

Panel Discussion

“Women and children: from international law to national realities:”

Statement

By

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Madam Chairperson,
Excellencies,
Distinguished Delegates,
Child participants and Representatives of Non-Governmental Organizations
Ladies and Gentlemen,

It is a great honor to participate in this panel on the relevance of international law on women and children to national realities, with so many distinguished panelists and its moderation by Ms. Angela King, Assistant Secretary-General and Special Adviser on Gender Issues and Advancement of Women. I have had pleasure to work very closely with Ms. King for the past two years as a former Chairperson of the UN Commission on the Status of Women. Her tireless efforts for moving the women's agenda forward and incorporation of gender mainstreaming throughout the UN system are contributing greatly to move words and paragraphs from international law to daily lives and national realities of women and children all over the world.

Let me begin my presentation with the UN Universal Declaration of Human Rights of 10 December 1948, which established an ideology of human rights and made it an ideology for the whole world.

Metaphorically speaking the Universal Declaration of Human Rights is "the birth certificate" of the human rights movement. Furthermore, it is also "a marriage certificate" of civil and political rights with economic, social and cultural rights. Finally, it is "a death certificate" to the practice that a State can treat its own inhabitants as it chooses.

The Universal Declaration of Human Rights also started the process of standard setting in the field of human rights, as well as the universalization and internationalization of human rights. After the adoption of the Universal Declaration of Human Rights, human rights development was continued by the evolution of core UN human rights treaties.

On 18 December 1979, the UN General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women – CEDAW, and ten years later, on 20 November 1989 it adopted the Convention on the Rights of the Child- CRC.

The Women's Convention provides a definition of discrimination against women, and identifies measures required to ensure women's right to equality and non-discrimination in the enjoyment of civil, political, economic, social, and cultural rights. The Convention on the Rights of the Child provides general principles relevant for child protection, such as the best interest of the child, a child's right to life, survival and development, and respect for the views of the child.

Both Conventions have been widely accepted – CEDAW by 169 States and CRC by 191 States. The number of States parties to human rights treaties has expanded significantly over the 1990s, with CRC almost universally accepted and CEDAW running second. Their universal ratification is becoming a real possibility.

Applicability of these two instruments in a large majority of States for twenty and ten years respectively, bear witness to the acceptance of internationally-established principles and legal norms for non-discrimination of women and gender equality, and for protection of children. Since human rights treaties have been increasingly accepted with CRC and CEDAW at the top, we are now shifting our efforts towards their effective implementation at the national level.

The expert bodies established to monitor implementation of the Conventions by State parties, namely the Committee on the Elimination of Discrimination against Women, and the Committee on the Rights of the Child, are particularly concerned with the effect of the Conventions on domestic legal systems. Both Committees have advocated incorporation of the principles of these instruments into national constitutions and legislation. Both Committees monitor the implementation of the Conventions at the national level and make recommendation for their further implementation. These Committees' recommendations could be seen as "a quality certificate" for the protection of women`s and children's human rights.

By accepting the international treaties in the field of human rights, States commit themselves to implementation of the obligations contained in respective human rights treaties. Together, CEDAW and CRC with their optional protocols provide a legal framework upon which States can create national legislation for protection of women's rights and the rights of the child.

Excellencies,
Distinguished Delegates

Let me now turn to my country's national perspective on the relevance of international law on women and children to national realities. The Republic of Croatia is a central European and Mediterranean country with 4, 5 million inhabitants. This year Croatia is celebrating its 10 anniversary as a member of the United Nations.

In the last decade the Republic of Croatia has undergone changes of historical relevance during which Croatia was established as an independent democratic State with a multi-party system. Transition towards political democracy and a market economy occurred under very difficult conditions due to wartime aggression and the struggle to achieve territorial integrity. Adoption of the new Constitution in 1990 with its revision in 2000 marked the ongoing process of development of the new legal system based on human rights, democracy and the rule of law. This process is still ongoing.

So, what is the relevance of international law with specific emphasis on the CEDAW and CRC for the legal system in the Republic of Croatia?

According to Article 141 of the Constitution of the Republic of Croatia:

"International agreements concluded and ratified in accordance with the Constitution and made public, and which are in force, shall be part of the internal legal order of the Republic of Croatia and shall be above law in terms of legal effects."

Today, the Republic of Croatia is a State party to all core UN human rights treaties in the field of human rights, as well as most of their optional protocols. The only exceptions being the optional protocols on the Convention on the Rights of the Child: on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, which were signed the first day of the Special Session on Children by the President of the Republic of Croatia, with the intention of their speedy ratification. This new commitment was witnessed by two children from Croatia: Anja Turkalj and Mladen Kuria, participating at the current Special Session on Children as members of Croatian delegation. I would also like to mention participation of NGO representatives as members of the Croatian delegation at this Special Session as a sign of symbolic inclusion of all relevant actors in the process of implementation of international agreements and agendas such as this new agenda for children "A World fit for Children".

"The Children's agenda", as well as the "Agenda for gender equality", adopted at the Beijing Fourth World Conference on Women in 1995, strengthened by the Beijing + 5 Outcome Document adopted in the 2000, are both intended to provide new measures and actions that are also relevant for the full implementation of CRC and CEDAW. These as such, do not represent duplication of norms, but do represent duplication of political will that is crucial for real changes in national realities.

For detailed information on the children's policy in the Republic of Croatia, you may find in the back of the room two publications entitled: "National Programme of Action for Children in the Republic of Croatia" and "Needs and Protection of Children in Croatia: A Decade Review".

Let me now turn to the role of the Convention on the Elimination of All Forms of Discrimination against Women. According to Article 141 of the Constitution of the Republic of Croatia, the Convention on the Elimination of All Forms of Discrimination against Women has legal status below the Constitution, but above national legislation and is to be applied directly. Therefore, all the laws that concern this area must be in accordance with the Convention on the Elimination of All Forms of Discrimination against Women.

The Republic of Croatia has strengthened its commitments to the full implementation of the Convention by ratifying its Optional Protocol and through recent changes to the Croatian Constitution, which explicitly include gender equality as one of the highest values of the constitutional order.

On the basis of the Convention on the Elimination of All Forms of Discrimination against Women, as well as the Outcome Document of the Special Session Beijing + 5, the Commission for Gender Equality has prepared a National Policy for the Promotion of Gender Equality for the period 2001-2005, that was adopted by the Croatian Parliament. The document has been drafted in close co-operation with non-governmental organisations, trade unions and other governmental bodies dealing with related issues.

Since the parliamentary elections in January 2000, the number of women members of the Parliament has significantly increased to 23, 5% compared to 5, 5 % prior to 2000. The increased political participation of women in political life is also a strong indicator of the improved status of women in Croatia and the implementation of CEDAW. Although significant progress has been achieved in Croatia, there is still a long way to go.

On the way from international law to national realities, we have to bridge the gap between international and national law, and then the gap between international or national law and the protection of rights of every child and of every woman. But bridging these gaps is the only way forward if we really want to achieve universality of human rights for all human beings in all societies.