CROATIA

1. Discriminatory family code

Under the 2003 Family Law, the legal minimum age of marriage is 18 for women and men; however, this can be reduced to 16 in ‘exceptional’ circumstances if the person is deemed to be mentally and physically mature enough to enter marriage, following a decision by the court.¹,²

Religious marriages have the same legal status as civil marriages in Croatia. This applies to all marriages conducted by the Croatian Catholic Church (the main religious body in Croatia), the Serbian Orthodox Church, the Islamic congregation, and various protestant congregations that have regulated legal relations with the state.³ The minimum age for marriage is 18 for all marriages, regardless of whether they are performed in a civil register office or a place of worship.⁴

Various sources point to high rates of early marriage within Roma communities in Croatia.⁵,⁶,⁷ For instance, a shadow report by the European Roma Rights Centre (ERRC) submitted to The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee in 2005 notes that the average age at marriage of Roma women interviewed by ERRC was 14.7 years.⁸

The emergence of teenage pregnancy and parenthood is present in Croatia. Although in the last thirty years we can notice the general trend of reduction in the number of births and abortions, the available data on births and abortions in adolescents in Croatia from recent years does not show a significant downward trend. Teen pregnancy and parenthood, often unplanned and unwanted, they are associated with lack of information and high-risk sexual behaviour of adolescents. Previous experience of working with juvenile pregnant women, parents and their families, according to the juvenile parenting is often associated with a range of problems - from disturbed family relationships, dropouts, abandoned by their partners, to difficulties in adapting and accepting their new life roles.⁹

Women and men have equal rights within marriage under Croatian law, including in regard to decision-making authority over children.¹⁰ Women and men have the same right to be legally recognised as the

¹ CEDAW (2003), p.57, Please note: Croatia has not reported to the CEDAW Committee since 2003
² UNICEF (2011), p.10
³ The Evangelical Church in Croatia, the Reformed Christian Church, the Pentecostal Church in Croatia, the Lord’s Church, the Congregation of Christ’s Pentecostal Churches, the Christian Adventist Church, Reformed Movement of Seventh-Day Adventists, Congregation of Baptist Churches and the Christ’s Church.
⁴ CEDAW (2003, p.57
⁵ CEDAW (2003, p.57
⁶ European Roma Rights Centre (ERRC) (2004) p.20
⁷ Humanium (n.d.)
⁸ ERRC (2004), p.20
⁹ Report of Ombudsperson for Gender Equality for year 2013
¹⁰ Family Law, Articles 31-33
head of the household.11 Women and men retain equal decision-making authority over children following divorce.12

**Parental authority** is governed solely by the civil Family Law.13

Parents, regardless of whether they live together or separately, care for the child on an equal footing and with the mutual agreement, except in cases prescribed by law. That law provides that only one parent cares for the child if the other parent is dead, declared dead, deprived of parental care, incapacitated in relation to parental care or prevented.

Family law provides that the court, if the parents do not live together, decide with which parent the child will live and determine the manner and time of the child and the other parent. When making a decision which parent will the child live with, court appreciates all the circumstances of the case and is primarily focused on the protection of the interests of the child, taking into account the opinion of the competent social welfare centre that collects data related to housing and financial situation of parents, but and with regard to personal characteristics of the parents, their suitability to carry out adequate parental care, respects the mutual family relations and respects the views of the child in accordance with his/her age and maturity.14

Women and men have the same **inheritance** rights in Croatia, and women enjoy equal inheritance rights as wives and as daughters.15, 16

Inheritance laws appear to be governed solely by civil law.17

**More**

Under Croatian law, either spouse has the right to initiate divorce. However, a man cannot file for divorce if his wife is pregnant, or if they have a child under the age of one.18 In addition, according to the 2003 CEDAW report, in cases where social mediation centres or courts become involved in custody disputes, they almost always assign child custody to the mother.19 It is apparently often difficult for women to get agreements regarding alimony payments enforced, due to long bureaucratic delays in the courts.20

On 6 June a new Family Code was promulgated which brought significant changes with respect to the area of divorce, which is now restricted by the obligation to show up at the first session of mediation, where there are under-age children; otherwise a person cannot file for divorce in 6-month time period21.
2. Restricted physical integrity

Although originally a criminal offense, Article 215 dealing with domestic violence was expelled from the Criminal Code in 2012. With the entry into force of the new Criminal Code, as of 1 January 2013, the offense of violent behaviour in the family was abolished, but the protection of all members of the family from the violence in relation to the existing Criminal Code has been further enhanced, since the violence against family members is defined as aggravated form for a number of other offenses (such as bodily injury, rape and others) and is punishable by severe penalties. Consequently, domestic violence is now in the sphere of misdemeanour sanctions, for which a maximum penalty of 90 days imprisonment could be ordered, and there are also some issues with the protection orders.\(^{22, 23, 24}\)

The definition of domestic violence was further developed by the concept of "economic violence", and the definition of the family has been expanded so that it includes former marital and non-marital partners, children of each of them and their mutual children. At the same time, the new law increased the penalties for perpetrators of domestic violence, which are still very low. The Law on Protection from Domestic Violence, besides the imposition of fines and imprisonment, predicts protection measures and precautions for perpetrators of domestic violence.\(^{25}\)

According to the findings of the Special Rapporteur on Violence Against Women, police and prosecutors will often request psycho-social rehabilitation orders for the perpetrator over punishment.\(^{26, 27}\) The Special Rapporteur also noted that judges are prone to under-sentence in domestic violence cases, or to impose suspended sentences.\(^{28}\)

According to the Advocates for Human Rights / Autonomous Women’s House Zagreb / Bulgarian Gender Research Foundation report, the judiciary and social welfare centres (which provide support to victims in domestic violence cases) do not have an adequate understanding of the complexities of domestic violence cases, meaning that in many instances, women bringing cases through the courts are re-victimised. For instance, judges may see their primary role as reuniting the family, rather than protecting the victim from further violence, and may stop at warning the perpetrator, rather than imposing a punishment, or they may expect victims to face their abusers at close proximity.\(^{29}\)

Under the Family Law, parents are held accountable for exposing children to violence in the home; this means that victims of domestic violence can, and are prosecuted by the courts for failing to protect their children from witnessing the violence. This functions as a significant barrier to reporting. In addition, the failure of judges to impose criminal sanctions in domestic violence cases also deters women from

\(^{22}\) Radačić, I. (2014)
\(^{23}\) Ombudsperson for Gender Equality (2012) Annual Report
\(^{25}\) The Law on Protection from Domestic Violence of Croatia, 2011
\(^{26}\) United Nations News Centre (2012)
\(^{27}\) Advocates for Human Rights / Autonomous Women’s House Zagreb / Bulgarian Gender Research Foundation (2012), p.4
\(^{28}\) United Nations News Centre (2012)
\(^{29}\) Advocates for Human Rights / Autonomous Women’s House Zagreb / Bulgarian Gender Research Foundation (2012), pp.2-3
reporting subsequent abuse. Lack of trust in the judiciary and in the social welfare system to provide adequate protection and support were also identified as barriers to reporting.⁴⁰

According to data in a report by United Nations Development Fund (UNDP) there were 16,978 cases of domestic violence logged by law enforcement bodies in 2009; of these, 482 (3%) were registered as criminal cases.³¹

A report by the Advocates for Human Rights / Autonomous Women’s House Zagreb / Bulgarian Gender Research Foundation notes that many survivors of domestic violence interviewed for their research were positive about the response from the police in their case. Indeed, survivors and experts interviewed repeatedly stated that of all the institutions dealing with domestic violence cases, the police provided the most effective and sensitive response. However, some serious problems were reported, including police failing to prioritise domestic violence cases (for instance, asking women to come back at another time when a dedicated domestic violence officer would be on duty), or believing that domestic violence was a private matter, or the result of alcohol abuse, and that it was their role to reconcile parties.³²

The same report states that it is commonplace for ‘dual arrests’ to take place in domestic violence cases, where the victim is arrested alongside the perpetrator (for instance, for verbally insulting her attacker, or defending herself against him). The report argues that this stems from the fact that the legal definition of domestic violence is very vague, and that police often fail to identify the primary aggressor in a case of domestic violence. Fear of arrest acts as a significant barrier to women reporting cases of domestic violence.³³

According to official data of the police, under the Law on Protection from Domestic Violence from year 2003 when it entered the force, each year between 11,500 and 17,500 perpetrators have been reported, and the number of victims of such offenses ranges between 14,500 and 22,200, of which women are victims in 64% to 71% of cases, depending on the year. By the number of women who are murdered each year, we can see from the data of the police that it is a worrying number of 22-45 women per year. Their current or former partners / husbands were the perpetrators in 20% to even 65% of cases.³⁴

Two types of shelters exist for female victims of domestic violence: shelters established by local communities and those set-up by non-governmental organizations. These shelters receive federal and local funding. However, the Ombudsman for gender Equality noted the conditions of these shelters to be unsatisfactory.³⁵

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⁴⁰ Advocates for Human Rights / Autonomous Women’s House Zagreb / Bulgarian Gender Research Foundation (2012), p.3, 40, 94
⁴¹ Risser, Susanne and Filip R.V. Tanay (2010), p.47
⁴² Advocates for Human Rights / Autonomous Women’s House Zagreb / Bulgarian Gender Research Foundation (2012), p. 11-15
⁴³ Advocates for Human Rights / Autonomous Women’s House Zagreb / Bulgarian Gender Research Foundation (2012), p.2
⁴⁴ Ministry of Internal Affairs of Croatia
⁴⁵ Directorate general for Internal Policies (2013)
Rape is a criminal offence in Croatia. Marital rape is specifically classified as a crime under the 1998 Criminal Code. For the first time in the Criminal Code of the Republic of Croatia, the criminal offense of sexual intercourse without consent and the offense of rape have been separated. Rape of course presupposes the use of force, thereby consent is automatically turned off, while for the criminal offense of sexual intercourse without consent just lack of consent is enough, and the use of force to resist is nonessential. The penalties prescribed for the offense of sexual intercourse without consent are less than those for rape The penalties for rape are between one and fifteen years’ imprisonment, depending on the nature of the attack, the age of the victim, and the level of harm imposed.

In relation to rape, there are differences in the burden of proof. The burden of proof is shifted to the accused, who must prove that there was consent, while the complainant proves only the existence of a sexual act. The report by Advocates for Human Rights / Autonomous Women’s House Zagreb / Bulgarian Gender Research Foundation mentions cases of police refusing to believe victims reporting rape.

There is no clause in the criminal code allowing a rapist to escape prosecution by marrying his victim. Research carried out in 2003 found that one in three women in Croatia had been a victim of sexual violence, namely forced or coerced sex. Data from the Ministry of Affairs shows that for every reported case of rape, there are 15-20 unreported from the year 2000 to the year 2010, 1228 offenses of rape was reported, of which 958 completed and 270 were attempts. On average, between 90 and 150 such crimes are reported annually.

However, Rape is one of the least reported crimes with the highest proportion of dark figures. Sexual harassment is now criminalised under the new Criminal Code, which entered into force in January 2013. This Code also regulates sexual offences in a different manner to the previous Code and there is no offence of domestic violence in this Code. Rather, the fact that the act is committed against a close person is a qualified form of certain offences (assault, compulsion, threat). This, however, leaves a legal gap with respect to certain forms of domestic violence, such as psychological and economic abuse.

Sexual harassment is also covered under the 2008 Act on Gender Equality. Under the law, sexual harassment is defined as ‘any form of unwanted verbal, non-verbal or physical conduct of a sexual

36 Criminal Code, Article 188
37 CEDAW (2003), p.8
38 Criminal Code, Article 188
39 Criminal Code of Croatia, Articles 152, 153
40 Advocates for Human Rights / Autonomous Women’s House Zagreb / Bulgarian Gender Research Foundation (2012), p.14
41 Criminal Code
42 Women against Violence Europe (WAVE) (2011)
43 Ministry of Internal Affairs of Croatia (2011)
44 Ministry of Internal Affairs of Croatia (2011)
45 New Criminal Code, FGM - Article 116, sexual harassment - Article 156, Official Gazette 125/11 and 144/12.
nature that occurs with the purpose or effect of violating the dignity of a person, in particular when creating an unpleasant, hostile, degrading or offensive environment’.  

The Act on Gender Equality applies in all places of employment, education institutions, and government bodies.  

The Act on Gender Equality includes the establishment of a dedicated body for combating gender discrimination, including sexual harassment, to be overseen by a parliament-appointed ombudsman for gender equality.

Complaints about harassment based on sex and sexual harassment constitute 45.7% of all complaints to the Ombudsperson for Gender Equality in Croatia, in area of labour rights. They are submitted exclusively women. In most cases it's about sexual harassment by their superior so that they are under pressure to enter into a sexual relationship with the abuser.

However, the US Department of State notes in its human rights report for 2012 that victims of abuse are very reluctant to report instances of sexual harassment. There are several reasons for this: Lawsuits launched to discrimination takes discouragingly long (a similar situation exists in criminal proceedings); the victims are uncomfortable to repeatedly witness in front of many people on the ways and occasions of the sexual harassment, during which they are exposed to provocations of the opposing party; with initiating of a lawsuit comes uncertain stability and security of the current job etc; lawyers also do not have enough practice in initiating and conducting anti-discrimination procedures.

Being situated in such a situation, from the experience of the Ombudsperson, the victim usually goes on sick leave because they cannot resolve the situation alone and cannot handle the resulting pressure.

The report by the Ombudsmen for Gender Equality also noted that number of reported cases of violence against women has increased over the past ten years. This is due, not to an increase in violence, but greater public awareness about the issue.

There is no evidence to indicate that female genital mutilation is practised in Croatia. However, it is a criminal offense under the new Criminal Code.

More

As elsewhere in the former Yugoslavia, sexual violence was used against people of both genders to terrorise and displace populations during the Balkans conflicts in the early 1990s. During her visit to Croatia in 2012, the Special Rapporteur noted that in her view, the legacy of violence from the wartime

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46 Act on Gender Equality, 2008, Article 8  
47 Act on Gender Equality, 2008, Articles 4, 13, 14  
48 Act on Gender Equality, 2008, Articles 19-26  
49 US Department of State (2013)  
50 US Department of State (2013)  
51 US Department of State (2013)  
52 US Department of State (2013)  
53 Directorate general for Internal Policies (2013)  
54 US Department of State (2013)  
period ‘tends to become privatized and takes on new forms as it manifests itself in the private and family sphere’, partly accounting for high levels of domestic violence in Croatia today.\(^5^6\)

In a 2010 report, Amnesty International voiced concern that war crimes of a sexual nature were not included in indictments for war crimes being heard in Croatia.\(^5^7\) A more recent report by Amnesty International (2013) states that tackling impunity for past crimes remained a challenge, and that most crimes of sexual violence were still not being included in indictments.\(^5^8\)

Although abortion is legally permitted, there are different methods and ways of trying to restrict women’s right to safe and accessible abortion in Croatia.\(^5^9\) The price of abortion is unreasonably high, varies from hospital to hospital, and it reaches a height of minimum wage. The stigma and humiliation suffered by women who go to abortion cannot be measured by money. According to the health measures for the realization of the right to freely decide on childbirth, women in Croatia can legally terminate a pregnancy without consent of the commission, if the pregnancy that lasts up to 10 weeks. According to the same law, an abortion can be performed only by authorized health institutions. Every pregnancy termination in accordance with the regulations must be submitted on the corresponding form to the Croatian Institute for Public Health.\(^6^0\)

During 2011 it was noted that, 10,401 abortions was reported, out of which 4,347 or 41.8% were on the woman’s request. Compared with the year 2010, total number of abortions increased. Of the women who had undergone legally induced abortion, the highest number is among those aged 30-39 years (45.04%). Most of women who seek abortions already have one (823, or 18.9%), two (1,190, or 27.4%) or three or more children.\(^6^1\)

**Reproductive health education** is lacking in Croatia. While condoms are widely available, other forms of contraceptives are less easily accessible. “Health Education”, a program traditionally inspired by the Catholic Church was updated for the 2013-2014 school year after the Ministry of Science, Education and Sport held a public debates and forums.\(^6^2\)

### 3. Son bias

The male/female sex ratio for the working age population in 2013 is 0.99 while the sex ratio at birth is 1.06.\(^6^3\) Based on this initial evidence, it appears that Croatia is not a country of concern in relation to missing women.

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\(^{56}\) United Nations News Centre (2012)  
\(^{57}\) Amnesty International (2010), p.16  
\(^{58}\) Amnesty International (2013), p.72  
\(^{59}\) United Nations Department of Economic and Social Affairs, Population Division (2013)  
\(^{60}\) United Nations Department of Economic and Social Affairs, Population Division (2013)  
\(^{61}\) Directorate general for Internal Policies (2013)  
\(^{62}\) Directorate general for Internal Policies (2013)  
\(^{63}\) CIA World Fact book
In 2012 there were more male children out of school than females. Also, the ratio of female to male primary school enrolment was 99.7%, and 103.8% was secondary education. Between 2008 and 2012 the literacy rate for females and males was the same

4. Restricted resources and assets

Women and men have the same right to own and access land. Unmarried women and men have the same property rights, as do married women and men. The default property regime in marriage is partial community of property, and all property acquired during marriage is considered to belong to both spouses, and is administered jointly.

Data indicated that only 18% of women in rural areas are owners of the utilised agricultural areas. Women’s access to property appears to be governed solely by civil law in Croatia.

Women and men have the same rights to own and access non-land assets. Unmarried women and men have the same property rights, as do married women and men. The default property regime in marriage is partial community of property, and all property acquired during marriage is considered to belong to both spouses, and is administered jointly.

Women and men have the same rights to access financial services, including credit and bank loans in Croatia (law not specified).

One of the shadow reports submitted to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee in 2004 notes that women were often unable to access credit due to a lack of assets to act as collateral.

According to the World Bank, as of 2011, 87% of women in Croatia had a bank account, as did 90% of men. 14% of adults had taken out a loan from a financial institution (defined as a bank, credit union, microfinance institution, or another financial institution such as a cooperative) in the past year, but these data were not disaggregated by gender.

Data from the Microfinance Exchange Initiative from 2010 indicates that women made up 23.6% of recipients of micro-credit.

5. Restricted civil liberties

Women and men have the same rights to access public space and to freedom of movement in Croatia. Women can apply for a passport, choose where to live, and travel within and outside the country in the same way as men.

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65 CEDAW (2003), p.56, 59
66 CEDAW (2003), p.56, 59
68 ADEPTA (2011)
70 CEDAW (2003), p.54-55
71 B.a.B.e (2004), p.46
72 World Bank (n.d.)
73 Microfinance Information Exchange (2013)
Amnesty International reports that Roma in Croatia face discrimination in accessing education, employment, and housing, and that Serbs face discrimination in relation to housing and employment. This inevitably impacts Roma and Serb women’s access to free public space and their right to decide where to live. Ethnic Serbs make up 4.5% of the population. Roma are a much smaller minority, although numbers are likely underestimated due to lack of registration documents and some Roma preferring to hide their ethnicity, for fear of discrimination.

While legal protection against homophobic and transphobic hate crimes has improved (sexual orientation and gender identity are considered grounds for prosecution of hate crimes), hate motives are often not investigated by police, compromising the access of women belonging to the Lesbian, Gay, Bisexual, Transgender, and Intersexed (LGBTI) community in Croatia to public space.

There are legalised gender quotas, defined within binding provision within articles 12 and 15 of the Gender Equality Law. The 2008 Gender Equality Act does require that election lists contain at least 40% of women.

The Law on Gender Equality encourages parties to strive for gender equality in their party candidate lists.

According to the United Nations Development Programme (UNDP), at the beginning of 2013, just 5% of local mayors in Croatia were female, and 116 local councils did not have a single woman representative.

In the 2013 EU Parliament elections, 50% of the representatives elected from Croatia, or 6 out of 12, were women, thus fulfilling a fundamental principal of gender equality of the European Union.

More

The media in Croatia are covered by the Act on Gender Equality, which states that a media outlet can be fined by up to 1,000,000 kunas for ‘present[ing] women and men in an offensive, degrading or humiliating manner with regard to their sex or sexual orientation’.

Media monitoring carried out in 2010 found that women made up 48% of presenters and 53% of reporters, and that they were the subject of 29% of news items. However, women were underrepresented as news subjects, commentators, and experts in most ‘hard news’ items, with the exception of stories on science and health.
One of the shadow reports submitted to The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee in 2004 notes that Roma women in particular are negatively stereotyped in the Croatian media.  

Year after year, the Ombudsperson for Gender Equality in her reports points out to the presence of sexism and gender stereotypes in media content, on the prevailing half nude or nude bodies of women who "are embellishing" Internet portals, as well as print media. Year after year, one cannot speak of progress. Although portals also publish quality articles which represent the achievements of women in various fields of science, politics, economics, arts, education, or whose author / commentator are women, such articles are in far smaller numbers and therefore less visible.

The Act on Gender Equality bans all discrimination on the grounds of gender in employment. According to data from the Ombudsperson for Gender Equality, about 93% of all newly employed work on fixed-term contracts, and most of them are women. This information represents the structural discrimination. They are often insecure, underpaid, without guaranteed working conditions, blackmailed, without children, family and loans, punished for pregnancy, children and marital status, and the inspection is most often ineffective. Women make up more than half of the total unemployed population, about 53%.

Complaints received to Ombudsperson for Gender Equality are mostly related to discrimination, and the majority of them are submitted by women. Most complaints come in regard to the exercising of labour and social rights (58.5%).

Furthermore, women are often discriminated against because of pregnancy. While the Labour code also protects pregnant and nursing women from being fired, 40% of women who were pregnant at a certain point of their employment or job search, have been exposed to negative actions by the employer because of their pregnancy or maternity rights of use. The fact is, also, that women often work in precarious forms of work. Additionally, the fact is that women are still most often doubly burdened by their work outside the home and within the family.

Pregnant women are entitled to paid maternity leave, lasting from 45 days before the expected delivery date to the child’s first birthday. For the first six months, maternity payments are 100% of the woman’s salary; this then reduces to a payment of between 1663 kunas and 2500 kunas per month. For the first six months, the salary compensation is paid by the Health Insurance Fund; the remaining six months is financed by the State Budget.

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86 Directorate general for Internal Policies (2013)
87 Act on Gender Equality, 2008, Article 13
88 Directorate general for Internal Policies (2013)
89 Directorate general for Internal Policies (2013)
90 Directorate general for Internal Policies (2013)
92 Directorate general for Internal Policies (2013)
93 http://www.cesi.hr/
94 Labour Act of Croatia 1995, as amended to 21 September 2004, Article 66
95 ILO (2011)
According to the latest available data taken from the Central Bureau of Statistics, in 2013, women have constituted the majority in almost all aspects of education, especially in higher education of master's degree. However, despite the fact that women are more educated, they are still less economically active. The activity rate among working-age women in 2012 was only 39.1%, while the labour market is still an obvious occupational gender-based segregated. Areas of activity in which women represent the majority consist mainly of jobs that are traditionally considered appropriate for a female gender role. Gender-based segregation in the labour market continues to be closely related to the pay gap between women and men. Central Bureau of Statistics shows a difference of 11% in gross earnings for year 2013, which reinforces the existing gap in pensions.96

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Sources


Association pour le Développement des Echanges internationaux de Produits et Techniques Agroalimentaires (ADEPTA), France and Ministry of agriculture, fishery and rural development of the Republic of Croatia.


Centre for Political Science Research, Faculty of Social Sciences, University of Ljubljana and Centre for Women’s Studies (2013), Monitoring of Croatian Anti-Discriminative Policies with Regards to the Balanced Political Participation of Women and Men, http://zenajevise.net/images/tekstovi/Monitoring_report_of_Croatian_anti_discriminatve.pdf, p. 47 [accessed 05/06/2014].


