

REPORT ON  
WOMEN'S HUMAN RIGHTS  
IN 2005

51%  
♀

*Ženska mreža Hrvatske*  
<http://www.zenska-mreza.hr>

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## **Introduction**

Positive shifts in women's human rights have been noticed in the area of women's protection against violence – the beginning of implementation of the National Strategy for Protection Against Domestic Violence for 2005 – 2007 and passing of the Protocol on Response to Domestic Violence.

The establishment of the Coordination for the Realisation of the Constitutional Principle of Gender Equality, showed willingness for cooperation between the Office for Gender Equality, Ombudswoman for Gender Equality, the Gender Equality Committee of the Croatian Parliament and the Croatian member of the CEDAW Committee of the UN with the Women's Network Croatia as the dominant part of the organised women's movement in Croatia.

The most blatant violations of women's human rights are happening within the framework of the educational system, which does not include sexual education or education on gender equality. The textbooks themselves are overflowing with discriminatory patterns and stereotypes in direct collision with the obligations of Croatia as a signatory of the Convention on the Elimination of all Forms of Discrimination Against Women.

## **1. Institutional Mechanisms**

Although it is often stressed that the passing of the Act on Gender Equality and the inception of institutional mechanisms for gender equality are great achievements towards instituting gender equality in Croatia, we must stress that these mechanisms merely constitute a framework for possible achievements.

### **The Act on Gender Equality**

Due to a procedural error in passing the Act, it has not been adopted as an organic act, and its harmonisation with other legislative acts (although required by Article 36 of the Act) is impossible. The Act itself is very difficult to carry out in practice. The only article of the Act that involves sanctioning is the provision that all legal entities owned by the government and with public authority must provide action plans and special measures to achieve gender equality. As the Office for Gender Equality, the body responsible for approving such measures, has not approved a single action plan submitted, we hold that it has thus discouraged those responsible in the implementation of the law itself. In the meantime, the failure to comply with Article 11 has fallen under the statute of limitations, so this article, previously the only operational one, become equal to the other provisions in their lack of applicability.

As the Act on Gender Equality has not been passed in proper procedure and is inapplicable in almost all of its provisions – except for the institution of the Ombudswoman for Gender Equality and the Office – Women’s Network is considering a possible examination of its compliance with the Constitution and facing the political entities with a choice of passing a decent law or losing (any) law that is purely declarative and decorative in nature.

## **The Office for Gender Equality**

The Office for Gender Equality has been instituted after the legally determined deadline has expired. The Office was assigned insufficient funds from the budget, was slow to employ experts, and the delays involved created a discontinuity of operation with the Commission for Gender Equality. All this led to a comparatively slow development of the Office's activities despite the efforts of the Head of Office. The Office does not have the necessary financial, human or premises related resources for tasks within its responsibility as determined by the National Policy on Furthering Gender Equality and the Act on Gender Equality, or indeed the obligations pertaining to the EU Accession process.

The Office has insufficient funding for launching its own, or financing public campaigns conceived by NGOs, that would influence the public perception of women's human rights. Despite this fact the Office has co-financed seven titles published by women's organizations in 2005, to the total sum of Kn 120,000.00. It is a disconcerting fact that the Office for Gender Equality has no web site almost two years after its inception, so the general public has no direct insight into the sphere of duty, activities and accomplishments of the Office. The yearly reports have thus also remained inaccessible to the public.

The greatest presence of the Office for Gender Equality has been achieved through media addresses in 2005, in which the parallel reports of women's NGOs to the UN CEDAW Committee in January of 2005 have been criticized, and through its messages to parliamentary parties towards nominating more women for office in the local elections. It must be dully noted that the Office has shown energetic activity in inciting the formation of commissions for gender equality on the local (county) level. However, the fact that it has no capacities, or indeed responsibility to maintain organisational or programme-level relations with these commissions is a matter of concern.

The Office is the bearer of the “Gender Equality / Jednakost spolova” programme that is funded by the Budget, which funds will be made available in 2006. The process of programme definition and completion should involve a wide range of governmental institutions and NGOs, which, to date, has not been the case. Positive developments are expected in this area in 2006, in co-operation with the Women’s Network Croatia.

NGOs are represented in the process of drafting the National Gender Equality Policy for the 2006 – 2010 period, commenced in September 2005, by a single representative.

Despite the objective and subjective difficulties in operation, the Office for Gender Equality shows a clear intent to support the actions, education and promotional conventions of the women’s NGOs, as well as to lend an ear to their suggestions for activities in promoting the status of women’s human rights in the Republic of Croatia. Furthermore, the Women’s Network Croatia is expecting a further development of relations with the Office for Gender Equality in the direction of appreciation and full recognition of skills and expertise of the activists gained through long experience in furthering women’s human rights.

### **Ombudswoman for Gender Equality**

The Ombudswoman for Gender Equality provides regular co-operation to NGOs in processing particular cases of rights violations and is taking an active role in public conventions organised by NGOs, aimed at education on women’s human rights.

The Ombudswoman has supported the initiative of women’s NGOs concerning the legislative normisation of the number of women on the candidate lists for the local elections and has indirectly, through public debate, answered the initiative of the Women’s Network Croatia for changes in the National Job

Classification. The Ombudswoman has taken an active role in the public debate on the model of sexual education in schools, although she failed to respond to the initiative to examine the accordance of the Teen Star programme with the anti-discrimination regulations in her findings.

The public has been partially informed on the work of the Office of the Ombudswoman via its web page, where detailed yearly reports of the Ombudswoman were published. In the age when it is possible to inform the public via web pages at relatively negligible costs, we deem it fundamental for the Office of the Ombudswoman to afford the public full insight into its valuable contributions.

The media presentations of the Ombudswoman in 2005 pertained mostly to announcing civil charges against 2000 public institutions with no action plans, to discrimination in job advertising, domestic violence, sexism in the media and the position of women in the job marketplace.

It is our considered opinion that, given the expressed political will to end discrimination against women, the work of the Office of the Ombudswoman requires more budgetary funding and more employees.

The Office of the Ombudswoman has been relatively slow in answering memoranda, questions and enquiries from women's NGOs, but has nevertheless been very forthcoming in all personal conferences and information exchange. According to the activists of the Network, the Ombudswoman has been quick to address all demands of the discrimination victims. The Ombudswoman has always shown herself ready to lend her presence to actions, education efforts and promotional conventions of women's NGOs. The overall evaluation would be that the Office of the Ombudswoman has taken significant steps in raising the profile of the women's human rights issues in the current year, while stronger media presence would be welcome.

### **Office for Human Rights**

The Office for Human Rights has attained excellent co-operation with women's NGOs, especially with the Petra Network in fighting trafficking. Women's organisations are involved in drafting proposals and measures and co-operate with the Office on specific cases.

The Office for Human Rights has supported the Women's Network Croatia's initiative for normalisation of the number of women on the candidate lists.

### **Gender Equality Committee of the Croatian Parliament**

Despite its nominal tasks and responsibility, the Committee is not satisfactorily included in the legislative procedure, as it is not informed of the bills in a timely fashion and so has no time to evaluate them. The Committee is also, as a representation of the power balance between parties, understood as a part of partisan voting machineries. Thus it does not pay sufficient attention to its primary tasks: analyses of gender bias in materials passed in the Parliament and the initiatives for their rectification. This led to the legislative initiative of the Women's Network Croatia on Amendments to the Act on the Election of Representatives to the Representative Bodies of the Units of Local and Regional Self-Government to fail in the Committee, despite strong support from the Chairperson of the Committee, since no quorum was achieved.

The Chairperson of the Committee co-operates with NGOs extremely well.



## **County Commissions for Gender Equality**

The County Commissions have been formed following the obligations of the National Policy and upon repeated requests of the Ombudswoman and the Head of the Office for Gender Equality. We consider the fact that members of the Commissions are chosen according to their affiliations to the parties currently in power in the County Assembly to be one of the major obstacles to their functioning. This causes persons insufficiently acquainted with problems of gender equality to be chosen into the Commissions. Therefore each new mandate is spent in acquainting the members with the issues of gender equality, and no progress is shown.

Further, there is discontinuity in the existence of the Commissions for a period of up to several months after each election, until the new commissions are formed (Osječko-baranjska County). Some Commissions do not even include representatives of NGOs, and even when they do their input is often disregarded as there is a lack of understanding and comprehension of women's human rights issues with the majority of members of Commissions.

The work of Commissions consisted mainly of commemorations of significant dates, a work of importance, but occasional and insufficient. Except in the area of the County of Istria, few municipal or city commissions have been formed.

### **DEMANDS:**

- timely delivery of all legal bill proposals to the institutional mechanisms for protection of gender equality,
- involvement of institutional mechanisms for gender equality in bill passing processes,
- creating possibilities for introducing external members into the Committee for Gender Equality of the Croatian Parliament,

- founding of a workgroup that will propose amendments to the Act on Gender Equality,
- backing the declaratory political will financially: increase of funding from state budget to the institutional mechanisms,
- a more significant contribution of the Office for Gender Equality via detailed guidelines for the highest County authorities that will determine the venues of nominating members of Gender Equality Commissions, and more effort on the part of the Office in co-ordinating the work of local Commissions.
- Support to demands for professionalization of the task of promotion of gender equality on the County level.
- Securing the mandate over approving and control over action plans (Art. 11 of the Act on Gender Equality) for institutions and companies owned by local or regional authorities.

## **2. The Media**

The media are increasingly familiar with the issues of women's human rights and are, for the largest part, correct in their informative function, while some journalists are very conscientious in commenting the gender aspects of events.

Certain media, in particular the local ones, give very good coverage to women's NGOs and institutional mechanisms for promotion and protection of women's human rights. The accompanying graphics, however, often do not follow the intention of the text, so it is not rare to find photographs / illustrations that virtually annul the gist and the meaning of the written information / commentary. All this indicates a lack of gender awareness on the part of the editors. Despite the fact that some topics, like violence against women, are increasingly present, it is a matter of concern that public television is unbalanced in its treatment of women's human rights, thus showing that certain journalists are concerned with

the subject, rather than this being a matter of a conscious editorial policy. It is also disconcerting that the daily and weekly press cover these subjects in a sensationalist, rather than analytical fashion. The same is true of commercial television stations. Most of the media, both printed and electronic, use both female and male nouns for professions and roles, and patronymics have all but disappeared from the media. However, females are more likely to be mentioned in the media merely by their given names, without surname or title, than males.

Simultaneously, no distinction is being made between informative and entertaining contents, so a medium can publish, in the so-called entertaining section, texts and illustrations that depict women in a one-dimensional and derogatory way, sexualising the female body as a means to increase the sales, right next to an article showing high sensibility to gender issues.

### **3. Education**

In the area of education there has been hardly any stemming from systematic work in realising the goals of the National Policy on Gender Equality 2001 – 2005, concerning programme development for systematic education on gender equality and increasing the awareness of the issues of gender equality on all levels of regular education.

The Ministry of Science, Education and Sport (MZOS) has not fulfilled its programme tasks as put forth by the National Policy 2001-2005 in regard to changing the textbooks both in content and their graphic design. The textbooks in use that do not correspond to the conditions of promoting gender equality have not been withdrawn. The MZOS has not even initiated an analysis of gender discriminating content of textbooks.

The MZOS has approved the experimental phase of the HNOS – Croatian National Educational Standard. An analysis of the NGOs showed that it is not completely sensitive to the gender issues.

The contents of the mandatory programme do not, in sufficient measure, cover topics that further the awareness of gender equality, although the introductory sections state the importance of the gender equality under the heading of the “socializing aspects of the HNOS”. These topics are elective, and usually connected to other subject matter of natural and social studies and history. Thus, a plan for education on women’s human rights (programme task No.6) is missing from the HNOS (It is important to note that during public discussion on HNOS during 2004, representatives of women’s NGOs informed the MZOS representatives, one of which was the Assistant Minister in charge of co-ordinating the implementation of HNOS, on the need of making changes and improving the content on three different occasions, which brought no results). It is the conclusion of the NGOs that the topic of gender equality was not approached systematically, thoughtfully, and in a balanced manner.

Neither have the programme tasks concerning the analysis of content of scientifically-educational programmes for systematic education of primary school and pre-school teachers been implemented. Furthermore, the possibility of implementing a systematic programme on gender equality has been missed, as the MZOS has not to date supported a new women’s studies programme, not even within the Bologna process, although such initiative of the Centre for Women’s studies (an NGO) has been proposed repeatedly during the past three years to MZOS, the University and the Faculty of Philosophy.

The MZOS has founded a commission for evaluation of sexual education. However, the membership of the commission as well as its procedures have caused a number of critical remarks from the public. Women’s NGOs have objected to the MZOS’s proposal on the membership of the commission. Following a number of contradictory decisions, the MZOS brought matters back to the beginning, suggesting that sexual education should be incorporated into health education. The public has, as of December 2005, not been provided with a clear decision concerning the manner and implementation of sexual education. It is a matter of concern that even after a number of questionable decisions on the activities

of the commission, nothing has been changed for the better, which eventually led to one of the members of the commission addressing the MZOS and the Minister concerning lack of transparency in the decision making process, and disrespect of the commission.

In implementing the programmes that further gender equality in the educational system, the Ministry of Science, Education and Sports and the Headmasters' association have failed to complete a proposition for implementing measures for the protection of students from sexual harassment and molestation. Neither have they compiled a programme for protection and support to single mothers among students.

In the area of supplemental education of the educational staff, the MZOS has failed to co-operate with NGOs in the way of lectures and workshops on gender equality that were scheduled twice a year, nor has it organised education on gender equality and correct usage of language for developing awareness of educational staff on all levels of education. It is, however, possible that some schools have unilaterally decided to conduct such education of which the general public has no knowledge. Furthermore, the public has no knowledge whether the programmes for particular actions aimed at improving the position of disabled girls and women have been completed, nor whether the programmes of teacher education for furthering awareness, education and successful integration of disabled girls have been implemented.

**DEMANDS:**

- introduction of the gender equality principle into the entire educational system,
- removal of gender/sexual stereotypes from textbooks and programmes,
- complete and balanced enhancement of gender sensibility and introduction of new content within HNOS,

- systematic training and edification on gender equality of all those involved with the educational system and textbook publishing,
- founding of women's and gender studies as systematic and lasting bases of education on women's human rights,
- ongoing training and education on women's human rights, not just of the teaching staff, but also of public servants, the legal and academic communities,
- licensing of particular NGO programmes in the gender equality area,
- conforming the language standard with gender equality policy at delivery of diplomas and certificates

#### **4.Reproductive Rights**

The woman's right to bear children whenever she wants, however many she wants and with whom she wants is set forth in the Act on Health Measures for Free Choice in Childbearing, which, in Article 17, clearly states that abortion is performed in health institutions mandated by the competent body (the Ministry).

Out of 34 institutions licensed for performing legally induced abortion within the Croatian public health system, 11 (or 33 %) do not perform abortions.

The abortion is one of few healthcare services with free price formation. The price varies from Kn 600.00 (Varaždin) to Kn 2,400.00 (Zabok). Although the price includes hospitalisation, the woman is expected to leave the health institution within 2-3 hours after the procedure. Apart from gains from the procedures themselves, the institutions or doctors make additional profits by charging for a gynaecologist examination and/or ultrasound, not recognising such results from other gynaecologist ordinations.

The data on the number of abortions are incomplete and unreliable (according to the Public Health Institute, Report on Pregnancy Terminations in Healthcare Institutions in 2004), since the hospitals do not use the approved forms for reports on pregnancy terminations. According to data available to women's organisations, a significant number of women turns to private gynaecologist surgeries for abortions, since they have to pay for them regardless, and are afforded no additional care nor can they avail themselves of the hospitalisation included in the costs. Furthermore, the abortion has moved into the sphere of grey economy due to strong propaganda by pro life organisations, present even on the premises of health institutions in the public health system.

Apart from the legally induced abortions becoming progressively inaccessible to women, the same is true of postcoital forms of contraception.

Medically assisted fertilisation is regulated by an Act so obsolete that it does not foresee all the possibilities of advanced technology in medicine, so that any use of this reproductive right takes place in legally uncertain circumstances.

This year has been marked by a public stigma on medically assisted fertilisation cast by the Catholic Church, which labelled the children born under these circumstances things, which is probably one of the reasons that the Bill on Medically Assisted Pregnancy cannot find its way into the Parliament schedule.

The mandatory school programme does not include sexual education or indeed the basic biological knowledge of reproductive organs. Despite a strong public initiative to include sexual education in the school curricula and an expert proposal of a programme delivered to MZOS, no decision was reached by the Ministry. The commission in charge of instituting sexual education included numerous repre-

representatives of the Catholic Church, but no representatives of women's NGOs. The Teen Star educational programme, approved as an elective one, is determined by religious dogma and abstinence. In the opinion of the Ombudswoman for Children it is in opposition to the Convention on Children's Rights, whereas the Ombudswoman for Gender Equality holds that "the criteria and practice represented by the Teen Star programme support intolerance and perpetuate prejudice and stereotypes in family values and gender relations". Despite this, the Ministry has kept the programme in schools, without even keeping evidence of the number of children involved or evaluating the programme implementation. Upon request of the Women's Network Croatia to the Ministry of Health and Social Services to discontinue the systematic narrowing of women's reproductive rights, the Ministry answered by the way of the media with numerous promises, but has failed to implement a single measure within its jurisdiction.

#### **DEMANDS:**

- introducing a unique price for the legally induced abortion in all health institutions, determined in such a way that it does not constitute a profit-making health service,
- urgent Bill proposal on medically assisted fertilisation,
- in accordance with Art. 3 of the Act on Health Measures for Free Choice in Childbearing, acquaint those involved with healthcare, education and social services with the methods and benefits of family planning through counselling and education,
- insuring the availability of post-coital contraception in pharmacies
- changing the hiring policy for gynaecologists in healthcare institutions licensed for legally induced abortion so that it precludes hiring doctors with conscientious objections,
- perform expert analysis to determine the compatibility of the Teen Star programme with anti-discriminatory provisions of the Croatian laws,
- introduction of sexual education in schools,



- widening the concept to sexual rights and sexual health.

## **5. Position of Women on the Job Market**

The percentage of women among the unemployed in Croatia averages 59.3%, while some regions show up to 65% of the total to be women. The percentage of women among those unemployed for over a year is 61% given the same educational level and work experience as men.

400,000 people work on the black job market, whereas 200,000 receive their salaries without dues and taxes paid. A large number of companies, including the ones that are government property practice this without any control. The percentage of women among persons receiving the lowest guaranteed salary is 77%.

A survey of the workforce shows that 11% of women work less than full time, whereas only 2% are shown to do so administratively. In this way women dominate the grey economy, and are prevented from having pensions or will receive smaller pensions.

In Croatia, men's salaries are on average 19.4% higher than those of the women. The difference is the smallest at the outset of the career, when the men start with a salary that is 13% higher compared to the women's, and the highest between the 8<sup>th</sup> and 11<sup>th</sup> year of experience when men receive a 20% higher salary. The women are more often asked about their family status. 67% of women, as opposed to 56% of the men, are asked the question. Although the difference is not great, researches show that family status information has different weight with women than with men. Furthermore, female candidates for a particular position are stereotyped in the way that suggests they are perceived differently than men, even when the family status question is not asked. The intention of starting a family brings about more difficulties for women. The highest profile case of the year was a discriminatory action of an

employer in Rijeka, where the management actually dared to print a questionnaire concerning marital status, number of children and family planning.

A research of the MojPosao web portal shows that a decision to start a family is considered a sign of maturity and responsibility in men. In working women, the family is seen as a lasting distraction: they will not be dedicated enough to their work, will not put in any overtime as mothers, etc.

The adverts which the employers use to look for employees usually use male forms of nouns to denote positions, although for cleaning positions a cleaning lady is always sought.

Although Article 13 of the Act on Gender Equality determines that both sexes are to be treated equally as far as employment is concerned, support to this type of advertising lies in the National Job Classification (NKZ), which is “the normative for all users when stating data about jobs”

All the jobs in this nomenclature have been put forth in the male gender, except the following, that were stated exclusively in the female gender: midwife, secretary, Director assistant, private assistant, flight attendant, perser, ground hostess, maid, stewardess, senior stewardess, hotel maid, child minder, nanny, hostess, fortune teller, peasant woman, country tourism hostess, lady embroiderer, house maid, cleaning lady, washing woman, ironing woman.

As this classification is “instrumental in hiring” and is, with its peculiar use of gender, used in hiring processes, it serves to propagate the stereotypes on male and female jobs further, and encourages women discrimination in the hiring process.

The workforce mobility is extremely low in Croatia, a fact that has not been improved by the employee obligation to accept work within 50 km from their place of residence.

Women are more vulnerable in this respect, since the care for the children and the elderly make it difficult to work far from home.

Until August of this year the Croatian Employment Bureau implemented a programme of measures to promote hiring. The D Measure promoted hiring women over the age of 45 and men over the age of 50 that have been unemployed for over 6 months. The subsidy amounted to gross salary and taxes based on the net salary of Kn 2,500.00 for the first 6 months, and the taxes and insurances of the gross salary for the following 12 months. The employer had to keep the person employed for at least 18 months, in which period all the other non-temporary employees had to be kept. Out of the total applications for employer subventions, only 0.095173% pertained to the D measure. The Government of the Republic of Croatia discontinued the measure during its session of 4 August 2005.

Of the programmes for inciting women's entrepreneurship during 2005, the Ministry of the Economy, Labour and Entrepreneurship has implemented the project called "Target Groups Entrepreneurship", aimed at entrepreneurs registered as crafts, companies, co-operatives or institutions with sound financial results, who belonged to the target groups: veterans, youth, women, beginners and the disabled, with maximum single subvention amount of Kn 50,000.000,00.

The Government measure of obliging the patients who have been on sick leave for over three weeks to see a commission that would assess their situation (which invariably terminates the sick leave which is then reapproved by the primary healthcare physician), the burden of the sick leave is on the employer. This creates a situation in which the chronic patients, as well as those caring for the children, the old and the frail, namely women, can easily lose their jobs.

**DEMANDS:**

- obligatory use of female nouns as well in all the official documents,
- increased control of employers concerning the black market employment,

- termination of the normative measure that determines the number of sick leave days for a particular condition; control of the primary healthcare doctors in case of consecutive sick leave for the same condition,
- Introduction of special measures for inciting the employers in employing vulnerable groups of women (over 45, first-time employees),
- increase of women's mobility by creating a better network of social services.
- increase the social responsibility (flats, infrastructure, other city requirements) of the employers and company owners, from paying all the employee dues to decreasing seasonal work, salaries according to collective contracts, etc.
- introduce rewards for employers who promote equality and implement the measures of women protection. Promote such employers and introduce competition.

## **6. Women and Politics**

At the local and regional government elections held in May 2005, the involvement of women was only slightly higher than in the previous elections, and the formed bodies show only marginal improvements over the previous ones.

Women's participation in representative bodies Croatia averages 10.8% (this is a poll result, and has not been adjusted for changes caused by councilpersons leaving for executive bodies). The County Assemblies show 13.7%, City Councils 14.7%, Community Councils 8.4%, and the City of Zagreb Assembly 27% of women representatives.

The Counties showing above average representation are the City of Zagreb (27%), Istarska (17%), Primorsko-goranska 15.8%), Međimurska (15.8%) and Sisačko-moslavačka (14.1%).

According to the National Policy on Gender Equality 2001 – 2005, female representation in the Parliament and local government should not be under 30%. The 10% results fall far below the mark set.

According to the Millennium Development Goals for Croatia, Goal 3, Sub goal 2, the number of women in the Parliament, Croatian Government, and executive bodies of the local government should not be below 50% by the year 2015. It is unclear how this is to be attained, considering the lack of political will or awareness of the importance of the matter, so there are no programmes or concrete measures to attain this goal.

The CWN initiative to the Parliament Council for Gender Equality to introduce an Amendment to the Act on the Election of Representatives to the Representative Bodies of the Units of Local and Regional Self-Government was not met with understanding and has been rejected, as well as similar suggestions by two independent Parliament representatives, although the initiative has been supported by the Ombudswoman for Gender Equality and the Head of the Office for Human Rights of the Government of the Republic of Croatia.

It is disconcerting that the idea of legal quota of women on the lists were not seen in the positive light by the media and political commentators, and following the public opinion, women in politics did not accept it either. Their arguments were that such a provision would be demeaning to women and opposed to Constitutional right of equality before the law. Both these arguments show lack of insight and understanding of the Convention against all forms of discrimination of women, which says that such measures are not discrimination. The argument of demeaning women further shows deep prejudice against women being in politics, because it implies that an equal group of women does not have the same number of capable individuals as a group of men.

Prejudice against women in politics forms an integral part of the electoral laws, so that Constitutional proceedings instigated by the list bearer for the City Council of Rijeka, Zorica Jerković, based on the fact that the noun list bearer behind her name was in masculine, not feminine gender, were rejected.

The Constitutional Court explained that her electoral rights were not violated, while no mention has been made of the violation of gender equality, although these were the grounds for the proceedings. The presidential candidate Doris Košta received the same treatment, with independent candidate (masculinum) written behind her name.

During the presidential elections race, the female candidates were exposed to incessant sexism and insults on different levels, from comments on their attire in tabloids, to those uttered by the President himself.

The elections have shown that there is no political will for the measures to augment the number of women on the lists of candidates. The provisions of the Act on Gender Equality and Act on the Election of Representatives to the Representative Bodies of the Units of Local and Regional Self-Government are defined in such a way that there are no legal sanctions to breaking them. The objection of the local chapter of IDS from Mali Lošinj to the Electoral Committees, which ended in a Constitutional Court finding, has clearly shown that all the laws regulating this area are of a purely declarative nature. There are no binding rules that would force political parties and list proposers to put women up as candidates, which they were aware of even before this ruling, since 9% of the lists did not include a single woman.

Despite the fact that mechanisms for insuring gender equality are in place, in this case County Commissions for Gender Equality which are of paramount importance for local communities, their work is at an early stage and many women are not aware of possibilities for bringing charges against discrimination.

Women are not sufficiently involved in the decision-making processes in different areas. Out of 14 Mi-

nistries, women are holding only 4 ministerial positions (the Minister of Foreign Affairs and European Integration, the Minister of the Family, Veterans' Affairs and Intergenerational Solidarity, the Minister of Justice, the Minister of Environment Protection, Physical Planning and Construction, and the Minister of the Family, Veterans' Affairs and Intergenerational Solidarity).

#### **DEMANDS:**

- legal norms requiring at least 40% presence of a particular gender on the candidate lists; alternation of male and female names on the lists; mandatory respect for the list ratings at constitution of representative bodies,
- consistent use of nouns in both masculine and feminine gender throughout all the electoral legislation,
- giving the electoral committees the jurisdiction to remove from the electoral race all lists with insufficient number of women.

### **7. Violence Against Women**

The issue of violence against women has undergone the greatest transformation in the public perception. A private woman's problem that she had to file charges for herself has become a social and civic problem with far-reaching and varied consequences.

This shift of perception was followed by legislative changes that culminated in the adoption of the National Strategy for Protection from Domestic Violence 2005-2007 and passing of the Protocol of Action in Domestic Violence Cases in September of this year.

However, the concept of violence against women, or gender-based violence does not exist in Croatian legislation. Stressing only one of the dominant aspects of the issue of gender based violence is an

oversimplification. Domestic violence has been sanctioned by the Act on Protection from Domestic Violence, with the dominant problem being treatment of violence as a misdemeanour and the sentences being mainly financial penalties. The Act does not provide adequate victim protection during the civil proceedings, which lowers the number of reported cases and often leads to repetition of violence.

On the positive side, the definitions of violence and family members are wide (the latter wider than the definition in the Criminal Code, which requires persons to live in the same household), with the Act providing a wide range of protective measures (under the condition that report is filed within 3 days). However, the hardest sentence of 60 days in prison is insufficient in extreme cases of violence, and the fact that violence is treated as a misdemeanour is a problem.

Furthermore, the measures of psychosocial treatment and repossession of the instrument of the misdemeanour in question are imposed by virtue of the office, while any others (removal from the place of residence, limitation of access to the victim, prohibition of stalking, protection...) are only passed at the motion of the person requesting the initiation of procedure. It is absurd that the only measures taken by virtue of the office are those not directly aimed at victim protection and are not urgent, whereas the measures of direct protection and urgent prevention of further violence are left to the initiative of the victim, who may be too frightened to initiate them (or the police, which is not always sensitive to them).

Even such insufficient laws are not implemented, so there is still certain holding back in reporting family violence, even inside the institutions of the system. Civil Initiative Centre from Poreč conducted a research in the Istrian County concerning the application of Articles 5 and 7 of the Act on the Protection from Domestic Violence, which regard the reporting of domestic violence. A great majority of the examinees were acquainted with the obligation to report domestic violence (94.4%). Still, it was not reported as often as it should have been. The greatest percentage, 44.4% of the examinees, report



domestic violence only occasionally, 38.9% report all such events, while 16.7% seldom do.

Two months after its completion, The Protocol on Procedure In Cases of Domestic Violence is only scantily implemented, nor has it been disseminated from the ministries mandated to implement it to the police, the educational system, social services centres, the legal system and healthcare institutions. The part of the Protocol pertaining to the legal system is deficient, and the obligations have not been worked out.

There are no statistical data on violence against women.

Furthermore, viewing the problem of trafficking and the issue of violence against women as separate issues helps create the feeling that trafficking is not a part of the concept of gender-based violence, although it is the concept that goes the longest way towards showing its causes.

The support measures to the violence victims, the number of shelters and counselling facilities are insufficient for the needs, and their financing is, for the most part, left to the kindness of donators. The Budget of the Republic of Croatia for 2006 intended for protection from violence from the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity is Kn 1,170,000.00, sufficient for yearly financing of a single shelter and counselling facility, representing a total of 0.0012% of the National Budget.

Although the problem of violence against women has been given great public attention and changes of the civic attitude and legislation have been seen, the violence against women still remains a problem that is mainly hidden, unreported, unsolved and unseen as an invisible symptom of a patriarchal society.

## **DEMANDS:**

- point to the connections between different forms of violence against women and discrimination by education,
- introduce lectures on women's human rights and human rights in general as well as feminist legal theory in law faculty curricula; court education,
- encourage inter-institutional co-operation through shared education and similar forms, since each is complaining of the others (e.g. the police complain against social services and courts and the other way around),
- collection of statistical data on violence against women, especially those on the misdemeanour courts (each court collects its own statistics), with mandatory: number of reported instances of violence; number and type of sentences and protective measures taken,
- full financing of autonomous shelters and counselling facilities from the national, county and local budgets (according to similar criteria as if they were in the system of social services)
- introduce a provision of the law that the court can and must, when there is danger for the physical integrity of the victim, use protective measures by virtue of the office,
- regulation of the Criminal Code provision (that defines family members as objects of protection too narrowly ), provisions of the misdemeanour acts on domestic violence and provision (Art.13) of the Act on Public Misdemeanours, which leaves the discretionary right when to prosecute and on what grounds to the police,
- harmonise the criminal, material and procedural law with medical standards.

## **8. Women Trafficking**

The passing of the National and Operational plan and the establishment of diagrams of conduct encompass all the necessary bodies for the purpose of action, prevention of trafficking as well as assistance to its victims. An Amendment to the Criminal Code improved the sanctioning efficiency against the perpetrators, as well as victim protection. However, the law is still not to the satisfaction of all the participants in the process of fighting trafficking (Art.175 still contains no paragraph on sanctioning the consumer, although the amendment is about to be read in the Parliament, following the adoption in the Government.

The taskforce formed by the National Committee has gotten smaller and more active (more frequent meetings). Information is exchanged in a more efficient manner, although topical meetings of greater frequency including all those directly involved in the activities against trafficking, with the purpose of exchanging experiences and making plans of action would be welcome. This would provide an adequate answer to the new legal situation and new institutional practices (monitoring the implementation of the new legal framework).

In our opinion the Act on Foreigners and Witness Protection Act still do not afford enough choice to the victims (mainly sending them to their countries of origin). We have no knowledge whether and how the Act on Criminal Liability of Legal Persons is being implemented (it envisions sanctioning companies involved in criminal activities, such as agencies, bars etc.)

We feel that the complexity of the problem warrants passing a Bill on Victim Protection in Human Trafficking.

Thanks to the institutions around the National Commission for Fighting Trafficking and certain NGOs,

improvements have been made in the area of help and protection of the trafficking victims. An official secret shelter is currently functional and sheltering victims. However, it is not appropriate in all the cases so the National Co-ordinator organises alternative forms of help, using the sheltering and expert capacities of NGOs and available real estate owned by cities (in two different cities at present).

Despite an increased sensibility (education) of police officers and Social Services centres, we hold that many representatives of Ministries and Government bodies nominated into the National Commission were not sufficiently interested in the problem. Thus most of the foreign victims were quickly sent to their countries of origin, whereas domestic victims of age have great difficulties in getting the needed support, as they do not fall within the scope of the Act on Social Welfare. An Amendment to the Act on Social Welfare should institutionalise the support (and financing) of all trafficking victims (as well as the minors).

The decisions on shelters and their function have, until recently, been within the responsibility of the Ministry of Work and Social Welfare that imposed itself as the supreme authority (although not the financier). During the past year or so their influence has been decreasing (there is uncertainty as to who the current nominee of the Ministry is), while the positions and recommendations of NGOs are increasingly taken into account so we believe that the system of victim support and care shall soon be rich with possibilities. The process is actually already under way (e.g. extra institutional treatment of two victims, temporary placement for one of them), but we hold that the system needs formalisation (contracts on co-operation, financing etc.).

A number of actions and two campaigns (of the Government Office for Human Rights and the PETRA network) have been organised with the goal of informing the public and increasing awareness of the problem. This has awoken media interest, so the problem is being discussed more extensively, albeit

still not in sufficient measure. A lot of sensationalism is present in the discussions with lack of sensibility for the victims' plights (everyone wants to hear "stories", the telling of which causes further trauma to the victims). The members of the PETRA network members have organised an extensive campaign in this year 2005 (billboards, CityLight posters, TV spots, radio jingles, postcards) including events and education in their communities which arose great interest in some of them. However, without adequate financial support these activities have waned significantly. Much more significant results could have been achieved had more funds been available, at least remotely adequate to the needs expressed. NGOs have done their utmost with the funds allocated them through education of youth as a risk group. In co-operation with a group of young people a manual for peer education on human trafficking has been produced. This work instigated great interest among the young. Unfortunately, this interest could not, for the most part, be taken advantage of due to lack of funding.

The education within institutions was sporadic. Some Ministries have, in co-operation with NGOs, partly educated their staff (Social services, the police and the legal institutions), while others, some of them very important (e.g. the schools) have done nothing. Materials (produced by the IOM) have, for instance, allegedly been given to schools for teachers to use at class community periods, without teachers having been educated in using them.

The education of the public has mostly been conducted via round tables organised by NGOs in their communities. Some co-ordinating bodies for gender equality in cities and counties have been involved, but without a precise plan, depending on the capacities and negotiating skills of a particular organisation. An assessment of capacities and a concrete plan for involving all the parties involved in the educational process should have preceded this to insure optimal coverage of all the segments of society. As it was, the actions were isolated and many target groups have not been adequately trained (such as misdemeanour court judges, customs officials, and the army in the peace-keeping forces...)

The operative plan is well conceived and covers all the segments (from prevention to treatment) of human trafficking, though co-ordinated action is still missing from the picture. Certain activity leading agencies are not charged with carrying the plans through, so the implementation often depends on personal judgements on the actual necessity of an action. A system of efficient inter-departmental information exchange with an obligation of periodical public announcements would also be indicated.

A formation of mobile teams for operational procedure was intended, but these have so far remained an unknown quantity providing insufficient information on their actions, so periodic reporting would be of interest here as well.

#### **DEMANDS:**

- introduce legal sanctions against customers of human trafficking victims' sexual services,
- amend the Act on Foreigners and the Witness Protection Act to provide for permanent residence (akin to T- Visas in the USA), or help in relocating to third countries, so as to exclude the possibility of victims' return to the trafficking chain,
- insure the monitoring of the implementation of the Act on Criminal Liability of Legal Persons (prescribing sanctioning of companies involved in criminal actions such as agencies, bars),
- pass a Bill on Protection from Human Trafficking
- amendments to the Act on Social Welfare prescribing the support (and financing) of the trafficking victims,
- formalisation of accommodation and other extra-institutional form of victim support by the NGOs (contracts on co-operation, financing, etc.),
- education of the young as a high risk group,

- establish an efficient system of inter-departmental information exchange with an obligation of periodic joint public announcements.

## **9. Women and Armed Conflict**

Of all the National Policy 2001-2005 goals, segment 4 has been the least addressed one. Women and armed combat. Croatia is, while it is celebrating its war victories, or commemorating war tragedies, (sometimes controversially), behaving as a society in which women took no part in the war effort or tragedies even though, like everywhere else in the world, women and children constituted 80% of the civilian casualties. In this area, Croatia has totally neglected the obligations following from the CE-DAW Convention, the Peking Platform, and the UN Security Council Resolution 1325.

It is symptomatic that the Resolution has not been officially translated into Croatian, although the Croatian representative at the 58<sup>th</sup> session of the General Assembly of the United Nations managed to state the following:

”Croatia will continue with supporting the efforts within the UN system aimed at including the gender perspective into all the UN activities. Paying special attention to gender equality as a valuable goal, Croatia considers the UN Security Council Resolution 1325 (2000) on women, peace and security to be of paramount importance in the context of peace keeping and post-conflict efforts.” (<http://un.mvp.hr/?mh=147&mv=863>)

The Croatian public is not acquainted with the UN Security Council Resolution, and the recent quinquennial commemoration, observed throughout the world had no echoes here.

Within the population of war participants, victims, refugees and returnees, the specific interests and needs of women have not been recognised at all. The accent is entirely on the military war participants,

who have become a significant segment of activity for the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity.

The consequences of such "denial" are multiple and dangerous to the entire society. There are no special programs or care for women victims of the war violence, women refugees and returnees. No research is being conducted, there is no awareness of the relationship between militarism, nationalism and gender issues, no awareness of the link between increased violence and war consequences. Women are not included in peace negotiations, national initiatives or activities for normalisation of the regional circumstances. They are not a part of the peace process, although they have been behind a number of peace initiative and dialogues. There has been no research of, nor policy for alleviating the consequences of sexual violence against women during the war.

#### **DEMANDS:**

- Data collection and analysis of the consequences of war on the female population in Croatia, the state of women war victims' rights in the Republic of Croatia should be part of the Government Office for Gender Equality programmes and priorities;
- Collection of information and research of the situation and specific needs of women refugees and returnees; financial and organisational support of women's organisations on the war afflicted areas; specific assistance projects for women war victims, refugees and returnees.
- Croatian Employment Office will, in implementing employment measures give priority to the needs of women returnees. To this end their local offices shall be given appropriate access to the information on active measures in employment policies.
- The Government Office for Gender Equality shall complete guidelines to the bodies of local and regional government on recognising the special needs of women's NGOs in the areas of



return, especially in the way of securing quarters.

- Including women in all public and political activities concerning regional co-operation, sustainable peace and security concept that is beneficial to women.
- Implementation and institutional assistance to the projects of documenting, commemorating, truth and peacemaking; the importance of women participation
- Acquainting and continuous informing of the public on jurisdiction and activities of the ICTY and the International Criminal Court in Rome; prosecution of the war crime of sexual violence against women, analyses of ICTY and national courts' decisions; comparative analysis of war crime convictions of women versus those of men;
- Additional education on mines and other explosive devices,
- Securing continued education, further education or re-education of all interested women war victims, especially victims of mines and civilian victims;
- Systematic inclusion of women in peace missions in which Croatia is taking part as a UN member, systematic education of all members of such missions on women's rights and needs in war afflicted areas;
- Furthering knowledge on international humanitarian legislation and human rights, especially on preventing violence against women in war and armed conflict; introducing a study of international humanitarian legislation with emphasis on women's human rights, into the Croatian Military Academy.
- Securing greater presence of women in the Ministry of Defence (MORH) and Armed Forces of the Republic of Croatia (OSRH)

## **10. Position of Non-Governmental Organisations for Promotion and Protection of Women's Human Rights**

Non-governmental Organisations are mentioned in the National Policy for Gender Equality 2001 – 2005 in 28 programme tasks. The Commission for Gender Equality leads 15 of those tasks, Office for NGOs three, MZOS five, the Croatian Government one, the National Institute for Protection of the Family, Motherhood and Youth, Ministry of Agriculture and Forestry and Ministry of Environmental Protection one each. The experts of the Ministry of Justice, Local and Regional Self-Government are lead organisations in the task of participating in NGO round tables, in which they are key agents and the expected initiators of the NGO programme tasks.

NGOs have been active in relaying the National Policy and acquainting the women with their rights and the ways of realising them as well as in most areas within the programme tasks enumerated in the National Policy. There has been little systematic co-operation with the institutions toward realising the programme tasks of the National Policy. The best co-operation with institutions, as far as the Women's Network Croatia is concerned, was achieved during the completion of the National Strategy of Protection from Domestic Violence in which the Network was involved and with the Office for Human Rights in the area of prevention and protection of the human trafficking victims. Co-operation was the least satisfactory with the Ministry of Science, Education and Sports, despite strong efforts of women's organisations and a number of petitions and suggestions, as well as the public campaign for a gender-sensitive education. This resulted in the HNOS being entirely insensitive to gender issues.

Women's organisations did not have sufficient access to processes of preparing programmes, policies and acts pertaining to the status of women. They were not given insight into legal bills prior to them having been carried, nor have they been involved as members of task forces and commissions (for example the commission for evaluation of the sexual education proposals, which included church re-

representatives, but no representative of women's human rights organisations).

The National Policy mentions the programme task of financing the women's rights organisations by the Office for Non-Governmental Organisations (those involved with acquainting women with their rights and the ways of exercising them, improving the position of disabled women and providing psychological assistance to the women victims, refugees, returnees, or participants in the war). However, neither the Office for Non-Governmental Organisations, the National Foundation for the Development of Civil Society nor the Ministries involved have budget provisions for National Policy implementation. Neither have they supported women's organisations with funds that would ensure organisational strengthening and programme realisation.

For instance, out of all national budget funding for the non-governmental sector, members of the Women's Network Croatia have received 8.22% (see table attached – the table does not include funding for shelter operation).

FUNDING SOURCES IN 2005.	TOTAL funds approved	CWN member (name)	Approved SUM	member of CWN TOTAL	
*NATIONAL BUDGET					
PROGRAMS (1yr.)	555.000 kn				
PROJECTS	1.185.000 kn				
*NATIONAL FOUNDATION					
PP1 "Our Contribution to the Community"	484.510 kn				
		Ž.G. Vojnić	14.600 kn		
		PRST Rijeka	15.000 kn		
				29.600 kn	6,11
PP2 "Together for Improvement"	1.480.437 kn				
		CGI Poreč	1 000.000 kn		
		Ž.G. Vojnić	70.000 kn		
		PGDI B. Manastir	98.900 kn		
				268.900 kn	18,16
PP3 "From Idea to Development"	437.320 kn				
		OAZA B. Manastir	99.800 kn		
		Deša Dubrovnik	1 000.000 kn		
				199.800 kn	45,69
PP4 Democracy and Civil Society Development: PROGRAMMES	991.553 kn				
		CGI Poreč	80.000 kn		
		Korak Karlovac	80.000 kn		
				160.000 kn	16,14
PP4 Democracy and Civil Society Development: PROJECTS	397.307 kn				

		ČŽŽR	20.000 kn		
		KONTRA	20.000 kn		
		Defu	20.000 kn		
		LORI	19.800 kn		
		Delfin	19.825 kn	99.625 kn	25,08
PP6 Institutional Support	5.500.000 kn				
		CGI Poreč	150.000 kn		
		Baranja	350.000 kn		
		CESI	350.000 kn		
		Oaza B. Manastir	50.000 kn		
		Izvor	50.000 kn		
		ŽMH	50.000 kn		
				1.000.000 kn	18,18
PP7 EU Connect. Programme	1.791.856 kn	Delfin	30.000 kn	30.000 kn	1,67
PP5 Support for Intl. Meetings	43.461 kn	Ženska soba	3.457 kn	3.457 kn	7,95
Research Transfers	704.300 kn				
OFFICE FOR GENDER EQUALITY	120.000 kn	Ženska infoteka	9.000 kn		
(publishing)		Centar za žene			
		žrtve rata Rosa	22.500 kn		
		Udruga žena			
		Romkinja Bolji život	13.000 kn		
		Ženska soba	23.500 kn		
		Autonomna ženska kuća zagreb	22.000 kn		
				90.000 kn	75,00
MINISTRY OF CULTURE		Centar za ženske studije	39.390 kn	39.390 kn	
*OFFICE OF HUMAN RIGHTS					

PROJECTS	776.000 kn				
		SOS Virovitica	30.000 kn		
		CESI	30.000 kn		
		Ženska soba	30.000 kn		
		ŽAR	30.000 kn		
				120.000 kn	15,46
PROGRAMMES	240.000 kn				
		Korak Karlovac	60.000 kn		
		CŽZR	60.000 kn		
				120.000 kn	50,00
Office for Drug Abuse...	1.475.000 kn				
MZiSS - Commemoration of 10 <sup>th</sup> Family Year Anniversary	1.000.000 kn				
Co-financ. of Basic Activities	4.000.000 kn				
Suf. grad. ad.	3.637.487 kn				
Co-financ. of Equipment	1.470.368 kn				
TOTAL Kn :	26.289.598			2.160.772	8,22

The conclusion would be that despite the declarative orientation towards elimination of gender discrimination, such goals are not stressed in calls for applications for budgetary funding, hence women's NGOs do not receive sufficient funding for their activities.

## **Office for Non-Governmental Organisations**

Despite the fact that the Office for Non-Governmental organisations has been stressed as an important agent in promoting gender equality by the National Policy for Gender Equality 2001 – 2005, the Office has no gender equality policy, nor does it recognise the role of non-governmental organisations in its public announcements.

The Office has ignored gender equality as a virtue to be stressed in the proposal of the Strategy for Civil Society Development in Croatia.

The Head of Office has, in her public statements, shown a wish to control total financing of NGOs, control of the civic society values and enforcing certain values as generally acceptable to civic society. She has also stated some unacceptable evaluations of women, feminism and sexual minorities.

### **DEMANDS:**

- institutional strengthening of the women's non-governmental organisations
- co-financing of programmes and projects of non-governmental organisations pertaining to the National Policy
- stress promotion and protection of women's human rights as an area of financing in all calls for applications of the National Foundation and Ministries,
- use of the women's NGOs expertise and data in creating regulation and policies,
- involvement of non-governmental organisations in debating / completing laws and policies,
- timely NGO access to regulation proposals,
- full information and inclusion of non-governmental organisations in all pre-accession negotiations with the EU,

- Use of EU pre-accession funding for improving the position of women and removal of all forms of discrimination against women.

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Center for woman Adela

Autonomous Women's House Zagreb - WOMEN AGAINST VIOLENCE AGAINST WOMEN

Buje's association of women

Women's Centre Benkovac

Centre for Women War Victims – ROSA

Center for women Vukovar

Centre for Women's Studies

Center for education, counselling and reaserch

Center for civil initiatives Porec

Center for support and development of civil society DOLPHIN

DOMINOES Women's Association for Promotion of Women's Rights and Development of Civil Society

Humanitarian and peace organization DESHA, Dubrovnik

CODD Civil organization for Development Dalj

Civil Organization Against Violence, Sisak

“HOMO”-Association for the Protection of Human Rights and Citizen’s Freedoms

Women’s Club Dvor

Women’s Group Karlovac “Step”

SEKA House, Brac

Women’s Club Pakrac

Lesbian Group KONTRA

Peace Group Oaza, Beli Manastir

New Antifascist Front of Women, Zagreb

Citizens Democratic Initiative Project - C.D.I.P.

P.R.S.T. Rijeka

S.O.S. Virovitica

SERBIAN DEMOCRATIC FORUM ZAGREB Women's Initiative

WOMEN'S HELP NOW

Citizens Association TARA Licko Petrovo Selo

Lesbian organization Rijeka – LORI, Rijeka

Women's Association Dalj

Women's Group Donji Lapac

Women's Group Pula

Women's Association Vukovar

Association for Peace and Human rights "BARANJA", Bilje

Association of Women „THREAD“, Korenica

Roma women's organization "Better future"

UZUR, Zagreb

Women's Action of Rijeka

Association Brod - Group for Women`s Human Rights

Women`s Group Krnjak

Women`s Human Right Group Lošinj

Women`s Group Split

Women`s Group Vojnić

Women`s Information and Documentation Center

Women`s Initiative Gvozd

Women`s Initiative Šibenik

Women`s Center for Sexuality and the Prevention, Research, and Combating of Sexual

Violence - Women`s Room

Women`s Organization „Spring“, Tenja