



SUMMARIES



Helena Štimac Radin

REPORTING OF THE REPUBLIC OF CROATIA ON THE IMPLEMENTATION OF THE UN CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The UN Convention on the Elimination of the All Forms of Discrimination against Women represents the most important bill of women's human rights. The Republic of Croatia became a party to the Convention by the act of notification of the succession on 8 October 1991, whereby it obliged itself to implement the principles and the standards contained in the Convention, as well as to submit reports regularly on the developments in relation to its implementation. According to Article 18 of the Convention, the State Parties are obliged to regularly report to the UN Secretary General on legislative, judicial, administrative and other measures they undertook in the implementation of the Convention's provision, for its examination by the UN Committee on the Elimination of All Forms of Discrimination against Women.

The Initial Report of the Republic of Croatia, examined in 1998, was submitted to the Committee in 1994, and covered a period from 1990 to 1994. In January 2005, I led the Croatian delegation that presented the Second and the Third Report at the 32nd session of the Committee. The Committee's Concluding Observations are included in the National Politics for the Promotion of Sex Equality 2006 – 2010 as the priority goals and measures, and the Office undertook a number of activities aimed at acquainting the public with the content of the Observations and the text of the Convention. The Office for Gender Equality is preparing the Fourth and the Fifth Periodical Report, which will be submitted this year to the Committee for the period from 2005 to 2010.

Croatia is a signatory of numerous international conventions, which prohibit gender discrimination. Moreover, the Committee noted in the Concluding Observations that Croatia has improved a great deal in legislative and institutional terms, and a number of the Convention's

provisions have been or are being implemented. Nevertheless, there are still different and important critical areas, which require coordinated action targeted at overcoming all the obstacles, which prevent faster change of social relations aimed at achieving real equality of women and men.

This paper will discuss the experience of the process of reporting of the Republic of Croatia on the implementation of the Convention, and will note the importance of the consistent and systematic implementation of the Convention's provision for faster promotion and prevention of the violation of women's human rights.

Ivana Radačić

THE DEVELOPMENT OF HUMAN RIGHTS OF WOMEN IN THE JURISPRUDENCE OF THE EUROPEAN COURT OF HUMAN RIGHTS

The European Court of Human Rights, the only international court that individuals can directly petition, is the most effective international human rights mechanism. The judgments of the Court are binding on the state parties and thus the Court's jurisprudence influences the legislation and jurisprudence of European countries. The Court also exerts influence over other global and regional human rights bodies thus contributing to the development of international human rights standards. These characteristics make the Court a very powerful human rights institution, which could contribute significantly to the advancement of women's human rights.

However, the Court's potential for the protection of women's human rights has not yet been fulfilled. Despite widespread and systematic violations of women's human rights throughout Europe, the Court has heard relatively few cases concerning women's rights, though the number of cases has been on the increase recently. Moreover, even where women's rights are specifically at issue, women's experiences are often marginalised or misrepresented.

This paper presents the analysis of the Court's judgments on women's human rights, which includes cases of gender based violence, sex discrimination and reproductive self-determination. The analysis is based on feminist theories of difference, which stress the importance of sex/gender in the human rights discourse. The main question is to what extent is the Court gender sensitive, in particular in relation to its application of the public/private dichotomy, and whether the approach is the same in all the areas of women's rights. The main argument is that the employment of a feminist theoretical perspective and

methodology that is sensitive to the multiple discrimination of women could secure more effective protection of women's rights.

Judith Frishman

“A SEPARATE PEOPLE”: SOME LEGAL PERSPECTIVES ON THE STATUS OF WOMEN IN JEWISH MARRIAGE AND DIVORCE

In Judaism as in other religions, traditional gender roles have played a decisive role. Whereas men have served as the norm, women were almost always excluded from the public domain. Consequently, until the 1970s women were neither rabbis nor cantors nor interpreters of Jewish law. Having been denied passive and at times even active voting rights, they served neither as presidents of congregations nor as board members. Aware of the fact that denial of public roles to women may mean the demise of many congregations in the future, radical change has occurred over the past 40 years. Increased participation of women in leadership positions in all Jewish denominations has in some places led once more (as occurred in the 19th century) to the feminization of religion.

Regardless of the denomination to which they belong, to this day women are at a great disadvantage as far as marriage and divorce are concerned. At marriage, a Jewish man acquires a wife who subsequently loses authority over herself until the death of her husband or divorce, when she regains autonomy. Men are the sole initiators of divorce and often blackmail their wives for divorce on their terms (including demands for guardianship over the children and the relinquishment of the wife's right to alimony). The various movements in Judaism have attempted to solve this problem by means of legal innovations. Joint attempts have failed, particularly because Orthodox representatives oppose innovation. Even there where an appeal has been made to legal precedence, no solution has been found. In non-Orthodox circles, solutions have been sought by invoking the power of non-Jewish courts to enforce penalties on men who refuse to grant a bill of divorce or women who refuse to accept one.

In this paper, I will focus on the legal position of Jewish women, their implications for women's human rights and the difficulties entailed in ameliorating these positions.

Jadranka Rebeka Anić

HUMAN RIGHTS OF WOMEN IN CHRISTIANITY

Religion belongs to one of the more important socio-cultural factors that have an impact on the definition of gender relation models and the extent of social acceptance of human rights generally as well as the human rights of women, in particular. To guarantee the acceptance and implementation of the human rights of women, it is important to include the religious perspective.

In the first part of this paper, the possibility of a universal overview of the Christian standpoint towards the human rights of women due to the institutional plurality of Christianity will be problematised. Even the alignment of Christianity into three large denominations: Catholicism, Orthodoxy and Protestantism does not facilitate the analysis of Christian relations towards the human rights of women, since a large number of Protestant churches are completely autonomous in a legal sense. Reference to ecumenical institutions that have the promotion and protection of the human rights of women in their programmes does not resolve this controversy. Namely, some churches, members of these institutions, are reserved towards human rights in general.

In the second part of this paper, the theological postulates that question gender stereotypes and provide the possibility of egalitarian gender relations that brings change and the transformation of social and cultural behaviour of men and women (see CEDAW, Article 5) will be presented. The theological delegitimation of gender stereotypes brings about a strengthening of awareness among female believers and their active inclusion in emancipation processes. With regard to the extent a Christian worldview has an impact on the organisation of social and economic life, the egalitarian theological paradigm of gender relations can influence change in the socio-cultural and economic structures and thus bring about the implementation of the human rights of women.

Zilka Spahić-Šiljak

WOMEN'S HUMAN RIGHTS – ISLAMIC PERSPECTIVE

In the second half of the twentieth century, the debate on universal human rights and their application in Muslim countries where the Shari'a Law is in force were intensified. Women's human rights and the status of women in society are the core of that debate, because it is the

last bastion of domination of religion and resistance to secularisation.

This paper elaborates on topics of universalism and cultural relativism of human rights with particular emphasis on human dignity, which is the foundation of human rights both in secular and religious discourse. Taking into account the diverging views on the universalism of human rights that hinders the implementation of the international women's human rights standards in Muslim countries, it is important to reflect on the classical Islamic thought arguments, but also on the re-interpretation efforts of contemporary Muslim scholarship.

Models of gender relations in Islamic tradition are promoted through various gender theories and three of them are the most represented: theory of subordination, theory of complementarity, and theory of egalitarianism. The theory of complementarity comes to force today as well when reservations to the CEDAW are requested.

Nadežda Čačinovič

MISOGYNY IN THE PHILOSOPHICAL TRADITION

The paper starts from the observation that those who have prejudices do not consider their prejudices to be just that, but claim to speak according to facts, truthfully; only a small number confess an idiosyncrasy. Therefore we have to look into the arguments and claims; philosophy is defined as an activity consisting of careful examination of arguments. Misogyny in philosophy is a serious matter: the article tries to distinguish between inherent and adherent elements. In every discussion of human rights there is an interface between universal and particular claims so it is important to see if the universal hides a specific particular claim.

Smiljana Leinert Novosel

GENDER STEREOTYPES, PREJUDICES AND DISCRIMINATION AGAINST WOMEN IN POLITICS

The gap between the social commitment to gender equality in politics and the practice of everyday life reveals the presence of stereotypes and discrimination against one gender, in this case female. Considering that this problem is present even in countries with long democratic traditions, the intensity of it in countries with shorter democratic experience, such as Croatia, is not surprising. For us,

after the commitment to parliamentary democracy, there have been shifts revealing a gradual increase in the percentage of women present in the Croatian Parliament, and in general a better perception of women in politics than before, and several times better than in family or employment. Despite this, there is an evident lack of participation of women at all levels of decision-making, particularly at the local level and their absence from prominent political functions. This low participation also causes some rare discrimination experiences, even though they are mainly of female gender in politics; they are primarily related to deficiencies in the functioning of political parties, which are then reflected in the prejudice against women. It seems that in politics there is the discrepancy between commitments and action, even though there have been changes in social consciousness in the direction of modern values – gender equality, present here more than in other spheres of life.

Sanja Sarnavka

IS OTVORENO (OPEN) CLOSED TO GENDER EQUALITY?

I will examine the *de facto* relationship towards gender equality in Croatia by using an example of a television programme, basing this approach on the thesis that social institutions actively participate in creating social reality (M. Chimombo, R. Roseberry, 1998) because textbooks, sermons, media communication and verdicts play a part in the creation of discourse used to legitimise the existing (or desired) social structure, thereby constructing an ideology that affirms the rights of those in power.

Starting with a critical discourse analysis, by analysing the content of 14 episodes of the programme *Otvoreno*, broadcast in April and May 2010, I will try to determine how this programme, an integral part of the Information Programme of HTV, deals with questions of gender equality either through its choice of topics or by choosing women to talk on these topics as experts (so called gender mainstreaming). As there are countless ways of presenting the world, and thus it is extremely important to determine who and what is left out and how things, people and events are presented (Hall, 1986), I will examine what interpretation *Otvoreno* offers on the subject of gender equality.

I chose this show because it is alternately edited and presented by a man and a woman. I will compare and examine whether there is a difference in the editorial

approach and relationship towards women and the issue of gender equality in the programme when man as opposed to woman edits it. On the basis on my analysis and from my viewpoint as a feminist, I will determine if the programme *Otvoreno* promotes, contradicts or is indifferent towards the realisation of the concept of gender equality.

Jelka Vince Pallua

ANDROCENTRISM OF EDUCATION AND SCIENCE

It is an undeniable fact that the former and present experiences, as well as possibilities of women and men, significantly differ. These discrepancies, like the relationship between genders, were conditioned not only by natural, but also by socio-historical and particularly cultural factors, which is clearly visible in the case of education. Women are mostly excluded from history and are in a great part 'invisible'. Namely, history was most often just a *he*-story; when there are rare traces of references to women, they are from a male perspective. The play on words for history clearly presents the doubly androcentric nature of education and science. Thus, history is almost exclusively concerned with the 'great fathers' (*he*-story) while at the same time it is researched and written by men (*his*-story). This reality is explored in the paper as women were most often denied access to education (as well as to science, which stems from it) and their access to higher education has been possible for only a century.

The aim of this paper is to point to the historical inequality between men and women in access to education, especially to higher education, and consequently to their work in science. These are the two major fields from which women have been excluded as "invisibles" for centuries – both as researchers and subject of research. Thus, the attempt was made to argue for the necessity of equality of educational rights in order to improve the social, economic, family and professional status of women. After presenting several examples of the position of women in traditional Dalmatian hinterland 18th and 19th century culture, the author comes to the conclusion that tradition can still be recognized as a favorite excuse for discrimination in education and science. By gaining insight into both the history and current state of higher education of women in Croatia and in Europe the author concludes that the substantial deconstruction of sexual stereotypes in this domain has not yet been completed. Moreover, it is still present in the hierarchical elements of power and status within the institutions of higher education.

Biljana Kašić

“FEMINIST INTELLECTUAL CLASS”: ANXIETY AROUND INTEGRATION AND THE POLITICS OF KNOWLEDGE

The (re)articulation of women's studies education is one of the significant challenges of feminist politics in Croatia. The question is how to integrate a model of gender epistemology as learning about sex difference but also learning about sex/gender freedom into academic space, and preclude the negative implications of the neoliberal educational project in which the coupling of competitiveness and 'functional' disciplines hinders spaces of critical knowledge.

The paper deals with this above mentioned problem by exploring the status of the 'disciplines' of women's studies in Croatia concerning the politics of location (bell hooks) on the basis of the discussion around the potentiality of an integrational and/or autonomous model of women's studies education. At the core of the analysis is the question to what degree do *mainstream* women's studies curricula function as knowledge fields of the conceptual translation of paradigms and codes of existing disciplines (G. Steiner, R. Braidotti), and in which they produce critical novelties.

The paper takes the following three serious reasons for concern around critical feminist engagement which affects the position of the subject within the university: the production of a hegemonic discourse on gender equality; global commodification of knowledge as the result of the neoglobal economy and the centring of scientific disciplines around their subject and methodological axis.

It is important to keep in mind the contextualization of knowledge and the contextualization of academic education in Croatia, as well as the particular situation of 'border zones' where feminist epistemology, gender viewpoints and expert knowledge transect and intertwine.

Elizabeth Poskitt

INTERNATIONAL FEDERATION OF UNIVERSITY WOMEN: PROMOTING WOMEN'S HUMAN RIGHTS THROUGH EDUCATION

The International Federation of University Women (IFUW) was founded in 1919 to promote international peace through friendship between women with university education worldwide. This article shows how the history of IFUW linked into contemporary world events and their influences on women's rights. Throughout, education is seen as the key element enabling women to advance their

roles and rights despite the turmoils of twentieth century history.

Whilst not specifically mentioning rights in its purposes, IFUW has always put the rights of peace and education for women as their prime foci. IFUW increased rapidly in its early years but had to face the realities of the abuse of human rights amongst its national organisations in the 1930s. However, out of this arose work for refugee and displaced women which continues today.

Working with UN bodies, especially UNESCO, IFUW has a broad range of activities to promote the education of women and girls. Working through its own members it provides training and skills development particularly in capacity building and leadership development by example and experience.

The activities of organisations such as IFUW may seem nebulous but they achieve a great deal in improving women's rights both amongst its own members and amongst those to whom its projects are aimed.

Mario Vinković

SEX SEGREGATION AND THE LABOUR MARKET – CROATIAN DISCOURSE OF EUROPEAN TRENDS

Croatia *de facto* and *de iure* should have begun the fight against segregation as a form of discrimination when the Act on the Elimination of Discrimination entered into force. However, This Act defines segregation as forced separation based on legally prohibited grounds of discrimination. This unusual concept based on the short-sighted perception that segregation as a form of sex discrimination, is carried out forcibly, makes it difficult to sanction segregation that is a result of indirect sex discrimination.

This paper seeks to identify the present problem of sex segregation in the labour market in Croatia through the discourse of European trends. The author maintains that sex segregation is the result of systematic indirect sex discrimination caused by stereotypes and the lack of social awareness of the need for the true equality of men and women in the distribution of professional and family obligations. Considering the notable differences between the sexes, it is necessary to resolve how to achieve true equality and overcome the traditional perception of the position of women in the family and the world of work. The inadequacy of national solutions, deficient institutional corrective mechanisms and the insufficient fight against stereotypes make it difficult to create and achieve substantive equality in the labour market.

Ivana Kapor Šafranko

WOMEN AS POTENTIAL DRIVERS OF ECONOMIC DEVELOPMENT OF CROATIA

With the ever-increasing level of women's participation in political, cultural and economic life, the importance of women's contribution and their impact on economic development is on the increase. The share of educated women in Croatia has increased significantly and they are now more educated than men, but still participate less than men in the labour market. This paper seeks to identify factors which affect women's labour, that are typical for Croatia, as well as the instruments and the role of the state, i.e., social policy in promoting women's labour. In any case, women are not only active in the labour market, they are often responsible for most of the unpaid work in the household, i.e., they provide care services to family members. Women's unpaid work is also extremely important for economic development, because apart from the burden and risks it presents to women and the family, it represents a loss for the state through unpaid taxes and contributions for achieved work as well as social spending costs and a reduction in the demand for services on the market. The demand for social services is partly determined by the demographic structure of society, such as an aging population, but also by the periodic positive natural growth in the past that affects the demand for care services today, and may be predictors of trends that follow.

The aim of this paper is to underscore the impact of women's paid and unpaid work and the potentials that it has for the economic development of Croatia, but also on future demographic and social structure. The strategic management of women's employment potential can make a significant contribution to the service sector and economic development in general. Inevitably, by promoting the development of secondary services, women's employment is often defined as the employment multiplier.

Lynette Šikić-Mićanović and Marija Geiger Zeman

GENDER ASYMMETRIES AND HOMELESSNESS IN CROATIA

Homelessness is often understood and defined as a 'male phenomenon' that disregards the remarkable complexity and multidimensionality of this phenomenon. This presentation presents and analyses the life narratives and experiences of homeless women living in homeless

shelters in three Croatian cities (Zagreb, Osijek and Split). Results based on in-depth interviews indicate their paths to homelessness and their actual strategies of survival in their endeavours to resolve their multifaceted problems. The aim of this article, based on analysis of their life stories, is to present the gender asymmetries that the participants of this study have had to face at different periods of their life in different social contexts. Specifically, in this article gender asymmetries are differentiated into three crucial spheres: 1) socialisation processes during youth (dysfunctional families, exposure to violence, patriarchal upbringing etc.) and their perpetuation in adulthood (domestic violence, single parenthood etc.); 2) in the labour market where their subordinate position was conditioned partially by the '(post)transitional drama', and in other ways by their sex, age, level of education and health status; and finally 3) in homeless shelters that are gender desensitised spaces – spaces that are insensitive to the specific needs that women have in shelters (e.g., a need for separate dormitories, improved hygiene conditions, professional staff, possibilities of being with their children). Regardless of these hardships, the participants in this study attempt in different ways to exit the vicious circle of homelessness. Evidently, there are crises and problems within the Croatian social welfare system; gendered differences in homelessness experiences as well as gender stereotypes and prejudices that stigmatise socially disadvantaged and deprived populations in Croatia.

Igor Martinović

THE CRIMINAL LAW APPROACH TO DOMESTIC VIOLENCE

The domestic violence offence was introduced into Croatian criminal legislation for the first time through the Criminal Code Amendment Act (Official Gazette, No. 129/00). In this article, particular theoretical aspects of the mentioned offence are thoroughly analyzed. Furthermore, the development of case law on domestic violence and the approval by the judiciary are examined. The article points to the practical consequences of overlapping of the Criminal Code and the Domestic Violence Protection Act. The oncoming amendments to the Criminal Code have been researched, together with a possible redefinition of the aforementioned offence. Finally, the social consequences brought by the introduction of the domestic violence offence are stated, especially considering that the overwhelming majority of victims are women.

Alison Diduck

REPRODUCTION AND THE “EQUALITY PROBLEM”

As the Women’s Legal Education and Action Fund said in 1988: “Laws cannot alter the reproductive capacities of men and women. But they can and do prescribe the social and legal consequences which attach to those capacities’ for women, both as a class relative to men and as individuals protected by civil, political and social rights.”

This paper will explore the personal and social consequences of women’s unique reproductive capability and maintain that human rights law, domestic and international, has an important if not exclusive role to play to ensure that those consequences do not include hardship, suffering, disadvantage or worse. It will then argue, following Fredman (2009), that the state has both positive duties of action and negative duties of restraint in this regard and that those duties are justiciable in law.

Branka Galić

REPRODUCTION AND SOCIAL CONTROL: THE REPRODUCTIVE STATUS OF WOMEN IN CROATIA AND ATTITUDES ABOUT REPRODUCTIVE RIGHTS

Starting from the principle of women’s self-determination in reproduction (women – the subjects of reproduction should have the largest share in making decisions about reproduction as a result of their own investments and risks for the body as well as their health), the main aim of this paper is to show that the reproductive status of women in Croatia is underestimated, which increases the risks of reproductive health of women, stigmatised labels and discrimination. The problem of status and women’s reproductive health is realised through reproductive politics which is being practised in Croatia through the denial of women’s and couple’s own-determination as well as the loss of some of their already achieved rights. Recent reproductive politics in Croatia appear to be regressive. Holders of this policy, in addition to authorised government and legislative bodies, are increasingly becoming incompetent institutions, especially the Catholic Church.

An additional problem of reproductive politics in Croatia is that institutions that create reproductive policies ignore public opinion. Using research results from a study on the perception, attitudes and experiences of gender discrimination in Croatia, conducted in 2009 in Croatia on a representative sample of 1363 participants,

like other research, this paper will show the support for women's rights to choose as well as women's and couples' rights to medically assisted reproduction regardless of their marital status. It will also show differences in views about reproductive decisions between women and men in Croatian society.