



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

**Combined second and third periodic reports of States parties**

**Croatia\***

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\* For the special report submitted by the Government of Croatia, see CEDAW/C/CRO/SP.1, which was considered by the Committee at its fourteenth session. For the initial report submitted by the Government of Croatia, see CEDAW/C/CRO/1, which was considered by the Committee at its eighteenth session.

The present report is being issued without formal editing.

## **THE REPUBLIC OF CROATIA**

### **SECOND AND THIRD REPORT ACCORDING TO ARTICLE 18 OF THE CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN**

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## **1. INTRODUCTION**

The Republic of Croatia became a party to the Convention on the Elimination of all Forms of Discrimination against Women (hereinafter to be referred to as CEDAW) upon the notification of succession of 9 April 1992. The Convention was accepted without reservations and entered into force for the Republic of Croatia from 8 October 1991. On 5 June 2000 the Republic of Croatia became a signatory to the Optional Protocol accompanying the Convention on the Elimination of All Forms of Discrimination against Women, which was ratified by the Croatian Parliament on 27 January 2001. The Croatian Deputy Prime Minister deposited the ratification instrument to the United Nations Secretary General on 7 March 2001. Furthermore, the Republic of Croatia adopted the amendment to Article 20 Paragraph I of the Convention.

The Convention on the Elimination of All Forms of Discrimination against Women is an international agreement, concluded and ratified in accordance with the Constitution and made public, and is thus, according to Article 140 of the Constitution of the Republic of Croatia, a part of the internal legal order and in terms of legal effects above law. According to Article 140 of the Constitution, CEDAW is a source of law in the Republic of Croatia and can be referred to in the courts in the Republic of Croatia.

In consistence with Article 18 of the Convention, the Republic of Croatia submitted the Initial Report on the implementation of the Convention to the UN Committee on the Elimination of All Forms of Discrimination against Women (hereinafter to be referred to as the Committee) comprising the period from 1990 up to 1994 (CEDAW/C/CRO1), with a written supplement to the Report regarding implementation of the Convention from 1994 to 1998. Accordingly, at the end of January 1998 (21 – 23 January 1998), the representatives of the

Government of the Republic of Croatia, while presenting the report before the Committee, were reporting on legal and actual changes carried out aiming at the improvement of the social status of women, as well as the improvement in the area of human rights of women in the period from 1994 to 1998. On the basis of the delegation's presentation and the Initial Report, the Committee issued the concluding comments and recommendations comprised in the document A52/38Rev.1.

Concluding comments of the Committee were translated and printed as a brochure (together with the summary of the Beijing Platform for Action and the National Policy for the Promotion of Equality) by the Government of the Republic of Croatia, and the brochure was also widely disseminated.

On 27 March 2003 the Government of the Republic of Croatia concluded that the Office for Human Rights of the Government of the Republic of the Croatia shall be in charge of preparation of second and third Report of the Republic of Croatia according to Article 18 of the Convention on Elimination of All Forms of Discrimination against Women.

Second and third report of the Republic of Croatia refers to the period from 1995 to 2003. In consistence with the guidelines of the Committee on the Elimination of All Forms of Discrimination against Women, regulating the form and content of periodical reports to CEDAW (HRI/GEN/2/rev.1/add.2), this report consists of:

- description of important changes that took place since the Initial Report, that is in the period from 1995 to 2003,
- respecting the data presented in the Initial Report, second and third Report lists improvements of legal and other measures that document achieved advancement in elimination of discrimination against women, important changes in the status of equality of women, and measures intended for the elimination of the remaining difficulties that prevent more intensive integration of women in political, social, economic and cultural life. The report pays special attention to problems emphasised by the Committee in its concluding comments, as well as to possible problems to which the Republic of Croatia, as a state party, haven't yet managed to find adequate solutions.
- The report also comprises the changes in criminal, family and labour legislation that came into force in the Republic of Croatia up to 1998, and were as such thoroughly presented to the Committee on the Elimination of All Forms of Discrimination against Women during the presentation of the Initial Report, because they haven't so far been submitted to the Committee in written form.

The report puts special emphasis on the evaluation of the implementation of those articles of the Convention that underwent significant changes. The report also illustrates new anti-discriminatory laws adopted in July 2003 by the Government of the Republic of Croatia.

The Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) in its concluding comments made a special request for the report to include the status of non-governmental organizations and their participation in the implementation of the Convention and the preparation of the report. Non-governmental organizations have been included in the preparation of this report in several ways – they were invited to co-operate and their comments were directly included in the report; during the preparation of the report, information found on the web pages of non-governmental organizations dealing with the protection of the rights of women in the Republic of Croatia were consulted.

## **2. IMPLEMENTATION OF THE PROVISIONS OF THE CONVENTION ACCORDING TO ARTICLES 1-16**

### *Article 1 — Discrimination against women - definition*

Definition in terms of Article 1 of CEDAW did not until recently exist in the Croatian legislation, and thus was Article 14 of the Constitution, the content of which was commented upon in detail in the Initial Report, still applicable as it guarantees equality before the law. Nevertheless, taking into account the status of the Convention (see para. 2 of the Introduction) as part of the internal legal system of the Republic of Croatia, this definition was as well a part of the internal legal system of the Republic of Croatia (Art. 140 of the Constitution), which refers to the fact that it can be directly invoked by the judiciary.

During the period to which this report refers, intensive work on normative and action framework for elimination of direct and indirect discrimination against women, including the changes in the Constitution, has continued. Fundamental law dealing with the stated topic is the Law on Gender Equality (see Article 2 of the Report for details) that came into force on 30 July 2003. Article 6 of that Law introduces the following definition of gender based discrimination to the Croatian legislation: "Discrimination on the basis of gender presents every normative or actual, indirect or direct differentiation, exclusion or restriction based on gender that impairs or nullifies equal acknowledgement, enjoyment or realization of human rights of men and women in political, economic, social, cultural, civil and every other area of life. Discrimination on the basis of marital or family status and sexual orientation is prohibited." It can be seen that this definition comprises elements of the definition from Article 1 of CEDAW (with the difference being that CEDAW refers to discrimination against women, while this Law refers to discrimination on the basis of gender), and it should facilitate the recognition, legal prosecution and penalization of discrimination against women.

Amendments to the Labour Act (adopted in July 2003) regulate in more detail the prohibition of discrimination in accordance with the guidelines and European standards of the protection of women. They more thoroughly regulate institutes of direct and indirect discrimination, as well as prohibition of discrimination. In legal disputes concerning compensatory damages due to discrimination, the burden of proof shall be transferred to employer.

### *Article 2 — Legal protections against discrimination*

#### **2.1. The Constitution of the Republic of Croatia and international treaties ratified by the Republic of Croatia**

The Constitution of the Republic of Croatia in its general clause on equality (Art. 14 of the Constitution) guarantees to all citizens of the Republic of Croatia « all rights and freedoms, regardless of race, colour, **sex**, language, religion, political or other opinion, national or social origin, property, birth, education, social status or other properties.» At the beginning of November 2000 the Croatian Parliament adopted amendments to the Constitution that represented a significant improvement in the area of constitutional advancement of the status of women. It was included in Article 3 of the Constitution of the Republic of Croatia that **gender equality**, together with national equality, peace-building, freedom, equality, social justice, rule of law, etc. represents the highest value of the constitutional order, and is thus the basis for the interpretation of the Constitution. This expresses political will of the supreme legislative body to place the Republic of Croatia among those democratic states that build their systems with full acknowledgement and promotion of equality between women and men as an obligatory prerequisite for sustainable development. Thus the basis was set for the adoption of legal regulations that will create environment in which the development of equal opportunities for both genders, as well as consistent implementation of those regulations in practice, will be possible. Actual result of this regulation is also reflected in the following - due to the fact that the Constitution of the Republic of Croatia comprises a great

number of regulations (the entire Chapter III) that refer to fundamental rights and freedoms, all these regulations should be interpreted within a context of gender equality as the basis for the interpretation of the Constitution.

Nevertheless, when directly invoking this regulation, one should bear in mind the following explanation of the Constitutional Court of the Republic of Croatia put forward in its decision number: U-III-1945/2000 from 14 March 2001 in which the Constitutional Court determines the following: «... it must be emphasised that the provision of Article 3 of the Constitution does not determine freedoms and rights of man and citizen. That is to say, in this Article, the Constitution determines the highest values of the constitutional order that are elaborated and determined in other provisions of the Constitution, especially in those that guarantee freedoms and rights of man and citizen. The provision of Article 3 of the Constitution serves as the basis for the interpretation of the Constitution and as a guideline for legislator when elaborating constitutional rights of citizens, and is therefore directed at state bodies, and not directly at citizens.»

As it was already mentioned in the Introduction, legal status of women in the Republic of Croatia is also regulated by international agreements signed and ratified by the Republic of Croatia, and « international agreements, concluded and ratified in accordance with the Constitution and made public,» as a source of law, in accordance with Article 140 of the Constitution, are a part of the internal legal order and in terms of legal effect are above law. The Republic of Croatia is, apart from CEDAW, a state party to all six United Nations conventions in the area of human rights, whose implementation by the state party is subject to periodical reporting to treaty bodies. The European Convention for the Protection of Human Rights and Fundamental Freedoms, ratified by the Republic of Croatia at the end of 1997, also stipulates that the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground, among others, gender.

New legal regulations in the areas of labour, maternity protection and employment in the Republic of Croatia have been consolidated with the standards of the conventions of the International Labour Organization, to which the Republic of Croatia is a state party (57 conventions in total), and especially with the Convention on Maternity Protection (No. 3 and No. 103), Convention concerning Employment of Women on Underground Work in Mines of all Kinds (No. 45), Equal Remuneration Convention (No. 100 ), and Convention concerning Discrimination in respect of Employment and Occupation ( No. 111 ). The Republic of Croatia reports on regular basis to the International Labour Organization on the state of legislation and practice in relation to the standards set by the above-mentioned conventions.

Furthermore, in December 2002, by the Ratification Act of the European Social Charter, the Republic of Croatia undertook the obligation to realize the right of employed women to protection (Article 8 of the Charter) and the right of mothers and children to social and economic protection (Article 17 of the Charter).

On 29 October 2001 the Republic of Croatia and the European Communities and Their Member States concluded the Stabilization and Association Agreement. Thus the Republic of Croatia formally undertook the obligation to consolidate the entire legislation with the regulations of the European Union, which resulted in the need to legally regulate gender equality issue in the whole, according to the standards prescribed by the legislation of the European Union.

The area of equal opportunities for women and men is an integral part of the provisions of Art. 69 and Art. 91 subpara. 3 of the Agreement which, among other things, emphasise that the co-operation between signatories of the Agreement will include the consolidation of the Croatian legislation in terms of equal opportunities for women and men.

The National Programme of the Republic of Croatia for the Association to the European Union (published in «Official Gazette» No. 30, 27 February 2003) devotes point 4.3.1.4. to gender equality. In this document the Republic of Croatia stated its political terms of reference: «By promoting the principles of gender equality, the Government of the Republic of Croatia is trying to strengthen equality between women and men in all areas of human activity, raise awareness about the need to act in order to achieve complete equality between women and men, make women in all areas aware of their actual status and need to consolidate these principles with general standards, and ensure the support of women in achieving their rights and creating conditions for effective solution of observed problems.»

## **2.2. Legislation**

Since the last report, a number of substantial and procedural provisions have been adopted in the Republic of Croatia that influence elimination of discrimination against women. Although these provisions affect all areas of life, the greatest changes occur in the area of domestic violence and realization of equal employment opportunities. New legal regulations in the area of the criminal law and family law were adopted that establish the new legal framework for prohibition of discrimination in the areas of employment and labour. Along with the strengthening of the legislative regulation system and implementation of the stated rights, relevant bodies for the protection and promotion of gender equality were established. Lately, for the first time in the Republic of Croatia, special anti-discrimination laws were adopted, the main purpose of which is elimination of discrimination against women and realization of equal opportunities.

Experts in the area of gender equality are more actively and frequently included in the drafting of these laws. Representatives of non-governmental organizations who in different ways take part in the process of drafting of regulations are assuming more and more important role in the preparation of new regulations concerning gender equality. One form of such assistance is the participation of the representatives of non-governmental organizations in working groups preparing legal proposals. (i.e. including the representatives of B.a.B.e. in the making of the Law on Gender Equality). By lobbying for the amendments presented in the Parliament by different MPs, non-governmental organizations had a great influence on a number of amendments.

### **2.2.a. General laws**

Together with the changes described in this article, detailed presentation of legislative changes concerning individual substantial provisions of the Convention is given together with articles to which these changes refer.

#### **Criminal legislation**

At the end of 1997, the Republic of Croatia saw a reform of criminal legislation by adoption of the new Criminal Code, the Criminal Procedure Act, the Law on Juvenile Courts and the Law on the Protection of Persons with Mental Disorders that have been effective since 1 January 1998. The latest Amendments to the Criminal Code were adopted in July 2003.

#### **Substantial provisions — Criminal Code**

Legal status of women was improved, in comparison to previous ones, by the 1998 Criminal Code in segment of the protection of sexual freedom of women by classifying rape during marriage as a criminal act. This was not a criminal act under previous Criminal Code (on which fact the delegation of the Republic of Croatia reported in detail while presenting the Report before the Committee in 1998).

Criticism from the side of the experts, as well as the public, showed that the changes made in 1997 did not penalize domestic violence as a separate offence, but that they treated it by the Criminal Code within the framework of those criminal acts that deal with violent behaviour in general. By the incitement from non-governmental organizations, some significant changes, that additionally complemented protection of women from domestic violence in terms of the Criminal Code, were included in the Law on Amendments to the Criminal Code ("Official Gazette" No. 129/2000, 22 December 2000) adopted in December 2000:

1. The mode of action when prosecuting the criminal who committed domestic violence (in case of criminal acts of inflicting serious bodily injury and rape) in a way that a State Attorney undertakes criminal action



ex officio immediately upon the notification that the criminal act has been committed, and not upon a private request for prosecution from the side of a damaged person, that is, the victim.

2. Article 215.a of the Criminal Code stipulates a criminal act of domestic violent behaviour. Article 215.a of the Criminal Code strictly stipulates that a member of the family who uses violence, harassment or particularly impertinent behaviour to humiliate another member of the family shall be punished by imprisonment for three months to three years.
3. Furthermore, again by taking into account comments of non-governmental organizations, but also social and economic reality in the Republic of Croatia in which due to lack of housing facilities formerly married and common-law couples often remain living in the same housing, the definition of the members of the family includes former married and common-law couples living in the same housing.
4. Criminal Code introduced a possibility of psychosocial treatment through expansion of special obligations that the offender can be ordered to fulfil, beside the suspended sentence with safety supervision. The offender who committed an act of domestic violent behaviour can be, in terms of the suspended sentence with safety supervision, ordered to undertake the obligation «to take part in the psychosocial treatment in specialized institutions within the framework of authorized state bodies with purpose of elimination of violent behaviour.» (Art. 71 of the Criminal Code).

Amendments to the Criminal Code of the Republic of Croatia adopted in 2000 and 2003 concerning trafficking in human beings are elaborated in detail in Art. 6 of this Report.

### **The Criminal Procedure Act**

In its concluding comments, the Committee dedicated special attention to the possibility of introducing precautionary measures of restraining orders in cases of domestic violence, and thus special attention was drawn to the following amendments to the Criminal Procedure Act through which precautionary measures of restraining orders have already been introduced, at least in the course of criminal proceedings.

In May 2002 the Law on Amendments to the Criminal Procedure Act was adopted which improved the protection of victims of domestic violence during the criminal proceedings.

Amendments refer to precautionary measures, and thus « prohibition to approach a certain person or establish and maintain contact with a certain person» was introduced.

In cases when prerequisites from Article 102 of the Criminal Procedure Act that make it possible to rule detention are fulfilled, the court will by its ruling, if the same purpose can be fulfilled by some of the precautionary measures, order defendant to carry out one or more measures and warn the defendant that in case of failure to carry out the ordered precaution, it may be replaced by another precautionary measure, a more severe measure, or detention.

Earlier introduced precautionary measures, such as prohibition to leave residence, prohibition to visit certain places or territories etc., were complemented with « prohibition to approach a certain person or establish and maintain contact with a certain person ».

New formulation is more clear and specific which undoubtedly shows that the intention of the legislator is to render protection during criminal proceedings to certain persons (endangered by defendants actions), because «precautionary measures may be ordered for the whole duration of the criminal proceedings» (Art.90 para. 5 of the Criminal Procedure Act) and may «last as long as they are necessary and at the longest until the judgement becomes final.» (Article 90 para. 6 of the Criminal Procedure Act)

According to that, the court can render protection to persons endangered by violence, especially more and more spreading domestic violence, by instituting precautionary measures, such as «restraining orders». Realization of this legal purpose is significantly contributed by instructive provisions that stipulate that the court

«shall determine the distance under which the defendant must not approach a certain person, and prohibit establishment or maintenance of a direct or indirect contact with a certain person» (Art. 90 para. 4 of the Criminal Procedure Act), and a court order that institutes restraining order is carried out by the police (Art. 90 para. 2 of the Criminal Procedure Act). « The court may at any time institute a verification of the implementation of precautionary measure and demand the report from the police...» (Art.90.c para. 1 of the Criminal Procedure Act).

Amendment to Art. 90 para. 3 of the Criminal Procedure Act according to which the court will be able to restrict defendant's right to his/her own apartment is also significant for the protection of victims of violence. Modified text of para. 3 now goes as follows: «Precautionary measures may not entail the restriction of defendant's right to his/her own apartment, and right to unimpeded connections with members of his household, spouse or common-law spouse, parents, children, adopted child or adoptive parent unless criminal proceedings are carried out due to a criminal act inflicting damage to one of these persons.»

Injured party is entitled to compensation and can submit a motion to assert property claim in criminal proceedings, before the conclusion of the trial before the court of first instance, provided that it does not considerably delay the procedure (Art. 127-129 of the Criminal Procedure Act). Request for realisation of a property claim can be submitted to the State Attorney and the police, which means that an authorized person does not have to wait the beginning of the investigation, indictment or hearing to submit a motion to assert a property claim.

### **Family Law**

The new Family Law was enacted on 11 December 1998 and came into force on 1 July 1999. This law, for the first time in the legislation of the Republic of Croatia, noted the term of domestic violence by a strict prohibition of « violent behaviour of a spouse or any of age member of the family» stipulated in Art.118 of the Family Law. Acting against this prohibition was an offence on the basis of Art. 362 of the Family Law with a prescribed 30 days prison sentence pronounced by the court. On the basis of this provision, when intervening on the crime scene the police determines the state of affairs, temporarily isolates the offender from the family and presents her/him to magistrates' court and presses criminal charges for committing an offence from Art.118 of the Family Law.

The Family Law entered into force in the Republic of Croatia ("Official Gazette" No. 116/03, 22 July 2003) that provides solutions on issues relevant for the implementation of the Convention, which will be elaborated in detail under Article 16. It should be mentioned that this Law does not anymore contain the provision 118 from the previous Law, as this problem is now comprehensively dealt with in the Law on Protection from Domestic Violence.

### **Law on Misdemeanours**

By the adoption of the new Law on Misdemeanours (that entered into force on 1 October 2002) the authority of the magistrates' court was expanded with provisions on detention of the offender in order to improve protection of victims of domestic violence. According to Art.146 para. 1 point 3 of the new Law on Misdemeanours «the court may, on the basis of its own decision, or request made by the **claimant** of the magistrates' court proceedings, for offences stipulated by the law and with a written and elaborated ruling, detain a person for whom there exists a reasonable doubt that she/he committed an offence: if the person was caught in the act of committing an offence against public peace and order or offence concerning domestic violence for which a prison sentence or fine of 2, 000 kunas or more can be pronounced, there is a reasonable fear that the offender will continue committing an offence.»

This provision thus regulates detention before the ruling on the offence, and Art. 146 para. 3 of the Law on Misdemeanours sets standards on detention after ruling a prison sentence. «Detention during the legal proceedings can be determined or extended after ruling a prison sentence due to an offence against public peace and order or domestic violence, if the circumstances show that the defendant can be expected to continue committing an offence. Thus ruled detention lasts until the defendant begins serving a prison sentence, and 15 days at longest, and is deducted from the sentence.»

Ruling on detention is submitted to the defendant immediately and defendant or her/his attorney can appeal to the magistrates' court tribunal within next 48 hours that will decide on the appeal without postponement. Appeal does not have a suspension effect.

## **Labour Act**

The Labour Act has been in force in the Republic of Croatia since 1 January 1996, and on 27 July 2003 its second and third amendments entered into force («Official Gazette» No. 114/03, 19 July 2003). Article 2 of the Labour Act prohibits unequal treatment of job seekers or workers, among others, also on the basis of gender, marital status and family duties, and binds employers to pay equal wages for equal work and work of equal value to women and men. Furthermore, these amendments to the Labour Act, more thoroughly than the valid legislative system, regulate prohibition of discrimination in accordance with the guidelines and European standards for the protection of women. They in more detail regulate institutes of direct and indirect discrimination, and all measures regarding special protection and assistance for special groups of workers. Especially, the protection given to pregnant women and women who realise some of the rights on maternity protection will not be considered discrimination. Also, it is important to emphasise that the burden of proof in legal disputes is transferred to employer.

(For details, see Article 11 of the Report).

### **2.3. Special anti-discrimination laws**

For the first time, the Republic of Croatia started the preparation of special laws strictly dedicated to the prevention of discrimination on the basis of gender. These are: Law on Gender Equality, Law on Protection from Domestic Violence, and Law on Homosexual Communities (published in «Official Gazette» No. 116/03, 22 July 2003).

Preparation and adoption of these laws shows serious determination of the Government of the Republic of Croatia to expedite and facilitate the way towards integral realization of the principals of gender equality.

#### **Law on Gender Equality**

The Law on Gender Equality protects and promotes gender equality as a fundamental value of the constitutional order of the Republic of Croatia, regulates the right to protection from discrimination on the basis of gender and creation of equal opportunities for women and men in political, economic, social, educational and all other areas of public life. It defines discrimination on the basis of gender as the dark side of equality in all its occurring forms – as a direct and indirect discrimination, and harassment and sexual harassment. It determines state mechanisms for achievement of equality and non-discrimination, as well as the obligation to introduce principals of gender equality (gender mainstreaming). Furthermore, it determines mechanisms for protection of principals of gender equality.

This law for the first time introduces prohibition of sexual harassment – defined as discrimination on the basis of gender – to Croatian legislation.

(More detailed presentation of provisions of the Law on Gender Equality is given under articles to which it directly refers.)

To persons who considered themselves damaged in cases of violation of rights determined by the stated Law, court protection of gender equality is guaranteed, so that they can request compensation according to regulation of obligatory law for the responsibility for damages. It arises from the stated that according to regulations of the Law on Gender Equality the burden of proof in case of law suit lies exclusively on the claimant, while the novelty to the Labour Act from 2003 regulates that « if a person looking for employment in case of law suit provides facts that justify the doubt that employer has acted against the provisions on prohibition of discrimination from the stated Law», the burden to prove that there was no discrimination than lies on the employer (Article 2d).

## **The Law on Protection from Domestic Violence**

### **Domestic violence — Situation assessment**

Until legislative changes in the family and criminal legislation described in above paragraphs, there were no existent legal possibilities of police action in cases of domestic violence. To be specific, police intervention connected to the protection of the victims of domestic violence, was reduced to temporary protection of physical integrity and establishment of public peace and order. Offenders who committed domestic violence were reported by the police in case that they had committed in their violent actions an offence under the Criminal Code or an offence under the Law on Offences against Public Peace and Order.

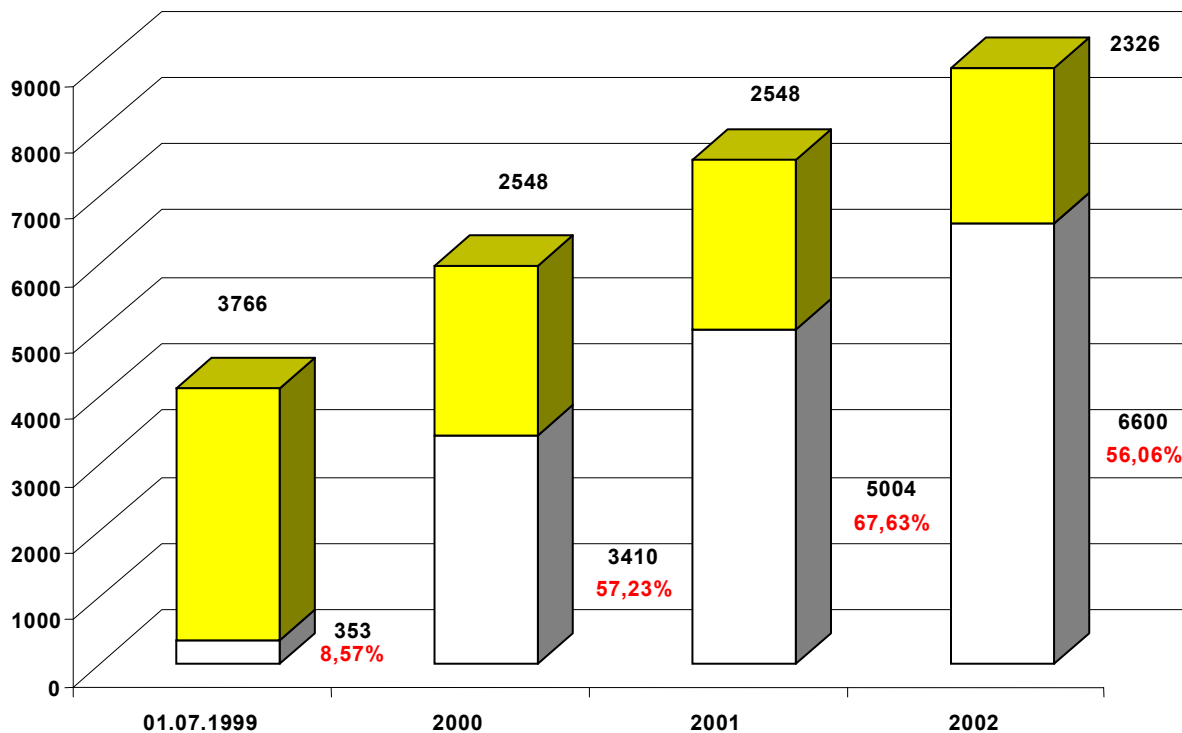
Entering into force of the Family Law on 1 July 1999 triggered the reaction of the police in terms of conceptual improvement of its work, continued by entering into force earlier described amendments to the Criminal Code of the Republic of Croatia.

In November 1999 the Ministry of Internal Affairs prepared instructions on police actions in implementation of Art. 118 of the Family Law which determines the content and mode of police action in cases of domestic violent behaviour, and in accordance to which the action of the police begins by receiving a report or request for intervention, from whomever and in whatever manner, for the person exposed to one of the forms of domestic violence. This is followed by directing police officers to a crime scene and undertaking actions to help the victim, and collecting data and information needed for clarification and argumentation of the case. If legal prerequisites are fulfilled, the criminal is arrested and request for criminal proceedings is submitted. Apart from this, depending on the circumstances, adequate precautionary measure will be requested and ruled.

The Ministry of Internal Affairs has observed that the issue of domestic violence is followed by intense juvenile delinquency, because domestic violence targeted at mothers can lead to destruction of family, which is in close connection to disorders in children's behaviour. Special police officers dealing with the cases of juvenile delinquency receive additional education by attending an expert course conducted by the Police Academy in all police departments and stations every year, in connection to mode of action in cases of domestic violence. At the beginning of 2003 a co-operation with non-governmental organizations providing education and sensitisation for police officials dealing with domestic violence issues began.

Nevertheless, despite all above stated measures, statistical indicators still show the rise in number of reported criminal acts and offences in the area of domestic violence, as shown in the following charts. Although the rise is certainly the consequence of greater number of reported cases, which is a positive move, it also shows the importance of this public issue and need for further normative arrangement of this area.

Year	2001	2002
Number of offences	443	612
Number of reported offenders	148	229
Total number of victims	514	722
Number of female injured parties	408	573
Number of minor injured parties	77	92



■ Total of persons reported for misdemeanor   
  Persons reported for misdemeanor according to Art. 118 of the Family Law

### **The Law on Protection from Domestic Violence**

The above stated reasons have led to the preparation of the Law on Protection from Domestic Violence, which is targeted at efficient and permanent protection of vulnerable persons, with special emphasis on prevention, and also complete protection of the victims of violence. Term domestic violence has been defined, protection from domestic violence, forms and purpose of criminal legal sanctions have been prescribed, as well as precautionary measures for protection of injured party from further domestic violence. The appropriate sanctions have been prescribed for perpetrators of violent acts.

The law introduces, along with prison sentences and fines, a line of precautionary measures for protection of the victims of violence from further domestic violence, and these are: precautionary measure of obligatory psychosocial treatment, precautionary measure of prohibition to approach the victim of violence, precautionary measure of prohibition of harassment or spying on a person exposed to violence, precautionary measure of removal from apartment, house or other housing facility, restraining order, precautionary measure of assurance of protection of a person exposed to violence, precautionary measure of compulsory drug abuse treatment and precautionary measure of seizure of objects.

This law also introduces the institution of «restraining order», which was one of the questions to which the Committee referred in its concluding comments to the Initial Report. Article 10 of the Law on Protection from Domestic Violence stipulates precautionary measure that prohibits approaching the victim of domestic violence by which the court determines the place and the area, also the distance under which the offender is not allowed to approach the victim of domestic violence. This measure cannot be pronounced for the period less than a month or longer than a year. Article 12 of the Law anticipates precautionary measure of removal from the apartment, house or other housing facility which can be ordered for persons who committed domestic violence against persons who live with her/him in an apartment, house or other housing facility, if the court decides that without enforcing this measure the offender might commit further violent acts. Person for whom such measure has been pronounced has to leave an apartment, house or other housing facility immediately in the presence of police officer. Precautionary measure of removal from apartment, house or other housing can be ordered for a period not less than a month or longer than three months.

The Law anticipates both prison sentence and fine for acts of domestic violence. Fine prescribed amounts to 1, 000 up to 10, 000 kunas. The most serious sanction prescribed is that of a prison sentence which, according to the principle of limitation of legal constraint, cannot be longer than 60 days. Special sanctions have been prescribed in cases of repeated domestic violence because it shows violent relation of the offender to the victim. That is why cases of repeated domestic violence are treated as a qualified form with anticipated more rigorous sentence.

Provision of Article 19 of the Law on Protection from Domestic Violence stipulates that a failure to report domestic violence from the side of the official or authorized person, and for which she/he learnt while performing her/his duty, is subject to prosecution. By reporting domestic violence in time, more complete protection of victims of domestic violence and protection of fundamental human rights can be achieved.

### **Law on Homosexual Communities**

Within the context of accepting the policies of freedom of sexual orientation, it is important to mention that the Law on Homosexual Communities entered into force on 30 July 2003. The stated Law regulates following issues: what is considered as a homosexual community, which persons can begin to live in a homosexual community, right to support partners living in a homosexual community, obtaining and dividing of mutually acquired and personal property, and possibility to conclude a contract regulating property relations between the partners. By enacting this law the status of a homosexual community as a life community of two persons of the same sex is defined and it will produce legal effect in terms of commitment to mutual support and regulation of property relations. This legal proposal regulates consequences of property rights in a homosexual

community as the Family Law on the subject of heterosexual common-law marriages regulates it. The proposal still does not provide a wide enough legal framework for a homosexual life community, because there is no possibility to register a legally regulated community, but only to acknowledge certain property effects of actual situation. Goals of this law are: to moderate discrimination of homosexual persons, legally regulate property rights and commitments that emerge from the fact that partners are living together, and to acknowledge the existence of homosexual communities as a social fact with consequences regarding property rights.

#### 2.4. Abolishing of norms from the legislation which can as a consequence have indirect discrimination

During 1995 the Government of the Republic of Croatia adopted the National Programme for Demographic Development, which defines a line of measures that would help fulfil conditions for a higher birth rate in the future. That is why a rule on the rights of caregiver mothers was introduced to the Labour Act (Article 63) which makes it possible for employed and unemployed mothers to gain right to financial compensation, pension insurance, health insurance and other rights in accordance with special regulations. Arguing that legal benefits on the rights of parents caregivers must be equal for men and women, and that given rule would in long-term be discriminating for women, getting them away from public life and work, amendments to the Labour Act made in 2001 changed the content of the rule, so that given rights are now acknowledged for one of the parents. Appreciating the fact that the given rule comprises declaration of certain rights that need to be regulated in terms of level and range, as well as other relevant conditions, and taking into account at the same time that the rule in its content does not belong to the area of labour legislation, amendments to the Labour Act from July 2003 obliterated the stated Article from the Labour Act. These issues will be regulated through special laws.

#### 2.5. Representation of women in judiciary

Representation of women in judiciary is important indicator of sensitisation of this segment of authority towards elimination of discrimination against women, and in certain amount a guarantee of the implementation of non-discriminatory legislation.

<i>Courts</i>	<i>Total number of judges</i>	<i>Number of women judges</i>	<i>%</i>
Municipal courts	850	552	65
County courts	341	157	46
Commercial courts	138	78	57
Magistrates' courts	374	278	74
Supreme Court of the Republic of Croatia	41	19	46
Administrative Court of the Republic of Croatia	28	20	71
High Commercial Court	18	6	33
High Magistrates' Court	29	18	62
TOTAL – Courts	1 819	1 128	62
State Attorney's Offices			
Municipal State Attorney's office	344	219	64
County State Attorney's office	131	50	38
State Attorney's office	24	6	25
TOTAL – State Attorney's Offices	499	275	55
TOTAL – Courts and State Attorney's Offices	2 318	1 403	61

It can be seen that in the most courts of first instance in the Republic of Croatia women are a majority, and even dominate (i.e. in magistrates' and administrative courts). Share of women among judicial trainees refers to further trend of feminisation of judicial function.

### ***Article 3 — Measures to ensure full development and advancement of women***

#### **3.1. Approach to policies to ensure full development and advancement of women — Gender mainstreaming**

Systematic approach to preparation of measures to improve status of women in political, social, economic and cultural life, that is to say, introduction of principles of gender equality in all human activities and all levels of action (gender mainstreaming) has not as yet been entirely shaped and implemented in the Republic of Croatia.

Nevertheless, political will to introduce this principle is expressed in the National Policy for the Promotion of Gender Equality and also in the Law on Gender Equality whose Article 3 introduces gender mainstreaming as legal obligation stipulating that: “ State bodies, legal entities vested with public powers and legal entities mostly in state's ownership or ownership of local and regional self-government units must at every stage of planning, adoption and implementation of a certain decision or action assess and evaluate effects of this decision or action on the status of women or men, in order to achieve de facto equality between women and men.»

Some steps towards the implementation of this principle have been made, such as introducing the gender equality, as the highest value of the Republic of Croatia from which national interests emerge, into the Government National Security Strategy from 2002. By the Defence Act, also adopted in 2002, the Committee for Gender Equality was established within the Ministry of Defence with the purpose of realization of equal treatment and status, as well as provision of equal approach and equal opportunities for the members of both genders. Also, the National Family Policy from 2002 stresses consolidation of family and professional obligations with emphasis on development of equal opportunities for men and women.

With the purpose of promotion of gender equality principles and familiarizing state bodies' officials authorized for their implementation, an UNDP handbook, Gender Mainstreaming in Practice: a Handbook, has been translated in co-operation with the UNDP (covering translation and publication expenses), and a seminar on the same issue was organized for the members of the Commission of the Government of the Republic of Croatia for Gender Equality and the Committee for Gender Equality of the Croatian Parliament, as well as the members of political parties.

#### **3.2. Situation assessment and adequate measures for its improvement**

New census was conducted in the Republic of Croatia in 2001. According to it, total population of the Republic of Croatia is 4, 381 312 inhabitants, that is 2.6 % less than in 1991. Share of women in total population is 51.9 %.

##### **3.2.a. Gender-disaggregated data**

Existence of adequate statistic data is prerequisite for establishing the status of women in different areas of social life, as well as establishing measures to influence this status. Although there are still no gender-disaggregated data for some areas, statistics have been gender-disaggregated in the Republic of Croatia in a lot of relevant areas of life that provide indicators for economic, social, cultural and political status of women for many years.



Majority of these data is collected by the Central Bureau of Statistics. The following are gender-disaggregated:

- Education: annual reports on kindergartens, annual reports on primary schools, schools for children with development problems, schools for adults, annual reports on secondary schools and technical schools, students enrolled and graduated from schools of higher learning, students enrolled and graduated from universities, masters of science and doctors of science.
- Judiciary and administration: gender-disaggregated statistics are: persons of age against whom the proceedings brought on by criminal charges and previous proceedings are closed, persons of age against whom the criminal proceedings are closed, minors against whom the proceedings brought on by criminal charges and preparatory proceedings are closed, charged minors against whom the final criminal proceedings are closed by the council, charged persons of age against whom magistrates' court proceedings are closed, charged minors against whom magistrates' court proceedings are closed.
- Statistics in the area of labour: data disaggregated on the basis of the gender of the employee: monthly research on employees and salaries, annual research on employees and salaries, monthly research on employees in crafts and other trades.
- Population: gender-disaggregated data on birth rates, mortality rates and internal and external migrations.

**Croatian Employment Service** collects gender-disaggregated data (monthly, quarterly and annual reports) on persons seeking employment, newly registered unemployed persons, persons registered as job-seekers who got employed or cleared from the records, recipients of unemployment benefits during unemployment, persons temporarily employed in foreign countries who returned to the Republic of Croatia, workers needed by foreign employers, as well as on foreign persons issued a working permit.

**Croatian National Institute of Public Health** disaggregates by gender data on reported cases of epidemics or infectious diseases, persons in hospitals, drug addicts, death rates and causes of death, injuries at work and work-related illnesses, as well as on the incidence of malignant neoplasm.

**Ministry of Justice, Administration and Local Self-Government** collects information on the number of women and men judges, women and men lay judges and other court staff, as well as on persons of age who are in jails or minors in correctional institutions for minors.

**Croatian Health Insurance Institute** disaggregates gender data on insurance holders and persons on sick leave.

**Croatian Institute for Pension Insurance** disaggregates on the basis of gender data on first-time pensioners or persons obtaining disability pension, retired pensioners losing pension rights due to death, age or disability of pensioners, persons in old people's homes, as well as the number of persons in the system of mandatory pension insurance.

(Above-mentioned data relevant for this Report can be found under adequate substantial articles, or in annex.)

Systematic approach to this area is soon expected through the already mentioned Law on Gender Equality. In its Article 17 the Law anticipates that all statistical data and information collected, registered and analysed within state bodies on all levels, in public services and institutions, state and private firms and other subjects must be disaggregated on the basis of gender. The data will also be made available to the public.

The Commission for Gender Equality committed itself in the National Policy for the Promotion of Gender Equality to issuing annual brochures with statistical indicators connected to the status of women in all

spheres of public life. Up to 2003 brochure Women in Numbers has been published and widely disseminated. Importance of the brochure Women in Numbers does not just lie in the fact that it has integrated available statistical data disaggregated on the basis of gender, but also in the fact that this collection pointed to the way in which data collection methodology should be organized and improved, and which areas need additional research.

### **3.2.b. Protection and promotion of human rights of particularly vulnerable groups of women**

#### **Women with disabilities**

There are 429, 421 persons with disabilities in the Republic of Croatia, 183, 524 of them are women (March 2001). Development of the social welfare system concerning persons with disabilities was more significantly marked by adoption of the Social Welfare Act in June 1997 that determined a wider set of rights for those people, and also by the amendments that clarified certain drawbacks and unintelligibilities of the mentioned Act. Given regulations does not comprise special measures for women with disabilities.

Large part of the National Policy for the Promotion of Gender Equality is dedicated to women with disabilities, improvement of their situation, and also education of the society about their problems.

Following actions have so far been carried out with a purpose to implement aims of the National Policy:

- The State Institute for the Protection of Family, Maternity and Youth was sponsor of the round table on the subject «Education, employment and status of women with disabilities», held on 23 November 2001 in Dubrovnik organized by the Croatian Association of Persons with Disabilities, that also co-financed the publication of the anthology of their works. At this conference, women with disabilities in the Republic of Croatia spoke for the first time about problems they face, especially those concerning education and employment of persons with disabilities.
- In co-operation with the Society for the Promotion of the Inclusion and other experts and non-governmental organizations, the State Institute prepared in December 2001 a seminar for nursery teachers and primary school teachers about special needs of young girls and girls with disabilities in adolescence.
- Furthermore, in November 2002 a round table on the subject «Quality of Life of Women with Disabilities» was organized and it resulted in a questionnaire that examines the quality of life of women with disabilities. By the end of 2003 the analysis based on the mentioned questionnaire will be published.
- On 18 December 2002 the State Institute, in co-operation with the Association of Persons with Disabilities of the Town of Đurđevac organized a round table in Đurđevac on the subject «Violence against Women with Disabilities» with a purpose of introducing the subject «Violence against Women with Disabilities», raising awareness of the society about the existence of this problem, sensitisation of the wider community about rights and opportunities of women with disabilities.

The State Institute organized participation of the representatives of the Republic of Croatia at the exhibition of photographs on the topic «Women with Disabilities» held on 7 and 8 May 2003 in Malaga within the framework of the European Ministerial Conference for the policy of integration of persons with disabilities. The Republic of Croatia participated with 6 art photographs made by women with disabilities who have been successfully integrated in the Croatian society.

The rate of application for disability pensions for women is decreasing, which leads to the conclusion that all measures undertaken for protection of women have positive effect on the general health of women.

### **Minority women**

The National Policy for the Promotion of Gender Equality anticipated establishment of working group that would collect data on the status of national minority women (considering that so far the data on national minorities were not disaggregated by gender), compile a report, work out an action programme to improve the status of national minority women and organize public fora and other activities about their status.

The Constitutional Law on National Minorities («Official Gazette» No: 155/02) that regulates national minority rights in the Republic of Croatia does not differentiate according to gender.

**Status of Roma women** – Within the framework of the Programme for Roma People, Project on Education of Roma women mentors who will provide information for Roma people in everyday life is being planned and will start in 2003. Due to new negative phenomena, present in the Roma community, as well as in other communities (trafficking in women, juvenile marriages, violence against women and children), activities of the Project will thematically be directed at giving needed information with the purpose of protection of vulnerable categories of the Roma national minority. Given activities will be carried out on the basis of the National Strategy for Roma People, which should be adopted very soon.

Representative of the Ministry of Labour and Social Welfare is also a member of the advisory body of the international project «From ethnic confrontation to ethnic co-operation» carried out by Caritas, Essena and their sections in the Former Yugoslav Republic of Macedonia, and is financed by the European Commission. One of the important activities of the Project is aimed at the area of protection of Roma women, which shows that the problem of «Roma women» has been recognized and that its resolution is in the focus of the international community, with the Republic of Croatia as a participant.

Within the framework of the Working group for gender equality of the Stability Pact, Gender Equality Centre, as a non-governmental non-profitable organization from Zagreb, initiated a project “Roma women can do it” intended to raise awareness on gender equality among Roma women and raise their confidence, as well as raise awareness of the public on Roma women in political and public life. Project is being implemented in co-operation with Roma women activists, Roma political parties and officials from government bodies.

### **Elderly women**

Total population of the Republic of Croatia is getting older (in 2001 share of the citizens older than 65 was 5.6 %, that is twice as much as in 1961), and as the average life span of women is longer than that of men (life expectancy for women is 78.17 years comparing to 71.03 years for men), care about elderly women is a serious issue.

Constitutional duty of the children who are of age is to take care about old and helpless parents (Art. 63 para. 4 of the Constitution of the Republic of Croatia). Family legislation regulates prerequisites for installing legal obligations for the support of parents by their child.

When members of the family, usually women, cannot take care about elderly and helpless persons in serious need of assistance and care, elderly persons can exercise their right to assistance and care in the house, and right to accommodation outside their families in accordance with the provisions of the Social Welfare Act. Care outside the family comprises, for example, all forms of accommodation and residence in foster homes and social welfare institutions. Elderly and helpless persons can use the all-day services or permanent accommodation and are provided with accommodation, food, health care, nursing and other services according to their needs and interests. That is how the families are provided with help in taking care about their elderly members, and in most cases that means relieving women who are traditionally most often expected to take upon themselves role of the caregiver, of that burden.

Evaluation of the status of elderly women from the side of the Ministry of Labour and Social Welfare (obligation anticipated by the National Policy for the Promotion of Gender Equality) was not carried out in the form of an individual report but through the supervision of programme for employment stimulation «Through learning to jobs for everyone», and it was concluded that the programme for employment of women older than 40 has been carried out successfully and a number of employed women over 40 increased.

### **Refugee women**

The greatest number of displaced persons in the Republic of Croatia, 550, 000 persons, was recorded in 1991, and the greatest number of refugees, 402, 768 persons, in 1992. From 1993 to 2000 their number has been decreasing gradually, so that in 2000 total number was 65, 872. 52% of displaced persons were women, while the data about refugees differ from source to source, so that the number of refugee women is between 56% and 63%.

At the beginning of the 1990s women refugees and women victims of war were in the centre of attention of governmental institutions, as well as non-governmental organizations dealing with women's human rights. Different forms of help were then provided for those women, from accommodation to medical and psychological help, depending on the range of suffering they were exposed to. The Republic of Croatia informed the Committee (CEDAW) in detail about women victims of war, including refugee women, in its special report dedicated to that very topic.

According to the data from 4 July 2003, 353, 137 persons in the Republic of Croatia now have the status of a refugee, displaced person or a returnee. 189, 240 of them are women. Only 14, 188 of them still live in state-provided accommodation.

Due to the normalization of the situation, either through return or integration, issue of refugee women is no longer crucial in the Republic of Croatia. However, a line of measures is anticipated in the National Policy for the Promotion of Gender Equality that try to facilitate integration of displaced women and women refugees in everyday life, until the final resolution of the issue.

In accordance with the programme tasks of the National Policy, the Ministry of Public Works, Reconstruction and Construction is in charge of ensuring adequate help for displaced women, women returnees and women participants and victims of the Patriotic Defence War and facilitating their return and reintegration in the society, as well as consideration of possibility of introducing benefits in resolving housing problems of particularly vulnerable groups of women (single mothers, women with disabilities).

It must be pointed out that active policy of the Government of the Republic of Croatia regarding the return process and its significant financial investments in carrying out of the return process in last two years resulted in great improvement in the return of displaced persons and refugees.

During that period, reconstruction and additional reconstruction of damaged houses for which the requests were made until the end of 2001 was intensified. As an authorized ministry for implementation of these programme tasks of the Government of the Republic of Croatia, the Ministry of Public Works, Reconstruction and Construction has from 2000 up to now made significant efforts to ensure conditions for the return and revival of life in the areas of special state care for all users, regardless of gender, religious or national affiliation.

The majority of legal, administrative and safety obstacles to the return of all Croatian citizen to war affected areas was thus eliminated in 2000. In 2001 and 2002 there was a further step towards creating an all-encompassing policy with a purpose of achieving sustainability and acceleration of the process of return for which significant additional budget resources were insured, especially in the area of the reconstruction of the housing fund and infrastructure, as well as the return of property and housing facilities. Along with that, other measures concerning stimulation of resolution of other problems concerning return were undertaken, which along with the property return includes reconstruction and stimulation of economic recovery and entire economic

development, demining and regulation of land register as a foundation for straightening the system of property relations.

All these measures, be they legal, political or financial, that have been carried out during past two years by the Ministry have significantly changed the whole climate and acceptance of displaced persons in areas of return, which ensured a further impetus to the return process, but also created a climate for the revival of the economy and changing the quality of life in those places. Thus a total of 301, 828 displaced persons and refugees have so far returned to the Republic of Croatia – 205, 294 displaced persons – former displaced persons, mostly Croats who during the exile period lived in the areas of the Republic of Croatia not affected by the war, and 96, 534 of displaced persons belonging to national minorities, Croatian citizens of Serbian nationality.

### **3.3. Mechanisms for promotion of the rights of women and gender equality**

#### **3.3.a. Commission of the Government of the Republic of Croatia for Gender Equality**

On 9 May 1996 the Government of the Republic of Croatia established the Equality Commission as an advisory body composed of representatives of all ministries and other state bodies, with the Commission's secretariat operating under the auspices of the Ministry of Labour and Social Welfare. On the basis of the Beijing Platform for Action, the Commission worked out the National Policy for the Promotion of Equality, which the Government adopted on 18 December 1997. The National Policy for the Promotion of Equality foresaw, after an assessment of the current status, the objectives that had to be achieved and the measures that needed to be undertaken by 2000 in the critical fields: Women's Human Rights, Institutional Mechanisms for the Improvement of the Status of Women, Women in Positions of Power and Decision-making Positions, Women and Health, Education and Professional Training, Violence against Women, Women and the Economy, Women and Armed Conflicts.

The National Policy was directed at eliminating the widely held notion that de jure equality necessarily implies de facto equality between the genders. Non-governmental organizations that deal with this problem were invited to help in the formulation of the National Policy and this signified the beginning of real co-operation between the Commission and non-governmental organizations in the improvement of the status of women and the implementation of the Beijing Platform. It is important to note that after the democratic changes in the Republic of Croatia at the beginning of the 1990s, a large number of non-governmental organizations (today amounting to 150 active women's non-governmental organizations) were formed that systematically deal with the improvement of the status of women. Non-governmental organizations are established in accordance with the Law on Associations and their work is monitored by the Croatian Government Office for Cooperation with NGOs of the Government of the Republic of Croatia. The co-operation between the Commission and non-governmental organizations has been institutionalised in such way that the Commission requested from non-governmental organizations dealing with women's rights to appoint representatives to the Advisory Board (5 representatives) which would determine activities in the fields of mutual interest together with the Commission.

The establishment of the Equality Commission and the adoption and implementation of the National Policy have contributed to raising awareness of the need for action to ensure full equality between women and men in the Republic of Croatia. Numerous measures to improve the position of women have been carried out and fora and round tables have been held with the participation of non-governmental organizations, while non-governmental organizations themselves have carried out a series of very useful actions and projects. Every year the Equality Commission organizes campaign and a line of actions targeted at awareness raising on the role of women in society (i.e. in 1998 – Role and position of women in political life; in 1999 and 2001 – Say NO to violence against women; and a number of activities connected to elimination of violence against women). Still, all these activities haven't been enough for creation of general climate in which further democratisation of the society should lead to a greater importance of systematical promotion and realization of gender equality.

During the implementation of the National Policy, it was noted that the achievement of the anticipated objectives was closely connected to provision of sufficient financial means for implementation of concrete measures, that is to say that some of the anticipated measures have not been carried out due to a lack of funds. Increased funding was also necessary for the co-financing of non-governmental projects that can include a larger number of participants in the achievement of the objectives from the National Policy and the Beijing Platform for Action. Also, shortage of quality statistical indicators that would facilitate clear and systematic monitoring of trends in this field and the assessment of achieved results was noted. Further problem was connected to the shortage of adequately educated staff in state administration that would systematically deal with the promotion of equal participation of women and men in all aspects of state policy.

The new Government (after the parliamentary elections in January 2000) of the Republic of Croatia reformed the Equality Commission and renamed it into the Commission for Gender Equality and thus clearly indicated its commitment to the systematic solution of the question of equality between women and men in Croatian society. Deputy Prime Minister Željka Antunović was appointed President of the Commission.

On the basis of the preliminary documents from the UN General Assembly's Special Session «Women 2000: Gender Equality, Development and Peace for the Twenty-first Century» and the shortcomings observed in the application of the National Policy up to 2000, the Commission of the Government of the Republic of Croatia for Gender Equality initiated a dialogue with the non-governmental sector and the rest of civil society on further actions that must be undertaken in this field in the Republic of Croatia through the creation of new governmental policy document. With this purpose in mind, national conference «Women in Croatia 2001-2005» was organized on 5-6 October 2000, at which representatives of the Croatian Parliament, Government, women's non-governmental organizations, political parties, trade unions and scholarly/research institutions and economy, assessed the work done in the field of gender equality in the Republic of Croatia in the 1995-2000 period and adopted conclusions on the objectives of further actions, the foundations of a new national policy and institutional mechanisms to implement the same.

More than 40 representatives of non-governmental organizations and trade unions and all members of the Commission for Gender Equality, as well as the members of other state institutions took part in the creation of the new National Policy for the Promotion of Gender Equality. The new National Policy comprises 10 areas: Women's Human Rights, Women and Health, Violence against Women, Women and Armed Conflicts, Women and the Economy, Women and Education, Women and the Environment Protection, Women in Positions of Power and Decision-making Positions, Women and the Media, Institutional Mechanisms.

**On 4 December 2001 the Croatian Parliament adopted the National Policy for the Promotion of Gender Equality together with the Implementation Programme of the National Policy for the Promotion of Gender Equality in the Republic of Croatia from 2001 to 2005 («Official Gazette» No. 112/01)** thus making it a comprehensive document for promotion and protection of the women's human rights.

The main objective of the National Policy is to achieve gender equality, and especially promote women's rights in all areas of human activity. Other objectives of the National Policy are: creation of the conditions for achievement of women's rights by eliminating all forms of discrimination, increasing women's access to adequate health care, elimination of stereotypes and discriminatory behaviour which serve as the basis for violence against women, improving women's position in the economy, promotion of gender equality through educational programmes, increasing the number of women in positions of power and decision-making positions, and promoting the existing, but also creating adequate new mechanisms for the improvement of the status of women.

When the Office of the Government of the Republic of Croatia for Human Rights was established in 2001, the Secretariat of the Commission for Gender Equality was transferred to the mentioned Office. That was the first step towards the institutionalising of the Commission itself, and the work of the Commission was thus improved and became more professional.

### **3.3.b. Committee for Gender Equality of the Croatian Parliament**

When the new Rules of procedure of the House of Representatives of the Croatian Parliament was adopted on 30 June 2000, the Committee for Gender Equality was introduced as one of the parliamentary committees, thus strengthening internal mechanisms for the promotion and protection of human rights. The Committee was established as central working body of the Parliament in the procedure of adopting the laws in terms of implementing the principles of gender equality in the legislation of the Republic of Croatia. The Committee encourages signing of international treaties on gender equality and monitors implementation of these documents, participates in the creation, implementation and realization analysis of the National Policy for Gender Equality, proposes programme of measures for elimination of discrimination on the basis of gender, encourages equal representation of genders in the system of working bodies and delegations of the Parliament, encourages and monitors implementation of gender equality principles in education, health, mass media, social policy, employment, enterprise, decision-making processes, family relations etc., and also encourages co-operation between the Commission of the Government of the Republic of Croatia for Gender Equality and other institutions.

### **3.3.c. Ombudsperson**

Institution of ombudsperson is introduced by the Constitution of the Republic of Croatia, according to which she/he is in charge of protection of constitutional and legal rights of citizens in the proceedings before state administration and bodies vested with public powers. Within the framework of his/her authority, ombudsperson also protects the rights of women.

### **3.3.d. Regional level — County gender equality co-ordinations and commissions**

The Secretariat of the Commission for Gender Equality initiated in 2002 the establishment of regional bodies for promotion of the status of women, thus establishing vertical communication. Up to now, regional gender equality commissions have been founded in the following counties: County of Istria, County of Primorje-Gorski kotar, County of Dubrovnik-Neretva, County of Karlovac, County of Slavonski Brod-Posavina, County of Sisak-Moslavina, County of Varaždin, County of Međimurje, County of Osijek-Baranja and County of Virovitica-Podravina. Co-ordinations for human rights exist in the County of Zagreb, County of Istria and County of Karlovac. Although the majority of the bodies were founded in 2002, they have already achieved a number of actual results.

**Coordination for Gender Equality of the City of Zagreb** adopted an action programme containing 20 points that anticipate programme's tasks, some of which have already been carried out. Coordination discussed draft of the Law on Gender Equality and sent its comments and proposals to the Government of the Republic of Croatia. Coordination started the initiative through the municipal authorities to record and disaggregate according to gender, all statistical data registered in the bodies of the City of Zagreb, municipal administrative bodies and trade companies owned by the City of Zagreb, starting from the year 2003. On the occasion of the International Women's Day extended thematic session "Women and Health" was held. At this session, the initiative to organize free mammogram breast check-ups in the city quarters was accepted. Through the mass media, all women between 50 and 60 were prompted to attend mammogram check-ups, which are continuing up to now. Project of women's enterprise should be presented in June 2003.

**Commission for Gender Equality of the County of Sisak-Moslavina**, acting in the area of the special state care, is executing a project of systematic medical examinations of women and regular medical examination of women. The Commission co-operates with a few organizations in whose activities it plans to take part. Due to the Commission's dedication the City of Hrvatska Kostajnica insured one single-room apartment for temporary accommodation of women victims of violence.

**Commission for Gender Equality of the County of Slavonski Brod-Posavina** also undertook a number of activities within the framework of the programme's tasks – it organized collection of signatures for “Men's no to violence against women” campaign (very well covered by the media), a part of which was a series of radio shows with the same subject, a poster and a brochure.

**Committee for Gender Equality of the County of Varaždin** set programme projects in co-operation with the representatives of non-governmental organizations, women's sections of political parties, Employment Service, trade unions, Social Welfare Centre, and experts from various fields. This resulted in a comprehensive review of real problems in the area of gender equality and adoption of 15 projects including a wide range of participants. These projects include education of county officials on gender equality, collection and analysis of relevant statistical data, financing and implementation of the preventive health care for women (women in rural areas and women in Roma settlements), conducting a survey on protection at work in companies owned by the County, with special emphasis on protection of women, establishment of shelter for temporary and occasional accommodation of victims of domestic violence, encouraging gender equality programme in the media with the purpose of sensitisation of the public etc. Similar projects were also formed by the **County Commission for Gender Equality of the County of Medimurje**.

**County Commission for Gender Equality of the County of Karlovac** also started its work by connecting itself with organizations and authorized institutions, and the collection of data. The International Day of Non-violence was celebrated and the County also financially supports shelter for women and children victims of violence. The Commission took part in the preparation of the Law on Gender Equality. Many activities and expert lectures with the purpose of early detection and prevention of uterus cervix cancer were organized.

**Commission for Gender Equality of the County of Istria** acts as an advisory body of the Council and is composed of the representatives of representative, executive and administrative bodies of the County of Istria, and also representatives of women's non-governmental organizations. The Commission conducted the following activities: a line of thematic workshops, fora and other educational activities were held, an array of data on the status of women on the county level was collected, contact and co-operation with the women's organizations were established, women were given support in public life, the Commission co-operated on regular basis with the media with the purpose of sensitisation of the public, it also took part in the lobbying at authorized institutions for realization of adequate incentives for women's enterprise ( credit lines, business incubators). Women members of the Commission were among the women founders of the Business Professional Women International – First Croatian Club Pula. The Commission takes special effort in achieving conditions for the protection of women victims of domestic violence (expert team was gathered and educated, funds were assured). When needed it declares its opinion on the proposals of acts concerning the status of women. On the basis of their work the County Assembly of the County of Istria adopted on 16 March 2001 Declaration on Gender Equality. The Commission published a booklet “First Entrepreneurship Steps” with the support of Star Network.

**Commission for Gender Equality of the County of Virovitica-Podravina**, although established in January 2003, has already undertook the following actions: analysis of the representation of women in representative and executive bodies of the county, towns and municipalities, establishment of direct objectives with the purpose of political engagement of women. Also, discussion on the draft of the Law on Gender Equality was held, and a lecture on early cancer detection was organized.

### **3.3.e. Mechanisms anticipated by the Law on Gender Equality**

The Law on Gender Equality anticipates two institutions for the improvement and promotion of the status of women in the Republic of Croatia: Office for Gender Equality and Gender Equality Ombudsperson.

In accordance with CEDAW recommendations, the Law anticipates appointment of Gender Equality Ombudsperson that will consider cases of violation of gender equality principles, cases of discrimination of individuals or groups of individuals from the side of state administration/government bodies, bodies of local and



regional self-government and other bodies vested with public powers, employees of these bodies or other legal and physical entities. In the line of her/his duty, Gender Equality Ombudsman is authorized to warn, propose and give recommendations. Gender Equality Ombudsperson is appointed by the Croatian Parliament, so that her/his independence and impartiality of her/his work is guaranteed.

Office for Gender Equality, as an expert body of the Government of the Republic of Croatia, will have an active role in coordination of all activities which purpose is to establish gender equality; monitoring of the implementation of international treaties regarding gender equality; monitoring of the implementation of legal provisions and regulations adopted on its basis, and it will also have the authority to propose the adoption of amendments and other regulations and measures to the Government or ministries.

Furthermore, the Office will make proposals to the Government of the Republic of Croatia and prepare National Programme, as well as monitor its implementation; conduct research and analyses needed for the implementation of the national programme; give consent to the plan for action in accordance with the stated Law; accept complaints of the parties due to violation of the stated Law; spread the knowledge and consciousness of gender equality, co-operate with non-governmental organizations active in the field of gender equality and ensure a partial financing of their projects and activities; report annually to the Government on the activities of the Office.

The stated Law stipulates that a coordinator for gender equality issues shall be appointed in every ministry and she/he will be responsible for the commitments within the ministry's authority arising from the Law.

***Article 4 — Introduction of temporary special measures aimed at acceleration of de facto equality between men and women***

In its concluding comments, the Committee recommended to the Republic of Croatia to encourage affirmative actions, and even to use the quotas regime. There were several attempts in the Republic of Croatia to prescribe affirmative measures in certain fields, but due to the fact that some of them were not thoroughly elaborated, they did not produce wanted effect. The best effect achieved so far are quotas deliberately prescribed by some political parties – they resulted in a greater representation of women in the Parliament, amounting to 22.7%.

For example, due to the fact that there are more unemployed women than men, and with the intention to enlarge the number of women in general employed population, during 2001 an obligation was prescribed for the employer to give priority to an underrepresented gender (Article 3 para. 2 of the Amendment to the Labour Act) if the candidates for the job equally meet general and special requirements for employment. However, implementation of the stated legal regulation with declared priority right of the underrepresented gender did not give expected results, which should have been a greater number of employed women; but its rigorous implementation in some cases excluded women, especially in occupations where women represent the majority, disregarding the relativity of this status of women in contribution to the overall situation on the labour market. That is why it was necessary to elaborate further the complex measures of active action in the field of equal opportunities, together with the declared priority right of the underrepresented gender, so that this active action could really be in the function of the improvement of the status of women on the labour market. Complexity of approach requests a special law, and declaratory provision was denounced by the Amendments to the Labour Act from July 2003.

The Law on Gender Equality elaborates and regulates for the first time the institute of temporary special measures. Article 8 of the Law on Gender Equality defines special measures as specific privileges that enable members of a certain gender to equally participate in all areas of public life, eliminate existing inequalities or ensure the rights they were deprived of before. «Temporary» characteristic was prescribed in accordance with Article 4.1 of CEDAW, and it is stated that such measures are not considered discrimination.

Chapter III of the Law determines that special measures must be prescribed and all state bodies are under obligation to implement them. State bodies must also adopt plans for action for promotion and establishment of gender equality. Implementation of special measures will promote equal participation of women and men on all levels of legislative, executive and judicial authority, where the obligation of the gradual increase in the participation of the underrepresented gender is being introduced.

#### **4.1. Adoption by the state party of special measures, including those contained in the Convention, aimed at protection of maternity shall not be considered discriminatory**

Explicit declaration that affirmative measures with a purpose of protection of maternity shall not be considered discriminatory was not as until recently present in the legislation of the Republic of Croatia.

Amendments to the Labour Act from July 2003 contain regulation that prescribed that measures of protection of pregnant women and women beneficiaries of certain maternity protection rights shall not be considered as discrimination nor shall they be the basis for discrimination.

#### ***Article 5 — Elimination of stereotypes***

The Committee especially requested data on measures for elimination of stereotypes reducing the role of women to that of a mother and caregiver, as well as on measures for elimination of stereotypes in educational system.

Legal regulation that would influence elimination of stereotypes has not so far been present in the Republic of Croatia. However, the Law on Gender Equality adopted in July 2003 anticipates in its Article 14 that education on gender equality issues represents integral part of the elementary, secondary and university education as well as whole-life learning that, among other things, includes preparation of both genders for active and equal participation in all areas of public life.

#### **5.1. Media**

Unfortunately, the media are still largely prone to stereotypes, and editorial policies rarely emphasise gender equality as their goal. That results in underrepresentation of women in editorial positions.

According to data gathered by research conducted by non-governmental organizations (B.a.B.e.), during a pre-electoral campaign in December 1999 only 12% of women were present in media public space, as opposed to 88% of men.

However, change in the way media treat women's rights issues can be noted, and especially in the area of violence against women which was recognized as a serious social syndrome. This change is due to a very active role of non-governmental organizations, but also to a greater attention dedicated to this problem from the side of governmental institutions. That is why lately almost every serious documentary or reportage show has dedicated a special program to violence against women, including the most popular shows like *Latinica* and *Brisani prostor*. Media keep a close eye on all cases of domestic violence to which non-governmental organizations direct them.

Problem of stereotyped representation of women in the media outside the topic of violence first came to focus after a series of billboards advertising Gavrilović salami appeared in 2002. All of them were suggesting the connection woman-meat. Non-governmental organizations did not succeed in withdrawing the posters, but the media covered the scandal, which was adequately used to warn about discrimination and bad effects of such advertising campaigns.

Creators of the National Policy for the Promotion of Gender Equality were very ambitious when planning its actions in the area of the promotion of the status of women within the media context, and main tasks include

the following: promotion of active inclusion of women in the creation and implementation of media-related policies, encouraging women to utilise electronic media, and promotion of education of media professionals. The Commission for Gender Equality commemorates Day of the Elimination of Violence against Women every year in the media and it has reacted on several occasions in the media in cases of violation of women's rights.

County commissions report that the media transmitted the news about their establishment and regularly covered their work, and some commissions dedicated special attention to media in their projects. In the County of Istria a woman member of the Commission for Gender Equality once a week hosts a regular show dedicated to women, "She", on local radio station.

Obligation of media to contribute to introduction of gender equality principles is regulated in Article 16 of the Law on Gender Equality: "Media shall, through their program concepts raise awareness about equality between women and men. Any public presentation and representation of women and men in an insulting, disparaging or humiliating manner due to their gender or sexual orientation is prohibited."

## **5.2. Education on common responsibility of men and women in the family**

In 2003 the Commission for Gender Equality, in co-operation with the Office for Human Rights and Association for Colposcopy of the Croatian Medical Association, prepared and initiated a campaign "Say YES to education" targeted at wide informing and education about prevention of uterus cervix cancer. The campaign comprises a number of promotive materials (educational brochures, posters, T-shirts) and it is conceived as a series of lectures held throughout the Republic of Croatia. Up to June 2003 some 10 lectures were held and were greatly attended and evaluated as useful and necessary. At the beginning of the school year 2003/2004 this campaign will be transformed in a form of education of young people in all schools in the Republic of Croatia. Objective of the whole project is to bring a gynaecologist to every school, even the smallest ones, and one of the main topics of lectures and workshops shall be common responsibility of men and women in family planning.

## ***Article 6 — Trafficking in women and prostitution of women***

### **6.1. Legislative framework for suppressing all forms of trafficking in women and exploitation of prostitution of women**

Although the former Criminal Code comprised incriminations that provided framework for suppressing trafficking in human beings, through Article 175 (Establishment of Slavery and Transport of Slaves), Article 177 (Illegal Transfer of Persons Across the State Border), Article 178 (International Prostitution), Article 195 (Pandering) and Article 196 (Abuse of Children or Juveniles in Pornography), new amendments to the Criminal Code from July 2003, among other things, amend Article 175 «Establishment of Slavery and Transport of Slaves». New name of the criminal offence is now "Trafficking in Human Beings and Slavery" and goes as follows:

"(1) Whoever, in violation of the rules of international laws, by force, threat to use force, deceit, kidnapping, misuse of position or authority recruits, buys, sells, hands over to another person, transports, transfers, encourages or mediates in the purchase, sale or handing over, hides or accepts a person for the purpose of establishment of slavery or similar status, forced labour and service, sexual abuse or intolerable transplantation of parts of a human body, or holding a person in position of slavery or in a similar status, shall be punished by imprisonment for one to ten years.

(2) If criminal offence referred to in paragraph 1 of this Article is committed against a child or a minor, the perpetrator shall be punished by imprisonment of three to fifteen years.

(3) If criminal offence referred to in paragraphs 1 or 2 of this Article is committed by a group or a criminal organization, or against a larger number of persons, or caused death of one or more persons, perpetrator shall be punished by imprisonment not less than five years or by life imprisonment.

(4) Whoever procures or repairs means, removes obstacles, plans or arranges with another, or takes other action that creates conditions for direct perpetration of criminal offence referred to in paragraph 1 of this Article, shall be punished by imprisonment for one to five years.

(5) Whoever seizes or destroys identification card, passport or other identification document when perpetrating criminal offence referred to in paragraph 1 or 2 of this Article, shall be punished by imprisonment for three months to five years.

(6) Whoever makes use of or enables other person to make use of sexual services, or use a person for whom she/he knows is a victim of trafficking in human beings for other illegal purposes, shall be punished by imprisonment for one to five years.

(7) It is of no importance for the existence of the criminal offence from paragraphs 1 and 2 of this Article whether the person agreed to forced labour or service, sexual exploitation, slavery or relation similar to slavery or intolerable transplantation of parts of her/his body.”

The Law on Foreign Persons was published in the «Official gazette» No. 109/03, and it regulates movement and sojourn of foreign persons, thus creating possibility to provide temporary residence for a victim of trafficking in human beings. Thus a victim would be encouraged to testify in criminal proceedings against traffickers in human beings, apart from being provided with all needed forms of assistance and elimination of her/his repeated victimizing.

Draft proposal of the Law on Protection of Witnesses, comprising proceedings provisions and programme of protection of witnesses, thus providing protection for women and children as most common victims of trafficking in human beings when appearing as witnesses in criminal proceedings, and in that way encouraging women to witness against traffickers in human beings, is undergoing a legislative procedure.

## **6.2. Prostitution of women**

In relation to problem area of international prostitution, amendments to the Criminal Code stipulate raised lower and upper limits of sentence for qualified form of this criminal offence, as well as for the basic form in Article 178 of the Criminal Code under name International Prostitution that now goes as follows:

### **Article 178**

“(1) Whoever procures, entices or leads away another person to offer sexual services for profit within a state excluding the one in which such a person has residence or of which he is a citizen shall be punished by imprisonment for six months to five years.

(2) Whoever, by force or threat to use force or deceit, coerces or induces another person to go to the state in which he has no residence or of which he is not a citizen, for the purpose of offering sexual services upon payment, shall be punished by imprisonment for one to eight years.

(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article is committed against a child or minor, the perpetrator shall be punished by imprisonment for one to ten years.

(4) The fact whether the person procured, enticed, led away, forced or deceived into prostitution has already been engaged in prostitution is of no relevance for the existence of a criminal offence.”

Criminal offence «International Prostitution» stipulated in Article 178 is *lex specialis* in relation to criminal offence of illegal transfer of persons across the state border (Article 177).

Article 177 covers the area of suppressing illegal transfer of persons across the state border, that is prohibition of smuggling human beings across the state border for self-interest, and also comprises different forms of enticing or procuring with purpose of international prostitution.

### **6.3. Situation assessment and measures**

Within the context of the problem of trafficking in human beings, the Republic of Croatia was so far referred to as a transit state, but however, a small number of cases (nine) was recorded in which Croatia was also referred to as destination state or origin state. These data refer to period from May 2002 to September 2003 when by establishment of the National Committee for the Suppression of Trafficking in Persons systematic monitoring of this problem started.

Due to importance of this problem the Government of the Republic of Croatia at its session on 9 May 2002 reached a decision on the establishment of the National Committee of the Government of the Republic of Croatia for Suppression of Trafficking in Persons. Members of the National Committee are representatives of all relevant ministries and state governing organizations, the Croatian Parliament, the State Attorney's Office of the Republic of Croatia, and representatives of non-governmental organizations and media. The National Committee has a Chair (Deputy Prime Minister) who directs the work of the National Committee, national coordinator (Head of the Office for Human Rights of the Government of the Republic of Croatia) who has main coordination and operation role in the work of the National Committee, and secretariat that takes care about implementation of objectives and conclusions of the National Committee. The Secretariat of the National Committee has a seat at the Office for Human Rights of the Government of the Republic of Croatia.

One of the first objectives of the National Committee was preparation of the National Plan for Suppression of Trafficking in Persons. Final text of the National Plan was adopted at the session of the Government of the Republic of Croatia held on 14 November 2002. The National Plan comprises a line of activities and measures classified in five priority areas: Legislative Framework, Assistance and Protection of Victims, Prevention, Education and International Co-operation. Implementation of activities determined by the National Plan is underway.

The National Committee for Suppression of Trafficking in Persons reached a decision and proposed to the Government of the Republic of Croatia establishment of working group for drafting of the special Law on Protection of Victims of Trafficking in Persons.

Measures for improvement of economic status of women, which would reduce a risk of trafficking in human beings, are anticipated in the National Policy for the Promotion of Gender Equality and are being implemented in accordance with the same.

With the purpose of informing the public on the problem of trafficking in human beings, the National Committee for the Suppression of Trafficking in Persons conducted, in co-operation with the International Organization for Migration, a wide public campaign (video clips, posters, leaflets) within which the work of SOS phone line was started. This phone line is intended, apart from victims of trafficking in human beings, for all persons who want to gain more information on the problem of trafficking in human beings.

Apart from this wide national campaign, Coordination of non-governmental organizations dealing with this problem organized a special campaign on the level of local communities that above all was intended for secondary school population.

With the purpose of determining situation regarding trafficking in human beings in the Republic of Croatia, Mission of the International Organization for Migration, in co-operation with local non-governmental

organizations conducted a research of public opinion published in July 2002, and it showed that Croatian citizens are in general well informed on the problem of trafficking in human beings.

Assistance and protection of victims is being conducted through formation and training of a mobile team of experts, giving shelter and providing care for victims, providing accommodation in reception centres/shelters, together with providing legal, psychosocial and health care assistance. The Ministry of Labour and Social Welfare monitored implementation of a three-year Programme for Protection of Victims of Trafficking in Persons with Purpose of Sexual Exploitation of the non-governmental organization Centre for Women War Victims Zagreb – Centre for Women Rosa that gained financial support from the State Budget resources through public competition for associations in 2002. The mentioned shelter, as well as the shelter of the Women's group Karlovac "Step", were used for providing for of victims of trafficking in human beings till the establishment of official shelter. The official shelter was established in July 2003 and comes within the competence of the Ministry of Labour and Social Welfare. Services will be provided by the employees of the Ministry of Labour and Social Welfare and members of local non-governmental organizations. Apart from the shelter, three reception centres were established in different regions of the Republic of Croatia.

In accordance with obligations arising from the National Plan for Suppression of Trafficking in Persons, the National Committee initiated systematic implementation of education, co-operating with other ministries in authority, non-governmental organizations, Mission of IOM, and other international organizations. Until September 2003 a number of seminars and trainings were organized for the police officials (Crime Police Department, State Borders Department, Police Academy trainees), social workers, judges and state attorneys, the media and non-governmental organizations' activists. The Republic of Croatia also actively participates in all activities regarding suppressing of trafficking in human beings organized on regional and wider international level.

In relation to international activities in this area it is important to note that the Republic of Croatia actively participated in the preparation of the UN Convention against Transnational Organized Crime and is one of the first countries that signed the stated Convention (in Palermo, on 13 December 2000) and ratified it (in November 2002), together with the two pertaining protocols, that is Protocol to prevent, suppress and punish trafficking in persons, especially women and children and Protocol against Smuggling of Migrants by Land, Sea and Air.

At the UN Conference on the Suppression of Transnational Organized Crime held in 2000 in Palermo, the Anti-trafficking Declaration of South Eastern Europe was adopted. As a direct result of this Declaration of the Stability Pact, Regional Ministerial Forum on the subject of suppressing trafficking in human beings was held in Zagreb in 2001 where representatives of ministries of interior of South-eastern European states signed "Statement of commitment" to create mechanisms of information exchange related to trafficking in persons in South Eastern Europe.

At the III. Regional Ministerial Forum in Tirana held in 2002, the Republic of Croatia also signed «Statement of commitment to approve temporary residence for victims of trafficking in persons».

#### ***Article 7 — Elimination of discrimination against women in political and public life***

Due to the fact that de facto equality is achieved only if women and men have equal share in so called positions of power and decision-making positions, we can say that the current status of women in the Republic of Croatia is better comparing to the beginning of 1990s, although it is still not satisfactory.

Women and men in the Republic of Croatia legally have equal political rights, but despite that, it has been noted that in practice unequal number of women and men takes part in the process of political decision-making in practice, which can also be seen from statistical indicators which clearly show that there is still not enough women in political life.

One of fundamental political rights is no doubt right to vote, but the level of political decision-making is inversely proportional with the share of women in electoral bodies, having in mind that 52% of electoral body are women.

On parliamentary elections in 1995 percentage of women MPs was 5.7%, and a number of women in the Government of the Republic of Croatia was relatively low (i.e. in 1997 there were only 5 women in the positions of minister or deputy minister in 17 ministries). With this low percentage of women's representation in political life in mind, the Commission for Equality, as well as majority of non-governmental organizations started a long-time campaign with the purpose of increasing this number. Thus in November 1998 a conference "Representation of women in political life in the Republic of Croatia" was held in Zagreb and a lot of representatives of governmental bodies, non-governmental organizations, academic society, international and regional organizations took part in it. During 1999 non-governmental organizations initiated Ad-hoc Coalition for increasing the number of women in parliamentary elections with a motto 51%, and there were also some proposals to introduce quotas of minimum 40% of women in Parliament.

Stated actions resulted in the increase in the number of women in political life in the Republic of Croatia. Number of women after parliamentary elections in January 2000 increased from 5.7% to 22.55%. Right after the elections the Committee for Gender Equality of the Croatian Parliament was established as a central body for all issues related to women's human rights. Despite this increase, the number of women in the bodies of local self-government and regional government units after elections in May 2001 remained the same (around 7%), or even decreased.

Currently there are 5 women in the Government of the Republic of Croatia, one of them acting as Deputy Prime Minister, one as the Secretary of the Government and 3 as ministers.

Despite the number of women MPs in the Croatian Parliament and on governing positions in Government bodies some parties have, in accordance with their programmes, contributed to the increased share of women in political power. For example, 30% of the members of the Social Democratic Party (SDP) are women, 30% of which are members of the central committee and 40% of which are members of the executive committee, also, 2 out of 6 party's deputy presidents are women. Representation of women members of SDP in the House of Representatives of the Croatian Parliament in the period from 1995 to 1999 amounted to 37%, and on the 2000 elections 33.33%. In the Croatian Social Liberal Party 40% of the members are women, of which 20% are members of party bodies, and its representation in the Parliament after 1995 amounted to 18.18%, and after 2000 to 21.37%. In the Croatian Democratic Union women represent 30% of members, of which 16% are members of party bodies, while their representation in the Parliament after 2000 amounts to 12.5%. Even four out of nine parliamentary parties have 0% representation of women in the Parliament (the Liberal Party (LS), the Istrian Democratic Assembly (IDS), the Croatian Party of Rights (HSP) and Croatian Christian Democratic Union (HKDU)).

The Government of the Republic of Croatia in its National Policy for the Promotion of Gender Equality for the period from 2001 to 2005 in the area "Women In Positions of Power and Decision-making Positions" anticipated a line of programme tasks and concrete measures targeted at the increase in the number of women on political decision-making levels including the Croatian Parliament and the Government of the Republic of Croatia, commissions and delegations, and all governing places within the state administration, as well as the increase in the number of women in governing places in public services where majority of employees are women.

In relation to these Programme tasks the Ministry for European Integrations organized a seminar (in June 2002) on European integrations for women in Croatian politics.

It is noted in the same chapter of the National Policy that the Government of the Republic of Croatia will commit all ministries and other state bodies, starting in 2002, to include in tenders for civil service positions lacking a sufficient number of women a sentence that would encourage women to apply for such positions.

It is anticipated that the Ministry of Education and Sports in co-operation with the Association of School Headmasters agree about the methods for increasing the number of headmistresses in schools to not less than 40% by 2005, and the Ministry of Science was committed to regularly report to the Commission on the status of women at universities and measures undertaken to achieve greater representation of women within the professorial staff.

Role and importance of non-governmental sector in the framework of civil society has already been discussed in previous chapters. The Croatian Government Office for Cooperation with NGOs was established in October 1998. Projects and programmes of organizations dealing with gender equality are being financed through the Office. In 1999 twelve projects and programmes were financed which amounted to total of 1, 389, 523 kunas, in 2000 twenty-five projects and programmes were financed which amounted to total of 1, 932, 704 kunas, in 2002 forty-two projects were financed amounting to total of 1, 650, 851 kunas, and in 2003 thirty-five projects and programmes are being financed amounting to total of 1, 431, 531, 37 kunas.

To illustrate this, we are presenting here the financing of the Office for Associations in 2002 for programmes and projects of organizations that in some way promote women's human rights, as follows:

- \*Promotion and protection of human rights – 19 projects, 16 organizations, 635, 712 kunas
- \*Social welfare and unemployment reduction – 4 projects, 4 organizations, 167, 380 kunas
- \*Social welfare programmes – 8 programmes, 6 organizations, 540, 000 kunas
- \*Democratisation and development of society – 2 projects, 2 organizations, 37, 000 kunas
- \*Community and civil society development – 2 programmes, 2 organizations, 60, 759 kunas
- \*Protection and preservation of health – 4 projects, 4 organizations, 38, 000 kunas
- \*Preventive health measures – 1 programme, 1 organization, 50, 000 kunas
- \*Environmental protection – 1 project, 1 organization, 70, 000 kunas

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TOTAL: 42 projects/programmes, 37 organizations, 1, 650 851, 00 kunas

#### ***Article 8 — Government representation at the international level and participation in the work of international organizations***

There are no legal obstacles for the representation of the Government at the international level or participation in the work of international organizations for the members of either gender. However, in reality, disproportion still exists, especially regarding senior diplomatic ranks.

The Ministry of Foreign Affairs composed a parallel presentation of diplomatic and administrative posts in the Ministry of Foreign Affairs and diplomatic missions/ consulates, according to gender. (Up to 25 February 2003).

It can be seen from the data that there are more women diplomats (60%) than men diplomats (40%) in the Ministry of Foreign Affairs, while the gender relation in diplomatic missions/consulates is inverted – 35% of women and 65% of men.

However, comparative analysis of diplomatic ranks shows that there are more men among senior diplomatic ranks, while there are more women with diplomatic ranks of professional/junior diplomat (from counsellor to attaché). It must be taken into account that the total number of women diplomats — 146 — is greater than that of men diplomats — 98, so it is only logical that there are more women in five out of eight diplomatic ranks.



Comparative analysis of diplomatic ranks in diplomatic missions and consulates shows that there are more men than women on all diplomatic posts, except those of the second secretary/ second consul where there are more women, or minister counsellor where the number of women and men is equal. This is a logical consequence of the fact that there are more men diplomats — 181— than women diplomats — 98 — working in diplomatic missions/consulates. However, disproportion between men and women is clearly observable on ambassador positions (34 men: 5 women) and counsellor/ consul counsellor (52 men: 19 women). There are no great disproportions like this between men and women in other diplomatic ranks.

According to the data, the number of women ambassadors rose to 8 in June 2003 (out of the total number of 49 ambassadors, which makes 16.3%), which represents a slight increase comparing to previous periods. It is also positive that the Ministry undertook systematic monitoring and overview of ranks from the position of gender, which was not the case earlier and due to that fact it was not possible to make a comparative presentation.

### ***Article 9 — Right to nationality***

The Law on Croatian Citizenship is not discriminatory according to gender, but it uses the terms alien, parent, relating to both women and men. Conditions for the acquisition of Croatian citizenship by aliens and termination of Croatian citizenship for Croatian citizens are identical for both genders.

A husband can change citizenship in the course of marriage and it does not in any way effect citizenship of a wife, also, women do not automatically lose Croatian citizenship when entering a marriage with an alien.

Children obtain Croatian citizenship by origin, regardless of the gender of a parent, since the Law determines that a child can obtain Croatian citizenship under certain conditions if one of the parents (mother or father) is a Croatian citizen.

Detailed presentation of relevant provisions of the Law on Croatian Citizenship (“Official Gazette”, No. 53/91 and No. 28/92) is given in para. 34 to 38 of the Initial Report of the Republic of Croatia.

### ***Article 10 — Elimination of discrimination against women in the area of education***

Census of population, households and dwellings from 2001 shows several data:

- Illiterate population in the Republic of Croatia: 12, 693 men and 57, 084 women. Indicators of the census show that men up to 30 years of age are a slightly larger group of illiterate persons, but after the age of 30 the number of illiterate women grows so that at the age of 65 there are more illiterate women — 42, 365- than men — 5, 647.
- By educational attainment, the situation is as follows:
 

faculties, art academies	men 132, 872: women 135, 013
grammar schools	men 63, 509: women 113, 221
vocational schools	men 227, 240 : women 326, 176
no schooling	men 21, 207: women 84, 125

- **Ratio girls:boys in primary, secondary and high education**

Indicator 9 Year	girls:boys ratio in primary schools	girls:boys ratio in secondary schools	female:male ratio of students enrolled
1991/1992	0.949	1.07	0.983
1992/1993	0.949	1.045	0.919
1993/1994	0.96	1.02	0.905
1994/1995	0.95	1.041	0.957
1995/1996	0.952	1.018	0.945
1996/1997	0.945	1.026	1.029
1997/1998	0.949	1.022	1.012
1998/1999	0.951	1.02	1.128
1999/2000	0.949	1.024	1.11
2000/2001	0.952	1.017	1.106

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Source: Central Bureau of Statistics

Number of pupils enrolled in primary school was changing from 415, 750 in 1991/1992 to 402, 281 in 2001/2002, where decline can be explained by the negative change of population. Out of this number there are 202, 459 and 196, 230 girls in respective years, that is 48.6% and 48.7%. Slightly greater number of boys in early age accounts for the ratio of girls and boys in primary education.

Total data on secondary education show that there is an equal number of girls and boys, but there are differences in the choice of secondary school. In accordance with statistical indicators on persons in the system of regular education it can be seen that, regarding regular education, girls are predominant in grammar schools (in school year 1998/1999 there was 63% of girls to 37% of boys, and in school year 2002/2003, there was 62.45% of girls to 37.55% of boys) and that the number of girls in arts schools is also extremely great (68% of girls to 32% of boys in school year 1998/1999, and 65.62% of girls in school year 2002/2003). Data analysis regarding the part of children's population that due to developmental handicaps attend other forms of education show that in school year 2002/2003 there was 38% of girls to 62% of boys in primary schools, while 43% of girls attended secondary schools as opposed to 57% of boys.

Since the end of 1980s there is a visible trend of more and more women enrolling in schools for adult education. Regarding occupation, it can be seen that women in Croatia most frequently choose social and humanities studies (71% of women to 29% of men in 1999), then medicine (67% of women to 33% of men), and art academies (61% of women to 39% of men). It could be said that these faculties are largely feminised. Among graduates from technical faculties, women are a minority (31% of women to 69% of men), as well as among graduates from bio technical faculties (38% of women to 62% of men).

It is a fact that there is a large number of occupations in the Republic of Croatia that are considered "female" or «male», so in order to moderate the consequences of such division it would be useful to give priority to candidates of underrepresented gender providing that both female and male candidate fulfil same conditions and have same grades and also having in mind objective criteria for the occupation candidate is opting for, at the very stage of choosing occupation

or enrolling in high schools or faculties and institutions of higher education, vocational schools, universities, polytechnics, as well as other programmes of retraining, additional training or other forms of expert training. Realization of this measure is anticipated in the Law on Gender Equality.

Connected to postgraduate studies, comparing the data from 1995 to 1999, 48% of women obtained a master's degree in contrast to 52% of men. Data on women doctors of science are still promising, for example, in 1999 there were 47% women doctors of science in contrast to 53% of men, and in 2000 the number of women teachers and associates at the entire university was 34% in contrast to 66% of men.

With a purpose of eradicating stereotypes in education the Law on Primary and Secondary School Textbooks ("Official Gazette" No. 110/01 and No.59/03) emphasises gender equality in Article 3 para. 2 of the Law: "A textbook whose content is not in accordance with the Constitution of the Republic of Croatia, and that is inappropriate in terms of human and minority rights, fundamental freedoms and relations between genders and education for democratic society, shall not be approved". Also, the Textbook Standard, adopted by the Parliament of the Republic of Croatia («Official Gazette» No.63/03) stipulates that contents of a textbook must be founded on ethical requirements, that is (point 2.4. Ethical Requirements): "prohibit discrimination, not contain and be against the speech of intolerance and negative presentation of individuals and social groups regarding gender, age, sexual orientation, racial, ethnic or religious affiliation, way of life, political orientation, socio-economic background and difficulties in physical and psychological development."

Female:male ratio of illiterates between 15 and 24 years of age

Indicator 10 2001 census	1991 census	2001 census
Total number of women aged 15 to 25	316,990	295,822
No. of illiterate women	1,254	1,025
Literacy rate of women	0.996	0.9965
Female:male ratio of literacy between 15 and 24 years of age	1	1

Source: Central Bureau of Statistics

Percent of illiterate population dropped from 3% in 1991 to 1.8% in 2001. Most illiterates are found amongst the population over 65 years of age and 80% of those are women, which is a consequence of their insufficient participation in education in the past. However, when we look at the prescribed age group between 15 and 24 years of age, literacy rate of men and women is equal, that is 99.65% which is in the same rank as most transition and West European countries.

In relation to the Committee's questions on education on human rights we report as follows: in 1996 the National Committee for Education in Human Rights was established as an interministerial Government body, with the objective to prepare the National Programme for Education in Human Rights and monitor and encourage its implementation. In order to achieve its goal, the National Committee formed working groups composed of experts in human rights upbringing, peace, democracy and civil upbringing. These are: working group for pre-school education, working group for lower elementary grades, working group for higher elementary grades, working group for secondary school, working group for civil upbringing, working group for high education, working group for adult education, working group for media usage.

The National Programme for Education in Human Rights was published in 1999 with the financial support of the Field Office of the High Commissioner for Human Rights in Zagreb. It was delivered to all educational institutions in the

Republic of Croatia, from pre-school institutions to secondary schools (over 16, 000 copies), together with the publication *Fundamental International Treaties in the Field of Education in Human Rights*.

Croatian educational model of education for human rights and civil upbringing is comprehensive. It covers all forms and levels of education: pre-school education, lower elementary grades, higher elementary grades, secondary schools, and continues in adult education, high education and education through the media. The National Programme is crosscurricularly implemented in educational system as a special elective subject in higher elementary grades and in secondary schools, through project teaching and extracurricular and outside-school activities.

The National Programme was very well excepted by UNESCO experts and the Council of Europe that recommend its implementation in other countries as well, especially those in our region.

In order to create prerequisites for the implementation of the National Programme for Education in Human Rights in the entire educational system and adult education system, compulsory expert education of teachers in new approaches to learning and teaching, new methods and strategies of teaching based on active student participation and inclusion is being systematically carried out. Several-days regional seminars and workshops include more than 800 teachers a year. Many handbooks and textbooks from this field have been printed. Network of county coordinators for the implementation of the National Programme was developed with the purpose to establish expert co-operation and exchange of experiences among teachers on local and county levels, with the support of the Improvement of Education Institute on state level.

Second part of the National Programme for Education in Human Rights comprising education of students, adult education and the usage of media in education for human rights is in its final phase.

It is important to note here that the gender equality issue is one of the fundamental issues of the National Programme for Education in Human Rights. As the whole programme is made on the principle of crosscurricularity, gender equality issue was approached in the same way, so we can say that it represents a certain form of gender mainstreaming.

#### ***Article 11 — Elimination of discrimination against women in the area of labour and employment***

In relation to the period covered in the Initial Report, this report refers to changes, before all, those of the legislative framework that, in a special way, determines the status of women on labour market, and which was established during 1995 by adopting the Labour Act which was put into force on 1 January 1996. During 2001 this law underwent two amendments, and in July 2003 the third amendment to the Labour Act entered into force, introducing high standards of equal opportunities for women and men in Croatian legislation, according to the guidelines of the European Union.

In accordance with the principle determined by the Constitution of the Republic of Croatia that says that everyone has a right to work and freedom of work, as well as free choice to choose occupation and job and that every job and duty is available for everyone under equal conditions (Article 54 of the Constitution), the Labour Act prohibited in the provision of Article 2 unequal treatment of job seekers and employees, among other things also on the basis of gender, marital status and family obligations, and it also bound employers to pay equal salaries to women and men for equal work and work of equal value (Article 82 of the Labour Act).

#### Employment, labour and consolidation of work and family responsibilities

<i>Total population in the Republic of Croatia</i>		<i>Working age population</i>		<i>Active population</i>		<i>Employment rate</i>	
Women	Men	Women	Men	Women	Men	General	Women
52%	48%	53%	47%	45%	55%	50,3%	43%

Source: Central Bureau of Statistics

Note: Share of women in total population is increasing in age groups above 45 years of age.

Choice of occupation most frequently influences later status on the labour market and primary possibility of employment.

Structure of the working age population according to educational attainment and gender in 2001:

	<i>Working age population</i>					
	<i>Labour force</i>				<i>Inactive</i>	
	<i>Employed</i>		<i>Unemployed</i>			
	<i>I. semester</i>	<i>II. semester</i>	<i>I. semester</i>	<i>II. semester</i>	<i>I. semester</i>	<i>II. semester</i>
Total	100.00	100.00	100.00	100.00	100.00	100.00
Unfinished elementary school	6.6	5.6	((3.1))	((3.3))	29.5	28.7
Elementary school	17.3	17.6	17.00	15.8	32.4	31.8
1-3 year vocational school	21.7	22.4	32.7	30.2	14.2	14.4
4-year vocational school	33.4	32.9	34.8	35.5	13.1	13.5
Grammar school	3.00	3.5	(4.5)	(4.9)	5.6	5.9
2-year-non-university college	7.1	6.5	(3.3)	(4.00)	3.1	2.8
Faculties, art academies, master's studies, Ph.D. studies	10.9	11.5	(4.6)	(6.3)	2.2	2.9
Women						
Total	100.00	100.00	100.00	100.00	100.00	100.00
Unfinished elementary school	7.00	6.3	((3.1))	((3.5))	35.8	34.2
Elementary school	19.7	18.4	17.6	15.2	33.9	33.8
1-3-year vocational school	13.9	15.1	25.2	25.9	8.2	9.3
4-year vocational school	35.00	35.00	38.2	38.2	11.9	12.3
Grammar school	4.7	4.6	((6.6))	((6.1))	6.2	6.3
2-year-non-university college	8.00	7.5	((4.00))	((4.3))	(2.4)	(2.3)
Faculties, arts academies, master's studies, Ph.D. studies	11.6	13.1	((5.3))	((6.8))	(1.5)	(1.8)

Source: Central Bureau of Statistics

#### Employment and unemployment

<i>Employed in different ownership sectors</i>		<i>Self-employed</i>		<i>Agriculture</i>		<i>Unemployed</i>	
Women	Men	Women	Men	Women	Men	Women	Men
45%	55%	28%	72%	38%	62%	55%	45%

Source: Central Bureau of Statistics

Ratio of women and men among employed in different ownership sectors is 47% in contrast to 53% in age groups up to 50 years of age. In age group from 50 to 55 years of age this ratio is 40% of women in contrast to 60% of men.

These data are the result of the fact that women retire after approximately 21 year of employment and men after 27 years of employment. This effects, as well as the fact that during their working years women are less paid than men, due to the services they are mostly employed in and hierarchic differences in job levels they work at, their pensions.

According to the data of the Croatian Institute for Pension Insurance approximate women's old-age pension is 16% lower than that of men, and disablement pension is even 27% lower.

In the structure of unemployed population we find 54.6% of women in contrast to 14.4% of men. This is an annual average from the year 2002. However, monthly percentages differ. At the end of November 2002 women made 56% of the total unemployed persons share registered at the Croatian Employment Service. In the total number of unemployed first time job seekers there were 55% of women in contrast to 45% of men. It is interesting that this ratio is even more unfavourable in relation to women. In the total number of unemployed first time job seekers with secondary education women amount to 62%, and among those with university education to 63%. Jobs with the highest unemployment frequency are shop assistant and lower elementary school teacher (in the total number of the unemployed in these professions, 97% are women).

Conclusion derived from given data is that 48% of the population of the Republic of Croatia, that is 47% of working age population that is of male gender constitutes 55% of active population with the 55% share in the number of employed in any property sector (men workers), 72% of self-employed and 62% of independent farmers, and 45% of the number of the unemployed. On the other hand, 52% of the population that is of a female gender constitutes 53% of working age population, but only 45% of active population, with the 45% share in the number of employed in different ownership sectors (women workers), 28% of self-employed and 38% of independent farmers, but 55% of the number of the unemployed.

There are not enough data in the Republic of Croatia on the levels women work at in comparison to men in the job hierarchy. However, it is known that inequality of gender representation can be observed in governing positions of corporations, state and other institutions. Women work at lower rank jobs and are underrepresented in governing positions. On 100 men managers there are 6 women managers. It is important to emphasise the measures undertaken by some companies in this field. Ericsson in the Republic of Croatia, for example, received corporation European Prize for Gender Equality. Share of women in this company's management is 25%.

Real disproportions in the payments of men and women are hard to determine. Evaluation of men's and women's work can only be presented by comparison of average salaries in occupation sectors in which mostly women or mostly men are employed. Most women are employed in manufacturing (23% of all employed women), trade and education, and in the sector «hotels and restaurants» 57% of employees are women. In education their share is 74%, in public services and mandatory social insurance sector 62%, in financial agencies 71% of all employees. According to the data of the Central Bureau of Statistics, the lowest salaries in 2001, apart from construction industry where most employees are men, were those in trade and «hotels and restaurants» sectors, so it is evident that the jobs on which most of the employees are women are indeed the most poorly paid ones.

In order to completely determine different status of women and men in the labour area we have to state the data that among part-time employed persons women amount to 89% in public services, 67% in education, and in the number of short-time employed persons women amount to 82% in education.

Legal regulations that form the framework of implementation of the gender equality principle in the field of realizing rights from work and on the basis of work, already partially regulate the issue of the prohibition of discrimination and principle of equal salaries. The Labour Act thus prohibits discrimination on the basis of gender of the persons who seek employment and get employed. The Labour Act also stipulates that employer must pay equal salaries to men and women for equal work or work of equal value. Provisions of the Labour Act implement positive measures regarding maternity protection and right of both parents in the upbringing and care about children.

Amendments to the Labour Act dating from July 2003 regulate in detail prohibition of discrimination in accordance with the guidelines and European standards of the protection of women. Amendments to the Labour Act more thoroughly regulate institutes of direct and indirect discrimination, prohibiting them regards employment conditions, promotion, approach to all forms and levels of training, additional training and retraining.

Equal treatment of women and men on the labour market also depends on the insurance of the sufficient number of adequate institutions and services for children care and care for older members of the family whom men and women

workers are taking care of. Because of nowadays predominating view that employment of both women and men living together in a family is the best solution for the family and achieving prosperity, the state should introduce measures that would ensure consolidation of working and family obligations by developing the system of services. Inadequate development of family and children services arises from two main factors: financial (public services are expensive) and value factor (traditional structure of Croatian society made it possible to rely on a family and its support, especially in child care and upbringing). As a result of this heritage, only 35% of children aged 3 to 7 attend public institutions of pre-school education. Situation is even worse in cases of children aged 1 to 3 because only 15% of them can be placed in nurseries.

This problem will be resolved by implementing measures anticipated in the National Family Policy.

The National Family Policy anticipates a line of measures directed at the improvement of the status of women: affirmation of women's employment through professional orientation, education, stimulation of women's enterprise, training for jobs in high demand, and programmes for groups of women who harder get employed; legal regulation of work at home and making work more flexible (regulated by the Amendments to the Labour Act); implementation of measures of systematic protection of women; systematic implementation of preventive actions with the purpose of preservation and improvement of the health of female children; expansion of the existing institute of parental right and making it more flexible; affirmation of the institute of paternity leave ( the Amendments to the Labour Act anticipate prolongation of maternity leave for mothers if the father uses at least 3 months of paternity leave); insurance of basic pension and health insurance on the basis of all forms of labour and during the periods of maternity, parental and paternity leaves. Deadline for the implementation of the measures of the National Family Policy is 2008, and in June 2003 the State Institute for the Protection of Family, Maternity and Youth will propose the implementation of the same to the Government of the Republic of Croatia.

### **11.1. Maternity protection**

Proceeding from the special state protection of maternity from the provision of the Article 62 of the Constitution of the Republic of Croatia, the Labour Act prescribes special measures with the purpose of maternity protection, contained in Chapter IX of the Act, primarily stipulating that women must not perform very hard physical jobs, jobs under ground or water, and other jobs that due to women's psychophysical characteristics may endanger her life or health (Article 55 of the Labour Act). In principle, night work of women in industry is prohibited (Article 52 of the Labour Act). Although the Act anticipates that in justifiable situations for a determined limited period, and with the consent of all social partners women can be exempted from night work prohibition, this, accept on personal request, cannot be done in cases of pregnant women or mothers with children up to 2 years of age, and single mothers with children up to 3 years of age (Article 53 of the Labour Act).

With the goal of maternity protection employer's obligations are proscribed and she/he must not require any information on woman's pregnancy and cannot refuse to employ a woman because she is pregnant, terminate her contract or transfer her to other jobs, except in the case when she works on a job that endangers her or her child's life and health. In that case employer must transfer the pregnant woman or a woman who breast-feeds to other appropriate jobs, and if she/he cannot ensure an adequate schedule, the woman has a right on a leave with salary compensation according to special regulations. Temporary transfer must not as a consequence have lower salary of the woman worker, and its duration is limited and can last only up to the moment when woman's health allows her to return to a job she was working on before. Woman's transfer to other working position is possible only with her consent. (Article 58)

Pregnant women are protected from termination of work contract, on ordinary or other basis, up to the period of one year. Protection from being dismissed does not at the same time mean that employers are prohibited to include a pregnant women, mother on maternity leave or using a right to short-time work in a programme of care for excess labour force, because employer is allowed to do that with the prior consent of the council of workers (Article 70 regarding Article 146).

A working woman uses maternity leave in the period of 28 days before delivery up to child's 6 months (compulsory maternity leave from Article 58), and she can also use maternity leave 45 days before expected delivery up to child's one year of age. For twins, triplets, quadruplets, that is to say more children of the same age, an employed woman can use maternity leave up to child's two years of age (Article 59).

Certain rights on the basis of maternity can be as well used by the father of the child, after expansion of compulsory maternity leave, and one of the parents, after expansion of maternity leave can use unpaid leave up to child's three years of age, so that in that period her/his rights and responsibilities from employment are under suspension and rights from health insurance are exercised according to regulations governing that area (Article 62). With the purpose of promotion of active action regards achievement of equal opportunities for men and women in the area of labour and employment, amendments to the Labour Act regulate benefits for usage of maternity leave. After expansion of the compulsory part of maternity leave, maternity leave can be prolonged for two months with a condition that the father of a child used at least three months of respective prolonged parental leave.

The Act also accepts a one-hour pause for breast-feeding two times a day up to child's one year of age, which is included in the working hours (Article 60), and the maternity leave period and short-time working period are considered as full-time work (Article 68).

During 1996 the new Occupational Safety Act came into force («Official Gazette», No.59/96), that by the provision of Article 39 regulates special protection of pregnant women and breast-feeding women, through prohibition of their work on certain jobs, which was also made subject to fine for employer, through criminal provisions of the same Act.

Stated provision stipulates that during the time of pregnancy a women shall not be assigned, in particular, to the jobs of a fireman, jobs on high altitudes, jobs performed in unfavourable microclimate, jobs at which she would be exposed to noise and vibrations, jobs at high atmospheric pressure, jobs where she would be exposed to ionic and microwave radiation, lead vapours or its inorganic compounds, lead-tetra -ethyl, mercury vapours and mercury compound dust, dust and vapours of manganese and its compounds, uranium and its compounds, fluorine and its compounds, carbon disulfide, halogen derivatives and hydrocarbons, benzene and other homologous compounds, nitro and amino benzene derivatives, chemical and other substances used in the manufacturing and processing of artificial bitumens and plastic materials; pesticide based on chlorinated hydrocarbon, and biological agents and viruses such as: hepatitis B, herpes, cytomegalo, varicella, rubella, HIV, and bacteria such as: listeria and toxoplasms.

During the time of breast-feeding a women must not work on jobs where she would be exposed to dust, emissions and lead vapours and its compounds, halogen derivatives and hydrocarbons and pesticides on the basis of chlorinated hydrocarbon.

By the stated provision of *lex specialis* only those jobs with special negative effect on women's life and health have been stated, that in every individual case might be expanded to other hard and dangerous jobs, not specified in the Safety and Health Protection at the Workplace Act, because provision of Article 55 of the Labour Act stipulates general prohibition of women's work on very hard physical jobs, jobs under ground or water, and all other jobs that can endanger her health and life.

## 11.2. Pensions

During the implementation of the pension reform in 1998, the new Pension Insurance Act was adopted by which women were offered better conditions for realizing pension rights, in a way that women got a right to obtain old-age pension with 60 years of age and 15 years of employment, and right to early retirement with 55 years of age and 30 years of employment (Articles 31 and 32). Thus the right to choose, according to pension rights, was granted to women, because they could exercise them 5 years before men, but in the realization of their pension rights the amount of women as in contrast to amount of men is the same as in the diagram on amount of women in total employed population. It has to be noted here that unemployed women with 50 years of age have right to survivors' pension of their late husbands or former husbands who supported them, and that in the total number of pension rights beneficiaries the number of women is greater



in contrast to number of men. Dynamics of realization of rights to disability pension of women is on a decline (annex 2), which shows that all undertaken measures of protection of women have positive effect on the general health of women.

### 11.3. Social policy

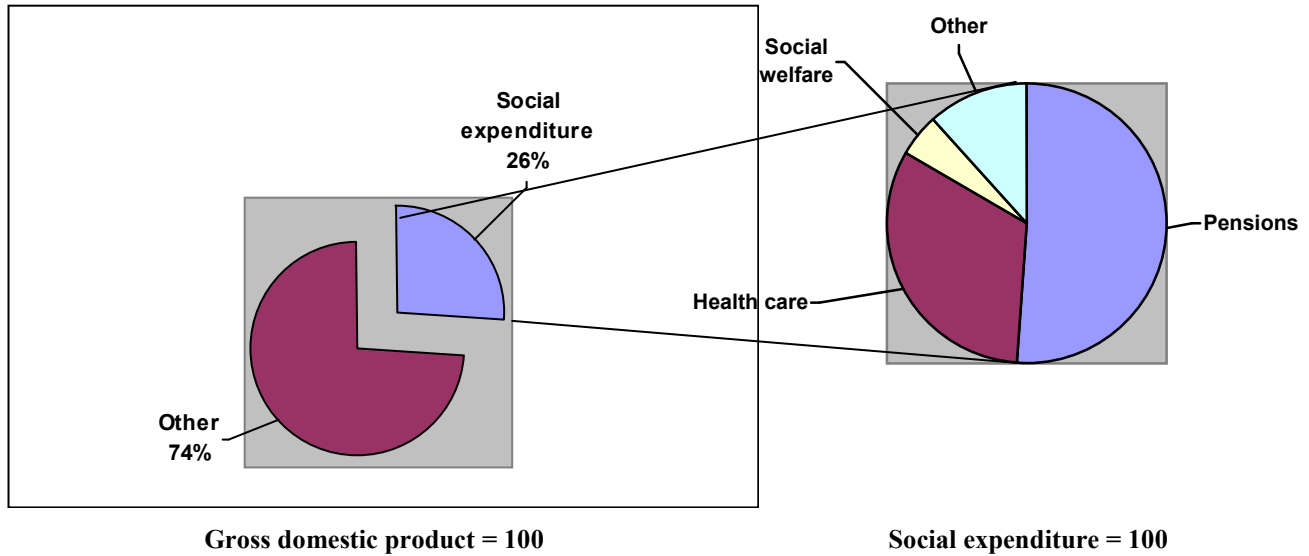
Main objective of the social policy of the Government of the Republic of Croatia is improvement of the status of the most vulnerable part of the population. Special priority is given to elimination and prevention of poverty by establishment of stimulating conditions for economic growth and development, active employment and human resources development policy, and directing of public expenditure at recognized priorities of vulnerable social groups with the purpose of encompassing by these expenditures the greatest number as possible of those immediately under the poverty line. That is why the Ministry of Labour and Social Welfare made the National Programme of Fight against Poverty and Social Exclusion. Complexity of realization of thus defined objectives also requires reduction of certain public expenditures on the general principle in order to rationalize these expenditures and thus realize needs and priorities of vulnerable part of the society. These measures are also applied to earlier system of family benefits (for example, maternity leave compensation was reduced for period after compulsory maternity leave), but at the same time great efforts were made not to endanger achieved level of family protection in the Republic of Croatia, that is to say that in some cases the level of family protection rose (for example, circle of right to maternity leave users was broaden, as well as of those using right to child's allowance etc.).

One of more important programmes in the area of poverty prevention is the Employment Encouragement Programme dating from January 2002. This programme defines conditions and criteria for co-financing of employment, self-employment and education of unemployed persons with the purpose of unemployment reduction.

«Strategy for the development of the Republic of Croatia: Croatia in the 21st century» is targeted at open civil society and democratic and market orientated state integrated in the European Union. This social direction increased readiness to initiate, accept and implement reforms, so that a number of reforms were initiated, primarily in the legislation. The Family Policy is directed at strengthening the role of family, which is partially regulated by the new family legislation. It is assumed that the implementation of the Amendments to the Labour Act, the Employment Act, the Law on Social Welfare System and other laws will be reflected in the quality of family life. Reform of the social security and welfare system includes change of the entire model of social welfare system, with emphasis on decentralization and deinstitutionalization of the system, scope and combination of financial support and other social welfare services, and intensive co-operation with civil sector. Recognition of values and potentials of help that non-governmental organizations can give to government institutions is seen from the Co-operation Programme of the Government of the Republic of Croatia and non-governmental non-profitable sector.

Social expenditure in Croatia in 2000

(on central state level)



Estimated gross domestic product is 157 billion kunas

Social expenditure amounts to 40.6 billion kunas

**Structure of social expenditure**

- Pensions	51.09
- Health care	32.29
- Social welfare	5.04
- Child's allowances	3.11
- Disability allowances for war and peace military disabled women/men	3.04
- allowances for Patriotic Defence War veterans and victims of war	2.96
- unemployment allowances	2.46

Source. The Ministry of Finance and the Ministry of Labour and Social Welfare

In regards to categories of social welfare beneficiaries it is important to distinguish between those receiving social assistance and allowances from those using services, especially within institutions of social welfare. Number of beneficiaries of all forms of assistance varied as follows:

1993	634,300
1994	530,598
1995	418,201
1996	329,306
1997	335,879
1998	219,489
1999	213,988
2000	310,675
2001	303,768

However, it must be kept in mind that the number of real beneficiaries of social assistance is a bit smaller because some of them received more than one form of assistance more than one time.

Share of above stated beneficiaries in total population was calculated on the basis of data from the 1991 census. But if we use data on estimated population for the year 2000, which is 4, 292, 000 (Nejašimić, 2002), than the number of state benefits users amounts to 6.5% of total population.

The data above refer to users of benefits from central state financing sources. However, if we take into account other sources (local and humanitarian), then the number of beneficiaries is bigger and according to one 1998 estimation amounts to 350, 000, and in 1999 to 365, 000 (Jurčević, 1999 and 2000).

The most important form – financial assistance received: in 1998 – 72, 160 users, in 1999 – 82, 171 users, in 2000 – 93, 472 users, in 2001 – 111, 207 users, in 2002 – 121, 778 users. In other words, 2.7% of total population received financial assistance in 2002.

Prominent data are those according to which among social assistance beneficiaries there is a large share of persons (46.1%) who are capable for work, but are unemployed, which shows that unemployment is main social problem.

Alleviation and reduction of poverty is currently one of the main goals of Croatia as a social state. The goal of integral strategy is the implementation of measures in areas such as employment and protection from poverty, education, health care, family policy, housing and social welfare, as well as prevention of social problems. Certain legislative changes, currently underway, as well as insurance of more financial funds, are needed for achievement of stated goals. Since poverty is a problem with more than one dimension, fight against it cannot be reduced only to social assistance system, so that activities anticipated in the Programme of Fight against Poverty and Social Exclusion, targeted at dynamics of opening of new jobs, with well designed active employment policy and its influence on supply and demand of labour force, are very significant.

#### **11.4. Consolidation of family life and work**

Consolidation of work and family life is the most vital element of modern family policy strategies. The main problem in the Republic of Croatia is that total employment is relatively low, and share of unemployed in labour force very high (around 23%).

Increase of employment is national priority in Croatia. It could also be said that employment of two breadwinners is necessary for normal life of the family. Research on consumption in Croatia shows that average family needs two incomes. On the other hand, total number of the employed is approximately identical with the number of households, which shows that incomes of most families are insufficient. It also has to be added that Croatia has a quite spread «shadow economy» or unofficial economy. According to research made by the Public Finance Institute unofficial economy in the period between 1990 and 1995 amounted to 25% and in the period from 1996 to 2000 around 10% of gross domestic

product (Ott, 2002:1). Significant number of people is employed in unofficial economy who in that way make unregistered incomes for their families.

The problem of shadow economy, support of two breadwinner families and consolidation of family and professional obligations of parents are attentively elaborated in the National Family Policy (document is elaborated in more detail in other chapters of the Report).

#### **11.4.a. Development of family policy in Croatia**

First period between 1990 and 1995 was marked by defence war and realization of territorial integrity of Croatia. Family policy was in that period overshadowed by political, economic and social circumstances of war. In those circumstances, in 1993 the Government adopted the Social Programme as additional measure for alleviation of hard social situation and assistance to most vulnerable parts of population. Second period lasted from 1996 to 2000. Its characteristic is that it was then that new family policy, adapted to peace conditions and long-term objectives were formulated. Several documents relevant for family policy, like the Labour Act (1995), the National Programme for Demographic Development (1996), the Family Law (1998) and the Child's Allowance Act (1999 and 2000) were adopted in that period.

Beginning of the third period of family policy coincides with the change of government in January 2000. Croatia was then in a quite hard economic and social situation, inherited from previous period. In order to consolidate economic situation the Government started implementing the savings and restriction programme, recommended by international financial institutions, like the International Monetary Fund and the World Bank. Reforms of social security system, like pension and health system were on the priority agenda. In autumn 2001 a significant revision of social rights, including family rights was undertaken. It can be concluded that the air of social crisis, marked by slow economic growth, high unemployment rate and people's dissatisfaction with life standard and circumstances in the society, is the main context within which current family policy in Croatia should be interpreted.

The National Family Policy, adopted by the Government of the Republic of Croatia and affirmed by the Croatian Parliament on 2 October 2002, for the first time in the history of the independent Republic of Croatia, clearly defines national priorities oriented at the creation and development of the system of support for families, with the ultimate goal being the reduction of social risks, and among other things, promotion of reconciliation that consists of alleviation of entering and leaving the labour market, especially for women.

### ***Article 12 — Health care***

#### **12.1. Reproductive and sexual health of women**

##### **12.1.a. General**

According to the last census from 2001, 2, 301, 560 women live in Croatia, that is 51.9% of total population. Out of this number there are 1, 080, 121 women of fertile age. In 2001 1, 410, 107 women, that is 71% of women aged 15 and over were in the care of gynaecologists in primary health care services for women. Out of that number 791, 016 or 56% used services of chosen gynaecologist within primary health care.

Protection of pregnant women and breast-feeding women represents a relevant part of health care for women. From 1985 to 1991, every pregnant woman attended, in average, 6 examinations during pregnancy at the chosen gynaecologist (which is a mild increase in relation to previous period). In 2000 and 2001 every pregnant woman attended in average 7.2 examinations. In 2001, one of possible pathological states was determined in 41.7% of pregnant women, which is an increase in relation to 1999 and 2000 when this state was diagnosed in 39.1% of pregnant women.

Visits to primary health care offices with the purpose of family planning are still very rare in the Republic of Croatia. Only a bit less than 9% of women of fertile age visit gynaecologist with the purpose to consult her/him on family planning. Similar percentage (8.3%) visit gynaecologist in order to obtain one of the contraceptives. Among contraceptives, oral contraceptives and intrauterine devices are most often prescribed ones.

Total number of preventive examinations in primary health care for women is constantly growing (for example, in 1990- 163.6/1 000 women of fertile age, and in 2001 - 290.9/ 1 000 women). The largest number of preventive examinations are systematic gynaecological examinations and breast examinations.

Most frequent diseases and states due to which women visit gynaecologists and use primary health care services have not changed during past few years. From groups of diseases, diseases of genitourinary system make 48.2%, factors that influence the state of health and health care context make 25.6%, infectious and parasitic diseases amount to 13.8%, pregnancy, childbirth and confinement make 5.4%, benign neoplasm makes 3.7%.

### **12.1.b. Pregnancy terminations**

Article 2 of the Law on Medical Measures for Exercising the Right to Free Decision about Giving Birth stipulates: « Right of human being to free decision on child birth may only be reduced with the purpose of protection of health, and under circumstances and in manner stipulated by this law.» Article 15 para. 2 stipulates that a woman in the Republic of Croatia can legally terminate her pregnancy without the consent of the commission, if the pregnancy lasts no more than 10 weeks. According to the same Law and on the basis of the decision of the Ministry of Health from 1 September 1996 pregnancy termination can be performed only in authorized in-patient health institutions.

During 2001 there were 12, 814 reported pregnancy terminations, which represents further decline in relation to previous year (8.2% less than previous year). In this structure the biggest number is that of legally induced pregnancy terminations (51.3%). Recorded number of miscarriages is 2, 521 (19.7%), which is almost the same share as in the year before. Other pregnancy terminations (extra uterine pregnancy, mola hydatiosa, other abnormal conception results, other terminations, unspecified terminations) amounted to 29% and are still slightly increasing within the structure with every year.

Share of young girls up to 19 years of age who undergo terminations upon request in 2001 has slightly increased (from 6 to 6.9%). Most terminations occur among women between 30-34 years of age. Among women requesting pregnancy termination majority are women who already have two children – 2, 383 or 36.2%, which proves the fact that pregnancy termination is still used as a contraceptive method.

### **12.1.c. Deliveries in health care institutions in the Republic of Croatia**

In 2001 total of 38, 666 childbirths were registered in Croatian maternity hospitals, with 39, 119 total number of newborns (10% decrease in the number of births in relation to 2000). Out of 39, 119 that is total number of newborns, 38, 887 were liveborns and 232 stillborn children, and out of liveborns 173 died during first seven days after birth. Trend of reduced childbirths in young age groups (under 20 years of age) and increased childbirths among women older than 35 years of age is characteristic for developed countries, and is also encountered in Croatia. According to the age of the mother most often are childbirths in age group 25 - 29 (90 childbirths on 1, 000 women of that age), followed by the age group 20-24 (69 childbirths on 1, 000 women), and than age group 30-34. The biggest number is that of registered first time childbirths (47%), than second childbirths, than third childbirths and so on. More than 81% of childbearing women didn't undergo previous pregnancy termination, 13.7% underwent one pregnancy termination up to current childbirth, and less than 5% underwent more pregnancy terminations.

Death among mothers in Croatia boils down to occasional cases. In 2001 one woman died due to complications during pregnancy, childbirth or confinement period.

**Tablica - Table 2. BROJ PORODA, UKUPNO ROĐENIH, ŽIVOROĐENIH, MRTVOROĐENIH I UMRLE NOVOROĐENČADI REGISTRIRAN U RODILIŠTIMA HRVATSKE U RAZDOBLJU OD 1992. DO 2001. GODINE - The number of deliveries, childbirth totals, live births, stillbirths and neonatal deaths recorded by Croatian maternity wards in the period 1992-2001**

<b>GODINA</b>	<b>Broj poroda</b>	<b>Broj ukupno rođenih</b>	<b>Broj živorođenih</b>
<i>Year</i>	<i>No. of deliveries</i>	<i>Childbirth total</i>	<i>Live births</i>
1992	41.759*	42.233*	42.009* 46.970**
	45.533	46.073	45.825
1993	44.454*	44.965*	44.777* 48.535**
	47.270	47.795	47.600
1994	44.397*	44.916*	44.739* 48.584**
	45.706	46.251	46.059
1995	45.488*	46.036*	45.802* 50.182**
	46.619	47.182	46.934
1996	47.381*	47.997*	47.792* 53.811**
	48.223	48.859	48.647
1997	47.458*	48.028*	47.834* 55.501**
	48.162	48.752	48.554
1998	46.225*	46.755*	46.563*
		47.068**	
1999	44.807	45.434	45.277 45.179**
2000	43.352	43.926	43.758 43.746**
<b>2001</b>	<b>38.666</b>	<b>39.119</b>	<b>38.887</b> <b>40.993**</b>

Notes: \* - data refer to childbirths of mothers with permanent residence in Croatia.

\*\* - data of the Central Bureau of Statistics – they relate to the childbirths in Croatia and other countries by mothers with permanent residence in Croatia until 1997 and the number of live births comprises all children whose mothers are residents of the Republic of Croatia if they were not absent from Croatia longer than a year from 1998.

### Teenage pregnancy

The Committee was especially interested in data on teenage pregnancies. Out of total 38, 887 liveborns in the Republic of Croatia 10 were delivered by mothers younger than 15 years of age (0.1%), and 2, 148 children were delivered by mothers between 15 and 19 years of age (5.5%).

In the same year 6 girls under 14 years of age underwent legally induced terminations (0.1%), 51 girls between 15 and 16 years of age (0.8%), and 396 terminations were performed on girls between 17 and 19 years of age (6.0%). In recent years the number of terminations performed on young girls and teenage girls is considerably reduced, which is confirmed by the following table:

**Tablica - Table 3. LEGALNO INDUCIRANI POBAČAJI PO DOBNIM SKUPINAMA ZABILJEŽENI U ZDRAVSTVENIM USTANOVAMA HRVATSKE OD 1985. DO 2001. GODINE -**  
*Legally induced abortions by age group recorded in Croatian health facilities, 1985-2001*

D O B (GODINE)	ŽENE			KADA	JE			NAPRAVLJEN	POBAČAJ	
GODINA	ADOLESCENTICE			O S T A L A D O B						
	< 15	15-16	17-19	UKUPNO	20-29	30-39	40-49	50 <	Nepoznato	UKUPNO
<i>Woman's age at abortion (yr)</i>										
	Adolescence			Other age						
Year up to	14	15-16	17-19	Total	20-29	30-39	40-49	50<	Unknown	Total
1985	6	164	2.107	2.277	25.616	20.557	2.896	35	168	51.549
%	0,01	0,32	4,09	4,42	49,69	39,88	5,62	0,07	0,33	100
1987	7	169	2.078	2.254	23.076	20.112	2.902	31	233	48.608
%	0,01	0,34	4,28	4,64	47,50	41,38	5,97	0,06	0,48	100
1990	20	123	1.482	1.625	16.413	15.469	2.649	45	2443	38.644
%	0,05	0,32	3,83	4,20	42,47	40,03	6,85	0,11	6,32	100
1991	7	91	1.184	1.282	15.198	14.365	2.352	13	141	33.351
%	0,02	0,27	3,55	3,84	45,78	43,07	7,05	0,04	0,43	100
1992	4	70	787	861	11.523	11.386	2.256	11	186	26.223
%	0,01	0,27	3,00	3,28	43,94	43,42	8,6	0,04	0,71	100
1993	9	99	1.040	1.148	10.241	11.436	2.198	15	141	25.179
%	0,03	0,39	4,13	4,55	40,67	45,41	8,72	0,06	0,55	100
1994	5	87	928	1.020	7.705	9.028	1.790	9	121	19.673
%	0,02	0,44	4,71	5,18	39,16	45,89	9,09	0,04	0,61	100
1995	6	66	675	747	5.494	6.525	1.389	2	125	14.282
%	0,04	0,46	4,73	5,23	38,47	45,68	9,72	0,01	0,87	100
1996	3	72	631	703	4.565	5.654	1.339	3	72	12.339
%	0,0	0,6	5,1	5,7	37,0	45,8	10,8	0,0	0,6	100
1997	0	38	554	592	3.679	4.572	1.122	6	65	10.036
%	0,0	0,4	5,5	5,9	36,7	45,5	11,2	0,1	0,6	100
1998	0	33	501	534	3.255	4.038	1.010	5	65	8.907
%	0,0	0,4	5,6	6,0	36,5	45,3	11,3	0,1	0,7	100
1999	1	36	414	451	2.869	3.611	955	6	172	8.064
%	0,0	0,4	5,1	5,6	35,6	44,8	11,8	0,1	2,1	100
2000	4	38	384	426	2.628	3.312	916	0	252	7.534
%	0,0	0,5	5,1	5,7	34,9	44,0	12,2	0,0	3,3	100
<b>2001</b>	<b>6</b>	<b>51</b>	<b>396</b>	<b>453</b>	<b>2.420</b>	<b>2.917</b>	<b>685</b>	<b>1</b>	<b>98</b>	<b>6.574</b>
<b>%</b>	<b>0,1</b>	<b>0,8</b>	<b>6,0</b>	<b>6,9</b>	<b>36,8</b>	<b>44,4</b>	<b>10,4</b>	<b>0,0</b>	<b>1,5</b>	<b>100</b>

### 12.1.d. Sexuality and contraception

Girls and boys nowadays enter first sexual relations almost at the same age (around 17 years of age). Data analyses show that young persons attending secondary schools and faculties regularly use condoms in 40-50% of cases, however, among the population of young people at heightened risk only 9.3% of girls and 13% of boys regularly use condoms. Girls trust their partners (57%) and don't like using condoms (51%) or consider them to be too expensive (26%). Risky sexual behaviour is connected to the number of registered cases of gonorrhoea and syphilis that show decrease in occurrence of these sexually transmitted diseases. However, the data at the same time show increased number of sexually transmitted diseases caused by chlamidia and human papiloma virus that need increased attention.

### Contraceptives Prescribed in Primary Health Care - Women's Health Care - Croatia 2001

<b>Prepisana kontracepcija (Contraceptives prescribed)</b>	<b>Ukupno (Total)</b>
Oralna (Oral)	66.085
Intrauterina (Intrauterine)	15.035
Dijafragma (Diafragn)	608
Druga lokalna (Other local)	6.418
Drugi oblici kontracepcije (Other)	12.613
<b>Ukupno (Total)</b>	<b>100.759</b>
<b>Ukupno posjeta radi planiranja obitelji (The number of attendances for family planning - TOTAL)</b>	<b>93.992</b>

Zagreb, 13 March 2003

### Sexual education for girls and boys

On 16 January 2003 the Government of the Republic of Croatia adopted the National Plan of Action for young people and thus stated clear determination to create conditions for integral development and inclusion of young people in the society. One of eight areas of public action for the well-being of young people deals with health care and reproductive health of young people, comprising measures (16 of them) for the improvement of care for young people in this area that must be carried out until 2008. Among others, these are the two anticipated measures directly referring to the reproductive health of young people:

1. Preparation and implementation of pilot study of the subject "Health education" in elementary and secondary schools with the purpose of introducing education on sexual and reproductive health, risky behaviour and prevention of drug or other addiction (measure No. 57). The Ministry of Education and Sports and the Ministry of Health are in charge of implementation of this measure.
2. Adoption of consolidated expert criteria on action regarding the reproductive health, with special emphasis on early detection and treatment of sexually transmitted diseases and uterus cancer in time (measure No.61). The Ministry of Health is in charge of implementation of this measure.

State Institute for Protection of Family, Maternity and Youth is with continuity co-financing and implementing projects the purpose of which is education of young people about sexual and reproductive health. This is how the following activities have been carried out:

\*In co-operation with the Faculty of Philosophy, University of Zagreb, first survey was conducted in 1998 and the second one is going to be conducted in 2003 within the framework of project " Longitudinal monitoring of knowledge about sexuality, sexual behaviour and relevant adolescent attitudes".



\*In 2002, student medical center carried out a programme called “Health-educational work in family planning for adolescents” which resulted in publishing of educational CD material for students.

\*Reproductive Health Service within the Paediatric Clinic in Zagreb shall be continuing, until the end of 2003, with its programme “ Health education of young people regarding protection of reproductive health and health in general” in form of courses, workshops, lectures and panels for young people attending elementary and secondary schools.

The Ministry of Health and the Ministry of Education and Sports in co-operation with non-governmental organizations and the Reproductive Health Service of the Paediatric Clinic in Zagreb and the Croatian Society for School Medicine compiled education materials on reproductive health for children and young people in elementary and secondary schools. Material was printed in 50, 000 copies and has been distributed in schools during 2002 and 2003.

## HIV/AIDS

Incidence of AIDS (0.4/100, 000 in 2000) is among lowest in Europe. Thanks to systematic implementation of public health measures for HIV infection prevention in Croatia the increase of incidence recorded in Europe at the beginning of 1990s and in recent years in countries of Eastern Europe was avoided.

In the period from 1986 to September 2002, 191 persons contracted with AIDS were recorded as well as 365 HIV positive persons. 80 persons (21%) out of the total number of HIV/AIDS contracted persons are women.

Among significant activities and bodies involved in HIV/AIDS monitoring in the Republic of Croatia it is important to emphasise monitoring and reporting of this disease that is regulated by the Law on Citizen Protection from Infectious Diseases and the Code on the Manner of Reporting on Infectious Diseases, as well as keeping the Register for AIDS at the Croatian National Institute of Public Health since 1986. In 1990 the Committee on HIV/AIDS Prevention of the Ministry of Health was established. The National Programme was adopted in 1993 and shall be revised during 2003. The National Commission for HIV/AIDS Prevention was established, and the Ministry of Health is about to sign agreement on implementation of the Programme of Expanding the System of HIV/AIDS Prevention in the Republic of Croatia on which 4, 900, 000, 000 USD will be spend during a three-year period. Within the framework of this programme there are special projects targeted at risk groups of drug addicts, as well as prostitutes.

*Table 1. Broj oboljelih i umrlih od AIDS-a u Hrvatskoj od 1986. do 2002. godine — Number of AIDS cases and AIDS patients died in Croatia 1986-2002*

<b>Godina - year</b>	<b>oboljeli - No. cases</b>	<b>umrli - deaths</b>
<b>1986</b>	2	1
<b>1987</b>	8	3
<b>1988</b>	9	5
<b>1989</b>	3	7
<b>1990</b>	9	4
<b>1991</b>	11	7
<b>1992</b>	8	5
<b>1993</b>	10	7
<b>1994</b>	17	7
<b>1995</b>	15	8
<b>1996</b>	18	12
<b>1997</b>	17	12
<b>1998</b>	12	10
<b>1999</b>	16	3
<b>2000</b>	19	9
<b>2001</b>	7	2
<b>2002</b>	19	4
<b>Ukupno - Total</b>	<b>200</b>	<b>106</b>

**Tablica - Table 2. Oboljeli od AIDS-a u Hrvatskoj po spolu od 1986. do 2002. godine — AIDS cases by sex in Croatia 1986-02**

<b>Spol - Sex</b>	<b>Oboljeli - No.</b>	<b>%</b>
<b>muški - male</b>	171	85,5
<b>žene - female</b>	29	14,5
<b>Ukupno - Total</b>	<b>200</b>	<b>100</b>

**Tablica - Table 4. Oboljeli od AIDS-a po rizičnim skupinama u Hrvatskoj od 1986. do 2002. godine — AIDS cases by risk groups in Croatia 1986-02**

	<b>Oboljeli - Cases</b>	<b>%</b>
<b>HOMO/BISEX</b>	95	47,5
<b>PROMISKUITET</b>	55	27,5
<b>I.V. NARKOMAN - Drug addict</b>	17	8,5
<b>PARTNER HIV+</b>	18	9,0
<b>HEMOFILICAR - Haemophiliac</b>	8	4,0
<b>DJECA HIV + MAJKI - Children of HIV + mothers</b>	3	1,5
<b>NEPOZNATO - Unknown</b>	4	2,0
<b>Ukupno - Total</b>	<b>200</b>	<b>100</b>

## 12.2. Environmental Protection Policy with emphasis on the protection of health of women and children

The National Policy includes a special chapter on women and environment. The Ministry of Environmental Protection and Physical Planning is in charge of implementation of measures aimed at ensuring full right of women to healthy environment, housing and communal infrastructure. This approach is included in proposals of some draft laws in the authority of the Ministry of Environmental Protection and Physical Planning.

## 12.3. Health care of women in general

During 2000–2002 analysis of health indicators was made in the Republic of Croatia as a base for the preparation of programme of measures of health care and special preventive programmes targeted at improvement and preservation of health. The Croatian National Institute of Public Health collects and elaborates data connected to health indicators according to gender.

According to 2001 census the Republic of Croatia had population of 4, 437, 460 inhabitants and shows signs of demographic transition, the consequence of which is ageing of the population caused by mortality decline, prolongation of life expectancy, decline of birth-rate and decline of infant mortality.

In 2001 in the Republic of Croatia life expectancy at birth for both genders together was 74.65, for women 78.17 and for men 71.03.

Remarks from the side of non-governmental organizations often refer to the fact that legislation and policies in the Republic of Croatia are only concerned with maternity protection and neglect prevention and problems of women of post-fertile age. One of the measures directed at this problem, and anticipated in the National Policy, was implemented by the Ministry of Finance. On the basis of the Law on Income, the Ministry adopted Regulations on tax income (14 June,

2001) according to which “personal income that is not result of self-employment is not considered – the income that employer provides to the employees – to be in the interest of working for the employer (among others, obligatory medical check-ups according to special regulations and regular health check-ups, various forms of education related to the profession, that is, those vital to the employer’s income). This means that regular medical check-ups are tax recognized expenditures.

Magazine “Women’s Health” was established and it covers prevention and early detection of malignant diseases, especially breast cancer, as well as other women’s diseases, like osteoporosis, than improvement of women’s reproductive health (education on sexually transmitted diseases) and special care for pregnant women and mothers.

### 12.3.a. Diseases

Leading causes of death of women according to age groups in 1999 do not differ much from those of men, and these are diseases of circulatory system (53%), neoplasm (18.4%), diseases of the respiratory system (4.3%), injuries and poisonings (3.8%), diseases of digestive system (3.8%). Among first ten diagnoses of causes of death even seven is related to diseases of circulatory system.

**Tablica - Table 17/III. RANG LJESTVICA TE UDIO DESET VODEĆIH UZROKA SMRTI U UMRLIH ŽENA U HRVATSKOJ 2001. GODINE - ŽENE** — Rank of the 10 leading causes of death and their respective shares - female, Croatia 2001

KB-X ŠIFRA ICD 10 Code	DIJAGNOZA Diagnosis	BROJ No.	%
I60-I69	Cerebrovaskularne bolesti - Cerebrovascular diseases	4.836	19,76
I20-I25	Ishemične bolesti srca - Ischaemic heart diseases	4.484	18,32
I50	Insuficijencija srca - Heart failure	1.868	7,63
I51	Komplikacije i nedovoljno definirani opisi srčane bolesti – Complications and ill-defined descriptions of heart disease	1.341	5,48
C50	Zloćudna novotvorina dojke - Malignant neoplasm of breast	832	3,40
I70	Ateroskleroza - Atherosclerosis	755	3,09
C18-C21	Zloćudne novotvorine debelog crijeva – Malignant neoplasm of colon, rectum and anus	640	2,62
I10-I15	Hipertenzivne bolesti - Hypertensive diseases	533	2,18
E10-E14	Dijabetes melitus - Diabetes mellitus	480	1,96
C33-C34	Zloćudna novotvorina dušnika, dušnica i pluća Malignant neoplasm of trachea, bronchus and lung	455	1,86
<b>PRVIH 10</b>	<b>UZROKA SMRTI - First 10 causes</b>	<b>16.224</b>	<b>66,29</b>
<b>UKUPNO - Total</b>		<b>24.475</b>	<b>100</b>

Izvor podataka: Dokumentacija Državnog zavoda za statistiku, 2002. god. (DEM-2/01)

Source of information: Croatian Central Bureau of Statistics, 2002 (DEM-2/01)

### 12.3.b. Chronic uninfectious diseases

Disability-adjusted life years (DALYs) are indicators of early deaths. The largest number of DALYs in the Republic of Croatia in 2001 was caused by neoplasm (tumours), heart and cardio vascular diseases and injuries.

**CANCER:** According to the State Register for Cancer, in Croatia, 20, 950 new cases are diagnosed every year and 11, 700 patients die. Breast cancer is the most frequent cancer disease among women in Croatia (2, 187 new patients a year, that is 22%) according to incidence and mortality. Despite improvement of diagnostics and therapy, breast cancer is the most frequent cause of death of women between 35 and 39 years of age in the Republic of Croatia. Incidence and mortality caused by that cancer disease will continue rising, especially if harmful risks of life style, further food and environment pollution are not stopped. The only way to prevent unnecessary deaths are programmes of early detection by which small and localized tumours that still can be cured are being detected. The Ministry of Health established the Commission for breast cancer prevention the goal of which is to produce national programme for prevention of this disease. With the purpose of early detection of breast cancer ten mammograms, including one mobile mammogram, were purchased with the help from non-governmental organizations and numerous donors.

Lung cancer is on the third place according to its frequency among women (645 of lung cancer patients a year, that is 7% share). In the Republic of Croatia incidence and mortality caused by lung cancer are on the rise. The most important factor of lung cancer risk is smoking that is responsible for 87% of lung cancer cases. Lung cancer thus can be largely prevented.

**CARDIO-VASCULAR DISEASES:** With constant rise in the number of patients, they became leading health problem and the most frequent cause of death in Croatia (53.56% of total mortality), but there are no special gender factors, so data are not gender-disaggregated.

### 12.3.c. Smoking, narcotics, insufficient physical activity, nutrition habits and suicides

**SMOKING:** 32.6% adult persons from 18 to 65 years of age in the Republic of Croatia are regular smokers. There are no gender-disaggregated data. Special preventive measures are being implemented, but they are not specially targeted at women. The same situation is regarding **NARCOTICS**. During 2001 4, 862 persons undergoing treatment due to addiction to psychoactive drugs were registered in health institutions in the Republic of Croatia, and 895 of them were women. Addicts apply for treatment at more and more younger age. The biggest share among women addicts are those between 16 and 20 years of age (285).

**INSUFFICIENT PHYSICAL ACTIVITY** (in free time, physical activity important for preservation of advisable weight is practised by 7.1% of men and 4.3% of women between 18 and 65 years of age) and consumption of alcohol are significant causes of health problems in the Republic of Croatia, but they are not specific for women.

**NUTRITION HABITS** are also the cause of a number of chronic diseases, so the Ministry of Health, with the purpose of strengthening preventive health care, established the Commission for Promotion of Healthy Nutrition and Physical Activity, whose mission is to promote positive nutrition practice and physical activity. One of the most important planned activities of the Commission is sensitisation and education of entire population on importance and postulates of healthy nutrition and exercise. Regular drinking of water is also being promoted.

**SUICIDES** come at first place among deaths caused by injuries in 2001, and data on suicides are not gender-disaggregated. Car accidents come at the second place (22%). In all age groups the mortality rate of men is higher than that of women (3.8:1).

### 12.4. Health workers and associates employed in health care according to gender from 1994 to 2002

Total share of women health workers and associates has not significantly changed in this period and is around 82% (health care still remains "typical women's profession"). However, a slight, but stable, rise of women in the pyramid in positions of M.D.s can be observed (57.1% in 2002 in contracts to 53.2% in 1994). Women predominate among

pharmacists (94.1%) and nurses with two-year-non-university college degree (96.3%) and secondary school degree (93.2%).

### 12.5. Rights of women in health insurance system

Provision of Article 58 of the Constitution of the Republic of Croatia guarantees to all citizens of the Republic of Croatia right to health care in accordance with the law. The right determined by the Constitution is elaborated through two fundamental laws from the stated area and a line of regulations (regulations, instructions and decisions of the Minister of Health, and the Governing Council of the Croatian Health Insurance Institute).

The Health Care Act was adopted in 1993 and went through amendments in 1997 and 2000. Valid Health Care Act was adopted in July 2003 (published in «Official Gazette» No.121/3).

Within the reform of the health care and health insurance system started in 2000, the Act on Health Insurance was adopted at the session of the Croatian Parliament in October 2001, and was then changed during 2002.

From the aspect of health care for women new regulations in the field of health care and health insurance still pay special attention to health care for women.

The Health Care Act elaborates through several of its provisions the issue of health care for women. By Article 16 of the proposal within the health care measures “ integral (preventive, curative and rehabilitative) health care for children and youth and protection of women regarding family planning, pregnancy, delivery and maternity is guaranteed.”

Article 21 of the Act regulates equality in the entire procedure of health care realization, standardized quality of health care services and their equal content, as well as free choice of M.D. and dentist that in cases of health care for women also implicitly includes a free choice of gynaecologist.

Article 26 of the Act regulates, among other things, that “ treatment regarding health care for women in relation to pregnancy, childbirth, maternity, family planning, early detection of malignant diseases and treatment of sexually transmitted diseases and other diseases is performed by gynaecologist.”

Stated legal solutions in comparison to the previous law put more emphasis on prevention of diseases and early detection of malignant diseases and treatment of sexually transmitted diseases that in some cases may cause incidence of malignant diseases.

When discussing the Act on Health Insurance it is important to note that there is no difference in realizing the status of the insured person between men and women.

Regarding the right to health care from the compulsory health insurance on all levels of health care, that is on primary level, specialist – consultative and hospital level women are guaranteed a significant share of rights completely covered by basic health insurance. Article 17 para. 2 point 1 subpara. 5 determines right to “ preventive and curative health care for women regarding family planning, pregnancy monitoring and childbirth, as well as other women’s health care needs and early detection of cancer” that is entirely covered by the Croatian Health Insurance Institute as the holder of mandatory health care insurance.

In relation to right to financial benefits, women as insured parties realize the right on sickness allowance during sick leave under same conditions as men.

Sickness allowance is determined by basic salary calculated on average salary paid to the insured party during past six months before the month in which the case occurred due to which she/he realizes right on sickness allowance.

Apart from other reasons that make it possible to realize right to sickness allowance, the possibility to use right due to the care of the sick spouse or child in the period not longer than 6 days, and for children up to the age of 7 up to 12 days is anticipated. In exceptional cases it is possible to extend sick leave due to care of family members to up to 30 workdays for sick child up to the age of 7 and 14 workdays for child over the age of 14 and the spouse. If the physician

determines that health status of the family member – child up to the age of 18, requires longer care than above stated, doctor's commission of the Institute will determine even longer sick leave due to care for a sick child.

Stated right ensures sickness allowance that amounts to 100% of the salary during sick leave due to diseases and complications during pregnancy or delivery, during compulsory maternity leave and due to the care for a sick child younger than three. The highest amount of sickness allowance is determined by the Institute. According to general acts of the Institute the highest sickness allowance amounts to 4, 250 kunas.

Sickness allowance during maternity leave in the period from 6 months up to one year of the child, maternity leave up to two years for twins, triplets and quadruplets, that is more children of the same age, adopter's leave and short time work up to age one of the child is paid in accordance with the Law on State Budget Execution and amounts to 1, 600 kunas, for full-time workers. Stated allowance belongs to a mother or a father of the child if they decide that the father will use the stated rights.

Right to financial support amounting to 900 kunas can be realized by an unemployed parent, parent attending school, parent realizing right to disability pension due to professional working disability and parent pension beneficiary.

Insured persons have a right to assistance for the purchase of layette amounting to 1, 360 kunas.

Measures from the National Policy comprise the following: promotion and insurance of the full exercise of women's right to the highest standards of physical and mental health, promotion of knowledge on the advantages of family planning and use of contraceptives, and raising awareness on the responsibilities of men in family planning, efforts to reduce infant and toddler mortality, promotion of benefits of breast feeding in the public, enhancement of education on sexually transmitted diseases including HIV/AIDS, promotion and implementation of programmes, with media support, aimed at prevention, early detection and treatment of breast cancer, uterine cancer and other malignant diseases of female reproductive system, as well as promotion of women's involvement in sports.

### ***Article 13 — Elimination of the discrimination of women in the area of economic and social life***

Rate of economic activity of the population (from 15 to 64 years of age) in the Republic of Croatia was reduced from 56.2% to 49% in the period between 1996 and 2001. Economic activity of men thus fell from 64.9% to 57.1% and that of women from 48.6% to 41.8%.

In the total number of the employed, the share of women in previous period was constantly on the rise. In the period between 1991 and 2000 the share of women in the total number of the employed rose from 43.1% to 45.5%. It is significant that during the period of economic and social crisis in the 1990s the number of employed men fell for 16% and the number of employed women fell for 7.1%. It can be said that during the period of secession women were protected by their employment segregation, but in the period of prosperity it did not contribute to their faster employment.

In the Republic of Croatia in 2002 there were 216, 395 employees, out of which 46.27% women, employed in crafts and free lances. Only in crafts 205, 578 were employed, out of which 45.94% women. There were 78, 091 craft owners, out of which 28.87% women. In free lances there were 10, 817 employed persons, out of which 52.48% women.

Data of regional business centres are available that show that there is still considerably lower percentage of women who use enterprise loans in contrast to men (20% in average), but there are more and more women interested in enterprise because they use consultations and seminars in a far higher percentage (30% to 50%). There are nine business centres in the Republic of Croatia. In the Business centre of the County Koprivnica-Križevci 600 women were provided with informative, expert, advisory and consultant services. In the Business centre Osijek 1, 200 people attended so far organized seminars, and 31% of them were women. In Istrian Development Agency Pula 49 loans were granted in the «Snowball» credit line, 14 of which were granted to women, which makes 28.57% and 27.77% of the total amount, in credit line «Entrepreneur 2» 84 loans were granted, 19 of them to women, which makes 22.62%. At the same agency women use advisory and consultant services in about 40-50% of cases. In Technology Park Zagreb number of consultation and business plans making for women is constantly rising (in 1999 – 8 consultations; in 2000 – 14 consultations, in 2001 – 18 consultations and 2 business plans; in 2002 – 20 consultations and 1 business plan). In Business centre of the County of

Karlovac 20 loans were granted to women entrepreneurs so far, and 7 women asked for consultant services concerning starting craft business. In Business centre of the County of Krapina-Zagorje in 1999 71 people, out of which 17 women, or 24%, went through a self-employment programme, that is seminars for beginner entrepreneurs. From 1998 to 1 May 2003 business plans and investment programmes were made for 396 physical and legal entities, out of which 42 were women, which makes 11% of the total. In Business centre of the County of Vukovar-Srijem total number of the users of services was 249, out of which 48, or 19%, were women (9% of women participated in seminars, 3% in Start Your Business seminar and 7% in Enterprise Counsellors seminar). Since April 2003 consultations were provided for 309 persons out of which 44 women, that makes 14%. In Business centre Impuls-Bjelovar 64 requests for loans were submitted for credit line «Entrepreneur 2» and 2.8 or 12.5% of claims were made by women owners or majority owners, out of the total requests for the same credit line 13.28% were made by women in the Business centre Pakrac. In programme «Entrepreneur 1» women are users of 10 loans, while 5 women used a loan « Entrepreneur 2», and 26 women asked for consultant and advisory services.

Framework for encouraging small economies and enterprise is a four-year Programme of the Government of Republic of Croatia which determines main guidelines of development, incentive measures, agents of implementation of those measures, implementation activities, resources of funding, periods of implementation and methods for monitoring implementation of encouragement measures. One of the measures anticipated by the Small Businesses Encouragement Act is also promotion of women's enterprise. By special « Programme for Development of Women's Enterprise» women's enterprise development goals in the Republic of Croatia will be defined, as well as the measures for women's enterprise development in consistence with the Small Business Development Programme, proposal of the statistic model of monitoring, users and mode of realization of funding for women entrepreneurs.

The National Policy for the Promotion of Gender Equality anticipated a line of measures in this field as well, the National Family Policy also anticipates the following measures targeted at improvement of the status of women: affirmation of employment of women through measures like professional orientation, education, encouraging of women's enterprise, training for jobs in high demand, and programmes for groups of women who harder get employed.

The Ministry of Crafts and Small and Medium Enterprise is already realizing some of the set goals – organizing seminars for beginner entrepreneurs, seminars for growing and developing entrepreneurs, providing free information through info centres for enterprise, encouraging and monitoring of organizations of women entrepreneurs.

Measures planned or implemented within the framework of labour legislation and with the purpose of enabling women's greater participation in economic activities (for instance, legal regulation of work at home, making work more flexible, making institute of parental leave more flexible, affirmation of paternity leave), and which also serve to facilitate reproductive unpaid work for women, are elaborated in article dealing with employment. Enlarged care of society for women with disabilities, as well as for elderly women also influences reduction of women's reproductive work and their greater availability in terms of economy.

It is important to emphasise some of the measures successfully implemented on local level. For example, in the County of Varaždin, additional financial support was introduced for 1% interest rate for credits to women entrepreneurs, regardless business activity they are practising. In the County of Istria, the County Commission for Gender Equality is lobbying at authority institutions in order to achieve appropriate incentives for women's enterprise (credit lines, business incubators). Women members of the Commission of the County of Istria are among women establishers of Business Professional Women International – First Croatian Club Pula. It is significant that the County of Istria, on the initiative of this commission, adopted Declaration on the Promotion of Gender Equality that binds the county to ensure conditions for equal treatment of women and men in business relations with the County, and gets actively involved in stimulating measures directed at creation of legal and other prerequisites for improvement of economic, political and social status of women.

**Article 14 — Status of rural women**

Taking into account special problems that rural women face and appreciating their role in the economic survival of their families, the Ministry of Agriculture and Forestry, as an authorized body, has since 1994 been directing its activities mainly to awareness raising on the role of women in rural areas. Woman representative of the Ministry of Agriculture and Forestry is a member of the Commission of the Government of the Republic of Croatia for Gender Equality.

Due to the fact that the first National Policy for the Promotion of Gender Equality was adopted without special chapter on women in rural areas, the Ministry of Agriculture and Forestry proposed Plan of measures related to women in rural areas. These measures are now an integral part of the National Policy for the Promotion of Gender Equality (2001) and in a certain way they have directed activities of the Ministry of Agriculture and Forestry and other relevant institutions towards affirmation of rural women. That is why education of women and men experts on the role of rural women is being supported (on national and international levels), and public is being informed on rural women (for example, the World Rural Women's Day is observed every year, «The most exemplary rural woman» pageant is held every year etc.).

Apart from stated activities, it is important to stress the decision of the Croatian Agricultural Advisory Service Institute reached in December 1998 on the establishment of the Programme for rural tourism, environment decoration and improvement of life conditions of youth and women in rural area. Through this programme a network of rural counsellors who directly work with rural women was established with the purpose of their association and awareness raising on the importance of their role in development of agriculture as well as rural areas in general.

There is no discrimination in the Republic of Croatia regarding realization of rights according to the Law on State Support in Agriculture, Fishing and Forestry. Within the framework of the stated law, Model of support for rural development is being prepared through which it will be possible to gain financial support for individual projects, including projects regarding rural women.

**Article 15 — Equality before the law and equality in choosing residence**

There is no discrimination in the Republic of Croatia regarding the equality of women and men before the law.

There were no further legal changes in this area since the Initial Report. As it was elaborated in the Initial Report (para. 81 – 85) according to Croatian legislation women and men are equal before the law regarding their legal and business capacity, including possibility to conclude contracts and administer property, as well as the treatment before the court.

Women and men also have equal rights regarding choice of permanent residence; the Law on Permanent and Temporary Residence of Citizens is in no way discriminatory regarding gender. Also, the Family Law regulates that marital partners choose residence on the basis of consensus (Art. 32).

**Article 16 — Elimination of discrimination in all matters relating to marriage and family relations**

For all matters regarding implementation of Article 16 relevant are provisions of the Family Law adopted in July 2003 and published in the Official Gazette No. 116/03 from 22 July 2003. This law replaced the Family Law from 1999 with the purpose of consolidating the legislation on human rights with the provisions of the European Union, as well as improvement of some institutes comprised in the Family Law from 1999 that required amendments.

In the Law (Art. 5) marriage is defined as: «...legally regulated community of a woman and a man.»



### **16.1. and 16.2. Same right to enter a marriage and right to freely choose a spouse and enter into marriage only with free will and full consent**

According to valid legislation, persons of different gender between whom there is no close consanguinity or adoptive relationship and are of age (18 or older) can enter a marriage. In exceptional cases, the court may allow in extra judiciary procedure for persons of 16 years of age to enter a marriage, « if it is established that they are mentally and physically mature for marriage, and that there is a justified reason for entering a marriage.» (Art. 26 para. 2). Persons can enter a marriage in civil (before a registrar) and religious manner. Effects of a civil marriage have only those marriages concluded before an official of the religious congregation with which the Republic of Croatia has regulated legal relations. At the beginning this agreement was concluded only with the Catholic Church (four agreements from 1996 and 1998), so there were complaints about discrimination from other religious congregations.

During December 2002 the Government of the Republic of Croatia concluded an agreement with the Serbian Orthodox Church and Islamic congregation in Croatia, on the basis of which religious wedding since the moment of entering a marriage has effects of civil marriage according to provisions of the legislation of the Republic of Croatia.

In June 2003, the Government of the Republic of Croatia concluded an agreement with the Evangelical Church in Croatia and the Reformed Christian Church, as well as the Pentecostal Church in Croatia, the Lord's Church, Congregation of Christ's Pentecostal Churches, the Christian Adventist Church, Reformed Movement of Seventh-Day Adventists, Congregation of Baptist Churches and the Christ's Church on the basis of which marriage before an authorised official of the Church has effects of civil marriage.

Number of marriages in the Republic of Croatia is on the constant and perceptible decline. In the period from 1950 to 1954 average annual number of marriages was 38, 094, and in the period from 1995 to 1997 24, 499. Nevertheless, there were 23, 778 marriages in 1999 and 22, 017 marriages in 2000. Average age of persons entering a marriage is on the rise. In 1980 it was 22.1 years of age and in 2000 25.3 years of age.

Persons enter a marriage on the basis of declaration of mutual consent of a woman and a man and this mutual consent is a prerequisite for existence of marriage. If these prerequisites are not fulfilled, legal effects of marriage shall not enter into force.

One of the spouses can file for a divorce or both spouses can mutually agree on it. A husband cannot file for a divorce during pregnancy of his wife or until their mutual child becomes 1 year old (Art. 42 para. 2).

In the past few years the number of divorces was on decline (between 1995 and 1999 it was 16%). However, in 2000 the share of divorced persons among total number of marriages rose to 20.4%.

### **16.3. Same rights and responsibilities of spouses during marriage and at its dissolution**

The way in which personal rights and duties of spouses were regulated in the Family Law from 1999 was not changed in the new Act. In Articles 31 to 33 provisions have been kept that express values that can be legally expressed: choice of surname, relation between the spouses, decision on residence, decision on childbirth and upbringing of children, decision on performing jobs in the family and right to choice of occupation and profession.

Article 32 stipulates that spouses are equal in marriage and must be faithful to each other, mutually assist each other and have mutual respect, as well as maintain harmonious marital and family relations.

### **16.4. Same duties as parents, regardless of marital status**

Article 32 of the Family Law stipulates that spouses are equal and mutually agree on childbirth and upbringing of children and performing jobs in a family community.

« A child has a right to life with his/her parents. If a child lives separated from one or both parents, she/he has a right to meetings and contact with her/his parents.» (Art. 87) «Parents have to support their under age child.» (Art. 209)

Parents have legal duty to support children of age as well during their regular education, and one year after education, if a child of age cannot find a job (Art. 210). In practice, during mediation procedure social welfare centres and courts in divorce proceedings most often make decisions to award custody over children to mothers and bind fathers to paying alimony.

The Family Law anticipates equal responsibility of spouses regarding child support that remains even after the dissolution of marriage. Alimony debtors contribute to child support according to their possibilities, but also according to the duties of a supported person. The problem is, however, that a right to alimony in Croatia is very hard to realize. Furthermore, the Family Law determines mutual care of parents for children whenever it is possible. This is one of the ways of education of children on future family relations (children's upbringing is a mutual right and duty of both parents, and not as it was traditionally considered only the right and duty of mother).

With the purpose of efficient protection of rights and well being of a child in the new Family Law the provision was kept that stipulates that everybody is obliged to inform social welfare centre on violation of the rights of a child. Social welfare centre is obliged to question the case and undertake measures for protection of child's rights. The court before which magistrate court proceedings and criminal proceedings is being conducted regarding violation of certain right of a child is obliged to inform social welfare centre and court in charge of pronouncing measures for protection of rights and well-being of a child on opening of the proceedings (Art. 108).

The purpose of binding every person to inform on violations of the rights of a child is to raise awareness and consciousness of a social community on importance of protection of children in society.

The Family Law from July 2003 brings a novelty in the fact that it proposes different definition of a mother according to which the mother of a child is considered a woman who gave birth to a child, that makes definition of a mother a refutable prerequisite, and it becomes equal as a definition of a father from Article 54 of this Law. Amendment to Article 86 paragraph 1 gives possibility to a woman with whose egg cell a child was conceived to challenge maternity right of a woman who gave birth to a child.

#### **16.5. Right to free decision on the number and spacing of children**

The Family Law comprises an explicit provision with the purpose of realization of this right (Art. 32 para. 4): Spouses mutually decide on childbirth and spacing of children and performing jobs in family community.

#### **16.6. Same rights with regard to adoption and guardianship**

The Family Law is not discriminatory regarding gender in relation to provisions regulating adoption and guardianship.

After adoption of the Family Law in 1999 number of child adoptions increased. There are still a lot of remarks from the public that family legislation sets too many obstacles for child adoption. However, the possibility to adopt a child primarily depends on free legal status of children for adoption. Changes of the institute of adoption are directed at elimination of two forms of adoptions, adjustment of age differences regarding the age of adoptive couple, and better protection of secrecy of adoption in relation to third parties. The new Family Law introduces only one form of adoption that cannot be cancelled. Any married couple can adopt a child, and in exceptional cases, if it is a special benefit for a child, a single person can also adopt a child. Although there is just one form of adoption, adopters and adoptive children have a possibility, with the participation of social welfare centre, to choose effects in a way adequate to circumstances of individual case: possibility for adoptive child to change her/his entire personal name, to keep her/his personal name, to keep a surname or to add adoptive parents' surname to her/his surname; possibility for adoptive parents to choose nationality of an adoptive child (in order to facilitate adoptive child's integration into family and make the difference between adoptive parents and adoptive child as little as possible).

For all changes, as well as for the adoption itself, the opinion of a child must be taken into account in a way that if the adoptive child is over 12 years of age, she/he must give consent for adoption.

Another novelty encourages adoption of brothers and sisters – it is enough for adoptive parents to fulfil prerequisites for adoption of one child they want to adopt, so that her/his brothers or sisters can be adopted regardless of potential exceeding of age difference. This possibility exists no matter if all brothers and sisters are adopted together or separately, with the purpose of avoiding separation of children coming from the same family.

Regarding guardianship provisions, important contents of legal arrangement of guardianship have not been changed, nor do they have any effect regarding gender. Provisions on guardian were supplemented in order to improve the relation guardian – ward. In that sense it was proposed that before undertaking more significant measures for protection of a ward or her/his property interests, a guardian is bound to consider opinion, wishes and feelings of a ward, and only with the previous consent of the social welfare centre will he be able to undertake measures of special importance for a ward (personal states, health of a ward).

#### **16.7. Same personal rights as husband and wife, including the right to choose family name, a profession and an occupation**

When entering a marriage, a bride and a groom can agree on the following: 1. each shall keep her/his own surname, 2. one of their surnames shall be their mutual surname, 3. both their surnames shall be their mutual surname, 4. each of them shall add her/his surname to that of the other spouse and decide which of them she/he shall use on the first place, and which on the second. In case of agreement on surname bride and groom shall decide which surname they shall use on first and which on second place.

Each spouse independently decides on her/his work and profession (Art. 33 of the Family Law).

#### **16.8. Property rights of married and common-law couples**

The Family Law from 1999 introduced significant novelties in the area of regulation of property rights of spouses and these were kept in the new family legislation. The Law stipulates that: « Mutual property of the spouses is property which the spouses acquired by their work while they were married or which derives from that property (Article 248), while individual property is property that « a spouse owns at the moment of entering a marriage» (Article 253 para. 1), as well as « property that a spouse gained during marriage on the legal base different from the one stated in Article 252 of this Act (inheritance, gifts etc.)» (Art. 253 para 2). « Spouses are co- owners of equal shares of mutual property acquired in marriage, if they did not agree differently.» (Art. 249).

This means that spouses have possibility to regulate all property issues by agreement on existing, and also future property. Agreement can be concluded before entering a marriage, because the Law refers to agreement between bride and groom (art. 249 para. 2), as well as during marriage, and this agreement is concluded in written form, with obligatory certification of signatures of the spouses. Legal prerequisite that spouses are co-owners of equal shares of property acquired in marriage, unless they agreed differently, is not refutable, meaning that a suit in legal proceedings cannot arrange different ratio, as it was the case in the previous Law on Marriage and Family Relations.

This change of law facilitates solution of problems of determining and division of property acquired in marriage for many women, because they were the very ones who were so far in a very unfavourable position regarding solution of property rights after dissolution of marriage.

Property relations of common-law couples are regulated by the same provisions of the Family Law that regulate property rights of married couples. The Family Law from 1999 required that such community «lasted for a longer period of time» (Art. 258) with the Law not defining the term « for a longer period of time», but it was determined in the legal proceedings for each case individually. The Family Law from July 2003 made it precise in Article 3 that a period of three years shall be considered a common-law marriage, and even less if the child was born in this community.

### 3. MEASURES FOR IMPLEMENTATION OF THE OUTCOMES OF THE UN CONFERENCES

**World conference against racism** – In October 2002 an expert forum on women and racism was held in co-operation with the Division for Advancement of Women in the Republic of Croatia, which at the same time was preparatory meeting for the World Conference against Racism held in 2001 in Durban. Report from this meeting introduced for the first time the notion of intersectional discrimination, and parts of this document entered final documents in Durban. Delegation of the Republic of Croatia actively promoted strengthening of provisions on women and racism within preparatory committees as well as within G21 and at the very Conference, and it as well advocates their implementation within the framework of the Durban follow-up.

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