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PANEL I

Synergies between national-level implementation of the Beijing Declaration and Platform for Action and the Convention on the Elimination of All Forms of Discrimination against Women

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* The paper has been reproduced as submitted.

Evaluating the national-level implementation of the two documents we have come up to talk about, as a panelist with the NGO background (B.a.B.e. – Be active. Be emancipated), I feel my duty is to be critical rather than positive. Moreover, I have been active in an NGO that has been founded eleven years ago as a national, strategic group dedicated to advocacy and lobbying for affirmation and implementation of women's human rights, whose maxim - "We believe that gender democracy is an essential part of any democracy, and that a state, which denies equal rights to women and minority groups, can not call itself democratic. We believe that the advancement of women is impossible unless and until their equal rights are fully protected." - has been a foundation to all planned and implemented activities since its inception. I am a feminist, citizen of Croatia, a country that has, as all the other governments of the region, ratified CEDAW and signed BPA. However, like in a famous Oscar Wilde's novel *The Picture of Dorian Gray*, the Croatian Government has very often presented only the attractive and smiling face to the world, while the darker image was kept hidden from outside scrutiny, visible only to us who cared - and dared.

The time of transition from a one party system to democracy, difficult enough in itself, in the case of my country has been additionally burdened by the war. For the first couple of years women were forced to deal only with the consequences of war – helping refugees, supporting and trying to heal trauma of women in exile, women victims of rape, women left alone, homeless and resourceless. Overwhelmed with work, women's human rights activists have only gradually realized that the social and political context had dramatically changed. Patriarchy, existent, but never so bluntly visible and vocally supported during the time of socialism, has started to emerge as the exclusively acceptable and reasonable mode of life. Silencing women's voice in the public sphere (decline of women MPs from 17% to 4,8%), and pushing them back to a realm of privacy as mothers and housewives, questioning the legality of the Law on Reproductive Rights, finally revealed which value system was going to be promoted in public discourse. Education, media, Catholic Church sermons forcefully tried to manufacture consent (as Noam Chomsky would put it) of the whole population. Old myths of true womanhood were presented as everlasting and unquestionable, and there were no differing opinions let to be heard.

Desperate, but not willing to surrender without struggle, only couple of dozen women activists started to look around the world for help and support. And, of course, they found it - in other countries of the region, in the European Union, in the United States, continent of Africa, South America – everywhere. We traveled around the globe, and women were visiting us. We were trained, we have been taught, we explored and learned, becoming educators ourselves in the process. But, in the quest for justice and equality, introduction to *The Convention on the Elimination of All Forms of Discrimination against Women* meant a turning point. Despised by majority as non genuine women and national traitors – because, for example, we refused to stop communicating with Serbian women, and claimed that male Croats had beaten and raped Croatian women as well, we finally found a document that encouraged and justified our claims.

In 1995 Croatian activists were among thousands traveling to Beijing, where at the NGO Forum all delegates were unanimously working on issues of concern to women. Declaration and Platform for Action, together with CEDAW, often described as an international bill of rights for women, became our Holy Scripture. Finally, we had a

proof, with international legitimacy, and guidelines for defining what constitutes discrimination against women and how to direct actions to end it. While we were raising our voices against discrimination, stereotyping, annihilation of women's contribution to development and democratization in our country, our public statements, campaigns and lobbying activities, have always quoted one or many out of 30 articles from The Convention on the Elimination of All Forms of Discrimination against Women. We have constantly reminded decision makers of their obligations to eliminate discrimination and implement measures that will ensure gender equality. From the Platform for Action we extracted ideas for actions that – as we believed - will ensure creation of a more just society.

At the same time, writing of a shadow report developed into a ceremony similar to the time of confession that brings relief and serenity afterwards. Or, to use more appropriate metaphor, a court hearing where finally someone was willing to listen to our testimonies, and value us as serious and honest witnesses. Because in our home country, we have been viewed upon (and predominantly very often still are) as enemies (or at least boring and incompetent creatures) who have been trying to destabilize and question dignity and competence of the Government and its bodies¹.

Whereas we learnt articles by heart, and could quote them at any time of day or night, our Government kept the documents almost as a secret. Even today, we do not have translation of the Convention into our native language officially published. If there were not individuals, several women and men on decision making positions², who cared, we might state that majority of civil servants have not known why and how to understand and bring into life the two documents. How can you mainstream or implement something that is not available to all?

Even so, predominantly due to the efforts and constant drive of women's NGOs – and obligations towards international community - slowly and gradually at least *de jure situation* was changing for the better. From the year 1996³ until 2000 the Commission on Equality⁴ had advisory role to the Government and was attached to Ministry of Labor and Social Welfare. The Commission was formal body that usually met once a year. The members of the Commission were recruited from different ministries, and expressed no sincere interest or sensitivity for the gender equality issues. External members were representatives of five NGOs who took active part in the sessions, and were the only ones to question the secretary of the Commission on different issues as the representatives from ministries usually did not have a clue what was discussed about. At the time when the Commission was operational the main argument of the validity of Commission as the only mechanism for gender equality was that Commission is much better as it is in accordance with the concept of gender

¹ Even in such cases as the following one: B.a.Be. asked the Commission to secure one governmental accreditation for CSW in year 2002, and it was not granted although B.a.Be. had its own financial resources to send a representative to New York; only recently two organizations who presented Shadow report in New York were publicly criticized by the Head of the Government Office for Equality of Sexes (!).

² Only several months ago, due to the efforts of Ms. Dubravka Šimonović, The Government Office for Equality of Sexes, printed a guide through CEDAW – Dubravka Šimonović was the editor.

³ Due to the attendance of the Government official delegation at the Fourth World Conference on Women held in Beijing.

⁴ At the time, they were even afraid to state explicitly equality of what or whom should be protected.

mainstreaming. The fact that most of its members were not aware of the distinction between gender and sex was not important.

The first National Policy was a kind of «underground» document, not widely published and not recognized even by authorities, not to mention general public. Most of the proposed actions were not carried out (as they have never even meant to be implemented), or were performed in a formal and not substantially serious manner. The National Policy was once again a wish list without political will that would encourage implementation.

After the 2000 the Commission got one professional person who was placed at the Office for Human Rights. However, the principle of recruiting the members remained the same. The most important part of the work of the Commission was preparation of the National Policy for Promotion of Sex Equality and the Law on Equality of Sexes (which had been drafted formerly by B.a.B.e. and a team from The Faculty of Law⁵). In the preparation of the draft of the National Policy NGOs were included although our proposal to prioritize 5, instead of mechanical repetition of all BPA critical areas of concern, was not even taken into account for discussion. At the end, as we have predicted, The National Policy remained once again a document to be presented to the world, but not to be put into action.

Nevertheless, the percentage of fulfillment of the Politics was higher than the previous one, and some important legal changes happened during the period 2003 to 2004. Finally, according to the Law on Sex Equality, two new mechanisms were established at the end of 2003 (Office of Ombudsperson for Sex Equality) and Government Office for Sex Equality at the beginning of 2004. Both offices had a long time of establishment on the level of securing basics for their work (premises, staff and equipment). Since May 2004, they are both fully operational, but extent of their work is still to be evaluated in the years to come. Nevertheless, establishment of those offices is an important sign that some attention to gender equality is given by different governments. Together with The Parliament Committee on Equality of Sexes, and many municipal and county committees, they finally make a well designed network of national machinery to promote and protect women's human rights and concept of gender equality.

However, as a general remark, we might state that the problem of improvement of the status of women in Croatia and of the elimination of discrimination against women focused predominantly on formal changes, those within the legal framework, and was not directed towards implementation of provisions of laws and measures. Extreme slowness of the judiciary is also a great obstacle for the prompt and appropriate protection of women, the victims of different forms of discrimination. Misunderstanding of important concepts like gender mainstreaming could also be detected. The Government and all authorized bodies implement "gender mainstreaming" on a formal level, often confusing it with the integration strategy employed by the pre-1990s regime (for example, simply enumerating institutions that have introduced gender-sensitive statistics). If we look at the data collected by women's NGOs, it is evident that in the Republic of Croatia most women still perform all household and unpaid work, and that there have been no significant changes –

⁵ Each team proposed one draft of the Law on Equality of Sexes.

which means, that all measures the Government often lists as positive accomplishments have not brought any significant changes in the quality of life of women and men.

In order to evaluate the extent to which the governments have been ready to truly incorporate changes and promote a concept of gender equality, it is important to look at the Croatian school system. Actually, several researches that have been performed by NGOs prove that either decision makers do not understand what equality means, or they do not care to inaugurate it. Instead of inviting women's human rights activists and gender sensitive experts, they continue to listen to priests and extremely conservative academics, and encourage them to take part in different committees that decide on school curricula, textbooks, extra curricular programs.

For this reason, several demands for changes to the elementary curriculum were made during the Women's Network Croatia campaign in 2003: educative inclusion and implementation of good practice and achievements from the sphere of human rights and education on gender equality, sex/gender relations and sexuality, the implementation of the taken over obligations from the National Policy for the Promotion of Sex Equality in the area of education and the Convention on the Elimination of All Forms of Discrimination Against Women was sought from the Government of Croatia, and special insistence was given to the critical examination of the patriarchal system of values and the elimination of stereotypes on sex/gender roles and the acknowledgement and respect of the right to difference. Therefore the necessity of gender-sensitive education for teachers in order to promote gender equality was emphasized as a special demand.

During the holding of this same campaign in 2003, and the carrying out of the project for gender awareness of teachers in schools during 2002 and 2003, the Ministry of Education, which is now within the Ministry of Science, Education and Sport, showed itself to be an especially sluggish institution closed off in a bureaucratic system and adverse to cooperation. Even though ministry officials and the minister himself publicly communicated messages on their readiness for change, openness and cooperation and actual qualitative changes in programs, this did not occur. What is cause for concern is that they did not actively support the program for gender awareness of teachers which was organized by nongovernmental organizations, despite stating that non-institutional programs were more than welcome and that such would receive the support of the Ministry of Education. This refers to the programs organized by the groups B.a.B.e. (2002), CESI (2002–2004) which were allotted funding from the Government budget.

Among the obstacles to eliminating discrimination on the sex/gender basis in the area of education, along with the content and quality of the educational-teaching program itself, and its realization, certainly belongs the content of educational-teaching aids, in first place, textbooks and the perspective from which they are written. Despite the fact that legal regulations from 2003 include the policy of gender equality and elimination of discrimination, an entire series of contents tied in with gender sensitive programs and the teaching of sexuality and sex/gender roles does not exist, and the textbooks that are used in the educational-teaching process are based on stereotypes of men and women and their gender roles. The existence of gender stereotypes as well as discriminating content toward women and social minorities was also

substantiated by the results of certain research as well as the analysis of textbooks from subjects in social sciences and humanities which were carried out by several women's NGOs.⁶

“Importance” of gender equality for the government could also be illustrated through the data given regarding the financial support to the programs and projects through the governmental Office for NGOs. According to our analysis it is obvious that percentage of the total amount allocated to the NGOs dealing with gender equality was only 4.91% in 1999, 7.25% in 2000, 8.71% in 2001, 9.60% in 2002 and 8.36% in 2003⁷ of total amount given to NGOs in general. It should also be mentioned that the financial support given to each organization was effectively diminishing, as the number of the organizations that received grants increased disproportionately in correlation with significantly smaller increase of the amount given to the gender equality programs and projects.⁸ Once again, we can recognize the pattern of declamatory support that is not sufficient for proper, serious in depth work.⁹

On the other hand, on couple of occasions, good cooperation of the women's NGOs and representatives of the decision making bodies proved that only with joint actions true progress and advancement of women's human rights could be achieved. Non governmental organizations can only propose, suggest, initiate, draft, but they do not have the political power to actually change laws, institutions, and especially influence civil servants' performance. When we, for instance, drafted amendments to the Family Law dealing with the issue of family violence, only with the support of MP Đurđa Adlešić and Jadranka Kosor, they could have been introduced and adopted by the Parliament. When there has been a case of sexual harassment in the Army, NGOs could raise their voice, organize press conferences and disseminate statements, but only MPs Đurđa Adlešić, at that time president of the National Security Committee of the Croatian Parliament, and MP Gordana Sobol, president of the Committee on Equality of Sexes, were in capacity to immediately demand changes in the Law on the Army. Today we have articles in that law explicitly forbidding sexual harassment in the Croatian Army, and naming measures to be taken against perpetrators. Women could have squatted the abandoned apartment and made it a shelter, but only Vera Stanić, representative at the City of Zagreb Assembly, could have demanded to make us legal tenants. Two months ago, only through the Ministry of Family, we could have had representatives from ministries, faculties, courts, police, social services, ombudsman offices and NGOs work together and create new National Strategy on Protection Against Family Violence. If the Government allocates financial resources from the budget, this could serve as a right methodology towards initiating effective changes of policies and politics that would lead to a gender sensitive social environment.

But, there is a long way to go, as we have had opportunity to witness so far.

⁶ NGO REPORT to the Committee on Elimination of Discrimination against Women on the occasion of Second and Third Report of Republic of Croatia, 2004 (Center for Women Studies).

⁷ Data from www.uzuvrh.hr; web site of Office for NGOs.

⁸ NGO REPORT to the Committee on Elimination of Discrimination against Women on the occasion of Second and Third Report of Republic of Croatia, 2004 (Aida Bagić).

⁹ NGO REPORT to the Committee on Elimination of Discrimination against Women on the occasion of Second and Third Report of Republic of Croatia, 2004 (B.a.B.e.).

As almost a concluding point, I would like to quote Ms. Bani Dugal: "CEDAW¹⁰ has been critically important for NGOs. It has provided NGOs with a recognized standard and a framework for articulating specific rights, which have empowered and emboldened NGOs in their work with governments. NGOs have taken an active role in the reporting process, providing alternative reports and comments on the reports of their respective countries, advocating for the withdrawal of their country's reservations, monitoring provisions for gender equality in national constitutions and pushing further for their full implementation." The same could be said for the BPA.

Unfortunately, this could not be used to describe actions of all former and present Croatian governments.

And, at the very end, I am going to add my own statement. We will continue to do it. Albeit all the obstacles that are constantly being found on the road that might take us to the world without prejudice and unfairness, to the world where all individuals have equal rights. Where diversity is praised and valued.

At least, my organization will not surrender. Even though in December of 2004 Alliance of major churches has been created, and their demand to make abortion illegal presented to the Government, and albeit the Bishops' Conference Statement that artificial insemination is immoral and brings to life children who are things and not human beings. And although, at the moment, whilst I am speaking, my colleagues are moving our office to the apartment in a dark basement as we have not enough funding to cover rent expenses. From our dark rooms we will continue to look up into the sky, hoping that some day our Government will be ready to share our vision, and even honestly and wholeheartedly support it.

Sanja Sarnavka

☀ I use in all names of institutions or bodies term sex and not gender because our Government uses it.

Several paragraphs have been taken out of the Report NGO REPORT to the Committee on Elimination of Discrimination against Women on the occasion of Second and Third Report of Republic of Croatia, 2004; I have changed them slightly, and only marked at the end where the passage has been taken from.

In addition, there are 4 scans of a publication Women and Media, 1998, where we, as recommendation on how to diminish sexism and stereotyping in the media quote recommendations of the CEDAW Committee and Section J from the BPA

¹⁰ And BPA, I must add.