Gender Equality believes that laws must be harmonized with the GEA which is an organic law, and should not discriminate against anyone on any grounds according to this Act. Furthermore she thinks that the laws concerning women's health and their reproductive rights must follow the progress of science and enable women and men with an unobstructed use of the same rights in accordance with the highest health standards achieved. But the Ombudswoman for Gender Equality also believes that these standards shall be determined by the profession itself, i.e. medical experts who deal with issues of infertility.

8. National Policy for Gender Equality 2011 - 2015 - Analysis of implementation of measures in 2011

The measures from the new National Policy for Gender Equality, foreseen for the implementation in 2011, were mainly carried out. Since the Policy was adopted in July 2011, the implementation of measures has just begun and it is expected that they will be implemented in full in the future. Therefore the Office of the Ombudswoman for Gender Equality will monitor its implementation.

The Ombudswoman for Gender Equality points out the need for continuous training of employees in the field of judiciary, public administration and prosecution offices on the implementation of anti-discrimination legislation. Specifically, these measures can achieve specific effects in practice only if their implementation is ongoing and not just a one-time event.

In relation to the area of gender-sensitive education, it is necessary to continue with the measures which have already commenced, bearing in mind that this is a long process which is a prerequisite for building gender anti-discriminatory attitudes in society.

The Ombudswoman for Gender Equality thinks that the essential factors for ensuring the implementation of National Policy, and GEA, is the strengthening of existing institutional mechanisms for gender equality, including the coordinators for gender equality in government bodies and commissions for gender equality at local level. In implementation of these documents courts play a necessary role, as well as effective and unconditional support of all state actors and local authorities.

9. Gender Equality in Political Participation – Parliamentary Elections in 2011

Although gender equality is one of the constitutional values (Art. 3. of the Constitution of the Republic of Croatia), and the Gender Equality Act defines gender equality as the equal presence of women and men in all spheres of public and private life, equal status, equal opportunities to exercise all rights and equal benefit from the results achieved, in the area of political participation and decision-making women are still under-represented. **Two-thirds of political parties have not followed the prescribed quota from the Article 15. Paragraph 2 of GEA and did not put 40% of under-represented sex on electoral lists for parliamentary elections held on December 4th 2011. Out of 313 lists of candidates, 37.70% had more than 40% of women candidates, and 62.30% had less than 40% of women nominated.**

End of September 2011, using her authority under Article 22. and Article 23. of GEA, the Ombudswoman for Gender Equality issued a public statement as a reminder that the political parties are legally obligated to respect the principle of balanced representation of women and men on candidate lists. The Ombudswoman's office sent this reminder to the addresses of all 116 registered political parties in the Republic of Croatia with the recommendation that at the upcoming parliamentary elections they accept the current European trend and develop a system of voluntary positive measures to ensure actual implementation of the legal obligation of balanced gender representation on the electoral lists.

Elections for Croatian Parliament were announced on October 31st 2011 for 151 members in the Croatian Parliament: 14 from each of 10 constituencies, 3 from the 11th constituency (the Diaspora), and 8 in the 12th constituency of national minorities. Out of 116 registered parties in the Republic of Croatia, 47 parties participated in elections. **From a total of 4 359 nominated party members on electoral lists 65.04% were men and 34.96% women. From a total of 313 holders of lists, on 82.40% lists carriers were male.**

The analysis of the Ombudswoman's Office on the representation of politicians in the media during electoral campaign showed that as representatives of the parties women participated in public in smaller percentage than men. 320 persons participated in a specialized TV show (broadcast on public television CRT), out of which 13% were women. However, some of these women appeared in every show (total of shows: 19), which means that the total number of 43 women does not apply to 43 different women. Out of the 49 interviews in national newspaper during pre-election campaign, in 76% of cases (37) interviewees were men and 24% (12) women.

Media analysis of the Ombudswoman's Office has shown that female politicians are still presented different in public than male politicians and that they are perceived and portrayed

more stereotypically through “typical” women's interests and comments about their appearance, style, clothing, jewelry or makeup, pregnancy, family situation or behavior from which allusions are derived about their "feminine" side and "female" way of looking at things.

Unlike male politicians, women in politics are often presented in the context of their private lives and relationships, or in the context of prevailing gender stereotypes which, consequently, leads to trivialization of their political decisions, statements or actions. Significant differences based on sex in the way the media portray women and men in the field of politics still remains.

9.1. Activities of Civil Society Organizations

Civil society organizations (CSOs) were actively involved in monitoring the election campaign and providing concrete suggestions for the improvement of human rights and equality. Tens of CSOs for the protection and promotion of human rights in Croatia created a platform 112 which included a list of all the issues important to citizens. They publicly invited the parties, coalitions and independent lists to give statements regarding this list before citizens go to the polls.

Five female feminist organizations (CESI and Babe from Zagreb, Domine from Split, CGI from Porec and Delfin from Pakrac) prepared Women’s Platform 2011 which they handed over to the politicians. The Platform was based on interviews that activists of these organizations led with women all over Croatia. Women's Platform pointed out the following issues: social justice and equal opportunities in the labor market, equal participation of women in public and political life, and men in family and private life, high quality public health system, and sexual and reproductive rights and freedoms, effective support to women victims of violence and education free from stereotypes and prejudices.

10. Laws – Initiatives of the Ombudswoman for Gender Equality

In cases when certain regulation violates the principle of gender equality as a result of the lack of compliance with the Gender Equality Act, the Ombudsperson for Gender Equality is authorized¹⁵ to submit a proposal to amend such a regulation. From the practical work on individual complaints the Ombudswoman for Gender Equality has found out that certain provisions of laws and their application directly discriminate members of a common law marriage and women, and indirectly discriminate women. Namely, the laws in question are the Law on Income Tax, the Law on Property Transfer Tax, the Law on Specific Taxes on Passenger Cars, Other Motor Vehicles, Vessels and Aircrafts, Law on Amendments to the Act on Employment Mediation and Unemployment Rights and the Regulation on Employment Booklet.

Since according to the Rules of the Croatian Parliament, the Ombudswoman for Gender Equality does not have authority to propose changes to laws which are not in accordance with the Gender Equality Act, the Ombudswoman for Gender Equality submitted to the proper

¹⁵ The provision of Article 24 paragraph 2 of the Gender Equality Act

authorities the initiative to amend these legal provisions, recommendations for the appropriate implementation of laws and proposals to amend bylaws.

However, the Ombudswoman has concluded that none of her initiatives from previous reporting periods, whether in the form of amendments to the law, bylaw or existing practice, which were aimed to remove the existing non-compliance of the regulations with GEA, had no results. The reasons can be speculated upon, but it seems that one reason could be a lack of awareness of certain governmental factors about the institution of the Ombudsperson for Gender Equality and her/his role in the society. Given the above, and in order to be able to directly use the authority of Article 24. paragraph 2 of GEA the Ombudswoman for Gender Equality submitted to the Croatian Parliament (January 2012). a Draft to Amend Article 129 Paragraph 1 of the Rules of the Croatian Parliament, so that the right to propose laws and amendments thereto is given to each special ombudsperson who is authorized by a special law.

In addition, the Ombudswoman for Gender Equality monitored other legislative initiatives whose goal was adoption of new laws or changes of the existing ones in regards to their consequences to gender equality. The Ombudswoman supported certain legislative solutions while on some gave comments or suggestions – i.e. for example on the Draft of the Criminal Code, the Draft of the Proposal of the Law on the Ombudsman etc.

The Ombudswoman for Gender Equality would like to emphasize that the obligation to harmonize national legal system with *acquis* comprises not only of the obligation to harmonize the legal norms, but also of the obligation to implement these legal provisions in the light of values and goals that these provisions serve to within the legal system.

III. CONCLUDING COMMENTS AND RECOMMENDATIONS OF THE OMBUSWOMAN FOR GENDER EQUALITY

Based on the conducted researches and analysis of the implementation of the provisions of laws and regulations related to gender equality in the areas within jurisdiction of the Ombudswoman for Gender Equality, which are described in detail in the complete version of the Annual Report and partially in this summary, the Ombudswoman would particularly like to emphasize the following:

Domestic violence is still present in Croatian society. The majority of victims are still women. In order to eliminate all forms of violence against women and to improve the position and protection of the rights of victims of all forms of violence, a persistent and continuous training of all officials involved in the protocol for the treatment of victims of domestic violence (police, social services and judicial authorities) is required.

Women are still under-represented in political sphere, on electoral lists, in public presentation of party programs or in final election results.

Although **women make up the majority of highly educated persons**, they are **still significantly underrepresented in managerial positions**, in both private companies and in companies that are majority-owned by the state, which indicates that they are discriminated against in their career advancement. In addition, **not enough efforts have been put into facilitating the harmonization of family and professional responsibilities of women**.

Since the prerequisites for creating anti-discriminatory gender attitudes in the society are the elimination of stereotypes and the introduction of gender-sensitive education into the entire educational system, it is necessary to incorporate topics related with human rights, particularly gender equality and anti-discrimination guarantees which stem from the GEA and Anti-Discrimination Act into educational curriculum.

Such topics are still not adequately represented in the educational system at all levels. So, in order to achieve this goal, the Ombudswoman for Gender Equality emphasizes the importance of acquiring and transmitting knowledge in gender-sensitive manner and to educate teachers about the social importance of gender equality and this education is one of the explicitly stated goals of the National Policy for Gender Equality.

The media often use their social role and space for perpetuation of gender stereotyping, sexism, mostly at the expense of women, thereby reinforcing the stereotypes that affect how women and men will be validated in social power.

Based on complaints of citizens, as well as conducted research and analysis, the Ombudswoman for Gender Equality considers it necessary to point out the following recommendations according to the areas of activity:

Employment and Labor

1. Given the devastating data which the Ombudswoman for Gender Equality collected in 2011, it is necessary to establish an appropriate control of the business organization, employment policy and development of bodies which are majority-owned by the Republic of Croatia, i.e. companies with public authorities, in order to determine underrepresentation of women in leadership and managerial positions.
2. To significantly increase the control of compliance with the obligation to adopt positive measures in order to achieve a balanced representation of women at all levels of managerial positions, i.e. to strengthen the legal obligation to achieve representation of women at least 40% at the highest managerial positions or in management and supervisory bodies predominantly owned by the Republic of Croatia, i.e. in businesses with public authorities, and to increase control of the implementation of positive measures in order to achieve real equality.
3. To introduce a legal obligation of at least 40% of women in top managerial positions in companies established by private capital.
4. To devise a system of financial incentives of financial and taxation nature to encourage more balanced responsibilities for sharing child care between women and men.
5. To devise a system of measures to encourage education and training of women in professional activities in which by male labor force dominates on the labor market, especially in financial and technical areas which have the highest market price of labor on the market.

6. Introduce a legal obligation to respect the principles of complete transparency in hiring or promotion, i.e. an obligation of transparent forming of wages.

Family

7. To introduce new work places at police headquarters and police stations for employees who will combat domestic violence against women.
8. To conduct systematic training of police officers and social care professionals on domestic violence and implementation of gender equality, focusing on the elimination of deficiencies in procedures in domestic violence cases.
9. To connect databases of the Ministry of Internal Affairs, Ministry of Health and Ministry of Justice on the level of the first instance court, misdemeanor court and criminal court in order to insure improved data flow for the purpose of more efficient management and completion of the criminal or misdemeanor procedures in domestic violence cases.
10. To provide necessary funds in order to ensure conditions for continuance of the psychosocial treatment and for establishing and putting into operation institutions and experts who will conduct this treatment where it doesn't exist.
11. To establish a unique national 24 hours phone line for victims of domestic violence.
12. To design and develop a system of solving housing and employment problems of victims of domestic violence.
13. To update the plan and dynamics of development of the network of treatment centers which are providing treatment for perpetrators of domestic violence by defining the criteria, the dynamics of the network's development, the list of new treatment centers for 2011, and the number of experts necessary for the treatment, treatment capacities and planned supervision.
14. To encourage local and regional self-government units to plan budgets with the expenses regarding implementation of psychosocial treatment, in accordance with the obligations from the Strategy.
15. In order to improve the situation of women with disabilities, who are the victims of domestic violence, to carry out urgently an analysis of architectural and communication compliance of the shelters for victims of violence with the applicable provisions of national regulations and documents, and start implementing measures of their coordination defined by the National Strategy for Protection from Domestic Violence.
16. In order to educate the public about the issues of family violence through public information and promoting protection from domestic violence through the media, the CRT and the management of the CRT need to develop a program plan regarding the issue of domestic violence and should continually educate editors and reporters about the legal obligations governing the protection from domestic violence and gender-sensitive language.

Funding Shelters for Victims of Domestic Violence

17. To pass a law urgently which would fully resolve the question of funding shelters and thus ensure the conditions for their smooth operation, in which, inter alia, local and regional self-government bodies would be obligated to extract a certain percentage of their budgets to fund shelters.

Free Legal Aid

18. To ensure consistent and uniform implementation of the Law on Free Legal Aid by all government offices through reduction of discretionary powers of the public officials in the assessment of persons seeking free legal aid and legal issues for which legal aid is applied for.
19. To examine possibilities for further simplification of the procedures for granting free legal aid, for example, to introduce an electronic form into the units of local governments (municipalities and cities), to ensure the reception of the person who applies for free legal aid and assistance in making an application, and to forward the application electronically to the nearest office of state administration for a decision which is then to be returned the same way. The applicant would then be given a confirmation of the application or its refusal.
20. To recognize the right to an injured party to obtain free legal assistance within the framework of the criminal / misdemeanor proceedings for domestic violence by the amendments to the Law on Free Legal Aid.
21. To regulate the financial status of the applicant as the sole criterion for the realization of the right to free legal aid, by the amendments to the Law on Free Legal Aid, because the very purpose of the Law on Free Legal Aid is to provide legal assistance to people who do not have material conditions for the payment thereof.
22. To include into the questionnaire an information about the nationality of the free legal aid applicant in order to collect information on the victims of domestic violence of vulnerable social groups such as, for example, Roma women.
23. To avoid reduction of the amount dedicated to funding of free legal aid.

Parental care

24. To continuously educate social welfare professionals on the implementation of gender equality principles, promoting equal sharing of household and family responsibilities and equal division of parental responsibilities, including parental leave for fathers.
25. To train and sensitize social welfare professionals about the occurrence, problems and ways to combat gender-based violence.

LGBT rights

26. To develop a new legal framework that would appropriately regulate family, civic, social, health and financial status of LGBT people in Croatia, in accordance with the obligations of the Republic of Croatia in regards to the European Union and the Council of Europe.
27. To permanently raise awareness and sensitize the public about the rights of LGBT people and to implement educational topics into the educational system in relation to sexual orientation and gender identity.
28. To continuously educate judges, lawyers, public prosecutors and police officers concerning discrimination issues and procedures in cases of discrimination against persons based on their sexual orientation.

Asylum seekers

29. To create an integration policy of health, health care and employment,
30. To conduct educational programs and campaigns related to the issue of asylum
31. To educate professionals about the needs of asylum seekers, men and women, particularly the potential victims of trafficking, victims of violence, victims based on their sexual orientation.

Media

32. To increase the number of media contents throughout the year that systematically promote gender equality principles in public television programs and in other printed and electronic media.
33. To provide mandatory training of media professionals on gender equality in accordance to paragraph 7.2.4. of the National Policy for Gender Equality for the period 2011 - 2015.
34. To eliminate sexism, gender stereotypes and offensive, derogatory or demeaning portrayal of women and men from the media in accordance with the Gender Equality Act.
35. To develop a uniform methodology for monitoring issues related to gender equality and reporting thereon.

Gender Balanced Political Participation

36. Political parties should systematically include a gender dimension in all the campaigns for elections for bodies at local, regional, national and international levels and to organize campaigns to raise awareness and disseminate information on gender-balanced representation of men and women on all levels of political and public life.
37. Political parties should take appropriate measures to combat homophobic, sexually stereotyped or discriminatory forms of gender expression and publicly condemn them, regardless of whether those expressing them are the members from their party or other parties.

Zagreb, April 17th 2012

OMBUDSWOMAN
FOR GENDER EQUALITY

Višnja Ljubičić, dipl.iur.