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Regionalna konferencija

ŽENE U IZGRADNJI MIRA: PRISTUPANJE PRAVOSUĐU ZA ŽENE U POSTKONFLIKTNIM ZEMLJAMA

Regionalnoga ženskoga lobija za mir, sigurnost i pravdu
u Jugoistočnoj Europi

Pod pokroviteljstvom

Predsjednika Republike Hrvatske, dr.sc. Ive Josipovića

Uz potporu UN Women, Ureda za ravnopravnost spolova

Vlade Republike Hrvatske i Gradske skupštine Grada Zagreba

18. listopada 2012. Gradska skupština Grada Zagreba, Ćirilometodska 5,
Zagreb

Regional Conference

WOMEN IN PEACEBUILDING: ACCESS TO JUSTICE OF WOMEN IN POST-CONFLICT COUNTRIES

The Regional Women's Lobby for Peace, Security and Justice in
Southeast Europe

Under auspices of the

President of the Republic of Croatia, Ivo Josipović, Ph.D

With the support of UN Women, Office for Gender Equality of the

Government of the Republic of Croatia and the City Assembly of Zagreb

18 th October 2012, City Assembly of Zagreb, Ćirilometodska 5, Zagreb

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UVOD

U Zagrebu je krajem 2012. godine, u organizaciji Regionalnoga ženskoga lobija za mir, sigurnost i pravdu u Jugoistočnoj Europi, a na poticaj hrvatskih članica Gordane Sobol i Morane Paliković Gruden, održana treća strateška Regionalna konferencija pod nazivom „Žene u izgradnji mira: pristupanje pravosuđu žena u postkonfliktnim zemljama“. Konferencija je održana pod pokroviteljstvom predsjednika Republike Hrvatske prof.dr.sc. Ive Josipovića, uz potporu Pod-regionalnog ureda za Središnju i Jugoistočnu Europu tijela Ujedinjenih naroda – UN Women, Ureda za ravnopravnost spolova Vlade Republike Hrvatske i Gradske skupštine Grada Zagreba. Regionalni ženski lobi (www.rwlsee.org) osnovan je 2006. godine u Zagrebu s ciljem zagovaranja prava i osnaživanja žena u procesima odlučivanja, mira, demokracije, sigurnosti i pravde sukladno Rezoluciji 1325 Vijeća sigurnosti Ujedinjenih naroda o ženama, miru i sigurnosti. Njegove su članice istaknute političarke i aktivistice nevladinih udruga iz Hrvatske, Srbije, Bosne i Hercegovine, Makedonije, Crne Gore, Albanije i Kosova. Donošenje Rezolucije 1325 2000. godine, koja se često tumači i kao široki politički okvir za unaprjeđenje položaja žena, za NATO je povijesni događaj s obzirom da označava prvo formalno prepoznavanje međunarodne zajednice utjecaja oružanih sukoba na žene i istovremeno doprinosi koje žene mogu dati u izgradnji i konsolidaciji mira. Vijeće sigurnosti UN-a u Rezoluciji poziva sve države članice na donošenje mjera za osiguravanje veće zastupljenosti žena na svim razinama donošenja odluka u rješavanju sukoba i mirovnim procesima, mjere za poštivanje ljudskih prava žena i djevojčica i njihovu zaštitu od rodno utemeljenog nasilja. Veliki značaj Rezolucije 1325 vidim upravo u rezolutnosti kojom izražava spremnost da se rodna perspektiva uključi u mirovne operacije i mjere za izgradnju mira. Ona također vrlo jasno traži kažnjavanje onih koji su odgovorni za silovanja i druge oblike seksualnog nasilja i isključivanje tih zločina iz odredaba o amnestiji. Sve su to pitanja s kojima su se suočavale i s kojima se još uvijek bolno suočavaju zemlje u regiji i o kojima se raspravljalo i na ovoj Konferenciji. Dodana je vrijednost i to što su na Konferenciji sudjelovali, uz članice Regionalnoga ženskoga lobija, i predstavnici/ce zakonodavne i izvršne vlasti s obzirom da je za potpunu implementaciju Rezolucije 1325 preostalo još puno izazova. Do sada su 43 države usvojile nacionalni akcijski plan za primjenu Rezolucije 1325 <http://peacewomen.org/naps/list-of-naps>. U srpnju 2011. godine Vlada Republike Hrvatske donijela je Nacionalni akcijski plan za provedbu rezolucije Vijeća sigurnosti UN-a 1325 (2000) o položaju žena, miru i sigurnosti i srodnih rezolucija za razdoblje 2011. - 2014. (http://www.ured-ravnopravnost.hr/site/preuzimanje/dokumenti/nac_strat/nap-za-1325.pdf). On sadrži jasno definirane ciljeve i mjere unutar tri ključna područja vezanih uz prevenciju, participaciju te zaštitu i postkonfliktni oporavak za čiju su provedbu nadležni uglavnom Ministarstvo obrane, Ministarstvo unutarnjih poslova i Ministarstvo vanjskih poslova. Najava donošenja dugo očekivanog Zakona o pravima žrtava seksualnog nasilja u Domovinskom ratu, koji bi prema riječima ministra Predraga Matića trebao moralno i materijalno obeštetiti žrtve silovanja kao ratnog

zločina jedan je od važnih koraka ne samo u provedbi Rezolucije 1325 već i u provedbi tzv. srodnih rezolucija: Rezolucije 1820 (2008) o uklanjanju spolno utemeljenih nasilja u oružanim sukobima, Rezolucije 1888 (2009) o borbi protiv seksualnog nasilja nad ženama i djecom u oružanim sukobima i Rezolucije 1889 (2009) o ulozi žena i njihovim potrebama u izgradnji mira nakon oružanih sukoba. Republika Hrvatska također je pozdravila i nedavno donošenje najnovije Rezolucije 2106 (2013) Vijeća sigurnosti o jačanju prevencije i procesuiranje seksualnog nasilja vezanog uz ratne sukobe. Vijeće sigurnosti pri tome je navelo da će 2015. godine organizirati sastanak na visokoj razini o provedbi Rezolucije 1325 i izrazilo zabrinutost da će bez ozbiljnog pomaka u provedbi rezolucije, žene i dalje ostati nedovoljno zastupljene u sprječavanju i rješavanju sukoba.

Prilog i potpora Ureda za ravnopravnost spolova aktivnostima koje provodi Regionalni ženski lobi, kao i primjeni i promicanju načela koja sadrži Rezolucija 1325 tiskanje je i ovog Zbornika radova koji sadrži, uz pozdravne govore, izlaganja svih sudionika i sudionica konferencije u okviru četiri panela: Europske politike kao prilika za regiju, Naučene lekcije i razmjena iskustava u implementaciji Rezolucije 1325 u zemljama Jugoistočne Europe, Korupcija i kriminal – faktori nesigurnosti u regiji i prijetnja miru i Pristupanje pravosuđu za preživjele žene žrtve seksualnog nasilja u ratu. Smatramo da će promocija i distribucija ovog Zbornika radova, u Hrvatskoj i u zemljama regije, doprinijeti ne samo budućoj suradnji i razmjeni iskustava već i osnaživanju provedbe nacionalnih akcijskih planova, povećanju vidljivosti značaja Rezolucije 1325 i srodnih rezolucija pa samim time i sinergiji različitih strateških planova za uspostavljanje ravnopravnosti spolova.

Urednica
Helena Štimac Radin,
Ravnateljica Ureda za ravnopravnost spolova
Vlade Republike Hrvatske

ZBORNİK RADOVA S REGIONALNE KONFERENCIJE
REGIONALNOGA ŽENSKOGA LOBIJA ZA MIR, SIGURNOST I PRAVDU U
JUGOISTOČNOJ EUROPI

„ŽENE U IZGRADNJI MIRA: PRISTUPANJE ŽENA PRAVOSUĐU U
POSTKONFLIKTNIM ZEMLJAMA“,

Zagreb, 18.10.2012.

POZDRAVNI GOVORI

Davor Bernardić, predsjednik Gradske skupštine Grada Zagreba, Hrvatska

Poštovani gospodine Ivo Josipoviću, predsjedniče Republike Hrvatske, poštovana gospođo Milanka Opačić, potpredsjednice Vlade Republike Hrvatske i ministrice socijalne politike i mladih, poštovane ministrice i ministri Republike Hrvatske i iz inozemstva, poštovana gospođo Louisa Vinton, stalna predstavnice Programa Ujedinjenih naroda za razvoj u Republici Hrvatskoj, poštovana gospođo Erika Kvapilova, regionalna direktorice za pitanje žena Ujedinjenih naroda, poštovana gospođo Edita Tahiri, predsjedavajuća Regionalnoga ženskoga lobija za mir, sigurnost i pravdu u Jugoistočnoj Europi, poštovana gospođo Gordana Sobol, članice Upravnog odbora Regionalnog ženskog lobija za mir, sigurnost i pravdu u Jugoistočnoj Europi, poštovane organizatorice i organizatori Regionalne konferencije Žene u izgradnji mira: pristupanje pravosuđu za žene u postkonfliktnim zemljama, poštovane sudionice i sudionici Konferencije iz Republike Hrvatske i iz inozemstva, gospođe i gospodo

Srdačno vas pozdravljam s dobrodošlicom – u ime Gradske skupštine Grada Zagreba i svoje osobno i zahvaljujem na pozivu uvaženim organizatoricama. Ratni i poratni period u kojem su se događale mnoge negativne pojave čije su žrtve uglavnom bile žene, stvorio je potrebu osnivanja Regionalnoga ženskoga lobija (dalje: RŽL) koji okuplja političarke i aktivistice iz zemalja u regiji. Njihov rad usmjeren je na povećanje sigurnosti, promicanje ženskih prava, sudjelovanje u procesima donošenja odluka i nadilaženje ograničenja etnocentričkih politika. Ciljevi ženskog lobija, osnaživanje mira, demokracije, sigurnosti i pravde u Jugoistočnoj Europi, posebno osnaživanje žena za provedbu Rezolucije Vijeća sigurnosti Ujedinjenih naroda 1325* (dalje: Rezolucija 1325), ciljevi su bliski socijaldemokratskim uvjerenjima i temelje se na socijaldemokratskim idejama. Početak realizacije ideje o osnivanju RŽL bio je težak, ali me raduje činjenica da su tu ideju među prvima podržale upravo političarke i aktivistice iz Hrvatske. One su uvijek u svojim međunarodnim istupima pokazivale visoku osviještenost i

* (Nap.ur.) Riječ je o Rezoluciji Vijeća sigurnosti UN-a 1325 (2000) o ženama, miru i sigurnosti i srodnih rezolucija.

angažiranost u procesima zagovaranja rodne ravnopravnosti, zaštite ljudskih prava, zaštite ženskih prava, te u svakom trenutku zagovaraju podizanje svijesti o svim oblicima diskriminacije koje žene na ovim područjima proživljavaju. Vjerujem da smo danas svi svjesni marginalizacije žena u procesu donošenja odluka o miru i sigurnosti u regiji, ponajviše zbog povratka tradicionalnih vrijednosti u sferi politike koje ugrožavaju ženska prava. Stoga pozdravljamo aktivnosti RŽL usmjerene na jačanje kapaciteta onih koji zagovaraju ravnopravnost spolova, uključuju mlade i nacionalne manjine. Sve su to ideje bliske socijaldemokratskoj opciji, to su ciljevi za koje se mi posebno zalažemo u svojim politikama. Grad Zagreb podržava sve inicijative i napore udruga koje se bave problemima rodne ravnopravnosti, kao i sve udruge koje se zalažu za ispravljanje negativnih trendova u društvu. Zagreb, kao centar političkog odlučivanja u Hrvatskoj, osjetljiv je na apele ženskih udruga koje kontinuirano promiču rodnu ravnopravnost i snažno podupiru interesno okupljanje žena. Zato vam s posebnim zadovoljstvom izražavam dobrodošlicu i osobita mi je čast što ste Staru gradsku vijećnicu, sjedište Gradske skupštine Grada Zagreba, gdje se provodi parlamentarno odlučivanje za Grad Zagreb, danas odabrali za mjesto gdje ćete kao ugledne stručnjakinje – i ugledni stručnjaci – raspraviti o tako važnoj i izazovnoj temi. Usredotočenost na ulogu žene u izgradnji održivog mira, sigurnosti i pravde u Jugoistočnoj Europi iznimno je važna. Svijest o tome moramo podizati u okviru vlada, sudstva, civilnog društva, regionalnih i međunarodnih organizacija. Pristupanje pravosuđu je temeljno ljudsko i demokratsko pravo, koje predstavlja temelj slobodnog društva i jednakosti. Pravda je rodno neutralna, i nužno je osigurati jednak pristup pravdi za žene i muškarce u cijeloj regiji, ali i šire. Žene su bitne i nužne u ostvarivanju svih demokratskih procesa i vaša uloga u oblikovanju svih društvenih zbivanja mora ojačati, u čemu imate podršku i nas, vaših kolega. Stoga još jednom pozdravljam sve inicijatore ovoga skupa, pozdravljam ideje i ciljeve koji će biti predstavljeni na ovom skupu te pozivam na suradnju, kolegijalnost i ravnopravno partnerstvo. Bit ćemo vam podrška i zajedno s vama učinit ćemo sve da bi se plemeniti i pravedni ciljevi ostvarili. Sve to u svrhu stvaranja boljeg, humanijeg, pravednijeg društva, društva 21. stoljeća kakvo želimo.

Gordana Sobol, članica Upravnog odbora Regionalnoga ženskoga lobija i zastupnica u Hrvatskom saboru, Hrvatska

Poštovane dame i gospodo, dobro došli na Regionalnu konferenciju „Žene u izgradnji mira: pristupanje pravosuđu za žene u postkonfliktnim zemljama“ u organizaciji Regionalnoga ženskoga lobija za mir, sigurnost i pravdu u Jugoistočnoj Europi. Pozdravljam predsjednika Republike Hrvatske, prof. Ivu Josipovića, zamjenicu predsjednika Vlade Republike Makedonije za europska pitanja gđu Teutu Arifi, potpredsjednicu Vlade Kosova za vanjsku politiku i nacionalnu sigurnost gđu Editu Tahiri, potpredsjednicu Vlade Republike Hrvatske gđu Milanku Opačić, potpredsjednika Vlade Republike Hrvatske g. Nevena Mimicu, ministricu i ministre iz inozemstva i iz Hrvatske, predsjednika Gradske skupštine Grada Zagreba g. Davora Bernardića, članove i

članice diplomatskog zbora i zastupnike i zastupnice u Hrvatskom saboru, koordinatoricu UN i stalnu predstavnicu UNDP u Republici Hrvatskoj Louisu Vinton, ministricu Rehn, zamjenike/ce ministara/ica, potpredsjednicu Gradske skupštine, pomoćnike/ice ministara, pravobraniteljicu za ravnopravnost spolova, ravnateljicu Vladinog ureda za ravnopravnost spolova, zamjenica ravnatelja USKOK-a, članove/ice Odbora za ravnopravnost spolova, koordinate/ice za ravnopravnost spolova, predstavnike/ce civilnog društva, članove/ice RŽL, organizacije civilnog društva i medije

Zahvaljujem svima prisutnima na dolasku jer ste samim dolaskom dali podršku naporima koje svi zajedno ulažemo u izgradnju trajnog mira i sigurnosti u regiji kroz suradnju, dijalog i istinsko poštovanje punog opsega ženskih ljudskih prava.

Kao što sam već naglasila, današnju konferenciju organizira Regionalni ženski lobi za mir, sigurnost i pravdu u Jugoistočnoj Europi koji okuplja liderice iz vlada, parlamenata i nevladinih organizacija iz Albanije, Bosne i Hercegovine, Hrvatske, Kosova, Makedonije, Crne Gore i Srbije.

Osnovan 2006. godine u Zagrebu, bio je odgovor na rastuću svijest o marginalizaciji žena u procesima donošenja odluka o miru i sigurnosti u regiji i kao odgovor na zabrinutost zbog razine sigurnosti i stabilnosti u regiji i povratka tradicionalnih vrijednosti u sferi politike, koje ugrožavaju ženska prava.

Konferencijom želimo, kroz dijalog, identificirati još uvijek postojeće prepreke pristupu pravosuđu za žene regije, želimo naglasiti važnost sudjelovanja i potpore i regionalne suradnje liderica, žena iz zakonodavne vlasti, kreatorica politika i relevantnih vladinih institucija.

Raspravljat ćemo o političkoj i sigurnosnoj situaciji iz ženske perspektive, kako bismo fokus najvažnijih aktera u regiji usmjerili na uspješnu implementaciju Rezolucije 1325, posebice kada govorimo o analizi doprinosa žena miru i sigurnosti i političkoj participaciji i rodnom paritetu u procesu donošenja političkih odluka na svim razinama, ali i procesu europskih integracija u regiji, u kontekstu primjene Rezolucije 1325 i preuzetih obveza. I konačno, ali ne manje važno, prvi put govorit ćemo i o pristupanju pravosuđu žena koje su doživjele seksualno nasilje tijekom i nakon oružanih sukoba u regiji. Iskreno vjerujući da ćemo ovom Konferencijom pružiti i priliku stjecanja uvida u napredak koji su ostvarile žene u društvima koja prolaze procese promjena diljem naše regije, još jednom vas srdačno pozdravljam i želim svima nama uspješan rad.

Edita Tahiri, predsjednica Regionalnoga ženskog lobija i potpredsjednica Vlade Republike Kosovo za vanjsku politiku i nacionalnu sigurnost, Kosovo

Poštovani predsjedniče Republike Hrvatske, dr. Ivo Josipoviću, poštovani sudionici, članovi Regionalnoga ženskoga lobija za Jugoistočnu Europu i članovi Savjetodavnog odbora, poštovani predstavnici vlada, potpredsjednici vlada, ministri, zastupnici u parlamentima, čelnici Skupštine Grada Zagreba, poštovana Elizabeth Rehn, predstavnici međunarodnih organizacija i civilnog društva, dame i gospodo

Zadovoljstvo mi je pozdraviti vas sve u ime RŽL i zaželjeti vam produktivan i ugodan rad na Konferenciji. Dopustite mi da vas pozdravim te izrazim podršku uspjehu Konferencije i u ime Vlade Republike Kosovo. Sigurna sam da ćemo danas, u prekrasnom gradu Zagrebu, potaknuti inspirativnu raspravu i zamisli za unaprjeđenje uloge žena u procesima odlučivanja, izgradnje mira, dobre vladavine, pristupa pravosuđu i europskih integracija. Želim izraziti i našu iskrenu zahvalnost predsjedniku Josipoviću za njegovo vizionarsko vodstvo u davanju podrške osnaživanju žena. Zaista je velika čast za nas, što se ova Međunarodna konferencija održava pod pokroviteljstvom predsjednika Republike Hrvatske. Hvala Vam, gospodine Predsjedniče. Zahvaljujemo Vladi Republike Hrvatske, Uredu za ravnopravnost spolova i Gradskoj skupštini Grada Zagreba, koji su pružili dragocjenu podršku ovoj Konferenciji.

Želim zahvaliti i tijelu Ujedinjenih naroda za ravnopravnost spolova i osnaživanje žena (dalje: UN Women), koje je naš glavni partner i suputnik na putu od samog osnutka RŽL, kao i svima ostalima koji nam pružaju podršku. Možda mnogi od vas ne znaju da je RŽL posebno emotivno vezan za Grad Zagreb. Zagreb je grad u kojem je naš lobi nastao 2006. godine. Stvorila ga je skupina eminentnih političarki i predstavnicu civilnog društva iz sedam zemalja: Hrvatske, Kosova, Srbije, Albanije, Bosne i Hercegovine, Crne Gore i Makedonije. A mogu li iskoristiti ovu priliku te zamoliti predsjednika Gradske skupštine Grada Zagreba, gospodina Davora Bernardića, da naš lobi uključi u stranice povijesti grada Zagreba? Sigurna sam da to zaslužujemo.

Poštovani sudionici, RŽL je regionalna organizacija koju su osnovale hrabre vizionarke koje su odlučile raditi zajedno za bolju budućnost naše regije i naših zemalja. To nije bila lagana odluka, imajući na umu ratove i tragedije koje su obilježile našu prošlost. I dok se svi slažu da se prošlost ne može promijeniti, ali ni zaboraviti, mi snažno vjerujemo da je budućnost moguće oblikovati na način koji svima može biti od koristi. Ujedinile smo se s vizijom da damo svoj doprinos trajnome miru, sigurnosti, pravdi i pomirenju u regiji gdje žene moraju igrati ključnu ulogu. Opredijelile smo se za jačanje demokracije, vladavine prava i gospodarstva te za ubrzanje europskih integracija svih zemalja u regiji. RŽL smatra da su demokracija i pravda kameni temeljci za izgradnju mira. Smatramo da je demokracija nešto što se tiče kako nas tako i svih ostalih, što znači jednake mogućnosti za sve. RŽL smatra da istinska demokracija ne može postojati bez ravnopravnog sudjelovanja žena u procesima odlučivanja u svim područjima života. Žene predstavljaju stratešku vrijednost za nove paradigme

razvoja i demokracije diljem svijeta. Žene čine 50 posto ljudskog kapitala, dakle, one su čimbenik demokratskih promjena. Međutim, njihov potencijal za vodstvo treba osloboditi te ukloniti prepreke koje im stoje na putu.

Tu nastupa RŽL. Mi radimo na osnaživanju žena i lobiramo kako bismo dobili opću podršku za svoj rad. Mislimo da je došlo vrijeme da se pravna podrška pretvori u istinsku podršku ženama. Dvanaest godina nakon donošenja Rezolucije 1325 i daljnjih rezolucija, napredak vezan za položaj žena i dalje ne zadovoljava. Žene mogu ponuditi nove vrijednosti na području vodstva i dobre vladavine. Žensko vodstvo je pokazalo da je posvećeno javnom interesu – a to je ono što trebamo, višoj razini etičnosti u vladanju za demokratskiji i bolji gospodarski napredak zemalja. Osnaživanje žena je pitanje pravde i pravednog društva. To je pitanje pomirenja ravnoteže moći među oba spola. Radi se o pitanju nove kulture rodne ravnoteže u kojoj moć nije isključivo u rukama jednog spola.

Kada govorimo o pomirenju, smatramo da taj pojam čak i više vrijedi za našu regiju burne prošlosti. RŽL promiče pomirenje temeljeno na pravdi. Pravdi koja svim državama i narodima ove regije omogućuje da žive jedni uz druge u miru, u duhu međusobnog poštovanja i priznanja, dijaloga i suradnje. To nesporno zahtijeva napuštanje starih politika i prihvaćanje europskih vrijednosti. Pravda za žene žrtve rata je ključna sastavnica pomirenja. Prošlo je mnogo godina od kraja rata, a ipak stotine žena još uvijek žive s posljedicama svojih stradanja. Ne postoji primjerena pravda za žene koje su preživjele silovanje tijekom rata: u međuvremenu većina počinitelja nije kažnjena. RŽL poziva na pravdu u vezi s tim tragičnim pitanjem, kao i na pristup pravdi za žene općenito. Pravedna, mirna i stabilna regija je naš cilj.

U ovih šest godina postojanja, RŽL se afirmirao kao ključan glas žena u regiji. Proaktivan je u smislu bavljenja kritičnim pitanjima u regiji i davanja preporuka, kao i u smislu lobiranja kroz sastanke s visokim dužnosnicima na nacionalnoj i međunarodnoj razini, organiziranjem međunarodnih konferencija i sudjelovanjem u međuetničkom dijalogu i širokoj lepezi drugih aktivnosti. Potpuno smo uvjereni da će ova Međunarodna konferencija pridonijeti obogaćivanju našeg rada za bolju budućnost za sve. Hvala vam.

Louisa Vinton, koordinatorica UN-a i stalna predstavnica UNDP-a u Republici Hrvatskoj

U ime obitelji Ujedinjenih naroda (dalje: UN) u Hrvatskoj veliko mi je zadovoljstvo i istinska čast zaželjeti dobrodošlicu ovoj istaknutoj skupini žena na vodećim položajima i aktivisticama iz cijele Jugoistočne Europe. Na samom početku željela bih prenijeti tople pozdrave Erike Kvalipove, direktorice regionalnog programa UN Women za regiju. UN Women tijelo je UN-a čiji je zadatak promicati ravnopravnost spolova i jedan je od pokrovitelja ove Konferencije. Erika se zaista nadala da će moći biti ovdje, ali su je, nažalost, u tome spriječili drugi hitni poslovi. Sustav UN-a ponosi se što može, putem

svog tijela UN Women, pružati dugoročnu podršku RŽL. Mi to vidimo kao platformu koja utjelovljuje i glasno prenosi poruku da su jednakost žena i sigurnost opća prava koja nadilaze nacionalne i regionalne podjele. To su i ključne vrijednosti UN-a – nešto što je glavni tajnik Ban Ki-moon energično i poletno naglasio tijekom svojeg posjeta Hrvatskoj u srpnju ove godine.

Kako UN tako i RŽL našli su snažnog saveznika u predsjedniku Josipoviću, koji je prošle godine imenovan u Svjetsku mrežu utjecajnih muškaraca u borbi protiv nasilja nad ženama, koju je pokrenuo glavni tajnik UN-a. Dopustite mi da iskoristim ovu priliku kako bih zahvalila Predsjedniku na dosljednom vodstvu i podršci pitanju ravnopravnosti spolova. Provedemo li inventuru pitanja kojima se bavi ovaj skup, dobit ćemo vrlo mješovitu sliku. S jedne strane, pitanje ravnopravnosti spolova gotovo je općeprihvaćeno u strategijama, politikama, zakonima i ustavima u cijeloj regiji. Ta normativna korektnost mogla bi javnost navesti da zaključi kako su naši problemi riješeni, pa čak da se zapita: „Pa što još te žene hoće?“ S druge strane, međutim, stvarnost svakodnevnice pruža nebrojene dokaze da je stavove i ponašanja mnogo teže promijeniti nego propise. Na primjer, u Hrvatskoj je na izborima u prosincu zabilježen mali pad broja žena izabranih za zastupnice u Saboru. Razina obiteljskog nasilja ostaje zabrinjavajuće visoka, s oko 20.000 policiji prijavljenih slučajeva godišnje u posljednjem desetljeću, a vjeruje se da njegove posljedice osjeća čak svaka treća obitelj. Što je najtužnije, do sada je ove godine sedam žena ubijeno od ruke svojih partnera. Na ovom je skupu da upozori na takve izazove koji još uvijek stoje na putu ravnopravnosti spolova te da ukaže na moguća rješenja.

Pitanje koje je prioritetno na dnevnom redu UN-a ovdje u Hrvatskoj jest neugodan položaj onih koji su preživjeli seksualno nasilje tijekom rata. To je pitanje predugo ostalo zataškano – u velikom neskladu s poštovanjem i podrškom koja se pruža braniteljima.

Nakon 20 godina uzaludnog čekanja na pravdu, Hrvatice koje su preživjele seksualno nasilje okupile su se kako bi zajedno potražile priznanje i podršku koju zaslužuju. Program za razvoj Ujedinjenih naroda (dalje: UNDP) sada surađuje s Ministarstvom za socijalnu politiku i mlade, Ministarstvom branitelja i mnogim drugim partnerima kako bi pokušali riješiti te potrebe, a nadamo se da će nam se UN Women pridružiti u toj važnoj inicijativi.

Pružna nam se nova prilika kako bismo se pozabavili pitanjima mira, sigurnosti, pravde i ravnopravnosti spolova tijekom predstojećeg posjeta Jugoistočnoj Europi posebne izjaviteljice Ujedinjenih naroda za nasilje nad ženama, njegove uzroke i posljedice, Rashide Manjoo. Zadovoljstvo mi je ovdje najaviti da će od 7. do 16. studenog posebna izjaviteljica biti u posjetu Hrvatskoj u misiji prikupljanja podataka, a znam da se gđa Manjoo raduje što će čuti vaša mišljenja.

Imate snažne glasove, tako da računamo na vas da ćete nastaviti glasno zagovarati vodstvo žena u potrazi za mirom i prosperitetom u Jugoistočnoj Europi. Budite sigurni da će UN cijelim putem biti uz vas.

Milanka Opačić, potpredsjednica Vlade Republike Hrvatske i ministrica socijalne politike i mladih, Hrvatska

Poštovani gospodine predsjedniče Republike Hrvatske, uvaženi gosti i sudionici Konferencije

Iznimna mi je čast što imam priliku sudjelovati na skupu koji je u fokus svog rada istaknuo temu nerijetko podcijenjenju, a istovremeno temu koja zalazi u pitanja osnovnih civilizacijskih vrijednosti društva. Pitanja diskriminacije bilo koje vrste, pitanja su koja se moraju rješavati prema kriteriju nulte tolerancije. U 21. stoljeću, u dobu modernih demokracija, svemirske tehnologije, ne bi trebalo biti mjesta razgovorima o važnosti participiranja žena u procesima donošenja odluka od značaja za društvo. Pitanje jednakosti bi trebalo biti apsolvirana tema i samo još jedan komadić u velikom mozaiku modernog društva. No, nažalost, nije tako. Dok s jedne strane radimo velike korake u razvoju civilizacije i primamo prve snimke s površine Marsa, skaćemo sa 39 kilometara visine i probijamo zvučni zid slobodnim padom, s druge strane kao društvo nismo dovoljno svjesni da žene, samo zbog činjenice da su žene, ne mogu na jednak način kao muškarci ostvariti svoja osnovna građanska prava. Možemo li uopće danas govoriti o modernoj i istinskoj demokraciji ako u donošenju odluka ne sudjeluje 50 posto stanovništva, odnosno 50 posto suverena? Demokracija kao reprezentativni oblik vladanja naroda ne može opravdati svoj smisao bez prave reprezentativnosti.

Pitanje pristupanja pravosuđu u postkonfliktnim zemljama postavljeno je kao legitimna prepreka oko koje se moraju dogovoriti modeli koji će jamčiti pristup pravdi za žene. To jest i trebala bi biti stvar opće logike i kulture, civilizacijske vrijednosti i opće prihvaćenog konsenzusa. I upravo je ostvarivanje tog konsenzusa, podizanje svijesti da smo ipak još daleko od tog modernog društva o kojem toliko govorimo, cilj ovakvih inicijativa koje promiče RŽL za mir, sigurnost i pravdu. Prvi korak u rješavanju problema jest upravo njegova spoznaja i stoga je neprocjenjiva vrijednost, trud i entuzijazam članica RŽL.

Sam popis sudionika ove Konferencije i institucija koje oni predstavljaju veliko je ohrabrenje jer pokazuje spremnost društva da se u svim segmentima suoči s problemima, da anticipira mogućnosti u njihovu rješavanju, da kroz uvažavanje ženske dimenzije u pitanjima pravosuđa, korupcije, procesima izgradnje mira, doda novu vrijednost i kvalitetu rješavanja aktualnih društvenih problema.

Ti problemi sežu od podzastupljenosti žena u politici na lokalnoj, ali i nacionalnoj razini, pa do nezavidnog položaja žena na tržištu rada, gdje ih potencijalni poslodavci nerijetko percipiraju kao financijski trošak.

U pitanju obiteljskog nasilja također smo svjesni društvenog paradoksa po kojem umjesto uklanjanja nasilnika iz obitelji, mi uklanjamo žrtve. Iako ih smještanjem u skloništa za žrtve nasilja mi kao društvo možemo zaštititi od daljnjeg neposrednog zlostavljanja, time su zapravo žrtve izdvojene iz svakodnevnog normalnog života i izolirane od društva. Takav model reakcije društva ne ostavlja nikakve posljedice na zlostavljače jer se život u svojoj rutini za njih nimalo ne mijenja. Mi kao društvo možemo i moramo bolje reagirati.

Ovo su samo neke od tema koje oslikavaju aktualne probleme prava žena i koje treba konstantno održavati u fokusu javnosti. Upravo zato izražavam velik optimizam u pogledu uspjeha ove Konferencije zbog hrabro postavljenih tema panel rasprava. Jedna od njih je pristupanje pravosuđu za preživjele žene žrtve seksualnog nasilja u ratu i implikacije. Iznimno mi je drago da smo dosad nažalost „zaboravljenu“ temu u hrvatskom društvu ponovno aktualizirali i bez obzira na osjetljivost i kompleksnost pitanja odlučili otvoriti pitanja, pronaći rješenja za više od 3000 žena koje su tijekom Domovinskog rata bile zatvarane i mučene u logorima.

Upravo iz tih razloga želim izraziti svoju podršku ostvarivanju ciljeva Konferencije u identificiranju ključnih prepreka i izazova s kojim se susreću žene u nastojanjima da dosegnu pravedno i učinkovito pristupanje pravosuđu u svojim zemljama i regiji. Možda rezultati ove Konferencije neće probiti zvučni zid i možda se slike s Konferencije neće objavljivati toliko kao slike s Marsa, ali nadam se argumentiranoj i plodonosnoj raspravi i rješenjima koja će probiti zid nesvjesnosti velikih i dalekosežnih izazova pred nama u stvaranju modernog društva. Hvala.

Ivo Josipović, predsjednik Republike Hrvatske

Poštovane sudionice i sudionici Konferencije, drage gošće, visoke dužnosnice i dužnosnici, prijateljice i prijatelji

Tema koju ste odabrali za predmet svoje Konferencije iznimno je važna. Pristup žena pravosuđu, kao zadnjoj instanci zaštite njihovih prava, dio je konglomerata ostalih brojnih problema s kojima se žene suočavaju u suvremenom društvu.

Sam naslov Konferencije bi možda sugerirao da ćemo se koncentrirati na pravosuđe, na ratne žrtve, na silovanja, ubojstva, mučenja i pristup žena pravosuđu u takvim slučajevima. Međutim, već smo u uvodnim izlaganjima prepoznali da je problem i dublji od samog pristupa pravosuđu. Nedovoljan pristup žena pravosuđu proizlazi iz općeg lošeg položaja žena u društvu.

Mir, sigurnost i pravda su vrijednosti u koje svi duboko vjerujemo i nadamo se da će naše zemlje na jugoistoku Europe afirmirati upravo te vrijednosti i da se strahote koje su se događale devedesetih više nikada neće ponoviti.

Rezolucija 1325 je puna dobrih namjera. Nažalost, ostvarenje tih dobrih ideja i dobrih namjera nije uvijek na onoj razini kakvu bismo željeli. I zaista, kada govorimo o pravima i položaju žena, gotovo da i nema teme u suvremenom društvu o kojoj postoji takav raskorak između normativnog i stvarnog. To se već na prvi pogled vidi iz podataka o pozicijama, profesionalnim, političkim, općedruštvenim, koje zauzimaju žene. Tu je disproporcija između normativnog i stvarnog zaista ozbiljna.

Krenimo po područjima, najprije od politike. U Hrvatskom saboru, a pretpostavljam i u zemljama jugoistoka Europe, pa i ne samo jugoistoka nego i cijele Europe, postoji disproporcija između muškaraca i žena. U sadašnjem sazivu Sabora čak je došlo do pada udjela žena u Saboru, sa skromnih 22 posto na tek nešto više od 19 posto. U Vladi

imamo samo 20 posto žena i možemo konstatirati da, bez obzira na to što imamo i potpredsjednice Vlade i Sabora, što smo imali i predsjednicu Vlade, gospođu Kosor, položaj žena u politici nije onakav kakav bi trebao biti. Stanje na lokalnoj razini je još puno nepovoljnije.

U gospodarstvu je svega oko dva posto žena među vodećim menadžerima. U mnogim se analizama ističe da su u onim tvrtkama u kojima su žene vodeće menadžerice rezultati vidljivo bolji, iznadprosječni, a negdje i vrhunski. Možda to ne govori toliko o tome da su žene načelno bolje menadžerice, smatram da su muški i ženski potencijali jednaki, koliko o činjenici da samo najuspješnije žene dolaze na vodeće pozicije, pozicije koje inače dobivaju i osjetno manje kvalitetni menadžerimuškarci.

Kada govorimo o tržištu rada, tu su podaci zaista zabrinjavajući. Iako žene čine više od 60 posto udjela među diplomiranim, oko 56 posto među magistrima znanosti, 51 posto među doktorima znanosti, nažalost, žene čine i 60 posto radno neaktivnog stanovništva.

Slična je situacija i u obrazovnom sustavu i u medijima. Možda se ne možemo požaliti da na sveučilištima nema dovoljno žena među profesorima, ali i na tim područjima se i dalje podržava stereotip žene kao osobe koja je vezana uz kuću, koja se ne afirmira u javnosti. Prolistajte novine ili pogledajte televizijske emisije, vidjet ćete kako se žene prate tek kao objekti određenih priredbi na način koji ne afirmira ravnopravnost žena. To je pogrešno.

Ako pogledamo neke tradicionalno muške profesije, poput službe u oružanim snagama, vidjet ćemo vrlo sličnu situaciju. Kao vrhovni zapovjednik Oružanih snaga mogu reći da, uz sva nastojanja, nije postignuta odgovarajuća zastupljenost žena među najviše pozicioniranim kadrom. Uvijek ističem primjer naše časnice koja je služila u Afganistanu. Kada sam posjetio Afganistan i susreo zapovjednika savezničkih snaga u Afganistanu, prvo što mi je rekao nakon što smo se upoznali, bila je pohvala toj časnici. Sjetio se njena imena i rekao kako je ona jedna od najboljih časnika u Afganistanu uopće i pohvalio je. Bio sam, naravno, vrlo ponosan, i zato što je riječ o pripadnici hrvatskih Oružanih snaga, i zato što je riječ o ženi. Unatoč tome, na najvišim mjestima u vojsci nismo postigli proporcionalnu zastupljenost žena.

Sada dolazimo i do glavne teme ovoga skupa, a to je pravosuđe i pristup pravosuđu. Možemo govoriti o dva segmenta problema.

U prvom segmentu radi se o ratu i o posljedicama rata, a u drugom segmentu je riječ o funkcioniranju društva i o onome što se u njemu događa u odnosu na žene. Naravno, kada govorimo o ratu onda je riječ o ratnim zločinima i ženi kao žrtvi zločina, s jedne strane, te o ženama kao civilnim žrtvama rata s druge. Kada je riječ o pravosuđu u općim pitanjima, onda se to prije svega odnosi na nasilje u obitelji i procesuiranje nasilja u obitelji, ali i o pristupu pravosuđu u nekim drugim situacijama kada treba zaštititi ljudska prava žena.

Krenimo od rata. Rat je bio strašan i puno je ljudi stradalo. Ostali su ožiljci koji su neizbrisivi. Naša je zadaća da gradimo mir i da ono što se dogodilo za vrijeme

rata oprostimo, ali ne zaboravimo. Dio oprosta i dio pomirenja je sasvim sigurno pravda, kažnjavanje zločina. Nažalost, ovdje na jugoistoku Europe smo prednjačili i u inventivnosti zločina. Po prvi put je prepoznat jedan nov oblik zločina, to je prisilna trudnoća. Dakle, uz silovanje, koje je nažalost pratilo više-manje sve ratove, imamo i slučajeve koji su prepoznati kao nov oblik zločina, prisilna trudnoća.

Uloga Međunarodnog kaznenog suda za bivšu Jugoslaviju je nezanemariva na planu prepoznavanja tog zločina, iako možemo reći da ni na tom sudu žene kao žrtve rata nisu prepoznate na zadovoljavajući način. Bilo je slučajeva u kojima je silovanje tretirano kao zaseban zločin, ali je bilo nažalost i puno slučajeva masovnih silovanja koja su ostala izvan predmeta koji su vođeni pred tim sudom. Slično je i pred domaćim pravosuđem.

U nekoliko sam navrata susreo pripadnice udruga koje se bave upravo problematikom silovanja u ratu i one s pravom ističu da najveći broj silovanja koja su se dogodila nisu procesuirana. Razlozi nisu uvijek u nevoljkosti ili u tome što netko možda ne želi procesuirati počinitelje, iako možda ima i toga. Jedan od glavnih razloga leži u tome što pravosuđe nije poduzelo odgovarajuće aktivnosti da se počiniteljima zločin zaista dokaže. Zakazala je struka. Zločin silovanja je specifičan te se specifično istražuje, dokazuje i procesuiraju. Pri tome, obzir prema žrtvi odlučujući je faktor.

Isto tako moram reći da su žene za vrijeme rata činile sve da ratne strahote budu manje i da rat prestane. Sjetimo se samo pokreta žena koje su se borile za to da rat stane, da se zatočenici puste, da se pronađu nestale osobe u svim zemljama jugoistoka Europe. I zaista tu moramo odati priznanje tim udrugama koje su učinile i čine još i danas neizmjerljivo važan posao.

Kada je riječ o zločinima prema civilima, o priznanju statusa civilnih žrtava rata, kada je riječ o kažnjavanju počinitelja zločina silovanja u prvom redu, ali i drugih zločina gdje su ne samo žene, ali i žene, bile žrtve, onda moram reći da unatoč vidljivom napretku koji je učinjen u cijeloj regiji još uvijek ne možemo biti zadovoljni.

Nadam se da će jedna od poruka ovog skupa biti ta da ratni zločin ne zastarijeva, da se ratni zločini ne opraštaju i da uvijek trebaju biti u fokusu pravosuđa.

Kada je riječ o „mirnodopskom“ pristupu pravosuđa, onda u prvom redu govorimo o nasilju u obitelji. Uvodničari su spomenuli neke od ključnih problema kad se radi o zaštiti žrtve. I zaista, vrlo često sustav lošije tretira žrtvu nego počinitelja i to unatoč tome što su danas na snazi bolji i kvalitetniji zakoni nego što su bili prije. Više od tri stotine žena je posljednjih deset godina ubijeno kao dio obiteljskog nasilja.

Prevenција, ali i represija, nužne su i fokus javnosti i pravosuđa prema nasilju u obitelji ne smije se izgubiti. Pravosuđe u kojem u Hrvatskoj, da i to istaknemo, dominiraju žene – i među sucima i među tužiteljima – mora biti osjetljivije. Ali kada kažem da dominiraju žene, onda isto tako moram dodati da vrlo rijetko možete naći ženu predsjednicu suda. Ono što je dobro jest što se i na višim sudovima polako uspostavlja ravnoteža. Čini mi se da je na Vrhovnom sudu gotovo jednak broj žena i muškaraca.

Očito je da tu svijest ne samo kada je riječ o obiteljskom nasilju nego i svijest o potrebi pune ravnopravnosti žena i zaštite njihovih prava treba jačati i u onim institucijama u kojima žene možda brojem dominiraju. Upravo to nam svjedoči o činjenici da predrasude postoje u cijeloj populaciji, a ne samo među muškarcima. Vjerujem da će rezultat ove Konferencije biti barem mali korak naprijed u pomicanju te svijesti i da hrvatsko društvo kao i sva društva u državama Jugoistočne Europe imaju kapacitet da učine više i bolje nego što se to do sada činilo.

Hvala vam na vašim naporima i nadam se da ćete uspješno raditi. Hvala lijepo.

PANEL 1: Europske politike kao prilika za regiju – Ženske uloge u europskom kontekstu

Neven Mimica, potpredsjednik Vlade, Hrvatska

Poštovane dame i gospodo, sudionici Regionalne konferencije o ženama u izgradnji mira i pristupu pravosuđu u postkonfliktnim zemljama

Kao uvodni govornik ovog panela na početku smatram posebno važnim istaknuti kako je regija Jugoistočne Europe u zadnjih 20 godina prošla kroz teška i često bolna iskustva konflikata i tranzicije. Konflikti i tranzicijski procesi imali su veliki i često negativan utjecaj na sve sfere društvenih odnosa, pa tako i na pitanje jačanja rodne ravnopravnosti, koja je i prije tih događanja bila opterećena tradicionalnim obrascima mišljenja i ophođenja o odnosima muškaraca i žena i njihovom položaju u društvu. Iz tog razloga smatram kako položaj i uključenost žena u političke i gospodarske procese pokazuje stupanj demokratske zrelosti jednog društva i njegovu opredijeljenost za ravnopravni tretman žena i muškaraca. Jednakost pred zakonom je pri tome osnova koju su europska i većina društava u svijetu postigla, međutim jačanje ravnopravnog sudjelovanja žena i muškaraca u političkim, javnim i gospodarskim procesima odlučivanja treba biti trajno opredjeljenje društva. Iako je u Hrvatskoj i ostalim zemljama regije postignut veliki napredak u tom procesu, moramo priznati da postoji potreba za dodatnom afirmacijom položaja žena. Tradicionalno mišljenje o ulogama obaju spolova i dalje često utječe i na pojedine osobne odluke o obrazovanju, profesionalnom razvoju, uvjetima rada i zaposlenja, o obitelji i rađanju. To se naravno izravno preslikava i na gospodarstvo, politiku i društvene odnose uopće. U promociji položaja žena potrebna je sinergija državnih institucija i nevladinog sektora koji moraju senzibilizirati društvenu javnost o nesmetanom i tradicijom neopterećenom stvarnom pravu izbora, kako bi se u potpunosti ostvarila ravnopravnost žena i muškaraca kroz različite trenutke života. Državne institucije pri tom osim stvaranja zakonodavnog okvira, moraju i svojom afirmativnom politikom prema jačanju položaja i sudjelovanja žena u političkom i gospodarskom životu dati primjer.

Postignuća Europske unije (dalje: EU) na tom području daju ohrabrujuću poruku zemljama regije, jer omogućavaju proces izmjene tradicionalnih društvenih obrazaca koji utječu na veću afirmaciju sudjelovanja žena u javnom i gospodarskom životu, te njihovog položaja u društvu i zaštite od diskriminacije i nasilja.

Jednakost je jedno od pet temeljnih vrijednosti na kojim se osniva EU, te se ulažu naponi za postizanje ravnopravnosti između muškaraca i žena na svim područjima javnog i privatnog života. Povelja o temeljnim pravima osigurava jednakost i zabranjuje diskriminaciju na osnovi spola. Važno je spomenuti i neke od važnijih koraka u razvoju politika EU po pitanju ravnopravnosti spolova, a to su donošenje direktiva o jednakim plaćama i jednakom tretmanu, te direktiva o dokazivanjima u slučajevima diskriminacije na temelju spola.

U svim svojim aktivnostima i politikama, Unija je predana jačanju ravnopravnosti između spolova. Postoje mnogi dobri rezultati na razini Unije i u državama članicama, pogotovo po pitanjima obrazovanja i sudjelovanja na tržištu rada, no izvješća govore kako na rukovodećim pozicijama žene na razini prosjeka cijele EU, još uvijek nisu u dovoljnoj mjeri zastupljene. To se posebno odnosi na sudjelovanje žena u upravnim odborima velikih tvrtki.

„Strategija za ravnopravnost između žena i muškaraca (2010. – 2015.)“ Europske komisije iz 2010. godine navodi pet glavnih prioriteta u postizanju ravnopravnosti spolova:

1. Ravnopravna ekonomska nezavisnost, koja je preduvjet za omogućavanje ženama i muškarcima da vladaju svojim životima i imaju slobodu izbora. Zarađivanje za život je glavni put za ostvarivanje tog cilja, a sudjelovanje žena na tržištu rada se u zadnjim desetljećima značajno povećalo, iako udio žena na višim razinama odlučivanja nije zadovoljavajući. Jedan dio razloga leži i u tome da roditeljstvo i nejednakost uloga žena i muškaraca u tome često predstavlja prepreku prilikom zapošljavanja ili napredovanja.
2. Jednaka plaća za jednaki rad i rad iste vrijednosti, je načelo koje izravno proističe iz Ugovora o Europskoj uniji.
3. Ravnopravnost u donošenju odluka, koja implicira potrebu za većom zastupljenošću žena na rukovodećim razinama, jer ti brojevi još nisu zadovoljavajući u svim državama članicama.
4. Dostojanstvo, nepovredivost i suzbijanje nasilja nad ženama, koje uključuje obiteljsko nasilje, seksualno uznemiravanje, silovanje, seksualno nasilje tijekom ratnih događanja, te štetne običaje i tradicije, poput prisilnih brakova, i zločina iz časti.
5. Rodna jednakost u vanjskim odnosima izravno je povezana s djelovanjem Unije u vojnim, civilnim, humanitarnim i razvojnim misijama i operacijama u kriznim i postkonfliktnim situacijama u trećim zemljama. Kroz svoje politike EU može značajno utjecati na poboljšanje rodne jednakosti u trećim zemljama. U postkonfliktnim društvima, EU je predana provedbi Rezolucije Vijeća sigurnosti UN-a 1325, te ravnopravnom sudjelovanju i punom uključivanju

žena u sve napore za održavanjem i promicanjem mira i sigurnosti, kao i povećanju njihove uloge u donošenju odluka. U vojnim i civilnim misijama i operacijama EU, posebno je značajna uloga žena koje ravnopravno s muškarcima sudjeluju u održavanju i izgradnji mira u trećim zemljama.

Politike EU postavljaju visoke standarde za postizanje stvarne rodne ravnopravnosti i jačanja položaja i sudjelovanja žena u svim oblicima javnog, gospodarskog i privatnog života, sprječavanja i kažnjavanja svakog oblika nasilja nad ženama, te borbu protiv rodne diskriminacije. Za ostvarivanje tih standarda, potrebno je osim političke volje, stvoriti odgovarajući zakonski okvir i institucije, uključivši pravosudni sustav, koji će taj okvir primijeniti.

Postizanje rodne ravnopravnosti jedan je od mnogih segmenata koji je potrebno osigurati za pridruživanje EU, te ne treba zaboraviti da taj segment u osnovi počiva na jednakosti svih građana u funkcionalnoj pravnoj državi utemeljenoj na demokratskim načelima i slobodnoj tržišnoj orijentaciji, što predstavlja izravnu korist i zaštitu prava svih građana.

Pridruživanje EU predstavlja i priliku za zemlje regije da reformiraju svoj zakonodavni i institucionalni okvir, te učine pravosudni sustav u svakom pogledu učinkovitijim. Europske institucije pružaju podršku razvoju zrelih demokratskih društava, te je proteklih desetak godina u zemljama regije značajan dio aktivnosti i fondova Unije usmjeren na razvoj i jačanje vladavine prava, reformu pravosuđa, te jačanje institucionalnih i administrativnih kapaciteta državne uprave.

Ravnopravnost spolova je važan segment poglavlja pristupnih pregovora „Socijalna politika i zapošljavanje“ i „Pravosuđe i temeljna prava“, koja između ostalog obuhvaćaju poštivanje temeljnih prava građana, jačanje učinkovitosti pravosudnog sustava i pristupa pravosuđu, suzbijanja diskriminacije i ravnopravnost spolova. Europsko zakonodavstvo s kojim se potrebno uskladiti, usmjereno je prema stvaranju jednakih mogućnosti za sve - uključujući zaštitu načela jednaka plaća za jednak rad, te zabranu diskriminacije na bilo kojem temelju. Potrebno je naglasiti kako sva ta pitanja, a pogotovo poštivanje temeljnih prava i učinkoviti pravosudni sustav imaju horizontalni značaj za cijelo društvo.

Učinkovito pravosuđe znači nezavisan, nepristran i profesionalan pravosudni sustav, koji omogućava suđenje u razumnom roku, te štiti ljudska i građanska prava sukladno Ustavu i zakonu. Cilj je stvaranje povjerenja u pravosuđe, a time i jačanje vladavine prava i institucija pravne države. Donošenje brzih, temeljitih i kvalitetnih sudskih odluka u pitanjima zaštite prava žena, kako u građanskom, tako i u kaznenom postupku, temelj je osiguranja ravnopravnosti spolova i borbe protiv nasilja nad ženama.

EU posebno pridaje važnost da države osiguraju da nasilje protiv žena bude kažnjavano i da počinitelji nasilja odgovaraju sukladno zakonu. U tom smislu, potrebno je da sustav ohrabri žene žrtve nasilja da podnesu dokaze, te im garantira zaštitu tijekom i nakon progona počinitelja nasilja. Kod pojava nasilja nad ženama, postoji direktna veza s učinkovitošću sigurnosnog i pravosudnog sustava, koji treba

biti dovoljno rodno osviješten i profesionalno obučan kako bi mogao na nepristran i pravičan način osigurati provedbu zakona. Kod nasilja u obitelji, također je veoma važno stvoriti uvjete u kojima žene žrtve nasilja više neće biti ekonomski zavisne od počinitelja nasilja.

U sprječavanju nasilja nad ženama, veliku ulogu imaju državne institucije, koje moraju stvoriti učinkovit i koordiniran pristup problematici na svim razinama i u svim sektorima društva kako bi se preveniralo nasilje i zaštitilo žrtve. Na strateškoj razini, dio takvog sveobuhvatnog pristupa državnih institucija predstavlja i promocija ravnopravnosti spolova i borba protiv diskriminacije u svim sferama javnog i privatnog života.

Zakonodavstvo EU ima veliku ulogu u promociji ravnopravnosti između spolova. To je ono što zakonodavstvo može učiniti – definirati prava, osigurati sankcije za njihovo nepoštovanje i pomoći građanima da se bore i ostvare svoja prava pred institucijama pravne države. U tome je značaj europskih politika i prilika za regiju.

Tonino Picula, zastupnik u Hrvatskom saboru, potpredsjednik Izaslanstva Hrvatskoga sabora u Zajedničkom parlamentarnom odboru RH - EU i voditelj Izaslanstva Hrvatskoga sabora u Parlamentarnoj skupštini Mediterana, Hrvatska

Prvih dvanaest godina novog stoljeća i novog milenija su iza nas. Kako stvari stoje, izgleda da je taj naš, uvjetno rečeno, novi svijet puno lakše digitalizirati nego ga učiniti boljim mjestom za život. Tekuća kriza, koja nije samo financijska, potvrdila je duboku povezanost svih dijelova svijeta. Danas gotovo da nema lokalne krize koja nema potencijal regionalne, ni regionalne krize koja nema potencijal globalne. Krize su sve manje izolirani incidenti, a sve više simptomi globalnih slabosti i neravnoteža. Kao dio te slike može se pronaći mnogo dokaza da multilateralne i regionalne organizacije trebaju ozbiljne prilagodbe. Uvjeren sam kako dobro funkcioniranje multilateralnih organizacija, uključivo i EU, nije moguće ako se ne poštuje koncept multikulturalnosti u svakoj pojedinoj zemlji članici i u cjelini. A to traži kao pretpostavku primjenu primjerenih modela integracija svih društvenih zajednica od etničkih preko rodničkih do seksualnih.

Kriza, koja nije više akutna nego kronična, nameće ozbiljna pitanja: kakav će biti položaj EU u ustroju svjetske politike ovog stoljeća? Jesu li u pravu prognostičari koji smatraju da Stari kontinent, na kojem ionako živi tek 7,8 posto svjetskog stanovništva, tone i u političkom pogledu? Ili gospodarski snažna Europa još uvijek ima izgleda u sve složenijem svijetu politički opstati s novim, sve jačim velesilama?

U izvještaju „Projekt Europa 2030“ grupe istaknutih pojedinaca namijenjenom Europskom vijeću piše da se Europljani „moraju suočiti s demografskim izazovima. Ako se ne poduzmu hitne mjere, naša društva koja ubrzano stare doći će pod neizdrživ pritisak mirovinskih, zdravstvenih i socijalnih sustava što će slabiti ukupnu ekonomsku konkurentnost EU. A među prioritetima se svakako mora poticati povećanje uključenosti žena u radnom kontingentu stanovništva“. Bez obzira na prosječno duži životni vijek u odnosu na muškarce u EU (82 prema 75 godina), žene ranije odlaze u

mirovinu, a njihova je opća stopa zaposlenosti 58 naspram 72 posto kod muškaraca. Na to nepovoljno stanje treba odgovoriti stvaranjem stanja jednakih mogućnosti, suzbijanjem diskriminacije te programima boljeg zbrinjavanja djece i prilagođavanja školskog sustava potrebama zaposlenih roditelja.

Sa sasvim druge strane političkog spektra, razmatrajući opće trendove, američki konzervativni autor Pat Buchanan također je pokušao predvidjeti prilike u Europi za nekoliko desetljeća. Lapidarno i pesimistički je ustvrdio da će tada u Europi živjeti stari ljudi u starim kućama sa starim idejama. Prosječna životna dob bit će oko pedeset godina. Premda se danas suočava sa svojevrsnom krizom legitimiteta (nikad niži odaziv građana na izbore za Europarlament, ozbiljna kriza eurozone, otpori daljnjem proširenju), Europa kroz EU razvija najvažniji politički projekt u svojoj ukupnoj povijesti. Za razliku od razdoblja kada su europske sile imperijalističkom politikom globalizirale svoje konflikte, danas udružene europske demokracije predstavljaju uspješan model prožimanja različitih tradicija i životnih stilova.

Mislim da je EU danas najpoznatiji i najbolji primjer tzv. soft power zajednice na svijetu! Dokaze za tu tvrdnju nalazim, između ostalog, u položaju i ulozi žena u EU.

Slažem se s polaznom tezom najnovijeg izvješća koje je objavio Economist Intelligence Unit da su žene ključan dio ekonomskog, pa i ukupnog rasta. Ulazak žena u svijet rada tijekom druge polovice 20. stoljeća snažno je utjecao na uspjeh razvijenih gospodarstava. U SAD-u je kontinuirano povećanje volumena radne snage od 1948. do 2001. godine sudjelovalo sa gotovo dva postotna poena u porastu Bruto društvenog proizvoda (dalje: BDP). Od 1995. godine u EU smanjena razlika između razine zaposlenosti muškaraca i žena formirala je gotovo četvrtinu godišnjeg rasta BDP-a. Danas u zemljama u razvoju žene predstavljaju sličan potencijal, međutim, treba im omogućiti stjecanje cjelovitog obrazovanja, vještina i društvenog utjecaja. S druge strane, postojeće stanje stvari govori da žene čine najmarginaliziraniji dio radne snage danas u svijetu. Podaci Svjetske organizacije rada pokazuju da je ovog trenutka oko milijarda i pol radno sposobnih žena izvan svijeta rada. No, puko zapošljavanje žena nije dovoljno jer, prividno paradoksalno, upravo najsiromašnija područja imaju gotovo najviše razine njihove radne uključenosti. Unatoč tome u tim regijama prevladava ukorijenjena oskudica. To znači da tek formalno zapošljavanje nije dostatno za razvoj jer prije toga valja ukloniti brojne zakonske, socijalne, financijske i obrazovne prepreke koje stoje na putu optimalnoj društvenoj produktivnosti žena. Prema nekim izračunima, ukupan dug u svijetu iznosi nezamislivih 95 bilijuna dolara. U dva desetljeća ukupan svjetski dug se povećao četiri puta. Prije krize, 2006. godine javni dugovi zemalja Organizacije za ekonomsku suradnju i razvoj (OECD) već su dosegali 74% njihovog BDP-a. U tom pogledu već postoje ozbiljne studije o ženama kao posebno izloženim žrtvama krize.

Nasuprot tome, na svjetskoj rang listi zemalja u kojima se redovito mjeri opći indeks gospodarskih mogućnosti za žene, ove godine među prvih deset osam su europske zemlje, a među prvih 25 čak 17 su članice EU plus Island, Norveška i Švicarska (Hrvatska je na 44. mjestu). I francuska autorica Pascale Joannin tvrdi da su žene u

EU, ipak, bolje prošle nego u drugim dijelovima svijeta. Smatra da europski kontinent ostaje kontinent žena, onaj na kojem je njihovo mjesto u društvu, iako nije savršeno, najbolje. No, ostaje mnogo toga za učiniti kako bi se jednakost u postupanju na svim razinama zaista i osigurala.

U tom smislu, instruktivno je pročitati izvještaj Europskog instituta za ravnopravnost spolova Europske komisije (EIGE) o sto najistaknutijih nejednakosti koje danas obilježavaju položaj žena u EU. Taj Institut od 16. prosinca 2009. djeluje u Vilniusu, a osnovan je kako bi pružio potporu državama članicama i europskim institucijama u nastojanjima da promoviraju jednakost između žena i muškaraca, u borbi protiv diskriminacije zasnovane na spolu te da povećaju osjetljivost na pitanja jednakosti. Ipak, u europskim institucijama, Europski parlament (dalje: EP) broji 264 žene, dakle gotovo 35 posto. Ali prva Komisija Manuela Barrosa imala je 10 žena u svibnju 2009. godine, a njegova druga Komisija ima jednu manje. To je primjer nazadovanja. EU zapravo malo-pomalo postaje model za druge kontinente gdje mjesto žena ostaje još uvijek nestabilno, a da ne spominjemo mnogobrojne zemlje u kojima se prava žena zanemaruju, pa i ismijavaju.

Žene su postupno osvojile mnoga profesionalna područja. U EU u prosjeku radi 58,3 posto žena. Istovremeno 31,2 posto radi pola radnog vremena, dakle postotak četiri puta viši od onoga kod muškaraca. Treba reći da je zapošljavanje žena koje imaju djecu u padu za 12 bodova, dok zapošljavanje muškaraca u isto vrijeme raste za 7 bodova. Riječ je o nejednakosti u podjeli roditeljske odgovornosti i nedovoljnoj infrastrukturi dječjih vrtića. Više je žena nego muškaraca sa stečenim visokim obrazovanjem: žene su postigle 58,9 posto sveučilišnih diploma u EU. Ali, premda imaju visoku stručnu spremu još uvijek ima više nezaposlenih žena i u manjini su na odgovornim mjestima u tvrtkama i političkim tijelima, posebno na najvišoj razini. Možda je jedan od razloga tvrdokornosti ove krize u tome što sve središnje banke 27 zemalja članica EU vode isključivo muškarci. U prosjeku, najviša izvršna tijela u središnjim bankama imaju 18 posto žena (41 posto u Švedskoj). U pet država članica (Njemačka, Austrija, Cipar, Luksemburg i Slovenija) jedino su muškarci zastupljeni u najvišim izvršnim tijelima. Barem je tako bilo prije dvije godine. U pravosuđu žene predstavljaju prosječno 27 posto članova europskih sudova. Ni na jednom sudu žena nije predsjednik. U vladama u EU žene predstavljaju prosječno 26 posto ministara. Finska je jedina zemlja koja ima više ministrica nego ministara (60 posto). Jedna jedina europska vlada nema žena – Mađarska. Tri žene sada obnašaju dužnost premijera u europskim zemljama: u Njemačkoj, Danskoj i na Islandu. Ne treba zaboraviti da je nakon primjene Lisabonskog ugovora jedna od najodgovornijih dužnosti u EU – visokog povjerenika za zajedničku vanjsku politiku i sigurnost i potpredsjednika Komisije, dodijeljena Catherine Ashton.

Žene su mnogo zastupljenije u EP (34,92 posto) nego u nacionalnim parlamentima (24,04 posto). Samo jedna članica (Malta) nije poslala nijednu ženu. Budući da EP postupno postaje nezaobilazna europska institucija, to znači da će žene biti sve utjecajnije u procesu izrade zajedničkog europskog zakonodavstva.

Dame i gospodo, svakako je fascinantna proces kojim se zgarište Starog svijeta nakon 1945. godine posljednjih pola stoljeća pretvaralo u Novu Europu. Međutim, današnja EU mora izbjeći opasnost da se u budućnosti rascijepi na Europu dviju brzina, ne smije egoistično okrenuti leđa Europi koja (još) nije Unija, ne smije biti podijeljena na središnje i periferne zone. Njena politička, gospodarska, kulturološka uvjerljivost mora biti ravnomjerno raspoređena. EU nije i ne smije postati projekt europskih elita o kojem se građani mogu tek povremeno izjašnjavati.

Uniji se danas u istoj mjeri nameću upravljački, politički i gospodarski izazovi. Ona se proširila tri puta od 2004. godine, ali nije postala mnogo federalnija. 55 godina nakon osnivanja EU mora odlučiti kako odgovoriti na krizu: vizionarskim novim zajedništvom i širenjem ili sažimanjem na limitiranu zajednicu asimetričnog partnerstva.

U vremenu kada su se uvelike globalizirale mogućnosti, globalizirale su se i prijetnje. Možemo reći da je upravo EU naša regionalna gravitacijska točka procesa globalizacije. Utoliko Hrvatska kao najnovija članica EU mora znati kako pridonijeti da se i solidarnost globalizira, pogotovo u našem neposrednom okruženju.

Žene su sastavni dio stanovništva isto kao i muškarci. Dosljedno tome jednakost u pravima, ali i u primjeni prava, mora postati nužnost. Prošle godine smo obilježili stogodišnjicu Međunarodnog dana žena. U 20. stoljeću žene su zaista stekle mnoga prava, ali 21. stoljeće mora biti stoljeće njihove pune realizacije. Prava žena kao dio općih ljudskih prava trebaju biti poput zakona gravitacije, moraju važiti univerzalno posvuda na planetu.

Teuta Arifi, zamjenica predsjednika Vlade za europska pitanja, Makedonija

Draga Morano, poštovani g. Mimica, poštovani g. Picula, dame i gospodo

Za mene je veliko zadovoljstvo sudjelovati na ovoj Regionalnoj konferenciji posvećenoj ženama u izgradnji mira i pristupu žena pravosuđu u postkonfliktnim zemljama.

Žene su oduvijek igrale važnu ulogu u razvoju europskih zemalja, iako njihov doprinos nije uvijek prikladno prepoznat ili cijenjen. To se dogodilo i u zemljama Zapadnog Balkana. Međutim, europska perspektiva zemalja u regiji, kao i u mnogim drugim slučajevima, još jednom je odigrala ulogu katalizatora za provedbu mnogih reformi na ovom području, što je dovelo do promjena. Kao prva Albanka po nacionalnosti koja je postala članica makedonskog Parlamenta imam praktično iskustvo vezano uz aktivnosti koje smo provodili prije nekoliko godina kako bismo povećali broj izabranih žena. Uveli smo rodne kvote u zakone i propise koji uređuju izbore, tako da smo danas povećali broj žena u Parlamentu i u općinskim vijećima. Moram spomenuti i da je to bio rezultat zajedničkih napora žena iz svih političkih stranaka koje su se uspjele mobilizirati i boriti za svoje pravo dijeljenja odgovornosti za postupak donošenja politika u zemlji.

Dame i gospodo, govoreći s položaja zamjenice predsjednika Vlade za europska pitanja, željela bih reći nešto o nedavnim pozitivnim koracima u razvoju Republike Makedonije. Uzevši u obzir da je proces euroatlantskih integracija Makedonije na neki način bio, i još uvijek jest, vezan uz spor o nazivu države, odlučila sam slijediti jednu logiku i usredotočiti se na pitanja oko kojih se možemo sporazumjeti, umjesto na pitanja oko kojih se sporazum ne može postići.

Uz potporu Europske komisije (dalje: EK), uveli smo novi instrument pod nazivom „Pristupni dijalog na visokoj razini“, koji nam je omogućio da kao zemlja otvorimo važna pitanja te da o tim pitanjima i kriterijima razgovaramo s EU.

Kao rezultat toga novog instrumenta, otvorili smo dijalog i s predstavnicima medija, a to je proces koji je prije godinu dana bio nezamisliv kada se uzme u obzir da su predstavnici makedonskih medija željeli naći rješenje za dekriminalizaciju klevete i uvrede, s obzirom na to da imamo tristo i dvadeset predmeta na makedonskim sudovima u kojima političari tuže novinare, a nas se kao zemlju percipira u negativnom kontekstu u odnosu na slobodu izražavanja. Dijalog s predstavnicima medija i potpora EK doveli su do sporazuma oko novog zakona o kleveti koji bi, nakon njegova donošenja, trebao osigurati da postupci u tih tristo i dvadeset predmeta budu odmah obustavljeni.

Mislim da je proces europskih integracija nužan katalizator za naša društva. Svakako je ponekad iznimno važno promijeniti naš zajednički mentalitet, a to je proces kojim nije lako vladati. Dat ću vam samo jedan primjer. Proveli smo komparativno istraživanje europske prakse po pitanju klevete te smo uglavnom shvatili da, primjerice, u Njemačkoj nema dekriminalizacije klevete, ali usprkos tomu, Njemačka jedva da vodi jedan postupak na godinu protiv novinara.

Ja podržavam ideju EU iz još jednog razloga. Mislim da nam, kao regiji, ideja EU pruža priliku da prevladamo etnocentričan pristup nacionalnim pitanjima. Dakle, moramo uložiti napore u europske integracije kako bismo bili u stanju riješiti pitanja unutar regije.

PANEL 2: Naučene lekcije i razmjena iskustava u implementaciji Rezolucije 1325 u zemljama Jugoistočne Europe – Utjecaj liderica u osiguravanju dostupnosti pravde ženama

Sonja Biserko, članica Upravnog odbora Regionalnoga ženskoga lobija, Srbija*

Dragi prijatelji, pokušat ću vam dati kratak sažetak primjene Rezolucije 1325 Vijeća sigurnosti UN-a na Zapadnom Balkanu. Ta je Rezolucija postala sastavni dio reformi sigurnosnog sektora koje su provodile, ili još uvijek provode, zemlje Zapadnog Balkana. S obzirom na to da su te reforme neodvojive od institucionalnih i zakonodavnih aktivnosti u njihovu procesu približavanja Europskoj uniji i NATO-u, u ovoj ranoj fazi reformi još uvijek nije moguće odvojeno i sveobuhvatno u potpunosti ocijeniti učinke Rezolucije.

Kao važan međunarodni instrument na području prepoznavanja uloge žena i njihova mogućeg doprinosa izgradnji mira, Rezolucija 1325 je, između ostaloga, promijenila opći stav prema ženskim organizacijama civilnog društva i povećala njihova očekivanja od međunarodne zajednice, prvenstveno od Vijeća sigurnosti UN-a. Situaciju na Zapadnom Balkanu još uvijek određuje ostavština ratova 90-ih godina prošlog stoljeća i proces demokratske pretvorbe i stabilizacije regije, koji je još uvijek u tijeku. Ratovi iz 90-ih godina ostavili su duboke rane u cijeloj regiji i u svim segmentima stanovništva. Pretvorbena uloga kako EU-a tako i NATO-a donijela je određenu dozu mira i stabilnosti u regiju, ali ništa se ne može uzeti zdravo za gotovo, posebno ne na Kosovu i u Bosni i Hercegovini. U tom je smislu pojačani angažman žena u pokušaju konsolidiranja tih dviju zemalja kao funkcionalnih demokratskih država bio iznimno važan. Sve u svemu, gotovo dvanaest godina nakon donošenja Rezolucije 1325, napredak vezan za sudjelovanje žena u sektoru sigurnosti i mirovnim procesima u regiji nije bio tako velik kao što se očekivalo i kao što su se mnogi nadali, a ni onoliko velik koliko je bilo potrebno. Cjelokupna je situacija složena: s jedne strane, posljednjih dvanaest godina su društva Zapadnog Balkana provela dalekosežne institucionalne i zakonodavne reforme usmjerene na potpunu ravnopravnost spolova. Neke su pozitivne promjene u odnosu na sudjelovanje žena u društvu, uključujući i sigurnosni sektor, očite. Potiče se sve veći broj zastupnica u parlamentima, kao i veća istaknutost i djelovanje ženskih organizacija civilnog društva i braniteljica ljudskih prava.

S druge strane, nakon užasnog kršenja ženskih prava tijekom ratova slijedilo je srozavanje njihovih stvarnih ekonomskih i socijalnih prava zbog uvođenja strogih mjera štednje (socijalna zaštita, zdravstvena skrb, skrb za djecu) u sadašnjoj gospodarskoj i financijskoj krizi. Uz takvo srozavanje prava došlo je i do nametanja tradicionalnih (uglavnom vjerskih) vrijednosti u nekim dijelovima regije, gdje su žene izgurane iz javnog i političkog života. Osim vjerskog fundamentalizma, udružili

* (Nap.ur.) Izlaganja sudionica iz regije koje su svoja izlaganja dostavila Uredu za ravnopravnost spolova na engleskom jeziku prevedena su na hrvatski jezik, a ostala izlaganja objavljena su na izvornim jezicima.

su se i patrijarhalne vrijednosti i etnonacionalizam u stvaranju novog/starog sustava vrijednosti. Taj protumodernistički trend prisutan je u određenoj mjeri u svim zemljama bivše Jugoslavije, ali je posebno naglašen u ruralnim područjima. On praktički isključuje bilo kakvu ulogu žena u sigurnosnom sektoru te ograničava njihove mogućnosti u društvu u cjelini. Jedan od problema koji nakon ratova još nije riješen, a koji duboko utječe na položaj žena na Zapadnom Balkanu, odnosi se na činjenicu da se nacionalna pravosuđa još uvijek nisu primjereno pozabavila nasiljem nad ženama (masovnim silovanjima, etničkim čišćenjem, svim vrstama stradanja) do kojega je došlo 90-ih godina. Općenito, unatoč određenom broju inicijativa i donesenog zakonodavstva kako bi se suzbila diskriminacija na temelju spola, integracija žena u sigurnosne institucije u regiji nalazi se tek u početnoj fazi. Rodna integracija u sigurnosni sektor više je kvantitativne nego kvalitativne naravi.

Kada sagledavamo provedbu Rezolucije 1325 i provedbu politika za ravnopravnost spolova na Zapadnom Balkanu, važno je imati na umu da regija još uvijek nije potpuno konsolidirana u pogledu politike, gospodarstva i sigurnosti. Važno je podsjetiti se i da je tijekom ratova 90-ih godina regija postala centar za trgovanje ljudima, oružjem i drogom. Mreže kriminala koje su ustanovljene tijekom rata još uvijek stoje na putu stabilizaciji regije. Napredak postignut u sigurnosnom sektoru varira od zemlje do zemlje, ali uglavnom ovisi o političkoj volji i raspoloživim sredstvima. Unatoč nekim pozitivnim promjenama posljednjih nekoliko godina, sigurnosni sektor je općenito zatvoren za medije i javnost. Naslijeđe prošlosti još je prisutno. Izvješća medija o sigurnosnim pitanjima izrazito su senzacionalistička te zanemaruju javni interes i umanjuju važnost odgovornosti sigurnosnih dužnosnika.

Zemlje Zapadnog Balkana stalno ovise o vanjskoj potpori (i praćenju) koja je – bez obzira na napredak kojem je pridonijela – znatno oslabila masovni aktivizam. Kako sve više zemalja Zapadnog Balkana započinje pregovore o pristupanju EU i kako vladavina prava u regiji jača, očekuje se da će civilno društvo biti sposobnije znatnije utjecati na procese donošenja odluka, uključujući i područje ravnopravnosti spolova. Analiza dostupnih podataka o provedbi Rezolucije 1325 u zemljama Zapadnog Balkana pokazuje da su sve provele početne korake i donijele mjerodavne zakone i strategije. Usvojeni su prikladni pravni okviri koji promiču sudjelovanje žena u javnom životu i štite ih od svih oblika diskriminacije i nasilja. Uvedeni su i mehanizmi namijenjeni provedbi zakona. No, usprkos postojanju takvih zakona i provedbenih propisa, napredak u provedbi zakona spor je i nejednak. Strategije i nacionalni akcijski planovi nisu uvijek praćeni prikladnim proračunima ili dobro promišljenim pokazateljima koji omogućuju mjerenja početnih vrijednosti i postignutog napretka. U nekim je zemljama riječ o vrlo zabrinjavajućem nedostatku političke volje za provedbu zakona i davanje podrške provedbenim mehanizmima i akcijskim planovima. Sudjelovanje žena na javnim dužnostima i u procesima donošenja odluka u zemljama Zapadnog Balkana polako raste. Posljedice ratova iz 90-ih godina još su prisutne, posebno u smislu delegitimizacije pitanja ravnopravnosti spolova. Etnonacionalizam predstavlja ozbiljnu prepreku sudjelovanju žena u politici, kao i činjenica da pravosuđe u procesu

tranzicije nikada nije primjereno procesuiralo užasno zlostavljanje žena u tim ratovima. Unatoč činjenici što je njihova zastupljenost u parlamentima porasla, žene su još podzastupljene na visokim položajima donošenja odluka u cijeloj regiji. Samo šačica žena u svakoj zemlji obnaša dužnost gradonačelnice, a broj žena na ministarskim dužnostima varira od jedne do tri po zemlji. Državne institucije, političke stranke ili organizacije civilnog društva nisu poduzele veće napore u smjeru znatnog povećanja udjela žena na visokim dužnostima. Dakle, bez obzira na određeni pomak, trenutačni udio žena na izabranim dužnostima u zemljama Zapadnog Balkana još uvijek varira između 20 i 30 posto, što je nedovoljno kako bi žene imale konkretan utjecaj na donošenje odluka, iako je on ipak veći nego tijekom 90-ih (kada se broj zastupnica u parlamentima kretao između 7 i 20 posto).

Društvene okolnosti svih zemalja u regiji slične su. Sve one sada provode reforme, iako s različitom razinom opredijeljenosti i uspjeha, s namjerom izgradnje stabilnih demokratskih institucija i vladavine prava. To se odnosi i na reforme sigurnosnog sektora. U tom je smislu važno držati na umu da su žene u regiji odigrale značajnu pomirbenu ulogu tijekom ratova 90-ih godina i u razdoblju nakon sukoba. Doprinos ženskih pokreta regionalnom miru i žensko iskustvo rata i rješavanja sukoba može biti vrlo dragocjeno za djelovanje sigurnosnog sektora, a posebno kada je riječ o sprječavanju sukoba u kriznim područjima i mirovnim operacijama.

To što provedba Rezolucije 1325 nije vremenski ograničena i što ona svakoj zemlji ostavlja mnogo prostora za posebna rješenja vezana za specifičnosti pojedine zemlje predstavlja njezinu prednost. Tako prioriteta u primjeni Rezolucije 1325 na Zapadnom Balkanu variraju od zemlje do zemlje. S obzirom na to da je svaka zemlja slobodna odrediti vlastiti program, proces provedbe najviše ovisi o domaćim resursima i institucionalnim i ljudskim kapacitetima. S druge strane, fleksibilnost Rezolucije 1325 može biti i nedostatak jer bi, u stvari, zemlje Zapadnog Balkana mogle imati koristi od zajedničke strategije. Prema raspoloživim pokazateljima, napredak koji je do sada postignut većinom je kvantitativne – u smislu većeg broja žena koje rade u sigurnosnom sektoru – a ne kvalitativne naravi, što govori da ne postoji prikladan mehanizam koji bi osigurao jednakost u pogledu profesionalnog napredovanja žena. Ipak, možemo zaključiti da je doneseno zakonodavstvo – posebno zakoni o ravnopravnosti spolova i kvota od 30 posto žena na izbornim listama – pozitivno utjecalo na sudjelovanje žena i u sigurnosnom sektoru. Javna svijest o nazočnosti žena u sigurnosnom sektoru još je uvijek prilično slaba, ali ta činjenica postaje sve vidljivija, posebno u upisima žena u vojne akademije. Sudjelovanje žena u UN-ovim mirovnim operacijama imalo je najpozitivniji učinak na sveukupno javno viđenje njihove uloge u sigurnosnom sektoru. Ženske udruge i naponi zagovaranja koje civilno društvo ulaže u tom smjeru znatno su pridonijeli tom postignuću. Trenutačno sudjelovanje žena u vojsci i policiji nije dovoljno kako bi znatnije utjecalo na prirodu i vodstvo tih institucija te na ravnotežu moći u društvu. Profesionalizacija vojske otvorila je vrata ženama, ali ona može samo dugoročno pozitivno utjecati na modernizaciju i emancipaciju. Ženske udruge i naponi koje je civilno društvo uložilo u tom smjeru znatno su pridonijeli

pozitivnim koracima koji su do sada postignuti. Njihovo daljnje održavanje pitanja ženske uloge i sudjelovanja u procesima odlučivanja u javnoj svijesti i u medijima bit će ključno za unaprjeđenje pitanja ravnopravnosti spolova u društvima Zapadnog Balkana općenito, a posebno u sigurnosnom sektoru.

Andrea Zlatar Violić, ministrica kulture, Hrvatska

Prije svega, htjela bih zahvaliti na pozivu za sudjelovanje na Konferenciji Regionalnoga ženskoga lobija te pozdraviti predsjednicu i članice Upravnoga odbora. Prvi put sudjelujem na ovakvome skupu i doista se nadam da neću iznevjeriti razloge zbog kojih su, pretpostavljam, članice toga Odbora izabrale mene kao jednu od govornica. Budući da se nisam profesionalno bavila dijelom političkoga djelovanja koje se tiče pitanja sigurnosti i samoga pravosudnoga sustava, uzela bih pravo govoriti iz širega konteksta. Htjela bih naznačiti okvir koji bih nazvala „indirektnim posljedicama“ koje se susreću u postkonfliktnim zemljama, a koje su istovremeno zemlje koje su prošle ili prolaze tranzicijski period. Dakle, društvima koja s jedne strane svojim socijalno-političkim modelom, a s druge samom činjenicom rata i trauma koje proizlaze iz različitih tipova stradanja, posebno stradanja žena, pokazuju potpun poremećaj u bilo kakvom uspostavljanju sustava vrijednosti. Govorim, naravno, prvenstveno na temelju iskustvu Hrvatske, ali mislim da dobro poznajem regionalnu situaciju i smatram da živimo u društvima u kojima sustav vrijednosti ne samo što ne postoji, nego nije ni u izgradnji. Iz političkih struktura, iz medijskih i obrazovnih smjernica ili preporuka gotovo stalno se šalju poruke koje su međusobno konfliktne ili barem nisu međusobno usuglašene.

Jedno istraživanje što ga kontinuirano posljednjih desetak godina provodi Centar za ženske studije iz Zagreba tiče se senzibiliziranosti na pitanje koliko su žene uključene u politiku, jesu li dovoljno uključene u politiku i, ako nisu, koji su razlozi. Iz posljednjih dvaju ciklusa istraživanja, iz 2008. i 2011. godine, vidljivo je, prvo, da žene nisu dovoljno uključene u politiku, potom da žene žele sudjelovati u politici, a što je logička suprotnost prvom, te na kraju da 60 posto ispitanika i ispitanica ne vidi da postoje problemi zašto žene ne sudjeluju u većoj mjeri u politici. Te, zapravo, dvije javne percepcije, da nema dovoljno žena u politici mada bi htjele naspram činjenice da ne osvještavaju koje su prepreke za to – smatram jednim od signala zbog čega doista trebamo razgovarati o aspektima društva u kojima rodna pitanja i senzibiliziranost za rodnu ravnopravnost nisu prisutni. Onima kojima je gospođa Biserko završila svoje izlaganje, a to je prostor medija i prostor obrazovanja.

U svojem sam biografskom ciklusu jednim dijelom radila u civilnom društvu, većim dijelom u akademskoj zajednici, pa desetak godina u politici. Ono što ističem kao negativan zaključak da usprkos više od 20 godina, točnije već 40 godina teorijskog bavljenja ženskim studijama – prvo feminističkim, pa ženskim pa rodnim studijama – one nisu na pravi način uključene u akademski sustav i po tome smo jedna od najgorih, ili najgora, zemlja u regiji. Dakle, zemlja koja to nije učinila. Posljedice toga su iznimno velike. Govore o tome da je percepcija javnosti akademske zajednice kako je, kada

je o rodnom aspektu riječ, riječ o nečemu što se može zaobići, pa će proći. Kao što je prošao feminizam, pa proći će sada i rodne studije kao što su prošle i kulturalne studije ili multikulturalne. U cijeloj znanstvenoj zajednici se osjeća, usprkos lijepim brojkama koje govore o postotku upisa, negativna piramida uspjeha žena. Piramida koja pokazuje veći stupanj participativnosti žene na nižim razinama i onda velik nerazmjer u razvoju uspjeha u njihovim kasnim dvadesetim godinama. Godinama kada se donose odluke da li graditi karijeru ili paralelno ići u obiteljsko-majčinski sustav, koji bez sumnje nije društveno osiguran. I tu pada svaka priča o zapravo jednakosti i ravnopravnosti. Spomenula bih još neke zanimljive podatke za ilustraciju, koji su zapravo – porazni. Svega 4,2 posto žena uključeno je u opći doprinos u kulturi, povijesti i znanosti. Znamo da kada se sastavljaju liste najpoznatijih „ovih“ ili najznačajnijih „onih“ – žene ne postoje. Ženska povijest, tako i umjetnost i znanost i njihove povijesti, jest nešto što se tek gradi i to samo na margini, a ne u samome sustavu. Drugi moment istraživanja pokazuje da u trenutku kada žene ulaze i uspijevaju u većoj mjeri „osvojiti“ neka zanimanja, kao što je obrazovanje, naročito osnovno obrazovanje, zatim novinarstvo, dio medicine, ta zanimanja postaju manje društveno vrijedna i financijski manje moćna. Prisustvujemo paralelnom procesu gdje kako žene ulaze u jedan prostor, tako se iz njega izmješta javna moć. Posebno sada kada je riječ o financijskoj ili ekonomskoj moći koja se potpuno, rekla bih, oslobodila od političke moći, što nije samo regionalni nego, bojim se, i globalni problem.

Promotrimo i simboličke aspekte. Kada se provodila analiza imena ulica ili skulptura, kipova koji obilježavaju javne prostore, a koji su također jedan od načina na koji se ukazuje na prisutnost žena u javnosti, ispostavilo se da je broj žena zanemariv. Govorimo li o skulpturama, možda imamo jednu ili dvije koje simboliziraju određenu ženu s osobnim imenom; kada je riječ o javnim skulpturama, one obično predstavljaju ili neznane junakinje ili alegorije ljubavi, majku s djetetom i sve oblike koji zapravo deindividualiziraju ženu kao aktivnu pojedinicu. Na kraju više postavljanja pitanja nego davanja odgovora, rekla bih da mi iskustvo pokazuje kako jedino što pomaže jest izravno ukazivanje i izravno privilegiranje žena u određenim područjima, poput stvaranja posebne ženske nagrade za znanost, stvaranja posebnog fonda za stipendije za znanstvenice. U području kulture u Republici Hrvatskoj, to se vrlo dobro može pratiti u ciklusu posljednjih 20 do 30 godina – od vala prve feminističke literature, zatim tzv. ženskoga pisma, potom jedne generacije kustosica koje su upravo po svojoj rodnoj logici bile prepoznate i na regionalnom i na svjetskom planu, pa sve do posljednjeg fenomena u kojem se ističe nastanak prvog vala filmskih redateljica.

Mislim da su u ovome trenutku to jedini načini isticanja i mogućnosti za pomak jer je javna svijest ona koja, da ponovim što sam rekla na početku, neprestano šalje različite i neustavljene signale. Obrazovni sustav nije rodno senzibiliziran. Na žalost, prepun je stereotipa. Pa ću i završiti rečenicom koja još uvijek postoji u udžbeniku za osmi razred iz hrvatskog odnosno materinjeg jezika: uz ulomak jedne od naših književnica, postoji biografska bilješka u kojoj se kaže kako su spisateljice bile učiteljice, neudate, nesretne u ljubavi i neostvarene u životu.

Nada Drobnjak, članica Upravnog odbora Regionalnog ženskog lobija i predsjednica skupštinskog Odbora za rodnu ravnopravnost, Crna Gora

Građani/ke u savremenim demokratskim društvima imaju jednako pravo da učestvuju u upravljanju javnim poslovima, ali i da pod jednakim uslovima stupaju u javne službe i na javne funkcije. Logično je da bi i leaderske funkcije trebalo da budu jednako dostupne i muškarcima i ženama. Međutim, žene su još uvijek, širom svijeta, lišene mogućnosti da donose odluke koje se tiču svih, ali i njih samih. Na taj način je marginalizovana gotovo polovina svjetske inteligencije koja bi mogla da doprinese da ovaj svijet bude bolji i bezbjedniji. Žene i pitanje bezbjednosti je kompleksno pitanje i važno je i sa tačke borbe protiv svih vidova nasilja, korupcije, suzbijanja drugih vidova kriminala, poštovanja ljudskih prava, smanjenja siromaštva. Ovo pitanje je važno kada se govori o rodnoj ravnopravnosti i diskriminaciji. Rodna ravnopravnost je predušlov i za trajnu sigurnost i realnu stabilnost pa je zato neophodno preispitati brojne društvene stereotipe u sektoru bezbjednosti. Međunarodna iskustva pokazuju da povećanje učešća žena u bezbjednosnim strukturama doprinosi sagledavanju pitanja mira i bezbjednosti sa mnogo većim naglaskom na društvena i ekonomska pitanja, jača mirovne procese i, naravno, doprinosi opštem poboljšanju položaja žena u društvu. U Crnoj Gori članom 18. Ustava propisano je da „država jemči ravnopravnost žena i muškaraca i razvija politiku jednakih mogućnosti“. Postoji i dobar zakonski i institucionalni okvir za ovu oblast, a tu prije svega mislim na postojanje Zakona o rodnoj ravnopravnosti, Zakona o zabrani diskriminacije i Zakona o zaštiti od nasilja u porodici.

No, da postoji raskorak između normativnog i stvarnog govori statistika: Od ukupno 620 029 stanovnika 313 793 su žene ili 50,61%, a 49,39% ili 306 236 su muškarci. Očekivano trajanje života žena u Crnoj Gori je 76,5, a muškaraca 71,7 godina. Nepismenih je 1 559 muškaraca i 6 590 žena. Prosječna starost nepismene žene je 66, a muškarca 44 godine. Od zaposlenih lica u 2011. godini prema radnom statusu, najviše je zaposlenih radnika (163,8 hiljada), od toga 87,1 hiljada muškaraca odnosno 76,7 hiljada žena. Prosječna zarada žena u Crnoj Gori je 14% niža od prosječne zarade muškaraca što znači da bi žene na godišnjem nivou primile istu zaradu kao muškarci, morale bi raditi još 51 dan, odnosno za njih bi godina morala da traje 416 dana. Među korisnicima penzije je 46 509 muškaraca i 28 561 žena. Među titularima imovine žene čine 4% među vlasnicima kuća, 8% među vlasnicima imanja (zemljišta) i 14% među vlasnicima vikendica. Među vlasnicima poslovnih subjekata u Crnoj Gori žena je svega 9,6%. U 24. sazivu Skupštine Crne Gore, kome je sad istekao mandat, bilo je posljednjih mjeseci 13,6% žena. Od 12 stalnih radnih tijela tri (Odbor za bezbjednost i odbranu, Odbor za ekonomiju, finasije i budžet i Administrativna komisija) u svom sastavu nemaju žena, dok ih je u Odboru za rodnu ravnopravnost 80%. U Crnoj Gori ima 21 opština. Samo je u jednoj (Kotor) žena predsjednica opštine. U tri opštine su žene predsjednice skupština (Bar, Nikšić, Herceg Novi). U Vladi Crne Gore je 11,8% ministarki, dok ih je na mjestima pomoćnica 40,3%. Crna Gora ima 27 ambasadora

od kojih su 4 žene. Žena je predsjednica Vrhovnog suda Crne Gore, a među sudijama (u svim sudovima) je 56,32% žena. Među tužiocima je 53% žena, a žena je i vrhovna državna tužiteljka. Do sada se nijedna strana u sudskom postupku nije pozvala na prava koja garantuje UN Konvencija o eliminaciji svih oblika diskriminacije žena. Žena je na čelu Ministarstva odbrane, u kome ima 35,12% zaposlenih žena. U vojsci Crne Gore ima ukupno 8,8% zaposlenih žena. Žena je među oficirima 0,7%, među podoficirima 1,4%, među vojnicima 7,3%, dok ih je među civilnim licima 40,9%. U okviru Individualnog partnerskog akcionog plana (IPAP) Crne Gore i NATO-a tretirano je i pitanje rodne ravnopravnosti. U upravi policije je 4 876 zaposlenih, od kojih je 649 žena. Od toga su 193 osobe na rukovodećim mjestima, a među njima je 20 žena. Sa policijskim ovlaštenjem je 4 154 osoba od kojih je 328 žena (npr. glavnih policijskih komesara je 31 i 1 komesarka). Osnovana je mreža policajki kao rezultat regionalnog projekta. Žene su najzastupljenije u institucijama koje ne koriste sredstva prinude kao što su obrazovanje, zdravstvo, mediji, organizacije civilnog društva, akademska zajednica i dr. Neformalne prepreke koje podjednako utiču na veće uključivanje žena u institucije sektora bezbjednosti, kao i napredovanje žena u okviru samih institucija, jesu još uvijek dominantne društvene i kulturne predrasude o tradicionalnoj ulozi žena u društvu.

U okviru Ministarstva unutrašnjih poslova radi i Kancelarija za borbu protiv trgovine ljudima u čijem se radu ogleda odlučnost Vlade Crne Gore da trgovinu ljudima tretira kao važno strateško pitanje.

Crna Gora je donijela i implementira velik broj strateških dokumenata koji suštinski predstavljaju i primjenu Rezolucije 1325, a to su između ostalih: Strategija održivog razvoja Crne Gore, Strategija borbe protiv trgovine ljudima, Strategija borbe protiv HIV/AIDS-a u Crnoj Gori, Nacionalni akcioni plan za „Dekadu uključenja Roma 2005-2015“, Nacionalni plan akcija za prava djece u Crnoj Gori, Plan aktivnosti za postizanje rodne ravnopravnosti, Strategija za borbu protiv nasilja i Nacionalna strategija za trajno rješavanje problema izbjeglica i interno raseljenih lica u Crnoj Gori.

Uključivanje žena u sistem bezbjednosti je korak ka njegovoj modernizaciji i prilagođavanju novim standardima. Takođe, to je značajna aktivnost u primjeni Zakona o rodnoj ravnopravnosti, ali i mnogih međunarodnih dokumenata, prije svega UN Konvencije o eliminaciji svih oblika diskriminacije žena, Pekinške deklaracije i platforme za akciju, Rezolucije Savjeta bezbjednosti 1325 i njoj pratećih rezolucija.

Zadatak sektora bezbjednosti je da stvori uslove koji bi omogućili svima da uživaju pravo na mir i bezbjednost. Zato se manjak zaštite žena i nedostatak u osnaživanju žena, kao vidovi ugrožavanja osnovnih ženskih ljudskih prava, moraju shvatiti i kao nefunkcionisanje državnih bezbjednosnih institucija. Posebno je važno da pored porasta broja zaposlenih žena u sektoru odbrane i bezbjednosti postoji kontinuirana obuka svih službenika po pitanjima rodne ravnopravnosti. To je znak da gradimo stabilnu osnovu za dalji napredak i da se, uz neophodni iskazani interes ženske populacije, otvaraju mogućnosti da žene vrlo brzo počnu da zauzimaju značajne pozicije u sistemu odbrane i bezbjednosti. Izborni zakon u Crnoj Gori definiše 30%

kao minimum zastupljenosti žena na izbornim listama. No, rezultati izbora održanih 14. oktobra govore da su partije ispunile ovu zakonsku obavezu ali da se, zbog lošeg pozicioniranja žena na izbornim listama, neće povećati učešće žena u crnogorskoj Skupštini. Svakako, rezultati ovih izbora pokazuju da se mora i dalje ozbiljno raditi sa članovima/cama političkih partija, ali i na tome da se domaće i međunarodno zakonodavstvo i u oblasti rodne ravnopravnosti mora primjenjivati bez "kreativnih tumačenja" jer ćemo samo tako moći da govorimo o vladavini prava. Pitanje stvaranja mogućnosti za adekvatnu zastupljenost žena i muškaraca je pitanje koje podrazumijeva preduzimanje niza zakonskih i institucionalnih mjera, ali i postojanje političke volje da se tako nešto uradi. Takođe, neophodno je da dođe i do promjene tradicionalne političke i bezbjednosne kulture i povećanja svijesti građana o značaju ovog pitanja. Evropska unija je prepoznala da je ravnopravno učestvovanje muškaraca i žena u sistemu bezbjednosti značajan cilj, kao i način prevencije i rješavanja konflikata i promovisanja kulture inkluzivnog i održivog mira. To je preduslov efektivne stabilizacije, izgradnje mira, postkonfliktne rekonstrukcije i organizacije institucija. U skladu sa novim pristupom Evropske komisije, Crna Gora pregovore o pristupanju počinje poglavljima 23. i 24. koja se odnose na pravosuđe i temeljna prava, odnosno, pravdu, slobodu i bezbjednost. Ta dva poglavlja podrazumijevaju da se, između ostalog, mora kvalitetnije realizovati suđenje u pravičnom roku, besplatna pravna pomoć, da žene moraju biti zaštićene od nasilja i moraju imati pristup pravosuđu ravnopravno sa muškarcima. Takođe, kada se govori o vladavini prava podrazumijeva se da se svi zakoni moraju kvalitetno primjenjivati što znači da se i primjena Zakona o rodnoj ravnopravnosti mora unaprijediti. To je i prvi izazov za žene u ovom procesu. Da budu aktivne sudionice pregovora, ali i da učine da pregovori budu orodnjeni. Opredjeljujući se za put evropskih i evroatlanskih integracija, kao okvir za ukupni demokratski i ekonomski razvoj zemlje, naša je obaveza da u narednom periodu mijenjamo svoj institucionalni okvir i prilagođavamo naš sistem onom nivou razvoja i rodne ravnopravnosti koji će državi obezbijediti kvalitetniji i brži put. Očigledno je da ćemo se u procesu pridruženja suočiti i sa izazovom da promijenimo percepciju muškaraca i žena o sistemu bezbjednosti, kojoj će doprinijeti i valjano definisanje mjesta i uloge žene u tom sistemu.

Usvajanjem Nacionalnog akcionog plana i primjenom Rezolucije 1325 o ženama, miru i bezbjednosti Crna Gora bi potvrdila namjeru da aktivno doprinosi procesima izgradnje mira, stabilnosti i bezbjednosti, prije svega u svom neposrednom okruženju regiona Jugoistočne Evrope, zatim u Evropi, kroz sveobuhvatan proces evropskih integracija, i u svijetu svojim učešćem u operacijama podrške miru. Poruka ove Konferencije treba da bude ono što mi ovdje znamo, ali mislim da treba stalno i da ponavljamo: rodna ravnopravnost i uključivanje ženskih stavova i potreba u procese upravljanja bezbjedonosnim snagama i pristupu pravosuđu je jedan od uslova sigurnosti i trajnog mira jer učešće žena u sistemu bezbjednosti doprinosi i boljem položaju žena u društvu i promovisanju njihovih ljudskih prava.

PANEL 3: Korupcija i kriminal, čimbenici nesigurnosti u regiji i prijetnja miru – Ženske politike u izgradnji mira

Višnja Tafra, zamjenica ministra obrane, Hrvatska

Poštovane kolegice i kolege, cijenjeni gosti, dame i gospodo

Želim prije svega zahvaliti Regionalnom ženskom lobiju za mir, sigurnost i pravdu u Jugoistočnoj Europi, organizatoricama i organizatorima na pozivu za sudjelovanje na ovoj vrlo značajnoj Konferenciji te izraziti zadovoljstvo što danas mogu s vama podijeliti iskustva Ministarstva obrane Republike Hrvatske (dalje: MORH), ali i svoje osobne stavove o ovoj važnoj temi. Također, iznimno značajnim smatram što u ovoj prigodi mogu čuti dragocjena iskustva i poruke drugih sudionica i sudionika, stručnjakinja i stručnjaka, što će biti od velike koristi u mojem daljnjem profesionalnom radu. Svjesni smo da je potrebno primijeniti niz konkretnih mjera kako bi se povećala mjerodavnost i odgovornost državnih tijela u upravljanju poslovima iz njihove nadležnosti kao sastavnim dijelom kompleksne zadaće borbe protiv korupcije. Nadam se da ću vam u ovoj kratkoj prezentaciji uspjeti prikazati glavne napore i aktivnosti koje poduzimamo u obrambenom sektoru kada je riječ o korupciji i kriminalu kao čimbenicima nesigurnosti.

Moram naglasiti da se za razliku od drugih zemalja sumnja u korupciju i kriminal u obrambenom sustavu Republike Hrvatske javila u najtežim ratnim uvjetima u postupcima vojne nabave. Činjenica je također da većina tih „sumnjivih“ odnosno nezakonitih aktivnosti nikada nije u potpunosti istražena niti sankcionirana, čime je poslana nedopuštena poruka o dostupnosti nezakonitog postupanja.

Vjerojatno pod utjecajem toga vremena i u vremenu poraća događale su se pojedinačne negativne aktivnosti s elementima korupcije. Tome su često pridonosila i zakonska izuzeća koja su omogućivala da se pod velom tajnosti provode pojedine nabave. Javnost je često na takve postupke odgovarala pojačanom sumnjom u ispravnost samih postupaka. Jedna od njih je sumnja, a kasnije i optužba, za netransparentnu nabavu vojne opreme i nanošenje štete državnom proračunu čiji sudski ishod osumnjičeni čelnici MORH-a očekuju ovih dana. No, procesi demokratizacije i razvoja svakog društva, pa tako i hrvatskog, uz jačanje kontrolnih mehanizama, ali prije svega transparentnost odvajanja pojedinih procesa, dovode do promjena koje se ogledaju u jačanju svijesti o štetnosti i nedopustivosti pojavnosti kao što su korupcija i kriminal. Njihovo postojanje zasigurno predstavlja čimbenik nesigurnosti svakog pojedinca i društva u cjelini.

Slijedom toga možemo ustvrditi kako je naša opredijeljenost za suradnju sa svim međunarodnim organizacijama, kako vladinim tako i nevladinim, u znatnoj mjeri pospješila stvaranje antikorupcijske kulture u obrambenom sektoru. U ovoj prigodi spomenut ću samo suradnju s dvjema važnim međunarodnim institucijama – Transparency International i NATO-om. Prije pet godina Ministarstvo obrane

započelo je suradnju s Transparency International Velika Britanija u nastojanjima da se unaprijede standardi osobnog integriteta i profesionalne etike kao i mehanizmi kontrole za učinkovito suzbijanje korupcije. Na taj način uključili smo se u njihov projekt međunarodnog istraživanja o mjerama suzbijanja korupcije u obrambenim institucijama (*Building integrity and reducing corruption risk in Defence establishments*) u sklopu kojega je analizirana i Republika Hrvatska zajedno sa 45 drugih zemalja. Nacrt izvješća o utvrđenom stanju u obrambenom sektoru u našoj zemlji očekujemo potkraj ove godine, a kada ga zajedno verificiramo, bit će javno dostupan. MORH je nedavno imenovao koordinatora za sljedeću fazu suradnje s Transparency International Velika Britanija. Nadamo se da će rezultati toga istraživanja, a posebno iskustva drugih zemalja i konkretne preporuke i mjere, pridonijeti naporima MORH-a i Vlade RH u borbi protiv korupcije, a time i izgradnji povjerenja u državne institucije. Kao članica NATO-a, Republika Hrvatska uključila se u programsku inicijativu Saveza pod nazivom „Izgradnja integriteta“. Tim se programom nastoji, jačanjem transparentnosti i odgovornosti, podići svijest te promovirati dobra praksa i razviti praktični alati za pomoć zemljama radi jačanja integriteta i smanjenja rizika od korupcije u sektoru sigurnosti. Zajedničkim naporom NATO-ovih ekspertnih timova za izgradnju integriteta i timova MORH-a i Oružanih snaga stvorene su dobre pretpostavke te definirani postupci i mjere za daljnji razvoj antikorupcijske politike. Neke od konkretnih mjera obuhvaćaju izravno uključivanje MORH-a u aktivnosti Nacionalnog vijeća za praćenje provedbe Strategije suzbijanja korupcije imenovanjem antikorupcijskog koordinatora, izradu i razvijanje MORH-ova antikorupcijskog akcijskog plana i drugih aktivnosti kojima se izgrađuje integritet i poboljšava transparentnost, provedbu proaktivne unutarnje informativne antikorupcijske kampanje i provedbu sustavne i sveobuhvatne antikorupcijske edukacije (treninga i obuke) za djelatnike MORH-a i Oružanih snaga.

U kontekstu nastojanja da se poveća uloga žena u unaprijeđenju „dobrog upravljanja“ i vladavine prava u obrambenom sektoru, želim naglasiti da su žene od osnutka MORH-a i Oružanih snaga bile integrirane u zajedničke napore za obranu domovine i izgradnju obrambenih sposobnosti. U novije vrijeme one mogu znatno više pridonijeti antikorupcijskim aktivnostima s obzirom na činjenicu da smo posljednjih godinu dana postavili takvu organizacijsku strukturu kojom smo osnažili položaj žena upravo na pozicijama s kojih mogu utjecati na donošenje odluka. To čvrsto potvrđuju podaci, prema kojima se od ove godine, u odnosu na prijašnje razdoblje, povećao broj žena koje obnašaju neke od najvažnijih funkcija u MORH-u. Tako, uz moju funkciju zamjenice ministra obrane, imamo još dvije dužnosnice, pomoćnice ministra obrane te više čelnica službi i čelnica odjela nego prijašnjih godina u sklopu upravnog dijela MORH-a. Mogu izdvojiti da, između ostalog, u obavljanju pravnih i stručnih poslova u znatnom broju sudjeluju stručnjakinje pravne struke i to upravo u područjima poduzimanja pravnih radnji radi zaštite interesa i imovine Republike Hrvatske kojom upravlja i gospodari MORH. Moram međutim naglasiti da nam, osim što imamo ustavni i zakonodavni okvir koji ne poznaje razlike između muškaraca i žena te što smo u posljednje vrijeme uspjeli prilično postići u pogledu rodnih pitanja, predstoji još

puno poslova, edukacije, sustavnog rada i umrežavanja. Poštovane dame i gospodo, držim da su ovakve razmjene mišljenja iznimno korisne, i to ne samo radi podizanja svijesti o korupciji i kriminalu te njihovu utjecaju na društvo i sigurnost, kao i o ulozi žena u obliku njihova punog sudjelovanja na mjestima donošenja odluka i procesima izgradnje mira, već i da susreti poput ovoga danas dodatno osnažuju regionalnu suradnju. Time se, u konačnici, višestruko pridonosi daljnjem razvoju sigurnosti i stabilnosti kako u našoj regiji tako i cijeloj Jugoistočnoj Europi. Hvala na pozornosti.

Nataša Đurović, zamjenica ravnatelja Ureda za suzbijanje korupcije i organiziranog kriminaliteta, Hrvatska

Iznimno mi je zadovoljstvo da u ime Državnog odvjetništva, Ureda za suzbijanje korupcije i organiziranog kriminaliteta (dalje: USKOK), sudjelujem u radu Regionalne konferencije „Žene u izgradnji mira: pristupanje žena pravosuđu u postkonfliktnim zemljama“ u okviru panela koji se odnosi na korupciju i kriminal kao faktore nesigurnosti u regiji. U izlaganju ću iznijeti neke načelne stavove i podatke koji mogu poslužiti kao osnova za raspravu koja će uslijediti.

Korupcija i kriminal, osobito organizirani kriminal, svakako su faktori koji utječu na stabilnost i sigurnost u regiji. Ako korupcija poprimi široke razmjere i infiltrira se u gotovo sve društvene segmente, ona predstavlja prepreku za funkcioniranje društva u cjelini. Tim više što korupcija smanjuje otpor organiziranom kriminalu koji, uz terorizam, danas u svijetu predstavlja ozbiljnu prijetnju. Korupcija stvara nejednakost, usporava gospodarski i društveni razvoj, negativno utječe na efikasnost pravosuđa i javne uprave, narušava temeljne ljudske vrijednosti i ugrožava vladavinu prava. Radi se o složenom fenomenu koji je nastao u samim počecima organiziranih društava, a koji se može sagledati iz raznih aspekata kao što su sociološki, ekonomski, psihološki, kaznenopravni i drugi aspekti. Budući da sam pravnica, ukratko ću se osvrnuti na kaznenopravni aspekt.

U Hrvatskoj ne postoji zakonska definicija korupcije. U kaznenopravnom smislu Zakon o USKOK-u taksativno nabroja kaznena djela koja se smatraju koruptivnim kaznenim djelima. Najčešće se u praksi pojavljuju kaznena djela primanja i davanja mita te zlouporabe položaja i ovlasti. Danas je u Hrvatskoj za taj segment nadležna tzv. „uskočka vertikala“. USKOK je osnovan krajem 2001. godine kao posebno državno odvjetništvo za suzbijanje najtežih oblika kriminaliteta – korupcije i organiziranog kriminala. Naime, tada je procijenjeno da je za efikasno suzbijanje takvih oblika kriminaliteta potrebno osnovati specijalizirano tijelo čija je primarna zadaća kazneni progon počinitelja tih oblika kaznenih djela. U 2009. godini specijalizirana je i policija (osnovan je Policijski nacionalni ured za suzbijanje korupcije i organiziranog kriminaliteta, PNUKOK), a na sudovima koji su nadležni za suđenja u predmetima iz nadležnosti USKOK-a osnovani su Odjeli za USKOK. Za suzbijanje korupcije iznimno je važno stvoriti dobar zakonodavni i institucionalni okvir kakav danas postoji u Hrvatskoj.

No, nema te institucije ili tog zakona koji će onemogućiti korumpiranog pojedinca da počini kazneno djelo. Ključno je, po mom mišljenju, ipak pitanje integriteta i poštenja svakog pojedinca.

Represija je samo jedan od načina suzbijanja korupcije. Ona se bavi posljedicama koruptivnog ponašanja. Represivno djelovanje u suzbijanju korupcije sadrži i svojevrsnu preventivnu ulogu jer efikasno otkrivanje i procesuiranje počinitelja kaznenih djela te njihovo adekvatno sankcioniranje, koje uključuje i oduzimanje protupravno stečene imovinske koristi, djeluje demotivirajuće na potencijalne počinitelje kaznenih djela. Međutim, represivno djelovanje u suzbijanju korupcije nije dovoljno. Postoji niz načina kojima se korupcija može prevenirati, na primjer analize rizika i uvođenje mehanizama kojima se mogućnost koruptivnog djelovanja svodi na najmanju moguću mjeru. Dakle, potrebno je prvenstveno baviti se uzrocima korupcije i u tom smislu moraju djelovati sve institucije. Jednako tako, značajnu ulogu u borbi protiv korupcije ima edukacija. Tek podizanjem razine svijesti svakog pojedinca na onaj nivo na kojem se koruptivno ponašanje neće relativizirati i na nivo na kojem će korumpirane osobe izazivati opću društvenu osudu, moći ćemo reći da je u segmentu borbe protiv korupcije postignut značajan pomak. Samo sustavnim radom na represiji, prevenciji i edukaciji, iz dana u dan, kumulativnim efektom, mogu se postići očekivani rezultati. Prema statističkim podacima USKOK-a za 2011. godinu zbog koruptivnih kaznenih djela istrage su otvorene protiv 159 muškaraca i 23 žene, a optužnice su podignute protiv 108 muškaraca i 18 žena. Iz statističkih podataka moguće je različito zaključivanje o rodnom aspektu, odnosno udjelu muškaraca i žena u koruptivnim radnjama. U odnosu na zastupljenost žena u USKOK-u, trenutačno od ukupnog broja zamjenika ravnatelja 76 posto čine žene. Jedna od njih je zamjenica ravnatelja USKOK-a Tamara Laptoš, koja je prošle godine dobila nagradu Međunarodnog udruženja tužitelja „Tužitelj godine“, priznanje za postignute rezultate u borbi protiv korupcije i organiziranog kriminala. Ta nagrada je priznanje ne samo za kolegicu Laptoš već i za državno odvjetničku organizaciju u cjelini. No, priznanje je ujedno obveza da i ubuduće nastavimo s predanim radom. Ponekad se borba protiv korupcije čini kao „borba s vjetrenjačama“, kao nemoguća misija. No ipak, to nas ne smije obeshrabriti. Napori koji su uloženi u proteklom razdoblju doveli su do napretka, a rezultate u tom području priznala je i EU. Represivno djelovanje, za razliku od preventivnog, lako se može izmjeriti. Najbolji pokazatelj uspješnosti represivnog djelovanja u suzbijanju korupcije statistički su podaci, posebice oni o visokom postotku osuđujućih presuda. No, to ne znači da je posao obavljen. Ima ga još puno i to ne samo pred državnim odvjetništvom, već pred svima nama. Radi se o trajnoj zadaći, o procesu u kojem moraju biti mobilizirani svi segmenti društva.

Krajnji rezultat, do kojeg se ne dolazi ni lako ni brzo, trebala bi biti promjena kulture i načina razmišljanja, običaja i navika kao i motivacije ljudi da, umjesto za osobnu korist ili korist svojih obitelji i prijatelja, djeluju za javnu, opću dobrobit, te izgradnja pravog sustava vrijednosti, a u konačnici stvaranje društva u kojem korupcija i kriminal neće biti prepreka razvoju i neće predstavljati faktor nesigurnosti i nestabilnosti u regiji.

Vesna Fabijančić Križanić, zastupnica u Hrvatskom saboru i potpredsjednica Nacionalnog vijeća za praćenje provedbe Strategije suzbijanja korupcije, Hrvatska

Korupcija je problem svakog društvenog i političkog uređenja. Korupcija je štetna društvena pojava koja narušava temeljne društvene vrijednosti. Ona je povijesni, psihološki, sociološki, gospodarski, politički i pravni fenomen. U najširem smislu, to je svaka zlouporaba javnih ovlasti radi ostvarenja privatnih probitaka. To je svaki čin kojim se, suprotno javnom interesu, nedvojbeno krše moral i pravne norme, te povređuju temelji vladavine prava. Među najvažnijim posljedicama korupcije je gubitak javnog povjerenja u tijela državne vlasti, što se posljedično negativno odražava na gospodarski razvoj društva. S toga ne samo korupcija, već i sama sumnja u korumpiranost dovode u pitanje vjerodostojnost same vlasti. Zbog toga ju treba suzbijati, razotkrivati i strogo sankcionirati.

Postavlja se pitanje koji su izvori korupcije u društvima i ekonomijama u tranziciji? Osnovni modeli objašnjavaju korupciju kao rezultat poremećaja u funkcioniranju državne uprave, rezultat nedostatka odgovornosti i transparentnosti, slabih institucija civilnog društva i kaosa nastalog zbog institucionalnog vakuuma nakon pada komunizma. Jedan je od glavnih problema određenog broja tranzicijskih zemalja gubitak etičkih vrijednosti u društvu. Problem je u manjku zajedničkog razumijevanja kakvo je ponašanje prihvatljivo, a kakvo ne, u kombinaciji s činjenicom da društvo ne kažnjava određene tipove ponašanja. Ovaj manjak zajedničkih vrijednosti i načela prirodno vodi u neizvjesnost i nepredvidljivost – građani ne znaju hoće li od državne uprave dobiti ono na što misle da imaju pravo – i zato „kupuju“ izvjesnost i predvidljivost.

Da bismo bili učinkoviti u borbi protiv korupcije, model prevencije korupcije mora biti dugoročno rješenje. Taj model mora biti razrađen primjenom glavnih elemenata borbe protiv korupcije:

- obveze poštivanja pravne procedure, načela i ograničenja što razumijeva poštivanje i provedbu važećeg zakonodavstva (načelo vladavine prava),
- obveze usuglašavanja poslovne politike s najboljom praksom potrebnom za učinkovito suzbijanje korupcije (načelo dobre prakse),
- preuzimanje pune odgovornosti od strane rukovodeće garniture u kreiranju poslovne politike i njezine učinkovite provedbe (načelo odgovornosti),
- obveze donošenja i provedbe mjera sustavnog otklanjanja uzroka korupcije, uključujući i otklanjanje svih nedostataka koji joj pogoduju (načelo prevencije),
- postizanje stalnog napretka u kreiranju i provedbi mjera za sprječavanje korupcije (načelo učinkovitosti),
- obveze zajedničkog djelovanja u provođenju antikorupcijske politike (načelo suradnje),
- obveze osiguranja transparentnosti u donošenju odluka i omogućavanje pristupa informacijama (načelo transparentnosti),

- obveze unaprjeđenja suradnje s civilnim društvom,
- dosljedno i redovito nadziranje provedbe poslovnih aktivnosti, procjenu rizika korupcije i poduzimanje odgovarajućih mjera.

Primjenom ovih glavnih elemenata borbe protiv korupcije osiguravaju se prioritetni ciljevi borbe protiv korupcije koji su, sukladno javnoj percepciji u društvu: unaprjeđivanje pravnog i institucionalnog okvira za učinkovito i sustavno suzbijanje korupcije, afirmaciju pristupa „nulte tolerancije na korupciju“, jačanje integriteta, odgovornosti i transparentnosti u radu tijela državne i lokalne vlasti i s tim u vezi jačanje povjerenja građana u državne institucije, stvaranje preduvjeta za sprječavanje korupcije na svim razinama, podizanje razine učinkovitosti otkrivanja i kaznenog progona korupcijskih kaznenih djela, podizanje javne svijesti o štetnosti korupcije i potrebi njezina suzbijanja, unaprjeđivanje međunarodne suradnje u borbi protiv korupcije i unaprjeđivanje suradnje s organizacijama civilnog društva.

Ključni dokument politike borbe protiv korupcije u Republici Hrvatskoj je Strategija suzbijanja korupcije (NN 75/2008) koju je Hrvatski sabor donio u lipnju 2008. Usporedo s donošenjem Strategije donesen je i prvi Akcijski plan. Vlada je osnovala Povjerenstvo za praćenje provedbe mjera suzbijanja korupcije, kojem je dodijeljena ključna uloga u provedbi Akcijskog plana. Za razliku od Povjerenstva koje je vladino radno tijelo, saborsko radno tijelo je Nacionalno vijeće za praćenje provedbe Strategije suzbijanja korupcije, koje prati provedbu Strategije i važećeg Akcijskog plana (između ostalog i putem analize izvješća nadležnih tijela o provedbi antikorupcijskih mjera), te predlaže mjere koje doprinose njihovoj učinkovitosti. Članstvo u vijeću, osim saborskih zastupnika, čine i predstavnici iz redova sindikata, poslodavaca, nevladinih organizacija koje se bave problemom korupcije, predstavnika akademske zajednice, stručnjaka i predstavnika medija. Takav sastav omogućuje kritički osvrt na učinak donesenih mjera, kritiku evaluacije učinaka izvršenih mjera, kao i ciljane preporuke za pojedine sektore.

Potrebno je permanentno voditi računa o tome da, kako se unaprjeđuje antikorupcijska politika, unaprjeđuju se i same koruptivne djelatnosti koje ju nastoje zaobići. U tom smislu, antikorupcijsku politiku treba gledati kao kontinuirani proces koji uvijek iznova treba prepoznati nove korupcijske rizike, te konstantno kreirati kvalitetna i učinkovita rješenja za njihovo odstranjenje. Potrebno je redovito provoditi analizu učinaka provedbe mjera putem jasno određenih mjerljivih pokazatelja napretka.

U kolikoj mjeri smo uspješni u borbi protiv korupcije, u tolikoj mjeri jačamo integritet institucija. Jačanje integriteta institucija nameće se kao ključni element održivog razvoja. Izuzetno je važno uvesti etičnost i upravljanje integritetom u svakodnevnu praksu, što javnim službama omogućava da su u službi društva, da budu oslonac pouzdanosti i zakonitosti, a time naravno i stabilnosti. Na taj način borba protiv korupcije postaje način na koji država funkcionira i pitanje o kojem treba voditi računa u svakoj zemlji, u svakoj instituciji i organizaciji.

Elisabeth Rehn, državna ministrica i predsjednica odbora direktora Zaklade za žrtve Međunarodnog kaznenog suda, članica Savjetodavnog odbora Regionalnoga ženskoga lobija za mir, sigurnost i pravdu u Jugoistočnoj Europi, Finska

Korupcija se uglavnom poistovjećuje s financijskom korupcijom. Naravno, ona uzrokuje veliku štetu, ali nije jedini oblik korupcije koji uništava demokratsko društvo. U većini slučajeva govorimo o korupciji na visokoj razini, kada iste osobe koje promiču borbu protiv droga ili trgovanja ljudima primaju svoj dio dobiti od samih kriminalaca. Ili o dužnosnicima/cama koji osobno ostvaruju dobit od izgradnje infrastrukture ili nabave materijala za obranu. Ali ne smijemo zaboraviti ni one na nižim razinama: liječnike koji pacijente primaju na operaciju preko reda, omogućujući im da preskoče duge liste čekanja budu li dodatno plaćeni, ili ugledne škole koje će primiti djecu roditelja koji su spremni ravnatelju dodatno platiti. Takvim se slučajevima narušava pravda među građanima.

Vladavina prava, policijske istrage, sudnica, državni odvjetnici i suci - svi oni igraju ogromnu ulogu u demokratskom razvoju društva. To, međutim, nije slučaj ako se novac uplaćuje kako se u nekim predmetima ne bi vodile istrage, ili ako su suci plaćeni kako bi donijeli određene presude. Takva praksa posebno šteti ženama žrtvama seksualnog ili obiteljskog nasilja. Ako počinitelj podmiti istražitelja kako bi ovaj obustavio istragu u predmetu, mi pred time ne možemo zatvarati oči.

Korupcija je i pitanje povlađivanja prijateljima, članovima stranke, članovima obitelji, nepotizma pri imenovanju visokih dužnosnika. To se, nažalost, događa u većini zemalja. Vladajuće stranke biraju lojalne članove stranke na visoke i dobro plaćene dužnosti. To znači da nikada ne možemo biti sigurni je li imenovana zaista najbolja i najsposobnija osoba.

Korupcija u medijima predstavlja razoran oblik korupcije. Kada predstavnici medija „prodaju dušu“ za novac te izvješćuju u skladu sa željama moćnika, nestaje povjerenje u medije. Kada više ne izvješćuju na objektivan i pošten način, lišavaju građane prava na istinu. To nije isto što i politika novina koje su vezane za neku stranku ili su u njezinu vlasništvu i koje slijede njezinu službenu politiku. Situacija postaje opasna upravo kada istinu prilagođava tzv. neutralan i objektivan tisak. Ti novinari nisu nužno za to ni plaćeni, ali ostvaruju posebne povlastice kod vlade, informacije iz prve ruke, pozive i sl. Ovdje se ne radi o tračerskom žutom tisku, nego o službenim novinama, televiziji i radiju koji se pretvaraju da su slobodni, pouzdani i nepristrani.

PANEL 4: Pristup pravosuđu žena žrtava ratnog seksualnog nasilja i njegove implikacije – Žene žrtve rata i seksualnog nasilja

Predrag Matić, ministar branitelja, Hrvatska

S velikim sam zadovoljstvom prihvatio poziv za Regionalnu konferenciju Regionalnoga ženskoga lobija za mir, sigurnost i pravdu u Jugoistočnoj Europi.

Nažalost, tema o kojoj je ovdje riječ teška je i zahtijeva ponajprije razumijevanje i poticanje osviještenosti o tom gorućem problemu. S te mi je strane iznimno zadovoljstvo osobno podržati ciljeve i planove koji uključuju aktivnosti RŽL-a, a te aktivnosti, naravno, uključuju zagovaranje ravnopravnosti spolova kao jednog od temelja moderniziranog društva kojemu težimo i u kojemu živimo. I sâm prepoznajem problem i statistiku koja ga prati, a prema kojoj je broj žena na visokopozicioniranim mjestima malen. Htio bih, stoga, još jednom ovim putem, dakle javno, izraziti podršku i slaganje s radom RŽL-a. To mogu izraziti u svoje ime i u ime Ministarstva branitelja, a samim time i ostalih organizacija koje se bave istom tematikom. Uloga pravosuđa je glavna tema ove Konferencije, stoga se možemo složiti s nastojanjima u smjeru podizanja svijesti o dotičnome problemu u okviru vladajućih tijela. Ono što je još važnije jest rješavanje problematike pristupanja pravosuđu onih žena koje su preživjele razne oblike zlostavljanja i nasilja, pri čemu se misli prvenstveno na seksualno, koje se dogodilo tijekom i nakon oružanih sukoba. Nadajmo se da će se ovom Konferencijom javnosti, a i ostalim sferama našeg društva, pružiti uvid u napredak koji su žene postigle u tom procesu diljem regije, odnosno na području Jugoistočne Europe. Svima nam je važno, što i stoji u ciljevima ove Konferencije, omogućiti što širi dijalog između institucija i pogođenih strana. Zatim prijeći sve prepreke koje stoje na putu ženama koje nastoje dosegnuti pravedan pravosudni postupak. Nadalje, poboljšati komunikaciju, tj. suradnju između europskih institucija i pravosuđa Jugoistočne Europe te, naravno, suzbiti korupciju i kriminal koji također uzimaju maha, a utječu na boljitak pravde za žene. Diskriminacija pri zapošljavanju je, nažalost, i u današnje, moderno vrijeme, prisutna, iako zakonom kažnjiva, i protiv toga se također treba boriti. Za to im također trebamo pružiti razumijevanje, jer u toj borbi nisu same.

Na kraju krajeva – da se vratim na temu – naše je Ministarstvo jasnoga stava da sve oblike seksualnog ili bilo kojeg drugog zlostavljanja žena, odnosno svaku vrstu zločina počinjenu nad njima, treba jednoglasno osuditi. Takvi zločini, kao i svi drugi izvršeni u Domovinskom ratu, ne smiju biti prešućeni. Čin silovanja i zlostavljanja žena mora se okarakterizirati i klasificirati kao ratni zločin i sukladno tomu osvijestiti problem koji ukazuje na to da za te zločine još nema zadovoljavajućeg broja procesuiranih krivaca. To je crna statistika koja nam ne ide u prilog. Nadam se da će se ozbiljno raditi na privođenju krivaca te rješavanju toga problema na način što bezbolniji za žrtve. Da će se svaki čin zlostavljanja bilo koje prirode nad ženama klasificirati kao ratni zločin i po istom se postupku i rješavati. Potrebna je, stoga, jasna suglasnost i koordinacija među institucijama kako u pregovorima tako i u konkretnom rješavanju gorućih problema. Osobno se nadam da će ova Konferencija na koncu velikim dijelom pridonijeti našem

zajedničkom cilju u izgradnji mira i zaštiti žena koje su pretrpjele te stravične zločine u ratnim sukobima. Stoga se nadam da će uspjeti u svim ciljevima, nastojanjima i težnjama kojima teže.

Memnuna Zvizdić, članica Upravnog odbora Regionalnog ženskog lobija, Bosna i Hercegovina

Silovanje žena u ratu dio je državne strategije rodno zasnovanog nasilja u osvajanju teritorija i brisanju „osobnih“ identiteta. Period od 1991. do 1995. godine je tmuran period našeg povijesnog horizonta u kojem su se umjesto kulturnih vrijednosti veličali raskol, dioba, geografske i etničke podjele. Rat u Bosni i Hercegovini bjesnio je od aprila 1992. godine, a negdje i od ranije, sve do Dejtonskog mirovnog sporazuma u jesen 1995. godine.

Rat se događao u okviru porodica i između susjeda. Gubitak je ovdje univerzalan fenomen. Sposobnost da se nanosi bol i šteta drugoj i drugom, bila je navika i glavno obilježje rata u BiH.

Mirovni sporazum je donio BiH saznanja o punoj ljudskoj tragediji izazvanoj ratom što uključuje smrt, uništenje u velikim razmjerama i progon gotovo polovine stanovnika. Protjerivanje, ubijanje, silovanje i rušenje su bolna bilanca rata čije posljedice se još uvijek sagledavaju i bilježe. Slaganje mozaika trajat će godinama. Pretpostavlja se da je preko 100.000 ljudi ubijeno, preko milion građana je raseljeno i više hiljada osoba – žena, djece i muškaraca je evidentirano sa iskustvom najgorih vidova psihičke i fizičke torture u logorima. Više od 10 posto ukupnog broja žrtava nedavno završenog rata su žene. Više od 1500 žena je nestalo, a tačan broj ubijenih i silovanih žena još uvijek se ne zna.

Priču o silovanim ženama u Bosni i Hercegovini temeljim na podacima iz izvještaja Amnesty Internationala „Čija pravda? Žene BiH još čekaju“ (koji uključuje iskustvo nevladinih organizacija, međunarodnih i lokalnih, Međunarodnog krivičnog suda za bivšu Jugoslaviju i Suda BiH), ali i na osobnom iskustvu podrške ženama i djevojkama, žrtvama silovanja u ratu.

Tokom rata u BiH hiljade žena, djevojaka i djevojčica silovano je, mnoge sistematski i u više navrata u svojim kućama, u logorima i/ili na mjestima zvanim „logori za silovanje“ odnosno bordelima. Većina silovanja se, prema riječima novinara Roya Gutmana, događala „po naređenju“ i to u periodu od marta do novembra 1992. godine. Broj žena silovanih u ratu varira, ovisno o izvoru (od 10.000 do 60.000 žena, djevojaka i djevojčica). U dokumentima EU spominje se 20.000 žena, djevojaka i djevojčica sa iskustvom preživljenog ratnog silovanja, a u dokumentima Vlade BiH 14.000 (oko 2000 je imalo između 7 i 18 godina, oko 8000 bilo je u dobi između 18 i 35 godina, oko 3000 od 35 do 50 godina i oko 1000 žena bilo je starije od 50 godina). Nevladine organizacije (međunarodne i lokalne), Međunarodni krivični sud za bivšu Jugoslaviju i Sud Bosne i Hercegovine su dokumentirali hiljade slučajeva. Tačan broj silovanih žena tokom rata u BiH i dalje je upitan, jer lokalne vlasti u BiH nikada nisu prikupile jasne podatke o tome iz svih izvora.

Žene su silovane kako bi se ponizili i u očaj bacili oni „drugi“ te očistila osvojena područja. Iskazi silovanih govore o namjeri silovatelja da žene ostanu trudne te da ih se drži u ropstvu do trenutka kad pobačaj više nije moguć. Na taj način se održavalo uvjerenje da će rođena djeca pripadati etnicitetu silovatelja i na taj način doprinositi širenju njegovih teritorijalnih granica.

Na taj način, vjerovali su „ratni stratezi“, stvorene demografske i reproduktivne pukotine kod žena nesrpske nacionalnosti osiguraće etničku čistoću prostora u budućnosti. Silovanje se događalo naočigled članova porodice, rođaka i/ili šire zajednice kako bi se pojačao osjećaj stida, poniženja i neugode. Logori za provođenje masovnih silovanja postojali su na prostoru okupiranih dijelova BiH. U logore su zatvarane isključivo žene nesrpske nacionalnosti koje su bile uglavnom u fertilnoj ili još mlađoj dobi. Silovane žene zbog psiholoških, moralnih, vjerskih, običajnih i drugih razloga prihvatale bi izbjeglištvo, izgnanstvo, u mjesta što udaljenija od mjesta zločina.

Silovani su i na drugi način seksualno mučeni i muškarci, a jedan dio muškaraca je kastriran. Broj silovanih muškaraca nije dovoljno velik da bi se to ponašanje nazvalo planiranim i naređenim.

Sud za ratne zločine u Hagu definirao je silovanje kao ratni zločin i zločin protiv čovječnosti te je prvi put u povijesti silovanje tako i suđeno. Prvi slučajevi silovanja kao ratnog zločina dokumentirani su još 1993. godine. Od 1995. do danas manje od 40 slučajeva krivično je procesuirano pred Haškim tribunalom i domaćim pravosuđem.

U pogledu ostvarivanja pravde u BiH, osnovno je pitanje koliko se niži nivoi sudske vlasti entitetski, kantonalni i općinski mogu nositi sa procesuiranjem ovih slučajeva – kojim tempom će se ovi predmeti procesuirati, da li lokalno pravosuđe može odgovoriti ovom kompleksnom zadatku i da li su obezbijedene dodatne zaštite svjedoka. Često zaboravljamo i na činjenicu da svjedoci (žene i muškarci) koji imaju ključnu ulogu u predmetima silovanja, protokom vremena stare i umiru. Izvještaji Amnesty Internationala (do sad ih je urađeno osam) govore o neuspjehu države da reaguje na zločine seksualnog nasilja počinjene tokom rata. I dvadeset godina nakon sistematskih silovanja država je uradila malo kako bi se preživjele suočile sa sveprisutnom stigmom i poniženjem koje su doživjele, ali i koje danas doživljavaju te ostvarile pravo na pravdu, istinu i reparaciju (država se još 2010. godine obavezala da će žrtvama ratnog silovanja setom mjera osigurati pravo na reparaciju, ali nijednu još nije provela).

Pravda za žene silovane tokom rata bila bi prije svega garancija da se ne moraju svakodnevno susretati sa onima koji su počinili zločin nad njima i da se ne srame zbog toga što su „žrtve“. Nedostatak političke volje, odnosno to što se ne mogu usaglasiti svi nivoi vlasti (ima ih četrnaest) oko odgovornosti u pružanju potrebne zaštite i podrške žrtvama, temeljni je problem kada je u pitanju kažnjavanje počinitelja zločina, rehabilitacija žrtava, obeštećenje i garancije da se zločini neće ponoviti.

Razumijevanje i priznavanje silovanja u ratu različito se odražava i na definiranje statusa silovanih žena u BiH. Upravo nepriznavanje statusa uz osporavanje onoga što su preživjele su ključni razlozi zbog kojeg se još uvijek javno ne govori o silovanim ženama srpske nacionalnosti i što se silovanje različito statusno vrednuje u entitetima

i Distriktu Brčko. Pristup značajnijoj reparaciji je uskraćen u Distriktu Brčko i Republici Srpskoj (visina nadoknade se kreće između 100 i 300 KM), dok u Federaciji BiH, u skladu sa odredbama Zakona o civilnim žrtvama rata, žene sa iskustvom preživljenog ratnog silovanja su samo djelimično zaštićene, primaju nadoknadu u visini od 560 KM. Smještanjem silovanih žena u status civilne žrtve rata nije se osiguralo ostvarivanje drugih prava, npr. pravo na liječenje. Da bi ostvarile pravo na nadoknade, žene prolaze kroz mukotrpne procedure dokazivanja, što uzrokuje proživljavanje iste traume. U Federaciji BiH trenutno 707 žena prima određenu vrstu socijalne podrške zbog toga što su bile žrtve silovanja kao ratnog zločina.

Nijedna vlada u Bosni i Hercegovini još od 1996. godine nije osigurala pravdu ni odštetu za hiljade žena i djevojčica žrtava silovanja. Nisu osigurali istrage koje bi dovele do kažnjavanja počinitelja seksualnih zločina (pripadnike vojske, policije, paravojnih grupa) koji žive, a neki i obnašaju vlast, u lokalnim zajednicama u kojima žive i žrtve. Silovanje je još uvijek u grijehu šutnje i tabu tema kao odbrana od stigmatizacije. Žene koje su pretrpjele seksualno nasilje diskriminirane su i u ostvarivanju svojih socijalnih prava. Mnoge od njih su izgubile i članove porodice, bez posla su i žive u siromaštvu. Veliki broj žena nema nikakvo zdravstveno osiguranje (ne može da kupi ili plati lijekove koji su im potrebni svaki dan). Ustanove za socijalni rad i zdravstvenu zaštitu, kao nadležni organi vlasti u BiH, nisu dovoljno osposobljene za rad sa žrtvama silovanja, što dodatno otežava njihovo uključivanje u normalan život, te su stoga ženske nevladine organizacije još uvijek glavni nosioci pomoći i zaštite žrtava seksualnih zločina.

U Bosni i Hercegovini, postoje veoma skromni i pojedinačni pokušaji procjene uticaja rata i poslijeratne rekonstrukcije na žene i ženska prava. Ratna silovanja žena ponovno su zainteresirala kako domaću tako i međunarodnu javnost što će dovesti do utvrđivanja zajedničkih standarda u primjeni rezolucija 1820(2008), 1888(2009) i 1889(2009) koje se odnose na zaštitu žena i djece u oružanim sukobima. U prošloj godini započele su velike rasprave o institucionalnim i vaninstitucionalnim zaštitnim mehanizmima, o potrebi za promjenama – pristup zasnovan na potrebama žrtava, zakonskoj regulativi o pravima žrtava nasilja i civilnim žrtvama rata te programima za zaštitu žrtava seksualnog nasilja.

Staša Zajović, članica Regionalnog ženskog lobija, Srbija

Od početka svog delovanja (1991. godine) Žene u crnom su se zalagale za kažnjivost svih ratnih zločina, prvo onih počinjenih od strane srpskih oružanih formacija, a potom od svih ostalih. U skladu s tim, zajedno sa srodnim feminističkim organizacijama uputile smo krajem 1992. godine apel *Feministkinje Beograda govore*:

- Da se silovanje žena u ratu proglasi za ratni zločin, kao i svi drugi vidovi seksualnog nasilja nad ženama učinjeni tokom rata (prisilna prostitucija, seksualno ropstvo, prisilna trudnoća, prisilna sterilizacija itd.).
- Da se formira međunarodni sud koji bi krivično gonio odgovorne za silovanje u ratu, a sud bi trebalo da čine isključivo žene.

- Da se žene silovane u ratu u Bosni i Hercegovini ne razdvajaju i različito vrednuju u odnosu na nacionalnost kojoj pripadaju. Patnje svih žena za nas imaju istu vrednost.

Tokom više od 20 godina Žene u crnom nisu prestale da zahtevaju pravdu za žene žrtve seksualnih zločina. Nažalost, moramo se podsetiti na nekoliko činjenica. Zloupotreba žena žrtava seksualnih zločina tokom rata u nacionalističko-militarističke svrhe nikada nije prestala.

Haški tribunal je u statutu definisao silovanje u ratu kao ratni zločin. Do tada se silovanje nigde nije eksplicitno označavalo kao ratni zločin, već je potpadalo pod široku definiciju „namernog izazivanja velike patnje ili nanošenja ozbiljnih telesnih povreda ili narušavanja zdravlja“. Međunarodni kazneni sud definisao je u svom statutu četiri vrste zločina nad ženama: silovanje u ratu, seksualno ropstvo, prisilna trudnoća, prisilna prostitucija.

Važno je naglasiti da su ti zločini uneti u institucionalni pravni sistem isključivo zahvaljujući zalaganju globalnih feminističkih mreža, a pre svega saradnji feminističkih aktivistkinja i pravnih stručnjakinja i njihovom koordiniranom pritisku na institucionalni pravni sistem na međunarodnom nivou. Nažalost, presude ni približno ne odgovaraju razmerama tih zločina.

U okviru institucionalnog pravnog sistema u zemljama bivše Jugoslavije nisu priznati težina i razmeri seksualnih zločina nad ženama, što je potvrđeno i malim kaznama za te zločine.

Žene u crnom su sastavni deo civilnog društva u Srbiji, ali kao međunarodna mreža, deo su i „globalnog“ civilnog društva. Žene u crnom pokreću ili učestvuju u brojnim inicijativama protiv rata, nacionalizma, militarizma.

Civilno društvo kao autonomno organizovanje građanki i građana radi pokretanja građanskih inicijativa i vršenja pritiska na državne i druge institucije u cilju njihovog menjanja i poboljšavanja ima važnu ulogu u procesu prevladavanja negativnog nasleđa prošlosti.

Dakle, institucionalni pravni sistem veoma često ne zadovoljava pravdu, ne priznaje odgovornost država i njenih institucija, ne priznaje određene vrste nasilja (posebno nad ženama). Zato civilno društvo preuzima odgovornost za pravdu, stvaranjem alternativnog pravnog sistema kako se pravda ne bi pretvorila u odstrel i linč. U ove alternativne institucije pravde spadaju narodni tribunali i posebno ženski tribunali.

Krajem 2010. godine sedam feminističkih organizacija iz zemalja bivše Jugoslavije pokrenulo je Inicijativu za organizovanje Ženskog suda. Kasnije su se Inicijativnom odboru priključile još dve organizacije. U brojnim aktivnostima vezanim za organizovanje Ženskog suda za bivšu Jugoslaviju učestvovalo je preko 2600 osoba, uključilo se preko 200 organizacija civilnog društva iz oko 100 gradova iz država bivše Jugoslavije. Učesnice smatraju da pravosudni sistem, na međunarodnom a još manje na nacionalnom nivou, ne zadovoljava pravednost.

Ženski sud je prostor za svedočenje o svakodnevnom iskustvu nepravdi, tokom rata i u miru, kao i o organizovanom otporu žena. Ženski sud vrši pritisak na institucionalni pravni sistem i teži stvaranju alternativnih modela pravde od strane žena.

Kroz zajednički rad i promišljanje, uobličena je ideja Ženskog suda – feministički pristup pravdi u skladu sa iskustvima, znanjima i potrebama žena sa teritorije bivše Jugoslavije. Na osnovu do sada iskazanih stavova i svedočenja, radi se o brojnim nepravdama pretrpljenim kako tokom ratova i nakon njega. Što se tiče seksualnih zločina, učesnice smatraju da postoji kontinuitet rodno zasnovanog nasilja – zločini i u ratu i u miru: ratni zločini (silovanje u ratu), u mirnodopskom periodu (seksualni zločini, silovanje, fizičko, psihološko nasilje u porodici, seksualno uznemiravanje, seksualne ucene, uznemiravanje na radnom mestu...).

Učesnice dosadašnjih edukativno-istraživačkih aktivnosti na terenu su govorile o: ratnom zločinu silovanja – stigmatizaciji žena koje o tome svedoče, porodičnom i seksualnom nasilju: silovanje u braku od strane muža povratnika s ratišta, silovanje u braku i u partnerskoj vezi, fizičko i psihičko nasilje u partnerskoj vezi itd.

Navešću tri primera nacionalističko-militarističke manipulacije seksualnim zločinima nad ženama u slučaju Srbije.

Nacionalni akcioni plan Srbije za Rezoluciju 1325 i navodna pomoć ženama silovanim u ratu: u tom dokumentu usvojenom krajem 2010. se kaže da će institucije zadužene za primenu Rezolucije 1325 finansijski podržati programe pomoći ženama silovanim u ratu, tj. „ženama koje su tokom ratova na prostoru bivše SFRJ bile izložene mučenju i seksualnom zlostavljanju“. Odmah smo pitale predstavnike države na koji način planiraju da organizuju, finansijski podrže i sprovedu, na primer, programe pomoći ženama silovanim u ratu, čiji se broj procenjuje na više desetina hiljada samo u Bosni i Hercegovini. Naravno, odgovornost je utoliko veća kad se zna da su počiniooci tog zločina u ogromnom procentu pripadnici srpskih oružanih formacija. Nedavno smo saznale da su upravo taj deo dokumenta izbacili! Dakle, vlasti Srbije selektivno i arbitrarno upotrebljavaju Rezoluciju 1325, umesto da se u skladu sa njenim člankom 12. Srbija založi „da spreči nekažnjivost i krivično goni odgovorne za genocid, zločine protiv čovečnosti i ratne zločine, uključujući i one koji se odnose na seksualno i drugo nasilje nad ženama i devojkama“ itd.

Na pomenuto prekrjanje vlastitih dokumenata, naravno, nije uticao film “U zemlji krvi i meda” Anđeline Žoli. Film je bukvalno pretvoren u opasnost po nacionalnu bezbednost u Srbiji, što samo potvrđuje kontinuitet kulture poricanja zločina počinjenih u naše ime, a potpuno je nevažna umetničko-estetska dimenzija tog filma.

Žene u crnom su juna 2012. saopštenjem za javnost zatražile podršku u akciji protiv kampanje difamiranja prof. dr. Dragane Dulić, bivše dekanke Fakulteta za bezbednost Univerziteta u Beogradu. Senat Univerziteta doneo je sramotnu odluku da joj onemogućí nastavak rada na Univerzitetu, iako je ona i formalno i naučno u potpunosti zadovoljila uslove za produženje radnog odnosa. Prof. Dragani Dulić zameraju što saraduje sa Ženama u crnom, što je podržala Pride, ali najviše joj zameraju što „propagira seksualni terorizam Srba“ samo zato što je studentima stavila na raspolaganje raznovrsnu literaturu o toj temi, tj. ratnom zločinu silovanja. Kampanju predvode organizacije i grupe koje su se afirmisale svojim zalaganjem da se Ratko Mladić i Radovan Karadžić smatraju srpskim herojima.

Kao što piše aktivistkinja Žena u crnom Tamara Kaliterna, dve hrestomatije D. Dulić o etici rata i ljudskoj bezbednosti objavljene pre deset, odnosno šest godina, i neke rečenice iz članaka Majkla Volcera i Meri Keldor poslužile su za difamaciju priređivačice. Keldor predaje na London School of Economics, a među osnivačima je pokreta za nuklearno razoružanje Evrope. Volcer je dobitnik Spinozine nagrade za etiku u Holandiji. Objavio je 27 knjiga. Najkobniji je citat iz hrestomatije: „Masovna silovanja i seksualno nasilje nad ženama i muškarcima u Bosni i Hercegovini, od 20.000 do 30.000 prijavljenih slučajeva, usmerili su posebnu pažnju na izveštaje o seksualnom terorizmu Srba koji su strateški koristili prisilne trudnoće sa politikom etničkog čišćenja“.

Silovanje Bošnjakinja bila je ratna taktika Srba što je potvrdilo 17 haških presuda, među kojima Dušku Tadiću, Biljani Plavšić, Momčilu Krajišniku. Trojica Srba osuđeni su jer su u seksualnom ropstvu držali više od sto Bošnjakinja u Foči. Radovanu Karadžiću i Ratku Mladiću se sudi zbog silovanja kao oružja genocida. Prema Margo Volstrom, izaslanici UN za seksualno nasilje, u bosanskom ratu je bilo između 50.000 i 60.000 silovanja. Dulić je podržala Paradu ponosa i saraduje sa mirovnom organizacijom Žene u crnom. Na internetu je predstavljena kao prijateljica Oslobođilačke vojske Kosova. Kampanji solidarnosti sa prof. dr. Dulić pridružili su se deseci istaknutih članova/ica akademske zajednice, kao i organizacija civilnog društva iz cele Srbije, ali i regije.

Navešću samo par tačaka koje potvrđuju zloupotreba Rezolucije 1325 od strane Srbije.

Institucije države Srbije su 2010. godine izradile Nacionalni akcioni plan za implementaciju Rezolucije 1325. Proces izrade Nacionalnog akcionog plana za Rezoluciju 1325 u Srbiji bio je netransparentan, nedemokratski i neparticipativan, o čemu svedoči i istraživanje Žena u crnom iz 2010. godine. I preko te „ženske“ rezolucije država saraduje samo sa organizacijama „koje poslušno slede potrebe države, čime se civilno društvo, ili preciznije ‚civilni sektor‘, deli na poslušne i neposlušne i umesto solidarnosti unosi razdor na principima patrijarhalnog nadmetanja“.

U političkoj analizi teksta i procesa izrade preporuka za NAP u Srbiji Žene u crnom su istakle ozbiljne nedostatke, a pre svega izrazito militaristički karakter dokumenta i celog procesa NAP-a: „Ministarstvo odbrane kao nosilac izrade NAP-a svedoči o militarističkom pristupu bezbednosti. Iskustvo ratova 90-tih godina na prostoru bivše Jugoslavije, a posebno uloga Vojske Srbije koja je nasledila breme JNA (Vojske Jugoslavije, Vojske SCG) kao jedan od glavnih izvršnih organa režima S. Miloševića, ozbiljno dovodi u pitanje kredibilitet ove institucije kao nosioca aktivnosti u izradi NAP-a, a posebno je to neprihvatljivo sa feminističko-pacifističkog stanovišta“.

Rezolucija 1325 je birokratska alatka za proizvodnju iluzije o lažnoj integraciji i mitomanskoj opsesnutosti „liderstvom u regiji“.

Država koja je proizvela i izvozila rat ne želi da se suoči sa posledicama rata koji se nužno „vraća kući“ što se ne odražava samo u vidu normalizacije nasilja, već i svakodnevnom isključivanju drugih i različitih, u rastu fašističkih tendencija i pokreta...

Preko Rezolucije 1325 Srbija pretenduje ne samo da se promovise kao „regionalni lider u primeni Rezolucije 1325“ već i da se „kandiduje“ kao jedan od značajnih faktora u multinacionalnim operacijama, tj. da „aktivno doprinese procesu izgradnje mira,

stabilnosti i bezbednosti“, da se prikaže kao jedna progresivna i kredibilna zemlja koja se jako zalaže za mir u svetu. Koriste Rezoluciju 1325 radi novog dizajniranja Srbije kao mirnodopske „sile“ i proizvodnje prošlosti bez rata i pranja krvavih tragova ratnih zločina. Umesto toga, mi smatramo da „jedan od prioriteta primene Rezolucije u Srbiji mora biti i postkonfliktna obnova društva, tj. procesi u kojima će se utvrditi činjenice o zločinima u prošlosti, utvrditi individualna krivična odgovornost, kazniti počinioci i izvršiti institucionalne reforme (pre svega lustracija) koje će omogućiti diskontinuitet institucija, ali i društva, sa režimom koji nosi odgovornost za genocid i najteže zločine“.

Primena Rezolucije 1325 pokazuje brojne teškoće, prepreke i izazove na putu stvaranja pravednog mira i drugačijeg koncepta i prakse bezbednosti. Srećom, raste broj koalicija i mreža koje se organizuju i na regionalnom i na globalnom nivou, a koje ne dozvoljavaju da elite na vlasti obesmišljavaju i kidnapuju važne međunarodne dokumente kao što treba da bude Rezolucija 1325. U tim feminističko-antimilitarističkim koalicijama Žene u crnom aktivno učestvuju.

Veprone Shehu, izvršna direktorica nevladine udruge MEDICA, Kosovo

Medica Kosova organizaciju je osnovala Medica Mondiale iz Njemačke u srpnju 1999. godine, a u listopadu 2003. registrirana je kao nacionalna udruga. Trenutačno zapošljava 23 osobe (20 žena i 3 muškarca) i ima tri odjela (psihološki, medicinski i pravni) koji rade na interdisciplinarni način. Od 2006. godine Medica Kosova bavi se i dohodovnim djelatnostima u sektoru poljoprivrede. Od 1999. godine svojim je uslugama pružila potporu za 8900 žena i djevojčica. Trenutačno 190 žena i djevojčica (87 starijih i 103 mlađih žena) prima potporu ove organizacije kroz sve usluge koje ona pruža. Od 2001. godine Medica Kosova je pružila pomoć za 126 žrtava silovanja u ratu. 43 osobe još uvijek dobivaju savjetovanje i potporu, kao i 39 žena koje imaju jasne simptome traume vezane za seksualno nasilje tijekom rata.

U siječnju 2011. godine organizacija je počela provoditi osnaživanje starijih žena za promicanje ravnopravnosti spolova u njihovim obiteljima i zajednicama. Njezin je cilj promjena stava i odnosa starijih žena prema socijalnim rodnim ulogama te reagiranje na rodno uvjetovano nasilje nad ženama i djevojčicama.

Zašto žene odbijaju pristup pravosuđu?

- Snažan patrijarhalni kontekst i stigmatizacija žena koje su preživjele silovanje u ratu. Silovanje se smatra napadom na „obiteljsku čast“.
- Nedostatak potpore obitelji i žena drugim ženama: žene se boje svojih svestrani. Muž koji je porezao vlastitu ruku kako bi dokazao majci da mu je žena djevojka.
- Nedovoljna psihološka potpora i nedostatak financijske pomoći tijekom i nakon postupka. Razmišljanja jedne žene koja je svjedočila na Međunarodnom kaznenom sudu za bivšu Jugoslaviju: „Osim užasa koji sam proživjela tijekom rata, ne bih bila u stanju nositi se sa zbunjenošću, strahom i frustracijom kaznenog postupka kada ne bi bilo psihološke i materijalne potpore organizacije“.

- Postupci tužiteljstva – ponovno traumatiziranje preživjelih. Istraga zahtijeva da žrtve iznose bolne pojedinosti.
- Preživjele žene koje žele svjedočiti nisu zaista spremne otkriti imena drugih žena. Potreba za drugim svjedokom/svjedokinjom komplicira proces pristupa pravosuđu, iako, s druge strane, olakšava progon.
- Nepostojanje nacionalnog plana za provedbu tranzicijskih pravosudnih mjera, nedostatak javnog priznanja i zakonskog uređenja, nema javne isprike iz Srbije, nedovoljna psihosocijalna potpora i nedostatak konkretnoga ekonomskog osnaživanja.

Što može potaknuti pristup pravosuđu žena koje su preživjele silovanje? Kakva im vrsta pravde treba?

- Ženama je potrebno pružiti alternativnu mogućnost restorativne ili obnavljajuće pravde, koja se razlikuje od retributivne pravde koja se primjenjuje na Kosovu i u većini zemalja u regiji. Retributivna pravda traži samo kažnjavanje počinitelja, a obnavljajuća pravda pokušava žrtvama pružiti ozdravljenje i određenu naknadu. Psihosocijalna potpora, besplatna pravna pomoć, medicinska skrb, zakonom zajamčena mirovina i provedba programa ekonomskog osnaživanja ključni su čimbenici obnavljajuće pravde.
- Posebna sredstva tijekom pravosudnog postupka – prije, tijekom i nakon postupka – trebaju osigurati Vlada i međunarodne misije/donatori.
- Veći broj istražiteljica koje su upoznate s kulturološkim kontekstom i posljedicama seksualnog nasilja počinjenog tijekom rata.
- Uključenje rodno osjetljivih sudaca/sutkinja, koji imaju iskustva s takvim traumama, u rješavanje ratnih zločina na osnovi roda.
- Pojednostavljenje postupka kaznenog progona – bez potrebe za drugim svjedokom/svjedokinjom koji mora potvrditi iskaz osobe koja je preživjela seksualno nasilje.
- Uska suradnja nevladinih udruga s Misijom vladavine prava Europske unije na Kosovu (EULEX KOSOVO) i kosovskom policijom tijekom postupka.

Tijekom kampanja za jačanje svijesti potrebno je imati na umu tri ključna čimbenika:

1. Sveobuhvatan i sudjelujući pristup, aktivnim uključivanjem žrtava u taj proces, te javna priopćenja institucija i tijela javne vlasti po pitanju silovanja u ratu i potpore žrtvama.
2. Kampanja bi trebala sadržavati poruke za obitelji i zajednice, institucije i žene žrtve silovanja u ratu kao ključne dionike u postupku pristupanja pravosuđu.
3. Razvoj programa jačanja svijesti žena za žene.

Žene moraju progovoriti i pristupiti pravosuđu, u suprotnom nekažnjavanje nikada neće prestati. „Rođenje mojih riječi može značiti smrt moje sramote i agonije“ – to je osjećaj koji u ženama želimo potaknuti kako bismo ih aktivirali.

Deklaracija s Konferencije „Žene u izgradnji mira: pristupanje žena pravosuđu u postkonfliktnim zemljama“

Regionalni ženski lobi za mir, sigurnost i pravdu u Jugoistočnoj Europi, 18. listopada 2012. godine u Gradskoj skupštini Grada Zagreba, Hrvatska, održao je Regionalnu konferenciju „Žene u izgradnji mira: pristupanje žena pravosuđu u postkonfliktnim zemljama“, pod pokroviteljstvom predsjednika Republike Hrvatske dr. sc. Ive Josipovića. Potporu održavanju Konferencije dali su UN Women, Ured za ravnopravnost spolova Vlade Republike Hrvatske te Gradska Skupština grada Zagreba.

Na Konferenciji su, pored članica RŽL, sudjelovali i članovi/ce vlada, parlamentarni zastupnici/ce, stručnjaci i stručnjakinje iz Hrvatske i iz regije, aktivistice iz zemalja u regiji, te predstavnici UN i EU, te drugih međunarodnih organizacija.

Cilj Konferencije bio je identificiranje načina za unaprjeđenje pristupanja žena pravosuđu, uključujući tranzicijsko pravosuđe te isticanje u tom smislu uloge i potpore liderica, žena iz zakonodavne vlasti, kreatorica politika i relevantnih vladinih institucija. Konferencija se bavila i ulogom pravosuđa i tranzicijskog pravosuđa u procesu europskih integracija u regiji i u kontekstu primjene Rezolucije 1325 i preuzetih obveza.

Raspravljalo se i o regionalnoj suradnji među lidericama kako bi se osiguralo povećanje sigurnosti i pristup pravosuđu te o podizanju svijesti o tome u okviru vlada, sudstva, civilnog društva, regionalnih i međunarodnih organizacija te akademske zajednice. Izlaganjima i raspravama o političkoj i sigurnosnoj situaciji iz ženske perspektive, fokus aktera u regiji usmjeravao se na uspješnu implementaciju Rezolucije 1325, posebice na analizu doprinosa žena miru i sigurnosti i političku participaciju te rodni paritet u procesu donošenja političkih odluka na svim razinama.

Ova Konferencija RŽL nastojala je predočiti i napredak učinjen zalaganjem žena u društvima u procesu promjena, širom regije. Posebno mjesto na Konferenciji imala je rasprava o europskim politikama kojima se intenzivira i ističe uloga žena u novim procesima s novim mogućnostima što se otvaraju primjenom Rezolucije 1325, kao vrlo važnim, ali nedovoljno iskorištenim mehanizmom.

Iz izlaganja i rasprava u okviru panela na Konferenciji, sudionici/ce Konferencije posebno naglašavaju sljedeće sadržaje:

PANEL I

U promociji ljudskih prava žena nužno je ostvariti sinergiju državnih institucija i nevladinog sektora, kako bi se uspješnije senzibilizirala javnost za ovu temu, a kao rezultat takvih napora može se očekivati izmjena tradicionalnih društvenih obrazaca ponašanja.

Među temeljnim ciljevima koje je nužno postići kako bi se postigla istinska ravnopravnost spolova, prijeko je potrebno omogućiti ženama postizanje pune demokratske ravnopravnosti, ekonomske neovisnosti, ravnopravnosti u sudjelovanju u donošenju političkih odluka, te dostojanstveni položaj u odnosu na sve oblike nasilja.

Ekonomsku konkurentnost društva značajno određuje razvoj optimalne društvene produktivnosti žena, pri čemu samo zapošljavanje žena, bez razvoja potpornih socijalnih politika, nije dovoljno.

U regiji je nužno nastaviti efikasno suprotstavljanje etnocentrizmu i okupljanje oko tema oko kojih je moguće konstruktivno razvijati dijalog i koristiti europske procese i dobre prakse za unaprjeđenje demokratske razine u zemljama regije.

PANEL II

Rezolucija 1325 postala je instrument koji definira interese roda u sektoru sigurnosti i sudjelovanju žena u odlučivanju kao i u ostalim procesima kojima se realizira ravnopravnost spolova.

Posebno je raspravljen sadržaj ravnopravnosti u procesima odgoja, obrazovanja, kulture i znanosti koji generira vraćanje neravnopravnosti u različitim pojavnim oblicima.

Sve zemlje u regiji imaju pravni okvir, ali je u svim zemljama problem implementacija, što je dugoročni proces koji treba biti ubrzan uz pomoć akcijskih planova za implementaciju Rezolucije 1325 koji su neke zemlje donijele – Srbija, BiH i Hrvatska. Sudionici/e Konferencije posebno su naglasile potrebu da i sve ostale zemlje u regiji ubrzaju završetak ovog procesa.

U svim zemljama u regiji u zakonodavstvo su ugrađene kvote koje su donijele veće učešće žena na mjestima odlučivanja i u sektoru sigurnosti, a kao primjer nove i dobre prakse treba pratiti sudjelovanje i doprinos žena u međunarodnim misijama.

PANEL III

Smanjenje korupcije, uz osiguravanje transparentnosti svih postupaka, kao i provođenje antikoruptivnih aktivnosti bitno je za svako demokratsko društvo. O snaživanjem žena na položajima u procesima donošenja političkih odluka, žene preuzimaju i dio odgovornosti u tim procesima.

Korupcija i organizirani kriminal imaju velike posljedice na čitavo društvo i razorno djelovanje na razvoj demokracije, i horizontalno i vertikalno.

Budući da represivni aparat ne može samostalno dovoljno efikasno djelovati u antikoruptivnom smislu, nužno je nastaviti raditi na prevenciji koruptivnog ponašanja, kroz sustav edukacije i promicanje sustava vrijednosti.

Vrlo važan segment učinkovite borbe protiv organiziranog kriminala je i međunarodna suradnja nadležnih institucija, koju valja jačati i dalje razvijati na operativnoj razini.

PANEL IV

Zločin protiv čovječnosti i ratni zločin silovanja žena i djevojčica u logorima i na okupiranim područjima tijekom ratnih sukoba u Hrvatskoj, Bosni i Hercegovini i na području Kosova bio je jedan od sredstava ratovanja, pa i način osvajanja teritorija.

Točan broj silovanih žena i djevojčica na područjima zahvaćenim ratnim razaranjima još uvijek se ne zna, što državne institucije i civilni sektor dodatno obvezuje da surađuju i zajedno rade kako bi se rasvijetlili slučajevi silovanja i procesuirali zločini silovanja nad ženama i djevojčicama. RŽL posebno cijeni doprinos mirovnog aktivizma ženskih organizacija u području čitave regije.

Pozivaju se institucije pravne države da započnu procese kako bi se počinitelji ratnih zločina silovanja priveli pravdi, a njihova nedjela procesuirala. Žrtvama je prijeko potrebno pružiti zaštitu i podršku prije, tijekom i nakon procesa, uz uspostavljanje zakonskog okvira za priznavanje statusa civilnih žrtava rata, te osiguravanje njihovog punog ljudskog dostojanstva.

Sudionice Konferencije posebno ističu sljedeće ciljeve:

- Kreiranje zajedničke platforme za unaprjeđivanje dostupnosti pravde i tranzicijske pravde za žene u postkonfliktnim zemljama.
- Promicanje reforme pravosudnog sustava u zemljama Jugoistočne Europe koja bi pridonijela rodnoj osviještenosti, a u skladu s obvezama prema međunarodnim i regionalnim instrumentima za zaštitu ljudskih prava, koji jamče ženama efektivnu sudsku zaštitu.
- Unaprjeđenje usklađivanja s EU standardima u vezi sa sudjelovanjem žena u donošenju odluka i izgradnji mira, u Jugoistočnoj Europi.
- Identificiranje aktivnosti/koraka za povećanje uloge žena u unaprjeđenju "dobrog upravljanja" i vladavine prava, suzbijanjem negativnih pojava (korupcija, kriminal) i podupiranjem sigurnosti i stabilnosti u regiji.
- Povećavanje suradnje liderica iz vladinog i civilnog sektora u regiji u vezi s rodno osjetljivom tranzicijskom pravdom i pristupačnijim pravosuđem za žene.
- Razmjena informacija i primjera dobre prakse o primjeni Rezolucije Vijeća sigurnosti UN-a 1325 u zemljama Jugoistočne Europe.

**Rezolucija 1325 (2000)
usvojena od Vijeća sigurnosti na 4213. sjednici,
31. listopada 2000.**

Vijeće sigurnosti,

Pozivajući se na Rezolucije 1261 (1999) od 25. kolovoza 1999., 1265 (1999) od 17. rujna 1999., 1296 (2000) od 19. travnja 2000. i 1314 (2000) od 11. kolovoza 2000., kao i na relevantne izjave svoga predsjednika te pozivajući se također i na izjavu koju je predsjednik dao tisku povodom Dana Ujedinjenih naroda posvećenog pravima žena i međunarodnom miru (Međunarodni dan žena), od 8. ožujka 2000. (S/C/6816),

Pozivajući se na obveze Pekinške deklaracije i Platforme za djelovanje (A/52/231) kao i sve obveze sadržane u zaključnom dokumentu dvadeset i treće posebne sjednice Opće skupštine Ujedinjenih naroda pod nazivom "Žene 2000: Ravnopravnost spolova, razvoj i mir u 21. stoljeću" (A/S-23/10 Rev.1), a naročito na dio koji se odnosi na žene i oružane sukobe,

Imajući u vidu svrhu i načela Povelje Ujedinjenih naroda te osnovnu odgovornost Vijeća sigurnosti prema Povelji o održanju međunarodnog mira i sigurnosti,

Izražavajući zabrinutost da se civili, posebno žene i djeca, ubrajaju u veliku većinu onih koji su negativno pogođeni vojnim sukobom, uključujući i izbjeglice i interno raseljene osobe, kao i činjenicu da su oni u sve većoj mjeri meta strana u sukobu i vojnih elemenata, te prepoznajući posljedice koje to ima na trajni mir i pomirenje,

Ponovno ističući važnost uloge žena u sprječavanju i rješavanju konflikata i u izgradnji mira, naglašavajući važnost njihove jednake participacije i punog uključenja u sve napore na održanju i promicanju mira i sigurnosti kao i potrebu povećanja njihove uloge u donošenju odluka koje se tiču sprečavanja i rješavanja sukoba,

Ponovno ističući potrebu za punom primjenom i provedbom zakona o humanitarnim i ljudskim pravima koji štite prava žena i djevojaka tijekom i poslije sukoba,

Naglašavajući potrebu da sve strane osiguraju da programi podizanja svijesti o minama i čišćenju mina, uzmu u obzir i posebne potrebe žena i djevojaka,

Prepoznavajući hitnu potrebu uvođenja rodne perspektive u mirovne operacije, te pozivajući se u tom smislu na deklaraciju iz Windhoek i Namibijski plan djelovanja o uvođenju rodne perspektive u višedimenzionalne operacije podrške miru (S/2000/693),

Prepoznavajući također važnost preporuka koje su sadržane u izjavama svoga Predsjednika, a dostavljene tisku 8. ožujka 2000., o specijaliziranoj obuci osoblja u misijama za očuvanje mira o zaštiti, posebnim potrebama i ljudskim pravima žena i djece u konfliktnim situacijama,

Prepoznavajući da razumijevanje utjecaja oružanoga sukoba na žene i djevojke, da učinkoviti institucionalni dogovori koji jamče njihovu zaštitu i potpuno sudjelovanje u mirovnom procesu mogu uvelike doprinijeti održavanju i promicanju međunarodnog mira i sigurnosti,

Ukazujući na potrebu prikupljanja i sređivanja podataka o utjecaju oružanoga sukoba na žene i djevojke,

1. *Poziva* zemlje članice da osiguraju povećanu prisutnost žena na svim razinama odlučivanja u nacionalnim, regionalnim i međunarodnim institucijama i mehanizmima za sprječavanje, vođenje i rješavanje sukoba;
2. *Ohrabruje* Glavnog tajnika da primijeni svoj strateški plan djelovanja (A/49/587) koji poziva na povećano sudjelovanje žena na svim razinama odlučivanja u rješavanju sukoba i mirovnim procesima;
3. *Poziva* Glavnog tajnika da imenuje više žena za posebne predstavnice i izaslanice koje će kvalitetno vršiti dužnost u njegovo ime, te tim povodom, poziva zemlje članice da imenuju svoje kandidatkinje i dostave njihova imena Glavnom tajniku u cilju njihova uključivanja na redovito nadopunjavane popise;
4. *Nadalje, poziva* Glavnog tajnika da traži proširenje uloge i doprinosa žena u operacijama Ujedinjenih naroda na terenu, a posebno među vojnim promatračima, civilnoj policiji te osoblju koje se bavi ljudskim pravima i humanitarnim radom;
5. *Izražava spremnost* da ugradi rodnu perspektivu u mirovne operacije i poziva Glavnog tajnika da osigura, kad god je to moguće, uključivanje komponente spola u operacije na terenu;
6. *Zahitijeva* od Glavnog tajnika da osigura zemljama članicama smjernice i materijale za obuku o zaštiti, pravima i posebnim potrebama žena kao i o važnosti uključivanja žena u sve mirotvorne operacije i mjere izgradnje mira, *poziva* zemlje članice da ugrade ove elemente kao i obuku o podizanju svijesti od opasnosti od HIV/AIDS-a u svoje nacionalne programe obuke za vojno i osoblje civilne policije u pripremi za razmjestaj vojnih snaga, nadalje traži da Glavni tajnik osigura da civilno osoblje u mirovnim operacijama prođe sličnu obuku;
7. *Poziva* zemlje članice da povećaju svoju dobrovoljnu financijsku, tehničku i logističku podršku rodno osjetljivim obukama, uključujući one koje provode relevantni programi i fondovi, *inter alia*, Fond Ujedinjenih naroda za žene i Fond za djecu Ujedinjenih naroda te Ured Ujedinjenih naroda Visokog povjerenika za izbjeglice i ostala relevantna tijela;
8. *Poziva* sve aktivno uključene strane da pri pregovorima i dogovorima o implementaciji mira, usvoje rodnu perspektivu, uključujući *inter alia*:
 - (a) posebne potrebe žena i djevojaka tokom repatrijacije i ponovnog naseljavanja te tijekom rehabilitacije, reintegracije i poslijeratne obnove;
 - (b) mjere koje podržavaju mirovne inicijative žena lokalnoga područja i autohtone procese za rješavanje sukoba i one koji uključuju žene u svim mehanizmima za ostvarenje mirovnih sporazuma;
 - (c) mjere koje će osigurati zaštitu i poštivanje ljudskih prava žena i djevojaka, osobito one koje se odnose na ustavni poredak, izborni sustav, policiju i pravosuđe;

9. *Poziva sve strane u oružanom sukobu da u potpunosti poštuju međunarodno pravo koje se primjenjuje u zaštiti žena i djevojaka kao civila, a naročito da poštuju obveze koje se odnose na njih prema Ženevskim konvencijama iz 1949. uz to i u Dodatnim protokolima iz 1977. godine, Konvenciji o izbjeglicama iz 1951. godine i uz to Protokolu iz 1967. godine, Konvenciji o uklanjanju svih oblika diskriminacije žena iz 1979. i uz to Izbornom protokolu iz 1999. i UN Konvenciji o pravima djeteta iz 1989. i uz to dva Izborna protokola od 25. svibnja 2000., imajući u vidu i odgovarajuće propise Rimskog statuta Međunarodnog kaznenog suda;*
10. *Poziva strane u oružanom sukobu da poduzmu ozbiljne mjere da zaštite žene i djevojke od spolno zasnovanog nasilja, pogotovo silovanja i drugih načina seksualnog nasilja, te svih ostalih oblika nasilja u situacijama oružanoga sukoba;*
11. *Naglašava odgovornost svih država da prestanu s nekažnjavanjem te da kazne one koji su odgovorni za genocid, zločine protiv čovječnosti, ratne zločine, uključujući i one koji se odnose na seksualno nasilje nad ženama i djevojkama, te u tom smislu naglašava potrebu isključivanja tih zločina iz odredaba o amnestiji, gdje god je moguće;*
12. *Poziva sve strane u oružanom sukobu da poštuju civilni i humanitarni karakter izbjegličkih kampova i naselja i da uzmu u obzir posebne potrebe žena i djevojaka uključujući i izgled kampova, i poziva se na svoje Rezolucije 1208 (1998) od 19. studenoga 1998. godine i 1296 (2000) od 19. travnja 2000.;*
13. *Potiče sve one koji su uključeni u planiranje razoružanja, razvojačenja i reintegraciju da razmotre različite potrebe žena i muškaraca bivših vojnika, te da uzmu u obzir potrebe članova i članica njihovih obitelji;*
14. *Ponovo ističe svoju spremnost, kad god se usvajaju mjere prema članu 41. Povelje Ujedinjenih naroda, da razmotri njihov potencijalni učinak na civilno stanovništvo, imajući u vidu posebne potrebe žena i djevojaka s ciljem razmatranja odgovarajućih humanitarnih izuzeća;*
15. *Izražava svoju spremnost osigurati da misije Vijeća sigurnosti uzmu u obzir spol i prava žena, uključujući konzultacije s lokalnim i međunarodnim organizacijama žena;*
16. *Poziva Glavnog tajnika da provede studiju o utjecaju oružanog sukoba na žene i djevojke, uloži žena u izgradnji mira i rodne dimenzije u mirovnim procesima i rješavanju sukoba, te ga nadalje poziva da podnese izvješće Vijeću sigurnosti o rezultatima te studije i da te podatke stavi na raspolaganje svim zemljama članicama Ujedinjenih naroda;*
17. *Zahтиjeva od Glavnog tajnika, da, po potrebi, uključi u svoja izvješća Vijeću sigurnosti napredak postignut u uvođenju politike ravnopravnosti spolova u svim mirovnim misijama i sve druge aspekte koji se odnose na žene i djevojke;*
18. *Odlučuje ostati aktivno uključeno u ovo pitanje.*

(http://www.ured-ravnopravnost.hr/site/preuzimanje/dokumenti/un/rezolucija_2000_1325.pdf)

Regional Conference

**WOMEN IN PEACEBUILDING: ACCESS TO JUSTICE
OF WOMEN IN POST-CONFLICT
COUNTRIES**

INTRODUCTION

At the end of 2012, the third strategic Regional conference organized by the Regional Women's Lobby for Peace, Security and Justice in Southeastern Europe, titled *Women in peacebuilding: Access to justice of women in post-conflict countries*, was held in Zagreb, at the instigation of Croatian members Gordana Sobol and Morana Paliković Gruden. The conference was sponsored by the President of the Republic of Croatia, *professor Ivo Josipović, PhD*, and supported by the UN Women Central and Southeastern Europe Sub-Regional Office, the Office for Gender Equality of the Government of the Republic of Croatia and the Zagreb City Assembly. Regional Women's Lobby (www.rwlsee.org) was founded in Zagreb in 2006 with the purpose of advocating for women's rights and empowering women in the processes of decision-making, peace, democracy, safety and justice, in accordance with Resolution 1325 of the United Nations Security Council on women, peace and security. Its members are prominent politicians and non-governmental organization activists from Croatia, Serbia, Bosnia and Herzegovina, Macedonia, Montenegro, Albania and Kosovo. Resolution 1325, adopted in 2000, is often interpreted as a broad political framework for the improvement of the position of women, and considered a historical event for NATO, since it denotes international community's first formal recognition of the effect of armed conflicts on women, and also of the contribution that women can make in building and consolidating peace. In the resolution, the UN Security Council calls for all the Member States to adopt measures ensuring greater participation of women at all decision-making levels in resolving conflicts and peace processes, measures ensuring respect for human rights of women and girls and their protection from gender-based violence. I see the great significance of Resolution 1325 precisely in the determination with which it expresses readiness to include the gender perspective in peace operations and peacebuilding measures. It is also very explicit in demanding the punishment of those responsible for rape and other forms of sexual violence and exclusion of those crimes from amnesty provisions. These are all issues that the countries in the region have been facing and that were discussed at this conference as well. The added value is that representatives of the legislative and executive powers participated in the conference along with the members of the Regional Women's Lobby, since there are still many challenges in completing the implementation of Resolution 1325. Until now, 43 countries have adopted the national action plan for the application of Resolution 1325 <http://peacewomen.org/naps/list-of-naps>. In July 2011 the Government of the Republic of Croatia adopted the National action plan for the implementation of the United Nations Security Council Resolution 1325 (2000) on women, peace and security and related resolutions in the period from 2011 to 2014 (http://www.ured-ravnopravnost.hr/site/preuzimanje/dokumenti/nac_strat/nap-za-1325.pdf). It contains clearly defined objectives and measures within three key areas related to prevention, participation and protection and post-conflict recovery, whose implementation is mainly the responsibility of the Ministry of Defence, the Ministry of the Interior and the Ministry

of Foreign and European Affairs. The announcement of adoption of the long-awaited Act on the rights of victims of sexual violence in the Homeland War, which should, according to minister Predrag Matić, morally and materially compensate victims of rape as war crime, represents one of the important steps not only in the implementation of Resolution 1325, but also in the implementation of the so-called related resolutions: Resolution 1820 (2008) on cessation of sexual violence in armed conflicts, Resolution 1888 (2009) on fighting sexual violence against women and children in armed conflicts, and Resolution 1889 (2009) on the role of women and their needs in building peace after armed conflicts. The Republic of Croatia has also welcomed the recent adoption of the newest Resolution 2106 (2013) of the Security Council on strengthening of prevention and prosecution of conflicts-related sexual violence. The Security Council has also stated that a high-level meeting on the implementation of Resolution 1325 shall be organized in 2015 and expressed its concern that women will remain insufficiently represented in conflict prevention and resolution unless serious progress in the implementation of the resolution is reached. The publishing of these Proceedings represents the contribution and support of the Office for Gender Equality to the activities performed by the Regional Women's Lobby, as well as to the application and promotion of the principles from Resolution 1325. The Proceedings include, along with welcoming addresses, the presentations of all participants in the conference within the four panels: European politics as an opportunity for the region; Lessons learned and shared experience in the implementation of Resolution 1325 in the countries of Southeastern Europe; Corruption and criminal – factors of uncertainty in the region and a threat to peace; and Access to justice of women – survivors of sexual violence in conflict. We believe that the promotion and distribution of these Proceedings in Croatia and the region shall contribute not only to future cooperation and experience sharing, but also to the empowerment of the implementation of national action plans, increasement of visibility of the significance of Resolution 1325 and related resolutions, and consequently, to the synergy of different strategic plans for the establishment of gender equality.

Editor
Helena Štimac Radin,
Director of the Government Office for Gender Equality
of the Republic of Croatia

CONFERENCE PROCEEDINGS FROM THE REGIONAL CONFERENCE
OF THE REGIONAL WOMEN'S LOBBY FOR PEACE, SECURITY AND JUSTICE
IN SOUTHEAST EUROPE

“WOMEN IN PEACEBUILDING: ACCESS TO JUSTICE
OF WOMEN IN POST-CONFLICT COUNTRIES”

Zagreb, October 18th, 2012

WELCOME ADDRESSES

Davor Bernardić, President of the City Assembly of Zagreb, Croatia

Mr Ivo Josipović, President of the Republic of Croatia, Ms Milanka Opačić, Deputy Prime Minister of the Republic of Croatia and Minister of Social Policy and Youth, Ministers of the Republic of Croatia and abroad, Ms Louisa Vinton, UN Resident Coordinator and UNDP Resident Representative of UNDP in the Republic of Croatia, Ms Erika Kvapilova, Regional Programme Director from the UN Entity for Gender Equality and the Empowerment of Women, Ms Edita Tahiri, Chair of the Regional Women's Lobby for Peace, Security and Justice in Southeast Europe, Ms Gordana Sobol, member of the Steering Committee of the Regional Women's Lobby for Peace, Security and Justice in Southeast Europe, dear organisers of the Regional Conference Women in Peacebuilding: Access to Justice for Women in Post-conflict Countries, dear participants of the Conference from the Republic of Croatia and abroad, ladies and gentlemen

I cordially greet you and welcome you on behalf of the Zagreb City Assembly and on my own behalf, and thank the organisers for inviting me to this Conference. The war and post-war period in which many negative events took place, of which many of the victims were women, created the need to establish the Regional Women's Lobby (hereinafter: RWL) that brings together women politicians and activists from countries in the region. Their work is focused on strengthening security, promoting women's rights, participating in decision-making, and overcoming the limitations of ethnocentric policies. The aims of the Women's Lobby to foster peace, democracy, security and justice in Southeast Europe, especially to empower women in the implementation of the United Nations Security Council Resolution 1325* (hereinafter: UNSCR 1325), are aims that are close to social democratic beliefs and are based on social democratic ideas. The early stages in implementing the idea to establish a RWL were difficult, but I am happy to say that among the first to support this idea were precisely women

* United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security, and Related Resolutions, Ed.

politicians and activists from Croatia. In their international actions, they have always shown high awareness and engagement in advocating gender equality, the protection of human rights, the protection of women's rights, and in raising awareness of all forms of discrimination suffered by women in these regions. I believe that today we are all aware of the marginalisation of women in making decisions concerning peace and security in the region, especially due to the entrenchment of traditional values, which threaten women's rights, in the political sphere. Therefore, we welcome the activities of the RWL which are aimed at strengthening the capacities of those who advocate gender equality, and which involve young people and national minorities. All these ideas are close to the social-democratic option; these are the goals that we especially promote in our policies. The City of Zagreb supports all initiatives and efforts of NGOs dealing with gender equality, as well as those of all NGOs who advocate changing the negative trends in society. Zagreb, as the centre of political decision-making in Croatia, is sensitive to the appeals of women's associations that are continuously promoting gender equality, and strongly supports women coming together for the common interest. Therefore, it is a special pleasure to welcome you, and a great honour that you have chosen the Old City Hall, the seat of Zagreb City Assembly where decisions are made for the City of Zagreb, as the place where you, as eminent experts, will discuss such an important and challenging topic. Focusing on the role of women in building sustainable peace, security and justice in Southeast Europe is extremely important. Awareness of this issue must be raised within governments, judiciary systems, civil society, and regional and international organisations. Access to justice is a fundamental human and democratic right, which represents the foundation of a free and equal society. Justice is gender neutral, and equal access to justice must be provided for women and men in the entire region and beyond. Women are significant and necessary in implementing all democratic processes, and your role in shaping all social events must be enhanced. In this you have our, your colleagues' support. Thus we welcome once again all the initiators of this event, I welcome the ideas and goals that will be presented at this meeting, and I invite cooperation, peer-support and equal partnership. We will support you and work with you to achieve your noble and just goals. All with the view to creating a better, more humane, and fairer society, a society of the 21st century as we desire it to be.

Gordana Sobol, Regional Women's Lobby Steering Committee Member and Member of the Croatian Parliament, Croatia

Ladies and Gentlemen, Welcome to the Regional Conference Women in Peacebuilding: Access to Justice for Women in Post-conflict Countries, organised by the RWL for Peace, Security and Justice in Southeast Europe. I would like to greet the President of the Republic of Croatia, Professor Ivo Josipović, Deputy Prime Minister for European Affairs of the Republic of Macedonia, Ms Teuta Arifi, Deputy Prime Minister of Kosovo for Foreign Policy and National Security, Ms Edita Tahiri, the Deputy Prime Minister of the Republic of Croatia, Ms Milanka Opačić, the Deputy Prime Minister of the Republic of Croatia, Mr Neven Mimica, ministers from abroad and from Croatia, the President of Zagreb City Assembly, Mr Davor Bernardić, members of the diplomatic corps and members of the Croatian Parliament, the UN Resident Coordinator and UNDP Representative, Ms Luisa Vinton, Minister Rehn, deputy ministers, Vice-president of the City Assembly, assistant ministers, Ombudsperson for Gender Equality, Director of the Government Office for Gender Equality, Deputy Director of USKOK, members of the Gender Equality Commission, gender equality coordinators, civil society representatives, members of the RWL, NGOs and the media

I wish to thank everyone present for coming, because just by coming you have expressed your support for the efforts we are all jointly investing to build peace and security in the region, through cooperation, dialogue and genuine respect for the full scope of women's human rights.

As I have already mentioned, today's conference is organised by the RWL for Peace, Security and Justice in Southeast Europe, which brings together leaders from governments, parliaments and NGOs from Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro and Serbia.

The RLW was founded in 2006 in Zagreb as a response to growing awareness of the marginalisation of women in decision-making related to peace and security in the region, and as a response to the concern about the level of security and stability in the region and the entrenching of traditional values in the sphere of politics, which threaten women's rights.

The intention of this conference is to identify, through dialogue, the remaining obstacles in access to justice for women in the region, and to emphasise the importance of the participation, support and regional cooperation of women leaders from legislative power, policy makers and relevant government institutions.

We will discuss the political and security situation from a female perspective. We will do this to focus the attention of the most important actors in the region on the successful implementation of UNSCR 1325, especially when we are talking about the contribution of women to peace and security and political participation and gender parity in the decision-making process at all levels, as well as in the process of European integration in the region, in the context of the application of Resolution 1325 and the assumed commitments.

Finally, we will talk for the first time about access to justice for women who experienced sexual violence during and after the armed conflicts in the region.

In the firm belief that this conference will provide an opportunity to acquire insight into the progress achieved by women in societies that are undergoing changes throughout our region, I wish to welcome you once again and wish everyone successful work.

Edita Tahiri, Chair of Regional Women’s Lobby and Deputy Prime Minister of Kosova for Foreign Policy and National Security, Kosova

Honorable President of Croatia, Dr. Ivo Josipovic, dear participants, members of RWL in Southeast Europe and of advisory Board, representatives of governments, deputy prime ministers, parliamentarians, leaders of assembly of Zagreb, dear Elizabeth Rehn, representatives of international organizations and civil society, ladies and gentlemen

It is my pleasure to greet all of you on behalf of the RWL and wish you a productive and enjoyable conference. Let me also extend the greetings and support of Government of the Republic of Kosova for a successful conference. Today, at this beautiful city of Zagreb, I am sure that we will develop an inspirational debate and ideas for advancing the role of women in decision making, peacebuilding, good governance, access to justice and European integration. I would like to express our sincere gratitude to President Josipovic for his visionary leadership in supporting empowerment of women. Indeed, it is a great honor for us, that this International Conference is being held under the President’s auspices. Thank you Mr. President. Our thanks go to the Government of Croatia, Office of Gender Equality, City Assembly of Zagreb who offered a precious support for this Conference.

I also want to thank United Nations Entity for Gender Equality and the Empowerment of Women (hereinafter: UN Women), who is our key partner and companion in our journey since the foundation of RWL, as well, all other supporters. Perhaps not many of you know that RWL has special feelings for the city of Zagreb. Zagreb is the city where our Lobby is born in 2006, by a group of prominent women leaders from politics and civil society from seven countries such as Croatia, Kosova, Serbia, Albania, Bosnia and Herzegovina and Macedonia. And, may I take this opportunity to ask the President of the Zagreb City Assembly, Mr. Davor Bernardic, to list our Lobby in the history pages of Zagreb, I am sure we deserve this.

Dear participants, RWL is a regional organization established by courageous and forward looking women who decided to work jointly for better future of our region and our countries. It was not an easy decision, having in mind wars and tragedies that marked our past. While we all agreed that past cannot be changed and neither forgotten, we strongly believed that future can be shaped in way that all can benefit from it. We are united in the vision of contributing for lasting peace, security, justice and reconciliation in the region where women must play a central role. We are committed to strengthen democracy, rule of law, economy and speed up the European integration for all countries in the region. RWL holds that democracy and justice are cornerstones of peace. We consider that democracy is about us and the others, of equal opportunities for

all. RWL considers that there cannot be a true democracy without equal participation of women in decision making in all spheres of life. The women present a strategic value for new paradigm of development and democracy worldwide. The women are fifty percent of human capital; hence they are factor of democratic change. However, its leadership potentials needs to be unleashed and limits be removed.

That's where RWL comes in. We work for women's empowerment and lobby for general support. We think that it is time to move from legal support to real support for women. Twelve years after the adoption the UNSCR 1325 and other resolutions afterward, the progress on status of women remains not satisfactory. Women can offer new values to leadership and good governance. The leadership of women shows dedication to public interest - that's what we need - more ethics in governance for more democratic and economic progress of countries. Women's empowerment is a matter of justice and just society. It is matter of reconciliation of power balance between both genders. It is a matter of new culture for gender balance where power is not exclusive to one gender. When speaking of reconciliation, we consider that this concept is even more valid for our region of a troubled past. RWL promotes reconciliation based on justice. The justice that provides for all states and nations of this region to live side by side with each in other in peace, in mutual respect and recognition, in dialogue and cooperation. This requires definitely abandoning old policies and embracing European values. Justice for women victims of the war is critical part of reconciliation. Many years have passed since the end of the war, and yet hundreds of women continue to live with the effects of their sufferings. There is no proper justice for survivors of wartime rape; meanwhile, most of the perpetrators go unpunished. RWL calls for justice on this tragic issue and access to justice for women in general. A just, peaceful and stable region is our goal.

In six years of its existence RWL have established itself as a vital women's voice in the region. It has been proactive in addressing and providing recommendation for the critical issues in the region as well as in lobbying through meetings with high officials at national and international level, organizing and participating in international conferences, interethnic dialogues and, wide range of other activities.

We are fully confident that this International conference will contribute in enriching our work for better future for all. Thank you.

Louisa Vinton, UN Resident Coordinator and UNDP Resident Representative in the Republic of Croatia

On behalf of the United Nations (hereinafter: UN) family in Croatia, it's both a great pleasure and a real honor for me to welcome this distinguished group of women leaders and activists from across Southeast Europe. I'd like to start by conveying warm regards from Erika Kvapilova, the Regional Program Director for UN Women for the region. UN Women is the UN entity tasked with promoting gender equality and is one of the co-sponsors of this conference. Erika had very much hoped to be here but has unfortunately been diverted by urgent business. Through UN Women, the UN system

is proud to be a long-term supporter of the RWL. We see this as a platform that both embodies and amplifies the message that women's equality and security are universal rights that transcend national and regional divisions. These are also core values for the UN – something that Secretary-General Ban Ki-moon underlined with great energy and enthusiasm during his visit to Croatia this July.

The UN and the RWL have both found a strong ally in President Ivo Josipovic, who last year was appointed to the Secretary-General's Network of Men Leaders committed to fighting violence against women. Let me use this opportunity to thank the President for his consistent leadership and support on the issue of gender equality. In taking stock of the issues that concern this gathering, we see a very mixed picture. On the one hand, gender equality has found nearly universal recognition in strategies, policies, laws and constitutions across our region. This normative correctness might lead the general public to conclude that our problems are solved and perhaps even to ask: "What more do these women want?" On the other hand, however, the realities of everyday life provide ample evidence that attitudes and behaviors are far harder to change than legislation. In Croatia, for instance, the December elections saw a slight decline in the number of women elected to the Parliament. The incidence of domestic violence remains worryingly high, with some 20,000 cases reported to police each year for the past decade, and as many as one in three families is believed to be affected. Most sadly, so far this year seven women have been killed by their partners. We look to this gathering to call attention to challenges such as these that still stand in the way of gender equality, and to point to potential solutions.

One issue that is at the top of the UN agenda here in Croatia is the plight of the survivors of wartime sexual violence. This is an issue that has for too long been shrouded in silence – in jarring contrast to the veneration and support accorded to war veterans.

After 20 years of waiting in vain for justice, Croatian survivors of sexual violence have banded together to seek the recognition and support they deserve. The United Nations Development Programme (hereinafter: UNDP) is now working with the Ministry of Social Policy and Youth, the Ministry of War Veterans and many other partners to try to address these needs, and we hope that UN Women will join us in this important initiative.

We see a fresh opportunity to address the issues of peace, security, justice and gender during the upcoming visit to Southeast Europe by Rashida Manjoo, the UN Special Rapporteur on violence against women, its causes and consequences. I'm pleased to announce here that the Special Rapporteur will pay a fact-finding visit to Croatia from the 7th to the 16th of November, and I know that Ms Manjoo looks forward to hearing your views.

Yours are strong voices, so we count on you to continue to advocate loudly for women's leadership in the quest for peace and prosperity in Southeast Europe. Be sure that the UN is with you all the way.

Milanka Opačić, Deputy Prime Minister and Minister of Social Policy and Youth, Croatia

Mr President of the Republic of Croatia, dear guests and participants of this Conference

It is an exceptional honour for me to have the opportunity to participate in a meeting which focuses on a topic that is often underestimated, and at the same time touches upon issues concerning the basic civilisational values of society. Discrimination of any kind must be resolved with zero tolerance. In the 21st century, the age of modern democracies and space technology, there should be no discussion about the importance of women participating in decision-making of significance for society. The issue of equality should be an already resolved issue and just another piece of the large jigsaw of modern society. But unfortunately, this is not so. While, on the one hand, we take large strides in developing civilisation, in obtaining the first images from the surface of Mars, in jumping from 39 kilometres and breaking the sound barrier in freefall, on the other hand, we are not sufficiently aware as a society that women, just for the fact of being women, cannot exercise their fundamental civil rights equally to men. Can we today speak at all about modern and true democracy if 50% of the population, or 50% of the electorate, do not participate in making decisions? Democracy, as a representative form of the rule of the people, cannot have its true meaning without genuine representation.

The issue of access to justice in post-conflict countries has been set up as a legitimate obstacle concerning which models have to be agreed that will guarantee access to justice for women. This is, and should be, a matter of universal logic and culture, a civilisational value and a universally accepted consensus. And it is reaching such a consensus and raising awareness of the fact that we are still far from this modern society to which we pay so much lip service that is the aim of the initiatives promoted by the RWL for Peace, Security and Justice. The first step in resolving the problem is becoming conscious of its existence, and, therefore, the effort and enthusiasm of the members of the RWL is invaluable.

The list of participants of this conference and the institutions they represent are a great encouragement. This shows the readiness of society to face problems in all areas, to seize the chances of resolving them, and to add new value and quality in resolving current social problems by acknowledging the female dimension in matters concerning the judiciary, corruption, and peacebuilding.

These problems range from the underrepresentation of women in local and national politics to their unenviable position on the labour market, where potential employers often perceive them as a financial liability. With regard to family violence, we are also aware of the social paradox where, instead of removing the perpetrator from the family, we remove the victims. Although by placing the victims in shelters for victims of violence, society can protect them from further immediate abuse, this actually excludes them from normal everyday life and socially isolates them. This model of social reaction does not leave any consequences on the abuser whose life routine does not change at all. As a society, we can and must find a better way to respond.

These are just some of the topics that paint a picture of the current problems affecting women's rights, and which must constantly be kept before the public. This is why I wish to express great optimism concerning the success of this conference, and this is also due to the boldly selected panel discussion topics. One of them is also access to justice for women victims who have survived sexual violence during the war and the implications of all this. I am extremely pleased that we have brought up a topic that unfortunately has so far been "forgotten" in Croatian society, and, regardless of the sensitivity and complexity of the issue, that we have decided to raise questions and find solutions for over 3,000 women who were detained and tortured in concentration camps during the Homeland War.

This is precisely why I wish to extend my support to the achievement of the goals of the conference in identifying the key obstacles and challenges faced by women in their efforts to reach fair and efficient access to justice in their individual countries and in the region as a whole. Perhaps the results of this conference will not break the sound barrier, and perhaps pictures from this conference will not be published as widely as the pictures from Mars, but I hope we will have a reasoned and fruitful discussion and find solutions that will break the unawareness barrier about the large and far-reaching challenges that stand before us in creating a modern society. Thank you.

Ivo Josipović, President of the Republic of Croatia

Dear Conference participants, dear guests, high officials, dear friends

The topic you have chosen as the subject of this conference is extremely important. Access to justice for women, as the last instance in the protection of their rights, is part of the conglomerate of many other problems that women in modern society have been facing. The very title of this conference may suggest that we will focus on the justice system, on war victims, on rape, murders, tortures and the access of women to justice in such cases. However, it has already been recognised in the introductory speeches that the problem is even deeper than access to justice itself. The insufficient access of women to justice is only a consequence of the weak general status of women in society.

Peace, security and justice are values in which we all deeply believe, and we hope that our countries in the southeast of Europe will embrace precisely these values, and that the atrocities that occurred in the nineties will never happen again.

UNSCR 1325 is full of good intentions. Unfortunately, the realisation of these good ideas and good intentions is not always at the level we would like. And indeed, when we speak of the rights and status of women, there is almost no subject in contemporary society where there is such a large gap between its regulation and what happens in reality. This is seen even at first glance from the data on the professional, political and general social positions occupied by women. The disproportion between regulations and reality is indeed a serious issue.

Let us look at this by individual area, starting with politics. In the Croatian Parliament, and I assume that this is the case in other countries of Southeast Europe, as

well as in Europe as a whole, there is a large disproportion between men and women. The participation of women in Parliament has even dropped in the current term of Parliament, from a modest 22% to slightly more than 19%. In the Government, only 20% are women, and we can conclude that, regardless of the fact that we have deputy prime ministers and deputy speakers of the Parliament who are women, and that we had a woman Prime Minister, Ms Kosor, the status of women in politics is not as it should be. At the local level, the situation is even more unfavourable.

In the economic sector, among the top managers, only around 2% are women. A number of analyses have shown that those companies where women are among the top managers achieve manifestly better, above average, and, in some places, top results. Perhaps this does not prove so much that women are generally better managers, since I think that male and female potentials are equal, as much as it proves that only the most successful women achieve these high posts, which are otherwise accessible to much less capable male managers.

The data concerning the labour market are a source of serious concern. Women make up over 60% of university graduates, they account for 56% of those who hold a master's degree, and 51% of those with PhDs, yet they also constitute 60% of the non-active population.

The situation in the education system and in the media is similar. Perhaps we cannot complain that there are not enough women among university teachers, but even in these areas the stereotype of a woman as a person more attached to the home, who does not affirm herself in public, still gains substantial support. You only have to leaf through the newspapers or watch TV to see that women are covered only as objects at certain events in a manner that does not affirm their equality. And this is wrong.

If we look at some traditionally male professions, such as service in the armed forces, we will find a very similar situation. As the commander-in-chief of the Armed Forces, I can say that, in spite of all efforts, an appropriate representation of women among the highest positioned staff has not been achieved. I always stress the example of our woman officer who served in Afghanistan. When I visited Afghanistan and met the commander of the allied forces in Afghanistan, the first thing he said to me after we had met was to praise this officer. He remembered her name and told me that she was one of the best officers in Afghanistan in general, and had only words of praise for her. Naturally, I was very proud, both because she was a member of the Croatian Armed Forces, and because she was a woman. In spite of this, we have not achieved a proportional representation of women in the highest posts in the army.

And now we are reaching the main topic of this conference, and this is the justice system and access to justice. We can talk about two segments of this problem.

The first is about the war and the consequences of the war, and the second is about the functioning of society and about what is happening in it with regard to women. Of course, when we speak of the war, then we think about war crimes and women as victims of crime on the one hand, and about women as civilian victims of war, on the other hand. When we speak about the judiciary in general matters, then we think primarily about

domestic violence and the prosecution of domestic violence, but also of access to justice in some other situations when women's human rights need to be protected.

Let us begin with the war. The war was terrible and caused harm to a huge number of people. It left indelible scars. Our task is to build peace and to forgive, but not forget, what happened during the war. Justice and the punishment of crime certainly form part of this forgiveness and reconciliation. Unfortunately, here in Southeast Europe, we were champions of inventiveness when it comes to crime. For the first time, a new form of crime was recognised, and this was forced impregnation. Thus, in addition to rape, which unfortunately has accompanied more or less all wars, we had cases that were recognised as a new type of crime, forced impregnation.

The role of the International Criminal Tribunal for Former Yugoslavia (there in after: ICTY) in recognising this crime is undeniable, although we can say that not even this Tribunal recognised women as victims of war in a satisfactory manner. There were cases when rape was treated as a separate crime, but there were also, unfortunately, many cases of mass rape that remained outside the cases prosecuted before that Tribunal. And this has also been the case with domestic courts.

On several occasions I encountered members of associations dealing with the issue of rape during the war and they rightly emphasised that the greatest number of rapes that occurred have never been prosecuted. The reason for this has not always been a lack of will, or the fact that someone would not want to prosecute the perpetrators, although there has also been some of that. One of the main reasons is that the judiciary failed to undertake suitable measures to actually prove that the perpetrators had committed the crime. The profession has let us down. Rape is a very specific crime, which requires specific methods of investigation, of producing evidence and of prosecution. A decisive factor in this is special consideration towards the victim.

I also have to say that women during the war did all they could to alleviate the atrocities of war and to end the war. We only have to remember the movement of women who fought for the war to stop, for prisoners to be released, for the missing to be found in all the countries of Southeast Europe. And here we really have to commend those NGOs who have done and are still doing a job of immeasurable importance.

With regard to crimes against civilians, the recognition of the status of civilian victims of war, with regard to punishing the perpetrators, primarily of rape crimes, but also other crimes where the victims were not just women, but also women, I have to say that, in spite of visible progress that has been made in the entire region, we cannot yet be satisfied.

I hope that one of the messages of this meeting will be that war crimes do not fall under the statute of limitations, that war crimes are not forgiven and that they must always remain in the focus of the justice system.

When we speak about access to justice in the peace period, then we usually speak of domestic violence. The introductory speakers mentioned some of the key problems when it comes to protecting victims. And indeed, the system often treats the victim worse than the perpetrator, despite the fact that better and superior laws are in force

today than was previously the case. Over three hundred women were killed in the last 10 years as a consequence of domestic violence.

Prevention is necessary, and so is repression, and the focus of the public and the justice system on domestic violence must not fade. The judiciary in Croatia, where, we have to emphasise, women dominate – both among judges and among prosecutors – must be more sensitive. However, when I say that women dominate, then I also have to add that we can very seldom find a woman court president. What is good to see is that the balance is slowly being reached at higher courts. It seems to me that now there is an almost equal number of women and men in the Supreme Court.

It is quite clear that this awareness, not only related to domestic violence, but also the need to achieve the full equality of women and to protect their rights, also has to be strengthened in institutions where women form the majority. This is precisely what supports the argument that prejudices exist in the general population and not only among men. I believe that the result of this conference will be at least a small step in the direction of promoting such awareness, and that Croatian society, as well as all other societies in Southeast Europe, will have the capacity to do more and do better than has been done so far. Thank you for your efforts, and I wish you successful work. Thank you very much.

PANEL 1: European Policies as an opportunity for the Region - Women's role in the European context

Neven Mimica, Deputy Prime Minister, Croatia

Ladies and Gentlemen, participants of the Regional Conference on Women in Peacebuilding and Access to Justice for Women in Post-conflict Countries

As an introductory speaker on this panel, I think that it is particularly important to stress at the very beginning that the Southeast European region has gone through difficult and often painful experiences of conflicts and transition in the last 20 years. These processes also frequently had a great negative effect on all spheres of social relations, including the issue of strengthening gender equality, which, even before these events, was burdened by traditional patterns of thought and behaviour concerning male-female relationships and the position of women in society. Therefore, I think that the position and involvement of women in political and economic processes reflect the level of democratic maturity of a society and its commitment to the equal treatment of women and men. Equality before the law is a basic achievement of European and most global societies, but the stronger equal participation of women and men in political, public and economic decision-making must be a continuous commitment of society. Although substantial progress has been made in this respect in Croatia and other countries in the region, we have to admit that there is still need for the further affirmation of the status of women. Traditional opinions about the roles of

both sexes continue to affect individual decisions concerning education, professional development, working and employment conditions, family and birth. This situation, naturally, is directly reflected in the economy, politics and social relations in general. The status of women must be promoted through synergy between government institutions and the NGO sector. They have to raise public awareness of the need for the real and unfettered right of choice unburdened by tradition to fully achieve equality between women and men through different periods in their lives. Government institutions, besides creating the legal framework, must also provide a model for this by implementing affirmative policies towards the strengthening of the status and participation of women in political and economic life.

The accomplishments of the European Union (hereinafter: EU) in this field send an encouraging message to the countries in the region. One of the reasons for this is that these achievements facilitate the process of change in traditional social patterns that affect the greater affirmation of the participation of women in public and economic life, and their status in society, as well as protection against discrimination and violence.

Equality is one of the five basic values on which the EU is built, and efforts have been made to achieve equality between men and women in all areas of public and private life. The Charter of Fundamental Rights guarantees equality and prohibits discrimination on the ground of sex. It is also important to mention some of the major steps in the development of EU policies regarding gender equality, such as the adoption of the Directives on equal pay and equal treatment, and the Directive on the burden of proof in cases of discrimination based on sex.

In all its activities and policies, the Union is committed to the strengthening of equality between the sexes. There are also many success stories at Union level in the Member States, especially with regard to education and labour market participation, but reports show that women in the EU on average are not yet sufficiently represented in top management positions. This is particularly related to the participation of women on the management boards of large companies.

The European Commission Strategy for Equality between Women and Men (2010 – 2015) of 2010 sets out five major priorities areas for achieving gender equality:

1. Equal economic independence, which is a prerequisite for enabling both women and men to exercise control over their lives and to make genuine choices. Earning one's own living is the main way to achieve this and there has been progress in the participation of women in the labour market in the last decade, although the proportion of women at high levels of decision-making is not satisfactory. One reason for this is that the unequal role of women and men in parenthood often represents an obstacle in the employment and career promotion of women.
2. Equal pay for equal work and work of equal value is a principle directly enshrined in the EU Treaties.
3. Equality in decision-making implies the need for women to be better represented in top-level decision-making positions, since these figures are not yet satisfactory in all Member States.

4. Dignity, integrity and an end to gender-based violence, including domestic violence, sexual harassment, rape, sexual violence during conflict and harmful customary or traditional practices, such as female genital mutilation, forced marriages and honour crimes.
5. Gender equality in external actions is directly related to actions of the Union in military, civilian, humanitarian and development missions and operations in times of crisis and post-conflict situations in third countries. Through its policies, the EU may significantly contribute to the improvement of gender equality in third countries. In post-conflict societies, the EU is committed to the implementation of the UNSCR 1325, and in ensuring women's equal participation in conflict prevention, peacebuilding and the promotion of peace and security, as well as in increasing their role in decision-making. In EU military and civilian missions and operations, the role of women who participate equally alongside men in building peace in third countries is particularly important.

EU policies have set high standards to achieve genuine gender equality and strengthen the position and participation of women in all forms of public, economic and private life, to prevent and punish any form of violence against women, and to fight gender discrimination. In order to achieve these standards, in addition to political will, it is necessary to create a suitable legal framework and build institutions, including a judicial system, to enforce this framework.

Achieving gender equality is one of many goals which must be fulfilled in order to join the EU, and we must not forget that this area actually relies on the equality of all citizens in a functional state ruled by law, based on democratic principles and a free market orientation, which represents a direct benefit and protects the rights of all citizens.

Acceding to the EU also represents an opportunity for countries in the region to reform their legal and institutional frameworks, and make their judicial systems more efficient. European institutions are providing support to the development of mature democratic societies, and a significant part of EU activities and funds in the last ten years has been directed to the development and strengthening of the rule of law, judicial reform, and the building of institutional and administrative capacities of state administration in the countries of the region.

Gender equality is an important element of the "Social Policy and Employment" and "Judiciary and Fundamental Rights" negotiating chapters, which also cover respect for the fundamental rights of citizens, the strengthening of the efficiency of the judiciary and access to justice, anti-discrimination and gender equality. The European legislation, with which national laws have had to be aligned, is directed towards creating equal opportunities for all – including the protection of the principle of equal pay for equal work, and the fight against discrimination on any ground. It must be mentioned that all these issues, and especially respect for fundamental rights and an efficient judiciary, have a horizontal significance for society as a whole.

An efficient judiciary means an independent, impartial and professional justice system, which provides the right to a trial within a reasonable time and protects human and citizen rights pursuant to the Constitution and the law. The aim is to create trust in the judiciary, and, thus, to strengthen the rule of law and institutions of the state. The swift rendering of thorough and high quality court decisions related to the protection of women's rights, both in civil and criminal proceedings, is the starting point for securing the equality of sexes and fighting against violence against women.

EU gives special importance to states guaranteeing that violence against women is punished and that the perpetrators of such violence be found responsible before the law. In this sense, the system must encourage women victims of violence to testify, and must guarantee them protection during and after the prosecution of the perpetrator. With regard to violence against women, there is a direct link with the efficiency of the law enforcement and judicial system, which should be gender sensitive and professionally trained in order to secure impartial and fair enforcement of the law. Concerning domestic violence, it is equally important to create conditions where women victims of violence will no longer be financially dependent on the perpetrator.

State institutions have a great role in preventing violence against women. They have to create an efficient and coordinated approach to these issues at all levels and in all sectors of society in order to prevent violence and protect the victims. At a strategic level, part of this comprehensive approach of state institutions is also the promotion of gender equality and the fight against discrimination in all spheres of public and private life.

The EU legislation has a major role in promoting equality between the sexes. This is what the legislation can do – define the rights, secure sanctions for the infringement of these rights, and help citizens fight for, and exercise, their rights before the institutions of a state ruled by law. This shows the significance of European policies as an opportunity for the region.

Tonino Picula, Member of the Croatian Parliament, Vice President of the Delegation of the Croatian Parliament in Joint Parliamentary Committee Republic of Croatia - EU, Head of Delegation of the Croatian Parliament to the Parliamentary Assembly of the Mediterranean, Croatia

The first 12 years of the new century and the new millennium are behind us. As things now stand, it seems that this, tentatively called, new world is easier to digitalise than to make a better place to live in. The current crisis, and this is not just a financial one, has confirmed the deep interconnection of all parts of the world. Today, it is almost impossible to have a local crisis that does not have the potential of becoming a regional one, or a regional crisis that does not have the potential of becoming a global one. Crises can no more be considered as isolated incidents, since they are increasingly becoming symptoms of global weaknesses and imbalances. Plenty of evidence may be found for this, showing that multilateral and regional organisations need serious adjustments. I am

convinced multilateral organisations, including the EU, cannot function well unless the concept of multiculturalism is respected in each and every Member State and in Europe as a whole. And this requires the application of adequate models for integrating all social communities, from ethnic, through gender, to sexual ones.

The crisis, which can no longer be considered as an acute but as a chronic problem, raises serious questions: what position will the EU have in the structure of this century's global policy? Are forecasters right when they predict that the Old Continent, home to only 7.8 per cent of the world population, is also sinking in its political aspect, too? Does an economically strong Europe still have any prospects for political survival in an increasingly complex world among the new, ever stronger great powers?

The "Project Europe 2030" Report from a group of renowned individuals to the European Council states that Europeans "must tackle our demographic challenge. If urgent measures are not taken, our ageing societies will put unsustainable pressure on our pension, health and welfare systems, which will undermine the overall economic competitiveness of the EU. Priority measures must definitely include increasing the proportion of women in the population workforce". Despite a higher life expectancy (82 for women against 75 years for men), women in the EU are retiring early and their overall employment rates are lower than those of men (58% against 72% for men). Responding to this unfavourable situation will require increased focus on equal opportunities and non-discrimination, as well as child care programmes and school systems supporting working parents.

On the opposite side of the political spectrum, considering general trends, the American conservative author, Pat Buchanan, also tried to foresee the situation in Europe in a few decades'time. In a telling but pessimistic manner, he predicted a Europe of old people with old ideas living in old houses. The average age of the population would be around fifty. Although Europe is currently facing a certain crisis of legitimacy (a turnout for European Parliament elections that has never been lower, serious crisis in the Eurozone, resistance to further enlargement), through the EU it has developed the most important political project in its entire history: in contrast to the period when European powers globalised their conflicts through an imperialistic policy, the united European democracies today represent a successful model of weaving together different traditions and lifestyles.

I think that the EU is today the best known and most successful example of a "soft-power" community in the world! I find proof for this, among other things, in the status and role of women in the EU.

I agree with the tenet of the most recent Report published by the Economist Intelligence Unit that women are a key part of economic, and even overall, growth. Women stepping into the world of work in the second half of the 20th century had a strong effect on the success of developed economies. In the USA, the continuous increase in the workforce from 1948 to 2001 accounted for nearly two percentage points of gross domestic product (hereinafter: GDP) growth. Since 1995, the decreasing difference between the level of employment of men and women created nearly one

quarter of the annual growth of GDP. In developing countries today, women represent a similar potential. However, they need to be given the opportunity of acquiring comprehensive education, skills and social influence. On the other hand, the present situation shows that women make up the most marginalised part of the workforce in the world today. The data of the International Labour Organisation show that around a billion and a half of women of working age are currently outside the world of work. However, the mere employment of women is not sufficient because, although it might seem paradoxical, it is the poorest areas that have almost the highest levels of employment of women. Despite this, there is rooted penury in these regions. This means that formal employment alone is not enough to boost development, but many legal, social, financial and educational barriers standing in the way of the optimal social productivity of women must first be removed. According to some calculations, total world debt amounts to an unimaginable USD 95 billion. Within two decades, the total world debt has quadrupled. Before the crisis, in 2006, the public debts of the Organisation for Economic Co-operation and Development (OECD) countries had already reached 74% of their GDP. In this respect, serious studies about women being particularly vulnerable victims of the crisis have already been made.

On the other hand, the world list of countries in which the women's economic opportunity index is regularly calculated shows that eight among the first ten countries are Member States of the EU, and 17 among the first 25 are EU Members States plus Iceland, Norway and Switzerland (Croatia is in 44th place). French author Pascale Joannin also claims that women in the EU were given a better deal than those in other parts of the world. According to her, the European continent remains a women's continent, where they have, if not a perfect, but the best place in society. However, a lot of work remains to be done in order to secure equality of treatment at all levels.

In this regard, it is instructive to read the report of the European Institute for Gender Equality of the European Commission (EIGE), about the one hundred most prominent inequalities that mark the status of women in the EU today. Since 16 December 2009, this Institute has been operating in Vilnius, where it was established to provide support to Member States and European institutions in their efforts to promote equality between women and men, to fight discrimination on the basis of gender, and to raise awareness related to equality issues. Nevertheless, in European institutions, there are 264 women in European Parliament (hereinafter: EP), making up only 35% of the total number. The first Manuel Barroso Commission in May 2009 had 10 women, while his second Commission had one fewer. This is an example of one step back. Actually, the EU is gradually becoming a model for other continents where women's place is still unstable, not to mention a large number of countries where women's rights are neglected, and even ridiculed.

Women have gradually conquered many professional fields. An average of 58.3% of women in the EU are employed. At the same time, 31.2% of them work part-time, and this percentage is four times higher than for men. It must be said that the employment of women with children has fallen by 12 points, while, at the same time, the employment

of men has grown by 7 points. This is a reflection of inequality in the sharing of parental responsibility and of an insufficient child-care infrastructure. There are more women than men with university degrees: women hold 58.9% of university degrees in the EU. But, even though they have university degrees, there are still more unemployed women; they are in the minority in responsible positions in companies and political bodies, especially at the highest level. Perhaps one of the reasons for the obstinacy of this crisis lies in the fact that all central banks of the 27 EU Member States are under exclusive male leadership. On average, the highest executive bodies in central banks have 18% of women (41% in Sweden). In five Member States (Germany, Austria, Cyprus, Luxembourg and Slovenia) the highest executive bodies are exclusively male. At least this was the situation two years ago. Women make up an average of 27% of the members of European courts. No court has a woman president. There is an average of 26% of women ministers in EU governments. Finland is the only Member State with more women than men ministers (60%). The only European government without any women is the Hungarian one. Three women are currently performing the duty of prime minister: in Germany, Denmark and Iceland. We must not forget that after the Lisbon Treaty came into effect, one of the most responsible positions in the EU, that of the High Representative of the Union for Common Foreign and Security Policy and Vice-President of the Commission, was assigned to Catherine Ashton.

Women are much better represented in the EP (34.92%) than in national parliaments (24.04%). Only one Member State (Malta) has not posted any women. Since the EP is gradually becoming an essential European institution, this means that women will increasingly become influential in the process of developing a single EU legislation.

Ladies and gentlemen, the process of the last half century in which the ruins of the Old World were transformed after 1945 into the New Europe has certainly been fascinating. However, today's EU must avoid the danger of breaking up into a two-speed Europe; it must not egoistically turn its back on the Europe that is not (yet) part of the Union; it must not be divided into central and peripheral zones. Its political, economic, cultural credibility must be distributed equally. The EU is not and must not become a project of the European elite, where the general public may only sporadically have their say.

The EU is today facing equal challenges in the sphere of governance, politics and economics. It has been through three rounds of enlargement since 2004, but has not become much more federal. Fifty-five years after its establishment, the EU must decide how to respond to the crisis: with new visionary solidarity and enlargement, or with a narrowing down to a limited community of asymmetric partnerships.

At the time when opportunities have been hugely globalised, the threats have also become global. We can say that the EU is our regional centre of gravity of the globalisation process. Therefore Croatia, as the newest member of the EU, must know how to contribute to the globalisation of solidarity, especially in our immediate neighbourhood.

Women are a part of the population just like men. Consequently, equality of rights, including in the application of the law, must become a necessity. Last year we marked a hundred years of International Women's Day. In the 20th century, women truly

acquired many rights, but the 21st century must be the century when they will fully exercise them. Women's rights, as a part of universal human rights, must be like the law of gravity: they have to apply universally throughout the planet.

Teuta Arifi, Deputy Prime Minister for European Affairs, Macedonia

Dear Morana, respected Mr. Mimica, respected Mr. Picula, ladies and gentlemen

It is a great pleasure for me to participate at this Regional Conference dedicated to Women in Peacebuilding: Access to Justice for Women in the Post-Conflict Countries.

Women have permanently played an important role in the development of the European countries, but their contribution was not always appropriately recognized or appreciated. This was case for the Western Balkan countries as well. However, the European perspective of the countries from the region, as in many other cases, was once again the catalyst for implementation of many reforms in this filed which resulted with change. Being the first ethnic Albanian woman to become member of Macedonian parliament I have hands on experience in regard to the activities we undertook several years ago in order to increase the number of elected women. We introduced the gender quotas in the election legislation so that today we have increased number of women in the Parliament and the municipality councils. I should also note that this was a result of joint effort of the women in all political parties who were able to mobilize and fight for their right to share their responsibility of the policy making process in the country.

Ladies and gentlemen, speaking from the position of the Deputy Prime Minister for European Affairs I would like to refer to the recent positive developments in the Republic of Macedonia. Taking into consideration that the process of Euro-Atlantic integration of Macedonia in a way has been related and still is related to the name dispute, I decided to follow one logic and to focus on the issues where we can agree instead on the issues for which agreement cannot be reached.

With the support from the European Commission (hereinafter: EC) we introduced new instrument which is called High Level Accession Dialogue. It gave us the opportunity as a country to open up and to discuss important issues and criteria with the EU.

As a result of this new instrument we opened a dialogue with a representatives of the media a process which a year ago was unthinkable taking into consideration that the representatives of Macedonian media wanted to find a solution for decriminalization of defamation and insult since we have three hundred twenty cases in the Macedonian courts of politicians against journalist and we as country were given negative context in regard to freedom of expression.

As a result of the dialogue with media representatives and the support by the EC we agreed on new law for the defamation which would ensure that those three hundred and twenty cases to be suspended immediately after its adoption.

I think that the EU integration process is a very needed catalyst for our societies. It is definitely very important sometimes to change our common mentality a process

which is not easy to handle. Just one example. We have done a comparative study concerning the European practices for the defamation issues and normally we understood that for example in Germany there is no decriminalization of defamation, but regardless, Germany has hardly one case per year against journalist.

I support the idea of the EU for one other reason too. I think that the idea of the EU is giving us, as a region opportunity to overcome the ethnocentric approach concerning national issues. Therefore, we should put our efforts in EU integration so that we can resolve the open issues in the region.

PANEL 2: Lessons learned and practices shared in 1325 implementation countries of South-East Europe – Impact of women leaders in securing justice for women

Sonja Biserko, Regional Women’s Lobby Steering Committee Member, Serbia*

I will try to give brief summary on the implementation of the UNSCR 1325 in the Western Balkans. It has become an integral part of the security sectors reform that the countries in the Western Balkans have undertaken or are in the process of undertaking. Since these reforms are inseparable from the institutional and legislative activities in the process of their EU and North Atlantic Treaty Organisation (hereinafter: NATO) membership approximation it is still not possible – at this early reform stage - to completely separately and comprehensively assess the effects of the Resolution.

As a major international instrument in the area of recognition of women’s role in and their possible contribution to peacebuilding the UNSCR 1325 has, among other, changed the general attitude towards the women CSOs and increased their own expectations of the international community, the UN Security Council in the first place. The situation in the Western Balkans is still determined by the legacy of the wars of 1990s and the ongoing process of democratic transformation and regional stabilization. The 1990s wars have deeply wounded the entire region and all segments of population. The transformative role of both the EU and NATO has brought about a measure of peace and stability to the region, but neither can be taken for granted, especially in Kosovo and Bosnia and Herzegovina. In this regard, the greater engagement of women in efforts to consolidate both countries as functional democratic states has been very important. On the whole, almost twelve years since the UNSCR 1325 adoption, the progress in women’s participation in the security sector and peace processes in the region has not gone as far as it had been expected or hoped or as far as it is needed. The overall situation is complex: on the one hand, in the past twelve years the Western

* Presentations of the regional participants that were submitted to the Office for Gender Equality in English were translated into Croatian – other presentations are published in their original form, Ed.

Balkans societies have introduced far reaching institutional and legislative reforms focusing on full gender equality. Some positive changes in the participation of women in the society, including in the security sector, are evident. The rise of the number of women MPs has been encouraging as well as the growth, visibility and action of women's CSOs and women human rights defenders.

On the other hand, and at the same time, the horrific abuse of women's rights during the wars has been followed by the erosion of their actual economic and social rights as the consequence of austerity measures (social protection, health care, childcare) introduced in the current economic and financial crisis. This erosion has been compounded by the imposition of traditional (mostly religious) values in some parts of the region, pushing women out of public and political life. Apart from religious fundamentalism, patriarchy and ethno-nationalism have combined to form a new/old value system. This anti-modernist trend has been present to some extent in all post-Yugoslav countries, but has been especially pronounced in the rural areas. It practically precludes any role of women in the security sector and limits their options in a larger society. One of the problems still left unresolved after the wars and affecting deeply the position of women in the Western Balkans refers to the fact that violence against women (mass rape, ethnic cleansing, all kinds of deprivation) in the 1990s has still not been properly addressed by the national judiciaries. This fact may – too – play a negative role in the fight against violence and brutality against women in the contemporary Western Balkans societies. In general, despite a number of initiatives launched and legislation adopted to counteract gender-based discrimination, women's integration into security institutions in the region is at the very beginning. The gender integration in the security sector is more quantitative than qualitative.

When considering the implementation of UNSCR 1325 and implementation of gender equality policies in the Western Balkans it is important to bear in mind that the region has not yet been fully consolidated in terms of politics, economy and security. It is also worth recalling that during the 1990s wars the region became a European center of trafficking in human beings, arms and drugs. Criminal networks established in the wartime still stand in the way of the region's stabilization. The progress made in the security sector varies from country to country but, generally, it depends on the political will and available funds. Despite some positive changes in the past few years, the security sector is generally closed to the media and public. The legacy of the past is still present. The media reporting on the security issues is highly sensationalist, disregarding public interest and minimizing the accountability of security officials.

The Western Balkans countries are continuously depending on external support (and monitoring) which – notwithstanding the progress to which it contributed – considerably disempowered grassroots actors. It is expected that, as more Western Balkans countries start their accession negotiations with the EU and the rule of law in the region gains strength, civil society should be able to more significantly influence decision-makers, including in the field of gender equality. The analysis of the available data on the implementation of the UNSCR 1325 in the Western Balkans countries

indicates that all of them have made initial steps and adopted relevant laws and strategies. Adequate legal frameworks have been put in place to promote participation of women in public life, and to protect them from all forms of discrimination and violence. There are also mechanisms in place designed to implement the laws. However, despite the existence of legislation and relevant mechanisms, progress in the implementation of the laws has been slow and uneven. Strategies and National Action Plans have not always been supported by adequate budgets or by well thought out indicators to measure baselines and progress. The absence of political will to implement the laws and support the mechanisms and action plans in some countries is a matter of serious concern. Women participation in public offices and in decision-making process in the Western Balkan countries is slowly increasing. The effects of the 1990s wars are still present, especially in the de-legitimization of gender equality. Ethno-nationalisms are serious obstacles to women's participation in politics as well as the fact that gross women's abuses in the wars has never been properly addressed through transitional justice processes. Though their representation in parliaments grew, women remain significantly underrepresented in high decision-making positions throughout the region. Only a handful of women in each country are mayors, whereas the number of women in ministerial offices varies between one and three per country. No major efforts have been made by state institutions, political parties or CSOs to significantly increase the participation of women in high-ranking offices. Therefore, regardless of some progress, the current level of women in elected offices in the Western Balkan countries still varies between 20 - 30 percent, insufficient for women to have a tangible impact on decision-making, but still higher than during the 1990s (the number of women MPs was then between 7 and 20 percent).

Social circumstances of all the countries in the region are similar. They are all now implementing, albeit with different level of commitment and success, reforms meant to build stable democratic institutions and the rule of law. This also refers to the security sectors reforms. In this respect it is important to bear in mind that women in the region played a major pacificatory role during the 1990s wars and in the post-conflict era. Women movements' contribution to regional peace and women's experience of war and conflict-resolution can be valuable in the security sector activities and, especially, in conflict-prevention in crisis areas and peace-keeping operations.

The fact that the implementation of the UNSCR 1325 is not time limited and that it gives each country a lot of room for special solutions depending on the country's specifics is advantageous. Thus, in the Western Balkans priorities in the implementation of the UNSCR 1325 vary from country to country. As every country is free to set its own agenda, the process of implementation depends to the greatest extent on domestic resources – the political will, the available financial resources and the institutional and human resources capacities. On the other hand, the flexibility of the UNSCR 1325 can be also disadvantageous since the Western Balkans countries might in fact benefit from a common strategy. According to available indicators, the progress made so far is more quantitative – in terms of growing number of women

working for the security sector – than qualitative, which indicates the lack of adequate mechanisms for ensuring women’s professional promotion equality. Nevertheless, we can conclude that the adopted legislation – especially the laws on gender equality and the 30 percent quota for women on candidate lists - positively contributed to women’s participation in the security sector as well. Public awareness of the presence of women in the security sector is still rather weak but the fact has been gaining on visibility especially through women’s enrollment in military academies. Women’s participation in the UN peace operations has had the most positive effect on the overall public perception of their role in the security sector. Women’s CSOs’ and civil society advocacy efforts in that direction have significantly contributed to this achievement. The current level of women’s participation in the army and the police is not sufficient to significantly influence the nature and leadership of these institutions and balance of power within a society. Professionalization of the army has opened the door to women but can produce positive effects in terms of modernization and emancipation only in the long run. Women’s CSOs’ and civil society efforts in that direction have significantly contributed to the positive developments so far. Their keeping the issue of women’s role and participation in decision-making processes on the public agenda and in the media will be crucial in furthering the cause of gender equality in the Western Balkans societies in general, and in the security sector in particular.

Andrea Zlatar Violić, Minister of Culture, Croatia

First of all, let me thank you for inviting me to the Conference of the Regional Women’s Lobby and to greet the President and members of the Steering Committee of the RWL for Peace, Security and Justice. I am attending such a meeting for the first time, and it is my earnest hope that I shall not fall short of the reasons that presumably prompted the female members of the Committee to choose me as one of the speakers. Since I have not dealt professionally with the part of political activities pertaining to matters of security and the judicial system, I would like to speak from a broader context. I wish to outline a framework that I would refer to as “indirect consequences” that are present in post-conflict countries, which are also the countries that went through or are still going through a transition period. These are societies where any establishment of a system of values is in full disarray, which is visible on the one hand in their social and political model, and on the other hand in the very fact of war and war trauma arising from different types of suffering, especially of women. I am speaking, of course, primarily on the basis of Croatia’s experience, but I think that I am quite familiar with the regional situation as well, and it is my view that we live in societies where a system of values is not only non-existent, but is not even under construction. The political structures, media and educational guidelines or recommendations almost continuously send out messages that are mutually conflicting or at least not mutually coordinated. A research that has been carried out continuously for the past ten years by the Centre for Women’s Studies, Zagreb, deals with the level of awareness of women’s involvement

in politics, whether they are sufficiently involved in politics and, if not, what are the reasons therefor. The following is evident from the last two research cycles for 2008 and 2011, first, women are not sufficiently involved in politics; second, women want to participate in politics, which is a logical opposite to the first statement; and last, 60 percent of respondents cannot see any problems as to why women are not involved in politics to a greater extent. I believe that these, in fact, two public perceptions - that there are not enough women in politics although they would like to engage therein, and the fact that people are not aware of the obstacles thereto – are one of the signals why we really need to talk about the aspects of societies in which gender issues and gender equality awareness are not present. The aspects that were mentioned at the end of Ms. Biserko's speech, namely the fields of the media and education.

I spent part of my biographic cycle working in civil society, then mainly in the academic community, and then ten years in politics. What I wish to underscore as a negative conclusion is that despite more than 20 years, or more accurately, 40 years of theoretical dealing with women's studies - at first feminist studies, then women's studies, and then gender studies - women's studies are not adequately embedded in the academic system, and we are one of the worst countries in the region according to this parameter. To be more precise, we are a country that has failed to do it. The consequences thereof are extremely deep-cutting. They indicate that the public perception of the academic community is that the gender aspect is something that can be bypassed and that it shall pass. Just like feminism passed, gender studies will pass as well, just like cultural studies or multicultural studies did. Despite the nice figures pertaining to the percentage of enrolment, a negative pyramid of women's success is visible in the entire scientific community. A pyramid is showing a greater degree of participation of women at lower levels and a big discrepancy in the development of their success in their late twenties. In the years when decisions are made whether to pursue a career or to develop in parallel a family-motherhood system that, without a doubt, is not socially secured. And this is where each story about actual equality and equal rights falls flat. I would also like to mention some other interesting data for illustration purposes, which are actually devastating. Only 4.2 percent of women are included in the overall contribution to culture, history and science. We know that when the lists of the most popular or the most significant personalities are drawn up, women are non-existent. Women's history, art and science and their history are something that is in the process of being built, and that happens to be only on the margins, not within the system itself. Another research segment shows that when women enter and manage to "conquer" some occupations to a greater extent, such as education, especially primary education, journalism and partly medicine, these occupations become less socially valuable and less financially powerful. We are witnesses to a parallel process: as women enter a field, public power moves away from it. Especially now when we speak about financial or economic power that has, I would say, completely liberated itself from political power, which is not only a regional problem but, I fear, a global problem.

Let us also look at the symbolic aspects. When an analysis was made of the street names or sculptures, statues that mark public spaces, which are also one of the ways to indicate the presence of women in public life, it turned out that women are negligible in number. If we speak about sculptures, we may have one or two that symbolise a specific woman with a personal name; when it comes to public sculptures, they usually represent unknown heroines or love allegories, a mother with a child and all other forms that actually deindividualise the woman as an active individual. At the end of asking questions rather than providing answers, I would say that my experience shows that the only thing that helps is to point directly and to privilege women directly in certain areas, such as creating a special women's prize for science, setting up a special fund for scholarships for female scientists. In the field of culture in Croatia, this may be very well tracked in the past 20 or 30-year cycle – from the first wave of feminist literature, then so-called women's writing, then one generation of female curators who were recognised precisely for their gender logic at the regional and global level, all the way to the latest phenomenon characterised by the emergence of the first wave of female film directors.

In my view, at this point these are the only ways to stand out and the only opportunities to move forward, since public awareness is the one that constantly sends out different and unsystematised signals, as I already pointed out at the beginning. The education system is not gender-sensitive. Regretfully, it is full of stereotypes. So let me finish with a sentence that still exists in a Croatian language textbook for the eighth grade: next to a fragment from a work of one of our female writers there is a biographical note stating that female writers used to be teachers, single, unhappy in love and unfulfilled in life.

Nada Drobnjak, Regional Women's Lobby Steering Committee Member and Head of the Parliamentary Commission for Gender Equality, Montenegro

Men and women in modern democratic societies have an equal right to participate in the management of public affairs, but also to take up public positions and public functions under equal conditions. It is logical that leadership functions should be equally accessible to both men and women. However, women throughout the world are still deprived of the possibility of making decisions that affect everyone, including themselves. In this way, almost half of the world's intelligence, which could contribute to making this world a better and safer place, has been marginalised. Women and security is a complex issue, which is important from the aspect of combating all forms of violence and corruption, suppressing other forms of crime, respecting human rights, and reducing poverty. This issue is also important when speaking about gender equality and discrimination. Gender equality is a prerequisite for permanent security and real stability. Therefore, it is essential to review many social stereotypes in the security sector. International experiences show that increasing the participation of women in security structures contributes to considering the issues of peace and

security with much greater emphasis on social and economic issues; it enhances peace processes and, of course, contributes to the general improvement of the status of women in society. Article 18 of the Constitution of Montenegro prescribes that “[the] state shall guarantee the equality of women and men and shall develop the policy of equal opportunities”. There is also a good legal and institutional framework in place for this area. Here, I am primarily referring to the Gender Equality Act, the Anti-discrimination Act, and the Protection against Domestic Violence Act. However, statistics shows that there is a gap between the regulatory situation and reality:

Out of a total population of 620,029, a total of 313,793, or 50.61%, are women, and 49.39% or 306,236 are men; The life expectancy of women in Montenegro is 76.5 years, and for men it is 71.7 years; There are 1,559 illiterate men and 6,590 illiterate women. The average age of an illiterate woman is 66, and of an illiterate man 44; According to employment status in 2011, most were employed persons (163,800), of which 87,100 were men and 76,700 were women; The average earnings of women in Montenegro are 14% lower than the average earnings of men, which means that women, in order to receive the same earnings as men, would have to work another 51 days a year, or the year for them would have to have 416 days; There are 46,509 men and 28,561 women pension beneficiaries; Among real estate title holders, women make up 4% of house owners, 8% of land owners, and 14% of owners of holiday homes; There are only 9.6% of women among owners of business entities in Montenegro; In the 24th composition of the Assembly of Montenegro, whose term of office has just expired, in recent months there were 13.6% women, and out of 12 permanent bodies, three (the Security Committee, the Committee for the Economy, Finances and Budget, and the Administrative Commission) do not have any women in their ranks, whereas the Gender Equality Committee has 80% of women; There are 21 municipalities in Montenegro. Only one (Kotor) has a woman president; In three municipalities, women are presidents of municipal assemblies (Bar, Nikšić, Herceg Novi); There are 11.8% women ministers in the Government of Montenegro, while 40.3% hold the position of assistant ministers; Montenegro has 27 ambassadors, 4 of whom are women; A woman is President of the Supreme Court of Montenegro, and there are 56.32% women judges (in all courts); There are 53% women prosecutors, and the General State Prosecutor is also a woman; To date, no party in court proceedings has evoked the rights guaranteed by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); A woman is leading the Ministry of Defence, where 35.12% of employees are women; Among a total of 8.8% women employed in the Army of Montenegro, there are 0.7% officers, 1.4% non-commissioned officers, 7.3% soldiers, while 40.9% are civilian persons; The issue of gender equality has also been treated in part of the Individual Partnership Action Plan (IPAP) of Montenegro and NATO; The Police Directorate has 4,876 employees, 649 of whom are women. There are 193 persons in management positions, among whom there are 20 women. A total of 4,154 persons have police authority, and 328 among them are women (for example, there are 31 male chief police commissioners, and only one woman); A network of women police officers has been established as a result of a regional project; Women are best

represented in institutions that do not use means of coercion, such as education, health, the media, civil society organisations, the academic community, etc.; The ever dominant social and cultural prejudices about the traditional role of women in society represent informal obstacles that affect equally the greater inclusion of women in security sector institutions, and the promotion of women within these institutions.

An office for Combating Trafficking in Human Beings operates at the Ministry of the Interior Affairs. The work of this office reflects the determination of the Government of Montenegro to treat trafficking in human beings as an important strategic issue.

Montenegro adopted and is implementing a large number of strategic documents that in fact also represent the implementation of UNSCR 1325, such as: The Sustainable Development Strategy of Montenegro; The Strategy for Combating Trafficking in Human Beings; The Strategy for Combating HIV/AIDS in Montenegro; The National Action Plan for the "Decade of Roma Inclusion 2005-2015"; The National Plan of Action for the Rights of Children in Montenegro; The Action Plan for Achieving Gender Equality; The Strategy for Combating Violence and The National Strategy for Durable Solutions for Refugees and Internally Displaced Persons in Montenegro.

Including women in the security system is a step towards its modernisation and adjustment to new standards. It is also a significant activity in applying the Gender Equality Act, but also other international documents, primarily the UN Convention on the Elimination of All Forms of Discrimination of Women, the Beijing Declaration and the Platform for Action, and UNSCR 1325 and accompanying resolutions.

The task of the security sector is to create conditions that enable everyone to enjoy their right to peace and security. Therefore, the lack of protection and empowerment of women, as aspects that threaten fundamental women's human rights, must be understood as the lack of well-functioning state security institutions. In addition to increasing the employment of women in the defence and security sector, it is particularly important to continuously train all personnel with regard to gender equality issues. This is a sign that we are building a stable platform for further progress and that, with the necessary interest expressed by the female population, opportunities are opening for women to very quickly begin to take up significant positions in the system of defence and security. The electoral law in Montenegro prescribes a minimum of 30% representation of women on electoral lists. However, the results of the elections held on 14 October shows that the parties met this legal obligation but, due to the poor positioning of women on the electoral rolls, the participation of women in the Assembly of Montenegro will not increase. The results of these elections certainly show that work must continue with members of political parties, and on implementing national and international legislation concerning gender equality without "creative interpretations", because only then will we be able to talk about the rule of law. The question of creating opportunities for the adequate representation of women and men is an issue that means taking a number of legal and institutional measures, but also the existence of political will to do something like this. It is also essential to change the traditional political and security culture and raise awareness of the importance of

this issue among the population. The EU has recognised that the equal participation of men and women in the security system is a significant goal, as well as a way of preventing and resolving conflicts and promoting a culture of inclusive and sustainable peace. This is the prerequisite for effective stabilisation, peacebuilding, post-conflict reconstruction and institution building. In conformity with the new approach of the European Commission, Montenegro will start the accession negotiations with Chapters 23 and 24, which deal with judiciary and fundamental rights, and justice, freedom and security, respectively. These two chapters imply that there should be better implementation of, among other things, a trial within a reasonable time and free legal aid, that women must be protected against violence and have equal access to justice in relation to men. When we speak of the rule of law, it is understood that all laws must be fully applied, which means that the implementation of the Gender Equality Act must also be improved. This also presents the first challenge for women in this process: to actively participate in the negotiations and to make the negotiations gender aware. In choosing the route towards European and Euro-Atlantic integration, as a framework for the full democratic and economic development of the country, it is our obligation to change our institutional framework in the coming period and to adapt our system to a level of development and gender equality that will secure better and faster progress for the country. It is clear that in the accession process we will also face the challenge of changing the perception of men and women about the security system, and the proper definition of the place and role of women in this system will contribute to this perception.

By adopting the National Action Plan and applying UNSCR 1325 on Women, Peace and Security, Montenegro will confirm its intention to actively contribute to the processes of building peace, stability and security, first of all in its immediate neighbourhood of Southeast Europe, and in the world, with its participation in peacekeeping operations. The message of this Conference must be something that we who are already here know, but I think that we should keep repeating: Gender equality and the involvement of women's opinions and needs in the process of managing security forces and in access to justice are one of the conditions for security and durable peace, because the participation of women in the security system also contributes to the better position of women in society and to promoting their human rights.

PANEL 3: Corruption and Crime – Factors of insecurity in the region and a threat to peace

Višnja Tafra, Deputy Minister of Defence, Croatia

Dear colleagues, guests, ladies and gentlemen

First of all, I would like to thank the Regional Women's Lobby for Peace, Security and Justice in Southeast Europe, the organisers, for inviting me to participate in this very important Conference. I would also like to express my satisfaction at being able to share with you today the experiences of the Ministry of Defence of the Republic of Croatia, as well as my own thoughts about this critical topic. I also find it significant that, on this occasion, I can hear the valuable experiences and messages of other participants and experts, which will be very useful in my further professional work. We are aware of the necessity of applying a range of specific measures in order to increase the relevance and responsibility of state authorities to manage activities that are under their competence, as a part of the complex task of fighting corruption. I hope that I will be able to present in this brief talk the majority of the efforts and activities that we undertake in the defence sector when dealing with corruption and crime as factors of insecurity.

I have to emphasise that, as opposed to other countries, the suspicion of corruption and crime in the defence system of the Republic of Croatia arose in the area of military procurement in the toughest circumstances of war. It is also a fact that most of these "suspicious" or unlawful activities have never been fully investigated or sanctioned, which transmitted an unacceptable message that illegal behaviour is allowed.

Probably under the influence of those times, some negative activities with elements of corruption also occurred in the post-war period. This was often supported by legal derogations which allowed for some procurement procedures to be conducted in secret. The public frequently responded with deep suspicion of the fairness of these procedures. This included the suspicion, and later also charges, concerning the non-transparent procurement of military equipment and damage caused to the State Budget. The suspected former leaders of the Ministry of Defence are expecting the court outcome of this case in the coming days. However, the processes of democratisation and development of every society, including Croatian society, by strengthening control mechanisms, and primarily the transparency of particular processes, have led to changes whose consequence has been the raised awareness of the harmfulness and unacceptability of corruption and crime. Their existence certainly represents a factor of insecurity for every individual and for society as a whole. Consequently, we can claim that our commitment to cooperate with all international organisations, both governmental and non-governmental, has to a significant extent improved the creation of an anticorruption culture in the defence sector. On this occasion, I will only mention cooperation with two important international institutions – Transparency International and NATO. Five years ago, the Ministry of Defence established

cooperation with Transparency International United Kingdom in its efforts to improve the standard of personal integrity and professional ethics, as well as the control mechanisms for the efficient fight against corruption. In this way, we became involved in their international research project (*Building integrity and reducing corruption risk in defence establishments*). As part of this project, the Republic of Croatia was studied together with 45 other countries. We expect the draft report on the identified situation in the defence sector in our country by the end of the year, and when we jointly verify it, it will become public. The Ministry of Defence has recently appointed a coordinator for the next phase of cooperation with Transparency International UK. We hope that the results of this study, especially the experiences of other countries and the specific recommendations and measures, will contribute to the efforts that the Ministry of Defence and the Government of the Republic of Croatia are investing in fighting corruption, and consequently also to the building of trust in government institutions. As a member of NATO, the Republic of Croatia has become involved in the programme initiative entitled Building Integrity. By enhancing transparency and responsibility, this programme is attempting to raise awareness and promote best practices and to develop practical tools to assist countries with a view to strengthening integrity and reducing the risk of corruption in the security sector. With the joint efforts of NATO's expert integrity-building teams and the teams of the Ministry of Defence and the Armed Forces, good conditions have been established and procedures and measures have been defined for the further development of the anticorruption policy. Some of the specific measures include: the direct involvement of the Ministry of Defence in the activities of the National Council for Monitoring the Implementation of the Anticorruption Strategy by appointing an anticorruption coordinator; the drafting and development of an Anticorruption Action Plan of the Ministry and of other integrity and transparency building activities; a proactive internal anticorruption information campaign; systematic and comprehensive anticorruption training for the staff of the Ministry of Defence and the Armed Forces, etc. In the context of the efforts to increase the role of women in improving good governance and the rule of law in the defence sector, I wish to emphasise that women were integrated in the joint efforts for the defence of the Homeland and in the building of defence capacities from the very moment of the establishment of the Ministry of Defence and the Armed Forces. Recently, women have been able to contribute much more to anticorruption activities, since in the last year we have set up an organisational structure that strengthens the status of women who are now occupying influential decision-making positions. This is firmly corroborated by data that show that this year, in comparison to the previous period, the number of women that perform some of the most important functions in the Ministry has increased. Thus, in addition to my function as Deputy Minister of Defence, we have another two officials – assistant ministers, and a greater number of heads of sectors and departments than in previous years who form the management of the Ministry. I can stress that, among other things, a significant number of women legal experts carry out legal and professional tasks aimed at protecting the interests

and assets of the Republic of Croatia, which are managed and governed by the Ministry of Defence. However, I also have to say that, in spite of having a constitutional and legal framework that does not differentiate between men and women, and of having done a lot concerning gender issues, we still have plenty of work ahead of us, including training, systematic work and networking. Ladies and gentlemen, I find this type of exchange of opinions extremely useful, not just to raise awareness about corruption and crime and their impact on society and security, and about the role of women and their full participation in decision making and in peacebuilding, but I also think that meetings such as this one today additionally strengthen regional cooperation. This in turn contributes in multiple ways to the further development of security and stability both in our region and in the whole of Southeast Europe. Thank you for your attention.

Nataša Đurović, Deputy Director of USKOK (Office for the Suppression of Corruption and Organised Crime USKOK), Croatia

I am very pleased that, on behalf of the Office for the Suppression of Corruption and Organised Crime (hereinafter: USKOK) at the State Attorney's Office, I have the honour of participating in the work of the Regional conference Women in Peacebuilding: Access to Justice for Women in Post-Conflict Countries, as part of the panel dealing with corruption and crime as factors of insecurity in the region. I will present some general views and data, which can be used as a basis for the discussion that will follow.

Corruption and crime, especially organised crime, are certainly factors affecting stability and security in the region. If corruption becomes widespread and infiltrates nearly all segments of society, it will represent an obstacle for the functioning of society as a whole. All the more so, since corruption lowers resistance to organised crime, which, along with terrorism, represents a serious threat to the world today. Corruption creates inequality, hinders economic and social development, has a negative effect on the efficiency of the judiciary and state administration, undermines fundamental human values, and threatens the rule of law. It represents a complex phenomenon that first appeared with the emergence of organised societies, and which may be viewed from different aspects, for example from a sociological, economic, psychological, criminal-law and other aspects. Since I am a lawyer, I will briefly focus on the criminal-law aspect.

There is no legal definition of corruption in Croatia. In the sense of criminal law, the USKOK Act lists criminal offences that are treated as crimes of corruption. The most common criminal offences that occur in practice are those of accepting and offering a bribe and abuse of position and authority. The system known as the "USKOK Vertical System" is in charge of this segment in Croatia today. USKOK was established at the end of 2001 as a special state attorney's office for the suppression of the most serious forms of crime – corruption and organised crime. This is when it was considered that, in order to efficiently fight this form of crime, a specialised body must be established whose primary task is to prosecute the perpetrators of these criminal offences. In

2009, the police also obtained a specialised body with the establishment of National Police Office for the Suppression of Corruption and Organised Crime - PNUSKOK, and special USKOK Chambers were established at the courts competent to adjudicate in cases within the competence of USKOK. In order to fight corruption, it is extremely important to develop a sound legal and institutional framework, like the one that now exists in Croatia. However, there is no institution or legislation that can prevent a corrupt individual from committing a criminal offence. In my opinion, the key lies in the integrity and honesty of each individual.

Repression, which deals with the consequences of corruptive behaviour, is only one way of fighting corruption. Repressive action in fighting corruption includes a preventive role, because the efficient detection and prosecution of the perpetrators and their adequate sanctioning, which includes confiscation of the proceeds of crime, also acts as a deterrent to potential perpetrators. However, repressive action in fighting corruption is not enough. There are many ways in which corruption can be prevented, such as risk assessment, and the introduction of mechanisms which reduce to the minimum the opportunities for corruptive action. This means that we need to primarily tackle the causes of corruption, and all institutions should act accordingly. Awareness raising has a significant role in fighting corruption. Only when every individual's awareness is heightened to a level where corruptive behaviour will no longer be condoned, and to a level where corrupted persons will suffer general social condemnation will we be able to say that significant progress has been made in fighting corruption. Only by working systematically on repression, prevention and awareness raising, from day to day, through a cumulative effect, can the expected results be achieved. The statistical data of USKOK for 2011 show that investigations of crimes of corruption were initiated against 159 men and 23 women, and that indictments were raised against 108 men and 18 women. The statistical data lead to different conclusions about the gender aspect, that is the participation of men and women in corruptive offences. As far as the representation of women in USKOK is concerned, currently 76% of deputy directors are women. One of them is a Deputy Director of USKOK, Tamara Laptoš, who won last year's Prosecutor of the Year Award of the International Association of Prosecutors. This is an award for the results achieved in fighting corruption and organised crime. It is not just an acknowledgement for Ms Laptoš, but also for the state attorney organisation as a whole. However this recognition is at the same time an obligation to continue our committed work in the future. Sometimes the fight against corruption seems like fighting a losing battle, like mission impossible. But this must not discourage us. The efforts that have been invested so far have led to some progress, and these results have also been recognised by the EU. Repressive action, as opposed of preventive action, can be easily measured. The best indicators of the success of repressive action in fighting corruption are statistical data, especially those showing the high percentage of convictions. However, this does not at all mean that the job is over. There is a lot that remains to be done, not only by the state attorney's office, but by all of us. This is a continuous task, a process in which all segments of society have to be mobilised.

The end result, which is neither easy nor fast, should be a change of culture and mindset, of customs and habits, as well as of the motivation of people to act for the public benefit, and not just for their own benefit and for that of their family and friends, and the building of a genuine system of values. This would finally lead to a society where corruption and crime no longer present an obstacle to development, and where they no longer act as a factor of insecurity and instability in the region.

Vesna Fabijančić Križanić, Member of the Croatian Parliament and Vice President of the National Committee for Combating Corruption, Croatia

Corruption is a problem for any social and political order. Corruption is a detrimental social occurrence that disrupts fundamental social values. It is a historical, psychological, sociological, economic, political and legal phenomenon. In the broadest sense, it means any abuse of public authority with the aim of achieving private gain. It is any act which, contrary to the public interest, clearly violates moral and legal standards, and undermines the foundations of the rule of law. The most serious consequences of corruption are the loss of public confidence in government institutions, which, subsequently, negatively affects the economic development of society. Therefore, not only corruption per se, but even the suspicion of corruptive behaviour, brings into question the credibility of the government itself. This is why corruption must be suppressed, detected and strictly sanctioned.

But what are the sources of corruption in transition societies and economies? The basic models explain corruption as the result of a malfunction of the state administration, the result of a lack of accountability and transparency, weakened civil society organisations, and of the chaos which occurred due to the institutional vacuum that followed after the fall of communism. One of the major problems of a certain number of transition countries has been the loss of ethical values in society. The problem lies in the lack of a common understanding of what constitutes acceptable and what constitutes unacceptable behaviour. This lack of common values and principles naturally leads to insecurity and uncertainty – the public do not know whether they will obtain from the state administration what they are entitled to – and this is why they “buy” security and certainty.

In order to be effective in fighting corruption, the model of preventing corruption must be long-term. This model must be elaborated by applying the key elements for combating corruption:

- the obligation to comply with the legal procedure, principles and restrictions, which implies compliance with, and implementation of, the legislation in force (rule of law principle),
- the obligation to align business policies with the best practice necessary for the efficient suppression of corruption (best practice principle),
- full accountability of the leading structures in creating business policy and its efficient implementation (accountability principle),

- the obligation to adopt and implement measures for the systematic elimination of the causes of corruption, including the elimination of all vulnerable areas that are conducive to corruption (prevention principle),
- achieving continuous progress in creating and implementing measures for the prevention of corruption (efficiency principle),
- the obligation of undertaking joint action in implementing anti-corruption policies (cooperation principle),
- the obligation to secure transparency in decision making and enabling access to information (transparency principle),
- the obligation to improve cooperation with civil society,
- the obligation to consistently and regularly monitor the implementation of business activities, conduct risk assessment analyses and undertake suitable measures.

Applying these key elements for combating corruption will allow for the achievement of the anti-corruption priority goals. In line with public perception, these are: enhancing the legal and institutional framework for the efficient and systematic suppression of corruption; affirming the “zero tolerance to corruption” approach; stepping up integrity, responsibility and transparency in the work of state administration bodies and local authorities, thus strengthening public trust in government institutions; creating the preconditions for preventing corruption at all levels; raising the level of efficiency in detecting and prosecuting crimes of corruption; raising awareness of the harmful effects of corruption and the need to suppress it; improving international cooperation in fighting corruption; and improving cooperation with civil society organisations. The key anti-corruption policy document of the Republic of Croatia is the Anti-corruption Strategy (OG 75/2008) that the Croatian Parliament adopted in June 2008. The first Action Plan was also adopted to accompany the Strategy. The Government established a Commission for Monitoring the Implementation of Anti-corruption Measures, which was given a key role in the implementation of the Action Plan. As opposed to the Commission, which is a working body of the Government, the working body of the Parliament is the National Council for Monitoring the Implementation of the Anti-Corruption Strategy, which monitors the implementation of the Strategy and relevant Action Plan (among other things, also by analysing the reports of competent bodies on the implementation of anti-corruption measures), and proposes measures that contribute to their efficiency. Membership in the Council, besides MPs, is made up of representatives of trade unions, employers and NGOs that deal with corruption issues, representatives of the academic community, experts, and media representatives. Such a composition enables the Council to have a critical perspective on the effect of the adopted measures, to provide a critique of the impact assessment of the executed measures, and to make targeted recommendations for each individual sector.

The anti-corruption policy must continuously be improved, as the corruptive activities that try to overcome it are also advancing. In these terms, the anti-corruption

policy needs to be seen as a continuous process that must always keep detecting new risks of corruption, and must constantly create high-quality and efficient solutions to remove them. It is necessary to regularly conduct an impact assessment of the implemented measures through clearly measurable progress indicators.

The better we are in combating corruption, the more we strengthen the integrity of institutions. Strengthening the integrity of institutions imposes itself as a key element of sustainable development. It is extremely important to introduce ethical principles and integrity management in everyday practice, which enables public services to serve society, to be pillars of reliability and legality, and thus of stability. In this way, the fight against corruption becomes a way in which the state functions and an issue that every country, every institution and every organisation must take into account.

Elisabeth Rehn, State Minister and President of the Board of Directors of the International Criminal Court Trust Fund for Victims, Member of the Advisory Committee Regional Women’s Lobby, Finland

Corruption is mostly attached to financial corruption. Of course this is causing a lot of harm, but is not the only form of corruption destroying a democratic society. Mostly we mention corruption at the high levels, when the same persons who proclaim fight against drugs or trafficking are getting their share from the criminals. Or the leaders who personally profit from building up infrastructure or buying material for defense. But we must not forget the lower levels: doctors who take a patient for operation passing a long waiting list when extra paid, or even children welcomed to schools with good reputation when parents pay extra money to the headmaster. These cases are shaking the equity of citizens.

Rule of Law, police investigations, courtrooms, prosecutors and judges. They all play an enormous role for the democratic development of the society. Again not only through money paid for leaving cases without investigation, or judges paid for certain court decisions. It is specially harming women who are victims of sexual or domestic violence. If the perpetrator pays the investigators to leave the case, we cannot close our eyes to it.

Corruption is also a question of favouring friends, party members, family members, nepotism when high officials are appointed. This happens unfortunately in most countries, parties represented in the Government pick up loyal party members for high and well paid offices. This means we never can be sure the best and most capable person has been appointed.

Corruption among media is a devastating form of corruption. When representatives of the media “sell their soul” for money, reporting in line with the wishes of the high and the mighty the trust for media is gone. When they are not anymore reporting in an objective and fair way, citizens are denied their right to learn the truth. This is not the same as the policy of party bound and owned newspapers, who follow their declared politics. It is when so called neutral and objective press adjusts the truth, it

becomes dangerous. The journalists are not necessarily even paid, but they got special advantages from Government, firsthand information, invitations etc. This is not about the gossiping Yellow press, but the official newspapers, TV and Radio who pretend to be free, reliable and nonpartial.

PANEL 4: Access to justice for survivors of sexual violence against women in war and it's implications – Women victims of war and sexual violence

Predrag Matić, Minister of War veterans, Croatia

It was a great pleasure for me to accept this invitation for the Conference of the Regional Women's Lobby for Peace, Security and Justice in Southeast Europe.

Unfortunately, the topic we are dealing with here is quite difficult and, first of all, requires understanding and awareness of this burning issue. In this respect, I am extremely pleased to personally support the aims and plans that are included in the activities of the RWL. These activities naturally involve the advocacy of gender equality, which is one of the basic elements of modern society to which we aspire and in which we live. I myself recognise the problem and the statistics that accompany it, and according to which there is a very small number of women in positions of power. Therefore, I would like to express once more in this way, publicly, my support for, and agreement with, the activities of the RWL. I can express this on my own behalf and on behalf of the Ministry of Veterans' Affairs, as well as in the name of other organisations dealing with this topic and issues. The role of the judiciary is the main topic of this Conference. Therefore, we can support the efforts to raise awareness of this issue within the governing authorities. What is even more important is to resolve the problem of access to justice for those women who have survived various forms of abuse and violence, primarily sexual abuse that occurred during and after the armed conflict. We hope that this Conference will provide the public and other spheres in our society with an insight into the progress that women have made in this process throughout the region of Southeast Europe. We all consider it important, and this is also part of the goals of this Conference, to secure broad dialogue between the institutions and the victims, as well as to surmount all the obstacles standing in the way of women trying to access fair judicial proceedings. Further importance is also given to improving communication and cooperation between European institutions and the justice system of Southeast Europe, and, of course, to suppressing corruption and crime, which are also gaining momentum and affecting the achievement of justice for women. We also have to fight against discrimination in employment, which is unfortunately present even in today's modern society, although punishable by law. We have to offer women our understanding, to show them that they are not fighting this battle alone. And finally, let me get back to the topic before us. Our Ministry has taken a clear stand that all forms of sexual or any other abuse of women, and any other crime

committed against them, must be unanimously condemned. Such crimes, as well as all other crimes committed during the Homeland War, must not be hushed up. The act of rape and abuse of women must be characterised and classified as a war crime, which will also bring into the open the problem that the number of prosecuted perpetrators of these crimes is far from satisfactory. These are very dark statistics for us. I hope that serious work will be done to bring the perpetrators to justice, and to resolve this problem as painlessly as possible for the victims, and that every act of abuse of any nature against women during the war will be classified as a war crime and will be resolved accordingly. Therefore, there should be clear agreement and coordination among institutions both in negotiations and in the specific resolution of these burning problems. I personally hope that this Conference will contribute greatly to our common goal of building peace and protecting women who suffered these heinous crimes during the armed conflicts, which most of the women are reliving even today. Therefore, I hope that they will be successful in all their endeavours and aspirations and achieve all their goals.

Memnuna Zvezdić, Regional Women’s Lobby Steering Committee Member, Bosnia and Herzegovina

The rape of women in war is a government strategy of gender-based violence aimed at conquering territory and “annihilating” personal identity.

The period of 1991 to 1995 was a bleak time on our historical horizon, when, instead of cultural values, the objects of glorification were disruption, partition, separation, and geographical and ethnic division. The war in Bosnia and Herzegovina was raging from April 1992, although in some places it had started even earlier, until the Dayton Peace Agreement was signed in the autumn of 1995.

The war took place within families and between neighbours. Loss is here a universal phenomenon. The capacity to cause pain and damage to another human being became a habit and the main feature of the war in Bosnia and Herzegovina.

The Peace Agreement brought knowledge about the full human tragedy caused by the war to Bosnia and Herzegovina, including death, wanton destruction and the persecution of nearly half of the population. Expulsion, killing, rape and destruction make up the painful balance of the war, the consequences of which are still being observed and recorded. The piecing together of the mosaic will take years. It is assumed that over 100,000 people were killed, over one million citizens were forcibly displaced, and records show that several thousand persons – women, children and men – suffered the gravest forms of psychological and physical torture in detention camps. Over 10% of the total number of victims of the recent war were women. More than 1,500 women are missing, and the precise number of women who were killed and raped is still not known.

I base the account of the women who were raped in Bosnia and Herzegovina on the Amnesty International Report “Whose Justice? The Women of Bosnia and Herzegovina are Still Waiting” (which includes the experience of international and local NGOs; the

ICTY and the Court of Bosnia and Herzegovina), as well as on my personal experience in providing support to women and girls, victims of wartime rape. During the war in Bosnia and Herzegovina, thousands of women and girls were raped, many of them systematically and repeatedly in their houses, in detention camps and/or in places called "rape camps", or "brothels". Most of the rapes, according to journalist Roy Gutman, occurred "by order" in the period ranging from March to November 1992. The number of women raped during the war varies, depending on the source (from 10,000 to 60,000 women and girls). EU documents mention 20,000 women and girls who experienced and survived war rape, while, according to documents of the Government of Bosnia and Herzegovina, the figures amount to 14,000 (around 2,000 were between 7 and 18 years of age, about 8,000 between 18 and 35, around 3,000 between 35 and 50, and about 1,000 women over 50). NGOs (international and local), the ICTY and the Court of Bosnia and Herzegovina have documented thousands of cases. The precise number of women raped during the war is still unknown because the local authorities in Bosnia and Herzegovina have never collected clear data about this matter from all sources.

Women were raped to humiliate "the other" side and throw it into despair, and in order to ethnically cleanse the conquered territories. The women who were raped testify to the intention of the rapists to impregnate them and hold them prisoners until abortion was not an option. This is due to the conviction that the children born in such a way would belong to the rapists' ethnic group and thus contribute to the expansion of their territorial borders.

The "war strategists" believed that they would in this way create demographic and reproductive gaps regarding non-Serbian women in order to ensure the future ethnic cleansing of the territory. Rape happened before the eyes of family members, relatives and/or the broader community in order to intensify the feeling of shame, humiliation and discomfort. Mass rape camps also existed in the territory of the occupied parts of Bosnia and Herzegovina. Solely women of non-Serbian ethnic origin, most of whom were still of fertile age or very young, were detained in camps. Due to psychological, moral, religious, traditional or other reasons, women who were raped accepted to live as refugees or displaced persons, in places that were as far away as possible from the site of the crime.

Men were also raped and subject to other types of sexual torture (forced to rape close family members or other prisoners; to sexually gratify the prison guards; and some of the men were castrated). The number of raped men was not sufficiently high to label this behaviour as "planned and ordered".

ICTY defined rape as a war crime and a crime against humanity, and tried rape as such for the first time in history. The first cases of rape as a war crime were documented as far back as in 1993. From 1995 until today, fewer than 40 cases have been tried before the Hague Tribunal and domestic courts (the Court of Bosnia and Herzegovina and the lower levels of judicial power – at entity, cantonal and municipal level).

In terms of implementing justice in Bosnia and Herzegovina, the basic question is to what extent the lower instances of judicial power can deal with trying such cases

– what will the pace of trying these cases be, can the local judiciary live up to this complex task, and has additional witness protection been provided? We also often forget that witnesses (women and men) who have a key role in rape cases age and die in the course of time. Amnesty International Reports (eight to date) mention the failure of the state to react to crimes of sexual violence committed during the war. Even twenty years after the systematic rape, the state has done very little for the survivors to help them face the ever present stigma and humiliation they have experienced, and which they are still experiencing, and to exercise their right to justice, truth and reparation (The state made a commitment in 2010 to implement a set of measures that will grant victims of wartime rape the right to reparation. But no measures have yet been implemented).

Justice for women raped during the war would, first of all, be the guarantee that they do not have to meet every day those who committed the crime against them, and that they do not have to be ashamed on account of being “victims”. The lack of political will, or the fact that all levels of government (fourteen of them) cannot agree who will be responsible for providing the necessary protection and support to victims, is a fundamental problem when it comes to the punishment of the perpetrators, the rehabilitation of the victims, reparation and guarantees that the crimes will not occur again.

The understanding and recognition of wartime rape also reflects differently on defining the status of the women raped in Bosnia and Herzegovina. It is precisely the lack of recognition of this status and the denial of what they suffered that are the key reasons for the rape of women of Serbian nationality not to be publicly discussed and for rape to have a different status in the entities and in the Brčko District. Access to significant reparation has been denied in the Brčko District and Republika Srpska (the amount of compensation ranges between 100 and 300 KM) while in the Federation of Bosnia and Herzegovina, in line with the provisions of the Act on Civilian Victims of War, women who have experienced war rape are only partially protected; they receive compensation amounting to 560 KM. Granting raped women the status of civilian victims of war deprives them of other rights, such as the right to treatment. In order to be entitled to compensation, women have to go through the painful procedure of proving the crime, which makes them relive the trauma. Currently, 707 women in the Federation of Bosnia and Herzegovina receive some form of social support as victims of rape as a war crime.

No government in Bosnia and Herzegovina since 1996 has provided justice or compensation for thousands of women and girl victims of rape. It has failed to conduct investigations leading to the punishment of the perpetrators of sexual crimes (members of the army, police, paramilitary groups) who live in the same local communities as their victims, some of them still in positions of authority. Rape is still enveloped in a shroud of silence and is treated as a taboo topic as defence from stigmatisation. Women who have suffered sexual violence are discriminated in exercising their social rights. Many of them have also lost members of their family, do not have a job and live

in poverty. A large number of women have no health insurance (they cannot buy or pay for the medicines they need every day). Social welfare and healthcare institutions, or any competent authority in Bosnia and Herzegovina, do not have the capacities to work with rape victims, which additionally hinders the integration of these victims in normal life. Therefore, women's NGOs are still the main agents providing assistance and protection to the victims of sexual crimes.

There are very modest and sporadic attempts made in Bosnia and Herzegovina to assess the effect of the war and the post-war reconstruction on women and women's rights. Wartime rape of women has again attracted the interest of both the local and the international public, which will result in establishing common standards for the implementation of resolutions 1820(2008), 1888(2009) and 1889(2009) concerning the protection of women and children in armed conflicts. Major discussions began last year concerning institutional and extra-institutional protective mechanisms, the need for change, an approach based on the needs of the victims, the legal framework related to the rights of victims of violence and civilian victims of war, and programmes for the protection of victims of sexual violence.

Staša Zajović, Regional Women's Lobby Member, Serbia

Since the beginning of our activities (1991), Women in Black advocated against impunity – for punishment of all war crimes, first those committed by Serb armed units and later on, against all crimes. According to our political and ethical principles, together with other sister feminist-pacifist organizations, at the end of 1992 we launched *Statement of Belgrade feminists*:

- Rape in war and all other sexual crimes, be established as a war crime, and that all soldiers/rapists in all armies in the world be brought to trial.
- An international Court should be established immediately to persecute the perpetrators of rape in war, and that this Court should be composed of women.
- Women raped in Bosnia and Herzegovina war should not be divided nor valued differently on the basis of their nationality. The suffering of all women has the same value for us, etc.

During more than twenty years of activities, Women in Black never stopped demanding the justice for victims of sexual crimes. Unfortunately, we have to remember some facts. Abuse of women-sexual crimes victims during the war, but even afterwards never stopped, with nationalist-military purpose.

The Hague Tribunal defined war rape as a war crime. Prior to that decision, war rape had never been explicitly defined as a war crime, but rather as part of a broad definition of 'intentional infliction of great pain in heavy bodily harm, or endangering health'. International Criminal Court has defined four types of crimes in its Statute: war rape, sexual slavery, forced pregnancy and forced prostitution.

It is important to point out that these crimes were introduced into the institutional legal system exclusively owing to the pressure of international feminist networks, above all, owing to the cooperation between feminist activists and female legal experts and their coordinated pressure on the institutional legal system on the international level. Unfortunately, the verdicts are not in accordance with proportions of the crimes. Within the institutional legal system in the countries of ex Yugoslavia, the proportions and the arduousness of sexual crimes over women are not recognized, and it is confirmed by small fines for those crimes.

Women in Black is an integral part of Serbian civil society, but, as part of an international network, are also a part of global civil society. Women in Black initiate and participate in numerous initiatives against war, nationalism, and militarism.

Civil society is autonomous organizing of citizens, directed at initiating civil initiatives and putting pressure on the state and other institutions for change and improvement. It plays an important role in the process of overcoming the negative legacy of the past.

Consequently, the institutional legal system very often does not serve the justice, does not take the responsibility of states and state institutions into account, or adequately address certain forms of violence, especially violence against women. That is why civil society assumes responsibility for justice by creating an alternative legal system, in hopes of preventing vigilante justice. These alternative institutions are people's tribunals and women's courts and tribunals.

Towards the end of 2010, seven feminist organizations from ex-Yugoslavia successor countries launched the Initiative for organizing a Women's Court. More than 2500 persons took part in the numerous activities, which involved approximately 200 civil society organizations from 100 cities throughout the area of the former Yugoslavia. The participants consider that the judicial system, both on the international and even more on the national level, do not serve justice.

The Women's Court provides space for testimonies about the everyday experience of injustice, both during the war and at peacetime, and on women's organized resistance. The Women's Court puts pressure on the institutional legal system and strives for alternative models of justice created by women.

Through cooperation and reflection, we embodied the idea of Women's Court - a feminist approach to justice in accordance with the experience, knowledge and needs of women from the former Yugoslavia. Based on their views expressed so far and their testimonies, there are numerous injustices suffered both during and after the war. As for sex crimes, the participants believe that there is continuity of gender-based violence - crimes during war and in peacetime: war crimes (rape in war), during peacetime (sex crimes, rape, physical, psychological domestic violence, sexual harassment, sexual blackmail, harassment on the place of employment...).

Women who have participated in educational and research activities on the terrain spoke about: war rape crime-stigmatization of women who testify about it, family and sexual crime: rape in marriage by the side of husband, returnee from the battlefield,

rape in marriage and in partnership relations, physical and psychological violence in partnership relations.

Here are three examples of the Nationalist-militaristic manipulation on sexual crimes against women – Serbia case.

National Action Plan for implementation of UNSCR 1325 in Serbia and the alleged help provided to women raped during the war. The document, adopted in late 2010, states that the institutions in charge of the implementation of UNSCR 1325 will financially support programs for helping women raped during the war, i.e. “women who were subjected to torture or sexual violence in the areas of the former Social Federative Republic of Yugoslavia during the war”. We immediately asked the representatives of the state in which way they were planning to organize, financially support and implement programs for helping women raped during the war, the number of which is estimated to be over tens of thousands, only in Bosnia and Herzegovina. Of course, the responsibility is even bigger since it is known that Serbian military formations comprise a large percentage of the perpetrators of this crime. We have recently found out that precisely that part of the document was removed! So, Serbian authorities use UNSCR 1325 selectively and arbitrarily, and instead, in accordance with UNSCR 1325, article 12, Serbia should advocate “prevention of impunity and criminally prosecute those responsible for genocide, crimes against humanity and war crimes, including those crimes related to sexual and other forms of violence against women and girls”, etc.

Of course, the redrawing of the documents was not influenced by Angelina Jolie’s movie “In the Land of Blood and Honey”, and the fact that the movie was literally turned into a threat to the national security of Serbia only confirms the continuance of the culture of denial of crimes committed in our name, whereas the artistic-esthetic dimension of the movie remains completely irrelevant.

Women in Black have in June of 2012 posted a public statement in support of prof. dr. Dragana Dulic a former dean of the Faculty of Security Studies, University of Belgrade and against the defamation campaign conducted versus her. The University Senate passed a shameful decision to prevent the continuation of her work at the university, although it formally and scientifically fully satisfies the requirements for renewal of employment. Complaints on Prof. Dulic were for her cooperation with Women in Black, for supporting Pride, but most complaints were that she “promotes sexual terrorism against Serbs” just because students have been offered by her side a variety of literature on this subject, rape as a war crime. Campaign was led by the organizations and groups which are affirmed for its commitment to Ratko Mladic and Radovan Karadzic, considered as Serbian heroes.

Security University professors will assess whether the two Chrestomathy of war ethics and human security suite the palate of her political opponents or to upload it to the stake. This collection of texts was published before six or even ten years, and some sentences out of Michael Walzer and Mary Kaldor’s articles actually served for defamation of Prof. Dulic. Kaldor teaches at the London School of Economics and is one of the founders of the international movement for nuclear disarmament of Europe. Walzer has won Spinoza

award for ethics in Holland, and he published twenty seven books. The fatal quotation in the chrestomaty is this one: "Mass rapes and sexual violence against women and men in Bosnia and Herzegovina, 20.000 to 30.000 reported cases, directed special attention to reports of sexual terrorism of Serbs strategic use of forced pregnancies as the policy of ethnic cleansing".

The fact that rape of Bosnian women was Serb war tactic confirmed 17 of the Hague verdicts. Among them are verdicts against: Dusko Tadic, Biljana Plavsic, Momcilo Krajisnik. Three Serbs were convicted because they held in sexual slavery in Foca more than a hundred of Bosnian women. Ratko Mladic and Radovan Karadzic are tried for rape as instrument of genocide. In accordance with Margot Wallstrom, UN emissary for sexual violence, between 50.000 and 60.000 of rapes were committed during war in Bosnia and Herzegovina. Dulic have supported Pride Parade and cooperates with Women in Black. She is presented on the internet as a friend of Kosovo Liberation Army. Campaign of solidarity with the professor Dulić joined dozens of prominent members of academic and civil society organizations from all over Serbia and the region.

Here are only some points which confirm the practice of UNSCR 1325 abuse by Serbian authorities.

In 2010, institutions of the country of Serbia created the National Action Plan (NAP) for the implementation of the UNSCR 1325. The process of the creation of the NAP for the UNSCR 1325 in Serbia was non-transparent, undemocratic and non-participative, as can be seen from the Women in Black research conducted in 2010. Through this 'women's' Resolution, the state cooperates only with those organizations which "obediently follow the needs of the state, which thus divides the civil society, or the 'civil sector', to be more precise, into the obedient and disobedient, and instead of creating solidarity stirs up discontent on the principle of patriarchal competition".

Women in Black emphasized serious faults in the political analysis of the text and process of creation of the Proposals for NAP Serbia, primarily the obviously militaristic character of the document and the overall NAP process. "As the leader of NAP creation, the Ministry of Defense is evidence of the militaristic approach towards security. The experience from the wars led during the 1990s on the territory of the former Yugoslavia, and especially the role of the Serbian Army which inherited the burden of JNA (Yugoslavian National Army, Serbia and Montenegro Army) as one of the main executive bodies of Slobodan Milošević's regime, seriously questions the credibility of this institution as the leader of activities in NAP creation, and that is especially unacceptable from the feminist-pacifist point of view".

UNSCR 1325 is a bureaucratic tool to produce the illusion of a false integration and mythomanically obsession with "leadership in the region".

The country which produced and exported war does not want to face the consequences of war which inevitably 'returns home'. It is reflected not only in the form of normalizing violence, exclusion of the others and different, growing fascist tendencies and movements...

Through UNSCR 1325, Serbia as the alleged 'regional leader' and serious candidate for peace operations. By using UNSCR 1325, Serbia not only aspires to promote itself as the 'regional leader in the implementation of Resolution 1325' but also to 'candidate' itself as one of significant factors in multinational operations, i.e. 'actively contribute to the process of building peace, stability, and safety,' and portray itself as a progressive, credible country that very much advocates world's peace. They use UNSCR 1325 in order to redesign Serbia as a peacetime 'force', produce a past without war, and wash the dirty traces of bloody crimes. Contrary to that, we think that "one of the priorities in the implementation of the Resolution in Serbia must be a post-conflict renewal of society, i.e. processes which will determine facts of the past crimes, determine the individual criminal responsibility, punish the perpetrators and implement institutional reforms (primarily lustration) which will enable the institutions, as well as society, to continue working under the regime that bears responsibility for genocide and severest forms of crime".

In whole world, the implementation of UNSCR 1325 demonstrates numerous difficulties, obstacles and challenges on the path to the creation of just peace and different concept and practice of safety. Luckily, there is an increase in the number of coalitions and networks being organized both on the regional and global level which do not allow the elites in power to deprive the sense or kidnap important international documents, such as UNSCR 1325 should be. Women in Black is an active participant in such feminist/anti-militarist coalitions.

Vepror Shehu, Executive Director of the Non-governmental organization MEDICA, Kosova

The organisation was established by Medica Mondiale e.V from Germany in July 1999 and registered as a national NGO in October 2003. Currently, it has 23 staff members (20 women and 3 men) and three departments (psychosocial, medical and legal) working in an interdisciplinary way. Since 2006, Medica Kosova has implemented income-generating activities in the sector of agriculture. Since 1999, over 8,900 women and girls have been supported by all Medica Kosova services. Currently, the organisation is supporting 190 women and girls (87 elderly and 103 younger women) through all services. Since 2001, Medica Kosova has provided support to 126 survivors of wartime rape who have spoken out. At present, 43 survivors continue to receive counselling and support, as do 39 other women who demonstrate clear symptoms of trauma related to sexual violence during the war. In January 2011, the organisation started supporting the empowerment of elderly women in promoting gender equality in their families and communities. It aims at changing the perception and attitudes among elderly women about social gender roles and response to gender based violence against women and girls.

Why do women refuse to access justice?

- There is a strong patriarchal context and stigmatisation of women survivors of wartime rape. Rape is considered as an attack on “family honour”.
- Lack of family and women-for-women support: women are afraid of their mothers-in-law. A husband cutting his arm to convince his mother of the virginity of his wife.
- Insufficient psychosocial support and lack of financial assistance before, during and after the process. Reflection of a woman who testified at the ICTY: “In addition to the horror experienced during the war, I wouldn’t be able to deal with the confusion, fear and frustration of the criminal justice procedures if there was no psychological and material support by the organisation”.
- Prosecution procedures – re-traumatising survivors. Investigation requiring painful details from the survivors.
- Survivors wanting to testify are not really prepared to disclose the names of other women. The need for a second witness complicates the process of access to justice; on the other hand, it facilitates the prosecution.
- No national plan for implementing transitional justice measures: the lack of public recognition and integration into the law; no public apology from Serbia; insufficient psychosocial support and concrete economic empowerment missing.

Means of supporting access to justice for the survivors of rape - what kind of justice do they need?

- Women need the implementation of restorative justice alternatives, different from only retributive justice that is present in Kosovo and most countries in the region. While retributive justice seeks punishment only, restorative justice tries to bring healing and compensation to the victims. Psychosocial support, legal aid, medical care, a pension guaranteed by the law and implementation of economic empowerment programmes are key parts of restorative justice alternatives.
- Special funds during the process of justice – before, during and after the trial to be secured by the Government and international missions/donors.
- More female investigators familiar with the cultural context and consequences of war-related sexual violence.
- Gender sensitive and trauma familiar judges involved in treating gender-based war crimes.
- Simplifying the prosecution process – no need for a second witness to back up the statement of the survivor.
- Close collaboration of NGOs with EULEX KOSOVO (The European Union Rule of Law Mission in Kosovo) and the Kosovo police in the process.

There are three key elements to consider during awareness raising and campaigning for the survivors:

1. A comprehensive and participatory approach through the active inclusion of survivors in the process, and institutional and public authorities delivering public announcements on the issue of wartime rape and support for the survivors.
2. The campaign should address messages to: Families and communities, Institutions and Women survivors of wartime rape as key stakeholders in the process of access to justice.
3. Developing women-to-women awareness-raising programmes.

Women should talk and access justice, otherwise impunity never ends. "The birth of my words could be the death of my shame and agony" is what we try to encourage the women to feel and do.

Declaration from the Conference “Women in Peacebuilding: Women’s Access to Justice in Post-Conflict Countries”

On 18th of October 2012 in the City Hall of Zagreb City, the Regional Women’s Lobby for Peace, Security and Justice in Southeast Europe held their Regional Conference “Women in Peacebuilding: Women’s Access to Justice in Post-Conflict Countries”, under the auspices of the President of the Republic of Croatia, Dr. Sc. Ivo Josipovic. Support to the Conference was provided by UN Women, the Office for Gender Equality of the Government of the Republic of Croatia and the City Hall of Zagreb City.

Apart from members of RWL, members of governments, members of parliaments, experts from Croatia and the region, activists from countries in the region, as well as representatives of UN and EU, and other international organisations, also participated.

The aim of the Conference was to identify ways to improve women’s access to justice, including transitional justice, and, in that sense, to point out the role of and support by women leaders, women with legislative power, women policy drafters and relevant governmental institutions. The Conference also dealt with the role of justice and transitional justice in the process of European integration in the region, within the context of implementation of UNSCR 1325 and commitments deriving therefrom.

There was a discussion about regional cooperation between women leaders in order to ensure increased security and improved access to justice, and to raise awareness about this within governments, courts, civil society, regional and international organisations, as well as the academic community. During presentations and debates about political and security situations from women’s perspectives, regional actors have focused on successful implementation of UNSCR 1325, particularly on analyses of women’s contribution to peace and security, and political participation, as well as gender parity in the process of political decision-making at all levels.

This RWL Conference attempted to present progress that was made, through women’s advocacy in societies that are in the process of changes, throughout the region. Debate on European policies, which intensify and point out the role of women in new processes and present new possibilities, took a special place at the Conference as a very important, yet insufficiently used mechanism. Such opportunities are also brought about in the implementation of UNSCR 1325.

From the presentations and debates within panels at the Conference, participants of the Conference particularly emphasise the following:

PANEL I

When it comes to the promotion of women's human rights, it is necessary to establish synergy between state institutions and the nongovernmental sector, in order to improve outreach with the public in relation to this subject, and as a result of such efforts, we can expect a change in traditional social behavioural patterns.

Among imperative aims that need to be achieved in order to establish true gender equality, it is crucial to enable women to achieve full democratic equality, economic independence, equality in participation and political decision-making, as well as a dignified position in relation to all forms of violence.

Economic competitiveness of a society significantly determines the development of an environment for the optimal social productivity of women. Mere employment of women, without the development of supportive social policies, is not enough.

In the region it is necessary to continue effective opposition to ethno-centrism, and gathering around subjects about which it is possible to develop a constructive dialogue, and use European processes and good practices to improve the level of democracy in countries of the region.

PANEL II

UNSCR 1325 has become an instrument which defines the interests of gender in the security sector, and participation of women in decision-making, as well as in other processes achieving gender equality.

Special debate revolved around the equality context in processes of upbringing, education, culture and knowledge, which generate inequality that manifests itself in different forms.

All countries of the region have legal frameworks; however implementation is a problem in all of the countries. This is a long-term process that needs to be expedited with the help of action plans for the implementation of UNSCR 1325, which have already been developed by some countries – Serbia, Bosnia and Herzegovina, and Croatia. Women participants of the Conference have particularly emphasised the need for all other countries in the region to expedite the finalisation of this process.

Quotas have been embedded in legislation in all of the countries, bringing greater participation of women in decision-making arenas and in the security sector, and as an example of a new and good practice, women's participation and contribution should be monitored in international missions.

PANEL III

Reduction of corruption, and ensuring transparency in all actions, as well as implementation of anti-corruption activities, is necessary for any democratic society. Women can take part of the responsibility in these processes by their empowerment in positions inside the processes of political decision-making.

Corruption and organised crime have great consequences on the entire society and a devastating effect on the development of democracy, both horizontally and vertically.

Having a repressive apparatus alone is not sufficient to effectively combat corruption, it is also necessary to continue to work on prevention of corruptive behaviour, through a system of education and improving the system of values.

International cooperation between competent institutions is a very important segment of an effective fight against organised crime, and it needs to be strengthened and developed further at an operational level.

PANEL IV

The rape of women and girls in camps and occupied territories during war conflicts in Croatia, Bosnia and Herzegovina and the territory of Kosovo, constituting a crime against humanity and a war crime, was a weapon of war, and thus a way of conquering territories.

The exact number of women and girls who were raped during the wars in the region is still unknown, which places further obligations on state institutions and the civil sector to cooperate and work together on bringing light to the cases of raping and to prosecute rape crimes over women and girls.

RWL particularly appreciates the contribution from peaceful activism of women's organisations in the entire region.

The legal institutions in all states are invited to begin processes in order to bring to justice perpetrators of war rape, and prosecute these crimes. Victims have a crucial need for protection and support before, during and after this process, together with the establishment of a legal framework for the recognition of their status as civilian victims of war, as well as ensuring their full human dignity.

Women participants of the conference particularly emphasise following aims:

- Creation of a common platform for the improvement of access to justice and transitional justice for women in post-conflict countries
- Implementation of reforms in the justice systems in countries of Southeast Europe, which would contribute to gender awareness, in accordance with the commitments deriving from international and regional human rights protection instruments, which guarantee effective court protection for women

- Improvement of harmonisation with EU standards in relation to the participation of women in decision-making and peacebuilding in Southeast Europe
- Identification of activities/steps for increasing the role of women in improvement of “good governance” and rule of law, by suppressing negative incidents (corruption, crime) and supporting security and stability in the region
- Improvement of cooperation between women leaders from governmental and the civil sector in the region, in relation to gender sensitive transitional justice and more accessible justice for women
- Exchange of information and examples of good practice in relation to the implementation of UNSCR 1325 in the countries of Southeast Europe

**Resolution 1325 (2000)
Adopted by the Security Council at its 4213th meeting,
on 31st October 2000**

The Security Council,

Recalling its resolutions 1261 (1999) of 25 August 1999, 1265 (1999) of 17 September 1999, 1296 (2000) of 19 April 2000 and 1314 (2000) of 11 August 2000, as well as relevant statements of its President and recalling also the statement of its President, to the press on the occasion of the United Nations Day for Women's Rights and International Peace of 8 March 2000 (SC/6816),

Recalling also the commitments of the Beijing Declaration and Platform for Action (A/52/231) as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the twenty-first century" (A/S-23/10/Rev.1), in particular those concerning women and armed conflict,

Bearing in mind the purposes and principles of the Charter of the United Nations and the primary responsibility of the Security Council under the Charter for the maintenance of international peace and security,

Expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and recognizing the consequent impact this has on durable peace and reconciliation,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution,

Reaffirming also the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts,

Emphasizing the need for all parties to ensure that mine clearance and mine awareness programmes take into account the special needs of women and girls,

Recognizing the urgent need to mainstream a gender perspective into peacekeeping operations, and in this regard noting the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (S/2000/693),

Recognizing also the importance of the recommendation contained in the statement of its President to the press of 8 March 2000 for specialized training for all peacekeeping personnel on the protection, special needs and human rights of women and children in conflict situations,

Recognizing that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full

participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security,

Noting the need to consolidate data on the impact of armed conflict on women and girls,

1. *Urges* Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict;
2. *Encourages* the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;
3. *Urges* the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard calls on Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;
4. *Further urges* the Secretary-General to seek to expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel;
5. *Expresses* its willingness to incorporate a gender perspective into peacekeeping operations and urges the Secretary-General to ensure that, where appropriate, field operations include a gender component;
6. *Requests* the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peacebuilding measures, invites Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment and further requests the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training;
7. *Urges* Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts, including those undertaken by relevant funds and programmes, inter alia, the United Nations Fund for Women and United Nations Children's Fund, and by the United Nations High Commissioner for Refugees and other relevant bodies;
8. *Calls on* all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia:
 - (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction;
 - (b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements;
 - (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;

9. *Calls upon* all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention Security Council - 5 - Press Release SC/6942 4213th Meeting (PM) 31 October 2000 on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;
10. *Calls on* all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;
11. *Emphasizes* the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible from amnesty provisions;
12. *Calls upon* all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its resolution 1208 (1998) of 19 November 1998;
13. *Encourages* all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants;
14. *Reaffirms* its readiness, whenever measures are adopted under Article 41 of the Charter of the United Nations, to give consideration to their potential impact on the civilian population, bearing in mind the special needs of women and girls, in order to consider appropriate humanitarian exemptions;
15. *Expresses* its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups;
16. *Invites* the Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, and *further invites* him to submit a report to the Security Council on the results of this study and to make this available to all Member States of the United Nations;
17. *Requests* the Secretary-General, where appropriate, to include in his reporting to the Security Council, progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls;
18. *Decides* to remain actively seized of the matter."

([http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1325\(2000\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1325(2000)))

