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Are Good Laws Enough? The Situation of Women in Croatia

General problems

In recent years, due to the crisis in Croatia which many experts compare with those in Greece or Hungary, the status of women has been deteriorating. This deterioration affects all aspects of life. This manifests itself in the fact that the main problems still remain even after the basic women's human rights were established. The problems are common and seemingly 'everlasting': women account for the majority of the unemployed, they still earn less in the same jobs, they carry most of the burden of child-care, which is again a basis for discrimination in employment; women are underrepresented in all decision-making and powerful positions, both in private and public sectors; they are by far more exposed to family violence, as well as to negative and derogatory stereotyping in media, etc. This pattern remains the same regardless of general social conditions; also, it does not differ much between countries. The similarity is particularly high among European post-communist countries.

The elections in Croatia in 2011, which brought the Social Democratic Party, supported by a few small parties as coalition partners, to power, have not led to changes in the status of women. The expectation that more women would be elected to the Croatian Parliament, which was based on the idea that social democrats are more sensitive to women's issues, was not answered. It was an expectation that, in fact, was only held by the politically naïve. Actually, with only 22% of the newly elected representatives being women in a parliament now dominated by social democrats, this new parliament, disappointingly, features fewer women MPs than the previous one. In the former parliamentary term, then dominated by the populist and conservative right wing HDZ party (Hrvatska demokratska zajednica - Croatian Democratic Union), 25.5% of the members of parliament were women. In this respect, a significant development took place since the first pluralist elections in 1990. In contrast to the 'parliament' under the communist regime (while Croatia was still a part of Yugoslavia), which included 17% of women, the ratio of women in the first freely elected parliament dropped to just 4.6%. In 1992, the percentage was 5.1%. In 2000 the number suddenly increased to 21.9%, while in 2003 it dropped to 17.8%. In 2007, female parliamentary representation reached a promising 25.5%*. The hopes inspired by this result did not last long and turned out to be unrealistic, as the percentage of female MPs dropped to 22% in 2011. It seems that the magic maximum percentage of 25% is the glass ceiling, an expression used less and less as a description, but rather as a symbolic, explanatory 'solution' of the problem.

When discussing the economic status of women, there is -- besides the already mentioned permanently higher rate of unemployment -- another problem typical for women: they are often (more frequently than men) employed as flexible work force. In other words, they have short-term or part-time labour contracts, which have to be renewed on a regular basis without any automatism of renewal. Such position automatically makes the social status of women more uncertain. In managerial positions or among large property owners women are practically absent.

A particularly big and sensitive problem is that of violence against women is. Here one has to keep in mind that the war (1991-1995) caused (besides immediate victims) a 'culture' of violence in the whole society, which is particularly reflected in the violence against women and has a strong impact on all of its forms. Unfortunately, society and institutions never seriously

* As the immediate result of elections, there was 20,9 % of women elected in Parliament, but by the end of the term, the number of women MPs increased to 25.5%, owing to resignations of MPs who were appointed to positions in the executive branch of power and similar reasons. In such cases, the Croatian electoral law stipulates that the party whose representative resigned can appoint their replacement among the candidates in the same list.

considered to fight against it. There is even a lack of public discussion, except for incidental sensationalist media news when particularly grave acts happen, mostly when somebody gets killed. What is particularly missing is a systematic and effective educational policy, as well as measures to build a system for the prevention of violence. While there are, at least, reliable data for all other previously mentioned problems, it is not so in the case of violence against women. It is hard to grasp all dimensions of violence against women, simply because there are only data of the cases which were reported to and registered by the police. This is just the tip of the iceberg, because in a society which is 'used' to violence and even more, in which there is a certain 'acceptance' of violence against women (particularly domestic violence, as a traditional part of 'culture'), it can be estimated that just one in ten or even less cases of violence against women are reported.

What has been done?

In the course of the last ten years the Croatian government undertook significant efforts to create an environment for the protection of women's human rights. A whole variety of policies and instruments was introduced and a series of governmental offices, councils, coordinating positions and focal points established that are meant to deal with the issue. The most prominent are the Government Office for Gender Equality, the Gender Equality Ombudsperson and the Parliamentary Committee for Gender Equality. On top of that, every county government has similar branches/offices for gender equality. A long list of laws was introduced, among which the Gender Equality Law (2003 and 2008), the Anti-Discrimination Law (2008), the Law Against Domestic Violence (2009), the Family Law (2003), the Law on Same Sex Partnership (2003), the acceptance of the Facultative Protocol of the CEDAW, the Convention on the Elimination of all Forms of Discrimination Against Women (2001), as well as the extremely important Protocol of Acting in Case of Domestic Violence (2005) and others.

However, all these measures hardly had any impact on the status of women in Croatian society. A good example is the main document regarding women's rights: the National Policy for Gender Equality (issued by the Government Office for Gender Equality). It is vague and mostly non-operative, simply because no instruments and mechanisms are included which could assure that the problems supposedly addressed in this document would be effectively dealt with, let alone resolved. This has led to the situation that the document is not really being implemented and is part of a series of policy papers that are not even meant to be effective. A similar case is the law which regulates same-sex partnership. Moreover, the low priority of gender equality in legislation is confirmed by the fact that the first Gender Equality Law was passed in 2003 containing a procedural mistake and stayed so for five years, until the ruling of the Constitutional Court resulted in the new version of the Gender Equality Law.

Another example showing the inadequacy of the Gender Equality Law is how it regulates one of the most important issues related to the political participation of women, namely, the electoral gender quota system. The law passed in 2008 stipulates a minimum requirement of 40% of women represented on the electoral lists. However, a further provision specifies that this will only become operative after the next two electoral terms (over 8 years). Before that, parties do not really have to implement this provision. But the best is still to come: namely, the law stipulates that once it is finally operative, the parties which do not comply will be punished with a token amount of money (50.000 Kuna – approximately 6.000 Euros), which is about the value of a few monthly salaries of, for example, the chairman of the party that is in violation. In some cases one can even speak of regression in comparison with the previous period. This is related to the fact that Croatia signed and ratified CEDAW, which is when everything grinded to a hold. Before the Government Office for Gender Equality was established in 2004, at least, women's organisations in Croatia were preparing shadow reports. The Second and Third report was prepared by the Office for Human Rights of the Republic of Croatia and covered the period from 1995 till 2003. The Office for Gender Equality, which has all the technical and political means and capacities to do the job, never did anything about it and a fourth CEDAW report never saw the light.

On the other hand, paradoxically enough, the situation in (civil) society, particularly regarding women's and feminist groups and organisations, deteriorated. It seems as if this has its reason in the establishment of all those governmental institutions and the introduction of the laws which are supposed to protect and assure the improvement of the status of women. Before this happened, women's groups mainly acted as pressure groups for legislative and institutional changes. It was expected that this, once accomplished, would be the main step, after which the realities in society would change accordingly. After the legislative and institutional changes were introduced, almost all debates regarding the whole variety of problems and the status of women in Croatian society subsided. Women's and feminist groups felt as if they did 'the job' by facilitating (successfully) the pressure from the EU on the Croatian government. The Croatian government responded (more to EU requirements than to the requests from the associations) by changing laws, adopting new ones and modifying institutions, but at the end of the day, things still do not really work out for women in general. In the current situation, the government boasts with everything that has been done, although the implementation is poor and the effects even poorer. Women's and feminist groups are hoping for a 'second phase', in which these laws and measures are put to 'real use', assuming that, when facing problems in daily work, they will just have to be applied. It seems that nobody noticed (or is bothered with) the discrepancy between the normative level and the real situation and status of women in Croatian society.

What's the problem?

In spite of the amount of work and time invested by both sides, the political mainstream (government, political parties) and women's and feminist groups, in order to establish the system and structures which were supposed to solve the problems related to the social, political, economical and cultural statuses of women in Croatian society, nothing changed. In fact, the status of women, far from being better than before, has in some aspects even become worse. It is somehow understandable that the political mainstream shows complacency. They are convinced that there is nothing more to be done; the only thing remaining is pretty straightforward: all these laws have to be applied and carried out, offices have to do their job and at the end of the day, everything will work.

It turns out, however, that in the current system the laws are ineffective, because the tools for implementation are too vague or complicated to be applied simply and function smoothly in the struggle with everyday problems. Implementation requires constant political pressure, which is neither desirable if we want rule of law, nor is it guaranteed in the current political reality. The work of the various government offices is also problematic. As they are established by the government, they have to answer to it as far as their work and results are concerned. The thing is that the Croatian government is not really concerned with the issue of gender equality (apart from the need to please the European Commission). The little public debate we had before and which concerned just two important issues for gender equality, promoting a Women Studies Programme and introducing it on a regular basis into university curricula and establishing a system of women shelters, died off during the last years. Consequently, neither crucial political demands nor monitoring or control of the quality of work of the government offices can be expected from that side. Then again, the offices, being dependent and led by political appointees, cannot be expected to push the government for more vigorous implementation of gender equality. Sometimes, a position in a government's office even serves as a political tool to keep alliances. Paradigmatic is the case of the everlasting chief of the Government Office for Gender Equality (serving in the office three terms in a row, namely since the office was established), who happens to be the wife of an equally everlasting representative of an ethnic minority who often acts usefully as a government supporter in the parliament. Nevertheless, even if these offices were led by people with more competence and knowledge, the problem remains that they are weak exactly because of the laws they are based on and their place in the political system, which substantially limits their power and authority.

Outside of this vicious circle there are the ombudspersons' offices, including the Ombudsperson for Gender Equality, whose heads are elected by the parliament and hence are independent

from the government. Formally, once a year, the ombudspersons submit reports to the parliament, which are usually accepted or acknowledged almost without debate. However, despite this ostensible approval, the ombudspersons' warnings, interventions and requests are typically ignored by the state administration.

There is no (more) pressure from NGO's either. The question of what, in the current situation, makes women's organisations silent and apparently satisfied with what was achieved, has two possible answers. One is certain confusion after they got almost all they had been claiming. After quite a long period of focusing only on legislative changes and pressing for institutional instruments, now that most of it is there, the status of women in society still has not changed significantly. This leaves them with the hypothetical question: "What should we request now?", although it would be far better to ask "What did we do wrong?" There is another reason, an aspect of relations between women's groups and political mainstream, which explains the silence and non-activity. Namely, after the time of legislative and institutional changes, wide opportunities emerged for rather lucrative 'partnerships' between the political mainstream and women's organisations. This way, women's organisations have changed their (political) position from social critics and pressure groups acting for substantial changes of the status of women in society into cooperation partners in the implementation of laws and policies. As these laws are impotent and the offices ineffective, hardly anything can be implemented and this opens endless time and options for all kinds of education, a huge variety of consulting services etc.

If, at the end of the day, everything rests on the assumption that to have laws, institutions and policies is sufficient and that the next phase (of unlimited duration) is only about monitoring, application and assistance in implementation, then it means nothing else for women's organisations but floating in the political mainstream.

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Picture by Hanna Dvornik