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Jasminka Dedić

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1. LEGISLATION, PLANS & INSTITUTIONAL STRUCTURES

1.1. National legislation & policies

In the socialist pre-1990 period, Yugoslavian (and Croatian) state ideology was grounded in official egalitarianism, which guaranteed social security for everyone. This state egalitarianism, although not guaranteeing a full range of civil liberties, formally fostered also equality between women and men. Thus, Croatia had legislated for gender equality¹ already under the socialist regime in the 1970s (at that time as the Socialist Republic of Croatia, which was one of the six republics of the former SFR Yugoslavia), and among the most relevant is the 1978 **Act on Medical Measures for Exercising the Right to Freely Deciding about Giving the Birth** (adopted on the basis of art. 272 of the 1974 Constitution of SR Croatia) that is still in force. On 22 December 1990, the Croatian parliament (*Sabor*) passed the **Constitution of the Republic of Croatia**, which in art. 14, para. 1 stipulates that "everyone in the Republic of Croatia shall enjoy rights and freedoms, regardless of race, colour, *gender*, language, religion, political or other belief, national or social origin, property, birth, education, social status or other characteristics" (emphasis added). The 1990 Constitution, however, did not include the right to free decision on child birth.

As the social problems mounted in the 1980s, particularly high unemployment among the younger population, the model of self-governing socialism had begun to fall apart. With the collapse of the socialist regime at the end of 1980s, Croatia entered into the period of transition towards a society of private ownership and market economy (Puljiz 2001: 160) - similar to other Central and Eastern socialist countries. However, in Croatia the fall of socialism was accompanied by the dissolution of the Yugoslav federation, the "Homeland war" (*Domovinski rat*) 1991-1995, and mass forced displacements first of Croatian refugees, but after the war in Bosnia-Herzegovina started in 1992, Croatia received hundreds of thousands of Bosnian-Herzegovinian refugees as well. All these developments aggravated the social and economic crisis of the transition period and profoundly marked the Croatian society. Gender relations within the society were regressively impacted as well; the

¹ A general note concerning the use of terminology and translation of terms from Croatian into English: I use "gender equality" for translating the Croatian notion "ravnopravnost spolova", although it, if translated verbatim, denotes "equal rights of sexes". In Croatian, the notion "ravnopravnost" is used in the legislation and policy documents instead of term "jednakost", which would be the correct translation of the notion "equality", for two main reasons: first, term "ravnopravnost" is inherited from the equality discourse used in the socialist regime, when the notion "ravnopravnost" was used as a synonym to the notion "jednakost", and second, the notion "jednakost" in Croatian, as it is the case of the most South Slavic languages, is frequently understood in terms of "istost" ("sameness"). Another problem arises with the translation of term "spol", as it is interchangeably used for both "gender" and "sex", however, "gender" is sometimes translated also as "rod", particularly when "equality" is translated from English as "jednakost". Thus, in Croatian language, the notion "ravnopravnost spolova" (for the reasons mentioned above) is usually used to denote "gender equality", however, sometimes, and particularly in academic texts, "rodna jednakost" is used as well. See also: Biljana Kašić et al (2005), *Vodič prema politici rodne jednakosti: izazovi i mogućnosti* (Zagreb: Centar za ženske studije).

immediate consequences were manifest in women's invisibility in political life and in attempts at the domestication of women embedded in the new labour legislation and family/population policies. Nevertheless, some socialist achievements in the gender equality field remained even after the regime change and the creation of new state; i.e. the right to free decision on child birth, the protection of motherhood, health and safety guarantees and equal pay for women and men in the labour legislation etc.

Since 1995 (i.e. in the QUING period), two turning points can be identified in the field of gender+ equality policies in Croatia; first, the establishment of the government Commission for Equality Issues in 1996 followed by the adoption of the National Policy for the Promotion of Equality in 1997, and the second turning point occurred at the beginning of 2000, when the coalition led by the Social Democrats won the elections after a ten-year rule of the Croatian Democratic Union (HDZ). Following the commitments of the **Beijing Declaration** and the **Platform for Action**, the Croatian government established the **Commission for Equality Issues** in 1996 and adopted the **National Policy for the Promotion of Equality** in 1997. Although the Commission's name and Policy title were formally degendered, because the commission and national policy referred to general "equality", in substance, these measures were exclusively dedicated to the promotion of gender equality. This was particularly important given the tendencies towards the re-traditionalization of Croatian society that were present at that time, strongly influenced by fundamentalist Catholic beliefs.

Following the Beijing Platform of Action guidelines, the Commission for Equality Issues worked out the **National Policy for the Promotion of Equality** in cooperation with women's NGOs and the Council of Europe experts. The National Policy was adopted by the government in December 1997 and it constituted the first Croatian comprehensive policy of acting in the gender equality field. As consultation with civil society was institutionalized by the 1997 National Policy as one of the measures for the promotion of equality and improvement of the situation of women, the women's NGOs (Centre for Education and Counselling of Women, B.a.B.e. – Group for Women's Human Rights, SOS phone, House ROSA – Centre for Women Victims of War, Women's Infoteka, Women's Group "Lošinj", Centre for Women's Studies, Autonomous Women's House "Zagreb" etc.) were invited to comment on the National Policy's draft. The Commission also called on the women's NGOs to designate the Advisory Committee that would cooperate with the Commission in the implementation of the National Policy for the Promotion of Equality up to the year 2000, and in the promotion of gender equality generally. At the Commission's meeting held on 28 April 1998, it was decided that the Advisory Committee would consist of five representatives of the non-governmental associations that would be present at the meetings of the Commission, and that the members of the Committee would change every six months.

As noted above, the second turning point occurred at the beginning of 2000, when the coalition led by the Social Democrats won the elections after a ten-year rule of the Croatian Democratic Union (HDZ). The new government undertook a radical transformation of the then existing model of a welfare state (reforms of pension and health schemes, social care reform, labour market reform towards its flexibilization etc.). The coincidence of the growing

organized pressure coming from the women's groups with the assuming of power by a government that was more favourable towards (gender) equality issues gave impetus to the adoption of gender equality legislation and to the establishment of widespread gender equality machinery in the legislative and executive field, and at all levels of power (i.e. national, regional, local). In addition, after the parliamentary elections in January 2000 the share of female deputies in Croatian parliament (*Sabor*) significantly rose (from 5.7% to 23.5%). The immediate results of these processes were the inclusion of gender equality among the highest constitutional values (art. 3 of the Constitution of the Republic of Croatia) in November 2000, the renaming of the government Commission for Equality Issues into the **Commission for Gender Equality** in 2000, and the establishment of the **parliamentary Committee for Gender Equality** in 2001 (see more under the section on gender equality machinery).

Due to the criticism from women's NGOs arising from deficiencies in the implementation of the 1997 National Policy for the Promotion of Equality and dissatisfaction with the work of the Commission for Equality Issues, the new Commission for Gender Equality initiated dialogue with civil society on future activities which should be carried out with the aim of achieving gender equality in Croatia. Therefore, the Commission organized a national symposium "Women in Croatia 2001-2005" in October 2000, at which the representatives of the parliament, government, women's NGOs, political parties, trade unions and expert institutions adopted the conclusions on the goals of future activities, and set the guidelines of the new national policy and institutional mechanisms. On the basis of the conference's conclusions, the NGOs were included in the preparation of the **National Policy for the Promotion of Gender Equality 2001-2005** through appointment of their representatives in ten working groups responsible for the following areas:

- education,
- economy,
- health,
- decision-making,
- institutional mechanisms,
- armed conflicts,
- environment,
- violence against women,
- media, and
- women's human rights.

National Policy 2001-2005 was worked out jointly by the government representatives within the Commission for Gender Equality and women's NGOs associated with the Women's Network of Croatia. They followed the guidelines of the Beijing Platform for Action and the concluding documents "Beijing+5" adopted at the General Assembly Special session "Women 2000: Gender Equality, Development and Peace". National Policy 2001-2005 was endorsed by the parliamentary Gender Equality Committee and, finally, adopted by the parliament in December 2001.

About the same time, two **drafts of the gender equality act** started to be prepared independently; one by the **NGO B.a.B.e.** and the other by the **Faculty of Law in Zagreb, Department of European Law**, which later were merged in the legislative procedure. B.a.B.e.'s draft was largely influenced by the Norwegian Gender Equality Act and the Convention on the Elimination of All Forms of Discrimination against Women, and focused on the implementation mechanisms, whereas the Faculty of Law's draft followed mainly the EU gender equality directives. These two drafts were submitted to the parliamentary **Gender Equality Committee**, which prepared the draft Bill on Gender Equality in cooperation with the representatives of **Women's Network** (round table, 7 March 2001). In June 2003, a formal draft of the **Gender Equality Act** was lodged into the legislative procedure by the **Ministry of Labour and Social Welfare** jointly with the draft of the Family Act, Act on Same-Sex Unions and amendments to the Labour Act (for more on their preparation and adoption see the respective issue timelines); primary responsibility for the Gender Equality Act, Act on Same-Sex Unions and Family Act was located within the **Department for Social Welfare**, whereas the **Department for Labour and Pension Insurance** was responsible for the preparation of the amendments to the Labour Act. At the same time, the **Ministry of Justice, Administration and Local Self-Government** lodged in the legislative procedure the Act on Protection from Domestic Violence (the **Department of Justice** held the main responsibility in its preparation). The whole package of gender equality and anti-discrimination legislation was passed by the Croatian parliament in July 2003.

The **Gender Equality Act** introduced new gender equality institutions; i.e. **Gender Equality Ombudsperson** and **Office for Gender Equality** (see more in the section on gender equality machinery), which replaced the government Commission for Gender Equality and harmonized Croatian labour legislation with the EU equal treatment and anti-discrimination directives (see more in the section on EU impact). The Gender Equality Act from 2003 provides also for a legislative framework for the cooperation of government bodies with civil society, as it stipulates that one of the responsibilities of the Office for Gender Equality is the cooperation with NGOs in the field of gender equality (art. 18, para. 2, point 8).

After the parliamentary elections in autumn 2003, a conservative government led by the Croatian Democratic Community (HDZ) assumed power again. However, this change in government has not brought major qualitative shifts in relation to gender+ equality policies; the change of the government composition in December 2003 entailed only the change in institutional responsibility for some gender+ equality policies. Thus, the previous Ministry of Labour and Social Welfare was dismantled in such a way that the Labour Department was incorporated within the new Ministry of Economy, Labour and Entrepreneurship, and the Social Welfare Department became part of the Ministry of Health and Social Welfare. Furthermore, the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity was formed, which took over the tasks previously carried by the State Institute for the Protection of Family, Motherhood and Youth concerning the issues of domestic violence, parental and child allowances, promoting equality of persons with disabilities etc. (see more in the section on gender equality machinery).

The major achievements of the present government in the field of gender+ equality policies have been the adoption of the **National Strategy for Protection from Domestic Violence 2005-2007** by the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity in 2004 (see more within gender-based violence section) and the designation of the **National Policy for the Promotion of Gender Equality 2006-2010** that was worked out by the Working Group for National Policy, in which there was also present the president of the parliamentary Committee for Gender Equality and a representative of Women's Network (more precisely: the coordinator of Women's Network). The National Policy 2006-2010 was adopted by the government in September 2006, and later endorsed by the parliamentary Committee for Gender Equality and the parliament in October 2006. The third National Policy does not enjoy widespread support from the women's NGOs, particularly in comparison to the second National Policy 2001-2005. The main reason is dissatisfaction within the Women's Network regarding the mode of cooperation of the Working Group with the Office for Gender Equality. According to the Women's Network, the Office for Gender Equality had not included any of the Women's Network's amendments and remarks in the final draft of the National Policy. And as the National Policy constitutes a strategic policy document in the field of gender equality, the Women's Network was also critical of the lack of public debate on the National Policy (Women's Network, 8 June 2006).

Croatia also adopted many strategies and action plans in other policy fields which contain gender equality policy measures, such as family/population policies, employment action plans, National Programme for the Promotion of Human Rights 2005-2008, National Programme for the Suppression in Trafficking with Human Beings 2005-2008, National Programme Combating Poverty and Social Exclusion, National Programme of Education in Human Rights, National Strategy on the Environmental Protection, Strategy on National Security of the Republic of Croatia, Strategy on Development of Official Statistics 2004-2012 etc.

1.1.1. Anti-discrimination legislation and policies

In Croatia, there is no comprehensive anti-discrimination legislation. Nevertheless, there are important anti-discrimination provisions embedded in the **Gender Equality Act, Labour Act** and **Act on Same-Sex Unions**. Thus, the Gender Equality Act prohibits discrimination on the grounds of gender, marital status and sexual orientation (art. 6), the Act on Same-Sex Unions prohibits discrimination on the grounds of same-sex union and sexual orientation in art. 21, and in the field of employment and work, the prohibition of direct and indirect discrimination was introduced into the Labour Act in 2003. Thus, the new article 2 of the Labour Act prohibits unequal treatment of job seekers and workers on the grounds of race, colour of skin, gender, sexual orientation, marital status, family responsibilities, age, language, religion, political or other affiliation, ethnic or social origin, financial status, birth, social status, membership or non-membership in a political party or trade union, and physical and mental disabilities. The 2003 Asylum Act also contains anti-discriminatory provision which stipulates that Croatia shall confer the right to asylum to a foreigner or to a stateless

person who was persecuted in his / her country of origin on the grounds of race, religion, national origin, membership of a social group or political belief (art. 4). Another important piece of equality legislation was the 2002 **Act on Professional Rehabilitation and Employment of Persons with Disabilities** which imposes on public bodies an employment quota for disabled people (art. 10); however, it does not contain any anti-discrimination provisions.

In 2003, the Croatian government also established an **Expert working group for combating all forms of discrimination**, which is operating under the auspices of the Office for Human Rights and is composed of government and NGO representatives. The Expert group began the preparation of the **National Strategy for Combating All Forms of Discrimination** in accordance with the Durban Declaration and the Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001, however, the draft of National Strategy has not yet been presented publicly.

In 2004, the Croatian government adopted the **National Programme for the Protection and Promotion of Human Rights in the period 2005-2008**, which identifies 16 priority fields of protection and promotion of human rights, including the promotion of gender equality and equal opportunities, and combating racial and other forms of discrimination.

1.1.2. Intersectionality

From the perspective of the intersectionality of gender with other equalities, particularly relevant are action plans for Roma inclusion, National Strategy of a Single Policy for Persons with Disabilities 2003-2006, National Action Programme for the Youth etc.

- *Ethnicity*

National Programme for Roma from 2003 introduces monitoring over the cases of discrimination against Roma, and obliges the competent authorities to propose legal changes with a view to combating discrimination and making the enforcement of existing anti-discrimination legislation more effective. In the field of health care, the Programme sets as one of the main goals the monitoring of the realization of the right to health care among Roma, particularly of Roma women and children. The Programme also obliges the police to collect statistical data on the nature and cases of racially motivated violence committed against Roma, and on violence within the Romani community. Following the obligations prescribed by the Programme, the Commission for Monitoring the Implementation of the National Programme for Roma was established in 2003, which operates under the auspices of the Office for National Minorities.

Following the obligations prescribed by the **Action Plan for the Decade of Roma Inclusion 2005-2015**, the Croatian government established the Working Group for the Monitoring over

the Implementation of the Action Plan in 2005, which operates under the auspices of the Office for National Minorities.

The situation of women who are members of other ethnic minorities has not been tackled yet, although the **National Policy for the Promotion of Gender Equality 2001-2005** imposed an obligation on the then Commission for Gender Equality to establish a working group which would collect data on the status of women from ethnic minorities, and (in cooperation with the parliament Committee for Human Rights and National Minorities and the government Office for National Minorities) designate a programme of action for the promotion of women belonging to ethnic minorities.

- *Disability*

In 2000, the Croatian government established the Commission for Persons with Disabilities, whose task is, amongst others, to monitor the implementation of regulations related to disable people, and to propose to the government changes to laws and other regulations in order to improve of the situation of disabled people. Furthermore, the Commission monitors the implementation of the **National Strategy of a Single Policy for Persons with Disabilities 2003-2006**, and collects data on activities aimed at disabled people and proposes measures for more effective implementation of those activities.

- *Age*

Among the goals of the **National Action Programme for the Youth from 2002** is the provision of equal opportunities in access to education irrespective of place of birth, material and social status, gender, health situation, which applies also to persons with developmental difficulties, married young people, pregnant young women and young mothers.

Pursuant with the Action Programme, the Croatian government established the Council for Youth in 2003, which is responsible for the monitoring and coordination of the ministries and other state administrative bodies related to the implementation of the Action Programme. The Parliament also passed the Youth Councils' Act in 2007, which regulates the establishment, status and composition of the youth councils on the level of municipalities, towns and counties.

- *Vulnerable groups*

As one of the long-term measures, the **National Strategy for Protection against Domestic Violence 2005-2007** prescribes in para. 21 the dissemination of information about domestic violence issues to particularly vulnerable population groups (including women and children with disabilities, female migrants, women and children members of minority groups, male and female participants and victims of the Homeland war, and persons suffering from post traumatic stress syndrome (PTSS) and members of their families).

1.2. Civil society actors

As in the case of other post-socialist countries, Croatia entered the transition period with a weak civil society. During the 1990s, the official politics dominated by conservative and nationalistic political parties had also been suspicious and distrustful towards the NGOs, particularly towards those that dealt with sensitive social and political issues, and treated them as agents of foreign political interests. Only after the change in government in 2000 did this situation change, both on the level of discourse and in terms of the attitude of official politics towards the NGOs (Domes 2007). Currently, there are approximately 27,000 associations established on the basis of the Associations Act.²

In Croatia, the development of women's civil society groups can be traced back to the end of 1980s, when the first SOS hotline and shelter for women and children victims of violence were set up, which were also the first of this kind in Eastern Europe. Since then, women's NGOs and groups have been most visible and active in the field of gender-based violence and in relation to reproductive rights, particularly concerning abortion rights. However, increasing attention has also been given to the issue of the political representation of women and to issues related to the socio-economic situation of women (i.e. unemployment, parental leave, pensions etc.).

The first alliance of women's groups emerged in the form of the **Women's Lobby Zagreb** (*Ženski lobi Zagreb*) in late 1992, which became a kind of leadership body for women's civil society groups. In 1995, it managed to organize the women's NGOs and groups around the **Women's Ad Hoc Coalition** (*Ženska ad hoc koalicija*), whose programme was based on the documents adopted at the UN World Conference on Human Rights held in Vienna in 1993. In its 1995 "Women's Election Platform", the Coalition requests included: the establishment of a Ministry for Gender Equality; introduction of a gender quota (at least 40 per cent of each gender) in the Sabor, government, government bodies; elimination of all forms of violence against women; adoption of governmental programmes for the promotion of women's economic status; and autonomous decision making on women's reproductive rights.

In 1996, the **Women's Network of Croatia** (*Ženska mreža Hrvatske*) was established, which currently includes around 50 women's NGOs and groups, among which there are also LGBTIQ (Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning) NGOs and groups. The main goals of the Women's Network's Platform are the participation of women in politics and decision-making, the realization of the right to education, work, payment and full employment, social security, accessible abortion, contraception and health care for women, the elimination of the violence against women, and the politics of equality and tolerance.³ The main activities of the Women's Network are the organizing of common actions, signing petitions, making demands, issuing reactions to legislation and measures adopted by Croatian authorities, and public campaigns.

² Official Gazette no. 88/2001.

³ See http://www.zenska-mreza.hr/vijesti/platforma_zenske_mreze/.

In the period 1995-2000, women's NGOs strengthened their cooperation with female deputies and the women's sections from the opposition parties, most notably from the Social Democratic Party (SDP) and the Croatian Social Liberal Party (HSL), particularly in relation to the issues of domestic violence and the representation of women in politics (Dubljević 2003). This cooperation has continued after these political parties came to power in January 2000, as demonstrated in the impact of women's NGOs on the preparation of gender equality legislation (Gender Equality Act, Act on Protection from Domestic Violence etc.) at the beginning of the 2000s. The **Women's Forum of SDP** has been the most visible and the most influential among the women's sections of Croatian political parties.⁴ In October 1996, the Women's Forum of SDP adopted a programme which sets among the basic goals cooperation with women and men, political parties, and non-governmental organizations aspiring to the realization of the gender equality principle (1995 Programme, p. 2). In 2006, the Forum adopted a new programme "Partnership for Gender Equality" (*Partnerstvo za rodnu ravnopravnost*), which emphasizes the EU gender equality standards.

Concerning the relation with **other inequalities**, women's NGOs cooperate most closely with **LGBTIQ NGOs and groups**, such as the Lesbian Group "Kontra" (*Lezbijska grupa "Kontra"*), Lesbian Organization LORI (*Lezbijska organizacija LORI*), and "Iskorak" Centre for Rights of Sexual and Gender Minorities (*"Iskorak" – Centar za prava seksualnih i rodnih manjina*). This cooperation between women's and LGBTIQ groups is reflected most in the Gender Equality Act, which prohibits not only gender-based discrimination and discrimination on the grounds of marital or family status, but also discrimination on the grounds of sexual orientation (art. 6, para. 2). Accordingly, the Gender Equality Ombudsperson is competent to also receive complaints concerning unequal treatment on the grounds of sexual orientation. Cooperative relations have been established with some **associations of ethnic minorities** as well, such as the Association of Romani Women "Better Future" (*Udruga Romkinja "Bolji život"*) and the Serbian Democratic Forum (*Srpski demokratski forum*). The Women's Network and women's NGOs in general also cooperate closely with NGOs concerned with general **human rights** issues, such as the Croatian Anti-War Campaign, Centre for Peace Studies, and the Croatian Helsinki Committee for Human Rights.

On the other hand, relations between women's NGOs and **religious / Catholic** civil society organizations have been rather adversarial since the beginning of the 1990s. The public debate and main controversy between these two civil society poles has concerned reproductive issues, particularly abortion rights. This fight was the most intense in the period 1995-2000 as a result of a series of legislative attempts to restrict or abolish access to abortion. The pro-choice women's groups gathered in the **Women's Ad Hoc Coalition** and later in the **Women's Network** defended free access to abortion, inherited from the socialist period. On the other side, the pro-life Catholic groups headed by the **Croatian Population Movement**, attacked the existing legislation as a remnant of "communist legacy". As the

⁴ Other women's sections include: Women's Union "Katarina Zrinski" (Croatian Democratic Union-HDZ), Women's Initiative (Croatian Social Liberal Party-HSL), Women' Organization of Croatian People's Party (HNS), and Organization (Croatian Peasant Party- HSS) "Croatian Heart".

legislation on free choice on childbirth from 1978 is still in force, it can be claimed that this competition has been resolved in favour of pro-choice women's groups (for more on this issue see the intimate citizenship timeline).

Another controversy recently arose in the public debates on sexual education in schools. In this case, the Women's Network, LGBTIQ NGOs and Gender Equality Ombudsperson objected to the selection of the association "**Grozd**" – **Parents' Voice for Children** (*Glas roditelja za djecu*) to provide health education in primary and secondary schools, which includes also sexual education. They argue that, contrary to other selected provider of health education **Forum for Freedom of Education** (*Forum za slobodu odgoja*), "Grozd" does not include the gender equality principle among the education programme's basic principles. Furthermore, the Gender Equality Ombudsperson argues that "Grozd's" programme, which heavily reflects the religious / Christian values concerning marriage, family, sexuality and reproductive issues, is discriminatory on the grounds of gender, marriage, family status and sexual orientation (Gender Equality Ombudsperson, 11 February 2007). In contrast, "Grozd" argues that its education programme is based on the latest scientific achievements and that feminist and homosexual NGOs objecting to its sexual education programme constitute a social minority and therefore should not interfere with the parents' right to educate children in accordance with their beliefs (Grozd, 29 January 2007).

1.2.1. Systematic monitoring by the civil society

One of the most systematic forms of legislative monitoring constitutes the programme "Monitorine" carried out by the women's NGO *B.a.B.e. – Group for Women's Human Rights*. It has systematically monitored legislative changes, influenced legal changes through lobbying and advocating for gender-sensitive legislative framework, and monitored the legislative practice from a gender perspective since 1995. Within the SEELINE (South-Eastern European Women's Legal Initiative) project, B.a.B.e. published a series of country reports:⁵ *Constitutional Country Reports, Criminal Code Country Reports, National Machineries Country Reports, Family Laws Country Reports, and Economic and Social Rights Country Reports*. The Women's Network of Croatia also publish annual reports on women's human rights, and the legal teams of LGBTIQ NGOs *Iskorak* and *Kontra* publish annual reports on the implementation of and changes in legislation concerning sexual minorities. In the field of employment and work, the Women's Section within the Union of Autonomous Trade Unions of Croatia monitors changes and implementation of labour legislation from a gender perspective.

Another form of monitoring carried out by civil society is the production of various reports based primarily on their practical experience when dealing with specific issues and on research carried out by the women's and LGBT NGOs. These reports are shadow reports to

⁵ The following countries were included in legal analysis: Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Hungary, Macedonia, Moldova, Romania, Turkey and Yugoslavia (Serbia and Montenegro). For more information on SEELINE see <http://www.seeline-project.net/>.

the Committee on the Elimination of Discrimination against Women (from years 1998 and 2004), and comprise regular reports on violence against women, sexual violence and reproductive rights, regular reports on gender and sexual minorities. These reports usually include data obtained from research carried out by the NGO's, mainly concerning violence against women and the socio-economic position of women.

1.3. Impact of the EU

The EU *acquis communautaire* has become an important source of legislative changes in the field of gender equality, particularly since Croatia signed a **Stabilisation and Association Agreement** with the EU in October 2001 (which entered into force on 1 February 2005). The EU awarded Croatia with candidate status in June 2004, and accession negotiations started in October 2005. Gender equality is an integral part of the provisions of art. 69 and art. 91, subpara. 3 of the Stabilisation and Association Agreement which emphasizes that the cooperation between the signatories will include the consolidation of the Croatian legislation in terms of equal opportunities between women and men. In May 2006, the representatives of the European Community and Croatian government signed a **Memorandum of Understanding** on the Participation of the Republic of Croatia in the European Community framework strategy on gender equality.⁶

In its first **National Programme for the Integration of the Republic of Croatia into the European Union for year 2003**, the Croatian government set the adoption of gender equality legislation as a priority. As a result, in 2003 a series of regulations aiming at the elimination of gender-based discrimination were adopted, of which the most important are the Gender Equality Act which introduced two gender equality bodies (i.e. the government Office for Gender Equality and the Gender Equality Ombudsperson), and changes to the Labour Act.

In chapter 2 of the **National Policy for the Promotion of Gender Equality 2006-2010** titled "equal opportunities on the labour market", one of the main goals is also to "harmonise the national legislation with the *acquis communautaire* under Chapter 19 – Social Policy and Employment, in the field of equal opportunities" by the adoption and implementation of the Harmonisation Action Plan for Chapter 19. In its **Progress Report on Croatia** from November 2006, the European Commission comments that "the enforcement of existing provisions on gender equality remains problematic and is hampered by the absence of gender-segregated statistical indicators. Overall, the work of Ombudsperson for Gender Equality lacks visibility. Further efforts are needed to tackle human trafficking" (p. 10). Concerning the anti-discrimination, the Commission notes that "a comprehensive national strategy for the elimination of discrimination still remains to be adopted. (And) serious attention should be paid to the availability of sufficiently comprehensive statistical data to allow monitoring of discrimination" (p. 45). In the field of gender equality, the Commission

⁶ See http://ec.europa.eu/enlargement/croatia/key_documents_en.htm (accessed April 15, 2007).

pointed to shortcomings with respect to parental leave, primarily due to excessive obligatory maternity leave and the difficulties faced by pregnant women and mothers of small children in the field of employment, and to the occupational pension schemes, where the Commission recommends further alignment regarding the differences in retirement age for men and women in the police, military and civil services (p. 45).

As of today, Croatia has transposed into national legislation the following equal treatment directives:

- **Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation:** In 2003, the prohibition of direct and indirect discrimination, sexual harassment and other forms of harassment was introduced into the Labour Act. The new article 2 of the Labour Act prohibits unequal treatment of job seekers and workers on the grounds of race, colour of skin, gender, sexual orientation, marital status, family responsibilities, age, language, religion, political or other affiliation, ethnic or social origin, financial status, birth, social status, membership or non-membership in a political party or trade union, and physical and mental disabilities. The Labour Act also prohibits the victimisation of workers, defines the scope of and exemptions from the prohibition of discrimination, introduces the shift of burden of proof and the compensation for the damages in the case of discrimination, guarantees judicial protection etc. In 2002, Croatia adopted the Act on the Professional Rehabilitation and Employment of Persons with Disabilities, which also provides for the accommodation of disabled persons in the work-place, and imposes employment quotas on the public bodies.
- **Directive 2002/73/EC amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions:** In accordance with the directive's requirements, the Labour Act envisages the return to the work place upon the expiration of parental leave, and provides that the provisions of contracts or collective agreements, of internal rules of undertakings etc. that are discriminatory are null and void. The Gender Equality Act explicitly prohibits discrimination on the grounds of gender, family status and sexual orientation in the field of employment and work in the public and private sphere, including public bodies (art. 13), harassment and sexual harassment, and the victimisation of victims or witnesses of discrimination due to their action concerning discrimination. The Gender Equality Act also established two equality bodies for gender equality (Ombudsperson for Gender Equality and the Office for Gender Equality), and obliges the Office for Gender Equality to cooperate with NGOs active in the field of gender equality.
- **Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services:** Although goods and services are not explicitly specified in those fields where gender-based discrimination is prohibited, this is covered by art. 5 of the Gender Equality Act, which stipulates that "gender equality shall mean that women and men are equally present in all spheres of public and private life..."

However, there has been limited progress with regard to the transposition of the **Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin** as comprehensive anti-discrimination legislation has not been adopted and the equality body under the Race Equality Directive has not yet been established.

1.4. Impact of other international factors

1.4.1. CEDAW

SFR Yugoslavia ratified the **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** in 1981,⁷ and Croatia – as one of the Yugoslav successor states – became a party to CEDAW and to other major United Nations conventions on human rights⁸ upon the notification of succession of 9 September 1992. In January 2001, the Croatian parliament ratified the Optional Protocol to the Convention on the Elimination of Discrimination against Women, and thereby recognized the competence of the Committee on the Elimination of Discrimination against Women to receive and consider communications concerning the violations of the Convention. Furthermore, Croatia adopted an amendment to art. 20, para. 1 of CEDAW.

Since the CEDAW ratification, the Croatian government has submitted three reports on the implementation of CEDAW: the initial report and a special report on women victims of war were submitted in the beginning of 1995, and the combined second and third periodic report was submitted in October 2003. Women's NGOs submitted two shadow reports in the years 1997 and 2004 respectively. CEDAW adopted three concluding observations with respect to Croatia: first, on the special report on women victims of war from May 1995; second, on the initial report from May 1998; and the final on the combined second and third report from February 2005.

The most relevant impact of CEDAW on Croatian gender equality legislation is the inclusion of its definition of discrimination into the Gender Equality Act from 2003. The Office for Gender Equality published two publications concerning CEDAW:

- "Short Guide through CEDAW – Convention on the Elimination of All Forms of Discrimination against Women" (*Kratak vodič kroz CEDAW – Konvenciju o uklanjanju svih oblika diskriminacije žena*)⁹ from year 2004, and
- "UN Convention on the Elimination of All Forms of Discrimination against Women, and the Concluding comments of the UN Committee on the Elimination of Discrimination against Women to the second and third periodic reports of the Republic of Croatia under

⁷ Official Gazette of SFRY-int'l agreements, no. 11/81.

⁸ International Covenant for Economic, Social and Cultural Rights; International Covenant on Civil and Political Rights; International Convention on the Elimination of Racial Discrimination; Convention on the Rights of the Child; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

⁹ Accessible in Croatian at <http://www.ured-ravnopravnost.hr/dokumenti/cedaw.pdf>.

art. 18 of the Convention” (*UN Konvencija o uklanjanju svih oblika diskriminacije žena i Zaključni komentari UN Odbora za uklanjanje diskriminacije žena na Drugo i treće izvješće Republike Hrvatske prema članku 18. Konvencije o uklanjanju svih oblika diskriminacije žena*)¹⁰ from year 2006.

1.4.2. Other international actors

Croatia acceded to the **Beijing Declaration** and the **Platform for Action**, adopted in 1995 in Beijing at the Fourth World Conference on Women, and its supplements, adopted in New York at the 23rd Special Session of the General Assembly of the UN in 2000, and the Final Declaration of the UN Commission on the Status of Women of 2005, which marked the tenth anniversary of its adoption. In 2000, the Croatian government submitted the Report on the Implementation of the Beijing Platform of Action and the National Policy of the Republic of Croatia for the Promotion of Equality (Beijing+5),¹¹ and in 2005, the Office for Gender Equality submitted the Report to the Questionnaire on the Implementation of the Beijing Platform of Action (Beijing+10).¹²

In 2002, Croatia ratified the UN **Convention against Transnational Organized Crimes** and the two pertaining protocols, i.e. the **Protocol to Prevent, Suppress, and Punish Trafficking in Human Beings, particularly Women and Children**, and the **Protocol against Smuggling of Migrants by Land, Sea and Air**. In May 2007, the Croatian government placed in the legislative procedure the Act on ratification of the **Convention on the Rights of Persons with Disabilities** and **Optional Protocol to the Convention on the Rights of Persons with Disabilities**.

Croatia is a state party to 58 conventions of the **International Labour Organization**, among which the most relevant are the Convention on Maternity Protection (nos. 3 and 103), Convention on Workers with Family Responsibilities (no. 156), Equal Remuneration Convention (no. 100), and Convention concerning Discrimination in Employment and Occupation (no. 111).

Croatia ratified the Council of Europe's **European Convention for the Protection of Human Rights and Fundamental Freedoms** in 1997, and the **European Social Charter** in 2002. In 2003, Croatia ratified **Protocol no. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms**, which entered into force on 1 April 2005, and provides for the general prohibition of discrimination. In May 2005, Croatia signed the Council of Europe Convention on Action against Trafficking in Human Beings, but has not

¹⁰ Accessible in Croatian at [http://www.ured-ravnopravnost.hr/slike/File/UN/Un%20kon%20%20novi%20prelom2%20\(3\).pdf](http://www.ured-ravnopravnost.hr/slike/File/UN/Un%20kon%20%20novi%20prelom2%20(3).pdf).

¹¹ Accessible at <http://www.un.org/womenwatch/daw/followup/responses/Croatia.htm>.

¹² Accessible at <http://www.un.org/womenwatch/daw/Review/responses/CROATIA-English.pdf>.

ratified it yet. In November 2006, Croatia joined the Council of Europe's Campaign to Combat Violence Against Women, including Domestic Violence.¹³

1.5. Gender equality machinery

Croatian gender equality mechanisms have gradually evolved since 1996, when the first government equality mechanism was established. Since 2000, the coincidence of the growing organized pressure coming from women's groups with the assuming of power by a government more favourable towards (gender) equality issues, gave impetus to the establishment of widespread gender equality machinery in the legislative and executive field, at all levels of power (i.e. national, regional, local). Presently, there are three central gender equality bodies: the parliamentary Gender Equality Committee, governmental Office for Gender Equality and the independent institution of the Gender Equality Ombudsperson. In October 2004, an informal coordination between the president of the parliamentary Committee for Gender Equality (Gordana Sobol), Gender Equality Ombudsperson (Gordana Lukač-Koritnik), the director of Office for Gender Equality (Helena Štimac-Radin), the coordinator of Women's Network of Croatia (Bojana Genov), and the representative of the Ministry of Foreign Affairs and CEDAW member (Dubravka Šimonović) was set up in order to ensure coordination of all of the important initiatives for the realization of gender equality.¹⁴

Before the establishment of the specialized equality bodies (i.e. Gender Equality Ombudsperson and Ombudsperson for Children), there were suggestions that these should be integrated into single equality body within the realm of the already existing Office of People's Ombudsperson. However, this could not be achieved without amending the Constitution, because the People's Ombudsperson is vested only with powers to protect the constitutional and legal rights of citizens in proceedings before the state administration and other public bodies, and not in the private sphere. Therefore, specialized equality bodies were set up in addition to the People's Ombudsperson.

1.5.1. Governmental bodies

In May 1996, the Croatian government established the first body for the promotion of gender equality following the Beijing Platform of Action guidelines. The **Commission for Equality Issues** (CEI) (*Povjerenstvo za pitanja jednakosti*) was established as an advisory board composed of representatives of all ministries and other state bodies, with the CEI's secretariat operating under the auspices of the Ministry of Labour and Social Welfare. The main achievements of the CEI were the designation of the first National Policy for the Promotion of Equality in 1997 and the formalization of consultation of the government with

¹³ The campaign was launched on 27 November 2006 in Madrid. See http://www.vlada.hr/hr/naslovnica/novosti_i_najave/2006/studenj/premijer_sanader_otvorio_nacionalnu_kampanju_vijeca_europe_za_borbu_protiv_obiteljskog_nasilja_nad_zenama.

¹⁴ Public statement, 30 October 2004. At http://www.zenska-mreza.hr/vijesti/izjave/izjava_za_javnost.html.

women's NGOs. The closest cooperation between the CEI and women's NGOs evolved around the issues of the representation of women in politics and violence against women/domestic violence, particularly in relation to changes in the Criminal Code (see more under the section gender-based violence).

After the coalition led by the Social Democrats assumed power at the beginning of 2000, the CEI was renamed the **Commission for Gender Equality (CGE)** (*Povjerenstvo za pitanja jednakosti spolova*), with which the new government reaffirmed its commitment to the promotion of gender equality. Upon the establishment of the government Office for Human Rights in 2001, the CGE's secretariat was transferred from the auspices of the Ministry of Labour and Social Welfare to the Office for Human Rights. The CGE's main achievements were the designation of National Policy for the Promotion of Gender Equality 2001-2005, initiation of the establishment of regional and local gender equality commissions, and its consultative role in the preparation of gender equality legislation in 2003.

Pursuant of art. 18 of the Gender Equality Act, the government established the **Office for Gender Equality (OGE)** (*Ured za ravnopravnost spolova*) in February 2004, replacing the Commission for Gender Equality. The OGE is an expert government office that carries out expert and administrative tasks relating to the realisation of gender equality. As of today, the Office's main achievements have been setting up of regional and local commissions for gender equality (see below) and the designation of National Policy for the Promotion of Gender Equality 2006-2010. The Office's main tasks are:

- coordination of all activities aimed at achieving gender equality;
- developing national policy for the promotion of gender equality and monitoring its implementation;
- research and analysis and reporting to the government every two years on the implementation of national policy;
- monitoring the level of harmonisation and implementation of regulations relating to gender equality in relation to international documents etc.

Following the parliamentary elections and the change of government in late 2003, the **Ministry of Family, Veterans' Affairs and Intergenerational Solidarity** (*Ministarstvo obitelji, branitelja i međugeneracijske solidarnosti*) was formed in December 2003.¹⁵ The **Department for Family** (*Uprava za obitelj*) is particularly relevant for the implementation of gender+ equality policies, as the responsibility for the implementation of the National Strategy for Protection from Domestic Violence 2005-2007 lies within this department (see the gender-based violence timeline for details). It is also responsible for systematic monitoring of the regulations concerning child and parental allowances and the implementation of family legislation and policies, and submits measures for the promotion of

¹⁵ Act on Composition and Field of Work of Ministries and State Administrative Bodies (*Zakon o ustrojstvu i djelokrugu ministarstava i državnih upravnih organizacija*), Official Gazette no. 199/2003.

equal opportunities of disabled people.¹⁶ Thus, the Department for Family took over the responsibilities that were carried out by the **State Institute for the Protection of Family, Motherhood and Youth** (*Državni zavod za zaštitu obitelji, materinstva i mladeži*) established by the previous government in 2000.¹⁷

In 2004, **Coordinators for Gender Equality** (*Koordinatori/ce za ravnopravnost spolova*) were appointed (pursuant to art. 26 of the Gender Equality Act) in all ministries and other bodies of state administration, and in all offices of state administration in the counties. In line with the scope of work of the body of state administration, these coordinators cooperate with the Office for Gender Equality and are responsible for the implementation of the Act.

The **Committee for Gender Equality** was established within the **Ministry of Defence**, pursuant to art. 19 of the Defence Act. The Committee's purpose is the realization of equal treatment and status, as well as provision of equal opportunities for both genders.

1.5.2. Parliament (Sabor)

The parliamentary **Committee for Gender Equality** (*Odbor za ravnopravnost spolova*) was established in 2001 as a result of the parliamentary elections in January 2000, when the share of female deputies in Croatian parliament (*Sabor*) significantly rose from 5.7% to 23.5%. The Committee was established as a central working body of the Parliament in the procedure of adopting the laws in terms of implementing the principle of gender equality in Croatian legislation. The Committee monitors the implementation of international treaties on gender equality and participates in the creation and realization of analysis of the National Policy for the Promotion of Gender Equality, proposes measures for the elimination of gender-based discrimination, and encourages equal representation of both genders in the working bodies and delegations of the Parliament. The Committee's main achievements are the coordination of the preparation of the Gender Equality Act and strengthening the cooperation between the civil society and the legislative power in the field of gender+ equality policies.

1.5.3. Gender Equality Ombudsperson

In October 2003, the parliament appointed Ms Gordana Lukač Koritnik as the first **Gender Equality Ombudsperson** (*Pravobraniteljica za ravnopravnost spolova*), pursuant to art. 19 of the Gender Equality Act. According to the Act, the Gender Equality Ombudsperson acts autonomously and independently, and monitors the implementation of the Gender Equality

¹⁶ Art. 54 of the Regulation on Internal Composition of the Ministry of Family, Veterans' Affairs and Inter-Generational Solidarity (*Uredba o unutarnjem ustrojstvu Ministarstva obitelji, branitelja i međugeneracijske solidarnosti*), Official Gazette no. 67/2006.

¹⁷ Regulation on Internal Composition of the State Institution for the Protection of Family, Motherhood and Youth (*Uredba o unutarnjem ustrojstvu Državnog zavoda za zaštitu obitelji, materinstva i mladeži*). Official Gazette no. 76/2000 and 70/2001.

Act and other regulations relating to gender equality. Although not envisaged in the draft of the Gender Equality Act, the Gender Equality Ombudsperson was introduced upon the amendments in the legislative procedure lodged by female deputies from the Social Democratic Party. Namely, they requested the establishment of an equality body competent for carrying out independent investigations of cases of discrimination against individuals or groups of individuals committed by public bodies, and other legal and natural persons. Thus, the Gender Equality Ombudsperson performs the functions of an equality body under the Equal Treatment Directive (2002/73/EC).

1.5.4. Regional and local gender equality mechanisms

In Croatia, there is a dispersed system of gender equality mechanisms on the regional and local levels. On a regional level there are County Commissions for Gender Equality (*Županijska povjerenstva za ravnopravnost spolova*), and on local level the Municipality/City Commissions for Gender Equality (*Općinska/gradska povjerenstva za ravnopravnost spolova*). Following the goals set in the 2001 National Policy for the Promotion of Gender Equality, the government Commission for Gender Equality initiated the establishment of regional and local gender equality commissions in 2002.

1.5.5. Judiciary

In Croatia, there are no specialized labour courts and the labour lawsuits are dealt with by regular municipality and county courts and specialized misdemeanour courts. According to the National Strategy for the Protection from Domestic Violence 2005-2007, specialized family courts should be established within regular courts; however, this has not yet been implemented.

1.5.6. Institutional mechanisms for the protection of other equalities

Bodies relevant for other equalities are the parliamentary Committee for Human Rights and National Minorities, government Office for Human Rights, and independent Offices of People's Ombudsperson (*Pučki pravobranitelj/ica*) and Ombudsperson for Children (*Pravobranitelj/ica za djecu*) who are appointed by the Parliament.

The government **Office for Human Rights** was established as an expert government body in 2001, and its responsibility is to carry out expert and administrative tasks relating to the protection, promotion and respect of human rights in the Republic of Croatia. The government Commission for Human Rights, the National Committee for Combating the Trafficking in Human Beings, the Expert working group for combating all forms of discrimination, and the Expert working group for combating the trafficking in children are operating under the auspices of the Office for Human Rights.

The institution of the **People's Ombudsperson** was introduced by the Croatian constitution in 1990, and the People's Ombudsperson Act was passed in 1992. The People's Ombudsperson is appointed by the Parliament for an 8-year-term, and his or her task is to protect the constitutional and legal rights of citizens in proceedings before the state administration and bodies vested with public authority. Within the framework of his/her competence, the People's Ombudsman also protects the constitutional principle of gender equality; however, unlike the Gender Equality Ombudsperson, the People's Ombudsperson is not competent to investigate cases of discrimination committed by private persons.

The **Ombudsperson for Children** was appointed by the Parliament in 2006. The Ombudsperson's tasks are to monitor the conformity of regulations related to the protection of rights and interests of children with the Croatian constitution and the Convention on Rights of the Child, to monitor violations of the rights of children and to examine the general manifestations of violations of children's rights, to promote the rights and interests of children with special needs etc.

In addition to the government Office for Human Rights and ombudspersons' offices, an important role in the protection of other equalities is taken by the government **Office for National Minorities** (*Ured za nacionalne manjine*), government **Commission for Persons with Disabilities** (*Povjerenstvo Vlade RH za osobe s invaliditetom*) and **Youth Council** (*Savjet za mlade*) operating under the auspices of the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity, and the parliamentary **Committee for Human Rights and National Minorities** (*Povjerenstvo za ljudska prava i nacionalne manjine*).

1.5.7. Gender impact assessment & gender mainstreaming

Although the principle of gender mainstreaming has not been entirely shaped and implemented throughout Croatian society, the political will to follow this principle is expressed in the key equality legislation and policy documents, among others in the Gender Equality Act and the National Policies for the Promotion of Gender Equality. Thus, already the 1997 National Policy for the Promotion of Equality sets as one of the main goals the promotion of a gender perspective in the entire legislation and politics. And more recently, art. 3 of the Gender Equality Act provides that all public bodies and bodies whose major shareholders are the state and local and regional self-governments are – in all phases of planning, adopting and implementing a decision or an action – obliged to estimate and evaluate the effects of that decision or action upon the position of women and men, with the aim of achieving the full equality between women and men.

The implementation of anti-discrimination legislation and assessment of its impact, quality and degree of applicability of statutory provisions and other regulations is set as one of the main goals of the National Policy for the Promotion of Gender Equality 2006-2010. For this purpose, the impact of implementation of anti-discrimination laws will be monitored to

increase the degree of their applicability by defining and proposing necessary amendments and strengthening their further implementation aimed at combating gender discrimination. The bodies responsible for the implementation of this goal are the Office for Gender Equality, competent state administration bodies, and gender equality coordinators in state administration bodies, in cooperation with NGOs.

Gender equality is included as one of fundamental issues of the **National Programme of Education in Human Rights**, which is based on the principle of cross-curricularity, and thus represents a form of gender mainstreaming in the field of education.

- *Impact assessments for ethnicity (Roma women)*

The elimination of discrimination against Roma women, and undertaking the activities and programmes aiming at raising awareness of respect of their human rights, and monitoring and analysis of the position of Roma women to assess the impact of policy and programme measures, is set as one of the main goals of the **National Policy for the Promotion of Gender Equality 2006-2010**. For this purpose, the measures of the National Programme for Roma from 2003, and the Action Plan for "Decade for Roma Inclusion 2005-2015" will be systematically monitored to improve living conditions and the social integration of Roma women (implementing bodies: the Commission for Monitoring the Implementation of the National Programme for the Roma, the Office for National Minorities).

- *Impact assessment for other issues (environment)*

The **National Strategy on the Environmental Protection** from 2002 includes a special chapter on women and the environment. According to the goals prescribed by the National Strategy, the Ministry of Environmental Protection and Physical Planning is responsible for the implementation of measures aimed at ensuring the full rights of women to a healthy environment, housing and communal infrastructure. This approach has been included in the laws within the competence of the Ministry of Environmental Protection and Physical Planning.

1.5.8. Gender budgeting

The introduction of gender-differentiated management of budgetary resources is set as one of the main goals of the **National Policy for the Promotion of Gender Equality 2006-2010**. For this purpose, financial resources will be provided from the state budget to support targeted scientific research in the field of gender equality (implementing bodies: the Office for Gender Equality and state administration bodies), a methodology manual on gender-differentiated management of budgetary resources will be developed and distributed for the purposes of reviewing public budgets in view of their impact on the implementation of the gender equality policy (implementing bodies: the Office for Gender Equality and the Ministry of Finance, in cooperation with NGOs), and the training in gender-sensitive management of

budgetary resources will be organised for county and local gender equality commissions (implementing bodies: the Ministry of Finance and the Office for Gender Equality, in cooperation with NGOs).

Also the **National Strategy of Protection from Domestic Violence 2005-2007**, in para. 17, sets as the long-term measure the production of annual reports for all competent institutions about allocation of budgetary funds for the protection against family violence (implementing bodies: Ministry of Family, Veterans' Affairs and Intergenerational Solidarity, Ministry of Finance).

In 2005, the publication of the European Women's Lobby **Gender budgeting** was published in Croatian language titled **Proračunom prema ravnopravnosti spolova** by the Office for Gender Equality. The publication was published as a result of the project **Gender monitoring of the budget** (*Rodno praćenje proračuna*) carried out by the Entrepreneurship Centre ROSA. The project itself is focused on the insufficiently researched issue of budget analysis and monitoring as one of the measures for the promotion of gender equality.

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2. NON-EMPLOYMENT

2.1. Introduction

In Croatia, the topics within non-employment most relevant for the QUING project comprise:

- **Reconciliation of work and family life:** Policies for maternity and parental leave, part-time working
- **Tax-benefit policies:** Changes in the schemes for the compensation for maternity and parental leave, introduction of child allowance, pension reform, equalization of retirement age for women and men, tax reforms
- **Care work:** Policies promoting motherhood (measures, such as status of “mother-nurturer”), childcare facilities
- **Equal pay / gender pay gap:** Disparities in wages and pensions for women and men
- **Access to the labour market:** Policies promoting the inclusion of Roma people, disabled people, older workers and youth into the labour market

In Croatia, a turning point in considering gender+ equality policies came with the change in power in 2000, when a coalition led by the Social Democrats replaced the conservative nationalist government of the Croatian Democratic Union after more than a decade in power. The period since 2000 has been marked by a significant revision of social rights undertaken by the new government, which started implementing the savings and restriction economic programme, and initiatives to achieve greater flexibility in labour relations (part-time work, fixed-term contracts etc.). These reforms were intended to reduce the role of state in the social sphere and to transfer the responsibility for social security to the individual, family, local community and civil society (Puljiz 2001: 180). On the other hand, in this period anti-discrimination guarantees were introduced in the labour legislation, which were strongly influenced by the EU equal treatment and anti-discrimination directives.

Among the three QUING issues, it has been the most difficult to trace the policy processes and identify the civil society actors in relation to the sub-issues within non-employment. Partly this can be imputed to the fact that the government authorities rarely include NGOs in the policy processes concerning non-employment issues; usually, the deliberation is limited only to social partners; however, even in relation to these only the trade unions’ voices can be identified, and employers’ organisations are virtually invisible. Plausibly, this has been a result of non-transparent negotiations between the government and global financial institutions (i.e. IMF and the World Bank) and of the (perceived) necessity to harmonize national labour and social legislation with the EU *acquis communautaire*. Nevertheless, it should also be noted that (women’s) NGOs have paid the least attention precisely to non-employment issues; thus, women’s NGOs are largely confined to a focus on the reconciliation of work and family (i.e. parental leave, parental benefits etc.), whereas other (sub)issues attract attention only if they are gendered explicitly (e.g. the issue of retirement age for women and men in relation to benefit policies or childcare facilities in relation to care

work). For these reasons, it seems that – apart from trade unions – there are no actors other than government actors within the non-employment issue.

One of the key topics within non-employment has been the issue of the **reconciliation of work and family life**, and **parental benefits**, most notably compensation for maternity/parental leave, which has been going through constant changes since 1995. The main actors involved in this issue have been the government bodies (mainly Ministry of Labour and Social Welfare under the previous government in the period 2000-2003, and Ministry of Health and Social Welfare and Ministry of Economy, Labour and Entrepreneurship under the present government since 2004) and trade unions, particularly the Union of Autonomous Trade Unions of Croatia (UATUC) and its Women's Section. As a matter of fact, the differences in the orientation of the political options are most evidently manifested in this field. Namely, the HDZ led government has fostered longer maternity/parental leave for parents of three or more children, both in case of employed parents and of unemployed and mothers in education, which has implicitly encouraged mothers not to (re)enter to the labour market for a longer period. In contrast, the SDP led government promoted earlier return to work from maternity leave (for example, through the reduction of compensation for parental leave after the compulsory six-month maternity leave expires) and the use of paternity leave by fathers. The sub-issues of the reconciliation of work and family life, and parental benefits have also been the most gendered issues within non-employment.

Another burning issue is **pension reform**, which was introduced by the 1998 Pension Insurance Act (PIA - entered into force on 1 January 1999) and is based on three pillars: 1) compulsory pension insurance on the basis of generational solidarity, 2) compulsory pension insurance for old age on the basis of individual capitalized saving, and 3) voluntary pension insurance on the basis of individual capitalized saving. The basic aim of PIA was to regulate and rationalize the existing system of inter-generational solidarity (pay-as-you-go). Although the PIA increased the retirement age by five years, it retained a five-year lower retirement age for women (60 for women; 65 for men). In April 2007, the Constitutional Court abolished the age difference, which will cease on 31 December 2018.

Under Croatian tax legislation, the individual is the unit (not the family) for the tax system. In the field of **tax policy** there have been two major reforms in the QUING period (2001 and 2004), which correspond to the government changes in 2000, when the coalition led by Social Democratic Party won the elections, and in 2003, when the conservative Croatian Democratic Union re-gained power. The greatest change was introduced with the 2001 tax reform, which replaced the previous two-rate tax (20% and 35%) with a three-rate tax on income (15%, 25% and 35%). Another important difference is that the 1994 tax system was based on the taxation of consumption rather than income (Švaljek 2005: 1218), as in the 2001 tax system.

In relation to **care**, debate in recent years has been concentrated on the provision of childcare, which has significantly decreased since the pre-transition period. Thus, Croatia is lagging behind the Barcelona targets for the increase of children included in pre-school

childcare (in 2005, only 43% of children of pre-school age were included in the kindergartens).¹⁸ Recently, the issue of care for children with severe developmental difficulties has been brought to the agenda due to lobbying by the NGO “Anđeli”, which also actively participated in the preparation of legislative changes which introduced the status of “parent-caregiver” and regulate aid and care at home.

In spite of high legislative standards guaranteeing **equal pay**, which had been inherited from the socialist regime, the gender pay gap still remains a problem in Croatia. Namely, in 2003, female net monthly wage amounted to 90% of those of men (Perica 2006: 7). However, even more worrying is a gender differential in pensions, as women’s pensions are nearly 30% lower than men’s. The Women’s Section within the UATUC, the Association of Croatian Pensioners, and the Party of Pensioners have been the most articulate in their lobbying for the elimination of gender discrimination in relation to payment and pensions.

In relation to **access to the labour market**, the most important policies concern promoting the inclusion of Roma, disabled people, older workers and the youth into the labour market. For this purpose, usually programmatic guidelines for longer periods, annual employment action plans and special programmes targeting vulnerable groups (Roma, disabled, older workers etc.) and non-employable categories are being adopted, but sometimes there is also legislation (e.g. Act on the Professional Rehabilitation and Employment of Persons with Disabilities). To a large extent, these programmes and action plans follow the guidelines prescribed by the European Employment Strategies. The most relevant policies for gender equality concerning access to employment are policies containing the measures for the promotion of female entrepreneurship and for the economic empowerment of women victims of violence.

The **intersectionality** of gender with other categories (disability, ethnicity and age) emerged mainly within the sub-issue of minoritization and access to employment, and partly also in relation to equal pay with respect to the gender gap in pensions.

2.2. Actors

The main **government departments** relevant to the issue of non-employment:

Since January 2004¹⁹

- **Ministry of Family, Veterans’ Affairs and Inter-Generational Solidarity, Department of Family** (Ministarstvo obitelji, branitelja i međugeneracijske solidarnosti, Uprava za

¹⁸ National Plan of Activities for Rights and Interests of Children 2006-2012, p. 8.

¹⁹ I divided government actors into two categories (i.e. before and after January 2004), because of the government re-structuring in December 2003. Namely, following the change of government in late 2003, some new ministries were set up (e.g. the Ministry of Family, Veterans’ Affairs and Intergenerational Solidarity) or were dismantled (e.g. the Ministry of Labour and Social Welfare: Department of Labour was merged with the Ministry of Economy and Entrepreneurship, and Department of Social Welfare with the Ministry of Health).

obitelji):²⁰ responsible for systematic monitoring of the regulations concerning child and parental allowances, and the implementation of family legislation and policies, submits the measures for the promotion of equal opportunities of disabled people etc.

- **Ministry of Economy, Labour and Entrepreneurship, Department for Labour** (Ministarstvo gospodarstva, rada i poduzetništva, Uprava za rad):²¹ lead role in the preparation of changes in labour legislation, pension and disability insurance, employment action plans etc.

Before January 2004

- **Ministry of Labour and Social Welfare** (Ministarstvo rada i socijalne skrbi):²² lead role in the preparation of changes of labour legislation, employment action plans, social protection, pension insurance,
- **State Institute for the Protection of Family, Motherhood and Youth** (Državni zavod za zaštitu obitelji, materinstva i mladeži): responsible for expert tasks concerning the well-being of family, pregnant women and mothers, implementation of population policy, lead role in relation to family policy etc.
- **Ministry of Renewal and Development, Council for Demographic Development** (Ministarstvo obnove i razvitka, Vijeće za demografski razvitak): lead role in the preparation of 1996 population policy.

Gender equality machinery

- **Government Commission for Equality Issues / Commission for Gender Equality** (Povjerenstvo Vlade RH za pitanja jednakosti / Povjerenstvo Vlade RH za ravnopravnost spolova): lead role in the preparation of 1997 National Policy for the Promotion of Equality / National Policy for the Promotion of Gender Equality 2001-2005
- **Government Office for Gender Equality** (Ured Vlade RH za ravnopravnost spolova):²³ lead role in the preparation of National Policy for the Promotion of Gender Equality 2006-2010
- **Parliamentary Committee for Gender Equality** (Saborski Odbor za ravnopravnost spolova):²⁴ Monitors the implementation of international treaties on gender equality and participates in the creation and realization of analysis of the National Policy for the Promotion of Gender Equality etc.

Other equality bodies

Parliamentary Committee for Labour, Social Policy and Health (Saborski Odbor za rad, socijalnu politiku i zdravstvo): In relation to non-employment, the Committee for Labour,

²⁰ <http://www.mobms.hr>

²¹ <http://www.mingorp.hr>

²² Uredba o unutarnjem ustrojstvu Ministarstva rada i socijalne skrbi (Regulation on Internal Composition of the Ministry of Labour and Social Welfare), Official Gazette nos. 77/1999, 31/2000, 70/2001.

²³ <http://www.ured-ravnopravnost.hr>

²⁴ <http://www.sabor.hr>

Social Policy and Health provides opinions concerning labour legislation, social benefits and care, parental leave and compensation etc.

Courts

Constitutional Court (Ustavni sud):²⁵ passes a decision on equal retirement age for women and men

Political parties & Women's sections

- **Croatian Democratic Union** (Hrvatska demokratska zajednica-HDZ):²⁶ Conservative political party and a ruling party in the period 1990 – December 2003 (under Franjo Tuđman's leadership), re-gained the power in late 2003 (under Ivo Sanader's leadership). In relation to non-employment, HDZ has been favourable towards the pro-natal family/population policy, prolonging maternal/parental leave, increase of parental compensation and child allowances etc. HDZ's vice-president of the government Ljerka Mintas-Hodak presided over the government Commission for Equality Issues in the period 1996-2000.
- **Social Democratic Party** (Socijaldemokratska partija Hrvatske-SDP):²⁷ Social-democratic party and a ruling party in the period January 2000 – December 2003 (under Ivica Račan's leadership). In relation to non-employment, the SDP-led government reduced parental compensations and shortened parental leave, introduced paternity leave, promoted women's integration into the labour market, harmonized Croatian labour legislation with the EU gender equality directives, adopted legislation for equal opportunities of the disabled in employment etc. SDP's vice-president of the government and Minister of Defence Željka Antunović presided over the government Commission for Gender Equality in the period 2000-2003.
- **Women's Forum of SDP** (Ženski forum SDP):²⁸ SDP's female deputies played a key role in the process of the adoption of Gender Equality Act. SDP's female deputy (Ms Gordana Sobol) has presided over the parliamentary Committee for Gender Equality since its establishment.

Trade Unions

Union of Autonomous Trade Unions of Croatia - Women's Section (Savez samostalnih sindikata Hrvatske – Ženska sekcija):²⁹ 211,000 members, 60,000 pensioners. The Women's Section is a member of ICFTU CEE (International Confederation of Free Trade Unions, Central and Eastern Europe) Women's Network. In relation to non-employment, UATUC has been actively involved in the bargaining of social partners, adoption and changes in labour legislation, and monitoring the situation of women in the labour market.

²⁵ <http://www.usud.hr>

²⁶ <http://www.hdz.hr>

²⁷ <http://www.sdp.hr>

²⁸ <http://www.forumzena.net/>

²⁹ <http://www.sssh.hr>

Within the ICFTU Gender Project, the Women's Section published the "Discrimination of Women in Croatia".

Employers' organizations

Croatian Employers' Association (Hrvatska udruga poslodavaca):³⁰ 5,000 employers' organizations with more than 400,000 employees. CEA has been actively involved in the bargaining of social partners, adoption and changes in labour legislation.

Civil society

- **Women's Network of Croatia** (Ženska mreža Hrvatske):³¹ In relation to non-employment, the Women's Network has participated in public campaigns for the improvement of the situation of women in the labour market, usually in cooperation with trade unions.
- **B.a.B.e. – Group for Women's Human Rights** (Grupa za ženska ljudska prava):³² Established in 1994, B.a.B.e. has monitored the labour legislation and pension insurance legislation, lodged constitutional initiatives concerning gender-based discrimination in employment, carried out surveys on the economic situation of women etc. Within the SEELINE project, B.a.B.e. published "Economic and Social Rights Country Reports".
- **Croatian Population Movement** (Hrvatski populacijski pokret): This is a fundamentalist pro-life movement established in 1993. The movement influenced the 1996 National Programme for Demographic Renewal, which introduced various pro-natal policies aiming at the exclusion of women from the labour market.
- **RODA - Parents in Action** (RODA – Roditelji u akciji):³³ NGO RODA was founded in 2001 as a reaction to a decrease of parental compensations in 2001. In relation to non-employment, RODA has monitored legislation regulating mothers'/parents' rights during the maternity/parental leave.
- **Croatian Association of Pensioners** (Matica umirovljenika Hrvatske):³⁴ Active in the issues concerning the status of pensioners, monitors the changes of pension insurance legislation etc.

International influences

UN-CEDAW

IMF

ILO

³⁰ <http://www.hup.hr>

³¹ <http://www.zensk-mreza.hr>

³² <http://www.babe.hr>

³³ <http://www.roda.hr>

³⁴ <http://www.muhr.hr>

2.3. Timeline

1995-1996

Reconciliation of work and family life

In 1995, a new Labour Act was adopted, which entered into force on 1 January 1996 and replaced the Labour Relations Act and the 1991 Labour Relations Fundamental Rights Act. The Labour Act was worked out by the then Ministry of Labour and Social Affairs, and also trade unions, most notably the Union of Autonomous Trade Unions of Croatia (*Savez Samostalnih Sindikata Hrvatske*). The Croatian Employers' Association (*Hrvatska udruga poslodavaca*) was also actively included in its preparation. The Labour Act includes a series of provisions relevant for the reconciliation of working and family life, which regulate the obligatory six-months maternity leave (*rodiljni dopust*) (art. 58), the right to part-time working time in the child's first year or up to three years of age in the case of birth of twins, the third and every following child (art. 59), the right to a breastfeeding break (art. 60), the option of unpaid parental leave up to the child reaching three years of age etc. The Labour Act's provisions regulating maternity and parental leave were strongly influenced by the National Programme for Demographic Development (NPDD), which was being worked out by the Council for Demographic Development in the same year and was adopted by the government in January 1996. NPDD contains the proposals on the obligatory six-months maternity leave, additional parental leave with a possibility of a part-time working time up to child's reaching one year of age or up to three years of age in the case of the third and every following child, the right of lone parents to paid maternity and parental leave as in case of the third child, the right of parents to a free day in a week until the youngest child reaches twelve years of age etc. (p. 46-47).

Care work

The 1995 Labour Act introduced the status of mother-nurturer for mothers of four or more children (art. 63), which provides that an employed or unemployed woman with the status of mother-nurturer is entitled to a financial allowance, pension, disability and health insurance and other rights in accordance with special regulations. However, this provision has not been implemented. Also the National Programme for Demographic Development (NPDD) proposed the introduction of the status parent-nurturer for one of the parents of four or more children (p. 47).

In 1996, women's NGOs publicly reacted to the NPDD because it pushes women into the private sphere and emphasizes only their role as mothers. In November 1996, the women's NGO B.a.B.e. lodged a constitutional complaint in order to consider whether the status of mother-nurturer introduced by the Labour Act constitutes gender-based discrimination against men. The Constitutional Court however rejected its consideration.

Tax-benefit policies

1995 Labour Act introduced the right to unpaid parental leave up to the child reaching three years of age, during which a parent enjoys the right to health insurance and protection, and the right to pension and disability insurance (art. 62). This right was proposed also by the National Programme for Demographic Development, which also proposed the beneficiary pension insurance for the period of one year to every female citizen who gives the birth (p. 47).

In 1996, the Employment Act was adopted, which was worked out by the Ministry of Labour and Social Welfare. The Employment Act contained some provisions concerning unemployment benefits that are relevant in the field of gender equality. Thus, art. 17 provides that a mother of a child younger than one year, or of twins, third and every following child younger than three years, is entitled to unemployment benefit regardless of whether she meets the general conditions for the acquisition of unemployment benefit. In such cases, art. 33 guarantees also the right to pension and disability insurance. Art. 23, para. 3 guarantees unemployed women with 25 years of working experience the right to unemployment benefit until she finds new employment, whereas the condition for unemployed men is 30 years.

In 1996, the Act on Maternity Leave of Mothers Carrying out Independent Activity and Unemployed Mothers introduced a right to paid three-year parental leave for unemployed mothers and mothers carrying out independent economic activities (i.e. independent professionals, craftswomen, farmers etc.); however, this was restricted to only Croatian citizens with a residence in Croatia who gave birth to twins, a third and every following child. The Act was worked out by the Ministry of Labour and Social Affairs.

Equal pay / Gender pay gap

The new Labour Act from 1995 inherited the obligation on employers to pay equal salaries to women and men (art. 82) from the labour legislation of the socialist period. Any provision of employment contract, collective contract, working rules etc. that are contrary to art. 82 are void.

Primary sources:

- Official Gazette, no. 38/1995. Zakon o radu (Labour Act), 86 p, E-text
- Croatian Sabor (parliament), Excerpts from parliamentary debate on the Labour Act, 11 October 1994 (7p), 11 May 1995 (5p).
- Official Gazette 24/1996. Zakon o porodnom dopustu majki koje obavljaju samostalnu djelatnost i nezaposlenih majki (Act on maternity leave of mothers carrying out independent activity and unemployed mothers), 3p, E-text.
- Official Gazette, no. 59/1996. Zakon o zapošljavanju (Employment Act), 23p, E-text.
- Government of the Republic of Croatia. 1996. Nacionalni program demografskog razvitka Hrvatske (National programme of demographic development in Croatia), 53 p.

- B.a.B.e. Statement on B.a.B.e.'s request to the Croatian Constitutional Court to examine the Croatian Labour Law for discrimination, 30 November 1996, 2p.

Secondary sources:

- Petrović, Jasna A. (ed). 2000. *Diskriminacija žena u Hrvatskoj (Discrimination of Women in Croatia)*. Zagreb: ICFTU CEE Women's Network.

1997

In 1997, the legal team of the women's NGO B.a.B.e. analyzed how the new Labour Act influences the workers' rights and economic status of women in the labour market. The analysis was sent to various women's groups, government bodies, political parties and parliamentary committees.

Reconciling work and family life

In December 1997, the National Policy for the Promotion of Equality was adopted by the Croatian government. The National Policy, which followed the guidelines of the Beijing Platform for Action, was worked out by the Commission for Equality Issues in cooperation with women's NGOs. In chapter 7, containing the measures for the promotion of the position of women in economy, there are also measures encouraging men to use parental leave, which should promote the sharing of family responsibilities between women and men (p. 40, I.7.d).

Primary sources:

- Government of the Republic Croatia. 1997. Nacionalna politika za promicanje jednakosti (National Policy for the Promotion of Equality), 43 p.

Secondary sources:

- Belić, Martina (ed.). 2004. *B.a.B.e.: deset godina 1994-2004 (B.a.B.e.: Ten Years 1994-2004)*. Zagreb: B.a.B.e.

1998

Care work

In 1998, the UN Committee for the Elimination of Discrimination against Women expressed its concern in its observations about "the consistent emphasis placed on women's roles as mothers and caregivers in Croatian legislation pertaining to a variety of areas" (para. 103). The Committee therefore recommended to the Croatian government that it is crucial to educate the Croatian public with regard to the importance of an equitable distribution between women and men of family roles and "caring responsibilities" (para. 112).

Tax-benefit policies

In 1998, a new Pension Insurance Act (PIA) was adopted, which entered into force on 1 January 1999 and replaced the 1983 Pension and Disability Insurance Act. The PIA represents the first step in the implementation of the reform of the pension system, which is based on three pillars: 1) compulsory pension insurance on the basis of generational solidarity, 2) compulsory pension insurance for old age on the basis of individual capitalized saving, and 3) voluntary pension insurance on the basis of individual capitalized saving. The PIA, although increasing the retirement age, provides less restrictive conditions for realizing pension rights for women, such as a lower retirement age. Thus, women obtained the right to an old-age pension at 60 years of age and with 15 years of employment (men at 65 years of age), and the right to early retirement at 55 years of age and 30 years of employment (men at 60 years of age and 35 years of employment) (arts. 30 and 31). This is also the case in the realization of the right to a disability pension (art. 52). Thus, a person is entitled to a disability pension if the disability had been caused by an illness or injury outside the work before the age of 60 (men) or 65 (women) and if the pension period covers at least one third of the working period. The PIA was prepared by the Ministry of Labour and Social Affairs, although the trade unions (Union of Autonomous Trade Unions of Croatia), pensioners' associations and women's NGOs (most notably B.a.B.e.) also took part in the pension reform. One public action of the women's NGOs was a petition which requested a retirement age of 60 years for women, and not at 65 years as the draft bill on pension insurance envisaged.

Primary sources:

- Government of the Republic Croatia. 1997. Nacionalna politika za promicanje jednakosti (National Policy for the Promotion of Equality), 43p.
- Official Gazette, no. 102/1998. Zakon o mirovinskom osiguranju (Retirement Insurance Act), 71p, E-text.

Secondary sources:

- Concluding observations of the Committee on the Elimination of Discrimination against Women: Croatia. 14/05/98, 6p, E-text.
- Petrović, Jasna A. (ed). 2000. *Diskriminacija žena u Hrvatskoj (Discrimination of Women in Croatia)*. Zagreb: ICFTU CEE Women's Network.
- Belić, Martina, ed. 2000. *Žene i rad: žene na tržištu rada u Hrvatskoj i utjecaj globalizacijskih procesa na žene (Women and work: women on the labour market in Croatia and impact of globalization processes on women)*. Zagreb: BaBe.
- Radovinović, Ranka, *Zašto je ženama neprihvatljiv novi mirovinski zakon (Why is the new Pension Act unacceptable to women)*, *Vjesnik*, 15 April 1998.

2000

Tax-benefit policies

In 2000, the new Income Tax Act was adopted (entered into force on 1 January 2001) which introduced a three-rate tax on income (15%, 25% and 35%). Tax reform was launched by the

coalition led by the social democrats in order to eliminate the drawbacks of the 1994 tax system (e.g. in having only two rates on income (25% and 35%), it was considered to be regressive). The basic personal allowance was raised from 1,000 to 1,250 Kunas, and the non-taxable share of pension was increased to 2,500 Kunas. This amount is progressively increased in case of persons obliged to pay taxes, who support the members of close family, according to the number of supported family members. The Tax Income Act also defines non-taxable incomes, such as income of persons with disability, child allowance, various types of financial social assistance, and stipends up to 1,250 Kunas.

Primary sources:

- Official Gazette no. 127/2000. Zakon o porezu na dohodak (Income Tax Act), 29p, E-text.

Secondary source:

- Puljiz, Vlado. 2001. Reforme sustava socijalne politike u Hrvatskoj (Reforms of social policy system in Croatia). *Revija za socijalnu politiku* 8(2): 159-179.
- Švaljek, Sandra. 2005. The 2000 Tax Reform in Croatia: Causes and Consequences. *Ekonomski pregled* 56(12): 1217-1236.

2001

Reconciliation of family and occupational life

In 2001, the parliament passed changes of several legislative regulations concerning parental leave, e.g. the Labour Act, Act on Maternity Leave of Mothers Carrying Out Independent Activity and Unemployed Mothers, Health Insurance Act. These changes were adopted by the government in September 2001 and were part of a significant revision of social rights undertaken by the new government, which started implementing the savings and restriction economic programme. Thus, the changes of the Labour Act abolished the right to part-time working time up to the child/ren reaching three years of age in the case of birth of twins, the third and every following child, and replaced it with the right to part-time working time up to the child reaching one year of age and a two-year parental leave for the care of twins, triplets, quadruplets or more children of same age. Furthermore, the highest parental compensations were reduced from 2,500 (cca. 320€) to 1,600 Kunas (cca. 200€). In parliament, the opposition parties, particularly the Croatian Democratic Union (HDZ), opposed the legislative changes of social policy proposed by the government.

Affected parents strongly protested in the public sphere against this government measure. The government therefore organized an expert discussion "Parental leaves and financial compensations in the Republic of Croatia" in February 2001. In September 2001, the NGO RODA – Parents in Action was established, which started lobbying the competent ministry in order to restore the parental compensations from the previous year.

Trade unions, and particularly the Women's Section of the Union of Autonomous Trade Unions of Croatia in relation to gender related provisions, played a significant part in the

changes to labour legislation and many trade union proposals were adopted, such as the decrease of full-time working week from 42 to 40 hours (art. 30). However, they were not successful in their requests for reducing the maximum duration of fixed-term contracts from three to one year, after which all contracts would automatically become indefinite-term contracts.

In December 2001, the National Policy for the Promotion of Gender Equality, with the Implementation Programme in the period 2001-2005, was adopted by the Croatian parliament. The National Policy was worked out by the Commission for Gender Equality in cooperation with women's NGOs. Two of the main goals in chapter 5, which contains the measures of action for the promotion of the position of women in economy, are a coherent implementation of legislation in the field of work and employment and the sharing of family responsibilities between women and men. The proposed measure is legislative changes which aim to encourage men to use the rights related to the care and upbringing of children (5.c).

Care work

In 2001, art. 63 of the Labour Act was changed in such a way that the status of mother-nurturer, previously granted only to women, was renamed the status of parent-nurturer, and thus broadened so that any parent of four or more children became eligible to financial compensation, pension and disability insurance, health insurance and other rights. This change was introduced upon the demands of the women's NGOs (most notably B.a.B.e.) and the Women's Section of UATUC.

Tax-benefit policies

In 2001, the Act on Maternity Leave of Mothers Carrying Out Independent Activity and Unemployed Mothers was changed in relation to parental leave for unemployed and mothers in education. The changes entailed the abolishment of the right to paid parental leave up to the children reaching three years of age in the case of birth of twins, the third and every following child, and replaced it with an equal maternal allowance for every child born, up to the age of six months. The changes to the Act were worked out by the Ministry of Labour and Social Welfare.

In March 2001, the International Monetary Fund approved the stand-by arrangement on the basis of the government Letter of Intention and the Memorandum on Economic Policy, which envisaged the equalization of retirement age for women and men at 65 years as one of the measures of structural reform of the pension system (p. 11, para. 26). The Croatian Association of Pensioners strongly opposed the equalization of retirement age and announced the collection of signatures for the referendum.

Gender pay gap

In chapter 7 of the National Policy for the Promotion of Equality 2001-2005 containing the measures for the promotion of the position of women in economy, there are also measures aimed at systematic implementation of the legislation that guarantees to women and men equal pay for the work of equal value, which should be achieved mainly through collective bargaining by taking into account the representation of women in bargaining teams, and strict inspection monitoring (1.7.a).

Access to the labour market

In 2001, the provision was inserted into art. 3 of the Labour Act which imposed an obligation on employers to employ the underrepresented gender in those cases where job seekers of different genders are equally qualified for the job.

In December 2001, the National Policy for the Promotion of Gender Equality with the Implementation Programme in the period 2001-2005 was adopted by the Croatian parliament. The National Policy followed the guidelines of the Beijing Platform for Action and the concluding documents "Beijing+5" adopted at the General Assembly Special session "Women 2000: Gender Equality, Development and Peace". The National Policy was worked out by the Commission for Gender Equality in cooperation with women's NGOs. One of the main goals in chapter 5, which contains measures of action for the promotion of the position of women in economy, is the accommodation of special needs of women by active policies of employment. The special measures for the employment of younger women looking for their first employment and of women older than 40 years should be proposed by the Ministry of Labour and Social Welfare.

In the first half 2001, a group of experts worked out the Programme of Combating Poverty and Exclusion under the coordination of the Ministry of Labour and Social Welfare. The programme was publicly presented at the conference "Croatia: from passive to active social policy" (Hrvatska: od pasivne prema aktivnoj socijalnoj politici) in June 2001. The Programme's central part is employment, where special measures for the inclusion of vulnerable groups (e.g. long-term unemployed, older workers, younger people without education or working experience, women) are presented. The main goal is to replace *welfare* with *workfare*.

Primary sources:

- Official Gazette, no. 82/2001. Zakon o izmjenama i dopunama Zakona o radu (Act on changes and amendments of the Labour Act), 2 p, E-text
- Official Gazette 82/2001. Zakon o izmjenama i dopunama Zakona o porodnom dopustu majki koje obavljaju samostalnu djelatnost i nezaposlenih majki (Act on changes and amendments on the Act on maternity leave of mothers carrying out independent activity and unemployed mothers), 4 p, E-text.

- Official Gazette, no. 112/2001. Nacionalna politika za promicanje ravnopravnosti spolova, s programom provedbe Nacionalne politike za promicanje ravnopravnosti spolova u Republici Hrvatskoj od 2001. do 2005. godine (National Policy for the Promotion of Gender Equality, with the Programme for the Implementation of the National Policy for the Promotion of Gender Equality from 2001 to 2005), 33p, E-text.
- Government of the Republic of Croatia. 2001. Program borbe protiv siromaštva i isključenosti u Hrvatskoj (Programme of Combating Poverty and Exclusion in Croatia).
- Government of the Republic of Croatia, Pismo namjere i Memorandum o ekonomskoj i financijskoj politici (Letter of intention, Memorandum on Economic and Financial Policy), 35p, E-text.
- Croatian Sabor (parliament), Excerpts from a parliamentary debate on legislative changes of labour and social care legislation, 19 September 2001, 42p.

Secondary sources:

- Barilar, S. 2001. Umirovljenici protiv toga da se žene umirovljuju sa 65 godina (Pensioners against the retirement of women at 65 years), *Jutarnji list*, 27 March 2001.
- Petrović, Jasna A., ed. 2000. *Diskriminacija žena u Hrvatskoj (Discrimination against women in Croatia)*. Zagreb: ICFTU CEE Women's Network: Ženska sekcija SSSH.

2002

Reconciliation of work and family life

In 2002, the National Family Policy (NFP) was worked out by the State Institution for the Protection of Family, Motherhood and Youth. The Policy was endorsed by the Parliament in October 2002, and adopted by the government in January 2003. The Policy was created on the basis of the government working programme in the period 2000 – 2004, and lists the reconciliation between family and occupational life and the development of equal opportunities between women and men among its main goals. For this purpose, the NFP proposes the prolongation and flexibilization of parental leave, particularly through the affirmation of paternity leave.

Care work

The National Family Policy introduces measures for securing care services for families, such as expansion of the network of pre-school institutions and programmes, family centres, deinstitutionalized care of pre-school children, particularly those younger than three years, programmes for children with special needs, infirm and older people.

Tax-benefit policies

The National Family Policy proposes measures for more balanced tax benefits in such a way that different categories of families are equalized, unlike the existing tax policy which favours families with higher income.

In 2002, the Act on Mediation in Employment and Rights during Unemployment (AMERU) was adopted, which replaced the 1996 Employment Act. AMERU was worked out by the Ministry of Labour and Social Welfare, and it introduced some changes in relation to the 1996 Employment Act. According to art. 30, para. 3 of AMERU, a mother of a child younger than one year is entitled to unemployment benefit regardless of whether she meets the general conditions for the acquisition of unemployment benefit. Art. 36, para. 3 guarantees unemployed women with 30 years of work history the right to unemployment benefit until she finds new employment, whereas the condition for unemployed men is 35 years (under the 1996 Employment Act the condition was 25 for women and 30 years for men).

In May 2002, the Croatian government adopted the “Strategy of Development of the Pension System and of Social Welfare”, which was worked out by an expert working group and constitutes part of the development strategy “Croatia in 21st Century”. The strategy envisages the establishment of a basic national pension (zero pillar) and the equalization of the retirement age of women and men by 2018. The strategy was endorsed by the parliamentary Committee for Labour, Social Policy and Health, and the majority of deputies, although some deputies had reservations towards the equalization of the retirement age.

Access to the labour market

In 2002, the Act on Professional Rehabilitation and Employment of Persons with Disabilities was adopted (modified in 2005). It was worked out by the Ministry of Labour and Social Welfare, and it provides for the accommodation for disabled persons in the work-place and imposes the employment quota for disabled people on the public bodies (art. 10).

Primary sources

- Official Gazette, no. 32/2002. Zakon o posredovanju pri zapošljavanju i pravima za vrijeme nezaposlenosti (Act on Mediation in Employment and the Rights during Unemployment), 22p, E-text.
- Official Gazette, no. 143/2002. Zakon o profesionalnoj rehabilitaciji i zapošljavanju osoba s invaliditetom (Act on Professional Rehabilitation and Employment of Persons with Disabilities), 16p, E-text.
- State Institution for Protection of Family, Motherhood and Youth, 2003. Nacionalna obiteljska politika Republike Hrvatske (sažeta verzija) (National family policy of the Republic of Croatia – summarized version), 14 p, E-text.
- Official Gazette, no. 97/2003. Strategija razvitka Republike Hrvatske “Hrvatska u 21. stoljeću” – Strategija razvitka mirovinskog sustava i sustava socijalne skrbi (Development Strategy of the Republic of Croatia “Croatia in 21st Century” – Strategy of Development of Pension System and of Social Welfare System), 145p, E-text.

Secondary sources

- Perica, Silvana. 2002. Vlada prihvatila Strategiju razvitka mirovinskog i sustava socijalne skrbi: I žene će raditi do 65. godine (Government adopted the Strategy of Development of

Pension and Social Welfare System: Women will work until 65 years, too), *Večernji list*, 17 May 2002.

2003

Reconciliation of family and occupational life

In the years 2003 and 2004, legislative provisions regulating parental leave again went through substantive changes. The first changes were introduced into the Labour Act in 2003 by the then Ministry of Labour and Social Welfare, when the right to part-time working time was expanded to parents of twins, triplets, quadruplets or more children of the same age up to the children reaching the age of two years. For the first time, though limited in scope, non-transferable paternity leave was also introduced. Art. 58, para. 9 (after re-numeration art. 66) of the Labour Act provides that "in case that the father uses at least three months of non-compulsory parental leave, it shall be prolonged for two months". A significant change is also abolishment of the status of "parent-nurturer", and a reduction of the right to unpaid parental leave from when the child reaches three down to two years.

Equal pay / gender pay gap

Art. 82 of the Labour Act, regulating equal pay for women and men, was amended so that it introduced the definition of equal work and work of equal value, and the definition of pay. The amendment was prepared by the Ministry of Labour and Social Welfare in the process of the harmonisation of Croatian labour legislation with the EU *acquis communautaire*. Art. 13 of the Gender Equality Act from 2003 also prohibits discrimination in the field of employment and labour both in the public and private sector in relation to all rights that arise from work and are based on work, including equal pay.

Access to the labour market

In 2003, the Labour Act's provisions concerning equal treatment guarantees were profoundly amended. The changes were worked out by the Ministry of Labour and Social Welfare mainly by following the EU directives in this field. Thus, in the inserted arts. 2.a, 2.b, 2.c and 2.d, the prohibition of direct and indirect discrimination, sexual harassment and other forms of harassment was introduced into the Labour Act. The amendments to the Labour Act also prohibit the victimisation of workers, define the scope of and exemptions from the prohibition of discrimination, introduce the shift of burden of proof and the compensation for damages in the case of discrimination, and guarantee judicial protection. Due to many obstacles related to the implementation of the obligation of compulsory employment of the under-represented gender (prescribed in art. 3, para. 2 of the Labour Act) which in many cases actually put women at a disadvantage, this obligation was abolished.

In July 2003, the Gender Equality Act (GEA) was adopted, which was worked out jointly by

the Ministry of Labour and Social Welfare, Commission for Gender Equality, women's NGO B.a.B.e. and Faculty of Law in Zagreb. The GEA explicitly prohibits discrimination on the grounds of gender, family status and sexual orientation in the field of employment and work in the public and private sphere, including public bodies (art. 13). Art. 13, para. 2 of the Gender Equality Act also stipulates that "job vacancies must be advertised in such a way that the advertisement clearly states that persons of both genders may apply for the job". However, no sanctions are prescribed in case of non-compliance with this provision.

CEDAW

In 2003, the Croatian government submitted the combined second and third periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. In 2004, NGOs (Centre for Women's studies, B.a.B.e., Centre for Women Victims of War ROSA, Autonomous Women's House, Serbian Democratic Forum, Centre for Counseling and Education of Women – CESI, Centre for Civil Initiatives, Association of People with Physical Disability-HSUTI, Women's Section within the Union of Autonomous Trade Unions of Croatia, Retirement Home for Jewish People etc.) also prepared a shadow report and submitted it to CEDAW.

Primary sources

- Official Gazette, no. 114/2003. Zakon o izmjenama i dopunama Zakona o radu (Act on changes and amendments of the Labour Act), 34 p, E-text.
- Official Gazette, no. 116/2003. Zakon o ravnopravnosti spolova (Gender Equality Act), 7p, E-text.
- Croatian Sabor (parliament), Excerpts from a parliamentary debate on Labour Act (amendments), 1 July 2003, 16p.
- Ministry of Labour and Social Welfare, Konačni prijedlog zakona o izmjenama i dopunama Zakona o radu sa obrazloženjem (Draft Act on the amendments and changes of the Labour Act with an explanation), 13 June 2003, 9p.
- Government of the Republic of Croatia, 2003. Combined second and third periodic reports of States Parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Croatia. CEDAW/C/CRO/2-3, 27 October 2003, 60 p, E-text.

Secondary sources

- BaBe, ed. 2004. *NGO report to the Committee on elimination of discrimination against women on the occasion of second and third report of the Republic of Croatia.* [http://www.iwraw-ap.org/resources/croatia_Babe\(English\).pdf](http://www.iwraw-ap.org/resources/croatia_Babe(English).pdf) (accessed March 16, 2007).

2004

Reconciliation of work and family life

After the conservative government seized power at the end of 2003, the Ministry of Economy, Labour and Entrepreneurship soon re-installed the parental right to part-time working time up to children reaching three years of age in the case of birth of twins, the third and every following child, and to unpaid parental leave until the child reaches three years of age. Similarly, the right to one-year maternity leave to unemployed and mothers in education, and the right to a three-year maternity leave for mothers carrying out independent activity, and unemployed and mothers in education were recognized again.

In 2004, the Ministry of Economy, Labour and Entrepreneurship worked out the National Action Plan for Employment 2005 – 2008 which, under European Employment Strategy guideline 6 (gender equality), sets out some important measures concerning the reconciliation of work and family life, such as:

- return to the labour market and improvement of the situation of workers with family responsibilities;
- consideration of costs and variety of institutionalized child care.

In May 2004, representatives of the Croatian government, the parliament, NGOs and experts led a debate about the implementation of the UN Millennium Development Goal 3 “Promotion of Gender Equality and Empowerment of Women”, in which they defined and identified the most important sub-goals by the year 2015, among them “the harmonization of private and professional life”.

Access to employment

In 2004, the Ministry of Economy, Labour and Entrepreneurship worked out the National Action Plan for Employment 2005 – 2008 which, under European Employment Strategy guideline 6 (gender equality), sets out some important measures concerning gender equality in the labour market and access to employment:

- measures for encouraging female entrepreneurship;
- measures for the inclusion of women in non-traditional jobs;
- targeted programmes for lone mothers;
- training and education for workers on parental leave etc.

Primary sources

- Official Gazette, no. 30/2004. Zakon o izmjenama i dopunama Zakona o radu (Act on changes and amendments of the Labour Act), 2 p, E-text
- Official Gazette 30/2004. Zakon o izmjenama i dopunama Zakona o porodnom dopustu majki koje obavljaju samostalnu djelatnost i nezaposlenih majki (Act on changes and

amendments on the Act on maternity leave of mothers carrying out independent activity and unemployed mothers), 3 p, E-text.

- Ministry of Economy, Labour and Entrepreneurship. 2004. Nacionalni akcijski plan zapošljavanja 2005 – 2008 (National Action Plan for Employment 2005-2008, 34p, E-text.

Secondary sources

- UNDP. 2006. Progress towards the Achievement of the Millennium Development Goals in the Republic of Croatia in the Period from August 2004 to December 2006, p 31-42.
<http://www.undp.hr/upload/file/124/62105/FILENAME/MDG%20engleska%20za%20web.pdf>

2005 – 2006

Reconciliation of work and family life

In October 2006, the parliament passed the National Policy for the Promotion of Gender Equality 2006-2010, which was previously approved by the parliamentary Committee on Gender Equality. The National Policy was worked out by the Working Group for the national policy, whose members included the representative of the Women's Network. Included in chapter 2 of the National Policy titled "the creation of equal opportunities on the labour market", is the goal to "strengthen and promote measures enabling harmonisation of family and professional responsibilities, including those of raising awareness of equal sharing of household work and family responsibilities between men and women" (2.5.).

Tax-benefit policies

In chapter 2 of the National Policy for the Promotion of Gender Equality 2006-2010 (see above), titled "the creation of equal opportunities on the labour market", there is also a goal to "empower women's entrepreneurship" (2.3.) which should be implemented through various measures, such as:

- women will be singled out as a separate target group in the Operational Plan for the Promotion of Small and Medium-Sized Enterprises for the current year, and funds will be provided and increased specifically for financing women's entrepreneurial activities;
- consideration will be given to introducing tax exemptions for self-employed women and women entrepreneurs, women employed in agricultural activities and trades and crafts;
- consideration will be given to introducing tax exemptions by amendments to the Profit Tax Act for organisation of child care and education services in companies and business organisations for pre-school children of their employees, depending on the investments made and organisational costs incurred by companies etc.

Access to the labour market

In its 2005 Concluding comments on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW expressed its concern

that Roma women remain in a vulnerable and marginalized situation, especially in regard to education, employment, health and participation in public life and decision-making. Therefore, CEDAW requests the Croatian government to take effective measures to eliminate discrimination against Roma women, both in society at large and within their communities (paras. 29 and 30).

In chapter 2 of the National Policy for the Promotion of Gender Equality 2006-2010, titled “the creation of equal opportunities on the labour market”, there is also a goal to “**reduce unemployment and eliminate all forms of discrimination against women in the labour market**“, which should be achieved through the following measures:

- subsidies will be provided for employment of target groups of unemployed women according to the National Employment Action Plan for the period from 2005 to 2008 and annual employment promotion plans for the years 2006, 2007 and 2008;
- a programme for the economic empowerment of single parents will be developed, and courses, seminars and education programmes will be organised for young women and women, especially those who have been unemployed for more than 3 years, which will train them in finding, selecting and obtaining appropriate employment and will include re-training and self-employment. Participation in these education programmes will be mandatory.

Primary sources:

- Concluding comments of the Committee - CEDAW: Croatia. 28/01/2005, 8p, E-text.
- Official Gazette, no. 114/2006. Nacionalna politika za promociju ravnopravnosti spolova od 2006. do 2010. godine (National Policy for the Promotion of Gender Equality 2006-2010), 46p, E-text.
- Ministry of Foreign Affairs and European Integration. 2006. First Report on the Progress towards Achievement of the Millennium Development Goals in the Republic of Croatia, 101p, E-text.
- Ministry of Family, Veterans' Affairs and Intergenerational Solidarity. 2006. Nacionalna populacijska politika (National Population Policy), 60p, E-text.

Secondary sources:

- Ženska infoteka, ed. 2005. Žene na tržištu rada (Women in the Labour Market). *Kruh & ruže* no. 26, spring 2005.

2007

Reconciliation of work and family life

On International Women’s Day, the Women’s Section within UATUC joined the International Trade Unions’ Confederation campaign for the ratification of the ILO Maternity Protection Convention no. 183, and addressed a public letter to the minister of economy, labour and entrepreneurship, and minister of family, veterans’ affairs and inter-generational solidarity.

Care work

In 2007, the Ministry of Health and Social Welfare prepared a draft bill on the changes of the Social Welfare Act, and in May 2007 the government sent it in the legislative procedure. The draft bill introduces the status of “parent-caregiver” (*roditelj negovatelj*), which could be realized by one of the parents of a child with severe developmental difficulties. In such cases, parents would be entitled to financial compensation of 2.000 Kunas (approx. 275€) per month, and to health and pension insurance. These changes widen the rights of parents with children with developmental difficulties who, according to the Labour Act, already enjoy the right to parental leave up to the child reaching seven years old or the right to part-time working time. The draft bill introduces the additional content of the right to aid and care at home as one of the forms of care, provided by the expert staff of the homes for social care.

Tax-benefit policy

In February 2007, the Strategy on the Reform of Social Benefits was adopted, which was prepared by the Ministry of Health and Social Welfare. The strategy’s main goals are:

- Reduction in the overall number of social benefits;
- Better targeting of social benefits;
- Faster, improved access to social benefits;
- Balancing of social benefits.

The Strategy is one of the measures required by the Programmatic Adjustment Loan (PAL) Agreement between the Croatian government and the World Bank from 2005 (measures to enhance the fiscal sustainability of sector programs by addressing health financing, rationalizing social benefits, and improving fiscal and social sustainability of the pension system).

In April 2007, the Croatian Constitutional Court adopted its landmark decision to abolish the different retirement age for women and men. The Court ruled that the pension scheme, according to which women obtained the right to an old-age pension at 60 years of age with 15 years of employment (men at 65 years of age), and the right to early retirement at 55 years of age and 30 years of employment (men at 60 years of age and 35 years of employment) (arts. 30 and 31), will cease on 31 December 2018.

Primary sources:

- Official Gazette, no. 43/2007. Decision no. U-I-1152/2000, 18 April 2007, 27p, E-text.
- Official Gazette, no. 102/1998, 127/2000, 59/2001, 109/2001, 147/2002, 117/2003, 30/2004, 92/2005. Zakon o mirovinskom osiguranju (Retirement Insurance Act), 28p, E-text.
UATUC, “Inicijativa SSSH za ratifikacijom 183. Konvencije o zaštiti majčinstva na radnom mjestu” (UATUC initiative for the ratification of Convention no. 183 on the protection of motherhood in the workplace), 7 March 2007.

<http://www.zenska-mreza.hr/depo/inicijativasssh.htm>.

- Government of the Republic of Croatia. 2007. Draft bill on changes and amendments of the Social Welfare Act (Prijedlog zakona o izmjenama i dopunama Zakona o socijalnoj skrbi), P.Z. 686, 9 May 2007, E-text.
- Government of the Republic of Croatia. 2007. Strategija reforme socijalnih naknada 2007-2008 (Strategy of Reform of Social Benefits 2007-2008), 23p, E-text.

Secondary sources:

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3. INTIMATE CITIZENSHIP

3.1. Introduction

In Croatia, the sub issues within intimate citizenship that that are most relevant for the QUING project comprise:

- Reproductive rights / abortion, reproductive assistance
- Civil partnership & homosexual marriage
- Parenthood
- Other (sexual education)

In Croatia, turning points in considering gender+ equality policies concerning the issue of intimate citizenship came first in the mid-1990s after the proclamation of Croatian independence, and then after 2000 when the coalition led by the leftist Social Democrats replaced the conservative nationalist government of the Croatian Democratic. The first period had been marked by extreme nationalist/religious discourse that reopened the issue of abortion and questioned women's right to choose. Since 2000, the debate on same-sex partnership came to the fore resulting in the adoption of the legislative framework regulating the rights arising from same-sex unions in 2003.

Reproductive rights / abortion

The sub-issue of reproductive rights, and particularly the issue of abortion, has been stirring the Croatian public since the beginning of the 1990s. In this period, there were several attempts in various forms (constitutional and legislative initiatives, petitions, public statements and letters etc.) of the "pro-life" groups and conservative nationalist political parties to criminalize or restrict abortion. However, there has also been strong resistance, mainly from the coalition of women's NGOs, which has successfully defended the existing legislative framework and the women's right to choose. The conservative nationalist government had worked out a package of legislative proposals aiming at the restriction of the quite liberal legislation regulating abortion rights from the socialist period, but the drafts were not sent in the legislative procedure. However, on a practical level the right to access abortion was encroached upon since some doctors refused to provide abortions on the basis of conscientious objection. Since 2004, with the conservative government re-gaining power, reproductive issues were again brought to the fore.

Civil partnership, homosexual marriage & parenthood

The sub-issue concerning (ex)partnership in Croatia was dominated by the adoption of two family acts (in 1998 and 2003) regulating the institution of civil partnership and marriage (conditions for entering into marriage, rights and obligations of partners, termination of marriage, definition of unregistered co-habitation (civil or non-marital unions), relations

between parents and children (maternity and paternity, rights and obligations in parents-children relations), adoption, custody and support etc. The 2003 Family Act includes gender equality between spouses among the basic principles of the family relations. The adoption of the Act on Same-Sex Civil Unions in 2003, although being more a declaratory document, constitutes an important shift in the field of intimate citizenship because the issue of discrimination against sexual minorities has become a part of public debate.

Intersectionality of gender and ethnicity emerges across all sub-issues within the intimate citizenship in relation to Roma, particularly Roma women and children. In the debate on medically assisted insemination, intersectionality of gender and sexual orientation emerges concerning the issue of artificial insemination of single women and lesbians, and the adoption issue has dominated the debate concerning the homosexual marriages.

3.2. Actors

The main **government departments** relevant to the issue of intimate citizenship:

Since January 2004³⁵

- **Ministry of Family, Veterans' Affairs and Inter-Generational Solidarity, Department for Family** (Ministarstvo obitelji, branitelja i međugeneracijske solidarnosti, Uprava za obitelj):³⁶ The Ministry was set up in January 2004. It has a lead role in the preparation and implementation of family/population policy, establishes family centres, and carries out preventive activities for decreasing the rate of divorces and abortions.
- **Ministry of Health and Social Welfare, Department of Health** (Ministarstvo zdravstva i socijalne skrbi, Uprava za medicinske poslove):³⁷ Lead role in the preparation of legislative changes in relation to health insurance and health care, and reproductive rights (reproductive assistance).
- **Ministry of Health and Social Welfare, Department of Social Welfare** (Ministarstvo zdravstva i socijalne skrbi, Uprava za socijalnu skrb):³⁸ Lead role in relation to social benefits and care, adoptions, and the protection of children of divorced/separated parents.
- **Ministry of Science, Education and Sport, Commission for Health Education** (Ministarstvo znanosti, obrazovanja i športa, Povjerenstvo za zdravstveni odgoj i obrazovanje): Decides on the choice of experimental programmes of health education in

³⁵ I divided government actors into two categories (i.e. before and after January 2004), because of the government re-structuring in December 2003. Namely, following the change of government in late 2003, some new ministries were set up (e.g. the Ministry of Family, Veterans' Affairs and Inter-generational Solidarity) or were dismantled (e.g. the Ministry of Labour and Social Welfare: Department of Labour was merged with the Ministry of Economy and Entrepreneurship, and Department of Social Welfare with the Ministry of Health).

³⁶ <http://www.mobms.hr/page.aspx?PageID=15>.

³⁷ http://www.mzss.hr/hr/ministarstvo/ustroj_ministarstva/uprava_za_medicinske_poslove

³⁸ http://www.mzss.hr/hr/ministarstvo/ustroj_ministarstva/uprava_za_socijalnu_skrb

primary and secondary schools.

Before January 2004

- **Ministry of Labour and Social Welfare, Department of Social Welfare** (Ministarstvo rada i socijalne skrbi, Uprava za socijalnu skrb): Lead role in the preparation of family legislation, legislation on same-sex unions, monitoring the regulations concerning social benefits and care, adoptions, and the protection of children of divorced/separated parents.
- **Ministry of Health**: lead role in the preparation of legislative changes concerning reproduction issues (abortion, assisted reproduction), health insurance and health care.
- **Institution for Protection of Family, Motherhood and Youth** (Državni zavod za zaštitu obitelji, materinstva i mladeži): Lead role in the preparation of 2002 family policy.
- **Office for National Minorities, Commission for Monitoring the Implementation of the National Programme for Roma**
- **Ministry of Renewal and Development, Council for Demographic Development** (Ministarstvo obnove i razvitka, Vijeće za demografski razvitak): Lead role in the preparation of the 1996 demographic programme.

Courts

- **Constitutional Court** (Ustavni sud):³⁹ adopts a decision on abortion
- **European Court of Human Rights**:⁴⁰ finds a violation of art. 8 of ECHR (right to family and private life)

Gender equality machinery

- **Government Commission for Equality Issues / Commission for Gender Equality** (Povjerenstvo Vlade RH za pitanja jednakosti / Povjerenstvo Vlade RH za ravnopravnost spolova): lead role in the preparation of 1997 National Policy for the Promotion of Equality / National Policy for the Promotion of Gender Equality 2001-2005
- **Government Office for Gender Equality** (Ured Vlade RH za ravnopravnost spolova):⁴¹ lead role in the preparation of National Policy for the Promotion of Gender Equality 2006-2010
- **Gender Equality Ombudsperson** (Pravobranitelj/ica za ravnopravnost spolova):⁴² Acts autonomously and independently, monitors the implementation of the Gender Equality Act and other regulations relating to gender equality
- **Parliamentary Committee for Gender Equality** (Saborski Odbor za ravnopravnost spolova):⁴³ Monitors the implementation of international treaties on gender equality and participates in the creation and realization of the National Policy for the Promotion of Gender Equality.

³⁹ <http://www.usud.hr>

⁴⁰ <http://www.echr.coe.int/echr/>

⁴¹ <http://www.ured-ravnopravnost.hr>

⁴² <http://www.prs.hr>

⁴³ <http://www.sabor.hr>

Other equality bodies

- **Parliamentary Committee for Human Rights and National Minorities** (Saborski Odbor za ljudska prava i prava nacionalnih manjina): In relation to intimate citizenship, the Committee for Human Rights and National Minorities provides opinion on legislation regulating same-sex partnerships.
- **Parliamentary Committee for Labour, Social Policy and Health** (Saborski Odbor za rad, socijalnu politiku i zdravstvo): In relation to intimate citizenship, the Committee for Labour, Social Policy and Health provides opinions on legislation regulating reproductive rights, social benefits etc.

Political parties & Women's sections

- **Croatian Democratic Union** (Hrvatska demokratska zajednica-HDZ):⁴⁴ Conservative political party and a ruling party in the period 1990 – December 2003 (under Franjo Tuđman's leadership), re-gained the power in late 2003 (under Ivo Sanader's leadership). In relation to intimate citizenship, HDZ has been favourable towards pro-natal family/population policy, the restriction of reproductive rights, particularly of access to abortion, and opposed the adoption of legislation regulating same-sex partnerships.
- **Social Democratic Party** (Socijaldemokratska partija Hrvatske-SDP):⁴⁵ Social-democratic party and a ruling party in the period January 2000 – December 2003 (under Ivica Račan's leadership). In relation to intimate citizenship, the SDP-led government reformed the family legislation, and passed the Act on Same-Sex Unions. The SDP's deputy (Šime Lučin) lodged a draft Bill on Registered Same-Sex Partnerships in legislative procedure, and SDP (particularly its Women's Forum) has defended women's right to abortion.
- **Women's Forum of SDP** (Ženski forum SDP):⁴⁶ SDP's female deputies played a key role in the process of the adoption of the Gender Equality Act. SDP's female deputy (Ms Gordana Sobol) has presided over the parliamentary Committee for Gender Equality since its establishment. Its 2006 Programme concerning women's health includes among its measures: sexual education in schools, and the need for modern legislative regulation of abortion and assisted reproduction.
- **Croatian Party of Law** (Hrvatska stranka prava-HSP):⁴⁷ Right-nationalist party that lodged in the legislative procedure a Bill on Abortion in 1996, which aimed to prohibit abortion
- **Democratic Centre** (Demokratski centar-DC):⁴⁸ DC's deputy Frano Piplović lodged the draft Bill on Medically Assisted Insemination in the legislative procedure.

⁴⁴ <http://www.hdz.hr>

⁴⁵ <http://www.sdp.hr>

⁴⁶ <http://www.forumzena.net/>

⁴⁷ <http://www.hsp.hr>

⁴⁸ <http://www.demokratski-centar.hr>

- **Independent deputy Ivo Banac** (Nezavisni poslanik): Together with SDP's deputy Šime Lučin, lodged a draft Bill on Registered Partnerships in the legislative procedure.

Trade Unions

Women's Section of the Union of Autonomous Trade Unions of Croatia: In relation to intimate citizenship, the Women's Section of UATUC lobbied for the extension of the protection of women's reproductive health care.

Civil Society:

- **Women's Ad Hoc Coalition** (Ženska ad hoc koalicija): Established in 1995, in its election platform requested independent decision on reproductive rights, and protested against the restriction of abortion etc.
- **Croatian Population Movement** (Hrvatski populacijski pokret): Fundamentalist religious / Catholic movement has led public campaigns for the prohibition of abortion and contraception, influenced the 1996 demographic policy.
- **Women's Network of Croatia** (Ženska mreža Hrvatske):⁴⁹ In relation to intimate citizenship, the Women's Network has initiated legislative changes concerning family legislation (inclusion of the gender equality principle, alimonies etc.).
- **B.a.B.e. – Group for Women's Human Rights** (Grupa za ženska ljudska prava):⁵⁰ B.a.B.e. has monitored the implementation of family legislation. Within SEELINE project, B.a.B.e. published "Family Laws Country Reports".
- **Iskorak – Centre for Rights of Sexual and Gender Minorities** (Centar za prava seksualnih i rodnih manjina):⁵¹ LGBTIQ organization Iskorak was founded in 2002 and it fights against all forms of discrimination against and stigmatization of sexual and gender minorities. Iskorak has been actively involved in the process of adoption of legislation regulating same-sex partnerships. Jointly with the Lesbian group "Kontra", "Iskorak" publishes annual reports on the situation of sexual and gender minorities.
- **Lesbian organisation "Kontra"** (Lezbijska organizacija "Kontra"):⁵² Lesbian group "Kontra" was founded in 1997 and has been actively involved in the process of adoption of legislation regulating same-sex partnerships.
- **RODA – Parents in action** (Roditelji u akciji):⁵³ In relation to intimate citizenship, RODA has advocated for the adoption of the legislation regulating reproductive assistance.
- **"Grozd" – Parents' Voice for Children** (Glas roditelja za djecu):⁵⁴ The association Parents' Voice for Children was founded in 2006 with the aim of promoting the quality of children education. It was selected as a provider of an experimental health education programme in primary and secondary schools.
- **Forum for Freedom of Education** (Forum za slobodu odgoja):⁵⁵ The Forum was founded in 1992 with the aim of fostering democratic education standards in the Croatian

⁴⁹ <http://www.zenska-mreza.hr>

⁵⁰ <http://www.babe.hr>

⁵¹ <http://www.iskorak.org>

⁵² <http://www.kontra.hr>

⁵³ <http://www.roda.hr>

⁵⁴ <http://www.udruga-grozd.hr>

⁵⁵ <http://www.fso.hr>

education system. It was selected as a provider of an experimental health education programme in secondary schools.

Religious groups

Croatian Bishop Conference – Office for Family (Hrvatska biskupska konferencija, Ured za obitelj):⁵⁶ Since 1990, the Catholic Church has led a public campaign for the prohibition of abortion. The Office for Family also opposed the legislative proposals for assisted reproduction.

International institutions

UN-CEDAW

EU Parliament

3.3. Timeline

3.3.1. Pre-QUING period

1974 art. 272 of the Constitution of SR Croatia guarantees the right to free choice on birth of children

1977

New Criminal Code (*Krivični zakon SR Hrvatske*)⁵⁷ was adopted, which decriminalized male homosexuality (there was no reference to female homosexuality); under the 1959 Criminal Code it was criminalized in all former Yugoslav republics. However, it set a discriminatory age of consent at 18 in comparison to 14 years in the case of a heterosexual relation.

1978

In April, the Act on Medical Measures for Exercising the Right to Freely Deciding about Giving the Birth (*Zakon o zdravstvenim mjerama za ostvarivanje prava na slobodno odlučivanje o rađanju djece*)⁵⁸ was adopted, which regulates reproductive rights. Art. 2 provides: “The right of a person to decide freely about having children can be limited in order to protect their health, under conditions set by this law”. Abortion is defined as a medical procedure (termination of pregnancy) which can be performed up to 10 weeks from the presumed date of conception (art. 15).

1991

The Constitutional Court rejected the constitutional initiative against the Act on Medical Measures for Exercising the Right to Freely Deciding about Giving the Birth. The Independent Union of Women and the Union of Autonomous Trade Unions of Croatia –

⁵⁶ <http://www.hbk.hr>

⁵⁷ Official Gazette, no. 25/1977.

⁵⁸ Official Gazette, no. 18/1978.

Womens' Section publicly addressed the Constitutional Court to retain the Act on Medical Measures because it guarantees "one of the fundamental human rights of an individual to individual autonomy".

3.3.2. QUING period

1995-1996

Reproductive issues and rights

In 1995, the National Programme for Demographic Development (NPDD), which was worked out by the government Council for Demographic Development and endorsed by the parliament in 1995, and finally adopted by the Croatian government in January 1996. NPDD echoed the requests of the pro-life Croatian Population Movement, which was, although not officially included in the preparation, publicly supported by the ruling party the Croatian Democratic Union. The NPDD, among others, emphasized "motherhood" as the most important profession of women, and presented racist strategies for the achievement of "ethnically clean" birth rate in Croatia. In a chapter titled "The creation of positive spiritual atmosphere", the NPDD states that "human life is a fundamental value in our society and must be protected from conception to natural death. This protection must be of moral, legislative and health nature" (p. 41). In order to achieve this, the NPDD suggests that it is "necessary to establish permanent cooperation of health and education institutions, and workers in the implementation of education on human sexuality, promotion of woman's and man's dignity and the value of marriage and family life. Particularly, the conscience of respect for conceived life and new human beings must be promoted" (p. 46). In February 1996, the women's NGO B.a.B.e. published a statement in which it expressed concern that "National Programme of Demographic Development and the new laws brought into line with it will impede women's reproductive rights".

In 1995, a draft Bill on the Termination of Pregnancy was prepared by the Ministry of Health, which sought to restrict the accessibility of abortion and introduced pre-abortion obligatory counselling. As a response to the draft bill, the Women's Ad Hoc Coalition (25 women's groups) organized a campaign against the criminalization of abortion in Croatia and collected 20,000 signatures in favour of legal, safe and accessible abortion. The draft was not proceeded in the parliamentary procedure.

In 1996, the nationalist Croatian Party of Law lodged in the legislative procedure the Bill on Abortion calling for the prohibition of abortion. It was, however, rejected by the parliament. The government did not endorse the bill, with the explanation that the Ministry of Health is designing a package of draft laws that will contain measures for the reduction in the number of abortions (family planning, artificial insemination, sterilization etc.). Again, 10 women's groups resolutely reacted to this bill in a public statement in which they claimed that "the right

to free choice in delivering birth is women's fundamental right, because only they are predisposed for giving birth".

Primary sources

- Ministry of Renewal and Development, 1996. Nacionalni program demografskog razvitka (National Programme for Demographic Development), 53 p.
- Croatian Party of Law (Hrvatska stranka prava), Prijedlog Zakona o pobačaju s obrazloženjem (Bill on Abortion with explanation), 17 December 1996, 16p.
- B.a.B.e. Croatian pro-lifers attacking women's rights, 7 February 1996, 4p.
- B.a.B.e. Izjava povodom Zakona o pobačaju (A Statement on the Bill on Abortion), January 1997, 2p.
- Women's Ad Hoc Coalition, Ženska izborna platforma (Women's Election Platform), 27 October 1995, 1p.

Secondary sources

- Kesić, Vesna, 1996. Država i pro-lajferi ruku pod ruku (State and Pro-Lifers Hand in Hand), 23 March 1996.
- Cerjan-Letica, Gordana. 1997. Prijepor o pobačaju: (ne)mogućnost dijaloga pokreta Za izbor i Za život (Abortion issue: (im)possibility of dialogue between the movement Pro choice and Pro life). *Revija za sociologiju* 28(1-2), 1-18.
- Ritossa, Dalida. 2005. Prijepori o pravu na pobačaj u Republici Hrvatskoj (Issues on the right to abortion in the Republic of Croatia). *Zbornik Prav. Fak. Sveuč. Rij.* 26(2): 971-997, 27 p, E-text.

1997

Reproductive rights

In 1997, the Ministry of Health worked out a package of draft laws concerning reproductive rights. As in the case of previous legislative attempts to restrict access to abortion, most of the public attention was given to the draft on the termination of pregnancy. In April, a forum on "Abortion in Croatian legislation" was organized by the journals "Pravnik" (Lawyer) and EMSA at which participated, amongst others, a professor of the Catholic theology faculty and the president of the extreme right Croatian Party of Law. Women's groups condemned the forum in the public letter.

In December 1997, the National Policy for the Promotion of Equality was adopted by the Croatian government. The National Policy, which followed the guidelines of the Beijing Platform for Action, was worked out by the Commission for the Equality Issues in cooperation with women's NGOs. In chapter 4 (Women and health), the following goals related to women's reproductive health:

- Re-affirm the right to the highest standards of physical and mental health of women and girls (I.4.a)
- Dissemination of information concerning sexuality and reproduction (I.4.f).

In the comments to the National Policy, NGO B.a.B.e. proposed the reduction or abolition of the costs for termination of pregnancy and artificial insemination; however, these were not included in the National Policy.

In 1997, the Social Welfare Act (SWA) was adopted, which regulates the manner of provision of social care, defines the users and their rights under the act, and the procedure for the realization of rights. The SWA was prepared by the Ministry of Labour and Social Welfare, and in Art. 11 it provides that Croatian citizens and aliens with permanent residence in Croatia are entitled to rights under the SWA.

Partnership

In 1997, the new Criminal Code was adopted, replacing the 1977 Criminal Code. The New Criminal Code contains no special provisions on homosexuality and sets an equal age of consent for heterosexual and homosexual relations at 14 years (previously it was 18 years for homosexual relations).

Primary sources

- Official Gazette, no. 110/1997. Kazneni zakon (Criminal Code), 137p, E-text.
- Government of the Republic of Croatia. 1997. Nacionalna politika za promicanje jednakosti (National Policy for the Promotion of Equality), 43p.
- Official Gazette, no. 73/1997. Zakon o socijalnoj skrbi (Social Welfare Act), 50p, E-text.
- B.a.B.e. Javnosti Hrvatske! Povodom tribune “Pobačaj u hrvatskom zakonodavstvu” (To Croatian public! At the occasion of a forum “Abortion in Croatian legislation”), 16 April 1997, 1p.
- B.a.B.e. Izjava za javnost (Public statement), 8 February 1999, 1p.

Secondary sources

- Hrabar, Dubravka. 1998. Planiranje obitelji – od pobačaja do zdravstvene edukacije (Family planning – from abortion to health education). *Revija za socijalnu politiku* 5(1), 16 p, E-text.

1998-1999

Civil partnerships

In December 1998, a new Family Act was adopted that replaced the 1989 Act on Marriage and Family Relations and entered into force on 1 July 1999. The Family Act regulates marriage and legal relations in marriage, family relations between parents and children, adoption, foster care, and civil unions between a woman and man etc. The Family Act defines marriage as a “legally regulated partnership between a woman and a man” (art. 5), and civil union is defined as “a partnership of an unmarried woman and an unmarried man” (art. 3). Family relations are based on the following principles:

- Mutual respect and help of all family members;
- Protection of the well-being and rights of the child and the responsibility of both parents for the child’s upbringing;

- Adequate guardianship protection of children without parental care, as well as mentally handicapped adult persons or an adult with psychological disorders.

Unlike the previous Act on Marriage and Family Relations, the new Family Act does not include gender equality among the main principles, even though women's NGOs insisted on its inclusion.

Reproductive rights

The 1998 Family Act inserted the provision stipulating that "marriage spouses decide together about having and bringing up children and performing tasks in the family community" (art. 63, para. 4). The women's NGO B.a.B.e. opposed to its inclusion, because it limits the right of a woman to free choice on the birth of children.

In its concluding observations on the Croatian initial report, CEDAW expressed concern "that services pertaining to women's reproductive health are the first to be affected as a result of the Government's financial constraints", and recommended to the Croatian government to "take steps to secure the enjoyment by women of their reproductive rights by, *inter alia*, guaranteeing them access to abortion services in public hospitals" (paras. 109, 117).

Primary sources:

- Official Gazette, no. 162/1998. Obiteljski zakon (Family Act), 71 p, E-text.
- Concluding observations of the Committee on the Elimination of Discrimination against Women: Croatia. 14/05/98, 6p, E-text.

Secondary sources:

- Lukač-Koritnik, Gordana. 2003. Croatia. B.a.B.e. (ed.), *Family Laws Country Reports*, 69-92.

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2001

Reproductive rights

In December 2001, the National Policy for the Promotion of Gender Equality, with the Implementation Programme in the period 2001-2005 was adopted by the Croatian parliament. The National Policy was worked out by the Commission for Gender Equality in cooperation with women's NGOs. In chapter 2 (women and health), the following goals were adopted in relation to reproductive rights:

- Promote the fulfilment of women's rights to the highest standards of physical and mental health;
- Promote knowledge of the advantages of family planning and the use of contraception, and develop awareness of men's responsibilities in family planning;
- Promote activities associated with education on sexually transmitted diseases, including HIV/AIDS.

Primary sources:

- Official Gazette, no. 112/2001. Nacionalna politika za promicanje ravnopravnosti spolova, s programom provedbe Nacionalne politike za promicanje ravnopravnosti spolova u Republici Hrvatskoj od 2001. do 2005. godine (National Policy for the Promotion of Gender Equality, with the Programme for the Implementation of the National Policy for the Promotion of Gender Equality from 2001 to 2005), 33p, E-text.

2002/2003**Parenthood**

In 2002, the National Family Policy (NFP) was worked out by the State Institution for the Protection of Family, Motherhood and Youth. The NFP was endorsed by the Parliament in October 2002, and adopted by the government in January 2003. NFP aims at the affirmation of parenthood, which includes measures for the encouragement of NGO programmes for education on family, partnership, parenthood etc. It also proposes the establishment of a support fund for children of those parents who do not pay for child support.

In 2002, the Mikulić case was decided before the European Court for Human Rights (ECHR), which found the violation of arts. 6(1), 8 and 13 of the European Convention on Human Rights. The case deals with a paternity lawsuit, in which the alleged father refused to comply with court orders to submit to DNA tests. As the Croatian Family Act did not contain any means of compelling the alleged father with a court order, the ECHR found a violation of art. 8 (right to private and family life) by saying the “inefficiency of the courts has left the applicant in a state of prolonged uncertainty as to her personal identity. The Croatian authorities have therefore failed to secure to the applicant the “respect” for her private life to which she is entitled under the Convention” (para. 66).

Reproductive rights

The 2002 National Family Policy introduces measures for the improvement of women’s health, particularly during pregnancy and child birth.

On 8 March 2002, the Women’s Section of the Union of Autonomous Trade Unions of Croatia and women’s NGOs started a campaign “Women for Health – Health for All”, in which they requested the return of gynaecologists on the primary health care level and free preventive systematic examination. At the request of the Women’s Section, a session of the parliamentary Committee for Gender Equality was organized in May 2002, which endorsed the legislative changes proposed by the Women’s Section and these were later included in the changes to the Health Insurance Act.

Civil partnerships and homosexual marriage

In 2002, the Ministry of Labour and Social Welfare worked out the draft Bill on Family, Marriage and Civil Unions, which also envisaged civil unions of homosexual persons. The

purpose of this law was to consolidate the family legislation with the EU *acquis*, as well to improve the 1999 Family Act. The novelty was an 18-year age limit for entering into marriage and the inclusion of homosexual partnerships as one of the forms of civil unions. Although the proposed bill granted only two rights to same-sex unions (the right to support and property rights) out of 27 rights arising from a heterosexual marriage or civil union, the bill encountered strong opposition within the government, mainly from the Croatian Peasant Party's ministers (*Hrvatska seljačka stranka*-HSS). The main argument against the inclusion of homosexual unions in this bill was that this issue should be dealt with in a special law, and not within the family legislation. Nevertheless, the government endorsed the draft bill in November 2002 and lodged it in the legislative procedure. LGBTIQ NGOs, most notably "Iskorak" and "Kontra", endorsed the draft bill, although it excludes the majority of their amendments. In January 2003, there was a rather vexed parliamentary debate concerning the draft Bill on Family, Marriage and Civil Unions, because it contained provisions regulating same-sex unions. The bill was categorically rejected by the opposition parties (Croatian Democratic Union-HDZ, Croatian Party of Law-HSP and Croatian Bloc-HB); however, it was also opposed by the coalition deputies from the Croatian Peasant Party (HSS), who insisted that same-sex unions should be regulated in a separate law. Eventually, the government withdrew the draft bill from the legislative procedure, although it enjoyed a majority support in the Committee for Labour, Social Policy and Health, the Committee for the Protection of Children's Rights and Family, and among parliamentary deputies as well. Afterwards, the Ministry of Labour and Social Affairs worked out a new draft of the Family Act and a separate draft of the Act on Same-Sex Unions, and lodged them in the legislative procedure in June 2003. Both laws were passed by the parliament, together with the Gender Equality Act and the Act on Protection from Domestic Violence, in July 2003.

The new Family Act re-introduced equality between women and men among the basic principles of family relations (art. 2), and more precisely defines civil union as a "life union of unmarried woman and unmarried man, which has lasted for at least three years or shorter, if a common child is born in that union" (art. 3). In art. 5, marriage is defined as "a legally regulated union of a woman and a man." The Family Act also improves the provisions for the protection of the child's interest in relation to the establishment of paternity and maternity.

The Act on Same-Sex Unions defines a same-sex union as a "life union of two same-sex persons who are not married and who have co-habited for at least three years" (art. 2). Such unions produce legal effect in terms of mutual support and regulation of property relations. The Act prohibits direct and indirect discrimination on the ground of same-sex union and sexual orientation (art. 21); however, there is no possibility to register same-sex unions and it guarantees a limited spectrum of rights to the same-sex couples. According to this Act, these couples are excluded from the range of social and tax benefits, such as health insurance, pensions, tax benefits etc., which are still reserved for heterosexual partners. Although the Act is merely a declaratory document, fundamentalist Catholic groups, the Catholic Church and conservative political parties strongly opposed the regulation of same-sex partnerships.

Other (Roma women)

In 2003, the Croatian government adopted a National Programme for Roma, which in chapter 12 titled “the protection of family, motherhood and youth” sets the following goals:

- Raising awareness on the protection of family, motherhood and youth;
- Elimination of stereotypes on male and female roles in the family;
- Designation of a programme on the affirmation of successful parenthood etc.

Primary sources:

- Institution for Protection of Family, Motherhood and Youth. 2003. Nacionalna obiteljska politika Republike Hrvatske (sažeta verzija) (National family policy of the Republic of Croatia – summarized version), 14 p, E-text.
- Mikulić vs. Croatia, application no. 53176/1999, 7 February 2002, 14p, E-text.
- Women’s Section, Report on the public campaign “Women for Health – Health for All”, 28 June 2002, 2p, E-text.
- Ministry of Labour and Social Affairs, Draft Bill on Family, Marriage and Civil Unions (arts. 1-3), 22 November 2002, 1p.
- Parliamentary debate on Draft Bill on Family, Marriage and Civil Unions, 23 January 2003, 21p.
- Excerpts from a parliamentary debate on the draft of the Act on Same-Sex Unions, 9 July 2003, 41p.
- Official Gazette, no. 116/2003. Obiteljski zakon (Family Act), 64 p, E-text.
- Official Gazette, no. 116/2003. Zakon o istospolnim zajednicama (Act on Same-Sex Unions), 4p, E-text.
- Government of the Republic of Croatia, 2003. Nacionalni program za Rome (National Programme for Roma), 68p, E-text.

Secondary sources:

- Lukač-Koritnik, Gordana. 2003. Croatia. B.a.B.e. (ed.), *Family Laws Country Reports*, 69-92.

2004-2005

Reproductive assistance

In October 2004, the Croatian government put the Draft bill on medically assisted insemination in the legislative procedure after eight years. The draft was worked out by the Ministry of Health and Social Welfare and it provides in art. 8 that “the right to medically assisted insemination is guaranteed to an adult and healthy woman and man living in marriage or non-marital union”. Exceptionally, this right is conferred also to a single woman, whose previous treatment of infertility was unsuccessful, if it is approved by the National Commission for Medically Assisted Insemination. The draft envisaged the possibility of the donation of sperm, egg cells and embryos. Due to strong opposition by the Croatian Bishop Conference (*Hrvatska biskupska konferencija*), which published a leaflet on children

conceived by artificial insemination “Child – Thing or Gift?” (*Dijete – stvar ili dar?*), the draft bill was eventually withdrawn from the legislative procedure. Parents’ NGO “RODA” strongly criticized the leaflet and organized a protest against the position of the Catholic Church and the withdrawal of draft bill under the slogan “Every child is a gift”. In February 2005, parliamentary deputy Frano Piplović (Democratic Centre) again lodged the draft bill in the legislative procedure. However, it was rejected by the Committee for Labour, Social Policy and Health in May 2005 with the explanation that this issue involves “ethical, moral and medical dilemmas, particularly in case of heterologous insemination”.

Primary sources:

- Ministry of Health and Social Welfare, 2004. Nacrt prijedloga Zakona o medicinski pomognutoj oplodnji sa obrazloženjem (Draft bill on medically assisted insemination with an explanation), 37p, E-text.
- Piplović, Frano (MP), Prijedlog zakona o medicinski pomognutoj oplodnji sa obrazloženjem (Draft bill on medically assisted insemination with an explanation), 25 February 2005, 18p.
- Croatian Sabor (parliament), Excerpts from a parliamentary debate on Piplović’s draft of Bill on medically assisted insemination, 24 May 2005, 23p.

Secondary sources:

- www.index.hr, “NGO Roda protests due to withdrawal of Bill on medically assisted insemination” (Udruga Roda prosvjeduje zbog povlačenja Zakona o medicinski potpomognutoj oplodnji), 13 January 2005, <http://www.roda.hr/tekstovi.php?TekstID=1&Tekst2ID=217&Show=1577>

2005-2006

Civil partnerships / homosexual marriage

In 2005, GLBT NGOs Iskorak and Kontra worked out the draft of the Act on Registered Partnership, which was lodged in the legislative procedure by parliamentary deputies Ivo Banac (independent MP) and Šime Lučin (Social Democratic Party-SDP) in September 2005. The draft refers to the EU Parliament Resolution on homophobia in Europe,⁵⁹ and proposes that same-sex couples should be granted the right to register their partnerships, although not officially marry. Besides making it possible for same-sex couples to officially register their unions they would be given the same health, social security, tax, pension, and inheritance rights as heterosexual couples, however, it did not include the possibility of adoption. The draft bill was supported by the Committee for Gender Equality, although it was rejected by the Committee for Human Rights and National Minorities. The bill was rejected by the parliament in March 2006 (the bill was opposed by the ruling conservative Croatian Democratic Party, Croatian Party of Rights, Croatian Peasants’ Party and the Istrian

⁵⁹ P6_TA-PROV(2006)0018, 18 January 2005.

Democratic Assembly), although it was supported by the opposition Social Democratic Party of Croatia and the Croatian People's Party.

In 2006, the Gender Equality Ombudsperson found discrimination on the grounds of family status in the case of a religious teacher who divorced from his previous wife under the civil law, and entered into a new civil marriage. As a consequence, the employer (the Catholic Church) abrogated the applicant's Canon mandate on the grounds of the Agreement between the Holy See and the Republic of Croatia on the Cooperation in Education and Culture.

Other (sexual education)

In December 2005, the Commission for Health Education was established by the Ministry of Science, Education and Sport. The Commission's main task was to select experimental health education programmes for primary and secondary schools. The Women's Network and LGBTIQ NGOs "Iskorak" and "Kontra" protested with the Minister of Education, because no representatives from any of the institutional mechanisms for gender equality or gender equality experts were included in the Commission's composition. In December 2006, the Commission selected "Grozd's" (Voice of Parents for Children) health education programme for primary and secondary schools, and the programme of "Forum for Freedom of Education" for secondary schools. The implementation of selected education programmes should start in the school year 2007/2008. The Commission's choice of "Grozd", whose programme rather reflects religious / Christian values concerning family, marriage and sexuality, triggered many objections from women's and LGBTIQ NGOs. Also the Gender Equality Ombudsperson expressed her concerns that the content of "Grozd's" education programme is incompatible with gender equality principles and is discriminatory against people living or being born in common-law unions and against homosexual persons. Namely, the programme for secondary schools states, inter alia, that the "sexual act has sense... only in a love relationship between a man and a woman in a permanent faithful union (marriage)" (p. 49). And concerning homosexual sexuality, the programme states that the "...homosexual act is against the very nature of sexual act" (p. 46).

Primary sources:

Lučin, Šime and Ivo Banac (MPs), Prijedlog Zakona o registriranom partnerstvu sa obrazloženjem (Draft Bill on Registered Partnership with an explanation), 30 September 2005, 23p.

- Croatian Sabor (parliament), Excerpts from a parliamentary debate on Bill on Registered Partnership, 16 March 2006 (27p), 17 March 2006 (60p).
- Kontra, "Priopćenje: Zakon o registriranom partnerstvu, 2006" (Statement: Bill on Registered Partnership), 1p, E-text.
- "Grozd", Eksperimentalni program zdravstvenog odgoja i obrazovanja za trogodišnje srednje škole (konačni prijedlog) (Experimental programme of health education for three-year secondary schools (final proposal)), April 2006, 79p, E-text.

- Gender Equality Ombudsperson. 2007. *Eksperimentalni program zdravstvenog odgoja i obrazovanja za srednje škole (Experimental programme of health education for secondary schools)*, 11 February 2007. 2p, E-text, <http://www.prs.hr/content/view/74/47>.
- Women's Network, Iskorak, Kontra, Spolni odgoj (Sexual education – public statement), 17 December 2005, 1p, E-text, http://www.zenska-mreza.hr/vijesti/izjave/spolni_odgoj.html
- Expert Commission of the Ministry of Health and Social Welfare, “Eksperimentalni program zdravstvenog obrazovanja i odgoja – mišljenje” (Experimental Programme of health education – an opinion), 7p, E-text.

Secondary sources:

- Legal Team of Associations “Iskorak” and “Kontra”. 2007. Izvještaj o stanju ljudskih prava seksualnih i rodničkih manjina u 2006. godini (Report on the situation of human rights of sexual and gender minorities in year 2006), <http://www.zamirzine.net/spip.php?article4362>.
- Gajsek, Aleks, “Bill on Registered Partnerships rejected by parliament”, 25 April 2006. http://www.ilga-europe.org/europe/guide/country_by_country/croatia/bill_on_registered_partnerships_rejected_by_parliament.
- Gender Equality Ombudsperson, 2007. Izvješće o radu za 2006. godinu (Report on work in 2006).

2006

Reproductive rights

In 2006, Office for Gender Equality worked out the National Policy for the Promotion of Gender Equality 2006-2010. One of the main goals in chapter 6, titled “women and health”, is to “improve measures for the preservation of reproductive health of women and promote understanding and need for the protection of their reproductive and sexual rights”. For this purpose, the following measures should be implemented:

- Conditions in public health institutions will be standardised as regards the application of the Act on Health Measures for the Exercise of the Right to Freely Make Decisions about Having a Baby, with special emphasis on standardising the quality of service delivery, price and ethical conduct.
- A comprehensive programme for humanisation of childbirth will be drawn up, which will include drafting and adopting guidelines for a natural childbirth, promotion of physiological childbirth, and education of women and health workers about patients' rights with a view to ensuring a greater participation of women in making decisions on childbirth.
- The availability of all means of protection against unwanted pregnancy will be increased, as well as of means for alleviating discomforts associated with menopause, by reducing their price and increasing the supply of these products on the market.

Primary sources:

- Official Gazette, no. 114/2006. Nacionalna politika za promociju ravnopravnosti spolova od 2006. do 2010. godine (National Policy for the Promotion of Gender Equality 2006-2010), 46p, E-text.

4. GENDER BASED VIOLENCE

4.1. Introduction

In Croatia, the most relevant sub-issues within gender-based violence are:

- Domestic violence and violence in partnerships (marital rape);
- Harassment & sexual harassment;
- Trafficking in human beings.

In Croatia, women's NGOs have been the most visible and active in the field of gender-based violence relative to the other three QUING topics. This can be – at least to some extent – attributed to the relatively long tradition of NGOs providing psychosocial and legal help to women victims of domestic and sexual violence. An SOS hotline for women and children victims of violence in 1988 and the first shelter for the victims of violence in 1990 were the first of this kind in East Europe. In the beginning of the 1990s, women's NGOs were mainly preoccupied with providing help to women victims of war rapes. The year 1999 tragically marked Croatia, as three women were shot dead by a man during his divorce proceeding. But due to this tragedy, the issue of violence against women did gain greater visibility in the media and general public, and more women's NGOs dealing with violence against women were established. All these developments resulted in the adoption of the first comprehensive legislation for the protection from domestic violence in 2003, and afterwards, of the national strategy for combating domestic violence.

Domestic violence / violence in partnerships (marital rape) dominates the sub-issues within gender-based violence. Nevertheless, there is a tendency towards the degendering of the issue, which is most evident in the change of terminology used in different documents. Thus, gender equality programmatic documents and NGO documents more frequently use the notion of "violence against women", whereas the legislative regulations consistently speak about "domestic violence".⁶⁰ There are three turning points in gender+ equality policies concerning domestic violence and violence in partnerships, particularly marital rape: first, the adoption and subsequent amendments of the 1997 Criminal Code, which qualified rape in marriage as a criminal offence for the first time; second, the introduction of the term "domestic violence" into Croatian legislation in 1998, which was largely a result of the lobbying of women's NGOs; and third, the adoption of the Act on Protection from Domestic Violence in 2003, which became a legal framework for the development of long-term policies for combating domestic violence/violence against women.

In the QUING period, less present is the sub-issue **harassment and sexual harassment** in the workplace, whose introduction into the Croatian labour legislation was influenced by the EU equal treatment directives. Thus, the 2003 Labour Act amendments impose the

⁶⁰ In Croatian, the notion "nasilje u obitelji" is used to denote "domestic violence", although, if translated verbatim, it should be translated as "violence in family" or "family violence".

obligation on employers to protect workers' dignity in the workplace. However, this obligation still lacks enforcement mechanisms.

Apart from domestic violence/violence against women, **trafficking in human beings** constitutes the field which captures the most of attention of civil society, particularly women's NGOs. The establishment of the National Committee for the Suppression of Trafficking in Human Beings, which – jointly with NGOs and the International Organization for Migration – worked out the first National Programme for the Suppression of Trafficking in Human Beings 2005-2008, can be considered a turning point in this field. As trafficking in women and children is frequently explicitly mentioned in various programmatic documents, we can assume that there is a tendency towards the gendering of the issue.

Intersectionality of gender and other categories rarely emerges within the issue of gender-based violence, and even when it does, it is anchored in issues related to **migration** (trafficking in human beings, asylum etc.).

4.2. Actors

State actors

The main **government departments** relevant to the issue of gender-based violence:

Since January 2004⁶¹

- **Ministry of Family, Veterans' Affairs and Inter-Generational Solidarity, Department for Family** (Ministarstvo obitelji, branitelja i međugeneracijske solidarnosti, Uprava za obitelj):⁶² The Ministry was set up in January 2004. In relation to gender-based violence, the Ministry is responsible for the implementation of the National Strategy for Protection from Domestic Violence 2005-2007. In 2005, the Ministry adopted the Rules of Procedures in Cases of Domestic Violence.
- **Ministry of Health and Social Welfare, Department of Social Welfare – Centres of Social Care** (Ministarstvo zdravstva i socijalne skrbi, Uprava za socijalnu skrb – Centri socijalne skrbi):⁶³ In relation to gender-based violence, the Ministry provides assistance to victims of domestic violence and victims of trafficking in human beings. In 2005, the Ministry adopted Rules on the Manner and Place of the Implementation of Psychosocial Treatment.

⁶¹ I divided government actors into two categories (i.e. before and after January 2004), because of the government re-structuring in December 2003. Namely, following the change of government in late 2003, some new ministries were set up (e.g. the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity) or were dismantled (e.g. the Ministry of Labour and Social Welfare: Department of Labour was merged with the Ministry of Economy and Entrepreneurship, and Department of Social Welfare with the Ministry of Health).

⁶² <http://www.mobms.hr/page.aspx?PageID=15>.

⁶³ http://www.mzss.hr/hr/ministarstvo/ustroj_ministarstva/uprava_za_socijalnu_skrb

- **Ministry of Justice** (Ministarstvo pravosuđa):⁶⁴ In relation to gender-based violence, the Ministry has had a lead role in the monitoring of the implementation of the Act on Protection from Domestic Violence, and has submitted amendments to the Criminal Code (e.g. hate crime definition).
- **Ministry of Interior** (Ministarstvo unutarnjih poslova):⁶⁵ In 2004, the Ministry adopted the Regulation on the implementation of protective measures put under police competence by the Act on the Protection from Domestic Violence.
- **Office for Human Rights – National Committee for the Suppression of Trafficking in Human Beings** (Ured za ljudska prava – Nacionalni odbor za suzbijanje trgovanja ljudima):⁶⁶ Lead role in the designation of the National Programme for the Suppression of Trafficking in Human Beings 2005-2008 and monitors its implementation.

Before January 2004

Ministry of Justice, Administration and Self-Government, Department of Justice (Ministarstvo pravosudja, uprave i lokalne samouprave, Uprava za pravosuđe): Lead role in the designation of 2003 Act on Protection from Domestic Violence and of 1997 Criminal Code (introduction of offence “marital rape”), submitted amendments to the Criminal Code (introduction of offence “domestic violence”, ex officio prosecution by attorney in case of violence in partnership, trafficking in human beings) and to the Criminal Procedure Act (protection of victims in criminal proceedings concerning domestic violence, introduction of restraint orders), and adopted the Rules of conduct of the Commission for the monitoring and implementation of sanctions concerning domestic violence.

Courts

Constitutional Court:⁶⁷ Rejected B.a.B.e’s constitutional initiative, because criminal prosecution was not initiated by the State Attorney ex officio in case of violence in partnerships.

Gender equality machinery

- **Government Commission for Equality Issues / Commission for Gender Equality** (Povjerenstvo Vlade RH za pitanja jednakosti / Povjerenstvo Vlade RH za ravnopravnost spolova): Lead role in the preparation of 1997 National Policy for the Promotion of Equality / National Policy for the Promotion of Gender Equality 2001-2005.
- **Government Office for Gender Equality** (Ured Vlade RH za ravnopravnost spolova):⁶⁸ Lead role in the preparation of National Policy for the Promotion of Gender Equality 2006-2010.

⁶⁴ <http://www.pravosudje.hr>

⁶⁵ <http://www.mup.hr>

⁶⁶ <http://www.ljudskaprava-vladarh.hr>

⁶⁷ <http://www.usud.hr>

⁶⁸ <http://www.ured-ravnopravnost.hr>

- **Gender Equality Ombudsperson** (Pravobranitelj/ica za ravnopravnost spolova):⁶⁹ Acts autonomously and independently, monitors the implementation of the Gender Equality Act and other regulations relating to gender equality
- **Parliamentary Committee for Gender Equality** (Saborski Odbor za ravnopravnost spolova):⁷⁰ Monitors the implementation of international treaties on gender equality and participates in the creation and realization of the National Policy for the Promotion of Gender Equality, provides opinion on the legislation and action plans concerning domestic violence.

Other equality bodies

- **Parliamentary Committee for Human Rights and National Minorities** (Saborski Odbor za ljudska prava i prava nacionalnih manjina): In relation to gender-based violence, the Committee for Human Rights and National Minorities provides opinion on changes of the Criminal Code (hate crime, trafficking in human beings etc.).
- **Parliamentary Committee for Labour, Social Policy and Health** (Saborski Odbor za rad, socijalnu politiku i zdravstvo): In relation to gender-based violence, the Committee for Labour, Social Policy and Health provides opinion on legislation and action plans concerning domestic violence.

Political parties & Women's sections

- **Croatian Democratic Union** (Hrvatska demokratska zajednica-HDZ):⁷¹ Conservative political party and ruling party in the period 1990 – December 2003 (under Franjo Tuđman's leadership), re-gained power in late 2003 (under Ivo Sanader's leadership). In relation to gender-based violence, the HDZ-led government introduced the criminal offence "marital rape" into the 1997 Criminal Code and the prohibition of domestic violence into the 1998 Family Act. In 2006, Prime Minister Ivo Sanader launched the Council of Europe's campaign combating violence against women and domestic violence. HDZ's vice-president of the government and the Minister of Family Jadranka Kosor has been particularly active in combating domestic violence.
- **Social Democratic Party** (Socijaldemokratska partija Hrvatske-SDP):⁷² Social-democratic party and a ruling party in the period January 2000 – December 2003 (under Ivica Račan's leadership). In relation to gender-based violence, the SDP-led government introduced the changes to criminal legislation (inclusion of criminal offence "domestic violence", ex officio prosecution in case of violence in partnership, restraint orders etc.), and increased competence of magistrate courts.
- **Women's Forum of SDP** (Ženski forum SDP):⁷³ SDP's female deputies played a key role in the process of the adoption of the Gender Equality Act. SDP's female deputy (Ms

⁶⁹ <http://www.prs.hr>

⁷⁰ <http://www.sabor.hr>

⁷¹ <http://www.hdz.hr>

⁷² <http://www.sdp.hr>

⁷³ <http://www.forumzena.net/>

Gordana Sobol) has presided over the parliamentary Committee for Gender Equality since its establishment. Its 2006 Programme lists measures for combating violence against women.

Civil Society:

- **Women's Ad Hoc Coalition** (Ženska ad hoc koalicija): Established in 1995, in its election platform it requested the elimination of all forms of violence against women. In 1997, the Coalition initiated the campaign "Stop violence against women".
- **Women's Network of Croatia** (Ženska mreža Hrvatske):⁷⁴ In relation to gender-based violence, the Women's Network has been lobbying for legislative changes concerning violence against women (Family Act, Criminal Code, Criminal Procedure Act) and participated in the designation of legislation and action plans concerning domestic violence.
- **PETRA - Network of NGOs for prevention and elimination of trafficking in women** (Mreža NVO za prevenciju i eliminaciju trgovanja ženama):⁷⁵ The network PETRA was founded in 2002 and includes nine women's NGOs and groups. Its main objective is the suppression of trafficking in women and children with an emphasis on sexual exploitation. PETRA's representative is a member of the National Committee for the Suppression of Trafficking in Human Beings. PETRA (most notably the Centre for Women ROSA – Shelter for Victims of Trafficking in Women, and Autonomous Women's House "Zagreb" – Shelter for Women Victims of Domestic Violence) has lobbied for legislative changes of the Criminal Code and participated in the design of the Asylum Act.
- **Women's Room – Centre for prevention, research and suppression of sexual violence** (Ženska soba – Centar za prevenciju, istraživanje i suzbijanje seksualnog nasilja):⁷⁶ The Women's Room was founded in 2002 and its field of work encompasses sexual rights, sexual violence, trafficking in women and prostitution, sexual and gender minorities, and female sexuality. The Centre carries out research on sexual violence and publishes reports on women's sexual rights.

International

Council of Europe

UN-CEDAW

International Organization for Migration

4.3. Timeline

4.3.1. Pre-QUING period

1977 Criminal Code of SR Croatia adopted, which did not consider rape in marriage as a

⁷⁴ <http://www.zenska-mreza.hr>

⁷⁵ <http://www.petra-nvo.net>

⁷⁶ <http://www.zenskasoba.org>

criminal offence (art. 79)

1988 The first SOS hotline for women and children victims of violence

1990 Establishment of the first shelter for women victims of violence “Autonomous Women’s House Zagreb”

1993 Establishment of the Centre for Women Victims of War – involved in psychosocial counselling of victims of war rapes in Croatia and Bosnia-Herzegovina

4.3.2. QUING period

1997

Domestic violence and violence in partnerships (marital rape)

In 1997, the new Criminal Code was adopted (entered into force on 1 January 1998), which replaced the Criminal Code from 1977. Chapter 14 of the new Criminal Code titled “Criminal Acts against Sexual Freedom and Morality”, in comparison to the previous, qualifies rape during marriage as a criminal act; however, criminal prosecution was not initiated by the State Attorney ex officio, but the prosecution had to be undertaken upon a private request of the damaged person, i.e. the victim (art. 188, para. 5). Similarly, in case of criminal offence of physical injury, the prosecution is undertaken upon a private request of the victim if the perpetrator lives in marriage or non-marital union with the victim, or is his/her sibling, parent or child, unless the criminal offence is inflicted upon a minor person (art. 102, para. 2).

Therefore, the NGO B.a.B.e. lodged a constitutional initiative against art. 102, para. 2 and art. 188, para. 5 of the Criminal Code. The Constitutional Court however, refused to undertake the review of constitutionality.

In December 1997, the National Policy for the Promotion of Equality was adopted by the Croatian government. The National Policy, which followed the guidelines of the Beijing Platform for Action, was worked out by the Commission for Equality Issues in cooperation with women’s NGOs. Chapter 6 titled “Violence against women” set the following goals with the aim of the elimination of violence against women, particularly of domestic violence:

- Analysis of the legislation in order to improve its efficiency in the elimination of violence against women;
- Provide shelter and help (medical and psychosocial treatment, accessible legal aid etc.) to women and girl victims of violence;
- Support initiatives of women’s NGOs;
- Collect statistical data on prevalence, causes and consequences of domestic violence, and the efficiency of measures for the elimination of violence against women;
- Promote the condemnation of violence against women through media.

Women's NGOs proposed other measures, which were not included in the National Policy:

- Centre for Education and Counseling (CESI) proposed changes of the Criminal Code concerning the initiation of procedure in case of rape in marriage;
- SOS phone proposed the expansion of the shelter for abused women and children (the only one of that kind in Zagreb);
- The Centre for Women Victims of War requested that special attention should be given to women war victims.

On the International Day for the Elimination of Violence against Women, the Coalition of women's groups in Croatia (28 NGOs) initiated the campaign STOP violence against women and wrote a public letter in which they gave the following recommendations to Croatian government:

- The Law on Violence against Women be passed. It will make domestic violence a criminal act and institute court measures such as the removal of a violator from his home, restraining orders (the denial of access to women and children), mandatory psychosocial programs for abusers, and severe punishment for violence.
- Violence against women be specially treated in relevant institutions (social welfare services, hospitals, judicial and educational institutions).
- A victim of rape, a criminal act, be treated specially (the procedure should be conducted by a person of the same sex as the victim).
- Education that teaches non-violent relationships and methods of communication between sexes be introduced in preschools and primary schools.
- Women victims of violence be offered protection with the assistance of autonomous, independent and state-funded counseling centres, SOS hotlines, organizations offering shelter, and self-help groups.

Trafficking in human beings

Chapter 6 of the National Policy for the Promotion of Equality titled "Violence against women" set the goal "to strengthen international cooperation in order to suppress organized and other forms of trafficking of women and children, including the trade for sexual exploitation, pornography, prostitution and sexual tourism, and to prosecute the perpetrators" (p.38).

Primary sources:

- Government of the Republic of Croatia. 1997. Nacionalna politika za promicanje jednakosti (National Policy for the Promotion of Equality), 43p.
- Official Gazette, no. 110/1997. Kazneni zakon (Criminal Code), 137p, E-text.
- Coalition of women's groups of Croatia, 25 November 1997. International Day for the Elimination of Violence against Women - Letter to the public, 1p, E-text.
- B.a.B.e. Statement on the occasion of the Constitutional Court of the Republic of Croatia's non-acceptance of a request to undertake a review of the constitutionality of art. 102, para. 2, and art. 188, para. 5 of the Penal Code, 9 June 1999.

Secondary sources:

- Lukač-Koritnik, Gordana, 2003. Croatia. In B.a.B.e. (ed.), *Criminal Code Country Reports*, 65-73.

1998 – 1999**Domestic violence and violence in partnerships**

The Family Act (adopted in 1998, entered into force on 1 July 1999) for the first time notes the term “domestic violence” in the Croatian legislation. Art. 118 contains prohibition of ‘violent behaviour of spouse or of any age / member of the family’. Violation of this prohibition constitutes an offence under art. 362 of the Family Act with a prescribed 30 day prison sentence. Art. 118 also determines the content and mode of police action in case of violent behaviour within the family and on the basis of this article the Ministry of Interior adopts instructions on police actions in cases of domestic violence. The initial draft defined only children as victims of domestic violence, and parents as perpetrators of violence. However, upon the lobbying of women’s NGOs and female parliamentary deputies in the legislative procedure, this provision was changed to include all family members as potential victims of violence.

In 1998, CEDAW published its Concluding comments on the Croatian initial report on the Convention for Elimination of All Forms against Women, in which it expressed “concern with regard to the adequacy of measures to encourage women to come forward with complaints and about the fact that prosecution by public attorneys ex officio or upon the complaint of third parties is not incorporated in legislation on domestic violence” (para. 107).

In June 1999, the Commission for Equality Issues organized a seminar “Together against Violence against Women” (*Zajedno protiv nasilja nad ženama*), in which the representatives of women’s NGOs and of the Council of Europe also took part. At the seminar, the Commission accepted the proposal of women’s NGOs to insert the prosecution of domestic violence ex officio into the Criminal Code.

In September 1999, a terrible tragedy occurred at the Municipal Court in Zagreb, when during his divorce proceedings a 28 year-old man shot at four women, of which three were killed: his ex-wife (26), her attorney (43) and a judge (39). The court secretary (39) was severely injured. Women’s NGOs called for the Minister of Justice and Minister of Interior to resign from their positions.

Primary sources:

- Official Gazette, no. 162/1998. Obiteljski zakon (Family Act), 71 p, E-text.
- Excerpts from a parliamentary debate on the draft of Family Act, 17 October 1997 (8p), 21 May 1998 (4p), 4 December 1998 (6p).
- Concluding observations of the Committee on the Elimination of Discrimination against Women: Croatia. 14/05/98, 6p, E-text.

- B.a.B.e. Press release and statement in reference to the triple murder and an attempted murder in the Municipal Court in Zagreb on 22 September 1999, 2p.

Secondary sources:

- Frelih, Željka and Iva Uščumlić, *Nasilje nad ženama progonit će se i po službenoj dužnosti, najavila Mintas-Hodak* (Violence will be prosecuted ex officio, announced by Mintas-Hodak). *Vjesnik*, 24 June 1999.
<http://www.vjesnik.hr/html/1999/06/24/Clanak.asp?r=unu&c=11>
- Lukač-Koritnik, Gordana, 2003. Croatia. In B.a.B.e. (ed.), *Criminal Code Country Reports*, 65-73.

2000

Domestic violence and violence in partnerships

The 1997 Criminal Code did not penalize domestic violence as a separate criminal offence. Women's NGOs initiated the adoption of amendments to the Criminal Code with the Commission for Equality Issues. The amendments to the Criminal Code from December 2000 prescribed the mode of action when prosecuting the perpetrator of domestic violence (in case of inflicting serious bodily injury and rape) in a way that the State Attorney undertakes criminal action ex officio immediately upon the notification that the criminal act has been committed. Furthermore, the criminal offence of domestic violence was introduced in art. 215.a that stipulates that 'a family member who uses violence, harassment or particularly impertinent behaviour to humiliate another member of the family shall be imprisoned from three months to three years', whereby the definition of the member of family includes former married and common-law couples living in the same housing. Art. 89, para. 30 defines as a "family member" a spouse, civil partner, ex-spouse or civil partner, blood relative in a straight line, adoptive parent or adoptee etc., and those living in a common household.

The amendments to the Criminal Code also introduced a possibility of psychosocial treatment for perpetrators of domestic violence. Perpetrators can be ordered to undertake the obligation 'to take part in the psychosocial treatment in specialized institutions within the framework of authorized state bodies' (art. 71). The changes to the Criminal Code concerning domestic violence were coordinated by the Ministry of Labour and Social Affairs.

Primary sources:

- Official Gazette, no. 129/2000. *Zakon o izmjenama i dopunama Kaznenog zakona* (Act on changes and amendments of the Criminal Code), 14p, E-text.
- Excerpts from a parliamentary debate on the draft of Criminal Code (art. 215.a), 1 June 2000 (11p), 14 December 2000 (3p).

Secondary sources:

- Lukač-Koritnik, Gordana, 2003. Croatia. In B.a.B.e. (ed.), *Criminal Code Country Reports*, 65-73.

2001

Domestic violence and violence in partnerships

In December 2001, the National Policy for the Promotion of Gender Equality, with the Implementation Programme in the period 2001-2005, was adopted by the Croatian parliament. The National Policy was worked out by the Commission for Gender Equality in cooperation with women's NGOs. In chapter 3 (violence against women), the following goals were adopted in relation to violence against women:

- Develop a national strategy to combat violence against women;
- Analyse laws which penalize violence against women and secure the monitoring of the implementation of such legislation;
- Implement the ongoing education of all persons who are involved in law enforcement, and in providing services and support in cases of violence against women;
- Secure financial assistance to women who are the victims of violence;
- Initiate the establishment of special police units to handle and process cases of violence against women;
- Participate in the development of analyses of the existing situation in the courts and recommend the establishment of family courts;
- Prepare special programmes for the perpetrators of domestic violence;
- Oblige the perpetrators of domestic violence to participate in the programmes by introducing new provisions to the Family Act/Criminal Code.
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Sexual harassment

Chapter 5 (economy) of the National Policy for the Promotion of Gender Equality includes the goal on the consistent implementation of legislation in the field of work and employment, and among the implementing measures it provides that the Commission for Gender Equality will establish a working group by June 2002, which should elaborate legislative proposals for the regulation of sexual harassment in the workplace.

Primary sources:

- Official Gazette, no. 112/2001. Nacionalna politika za promicanje ravnopravnosti spolova, s programom provedbe Nacionalne politike za promicanje ravnopravnosti spolova u Republici Hrvatskoj od 2001. do 2005. godine (National Policy for the Promotion of Gender Equality, with the Programme for the Implementation of the National Policy for the Promotion of Gender Equality from 2001 to 2005), 33p, E-text.

2002

Domestic violence and violence in partnerships

In May 2002, changes to the Criminal Procedure Act were introduced that improved the protection of the victims of domestic violence during criminal proceedings. Namely, the New Criminal Procedure Act contains the precautionary measures of restraint orders in cases of domestic violence (art. 90). This change was initiated also upon the recommendation of the Committee on the Elimination of Discrimination against Women.

In 2002, changes to the Misdemeanours Act were adopted which expanded the competences of the magistrate courts with provisions on detention of the perpetrator in order to improve the protection of victims of domestic violence. According to art. 146, the court may, on the basis of its decision or a request made by the claimant of the court proceeding, detain a person for who there exists reasonable doubt that he or she committed an offence concerning domestic violence.

Trafficking in human beings

In 2002, Croatia ratified the UN Convention against Transnational Organized Crimes and the two pertaining protocols, i.e. the Protocol to Prevent, Suppress, and Punish Trafficking in Human Beings, particularly Women and Children, and the Protocol against Smuggling of Migrants by Land, Sea and Air.

Primary sources:

- Official Gazette, no. 88/2002. Zakon o prekršajima (Misdemeanours Act), 101 p, E-text.
- Official Gazette, no. 58/2002. Zakon o izmjenama i dopunama Zakona o kaznenom postupku (Act on changes and amendments of the Criminal Procedure Act), 4 p, E-text.
- Official Gazette-international agreements, no. 14/2002. Konvencija UN protiv transnacionalnog organiziranog kriminala; Protokol o prevenciji, suzbijanju i kažnjavanju trgvanja ljudima, posebno ženama i djecom; Protokol protiv krijumčarenja migranata kopnom, morem i zrakom (UN Convention against Transnational Organized Crimes; Protocol to Prevent, Suppress, and Punish Trafficking in Human Beings, particularly Women and Children; Protocol against Smuggling of Migrants by Land, Sea and Air).

2003

Domestic violence and violence in partnerships

In July, the first comprehensive legislation for elimination of domestic violence was adopted, i.e. the Act on Protection from Domestic Violence. It was worked out by the Ministry of Justice, Administration and Self-Government with a significant contribution from women's

NGOs. The Act defines who is considered to be a family member, the types and purpose of the sanctions, and qualifies domestic violence as a misdemeanour and defines it in art. 4 as:

- every use of physical force or psychological pressure against the integrity of a person;
- every other behaviour of a family member which can cause or potentially cause physical or psychological pain;
- causing feelings of fear or being personally endangered or feeling offended of dignity;
- physical attack regardless of whether or not it results in physical injury, verbal assaults, insults, cursing, name-calling and other forms of severe disturbance, sexual harassment;
- spying and all other forms of disturbing;
- illegal isolation or restriction of the freedom of movement or communication with third persons;
- damage or destruction of property or attempts to do so.

There were no major controversies in relation to the adoption of the Act on Protection from Domestic Violence because there has been a consensus among all major political parties (i.e. in the ruling and opposition parties), and particularly among female politicians, that this issue should be dealt with comprehensively.

In 2003, the Autonomous Women's House, Zagreb undertook research entitled: "The Economic Aspects of Domestic Violence: the social cost of ignoring and tolerating violence against women" to gain clear insight into all aspects of the problem of domestic violence in the Republic of Croatia. The analysis of data on the extent of physical abuse mentions that only 59% women have never experienced physical abuse from their marital/civil partners.

Harassment and sexual harassment

With the changes of the labour legislation in 2003, the prohibition of harassment and sexual harassment was also inserted in the Labour Act, which was largely influenced by the EU equal treatment directives and was not a matter of public debate. Thus, art. 4 (ex 2.b) defines harassment and sexual harassment, and provides that they constitute discrimination within the meaning of art. 2.

In addition to the prohibition of harassment and sexual harassment, changes to the Labour Act also inserted art. 30 (ex art. 22.a) titled 'protection of worker's dignity'. This provision imposes an obligation on the employer to protect workers' dignity in the work place so that they would not be exposed to harassment or sexual harassment, which also includes the adoption of preventive measures.

Primary sources:

- Official Gazette, no. 116/2003. Zakon o zaštiti od nasilja u obitelji (Act on Protection from Domestic Violence), 6p, E-text.

- Excerpts from a parliamentary debate on the draft of the Act on Protection from Domestic Violence, 9 July 2003, 43p.
- Official Gazette, no. 114/2003. Zakon o izmjenama i dopunama Zakona o radu (Act on amendments and changes of Labour Act), 34p, E-text.

2004

Domestic violence

In February, the Minister of Interior adopted the Regulation on the implementation of protective measures put under police competence by the Act on the Protection against Domestic Violence.

In May, representatives of the Croatian government, the parliament, NGOs and experts led a debate about the implementation of the UN Millennium Development Goal 3 “Promotion of Gender Equality and Empowerment of Women”, in which they defined and identified the most important sub-goals by the year 2015, among them “the suppression of all forms of violence against women”.

In October, the parliament proclaimed 22 September as the “National Day of Combating Violence against Women” (Nacionalni dan borbe protiv nasilja nad ženama), which is the anniversary of the killing of three women in the Municipality Court in Zagreb in 1999.

In December, the National Strategy for the Protection from Domestic Violence 2005 – 2008 was adopted by the government. The National Strategy was worked out by the Ministry of Family, Veterans’ Affairs and Inter-Generational Solidarity, Department for Family, but representatives of women’s NGOs were also involved in its creation. The National Strategy’s main goals are:

- to eliminate family violence in all its manifestations;
- to alleviate the consequences of family violence
- to work on the development of a multidisciplinary approach to the victims of family violence;
- to improve cooperation and harmonious functioning of the competent authorities;
- to educate and raise awareness of experts and the public on the problems of family violence;
- to provide appropriate organization and an adequate number of professionals in the competent public administration bodies of the Republic of Croatia who will deal with the issues of family violence;
- to contribute to the realization of the gender equality policy.

Trafficking in human beings

In 2004, changes and amendments to the Criminal Code introduced a separate criminal offence “Trafficking in human beings and slavery” (art. 175), which prescribes imprisonment

of between one and ten years for anyone who “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 slavery or in a similar status”.

In 2004, the National Committee for the Suppression of Trafficking, which is constituted of the government bodies, NGOs and media, worked out the National Programme for the Suppression of Trafficking in Human Beings 2005-2008. The Programme contains numerous measures in relation to the legislative framework (e.g. the initiation of legislation for the protection of victims of trafficking), identification of victims and prosecution of perpetrators, help and protection of victims, prevention, education, international cooperation, and coordination of activities.

In order to inform the public about this problem, the National Committee for the Suppression of Trafficking in Human Beings, in cooperation with the International Organization for Migration, conducted a broad public campaign, as part of which an SOS telephone line was launched. Assistance and protection of victims is given through the formation and training of mobile teams of experts, reception and care of victims, and accommodation in reception centres/shelters. The former Ministry of Labour and Social Welfare monitored the implementation of the three-year Programme of Protection of Victims of Trafficking in Human beings for sexual exploitation, and NGOs were also included in this Programme (e.g. the Centre for Women Victims of War, Zagreb, the Rosa Women’s Centre, The Karlovac Women’s Group “Step” (Korak)). The shelters were officially founded under the jurisdiction of the then Minister of Labour and Social Welfare in July 2003, and three reception centres have been established in various regions of Croatia.

Other (hate crime)

During the legislative procedure on changes of the Criminal Code in 2004, hate crime on the grounds of sexual orientation or other features was inserted into art. 174, para. 3 upon the lobbying of the legal team of the LGBT NGOs “Iskorak” and “Kontra”. As these NGOs note, however, the law-enforcement bodies (the police, public attorneys, courts etc.) still do not collect data on criminal offences involving hate crime.

Primary sources:

- Official Gazette, no. 105/2004. Zakon o izmjenama i dopunama Kaznenog zakona (Act on changes and amendments of the Criminal Code), 15 p, E-text.
- Official Gazette, no. 182/2004. Nacionalna strategija za zaštitu od nasilja u obitelji u razdoblju od 2005. do 2007. godine (National Strategy of Protection against Family Violence for the Period from 2005 to 2007), 14p, E-text.

- PETRA – Network of NGOs for Elimination of Trafficking in Women, a letter “Nacrt prijedloga Zakona o izmjenama i dopunama Kaznenog zakona” (Draft of changes and amendments of the Criminal Code), 23 March 2004, 3p, E-text.

Secondary sources:

- UNDP. 2006. Progress towards the Achievement of the Millennium Development Goals in the Republic of Croatia in the Period from August 2004 to December 2006, p 31-42. <http://www.undp.hr/upload/file/124/62105/FILENAME/MDG%20engleska%20za%20web.pdf>
- Legal Team of Associations “Iskorak” and “Kontra”. 2007. Izvještaj o stanju ljudskih prava seksualnih i rodnih manjina u 2006. godini (Report on the situation of human rights of sexual and gender minorities in year 2006), <http://www.zamirzine.net/spip.php?article4362>.

2005 – 2006

Domestic violence and violence in partnerships

With the adoption of the **National Strategy for Protection against Domestic Violence 2005 -2007**, and the **Protocol on Action in Cases of Domestic Violence**, in the creation of which women representatives of the civil sector were also involved, the Croatian government adopted a series of measures to prevent various forms of domestic violence, such as:

- In all competent bodies the obligation is introduced for research, prevention and processing of all forms of domestic violence, preventive action, offering assistance and information about the issue of domestic violence.
- To provide for a systematic and planned fight against domestic violence and a contribution to the realization of gender equality policies, as well as cooperation with NGOs whose work involves protection of victims of violence.
- To draft programmes of psychosocial treatment for family violence perpetrators and recommendations for the implementation of such treatments. For this purpose the **Rules on Manner and Place of the Implementation of Psychosocial Treatment** were prepared in 2005 (amended in 2006) by the Ministry of Health and Social Welfare.
- On the grounds of para. 5 of the Strategy, the **Rules of Procedures in Cases of Domestic Violence** were prepared in 2005 (Rules were amended in September 2006) by the Ministry of Family, Veterans’ Affairs and Inter-Generational Solidarity. These rules contain:
 - the obligations of competent bodies and other groups involved in identification and elimination of violence and in providing help and protection to the persons exposed to family violence;
 - forms, means and areas of cooperation between competent bodies and other groups involved in the identification and elimination of violence and in providing help and protection to persons exposed to family violence;

- other activities and obligations related to actions of competent bodies and other groups involved in identification and elimination of violence and in providing help and protection to persons exposed to family violence.
- To draft programmes of free psychosocial and legal aid for women and children who are victims of violence, programmes of strengthening and training with the aim of offering economic independence to victims, and programmes of employment for women victims of family violence (para. 11). This was partly achieved as the Ministry of Economy, Labour and Entrepreneurship worked out the **Programme of Employment for Women Victims of Domestic Violence** within the framework of the **National Action Plan of Employment 2006**.

Croatia joined the Council of Europe Task Force to Combat Violence Against Women in order to prepare a joint pan-European campaign in the period from 2006 to 2007. In January 2006, the government established the National Committee for the Implementation of the Campaign. On 25 November, at the occasion of the International Day of Combating Violence against Women, the Croatian government launched the campaign “There is no excuse for violence” (*Za nasilje nema opravdanja*). The campaign will last until 8 March 2008.

In its 2005 Concluding observations on Croatia’s second and third periodic report, CEDAW recommends the Croatian government “to ensure that enough shelters are available to women victims of violence. It also calls on the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with applicable legal provisions, and are sensitized to all forms of violence against women and adequately respond to them” (para. 199).

Trafficking in human beings

In May 2005, Croatia signed the Council of Europe Convention on Action against Trafficking in Human Beings, but has not yet ratified it.

In its 2005 Concluding observations on Croatia’s second and third periodic report, CEDAW recommends that the Croatian government “step up its efforts to combat trafficking in women and girls, including finalization and implementation of its Operative Plan for Prevention of Trafficking, 2004 to 2008. The Committee further calls on the State party to take all appropriate measures to suppress exploitation of the prostitution of women, including through discouraging the demand for prostitution and taking measures to rehabilitate and support women who want to get out of prostitution” (para. 205).

Primary sources

- Concluding comments of the Committee - CEDAW: Croatia. 28/01/2005, 8p, E-text.
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against Women), 25 November 2006, 2p.

http://www.vlada.hr/hr/naslovnica/novosti_i_najave/2006/studeni/premijer_sanader_otvori_o_nacionalnu_kampanju_vijeca_europe_za_borbu_protiv_obiteljskog_nasilja_nad_zenama

2006

Domestic violence and violence in partnerships

In October 2006, the parliament passed the National Policy for the Promotion of Gender Equality 2006-2010, which was previously approved by the parliamentary Committee on Gender Equality. The National Policy was worked out by the government Office for Gender Equality upon consulting and considering the proposals of the Women's Network of Croatia. In chapter 5 (violence against women), the main goals of the National Policy are:

- Eliminate all forms of domestic violence and improve the protection of victims of domestic violence.
- Eliminate all forms of violence against women.
- Develop awareness of all forms of violence against women amongst public workers, law enforcement staff, judges, health and social workers (education).

A significant improvement concerning the possibility of getting a court restraining order in cases where ex-partners are perpetrators of violence was achieved through the change of the definition of a family member under the Criminal Code. According to the changed art. 89, para. 30, the perpetrator does not have to live in the same household as the victim of domestic violence as was previously the case. This change was achieved upon the lobbying of the women's NGOs (Women's Network of Croatia).

Other (Hate crime)

Art. 174, para. 3 of the Criminal Code prescribes imprisonment for hate crime committed on various grounds but did not contain the definition of "hate crime". The definition of "hate crime" was inserted in art. 89, para. 36, which stipulates that "hate crime is every criminal offence from this Act committed out of hatred against a person on the grounds of his/her race, colour of skin, gender, sexual orientation, language, religion, political or other belief, national or social origin, property, birth, education, social position, age, health condition or other features". The amendment was endorsed by the parliamentary Committee for Human Rights and National Minorities.

Sexual assault & rape

At the occasion of the International Day of Combating Violence against Women, the NGO Women's Room from the Women's Network of Croatia, the parliamentary Committee for Gender Equality and Office for Gender Equality organized a round table "Proposals of

changes related to sexual violence: legislative changes, protection of victims and development of prevention programmes” (*Prijedlozi promjena vezani uz seksualno nasilje: promjene zakona, zaštita žrtava i razvoj preventivskih programa*) in the Croatian parliament.

Female genital mutilation

In November 2006, Croatia granted the first asylum since its independence. Asylum was granted to a 20 year-old woman, a Christian from Sudan, on the grounds of religious persecution and female genital mutilation.

Primary sources

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- Official Gazette, no. 103/2003. Zakon o azilu (Asylum Act), 23p, E-text.
- Parliamentary Committee for Human Rights and National Minorities, “Izvešće Odbora za ljudska prava i prava nacionalnih manjina o Konačnom prijedlogu zakona o izmjenama i dopunama Kaznenog zakona, P.Z. br. 360, 9. svibnja 2006” (Report on final draft bill on changes and amendments of the Criminal Code, P.Z. no. 360, 9 May 2006).

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- Ombudsperson for Gender Equality. 2007. Izvešće o radu za 2006. godinu (Report on Work for the year 2006).
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5. CONCLUSIONS & SUMMARY OF KEY QUESTIONS

5.1. General gender+ equality policies in Croatia

Croatia had legislated for gender equality already under the socialist regime in the 1970s (at that time as the Socialist Republic of Croatia); one such law is the 1978 Act on Medical Measures for Exercising the Right to Freely Deciding about Giving the Birth, which is still in force. Gender equality became fully integrated into law with the adoption of the Gender Equality Act in July 2003.⁷⁷ This was an outcome of cooperative efforts between women's NGOs and legal experts and of a favourable social and political climate after January 2000 when the government led by the Social Democrats assumed power. In addition to the Gender Equality Act, three national policies for the promotion of gender equality were adopted in 1997, 2001 and 2006. In general, there were no major controversies in Croatian society in relation to the adoption of comprehensive gender equality legislation. As Croatia was granted candidate status for the accession to the EU only in June 2004, the transposition of the EU *acquis communautaire* into domestic legal order has started only recently. As the Gender Equality Act introduced gender equality bodies (Gender Equality Ombudsperson and Office for Gender Equality), Croatia seems to be successful in transposing the EU gender equality directives; however, this can be attributed to the grass root activities of women's NGOs and groups and to the active involvement of some female parliamentary deputies (mainly from the SDP) rather than to the EU's direct influence. On the other hand, the Employment Framework Directive (2000/78/EC) was transposed on the initiative of the SDP-led government to harmonize Croatian labour legislation with the EU social policy, and the Race Equality Directive (2000/43/EC) has not yet been transposed into Croatian legislation. Other international documents which have had a marked impact on gender+ equality policies in Croatia are: the UN Convention on the Elimination of All Forms of Discrimination against Women (its definition of discrimination influenced the definition of gender-based discrimination in the Gender Equality Act), the Beijing Declaration and Platform of Action (the first equality policy was adopted following the commitments given in Beijing) and ILO conventions.

5.2. Non-employment

Croatia has legislated for gender equality mainly in the field of employment. Thus, a range of laws and strategies which have shaped gender+ equality policies in relation to non-employment have been adopted in the QUING period, including: 1995 Labour Act (with subsequent amendments), 1996 Employment Act, 1996 Act on Maternity Leave of Mothers Carrying out Independent Activity and Unemployed Mothers (with subsequent amendments), 1998 Pension Insurance Act (with subsequent amendments), 2000 Tax Income Act, 2002

⁷⁷ Gender Equality Act was adopted in a bulk of gender equality and anti-discrimination laws; i.e. Act on the Protection from Domestic Violence, Act on Same-Sex Unions and Family Act.

Act on the Professional Rehabilitation and Employment of Persons with Disabilities and Act on Mediation in Employment and the Rights during Unemployment, national family/population policies (1996, 2002 and 2006), and employment action plans.

From a gender equality perspective, two main approaches can be identified in the legislation and strategies concerning non-employment, particularly in the sub-issues of the reconciliation of work and family life, and care work. The first approach reflects attempts at the re-traditionalization of Croatian society and, consequently of the exclusion of women from the labour market; such measures include the extension of parental leave, the introduction of a status mother-nurturer, and the increase of parental compensations. This approach was fostered under the Croatian Democratic Union (HDZ) rule in the 1990s and, to a lesser extent, after 2003 when the HDZ re-gained power. The second approach is an outcome of social policy reforms undertaken by the government led by the Social Democrats (SDP) in the period 2000-2003; this policy includes the reduction of parental compensations, shortening of parental leave, promoting of paternity leave, strengthening of anti-discrimination protection in employment, and introducing the employment quota for disabled people. Some labour protection guarantees, such as the protection of pregnant women and equal pay for women and men, were inherited from the socialist period. In the QUING period, Croatia went through two tax reforms (the major one was passed in 2000) and a reform of the pension system in 1999. Although the previous government attempted to equalize the retirement age between women and men, it had not succeeded in this. However, the Constitutional Court decided in its decision from April 2007 that the retirement age must be equalized by the year 2018.

The main government actors that affected gender+ equality policies in relation to non-employment were the Ministry of Labour and Social Welfare and State Institute for the Protection of Family, Motherhood and Youth (before January 2004), and the Ministry of Economy, Labour and Entrepreneurship and the Ministry of Family, Veterans' Affairs and Inter-Generational Solidarity (after January 2004). With the exception of the engagement of trade unions, particularly of the Women's Section within the Union of Autonomous Trade Unions of Croatia, civil society actors have not been systematically involved in the issues related to non-employment. The Women's Network of Croatia, and most notably B.a.B.e. – Group for Women's Human Rights, have been the most visible in the debate over pension reform and the retirement age of women, and were critical of measures putting women in a disadvantaged position in the labour market (status of mother-nurturer, reduction of parental compensations etc.).

5.3. Intimate citizenship

In Croatia, the field of intimate citizenship has been the most controversial of the QUING issues. Namely, the main controversies have revolved around the (sub)issues of reproductive rights, particularly concerning access to abortion, assisted reproduction and sexual education, and same-sex partnerships. In relation to abortion rights, the main

antagonists within the civil society have been the women's NGOs and groups associated with the Women's Ad Hoc Coalition / Women's Network of Croatia on the one side, and pro-life Catholic groups associated with the Croatian Population Movement and the Catholic Church on the other side. There were many legislative attempts to restrict or abolish the access to abortion which is guaranteed by the 1978 Act on Medical Measures for Exercising the Right to Freely Deciding about Giving Birth; it has been attacked by the Catholic Church, pro-life groups and conservative / nationalist political parties as a remnant of "communist legacy".

The major controversy concerning same-sex partnerships arose in 2002/2003 in relation to the governmental draft of the Act on Family, Marriage and Non-Marital Unions, which initially included same-sex partnerships. However, due to strong opposition coming from the opposition political parties (Croatian Democratic Union-HDZ) and some parties in the government (Croatian Peasant Party-HSS), the government eventually lodged in the parliamentary procedure two separate draft laws (Family Act and Act on Same-Sex Unions) in June 2003. More recent controversies include the issue of reproductive assistance in 2004/2005, when the Catholic Church openly opposed the draft of the Act on Medically Assisted Insemination, and the debate among civil society actors (women's and LGBTIQ NGOs on one side and the association "Grozd" – Parents' Voice for Children on the other side) in 2006/2007 concerning sexual education in primary and secondary schools.

The main government actors that affected gender+ equality policies in relation to intimate citizenship were the Ministry of Labour and Social Welfare and the Ministry of Health (before January 2004) and the Ministry of Family, Veterans' Affairs and Inter-Generational Solidarity and the Ministry of Health and Social Welfare (after January 2004). In relation to abortion rights, the most relevant civil actors are the Women's Ad Hoc Coalition / Women's Network of Croatia and the Catholic Church and pro-life religious groups. With respect to same-sex partnerships, the most visible LGBTIQ NGOs are "Iskorak" – Centre for Sexual and Gender Minorities and the Lesbian Group "Kontra".

5.4. Gender-based violence

In relation to the sub-issue of domestic violence, the most significant legislative and policy documents are the 2003 Act on Protection from Domestic Violence and the 2004 National Strategy for Protection from Domestic Violence 2005 – 2007. Furthermore, Croatia has adopted a series of other legislative changes concerning domestic violence and violence in partnerships, such as the inclusion of marital rape and domestic violence as criminal offences in the Criminal Code, the prohibition of domestic violence in the 1998 Family Act, the introduction of restraint orders and compulsory psychosocial treatment for the perpetrators of violence. Other relevant sub-issues in the field of gender-based violence are trafficking in human beings, which is addressed by the National Programme for the Suppression of Trafficking in Human Beings 2005-2008, and the prohibition of harassment and sexual harassment in the 2003 amendments of the Labour Act.

In Croatia, a consensus has been achieved on the necessity of combating domestic violence and violence against women and the alliance was created among all major actors (i.e. government, political parties and civil society). Therefore, there have not been any major controversies concerning this issue. The field of violence against women, and more recently, the field of trafficking in women, has been the issue which has attracted the most attention from the women's NGOs in Croatia. This can be imputed to the relatively long tradition of NGOs in providing psychosocial and legal help to women victims of domestic and sexual violence (the SOS hotline for women and children victims of violence in 1988 and the first shelter for victims of violence in 1990 were the first of this kind in East Europe), itself a result of the unwillingness of Croatian authorities to address this issue until the end of the 1990s.

The main government actors that were involved in gender+ equality policies in relation to intimate citizenship were the Ministry of Justice, Administration and Local Government, the Ministry of Labour and Social Welfare, and the Ministry of Health (before January 2004), and the Ministry of Justice, Ministry of Family, Veterans' Affairs and Inter-Generational Solidarity, the Ministry of Interior, the Ministry of Health and Social Welfare, and the National Committee for the Suppression of Trafficking in Human Beings (since January 2004). Among the women's NGOs actively engaged in providing legal assistance and/or psychosocial treatment and shelter to women victims of violence are: the Centre for Women – House ROSA, Autonomous Women's House "Zagreb", Women's Room, B.a.B.e. – Group for Women's Human Rights, Lesbian group "Kontra", Centre for Education and Counseling (CESI), and the Women's Group "Korak".