

Mr Speaker, members of Parliament,

Dear Colleagues,

It is my honor and privilege to be here today and to have the opportunity to speak on the topic of human rights, fundamental freedoms and democracy especially as it is reflected in Central and Eastern Europe, i.e. with your permission to focus primarily, as a case in point, on South Eastern Europe and the state of human rights and fundamental freedoms litmus test – **gender equality**.

I am also privileged to speak at the closing of this meeting since I profited from the wisdom of others and the discussion... Straddling the three worlds – USA, EU and South Eastern Europe offers me a bird's eye view and allows an insight into the state of human rights and fundamental freedoms, as well as the way **we perceive and practice democracy and gender equality**.

I would like to be provocative and open.

1. The current political context in Europe and especially in South Eastern Europe is complex. EP elections show a rise of the far right, but as well as in some countries the far left.

In South Eastern Europe there still remain the scars of the war of the 90s and nationalism coupled with xenophobia and clericalism. This state of affairs continues to stifle democratic processes and to plague the region as manifested in the status and treatment of national/ethnic minorities, equality of women, sexual orientation.

To be fair, a lot of progress has been made in the constitutions and legal provisions to promote and safeguard human rights, including specifically in laws gender equality. However, the reality remains different:

Case 1: Constitutions and laws as tools to enforce and safeguard democratic freedoms and human rights are often not enforced, even by government officials and they are often not respected by politicians or their enforcement included in political discourse.

For example, the Croatian Constitution, as well as those of other countries in the region such Montenegro (Article 14) and Slovenia (Article 7), stipulate that, to quote the Croatian Constitution (article 41) “**all religious communities, are equal before law and divided from the state.**”

In spite of this, there are many examples when the Catholic Church quite openly and flagrantly, directly or indirectly in its media and even through the pulpit, meddles into state affairs, pronounces itself on the issue of government ministers, takes political sides

instructing the electorate on how to vote. A case in point was its campaign against the introduction of health education in school, to include sexual education.

The most explicit on this issue of division of state and Church is the Constitution of Serbia (Article 21) which clearly stipulates: “The Republic of Serbia is a secular state. Churches and religious communities are divided from the state”. And still the notion of nationhood in Serbia is directly related to belonging to the Orthodox Church (“all Serbs are Christian Orthodox”, sic). Discrimination against ethnic minorities in Serbia, as also visible through the tensions with the autonomous region of Vojvodina, is ever present. The Kosovo issue remains neuralgic...

It is interesting that the Constitution of Bosnia and Herzegovina, which focuses primarily on the state order, has no mention of division of state and church/religious communities.

Case 2: Countries in the region are bound by UN CEDAW and report regularly and have adopted most international documents relating to human rights, women’s rights and gender equality. Accession to the EU and meeting the *acquis* has also been a pressuring factor for countries in the region to “gender sensitize” their constitutions and legal provisions.

Gender equality is overall guaranteed, in one way or the other implicitly or explicitly in the constitutions and respective laws. For instance, the Serbian and Montenegro Constitutions also guarantee (Article 15 and Article 18 respectively) equality between women and men and the state “develops the policy of equal opportunities” while the Slovenian Constitution encompasses the issue through the rights of all citizens, as does the Croatian Constitution.

Unfortunately, there is a visible discrepancy, with different intensity across countries, between the legal provisions and their implementation. Human rights and gender equality are not static categories, their respect and enforcement is at the mercy of political and societal dynamics with progress often being two steps forward and one step backward.

And yet to quote a high level Macedonian official: “Women are responsible for the increase in divorce in the country. Women’s emancipation leads them to focus on their own career – they want to get masters degrees, PhDs, and are aspiring to a career. Communication in marriage fails, patience wanes, problems are not addressed and this culminates in divorce.”

Case 3: Violence against women in the region is regulated by law. 36 countries (as of June 2014) out of 47 have signed the Istanbul Convention on Violence against Women and 14 have ratified it, including Italy and from the region Albania, Bosnia and Herzegovina, Montenegro and Serbia. States that have ratified the Convention are legally bound by it as it has entered into force this September.

Therefore, this is only the first, albeit important, step forward. In patriarchal and traditional societies violence against women continues to be regarded as violence in the family (overshadowing the issue of women's rights) and as a "family affair". Perpetuators are easily turned into victims and victims are thus discouraged from reporting citing misunderstanding of law enforcement officers, inadequacy of social services, the shame and stigma associated with reporting. Rape is equally under-reported, let alone marital rape. As a result, official statistics can only be indicative.

In terms of women's rights, sexual harassment is rarely sanctioned and sex is often used as a bargaining chip for employment and other favors. There are overall few laws which address the issue. It happens on the street, in the workplace, at universities and in schools. It is as a rule not reported since it is a combination of many issues - naming and shaming and a perception that reporting to the authorities will not get them anywhere.

In countries that have specific laws on sexual harassment in the workplace there remain: i. the issue of definition (most laws only recognize rape); ii. implementation institutions - police generally does not have a mandate to go against these cases or is not trained sufficiently.

Case 4: Reproductive issues, freedom of choice and sexual freedoms are very divisive issues in our societies, especially with the strong influence of the Church. The "non-democratic" Yugoslav Constitution of 1974 was one of the most progressive in the world (Mexico 1975) as it guaranteed the freedom of every individual to decide on his/her reproduction including the spacing between births.... While the Croatian Constitution does not mention this issue at all, the Serbian Constitution guarantees that "everyone has the right to freely decide on giving birth." The Slovenian Constitution goes farthest – "Everyone shall be free to decide whether to bear children. The state shall guarantee the opportunities for exercising this freedom and shall create such conditions as will enable parents to decide to bear children."

Indicatively, the constitutions in the region do not specify what "the right to life" is –the Serbian, Croatian and Slovenian Constitutions in the same article stipulate that there is no "death penalty". So the interpretation of the "right to life" is left open which gives rise to interpretation especially from the clerical and right wings. This is not the case of the Montenegro Constitutions which only speaks of the death penalty.

Most recently, in Croatia an official at the Taxation Agency refused to grant tax exemption to a donor who made a donation to the Center for Gender Equality, with the false, and most probably well masterminded, argumentation that this NGO was promoting abortion which is, he claimed, against the Croatian Constitution, citing the article on the right to life, and not in accordance with a Council of Europe provision... Fortunately, the Government reacted strongly, the case and the clerk were dismissed.

Case 5: The last Korčula School discussed the role of the media in promoting equality between the sexes and addressing issues of violence against women. The media is often the culprit and bears the responsibility for perpetuating sex stereotypes, irresponsible reporting on violence as sensational and acting weakly as a public voice for human rights and against discrimination. This is both due to tabloids, but also to the indiscriminate use of electronic media especially among the youth.

2. **The instruments:** do we have the experience, education, capacity, tools, including financial, to implement the legal and judicial changes that stipulate human rights and in this case women's human rights and turn these into reality?

The bottom line is that progress has been achieved, *grosso modo*, in enacting the necessary legislation to guarantee basic human rights, fundamental freedoms and within that gender equality. The foundations are there. However:

- i. Consistently mainstreaming, throughout the legislative and institutional system human rights and gender equality accompanied by with adequate capacities - human and financial resources – to enforce and implement them.*

Specific provisions (law, regulations) for gender equality are only the basis which should be accompanied by gender sensitive laws in all social and economic spheres. For instance, the issue of violence against women should be dealt with in education, labour relations, health, sports, communications...

- ii. Capacity development, advocacy and allocation of resources in the budget (domestic and external) for the promotion of human rights, fundamental freedoms and gender equality, can only produce long lasting and sustainable results.*

But this may be the easier part of the equation: entrenched patriarchal and traditional attitudes, coupled with weak (and underfunded) formal and civic education are those invisible, elusive and staunch barriers to progress. The gap in the perception, understanding, emancipation persists at all levels of society – from parliamentarians and politicians, to the executive, the city and the village. This reality should not be ignored but addressed.

- iii. Strong scrutiny of the educational system at all levels with the introduction of modern and progressive curriculum, such as the one on health education in Croatia, with a strong consultation with and support of the civil society to the*

Government and vice versa, strong and sustained support of the Government to the civil society on issues of human rights, gender equality and fundamental freedoms in a partnership for progress.

Countries in this region have undertaken the difficult task of transition and reform to fulfill the requirements of EU accession. Citizens are often not convinced of the benefits of accession and membership. Euro-skepticism is on the rise as living standards and conditions do not ameliorate and benefits of EU membership are slow in coming. And, as we have seen in the Romanian, Hungarian, Bulgarian and Croatian cases especially, once these countries have entered the Union, the social matrix, read an emancipated and progressive civil society to accompany the acquis and reforms, is lacking.

iv. The issue of gender equality, within the basket of human and fundamental rights, should be part and parcel of the accession requirements, not only as a token or another principle on paper but mainstreamed across the acquis. This demands a commitment of the EU to enforce the principles of gender equality, and not only do it lip service. Too often have we encountered EU staff and consultants/advisers to countries in accession, e.g. in Montenegro and Serbia, that do not adhere themselves to these fundamental principles. The EU officials should provide an example by enforcing gender equality.

The EU should also support this “educational” and “emancipation” process financially so as to create the necessary conditions for full implementation of requirements in a sustainable and forward looking perspective. But it seems that the EU/EC bureaucratic, and per force “neutralized” approach, has done a disservice to progressive and forward looking processes in the region. If this is not in the purview of the EC/EU itself than other European mechanisms should kick in more forcefully.

Above all, the EU should lead by example and this is wanting...

3. *What are the centrifugal forces that draw us away from democratic societies?*

Finally, Europe is turning, as we have seen at the last EP elections, but also in the overall political situation and in national elections in the Western Balkans, to the conservative right often driven by clerical pressures raising the necessity to safeguard the European legacy of the secular state, human rights and equality, social justice and fundamental freedoms.

Gender equality remains this “litmus test” of democracy as all issues of human rights and fundamental freedoms transcend the question. Unless this is understood we run the risk of succumbing to the social and ergo civilisational backlash we are experiencing today, still in small quantities but that may develop. If this is the case meetings like this and the search of the models of the future are going to be primordial.

In this sense, I would like to thank the Italian Parliament for launching the discussion with the hope that this may arouse a flood of responses, initiatives and actions.

Thank you.