

**Commission on the Status of Women**  
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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.

Ms. Chairperson, Madam High Commissioner, your Excellencies, Ladies and Gentleman, NGO representatives, dear friends:

It is a great honour and privilege for me to participate at this milestone session of the CSW and particularly at this panel that focuses on the synergies between national implementation of the Beijing Declaration and Platform for Action and the Convention on the Elimination of All Forms of Discrimination against Women.

I am above all glad that the format of this panel provides for equal participation of the representatives of women's NGOs from two countries that will present their national experience in the implementation of the CEDAW and the BPA.

I remember while I was serving as the Chairperson of the CSW's last session in the 20<sup>th</sup> century and the first session in the 21<sup>st</sup> century (44<sup>th</sup> in 2000 and 45<sup>th</sup> in 2001), I tried to integrate statements of representatives of NGOs in the plenary and panel discussions as much as possible and not to have them only at the end of the list. A shortage of time was our main obstacle in achieving that. The full integration of NGOs perspectives in the CSW deliberations is of utmost importance and deserves the further consideration of this Commission's ongoing improvement of its working methods.

The format of today's panel is the right step in that direction, providing equal treatment for NGO representatives and enabling us to share experiences and good practices, as well as to share our views on the remaining challenges of implementation of the CEDAW Convention and the BPA. I am fully aware that Ms. Sanja Sarnavka's NGO perspective on this topic will probably be different than mine. Is a glass of water half empty - or half full?

For the NGO representatives it is probably half empty, for me it is half full. Both perspectives are essential to get us to the real picture of progress and obstacles in achieving gender equality. We must keep in mind that we share the same final goal and that we use our gender lenses to move the women's agenda forward.

I would like to use this opportunity to congratulate Ms. Sanja Sarnavka and the Croatian NGO B.a.B.e. for the recent approval of their consultative status before the ECOSOC that will give them more visibility in their future work at the UN and particularly before the CSW.

### **The CSW standards: the CEDAW and the BPA - different but mutually reinforcing instruments**

Before we start to explore substantive links between the Beijing Platform for Action and the Convention on the Elimination of All Forms of Discrimination against Women as the two key global instruments for the elimination of discrimination against women we must be aware that both have been elaborated by this very Commission that holds the central role in standard setting in this field at the global level.

The CEDAW Convention is a much older instrument, adopted 26 years ago as a legally binding human rights treaty that identifies legislative and other appropriate measures required to ensure women's right to equality and non-discrimination in the enjoyment of civil, political, economic, social, and cultural rights.

The Beijing Declaration and Platform for Action are much younger instruments, adopted 10 years ago as comprehensive policies that provide measures, actions and implementation strategies, such as gender mainstreaming, for the advancement of women.

From the standard setting point we can see that both instruments have been further developed by the adoption of additional instruments aimed at their better implementation.

The Optional Protocol to the CEDAW Convention, adopted in 1999, and entered into force in 2000, provides through the complaint and inquiry procedure protection of the rights set forth by the Convention at the international level.

The Outcome document of the UNGASS "Further actions and initiatives to implement the Beijing Declaration and Platform for Action" adopted in 1995 added on 199 actions to be taken at the national and international level for the implementation of the BPA.

The CSW was instrumental for the elaboration of both the Optional Protocol to CEDAW and the Beijing +5 Outcome document.

The CEDAW Committee monitors the implementation of the CEDAW Convention and the PFA when considering reports submitted by States parties. The CEDAW Committee has clarified that reports of States parties should contain information on the implementation of the Platform for Action and the Outcome document. The CSW monitors the implementation of the Platform for Action and the Outcome document.

Another similarity is that both the CEDAW and BPA have been widely accepted by the UN Member States. The CEDAW has been ratified by 179 States, and is the second most ratified treaty, close to the goal of its universal ratification. The BPA on the other hand was built on the consensus of 189 countries.

Acceptance of these two instruments by a large majority of States is clear evidence that there is a global awareness and an almost universal political will that the principles of non-discrimination of women and gender equality should be upheld at the national level through the implementation of the CEDAW and BPA.

Both instruments have had a significant, although different, impact with regard the development of laws, standards and policies for the promotion and the protection of women's rights in the Republic of Croatia.

## **Short introduction of Croatia**

The Republic of Croatia is a central European country, with around 4.5 million inhabitants, beautifully placed at the Mediterranean sea, but with a very complicated history, which I do not intend to explain more than necessary to give you a context – a setting of when and how Croatia started to implement the CEDAW and the BPA as a newly independent country.

Today I am expressing my personal views that are based on experiences gained during the past 11 years of my work in this field in many different capacities. During these challenging years for the promotion and protection of women's rights I have had a privilege to participate and tried to contribute to many important events as a representative of my country at the international level and as a civil servant at the national level.

The Republic of Croatia proclaimed its independence in 1991, and began to build a state based on a political democracy, market economy, the rule of law and protection of human rights. Until 1998, Croatia's state and institution-building efforts as well as democratic and economic transition occurred under difficult conditions due to wartime aggression and its struggle to achieve territorial integrity, to resolve the problems of a large number of refugees, displaced and missing persons and all the other problems brought by war destruction.

## **Implementation of the Beijing Declaration and Platform for Action**

In 1994 as the Head of the Department for Human Rights of MFA I was deeply involved in national preparation for the Fourth World Conference on Women.

We established the Working Group for the preparation of the Fourth World Conference on Women that produced the National Report on the Status of Women in the Republic of Croatia in 1994. That was a very important assessment of the *de jure* and *de facto* status of women in the Republic of Croatia. At that time political participation of women was very low, only 5.4 per cent which was a significant decline compared to 16 per cent in 1990, which was a result of the quota system used by the Croatia's predecessor state the Socialist Federal Republic of Yugoslavia (SFRY). Let me quote some of the assessments made at that time:

*“In Croatia there is no state institution which systematically deals with the question of the status of women in society, there are not enough educated professionals in this field, nor any research institution. The main precondition for a successful implementation of the process of transition is the full inclusion of women in this process. In order to do this, it is necessary to have institutions, legal framework, mechanisms for the implementation of decisions on improving the status of women, and basic knowledge of every individual about promotion and integration of women*

*into economic, political, and social life of the country in transition. Croatia, due to all above mentioned elements, is at the very beginning of this process...<sup>1</sup>“*

The international preparatory process was also an important learning experience. Croatian representatives participated and actively contributed to the Vienna regional preparatory conference as well as the New York drafting meetings in the rooms of this building. During that drafting session a few proposals from the Croatian delegation were accepted in the final text of the BPA and that made us feel very proud. Today I am fully aware that the final results adopted in Beijing went far beyond my expectations at that time in terms of its standards, like gender equality instead of gender equity, implementation strategies such as gender mainstreaming and its comprehensive perspective that is requiring a long term framework for its full implementation at the national level.

After the Fourth World Conference on Women the Croatian delegation that participated in the Conference proposed that the Government establish a national machinery for the advancement of women and prepare a national plan for the implementation of the Beijing Platform for Action.

Following that proposal the Croatian Government in 1996 established the first national machinery for women: the Commission for Issues of Equality as an advisory body comprised of representatives of relevant ministries and with its secretariat in the Ministry of Labor and Social Welfare. I was a member of that Commission until my departure to New York as a diplomat in 1998.

That Commission prepared the first National Policy for the Promotion of Equality in 1997 that has elaborated 10 critical areas for Croatia. Under the human rights of women the target was: ratification of and full implementation of the international treaties on equality as well as compliance of the national legislation with them. The proposed measure was:

*“All ministers will submit their proposals for new laws that could potentially affect the status of women in all areas of society to the Commission of the Government of the Republic of Croatia for Issues of Equality”*

In the course of the preparation for Beijing some contacts were established with the women’s NGOs from Croatia but only after the Beijing cooperation between the new national machinery and NGOs progressed to the level at which NGOs were rightly perceived as necessary partners in policy making. Non-governmental organizations were invited to participate in the work of that Commission and among the five NGO representatives one was from B.a.B.e.

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<sup>1</sup> National report for the Fourth World Conference on Women, Zagreb, October 1994, page 68.

That first national policy was later proved to be a little more than a list of wishes. It had a serious lack of efficient implementation mechanisms and resources for their full implementation, for which it was rightfully highly criticized by the NGOs.

The second National Policy for the Promotion of Gender Equality for the period 2001-2005 was adopted after the 2000 Beijing +5 UNGASS on women, peace and security. At that time as a Vice-Chair of Beijing +5 and the Chairperson of the CSW I was invited to participate at the national conference organized for the preparation of a new policy. The Outcome document of the Beijing +5 strongly influenced the elaboration of that policy which was for the first time accompanied with the Implementation Program that contains time bound targets and responsible actors for their implementation. That gender equality policy was elaborated in cooperation with women's NGOs and for the first time discussed and adopted by the Croatian Parliament. It contains as one of its actions:

*“implementation of international human rights treaties to which the Republic of Croatia is a State Party”, and the task of the Commission for Gender Equality was to report on the compatibility of the national legislation and CEDAW taking into consideration the Concluding Comments of the Committee for Croatia.”*

From that example we can see a strong influence of the BPA and the Outcome of BPA +5 on the establishment and formulation of the Croatian national policies for gender equality and inclusion of references to the CEDAW Convention as well as to the Concluding Comments from the Committee in that document.

### **Implementation of the Convention on the Elimination of All Forms of Discrimination against Women**

The Republic of Croatia notified succession to the Convention on the Elimination of All Forms of Discrimination against Women in 1991 without reservations and ratified its Optional Protocol in 2001.

The Government submitted its Initial report in 1994 on the implementation of the Convention. It is interesting to mention that while the Initial report was awaiting its consideration, the CEDAW Committee had requested a Special Report that was submitted in January 1995, on the Wartime Suffering of Women and was examined in the same year. The Initial report of 1994 was considered four years later, in January 1998, and the Committee adopted the Concluding Comments on Croatia.<sup>2</sup>

In the 1998 Concluding Comments the Committee commended the Government on the fact that the Convention had been incorporated into the national laws of Croatia and may be invoked before the courts, and welcomed the establishment of the Commission for Equality and the National Policy for the Promotion of Equality adopted

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<sup>2</sup> The Committee considered the initial report of Croatia (CEDAW/C/CRO/1) at its 363rd, 364th and 368th meetings on 21 and 23 January 1998, A/53/38.

to implement the Beijing Platform for Action and recommended a set of measures for implementation. I will mention only those relevant to our topic today.

In its Concluding Comments the Committee pointed out that, in order to increase the visibility of gender issues and to promote a gender-sensitive national agenda, it is crucial to incorporate gender in all discussions of equality.

The CEDAW Committee also expressed its concern on the view expressed in the Initial report that women themselves bear full responsibility for their low level of participation in public life which suggests that the Government lacked understanding of indirect and structural discrimination and its impact on women.

Both of the Committee's concerns were addressed later on by the Government and gender issues received higher visibility. For example, a constitutional amendment proclaimed the provision on gender equality as the highest value of the constitutional order. Also the new National Policy on Gender Equality that was adopted in 2000 changed the title of national machinery and national policy from "equality" to "gender equality" in both titles. That Policy for Gender Equality also criticized and abandoned the concept that *de jure* equality was sufficient to establish *de facto* gender equality, and adopted various measures for advancing the status of women and achieving gender equality.

On those two examples we can see a clear influence of the CEDAW Convention and the Committee's Concluding Comments on the implementation of the CEDAW and the BPA in Croatia but also in many other instances.

In the past few years the legal framework for the promotion and protection of gender equality in Croatia has been significantly improved. The Parliamentary Gender Equality Committee was established in 2001, the Gender Equality Act was adopted in 2003.

In the year 2002 I returned back to my country and was appointed as the member of the working group for the elaboration of the new law on gender equality. An NGO representative was also in that working group. The first draft was primarily based on the EU directives in this field and I have tried to include more from the CEDAW Convention and especially its definition of discrimination against women. During that drafting period the definition was in and out but finally it stayed in. Another influence of CEDAW provisions on the Law on Gender Equality are reflected in the article on the temporary special measures and influence of the BPA is visible in an article on gender mainstreaming that was by this law adopted as a national strategy for gender equality.

The Law on Gender Equality established the Ombudsperson for Gender Equality and the Government Office for Gender Equality. Other laws and policies were also adopted, such as the Law on the Protection from Family Violence, the Law on Same-Sex Unions and the National Strategy against Human Trafficking with its operational plan for 2005. Very recently the new strategy against violence against women was prepared in

close collaboration with non-governmental organizations. It estimates the current situation and contains concrete measures with a time frame and responsible actors for their implementation.

Positive development is also visible in women's participation in political life that has been consistently increasing since its first decline in the 1990s when it was 5-7 per cent. The 22 per cent of women in the Parliament puts Croatia above the European average and is higher than previously imposed by quotas in the former SFRY that was 16 per cent. This is a clear reversal of a negative trend into a positive trend. Changes were achieved through public debate, the adoption of various laws and strategies, including gender mainstreaming and temporary special measures in accordance with the Convention and the BPA, and especially the commitment of non-governmental organizations (NGOs).

In January this year Croatian delegation presented before the CEDAW Committee Croatia's second and third periodic report, but now as a member of CEDAW I had not participated in the Committee's consideration of that report and the elaboration of the Concluding Comments.<sup>3</sup>

The CEDAW Committee commended Croatia for the adoption of a package of anti-discrimination laws, but expressed its concern that insufficient measures have been put in place to ensure their speedy, consistent and effective implementation.

## **Conclusion**

We can see the significant influence of the BPA and the CEDAW at the elaboration of the national policy, establishment of national machinery and the adoption of different laws for the elimination of discrimination against women and the protection of gender equality in Croatia. On the case of Croatia they were used as parallel but also as mutually reinforcing instruments

Discussions and interaction between the Government and civil society on their implementation have proved to be a fruitful learning experience.

After experience gained during the past decade I would like to suggest that more integrated implementation of the CEDAW and the BPA and the cooperation between the Government and NGO is needed for the successful promotion of gender equality. It does not matter do we see the glass half empty or half full right now, as long as we successfully cooperate in filling it up.

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<sup>3</sup> The Committee considered the second and third periodic reports of Croatia (CEDAW/C/CRO/2-3) at its 673rd and 674th meetings, on 18 January 2005.