

Women's Reproductive Rights in Croatia: A Shadow Report

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WOMENS REPRODUCTIVE RIGHTS IN CROATIA
A SHADOW REPORT

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Introduction

This report is intended to supplement, or “shadow,” the report of the government of Croatia to the Human Rights Committee (“the Committee”). As has been expressed by Committee members, non-governmental organizations (NGOs) can play an invaluable role in providing credible and reliable independent information on laws and practices of reporting countries, as well as on governmental efforts to comply with the provisions of the International Covenant on Civil and Political Rights (“ICCPR”). NGOs can provide the Committee with the information it needs to make recommendations that respond to a reporting country’s most pressing human rights concerns. These recommendations, in turn, provide NGOs with valuable tools with which to pressure their governments to enact or implement legal and policy changes.

Discrimination against women permeates all societies and all facets of women’s lives. Clearly, this discrimination requires urgent action. This report is focused particularly on reproductive rights in Croatia. In a series of international conferences during the 1990s, including the 1994 International Conference on Population and Development held in Cairo, and the 1995 Fourth World Conference on Women held in Beijing, the centrality of reproductive rights was affirmed and further elaborated. As stated in the Cairo Programme of Action, reproductive rights “embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents,” including the ICCPR. These include the right to life, liberty, and security of the person; the right to be free from torture or other cruel, inhuman, or degrading treatment or punishment; the right to privacy; the right to autonomy in decision-making, including freedom of thought, expression, religion, conscience, and belief; the right to decide whether to marry and to found a family; the right to be free from gender discrimination; and the right to modify customs that discriminate against women. In sum, as stated in the Cairo and Beijing documents, reproductive rights include each individual’s right “to make decisions concerning reproduction free of discrimination, coercion and violence.”

This report seeks to follow up on the December 1996 “Roundtable of Human Rights Treaty Bodies on the Human Rights Approaches to Women’s Health with a Focus on Reproductive and Sexual Health Rights” held in Glen Cove, New York, by bringing to the attention of treaty-monitoring bodies the human rights dimensions of women’s reproductive and sexual health. Because of significant shortfalls in the realization of women’s reproductive rights, States Parties’ commitment to ensuring these rights should receive serious attention.

The report covers five key issues: 1) access to reproductive health and family planning services, including safe and legal abortion; 2) sexual violence against women; 3) family relations, including equality of spouses in marriage; 4) the right to education; and 5) economic and social rights. Each aspect is dealt with in two separate sections. The first, shaded section outlines the government’s laws and public policies related to the issues in question. The information in the first section is obtained from the Croatia Chapter of *Women of the World: Laws and Policies Affecting Their Reproductive Lives—Central and Eastern Europe* (2000), one of a series of reports from various regions of the world being compiled by the Center for Reproductive Law and Policy (CRLP) in collaboration with national-level NGOs. *Be Active, Be Emancipated* (B.a.B.e.) collaborated with CRLP on the Croatia Chapter of this report. The second section provides information on the implementation and enforcement of these laws and policies. B.a.B.e. has provided nearly all of the information included in this section.

This report was coordinated and edited by Laura Katzive and Sophie Lescure of the Center for Reproductive Law and Policy in New York and by Gordana Luka-Koritnik and Martina Beli of B.a.B.e. in Croatia. Doneth Gayle and Alina Sternberg of CRLP assisted in researching, revising, and editing the report.

March 2001

Principal Points of Concern

1. Reproductive Healthcare and Family Planning (Articles 3, 6, 23, & 26)

Although the laws of Croatia ensure access to family planning counseling and services, Croatian women have been denied this guarantee. Family planning counseling centers, established during the 1970s and 1980s within primary health care facilities, were disbanded at the beginning of the 1990s. Their removal was part of an official policy responding to political pressure from the conservative Catholic lobby. Because freestanding clinics charge fees for every patient visit, their accessibility is limited.¹ Although gynecologists provide advice and information to women, their counseling is neither uniform nor up-to-date, because Croatian gynecologists do not receive continuing education.

There has been a general deterioration of health care within the last 10 years, with a particular impact on reproductive health care. There are often long waiting periods for undergoing tests and procedures. For example, women generally have to wait three to five months for a mammography exam.² The long wait and lengthy procedural requirements cause women to skip preventive check-ups.

2. Abortion (3, 6, 23, & 26)

Abortion is legal in Croatia and is supposed to be available in all municipal hospitals and university clinics. However, this is usually not the case. There is evidence that in the last five years, in at least five hospitals, gynecologists have refused to perform abortions on the basis of "conscientious objections," thus making the procedure unavailable in these institutions.³

3. Rape and Other Sexual Crimes (Articles 3, 6, & 7)

Criminal convictions for reported sexual crimes appear to be declining. According to the State Institute for Statistics, there were 98 reported rapes and 63 convictions in 1994. In contrast, in 1998 there were 116 reported rapes and only 29 convictions.⁴ Other sexual crimes, such as sexual intercourse with a disabled person, are underreported, but it is apparent that the rates of conviction for these crimes are also declining. In 1994 there were eight reported incidents and seven convictions. In 1998 there were nine reported incidents and two convictions.⁵

4. Domestic Violence (Articles 3, 6, & 7)

Croatian women receive inadequate legal protection from domestic violence. Police often treat domestic violence as a less serious crime, or a private matter, and are reluctant to respond to complaints unless there has been severe bodily injury.⁶ On a number of occasions, women who have sought police intervention were, along with their abusers, fined by the Court for Minor Offences for disturbing the public peace and order. For all of these reasons, women rarely report domestic violence to the authorities.⁷ A further deterrent for women who may desire to report domestic violence is the exceptionally long and complex nature of the court proceedings.

5. Sexual Harassment (Articles 3, 6 & 7)

Sexual harassment in the workplace is not recognized as an offense by any laws or by the National Policy of Croatia for the Promotion of Equality. The extent of sexual harassment is so overwhelming that it is considered standard behavior and is taken for granted by most women.⁸

6. Trafficking of Women and Girls (Articles 3, 6, & 7)

Croatia is on one of the main routes used for trafficking women from Asia to Europe. Despite the severity of this problem, there have been no official studies to gather statistics on the number of trafficked women or their average age.

7. Sex education (Articles 2, 3, 19, 24, & 26)

There is no law requiring sex education in the schools, and neither elementary nor secondary school curricula includes sex education. Basic knowledge about the human body and its reproductive functions is taught during biology classes. Sex education has been neglected during the past 10 years. The National Institute for Maternity, Family and Youth conducted a survey among secondary school students, their parents, and their teachers that showed that only 20% of students, 10% of their parents, and 50% of their teachers were familiar with the functioning of the human reproductive system.⁹

8. Labor Laws (Articles 3 & 26)

Croatia's labor laws do not provide adequate protection for female workers. Women are often the first employees terminated from employment, even when they possess the same qualifications as men. A woman's age is a limiting factor in the job market. Women over 40 are less likely than men or younger women to find new jobs, regardless of professional skills, qualifications, or work experience. Job advertisements in newspapers often call for "young, attractive women, not over 30 years of age." Women of childbearing age also find themselves at a disadvantage in the job market because employers suspect they will leave work to have children. Although the Labor Act forbids inquiries on this subject, women are still frequently asked.¹⁰ During the hiring process, women often have to sign agreements that they will not get pregnant for a given period.¹¹ Such requirements are illegal, but women do not challenge them for fear of being fired on a pretext.

A. Right to Reproductive Health Care and Family Planning, Including Access to Safe and Legal Abortion (Articles 3, 6, 23, & 26 of the International Covenant on Civil and Political Rights (ICCPR)).

1. Introduction

The ICCPR's guarantee of the right to life in Article 6 requires governments to take "positive measures" aimed at preserving life.¹² Such measures should respond to the needs of both women and men, in keeping with Articles 3 and 26, which guarantee the right to equal enjoyment of the Covenant's guarantees and equality before the law. Because reproductive health care is an essential condition for women's survival, these provisions collectively give rise to a governmental duty to ensure the full range of reproductive health services, including the means of preventing unwanted pregnancy.

The Human Rights Committee (hereinafter "the Committee") has recognized in its General Comment 19(39) the right to "procreate and live together," which by inference includes the right to reproductive health care and to all safe and appropriate forms of contraception.¹³ Accordingly, the Committee has found possible violations of the Covenant where women have difficulty accessing contraceptive methods to prevent unwanted pregnancies.¹⁴

The Committee has further acknowledged that States' duty to protect and ensure the right to life includes a duty to protect women who terminate their pregnancies.¹⁵ It has called upon States to take measures "to ensure that women do not risk life because of restrictive legal provisions on abortion," i.e. being forced to seek abortions under clandestine, unsafe conditions.¹⁶

2. Family Planning and Reproductive Health Care

Laws and Policies

The Constitution of Croatia guarantees health care to all citizens.¹⁷ The Health Care Act (HCA)¹⁸ and Health Insurance Act (HIA)¹⁹ are the two principal legal instruments that implement the right to health care and regulate the provision of services and insurance. The HCA sets forth the principles, organization, and modalities of health care service provision, while the HIA defines the rights of the insured.²⁰

According to the HCA, the principal objectives of Croatia's health care policy are the prevention and treatment of disease. Other objectives include preventive health education and providing health care for children, adolescents and women (including necessary prenatal, maternity, and postnatal care).²¹ State, county, and municipal health institutions, which range from specialized hospitals to community health centers and dispensaries, provide the bulk of health services.

The health care sector is organized into three sectors: primary, secondary, and tertiary care. Gynecological health units at the primary level should offer counseling and medical treatment for pregnancy (pre- and postnatal), delivery, family planning, and early detection of cancer.²² Secondary health care services consist of specialized medical services, counseling, and hospital treatment. The tertiary level of care includes the most specialized medical and health care fields, scientific research and teaching programs.²³

Health service expenses are covered by health insurance, but only partially. Citizens are obliged to contribute a partial payment for each medical checkup.²⁴ The National Health Board, with the consent of the Minister of Health, determines the level of the insured person's financial participation, taking into account the socioeconomic status of the health care beneficiary. There are exceptions to the co-payment rule; for example, preventive health care measures, maternity health care, pediatric care (until the

age of 18), and mental illness are covered in full by insurance. Yearly mammograms and Pap smears are covered.²⁵

The 1978 Family Planning Law regulates contraception, sterilization, abortion, and infertility.²⁶ While state health care institutions provide Croatian women with reproductive health care, including contraception and abortion, there is a pronatalist leaning in Croatia's policies. As spelled out in the HCA, the country's objective is to provide "complete preventive, curative, and recovering health care ... for women in relation to family planning, pregnancy, delivery, and maternity."²⁷ Protection of women's health in general, apart from their reproductive function, and of older women's health problems is defined in the law as "other medical needs of women."²⁸ The law pays little attention to older women's health.

The Croatian Ministry of Development and Renewal released the National Program for Demographic Development for the Republic of Croatia (NPDD) in May 1995. In light of the decreasing birth rate, the Program expresses concern about "depopulation" and the "failure" of women to reproduce sufficiently.²⁹ According to the NPDD, the restoration of family is essential for the restoration of the entire nation. The NPDD defines family traditionally—acknowledging and respecting women primarily as wives and mothers—stating: "The renewal of family values is at the core of the renewal of the entire nation and the country."³⁰ The educational policies of the NPDD, meanwhile, "promote the beauty of family life,"³¹ and the NPDD recommends the legal encouragement of "demographic renewal of Croatian people and the entire population of the Republic of Croatia."³²

Reality

Although the laws of Croatia ensure access to family planning counseling and services, there has been a failure to implement this guarantee. Family planning counseling centers, established during the 1970s and 1980s within the primary health care facilities, were disbanded at the beginning of the 1990s. Their removal was part of an official policy responding to conservative Catholic leaders who disapproved of women's use of family planning methods. Because freestanding clinics charge fees for every patient visit, their accessibility is limited.³³ Although gynecologists provide advice and information to women, such information is neither uniform nor up-to-date, because Croatian gynecologists do not receive continuing education.

Preventive health care is covered by national health insurance. However, in the case of such procedures as mammograms or cervical pap smears, the cost of only one per year is covered by the state. According to a survey conducted in 1999, within a 12-month period, 50.8% of women had had a gynecological checkup. Younger women (under 35 years of age) had the most frequent checkups.³⁴ There has been a general deterioration of healthcare in the last 10 years, and it has had a particular impact on reproductive health care. There are often long waiting periods for tests and procedures; women generally have to wait three to five months for a mammography exam.³⁵ Interactions with the National Insurance Administration are extremely time-consuming. For completing a mammogram and an interpretation of the results, at least four visits to a clinic are required, two of them for purely administrative reasons. The lengthy procedure is the usual reason women skip preventive checkups.

3 Contraception

Laws and Policies

Citizens are guaranteed "the right of free use and choice of medical aids for temporary prevention of conception."³⁶ The 1978 Family Planning Law does not specifically forbid any form of contraception. However, the National Health Board, which approves all new pharmaceutical, medical, and surgical

technologies, publishes an officially approved list of products. Emergency contraception is available and legal. The National Health Board list of contraceptives does not include contraceptive hormonal implants such as Norplant; it is therefore widely assumed by providers that such methods are not approved. No official sources contradict this assumption.

Reality

With the exception of one type of oral contraceptive known as Trinovum, contraceptives are no longer partially subsidized by the government.³⁷ Consequently, the range of available contraceptives in the pharmacies is narrow.³⁸ Health care providers promote the use of oral contraceptives and IUDs over other methods. Emergency contraception is not widely publicized, and thus its use is limited. Condoms are also available, but their cost, at 4 kunas each [USD \$.47], is a deterrent for some women (the average salary is 3,800 kunas per month [USD \$445]). There are no organized efforts to move the population toward the use of the most appropriate contraceptive methods.

4 Abortion

Laws and Policies

Abortion is legal in Croatia. The 1978 Family Planning Law makes it legal to terminate a pregnancy up to 10 weeks from the presumed date of conception (12 weeks from the last menstrual period).³⁹ There is no waiting period, and the termination of pregnancy can be carried out immediately, but not later than seven days after a woman first contacts her doctor.⁴⁰ All abortions must be performed at approved health care institutions.⁴¹

If a woman is more than ten weeks pregnant, or if the abortion would endanger her life, she must obtain approval from an ad hoc commission formed by the health care institution.⁴² This “first-degree commission” decides all cases related to abortion and sterilization.⁴³ The commission may approve abortion when the pregnancy presents risks to the woman’s life or health, in cases of fetal impairment, or when the pregnancy resulted from a crime, such as rape. Additional reasons for termination include instances in which the pregnancy resulted from an abuse of power, intercourse with a child, or incest.⁴⁴ A woman who is dissatisfied with the first-degree commission’s decision can appeal to a second-degree commission within three days.⁴⁵ The second-degree commission consists of two gynecologists, a social worker, and, at the request of the health care institution, a county court judge.⁴⁶ The second-degree commission’s decision is final.⁴⁷ If the case concerns an unmarried adolescent younger than 16, her parents or guardians will be notified.⁴⁸

The 1978 Law on Family Planning imposes monetary fines on health institutions if they perform unauthorized abortions or sterilizations, or violate patient confidentiality.⁴⁹ In addition, a medical doctor, midwife, or nurse who performs an abortion without the consent of the pregnant woman, or performs an abortion after the tenth week without a commission’s approval, are liable to incur criminal penalties.⁵⁰ The pregnant woman is not subject to criminal liability.

Reality

In the early 1990s, abortion was the first medical service removed from a list of services subsidized by the National Health Insurance Fund. Before 1990, legal abortion expenses (excluding anesthesia) were covered by the Health Insurance Fund.⁵¹ Today, the price of an abortion in a Zagreb hospital comes to approximately 2,000 kunas [USD \$180], including anesthesia.⁵² Although abortion is supposed to be available in all municipal hospitals and all university clinics, this is usually not the case. There is evi-

dence that in the last five years, in at least five hospitals, gynecologists have refused to perform abortions on the basis of “conscientious objections,” thus making the procedure unavailable in these institutions.⁵³

Women who can afford abortions at private clinics are choosing to do so. Many of these clinics do not have legal permission to perform abortions.⁵⁴ The cost of an abortion in a private clinic is often only slightly higher than the cost in a government hospital, but the service is often better. Consequently, although abortion is legal in Croatia, women are illegally obtaining abortions in clinics not licensed to perform the procedure. Over the last 10 years, according to official reports, such abortions have increased by 200%, and their incidence is thought to be underreported.⁵⁵ No official measures against private clinics or women who seek services in private clinics have been taken.⁵⁶

5. Sterilization

Laws and Policies

The 1978 Law on Family Planning defines sterilization as a permanent method of preventing conception.⁵⁷ To obtain sterilization, a patient must submit a special application to a “first-degree commission,” as described in the section regarding abortion. The same procedures are followed. Application for sterilization can be submitted by anyone who fits specified criteria: a woman of any age whose life would be endangered by becoming pregnant, a woman whose children would be born with severe physical or mental disabilities, or a person at least 35 years old.⁵⁸ If a person seeking sterilization is permanently mentally incompetent, the application for sterilization may be submitted by the person’s parents or legal guardians.⁵⁹ When sterilization is performed by itself, the costs are borne by the applicant.⁶⁰ However, when sterilization is performed in tandem with another operation, such as a cesarean section delivery, the expenses are borne by the Croatian Health Insurance Institute, as long as the person is covered by health insurance. Medical sterilization by insertion of quinacrine pellets is not explicitly illegal.⁶¹

A revision of the Law on Voluntary Sterilization that seeks to introduce mandatory counseling is under discussion.⁶² According to this proposal, the application for sterilization would be submitted in writing to a health care institution,⁶³ and the person who wishes to be sterilized would be directed to counseling at a state-run Family Planning Counseling Center.⁶⁴ The proposed law does not specify the content of such counseling.

Reality

Medical professionals and state authorities do not promote sterilization as an option for family planning. When sterilizations are performed, they are usually done in conjunction with other medical procedures. Male sterilization is almost nonexistent, and the prevailing value system inhibits men from considering the procedure.

6. HIV/ AIDS and Other Sexually Transmissible Infections (STIs)

Laws and Policies

HIV and other STIs are classified as “infectious diseases” and are addressed by two laws—the Regulations on Medical Examination Procedure for Carriers or Persons Suspected to be Carriers of Certain Infectious Diseases (Regulations on Infectious Diseases)⁶⁵ and the Law on Nationwide Protection Against Infectious Diseases (Law on Infectious Diseases).⁶⁶ In particular, the Regulations on Infectious Diseases set out the procedures for medical examination and treatment of persons who carry

the HIV virus.⁶⁷ If a medical examination shows that a person has HIV, the health institution must report the findings, and the individual is subject to regular medical supervision.⁶⁸ Patients with HIV are classified as “chronic” carriers and are subjected to further health controls.⁶⁹ The HIV-positive individuals are entitled to information about how to prevent the transmission of their infection to others.⁷⁰ The law does not permit anonymous HIV screening.

The Ministry of Health established an AIDS Committee in 1996 to inform the public about prevention and self-protection measures. The AIDS Committee has undertaken a few mass-media campaigns and has established an AIDS Commemoration Day to raise awareness.⁷¹

Reality

According to data from the Public Health Institute, 519 people were recorded as having AIDS in December 1999 and more than 100 persons have already died. The Ministry of Health is continuing a public campaign aimed at preventing the spread of the disease.⁷²

7. Adolescent Reproductive Health

Laws and Policies

The HIA regulates health insurance for minors. Family members of each policy holder are covered until reaching the age of 15; if minors pursue secondary or university education, coverage is extended until the end of regular schooling,⁷³ which is defined as education up to and including graduate studies.⁷⁴

As health insurance beneficiaries, female adolescents have access to health services, contraception, and legal pregnancy termination under the same conditions as adult women. In cases in which a termination of pregnancy is to be performed at the request of a minor under 16 years of age, the minor must obtain the consent of her parents or guardians, or, alternatively, the consent of the state's guardianship authorities.⁷⁵ There is no national program relating to reproductive health counseling for adolescents.

Reality

According to the 1991 census, 6.5% of the female population can be considered adolescent.⁷⁶ In 1991 there were 159,381 women between ages 15 and 19. Organized efforts to monitor and promote adolescent reproductive health are minimal in Croatia. There is one pilot program for first-year students at Zagreb University, specifically aimed at chlamydia infection in that population. In addition, one children's hospital in Zagreb conducts a counseling program for male and female adolescents. As part of this program, adolescents receive information about sexuality, reproductive health, and contraception. Secondary schools in cities are notified about this program.

B. Sexual Violence against Women (Articles 3, 6, & 7 of ICCPR)

1. Introduction

Article 7 of the ICCPR states that no one shall be subjected to torture, inhuman or degrading treatment, or punishment. Article 6 ensures the individual's right to life. Both of these rights are potentially violated when women are subjected to rape, domestic violence, or other forms of violence against women. Article 3, which provides for the equal enjoyment by both sexes of the Covenant's guarantees, is violated if women are not protected from violence by law and the government's diligent enforcement

of such law.

The Committee has urged States to promulgate laws providing effective protection against rape, sexual abuse, and violence against women.⁷⁷ It has also stated that making rape a privately prosecutable crime (so that survivors, rather than the state, must file an action) is incompatible with Articles 3, 6, and 7 of the Covenant.⁷⁸ It has further expressed concern over the high incidence of sexual harassment in the workplace⁷⁹ and commented that such acts of discrimination should “be established as punishable crimes.”⁸⁰

The Committee has acknowledged that certain groups are particularly vulnerable to violence and has emphasized the importance of full participation of States Parties in the disclosure of information concerning violence against and sexual abuse of female detainees and prisoners.⁸¹

2. Rape and other Sex Crimes

Laws and Policies

The 1998 Criminal Code enumerates penalties for various sexual offences. The Code's provisions are themselves gender-neutral, and perpetrators and victims can be either men or women. The Criminal Code defines all crimes and punishments in the case of rape,⁸² sexual intercourse with a disabled person,⁸³ forced sexual intercourse “under threat,”⁸⁴ sexual intercourse accomplished by abuse of position,⁸⁵ sexual intercourse with a child,⁸⁶ “obscene acts,”⁸⁷ “satisfying lust” in front of a child or a minor,⁸⁸ prostitution,⁸⁹ exploitation of children or minors for pornographic purposes,⁹⁰ incest,⁹¹ and common-law marriage with a minor.⁹²

According to the Code, rape occurs when “a person forces another person to [perform] sexual intercourse or an equivalent sexual activity, by means of force or by threatening to inflict serious bodily injury or death to the person or someone close to that person.”⁹³ The punishment is one to ten years in prison.⁹⁴ The 1998 Criminal Code also classifies rape as a war crime.⁹⁵

Reality

Until 1999, Croatia's Criminal Code specified that if a perpetrator of rape was married to, or cohabited with the survivor, the penal proceedings would be initiated only upon the survivor's petition.⁹⁶ In 1999, changes in the Criminal Code abolished previous distinctions made according to marital relation. All reported cases of rape, including marital rape, are now prosecuted by the state; women who have been raped no longer have the burden of initiating criminal proceedings. The amendment was passed in response to the strong advocacy and pressure of women's organizations.

Rates of conviction for reported sexual crimes have declined in recent years. According to the State Institute for Statistics, there were 98 reported rapes and 63 convictions in 1994. In 1998 there were 116 reported rapes and only 29 convictions.⁹⁷ The reasons for the declining number of convictions are not known. Other sexual crimes, such as sexual intercourse with a disabled person, are underreported, but it is apparent that the rates of conviction for these crimes are also diminishing. In 1994 there were eight reported incidents and seven convictions. In 1998, there were nine reported incidents and two convictions.⁹⁸

3 Domestic Violence

Laws and Policies

There are no specific laws regulating domestic violence. Instead, domestic violence is covered in the Criminal Code as any criminal offense which results in bodily harm: "Anyone who commits physical harm or harms another person or that person's health will be punished with a fine, or up to one year in prison."⁹⁹ For grievous bodily harm, the punishment is more severe.

Current regulations do not address police intervention in cases of domestic violence. They do not provide for training of police officers, lawyers, or prosecutors. There is no mechanism that allows a woman to obtain a restraining order. Even where a court proceeding is underway, a woman and her children often have to remain in the same household as the perpetrator.¹⁰⁰ The result is a systematic failure of the judicial system to address effectively the issue of domestic violence.¹⁰¹

Reality

There are no official statistics on violence against women. The Ministry of Interior Affairs is willing to address the issue, but it does not have clear guidance on how to do so. Court statistics also do not exist.

It is the practice of the police to treat domestic violence as an unimportant crime, or a private matter, and to respond with reluctance to any complaint unless there is severe bodily injury.¹⁰² In fact, there are repeated instances in which a woman has sought police intervention and as a result was, along with the abusive man, fined by the Court for Minor Offences, for disturbing the public peace and order. For these reasons, women rarely report domestic violence to the authorities.¹⁰³ A further deterrent for women who may desire to report domestic violence is the exceptionally long and complex nature of the court proceedings. In those rare cases in which a woman does initiate a criminal proceeding, the statute of limitations often expires prior to the completion of the case. Courts of first instance are often overburdened with other criminal cases, and there is no separate court to deal with domestic violence.

4 Sexual Harassment

Laws and Policies

Sexual harassment in the workplace is not recognized as an offense in any laws or in the National Policy of Croatia for the Promotion of Equality.

Reality

The extent of sexual harassment is so overwhelming that it is considered standard behavior.¹⁰⁴ There is, however, a growing civil society movement to make this issue visible. The women's group Transitions to Democracy has initiated a public education campaign and published a booklet, "How to say 'NO' to Your Boss." Representatives of the Women's Labor Union called for mandatory stipulations on sexual harassment in all collective labor contracts. The only company to adopt such a policy so far is the pharmaceutical company Pliva.¹⁰⁵

According to a survey conducted in 1999, only 8.4% of Croatian women had experienced sexual harassment in the workplace.¹⁰⁶ This low figure suggests that women consider only extreme violations to be harassment. Women's advocates believe that courts are unlikely to apply criminal law to a case of sexual harassment unless it includes some type of physical assault. Refugee women are particularly vulnerable

to harassment as they are often hired illegally.¹⁰⁷ Revisions of the labor law currently under way in Croatia will not include provisions against sexual harassment in the workplace.¹⁰⁸

5. Trafficking in Women and Girls

Laws and Policies

Trafficking in women is defined in the Criminal Code as the offense of “procuring,” which is committed by “anyone who receives money for organizing or enabling another person to engage in the provision of sexual services.” Punishment for such a crime ranges from three months to three years imprisonment.¹⁰⁹ Anyone organizing or enabling minors to engage in providing sexual services will be punished by imprisonment of six months to five years.¹¹⁰ If an adolescent is used for international prostitution, the Criminal Code prescribes harsher punishment, from one to 10 years of imprisonment.¹¹¹

Reality

Trafficking in women occurs in Croatia, although there are no available official statistics or other data regarding the number of these women or their average age. The women are usually citizens of other countries in Eastern Europe who have been brought illegally to the country. In addition, Croatia is on one of the main routes used for trafficking individuals from Asia to Europe.¹¹² Massage parlors, telephone services, entertainment establishments, and restaurants that serve as fronts for brothels are increasingly common, and newspapers advertise them. Some women's organizations in cooperation with OSCE and IOM have started to organize to pressure the Ministry of Interior Affairs to address the issue of the trafficking of women and girls. The only responses by police are occasional raids, which result in criminal charges against procurers and the deportation of the undocumented women who are working as sex workers.¹¹³

C. Family Relations, Including Equality of Spouses in Marriage (Articles 23, 24, & 26 of the ICCPR)

1. Introduction

Article 23 of the ICCPR declares the family to be the “natural and fundamental” unit of society and proclaims that the family is entitled to protection by the State. This provision also guarantees the right to marry and affirms the duty of States to ensure equality of rights and responsibilities of both parties to marriage.

The Committee has made firm statements regarding divorce and the rights of women. It has asserted that “any discriminatory treatment in regard to the grounds and procedures for divorce, child custody, maintenance or alimony, or the loss of recovery of parental authority must be prohibited.”¹¹⁴ The Committee views incidences of such discrimination as potential violations of Article 23.¹¹⁵

2. Marriage and Domestic Partnerships

Laws and Policies

The 1998 Family Law¹¹⁶ regulates marriage and its dissolution, relationships between parents and children, adoption, guardianship, and common-law partnerships between a man and a woman.¹¹⁷ The law is uniformly applied in the entire territory of Croatia. Marriage is legal only between individuals of the opposite sex and when both individuals give consent.¹¹⁸ A person under 18 years of age may not con-

tract a marriage. However, a court may permit marriage for a person between 16 and 18, provided he or she is mentally and physically mature and that marriage is in the interest of the minor.¹¹⁹ According to the Criminal Code, “a person of age who lives in common-law marriage with a minor over 14 but under 16 years of age, is punishable by imprisonment for a term not less than six months or not more than three years.”¹²⁰

An important change under the new Family Law is that a religious marriage has gained the same validity as civil marriage.¹²¹ A religious marriage, however, must be registered with the civil authorities.¹²²

According to legal experts, there is no distinction between domestic partnerships and marriage. If they are of a heterosexual nature, they are treated as marriages,¹²³ and provisions of the Family Law apply equally to them. A domestic partnership of long duration, for instance, gives rise to the same rights upon dissolution as a marriage, so that either partner may apply for financial support.¹²⁴ The request for support can be presented within six months after dissolution of the relationship.¹²⁵ A domestic partnership need not be registered.¹²⁶ Gay and lesbian relationships are not legal.¹²⁷

Reality

The Family Law definition of domestic partnerships includes only those partnerships that are between an unmarried man and an unmarried woman. This definition excludes heterosexual partnerships where one or both individuals are still formally married to someone else.

3. Divorce and Child Custody

Laws and Policies

Divorce is also governed by the 1978 Family Law. Either spouse may file for divorce, and a court will legally terminate the marriage either if marital relations are seriously and irretrievably damaged or if spouses have been living apart for a year. If the spouses have filed a joint petition and are in agreement on all significant matters, a judge will dissolve the marriage by mutual consent.¹²⁸ A husband, however, cannot unilaterally file for divorce during his wife's pregnancy or until the child is one year old.¹²⁹ But if under such circumstances the spouses jointly file for divorce, a divorce will be granted.

The right to alimony is not absolute but depends on a spouse's ability to earn an income.¹³⁰ The same alimony rights extend to domestic partnerships as to marriages, provided that such relationships have endured for a long period of time.¹³¹ The disposition of property upon divorce also is covered by the Family Law, and the spouses have equal rights to their marital property,¹³² which is defined as all the property the spouses acquired through their work during the marriage. Individual property—gifts and property brought into the marriage—belongs to each individual.

Under the Family Law, divorcing parents are urged to decide themselves with whom their children will live. Before filing for a divorce, spouses are obliged to submit an application for mediation to the Center for Social Welfare to help facilitate this determination. During the procedure, the Center investigates to determine the causes of the dissolution of the marriage and whether there can be a reconciliation. If there is no reconciliation, the Center helps spouses decide on the custody of the children. If no mutually agreeable solution can be found, the Center has the authority to make a determination on the issue of custody and visitation rights.¹³³

Under the Family Law, marital status of parents is of no consequence when awarding custody; the crucial issue in determining custody is parenting skills.¹³⁴ Both parents have an obligation to care for their

minor children.¹³⁵ In addition, the father of a child born outside of marriage is required to support the child's mother for a year after the child is born, if the mother cannot support herself.¹³⁶

Reality

Divorce procedures are often slow and lengthy. Even where there is mutual consent for divorce and there are no children, it usually takes at least six months to complete the procedure. If child custody or property division is part of the process, it takes even longer. Under such circumstances the average duration of the process is about one year.¹³⁷

Courts award child custody to the mother in over 90% of the cases. During the same process, alimony is determined. In cases where a spouse has defaulted on payments of alimony or child support, it is difficult to obtain payment installments, as it requires new court proceedings.

Divorce is expensive, and when women initiate the proceeding, they have to pay part of the court expenses in advance.¹³⁸ If there is division of property, the costs of the court procedure can be as much as 20,840 kunas [USD \$2,436], or 42,648 kunas [USD \$4,985] with a lawyer. The cost may later be divided between the divorcing spouses, but obtaining reimbursement may be extremely difficult.¹³⁹

D. Right to Education (Articles 2, 3, 19, 24, & 26 of ICCPR)

1. Introduction

Education is necessary for the exercise of all other rights, including the right to make informed decisions about reproductive health and one's reproductive capacity. Articles 2, 3, and 26 deal with equal enjoyment of rights and equality under the law, which imply that men and women should have equal access to education, including sex education. Article 19 provides for freedom of expression and opinions. Education is an integral part of an individual's ability to exercise this right, since it provides the knowledge one needs to form opinions and beliefs. Finally, Article 24 guarantees children special protection. Education is a crucial source of protection for girls because it prepares them to participate on an equal footing with their male counterparts in the public and private spheres. In the reproductive context, education allows young women to protect themselves against unwanted pregnancies and sexually transmissible infections.

The Human Rights Committee has encouraged measures, including affirmative action, to remedy discrimination, "as identified in articles 2 and 26," that still exists against women in areas such as education.¹⁴⁰ It has suggested "education and information campaigns" as means that can be used to prevent and eliminate persisting discriminatory attitudes and prejudices against women."¹⁴¹ Further indicating its focus on education, the Committee has suggested that steps be taken to publish educational material in the most-used vernacular languages in States where there are multiple dialects.¹⁴²

2. Access to Education, Including Sex Education

Laws and Policies

Elementary schooling, lasting eight years, is compulsory, and access to secondary and higher education is guaranteed to every citizen of Croatia.¹⁴³ Constitutional guarantees of education are implemented through the 1990 Law on the Primary School System¹⁴⁴ and the 1992 Law on Secondary School System.¹⁴⁵

There is no law requiring sex education in the schools, and elementary and secondary school curricula do not include sex education. There is no government policy against sex education either. Basic knowledge about the human body and its reproductive functions is taught during biology classes.

Reality

The constitutional rights to education are respected in practice, and there is no overt discrimination against female adolescents in access to education. The gross enrollment rate in primary school is 87% for girls and 88% for boys; 83% of girls and 81% of boys are enrolled in secondary school.¹⁴⁶ Nevertheless, as many as 38.1% of women have not finished elementary school education, compared with 23.9% of men.¹⁴⁷ The portion of highly educated women is 4.2%, whereas 6.4% of men are considered highly educated.¹⁴⁸

Career choices are largely influenced by traditional gender stereotyping (e.g., schools for electronics, machine engineering, and civil engineering have 90% male enrollment, while schools of medicine have over 70% female enrollment as the social prestige of the medical profession is diminishing). Women choose traditional professions with lower social mobility and with lower income, such as teaching in primary and secondary schools, health care, professions related to social protection, and administrative jobs.¹⁴⁹

Sex education has been neglected during the past ten years. The school curriculum—as evidenced by biology textbooks at the eighth grade level—includes only three lessons on sex education offered through biology in primary and secondary schools. The National Institute for Maternity, Family and Youth conducted a survey among secondary school students, their parents and teachers, which showed that only 20% of students, 10% of their parents and 50% of their teachers were familiar with the functioning of the human reproductive system. As a consequence, the National Institute for Maternity, Family and Youth has organized a two-day seminar, held four times a year, on parenthood, population politics, family and youth. These seminars enable women and men, especially adolescents, to gain some knowledge about their health, sexuality, and reproductive systems. Likewise, the same institution monitors students' knowledge about sexuality, their sexual habits, and the attitudes of adolescents relevant to sexuality.¹⁵⁰

Although the school curriculum has not changed, during the last year the Ministry of Education allowed the Center for Education and Counseling of Women (an NGO based in Zagreb) to start a pilot program within the schools on gender education, which includes sex education. The majority of the adolescent population acquires information about sex from peers or from teen magazines.

E. Women's Economic and Social Rights (Article 3 & 26 of ICCPR)

1. Introduction

Reproductive health and rights cannot be fully evaluated without investigating women's economic and social standing in the societies in which they live. Not only does women's socioeconomic status reflect societal attitudes that affect reproductive rights, but also it often has a direct impact on women's ability to exercise reproductive rights. For example, laws affecting a woman's economic status can contribute to the promotion or hindrance of her access to reproductive health care and her ability to make voluntary, informed decisions about such care.

The Committee has recognized that economic and social rights, such as the right to work, intersect with other rights found in the Covenant, which have an important impact on women's reproductive lives. The Committee has affirmed that inequality in access to the labor market is a violation of the

Covenant and has called upon States Parties to eliminate de jure as well as de facto discrimination against women in this domain.¹⁵¹ The Committee has also expressed serious concern over discriminatory practices in employment, particularly the requirement that women prove that they are not pregnant.¹⁵²

2. Right to Property and Succession

Laws and Policies

In Croatia, the Property Law, which establishes property rights, applies equally to women and men. Women and men have equal rights to own real estate or other property, to make wills, and to inherit.¹⁵³ Property inheritance, in the absence of a will, is regulated by the Inheritance Law,¹⁵⁴ which does not discriminate on the basis of gender.

Reality

Despite legal equality, property ownership is concentrated in the hands of men, the result of traditional gender role expectations. For example, in 1992, all adult citizens of Croatia were given the right to buy their apartments from the state. In general, women waived their legal right to be named as a co-owner, ceding the entire property interest to their husbands. A consequence has been that many women during divorce procedures have encountered difficulties establishing ownership of apartments.¹⁵⁵

Family businesses are usually registered in men's names. Women who enter into business partnerships with their spouses usually do not have equal ownership, even when they have helped develop the company.

3. Labor Laws

Laws and Policies

The 1995 Labor Act, which regulates all matters relating to the workplace, explicitly forbids discrimination based on gender and prescribes equal wages for working men and women.¹⁵⁶ It does, however, contain special provisions for the protection of maternity and prohibit women from entering certain professions.¹⁵⁷ In general, in the interest of protecting women's lives and health, the law prohibits women from taking a job requiring physical strength; it prohibits them from working underground, underwater, or under high atmospheric pressure.¹⁵⁸ Pregnant and breast-feeding women are further barred from jobs involving various chemical substances.¹⁵⁹

The prevailing atmosphere in Croatia during the past decade has been conservative and, in keeping with this spirit, the Labor Act created a special legal status of "mother-nurturer" for mothers of four or more children.¹⁶⁰ Any woman, employed or unemployed, with a status of "mother-nurturer" "is entitled to financial reimbursement, pension and disability insurance, health insurance and other rights in accordance with special regulations."¹⁶¹ This stipulation thus grants women a professional status for bearing children.

The Labor Act protects maternity and offers special rights for pregnant employed women.¹⁶² An employer cannot refuse to hire a pregnant woman, fire her, or discriminate against her in any way.¹⁶³ Under the Labor Act, an employed woman must go on mandatory maternity leave from 28 days prior to her due date until her child is six months old. She may, however, leave work 45 days prior to giving birth and stay on leave until her child is one year old. If she has twins, or gives birth to additional chil-

dren, an employed woman can take maternity leave until the child or children are three years old. A woman may return to start working earlier, but not before 42 days after the birth.¹⁶⁴ Obligatory maternity leave is paid, and the amount is defined by HIA.¹⁶⁵ After the obligatory maternity leave period, a working woman can return to work part-time until her child reaches one year of age. The rights to maternity leave, after the mandatory maternity leave period, can be shared with the father of the child.¹⁶⁶

Reality

Four years after the Labor Act's provision on "mother-nurturer" came into force, women with four or more children have neither received any of the promised financial support, nor seen their status in society raised to the level the law prescribed. Women who believed the NPDD and Labor Act's guarantees and had four or more children are now testifying about the terrible situation—financial and social—in which they have found themselves, without a job or any hope of getting one.¹⁶⁷ The Labor Laws in Croatia are currently under revision, and the mother-nurturer provision is expected to be abolished.

In more subtle ways, the principles of nondiscrimination and of freedom to choose an occupation are often neglected. Official statistics do not reflect the pervasive effects of gender discrimination and there is no effective state machinery in place to rectify the situation.¹⁶⁸ A woman's age is also a limiting factor in the job market. Women over 40 are less likely than men or younger women to find new jobs regardless of professional skills, qualifications, or work experience. Job advertisements in newspapers often call for "young, attractive women, not over 30 years of age." And women of childbearing age also find themselves at a disadvantage in the job market because employers suspect they will leave work to have children. Although the Labor Act forbids inquiries on this subject, women are still frequently asked.¹⁶⁹ During the hiring process, women often have to sign agreements that they will not get pregnant for some years.¹⁷⁰ While such requirements are illegal, women do not challenge them for fear that they will be fired on a pretext.

Women are also denied basic job security. It is common in small private enterprises that women are fired as soon as their employer finds out about their pregnancy. Although women do have legal recourse, the legal procedures are slow and this deters many from taking action. In addition, although the law stipulates that after three years of working on a temporary basis for the same employer an employee should be accepted for full-time work, employers generally do not offer permanent status to female employees. Women are often the first employees to be terminated, even when they possess the same qualifications as men. As a result, many women, especially young adults, work in the "black market," without any legal protection or benefits.¹⁷¹ More than 30,000 women in Croatia work on a regular basis without receiving compensation, often for many months at a time.¹⁷²

NOTES

¹Budi Aktivna, Budi Emancipirana [Be Active, Be Emancipated] [B.a.B.e.], NGO Report on the Status of Women in the Republic of Croatia, Reproductive Rights (Nov. 1997), available at <http://www.interlog.com/~moyra/cedawrr.html>.

² *Id.*

³ *Id.*

⁴ *Initial report of the republic of Croatia on the implementation of international covenant on civil and political rights*, Human Rights Committee, 71st Sess., page 20, at 73, U.N. Doc. CCPR/C/HRV/99/1 (Mar. 2000) [hereinafter U.N. Doc. CCPR/C/HRV/99/1], available at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.C.HRV.99.1.EN?Opendocume](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.HRV.99.1.EN?Opendocume) nt.

⁵ *Id.*

⁶ International Women's Rights Action Watch, Country Report: Croatia, Violence Against Women (Feb. 1995), available at <http://www.igc.apc.org/iwraw/publications/countries/croatia.html>.

⁷ See Budi Aktivna, Budi Emancipirana [Be Active, Be Emancipated] [B.a.B.e.], Legal Status of Women in Croatia, Violence Against Women (Dec. 1996), available at <http://www.interlog.com/~moyra/legal.html>.

⁸ NGO Report on the Status of Women in the Republic of Croatia, *supra* note 1, at Women's Labor, available at <http://www.interlog.com/~moyra/cedawwl.html>.

⁹ Communication with Nena Sudar, B.a.B.e. (Dec. 3, 1999) (on file with the Center for Reproductive Law and Policy).

¹⁰ NGO Report on the Status of Women in the Republic of Croatia, *supra* note 1, at Women's Labor, available at <http://www.interlog.com/~moyra/cedawwl.html>.

¹¹ *Id.*

¹² Human Rights Committee, The Right to Life (article 6), General Comment 6, para. 5, July 30, 1982.

¹³ United Nations Center for Human Rights, Manual on Human Rights Reporting 120, U.N. Doc. HR/PUB/91/1 (1991) [hereinafter Manual on Human Rights Reporting] at 113.

¹⁴ *Report of the Human Rights Committee*, ¶ 167, 52nd Session, U.N. Doc. A/52/40 [hereinafter U.N. Doc. A/52/40].

¹⁵ *Concluding Observations of the Human Rights Committee: Chile*, ¶ 15, 79th Sess., U.N. Doc. CCPR/C/79/Add.104 (1999) [hereinafter U.N. Doc. CCPR/C/79/Add.104].

¹⁶ U.N. Doc. A/52/40, *supra* note 14, at ¶ 167.

¹⁷ Ustav Republike Hrvatske [Constitution of Croatia], art. 58, Narodne Novine [People's Journal] No. 56/Dec. 22, 1990, Pub. No. 1092, amended on Dec. 15, 1997, narodne novine No. 8/Jan. 26, 1998, Pub. No. 121. The English translation can be found at http://www.uni-wuerzburg.de/law/hr00000_.html (visited Nov. 10, 1999).

¹⁸ Zakon o zdravstvenoj zaštiti [Health Care Act] (Jul. 30, 1993), Narodne Novine No. 75/13 Aug., 1993, Pub. No. 1534, amended on Dec. 4, 1996, republished Narodne Novine No. 1/Jan. 3, 1997, Pub. No. 1.

¹⁹ Zakon o zdravstvenom osiguranju [Health Insurance Act] (Jul. 30, 1993), narodne novine No. 75/13 Aug., 1993, Pub. No. 1535, amended on Dec. 4, 1996, republished Narodne Novine No. 1/Jan. 3, 1997, Pub. No. 2.

²⁰ *Id.* art 5(11).

²¹ Health Care Act, art. 15.

²² *Id.* arts. 6, 20(3), 33, 63-72.

²³ *Id.* art. 6.

²⁴ Health Insurance Act, arts. 41, 50.

²⁵ See NGO Report on the Status of Women in the Republic of Croatia, *supra* note 1, at Reproductive Rights available at <http://www.interlog.com/~moyra/cedawrr.html>.

While in theory women have the right to a yearly mammogram, as well as some other medical services, the expense and lack of equipment are real obstacles. Communication with Nena Sudar, B.a.B.e., *Pitanja za WOW [Questions for Women of the World]* (Nov. 26, 1999) (on file with The Center for Reproductive Law & Policy).

²⁶ Zakon o zdravstvenim mjerama za ostvarivanje prava na slobodno odlučivanje o rađanju djece [Law on Health Care Measures for the Purpose of Effectuating the Right to Free Decision on Child Bearing] (Apr. 21, 1978), narodne novine No. 18/May 4, 1978, Pub. No. 423. Art. 1 of the law states that "[i]n order to realize the right of a man/woman to decide freely on having children, this law governs rights and duties of the citizens which apply to prevention of unwanted pregnancy, interruption of unwanted pregnancy and medical aid to those who, due to health reasons, cannot have children of their own." Art. 2 provides that "[t]he 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." Art. 3 mandates that "[i]n order to achieve their right of citizens to be familiar with methods and advantages of family planning, different counseling centers are to be created within the sphere of health, education and social protection, to help citizens with family planning." Finally, art. 4 allows workers, "on the grounds of solidarity and togetherness, and in the sphere of their material capacities," to "create conditions to decide freely about having children."

²⁷ Health Care Act, art. 15(7).

²⁸ Health Care Act, art. 19(4).

²⁹ Ministarstvo razvitka i obnove Republike Hrvatske [Croatian Ministry of Development and Reconstruction], Nacionalni program demografskog razvitka Republike Hrvatske [National Program for Demographic Development for the Republic of Croatia] 3-4 (1995). The Program was adopted by the Parliament of the Republic of Croatia on January 18, 1996.

³⁰ *Id.* at 37.

³¹ *Id.* at 45-46.

³² *Id.*

³³ NGO Report on The Status of Women in The Republic of Croatia, *supra* note 1, at Reproductive Rights, available at

<http://www.interlog.com/~moyra/cedawrr.html>.

³⁴ Inga Tomi-Koludruvi_ & Suzana Kunac, Rizici Modernizacije _ene u Hrvatskoj u Devedesetim 68 (Stope Nade 2000).

³⁵ NGO Report on The Status of Women in The Republic of Croatia, *supra* note 1, at Reproductive Rights, *available* at

<http://www.interlog.com/~moyra/cedawrr.html>.

³⁶ Law on Health Care Measures for the Purpose of Effectuating the Right to Free Decision on Child Bearing, art. 6(1), revised art. 6(2).

³⁷ NGO Report on the Status of Women in the Republic of Croatia, *supra* note 1, at Women's Labor, *available* at <http://www.interlog.com/~moyra/cedawwl.html>.

³⁸ *Id.*

³⁹ Law on Health Care Measures for the Purpose of Effectuating the Right to Free Decision on Child Bearing, art. 15.

⁴⁰ *Id.*

⁴¹ *Id.* art. 19.

⁴² *Id.* art. 21.

⁴³ *Id.* art. 35.

⁴⁴ *Id.* art. 22.

⁴⁵ *Id.* art. 24(1).

⁴⁶ *Id.* art. 36(1).

⁴⁷ *Id.* art. 24(3).

⁴⁸ *Id.* art. 20(1).

⁴⁹ *Id.* art. 42. Health care institutions must be approved to undertake different medical procedures.

⁵⁰ *Id.* arts. 42-44; Kazneni Zakon [Criminal Code] [kazneni Zakon] (Sept. 19, 1997), art. 97, Narodne Novine No. 110/Oct. 21, 1997, Pub.No 1668.

⁵¹ NGO Report On The Status of Women In The Republic Of Croatia, *supra* note 1, at Reproductive Rights, *available* at

<http://www.interlog.com/~moyra/cedawrr.html>.

⁵² *See Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Budi Aktivna, Budi Emancipirana [Be Active, Be Emancipated] [B.a.B.e.], Women's Health: Status of Protection 36 (1998).

⁵⁶ Budi Aktivna, Budi Emancipirana [Be Active, Be Emancipated] [B.a.B.e.], _ensko zdravlje uvid u stanje 36 (1998).

⁵⁷ Law on Health Care Measures for the Purpose of Effectuating the Right to Free Decision on Child Bearing, art. 5.

⁵⁸ *Id.* arts. 8, 9.

⁵⁹ *Id.* art. 10.

⁶⁰ *Id.* art. 39.

⁶¹ There also have been reports of the experimental use of quinacrine, in a clinic in Rijeka, to sterilize 170 women. Communication with Nena Sudar, B.a.b.e. (Nov. 15, 1999) (on file with The Center for Reproductive Law & Policy).

⁶² Prijedlog zakona o dobrovoljnoj sterilizaciji [Draft Law on

Voluntary Sterilization]. The draft has not yet been read in Parliament. Communication with Nena Sudar, B.a.b.e. (Nov. 26, 1999) (on file with The Center for Reproductive Law & Policy).

⁶³ *Id.* art. 4.

⁶⁴ *Id.* art. 6. The Family Planning center is state run, but it is not a counseling center. Its activities are sporadic and poorly advertised. Communication with Nena Sudar, B.a.b.e. (Nov. 26, 1999) (on file with the Center for Reproductive Law & Policy).

⁶⁵ Pravilnik o na_inu obavljanja zdravstvenih pregleda osoba koje su klicono_e ili se sumnja da su klicono_e odre_enih zaraznih bolesti [Regulations on Medical Examination Procedure for Carriers or Persons Suspected to be Carriers of Certain Infectious Diseases] [hereinafter Regulations on Infectious Diseases] (Mar. 1, 1994), narodne novine No. 23/Mar. 25, 1994, Pub. No. 406.

⁶⁶ Zakon o za_titi pu_anstva od zaraznih bolesti [Law on Nationwide Protection Against Infectious Diseases] [hereinafter Law on Infectious Diseases] (Sept. 25, 1992), narodne novine No. 60/Oct. 1, 1992, Pub. No. 1582.

⁶⁷ Regulations on Infectious Diseases, art. 1.

⁶⁸ *Id.* art. 8.

⁶⁹ *Id.* art. 16(1).

⁷⁰ Law on Infectious Diseases, art. 36.

⁷¹ The AIDS Committee is not very active, however. Communication with Nena Sudar, B.a.b.e. (Dec. 3, 1999) (on file with The Center for Reproductive Law & Policy).

⁷² *International Day Against AIDS*, Vjesnik, Dec. 1, 2000, at 8.

⁷³ Health Insurance Act, art. 8(1).

⁷⁴ *Id.* art. 8(2).

⁷⁵ Law on Health Care Measures for the Purpose of Effectuating the Right to Free Decision on Child Bearing, art. 18.

⁷⁶ Ministarstvo Razvitka i Obnove Republike Hrvatske [Croatian Ministry of Development and Reconstruction], Nacionalni program Demografskog Razvitka Republike Hrvatske [National Program for Demographic Development for the Republic of Croatia] 20-21 (1995). The anticipated female population trends for the 15-19 age group in 1991 was 161,956. Total female population in 1991 was 2,466,602, which translates into 6.5%.

⁷⁷ U.N. Doc. A/52/40, *supra* note 14, at ¶ 167.

⁷⁸ *Id.*

⁷⁹ U.N. Doc CCPR/C/79/Add.104, *supra* note 15, at ¶ 18.

⁸⁰ *Report of the Human Rights Committee*, ¶ 158, 51st Sess., U.N. Doc.A/51/40 [hereinafter U.N. Doc A/51/40].

⁸¹ *Concluding Observations of the Human Rights Committee: Peru*, ¶ 13, 79th Sess., U.N. Doc. CCPR/C/79/Add.72 (1996) [hereinafter U.N. Doc. CCPR/C/79/Add.72].

⁸² kazneni zakon, art. 188.

⁸³ *Id.* art. 189.

⁸⁴ *Id.* art. 190.

⁸⁵ *Id.* art. 191.

⁸⁶ *Id.* art. 192.

- ⁸⁷ *Id.* art. 193.
- ⁸⁸ *Id.* art. 194.
- ⁸⁹ *Id.* art. 195.
- ⁹⁰ *Id.* art. 196.
- ⁹¹ *Id.* art. 198.
- ⁹² *Id.* art. 214.
- ⁹³ *Id.* art. 188(1).
- ⁹⁴ *Id.*
- ⁹⁵ *Id.* art. 158(1).
- ⁹⁶ *Id.* art. 188(5).
- ⁹⁷ U.N. Doc. CCPR/C/HRV/99/1, *supra* note 4, at 73.
- ⁹⁸ *Id.*
- ⁹⁹ Kazneni zakon, at art. 98.
- ¹⁰⁰ NGO Report on the Status of Women in the Republic of Croatia, *supra* note 1, at Reproductive Rights, available at <http://www.interlog.com/~moyra/cedawrr.html>.
- ¹⁰¹ See Legal Status of Women in Croatia, *supra* note 7; see also International Child Development Centre, UNICEF, Women in Transition 77-93 (1999), available at <http://www.unicef-icdc.org/pdf/rmr6.shtml>.
- ¹⁰² International Women's Rights Action Watch, Country Report: Croatia, *supra* note 6, at Violence Against Women.
- ¹⁰³ Legal Status of Women in Croatia, *supra* note 7.
- ¹⁰⁴ NGO Report on the Status of Women in the Republic of Croatia, *supra* note 1, at Women's Labor, available at <http://www.interlog.com/~moyra/cedawwl.html>.
- ¹⁰⁵ Radnice Plive za ti_ene od seksualnog uznemiravanja [Female Workers of Pliva Are Protected Against Sexual Harassment], Jutarnji list, Jan. 1, 1999.
- ¹⁰⁶ Tomi_-Koludruvi_ & Kunac, *supra* note 34, at 78.
- ¹⁰⁷ Julie Mertus, Human Rights of Women in Central and Eastern Europe, 6 Am. U.I. Gender Soc. Pol'y & L. 369 (1998), *citing*, Survey response of B.a.B.e. in Zagreb, Croatia (Aug. 1996).
- ¹⁰⁸ NGO Report on the Status of Women in the Republic of Croatia, *supra* note 1, at Women's Labor, available at <http://www.interlog.com/~moyra/cedawwl.html>.
- ¹⁰⁹ kazneni zakon, art. 195(1).
- ¹¹⁰ *Id.* art. 195(3).
- ¹¹¹ *Id.* art. 178.
- ¹¹² *_verc ljudi - Invazija s Istoka*, Globus, Feb. 23 2001, at 38.
- ¹¹³ NGO Report on the Status of Women in the Republic of Croatia, *supra* note 1, at Trafficking in Women, available at <http://www.interlog.com/~moyra/cedawtiw.html>.
- ¹¹⁴ Manual on Human Rights Reporting, *supra* note 13, at 113.
- ¹¹⁵ U.N. Doc CCPR/C/79/Add.104, *supra* note 15, ¶ 17.
- ¹¹⁶ Obiteljski zakon [Family Law] [Obiteljski zakon] (Dec. 11, 1998), narodne novine No. 162/Dec. 22, 1998, Pub. No. 1993.
- ¹¹⁷ *Id.* art. 1.
- ¹¹⁸ *Id.* art. 24(1).
- ¹¹⁹ *Id.* arts. 26(1), 26(2). See *infra* Marriage and Adolescents.
- ¹²⁰ Kazneni zakon art. 214.
- ¹²¹ *Id.* art. 8.
- ¹²² *Id.* art.20.
- ¹²³ Communication with Nena Sudar, B.a.b.e. (Dec. 3, 1999) (on file with The Center for Reproductive Law & Policy).
- ¹²⁴ Obiteljski zakon art. 226(1).
- ¹²⁵ *Id.* art. 226(2).
- ¹²⁶ *Id.* art. 262.
- ¹²⁷ *Id.* art. 5.
- ¹²⁸ *Id.* art. 43.
- ¹²⁹ *Id.* art. 42(2).
- ¹³⁰ *Id.* art. 221.
- ¹³¹ *Id.* art. 226(1).
- ¹³² *Id.* art. 253.
- ¹³³ *Id.* art. 49.
- ¹³⁴ *Id.* art. 226(2).
- ¹³⁵ *Id.* art. 213.
- ¹³⁶ *Id.* art. 230.
- ¹³⁷ Legal Status of Women in Croatia, *supra* note 7.
- ¹³⁸ *Id.*
- ¹³⁹ Budi Aktivna, Budi Emancipirana [Be Active, Be Emancipated] [B.a.B.e.], Analiza Zakona o Sudskim Pristojbama [Analysis of Law on Courts Payments] 5 (1999).
- ¹⁴⁰ Report of the Human Rights Committee, ¶ 158, 51st Sess., U.N. Doc.A/51/40 [hereinafter U.N. Doc A/51/40].
- ¹⁴¹ U.N. Doc. A/52/40, *supra* note 14, ¶ 300.
- ¹⁴² U.N. Doc. A/51/40, *supra* note 80, ¶ 166.
- ¹⁴³ Constitution of Croatia, art. 65.
- ¹⁴⁴ Zakon o Osnovnom _kolstvu [Law on Primary School System] (Dec. 28, 1990), narodne novine No. 59/Dec. 31, 1990, Pub. No. 1159.
- ¹⁴⁵ Zakon o Srednjem _kolstvu [Law on Secondary School System] (Mar. 28, 1992), narodne novine No. 19/Apr. 2, 1992, Pub. No. 423.
- ¹⁴⁶ Worldbank, A Database of Gender Statistics, Croatia Education for 1998 available at <http://genderstats.worldbank.org/SummaryGender.asp?WhichRpt=education&Ctry=HRV,Croatia> (visited Feb. 23, 2001).
- ¹⁴⁷ Population census, 1991.
- ¹⁴⁸ Budi Aktivna, Budi Emancipirana [Be Active, Be Emancipated] [B.a.B.e.], Women's Access to Waged Employment in Croatia 3 (1997) (on file with The Center for Reproductive Law & Policy).
- ¹⁴⁹ Marina Kokanovi_ et all., Diskriminacija _ena u Hratskoj 25-26 (_enska sekcija SSSH 2001).
- ¹⁵⁰ Communication with Nena Sudar, B.a.b.e. (Dec. 3, 1999) (on file with The Center for Reproductive Law & Policy).
- ¹⁵¹ U.N. Doc. A/51/40, *supra* note 80 ¶ 318.
- ¹⁵² *Id.* ¶ 335.
- ¹⁵³ Zakon o Vlasni_tvu i Drugim Stvarnim Pravima [Law on Property and Other Rights] (Oct. 2, 1996), art. (1), narodne novine No. 91/Oct. 28, 1996, Pub. No. 1596.
- ¹⁵⁴ Zakon o Naslje_ivanju [Inheritance Law], first published in SFRJ Official Journal of May 11, 1955, entry into force July 11, 1955, amended and republished in narodne novine No. 47/Nov. 28, 1978.

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¹⁵⁵ See Legal Status of Women in Croatia, *supra* note 7.

¹⁵⁶ Zakon o Radu [Labor Act] (May 17, 1995), art. 82, narodne novine No. 38/Jun. 8, 1995, Pub. No. 758. This discusses equal pay for men and women.

¹⁵⁷ Arts. 52, 55, and 56 of the Labor Act specify that women may not perform strenuous physical jobs, underground work, underwater work, work that may endanger her life or health, as well as night work.

¹⁵⁸ Pravilnik o Poslovima na Kojima ne Smije raditi _ena [Regulations on Jobs that Cannot Be Occupied by Women] (Apr.12, 1996), art. 1, narodne novine No. 44/Jun. 5, 1996, Pub. No. 858.

¹⁵⁹ *Id.* arts. 2, 3.

¹⁶⁰ Labor Act art. 63(1).

¹⁶¹ *Id.* art. 63(2).

¹⁶² *Id.* arts. 56, 57.

¹⁶³ *Id.* art. 55.

¹⁶⁴ *Id.* art. 58.

¹⁶⁵ Compensation is 100% of the basic monthly salary. Zakon o zdravstvenom osiguranju [Health Insurance Act] (July 30, 1993), art. 34, narodne novine No. 1/Jan. 3, 1997, Pub. No. 2, amended on Oct. 3, 1997, narodne novine No. 109/Oct. 20, 1997, Pub. No. 1663.

¹⁶⁶ Labor Act art. 61; Zakon o Porodnom Dopustu Majki Koje Obavljaju Samostalnu Djelatnost i Nezaposlenih Majki [Act on Maternity Leave for Self-Employed and Unemployed Mothers] (Mar. 15, 1996), narodne novine No. 24/Mar. 26, 1996, Pub. No. 429.

¹⁶⁷ See Lj. Gatari_, *Mi majke petero djece, _rtve smo obe _anja* [*We mothers of five children*], Vecernji list, July 20, 1999.

¹⁶⁸ See _enske Stranice. Stranice za jednakost spolova [Women's Pages for Gender Equality] available at <http://www.zenskestranice.hr> (visited Dec.13, 1999).

¹⁶⁹ NGO Report on the Status of Women in the Republic of Croatia, *supra* note 1 at Women's Labor available at <http://www.interlog.com/~moyra/cedawwl.html>.

¹⁷⁰ *Id.*

¹⁷¹ See Lj. Gatari_, *Mi majke petero djece, _rtve smo obe _anja* [*We mothers of five children*], Vecernji list, July 20, 1999.

¹⁷² Marina Kokanovi_ et al., Diskriminacija _ena u Hrvatskoj 28, (_enska sekcija SSSH, 2001).