PRIRUČNIK ZA IZRADU NACIONALNOG IZVJEŠTAJA O

ŽENSKIM LJUDSKIM PRAVIMA

U BOSNI & HERCEGOVINI

priredila

International Human Rights LAW GROUP

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ovaj priručnik je napravljen uz korištenje sljedecih izvora

Shadowing the States Guidelines for Preparing Shadow Reports as Alternatives to State Reports Under International Human Rights Treaties Occasional Paper #2 July 1997 International Human Rights Law Group Women s Rights Advocacy Program *Integration of Women s Human Rights into the Work of the Special Rapporteurs* UN Development Fund for Women (UNIFEM 1998) *Report of the Expert Group meeting on the Development of Guidelines for the Integration of Gender Perspectives into United Nations Human Rights Activities and Programmes* (UNIFEM Geneva 3 7 July 1995) and *Women s Human Rights Step by Step A Practical Guide to Using International Human Rights Law and Mechanisms to Defend Women s Human Rights* Women Law & Development International and Human Rights Watch Women s Rights Project (1997) Pravna Grupa je zahvalna na radu i saradnji ovim organizacijama

Ova publikacija je omogucena podrškom USAID misije u Bosni i Hercegovini ENI Agencija za razvoj iz SAD prema uslovima iz donacije br 168 0020 G SS-8106 00 Mišljenja izrazena u ovom materijalu su mišljenja autora i ne odrazavaju mišljenje Agencije za razvoj iz SAD

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Oktobar 1998

MANUAL FOR A NATIONAL REPORT ON

WOMEN'S HUMAN RIGHTS

IN BOSNIA & HERZEGOVINA

Compiled by the

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This manual was adapted from the following basic source materials

Shadowing the States Guidelines for Preparing Shadow Reports as Alternatives to State Reports Under International Human Rights Treaties Occasional Paper #2 July 1997 International Human Rights Law Group Women s Rights Advocacy Program *Integration of Women s Human Rights into the Work of the Special Rapporteurs* UN Development Fund for Women (UNIFEM 1998) *Report of the Expert Group meeting on the Development of Guidelines for the Integration of Gender Perspectives into United Nations Human Rights Activities and Programmes* (UNIFEM Geneva 3-7 July 1995) and *Women s Human Rights Step by Step A Practical Guide to Using International Human Rights Law and Mechanisms to Defend Women s Human Rights* Women Law & Development International and Human Rights Watch Women s Rights Project (1997) The Law Group is grateful for the work and cooperation of these organizations

This publication was made possible through support provided by USAID/ Mission in Bosnia & Herzegovina ENI U S Agency for International Development under the terms of Grant No 168 0020 G-SS 8106 00 The opinions expressed herein are those of the authors and do not necessarily reflect the views of the U S Agency for International Development

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October 1998

Ovaj priručnik je nacrt i pozdravljamo vaše komentare i sugestije kako bi unaprijedili buduće verzije

This Manual is a draft, we welcome your comments and suggestions for improving future versions

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MANUAL FOR A NATIONAL REPORT ON WOMEN'S HUMAN RIGHTS IN BOSNIA AND HERZEGOVINA

Human rights advocacy responds to citizen interest in transforming formal human rights into genuine and effective human rights It uses constitutional guarantees and international norms, standards and mechanisms to hold governments accountable for their actions, to expand the core content of the guaranteed rights and to make the system itself more responsive and effective In the same context, women's human rights advocacy aims to assure respect for and protection of women's human rights and in particular to

- amplify the definition and understanding of human rights to cover abuses of women that are not yet generally acknowledged as human rights violations,
- expand the scope of state responsibility for the protection of women's human rights in both the public and private spheres, and
- enhance the effectiveness of the human rights system at both national and international levels in enforcing women's rights and holding abusers accountable [1]

Women's human rights advocacy is essentially a civic process because it seeks to influence policy decisions and conduct in favor of women's human rights Yet, because it rests on the bedrock of national and international human rights law and enforcement mechanisms, human rights advocacy work often includes legal action To achieve their objectives, advocacy strategies combine legal action, which directly engages the law, and political action, which mobilizes constituencies to pressure governments or institutions for change in both law and practice [2]

PRIRUČNIK ZA IZRADU NACIONALNOG IZVJEŠTAJA O ŽENSKIM LJUDSKIM PRAVIMA U BOSNI I HERCEGOVINI

Zagovaranje ljudskih prava je odgovor na interes građana za transformacijom formalnih ljudskih prava u stvarna i djelotvorna ljudska prava Ono koristi ustavne garancije i međunarodne norme, standarde i mehanizme poživanja vlasti na odgovornost za njihove akcije, da bi se proširio suštinski sadržaj garantovanih prava i da bi se sam sistem učinio pristupačnijim i djelotvornijim U istom kontekstu, zagovaranje ženskih ljudskih prava ima za cilj osigurati poštovanje i zaštitu ženskih ljudskih prava, a naročito

- pojačati definiciju i razumijevanje ljudskih prava koja se tiču zloupotrebe žena koja još nije opcenito priznata kao kršenje ljudskih prava,
- proširiti obim odgovornosti države za zaštitu ženskih ljudskih prava kako u javnoj tako i u privatnoj sferi, i
- povecati djelotvornost sistema ljudskih prava kako na domacem tako i na međunarodnom nivou u provođenju ženskih prava i u utvrđivanju odgovornosti onih koji ih krše [1]

Zagovaranje ženskih ljudskih prava je u suštini građanski proces, jer želi uticati na politiku donošenja odluka i ponašanja u korist ženskih ljudskih prava Ipak, budući da počiva na temeljima domaceg i međunarodnog prava, te na njihovim mehanizmima zaštite, zagovaranje ljudskih prava često obuhvata pravne aktivnosti Da bi se postigli ciljevi, strategije zagovaranja sjedinjuju pravne aktivnosti, koje direktno uključuju zakon, sa političkim aktivnostima, koje mobiliziraju biračko tijelo u vršenju pritisaka na vlasti ili institucije zbog izmjena kako zakona, tako i prakse [2]

1 EXECUTIVE SUMMARY[3]

Purpose of this Manual

This manual is intended to serve as a guide to non-governmental organizations (NGOs) in Bosnia and Herzegovina (BiH), specifically women's NGOs, in the preparation of a national report on women's human rights Every human being is entitled to the full enjoyment of human rights, and to have them protected by the laws and practice of his/her country of residence That these rights are held equally by women and men without regard to characteristics such as sex, race, cultural or religious particularities, or levels of development, is the essential nature of international human rights law [4] Put another way, women's human rights are not a special set of rights, but rather are about ensuring that women are able to enjoy rights and freedoms on an equal basis with men

Bosnians tend to recall pre-war society as having provided significant opportunity for equality between the sexes However, even where equal opportunities supposedly existed, there was often a "glass ceiling" – areas (e g , politics, management positions) which, although they appeared open to all persons, in fact were inaccessible even to qualified women And, as a recent International Labor Organization study found "Opportunities for men and women in the [post-war] labor market are starkly differentiated and seem to reflect pre-war gender-typing of occupation Women, for example, are virtually excluded from construction related jobs, which is where the bulk of current job vacancies is to be found "[5]

Further, women have always participated in the political process in Bosnia, though they have not always been well represented For example, in 1986, women held 24% of the seats in the Assembly of the Socialist Republic of Bosnia-Herzegovina, and 17% in the municipal assemblies Yet, women constituted over 50% of the population according to the 1981 census By 1990, only 3% of the SR B-H Assembly seats were held by women, and 5% in the municipal assemblies In 1996 a mere 2 4% of the seats in the BiH House of Representatives were held by women, representation was slightly better in the Federation House of Representatives (5%), but only 1 9% in the RS National Assembly In the 1997 municipal elections, 6% of the Federation seats went to women, and only 4 6% in the RS [6] Even with the new policy implemented in the recent elections by the Provisional Election Commission that 30% of the top ten listed candidates of all parties must be women, experienced women politicians were denied places at the top of some parties In some cases, the policy was "complied with" by placing at the front of the list younger female party members who might be more easily influenced or even replaced after the elections by male colleagues

The disintegration of pre-war systems, and, ironically, the hard march towards privatization and "democratization", have in some cases stripped away gender equities that did exist before the war, and also exposed some of the legal shortcomings of pre-war equal opportunity Even where women are relatively well represented in the workforce, if this practice is not protected by law, experience has shown that under economic pressure, women will be the first fired and the last re-hired Where non-discrimination is not expressly proscribed under domestic law, women must fight for protection of their rights

The fundamental principle of human rights law is government accountability Governments are obliged to **respect** the human rights of all citizens, to **protect** them against discrimination and from violations by others, and to **fulfill** their obligations by creating conditions under which individuals may fully exercise their rights Human rights violations, thus, by definition involve state action at some level

I SAŽETAK [3]

Svrha priručnika

Svrha ovog priručnika je da posluži kao vodič nevladinim organizacijama (NVO) u Bosni i Hercegovini (BiH), a naročito ženskim NVO, u pripremanju nacionalnog izvještaja o ženskim ljudskim pravima Svako ljudsko bice ima pravo na potpuno uživanje ljudskih prava kao i na zaštitu tih prava zakonima i praksom u zemlji njegovog/njenog prebivališta Suštinska priroda međunarodnih pravila o ljudskim pravima je da ova prava budu jednaka za muškarce i žene bez obzira na karakteristike kao što su pol, rasa, kulturne i vjerske karakteristike [4] Ili drugim riječima, ženska ljudska prava nisu posebna grupa prava, vec se tiču omogucavanja ženama da uživaju prava i slobode jednako kao i muškarci

Bosanci su skloni da se predratnog društva prisjecaju kao društva koje je pružalo značajne mogucnosti za jednakost među polovima Međutim, čak i tamo gdje su jednake mogucnosti prividno postojale, često su postojale oblasti sa "staklenim plafonom" (npr politika, upravljačke pozicije), koje su iako se činilo da su otvorene svim licima, u stvari bile nepristupačne čak i kvalifikovanim ženama I, kao što je u nedavnoj studiji Međunarodne radničke organizacije utvrđeno "Mogucnosti za muškarce i žene na (posljeratnom) tržištu rada se potpuno razlikuju i reflektuju predratno tipiziranje zanimanja prema polu Žene su, na primjer, praktično isključene iz poslova u vezi sa izgradnjom, gdje se sada može naci najviše slobodnih radnih mjesta "[5]

Dalje, žene su uvijek učestvovale u političkim procesima u Bosni, iako nisu uvijek bile dobro predstavljene Na primjer, u 1986 žene su imale 24% mjesta u Skupštini Socijalističke Republike Bosne i Hercegovine i 17% mjesta u opcinskim skupštinama Ipak, žene su činile preko 50% populacije prema popisu iz 1981 Do 1990 samo 3% mjest u Skupštini SRBiH imale su žene, a 5% u opcinskim skupštinama U 1996 žene su imale tek 2,4% mjesta u Predstavničkom domu Parlamenta BiH, zastupljenost žena je bila nešto bolja u Predstavničkom domu Federacije (5%), ali svega 1,9% u Narodnoj skupštini RS Na izborima 1997 žene su dobile 6% mjesta u Federaciji, a samo 4,6% u RS [6] Čak i uz primjenu nove politike od strane Privremene izborne komisije na nedavnim izborima, prema kojoj 30% od prvih deset kandidata svih stranaka moraju biti žene, neke partije su uskratile mjesto među prvih deset iskusnim ženama političarkama U nekim slučajevima, partije su "ispoštovale" ovu politiku stavljajuci na početak liste mlade ženske članice na koje bi se lako moglo uticati ili ih čak zamijeniti nakon izbora muškim kolegama

Dezintegracija predratnog sistema i, ironično, čvrsti marš prema privatizaciji i "demokratizaciji", ogolili su u nekim slučajevima jednakost polova koja je postojala prije rata i razotkrili su neke pravne nedostatke predratnih jednakih mogucnosti Čak i tamo gdje su žene bile relativno dobro predstavljene kao radna snaga, ako ta praksa nije bila zakonom zaštićena, iskustvo je pokazalo da su usljed ekonomskog pritiska žene bile prve kod otpuštanja, a posljednje kod ponovnog zapošljavanja Tamo gdje nediskriminacija nije domacim zakonom izričito zabranjena, žene se moraju boriti za zaštitu njihovih prava

Temeljni princip zaštite ljudskih prava je odgovornost vlasti Vlasti su obavezne **poštovati** ljudska prava svih građana, **štititi** ih od diskriminacije i kršenja prava od strane drugih i **ispuniti**

Despite the legal structure of human rights equality, in practice human rights are not always applied equally Even where the laws appear to be neutral on their face, they may be discriminatory in practice For example, there may be no express wage difference for men and women according to law Nonetheless, income differentials existed in pre-war Bosnia, determined by the gender-segregated nature of the workforce in which the majority of workers in lesser paid (or unpaid) occupations were women [7] Property laws do not discriminate, yet, anecdotal evidence suggests that displaced women are more likely to be evicted from temporary housing than men No mechanisms exist to guarantee women's claims to the property of their deceased male relatives [8] In addition, preferences and priorities in housing and employment are often given to ex-combatants, 90 percent of whom are male [9]

Thus, a combination of tradition, prejudice, social, economic, and political interests have typically relegated women to secondary and/or "special interest" status from a human rights perspective [10] Added to this is the pervasive division of life into "public" and "private" spheres – a traditional and somewhat artificial approach to human rights which effectively means that what individuals do in the "public" sphere is subject to regulation, while activities taking place in the "private" sphere (e g , the home, the family) are thought to be exempt from governmental scrutiny – and, as the logic would go, responsibility Such a dichotomy is overcome by understanding that government is accountable for the rights of all citizens – whether by actively providing protections, or by failing to provide them The Convention on the Elimination of All Forms of Discrimination Against Women (the Women's Convention) does away with this division Article 1 of the Women's Convention provides a broad definition of discrimination, which expressly applies in all fields, public or private

> "for the purposes of the present Convention, the term, "discrimination against women" shall mean any distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality with men and women, of human rights and fundamental freedoms in the political, economic, cultural, social, civil *or any other field* "

What's more, Article 2(e) requires States parties to "take all appropriate measures to eliminate discrimination against women by *any person organization or enterprise*", thus including private individuals as well as state actors in its jurisdiction

The concept of women's human rights and the advocacy employed to strengthen such rights are ongoing and evolving aspects of an international movement to improve the status of women [11] Applying the human rights framework to improve the status of women is a strategy that goes beyond the theoretical as a tool for political activism Women's human rights has opened the way for hard questions to be asked about the official inattention and general indifference to the widespread discrimination and violence that women experience everyday Whether used in political lobbying, in legal cases, in grassroots mobilization, or in broad-based educational efforts, the idea of women's human rights has been a rallying point for women across many boundaries and has facilitated the creation of collaborative strategies for promoting and protecting the human rights of women [12]

This manual is intended to serve as a catalyst in the empowerment and development of NGOs who are in that process of promoting the rights of women The creation of a national report is a means to provide skills, structures for groups working together, and different working methods for ensuring gender integration in human rights monitoring in general, as well as for capacity-building of local women's NGOs as human rights advocates

obaveze stvaranjem uslova u kojima pojedinci mogu potpuno vršiti svoja prava Kršenja ljudskih prava stoga, po definiciji, podrazumijevaju određenu aktivnost države

Uprkos pravnoj strukturi jednakosti ljudskih prava, ona se u praksi ne primjenjuju uvijek jednako Čak i tamo gdje se zakoni čine na površini neutralnim, oni mogu biti diskriminatorski u praksi Na primjer, možda i zakonu ne postoji izričita razlika u plaći za muškarce i žene Ipak, postojale su razlike u prihodima u predratnoj Bosni, a bile su određene polnom segregacijom radne snage u kojoj su većinu radnika koji su radili u manje plaćenim (ili neplaćenim) zanimanjima činile žene [7] Imovinski zakoni nisu diskriminatorski, ipak neki dokazi ukazuju da je, u odnosu na muškarce, vjerovatnije da će raseljene žene biti iseljene iz privremenih smještaja Ne postoje mehanizmi koji garantuju imovinska potraživanja žena nakon smrti njihovih muških srodnika [8] Pored toga, prednost i prioritet u rješavanju stambenih problema često se daju bivšim borcima, od kojih su 90% muškarci [9]

Stoga, kombinacija tradicije, predrasuda, socijalnih, ekonomskih i političkih interesa uputila je žene na drugorazredni i/ili status od "posebnog interesa" iz perspektive ljudskih prava [10] Ovome treba dodati i preovlađujuću podjelu života na "javnu" i "privatnu" sferu - tradicionalan i, unekoliko, neprirodan pristup ljudskim pravima koji efektivno znači da je ono što pojedinci rade u "javnoj" podvrgnuto regulisanju, dok se ono što se dešava u "privatnoj" sferi (npr kuća, porodica) smatra izuzetim od kontrole vlasti - i, slijedeći logiku, izuzetim od odgovornosti Takva dihotomija se prevazilazi shvatanjem da je vlada odgovorna za prava svih građana - bilo aktivnim pružanjem zaštite ili propustom da tu zaštitu pruži Konvencija o eliminaciji svih oblika diskriminacije žena (Ženska konvencija) ukida ovu podjelu Član 1 Ženske konvencije daje široku definiciju diskriminacije, koja se izričito primjenjuje u svim oblastima, javnim ili privatnim

> "u svrhu ove Konvencije, izraz 'diskriminacija žena' znači svako razlikovanje, isključenje ili ograničenje na osnovu pola koje ima za posljedicu ili svrhu da ženama umanji ili poništi priznanje, uživanje ili vršenje ljudskih prava i osnovnih sloboda, bez obzira na njihov bračni status, na osnovu jednakosti muškaraca i žena, u političkoj, ekonomskoj, socijalnoj, građanskoj *ili bilo kojoj drugoj oblasti* "

Štaviše, član 2(e) traži od svake države ugovornice da "preduzme sve odgovarajuće mjere radi eliminisanja diskriminacije žena od strane *bilo kog lica organizacije ili preduzeća*", obuhvatajući tako i pojedince kao i one koji djeluju u ime države i pod njenom nadležnošću

Koncept ženskih ljudskih prava i zagovaranja koje se koristi da se ta prava ojačaju, aspekti su međunarodnog pokreta za poboljšanje statusa žena koji traju i razvijaju se [11] Primjena okvira ljudskih prava radi unapređenja statusa žena, strategija je koja ide iznad teorije kao sredstva političkog aktivizma Ženska ljudska prava su otvorila put teškim pitanjima koja treba postaviti o zvaničnoj nepažnji i općoj indiferentnosti prema raširenoj diskriminaciji i kršenjima koja žene svakodnevno doživljavaju Bilo da se koristi u političkom lobiranju, sudskim predmetima, mobilizaciji širokih masa, ili u obrazovnim nastojanjima, ideja ženskih prava je ženama svugdje bila i ostala tačka oslonca i pomagala je stvaranju kolaborativnih strategija za unapređenje i zaštitu ljudskih prava žena [12]

Ovaj priručnik ima za svrhu poslužiti kao katalizator u osposobljavanju i razvijanju NVO koje se nalaze u tom procesu unapređenja prava žena Izrada nacionalnog izvještaja je sredstvo za sticanje vještina, strukturiranje zajedničkog grupnog rada i različitih metoda rada radi obezbjeđenja integracije pola u monitoring ljudskih prava uopće, kao i za osposobljavanje lokalnih ženskih NVO kao zagovarača ljudskih prava

Among the objectives of reporting are

- the achievement of a comprehensive review of national legislation, administrative rules, procedures and practices,
- permitting public scrutiny of government policies and encouraging the involvement of various sectors of society in the formulation and review of these policies,
- ensuring that the State monitors the actual situation with respect to specific provisions of international human rights treaties which apply in BiH, so that it is aware of the extent to which the various rights guaranteed are being enjoyed by all women,
- providing a bench mark against which the State, international treaty monitoring bodies, and activists can evaluate the extent to which progress has been made towards the realization of the obligations established under the various conventions,
- providing the bases for strategies upon which others can build and organize for necessary change,
- fostering an informed and engaged civil society which demands accountability of its government

The many reports on the human rights situation in Bosnia and Herzegovina generally have not included detailed accounts (nor even general accounts) of women's rights concerns Neither has gender-specific information or gender analysis been included as a rule in sections dealing with particular issues of concern to the human rights climate, such as violence against women and domestic violence in particular Gender-disaggregated data is extremely difficult to obtain from both Bosnian government agencies and international agencies

Women's human rights must be an integral part of ongoing reporting, not merely a selective focus in a single report Women constitute half of humanity The general prohibition of discrimination on the basis of sex applies to all human rights which are the subject of reporting The integration of gender-specific information and analysis thus encompasses consideration of the relationship between gender and

- the nature, consequences, and circumstances of human rights violations,
- the availability and accessibility of remedies for violations, and
- the *de jure* and *de facto* realization of women's human rights [13]

In the Platform for Action adopted by the Beijing Fourth World Conference on Women (1995), governments, the international community and civil society, including non-governmental organizations and the private sector, are called upon to take strategic action for the advancement of women and the achievement of equality between women and men [14] The following list, drawn from the Beijing Platform for Action Critical Areas of Concern and from the rights and obligations of States under the Women's Convention, calls on States parties to "take all appropriate measures to"

- eliminate discrimination against women in **political and public life**, including participation in government policy making, to hold public office on equal terms as men,

Ciljevi izvještavanja su

- pružiti opsežan pregled domaceg zakonodavstva, administrativnih pravila, postupaka i prakse,
- omogućiti javno ispitivanja politike vlasti i podstaci uključivanje raznih dijelova društva u formulisanje i ispitivanje te politike,
- obezbijediti da država nadgleda aktuelnu situaciju u pogledu posebnih odredaba međunarodnih ugovora o ljudskim pravima koji se primjenjuju u BiH, tako da zna u kojoj mjeri sve žene uživaju različita prava koja su garantovana,
- pružiti polaznu tačku od koje država, nadzorna tijela iz međunarodnih ugovora i aktivisti mogu ocjenjivati mjeru u kojoj je postignut progres u realizaciji obaveza utvrđenih raznim konvencijama,
- pružiti osnove za strategiju koju drugi mogu nadograđivati i tako se organizovati za neophodne promjene,
- poduprijeti informisano i angažovano građansko društvo koje zahtijeva odgovornost svoje vlasti

Mnogi izvještaji o ljudskim pravima u Bosni i Hercegovini opcenito nisu obuhvatili detaljne procjene (čak ni opcenite procjene) o stanju ženskih prava Po pravilu, ti izvještaji ne obuhvataju ni specifične informacije o polovima niti analizu u vezi sa polovima u dijelovima koji se bave pitanjima od naročitog interesa za klimu ljudskih prava, kao što su nasilje nad ženama, a naročito nasilje u porodici Podatke razvrstane po polovima je izuzetno teško pribaviti kako od bosanskih vladinih organa tako i od međunarodnih organizacija

Ženska ljudska prava moraju biti integralni dio stalnog izvještavanja, a ne samo fokus jednog izvještaja Žene čine polovinu čovječanstva Opca zabrana diskriminacije zasnovane na polu, primjenjuje se na sva ljudska prava o kojima se mora izvještavati Stoga su obuhvatanje specifičnih informacija o polovima i analiza sadržani u razmatranju veze između polova i

- prirode, posljedica i okolnosti kršenja ljudskih prava,
- raspoloživosti i pristupačnosti pravnih lijekova protiv kršenja, i
- *de jure* i *de facto* realizacije ženskih ljudskih prava [13]

U Platformi za akciju usvojenoj na Pekinškoj četvrtoj svjetskoj konferenciji o ženama (1995), vlade, međunarodna zajednica i građansko društvo, uključujuć nevladine organizacije i privatni sektor, pozvani su da preduzmu strateške akcije za unapređenje žena i postizanje jednakosti među ženama i muškarcima [14] Lista koja slijedi, a izvučena je iz Pekinške platforme za akciju u kritičnim oblastima i iz prava i obaveza država prema Ženskoj konvenciji, poziva države ugovornice da "preduzmu sve neophodne mjere da"

- ensure equal rights and opportunities in **education**, including the same conditions for career and vocational guidance, access to studies, elimination of stereotyped concepts of the roles of men and women at all levels of education,

- eliminate discrimination against women in **employment**, ensure the right to free choice of profession and employment, right to promotion, job security, all benefits and conditions of service on equal terms as men, to prevent discrimination on grounds of marriage or maternity,

- eliminate discrimination against women in **health care**, ensure access on basis of equality of men and women, to health care services, including those related to family planning,

- accord to women, in all civil matters, **legal capacity** identical to that of men and same opportunities to exercise that capacity (e g , to administer property, to contract),

- eliminate discrimination against women in all matters relating to **marriage and family relations**,

- address the causes and consequences of **violence against women** and take integrated measures to eliminate it,

- suppress **trafficking in women** and the exploitation of prostitution of women,

- develop gender-based methodologies and conduct research to address the feminization of **poverty**, particularly as it effects refugee and displaced women

- address inequality in **economic structures and policies**, in all forms of productive activities and in access to resources

- address stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the **media**

For each of these, the human rights standards that apply in BiH, including the European Convention on Human Rights, can be used to measure the government's record, activity, and progress What follows is information on how to create a document that will be useful in just such an endeavor

The overall goal of a national report is to achieve a greater measure of government accountability for and protection of women's human rights under domestic and treaty laws The process of preparing the report should ideally contribute to and strengthen existing initiatives and coalitions for women's human rights The preparation and submission of a national report requires considerable time, planning, effort and resources However, the impact it can have in making domestic and international rights protections for women more effective and more relevant to women's experiences may far outweigh the costs

- eliminišu diskriminaciju žena u **političkom i javnom životu**, uključujući učešće u politici donošenja odluka u vlasti, da obavljaju javne funkcije pod jednakim uslovima kao i muškarci,
- osiguraju jednaka prava i mogućnosti u **obrazovanju**, uključujući iste uslove za karijeru i stručno usavršavanje, pristup studiju, eliminisanje stereotipnog koncepta uloge muškarca i žene na svim nivoima obrazovanja,

- eliminišu diskriminaciju žena u **zapošljavanju**, osiguraju pravo na slobodan izbor profesije i zaposlenja, pravo na napredovanje, sigurnost posla, sve beneficije i uslove službe pod jednakim uslovima kao i muškarci, da spriječe diskriminaciju po osnovu bračnog ili roditeljskog statusa,

- eliminišu diskriminaciju žena u **zdravstvenom osiguranju**, osiguraju pristup zdravstvenim službama na bazi jednakosti muškaraca i žena, uključujući i onim u vezi sa planiranjem porodice,

- daju ženama, u svim građanskim pitanjima, **pravnu sposobnost** identičnu onoj koju imaju muškarci i iste mogućnosti korištenja te sposobnosti (npr da upravljaju imovinom, sklapaju ugovore),

- eliminišu diskriminaciju žena u svim pitanjima u vezi sa **brakom i porodičnim odnosima**,

- razmotre uzroke i posljedice **nasilja nad ženama** i preduzmu cjelovite mjere da ga eliminišu,

- **spriječe trgovinu** ženama i eksploatisanje prostitucije žena,

- razvijaju metodologije zasnovane na polu i provode istraživanja radi razmatranja feminizacije **siromaštva**, naročito efekte toga na izbjeglice i raseljene žene,

- razmotre nejednakost u **ekonomskoj politici i strukturama** u svim oblicima produktivnih aktivnosti i u pristupu sredstvima,

- razmotre stereotipiziranje žena i njihovu nejednakost u pristupu i učešću u svim komunikacionim sistemima, naročito u **medijima**

Za svaku od ovih tačaka mogu se upotrijebiti standardi ljudskih prava koji se primjenjuju u BiH, uključujući Evropsku konvenciju o ljudskim pravima, da bi se mjerili vladini podaci, aktivnosti i napredak Ono što slijedi je informacija o tome kako kreirati dokument koji ce biti koristan upravo u takvom nastojanju

Sveukupni cilj nacionalnog izvještaja je da se postigne veca odgovornost vlasti za i u zaštiti ženskih ljudskih prava prema domacem i međunarodnom pravu Proces pripremanja izvještaja bi, idealno, trebao doprinijeti jačanju postojecih inicijativa i koalicija za ženska ljudska prava Priprema i podnošenje nacionalnog izvještaja traži značajno vrijeme, planiranje, napore i sredstva Međutim, uticaj koji taj izvještaj može imati na vecu djelotvornost domace i međunarodne zaštite prava žena i vecu relevantnost ženskih iskustava, može daleko prevazici uloženo

The Concept of Gender-Specific Analysis and Reporting[15]

The concept of gender-specific reporting and analysis entails an examination of the effects of gender on

- the form which a human rights violation takes,
- the circumstances in which a violation occurs,
- the consequences of that violation for the victim,
- and the availability and accessibility of remedies

The term "gender" refers to the socially constructed roles of women and men in public and private life Gender is thus distinct from "sex," which is biologically determined Gender denotes the significance attached within societies to sex identity Historically, women's gender roles have been accorded less political, economic, social and cultural value than those of men To varying degrees in all societies, discrimination against women is systemic and reflected in the structure and functioning of public institutions, *de jure* and *de facto* family relations, access to economic resources and legal systems Women's ability to exercise and enjoy their human rights is shaped not only by gender, but also by such factors as race, class, ethnicity or other characteristics, as well as the general factors affecting the human rights situation in a particular context For example, the continued growth in the feminization of poverty both reflects and reinforces systemic gender discrimination Social and economic class status, racial or ethnic identity, and macroeconomic policies simultaneously act as determinants of poverty among women

The integration of a gender perspective includes not only a determination of whether women are specifically targeted for particular abuses on the basis of their gender, but also an examination of how gender affects **the forms of violations** to which women and men are subjected, the consequences of those abuses, the circumstances in which abuses occur, and the availability and accessibility of remedies National law may include provisions that directly breach rights as well as provisions that indirectly impair women's ability to exercise those rights Analysis of the systemic nature of gender discrimination is necessary to identify the latter type of provisions

For a complete discussion of gender-specific analysis and reporting, see Section V, below

Koncept analize i izvještavanja određenih po polu[15]

Koncept analize i izvještavanja određenih po polu povlači za sobom ispitivanje utiecaja pola na

- oblik kršenja ljudskih prava,
- okolnosti pod kojima se ta kršenja dešavaju,
- posljedice tih kršenja na žrtve,
- i raspoloživost i pristupačnost pravnih lijekova

Izraz "pol" ("gender") odnosi se na socijalno konstruisanu ulogu žena i muškaraca u javnom i privatnom životu Stoga je taj izraz različit od "pola" ("sex") koji je biološki određen Pol označava značaj koji je unutar društva dat biološkom određenju pola Historijski, ulozi ženskog pola data je manja politička, ekonomska, socijalna i kulturna vrijednost nego ulozi muškog pola U različitim stepenima, u svim društvima, diskriminacija žena je sistematska i odražava se u strukturi i funkcionisanju javnih institucija, *de jure* i *de facto* porodičnim odnosima, pristupu ekonomskim sredstvima i pravnom sistemu Mogucnost žena da vrše i uživaju u njihovim ljudskim pravima, oblikovana je ne samo polom, vec i faktorima kao što su rasa, stalež, etnicitet ili druge karakteristike, kao i opcim faktorima koji utiču na stanje ljudskih prava u posebnom kontekstu Na primjer, stalni rast feminizacije siromaštva odražava i pojačava sistematsku diskriminanciju po polu Socijalni i ekonomski status, rasni ili etnički identitet i makroekonomska politika, simultano djeluju kao odrednice siromaštva među ženama

Integracija perspektive polova obuhvata ne samo određivanje da li su žene posebni ciljevi određenih zloupotreba na osnovu pola, vec i ispitivanje kako pol utiče na oblike nasilja kojima su žene i muškarci izloženi, posljedica tih zloupotreba, okolnosti pod kojima se dešavaju, kao i raspoloživosti i pristupačnosti pravnih lijekova Domaci zakon može sadržati odredbe koje direktno krše prava kao i odredbe koje indirektno štete mogucnostima žena da ta prava vrše Analiza sistemske prirode diskriminacije po polu je neophodna radi identifikacije ove druge vrste odredaba

Za cjelovitu diskusiju o analizama i izvještavanju određenim po polu vidjeti Odjeljak V

II USES FOR A NATIONAL REPORT

A state's open and transparent accountability to publicly endorsed and agreed upon standards is one of the fundamental principles of the human rights system, and indeed, one of the key hallmarks of a democratic society Among the objectives of creating a national report on women's human rights are

- public scrutiny of government policies,
- ensuring that national laws are consistent with international human rights standards,
- demanding that government collect and provide appropriate data on the situation of women, and
- empowering civil society and developing strategies for activism for necessary change

Inasmuch as a national report is an *advocacy* tool intended to move the government to a position of greater responsibility to enforce and protect the rights of women, there are many target sectors in a campaign utilizing the report, e g , the government itself, the international community, including the World Bank, Council of Europe, European Commission, embassies, donors, UN agencies, the NGO community, media, political leadership, and other allies in civil society We discuss the uses in four sectors below

Focus on national NGOs

Many individuals and NGOs are familiar with the potential of human rights for consciousness raising and organizing among women The national report process enables activists to take that basic rights understanding to the next levels applying a human rights analysis to concrete factual situations and developing the applied analysis into a rights-based strategy, which includes specific recommendations and campaigning

Further, an understanding of the formal regional and international human rights mechanisms should facilitate access to these mechanisms to support human rights advocacy as well as individual case strategies

In pursuing the objectives described in the section above, the process of creating a national report can strengthen the work of NGOs by providing a concrete tool to

1) assess and describe a government's accountability in fulfilling its obligations to promote and protect human rights,

2) monitor governmental actions to honor commitments made at world and regional conferences, and

3) build political pressure through publicity and education

Participating NGOs should begin by considering both the domestic and international usefulness of creating a national report as it relates to their agenda, mandates, and resources For example, they should evaluate the strategic uses of such a report in (i) identifying sources of information, (ii) coalition-building, (iii) gaining new skills, and (iv) pressuring the government The usefulness of creating a national report can be evaluated by its function in collecting the data and presenting it with a gender analysis to government officials and agencies and to the public in general It is also useful as additional information to be provided to the Committee on the Elimination of Discrimination Against

II KORIŠTENJE NACIONALNOG IZVJEŠTAJA

Otvorena i transparentna odgovornost države prema zvanično potvrđenim i priznatim standardima, jedan je od temeljnih principa sistema ljudskih prava i, zaista, jedan od ključnih obilježja demokratskog društva Među ciljevima izrade nacionalnog izvještaja o ženskim ljudskim pravima su

- javno ispitivanje politike vlasti,
- osiguranje usaglašenosti domacih zakona sa međunarodnim standardima o ljudskim pravima,
- zahtijevanje da vlasti pruže odgovarajuce podatke o položaju žena, i
- podupiranje građanskog društva u razvijanju strategija aktivizma za neophodne promjene

S obzirom da je nacionalni izvještaj sredstvo *zagovaranja* kojem je namjera pomaknuti vlasti na poziciju vece odgovornosti u provođenju i zaštiti prava žena, postoje i brojni ciljni sektori za korištenje izvještaja u svrhu , npr vlasti, međunarodna zajednica, uključujuci Svjetsku banku, Vijece Evrope, Evropsku komisiju, ambasade, donatori, UN agencije, NVO, mediji, politička rukovodstva, i drugi saveznici u građanskom društvu U naredna četiri odjeljka razmatramo korištenje izvještaja

Fokus na domace NVO

Mnogim pojedincima i NVO-ima poznati su potencijali ljudskih prava za podizanje svijesti i organizovanje žena Proces izrade nacionalnog izvještaja omogucava aktivistima da prenesu razumijevanje osnovnih prava na sljedece nivoe primjenom analize ljudskih prava na činjenična stanja i razvojem primijenjene analize u strategiju zasnovanu na pravima, što obuhvata i posebne preporuke i vođenje kampanje

Dalje, razumijevanje formalnih regionalnih i međunarodnih mehanizama trebalo bi olakšati pristup tim mehanizmima radi podrške zagovaranju ljudskih prava kao i strategijama u pojedinačnim predmetima

U ostvarivanju ciljeva navedenih u prethodnom odjeljku, proces izrade nacionalnog izvještaja može ojačati rad NVO-a, dajuci im konkretan "alat" da

1 pristupe i i opišu odgovornost vlasti u ispunjavanju obaveza jačanja i zaštite ljudskih prava,

2 nadgledaju aktivnosti vlasti u ispunjavanju obaveza preuzetih na svjetskim i regionalnim konferencijama, i

3 vrše političke pritiske kroz publicitet i edukaciju

NVO koje učestvuju u ovom procesu trebale bi početi razmatranjem korisnosti nacionalnog izvještaja i na domacem i na međunarodnom nivou s obzirom na njihov program rada, mandat i sredstva Na primjer, NVO bi trebale procijeniti strateške koristi ovakvog izvjetšaja u (i)

KRITIČNE FAZE POSTUPKA ZASTUPANJA U AKCIJI

NAPREDAK PREMA CILJU
Postizanje ciljeva

KOMUNIKACIJE I OBRAZOVANJE
Poruka stiže do javnosti
Poruka stiže do kreatora politike
Potrebne obuke
i kvalifikacije ostvarene
Formirani politički savezi

MOBILIZACIJA I AKCIJA
Plan primjenjen
Zakonske i političke akcije poduzete
Zainteresirane i pogođene grupacije
poduzimaju akciju radi promjena
Proces nadgledan/procjenjivan

STRATEGIJA
Jasni ciljevi i zahtjevi
Aktivnosti organiziranog
Plana akcije i vrijeme

POZNAVANJE PROBLEMA
Ozbiljnost kršenja ljudskih prava
Analiza političke i pravne situacije
Jasno izloženi slučajevi
Odabrane protumjere
Planirana strategija

VODSTVO I ORGANIZACIJA
Sposobnost identifikacije i iniciranje
zastupanja
Umijeće inspirisanja i buđenja interesa
Umijeće upravljanja procesom
Umijeće mobiliziranja podrške

Izvor: *Ljudska prava žena: Korak po korak. Praktičan vodič za upotrebu međunarodnog zakona o ljudskim pravima i mehanizama za odbranu prava žena*. Women Law and Development International and Human Rights Watch Women's Rights Project (1997) str. 121

Women and other UN treaty bodies for their reference when the government submits an official report Further, such a gender-specific report is valuable in an ongoing way to monitor national responses, to conduct domestic media and education campaigns, and to critique the government's stand on the status of women

In other countries, NGOs have found creating alternative or "shadow reports" concerning particular issues or human rights violations on which they work are also useful tools for educating the public, building coalitions, strengthening their own methods for holding the government accountable for rights violations, and influencing policy or law reform

Choosing themes or issues in common with other Bosnian NGOs (human rights groups, development-oriented groups, direct service providers, etc) will facilitate the creation of information-gathering alliances and/or enhance solidarity among existing coalitions and women's networks Working together with other NGOs cross-entity will not only contribute to the appreciation of similar conditions for women in both the Federation and Republika Srpska, but will also advance the production and distribution of the National Report Perhaps even more importantly, such a report can advance a unified approach to common problems country-wide

Given the diversity among various kinds of NGOs, their mandates and activities, NGOs preparing joint or collaborative reports should anticipate discussions concerning divisions of labor, editorial decision-making, and resource-sharing

Focus on government

The state is obligated to protect the rights of all who live within its jurisdiction in accordance not only with domestic law, but consistent with international human rights standards Despite this – or in some cases because of this -- every state is an actual or potential violator of human rights (no matter how well intentioned it may be) Therefore, regular accountability (domestic and international) is in the best interests of the state itself, of its people, and of the international community [16]

Bosnia has a number of national mechanisms and procedures through which human rights can and should be enforced by the government In many cases, the government has failed to follow through with its obligations, and civic activism should push for accountability The BiH Constitution is a far-reaching template which commits to "the highest level of internationally recognized human rights and fundamental freedoms "[17] The Constitution expressly prohibits discrimination on any ground, including sex [18] The BiH Constitution establishes that the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols (ECHR) "shall apply directly in BiH" and "shall have priority over all other law,"[19] and enumerates the basic human rights in a separate paragraph [20] What's more, Annex I lists Additional Human Rights Agreements to be Applied in BiH, including (among others) The Convention on the Elimination of All Forms of Discrimination Against Women (Women's Convention), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR), the Convention of the Elimination of Racial Discrimination (CERD), the Convention on the Rights of the Child, and the Convention on the Nationality of Married Women

The Human Rights Commission, comprised of the Human Rights Chamber and Office of the Human Rights Ombudsperson,[21] is mandated by the BiH Constitution to "assist in honoring [the Parties'] obligations under [the Dayton Peace Agreement]" and "consider alleged or apparent violations of human rights "[22] Also provided for in the Constitution, the BiH Constitutional Court has jurisdiction to determine whether laws are compatible with the Constitution, with the ECHR, or "concerning the existence of or scope of a general rule of public international law" [23]

identifikovanju izvora informacija, (ii) izgradnji koalicije, (iii) sticanju novih vještina, i (iv) vršenju pritiska na vlast Korisnost izrade nacionalnog izvještaja može se procijeniti kroz njegovo funkcionisanje u prikupljanju podataka i njihovom prezentovanju, zajedno sa analizom pitanja pola, predstavnicima vlasti, drugim orgnizacijama i javnosti uopce Taj izvještaj je također koristan i kao dodatna informacija Komitetu za eliminaciju diskriminacije žena i drugim UN organima, koji se može koristiti kao referenca kada vlada podnese zvanični izvještaj Dalje, takav izvještaj koji je određen prema polu, koristan je i za kontinuirani monitoring reakcija države, za vođenje medijskih i obrazovnih kampanja i za kritiku pozicija vlasti prema statusu žena

U drugim zemljama NVO su utvrdile da je izrada alternativnog ili "izvještaja u sjeni" koji se tiče posebnih pitanja ili kršenja ljudskih prava na kojima rade, korisno sredstvo obrazovanja javnosti, formiranja koalicija, jačanja njihovih vlastitih metoda u pozivanju vlasti na odgovornost zbog kršenja prava i uticanja na politiku i zakonodavnu reformu
Odabiranje tema ili pitanja zajedno sa drugim bosanskim NVO (grupama za ljudska prava, grupama orijentisanim na razvoj, direktnim vršiocima usluda, itd) pomoci ce formiranje alijanse za prikupljanje informacija i/ili povecati solidarnost među postojecim koalicijama ili mrežama žena Zajednički rad sa drugim NVO iz oba entiteta nece samo doprinijeti razumijevanju sličnih uslova za žene i u Federaciji i u Republici Srpskoj, vec ce i unaprijediti izradu i distribuciju nacionalnog izvještaja Možda je još i važnije to što ce takav izvještaj unaprijediti unificiran pristup zajedničkim problemima u cijeloj zemlji

S obzirom na različitost među raznim vrstama NVO, njihov mandat i aktivnosti, zajedničko pripremanje ili kolaborativni izvještaj mora predvidjeti diskusiju o podjeli rada, donošenju odluka u vezi sa izradom i podjelu sredstava

Fokus na vlast

Država je obavezna zaštititi prava svih koji žive pod njenom nadležnošcu u skladu ne samo sa domacim zakonom, vec i u skladu sa međunarodnim standardima ljudskih prava Uprkos tome - a u nekim slučajevima i zbog toga - svaka država je stvarni ili potencijalni kršitelj ljudskih prava (bez obzira koliko su dobre njene namjere) Stoga, redovna odgovornost (domaca i međunarodna) je u najboljem interesu same države, njenog narod i međunarodne zajednice [16]

Bosna ima brojne domace mehanizme i postupke kroz koje vlast može i treba zaštititi ljudska prava U mnogim slučajevima vlast je propustila ispoštovati svoje obaveze, a građanski aktivizam bi trebao pokrenuti pitanje odgovornosti Ustav BiH je daslekosežan dokument koji obavezuje na "najviši nivo međunarodno priznatih ljudskih prava i osnovnih sloboda" [17] Ustav izričito zabranjuje diskriminaciju po bilo kom osnovu, uključujuci i pol [18] Ustav BiH utvrđuje da ce se Evropska konvencija za zaštitu ljudskih prava i osnovnih sloboda i njeni protokoli (ECHR) "direktno primjenjivati u BiH" i da ce "imati prioritet na svim drugim zakonima",[19] a u posebnom stavu nabraja ljudska prava i [20] Dalje, Aneks I pobrojava dodatne sporazume o ljudskim pravima koji ce se primjenjivati u BiH, uključujuci (između ostalih) Konvenciju o eliminisanju svih oblika diskriminacije žena (Ženska konvencija), Međunarodni pakt o ekonomskim, socijalnim i kulturnim pravima (ICESCR), Međunarodni pakt o građanskim i političkim pravima (ICCPR), Konvenciju o eliminisanju rasne diskriminacije (CERD), Konvenciju o pravima djeteta i Konvenciju o državljanstvu udatih žena

Komisija za ljudska prava, koja se sastoji o Doma za ljudska prava i Ombudsmena za ljudska prava,[21] ima mandat prema Ustavu BiH da "pomaže u poštovanju obaveza [strana]prema [Daytonskom mirovnom sporazumu]" i da "razmatra očigledna kršenja ljudskih prava [22] Ustav također predviđa da Ustavni sud BiH ima nadležnost da odlučuje da li su zakoni u skladu sa

Accordingly, since ample basis exists for holding the BiH government accountable for compliance with international human rights standards, NGOs should insist that these standards be applied to *de jure* and *de facto* discrimination against women What this means in practice may include insisting that legislation be amended to be consistent with international human rights standards, that courts accept and apply the standards in cases at bar, that government officials be trained, and that public information on these standards be collected and made available in non-discriminatory ways, among other things

It should be noted that the Constitution of the Republika Srpska also establishes the responsibility of the State to protect against violations by private individuals Article 48 states that *"Everyone violating the human rights and fundamental freedoms guaranteed by this Constitution shall be held personally responsible for it, and may not be justified by having obeyed somebody's order to that effect "* The Federation Constitution has no such provision, but does expressly incorporate into the Constitution 20 human rights instruments, among them the Women's Convention, Universal Declaration of Human Rights, CERD, ICCPR, ICESCR

Applying the ECHR and other International Human Rights Instruments

The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) is incorporated into domestic law in accordance with the BiH Constitution (Article II 2, drafted and implemented in the General Framework Agreement for Peace at Dayton) Thus, it is the primary mode of redress for human rights violations in Bosnia and Herzegovina The ECHR protects individuals against violations of their rights by the State and cannot be used against a private individual or "non-State actor" Consequently, the State may be held accountable where a law, the subject of which is within the scope of the ECHR, fails to protect an individual or group of individuals, or provides protection in a discriminatory manner

Because the ECHR focuses primarily on the protection of civil and political rights, other international treaties offer more substantive protection for violations of social and economic rights For example, the ECHR provides no direct protection against violations in employment, nor in the provision of health care What's more, the fact that the ECHR may be invoked only against a State and not against a private actor limits its application in cases of domestic violence, unless it can be shown that the State has failed to provide adequate protection or due process

The Women's Convention, ICCPR, and ICESCR, in particular, provide the standards for international human rights protections where the ECHR may leave gaps For example, the right to employment and health care are clearly established in the ICESCR (Art 6 and 12, respectively)

It must be acknowledged that, aside from the ECHR, which is expressly incorporated into domestic law, and over which the ECHR has priority, how the other international human rights instruments are to be applied in BiH has not been adequately defined or tested in practice Nonetheless, what is indisputable is that these instruments provide standards according to which the State is to be judged and held accountable This is justifiable not only because of BiH's accession to these international human rights conventions, but also because of their application through the Dayton Peace Agreement (Annex VI) and the BiH Constitution (Annex I)

All the international instruments have a non-discrimination provision, although, in some ways the ECHR is the hardest to invoke because of the requirement that it apply only through the discriminatory violation of another provision in the treaty The Women's Convention seeks to do away with *all* discrimination against women, which it defines broadly to include both intentional discrimination and acts that have a discriminatory impact [24] As discussed above (*see Executive Summary*), Article 1 of the

Konvencijom, ECHR ili "u pogledu postojanja ili domašaja nekog opceg pravila međunarodnog javnog prava" [23]

Dakle, pošto postoji široka osnova da se vlast u BiH smatra odgovornom za poštovanje međunarodnih standarda o ljudskim pravima, NVO trebaju insistirati da se ti standardi primjenjuju na *de jure* i *de facto* diskriminaciju žena Značenje ovoga u praksi može podrazumijevati insistiranje na izmjenama zakona kako bi se oni usaglasili sa međunarodnim standardima ljudskih prava, da sudovi prihvate i primjenjuju standarde u predmetima koje vode, da vladini službenici prođu obuku i da se prikupe informacije o ovim standardima i učine pristupačnim na nediskriminirajuci način, između ostalog

Treba reci i da Ustav Republike Srpske također utvrđuje odgovornost države da štiti od kršenja prava koja počine pojedinci Član 48 kaže da ce "*Svako ko krši ljudska prava i osnovne slobode garantovane ovim Ustavom biti smatran lično odgovornim za to i nece se moci pravdati da je izvrsavao nečije naređenje u tom pravcu*" Ustav Federacije nema takve odredbe, ali izričito inkorporiše 20 instrumenata o ljudskim pravaima, a među njima Žensku konvenciju, Univerzalnu deklaraciju o ljudskim pravima, CERD, ICCPR i ICESCR

Primjena ECHR i drugih instrumenata o ljudskim pravima

Evropska konvencija za zaštitu ljudskih prava i osnovnih sloboda (ECHR) je inkorporisana u domace pravo u skladu sa Ustavom BiH (čl II 2), donesenom u okviru Opceg mirovnog sporazuma u Daytonu) Stoga, to je primarna pomoc kod kršenja ljudskih prava u Bosni i Hercegovini ECHR štiti pojedince od kršenja njihovih prava od strane države i ne može se koristiti protiv pojedinaca ili "nedržavnih" kršitelja Stoga, država se može smatrati odgovornom kada zakon, čiji sadržaj ulazi u okvire ECHR, propusti zaštititi pojedince ili grupe pojedinaca, ili kada pruži zastitu na diskriminatorski način

Zato što se ECHR primarno usredsređuje na zaštitu građanskih i političkih prava, drugi međunarodni dokumenti nude značajniju zaštitu od kršenja socijalnih i ekonomskih prava Na primjer, ECHR ne pruđa direktnu zaštitu od kršenja prava kod zapošljavanja, niti kod zdravstvene zaštite Osim toga, činjenica da se na ECHR može pozvati samo ako prava krši država, ali ne i pojedinac, limitira njenu primjenu u slučajevima nasilja u porodici, ukoliko se ne može dokazati da je država propustila pružiti odgovarajucu zaštitu ili pravičan postupak

Zenska konvencija, ICCPR i ICESCR, naročito, pružaju standarde za međunarodnu zaštitu ljudskih prava tamo gdje ECHR možda ostavlja praznine Na primjer, pravo na zapošljavanje i zdravstvenu zaštitu su jasno predviđeni u ICESCR (čl 6 i 12)

Mora se priznati da, osim ECHR, koja je izričito inkorporisana u domaci pravni sistem nad čijim zakonima ima prioritet, pitanje na koji način se drugi međunarodni instrumenti primjenjuju u BiH još nije adekvatno definisano ili ispitano u praksi Ipak, nesporno je da ovi instrumenti daju standarde prema kojim se država treba prosuđivati i smatrati odgovornom Ovo je opravdano ne samo zbog pristupanja BiH ovim konvencijama o ljudskim pravaima, vec i zbog njihove primjene kroz Daytonski mirovni sporazum (Aneks VI) i Ustav BiH (Aneks IV)

Svi međunarodni instrumenti sadrže odredbe o nediskriminaciji, iako se na neki način najteže pozvati na ECHR zbog zahtjeva da se ona primjenjuje samo ukoliko je diskriminacija počinjena u vezi sa vršenjem drugog prava iz ovog ugovora Ženska konvencija zahtijeva da se zabrani *svaka* diskriminacija žena, koju definiše široko tako da uključuje namjernu diskriminaciju i aktivnosti koje imaju dikriminatorski uticaj [24] Kao što je vec rečeno (*vidi Sažetak)*, čl 1 Ženske

Women's Convention establishes the field of the treaty's protections to include violations by both state and non-state actors Indeed, the Women's Convention requires States to assume obligations of both means and results,[25] that is both "obligations to act by a specific means toward the achievement of aspirational goals and obligations to achieve results by whatever means are determined to be appropriate" (Article 2) The "means" specified in Article 2 requires States

- to embody the principle of equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein, and to ensure, through law and other appropriate means, the practical realization of the principle,
- to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting discrimination against women,
- to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunal and other public institutions the effective protection of women from any act of discrimination,
- to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with their obligations,
- to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women, and
- to repeal all national penal provisions which constitute discrimination against women [26]

Focus on the UN System

Human rights treaties such as the Women's Convention, ICCPR, and the ICESCR, obligate ratifying States to submit reports to treaty monitoring committees These reports are to detail what steps the States have taken to implement the rights contained in the treaties Not surprisingly, States tend not to be as forthcoming with details of possible or alleged violations of these treaty obligations as integrity and accuracy would demand In response to the need to provide UN treaty monitoring bodies with alternative sources of information concerning State compliance, the practice of shadow reporting has evolved The term "shadow report" refers to a report created by NGOs that parallels and analyzes the report created by the national government

Unlike the above-mentioned treaties, the ECHR has no State reporting requirement However, the ECHR allows complaints of human rights violations to be made by States that are parties to the Convention (e g , against other States), and by individuals whose countries have accepted the right of individual petition (which BiH has done, in theory, by virtue of the Dayton Constitution) [27] A report providing gender-specific analysis and recommendations to the government would likely be warmly received by the Council of Europe, which drafted the ECHR, and by the Committee of Ministers, its decision-making organ, which supervises the implementation of the Convention

Treaty committees like the Committee on the Elimination of Discrimination Against Women (CEDAW, for the Women's Convention) and the Human Rights Committee (for the ICCPR) are authorized[28] to make general recommendations based on the examination of reports and information received from States Parties General recommendations are addressed to States Parties, and usually elaborate the Committee's view of the obligations assumed under the particular treaty and areas for improvement In effect, they interpret the treaties Initiatives such as declarations, recommendations, guidelines, etc , do not require state ratification and are addressed to the UN members as well as to others at the national

konvencije utvrđuje obim zaštite tako da uključuje kršenja od strane države i drugih počinitelja I zaista, Zenska konvencija zahtijeva od države da preuzme obaveze koje se tiču i sredstava i rezultata,[25] tj "obaveze da djeluje na specifične načine prema postizanju željenih ciljeva i obaveze da postigne rezultate bilo kojim odgovarajucim sredstvima" (čl 2) "Sredstva" specificirana u čl 2 zahtijevaju od država

- da utjelove princip jednakosti muškaraca i žena u svoje ustave ili druge odgovarajuce zakone ukoliko taj princip tamo vec nije sadržan i da osiguraju, kroz zakone ili drugim odgovarajucim sredstvima, praktičnu realizaciju tog principa,

- da usvoje odgovarajuce propise ili druge mjere, uključujuci i sankcije, gdje treba, o zabrani diskriminacije žena,

- da ustanove pravnu zaštitu prava žena na jednakim osnovama kao i za muškarce i da kroz nadležne domace tribunale i druge državne institucije osiguraju efikasnu zaštitu žena od bilo kakvog diskriminatorskog postupka,

- da se uzdrže od bilo koje aktivnosti ili prakse diskriminacije žena i da osiguraju da vlasti i institucije djeluju u skladu sa njihovim obavezama,

- da preduzmu sve odgovarajuce mjere, uključujuci i zakonodavstvo, radi izmjene ili ukidanja postojecih zakona, propisa, običaja ili prakse kojima se žene diskriminiraju, i

- da ukinu sve domace krivične odredbe koje diskriminiraju žene [26]

Fokus na sistem UN

Ugovor o ljudskim pravima, kao što su Ženska konvencija, ICCPR, i ICESCR, obavezuju države koje ih ratifikuju da podnesu izvještaje nadzornim komitetima osnovanim po tim dokumentima Ovi izvještaji trebaju detaljno pokazati koje su korake države preduzele radi implementacije prava sadržanih u tim dokumentima Ne iznenađuje da države imaju tendenciju da ne daju sve detalje o mogucim ili navodnim kršenjima ugovornih obaveza kao što bi poštenje i tačnost nalagali U odgovoru na potrebe da se nadzornim organima UN pruže alternativni izvori informacija koji se tiču udovoljavanja država zahtjevima iz ugovora, razvila se praksa izvještavanja "iz sjene" Izraz "izvještaj u sjeni" odnosi se na izvještaj koji izrađuju NVO i koji analizira i paralelan je izvještaju vlasti

Za razliku od gore spomenutih ugovora, ECHR ne sadrži zahtjev o izvještavanju Međutim, ECHR dozvoljava da se podnesu žalbe o kršenju ljudskih prava od strane država ugovornica Konvencije (npr protiv drugih država) i od strane pojedinaca čije su zemlje prihvatile pravo na individualnu peticiju (što je BiH teoretski uradila na osnovu Daytonskog sporazuma) [27] Izvještaj koji pruža analizu određenu po polu i preporuke vlasti, vjerovatno ce biti toplo primljen od strane Vijeca Evrope, koje je donijelo ECHR i od strane Komiteta ministara, organa Vijeca koji donosi odluke i koji nadzire provođenje Konvencije

Komiteti uspostavljeni ugovorima, kao Komitet za eliminaciju diskriminacije žena (CEDAW, za Ženski konvenciju) i Komitet za ljudska prava (za ICCPR) imaju ovlaštenje[28] da daju opce preporuke zasnovane na ispitivanju izvještaja i informacija primljenih od država ugovornica Opce preporuke upucuju se državama i obično elaboriraju mišljenje Komiteta o preuzetim obavezama prema konkretnom ugovoru i oblasti koje treba poboljšati Ustvari, oni tumače

and international levels While they are not legally binding like treaties, they serve an important role in setting standards for international relations, as well as for domestic policies regarding human rights [29]

For example, to date CEDAW has formulated 23 General Recommendations, among them, General Recommendation No 19 on "Violence against women" and General Recommendation 21 on "Equality in marriage and family relations" General Recommendation No 9 on "Statistical data concerning the situation of women," states that disaggregated data is "absolutely necessary" for the understanding of the real situation of women, but notes that many reports received from States do not provide statistics The Committee therefore recommended that

> "States parties should make every effort to ensure that their national statistical services responsible for planning national censuses and other social and economic surveys forjmulate their questionnaires in such a way that data can be disaggregated according to gender, with regard to both absolute numbers and percentages, so that interested users can easily obtain information on the situation of women in the particular sector in which they are interested "[30]

Treaty committees like CEDAW need independent information from which to formulate their questions and identify the areas where the obligations are not being met They have called on NGOs to help supply that information It cannot be emphasized enough how important it is for the effective implementation of UN treaties and the full protection of women's rights within those treaties that the UN monitoring bodies have access to accurate and appropriate information documenting a government's human rights record The UN treaty reporting process functions only as well as its information, and the role that NGOs play in the education and awareness of UN treaty bodies and treaty experts is critical NGOs working at both national and local levels are urged to consider this exchange of information as an integral part of their domestic advocacy A national report on women's human rights may thus contribute to the treaty reporting procedures, whether it is produced as a "shadow" report to the official State report or is created independent of that process

In addition to the treaty bodies, there are many other UN bodies which can use a national report These include the Office of the Special Rapporteur to Bosnia and Herzegovina (currently Elisabeth Rehn), Office of the High Commissioner for Human Rights (OHCHR), UN High Commissioner for Refugees (UNHCR), and thematic special mechanisms of the Commission on Human Rights, such as the Special Rapporteur on Violence Against Women and the Special Rapporteur on Torture Communications may also be submitted by individuals and organizations[31] to the OHCHR, without first having to exhaust domestic remedies These may be directed to the thematic mechanism or mechanisms which most closely relate to the subject of the human rights allegations

Focus on the International Community

"It should be understood that international supervisory procedures and control mechanisms can never be considered as substitutes for national mechanisms and national measures with the aim to give effect to human rights standards Human rights have to be implemented first and foremost at national and local levels The primary responsibility of States to realize human rights is with respect to the people who live under the jurisdiction of these States However, with the internationalization of human rights and with the recognition that the protection and promotion of human rights does not fall within the exclusive domain of States, the international community can take a legitimate interest in the compliance with internationally recognized standards by each and every State, or by any other actor exercising effective power "[32]

ugovor Inicijative kao što su deklaracije, preporuke, vodiči itd ne zahtijevaju od država ratifikaciju i upucuju se članicama UN kao i drugima na državnom i međunarodnom nivou Iako to nisu pravno obavezujuci dokumenti, oni igraju važnu ulogu u postavljanju standarda za međunarodne odnose, kao i za državnu politiku koja se tiče ljudskih prava [29]

Na primjer, do danas je CEDAW formulisao 23 opce preporuke, a između ostalih i Opcu preporuku br 19 "Nasilje nad ženama" i Opcu preporuku 21 "Jednakost u braku i porodičnim odnosima" Opca preporuka br 9 "Statistički podaci o situaciji žena" kaže da su skupni izvještaji "apsolutno neophodni" za razumijevanje stvarne situacije žena, ali primjecuje da mnogi izvještaji država ne daju statistike Komitet je zato predložio da

> "Države ugovornice trabvaju uložiti napore da osiguraju da njihove statističke službe odgovorne za planiranje državnog popisa stanovništva i druge socijalne i ekonomske preglede, formulišu svoje upitnike na takav način da podaci mogu biti prikupljeni prema polu, imajuci u vidu apsolutne brojeve i procente, tako da zainteresovani korisnici mogu jednostavno dobiti informaciju o situaciji žena u određenoj oblasti koja ih zanima "[30]

Komiteti kao CEDAW trebaju nezavisne informacije iz kojih mogu formulisati pitanja i identifikovati oblasti u kojima obaveze nisu ispunjene Ti komiteti pozivaju NVO da im pomognu prikupiti te informacije Ne može se dovoljno naglasiti koliko je važno za djelotvornu implementaciju ugovora UN-a i za punu zaštitu ženskih prava u okviru tih ugovora da organi UN-a, koji se bave monitoringom, imaju pristup tačnim i odgovarajucim informacijama koje dokumentiraju odnos vlasti prema ljudskim pravima Proces izvještavanja prema ugovorima UN-a funkcioniše toliko dobro koliko su dobre informacije, a uloga koju imaju NVO u obrazovanju i podizanju svijesti kod organa UN-a i eksperata je presudna Od NVO se traži da imaju u vidu ovu razmjenu informacija kao integralni dio njihovog rada na domacem nivou Nacionalni izvještaj o ženskim ljudskim pravima može, stoga, doprinijeti proceduri izvještavanja, bilo da je izrađen kao izvještaj "u sjeni" u odnosu na zvanični državni izvještaj ili da je izražen nezavisno od tog procesa

Pored organa formiranih ugovorima, ima i mnogo drugih organa UN-a koji mogu koristiti nacionalni izvještaj To uključuje Specijalnog izvještača za Bosnu i Hercegovinu (trenutno Elisabeth Rehn), Ured Visokog komesara za ljudska prava (OHCHR), Visokog komesara za izbjeglice (UNHCR), i tematski posebne mehanizme Komisije za ljudska prava, kao što su Specijalni izvještač za nasilje nad ženama i Specijalni izvještač za torturu Obavijesti OHCHR-u mogu podnijeti pojedinci ili organizacije[31], bez obaveze da prvo iscrpe domaca pravna sredstva One mogu biti upucene i tematskim mehanizmima ili mehanizmima koji su u najužoj vezi sa predmetom kršenja ljudskih prava

Fokus na međunarodnu zajednicu

"Treba razumjeti da se postpci međunarodnog nadzora i kontrolni mehanizmi nikada ne mogu smatrati zamjenom za domace mehanizme i domace mjere koji za cilj imaju provođenje standarda ljudskih prava Primarna obaveza država je realizacija ljudskih prava u pogledu ljudi koji žive pod nadležnošcu tih država Međutim, internacionalizacijom ljudskih prava i priznavanjem da zaštita i unapređenje ljudskih prava nije u isključivom domenu država, međunarodna zajednica može imati legitiman interes da se poštuju međunarodno priznati standardi od strane svake države ili od strane svakoga ko vrši stvarnu vlast "[32]

Ove godine, veci broj međunarodnih organizacija u BiH počeo je inkorporisati pitanje pola u svoje strateške planove, naročito agencije UN-a kao što su OHCHR, IPTF i UNDP OSCE-ova

In the last year, an increasing number of international agencies in BiH have begun to incorporate gender into their strategic planning, particularly UN agencies such as OHCHR, IPTF, and UNDP The OSCE's umbrella organization, ODIHR, has heightened its commitment to gender, and the BiH mission has a gender coordinator focussing on women and political representation in the Democratization Department The Office of the High Representative has no designated staff in any department assigned to gender issues, which is a significant concern given the OHR's political position and it's role in drafting and implementing new legislation

Given the enormous influence of the international community in Bosnia and Herzegovina, inter-governmental as well as UN agencies can be a significant factor in support of women's human rights, if properly called upon to do so What's more, many of the countries with aid programs in BiH, have a strong domestic commitment to women's rights and gender equality, (including good precedents for such protections as violence against women legislation) These countries should be approached to support efforts to lobby the state and entity governments for greater attention to the issues

krovna organizacije, ODIHR, povecala je svoje obaveze u odnosu na pitanje pola, a BiH misija ima koordinatora za žensko i političko predstavljenje u Odjelu za demokratizaciju Ured Visokog predstavnika nema određenog službenika u bilo kojem odjelu koji je zadužen za pitanja pola, što je značajna briga s obzirom na političku poziciju OHR-a i njegovu ulogu u pripremanju i donošenju novih zakona

S obzirom na enorman uticaj međunarodne zajednice u Bosni i Hercegovini, međuvladine i agencije UN-a mogu biti značajan faktor podrške ženskim ljudskim pravima, ukoliko im se ta podrška pravilno zatraži Štaviše, mnoge zemlje koje imaju programe pomoci BiH, imaju vrlo snažne domace obaveze u pogledu ženskih prava i jednakosti polova (uključujuci dobru praksu takve zaštite kao što je nasilje nad ženama) Ovim zemljama treba pristupiti radi podrške naporima lobiranja državnih i entitetskih vlasti u cilju davanja vece pažnje ovom pitanju

III WORKING METHODS AND REPORTING METHODOLOGY

It may not be possible to cover every issue of concern in an NGO-initiated country report During the initial planning discussions, participants will identify the key areas of concern for women in the country, from the perspective of both law and practice, bearing in mind economic, political, social and cultural pressures These areas should not be exclusively women's traditional realms (e g , the family), but should reflect the full range of human rights concerns The task is then to bring a gender analysis to the research of the problem and its remedies

With the long-term impact in mind, NGOs can influence the scope and application of national laws protecting women's rights, for example by developing areas of concern which may be underprotected or unprotected, or omitted, neglected, or misreported in official government reports and statements Examples include issues affecting the rights of internally-displaced/returnee women, commercial sex workers, lesbians, or women with disabilities, HIV or other sexually transmitted diseases

One of the procedural objectives of the national report is to facilitate the creation of information-gathering alliances and/or enhance solidarity among existing coalitions as NGOs work together The process of researching and writing the report will also enhance public visibility of NGOs, and increase the credibility and effective impact of women's groups thereby

Working together with other NGOs will also advance the production and distribution of the national report Given the diversity among various kinds of NGOs, their mandates, and activities, NGOs preparing joint or collaborative reports should organize and discuss such procedural issues as divisions of labor, editorial decision-making, and resource-sharing

Methodology. Reporting Step-by-Step

Objective, non-biased presentation and analysis -- letting the facts "speak for themselves" -- are critical aspects of a credible report, and are greatly enhanced by the use of statistical data and case studies, referred to as **"indicators"** Some basic principles that have been identified in developing indicators include

- the need to break down and categorize – *disaggregate* -- data by variables such as gender, age, region (especially urban/rural), language, ethnicity, religion, or other minority factors, including refugee and internal displacement, as well as by relevant sectors (e g , entity),

- the need for case studies – testimonies and narratives that "tell the story" in its most human terms

While gender cannot always be determined from the information obtained, nonetheless additional steps should be taken to obtain gender disaggregated information on country situations from a variety of sources both official and non-governmental (for example from UN agencies such as UNDP, UNIFEM, WHO and UNHCR, and from the Repatriation Information Center) [33]

III METODI RADA I METODOLOGIJA IZVJEŠTAVANJA

Nece biti moguce obuhvatiti svako pitanje od iteresa u izvještaju iniciranom od strane NVO Tokom inicijalne diskusije koja se tiče planiranja, učesnici ce identifikovati ključne oblasti od interesa za žene u zemlji iz perspektive kako zakona tako i prakse, vodeci računa o ekonomskim, političkim, socijalnim i kulturnim potrebama Ove oblasti ne trebaju biti oblasti koje tradicionalno pripadaju ženama (npr porodica), ali trebaju odslikavati problem i načine rješavanja

Ako se na umu ima dugoročni uticaj, NVO mogu uticati na obim i primjenu domacih zakona kojima se štite ženska prava, na primjer u oblastima koje su možda slabo zaštićene ili nezaštićene, ili izostavljene, zanemarene ili pogrešno predstavljene u vladinim izvještajima i izjavama Primjeri uključuju pitanja koja se tiču raseljenih žena/povratnica, onih koje se bave seksom u komercijalne svrhe, lezbejki ili žena invalida, HIV pozitivnih ili sa drugim bolestima koje se prenose seksom

Jedan do proceduralnih ciljeva nacionalnog izvještaja je i pomoc u stvaranju alijanse za prikupljanje informacija i/ili povecanje solidarnosti između postojecih koalicija Istraživački proces i pisanje izvještaja povecat ce, također, vidljivost NVO u javnosti i kredibilitet i efektivan uticaj ženskih grupa

Radeci zajedno sa drugim NVO, unaprijedit ce se izrada i distribucija nacionalnog izvještaja S obzirom na raznolikost između raznih NVO, njihovog mandata i aktivnosti, NVO-i koji se uključe u pripremanje zajedničkog ili kolaborativnog izvještaja trebali bi organizovati diskusije o takvim proceduralnim pitanjima kao što su podjela posla, odlučivanje i podjela sredstava

Metodologija. Izvještavanje korak po korak

Cilj, nepristrasna prezentacija i analiza - puštajuci da činjenice govore same za sebe - presudni su aspekti vjerodostojnog izvještaja, koji su značajno povecani upotrebom statističkih podataka i analizom predmeta, koji se nazivaju "indikatorima" Neki osnovni principi koji su identifikovani u iznošenju indikatora obuhvataju

- potrebu da se razdvoje i kategorizuju - *raščlane* - podaci varijablama kao što su pol, starost, region (naročito urbani/ruralni), jezik, etnicitet, vjera, ili drugi manjinski faktori uključujuci izbjeglice i interno raseljavanje, kao i relevantni sektori (npr entitet),

- potreba za analizom predmeta - svjedočenja i pripovijesti koje "pričaju priču" u najhumanijem smislu te riječi

Dok pitanja pola ne mogu biti uvijek utvrđena iz informacija koje se prikupe, ipak treba preduzeti dodatne korake radi prikukpljanja kompletnih informacija o polu i situaciji u vezi s tim u zemlji iz različitih izvora, kako zvaničnih tako i nevladinih (npr od UN agencija kao što su UNDP, UNIFEM, WHO i UNHCR, i iz Informacijonog centra za repatrijaciju) [33]

1 Three basic principles of research methodology[34]

i **Impartiality** A sound research method should guard against potential bias by the researchers It should ensure, to the extent possible, that all the facts are compiled and all the relevant parties heard An investigation that becomes too one-sided can lead to conclusions that are ill-founded and, therefore, all too easily challenged and dismissed

ii **Accuracy** The strength of any human rights campaign ultimately depends on the accuracy of the facts on which it is based Investigators should agree on a research method that guarantees accuracy by building in the steps and time necessary to ensure it The failure to do so can have disastrous results not only for the overall advocacy effort but also for those who, perhaps wrongfully, were its targets

iii **Specificity** The more specific an investigation's findings, the more useful they will be

2 Identify and choose focus issues and describe the situation

- ***Set objectives for the investigation***[35]

Although these objectives will change as the work gets underway, it is helpful to discuss and agree on the following issues at the outset With a clear idea of the issue(s) to be investigated

- Why this issue(s) should be investigated?
- What does the investigation aim to accomplish?
- What advocacy strategies might develop from the findings?

- ***Identify the violations to be investigated***[36]

Keeping in mind that usually it is States and not individuals who are legally bound by international human rights law, investigators must connect the abuse to some form of State action, whether by commission or omission If, for example, the abuse to be investigated is domestic violence, it must be shown not only that private individuals are committing such abuse, but also that the State routinely fails to do something about it The actual human rights violation, therefore, is not only the domestic abuse itself, but also the State's failure to prevent or punish such abuse or to guarantee women equal protection under the law

- ***Identify key actors***[37]

The process of setting objectives, including advance consultation, will help to identify key actors in the situation These may include the following

- Women victims and survivors of abuse,
- Their families and/or representatives,
- Other activists working on the issue,
- The person(s) or bodies suspected of the abuse,
- Those with direct knowledge of the abuse or responsibility for addressing it

- ***Identify likely sources of information***[38]

Obtaining information from a variety of sources is key The broader the input, the more comprehensive and thorough the report Although it may be difficult to obtain concrete and detailed material, the following are useful sources for any investigation

1 Tri osnovna principa istraživačke metodologije[34]

i **Nepristrasnost** usklađen metod izvještavanja brana je potencijalnoj pristrasnosti istraživača On treba osigurati, koliko je to moguce, da se prikupe sve činjenice i da se čuju sve relevantne strane Istraživanje koje postane suviše jednostrano može voditi zaključcima koji su neosnovani i, zbog toga, lako osporeni i odbačeni

ii **Tačnost** Snaga bilo koje kampanje o ljudskim pravima konačno zavisi od tačnosti činjenica na kojima je zasnovana Istraživači se trebaju sporazumjeti o metodu istraživanja koji garantuje tačnost ugrađujuci u to korake i vrijeme neophodno da se ta tačnost osigura Propust da se to učini može imati katastrofalne rezultate ne samo za sveukupno zagovaranje, vec i za one koji su, možda greškom, bili meta

iii **Određenost** Što su istraživački nalazi određeniji, to ce od njih biti više koristi

2 Identifikujte i odaberite pitanja od interesa i opišite situaciju

- ***Utvrdite ciljeve istrage***[35]

Iako ce se ovi ciljevi promijeniti kako posao bude odmicao, korisno je raspraviti i dogovoriti se o sljedecim pitanjima na početku S jasnom idejom o pitanjima koja treba istražiti

- Zašto ovo pitanje treba istražiti?
- Koji se cilj tim istraživanjem želi postici?
- Koje se strategije zagovaranja mogu razviti iz otkrica?

- ***Identifikujte kršenja koja treba istražiti***[36]

Imajuci stalno na umu da je obično država, a ne pojedinac, ta koja je pravno obavezana međunarodnim pravom o ljudskim pravima, istraživači moraju povezati kršenje sa nekim oblikom djelovanja države, bilo činjenjem ili propuštanjem Ukoliko se, npr , kršenje koje se ispituje tiče nasilja u porodici, mora se pokazati ne samo to da neko lice čini takvo kršenje, vec također i to da država redovno propušta da učini nešto u vezi s tim Stvarno kršenje ljudskih prava, stoga, nije samo nasilje u porodici, vec i propuštanje države da spriječi ili kazni takvo kršenje ili da ženama zakonom garantuje zaštitu

- ***Identifikujte ključne učesnike***[37]

Proces utvrđivanja ciljeva, uključujuci prethodne konsultacije, pomoci ce identifikovanju ključnih učesnika To može uključiti

- Žene žrtve ili one koje su preživjele zlostavljanje,
- Njihove porodice i/ili zastupnici,
- Druge aktiviste koji rade na tom pitanju,
- Lice(a) ili organi koji su osumnjičeni za kršenje,
- Oni koji imaju direktna saznanja o kršenju ili u čiju odgovornost spada bavljenje tim kršenjima

- ***Identifikujte vjerovatne izvore informacija***[38]

- Government agencies and administrative bodies
- NGOs and inter-governmental organizations
- Media, and scholarly communities
- Libraries, documentation centers, on-line sources

In group consultation in preparation for the national report, participant NGOs will select the key areas of concern for the report's focus, and establish working groups with primary responsibility for each area In researching and assessing facts, NGOs will need to consider the different approaches to

- **incident based facts** (case studies), which involve interviewing, verification, and placing the incident in the larger (legal and socio-political) context, and

- **patterns or trends in practice** which involve broader and more statistical research, verification, analysis (e g , treatment of women on maternity leave being terminated or not receiving pay to which they are legally entitled, discrimination in rehiring from "waiting lists", access to abortion following its removal from state-funded health care procedures, treatment of victims of sexual violence by police and in courts)

The importance of reliable, objective, comprehensive, and accessible sources for this information is clear NGOs may feel that formal resources (government ministries and agencies, UN bodies, among others) are not immediately feasible, they should investigate alternative sources of information, such as academic or independent institutions, or even better, other national and international NGOs

Where possible, working groups should include information on women across groupings and identities (i e , returnees and displaced persons, young girls and older women, urban and rural women, married and unmarried women, women of all ethnicities, women in poverty, women with differing levels of education, including illiterate, etc)

3 Identify existing laws and the government's implementation record

Domestic laws and policy instructions should be analyzed from the perspective of gender neutrality Where a law or policy provides different treatment for women and men, any rationale should be closely scrutinized to determine whether it is based on underlying assumptions concerning the roles of women and men [39] For example, the draft Federation Labor Law prohibits women from working the third ("night") shift, or from jobs involving hard physical labor, which are facially discriminatory provisions The draft law does contain some progressive provisions on gender in the workplace, including one year maternity leave and protection against demotion or loss of job due to pregnancy However, an early draft of the Labor Law included the comment that "the special protection of maternity is necessary both for the safe protection of a child and in order to increase the birthrate on the territory of the Federation "[40] As an ILO study put it, "This statement represents the most significant encroachment of the public sphere into the private Moreover, it glosses over the distinction between child-rearing and child-bearing activities, presuming both to be the responsibility of women As such, the Labor Law identifies women first in relation to their reproductive roles providing little incentive for the adoption of further measures which would benefit women's productive potential and address the structural inequality between men and women in the workplace "[41]

It is also necessary to examine whether seemingly non-discriminatory laws and policies are, in fact, being enforced or implemented in a discriminatory manner For example, there is no discrimination in the criminal code's provisions for the prosecution of crimes involving light or grievous bodily injury

Ključno je prikupiti informacije iz različitih izvora Što je više ulaznih informacija, to će izvještaj biti sveobuhvatniji i temeljitiji Iako može biti teško pribaviti konkretne i detaljne materijale, za svako istraživanje su korisni sljedeći izvori

- Vladine agencije i administrativna tijela
- NVO i međuvladine organizacije
- Mediji i naučnici
- Biblioteke, dokumentacioni centri, on-line izvori

U grupnoj konsultaciji za izradu nacionalnog izvještaja, NVO će izabrati ključne oblasti kao fokus izvještaja i osnovati radne grupe odgovorne za svaku pojedinu oblast U istraživanju i ocjenjivanju činjenica, NVO će morati razmotziti različite pristupe

- činjenice zasnovane na pojedinim događajima (analiza predmeta), što uključuje intrvjuisanje, verifikaciju, i smještanje događaja u u širi (pravni i socio-politički) kontekst, i
- obrasce ponašanja ili trendove u praksi, što uključuje šire i više statističko istraživanje, verifikaciju, analizu, (npr tretman žena na porodiljskom odsustvu kojima su ukinute ili koje ne primaju naknade na koje po zakonu imaju pravo, diskriminacija u ponovnom zapošljavanju sa "lista za čekanje", mogućnost abortusa nakon što je skinut sa liste zdravstvenih tretmana koje finansira država, tretman žrtava seksualnog nasilja od strane policije i suda)

Značaj pouzdanih, objektivnih, sveobuhvatnih i pristupačnih izvora informacija je jasan NVO mogu misliti da formalni izvori (ministarstva i državne agencije, organi UN, između ostalih) nisu u tom trenutku korisni, oni trebaju istražiti i alternativne izvore informacija, kao što su akademske ili nezavisne institucije, ili još bolje, druge domaće i međunarodne NVO

Gdje je moguće, radne grupe trebaju unijeti i informacije o ženama različitih grupa identiteta (npr povratnice i raseljene žene, mlade djevojke i starije žene, žene iz urbanih i ruralnih područja, udate i neudate žene, žene svih nacionalnosti, siromašne žene, žene sa različitim stepenom obrazovanja uključujući i nepismene, itd)

3 Identifikujte postojeće zakone i praksu vlasti u njihovom provođenju

Analiza domaćih zakona i političkih instrukcija treba se napraviti iz polno neutralne perspektive Tamo gdje zakon ili praksa različito tretiraju muškarce i žene, svaki princip treba biti pomno ispitan da bi se odredilo da li je zasnovan na pretpostavkama o različitim ulogama žena i muškaraca [39] Na primjer, nacrt federalnog Zakona o radu zabranjuje ženama rad u trećoj ("nocnoj") smjeni, ili rad na poslovima koji iziskuju težak psihički rad, što su diskriminatorske odredbe Nacrt zakona sadrži neke progresivne odredbe koji se tiču pitanja polova, uključujući i jednu godinu porodiljskog odsustva i zaštitu od degradiranja ili gubitka zaposlenja zbog trudnoće Međutim, raniji nacrt Zakona imao je i komentar da je "naročita zaštita materinstva neophodna i zbog zaštite djece i zbog povećanja natalniteta na teritoriji Federacije "[40] Studija ILO-a kaže "Ova izjava pokazuje najznačajnije zadiranje javne sfere u privatnu Štaviše, ona umanjuje razliku između odgoja djece i rađanja djece, smatrajući oboje odgovornošću žene Kao takav, Zakon o radu identifikkuje ženu u prvom redu u vezi sa njenom reproduktivnom ulogom dajući malo stimulansa usvajanju daljih mjera koje bi doprinijele produktivnim potencijalima žena i pozabavile se strukturalnom nejednakošću žena i muškaraca na poslu "[41]

Neophodno je, također, istražiti da li se naizgled nediskriminatorski zakoni i praksa, ustvari primjenjuju ili izvršavaju na diskriminatorski način Na primjer, nema diskriminacije u

However, in practice, women are disproportionately impacted by the law that requires the victim – rather than the State -- to prosecute crimes in which there is no serious physical injury It is well documented that victims of domestic violence have great difficulty in acknowledging their predicament, let alone taking the dramatic step of actively prosecuting their spouse or partner The new Federation Criminal Code contains a rape shield provision, without such a provision (and even with the provision) women victims of sexual crime are often treated as if they were the offender

While the State may not be directly responsible for private acts, it may be responsible for its own lack of diligence in preventing, controlling, correcting or disciplining such private acts through its own executive, legislative, or judicial organs [42] Factors to be included in determining accountability are [43]

- identifying the application and implementation of the national and international legal framework, including what judicial, administrative, or other competent authorities have jurisdiction affecting human rights, are any of the rights/ violations protected/prohibited in the Constitutions?

- identifying the perpetrator(s) and/or root causes of the violation(s),

- examining the relationship between violation(s) and State responsibility, e g , were government officials or other state actors involved – directly or indirectly?

- determining appropriate gender-sensitive remedies and recommendations and ensuring that they are implemented

4 Identify the key human rights standards

This is venturing into the *rights* aspect of your report Note the relevant provisions of the Women's Convention describing the rights that are affected directly or as a consequence of the violations Note also the closest relevant articles of the ECHR, which is directly applicable in BiH, as well as the ICCPR, ICESCR, Children's Convention, etc Consider the nature of the obligations in the identified provisions, *i e* , do they require passing legislation, improving education, ensuring that non-state actors do not violate the right(s)? To illustrate this process, the following is a list of provisions from the Women's Convention and several other key human rights instruments that may be analyzed in a section focusing on violence against women

Violence against women under the Women's Convention

It should be noted that, with the exception of Article 6 concerning traffic in women and exploitation of prostitution, the Women's Convention does not explicitly address gender-based violence against women Nonetheless, the Women's Convention has concluded that such violence constitutes a form of sex discrimination and is included within the scope of the Women's Convention NGOs should look to several General Recommendations of the UN Committee on the Elimination of Discrimination Against Women to address these issues [44]

- General Recommendation No 19 is CEDAW's first "cross cutting" general recommendation, and clearly defines gender-based violence against women as **sex discrimination and a violation of international guaranteed human rights** whether committed by state or private actors, in public or private life By defining gender-based violence against women as discrimination, irrespective of the perpetrator, CEDAW defines the responsibility of States Parties under the Women's Convention to include an obligation to ensure its elimination General Recommendation 19 specifies punitive,

odredbama krivičnog zakona koje se tiču krivičnog gonjenja za lake ili teške tjelesne povrede Međutim, u praksi, zakon može imati disproporcionalan uticaj na žene zahtjevom da žrtva, a ne država, treba inicirati krivično gonjenje za krivična djela u kojima nema ozbiljnih fizičkih povreda Dobro je dokumentovano da žrtve nasilja u porodici imaju velike teškoce u priznavanju nevolja, a da se i ne govori o dramatičnom koraku aktivnog krivičnog gonjenja njihovog supružnika ili partnera Novi federalni Krivični zakon ima zaštitnu odredbu kod silovanja, bez takve odredbe (pa čak i sa njom) žene žrtve seksualnog krivičnog djela često su tretirane kao da su one napadač

Dok država možda nece biti odgovorna za djela pojedinaca, ona može biti odgovorna za nemar u sprječavanju, kontrolisanju, ispravljanju ili disciplinovanju tih pojedinaca kroz izvršne, zakonodavne ili sudske organe [42] Faktori koji trebaju biti uzeti u obzir kod odlučivanja o odgovornosti su [43]

- identifikovanje primjene i provođenja domaceg i međunarodnog okvira, uključujuci i kakvu nadležnost imaju sudski, upravni ili drugi kompetentni organi u odnosu na ljudska prava, ima li prava/kršenja zaštićenih/zabranjenih u Ustavu?

- identifikovanje počinio(la)ca i/ili temeljne uzroke kršenja,

- ispitivanje veze između kršenja i odgovornosti države, npr da li su bili uključeni vladini službenici ili drugi državni službenici - direktno ili indirektno?

- određivanje odgovarajucih polno senzitivnih pravnih lijekova i preporuka i osiguranje njihove primjene

4 Identifikujte ključne standarde ljudskih prava

Ovo vodi *pravnom* aspektu vašeg izvještaja Zapazite relevantne odredbe Ženske konvencije koje opisuju prava koja su pogođena direktno ili kao posljedica kršenja Zapazite također i najrelevantnije članove ECHR, koji su direktno primjenljivi u BiH, kao ICCPR, ICESCR, Dječja konvencija itd Razmotrite prirodu obaveze u identifikovanim odredbama, tj da li se njima traži donošenje zakona, poboljšanje obrazovanja, obezbjeđivanje da pojedinci ne krše pravo(a)? Da bi se ilustrovao ovaj proces, slijedi lista odredaba iz Ženske konvencije i nekoliko drugih ključnih instrumenata o ljudskim pravima koje mogu biti analizirane u dijelu koji se tiče nasilja nad ženama

Nasilje nad ženama po Ženskoj konvenciji

Treba zapaziti da se, sa izuzetkom čl 6 koji se tiče trgovine ženama i eksploatacije prostitucije, Ženska konvencija ne bavi izričito nasiljem nad ženama koje je zasnovano na polu Ipak, Ženska konvencija je zaključila da takvo nasilje tvori oblik polne diskriminacije i uključeno je u okvir Ženske konvencije NVO trebaju pogledati nekoliko Opcih preporuka UN Komiteta za eliminaciju diskriminacije žena da bi se bavili ovim pitanjima [44]

- Opca preporuka br 19 je prva opca preporuka CEDAW koja "siječe poprijeko" i jasno definiše nasilje nad ženama zasnovano na polu kao polnu diskriminaciju i kršenje međunarodno garantovanih ljudskih prava bez obzira da li je počinjeno od strane pojedinaca ili države, u privatnom ili javnom životu Definišuci da je nasilje nad ženama zasnovano na polu i da je to diskriminacija bez obzira na počinioca, CEDAW definiše odgovornost država ugovornica po Ženskoj konvenciji tako da uključuje obavezu da se obezbijedi elinimacija te

rehabilitative, preventative, and protective measures States should introduce to fulfill this obligation

- General Recommendation No 12 requires States Parties to include information relating to all forms and settings of violence against women in their reports

- General Recommendation No 14 concerns female genital mutilation and makes suggestions and recommendations aimed at its eradication

- General Recommendation No 21 affirms the equality of human rights for women and men in society and in the family Among the issues addressed by this Recommendation are nationality, legal capacity, polygamy, shared rights and responsibilities with regard to children, inheritance, and equal rights to enter into and conclude contracts and to administer property

Violence against women under the European Convention on Human Rights

As the ECHR takes legal priority over all other law in BiH, it should be looked to whenever possible for protection against violations of human rights The ECHR protects individuals against violations perpetrated by State actors, but cannot be used to protect against violations by private individuals ("non-State actors") While the direct protections are thereby limited, among its strengths, the ECHR can be very helpful in obtaining equal access and rights in legal proceedings In particular, where domestic laws fail to provide protection, the State may be held accountable if a right under the ECHR is violated by the domestic law Different from the other treaties, the ECHR can be directly applicable in BiH through a decision by the Human Rights Chamber (Annex 6 of Dayton) or through the European Court for Human Rights, once BiH has joined the Council of Europe

- Article 3 of the ECHR states that no one should be subject to torture or to inhuman or degrading treatment or punishment

- Article 6 (right to a hearing to determine civil rights and obligations) has been applied to provide a victim of domestic violence access to a court in order to petition for judicial separation from her abusive husband [45]

- Article 8 (right to respect for family life) may impose on a State positive obligations to ensure the respect for private and family life, which may be violated, for example, where domestic laws fail to protect against violence in the home [46]

- Article 14 mandates that **all of the rights guaranteed under the ECHR must be provided without discrimination** Sex-based discrimination claims can be made under the ECHR by using Article 14 **in conjunction with** a violation of another substantive provision of the Convention Not all differences in treatment based on sex will constitute discrimination in violation of Article 14 The test is whether (1) there is an objective and reasonable justification for the difference in treatment, and (2) the means employed is proportional to the aim sought This test requires a State party that engages in differential treatment to put forth acceptable reasons for doing so, and the methods used by the State must bear a rational relationship to the reasons given If the difference in treatment is found to be unjustified ***or*** disproportionate, then the differential treatment rises to the level of discrimination which is prohibited by Article 14 [47] For example, to a large extent, rape is a gender-specific crime There is no legal mechanism by which a woman who needs protection against a violent husband, partner, or ex-spouse may obtain interim or injunctive relief, and criminal sanction against marital rape was only recently

diskriminacije Opca preporuka 19 specificira kaznene, rehabilitativne, preventivne i zaštitne mjere koje drzave trebaju uvesti da bi ispunile ovu obavezu

- Opca preporuka br 12 traži od država ugovornica da u njihove izvještaje unesu informacije koje se odnose na sve oblike i ambijente nasilja nad ženama

- Opca preporuka br 14 tiče se sakacenja genitalija žena i daje prijedloge i preporuke u cilju njegovog iskorjenjivanja

- Opca preporuka br 21 afirmiše jednakost ljudskih prava žena i muškaraca u društvu i u porodici Među pitanjima kojima se bavi ova Preporuka su državljanstvo, pravna sposobnost, poligamija, dijeljenje prava i odgovornosti u pogledu djece, nasljeđivanja i jednakih prava na sklapanje ugovora i na upravljanje imovinom

Nasilje nad ženama prema Evropskoj konvenciji o ljudskim pravima

Buduci da Evropska konvencija ima prioritet nad svim drugim zakonima u BIH, kadgod je moguce u njoj treba tražiti zaštitu od kršenja ljudskih prava ECHR štiti pojedince od kršenja počinjenih od strane države, ali se ne može upotrijebiti protiv kršenja počinjenih od pojedinaca Dok je zbog toga direktna zaštita limitirana, njena snaga je u tome što može biti od velike pomoci u jednakom pristupu i u jednakim pravima u pravnom postupku Naročito, tamo gdje domaci zakoni ne pružaju zaštitu, država se može smatrati odgovornom ukoliko se pravo po ECHR krši domacim zakonom Za razliku od drugih ugovora, ECHR se može direktno primjenjivati u BiH kroz odluke Doma za ljudska prava (Aneks 6 Daytona) ili kroz odluke Evropskog suda za ljudska prava, kada BiH postane članica Vijeca Evrope

- Član 3 ECHR kaže da niko ne treba biti podvrgnut torturi ili nehumanom ili ponižavajucem postupku ili kazni

- Član 6 (pravo na javnu raspravu radi odlučivanja o građanskim pravima i obavezama) primijenjeno je da žrtvi nasilja u porodici obezbijedi pristup sudu radi dobijanja sudskog razdvajanja od njenog napasnog muža [45]

- Član 8 (pravo na poštovanje porodičnog života) može državi nametnuti pozitivnu obavezu da osigura poštovanje privatnog i porodičnog života, što može biti prekršeno, na primjer ukoliko domaci zakoni ne štite od nasilja u kuci [46]

- Član 14 nalaže da se sva prava garantovana ECHR moraju osigurati bez diskriminacije Diskriminacija po polu može biti korištena po ECHR, upotrebom člana 14 u vezi sa kršenjem drugih drugih suštinskih prava garantovanih Konvencijom Nece sve razlike u tretmanu zasnovane na polu činiti diskriminaciju i kršenje čl 14 Test je da li (1) postoji cilj i razumno opravdanje različitog tretmana, i (2) su upotrijebljena sredstva proporcionalna cilju koji se želi ostvariti Ovaj test traži da države članice koje primjenjuju različit tretman, daju prihvatljive razloge za to, kao i da metode koje države koriste moraju imati racionalnu vezu sa datim razlozima Ukoliko se različit tretman ocijeni neopravdanim ili neproporcionalnim, tada se on penje na nivo diskriminacije koja je zabranjena čl 14 [47] Na primjer, u velikoj mjeri, silovanje je krivično djelo određeno po polu Nema pravnog mehanizma pomocu kojeg žena kojoj treba zaštita od nasilnog muža, partnera ili bivšeg muža može dobiti sudski nalog za fizičku zaštitu (kojim se zabranjuje napadaču da priđe žrtvi mimo određene udaljenosti i bilo kakav fizički kontakt s njom), ali su u federalni Krivični zakon, usvojen u augustu 1998 Predviđene krivične sankcije protiv silovanja u braku (RS još nije unijela takve sankcije)

introduced in the Federation Criminal Code, adopted in August 1998 (The RS has yet to include such a sanction)

Violence against women under the ICCPR

As the ICCPR was drafted to cover both women's and men's human rights, many instances of violence against women may also constitute violations of women's civil and political rights under the ICCPR NGOs can look to the following provisions to address these issues

- Article 2 obliges States parties to respect and ensure the rights within the Covenant without distinction of any kind, including sex It also requires States parties to take the necessary steps to amend domestic legislation if it is not in compliance with the ICCPR

- Article 3 requires States parties to "ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant "

- Article 6 (right to life) and Article 7 (right not to be subject to torture or to cruel, inhuman, or degrading treatment) can be argued as prohibiting many instances of violence against women

- With respect to trafficking in women, Article 8's prohibition of slavery, the slave trade, servitude, and forced labor, can be applicable

- With respect to domestic violence, Article 23 provides that the family is entitled to state protection and that States parties are to take appropriate steps "to ensure equality of rights and responsibilities of spouses as to marriage, in marriage, and at its dissolution "

5 Identify obstacles to achieving women's human rights under existing laws

Broadly sketch to the best of your knowledge the laws and regulations that apply to the situations described in your report In many situations, you may want to consider pre-war and war-time laws and regulations Identify any specific institutions or authorities charged with ensuring women's equality in the specific report area and include your understanding of how the national Constitution applies to your described situation(s) Compare the protections afforded by the (a) pre-war laws, (b) laws in effect during the war, and (c) current laws

Identify who needs to be trained or made aware of these laws judges, police, prosecutors, women's advocates, school administrators, teachers, government officials, etc , and show how these laws would apply to the case studies in your report Explain if and how women in these case studies have benefited from the laws at the national and local levels

In reference to the issues or themes you have chosen to focus on, discuss the obstacles that women face in achieving rights protections at the local, national and international level Include obstacles faced in the private sphere – for instance, in the family, in business, in private schools, or in churches Examine the entire range of factors affecting women's lives, including such things as lack of access to education, information, or resources Note *specific* obstacles, such as women having to prosecute violence against them (rather than the state prosecuting such acts), not being able to afford a lawyer, living too far from courts to seek justice under the law Discuss whether existing legislation addresses the situation described in your report (and whether previous legislation did so), and whether actions taken by NGOs (women's groups, direct service providers, trade unions, etc) to address the situation are effective

Nasilje nad ženama prema ICCPR

Kako je ICCPR formulisan da obuhvati i ženska i muška ljudska prava, mnogi slučajevi nasilja nad ženama mogu biti i kršenje ženskih građanskih i političkih prava prema ovom dokumentu NVO mogu razmotriti sljedece odredbe u bavljenju ovim pitanjima

- Član 2 obavezuje države ugovornice da poštuju i osiguraju prava u okviru Pakta bez razlike bilo kakve vrste, uključujuci i pol On također zahtijeva od država ugovornica da preduzmu neophodne korake radi izmjene domaceg zakona ukoliko nije u skladu sa ICCPR

- Član 3 zahtijeva od država ugovonica da "osiguraju jednaka prava muškarcima i ženama u uživanju svih građanskih i političkih prava utvrđenih u ovom Paktu "

- Član 6 (pravo na život) i član 7 (pravo da se ne bude podvrgnut torturi ili okrutnom, nehumanom ili ponižavajucem tretmanu) mogu se koristiti kao članovi koji zabranjuju mnoge slučajeve nasilja nad ženama

- U pogledu trgovine ženama, može se primijeniti zabrana ropstva, trgovine robljem, potčinjenosti ili prisilnog rada iz člana 8

- U pogledu nasilja u porodici, član 23 predviđa da porodica ima pravo na državnu zaštitu i da države ugovornice moraju preduzeti odgovarajuce korake "da osiguraju jednakost prava i odgovornosti supružnika na brak, u braku ili nakon njegovog prestanka "

5 Identifikujte prepreke u ostvarivanju ženskih ljudskih prava prema važecim zakonima

Široko skicirajte, što najbolje znate, zakone i propise koji se primjenjuju na situacije opisane u vašem izvještaju U mnogim situacijama, možda cete željeti uzeti u obzir predratne i ratne zakone i propise Identifikujte svaku specifičnu instituciju ili organ vlasti koji ima obavezu osigurati jednakost žena u određenim oblastima obuhvacenim izvještajem i dajte vaše shvatanje kako se domaci Ustav primjenjuje na situacije koje ste opisali Uporedite zaštitu koju su pružali (a) predratni zakoni, (b) zakoni koji su bili na snazi u vrijeme rata, i (c) važeci zakoni

Identifikujte ko treba biti obučen ili kome se trebaju staviti na znanje ovi zakoni sudije, policija, tužioci, advokati, upravitelji škola, nastavnici, državni službenici itd , i pokažite kako bi se ovi zakoni primijenili na analizu predmeta iz vašeg izvještaja Objasnite da li i kako žene u tim analizama predmeta imaju koristi od zakona na državnom i lokalnom nivou

U vezi sa pitanjima ili temama koje ste izabrali kao fokus izvještaja, raspravite prepreke s kojima se žene susrecu u postizanju zaštite prava na lokalnom, državnom i međunarodnom nivou Uključite i prepreke s kojima se suočavaju u privatnoj sferi - na primjer, u porodici, na poslu, u privatnim školama ili u crkvama Ispitajte cijeli lanac faktora koji mogu imaju negativnog uticajana život žena, uključujuci i stvari poput nemogucnosti pristupa školovanju, informacijama ili sredstvima Zapazite specifične prepreke, kao što su da žene moraju preduzeti krivično gonjenje radi nasilja nad njima (umjesto da država goni za ta djela), nemogucnost da angažuju advokata, da žive predaleko od suda da bi tražile zaštitu po zakonu Prodiskutujte da li se postojeci zakoni bave situacijama opisanim u vašem izvještaju (i da li su se ranji zakoni time bavili), kao i da li su aktivnosti NVO (ženskih grupa, direktnih davalaca usluga, sindikata itd) u tom pravcu djelotvorne

Also detail the ways that social attitudes, cultural expectations, media representations, and things such as usual business practices can be discriminatory For example, do employers think they must get the husband's permission to hire a married woman? Do lawyers, prosecutors, police and/or judges actively or passively attempt to encourage a woman to reconcile with her husband rather than prosecute domestic violence, or communicate directly or indirectly that she is responsible for being raped, beaten or physically threatened? Do medical professionals think women's nutrition or health are less important than men's?

Further, identify how women's inability to enjoy equality in the area you are reporting on affects their ability to enjoy other rights in other areas, or places them at risk of other rights violations For example, look at the way the lack of education affects women's employment choices and economic status, among other things

6 Identify steps to be taken to achieve women's equality

Identify what steps should be taken by the government and by private actors (with state support *or* government non-interference) to address the obstacles to achieving women's equality and to redress the situation presented in your report Include not only legislative action, but also education and public awareness campaigns, funding of programs, and other types of affirmative steps For example, if your issue or theme is domestic violence, you might recommend police training programs and the involvement of community groups in that training Also identify some key criteria ("indicators") for holding the government accountable and explain how you would want to measure their success over time (for example, by non-governmental review boards, by international NGO and/or inter-governmental assessment, by treaty review bodies like the CEDAW Committee and the Human Rights Committee)

Draft five (or more) specific actions to be taken by your government that will address the obstacles identified Recommendations establish benchmarks of governments' commitment to, and progress toward, ending violations They should be concrete and linked to a timeline For example, "government should improve services for displaced and refugee women," would not be concrete A better way to formulate this might be "government should (i) collect accurate data on the needs of displaced and refugee women in (a specific region), (ii) coordinate with local groups on an assessment of needs, (iii) review current laws to ensure that they address the needs of refugee women (in the specific region), (iv) train relevant personnel to ensure that policies and laws are implemented fairly, (v) provide grants to groups that provide services to displaced and refugee women without discrimination " Other useful examples may be found in the CEDAW General Recommendations General Recommendation No 13, for example, entitled "Equal remuneration for work of equal value," recommended that States parties "should consider the study, development and adoption of job evaluation systems based on gender-neutral criteria that would facilitate the comparison of the value of those jobs of a different nature, which women presently predominate, with those jobs in which men presently predominate "[48]

In addition to CEDAW, among other useful sources for criteria to be applied to government accountability, NGOs should look to the Beijing Platform for Action, the Cairo Declaration from the World Summit on Population and Development (June 1994), the Copenhagen Program for Action from the World Summit on Social Development (March 1995), the Commission on Human Rights, post-Beijing follow-up including the Optional Protocol to the Women's Convention, and Recommendations of the Special Rapporteur on Violence Against Women (among other Rapporteurs) Some of these might be incorporated into the National Report

Takođe detaljno razmotrite na koje načine društvena ponašanja, kulturna očekivanja, medijska zastupljenost i stvari kao što su redovna poslovna praksa mogu biti diskriminatorski Na primjer, da li poslodavci misle da moraju dobiti dozvolu muža da bi zaposlili udatu ženu? Da li advokati, tužioci, policija i/ili sudije aktivno ili pasivno pokušavaju ohrabriti ženu da se pomiri s mužem, umjesto da krivično gone za nasilje u porodici, ili da li joj direktno ili indirektno stavljaju do znanja da je ona odgovorna zato što je silovana, pretučena ili joj je fizički prijeceno? Da li medicinari misle da je ženska ishrana ili zdravlje manje važno od muške?

Dalje, identifikujte kako nemogucnost žena da užívaju jednakost u oblastima o kojima izvještavate utiče na njihovu mogucnost da užívaju u pravima u drugim oblastima ili ih vodi u rizik od drugih kršenja prava Na primjer, pogledajte na koji način nedostatak obrazovanja štetno utiče na ženski izbor zapošljavanja i ekonomski status između ostalog

6 Identifikujte korake koje treba preduzetida se postigne jednakost žena

Identifikujte koje bi korake trebalo preduzeti od strane vlasti ili pojedinaca (uz državnu podršku *ili* bez miješanja vlasti) da bi se pozabavilo preprekama u postizanju jednakosti žena i da bi se doskočilo situacijama prezentiranim u vašem izvještaju Uključite ne samo zakonodavne akcije, vec i obrazovanje i kampanje podizanja javne svijesti, finansiranje programa i druge vrste pozitivnih koraka Na primjer, ako je vaše pitanje ili tema nasilje u porodici, mogli biste preporučiti program obuke za policiju i uključivanje predstavnika lokalnih zajednica u tu obuku Identifikujte i neke kriterije ("indkatore") za pozivanje vlasti na odgovornost i objasnite kako biste željeli mjeriti njihov uspjeh tokom vremena (na primjer, putem nevladinih odbora za reviziju, putem međunarodnih NVO i/ili analizom od strane međuvladinih organizacija, putem revizijskih organa iz međunarodnih dokumenata kao đto je CEDAW i Komitet za ljudska prava)

Napišite pet (ili više) specifičnih aktivnosti koje bi morala preduzeti vaša vlada, a koje ce se baviti preprekama koje ste identifikovale Preporuke su zaštitni znak obaveza i napretka vlasti u zaustavljanju kršenja One trebaju biti konkretne i povezane sa rokovima Na primjer, "vlada mora poboljšati usluge raseljenim ženama i izbjeglicama", ne bi bilo konkretno Bolji način da se ovo formuliše može biti "vlada treba da (i) prikupi tačne podatke o potrebama raseljenih žena i izbjeglica u (određenom području), (ii) kordinira sa lokalnim grupama analizu tih potreba, (iii) razmotri važece zakone i osigura da se oni bave potrebama žena izbjeglica u (određenom području), (iv) obuči relevantno osoblje da bi se osiguralo da se djelatnost u vezi s upravljanjem državom i zakoni provode pravično, (v) pruži finansijsku pomoc grupama koje pružaju usluge raseljenim ženama i izbjeglicama bez diskriminacije " Drugi korisni primjeri mogu se naci u Opcim preporukama koje je dao CEDAW Opca preporuka br 13, npr , naslov koje je "Jednake naknade za rad jednake vrijednosti" preporučila je državama ugovornicama da trebaju "razmotriti proučavanje, razvijanje i usvajanje sistema procjene rada koji ce biti zasnovani na polno neutralnim kriterijima koji bi pomogli uporedbi vrijednosti poslova različite prirode, u kojim preovlađuju žene, sa poslovima u kojima trenutno preovlađuju muškarci "[48]

Pored CEDAW, druge izvore kriterija koje treba primijeniti za pozivanje države na odgovornost, NVO mogu naci u Pekinškoj platformi za akciju, Kairska deklaracija sa svjetskog samita o stanovništvu i razvoju (Juni 1994), Kopenhagenski program za akciju sa svjetskog samita o socijalnom razvoju (Mart 1995), Komisiji za ljudska prava, post-pekinškom nastavku uključujuci i Alternativni protokol uz Žensku konvenciju i Preporukama Specijalnog izvještača za nasilje nad ženama (pored ostalih izvještača) Neki od ovih mogu biti inkorporisani u nacionalni izvještaj

7 Information checklist

Check to make sure that the national report contains the following features

- ✓ national and constitutional laws (past and present) relevant to the report,
- ✓ articles of the Women's Convention and the ECHR relevant to the report,
- ✓ relevant articles of other international human rights treaties (e g , ICCPR, ICESCR, CERD, the Children's Convention),
- ✓ indicators such as statistical data and case studies,
- ✓ key actors identified – those State and non-State actors responsible for implementing (or failing to implement) the laws and/or responsible for violating women's human rights,
- ✓ supporting documentation for allegations of human rights violations,
- ✓ recommendations and strategies for change,
- ✓ information about the organizations which prepared the report

7 Lista za provjeru informacija

Provjerite da bi bili sigurni da nacionalni izvještaj sadrži sljedece

- ✓ domace zakone i ustave (ranije i važece) koji su značajni za izvještaj,
- ✓ članove Ženske konvencije i ECHR koji su značajni za izvještaj,
- ✓ relevantne članove drugih međunarodnih ugovora o ljudskim pravima (npr ICCPR, ICESCR, CERD, Dječja konvencija),
- ✓ indikatore kao što su statistički podaci i analiza predmeta,
- ✓ identifikaciju ključnih aktera - državne i nedržavne aktere odgovorne za primjenu (ili propuštanje primjene) zakona i/ili odgovorne za kršenje ženskih ljudskih prava,
- ✓ dokaznu dokumentaciju za navode o kršenjima ljudskih prava,
- ✓ preporuke i strategiju izmjena,
- ✓ informacije o organizacijama koje su pripremile izvještaj

IV RELEASING THE NATIONAL REPORT

Advocacy with government officials

The main objective of the National Report is to confront the governments of BiH, the Federation, and Republika Srpska with an evaluation of the protections of women's rights in law and practice based on international human rights standards The planned strategy for presenting this assessment to government officials is as important as the process of preparing the report itself For example, NGOs will want to decide whether to release the report at a public press conference to which government officials are invited, to present the report first to officials and then hold a media event, or to time the release for a national or international conference at which government officials will be present

The strategy must also resolve the composition of the delegation to do the actual lobbying Who should be among the representatives of the preparatory group to present the actual report? Should the group be limited in number or include everyone who worked on the report? To which government officials/ ministries should the report be first presented? Should the strategy involve presenting the finished report simultaneously in several different locations, or at one central and initial presentation? The advocacy campaign might then consist of several days of meetings around the country with a variety of officials at all levels of government

A further consideration is what to request of government officials Is an official response to be requested or even desired? Are there specific, concrete results which might be immediately forthcoming, either in terms of legislation or policy?

Releasing the National Report to the public

In addition to the main objective of the National Report as a lobbying tool for domestic legislation or policy reform, other targeted uses for the Report include

- as part of a domestic media and public education campaign,
- as a contribution to political platforms,
- as a subject for dialogue with political candidates or government representatives,
- as an alternative or shadow report to parallel and analyze official government reports to UN committees and special rapporteurs monitoring implementation of international human rights treaties,
- as a tool in lobbying for (or against) UN and other international programs/ donor aid,
- as a resource for clarifying NGO priorities for rights enforcement and social change in general

Among the strategies to consider in releasing the Report is the timing – how and where it should be released to maximize its exposure One consideration might be if there are any national, regional, or international conferences or meetings (attended by government and/or NGO representatives) at which the report could be presented Also, NGOs should investigate what networks or sources can be tapped for publication and distribution of the report There is also the question of who should receive the

IV OBJAVLJIVANJE NACIONALNOG IZVJEŠTAJA

Zagovaranje kod državnih zvaničnika

Glavni cilj Nacionalnog izvještaja je da suoči vlasti BiH, Federacije i Republike Srpske sa procjenom zaštite ženskih ljudskih prava u zakonu i praksi, koja je zasnovana na standardima međunarodnih ljudskih prava Planirana strategija prezentiranja te procjene državnim zvaničnicima je važnan proces kao i proces pripremanja samog izvještaja Na primjer, NVO ce odlučiti hoce li prezentirati izvještaj na javnoj press konferenciji na koju ce pozvati zvaničnike, ili, hoce li prezentirati izvještaj prvo zvaničnicima, a nakon toga medijima, ili uskladiti objavljivanje sa domacom ili međunarodnom konferencijom na kojoj ce prisustvovati zvaničnici

Strategija mora razriješiti i pitanje sastava delegacije koja ce lobirati Ko treba biti među predstvanicima grupa koje su pripremale izvještaj radi njegove prezentacije? Da il bi grupa trebala biti brojno ograničena ili bi trebala uključiti sve one koji su radili na izvještaju? Kojim vladinim zvaničnicima/ministarstvima izvještaj prvo treba biti prezentiran? Da li bi strategija trebala uključiti prezentiranje gotovog izvještaja simultano na nekoliko različitih lokacija, ili na jednoj centralnoj, inicijalnoj prezentaciji? Kampanja zagovaranja se može u tom slučaju sastojati od nekoliko dana sastanaka širom zemlje sa različitim zvaničnicima na svim nivoima vlasti

Dalje treba razmisliti šta ce se tražiti od vladinih zvaničnika Da li je zvanični odgovor nešto što bi trebalo zahtijevati ili možda priželjkivati? Postoje li posebni, konkretni rezultati koji su na pomolu bilo u zakonodavstvu ili praksi?

Objavljivanje nacionalnog izvještaja u javnosti

Pored glavnog cilja Nacionalnog izvještaja, a to je da posluži kao sredstvo lobiranja za reformu domaceg zakona ili prakse, izvještaj se može upotrijebiti i

- kao dio domace medijske i kampanje javne edukacije,
- kao doprinos političkim platformama,
- kao tema dijaloga sa političkim kandidatima i predstavnicima vlasti,
- kao alternativni ili izvještaj u sjeni koji je paralelan i analizira zvanične izvještaje koje podnosi vlada komitetima UN i specijalnim izvještačima koji nadgledaju primjenu međunarodnih ugovora o ljudskim pravima,
- kao sredstvo za lobiranje za (ili protiv) UN i druge međunarodne programe/donatorske pomoci,
- kao sredstvo pojašnjavanja prioriteta NVO u provođenju prava i društvenim promjenama uopce

report first – the government, the press and the public, or specific individuals, organizations or agencies

Sending the National Report to UN bodies and agencies

As discussed above, any report which collects and analyzes gender disaggregated data for BiH will likely be well received by agencies concerned with women's rights A report distribution list should be compiled to include such offices as the Office of the Special Rapporteur on Bosnia and Herzegovina, Office of the High Commissioner for Human Rights, UNHCR, UN Division for the Advancement of Women, UNIFEM, CEDAW, the Special Rapporteur on Violence Against Women, among others

Following up on the National Report

As part of the strategy, NGOs will want to consider possible follow-up activities once the Report has been prepared, submitted and released to the public Will the government make an official statement to the public? Do you want to make a calendar to monitor the government's progress? Should you plan a forum or round-table with the government in various locations about the data and recommendations? Is there a way to involve NGOs and other actors in civil society in a public evaluation or discussion? These are just some of the questions to consider when devising your overall strategy, bearing in mind that one of the advantages of preparing a National Report is that it can be used for a wide variety of purposes over an extended period of time

Međustrategijama o kojima treba razmisliti kod objavljivanja izvještaja su i rokovi - kako i kada bi trebao biti objavljen kako bi se maksimalno iskoristio Jedan od prijedloga može biti da izvještaj može biti prezentiran na nekoj državnoj, regionalnoj ili međunarodnoj konferenciji ili sastanku (kojima prisustvuju predstavnici vlasti i/ili NVO) NVO trebaju, također, istražiti mreže izvora koji se mogu iskoristiti za publikaciju i distribuciju izvještaja Tu je i pitanje ko bi trebao dobiti izvještaj prvi - vlada, mediji i javnost, ili posebni pojedinci, organizacije ili agencije

Slanje nacionalnog izvještaja tijelima i agencijama UN

Kao što je gore rečeno, svaki izvještaj koji prikuplja i analizira podatke rarščlanjene po polu u BiH bit ce vjerovatno dobro primljen od strane agencija koje se bavi ženskim ljudskim pravima Trebalo bi sastaviti distribucionu listu koja bi uključila, između ostalih, i urede kao što su Ured specijalnog izvještača za Bosnu i Hercegovinu, Ured Visokog komesara za ljudska prava, UNHCR, Odjeljenje UN za napredak žena, UNIFEM, CEDAW, Specijalnog izvještača za nasilje nad ženama

Naredne aktivnosti u vezi sa izvještajem

Kao dio strategije, NVO trebaju razmotriti moguce naredne aktivnosti nakon što izvještaj bude pripremljen, podnesen i objavljen u javnosti Da li ce vlasti dati zvaničnu izjavu javnosti? Da li želite napraviti raspored radi nadlgedana napretka vlasti? Da li biste trebali planirati forum ili okrugli sto sa vlastima na različitim lokacijama radi razgovaranja o podacima i preporukama? Postoji li način da se u javno ocjenjivanje ili raspravu uključe NVO i drugi akteri u građanskom društvu? Ovo su samo neka pitanja za razmatranje prilikom pronalaženja sveukupne strategije, imajuci na umu da je jedna od prednosti izrade nacionalnog izvještaja da on može biti korišten za brojne i različite svrhe kroz duži period

V CONCEPT OF GENDER-SPECIFIC ANALYSIS AND REPORTING[49]

The concept of gender-specific reporting and analysis entails an examination of the effects of gender on

- the form which a human rights violation takes,
- the circumstances in which a violation occurs,
- the consequences of that violation for the victim,
- and the availability and accessibility of remedies

The term "gender" refers to the socially constructed roles of women and men in public and private life Gender is thus distinct from "sex," which is biologically determined Gender denotes the significance attached within societies to sex identity Historically, women's gender roles have been accorded less political, economic, social and cultural value than those of men To varying degrees in all societies, discrimination against women is systemic and reflected in the structure and functioning of public institutions, *de jure* and *de facto* family relations, access to economic resources and legal systems Women's ability to exercise and enjoy their human rights is shaped not only by gender, but also by such factors as race, class, ethnicity or other characteristics, as well as the general factors affecting the human rights situation in a particular context For example, the continued growth in the feminization of poverty both reflects and reinforces systemic gender discrimination Social and economic class status, racial or ethnic identity, and macro-economic policies simultaneously act as determinants of poverty among women

The integration of a gender perspective includes not only a determination of whether women are specifically targeted for particular abuses on the basis of their gender, but also an examination of how gender affects **the forms of violations** to which women and men are subjected, the consequences of those abuses, the circumstances in which abuses occur, and the availability and accessibility of remedies National law may include provisions that directly breach rights as well as provisions that indirectly impair women's ability to exercise those rights Analysis of the systemic nature of gender discrimination is necessary to identify the latter type of provisions

Statistics regarding the status of women are critical to an understanding of gender discrimination and the ability to elicit appropriate remedies When data is aggregated, significant disparities in the realization of rights between men and women are hidden [50] For example, according to International Labour Organization statistics, in 1990, 52 percent of all adults worldwide (fifteen years of age and older) were economically active However, disaggregating this data shows that, while 67% of the males were gainfully employed, only 36% of women held jobs that paid a wage [51] The Committee on the Elimination of Discrimination Against Women (CEDAW) has noted that "statistical information is absolutely necessary in order to understand the real situation of women in each of the States parties to the Convention "[52] In making practical its concern, CEDAW adopted General Recommendation No 9, which calls on States parties to maintain gender disaggregated data [53]

The **circumstances in which violations occur** may also be gender specific For example, in many countries, women are the majority of workers in non-standard work, such as temporary, casual, multiple part-time, contract and home-based employment [54] In these contexts, they typically lack the protection of labor laws and health and safety regulations from which men in standard work are able to benefit While Bosnian women have historically had access to the workplace and been basically

V KONCEPT IZVJEŠTAVANJA I ANALIZE ODREĐENIH PO POLU [49]

Koncept izvještavanja i analize određenih po polu vuče za sobom ispitivanje efekata pola na

- oblik kršenja ljudskih prava,
- okolnosti u kojima se kršenja događaju,
- posljedice koje ta kršenja imaju na žrtve,
- i raspoloživost i pristupačnost pravnih lijekova

Izraz "pol" ("gender") odnosi se na socijalno konstruisanu ulogu žena i muškaraca u javnom i privatnom životu Stoga je taj izraz različit od "pola" ("sex") koji je biološki određen Pol označava značaj koji je unutar društva dat biološkom određenju pola Historijski, ulozi ženskog pola data je manja politička, ekonomska, socijalna i kulturna vrijednost nego ulozi muškog pola U različitim stepenima, u svim društvima, diskriminacija žena je sistematska i odražava se u strukturi i funkcionisanju javnih institucija, *de jure* i *de facto* porodičnim odnosima, pristupu ekonomskim sredstvima i pravnom sistemu Mogucnost žena da vrše i užívaju u njihovim ljudskim pravima, oblikovana je ne samo polom, vec i faktorima kao što su rasa, stalež, etnicitet ili druge karakteristike, kao i opcim faktorima koji utiču na stanje ljudskih prava u posebnom kontekstu Na primjer, stalni rast feminizacije siromaštva odražava i pojačava sistematsku diskriminaciju po polu Socijalni i ekonomski status, rasni ili etnički identitet i makroekonomska politika, simultano djeluju kao odrednice siromaštva među ženama

Integracija perspektive polova obuhvata ne samo određivanje da li su žene posebni ciljevi određenih zloupotreba na osnovu pola, vec i ispitivanje kako pol utiče na **oblike nasilja** kojima su žene i muškarci izloženi, posljedica tih zloupotreba, okolnosti pod kojima se dešavaju, kao i raspoloživosti i pristupačnosti pravnih lijekova Domaci zakon može sadržati odredbe koje direktno krše prava kao i odredbe koje indirektno štete mogucnostima žena da ta prava vrše Analiza sistemske prirode diskriminacije po polu je neophodna radi identifikacije ove druge vrste odredaba

Statistike koje se tiču statusa žena ključne su za razumijevanje polne diskriminacije i mogucnosti iznalaženja odgovarajucih pravnih sredstava Kada su podaci udruženi, onda su skrivene značajne razlike u realizaciji prava između muškaraca i žena [50] Na primjer, prema statistikama Međunarodne organizacije rada iz 1990 , 52% odraslih širom svijeta (15 godina starosti i više) bili su ekonomski aktivni Ipak, raščlanjivanjem ovih podataka pokazuje se da je samo 36% žena imalo zaposlenje za koje se dobija naknada, dok je 67% muškaraca bilo zaposleno uz placu [51] Komitet za eliminaciju diskriminacije žena (CEDAW) zabilježio je da su "statističke informacije apsolutno neophodne da bi se razumjela stvarna situacija žena u svakoj pojedinačnoj državi ugovornici Konvencije [52] Da bi zabrinutost i praktično izrazio, Komitet je usvojio Opcu preporuku br 9, kojom poziva sve države da vode podatke raščlanjene po polu [53]

Okolnosti u kojima se kršenja događaju mogu također biti određene po polu Na primjer, u mnogim zemljama žene čine vecinu radnika na nestandardnim poslovima, kao što su privremeni, povremeni, višekratno ograničeni u radnom vremenu, ugovorni i poslovi koji se obavljaju kod kuce [54] U tim okolnostima one, tipično, ne užívaju zaštitu zakona o radu kao ni zdravstvenih i

protected there under the law, labor laws in both entities contain no express prohibitions against discrimination, and women are legally excluded from certain jobs and shifts In practice, Bosnian women receive virtually none of the rights of the progressive maternity benefits, because employers successfully argue that they cannot afford to pay The government – and most of the public –generally accept this as legitimate, without thought to alternative payment options (the same is true with respect to pensions, which may effect women disproportionately because of preferences given to demobilized soldiers, and documentation problems for widows and abandoned spouses)

The home is the site of various forms of gender-specific violence Domestic violence is understood to be widespread in post-war BiH, compounded in many cases by alcohol consumption by men [55] Preventive and remedial measures should be tailored to the specific circumstances in which violations occur, including any social barriers that must be overcome

The **consequences of violations** may also be gender-specific in nature For example, while both men and women are raped in conflict situations and in detention, only women become pregnant as a result In many circumstances, and in particular in the Bosnian experience, rape is an example of a violation directed specifically against women Women who have been raped may also sustain harms not experienced by men For example, in societies where marriage is the only effective means of ensuring women's access to economic resources and securing social acceptance, women who are deemed unfit for marriage as a result of rape will face severe economic and social obstacles to their livelihood Evidence indicates that women are targeted for rape in many situations of armed conflict and political insecurity and that women in detention are frequently raped by police or security officials

Women face a number of gender-specific barriers in **access to remedies**, such as

- levels of general literacy and legal literacy lower than those of men,
- lack of legal capacity to initiate legal action,
- community pressures to refrain from reporting or seeking redress, and
- government failure to protect against reprisals in cases involving sexual assault or violence in the family

National law may fail to provide women adequate remedies even for such violations as the denial of equality before the law or gender discrimination in employment Where adequate remedies do exist, *de facto* discrimination frequently deters or obstructs women's recourse to those remedies, which is often the case where women attempt to prosecute domestic violence and rape National officials involved in the administration of justice often lack the training necessary to carry out their duties with the necessary attention to the nature of gender-specific human rights violations

Gender-specific analysis is necessary in order to **identify the international and national legal norms** relevant to a human rights situation or to allegations concerning a particular violation For example, restrictions on access to information concerning reproductive health implicate the right to freedom of expression and information and the equal right of women and men to determine the number and spacing of their children Analysis of the consequences of such restrictions for women points to additional relevant rights, including, *inter alia*

- Women's right to the highest attainable standard of physical and mental health, which may be denied by illness or injury associated with lack of information concerning reproductive health, or other exceptional circumstances, such as war,

- their right to life, which may be denied by maternal mortality or the use of unsafe reproductive technologies associated with lack of information concerning reproductive health,

sigurnosnih propisa od kojih muškarci koji su zaposleni na standardnim poslovima imaju koristi Dok su bosanske žene historijski imale pristup poslovima i uglavnom su bile zaštićene zakonom, zakoni o radu u oba entiteta ne sadrže izričitu zabranu diskriminacije, i pravno isključuju žene iz nekih poslova i smjena Praktično, bosanske žene nemaju doslovno ni jedno pravo iz progresivnih naknada za porodiljsko odsustvo, zato što poslodavci sa uspjehom iznose da si ne mogu priuštiti plaćanje Vlast - i najveći dio javnosti - općenito prihvataju ovo kao legitimno, ne razmišljajući o alternativnim opcijama plaćanja (isto važi i za penzije, što može imati disproporcionalan uticaj na žene radi davanja prioriteta demobilisanim borcima, i problema sa dokumentacijom za udovice i napuštene supružnike)

Dom je mjesto gdje se događaju brojna kršenja prava određena po polu Smatra se da je nasilje u porodici rasprostranjeno u post-ratnoj BiH, praćeno u mnogim slučajevima konzumiranjem alkohola od strane muškaraca [55] Preventivne i mjere pomoći trebaju biti skrojene prema specifičnim okolnostima u kojima se kršenja događaju, uključujući sve društvene barijere koje treba prevazići

Posljedice kršenja mogu u stvarnosti također biti određene po polu Na primjer, dok i muškarci i žene bivaju silovani u vrijeme konflikta i u pritvoru, trudnoća je rezultat samo kod žena U mnogim situacijama, a naročito u bosanskom iskustvu, silovanje je primjer kršenja usmjerenog direktno protiv žena Žene koje su silovane mogu također trpjeti teškoće koje muškarci ne mogu Na primjer, u društvima u kojima je brak jedini efektivan način obezbjeđenja pristupa žena ekonomskih sredstvima i osiguranja društvene prihvatljivosti, žene koje se ne smatraju prihvatljivim za brak kao rezultat silovanja, suočene su sa okrutnim ekonomskim i društvenim preprekama u životu Dokazi upućuju da su žene mete silovanja u mnogim situacijama oružanih sukoba i političke nestabilnosti kao i da su žene u pritvoru češće silovane od strane policije ili službenika sigurnosti

Žene su suočene sa brojnim barijerama, određenim po polu **u pristupu pravnim sredstvima**, kao što su

- nivo opće pismenosti i poznavanja prava niži je kod žena nego kod muškaraca,
- nedostatak pravne sposobnosti radi pokretanja pravnog postupka,
- pritisci zajednice da se uzdrže od prijavljivanja ili traženja zaštite, i
- propust vlasti da ih zaštiti od represije u slučajevima seksualnog napada ili nasilja u porodici

Domaći zakon može propustiti da pruži ženama adekvatna pravna sredstva čak i za takva kršenja kao što su uskraćivanje jednakosti pred zakonom ili polna diskriminacija u zapošljavanju Tamo gdje postoje odgovarajuća sredstva zaštite, *de facto* diskriminacija odvraća ili ometa žene u korištenju tih sredstava, što je često slučaj tamo gdje žene pokušaju krivično gonjenje zbog nasilja u porodici ili silovanja Zvaničnici koji su uključeni u pravosudni sistem često nisu obučeni za vršenje svog posla sa neophodnom pažnjom na prirodu kršenja ljudskih prava određenih po polu

Analiza određena po polu je neophodna da bi se **identifikovale međunarodne i domaće norme** relevantne za stanje ljudskih prava ili za navode koji se tiču naročitih kršenja Na primjer, restrikcije u pristupu informacijama koje se tiču reproduktivnog zdravlja obuhvataju i pravo na slobodu izražavanja i informisana i jednako pravo žena i muškaraca da odlučuju o broju djece i vremenskom razmaku između njih Analiza posljedica takvih restrikcija za žene ukazuje na druga relevantna prava, uključujući, *inter alia*

- their right to equality in marriage, which may be impaired when women lack the reproductive health information which would support decision-making free from discrimination, coercion and violence, and[56]

- various rights of girls under the Convention on the Rights of the Child, which may be impaired if, as adolescents, they undergo childbirth or suffer physical or mental health problems associated with the lack of information concerning reproductive health

Reproductive health care is often not a priority among medical relief agencies during conflict situations, and this was certainly true in Bosnia [57] Before the war, cervical smears were regularly conducted But, the World Health Organization, among others, notes that given the lack of regular access to services, cervical cancer is now a significant problem [58] Furthermore, Federation statistics (1996) relate overall poor health to increases in maternal mortality and a 25-30% infant mortality rate While abortion was common before the war, the number of abortions during the war reportedly doubled – estimates indicate three or four abortions per delivery, often, inappropriate equipment or supervision resulted in serious complications [59]

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Finally, **recommendations** establish benchmarks of governments' commitment to, and progress toward, ending violations Recommendations concerning legal, administrative or other initiatives that would guard against and redress abuses of women's human rights are therefore indispensable [60] Recommendations concerning preventive measures should address the specific risks women face as a consequence of their subordinate status in society For example, measures providing for the return of refugees should take into account risks of sexual assault which women face, as well as such obstacles as discrimination in employment (on dual bases gender and refugee status) Measures for HIV/AIDS prevention and protection should take into account restrictions on women's rights and ability to negotiate safe sex in relations with their husbands and other sexual partners Gender-specific analysis is particularly important in evaluating and recommending national remedies Recommendations concerning remedial measures should take into account the barriers women face in seeking to report and obtain redress for violations

The integration of gender-specific information and analysis thus encompasses consideration of the relationship between gender and

- the nature, consequences, and circumstances of human rights violations,
- the availability and accessibility of remedies for violations, and
- the *de jure* and *de facto* realization of women's human rights

Women's human rights must be an integral part of ongoing reporting, not merely a selective focus in a single report Women constitute half of humanity The general prohibition of discrimination on the basis of sex applies to all human rights which are the subject of reporting

Developing a comprehensive analytical framework[61]

A number of steps can be suggested to contribute to a comprehensive analytical framework which will enhance the credibility of the data collected, present the material in terms of the accountability and legal obligations of a State to its people, and thus better protect women against violations of their human rights [62]

(1) Terminology should characterize gender-specific abuses as accurately as possible

- Prava žena na najveći standard koji se može dostići u fizičkom i mentalnom zdravlju, koji može biti uskraćen bolešću ili povredom povezanom sa nedostatkom informacija koje se tiču reproduktivnog zdravlja ili drugim izuzetnim okolnostima, kao što je rat,

- njihovo pravo na život, koje može biti uskraćeno porodiljskim mortalitetom ili korištenjem nesigurnih reproduktivnih tehnologija povezanih sa nedostatkom informacija koje se tiču reproduktivnog zdravlja,

- njihovim pravom na jednakost u braku, koje može biti ugroženo kada ženama nedostaju informacije o reproduktivnom zdravlju koje bi mogle omogućiti donošenje odluke bez diskriminacije, prisile i nasilja, i[56]

- različita prava djevojčica po Konvenciji o pravima djeteta, moja mogu biti ugrožena ako, kao adolescenti, postanu majke ili trpe fizičke i mentalne zdravstvene probleme koji su povezani sa nedostatkom informacija koje se tiču reproduktivnog zdravlja

Briga za reproduktivno zdravlje obično nije među prioritetima agencija za zdravstvenu pomoc tokom konfliktnih situacija, a to je tako bilo sigurno i u Bosni [57] Prije rata, cervikalni razmazi su redovno rađeni Ali, Svjetska zdravstvena organizacija, između ostalih, bilježi da je zbog nedostatka redovnog pristupa službama, cervikalni rak sada značajan problem [58] Dalje, federalne statistike (1996) povezuju sveukupno slabo zdravlje sa povecanjem porodiljskog mortaliteta i 25-30% mortaliteta djece Dok je abortus bio uobičajen prije rata, broj abortusa tokom rata je, po izvještajima, bio udvostručen - procjene ukazuju na tri do četiri abortusa na jedno rođenje, često je neodgovarajuca oprema ili nadzor rezultiralo ozbiljnim komplikacijama [59]

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Na kraju, **preporuke** ustanovljavaju zaštitni znak za obavezu vlasti da idu naprijed i zaustave kršenja Preporuke koje se tiču pravih, upravnih ili drugih inicijativa koje bi čuvale od kršenja i pomoc kod kršenja ženskih ljudskih prava, prijeko su potrebne [60] Preporuke koje se tiču preventivnih mjera trebaju se baviti specifičnim rizicima s kojima se žene suočavaju kao posljedicom njihovog podređenog položaja u društvu Na primjer, mjere koje obezbjeđuju povratak izbjeglica trebaju uzeti u obzir rizike seksualnog napada s kojim se žene suočavaju kao i prepreke kao što je diskriminacija u zapošljavanju (na dvojnoj osnovi polni i status izbjeglice) Mjere za prevenciju i zaštitu od HIV/SIDE trebaju uzeti u obzir restrikcije ženskih prava i mogucnost da se dogovori siguran seks u vezama sa muževima i drugim seksualnim partnerima Analiza određena po polu, naročito je važna u ocjenjivanju i preporučivanju domacih pravnih sredstava Preporuke koje se tiču tih sredstava trebaju uzeti u obzir barijere s kojima se žene suočavaju u prijavljivanju i dobijanju pomoci zbog nasilja

Integracija ilnformacija određenih po polu i analiza, stoga, uključuju razmatranje veze među polovima i

- prirodu, posljedice i okolnosti kršenja ljudskih prava,
- raspoloživost i pristupačnost pravnih sredstava protiv tih kršenja, i
- de jure i de facto realizaciju ženskih ljudskih prava

Ženska ljudska prava moraju biti integralni dio stalnog izvještavanja, a ne samo selektivni fokus u jednom izvještaju Žene čine polovinu čovječanstva Opca zabrana diskriminacije je osnova da se pitanja pola primijene na sva ljudska prava o kojima treba izvještavati

Women are routinely designated as a "vulnerable group" in reports, a characterization which suggests that women are inherently vulnerable to human rights violations by virtue of their biological sex Such a designation obscures the fact that women's vulnerability to abuses is socially determined and a consequence of systemic gender discrimination Women frequently have been referred to as a vulnerable group in the context of armed conflict, population displacement, and economic conditions restricting access to food, medical care and shelter In each of these contexts, women's "vulnerability" is the consequence of their subordinate status Rather than characterizing women as a "vulnerable group," reports should explore the factors which contribute to the likelihood of human rights violations against women, and the nature and consequences of those violations

(2) Examine the intersection of gender and other factors, including race, ethnicity or socio-economic status, urban-rural demographics

The concept of "gender-specific" violations does not apply only to violations which occur *solely* on the basis of gender For example, the involuntary sterilization of women belonging to a racial or ethnic group which suffers discrimination constitutes not only racial discrimination, but also a violation of women's reproductive rights, including their rights to integrity of the person, the highest attainable standard of health and freedom of information, and the right to decide freely on the number and spacing of children The combined effects of race and gender discrimination shape the nature and consequences of such a violation Similarly, in many situations of armed conflict women who are members of particular ethnic groups or indigenous peoples are the targets of rape and other sexual assault by security or armed forces These abuses are directed against women on the basis of *both* their ethnicity and their gender and reflect the tendency in many societies to treat women as the repositories of cultural and/or religious identity

(3) Gender-specific analysis should be integrated into reporting and recommendations on situations where institutions of the State have ceased to function or are inadequate for protecting human rights

Such situations arise especially where a country has experienced or is undergoing transition to democracy, growth in the numbers of refugees and displaced persons, and a breakdown of the rule of law Transitions to democracy present opportunities to build or rebuild institutional and legal systems that will effectively promote and protect gender equality An examination of these situations should identify measures to ensure women's participation in political processes that can be facilitated through such measures as quotas and targets for the representation of women among political candidates and among legislators and parliamentarians, voter education for women, and steps to ensure the safety and accessibility of polling places for women In particular, laws governing nationality and citizenship should guarantee women's independent civil status and equal rights with men to confer nationality on their children Although many have reported on the human rights of refugee and displaced populations, few have examined the grave protection and assistance needs of women

(4) Address violations of women's human rights by non-State actors and examine the scope of State responsibility for those abuses

Violations occurring in the "private" sector, such as in the home, must not be ignored by the state, although the perpetrators are private individuals The duty is to ensure human rights has been interpreted to create affirmative state obligations to take the steps necessary to enable individuals to exercise their rights Governments thus may be required to make reasonable efforts to protect key human rights by establishing adequate legal protection against violations by non-State actors, making good faith efforts to investigate violations by non-State actors when they occur and seeking to punish those responsible, and providing reparations to victims In the area of violence against women, violence

Razvoj obimnog analitičkog okvira[61]

Mogu se predložiti brojni koraci koji bi doprinijeli opsežnom analitičkom okviru koji bi uvecao vjerodostojnost prikupljenih podataka, prezentirao materijale u obliku odgovornosti i pravnih obaveza države prema njenom narodu, i stoga bolje zaštiti prava žena od kršenja njihovih ljudskih prava [62]

(1) Terminologija treba karakterisati kršenja određena prema polu što je moguce tačnije

Žene se rutinski označavaju kao "ranjive grupe" u izvještajima, što je karakterizacija koja podrazumijeva da su žene svojstveno ranjive u odnosu na kršenja ljudskih prava na osnovu njihovog biološkog pola Takva oznaka zamračuje činjenicu da je ženska ranjivost na kršenja društveno određena i posljedica je sistemske polne diskriminacije O ženama se često govori kao o ranjivoj grupi u kontekstu oružanog sukoba, raseljavanja stanovništva i ekonomskih uslova koji ograničavaju pristup hrani, medicinskoj brizi i smještaju U svakom ovom kontekstu, ženska "ranjivost" je posljedica njihovog podređenog položaja Umjesto karakterizacije žena kao "ranjive grupe", izvještaj treba ispitati faktore koji doprinose vjerovatnoci kršenja ljudskih prava žena i prirodu i posljedice tih kršenja

(2) Ispitajte tačke presijecanja pola i drugih faktora, uključujuci rasu, nacionalnost, ekonomski položaj, urbano-ruralnu demografiju

Koncept kršenja "određenih po polu ne primjenjuje se samo na kršenja koja se mogu pojaviti *jedino* na bazi pola Na primjer, prisilna sterilizacija žena koje pripadaju rasnoj ili etničkoj grupi koja je izvrgnuta diskriminaciji čini ne samo rasnu diskriminaciju, vec i kršenje ženskih reproduktivnih prava, uključujuci njihovo pravo na integritet ličnosti, najveci standard koji se može postici u zdravstvenoj zaštiti i slobodi informisanja, i pravo da slobodno odluče o broju djece i vremenskom razmaku između njih Kombinovani efekti rasne i polne diskriminacije oblikuju prirodu i posljedice takvih kršenja Slično tome, u mnogim situacijama oružanog sukoba, žene pripadnice određene etničke grupe ili starosjedilačkog naroda mete su silovanja ili drugih seksualnih napada od strane oružanih ili snaga sigurnosti Ova kršenja su upravljena protiv žena na osnovu i njihovog etniciteta i njihovog pola i odslikavaju tendenciju mnogih društava da tretiraju žene kao čuvare kulturnog i/ili vjerskog identiteta

(3) Analiza određena po polu treba biti integrisana u izvještavanje i preporuke o situacijama u kojima su državne institucije prestale postojati ili su neadekvatne za zaštitu ljudskih prava

Takve situacije pojavljuju se naročito tamo gdje je zemlja prošla ili se nalazi u tranziciji ka demokratiji, povecanje broja izbjeglica i raseljenih lica i raspad vladavine prava Tranzicije ka demokratiji daju mogucnosti da se izgradi ili ponovo izgradi institucionalni i pravni sistemi koji ce djelotvorno unapređivati i štititi jednakost polova Ispitivanjem ovih situacija trebalo bi identifikovati mjere kojima ce se osigurati učešce žena u političkim procesima koji se mogu olakšati sljedecim mjerama kvote i norme predstavljanja žena među političkim kandidatima u zakonodavanom tijelu i među parlamentarcima, obrazovanje žena glasača i koraci kojima ce se ženama osigurati sigurnost i pristupačnost glasačkim mjestima Naročito, zakoni koji se bave državljanstvom trebaju garantovati ženama nezavisan građanski status i jednaka prava sa muškarcima da prenose svoje državljanstvo na djecu

by non-state actors is encompassed in the Declaration on the Elimination of Violence Against Women (Declarations are non-binding, yet influential, statements made by the UN General Assembly, which represent agreed-upon standards The DEVAW, passed in 1993, is a declaration on the right of women to be free from violence and on the obligations of governments to take steps to eliminate violations against women)

(5) Assess the compatibility of national law and practice affecting women's human rights with international norms, including humanitarian norms

More detailed attention to national law and practice, including draft legislation, would promote greater compatibility of these laws and practices with the general prohibition of gender discrimination and with norms specifically applicable to women The terminology used to describe violations should accurately reflect their legal characterization For example, there remain inconsistencies among reports by experts in the legal characterization of rape by government agents some reports have referred to "rape and torture," rather than to "torture, including rape " Then too, "malnutrition" among women (and among men) should be characterized as the denial of the rights to adequate food and the highest attainable standard of health *(See also above, section III 4, on identifying key human rights standards from the Women s Convention, ECHR and other international human rights instruments*)

(6) Affirm unequivocally that international human rights norms are universally applicable to women's rights

The international community has repeatedly affirmed that "[w]hile the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms "[63] Both the European Convention on Human Rights (Article 9) and the International Covenant on Civil and Political Rights (Article 18), among other international documents, permit restrictions on manifestations of religion or belief if they are necessary to protect the rights and freedoms of others and are prescribed by law Thus, the freedom of religion or belief may not be asserted to shield religious law or practice affecting women's human rights from scrutiny

Furthermore, interpretations of international norms which would undermine the objective of those norms are incompatible with the very notion of human rights, as is the substitution of religious or cultural values for international norms For example, the concept of the "complementarity" of the roles of men and women cannot be substituted for the basic principle of equality The principle of gender equality does not require identical treatment of women and men in every case Indeed, it may require differential treatment in order to achieve substantive equality The rights of women within the family and in public life cannot be said to be "equivalent" or "complementary" to those of men, however, when greater political and economic power adheres to men's roles Social or religious norms based on the concept of "complementarity" of gender roles allocate "equitable" rights to women in relation to the interest of others Women's rights are thus made derivative of their relationship to others, principally their fathers, husbands, brothers and children Women's human rights are necessarily exercised within cultural contexts and any assessment of the realization of their human rights must be contextual However, deference to norms which ascribe rights to women on the basis of their relationships to others is inconsistent with the dignity and integrity of the human person as an individual

Iako su mnogi izvještavali o ljudskim pravima izbjeglica i raseljenog stanovništva, samo su neki ispitivali ozbiljnu zaštitu i pomoc ženama koje imaju potrebu za tim

(4) Ispitajte kršenja ženskih ljudskih prava od strane nedržavnih aktera i obim državne odgovornosti za ta kršenja

Kršenja koja se događaju u "privatnoj" oblasti, kao što je dom, ne smiju biti ignorisana od strane države, iako su počinioci pojedinci Dužnost da se osiguraju ljudska prava tumači se tako da kreira pozitivnu obavezu za državu da preduzme potrebne korake kako bi se omogucilo pojedincima da vrše svoja prava Od vlada se stoga može tražiti da učine razumne napore radi zaštite ključnih ljudskih prava ustanovljavanjem odgovarajuce pravne zaštite protiv kršenja od strane nedržavnih aktera, činjenjem napora u dobroj namjeri da se istraže kršenja od strane nedržavnih aktera koja se dogode i za koje treba kazniti odgovorne i pružanjem reparacija žrtvama U oblasti nasilja nad ženama, nasilje nedržavnih aktera je obuhvaceno Deklaracijom o eliminisanju nasilja nad ženama (Deklaracije nisu obavezne, ali su uticajne izjave date Generalnoj skupštini UN, koje predstavljaju dogovorene standarde DEVAW, koja je donesena 1993 , deklaracija je o pravima žena da budu slobodne od nasilja i o obavezama vlada da preduzmu korake radi eliminisanja nasilja nad ženama)

(5) Ocijenite usklađenost domaceg zakona i prakse koji štetno utiču na ženska ljudska prava sa međunarodnim normama, uključujuci humanitarne norme

Detaljnije obracanje pažnje na domaci zakon i praksu, uključujuci i nacrte zakona, unaprijedit ce vecu usklađenost ovih zakona i prakse sa opcom zabranom polne diskriminacije i sa normama koje se specifično primjenjuju na žene Terminologija koja se koristi za opisivanje kršenja treba tačno odslikati njihovu pravnu karakterizaciju Na primjer, postoje nedosljednosti u izvještajima od strane eksperata u pravnoj karakterizaciji silovanja koje počine vladini službenici neki izvještaji govore o "silovanju i torturi", umjesto o "torturi, uključujuci silovanje" Također, "pothranjenost" među ženama (i među muškarcima) treba biti okarakterizirana kao uskracivanje prava na adekvatnu hranu i na najviši standard zdravlja koji se može postici (*Vidi i odjeljak III 4 o identifikovanju ključnih standarda ljudskih prava iz Zenske konvencije ECHR i drugih instrumenata o zaštiti ljudskih prava)*

(6) Jasno potvrdite da su međunarodne norme o ljudskim pravima univerzalno primjenjljive na ženska prava

Međunarodna zajednica je stalno potvrđivala da "[i]ako se značajne domace i regionalne svojstvenosti i različite historijske, kulturne i religijske pozadine moraju imati na umu, dužnost je država, bez obzira na njihove političke, ekonomske i kulturne sisteme, da unapređuju i štite sva ljudska prava i osnovne slobode "[63] I Evropska konvencija o ljudskim pravima (čl 9) i Međunarodni pakt o građanskim i političkim pravima (čl 18), među ostalim međunarodnim dokumentima, dozvoljavaju restrikciju ili manifestaciju religije ili ubjeđenja ukoliko je to neophodno da se zaštite prava i slobode drugih i ukoliko je to propisano zakonom Stoga se ne može tražiti da se slobodom vjeroispovijesti ili ubjeđenja štite od detaljne analize religijski zakoni ili prakse koje štetno utiču na ženska ljudska prava

Dalje, tumačenja međunarodnih normi koja bi umanjila ciljeve tih normi, inkompatibilna su sa smislom ljudskih prava, kao što je zamjena religijskih i kulturnih vrijednosti sa međunarodnim

normama Na primjer, koncept "komplementarnosti" uloge žena i muškaraca ne može se nadomjestiti osnovnim principom jednakosti Princip polne jednakosti ne traži identičan tretman žena i muškaraca u svakom slučaju On, zaista, može tražiti različit tretman da bi se postigla stvarna jednakost Za prava žena u porodici i javnom životu ne može se reci da su "ekvivalentna" ili "komplementarna" pravima muškaraca, međutim, kada muškoj ulozi pripada veca politička i ekonomska moc Društvene ili religijske norme koje su zasnovane na konceptu "komplementarnosti" uloge polova dodjeljuju "pravična" prava ženama u vezi sa interesima drugih Ženska prava stoga proističu iz veze sa drugima, prvenstveno njihovim očevima, muževima, bracom i djecom Ženska prava se uvijek vrše unutar određenog kulturnog konteksta i svaka ocjena realizacije njihovih ljudskih prava mora biti kontekstualna Ipak, poštovanje normi koje pripisuju ženama prava na osnovu njihove veze sa drugima, nije u skladu sa dostojanstvom i integritetom ljudskog bica kao jedinke

NOTES

[1] *Women s Human Rights Step by Step, A Practical Guide to Using International Human Rights Law and Mechanisms to Defend Women s Human Rights*, Women, Law & Development International, Human Rights Watch Women's Rights Project (1997), p 117

[2] Ibid , p 124

[3] This paper was adapted from the following basic source materials ***Shadowing the States Guidelines for Preparing Shadow Reports as Alternatives to State Reports Under International Human Rights Treaties***, Occasional Paper #2 July 1997, International Human Rights Law Group Women's Rights Advocacy Program, ***Integration of Women's Human Rights into the Work of the Special Rapporteurs***, United Nations Development Fund for Women (UNIFEM), 1998, ***Report of the Expert Group meeting on the Development of Guidelines for the Integration of Gender Perspectives into United Nations Human Rights Activities and Programmes***, (Geneva, 3-7 July 1995), UNIFEM, and ***Women's Human Rights Step by Step*** (supra, note 1)

[4] *Women's Human Rights Step by Step*, supra note 1, p 2

[5] *Post-conflict Bosnia and Herzegovina Integrating women s special situation and gender perspectives in skills training and employment promotion programmes*, by Martha Walsh (International Labor Organisation, Geneva, June 1997) p ix

[6] "Women's Representation in Elections in Bosnia and Herzegovina A Statistical Overview 1986, 1990, 1996, 1997", prepared and compiled by Gender & Politics Project, OSCE Democratization, January 1998

[7] *Post-conflict Bosnia and Herzegovina,* supra note 5, p 8

[8] Ibid, p 3

[9] Ibid, p 10

[10] *Women s Human Rights An Introduction*, by Charlotte Bunch and Samantha Frost, Center for Women's Global Leadership

[11] Ibid

[12] Ibid

[13] *Integration of Women s Human Rights into the Work of the Special Rapporteurs*, United Nations Development Fund for Women (UNIFEM), 1998, para 11

[14] Platform for Action and Beijing Declaration, Fourth World Conference on Women, UN Document DPI/1766/Wom (February 1996), para 44

[15] Section from *Integration of Women's Human Rights*, supra note 13, paras 3, 4, and 9

[16] Philip Alston, "The Purposes of Reporting," *Manual on Human Rights Reporting*, UN Centre for Human Rights and UN Institute for Training and Research, HR/PUB/91/1, p 13

[17] Constitution of Bosnia and Herzegovina, (December 1995, established in the context of Dayton Peace Agreement), Article II Human Rights and Fundamental Freedoms (para 1)

[18] Ibid, Article II (4) Other prohibited grounds include race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status

[19] Ibid, Article II (2)

[20] Ibid, Article II (3)

[21] Ibid , Article II (1), "as provided for in Annex 6 to the [Dayton Peace Agreement] "

[22] Dayton Peace Agreement, Annex 6 Agreement on Human Rights, Chapter Two Art II, paras 1 & 2

[23] Ibid , Article VI (3)

[24] *Women s Human Rights Step by Step*, supra note 1, p 36

[25] Ibid , citing Rebecca Cook

[26] Ibid

[27] ECHR, Article 25 Applications by individuals or States are sent to the European Commission on Human Rights (the Commission) If an application is deemed admissible by the Commission, it investigates the facts surrounding the application and attempts to achieve a friendly settlement between the parties If this is not achieved, the Commission issues a report containing its opinion on whether or not there has been a violation of the ECHR This opinion is not legally binding on the parties, however At this point, the Commission may refer the application to the European Court of Human Rights (the Court), whose decisions are binding upon the parties Under Protocol 9 to the ECHR, an individual, group of individuals, or NGO that files a complaint with the Commission may also refer their case directly to the Court Further, under Protocol 11 to the ECHR, which went into effect as of October 1998, the Commission and the Court will be combined into one institution For more information on how the system will work under Protocol 11, see *Protocol 11 to the ECHR A Drastic Revision of the Supervisory Mechanism under the* ECHR, 14 Netherlands Quarterly of

FUSNOTE

[1] *Women s Human Rights Step by Step A Practical Guide to Using International Human Rights Law and Mechanisms to Defend Women's Human Rights*, Women, Law & Development International, Human Rights Watch Women's Rights Project, str 117

[2] Ibid , str 124

[3] Ovaj materijal je pripremljen uz korištenje sljedecih izvora ***Shadowing the States Guidelines for Preparing Shadow Reports as Alternatives to State Reports Under International Human Rights Treaties***, Occasional Paper #2 July 1997, International Human Rights Law Group Women's Rights Advocacy Program, ***Integration of Women's Human Rights into the Work of the Special Rapporteurs***, United Nations Development Fund for Women (UNIFEM), 1998, ***Report of the Expert Group meeting on the Development of Guidelines for the Integration of Gender Perspectives into United Nations Human Rights Activities and Programmes***, (Geneva, 3-7 July 1995), UNIFEM, and ***Women's Human Rights Step by Step(*** *fusnota* 1)

[4] *Women s Human Rights Step by Step*, fusnota 1, str 2

[5] *Post-conflict Bosnia and Herzegovina Integrating women s special situation and gender perspectives in skills training and employment promotion programmes*, by Martha Walsh (International Labor Organisation, Geneva, June 1997) p ix

[6] "Predstavljanje žena na izborima u Bosni i Hercegovini statistički pregled 1986 , 1990 , 1996 I 1997 " pripremljeno i sabrano u okviru projekta Polovi &Politika, OSCE Demokratizacija, januar 1998

[7] *Post-conflict Bosnia and Herzegovina* fusnota 5, str 8

[8] Ibid , str 3

[9] Ibid , str 10

[10] *Women s Human Rights An Introduction*, by Charlotte Bunch and Samantha Frost, Center for Women's Global Leadership

[11] Ibid

[12] Ibid

[13] *Integration of Women s Human Rights into the Work of the Special Rapporteurs*, United Nations Development Fund for Women (UNIFEM), 1998 , para 11

[14] Platforma za akciju i Pekinška deklaracija, Četvrta svjetska konferencija o ženama, UN dokument DPI/1766/Wom (februar 1996), para 44

[15] Dio iz *Integration of Women s Human Rights*, fusnota 13, para 3, 4, i 9

[16] Philip Alston, "The Purposes of Reporting," *Manual on Human Rights Reporting*, UN Centre for Human Rights and UN Institute for Training and Research, HR/PUB/91/1, str 13

[17] Ustav Bosne i Hercegovine, (decembar 1995, donesen u kontekstu Daytonskog mirovnog sporazuma), čl II Ljudska prava i osnovne slovne slobode (para 1)

[18] Ibid čl II (4) Drugi zabranjeni osnovi su rasa, boja kože, jezik, religija, političko ili drugo mišljenje, nacionalno ili socijalno porijeklo, veze sa nacionalnom manjinom, imovina, rođenje ili drugi status

[19] Ibid čl II (2)

[20] Ibid čl II (3)

[21] Ibid čl II (1), "kako je to predviđeno Aneksom 6 [Daytonskon mirovnog sporazuma] "

[22] Daytonski mirovni sporazum, Aneks 6 Sporazum o ljudskim pravima, Dio drugi čl II, para 1i 2

[23] Ibid čl VI (3)

[24] *Women s Human Rights Step by Step*, fusnota 1, str 36

[25] Ibid cit Rebeca Cook

[26] Ibid

[27] ECHR, čl 25 Aplikacije pojedinaca ili država upucuju se Evropskoj komisiji za ljudska prava (Komisija) Ukoliko aplikaciju smatra prihvatljivom, Komisija istražuje činjenice u vezi sa aplikacijom i pokušava postici prijateljsko rješenje među strankama Ukoliko se to ne postigne, Komisija izdaje izvještaj koji sadrži njeno mišljenje o tome da li je bilo kršenja ECHR ili ne Ovo mišljenje, međutim, nije pravno obavezujuce za stranke U ovom stadiju Komisija može predmet uputiti Evropskom sudu za ljudska prava (Sud), čije su presude obavezujuce za stranke Prema Protokolu br 9 uz ECHR, pojedinac, grupa pojedinaca ili NVO koji podnesu žalbu Komisiji, mogu se također direktno obratiti Sudu Dalje, prema Protokolu 11 uz ECHR, koji je stupio na snagu 1 novembra 1998 , Komisija i Sud ce se stopiti u

Human Rights 35 (March 1996) *Protecting the Rights of Women in Eastern and Western Europe Using the European Legal Systems to Fight Human Rights Abuses Against Women*, International Human Rights Law Group, Women's Rights Advocacy Program, Occasional Paper #3, June 1997, p 6 and note 3

[28] CEDAW is authorized by Article 21 of the Women's Convention, the Human Rights Committee is authorized by Article 40 of the ICCPR

[29] Theo van Boven, "The International System of Human Rights An Overview," *Manual on Human Rights Reporting*, supra note 16, p 7

[30] General Recommendations adopted by the Committee on the Elimination of Discrimination Against Women, UN Document HR/GEN/1/Rev 3, p 120 General Recommendation No 9 (Eighth session, 1989), contained in document A/44/38

[31] Communications may be submitted on one's own behalf or on behalf of another person, group of persons or organization

[32] Theo van Boven, *Manual on Human Rights Reporting*, supra note 16, p 10

[33] *Integration of Women's Human Rights*, supra note 13, para 15

[34] Section from *Women's Human Rights Step by Step*, supra note 1, p 143

[35] Ibid , p 140

[36] Ibid , p 141

[37] Ibid , p 141-142

[38] Ibid , p 143, and Cecil Bernard, "The Preparation and Drafting of a National Report," *Manual on Human Rights Reporting*, supra note 16, p 18

[39] *Report of the Expert Group Meeting on the Development of Guidelines for the Integration of Gender Perspectives into UN Human Rights Activities and Programmes*, UNIFEM, 3-7 July 1995, para 48

[40] *Post Conflict Bosnia and Herzegovina*, supra note 5, p 26

[41] Ibid

[42] *Report of the Expert Group Meeting*, supra note 39, para 54

[43] Ibid , para 55

[44] Section from *Assessing the Status of Women A Guide to Reporting Under the Convention on the Elimination of All Forms of Discrimination Against Women* (2d ed , 1996) International Women's Rights Action Watch and Commonwealth Secretariat, p 8

[45] *Airey v Ireland* (divorce prohibited under Irish law), European Court of Human Rights, Judgment of 9 October 1979, Series A , no 32

[46] Ibid , (legal prohibition against separation violated right to respect for private and family life), *X and Y v The Netherlands* (lack of criminal sanction against director's son who raped 16 year old resident of privately-run home for mentally handicapped violated both victim's and her parents' rights to respect for her private life), European Court of Human Rights, Judgment of 26 March 1985, Series A , No 91

[47] *Belgian Linguistics Case*, European Court of Human Rights, Judgment 23 July 1968, Series A , No 6

[48] Zagorka Ilic, "The Convention on the Elimination of All Forms of Discrimination Against Women," *Manual on Human Rights Reporting*, supra note 16, p 165

[49] Section from *Integration of Women s Human Rights*, supra note 13, paras 3-12

[50] Clair Apodaca, *Measuring Women s Economic and Social Rights*, 20 Human Rights Quarterly, 140 (1998)

[51] Ibid

[52] Ibid

[53] Ibid *citing Report of the Committee on the Elimination of Discrimination Against Women General Recommendation No 9 (8th Sess 1989)* adopted 3 Mar 1989, U N GAOR, 44th Sess , Supp No 38, Para 392, U N Doc A/44/38 (1990) Recommendation No 9 "confirms that sex differentiated data is extremely useful in assessing compliance with clauses found in both the International Covenant on Economic, Social and Cultural Rights (ICESCR) and in CEDAW that mandate non-discrimination and equality of treatment " (Apodaca)

[54] Beijing Platform for Action, supra note 14, para 153

[55] One study, conducted by the International Rescue Committee in Gorazde (Federation) found that 55% of those interviewed "knew at least one woman who had been beaten by her husband or boyfriend Most of these women knew more than one woman who had been beaten " *Reproductive Health Assessment and Health Education Project Gorazde*, July-December 1997, p 12

[56] Beijing Platform for Action, para 96

[57] *Post Conflict Bosnia and Herzegovina*, supra note 5, p 21

jednu instituciju Za dalje informacija o tome kako ce sistem funkcionisati prema Protokolu 11, vidjeti see *Protocol 11 to the ECHR A Drastic Revision of the Supervisory Mechanism under the* ECHR, 14 Netherlands Quarterly of Human Rights 35 (March 1996) *Protecting the Rights of Women in Eastern and Western Europe Using the European Legal Systems to Fight Human Rights Abuses Against Women*, International Human Rights Law Group, Women's Rights Advocacy Program, Occasional Paper #3, June 1997, p 6 and note 3

[28] CEDAW je ovlašten čl 21 Ženske konvencije, Komitet za ljudska prava je ovlašten čl 40 ICCPR.

[29] Theo van Boven, "The International System of Human Rights An Overview," *Manual on Human Rights Reporting*, fusnota 16, str 7

[30] Opce preporuke usvojene od Komiteta za eliminisanje diskriminacije žena, dokument UN HR/GEN/1/Rev 3, str 120 Opca preporuka br 9 (Osma sjednica, 1989), sadržana u dokumentu A/44/38

[31] Obavijesti se mogu podnijeti u vlastito ime ili u ime drugog lica, grupe lica ili organizacije

[32] Theo van Boven, *Manual on Human Rights Reporting*, fusnota 16, str 10

[33] *Integration of Women's Human Rights*, fusnota 13, para 15

[34] Odjeljak iz *Women s Human Rights Step by Step*, fusnota 1, str 143

[35] Ibid , str 140

[36] Ibid , str 141

[37] Ibid , str 141-142

[38] Ibid , str 143, i Cecil Bernard, "The Preparation and Drafting of a National Report," *Manual on Human Rights Reporting*, fusnota 16, str 18

[39] *Report of the Expert Group Meeting on the Development of Guidelines for the Integration of Gender Perspectives into UN Human Rights Activities and Programmes*, UNIFEM, 3-7 juli 1995 , para 48

[40] *Post Conflict Bosnia and Herzegovina*, fusnota 5, str 26

[41] Ibid

[42] *Report of the Expert Group Meeting*, fusnota 39, para 54

[43] Ibid , para 55

[44] Dio iz *Assessing the Status of Women A Guide to Reporting Under the Convention on the Elimination of All Forms of Discrimination Against Women* (2d ed , 1996) International Women's Rights Action Watch and Commonwealth Secretariat, str 8

[45] *Airey protiv Irske*, (zabranjen razvod prema irskom zakonu), Evropski sud za ljudska prava, presuda od 9 oktobra 1979 , Serija A br 32

[46] Ibid (pravna zabrana razdvajanja prekršila je pravo na poštovanje privatnog i porodičnog života), *X i Y protiv Holandije* (nedostatak krivične sankcije prtiv direktorovog sina koji je silovao 16-godišnju stanovnicu privatnog domaza mentalno hendikepirane, prekršilo je i pravo žrtve i njenih roditelja na poštovanje privatnog života), Evropski sud za ljudska prava, presuda od 26 marta 1985 , Serija A, br 91

[47] *Belgijski lingvistički predmet*, Evropski sud za ljudska prava, presuda od 23 jula 1968, Serija A, br 6

[48] Zagorka Ilic "The Convention on the Elimination of All Forms of Discrimination Against Women," *Manual on Human Rights Reporting*, fusnota 16, str 165

[49] Dio iz *Integration of Women s Human Rights*, fusnota 13, paragr 3-12

[50] Clair Apodaca, *Measuring Women s Economic and Social Rights*, 20 Human Rights Quarterly, 140 (1998)

[51] Ibid

[52] Ibid

[53] Ibid , *cit Report of the Committee on the Elimination of Discrimination Against Women General Recommendation No 9 (8th Sess 1989)* usvojen 3 marta 1989 , U N GAOR, 44th Sess , Supp No 38, Para 392, U N Doc A/44/38 (1990) Preporuka br 9 "potvrđuje da su podaci raščlanjeni po polu izuzetno korisni u ocjenjivanju saglasnosti sa odredbama i iz Međunarodnog pakta o ekonosmskim, socijalnim i kulturnim pravima (ICESCR) i iz CEDAW koji nalažu nediskriminaciju i jednakost u tretmanu " (Apodaca)

[54] Pekinška platforma za akciju, fusnota 14, para 153

[58] Ibid

[59] Ibid

[60] *Integration of Women s Human Rights*, supra note 13, para 16

[61] Section from *Integration of Women s Human Rights* supra note 13, Part III, paras 22-37

[62] These steps are suggested from a review of reports issued since the 1993 World Conference on Human Rights conducted by UNIFEM

[63] Vienna Declaration and Program of Action, chap III, para 5

[55] Jedna studija provedena od strane International Rescue Committee iz Goražda (Federacija) pronašla je da je 55 intervjuisanih "znalo najmanje jednu ženu koju je muž ili momak tukao Najveći broj tih žena znalo je više od jedne žene koje su tučene " *Reproductive Health Assessment and Health Education Project, Gorazde*, Juli-Decembar 1997 , str 12

[56] Pekinška platforma za akciju, para 96

[57] *Post Conflict Bosnia and Herzegovina*, fusnota 5, str 21

[58] Ibid

[59] Ibid

[60] *Integration of Women's Human Rights*, fusnota 13, para 16

[61] Dio iz *Integration of Women's Human Rights*, fusnota 13, Dio III, para 22-37

[62] Ovi koraci su preporučeni u pregledu izvještaja izdanih nakon Svjetske konferencije o ljudsim pravima koju je organizovao UNIFEM

[63] Bečka deklaracija i Program akcije, odjeljak II, para 5

EXAMPLES FROM SHADOW REPORTS OF OTHER COUNTRIES

In this section are examples of shadow reports written by NGOs in other countries Although the details in these reports are not necessarily applicable to the situation in Bosnia and Herzegovina, they are useful as illustrations of various approaches and different degrees of specificity

B a B e (Be Active Be Emancipated), Grupa za zenska ljudska prava in Croatia wrote a shadow report in conjunction with the official review by the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) of their country's compliance with the Women's Convention That shadow report is reproduced in full, as are CEDAW's comments and recommendations regarding the Croatian government report

The excerpts on Mexico are taken from *Women's Reproductive Rights in Mexico A Shadow Report*, compiled and written by the Center for Reproductive Law and Policy (USA) and the Grupo de Informacion en Reproduccion Elegida (Mexico) in preparation for the 18th Session of CEDAW (December 1997) It, too, supplemented ("shadowed") the government's report to CEDAW Their report is unique in its focus on reproductive rights and the related national laws and policies, linking them to corresponding provisions of the Women's Convention

A coalition of 19 individuals and groups in Zimbabwe prepared a report for CEDAW to use in its consideration of the Zimbabwe country report (1996) The shadow report was the product of country-wide consultation, coordinated by the Women's Action Group, that included focus group discussions, grassroots consultations, and a consolidation workshop The excerpts are from a summary of the report published by International Women's Rights Action Watch (IWRAW, January 1998)

The excerpts on Indonesia are part of a report summary, also published by IWRAW, prepared by a coalition of Indonesian women's human rights NGOs and activists The NGO coalition prefaced the report with the following comment

> *Several NGOs and women's rights activists from Jakarta, Malang and Bandung feel that it is important to submit an alternative report and provide additional information on the Government Report This initiative arose not only because the government did not involve the NGOs (at least the independent NGOs), but also because there is a difference in the perspective on women's issues The NGOs see that there is a variance in the perception of several policies and regulations on women that are implemented by the government Furthermore, information is missing from the Government Report Therefore, the report does not reflect the real situation in Indonesia Moreover, the Government Report does not mention the problem of violence as recommended by the Committee's Recommendation No 19*

PRIMJERI IZ ALTERNATIVNIH IZVJEŠTAJA DRUGIH ZEMALJA

Ovaj dio sadrži primjere alternativnih izvještaja koje su sastavili nevladine organizacije drugih zemalja Iako ove pojedinosti nisu neophodno primjenljive i na situaciju u Bosni i Hercegovini, one su korisne kao ilustracije različitih pristupa i drugačijih specifičnosti

B a B e (Budite aktivni, budite emancipovani), Grupa za ženska ljudska prava iz Hrvatske napisala je alternativni izvještaj vezano za zvanični prikaz Komiteta za eliminiciju svih oblika diskriminacije protiv žena (CEDAW) o pridržavanju njihove zemlje Konvenciji o ženama Taj alternativni izvještaj u cjelini je reprodukovan, kao i komentari i preporuke CEDAW-a u pogledu izvještaja hrvatske vlade

Izvodi o Meksiku uzeti su iz *Reproduktivnih prava žena u Meksiku Alternativni izvještaj,* koje je sakupio i napisao Centar za politiku i zakon o reproduktivnosti (SAD) i Grupo de Informacion en Reproduccion Elegida (Meksiko), kao pripremu za 18 sjednicu CEDAW-a (decembar 1997) On, također, zamjenjuje ("daje alternativu") vladin izvještaj CEDAW-u Izvještaj je jedinstven po svom fokusu usmjerenom na reproduktivna prava i odnosne nacionalne zakone i politike, vezujući ih za odgovarajuce odredbe Konvencije o ženama

Koalicija 19 pojedinaca i grupa u Zimbabweu pripremila je izvještaj za CEDAW koji ce se upotrijebiti za razmatranje državnog izvještaja Zimbabwea (1996) Alternativni izvještaj je proizvod konsultacija širom zemlje, uz koordinaciju Akcione grupe žena, koji je uključio tematsku diskusiju u grupama, konsultacije s narodom i seminare za konsolidaciju rada Izvodi su iz pregleda izvještaja koji je objavila Međunarodna akciona grupa za zaštitu prava žena (IWRAW, januar 1998)

Izvodi o Indoneziji predstavljaju dio pregleda izvještaja, također objavila IWRAV, koji je pripremila koalicija indonežanskih nevladinih organizacija i njeni aktivisti u zaštiti ljudskih prava žena

> *Nekoliko nevladinih organizacija i aktivista za zaštitu prava žena iz Jakarte, Malange i Bandunga smatraju da je važno dostaviti alternativni izvještaj i pružiti dodatne informacije o Vladinom izvještaju Ova inicijativa je pokrenuta, ne samo zbog toga što Vlada nije uključila nevladine organizacije (bar nezavisne vladine organizacije) vec također što postoje različiti pogledi po pitanju žena Nevladine organizacije vide da postoji odstupanje u poimanju nekoliko politika i propisa o zenama koje je implementirala Vlada Nadalje, izvještaj ne odražava stvarnu situaciju u Indoneziji ^ak što više, Vladin izvještaj ne pominje problem nasilja, kako ga je preporučio Komitet u svojoj preporuci br 19*

NGO REPORT
ON THE
STATUS OF WOMEN
IN THE REPUBLIC OF CROATIA

OVERVIEW

This shadow report is prepared by ***B.a.B.e (Be active, Be emancipated)***, Women's Human Rights Group, supported by a coalition of different women's NGOs that have been for varying lengths of time active in the protection of women's human rights, in lobbying and advocacy for better status of women, as well as in providing social, psychological and legal support to women in need Autonomous Women's House - Zagreb (AZKZ), Center for Counseling and Education (CESI), Center for Women War Victims (CWWV), Rosa House for Women and Children Refugees, Women's Group Mali Losinj, Women's Club Pakrac, Women's Group Porec, Center for Peace, Nonviolence and Human Rights - Osijek, Women's Action Rijeka- ZAR)

As the Government Report is not obtainable yet, and as it was hard to choose only one or two areas of main concern due to the overwhelming detenoration of women's status and rights in Croatia, we will discuss several different areas of concern. the legal issues regarding the definition of women's discrimination, women's political participation, women's economic status and employment, violence against women, trafficking in women. women's reproductive rights and social benefits We will, also, try to propose remedies for the situation in the hope that they will be implemented and that discrimination against women will cease to exist

IZVJEŠTAJ NEVLADINIH UDRUGA O POLOŽAJU ŽENA U REPUBLICI HRVATSKOJ 1997.

Izvještaj su pripremile *B.a.B.e* (Budi aktivna, budi emancipirana) - grupa za ženska ljudska prava, a potpisale su ga ženske grupe aktivne u zaštiti ženskih ljudskih prava, lobiranju i zagovaranju za bolji položaj žena te grupe koje pružaju socijalnu, psihološku i legalnu podršku ženama kojima je ona potrebna (Autonomna ženska kuća - Zagreb, Centar za žene žrtve rata, Rosa - kuća za žene i djecu, Ženska grupa Lošinj, Ženska grupa Poreč, Centar za mir, nenasilje i ljudska prava - Osijek te Ženska akcija Rijeka)

Kako nam Izvještaj Vlade RH još nije dostupan da bismo ga mogle komentirati ili nadopuniti, a teško je izabrati samo jedno ili dva interesna područja zbog sveprisutnog pogoršanja statusa žena i njihovih prava u društvu, predočit ćemo nekoliko različitih, nama važnih područja: legalnu definiciju diskriminacije žena, političku participaciju žena, ekonomski status i zapošljavanje, nasilje nad ženama, trgovinu ženama, ženska reproduktivna prava, posljedice ratnog stanja, socijalnu zaštitu i odnos medija prema ženama. Također ćemo pokušati predložiti mjere koje će dovesti do poboljšanja situacije u nadi da će njihova primjena dovesti do ukidanja diskriminacije žena.

INTRODUCTION

Croatia became independent in 1991 Before the independence Croatia was part of socialist Yugoslavia from 1945 After gaining independence, the processes of transition from a state controlled to a market economy were complicated by the war situation that Croatia was involved in Due partly to the process of transition, partly to the war and partly to the policies of the right wing ruling party, the status of women has deteriorated over the last seven years Leading politicians rediscovered nationalism and traditionalism as powerful contributors to national cohesion and since 1991 have started to encourage traditional patriarchal patterns The position of women is worsening in economic, social and political spheres

The second hugely influential force of traditionalism is the Catholic Church which is gaining more and more public space and political influence Its influence is especially seen in the public perception of reproductive rights and freedoms

As a typical example of the general atmosphere regarding women's human rights, specifically here sexual harassment, we would like to share two incidents that got rather moderate press coverage In both of them Croatian ambassadors were involved, one to Malaysia and the other to Japan The first one was charged with rape and withdrawn from his post At the end he was not found guilty at Malaysia court, but even before that the media took a basically sympathetic and supportive position to his behavior The second one was sexually harassing a Japanese employee of the embassy The press coverage was that he had problems with - cultural adjustment The official comment from the Ministry of foreign affairs was mild, saying that his mandate was soon to be ended anyway Obviously, Croatian media, neither public nor officials, realize that harassment is harassment and that there is no "cultural differences" in those matters These examples show how strong the sense of patriarchy is in the society, that violence against women is tolerated, and how low is the consciousness regarding women's human rights Sexual harassment at work is not sanctioned by the laws, nor raised as an issue by the media or in political speeches

A DEFINITION OF DISCRIMINATION - MEASURES TAKEN
(Article 1 and 2)

A definition of discrimination does not exist in the Croatian legislature and the specific issue of defining discrimination against women is completely neglected According to the Croatian Constitution, equality is one of the supreme values of Croatian constitutional order whereby everyone is equal in the eyes of the law Equality, is defined in the Constitution in the manner of being declared rather than in terms which mention, define or prohibit discrimination The Constitutional Court usually interprets discriminatory actions to be against the Constitution only if the discrimination is described within the particular laws For everyday practice that interpretation is often too narrow Due to the absence of an appropriate definition of discrimination against

Uvod

Nakon stjecanja nezavisnosti 1991 , proces tranzicije iz državno kontrolirane privrede prema slobodnom tržištu bio je kompliciran ratom u koji je Hrvatska bila uključena Zbog procesa tranzicije, rata i desne vlade, položaj žena se pogoršavao u posljednjih 7 godina u ekonomskoj, socijalnoj i političkoj sferi Vodeći političari su ponovno otkrili nacionalizam i tradicionalizam kao jake nacionalne kohezivne snage i počeli promovirati tradicionalne patrijarhalne modele Druga jaka poluga tradicionalizma je Katolička crkva koja osvaja sve više i više javnog prostora i političkog utjecaja što je posebno vidljivo u području javne percepcije reproduktivnih prava i sloboda

Kao tipičan primjer opce atmosfere vezane uz ženska ljudska prava, u ovom slučaju seksualnog napastovanja, navodimo dva primjera koja su dobila skromno mjesto u javnim medijima U oba su bili uključeni hrvatski ambasadori jedan u Maleziji, a drugi u Japanu Prvi je bio optužen za silovanje kucne pomoćnice i povučen s položaja Na kraju je proglašen nevinim na malezijskom sudu, ali i prije toga su ovdašnji mediji zauzeli podržavajuci i razumjevajuci stav prema ambasadoru Drugi je seksualno napastovao japansku službenicu Hrvatske ambasade, a mediji su ustvrdili da ambasador ima problema s kulturnom prilagodbom Službeni komentari Ministarstva vanjskih poslova su bili blagi, navodeci da bi mu mandat tako i tako brzo završio Očito, hrvatska javnost, ni medijska niti službena, ne shvaća da je napastovanje - napastovanje i da pri tome nema kulturalnih razlika Primjeri pokazuju snažan patrijarhalan utjecaj u društvu, nasilje nad ženama kao kategoriju koja se tolerira te nisku svijest o ženskim ljudskim pravima Seksualno napastovanje na poslu nije sankcionirano zakonima niti je zastupljeno u medijima ili političkim govorima

DEFINICIJA DISKRIMINACIJE
(Članak 1 i 2)

Definicija diskriminacije uopce ne postoji u hrvatskoj legislaturi, a specifična diskriminacija žena potpuno je zanemarena Prema Ustavu Republike Hrvatske, jednakost je jedna od vrhunskih vrednota hrvatskog ustavnog poretka te su stoga svi/e jednaki/e u očima zakona Diskriminacija se ne spominje, definira ili zabranjuje iako je u Ustavu deklarirana jednakost Ustavni sud obično tumači diskriminatorne akcije kao protivne ustavu samo ukoliko je diskriminacija opisana u nekom od zakona U svakodnevnoj praksi interpretacija je preuska te stoga mnoge diskriminatorne radnje prolaze bez adekvatne legalne prohibicije ili sankcioniranja i nisu javno prepoznate Taj proces je potpomognut nedostatnom definicijom diskriminacije žena i nepostojanjem mehanizama za poticanje antidiskriminatorne prakse

Zbog takvog stanja javlja se mnogo problema koji nisu ublaženi mjerama koje bi osigurale stvarnu ravnopravnost Nikakve mjere pozitivne akcije ne postoje

Vlada RH je u proljece 1996 osnovala Povjerenstvo za jednakost Njegova uloga još nije jasna što se ocitava iz njegova imena u kojem se ne spominje spol ili rod Po našim saznanjima Povjerenstvo nije pokušalo jasno definirati spolnu/rodnu jednakost i ravnopravnost Ustanovljeno je da bi se zadovoljile obveze koje je Vlada preuzela kao potpisnica nekih međunarodnih dokumenata te pod pritiskom međunarodne zajednice Mi ne negiramo da je Povjerenstvo ostvarilo stanovitu vidljivost u javnosti ili da je pokazalo inicijativu na nekoliko sastanaka otvorenih javnosti i ženskim nevladinim organizacijama Jedan sastanak je bio posvecen Prijedlogu obiteljskog zakona a drugi Nacionalnoj politici za promociju

women in our legal system, and to the lack of mechanisms that will enforce anti-discriminatory practice, much discrimination goes on without proper legal prohibition or sanctions, and is not publicly recognized

Out of this shortcoming many different problems arise They are not alleviated by any provisions that would secure actual equality Any measures that would be a part of positive action do not exist

However, the Croatian government did establish a Committee for Equality in Spring 1996 It's role is still not clear, though, what is visible from the name of the Committee is that it does not mention gender equality To our knowledge there has been no attempt by the Committee to properly define gender equality or equity The Committee was originally established to fulfill an obligation that the government had from being signatory to certain treaties and because of the pressure of the international community We do not deny that the Committee has achieved some visibility or performed certain activities at a couple of meetings open to public and women's NGOs One of those meetings was on the draft of the new Family law and the second more recently about the development of National Policies for Promotion of Equality But none of the suggestions of women's NGOs concerning the new Family Law was accepted The recently promoted Governmental national program for promotion of equality is a very good document, but yet far from implementation The Committee also has an unsatisfactory structure, it lacks financial plans and resources and has no executive power The Committee uses resources of the Ministry for Work and Social Welfare It's chairwoman, vice-president of the current government, has not shown visible interest in women's issues until recently She has occasionally shared her conservative views in public During the public debate on the new abortion law she publicly announced that "Women's right to free choice exists only so long as she does not become pregnant " (*Radio 101*, April 1996) The members of the Committee are women and men from various ministries, but women's NGOs have no representation in it The Committee works without a single professional to solely and specifically work on women's issues In spite of these limitations women's groups in Croatia are willing to cooperate with the Committee and have been sending their suggestions for the improvement of its work, and we do expect improvement

RECOMMENDED MEASURES

1. *Inclusion of a proper definition of discrimination against women in the laws relevant for the issue (Penalty Code, Family Law, Labor Law) and promotion of appropriate measures of positive action for marginalized or minority groups (including women) by the end of 1998.*
2. *Clarifying the role of the Committee for Equality and giving it executive power.*
3. *Allocation of necessary resources to the Committee for Equality (premises, staff and finances) for 1998.*
4. *Inclusion of at least four experienced women from different NGOs from different regions in Croatia in the Committee.*
5. *Bringing the newly developed National Policies for the Promotion of Equality into daily life.*

ravnopravnosti Nažalost, niti jedna primjedba ženskih organizacija u cilju poboljšanja Prijedloga zakona nije prihvaćena, a Nacionalna politika, vrlo dobar dokument, još je daleko od primjene Povjerenstvo ima nezadovoljavajuću strukturu, nedostatna financijska sredstva te nema izvršne ovlasti Organizirano je pri Ministarstvu rada i socijalne skrbi Njegova predsjednica inače podpredsjednica Vlade, nije do nedavno pokazivala značajniji interes za probleme žena, a povremeno je javno obrazlagala svoje konzervativne stavove, primjerice kad je za vrijeme javne rasprave o novom zakonu o abortusu izjavila na Radiju 101, u travnju 1996 da žene imaju pravo na slobodan izbor dok ne zatrudne Članovi i članice Povjerenstva su osobe iz različitih ministarstava, ali ženske nevladine organizacije nemaju niti jednu predstavnicu Usprkos tim ograničenjima žene u Hrvatskoj su spremne surađivati s Povjerenstvom i u skladu s tim im šalju preporuke za očekivano unapređenje rada

MJERE ZA POBOLJŠANJE

1 Uključenje zadovoljavajuće definicije diskriminacije žena u relevantne zakone (kazneni zakon, Obiteljski zakon, Zakon o radu) i promoviranje adekvatnih mjera pozitivne akcije za marginalizirane ili manjinske grupe (uključujući i žene) do kraja 1998
2 Pojašnjavanje uloge Povjerenstva i davanje izvršnih ovlasti Povjerenstvu.
3 Osiguravanje potrebnih sredstava za povjerenstvo (prostor, osoblje, financije) za 1998.
4 Uključivanje najmanje 4 žene iz različitih nevladinih udruga i različitih dijelova Hrvatske u Povjerenstvo.
5 Oživotvorenje novorazvijene Nacionalne politike za promociju jednakosti u svakodnevnom životu

NASILJE NAD ŽENAMA

(Članak 1)

Iako je hrvatski Sabor ratificirao Konvenciju o eliminaciji svih oblika diskriminacije žena u samim počecima hrvatske države, jedno od osnovnih ženskih prava - pravo na život bez nasilja u privatnoj i javnoj sferi nije ostvareno niti ne postoje vladine mjere koje bi omogućile njegovo ostvarenje

Službene statistike koje se bave nasiljem nad ženama ne postoje, iako policijski izvještaji i iskustva ženskih grupa koje pružaju savjetovanje i podršku ženama žrtvama nasilja pokazuju stalan porast nasilja Nedavni policijski izvještaji tvrde da je u 1997 nasilno ponašanje poraslo za 11,54% u odnosu na 1996 Porastao je i broj registriranih silovanja Od 73 registrirana silovanja u 1996 samo je 39 stiglo do suda, 19 počinitelja je osuđeno, 15 na zatvorske, a 4 na uvjetne kazne Osim porasta broja žena izloženih nasilju, zbog rata i militarizacije društva promijenio se oblik nasilja Ženske grupe su registrirale više opasnih napada zbog uporabe vatrenog oružja i ručnih bombi, u nekim slučajevima sa smrtnim ishodom Policija je obično neosjetljiva i neškolovana za intervencije u slučaju nasilja nad ženama Direktna policijska zaštita za vrijeme nasilnih ili prijetećih situacija se još više komplicira zbog podijeljene jurisdikcije između vojne i civilne policije Ukoliko je nasilnik pripadnik HV-a civilna policija nema prava djelovati protiv njega te je stoga mogućnost zaštite žena koje su izložene nasilju pripadnika HV-a nepostojeća jer se odgovornost za intervenciju gubi negdje između vojne i civilne policije

U dijelu legislative koja regulira problematiku spolnog nasilja ne postoje osnovne odredbe koje bi zaštitile žene žrtve obiteljskog nasilja Ne postoji zabrana prilaza koja je dio mnogih pravnih sustava iako slični mehanizmi postoje za zaštitu privatne imovine i nekih drugih prava Čak i kad je sudski proces zbog nanošenja tjelesne ozljede u tijeku (bilo da ga je pokrenula žena, bilo državni tužitelj u skladu sa svojom zakonskom obvezom) žene bi zajedno s djecom trebale

VIOLENCE AGAINST WOMEN

Article 1

Although the Croatian parliament ratified CEDAW at the very beginning of Croatian independence, one of the basic women's rights to live without violence in private and public life has not been practically achieved and there have been no governmental interventions towards achieving it

There are no official statistics that deal with the issue of violence against women, though police reports and the experiences of women's groups that provide hot lines, counseling and support for battered women show that violence is steadily increasing The recent police report says that in 1997 the percentage of violent behavior has grown with 11,54 % compared to 1996 The number of registered rapes has grown with the same percentage Out of 73 registered cases of rape in 1996, only 39 have been prosecuted and only 19 perpetrators were found guilty, 15 of them sentenced to prison, 4 put on probation Beside the increase in the number of women exposed to violence, due to the war and militarization of the society, the modus of violence has changed Women's groups have noticed that there is more severe and dangerous insults as a consequence of the use of fire arms and hand grenades as the means of male violence against women In some cases, there were fatal outcomes Police forces are usually insensitive and uneducated regarding gender violence Direct police protection during violent or threatening situations is even more complicated due to the split jurisdiction between civil and military police If the abuser is a member of the Army, civil police has no jurisdiction over him Often the possibility of protecting women whose tormentors are soldiers is nonexistent as the accountability gets lost somewhere between the civil and military police

In the section of legislation that regulates issues of gender violence there are no basic provisions that would provide protection to women victims of family violence Restraining orders, that are part of many legal systems, do not exist, although similar mechanisms for the protection of private property and some other rights do Even if a court process for cases of bodily harm is underway (either started by the woman herself, or by the state attorney office according to legal obligation), women and children are supposed to continue living with the perpetrator, in a situation highly risky for their bodily and mental integrity The other problem is the length of the divorce process and the even lengthier processes of the division of property, of which there is no possibility for speeding up the process when violence is involved Even worse, by the proposed Penalty Law that will come into force next year, severe bodily harm when perpetrated within the family (except on children) or among partners will no longer be prosecuted as a matter of legal obligation of the state attorney but only on the private demand of the victim Through such a legal change neither physicians nor police is any more legally obliged to report severe bodily harm to the public attorney The draft of the new Penalty law also lowers the foreseen prison penalty for such a harm from earlier 6 months to 5 years, the foreseen penalty is now between 3 months and 3 years This will certainly lead to a lower number of prosecutions as women will be reluctant to prosecute, either due to fear of the abuser with whom they usually have

nastaviti zivjeti s nasilnikom uz visoki rizik za njihov tjelesni i mentalni integritet Drugi problem je dužina procesa razvoda braka i još duži proces podjele imovine bez mogucnosti ubrzavanja procesa zbog postojanja nasilja u braku Još gore, u novom Kaznenom zakonu koji ce stupiti na snagu iduce godine, tešku tjelesnu povredu nanešenu unutar obitelji (s iznimkom djece) ili između vanbračnih partnera više neće tužiti javni tužitelj po službenoj dužnosti nego ce biti utuživa samo na privatan zahtjev žrtve Takvom zakonskom promjenom niti policija niti liječnici više nisu dužni obavještavati državnog tužitelja o napadu Novi Kaznen zakon također predviđa smanjenje kazni za takva djela - od prijašnjih 6 mjeseci do 5 godina na sadašnja 3 mjeseca do 3 godine Obje odredbe ce dovesti do smanjenja broja tužbi, jer žene nece htjeti tužiti nasilnika zbog straha za vlastiti život te zbog visokih sudskih pristojbi koje ce morati placati zbog toga što ce tužbe biti privatne

Ženske grupe su javno obznanile da ce takva zakonska promjena loše utjecati na položaj žena te da ce uzrokovati još vecu diskriminaciju jer ce žrtve kucnog nasilja biti manje zašticne od žrtava javnog nasilja

Uz neodgovarajucu legislativu, prevladavajuca tradicionalna patrijarhalna kultura još uvijek smatra da je nasilje nad ženama doduše nepoželjno, ali da se može tolerirati Ne postoje kampanje koje teže promjeni opcih pogleda na nasilje nad ženama sponzorirane od države (takve kampanje organiziraju ženske grupe) niti postoje akcije promoviranja kulture nenasilja i međusobnog poštovanja spolova/rodova

Nadalje, država ne pomaže NVU-e koje pružaju podršku ženama koje su preživjele nasilje niti ne čini ništa za poboljšanje legalnog, ekonomskog, socijalnog i psihološkog stanja žena žrtava nasilja

MJERE ZA POBOLJŠANJE

1 Prikupljanje i analiza podataka o incidenciji i tipu obiteljskog nasilja pod nadzorom Povjerenstva za jednakost u suradnji sa ženskim NVU-ama koje se tim problemima bave više od 4 godine
2 Ustanovljavanje posebnih Obiteljskih sudova koji će se baviti obiteljskom problematikom kompetentno i brzo Ukoliko je to nemoguce, uključivanje mjera za ubrzanje procesa razvoda kada je prisutno obiteljsko nasilje u Obiteljski zakon
3 Uključivanje zabrane prilaza u Obiteljski zakon.
4 Financijska podrška NVU-ama koje pružaju bilo kakav oblik pomoći ženama koje su preživjele nasilje bez miješanja u identitet i nezavisnost NVU-a.
5 Školovanje i senzibilizacija policije (civilne i vojne), socijalnih radnika/ca te zaposlenih u sudstvu o nasilju nad ženama i načinima pružanja podrške žrtvama nasilja
6 Organiziranje kampanja koje će promijeniti stavove o nasilju nad ženama
7 Uključivanje obrazovanja za međusobno poštovanje spolova/rodova i vještina nenasilne komunikacije od vrtica do sveučilišta.

TRGOVINA ŽENAMA

(Clanak 6)

Iako u hrvatskim zakonima prostitucija žena nije kažnjiva, a podvođenje jest, Ministarstvo unutarnjih poslova poduzima samo palijativne mjere, a i to sporadicno Poduzete mjere i javni odgovor je vidljiviji protiv prostitutki nego protiv svodnika ili vlasnika bordela
U posljednjih 5 godina s dolaskom međunarodnih vojnih snaga (UNPROFOR) te zbog "otvaranja istočnog tržišta" trgovina zenama i prostitucija su postale bolje organizirane Novinski oglasi za erotsku masazu telefonske linije i barovi ili restorani s plesom i

to continue to live, or due to the financial reasons of the court taxes being too high for them
Women's groups have already publicly announced that such a legal change will affect women and that it discriminates victims, as victims of domestic violence get less protection than those of public violence

Beside inadequate legal provisions, the predominant traditional patriarchal culture still regards violence against women as something not desirable but definitely tolerable There are no campaigns sponsored by the state (women's groups do organize such campaigns) aiming to change general attitudes towards violence in families nor other actions that would promote a culture of non-violence and mutual gender respect

Further, the state does not support NGOs that are supporting women survivors of violence nor generally speaking does anything that would either improve these women's legal, economic, social and psychological status or help them to re-socialize

RECOMMENDED MEASURES

1. *Gathering and analyzing data on incidence and type of family violence under the supervision of the Committee for Equality in cooperation with women's NGOs that have been dealing with these problems over the last four years.*
2. *Establishing special Family courts that would deal with all family issues in a competent and swift way. If that is impossible, including the possibility in Family Law of accelerating the process of divorce where family violence is present.*
3. *Including restraining orders in Penalty Law.*
4. *Financial support of NGOs that provide any kind of support to women survivors of violence without interfering with the identity and independence of those NGOs.*
5. *Education and sensitization of police forces (civil and military), social workers and legal system employees about violence against women and how to support victims of violence.*
6. *Organized, widespread campaigns that will change attitudes towards violence against women.*
7. *Inclusion in school programs education for mutual gender respect and non-violent communication skills from kindergarten to university.*

TRAFFICKING IN WOMEN
Article 6

Although in Croatian legislation prostitution of women is not penalized, and soliciting acts are, the Ministry of Interior Affairs takes only palliative measures and these sporadically Taken measures and public responses are more visible against prostitutes than against procurers or the owners of brothels

streepteasom (u stvari bordeli) postaju sve učestaliji Žene su obično dovedene iz zemalja bivšeg SSSR-a, a u Hrvatskoj su ilegalno bez ikakvog statusa nakon isteka njihovih tromjesečnih turističkih viza Neke od njih su dovedene u Hrvatsku s lažnim ponudama za posao i onda ucijenjene Jedine policijske mjere su povremene racije s posljedičnim sudskim gonjenjem svodnika i vlasnika bordela te evikcijama žena iz Hrvatske zbog istekle vize i nejasnog statusa Prije nekoliko godina jedna Ukrajinka je bila ubijena u incidentu u koji su bili uključeni pripadnici hrvatskih paramilitarnih grupa povezanih s organiziranim kriminalom i trgovinom ženama Do dana današnjeg hrvatska policija nija objavila rezultate istrage Takvi slučajevi su u tisku redovito komentirani na način ponižavajuci za žene

Na nesrecu, niti država niti NVU-e ne čine napore da se organizira podrška koju te žene trebaju zbog nedostatka stredstava i visokog osobnog rizika za aktivistice

MJERE ZA POBOLJŠANJE

1 Strože kazne za podvođenje
2 Bolja kooperacija hrvatske policije s internacionalnom zajednicom da bi se zaustavilo trgovanje ženama.
3 Državna potpora NVU-ma voljnim pružati pomoć ženama žrtvama trgovine
4 Javna edukacija i točne informacije o problemu trgovanja ženama.

POLITIČKA PARTICIPACIJA ŽENA

(Clanak 7)

Politička participacija žena je u Saboru, županijskim i gradskim skupštinama drastično pala nakon promjene političkog sustava Primjerice, u oba doma Sabora postotak žena je pao s 22% na 5,6% nakon prvih višestranačkih izbora 1990 Trenutno je žena predsjednica Županijskog doma (4,4% žena), u Zastupničkom domu (7,8%) samo je jedna žena podpredsjednica Sabora Samo dva saborska odbora vode žene

Na županijskoj razini, u županijskim skupštinama situacija je još gora Prema podacima iz 1996 od 776 predstavnika/ca samo 33 su bile žene što je 4,25% U gradskim skupštinama postotak je bio 7 05%, a u 15 od 70 gradskih skupština nije uopce bilo žena Preliminarna analiza spola kandidata/tkinja na posljednjim gradskim i županijskim izborima te izborima za županijski dom Sabora koji su održani 1997 pokazuje redukciju prisutnosti simboličnog sudjelovanja žena Pogotovo smo zabrinute zbog smanjenja njihova udjela na lokalnoj i županijskoj razini Jedina iznimka je skupština grada Zagreba u kojoj je 13 7% žena

Stanje u izabranim političkim tijelima odražava stanje u političkim strankama Ne postoji svijest o potrebi motiviranja i uključivanja žena u članstvo i vodstvo političkih stranaka Zahvaljujuci naporima ženskih NVU-a prigodom izbora 1995 i 1997 nekoliko političkih stranaka je razvilo ženske programe, ali ih rijetko promoviraju ili ih se ne drze nakon izbora Još uvijek postoje stranke s isključivo muškim vodstvom te na mjestima donošenja strateških odluka Postotak zena u stranačkim vrhovima varira izmedju 0-28,57% Samo dvije stranke imaju žensku kvotu (30%), ali se ne primjenjuje na svim razinama organizacije stranaka

Opravdanje za takvo stanje je česta predrasuda da "žene nisu zainteresirane za politiku, a ako jesu to su čudakinje gladne moci" Prevladavajuće mišljenje se otkriva kroz incidente Za vrijeme prošlih izbora 1997 kandidatkinje SDP-a su bile malo vidljivije i prominentnije u stranačkoj izbornoj kampanji Na njihovim izbornim plakatima i letcima su se često nalazili grafiti 'Kurve' Niti Sabor nije pošteđen ženomrzačkih ispada Za vrijeme sudjelovanja u raspravi o korupciji političara vladajuce stranke istaknuta zastupnica iz redova opozicije je bila

In the last 5 years, with the employment of international military forces (UNPROFOR) and as a result of the "opening of Eastern European markets", trafficking in women and prostitution has taken form of more organized crime Newspaper advertisements for erotic massage, telephone lines and entertainment places or restaurants (actually brothels) have been increasingly common Women are usually trafficked from ex-USSR countries and are illegally in Croatia without any status after their three month tourist visa expire Some of them are brought to Croatia by false offers for job and are then blackmailed The only measures taken by the police are occasional raids with consequent charges against procurers and the eviction of the women from Croatia on the grounds that their visa have expired A few years ago a Ukrainian woman was killed, obviously in an incident connected with organized crime and trafficking in women, in which Croatian paramilitary personnel were involved Until now, Croatian police have not released the results of the investigation Such cases are regularly commented by the press in a manner insulting to women

Unfortunately, efforts to provide the support needed by these women are not being made either by the state or by any NGO due to the lack of resources and a high risk

RECOMMENDED MEASURES

1. *Inclusion of more severe punishments for soliciting.*
2. *Better cooperation of Croatian police forces with the international community in order to stop trafficking*
3. *State support for NGOs willing to provide support to women victims of trafficking.*
4. *Public education and accurate public information on the problem of trafficking in women.*

WOMEN'S POLITICAL PARTICIPATION
Article 7

Women's participation in the national parliament and in regional and municipal political structures, such as local parliaments or councils, dramatically dropped with the change of the regime For example, in both Houses of Parliament the percentage of women members have decreased from 22% until the first multi-party elections to 5 6 % after them in 1990 A woman is chair of the House of Counties (4,4% women) In the House of Representatives (7,8% women) the chair and all his deputies, beside one woman, are men Out of all the different Parliamentary Committees only two are chaired by women

At the regional level, in county parliaments, the situation is even worse According to data from 1996, out of 776 representatives only 33 were women, which is 4,25% In the city councils 7,05% of representatives were women, and in 15 of a total of 70 city councils there were no women at all

nazvana histeričnom i agresivnom Drugi incident se zbio za vrijeme rasprave o Nacrtu obiteljskog zakona u Zastupničkom domu kada se zastupnik vladajuce stranke vrlo glasno podsmjehivao zastupnici iz opozicije riječima "Manje pričaj, više rađaj" Ni njihova stranačka vodstva, niti itko u Saboru, kao niti voditelj sjednice nisu reagirali na te ispade, a mediji su reagirali na razini vica

Vecina stranaka nema žensku sekciju i potpuno su nesvijesne problema žena Nažalost, ne pokazuju nikakvu namjeru da uče Ne pokušavaju uključiti više žena ili im osigurati siguran prostor unutar svojih struktura Ženska ad hoc koalicija koja se sastoji od 18 grupa za monitoriranje i utjecanje na izborima je u posljednjih nekoliko godina pokušavala pomoci ženama u njihovom političkom angažmanu, ali državni mehanizmi koji bi činili isto ne postoje

U Vladi RH samo su dvije žene od 23 člana/ice Jedna je podpredsjednica, a druga ministrica prosvjete i sporta Postoji i nekoliko žena pomocnica ministara Samo jedna žena je županica u županiji Osiječko-Baranjskoj, a jedna je podžupanica u Istri Dvije žene su gradonačelnice (Zagreb i Čakovec)

Sličan status imaju i visoko obrazovane žene koje rade unutar vladinih struktura Vlada je osnovala 12 različnih ureda i povjerenstava u područjima od izrazite važnosti za izvršnu vlast Samo dvije žene su predstojnice ili direktorice, obje na mjestima koja su bliska socijalnoj zaštiti

Ne postoje zakonske obaveze niti preporuke koje ce služiti kao sredstvo poboljšanja statusa žena u politici i upravljačkim strukturama Ženska participacija u politici se, nažalost, sve više smanjuje

MJERE ZA POBOLJŠANJE

1 Uvođenje sustava ženskih kvota na kandidacijske liste za izbore za Sabor, županijske i gradske skupštine da bi se ostvario adekvatan broj žena u tim tijelima (40 - 60%)
2 Razvoj i primjena programa pozitivne akcije koja će primorati Vladu da u najmanje 40% slučajeva žene budu na vodećim položajima.
3 Podrška ženskim NVU-ama koje promoviraju sudjelovanje žena u politici

ŽENE U RATU

Iako je rat završio a broj prognanica se smanjio, novi problemi iskrsavaju gotovo svakodnevno Ustanovljena je nova kategorija povratnica Nakon intervencije Hrvatske vojske na teritorijima koji su do tada bili pod srpskom kontrolom i naseljeni vecinom Srbima do 1995 , otprilike 200 000 ljudi je napustilo te teritorije Samo mali postotak se mogao vratiti svojim kucama, jerbo je do nedavno postignutog dogovora pod pritiskom međunarodne zajednice, Vlada ometala povratak Pojavilo se mnogo problema za žene povratnice, neki su zajednički svima a neki su različiti ovisno o nacionalnosti

Prvi problem je vezan uz davanje državne financijske pomoci prognanicima/cama vecinom hrvatskog podrijetla To je malena suma (100 HRK mjesečno po osobi) Naputak koji je sastavilo Ministarstvo za rad i socijalnu skrb obvezuje socijalne radnike/ce da čitav iznos izdaju samo nosiocu/teljici obitelji Tradicionalno, to je najčešce muškarac, što znači da žene obično ne mogu same podici svoj novac Situacija je još gora kada žena ne živi sa suprugom ili kada je obitelj rasuta po cijeloj Hrvatskoj Naputak predviđa isplacivanje samo ako je cijela obitelj zajedno

A preliminary analysis of the sex of candidates running in the last city and regional elections, held in 1997, as well as in the House of Counties' elections, shows a reduction in the previous, and anyway rather symbolic, women's political presence We are particularly concerned with the diminishing number of women at local and regional levels The only exemption is the parliament of the Zagreb county were the percentage of women is 13 7 %

The situation in the elected political bodies reflects the situation in the political parties The awareness of the need to motivate and include more women in the membership and leadership of political parties is apparently non-existent Thanks to the efforts of women's groups for the elections in 1995 and 1997, several political parties have developed women's programs, but they rarely promote or uphold them after the election periods There are still parties only having men in the highest positions and decision making processes The percentage of women in the governing bodies of political parties range between 0-28,57% Only two parties have a women's quota (for 30% women), but it is not implemented on all levels of their organization

The justification most commonly used by most parties for such a small number of women being involved in politics is a frequently heard prejudice that "women are not interested in politics and if they are, they are rather strange or hungry for power" The general attitude reveals itself through certain incidents - During the recent elections in 1997, women candidates from the Social Democratic Party were a little more visible and prominent in that party's public campaign On their election flyers and posters it was common to see words like 'whores' written as graffiti over their photographs Two misogynist incidents occurred recently in the parliament, without appropriate follow-up reactions in the media First, while joining in the discussion which was on the corruption of politicians from the ruling party and government, a prominent woman political leader from the opposition was called hysterical and aggressive The second occurred also in the House of Representatives when one male representative from the ruling party (Croatian Democratic Union) loudly derogated a female representative from the opposition while she was discussing a new draft of the family law with the words "Less talking, more child bearing and birthing" Neither her party headquarters, nor anybody of the Parliament, including the speaker and chairpersons, reacted to that

Most of the parties do not have a women's section, and are totally unaware or unwilling to deal with specific gender issues They do not try to include more women or to secure enough space for them within their structures The Women's *Ad Hoc* Coalition of 18 women's NGOs for monitoring and influencing the elections has been trying for the last few years to encourage women politicians in their work, but there is no state mechanism that would do the same

In the Government of the Republic of Croatia there are only two women out of 23 members One is the vice-president and the other is the Minister of Education and Sport There are a few more women assistants to the male ministers On the regional level only one woman is a County President, in Osijek, and there is one female vice-president, in Istria Two women are mayors (Zagreb and Cakovec)

Drugi problem je povezan s razvodom Zbog rata, postotak razvoda je porastao među prognanickom populacijom Prema našim zakonima, podjela bračnih stečevina se odvija u sudskom procesu odvojenom od procesa razvoda koji se pokrece na zahtjev jedne od strana Dislokacija sudova, nedostatak sudskog osoblja te slaba informiranost žena rezultiraju u mnogo slučajeva razvoda bez obavljene podjele bračne stečevine Kako je pravo na obnovu kuća povezano s vlasništvom, a tradicionalno je vlasništvo na muškarcima, mnoge žene nemaju šanse da uđu, sudjeluju ili profitiraju od programa obnove te se vrate svojim kucama

Od početka rata do 1994 mnoge stanarke/ri koji su bili u posjedu stanova JNA izbačene/i su iz stanova na koje su imale/i stanarsko pravo Vecina izbačenih osoba su bile žene koje su radile kao civilne osobe u JNA ili su bile rastavljene od oficira JNA Iako su evikcije bile ilegalne, Hrvatska vojska je podupirala akcije izbacivanja Za vrijeme evikcija događalo se mnogo seksualnog napastovanja, uvreda i nasilja protiv žena, uz najmanje jedan dokumentirani slučaj silovanja Iako je Vrhovni sud presudio u korist bivših stanara izbačene žene još nisu u posjedu stanova Sudski proces koji se tiče dokumentiranog slučaja silovanja još nije završen iako se silovanje dogodilo 1995 , a silovatelj je slobodan

Slijedeci problemi su vecinom problemi Srpkinja U posljednje četiri godine su ljudi otpuštani na temelju nacionalnosti, pogotovo s mjesta u državnoj upravi i sudstvu (sutkinje, primjerice) To je pogotovo pogodilo žene s obzirom da su one činile vecinu radne snage u upravi Neki sudski procesi su završeni u njihovu korist, ali one nikad nisu stvarno počele ponovno raditi Drugi veliki problem je stjecanje državljanstva Republike Hrvatske za osobe srpske nacionalnosti koje su živjele na teritoriju koji su kontrolirali Srbi To je problem s kojim su suočavaju i muškarci i žene, ali je teži za žene jer se one prve vracaju (muškarci često bivaju optuženi za pobunu) ili ukoliko su starije, nisu niti napuštale područje nakon što je Hrvatska preuzela kontrolu nad Krajinom Procedura stjecanja hrvatskog državljanstva je duga i birokratizirana s mnogo mogućnosti za usporavanje i zaustavljanje, što djelatnici/ce u državnoj upravi često upotrebljavaju kao sredstvo odugovlačenja

U posljednje vrijeme su različite NVU koje rade na tom području otkrile i prijavile mnogo nasilja nad ženama uključujuci i najmanje dva slučaja silovanja starijih žena Nije bilo javne reakcije na ta događanja, niti nam je poznato da su poduzete ikakve mjere

Dobivanje prava na posjed vlastite privatne imovine je slijedeci veliki problem Zakon o privremenom upravljanju određenom imovinom je stupio na snagu nakon akcije Oluja To je legalna mogucnost države da u slijedecih 10 godina upravlja privatnom imovinom Srba koji su napustili Hrvatsku Kako se žene obično prve vracaju, učestalo nemaju gdje stanovati jer su njihovi domovi dani na korištenje izbjeglicama iz Bosne ili Jugoslavije hrvatske nacionalnosti u skladu s Nacionalnim programom demografske obnove iz 1996 s ciljem naseljavanja Hrvata u ta područja Zene koje se vracaju su nezaposlene pa je početak organiziranja normalnog života ekstremno tezak Njihova zakonska zaštita je slaba, žive u strahu, a svi napori različitih grupa za ljudska prava i zenskih organizacija imaju malo utjecaja na ponasanje Vlade i uprave

Hrvatska je jos uvijek prebivalište mnogih izbjeglica iz Bosne i Hercegovine unatoč poboljšanjima nakon Dytonskog sporazuma Te izbjeglice nisu *de lege* u Hrvatskoj nego samo *de facto* pa stoga nemaju pravo na rad što posebno pogađa žene jer one traže posao na crno pri cemu su često izložene seksualnim ucjenama i napastovanju Izbjeglice (od toga 80% žene i djeca) se cesto upotrebljavaju kao taoci hrvatske politike, primjerice, nedavno kada im je u Centrima za socijalni rad prema naputcima Ministarstva rada i socijalne skrbi bila zanijekana pomoc jer je bosansko vodstvo odbilo hrvatski prijedlog o posebnim odnosima s Federacijom BiH (studeni, 1997)

As it is for women politicians, it is for women professionals within governmental structures The government has founded 12 different offices or commissions in specific areas that are important for governing Only two women are either chairpersons or directors in these, both in posts connected with social welfare

There are no legal obligations or even recommendations that could serve as the means to improve the position of women in politics or governing bodies Women's participation in politics is smaller and smaller

RECOMMENDED MEASURES

1. *Introduction of a system of gender quotas for candidates lists for elections to Parliament and to regional and municipal councils to achieve the appropriate number (40 to 60 percent) of women in parliaments*
2. *Development of a program of positive action that will oblige the government to appoint women to at least 40% of leading positions*
3. *Supporting women's NGOs that promote participation of women in politics.*

WOMEN IN WAR

Although, the war is over, and the number of internally displaced persons is diminishing, new problems have started to surface The new category of 'returnees' now exists After the Croatian military intervention in the territories controlled and populated by Serbs until 1995, approximately 200 000 people have left these territories Only a small percentage has been able to return to their homes, as until the recent agreement fostered by the international community, the government was prohibiting collective return of people who had lived there Many issues have arisen regarding the position of women, some of these issues are common to all women returnees, some are ethnicity specific

The first regards the financial assistance given by the state to all displaced people, predominantly of Croatian origin It is a small amount (100 HRK or 17 USD per month per person) Operational instructions issued by the Ministry of Labor and Social Welfare oblige social workers to give the whole family's entitlement only to the designated 'bearer' of the family who is in most cases a man This means that women can't collect their own money The situation is even worse in cases when women do not live with their husbands or when the family is scattered in different parts of the country The instruction states that financial help can be paid only if the whole family is together

The second problem is connected with divorce Due to the war, the percentage of divorced people increased among the displaced population According to our law, the

MJERE ZA POBOLJŠANJE

1 Davanje ovlaštenja Povjerenstvu za jednakost da provjeri sve važne naputke raznih ministarstava, pogotovo onih od velike važnosti za žene, to njegovo ovlaštavanje za poništavanje naputaka ukoliko sadrže diskriminativne mjere
2 Ubrzanje procesa podjele imovine pri razvodu koji su već u toku i zapošljavanje stručnjakinje koja bi davala javne i osobne informacije u vezi s tim i sličnim problemima.
3 Dosljedno provođenje svih sudskih odluka
4 Povlačenje Zakona o upravljanju određenom imovinom u cijelosti
5 Jača državna kontrola državnih djelatnika/ca da bi se eliminirale osobne predrasude te ometanje i usporavanje birokratskih procedura kao što su procesiranje dokumenata Srba/pkinja povratnika/ca
6 Implementacija međunarodnih dokumenata o izbjeglicama.

ŽENE I RAD

(Clanak 11)

Hrvatska je trenutno tipična zemlja u tranziciji koja prolazi kroz pretvorbu državnog vlasništva u privatno Novi Zakon o radu koji je stupio na snagu u siječnju 1996 podržava interese profita a ne rada, dopuštajuci da se privatizacija odvija po divljem modelu koji uključuje jaku socijalnu diferencijaciju, masovna otpuštanja radnika/ca i preraspodjelu nacionalnog bogatstva u korist šačice ljudi koji pripadaju novostvorenoj eliti, a na štetu sveopce osiromašenog stanovništva Da bismo ilustrirale ozbiljnost situacije, navodimo citat iz Večernjeg lista, studeni, 1997 "Poslodavci su dalje naglasili da su za njih žene, stariji, hendikepirani i slične kategorije prihvatljiva radna snaga ukoliko dobiju olakšice za njihovo zapošljavanje " Takav model, praćen zakonodavstvom koje ga podupire, povećava nezaposlenost žena, smanjuje socijalnu zaštitu i povećava broj žena koje rade na crnom tržištu bez ikakve socijalne ili zakonske zaštite

Ključnu ulogu u divljem procesu privatizacije imaju muškarci, samo nekolicina žena ima nekakav utjecaj zbog korupcije, kriminalizacije i nedostatka etičkih vrednota, kao i zbog zatvorenog kruga muških aktivnosti te mentaliteta koji sprečava da žene zadobiju važne uloge u poslovnom svijetu

Malu privredu kontrolira novostvorena i vrlo konzervativna bogata elita koja je stekala svoje bogatstvo kroz političku moc ili ponekad kroz ratno profiterstvo Ona podržava socijalno i ekonomsko ponašanje koje teži zatvaranju žena u kucu s djecom Za vecinu žena preostaju slabo placeni poslovi sa socijalno lošim statusom To je očita diskriminacija, ali za nju ne postoje sankcije iako u Zakonu o radu postoji odredba koja osigurava da potencijalni namještenik/ca ili onaj/ona koji/a je vec u radnom odnosu ne mogu biti stavljeni u lošiju poziciju na osnovi rase boje kože, spola, bračnog stanja itd Bilo kao bilo, ova neprecizna definicija nije dovoljna da bi se pokrenuo proces protiv poslodavca koji nije zaposlio ženu zbog njenog spola Umjesto toga, neke žene s visokom stručnom spremom su primorane potpisati nelegalne ugovore pri zapošljavanju kojima se obvezuju da u slijedecih 5 godina nece zatrudnjeti Iako su takvi ugovori nelegalni, pa stoga kada bi bili pred sudom nevaljani, pritisak na žene je ogroman, pogotovo jer Zakon o radu ne pruža dovoljnu zaštitu radnicima/cama, a posolodavcima daje široke ovlasti u sferi zapošljavanja i otpuštanja

U Zakonu o radu postoji odredba koja zabranjuje spolnu/rodnu diskriminaciju koja nije operacionalizirana Svejedno, značajni dio ekonomije koji pripada ilegalnom crnom tržištu ima vecinom žensku radnu snagu Na crno su žene obično manje placene od muškaraca Tužbe protiv tih poslodavaca su nemoguce jer radnici/ce nemaju nikakvih prava niti legalne zaštite

division of the property acquired while in a marriage is achieved by a court process distinct from the divorce process and which has to be started by one of the former partners Dislocation of the courts, lack of staff and poorly informed women resulted in many cases of divorce without the division of the property As the right to reconstruction of the houses is connected with the ability to prove the possession of it, and traditionally property is registered in the name of the male partner, many women have no chance to enter, participate or benefit from reconstruction programs and thus to return to their homes

Many severe violence against women and at least two cases of rape of older women in Krajina were reported recently from NGOs that work in this region (Homo, Pula and Women's Group Porec) There was no public reporting on those violence, neither is it known whether the police has undertaken appropriate measures

From the beginning of the war until 1994, many residents from flats that were owned by the Yugoslav Army (JNA) were evicted The majority of evicted people were women who either worked in the JNA as civilians or who were divorced from former JNA officers Although, it was illegal the eviction actions were sponsored by Croatian military forces During the evictions much sexual harassment, insults and violence against women occurred including at least one documented case of rape Although the Supreme Court ruled in the favor of tenants of the flats, the majority of the evicted women are not yet back in possession of the flats The court process regarding the documented case of rape is not finished yet, although it happened in 1995 and the rapist is free

The following problems are predominantly problems of Serbian women In the last four years there were cases of people being fired on the grounds of ethnicity, particularly from positions within the state administration (women judges e g) This hit women hard as a high proportion of state administration employees are women Some of the court process ended in their favor but they are still not allowed to work The other problem is gaining citizenship of the Republic of Croatia for Serbs who were previously living in the territories (Krajina) controlled by Serbs It is a problem faced by Serb men as well as women but women are more exposed to it either as the first one to return from a family (it is common that the woman returns first as the men face the danger of being accused for rebellion) or as older women who did not leave at all, but stayed after the Croatian government regained control over the Krajina The procedure of getting Croatian documents is a long and bureaucratic with many possibilities for it to be delayed or hindered (these possibilities are often exploited by the administration)

Getting into possession of private property is a further problem The Law on State Administration of Certain Property came into force after the above mentioned military actions It is a legal provision that allows the state to use for the next ten years the private property of Serbs who left the territory of Croatia As women are usually the first to return, they do not have a place to live as their homes are often given to Croatian nationals, often refugees them self from Bosnia or Kosovo, but allowed to inhabit Serb property through the Governmental program of populating the region with Croats (National Program for Demographic Development, recognized in Parliament in January 1996) Those women are unemployed, and the beginning of organizing normal life is extremely hard Their legal protection is weak, they are in

S druge strane, za neke legalno uposlene žene, poslodavci prijavljuju manje iznose plaća da bi smanjili svoje legalne financijske obveze prema državi i fondu za zdravstvenu zaštitu i mirovinskom fondu Rezultat toga su vrlo nepovoljni uvjeti pri ženinom umirovljenju, budući da će te žene dobiti mirovine na osnovu prijavljenog iznosa Borba protiv takvih pojava dovodi do neminovnog otpuštanja

Jedina odredba Zakona o radu "u korist žena" je definicija statusa "majke odgojiteljice" Sve žene sa četvoro ili više djece imaju pravo na punu plaću, zdravstveno osiguranje te mirovinske doprinose Takav status nije predviđen za očeve Iako vjerujemo da je to mjera koja će dugoročno još više isključiti žene iz svijeta rada i posljedično iz javnog života, gurajući ih natrag u privatnost i ekonomsku ovisnost *Baba* su uputile Ustavnom sudu zahtjev za preispitivanje ustavnosti tog članka Zakona jer diskriminira muškarce Odgovor od Ustavnog suda još nije stigao iako je Zahtjev upućen prije više od godinu dana Osim toga, ta odredba ne funkcionira u praksi zbog nedostatka sredstava u javnom proračunu Neke žene koje su rodile četvrto dijete da bi osigurale nekakvu financijsku sigurnost je izmanipulirala država, na kraju su završile s četvrtim djetetom bez državne potpore

U Zakonu o radu ne postoje odredbe koje bi štitile žene od seksualnog napastovanja i ucjene pri traženju posla ili kada su već zaposlene Raširenost seksualnog napastovanja je već tako velika da je to postalo standardno ponašanje koje se očekuje i na koje više nitko ne reagira Viceви o seksualno pokornim sekretaricama su uobičajeni Stanje je pogoršano činjenicom da su žene na pozicijama s kojih bi mogle monitorirati, kontrolirati i kažnjavati takvo ponašanje vrlo rijetke pa muškarci spremno iskorištavaju prilike u kojima nema nikakvog formalnog ili neformalnog sprečavanja ili kažnjavanja te pojave

Zakonu također nedostaju mehanizmi pozitivne akcije koji bi smanjili svakodnevnu diskriminatornu praksu kao i mjere koje bi poticale zapošljavanje žena uz zadovoljenje njihovih potreba (primjerice trenutno postojeći i zadovoljavajući sistem društvene brige o djeci ubrzano propada zbog nedostatka sredstva koje bi Vlada bila voljna uložiti u njih) Ne postoji vladina ili javna politika za profesionalno napredovanje žena ili za njihovu daljnju porfesionalnu edukaciju Još ne postoji znatan porast u ženskoj nezaposlenosti, ali ga sindikalne stručnjakinje predviđaju kada nastupi privatizacija javnih službi u kojima žene čine većinu radne snage

Očiti zaključak je da Zakon o radu ne samo da ne unapređuje postojeće prakse u području ženskih prava na rad nego ukida i neka prava i slobode koji su već bili dosegnuti

MJERE ZA POBOLJŠANJE

1. Postavljanje pučke pravobraniteljice za ženska ljudska prava
2. Donošenje zakona protiv napastovanja
3. Razvijanje programa Vladine financijske podrške ženama koje vode poslove ili započinju djelovati u maloj privredi
4. Promjena načina vođenja statističkih podataka i nove metode koje će biti spolno/rodno osjetljive na nacionalnoj razini

fear, and all the efforts of the different human rights and women's NGOs have little effect on the State's response

Croatia is still the residence for many Bosnian refugees, despite the developments after the Dayton Accord Those refugees have no legally guaranteed rights and do not have the right to work - this especially effects women's rights as women often search for a solution on the black labor market and are there often exposed to sexual blackmail and harassment Refugees (of whom 80% are women and children) are sometimes used as hostages of Croatian politics, as recently when in some Centers for Social Work they were denied welfare help when the Bosnian leadership refused a Croatian proposal for political arrangement among the two states (November, 1997)

RECOMMENDED MEASURES

1. *To authorize the Committee for Equality to check all the important documents (instructions) of the different Ministries, especially those of great importance to women, for discriminative practices or regulations and to authorize the Committee to invalidate those found.*
2. *To accelerate the processes of division of property already under way, and to employ professional women to provide public information and advice on this and related issues.*
3. *Enforcement of court decisions.*
4. *Withdrawal of the Law on State Administration of Certain Property.*
5. *Stronger state control of the employees of the administration in order to eliminate employees' personal preferences and decisions hindering the implementation bureaucratic procedures such as the processing of Serb returnees residency documents. (This has been given by the state as an excuse for delays and obstructions in that procedure)*
6. *Ratification and implementation of international documents on refugees.*

WOMEN'S LABOR
Article 11

Croatia is at the moment a typical transitional country undergoing the transformation of property from public to private hands The new Labor Law (effective from January, 1996) supports the interests of profit rather than those of labor, allowing a wild model of privatization that includes rude social differentiation, massive firing of workers and redistribution of the national wealth in favor of an elite handful over a big proportion of citizens who are poor To illustrate the gravity of the situation in Croatia we cite an abstract from a newspaper "Vecernji list", the most read Croatian daily published in November, 1997 "Employers further emphasize that for them 'women, elderly, disabled and similar categories' could become acceptable work-force if they are provided with benefits for their employment"

REPRODUKTIVNA PRAVA
(Članak 13)

Za vrijeme prošlog režima, zdravstvena zaštita je bila besplatna i dostupna gotovo za 98% stanovništva u Hrvatskoj Sada je stanje drugačije, iako je zdravstvena zaštita manje više još uvijek dostupna Postotak državnog proračuna namijenjenog zdravstvenoj zaštiti je drastično smanjen u ranim 90-tim zbog zahtjeva zemlje u ratu i mnogo skuplje državne administracije

Nedostatak financijskih sredstava je postao trenutno vidljiv u snižavanju kvalitete zdravstvenih usluga sa snažnim posljedicama na zaštitu ženskog zdravlja općenito kao i na zaštitu reproduktivnog zdravlja Iako je ginekološka zaštita još uvijek dio primarne zdravstvene zaštite s dobro razvijenom mrežom područnih ambulanti po cijeloj zemlji, dostupnost se smanjuje zbog participacije pri svakom pregledu (iako je iznos malen, za neke žene je iznad njihovih financijskih mogucnosti) kao i zbog činjenice da se neke preventivne pretrage moraju plaćati ukoliko se rade češce od jednom godišnje (pregled dojki i Papanicoulau test) Dostupnost sofisticiranijih pretraga kao što je mamografija je izuzetno niska - potrebno je čekati između 3 i 5 mjeseci Uz činjenicu da su oralni kontraceptivi bili prvi lijekovi za koje država nije parcijalno pokrivala troškove (uz iznimku samo jednog preparata) njihova dostupnost u ljekarnama se smanjuje Studija napravljena u veljači 1997 je pokazala da 80% apoteka u zagrebačkoj regiji ima samo dvije vrste oralnih kontraceptiva, u 53% vaginalna dijafragma nije bila dostupna, a slijedecih 15% nisu imale sve veličine Ta činjenica, kombinirana s komparativno previsokim cijenama čini upotrebu adekvatne kontracepcije prema ženinim potrebama i u skladu s njenim izborom gotovo nemogucom

Nasilni prekid trudnoce je još uvijek legalan do 10 tjedna trudnoce na ženin zahtjev Nakon tog perioda, žena se treba prijaviti specijalnoj komisiji za dopuštenje da abortira na temelju ugrožavanja zdravlja žene ili fetusa Abortus je bio prva usluga koja je prestala biti besplatna i postala medicinska usluga koja se naplaćuje po ekonomskoj cijeni, što u prosjeku iznosi oko 350 USD uključujuci i anesteziju, a to je prosječna mjesečna placa žena u Hrvatskoj Iako bi se abortus trebao legalno raditi u svim županijskim bolnicama u Hrvatskoj, zbog pritiska Crkve, političara vladajuce stranke i javne pro-life politike "prigovor savjesti" liječnika pri izvršavanju abortusa na zahtjev žene se tolerira To je dovelo do incidenata u nekoliko bolnica od kojih su u javnost dospjele dvije u Splitu i Puli Svi ginekolozi su odbili raditi abortuse na svojim radnim mjestima zbog "prigovora savjesti", ali nisu imali nikakvih problema da istu radnju obave ilegalno izvan bolnice uz visoku cijenu Ministarstvo zdravstva, iako upozoreno od ženskih grupa, nije odgovarajuce reagiralo Kako oficijelna politika sve više favorizira pro-life stajalište uz upotrabu medija koje kontrolira incidencija abortusa oficijelno pada Mi sumnjamo da je to statistika koja zavarava - mnogo žena zbog teškoca da se abortus napravi u bolnicama izabiru ilegalne abortuse koji su skuplji i/ili nesigurniji u privatnim ordinacijama ili putuju u obližnju Sloveniju

U snažno retradicionaliziranoj atmosferi bilo je nekoliko pokušaja da se abortus kriminalizira za vrijeme posljednjih 6 godina Pokušaje su predvodile desne stranke ili NVU-e Najveća pro-life udruga u Hrvatskoj je Hrvatski populacijski pokret koji vodi katolički svecenik i jedna je od rijetkih udruga djelomično financirana iz državnog proračuna Za vrijeme javnih događaja, okruglih stolova ili rasprava na televiziji sasvim je uobičajeno da nema predstavnice ženskih grupa ali je prilicno sigurno da ce tamo biti barem jedan katolički svecenik Pritisak Katoličke crkve za kriminalizaciju abortusa je jak, a zajedno sa svim gore navedenim utjecajima dovodi do promjena u javnom mnijenju Postotak stanovništva koje podržava sadašnji zakon je u posljednje dvije godine pao sa 70% na 60% Novi paket zakona koji se tiču reproduktivnih prava pripremma Ministarstvo zdravstva vec dugo vremena, ali paket još nije stigao u Saborsku proceduru Iako Ministarstvo ne želi potpuno kriminalizirati abortus novi zakoni ce vjerojatno

This model, accompanied by legislation that supports it, increases women's unemployment, diminishes social protection and welfare and increases the number of women working illegally on the black market, without any social or labor protection

The key players in this wild process of privatization are men, only a few women have influence due to corruption, criminalization, and a lack of ethical values, as well as to the closed circle of "men only" club activities and a mentality which precludes women penetrating as actors of importance

Small businesses are usually controlled by the newly established and very conservative rich elite that have gained their wealth through political power and sometimes profiting out of war They support social and economic behavior that tends to confine women to their homes and children For most women the only jobs that remain are those offering low pay and low status This is obviously discriminatory practice yet there are no sanctions against it, although in the Labor Law there is a provision that secures to the potential employee, as well as to those already in employment, that they can not be put in an unfair position in relation to others on the ground of race, skin color, sex, marital status, etc However this rather vague definition is not sufficient to bring to court an employer who did not employ a woman on the grounds of her sex Instead of court processes, some women professionals are forced to sign an illegal contract when entering employment which commits them to not becoming pregnant for the following 5 years Although, if brought to court that contract would not be valid, the pressure on the women is huge, especially since the advent of the new Labor Law that does not provide sufficient protection for employees while giving the employer vast authority over hiring and firing

In Croatian Labor Law there is a statement against gender discrimination, that is not operationalized However the considerable part of the economy that operates on the black market, i e outside the law, has a predominantly female labor force

On the black market women are usually paid less than men Prosecuting these employers is impossible as the workers have no legal rights and protection

On the other hand, for some legally employed women, employers will officially declare their salaries to be lower than they really are in order to reduce the employers' legal financial obligation to contribute to those women's social and health benefits One result is specially unfavorable terms for women's retirement, as these women will only have been credited with very low pension contributions during their years of employment Fighting against this would inevitably lead to being fired

The only provision that is "in favor of women" in the Labor Law is the definition of the status of the 'mother nurturer' All women with four or more children are entitled to full salary provided by the state in addition to all social and health care benefits There is no such a benefit foreseen for men Although we believe that in the long run that provision will even further exclude women from the labor world and consequently from the public sphere, pushing them back to the private sphere of their homes and economic dependence, ***B a B e*** has launched a request to the Constitutional Court to examine this article of the Law because it - discriminates against men An answer has

umanjiti dostupnost i uvesti neki oblik kontrole Primjerice, u prvom nacrtu Zakona bilo je predviđeno obvezno savjetovanje sa svećenikom Nakon jakih pritisaka ženskih NVU-a koje su organizirale potpisivanje peticije i u kojoj je sakupljeno 20 000 potpisa uz sudjelovanje 25 ženskih grupa iz cijele Hrvatske prijedlog je promijenjen u savjetovanje sa socijlanom/im radnicom/kom ili liječnikom/com umjesto sa svecenikom

MJERE ZA POBOLJŠANJE

1 Zadržavanje trenutnog Zakona o nasilnom prekidu trudnoće
2 Razvoj i primjena programa koji ce poticati upotrebu zdrave kontracepcije prema potrebama i sklonostima svake žene
3 Dostupna i besplatna kontracepcija.
4 Uključivanje spolne edukacije koja ce promovirati jednakost i međusobno poštovanje spolova i siguran seks u osnovne i srednje škole
5 Organiziranje javnih kampanja i slobodan protok informacija o sigurnoj kontracepciji

SOCIJALNA ZAŠTITA ŽENA

(Članak 13)

Najuočljivije pogoršanje se zbilo u području socijalne zaštite žena Reforma socijalnih službi (uključujuci socijalnu zaštitu, mirovinski fond i zdravstvenu zaštitu majki i djece) je smanjila broj osoba koji mogu očekivati pomoc, uzrokujuci probleme velikim dijelovima osiromašenog društva, a pogotovo onima koji su marginalizirani - među njima i ženama

Reforma državnog Mirovinskog fonda je upravo u toku i ukoliko se ostvare predložene promjene vecina žena u mirovini ce pasti u siromaštvo Čak i prema trenutnom Zakonu prosjecna ženska mirovina je 22% manja od prosječne muške, a u slučaju invalidske mirovine razlika je još veca - 27% Uzrok te razlike je radni vijek koji žene provode na manje placenim mjestima Ako se reforma nastavi kako je planirano razlike ce biti još vece zbog različitog načina računanja mirovine Prema sadašnjem Zakonu osnovica za izračunavanje mirovine je prosjek place tijekom 10 godina u slijedu s najboljim prosjekom placa u cijelom radnom vijeku Prema novom Prijedlogu cijeli radni vijek ce biti osnova za izračunavanje mirovine (što žene dovodi u nepovoljniji položaj jer obično imaju porodiljska odsustva u doba kada muškarci počinju više zarađivati i kada počinju s unapređenjem svoje karijere) Također u slučaju povreda na radu muškarci imaju pravo na rehabilitaciju i profesionalnu preorijentaciju do 50 godine života, a žene samo do 45 Stoga, iako i sada postoji diskriminacija umirovljenih žena, s novim Zakonom ona ce biti jos gora

Problemi žena fertilne dobi su također znatni U trenutnoj klimi koja deklarativno podrzava majčinstvo, mnogo žena je bilo izmanipulirano novim zakonima Prema još uvijek važecem Zakonu o zdravstvenom osiguranju za vrijeme jednogodišnjeg porodiljskog dopusta žene imaju pravo na novcanu naknadu koja iznosi prosjek njihovih 6-mjesečnih placa neposredno prije odlaska na porodiljski Za vrijeme prvih šest mjeseci imaju pravo na sve dobrobiti socijalne i zdravstvene zaštite za vijeme drugih sest mjeseci nemaju pravo na uplate u Mirovinski fond U Zakonu o proracunu za 1997 nisu postojala sredstva za adekvatne naknade u tijeku drugih šest mjeseci porodiljskog dopusta pa je svim ženama dodijeljena naknada od samo 1540 HRK što je bilo posebno teško za neke zene koje su imale i do dva ili tri puta vece place *B a B e* su zajedno sa ženama iz sindikata podnijele Zahtjev Ustavnom sudu za preispitivanje ustavnosti Zakona o drzavnom proracunu za 1997 Ustavni sud je prihvatio Zahtjev ali još nije počeo s procesom U međuvremenu su zene uz pomoc Saveza samostalnih sindikata uspjele pokrenuti pregovore s Vladom koji su završili kompromisom umjesto 1540 HRK, žene ce dobivati svoje prosječne

not been received from the Constitutional Court although this request was made over a year ago The other problem with this provision is that it does not exist in practice due to lack of financial resources in the state budget So, some women who had a fourth child in order to create some financial security for themselves were manipulated by the state and have ended up with another child but without financial support from the state

In the new Labor Law there are no provisions that would protect women from sexual harassment and blackmail while looking for a job or while already in one The extent of sexual harassment is so overwhelming that it has become standard behavior, expected and passing without comment Public jokes about sexually submissive secretaries are common The situation is worsened by the fact that women in powerful positions who could monitor, control or intervene in such behavior are rather rare, and that men freely take opportunities in the absence of any formal or informal discouragement or sanction

The Law is also lacking the mechanisms of positive action that would lessen everyday discriminatory practices as well as measures to encourage the employment of women through tending for their needs (e g the fairly adequate existing system of public child care is rapidly deteriorating due to the lack of financial resources that the government is willing to invest in it) There is no governmental or public policy for the professional advancement of women or for their further professional education The level of women's unemployment has not risen significantly, but union experts predict it doing so with the forthcoming privatization of public services

Anyway, it is obvious that Labor Law and the existing practices in the area of women's rights to employment are not only not improving the current level of working rights and freedoms but are actually eroding some of those rights

RECOMMENDED MEASURES

1. OmbudsWomen
2. Laws against harassment
3. Governmental financial support to women running and initiating small businesses
4. The change of the statistical methods and introduction of gender sensitive statistics on the national level

place i u drugih šest mjeseci, ali s plafonom od 2500 HRK Iako je dogovor postignut prije nekoliko mjeseci isplate u skladu s dogovorom još nisu započele

Treci važan dio socijalne zaštite je društvena briga o djeci Dječji vrtići i jaslice postaju sve skuplji i u njih je sve teže upisati dijete Preskupi ili manje dostupni dječji vrtići i jaslice su još jedan u nizu pritisaka na žene da ostanu kod kuće, budući da dominantno patrijarhalne uloge koje još uvijek prevladavaju ne dopuštaju jednaku brigu o djeci oba roditelja Jednaka briga o djeci je prije čudna iznimka nego prevladavajuca norma ponašanja unutar obitelji

MJERE ZA POBOLJŠANJE

1 Uključivanje veceg broja žena iz ženskih sekcija sindikata u pripremu Prijedloga zakona o Mirovinskom osiguranju
2. Veca sredstva iz državnog proračuna za socijalnu zaštitu žena (za porodiljski dopust i organiziranu društvenu brigu o djeci) za 1998

MEDIJI I JAVNO PRIKAZIVANJE ŽENA
(Clanak 5)

Postoje dvije glavne grupe medija u Hrvatskoj - jedni u vlasništvu Vlade i kontrolirani od HDZ-a te drugi u privatnom vlasništvu, obično visoko komercijalni i usmjereni na masovno tržište Obje grupe osiguravaju prostor rastucem *pro-life* pokretu, a vrlo rijetko ženskim inicijativama Mediji nemaju spolno osjetljivu politiku, često su izrazito anti-ženski orijentirani Portretiranje žena u obje grupe je seksističko, ne postoji svijest o rodnoj demokraciji Državna televizija nema jedan jedini obrazovni, politički ili socijalno korisitan program koji pokriva probleme žena ili njihov položaj u društvu Elektronički mediji koji su nazvani nezavisnim (OTV, Radio 101) pružaju primjere seksističkog zastrašivanja žena i uporabe stereotipa

Tranzicijski procesi su potaknuli širenje pornografije U visoko komercijaliziranim privatnim publikacijama meka pornografija je osnova marketinških strategija Novi ženski časopisi pripadaju komercijalnoj grupi medija i nude mješavinu mode, tračeva, nacionalističkih i anti-ženskih vrijednosti te portretiraju žene kao dobre pratiteljice uspješnih i samosvijesnih muškaraca ili kao vampove iz svijeta zabave Drugi ženski časopisi su usmjereni na materinstvo, modu, obitelj, zabavu i turizam istovremeno pružajući savjete o kuhanju, zdravlju i ljepoti Ti magazini ponekad podržavaju *pro-choice* stanovište, ali nikad ne stavljaju probleme žena u socijalni i politički kontekst te se uvijek distanciraju od feminizma kao od jeftinog političkog trenda

Ne postoji socijalno odgovorno i spolno/rodno osjetljivo novinarstvo Iznimka je *Zaposlena*, časopis koji promovira ekonomsku nezavisnost žena te Arkzin, glasilo civilnog društva

Stanje u medijima, nažalost dobro oslikava trenutnu situaciju u društvu kada govorimo o ženskim ljudskim pravima, položju žena i lošoj osviještenosti društva opcenito

REPRODUCTIVE RIGHTS
Article 12

During the previous regime, health care was free and available for almost 98% of citizens in Croatia Now, the situation is different, although state health care is more or less still available The percentage of the state budget dedicated to health care was drastically reduced in the early nineties on the account of the financial demands of war and a more expensive state administration

The lack of financial resources has become immediately apparent in a lowering of the quality of health services and it has had strong repercussions on the protection of women's health in general, as well as on reproductive health Although, gynecological care is still a part of primary health protection with a strong network of clinics across the country, accessibility is diminishing due to the financial charge now made for every check up (it is a rather small amount, but even that amount for some women is beyond their financial means) and the fact that some preventive tests and check-ups have to be fully paid for (for instance breast checks and cervical smear tests if performed more than once a year) The availability of some more sophisticated tests like mammography is very low - for a test you have to wait between 3 and 5 months Beside the fact that contraceptives were the first medications to be not even partially state funded (with the exception of only one kind of oral contraceptive), their availability in the pharmacies is lessening A survey done in February, 1997, found that 80% of pharmacies in the Zagreb region had only two brands of oral contraceptives, in 53% of them vaginal diaphragms were not available, and a further 15% did not have all sizes That fact, together with the comparatively high prices of contraceptives make proper contraception according to the woman's health needs and preferences barely obtainable

Abortion is still legal until the 10th week of pregnancy on the woman's request After that period, women have to apply to a special committee for permission to have an abortion on the grounds of a threat to the health of the woman or fetus However, abortion was the first health service that was removed from the hither to 'free of charge' services and that started to be charged with the 'market price' An average charge with anesthesia is approximately 500 DM This is an average women's monthly salary in Croatia Although abortion should be legally performed in all county hospitals, due to pressure from the church, ruling party politicians and public pro-life politics, a kind of "conscientious objection" for doctors to refuse to perform abortions on the request of women is tolerated Problematic incidents have occurred in several hospitals Among them two are known to the public in Split and Pula All the practitioners in these hospitals have refused to perform abortions on the ground of conscience objection but were ready to perform abortions illegally outside their working hours, and to charge highly for doing so The Ministry of Health, although warned by women's groups, did not react appropriately As the pressure for the "pro life" position is increased by official politics, the state controlled media, the Catholic Church and by NGOs affiliated with the church, the rate of abortions is officially dropping We suspect that this is a misleading statistic - that a lot of women, due to having difficulty attaining abortions in hospitals, are choosing to have abortions illegally and expensively in private gynecological clinics or in nearby Slovenia

In the strongly 're-traditionalized' atmosphere there have been several attempts to criminalize abortion during the last six years The attempts were made either by right wing political parliamentary parties or through various NGOs The biggest 'pro-life' NGO, the Croatian Population Movement, led by a catholic priest, is one of the rare NGOs that is partially financed from the state budget During different public events, 'round tables' or debates on television it is quite usual that there is no representative from women's groups but certain that there will be at least one catholic priest The pressure of the Catholic Church to criminalize abortion is strong, and all these factors together have resulted in changing public opinion The percentage has dropped in two years from around 70% to around 60% of the population who are in favor of the present law and legal situation regarding abortion A new package of laws concerning reproductive rights has been prepared by the Ministry of Health for a long time but has not yet proceeded through the Parliament Although the Ministry does not intend to fully criminalize abortion, the new laws will probably make it more difficult for women to obtain abortion and will introduce some forms of control For example, in the first draft of the new abortion law pre-abortion obligatory "counseling" with a priest was foreseen After the strong objection that this provoked from women's groups (25 women's groups throughout Croatia organized petitioning and collected during one weekend 20 000 signatures in the favor of legal, safe and accessible abortion This petition was handed to the Minister of Health) this proposal has been modified to counseling from either a doctor or social worker rather than a priest The new abortion law, although now being prepared for three years, has not yet been proceeded in Parliament

RECOMMENDED MEASURES

1. *Keeping the Law on Abortion as it presently stands.*
2. *Development of a program that will encourage the use of healthy contraception according to the needs and preferences of each women.*
3. *Making contraception available and free of charge.*
4. *Reintroduction of sex education into the curricula of primary and secondary schools that will promote equality and mutual respect among genders as well as safe sex.*
5. *Organize public campaign and allow a flow of information on safe contraception.*

SOCIAL PROTECTION
Article 13

It is in the area of social protection that the deterioration of the situation is most apparent The reform of the social services (including social protection, pension funds, the public health care of mothers and children) has reduced the number of people who

can now benefit from them, causing problems to the large part of society that is impoverished, and especially to those who are marginalized - women among others

The reform of the state Pension Fund that is under way will bring most women to the state of poverty Even according to the present law the average women's pension is 22% lower than men's This is mainly due to previous jobs that had been less well paid because women were in less financially gratifying positions Women on early retirement (on health grounds) have pensions that are 27% smaller then men's If the reform continues as is planned, the difference between women's and men's pensions will be even larger due to a different way of calculating the amount due Under present law, the amount of the pension is accounted according to the highest earning 10 years that the person had in their working life Under the new law it will be accounted according to earnings over the whole working period which will produce even bigger difference (women usually have one or more maternity leaves in the period when men are able to launch their careers and when they start to earn more) Also, in the case of professional injuries or illness, rehabilitation for men is granted until they are 50 years old, but for women until they are 45 years old So, even now there is discrimination for retired women, and with the new law the discrimination will not be diminished but will be even greater

The problems of women while they are of a fertile age are also considerable In the existing climate declared as supportive of motherhood, many mothers have found themselves manipulated by the recent laws According to the still valid Law on Health Insurance during the one-year long maternity leave that women are eligible for, they are entitled to financial retribution equivalent to what their salary had been (based on the average of the salaries that they had been earning monthly over the previous 6 months) During the first six months they have all social benefits related to their work, during the next six months they do not have the benefit of contributions being paid into their pension fund According to the Law on Budget for 1997, there were no budget lines that would cover proper salaries for the second half-year of the maternity leave, but only enough for financial retribution of 1540 HRK (256 USD), which was especially hard on professional women whose salaries were sometimes two or three times larger **B a B e** together with women from unions raised a demand at the Constitutional Court questioning the constitutionality of the Law on Budget for 1997 The Constitutional Court accepted the demand but haven't started the process yet In the meantime women with the support of the Independent Union started to negotiate with the government The negotiations ended with compromise instead of 1540 HRK women will receive their average salaries in the second six months also, but with a ceiling of 2500 HRK (416 USD)

The third important part of social protection is public child care The kindergartens are becoming increasingly expensive according to a survey, and it is harder and harder to get a child into one Expensive or less available child care is one more pressure on women to stay at home, since patriarchal roles still predominate and equal share of child care within families is not a norm, but a rather "strange exception"

RECOMMENDED MEASURES

1. *Including bigger number of women from women's sections of different Unions on the drafting of the new Proposal of the Law on Retirement Insurance*
2. *Allocating bigger financial resources in 1998 for social care of women and children (for maternity leave and organized child care)*

MEDIA AND PUBLIC REPRESENTATION OF WOMEN

Article 5

There are two main groups of media in Croatia one owned by the government and controlled by the ruling party and the other is privately owned, typically highly commercial and geared toward the mass market Both groups provide space and coverage to the growing religious pro-life movement and very rarely to the women's initiatives Media don't have any gender-sensitive editorial policy or may have an anti-women policy The portrayal of women in both groups is sexists and there is no awareness of the need for gender democracy The State television does not have a single educational, political or socially useful program covering the problems and status of women Electronic media, considered independent (OTV, Radio 101) provide examples of sexist intimidation of women and use of sexist stereotypes

The market economy has encouraged the production of pornography In highly commercialized private publications soft pornography is the foundation of the market strategy New women's magazines belong to commercial media groups that offer a mixture of fashion, glamorous gossip, nationalist and anti-women values, and portray women as a fancy escort to important men or as "self-confident" vamps in and entertainment business Other women's magazines are focused on motherhood, fashion, the family, entertainment, tourism and provide advice on cooking, health-care and beauty These magazines are sometimes in favor of women's rights and pro-choice but apart from one of them, *Zaposlena* (Working Women), they frame women's issues out of the social and political context and always distance themselves from or denounce feminism in the manner of cheap political trends

There is no socially responsible and gender sensitive journalism

The condition in media, unfortunately, accurately reflects the prevalent situation in the society regarding women's human rights and status and low conscience

Zagreb, November, 1997

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Ujedinjeni narodi
Konvencija o eliminaciji svih oblika diskriminacije žena

CEDAW/C/1988/I/L 1/Add 3
27 siječanj, 1998

KOMITET ZA ELIMINACIJU DISKRIMINACIJE ŽENA
Osamnaesta sjednica
19 siječnja do 6 veljače 1998

PRIHVACANJE IZVJEŠTAJA S OSAMNAESTE SJEDNICE KOMITETA ZA ELIMINACIJU DISKRIMINACIJE ŽENA

Nacrt izvještaja

Izvjestiteljica Aurora Javate de Dios

Addendum

IV RAZMATRANJE IZVJEŠTAJA KOJE SU PODNIJELE DRŽAVE POTPISNICE PO ČLANKU 18 KONVENCIJE

B Razmatranje izvještaja

1 Početni izvještaji država potpisnica

Hrvatska

1 Komitet je razmatrao početni izvještaj Hrvatske (CEDAW/C/CRO/1) na svom 363 , 364 te 368 sastanku, 21 i 23 siječnja 1998

2 Predstavnica Hrvatske je izjavila da je 8 listopada 1991 njezina zemlja pristupila Konvenciji o eliminaciji svih oblika diskriminacije žena bez ograda Početni izvještaj pokriva razdoblje do 1994 , a iduci ce izvještaj biti kombinacija drugog i treceg izvještaja

3 Predstavnica je informirala Komitet da je postizanje mira imalo prvenstvenu važnost u njenoj zemlji u vrijeme podnošenja izvještaja Isto tako je naglasila da ce samo uz mir i razvitak demokracije žene moci napredovati u svim područjima Hrvatska je konačno dostigla razinu mira, stabilnosti i sigurnosti koja joj omogucava da usmjeri svoje aktivnosti prema društvenom razvitku te promociji i zaštiti ljudskih prava Napredak i osnaživanje žena u svim područjima javnog života su bitan element potpune primjene socijalne pravde u demokratskom društvu

4 Povjerenstvo za jednakost Vlade Republike Hrvatske je ustanovljeno u svibnju 1996 te je pripremilo Nacionalnu politiku za promociju jednakosti baziranu na Pekinškoj platformi za akciju i akon konzultacija s nevladinim organizacijama Vlada je usvojila Politiku u prosincu 1997

5 Nacionalna politika određuje mjere za postizanje konkretnih ciljeva u područjima političkog odlučivanja, ekonomije i ekonomske pozicije žena, zdravstvene zaštite, ženskih ljudskih prava i nasilja nad ženama u ratu i miru

6 Druga predstavnica je govorila o provođenju odredbi Konvencije u području prava Primjetila je da su ustavna prava hrvatskih žena zaštićena pučkim pravobranilaštvom te da i žene i muškarci imaju pravo na sve pravne lijekove dostupne u sudskim procesima Donesen je novi Kazneni zakon, a njegova je primjena počela 1 siječnja 1998 Predstavnica je upoznala Komitet sa statistikama o nasilju nad ženama, silovanju u braku, seksualnom napastovanju, prostituciji (uključujući internacionalnu prostituciju) i ostalim kriminalnim činima Takovi trendovi su uzrokovali promjene u Kaznenom zakonu Bilo kako bilo, i muškarci i žene mogu biti počinitelji i žrtve zločina

7 Određen broj pravnih odredbi osigurava posebnu zaštitu obitelji, a pogotovo žena u ulogama majki i odgojiteljica Žene imaju posebna prava i to se ne smatra diskriminacijom muškaraca čija prava su, također, priznata Roditeljstvo se smatra zajedničkom odgovornošću oba roditelja, što se očituje u zakonima i podzakonskim aktima

8 Ženama nije dozvoljen rad na poslovima koji uključuju težak fizički rad te na podzemnim i podvodnim poslovima, ili u bilo kojem poslu koji je procijenjen kao ugrožavajući za život žene Noćni rad je zabranjen zakonom, osim u slučajevima kada se odobrava u posebnim okolnostima i pod specijalnim uvjetima Poslodavcima je zabranjeno tražiti informacije koje nisu u vezi s poslom što je sredstvo zaštite trudnica od diskriminacije na poslu

9 Od predstavljanja inicijalnog izvještaja izglasane su manje izmjene Zakona o zdravstvenoj zaštiti. Predstavnica je opisala sustav zdravstvenog osiguranja i uzroke hospitalizacije te je zamjetila da su statističke vrijednosti vezane uz prekide trudnoce, bilo namjerne bilo spontane, najniže ikad zabilježene

10 U prosincu 1997 je prihvacena Nacionalna politika jednakosti, koja provodi Pekinšku platformu akcije Nacionalna politika je stvorena s ciljem promoviranja ravnopravnosti te je obvezujuci dokument za ministarstva i ostala tijela koja moraju provoditi njene odredbe Politika, koja je bila razvijena u suradnji nevladinih udruga i Povjerenstva za jednakost, sastoji se od dva dijela pregleda trenutnog stanja i specifičnih mjera koje se odnose na najvažnija područja

11 Predstavnica je zaključila predstavljanje razmatrajuci određene članove Konvencije i njihovu primjenu Izjavila je da postoji visoka razina nezaposlenosti žena, iako postoje jednake mogucnosti za žene u obrazovanju i pri zapošljavanju

Zaključne primjedbe Komiteta

Uvod

12 Komitet čestita Vladi Republike Hrvatske na ratificiranju Konvencije bez ograda i sa zadovoljstvom primjecuje da početni državni izvještaj slijedi naputke te pruža obuhvatne podatke o stanju žena u Hrvatskoj

13 Komitet je rado saslušao izvrsno usmeno predstavljanje hrvatske delegacije, koja je nadopunila i osuvremenila pisani izvještaj Komitet izražava svoje zadovoljstvo Vladi Republike Hrvatske zbog visokog sastava delegacije koja je bila predvođena zamjenicom ministra za rad i socijalnu skrb To je pokazuje važnost Konvencije za državu potpisnicu te koliko Vlada cijeni Komitet

14 Komitet je, nadalje, rado saslušao opširna objašnjenja koja je dala delegacija odgovarajuci na njegova pitanja To odražava iskreni napor Hrvatske da svrati pozornost na područja zabrinutosti koja je Komitet doveo u pitanje za vrijeme predstavljanja izvještaja države potpisnice

Pozitivni aspekti

15 Komitet je odao priznanje zbog uključenja Konvencije u nacionalno zakonodavstvo te zbog mogucnosti se sve/i građanke/i pozivu na odredbe Konvencije pred sudovima

16 Komitet odobrava osnutak Povjerenstva za jednakost u Hrvatskoj Također odobrava Nacionalnu politiku za promociju jednakosti koja je prihvacena da bi se ostvarila Pekinška platforma akcije Komitet je zadovoljan što su mu uručeni primjerci Nacionalne politike

17 Komitet je odao priznanje naporima Vlade RH da surađuje sa civilnim društvom i nevladinim udrugama, kao i Vladinu obecanju da ce se i nadalje truditi da u buducnosti poboljša suradnju s NVU, pogotovo u svjetlu činjenice da u Hrvatskoj postoje visoko kompetentne i aktivne ženske nevladine udruge Komitet smatra doborodošlom činjenicu da nacionalna politika predviđa suradnju s takovim organizacijama

18 Komitet je sa zadovoljstvom primjetio da su usmeni odgovori delegacije odražavali volju da se i nadalje radi na područjima zabrinutosti Komiteta U tom kontekstu Komitet je bio vrlo zadovoljan kada je čuo usmeno obvezivanje Vlade da ce proučiti slijedeca područja u svjetlu sugestija Komiteta

(a) potreba za mjerama koje ce eliminirati stereotipe koji ograničavaju žene na uloge majki i odgojiteljica,

(b) potreba za mjerama koje ce povecati sudjelovanje žena u politickom životu,

(c) imenovanje zamjenika/ce državnog odvjetnika koji/a ce se isključivo baviti zenskim ljudskim pravima,

(d) potreba za poboljšanjem svijesti o Konvenciji u javnosti kako bi se češce rabila u pravnom sistemu

(e) mogucnost stvaranja sustava zabrana približavanja pogotovo da bi se zaštitile žene koje su izložene obiteljskom nasilju,

(f) potreba da se započne dijalog sa sindikatima te da se koordiniraju napori u svrhu stvaranja mjera zaštite žena pri zapošljavanju, a pogotovo što se tiče

protuzakonitog pritiska poslodavaca na žene da ne zatrudne u određenom razdoblju nakon pčetka zapošljavanja,

(g) potreba za povecanom pomoci članovima/cama obitelji, a pogotovo ženama, koje/i se skrbe za starije osobe,

(h)potreba da se prikupi više detaljnih informacija o stanju ruralnih žena

19 Komitet je s velikim zadovoljstvom primjetio postojanje programa za pomoc ženama sa specijalnim potrebama

20 Komitet je sa zadovoljstvom primio na znanje informirmaciju o primjenjenim mjerama za iskorjenjivanje spolnih/rodnih stereotipova u obrazovnom sistemu Također je bio zadovoljan s uvođenjem mjera koje ce omoguciti obrazovanje za ljudska prava u školama

21 Komitet je bio opcenito impresioniran sustavom zdravstvene zaštite u Hrvatskoj te Vladinom jasnom predanosti cilju osiguravanja opceg obuhvacanja populacije zdravstvenom zaštitom

Čimbenici i poteškoce koje utječu na primjenu Konvencije

22 Komitet je shvatio da se Hrvatska suočava sa značajnim gospodarskim i društvenim poteškocama kao posljedicama nedavne uključenosti zemlje u ratni sukob Posljedice su uključivale prisutnost velikog broja izbjeglica i prognanika/ca Komitet je također prepoznao poteškoce koje proizlaze iz prelaska na tržišnu ekonomiju i demokratsku političku strukturu U odstustvu rodno osjetljive politike i mjera koje ce suzbiti negativne učinke, Komitet je zamjetio da te promjene mogu imati negativne efekte na uživanje ženskih ljudskih prava te da mogu priječiti primjenu Konvencije

Glavna područja zabrinutosti

24 Usprkos usmenih pojašnjavanja delegacije, Komitet je i dalje vrlo zabrinut zbog mišljenja iznesenog u izvještaju države potpisnice da same žene snose punu odgovornost za svoj nizak stupanj sudjelovanja u javnom životu To sugerira da Vladi manjka shvacanje indirektne i strukturalne diskriminacije i njezina utjecaja na žene

25 Komitet je posebno zabrinut zbog konzistentnog naglašavanja uloge majke i odgojiteljice u nekoliko područja hrvatskog zakonodavstva Iako su odredbe koje zaštiticuju materinstvo važne, Komitet je zabrinut da stavljanje na prva mjesta tog aspekta života žena učvršcuje tradicionalna i stereotipna shvacanja ženskih uloga, što teži ograničenju punog sudjelovanja žena u društvu Komitet preporuča Vladi da usprkos činjenici da su žene u Hrvatskoj dobro obrazovane i da sudjeluju u radnom stanovništvu u velikom broju, provede pažljivu i spolno/rodno osjetljivu analizu naglašavanja uloge materinstva vis-a-vis ulogama žena u javnoj sferi, da bi se u buducnosti osigurala de facto rodna/spolna jednakost u hrvatskom društvu

26 Komitet je izrazio zabrinutost zbog neprikupljanja podataka za određna područja Komitet je pogotovo zabrinut zbog minimalne pažnje koja je poklonjena siromašnim zenama te zbog nepostojanja rodno/spolno razdijeljenih podataka u tom području Također je zabrinut zbog toga što ne postoje spolno diferencirani podaci o HIV/AIDS-u te vjerodostojni podaci o malodobničkim trudnocama

27 Komitet je izrazio zabrinutost što izvještaj nije uključio statističke informacije o društvenom, gospodarskom i političkom položaju pripadnica manjina u svjetlu složenog etničkog i religijskog sastava stanovništva Hrvatske

28 Komitet je bio uznemiren uočenim Vladinim stajalištem da nema potrebe navoditi rodnu nejednakost kad se govori o jednakosti Komitet smatra da to može doprinijeti skrivanju i prenošenju de facto nejednakosti Naglasio je da je važno uključiti rod/spol u sve rasprave o jednakosti u svrhu povecavanja vidljivosti rodnih/spolnih tema te u svrhu promocije rodno osjetljive nacionalne politike

29 Iako je Komitet osokoljen činjenicom da javni tužitelj goni činove obiteljskog nasilja na zahtjev žrtve, izrazio je zabrinutost glede primjerenosti mjera koje potiču žene da ulože zahtjev te u vezi s činjenicom da gonjenje po službenoj dužnosti ili nakon zahtjeva trece strane nije uključeno u legislativu o nasilju u obitelji

30 Komitet je izrazio zabrinutost zbog postojanja dokaza da organizacije u vezi s crkvom utječu nepovoljno na Vladinu politiku prema ženama i stoga ometaju punu primjenu Konvencije

31 U području zdravlja, Komitet je posebno zabrinut zbog toga što su usluge koje utječu na reproduktivno zdravlje žena bile prve na koje je utjecalo Vladino financijsko ograničenje Također je zabrinut zbog informacije da su neke bolnice odbijale raditi namjerne prekide trudnoce na bazi prigovora savjesti liječnika Komitet smatra da je to povreda ženskih ljudskih prava

Sugestije i preporuke

32 Komitet preporuča Vladi Hrvatske da nastavi s provedbom i ojačavanjem mjera koja poduzima da bi osnažila žene i da bi se rodni/spolni problemi približili središtu interesa te da potiče specifične afirmativne akcije usmjerene na kvantitativne ciljeve i kvote, pogotovo u politici te na mjestima na kojima se odlučuje s ciljem da se u javnom životu ostvari de facto ravnopravnost žena u željenom ritmu

33 Komitet urgira da se Vlada RH pridržava svojih usmenih izjava da se namjerava pobliže posvetiti područjima naglašenim u članku 18 s ciljem poduzimanja mjera koje su odgovor na zabrinutost Komiteta

34 Komitet urgira da Vlada RH poduzme daljnje mjere za promociju različitih uloga žena u društvu Također, Komitet sugerira da je poduka hrvatskog stanovništva o važnosti jednake raspodjele obiteljskih uloga i odgovornosti za odgoj između muškaraca i žena vrlo bitna

35 Komitet preporuča da Vlada iskoristi vec postojece znanje o indirektnim i strukturalnim obrascima diskriminacije On naglašava da Vlada, a ne žene same, ima primarnu odgovornost za primjenu strategija eliminiranja tih oblika diskriminacije

36 Komitet traži da Vlada Hrvatske u buduce izvještaje uključi detaljniju informaciju o članu 6 Konvencije Komitet traži da se prikupe dodatni podaci o položaju žena u prostituciji Komitet ce, također, cijeniti detaljnije informacije o problemu trgovanja ženama, pogotovo migrantcama kao i mjere za primjenu legislative u tom području

37 Komitet preporuča da Vlada Hrvatske prikupi i omogući pristup statističkim informacijama o društvenom, gospodarskom i političkom položaju pripadnica manjina s ciljem razvijanja specifične politike koja bi zadovoljavala potrebe različitih grupa

38 Komitet traži da u budućim izvještajima bude više informacija o situaciji hendikekpiranih žena

39 Komitet snažno preporučuje da Vlada poduzme korake koje će osigurati uživanje reproduktivnih prava žena, garantirajući im, inter alia, dostupnost namjernog prekida trudnoće u javnim bolnicama Također sugerira da Vlada preispita u potpunosti implikacije financijskih restrikcija za kontraceptivna sredstva te uspostavi strategije koje će razriješiti eventualne štetne učinke na ženama

40 Komitet urgira da Vlada RH poduzme potrebne korake za osiguravanje sudjelovanja nevladinih udruga u pripremi idućeg izvještaja Komitetu

41 Komitet traži od Vlade da proširi zaključne komentare da bi stanovništvo Hrvatske, a pogotovo vladini službenici i političari, bili svjesni poduzetih koraka u svrhu osiguranja de facto ravnopravnosti žena te da bi se mogli ostvariti idući koraci potrebni za to Također traži od Vlade da nastavi sa širenjem i distribucijom, pogotovo ženskim udrugama i udrugama za ljudska prava, Konvencije, Generalnih preporuka Komiteta te Pekinške deklaracije i Platforme akcije

Prevod s engleskog originala Napredne neuređene verzije *B a B e*

2. Access to Comprehensive, Quality Reproductive Health Care Services

Laws & Policies

The Federal Constitution recognizes the right to choose freely, and in a responsible and informed manner, the number and timing of one's children.[31] The Federal Constitution also mandates that the social security system must provide special protection to women during pregnancy and breast feeding.[32] Mexican law provides that maternal and infant health care and family planning are to be considered basic health services,[33] and the former is considered a priority.[34] The family planning laws and policies are outlined in the Mexican Regulation on Family Planning Services[35] and in the Reproductive Health and Family Planning Program 1995-2000.[36]

The National Population Program[37] established the following demographic goals of the Mexican government include: to attain a population growth rate of 1 75% by the year 2000, and 1 45% by the year 2005, in comparison to the current rate of 2.05%; to attain a global fertility rate of 2.4 children per woman by 2000 and 2.1 per woman by 2005, compared the current rate of 2.9 per woman.[38]

The Reproductive Health and Family Planning Program[39] was created as part of the Reform Program of the Health Sector 1995-2000 (RPHS).[40] The objective of the RPHS is to integrate the following services: reproductive health, family planning, infant and maternal health care, sexually transmitted diseases, cervical, uterine and breast cancer, and high-risk pregnancies.[41]

In respect to its reproductive health and family planning policies, the objectives of the federal government include: to increase to 70% by the year 2000 the prevalence of contraception among women of childbearing age who live with their partner, compared to the current average of 64%, to increase the prevalence of contraception among women that have had children to 70%, compared to the current rate of 51%, to increase the number of vasectomies; and to reduce maternal mortality, currently 4 8 for every 10,000 live births, by half.[42]

The family planning services provided by the government include information, orientation, counseling, selection, prescription, and distribution of contraceptive methods.[43] These services and the contraceptive methods are free of charge.[44] In particular, public services provide oral hormonal methods, injectable and subdermic methods, intra-uterine devices, sterilization, vasectomy, barrier methods, and spermicides.[45]

The General Health Law establishes that family planning services are a priority within the general provision of health services.[46] The objectives of the family planning subprogram are to strengthen and broaden the coverage and quality of family planning information, education and services, with special emphasis on rural areas; to contribute to a decrease in fertility; to reduce the number of unwanted, unplanned and high-risk pregnancies; and to broaden activities designed to diversify the use of modern contraceptive methods.[47]

Reality

According to the government, the participation of the public sector in the provision of family planning services has increased in the last few years In 1979, just 51 5% of all users of modern contraceptive methods visited a public-sector institution to obtain this service,[48] in 1995, this number increased to 72%.[49] Within the public sector, the IMSS and the Ministry of Health are the principal providers of contraceptives, at 44 1% and 16 5%, respectively.[50] The private sector (pharmacies, private clinics, etc) provide 28 9% of contraceptive methods.[51] The impact on women's reproductive health is reflected in the following statistics approximately 87% of childbirths are attended by physicians, 2% by nurses, 9% by midwives, and just 2% are not attended by trained personnel.[52]

MEXICO

Pristup sveobuhvatnoj, kvalitetno reproduktivnoj zdravstvenoj zaštiti

Zakoni i politike

Savezni Ustav priznaje pravo na slobodu odlučivanja u vezi broja djece, ali da to bude na odgovoran i informisan način i vrijeme Savezni Ustav također nalaže da sistem socijalnog osiguranja mora pružati posebnu zaštitu ženama za vrijeme trudnoće i u periodu dojenja djeteta Meksički zakoni govori da zdravstvena zaštita za porodilje i dojenčad, i planiranje porodice treba da budu osnov zdravstvene zaštite, a prioritet se daje ovom prvom Zakoni i politike planiranja porodice nalaze se u glavnim crtama u Meksičkim propisima o planiranju porodice i u Programu za reproduktivno zdravlje i planiranje porodice za periodu 1995-2000

Program nacionalnog stanovništva uspostavio je slijedece demografske ciljeve Meksičke vlade postizanje stope rasta stanovništva od 1,75% do 2000 godine, a 1,45% do 2005 godine, u poređenju sa sadašnjom stopom rasta od 2,05, da globalna stopa fertilnosti bude 2,4 djeteta po ženi do 2000 godine, a 2,1 do 2005 , u pređenju sa sadašnjom stopom od 2,9 djece po ženi

Kao dio Reformskog programa u zdravstvenom sektoru, napravljen je program Reproduktivnog zdravlja i planiranja porodice za period 1995-2000 (RPHS) Cilj RPHS-a je integracija slijedecih službi reproduktivno zdravlje, planiranje porodice, zdravstvena zaštita djece i porodilja, prenošenje bolesti spolnim odnosom, rak grla, rak maternice i dojke, i trudnoce sa visokim rizikom

U pogledu politike reproduktivnog zdravlja i planiranja porodice, ciljevi savezne vlade uključuju porast upotrebe kontraceptivnih sredstava za 70% do 2000 godine za fertilne žene koje žive sa svojim partnerima, u poređenju sa sadašnjih 64%, porast upotrebe kontraceptivnih sredstava za 70% kod žena koje vec imaju djecu, u poređenju sa sadašnjom stopom od 51%, porast sterilizacije među ženama koje vec imaju djecu za 70% u poređenju sa sadašnjom stopom od 51%, porast broja sterilizacija, i smanjenje za polovinu smrtnosti porodilja, što danas iznosi 4,8 na svakih 10 000 živo rođene djece

Usluge koje vlada pruža za planiranje porodice uključuju informacije, usmjeravanje, savjetovanje, recepte i metode izdavanja kontraceptivnih sredstava Ove usluge i kontraceptivne metode su besplatne Posebno javne službe pružaju informacije o oralnim hormonalnim metodama, metodama ubrizgavanja i podkožnim metodama, kontraceptivnim sredstvima unutar maternice, sterilizaciji, metodu prepreka i sredstvima za uništavanje spermazoida

Zakon o opcem zdravstvu navodi da savjetovališta za planiranje porodice predstavljaju prioritet unutar opcih odredbi zdravstvene zaštite Ciljevi podprograma za planiranje porodice su da se pojača i proširi sigurnost i kvalitet informacija o planiranju porodice, obrazovanja i usluga, sa specijalnim naglaskom na ruralna područja, doprinese opadanju plodnosti, smanjenjuje broj neželjenih, neplaniranih trudnoca i onih sa visokim rizikom, proširuje aktivnosti u cilju različite upotrebe modernih kontraceptivnih metoda

Stvarnost

Prema navodima vlade, u posljednjih nekoliko godina povečalo se učešce javnog sektora u pružanju usluga za porodično planiranje Samo u 1979 oko 51,5% svih korisnika modernih kontraceptivnih metoda, posjetilo je neku instituciju iz javnog sektora da bi dobilo ovu uslugu, godine 1995 , ovaj broj je narastao do 72% U javnom sektoru, IMSS i Ministarstvo zdravstva predstavljaju glavne snabdjevače kontraceptiva sa 44,1% odnosno 16,5% Privatni sektor (apoteke, privatne klinike, itd) obezbjeđuju 28,9% kontraceptivnih metoda Uticaj na reproduktivno zdravlje žena prikazuje se slijedecom statistikom približno 87% porođaja obave ljekari, 2% medicinske sestre, 9% babice i samo 2% bez kvalifikovane osobe

A recent study of the Pan-American Health Organization (PAHO)[53] reports that Mexico has had a solid post-natal family planning program for several years which has served as a model for other Latin American countries However, it does have shortcomings According to this study, the government's family planning services, through its three principal public institutions, the Ministry of Health, the Mexican Institute for Social Security (IMSS) and the Institute for Security and Social Services for State Workers (ISSTE), only offer two contraceptive methods the intrauterine device (IUD) and surgical sterilization[54] The Ministry of Health insists that users prefer these over other methods, reporting that 32% of users choose sterilization, 21% IUDs, followed by 21% who choose oral hormones and 12% who opt for intravenous contraceptives[55] Many non-governmental organizations (NGOs) have pointed out that the Mexican government places greater emphasis on demographic goals than on covering the real needs of women who would choose other methods

A further issue is that of abortion The abortion laws in Mexico are less harsh than in other Latin American countries, but abortion continues to be illegal in most cases

Women of means can have safe abortions, while poor women have to resort to clandestine abortions in extremely unsafe conditions The Ministry of Health's facilities attend 50,000 cases of complications following abortions every year[56]

Post-natal family planning services are available through the Ministry of Health, the ISSTE and the IMSS Many women receive advice regarding contraception as part of their pre-natal health care Some patients have filed complaints against the public sector, alleging that, immediately after giving birth, they were fitted with an IUD or were sterilized without their consent[57]

One obstacle to obtaining reproductive health care is the enormity of the demand Moreover, some medical practitioners do not regard post-natal family planning as part of their responsibility Some Mexican NGOs provide an alternative, offering family planning services with better follow-up care than those provided by the state

With regard to post abortion family planning, patients are offered this service through the same channels Though historically there has been less emphasis on family planning for women who suffer complications following induced abortions, there are now some reports that public health officials are beginning to provide better treatment The needs in Mexico are diverse, but the PAHO report highlights the need to improve reproductive health advice and to obtain informed consent

The early detection of cervical cancer continues to present a challenge to the government health-care system. One of the principal problems is that there has been inadequate dissemination of information regarding the need for women to undergo regular "Pap" smears One study conducted in Mexico City and in the State of Oaxaca[58] during home interviews with 4,208 women, found that 41 5% of the women interviewed were unaware of the purpose of a Pap smear and, of those, approximately 97% had never undergone such a test In Mexico City, the factors associated with ignorance of the purpose of the Pap smear were, in order of importance, lack of access to health-care available through social security, illiteracy and low socioeconomic level Those living in rural areas showed far less familiarity with the Pap smear than those in urban areas One of the recommendations of this study was to prioritize the dissemination of information about cervical cancer among those in the lower socioeconomic levels who lack social security and especially among illiterate women in rural areas

Nedavna studija Organizacije pan-američkog zdravstva (PAHO) izvještava da vec nekoliko godina Meksiko ima solidan program postnatalnog planiranja porodice, koji služi kao model latinoameričkim zemljama Međutim, on isto tako ima i nedostataka Prema ovoj studiji, vladine službe za planiranje porodice, putem svoje tri glavne institucije, Ministarstva zdravstva, Meksičkog instituta za socijalnu sigurnost (IMSS) i Institut za sigurnost i socijalne usluge za državne radnike (ISSTE), pružaju samo dva kontraceptivna metoda sredstva za kontracepciju unutar maternice (IUD) i hiruršku sterilizaciju Ministarstvo zdravlja insistira da korisnici uzimaju ova dva sredstva radije nego druga, navodeci da 32% korisnika izabira sterilizaciju, 21% IUD, a iza toga dolazi 21% onih koji se opredjeljuju za oralne hormone i 12% čiji su izbor intraverzni kontraceptivi Mnoge nevladine organizacije (NGO) ističu da meksička vlada stavlja veci naglasak na demografske ciljeve nego na zadovoljenje stvarnih potreba žena, koje bi izabrale druge metode zaštite

Slijedeca stvar je problem abortusa Zakon o abortusu u Meksiku je manje strog od onog u drugim latinoameričkim zemljama, ali abortus ostaje ilegalan u vecini slučajeva

Imucne žene mogu imati siguran abortus, dok siromašne moraju pribjegavati abortusima skriveno od javnosti, i u krajnje nesigurnim uslovima Svake godine, ambulante Ministarstva zdravstva posjecuje 50 000 žena kod koji su nastale komplikacije poslije abortusa

Usluge postnatalnog planiranja porodice stoje na raspolaganju preko Ministarstva zdravstva, ISSTE i IMSS-a Mnoge žene primaju savjete u pogledu kontraceptivnih sredstava kao dio prednatalne zaštite Neki pacijenti su uložili žalbe protiv javnog sektora, navodeci da im je, odmah nakon porođaja, postavljen IUD ili su bile sterilizirane bez njihovog pristanka

Prepreka koja stoji na putu reproduktivne zdravstvene zaštite je enormnost zahtjeva Povrh toga, neki ljekari opšte prakse ne smatraju postnatalno planiranje porodice dijelom njihove odgovornosti Neke meksičke NGO daju alternativu, nudeci usluge planiranja porodice uz bolju brigu nego što to rade državne organizacije

Što se tiče planiranja porodice poslije abortusa, pacijentima se nudi ova usluga preko istih kanala Iako se historijski, kod planiranju porodice, stavlja manji naglaska na žene koje pretrpe komplikacije zbog nametnutog abortusa Izvještaji sada govore da službenici javnog zdravstva počinju pružati bolje liječenje Potrebe u Meksiku su raznovrsne, ali izvještaj PAHO podvlaci potrebu za poboljšanjem savjeta za reproduktivno zdravstvo i dobivanje informiranog pristanka

Rano otkrivanje raka grla i dalje predstavlja izazov sistemu vladine zdravstvene zaštite Jedan od glavnih problema je taj što ne postoji adekvatno informisanje u pogledu potreba žena da se podvrgnu redovnon uzimanju brisa metodom "Pap" Jedna studija koja je rađena u Mexico City-ju i državi Oaxaca u toku intervjua obavljenih kod kuce 4 208 žena, ustanovila je da 41,5% intervjuisanih žena nije svjesno svrhe uzimanja Pap brisa, a od njih 97% nikada nije bilo podvrgnuto takvom testu U Mexico City-ju, faktori koji se vezuju za neznanje svrhe uzimanja Pap brisa je, radi isticanja važnosti, bilo nedostatak pristupa zdravstvenoj zaštiti koja se dobije preko socijalnog osiguranja, i neukost onih iz niže socijalno-ekonomske sredine Oni koji žive u ruralnim područjima pokazali su daleko manje poznavanje Pap brisa od onih koji žive u urbanim područjima Jedna od preporuka ovog studija je bila davanje prioriteta pružanju informacija o raku grla onima iz niže socijalno-ekonomske sredine koji nemaju socijalno osiguranje, a posebno neukim ženama u ruralnim područjima

C SEXUAL VIOLENCE AGAINST WOMEN [ARTICLES 5, 6 AND 16]

1 Rape and Sexual Crimes

Laws & Policies

The regulation of sex-related crimes falls within the jurisdiction of the states. Most states in Mexico legislate rape in conjunction with crimes against decency and seduction. At the same time, sex-related crimes that involve adolescents and minors are specifically classified, such as statutory rape, incest and the corruption of minors.[197] Some states categorize as sex crimes peculiar situations such as an individual who has sexual relations with a woman by pretending to be her spouse or common law spouse.[198]

In the Federal District, rape is a crime against "freedom and normal psychosexual development."[199] The crime of rape is committed when a person uses violence or the threat of violence to engage in "intercourse" with another person of either sex.[200] The penalty in these cases is eight to fourteen years imprisonment.[201] The Penal Code also categorizes as rape when an adult engages in intercourse without the use of violence with a person under the age of 12, as well as an adult who, without using violence, engages in intercourse with a person who does not understand the meaning of the sexual act or who is incapable of refusing the person's advances.[202] These crimes are penalized with eight to fourteen years imprisonment.[203] Raping a minor of thirteen or fourteen years of age is considered an "improper act" in most state criminal codes.[204] In such cases, the convicted person receives a harsher penalty when the victim is a female virgin or has not yet reached puberty.[205]

Some states recognize certain exceptions to crime of seduction, which is considered a sexual crime, because they categorize seduction as a crime against freedom and personal security.[206] In such states, seducing a woman over the age of 18 is criminalized only when it involves the actual use of or the threat of violence.[207] Few states even classify seduction of a minor male by a women.[208] The Penal Code of the Federal District classifies kidnapping as the act of an individual who "takes control over a woman through the use of violence or the threat of violence, seduction or trickery to satisfy some erotic or sexual desire or to marry the woman." Such an act is penalized with six months to six years imprisonment and a fine of 50 to 500 pesos.[209]

The Penal Code of the Federal District establishes that the conduct of a person who engages in intercourse with a person under the age of 12 is committing the equivalent of rape, and imposes a penalty of eight to fourteen years imprisonment.[210] A crime against decency is committed when an aggressor engages in a sexual act other than intercourse with a person under the age of 18. Some states gradate the penalty depending on whether the victim had reached puberty.[211] The same crime is named differently in some states: in some states it is denominated as "lustful acts,"[212] while others call it "dishonest abuse."[213] In the Federal District, if acts against decency are committed against a minor under the age of 12, the author of the crime is penalized with six months to three years imprisonment.[214]

The Penal Code also includes the crime of statutory rape, which involves intercourse with a women between the ages of 12 and 18 through seduction or trickery.[215] Some states identify this crime as one of many crimes "against sexual freedom and inexperience."[216] Statistics define differently the characteristics of the woman who may be the victim of such crimes. While some establish that the woman's age range between 12 and 18, most also say that she must have reached puberty and that she also be honest and a virgin.[217] Some Mexican experts consider that statutory rape as it is currently defined by the country's criminal law has no valid purpose, as there is no object that the

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SEKSUALNO NAPASTVOVANJE ŽENA (Članovi 5, 6 i 16)

Silovanje i seksualni zločin

Zakoni i politike

Propisi koji se odnose na seksualna krivična djela spadaju u nadležnost države Većina država u Meksiku zakonskonom povezuje silovanje sa krivičnim djelom protiv pristojnosti i zavođenjem U isto vrijeme, krivična djela koja se odnose na silovanja u kojima su uključene malodobne osobe i djeca, posebno se klasificiraju kao silovanja malodobne djece Neke države svrstavaju neobične situacije u krivična djela silovanja, kao što je pojedinac koji ima seksualni odnos sa ženom pretvarajući se da je njen muž ili muž po tradicionalnom običaju

U Federal District-u silovanje se smatra krivičnim djelom protiv "slobode i normalnog psihoseksualnog razvoja " Smatra se da je krivično djelo silovanja počinjeno kada neko lice koristi silu ili prijetnju silom radi upuštanja u "odnos" sa licem drugog pola Kazna za ovakve slučajeve je od osam do četrnaest godina Krivični zakon također klasificira kao silovanje čin, kada se odrasla osoba upušta u seksulani odnos, bez primjene sile, sa osobom mlađom od 12 godina, kao i kada se odrasla osoba, bez upotrebe sile, upušta u odnos sa osobom koja ne razumije značenje seksualnog čina ili koja nije sposobna da odbije takvu osobu Ova krivična djela su kažnjiva sa osam do četrnaest godina Silovanje maloljetnica od trinaest ili četrnaest godina starosti smatra se "neprimjernim činom" u većini državnih krivičnih zakona U takvim slučajevima, okrivljena ličnost dobiva oštriju kaznu kada je ženska osoba djevica ili još nije dostigla pubertet

Neke države priznaju izvjesne izuzetke u krivičnom djelu zavođenja, koje se smatra seksualnim krivičnim djelom, jer zavođenje klasificiraju kao krivično djelo protiv slobode i lične sigurnosti U takvim državama, zavođenje žene od 18 godina, ili starije, potpada pod krivični zakon jedino kada je stvarno uključena sila ili prijetnja silom Samo nekoliko država svrstava u čin zavođenja kada to vrši žena nad maloljetnim muškarcem Krivični zakon Federal District-a klasificira kidnapovanje kao čin pojedinca koji "preuzima kontrolu nad ženom, upotrebom sile ili prijetnje silom, zavođenjem ili trikovima, da bi zadovoljio erotsku ili seksualnu želju, ili da bi oženio tu ženu " Takav čin se kažnjava sa šest mjeseci do šest godina zatvora i novčanom kaznom od 50 do 500 pezosa

Krivični zakon Federal Districta smatra da lice koje se upušta u seksualni odnos sa licem ispod 12 godina čini djelo jednako silovanju i predviđa kaznu od osam do četrnaest godina zatvora Krivično djelo protiv pristojnosti smatrat ce se da je izvršeno kada se napadač upušta u seksualni čin, koji nije odnos, sa licem ispod 18 godina starosti Neke države vrše gradaciju kazne zavisno od toga da li je žrtva dostigla pubertet Isto krivično djelo stoji pod drugim nazivom u nekim državama ono se naziva "požudnim činom", dok ga drugi nazivaju "nečasnim napastvovanjem " U Federal Districtu, ako se počine djela protiv pristojnosti sa maloljetnom osobom ispod 12 godina, autor krivičnog djela se kažnjava sa 6 mjeseci do tri godine zatvora

Krivični zakon, također, uključuje u krivično djelo silovanje maloljetne osobe, a odnosi se na seksualni odnos sa ženom od 12 do 18 godina putem zavođenja ili trikova Neke države ovo krivično djelo identifikuju kao jedno od mnogih krivičnih djela "protiv seksualne slobode i neiskustva" Statistike različito definišu karakter žene koja može biti žrtva takvih krivičnih djela Dok jedni postavljaju starosnu dob žene između 12 i 18 godina, većina ih također govori da ona mora dostići pubertet i da je poštena i djevica Neki meksički eksperti smatraju da silovanje maloljetne osobe, kako ga trenutno definiše krivični zakon zemlje, nema validnu svrhu, pošto nema predmeta kojeg zakon treba da štiti na ovaj način, i da "žene ne traže zaštitu prema zakonu koji se, definišući maloljetničko silovanje, pretvara da pruža zaštitu

Propisi o seksualnom napastvovanju spadaju u nadležnost države Krivični zakon Fedral District-a klasificira seksualno napastvovanje kao ponašanje lica koje "sa požudnim namjerama neprestalno maltretira lice bilo kojeg pola, koristeći prednost svog položaja u radnom odnosu nastavnik/učenik ili odnos u obitelji, ili bilo koji drugi odnos koji podrazumjeva potčinjenost Kazna za takvo ponašanje predviđena krivičnim zakonom je novčana kazna Kada je napadač državni činovnik,

law should protect in this way, and that "Women do not require the legal protection that the laws defining statutory rape pretend to give them."[218] The Penal Code of the Federal District requires that the victim or her representatives denounce an aggressor.[219]

The regulation of sexual harassment falls within the jurisdiction of the states. The FD Penal Code classifies the crime of sexual harassment as the conduct of a person who "with lustful intentions repeatedly harasses a person of any sex, taking advantage of his or her position of authority, derived from their job-related, teacher/student or domestic relationship, or any other relationship that implies some form of subordination."[220] The penalty for such conduct established in the Penal Code is a fine.[221] When the aggressor is a public employee who uses his or her position to engage in harassment, the law mandates that he or she be fired.[222] The penal legislation establishes that for sexual harassment to be considered a crime, it must have caused damage or prejudice.[223] Only the victim may bring charges against the aggressor.[224]

Reality

In Mexico, violence against women has not been systematically studied.[225] Nor is there information about the incidence of violence against women due to the fact that few women report sexual crimes.[226] It is estimated, for example, that only one of every ten rapes is reported to the authorities.[227] A study carried out in the Federal District revealed that if the total number of complaints brought before the attorney general's office, 87% of the victims are women. Another study, also in the Federal District, revealed that one of the main motives behind violence against women is to have sexual relations with them against their will.[228] Approximately half of the rapes and other sexual crimes in Mexico are committed against girls and adolescent women.[229] In 60 percent of the cases of rape of minors that are reported, the aggressors are close relatives of the victim, including the victim's father.[230] In 90 percent of such cases, there was either implicit or explicit consent or tolerance by the mothers of the victims.[231]

Few statistics on rape are available in Mexico, although some NGOs working in the field have carried out studies based on the number of victims they see. In 1993, 85 rape survivors were seen by the Mexican Association Against Violence Against Women (COVAC). These women requested the following forms of assistance from COVAC: 75% asked for emotional support, only 1% requested legal assistance, and 24% wanted both emotional support and legal assistance. 65% of the women had been attacked by strangers. An unfortunately high percentage (26%) became pregnant. In the majority of cases attended to by COVAC, namely 59%, no legal proceedings were brought.[232] This can be understood by examining the treatment women receive when they report a sexual crime to the Attorney General's Office, at least in Mexico City. The aim of one study carried out by the Attorney General's Office in the Federal District[233] was to show how victims of rape are effectively prevented by various procedural obstacles from going beyond the first phase of criminal proceedings. 93.33% interviews were conducted in local offices of the Attorney General in the Federal District, 71.42% of the agents surveyed were men and 28.57% were women. The answers to the questions posed to these employees demonstrate the agent's widespread disbelief of rape victims when they first present a complaint. For example, 85.36% of those interviewed considered it necessary for the victim to undergo a medical examination before making an official complaint. On asking the purpose of questioning the victim about her sexual life, 47.61% of the officers considered such information to be determinant, regardless of its particular relevance to the complaint. The replies included: "it is important to know what kind of person she is," "it's important to know if she has had sexual relations as this determines her good or bad sexual reputation," and, "through questions related to her sexual life it is possible to tell if the woman is responsible for the attack, because in

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koji koristi svoj položaj da bi se upustio u napastvovanje, zakon nalaže da se takvo lice otpusti s posla Krivični zakon predviđa da, kod seksualnog napastvovanja koje se smatra krivičnim djelom, mora biti načinjena šteta ili postojati predumišljaj Jedino žrtva može podići optužnicu protiv napadača

Realnost

U Meksiku nasilje prema ženama nije sistematski proučavano Niti postoje informacije o slučajevima nasilja prema ženama, zbog činjenice što malo žena prijavljuje seksualno nasilje Procjenjuje se da samo jedna od deset silovanih prijavi slučaj vlastima Studija obavljena u Federal District-u otkriva da, kada bi se ukupan broj žalbi podnio javnom tužiocu, 87% žrtava bi bile žene Druga istraživanje urađeno također u Federal District-u, otkriva da jedan od glavnih motiva koji stoji iza nasilja prema ženama, jeste seksualni odnos sa njima protiv njihove volje U Meksiku, približno polovina silovanja, kao i druge seksualne radnje koje spadaju pod krivična djela, odnosi se na djevojčice i djevojke pred zrelost U 60 procenata prijavljenih silovanja maloljetnih osoba, napadači su bili bliski rođaci žrtve, uključujući oca žrtve U 90% takvih slučajeva, postoji ili jasan, ili se podrazumijeva, pristanak ili popustljivost od strane majki žrtava

Malo je statističkih podataka o silovanju u Meksiku, iako su nevladine organizacije, radeći na ovom području, načinile studiju zasnovanu na broju žrtava koje su vidjeli Godine 1993, 85 preživjelih žrtava silovanja su primljene u Meksičkom udruženju protiv nasilja nad ženama (COVAC) Ove žene su zahtjevale pomoc od COVAC-a 75% je tražilo emocionalnu podršku, samo 1% je tražilo pravnu pomoc, 24% je tražilo i emocionalnu podršku i pravnu pomoc Nepoznate osobe su napale 65% žena Nažalost, 26% silovanih su ostale trudne Za vecinu slučajeva, koje je COVAC obradio, naime 59%, nije pokrenut sudski postupak Razlog za ovo, bar u Mexico City-ju, je postupak ispitivanja koji se primjenjuje nad ženama kada prijave seksualno silovanje Uredu javnog tužioca, Cilj jedne studije koju je uradio Ured javnog tužioca u Federal District-u, bio je da pokaže kako žrtvu efikasno sprečavaju da nastavi sa poduzimanje koraka izvan prve faze U lokalnom uredu javnog tužioca u Federal District-u, provedeno je 93,33% intervjua, od ovog 71,42% ispitanika su bili muškarci i 28,57 žene Odogovori na pitanja koja se namecu ovim službenicima pokazuju da se osjeca velika sumnja u žrtvu silovanja kod prvog prezentiranja tužbe Na primjer, 85,36% onih koji su obavljali saslušanje smatraju da je potrebo da se žrtva podvrgne ljekarskom pregledu prije nego uloži zvanicnu tužbu O svrsi postavljanja pitanja žrtvi u pogledu njenog seksualnomg života, 47,6% službenika smatra da je takva informacija odlučna, bez obzira na važnost tužbe Odgovori su uključivali "važno je znati kakva je ona osoba," "važno je znati da li je ona vec imala seksualne odnose, pošto ovo određuje njenu dobru ili lošu seksualnu reputaciju," i, "pitanjima koja se odnose na njen seksualni život, moguce je reci da li je žena odgovorna za napad jer, u vecini slučajeva, žena je ta koja izaziva napad" Daljnji dokaz nevjerovanja riječima žrtve je da 30,96% službenika smatra da je, također, potrebno imati priznanjenapadača ili žrtve Oko 64 28% ispitanih službenika vjeruje da ima slučajeva kada žene podnesu žalbu da bi prikrile neželjenu trudnocu koja je nastala iz odnosa koji ne predstavlja silovanje

Jedan dramatičan slučaj, koji pokazuje posljedice takvog tretmana od strane vlasti, privukao je pažnju štampe 1997 godine, a desio se u mjestu Durango (Država Durango) ZaYesicu Yadira Diaz, mladu ženu od 19 godina, izvjestilo se da su je silovala dvojica ljudi U uredu javnog javnog tužioca, gdje je mlada žena otišla sa svojom porodicom da bi podnijela tužbu, Yesica Yadira je bila podvrgnuta maltretiranju i pritisku da povuce izjavu Osumnjičeni, koji su zadržani u pritvoru, su pušteni na slobodu Nekoliko dana kasnije, Yesica Yadira je izvršila samoubistvo Nacionalna komisija za ljudska prava intervenirala je da bi podigla optužnicu protiv službenika javnog tužilaštva koji su bili upleteni u slučaj (8 državnih službenika i 5 agenata u sve to), zbog zloupotrebe nadležnosti, iako su samo dva agenta nađena krivim Predsjednik Nacionalne komisije za ljudska prava, Mireille Roccatti poslala je dopis guverneru Duranga u kojem navodi da je zvanični odgovor na preporuke komisije, vezano za slučaj Yesice Yadire, bio "neadekvatan" i naglasila da dodjeljivanjem krivice samo dvojici agenata Ureda javnog tužilaštva predstavlja "tolerisanje nekažnjavanja i pretvaranje da se provodi zakon" Citirajuci najozbiljnije prekršaje tog slučaja, Roccatti pominje moralni pritisak kojem su Yesica i njena

most cases, it is the woman who provokes the aggression "[234] Further proof of the insufficiency of the victim's own word is that 30 96% of officers consider it necessary to also have the confession of the aggressor or a witness [235] 64 28% of the officers questioned believe that there are cases in which the woman files a complaint in order to cover up an unwanted pregnancy that has resulted from intercourse that does not constitute rape [236]

A dramatic case that shows the consequences of such treatment by the authorities caught the attention of the press in 1997 and took place in the city of Durango (in the State of Durango) Yessica Yadira Díaz, a young woman of 19, reported being raped by two men At the Attorney General's office where she went with her family to lodge the complaint, Yessica Yadira was subjected to mistreatment and coercion to force her to retract her statement The suspects, who had been held in prison, were released A few days later, Yéssica Yadira committed suicide The National Commission for Human Rights intervened to charge the Attorney General's officers involved (8 civil servants and 5 agents in all) with abuse of authority, although only two agents were found guilty The President of the National Commission for Human Rights, Mireille Roccatti, sent a letter to the Governor of Durango, in which she stated that the official response to the Commission's recommendation regarding Yéssica Yadira's case, was "inadequate" and emphasized that merely assigning responsibility to two agents of the Attorney General's Office was to "tolerate impunity and pretend to apply the law " Citing the most serious breaches in the case, Roccatti mentioned the moral coercion to which Yéssica and her family were subjected to force her to withdraw her complaint, describing it as "torture," in which the various officials were involved to varying degrees [237]

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2. Domestic Violence

Laws & Policies

Rape between spouses is not classified as a crime under Mexican law In June 1997, the Mexican Supreme Court of Justice established that sexual relations between spouses that are the result of violence do not constitute a crime but the "undue exercise of a right."[238] This judgement affirms a prior decision of the Supreme Court on the same issue in 1994.[239] In 1995, only the Penal Code of the state of Querétaro penalized rape between spouses.[240]

Domestic violence against children is tolerated legally. In 1995, 11 Mexican states permitted the physical punishment of children by their parents or guardians. Injuries caused "while exercising the right to reprimand," and when the judge considers that this right is not abused by "reprimanding with cruelty or unnecessary frequency," are not punishable,[241] if they do not endanger the victim's life, if they are cured within 15 days, and if they involve no other consequences that are punishable by law.[242]

In 1996, the Federal District promulgated the Law of Assistance and Prevention of Domestic Violence,[243] whose objective is to establish nonjudicial procedures to protect victims of domestic violence and to develop strategies to prevent such violence.[244] This law defines violence as an "act of power or omission that is recurring, intentional, and cyclical, and is aimed at dominating, subordinating, controlling or harming any member of the family through physical, verbal, psycho-emotional, or sexual violence."[245] The forms of sexual mistreatment mentioned include denying "sexual-affective" needs and inducing sexual practices that are not desired or that harm the victim.[246] This law "may only be used as a means to secure prevention in respect of the provisions of the FD Penal Code, particularly those related to sexual crimes."[247] The procedures established for cases of

porodica bili izloženi da bi je prisilili da povuce tužbu, opisujuci to kao "torturu" u kojoj su, do izvjesnog stepena, bili upleteni razni službenici

NASILJE U PORODICI

Zakoni i politika

Silovanje među supružnicima se ne klasificira kao krivično djelo prema meksičkom zakonu U junu 1997 meksički Vrhovni sud pravde donio je odluku da seksualni odnosi između supružnika, koji nisu rezultat nasilje, ne spadaju u krivično djelo vec "pretjerano vršenje prava " Ovakva presuda potvrđuje prioritet odluke Vrhovnog suda po istom pitanju 1994 godine Godine 1995 samo je kazneni zakon države Queretero primjenio kaznu za silovanje među supružnicima

Zakon toleriše nasilje prema djeci u porodici Godine 1995 , 11 meksičkih država dozvolilo je fizičko kažnjavanje djece od strane njihovih roditelja ili staratelja Povrede uzrokovane "u toku vršenja prava na prijekor," i kada sudija smatra da ovo pravo ne predstavlja zloupotrebljen "prijekor s okrutnoscu ili nepotrebnom učestalošču", nisu kažnjiva djela ukoliko ne ugrožavaju život žrtve, ako je izliječivo za 15 dana i ako ne uključuju nikakve druge posljedice koje su kažnjive po zakonu

Godine 1996 Federalni District je objavio Zakon o pomoci i sprečavanju nasilja u porodici, a cilj mu je uspostavljanje nesudskog postupka da bi se zaštitile žrtve nasilja u porodici, i da se razviju strategije za sprečavanje takvog nasilja Ovaj zakon definiše nasilje kao "djelo sile ili propusta koje se ponavlja, namjerno i ciklično, sa ciljem za dominacijom, potčinjavanjem ili nanošenjem štete nekom članu porodice putem fizičkog, verbalnog, psihoemocionalnog ili seksualnog nasilja " Navedeni oblici seksualnog zlostavljanja uključuju odbijanje "seksualnih ljubavnih," potreba i nametanje seksualnih odnosa koji nisu poželjni ili koji nanose štetu žrtvi Ovaj zakon "se može upotrijebiti jedino kao sredstvo da bi se osigarala prevencija" u pogledu odredaba kaznenog zakona FD, posebno onih koja se odnose na krivična djela zbog seksa Postupak koji je uspostavljen za slučajeve nasilja u porodici uključuje izmirenje, prijateljsko izmirenje i arbitražu Propust da se ispoštuju naredbe pokrenute ovim procesom kažnjava se novčanom kaznom koja pokriva minimalni lični dohodak za period 30 do 180 dana u Federalnom District-u, ili njenim ekvivalentom, i nepreinačivim hapšenjem prekršioca za vrijeme ne duže od 36 sati

Samo u nekoliko država kazneni zakon tretira krivično djelo nasilja ili ubistva među članovima porodice kao otežavajuce okolnosti Godine 1995 samo je jedna država tretirala napad koji je jedan supružnik izvršio nad drugim, ili partnerom, kao otežavajuce okolnosti U Federal District-u nasilje u porodici je kažnjivo po krivičnom zakonu, posebno prema odredbama koje se odnose na napad Napad uključuje ranjavanje, nanošenje masnica, frakture, opekotina i, opcenito, bilo koje ozljede koje ostavljaju tragove na ljudskom tijelu, kada su uzrokovane vanjskom silom Predviđene kazne za takva krivična djela se krecu od tri mjeseca zatvora, za manje ozljede, do deset godina za ozbiljnije ozljede

Realnost

Na raspolaganju ne postoje nikakvi sistematski podaci o dimenzijama nasilja u porodici u Meksiku Međutim, postojece informacije otkrivaju da je to ozbiljan problem koji zahtjeva pažnju pravnog sistema i zdravstvenih organa Istraživanje koje je provelo Ministarstvo zdravlja Federalnog District-a među ženama između 14 do 57 godina, koje su tukli njihovi partneri, otkriva da su vecinom žrtve bile majke između 22 i 29 godina i da ih je 90 procenata pretučeno u prisustvu njihove djece Od pretučenih žena 22% su nepismene ili nisu završile osnovnu školu, 44 procenta su sa završenom osnovnom školom i/ili nekom srednjom školom, a preostala 34 procenta imaju neko više obrazovanje ili su imali profesionalno zvanje Ostali, uobičajeni oblici nasilja u porodici u Meksiku uključuju verbalnu agresivnost, kucni pritvor, zabranu viđanja članova porodice ili rad, ili prisilan seksualni odnos

domestic violence include conciliation,[248] friendly settlement, and arbitration.[249] The failure to respect the orders generated by this process is penalized with a fine of 30 to 180 days' of the minimum salary in the Federal District, or its equivalent, and the incommutable administrative arrest of the offender for a period of no more than 36 hours.[250]

The penal codes in only a few states treat violent crimes or homicide committed among family members as aggravating circumstances.[251] In 1995, only one state treated an assault committed by one spouse or partner against the other as an aggravating circumstance.[252] In the Federal District, domestic violence is penalized by the criminal law, specifically within the provisions related to assault.[253] Assault includes wounds, bruises, fractures, burns, and in general, any damage that leaves marks on the human body, when they are caused by an external force.[254] Penalties for such crimes range from three months imprisonment for minor injuries to ten years for serious injuries.[255]

Reality

No systematic data regarding the dimension of domestic violence in Mexico are available. However, existing information reveals that it is a serious problem that demands attention from the legal system and the health authorities.[256] A study carried out by the Ministry of Health of the Federal District among women between the ages of 14 to 57 who were beaten by their partners revealed that most victims were mothers between the ages of 22 and 29, and that 90 percent were beaten in front of their children.[257] Twenty-two percent of the battered women were illiterate or had not completed primary school, 44 percent had finished primary school and/or some secondary school, and the remaining 34 percent had some post-high school education or were professionals.[258] Other common forms of domestic violence in Mexico include verbal aggression, confinement to the home, prohibitions on seeing family members or working, and forced sexual relations.[259]

The Center for the Prevention of Inter-Family Violence (CAVI), under the Federal Ombudsman, is the only governmental institution that deals directly with cases of domestic violence. It has seen more than 100,000 people in the 7 years it has been functioning.[260]

The activities of NGOs to prevent and eradicate domestic violence against women have drawn attention to this social problem and have influenced governmental action. For example, in the legislative and judicial field such action has included the 1984 amendment of the Criminal Code for the Federal District so as to maximize punishment for rape, the creation, in 1989, of the Attorney General's Special Agencies to deal with sex offenses, which operate within various bodies around the country, and the various amendments and repeals made to the Criminal Code and the Criminal Procedural Code for the Federal District in 1990 and 1991 relating to sex offenses.

However, despite the steps taken by the government to address the phenomenon of domestic violence, various factors impede the efficacy of such efforts. In a governmental analysis of women's status, it states that among the serious obstacles are "women's ignorance of their rights and of the law designed to safeguard these, the barriers that exist to their recognizing, filing, and following up on a complaint with the relevant judicial bodies, the lack of enforcement of the laws, and the scarcity of mechanisms and institutions to protect the rights of potential and actual victims of violence."[261] Thus, the authorities realize the need for information campaigns to "raise awareness about the repercussions of violence for the integral development of the woman and the family."[262] However, the government's report fails to mention the urgent need to train the people working for the Attorney General's Office, including those who receive complaints, whose treatment of women is generally insensitive. When, because of the seriousness of the injuries, a woman goes to the Attorney General's Office or a judge, she discovers not only that she is not understood, but that in most cases, she cannot prosecute her husband because domestic violence is not classified as a crime. For many

Centar za sprečavanje unutarporodičnog nasilja (CAVI), koji se nalazi pod federalnim obudsmanom, je jedina vladina institucija koja se direktno bavi slučajevima nasilja u porodici Za 7 godina, kako funkcioniše, posjetilo ga je više od 100 000 osoba

Aktivnosti nevladinih organizacija na sprečavanju i iskorjenjivanju nasilja u porodici prema ženama privuklo je pažnju na ovaj društveni problem i uticalo da vlada poduzme akcije Na primjer, 1984 godine, u zakonodavnom i sudskom području, takva akcija donijela amandman krivičnog zakona u Fedral District-u da bi se maksimalno kaznilo silovanje, stvaranje specijalne agencije javnog tužilaštva 1989 godine, koja ce se baviti seksualnim prekršajima, i koja djeluje unutar različitih tijela u zemlji, i različiti amandmani i stavljanja van snage dijelova krivičnog zakona i zakona o krivičnom postupku za Federal District 1990 i 1991 vezano za seksualne prekršaje

Međutim, uprkos vladinim koracima da se reaguje na fenomen nasilja u porodici, različiti faktori sputavaju efikasnost takvih napora Vladina analiza položaja žena navodi da se među ozbiljnim preprekama nalaze "neukost žena prema njihovim pravima i zakonu," čija je namjena da osigura zaštitu žena, prepreke koje postoje za njihovo priznanje, podnošenje tužbi i ustrajavanje na tužbama kod relevantnih sudskih organa, nedostatak prisile zakona, rijetkost mehanizama i institucija koji rade na zaštiti prava potencijalnih i stvarnih žrtava nasilja Zbog toga vlasti shvataju potrebu za informativnim kampanjama, da bi "podigla svijest o reperkusijama nasilja " Međutim, vladin izvještaj propušta da navede hitnu potrebu za obukom ljudi koji rade za Ured javnog tužioca, uključujuci one koji primaju tužbe, koji prema ženama postupaju bezosjecajno Kada zbog ozbiljnih povreda žena odlazi u ured javnog tužioca ili sudije, ona otkriva ne samo da je ne razumiju, vec da u vecini slučajeva ona ne može tužiti svog muža, jer nasilje u porodici nije svrstano pod krivično djelo Za mnoge državne službeniko, "to" je dio privatnog života i ništa više Također je potrebno obrazovati opcu javnost o pravima žrtava i unaprijediti jasniju i oštriju definiciju ove vrste krivičnog djela

Široka grupa nevladinih organizacija i državnih institucija unaprijedila je prijedlog za zakonskom reformom, koji je dostavljen zakonodavnim tijelima u toku njihovog zasjedanja prošlog semptembra Ova grupa tvrdi da, nedostatak jasnijeg uputstva u građanskom i krivičnom zakonu u Meksiku o pojavi unutarporodičnog nasilja, leži u činjenici što zakon ne priznaje psihološke efekte koji su sastavni dio nasilja u porodici Pored toga, oni pružaju argumente da je ovo područje koje se odnosi na posebnu vrstu ponašanja, kojem krivični zakon nije posvetio dužnu pažnju

OBRAZOVANJE I ADOLESCENTI (Članovi 10)

Pristup obrazovanju

Zakoni i politike

Ustavom se predviđa pravo svih lica na obrazovanje Od savezne vlade, država i opcina traži se obezbjeđivanje predškolskog, osnovnog i srednjeg obrazovanja koje je besplatno

Realnost

Dok se učešce žena u srednjem i višem obrazovanju znatno povecalo u nekoliko posljednjih decenija, stopa nepismenosti među ženama je bila15,2 procenta u 1995 godini Približno dvije od tri odrasle osobe koje su nepismene, su žene Ne postoje značajne razlike u pristupu djevojčica i dječaka osnovnoj školi, ali sa 14 godina, 32,5% djevojčica i 27,5% muškaraca prestaju pohađati školu

Tendencija pohađanja škola, posebno kod žena, smanjuje se sa godinama starosti Prema navodima vlade, praznina koja razdvaja polove smanjila se u posljednjoj deceniji, naročito na srednjem nivou od 89 žena na stotinu muškaraca, početkom 1980-ih, do 94 žene na 100 muškaraca 1990-ih To također ukazuje da žene sve više učestvuju u višem obrazovanju u školskoj 1994/95, na 100 muškaraca registrovanih na ovom nivou, bile su 82 žene Ovaj broj je pao na 64 žene u odnosu na

public officials, "this" is part of peoples' private lives and nothing more [263] It is also necessary to educate the general public about the rights of victims and to promote a clearer and stricter definition of these kind of crimes

A broad group of NGOs and civil institutions has promoted a proposal for legal reform which was submitted to legislators during their session last September This group asserted that the lack of clear guidance within the civil and criminal law in Mexico on the phenomenon of inter-family violence lies in the fact that the law does not recognize the psychological effects which are an integral part of domestic violence Moreover, they argued that this is an area which concerns a particular kind of behavior which the criminal law has not addressed

D. EDUCATION AND ADOLESCENTS (ARTICLE 10)

1. Access to Education

Laws & Policies

The Constitution establishes the right of all individuals to an education.[267] The federal government, the states and the municipalities are required to provide pre-school, primary and secondary education, which are all free of charge [268]

Reality

While the participation of women in secondary and post-secondary education has increased considerably in the last few decades,[269] the rate of illiteracy among women was 15 2 percent in 1995 [270] Approximately two of every three adults who are illiterate are women [271] Women with lower educational levels tend to live in rural areas [272] There are no marked differences in the access of girls and boys to primary school, but by the age of 14, 32 5% of girls and 27 5% of boys stop attending school [273]

The government[274] states that while school attendance, particularly for women, tends to decrease with age, the gap which separates the sexes has narrowed in the last decade, especially at the intermediate level from 89 women for every 100 men at the beginning of the 1980s, to 94 women for every 100 men in the 1990s It also indicates that women are increasingly participating in higher education in the academic year 1994-5, for every 100 men registered at this level, there were 82 women This number decreases to 64 women for every 100 men at the postgraduate level This tendency towards the narrowing of the gender gap is confirmed by other studies [275]

One qualitative study carried out by UNICEF[276] shows some of the conditions and the cultural context which drive a family's daughters, rather than its sons, to leave school in Mexico The study was carried out in one of the most marginal areas of Mexico City, La Independencia, in the Valle de Chalco, where there is no sewage system, water and electricity have been recently installed in only part of the zone, the houses are humble, the roads are unpaved, and the streets are strewn with garbage The population of the neighborhood is 282,940 people (INEGI 1990) and there is one primary school, one secondary school and one kindergarten The original objective of the study was to find out how children between the ages of 7 and 14 spend their time to determine if this reflected any discrimination on the basis of gender The researchers worked with four families with children aged 7-14 years and one family with children aged 14-21 years

The results relevant to the children's education were as follows The children aged 7-11 years went to the primary school for 4 and a half hours, seated on old benches and in dark, damp rooms The teachers claimed to treat girls and boys equally, although the observers noticed that there were different games for boys and girls They did not find there to be any difference in the level of participation of either sex both boys and girls took the initiative in answering the teachers' questions On going home after school, the girls helped with the household chores (setting the table, looking after younger siblings) while the boys ran errands or played in the street The world of the boys extends to outside the home, while if girls played, they did so inside the home

svakih 100 muškaraca na postdiplomsko0m studiju Ova tendencija smanjenja razlika u polu potvrđena je i drugim istraživanjima

Jedno kvalitativno istraživanje koje je proveo UNICEF u Meksiku pokazuje neke od uslova, i kulturni kontekst, koje navode kćeri porodice, a ne njene sinove, da napuštaju školu Istraživanje je provedeno u jednom od najmarginalnijih područja Mexico City-ja, La Independencia, u Valley de Chalko, gdje ne postoji sistem komunalija, kanalizacija, vodovod i električna struja su nedavno dovedeni samo u jednom dijelu zone, kuce su skromne putevi nepopločani, a po ulicama razbacano smece Sa oko 289 940 stanovnika (prema INEGI 1990), postojijedna osnovna škola, jedna srednja i jedan dječiji vrtic Jedinstveni cilj istraživanja bio je da se ustanovi kako djeca između 7 i 14 godina provode svoje vrijeme i da li se to odražava na predrasudu u pogledu polne diskriminacije Istraživači su iadili sa četiri porodice koje su imale djecu od 7-14 godina i jednom porodicom sa djecom od 14-21 godine

Rezultati istraživanja, relevantni za obrazovanje djece, bili su slijedeci djeca starosti između 7-11 godina pohađala su osnovnu školu 4,5 sati dnevno, sjedeci u starim klupama, u mraku i vlažnim prostorijama Nastavnici su tvrdili da jednako postupaju prema dječacima i djevojčicama Nije nađena razlika između dječaka i djevojčica na nivou davanja odgovora na pitanja Povratkom kuci iz škole, djevojčice bi pomagale u kucnim poslovima (postavljanje stolova, briga za mlađu bracu i sestre), dok su dječaci tumarali ili se igrali na ulici Svijet dječaka se protezao izvan kuce, a djevojčice, ako bi se i upuštale u igru, bilo bi to onda kod juce

Grupa između 12-14 godina pokazivala je značajne razlike Od četiri posmatrane djevojčice, kao dio istraživanja, dvije nisu pohađale školu One koje su pohađale, učile su po mraku, vlažnim učionicama, a u razredu bi bile odvojene od dječaka, iako je još uvijek bilo primjetno da u igri postoji razlika uloga, zavisno od pola Po dolasku kuci, djevojčice su imale da urade kucne poslove, da pomažu i da vode brigu o kuci umjesto njihovih majki, dok su se dječaci za to vrijeme igrali vani

Djevojčice koje su naputale školu, činile su to u kritično vrijeme za porodicu u jednom slučaju kada bi otac izgubio posao, u drugom kada bi otac odlazio u zatvor S druge strane, braca ovih djevojčica ne bi napuštala školu čak i kad bi bilo potrebno da se zaposle Jedna majka je rekla istraživačima da dječaci moraju da uče radi sticanja zanimanja, da bi mogli izdržavati porodicu kad porastu, dok ce žensku djecu izdržavati njihovi muževi □

english continued

Among the group of 12-14 year olds, the differences were more marked Of the 4 girls observed as part of the study, 2 did not attend school Those that did study did so in dark, damp classrooms and sit separately from the boys Again, the teachers asserted that they do not differentiate between boys and girls, although it was still observed that at play, there was a difference in roles depending on each sex On arriving home after school, the girls had household tasks to perform, as helpers and supervisors for their mothers, while the boys went out to play

The girls that left school did so at critical times for the family when the father lost his job, in one case, and, in the other, when the father went to prison On the other hand, the brothers of these girls did not leave school even when they needed to work One of the mothers told the researchers that the boys needed to study for a profession so that they could support their families when they grow up, while the girls would be maintained by their husbands

INDONESIA

VIOLENCE AGAINST WOMEN
Convention Articles 3, 5, 6, 12, 15, and 16

The issue of violence against women in Indonesia is outside the political will of the government and programs of the Ministry of Women's Roles Affairs The issue of violence is not dealt with in the Government's Report to CEDAW According to the report, the norms and values in the society are the obstacle to the implementation of CEDAW In fact, the ~~GOI~~ Government of Indonesia sanctions violence against women At the program level, gender assumptions are still influential and in practice result in violence against women For instance, within the family planning program, women are the primary target, often with the use of force, without really understanding the implications of using these Poor women are forced to use devices such as Norplant or Depo Provera without consideration of their effect on women's health The state does not provide information on the impact of the devices In many factories, Depo Provera is injected into workers who are told that the injection is an anti-tetanus shot

Legally, violence against women is regulated in the Criminal Code, and it is considered "a crime against ethics" This designation raises several conceptual problems because women are being reduced to the moral values of society and not treated as human beings The Criminal Code acknowledges violence or battery as physical violence but it does not consider the emotional and sexual aspect of this type of violence

The law also does not apply to violence committed against women in the course of armed conflict For example, during the time of the monarchy in Java, women were considered property of people who surrender in the war The women are usually raped by the troops who win At present, this practice still exists in places such as Aceh, Irian Jaya and East Timor where women are raped by the military Previously, the National Commission on Human Rights did not regard this problem of rape as a crime but as a relationship between men and women based on consent In other words, the issue is still considered to be a private matter

Women face difficulties in reporting rape cases For instance, rape survivors have to show the sperm of the rapist as evidence and she has to prove that she is a "good woman" The police will not process cases if there is "no evidence"

POLITICAL AND PUBLIC LIFE
Convention Article 7

As can be seen in table 10, 12 and 13 of the Government Report, there is a discrepancy between men and women holding government positions Generally, women are concentrated in the lowest level and in departments traditionally considered women's work, such as the department of education

INDONEZIJA

NASILJE PREMA ŽENAMA
Članovi Konvencije 3, 5, 6 12, 15, i 16

Pitanje nasilja prema ženama u Indoneziji nalazi se izvan političke volje Vlade i programa Ministarstva za pitanja uloge žena u društvu Vladin izvještaj CEDAW-u ne bavi se pitanjem nasilja prema ženama Prema ovom izvještaju, norme i vrijednosti društva predstavljaju prepreku za primjenu CEDAW-a Vlada Indonezije je, zapravo, ta koja sankcioniše nasilje prema ženama i još uvijek se, na programskom nivou, osjeca uticaj stavova prema polovima, što u praksi rezultira nasiljem prema ženama Na primjer, u programima planiranja porodice, žene predstavljaju primarni cilj, često izložene primjeni sile, a da i ne shvataju zašto se to čini Sirote žene prisiljene su da koriste analgetike, kao što su Norplant ili Depo Provera, ne razmišljajuci o njihovom uticaju na zdravlje žena Država ne daje obavještenja o uticaju ovih sredstava U mnogim tvornicama Depo Provera se injekcijom daje radnicama kojima je rečeno da injekcije predstavljaju vakcinu protiv tetanusa

Nasilje prema ženama je regulisano krivičnim zakonom i smatra se "zločinom protiv etike " Ova odrednica postavlja nekoliko konceptualnih problema, jer su žene svedene na moralne vrijednosti u društvu, i nisu tretirane kao ljudska bica Krivični zakon priznaje nasilje, ali ne razmatra emocionalne i seksualne aspekte nasilja ove vrste

Zakon se, tađer, ne bavi nasiljem prema ženama koje se obavlja u toku oružanog sukoba Za vrijeme monarhije na Javi, na primjer, žene su smatrane imovinom ljudi koji su se predavali u ratu Vojnici pobjednici bi ih po običaju silovali Danas ova praksa još uvijek postoji u mjestima kao što su Aceh, Irian Jaya i East Timor Ranije Nacionalna komisija za ljudska prava nije ovaj problem silovanja smatrala zločinom, vec odnosom između muškaraca i žena zasnovan na pristanku Drugim riječima, ovaj problem se još uvijek smatra privatnom stvari

Žene nailaze na poteškoce i kod prijavljivanja slučajeva silovanja Silovane žene, na primjer, moraju pokazati spermu nasilnika kao dokaz, a moraju isto tako dokazati da su "dobre žene " Policija nece obrađivati slučaj ako "nema dokaza "

Član 7 Konvencije

Kao što se može vidjeti iz tabela 10, 12 i 13 u izvještaju Vlade, postoji razlika između muškaraca i žena zaposlenih u resorima vlade Žene opcenito zauzimaju najniža radna mjesta, a kad su u pitanju poslovi u ministarstvima, rad žena se tradicionalno smatra obrazovnim radom, što je slučaj sa ministarstvom obrazovanja, gdje ih ima zaposlenih

Ne postoji formalno ni jedna politika koja diskriminira žene i sputava njihovo učešce u sferama politike ili drugih aktivnosti u javnom domenu Međutim, država se ne trudi da poveca učešce žena u politici Naprotiv, državna politika teži da ojača ideologiju pola, te shodno tome sputava političko učešce žena Na primjer, ne postoji sistem kojim

Formally, there is no single policy that discriminates against women and limits their participation in the political sphere or other activities in the public domain The state, however, makes no effort to increase the participation of women in politics To the contrary, the state's policies tend to strengthen gender ideology and, consequently, hinder the political participation of women For instance, there are no quota systems in the parliament, the political parties or in other decision-making institutions

The state s gender ideology justifies organizations such as the organization of the wives of civil servants (Dharma Wanita), PKK and KOWANI Moreover, the law that regulates the political life of the citizen also hinders women's political participation The presence of women in politics is often to support the operation of the state's ideology For instance, women are used as an instrument of political mobilization, by being pressured to become members of the ruling party, to perpetuate its authority

NATIONALITY
Convention Article 9

Indonesian law states that a woman, whether she is married or single, has the same right as men in maintaining or changing her citizenship This means that her marriage to a foreigner will not change the status of her citizenship But the law is still influenced by patriarchal bias, adopting the principle of "one person in the law doctrine "

The citizenship law discriminates against women, especially as to women's rights to convey citizenship to their children According to the law, a child under 18 years old takes the father's citizenship, unless the father does not have a citizenship or if it is unknown If the child is illegitimate then the mother can decide which citizenship the child will hold In practice, this situation may cause several problems for the mother When an Indonesian mother is divorced from her foreign husband, and the child is in her custody, the child still holds the citizenship of the father, which may affect the child's immigration status, as well as cause problems related to educational expenses and the payment of taxes The law requires, for instance, that a mother with a foreign child must get a costly visa and permit for the child every six months until the age of 18 years

The law does not limit women's rights to own a passport and to travel outside the country, but practically if a woman does not work and is married to an Indonesian man, she must get permission from the husband to obtain a passport

EMPLOYMENT
Convention Article 11

There is no single regulation or policy in Indonesia that prevents women from exercising the right to work However, the Marriage Law that rigidly separates the role of man and woman potentially gives the husband the right to prohibit the wife from working

The definition of women as mothers and wives also influences their wage level For example, the circulation letter of the Minister of Human Power no 7/1990 states that the

se određuje koliko žena treba da bude kao predstavnika u parlamentu, političkim partijama, ili drugim institucijama koje donose odluke

Državna ideologija, koja se odnosi na polove, pravda postojanje organizacija kao što su organizacija udatih žena u državnim službama (Dharma Wanita), PKK i KOWANI Čak što više, zakon koji reguliše politički život građana, također, sputava političko učešce žena Prisustvo ženas u politici često ima zadatak da podrži djelovanje državne ideologije Žene se, na primjer, koriste kao instrument političke mobilizacije i na njih se vrši pritisak da stupe u redove vladajuce partije da bi ovjekovjecile njen autoritet

DRŽAVLJANSTVO
Član 9 Konvencije

Indonežanski zakon navodi da žena, bez obzira bila udata ili ne, ima ista prava kao i muškarci kod zadržavanja ili promjene državljanstva To znači da se njenom udajom za stranca ne mijenja status njenog državljanstva Ali, na zakon još uvijek utiču patrijahalne predrasude koje prihvataju princip "jedno lice u pravnoj doktrini "

Zakon o državljanstvu vrši diskriminaciju žena, posebno njihovih prava na prenos državljanstva na njihovu djecu Prema zokonu, dijete ispod 18 godina preuzima očevo državljanstvo, izuzev ako otac nema državljanstva ili je ono nepoznato Ako je dijete vanbračno, onda majka može da odluči koje ce državljanstvo dijete zadržati U praksi ovakva situacija može izazvati majci mnoge probleme Kada se majka, Indonežanka razvodi od svog muža, stranca, a dijete se nalazi pod njenim starateljstvom, dijete još uvijek ima očevo državljanstvo, što može uticati na imigrantski status djeteta, kao i na pojavu problema koji se odnose na troškove školovanja i placanje poreza Zakon, na primjer, zahtjeva od majke sa stranim djetetom da mora pribavljati skupu vizu ili dozvolu za dijete svakih šest mjeseci, sve do osamnaeste godine

Zakon ne ograničava prava žena na posjedovanje pasoša i putovanja izvan zemlje, ali, praktično, ako žena ne radi i udata je za Indonežanina, ona mora imati dozvolu od muža da bi dobila pasoš

ZAPOŠLJAVANJE
Član 11 Konvencije

Ne postoji ni jedan propis niti politika u Indoneziji koja sprečava žene da ostvaraju svoja prava na rad Međutim, Zakon o braku koji kruto odvaja ulogu muškarca i žene, daje potencijalno pravo mužu da zabrani ženi rad

Definicija žena kao majki i supruga također utiče na visinu njihovih ličnih dohodaka Na primjer, cirkularno pismo ministra za socijalnu pomoc br, 7/1990 navodi da se porodični dodatak (koji se prima kao dodatak na zaposlenje) dodjeljuje supruzi i djeci u slučaju kada je muž u radnom odnosu Na taj način, ako udate žene rade, njihov rad je samo "dopuna porodičnog prihoda" bez obzira što one snose odgovornost i za blagostanje porodice Rezultat takvog gledanja su niže plate udatih žena Neudate žene

family ~~benefit~~ (received as a part of employment) is given to the wife and children of the male worker Thus, if married women work, their activities are just "adding to the family income" even if they are responsible for the family's economic well being As a result, married women receive lower wages Single women seem to be in a better position since they receive the same minimum wage as men Women's earnings are subject to greater tax than those of men

Although the number of women who enter the work force is increasing each year, most of them work in the informal sector as blue-collar workers and therefore are outside the protection of the government's labor regulations Due to the patriarchal values of employers, men are typically placed as supervisors Access of women to decision making positions is thus very limited Basically, the policy on women is aimed to provide a cheap labor supply for the capital owner

Stereotyping still exists in the workplace and is influenced by the recruitment pattern Generally, women are concentrated in the type of work that needs meticulousness and low skill level, such as in the garment, electronic, food processing and service sectors This situation arose as a direct result of the GOI's policies as stated in the National State Guideline This Guideline stated that women are needed in the development process The GOI failed to give special attention to increase women's skills, productivity, welfare and protection

Many factories discriminate against women in hiring and only accept single women, whereas the men's marital status is not considered The discrimination is also apparent at times of promotions Since women are seen as primarily wives and mothers, companies tend to promote men to become supervisors

The GOI recently issued a new labor law that prohibits companies from allowing women to work at night Women are also prohibited from working at mining sites and using heavy tools Although the law seems to protect women, it actually discriminates against them The government has not take any action to eliminate discrimination against women in employment

The stereotype of women as being weak, sweet, loyal and obedient is being used by the BKPM to attract foreign investors to Indonesia and it is offered as a comparative advantage to those investors For instance, a full page advertisement that appeared in the *International Herald Tribune* mentioned a large number of women workers who are "unorganized, obedient politically and will not create problems "

Strong repression and discrimination against women workers has provoked them to initiate strikes Their frequency is increasing and the government has used the security forces (military and the police) to suppress them The military is suspected of involvement in the murder of a women worker in Surabaya (Marshinah) but despite protests and appeals from NGO and pro-democracy activists, the case remains

*Government of Indonesia

su, čini se, u boljem položaju One imaju iste minimalne lične dohotke kao muškarci Zarade žena se oporezuju više nego kod muškaraca

Iako se broj žena koje stupaju u radni odnos povecava iz godine u godinu, vecina njih rade u neformalnim sektorima kao manuelni radnici, i stoga ne potpadaju pod zaštitu vladinih propisa o radnom odnosu Zbog patrijahalnih vrijednosti poslodavaca, tipično je da su muškarci postavljeni kao nadzornici U osnovi svega stoji da je cilj politike prema ženama obezbjeđivanje vlasniku kapitala jeftinu radnu snagu

Stereotipnost još uvijek postoji na radnom mjestu i na njega utiče obrazac angažmana Opcenito govoreci, žene se koncentrišu na onu vrstu rada gdje se zahtjeva besprijekornost i niska kvalifikacija, u sektorima odjece, elektronike, prerade hrane i uslužnim djelatnostima Ova situacija je nastala kao direktan rezultat politike vlade Indonezije, što je navedeno u Nacionalnom državnom uputstvu Ovo uputstvo govori da su žene potrebne u razvojnim procesima Vlada Indonezije je propustila da posveti posebnu pažnju povecanju kvalifikacija, produktivnosti, blagostanja i zaštite kod žena

U mnogim tvornicama postoji diskriminacija prema ženama prilikom zapošljavanja na određeno radno vrijeme uz fiksne plate, gdje se primaju samo neudate žene, dok se bračno stanje muškaraca ne uzima u obzir Uočljiva je diskriminacija i u vrijeme unapređivanja Kako se na žene gleda prvenstveno kao na supruge i majke, tendencija preduzeca je da unapređuju muškarce u kontrolore

Indonežanska vlada je nedavno donijela novi zakon o radu koji zabranjuje kompanijama da ženama dozvoljavaju nocni rad Ženama je također zabranjeno raditi u rudnicima i sa teškim oruđem Iako se čini da zakon štiti žene, on ih u stvari diskriminira Vlada nije preduzela nikakvu akciju da eliminiše diskriminaciju žena u zapošljavanju

Stereotipi da su žene slabe, slatke, lojalne i poslušne BKPM koristi za privlačenje stranih investitora u Indoneziju i nudi to investitorima kao prednost Na primjer, oglas na cijeloj stranici koji se pojavio u *International Herald Tribune* spominje veliki broj žena radnica koje su "neorganizovane, politički poslušne i nece stvarati probleme "

Jaka represija i diskriminacija žena radnica navela ih je da počnu štrajkove Njihova učestalost se povecava i vlada koristi snage sigurnosti (vojsku i policiju) da ih spriječi Sumnja se da je vojska bila umiješana u ubistvo radnice u Surabayu (Marshinah), ali uprkos protestima i apelima NVO i prodemokratskih aktivista, slučaj je ostao neriješen O nasilju nad ženama izvješteno je i tokom štrajkova u PT Multi Mano Indonesia, PT Yosan Miky u Surabaya i PT Salim Brothers Perkasa u Sidaoarjo u januaru 1995 Uprkos protestima, poslodavci ili vlasnici kompanija koji krše prava radnika nisu sankcionisani od strane Odjeljenja za ljudsku snagu

Ne postoje propisi koji eksplicitno štite radnike od seksualnog zlostavljanja na radnom mjestu Radnica u Solou, koje su podnijele žalbe zbog seksualnog zlostavljanja protiv njihovih poslodavaca Odjeljenju za ljudsku snagu i koja je pisala uredniku lokalnih novina, sakcionisana je zbog laganja i prljanja imena poslodavca

unresolved Violence against women was also reported during strikes at P I Multi Mano Indonesia, PT Yosan Miky in Surabaya and PT Salim Brothers Perkasa in Sidoarjo in January 1995 Despite the protests, the employers or company owners who violate worker's rights are not sanctioned by the office of Human Power Department

There is no regulation that explicitly protects workers from sexual harassment in the workplace A woman worker in Solo who filed a case of sexual harassment against her employer with the Human Power Department and wrote to an editor of a local paper, was sanctioned for lying and besmirching the employer's name

ECONOMIC AND SOCIAL BENEFITS
Convention Article 13

Although formally the credit scheme is not discriminatory, requirements of agreement from the husband and collateral in properties place obtaining a credit out of reach for many women Moreover, the women's access to information about credit is still very limited and information on credit and the procedure to acquire it is described in language which is too difficult for rural women Most credit is given for already economically productive businesses and the scheme does not take into account women's economic activity

The rights to culture and recreational life are very poorly described and analyzed in the Government's Report The rights to leisure, sports and cultural activities do not take into account that many working married women do not have enough time for such activities Moreover, facilities and activities to enable them to exercise these rights do not exist or are too expensive

INDONEZIJA
EKONOMSKE I SOCIJALNE KORISTI
Član 13 Konvencije

Iako, formalno, kreditni plan nije diskriminatorski, zbog ugovorne klauzule kojom se zahtjeva odobrenje od muža i stavljanje imovine pod hipoteku, dobivanje kredita je izvan domašaja za mnoge žene Čak što više, pristup informacijama o kreditu je za žene još uvijek vrlo ograničen Informacije o kreditu i procedura za njegovo dobivanje opisane su jezikom koji je isuviše komplikovan za ruralne žene Vecina kredita se daje za vec ekonomski produktivne poslove, a kreditni planovi ne uzimaju u obzir ekonomsku aktivnost žena

Prava na kulturu i rekreaciju su vrlo oskudno opisana i analizirana u Vladinom izvještaju Pravo na slobodno vrijeme, sportove i kulturne aktivnosti ne uzimaju u obzir činjenicu da mnoge zaposlene žene nemaju dovoljno vremena za takve aktivnosti Povrh toga, sredstva i aktivnosti, koje bi im omogucile provođenje njihovih prava, ne postoje ili su preskupa

ZIMBABWE

MEASURES TO ELIMINATE DISCRIMINATION AND BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
Convention Articles 2 and 3

Constitution and laws

The Constitution of Zimbabwe permits discrimination against women in the application of customary law, holding of public office, and grant of rights to communal land

The NGO coalition notes that the government report focuses on legislation without regard to its obligation to put in place effective measures to translate these legislative gains into substantive gains for women, and that most of the legislation cited in the government report was enacted prior to the 1991 ratification of CEDAW This would suggest a certain stagnation in the government s approach to policy concerning women

The NGO report also notes that even laws favorable to women are rendered ineffective by inadequate access to fora and by the complexity of administrative procedures The Maintenance Act is beset with administrative difficulties, preventing women from obtaining support of children under the Act, and the Matrimonial Causes Act requires that cases be brought only in the High Court, which is inaccessible to much of the population

The context of the law also supports discrimination against women, in that laws are applied according to traditional notions of women s roles

—the Deceased Estates Administration Amendment Act (1997) allows traditional son preference to continue in application of the law despite the neutrality of the language,

—the Miscellaneous Offenses Act allows authorities to round up only women for the offense of loitering for the purposes of prostitution, because the law defines prostitute only as a woman, according to the cultural understanding of the term,

—despite the equitable distribution of marital property in dissolution provided under the Matrimonial Causes Act, the High Court and Supreme Court continue to render decisions systematically awarding disproportionate amounts of property to husbands even where women s contributions have exceeded those of their spouses

The NGOs recommend that a full review of the laws be undertaken with a view toward changing or eliminating all laws that discriminate against women They also recommend passage of a law making regional and international legal instruments immediately applicable in domestic law

National machinery

The NGO report states — as acknowledged in the government report — that the national machinery for women has been located in three different state entities since independence

ZIMBABWE

MJERE ZA ELIMINISANJE DISKRIMINACIJE, OSNOVNA LJUDSKA PRAVA I SLOBODE

Članovi 2 i 3 Konvencije

Ustav i zakoni

Ustav Zimbabwea dopušta diskriminaciju prema ženama primjenom običajnog prava, kada je u pitanju rad u javnim službama i dodjela prava na opcinsko zemljište

Koalicija nevladinih organizacija (NGO) primjecuje da se vladin izvještaj fokusira na zakonodavstvo, ali ne uzima u obzira i obavezu da se primjene efikasne mjere za sprovođenje tih zakonskih obaveza u praksi, i da je vecina navedenih zakona
u vladinom izvještaju stupila na snagu prije ratifikacije CEDAW 1991 To ce dovesti do izvjesne stagnacije u vladinom pristupu politici koja se odnosi na žene

Izvještaj NGO-a također primjecuje da cak i oni zakoni koji su na strani žena postaju neefikasni zbog neadekvatnog pristupa forumima i zbog složenosti administrativnih procedura Zakon o alimentaciji sadrži administrativne poteškoce koje sprečavaju žene da dobiju izdržavanje za djecu, a Zakon o rastavi braka zahtjeva da se procedura obavlja samo na višem sudu koji je nepristupačan velikom dijelu populacije

Sadržaj zakona također podržava diskriminaciju prema ženama njegovom primjenom po principima tradicionalnog poimanja uloge žena

- Amandman zakona (1997) o upravljanju imanjem pokojnika dozvoljava provođenje tradicionalnog običaja, po kome sin ima prednost u nasljeđivanju prava upravljanjem imovinom, iako je zakon u tome neutralan,

- Zakon o raznim prekršajima dopušta privođenje samo žena zbog prekršaja besposličarenja čija je svrha prostitucija, jer se po zakonu samo žene prostituišu, prema tradicionalnom poimanje te riječi,

- unatoč jednakoj raspodjeli bračne imovine prilikom razvoda, kako to predviđa Zakon o razvodima braka, Vrhovni i viši sudovi i dalje donose odluke, sistematski dodjeljujuci nesrasmjerno veci dio imovine muževima, čak i u slučajevima kada je doprinos žene mnogo veci od njenog muža

Nevladine organizacije preporučuju poduzimanje potpune revizije zakona radi izmjene ili eliminisanja svih zakona koji diskriminišu žene Oni također preporučuju uvođenje kratke dopune zakonu kojom bi regionalni i međunarodni instrumenti bili odmah primjenjeni na domači zakon

Organizovani nacionalni sistem

Izvještaj NGO-a navodi - kako se u vladinom izvještaju priznaje - da je, od sticanja nezavisnosti, organizovani nacionalni sistem za žene lociran u tri različita državna tijela Dok

While it was a named ministry immediately after independence, currently it is merely a unit in the Ministry of National Affairs, Employment Creation and Cooperatives and receives a minuscule portion of the national budget While the government states that the Ombudsperson office provides a forum for complaints about discrimination, the NGO report notes that the Ombudsperson office operates with practically no budget and is staffed by one person who does not have a computer to use

The NGOs recommend that a gender commission be established to move forward on policy to eradicate discrimination against women Machinery should not be located structurally, conceptually or geographically within the Ministry of National Affairs or the Headquarters of the ruling party It should be nonpartisan

National gender policy recommendations include

- Establishment of a national gender policy and accompanying budget
- Demystification of the budgeting process to make it accessible to all stakeholders
- Disaggregation of resources allocated to gender issues in each operating sector, for purposes of transparency and monitoring government action
- A consultative process for gender policy planning should be instituted, and implementation of activities should be participatory and subject to monitoring
- Gender focal points in key government ministries should be strengthened, staffed by capable senior personnel
- Establishment of an affirmative action policy

Simplification and dissemination of information on CEDAW, the Beijing Platform for Action, and other regional and international instruments, to civil servants and to wider society

se, odmah nakon sticanja nezavisnosti, nazivao ministarstvom, sada je samo to jedan ured u Ministarstvu za nacionalna pitanja, zapošljavanje i saradnju, koji radi uz zanemarljivo mali dio nacionalnog budžeta Vlada navodi da ured ombudsmana predstavlja mjesto zažalbe koje se odnose na diskriminaciju, a izvještaj NGO-a primjecuje da ured ombudsmana radi praktično bez ikakvog budžeta, te da u njemu radi jedno lice koje čak nema ni kompjuter na raspolaganju

NGO peporučuje uspostavu jedne komisije o polovima, koja ce uticati na politiku da iskorjeni diskriminacuju prema ženama Organizovani nacionalni sistem ne bi trebao da bude lociran po sastavu, konceptualno ili geografski unutar Ministarstva za nacionalna pitanja ili direkciji vladajuce stranke Trebalo bi da bude nepristrasan

Preporuke nacionalne politike u pogledu polova uključuju

- Osnivanje nacionalne politike prema polovima sa propratnim budžetom
- Demistifikaciju budžetskog procesa radi pristupačnosti svim zainteresovanim stranama
- Da raspodjela sredstava, namjenjenih za rješavanje pitanja polova, bude vršena po svakom radnom sektoru radi transparentnosti i nadgledanja vladinog djelovanja
- Potrebu uvođenja konsultativnog postupka u planiranju, politike prema polovima, a aktivnost bi trebalo obavljati uz prisustvo i nadgledanje
- Potrebu da se pojača fokus na ključna vladina mjesta, i da se na položaje postave sposobni stariji slžbenici
- U spostavljanje afirmativne politke djelovanja

Pojednostavljivanje i rasturanje informacija o CEDAW-u, Platformi Bejing za akciju i drugih regionalnih i međunarodnih dokumenata, vladinim službenicima i širim slojevima društva

EMPLOYMENT
Convention Article 11

Current employment discrimination law is inadequate There are no laws targeting sexual harassment Export processing zones, in which many women are employed, are exempt from the operation of the Labor Relations Act Women lose 25-40% of their salary on maternity leave and must repay the employer the amount they received if they do not return to their job for any reason

The NGOs recommend that a law be passed dealing with sexual harassment, that labor laws be reviewed with a view toward making them more women-friendly, that the National Social Security Act be amended to provide for full compensation upon maternity leave, that a policy of affirmative action for senior civil servants be adopted, and that laws relating to medical aid schemes be reviewed with a view toward making payment for pregnancy-related illness more readily available

The NGOs also recommend that government intervene to improve women's involvement in economic life, especially macroeconomic participation, that major government economic programs, such as those developed with the World Bank, target women, that government provide training and information on economics, and that government support women in informal training and other economic initiatives

ZAPOŠLJAVANJE
Član 11 Konvencije

Zakon o diskriminaciji pri zpošljavanju, koji je na snazi, je neadekvatan Nema ni jednog zakona koji se bavi seksualnim napastvovanjem. Na sektore izvoza, u kojima su zaposlene mnoge žene, ne primjenjuje se Zakon o radnom odnosu Žene gube 25-40% od svoje zarade prilikom odlaska na porodiljsko bolovanje, a moraju isplatiti nadoknadu poslodavcu ukoliko se iz bilo kojih razloga ne vrate na posao

NGO preporučuje da se usvoji zakon koji se bavi napastvovanjem polova, da se izvrši revizija Zakona o radu tako da bi bio više naklonjen ženama, da Zakon o nacionalnoj socijalnoj pomoci bude dopunjen radi obezbjeđivanja pune naknade za porodiljsko bolovanje, da se usvoji politika afirmativne akcije za angažman starijih državnih službenika, i da se izvrši revizija zakona koji se odnose na pružanje medicinske pomoci, te da se ide u pravcu olakšavanja isplate za trudničko bolovanje

Nevladine organizacije, također, preporučuju Vladi da interveniše radi unapređenja angažmana žena u ekonomskom životu, a naročito njihovom učešcu u makroekonomskom razvoju, da glavni vladini ekonomski programi, kao što je Svjetska banka, imaju za cilj zapošljavanje žena da vlada obezbjedi obuku i informacije o ekonomiji, i da vlada pomaže ženama u neformalnoj obuci i drugim ekonomskim inicijativama

SELECTED INTERNATIONAL RESOURCES ON WOMEN'S HUMAN RIGHTS

IN BOSNIA AND HERZEGOVINA

International Human Rights Law Group (Medunarodna Pravna Grupa za Ljudska Prava)
Marsala Tita 8/ II Sarajevo
Tel (071) 207-328 Tel/Fax (071) 205-319 Email ihrlgbih@bih net ba

Office of the High Commissioner for Human Rights
PTT Building, UNMIBH Headquarters
Boulevar Meseselimovic 18 Sarajevo
Tel (071) 496-402 or 496-403 Fax (071) 496-438

Organisation for Security & Cooperation in Europe (OSCE) Women in Politics Program
"Poljooprema" Building, Pehlivanusa 3/ IV Sarajevo
Tel (071) 292-372 Fax (071) 232-553

UN Development Programme (UNDP), Gender Initiative
Obala Kulina Bana 4/ III, Sarajevo
Tel (071) 668-173 or 668-174 Fax (071) 667-733

UN High Commissioner for Refugees (UNHCR)
UNIS Building, Tower A, Fra Andela Zvizdovica, Sarajevo
Tel (071) 666-160 (x341) Fax 470-868

World Health Organization (WHO)
Marsala Tita 9, Sarajevo
Tel (071) 668-067 Fax (071) 667-047

GLOBAL

Amnesty International Gender Focal Point
1 Easton Street, London WC1X8DJ U K
Tel (0044-171) 413-5500 Fax (0044-171) 956-1157
Website http //www amnesty org

Human Rights Watch Women's Rights Project
485 Fifth Avenue, New York, NY 10017-6104 USA
Tel (001-212) 972-8400 Fax (001-212) 972-0905 Email hrwnyc@hrw org
Website http //www hrw org

International Human Rights Law Group Women's Rights Advocacy Project
1200 18th Street N W , Washington D C 20009 USA
Tel (001-202)822-4600 Fax (001-202)822-4606 Email wrapali@aol com

International Women's Rights Action Watch (IWRAW)
University of Minnesota, 301 19th Avenue South, Minneapolis, MN 55455 USA
Tel (001-612) 625-5093 Fax (001-612) 624-0068 Email iwraw@hhh umn edu

ODABRANI MEĐUNARODNI IZVORI O ŽENSKIM LJUDSKIM PRAVIMA

U BOSNI I HERCEGOVINI

Međunarodna pravna grupa za ljudska prava)
Maršala Tita 8/ II Sarajevo
Tel (071) 207-328 Tel/Fax (071) 205-319 Email ihrlgbih@bih net ba

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Tel (071) 666-160 (x341) Fax 470-868

World Health Organization
Marsala Tita 9, Sarajevo
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OPCENITO

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1 Easton Street, London WC1X8DJ U K
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Website http //www amnesty org

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485 Fifth Avenue, New York, NY 10017-6104 USA
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Office of the High Commissioner for Human Rights
Palais des Nations, 1211 Geneva 10, Switzerland
Tel (0041-22) 917-3456 Fax (0041-22) 917-0213 Email secrt hchr@unog ch
Website http //www unhchr ch

Network of East-West Women
1601 Connecticut Avenue NW, Suite 302, Washington D C 20009 USA
Tel (001-202) 265-3585 Fax (001-202) 667-4945 Email newwdc@igc apc org

Special Rapporteur on Violence Against Women (*Radhika Coomaraswamy*)
Centre for Human Rights, United Nations Office, Palais des Nations CH-1211 Geneva 10, Switzerland
Tel (0041-22) 917-1234 Fax (0041-22) 917-0123

Commission on the Status of Women, UN Division for the Advancement of Women
2 United Nations Plaza, Room DC2-1236, New York, NY 10017, USA
Tel (001-212)963-3171 Fax (001-212) 963-3463

UN Development Fund for Women (UNIFEM)
304 East 54th Street, 6th Floor, New York, NY 10017 USA
Tel (001-212) 906-6400 Fax (001-212) 906-6705 Email unifem@undp org
Website http //www unifem undp org

Women, Law & Development International
1350 Connecticut Avenue, NW Suite 407, Washington D C 20036-1701 USA
Tel (001-202) 463-7477 Fax (001-202) 463-7480 Email wld@wld org
Website http //www wld org

Women Living Under Muslim Laws
Boite Postale 23-34790, Grabels, Montpellier France
Tel (0033) 467-109-166 Fax (0033) 467-109-167

INTERNET

Izvor Women s Human Rights Step by Step A Practical Guide to Using Human Rights Law and Mechanisms to Defend Women s Human Rights, Women Law & Development International and Human Rights Watch Women's Rights Project

General UN Human Rights Information http //www un org

International Human Rights Instruments - Women's Human Rights
http //www umn edu/humanrts/instree/auoe htm

UN Committee on the Elimination of Discrimination Against Women (CEDAW)
http //www un org/DPCSD/daw/cedaw htm

UN Division for the Advancement of Women http //www un org/DPCSD/daw/

Women's Human Rights http //www law-lib utoronto ca/diana
(Internet veza je podijeljena na kategorije Ljudska prava opcenito, Četvrta konferencija o ženama (Peking), Djevojčice, Prava na radu/zapošljavanje, Žene izbjeglice, Reproduktivna prava, Pravo na zdravlje i Nasilje nad ženama

WomensNet@igc http //www igc apc org/womensnet/
(Neprofitna kompjuterska mreža za zene aktiviste i organizacije za pružanje informacija i povecanje ženskih prava)

Women's Resources on the Web http //www women-online com/women/
(Web-strana sadrzi dugacak indeks web izvora uključujuci i dio o politici i aktivizmu)

Office of the High Commissioner for Human Rights
Palais des Nations, 1211 Geneva 10 Switzerland
Tel (0041-22) 917-3456 Fax (0041-22) 917-0213 Email secrt hchr@unog ch
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UN Committee on the Elimination of Discrimination Against Women (CEDAW)
http //www un org/DPCSD/daw/cedaw htm

UN Division for the Advancement of Women http //www un org/DPCSD/daw/

Women's Human Rights http //www law-lib utoronto ca/diana
(Internet links divided into categories Human Rights General, Fourth Conference on Women (Beijing), Girl Child Labour/Employment Rights Refugee Women, Reproductive Rights Right to Health and Violence Against Women

WomensNet@igc http //www igc apc org/womensnet/
(A non-profit computer network for women activists and organizations for information sharing and increasing women s rights)

Women's Resources on the Web http //www women-online com/women/
(Webpage containing large index of web resources including a section on politics and activism)

Convention on the Elimination of All Forms of Discrimination against Women

Adopted and opened for signature ratification and accession by General Assembly resolution 34/180 of 18 December 1979

UN Treaty Series vol 1249 No 20378 p 13
ENTRY INTO FORCE 3 September 1981, in accordance with article 27(1)

The States Parties to the present Convention

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights in the dignity and worth of the human person and in the equal rights of men and women

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity is an obstacle to the participation of women on equal terms with men, in the political social economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food health education training and opportunities for employment and other needs

Konvencija o ukidanju svih oblika diskriminacije žena

Odobrena i predložena za potpis ratifikaciju i pristupanje Rezolucijom Generalne skupštine 34/180 od 18 decembra 1979

UN serija ugovora tom 1249 broj 20378 strana 13
STUPILA NA SNAGU 3 septembar 1981 u skladu sa članom 27(1)

Države članice ove konvencije

Konstatirajući da Povelja Ujedinjenih naroda ponovo proglašava vjeru u osnovna prava čovjeka, dostojanstvo i vrijednost čovjekove ličnosti i u ravnopravnost muškaraca i žena

Konstatirajući da Opca deklaracija o pravima čovjeka potvrđuje načelo nedopustivosti diskriminacije i proglašava da su svi ljudi rođeni slobodni i jednaki u dostojanstvu i pravima, i da svakom pripadaju sva prava i slobode koje su tamo navedene bez ikakvih razlika, uključujući i razlike u pogledu pola,

Konstatirajući da države potpisnice Međunarodnog pakta o pravima čovjeka imaju obavezu da osiguraju ravnopravnost muškaraca i žena u pogledu svih ekonomskih, društvenih, kulturnih, građanskih i političkih prava

Imajući u vidu međunarodne konvencije zaključene pod pokroviteljstvom Ujedinjenih naroda i specijaliziranih agencija koje se odnose na ravnopravnost muškaraca i žena

Imajući u vidu rezolucije, deklaracije i preporuke koje su usvojli Ujedinjeni narodi i specijalizirane agencije koje se odnose na ravnopravnost muškaraca i žena,

Zabrinute, međutim zbog činjenice da i pored svih ovih instrumenata i dalje postoji široka diskriminacija žena

Podsjećajući da se diskriminacijom žena krše načela ravnopravnosti i poštovanja ljudskog dostojanstva, da to predstavlja prepreku ravnopravnom učešću žena u političkom društvenom ekonomskom i kulturnom životu njihovih zemalja sputava dalji napredak društva i obitelji i otežava potpun razvoj sposobnosti žena da učestvuju u službi svojih zemalja i čovječanstva,

Zabrinute zbog činjenice da su u uvjetima romastva ženama najmanje dostupni hrana zdravstvena zaštita obrazovanje, obuka i zapošljavanje i zadovoljenje drugih potreba

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of *apartheid*, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following

Uvjerene da ce uspostavljanje novog međunarodnog ekonomskog poretka, zasnovanog na ravnopravnosti i pravičnosti znatno doprinijeti ostvarenju ravnopravnosti muškaraca i žena

Naglašavajuci da je likvidacija aparthejda svih oblika rasizma, rasne diskriminacije kolonijalizma, neokolonijalizma, agresije, strane okupacije, dominacije i miješanja u unutrašnje stvari drugih država od bitne važnosti za potpuno ostvarenje prava muškaraca i žena,

Potvrdujuci da ce jačanje međunarodnog mira i sigurnosti, popuštanje međunarodne zategnutosti međusobna saradnja svih dižava bez obzira na njihov društveni i ekonomski sistem opce i potpuno razoružanje posebno nuklearno razoružanje pod strogom i efikasnom međunarodnom kontrolom, afirmacija principa pravičnosti, ravnopravnosti i uzajamne koristi u odnosima među zemljama, ostvarenje prava naroda pod stranom i kolonijalnom dominacijom i stranom okupacijom na samo-opredjeljenje i nezavisnost, kao i poštovanje nacionalnog suvereniteta i teritorijalnog integriteta doprinijeti društvenom napretku i razvoju, a time i ostvarenju potpune ravnopravnosti muškaraca i žena,

Uvjerene da potpun i svestran razvoj zemalja, blagostanje svijeta i stvar mira zahtijevaju najvece učešce žena ravnopravno s muškarcima, u svim sferama života,

Imajući u vidu veliki doprinos žena blagostanju obitelji i razvoju društva, što do sada nije u potpunosti priznato, društveni značaj materinstva i ulogu oba roditelja u obitelji i podizanju djece, i svjesne da uloga žene u radanju ne treba da bude osnov za diskriminaciju, vec da podizanje djece treba smatrati zajedničkom odgovornošcu muškaraca i žena i društva u cjelini,

Svjesne da je potrebno izmijeniti tradicionalnu ulogu muškarca kao i ulogu žene u društvu kako bi se ostvarila potpuna ravnopravnost muškaraca i žena,

Riješene da primjene principe sadržane u Deklaraciji o eliminiranju diskriminacije žena kao i da u tu svrhu usvoje mjere potrebne za otklanjanje te diskriminacije u svim njenim vidovima i manifestacijama,

Saglasile su se o slijedecem

PART I

Article 1

For the purposes of the present Convention the term discrimination against women shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status on a basis of equality of men and women of human rights and fundamental freedoms in the political economic social cultural, civil or any other field

Article 2

States Parties condemn discrimination against women in all its forms agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end undertake

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure through law and other appropriate means the practical realization of this principle
(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women,
(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination,
(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation,
(e) To take all appropriate measures to eliminate discrimination against women by any person organization or enterprise
(f) To take all appropriate measures, including legislation to modify or abolish existing laws regulations, customs and practices which constitute discrimination against women,
(g) To repeal all national penal provisions which constitute discrimination against women

Article 3

States Parties shall take in all fields in particular in the political social economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men

DIO I

Član 1

Za svrhe ove konvencije, izraz diskriminacija žena označava svaku razliku, isključenje ili ograničenje u pogledu pola što ima za posljedicu ili cilj da ugrozi ili onemogući priznanje, ostvarenje ili višenje od strane žena ljudskih prava i osnovnih sloboda na političkom ekonomskom društvenom kulturnom građanskom ili drugom polju, bez obzira na njihovo bračno stanje, na osnovu ravnopravnosti muškaraca i žena

Član 2

Države članice osuđuju diskriminaciju žena u svim vidovima saglasne su da provode svim odgovarajućim sredstvima koja im stoje na raspolaganju i bez odlaganja, politiku otklanjanja diskriminacije žena i radi toga se obavezuju

(a) da unesu princip ravnopravnosti muškaraca i žena u svoje nacionalne ustave ili odgovarajuće zakone ako to već nisu učinile kao i da osiguraju zakonskim ili drugim odgovarajućim mjerama, praktičnu primjenu tog principa,
(b) da usvoje odgovarajuće zakonske i druge mjere uključujući i sankcije kada je potrebno, kojima se zabranjuju svi vidovi diskriminacije žena
(c) da uvedu pravnu zaštitu prava žena na ravnopravnoj osnovi s muškarcima i da preko nadležnih nacionalnih sudova i drugih javnih institucija osiguraju efikasnu zaštitu žena od svakog postupka kojim se vrši diskriminacija,
(d) da se uzdrže od svakog postupka ili prakse diskriminacije žena i da osiguraju da javni organi i institucije postupaju u skladu s ovom obavezom,
(e) da preduzmu sve potrebne mjere za otklanjanje diskriminacije žena od strane bilo kog lica organizacije ili preduzeća
(f) da preduzme sve podesne mjere, uključujući i zakonodavne radi izmjene ili ukidanja postojećih zakona propisa običaja i prakse koji predstavljaju diskriminaciju žena
(g) da stave van snage sve unutrašnje kaznene odredbe kojima se vrši diskriminacija žena

Član 3

Države članice preduzimaju u svim oblastima posebno političkoj društvenoj, ekonomskoj i kulturnoj, sve prikladne mjere, uključujući zakonodavne, da bi osigurale potpun razvoj i napredak žena kako bi im se garantiralo ostvarivanje i uživanje prava čovjeka i osnovnih sloboda ravnopravno s muškarcima

Article 4

1 Adoption by States Parties of temporary special measures aimed at accelerating *de facto* equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards, these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved

2 Adoption by States Parties of special measures including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory

Article 5

States Parties shall take all appropriate measures

(a) To modify the social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women,

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children it being understood that the interest of the children is the primordial consideration in all cases

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women on equal terms with men, the right

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies,

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government,

(c) To participate in non governmental organizations and associations concerned with the public and political life of the country

Član 4

1 Usvajanje posebnih privremenih mjera od strane država članica, čiji je cilj da se ubrza ostvarenje ravnopravnosti muškaraca i žena *de facto*, ne smatra se diskriminacijom kako je definirana u ovoj konvenciji, ali ne smije ni na koji način imati za posljedicu nejednaka ili različita mjerila a ove mjere ce prestati da važe kada se ostvari cilj da se svima pruže jednake mogucnosti i tretman

2 Usvajanje posebnih mjera od strane država članica uključujuci i mjere sadržane u ovoj konvenciji čiji je cilj zaštita materinstva, ne smatra se diskriminacijom

Član 5

Države članice preduzimaju sve podesne mjere

(a) radi izmjene društvenih i kulturnih običaja u pogledu ponašanja muškaraca i žena da bi se otklonile predrasuse, kao i uobičajena i svaka druga praksa zasnovana na shvatanju o inferiornosti ili superiornosti jednog ili drugog pola ili tradicionalnoj ulozi muškaraca, odnosno žena,

(b) da obiteljsko odgajanje obuhvati i pravilno shvatanje materinstva kao društvene funkcije i priznanje zajedničke odgovornosti muškaraca i žena u podizanju i razvoju djece podrazumijevajući da se u svim slučajevima mora, prije svega, voditi računa o interesima djeteta

Član 6

Države članice preduzimaju sve podesne mjere, uključujući i zakonodavne, radi suzbijanja svih oblika trgovine ženama, kao i iskorišcavanja prostitucije žena

DIO II

Član 7

Države članice pieduzimaju sve podesne mjere za otklanjanje diskriminacije žena u političkom i javnom životu zemlje, a posebno su dužne da osiguraju, pod jednakim uvjetima kao i muškarcima, pravo žena da

(a) glasaju na svim izborima i javnim referendumima i da budu birane u sva tijela koja se biraju putem javnih izbora,

(b) učestvuju u kieiranju i piovodenju vladine politike i da zauzimaju rukovodece položaje i obavljaju sve javne funkcije na svim nivoima vlasti,

(c) učestvuju u radu nevladnih organizacija i udruženja koja se bave javnim i političkim životom u zemlji

Article 8

States Parties shall take all appropriate measures to ensure to women on equal terms with men and without any discrimination the opportunity to represent their Governments at the international level and to participate in the work of international organizations

Article 9

1 States Parties shall grant women equal rights with men to acquire change or retain their nationality They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband
2 States Parties shall grant women equal rights with men with respect to the nationality of their children

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure on a basis of equality of men and women

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas, this equality shall be ensured in pre-school general, technical, professional and higher technical education, as well as in all types of vocational training,
(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality,
(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and in particular by the revision of textbooks and school programmes and the adaptation of teaching methods,
(d) The same opportunities to benefit from scholarships and other study grants
(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time any gap in education existing between men and women,

Član 8

Države članice preduzimaju sve podesne mjere da bi osigurale ženama mogucnost da pod jednakim uvjetima s muskarcima bez diskriminacije predstavljaju svoje vlade na međunarodnom nivou kao i da učestvuju u radu međunarodnih organizacija

Član 9

1 Države članice priznaju ženama jednaka prava kao i muskarcima da steknu promijene ili zadrže svoje državljanstvo One se posebno staraju da sklapanje braka sa stranim državljaninom ili promjena državljanstva muža za vrijeme trajanja braka nema automatski za posljedicu promjenu državljanstva žene, niti da ona postane osoba bez državljanstva odnosno da bude prisiljena da uzme državljanstvo muža
2 Države članice osiguravaju ženama jednaka prava kao i muskarcima u pogledu državljanstva djece

DIO III

Član 10

Države članice preduzimaju sve podesne mjere radi otklanjanja diskriminacije žena da bi im osigurale jednaka prava kao i muškarcima u pogledu obrazovanja, a posebno da bi na osnovi ravnopravnosti muškaraca i žena osigurale

(a) jednake uvjete u pogledu karijere i profesionalnog usmjeravanja, u pogledu mogucnosti za učenje i sticanje diploma u obrazovnim ustanovama svih kategorija, kako u seoskim tako i u gradskim sredinama, ova ravnopravnost se osigurava u pogledu predškolskog, opceg tehničkog i stručnog obrazovanja kao i višeg tehničkog obrazovanja i svih vrsta profesionalnog usmjeravanja,
(b) dostupnost jednakih nastavnih programa, jednakih ispita i nastavnog osoblja koje ima kvalifikacije istog nivoa kao i školskih prostorija i opreme istog kvaliteta,
(c) otklanjanje tradicionalnog shvacanja o ulogama muškaraca i žena na svim stepenima i u svim oblicima obrazovanja podsticanjem stvaranja mješovitih odjeljenja i drugih vrsta obrazovanja koji mogu doprinijeti postizanju tog cilja posebno revizijom udžbenika i školskih programa i prilagođavanjem nastavnih metoda
(d) jednake mogućnosti korišcenja stipendija i drugih vrsta bespovratne pomoci za studije
(e) jednake mogucnosti pristupa programima permanentnog obrazovanja, uključujuci programe za obrazovanje odraslih i funkcionalne programe za opismenjavanje posebno one čiji je cilj da se u što je moguce kracem vremenu smanji jaz u stepenu obrazovanja između muškaraca i žena

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely,
(g) The same opportunities to participate actively in sports and physical education
(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning

Article 11

1 States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure on a basis of equality of men and women, the same rights in particular
(a) The right to work as an inalienable right of all human beings,
(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment,
(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training,
(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work,
(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave,
(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction

2 In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work States Parties shall take appropriate measures

(a) To prohibit subject to the imposition of sanctions dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status,
(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances

(f) smanjenje stope napuštanja škole od strane ženske omladine i organizacija programa za devojke i žene koje su prerano napustile školu,
(g) jednake mogucnosti aktivnog bavljenja sportom i fizičkog odgoja
(h) dostupnosti posebnih informacija iz oblasti obrazovanja radi pružanja pomoci u osiguranju zdravlja i blagostanja obitelji uključujuci informacije i savjete o planiranju obitelji

Član 11

1 Dižave članice preduzimaju sve podesne mjere radi eliminiranja diskriminacije žena u oblasti zapošljavanja kako bi se na osnovi ravnopravnosti muškaraca i žena osigurala jednaka prava a posebno
(a) pravo na rad kao neotudivo pravo svih ljudi,
(b) pravo na jednake mogucnosti zapošljavanja uključujuci i primjenu jednakih kriterijuma pri izboru kandidata za radno mjesto,
(c) pravo na slobodan izbor profesije i zaposlenja, pravo na unapredenje, sigurnost zaposlenja i sva prava i uvjeti koji proističu iz rada, kao i pravo na stručno osposobljavanje i prekvalifikaciju, uključujuci učenje u privredi, više stručno osposobljavanje i povremeno dodatno osposobljavanje
(d) pravo na jednaku nagradu uključujuci beneficije, kao i na jednak tretman za jednak rad i jednak tretman pri ocjenjivanju kvaliteta rada,
(e) pravo na socijalnu zaštitu, posebno u slučaju odlaska u penziju, nezaposlenosti, bolesti, invalidnosti, starosti i druge neposobnosti za rad, kao i pravo na placeno odsustvo,
(f) pravo na zdravstvenu zaštitu i zaštitu na radu, uključujuci i zaštitu bioloških i reproduktivnih funkcija žena

2 Radi sprječavanja diskriminacije žena zbog stupanja u brak ili materinstva i osiguravanja njihovog stvarnog prava na rad, države članice preduzimaju odgovarajuce mjere radi

(a) zabrane, pod prijetnjom preduzimanja sankcija davanja otkaza zbog trudnoce ili porodiljskog odsustva i diskriminacije prilikom otpuštanja s posla zbog bračnog stanja,
(b) uvodenja placenog porodiljskog odsustva ili sličnih socijalnih beneficija bez gubljenja prava na ranije radno mjesto primanja po osnovu staža i socijalna primanja

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities
(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them

3 Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary

Article 12

1 States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services including those related to family planning
2 Notwithstanding the provisions of paragraph 1 of this article States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary as well as adequate nutrition during pregnancy and lactation

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women the same rights, in particular
(a) The right to family benefits,
(b) The right to bank loans, mortgages and other forms of financial credit,
(c) The right to participate in recreational activities, sports and all aspects of cultural life

Article 14

1 States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas

(c) podsticanja osiguranja potrebnih pomocnih društvenih službi kako bi se roditeljima omogucilo da usklade obiteljske obaveze s obavezama na radnom mjestu i učešcem u društvenom životu, posebno podsticanjem osnivanja i razvoja mreže ustanova za brigu o djeci
(d) osiguranje posebne zaštite žena za vrijeme trudnoce na onim radnim mjestima za koja je dokazano da su štetna za trudnice

3 Mjere zakonske zaštite koje se odnose na pitanja obuhvacena u ovom članu preispituju se periodično, u svjetlu naučnih i tehnoloških saznanja i prema potrebi revidiraju, ukidaju ili produžuju

Član 12

1 Države članice preduzimaju odgovarajuce mjere radi eliminiranja diskriminacije žena u oblasti zdravstvene zaštite kako bi, na osnovu ravnopravnosti žena i muškaraca osigurale dostupnost zdravstvenih usluga, uključujuci one koje se odnose na planiranje obitelji
2 Bez obzira na odredbe stava 1 ovog člana države članice osiguravaju odgovarajuce zdravstvene usluge ženama za vrijeme trudnoce porodaja i u periodu poslije rodenja djeteta osiguravanjem besplatnih usluga kada je to potrebno kao i odgovarajuce ishrane za vrijeme trudnoce i dojenja

Član 13

Države članice preduzimaju sve odgovarajuce mjere radi eliminiranja diskriminacije žena u drugim oblastima privrednog i društvenog života kako bi im se, na osnovu ravnopravnosti žena i muškaraca, osigurala jednaka prava a posebno
(a) pravo na obiteljska davanja,
(b) pravo na bankarske zajmove, hipotekarne i druge vrste finansijskih kredita,
(c) pravo na učešce u rekreativnim aktivnostima sportu i svim oblicima kulturnog života

Član 14

1 Države članice uzet ce u obzir posebne probleme s kojima se suočava žena na selu, kao i značajnu ulogu koju ona ima u ekonomskom opstanku svoje obitelji, uključujuci njen rad u sektorima privrede u kojima se ne ostvaruje dohodak i preduzet ce sve odgovarajuce mjere kako bi osigurale da se odredbe ove konvencije primjenjuju na žene na selu

2 States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and in particular, shall ensure to such women the right

(a) To participate in the elaboration and implementation of development planning at all levels

(b) To have access to adequate health care facilities, including information counselling and services in family planning,

(c) To benefit directly from social security programmes

(d) To obtain all types of training and education formal and non-formal, including that relating to functional literacy, as well as, *inter alia*, the benefit of all community and extension services in order to increase their technical proficiency,

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment,

(f) To participate in all community activities,

(g) To have access to agricultural credit and loans marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes,

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation electricity and water supply, transport and communications

PART IV

Article 15

1 States Parties shall accord to women equality with men before the law

2 States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals

3 States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void

4 States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile

2 Države članice ce preduzeti sve odgovarajuce mjere radi eliminiranja diskriminacije žena u seoskim područjima kako bi osigurale da one, na osnovi ravnopravnosti muškaraca i žena učestvuju u razvoju sela i da od toga imaju koristi posebno da bi osigurale njihovo pravo na

(a) ce u izradi i provođenju planova razvoja na svim nivoima

(b) pristup odgovarajucoj zdravstvenoj zaštiti, uključujuci informacije savjete i usluge u vezi sa planiranjem obitelji

(c) direktno korišcenje programa socijalne zaštite,

(d) sticanje svih vista obuke i obrazovanja, formalnog i neformalnog uključujuci opismenjavanje, kao i pristup svim uslugama u okviru mjesne zajednice, kao i savjetodavnim uslugama inter alia radi proširenja njihovih opcih tehničkih znanja,

(e) organizovanje grupa za samopomoc i zadruga kako bi ostvarile jednak pristup privrednim djelatnostima putem zapošljavanja ili obavljanja samostalne djelatnoti,

(f) ce u svim aktivnostima mjesne zajednice,

(g) dostupnost poljoprivrednih kredita i zajmova olakšica za prodaju proizvoda, odgovarajuce tehnologije i jednakog tretmana u zemljišnoj i agrarnoj reformi kao i programa za ponovno naseljavanje,

(h) adekvatne životne uvjete posebno u pogledu stanovanja, higijenskih uvjeta električne energije i snabdijevanja vodom saobracaja i veza

DIO IV

Član 15

1 Države članice priznaju ženama jednaka prava pred zakonom kao i muškarcima

2 Države članice priznaju ženama jednaku pravnu sposobnost u gradanskim stvarima kao i muškarcima i daju im jednake mogucnosti da se njome koriste One posebno daju ženama jednaka prava na zaključenje ugovora i upravljanje imovinom i tretiraju ih ravnopravno u svim fazama postupka pred sudom

3 Države članice saglasne su da se svi ugovori i svi drugi privatni instrumenti bilo koje viste čije pravno djelovanje ima za cilj da ograniči pravnu sposobnost žena smatraju ništavim i nevažecim

4 Države članice priznaju ženama i muškarcima jednaka prava u pogledu zakona o kretanju lica i slobode izbora mjesta boravka i prebivališta

Article 16

1 States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure on a basis of equality of men and women

(a) The same right to enter into marriage

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent,

(c) The same rights and responsibilities during marriage and at its dissolution

(d) The same rights and responsibilities as parents irrespective of their marital status, in matters relating to their children, in all cases the interests of the children shall be paramount

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information education and means to enable them to exercise these rights,

(f) The same rights and responsibilities with regard to guardianship wardship trusteeship and adoption of children or similar institutions where these concepts exist in national legislation in all cases the interests of the children shall be paramount,

(g) The same personal rights as husband and wife including the right to choose a family name, a profession and an occupation,

(h) The same rights for both spouses in respect of the ownership acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration

2 The betrothal and the marriage of a child shall have no legal effect and all necessary action including legislation shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory

PART V

Article 17

1 For the purpose of considering the progress made in the implementation of the present Convention there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party of twenty-three experts of high moral standing and competence in the field covered by the Convention The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems

Član 16

1 Države članice preduzimaju sve odgovarajuce mjere radi otklanjanja diskriminacije žena u svim pitanjima koja se odnose na brak i obiteljske odnose a posebno obezbjedjuju na osnovi ravnopravnosti muškaraca i žena

(a) jednako pravo na sklapanje braka

(b) jednako pravo na slobodan izbor bračnog druga i sklapanje braka samo po slobodnoj volji i uz potpunu saglasnost

(c) jednaka prava i odgovornosti u braku i prilikom razvoda

(d) jednaka roditeljska prava i obaveze u odnosu na djecu bez obzira na bračni status U svim ovim slučajevima interesi djece moraju biti na prvom mjestu

(e) jednaka prava da slobodno i odgovorno odlučuju o planiranju obitelji, kao i da imaju pristup informacijama, obrazovanju i sredstvima koja ce im omoguciti da se koriste ovim pravima

(f) jednaka prava i odgovornosti u pogledu starateljstva tutorstva, upravljanja imovinom i usvajanja djece ili sličnih institucija ako postoje u nacionalnom zakonodavstvu U svim slučajevima interesi djece moraju biti na prvom mjestu

(g) jednaka lična prava muža i žene uključujuci pravo na izbor obiteljskog imena, profesije i zanimanja

(h) jednaka prava oba bračna druga u pogledu vlasništva nad imovinom odnosno sticanja, upravljanja, uživanja i otuđivanja imovine, bez obzira na to da li se ovo obavlja besplatno ili za znatnu materijalnu nagradu

2 Vjeridba i stupanje djeteta u brak ne može imati nikakvih pravnih posljedica a preduzet će se sve potrebne mjere uključujuci zakonodavne, radi utvrđivanja minimalnih godina života za sklapanje braka kao i uvođenje obaveze da se brak sklopi u zvaničnom matičnom uredu

DIO V

Član 17

1 Radi pracenja napretka, ostvarenog u primjeni ove konvencije, obrazovat ce se Komitet za eliminiranje diskriminacije žena (u daljem tekstu Komitet), koji ce prilikom stupanja Konvencije na snagu imati 18, a poslije ratifikacije ili pristupanja 35 države članice, 23 stručnjaka visokih moralnih kvaliteta i stručnosti za oblast na koju se odnosi ova konvencija Države članice medu svojim dižavljanima biraju stručnjake koji ce u radu Komiteta učestvovati u ličnom svojstvu Pri izboru članova Komiteta vodit ce se računa o ravnomjernoj geografskoj zastupljenosti kao i tome da budu izabrani stručnjaci koji predstavljaju razne civilizacije i glavne pravne sisteme

2 The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties Each State Party may nominate one person from among its own nationals

3 The initial election shall be held six months after the date of the entry into force of the present Convention At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated indicating the States Parties which have nominated them, and shall submit it to the States Parties

4 Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters At that meeting, for which two thirds of the States Parties shall constitute a quorum the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting

5 The members of the Committee shall be elected for a term of four years However, the terms of nine of the members elected at the first election shall expire at the end of two years immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee

6 The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee

7 For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee

8 The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee s responsibilities

9 The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention

2 Članovi Komiteta biraju se tajnim glasanjem na osnovu spiska kandidata koje su imenovale države članice Svaka država članica može imenovati jednog svog državljanina

3 Prvi izbori ce se održati šest mjeseci od dana stupanja ove konvencije na snagu Najmanje tri mjeseca prije datuma svakih izbora Generalni sekretar Ujedinjenih naroda uputit ce poziv državama članicama da podnesu prijedloge u roku od dva mjeseca Generalni sekretar ce pripremiti spisak svih na taj način imenovanih lica po abecednom redu s nazivima država članica koje su ih imenovale i dostaviti ih državama članicama

4 Izbori za članove Komiteta održat ce se na sastanku država članica koji ce sazvati generalni sekretar Ujedinjenih naroda i koji ce se održati u sjedištu Ujedinjenih naroda Na tom sastanku na kome kvorum sačinjavaju dvije trecine članica bit ce izabrani oni kandidati koji dobiju najveci broj glasova i apsolutnu vecinu glasova prisutnih predstavnika država članica koji glasaju

5 Članovi Komiteta se biraju na četiri godine Medutim mandat devetorice članova koji budu izabrani na prvom glasanju ističe poslije dvije godine, odmah poslije prvih izbora, predsjednik Komiteta ce ždrijebom izabrati imena ove devetorice članova

6 Izbori za pet dodatnih članova Komiteta održat ce se u skladu sa odredbama stavova 2, 3 i 4 ovog člana, poslije saopćenja o tridesetpetoj ratifikaciji ili pristupanju Konvenciji Mandat dvojice dodatnih članova Komiteta koji budu izabrani tom prilikom ističe poslije dvije godine Ova dva člana bira predsjednik Komiteta ždrijebom

7 Za popunjavanje eventualnih praznih mjesta država članica čijem je predstavniku prestala funkcija u svojstvu člana Komiteta imenuje drugo lice iz redova svojih državljana pod rezervom odobrenja Komiteta

8 Članovi Komiteta ce, uz saglasnost Generalne skupštine primati nagrade iz sredstava Ujedinjenih naroda, pod uvjetom koje odredi Generalna skupština imajuci u vidu značaj zadataka koje obavlja Komitet

9 Generalni sekretar Ujedinjenih naroda osigurava potrebno osoblje i uvjete za efikasno vršenje funkcija Komiteta u okviru ove konvencije

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Article 18

1 States Parties undertake to submit to the Secretary-General of the United Nations, For consideration by the Committee a report on the legislative judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect
   (a) Within one year after the entry into force for the State concerned
   (b) Thereafter at least every four years and further whenever the Committee so requests
2 Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention

Article 19

1 The Committee shall adopt its own rules of procedure
2 The Committee shall elect its officers for a term of two years

Article 20

1 The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention
2 The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee

Article 21

1 The Committee shall, through the Economic and Social Council report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties Such suggestions and general recommendations shall be included in the report of the Committee together with comments if any from States Parties
2 The Secretary General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as Fall within the scope of their activities The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities

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Član 18

1 Države članice obavezuju se da Generalnom sekretaru Ujedinjenih naroda podnesu radi razmatranja u Komitetu izvještaj o zakonodavnim sudskim upravnim ili drugim mjerama koje su usvojile radi primjene odredaba Konvencije kao i napretku ostvarenom u tom periodu
   (a) u roku od godinu dana poslije stupanja Konvencije na snagu u odnosnoj državi
   (b) najmanje svake četvrte godine poslije toga i uvijek kad to Komitet zatraži

2 U izvjestajima se mogu navesti faktori i teškoće koji utiču na to do koje mjere se izvršavaju obaveze koje proističu iz ove konvencije

Član 19

1 Komitet usvaja poslovnik o radu
2 Komitet bira svoje funkcionere za period od dvije godine

Član 20

1 Komitet se sastaje obično jednom godišnje u trajanju od najviše dvije nedjelje radi razmatranja izvještaja podnijetih u skladu sa članom 18 ove konvencije
2 Sastanci Komiteta obično se održavaju u sjedištu Ujedinjenih naroda ili na bilo kom drugom odgovarajucem mjestu koje odredi Komitet

Član 21

1 Komitet preko Ekonomskog i socijalnog savjeta, svake godine izvještava Generalnu skupštinu o svom radu i može davati prijedloge i opce preporuke na osnovu razmotrenih izvještaja i informacija koje je pripremio od država članica Takvi prijedlozi i opce preporuke unose se u izvještaj Komiteta zajedno sa eventualnim primjedbama država članica
2 Izvještaje Komiteta Generalni sekretar dostavlja Komisiji za položaj žena, radi informiranja

Član 22

Specijalizirane agencije imaju pravo da prisustvuju sastancima prilikom razmatranja primjene onih odredaba ove konvencije koje spadaju u njihov djelokrug rada Komitet može zatražiti da specijalizirane agencije podnesu izvještaje o primjeni odredaba Konvencije u oblastima koje spadaju u djelokrug njihovog rada

PART VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained

(a) In the legislation of a State Party or

(b) In any other international convention treaty or agreement in force for that State

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention

Article 25

1 The present Convention shall be open for signature by all States

2 The Secretary-General of the United Nations is designated as the depositary of the present Convention

3 The present Convention is subject to ratification Instruments of ratification shall be deposited with the Secretary-General of the United Nations

4 The present Convention shall be open to accession by all States Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations

Article 26

1 A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations

2 The General Assembly of the United Nations shall decide upon the steps if any to be taken in respect of such a request

Article 27

1 The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession

2 For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession

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DIO VI

Član 23

Nijedna odredba ove konvencije ne smije uticati na bilo koje odredbe koje efikasnije vode postizanju ravnopravnosti muškaraca i žena a koje mogu biti sadržane u

(a) zakonodavstvu države članice ili

(b) u bilo kojoj drugoj međunarodnoj konvenciji ugovoru ili sporazumu koji je na snazi u odnosnoj državi članici

Član 24

Države članice obavezuju se da usvoje sve potrebne mjere na unutrašnjem planu radi potpunog ostvarenja prava priznatih u ovoj konvenciji

Član 25

1 Ova konvencija je otvorena za potpisivanje svim državama

2 Generalni sekretar Ujedinjenih naroda je određen za depozitara Konvencije

3 Ova konvencija podliježe ratifikaciji Ratifikacioni instrumenti se deponiraju kod Generalnog sekretara Ujedinjenih naroda

4 Ova konvencija je otvorena za pristupanje svim državama Pristupanja se vrše deponiranjem instrumenata o pristupanju kod Generalnog sekretara Ujedinjenih naroda

Član 26

1 Zahtjev za reviziju Konvencije može podnijeti svaka država članica, u svako doba putem saopćenja u pismenoj formi upućenog Generalnom sekretaru Ujedinjenih naroda

2 Generalna skupština Ujedinjenih naroda odlučuje o eventualnim mjerama koje treba preduzeti u vezi sa zahtjevom

Član 27

1 Ova konvencija stupa na snagu trideset dana računajući od dana deponiranja kod Generalnog sekretara Ujedinjenih naroda dvadesetog instrumenta o ratifikaciji ili pristupanju

2 Za svaku državu koja ratificira ovu konvenciju ili joj pristupi poslije deponiranja dvadesetog instrumenta o ratifikaciji ili pristupanju Konvencija stupa na snagu trideset dana računajući od dana deponiranja njenog instrumenta o ratifikaciji ili pristupanju

Article 28

1 The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession
2 A reservation incompatible with the object and purpose of the present Convention shall not be permitted
3 Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations who shall then inform all States thereof Such notification shall take effect on the date on which it is received

Article 29

1 Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall at the request of one of them be submitted to arbitration If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court
2 Each State Party may at the time of signature or ratification of the present Convention or accession there to declare that it does not consider itself bound by paragraph 1 of this article The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation
3 Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations

Article 30

The present Convention the Arabic Chinese English, French Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations

IN WITNESS WHEREOF the undersigned duly authorized have signed the present Convention

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Član 28

1 Generalni sekretar Ujedinjenih naroda prima i dostavlja svim državama tekst rezervi koje države izjave prilikom ratifikacije ili pristupanja
2 Rezerva koja nije spojiva s predmetom i ciljevima ove konvencije nije dozvoljena
3 Rezerve se mogu povuci u svako doba putem saopcenja upucenog Generalnom sekretaru Ujedinjenih naroda koji o tome obavještava sve države Takvo saopcenje stupa na snagu pocev od datuma prijema

Član 29

1 Svaki eventualni spor izmedu dvije ili vise država clanica u pogledu tumačenja ili primjene ove konvencije koji se ne riješi putem pregovora podnosi se na arbitražu na zahtjev jedne od njih Ako u roku od šest mjeseci od datuma podnošenja zahtjeva za arbitrazu države članice ne uspiju da se slože o organizaciji arbitraže svaka strana se može obratiti Medunarodnom sudu pravde radi rješavanja spora zahtjevom koji se podnosi u skladu sa Statutom Suda
2 Svaka država članica može prilikom potpisivanja ili ratificiranja ove konvencije ili prilikom pristupanja Konvenciji izjaviti da se ne smatra obaveznom shodno stavu 1 ovog člana Druge države članice nece biti obavezne shodno stavu 1 ovog člana u odnosu na svaku državu clanicu koja je izjavila takvu rezervu
3 Svaka država članica koja je izjavila rezervu u skladu sa stavom 2 ovog člana može u svako doba povuci rezervu putem saopcenja Generalnom sekretaru Ujedinjenih naroda

Član 30

Ova konvencija je sačinjena na arapskom, kineskom engleskom, francuskom, ruskom i španskom jeziku, pri čemu su svi tekstovi jednako vjerodostojni i deponirat ce se kod Generalnog sekretara Ujedinjenih naroda

U POTVRDU ČEGA su dolje potpisani propisno ovlašceni u tu svrhu potpisali ovu konvenciju

SELECTED GENERAL RECOMMENDATIONS ADOPTED BY THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

General Recommendation No 5	(1988)	Temporary special measures
General Recommendation No 6	(1988)	Effective national machinery and publicity
General Recommendation No 12	(1989)	Violence against women
General Recommendation No 13	(1989)	Equal remuneration for work of equal value
General Recommendation No 14	(1990)	Female circumcision
General Recommendation No 15	(1990)	Avoidance of discrimination against women in national strategies for the prevention and control of AIDS
General Recommendation No 16	(1991)	Unpaid women workers in rural and urban family enterprises
General Recommendation No 17	(1991)	Measurement and quantification of the unremunerated domestic activities of women and their recognition in the gross national product
General Recommendation No 18	(1991)	Disabled women
General Recommendation No 19	(1992)	Violence against women
General Recommendation No 21	(1994)	Equality in marriage and family relations
General Recommendation No 23	(1997)	Political and public life

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ODABRANE OPCE PREPORUKE USVOJENE OD KOMITETA ZA ELIMINISANJE DISKRIMINACIJE ŽENA

Opca preporuka br 5	(1988)	Privremene specijalne mjere
Opca preporuka br 6	(1988)	Djelotvorna domaca mašinerija i javnost
Opca preporuka br 12	(1989)	Nasilje nad ženama
Opca preporuka br 13	(1989)	Jednaka naknada za rad jednake vrijednosti
Opca preporuka br 14	(1990)	Obrezivanje žena
Opca preporuka br 15	(1990)	Izbjegavanje diskriminacije žena u državnim strategijama za prevenciju i kontrolu AIDS-a
Opca preporuka br 16	(1991)	Neplacena ženska radna snaga u ruralnim i urbanim porodičnim preduzecima
Opca preporuka br 17	(1991)	Mjerenje i kvantifikacija neplacenih aktivnosti žena u domacinstvu i njihovo priznavanje u ukupnom društvenom proizvodu
Opca preporuka br 18	(1991)	Žene invalidi
Opca preporuka br 19	(1992)	Nasilje nad ženama
Opca preporuka br 21	(1994)	Jednakost u braku i porodičnim odnosima
Opca preporuka br 23	(1997)	Politički i javni život

General Recommendation No 19 (Eleventh session, 1992)[21]

Violence against Women Background

1 Gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men

2 In 1989, the Committee recommended that States should include in their reports information on violence and on measures introduced to deal with it (General recommendation 12, eighth session)

3 At its tenth session in 1991, it was decided to allocate part of the eleventh session to a discussion and study on Article 6 and other articles of the Convention relating to violence towards women and the sexual harassment and exploitation of women That subject was chosen in the anticipation of the 1993 World Conference on Human Rights convened by the General Assembly by its resolution 45/155 of 18 December 1990

4 The Committee concluded that not all the reports of States Parties adequately reflected the close connection between discrimination against women, gender based violence, and violations of human rights and fundamental freedoms The full implementation of the Convention required States to take positive measures to eliminate all forms of violence against women

5 The Committee suggested to States Parties that in reviewing their laws and policies and in reporting under the Convention, they should have regard to the following comments of the Committee concerning gender-based violence

General comments

6 The Convention in Article 1 defines discrimination against women The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately It includes acts that inflict physical mental or sexual harm or suffering, threats of such acts coercion and other deprivations of liberty Gender based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence

7 Gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of Article 1 of the Convention These rights and freedoms include

a) The right to life,
b) The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment,
c) The right to equal protection according to humanitarian norms in time of international or internal armed conflict,
d) The right to liberty and security of person,
e) The right to equal protection under the law
f) The right to equality in the family
g) The right to the highest standard attainable of physical and mental health

The right to just and favourable conditions of works

[21] Contained in document A/47/38

Komitet za eliminisanje diskriminacije prema ženama

Opca preporuka br. 19 (jedanaesta sjednica, 1992)

Nasilje prema ženama Pozadina

1 Nasilje zasnovano na polu je oblik diskriminacije koji ozbiljno sputava mogucnost ženama da uživaju u svojim pravima i slobodama na principu ravnopravnosti sa muškarcima

2 Godine 1992 Komitet je preporučio da države treba da uključe u svoj izvještaj informacije o nasilju i mjerama koje su uvedene radi njegovog sputavanja (Opca preporuka 12, osma sjednica)

3 Na desetoj sjednici 1991 godine odlučeno je da se dio jedanaeste sjednice posveti raspravi i proučavanju člana 6 i ostalih članova Konvencije koji se odnose na nasilje prema ženama, seksualnom maltretiranju i iskorištavanju žena Ta tačka dnevnog reda izabrana je uoči Svjetske konferencije o ljudskim pravima 1993 , koju je zakazala Generalna skupština UN svojom rezolucijom 45/155 od 18 decembra 1990

4 Komitet je zaključio da svi izvještaji država članica na adekvatan način opišu neposrednu vezu između diskriminacije žena, nasilja zasnovanog na predrasudama prema polu i nasilja prema ljudskim pravima i slobodama Potpuna primjena ove Konvencije traži od država članica da poduzmu pozitivne mjere kako bi se eliminisali svi oblici nasilja prema ženama

5 Komitet je predložio državama članicama da, prilikom revizija svojih zakona i politika, i prilikom podnošenja izvještaja u skladu sa Konvencijom, treba da uzmu u obzir slijedece komentare Komiteta, koji se odnose na nasilje prema ženama

Opci komentar

6 Član 1 Konvencije definiše diskriminaciju prema ženama Definicija diskriminacije uključuje nasilje zasnovano na polu, to jest, nasilje koje je usmjereno prema ženi zato što je žena, ili koje nesrazmjerno napada ličnost žene Tu su uključene radnje koje nanose fizičku, mentalnu ili seksualnu štetu ili patnju, prijetnju takvim činom, prinudu i druge oblike narušavanja slobode Nasilje zasnovano na polu može biti prekršaj određenih odredaba Konvencije, bez obzira da li te odredbe izričito pominju nasilje

7 Nasilje zasnovano na polu koje nanosi štetu ili nipodaštava ljudska prava žena i njihovih osnovnih sloboda u skladu sa opcim međunarodnim pravom ili konvencijama o ljudskim pravima, predstavlja diskriminaciju po članu 1 Konvencije Ova prava i slobode se odnose na

a) Pravo na život,
b) Pravo da ne smije da bude predmet torture ili okrutnog, neljudskog ili degradirajuceg ponašanja ili kažnjavanja,
c) Pravo na jednaku zaštitu, u skladu sa ljudskim normama, za vrijeme međudržavnih ili unutrašnjih sukoba,
d) Pravo na slobodu i sigurnost,
e) Pravo na jednaku zaštitu po zakonu,
f) Pravo na ravnopravnost u porodici,
g) Pravo na sticanje najviših standarda fizičkog i duhovnog zdravlja

8 The Convention applies to violence perpetrated by public authorities Such acts of violence may breach that State s obligation under general international human rights law and under other conventions, in additional to breaching this Convention

9 It is emphasised however, that discrimination under the Convention is not restricted to action by or on behalf of Governments (see Articles 2 (e) 2 (f) and 5) For example under Article 2 (e) the Convention calls on States Parties to take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise Under general international law and specific human rights covenants States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation

Comments on specific articles of the Convention

Articles 2 and 3

10 Articles 2 and 3 establish a comprehensive obligation to eliminate discrimination in all its forms in addition to the specific obligations under Articles 5 16

Articles 2 (f), 5 and 10 (c)

11 Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion such as family violence and abuse, forced marriage dowry deaths acid attacks and female circumcision Such prejudices and practices may justify gender-based violence as a form of protection or control of women The effect of such violence on the physical and mental integrity of women is to deprive them of the equal enjoyment exercise and knowledge of human rights and fundamental freedoms While this comment addresses mainly actual or threatened violence the underlying consequences of these forms of gender based violence help to maintain women in subordinate roles and contribute to their low level of political participation and to their lower level of education skills and work opportunities

12 These attitudes also contribute to the propagation of pornography and the depiction and other commercial exploitation of women as sexual objects rather than as individuals This in turn contributes to gender-based violence

Article 6

13 States Parties are required by Article 6 to take measures to suppress all forms of traffic in women and exploitation of the prostitution of women

14 Poverty and unemployment increase opportunities for trafficking in women In addition to established forms of trafficking there are new forms of sexual exploitation, such as sex tourism, the recruitment of domestic labour from developing countries to work in developed countries, and organised marriages between women from developing countries and foreign nationals These practices are incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity They put women at special risk of violence and abuse

15 Poverty and unemployment force many women including young girls, into prostitution Prostitutes are especially vulnerable to violence because their status, which may be unlawful, tends to marginalise them They need the equal protection of laws against rape and other forms of violence

16 Wars, armed conflicts and the occupation of territories often lead to increased prostitution trafficking in women and sexual assault of women, which require specific protective and punitive measures

Pravo na pravedne i povoljne uslove rada

8 Konvencija se odnosi na nasilje koje čine javni organi Takva djela nasilja krše onu obavezu država koja je svrstana pod opca međunarodna ljudska prava i obaveze po drugim konvencijama, pored toga što krše i ovu Konvenciju

9 Međutim, naglašava se da se diskriminacija po ovoj Konvenciji ne ograničava samo na djelovanje samih vlada ili djelovanje u njihovu korist (vidi član 2 (e), 2 (f) i 5) Na primjer, član 2 (e) Konvencije poziva države članice da poduzmu sve odgovarajuce mjere radi eliminisanja diskriminacije prema ženama od strane bilo kojeg lica, organizacije ili preduzeca Prema opcem međunarodnom pravu i posebnim međunarodnim ugovorima o ljudskim pravima, države članice mogu biti odgovorne za djela privatne prirode ukoliko propuste da posvete dužnu pažnju sprečavanju nasilja nad pravima, ili propuste da povedu istragu i kazne djela nasilja i obezbjede naknadu zbog njih

Komentari posebnih članova Konvencije

Članovi 2 i 3

10 Članovi 2 i 3 sadrže sveobuhvatnu obavezu eliminisanja diskriminacije svih oblika, pored posebnih obaveza navedenih u članovima 5-16

Članovi 2 (f), 5 i 10 (c)

11 Tradicionalni stavovi, kojim se žene smatraju potčinjene muškarcima ili imaju stereotipne uloge, ovjekovječuju rasprostranjene prakse koje uključuju nasilje ili prinudu, kao što je nasilje u porodici i maltretiranje, prisilan brak, umorstva zbog miraza, napadi kiselinom i obrezivanje žena Takve predrasude i prakse mogu služiti kao opravdanje nasilju zasnovanom na polu kao obliku zaštite i komandovanja ženama Efekti takvog nasilja na fizički i mentalni integritet žena lišavaju ih prava na jednako uživanje, provođenje i saznanje o ljudskim pravima i slobodama Dok se ovaj komentar uglavnom odnosi na stvarno nasilje ili prijetnju nasiljem, očite posljedice ovih oblika nasilja zasnovanog na polu, pomažu da se žene drže u potčinjenoj ulozi i doprinose njihovom niskom učešcu u politici i obrazovanju, kvalifikovanosti i povoljnim prilikama za rad

12 Ovi stavovi, također, doprinose propagiranju pornografije, slika i drugih reklamnih eksploatacija žena kao seksualnih objekata, a ne individua Posljedično to doprinosi nasilju zasnovanom na polu

Član 6

13 Član 6 traži od država članica da poduzimaju mjere radi suzbijanja svih oblika trgovine ženama i njihovog korištenja za prostituciju

14 Siromaštvo i nezaposlenost povecavaju prilike za trgovinu ženama Povrh toga, uspostvaljeni oblici takve trgovine doprinose novim oblicima seksualne eksploatacije, kao što je turizam radi seksa, regrutiranje lokalne radne snage iz zemalja u razvoju za rad u razvijenim zemljama, organizovanje brakova između žena iz zemalja u razvoju i stranih lica Ove prakse su nekompatibilne sa jednakim pravima žena na uživanje i njihovom pravu i dostojanstvu One izlažu žene posebnom riziku i zloupotrebi

Article 11

17 Equality in employment can be seriously impaired when women are subjected to gender-specific violence such as sexual harassment in the workplace

18 Sexual harassment includes such unwelcome sexually determined behaviour as physical contact and advances sexually coloured remarks, showing pornography and sexual demands, whether by words or actions Such conduct can be humiliating and may constitute a health and safety problem, it is discriminatory when the woman has reasonable ground to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion or when it creates a hostile work environment

Article 12

19 States Parties are required by Article 12 to take measures to ensure equal access to health care Violence against women puts their health and lives at risk

20 In some States there are traditional practices perpetuated by culture and tradition that ate harmful to the health of women and children These practices include dietary restrictions for pregnant women, preference for male children and female circumcision or genital mutilation

Article 14

21 Rural women are at risk of gender-based violence because traditional attitudes regarding the subordinate role of women that persist in many rural communities Girls from rural communities ate at special risk of violence and sexual exploitation when they leave the rural community to seek employment in towns

Article 16 (and Article 5)

22 Compulsory sterilisation or abortion adversely affects women's physical and mental health, and infringes the right of women to decide on the number and spacing of their children

23 Family violence is one of the most insidious form of violence against women It id prevalent in all societies Within family relationships women of all ages are subjected to violence of all kinds including battering, rape, other forms of sexual assault, mental and other forms of violence, which are perpetuated by traditional attitudes Lack of economic independence forces many women to stay in violent relationships The abrogation of their family responsibilities by men can be a form of violence, and coercion These forms of violence put women's health at risk and impair their ability to participate in family life and public life on a basis of equality

Specific recommendations

24 In light of these comments, the Committee on the Elimination of Discrimination against Women recommends

a) States Parties should take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private act,
b) States Parties should take laws against family violence and abuse, rape, sexual assault and other gender based violence give adequate protection to all women and respect their integrity and dignity Appropriate protective and support services should be provided for victims Gender sensitive training of judicial and law enforcement officers and other public officials is essential for the effective implementation of the Convention,

15 Siromaštvo i nezaposlenost prisiljava mnoge žene, uključujući i mlade djevojke, na prostituciju Prositucija je posebno ranjiva na nasilje, jer njihov status, koji može biti nezakonit, teži njihovoj marginalizaciji Njima je potrebna jednaka zaštita pred zakonom zbog silovanja ili drugih oblika nasilja

16 Ratovi, oružani sukobi i okupacija teritorija često dovode do povecane prostitucije, trgovine ženama i seksualnog napastvovanja, što iziskuje posebne zaštitne i kaznene mjere

Član 11

17 Jednakost u zapošljavanju može se ozbiljno narušiti kada su žene izložene specifičnom nasilju zasnovanom na polovima, kao što je seksualno napastvovanje na radnom mjestu

18 Seksualno napastvovanje uključuje takvo neželjeno i seksom određeno ponašanje, kao što je fizički kontakt, slobodno nastupanje, seksom obojene primjedbe, pokazivanje pornografije i zahtjevi za seksom, bilo da se pokazuju riječima ili radnjama Takvo ponašanje može biti ponižavajuce i može predstavljati problem za zdravlje i sigurnost Diskriminiše činjenica kada žena ima osnova da vjeruje da ce njeno odbijanje predstavljati njenu slabu stranu kod zapošljavanja, uključujuci angažman ili unapređenje, ili kada to stvori neprijatno radno okruženje

Član 12

19 Član 12 traži od država članica da poduzimaju mjere radi obezbjeđenja jednakog pristupa zdravstvenoj zaštiti Nasilje prema ženama dovodi zdravlje i živote žena u rizik

20 U nekim državama postoje tradicionalne prakse, ovjekovječene kulturom i tradicijom, koje su nezdrave za žene i djecu Ove prakse uključuju dijetalne restrikcije za trudnice, davanje prednosti muškoj djeci, obrezivanje žena ili genitalno sakačenje

Član 14

21 Ruralne žene se nalaze u rizičnoj situaciji zbog nasilja zasnovanog na polu, vezano za potčinjene uloge žena Takav oblik ustrajava u mnogim ruralnim zajednicama Djevojke iz ruralnih zajednica su stavljene u posebno rizičnu situaciju zbog nasilja i seksualne eksploatacije kada napuštaju ruralnu zajednicu radi traganja za poslom u gradovima

Član 16 (i član 5)

22 Prinudna sterilizacija ili abortusi negativno utiču na fizičko i mentalno zdravlje žena, i krši prava žena na odlučivanje o broju djece i intervalu njihovog rađanja

23 Nasilje u porodici je jedno od najpodmuklijih oblika nasilja prema ženama Ono preovladava u svim društvima U porodičnom odnosu žena je izložena svim vrstama nasilja, uključujuci batine, silovanje, ostale oblike seksualnog napastvovanja, mentalne i druge oblike nasilja, koji nose pečat tradicionalnih stavova Nedostatak ekonomske nezavisnosti prisiljava mnoge žene da ostaju u nasilnim odnosima Nipodaštavanje njihove odgovornosti za porodicu od strane muškaraca, može predstavljati oblik nasilja i prinude

c) States Parties should encourage the compilation of statistics and research on the extent, causes and effects of violence, and on the effectiveness of measures to prevent and deal with violence,
d) Effective measures should be taken to ensure that the media respect promote respect for women,
e) States Parties in their report should identify the nature and extent of attitudes customs and practices that perpetuate violence against women, and the kinds of violence that result They should report the measures that they have undertaken to overcome violence and the effects of those measures
f) Effective measures should be taken to overcome these attitudes and practices States should introduce education and public information programmes to help eliminate prejudices which hinder women's equality (recommendation No 3, 1987),
g) Specific preventive and punitive measures are necessary to overcome trafficking and sexual exploitation,
h) States Parties in their reports should describe the extent of all these problems and the measures, including penal provisions preventive and rehabilitation measures, that have been taken to protect women engaged on prostitution or subject to trafficking and other forms of sexual exploitation The effectiveness of these measures should also be described,
i) Effective complaints procedures and remedies including compensation, should be provided,
j) States Parties should include in their reports information on sexual harassment, and on measures to protect women from sexual harassment and other forms of violence of coercion in the workplace,
k) States Parties should establish or support services for victims of family violence, rape, sex assault and other forms of gender based violence, including refuges, specially trained health workers, rehabilitation and counselling,
l) States Parties should take measures to overcome such practices and should take account of the Committee's recommendation on female circumcision (recommendation No 14) in reporting on health issues,
m) States Parties should ensure that measures are taken to prevent coercion in regard to fertility and reproduction, and to ensure that women are not forced to seek unsafe medical procedures such as illegal abortion because of lack of appropriate services in regard to fertility control,
n) States Parties in their reports should state the extent of theft problems and should indicate the measures that have been taken and their effects,
o) States Parties should ensure that services for victims of violence are accessible to rural women and that where necessary special services are provided to isolated communities
p) Measures to protect them from violence should include training and employment opportunities and the monitoring of the employment conditions of domestic workers,
q) States Parties should report on the risk to rural women, the extent and nature of violence and abuse to which they are subject their need for and access to support and other services and the effectiveness of measures to overcome violence
r) Measures that are necessary to overcome family violence should include

    i Criminal penalties where necessary and civil remedies in case of domestic violence
    ii Legislation to remove the defence of honour in regard to the assault or murder of a female family member,
    iii Services to ensure the safety and security of victims of family violence, include refuges, counselling and rehabilitation programmes,
    iv Rehabilitation programmes for perpetrators of domestic violence
    v Support services for families where incest or sexual abuse has occurred,

s) States Parties should report on the extent of domestic violence and sexual abuse, and on the preventive, punitive and remedial measures that have been taken,
t) That States Parties should take all legal and other measures that are necessary to provide effective protection of women against gender-based-violence including *inter alia*

Ovi oblici nasilja izlažu zdravlje žena riziku i šteti njihovoj sposobnosti učestvovanja u porodičnom životu na ravnopravnim osnovama

Posebne preporuke

24 U svjetlu ovih komentara, Komitet za eliminisanje diskriminacije prema ženama preporučuje

a) Države članice treba da poduzmu odgovarajuce i efikasne mjere na suzbijanju svih oblika nasilja zasnovanog na polu, bilo u javnom ili privatnom životu,
b) Države članice trba da poduzmu zakonske mjere protiv nasilja i maltretiranja u porodici, silovanja, seksualnog napastvovanja, i drugih nasilja zasnovanih na polu, i da adekvatno zaštite sve žene, da se poštuje njihov integritet i dostojanstvo Za žrtve je potrebno uspostaviti odgovarajuce službe za zaštitu i podršku Od suštinske važnosti za efikasnu primjenu Konvencije jeste obuka sudskih službenika, i službenika koji vrše prisilu zakonom, na osjetljivost polova prema postupke saslušanja,
c) Države članice treba da podstiču prikupljanje statističkih podataka i istraživanje opsega, uzroka i efekata nasilja, i da efikasnim mjerama sprečavaju i tretiraju nasilje,
d) Potrebno je poduzeti efikasne mjere da se obezbjedi da mediji unapređuju respekt prema ženama,
e) Države članice treba u svojim izvještajima da prepoznaju prirodu i veličinu stavova, običaja i praksi koje utjelovljuju nasilje prema ženama, i vrstu nasilja koja iz toga nastaje Treba da izvještavaju o mjerama koje su poduzeli na suzbijanju nasilja i efektima tih mjera,
f) Treba poduzimati efikasne mjere radi suzbijanja ovih stavova i praksi Države treba da uvedu programe obrazovanja i javnog informisanja radi pomoci da se eliminišu predrasude koje sputavaju ravnopravnost žena (Preporuka br 3, 1987),
g) Potrebne su posebne preventivne i kaznene mjere da se suzbije trgovina i seksualna eksploatacija,
h) Države članice treba da u svojim izvještajima opišu veLičinu svih problema i mjera, uključujuci kaznene odredbe, preventine mjere i mjere rehabilitacije koje su poduzete radi zaštite žena koje su se upustile u prostituciju ili postale predmetom trgovine ili drugih oblika seksualne eksploatacije Također je potrebno opisati efikasnost ovih mjera,
i) Potrebno je obezbjediti efikasne postupke tužbi i pravnih lijekova, uključujuci naknadu,
j) Države članice treba u svoje izvještaje da uključe informacije o seksualnom zlostavljanju i drugim oblicima nasilja prinude na radnom mjestu,
k) Države članice treba da uspostave i podrže službe za rad sa žrtvama nasilja u porodici, silovanja, seksualnog napastvovanja i drugih oblika nasilja zasnovanog na polu, uključujuci smještaj za žrtve, specijalno obučene zdravstvene radnike, rehabilitaciju i savjetovanje,
l) Države članice treba da poduzmu mjere za suzbijanje takvi praksi i da uzmu u obzir preporuku Komiteta koja se odnosi na obrezivanje žena (Preporuka br 14) u svojim izvještaji o pitanju zdravstva,
m) Države članice treba da osiguraju poduzimanje mjera radi sprečavanja prinude u pogledu fertilnosti i reprodukcije i da osiguraju da se žene ne prisiljavaju da traže nesigurne medicinske postupke, kao što je nezakonit abortus zbog nedostatka odgovarajucih službi u pogledu kontrole fertilnosti,
n) U svojim izvještajima, države članice treba veličinu problema krađa i da ukažu na mjere koje su poduzete i njihov efekat,

i Effective legal measures including penal sanctions, civil remedies and compensatory provisions to protect women against all kinds of violence, including, *inter alia* violence and abuse in the family, sexual assault and sexual harassment in the workplace

ii Preventive measures, including public information and education programmes to change attitudes concerning the roles and status of men and women

iii Protective measures, including refuges counselling rehabilitation and support services for women who are the victims of violence or who are at risk of violence,

u) That States Parties should report on all forms of gender based violence, and that such reports should include all available data on the incidence of each form of violence and on the effects of such violence on the women who are victims,

v) That the reports of States Parties should include information on the legal, preventive and protective measures that have been taken to overcome violence against women, and on the effectiveness of such measures

o) Države članice treba da omoce službama za žrtve nasilja pristup riuralnim ženama i da, tamo gdje je potrebno, budu obezbjeđene specijalne službe za udaljene zajednice,
p) Potrebne mjere za zaštitu od nasilja treba da uključe obuku i mogucnost zapošljavanja i nadgledanja radnih uslova lokalne radne snage,
q) Države članice treba da ponose izvještaje o riziku žena iz ruralnih podruja, veličini i prirodi nasilja i zloupotreba kojima su one izložene, njihovim potrebama i pristupu za pomoc, i drugim službama i efikasnim mjerama za suzbijanje nasilja,
r) Mjere koje su potrebne na suzbijanju nasilja u porodici uključuju

    i Krivične kazne tamo gdje je potrebno i građanske pravne lijekove u slučajevima nasilja u porodici,
    ii Zakon koji nece dozvoliti odbranu časti u pogledu napada ili ubistva ženskog člana porodice,
    iii Službe koje ce osigurati sigurnost i pomoc žrtvama nasilja u porodici, uključujuci programe smještaja, savjetovanja i rehabilitacije,
    iv Programe rehabilitacije za počinioce nasilja u porodici,
    v Službe za podršku za porodice gdje se desilo rodoskrvnuce ili seksualno napastvovanje,

s) Države članice treba da izvještavaju ovelićina nasilja u porodicama u njihovim zemljama, o preventivnim kaznenim mjerama i pravnim lijekovima koje su bile poduzete,
t) Da države članice treba da poduzimaju sve zakonske i druge mjere koje su potrebne radi obebjeđenja efikasne zaštite žena od nasilja zasnovanog na polu, uključujuci, *između ostalog*

    i Efikasne zakonske mjere, uključujuci kaznene, građanske pravne lijekove i obezbjeđenje nadoknade, da bi se žene zaštitile,
    ii Preventivne mjere, uključujuci programe javnog informisanja i obrazovanja da bi se izmjenio stav u pogledu uloge i položaja ljudi i žena,
    iii Zaštitne mjere, uključujuci smještaje, službe za savjetovanja, rehabilitacu i podršku,

u) Države članice treba da izvještavaju o svim oblicima nasilja zasnovanog na polu, a takvi izvještaji treba da uključe sve raspoložive podatke o incidentu svakog oblika nasilja, i o efektima takvog nasilja prema ženama žrtvama

v) Da izvještaji država članiza treba da uključe informacije o, zakonskim, preventivnim i zaštitnim mjerama koje su poduzete u suzbijanju nasilja protiv žena, i efikasnosti takvih mjera