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Discrimination Against Women
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Submitted by

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In cooperation with

**PETRA Network of NGOs for the prevention and elimination of trafficking in women and
Women's Network of Croatia**

**RESPONSE TO THE FOURTH AND FIFTH PERIODIC REPORT OF THE REPUBLIC OF CROATIA THROUGH
THE QUESTIONS FORWARDED TO REPUBLIC OF CROATIA FROM THE COMMITTEE ON THE
ELIMINATION OF DISCRIMINATION AGAINST WOMEN**

General context

Due to the lateness of the report from the Republic of Croatia referring to the period from 2005 to 2010, this response includes the referent period as well as the new period up to 2015.

Civil society organisations were neither sufficiently involved in the processes of implementation of the Convention nor did the working groups implement the Convention while adopting relevant laws (The Family Act).

Civil society organizations that have autonomous shelters and counselling centers for women victims of violence, despite the existence of the National Strategy for Combating Violence and financing arrangements which cover the period up to 2016, are not sufficiently or regularly funded by government bodies, which hampers the work of CSOs that have shelters to the point of impossibility of survival and further work. This is reality for seven CSOs on the territory of the Republic of Croatia that have shelters and counselling centers for women victims of violence.

The legislative and institutional framework for access to justice

Ad 2

Although Republic of Croatia has created a relatively good legal framework by adopting anti-discrimination acts, monitoring and implementation of these acts are not effective.

In regard to the normative framework, it is clear that all anti-discrimination acts will be changed, partly because of lack of good provisions pointed out at the time of their adoption and partly due to the problems in their implementation.

• **Anti-Discrimination Act:**

In the implementation of the Act it has been evident that the burden of presenting evidence established *in favorem* of the victim of discrimination does not have an effective impact in practice; witnesses of discrimination tend to be further victimized during judicial proceedings by the court without consequences; in most processes regarding discrimination by applying the ADA, the imposed trial judges had to be exempt because of prejudices or remarks which cast doubt on their objectivity.

The first lawsuits under the Anti-discrimination Act are still ongoing. In the first five joint lawsuits that were filed using the Anti-Discrimination Act in the County Court of Zagreb, all five cases were adjudicated negatively. Three verdicts were reversed at the Supreme Court. However, the first case, which was processed by the Anti- Discrimination Act back in 2009, the Supreme Court has not yet delivered its judgment. This means that in this case, although the violation of the right to trial within a reasonable time was affirmed, the urgent procedure for discrimination lasts for almost six years now and the Court did not come to the decision because of political delicacy of the case involving catechism teacher and primary school because of the discriminatory attitudes prevailing among pupils in primary schools.

• **Gender Equality Act:**

The law has no harmonized definitions of direct discrimination, there is even no rule on the burden of proof *in favorem* of victims nor specific procedural provisions that allow the right to judicial protection; the role of the Ombudsperson for Gender Equality has narrowed since she can actively participate in court proceedings on behalf of the victim as an intervenor. Implementation of the law to the full extent is absent and there is a negligible (if any) number of infringement procedures initiated and successfully completed in implementation of this law, although the law is in application for eight years now.

The Office for Gender Equality does not monitor the implementation of measures in order to establish equality; it is lacking coordination in implementing measures on the local level.

Violence against women

Ad 9

• Through the monitoring of individual cases in the Women's Legal Counselling Centre in Autonomous Women's House Zagreb (AWHZ), which receives over 300 women per year, there is a worrying degree of dual arrests due to the police not identifying the primary aggressor, which results in misdemeanour proceedings against both the victim and the perpetrator. It is a structural problem which shows that the government bodies of the Republic of Croatia do not recognize gender-based violence (despite the legal framework and the Rules of procedure in cases of domestic violence), which leads to victimization (of women) in relation to proceedings and the creation of false statistics about higher number of women perpetrators of violence. This relativizes the problem of gender-based partner violence among the general public and sends the wrong message, which is in complete contradiction with international instruments and national laws.

• The term "partner violence", despite proposals of AWHZ, refuses to be introduced in the official terminology of government bodies or national laws. The emphasis is placed on the family, not the individual in the family and the specific form of gender-based violence which often happens in the family. The Government refuses to take into account statistics on the number of women victims of

partner violence and the problem tends to be considered in the "neutral and objective" manner. In other words, gender-based violence is not adequately recognized and indexed.

6. Because of the low sentences imposed in judgments in misdemeanour proceedings concerning domestic violence, it does not achieve the purpose of punishment and the percentage of recurrence is high in cases reported at the counselling centres for women. General prevention is not effective either. Judgments are mostly low-imposed prison or suspended sentences and fines.

7. In the case research at the County Court in Zagreb from 2009 to 2013, it was found that during the five-year period there were four trials for the criminal offense of marital rape. The procedures lasted from 1.5 to 3 years. In all four proceedings the perpetrators previously committed domestic violence, which was reported in three of four cases. In one of the four proceedings, there were two previous misdemeanour proceedings for violence in the family, both ending with convictions, without an efficient special prevention. In one of the four proceedings, there was previously a threat reported (art. 129/1 - I'll kill you and your parents). The police, after filing the complaint, sent patrols to protect the safety of victims; the offender was not detained; a month and a half after the threats the perpetrator committed the criminal act of rape. In one of the processes in which the perpetrator was in custody, he sent messages to the victim through third parties ("the fate of our families depends on your testimony, everything is in your hands, I love you"). The messages were reported to the police, the victim testified to the police three times and once during the investigation gave three hours statement on circumstances of repeated rape, but refrained from testifying in court out of fear. The perpetrator then changed all his previous statements, pleaded guilty to domestic violence for which he was convicted, but was not prosecuted for rape. None of the victims received adequate psychological and other professional assistance during the process; none of them talked to a counsellor, not one had a lawyer, and none of them set a compensation claim.

8. The Criminal Code, which came into force January 1st 2013 aimed to incriminate new concept of rape which would no longer require the use of force or threat by the perpetrator, but instead would qualify rape as every involuntary sexual intercourse or equivalent sexual act. However, this idea was abandoned and instead, sexual assault without consent is incriminated through a new criminal offense of sexual intercourse without consent (art. 152 CC). However, the legal description of the offense and its application in practice has had an adverse effect and alleviated the prosecution and criminal sanctions against the perpetrators of crimes of sexual violence in relation to the previous law.

Because of the substantial non-compliance with Council of Europe Convention on preventing and combating violence against women and domestic violence it was proposed to the State Government to remove the act of sexual intercourse without consent and redefine rape as sexual intercourse without consent, but the proposal was not accepted. We believe that this mitigated the penalty policy for sexual violence. The privileged form of rape was created with significantly more lenient sentencing. On a general preventative and symbolic level, the new legislation on sexual violence is devastating. It is contradictory to the practice of the European Court of Human Rights, which in the judgment of the MC v. Bulgaria said that a fundamental element of the crime of rape is lack of consent, not force or threat.

Ad 10

9. In relation to the Family Act it should be said that, despite the criticism of the professional public and the decision of the Constitutional Court UI-3101/2014 of 12.01.2015 according to which until further notice the State shall not apply the Family Act (Official Gazette 75/14), the Government has the original law (essentially) again put in the legislative procedure seeking to circumvent the decision of the Constitutional Court on temporary inapplicability of the law.

It is a badly structured law with excessive regulatory intervention into family life, which introduces a number of novelties without preparing professionals who will implement the law and which does not contain consistent provisions that specifically regulate the procedures in cases of domestic violence. Some of the amendments proposed by AWHZ to improve the Law in this regard were accepted, but it continues to contain certain provisions (eg: that the parent must unconditionally encourage the child to meet with the other parent - without taking into account the fact that it can be a traumatized child and that there may be ongoing criminal and misdemeanour proceedings for offenses against children; that women exposed to violence can leave the perpetrator, but she cannot take the child and change his residence without the consent of perpetrator of violence; seemingly neutral provisions are foreseen with very high fines that will affect mostly women, and this despite the fact that there are other national laws governing the parallel material damages; prison sentences are stipulated although there are other national laws governing the parallel question of emotional violence (Law on Protection from Family Violence); they stipulate the removal of a child in case of failure of the oversight system, although the reasons for failure are often on the side of the incompetent and/or insufficiently motivated professionals.

10. In relation to the Criminal Code it should be positively stressed that the Ministry of Justice granted the persistent suggestions for changes that AWHZ submitted in March 2013, which are based on cases from practice in Counselling Centre and Shelter as well as arguments and references to international documents aiming at restoring of the criminal offense of domestic violence and the refinement of security measures and special obligations. The current challenge is to formulate the article in the bill of amendments to the Criminal Code in the way to include all the unlawful conduct that must be within the reach of the Criminal Code and that the model of the previous art. 215a processes unnecessarily introduce the need for expertise and pass the legislative process.

As a negative factor, it should be said that the Ministry of Justice did not accept the proposal to amend the CC, according to which "close persons" (Art. 87 CC) should include partners in emotional or sexual relationship. This is important because some crimes take aggravated form if committed against a close person, which determines the method of initiating proceedings (private complaint or ex officio) and penalty. In emotional and sexual relationships occurs typical gender-based violence but the victims, mostly women, cannot get protection through measures within CPA (Criminal Procedure Act), because they are not within reach of the Criminal Code. They can seek protection only by applying the Gender Equality Act, which is in this sense malfunctioning because it doesn't provide typical protective measures necessary for victims.

11. In relation to the Law on Protection from Domestic Violence (LPDV) the reports of the State Attorney's Office for 2013 from April 2014, states that (p. 12): "... the main reason for reducing the number of misdemeanour complaints filed is the entry into force of the Criminal Code 1.1.2013.g ... which has decriminalized some previously exceptionally numerous offenses (... domestic violence ...) ...). In addition, in the introduction to the same report (p. 2) it is written: "... the basic feature of the situation and trends of crime is a big drop in the number of complaints against close persons ... mainly because of the entry into force of the new Criminal Code which has decriminalized some previous criminal offenses and moved them into the misdemeanour zone.

Government bodies therefore acknowledge that domestic violence is decriminalized and in doing so allude to international instruments prohibiting the decriminalization of intimate partner and other family violence. The consequence is formal and meaningless compliance with international agreements while and undermining the issue of domestic violence and violence against women.

Given that the main reason for the preferred use of LPDV are effective protection measures, during the public debates for the new Criminal Code and Family Law, AWHZ proposed that Croatian government should clearly determine that domestic violence is socially dangerous behaviour that falls under the

Criminal Code. In this regard, AWHZ proposed the abolition of LPDV and introduction of the civil protective order into the new Family law so that the violation of that order would constitute a crime and victims of domestic violence would be entirely protected through the Criminal Code. Unfortunately, this proposal was not accepted and DV will continue to be treated through LPDV and CC.

12. Regarding the Legal Aid Act, in the course of implementation of the Act it has been confirmed that the conditions for granting legal aid are too complicated, and so formalized that they are a burden for the citizens in need, but also for professionals who should receive compensation, so they largely even don't submit requests and rather represent clients pro bono.

13. In relation to the measures that the government is doing to help women ensure adequate support and assistance, including shelter, we emphasize disturbing statement and the intention of the Minister of Social Policy and Youth for the closure of shelters because the perpetrators of violence should be evicted from home. The present official position and intentions of a government body shows that there is a lack of degree of understanding of danger and the need of moving women and children as well as the parallel provision of legal and psychological assistance, in conditions suitable for women who survived violence. Croatia has not in any way addressed the issue of the allocation of state housing for women victims of domestic violence although this CSO sought this for years and although this provision is in the Strategy against violence (old and new).

14. In relation to the education/training of the police and experts in law enforcement, without going into the number of educations, there is no adequate valorisation of completed education. In addition there is an ongoing erroneous education that results in wrong practice, such as when the police informs the victim of her rights to protection and at the same time files a complaint against her (usually because of verbal defence from violence).

Women in post-conflict situations

15. The Act on the Rights of Victims of Sexual Violence in the Homeland War was passed on 29 May 2015, but as of today has not yet been published in the Official Gazette. While it is positive that the Act is being passed despite a delay of 20 years, what is negative is that the proposed Act does not go *in favorem* of the victims, but rather through various ways, contrary to binding international agreements, seeks to narrow its scope:

- In that sexual violence is defined through a "closed list" of illegal actions that are not in accordance with the Geneva Conventions or with the Rome Statute and that all severe abuses of a sexual nature that are inflicted upon the physical and moral integrity of women are not encompassed; or rather
- With the introduction of excessive formalism (citizenship certificate, certificate of registered residence of the Ministry of Interior, with no possibility of proving factual residence) actual victims are prevented from applying the law.
- The provision on the use of force or threats restricts the scope of the law in relation to situations in which force or threats were used. Considering that this is about violence during war, what is very relevant is also the fear of violence, coercion, detention, psychological oppression or abuse of the position of power against such person or another person by taking advantage of a forced environment, as well as towards a person who is unable to give genuine consent.
- The attempt to introduce provisions of the law in which the victim cannot be an associate of enemy military and paramilitary forces or has been convicted of endangering the constitutional order is in direct contradiction with Article 3 of the Geneva Conventions in which neither side in a conflict, or more precisely, "a person taking no active part in the hostilities" can be tortured, in the context of this law: raped. The Convention stipulates the obligation of humane treatment. The article in

question, with its faulty political background, could lead to numerous abuses and narrowing the scope of this law, as it also does with other provisions.

- The scope of the rights has been narrowed, and what is missing, along with fulfilment of certain assumptions, is ensuring the right to housing assistance, the right to incentives for employment, the right to continuing education, among other rights.
- In conclusion, civil society organizations are concerned by the fact that some MPs in this convocation of the Parliament presented beliefs that all rape victims do not have the same rights, that some MPs fervently advocated solutions by which some women, victims of rape, would be discriminated and to whom they would like to prevent the exercising of their rights. Arguments were set forth that victims of sexual violence cannot exercise their rights under this law if the perpetrators of violence were members of the Croatian Army and police forces. The names of the victims were mentioned indiscriminately in public debates, without respecting the right to privacy of the victims, and a negative atmosphere was created at a moment which was important not only for the victims, but also for the whole of Croatian society.

Trafficking and exploitation of prostitution

Ad 12

16. Even though at the national level action plans and measures were envisaged to prevent human trafficking and improved protection of victims, court proceedings, in which the injured persons were victims of trafficking, are most often treated as criminal activities of pimping or pandering, and not as human trafficking.

In one of seven cases in which a victim is being represented, it is a person who has been identified by the Croatian Ministry of Interior as a victim of trafficking during the carrying out of criminal proceedings which was being conducted as a criminal offense of pimping/pandering. The court in this actual proceeding acquitted the defendant as its stand was that there was an element of voluntariness of the victim, and that coercion was absent. The Court came to its conclusion regardless of the defendant's admission that he was violent, and freed him despite the fact that even in the case of voluntariness of the victim, a criminal offense was committed under Article 195, paragraph 2 (Criminal Code '97). The indifference of the State Attorney's Office to regulate the indictment, followed by the indifference of the Court to intervene in the factual substrate and to penalize the perpetrator for the established form of criminal activity, is a typical example of the non-functioning of the judicial system *in favorem* of victims of trafficking. Neither the State Attorney's Office nor the court recognized the special circumstances indicating the absolute domination of the defendant against the injured party (participation in the war with her father, presenting himself as a former police officer, incontestable seizure of a large quantity of weapons and ammunition), which resulted in the gross violation of the rights of the injured person. It is precisely in this described case that one can clearly "feel" the still strong influence of gender conditioned stereotypes that as a consequence results in an inefficient and disinterested judicial mechanism which rewards the defendant with an acquittal, despite the undeniable existence of a criminal offense, albeit in a milder form. According to the standard which the European Court of Human Rights (ECHR) has established in its practice, treatment is deemed as degrading which in the victims has aroused feelings of fear, anguish and inferiority capable of debasing them and possibly breaking their physical or moral resistance. The case was submitted for consideration by the ECHR, which was communicated to the Croatian Government.

17. The criminal offense of trafficking persons from Article 106, par. 4 of the CC/11 contains the provision "The punishment from paragraph 1 of this Article shall be imposed on anyone who, knowing that a person is the victim of trafficking in human beings, uses their services which are the result of one

of the forms of exploitation of them listed in paragraphs 1 and 2 of this Article.” The provision is not functional as is demonstrated by the fact that so far only one person has been accused even though the provision was already in the previous Criminal Code.

The sentences for this criminal offense are from 1-10 years (1 paragraph) or from 3-15 years (third paragraph). Since the United Nations Convention against Transnational Organized Crime defines a serious crime as an offense which carries a minimum sentence of four years or more, organizations in the PETRA Network continuously sought a prison sentence of at least five and a maximum of fifteen years for the basic form of the criminal offense.

With regards to mechanisms of assistance, governmental bodies have not developed and put into practice a suitable model of shelters for women survivors of trafficking. It is necessary to significantly reinforce the shelter for adult victims in order to separately receive women and men survivors of trafficking and introduce more appropriate support mechanisms (24 hour care, appropriate counselling, psychological support, legal aid).

The body responsible for implementing the national plan to combat trafficking in human beings was annulled during merging of various Government offices into one, for six different areas: human rights, Roma inclusion, combating human trafficking, integration of foreigners, combating discrimination, ethnic minorities, and responsible for even seven major action plans.

The data in the Annual Reports on the implementation of the National Plan for Combating Trafficking in Human Beings is flawed and inconsistent, namely in the data on the number of identified victims of human trafficking. The 2009 Report contained an analysis of the total number of identified victims (by age, sex, nationality); the Report for 2010 contained a descriptive overview by age and sex; the Report for 2011 does not provide data by age but by citizenship and sex; the Report for 2012 gives data on the sex and age of majority of the victims, but no age. The Report for 2013 gives only the nationality of the identified victims, but no data on their gender and age, while the Report for 2014 provides data by gender and type of exploitation.

Also, the funds that the Office for Human Rights and National Minorities allocates to civil society organizations has been drastically reduced (by 10 times) from earlier funds given in the annual call for competition.

Ad 13

18. State authorities have not made the necessary effort to prevent the exploitation of prostitution and reduce the demand for prostitution.

Article 157 of the Criminal Code (144/12, 56/15), Prostitution, has no prescribed responsibility for a user of paid sexual services for a basic form of the act, but only if they have used the services knowing or that they should have known of the existence of force, threats and the like.

If we look at prostitution as a form of exploitation of women and children that represents a serious social problem, which not only harms those persons who prostitute themselves, but society as a whole, then the punishment of purchase of sexual services should be carried out not only when the buyer knew of the circumstances (force or threat, deception, fraud, serious plight, etc.) under which the person entered into prostitution, but regardless of the circumstances.

In purchasing “sexual services” a buyer is buying a position of power over the person whose body they are buying, converting the person into a commodity, dehumanizing and objectifying them, while state authorities refuse to introduce punishment of buyers even though the act of buying sexual services should be punishable as a completely unacceptable behaviour in modern society. At the same time this is about the message through the repressive apparatus that is directly aimed at the prevention of sexual exploitation of women.

19. At the same time, according to research of case law covered in the publication of the Centre for Women War Victims-ROSA: Legal and Media Perspectives of Trafficking in Women and Prostitution, and which research included the work of the courts in the City of Zagreb and the Zagreb County for a period of five years, disturbing data was noted suggesting that the legal framework we have is discriminatory. Namely, during the reference period, 841 misdemeanour proceedings were conducted for acts of prostitution, of which 797 procedures were conducted using the application of Article 12 of the Public Order and Peace Act – against people in prostitution. Of the total processed defendants, 97.92% were women, and condemnatory rulings based on admission were made even in 776 cases, with generally unconditional prison sentences to compensate for the time the defendants were deprived of their liberty. In the same period, before the Misdemeanour Court, only 44 proceedings were conducted against persons enabling prostitution, in that in 12 procedures suspended sentences were given, and in 19 procedures sentenced with fines. Fifty procedures for the criminal offense of pandering were conducted before the Municipal Criminal Court in Zagreb, and in 39 cases suspended sentences were given.

The results of the five-year research of case law shows that Croatia has a discriminatory legal framework in relation to prostitution and “effectively” punishes women in prostitution with unconditional prison sentences even though they are in fact victims. At the same time those who enable prostitution are punished in smaller numbers, usually with fines, and users do not outlawed, except in art. 157, paragraph 2. CC.

20. With regards to measures of assistance it should be noted that governmental bodies have not developed and put into practice mechanisms that would help women leave prostitution; they have not enabled women access to shelters, counselling, additional schooling, and vocational training nor undertaken any measures for their employment. They have not launched any broad media campaigns to raise awareness among the public about the problem of prostitution, nor organized education and training for those who are obliged to implement the laws and work on preventing prostitution.

Employment

21. Women have difficulties accessing the labour market. For employers, young women are undesirable employees, and middle age is a greater barrier for employment for women than for men. Women make up the majority of the workforce in atypical forms of employment in the informal economy. The percentage of employed women is falling steadily, and in the unemployment rate. There is no successful employment policy focused on women (employment measures for women older than 45 and lines of credit for women’s small businesses were not enough).

The Republic of Croatia, by introducing outsourcing, made a significant impact on employment (the number of those employed in seasonal jobs is lower – as the employer employs a smaller number of female workers, to earn a profit), on the level of income (for the same reason, an employer who contracts services for cleaning, maintenance, washing, cooking pays the workforce a lower hourly rate), working hours are flexible, which means up to 10 hours a day. Outsourcing is applied mainly to the female workforce in both the private and public sectors (new employment or new working conditions, e.g., reconstruction of kitchens) which means that regular staff cross over to private “employers” who organize their work (often with no idea on the technology of performing the work). At this time, seasonal workers receive HRK 15 per hour and HRK 18 for overtime.

Health

Ad 17

22. Reproductive health and right to abortion

Although Croatia is a secular state, the attitude towards reproductive rights and health is strongly influenced by the Catholic Church and neoconservative groups. Sex education in primary and secondary schools is not being carried out. The information available on family planning methods is inadequate and ideologically tainted.

Although abortion is legal, it is not accessible with regards to location and financially. Some health centres and hospitals, which under law should perform abortions upon a female patient's request, do not do so. The list of contraceptives that are fully or partially covered by the Croatian Health Insurance Fund (HZZO) is unacceptably short and does not cover all the latest possibilities.

Long waiting lists for specific examinations, as well as widespread corruption combined with a lack of data on how women use the health care system prevents equal access for all women to the health system and services.

Recently, an increasing number of hospitals has not been respecting the existing laws and regulations of the Republic of Croatia, because they are not performing abortions at the request of women, all in accordance with the provisions of the Act on Health Care Measures for Realizing the Right to Freely Decide on Childbirth (hereinafter: Act). Given that the right to conscientious objection cannot result in a violation of the law and human rights of women, and that every hospital in Croatia and its work must be organized in such a way as to implement and respect the existing legal regulations, and to ensure that women's decisions to terminate a pregnancy are respected, the Women's Network has turned to all hospitals and the competent ministry with the request that the rehabilitation manager and rehabilitation council immediately and without delay, each within the framework of their powers, organize and supervise the professional work and running of hospitals in such a way so as to enable women to have an abortion on demand, so that conscientious objections by doctors does not affect the legality of the work of the hospital. Some hospitals have acknowledged violation of the law, of which the Ministry of Health was notified, but which did not undertake any effective measures of alignment with legislation. A disturbing fact is that most hospitals are managed by rehabilitation managers and a rehabilitation council appointed by the Minister of Health, since the Croatian Government is carrying out the process of rehabilitation. The council consists of representatives of the Ministry of Health and Ministry of Finance who as representatives of the state knew about the discrimination, did not prevent it, and did not dismiss nor assume responsibility for direct violation of the law of the country they represent.

23. Reproductive health and the right to contraception

The Ministry of Health and the Croatian Chamber of Pharmacists, with the passing of the Instruction, Guidelines and Form for dispensation of ellaOne tablets 30 mg (ulipristal acetate), acted contrary to the law of the European Union and failed to apply the higher and direct norms appropriating those powers that do not belong to them under the Treaty on the Functioning of the European Union. The arguable instruction and guidelines with accompanying form violate the European Commission's decision from 31 October 2014 on the modification of authorization for medicinal products (on the basis of Article 13 of the Regulation (EC) No. 726/2004 of the European Parliament and of the Council), Regulation (EC) No. 726/2004 of the European Parliament and of the Council of 31 March 2004 establishing the procedures for approving the application and supervision procedures over the application of medicinal products used in human and veterinary medicine, and establishing a European Medicines Agency, Directive 2001/83/EC, Directive 2004/113/EC and the EU Charter.

This refers to the direct discrimination and harassment of women on the grounds of gender on the basis of Article 2 para. 1 and Article 3 para. 1 of the Anti-Discrimination Act (Official Gazette 85/08, 112/12). The fact that minors will not be given the product if they are not accompanied by their parents/guardians represents direct discrimination and harassment of all women younger than 18 years on the basis of age.

The purpose of the European Commission's decision was for easier access to the medicinal product ellaOne, after a series of clinical studies that were conducted after the appearance of the medicinal product on the market in 2009, to date have concluded that the application of the medicinal product ellaOne as an emergency contraceptive is safe for the health of women and effective, and can be sold without a prescription.

Women in Croatia, however, are being subjected to degrading treatment, discrimination and harassment based on their gender and age as the emergency female contraceptive, even though it is part of the OTC system, can only be given to the woman who will be consuming it, and who must first fill out a Form in which she is obligated to answer intimate questions concerning her menstrual cycle and sexual relations, and which questions, in the view of the ECHR, are considered to be an intrusion into one's private life, demeaning and insulting the dignity of the woman. What is even more humiliating is the fact that in accordance with the Guidelines a pharmacist can fill out the patient questionnaire in place of the woman based on the woman's oral replies. Violations of rights have taken place in practice, because women are being questioned over the counter in the presence of other customers, or pharmacists are responding instead of the woman, for example: for the question: "Did the patient have unprotected sex before this situation?" the pharmacist herself replied, to quote: "Obviously she did.", and wrote in herself this response.

On the one hand the Ministry of Health with its instruction is prohibiting the issuing of preventive contraceptive means to women and men under 18, while on the other hand all women between 16 and 18 have the legal possibility to freely and without the consent of a parent or guardian have an abortion, and can acquire a working ability if they marry or give birth. This is a patriarchal pattern that is woven into the legal system which does not recognize women's reproductive rights. In practice this results in paradoxical situations, for example, a minor (17 years) who is married and is a mother, cannot buy the ellaOne contraceptive without the presence of a parent, but may, for example, get an abortion.

Due to the limiting reproductive rights of women, the Republic of Croatia has been issued with a request to attempt a peaceful resolution in such way that the medicinal product be made as accessible as with other non-prescription medicinal products. In the absence of a positive reaction by Croatia, a joint action suit will be submitted for discrimination based on gender and age.

Rural women

In Croatia rural women are still not a subject of state interest. The same or similar fate is shared by women living in rural parts of Croatia regardless of whether they are in their prime, if they are elderly women, socially disadvantaged, women with disabilities, women belonging to ethnic minorities.

They all have difficult access to education, health care protection, to remote governmental administrative bodies, courts, and similar. They are all subjected to multiple discriminations, the strong influence of patriarchy (property is traditionally owned by men and division of the assets in court is a costly procedure). According to statistics, the majority of women with disabilities only have primary education (70%). State institutions are not helping here with their measures.

In order to change the situation, targeted activities to promote gender equality are needed. These have not been established, nor does it seem that this is being planned.