How Women’s Movements Matter

Women’s Movements’ Strategies and Influence on Gender Policy Formation in Post-communist Croatia and Slovenia

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## Abbreviations and acronyms

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AWH</td>
<td>Autonomous women’s house (Croatia)</td>
</tr>
<tr>
<td>B.a.B.e.</td>
<td>Be active be emancipated (Croatia)</td>
</tr>
<tr>
<td>CEDAW</td>
<td>The Convention on elimination of all forms of discrimination of women</td>
</tr>
<tr>
<td>CEFTA</td>
<td>Central European Free Trade Agreement</td>
</tr>
<tr>
<td>CERNAO</td>
<td>Centre for Development of Non-Profit Organisations</td>
</tr>
<tr>
<td>CESI</td>
<td>Center for Education and Counseling of Woman (Croatia)</td>
</tr>
<tr>
<td>CNVOS</td>
<td>Centre of non-governmental organisations of Slovenia</td>
</tr>
<tr>
<td>COE</td>
<td>Council of Europe</td>
</tr>
<tr>
<td>CWWV</td>
<td>Center for Women War Victims (Croatia)</td>
</tr>
<tr>
<td>DC</td>
<td>Democratic Centre (Croatia)</td>
</tr>
<tr>
<td>DeSUS</td>
<td>Democratic Party of Pensioners of Slovenia</td>
</tr>
<tr>
<td>DZZM</td>
<td>State Office for the Protection of Family, Motherhood and Youth (Slovenia)</td>
</tr>
<tr>
<td>HDZ</td>
<td>Croatian Democratic Union</td>
</tr>
<tr>
<td>HNS</td>
<td>Croatian People’s Party</td>
</tr>
<tr>
<td>HSLS</td>
<td>Croatian Social Liberal Party</td>
</tr>
<tr>
<td>HSS</td>
<td>Croatian Peasant’s Party</td>
</tr>
<tr>
<td>HZZO</td>
<td>Croatian Health Insurance Institute</td>
</tr>
<tr>
<td>ICFTU CEE</td>
<td>The International Confederation of Free Trade Unions - Central and Eastern Europe &amp; Newly Independent States</td>
</tr>
<tr>
<td>ICTY</td>
<td>International Criminal Tribunal for the former Yugoslavia</td>
</tr>
<tr>
<td>IDS</td>
<td>Istrian Democratic Assembly</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labour Organization</td>
</tr>
<tr>
<td>IMAD</td>
<td>Institute for Macroeconomic Analyses and Development</td>
</tr>
<tr>
<td>IMF</td>
<td>International Monetary Fund</td>
</tr>
<tr>
<td>LDS</td>
<td>Liberal Democracy of Slovenia</td>
</tr>
<tr>
<td>LS</td>
<td>Liberal party (Croatia)</td>
</tr>
<tr>
<td>MDDSZ</td>
<td>Ministry of Labour, Family and Social Affairs (Slovenia)</td>
</tr>
<tr>
<td>OEO</td>
<td>Office for Equal Opportunities (Slovenia)</td>
</tr>
<tr>
<td>PAYG</td>
<td>Pay-as-you-go</td>
</tr>
<tr>
<td>PDIA</td>
<td>Pension and disability act (Slovenia)</td>
</tr>
<tr>
<td>SAA</td>
<td>Stabilization and Association Agreement with the EU (Croatia)</td>
</tr>
<tr>
<td>SDFZ</td>
<td>Social-Democratic Women’s forum (Croatia)</td>
</tr>
<tr>
<td>SDP</td>
<td>Social Democratic Party of Croatia</td>
</tr>
<tr>
<td>SGPA</td>
<td>State Gender Policy Advocates</td>
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</table>
SFRJ  Socialist Federative Republic of Yugoslavia
SKD  Christian Democratic Party (Slovenia)
SLS  Slovenian People's Party
SSSH Union of Autonomous Trade Unions of Croatia
WPO Women’s policy Office (Slovenia)
ZLSD Associated List of Social Democrats
ZSSS Union of Free Trade Unions of Slovenia
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1 Research problems

There is a long-standing debate within the women’s movement and gender policy research about which strategy is more effective: working inside or outside various state institutions (Dahlerup 1986; Katzenstein and Mueller 1987; Gelb 1989; Beckwith 2000). Should women's organisations be incorporated into state institutions or are outsider status and autonomous organisations more effective for promoting gender equality? The “second wave” women's movement, beginning in the 1960s, was contemptuous of official politics and it defined itself as being “outside the state” (Dahlerup 1986; Katzenstein and Mueller 1987). However, from their initial autonomous character, women’s movements in different countries have gradually acquired access to state institutions. In the 1970s and 1980s, national machineries to promote equality between women and men were developed in several countries around the world (Rai 2003). Scandinavian countries, in particular, have made gender equality policies a crucial part of so-called "state feminism" (Stetson and Mazur 1995; Bergqvist 1999).

The controversy about the effectiveness of participating inside or outside official policy making institutions has been much discussed in the abstract but rarely explored empirically by scholars of women's movements. Nevertheless, during the 1990s the prevailing opinion was that the integration of women's activities into state institutions was crucial for creating the politics which would enable greater gender equality. The so-called “Scandinavian gender equality model”, which includes both the notion of state feminism and “women friendly” policy outcomes has served as an exemplary model in its approach to gender equality issues at different levels in society (Gardiner 1997; UN/DAW 2004). Today state machineries for advancement of gender equality in different countries around the world
are more the rule than the exception.\footnote{The term gender policy agency or state machinery has come to mean any state-based agency, at all levels of government (national, sub-national or local) and in any type of organ (elected, appointed, administrative, or judicial) that seeks to promote the advancement of women and gender equality. The urge for the creation of institutional mechanisms for the advancement of women was officially made at the First World Conference on Women in 1975. By the time of the Fourth World Conference on Women (FWCW) in Beijing in September 1995, there was a growing consensus on the role, structure and functions of the national machinery, that the machinery should act as a catalyst rather than an implementer and that its main function was mainstreaming a gender equality perspective in all policy areas (Rai 2003).} The Directory of National Machineries for the Advancement of Women prepared by Division for the Advancement of Women (DAW) in 2004 shows a total of 165 countries with established state machineries for the advancement of women’s rights and gender equality (UN/DAW 2004). However, the intensified institutionalization of gender equality issues has re-actualized the controversy about the effectiveness of women participating inside or outside official policy making institutions (Mazur 2002; Rai 2003).

To simplify a complicated debate, conducted at both international and national levels, there are two fundamental positions. Some researchers point out the declarative character of these state mechanisms, their marginal influence on public policy formation and the negative influence of such mechanisms on the articulation of women's interests (Alvarez 1990; Weeks 1994; Waylen 1996; Steinhilber 2002).\footnote{According to different reports there are several obstacles related to the role of the state machineries for the advancement of gender equality in different countries. Inadequate financial and human resources as well as a lack of political will and commitment are mentioned as being the most significant. Beyond these direct obstacles, others of a more indirect nature are also pointed out. Lack of understanding of the concepts of gender equality and gender mainstreaming, discriminatory social attitudes and stereotypes and, in some cases, unclear mandates and marginalised location in the government structure, lack of data and methods of assessment, lack of authority, communication problems and insufficient links with civil society are other obstacles faced by national machinery (IHF 2000; Council of Europe 2004a).} Thus, women’s activist agendas are claimed to be co-opted and watered down by state bureaucracies. On the other hand, some scholars believe that state machineries are vital to the development of the gender equality policy and the achievement of the goals of the women’s movement (Gelb 1995; Mazur 2002). Most of the existing research on state feminism has been concerned with how and to what extent state machineries can actually improve women’s status in society. According to Amy Mazur, women’s policy machineries are a necessary and effective linkage between women’s movements and state responses. Those machineries have the potential to be major conduits for women’s descriptive and substantive representation and participation (Mazur 2002). The literature on comparative state feminism has also argued that women’s movements open spaces in which ‘femocrats’ may act (Eisenstein 1996; Stetson and Mazur 1995; Mazur 2002). In other words, institutional mechanisms for the advancement of gender equality and women’s interests are powerless without corresponding women’s movements in civil society (Goetz 2003; Honculada and Ofreneo 2003).
Considered together, these two perspectives concerning the function and the success of state feminism and women's activism within civil society lead to paradox. While one position holds that strong women's movements are crucial to the success of state initiatives on gender equality the other contends that the institutionalization of gender politics weakens women's movements. This paradox is to some extent a result of a lack of answers to critical questions. Are certain strategies of the women's movement more effective than others? Are the state gender equality machineries necessary for the success of the women's movement or can the women's movements successfully act from the sphere of civil society as well? One purpose of this study, therefore, is to contribute to the current discussion by providing a detailed comparative analysis of women's movements’ strategies and their influence on gender policy formation in two transitional political systems: Croatia and Slovenia.

A number of the key points emerge from this study. First, I will argue that some of the existing explanations of women’s movements’ strategies and their effectiveness rest on problematic assumptions about the nature of women’s movements. Although the women’s movement scholars increasingly focus on the State and its relationship to women’s movements there is a tendency to discuss the State and women’s movements as entities which act separately, and often in conflict. In particular, I will argue that the advocates of both “integrationist” and “autonomy” hypotheses generally ignore that the State and women’s movements interact. With regard to the State-Movement interaction, I am arguing that women’s gender equality advocates who are part of the State should be recognized as part of the women’s movement in the same way as those who are part of civil society. Second, the experiences of Croatian and Slovenian women’s movements tell us that the relationship between women working outside and inside political institutions changes over time, policy cases and policy segments. The relationship is interactive and dynamic, rather than predictable and permanent. As a result, it is not possible to make emphatic claims about certain strategies being more or less beneficial for women’s movements. The "inside" and "outside" strategies must be understood in contextual terms and as being in complex interplay. Third, this study will show that women's movements adapt their argumentation and choice of political strategies to the political settings within which they act. In other words, the women’s movements’ claims and organisation in a society are affected by the institutional terrain (political opportunity structure) in which they occur.

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3 See chapter 3 for the country selection.
Why Eastern European transition?

This study focuses on the strategies, demands and policy influence of women's movements in two countries of post-communist Eastern Europe. For the past few years, Eastern Europe has been one of the most exciting parts of the world for social science. Since the fall of communism, these have become societies in the (re-)making. Eastern European transitions involve simultaneous major changes in multiple aspects of the economic, political and social system and related institutions, which offers a unique opportunity to study certain key issues in women’s movements and gender policy research.

In relation to the developments in Eastern Europe in late 1980s and early 1990s, civil society became one of the "hottest" political and scientific concepts. Most scholars agreed that the former communist countries would need strong civil societies to develop effective democracies (Linz and Stepan 1995; Parrot 1997; Nagle and Mahr 1999). A more diverse and active civil society was held out as necessary to cushion the effects of economical restructuring, to restrain corruption and to connect newly empowered local governments with citizens (Tonkiss 2000). As a direct consequence of those arguments, civil society in the new democracies of Eastern Europe has become the favored child of international efforts to assist democratic development. The international community has promoted civic organisations, assisted them and supported their expansion and development. Since the fall of the Berlin Wall, virtually thousands of NGOs have been established across Eastern Europe (Quigley 2000; Pevehouse 2002). Thus the transition has lead to whole new conditions for different civil society

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4 The terminology used to describe the experiences of countries behind the Iron Curtain in the period 1945-1989 is contested, particularly the terms ‘socialism’ and ‘communism’ (Roberts 2004). Many scholars label these countries as ‘socialist’ or ‘state socialist’ while other prefer the term ‘communism’. In this research the term communism will be used to refer the countries in the former Eastern/Soviet Block while the term post-communism will be used as a simple designation of the transition period from the previous Communist regimes in Eastern European countries. My preference here is to keep the term socialism distinct from the regimes that can be characterized by one-party communist rule. By labelling these totalitarian and authoritarian states socialist, we inevitably diminish the achievements of democratic socialists in the ‘Western Countries’. It should also be noted here that the label ‘Eastern Europe’ in this research is used for the sake of the simplicity, even if strictly speaking the term is more complex. For example, the majority of people in Poland, the Czech Republic, Slovakia, Hungary and Slovenia often consider their countries to be part of Central Europe rather than Eastern Europe. In this research the term ‘Eastern Europe’ encompass such European countries that until the end of the Cold War (around 1989) were Communist states; Central Europe (Hungary, Poland, Czech Republic, Slovakia, Slovenia) Eastern Europe (Romania, Bulgaria) South eastern Europe/ Balkans (Croatia, Macedonia, Bosnia and Herzegovina, Serbia, Montenegro, Albania), Commonwealth of Independent States- CIS (Armenia, Azerbaijan Belarus, Kazakhstan, Kyrgyzstan, Republic of Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine, Uzbekistan).

5 The transition (sometimes transformation) denotes an intensive transformation from Communist to a new political regime. ‘New’ is most accurately defined in economic and political terms. In the sphere of political life it denotes the transition from a one-party, undemocratic system to a democratic parliamentary system and in the sphere of economy the transition of centrally-planned economies to market systems.
groups to exert political influence. The important question is, however, which political arenas are accessible to that influence and how can the relation between civil society and the state in newly democratizes states can be characterized? A somewhat puzzling impression is that the proponents of civil society often assume that where association lies, power follows. Yet a well-developed and active civil society is not a guarantee of political influence within civil organisations themselves or in relation to public policy formation. For that reason, it is astonishing that the distinction between participation and influence is rarely problematised in democratization and civil society research. My ambition is that the analysis of the women's movements’ ability to exert influence on the formation of the public policy in Croatia and Slovenia will contribute pieces to that puzzle.

After the fall of Communism the issue of mobilization and the agency of the women's movements has gained special significance. During communism the political action of women's movements was very limited. However, the democratic transition enabled women in Eastern Europe to organise and to establish different sorts of women’s organisations (Bystydzienks and Sekhon 1999; Sloat 2005). In the last 15 years there have also been reconsiderations, modifications and discursive changes of communist gender equality policy. It is therefore intriguing to analyze the demands, strategies and the policy influence of the women's movements in a dynamic political context such as the transition period in Eastern Europe. Furthermore, it must be noted that the transition took place during the period of intense globalisation and europeanisation. Studying women’s movements agency in Croatia and Slovenia, then, will add new perspectives on conditions for the organisation of women’s movements and their ability to exert influence on public policy formation in an era of globalisation.

The choice of Croatia and Slovenia was motivated by the fact that the countries differ considerably regarding several dimensions of theoretical interest. First, the countries differ concerning the political and the economic context in which the women's movements act. Slovenia is one of the most successful countries in the region when it comes to democratic consolidation, political stability and economic development during the transition period (Bebler 2002; Cox 2005). Croatia on the other hand entered the transition period burdened with a five-year war which determined the characteristics of the new political and social system. The democratisation of Croatian society has been overshadowed by political instability and rather limited in scope, while the shift to a market economy has resulted in bankruptcy, massive job loss and slow economic growth (Tanner 1998; Gallagher 2003). Besides differences in political and economic development these two countries differ on another important dimension, namely the development of their respective women’s movements in the transition

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6 For more information on gender policy development in transition see chapter 2.
period. From the beginning of Slovenia’s transition, gender equality questions were largely being moved from civil society to the state (Jalušič 2002). Croatia, in contrast, retained knowledge and expertise about different gender issues in women’s organisations operating within the civil society sector (Bežovan, Zrinščak and Vugec 2005; Irvine 2007). Differences notwithstanding, the two countries have several interesting similarities in their development of gender equality policies in their transition periods. The primary similarities are the preservation of certain segments of the communist gender equality policy and the introduction of new legal regulations in that policy area. An interesting question is thus how to explain that these two countries, which show significant differences in economic, political and social development as well as important differences in the development of their women’s movements, at the same time show similarities when it comes to the development of the gender policy during the transition period. Comparing Croatia and Slovenia is thus relevant because they have unexpectedly similar gender policies.

**Aim of the study and the research questions**

The aim with this study is twofold. First, by analyzing women’s movements policy agency in Croatia and Slovenia this study aims to contribute knowledge about the role which women’s movements have played in Eastern Europe during its transition period. Though much has been written on the subject during the last decade, systematic analysis of women’s movements’ influence on gender policy formation has received little attention. The main empirical question answered by this study is to what extent and in what way did women’s movements in Croatia and Slovenia exert influence on the formation of gender policies in their transition periods? Second, by analyzing the influence of the Croatian and Slovenian women's movements on the formation of gender policies this study contributes to theory about the effectiveness of different strategies of the women's movement. In previous studies three main theoretical perspectives can be identified concerning the most effective strategies for women’s movements to successfully influence public policies in the area of gender equality: (a) women’s movements are most successful when operating from a background of autonomous women’s groups (autonomous strategy), (b) the institutionalisation of women’s activism within state institutions is the main precondition for the women’s movements success (integrationist strategy) and (c) the cooperation between the representatives of the women’s autonomous organisations and women working inside state institutions is the ultimate precondition for the success of the women’s movement (double strategy). The main theoretical question that this study will address is whether the strategies of the women's movements are crucial for women’s movements ability to influence the
decision-making process regarding gender policy formation. To answer that question, I will consider the following overarching questions.

1. Did the women's movements in Croatia and Slovenia exert influence on the formation of gender policies during the transition period?
2. On which level of the policy process did the women's movements exert influence?
3. Was the women's movements ability to exert influence on gender policy formation dependent upon the usage of autonomous, integrationist or double strategy?

To evaluate the effectiveness of women's movements’ strategies in Slovenia and Croatia I will first determine whether the women's movements in those two countries had any influence on the development of gender equality policies. In this study, policy influence is defined as the achievement of a women’s movement’s policy goal with regard to an outcome in the policy programme/law, which is at least partly caused by the movement’s intentional intervention in the policy process. It should be stressed that in this research the achievement of the women’s movement’s goal might not only cover the realization of a desired outcome, but the prevention of an undesired one as well.

In order to be able to make more elaborate conclusions about women’s movements’ influences on gender policy formation in Croatia and Slovenia I will distinguish between three levels of policy making process on which women’s movements may exert influence; 1) agenda setting 2) formulation of the content of the law or policy programme 3) enactment of the law or policy programme. Accordingly, the study is limited to the different levels of the policy formation process. It is not an implementation study of certain policies.

According to previous theoretical findings, the ability of the women’s movements to exert influence on public policy formation may also depend on the issue that they address. For that reason I analyze and compare the impact and effectiveness of women’s movement’s strategies in Slovenia and Croatia on gender policy formation in four different gender policy cases.

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7 According to Lycklama à Nijeholt, Vargas and Wieringa (1998) the central question for feminist research is not whether women can make a difference in political life but how they make that difference. On a general level, we can surely agree with that position given the wide spectrum of issues that the women's movements deal with. However, if we limit the potential spectrum of the influence of the women's movement on legislative changes, then we should not make any premature conclusions about the influence of the women's movements because there is a wide spectrum of other actors which can influence the formation of the laws and public policy in the area of gender equality (see chapter 5 for methodological considerations).
These are violence against women, anti-discrimination policy, parental leave and pension reform. The period of study will be 1991-2004.

In this research, process tracing will be the basic method for exploring the potential influence of the women's movements on the formation of public policy. To obtain a creditable assessment of the women's movements influence in Croatia and Slovenia I will collect several types of data drawn from multiple data sources. This data includes primary and secondary textual documents as well as interviews with representatives from women’s movements, governments and other important actors involved in different policy processes. The aim is to pick triangulation sources that have different biases and strengths so that they can complement each other. The important sources of information in this study will be interviews with representatives of the women’s movements on the one hand and the representatives of governments and policy experts on the other. The evidence gathered from these interviews will be based on the women's movements’ representatives’ self-assessment of their influence (ego-perception) and the assessments by the targets of their influence, the governmental representatives (alter-perception). To verify knowledge gathered from the alter and ego perceptions and confirm whether women’s movements indeed caused specific effects on policy outcomes, an analysis of the policy process will be employed (supra analysis).

Outline of the book

The content of this book is divided into ten chapters. After presenting the basic problems, goals and research questions of this study in this chapter, the second chapter will present and critically discuss the previous research on women's movements and the development of the gender equality policy after the fall of Communism. The goal of chapter two is to place this study into the context of the previous research. The choice to focus on Croatia and Slovenia will be discussed in the third chapter. Chapter four outlines the theoretical basis for this study, linking the main concepts of the study (women’s movement, policy influence, gender policies and political...
opportunity structure) in relevant theoretical perspectives. Another goal of this chapter is to set out the definition of the women’s movement which will be used for the comparative assessment of women’s movements’ policy influence in Croatia and Slovenia. The choice of the policy cases will be also discussed in the fourth chapter. Methodological discussion and the analytical framework for the study of the women’s movements influence on gender policy formation will be presented in the chapter five. Chapters six through nine present the empirical analysis of the women's movements’ influence in the four gender policy cases. Finally, chapter ten summarizes the results of the empirical chapters and presents conclusions about the extent of women's movements’ gender policy influence as well as conclusions about the efficiency of the strategies of the women's movements in Croatia and Slovenia.
Previous research on Women’s movements and gender policy development in post-communist Eastern Europe

As I had stressed in the previous chapter, the main empirical goal of this study is to contribute to knowledge about the influence of the Eastern European women’s movements on the formation of gender equality policies during the transition period. To contextualise this study in terms of prior research, this chapter summarises the field’s main findings and claims about women’s political engagement and the development of gender policies since the fall of Communism to the present. A significant motivation for my undertaking this study is the lack of systematic studies about the policy agency activities of women’s movements and the mechanisms behind formation of gender equality policies after the fall of Communism. Though debate has been extensive on this topic during the last 15 years, many questions remained insufficiently empirically examined.

This chapter is divided into two sections. First, I will summarize and discuss the findings and claims from previous studies about the agency and the influence of women’s movements during the transition period. While women’s movements are at the centre of this study, it is also important to discuss areas in which these movements might have exerted influence. For that reason, the second part of this chapter will review and critically discuss certain conclusions of the previous studies dealing with the changes in gender equality policy development after the fall of Communism.
Women’s movements and transition: What do we know?

The transition to democracy created an opportunity for Eastern European women to establish new groups and to mobilize other individuals with similar policy preferences to pressure the political establishment to take action on different gender issues. Accordingly, extensive literature on women’s movements and the situation of women in Eastern Europe began to develop during the 1990s. The majority of these studies are enormously pessimistic about the impact of the women’s movements in different Eastern European countries on gender policy development after Communism. Furthermore, they frequently point out the anti-feminist conviction of Eastern European women’s organizations and their avoidance of parliamentary politics.

It is possible that these claims are accurate but they are predominantly based on selective observations rather than on systematically gathered empirical evidence. Accordingly, the actual role of women and the women’s movement in the social changes that have taken place during the transition period has not been thoroughly examined. In the following sections I will critically discuss the claims which dominate studies about women’s movements and women as political actors during the transition period.

Eastern European women, anti-feminism and political apathy

One of the common debates in research from the 1990s to the present surrounds the notion that Eastern European countries and, indeed, Eastern European women are hostile towards the notion of “Western” feminism (Einhorn 1993; Funk and Muller 1993; Goldman 1996; Occhipinti 1996; Goldfarb 1997; Fábián 2002; Watson, 2000; Gail and Kligman 2000; Helms 2003). Most of this work also focuses on elaborating the reasons which, according to its authors, spread anti-feminism throughout post-Communist Eastern Europe. For example, Jane Jaquette and Sharon Wolchik point out “the sharp rejection of Western feminism” by Eastern European women (1998:14). Among other things, they claim that “Central and Eastern European women seem to be questioning the core feminist tenet that women’s confinement to the private sphere is oppressive while women’s public involvement in the economy and the polity is liberating” (Jaquette and Wolchik 1998:13). Scholars have also frequently viewed Central and Eastern European women as anti-political because of their alleged avoidance of party and parliamentary politics. Eastern European women are often depicted as

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10 Under communist regimes, very few independent social movements were allowed because the state prohibited free association among citizens (Linz and Stepan 1995). After World War II the women’s movement was co-opted by the Communist Party and was not able to function independently for many years (Gail and Kligman 2000).
having lost political ground during the transition (e.g. Einhorn 1993; Funk and Mueller 1993: Rueschmeyer 1994; Ramet 1998; Lafont; 2001). To confirm this proposition, scholars point to the decreased political representation of women as elected and appointed officials after the transition to democracy. Political representation has somehow become the indicator of how well women are doing in new democracies.

While the studies mentioned above pose theoretically and empirically interesting and relevant questions related to the role of women in post-Communist transition, they also suffer from extensive methodological and empirical deficiencies which make the validity of certain claims questionable. Minimal attention is given to definition and categorization of concepts which form the basis of certain studies. For example, two central aspects of statements regarding Eastern European women’s conservatism and their rejection of fundamental ‘western feminist values’ can be questioned. First, it is unclear whether statements about “Central and Eastern European women” are referring to entire female populations, feminist scholars, feminist activists, or some other grouping. Definitional problems aside, the empirical basis for claims about “Eastern European anti-feminism” is also obscure. General conclusions are often drawn from interviews with a limited number of Eastern European women’s activists and scholars.¹¹ Second, “anti-feminism” itself is ill-defined and to what this “Eastern European anti-feminism” is to be contrasted. At various times it seems that researchers contrast it to experience from Western European countries, to experience from the Communist period and sometimes to a theoretical feminist ideal. Regardless, in most cases the definitions and comparison lack discussion about the criteria which have to be met such that reasonable claims could be made about the extent of anti-feminism in Eastern Europe and whether this anti-feminism is more widely spread in Eastern or Western European countries.¹² Thus any claim about Eastern European anti-feminism should be regarded as a hypothesis that requires systematic investigation.

Similar criticism can be levelled at claims about the political apathy of women in the transition period. These claims are mostly related to the poor

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¹¹ For example, Barbara Einhorn illustrates the Eastern European anti-feminism with quotes from the sociologist Jirina Siklova who states that the Eastern European women are “sceptical of every form of messianism, and this scepticism is directed to feminism as well. Slogans like ‘sisterhood is global’ ring bells of Marxist slogans like ‘proletarians of the world unite!’ - and they are simply suspicious towards us” (Einhorn 1993:182). In my opinion, we have to question if Jirina Siklova can really speak on behalf of all Eastern European women. This quote is merely her personal observation and cannot be regarded as a general conclusion or empirical fact.

¹² Furthermore, by reinforcing the anti-feminist self-image of the category ‘Eastern European women’ scholars have created essential differences between the East and the West, where ‘Western women’ are assumed to be liberated, politically mature and pro-feminist, while post-communist women are oppressed, politically immature, anti-feminist, and homogeneously powerless. I believe this ascribed essential difference between the ‘East’ and the ‘West’ to be only imaginary and, therefore, needs to be questioned and challenged. (For similar criticism of the mainstream research about feminism and Eastern European transitions see Havelkova 2000; Nixon 2001; Huggan 2001:155-77; Kašić 2004).
representation of women in the political life of post-Communist countries. Today we can all agree that women in Eastern Europe are poorly represented (around 15%), although some recovery has occurred in recent elections (Matland and Montgomery 2003). However, if this poor political representation of Eastern European women is placed in a global context, the figures from Eastern Europe compare quite favourably with the proportion of women in the French Parliament (10.9%), Italian Parliament (11%) and US Congress (13.3%) (IPU 2006). The logical consequence would be to label women from all those countries as apolitical. However, with few exceptions, women are proportionally under-represented everywhere. Studies show that the considerable variation in women’s representation between countries owes much to the fact that in some countries affirmative action policies are used by governments or parties, while others have no such policies (Lovenduski and Norris 1993; Phillips 1995; Dahlerup and Freidenvall 2005). This indicates that the degree of women’s political activity is not crucial for their representation in different political institutions. Whether women in post-Communist Eastern Europe are more indifferent to politics than women in other regions and countries is a question yet to be answered.

Women’s movements as agents of change

Along with observing women’s absence from politics, researchers point out that there are no strong women’s movements in post-communist countries (Einhorn 1993; Gal and Kilgman 2000; Sloat 2005). In fact, the general picture of the role and engagement of women’s movements during the transition period is rather pessimistic. After the fall of communism many Eastern European observers feared that women’s movements in Eastern Europe would be too weak to defend women against the loss of services and other institutional arrangements which had strengthened their position in family and society during the communist era. For example, Chris Corrin argues that “The lack of strong women’s organizations in defensive or proactive campaigns in the immediate aftermath of the first elections in 1990-91 meant that many women who needed to defend their jobs, childcare services and benefits were not well placed to do so. Nor were many women in a position to articulate their interests and needs” (Corrin 1998:244). Barbara Einhorn asks “why did the democratically created space for the articulation of political alternatives … not result in the emergence of a mass

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13 One of the clearest consequences of free elections to national legislatures in post-communist countries in Eastern Europe was a dramatic drop in women’s representation. In the region as a whole, the number of women in European parliaments dropped from approximately 25 percent in 1988 to 13.6 percent in 1990. The abolition of quotas for women, which had existed under the old regimes, drastically reduced their number in parliaments (Matland and Montgomery 2003).
14 http://www.ipu.org/wmn-e/world.htm
grassroots women’s movement akin to those in Western Europe? And why does one encounter such an antipathy to feminism?” (Einhorn 1993:183).  

Although, Einhorn sees the establishment of small women’s groups in the Czech Republic, Poland, Hungary and the ex-German democratic Republic as a positive step towards women’s political participation, she contrast these with her version of Western feminism and concludes that there is a general trend of political passivity (Einhorn 1993:183).

What is also typical for many studies in this area is the focus on women’s non-governmental organizations (NGOs) when discussing the characteristics of the civil society and the women’s movement. This is not so surprising when we consider that the mid-1990s was a period of tremendous growth in the NGO sector, including the development of women’s groups. However, the expansion of women’s NGOs is often said to be related to problems concerning the quality of civil society and women’s movements in those countries. One of the problems raised by several scholars is that women’s organizations tend to deal with social issues of voluntaristic nature while political engagement is being avoided (Jalušič and Antić 2001; Einhorn and Sever 2003; Sloat 2005). It is often claimed that women tend to participate in professional, humanitarian and anti-feminist organizations. Amanda Sloat’s work is representative of this position when she argues that “many CEE [Central and Eastern European] women’s NGOs have been unable to initiate large-scale projects or lobby for political reforms, concentrating instead on voluntary work or the delivery of social services through a framework of programmes initiated by western donors (e.g. domestic violence, counselling services)” (Sloat 2005:440).

In my opinion we also have to ask if we should treat ‘Western Europe’ as a unit for comparisons with post-communist countries. Even if some similarities between various women’s movements may be identified, it is important to note that no women’s movement in any Western country has only a single ideology, organisational form or group. ‘Western feminist ideas’ are not homogeneous but are anchored into their own national-historical and class-specific contexts (see Katzenstein and Mueller 1987; Gardiner 1997; Briskin and Eliasson 1999; Špehar 2004).

It is questionable exactly how valid Einhorn's contrast of women's political participation in post-Communist countries is to women's participation in Western European countries. It is not clear what exactly Einhorn has in mind when she claims that the women's movement in the post-Communist countries has not grown into something more similar to the grassroots women's movement in Western Europe. If she refers to the women's movement of the second wave which was dominant in some Western countries during the 1960s and the 1970s then she might be right. However, is this comparison valid? Why not comparing the engagement and the structure of the women's movements in the countries of the Eastern and the Western Europe in the period after 1989? This comparison might show that there is no basic difference between the women’s movements agency in Eastern and the ones in Western Europe. For example, during the last two decades Western European countries were also exposed to the reduction of certain social benefits which especially affected women (Sainsbury 1996; Banaszak, Beckwith and Rucht 2003). However, the grassroots women's protests in the streets of the Western world did not take place. What can be observed instead is that women’s activism has been institutionalized and professionalized during the past ten to fifteen years. This has led to significant changes in activist strategies, which in turn has helped to reduce various forms of ‘rejection’ such as civil disobedience, refusal to cooperate with the authorities, public street protests and so on. On the other hand, there are more and more demands being articulated through petitions, lobbying, charters and proclamations.
Some scholars claim that Neo-liberal restructuring has forced the NGOs that deal with women’s issues to pick up the functions that the welfare state used to perform. Einhorn has warned about the “civil society gap” or “trap”, by which she refers to the increasing involvement of women in fields from which the State has simply withdrawn - such as childcare - creating at the same time some kind of “market” for women’s unpaid labour (Einhorn 2000:118). Other scholars argue that Women in post-communist Eastern Europe seemed to have adapted better to grassroots participation than political representation. Gal and Kligman, for example, claim that “In the years since 1989, civil society has increasingly become an arena of women’s political action; national politics, the realm of men” (Gal and Kligman 2000:95).

It is a fact that mainstream political channels such as the Parliament and the Government in most of post-Communist countries are male-dominated while women are mostly active in the civil sector. It is also a fact that most of the women who are active in the civil society can be found in the social humanitarian voluntaristic sector while the number of women who are active in the women’s political organizations is much less (UNICEF 1999). Several studies also show that the existence of the majority of women’s organizations during the transition period depended on foreign donations (Richter 2002; Ghodshee 2004). These are certainly important issues, determining political action as well as the structure and function of civil society. However, what do these issues related to the concept of the civil society in post-Communist Europe really tell us about the quality of the women’s movement and its potential influence? That certain politically and feminist-conscious women choose civil society instead of mainstream politics as the area for articulating their interests cannot a priori be regarded as entirely negative. If we start from the assumption that activism in civil society decreases all potential for political influence, then there is nowhere left to go but to claim that the civil society humanitarian service sector takes over certain functions of the welfare state. But that is a simplistic view of the complexity of the functions of civil society in the political and economic life of a country or the global society. Civil society scholars usually distinguish between following three civil society functions: (a) articulating citizens’ interests and make demands, (b) defending their rights vis-à-vis the state and others and (c) meeting needs without depending on state agencies (Arato and Cohen 1992; Linz and Stepan 1995). Those functions can be performed by a

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17 Another reason for being pessimistic about the functioning of the civil society and the women's movements in post-Communist countries are the limited financial resources which the women's organizations have in disposal and their dependence on foreign donations. It is claimed that limited funding causes women’s organisations to fight each other for scarce resources, hindering their ability to work collaboratively and exert greater political force (Richter 2002; Ghodsee 2004; Sloat 2005). According to Sloat; “women’s NGOs in most CEE countries have struggled to develop a cooperative spirit, as they compete for scarce resources and focus on overlapping issues. Furthermore, there is not a uniform movement with common aims and platforms” (Sloat 2005:444).
variety of institutions and organizations, not all of which are or need to be detached from the state.

If we want to form a valid picture of the structure, power and political influence of women’s movements then we must direct our research towards the analysis of women’s organizations and coalitions, with a focus on the first two functions of civil society. It is therefore surprising that various authors when analysing women’s movements activities in different Eastern European countries predominantly focus on organizations of civil society that are mostly focused on humanitarianism and voluntarism. We cannot form any valid conclusion about the structure of the women’s movement and its political influence on the grounds of selective analyses. Moreover, without a precise operational definition of women’s movements including a clear idea of what indicators should be used to label women’s movements in different countries as ‘strong’, ‘weak’, ‘feminist’ or ‘anti-feminist’, there is ample room for confusion and misunderstanding. It may be the case that the use of universalistic assumptions and categories in analysing women’s movements in Eastern Europe has led to an over-simplification of a very complex and diverse reality.

**Women’s movements policy influence**

What does previous research tell us about the policy influence of women’s movements? As I have already mentioned, most researchers consider the

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18 For example, in the article “Gender and Civil society in Central and Eastern Europe” Barbara Einhorn and Charlotte Sever examines the reasons for “apparent ‘absence’ of women’s political activity” (2003:164). Based on two country case studies, Poland and former Yugoslavia, they present empirical examples of the ways in which women formed groups and the kinds of political questions they posed. They formed the conclusion that during the transition period women’s organizations mostly dealt with social issues (violence against women and female refugees). That statement refers especially to the countries of the former Yugoslavia which were torn by war. The main problem of the article in question is the fact that for some reason the authors excluded all the women’s organizations and their initiatives with clearly stated political goals and strategies from their analysis. For example, in the case of Croatia many feminist women’s organizations which were politically active during the war in Croatia but did not deal exclusively with war issues were not even mentioned in the article (For example, Zagreb Women’s Lobby, Women’s Autonomous House, Croatian Women’s Network). The authors also take away the significance of the political engagement of the Croatian women’s groups by falsely claiming that B.a.B.e., the most active politically oriented organization during the transition period in Croatia was formed towards the end of the 1990s when in fact it became active in 1994. The main problem of the study in question is that women’s activism in the aforementioned countries was not thoroughly analyzed and the conclusions have been made on the grounds of a selective analysis primarily based on secondary information.

19 It is concerning that the authors of the studies of women’s movements in post-Communist Europe do not attribute any importance to the definition of a ‘women’s movement’. The way in which the women’s movement is defined can considerably determine the conclusions that can be formed. It is also concerning that the studies which claim that women’s movements are weak or anti-feminist contain no methodological or theoretical discussions on the criteria that have to be met in order to characterize women’s movements as weak, strong, influential, feminist or anti-feminist. These disadvantages are a huge obstacle to the accumulation of knowledge about women’s movements in a very important historical moment such as the transition period in Eastern Europe.
women’s movement in post-Communist countries to be weak and anti-feminist. This implies that women’s movements have weak influence or no influence at all on gender equality policy development. Unfortunately, there are very few analyses of the strategies and policy influence of women’s movements in post-Communist Europe. The limited number of empirical studies which do present conclusions about the influence of women’s movements or organizations are not based on a systematic, methodologically and theoretically elaborated research. However, from those studies we can generally conclude that women’s movements have very limited influence. According to Danuta Hübner (2001) “In transition economies, women have limited impact on establishing new laws, institutions and policies” (Hübner 2001). A similar argument is made by Amanda Sloat “Despite their increased activism, women’s NGOs remain limited in their abilities to mobilize the general public and to influence government policy substantially” (Sloat 2005:448). According to Sloat women’s NGOs in the Czech Republic, Poland and Baltic Countries remain fragmented, face difficulty in attracting supporters and have marginal influence on policy making (Sloat 2005:441).

20 That observation refers mostly to research published in English in Western Europe and America. As far as the studies conducted in Eastern European countries are concerned, I am mostly familiar with the research conducted in Croatia and Slovenia. However, not even in these countries did I come across the studies which methodically analyse the influence of the women’s movement on the forming of the gender equality policy. The only exception is the research conducted by CERANE, the Croatian center for the development of non-profit organizations. Among other things, this research deals with the influence of the Croatian women’s organizations on public policy. According to the results of this study, women’s movements and organizations represent one of the most active and most successful segments of the Croatian civil society. Unfortunately, this study has several methodological deficiencies. It lacks a detailed analysis of the activities of all the organizations which deal with political lobbying. The research tries to illustrate the influence of the women’s movement by analyzing the activities of a single organization, which is in this particular case was the Autonomous Women’s House. The other methodological problem stems from the fact that the measurement of success is based merely on the analysis of the interviews with the representatives of the women’s organizations and on media analysis (Bežovan, Zrniščak and Vugec 2005) (for the problems related to this method of measuring the level of success, see the chapter on methodology).

21 One of the major shortcomings with the studies which analyse women’s movements in post-communist countries is that the researchers do not take the comparative agenda seriously. There are, however, many books that gather essays from different authors who discuss different aspects of women’s movements’ activism in different post-communist countries (e.g. Renne 1997; Rueschemeyer 1998; Bystydzienski and Sekhon, 1999). Even so, there is a lack of studies that explicitly compare the same aspects of the women’s movements or collective action cross-nationally. Even if we get much valuable insight about women’s activism from these case studies, knowledgeable readers may want more than is provided by contemporary books on the subject, both theoretically and empirically. A large share of supposedly comparative work looks too much like an unconnected series of chapters (usually written by national experts), each summarising the experience of one country and expecting readers to draw their own conclusions. Attempts are often made to point out superficial similarities, while key differences are neglected. Comparison is impossible unless it is clear that the chapters really focus on equivalent activities.

22 The article draws on a research project titled “Enlargement, Gender and Governance: the civic and Political Participation and Representation of Women in EU candidate countries” (EGG). For more information on EGG, see the project’s website at http://www.qub.ac.uk/egg
The general conclusion is that regardless of the fact that many scholars assume that the women’s movements in post-Communist Europe are weak and lacking influence there are no elaborated empirical studies which would confirm such a claim. On the other hand, there are no studies which confirm the influence of the women’s movements either. We can thus conclude that there is a huge gap concerning the theoretical and the empirical knowledge of the political influence of the women’s movement during the transition period. By analyzing the influence of the Croatian and the Slovenian women’s movements on the formation of gender equality policy in the transition period I wish to contribute just this kind of theoretical and the empirical knowledge. In this study the issue of the women’s movements’ influence is related to the development of gender equality policies. That means that the structural and institutional aspects of the position of women in various spheres of social life (such as the position of women in the labour market and in political life) are not central to this study. This chapter now turns to a discussion of trends in the development of gender equality policy after the fall of Communism.

**Gender policy development in transition**

Economic, political and social transition has led to the reconsideration of gender roles and gender policy in post-Communist countries. In this section I will summarise the primary tendencies of these changes the way they have been presented in previous research. To aid understanding of the process of forming gender equality policies in the context of transition, I will first present a short description of the guidelines of gender equality policies which marked the Communist period.

**Gender equality policies under communism**

It is often claimed that gender equality was one of the major achievements of the communist regimes of Eastern Europe. Under the communist system, Constitutional regulations provided women and men with equal rights in all areas of state, political, economical, social and cultural life (Funk and Muller 1993; Gal and Kligman 2000). The constitutions prohibited any form of discrimination, gave women the right to work, required equal pay for equal work and guaranteed social security during sickness and after retirement. Government policies such as relatively high minimum wages, generous maternity leave and child care benefits encouraged women to work, and the number of women participating in the labour force often exceeded those of the OECD countries (Paci 2002). Under communism, benefits and taxation were, in most cases, attached to women’s own employment rather than treating wives as their husbands’ dependents (Pascall and Manning 2000).
Childcare was widely available and widely used, although there was more variation between countries than is usually presumed.\textsuperscript{23} Women’s presence in communist parliaments was assured through quota system (Matland and Montgomery 2003).\textsuperscript{24}

However, much of the progress in the area of gender equality under communism remained ambiguous and contradictory.\textsuperscript{25} Some scholars claim that the communist experiment was nothing more than an instance of “forced emancipation” and that women’s incorporation into public life was “insincere” because it was motivated by economical interests, rather than by gender equality concerns (Ashwin 2006). In spite of the heavily propagandised gender equality in the sphere of paid employment, the reality of the labour market was far from gender-neutral. For example, the state socialist system did not manage to challenge gendered job segregation and wage gaps (Brainred 1997). Although, different laws contained an explicit provision prohibiting discrimination on the basis of gender, at the same time there existed legislative provisions that aimed to protect motherhood (e.g. shorter working hours, longer maternity leaves, restriction on work at nights and performing jobs involving hard manual labour). While such legislation was intended as a privilege and reward for bearing children, it ensured women’s rights only through the virtue of motherhood and ended up being discriminatory. In addition, under communism, the gender-neutral stipulations in different laws (e.g. family laws) were completely absent. Fathers, for example, were not encouraged to share responsibilities for raising children and there was no official notion of the paternity leave (Paci 2002). The lack of gender-neutral legislation contributed to the strong legacy of traditionalism in attitudes towards the family and gender roles. Furthermore, some gender equality and women’s rights questions, such as sexual harassment and domestic violence, were not regulated by the law and were

\textsuperscript{23} In 1989, kindergarten enrolment rates ranged from 86% in Hungary, to 49% in Poland and 23% in Yugoslavia (UNICEF 1999:21-2). There were also cross-national differences regarding enrolment rates in nurseries (children up to age 2). In 1989 the highest rate of enrolment in nurseries was 42% in Latvia and the lowest in Poland where the corresponding figure was 9%.

\textsuperscript{24} During communism, most countries in Eastern and Central Europe implemented a quota system for women. While women occupied roughly 30% of the seats within the faux-parliamentary bodies of the communist regimes, true power was never located in those institutions. Instead, political power was found at the Communist Party's zenith, where women were seen rarely, if at all (Matland and Montgomery 2003).

\textsuperscript{25} At first sight, the former communist welfare regimes of Eastern Europe may seem similar to the dual breadwinner families of the Nordic countries. Both supported women as workers and both provided relatively high levels of support for childcare, family benefits and parental leave and had high public expenditure on health and education services that supported family work. However, at the same time in the communist welfare regimes there were counter-balancing factors, which did not allow women’s financial independence in the same sense as in the Nordic countries. For example, housing access under communist regimes was a serious constraint to divorce and separation, while the average incomes were too low for single mothers to escape poverty. Neither did the conservative attitudes that celebrate traditional marriage encourage women to live independently in an economic or psychic sense (Pascall and Manning 2000).
absent from public discussions (Pascall and Manning 2000). Thus, in communist countries, women were empowered and disempowered at the same time by gender policies and cultural praxis.

From the fall of Communism to the present day there has been a great deal of academic research published on the position of women and the gender equality policy. This section will summarise the main claims of this research. While it is crucial for this study to focus on gender equality policy, in this summary I will also refer to claims about the general position of women in society after the fall of Communism because these two theoretically and empirically different areas of research are integrated in most research. Indeed, most of these studies give more space to the analysis of the position of women in society than to the development of the gender equality policy.

**Gender policies and gender equality in transition**

As has been previously mentioned, most research on the position of women and gender policy development after the fall of communism is pessimistic about the influence of the transition on the position of women in various spheres of social life. Such empirical studies as exist have predominantly focused on the negative effects of post-communist reforms (e.g. Einhorn 1993; Funk & Mueller 1993; Watson 1993; Moghadam 1995; Gal & Kligman 2000; LaFont 2001). According to Rueschemeyer, women are “the losers in the recent transformations”, because they have lost socially and economically in post-communist societies (1994:226). Einhorn argues that “despite clear empowerments in the civil and political rights associated with democratic citizenship, in the short run at least, women in East Central Europe stand to lose economic, social welfare and reproductive rights” (1993:1). Valentine Moghadam claims that Eastern European democracies suffer the “resurgence of patriarchal discourses” and have a “male face” (1995: 348). She compares the democratic revolutions of Eastern Europe with the 1979 Islamic revolution in Iran, arguing that from a feminist point of view the immediate outcome of both revolutions was “patriarchal rather than emancipatory” (1995:352). In addition to these trends, LaFont argues that Eastern European women experience “wide-spread gender discrimination in the labour market” (LaFont 2001:214). Furthermore, she claims that the transition to democracy “rather than diminishing gender discrimination, has widened the gender gap through a decline in women’s political representation and an increase in women’s unemployment and under-employment” (2001:203). According to Pascall and Lewis, “the dual worker model of Central and Eastern Europe (CEE) has been undermined since the collapse of communism by economic insecurity, with higher
unemployment bringing an increase in women’s dependence on men’s incomes, and by changes in the state, especially reductions in legitimacy and in collective spending” (Pascall and Lewis 2004:374).

It seems as if the chief effort of many scholars has been to document how a majority of Eastern European women have been negatively affected by the post-communist transformation due to the rescinding of former communist rights to political representation, employment, public services and different forms of social assistance. How can we explain the pessimism of this research and to what extent is it justified?26 If we consider the political context at the beginning of transition it may not be so surprising that the studies published in the first half of the 1990s focus on the negative consequences of transition. The experience of many countries in the region is that the nationalistic and conservative authorities that were in power during the first years of transition advocated traditional family and social relations (Jalušič 1998; Havelkova 2000; Lilly and Irvine 2002; Špehar 2005). There were, for example, arguments that women should be liberated from their ‘forced’ participation in the labour market under communism and retreat to domesticity (UNICEF 1999; Pascall and Manning 2000). Those kinds of arguments were most often advocated by the extreme right-wing political parties and supported by fundamentalist wings of organised religion. It is therefore no wonder that this conservative political rhetoric was interpreted by scholars as threatening to reduce rights granted to women under Communism (such as the right to work and the right to certain social benefits). However, the mere presence of a rhetorical threat of a reduction of women’s rights does not necessarily mean that these rights were actually reduced.27

If we shift focus from academic research to other studies, mostly reports published by various international organizations, we get a more complex picture of the position of women and the development of gender equality

26 While there is probably some truth in those pessimistic observations there are two deficiencies which might challenge the validity of the claims which follow from previous studies. As first, what characterizes most of the studies is the lack of clear theoretical criteria which have to be met so that we could talk about a decline or an upturn in the area of gender equality after the fall of Communism. When scholars discuss gender equality it is also often unclear whether the transition development is being compared to the Communist period, to the experience of the Western countries or to some normative ideal. Secondly, the evidence for the various pessimistic statements is scarce and mostly based on secondary and anecdotal empirical sources. Furthermore, in many studies, pessimism is illustrated with some of the worst-case scenarios and unfortunately, it has been generalised to all countries in post-communist Eastern Europe.

27 Reduced reproductive rights in post-communist countries certainly constitute another area frequently used to illustrate losses for Eastern European women after the fall of communism. Under communism abortion was, on the whole, available throughout Eastern Europe. During the first few years of the transition when the nationalists came to power in a majority of the countries, programmes were launched to increase birth rates and to fight abortion. Restrictions were discussed in Russia, the Czech Republic, Hungary, Poland, Slovakia, Croatia and Slovenia, but in most cases women’s reproductive rights have been sustained; abortion remains legal in all countries except Poland (UNICEF 1999: IHF 2000). Bearing this fact in mind it is very surprising that some scholars still argue that women in post-communist countries have lost ground regarding their reproductive rights (e.g. Lafont 2001:217).
policies after the fall of Communism.\textsuperscript{28} From these reports we can observe that the general pessimistic picture of the position of women and the post-communist gender equality policy is questionable in several ways (see for example, UNICEF 1999; Paci 2002; Rostgaard 2004). These reports produce a complex picture of the position of women and gender policy development in post-Communist society. Some areas show changes compared to the Communist period but in others the situation of women has remained more or less the same. Further, generalizations are difficult because post-Communist countries have significantly different attitudes towards the position of women in society and the development of gender policies. The following examples - one concerning the position of women in the labour market and the other development of gender equality policies within the sphere of family policies - will serve to illustrate these issues.

\textit{Two illustrative examples}

Given the presence of nationalist and conservative political forces, many scholars have assumed that in new democratic systems women are more likely to become unemployed and that women’s participation in the labour force may decline (e.g. Einhorn 1993; Funk & Mueller 1993; Rueschmeyer 1994; LaFont 2001). In the perhaps most widely read and cited book on the women’s situation in post-communist countries Barbara Einhorn states: “Paid employment has been the norm for women in East Central Europe for the past forty years. Now they are the first to be dismissed” (Einhorn 1993:113). However, according to several reports the gender gap in labour participation has not shown a great shift with the emergence of market economies. The proportion of employed women remains in the range of 40-50 percent across the region (UNICEF 1999; UNECE 2002).\textsuperscript{29} According to data from the ILO, female unemployment rates in the first half of the 1990s were not uniformly higher than male unemployment rates across the region; in fact there was no systematic pattern of unemployment by gender in the post-communist countries.\textsuperscript{30} Apart from women’s participation in the work

\textsuperscript{28} These are reports published by international organizations such as Unicef, World Bank, The Council of Europe, Unece and EU.

\textsuperscript{29} This is not surprising (although the expectations of a number of scholars have pointed in a different direction) considering that the fall in average real wages has generated greater efforts to maintain two-income households and high levels of education among women. Clearly, the model of men as breadwinners does not provide a framework for labour market policies in transition countries. Furthermore, women in transition countries do not seem to view being a housewife as a career model. For example, using data from ISSP 2002 on “Gender and the Family” Saxonberg and Sirovatka (2005) compared female attitudes towards the labour market participation in Poland, Sweden and the Czech Republic. According to their findings, the majority of women in all three countries agree that women should contribute to the family income and that work is best for women’s independence.

\textsuperscript{30} In the first half of the 1990s male and female unemployment rates were roughly equal in four countries (Ukraine, Russia, Bulgaria, and the Slovak Republic); women’s unemployment rates exceeded those of men in two countries (Poland and the Czech Republic); and male rates of unemployment were higher in
force, wages are another important indicator of women’s financial well-being. Several studies suggest that the gender gap in salaries has become considerably smaller in a majority of the Central European countries (e.g. the Czech Republic, Slovakia, Slovenia, Poland, and Hungary) (Brainerd 1998:148-149; UNICEF 1999:33-35; Jolliffe and Campos 2005). On the other hand, women’s salaries have decreased dramatically in Russia and Ukraine (Brainerd 1998; Ganguli and Terrell 2005).

As far as the development of gender equality policies within the sphere of family policies is concerned, not only are there conspicuous differences between countries but also that (some modifications aside) women and families have not lost all the rights that they had during Communism (e.g. the right to maternity and parental leaves and childcare services). The transition to market economy did provide, however, a new context for the development of family policies. The seemingly strong network of family support was particularly vulnerable to transitional factors because it was financed and operated by the state and because many of the benefits and services were delivered through the workplace. Reduced GDPs, public revenue and market pressures on employers made these provisions hard to sustain. The percentage of declining GDPs spent on family allowances, maternity and childcare and pre-primary education has increased in the majority of post-communist countries (Deacon 1997; UNICEF 1999; Pascall and Manning 2000). It is nonetheless important to underline that after the transition to democracy most countries continue to offer various family support programs, although in most cases the benefits have been reduced (Deacon 1997; UNICEF 1999). Maternity and parental entitlements have

two countries (Hungary and Slovenia) (ILO 1998:473-80). In the second half of the 1990s, the pattern of unemployment does, therefore, not indicate consistently higher unemployment rates for women. The review in the Economic Survey of Europe, 1999 showed that in 1997, only 5 of 11 transitional countries reported higher unemployment rates among women (UNECE 1999). Unemployment rates among women were lower than among men in Hungary, Latvia, the Russian Federation and Slovenia but higher in the Czech Republic, Poland and Romania. This is confirmed by recent data from the Economic Survey of Europe (UNECE 2002). In 2001, unemployment among women was higher in 4 of 10 countries (the Czech Republic, Poland, Estonia and Slovenia), and only in the first two was the difference substantial. The decline in the ratio of female to male unemployment in the period between 1998 and 2001 also indicates a relative improvement in the women’s situation in the labour market. There is also some evidence that between 2000 and 2002 men were more affected by employment cuts in all countries except Armenia, Slovakia and Slovenia. Comprehensive research is needed to explain these trends.

The narrowing gender gap with regard to salaries in the majority of the Central European countries, however, is one of the facts almost never mentioned by the contemporary research on women’s situation in post-communist countries.

The effectiveness of family policies depends, for the most part, on the amount of benefits granted. In Bulgaria and Romania, for instance, the dramatic economic crisis has negatively influenced the level of benefits at disposal for the population, which remains usually very low and does not permit sufficient protection. In Hungary and Slovenia, on the other hand, the situation seems to be slightly different with families having access to an extensive and relatively effective family benefit system (Rostgaard 2004).

If researchers simply analyse the financial level of family policies in Eastern Europe without considering the dramatic economic crisis, which has resulted in an erosion of social benefits, they would probably conclude that family support in these countries is minimal. However, if one compares the level of family benefits to poor economic development in certain countries (the GDP drop, unemployment,
remained relatively untouched and are still generous by international standards (Rostgaard 2004). In addition, over the last few years, some countries have extended the right of the parental leave (e.g. Poland, the Czech Republic and Croatia).

Under communism different types of benefits and taxation were linked to women’s employment rather than to their status as spouses (Paci 2002). A review of existing tax arrangements in the region suggests that current tax systems are friendly to women’s participation in the labour force and tend to offer concessions to families with children (Paci 2002). Taxation and benefit systems are still based on individuals rather than on bread-winner/dependant relationships. Enrolment rates in nurseries have declined throughout the region, most notably in the countries of the former Soviet Union, but enrolment rates in kindergartens (for children aged 3-6) seem to have been much less affected. Kindergarten enrolments are still high compared to international rates and, according to data from UNICEF, enrolment rates stabilised or improved in most Central European countries in 1996-1997
In the transition period kindergarten enrolment rates ranged from 85% in Hungary, 65% in Romania, to only 35% in Croatia. It is, however, important to point out that these differences were present during the Communist period and can therefore be considered part of Communism’s legacy.

**Gender policy innovations**

The transition period is not characterized merely by the modification of the family policy inherited from the Communist period. Certain segments of the deficiencies of the Communist gender equality policy were re-examined during the transition period and this led to certain legislative changes. For example, over the past few years there has been considerable progress in addressing this issue of violence against women. The issue was put on the public agenda and some significant legislative changes have taken place (Council of Europe 2005). In the area of employment, new legal frameworks have been adopted for prohibition of gender discrimination. Most countries already had provisions in their constitutions and labour codes for equal treatment in the workplace but there were, for example, no specific regulations for the reversal of the burden of proof in cases of sex discrimination or sexual harassment at work. In the transition period most countries passed supplementary legislation to clarify and strengthen those deficiencies.

In the transition period many countries also passed entirely new legislation to strengthen equal pay provisions. It is also important to point out that during the 1990s several countries (e.g. Poland, the Czech Republic, Slovenia, Croatia) added stipulations in their family laws that encouraged

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38 Some countries in the region, however, show a substantial decline in enrolment in pre-schools, especially in Central Asia (UNICEF 1999:55).

39 On the national level significant advancements have been made through the drafting and passage of domestic violence laws and the creation of policies and protocols altering law enforcement, judicial, prosecutorial, or medical response to domestic violence. For example, Bulgaria and Croatia enacted special Laws on Domestic Violence which among other things provide immediate protection to victims of domestic violence without requiring that they pursue criminal remedies against or divorce from their abusers. Some countries amended their Criminal and Penal Codes in the way that they specifically criminalizes domestic violence (e.g. Slovenia, Czech republic, Hungary).

40 Significant advancements have been made through the drafting and passage of anti-discrimination laws deemed to prohibit sexually harassing conduct in the workplace. For example, Estonia passed the Gender Equality Act in 2004, which defines direct and indirect discrimination as well as sexual harassment; it also requires the promotion of gender equality by state institutions, local governments, and employers. Similar laws were also passed in Latvia Labour Law (2001) in Slovenia Employment Relationship Act (2002) and in Bulgaria Anti-discrimination Bill (2003). Despite their diversity, these laws can serve as useful models for new legislative and policy reform efforts.

41 For example, in Slovenia equal pay is more precisely defined in the Employment Relationship Act (2002), where Article 133 provides that for equal work and for work of equal value, employers are bound to pay workers equal wages irrespective of gender. In Lithuania the Act on Equal Opportunities (1999) obliges employers to respect the principle of equal pay for work of equal value.
sharing the responsibilities of raising children. For example, legal maternity leave has been extended to men as well as to women and is now referred to as “parental leave” (Council of Europe 2005). Under communism, there was no official notion of paternity leave in the region. Despite some differences, recent national reforms show an increasing emphasis on fathers’ rights, which is a new phenomenon in all countries. Indeed, the new policy instruments indicate a change of national discourse towards a more gender-neutral society, as focus has moved from purely mothers’ rights to maternity and parental leave to include similar rights for fathers.42

Conclusion
Even 15 years after the fall of Communism gender equality policy development and the position of women in society has still not been sufficiently explored to enable us to make valid conclusions. On the one hand, there are academic studies which make conclusions about negative development of the gender equality policy and the position of women in society. On the other hand, reports from international organizations point to a more complex picture in which both the positive and the negative aspects of policy development and differences between countries are manifested. It is obvious that positive and negative conditions in both communist and post-communist periods make it difficult to draw unambiguous conclusions about the wins and losses that women have experienced during the transition.

The degree to which the development of gender equity policies can be characterized as an upturn or a decline compared to the Communist period is not a central question of this study. The central question is whether the women’s movements in Croatia and Slovenia had any influence on the development of the gender equality policy, in what way and in which areas, regardless of how we characterize this transitional development. Before we can do so, the following chapter discusses the rationale for choosing Croatia and Slovenia as countries for comparison.

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42 Although, the recent parental leave policies continue to be aimed mainly at women, paid paternity leave was, for example, introduced in Slovenia, Estonia and Latvia. Behind this right lies the wish to involve men in the care of children from the earliest period and thus achieve better reconciliation of professional and parental obligations for both men and women. The practical solutions differ among countries. For example, in Latvia fathers are entitled to 10 days of paternity leave during the month after the birth of the child. Slovenia has introduced individual and non-transferable father's right to paternal leave which amounts to 90 calendar days. Of this, the father must make use of 15 days during the maternity leave of the mother (these 15 days may not be used later), and 75 days may be used any time up to the 8th year the child. In Croatia, according to the amendment to the Labour act from 2003, maternity/parental leave can be prolonged for two months with a condition that the father of a child uses at least three months of respective prolonged parental leave (Council of Europe 2005).
3 Country selection

Different contexts – similar outcomes

This study is conceptualised as a two-country comparison between Croatia and Slovenia. In this sense, it differs from quantitatively oriented comparative studies which normally include a much broader range of countries aiming at testing hypotheses by using statistical methods and also differs from qualitative single case studies (Dogan and Pelassy 1990; Landman 2003).\(^\text{43}\) Considering the two basic goals of this study - contributing knowledge about the policy influence of women’s movements during post-communist transition and contributing to the understanding of theoretical assumptions about the efficiency of the strategies of women’s movements - why limit the data collection to only two countries, and why were Croatia and Slovenia chosen?

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\(^{43}\) There are two primary designs for comparing a limited number of countries: Most Similar Systems Design (MSSD) and Most Different Systems Design (MDSD) (Przeworski and Teune 1970; Faure 1994). MSSD takes cases with many similar features but different outcomes. The cases are compared to identify explanatory factors for the differences and thus account for the range of outcomes. MDSD, on the other hand, compares cases that do not share many common features but have a common outcome. The challenge is to identify the explanatory factors that account for the similar outcome. The basic logic here is that differences cannot explain similarities (Landman 2003:29). However, applying MDSD or MSSD methods to the comparison of few countries has some weaknesses that may limit the types of conclusions that can be drawn. For example, in such case studies the number of explanatory variables often exceeds the number of cases under investigation. This problem is commonly labelled "too many variables, not enough countries" (Ragin 1987; King, Kohane and Verba 1994). In that situation one might find a number of different explanations supported equally well by the data with no way to distinguish among them. Therefore, in this study it would not be useful to apply either strict MSSD or MDSD design, since it would not be valid to ‘test’ explanatory variables regarding their explanatory force for a certain outcome. Thus, the aim of a qualitative comparison between Croatia and Slovenia is to take into account political, economic, and institutional backgrounds in order to develop a deeper understanding and interpretation of particularities in women’s movements agency and gender policy developments. The focus will be on the similarities and differences among countries rather than the analytical relationships between variables (Ragin 1994). Comparison of the similarities and differences is meant to uncover what is common to each country that accounts for the observed political outcome.
The two country limit was primarily determined by the choice of 'process tracing' methodology to explore the potential influence of women's movements on the formation of public policy.\textsuperscript{44} Qualitative analysis of fewer cases in more detail is considered to be the most appropriate approach when dealing with a new topic on which there is little or no information, as is the case of women’s movements and development of gender equality policies in post-communist Eastern Europe (Strauss and Corbin 1990). The analysis of the influence and efficiency of women's movements' strategies requires an in-depth analysis of the interactions between various actors involved in various stages of the policy process. A two-case comparative study is among the best approaches for covering these objectives.

While the choice of methodology limited this study to two countries, the choice of countries was determined by the empirical goal of this study, that is, the contribution to knowledge of the influence of women's movements on gender policy formation in post-Communist countries. The choice to compare Croatia and Slovenia was determined by several arguments. Most importantly, both countries differ considerably along several dimensions of theoretical interest. First, these countries’ women's movements operate in different political and economic contexts, enabling evaluation of influence of women's movements in different political contexts.\textsuperscript{45} Second, these countries' women's movements differ in structure, enabling evaluation of the efficiency of different strategies. Moreover, these countries show important similarities in the development of gender equality policy, which is an interesting paradox given their differing political context and movement structures. The similarities concern the preservation of certain segments of Communist gender equality policies and the introduction of new legal regulations which may be considered a positive development compared to the Communist policies. Let us consider the arguments for comparing Croatia and Slovenia in more detail.

\textbf{Different contexts}

Before the fall of the Berlin Wall, Slovenia and Croatia were part of Yugoslavia.\textsuperscript{46} Thus, until 1991 Slovenia and Croatia were part of one political, economic, welfare and ideological system. After their independence in 1991, both countries had the same political and strategic goals: transition from a state controlled to a functional market economy and

\textsuperscript{44} See chapter 5.
\textsuperscript{45} See chapter 4 for theoretical discussions on political opportunity structure.
\textsuperscript{46} The socialist Yugoslav state was constituted after World War II. A declaration, accepted in Jajce in November 1945, defined Yugoslavia as a federal union of six republics (Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Slovenia and Serbia) and two autonomous regions (Vojvodina and Kosovo).
European integration with European Union (EU) membership as an ultimate goal. A decade and a half later, we find these countries at opposite ends of economic, social and political spectra. Slovenia has successfully managed to accomplish its political and economic goals, while Croatia is still trying to achieve them. Slovenia is one of the most successful countries in the region when it comes to consolidation of the democratic system, political stability and economic development during its transition period (Bebler 2002). Slovenia was also successful in the process of European integration, becoming an EU member in 2004. The Croatian transition period differs from the Slovenian in several ways. It is very important to note that Croatia entered the transition period burdened with a five-year war which determined the characteristics of the new political and social system. Along with the war came a strong nationalism which significantly slowed down the implementation of liberal and democratic principles (Gallagher 2003). The democratization of society was rather limited in scope while the shift to a market economy resulted in bankruptcy, massive job loss and slow economic growth (Bartlett 2007).

Due to the different paths of economic and political development in the 1990s, Croatian and Slovenian positions on the international arena differ. Until 2000 Croatia was internationally isolated due to its authoritarian rule and its attitude towards the different questions connected to the war on the territory of the former Yugoslavia. It took more than a decade for Croatia to improve relationships with key Western institutions such as EU. Furthermore, Croatian economic policy was determined by foreign actors much more than that of Slovenia. With an economy wracked by corruption and mismanagement, for many years the Croatian state has been subservient to IMF and World Bank conditions for various loans (Deacon 1997; Lavigne 1999). Slovenia, on the other hand, underwent strong economic development and was thus not as directly under the influence of these organisations (Buchen 2007).

The differences mentioned above make the comparison of Slovenia and Croatia a good ‘test’ for the effectiveness of women’s movements. The Croatian and Slovenian contexts should produce different consequences for the structure and action of the women’s movements, as well as on their potential influence on gender policy formation. Given these differences, and taking certain theoretical assumptions as a starting point, the women’s movement in Croatia should be less influential than the Slovenian women’s movement during the transition period.  

47 For more elaborated description of the transitional contexts in Croatia and Slovenia see appendix 1.
48 In Croatia per capita GDP is approximately half the level in Slovenia. For example, Slovenia’s GDP per capita income in 2003 was U.S.$13,849. In Croatia, GDP per capita income in 2003 was U.S.$ 7,100.
49 See chapter 4 on theoretical considerations.
Differences in the structure of the women’s movements

Besides different political and economic contexts, these two countries differ in relation to the development of civil society and the resultant structure of women’s movements during the transition period. These differences will enable us to make conclusions about the efficiency of certain strategies for influencing the formation of public policy.\(^{50}\) In Slovenia, since the beginning of the transition gender equality questions have, to a large extent, been moved from the civil society level to the state level (Jalušič 2002). The first step towards the institutionalisation of gender equality issues was made with the establishment of the Parliamentary Committee for Women’s Policy in June 1990. This was followed by the establishment of an independent governmental office. At the initiative of the Parliamentary Committee for Women’s Policy, in July 1992 the Women’s Policy Office (WPO) was founded. The WPO became a watchdog for the enactment of certain laws, advocating women’s rights and reporting the position of women in Slovenia to other countries (Bahovec, Vodopivec and Salecl 2001). In 2001, the WPO was renamed and now operates as the Office for Equal Opportunities (OEO).\(^{51}\) In addition to state institutions there are also NGOs, women’s groups within political parties, and trade unions promoting the realisation of human rights of women and gender equality.\(^{52}\) According to a report from 2002, there were about fifty women’s NGOs in Slovenia (CEDAW 2002). However, most women’s NGOs have informal structures, a few (if any) full-time staff and for the most part they do not get involved in the mainstream politics (IHF 2000; UNDP 2002; CNVOS 2004).

In contrast to Slovenia, the transition period in Croatia was marked by the fast proliferation of women’s NGOs. The Croatian women’s NGO scene is described as very vibrant with relatively strong organizational capacities (Bežovan, Zrinščak and Vugec 2005). Furthermore, Croatia does not resemble Slovenia regarding the scope of state institutionalisation of gender equality machineries. Although, similar to Slovenia, Croatia has established several institutional mechanisms for the advancement of gender equality, they were established in the later phase of the transition period.\(^{53}\)

\(^{50}\) For more elaborated description of the development of Croatian and Slovenian women’s movements in transition see appendix 3.

\(^{51}\) For more information on the Office for Equal Opportunities please see their website at http://www.uej.gov.si/

\(^{52}\) After the first post-communist elections in 1992, female representation in Slovenian parliament was 13.3%. That figure fell to 7.8% in 1996. After the 2000 elections the female representation was 13.3 % (Antić 2003)

\(^{53}\) On 9 May 1996 the Government of the Republic of Croatia established the Equality Commission as an advisory body composed of representatives of all ministries and other state bodies, with the Commission’s secretariat operating under the auspices of the Ministry of Labour and Social Welfare. In 2000, the Committee for Gender Equality was introduced as a parliamentary committee thus strengthening internal mechanisms for the promotion and protection of gender equality. The Committee was established as a
Furthermore, the majority of those mechanisms can be characterized as symbolic (CEDAW 1999). Knowledge and expertise about different gender issues was largely concentrated in women’s NGOs. In addition, networking and coalition building is developed among NGOs in Croatia through the Women’s Network of Croatia, which is comprised of about 40 women’s organisations from around the country.54

**Similar gender policy outcomes**

Despite the above-mentioned economic and political differences between Croatia and Slovenia, as well as differences in the way their women’s movements have developed, there are several interesting similarities between these two countries concerning the development of gender equality policies in the transition period. Therefore, in this study the similarities as well as the differences will be of interest.55 It is important to stress that research which starts from similarities is always faced with differences of some type and involves a decision that the differences are insignificant and can be ignored.56 That means excluding some of the evidence as being untypical or exceptional in order to focus on the rest of the evidence which shows similarities. To assert a similarity in this study means abstracting from numerous national differences between Croatia and Slovenia concerning gender policy development in the transition period. The similarities are identified on the basis of direction of gender policy development rather than central working body of the Parliament in the procedure for adopting laws implementing gender equality. Finally, according to the Law on Sex Equality, two new mechanisms were established. At the end of 2003 the Office of the Ombudsperson for Sex Equality was created. The Government Office for Sex Equality was created at the beginning of 2004. Both offices had a long period of securing the basics for their work (premises, staff and equipment). They have been fully operational since May 2004 and extent of their work is still to be evaluated in the years to come.

54 For more information on Women’s Network of Croatia please see their website at http://www.zenska-mreza.hr/

55 The research design of operating with a constant dependent variable has been heavily criticized by different scholars (e.g. King, Keohane and Verba 1994). The argument is that if observations are selected on the basis of particular value of the dependent variable without taking into account other instances when the dependent variable takes on other values, nothing can be learned about the causes (1994:129). However, much of this criticism arises from their notion of a “causal effect” that is quite different from what qualitative researchers might see as causality. In statistical terms their notion is correct but when we move towards a qualitative interpretation the concept becomes problematic primarily because it is difficult to discern the appropriate differentiation between values of the dependent variable in qualitative work. Furthermore, one of the major debates in comparative public policy research field centres on the question as to whether and why different countries develop similar policies over time (for an overview of the policy convergence literature see Drezner 2001; Heichel et al. 2005).

56 The two conventional types of comparative analysis focus on the explanation of differences, and the explanation of similarities. This sounds like a straightforward contrast but it is not. The reason is that what counts as a similarity or a difference depends not only on the observed values but also on the analyst and should therefore be regarded as a social construct rather than as an objective reality.
Accordingly, the analysis of Croatia and Slovenia will be concerned with the following general pattern of similarity in gender policy development during the transition period. As first, in both countries, the transition generated certain innovations concerning gender equality policies. These innovations can be considered a big step forward compared to the Communist period. For example, both countries improved their legal framework when it comes to the issue of violence against women. They also enacted anti-discriminatory laws which aimed at achieving greater gender equality in different spheres of social life. An important milestone in the development of equality legislation was the adoption of the Act on Equal Opportunities for Woman and Men (2002) in Slovenia and the Law on Gender Equality (2003) in Croatia. Second, both countries kept most of the women’s rights granted back in Communism (for example, the right to have an abortion). There were also no significant changes of social benefits, which have enabled parents, especially women, to more successfully reconcile work and family life. Maternity and parental entitlements in Croatia and Slovenia have remained relatively intact after the fall of the communism and are still relatively generous by international standards. In addition, both countries added stipulations in their family laws to encourage sharing of child-raising responsibilities, such as the right to the paternity leave.

How can these two countries, which show significant differences in economic, political and social development and the structure of their women’s movements, at the same time show several similarities when it comes to the development of their gender policies during the transition period? These policies cannot be considered setbacks compared to the Communist period. On the contrary, in some segments they represent an improvement and can be considered progressive. In the case of Slovenia, such development is perhaps not so surprising when bearing in mind its political and economic progress and successful European integration. However, Croatia is more of a puzzle given that its transition period was consumed by war, economic crisis and international isolation. Despite of

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57 Focusing on the similarities between the countries implies the following question: what should the development in the area of gender equality policy look like in order for us to claim that there are differences between countries? As I have already mentioned, in this study the conclusions about similarities are made by judging the main guidelines of certain policy. That means that the conclusions about differences could be made if, for example, one country would enact new laws on domestic violence and the other one would not or if one country would continue to invest into the children's care system after the fall of Communism and the other one would enact policies which advocate the shutting down of kindergartens and the introduction of new measures such as home care allowances.

58 In the first part of the 1990s the Catholic Church and the right-wing political parties in Croatia and Slovenia pushed for the abolition of abortion. Women’s reproductive rights were, however, sustained. Abortion remains legal in both countries.

these facts, and that during the first ten years of transition Croatia was led by conservative and nationalist political parties, the Croatian gender equality policy does not differ substantially from the gender equality policy development in Slovenia.

The level of democratization, economic development and international integration obviously did not directly influence the formation of gender equality policy in those two countries. Comparing Croatia and Slovenia is thus relevant because of their unexpectedly similar gender policies. At first impression it seems that the similarities in the development can not be explained from the perspective of developmental differences, implying several other possible explanations: (a) Croatian and Slovenian women’s movements did not exert influence on gender policy formation which means that some other actors should be given credit for gender policy development during the transition; (b) Croatian and Slovenian women’s movements did exert influence on gender policy formation which means that using different strategies did not affect their success; (c) different development of the Croatian and Slovenian women’s movements do not a priori have to imply that the women’s movements in Croatia and Slovenia use different strategies.

Some similarities in gender policy development might be explained by common Communist heritage, since they were part of the same federation before the fall of Communism. In particular, common heritage could explain the similar institutional and legal solutions for family policies. In other words, these countries were showing similarities during Communism and those similarities were transferred and preserved in the transition period. However, some aspects cannot be directly related to this heritage, especially the innovations concerning gender equality. To answer the complex questions which follow from this discussion requires a systematic analysis of how the policy processes led to the results regarding development of gender policies. Thus there is a need to systematically analyze not only the activities and the demands of the representatives of the women’s movements but also the activities and the demands of the major actors involved in policy processes.

**The level of generalisation**

Given the decision to limit comparison to two countries, it is important to discuss what this study can tell us about the influence of women’s movements and the mechanisms behind the development of gender equality policies in the other countries of the post-communist Eastern European region. In other words, what broader population of countries or issues do Croatia and Slovenia represent; could, for example, this comparison shed light on the post-communist regimes of Russia or Bulgaria? Due to the
resource and time constraints of in-depth policy analysis, this study had to be restricted to two countries. In this sense, the empirical results of this study cannot be generalised to the whole post-communist region. Nevertheless, the study will offer some preliminary insights to political processes behind development of gender policies in post-communist transition countries. The comparison of Croatia and Slovenia and the generalizations that result from comparison will allow prediction about the likely outcomes in other countries not included in the original comparison, or outcomes in the future given the presence of certain antecedent factors (Landman 2003).

There are several reasons why we can claim that the conclusions made by analyzing these two countries have a certain value for understanding the development in other post-Communist countries. First, Croatia and Slovenia represent different transition contexts which are characteristic for the entire region. In the last decade post-communist countries of Eastern Europe from the Czech Republic to Kazakhstan have had highly variable success in the move away from one-party rule and planned economies. Some have rejected authoritarian governments, refashioned state institutions and begun the process of integrating into Euro-Atlantic structures (e.g. Central European countries such as Slovenia, Hungary and the Czech Republic). In other countries transition turned out to be to be much more difficult and unpredictable.60 In several countries democratisation has been overshadowed by instability and ethnic conflicts (e.g. countries in South-Eastern Europe and post-Soviet countries except the Baltic states) Differences in economic performances and economic wealth in transition countries are also considerable (Lavigne 1999; Gros and Steinherr 2004; Lane and Myant 2007).

Second, the transition period in Central and Eastern Europe has many specific qualities which facilitate the comparison of different countries. For example, Eastern Europe’s transition offers a set of cases in which changes have occurred at about the same time and in a similar international context. Based on observations of the transition processes in Eastern Europe, the discussion about external factors in transitions has intensified in recent years. A growing number of scholars of democratic transitions have pointed out

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60 There is little divergence among the scholars about the outcomes of the transition process in Eastern Europe. Usually countries are divided into two groups. One group of countries in transition consists of the 10 applicants to the European Union (i.e. the CEECs, including the Baltic countries). Within this group, democracy has consolidated, macro-economic stabilization has been, more or less, achieved and growth has resumed. In the other group, one finds the former Soviet Union (FSU) countries, and the Former Yugoslavia countries (without Slovenia, which belongs to the first group, and plus Albania). In this second group, economic issues of the transition have been overridden by the impact of heavy legacies from the communist system (the FSU countries), of the breaking up of strong political links between the countries (both in the FSU and in the former Yugoslavia), of wars, and of the emergence of political regimes largely dominated by corruption. For detailed assessment of the political and economical development in the region see EBRD 1999; UNECE 2000 and Freedom House annual reports, Nations in Transit: Democratization from Central Europe to Eurasia.
that in contrast to previous cases of transitions in which external factors have been of secondary importance, in Eastern European democratization their role has been greater (Schmitter 1993; Linz and Stepan 1995; Pridham and Agh 2001). However, the effect of globalisation on national policy processes in transition countries can differ greatly, depending on a country’s position in the international economy and geopolitical relations. In this respect Croatia and Slovenia, as I already mentioned, represent different contexts. From the perspective of this study we can hypothesise that a single country position in the international arena determines constrains and possibilities for women’s movements to influence public policies. Finally, this study can offer some preliminary predictions about the likely impact of women’s movements in countries where the development of gender equality policies resemble that of Croatia and Slovenia.

To summarize, this study can be characterized as a two-country comparison between two post-communist countries, Croatia and Slovenia. Under comparison in those two countries is the policy agency of the women's movements and the policy agency of other actors in four different policy processes. The country selection was motivated by countries’ differences along several dimensions of theoretical interests. Croatian and Slovenian women's movements operate in different political and economic contexts. Further, the women's movements in each country developed differently after the fall of communism, enabling us to evaluate the efficiency of their respective strategies. Moreover, these countries show important similarities in the development of gender equality policies, which represents an interesting paradox given the different political and developmental contexts. The two primary similarities involve the preservation of certain segments of the Communist gender equality policy and the introduction of new legal regulations which represent positive developments compared to the Communist period.
4 Theoretical framework

Introduction
This chapter develops a theoretical framework for studying the influence of women’s movements on gender policy formation in Croatia and Slovenia. Since women’s movements, in conceptual terms, fit within the scope of conventional ‘social movements’ research, I will use these theories and findings as this study’s main point of departure. Broadly speaking, scholars who study social movements fit into two rough categories. One group starts inside and moves outwards, beginning with activists and their concerns and moving to the state level. The other group - of which this study is a part - works from the outside and moves inwards, first observing states, political alignments, and policies and then patterns of collective action. In this chapter, special focus will be placed upon theories and findings geared towards the influence on public policy development of social movements in general and women’s movements in particular. The chapter will begin with an elaboration of this study’s main concepts - women’s movement, policy influence and gender policies - and then move to consider the political context in which women’s movements try to influence gender policy formation. The second half of the chapter will link those concepts in a theoretical framework on women’s movements influence and gender policies. The framework will be show to function as a lens to focus analysis on relevant variables and their relationships.

61 The majority of the studies within social movements research deals with four movements: student movements, women’s movements, peace movements and environmental movements.
Conceptualizing women’s movements’

For decades, women’s movements have been the focus of an established and growing body of comparative political research (see for example Dahlerup 1986; Katzenstein and Mueller 1987; Basu 1995; Lycklama à Nijeholt, Vargas and Wieringa 1998; Gustafsson, Eduards and Rönnblom 1997; Bull et al. 2000; Outshoorn 2004). Studies on women’s movements can be divided into five areas of interest: movement organization and emergence, women’s suffrage movements, women’s activism around reproductive rights and prostitution, the relationship between women’s movements and political parties, and women’s movements and public policy initiatives. The aim of this section is to address certain limitations of previous research on women’s movements and to set up the definition of women’s movements which will be used for analyzing the influence of women’s movements on gender policy formation in Croatia and Slovenia.

Defining women’s movements’

It is often claimed that one of the conceptual problems for the study of social movements in general and women’s movements in particular is that the literature has not yet produced a definition of women’s movements that can be employed for comparative research purposes (Beckwith 2000). The range of definitions of women’s movements encompasses individual actions as well as collective actions and covers a broad range of activities and forms of organization (Dahlerup 1986; Katzenstein and Mueller 1987; Alvarez 1990; Quindoza and Santiago 1995; Bystydzienki and Sekhon 1999; Beckwith 2000).  

Different researchers reject each other’s definitions on the grounds that they are too broad, too narrow, or based on the wrong features of women’s movements. However, rather than concentrating on how different definitions are true or false it is perhaps better to focus on how they are more or less useful. The important thing is to make definitions theoretically and empirically workable to fulfill the requirements of specific research questions. One of the biggest deficiencies of the literature on women’s movements is the absence of an operational research definition. The

62 For example, Sonja Alvarez defines women’s movement as an encompassing set of movements “composed primarily but not necessarily exclusively of female participants, that make claims on cultural and political systems on the basis of women’s historically ascribed gender roles” (Alvarez 1990:23). Lilia Quindoza Santiago defines women’s movement as “any action undertaken by institutions, groups, organizations or individuals that result in social change favourable to women as a whole” (Quindoza Santiago 1995:111), while Karen Beckwith defines women’s movements as a subset of socio-political movements that are “characterized by the primacy of women’s gendered experience, women’s issues, and women’s leadership and decision making.” (Beckwith 1996:1038). According to Lycklama à Nijeholt, Vargas and Wieringa a women’s movement should be understood “as the whole spectrum of conscious and unconscious action of individuals, groups or organisations with the aim of fighting gender subordination (Lycklama à Nijeholt Vargas and Wieringa 1998:5)
variations at best offer a useful conceptual definition. However, in comparative research conceptual and operational definitions are interdependent (Singelton and Straits 2005). The conceptual definition offers the meaning of a concept in words by describing what the concept is while an operational definition describes the operations that will specify the indicators of the concept to enable its measurement. In other words, the operational definition is the first step that leads to data for analysis.

Research definition of women’s movement

This section sets out the definition of women’s movement which will be used for the comparative assessment of the women's movement's policy influence in Croatia and Slovenia. To be able to distinguish phenomena that represent the concept from those that do not, the definition will integrate conceptual and operational elements. While there is no agreed-upon definition of social movements in general, a conceptual definition of social movements which can be applied to analysing the policy influence of women’s movements has been proposed by Sidney Tarrow, for whom a social movement involves: “collective challenges by people with common purposes and solidarity in sustained interactions with elites, opponents and authorities” (Tarrow 1994:3). Thus, to answer the question whether the strategies used by women's movements affect their success, I will follow Tarrow’s definition, which allows the inclusion of both institutionally-oriented and extra-institutional activities and leaves room for actors in women’s movements to still be considered part of these movements when they enter institutionalized political arenas. Accordingly, in this research the following definition will be used when analyzing the policy influence of women’s movements in Croatia and Slovenia:

A women’s movement is a network of organizations, groups or individuals linked in a variety of ways interacting with (more or less spontaneous) public actions inside or outside state institutions with the goal of promoting gender equality and the advancement of women’s interest in different spheres of social life.

According to the above definition, women’s movements are not unitary actors. They are composed of coalitions of actors, acting on some element of

63 According to Della Porta and Diani, scholars from varying theoretical background share a concern for at least four characteristic aspects of social movements that can be integrated in the definition: (1) Informal interaction networks: Movements may be conceived of as informal interaction networks between a plurality of individuals, groups and organizations, (2) Shared beliefs and solidarity: For a movement to be considered a social movement, it is required to have a shared set of beliefs and a sense of belonging, (3) Collective action focusing on conflict: Social movement actors are engaged in political and/or cultural conflict, meant to promote or oppose social change, and (4) Use of protest: Several scholars maintain that the fundamental distinction between movements and other social and political actors is to be found in the contrast between conventional styles of political participation such as voting or lobbying and public protest (Della Porta and Diani, 1999)
shared goals, and competing for prominence in defining claims and tactics. Thus, the above definition leaves room that any organization, which interacts with other actors, shares similar beliefs and mobilizes around similar conflicts may be considered part of a given movement.\textsuperscript{64} While this definition has some observable elements, it does not delineate actors within women’s movements from others, making it difficult to tell where women’s movements begin and end.\textsuperscript{65} In the above definition, there are three components that need to be elaborated as operational concepts: strategies, actors/entities and goals. The operationalization of these concepts is important because they stand for the biggest research disputes in women’s movements research. Which actors should be regarded as a part of a women’s movement? Can a definition of women’s movement encompass even women’s wings in political parties and state organizations devoted to gender equality questions or should it be reserved for independent grassroots organizations? Should women's activists who do not evolve feminist identity be excluded from definition of women’s movement? These questions have provoked very different answers among researchers. The following section elaborates my operationalisation and use of these contested concepts.

**Women’s movements’ strategies**

The concept of strategy can be viewed from varied angles. Most commonly the concept refers to a long term plan of action designed to achieve a particular goal (Mintzberg and Quinn 1991:4). In this research, however, the concept of strategy is not viewed as a rational and detailed plan or program of instructions but rather as a defining characteristic of a theoretically distinct type of women’s activism. In the following section those distinct forms of women’s activism will be elaborated.

**Working outside or inside state institutions**

Women have a long tradition of organizing to resist oppression and expand their rights as women and citizens. Various forms of violation of women's human rights and gender inequality in various spheres of society have inspired activists and researchers to ponder over the most effective strategies

\textsuperscript{64} In this research men are not, by definition, a part of the women’s movement, but they can support the goals of women’s movements and in doing so assume the role of male allies. The reason for that is that women’s movements (and men’s movements if they exist) are explicitly and consciously gendered since they claim to represent the interests of women as women.

\textsuperscript{65} Since this research begins with the development of gender policies and then traces women’s movements’ eventual influence, it is legitimate to ask if a concrete operational definition is actually required. Would one not know what the women’s movement is when one can see which women’s groups or individuals were active in certain policy processes? Following the methodological standard of replication, this is certainly not sufficient. What is needed is an operationalisation that allows anyone to find the same movements as in this research.
to influence public policies towards greater equality. Three dominant strategies can be identified in that context: “autonomous”, “integrationist” and “double” strategy. The autonomous strategy mostly refers to the activity of women within autonomous women's groups and organisations (e.g. women's NGOs). According to some researchers, the participation of women within women's organizations in civil society is necessary for achieving certain goals in the area of gender equality (see for example Gelb 1989; Alvarez 1990; Waylen 1996; Eduards and Rönnblom 1997; Schild 1998; Ferree and Hess 2000). That form of women's participation is considered to be the best way to articulate women's interests and the only possible way to really challenge structural relations of power between women and men.

There are also scholars who argue that by choosing autonomy, women’s movements may protect themselves from being co-opted by the state (Alvarez 1990; Gelb 1989; Weeks 1994; Waylen 1996). Even though analyses of the policy influence of autonomous women's groups have not really been at the centre of the study of women's movements, there are some researchers who claim that women's movements can be successful in influencing public policies even though their activity is restricted to autonomous women's groups. For instance, when analysing a range of women's movements and states in the Third World Georgina Waylen argues that “women’s movements are most successful in their efforts to influence state policy when operating from the background of autonomous groups” (Waylen 1996: 137). Similarly Gelb argues (based on the British, American and Swedish experience) that women's groups that are separate from institutionalised interests such as parties and unions are more likely to develop independent strategies and political agendas of their own choosing, thus permitting greater political impact (Gelb 1989).

According to other scholars, however, the institutionalization of women's activism within state institutions should be regarded as the main precondition for the change of gender policies (Reinelt 1995; Santoro and McGuire 1997; Mazur 2002). For example, in Scandinavian countries, equality policies have been a crucial part of so-called “state feminism”. The concept refers to the “activities of government structures that are formally charged with furthering women's status and rights” (Stetson and Mazur 1995:1-2). Thus, within comparative women’s movements and gender policy scholarship of the last two decades there has been a greater focus on the examining “femocrats” and their roll in political processes concerning different gender policy issues (e.g. Stetson and Mazur 1995; Lycklama à Nijeholt et al. 1998; Mazur 2001, 2002; Outshoorn 1994, 1997). The conclusions which follow from these studies suggest that the

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66 Within this field, the term “femocrat” has various meanings, ranging from all women who occupy policy-making positions in “women’s policy offices” to feminists within any part of the bureaucracy as well as to feminists inside political parties.
institutionalization of women's activism is necessary for political changes in
the area of gender equality. For instance, Reinelt argues that although
autonomous women's groups are essential for achieving gender equality,
mainstream state institutions should be seen as “absolutely necessary terrains
for political struggle” (Reinelt 1995:85), while Gelb argues that
institutionalization “protects gains, sustains commitment to enforcement of
new laws, and facilitates efforts for further change over the long term” (Gelb
1995:129). According to Mazur, state machineries for the advancement of
gender equality are necessary and effective linkage between women’s
movements and state responses (Mazur 2002).

A third group of scholars claims that the growth of the number of women
in political parties, governments and parliaments is an important
precondition for changes and developments in the area of gender policies
(Dahlerup 1988; Philips 1995; Lovenduski 2005). In recent years, the
concept of critical mass has thus informed a substantial proportion of
research on women and politics. According to some scholars there are
theoretically coherent grounds for presuming a relationship between the
numbers of women elected to the political office and the passage of
legislation beneficial to women as a group (Phillips 1995). Several scholars
have also empirically shown the necessity of women in the legislative office
(Flamman 1985; Bochel and Briggs 2000; Swers 2002; Ciazza 2004). For
instance, Bratton and Ray (2002) show that a critical mass of women in the
legislature was associated with more generous child care allowances in
Norway, while Lena Wängnerud finds that without women politicians there
is a risk that there would be silence around issues of gender equality in
Swedish parliament (Wängnerud 2000).

When we talk about the ability of state machineries and women
politicians to exert influence on public policy formation it is important to
point out that some researchers claim these form of women's agency to be
ineffective without parallel engagement of the autonomous women's
movement (Eisenstein 1996; Stetson and Mazur 1995; Mazur 2002; Goetz
2003; Honculada and Pineda Ofreneo 2003; Lovenduski et al. 2005). In
other words, state machineries for the advancement of gender equality and
women politicians are powerless without a corresponding women’s
movement in the civil society sector. This is an emphasizing of the so-called

67 Nonetheless, the concept of critical mass and women’s substantive representation has also been subject
to increased criticism by growing numbers of scholars (e.g. Tremblay and Pelletier 2000; Studlar and
McAllister 2002; Mackay 2004; Childs and Krook 2006). Among other things there are arguments that
women’s substantive representation is probabilistic rather than deterministic and that numbers are
mediated by different institutional factors. According to Manon Trembley and Réjean Pelletier, women
politicians in Canadian Parliament do not automatically identify as representatives of the group of
women. They rather represent ideas, the ideologies of their parties. Tremblay and Pelletier conclude that
it is not gender that has an impact on responsiveness, but “feminist consciousness”. Increasing the number
of women, therefore, might not be “the best strategy for meeting the needs, demands, and interests of
women” (Tremblay and Pelletier 2000: 397).
double strategy as the main precondition for the success of the women's movement (Dahlerup 1986; Bergman 1999; Beckwith 2000).

All three strategies for achieving gains in gender equality are based on theoretical assumptions supported by contradictory empirical results. The reason for these contradictory results is largely the fact that the strategies were studied separately, within separate research traditions. However, I argue that in any event a restricted focus on women parliamentarians, women's autonomous groups or femocrats does not enable a full appraisal of the complex policy process and multiple actors involved in contesting, negotiating and delivering substantive gains in the area of gender equality. In other words, there is a need to thicken the conception of women’s substantive representation by developing a theoretical framework that takes a more holistic policy process approach.

Another deficiency of previous studies is the rift between various views of the concept of the women's movement. I argue that many of the definitions used to study women’s movements influence on the formation of gender policies have obvious limitations because they conflict with the reality of the situation. For instance, some scholars focus solely on forms of women’s movements’ collective action outside state institutions (Alvarez 1990; Ferre and Martin 1995; Molyneux 1998; Ferree & Hess 2000). According to Alvarez women’s movements should be defined by their autonomy from control by other social groups. Excluded from her definition are, therefore, all forms of “state linked mass organizations for women, women’s branches or political parties, trade unions and other organizations of civil society that are not primarily organized to advance women’s gender specific concerns” (Alvarez 1990:23).

Even those scholars who have gone the furthest in recognizing the existence of feminists in the State have tended to implicitly characterize femocrats as separate from the women’s movement. For example, Lycklama à Nijeholt, Vargas and Wieringa (1998) note that feminists have become both politicians and civil servants. Yet, when they start to analyze the creation of gender policy they refer to “iron triangles”, implicitly separating women politicians and femocrats from the women’s movement. Similarly, Mazur (2002) aims to discover how effective Women's Policy Offices working inside the state have been in helping women’s movement activists to achieve their goals, thus separating femocrats from the women’s movement. We can, accordingly, conclude that the advocates of both “integrationist” and “autonomy” hypotheses generally ignore that the State and women’s movements may interact.

In contrast to the studies above, I will address the interplay between different women’s movement actors who demand gender equality in policy issues, thus bridging civil society and the state. This study will use a broad definition of women’s movement, encompassing both “autonomous” and “integrationist” strategies. This will enable conclusions to be drawn about
the effectiveness of different women’s movements’ strategies and thus answer the following questions: Can autonomous women's groups influence the formation of public policy without being linked to women in state institutions? Is the so-called "double strategy" necessary for the success of the women's movement?

Which Actors?

After concluding that in this research there is no a priori boundary between the activity of women's movement actors outside state institutions and the ones within state institutions, I will say something more specific about the actors who will be included in the definition of the women's movement. To evaluate the effectiveness of the autonomous, integrationist and double strategies in Croatian and the Slovenian women's movement's, it is necessary to draw a clear line between the women who are active within civil society (the so-called women's NGOs), and the women who are active within state institutions (bureaucrats and politicians) (see figure 4.1).

![Figure 4.1. Women’s movement actors](image)

The concept of the women's NGOs includes organizations within non governmental sector which are active in the area of women's human rights and the area of gender equality. For instance, women's NGOs can include

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68 The term non-governmental organisation (NGO) is used in a variety of ways all over the world and, depending on the context in which it is used, can refer to many different types of organisation. In its broadest sense, a NGO is an organisation that is not directly part of the structure of government, non-profit-making or constituted as a political party. Besides women’s NGOs in this research, the women’s sections of the trade unions will be regarded as a part of the larger NGO community. Trade unions are independent of government control in a democracy, so they are by definition “non-governmental” (Hosinski 2000).
women's organizations which deal exclusively with political lobbying in different areas of gender equality as well as the organizations which deal exclusively with specific issues such as domestic violence or the position of women in the labour market. In this study, the integrationist strategy will be used to refer to the activity of women within state institutions such as women bureaucrats who work in state offices for gender equality and in various ministries, as well as the women politicians who are active in parliaments, governments and political parties. These are the strategic segments which many researchers refer to as “state feminism”. However, it is often unclear exactly which elements state feminism includes. Does it refer only to women bureaucrats and women politicians or does it refer to a comprehensive approach of the state political elite, all women and men in the area of gender equality? In this study I will use the term Gender Policy Advocates (SGPAs) to denote the overarching activity of women within state institutions. References to the double strategy in this study will concern the cooperation and joint activity of women within state institutions and women from nongovernmental organizations.

The actors of the women's movements, in this study, will be not only organizations but also individual women (primarily women politicians and bureaucrats). The question, then, is how to observe such a complex type of collective action, which includes even the actions of individuals? One solution is to identify movements in terms of networks. This approach is fruitful for discussing convergence and paradigmatic integration in women’s movement. For instance, Diani and McAdam defined social movements as networks “of informal interactions between a plurality of individuals, groups or associations, engaged in a political or cultural conflict, on the basis of shared collective identity (1992:13). Further Diani and McAdam (2003) argue that social movements are distinct from other form of collective action because they consist of formally independent actors who are embedded in specific social context and linked through various forms of concrete cooperation and mutual recognition. Network analysis offers a tool to interpret the structure of women’s movements, that is, the patterns of ties between different actors. By emphasising the personal linkages among different women’s actors in Croatia and Slovenia we can get closer to a dynamic view of women's movements. Furthermore, by applying the network perspective we will be able to differentiate between the women who are part of the women's movement and the ones who are not. Interpersonal

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69 Even if many researchers assert that women’s movements encompass individual as well as organizational action, the actual operations used in most research shows that regardless of what type definition is used in the research, nearly all researchers study organizations. The advantage of “groups and associations” is that these terms suggest entities that can be easily identified and observed. However, this is problematic because, as several scholars have asserted, social movements encompass individual as well as organizational action and, increasingly, individual action inside formal institutions rather than organizations or associations (Diani and McAdam 2003).
linkages between actors in this research will be assumed from their (a) attendance at the same protest rally, (b) their membership in the same organizations, (c) their involvement in the same policy processes, (d) their co-membership in umbrella organizations, and (e) shared activities. Looking at those patterns, and finding out how actors build and reproduce linkages among them, will reveal important information about the structure of Croatian and Slovenian women’s movements, their internal cooperation and fragmentation.

What Goals?
By definition, the women’s movement may include several sets of opinions and beliefs about the condition of women and how to improve it (Beckwith 2000). Since a unified women’s movement that represents all women does not exist, it is an open question as to what can be considered ‘good’ for women and to which women any given ‘good’ will apply. Despite this, some scholars only include activism and groups that are “feminist” as they define it, in the definition of a women’s movement (Ryan 1992; Ferree and Martin, 1995; Threlfall 1996; Tobias 1997). Furthermore, the usual question in the literature on women’s movements and gender policy is not whether women’s movements have been successful in achieving certain policy goals, but whether feminists or feminist movements have been successful (e.g. Findlay 1987; Mazur 2002). However, the restrictive definition of feminism as the only legitimate basis for the expression of women’s interest has significant consequences for the interpretation of the potential and actual achievements of women’s movements. First, it is debatable as to exactly what should be labeled as feminist activity since the concept of feminism encompasses a myriad of interpretations and perspectives (e.g. liberal, marxist, radical, socialist, cultural, postmodern and post-structural). Thus talking about feminism as a single movement does not make much sense. Second, when certain researchers distinguish feminist movements from women's movements it is often hard to determine the exact difference between those two types of movements. For example, in Comparative State Feminism, Stetson and Mazur adopted following definition of feminism: “An ideology, policy, organization or activity is feminist to the extent that it has the purpose of improving the status of women as a group and/or undermining patterns of gender hierarchy” (1995:16). Considering the general character of goals which have been stressed in this definition, it is actually hard to decipher what is gained (in an analytical sense) by characterizing certain activism as ‘feminist’.

Since previous studies have shown that the specific content of women’s issues and women’s gendered experiences vary across national and cultural contexts, and women’s intersecting classed, racialised, and other identities, in this study the activity of the women's movements in Croatia and Slovenia is exclusively related to the subjective understanding of women's interests
and gender equality. Women's movements will therefore be recognized by certain ideas and visions which encourage them to mobilise, as well as by specific actions which aim at changing gender policies. As women’s interests cannot be defined or categorized in an objective and homogenous way, the operational definition of women's movements in this research can encompass left-wing, liberal or radical feminist women’s movements, as well as right-wing (conservative) women’s movements.

To summarize, in this research women's movements are defined as networks of organizations, groups or individuals linked in a variety of ways, interacting through (more or less spontaneous) public actions inside or outside state institutions with the goal of promoting gender equality and the advancement of women’s interest in different spheres of social life. Thus, what will be analyzed are actors in women’s movements. Those actors are inspired by ideas to act and to advance what they consider to be gender equality and the advancement of women’s interest in different spheres of social life. Furthermore, individual women and women’s groups must be actively advancing some aspects of gender equality questions in the policy process to be considered as a part of a women’s movement.

Had I chosen a narrower operational definition of women’s movements in ideological and organizational terms, there is a possibility that the conclusions of this research could be different. By using a broad definition of women’s movements, the chances are higher that we actually find that women’s movements were influential in Croatia and Slovenia, biasing the results. But an inclusive definition is necessary for several reasons. Since, women’s movements are divided both structurally and ideologically, to fully understand the formation of gender policies it is necessary to use the definition that will take into account the ideological scope of the multitude of women’s organizations engaged in politics. Further, a broad definition of women’s movements will allow us to grasp the dynamic inside women’s movements and answer the following questions: which part of the women’s movement (women’s NGOs, the women's section of political parties or state agencies for gender equality) have most influence on the formulation of gender policies in Croatia and Slovenia? How can we characterize the cooperation between different organizations inside women’s movements? In what areas of gender policies is it easier/harder to cooperate? Furthermore, even though a broad definition increases the chances for detecting the influence of the women's movements in Croatia and Slovenia, the methodological approach used in this study which includes other actors involved in the policy process who are not a part of the women's movement also makes it possible that we should get results which indicate that women's movements had not been influential whatsoever.
Conceptualizing policy influence

The major object of this research is the policy process itself, or the ‘politics of policy formation’ and not the influence of policy on society. Any attempts to assess social movements’ influence on public policy formation are, however, invariably fraught with conceptual and methodological problems (Giungi and Tilly eds. 1999). The aim of this chapter is to present the main conceptual problems related to the studies of the influence of social movements. The goal of this chapter is also to show how the concept of the policy influence will be used in this study.

Power versus influence

Although influence is a basic concept in the political science literature, this term remains difficult to define and to measure objectively. This is partly because influence is intimately linked to the concept of power (Cox and Jacobson 1973; Berg 1975; Arts 1998; Bestall and Corell 2001). Although we use the term power frequently in political and social life, the literature on power is marked by a deep disagreement over the basic definition of power (see Clegg 1989; Morriss 2002; Lukes 2005). Some theorists define power as getting someone else to do what you want them to do (‘power-over’). For example, Max Weber defines power as “the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance” (1978:53). Robert Dahl offers what he calls an “intuitive idea of power” according to which “A has power over B to the extent that he can get B to do something that B would not otherwise do” (1957:202-03). Similarly, according to Michel Foucault “if we speak of the structures or the mechanisms of power, it is only insofar as we suppose that certain persons exercise power over others” (1983:217).

Other theorists define power as the ability or capacity to do something (‘power-to’). Hannah Arendt defines the concept of power as “the human ability not just to act but to act in concert” (1970:44). She distinguishes power sharply from authority, strength, force, and violence, and offers a normative account in which power is understood as an end in itself (1970). Hanna Pitkin suggests that power is “a something – anything - which makes or renders somebody able to do, capable of doing something. Power is capacity, potential, ability, or wherewithal” (1972:276). Similarly, Lukes (2005) defines power as a dispositional concept, meaning that power “is a potentiality, not an actuality - indeed a potentiality that may never be actualized” (2005: 69).

In most of these studies the concept of influence and the concept of power have been used synonymously. Taking a contrary position, several

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The methodological problems concerning the study of the influence will be discussed in chapter 5.
scholars coming from the social movements and interest group research fields claim that the concepts of power and influence should be distinguished when studying how pressure groups influence decision making processes (Huberts 1989; Arts 1998; Giungi and Tilly 1999; Bestill and Corell 2001). Power, then, should be understood as somebody's ability to affect somebody else's goals without them being aware of it. Influence, on the other hand, implies an active effort to try to make others realize one's aims. Furthermore, influence is conceptualized as a process rather than a condition. It is oriented to as something unfinished, to goals that one can or does realize, not to those which are already realized (Cox and Jacobson 1973).

This understanding of the concept of influence will be also applied in this research. The concept of influence will be used to refer the modification of one actor’s behaviour by another. That is, an actor A, in this case a women’s movement, modifies the behaviour of decision-makers in a political arena, resulting in modified decision making in the area of gender policies. With regard to this version of the concept of influence, some scholars claim that actor A does not necessarily need to intervene in decision-making in order to modify the behaviour of decision-makers. The presence or thoughts, if known by the decision-makers, may be sufficient precondition for political influence as well. This phenomenon is known as “anticipation” in the literature on influence (Huberts 1989; Arts and Verschuren 1999). Although influence through anticipation may be relevant when assessing women’s movements’ policy influence, that aspect will be excluded from the research for pragmatic reasons. It is methodologically too difficult to assess such influence.

**Social movements and policy influence**

When we speak about policy influence it is important to stress that most previous studies were focused on studying the influence of different interest organizations or groups, while the influence of the social movements was studied to a much lesser extent. Social movements’ researchers have generally given much more attention to origins and trajectories of social movements than to assessing their influence on policy formation (Giungi and Tilly 1999). The lack of systematic studies is not the result of disinterest. Rather, it is primarily related to the methodological and theoretical problems related to this type of study (Tilly 1998; Tarrow 1998).

The difficulty in measuring the influence of women’s movements on gender policy formation has been acknowledged in the comparative women’s movements and gender policy literatures. For example, Linda

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71 While the study of consequences is still underdeveloped within the social movement literature, the field is not as empty as it looks at first sight (see for example, Kitschel 1986; Amenta, Carruthers and Zylan 1992; Costain 1992; Skocpol et al, 1993; Banaszak 1996).
Briskin and Mona Eliasson's study of women's movements and public policy outcomes in Sweden and Canada noted that women's activism have been indispensable in putting women's personal issues onto political agendas. However the same scholars also argue that there is some difficulty in reliably assessing the impact of such activism (1999:24). Katzenstein and Mueller (1987) have also stressed that there is "no simple linear relationship" between women's movements' activism and government policy responses (1987:13).

One of the reasons for this difficulty rests with the nature of social movements. Social movement memberships are more loosely-based and informal than those of interest groups (Tarow 1998). Social movements are complex sets of organisations and networks that may have different goals as well as different strategies for achieving their goals. Accordingly, one of the difficulties in studies of the policy influence of social movements relates to the notion of success, as well as ascribing influence to the social movement as an entity. Although much of the previous work on social movements has attempted to determine to what extent and under what conditions a certain social movement succeeds or fails, concentrating on success or failure raises the problem of subjectivity (Tilly 1998). Movement participants and external observers may have different perceptions of the success of a given action. In addition, the same action may be perceived as successful by some participants of a certain movement but judged a failure by others. Furthermore, the terms success and failure denote either total victory or total failure, while the results that movements produce can often be placed somewhere in between. For that reason when assessing the women's movements' policy influence I will define influence in terms of increments of change rather than total victory or total loss.

As far as the studies which analyze the women's movement influence on the development of gender policies are concerned, we can conclude that most do not place great emphasis on the operationalization of the concept of policy influence (see for example Gelb and Palley 1982; Tyyskä 1997; Briskin and Eliasson 1999; Charles 2000, Conway, Ahern and Steuernage 2004). There is a surprising lack of specification about what is meant by influence and how to identify women's movements’ influence on public policies. There are some exceptions, such as the articles and the books published within the RNGS project (Mazur 2001; Stetson 2001; Outshoorn 2004). This project has undertaken detailed analyses of policy debates in

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72 RNGS, the Research Network on Gender Politics and the State, is a network of researchers, and represents a long term research project on women’s movements and the state as well as a series of projects that focus on the links among women’s movements and states through women’s policy agencies. The purpose of the project is to study late 20th century women's movements and the way governments have responded to these movements. Specifically, the project wants to document and explain instances of state feminism, that is, those times when institutions inside the state have formed partnerships with women's movement activists to open up the policy making process to include women and women's interests. Findings have been published in five issue specific books (Mazur 2001; Stetson 2001;
Western post-industrial democracies to compare the impact of women's movements and women's policy agencies in five policy issues since the 1970s: job training, abortion, political representation, prostitution, and one 'hot issue'. The RNGS typology to measure a movement’s policy impact is composed of two variables: whether or not the content of the policy outcome coincides with the movement’s demands/goals (the substantive response) and whether or not women advocating women’s interests are incorporated into the policy making process (procedural acceptance). Accordingly, this is one of the rare attempts to investigate the policy influence of the women's movement in a more methodologically elaborated way. However, this typology has some deficiencies, especially regarding of its second variable: “whether or not women advocating women’s interests are incorporated into the policy making process”. By defining policy success as representation or position in different phases of policy making, the RNGS scholars conflate participation with influence. It is debatable how much the level of mere participation of representatives of women's movements in a certain policy process really tells us about the actual policy impact of women's movements.

It is important to distinguish between three “classical approaches” to political influence assessment: the position, the reputation, and the decision-making methods (Clegg Cox and Jacobson 1973; Clegg 1989; Huberts 1989). RNGS's way of understanding and measuring the influence of the women's movements thus belongs to the first category. The position method assumes that the ability to influence political decisions is based on the informal or formal positions held by actors in the policy and decision-making processes. The position method is rather easily applicable, but as I have already pointed out there is a problem of validity. This approach only assesses potential influence of actors in terms of positional resources. Whether or not certain political actors have influenced public policy formation is not part of this study’s methodology.

This study will depart from the reputation and decision-making methods. The reputation method associates influence with reputation, assuming that social relations are based on mutual perceptions of influence (Arts 1998). If a certain political actor is thought to be influential by others, then the method assumes that the actor will be treated as influential within the political process. The opposite also holds true, so that if someone has the reputation of being powerless, he or she will be relatively powerless in the decision-

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73 There are four values in the RNGS typology: When the state accepts individual women, groups and/or constituencies into the process and changes policy to coincide with feminist goals, it is a case of dual response. When the state accepts women and women’s groups into the process but does not give policy satisfaction, it is classified as co-optation. Pre-emption occurs when the state gives policy satisfaction but does not allow women, as individuals, groups or constituencies, into the process. Finally, when the state neither responds to movement demands nor allows women or women’s groups into the process, there is a no-response.
making arena. However, similarly to the position method, the reputation of a
given actor does not necessarily mean that the actor was, in fact, influential
(Dahl 1958). The decision-making method seeks to address these
deficiencies by analyzing decisions in specific areas, in order to reconstruct
the contribution of political actors to the final policy outcome. It may thus
assess to what extent the different actors’ interventions were successful in
the decision-making process. On the basis of such an assessment, the relative
influence of each actor can be determined (Arts 1998). For the purposes of
this study, the validity of the assessment of women’s movements influence
will be strengthened by combining those two methods. Exactly how those
two methods will be applied in this research will be elaborated in the next
chapter.

**Different levels of policy influence in this research**

In a very simple sense public policy-making can be considered to be a set of
processes, including at least (1) the setting of the agenda, (2) the specification
of the alternatives from which a choice is to be made, (3) the passage of
legislation and (4) the implementation of the legislation/policy program
(Kingdon 1995; Sabatier 1999). The complexity of the policy process
enables us to analyze the influence of women's movements on different
stages of the policy process. Thus, we can assume that women’s movements’
influence on one level of the policy process does not necessarily imply
influence on others. An item can be prominently on the agenda, for instance,
without the subsequent passage of legislation while the passage of legislation
does not necessarily guarantee implementation according to legislative
intent.

To capture different types of movements’ influence, social movements
scholars have developed different typologies. For example, Kriesi et al.
suggest that there are four sorts of impact that social movements can have on
the process of political decision making: sensitising, procedural, substantive
and structural (Kriesi et al. 1995). Sensitising impact takes the form of
getting new issues onto the political agenda and influencing public attitudes.
Procedural impact has to do with gaining access to the political system and
being accepted as a legitimate political actor. Substantive impact refers to
gains made by social movements. Finally, structural impact occurs when

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74 Policies are produced by the policy process, which is normally conceptualised as a cycle. The policy
process is normally initiated by a political decision (usually in the form of general policy objectives),
followed by detailed policy development that produces options for more specific political decisions on the
policy instrument to be enacted (passed). Once enacted, the instrument is implemented and subsequently
assessed, which in turn leads to further policy development (and possibly amendments to the instrument)
or even to reconsideration and modification of the initial political decision (Sabatier 1999).
social movements affect the political opportunity structure, either by producing institutional change or changes in the pattern of alliances.\textsuperscript{75}

Others have suggested a different typology. For example, Schumaker, who defines social movement outcomes in terms of the responsiveness of the political system, provides one of the best-known typology over different types of outcomes (Shumaker 1975). Specifically, he distinguishes five criteria of responsiveness: access responsiveness, agenda responsiveness, policy responsiveness, output responsiveness, and impact responsiveness. Even more elaborated criteria for establishing the eventual impact of social movements on a policy outcome have been developed by Huberts (1989). He proposes 20 premises and rules for assessing the impact of a social movement organisation in a single decision-making process, including such criteria as intention, access to decision makers, short timelines between efforts and impact, congruence between policy outcomes and advocate intentions, and continuity of advocate participants. By focusing on different types of influence that a given social movement could produce, scholars have produced more elaborated knowledge about the nature of social movements' influence.

Similar approaches for the assessment of women's movements' influence on gender policy formation will be also applied in this study. I will distinguish between three levels of policy making process on which women's movements can exert influence: (1) agenda setting, (2) formulation of the content of the law or policy programme, and (3) enactment of the law or policy programme.\textsuperscript{76} In order to make a convincing claim about women's movements' policy influence, this will require demonstration that women's movements achieved one or more of the following: (a) put the issue on the political agenda, (b) influenced the key to the passage of proposed legislation, or (c) influenced/changed the plans and agendas of political leaders. Thus, hypothetically, women's movements may be successful and unsuccessful in the same policy process. It is important to emphasize that legislative changes are the central point of this study. Different policy programs will be analyzed only in those cases in which they can be directly related to the formulation and the enactment of certain laws.

Why is the analysis of the policy influence in this study restricted to the above mentioned policy segments? As far as the political agenda is concerned, that segment of the policy process seems particularly important.

\textsuperscript{75} Policy implementation is not included in the typology developed by Kriesi et al.1995.

\textsuperscript{76} If we relate my approach to the typology developed by Kriesi et al. then agenda setting in my typology is equivalent to sensitising impact, while the formulation of the content of the law or policy programme and the passage of the law or policy programme involves both consideration of procedural and substantive impact. A similar typology, which includes agenda setting, policy formation and policy implementation, is suggested by both Norris and Gelb (Norris 1987; Gelb 1989). However, the policy implementation is, for different reasons, not a focus of this study.
when it comes to the research on women's movements' policy influence. Historically, women's movements have played an important role in politicizing certain issues concerning women's interests such as women's suffrage, domestic violence, and women's political representation, thus making those issues more appealing to governmental action (Freeman 1975; Nelson and Johnson 1991; Flammang 1997; Keck and Sikkink 1998; Kenney 2003). Accordingly, I will conceptualize putting an issue on the political agenda, transforming a condition to a problem, as itself a significant policy accomplishment. If women’s movements were successful in getting its issue onto the political agenda, we would assume that it has increased the probability that some of their requests will be incorporated in proposed legislation. However, there is no guarantee that this is actually going to happen. We can therefore hypothetically presume that on certain issues the engagement of the women's movement stops at the agenda setting and other actors take over authority for forming certain laws. However, we can also assume that on certain issues the women's movements are involved in all three stages of the policy process.

To analytically distinguish between women’s movements influence on formulation of the law and the passage of the law may not have seemed useful at first sight. It would not be controversial to assume that if a women’s movement exerts influence on the formulation of a certain law that they would also be influential regarding the passage of legislation or policy program. Nevertheless, it is also possible that a women’s movement might exert influence on the passage of legislation without influencing the content of the draft law.

It should be made clear that the major object of this research is the formation and the content of gender policies itself, and not the concrete impact of policy on women’s situations nor gender equality in general. In other words, policy implementation is excluded from this research. This can be regarded as a certain setback because equality by law or de jure equality does not guarantee de facto equality. To achieve actual equality ‘gender equality-friendly’ policies must not only be legislated but also implemented and enforced. Clearly, laws alone are insufficient. However, in my view, we should regard gender policy implementation and gender policy formation as a two different strand of research, and as such difficult to combine in a single

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77 Agenda-setting is usually defined as the process by which issues rise to prominence in political discussion in society (Rochefort and Cobb 1994; Kingdon 1995). In a social life there are an almost limitless number of conditions which could become defined as problematic. For an issue to be actively considered for governmental action it must first be recognized as a problem. It then must move from not only being seen as problematic, but being seen as an issue where public sector action is appropriate, and finally an issue must move to the stage where policy alternatives are being actively considered. The process of moving from existing condition to issue of active governmental concern is the crux of agenda setting. Thus, to have an understanding of the policy process, one must understand how governments decide to focus their attention on one set of issues rather than another and how different political actors attempt to influence this process.
Having equal opportunities laws and other provisions that protect women against discrimination and promote gender equality can be regarded as a first step towards achieving gender equality. The next step is ensuring that these laws provide a meaningful framework for the delivery of equal opportunities between men and women. This study will thus analyze the first important step towards achieving greater gender equality in Croatia and Slovenia.

**Conceptualizing gender policy**

According to previous empirical findings it is generally speaking much easier for women’s movements to influence some policies than others. The goal of this section is to discuss the results of previous studies and the subsequent choice of policy areas included in this study. However, first we must consider the basic issue of just what is meant by gender policy.

**What is gender policy?**

There are many definitions and interpretations of public policy (see for example Kingdon 1995; Sabatier 1999; Birkland 2001). Regardless of the definition, public policy constitutes the ‘outputs’ of government and reflects much about the vision, values and ideas of society held by governments. Public policy is put in place through specific actions including legislation, regulation, and specific programs. Mainstream approaches to public policy development have generally assumed that public policy is gender neutral and that men and women will experience policies similarly. However, gender-based analysis challenges this premise, arguing that women and men’s experiences of policies must be documented to ascertain if policies do affect men and women differently (Gelb and Palley 1982; Mazur 2002). Accordingly, recent gender policy studies have compared a single policy area such as child care (Michel and Mahon 2002), job training (Mazur 2001), reproductive rights (Rolston and Eggert 1994) parental leave (Moss and Deven 1999) and other welfare policies (e.g. Sainsbury 1996; Shaver and Orloff 1999; Ginn, Street and Arber 2001) cross-nationally.

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78 It is important to recognize the problem of uniquely attributing changes in gender relations and women’s status to a specific set of policies. For example eliminating wage differences between men and women by promoting equal pay has not been achieved in any of the member states despite the EU’s 1976 directive (Rubery et al. 2002). The same limitation can be applied to policies which aim to eliminate domestic violence.

79 Sometimes is difficult to distinguish between the terms ‘policy’ and ‘politics’. Many languages do not even have separate terms for these two concepts. However, it is useful to distinguish them by using politics to refer to the considerations and activities of politicians that are directed towards their attempt to get elected or re-elected and to create personal and group alliances among themselves. Policy, on the other hand, is what politicians decide to implement (Rochefort and Cobb 1994).
Within growing gender policy literature, there is, however, little consensus on the use of terms such as *equality policies*, *equity policies*, *gender policies* and *feminist policies*. The international organisations such as the EU, The Council of Europe and UN frequently include phrases such as "equal treatment policy" or "equal opportunities policy". The emphasis on *equality* is, however, connected with several problems. First, the term cannot absorb the unintended outcomes and unequal burdens that such policies might have on some groups of women. Second, stressing equality successfully hides broader inequalities behind a few, often symbolic, policies. Third, the term potentially also excludes affirmative or positive action policies that favour women over men or men over women to reduce the gender equality gap in certain areas of social or political life. In contrast, the term *gender policies* better captures the gendered nature of all policies. It reminds us that the effects of different policies might differ for men and women, even if these policies are framed in so-called gender-neutral language. In this study, for the most part, ‘gender policies’ will be the preferred term.

**Gender policies and women’s movements**

Different studies show that women’s movements around the world address a broad scope of gender policy issues. According to previous research the effectiveness of movements in bringing policy change can depend on the issue that they address (Gelb and Palley 1982; Kriesi et al. 1995). Kriesi et al. distinguish policy domains on the basis of whether they are high profile or low profile and whether they involve redistribution of resources, a challenge to the power of established political actors, their electoral relevance and their relation to national interest. If the issues addressed by social movements are high profile it is likely that the system will be relatively closed and the state response will be more repressive; if they are low profile then the state will be more open to the movement influence (Kriesi et al. 1995).

Regarding the analysis of women’s movements influence on policy change, some scholars suggest the distinction between policy issues which consider *role equity* and those which consider *role change* (Gelb and Palley 1982; Gordon 1994; Jacob 1988; Charles 2000). Gelb and Palley argue that when issues are perceived as affecting role equity rather than role change, the opportunities for the favourable impact on the political system are being

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80 Thus, women’s movements address such things as economic concerns (the existence of job discrimination, redistribution of wealth), the valuation of sexual issues (the problem of rape, harassment, battering, and homophobia), family issues (the provision of child care, division of labour in the household, maternity/parental leave, domestic violence and reproductive rights), and a range of matters less easily catalogued (the demilitarization of society, the deconstruction and critical analysis of language; the rewriting of women’s history).
maximized for feminist groups. For example, role equity issues such as equal pay and anti-discrimination policies appear to operate within the dominant framework of liberalism and do not challenge basic societal values or threaten to redistribute power and resources. According to Jacob and Gordon feminists will often be more successful in the short term to the extent they can harness dominant discourse, or not frame their proposals as a feminist at all (Gordon 1994; Jacob 1998). However, when more dominant values are in question and role change issues regarding women’s family and dependent status are at stake, the possibilities for women’s movement success become severely limited. In addition, role change issues have the potential to redistribute power and resources and challenge the values underpinning the traditional gender division of labour. For example, the issue of abortion and women’s control over their own fertility (the central concerns of second wave women’s movements) challenge basic societal assumptions about the role of women’s and indeed the legitimacy of the public-private division. The policy change in this area is thus much more controversial than in the area of equal rights (Staggenborg 1991).

The policies of equal treatment and the policies of social redistribution

When assessing women’s movements’ ability to influence gender policy formation in Croatia and Slovenia I will categorise gender policies on the grounds whether they target policies which have to do with the general notion of human rights and those which target broader social and family policies. Thus, I will distinguish between two broad ideal approaches to gender policy issues, the policies of equal treatment (recognition) and the policies of social redistribution. The policies of equal treatment are aimed at giving women cultural and civic recognition while the politics of redistribution are aimed at giving them socioeconomic equality (Fraser 1995, 2003ab; Philips 2003).

An equal treatment approach can be regarded as an essential element in any equal opportunities policy. Many policies which have to do with gender equality are incorporated into international human rights law and can be addressed as “women’s human rights issues” (Keck and Sikkink 1998). Those rights include women’s rights to health and family planning; the right to sexual and reproductive health care, the right to sexual and reproductive self-determination, the right not to be assaulted or exploited sexually and the right not to be subject to sex-based discrimination. This approach is nevertheless flawed in focusing exclusively on the formal rights of women as citizens and workers, and therefore, as some scholars argue, fails to address the fundamental causes of sexual inequality in the informal ‘gender contracts’ among women and men (Lombardo 2003; Lewis and Pascal 2004). On the contrary, some scholars argue that the policies of social
**redistribution** in some respect may have more concrete influence on the lives of woman than the **policies of equal treatment** (e.g. Lewis 1992; Orloff 1993; Sainsbury 1996; Lombardo 2003). The policy of social redistribution includes public social policies that are intended to create equal opportunities for women and men in the labour market and in the family, as well as to strengthen women’s economical independence concerning their family relations. Examples of such policies range from the public child and health care delivery to opportunities for parents to share the parental leave.

**Selection of Gender policy cases**

For this research, I have selected four gender policy cases to examine the relationship between women’s movements’ activism and gender policy formation in Croatia and Slovenia. These are **violence against women**, **anti-discrimination policy**, **parental leave** and **the gender dimension of pension reform**. Three criteria guided the choice of policy cases. First, policy cases should be theoretically relevant. The aforementioned policy cases were selected because they exhibited some substantively interesting theoretical differences, which can allow me to obtain a creditable assessment of the women’s movements’ influence and offer an overview of the key issues in gender policy research. 81 Violence against women and anti-discrimination policy fit under the policies of equal treatment (human rights-recognition) while pension reform and parental leave fit under the policies of social redistribution. By choosing policy cases theoretically, I can avoid a risk of only looking at instances where women’s movement exerted influence and ignoring unsuccessful policy cases. Second, the chosen policy cases should be sufficiently broad in scope. Since different departments and political instances are responsible for those policy areas, outcomes are not solely affected by the same actors or organizations. The policy cases are also substantively different regarding their structure: the gender dimension of pension reform is only a minor part of a very comprehensive reform, while for example violence against women can be characterized as a relatively independent policy area. The third criterion required some similarity between Croatia and Slovenia concerning the development of gender policy cases in question. During the time of study, both countries were working to improve their legal framework for dealing with violence against women. Croatian legislative changes in this policy area were implemented in the

81 The areas of violence against women, anti-discriminatory policy and parental leave policy can be considered as the policy areas which had been in the focus of many studies on women's movements influence and gender policy. As far as pension systems are concerned, those were not as much the object of analysis of the researchers who deal with the influence of the women's movements. Pension systems and pension reforms were mostly studied in the light of the consequences which they had for gender equality and the economic position of women (see for example Luckhaus and Ward 1997; Peggs 2000; Ginn, Street and Arber 2001; Fultz and Steinilber 2003).
Family law, Criminal Code and Law on Misdemeanors and a special Law on Protection Against Domestic Violence. In Slovenia legislative changes were implemented in the Penal Code, the Criminal Procedure Act and the Law on Police. Both countries also enacted anti-discriminatory laws which aimed at achieving greater gender equality in different spheres of social life (the Act on Equal Opportunities for Women and Men (2002) in Slovenia and the Law on Gender Equality (2003) in Croatia.

There are also some similarities between the countries when it comes to the development of family policy. As far as parental leave is concerned, both countries maintained the right to a one-year leave. Both countries also introduced novelities in that area, such as the possibility of a more flexible use of parental leave. In both countries there was a debate about the introduction of a three-year leave. That proposal was not adopted in Slovenia. In Croatia there were some changes. For instance, in 1997 a three-year leave was introduced for mothers who had given birth to more than two children. That variety of three-year leave was abolished in 2000 and reintroduced in 2004. Pension reform was also initiated in both countries during the second half of the 1990s, turning up the issue of the retirement age for men and women. During Communism women were entitled to retire five years earlier than men. In the process of pension reform the governments of both countries advocated the harmonization of the age limit but were unsuccessful. Different retirement ages for men and women were maintained in both countries. In Croatia women can retire five years earlier than men and in Slovenia two years earlier.

Even though this study covers four policy areas, the empirical analysis will cover nine policy cases in Croatia and eight policy cases in Slovenia because the issue of violence against women and the issue of parental leave saw several modifications of the legal framework in the period covered by this study (see table 4.1).

<table>
<thead>
<tr>
<th>Countries</th>
<th>Violence against women</th>
<th>Anti-discrimination policy</th>
<th>Parental leave</th>
<th>Pension reform</th>
</tr>
</thead>
<tbody>
<tr>
<td>Croatia</td>
<td>o Changes in the Family Law  &lt;br&gt; o Changes in the Criminal Code  &lt;br&gt; o Changes in the Law on Misdemeanors  &lt;br&gt; o Enactment of the Law on Protection Against Domestic Violence</td>
<td>o Enactment of the Law on Gender Equality (2003)</td>
<td>o Parental benefits rate  &lt;br&gt; o Introduction of three year leave  &lt;br&gt; o Introduction of paternity leave</td>
<td>o Maintaining different retirement ages for men and women</td>
</tr>
</tbody>
</table>
Conceptualizing Political opportunity structure (POS)

For several decades two distinct theoretical perspectives have dominated the research on social movements. The first perspective is known as Resource Mobilization Theory (RMT). The second perspective is Political Opportunity Structure (POS). Both seek to explain the emergence and political impact of contemporary social movements in (post-) industrial societies (McCarthy and Zald 1987; Giugni, McAdam and Tilly 1999). RMT emphasizes the importance of resources such as money and knowledge in social movement development and success (McCarthy and Zald 1987; Costain 1992). The fact that resources are important for social movements’ mobilisation and activism is hard to disprove. Virtually every social movement must have some tangible resources, primarily money, space and people. Several social movements scholars have, however, pointed out problems with RMT perspective when it is applied to social movements research (e.g. McAdam 1982; Tarrow 1983; Martin 1990). One problem is that RMT focuses almost solely on social movement organizations (SMO). However many social movements are decentralized and can not be fit into the SMO framework provided by RMT. Furthermore, RMT has been criticized for an uncritical and problematic use of a rational choice model of human behaviour (Ferree 1992), for ignoring individual motivations for involvement (Buechler 1995), and for ignoring cultural aspects of movement dynamics (Taylor 1989; Johnston and Klandermans 1995).

Factors such as financial and human resources (the membership size of the women’s movements) which are emphasized by RTM theory are not the focus of this study. Such resources, although important, are insufficient for analyzing the role of social movements concerning socio-political change (Arato and Cohen 1992). In terms of the ability of social movements to
influence the formation of public policies, the largest number of studies point to the crucial role of external factors (see for example Kitschelt 1986; Costain 1992; Della Porta and Diani 1999). Thus, the different strategies which women's movements might use to influence the formation of public policy, as well as the women's movements ability to influence public policies, might be conditioned by the political opportunity structure in which the women's movements act. This study will therefore situate women’s movements’ activism and the efficiency of women’s movements’ strategies in Croatia and Slovenia within the general societal and political developments.

According to Sydney Tarrow (1983: 28), a political opportunity structure (POS) consists of the circumstances that determine the potential for groups to gain access to the state and to achieve some of their goals, and includes: (a) the openness or closure of formal political access, (b) the stability or instability of alignments within the political system and (c) the availability and strategic posture of potential alliance partners. Thus generally, as access to the state system opens up the costs of mobilization and organization are reduced, allowing the groups to be more effective without requiring increased resources or effort.

Several studies claim that social movements can succeed only insofar as political circumstances lead the political leaders to make concessions (Kitschelt 1986; Costain 1992; Della Porta and Diani 1999; Meyer, Whittier and Robnett 2002). The more consonant the social movement’s goals are with the state’s ideology, the more likely the social movement is to make demands and get those demands accepted. For a social movement with liberal goals, operating in a liberal political context should increase the social movement’s perceived likelihood of obtaining the demand. The government in a liberal political context faces a lower cost (or perhaps a higher benefit) for granting a social movement’s liberal demand, so it is more likely to grant the demand. The same logic should apply to conservative social movements in a conservative political context.

**Women’s movements research and POS**

Among political scientists and sociologists, POS has been the most influential and most frequently used theory for the study of women’s movements (see for example Katzestetin and Mueller 1987; Costain 1992; Bashevkin 1998; Charles 2000). Accordingly, the political options of women’s movements depend entirely on the varied and complex ways in which movement goals and consciousness intersect with the interests of political parties and state institutions.\(^{82}\) Elements in the political structure

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\(^{82}\) For instance, Anne Costain argues that changes in women’s participation in the economy and other major socio-economic changes, in the context of electoral uncertainty, led governments in the United
(e.g. party backing, strong allies or powerful opposition and the formation of the welfare state) may increase or decrease women’s movements’ ability to influence public policy. Major trends such as rising or falling unemployment, good or bad prospect for economic growth and demographic developments are also important to the ability of women’s movements to influence public policies. For example, Pippa Norris argues that equal pay policies are a result of economic developments, such as the expansion of the service sector of advanced industrial economies and post-Second World War labour shortages, rather than arising from the impact of the labour movement and social democracy or the women’s movement (Norris 1987:8).

Regarding institutional factors which may increase or decrease women’s movements’ ability to influence public policy, a substantial body of research underscores the importance of alliances between left parties and women’s movements, especially where women’s movements encourage the belief that female voters will make a difference in election outcomes (Jenson 1985; Freeman 1987; Katzestein and Mueller 1987; Alvarez 1990). Joni Lovenduski, argues that “in European party democracies the arguments [for feminizing politics] must first be won in political parties, which then take the ideas into government” (2005:91). Furthermore, some scholars have emphasized that the degree of pluralism or corporatism of a state shapes the strategies of women’s movements and affects their level of influence (Katzenstein and Mueller 1987; Gelb 1989).

It will be a finding of this study just what kind of alliances between women’s movements and other political actors (such as political parties) are significant for the women’s movements’ ability to influence gender policy in Croatia and Slovenia.

States, particularly the Kennedy administration, to initiate policies and to offer symbolic gestures concerning women’s rights, helping to evoke rather than responding to an organized feminist movement. As political opportunity structures began to change, Costain argues, it was the government that “invited women’s rebellion”. Women’s increased access to participation, government concerns about political realignment, and competing interests among the political elite shaped governments’ willingness to welcome and encourage women’s activism, as well as shaping women’s opportunities to organize in their own interests (Costain 1992).

83 When analysing public policy regarding women in the United States, Great Britain and Sweden, Gelb pays attention to the importance of corporatism and pluralism in those countries. According to Gelb the Swedish corporative political system presents an interesting contrast to both systems of the United States and Great Britain in that it has implemented many feminist goals without much of an autonomous feminist movement. As a consequence, despite a commitment to equality, the Swedish labour market “remains highly segregated, with women concentrated in low-paying, low status jobs to an ever greater degree than in other nations” (1989:177). Although the labour force participation rate is high, women in Sweden are more likely to be in part-time jobs and retain primary responsibility for the family. Gelb attributes this to the fact that women’s issues have been raised primarily as economic and labour market concerns, and the consensual Swedish society discourages confrontation. The lack of an organized, articulated feminist perspective means that women’s issues are framed as “family policy” rather than in sexual power terms. Consequently, feminism is co-opted and transformed into a servant of the state.
Post-communist transition and POS

When we consider the Eastern European transition context, two components of political opportunity structure seem to be particularly important when assessing women's movements' ability to exert influence on the formation of gender policy: the institutional heritage of communist gender equality policies and international gender equality norms. In the previous chapter I stressed that the similar development of the gender equality policy in Croatia and Slovenia presents a paradox given the different political and economic development characterizing those two countries during their transition periods. However, some of the similarities in the policy development between the two countries could be explained by these countries being part of the same political system before the fall of Communism.

Inherited gender policy discourse

The concept of transition embraces changes in a state’s political and administrative structures, as well as changes of an economic and social kind in the wider society. However, a meaningful transition approach requires emphasis on the change of institutional path-dependent processes (Elster, Offe and Preuss 1998; Orenstein and Haas 2002). Institutional theories predict that institutions shape the behaviour of actors and the use of policy tools (Weaver and Rockman 1993; Hall and Taylor 1996; Peters 2005). That institutional structures and policy legacies have a strong impact on the direction of change will not surprise anyone with experience of social sector reform in the post-communist countries of Eastern Europe. Several studies have shown that institutional legacies of the communist welfare state regime are among the most important factors influencing social policy developments during the post 1989 transition, including high social spending (Ringold 1999; Deacon 2000; Orenstein and Haas 2002). Policy legacies of the early transition period are also crucial. Decisions taken during this time constrain the choices of policy makers considering fundamental reform (Cain and Surdej 1999).

Similar mechanisms can be relevant in the area of gender equality as well, especially if we consider that gender equality policy, in certain

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84 In Bringing the State Back In, Weir and Skocpol have shown that government social policies are the outcome of a complex, path-dependent processes in which politicians, usually situated in positions determined by the institutional configuration of the old system, respond to ideas generated or interpreted through the mechanisms of the old system and also respond to social groups whose interests and expectations are also influenced by and expressed through the old system. Thus, given the heavy weight of existing state structures and policy legacies, even the most radical reforms tend to run through the channels cut by previous state policy (Weir and Skocpol 1985).
segments, coincides with social policy. The communist gender equality policies may constitute well-established ground in the welfare state, which is not easy to change in the short run.

There are at least two reasons for this assumption. First, different studies have shown that people in post-communist countries maintain widespread support for a strong welfare state (Csontos, Kornai and Toth 1998; Rose and Makkai 1995; Elster, Offe and Preuss, 1998). Citizens tend to see old-age pensions, universal child and health care as well as parental benefits as basic rights (Sajo 1996). Since communist ‘cradle-to-grave’ welfare states maintained some of their legitimacy, any attempts to reduce social welfare provisions are bound to be politically controversial. Second, the structural preconditions regarding the social status of women in the communist system may also represent an important factor influencing the development of gender policies during the post 1989 transition. Under communism, the women in Croatia and Slovenia (in common with women in the whole region) showed notably high participation in the paid labour force (Paci 2002). As I have already pointed out, many Communist policies aimed at enabling as many women as possible to participate in the labour market. Women also had a positive legacy of high-level education, a capital of great importance in the transforming economy. Abolishing of childcare facilities or a drastic decrease of parental benefits would automatically have negative consequences for the position of women in the labour market as well as for the economic development of those countries.

Although different institutional arrangements may provide opportunities or incentives for actors or even affect their preferences and identities and thus facilitating or inhibiting policy change, institutions themselves cannot cause change (Peters 2005). This has to be done by actors. Accordingly, institutional heritage in this study will be primary recognisable through two mechanisms. First, the political opportunity structure in form of institutional heritage can facilitate women’s movements’ demands when the goals of the women’s movements coincide with the institutional heritage. However, the women’s movements' ability to influence development of gender policies can also be restricted when their goals do not coincide with the institutional heritage. Second, institutional heritage can affect the preferences of other

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85 The importance of institutional welfare heritage in the formation of gender equality policies has been confirmed by several studies (see for example Lemiere and Silvera 2000; Caporaso and Jupille 2001; Lindvert 2002).

86 Many political scientists have argued that electoral competition frequently forces elected officials to enact policies consistent with public opinion. Officeholders usually strongly want to be re-elected, and believe that failure to do what the public wants will mean defeat (Downs 1957; Dahl 1989; Arnold 1990). A similar argument applies to social movements. When a majority of the public wants particular policies enacted, it would be foolish for officeholders to respond to the wishes of SMOs and interest groups, especially when the public's level of concern is high. Burrstein (1999:9) sums up this argument in what he calls "the direct impact hypothesis": "the greater and more persistent the majority favouring a particular policy, and the more important the issue to that majority, as perceived by legislators, the smaller the direct impact of interest organizations [i.e., SMOs and interest groups together] on legislative action."
political actors who can produce consequences in the zone of women’s movements’ interests.

**International gender policy discourse**

However, to get the better assessment of the policy influence of Croatian and Slovenian women’s movements we have to adjust the POS perspective to a world in which opportunity structures and women’s movements’ activism is no longer confined to national contexts. While only domestic actors have veto power over certain policy reforms, international organisations often have a powerful agenda-setting capacity through the formulation and diffusion of reform ideas (Keck and Sikkink 1998; Pierre and Peters 2000). For example, Deacon’s work on the evolution of a “global social policy discourse” shows that international organisations such as the World Bank contribute diverse perspectives that together form part of a global social policy discourse that influences national policies (Deacon 1997).

As far as national women’s movements are concerned, this suggests that globalisation has certain consequences for women’s movements activism and gender policy formation. At first, the globalisation processes can produce cross-national similarities in protest mobilization through diffusion (Melo 2004; Simmons and Zachary 2004). It is no exaggeration to say that some aspects of the women's rights agenda is now formally represented in virtually every international political organisation mainstream politics. International opportunity for protest can operate in a largely analogous fashion across different countries and regions. At some point what may begin as an indigenous policy process in certain gender equality issues (e.g. domestic violence, gender mainreaming) within a single state may become a defining point of modernity or a precondition for international aid. Other states may adopt a policy change because of this international process of

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87 This complexity in policy making can be captured by the concepts of “governance” (Pierre and Peters 2000; Kjaer 2004). The concept reflects an increasing recognition of the dispersion of power and authority across societies, beyond the apparatus of the state. Pierre and Peters (2000) discuss three drivers, or dimensions, of governance. These are: “moving up” (international level) “moving down” (regional, local and community level); and “moving out” (NGOs, interests groups).

88 Since 1975, and the United Nations Declaration of International Women’s Year, many states have made formal commitments to addressing gender equality. A myriad of measures have been adopted in areas such as education, health care and reproductive rights. In 1995, at the UN Fourth World Conference on Women held in Beijing, China, the Platform for Action (1995:117) adopted unanimously by 189 countries recommended renewed action to “integrate gender perspectives in legislation, public policies, programmes and projects…and seek to ensure that before policy decisions are taken, an analysis of their impact on men and women, respectively is carried out.” This declaration indicated a consensus on the part of women globally that to realize gender equality would require the “mainstreaming” of gender concerns within public policy. This perspective was echoed in the mandates of several multilateral institutions. In 1995, the International Labour Organization explicitly incorporated gender-based analysis in all stages of its programming cycle. Gender-based analysis guidelines were implemented at the United Nations and the World Bank, and promoted through the Commonwealth Plan of Action on Gender and Development (Antrobus 2004; Meyer and Prugl 1999; Hafner-Burton and Pollack 2002).
diffusion rather than because of the demands of women’s movements. International political opportunities for women’s movements can, for instance, be particularly important during democratisation processes in post-communist countries, when building up civil societies and striving for the adoption of human rights’ in opposition to authoritarian regimes may foster the development of an international alliance for the improvement of women’s rights.

Accordingly, some scholars ascribe the international influence in general and the EU’s influence in particular great importance in the formation of gender policies in post-communist countries (e.g. Jalušič and Antić 2001; Sloat, 2004; Pascall and Lewis 2004; Hunt and Wallace 2005). The fact that internationalization and Europeanization in the area of gender equality plays significant role in transition countries is not easy to disprove. However, when we talk about the influence of the EU on the development of the gender equality policy in the countries which are EU members and the countries which are about to join the EU, we must remember that the potential scope of this influence is rather limited for several reasons. First, the current EU gender equality legislation (in the form of Directives) is mostly limited to the area of equal opportunities in relation to employment. For example, there is no binding EU legislation on making work and family compatible for both sexes, on public childcare and social services, or against violence against women (Hobson 2000; Lombardo 2003; Liebert 2003).

Second, it appears that gender equality, compared to other policy areas, has been of subordinate importance in the enlargement process. A closer look at Annual Progress Reports reveals that no systematic analysis of legal and de facto progress of candidate countries in the field of gender equality has taken place. Statements on the situation of women and on gender equality are scarce, and do not allow for year-to-year or country-to-country comparisons of progress. Moreover, criteria and indicators for assessing progress are not developed and explained (Steinhilber 2002; Fagan 2005). Thus, how much of the gender equality friendly policy development in post-communist...
countries in general and in Croatia and Slovenia in particular that can be attributed to Europeanization of gender equality issues remains an open empirical question.

In addition, without identifying the crucial agents of change, one might be left with the erroneous assumption that gender policy development in post-communist Eastern Europe occur solely as part of the inevitable march of global progress for women’s rights, rather than through struggle and contest. Furthermore, we must emphasize that the political opportunity structure in transition countries regarding international influence on gender policy development is far from one-dimensional, offering only positive incentives for women’s movements political action. The transition to democracy and a market economy is taking place in an era of globalizing economic policies. Opportunities for women to engage effectively in public policy making and to change public policies are being transformed daily as a result of political and economic restructuring (Basu 1995; Banaszak, Beckwith and Rucht 2003). Shifting responsibilities between states, supranational organisations and different types of intra-state actors probably have an impact on the opportunity structure and on the strategic responses of women’s movements.

The new democracies of Eastern Europe stand in especially interesting terrain in this respect. First, the communist system left the heritage of a large welfare state apparatus which in certain ways facilitated gender equality and women’s rights. Second, the transition period implies that countries are very open to influence coming from different international organisations given their need to rebuild and transform their economies. National economic policy in Eastern Europe is increasingly determined by global economic competition and by international organisations such as the World Bank and IMF. In many countries, international policies that create more secure investment opportunities for banks and industries also serve to legitimate wages cutbacks in state services that increase women’s unpaid work and decrease their access to a decent standard of living (Jackson and Pearson 1998). Furthermore, in many post-communist countries the World Bank and the International Monetary Fund (IMF) called for a radical restructuring of state entitlements policies, such as paid parental leave programs (Deacon 2000; Orenstein and Haas 2002). We can assume that globalisation processes in that sense may represent constraints for women’s movements in Croatia and Slovenia to exert influence on the gender policy development.

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91 For example, environmental strategies have spread rapidly in Eastern Europe since the fall of the communist system. By 2003, all countries in post-communist Eastern Europe had formulated an environmental policy. The dominant convergence mechanism in these countries was, according to Busch and Jörgens (2005) analysis, the imposition of environmental strategies by means of economic conditionality. The main actor was the World Bank. Its Operational Directive 4.02 from 1992 formally required the preparation of National Environmental Action Plan (NEAPs) as a condition for receiving World Bank loans and effectively made this instrument mandatory for borrower countries.
To summarise, while many scholars agree that internationalisation of gender equality issues clearly affects women’s movements’ opportunities to influence public policy, there is still significant debate about the nature of globalization and its consequences in different national contexts. Some argue that globalization results in a diminished capacity of nation-state governments to effect change, making women’s movements’ attempts to influence public policies somewhat futile. Others view the complex changes involved in globalization as creating new opportunities for women’s movements to influence decision making, especially at the local/regional and international levels. The two lines of response to women’s activism by international institutions may have conflicting impact on women’s movements political action in Croatia and Slovenia. As in the case of institutional heritage, international norms in the area of gender equality may have a positive impact on women's movements' activism when their goals coincide with the international norms, but they may also restrict their potential influence when their goals do not coincide with international norms. We should also consider that international norms might cause other national political actors to take action in the area of gender equality.

**Theoretical framework**

Considering the conceptual and theoretical discussions in the previous sections, the following theoretical framework is proposed (see figure 4.2). The main objective with this framework is to highlight the linkages between the main concepts in this study, not their testing.

![Theoretical framework on women's movements influence on gender policy formation](image)

*Figure 4.2. Theoretical framework on women’s movements influence on gender policy formation*
The four arrows in the model represent linkages between the main concepts of this study. Arrow A represents the political opportunity structure, which consists of an inherited gender policy discourse and international gender policy discourse. Those contextual factors can be expected to raise both opportunities and constraints on Croatian and Slovenian women’s movements’ actors involved in different gender policy processes. Those segments of the political context might influence not only the activity of the representatives of the women’s movements but also the perception and the activity of other actors. These other actors include (among others) political parties, interest groups, policy experts and parliamentarians.

Arrow B is central to this research project. It refers to the possible influence of Croatian and Slovenian women’s movements on the state representatives who decide on gender policies. In this study Governments are conceptualized as the dominant political actors at the state level. Given their formal status and position, they possess the exclusive powers to decide on policies. Arrow B should be understood as a potential influence of the women’s movements on gender policy formation. It is thus empirically possible that this arrow does not exist at all or that it exists at some levels of the policy process and does not exist at others.

One of the important methodological starting points of this study is the claim that valid conclusions about the influence or the lack of influence of the women's movement cannot be made if analysis is restricted to the activities of the women's movement alone. Policy analysis should include the activities of other political actors as well. For that reason, arrow C indicates the possible influence of other actors, such as representatives of political parties, international organisations and scientific community. As in the case with arrow B, it is also possible this arrow does not exist or that it exists some areas of the policy process and that it is absent from others. Arrow D represents the policy process, the results of which involve the development of gender policies. The application of this model, with particular regard to Arrow B (the assessment of women’s movements' influence on the formation of gender policies) will be discussed in the next chapter.

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92 On the governmental level, ministries play a central role in the policy system since they are the primary bodies that develop and implement policies and legislation related to their respective economic and societal sectors.
Methodological framework

The problem of causality - how to establish a causal link between a given movement and an observed change - is probably the main methodological difficulty encountered by social- and women’s movements scholars (Tilly 1998). How can we determine whether policy developments in Croatia and Slovenia are the product of the activities of women’s movements or are the result of reformist moves by political authorities? The process of public policy making is very complex, involving many different actors from interest groups, political parties, governmental institutions and research community. Not only may each actor take part in several aspects of policy process, but each also has potentially different policy preferences. The growing internationalisation of gender equality questions raises further complexities in tracing the outcomes of women’s movement activism. The possibility that international actors will affect women’s movements’ activities and interests can not be ignored (arrow C in the theoretical model).

The problem of causality in this research has partially been overcome through methodological choices. First, data has been collected on a wide range of actors involved in policy formation, not just women’s movements. A detailed analysis of the policy processes will show exactly which actors were involved in which processes. This allows for a measure of control over the role of other actors and, hence, a better assessment of women’s movements’ actual influence on policy outcomes. Second, this study examines whether gender policy outcomes reflect the objectives of women’s movements. A comparison of women’s movements’ demands with their outcomes (e.g. the inclusion of specific text in the policy programme/law)

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93 In every policy process there are a number of important actors, including the head of the government (the Prime Minister or the President of the Government), the government (Council of Ministers), committees of the government, individual ministers, the Government Office, central and line ministries, parliamentary committees, interest groups, policy experts, and civil society organisations.
will provide more concrete evidence of women’s movements influence than a focus limited to their activities. Accordingly, in this study, policy influence is defined as the achievement of women’s movements’ policy goals concerning an outcome in the policy programme/law which is at least partly caused by the movements’ particular and intentional intervention in the policy process under investigation. Furthermore, it should be stressed that in this study the achievement of women's movements’ goals might not only cover the realization of desired outcomes, but the prevention of undesired ones as well.

**Effect of political agency by other actors**

Even given the ability to control for many actors, findings about policy influence may still be over-determined because of the risk of confusing correlation with causation. If a particular inclusion of a specific text in the policy programme/law corresponds to demands of a women’s movement, this does not necessarily mean that the women’s movement was influential. Other actors involved in the policy process may have had similar demands, making it unclear exactly who should be given credit for a particular gender policy outcome. To partially reduce the problem it is important to make a clear distinction between the agency of different actors. Thus, in this research I will make the distinction among three potential effects produced by different actors in the policy process: (1) The effect of a women’s movement’s agency on gender policy formation that corresponds to the demands of the women’s movement, (2) The joint effect of a women’s movement’s agency and that of other actors (domestic and international) that corresponds to the demands of the women’s movement, and (3) The joint effect of domestic and international actors which may or may not correspond to the demands of a women’s movement.

Given these different agency effects, three possible results are possible concerning the influence of different actors on the development of gender policies in Croatia and Slovenia. We can claim that a women’s movement exerted influence if the empirical material points to the first two effects. In other words, if the gender policy outcome can be completely or partially attributed to the agency of a women’s movement then it can be argued that the women’s movement exerted influence on the formation of that particular gender policy outcome. In order to attribute the political outcome to the joint activity of a women's movement and other actors it is important to stress that the mere presence of a women's movement in a certain policy process is not enough to conclude that the women's movement was influential. Just as in cases in which the outcome can be attributed entirely to the women's movement, it is crucial that the women's movement made an effort to see its goals and specific demands partially or completely implemented. However,
sometimes the agency of other actors may produce policy results that satisfy women’s movements’ goals. When other actors produce the outcomes in a gender policy area, it will be concluded that the women’s movements did not exert influence (Effect 3).

**International rule and norm promotion**

When speaking about actors other than women’s movements who can influence the formation of gender policies, I make an analytical distinction between domestic and international actors. It is important to check whether purely domestic actors/factors might explain policy results, with little or no independent effects from internationalisation/international actors. What, then, might be considered independent international effects? The international influence on national gender policies is applied through various institutional instruments and norms that are imposed on national governments. The transition countries that applied for EU membership were subjected to EU influence in the area of gender equality (Hunt and Wallace 2005). However, during the transition period the countries in the region were also under the influence of other international organizations - such as the UN and the Council of Europe - which have developed agendas on gender equality. For that reason, this study explores gender equality in terms of internationalization and globalization instead of just Europeanization.

The question remains, though, as to why domestic actors in Croatia and Slovenia would comply with the gender equality norms and rules of international institutions? Scholars in international relations have proposed two competing answers to this compliance puzzle, one rationalist, the other constructivist. Rationalists emphasize coercion, cost/benefit calculations, and material incentives, whereas constructivists emphasize social learning, socialization and social norms (Risse, Ropp and Sikkink 1999, Checkel 2001). Similarly, the literature on Europeanization defines domestic change as a process of redistribution of resources as a result of socialization and learning (Börzel and Risse 2003). According to the rationalist model, international organizations apply political conditionality: the organizations set their liberal democratic norms as conditions that the Eastern European countries have to fulfil in order to receive rewards specified in advance. These rewards consist of assistance and institutional ties ranging from trade and cooperation agreements through association agreements to full membership. Regional organizations pay the reward if the target government complies with the conditions and withhold the reward if it fails to comply.

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94 In one of the most encompassing definitions of “Europeanisation”, Radaelli refers to this process as one of (a) construction (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’, and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and sub-national) discourse, political structures, and public policies (Radaelli 2003: 30)
contrast to the rationalist model of conditionally, the constructivist or social learning model assumes logic of appropriateness (March and Olsen 1989). According to this logic, whether a non-member state adopts the community’s rules thus depends on the degree to which it regards them as appropriate in light of collective identity, values and norms (Schimmelfennig 2003).

Direct and indirect effects of international influence

It is clear that the notion of international influence has both direct and indirect forms. Direct influence can be related to the concept of political conditionality. This refers to the laws and regulations in the gender equality area (e.g. EU gender equality directives) that countries must implement if they want to become members of certain international organizations. But there is also the possibility of indirect effects. These can be analysed through the process of cognitive internationalisation, a process that affects both perceptions and attitudes towards social problems as well as their management. The indirect influence takes the form of international norms in the area of gender equality, which can be found in various policy documents issued by various international organisations. In this respect, there are no direct mechanisms of pressure. This type of international influence gives actors more political space on the national level for dealing with norms of gender equality.

Process tracing as a method for assessing the influence of women’s movements

Given the criteria above, how can we confidently identify instances in which women’s movements have had an impact? Understanding the influence and efficiency of women's movements' strategies requires an in-depth analysis of the interactions between various actors involved in various stages of the policy process. This study will use "process tracing" to develop a detailed analysis of the formation of gender equality policy from multiple forms of source material. Process tracing usually involves tracing the operation of the causal mechanism(s) at work in a given situation by breaking down complex chains of events into smaller pieces and exploring the extent to which each

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95 The increased powers of the EU institutions and the corresponding restructuring of national administrations to fit the European norms and regulations have resulted in national regulations that might have otherwise not come to fruition. Cowles, Caporaso and Risse (2001) speculate that Europeanisation and national coordination with European regulations will take place as the national institutions undergo adaptational pressures. The degree to which these changes will be undertaken depends on the ‘goodness of fit’ between the new European legislation and the existing national regulations, as well as mediating factors. Caporaso and Jupille (2001) have tested these hypotheses on European gender policy and national level adaptation in France and Great Britain. Their findings confirm the hypotheses of Cowles at al. and, moreover recognise the importance and stability of social and cultural norms.
coincides with prior, theoretically derived, expectations about the workings of the mechanism (George and Bennett 1997; 2005). In this study, process tracing will require building a chain of evidence linking women’s movements’ participation in the policy process with the effects of that participation. However, while few political scientists would dispute the importance of analyzing policy processes, there is little agreement on how to do it well (George and Bennett 2005; Checkel 2005). Thus, process tracing should be understood as a general category of research practice, a solidly constructed toolbox in need of specific instruments that researchers might employ.

In terms of data collection strategies, there has been a tendency to equate the process tracing method with the historian’s and narrative methods, particularly those of archival and document-based research. Interviews are, in most cases, not used systematically in policy analyses. The space given to interviews is often inferior to other sources of information. Thus, the goal of collecting interview data is often to confirm information that has already been collected from other sources. In this study the interviews will have equal status with the written sources of information. It is my contention that interviewing actors who have participated in policy processes is highly relevant for process tracing. There are three reasons for this claim. First, while documents and other written sources may provide detailed accounts of the policy process in question, there is often no substitute for gaining insights from the key policy process participants. The nature of interviewing allows interviewers to probe respondents, and thus move beyond written accounts that may often represent an official version of events (Kvale 1996). Second, through focused and theoretically driven questioning the researcher can reconstruct political episodes on the basis of the testimony of respondents, and thus shed light on the hidden elements of political action that are not clear from analysis of other primary sources (Roberts 1996). By presenting the official version of events, documents may present decisions in a way that implies consensus and agreement, when the reality may be that disagreement among the key actors was extensive. The information gathered from the interviews has the potential to demonstrate the complex game of political decision-making, which includes competition, persuasion and reaching compromise. This is especially important when working to uncover the influence of particular political groups. Finally, when documents and memoirs provide an initial overview of the events or issues under examination, interviews with the key players can be used to corroborate the early findings.66 In this way, interviews contribute to the methodological

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66 While interviews can, in many circumstances, compensate for the distortions that exist in written sources, it is important to bear in mind that respondents may attempt to slant their accounts and inflate or minimise their own role in an event or process depending on gains or losses from association with the issues in question. Furthermore, in many cases interviews are held some years after the events of interest have taken place, and simple lapses of memory can limit the usefulness of the information (Kvale 1996).
goal of triangulation, in which data is cross-checked through multiple sources to increase the robustness of the findings.

**Triangulation – ego perception, alter perception and supra analysis**

The problem with much of the existing literature on women’s movements policy influence is that researchers tend to rely too heavily on evidence about what women’s movements did in the policy process (e.g. activities, access, resources) and often neglect evidence about how other actors (e.g. political parties, other interest groups) behaved. For example, studies which use interviews to evaluate the influence of the women's movement often rely too much on the perception of respondents who consist of the women's movements representatives (e.g. Tyyskä 1995; Bashevkin 1998).

To get a more credible picture of the influence of the women's movements, actors who are not part of the women's movement should be treated as potential sources of information about development of certain policy areas as well as their perception of the influence of the women's movements. Thus, the evidence gathered from the interviews conducted for this study is based on women's movements’ representatives’ self-assessment of their influence (ego-perception) and assessments by the targets of their influence, i.e. governmental representatives (alter-perception). This approach will enable evaluation of how objective the representatives of women's movements are about their own influence. To verify knowledge gathered from the alter- and ego- perceptions and confirm whether women’s movements indeed caused certain effects on policy outcomes, an analysis of the policy process will be employed (supra analysis). A similar methodological approach has so far mostly been used in the analysis of the political influence of NGOs on the international level (see for example Arts 1998; Jordan 1998; Arts and Verschuren 1999; Sauvé and Watts 2003). However, the basic concept of this method is also suitable for the analysis of the influence of women’s movements on national policy.

**Interview method - Ego/Alter perception of policy influence**

The sources of information for this study will be the representatives of women’s movements on the one hand and the representatives of

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97 For example Bas Arts study focuses on NGOs’ political influence on the Framework Convention on Climate Change and the Convention on Biological diversity. Political influence is assessed encompassing Ego perception or the views of NGO respondents which are then confronted by Alter-perceptions or the views of government representatives, while casual analysis covers possible casual links between NGO interventions and policy outcomes (Arts 1998). Jordan uses a similar approach to assess NGO impact in the Brent Spar case, in which a Greenpeace campaign reversed Shell Oil’s decision to dispose of a large oil production structure in the North Atlantic (Jordan 1998).
governments and policy experts on the other. The selection of the interview respondents was based on three criteria: (a) the respondent had to be a key person in a women’s movement, (b) the respondent must have been involved in the policy process in question, and (c) the respondent must possess expert knowledge on the policy process. As such, this study used a non-random, purposive sampling technique (Singleton and Straits 2005). Generally, information obtained from a sample is used to draw general inferences from the population. In this study, the small sample of interviews is used to complement and elaborate conclusions drawn from a large body of documentary evidence (see section on supra analysis).

As I have already mentioned, interviewees were selected based on their expertise in the policy area of study. I based my choice of the respondents on the documents and the policy reports which show who was involved in the process of the enactment of the respective laws, as well as on interviews that I had conducted with several representatives of women's movements and several policy experts prior to the actual study fieldwork. The latter interviews were aimed at gathering general information on policy processes.

Altogether 52 interviews were conducted. This may seem an insufficient number of respondents given that the study encompasses two countries and four policy cases. However, in the course of the fieldwork it turned out that several respondents were involved in multiple policy processes at the same time. This was particularly the case for the representatives of women's movements and sometimes the case for representatives of the Governments as well. That fact alone reduced the number of potential respondents relevant for this study. The matter of selecting a small sample randomly is usually made more difficult based on the refusal of organisations or individuals to cooperate. As far as this study was concerned, nine people refused to take part in this research, mainly because they did not have time or they believed that others were more familiar with the issues of this study. In most cases replacements were found who had similar functions in the policy processes.

Semi-structured interviews

The interviews were semi-structured in the sense that most questions were formulated in advance and posed to all interviewees. The same topics were covered in all interviews while being sensitive to variations between individual respondents. To keep the interviews dynamic, different questions were added depending on the experience and knowledge of the respondent concerned. To a certain degree, interviews were kept quite open-ended to allow room for the interviewees to elaborate their views.

98 The transition period is characterized by an intense and comprehensive process of the enactment of laws and policy programs in a relatively short period. That created a situation in which certain politicians and the representatives of women's movements were involved in two, even three, policy processes which are included in this study.

99 The interview guide can be found in appendix 3.
The validity of interviewee’s statements can be considered in terms of the distinction between two perspectives on interviewees. Interviewees may be considered informants, subjects, or witnesses, but when they are representatives they are also an object of analysis (Kvale 1996:219). The interviews in this study encompass both perspectives. They are informative when they provide answers to the questions concerning the nature of the policy process. For example, I asked the respondents to describe an example policy process from its initial phase to the enactment of the relevant law/s, to identify the main actors and to indicate the important debates. These questions provided a basic understanding of the nature of the relevant policy processes. The other perspective was used in evaluating the perception of the influence of particular actors who were involved in the policy process. The women’s movements representatives were asked to focus on their own influence or the lack of it, (ego perception), whereas the government representatives and independent experts were asked for their perceptions of the women’s movements’ influence or the lack of it (alter perception). The following sections will discuss the interviews with the two groups of representatives.

**Interviewing women’s movement’s representatives**

I conducted 25 interviews with expert informants of women’s movements, 13 in Croatia and 12 in Slovenia. All informants held key positions of trust and/or authority in the women’s NGOs, women’s sections of political parties, trade unions and gender equality offices. Some are present or past presidents of national gender equality offices, or executive directors, other are current or past Members of Parliament or other governmental bodies. The range of informants does not cover the entire scope of women's movements but rather those actors who can be seen as the élite or some kind of representatives of women's movements. The choice of the respondents for the purposes of this study is related to the actors who were in some way involved in the policy processes which are at the center of this study. It is therefore important to point out that a different choice of members of women's movements might produce a different picture of the influence from the one that will be shown in this study.

The interviews were conducted between February 2004 and October 2005 and averaged one and a half hours in length. Interviews with Croatian respondents were conducted in Croatian, while interviews with Slovenian respondents were generally conducted in both Croatian and Slovenian, with three exceptions conducted in English. All interviews were face-to-face in settings of the interviewees’ own choice, most commonly their office at work. All interviews were taped, with permission, and with the understanding that the tape recorder would be turned off on request. Several respondents were followed by phone or e-mail to clarify and elaborate information and statements from their interviews.
One of the goals of this study is to make conclusions about the structure and strategies of women's movements in Croatia and Slovenia. Mapping the interpersonal relations between various actors who make up the women's movements is therefore a huge step in achieving that goal. As such, I requested and gained permission for the use of interviewees’ names in this study. Furthermore, the use of names of public or authority figures in connection with statements lends credibility to the study in that they can be easily refuted if misrepresented. It also allows for replication by other researchers. None of the representatives of the women's movement insisted on staying anonymous. A week before the scheduled interview the respondents were sent general questions which contained the basic topics of the interview guide so that they could refresh their memory of the relevant policy processes.

Interviewing government and policy expert representatives

27 interviews were conducted with government and policy expert representatives, 15 in Croatia and 12 in Slovenia. The respondents were chosen on the basis of their function in the policy processes under investigation. For example, they were members of the Government and ministries and members of various Government and parliamentary committees for the enactment of particular laws. At this point it should be noted that although a case was made earlier for the influence of international actors on national gender equality policies, no representatives of international institutions were interviewed for this study. There were two reasons for the such decision. First, it would be difficult to recognize exactly which representatives of the international organizations would have been important in then policy processes being investigated because the channels on a state level are not transparent enough when this type of influence is concerned. Second, while international actors have the potential to be influential, the representatives of the national political authorities are the ones with the greatest authority for making decisions on a national level.

This deficiency is partially compensated for by material from the interviews that were conducted in which interviewees referred specifically to

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100 However, revealing the names and the functions of the respondents caused certain difficulties. For ethical reasons I was not able to present the opinions of certain respondents even though these pieces of information would to a certain extent be valuable for the results of this study. For example, they involve verbal personal attacks and attempts at discrediting the political engagement of certain individuals or the work of certain women's organizations. That sort of information might provide certain indications about the dynamics within the women's movement but they were not used in this study in order to protect the integrity of the respondents. Some respondents declared that certain people were forced to abandon their political functions because they advocated certain political views in the area of gender equality policy. These interesting statements were excluded from the study because it was impossible to check their reliability and there was a possibility that they would harm the reputation of the respondents as well as the reputation of the people they refer to.

101 This does not mean that this type of interview cannot be conducted, but it would demand a work strain which would exceed the frames of this already comprehensive empirical study.
their perception of the influence of international actors and international norms in the process of enacting certain decisions. The policy documents and the reports concerned with the cooperation of Croatia and Slovenia with different international organizations are also a topic of empirical analysis in this study.

When interviewing elite respondents, such as members of governments, the research topic and its perceived sensitivity among elites is critical (Dexter 1970; Seldon and Pappworth 1983). Even if the researcher succeeds in conducting an interview with an elite individual, the question is what are the chances of gaining useful data? Since elites are so often responsible for representing and maintaining particular organizational policies and objectives, they may retreat into quoting policy documents and mission statements instead of answering questions honestly (Thomas 1993: 85). The researcher then faces the disappointment of gaining nothing more from the interview than could have been collected from press statements or annual reports. To reduce these problems I decided to preserve the anonymity of the governmental and policy expert respondents (in contrast to the representatives of women’s movements). While there is no guarantee, it is presumed that anonymity ensures sincere answers from the respondents.102

When presenting quotations in the empirical chapters, I have excluded all information that could be used to identify the interviewee. I left out all indications about the gender and the exact function that the respondent obtained in the process of the enactment of the law. For example, if the person was the president of a certain Government committee for the enactment of the law, the person will be mentioned in the text only as a member of the working group. Of course, it would add to the richness of my analysis if I could disclose which government member of policy expert was behind a particular statement. On the other hand, the actual credibility of this study is not guaranteed by the formal function of the respondents but their involvement in the policy process and their specific knowledge. As in the case of the interviews with the representatives of the women’s movements, the questions were sent to the interviewees a week before the actual interviews.

102 It is possible that despite guaranteed anonymity elite representatives may have reason to underestimate the impact of women’s movements, for example to show that governments take their formal responsibilities regarding gender equality questions seriously. However, they may also overestimate the role of women’s movements. It may make them look more democratic, or more sympathetic to researchers and women’s movements’ representatives. Whichever case may have applied, potential bias in respondent views has been taken into account.
Supra analysis

To verify knowledge gathered from the alter- and ego-perceptions and to confirm whether women’s movements were causally responsible for particular effects on policy outcomes, supra-analysis of the policy process has been employed. The first step in this analysis is to demonstrate that a given women’s movement did engage in the policy process for a particular issue. This draws on evidence of what women’s movements representatives were actually doing (their activities). Did they make an effort to provide other central policy actors with information about the nature of the problem, particular proposals, demands, etc.? I have thus considered whether the other central policy actors actually received the information. If they were not aware of a women's movement’s proposal and/or if they did not consider the proposal to be a viable option, this would suggest that the women’s movement was not particularly effective at communicating its position and thus was not influential. Second, the analysis will check whether a women’s movement fully or partially achieved its goal (goal attainment). A goal in this case may refer to either the achievement or the enhancement of a value, or to the prevention of an undesired value. The check itself will be based on comparison of the outcome with a women’s movements initial policy goal, deduced from the documents and interviews and the concrete policy outcome. In cases where a women’s movement did not achieve its goal, it will be assumed that they were not influential at all. A third check will involve considering whether goal achievement can be shown to be caused by the intervention of a women’s movement rather than by that of a government or other actors (international organisations, political parties, etc.). In other words, outcomes will be verified as being more in line with women’s movements’ goals than if the latter had not intervened. To check this, the policy process of each case was reconstructed as accurately as possible.

To summarise, making a convincing claim about the influence of women's movements requires understanding the agendas of political leaders and the content of legislative programs prior to the women’s movements action and assessments of what legislators might have voted for in the absence of women’s movements. To employ this process analysis a great number of policy documents will be consulted. Primary documents include the final legislation text, drafts negotiated along the way toward final versions, the official reports of the different negotiation sessions, country statements, women’s movements’ lobbying materials, parliamentary debates and official country reports issued by different international organisations.

The application of alter- and ego- perception and supra policy analysis, raises the question of how to construct a final judgement on the influence of women’s movements on policy. It is obvious that a conclusion will be positive where ego-perception, alter-perception and supra policy analysis are all affirmative concerning a specific policy topic. In that case we can draw
the conclusion that women’s movements were influential. The same goes for the opposite, where ego-perception, alter-perception and the supra policy analysis are negative we can conclude that women’s movements were not influential. The situation changes in cases where alter- and ego-perception analysis differ from supra policy analysis. In general for this study, the supra policy analysis will be considered dominant because it is based on fixed policy documents whereas the late builds on ‘temporally distorted’ views of respondents. As actors all have strong and sometimes opposite interests, this may also lead to biased answers.

To understand the extent to which and in what way women’s movements in Croatia and Slovenia exerted influence on the formation of gender policies during the countries’ transition periods, the following sub-questions should be considered:

a) According to the representatives of women’s movements, which aspects of the gender policy cases were influenced by women’s movements and which were influenced by other actors (ego perception)?
b) According to governmental representatives and policy experts, which aspects of the policy cases were influenced by women’s movements and which were influenced by other actors (alter perception)?
c) To what extent are the outcomes of alter- and ego-perceptions confirmed by the supra analytic reconstruction of the decision-making processes?

Conclusion

In this study, policy influence is defined as the achievement of a women's movement’s policy goal, with regard to an outcome in a policy programme or law, which is at least partly caused by the movement’s particular and intentional intervention in the policy process under investigation. Consequently women’s movements will only be regarded as influencing gender policy if the following preconditions are met: (a) Women’s movement achieve (part of) their policy goals and (b) they do so because of their particular interventions in the policy arena (and not because of third parties, although they may co-operate with other actors to achieve goals, i.e. joint effect of women’s movements agency and the agency of other political actors). Hence unintentional and unconscious influences will be excluded from being defined as having had influence.

In addition, to strengthen the evidence of the women's movements’ influence or non-influence on the formation of gender policies, the above framework provides the basis for comparative analyses of the women’s
movements’ policy influences. By collecting evidence of women's movements’ influences in a systematic fashion and by using different data sources to support that evidence, I should be able to develop qualitative assessments in terms of influence/non-influence of women’s movements on the different levels of policy processes and in different policy cases. However, it should be recognized that any assessment of the policy influence of different actors is only an informed guess. The researcher can never be sure of having included all relevant (f)actors in the analysis (Tilly 1999).

Outline of the empirical chapters

The empirical analysis of four policy cases (violence against women, anti-discrimination policy, parental leave and gender dimension of pension reform) will be organized as follows. I will start with a short description of the main characteristic of the policy case in question by outlining the most relevant policy changes which occurred in period of study (1991-2004). That will be followed by a brief description of the development of the policy areas from the moment when an issue was put on the public agenda until the adoption of relevant laws. This reconstruction of policy processes will be based on the information gathered from the relevant policy documents, previous studies, newspaper articles and interviews with the actors who were involved. I have stressed that the interviewees in this study are both informants and respondents. It is important to also stress that the description of the development of certain policy areas is based on the informative part of the interview guide, in which the informants were asked to describe the course of the policy process from agenda-setting to the enactment of laws. This initial description of the policy process will show which actors were involved in different phases of the policy processes and in which political forums important decisions were made. After the description of the policy process, the chapter will present the way in which the representatives of the women's movements, government representatives and policy experts evaluated the influence of the women's movement as well as the influence of other actors on the enactment of different laws. To synthesize the empirical facts derived from the interview analysis and to make final conclusions about the impact of a women's movement on policy results, I will conclude each empirical chapter with a supra analysis. Each analysis of a certain policy process in a particular country is followed by the comparison of the policy influence of the women's movements.
Policy case 1
Violence against women
(Domestic violence)

Domestic violence, whose victims are mostly women and children, has long been a part of the historical development of power imbalances and gender inequality in societies the world over (Council of Europe 2004). In Slovenia and Croatia, as well as in other Eastern European post-communist countries, women have lived silently with the problem of domestic violence for centuries. There is no doubt that over the past few years there has been considerable progress in addressing the issue in Slovenia and Croatia. In the transition period the issue of violence against women was put on the public agenda and some significant changes in the legislation have taken place.

The case of Croatia

Most important changes in Croatian legislation concerning the issue of violence against women occurred in the period from 1999-2003. Those changes were implemented in the Family Law, the Criminal Code, Law on Misdemeanors and a special Law on Protection Against Domestic Violence. In the Family Law, which came into force on 1st of July 1999, the notion of domestic violence was mentioned for the first time in Croatian legislation through an explicit prohibition of “violent behavior of the spouse or any other full age family member” defined in the Article 118. At the end of 2000, the new Law on Changes and Amendments to the Criminal Code was enacted. Since December 30th 2000 the criminal legal framework of the

103 Article 118 is a part of the Family Law Chapter "Parental Care" and a section "Protection of Rights and Welfare of a Child and Younger Full Age Person." (Official Gazette No. 162/98)
104 (Official Gazette No. 129/2000)
Republic of Croatia has included the new criminal act: "Violent behavior within family" (Article. 215.a). Until October 2002 misdemeanor procedures against perpetrators of domestic violence were implemented according to the 1973 Law on Misdemeanors. This Law did not have a provision for removal of the perpetrator from the family until the end of misdemeanor procedure, which meant that victims of domestic violence could not get protection immediately after violence occurred. Since October 2002, when the new Law on Misdemeanors was enacted, the position of the victims of domestic violence improved.\textsuperscript{105} The Misdemeanor Court became authorized to give a ruling “alone or on applicants’ request” for holding in custody the person “caught in violation of public order and peace or in misdemeanour concerning domestic violence, if there is a substantial danger that the misdemeanour will continue” (Article 146. paragraph 1). Since 2002, the Law on Criminal Procedure has introduced amendments to precautionary measures provisions. For example, a new provision of a "restraining order and prohibition of initiation or keeping relationship with specific person" (Article. 90) was included.\textsuperscript{106}

In order to address the problem of violence against women in a more comprehensive way and to provide a more coherent legal framework, the special Law on Protection from Domestic Violence was passed in October 2003. This law defined the term “domestic violence”, provided protection from domestic violence, prescribed forms and purposes of criminal legal sanctions, and set out precautionary measures for protection of injured parties from further domestic violence.\textsuperscript{107}

\section*{Policy process analysis}

\subsection*{How the issue was brought onto the public agenda}

Under communism domestic violence against women was considered a ‘private matter’ exempt from state and public intervention. In the late 1980s the question of violence against women became politicised in Croatia when women’s organisations started dealing with the issue. The first SOS phone-line for victims of violence was founded in Zagreb in 1988. The SOS line

\begin{flushright}
\textsuperscript{105} (Official Gazette No. 88/2002) \\
\textsuperscript{106} (Official Gazette No. 58/2003) \\
\textsuperscript{107} Appropriate sanctions have been prescribed for perpetrators of violent acts. The law introduces, along with prison sentences and fines, a line of precautionary measures for protection of the victims of violence from further domestic violence, and these are: precautionary measure of obligatory psychosocial treatment, precautionary measure of prohibition to approach the victim of violence, precautionary measure of prohibition of harassment or spying on a person exposed to violence, precautionary measure of removal from apartment, house or other housing facility, restraining order, precautionary measure of assurance of protection of a person exposed to violence, precautionary measure of compulsory drug abuse treatment and precautionary measure of seizure of objects (Official Gazette No. 116/2003)
\end{flushright}

91
was established as an initiative of the Women’s Group Trešnjevka, which functioned as a consciousness-raising and action group from 1986 - 1990 (CWWV 2003). In December 1990, the Autonomous Women's House Zagreb was set up as the first women's shelter in Eastern Europe, squatting in an empty state-owned apartment until it was officially registered in June 1992. During the first half of the 1990s there were no specific demands for the changes in legislation concerning the issues of violence against women and domestic violence. However, in the second half of the 1990s, after the tensions of the war had settled, women's NGOs started lobbying for legal changes in the area of violence against women.

Besides the legal changes, one of the goals of the women's NGOs was to educate the wider public about the problem of domestic violence in Croatian society. In 1997 women's NGOs initiated several media campaigns related to the problem of domestic violence. The first major campaign took place in the autumn of 1997 under the name “16 Days Campaign Against Gender Violence”. The activities took the form of coalitions and independent activities all around the country, such as the "STOP Violence Against Women!" project. On 25 November 1997 “STOP Violence Against Women!” arranged a public forum in Zagreb. The participants discussed Croatian legislation on violence against women and the future plans of the project. The forum was covered by HTV (Croatian television) in a political news program. The project also produced a TV commercial and a poster featuring a battered woman stating that “all women have the rights to be protected from violence”. The TV commercial was broadcast on Croatian television while the posters were posted all around Zagreb and in several towns around the country. That same day - the International Day of Fighting Violence Against Women - a coalition of about 30 Croatian women's NGOs sent a letter to Croatian media and all the important political and social institutions in the country demanding the enactment of the Law Against Domestic Violence among other things.

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108 Over ten years ago, individuals and groups from all over the world started sponsoring and organising activities during the “16 Day Campaign Against Gender Violence” (25th of November - 10th of December) with a purpose to raise public awareness about all forms of violence against women in their communities. “16 days of activism” became an annual event in many towns, countries and regions. (B.a.B.e. 1998a)

109 The Coalition included: Women's Group Poreč; Women's Group Mali Lošinj; Women's Action Rijeka (ZAR); Pakrac Women's Group; "Open Door" Split; Center for Women's Studies, Zagreb; Rosa House, Velika Gorica; CESL Zagreb; Women's Section of TOD, Split; STAR project and B.a.B.e.

110 The project group was founded by Autonomous Women's House, B.a.B.e., Center for Women War Victims, and the Counselling Center for Women. The projects aims were to compile statistics on violence against women in Croatia, analyze the legal mechanisms in the Croatian legal system for the protection of women victims of violence, identify obstacles in the Croatian legal system; create an analysis of the implementation of international law in Croatia, lobby for legal change and public awareness, lobby for the establishment of governmentally funded shelters for women victims of violence and create a public education campaign (B.a.B.e. 1997c)

111 (B.a.B.e. 1997c)
Changes to the Criminal Code

At the end of 1997, reform of criminal legislation was conducted in Croatia with the adoption of a new Criminal Code, the Law on Criminal Procedure, the Law on Youth Courts and the Law on Protection of People with Mental Disabilities. The reform of criminal laws was undertaken to bring them in line with the Constitution of the Republic of Croatia (1990), various social, political and economic changes, and to apply important international legal standards on protection of basic human rights and freedoms adopted as a result of Croatia’s signing and ratification of numerous international treaties.

Since the very beginning of the reform and then during the amendment of various laws, women's NGOs lobbied their way into the legal procedure and demanded that domestic violence should be sanctioned as offence in its own right and that the victims of violence should be protected by an appropriate mechanism which would remove the perpetrator from the victim. Based on numerous phone calls from women victims of domestic violence, women’s organisations concluded that the police generally refused to intervene and protect the victims, under the premise that domestic violence was a private family problem. One of the organisations most active in the lobbying process for changing the Criminal Code was B.a.B.e. In particular, B.a.B.e. considered provisions from the Article 102.2 and 188.5 of the Criminal Code to be unconstitutional because they legalised discrimination of victims. These two provisions of the Criminal Code prevented, according to B.a.B.e, efficient implementation of the law in prevention and elimination of violence against women. In B.a.B.e’s opinion, severe bodily harm and rape are such serious and devastating crimes that the State has to initiate pressing charges, regardless of the relationship between the victim and the perpetrator, and regardless whether or not the victim has forgiven the perpetrator. This was the reason why B.a.B.e suggested to the Constitutional...

113 Before the reform of the Criminal Code, criminal procedure for severe bodily harm was always initiated by the State Criminal Prosecutor upon the receipt of a police report, of the victim’s report or the medical report of the doctor who discovered severe bodily harm during a medical check up. The reformed Criminal Code, in the Article 102.2 states that the State Criminal Prosecutor is not required by the law to press charges, based on the police or medical reports, if the victim (in majority of cases a woman) was severely injured by her married or unmarried partner or a close relative (such as brother or sister, adoptive parents or adopted children). The State Criminal Prosecutor is obliged to press charges only upon the initiative of the victim. Therefore, the victim herself has to contact the State Criminal Prosecutor by submitting a claim for criminal charges. In all other cases of severe bodily harm, when the perpetrator is not related to or is not in a relationship with the victim, the State Criminal Prosecutor is obliged by the law to press charges against the perpetrator upon the receipt of the official report from the police or a doctor, and does not have to wait that the victim initiates pressing charges herself. The same procedure of pressing charges is stated in the Article 188.5. for the crime of rape committed in a marriage and a domestic partnership, and between close family members. By this type of law, the State considers domestic violence to be a private family problem (most often, a woman’s problem since she is the most likely victim). By doing so, the State works against the constitutional principle stated in the Article 61 of the Constitution, which stipulates that the family is under special protection of the State.
Court of the Republic of Croatia to review the constitutionality of those provisions.\textsuperscript{114}

Not recognizing the discrimination against victims of severe bodily harm and rape in cases where they were married to the perpetrator or living in common law marriage, the Constitutional Court of the Republic of Croatia decided on April 28, 1999 that B.a.B.e.’s suggestion for evaluation of constitutionality of articles 102.2. and 188.5 of the \textit{Criminal Code} was groundless.\textsuperscript{115} However, in 1999 B.a.B.e. continued lobbying for changes of the \textit{Criminal Code} by organizing a press conference on June 9, 1999 (Vjesnik 1999a). This press conference was their vehicle to inform the public about the Constitutional Court’s decision. Their guest speakers at the press conference, female parliamentarians’ Đurđa Adlešić (HSLS), Željka Antunović (SDP) and Snježana Biga-Friganović (SDP), publicly promised to submit a request for the amendment of articles 102.2 and 188.5 of the \textit{Criminal Code}.\textsuperscript{116}

In June 23 and 24, 1999 a meeting was held at the Ministry of Work and Social Care entitled “Together Against Violence to Women”, organized by the Croatian Equality Commission and the Council of Europe.\textsuperscript{117} Approximately 120 participants were present. Introductory remarks on each of the topics (Causes of violence to women, Experience in the war against violence to women and Preventive action) were presented by Croatian and European experts. One of the topics at the conference was the proposal initiated by the women's NGOs that the \textit{Criminal Code} should be amended. Ljerka Mİntas-Hodak, the president of the Equality Commission accepted the proposals of the women's NGOs and promised to push the proposals into parliamentary procedure (Vjesnik 1999b).

In the process prior to the adoption of the \textit{Law on Changes and Amendments to the Criminal Code}, B.a.B.e. actively participated in suggesting changes and amendments to the \textit{Criminal Code} in order to improve the status of the victims of domestic violence.\textsuperscript{118} Shortly prior to the first and then right before its third reading (on March 23, 2000), B.a.B.e. sent its suggestions to the Ministry of Justice, Administration and Local Self-government, to the Vice-President of the government Zeljka Antunović, and to the members of parliament. Later on in the process, amendments of the \textit{Criminal Code} were submitted by Jadranka Kosor (HDZ), and were


\textsuperscript{115} As an explanation for the decision, the Constitutional Court stated the following: “The Constitutional Court believes that, in this case, the lawmaker wanted to protect the family and that the lawmaker believes that the way to protect the family is to let the family itself decide whether or not to prosecute the perpetrator.”

\textsuperscript{116} Jadranka Kosor (HDZ) was also supposed to participate on the press conference but she was unable to attend (Vjesnik 1999b)

\textsuperscript{117} CEDAW (1999)

\textsuperscript{118} B.a.B.e. (2000b) Suggestions to the Law on Changes and Amendments to the Criminal Code
accepted by the government while it was also in the process of developing the Law on Changes and Amendments of the Criminal Code.\textsuperscript{119}

These amendments involved erasing articles 102.2 and 188.5 of the Criminal Code, so that victims of domestic violence (severe bodily harm and rape), no longer had to initiate pressing charges themselves. Furthermore, a new criminal act “Violent behaviour in the family,” (Article 215.a) was introduced: “A family member, who by the use of violence, abuse or especially insolent behaviour humiliates another family member, will be sentenced to imprisonment from three months to three years.”

Changes in the Family Law

In 1997/1998 there were also public debates on the enactment of the new Family Law. B.a.B.e., in cooperation with its lawyers and associates from other women’s NGOs, lobbied for certain changes in the Family Law. One of the demands that B.a.B.e. made was that the new law should strictly ban domestic violence.\textsuperscript{120} In November 1998, the Ministry of Work and Social Care prepared the final draft of the Family Law. The proposed draft law caused intense discussions at the regular meetings of the Committee of Interior and Justice and the Committee of Work, Social Care and Health.\textsuperscript{121} Besides ordinary members of the Committees, representatives of women’s organisations also attended those meetings. Representatives of B.a.B.e., and several women parliamentarians, in particular Jadranka Kosor (HDZ) and Željka Antunović (SDP), emphasized the fact that victims of domestic violence are usually women and that they should be properly protected by the law. In contrast, several male members of the Committees pointed out that the advocates of changes in the Family Law put too much focus on women’s rights when speaking about problems of domestic violence. They argued that all members of the family need to be protected from the domestic violence, not just women. The Committee for Social Work proposed that the violence against women and children should be punishable in the same way.\textsuperscript{122} After discussion in parliament, a new Family Law was adopted on December 11, 1998, and it came into force on July 1, 1999.\textsuperscript{123} The session

\textsuperscript{119} Criminal Code, discussions at the 9\textsuperscript{th} regular session of the Croatian Parliament, 14 December 2000

\textsuperscript{120} B.a.B.e. Special Report (2000c) The Status of Women’s Rights in Croatia

\textsuperscript{121} Family Law, discussions at the 16\textsuperscript{th} regular session of the Committee of the Interior and Justice, 2 December 1998 and Family Law, discussions at the 24\textsuperscript{th} regular session of the Committee of the Work, Social Care and Health, 4 December 1998

\textsuperscript{122} The minister of Work, Social Care and Health, Jozo Škare, was in particular against the proposal to emphasize women as special category that needs protection from domestic violence. He pointed out that in marriage relations it is hard to say who is the real victim, who harasses whom and who hurts whose feelings. What would happen, he asked, “if she comes home, and who knows where she was?” (Family Law, discussions at the 24\textsuperscript{th} regular session of the Committee of the Work, Social Policy and Health, 4 December 1998)

\textsuperscript{123} (Official Gazette No. 162/98)
was characterized by broad consensus among parliamentarians that Croatian legislation needed such measures in order to achieve better protection of victims of domestic violence. Domestic violence was defined as "violent behaviour of a spouse or another family member over 18" (Article 118).

**Law on Misdemeanors**

Although positive changes were made to the *Criminal Code* and the *Family Law*, according to women’s NGOs not all barriers had been removed to the efficient protection of victims of domestic violence and systematic improvement of their status. According to B.a.B.e., a serious barrier was the non-existence of a protective mechanism which would remove the perpetrator from the family before a court decision could be made. Until 1st October 2002, the misdemeanor procedures against the domestic violence perpetrator had been implemented according to the *Law on Misdemeanors* from 1973. This law did not remove the perpetrator from the family until the end of misdemeanor procedure. The perpetrator was usually kept in police custody not longer than 48 hours, and cross-examined at the misdemeanor court, after which he/she returned to his/her family, which left family members unprotected and waiting for months together with the perpetrator for court procedure.

In order to achieve efficient protection of victims of domestic violence, the Central Bureau for Protection of Family, Motherhood and Youth, has, in the name of the Croatian government, proposed changes to the *Law on Misdemeanors*. The proposed amendments were discussed at the seventh regular session of the Croatian parliament in October 2000. Representatives of all parliamentary parties participated in the discussion and the majority agreed that domestic violence represented one of the biggest problems in Croatian society and that legislative measures to combat domestic violence were more than welcome. Since 1st October 2002, when the new *Law on Misdemeanors* was enacted, the position of victims of domestic violence has improved. The Misdemeanor Court became authorized to give a ruling “alone or on applicants’ request” for holding in custody the person “caught in violation of public order and peace or in misdemeanor concerning domestic violence ... if there is a substantial danger that the misdemeanor will continue”. Since the 2002, new provisions in

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125 Law on Misdemeanors, discussions at the 7th regular session of the Croatian Parliament, 5 October 2000
126 (Official Gazette No. 88/2002)
127 (Article 146. paragraph 1) Holding in custody can last until the reason, which caused the detention, has ended, but no longer than 8 days (for underage persons 24 hours), counting from the moment of imprisonment, and including the time spent in police detention, no longer than 12 hours. The perpetrator
the Law on Criminal Procedure have been in force with amendments of the precautionary measures provisions such as a "restraining order and prohibition of initiation or maintenance of a relationship with a specific person" (Article 90).128

Law on Protection Against Domestic Violence

The need for the enactment of a separate Law on Protection Against Domestic Violence was mentioned for the first time in 1998 in public letter from a coalition of Croatian women's NGOs on the International Day of Fighting Violence Against Women.129 According to women's NGOs, this law would make domestic violence a criminal act and institute court measures such as removal of a violator from his home, retraining orders, mandatory psychosocial programs for abusers, and severe punishment for violence. The enactment of the law was officially first mentioned in 2002 in the National Program of the Republic of Croatia for joining the EU.130 However, unlike the women's NGOs, which primarily related the enactment of the law to the women who were the victims of violence, the National Program stresses primarily the need to fight violence against children.131

Some months before learning that the government would suggest such a law, women’s organisations dealing with domestic violence instructed their own lawyers to write their own version of the law. The lawyers most active in writing the proposed Bill were Ljubica Martinović from the Center for Women War Victims and Radmila Sučević from B.a.B.e. When the government working group for the creation of the law was formed, Ljubica Martinović was asked to become its president. The first draft of the bill was discussed at the meeting of the Committee for Gender Equality on the 20

must be examined by the court within 24 hours, and misdemeanor procedure must start the next working day after the day perpetrator was examined.
128 (Official Gazette No. 58/2002)
129 Letter to the Public – Coalition of Croatian Women’s Groups, November 25, 1997
131 In the National Program of the Republic of Croatia for joining the EU, Croatian government argue for the need of the special law on domestic violence in the following way: “During the last decade we have witnessed an increasing global preoccupation with children's wellbeing and progress, as well as the fight against violence in their surroundings. The increased need to protect them resulted in further empowerment of penal legislation even after its reform in 1997. The amendments to the Penal Code thus introduced the new Article 213 which proscribes a three-year punishment for violent behaviour in the family. After that a new consensus was reached in Croatia and it expressed the need that family should be protected against violence more adequately by a specific law which would sum up this subject matter. For that reason this year in May the Government of the Republic of Croatia formed a work group for the creation of the Law on the Protection Against Domestic Violence. These efforts are the extension of the Croatian Government's obligations which it had accepted along with the Convention on the Rights of Children and the Convention on the Abolition of All Forms of Discrimination Against Women”
January 2003. The Committee proposed 10 amendments to the Bill, all of which were adopted. The Bill entered the parliamentary procedure in February 2003 and the first reading of the Bill took place at the 29th session of the Croatian Parliament. During the parliamentary debate several representatives criticized the proposed Bill. Their criticism was mostly pointed at the fact that the bill was poorly written, potentially disabling the interpretation of the law. However, the Law on Protection Against Domestic Violence was enacted by the parliament at the session on 14 July 2003.

The following actors were involved in various phases of the policy process concerning the issue of violence against women in Croatia (see table 6.1).

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<th>Analyzed policy segments</th>
<th>Main actors involved</th>
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<td>General Agenda setting</td>
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132. The first draft law was discussed at the 4th regular session of the Committee for Gender Equality, 20 January 2003. The session was attended among others by Milanka Opačić, president of the Committee for Gender Equality, Ingrid Antičević Marinović, minister of Justice, Jadranka Kosor (HDZ), Đurđa Adlešić (HSLS), Radmila Sučević (B.a.B.e.) and Neva Tole (Autonomous Women’s House).

133. Law on Protection Against Domestic Violence, discussions at the 25th regular session of the Committee for Gender Equality, 9 July 2003

134. Law on Protection Against Domestic Violence, discussions at the 29th regular session of the Croatian Parliament, 5 February 2003

135. Law on Protection Against Domestic Violence, discussions at the 25th regular session of the Committee for Gender Equality, 9 July 2003
Policy case 1 – Violence against women

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Table 6.1. Analyzed policy segments and the main actors involved in the policy case 1 – Croatia

Women’s movement self-assessment of influence perception (ego perception)

The previous policy process description shows that several representatives of the women’s movement were involved in various phases of the policy process. As far as women's NGOs are concerned, the primary actors were B.a.B.e., the Center for Women War Victims (CWWV) and Autonomous Women’s House (AWH). The SGPA representatives involved were several women politicians, the Equality Commission and the Parliamentary Committee for Gender Equality. How do those representatives of women's movements perceive their role in the changes in Croatian legislation concerning the question of violence against women? According to women’s movement representatives, which subjects of the policy case in question were influenced by women’s movement and which were influenced by other actors?

NGOs, women politicians and women bureaucrats all seem to believe that women's NGOs which dealt with the problem of violence were particularly responsible for this issue entering the Croatian public agenda. According to Sanja Sarnavka, B.a.B.e. coordinator:

Violence against women is a subject that has become evident in society, not only because of our involvement but also because of the involvement of other women’s organisations ... Violence is a subject that both the media and the public have embraced. The most recognizable contribution of B.a.B.e. has certainly been media campaigns “16 days of activism against violence against women”.

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Gordana Lukač Korítnik, Gender Equality Ombudsman, shares similar opinion regarding the influence of the Women’s NGOs on the agenda setting. Moreover, she also emphasizes the influence of women politicians:

Thanks to continued lobbying by women’s NGOs and the engagement of women politicians the public has been sensitized to this issue. Male politicians do not make jokes about it anymore … Terminology women’s groups introduced is being used in the Parliament, there is a consensus about legislature on domestic violence … We have more women’s organisations, especially in smaller settlements … SOS hot-lines are being established etc. Women have more and more information, they come forward with their problems and so this problem becomes more visible.

As far as specific legal changes to the Criminal Code and the Family Law are concerned, all interviewees stressed the influence of women's NGOs, both in terms of demands for change and the final content. According to Martina Belić, B.a.B.e. coordinator:

The change of the Criminal Code was initiated by B.a.B.e. back in 1998 … When the new government of the Republic of Croatia announced the reform of the Criminal Code at the beginning of 2000, we used it as an ideal opportunity to offer our remarks and proposals in order to protect the victims of domestic violence more properly. We addressed our remarks and proposals to Željka Antunović, the vice-president, to the Minister of Justice, to the Commission for Gender Equality and to numerous representatives of the parliament … Most of our proposals were accepted by the parliament.

Belić also confirmed the impact that the women’s movements representatives had on the Family Law:

As for Family Law, B.a.B.e. gave several suggestions and proposals during the first, second and third reading in Sabor (parliament), as well as providing a detailed clause-by-clause study of the Bill … After much lobbying and many objections from women's groups and women in parliament, for the first time in Croatian Family Law violence against any member in the family is forbidden … and restraining orders are incorporated into other laws.

The cooperation between women politicians and representatives of women's NGOs was often pointed out in the interviews as the basic precondition for successful enactment of the laws. Sanja Sarnavka from B.a.B.e. comments on the cooperation as follows:

We have since the late 1990s strengthened our cooperation and relationships with women in the parliament. These relationships are mutually beneficiary and provide us with better possibilities to influence the parliamentary decision making … On a couple of occasions, good cooperation of the women’s NGOs and representatives of the decision-making bodies proved that only with joint actions true progress and advancement of women’s human rights could be achieved. NGOs can only propose, suggest, initiate, draft, but they do not have the political power to actually change laws, institutions, and especially influence civil servants’ performance … When we,
for instance, drafted amendments to the Family Law dealing with the issue of family violence, only with the support of MP Đurđa Adlešić and Jadranka Kosor, they could have been introduced and adopted by the Parliament.

When it comes to the *Law on Domestic Violence*, the interviewees did not clearly indicate a primary initiator nor who should be credited for its enactment. Several representatives of the women’s movement claimed that the initiative came from women’s NGOs, while others were not sure who was the initiator. According to Nela Pamuković from the Centre for Women War Victims - ROSA, Women’s Autonomous House and B.a.B.e. were drafting their own proposed Bill not knowing that the government had initiated the creation of a similar Bill:

In 2002 we made our bill but we found out that the government was making their own while ours was still in the process of formation. Then they invited Ljubica Martinović to be the president of their work group which was very strange because she was working for them and for us at the same time. It was a confusing situation both for her and for us ... However, we talked about it and made our suggestions concerning their first draft ... Ljubica Martinović as the head of the group did not have great authorities. Most of the work was done by the people from the Ministry of Justice so that she did not have much opportunity to intervene.

As far as the achievement of specific goals for the *Law on Domestic Violence* is concerned, the interviews show that the goals and demands of the women's movement were not completely fulfilled. Although the majority of the women’s movements representatives said that they are satisfied with the fact that the law was enacted, most of them also expressed dissatisfaction with its content. They were mostly dissatisfied with the fact that violence against women is treated as misdemeanours and that punishment usually involves a fine rather than a jail sentence.

According to Martina Belić from B.a.B.e.:

The final draft of the Law on Protection Against Domestic Violence is based on the draft which was debated during the first reading in parliament. Some parts of the Bill were improved but unfortunately none of our numerous remarks was accepted ... The Law on Protection Against Domestic Violence is very poor. Its greatest shortcoming is that it treats violence as misdemeanours. We demanded that it should treat violence as a criminal offence. We find it extremely insulting that a person can simply pay in cash for committing that kind of crime ... For example, we had a case in Split where a famous football player paid a 5000 HRK\(^{136}\) fine for beating his wife. He did not even feel the loss of 5000 HRK and that is where the story ends…

\(^{136}\) 1.00 Euro equals 7.30 Croatian kunas (HRK)
As regards international influence, several representatives of the women's movement pointed out that international norms had been used to certain extent in the process of lobbying. Sanja Sarnavka from B.a.B.e. argues:

As far as this area is concerned, we have frequently stressed in the media that the Croatian legal frame is not compatible with international regulations concerning domestic violence and that it requires certain changes ... In our contacts with politicians and the media we often referred to the recommendations of the CEDAW Convention as well as to the recommendations of the Council of Europe.

Other representatives did not give much credit to international influence, stressing that the credit for the changes which took place in that area should be primarily given to the representatives of the women's movement.

**Assessment of women’s movement influence by other policy actors (alter perception)**

Beside women’s movements, the other important actors involved in the violence against women policy process were the Central Bureau for Protection of Family, Motherhood and Youth, the Government working group for the creation of the law on domestic violence, Ministry of Justice, Administration and Local Self-government, Ministry of Work and Social Care, Committee of Interior and Justice and Committee of Work and Social Care. All the respondents were convinced that the women's NGOs played an important role in making the issue of violence against women an open and debated issue in Croatian society. Achievements in regards to the prevention of violence against women have been observed over longer and shorter periods of time, and thus some of the interviewees noticed that the violence against women was already a key issue in Croatian women’s movements in the late 1980s:

This is an issue Croatian feminists have been engaged in for the past 15 years, since 1988 and foundation of SOS hot-line ... so the results are visible.

Another respondent, the member of Central Bureau for Protection of Family, Motherhood and Youth, mentioned only the last decade, especially the last few years, as the period in which special attention has been drawn to the violence against women:

Many things happened. The public finally started talking about it, and not so long ago it was a taboo. For years, nothing had been happening and only in the past few years it has become serious ... The media covers it better. It can partly be attributed to B.a.B.e. and women’s scene because they have tried for years to make the media cover the subject of domestic violence.
Respondents also pointed out the importance of continuous public visibility campaigns against violence against women. Several respondents claimed that women’s movements are highly developed and emphasised their impact on different gender equality issues and violence against women in particular. As one respondent, the representative of the Ministry of Interior and Justice, said:

The women’s movement is one of the most developed social movements in Croatia ... Because of their activities, all gender equality issues, especially fight against violence against women, have become the most visible publicly.

Another respondent, from the Committee of Interior and Justice, emphasised women’s movements influence on the legislative framework concerning domestic violence:

Even though domestic violence is old as mankind itself, contemporary society has started dealing with it only recently ... Examining the Croatian legislation in the context of this problem, the ways in which it has changed and dealt with this problem, as well as the participants who witnessed those changes, we come to a significant discovery. The changes were greatly the result of the strivings of the women’s civil society organisations and their long-term activity.

In lobbying for legislative changes, argumentation based on expert knowledge was also emphasised by respondents. It was often stressed in the interviews that the representatives of women's NGOs have extensive knowledge in the area of women's human rights and gender equality and the that they are very skillful in lobbying:

Croatian women’s organisations have very professional staff and are capable of dealing with political lobbying. Their professionalism has also contributed to the better understanding of the whole spectrum of women’s human rights issues, and in particular the issues of domestic violence.

As far as the specific legal changes are concerned, four out of five respondents pointed out that women's movements had influence (one could not specifically answer that question). Of the four that claimed influence, a representative of the government argued that women’s organisations had an impact on changes of the Criminal Code and the Family Law:

Women’s organisations and in particular B.a.B.e. contributed a great deal to legal changes and put a lot of pressure that the Criminal Code sanctions domestic violence ... Women’s organisations also played an important role in the process of amending the Family Law.

One of the members of the group for the creation of the Law on Domestic Violence also confirms the influence of the women's movement. It is important to point out that this same respondent gave credit to the Croatian
Government which, in respondents’ opinion, found inspiration in similar laws of other countries and in recommendations of the Council of Europe. Besides this respondent, none of the other respondents stressed the influence of international norms. The respondent said:

It is obvious that the women's organisations and certain politicians made the government realize that such a comprehensive law on domestic violence is necessary. However, I must point out that many European countries deal with this problem in a similar way. Therefore we also found inspiration in similar laws from other countries as well as in the recommendations of the Council of Europe … The representatives of the women's organisations were involved in the creation of the Bill and I believe that they had certain influence on the content of the law.

**Supra analysis**

*The extent of women’s movement influence*

What kind of influence did the Croatian women’s movement have on the policy process regarding the problem of violence against women? The interviews and documents suggest that the women's movement played a significant role in the process. Apart from women's NGOs and female politicians there were no other actors actively dealing with the issue of violence against women during this period. Representatives of the women's movement were present in the media and actively participated in public debates. Every year since 1997 a coalition of women's organisations has organized campaigns to educate the public and increase awareness, the most important of which was the "16 Days of Activism Against Gender Violence". The engagement of women's organisations was the decisive element for the question of domestic violence being seen as a social problem in Croatia.

It can also be concluded that the women's movement played an important role in the process of amending the laws on violence against women. Most of their goals and concrete demands concerning violence against women were implemented in Croatian legislation during the transition period. The documents and the interviews show us that women's NGOs were the primary initiators of the amendments to the *Criminal Code* and the *Family Law*, lobbying for change since 1998. Women's NGOs lobbied their way into the legislation procedure, demanding that domestic violence should be treated as a specific criminal offence and that the victims of violence should be protected by an appropriate mechanism for removing the violent perpetrator. Led by B.a.B.e., women’s organisations developed their own proposals for amending the law and received significant support from several female politicians who lobbied for these proposals in the government and parliament. When a bill entered the parliamentary Bill-passing procedure,
the specific amendments related to the problem of violence against women were proposed by women politicians, in particular Jadranka Kosor (HDZ) and Đurđa Adlešić (HSLS).

B.a.B.e. also demanded that articles 102.2. and 188.5. of the *Criminal Code* be erased, that domestic violence should be treated as a separate criminal act, and clear definitions of domestic violence and family members, because the relationship among the family members influences the legal viewpoint towards the victim and the perpetrator in this specific criminal act. Lawmakers accepted the majority of their suggestions. The provisions of Articles 102.2 and 188.5 of the *Criminal Code* have been erased, and now victims of domestic violence (severe bodily harm and rape), do not have to initiate pressing charges themselves. Furthermore, the new Criminal Act “Violent behaviour in the family,” (Article 215.a) was introduced.

B.a.B.e. suggested that the *Family Law* protect all victims of family violence, not just children, and to define the violent aggressor as any family member, not just a parent. In this, B.a.B.e. achieved its goal through a change to article 118, which now defines the aggressor as any marriage partner, or any member of the family who is over eighteen years of age (the age of majority). B.a.B.e. was actively involved in the process of drafting the law. Its representatives attended a meeting with the Committee of the Interior and Committee of Work, Social Care and Health, bringing B.a.B.e.’s viewpoints on the final draft. Similarly to the situation of amendments to the *Criminal Code*, women politicians -especially Jadranka Kosor (HDZ) - had significant influence on the enactment of the article in the *Family Law* prohibiting domestic violence. Together with women’s NGOs, women politicians were the primary advocates of changes in the new *Family Law*, and by lobbying inside government, different ministries and the parliament they succeeded in persuading responsible lawmakers and parliamentarians that victims of domestic violence must be properly protected by the family law.

Although some changes have been made in the *Criminal Code* and the *Family Law*, not all barriers have been removed for efficient protection of victims of domestic violence and systematic improvement of their status. Since 1997, in many documents and public appearances, representatives of women’s organisations have emphasized the need for the better protection of victims of domestic violence in the *Law on Misdemeanors*. When the Croatian government announced the reform of the *Law on Misdemeanors* in the spring 2000, women’s organisations intensified their lobbying for changes. However, this time submissions were not made by women politicians but by the Croatian government and the Central Bureau for the Protection of Family, Motherhood and Youth. The proposed amendments were discussed at the seventh regular session of the Croatian Parliament in October 2000. The majority of parliamentarians accepted the proposed changes. The session was characterized by broad consensus among
parliamentarians that Croatian legislation needs such measure in order to achieve better protection of victims of domestic violence.

Which goals did the women’s movement achieve concerning the enactment of the Law on Domestic Violence? The interviews and documents indicate that representatives of the women’s movement played a role in the law’s enactment, most importantly that the law was enacted in the first place. However, was it only the women’s movement that was responsible for the initiation and acceptance of the Bill? The initiative for the creation of a special law was mentioned in a letter that women's groups sent to all the important political and social institutions in Croatia in 1998. The Croatian Government first showed an inclination to pass such a law in 2002 when the enactment of this law was scheduled as part of the Government's national program for joining the EU. According to this program, the Government was obliged to enact that law. The government found the inspiration for enacting the law in international norms and similar laws of other countries as well as in the women’s movement’s long term public emphasis on the need for such a law. Unlike the Criminal Code and the Family Law, this law did not require the engagement of women politicians. Therefore this law would probably have been enacted even without the engagement of the women's movement. However, the women's movement is partially responsible for the issue entering the political agenda.

But did the women’s movement influence the content of the Law on Domestic Violence? As mentioned before, B.a.B.e. and Autonomous Women’s House (AWH) started working on their own Bill in spring 2002. Two representatives from the women's movement, lawyers Ljubica Martinović from the Center for Women War Victims and Radmila Sučević from B.a.B.e., were particularly responsible for this proposed Bill. At almost the same time a governmental group for the creation of such a law was formed, and Ljubica Martinović was asked to become the president of this working group. This opened the opportunity for the women's organisations to directly influence the content of the law. Many suggestions from the women’s movement were accepted. The other mechanism that enabled women's movement representatives to influence the content of the law was the Parliamentary Committee for Gender Equality. The first draft of the bill was discussed at the meeting of the Committee for Gender Equality on January 20th, 2003. The Committee proposed 10 amendments to the Bill and all were adopted. Taking these facts into consideration, some of the specific proposals made by the representatives of the women’s movement were implemented into the final version of the law.

However, one of the major demands of the women’s movement and in particular women’s NGOs was not implemented in the final version. While women’s movement representatives said that they are satisfied with

\[\text{137} \text{ B.a.B.e. (2003a). Complaints on the final draft of the Law on Protection Against Domestic Violence}\]
the fact that the law was enacted, most also expressed dissatisfaction with the fact that violence against women is treated as misdemeanours in the new law.\textsuperscript{138} B.a.B.e. and Women’s Autonomous House demanded that the law should describe in detail which actions qualify as misdemeanours and which qualify as a criminal offence so that the law can be applied in both cases. However, in the Bill that was brought to the final reading in parliament violence is treated only as misdemeanours and is not regulated by Criminal law. The reason given for the final version was that this kind of crime can be dealt with by magistrate courts, which are efficient because they have fewer cases and they handle their cases quickly. In the opinion of the majority of women’s movements representatives, however, this is a problem because it implies a milder punishment for the perpetrator that usually involves a fine rather than a jail sentence.\textsuperscript{139}

\textit{The extent of international influence}

In recent years, international law and policy on domestic violence has developed in the UN and in organisations such as the Council of Europe (COE) and the EU. Several UN conference documents also address the issue of domestic violence. They are widely recognized as consensus documents, that is, documents that reflect an international consensus on the state of international law.\textsuperscript{140} Although there is relatively little European Union law

\begin{footnotesize}
\textsuperscript{138} See also: NGO Report To Committee on Elimination of Discrimination against Women On the occasion of Second and Third Report of Republic of Croatia. Zagreb, November 2004 Submitted for the 32nd CEDAW Session January 2005

\textsuperscript{139} For example, Katarina Vidović from the women’s organisation O-Zone - Telephone for Women’s Crisis Conditions criticises this law so severely that she points out a certain abdication of feminism because the women’s organisations and women politicians involved in the process of the enactment of the law accepted that violence against women should be treated as misdemeanours. She said “the abdication of feminism is extremely defeating in my opinion. I will not mention specific situations but I still have a vivid picture of the moment when that deal occurred. It was said: do not endanger status quo, do as it suits the politicians. The politicians said: “OK, I got the law that I would pursue, that will make me a famous advocate of women’s rights”, and the ones on the other side thought: “Oh great! … Now we are not responsible for the bill but we will still get all the privileges as a civil sector – the money for the projects, our own people in important positions etc.” As a result, Croatia is probably the only country in the world where violence against women is treated as misdemeanours … The O-Zone asked for: the out-of-court procedure and the measures of protection of victims of domestic violence according to the Family Law. Women should get protection through civil procedure and the state should ensure the persecution and punishment of criminals according to the Law on Criminal Procedure and the Criminal Law. Our suggestion was sabotaged by the feminists who made their own deal with the politicians … ” (Kruh i ruže 2004).

\textsuperscript{140} The Report of the World Conference of the United Nations Decade for Women: Equality, Development and Peace, from 1980, was the first time domestic violence was explicitly mentioned in an official document of the United Nations. Domestic violence is referred to several times in the document. At the 1985 Third World Conference on Women in Nairobi, Kenya, domestic violence received significant attention. The final conference report called on governments to “undertake effective measures, including mobilizing community resources to identify, prevent and eliminate all violence, including family violence, against women and to provide shelter, support and reorientation services for abused women and children.” (UN 1985). The final conference document from Second World Conference on Human Rights, held in Vienna in June 1993, was the Vienna Declaration and Programme of Action
\end{footnotesize}
that deals specifically with domestic violence, in its resolution on the report from the Commission to the Council, the European Parliament called on member states to “make domestic violence against women, including rape within marriage and sexual mutilation, a criminal offence and to set up services to help women who are victims of this kind of violence” (EU 1999).

Another international organisation with the potential to influence national governments on domestic violence policy is the Council of Europe (COE). Although the COE has yet to create a binding instrument concerning domestic violence, the problem has been receiving increasing attention and both the COE and its Council of Ministers have issued a number of recommendations on domestic violence. The COE’s work on the issue of domestic violence began with Recommendation No R (85) 4, adopted by the Committee of Ministers in 1985. Recommendation No R (85) 4 was followed by Recommendation No R (90) 2 on social measures and family violence. Violence against women, including domestic violence, was also a subject of the Third, Fourth and Fifth European Ministerial Conferences.

When it comes to international pressure on Croatian government concerning the legal changes in the area of domestic violence, indirect effect international influence has come mostly from international organisations such as the UN and the COE. Those two organisations have on several occasions used their recommendations to influence the perception of the importance of the violence against women issue with the Croatian Government. For example, in 1999 The COE together with the Government Commission for equality issues organised a meeting which was held at the Ministry of Labor and Social Affairs entitled “Together Against Violence to Women”, which approximately 120 participants attended. On that occasion experts from the COE discussed the Croatian legal framework on domestic violence and recommended how it could be improved. One of the topics at the conference was the proposal initiated by the women's movement that the Criminal Code should be amended.

Although the majority of international norms concerning violence against women are not legally enforceable on the Croatian government, they can be regarded as signposts of the direction in which national legislation should develop. Advocates for better protection of victims of violence can use those norms in their lobbying for legislative changes. Women’s organisations on several occasions have used UN norms to put pressure on Croatian government. For example, in their CEDAW "Shadow Report" from 1997, they pointed out many deficiencies in the Croatian legal framework on

(A/CONF.157/23), 12 July 1993. The Vienna Declaration stresses the importance of working towards the elimination of violence against women in the public and private life. Violence against women, including domestic violence, was a major focus at the 1995 Fourth World Conference on Women in Beijing, China. The conference document, the Beijing Platform for Action, identifies domestic violence as a human rights violation. Five years later, at the United Nations’ conference, Beijing plus 5: A Special Session on Women 2000: Gender Equality, Development and Peace for the Twenty-First Century, the final document detailed obstacles for women and included domestic violence.
violence against women and domestic violence. As a direct consequence of this rapport, in 1998 the UN criticised the Croatian Government, arguing that its legal framework concerning violence against women should be improved.

We can thus presume that this kind of criticism and recommendations from international organisations had some influence on the Croatian lawmakers, their perception of the problem and what should be done to improve legal framework on domestic violence. However, surprisingly, the arguments which come down to international regulations and their compatibility with the Croatian legal regulations were for the most part not present in different discussions concerning legal changes in treating violence against women and domestic violence. For example, in parliamentary discussions of the Family Law, Criminal Code and the Law on Misdemeanours, international norms were not used as a rationale for proposed legislative changes but rather to real problems in Croatian society. Referring to international norms was only evident in the process of enactment of the Law on Domestic Violence. In sum, in the case of Croatia, we cannot speak about direct effects of international influence, but we can identify indirect influence from the UN, the EU and the Council of Europe, which use their policy resolutions to influence the perception of the importance of combating violence against women.

The case of Slovenia

The most important changes in Slovenian legislation concerning the question of violence against women occurred in the period 1999-2003. Those changes were implemented in the Penal Code, the Criminal Procedure Act and the Act on Police. Prior to 1998 violence against women was not specifically addressed in Slovenian legislation, although it could be prosecuted under provisions in the Penal Code that addressed violence in general (Kozmik and Dobnikar 1999). With amendments to the Penal Code in 1999, the criminal offence of violence (Article 299) was supplemented by the offence of “violence in the family”. The criminal offence is prosecuted ex officio, and a prison sentence of up to two years is prescribed. If two or more persons have committed the offence, or if there has been grave humiliation

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142 In the initial report of Croatia (CEDAW/C/CRO/1) at its 363rd, 364th and 368th meetings, on 21 and 23 January 1998, the Committee among other things, “expresses concern with regard to the adequacy of measures to encourage women to come forward with complaints and about the fact that prosecution by public attorneys ex officio or upon the complaint of third parties is not incorporated in legislation on domestic violence”.
143 The criminal offence of violence is committed by anyone who seriously insults another, behaves brutally with them, is violent towards them or threatens their safety, and thus in public or within the family causes a threat, disgust or fear.
of a number of people, or if the perpetrator could have physically injured the other persons, the perpetrator is punishable with a prison sentence up to three years. In 1998, the Criminal Procedure Act was also adopted, which introduced a ban on approaching a specified place or persons (Article 195a) as an alternative measure to prison.\footnote{The measure can also be passed if cause is given for a prison sentence, and there is a danger that the accused will destroy evidence of the crime, influence the witnesses, participants or co-perpetrators or repeat the crime, complete an attempted crime or commit an act by which she or he threatens, and the danger may be prevented by a ban on the accused approaching a specific place or persons. The court decides a suitable distance from a specific place or person that the accused must respect and may not intentionally violate. If she or he does so, the court may order his or her detention. (Official Gazette No. 79/2003)} In 2003 police were empowered with the right to issue a protection order by which they can ban a perpetrator from contacting, communicating or approaching a victim.\footnote{The idea of opening a help-line for women and children arose in the feminist group Lilith in Ljubljana. In 1988, the Lilith group published two separate opinion polls of different sizes on violence against women and children in five different Slovenian newspapers and magazines and its own folders. The opinion polls were based on the assumption that Slovenia is not an exception as far as the violence in families and relationships is concerned, and that none of the Slovenian institutions deals with this problem systematically. More than 300 responses to the polls confirmed the assumption on the occurrence of violence, as well as the need to organise a new form of assistance to women and children experiencing violence. (Official Gazette No. 79/2003)}

**How the issue was brought on to the public agenda**

In Slovenia, debates about domestic violence were initiated by independent women’s organisations which already existed in the former Yugoslav socialist system in the 1980s and after 1990. In 1989 the SOS Help-line Association for Women and Children – Victims of Violence was established. Its main projects were an SOS help line, shelter (the first non-governmental shelter was opened in Ljubljana 1997) and self-help group for women victims of violence. The SOS help line was conceived as a feminist social project recognising that violence against women derives from the unequal division of power between the sexes.\footnote{In 1993, Women’s Counselling Association that works in the field of psycho-social help for women, victims of violence was established. In the year 2000, they opened a crisis centre to which women, victims of violence, can withdraw in cases of the acute situation. In 1996 the Association Against Violent Communication was established, an NGO with main orientations to preventive work with children and youngsters in the field of violence, to counselling work for victims of violence and to social learning for violent men. This NGO prominently influenced the flow of the events in the field of violence against women, educated expert and other public and cooperated in the creation of the policy in the field of violence against women and violence as such. In the late 90s, also other organisations (non-governmental and governmental) started to work in the field of violence against women and the creation of the policy. They opened new shelters, offered psychosocial help to women and their children. Some of them have a feminist background, others do not.} In the 1990s, several other women’s organisations were established in the field of violence against women. \footnote{In 1993, Women’s Counselling Association that works in the field of psycho-social help for women, victims of violence was established. In the year 2000, they opened a crisis centre to which women, victims of violence, can withdraw in cases of the acute situation. In 1996 the Association Against Violent Communication was established, an NGO with main orientations to preventive work with children and youngsters in the field of violence, to counselling work for victims of violence and to social learning for violent men. This NGO prominently influenced the flow of the events in the field of violence against women, educated expert and other public and cooperated in the creation of the policy in the field of violence against women and violence as such. In the late 90s, also other organisations (non-governmental and governmental) started to work in the field of violence against women and the creation of the policy. They opened new shelters, offered psychosocial help to women and their children. Some of them have a feminist background, others do not.} Besides providing psycho-social help for women victims of violence one of
the goals of women’s NGOs was to educate the general public about the problem of domestic violence and to put the issue on political agenda. In 1994/1995, women's NGOs and the Women’s Policy Office pursued with campaigns aimed at sensitising the public to violence against women in Slovenian society. On 25th November 1995, the Women’s Centre Metelkova organised the first demonstrations against domestic violence and violence against women that took place in Ljubljana. The SOS hotline and the Women’s Policy Office started organizing public debates and distributing pamphlets which provided information on violence against women.

Changes in the Penal Code and Criminal Procedure Act

Besides women’s NGOs, in the first half of the 1990s the Women’s Policy Office (WPO) was also engaged in the issue of violence against women. Since 1992 the WPO has carried out various activities in the area of violence against women, such as organising consultative meetings and campaigns, (co)financing projects of NGOs and lobbying for changes of legal regulations concerning domestic violence.

In 1992, the WPO developed the first proposals for amending the criminal legislation and in 1993 it organised an open round table in an attempt to deal with the issue. The aim of the discussion was to bring the problem to the attention of the public. The conclusions drawn following this round table discussion, together with concrete proposals for the improvement of the position of victims, were forwarded by the WPO to the government and appropriate ministers. However, the initiatives and issues raised at the round table were not implemented, nor, indeed, indeed did they even reach the first stage of concrete preparation for their realisation. At the end of 1993, a reform of the criminal legislation was conducted with the adoption of a new Penal Code. In spite of many proposals issued by both women governmental and NGO representatives, the new 1994 Penal Code

149 Since 1997 the WPO has also been running an open phone line where women can get advice relating to domestic violence, sexual harassment, divorce procedures, maintenance for themselves and/or their children after divorce, housing problems and labour relations.
151 Some of these proposals were as follows: The initiative for the establishment of a fund for redress for the victims of violence; The initiative for professionally guided therapy groups offering aid to the victims of violence to be organised in several centres for social work; The initiative for the founding of family courts (senates), which are to pass judgement following a special procedure; The initiative that women-victims of violence be entitled to the services of a representative, if they so wish; The initiative that the appropriate legislation also include the possibility of preventing the perpetrator of a violent act from gaining renewed access to the victim, in order to prevent further violence; The initiative that additional training and education courses be organised for experts whose professions deal with any of the aspects of violence against women; The initiative for the elaboration of a methodological system for keeping track of domestic violence (CEDAW 1996).
did not bring anything new to the areas concerned with violence against women or violence in the family.\footnote{152}

In 1997 domestic violence again made it to the political agenda during discussions of amendments to the Penal Code and Criminal Procedure Act. When the Slovenian government announced the reform of the Penal Code and Criminal Procedure Act, the WPO used this as an opportunity to offer their proposals for protecting the victims of domestic violence. In addition, the WPO formed a working group for creating and amending the Penal Code. This group’s proposed amendments mostly referred to increased punishment for offences related to violence against women and to the provision of protection to victims of violence by creating appropriate mechanisms for removing a person who had committed an act of violence.\footnote{153}

Unlike in 1994, this time the question of identifying domestic violence (violence against women and children) as a serious criminal offence of violence was raised.\footnote{154} In the Criminal Procedure Act, the Constitutional Court demanded the addition of the measure of ban on approaching a specified place or person as an alternative measure of detention. This was seen as a particularly useful measure in cases of domestic violence.

The Criminal Procedure Act

On April 11, at the discussions at the ninth regular session of the Committee of the Interior and Justice, Mr. Boštjan Penko, the government representative submitting the amendments to the existing Criminal Procedure Act presented the arguments for the changes of the Act.\footnote{155} He was referred to the demands of Constitutional Court of the Republic of Slovenia and to the judicature of the European Court for Human Rights. Penko explained that the proposed changes were based on consultations with judges, public prosecutors and other relevant institutional representatives. He stressed that the changes to the Criminal Procedure Act would guarantee the human rights of the perpetrators while still protecting victims and impaired persons in the criminal procedures, with special emphasis on women and children as victims of violence. The amendments to Criminal Procedure Act were discussed at the fourth regular meeting of the National Assembly, 13 May

\footnote{152}{Robnik, Skomšek Pleš and Veselč (2003) Naslje nad Zenskami v Druzini – Analiza Stanja. Ljubljana: Office for Equal Opportunities}

\footnote{153}{Penal code discussion at the 9th session of the Committee of the Interior and Justice, 11 April 1997}

\footnote{154}{Criminal Procedure Act, discussions at the 9th regular session of the Committee of the Interior and Justice, 11 April 1997}

\footnote{155}{Issue: relevant for analysis: Article 195, introducing the measure to ban on approaching a specified place or person, as an alternative measure to detention. This measure can be used in the cases of violence in domestic sphere in order to eliminate the perpetrator. No other member of the member of the committee tackled this issue in further debate at this session.}
Darja Lavžitar Bebler, the president of the Committee of the Interior and Justice (the central body responsible for proposed amendments going ahead) presented six viewpoints of the Committee in accordance with which the government should prepare the proposal of the Act for the second reading in parliament.\textsuperscript{157}

During the second reading of the proposed change of the Criminal Procedure Act, at the ninth regular session of the National Assembly (17 June 1998), the only speaker in the Parliament to tackle the issue of violence against women and children and the need for their protection was Minister of the Interior Tomaž Marušič, who spoke for the Government of the Republic of Slovenia.\textsuperscript{158} In his argumentation he referred to the documents, resolutions, directives and recommendations of the EU. According to Marušič, the proposed changes of the Act would benefit the victims of criminal acts. For example, he underlined that in the cases of criminal acts related to sexual violence and family situations in which the victims are usually children, the court would be obliged to provide legal representation to children.\textsuperscript{159} In 1998, the amended \textit{Criminal Procedure Act} was adopted. It introduced a ban on approaching a specified place or person, allowing a court to decide the distance that the accused must respect and may not intentionally violate.\textsuperscript{160}

\textbf{The Penal Code}

In 1997, alongside proposed changes in \textit{Criminal Procedure Act}, changes to the \textit{Penal Code} also came on political agenda. The first discussions took place at the ninth session of the Committee of the Interior and Justice (11 April 1997).\textsuperscript{161} The members of the Committee concluded that the current legislation did not classify violence against women and children as severe criminal offences that punishments were not strict enough and the judges did not give appropriate sentences.

Miroslav Mozetič MP from the Slovene Christian democrats (SKD) suggested adding the category of abuse and violence against women and children to severe criminal offences. Boštjan Penko supported this proposal and the Committee of the Interior and Justice adopted it for further

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{156} Criminal Procedure Act, discussions at the 4\textsuperscript{th} regular session of the National Assembly, 13 May 1997
\item \textsuperscript{157} Criminal Procedure Act, discussion at the 9\textsuperscript{th} regular session of the National Assembly, 17 June 1998
\item \textsuperscript{158} Criminal Procedure Act, discussions at the 9\textsuperscript{th} regular session of the National Assembly, 17 June 1998
\item \textsuperscript{159} In his arguments, Tomaž Marušič stressed the problem of violence in a family but did not imply gender relations. He also did not mention women victims of violence. However, Marušič was the first person in the discussions, either in the Committee or in the Parliament, who dealt with violence, particularly violence against children, in the family.
\item \textsuperscript{160} (Official Gazette No. 6/99)
\item \textsuperscript{161} Relevant for the analysis: Article 299, which classified domestic violence as a criminal offence of violence
\end{itemize}
\end{footnotesize}
discussion in the Parliament. The idea of categorizing violence against women and children as a severe criminal offence arrived from and was supported by conservative (right-wing) political parties (Slovene Christian Democrats, Social Democratic party). The first parliamentary discussion of the proposal of the amendments to the Penal Code took place at the fourth session of the National Assembly (13 May 1997). Tomaž Marušič, speaking for the government, referred to the demands of the EU in the accession process and to the adoption of the EU provisions in the sphere of penal legislation. He emphasized the proposal of the Committee by which criminal acts with elements of violence - especially those involving violence against children and women - would be punished more strictly. Miroslav Mozetič (SKD) explained that his political party proposed the expansion of the term violence to specifically include violence against children and women because such violence is often hidden. Parliamentarians were called on to adopt the proposed changes of the Penal Code by which violence against children and women would be classified as a severe criminal offence. In the whole discussion, little attention was given to this change by either the Minister presenting proposed changes or the MPs debating the proposal (except by one MP, from SKD).

The second discussion of amendments took place at the ninth session of the National Assembly (17 June 1998). The only speaker to tackle the issue of violence against women and children was the Minister of the Interior Tomaž Marušič in his introductory speech. He defined the category of domestic violence as which the perpetrator performs against a family member and argued that punishment would become more strict in the amended Penal Code. He was the only minister to mention this amendment. There was no other discussion about the topic. In March 1999, the amended Penal Code was adopted, which classified domestic violence as a criminal offence of violence.

Although some changes have been made in the Criminal Procedure Act and the Penal Code, not all barriers have been removed for efficient protection of victims of domestic violence and systematic improvement of their status.

The Act on Police

From 1999 representatives of the women’s movement intensified their activities domestic violence and several other actors become involved in the

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162 Penal Code, discussions at the 4th session of the National Assembly, 13 May 1997
163 Penal Code, discussions at the 9th session of the National Assembly, 17 June 1998
164 This text is important because it has placed the problem of violence also into a sphere of family and it is recognized that the perpetrator can carry out violence against family members, especially women and children. Gender is not discussed any further.
165 (Official Gazette No. 23/99)
debate. This represented a turning point in the public debate about domestic violence (Robnik, Skornšek Pleš and Veselič 2003). The focus of the debate changed from the victim of violence to the perpetrator. Women’s NGOs pointed out that the perpetrator has to be removed from home and should be banned from approaching the victim as long as the danger repetition exists. In 1999 representatives of the women's movement organized the greatest media campaign in Slovenia ever undertaken called "What's the Matter Girl". Activities took place as a unified project in which involved the Women’s Policy Office (WPO), the Commission of the National Assembly for Equal Opportunities Policy, some ministries and women’s NGOs dealing with problems of violence against women. The campaign took place at the time of the International Days of Action Against violence Against Women (25 November – 10 December) (Delo 1999a). A poster exhibition travelled around Slovene towns, urban and municipal councils discussed the problem, and round tables and public debates took place (Delo 1999b). There was also an exhibition of posters in the National Assembly. The aim of the project was to inform the general public about the extent and various forms of violence against women in Slovenia and to inform about measures to combat violence against women in EU member-states, including a comparison with the Slovenian situation. An important contribution of the campaign was a book of articles “Dossier: Violence Against Women” by the authors from women’s NGOs, governmental organisations and academics.

In 2001, within the framework of the Ministry of Labour, Family and Social Affairs (MDDSZ), an Expert Council for problems of violence against women was established as an advisory body. It was founded on the initiative of NGOs operating in this field and it consisted of the representatives of NGOs, Ministry of labour, Family and Social affairs, Ministry of the Interior – General Police Administration, social chambers, social work centres, Human Rights Ombudsman Office and Office for Equal Opportunities. The first step made by the Expert Council was to assess the issue so as to provide a background for the development of guidelines for legislation, strategies and actions. According to the Expert Council, one serious deficiency in the Slovenian legislation was the non-existence of a protective mechanism which would authorize police to place a restraining order on perpetrators (Expert Council 2001).

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167 Other aims were to promote a professional and non-professional debate throughout Slovenia on the possibilities of achieving European standards in this field, to increase awareness of and actively participate in measures to improve the situation of the local community (municipality) in accordance with the recommendations of the Group of specialist to affirm the importance of non-governmental organisations in this field.
The same year, during the International Days of Action Against Violence Against Women, the Office for Equal Opportunities (OEO) prepared a resounding public presentation of one of the German federal and provincial acts on violence (so called Act of a Red Card) and an action plan against violence against women (Delo 2002a). Again, the focus was directed towards the protection of the victims by the protective mechanism of a restraining order. In the same year, major developments were achieved in specialist training for police officers. The Women’s Counselling Association published a translation of a Dutch book *Violence against women: police responsibility.* This was the first manual in Slovenian that gave police guidelines for working with women victims of violence. The association also organised training for the police on how to proceed in cases of domestic violence and violence against women. The Women’s Counselling Association, the City Municipality of Ljubljana and the Police administration of Ljubljana co-developed the “Stairs” project (“Every fifth woman falls down the stairs”) to appeal for urgent cooperation of government bodies and NGOs in the fight against violence against women (Delo 2002b).

Due to the numerous public debates and actions organized by women’s movement representatives, the process to amend the *Act on Police* was initiated in 2003. The aim of the amendments was to increase the powers of the police, following the examples of Austrian and German law on violence against women and domestic violence. The most important advocates of the amendments were the OEO, the Women’s Counselling Association, the Association Against Violent Communication, the Expert Council of the MDDSZ and the Human Rights Ombudsman. From 1999 the Human Rights Ombudsman had been working more intensively in the field of domestic violence and violence against children.

On 8 January 2003 Ombudsman Matjaž Hanžek organized a meeting with several top Slovenian officials to discuss problems of violence, especially domestic violence and violence against children. Present at the meeting were State Prosecutor General Zdenka Cerar, Interior Minister Rado Bohine, Labour Minister Vlado Dimovski, Health Minister Dušan Keber and representatives of the Ministry of Justice and the Supreme Court. At this meeting, Hanžek advocated changes to legislation to ensure better protection for victims and to initiate a national program for domestic violence prevention. Using Austria’s *Violence Prevention Act* as a model, there was discussion of a proposal to give police jurisdiction to intervene to benefit victims of domestic violence even against victims’ will. First discussions about the *Act on Police* took place the 37th session of the Committee of

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169 The Office for Equal Opportunities supported the translation and publication of a book.
170 Human Rights Ombudsman, News Article (2003a) Experts and Politicians Discuss Domestic Violence
Interior, 26 June 2003. Rado Bohinc, Minister of the Interior, gave an explanation to the Articles of the proposed Act on Police. One of the proposed changes was the introduction of restraining orders in cases of domestic violence. This measure provoked discussion by legal experts about the dilemma of how to ensure legal protection for perpetrators, against which this measure is taken. Two experts (Katja Filipčič and Katja Sugman) discussed this proposal and suggested a few changes that would make it more compatible with Slovene legislation, such as a system of help for victims of domestic violence and a system of institutional cooperation, neither of which currently existed. They also warned the authorities that one single repressive measure can not solve the problem of domestic violence.

Also discussing this measure was the Women’s Counselling Association, but this group remained relatively passive. The first parliamentary discussions on the Act on Police took place at the 28th session of the National Assembly, 11 July 2003. Only two male MPs, both from right-wing parties, discussed the restraining order. The National Assembly completed passing the Act on Police on 12 August 2003.

The following actors were involved in various phases of the policy process concerning the issue of violence against women in Slovenia (see table 6.2.).

<table>
<thead>
<tr>
<th>Analysed policy segments</th>
<th>Main actors involved</th>
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<tr>
<td>General Agenda setting</td>
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<td>Changes in Penal Code</td>
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<td>Other Actors</td>
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<td>o The Committee of the Interior and Justice</td>
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<td>o Right-wing political parties (Slovene Christian Democrats, Social Democratic Party).</td>
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171 Act on Police discussions at the 37th session of the Committee of the Interior, 26 June 2003. Relevant for the analysis: Article 39, giving the police an authority to ban approaching a certain person, in cases of domestic violence.
172 Law expert analysis of the proposal of a novel to the Act on Police, Approaching prohibition decree – Articles 39.a and 39 b.
173 Act on Police discussions at the 28th session of the National Assembly, 11 July 2003
174 Act on changes and completion of the Act on police (Official Gazette 79/2003)
Policy case 1 – Violence against women

<table>
<thead>
<tr>
<th>Analysed policy segments</th>
<th>Main actors involved</th>
</tr>
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</table>
| **Changes in Criminal Procedure Act** | Women’s movement  
  - Women’s NGOs  
  - Women’s Policy Office  
Other Actors  
  - The Constitutional Court of Slovenia  
  - The Ministry of the Interior and Justice  
  - The Committee of the Interior and Justice |
| **Changes in Act on Police** | Women’s movement  
  - Women’s NGOs  
  - Office for Equal Opportunities  
  - Expert Council for the problems of violence against women  
Other Actors  
  - the Ministry of Labour, Family and Social Affairs  
  - the Human Rights Ombudsman  
  - the Ministry of Interior and Justice  
  - the Committee of Interior and Justice  
  - the Police |

Table 6.2. Analysed policy segments and the main actors involved in the policy case 1 – Slovenia

**Women’s movement self-assessment of influence perception (ego perception)**

The previous description shows that several representatives of the women's movement were involved in various phases of the policy process. Two women's NGOs, the SOS Help-line and the Women’s Counselling Association, were involved in different stages of the policy process. Government representatives included the Women’s Policy office (WPO), the Office for Equal Opportunities (OEO) and Expert Council for the problems of violence against women. How do the representatives of the Slovenian women's movement perceive their role regarding the aforementioned changes in Slovenian legislation concerning the question of violence against women? According to representatives of the women’s movement, which subjects of the policy case in question were influenced by women’s movement and which were influenced by other actors?

All the respondents believe that significant progress concerning the treatment of violence against women in family and society occurred after the fall of communism. They stress positive changes in the perception of the
problem by the general public and state institutions. Legal changes which regulate the problem of violence are also mentioned as progress in relation to the Communist period.

Mojca Dobnikar, one of the founders of the SOS Help-line said:

As far as the issue of violence against women is concerned, huge progress was made in Slovenia during the transitional period. First, the great improvement concerning the treatment of the violence against women issue is to publicly admit that violence exists. Second, certain changes in legislation, such as the 1999 Penal Code, required a lot of effort … Third, many programs which deal with violence against women are now financed from state funds and it is a huge progress. We currently have nine shelters, seven of them are nongovernmental and two of them are in the framework of the Social Services Centre ... The expert council in charge of the violence against women issue is also a great thing ... From my own my experience, I notice that people around me now consider normal that I deal with the violence against women issue, while these same people thought that it was odd some five, six years ago.

As far as the positive changes mentioned in the interviews are concerned, all the representatives of the women's movement believe that the movement should be given credit for these changes. For example, all the representatives of the women's movement believe that their engagement was crucial when it came to placing these issues on the political agenda. They also believe that they were the main initiators of the legal changes in that area. The representatives of NGOs believe that they should be given credit for their engagement in that area. Lorena Božac - Deležan of the Women’s Counselling Association, said:

Nongovernmental feminist organisations which work in that area are the ones to be thanked for positive changes in treating violence against women. I should also characterize the influence of the Women’s Counselling Association on the politics of violence against women as great. For instance, we suggested the formation of the Expert Council in the framework of MDDSZ. One of our members was the president of that council. I was one of the members … What I want to say is that we somehow got over that initial, hard feminism and at one moment realized that we will not get far without a little diplomacy. For that reason we tried to find a way to co-operate with state institutions and we included the other groups into this co-operation. We are also the first women's organisation which dealt with the education of police concerning the issue of violence against women.

The representatives of the Office for Equal Opportunities (OEO) claim that the WPO/OEO as well as women's organisations should be given credit for placing the issue of violence onto public agenda. According to Violeta Neubauer from the OEO:

Women's organisations are particularly responsible for the fact that the issue of domestic violence became openly discussed in Slovenian society during the 1990s … However, the engagement of the Office on that matter should also be pointed out.
Several respondents mentioned the cooperation between the Office and the women's NGOs as the important precondition for the changes which took place. Several respondents mentioned the campaign "What's the Matter Girl?" as an example of a successful campaign based on cooperation between the WPO and the women's organisations. According to Špela Veselič, from the SOS hotline, the "What's the Matter Girl?" campaign was very important for the perception of violence by the wider public and the politicians:

“What’s the matter girl?” was a good campaign against violence…There was a good combination of circumstances. Vera Kozmik, who was the director of the Women's Policy Office at that time and Mojca Dobnikar, the long-standing activist concerning the issues of violence against women were extremely involved in the campaign. Mojca Dobnikar and Vera Kozmik co-operated successfully and that helped to engage the entire state politics and nongovernmental scene ... Good personal relations seem to help meeting high standards.

The same campaign was also mentioned by Violeta Neubauer from the OEO. She said:

The "What's the Matter Girl?" campaign was extremely important for the perception of violence against women by the wider Slovenian public. I also believe that this campaign encouraged many Members of Parliament and the representatives of local authorities to become our partners in future battle against violence ... I believe that this was the most important campaign in Slovenia ever since it became an independent country and that such success has not been repeated ever since.

As far as the amendments of the Penal Code and Criminal Procedure Act are concerned, the representatives of the women's movement think of themselves as the main initiator of the legal changes. Representatives of the NGOs point out their engagement and specific lobbying for better treatment of domestic violence. Mojca Dobnikar claims that SOS telephone was the initiator of the changes in the Penal Code:

We suggested changes in the penal code at the beginning of the 1990s. During the middle of the 1990s someone continued with a similar initiative. I do not remember exactly who it was ... We supported that initiative all the time but we were not directly involved into lobbying.

But according to Violeta Neubauer, the initiative to change the Penal Code was one of the first legal initiatives shown by the WPO:

The changes to our Penal Code were actually the first legal initiative of this office ... In the first part of the 1990s we were, however, often unsuccessful in our ambition.
The amendments to the *Act on Police* which enabled the police to remove a violent person from the victim's environment were stressed as influenced by representatives of the women's movement, but they also acknowledge the influence of other actors. According to Lorena Božac-Deležan from the Women’s Counselling Association:

The change in the Act on Police which enables the police to remove the violent person from the victim, was an initiative encouraged by NGOs, experts and lawyers. However, I see it primarily as a long-term project of nongovernmental scene.

The representative of the OEO and the member of the Expert Council for problems of violence against women Sonja Robnik thinks that the OEO influenced the change of the *Act on Police*. However she also emphasizes Slovenian police as an important actor in the process:

In 2002 the Office analyzed the Austrian Law on Domestic violence and presented it to the public. In that way the Office enabled the implementation of the amendments concerning the restraining order which is to be used by the police. However, I must point out that the police were also extremely active concerning that issue … I believe they had a special working group which prepared the directives for the changes of the law.

As far as the possibility of international influence is concerned, representatives of the OEO as well as representatives of women's NGOs believe that international norms had certain positive influences on the legal changes which took place during the transition period. Furthermore, most representatives confirmed that the international norms in that area were frequently referred to by representatives of the women's movement in different phases of the lobbying. Violeta Neubauer from the OEO said:

In the process of lobbying for certain amendments we were often raising the compatibility of Slovenian laws with international norms concerning violence. For example, the Women’s Policy Office frequently used the directives of the Council of Europe concerning violence against women, which in turn created greater pressure on the Slovenian government to adopt certain amendments.

**Assessment of women’s movement influence by other policy actors (alter perception)**

All respondents claim that because of the activities of the women’s movement in the transition period the question of violence against women and domestic violence came to public attention. According to one respondent from the Ministry of the Interior and Justice:

NGOs in Slovenia dealing with violence against women played an important role in the debates on domestic violence and its placement to the sphere of public and politics ... Their voice was also heard in the Expert Council, which was formed on their initiative.

One respondent, from the Ministry of Labour, Family and Social Affairs, emphasized that the public debates concerning domestic violence were initiated by women’s organisations which already existed in the communist system. However, the same respondent also argued that from 2000 several state institutions became involved in the process:

Slovenia is one of the countries, where debates about domestic violence were initiated by independent women’s organisations already in former Yugoslav socialist system in the 1980s and later on after 1990 by several NGOs established after the fall of the communist system ... The Human Rights Ombudsman, as well as the Minister of labour, family and Social Affairs and the Minister of Interior and Justice also played an important role at the beginning of 2000. They said no to violence and a lot concerning that issue has changed since. Major goals for solving that problem were set at the time.

As far as the amendments of the Penal Code and Criminal Procedure Act are concerned, several respondents emphasised involvement of the women’s movement in the policy process. One respondent from the Committee of the Interior and Justice said:

The WPO was one of the main initiators of the changes to the Penal Code and Criminal Procedure Act ... I believe that all relevant ministries, including the Ministry of the Interior and Justice were familiar with the proposal made by the WPO.

A respondent from the Ministry of Labour and Social Affairs stressed the influence of the women’s movements representatives on the change of the Act on Police:

Because of numerous public debates and public actions organised by women’s organisations dealing with violence problems and the OEO the process of amending the Police Act was initiated in 2003 by the Ministry of Interior and Justice ... The aim of the amendments was to increase the powers of the police following the example of the Austrian and German law on violence against women and domestic violence.
In terms of international influence, all the respondents confirmed that international norms indirectly influenced certain legal changes. One respondent from the Human Rights Ombudsman Office said:

Different international organisations and international policy resolutions in the area of domestic violence have certainly influenced the perception of the importance to combat violence against women and children in Slovenian society.

**Supra analysis**

*The extent of women’s movement influence*

The data indicate that representatives of the Slovenian women's movement played an important role in amending the laws on violence against women. Both women’s movement and government representatives agree that the women’s movement certainly played a major role in putting the issue of violence against women on the public agenda. During the 1990s the WPO and women's NGOs were the only actors who tried to introduce the issue of violence into the public agenda through numerous campaigns, round tables and public debates. The 1999 "What's the Matter Girl" campaign was extremely important to the perception of violence against women by the wider Slovenian public and encouraged broad cooperation between women’s movement's representatives, politicians and different institutions in the fight against violence. Following the event, other actors, such as the Human Rights Ombudsman, the police, and municipality councils also become involved in the policy process concerning violence against women in Slovenian society.

Most of the women’s movement's goals concerning violence against women were implemented in Slovenian legislation.\(^1\) From the beginning of the 1990s the women’s movement demanded that domestic violence should be identified as a serious criminal offence of violence in the *Penal Code*, as appropriate legislation which would include the possibility to prevent the perpetrator of a violent act from gaining renewed access to the victim. In 1993, the WPO forwarded proposals for the improvement of the position of the victims to the government and appropriate ministers. While 1994 saw the adoption of a new *Penal Code*, the demands of the WPO and women's NGOs for legislation about violence against women were not met. However,

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175 Regardless of the legal changes, which occurred during the last few years, almost all the representatives of the women’s movement stressed that even more comprehensive changes need to occur in order to enhance the protection of women who were the victims of violence. One of the solutions for that situation is the proposal of the representatives of the women's movement to create a universal law which would deal with the problem of violence. Majority of the respondents also pointed out the shortcomings in the implementation of the already existing laws as a problem.
in 1999 policy outcomes in the area of violence against women finally reflected the objectives and demands of women’s movements, with amendments to the Penal Code and Criminal Procedure Act, and in 2003 to Act on Police. However, while the legislative changes did correspond to the demands of the women’s movement, the woman’s movement was not the only actor involved.

When the government announced the reform of the Penal Code and Criminal Procedure Act in 1998, the WPO saw it as an ideal opportunity to offer their own proposals and form a working group for amending the Penal Code. The proposed WPO amendments mostly referred to the increased punishment for offences related to violence against women and to providing protection to victims of violence through a mechanism for removing the person who had committed the act of violence. All relevant ministries, including the Ministry of the Interior and Justice, were familiar with the WPO’s proposals. However, in parliamentary and parliamentary committee discussions of Penal Code and Criminal Procedure Act, concrete initiatives concerning the legal protection of women and children victims of violence came from conservative (right-wing) political factions (Slovene Christian Democrats, Social Democratic party) rather than from women’s movement representatives. It is somewhat surprising that overall only one woman participated in the debates, the Chairwomen of the Committee of the Interior and Justice (MP of a LDS), and even then she was primarily summing up the proposals and not taking active part in the debate.

The data shows that the women’s movement also played a role in amending the Act on Police. On different occasions, the Expert Council, women’s NGOs such as the Women’s Counselling Association and the Office for Equal Opportunities (OEO) underlined deficiencies in Slovenian legislation due to the non-existence of restraining orders. Numerous public debates and public actions organised by women’s movement led to the Ministry of Justice and Interior initiating amendments to the Act on Police in 2003. The most important advocates of the amendments were the OEO, the Association Against Violent Communication, the Expert Council and the Human Rights Ombudsman. Thus, both the women’s movement and other domestic actors can take credit for introducing restraining orders in cases of domestic violence.

The extent of international influence

As with the Croatian case, we cannot speak about direct effects of international influence concerning legal changes in the area of domestic violence. However, what we can identify is an indirect influence on Slovenian political institutions from the UN, the EU and the COE, which used their policy resolutions to influence the perception of the importance to combat violence against women. For example, in their second and third reports on the Republic of Slovenia, the CEDAW committee expressed
concern over the incidence of violence against women in Slovenia, including domestic violence. They also expressed concern regarding lack of systematic data collection and research on violence against women, light penalties for crimes of violence against women under the Penal Code and the lack of specific legislation for combating violence against women. The committee recommended that Slovenia place a high priority on putting in place comprehensive measures to address violence against women in the family and society. The committee also called upon the state to adopt legislation on domestic violence and to ensure that violence against women is prosecuted and punished with the required seriousness and speed. Similar recommendations to the Slovenian government can be found in the European Parliament resolution on Slovenia's application for membership of the EU and the state of negotiations.

Different actors in the process of lobbying for certain amendments often raised the compatibility of Slovenian laws with international norms. For example, the WPO/EOE frequently cited directives of the COE, which in turn created greater pressure on the Slovenian government to adopt certain amendments. Women's NGOs also cited international norms in their lobbying and legal solutions from various Western-European countries and UN recommendations to pressure the Slovenian government. For example, in May 2003 the Association Against Violent Communication prepared a shadow report for the UN Committee on the Elimination of Discrimination Against women (CEDAW) emphasising violence against women and problems women confront in Slovenia when they are victims of violence. The shadow report stressed that legislative and executive authorities in Slovenia dedicated little attention to the problem of violence against women, and demanded that the Slovenian government adopt a comprehensive law on domestic violence and give authority to the police to issue restraining orders.

Other political actors in different political debates also frequently mentioned the compatibility and the adjustment of Slovenian legislation with international norms concerning violence against women. For example, at the discussions at the ninth regular session of the Committee of the Interior and Justice, Mr. Boštjan Penko, the representative of the government who was submitting the amendments to the existing Criminal Procedure Act, referred to the demands of the European Court for Human Rights. In the first parliamentary discussion of the proposal of the amendments to the Penal Code which took place at the 4th session of the National Assembly, Mr. Marušič also speaking for the government, referred to the demands of the

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176 CEDAW (2003b)  
EU in the accession process and to the adoption of the EU provisions in the sphere of penal legislation.

**Comparison – Women’s movements influence in Croatia and Slovenia**

The main results regarding the influence of Slovenian and Croatian women’s movements on the legislative changes regarding violence against women are summarized in table 6.3.

<table>
<thead>
<tr>
<th><strong>Type of influence</strong></th>
<th><strong>Croatia</strong></th>
<th><strong>Slovenia</strong></th>
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</table>
| **Agenda setting**    | General agenda setting  
    - Effect of women’s movement agency  
    - Changes in the Criminal Code  
    - Changes in the Family Law  
    - Changes in the Law on Misdemeanors  
    - Effect of women’s movement agency  
    - Law on Protection Against Domestic Violence  
    - Effect of women’s movement agency | General agenda setting  
    - Effect of women’s movement agency  
    - Changes in the Penal Code  
    - Changes in the Criminal Procedure Act  
    - Changes in the Act on Police  
    - Joint effect of women’s movement and agency of other political actors |
| **Women’s movement goal attainment** | - The Family Law, should protect all victims of family violence, not only children  
    - Domestic violence should be treated as a separate criminal act  
    - Introduction of a protective mechanism in the Law on Misdemeanors, which would remove the perpetrator from the family | - Domestic violence should be identified as a serious criminal offence  
    - Introducing the ban on approaching a specified place or person  
    - Introducing the restraining order decree in cases of domestic violence in the Act on Police. |
<table>
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<tr>
<th>Type of influence</th>
<th>Croatia</th>
<th>Slovenia</th>
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<tr>
<td>Women’s movement goal attainment</td>
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<td>Influence evaluation</td>
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<td>Women’s movement goal attainment</td>
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<td>Changes in the Criminal Code</td>
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<td>- Effect of women’s movement agency</td>
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<td>Changes in the Family Law</td>
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<td>- Effect of women’s movement agency</td>
<td>- Effect of others political actors’ agency</td>
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<td>Changes in the Law on Misdemeanors</td>
<td>Changes in the Act on Police</td>
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<td>- Joint effect of women’s movement and agency of other political actors</td>
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<tr>
<td>Law on Protection Against Domestic Violence</td>
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<td>- Joint effect of women’s movement and agency of other political actors</td>
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Table 6.3. Summary of women’s movements’ influence: Policy case 1 – Violence against women

**Agenda setting**

In both cases the women’s movement played the primary role in putting the issue of violence against women on the public and political agenda. During the 1990s debates about domestic violence in Croatia and Slovenia were initiated and stimulated by women’s movements. Women’s NGOs influenced the flow of events in the field of violence against women, educated experts and the general public and initiated and cooperated in the creation of policy. In Croatia, women's NGOs were the main initiators of the amendments to the Criminal Code, Family Law and the Law on Misdemeanors. In Slovenia, the women’s movement was the first to demand that domestic violence should be identified as a serious criminal offence of violence in the Penal Code. They were also first to demand the adoption of legislation preventing the perpetrator of a violent act from gaining renewed access to the victim. It is highly probable that the issue of violence against women in Croatian and Slovenian society would still be perceived as a problem of the private sphere of every family if the women's movements had
not been involved. Thus, the engagement of women's movement was the
decisive element for the question of domestic violence to start being seen as
a social problem in those two countries. After the women’s movement
succeed in putting the question on the public agenda, other actors also
become involved in the policy process.

Goal attainment

Concerning legislative changes in the area of domestic violence that
occurred during the transition period, we can conclude that most of the
women’s movement's goals concerning violence against women were
implemented in both Croatia and Slovenia. In the case of Croatia, the most
important changes in Croatian legislation concerning the problem of
violence against women occurred between 1999 and 2003. The women’s
movement demanded that the Family Law protect all victims of family
violence, not only children, and to define the violent aggressor as any
member, not just a parent. These demands were met in the new definition of
domestic violence, a “violent behaviour of a spouse or another family
member of over 18,” (Article 118). The women’s movement also had its
demands met for articles 102.2. and 188.5. of the Criminal Code to be
erased, and for the treatment of domestic violence as a separate criminal act
so that victims of domestic violence (severe bodily harm and rape), do not
have to initiate pressing charges themselves. Furthermore, the new crime
“Violent behaviour in the family” (Article 215.a) was introduced.

Another important goal achieved by the women’s movement was the
introduction of a protective mechanism in the Law on Misdemeanors, which
would remove the perpetrator from the family before a court decision was
made. The final important goal achieved by the Croatian women’s
movement was the enactment of a separate Law on Protection Against
Domestic Violence. Furthermore, many specific proposals made by the
women’s movement were implemented in the final version of the law. In
Slovenia the most important changes concerning the problem of violence
occurred between 1999 and 2003, implemented in the Penal Code, Criminal
Procedure Act and the Law on Police. At the beginning of the 1990s the
women’s movement demanded that domestic violence should be identified
as a serious criminal offence of violence in the Penal Code as well as the
adoption of restraining orders. With the adoption of amendments to Penal
Code and Criminal Procedure Act in 1999 and the amendments to the Act on
Police from 2003, we can conclude that policy regulations in the area of
violence against women reflected the objectives and the demands of the
women’s movement.
Final policy influence

While particular outcomes in the area of violence against women in Croatia and Slovenia corresponded to the demands of the women’s movement, the data show that the women's movement was not the only actor involved in several of the legislative changes. Thus, we have to ask if those legislative changes would have been enacted even without the Croatian and Slovenian women’s movements. The Croatian women’s movement was the primary initiator of the amendments to the Criminal Code, the Family Law and the Law on Misdemeanors. The women’s movement was also responsible for initiating the Law on Protection Against Domestic Violence. By lobbying inside government, different ministries and the parliament, certain women politicians succeeded in persuading responsible lawmakers and parliamentarians that the Family Law and Criminal Code should properly protect victims of domestic violence. When the Croatian government announced the reform of the Law on Misdemeanors in spring 2000, women’s organisations intensified their lobbying for changes in the law. However, this time the submitters of amendments to the law were not women politicians but the Croatian government and the Central Bureau for Protection of Family, Motherhood and Youth. The enactment of this law was scheduled in Government's national program for joining the EU. The government found inspiration for enactment of the law in international norms and similar laws of other countries as well as in the women’s movement’s long term public emphasis for the need for such a law.

In Slovenia the women's movement played an important role in initiating legislative provisions about violence against women. When the government announced the reform of the Penal Code and Criminal Act in 1998 the WPO saw it as an ideal opportunity to offer their own proposals to protect the victims of domestic violence more properly. In addition, the WPO formed a working group for creating and amending the penal code. The initiative for amendments mostly referred to the increasing of punishment for offences related to violence against women and to providing protection to victims of violence by creating the appropriate mechanism for removing the person who had committed the act of violence. All relevant ministries, including the Ministry of the Interior and Justice were familiar with the proposal made by the WPO. However, at the discussions of Penal Code, Criminal Procedure Act in parliament and different parliamentary committees, the concrete initiatives concerning the legal protection of women and children victims of violence came from the representatives of right-wing political parties, not from the women’s movement representatives. To conclude, the idea of categorizing violence against women and children as a severe criminal offence, arrived and was supported from conservative (right-wing) political fractions (Slovene Christian Democrats, Social Democratic party), and not from the women’s movement representatives. However, the women’s movements
representatives played significant role in the process on amending the Act on Police. The most important advocates of the amendments were the OEO, the Association Against Violent Communication, the Expert Council, and the Human Rights Ombudsman. Thus, we can conclude that both women’s movement representatives and other domestic actors can take credit for introducing the approaching prohibition decree in cases of domestic violence in the Act on Police.

The extent of international influence

Croatia and Slovenia experienced indirect international influence concerning legal changes in the area of violence against women/domestic violence. In that policy area there are no international legal instruments which can force national governments to implement legislative measures. However, the UN, the EU and the COE used their policy resolutions to influence the perception of the importance to combat violence against women. Different actors in the process of lobbying for certain amendments often raised the compatibility of Croatian and Slovenian laws with international norms concerning violence against women/domestic violence. In Croatian case, referring to international norms was particularly evident in the process of enactment of the Law on Domestic Violence. The Croatian women's movement often cited international norms in their lobbying, and examined legal solutions from various Western-European countries as well as UN recommendations to pressure the Croatian government and ministries. In Slovenia, representatives of the government often referred to the demands of the European Court for Human Rights and to the demands of the EU in the accession process. The Office for Equal Opportunities frequently used the directives of the COE concerning violence against women, while women’s NGO’s dealing with problems of domestic violence extensively used the language of universal human rights, referred to Slovenia’s international obligations (especially the CEDAW Convention) and thus applied indirect pressure on Slovenian government to adopt certain amendments.

Women's movements’ strategies

The issue of violence against women is one of the issues which encouraged wide cooperation between the various organisations which made up the women’s movements in Croatia and Slovenia. In Croatia’s case, women's organisations orchestrated several public debates in the period 1997-2004 aimed at educating the Croatian public about the extent and the importance of the problem of violence against women in Croatian society. These public campaigns were supported by certain women politicians who were recognized as important allies of the women's organisations, especially Jadranka Kosor (HDZ) and Đurđa Adlešić (HSLS). They were raising public
awareness on the subject as well as the awareness of MPs and politicians from their own parties. In the period 1997-2004 cooperation developed between women's organisations and the Commission for Equality, whose representatives started to collect information on violence against women. The Commission initiated a two-day conference called "Fighting Violence Against Women Together" in which women's organisations and women politicians participated. The Equality Commission also supported the demands of the women's organisations that the Penal Code should be amended.

In the case of Slovenia, the issue of domestic violence was raised for the first time in Slovenian public consciousness in the mid-1980s when the first women’s groups were established. In the transition there was strong NGO activity on the issue and violence against women was one of the major foci of the WPO. It is important to point out that most of the women's organisations which promoted various aspects of women’s rights and gender equality made stopping violence against women their top priority. Certain organisations such as the SOS hotline dealt exclusively with that issue. The cooperation between the WPO and different women's organisations was very fruitful concerning the question of violence against women. This is evident in the joint campaigns to educate the public and joint lobbying for changes in legislation. In interviews, representatives of the WPO/OEO characterized the cooperation as good, with the period when Vera Kozmik was the head of the WPO stressed as the culmination of good cooperation. Since 2000 good cooperation also developed between women's NGOs and the Ministry of Labour, Family and Social Affairs. In 2001, within the framework of the Ministry of Labour, Family and Social Affairs (MDDSZ), an Expert Council for problems of violence against women was established as an advisory body. Founded on the initiative of NGOs, its task was the preparation of expert bases and guidelines for the adoption of suitable legislation about violence against women, and monitoring the implementation of such legislation. Two of the most active women's NGOs in the Expert Council were the Association Against Violent Communication and the Women's Counselling Association. A representative of the Office for Equal Opportunities (EOE) was also represented in the Expert Council. In the period 2000 -

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179 The 2004 analysis conducted by the Slovenian Government which dealt with the involvement of the non-governmental organisations in the creation of state politics in different areas indicates that in 2003 the Ministry mostly contacted the NGOs that deal with violence. 8-10 NGOs cooperated with the Ministry in one way or the other. The situation is similar when the cooperation between the Office and the NGOs is concerned. In 2003 the Office contacted 19 nongovernmental organisations which deal with violence against women. It had almost no contact with the other type of the women's organisations, except with the organisation which deals with the position of women in the labour market and the coalition with the civil society for greater participation of women in politics. Of all the NGOs in Slovenia which took part in forming the politics within various Government departments, the women's organisations which deal with the issue of violence are the ones that are most frequently mentioned. The Association Against Violent Communication takes the second place in that survey while the Women's Counselling Association takes the fourth place (Government of the Republic of Slovenia 2004).
2004, the State Secretary of the MDDSZ was Alenka Kovšca, who was also the president of the women's section of the United League of Social Democrats (ZLSD) and a representative of the ministry (MDDSZ) in the Expert Council. The cooperation which developed between Alenka Kovšca and women’s NGOs was stressed in the interviews as extremely positive.\textsuperscript{180}

The general conclusion is that the strategies of the women's movements in Croatia and Slovenia show many similarities concerning this policy case. Both in Croatia and Slovenia, engagement in the issue led to extensive cooperation between different groups within the women's movement. Where legal changes are concerned, the cooperation between women politicians and the NGOs must be considered an important precondition for the success of the Croatian women's movement in that area.

\textsuperscript{180} Besides the good cooperation between various parts of the women's movement, several respondents stress some problems. They expressed their dissatisfaction with the fact that personal disputes between certain representatives of the women's movement influence the work and the cooperation between certain organisations. Some addressed the relation of certain women's organisations which deal with the issue of violence with feminism. The post-communist increase in the number of women's organisations, which deal with violence created a discrepancy between the organisations which are based on feminist grounds and those which do not want to be identified with feminism.
Policy case 2
Anti-discrimination policy
(Gender Equality Law)

Under the communist system, constitutional regulations provided Croatian and Slovenian women and men with equal rights in all areas of state, political, economic, social and cultural life. The constitutions prohibited any form of discrimination, gave women the right to work, required equal pay for equal work and guaranteed social security during sickness and after retirement. In the transition period a number of substantial and procedural provisions were adopted in both countries with the aim of achieving elimination of discrimination against women in different spheres of social life.

As a result of the introduction of a market economy and related market forces at the end of the 1980s and beginning of the 1990s, the issue of employment gained a number of different characteristics. Employers began to economise with the labour force, which in terms of employment meant that new criteria were added for the selection of candidates for jobs and that employers mostly hired people for temporary employment (Paci 2002). Thus the greatest changes with regard to anti-discrimination policies in Croatia and Slovenia occurred in the area of equal employment opportunities. For example, the Slovenian Employment Law from 1991 protected certain groups of workers (e.g. pregnant workers, workers on sick leave or on leave to care for a sick family member, sole parents).\(^{181}\) The major improvement regarding the protection of women on the labour market took place in 2002, when the Employment Relationships Act was adopted in Slovenia.\(^{182}\) This

\(^{181}\) (Official Gazette No. 33/91)
\(^{182}\) (Official Gazette No. 42/2002)
Act specifically bans discrimination in Article 6.\(^{183}\) The employment status of Croatian women was improved with the enactment of the *Labour Act* in 1995.\(^{184}\) On 27 July 2003 its second and third amendments entered into force.\(^{185}\) Nevertheless, in order to develop a more comprehensive framework for eliminating discrimination against women and the realization of equal opportunities in all spheres of social, political and economical life, both countries adopted special anti-discrimination laws: the *Act on Equal Opportunities for Woman and Men* (2002) in Slovenia and the *Law on Gender Equality* (2003) in Croatia.

**The case of Croatia - The Law on Gender Equality**

In 2003, the Croatian government passed the Law on Gender Equality, which protects and promotes gender equality as a fundamental value of the

\(^{183}\) The Employment Relationships Act determines that an employer may not place a job seeker or a worker during the duration of employment and in connection with the termination of an employment contract, in an unequal position because of sex, race, skin colour, age, health state or disability, religious, political or other conviction, membership of a trade union, national or social origin, family status, property status, sexual orientation or any other personal circumstance. It further determines that women and men must be guaranteed equal opportunities and equal treatment in employment, promotion, training, education, retraining, pay and other remuneration, bonuses, absence from work, working conditions, working time and termination of an employment contract. It thus prohibits indirect and direct discrimination whereby the act also contains a definition of indirect discrimination. Furthermore, the act also determines (Article 25) that an employer may not advertise a vacant working position only for men or only for women or indicate that preference will be given to one or other gender, unless the specific gender is an essential condition for performing the work. Similarly, an employer, in concluding an employment contract, may not require data from a candidate on family or marital status, data on pregnancy, on family planning or other information unless they are directly related to the employment. The Employment Relationships Act also bans sexual harassment at the workplace. In (Article 45) the act determines that an employer is obliged to guarantee a working environment in which no worker will be exposed to undesired treatment of a sexual nature, including undesired physical, verbal or non-verbal behaviour, or other behaviour based on gender, which would create intimidating, inimical or humiliating working relations and environment and insult the dignity of men and women at work.

\(^{184}\) The Labour Act guarantees equal wages to women and men for equal work (Article 82). The Act also protects employed women during their reproductive age by the norms on protection of women's health, norms which limit night work and overtime hours of women, norms on protection of pregnant women, breast-feeding mothers and mothers of young children. Article 56 of the Labor Law stipulate that that pregnancy cannot be the reason for refusal of the employer to employ the woman, neither can the employer ask for any kind of information on pregnancy. Pregnant woman is protected from termination of labor contract (regular or exceptional), except in cases of temporary labor contracts, when her employment ends on expiry of the contracted period regardless of her pregnancy (Article 70) (Official Gazette No. 38/95).

\(^{185}\) Article 2 of the Labour Act prohibits unequal treatment of job seekers or workers, among others, also on the basis of gender, marital status and family duties, and binds employers to pay equal wages for equal work and work of equal value to women and men. Furthermore, these amendments to the Labour Act, more thoroughly than the valid legislative system, regulate prohibition of discrimination in accordance with the guidelines and European standards for the protection of women. They regulate instances of direct and indirect discrimination in more detail, and all measures regarding special protection and assistance for special groups of workers (Official Gazette No. 114/2003).
constitutional order of the Republic of Croatia.\textsuperscript{186} The Law on Gender Equality regulates the right to protection from discrimination on the basis of gender and creation of equal opportunities for women and men in political, economic, social, educational and all other areas of public life. It introduces principles of gender mainstreaming, distinguishes direct and indirect discrimination on the basis of gender, determines state mechanisms for achieving and protecting equality and non-discrimination. It is also important to acknowledge that this law for the first time introduces the prohibition of sexual harassment into Croatian legislation. The Law on Gender Equality anticipates two institutions for the improvement and promotion of the status of women in the Republic of Croatia: the Office for Gender Equality and the Gender Equality Ombudsperson.

\textbf{Policy process analysis}

\textit{How the issue was brought on to the public agenda}

In 2000 two specific initiatives for the creation of the Law on Gender Equality were developed. One was launched by the group from the Faculty of Law in Zagreb, led by Siniša Rodin, the other one by the women's NGO B.a.B.e.\textsuperscript{187} The enactment of the Law on Gender Equality was also planned in two government policy documents from 2001: \textit{the Stabilization and Association Agreement with the EU} (SAA) and \textit{the National Policy for the Promotion of Gender Equality 2001-2005}.\textsuperscript{188} With the election of a coalition government in 2000, serious negotiations between Croatia and the EU began. In 2001, Croatia implemented two important programs on the path toward EU integration. On 29 October 2001, Croatia signed the Stabilization and Association Agreement with the EU (SAA), which provides a political and economic framework for eventual EU accession. According to this document, Article 69 and Article 91 are particularly important to the enactment of the Law on Gender Equality. The enactment of the law was due in June 2002.

\textbf{UK-Croatia gender equality project}

In the process of Croatian negotiations with the EU, special cooperation was built between Jo Shaw of Manchester University and Siniša Rodin of Zagreb University.\textsuperscript{189} The cooperation built upon an existing close collaboration in

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{186} (Official Gazette No. 116/2003)
\item \textsuperscript{187} Faculty of Law in Zagreb (2000). Draft of the Constitutional law on Gender Equality and B.a.B.e. (2001b). Draft Law on Gender Equality
\item \textsuperscript{188} (Official Gazette No. 112/2002)
\item \textsuperscript{189} For more information on UK-Croatia gender equality project please see their website
\end{itemize}
\end{footnotesize}
the field of EU law and constitutionalism between the UK and Croatian project leaders. The goal of the team was to study the adjustment of the Croatian constitution, legislation and institutions to EU gender equality provisions, drawing upon the relevant UK and EU public policy experiences. According to the team evaluation, the gender equality legislation of the Republic of Croatia suffered numerous deficiencies compared with the EU requirements (Vasiljević 2003). For example, although the Labour Act principally forbade gender discrimination when it came to the principle of equal opportunities and equal treatment of women and men in matters of employment and occupation (in congruence with the Directive 76/207/EEC), it lacked implementation mechanisms to ensure these principles. The Labour Act also did not contain definitions of direct and indirect discrimination, which made the scope of the unequal treatment prohibition significantly narrower. Another deficiency was a complete absence of protection against sexual harassment at work and not acknowledging sexual harassment as a form of gender discrimination. The UK-Croatia Gender Equality project concluded that it was necessary to create a completely new legal framework in the Republic of Croatia for the protection against gender discrimination. Siniša Rodin and Snježana Vasiljević, members of the UK-Croatia Gender Equality project, were directly involved in the process of drafting the Law on Gender Equality as members of a Committee working within the Croatian government.

National Policy for the Promotion of Gender Equality in the Republic of Croatia

Another initiative for the creation of the Law on Gender Equality was launched by the women’s NGO B.a.B.e. After the parliamentary elections in January 2000, the new Croatian government reformed the Equality Commission and renamed it into the Commission for Gender Equality. Deputy Prime Minister Željka Antunović (SDP) was appointed president of the Commission. On the basis of preliminary documents from the UN General Assembly’s Special Session “Women 2000: Gender Equality, Development and Peace for the Twenty-first Century” and the shortcomings observed in the application of the Croatian National Gender Policy up to 2000, the Commission for Gender Equality initiated a dialogue with

at http://www.liv.ac.uk/law/ukcroatia/index.htm

190 The Faculty of Law: Proposed Bill on gender equality, 1 December 2000.
191 At various stages, the members of the UK team were able to provide input in relation to an early draft. Fiona Beveridge and Jo Shaw participated in early June 2003 in a Workshop at the Centre for Women’s Studies, Zagreb on “Gender Mainstreaming in Croatia and the European Union: What will the Gender Equality law bring us?” The event was attended by about 30 persons, including representatives from women’s NGOs, academia and government. The speakers were: Biljana Kašić, Director of the Centre for Women’s Studies; Dubravka Simonović, responsible for matters relating to CEDAW in Croatia and on the CEDAW group of experts; Siniša Rodin, from the Faculty of Law, University of Zagreb, Jo Shaw, University of Manchester, and Fiona Beveridge, University of Liverpool.
women’s NGOs on further actions to be taken. With this purpose in mind, a national conference, “Women in Croatia 2001-2005”, was organised on 5-6 October 2000 involving representatives of the Croatian Parliament, Government, women's NGOs, women’s sections of political parties and trade unions. The conference assessed gender equality in the Republic of Croatia in the 1995-2000 period and developed the objectives for further actions. The same year, women’s NGOs and members of the Commission for Gender Equality, as well as the members of other state institutions, took part in the creation of the new National Policy for the Promotion of Gender Equality. B.a.B.e. produced a lengthy document that included their amendments to the last version of the draft of National Policy for Gender Equality that was going through parliamentary procedure.

One of the proposals made by B.a.B.e. and incorporated into the National Policy was the enactment of the Law on Gender Equality. According to the activity plan laid out in the National Policy, the Law on Gender Equality was supposed to be passed by summer 2002. After the National Policy document was accepted by the Parliament, the process of lobbying for the enactment of the Law on Gender Equality began. In 2001 the B.a.B.e. Monitorine team, and especially their resident lawyer and co-drafter of the proposed law, Radmila Sučević, participated in public discussions and numerous round tables on the need, content, and future of the proposed law.

On the state side, the creation of the Law on Gender Equality was initiated by the Ministry of Labour and Social Care. A working group was formed, headed by Milena Horvat, the representative of the Ministry. Radmila Sučević was invited to participate, and other members included state officials and university professor Sinisa Rodin from the Faculty of Law. After forming the working group, the Minister of Labour and Social Welfare and the vice president of the government Committee for Gender Equality, Davorko Vidović opened a public debate and called for proposals from NGOs and individuals. In the first months of 2003 several round tables were held to discuss the content of the law. For example, on 28 March the Committee for Gender Equality, in cooperation with the Centre for Human Rights, organised a round table called “Discussion of the Bill on gender

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193 Even though most of the proposals made by women's organisations were implemented into the final version of the document, representatives of the women's organisations were dissatisfied with the content of the final version. Their main argument was that the document was too extensive. Their concern was that it did not have clear priorities and that the extensiveness of the tasks would prevent it from being fulfilled (B.a.B.e. 2002).
equality”. Participants of the round table were members of the working group which was responsible for the creation of the Law, members of the government Committee for Gender Equality, representatives of the Committee for Gender Equality at local level, representatives of women's NGOs, the judge of the Constitutional Court and others (Večernji list 2003a). In June 2003 the government submitted the final draft of the law to the Parliament. The draft law was reviewed by the authorized working groups: the Committee for Gender Equality as the central working group, the Committee for Family, Youth and Sport, the Committee for Work and Social Care, as well as the Committee for Human Rights and the Rights of National Minorities. On 14 July 2003, after extensive debate, the Croatian Parliament passed the Law with the majority of the votes (74 in favour and 14 floating votes).

The following actors were involved in the process of enactment of the Law on Gender Equality in Croatia (see table 7.1).

<table>
<thead>
<tr>
<th>Analyzed policy segments</th>
<th>Main actors involved</th>
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<tr>
<td>The process of enacting the Law on Gender Equality</td>
<td>Women’s movement</td>
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<td>○ Women’s NGOs</td>
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<td>○ The Parliamentary Committee for Gender Equality</td>
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<td>○ Women MPs</td>
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<td>Other Actors</td>
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<td>○ The Faculty of Law in Zagreb</td>
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<td>○ The government's working group for the creation of the law</td>
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<td>○ Ministry of Work and Social Care</td>
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*Table 7.1. Analyzed policy segments and the main actors involved in the policy case 2 – Croatia*

**Women's movement self-assessment of influence perception (ego perception)**

Several groups from the women's movement were involved in various phases of the enactment of the Law on Gender Equality: B.a.B.e., the Center for Women's Studies, the Croatian Women's Network, Women's Section of the SSSH, several women politicians and the Parliamentary Committee for Gender Equality. A majority of the Croatian women's movement's respondents claim some influence on this topic. Women's movement's representatives consider it a great success that they prepared

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194 Law on Gender Equality, discussions at the 33rd regular session of Croatian Parliament, 14 July 2003
their own draft law and influenced the public debate. As their greatest success they claim the introduction of the Gender Equality Ombudsperson into the law and the appointment of a woman from the women's movement as the first ombudsperson. The representatives of women's NGOs claim that their greatest failure was the inability to incorporate sanctions into the law. This opinion however differs from that of women politicians who were involved in the process of enacting the law.

While B.a.B.e. representatives believe the organisation had a significant influence on enacting the law, they are not satisfied with all the components of the law. Sanja Sarnavka, B.a.B.e.’s coordinator, comments on this as follows:

In my opinion B.a.B.e. had a great influence on the enactment of this law. Some of our amendments have been promulgated and some have not … B.a.B.e. was part of the governmental working group for the drafting of Law on Gender Equality. Although, it is better to have something then nothing, the Law could have been better. Nevertheless, the Law has fortified national mechanisms that acquired two important institutions. The first one is Ombudsperson for gender equality and the first ombudswomen is our long time lawyer, Gordana Lukač – Koritnik. The other institution is Governmental Office for Gender Equality and we are hoping that we will cooperate with the Office in the future.

The women’s movement claims the introduction of the Gender Equality Ombudsperson as its greatest success. According to the majority of interviewees this can be exclusively ascribed to lobbying by the women’s movement. According to opinion of Gender Equality Ombudsperson, Gordana Lukač Koritnik:

Introducing the mechanism of the Gender Equality Ombudsperson is exclusively the result of the wide cooperation on the women's scene … The engagement of Mrs. Gordana Sobol on that question was particularly important.

Mjirana Ferić-Vac, president of the Women’s Forum (SDP), emphasises the influence of the Women’s Forum (SDP) regarding the introduction of the Gender Equality Ombudsperson:

At one point it appeared that the proposal was entering the parliamentary procedure without the Ombudsperson. Our Women's Forum had a meeting and I said that I would go public with the message saying that this Law cannot enter parliamentary procedure without the Ombudsperson … I was aware that the size of the coalition government forced us to make a compromise but I think that it was unacceptable that the law should be enacted without the Ombudsperson, the fundamental institution for the law enforcement … In the end we succeeded in our demand. This issue was dealt with an amendment proposed by the Committee for Gender Equality.

The women's movement was pleased that the law was enacted and introduced the Gender Equality Ombudsperson but several representatives
were also dissatisfied with certain matters concerning the content and process of enacting the law. One of the failures of the women's movement mentioned in the interviews was the inability to impose sanctions for not implementing the Law. Martina Belić from B.a.B.e., expressed her dissatisfaction in the following manner:

In my opinion all these laws on gender equality were enacted as one-upmanship, not to make changes in the area of gender equality. Our lawyer Rada Sučević advocated the introduction of sanctions but her attempts were unsuccessful ... On the other hand, that is not so unusual. Many laws in Croatia are not implemented so why would this one be, especially when it is least important to state institutions.

Some respondents were also critical of enactment of the Law via ‘urgency procedures’. Jagoda Milidrag-Šmid, member of the women’s section of the (SSSH) said:

Even though the enactment of the Law fell two years behind the schedule according to the activity plan laid out in the National Policy for the promotion of gender equality, we are glad that it even got into the parliamentary procedure. However, concerning the length of the preparations and constant delays, falling behind the schedule does not justify the urgent procedure of enacting the Law ... We expected that this Law would induce a public debate and have at least two readings in the Parliament. This way, it seems as the enactment of yet another declarative law, which will hardly come to life and provide real results in the long run.

The attitude of women politicians involved in enacting the Law is somewhat different from the attitude of representatives of women's organisations. Gordana Sobol (SDP), president of the parliamentary Committee for Gender Equality and government minister, does not consider the lack of sanctions a failure and stresses the complexity of the political process of the enactment of the Law. She said:

People often forget that the ruling elite during the previous period was a coalition government of parties which had different opinions about certain issues. The process of enacting this law was rather sluggish, as was the case with all the laws which deal with similar problems. It took us a lot of time to harmonize and we - the Social Democrats - had no alternative but to deviate from our initial aims. We were aware that we would have to concede to some extent in order for the Bill to pass or else the enactment of the law would be further prolonged ... Consulting and harmonizing took a lot of time. Women's NGOs, however, have no understanding for the issue. They cannot understand why it takes so much time ... I know how long it took me as a member of the government to persistently talk to certain people, to push the working group who was constructing the law. At that time I was successfully cooperating with a colleague of mine who was in charge of the working group and I helped her to simply dismiss certain issues without much discussion because you cannot respond to everyone's demands. As a result, the issue of sanctions for nonimplementation of the law which the women's organisations demanded was also dismissed. Finally, these sanctions were incorporated into some other laws, such as the Labour Act.
Several respondents believe that international norms partially influenced the enactment of the Law on Gender Equality. Representatives of women's NGOs claimed inspiration for the Law on Gender Equality in similar laws of other countries. Gordana Sobol believes that the Croatian government found this law important for Croatia entering the EU:

…I must say that it took a lot of time for the law to be finished. Its creation was even stopped for a while. We kept shifting the deadlines. The greatest improvement was made at the end of 2002 and at the beginning of 2003. At that time, I was a member of the government Committee for Gender Equality and a member of the work group in charge of the creation of the law. This law was treated as an important precondition for Croatia entering the EU. For that reason my colleagues from the government helped to get the law into parliamentarian procedure. I would especially like to stress the involvement of Tonino Picula, the Minister of European Integrations at that time.

Assessment of women’s movement influence by other policy actors (alter perception)

Other important actors involved in enacting the Law on Gender Equality were The Faculty of Law in Zagreb, the government’s working group for the creation of the Law and the Ministry of Work and Social Care. All respondents who were involved in the policy process in question are convinced that the women's movement had some influence in the process. Two of them confirmed that the women’s movement was involved in the process as drafters and that they influenced the content of the law. Two others argue that the women’s movement successfully mobilized support for the law in parliament. One of the members of the government working group confirms that both B.a.B.e’s Bill and the Bill created by the working group from the Faculty of Law in Zagreb were taken into consideration when making the final law proposal:

In 2000, the working group from the Faculty of law started with the creation of their Bill. During that year B.a.B.e created their own Bill … Both of these options were considered during the creation of the Law on Gender Equality. Moreover, both versions were used as the working material when making the final draft law.

One respondent, from the Ministry of Work and Social Care, perceives the women’s movement as influential concerning the introduction of the Gender Equality Ombudsperson institution in the law:

The final draft law which the government submitted to the Parliament did not contain the institution of Gender Equality Ombudsperson … I am sure that the Croatian government was under strong influence of women’s politicians as well as women’s organisations which lobbied for introducing the mechanism of Gender Equality Ombudsperson.
As far as international influence on the enactment of the Law on Gender Equality is concerned, all the respondents confirmed that there was no direct influence on Croatian Government. However, two respondents stressed the indirect influence of the EU. One member of the government working group said:

As far as I know there was no pressure from the EU to enact the Law except to fulfil the 1991 Copenhagen Criterion on high standards of respecting human rights which meant the creation of a high-quality anti-discriminatory legislation in accordance with European standards. Given that gender equality became one of the key issues in the EU and that the Republic of Croatia created the National Policy on Gender Equality, the governmental coalition that was ruling at that time concluded that such law would be very useful for Croatia on its way towards the EU … When creating this law, the government of Croatia acted according to EU directives which refer to equal opportunities for men and women, as well as the other EU countries which were harmonizing their legislation with legislation in the EU.

Supra analysis

The extent of women’s movement influence

The data show that representatives of the women's movement played an important role in the enactment of the Law on Gender Equality. Indeed, this was one of the major goals of the Croatian women's movement in the transition period. Thanks to the initiative of women's NGOs, enactment of the Law on Gender Equality was part of the National Policy for Gender Equality accepted by the Parliament in 2001. B.a.B.e., in cooperation with other members of the Croatian women's movement, created its own proposed Bill in 2001. However, in 2000, a working group from the Faculty of Law led by Professor Rodin started the creation of their own proposed Bill. The main difference is that the Bill proposed by the working group from the Faculty of Law in Zagreb was in the form of a constitutional law (it contained general regulations) while the Bill proposed by B.a.B.e. was in the form of a regular law. In that way it was more detailed because a regular law must prescribe in detail everything that is expected at the normative level according to its content. Another difference is that the Bill created by B.a.B.e. included a Gender Equality Ombudsman. Thus, both B.a.B.e. and the Faculty of Law are responsible for the issue of the law being introduced on to the political agenda.

According to SAA and the National Policy plan, the law should have been enacted in 2002. However, its creation was temporarily halted by the government of the day, which was rather passive towards the enactment of the law and made no specific initiative on the matter in 2002. This is where the women's movement played a major role. Cooperation between B.a.B.e.,
the Parliamentary Committee for Gender Equality and the government member Gordana Sobol (SDP) encouraged the government to creation the final Bill and made it possible for the law to enter the parliamentary procedure in spring 2003.

To create the law, a special working group from the Ministry of Labour and Social Welfare was formed which included one representative of B.a.B.e. and two representatives of the Faculty of Law in Zagreb. After forming the working group, the Minister of Labour and Social Welfare and the vice president of the government Committee for Gender Equality, Davorko Vidović opened a public debate and called on NGOs and individuals to make proposals. In the first months of 2003 several round tables were held to discuss the proposed law’s content. The women’s movement representatives actively participated in the public debate and came with their comments on the proposed Bill. Besides specific proposals, the women's movement organised several public debates on the law in the period 2001-2003. For example, a seminar on the topic "Political equality and citizenship from gender perspective" was held in the Centre for Women's Studies as an introduction into public debate and the legal procedure of the Law on Gender Equality. In March 2001 Women’s Infoteka organised a round table conference named "Gender Equality as a legal and social norm".

Were any of the important demands of the women's movement implemented in the final draft? The government working group used B.a.B.e.’s proposed Bill, together with the Bill created by the work group of the Faculty of Law, in creating the final draft. Radmila Sučević, B.a.B.e.’s lawyer, was also a member of the government's group for the creation of the law, and some of B.a.B.e.’s proposals were implemented in the final version. The Parliamentary Committee for Gender Equality and Centre for Women's Studies also had a great impact on a number of amendments. For example, the Centre for Women's Studies contributed to this Act in the form of proposed amendments concerning gender sensitive education especially within the higher educational system. The final draft of the law, which the government submitted to the Parliament, did not contain the commitment of introducing a Gender Equality Ombudsperson, which was one of the main demands of the women's movement. As there was no Ministry for Gender Equality in Croatia, the women’s movements' representatives thought that this law should incorporate a Gender Equality Ombudsperson who would act

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195 The moderators of the seminar, besides Jasminka Pešut and Biljana Kašić from the Centre for Women's Studies and Mirjana Radaković from the Centre for Peace Studies were Mirjana Ferić-Vac, the SDP representative and the head of the Croatian delegation in the parliament of the Council of Europe, and Snježana Vasiljević, the assistant lecturer at the Faculty of Law in Zagreb.

196 Among others, Jagoda Milidrag Smid – the representative of the women's section of the SSSH, Professor Siniša Rodin from the Faculty of Law and Radmila Sučević as the representative of B.a.B.e. took part in the round table conference.
independently. That demand was however denied by the government with the explanation that it would encourage other groups such as national minorities to demand an Ombudsperson. Besides, Croatia was said to have a Human Rights Ombudsperson who could deal with the problem of gender equality as well.

The women's movement was very dissatisfied with that decision and argued that the Law was not likely to provide real results without the institution of the Ombudsperson. After intense joint lobbying, the representatives of the women’s movement succeeded in changing the perception of the Croatian government and Croatian parliamentarians that the introduction of the Ombudsperson was not necessary. When the final Bill entered the parliamentary procedure, the Parliamentary Committee for Gender Equality proposed 14 amendments. In relation to the issue of Gender Equality Ombudsperson the Committee proposed seven amendments. All the amendments proposed by the Committee were adopted at the 33rd parliamentary session. Thus the women’s movement influenced the key passage of the proposed law. Another success was that the first appointed Ombudsperson was Gordana Lukač Koritnik, a woman from the women’s NGO B.a.B.e.

Besides the introduction of the Gender Equality Ombudsperson into the law, one of the major demands of the women's movement, and in particular of the women’s NGOs was the introduction of sanctions for non-implementation of the law. However, it seems more than obvious that the women’s movement did not achieve its goal in this case. This can be partly explained by the fact that not all groups within the women’s movement considered the introduction of the sanctions as necessary. The interests and goals of women’s NGOs and women politicians involved in the policy process differed on that question. Women's NGOs insisted on sanctions but did not get enough support in their lobbying from women politicians.

The extent of International influence

Numerous discussions on laws during the 2001-2003 period, particularly regarding the Law on Gender Equality, involved the question as to whether these laws were enacted because of the obligation to harmonize Croatian legislation with EU jurisprudence or because of rising social consciousness of the need to promote gender equality. In public debate on the law the EU was frequently used as a legitimizing factor while EU directives and the CEDAW convention were partly used as the legal basis in the creation of the

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197. The report about the activities of the Parliamentary Committee for Gender Equality for the period (2000-2003)
law. However, it is important to stress that most interviewees believe that the EU did not impose direct pressure on Croatia to enact that law. It was rather that enacting this particular law was another point scored for Croatia entering the EU.

The Case of Slovenia – Act on Equal Opportunities for Women and Men

For the purpose of defining common ground for improving the status of women and establishing equal opportunities for women and men in different spheres of social life, in 2002 the Slovenian parliament passed the Act on Equal Opportunities for Women and Men.\(^{199}\) It is a general law that specifies guidelines for the development of legislation in individual areas.\(^{200}\) The Act defines gender-based discrimination and identifies various measures, the purpose of which are the elimination of direct and indirect discrimination and the promotion of gender equality in all spheres of social life. In addition to the general measures, (Article 7) of the Act, allows for some special temporary measures. (Article 7) outlines the creation of equal opportunities for women and men and the promotion of gender equality in fields in which there is imbalance in the representation or status of women and men.\(^{201}\) The Act divides special measures into positive, encouraging and programme measures. Positive measures are those that give priority to persons of the under-represented or in other ways unequal gender. Encouraging measures give special benefits or introduce special incentives for the purpose of eliminating unbalanced gender representation or an unequal status on account of gender. Programme measures are awareness-raising activities and

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\(^{199}\) (Official Gazette No. 59/2002)

\(^{200}\) Equality of women and men as defined by the Act on Equal Opportunities for Women and Men means that women and men participate equally in all fields of public and private life, that they have equal status and equal opportunities to enjoy all rights and to develop personal potentials by which they contribute to social development, as well as the right to equal benefit from the results that development brings. The Act also specifies equal opportunities for women and men as eliminating obstacles to the introduction of gender equality, in particular through the prevention and elimination of unequal treatment of the two sexes as forms of discrimination in practice, which derives from traditionally and historically conditioned different social roles, and creating the conditions for introduction of gender balanced representation in all fields of social life.

\(^{201}\) The Act also specifies the method of adopting special measures, which is determined in particular in relation to adopting positive measures. Positive measures in compliance with (Article 8) of the Act may be adopted in the fields of education, employment, professional life, public or political activity and in other fields where reasons are given for their introduction, and they may be adopted by state authorities and other bodies in the public sector, economic operators, political parties and civil society organisations. Those entitled must at the time of introduction of the measures prepare an action plan in which they analyse the status of women and men within their field of work, specify the reasons for the adoption of positive measures, aims that they are intended to achieve, the start of implementation, the method of monitoring, supervision of implementation and the cessation of implementation of the measures. Action plans must be submitted to the Office for Equal Opportunities for their approval prior to the commencement of the implementation of positive measures.
action plans for the promotion and establishment of equal opportunities and gender equality. With the Act on Equal Opportunities for Women and Men, Slovenia also introduced a special advocate for equal opportunities for women and men to deal with individual cases of alleged unequal treatment and provide a written opinion (Article 20). The advocate was to be employed by the Office for Equal Opportunities.

Policy Process analysis

How the issue was brought on to the public agenda

The Act on Equal Opportunities for Women and Men was prepared by the Office for Equal Opportunities (OEO) in cooperation with a government working group, NGOs, trade unions and individual experts. The first concrete initiative for the enactment of the Law came from the Women’s Policy Office (WPO). The WPO had realized that Slovenia needed such law already in 1995/1996 when the Slovenian government was creating the first program for the harmonization of Slovenian legislation with the EU. The WPO took the idea for creating a specific law on equality from EU Member States which had already adopted such law. Although most of the EU directives on the gender equality were supposed to be implemented into the new Labour Act, the WPO found the creation of an "umbrella law" extremely important. The WPO’s standpoint was that the Slovenian legal framework did not have a basis for positive measures in different laws and thus the WPO insisted on regulation of this subject matter in a special Act on gender equality. In 1999 the Act on Equal Opportunities for Women and Men was included in the Republic of Slovenia's National Programme for the Adoption of the Acquis.

Section 3.5.1 of the National Programme states that the Slovenian legislation relating to the area of equal treatment of women and men will be harmonized with the acquis by adopting the Employment Relationships Act, the Parental Care and Family Income Act, and the Act on Equal Opportunities for Women and Men.

The EOE had been preparing the Act on Equal Opportunities for Women and Men themselves by analyzing the laws of other countries and finding solutions which they considered being best for Slovenia. However, the adoption of the Act was not a straightforward enterprise. The problem was the belief of certain politicians and lawyers that a special Act on Gender Equality was not necessary because the Slovenian Constitution and other legal acts already guaranteed gender equality. Even though the first Bill had

already been written, the OEO found itself the position of having to convince the Slovenian public of the importance of the law in question.203

In the first part of 2002 the OEO got the lobbying support from the Free Trade Unions of Slovenia (ZSSS) and their Committee on Gender Equality. In March 2002, the ZSSS gender equality board sent an open letter to Janez Drnovšek, the president of the Slovenian government, pointing out the importance of a separate law on gender equality and asking for specific governmental support for the adoption of that particular Act.204 In April 2002, ZSSS Committee on Gender Equality held an internal meeting to debate the Bill.205 Tatjana Strojan and Tanja Salecl attended the meeting as the representatives of the OEO and the chief coordinators for the creation of the Act. In June 2002 the Minister of Labour, Family and Social Affairs Vlado Dimovski submitted the Bill to the Parliament.206 The Act on Equal Opportunities for Women and Men was enacted by the Slovenian Parliament on 21 June 2002 (with 42 votes in favour and 2 floating votes) without major resistance. During a consideration of the draft the parliament amended certain provisions, to improve implementation of the law. For example, fines for political parties not submitting their plans for the promotion of balanced participation of women and men in the prescribed time limit.

203 At the meeting of the Slovenian Committee on Labour, Family, Social Affairs and the Disabled, the head of the Office at that time, Mira Umek, arguments the need for the enactment of that particular law: “As far as our Constitution is concerned, experience has shown that purely constitutional decisions on the equality of the sexes in the eyes of the law are insufficient and that in practice we still encounter the inequality of the sexes in various areas of life. Many reports and analyses have shown that there are fewer women than men who hold the decision-making positions, especially concerning the sphere of politics, and also that women are paid less for the same job. This law provides the systematic guidelines for achieving the equality of the sexes and adopting a special strategy, the so-called ‘Gender Mainstreaming’. We need this law not only for the harmonization with the EU legal system but also because the experience shows that we still encounter the inequality of the sexes in various areas of life.” Act on Equal Opportunities for Women and Men, discussions at the 21th regular meeting of the Committee on Labour, Family, Social Affairs and the Disabled, 11 June 2002

204 Committee on Gender Equality (ZSSS) (2002b) Open letter to the president of the Slovenian government Dr. Janez Drnovšek.

205 Act on Equal Opportunities for Women and Men, discussions at the 5th session of the Committee on Gender Equality (ZSSS), 17 April 2002

206 Act on Equal Opportunities for Women and Men, discussions at the 17th session of the National Assembly, 20 June 2002
The following actors were involved in the process of enactment of the Act on Equal Opportunities for Women and Men in Slovenia (see table 7.2.).

<table>
<thead>
<tr>
<th>Analysed policy segments</th>
<th>Main actors involved</th>
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</table>
| The process of enacting the Act on Equal Opportunities for Women and Men | Women’s movement  
  - Office for Equal Opportunities (OEO)  
  - Committee on Gender Equality (ZSSS)  
  Other Actors  
  - The Ministry of Labour, Family and Social Affairs  
  - The Committee on Labour, Family and Social Affairs  
  - The Government's working group for the creation of the law |

Table 7.2. Analysed policy segments and the main actors in the policy case 2 – Slovenia

The women's movement self-assessment of influence perception (ego perception)

Two representatives from the women's movement were involved in enacting the Act on Equal Opportunities, the Office for Equal Opportunities (OEO) and the Committee on Gender Equality (ZSSS). The respondents claim that the OEO greatly influenced the enactment of the Act, claiming the EOE is particularly responsible for the issue entering the public agenda. Violeta Neubauer, Co-ordinator for International Co-ordination in the OEO, illustrates the policy process and the influence of the OEO in the following way:

In the beginning we started writing draft law like some kind of the white book on gender equality … analysing the situation in the country, mapping all the norms which are in the international treaties to which Slovenia is a party … We studied EU directives and practices and we used the examples from legislation from let’s say ten different European countries and than we started to draft the law ourselves, but at the same time also discussing it with all relevant ministries. After that we forwarded the first draft for the comments to the women’s NGOs and social partners … We even send our proposal to the Counsel for the social cohesion and all relevant ministries. Certain amendments from the interested parties were imposed during the process. However, in this case we were the main drafter.

Tanja Salecl, the director of the OEO and one of the main coordinators for the creation of the Act, claims that OEO greatly influenced the content of the
Act. According to her opinion, this was possible because the OEO was the government body responsible for the enactment of the Act:

I believe that the Office strongly influenced the content of the Act on Equal Opportunities ... I do believe that our large influence on the content of Act was possible because our Office was the responsible body in the government for drafting this law. According to our experience, it is more difficult to have an influence on the content of a certain laws in the later stages when negotiations have already started.

Sonja Lokar, member of the women’s section of the Union of Social Democrats (ZLSD) and Executive Director of the CEE Network for Gender Issues, also gives credit to the OEO. However, she also point out some deficiencies in the process of enacting the Act:

The Office had the strongest influence on the content of the Act on Equal Opportunities ... The problem is that the Act was formed in a circle of high bureaucracy and immediately adopted without much discussion in the Parliament because the Act was packed with other European laws. It indicates that the politicians perceived that Act as something that Slovenia simply must have and there was no time for discussions ... It is debatable how much the women in Slovenia know about this Act. On the other hand, if the Office had initiated long public debates, it would have probably resulted in a low-quality Act. It is possible that the Office simply chose the lesser of two evils.

Beside the OEO, several respondents also claim that the Committee on Gender Equality (ZSSS) also greatly influenced the passage of the Act. For example, Metka Roksandič, executive secretary of ZSSS, believes that her organisation’s open letter to the Prime Minister Drnovšek influenced passage of the law:

At first it was argued that Slovenia needs no such law and that the issue of the equality of the sexes had already been regulated through other laws. Some Slovenian legal experts even claimed that it is enough that the Slovenian Constitution guaranteed the equality of the sexes in the eyes of the law ... I believe it was our board that made a difference by sending an open letter to Prime Minister Drnovšek in March 2002 and demanding the enactment of that particular law.

When asked to single out a failure in lobbying for the content of the Act, several respondents pointed out the absence of the Ombudsperson mechanism from the final Bill. According to Violeta Neubauer, the OEO advocated the introduction of the institution of Ombudsperson in order to create a suitable mechanism for the implementation of the law. However, the Office was unsuccessful on that matter.

When drafting an Act on Equal Opportunities, the Office had envisioned setting up a position of Ombudsperson on gender equality to ensure an independent complaint procedure. Currently, there was a parliamentary Ombudsperson on human rights,
who was not in favour of having one of his deputies handle gender issues, and the
Government did not want to establish a second Ombudsperson post. Instead, a
decision was made to appoint an advocate for gender equality, and the legal expert
within her Office was already receiving complaints from citizens. Those who
wanted to submit complaints to the courts, however, needed to follow the
established legal procedures.

Mira Olup Umek, the head of the OEO at that time, commented on the com-
promise:

Concerning our proposal of introducing the institution of the Ombudsperson for
gender equality we deliberated with the Ministry of Labour and the Human Rights
Ombudsperson and together we found the most rational practical and financial
solution. Instead of introducing Gender Equality Ombudsperson we decided to
introduce the function of the advocate who would act as part of the Office because
that would expand the authority of the Office.

Most of the respondents believe that Slovenian access negotiations with the
EU played an important role in the enactment of the Act on Equal
Opportunities for Women and Men. For example, Violeta Neubauer claims
that the EU had by far the greatest influence on legal changes concerning
gender equality questions in Slovenia. Moreover, in their lobbying the OEO
has often used the EU argument to legitimise their demands. As Violeta
Neubauer notes:

We are all very much aware that if it would not be the case that we have to introduce
EU norms and implement them in our domestic law our government would remain
rather passive in the area of equal treatment legislation … The EU argument was
used very frequently by this Office in order to put some pressure on our government
to implement certain gender equality measures. But I would also like to emphasise
that Slovenian gender equality legislation goes far beyond many of the European
Union directives. In our office we always request that we put in the new legislation
much more than it is requested by the European Union … I can say that we were
really using negotiations processes between Slovenia and EU for the sake of gender
equality.

However, according to Tatjana Strojan, who was the head coordinator for the
creation of the law, there was no direct pressure from the EU for the creation
of the law in question:

All EU directives were already implemented in our Law on employment relations,
so Slovenian government did not see direct need of such legislation … In my
opinion, Act on Equal Opportunities for Women and Men, was not the result from
the direct pressure form EU but it was the initiative from our Office. This law is the
only one which concerns gender equality that we made out of our negotiations with
the European Union.
Assessment of women’s movement influence by other policy actors (alter perception)

Other important actors involved in the enactment of the Act on Equal Opportunities are the Government’s working group for the creation of the Act, the Ministry of Labour, Family and Social Affairs and the Committee on Labour, Family and Social Affairs. All respondents believe that OEO initiated the creation and influenced the content of the Act. However, none of the respondents mention the ZSSS Committee on Gender Equality having an influence. One representative from the Ministry of Labour, Family and Social Affairs said:

Office for Equal Opportunities initiated the creation of the Act on Equal Opportunities and they worked on it like true professionals. They co-operated with all the ministries in order to harmonize their views ... I believe that the Office made an accurate judgement of what the Slovenian legislation lacks, regarding the gender equality and the things they should incorporate in that law.

Most of the respondents also thought that all the important propositions made by the OEO were implemented into the final version of the Act, mostly because the Office was the main body in charge of the enactment of the Act. One of the members of the governmental working group said:

As the Office for Equal Opportunities was the main drafter of the Act, most of the proposals made by the Office were also implemented into the final version of the Act.

All respondents confirmed that there was no direct international influence on Slovenian government, only indirect influence of international norms in the area on anti-discrimination policy. As one representatives of the Slovenian government pointed out:

The enactment of the Act on Equal Opportunities for Women and Men is not directly connected with the Slovenian negotiations process with EU. However, in the observed period the Slovenian government examined and assessed the efficiency of valid legal standards, which formally complied with the international anti-discrimination standards, but did not provide for a comprehensive gender equality policy development framework. The Act on Equal Opportunities fulfils those needs.
Supra analysis

The extent of women’s movement influence

The WPO first brought the issue of the Act on Equal Opportunities on to the political agenda. The OEO was the government body responsible for creating the Bill and also had an important role in the promotion of the Bill in various governmental and parliamentary bodies. On the WPO’s initiative in 1999, the Republic of Slovenia's National Programme for the Adoption of the Acquis obliged enactment of equal opportunities legislation by the end of 2002. However, the Slovenian government was slow to act in the 1999-2001 period and some Slovenian politicians and lawyers even claimed that Slovenia did not need such a law because gender equality was regulated and granted through other laws. However, the OEO was persistent. By using arguments relating to Slovenian access negotiations with the EU in their lobbying, the OEO persuaded the government that Slovenia needed this Act. The ZSSS gender equality board also played a significant supporting role by sending a letter to the Prime Minister asking him to back the Act.

Having achieved its goal of having the Act enacted, did the women's movement also influence the content of the Act? As the OEO was the main drafter of the Act, most of the proposals made by the OEO were also implemented into the final version of the Act. One of the reasons why that OEO demanded the adoption of the special Law on Gender Equality was the fact that Slovenian legislative framework lacked the basis for positive measures. Thus, the introduction of positive measures into the Act should be regarded as the achievement of one of the most important goals of the women’s movement. Besides the OEO, the ZSSS Committee on Gender Equality also influenced the content of the Act by proposing several amendments, mostly concerning gender equality in the labour market, such as the definition of indirect and direct discrimination.207

One of the goals of the OEO which was not achieved, and which is considered to be a failure, is the lack of an Ombudsperson institution in the Act. In the process of drafting the Act, the representatives of the OEO and the Ministry of labour, family and Social Affairs agreed to introduce the function of an advocate for gender equality into the Act instead of the function of the Ombudsperson. Leaving out the Ombudsperson institution from the Act did, however, not cause a major political struggle between the OEO and Slovenian government. It caused neither major public debate nor public dissatisfaction among representatives of women's organisations.

207 Union of Free Trade Unions of Slovenia (ZSSS) (2002c) Act on Equal Opportunities for Women and Men – Amendments, 30 May 2002
The extent of international influence

Most of the respondents believe that Slovenian access negotiations with the EU played an important role in the enactment of the Act on Equal Opportunities for Women and Men. In the interviews, the representatives of the OEO claimed that the EU had by far the greatest influence on legal changes concerning anti-discrimination questions. In the process of enactment the Act the OEO often used the EU argument to legitimize their demands. However, none of the governmental and women’s movements respondents claimed that the enactment of the Act was the result of the direct pressure from the EU. The Slovenian government implemented all EU gender equality directives into other laws, such as the Employment Relationships Act. Thus, the enactment of the Act on Equal Opportunities for Women and Men was not a condition for Slovenia to join the EU. However, we can speak about international pressure as an indirect factor. Almost every document and public debate related to the enactment of the law stresses the need for the Slovenian legislation to be harmonized with the EU legislation where gender equality is concerned. Most of the women’s movement’s respondents who were involved in the process of the enactment of the law claimed that the EU was cited in their lobbying.

Comparison - The influence of women's movements on the enactment of the gender equality laws in Croatia and Slovenia

The main results regarding the influence of Slovenian and Croatian women’s movements in enacting gender equality laws are summarized in the table 7.3.

<table>
<thead>
<tr>
<th>Type of influence</th>
<th>Croatia</th>
<th>Slovenia</th>
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</thead>
<tbody>
<tr>
<td>Influence evaluation</td>
<td>Joint effect of women’s movement agency and the agency of other political actors</td>
<td>Effect of women’s movement agency</td>
</tr>
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</table>

208 For example, at the at the 21st meeting of Committee on Labour, Family, Social Affairs it was visible how the EU was used to legitimize the need to enact the Act on Equal Opportunities for Women and Men. This is how the head of the EOE Mira Umek, argued for the need for the enactment of the Act: After the adoption of the Act on Equal Opportunities, the Slovenian legal system will be completely harmonized with the EU legal system, especially with the 76/207 Directive and the Article No.3 of the Amsterdam Treaty. I would also like to stress that many time in the past Slovenia had been warned by the EU about the lack of progress concerning the gender equality issues. Therefore it is crucial that we adopt that law, as well as the Employment Relationships Act and the Parental Care and Family Income Act so that Slovenia can be completely harmonized with the EU legal system concerning gender equality.
Table 7.3. Summary of women’s movements policy influence: Policy case 2 – Gender Equality Law

<table>
<thead>
<tr>
<th>Type of influence</th>
<th>Croatia</th>
<th>Slovenia</th>
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<tbody>
<tr>
<td></td>
<td><strong>Women’s movements goal attainment</strong></td>
<td><strong>Final influence (enactment of the law/amendments)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Influence evaluation</strong></td>
<td><strong>Influence evaluation</strong></td>
</tr>
<tr>
<td>o Enactment of the Law on Gender Equality</td>
<td>o Effect of women’s movement agency</td>
<td>o Enactment of the Act on Equal Opportunities for Women and Men</td>
</tr>
<tr>
<td>o Introducing the gender equality Ombudsperson institution</td>
<td></td>
<td>o Introducing the mechanism of positive measures</td>
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</table>

Agenda setting

Both Slovenian and Croatian women's movements were influential when it came to placing the enactment of the gender equality laws onto the political agenda. The enactment of those laws was one of the major goals of the movements in the transition period. However, there is an important difference between the two countries. In Slovenia, the WPO, as the representative of the women's movement, was the only actor responsible for bringing enactment of the Law onto the political agenda, while in Croatia both the women’s movement and the Faculty of Law in Zagreb deserve credit. Thus in the case of Croatia there was a joint effect of women’s movement activism and the agency of other political actors when it came to agenda setting.

Goal attainment

Which goals did women’s movements achieve concerning the enactment of the Law on Gender Equality in Croatia and the Act on Equal Opportunities for Women and Men in Slovenia? In both cases the enactment of gender equality laws was the goal of the women's movements. Eventually that goal turned into specific demands directed towards Croatian and Slovenian authorities. Both the Croatian and Slovenian women's movements had a direct influence on the final content of their respective laws. In Slovenia’s case the OEO was the Government body responsible for the enactment of the law and in that way it had the possibility of influencing the content of the law. In the case of Croatia, Radmila Sučević from B.a.B.e. was a part of the government working group responsible for the creation of the law. Direct
involvement in the enactment process meant that most demands made by the women's movements were implemented into the final versions. As far as the important demands are concerned, in the case of Croatia we can single out the issue of introducing the gender equality Ombudsperson institution and the sanctions for non-implementation of the law. In the case of Slovenia these demands also included the introduction of the Ombudsperson institution, as well as the introduction of positive measures into the law. However, these goals were only partially achieved.

The Ombudsperson institution was the most controversial issue in the enactment of the Croatian law. Most representatives of the government’s working group were opposed to this proposal. However, intensive lobbying by the women's movement during the final phase of the process of enactment of the law resulted in the implementation of an Ombudsperson position. The first Ombudsperson was a woman from the women’s NGO B.a.B.e., another credit to the Croatian women's movement. However, non-implementation sanctions were not implemented into the final version of the law.

As in the case of Croatia, the Slovenian OEO had as its goal the introduction of an Ombudsperson institution, but that goal was not realized. Instead, a Gender Equality Advocate position was created. That being said, the OEO’s other major demand for mechanisms of positive measures in the Law was realized.

**Final influence**

The women's movements in Slovenia and Croatia greatly influenced the enactment of gender equality laws, indeed, gender equality laws would probably not have been enacted without the engagement of each country’s women's movement. They raised public consciousness about, persuaded government representatives, and influenced the content of their respective laws. In Croatia’s case the women's movement was not the only initiators of the law, but its influence was crucial for the law to enter the parliamentary procedure.

**The extent of international influence**

To what extent is the effect of the international influence relevant for the enactment of the gender equity laws in Croatia and Slovenia? In the case of Slovenia the creation of the law was initiated by the women's movement while in the case of Croatia it was initiated by both the women's movement and the Faculty of Law in Zagreb. When the laws entered the legal procedure, Croatian and Slovenian authorities partly legitimized the enactment of the law with their wish to join the EU. The women's movements also used the EU argument in their lobbying to convince the Croatian and Slovenian authorities to enact this law. This was a clever
rhetorical strategy in the period when Croatian and Slovenian authorities were in the middle of meeting the legal criteria required for the EU membership. Although, Croatian and Slovenian authorities were aware that the enactment of the law was not a precondition for entering the EU, the enactment of the law was still perceived as a positive element. The representatives of the Croatian and Slovenian authorities were familiar with the fact that most EU members had similar laws and the enactment of these laws was therefore considered to fit into the legal framework for joining the EU. Since there was no direct pressure from international organisations such as EU on the Croatian and Slovenian government to enact that particular law, the effect of internationalization was indirect.

**Women’s movements’ strategies**

The strategies of the Croatian and the Slovenian women's movements in their respective policy processes differ to some extent. The enactment process in Croatia encouraged wide cooperation between different representatives of the women's movement, such as B.a.B.e., the Women's Studies Center, the Croatian Women's Network, the parliamentary Committee for Gender Equality and certain women politicians. It is also important to emphasise the engagement of the women's section of SSSH and the women's forum of the SDP. In the process of lobbying for the enactment of the law, cooperation developed between women's NGOs and the newly formed parliamentary Committee for Gender Equality. Two presidents of the parliamentary Committee for Gender Equality at that time, Gordana Sobol (SDP) and Milanka Opačić (SDP), were directly involved in the enactment of the law.\(^{209}\) In the year when the law was enacted Gordana Sobol was a minister in the government as well as the member of the governmental Committee for Gender Equality and the member of the working group for the creation of the *Law on Gender Equality*. Milnaka Opačić was the president of the Committee for Gender Equality at the time when the law entered the parliamentary procedure.

In Slovenia, the Office for Equal Opportunities (OEO) played the most important role in the process. It initiated enactment of the law and influenced the content. Cooperation between different groups from the women’s movement was not considerable, except between the OEO and the Committee on Gender Equality of the ZSSS. Women's NGOs were called by the OEO to submit their proposals concerning the specific content of the law but only one women's NGO submitted concrete proposals, SKUC-LL. SKUC-LL’s demands mostly concerned the question of sexual orientation

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\(^{209}\) Gordana Sobol was the president of the Committee for Gender Equality from 1 March 2001 to 30 July 2002. Milanka Opačić has taken her place as the president of the Committee after Gordana Sobol was appointed the minister of the government of the Republic of Croatia.
and their proposals were not considered by the OEO.\textsuperscript{210} Regardless of the differences in the level of cooperation between various representatives of the women's movement and various strategies used by the women's movements in the process of the enactment of the law, the final result is more or less the same. Both countries enacted gender equality laws.

Since family policies and parental leave policies are closely related, the main characteristic of the transitional family policy in Croatia and Slovenia will be briefly elaborated before analysing the parental leave policy development.

The case of Croatia

Family policy development in transition

Development of family policy in Croatia can be divided into three periods. In the period between 1990 and 1995 family policy was overshadowed by political, economic and social circumstances of war. Under those circumstances, in 1993 the Government adopted the Social Programme as additional measure for alleviation of hard social situation and assistance to the most vulnerable parts of population, for example refugees and war victims (Puljiz 1996). In this period there were no significant legislative changes with regards to the social status of women and gender equality. However, on the rhetorical level, women’s rights were under threat. During these years pro-life policy was propagated in its most explicit neo-patriarchal and nationalist form, serving the purpose of overall national mobilization and ideological realignment (Shiffman, Škrabalo and Subotić 2002). The first sign of this kind of discourse was the demand for the restriction of women’s reproductive rights. In public speeches the representatives of

211 The first sign of a discourse that threatened reproductive rights in Croatia emerged, similar to the Slovenian case, in 1990. In that year a new Croatian constitution was promulgated. The constitution omitted an earlier statement from 1974 on the right of citizens to free decision-making concerning childbearing. Instead, it included a general ‘right to life.’ The door was thus open for political actors to
right wing political parties and the Catholic Church started to identify women with their biological, reproductive function. In May 1992, a department of demographic renewal was set up by the government and soon thereafter a public document “the Concept of Demographic Renewal” was published. It proposed measures including additional taxes for unmarried people, the reduction of the number of the childcare centres, the withdrawal of women workers with children from factories and introduction of a paid profession entitled “Mother Child-Raiser”. However, from the gender equality perspective, it is important to underline the fact that the great majority of the proposals in this particular document were never implemented (Puljiz and Zrinsčak 2002). On contrary, this period saw at most a slight modification of communist policies without any drastic shift in the policy direction.

The second period of Croatian family policy development lasted from 1996 to 2000. In that period family policy was adapted to peace conditions and long-term objectives were formulated. Several legal acts and documents relevant for family policy, like the Labour Act (1995), the National Programme for Demographic Development (1996), the Family Law (1998) and the Child's Allowance Act (1999 and 2000) were adopted in that period. The new Labour Act (1995) brought new social status to women as well as confirming and readjusting certain rights inherited from the communist period. The Labour Act protected employed women during their reproductive age by norms on protection of women’s health, limiting night work and overtime hours of pregnant women, protecting breast-feeding mothers and mothers of young children. Pregnant women were also protected from termination of labour contract (article 70). During 1995 the

proclaim a social obligation for citizens to reproduce. During the years 1991 and 1992, the most intense period of the war in Croatia, there was many rhetorical attack on the free abortion, as well as a flood of metaphors in public speeches, that identified women with their biological reproductive function (Kesić 1994). However, the change in abortion rights did not emerge during that period. In 1995 the Ministry of Health prepared a draft law that restricted accessibility of abortion, abolished health insurance coverage for abortion, and mandated counseling before any such operation. However, the draft law never reached the Parliament. Two year later, the ruling party (HDZ) made another attempt to promulgate a restrictive abortion law via its ally, the right-wing Croatian Party of Rights, which presented a draft law to Parliament banning the practice. However, this law was never discussed in Parliament (Shiffman, Škrabalo and Subotić 2002).

212 The total fertility rate in Croatia is among the lowest in Europe. It was at the level of 1.3-1.5 in the period 1995-2005 (Republic of Croatia - Central Bureau of Statistic)

213 The deterioration in the environment for certain reproductive health services, particularly abortion care is however one result of different statements and policy priorities originating from that period. For example, both abortion and contraceptives were taken off a list of subsidised health services (Shiffman, Škrabalo and Subotić 2002).

214 (Official Gazette No. 38/95)


216 (Official Gazette No. 162/98)

217 (Official Gazette No. 77/99) and (Official Gazette No. 41/2000)
Croatian government adopted the National Programme for Demographic Development, which defined measures to help fulfil conditions for a higher birth rate in the future.\textsuperscript{218} This explains why a rule on the rights of caregiver mothers was introduced to the Labour Act (Article 63), which gave employed and unemployed mothers to rights to financial compensation, pension insurance, health insurance and other rights in accordance with special regulations.\textsuperscript{219} However, that legal provision existed in name only because the impoverished Croatian state couldn’t afford to pay for “professional motherhood” (Pulijiz and Zrinščak 2002).

In 1998 a new Family Law was passed. This Law defined marriage and a legal framework within marriage, legal effects of common law marriage, relationships of parents and children, adoption and custody and procedures of state authorities (courts and centers for social care) in regards to family relationships and custody. The most significant changes in the new Family Law were introduced in the field of regulating property rights of a married couple.\textsuperscript{220} Legal regulation that married partners were equal owners of joint property (unless they made other arrangements) could not be questioned, which meant that no claim for a different ratio of ownership could be filed during divorce proceeding as was possible under the previous Law on Marriage and Family Relationships. This legal change was supposed to solve

\begin{footnotesize}
\textsuperscript{218} Besides many economic measures, the 1996 demographic program advocated the so-called renewed spiritual atmosphere which treasured original family values. In accordance, the proposal of stimulative measures of population policy which were included in the program was extremely ambitious. It primarily defined an ambitious scheme of child’s allowances which progressively grew until the mother gave birth to her sixth child, which means that the allowance could make up to 35 per cent of an average salary per each child in families with five children. Furthermore, the scheme projected acceptable accommodation loans for young married couples, tax benefits for children, free enrollment into kindergartens and infant nurseries for families with three or more children, paid status of the foster parent for families with four or more children, etc. Part of these measures (for example, the one on a three-year leave) was regulated by special laws in 1995 and 1996 but most of these measures were never applied, mostly because of economic problems.

\textsuperscript{219} This legal solution was however criticised from the gender equality perspective by the several women’s NGOs because legal advantages given to women are discriminatory against men in terms of providing only for mothers-as–nurturers. We can say that these Government actions were in conflict with international norms concerning gender equality. For example, when the CEDAW Committee considered the initial report of Croatia (CEDAW/C/CRO/1) at its 363rd, 364th and 368th meetings, on 21 and 23 January 1998, it was particularly concerned about the consistent emphasis placed on women's roles as mothers and caregivers in Croatian legislation pertaining to a variety of areas. While legislative provisions protecting maternity are important, the Committee was concerned that prioritizing that aspect of women's lives reinforces traditional and stereotypical role expectations, which tend to limit women's full participation in society. The Committee comments that despite the fact that women in Croatia are well-educated and participate in the labour force in large numbers, a careful and gender-sensitive analysis of the emphasis on motherhood vis-à-vis women's roles in the public sphere is needed on the part of the Government to assure de facto gender equality in the Croatian society of the future.

\textsuperscript{220} The Law defines that: “Married partners can own joint property and individual property” (Article 251) and that “Joint property is the property married partners invested in together during marriage or is resulting from such a property” (Article 252), while individual property of partners is the one “a married partner had at the moment of marriage agreement” (Article 257, item 1) as well as the property “a married partner got during marriage on the legal basis different from the one defined in Article 252 of this Law (by inheritance, gifts etc)” (Article 257, item 2).
\end{footnotesize}
problems of establishing and dividing joint property to many women, because they had been in extremely unfavorable position in solving property relationships after termination of marriage.\textsuperscript{221}

Public childcare, under communism, was limited. Croatia had a poorly developed network of kindergartens compared to many other eastern European countries (Puljiz and Zrinščak 2002). The value of the traditional structure of Croatian society made it possible to rely on the family and its support in childcare and upbringing. As a result of this heritage, today only 35\% of children aged 3 to 7 attend public pre-schools.\textsuperscript{222} Only 15\% of children aged 1 to 3 can be placed in nurseries.\textsuperscript{223} During the transition childcare policy did not undergo significant changes. Childcare policy in Croatia was still governed by the 1983 law on kindergartens. However, on the declarative level, every major family policy document, for example, the National Family Policy (1996, 2002), the National Policy for the Promotion of Gender Equality (2001) has emphasised the fact that the state should introduce measures to consolidate work and family obligations by developing childcare services.

The beginning of the third period of family policy coincided with the change of government in January 2000. In autumn 2001 a significant revision of social rights, including family rights, was undertaken. However, this period was also marked by the reduction of the amount of different benefits as well as by more concrete advocacy for gender-neutral legislation in the area of family policies (Puljiz and Zrinščak 2002).

**Parental leave policy**

During the 1996-2004 period several attempts was made to reform the parental leave policy in Croatia.\textsuperscript{224} In that same period three political parties

\textsuperscript{221} According to legal as well as cultural heritage from the communist period men were most often registered as exclusive owners of property, regardless of the fact that women invested in that property as well, sometimes for decades. After divorce, women were forced to prove in court proceedings their contribution to the joint property. If they were unemployed during marriage, their work in household and child rearing was marginalized to the point that it wasn’t considered as the work with any value.

\textsuperscript{222} In Croatia, labour force participation for women is lower than the EU average. In 2004, 56.3\% of Croatian women were active as compared to 61.1\% of women in the EU. The male activity rate in Croatia is also lower than the EU average. In 2004, 68.4\% of Croatian men were active as compared to 77.4 \% of men in the EU. However, the gender gap in employment rates (the difference between men’s and women employment rates) falls below European average: In 2004 it amounted to 12.1\% , compared to the EU average of 15.2 \% (ILO 2005).

\textsuperscript{223} CEDAW (2003) Combined second and third periodic reports of States parties Croatia CEDAW/C/CRO/2-3

\textsuperscript{224} Parental leave differs from maternity leave in that its concern is not the health of the mother but the care and upbringing of young children, making both the father and the mother eligible. It also differs from extended or optional maternity leave (usually reserved for the mother and linked to breastfeeding) and paternity leave (a short period post birth) and family leave which need not be for childcare and is of limited duration (usually days). It is also distinct from sabbatical leave and career breaks which may be
were in power one after another. From 1996 to 1999 a one-party Government headed by the HDZ was in power. In December 1999 a coalition Government headed by the SDP came into power and in December 2003 the coalition Government was replaced by the parties of the Center Right, headed by the reformed HDZ. Like other post-communist states, Croatia entered the transitional period with strong rights to paid maternity and parental leave compared to many West-European countries, but without the right to a flexible parental leave to accommodate family needs and work demands.\textsuperscript{225}

Paid maternity leave until the child is one year old remained the same until 1996. In 1995 the HDZ Government started preparing the new Labour Act. The starting point for the new parental leave policy in this period was rather conservative, influenced by national ideology and poor demographic development. The 1996 Labour Act grants all earlier rights and introduces the right to a paid maternity leave which lasts from 128 days until 45 days before the expected birth and up until the child is six months old. The woman can also work part-time until the child is one year old, and the father has that right as well if the mother is working. After the child is one year old, one of the parents is entitled to a non-paid parental leave until the child turns 3. One of the most startling new provisions of the law was the right to a paid three-year maternity leave if the mother gave birth to twins, her third or any subsequent child (to be referred to as the 'three year leave' policy hereafter). This is one of the measures that was thought to have immediate population effects and was scheduled in the National Programme for Demographic Development which the Parliament unanimously accepted in 1996.

Prior to transition, benefits for non-insured parents were not as widespread and developed as those for insured parents. In 1996 the right to paid parental leave was for the first time not connected to the employment status of women. In accordance with the Labour Act from 1996 the right to paid maternity leave was extended to unemployed mothers and self-employed women, but only if they had twins and for every third and next child after the third. Fathers as well as mothers can use this right, after the obligatory 6-month period. The financial compensation amounts to 100% of salary for 180 days (from 28-45 days before estimated date of birth).\textsuperscript{226} The first significant revision of parental benefits occurred in 1997 when the HDZ government made the decision to set the parental benefits for the following

\textsuperscript{225} For a comparison of different parental leave arrangements in Europe see Council of Europe (2005).

\textsuperscript{226} Also payable during additional maternity leave until the child attains the age of 1 for the first and second child, or the age of 3 for twins and for the third and every subsequent child. Minimum sickness and maternity benefit: 1,600 HRK per month. Maximum amount: 4,188.25 HRK per month until child is 6 months; Minimum 1,600 HRK, maximum 2,500 HRK until child is 1 year old. From age 1 to age 3 of child, 1,600 HRK. Unemployed mothers, 1,600 HRK during entire maternity leave regardless of child's age.
six months at the same level for all mothers. This decision will have long-term consequences concerning the parental benefits rate in the future.

Further legal changes took place after 2000 when the coalition government came into power. The first changes were introduced in the government's document called the *Basis for the establishment of social policy by the end of 2001 and the basis of social policy for 2002.*227 This document dismissed the 'three-year parental leave applied to twins, the third or subsequent child. At the same time they introduced the right of a paid six-month maternity leave, regardless of a mother's job status. This was a significant measure of universalization of birth rights. Since 2001 the right to financial support amounting to 900 HRK could also be realized by an unemployed parent, a parent attending school, a parent realizing the right to disability pension due to professional working disability and a parent pension beneficiary.

In January 2001 the government of the Republic of Croatia decreased parental benefits for another six months of the parental leave from 2,500 HRK to 1,600 HRK. This decrease was applied retroactively, meaning that all the benefits paid out after 1 January were decreased. The decision was made temporary at that time. In 2003, with the purpose of promoting equal opportunities for men and women in the area of labour and employment, a new amendment to the Labour Act which regulated benefits for usage of maternity/parental leave was adopted. This amendment allowed maternity/parental leave to be prolonged for two months with a condition that the father of a child used at least three months of respective prolonged parental leave (to be referred to as the 'paternity leave' hereafter).228 2003 was the electoral year and one of the pre-electoral promises made by the HDZ was setting the parental benefits back to the 2000 level and introducing a three-year parental leave. In December 2003 the HDZ won the elections and took over power in the country. In negotiations about the 2004 budget the government decided that parental benefits should be set back at the 2000 level.

This history brings three questions to the fore. First, what was the opinion of the women's movement on the introduction of a three-year leave and did the women's movement have any influence on introducing/abolishing the leave in question? Second, did the women's movement have any influence on the changes in the parental benefits level during the transitional period? Third, did the women's movement have any influence on the introduction of a paternity leave?

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228 (Official Gazette No. 114/2003)
Policy Analysis – How the issue was brought on to the public agenda

The three-year leave

The three-year leave policy underwent three changes in the period between 1996 and 2004. Two of those were directly related to the shift of the parties in power in 2000 and 2003. The three-year leave was introduced in 1996 by the Croatian Right headed by the HDZ. That measure had a populist character and its goal was to increase the birth-rate in Croatia.229 It was highly ideological polarized the left and right in Croatian politics. Right-wing parties supported the three-year leave and considered it a measure for increasing the birth-rate, while the Left believed that this was a regressive measure which would have a negative influence on the position of women in society, especially in the labour market. The women's movement did not organise any specific protest against the introduction of a three-year leave in 1996, nor did the opposition parties. This is confirmed by the fact that in 1996 the Parliament unanimously adopted the National Programme for Demographic Development which included the three-year leave. Thus the opposition parties such as SDP also supported the program.230

However, when the coalition government headed by SDP came into power in 2000 the right to a three-year leave was abolished. The coalition government claimed that a three-year leave is bad for the position of women in society and gender equality in general (Vjesnik 2004a). However, statements made by government representatives indicate that the three-year leave was abolished for financial as well as ideological reasons (Vjesnik 2004b). For example, when Davorko Vidović addressed the Croatian Parliament in 2001 he explained the abolition of the three-year leave as follows: "The measures that we have practised so far obviously does not correspond to the financial capacities of the Republic of Croatia." In contrast, on 8 January 2004 Davorko Vidović said: "Retrograde ideology was the exact reason for abolishing the privilege of a three-year during the previous Government's term of office, not the lack of money in the budget."231 Groups from the women's movement such as B.a.B.e., the Croatian women's network, the women's section of the SSSH and left/liberal

229 It is important to emphasise that the introduction of a three-year leave is a measure which covers a small proportion of women. Entitled to a three-year parental leave are only women who had given birth to twins or to more than two children.

230 After the unanimous acceptance of the National Programme for Demographic Development which includes a paid three-year maternity leave during the parliamentary debate in January 1996, Željka Antunović stated as a member of the SDP Representatives Club that: "This is the last minute for adopting such program because it is necessary to enact all the accompanying laws and regulations which would lead to the realization of the measures suggested."

231 (Croatian Parliament's Report No 308, 4 October 2001).
women politicians supported the abolition of a three-year leave in 2001. On the other side, the Right, headed by the HDZ, severely criticized the government for abolishing a three-year leave, claiming that this abolition endangered the birth-rate policy. 2003 was the electoral year and one of the promises that the HDZ made was the re-introduction of a three-year leave. One of the main advocates of this reintroduction was Jadranka Kosor (HDZ). After the HDZ had come into power in December 2003, Jadranka Kosor and the HDZ fulfilled their pre-electoral promise and reintroduced a three-year leave (Vecernji list 2004).

Parental benefit rate

The second important issue debated in Croatia during the transitional period was the rate of parental benefits. The first significant revision of the parental benefit rate occurred in 1997 when the HDZ government made the decision to set the parental benefits for the following six months at the same level for all mothers. This meant that the parental benefits for the following six months were no longer dependent on the level of women's salary before the maternity leave. According to the Law on Health Insurance and the Law on the Execution of the State Budget in 1997, the Croatian government has the power to increase and to reduce the lowest and the highest level of parental benefits, taking into consideration life expense trends and the means provided by the state budget. This decision may seem symptomatic if we take into consideration that only a few months earlier the National Programme for Demographic Development which promoted an indulgent maternity leave for the purposes of the demographic renewal of Croatian society was adopted.

The decision to reduce the parental benefits was made in a hurry. That measure was mostly motivated by financial reasons. Huge deficit in the budget, debts and loans from the IMF and the World Bank forced the Government to reduce certain social expenses such as disability pensions, social welfare benefits and parental benefits. The decision to reduce the parental benefits for the following six months was criticized by the majority of HDZ representatives, as well as by the parliamentary Committee on Labour, Social Policy and Health Care. 233

232 (Official Gazette No. 1/97) and (Official Gazette No. 109/97)
233 At the 21st Parliament session on 3 October 1997 the president of the parliamentary Committee on Labour, Social Policy and Health Care, Vera Stanić (HDZ), warned that "The reduction of the benefits was rated as a completely inappropriate proposal made by the Government because at the time when the law on reducing the benefits was enacted, the pre-school institution capacities, especially the infant nurseries did not have enough personnel, equipment or space to take the children whose mothers were forced to put a stop to their maternity leave for financial reasons and get back to work. The rights that the mothers were entitled to were not supposed to be abolished without any announcement. The reduction of the benefits forced many families which used to be financially stable and which had planned to increase the family to ask for certain kinds of help, even from the social welfare list."
The women's movement also reacted to the decision made by the HDZ. After the Government had decided to reduce the parental benefits after six months of parental leave to 1,540 HRK a month for all women who had given birth regardless of the former level of their income, B.a.B.e. and certain trade union branches filed a request to the Constitutional Court of Croatia asking for this decision to be re-evaluated.\footnote{The proposals for starting the procedure of evaluating the constitutional status of the regulations from Article 30 of the Law on the Execution of the State Budget of the Republic of Croatia for 1997 were submitted by the Croatian free union of energetics, chemistry and nonmetals, the Croatian free unions federation and B.a.B.e. represented by Gordana Lukć-Korčinka, the attorney from Zagreb, claiming that the questioned legal regulation is not in accordance with the constitutional regulation from Articles 1, 3, 5, 14, 16, 55, subsection 1, 56 and subsection 1, 62 and 91 of the Constitution of the Republic of Croatia (B.a.B.e. 1997b)}\footnote{Constitutional Court decision U-I-38/1997} At the meeting held on 4 March 1998 the Constitutional Court refused to start the procedure of evaluating the constitutional status of the amendments to the Law on the Execution of the State Budget, claiming that the Government's decision from 1997 did not violate the principle of legal safety since the regulation of the parental benefits for the following six months refers equally to all the mothers who fulfil the preconditions to the right to that benefit.\footnote{The decision was made temporary at that time but it became permanent in the meantime instead of being cancelled. In that "temporary" period parents were forced to make decisions which would have lifelong consequences. Information from the Croatian Health Insurance Institute (HZZO) show that in 2000 838 mothers came back to work after their child was six months old, while in 2002 9,448 mothers came back to work, which is a 1,493 per cent increase.}\footnote{Law on the Execution of the State Budget 2001 discussions at the 32nd regular session of Croatian Parliament, 21 September 2001} The Government decision from 1997 was extremely important because it gave each government in power a mandate to reduce or to increase the level of parental benefits for the following six months during every budget year. As a consequence, the level of the parental benefits for the following six months changed three times before 2004. For example, in 1999 the level of the parental benefits for the following six months increased to 2,500 HRK tops and in 2001 decreased from 2,500 HRK till 1,600 HRK.

In 2000, when the coalition government headed by the SDP came into power, Croatia was in a quite hard economic and social situation with unemployment rates reaching 24 percent. In order to consolidate the economic situation the Government started implementing a savings and restriction programme, recommended by international financial institutions such as the International Monetary Fund and the World Bank. Reforms of social security system, like pensions and the health system were priorities.

In January 2001 the government decreased the parental benefits for another six months of the parental leave from 2,500 HRK to 1,600 HRK.\footnote{Law on the Execution of the State Budget 2001 discussions at the 32nd regular session of Croatian Parliament, 21 September 2001} The government used its commitments to the IMF to legitimize reducing parental benefits and some other social rights.\footnote{Law on the Execution of the State Budget 2001 discussions at the 32nd regular session of Croatian Parliament, 21 September 2001} These commitments included a stand-by arrangement which the Government signed with the IMF.
in autumn 2000. The decision to reduce parental benefits led to the formation of a new NGO called RODA.\textsuperscript{238} On 6 December 2001 embittered parents, mostly from RODA, protested in front of Parliament. RODA's main demand was the return of parental benefits to the 2000 level. However, in their appointment with Vice-President Željka Antunović (SDP), it was explained that “the parental benefits level would be increased after the effective reforms in the police, the defence and the government administration took place, because there was not enough money in the state budget” (Večernji list 2001).

Their demonstrations were not successful at the time. In the 2001-2002 period the Government did not reset the parental benefits to the 2000 level, instead using the strategy of expanding the right to parental benefits. Since 2001 right to financial support amounting to 900 HRK was given to unemployed parents, a parent attending school, a parent realizing right to disability pension due to professional working disability and a parent pension beneficiary. At the beginning of 2002 members of RODA actively participated in "Parental leaves and financial benefits in the Republic of Croatia", an expert debate organised by the Croatian government. After the debate RODA prepared a formal reaction and brought it to the State Office for the Protection of Family, Motherhood and Youth (DZZM). On 23 August 2002 in front of the Parliament before the beginning of government's conference on revision of social rights, RODA gave the ministers letters in which they repeatedly explained why parental benefits must be set back to the previous year's level (RODA 2004). This action was extensively covered by the media.

Just before 6 December 2002 (St. Nicholas's Day) thirty mothers from the RODA association with their small children were waiting for the prime minister and other ministers in front of the Parliament with a demand that parental benefits should be set back at the level they were before 3 January 2000 (Vjesnik 2002). Prime Minister Račan and the members of his cabinet were given Old Nick's paddles, usually meant for naughty children, as a symbolic that the decision to equalize the parental benefits for another six months at 1600 HRK for all child-bearing women was bad. Mrs Gordana Sobol, the minister without portfolio, talked RODA representatives and told them, among other things, that there is no money in the budget for increasing the parental benefits (Novi list 2002). Despite frequent protests by RODA, in

\textsuperscript{238} The RODA association is a group of citizens who show interest and support dignified pregnancy, parenthood and childhood in Croatia. Members are mostly parents and pregnant women. The most important goals of the RODA association are dedication, protection and promotion of the rights of pregnant women, child-bearing women and parents through achieving their rights to an adequate parental leave and regular payment of parental benefits which enable families to lead a decent life. Another one of these goals is the protection of rights and the support in achieving the rights of employed and unemployed pregnant women, child-bearing women and parents according to valid laws and regulations (RODA 2001).
the 2000-2003 period the government did not reset the parental benefits. RODA was, by that time, the only NGO lobbying for the increase.

In their lobbying, RODA was supported by the opposition headed by Jadranka Kosor, the vice-chairwoman of the HDZ. On 22 January 2001 the HDZ and the DC (Democratic Center) started to collect petitions on the streets of all towns and in front of some maternity hospitals (the so-called "petition for the annulment of government's inhumane measures" and "the petition against current Croatian government's decision to decrease parental benefits") (Vjesnik 2001a).

The HDZ promised that they would continue signing the petition until the benefits were reset. In a short time HDZ collected more than 350,000 signatures. The protests of the political opposition and RODA generated huge pressure on the government and several government representatives, including the Prime Minister Ivica Račan, confessed that the reduction of the parental benefits turned out to be a huge mistake. However, in the 2001-2003 period the Government still did not reset the benefits.

2003 was the electoral year and one of the pre-electoral promises made by the HDZ was setting the parental benefits back to the 2000 level. In December 2003 the HDZ won the elections and took over power in the country. RODA met with the government vice-chairwoman Jadranka Kosor on 26 January to talk about parental benefits. At that meeting Kosor announced that parental benefits would be reset as part of the Law on the Execution of State Budget 2004, meaning that the benefits would rise from 1,600 to 2,500 HRK for another six months, and 1,600 HRK for the unemployed. In negotiations about the 2004 budget the government decided that parental benefits should be reset to the 2000 level.

**Paternity leave**

The introduction of a paternity leave in 2003 is the third modification related to the parental leave policy, along with the debate on introducing a three-year leave and resetting the parental benefits level. The period between 2000

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239 According to Jadranka Kosor, the decision on the decrease of parental benefits was unfair and unconstitutional because it caused damage to 50,000 families. This is how Jadranka Kosor commented on her involvement into the parental benefits issue: "I as a MP receive letters of citizens who demand that I should speak up for the change of regulations which are among things unconstitutional because they violate the rights of mothers and children who are under special protection of the state. They violate acquired rights as well and I think that it is intolerable." (Vjesnik 2001a).

240 For example, regarding the reduction of the parental benefits Račan said the following: "The government supports and will look into all the suggestions which aim at finding the best way to set the parental benefits to the last year levels. He pointed out that not even the government was pleased with the decision to decrease parental benefits, but it was necessary and is temporary valid until a better solution is found." He also added "We support all the effort and petitions which aim at setting the parental benefits to the last year level. I believe that many members of the government would sign those petitions" (Danas u Saboru, 24 January 2001).

241 (Official Gazette No. 105/2004)
and 2004, when the coalition government was in power, can be characterized by more concrete advocacy for gender-neutral legislation in the area of family policies. In 2003, to promote equal opportunities for men and women in the area of labour and employment, a new amendment to the Labour Act was adopted, regulating benefits for usage of maternity/parental leave.\textsuperscript{242} According to this amendment, maternity/parental leave could be prolonged for two months with a condition that the father of a child used at least three months of respective prolonged parental leave. The Committee for Gender Equality was the primary initiator of this measure. The idea was to motivate fathers to take part in the upbringing of their children, that is, to make both parents share the concern over their children.

In the first and second reading of the Labour Act the issue of parental benefits in the context of increased fathers' rights was hardly mentioned. For example, in the parliamentary debate on the amendments, only two persons mentioned the amendment to prolong parental leave, under the condition that fathers use a part of it.\textsuperscript{243} One of these was Milanka Opačić, an SDP representative and president of the Committee on Gender Equality. She made a short argument for the need for greater involvement by fathers. The other commenter was Jadranka Kosor, the HDZ representative. In her opinion, this was only one of the measures which the Government used in order to compensate a series of unpopular measures which were introduced during the past three and a half years. Jadranka Kosors comment referred to the abolition of the three-year leave and to the reduction of the parental benefits in 2001. She also stated that she would vote for this modification even though she believed that each family should be able to decide for itself on the distribution of work in the house and that this measure would not allow a mother to spend as much time with her child during the most sensitive period. With the majority of the representatives' votes (71 in favour, 41 opposed and 5 abstentions), the parliament enacted Law with the amendments.

The following actors were involved in various phases of the policy process concerning the issue of parental leave in Croatia (see table 8.1.).

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\textsuperscript{242} (Official Gazette No. 114/2003)

\textsuperscript{243} Labour Act, discussions at the 33\textsuperscript{rd} regular session of Croatian Parliament, 14 July 2003
### Policy case 3 – Parental leave

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Table 8.1. Analysed policy segments and the main actors in the policy case 3 – Croatia

**Women’s movement self-assessment of influence perception (ego perception)**

Several groups from the women's movement were involved in the policy process regarding the development of parental leave policy in Croatia during the transition. Those involved were the women's NGO B.a.B.e., the Parliamentary Committee for Gender Equality, the women’s forum SDP, women’s section of the SSSH and several female politicians. How does the women's movement perceive its role concerning parental leave during the transitional period? First, evaluation of the influence varies depending on the specific issues related to the parental leave. Second, there are discrepancies in evaluation of the engagement and influence between representatives of the NGOs and the female politicians. The general impression from the interviews is that the parental leave issue was not politicised enough by the women's movement and that their policy influence during the transitional period was rather limited. Vesna Kesić, a long-term activist at the women's scene and one of the founders of B.a.B.e., says the following about the engagement of the women's movement:

As far as the parental leave is concerned, it was not much debated within the women's movement ... The issue of parental benefits was not politicised enough. The introduction of a three-year leave was debated to some extent. It was said that it is not good for women because it would have a negative effect on their position in the labour market ... Other issues concerning parental benefits were not politicised
enough. For example, nobody came to the idea that the parental leave should be set by the parity principle, possibly 60/40. The women's movement lacked political instinct to lobby for the introduction of such a measure. It lacked inventiveness.

As far as the issue of the parental benefits level is concerned, several respondents claim that certain women's organisations were opposed to the reduction of the parental benefits and that is why they organised certain actions. Martina Belić, the B.a.B.e. representative, explained that B.a.B.e. together with several union organisations sent a protest to the Supreme Court directed against the 1997 government decision to reduce the parental benefits level. She and the other B.a.B.e. representatives believe that the women's organisations' protests were rather unsuccessful:

When specific influence on the parental benefits policy is concerned, B.a.B.e. and several unions joined and sent a proposal to the Constitutional Court of Croatia. It was a protest against the 1997 Government decision to reduce parental benefits for the following six months of a maternity leave. However, that protest was not successful.

Jagoda Milić-Šmid, a member of the women's section of the SSSH, confirms that the women's section protested against the reduction of parental benefits in 1997. However, as the B.a.B.e. representative she also believes that the women's organisations' protests were rather unsuccessful:

The HDZ was the first party to cut down the rights of women who had given birth, on the grounds of the Law on the Execution of State Budget. Our women's section, along with B.a.B.e., some unions and the organisations from the women's network of Croatia filed charges to the Constitutional Court of Croatia in 1997 ... The first reply that we got from the Constitutional Court said that there are grounds for filing a constitutional complaint, but in the meantime the Law on Health Insurance was altered by reducing the parental benefits for the following six months ... The next reply from the Constitutional Court was negative which means that our action was unsuccessful.

Other specific actions concerning the parental benefits were not mentioned in the interviews with representatives of the women's organisations. For example, none of the representatives of the women's organisations mentions any specific actions directed against the 2001 Government decision to reduce the parental benefits level. What is pointed out is the support to those who fought for the increasing of the benefits and against introduction of a three-year leave, such as RODA. Sanja Sarnavka from B.a.B.e. mentions her personal cooperation with RODA and points out that this cooperation has nothing to do with her organisation, even though she believes that B.a.B.e. and RODA have similar opinions concerning that issue.

I cooperate with the RODA organisation but this is my personal cooperation with their leader, not a cooperation between B.a.B.e. and the RODA organisation ... The
RODA organisation is not interested in women's human rights, they are interested specifically in the problem of parental benefits. We think alike about that issue.

Women's politicians confirmed their influence on certain aspects of the parental benefits policy. For example, Gordana Sobol (SDP), the president of the Parliamentary Committee for Gender Equality, points out her influence, which in this case paradoxically went against the goals of women's organisations. Sobol points out that she influenced the reduction of the parental benefits in 2001 and explains it with financial reasons. On the other hand, she also stresses her influence on the expanding of parental leave rights to unemployed women and students. Sobol comments on the problem of decreasing the parental benefits as follows:

I will try to be completely honest concerning my attitudes towards this issue ... The thing is that the 2000 takeover of power showed that there was no money in the budget. As the government then was aware of the heavy social expenditure and the gap between that which was financially possible and that which was provided, they decided to reallocate the funds ... I am truly sorry that one of the measures included the reduction of parental benefits ... When we were discussing this issue in the government, I also voted in favor of the reduction because I was a part of this government. It was estimated that there was no money so we had to cut back expenditure in all areas as well as reallocate the benefits to a wider circle of women who could use them ... I would be very happy if we had been able to keep the parental benefits and expand the circle of women who could use them ... on the one hand, I am not happy about the fact that we had to cut back the benefits, but on the other hand I am very pleased that we distributed that money to unemployed women or women who are still in college. That had not been possible before.

Jadranka Kosor from the HDZ, politician and ally of the women's movement on certain gender equality issues, was extremely engaged in the issue of parental benefits in the 2000-2004 period. She stresses her own influence and the influence of her party on the re-introduction of a three-year leave and the increasing of the parental benefits in 2004:

In 2001 my party started a petition against the Government decision on reducing the parental benefits. This was the issue which engaged a great number of Croatian citizens ... Setting the parental benefits back to the 2000 level was one of the pre-electional promises made by our party. After we had come into power, we kept our promise.

As far as the issue of introducing a three-year leave is concerned, most of the representatives of the women's movement agree that such a measure is harmful for women and for gender equality. However, no specific actions against the introduction of a three-year leave were mentioned in the interviews. Jagoda Milidrag-Šmid from the women’s section of the SSSH comments on the introduction of a three-year leave:
We strongly object to a three-year leave. All the data show that women do not have an easy access to the labour market and the right to a three-year leave only worsens their situation ... Employers on average do not employ women because they believe that they will be away from work for three years. I wonder what message these measures send the public. This is the advocating of patriarchal family relations, not gender equality. Not to mention that the measure of relating exclusively women to the right to a three-year leave is completely out of the European context.

As far as the introduction of a paternity leave is concerned, none of the representatives of the women's NGOs confirmed their involvement in the process. It is also surprising that none of the representatives of the women's NGOs was familiar with who was the primary initiator of this measure. Some representatives did not even know that such measure existed in Croatian legislation. Martina Belić from B.a.B.e. says:

We did not lobby for the introduction of a paternity leave, that was initiated by somebody else. It is possible that the person who was writing the Labour Act had some insight into Scandinavian laws and that they suggested that these elements should be incorporated into our law so that it would look well when the representatives of the EU came to visit ... The general public does not know that such measure exists and this is a problem since the goal of this measure is to involve more men into caring about children.

Women from the SDP believe that they are responsible for the introduction of the paternity leave. According to Milanka Opačić, member of the Women’s Forum (SDP), the primary initiator of that measure was the parliamentary Committee for Gender Equality:

The proposal for the paternity leave was initiated by the Committee for Gender Equality. It was debated at gatherings of the women from the SDP as well. We believe that gender equality in family and society cannot be achieved without active involvement of men in raising and caring for children ... Specific inspiration for introducing such a measure came from similar solutions which are applied in other European countries.

In terms of international influence, several respondents emphasised the impact of the IMF on the development of the parental leave policies. However, here we can observe some different views. For example, according to Milanka Opačić the IMF had some influence on the reduction of parental benefits:

The decrease of parental benefits started partly because the IMF demanded it, which is related to the demand for decreasing overall state social expenditure. However, it was partly related to the reallocation of funds too because we wanted to enable unemployed women, students, etc. to use those rights ... A lot of damage was done and I must admit that I am not sure that the state actually saved any money. I think that the government then made a very bad move. Major conflicts arose about that issue within the SDP. A few of us women from the SDP made a close study of the
budget and found funds which could have been used to set the parental benefits to the previous level. However, these funds were used elsewhere and we lost the battle.

However, Jagoda Milidrag-Šmid is one of those who do not believe that the IMF specifically ordered the reduction of the parental benefits:

The IMF creates pressure concerning the reduction of public expenditure but it is the Government that reallocates the expenditure. In fact, I doubt that the IMF made any specific orders concerning the parental benefits.

Assessment of women’s movement influence by other policy actors (alter perception)

Other important actors involved in the development of the Croatian parental leave policy are the organisation RODA, political parties (HDZ, SDP), the State Office for the Protection of Family, Motherhood and Youth and the Croatian Government. In the interviews only one respondent mentioned women's organisations as important actors in the policy process concerning the issue of parental leave. This respondent pointed out the impact of the Committee for Gender Equality on the introduction of paternity leave in Croatian legislation, saying:

The Committee for Gender Equality initiated the prolongation of parental leave, under the condition that fathers could partly use it as well. The goal was to motivate fathers to participate in the upbringing and the care for their child in the earliest stage … that is to make the child the responsibility of both parents.

Several respondents mentioned, instead, the influence of RODA. One member of the State Office for the Protection of Family, Motherhood and Youth said that:

RODA's suggestions and insistence encouraged us to write a number of proposals aimed at facilitating and harmonizing motherhood and a right to work. These proposals included demands for adjusting the conditions of work and the right to work at home, adjustment of a father using a parental leave, etc.

Regarding the effect of international influence, a representative of the Croatian Government claims that the 2001 reduction of the parental benefits was induced by the Government commitments towards the IMF:

The Government was forced to reduce certain social benefits, such as the parental benefits, because it was in accordance with our commitments towards the IMF ... At that time Croatia was in the middle of a major economic crisis with a large number of the unemployed, over extensive state expenditure and foreign debts.


Supra analysis

The extent of women’s movement influence

Regarding the question of introducing/abolishing the three-year parental leave, the data indicate that the women's movement had no influence. While the largest proportion of the women's movement was against a three-year leave there was no specific lobbying in the 1996-2004 period regarding that question. The political battle over a three-year leave was fought mostly between the representatives of political parties with different ideological orientations. It is also important to point out that the issue of introducing a three-year leave was mostly discussed in the context of the birth-rate policy, not in the context of gender equality. The traditionalist ideology was easy to spot. Rhetorically, marriage was still being promoted as the basic reproductive institution in Croatian society and the woman still had the role of mother and fosterer. In public debates the problem of balancing work and family was identified as one of the main reasons why women do not want to give birth. This emphasised parenting and taking care of a household as exclusively a woman's obligation. For example, it was emphasised that the government must develop all forms of benefits for a working mother and the infrastructure which would facilitate the function of motherhood. Fathers and their role and responsibility within the family were completely left out of the context. Introducing a three-year maternity leave was one of the measures which literally illustrated the politicisation and ideologisation of the birth-rate issue in Croatia. While all the indicators in Croatia showed that it was a bigger problem to have a first or second child rather than third or fourth, the HDZ government chose to deal with third or later children. It was also indicative that before the enactment of the three-year maternity leave no expert analysis on the extent to which families would use this measure was conducted. In parliamentary democracies with a longer tradition this would be standard procedure before the enactment of similar laws.

Did the women's movement have any influence on the changes in the parental benefit rate during the transitional period? Again the answer must be that it had no influence. There was no organised lobbying by the Croatian women's movement when this issue is concerned. We can single out only one specific action and this is the 1997 appeal to the Constitutional Court concerning the Government decision on reducing the parental benefits. However, the lobbying by women's NGOs was not successful in this case. In the period 2001-2004 the women's movement did not lobby for increased parental benefits. The only political actor that actively lobbied for the increase of parental benefits during that period was the organisation RODA. RODA constantly demanded that parental benefits should be reset. They held six protests in front of the parliament, visited MPs and the President and different ministries, held and participated in several stands and round table
conferences, participated in the work of parliamentarian committees, wrote press material and held press conferences. Thus, RODA is partly responsible for the question of parental benefits rate entering political agenda and its politicisation during this period.

In their lobbying, RODA was supported by the opposition headed by Jadranka Kosor, the vice-chairwoman of the HDZ. One of the pre-electoral promises made by the HDZ was resetting the parental benefits. In December 2003 the HDZ won the elections and RODA met with the government vice-chairwoman Jadranka Kosor in January to talk about parental benefits. At that meeting Kosor announced that parental benefits would be set back at the 2000 level. Regarding the introduction of a paternity leave in the Croatian Labour Act, the women's movement had some influence. The Committee on Gender Equality takes the credit for the issue of paternity leave entering the political agenda. The Committee also influenced the content of the law with its amendments. However, overall the Croatian women’s movement had a rather limited influence on parental leave policy development in the transition period.

**Extent of international influence**

Croatia maintained parental benefits at the pre-transitional level until 1996. It was often said in the Croatian media that the IMF forced the Croatian government to reduce the parental benefits. However, the interviews show different opinions on the actual influence of the IMF. Some respondents stress that the IMF directly demanded that the benefits should be reduced while others claim that this demand referred to reducing social benefits in general and that the Government was to decide which benefits would be reduced. In the course of the investigation not all documents concerning the cooperation between the IMF and the Croatian Government were available so it is hard to decide the actual influence of the IMF on the reduction of the parental benefits in 1997 and 2001. However, from the available documents it is evident that the IMF did not specifically ask for the reduction of the parental benefits and that the demand for the reduction referred to social benefits in general.\(^{244}\) Furthermore, since the benefits were not only reduced but also increased during the 1997-2004 period, we can presume that the government did have the option to decide how to reallocate the funds for financing various social benefits.

As far as the introduction of gender-neutral norms which aim at greater gender equality in the family and in the labour market is concerned, we can conclude that international organisations had indirect influence. During the 1990s international organisations such as EU and UN criticized the Croatian government for emphasising the role of woman as the mother-nurturer in

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\(^{244}\) See for example IMF (2001a), IMF (2001b) and (IMF 2001c)
various laws and policy documents. This role was not in accordance with the international norms emphasising gender equality in the family and in the labour market. Furthermore, international norms which suggest the introduction of a paternity leave inspired some women's politicians to introduce a similar norm into Croatian legislation.

The Case of Slovenia

Family policy development in transition

Between 1991 and 2004 Slovenian family policy had two distinct periods. In the first period, from 1991 to 1996, family policies were manifested through the establishment of a new legal base which envisaged social policy through active measures. The second period, from 1996 to 2004, involved social policy changes that were undertaken as a necessary precondition for the EU accession. The basic objective of the 1993 Resolution on the Basis for the Formulation of Family Policy in the Republic of Slovenia was the creation of conditions for families to enjoy quality of life and equal opportunities for the personal development of all family members, including children (Rončević 2001). The 1993 Resolution promotes equal opportunities for men and women and encourages parents, employers and society to be equally responsible for the quality of life of children. In 1993, a new system of child allowances was introduced, which gradually expanded the number of rightful claimants and children. It was estimated that in 1996, 80% of children who attended school and were under 27 years old received child allowances. Since 1996, in addition to childcare benefits, children with special needs have received a special disability grant which does not depend on the material status of the family but on the special needs of the disabled child (Stropnik et al. 2003). In 1995, financial reimbursement for maternity and childcare leave was extended to mothers whose permanent employment was terminated without their violation or fault during pregnancy, maternity leave, childcare leave or extended childcare leave.

The development of appropriate institutional and alternative networks of pre-school education is of the utmost importance for ensuring reconciliation of family and working life. The relatively well-developed network of kindergartens in Slovenia did not significantly changed during the transition. In 2000 some 58.6% of all pre-school children aged from one to

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245 (Official Gazette No. 40/93)
246 In Slovenia the labour activity rate of women was 65.0% in 2004, exceeding the average female activity rate in the European Union which was 61.8%. In contrast the male activity rate in Slovenia is lower than the EU average. In 2004, 74.5% of Slovenian men were active as compared to 77.4% of men in the EU. Due to the relatively high employment rates among women and relatively low employment rates among men, the gender gap in employment rates (the difference between men’s and women
seven were enrolled at kindergartens (Stropnik et al. 2003). Private kindergartens, which have been developing since 1993, take a small proportion of pre-school children. The system of organised pre-school education is governed by the 1996 Law on Kindergartens, which also contains a provision guaranteeing the enrolment of children in programs of public service.\footnote{247} If there is no kindergarten performing the public service programs or no vacancy at such kindergarten in the place of residence of parents who wish to enrol their child in kindergarten, the local community has 30 days to initiate a procedure to provide additional vacancies in kindergarten or to tender a concession to set up a class in accordance with norms and standards. This provision provides parents with accessibility to public kindergartens, and above all gives parents and children the chance to satisfy their needs for education and care when parents are working. For children who are not enrolled in a kindergarten, playgroups and other short programs are provided by kindergartens, usually free of charge to parents (Stropnik 2001).

Additional changes in family policy took place with the new Parental Care and Family Income Act in November 2001.\footnote{248} The Act regulates two complexes of rights: insurance for parental protection and rights deriving from this, and family benefits. This act governs an area that was previously regulated by two laws, The Employment Act and the Family Benefits Act. Rights deriving from parental care insurance are parental leave (maternity leave, paternity leave, leave for childcare, adopter's leave), parental benefit (maternity benefit, paternity benefit, childcare benefit and adopter's benefit) and the right to shortened work hours for parents (Stropnik et al. 2003). Persons included in insurance for parental care are entitled to rights deriving from insurance for parental care and pay a parental care contribution.

### Parental leave Policy

In the 1990s, there were no comprehensive legislative changes in the area of parental leave. However, in the mid-1990s maternity and parental leave was a topic of heated and lengthy debate. In 1994, as a direct consequence of the growing importance of the Catholic Church in political life, a coalition of ‘pro-life’ organisations and conservative parties developed a proposal for a three-year maternity leave (WPO 1995). This proposal was put forward in December 1994 by the Slovenian Christian Democrats but not implemented. The first signs of comprehensive legal changes concerning parental leave
occurred in Slovenia in 1998 when the Ministry of Health initiated the creation of the *Parental Care and Family Income Act*.

The basic goals of the Act were the modernization of Slovenian family policy and its harmonization with EU directives in that area. One of the goals was inducing equal roles for both parents in raising children. The Act was supported by all parties and enacted after the third reading in November 2001. Persons included in insurance for parental care are entitled to rights deriving from insurance for parental care and pay a parental care contribution. The Parental Care and Family Income Act also brings numerous innovations, such as paternity leave, extended childcare leave, adoption leave and the possibility of using parental leave until the child is 8 years old.\(^{249}\)

*Paternity leave* (Articles 23-25), which is an essential innovation of the new arrangement of parental leave, amounts to 90 calendar days. Of this, the father must use 15 days during the maternity leave of the mother (these 15 days may not be used later), and 75 days may be used up to 8 years of age of the child (thus during the maternity leave of the mother, during childcare leave or until the child reaches 8 years of age). The right to paternity leave took effect gradually: 15 days from January 1\(^{st}\) 2003, 45 days from January 1\(^{st}\) 2004 and 90 days from January 1\(^{st}\) 2005. The right accrues to the father only, and may not be transferred to another person. Behind this right lies the wish to involve men in the care of children from the earliest period and thus achieve better reconciliation of professional and parental obligations for both men and women. The parental benefits level and the length of the parental leave were not significantly changed after the enactment of the Law in 2001. The total parental leave in Slovenia is one year (365 days) long, and maternity/parental benefit, to which those covered by health insurance are entitled during their absence from work, amounts to 100% of the average monthly gross wage of the entitled person during the 12 months prior to the leave.\(^{250}\)

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\(^{249}\) An innovation that the Parental Care and Family Income Act brought is credit. If the parent or other person does not use the childcare leave to the extent to which he or she is entitled, the remaining part of the childcare leave may be used in the form of credit, which can be used for the purpose of paying for childcare, payment of rent for accommodation and for meeting housing needs (purchase of an apartment or house, adaptation of an apartment or house, building a house). The level of credit is the same as the level of unpaid benefit for childcare, but a maximum of 5 times the appropriate monthly benefit for childcare leave. The act also enables part-time working (not less than half the weekly working obligation) for one of the parents who are caring for the child, up to the age of three years of the child.

\(^{250}\) Parental benefit is calculated uniformly for all types of benefit, except for maternity leave, with which there is no applicable upper limit. The level of benefit is 100% of the average base pay in the last 12 months, if the person entitled was insured in the last year for the entire period, but not less than 55% of minimum pay in the Republic of Slovenia and a maximum of 2.5 times the average monthly pay in the Republic of Slovenia during the time of calculation. If the person entitled was not insured for the last twelve months. A special key on the basis of the act makes the calculation.
Policy analysis – How the issue was brought on to the public agenda

Three year leave

In the mid-1990s the Slovenian Right suggested that parental leave should be prolonged to three years. On December 1994, three members of the Slovenian Parliament, Nada Skuk, Miroslav Mozetič and Štefan Kociper, proposed changes to the Law on Family Incomes, more specifically, to the part which covers maternity leave and leave granted for the care of children. The question of three years of maternity leave was presented as matter of free choice, that is to say, any women could freely choose whether she wanted to be a mother or a career women. With argument that changes would positively influence the Slovenian population policy, the following changes to the article 80 were proposed: that the leave for the care of a child should last 36 months instead of 105 days and that instead of taking the leave, mother or father would work part-time until child is 65 months old. The proposal was based on the following arguments: to encourage fertility, to improve health and mental stability of the young generation, to guarantee the equality of women and men with regard to child rearing and to reduce unemployment. In the debate which followed it emerged that the majority of politicians who supported the change were from right-wing parties such as the Christian Democrats (SKD) or the National party (SNS). This proposal caused fervent public debate. The left-wing parties such as the LDS and the ZSSD as most of the women's movement opposed the proposal because they considered it a retrograde step in Slovenian family policy (Jana 1996). They also believed that this proposal would endanger the position of women in the labour market. The Slovenian public was also not positive about the proposal.

In January 1995 The Women's Policy Office (WPO) commissioned a survey which indicated that 63% of all employers would opt for a worker who would not take such leave. With regard to the extension, 74% of all respondents declared that such a provision would cut the chances of women obtaining a paid job (WPO 1995b). Moreover, 41.7% of respondents believed that the three-year maternity leave would have a negative impact on the possibilities for young women to get jobs (as opposed to 19% who believed it might have a positive impact). 50.6 % believed that this would hinder women’s possibilities for promotions (as opposed to 7.9 % who

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251 (Official Gazette No. 71/94)
252 With the 1.26 children born per women Slovenia is among the countries with the fertility rates in Europe. Poland (1.24) and Slovakia (1.25) are the only countries in the EU with lower birth rates than Slovenia, whereas the EU average, stood at 1.51 in 2005 (Statistical Office of the Republic of Slovenia 2005).
253 The poll was conducted by the agency Varianta between 6 and 8 January 1995.
thought that it might have a positive impact) (WPO 1995b).\textsuperscript{254} When WPO representatives lobbied in favour of the maintaining of the one-year leave, they used the results of the poll to argue that employers and citizens alike believed that the introduction of a three-year leave would worsen the position of women in the labour market. In 1996 the public debate on the introduction of a three-year leave decreased. Eventually, the right-wing political parties gave up on their demands.

\textit{Paternity leave}

In 1998 the Ministry of Labour, Family and Social Affairs initiated the creation of the Parental Care and Family Income Act. The Women’s Policy Office (WPO) saw the creation of the Parental Care and Family Income Act as the chance to influence the content of that Act. In March 1998, The WPO introduced its own proposal on parental/maternity leave, which was sent to all relevant ministries. They proposed a scheme that emphasised the individuality of rights of mothers and fathers. They suggested that a distinction should be made between the concepts of maternity leave, paternity leave and parental leave. The WPO proposed a leave that would be reserved for mothers only (105 working days; 28 or 45 days before giving birth). Paternity leave would last for 15 working days in the period before the birth of the child or after the return from the hospital. Parental leave would last for 360 days until the child turns three; it would include 90 days of individual non-transferable right for a mother and 90 days of individual non-transferable right for a father (WPO 1998a). Parental Care and Family Income Act was discussed at the 6\textsuperscript{th} and the 13\textsuperscript{th} regular session of the Committee of the Labour, Family and Social Affairs.\textsuperscript{255} There was not, in fact, much debate about the introduction of a 90-day paternity leave (with a 15-day financial compensation). The paternity leave measure was more extensively debated at the 7\textsuperscript{th} regular meeting of the Slovenian parliament.\textsuperscript{256} The main arguments were that it was a positive measure, that Slovenia needed it and that it was in accordance with Slovenian family policy to encourage both parents to share household duties.

Introducing the paternity leave was received favorably by the Slovenian Right as well, especially in terms of birth-rate policy. However, gender equality was hardly mentioned in this context. For example, Andrej Vizjak from the SNS said that they support the new law “because this law is social, European and improves the quality of the family policy”. He claimed that the

\textsuperscript{254} This opinion poll was published in a daily newspaper Delo on 4. February 1995.
\textsuperscript{255} Parental Care and Family Income Act, discussions at the 6\textsuperscript{th} regular session of the Committee of the Labour, Family and Social Affairs, 9 may 2001 and Parental Care and Family Income Act, discussions at the 13\textsuperscript{th} regular session of the Committee of the Labour, Family and Social Affairs, 11 July 2001
\textsuperscript{256} Parental Care and Family Income Act, discussions at the 7\textsuperscript{th} regular session of the National Assembly, 22 June 2001
family policy would be refreshed and stimulated by the new rights, mostly referring to the measures for helping the families with many children (measures aimed at increasing the low birth-rate). Stanislav Brenčič, a representative of the SLS+SKD provided similar arguments. Cveta Zalokar Oražem from the LDS emphasised that the equality of the sexes and fathers' involvement into family life were positive guidelines of the new law. Most of the criticism during the parliamentary debates referred to the decision to not pay for the entire 90 days of paternity leave.257

The following actors were involved in various phases of the policy process concerning the issue of parental leave in Slovenia (see table 8.2).

<table>
<thead>
<tr>
<th>Analysed policy segments</th>
<th>Main actors involved</th>
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<tr>
<td><strong>The three year leave</strong></td>
<td>Women’s movement</td>
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<td>- Women’s Policy Office (WPO)</td>
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<td>- Other Actors</td>
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<td></td>
<td>- Political parties (SLS, SKD, SNS, LDS, ZLSD)</td>
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<tr>
<td><strong>Paternity leave</strong></td>
<td>Women’s movement</td>
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<tr>
<td></td>
<td>- Women’s Policy Office (WPO)</td>
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<td></td>
<td>- Office for Equal opportunities (OEO)</td>
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<td>- Other Actors</td>
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<td>- The Ministry of Labour, Family and Social Affairs</td>
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<td>- The Committee of the Labour, Family and Social Affairs</td>
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<td>- The Ministry of Finance</td>
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Table 8.2. Analysed policy segments and the main actors involved in the policy case 3 – Slovenia

Women’s movement self-assessment of influence perception (ego perception)

The Women’s Policy Office (WPO) and the Office for Equal Opportunities (OEO) were the only actors from the women’s movement involved in the policy process. In interviews with women's movement representatives the WPO is consistently mentioned as the main actor that lobbied against the introduction of a three-year leave.

According to Tanja Salecl, the head of the OEO, the WPO was vocal in its opposition to the introduction of a three-year leave:

257 Parental Care and Family Income Act, discussions at the 10th regular session of the National Assembly, 21 November 2001
There were debates concerning the prolonged parental leave but we managed to stop them ... The WPO actively participated in these debates during that period. In cooperation with Slovenian employers we urgently conducted research with which we wanted to show how employers would treat women if parental leave was prolonged to three years. That research showed that women's chance for employment would drastically decrease if women used a three-year parental leave ... I believe that this research highlighted the problem and helped to stop the proposal.

Metka Roksandič, Executive secretary of presidency of ZSSS and the member of the ZSSS Committee on Gender Equality confirms that her committee was against the introduction of a three-year leave as well and she stresses the role of the WPO in the process:

We were decisively against the proposal that parental leave should be prolonged to three years because that would worsen the position of women in the labour market. Those who advocated a three-year leave gave up in the end ... The WPO played a major part in the process.

She also believes that general political atmosphere and the structural factors in Slovenia were responsible for retaining the right to a one-year leave as well as some other social rights from the communist system:

There was some pressure and talk about the changes of the social policy directives in Slovenia but I cannot say that there were major changes as far as the welfare state was concerned ... It is obvious that the conservative parties introduced the question of low birth rate and suggested that family policy should encourage nuclear families in which women would play the most important role. However, such vision was not realistic. If there are a lot of employed women, such as in the case of Slovenia, they know what economic independence is. Women in Slovenia were quite aware of it and they would not accept the conservative rhetoric.

Sanja Lokar, member of (ZLSD) and Executive Director of the CEE Network for Gender Issues stresses the influence of the women's movement concerning the maintaining of a one-year parental leave and some other social rights from the former regime in the following manner:

In my opinion, the obstruction of the legal prohibition of abortion is a great success which is credited to the involvement of Slovenian women ... A few of us women in the Parliament also managed to extend the right to a child's allowance in 1994 before the local elections. We still have that one year of parental leave that no-one dares to change. They even offered us three years but women were smart enough to refuse it ... I believe that the question of political power of women is relative. Of course I advocate that political power should be split in half between men and women but I also believe that the lack of political power can be compensated in critical situations by certain strategies.
According to Nada Skuk, president of the Slovenian women’s union of the (SLS), women in Slovenia were organised and determined to keep certain social rights from communism. However, she also gives credit to the conservative parties in Slovenia which according to her opinion put the interests of the family first:

Women were organised and decisive in maintaining certain rights from communism and we managed to do so ... I believe that it was achieved partly because conservative parties came into power after the fall of communism and the creation of republic. These parties put family first. During our first years in the Parliament we accepted the resolution about the basis of forming a family policy. We wanted to emphasise that the effort that the state puts into family is not an expense but an investment into future.

Mojca Dobnikar, co-founder of Lilit, SOS-telefon and women’s organisation Vita Activa, believes that certain rights from the communist period were maintained because the politicians were afraid that women would protest against the reduction of their rights. She said:

I believe that Slovenian politicians are afraid (even though they would not admit so) that women would become organised if someone threatened to reduce their rights ... The politicians probably still remember the 1991 demonstrations for the right to an abortion. These demonstrations were a huge event and people will remember them for a long time. I believe that the politicians are aware that women will make a lot of fuss if someone tried to mess with their rights.

As far as the influence of the women's movement on the introduction of a paternity leave is concerned, Violeta Neubauer, from the OEO, confirms that the OEO initiated the proposal to introduce a 90-day paternity leave. However, a critical plank of the proposal, that fathers should get financial compensation for the entire 90 days, was not accepted. She said the following:

We proposed that fathers should be entitled to 90 days of a paid leave but our attempt was not completely successful ... The main argument against our proposal was the fact that there is not enough money in the budget. The government decided to pay only 15 out of 90 days of paternity leave. We would be much happier if all 90 days were paid but this could be achieved in the future.

Violeta Neubauer also commented on the lack of cooperation with the women's NGOs on the parental leave issue:

The OEO was never supported by women's non-governmental organisations concerning such issues. For example, we needed the support of a wider circle of women's organisations when we lobbied for the financial compensation of the entire 90 days of a paternity leave but we got no support whatsoever ... The women's non-governmental organisations are passive and they do not influence political decisions or state institutions unless it involves the issue of violence against women.
Alenka Kovšca, state secretary for the family affairs (MDDSZ) and the president of the women's forum (ZLSD) confirms that the OEO took part in the creation of the Parental Care and Family Income Act and that it gave its own specific proposals, such as the introduction of a 90-day paternity leave:

I would say that the cooperation between the OEO and our ministry concerning the issue of family policy was very good ... There were mostly no open conflicts. For example, the representatives of the OEO took part in the preparation of the Parental Care and Family Income Act and had their own suggestions concerning paternity leave. The OEO asked for more paid days than it was possible at that moment. We advised them to be realistic ... I believe that it was settled well in the end and that the relationship between the OEO and our ministry is excellent.

Several respondents believe that international norms partially influenced the parental leave policy development in the transition period. According to Tanja Salecl, the Head of the OEO, the EU directive was used when the EOE lobbied for the introduction of the paternity leave. She said:

There is an EU directive which proposes non-transferrable parental leave. The directive states that each parent should have a three-month unassignable leave. However, EU members interpret it differently. Some countries see it as only one parent having the right to a three-month leave. We have warned our ministries and the government about the demands of the directive and introduced the proposal that fathers should have the legal right to paternity leave.

Violeta Neubauer from the OEO, said:

Of course it is easier to lobby for a policy which will obligate the Slovenian government given EU directives which refer to the parental leave ... It would be a lot more difficult to enact these laws if there were not for the EU. But in this context is important to point out that Slovenian legislation goes beyond the requirements of the directives in respect to duration of parental leave and amount of parental benefits. The level of wage replacement for maternity/parental leave is 100 percent and is the most favourable in Europe.

As far as the rate and the length of the parental leave are concerned, Alenka Kovšca, state secretary for the family affairs (MDDSZ) and the president of the women's forum (ZLSD), argues that the IMF pressed its own version of parental benefits policy but she also stresses that the Slovenian Government did not consider the IMF's proposal:

The IMF had objections concerning the expenses of social and family policy. For example, at the end of 2003 the IMF suggested our government to split parental leave in half. They said that it would fit the European standards better if we do so because the European standard makes 3-6 months ... In my knowledge, the IMF proposal was never seriously considered by the Government and the Ministry of Finance ... Journalists always ask me what joining the EU means and whether we
will lose certain rights. I always say that no-one can tell us what to do because it is our business and there is no reason to go backwards if these are our priorities.

Assessment of women’s movement influence by other policy actors (alter perception)

The other important actors involved in the development of the Slovenian parental leave policy are the Committee of the Labour, Family and Social Affairs, the Ministry of Labour, Family and Social Affairs, the Ministry of Finance and Political parties (SLS, SKD, SNS, LDS, ZLSD). All respondents who were involved in the policy process in question are convinced that the women’s movement played some role in the policy process concerning the issue of parental leave. Two respondents confirm that the OEO was involved in the process of enacting the Parental Care and Family Income Act and that they influenced the content of the law. One respondent from the Ministry of Ministry of Labour, Family and Social Affairs said:

As far as the Parental Care and Family Income Act is concerned, certain measures were taken that encouraged the equal position of mothers and fathers in the family and in the labour market ... This new act enabled a man or a woman in Slovenia to take a leave in order to care for children. Some claim that this was possible even before the Act but that is not so. In the past men could take a parental leave only if the woman withdrew and the employer allowed it. Today the situation is different because the man can make a choice ... We also introduced a 90-day paternity leave. That sent a clear message to men and women that the state encourages both men and women to devote themselves to family life ... The Office for Equal Opportunities contributed to the final version of the law with its suggestions concerning the parental leave issue. The Office lobbied for introducing and expanding the range of rights to parental leave and for measures which would stimulate fathers to become more involved in caring for children.

An expert in the social policy field claims that it is hard to single out the actors who had the greatest influence on the parental leave policy during the transition period. However, the same respondent mentions the WPO as one of the opponents of the three-year leave:

It is hard to say which specific actor had the greatest influence on the parental leave policy in Slovenia ... The parental benefits rate was never questioned during the transitional period in Slovenia. There were only suggestions for the prolongation of the parental leave. As far as I can remember, the Women's Policy Office opposed the introduction of a three-year leave during the 1990s. I believe that the political parties such as the LSD and the ZLSD were also against that proposal, which was emphasised by the Right.

One of the Government representatives confirmed the influence of international norms on Slovenian family policy:
The content of international documents had a very important influence on Slovenian family policy. The Government was interested in comparing the position and achievements of Slovenia to those of other comparable states. There was a tendency in Slovenia to accept the good practices of other countries. When the Parental Care and Family Income Act was being created, international norms concerning that area were taken into consideration.

**Supra analysis**

*The extent of women’s movement influence*

How can we explain the lack of change of parental benefits rate and length during the transitional period in Slovenia? Did the women's movement influence this issue? As far as the rate is concerned, there were no specific suggestions made by the Slovenian Government during the transitional period that the benefits should be reduced. The only concrete proposal was made by the IMF but it was never seriously debated. Today, as well as in the former system, parents have a right to a one-year parental leave with 100% financial compensation. The women's movement aimed at maintaining the parental benefits at the same level as the previous regime. Thus their goal was achieved, but without any active effort. However, the data show that the women's movement did influence the non-introduction of a three-year parental leave. The most strident opponent of the three-year leave was the WPO. The WPO deserves credit for organising public debates about the three-year leave policy and in that way helped with the politicisation of that issue. The WPO was strongly supported by the ZLSD, LDS and the ZSSS in its lobbying. The majority of Slovenian citizens were also against the proposal of the right-wing political parties. Thus, it is most likely that the wide support of other domestic actors helped the WPO in lobbying to maintain a one-year parental leave.

Did the women's movement have any influence on the introduction of a paternity leave? The data indicate that the WPO/EOE played a major role in the paternity leave issue. The OEO brought the issue to the political agenda and also influenced the content of the *Parental Care and Family Income Act*. When the Ministry of Labour, Family and Social Affairs initiated the creation of the *Parental Care and Family Income Act* the OEO saw the chance to influence the content of that Act. In March 1998, The OEO introduced their own proposal on parental/paternity leave. All the relevant ministries, including the Ministry of Labour, Family and Social Affairs were familiar with the proposals made by the Office. According to the interviewees the OEO and the Ministry of Labour, Family and Social Affairs cooperated very well in the process of the creation of the law. The length of the paternity leave (90 days) implemented in the new law was originally
proposed by the OEO. However, the overall goal was only partially achieved because the issue of financial compensation remained unresolved. The initial proposal made by the OEO was that fathers should get full financial compensation for the entire 90 days, however, that goal was not achieved because the Ministry of Finance would not grant that much money.

The extent of international influence

Was there international pressure on Slovenia concerning parental benefits policy or was the policy formed exclusively in accordance with national needs and visions? The international actors which could have influenced the Slovenian parental leave policy were the EU, the COE, the IMF and the World Bank. For example, during the last decade the COE has adopted several recommendations of the Committee of Ministers of Member States on reconciling work and family life. In Recommendation No.R (96) 5 The COE recommended that the governments of member states:

Take action, within the framework of a general policy promoting equal opportunities and equal treatment, to enable women and men, without discrimination, to better reconcile their working and family lives.

The recommendation sought paternity leave for fathers of newly born children and, in addition, indicated that:

Both the father and the mother should have the right to take parental leave during a period to be determined by the national authorities without losing either their employment or any related rights provided for in social protection or employment regulations. The possibility should exist for such parental leave to be taken part-time and to be shared between parents.

This recommendation and related issues were discussed in Slovenia at the XXVIIth session of the Conference of European Ministers responsible for Family Affairs (Portorož, Slovenia, 2001). The first Commission proposal for the EU Directive on parental leave dates back to 1983. However, it was not until 1995 that an agreement could be reached which led to the formal adoption of the Council Directive 96/34/EC of June 3rd 1996. The directive required member states to grant parental leave as an individual right belonging to workers, be they women or men, on the grounds of the birth or adoption of a child to enable them to take care of that child for at least 3 months, until a certain age defined by members states (up to 8 years). By definition, parental leave may be shared, but not transferable, between parents. The directive leaves member states the power to regulate whether parental leave is granted on a full-time or part-time basis, on a piecemeal or in the form of a time credit system. It also obliges member states to take measures protecting workers from dismissal for having applied for, or taken,
parental leave. A worker’s right to occupy the same job or a similar job when the leave is over is guaranteed, as are workers keep any rights earned, or in the process of being earned, when parental leave began. These international directives had an important impact on Slovenian family policy. For example, when the Parental Care and Family Income Act was being created, international norms concerning that area were taken into consideration. According to the OEO representatives, the EU parental leave directive 96/34/EC was used when the OEO lobbied for paternity leave.

**Comparison – Women’s movements influence on the development of parental leave policy in Croatia and Slovenia**

The main results regarding the Slovenian and Croatian women’s movements influence on the formation of parental leave policy are summarized in the table 8.3.

<table>
<thead>
<tr>
<th>Type of influence</th>
<th>Croatia</th>
<th>Slovenia</th>
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| **Agenda setting** | The three year leave  
   o Effect of other actors’ agency. Women’s movement did not exert influence  
   Parental benefits rate  
   o Effect of other actors’ agency. Women’s movement did not exert influence  
   Paternity leave  
   o Effect of women’s movement agency | The three year leave  
   o Effect of women’s movement agency  
   Paternity leave  
   o Effect of women’s movement agency |
| **Women’s movement goal attainment** | o Introduction of paternity leave | o Maintaining of the one-year parental leave  
   o Introduction of paternity leave |

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258 However, the very flexibility available to member states in implementing the Directive has come under considerable criticism. Caracciolo (2001:335) states that “Prima facie, this measure represents a valuable step towards the creation of a family friendly workplace. A closer look, however, reveals that it is not flawless and is based on the idea that mothers still have the main responsibility for child-care. The most obvious weak point of the Parental Leave Directive is the fact that it does not mention any provision concerning financial compensation. This can easily be regarded as a deterrent for many working parents, especially fathers.” (Council of Europe 2005b)
Table 8.3. Summary of women’s movements policy influence: Policy case 3 – Parental leave

<table>
<thead>
<tr>
<th>Type of influence</th>
<th>Influence evaluation</th>
<th>Croatia</th>
<th>Final influence (enactment of the law/amendments)</th>
<th>Slovenia</th>
<th>Influence evaluation</th>
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<tbody>
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<td>The three year leave</td>
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Agenda setting

In Slovenian case, the Women’s Policy Office (WPO) and the Office for Equal Opportunities (OEO), representing the women’s movement, played a major role in bringing parental leave to public attention. In the transition period the WPO and OEO lobbied for maintaining certain rights gained under Communism and for introducing and expanding the range of certain rights to parental leave and measures which would stimulate fathers becoming more involved in caring for their children.

In contrast to Slovenia, the parental leave issue was not politicised to the same extent by the Croatian women's movement and its policy influence during the transitional period was rather limited. The introduction of a three-year leave was debated to some extent by the women's movement, but there was no organised lobbying regarding that question, not over the rate of parental benefits. Only one specific action can be attributed to the women's movement, the 1997 appeal to the Constitutional Court concerning the Government decision on reducing the parental benefits. The women's movement (in the shape of the Parliamentary Committee for Gender Equality) can also take credit for bringing the issue of length of paternity leave to the political agenda.

Goal attainment

As far as the parental benefits rate is concerned, there were no specific suggestions made by the Slovenian Government during the transitional
period that parental benefits should be reduced. The women's movement aimed to maintain parental benefits rate from the previous regime, and that goal was achieved without significant effort. The introduction of a 90-day paternity leave was an important initiative of the OEO. While the leave itself was implemented, this goal was only partially achieved because the issue of financial compensation remained unresolved. In the case of Croatian women's movement we can observe the lack of political vision and inventiveness where this issue is concerned. For this reason it is also hard to single out concrete goals of the women's movement. Nevertheless, similarly to Slovenian case, the majority of interviewed representatives of the women's movement also mentioned maintaining the parental benefits rate and the length at the level of the previous regime. This goal was not completely achieved because of several changes to the rate of parental benefits. The introduction of paternity leave in Croatian legislation is the only goal that the Croatian women's movement achieved in the area of parental leave policy.

**Final policy influence**

**Three-year parental leave**

In the Slovenian case, the WPO deserves credit for politicising the three-year leave issue, stimulating public opposition. Later on in the process, the WPO was strongly supported by the ZLSD, LDS and the ZSSS. The majority of the Slovenian citizens were also against the proposal. Thus, the wide support of other domestic actors helped the WPO in lobbying to maintain a one-year parental leave. In Croatia, the women’s movement played a small part in this highly ideological issue. Most of the representatives of the women's movement believed that the introduction of a three-year leave would have negative influence on the position of women in society. However, they did not organise any specific protest against the introduction of a three-year leave in 1996. When the coalition government headed by SDP came into power in 2000 the right to a three-year leave was abolished. However, while most members of the women's movement strongly supported the abolition of a three-year leave in 2000 they did not actively lobby against its abolition.

**Parental benefit rate**

In the Slovenian case, there all major political actors in Slovenia were decisive in maintaining certain parental leave solutions from communism, including the high level of wage replacement for maternity/parental leave. The women’s movement, then, did not have any influence. In contrast, the parental leave benefit rate was debated and revised in Croatia during the transitional period. The first significant revision of the parental benefits rate occurred in 1997 when the HDZ government made the decision to set the parental benefits for the following six months at the same level for all
mothers/fathers. B.a.B.e. and certain union branches filed an appeal over this decision to the Constitutional Court of Croatia. However, this was unsuccessful. The greatest politicisation of parental benefits rate in Croatia occurred during 2001-2004. In January 2001, the government decreased the parental benefits for another six months of the parental leave from 2,500 HRK to 1,600 HRK. However, the women's movement did not lobby against this decision. In 2004, the parental benefits rate was set back at the 2000 level. However, women’s movements representatives were not among the actors that actively lobbied for the increase of parental benefits in 2004. Organisation RODA and opposition right-wing parties are responsible for parental benefits rate entering the political agenda and being reset in 2004.

**Paternity leave**

In both the Croatian and Slovenian cases, the women's movement had a great influence on the introduction of paternity leave. In both cases they were the primary initiators. The Committee for Gender Equality is responsible for the issue of paternity leave entering Croatian the political agenda. The Committee has also influenced the content of the Labour Law with amendments concerning paternity leave. The provision prolonging maternity/parental leave for two months under the condition that a father uses at least three months of this leave was originally proposed by the Committee for Gender Equality. In the Slovenian case, the OEO initiated the introduction of paternity leave and the content of the Parental Care and Family Income Act. The length of the paternity leave was the OEO’s proposal. Overall, there was not much public debate about the introduction of paternity leave in Croatia and Slovenia. For example, in the first and the second reading of the Croatian Labour Act, the issue of parental benefits in the context of the increasing fathers' rights was hardly ever mentioned. The lack of interest for the paternity leave issue in public and parliamentary debates seems rather surprising if we bear in mind that this measure represents a great novelty in Croatian and Slovenian family policy.

*The extent of international influence*

To what extent is the effect of international influence relevant for the parental leave policy development in Croatia and Slovenia? First, it is clear that international norms concerning gender equality worked well as the basis for advocating certain measures in parental leave policy and their acceptance by the wider political actors. Even right-wing political parties in Croatia and Slovenia bowed to international norms of gender equality in the labor market for women and men and greater involvement of fathers in family/home life. The policy of an exclusively maternal role of women and a strict division of male and female roles seems extremely regressive in the context of these international norms. For example, during the 1990s the UN criticized the
conservative Croatian Government for emphasising the role of woman as the mother nurturer in various laws and policy documents. Second, the women's movement, particularly in Slovenia, made good use of international norms in their lobbying. For example when the OEO lobbied for the introduction of paternity leave, they directed relevant ministries and the government to the demands of the EU Directive 96/34/EC and COE recommendation No.R (96) 5 in which the need for innovative measures to reconcile working life and family life are acknowledged. International norms also inspired the Croatian Parliamentary Committee for Gender Equality. Thus as far as the introduction of gender-neutral norms that aim at greater gender equality in the family and in the labor market are concerned, there was indirect international influence on the Croatian and Slovenian parental leave policy development. Nevertheless, it is also important to point out that both Croatian and Slovenian legislation go far beyond the requirements of the EU or COE in respect of the duration of parental leave and the amount of parental benefits. This is the result of the favorable communist heritage and the will of domestic actors to preserve certain elements of parental leave policy as it was in the previous system.

Alongside the international norms that advocate policies for achieving gender equality in the family and in the labor market, there are also the international norms that advocate the reduction of state expenses concerning the family policy. We could say that these two norms conflicted in the Croatian and Slovenian policy making processes. For example, the IMF had objections concerning the expenses of parental leave policies. The IMF recommendation to Slovenian government was to split parental leave in half, while in Croatian case the IMF recommended the reduction of family benefits in general. In Slovenia, the government and responsible ministries did not accept the IMF’s recommendation. It is harder to determine what the actual influence the IMF had in Croatia on the reduction of the parental benefits. Nevertheless, since the benefits were first reduced then increased during 1997 to 2004, it is clear that the Croatian government had the authority to decide how to allocate funds for financing various social benefits.

Women's movements' strategies

There are several similarities in the Croatian and the Slovenian women's movement’s strategies for achieving balanced parental leave policies. First, there was almost no cooperation between different women's movement representatives over parental leave. In the Slovenian case, the WPO/OEO played the main role in this policy process. These Offices lobbied against the introduction of a three-year leave and for the modernization of the parental leave, specifically the introduction of paternity leave. In the Croatian case, the parental leave issue was not one of the main priorities of the women’s
movement agency during the transitional period. Accordingly, their policy influence during the transitional period was rather limited. The only influence that can be ascribed to women’s movement agency is the introduction of the paternity leave in Croatian legislation. However, there was no cooperation whatsoever between the Committee on Gender Equality, the main initiator, and other groups or individuals from the women’s movement. It is somewhat paradoxical that most of the representatives of the women's movement admitted in the interviews that they did not even know that such measure exists in Croatian legislation. Second, Croatian and Slovenian NGOs were not involved in the parental leave issue. The only exception is the involvement of Croatian NGOs in the 1997 appeal to the Constitutional Court concerning the Government decision on reducing the parental benefit rate. Third, in both countries there was an ideological gap between the Left and Right representatives of the women's movement. Right-wing women's politicians looked at the parental leave from the aspect of the birth-rate policy and active proposed the introduction of a three-year leave in both countries. On the other side, the left-wing women's politicians believed that the prolongation of the maternity leave was a trap for women because it would keep them away from the labor market. In other words, a coalition between the women's politicians on that issue was not an option. Furthermore, in the case of Croatia, the female politicians were allies of women’s NGOs on different gender issues predominantly shared the interests of their parties concerning that issue. The women from the SDP did not protest against the government and their party when it was decided to decrease the parental benefits in 2001. A similar situation had occurred in 1997 when the women form HDZ did not stand against the reduction of the parental benefits level. In the period 2001 to 2004, the women from the right-wing parties defended certain rights to a parental leave but mostly for demographic reasons, not for gender equality.
9 Policy case 4
Gender dimension of pension reform

Gender dimensions of pension reform
It is by now widely recognized that women and men are affected differently by social security systems (Lewis 1993; Orloff 1993; Luckhaus and Ward 1997; Peggs 2000; Ginn, Street and Aber 2001; Leitner 2001). Differences may be explained by persistent inequalities in social security regulations, but also by differences in women’s and men’s need for and usage of social security. Gender inequality in old age reflects the consequences of the gender division of labour in the household and the effect of women’s familial responsibilities on their career paths. Women who move in and out of the labour force to care for their families are often penalized by eligibility rules in public and private pension schemes that tie benefit levels to past earnings and employment history (Leitner 2001). As a result, women always fare more poorly than men. European women have on average 20-30 percent lower pensions than men (Eurostat 2002).

In the past two decades, rising public budgets and ageing populations have caused many nations to re-examine the eligibility criteria of programmes created over the twentieth century. Different welfare states have begun tightening the link between lifetime earnings and public pension benefits and have instituted measures to encourage expansions of private

259 Approaching the topic of gender equality in pensions is by no means an easy or straightforward enterprise. It generally implies addressing a number of fundamental questions simultaneously. For example, there is a need to specify the notion of equality pursued (i.e. equality of treatment versus redistribution to achieve greater equality of outcomes), as well as a need for awareness on the potential and appropriateness of pension systems to redress gender inequalities created outside the social security system, typically in the labour market.
sector benefits. A number of OECD countries reformed their pension systems during the 1990s by enacting multi-pillar pension reform (Weyland 2001; Holzmann, Orenstein and Rutkowski 2003). Multi-pillar reform represents a new paradigm in pension system design by relying on multiple pillars of pension provision, including the state budget, state insurance programs and private pension funds. Some researchers are using the term “new pension orthodoxy” to capture the extent to which multi-pillar reforms have become a dominant new policy paradigm (Muller 2002).260 According to different scholars, the new multi-pillar pensions systems disadvantage women relative to men to a larger extent than the old public pension schemes (Ginn, Street and Aber 2001). This is partly because the new pension systems relate pension income more closely to individuals’ lifetime earnings. A majority of OECD countries have increased the number of years of contribution payments taken into considerations for the benefit calculation. Women who move in and out of the labour force to care for their families are often penalized by this kind of arrangement (Leitner 2001).

Pre-transition pension schemes

One of the legacies of the communist era in Eastern European countries was the state’s large role in providing retirement benefits. Pensions were a major responsibility of government and there were almost no private arrangements. Pensions were financed on a pay-as-you-go basis through transfers of funds from state-owned firms to a social security budget within the state budget (Müller 1999; Fultz and Ruck 2001). Direct contributions from workers were rare and, when required, usually only symbolic. Benefits for different contingencies (old age, disability, survivors) were financed from the same budget or pool of resources. Retirement ages were somewhat lower than those in OECD. In many Eastern European countries, male workers could retire at age 60 with 25 years of service, while women could often retire at 55 or, in some countries, at an age determined by the number of children raised. There were also many avenues to early retirement and in many countries young pensioners continued to work while receiving benefits (Hegemeyer 1999; Fultz and Steinhilber 2003; Fultz and Stanovnik 2004). In

260 In 1994 the World Bank published Averting the Old Age Crisis: Policies to Protect the Old and Promote Growth, a major report that set forth a series of arguments in favour of multi-pillar pension reforms (World Bank 1994). Population ageing, reducing the number of workers available to support each retiree, population aging puts according to World Bank, great strains on Social Security systems. Averting the Old Age Crisis argued that pension systems should ideally have three pillars: a state-managed redistributive pillar providing a basic pension to secure against poverty, an earnings-related pension supported by mandatory lifetime contributions to individual pension savings accounts that are privately managed and a pillar of voluntary private schemes, including supplemental industry, corporate/ and mutual benefit plans (World Bank 1994). Such highly visible support for the multi-pillar model from a major international organization such as World Bank and IMF added significantly to the legitimacy and acceptability of these proposals in countries around the world.
general, the pre-transition schemes were designed to redistribute income and the link between contributions and benefits was weak. Benefits were commonly calculated as a fixed percentage of a worker’s reference income for a minimum number of years, often with a flat-rate component and/or a benefit maximum (Fultz and Stanovnik 2004).

The impact of transition

In the mid- and late-1990s, most Eastern European countries undertook major pension reforms but the pace of decision-making and implementation has differed markedly from country to country (Fultz and Ruck 2001). In all cases, this has meant a move away from universal redistributive policies toward systems in which benefits are more individualised and earnings related. In many countries reform has also entailed a shift toward greater reliance on the private sector for pension provision. The World Bank and IMF played major roles as advocates of pension privatisation (Müller 1999; Fultz and Ruck 2002; Müller 2002a). In recent years, reforms implying full or partial pension privatisation were implemented in Kazakhstan (1998), Hungary (1998), Poland (1999), Latvia (2001), Bulgaria (2002) and Croatia (2002). Interestingly, policymakers in the Czech Republic and Slovenia, two of the most advanced transition countries, dismissed the privatisation of old age security and decided to improve the financial health of their public pay-as-you-go (PAYG) schemes with a series of a parametric reforms, complementing them with a voluntary private tier (Müller 2002b).

The gender aspect of pension reform in transition

Since many of the pension reform elements have different impacts on women and men, the gender dimension of the reforms has become a focus of political debate in Slovenia and Croatia, as well as in some other Eastern European countries. The communist pension systems did not treat men and women equally in a number of aspects. Instead, women have entered the new political era with what some scholars regard as privileges from the socialist years (Castel and Fox 2001; Fultz and Steinhilber 2003). For example, women could retire earlier than men in most countries. In addition, women in many Eastern European countries had greater survivor’s benefits than men. Furthermore, pension benefit formulas in the past were highly redistributive in favour of lower income workers, which, given the prevailing gender wage gap and women’s shorter working tenure, was to women’s advantage. Overall, there are in particular three main gender dimensions of CEE pension reforms to be taken into consideration in an analysis of experiences in the recent pension reforms: (1) The gender impact of the widespread retreat from redistribution in pension benefit formulas by linking contributions and benefits more closely, (2) Changes in the
retirement age and (3) The treatment of periods outside the workforce, devoted to caring for children or other family members, in the pension system (e.g. caring credits). From the gender perspective most debate has been raised about the equalisation of the retirement age between men and women, which was initially proposed by the majority of Eastern European governments but rejected in favor of a continuing differential (Fultz and Steinhilber 2003).\textsuperscript{261} In the following sections, the pension reform process and in particular the question of equalisation of the retirement age between men and women in Croatia and Slovenia will be examined.

**Croatian pension reform**

The first mention of pension reform in Croatia dates back to the stabilization program of October 1993 (Anušić, O’Keefe and Madžarević Šujster 2003).\textsuperscript{262} The stabilization program was designed as a three-stage program, with the first stage involving a multiple shock-therapy of exchange rate adjustment, monetary policy action, and wage-pension restraint based on an anti-inflationary program. The second and the third stages, anticipated for implementation during 1994-1995, involved a set of structural reforms, including pension reform, aimed at eliminating inflationary pressures in the long run. The paradigmatic turning point in Croatian pension reform was marked by an international pension conference held in Opatija in November 1995, attended by Chilean pension reform expert José Pinera and other experts.\textsuperscript{263} It was at this conference, sponsored by the World Bank, that the Prime Minister Valentić publicly endorsed the introduction of a three-pillar pension system including mandatory funded tier.\textsuperscript{264} The timetable for reform, as presented by the Government, included enactment of three-pillar legislation in 1996 and its implementation from 1997. During 1996, work

\textsuperscript{261} Retirement ages for women and men have been equalized only in a few countries, among them Estonia, Hungary and Latvia. A majority of countries in the region, however, have preserved a retirement age difference by sex. In some countries (Poland, Slovenia and Croatia), initial proposals to equalize women’s and men’s retirement age were rejected after public debates. The difference, where maintained, is between two (Slovenia) and five years (Poland and Croatia).

\textsuperscript{262} The 1990s witnessed a major drop in employment in Croatia. The labour activity rate fell sharply, from 65.3 percent in 1991 to 50.7 percent in 2000. The primary cause was the large-scale exit from the labour force associated with the war and the restructuring of the economy. The cumulative drop in employment, compared to before the transition, amounted to about 35 percent. A small recovery was visible only in the late 1990s (IMF 1999). These changes had predictably negative consequences for the financing of pensions. From 1990 to 2002, the number of insured persons decreased by almost 550,000, while pensioners increased by almost 400,000. This was in part the result of a social policy which afforded pension status to those who had lost their jobs due to war or the economic transition and, in part, due to certain design frames of the pension system itself (Bejaković 2004).

\textsuperscript{263} The conference in Opatija was organized by the Government of Croatia, the World Bank and the East-West Institute. Proceedings are published in Ministry of finance (1997).

began on pension system forecasting, and drafting of legislation, with the aim of enactment by the end of that year.

However, in order to avoid the serious fiscal implications of pension privatisation in 1997 a World Bank report recommended a sequenced strategy: if first-tier reforms would be carried out first, cutting down on existing pension entitlements, that would allow for a lowering of the subsequent transition costs of partial pension privatisation (World Bank 1997a). In the same year a law on first-tier reforms was submitted to Parliament (Anušić, O’Keefe and Madžarević Šujster 2003). 1997 saw the financial situation of the pension system further deteriorate due to a rapid decline in the contributor/beneficiary ratio and it became clear that urgent measures were needed to prevent the collapse of the pension system. In early 1998, a government Plenipotentiary for Pension Reform was established with two working groups, legal and economic, which restarted the technical preparations for systemic pension reform.265

In July 1998, the Croatian Parliament enacted the Pension Insurance Act, the first in a series of legislative measures aimed at setting the framework for the new pension system in Croatia.266 The Pension Insurance Act stipulated that the pension system in Croatia would consist of three pillars: a downscaled PAYG, pillar, a mandatory fully-funded pension pillar and a voluntary fully-funded pension pillar. Second- and third-tier legislation was passed in May 1999. A change in political regime occurring in early 2000 delayed the establishment of the funded tiers until January 2002, while first-tier reforms had taken effect from January 1999. The changes introduced in the PAYG pillar with the Pension Insurance Act of 1998 included: gradual (semi-annual) increase in retirement age for men from 60 to 65 years and from 55 to 60 for women, reduced work-period entitlement, eliminating entitlement by length of career, revisions in early retirement entitlements including a gradual increase in minimum early retirement age from 55 to 60 for men and from 50 to 55 for women and increasing the annual decrement for early retirement.

Throughout the reform process, the Ministry of Finance played an important role. To ensure passage of the reform laws, the Tuđman regime relied on mandating changes rather than achieving consensus with opposition parties and social partners (Zrinščak 2000). Although, the Tuđman era was marked by authoritarian traits such as a single majority party and a powerful presidency, this context did not guarantee quick pension reform. Six years elapsed between the first public announcement of pension privatisation at Opatija and its actual implementation.

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266 (Official Gazette 102/1998).
Gender dimension of Croatian pension reform

In the old pension system in Croatia retirement conditions were formally more favourable for women than for men. A woman had the right to retire prematurely when she reached 55 (men 60) with 30 years of employment covered by retirement insurance (men 35). The new Pension Insurance Act of 1998 included gradual (semi-annual) increase in retirement age for men from 60 to 65 years and from 55 to 60 for women. Starting from 2000, the retirement age was to be raised by 6 months each calendar year until 2009, when the retirement age would reach 65 for men and 60 for women. Increasing the retirement age and equalising the retirement age between men and women raised numerous debates and reactions at all levels. The first draft submitted to the Parliament included a proposal to equalize the retirement age at 65 for both men and women (Anušić, O’Keefe and Madžarević Šujster 2003). However, later on in the pension reform process, the government revised its initial proposal with the current retirement age of 65 for men and 60 for women. How can we explain the fact that the new pension system maintained the right for women to retire 5 years earlier than men? What kind of influence did the women’s movement have in the policy process of Croatian pension reform?

Policy process analysis

How the issue was brought to the public agenda

B.a.B.e. was the first group to evaluate the new pension proposals from a gender perspective. The new pension reform was a subject for Monitorna evaluation. In December 1996, B.a.B.e. together with their lawyers and the representatives of the women’s section of the SSSH wrote a report in which they critically evaluated the proposed Pension Insurance Act. In this report B.a.B.e. pointed out that women faced discrimination within the current pension system and that with the proposed new law the discrimination would be even greater (B.a.B.e. 1996d). B.a.B.e. also requested that the drafting group for the Pension Insurance Act must include a higher number of women from women's sections of various Trade Unions.

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267 For the calculation of the pension base, earnings were adjusted upward by average net wage growth in the economy in the years up to the one preceding the year in which the entitlement is established. The actual factor was set in such a way that it aims to produce an 85 percent pension/net wage replacement rate for a full career worker. For men the pension base was multiplied by a coefficient of 0.35 plus an additional 0.02 per each year of contribution up to a maximum of 0.85. For women, the initial coefficient was 0.4 plus an additional 0.03 per year of contribution up to a maximum of 0.85. (IMF 1998)

268 Since November 1996, B.a.B.e. has run the ‘Monitorna’ project for analyzing and criticizing new laws, organizing campaigns for raising public awareness about and influencing new legislation.

269 B.a.B.e. (1996d) Statement on the proposed Pension Insurance Act
and women’s organisations. In September 1997 the Pension Insurance Act had its first reading in the Croatian parliament, but the issue of the retirement age limit for men and women was not mentioned.\textsuperscript{270} In 1998, B.a.B.e. came with the new report entitled \textit{Suggested pension reform: Killing the last hope in social justice}.\textsuperscript{271}

Under the old pension law, the amount of the pension was calculated according to the highest earning 10 years that the person had in their working life. The proposed Law would calculate the pension based on earnings over a person’s entire working life. According to B.a.B.e. this would produce even bigger differences between men and women because women usually have one or more maternity leaves in the period when men are able to launch their careers and when start to earn more (B.a.B.e. 1998e). In order to get more attention for their opposition to the proposed final draft, Croatian women’s groups coordinated by B.a.B.e. publicly initiated a petition campaign.\textsuperscript{272}

The petition campaign was carried out through the media and in public spaces in coalition with 20 women's and human rights NGOs and women's initiatives from political parties throughout Croatia. The results of the petition action were publicly presented and officially delivered to the Croatian parliament, Ministry of Work and Social Affairs and the Croatian government. In this petition B.a.B.e. demanded that women could continue to retire at 60 and opposed the establishment of a mandatory fully funded second pillar, instead advocating for a voluntary second pillar. Further, they required establishment of transparent control of Pension Fund management by a joint committee of representatives of trade unions, employers and Croatian government. Finally, they demanded that the draft law go through a third reading in parliament. Beside B.a.B.e., the group that most actively lobbied against the proposal was the women's section of the SSSH.\textsuperscript{273}

Together with B.a.B.e. and some other Croatian women’s NGO they initiated the above-mentioned petition campaign. Most of the criticism from the women's NGOs regarding the equalisation of men's and women's...
retirement age comes down to the demand that equality of sexes should be accompanied by better protection of the family and working privileges of mothers, as well as providing more space in pre-school institutions (even for six-month old babies). They also pointed out that major Croatian companies should start following world-wide trends of supporting women by providing kindergartens for employees' children or allowing more flexible working hours.

Other political actors showed minimal engagement with the issue. The first and the only major political debate about the Government proposal of the equalisation occurred during the second parliamentary debate about the proposed Pension Insurance Act. Among remarks made by parliamentarians during the second reading, the greatest criticisms were raised about increasing the retirement age to 65 and equalising the retirement age for men and women. Most members of parliament argued that retirement ages for women should not be increased so much. The opposition against proposed equalisation of the retirement age among Croatian parliamentarians was great, regardless of party affiliation. The most frequent suggestion during the parliamentary debate was that the proposed law should undergo a third reading, which eventually happened. In the third draft, the government accepted several proposals from parliamentarians, among them the suggestion that women should have the right to a pension at 60 after 15 years of employment, and the right to early retirement at 55 after 30 years of employment.

The following actors were involved in Croatian pension reform and the question of equalising the retirement age of men and women (see table 9.1).

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<td>Analysed policy segments</td>
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| Equalisation of the retirement age for men and women | Women’s movement  
  ○ Women’s NGOs  
  ○ Women’s section of the (SSSH)  
  ○ Women’s MPs  
Other Actors  
  ○ The Ministry of Finance  
  ○ Political parties  
  ○ Government Plenipotentiary for Pension Reform  
  ○ World Bank  
  ○ IMF |

Table 9.1. Analysed policy segments and the main actors involved in the policy case 4 – Croatia

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274 Pension Insurance Act, discussions at the 30th session of Croatian Parliament, 12 May 1998
275 Pension Insurance Act, discussions at the 32nd session of Croatian Parliament, 30 June 1998
Women’s movement self-assessment of influence perception (ego perception)

We can identify three main women’s movement actors in the Croatian pension policy process advocating continuing different retirement ages for men and women. Those actors are the women’s NGO B.a.B.e., the women’s section of SSSH and individual women politicians. In interviews, representatives of the women’s movement claim that they had an impact on maintaining the different retirement ages. However, they also claim that the Croatian women’s movement did not have much influence on the outcome of the pension reform in general.

Martina Belić from B.a.B.e. claims the following:

The proposed pension law was considerably changed in favour of women's rights after our lobbying ... I believe that the influence of the women's scene was extremely important for the Government decision not to equalise the retirement age for men and women.

Furthermore, she points out the significance of the petition against the government's initial proposal to equalise retirement ages, which B.a.B.e. initiated in cooperation with other women's organizations. In her opinion, that petition led to good cooperation between women's NGOs and the women politicians who represented the NGOs’ views in the Parliament.

… our opinion was that the proposed pension reform directly endangered the pension rights of women, and would impoverish women of pension age. Although we only had short time to react to the proposed law, we managed, in cooperation with other women's groups (in Pakrac, Poreč and Mali Lošinj) and individuals, to organize a petition campaign around the country. The timing for the petition was bad (Saturday morning before Easter), but nevertheless we managed to collect approximately 1,000 signatures in three hours …This action stimulated good cooperation with women parliamentarians who presented our amendments and criticism for inclusion in the new draft of the Pension Law in the Parliament.

Jagoda Milidrag-Šmid from the women’s section of the (SSSH) confirms the cooperation of the women’s section (SSSH) and B.a.B.e. She also claims that the women's organizations did not have much influence on the outcome of the pension reform in general but she does mention certain influence on maintaining the different retirement age for men and women:

The women's section of the SSHS was opposed to the whole concept of pension reform and in cooperation with B.a.B.e. we carried out the analysis in which we warned that the pension reform would entirely wreck the system of intergenerational solidarity and that the first pillar would be reduced to a welfare check ... Most of our demands were not fulfilled, except when it comes to maintaining the different retirement age for men and women.
Jasna A. Petrović, vice president of the women's section of the SSSH and the regional Coordinator ICFTU CEE & NISS confirms the involvement of her women’s section in the process of the pension reform. She also points out that her section was not supported by the union leadership in lobbying against certain directives of the proposed reform. Otherwise, she still points out the influence of her section on maintaining the different retirement ages.

Unfortunately, Croatian unions did not go on strike and did not protest against the pension reform. The Croatian government and the World Bank cleverly made the unions their partners ... I am still ashamed of the role that the unions played in the first pension reform. Many unionists were turned into door-to-door agents who got their fees from the state for advertising the reform and the state was getting that money from the World Bank. We as the women's section often publicly criticized the pension reform. Unfortunately, the leadership of our union did not support us ... But I believe that our section had some influence on the preservation of different retirement age limits for men and women.

Jadranka Kosor, the vice-chairwoman of the Croatian Democratic Union (HDZ), emphasizes the influence of women's parliamentarians when it comes to maintaining the different retirement ages. She said:

Most of the women in parliament were opposed to the equalisation of the retirement age and some of us were rather active in the parliamentary debate. I believe that we finally managed to convince the government with our arguments that the equalisation of the retirement age was not a good proposal.

**Assessment of women’s movement influence by other policy actors (alter perception)**

Other domestic actors involved in Croatian pension reform are the Ministry of Finance, political parties and the Government Plenipotentiary for Pension Reform. In the interviews, none of the respondents mentioned the representatives of the women's movement as having influence on maintaining different retirement ages, instead pointing out the generally negative political sentiment surrounding equalisation of the retirement age.

One policy expert on Croatian pension reform believes that the government actually never had any serious intention to equalise the retirement age. The same expert also believes that the government's top priority was to have the Bill enacted by the Parliament and that is why the government gave up on its initial proposal to equalise the retirement ages.

I know that a lot was written on that topic but I do not recall that it ever became a serious proposal made by the government ... I think that the government quickly gave up on that proposal because they believed that it was more important to get the entire law enacted. The issue of the retirement age for men and women was of less
importance so I believe that this was not a serious proposal which caused a lot of consideration.

A member of the working group for the creation of the new pension system also believes that the issue was never discussed seriously:

I remember that in 2001 a strategy for the development of the pension system and social welfare was being created and one of the footnotes said that there will probably come the time when the age limit would be harmonized, maybe even increased. That caused a major political and populist-oriented debate which was not serious at all ... Maintaining the different age limits for men and women seems to me like pandering the audiences because it was never discussed seriously, nor any specific analyses were made to show the consequences that the reform of the pension system would have for men and women.

One of the Government representatives confirms that the government’s initial aim was to harmonize the retirement age for men and women but this idea was, according to this respondent, dropped because of the negative view that parliamentary parties had of the proposal:

There were serious doubts about the age limits for acquiring the right to an old-age pension and an early old-age pension, especially for women. The World Bank advocated the equalization of the retirement age for men and women so that the final draft of the law stated that men and women should be entitled to an old-age pension at the age of 65 but only after a long transitional period: 10 years for men and 20 years for women. Until then people would be entitled to an old-age pension before they turned 65. That proposal was not accepted by the parliamentary parties so we entered the third parliamentary reading with the proposal that the retirement age should be set at 60 years for women and 65 for men.

**Supra analysis**

**The extent of women’s movement influence**

According to relevant policy documents and the interviews with women’s movements representatives, women's NGOs were the first to analyze pension reform from a gender perspective and were responsible for the issue about the equalization of the retirement age being brought on to the political agenda. However, actors not involved in the women's movement make no mention of the influence of the women's movement in bringing the issue on to the political agenda or changing the government’s opinion about the equalization of the retirement age. How can this discrepancy be explained?

One explanation is that equalisation of the retirement age was not much discussed in public. The issue was publicly debated only during and a little after the second reading of the Bill. Since the issue was not prominent enough in the public consciousness it could be the case that the engagement
of the women’s movement on that issue was not prominent either. Furthermore, representatives of the women's movement were not involved in various working groups drafting the law and they were not invited to participate in round-table conferences at which the pension reform was debated.\textsuperscript{276} On February 19\textsuperscript{th} 1998 the government founded the Commission for the Pension Reform, which was made up of the Council and the two expert groups. No representatives of the women's movement were members of any of those groups.

The other possible explanation is that the members of the working groups were not interested in the gender dimension of the new pension system, which might have affected their perception and the post-reconstruction of the policy process. For example, on June 18\textsuperscript{th} 1997 a debate about the Croatian pension reform was held by the State Old-Age and Disability Insurance Fund featuring prominent scientists and experts from state institutions dealing with old-age and disability insurance. The main topic was the concept of the future old-age insurance system and the aim of the debate was to establish basic guidelines for and discuss potential problems with Croatian pension reform. It is intriguing that not a single woman was invited to participate in this round-table conference. The equalisation of the retirement age was briefly mentioned by several speakers but it was not debated. Furthermore, none of the participants mentioned any other gender aspects of the pension reform. A year later a round-table conference was organized, called ‘Croatian Pension Reform: Challenges of the New Three-Pillar System’. The round-table conference hosted scientists and parliamentarians, government representatives, the pension associations, unions, employers' associations and the World Bank. In all there were 60 participants, 17 of which participated in the debate and only one of which was a woman, Vera Jelčić from the Faculty of Law in Zagreb. Gender equality in the future pension system was not debated at this round-table conference either.

While the women's movement was marginalized in the reform process, one of its major goals was still achieved. The Croatian government withdrew its proposal to equalise the retirement age.\textsuperscript{277} Women's organizations such as B.a.B.e., the women's network and the SSSH were not alone in opposing the

\textsuperscript{276} The pension reform in Croatia was carried out with little public debate, almost none at all, which is in line with the political atmosphere in Croatia at that time. Mostly experts and the government took part in the debate (Zrničak 2002).

\textsuperscript{277} It is interesting that women's organisations and the politicians who were in favour of women's early retirement never made any detailed analysis of the financial consequences that early retirement would have on economic position of the retired women, something which had been done in Slovenia. There were also no specific suggestions or arguments for certain other measures (e.g. caring credit), which would improve the position of women in the pension system. For example, in Slovenia the starting calculation percentage (for a 15 year pensionable period) for women is higher (38%) than for men (35%), so that because of the different retirement conditions women will not be indirectly discriminated against in calculating pension. Similar solution were not even discussed in the Croatian pension reform process, nor suggested by the Croatian women's movements representatives.
equalisation of the retirement age. All the political parties in Croatia were against this equalisation. On May 12th 1998, the first-tier law had its second reading in the parliament. The greatest criticisms of the draft from the parliamentary side were raised about the equalisation of the retirement age. The HDZ, which was the biggest parliamentary group at that time, was against the government’s proposal, despite the government actually being formed from HDZ members. Instead, the HDZ proposed that the new law should give women the right to chose to retire at 60 or 65. From the ranks of the HDZ, Jadranka Kosor was one of the loudest advocates for maintaining different retirement ages for men and women. In the process of the reform she cooperated with women's NGOs, promoting their ideas in political circles. The pressure that the Parliament exerted on the Government was rather significant in this case. It was in the interest of the Government that the new Pension Insurance Act should be enacted as soon as possible, considering the enormous pressure from international organizations as well as the controversial nature of the entire pension reform. Giving up on the equalisation of the retirement age for men and women can be regarded as the price that the Government had to pay in order to achieve the other goals of the pension reform. It can be argued, then, that the women's movement together with the other domestic actors made the Government change its point of view.

The extent of international influence

In the Croatian case the full or partial privatisation of old-age security and the equalisation of retirement age was clearly a major policy recommendation from World Bank and IMF. In the following Letter of

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278 In the parliamentary debate, Ante Tukić (the LS Club) rated the law as typically "male", while Jadranka Kosor (HDZ – Croatian Democratic Union) believes that "male handwriting" is evident in the provisions of the law. Jadranka Kosor is strongly against the equalizing of the pension age-limit, saying that "women have a family besides their job. They also work at home and their burden is definitely not the same as the men's. Women who work do not have the support of the well developed infrastructure such as kindergartens and schools which would make their lives easier to some extent." Jadranka Kosor points also out that "working at home does not get much credit so it is unthinkable that the pension age-limit should be equal for both sexes." Vesna Škare-Ožbolt (DC) urges the improvement of the provisions regarding women's retirement because women mostly work a split shift (in their homes as well as in the firm). Djuro Njavro (the HDZ Club) believes that women should be given the opportunity to retire sooner if they wish to do so and Josip Leko (the Social Democratic Party) points out that women in society are more strained than men and that "women cannot be separated from the act of giving birth and thus the responsibilities of mother and father should not be compared. Those responsibilities may be equally arranged but they are not identical and the law should respect that fact."

279 In Averting the Old Age Crisis, as well as in many other reports, the World Bank emphasizes that retirement conditions for public pensions have important consequences for the financial health and distributive impact of these schemes and for the economy as a whole. This is the reason why the World Bank recommends the following policy guidelines for pension reform in different countries: (a) Avoid excessively long retirement periods, (b) Don't penalize people who work beyond the normal retirement age, (c) Set the same retirement age for men and women, (d) Eliminate special regimes that grant early retirement for privileged groups, (e) Don not use retirement as a remedy for unemployment, (f) Raise the
Intent, the government of Croatia describes the policies that Croatia would implement in the context of its request for financial support from the IMF:

...the finances of the pension system are being strengthened by the phased implementation of the first-pillar reform of 1999, notably the gradual extension of the period for calculating the pensionable base from the 10 years with the highest income to lifetime earnings and the gradual increase in the statutory retirement age from 60 to 65 years for men and from 55 to 60 years for women. We are now examining further measures to strengthen the pay-as-you-go pillar, for example, by equalizing the statutory retirement ages of men and women at 65 years and adjusting replacement rates to take account of rising life expectancies of pensioners (IMF 2001).

The World Bank had also great influence on Croatian pension reform. Since 1994, The World Bank has monitored, suggested and influenced social security reforms in Croatia, particularly reforms concerning pensions and health care. In several reports, the World Bank urged the Croatian Government to equalize retirement age. The World Bank's arguments for equalisation in Croatia were, however, not based on gender equality and the protection of women from poverty, but primarily financial concerns. In the 1997 report called *Financing the Public Sector, Health and Retirement Reform in Croatia*, the World Bank stressed that Croatia could not afford to spend any more money on pensions, especially if it intended to compete with other countries, because there were less and less working people and more and more pensioners. One of the suggestions of the World Bank for Croatian pension reform were increasing and equalising retirement ages (World Bank 1997a). In the 2000 *Programme of Measures for Economic Reform and Growth*, the World Bank warned the Croatian government that “the continuing refusal to raise retirement age for women would lead to the everlasting financial deficit in the PAYG pillar, by 0.5 percent per year” (World bank 2000). EU policies and norms were not used in arguments for equalisation. Politically, Croatia was isolated during the 1990s, and Tudjman and his government did not relate to the EU. During that time only the IMF and World Bank were providing financial support, monitoring and suggesting financial and social security reforms.

The pressure form IMF and the World Bank on the Croatian Government to equalise the retirement age turned out to be insufficient because at the end the Government maintained the difference in the retirement age for men and women. Thus, we can conclude that in this case the pressure from domestic political actors who advocated maintaining the different retirement age limits for men and women was stronger than the international pressure to equalise retirement age limits.

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...retirement age regularly as life expectancy increases, (g) Reduce pension levels on an actuarially fair basis for people who retire early, except for those who are truly disabled (World Bank 1994).
Slovenian Pension reform

Fundamental changes to the social security system in Slovenia were being seriously considered both from a practical and theoretical perspective already from the late-1980s and concrete developments began in February 1992. A new Pension and Disability Act (PDIA) was passed in March 1992 (Stanovnik & Kukar 1995). However, the 1992 PDIA was not a radical enterprise. Its main goal was to provide a comprehensive legal framework for pension and disability insurance within Slovenia’s legal system. Following the 1992 PDIA there was some activity regarding pension reform, but quite limited in its intensity. Thus, in September 1994, the Ministry of Labour, Family and Social Affairs (MDDSZ) and the Institute for Macroeconomic Analyses and Development (IMAD) jointly launched the project “Reform of the pension and Disability Insurance System”, which was to be financed through the World Bank EFSAL facility (Enterprise and Financial Sector Adjustment Loan) (Kidrič 2004). In October 1995, a team from the IMF visited Slovenia, and shortly thereafter produced a report entitled Republic of Slovenia: New challenges confronting the social insurance system. The report presented a thorough analysis of the social insurance system and in particular the problems facing the pension system (IMF 1995). The IMF report resulted in the formulation of very concrete proposals for the reform of the first pillar and it gave strong impetus to the reform process. Soon after the report was published, a meeting of Slovene Government officials and experts on social security was convened to discuss not only the IMF report, but also the draft outlines of the White Paper on pension reform. The White Paper on pension reform was produced in July 1996, entitled Starting points for the reform of the pension and disability insurance system, and was influenced by the 1994 World Bank publication Averting the old-age crisis: policies to protect the old and promote growth (Müller 2002a; Stanovnik 2002).

The White Paper was prepared by a core working group, including Tone Rop (LDS), the then-new minister of Labour, Family and Social Affairs, as chairman. The working team for the preparation of the White Paper consisted of the professionals who prepared materials for the Conference on Pension System in June 1995, as well as from other experts from the Economic Institute of the Faculty of Law, Faculty of Economics and the Securities and Exchange Commission (Stanovnik 2002). The subsequent White Paper on Pension Reform was also co-authored by a team of Phare consultants, among them a leading ILO specialist (Mouton 1997). The White Paper was the only official reform proposal, because all potential opponents

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280 This institute is a government entity, assigned to monitor economic performance and provide macroeconomic projections to the government.

were deliberately excluded. It appeared in November 1997 and was soon given extensive coverage in the media and its proposals were analysed in detail. The White Paper proposed the introduction of a World Bank inspired mandatory second pillar and a complete equalisation of eligibility conditions and benefit calculations for men and women. It also introduced the notion of “full pensionable age”, which was set at 65 years (Stanovnik and Vezjak 2004).

Immediately after the appearance of the White Paper, the trade unions declared themselves adamantly and irrevocably opposed to a mandatory second pillar leading to the unavoidable need for a coalition-building phase in Slovenian pension reform (Stanovnik 2002). This phase started with the appointment of the tripartite negotiating working group for pension reform called the Coordinating Working Group, which included the MDDSZ, the trade unions (and thus the previously excluded ZSSS) and various business associations. The ZSSS who opposed the White Paper was also backed up by the opposition party ZLSD. The trade unions, which were quite uncooperative in negotiating with the working group, decided to organize several demonstrations. On 28 March 1998 ZSSS organised the largest protest march ever in independent Slovenia (with some 10,000 participants), claiming that the second pillar would undermine the inter-generational solidarity and create poverty among pensioners. Under the slogan ‘old-age security cannot be the privilege of the rich’, strong opposition to the pension reform plan was voiced, particularly against the high pensionable age (65), age limits equalisation and the introduction of the mandatory second pillar.

The pension reform proposals did not receive an enthusiastic reception from academia either, and there too most criticism was focused on the mandatory, fully-funded second pillar (Stanovnik 2002). The support for the White Paper was even weak among Slovenian economists dealing with social security. Even two members of the White Paper working group expressed reservations. A critical evaluation of the White Paper by the economist Bole in a paper commissioned by the ZSSS and the negative opinion of influential economists led to the quiet demise of the second pillar in April 1998 and the end of the White Paper’s proposals (Stanovnik 2002, Muller 2002). After protracted and tough negotiations, two social agreements were signed on 28 April 1999, one with the employers’ associations and the other with the trade union organizations. These agreements stipulated the basic parameters for the first pillar, the transition

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283 Dušan Semolič, president of the FTUS, exclaimed that the union was against the mandatory second pillar “because it signifies the end of intergenerational solidarity, with dire ‘consequences for low-income workers and the unemployed. The mandatory second pillar would be in the interests of the ruling political and financial elite and their thirst for money, profits and power” (Dnevnik, 30 March 1998).
period required for these changes, as well as the values of bonuses for retirement after full pensionable age. The pensionable age was set at 63 for men and 61 for women. The agreement paved the way for a second and eventually a third reading of the law. The new PDIA was approved in Parliament in December 1999.\textsuperscript{284}

**Gender dimensions of Slovenian pension reform**

Pension reforms caused one of the fiercest debates and political tradeoff fights within gender policy areas since Slovenian independence. In the previous pension system in Slovenia women could retire 5 years earlier than men. The government's original intention was to equalise state retirement ages at 65 for both men and women, but was forced to revised its initial proposal and settle for different the retirement age for women being two years lower than men.\textsuperscript{285} The main argument for an equalised retirement age was as a matter of gender equality.\textsuperscript{286} In order to justify the proposal the White Paper referred to international praxis, particularly EU directives 79/7/EEC and 86/378/EEC as well to the Slovenian constitutional provision forbidding sexual discrimination.

The preferential treatment of women in the 1999 PDIA involves three pension system parameters: a) lower retirement age for women,\textsuperscript{287} b) lower requirement for years of labour service. For example, women 58 years old can retire provided they have a 38 year pension qualifying period, while men of the same age can retire only if they have a qualifying period of 40 years, and c) higher accrual rates for women.\textsuperscript{288} There is an additional benefit

\textsuperscript{284} Pension and Disability Insurance Act (Official Gazette No. 106/99)

\textsuperscript{285} Here is also important to point out that increases in pensionable age are very gradual, with some important offsetting measures. The earliest possible retirement age for women will increase from 53 in 1999 to 58 in 2014. The minimum pension qualifying period will increase from 35 years in 1999 to 38 years in 2013. The full pensionable age for women will increase from 53 years and 4 months in 2000 to 58 years in 2014 and 61 years in 2021. This means that penalties for women (for retirement prior to full pensionable age) will commence only in 2015, when a gap between the earliest possible retirement age and full pensionable age will emerge. This gap will be increasing till 2021, when the final value of the full pensionable age will be reached. The original reform proposals included a much quicker pace, i.e. increases in retirement age and increases in required pension qualifying period to be six months per year.

\textsuperscript{286} According to White Book, the different treatment between women and men should be connected only with parenthood (motherhood). That was the reason the White Book proposed lowering of retirement age for each child with 12 months. This rule was aimed at women, but if the partners agree even the man can apply for this.

\textsuperscript{287} Women may thus retire at 61 if have worked for 20 years, and men at 63. On completion of at least 15 years work women may retire at 63 and men at 65. Both women and men may retire at the same age of 58 years, but in that case a two-year lower work period is defined for women: 38 years for women and 40 years for men.

\textsuperscript{288} To prevent the different retirement conditions indirectly discriminating against women in calculating their pensions, the starting calculation percentage (for a 15 year pensionable period) for women is higher (38\%) than for men (35\%). Relative equality is thus achieved in the level of calculated percentage pension, since both women and men at the age of 58 and 38 or 40 years period of work receive a pension at a level of 72.5\% of the calculated basis.
available only to women introduced in the 1999 PDIA; employment before age 18 entails a lower retirement age. Another “bonus” clearly targeted toward women concerns child-caring. A person who has raised a child is entitled to a lower retirement age.

Why was the government’s initial proposal to equalise state retirement ages revised?

Policy process analysis

How the issue was brought to the public agenda

The proposal to equalise the retirement age was first mentioned in 1997 when the government presented its White Paper on proposed pension reform. This led to intense extra-parliamentary debate and was extensively criticized by certain political actors. The first domestic actor to publicly criticise the government proposal of equalisation of retirement age was the Women’s Policy Office (WPO). At the beginning of 1998 the WPO released a document in which the government proposal of the pension reform was analysed from the women’s perspective and the WPO advocated maintaining different retirement ages. In February 1998 the WPO organized a public debate on the proposed pension reform which also involved Minister of Labour, Family and Social Affairs, Anton Rop. The issue of equalising the retirement age limit for men and women was at the centre of public debate.

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289 The Pension and Disability Insurance Act also contains special provisions that retirement conditions in pension schemes adopted by an employer may not be determined differently in relation to the sex of the insured person (paragraph 2 of Article 37). The age limit for obtaining the rights to old age pension are lowered for each child (for one child by 8 months, for two by 20 months, for 3 by 36 months, and for each further child the reduction of the age boundary is increased by 20 months), and both men and women are entitled to this. The parents agree on which of the parents will exercise the reduction for each child; if they cannot agree, the one that has exercised most parental leave is entitled. If neither have exercised this right and if they have both made use of it equally, then the woman is entitled to the reduction of the age boundary (Article 37).

290 Some of the proposals formulated by the WPO were: parallel introduction of measures in other areas in order to contribute to a more balanced distribution of work in the family, the equal treatment of women and men in the labour market, and an increase in women’s access to decision-making positions; Coordination of the dynamics of changes in the pension system by carrying out measures which contribute to the promotion of equality between women and men; Slower dynamics of the increase in the retirement age and the reduction in the calculated pension base percentage; Lower retirement age (63 instead of 65); Lower deductions upon the fulfilment of a specific number of years of active employment (for example, 35 or 40). Women’s Policy Office (1998b) Standpoints and suggestions from the Women’s Policy Office: Equal treatment of women and men in the proposed pension reform.

291 The public debate on the issue was organised by the WPO with the title Pension reform and women, and was attended by very prominent intellectuals, economists and politicians. These included, among others, Tone Rop, Dusan Kidric, Anjuta Bubnov-Skoberne, Vera Kozmit, Tanja Rener. Women’s Policy Office (1998c) Transcripts of the public debate: Pension reform and women.
Most participants, including the WPO, opposed the equalisation of the retirement age. 292

The main argument for different treatment of women and men regarding retirement age in the new pension system was that men and women traditionally play different roles in society. It is very obvious that the representatives for the WPO contested the limits of gender equality perspective, which in their perception tackled the symptoms but not the causes of gender inequality. According to Office representatives, giving equal opportunities to everybody does not mean that every woman will be capable of enjoying and exercising her formal rights in the same way. Furthermore, the equal opportunities policy failed to consider the existence of material conditions which prevent women from exercising their rights and from having equal access to opportunities (such as women’s main role as caretaker in the household and family) (WPO 1998b). According to the WPO, different treatment of women and men in the previous (communist) pension system was the compensation for unequal social position of women and men, especially regarding the greater burden of women in the domestic/family sphere. That is why, in the Office’s opinion, any reform of the pension system would have to take into consideration different life conditions and the unequal position of women and men in the society, as well as the different consequences which reform would have for both sexes (WPO 1998b).

Another domestic actor that had contested the government’s proposal was the Union of Free Trade Unions of Slovenia (ZSSS). In terms of popular support, the ZSSS was by far the dominant trade union organization in Slovenia. The ZSSS is the reformed ex-socialist trade union, and maintains very close ties with the United League of Social democrats (ZLSD). The ZSSS did not oppose pension reform per se, but opposed concrete solutions which they deemed unfair to their constituencies. Specifically, the trade unions were extremely sensitive to pensioning criteria from the point of view of blue-collar workers. They opposed a mandatory second pillar, and were in favour of a diluted parametric reform of the first pillar. Their initial opposition to the White Paper was fierce and uncompromising. In fact, they could be described the main veto actor as well as the main proposal actor. A large protest meeting in March 1998 was a vivid demonstration of their strength and broad support. The trade unions were particularly opposed to three points set out in the White Paper: (1) the high retirement age of 65, (2)
gender equalisation of eligibility conditions and benefits and (3) the mandatory, fully-funded second pillar (Stanovnik 2002).

The ZSSS Committee on Gender Equality was particularly active concerning the issue of the position of women in the new pension reform. During the entire process of the pension reform and especially in 1999, the Committee lobbied for maintaining the different retirement age for men and women. The lobbying was aiming at the wider public, the initiators of the pension reform and the leadership of ZSSS. In cooperation with the representatives of the union branches the ZSSS Committee on Gender Equality wrote a report showing the negative consequences which this reform would have on women. This report was presented to the Slovenian public in March 1999 at the press conference organized by the Committee. In their lobbying the Committee also cited a verdict from the Slovenian Constitutional Court from 1999. The case was about a man who claimed that he was discriminated against because he had to work five years more than women in order to qualify for retirement insurance. However, the Court held that differences in pensionable ages between men and women were justified and that this was a case of positive discrimination towards women.

The following actors were involved in the Slovenian pension reform and the question of equalising the retirement age (see table 9.2).

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<th>Table 9.2. Analysed policy segments and the main actors involved in the policy case 4 – Slovenia</th>
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<td><strong>Analysed policy segments</strong></td>
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| Equalisation of the retirement age for men and women | Women’s movement  
   - Women’s Policy Office (WPO)  
   - Committee on Gender Equality (ZSSS)  
Other Actors  
   - the Ministry of Labour, Family and Social Affairs  
   - Political parties  
   - Trade Unions  
   - World Bank  
   - IMF  
   - EU |

293 ZSSS Committee on Gender Equality (1999). Women and the new pension reform.
295 The Slovenian Constitutional Court justified their decision in the following way: "... It is a fact that people are different and especially that men and women are not equal in playing their biological as well as their social roles in everyday life. The constitutional principle of equality of all people in the face of the law does not mean that the legislator must formally set up equality where equality does not naturally exist. The aim of respecting the principle of the equality of the sexes has been adopted in Slovenia as well as in the European Union and elsewhere throughout the world. This aim includes equal chances in education, equal salaries, equal occupational safety etc. but is impossible to achieve by the simple declarative prescription of equality and especially in a short notice ... " (Official Gazette No. 89/99)
Women’s movement self-assessment of influence perception (ego perception)

Two groups from the women’s movement in Slovenia were involved in advocating continuing the retirement age difference between men and women: The Committee for Gender Equality (ZSSS) and Slovenian Women’s Policy Office (WPO). The ZSSS’ Committee for Gender Equality and the WPO did not oppose pension reform per se, but opposed concrete solutions which they deemed unfair to their constituencies (i.e. women). In the interviews representatives of the WPO and ZSSS claim that their lobbying influenced the Slovenian Government to withdraw its proposal to equalise the retirement age.

Tanja Salecl, the director of Office for Equal Opportunities (OEO), made the following judgement of the WPO’s involvement in the Slovenian pension reform and their impact on the preservation of different retirement ages for women and men:

We became very involved in the pension reform, made our own analysis, and I believe we greatly influenced the acceptance of our solutions ... We also organized a huge debate with 200 participants about the effect that the pension reform would have on women and men. I believe that this public debate highly influenced Tone Rop, who proposed this law, to change his initial intentions, that is, to equalize the retirement age for women and men ... There were moments when the debate became very harsh and the WPO came into conflict with the government ... In the end we came to an adequate solution and the age difference between men and women remained. During the negotiations the 61/63 solution was reached.

Violeta Neubauer from the OEO explains why the WPO decided to lobby against the government proposal, and claims that the WPO played a major role in the process:

In our opinion it was important to raise the question why should we have gender equality regarding retirement ages for men and women when in all others areas we are facing gender inequality. It is fine that everywhere in normative areas we have this principle of gender equality but as long as women have a triple burden, we should have more favourable treatment for women ... In my opinion the influence of our Office was very strong on that point. We have played big role by for example challenging Minister of Employment Tone Rop with a great public hearing.

Metka Roksandić from ZSSS points out the engagement of the Committee on Gender Equality as one of the factors in maintaining the retirement age limits for men and women:

Our Committee made the calculation on how much women were going to lose with the proposed pension reform. In connection to this we organised a public hearing and our calculation was published in the very famous tabloid “Slovenske Novice”, with the big title “Women carry the burden of pension reform” ... In my opinion our
calculation made a great impact on perceiving the problem by the Slovenian public and the Slovenian Government.

She also points out that the cooperation between the WPO and ZSSS concerning that issue was not significant. However, she thinks that the WPO should be thanked for bringing the issue of retirement ages to the political agenda:

We did not cooperate very much with the WPO during the pension reform process. By that time the WPO was headed by Vera Kozmik from LDS, and it is very obvious that the WPO let us do those things ... However, the WPO must have some credit for introducing the question to the public by organising public debate which was mainly about equalisation age, but in my opinion their engagement stopped on that.

Other representatives of the women's movement also point out the role of the WPO in the Slovenian pension reform as well as their influence on maintaining the difference in the retirement age for men and women. This is how Sonja Lokar, member of (ZLSD) and Executive Director of the CEE Network for Gender Issues, comments on the issue:

Pension reform and the attempt to equalise the age limit for men and women was an interesting thing. That very subsection caused a heated debate on the gender equality, a debate in which Unions and the WPO played an important role ... I believe that the WPO had made many mistakes in the past but they also did many good things concerning pension reform. The woman in charge of the WPO was the member of the party led by Tone Rop, the Minister of Labour. She called him to a public hearing just when he needed all the support he could get. She also called women from all parties and nongovernmental organizations. On that occasion, the WPO showed the calculations of how the realization of the reform would affect women ... All of this made the minister Tone Rop abandon his initial proposition. Later in the process a compromise was reached in which women lost but not as much as they would have according to the initial proposition.

According to Nada Skuk, vice president of the Slovene People’s Party (SLS) and president of the Slovenian women’s union of the SLS, the Slovenian public was opposed to equalisation. She also points out that her party and the women’s organisation working inside SLS were against that proposal:

I believe that the Slovenian public as well as the majority of political parties was strongly opposed to the government’s proposal to equalise the retirement age. In the extra-parliamentary scene the WPO and ZSSS were the main opponents. Although aware that something needed to be changed in the pension system, our party as well as the Slovenian women’s union of the (SLS), were also against the equalising the age limit ... The initiator of the proposal finally dropped the proposal because of resistance from various sides and a compromise was achieved which gave women the right to retire two years earlier than men.
Assessment of women’s movement influence by other policy actors (alter perception)

The WPO is perceived as the only actor from the women’s movement that influenced Slovenian pension reform. Several respondents stressed that they were familiar with the demands of the WPO during the process of the pension reform and that the WPO should be thanked for the issue of the retirement age for men and women becoming one of the central issues of the pension reform. This is how a member of the working group for the creation of the Slovenian pension reform describes the role of the WPO in the process of the pension reform:

Had it not been for the engagement of the WPO, the issue of the retirement age for men and women would not have become one of the central issues of the Slovenian pension reform ... I have to admit that the gender equality issue was not considered to a great extent in the process of writing the White Paper. There was no specific analysis of the possible effects that the reform would have on women. This is where the WPO played an important role by analysing the reform from the women's perspective ... The WPO also made some specific suggestions which made the gender equality issue one of the central issues of the pension reform.

However, when asked how to explain the unsuccessful attempt to equalise the retirement age and who should be held responsible, one respondent stresses that the ZSSS played the most important role in the process. This is how one of the policy experts explains the influence of the ZSSS:

There was certain gloomy atmosphere in the public concerning the issue of the prolongation and equalisation of the retirement age for men and women ... I think that the ZSSS played the most important role in that specific case. They strongly opposed the equalisation of the retirement age and they managed to convince the government to withdraw its proposal.

Supra analysis

The extent of women’s movement influence

The data indicates that the women’s movement played an important role in pension reform in Slovenia. None of the representatives of the women's movement was directly involved in the process of writing the White Paper, but the engagement of the women's movement in the Slovenian pension reform was evident after the government presented its pension reform proposal to the public in 1997. The engagement of the WPO was intense during the first half of 1998. With its numerous activities in the 1998, the WPO is certainly responsible that the gender dimension of the Slovenian pension reform entering the political agenda. Nevertheless, from the second half of 1998 until the enactment of the new Pension Act in December 1999,
the active role of the WPO in the reform was reduced as the ZSSS and their Committee on Gender Equality took over the main role in promoting the rights of women in pension reform. However, when respondents were asked to evaluate the influence of the women's movement on maintaining the difference in the retirement age, nobody specifically mentioned the ZSSS Committee on Gender Equality. This may not be strange if we take into consideration that both ZSSS and its Committee for Gender Equality lobbied for maintaining the difference, confusing the possible attribution. We can say with certainty that the retirement age issue would not have become a central issue of public debate about Slovenian pension reform had it not been for the engagement of the WPO and ZSSS. Not only did the WPO and ZSSS politicise the issue but they also tried to provide specific suggestions for pension reform.

In 1998 the WPO published a document with its standpoints and recommendations regarding the government’s proposal. Their standpoint on the White Paper, along with measures with which the government could create equal conditions in other areas, was submitted to all relevant ministries. We can thus conclude that all the relevant actors in charge of the pension reform were familiar with the demands of the WPO. This was confirmed in the interviews. Although the WPO was not directly involved in formulation of the White Paper, the *Law on Pension and Invalidity Insurance* took into account several proposals put forward by the WPO, such as the lower retirement age for women. As far as the retirement age is concerned, the WPO advocated maintaining different ages for men and women but there is no specific suggestion on the extent of that difference.

The goal of the ZSSS and its Committee on Gender Equality was to maintain the retirement age differences at the level they were before the reform. As a member of the coordinating working group for the creation of the law, ZSSS had great potential to show its influence. The demands of ZSSS, among them the retirement age, were the subject of protracted negotiations and compromises were eventually reached. The full pensionable age was finally set at 63 for men and 61 for women. For this, credit also has to be given to the ZLSD, which originally proposed this compromise.

Limiting this analysis to the women's movement, we might conclude that the WPO and ZSSS Committee on Gender Equality had the greatest impact on maintaining the difference in the retirement age. However, the real picture of the influence is much more complex. Even though the WPO and ZSSS are responsible for bringing the issue to public attention, almost all other significant actors on the Slovenian political scene were against the equalisation of the retirement age. Even though the majority of political parties were not very active in the public debate concerning the retirement
One political party exerted a tangible influence on the pension reform process. This was the ZLSD (United League of Social Democrats), which represented the reformed ex-communists. The ZLSD supported the ZSSS during the entire reform. Among the parties which were members of the coalition government, DESUS and the SLS were against the equalisation of the retirement age limit.297

The leading party of the coalition, the LDS, undertook pension reform as its own project, and Mr Rop (also vice president of the LDS from January 1998) was responsible for carrying it through to conclusion. The other two members of the coalition had a completely subordinate role in the pension reform process. Their representatives were included in the working group rather late in the process, in September 1997. The SLS and DESUS never came out with comprehensive pension reform proposals. However, both parties had a list of demands, which were very much targeted to their electoral base. For example, one of the demands put forward by SLS was the introduction of child-caring credits. This measure was introduced in the PDIA without opposition from other political parties. Both SLS and DESUS were against the proposal to equalize retirement age between men and women.

The wider public was also not positive about the government’s proposal. In March 1999, a full 81 percent of respondents were against the government proposal on the equal full pensionable age (65). Meanwhile, 52 percent declared themselves in favour of a compromise value (63 for men, 61 for women), which was proposed by the ZLSD (United League of Social Democrats) (Stanovnik 2002). The March 1999 opinion poll probably influenced Tone Rop to soften his position, which eventually led to the signing of the Social Agreement on the Reform of Pension and Disability Insurance in Slovenia in December 1999. Thus it is clear that the Government was under enormous pressure by a great number of domestic political actors to maintain the different retirement age limits for men and women.

The extent of international Influence

As in the Croatian case, the World Bank and IMF had a strong interest in the pension reform process in Slovenia and were quite intent on supporting the

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296 Pension and Disability Insurance Act, discussions at the 12th session of the National Assembly, 24 and 25 March 1999
297 Following the 1996 elections, the coalition included the Liberal Democrats (LDS), the SLS (People’s Party) and DESUS (Pensioners’ Party). In the 90-seat Parliament, these parties had a comfortable majority of 49 seats (25 For the LDS, 19 for the SLS and 5 for Desus).
design and implementation of the multi-pillar pension system in Slovenia.\(^\text{298}\) The equalisation of retirement age between men and women in Slovenia was a policy recommendation from the World Bank and IMF. Another external actor who was not directly involved in Slovenian pension reform, but has had an indirect influence on Slovenian policy makers was the EU.

The argument that was most frequently used by the domestic proponents of the pension age equalisation was that preserving different retirement age was not compatible with EU legal praxis in social security policy area. With regard to the principle of equal treatment between men and women in social security in the European Community, two directives must be mentioned: Directive 79/7/EEC\(^\text{299}\) which applies to equal treatment regarding statutory social security schemes and Directive 86/378/EEC\(^\text{300}\) (as amended by Directive 96/97/EC\(^\text{301}\)) which applies to equal treatment regarding occupational social security schemes. However, one of the exceptions to the principle of equal treatment is pensionable ages for men and women for the purpose of granting old-age and retirement pensions.\(^\text{302}\) The EU had initially justified a lower retirement age for women because of a double work burden by women. However, in recent years the EU has reevaluated its initial position by taking into account new social developments and new pensions reforms implemented in European countries in recent years. According to EU, different treatment of men and women in the European pension systems can be considered as a disadvantage as it leads to an uncompetitive position of women in the labour market and can result in lower pensions for women than for men.

Accordingly, various EU treaty monitoring bodies have expressed concerns about differing pensionable ages regarding their potential discriminatory effects.\(^\text{303}\) European Community law contains therefore a certain ambiguity concerning different retirement ages, which led to a restrictive interpretation of the exception rules by the European Court of

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\(^{298}\) The first Country Assistance Strategy, approved by the World Bank and the government of Slovenia in June 1997, singled out three areas of particular mutual interest – pension reform, health reform and housing – with a total lending commitment of some USD 100 million for the fiscal period 1998-2000. Regarding pension reform, the World Bank’s activities were to be concentrated on: (1) providing advice on the design of the legal and regulatory framework for the multi-pillar pension system, (2) providing technical support on macro modelling, (3) providing support for the public awareness programme, and (4) providing technical assistance in designing a strategy for financing the transition (World Bank 1997).


\(^{302}\) Art 7(1) Directive 79/7/EEC; Art 9(a) Directive 86/378/EEC.

Justice.\textsuperscript{304} For example in the Barber Case the European Court of Justice did not allow states to maintain different ages of retirement.\textsuperscript{305} In another case however, the Court held that the purpose of the exception rule allows member States to maintain temporarily the differences in pensionable ages in order to adapt their pension systems progressively without disrupting their complex financial equilibria.\textsuperscript{306} Because pensionable age, during the time of Slovenian pension reform, was still one of exceptions to the principle of equal treatment, it is clear that Slovenia was not under direct pressure from EU to equalise retirement ages.\textsuperscript{307}

Comparison - Women’s movements influence in Croatian and Slovenian pension reform

The main results regarding the Croatian and Slovenian women’s movements influence on pension reform are summarized in the table 9.3.

<table>
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<th>Policy case 4 – Gender dimension of pension reform</th>
<th>Women’s movements policy influence</th>
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Table 9.3. Summary of women’s movements policy influence: Policy case 4 – Gender dimension of pension reform

\textsuperscript{304} For a more comprehensive discussion on this topic see Josephine Steiner (1996).
\textsuperscript{305} Case C-262/88 Barber v. Guardian Royal Exchange Assurance Group (1990), ECR I-1889.
\textsuperscript{306} Case C-9/91 R v. Secretary of State for Social Security ex parte EOC (1992), ECR I-4297.
\textsuperscript{307} However, according to the interviews with the representatives of political authorities in charge of the pension reform, the Slovenian government decision to preserve different pensionable ages for men and women was on several occasions criticized by the EU. The EU’s standpoint on that question is also clearly stated in the document called Comprehensive Monitoring Report on Slovenia’s preparations for membership: “Slovenia has transported all legislation in the field of equal treatment of women and men and the legislative transposition is in line with the Acquis. The pensionable age for male and female civil servants will need to be equalised upon accession, when the pension scheme constitutes pay within the meaning of the Treaty and EC case law.” (European Commission 2002)
Agenda setting

In both countries the women's movements was the first to evaluate the new pension reform proposals from a gender perspective and was responsible for putting the issue of equalisation of the retirement age to the public’s attention. The move toward equalization of pension system parameters was opposed mostly on the grounds that women still assume a disproportionately large burden for family care, so that compensation in the form of more favourable pensionable conditions is still required. In Croatia, the main domestic actors in the pension reform policy process advocating continuing age differential between men and women were the Croatian NGO B.a.B.e., the women’s section of SSSH and individual women’s politicians. In the case of Slovenia, the first domestic actor which publicly criticized the Government proposal of equalisation was the Women’s Policy Office (WPO). With its numerous activities in 1998, the WPO is certainly responsible for the issue of gender dimension in pension reform entering the political agenda. Nevertheless, from the second half of 1998 until the enactment of the new Pension Act in December 1999, the role of the WPO has been reduced while the ZSSS and their Committee on Gender Equality took over.

Goal attainment

Not only did the Croatian and Slovenian women’s movements politicise the issue of the retirement age in public debates, but they also tried to provide specific suggestions and demands during the pension reform process. At the beginning of 1998 the WPO released a document in which the government’s pension reform was analysed from the women's perspective. The WPO advocated maintaining different retirement ages but did not provided specific suggestions as to the extent of that difference. Although the WPO was not directly involved in formulation of the White Paper, the Law on Pension and Invalidity Insurance took into account several WPO proposals, such as the lower retirement age for women. As in the Slovenian case, the Croatian women’s movement also provided specific suggestions and demands during the pension reform process.

In order to get more attention for their standpoints on the final draft, Croatian women’s groups coordinated by B.a.B.e. publicly initiated a petition campaign to mobilize public support for their opposition to the proposed pension reform. The results of the petition action were publicly presented and officially delivered to the Croatian parliament, Ministry of Work and Social Affairs and the, Croatian government. In this petition B.a.B.e. demanded that women could retire at 60. Since the new pension system maintained the right for women to retire 5 years earlier than men, we can conclude that the women’s movement achieved its goal.
Final policy influence

Were the women’s movements in Croatia and Slovenian solely responsible for maintaining the retirement age limit difference? In this policy case the picture of the influence is rather complex. We can say with certainty that the retirement age issue would not have become one of the central issues of public debate in Croatian and Slovenian pension reform if there had not been women’s movements. However, even though the women’s movements in both countries are responsible for the politicization of the issue, almost all other significant domestic actors on the Croatian and Slovenian political scene were also against the equalisation of the retirement age. In the case of Croatia, opposition to equalisation among Croatian political parties and individual parliamentarians was great. The Croatian Democratic Union (HDZ), which was the biggest parliamentary group by that time, was against the governmental initials proposal. Thus, the pressure that the Parliament exerted on the Government was rather significant in this case. The only domestic actor advocating equalisation in Croatian case was the Croatian government and the pension expert team.

Similarly to Croatian case, the proposal to equalise the retirement age limit was not well accepted among the Slovenian public and major political actors. The trade union organisation ZSSS was one of the domestic actors that had put a great deal of pressure on the Slovenian government to change its initial proposal to equalise retirement age limits. In terms of parliamentary opposition, the United League of Social Democrats (ZLSD) exerted a tangible influence on the pension reform process by supporting the ZSSS during the entire reform process. Among the parties which were members of the coalition Government in power, both DESUS and the SLS were against the equalisation of retirement age limit. In general, we can conclude that the Croatian and Slovenian Governments were under enormous pressure by a great number of domestic political actors to maintain the different age limits for men and women. Finally, we can conclude that the women's movements, together with the other domestic actors, made their governments withdraw their initial proposals to equalise retirement ages.

The extent of international influence

In both the Croatian and Slovenian cases, the equalisation of retirement age between men and women in Croatia was clearly a policy recommendation from World Bank, IMF and EU. Thus, with regard to this policy case we can conclude that international norms and organizations acted against the interests of the Croatian and Slovenian women's movement. Nevertheless, the international pressure on the Croatian and Slovenian Governments to equalise the retirement age turned out to be insufficient because in the end the governments maintained differences in retirement ages. Thus, we can
conclude that in this case the pressure from the domestic political actors who advocated maintaining the different retirement age limits for men and women was stronger than international pressures to equalise retirement ages.

**Women’s movements’ strategies**

The strategies of the Croatian and the Slovenian women's movement in this policy process differed to some extent. In the case of Croatia we can observe broad cooperation between different groups from the women's movement. In Slovenian case cooperation was non-existent. When the Croatian government announced the equalisation of the retirement age limits in 1998, the women's movement was against the proposal. Lobbying against the Government proposal created a coalition between B.a.B.e., the women's network, the women's section of the SSSH and the women MPs. The women's movement from in the NGO sector made their analysis of the pension reform from the gender perspective and initiated the petition campaign against the government proposal. Women MPs such as Jadranka Kosor (HDZ) and Đurđa Adlešić (HLSS) supported the demands of NGOs and presented their proposals and the critique of the proposed reform in parliamentary debates.

In the case of Slovenia, the WPO and the ZSSS Committee on Gender Equality were the only women’s movements actors that were active in the Slovenian pension reform process. However, we cannot observe any cooperation between those two actors when the issue of the equalisation of retirement age is concerned. The Slovenian women’s NGOs were not involved at all on that issue. However, regardless of the differences in the level of cooperation between various representatives of the women's movement and various strategies used in the policy process in question, at the end both countries maintained difference in the retirement age for men and women.
Conclusions

This chapter provides the final conclusions of this study and points towards future work. The aims of the study were twofold. The first aim was to contribute knowledge about the role played by the women's movements in Eastern Europe during the transition period from communist centralised economies to democratic market economies. The main empirical question that I wanted to answer by conducting this study was to what extent and in what way did women’s movements in Croatia and Slovenia exert influence on the formation of gender policies in transition period. Second, by analyzing the strategies and the influence of the Croatian and Slovenian women's movements on the formation of gender policies I wished to develop theoretical understandings about the effectiveness of different strategies of the women's movement. Thus, the main theoretical question was whether the ability of women’s movements to exert influence on the formation of gender policies relies on the so-called autonomous, integrationist or double strategy. I begin this final chapter by summarizing and discussing the most important findings that have emerged from the empirical analyses. After that, the efficiency of the women's movements' strategies will be evaluated. In the third section, the policy influence of the Croatian and Slovenian women's movements will be evaluated in the light of the political opportunity structure in which women's movements acted. In the final section of this chapter I will consider the implications of this study for women's movements and gender policy research as well as indicate possible future research directions.
Women’s movements influence on gender policy formation in Croatia and Slovenia

Over the last ten years, many countries in the post-communist Eastern European region have made substantial progress in regard to the adoption of legislation and policies aimed at ensuring greater gender equality in different spheres of social life. Particular attention has been paid to eliminating discriminatory practises and passing laws to deal with specific problems such as domestic violence. In the second chapter I emphasised that a large majority of previous studies on the subject can be characterised by enormous pessimism concerning the impact of the women’s movement on gender policy development in different post-communist countries. Scholars have frequently pointed out the anti-political and anti-feminist conviction of Eastern European women’s organisations and their avoidance of parliamentary politics (e.g. Einhorn 1993; Funk and Mueller 1993; Rueschmeyer 1994; Gal and Kilgman 2000; Sloat 2005). Furthermore, empirical studies about the gender policy development have predominantly focused on the negative effects of post-communist reforms on women (e.g. Einhorn 1993; Funk and Muller 1993; Watson 1993; Moghadam 1995; Gal & Kilgman 2000; LaFont 2001). By reproducing the negative picture about women’s activism, the situation of women and the development of gender policies after the fall of communism, scholars have created the category of ‘victimized Eastern European women’.

The results of this study question the conclusions of some previous studies. First, the data shows that it is very difficult to characterize the transitional gender policy development as generally negative. For instance, when compared to the communist period, both Croatia and Slovenia have developed legal frameworks in the areas of anti-discriminatory policy and the protection of women from domestic violence. Both countries also retained and developed certain elements of family policy, such as the expansion of the right to parental leave for certain groups of citizens (for example students and the unemployed) and the introduction of measures which aim at encouraging fathers to use a part of the parental leave. The only area set against this generally positive development trend in gender policies is the issue of parental leave in Croatia, in which several changes concerning the reduction/increase of parental benefits and the introduction/abolition of a three-year parental leave occurred.\(^{308}\)

\(^{308}\) In relation to this discussion it is also important to point out the ideological, political and contextual dimension of characterising the development of gender policies as positive or negative. This is especially the case with the redistributive policy area. For example, many researchers and policy experts claim that the lower retirement age for women is negative when viewed from the aspect of gender equality because it results in reduced pension for women (Fultz and Ruck 2001). However, this study clearly shows that the women's movements in Croatia and Slovenia advocated this difference between men and women precisely from the gender equality point of view. The women's movements’ emphasis was not placed on the economic aspect of gender equality, but on fairness. The lower retirement age for women was viewed...
Second, the analysis of activism by the women's movements in Croatia and Slovenia shows that women's movements played an important role in the formation of gender policy during the transition period. As the very least, the women's movements were influential in bringing certain issues to the public agenda. In Croatia, thanks to the women's movement, six out of the nine policy issues studied were placed on the political agenda. In one case credit could be given to parallel activity of the women's movement and other political actors (Law on Gender Equality). Only in two cases can the Croatian women's movement not be given credit for bringing gender policy to public attention. These are the issues of a three-year parental leave and the parental leave benefit rate. The Slovenian women's movement brought seven of eight cases studied to political attention. In one of those cases attention was capture by joint activity of the women's movement and other political actors (Changes in Act on Police).

It is also important to stress that women's movement activism in the two countries included defending policies which were a part of the communist heritage as well as new initiatives. This was particularly evident in the process of the pension reforms. Gender equality issues in Croatia and Slovenia would probably have been neglected during the transition period had it not been for the engagement of the women's movement. Other political actors, such as political parties, were rather passive in politicising gender equality issues during the studied period. While a final answer is outside the bounds of this study, there are several possible explanations as to why these other political actors did not emphasise gender equality.

The first explanation involves the Communist heritage concerning politicising gender equality. While certain gender equality issues, especially ones of a redistributive nature, were implemented in different legal frames during Communism, there was limited public debate about those issues due to the restrictions of the political system. As a consequence we can assume that the political elites had neither the habit of and nor the strategies for politicizing these issues. A second explanation can be found in the very nature of the transition period, which was characterized by numerous, rapid and comprehensive reforms of the legal framework underpinning the social, political and economic systems. It is possible that during the transition period the issue of gender equality was not considered important and urgent as compensation or a reward for women's unpaid labour during the entire active life within family matters such as the care for children and the elderly. As far as the parental leave policy is concerned, it is also difficult to reach a general conclusion whether certain solutions are better or worse from the gender equality point of view (Moss and Deven 1999). In the countries where the rights related to parental leave are rather limited, such as in Great Britain and the USA, it is often argued that this is not good from the gender equality perspective because it forces women to choose between family life and participation in the labour market. On the other hand, the countries where women have the right to a longer parental leave (1-3 years), researchers also stress its negative effects on the position of women in society because women are absent from the labour market for too long and this has a negative effect on their career and their economic position.
enough in comparison to other issues such as privatization, health-care reforms, educational reforms and the harmonization with the legal framework of international organizations, primarily the EU. Yet another explanation is that perception emerged within the political elites that gender equality issues were primarily the business of the women's movement. This perception became evident in interviews conducted with the representatives of the political elites, many of who view women's organizations as the primary and legitimate representatives for advocating women's interests and gender equality issues.

As well as being influential in bringing gender equality issues to public attention, this study also showed that the women's movements were influential in the actual formation of gender policies. In most cases their initial goals and demands were completely or partially implemented in the final version of various laws and policy programmes. In terms of violence against women, all the important demands of the women's movements in both Croatia and Slovenia were implemented in various laws. Most demands of the women's movements were also implemented in the final version of the Law on Gender Equality and the Act on Equal Opportunities. As far as the parental leave is concerned, the Croatian women's movement did not have a developed concept of goals and demands in the period when the study was conducted. Only two demands were evident, one of which was fulfilled (the introduction of the paternity leave measure) and the other was not (the 1997 demand against the reduction of the parental benefit rate). In the case of Slovenia all the goals related to the parental leave policy were completely or partially achieved. One of the important goals of the Slovenian women's movement was the introduction of paternity leave. That goal, however, was only partially achieved because the proposal for financial compensation was not accepted by the Slovenian government. For pension reform, the main goal of the Croatian and Slovenian women's movements was maintaining different retirement ages for men and women, and this goal was achieved.

The women's movements were also influential in terms of enacting legislation. However, it is important to stress that in this phase of the policy process the women's movements were in most cases cooperating with other actors, thus the women's movements alone can not take credit for all outcomes in this stage of the policy process. Thus while the Slovenian women's movement was solely responsible for outcomes in two out of seven cases, in the other three cases of influence the legislation can be ascribed to the parallel intervention of the women's movements and other political actors. In Croatia, the women's movement was solely responsible once and jointly responsible three times.
Generalizability - Croatia and Slovenia vs other post-communist countries

Why are the results of this study so different from the results of previous research? And to what extent does this study present a valid picture of the women's movements influence on gender policy formation in Croatia and Slovenia? In the second chapter of this study, my general argument was that regardless of the fact that many scholars assume that women's movements in post-communist Europe are weak and lack influence, there are actually no elaborated empirical studies which would confirm this assumption. Thus, the different results of this study can be explained by its detailed and systematic character. One of the important methodological starting points of this study was the claim that valid conclusions about the influence (or lack thereof) of the women's movement cannot be made if we analyse the activities of the women's movement alone. Policy analysis should include the activities of other political actors as well, such as the representatives of the political parties and the governments of the observed countries. Therefore this study developed comprehensive descriptions of the political processes which led to certain gender policies in these two countries. A detailed policy process analysis of the four policy cases enabled a more complex and detailed insight into the way the women's movements worked their policy preferences, demands and strategies. Furthermore, in this study the influence of the women's movements was not viewed as a complete victory or a complete defeat, producing a more realistic picture of the women's movements' influence.

A second reason for the results of this study differing from previous research could be my use of a quite broad definition of the concept of a women's movement. It was my contention, for instance, that if state machineries for gender equality were excluded from the definition of its women's movement, then we would conclude that the Slovenian women's movement had a very limited influence on the gender policy development during the transition period. In the case of Slovenia, the Women's Policy Office/Office for Equal Opportunities was the main initiator of most the changes in gender policy area. Slovenian NGOs played a peripheral role in most of the policy processes except in the case of the violence against women policy area.

It is also important to stress that the analysis considered only representatives of the women's movements who were directly involved the policy processes. It is possible that analysis of the activity of representatives of the women's movements who were not involved in the policy processes might have produced different results. Such analysis would probably show that certain representatives of the women's movement had very limited access to the decision-making processes concerning gender policy development. For example, this study has showed that during the transition period
only certain women's movements’ representatives became established in public as legitimate advocates of women's human rights and gender equality. It is possible that excluded parties could evaluate the goals and influence of the women's movements differently than the representatives included in this study.

The third reason why the results of this study differ from the previous results may depend on the choice to focus on Slovenia and Croatia. The Croatian and Slovenian women's movements, for different reasons, can be more developed and influential than similar movements in other post-communist countries. As I had already mentioned, some scholars claim that women's feminist activism already existed in the former Yugoslavia during the communist period (Benderly 1997). In other countries of the region, women's activism was almost non-existent outside the boundaries of the communist parties in power (Gal and Kligman 2000). The question is thus whether this difference may affect the mobilisation and activities of other women's movements in the region. We could intuitively give an affirmative answer to this question. It is reasonable to presume that it is easier to build new activism on the grounds of old experience than to start the mobilization and the collective articulation of women's interests on a completely new basis. On the other hand, we must take into consideration the fact that during the transition period many other countries witnessed the strong development of women's NGOs and state machineries for gender equality (Sloat 2005). Thus, the mere fact that Croatia and Slovenia inherited a tradition of women's activism from the communist period does not necessarily have to mean that the women's movements from these two countries have more potential to be influential during the transition period compared to other countries in the region. While the practical limitations of this study leave this complex question without a definitive answer, the comparison of Croatia and Slovenia allows for a preliminary prediction of significant influence of women's movements in other post-communist countries where the development of gender equality policies was similar. Future research is needed to test the validity of this hypothesis.

**Strategies of women's movements: Inside vs outside?**

A major goal of this study was to evaluate the strategies of each country's women's movement. There is a long-standing debate within both research circles and women's movements themselves as to which strategy is more effective: working inside or outside various state institutions (Dahlerup 1986; Katzenstein and Muller 1987; Gelb 1989; Beckwith 2000). Different scholars have given different answers to that question. Some research argues that the participation of women's organisations in civil society is
necessary for achieving certain goals in the area of gender equality (autonomous strategy) (e.g. Alvarez 1990; Gelb 1989; Weeks 1994; Waylen 1996; Gustafsson, Eduards and Rönnblom 1997). Other research contends that the integrationist strategy of institutionalising women's activism within state institutions (women politicians and bureaucrats) is the main precondition for the change of state policy (e.g. Phillips 1995; Stetson and Mazur 1995; Gelb 1995; Reinelt 1995; Mazur 2001, 2002). A third argument is that the integrationist strategy is inefficient without a corresponding civil society women’s movement, and thus a more realistic version of success lies with a 'double strategy' (e.g. Eisenstein 1996; Goetz 2003; Honculada and Pineda Ofreneo 2003; Lovenduski 2005). In chapter four, I argued that a restricted focus on women parliamentarians, women’s autonomous groups or women bureaucrats does not enable a full appraisal of the complex policy process and multiple actors involved in contesting, negotiating and delivering substantive gains in the area of gender equality. Accordingly, in this research, I have thickened the conception of women’s substantive representation by developing a research framework that takes a more holistic policy process approach. That means that in this study the analysis of the potential influence of the women's movements was not restricted to a specific strategy. In another word, this study aimed at covering different strategies which can be manifested in the same policy process.

To contribute to theoretical discussions on effectiveness of different women’s movements strategies I provided a detailed comparative analysis of women’s movements’ policy agency in the transitional political systems of Croatia and Slovenia. Besides different political and economic contexts, the countries also differed concerning civil society and the development of their women’s movements after the fall of communism. In Slovenia, since the beginning of the transition gender equality questions have, to a large extent, been moved from the civil society level to the state level. By contrast, expertise in gender issues in Croatia during the transition period was largely concentrated in women’s NGOs. Given these differences, it was assumed that the women's movements in these countries were also using different strategies in their efforts to influence the formation of gender policies. Furthermore, it was assumed that the integrationist strategy would be dominant in the case of Slovenia and the autonomous strategy would be dominant in the case of Croatia. The results show that these assumptions were accurate, especially where agenda setting- the first segment of the policy process - was concerned. In Croatia, the engagement and advocacy work carried out by women’s NGOs generally laid the groundwork for the spread and implementation of gender equality norms and issues. Women’s NGOs, in particular B.a.B.e., have placed the majority of gender issues on the political agenda. In the case of Slovenia, the Women's Policy Office/Office for Equal Opportunities functioned as the main agenda setter for the majority of the issues analyzed in this study.
In terms of the larger 'inside versus outside' debate, the general conclusion of this study is that the autonomous strategy of women's NGOs and the integrationist strategy of state machineries can be equally successful for agenda-setting. The cases of Croatia and Slovenia showed that neither the autonomous or integrationist strategy could be definitively characterized as more successful. Thus the use of different strategies without regard to context may not be crucial. Interestingly, this study also showed that the women politicians in both countries were not influential as agenda setters. In Slovenia not a single question was initiated by women politicians, while in Croatia only one question was initiated by women politicians (paternity leave).

As far as the process of formulation of the content of the laws is concerned, it is difficult to claim that the women's movements in Slovenia and Croatia exclusively used different strategies. Even though in Croatia women's NGOs played the leading role in this segment of the policy process (e.g. Law on Gender Equality, Law on Domestic Violence), it is important to stress that the women's movement in Croatia was not exclusively using the autonomous strategy. In several cases during the process of formulating the content of the laws, women's NGOs cooperated with women politicians (e.g. violence against women and pension reform). Similarly, the Slovenian case does not allow an argument for the exclusive use of the integrationist strategy, even though it turned out that the WPO/OEO was most active in the process of the formulation of the content of various laws (e.g. Act on Equal Opportunities for Women and Men and Parental Care and Family Income Act). The WPO/OEO cooperated with women's NGOs on the issue of domestic violence and it cooperated with ZSSS Committee on Gender Equality in the process of formulation and enactment of the Law on Gender Equality. So in both Croatian and Slovenian cases the women's movements were using all three strategies: autonomous, integrationist and double strategy.

During the legislation enactment process, the autonomous strategy of the Croatian women's movement was completely replaced by the double and integrationist strategy. In most of the cases a double strategy was evident in the cooperation between women's NGOs and women politicians. In this segment of the policy process the Croatian NGOs would probably not have been influential without the cooperation with the women politicians. While such influence is often ascribed to a critical mass of women (Phillips 1995), in this case it is about five to ten women politicians who achieved significant results in the enacting laws through their engagement in political parties and state institutions. This study showed that the engagement of only a few women can be very significant for the formation of gender equality policies and can contribute to the success of the women's movement as a whole. Based on the experience of the Croatian case, the theoretical assumption about the relationship between the critical mass of women elected to the
political office and the passage of legislation beneficial to women as a group is thus in question.

In Slovenia, as well, both the double and integrationist strategies were manifested in the enactment process. Unlike in Croatia, the dominant form of double strategy in Slovenian case involved cooperation between women bureaucrats and NGOs. The OEO cooperated with ZSSS in having the Law on Gender Equality enacted. But in other cases, such as the parental leave policy, the WPO/OEO was influential without the cooperation of NGOs or women politicians. The introduction of the paternity leave measure in Croatia also confirms that the state machinery for gender equality can be influential without the support of the women's NGOs or women politicians. In that case the influence could be attributed exclusively to the women who were working within state institutions (e.g. Parliamentary Committee for Gender Equality). These findings thus contradict the claims of previous studies that the success of the women's movement is determined by the double strategy, as well as the claim that women who are active within state institutions need the support of the civil sector in order to be influential.

**Political Opportunity Structure**

The Croatian and Slovenian women's movements in the transition period had a great deal of influence. So to what can this be attributed? This study has shown that the women's movements' ability to exert influence on gender policy formation did not depend upon the usage of autonomous, integrationist or double strategy. The difference in transitional political and economic contexts between Croatia and Slovenia were also not crucial for the scope of women's movements influence. Since the democratic and economic development in Croatia was slower than in Slovenia, we might have expected that the Croatian women's movement would be less influential than in Slovenia. However, even during the conservative and not completely democratic rule of the Croatian Democratic Union (HDZ), the women's movement was influential in certain policy areas (such as violence against women).

In chapter four I also pointed out two contextual similarities between the two countries: the international norms of gender equality and an institutional heritage of communist gender equality policies. This study shows that these two components of the transitional political opportunity structure turned out to be extremely favourable for the activity and the influence of the women's movements. It is important to point out the influence of international norms in the area of gender equality which, through different international organizations and policy documents, became a part of the Croatian and Slovenian transition reality. Even though this study showed that (as far as the policy areas investigated in this study are concerned) there were no direct
mechanisms with which the international organizations could force Croatia and Slovenia to implement certain norms, in several cases we could talk about indirect influence (e.g. anti-discrimination policy, introduction of paternity leave).

The political elites in Croatia and Slovenia were well acquainted with the content of the international norms in the gender equality area. However, the results of this study lead to a very important conclusion about the importance of international norms: The women's movements played a crucial role in the politicisation of the international norms and their implementation within the national legal framework. The women's movements frequently cited international norms in their lobbying and in that way influenced the political decision-makers to implement similar norms in Croatian and Slovenian legislation. The wish of the Croatian and Slovenian political elites for quick Europeanization and integration into different Western organizations and institutions was an important precondition for the successful lobbying of the women's movement, especially where gender neutrality norms and measures for the protection of women from domestic violence are concerned. There is a strong possibility that some aspects of international norms would not have been implemented in Croatia and Slovenia had the women's movements not been engaged. Therefore it can be argued that international gender equality norms seem to be rather weak mechanisms of influence without the support of national political actors, in this case the representatives of the Croatian and Slovenian women's movement, which politicise these norms and lobby for their implementation.

Besides international norms, the communist heritage of gender equality policies also turned out to be favourable for achieving the goals of the women's movements. The influence of that heritage was primarily visible in the policy processes concerning pension reform and parental leave. In those areas the interests, goals and demands of the women's movement to a large extent coincided with the interests, goals and demands of other domestic political actors. As far as pension reform is concerned, all the major international organizations and institutions were pressing the Croatian and Slovenian authorities to equalise the retirement age for men and women. However, the equalisation never took place because of strong resistance of all the major domestic political actors, including the women's movement.

This study has shown that the goals and the demands of the Slovenian and Croatian women’s movement largely coincided with international gender equality norms on one hand, and with the communist institutional heritage on the other. We may even be able to go so far as to claim that the women’s movements demands in most cases actually originated from international norms and institutional heritage, which may also explain the similarities between countries regarding the development of gender policies in the transition period as well as the large scope of influence of the Croatian and Slovenian women's movements.
While it can be said that the scope of influence of the Croatian and Slovenian women's movements was large, this study does not say anything about the quality of the enacted laws. If the laws were frivolous and enacted only for the sake of appearances, the strength of the women's movements' influence could be questioned. In both Croatia and Slovenia, the representatives of the women's movements showed great dissatisfaction with the enacted laws when being interviewed. There was an especially large number of complaints in Croatia, for instance, that the laws were enacted incompetently, too fast and that they remained empty words. There is probably some truth in the complaints of the representatives of the women's movements about the quality of the enacted laws. Different studies have showed that a great number of laws which were enacted in post-communist transition countries are of poor quality, regardless of the policy area they referred to.  

On the other hand, the social movements and other interest groups often show some level of dissatisfaction with enacted laws and policy programmes, which legitimizes the need for further activity. Nevertheless, analysis of the quality of the enacted laws is one of the more important tasks of future studies, not only in the post-Communist countries but also in the countries with longer democratic traditions. This important aspect has not been given enough attention in gender policy studies.

It is important to stress, though, that successful implementation depends not only on the quality of the enacted laws but also on the will of politicians as well as the administrative capacity of a certain country (Yanow 1996; Meier 2006). It is actually more the rule than the exception that different international and national reports which evaluate progress regarding different gender equality questions underline the lack of successful implementation as a major obstacle to more gender equal societies.  

Considering frequent emphasis of an implementation deficit in gender policy research as well as in different international reports, there is a surprising lack of systematic and theoretically-supported research on the subject. For example, there is a tendency to debate the implementation deficit on an abstract level without explaining which criteria need to be met to claim success or failure. An important task for future research is thus to develop theoretical and empirical knowledge of the degree and type of the implementation deficit in the gender equality policy area. From that

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309 For more information on that subject see Support for Improvement of Governance and Management (SIGMA) publications and documents at http://www.sigmaweb.org/

310 Complaints of poor implementation made by international organisations refer not only to new democracies but also to countries with longer democratic traditions and political involvement in the area of gender equality, such as Sweden and Canada. The lack of successful implementation as the major obstacle to gender equal societies is even emphasized in academic gender policy research (see for example Mazey 2002; Hafner-Burton and Pollack 2002).
perspective it is also important to study the potential influence of women's movements on the implementation processes of laws and policy programs.

**Final conclusion**

Whoever keeps track of the economic and social position of women in Slovenia according to different indicators and compares it to the political power of women will be surprised all over again. How can it be that this poor formal political representation of women led to the preservation of almost every achievement that was made in socialism? My answer is that in situations of crisis women were able to compensate the lack of political power with skilful combining of strategies that they had at their disposal (int. Sonja Lokar 2004).

What implications does this study have for research into women's movements and gender policy? Theoretically, this study challenges the literature on women's movements and gender policy formation, which predominately remains limited by the assumptions of western political systems in which certain hypotheses about the effectiveness of women’s movement's strategies were developed. There are several ways in which this study's findings might be useful to this field of research. First, in previous research the concepts of autonomy and integration were often deployed as mutually exclusive strategies. This study has shown that doing so is problematic because many women who opt to participate in state institutions may continue to participate in the civil society movement as well.  

Second, the general conclusion of this study is that the strategies of the women's movement are not crucial to the ability of women's movements to exert influence on gender policy formation. This study has shown that women's NGOs and state machineries for the advancement of gender equality can be equally influential for setting agendas. Furthermore, in the process of formation of the various laws, Croatian and Slovenian women's movements were using all three strategies. During the process of enactment, the autonomous strategy of the Croatian women's movement was completely replaced by the double strategy. Cooperation between Croatian NGOs and women politicians was an important precondition for women's movements' success in the enactment process. Unlike Croatia, in Slovenia both the double and the integrationist strategy of the women's movement were manifested in the process of enactment. Thus we can conclude that there is no magic recipe for successful strategic activity by women's movements, as the opinion of Sonja Lokar quoted above illustrates.

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311 For example, the first Croatian Gender Equality Ombudsperson was a woman who worked in women's NGOs for several years. Some of the women who worked in her office also came from women's NGOs. It is interesting that the Ombudsperson as well as some of the employees from the Ombudsperson’s office maintained strong relations with women's NGOs through private contacts as well as through direct engagement in certain events and actions organised by women's NGOs or the Ombudsperson's office.
Women in Croatia and Slovenia were using and combining different strategies depending on the nature of the policy issues and the characteristics of the political context which were dominant in different policy processes. As a result, it is not possible to make emphatic claims about certain strategies being more or less beneficial for women’s movements. The inside and outside strategies must be understood in contextual terms and as being in complex interplay.

Even though the results of this study derive from the specific experience of transition countries, my hypothesis is that this conclusion is valid even when it comes to the evaluation of the strategies and the influence of the women’s movements in countries with longer democratic traditions. In chapter three I argued that many definitions of the women’s movement used when studying influence on gender policy formation have obvious limitations because they conflict with the reality of the situation. For example, some women’s movement scholars focus solely on forms of women’s movement collective activities outside state institutions (Alvarez 1990; Ferree and Martin 1995; Ferree & Hess 2000; Molyneux 1998). In contrast to those studies, when analysing the women’s movements’ policy influence in Croatia and Slovenia I have addressed the interplay between different women’s actors who articulate gender equality demand into policy issues, thus bridging civil society and the state. The analysis of the women’s movements agencies in Croatia and Slovenia have shown that this was an accurate approach because a restricted focus on women parliamentarians, women’s autonomous groups or femocrats would not have enabled a full appraisal of the complex policy process and multiple actors involved in contesting, negotiating and delivering substantive gains in the area of gender equality.

This study showed that women who work within state institutions, SGPA representatives, have close and frequent contact with women who primarily work within women's NGOs. Those relations were evident from private contacts, through the organization of joint seminars and conferences as well as through joint lobbying. Therefore, any future studies of the influence of women's movements on the formation of gender policies should be based on a broader definition of the women's movement which would, as was the case in this study, include the women's activity in the civil society sphere as well as in the sphere of state institutions. Of course, that claim is in conflict with the traditional conceptualization of the social movements which are defined by their autonomy by other social groups and state institutions (Melucci 1985). However, as I had already stressed, the question is whether this concept of women's movements is appropriate when we study the influence of the women's movements on the formation of gender policies. From a certain normative and theoretical standpoint, advocating the autonomous position of the women's movement in society is understandable. That form of women's participation is considered to be the best way to actually
articulate women's interests and the only possible way to really challenge structural relations of power between women and men (Alvarez 1990). However, could this be romanticizing political reality? The question is to what extent can women's movements actually be autonomous and at the same time fulfil aspirations to influence the formation of gender equality policies? This study has showed that NGOs such as B.a.B.e. succeeded in bringing some gender equality issues on to political agenda. In that sense the autonomous strategy proved to be influential. However, during the process of the enactment of the law, Croatian NGOs were forced to cooperate and to form coalitions with the women who work within state institutions in order to achieve their goals. Also, the women's NGOs were forced to seek compromise solutions and to give up on some of their initial goals so that certain laws could be enacted.

At this point we must also ask whether women's organizing within civil society is the best way to articulate women's interests, as some researchers claim (Alvarez 1990; Gustafsson, Eduards and Rönnblom 1997). The question is whether we can find a difference of principle in advocating and politicising certain issues when we compare the goals and demands of women's NGOs with the goals and demands of women who are active within state institutions. In interviews, representatives of Slovenian women's NGOs often expressed regret and dissatisfaction about the absence of a large and influential NGO sector in Slovenia. Some representatives even claimed that the specific gender equality policy would be different from the one which is in force today if women's NGOs had been more active in the formation of policies.

However, if we compare the specific goals and demands of B.a.B.e. in Croatia with the demands and goals of the Slovenian Women's Policy Office/Office for Equal Opportunities we might reach the conclusion that the goals and the specific demands of these two representatives of the women's movements largely coincide. Who is the best representative of women's interests in the Croatian and Slovenian case is therefore hard to say. This study has showed that it is of limited importance to the final outcome exactly which representatives of the women's movement play the leading role in formulating gender policies. What matters most is to have women who actively participate in the process of formulating gender policies and a favourable political opportunity structure which can facilitate the demands of women’s movements.
Appendix 1

The Interview Guide

Representatives of the women’s movements

The interview guide for the representatives of the women’s movements consisted of three thematic sections. The first section dealt with issues concerning the personal political engagement of the respondent. I was interested in the reasons for their political engagement in the issues of gender equality and women's rights, for how long they were active and in which policy fields. I also asked some questions concerning their organisation/institution’s goals and financing. The specific formulation of the questions depended on the position of the respondent. The purpose of these questions was to get insight into the structure of the women's movement and the way in which it functions. The following are examples of some specific questions from the first thematic section:

- Can you tell me about the background to your group’s activity?
- How long have you been active and in what policy fields?
- What is the membership of your organisation? Staff size? Main sources of funding?
- What are the main goals of your organisation?
- What are the main ideological roots of the organisation?

In the second thematic section, I asked questions which referred to the development of gender equality policies and the perception of the women's movement's role in that process. I was curious to learn how the respondents viewed the transition period from the perspective of gender equality and the position of women in society: what were the significant changes since the fall of Communism and how could they be characterized? I also asked some questions which referred to the evaluation of the dynamics and cooperation between certain women's initiatives in Croatia and Slovenia as well as on the general perception of the influence of the women's movement during the transition period. The following are examples of some specific questions from the second thematic section:

- What, according to your opinion, were the central issues of debate in your country since 1991 regarding gender equality?
- Would you say that any progress considering gender equality questions and women’s status in general occurred during the transition period? In what areas? What were the major setbacks?
- How would you characterize the cooperation between different women’s groups, women’s politicians and gender equality institutions in your country? In what areas of gender policy was it easier/harder to cooperate?

- How would you rate the general influence of the women's movement on the formation of the gender equality policy in your country? Can you single out any specific legal areas in which your organisation was influential in the 1991-2004 period?

- Can you single out specific legal changes which your organisation tried to influence but failed?

The third part of the interview guide refers the central part of this study. These questions were focused on the evaluation of the influence of certain actors who were involved in the policy processes that stand at the centre of this study i.e. the development of the violence against women policy, the enactment of the Law on Gender Equality, the development of parental leave policies and pension reform. I was curious to learn who, in each respondent’s opinion, initiated the public debate on a certain issue, what the main disagreements were about and which actors were responsible for the enactment of a certain law. If the respondents pointed out the involvement of the women's movement into certain policy process, follow-up questions would refer to the specific role that the women's movement played in the aforementioned policy process. I wanted to know about specific proposals and demands, which proposals and demands were accepted and which ones were denied, in which part of the legal process was the women's movement involved and most influential, how the respondents rated the overall influence of the women's movement, and would there have been changes in the policy area even without the engagement of the women's movement? Certain questions also referred to the evaluation of the specific policy changes. I wanted to know to what extent the respondents were satisfied or dissatisfied with certain segments of the enacted laws. Some questions from this part also referred to the perception of the women’s movements' representatives regarding the influence of other actors involved in the policy process, such as the influence of international organisations.

For the third thematic part I always started with open questions to avoid insinuating the possible influence of the women's movement. Women’s movement representatives may be assumed to overestimate their own impact, because after all, it is part of their job as lobbyists to have an impact on decision-making about gender equality. I will illustrate questions from the third section with a few specific questions concerning the enactment of the Act on Equal Opportunities for Women and Men put to the representatives of the women's movement in Slovenia.
In 2002, the *Act on Equal Opportunities for Women and Men* was passed. Who took the initiative in creating this Act? Who do you think were the key actors in the process of the enactment of the Act? Which actors had most influence?

If the respondent confirmed that their organisation/institution was involved in the process of the enactment of the Act, then the following questions referred to the specific description of that involvement as well as on the perception of the influence and cooperation within the women's movement:

- Can you describe the role of your organisation/institution in the process of the enactment of the *Act on Equal Opportunities for Women and Men*?
- Can you give me some details about your organisation/institution’s requests in the process of creation of this Act which were/were not included in the final draft?
- How would you evaluate the general influence of your organisation/institution and the women's movement on the enactment of the *Act on Equal Opportunities for Women and Men*?
- Do you think that the *Act on Equal Opportunities for Women and Men* would have been enacted even without the engagement of your organisation/institution?
- How would you evaluate the cooperation within the women's movement in the process of the enactment of the *Act on Equal Opportunities for Women and Men*?
- How would you evaluate the role of the other actors in the process of the enactment of the Act?
- How would you characterize the influence of different international organisations in creation of the *Act on Equal Opportunities for Women and Men*?

*Representatives of the government and policy experts*

The interview guide for representatives of the government and policy experts was different from that of the representatives of women's movements. The main difference is that in this case the focus is entirely on the description of the policy process and the perception of the influence of the women's movement as well as the other actors who were involved in the process. As in the case of the interviews with the respondents from the women's movement, I started the interviews with open questions which referred to the description of the policy process and the identification of the key actors who were involved in the policy process. The following is an example of these questions:
- The Parental Care and Family Income Act from 2001 brings several gender sensitive innovations, such as for example paternity leave, which accrues only for fathers and cannot be transferred to another person. Who was the primary initiator of these changes?

After they answered the question, I asked the respondents to briefly describe the course of the policy process (for example, when did the creation of the law begin, who took part in the creation of the law, at which meetings they discussed the law, what were the key issues in certain discussions and so on). General questions concerning the policy process were followed by specific questions about the engagement of the women's movement in the policy process. The following are examples of these questions:

- Were any of the representatives of the women's movement involved in the policy process? If so, in what way? (The question was followed by my explanation of the concept of the women's movement). If the respondent confirmed the engagement of the representatives of the women's movement, I continued the interview by asking the following specific questions:

  - What were the main demands of the women's movement in the process of the enactment of the law? In what way were the government representatives who were in charge of the enactment of the law familiar with the demands of the women's movement? Which of the demands of the women's movement were accepted and which were denied in the process of the enactment of the law?
  - How would you rate the overall influence of the women's movement on the enactment of the law? Do you think that this law would have been enacted without the lobbying of the women's movement?

The questions at the end of the interview referred to the evaluation of the influence of international organisations on the enactment of certain laws. I wanted to know whether Croatian and Slovenian authorities were influenced, directly or indirectly, by international organisations to enact certain laws (I explained to the respondents to what the direct and indirect influence specifically referred). This is one of the specific questions which I put to a representative of the Slovenian government. It was concerned with the possible international influence of the enactment of the Slovenian Parental Care and Family Income Act and the paternity leave regulation.
- How would you evaluate the influence of international organisations on the enactment of the *Parental Care and Family Income Act*? Did international organisations in some way force the Slovenian authorities to include the paternity leave regulation in the Act?
Appendix 2

Transitional Context

Croatia

Croatia's transition toward a democratic society with stable state institutions was a process unfolding under specific conditions. Along with a change of regime and typical transitional problems such as highly bureaucratized state institutions, an inefficient legal system, a lack of social security and high unemployment Croatia experienced a war from 1991 to 1995 (Tanner 1998; Gallagher 2003). Throughout the 1990s, political power was centralised in the hands of former president Franjo Tuđman and his party, the Croatian Democratic Union (HDZ) (Markovich 1998; Freedom House 2000). Franjo Tuđman was elected President by Parliament in 1990 and re-elected to five year terms in direct Presidential elections in 1992 and 1997. Under President Franjo Tuđman's rule, the government used its control over the state-run media and state resources to maintain the ruling HDZ's dominance at the national level. The judicial system suffered from political interference and bureaucracy (Freedom House 2000). Numerous accusations of a lack of respect for human liberties and rights during president Tuđman’s rule saw Croatia isolated and outside the scope of European integration (Human Rights Watch 1996).

The Croatian Democratic Union (HDZ) had dominated the Croatian political scene since the first free multi-party elections in April 1990 until 1999. The HDZ based its 1990 election campaign on an aspiration to independence and on a general anti-Yugoslav rhetoric, allowing them to top the poll in the elections, followed by Ivica Račan's reformed communists (Tanner 1998). HDZ's popularity came from fueling the sentiment of Croats that only the HDZ could protect Croatia from the aspirations of Serbian elements led by Slobodan Milošević towards a Greater Serbia.

In April 1991, the Krajina Serbs within Croatia began to make serious moves to secede from Croatia. It is a matter of debate to what extent this move was locally motivated and to what degree Milošević-led Serb government gave the push to self-declare (Gallagher 2003). In any event, the


313 Croatia has a population of 4.5 million. The majority are Croats (89%). National minorities include Serbs, Moslems, Slovenes, Italians, Hungarians, Czechs, Slovaks, and others. The predominant religion is Catholicism (87.8%), with some Orthodox (4.4%) and Sunni Muslim (1.3%) minorities.
Republic of Serbian Krajina was declared, which the Croatian government saw as a rebellion. This is often seen as the beginning of the war which lasted from 1991-1995. In August 1995, Croatia started ‘Operation Storm’ and overran most of Serb-occupied territory. According to Amnesty International, the operation led to the ethnic cleansing of over 200,000 Croatian Serbs (Freedom house 1998). The war ended with the negotiation of the Dayton Agreement in December 1995. In the 1997 presidential election Franjo Tudman was re-elected president. The results of these elections signified the height of the power of the HDZ as largely centred on the presence of President Tudman. With peace mainly in place, Croatia began the process of rebuilding its war-shattered economy.

Since 1995, Croatian foreign policy has focused on increased Euro-Atlantic integration, mainly entering the EU and NATO. However, Croatia has had a bad record in that area during the HDZ and Tudman’s rule. Key political issues in the period 1995-2000 have been the implementation of the Dayton Accords and the Erdut Agreement, non-discriminatory facilitation of the return of refugees and displaced persons from the 1991-95 war including property restitution for ethnic Serbs and general democratization. Progress in the areas of Dayton and refugee returns was evident in 1998, but progress was slow and required intensive international engagement. Slow improvement in these areas severely hindered the advance of Croatia's prospects for further Euro-Atlantic integration.

Croatia's unsatisfactory performance implementing broader democratic reforms in 1998 raised questions about the ruling party's commitment to basic democratic principles and norms. Areas of concern included restrictions on freedom of speech, one-party control of public TV and radio, repression of independent media, unfair electoral regulations, a judiciary that was not fully independent and lack of human and civil rights protection (Freedom House 2000). Ten years of authoritarian and corrupt rule under Franjo Tudman's nationalist regime also slowed economic growth and complicated Croatia's transition from communism to a market-based economy. In a country of 4.5 million, 700,000 lost their jobs during the 1990s. Economic reform has stalled and privatisation has 'gone bad', with large chunks of state property transferred to private hands without transparent or competitive procedures, allowing the HDZ and the Tudjman family to gain unfair advantage (Freedom House 2000).

Croatia's journey to modern democratic nationhood and full participation in the global economy began in 2000, after a decade of conflict and political

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314 On 19th of May, 1991, Croatian authorities held a referendum on secession from Yugoslavia. The referendum was passed with 94.17% in favor. Serbians local authorities in Krajina called for a boycott. Croatia declared independence from Yugoslavia on June 25th, 1991, but the European Commission urged them to place a three-month moratorium on the decision. One month after the declaration of independence, Serbian forces held about one third of the country, mostly those with a predominantly ethnic Serbian population.
misrule. When President Tudman died in December 1999, the forces of popular opposition to his policies were already well on the way of electing a reform-minded Parliament and coalition Government in January 2000, followed by the election of Stipe Mesić, leader of a relatively small opposition party, to the Presidency. Mesić’s appeal was based on his promise to lead Croatia in an entirely new direction. From 1999 to 2003, the government coalition was formed by the Social Democratic Party (SDP), Croatian Social Liberal Party (HSLS), Croatian Peasant’s Party (HSS), Croatian People’s Party (HNS), Istrian Democratic Assembly (IDS) and Liberal Party (LS). In 2002 a reconstruction of government took place when IDS and HSLS left the coalition. A number of HSLS members started a new party, LIBRA, and supported the coalition led by SDP, resulting in a new coalition formed by SDP, LIBRA, HSS, HNS, and LS.

The 2000 elections were a landmark event for several reasons. Not only did the country turn the corner by voting for economic and political reforms, but the already weakened HDZ allowed for the most open and free elections to date as well. The change of the government also marked the improvement of Croatia’s human rights record and the end of Croatian international isolation (Human Rights Watch 2004). Major Croatian advances in foreign relations during this period have included: admittance into NATO’s Partnership for Peace Programme in May 2000, admittance into World Trade Organisation in July 2000, signing a Stabilization and Association Agreement with the EU in October 2001, becoming part of NATO’s Membership Action Programme in May 2002, becoming a member of the Central European Free Trade Agreement (CEFTA) in December 2002 and the application for membership in the EU in February 2003. Although, the Račan-led Government made important advancements in Croatian foreign relations, those relations were severely affected by the government's hesitancy and stalling of the extradition of Croatian general Janko Bobetko to the International Criminal Tribunal for the Former Yugoslavia, and inability to take general Ante Gotovina into custody for questioning by the Court.

Croatia’s economic problems arguably were a major factor in the HDZ’s defeat in the January 2000 parliamentary elections and posed possibly the greatest challenge to the Račan reformist government. By the end of the 1990s, Croatia faced considerable economic problems stemming from: the legacy of long-time communist mismanagement of the economy; damage during the internecine fighting to bridges, factories, power lines, buildings, and houses; the large refugee and displaced population, both Croatian and Bosnian the disruption of economic ties; and mishandled privatisation.315

315 The war in Croatia has had the gravest consequences, both in terms of damage to property, infrastructure and in disruption of the lives of the population. Croatia is a tourist country, and the destruction of a significant proportion of its tourist facilities had grave repercussions on the revival of this important branch of the economy. Estimates suggest 10% of tourist facilities having been destroyed or
Another legacy of the war is high government spending (IMF 2001c). For example, pension payments increased to an estimated 14 percent of GDP in 2000 from 10 percent in 1990. This is mainly because the HDZ government used pensions to cushion the blow of layoffs and awarded pensions to disabled soldiers and the dependents of soldiers from the 1991–1995 war. Soldiers who were disabled in the war receive pensions that are 3.5 times higher on average than those received by civilians, while the dependents of soldiers killed in the war receive pensions that are 5 times higher than civilian pensions. Yet revenues from contributions cover only around 60 percent of current pension outlays, thus requiring the government to fill the gap from its central budget coffers (IMF 2001c).

Since taking office, the Račan government has cut public spending and taken steps to attract foreign investment. In September 2001, Parliament adopted a package of laws trimming 700 million HRK from social welfare benefits. Many of the Račan government’s tough measures, such as trimming the budget deficit, cutting spending on state salaries, and reforming the pension and health care systems, came as part of its commitments to the IMF and the World Bank. Public expenditure declined from 57 percent of GDP in 1999 to 50 percent in 2002 (still one of the highest in the region), while the overall deficit declined from 8.2 percent of GDP in 1999 to 4.8 percent in 2002. However, the Croatian economic recovering in the period 2000-2004 has been slow. The economic growth was not considerable and the unemployment reached a peak of 22% in late 2002 due to many overdue bankruptcies (World Bank 2004).

The next parliamentary elections took place in November 2003. After four years in opposition, the Croatian Democratic Union (HDZ) won the elections. HDZ’s new leadership claimed to have rejected the nationalist label, embracing a mainstream conservative image. HDZ new leader Ivo Sanader promised to work for economic prosperity and Croatia’s admission into the European Union. The country was finally accepted as the EU candidate in July 2004. On October 4, 2005 Croatia received green light for accession negotiations after the main prosecutor of the International Criminal Court, Carla del Ponte officially stated that Croatia is fully cooperating with the Tribunal. This has been the main condition demanded by EU foreign ministers for accession negotiations.

damaged. The economy as a whole has suffered enormous damage. About 30% of the country's industrial capacity has been put out of action by war destruction (World Bank 1997a).
Slovenia

Slovenia is one of the smallest (approximately two million inhabitants) and one of the most successful Eastern European states. Slovenia’s transition to a democratic political system and a market economy began slowly in the late 1980s and intensified when the country declared independence from the Socialist Federative Republic of Yugoslavia (SFRJ) in June 1991 (Cox 2005). Since the break-up of the former Yugoslavia, Slovenia has instituted a stable, multi-party, democratic political system, characterized by regular elections. Slovenia held its first direct, multi-party parliamentary elections in 1990 while it was still a republic of the SFRJ. These elections brought a 55% victory for the centre-right coalition DEMOS, while the remaining votes went to the three parties which were considered the heirs of the previous system even though they had also declared themselves in favour of a market economy and political democracy (the League of Communists of Slovenia received 17%; the Socialist Youth Party that on the eve of the elections adopted the name Liberal Democratic Party, 14%; and the Socialist Party established from the previous Socialist Union, 5.5%).

Slovenia held its first post-independence elections in December 1992. The Liberal Democrats and Christian Democrats finished first and second, respectively, and joined to form an LDS-led coalition with Janez Drnovšek as prime minister. The next parliamentary election, in November 1996, produced a near-deadlock. Despite a three percent increase in the popular vote, the LDS lost five legislative seats, while its coalition partner, the Christian Democratic Party (SKD), won six seats fewer than in 1992. These

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316 The description of the transitional political developments in Slovenia is based on the following reports: Freedom house 1998; 2000, 2006; World Bank 1999 and following articles and books (Bebler 2002; Mrak, Rojec and Silva-Jauregui 2004; Cox 2005; Buchen 2007)
317 The majority of Slovenia's population is Slovenian (over 88%). Hungarians and Italians have the status of indigenous minorities under the Constitution of Slovenia, which guarantees them seats in the National Assembly. The majority of Slovenians are Roman Catholic, though the country also has a small number of Protestants, Orthodox Christians, Muslims, and Jews. Slovenian language is a Slavic language, written in the Roman script.
318 In December 1990, the Slovenes overwhelmingly (88%) voted in a referendum for independence, giving the leadership six months to negotiate a new form of association with the other Yugoslav republics. On June 25, 1991, the Republic of Slovenia declared its independence. A 10-day war with Yugoslavia followed (June 27, 1991 - July 6, 1991). The Yugoslav People's Army (JNA) forces withdrew after Slovenia demonstrated stiff resistance to Belgrade. The conflict resulted in relatively few casualties: 67 people were killed according to statistics compiled by the International Red Cross, of which most (39) were JNA soldiers.
319 The Slovenian Parliament is composed of two bodies, the National Assembly (Državni zbor), and the National Council (Državni svet). The National Assembly has 90 seats, which are partially filled with directly elected representatives, and partially with proportionally elected representatives (two seats reserved for autochthonous Hungarian and Italian minorities). The National Council has 40 seats, and is made up of representatives of social, economic, professional and local interest groups. Parliamentary elections are held every four years. The 40-member National Council has limited powers: it may advise the National Assembly, call a referendum, or call a parliamentary inquiry. The council has no legislative authority. The 90-member National Assembly is the sole legislative body.
seats were picked up by the Slovenian People’s Party (SLS) and the Social Democrats. Both of these parties are right wing and conservative, and made it difficult for Drnovšek to assemble a coalition government. After the three months of political deadlock, party leaders agreed on left-right coalition of the LDS, SLS and the small DeSUS pensioners’ party in February 1997. Janez Dernovšek remained Prime Minister. Despite considerable internal tensions and difficulties, this fragile alliance managed to survive for more than three years.

In 1997, elections were held to elect both a president and representatives to Parliament's upper house, the National Council. Milan Kučan, elected President of the Yugoslav Republic of Slovenia in 1990, led his country to independence in 1991. He was elected the first President of independent Slovenia in 1992 and again in November 1997 by a comfortable margin. In the presidential election 2002, Janez Drnovšek won 56.5% of the vote against 43.5% for Barbara Brezgar. The third democratic election was held on 15 October 2000. Altogether, sixteen parties contested the 90 seats in the National Assembly. Eight parties won seats in the new Parliament with Liberal Democrat Party (LDS) polling the largest share of votes, more than 36 per cent and winning 34 seats. The centre-right coalition New Slovenia Party and Social Democratic Party came second with nearly 16 per cent of the votes and 14 seats. The centre-left party Associated List of Social Democrats (ZLSD) took third place, with slightly more than 12 per cent of the votes, and 11 seats. On 10 November 2000, four political parties reached an agreement to form a centre-left government. The Liberal Democrats of former Premier Janez Drnovšek, which had emerged as the strongest party, signed an agreement with the conservative People's Party, the United List of Social Democrats, and the pensioner's party DeSUS. The 2004 elections marked the end of 12 years dominance by Liberal Democracy of Slovenia. Centre-right parties (the Slovenian Democratic Party, Slovene People's Party and New Slovenia) received 44.99% of the votes. The new government is a centre-right one composed of the Slovenian Democratic Party, New Slovenia, the Slovene People's Party, and the Democratic Party of Retired Persons of Slovenia (DeSUS).

Although this summary has necessarily emphasized shifts and changes in the political scene, it is important to note that the ideological range over which these swings have taken place has actually been fairly modest, ranging as it has from the centre-left to the centre-right. No one party has ever been strong enough to form a government on its own. Coalitions among the various parliamentary parties (which have varied in number from six to eight over the last decade) have become a way of political life. Despite their occasional awkwardness and instability, these coalitions have more or less

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320 The President of the Republic is elected for a five-year term of office and may be elected for a maximum of two consecutive terms.
reflecting voter opinion. For all the apparent bitterness that divides left and right wings, there are few fundamental political differences between them in the area of public policy (Bebler 2002). While some aspects of party competition in Slovenia are unique, other basic contours of political life follow a pattern familiar in many Western democracies.

The deepest political divide between the right and the left in Slovenia concerns the attitudes toward the past, particularly the Second World War and the post-war communist regime, as well as toward the Roman Catholic Church. The parties of the right and centre-right tend to represent the more tradition-minded, religious, and rural groups in the population, while the parties of the left and centre-left tend to be more secular in outlook and to claim as their strongest bases the capital city of Ljubljana (which alone is home to more than a tenth of all Slovenians), other larger towns, and the western part of the country. Data from public opinion polling reveal higher overall levels of support for the left and centre-left, but this is counterbalanced to a certain extent by the more even spread on the opposite side and the active political role of the Roman Catholic clergy, which helps the more conservative rural areas to amplify their voice in national politics. On the international front, Slovenia has advanced rapidly toward integration into the Euro-Atlantic community of nations. Slovenia has been a member of the UN since May 1992 and of the Council of Europe since May 1993. Slovenia signed an association agreement with the European Union in 1996 and began accession negotiations in November 1998. Slovenia joined both the EU and NATO in 2004.

In the transition period, the country has made steady but cautious progress toward developing a market economy. For many years, the Slovene economy has been one of the strongest in the region (Buchen 2007). Building on the strong manufacturing and export base that was created in the 1980s, Slovenia has increased its gross domestic product steadily since the end of the economic disruption that immediately followed independence. Economic reforms introduced shortly after independence led to healthy economic growth. In fact, successive governments’ overriding aim in economic policy has been to favor stability, adopting a gradual approach to structural change explicitly designed to avoid major shocks. The progress in privatisation has been considerably slower than in most other post-communist states. Nevertheless, Slovenians enjoy the highest per capita income of all the transition economies of central Europe. Slovenia is also the first country of the 2004 enlargement to join the Economic and Monetary Union (EMU) as from 1 January 2007. Slovenia’s transition has been accompanied by fewer instances of corruption or other abuses of political power for personal financial gain than one sees elsewhere in the region. Both

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321 GDP per capita income in 2003 was U.S. $13,849, which is approximately 75% of the EU-15 average.
the Economist Intelligence Unit and Transparency International consistently rate Slovenia as among the least corrupt of all post-communist states. 322

322 In Transparency International's Year 2000 Corruption Perceptions Index of 90 countries world-wide, Slovenia comes in twenty-eighth, averaging 5.5 points across the six surveys used. This puts Slovenia just behind Estonia (5.7), and ahead of Hungary (5.2); Greece, Italy, and the Czech Republic (4.3), etc. The 2001 index placed Slovenia into 34th place among 91 countries surveyed.
Appendix 3

Development of women’s movements in Croatia and Slovenia

Under communism, feminism and women’s organising in ex-Yugoslavia was exceptional and the most developed phenomenon among similar attempts in other Eastern European countries (Benderly 1997). Unlike other East European countries under communism, Yugoslavia’s borders were open allowing the free flow of ideas, one of which was feminism. In the mid-1970s several groups of women intellectuals emerged with the aim to discuss and analyse the role of women in Yugoslav society (Jalušič 2002). We could say that the feminist initiatives which emerged in ex-Yugoslavia during the late 1970s, along with several dissidents, were in a way forerunners of civil society with their mission to act outside the established system of state sponsored mass organisations, such as the Women's Association.

The year that marks the beginnings of the new Women’s/feminist movement in former Yugoslavia is 1978 when the international feminist conference (The Woman's Question – New Approach) was held in Belgrade. In the mid- and late-1980s, new generation of women became more interested in direct social activism, such as advocacy and support work on women’s issues such as domestic violence and pornography. By the late 1980s, several women’s groups existed in the capital cities of the former Yugoslav republic. In 1987, the first National Feminist Conference of Yugoslavia was held in Slovenia, when the Yugoslav Feminist Network was formed. The outbreak of the war in 1991 has been preceded by various women’s peace actions. Yugoslav Feminist Network had its last gathering in March 1991 in Ljubljana. From 1991, the history of women’s/feminist movements in Yugoslavia cannot be described without describing particularities of the each of the new nation states.

The history of women’s organisations in Croatia

During the 1970s the first feminist group “Woman and Society” was formed in Zagreb. The group initiated a completely new approach to women's issues by organising numerous lectures, discussions and workshops, as well as educating an entire generation of young women who took part in these

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323 Jill Benderly distinguishes between three main periods of Yugoslav feminism based on specific goals and actions: (1) 1978 - 1985, the period of feminist discourse; (2) 1986 - 1991, the period of feminist activism; and (3) 1991-onwards, the period of feminist opposition to the war. (Benderly 1997: 184)
activities. As a result, new women's groups were formed. The Women's Group of Trešnjevka which was formed in 1985 activated the first SOS line for women and children the victims of violence and spoke publicly about the male violence against women within the family. The SOS line grew into the Women's Aid Now which used squatting to find the space to open the first shelter for abused women in Eastern European region. The women who were in charge of the shelter formed in the beginning of the 90s the Autonomous Women's House of Zagreb.

**Women’s NGOs**

At the beginning of the transition period Croatian women started to organize themselves by continuing with the activities from the previous period on the one hand and the reacting to the new circumstances on the other. At the beginning of the 1990s, parallel with the disintegration of Yugoslavia, the growth of nationalism and the outbreak of war, the women's NGOs predominantly adapted their agency to the consequences of war. Since many women and children were severely affected by war and the media repeatedly launched news about war rapes, many centres and organisations were established to provide psychological, social and the material help for women and children who were victims of war (CWWV 2003). Accordingly, the urgency of providing psycho-social and humanitarian aid was the strongest initiator and motif for the activities of many women's organisations during the first years of war. Here it is also important to point out that during the war the Croatian women's groups split into two factions, the first being ‘patriotic’ and nationalist and the other one being anti-nationalist, anti-war and insisting on maintaining the relationships and friendships with women from similar groups all over ex-Yugoslavia (Knežević 1994; Batinić 2001).

The greatest division was evident in the interpretation of mass rapes in Bosnia. The ‘patriotic groups’, some of which considered themselves to be feminist, insisted exclusively on the ethnic dimension of those crimes. The anti-nationalist women's groups insisted on the gender dimension of war rapes. They claimed that mass rapes are a part the militarized patriarchate and that these are not a part of "ethnic identity" but are committed by all sides in the war.

At the beginning of December 1992 several women from the various feminist and peace organisations (the Autonomous Women's House, the Independent Women's League, the Women's Lobby of Zagreb and the women from the Croatian Anti-War Campaign) founded the Centre for Women War Victims. Its primary mission was to provide direct help for

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324 Some of the founders of the Centre were Đurđa Knežević, Vesna Kesić, Biljana Kašić, Neva Tolle, Nela Pamuković and Martina Belić. The Center define itself as an independent, non-profit, NGO operating on feminist principles and in solidarity with international women’s groups. All financing comes
women who suffered from the violent effect of war. Very soon the women within the Centre became aware that there is a need for another organisation which would directly speak to the public about women's rights and which would be highly politically profiled. However, at that time the Centre had neither the energy nor the organisational conditions for taking the necessary steps.

That led to the founding of the women’s NGO B.a.B.e. in April 1994. B.a.B.e. activities have been organised around different projects that are all dependent upon each other. One of the first major public actions taken by B.a.B.e. was the organising of the petition against the criminalisation of abortion which was being prepared by the HDZ Government. During the following few years B.a.B.e. organised a series of educational workshops about women's human rights where the activists and the women who worked in state institutions gained some basic knowledge of international conventions and national legislation from gender perspective. It is also important to point out that B.a.B.e. was in charge of the coalition of the women's NGOs which was the first from the Eastern European region to submit the so-called Shadow Report to the UN’s CEDAW Committee.

B.a.B.e., however, is not the only politically active women’s NGO in Croatia. Some others are; Autonomous Women's House Zagreb, Centre for Women War Victims (CWWV), O-zona, the women's group TOD, CESI – from abroad: principally from women’s groups, NGO and individuals but also from institutions such as the EC and foreign governmental foundations (27)

The acronym B.a.B.e. attracted the attention of Croatian and world public. The founders of the group wanted this name to be recognizable and to stress women's engagement and advocacy, not to denote another "center for women's this or that". The acronym B.a.B.e. itself stands for "be active be emancipated". However, in English as well as in Croatian language the term B.a.B.e. is used as an insulting and degrading name for women in everyday speech. In Croatian this is an insulting folk term for older women or grandmothers. In English, the term B.a.B.e. is used as a degrading name, which describes women as immature, childlike and sexually always available to men. Thus, the very choice of the name, which was marked with negative connotations in Croatia during the early 1990s, carried a certain risk of ridicule of the group itself as well as the issues it deals with. However, the choice of the B.a.B.e. acronym was a conscious strategy of turning negative terminology and stereotypes into positive ones by means of hyper-exploitation.

The most known long term projects are; Legaline, a Legal Advice Hotline, providing legal advice to women in need and informing them about mechanisms for the protection of women's human rights and Monitorine, a project that monitors and lobbies for legal practices and changes in the Croatian legislation.

In only a few days of street action all over the country women’s organisations gathered over 20,000 signatures against the abolition of a legal abortion in Croatia. The Bill never made it to the Parliament (Shiffman, Skrabalo and Subotić 2002).

The Shadow Report enables NGOs to speak out and shows how women perceive women's human rights in the court, which far removed from the institutions of the government. The 1998 Shadow Report challenged the government report and produced far-reaching effects. The members of the CEDAW Committee took into consideration the opinion of nongovernmental organizations and gave recommendations which ensured strong ground for the Croatian women’s NGOs to stand on as well as a good negotiating position for defending women’s human rights. After the 1998 Shadow Report and the recommendations of the CEDAW Committee, that position became even better and the women’s NGOs in Croatia became crucial part of the process of creating the strategies for improving the position of women.
Centre for Education and Counseling of Woman. It is important to point out that several women's initiatives started to develop outside Zagreb back in 1993. Active women's groups were for example formed in Pakrac, Istria, Rijeka, Mali Lošinj, Osijek, Split and Karlovac. In the course of transition, approximately 150 active women's NGOs were formed that in different ways deal with the improvement of the status of women.

In addition, networking and coalition building is developed among women's NGOs in Croatia through the Women's Network of Croatia which composes about 40 women's organisations from the whole country. The Women’s Network of Croatia works in various ways to strengthen and develop the existing network of women’s organisations in Croatia. For example, there is cooperation during election campaigns to increase the voting turnout among women. Other issues on the network’s agenda include: lobbying for improved legislation on matters of importance for the women's situation, supervising the state body responsible for enhancing women’s human rights, and scrutinizing as well as making visible the government’s work on gender equality issues.

We can thus conclude that Croatian women’s NGO scene is rich, vibrant and encompasses a wide variety of activities. Here is also important to point out that the majority of NGOs in the transition period were heavily dependent on international funds and foreign donors (Wedel 2001). In relation to the development and activities of the Croatian women’s NGOs, it is important to distinguish between two major groups of donors: those that support exclusively women’s projects (e.g. MamaCash, The Global Fund for Women, Kvinnar till Kvinnor) and those that support women’s NGOs within some larger framework of support for civil society and NGO development (e.g. European Commission, Heinrich Boell Stiftung, International Rescue Committee, Open Society Institute, Westminster Foundation for Democracy, various embassies).

**State Gender Policy Advocates (SGPA)**

**State machineries for the advancement of gender equality**

During the 1990s, several controversies surrounded the functioning of Croatian society and this was partially reflected in policies about women and gender equality. On the one hand there was the completely open re-traditionalisation manifested through a rigid and conservative patriarchal value system which aimed at returning the woman into the domestic sphere, while on the other hand there was the forming of new institutional

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330 Women’s Network of Croatia held their first coordination meeting in Poreč, in 1996. The network welcomes all women’s organisations in Croatia that are not nationalistic, tied to any political party or connected to the state (for more information see website http://www.zenska-mreza.hr/)
mechanisms and the so-called national policy which aims at promoting gender equality. On 9 May 1996 the Government of the Republic of Croatia established the Equality Commission as an advisory body composed of representatives of all ministries and other state bodies, with Commission's secretariat operating under the auspices of the Ministry of Labour and Social Welfare. On the basis of the Beijing Platform for Action, the Commission worked out the National Policy for the Promotion of Equality, which the Government adopted on 18 December 1997. The National Policy for the Promotion of Equality foresaw, after an assessment of the current status, the objectives that had to be achieved and the measures that needed to be undertaken by 2000 in the following fields: Women's Human Rights, Institutional Mechanisms for the Improvement of the Status of Women, Women in Positions of Power and Decision-making Positions, Women and Health, Education and Professional Training, Violence against Women, Women and the Economy, Women and Armed Conflicts.

Women’s NGOs were invited to participate in the formulation of the National Policy and this signified the beginning of co-operation between the Croatian State and NGOs in the area of gender equality. The co-operation between the Equality Commission and NGOs has been institutionalised in such way that the Commission requested from women’s NGOs to appoint representatives to the Advisory Board (5 representatives) which would determine activities in the fields of mutual interest together with the Commission. However, in practice this cooperation did not function well and has led to the mutual frustrations and open conflict between the Commission and the representatives of the women’s organisations. Overall, the existents of the Equality Commission can be characterized by its symbolic functioning. Besides the genuine lack of interests in gender equality questions the work of the Equality Commission was restrained by the low budget. Some of the very few concrete initiatives done by the Equality Commission in period 1997-2000 were organizing two conference discussions: one on participation of women in political life and another on violence against women.

After the parliamentary elections in January 2000, the state mechanisms for the advancement of gender equality and women’s rights were strengthened in several ways. The new government of the Republic of Croatia reformed the Equality Commission and renamed it into the Commission for Gender Equality and thus indicated its commitment to the

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331 In the first six months, beginning of June 1, 1998, the members of the Advisory committee, according to the decision of the Commission, were as follows: Đurđa Knežeić (Ženska Infoteka) Lovorka Martinović (TOD, women’s group and Vita Ploče), Slavica Kušić (Center for the Women war victims, Women’s Counseling Center and Kontra) Martina Belić (B.a.B.e.) and Melita Švob (Union of Jewish Women of Croatia).

332 The budget for the Commission according to year was as follows: for 1996, funding was 20,000.00 HRK, for 1997, funding was 150,000.00 HRK, for 1998, funding was 150,000.00.
systematic solution of the question of equality between women and men in Croatian society. Deputy Prime Minister Željka Antunović was appointed President of the Commission. When the new Rules of procedure of the House of Representatives of the Croatian Parliament was adopted on 30 June 2000, the Committee for Gender Equality was introduced as one of the parliamentary committees, thus strengthening internal mechanisms for the promotion and protection of human rights. The Committee was established as a central working body of the Parliament in the procedure of adopting the laws in terms of implementing the principles of gender equality in the legislation of the Republic of Croatia. It is important to point out that the first initiative for the establishment of the Parliamentary Committee for Gender Equality was brought by women’s organisation B.a.B.e. In 2003, the Croatian government passed the Law on Gender Equality, which protects and promotes gender equality as a fundamental value of the constitutional order of the Republic of Croatia.

The Law on Gender Equality anticipates two institutions for the improvement and promotion of the status of women in the Republic of Croatia. The Law anticipates the appointment of a Gender Equality Ombudsperson to consider cases of violation of gender equality principles, cases of discrimination of individuals or groups of individuals from the side of state administration/government bodies, bodies of local and regional self-government and other bodies vested with public powers, employees of these bodies or other legal and physical entities. In the line of her/his duty, the Gender Equality Ombudsperson is authorised to warn, propose and give recommendations. The Gender Equality Ombudsperson is appointed by the Croatian Parliament, so that her/his independence and impartiality of her/his work is guaranteed.

Beside the Gender Equality Ombudsperson the Law on Gender equality also anticipates Office for Gender Equality, as an expert body of the Government of the Republic of Croatia, which should have an active role in coordination of all activities which purpose is to establish gender equality: monitoring of the implementation of international treaties regarding gender equality; monitoring of the implementation of legal provisions and regulations adopted on its basis, and also has the authority to propose the adoption of amendments and other regulations and measures to the Government or ministries. Furthermore, the Office’s task is to make proposals to the Government of the Republic of Croatia and prepare the National Programme, as well as monitor its implementation; conduct research and analyses needed for the implementation of the national programme; give consent to the plan for action in accordance with the stated Law; accept complaints of the parties due to violation of the stated Law; spread the knowledge and consciousness of gender equality, co-operate with NGOs active in the field of gender equality and ensure a partial financing of their projects and activities; report annually to the Government on the
activities of the Office. The stated Law also stipulates that a coordinator for
gender equality issues shall be appointed in every ministry and she/he will
be responsible for the commitments within the ministry’s authority arising
from the Law.

Women politicians
In the communist system, the percentage of women in the parliament was
around 25%. After the multi-party elections in 1990, the participation of
women in Croatian Parliament, County and Municipal Assemblies
decreased. The percentage of women’s MP dropped from 22 percent to 4.5%.
After the first post-communist elections in 1992, female representation in
Croatian parliament was 5.2%. In 1995 that figure rose slightly to about 8%.
The 2000 election brought significant change, 20.5% of those elected were
women. In County Assemblies the representation is also relatively low.
According to the data from 1996 out of 776 representatives only three
(4.25%) were women and in Municipal Assemblies the percentage of women
was 7.05%. In 15 Municipal Assemblies, out of 70 representatives there was
not one woman. The number of women in the bodies of local self-
government and regional government units after elections in May 2001
remained the same (around 7%), or even decreased (CEDAW 2003).

The number of women in the Government of the Republic of Croatia was
relatively low throughout the whole transition period. In 1997 there were
only 5 women in the positions of minister or deputy minister in 17
ministries. After the 2000 elections, with the total of 23 members, women
were appointed only to three positions in the highest level of executive
government: as the vice-president of the Government, minister of Defence
and minister of Justice. In 2004 government, of a total of 13 ministers, four
are women, and a woman also exercises the function of one of the two
deputy prime ministers of the government. Thus, of the total leading
positions in the 2004 government, about 35% are filled by women (CEDAW
2003).

We can thus conclude that, during the first years of the transition period
in Croatia, political changes marginalised women and removed them from
the sphere of public life and political decision-making as it has been
happening in other countries in transition. Thus, increasing women’s
political representation has been one of the major goals of the women’s
NGOs and the women’s sections of political parties in the last 10 years.
Three of the four major parties have intra-party women’s organisations:
SDP’s Social-Democratic Women’s forum (SDFZ), HDZ’s Union of women
‘Katarina Zrinski’ and the Peasant Party (HSS) women’s organisation
‘Croatian Hearth. The agenda of these three organisations differ depending
on their parties’ ideologies. However, all threes put significant emphasis on
the improving women’s position within their parties and the society as a
whole. All three were formed with the goal of placing more women into positions of power within the parties.

During the election campaign for the House of Representatives of Croatian Parliament in 1995 and local elections and elections for the House of Counties in 1997, women's NGOs established a Women's Ad Hoc Coalition for monitoring and influencing elections which demanded that political parties put more women on candidate lists and develop and promote women's programs. Recognising the importance of the moment and necessity of political changes, women's NGOs reactivated Women's Ad Hoc Coalition for the parliamentary elections in 2000. The Women’s Ad Hoc Coalition included 28 women's NGOs from all over Croatia. It worked for motivation of women to vote and give informed votes for those parties who will represent their interests, not just by words, but in deeds. The Women's Ad Hoc Coalition demanded from parties to include women to their candidate lists proportionally and to introduce 40% woman's quota into the Election Law (which was not accepted) as a temporary measure of positive discrimination to achieve gender equality in political representation. The Coalition also organised training programs for women of all parties on matters such as public speaking, running campaigns and lobbying. Some scholars identify women’s organisations and their activities as a primary reason for the dramatic increase in women’s parliamentary representation in 2000 (Glaurodić 2004).

The development of the Slovenian women’s movement during the transition period

Women’s NGOs

Slovenia had already made some moves towards a market economy, a parliamentary democracy and an independent state as early as 1986. This process involved the liberation of the media, the development of new civil society movements and political parties and the reform of the former key political actors: the League of Communists of Slovenia, the Socialist Youth League, the Socialist Alliance of Working People of Slovenia and the Alliance of Socialist Trade Unions. The civil society in Slovenia played a very important role in the political development of the country and in the establishment of democracy (Mastnak 1994; Stubbs 1996).

During the period of self-managed socialism in Yugoslavia, women were politically active within the framework of the SZDL (The Socialist Association of Working People) where the focus was primarily on the economic and social emancipation of women. A significant change happened in the late 1970s and early 1980s when specific civil movements developed in Slovenia. At first these movements were subject to political
repression but in the changed social and political circumstances of 1986 and 1987 they started gaining ground in the mass media as well as in the consciousness of Slovenian people. Feminist initiatives appeared in the framework of these new movements. The first such group that explicitly defined itself as “for women only” was the women's section of the Slovenian Society of Sociology, which was established in Slovenia in 1984.

The first autonomous women's group, Lilit, emerged from this women’s section (Sušnik 2004). During 1985 and 1986 its activity was marked by public discussions of woman issues. At the end of the 1980s and the beginning of 1990s, a number of crucial independent women’s organisations were set up and became highly active in the civil society sphere, including the Initiative - Women for Politics and the Prenner Club (Jalušič 2002; Sušnik 2004). The Women for Politics group was founded in the spring of 1990. Its primary aims were to help women assert themselves in politics, to give initiatives, assume positions and to make demands for improving the situation in the fields of politics, labour and in society in general. The Prenner Club was founded in December, 1990. The Club was primarily oriented towards the media presentation of sexual roles and the position of women in society. The first presentation of these topics in the national media was performed by the members of the Club. These were followed by efforts to influence Slovene media advertising and by a plan to constitute a commission to evaluate advertisements from the perspective of the presentation of genders.

Among NGOs in Slovenia the issue of violence against woman has received much attention and has been constantly present throughout the history of the women’s movement. In 1989 SOS Help-line Association for Women and Children – Victims of Violence was established. Its main projects were SOS help line, shelter (the first non-governmental shelter opened in Ljubljana 1997) and self group for women, victims of violence. The SOS help line was conceived as a feminist social project recognising that violence against women derives from the unequal division of power between the sexes. The idea of opening help-line for women and children arose in the feminist group Lilith in Ljubljana. In the 1990s several other women’s organisations were established in the field of violence against women. In 1993, Women’s Counselling Association that works in the field of psycho social help for women, victims of violence was established. In the year 2000, they opened a crisis centre to which women, victims of violence, can withdraw in cases of the acute situation. In 1996 the Association Against Violent Communication was established, an NGO with orientations to preventive work with children and youngsters in the field of violence, to counselling work for victims of violence and to social learning for violent men. This NGO prominently influenced the flow of the events in the field of violence against women, educated expert and other public and cooperated in the creation of the policy in the field of violence against women and violence as such. In the late 1990s other organisations (non-governmental and
governmental) started to work in the field of violence against women and the creation of the policy. They opened new shelters, offered psycho-social help to women and their children. Some of them have a feminist background, others do not (Kozmik and Dobnikar (1999).

Besides women’s NGO’s, women’s factions of Trade Unions should be mentioned. Committees for equal opportunities for women and men, for example, function within the Power Workers Trade Union of Slovenia, the Trade Union of Chemical, Non-metal and Rubber Industries of Slovenia, and the Association of Independent Trade Unions of Slovenia. According to an official report from 1999, there were about fifty women's NGOs in Slovenia. With few exceptions, these NGOs are almost all based in the Ljubljana, Slovenian capital (IHF 2000). Unlike in the case of Croatia, independence in Slovenia did not lead to a mass emergence of women’s NGOs. During the transitional period many international foundations appeared in East-European countries and these foundations imposed subjects and the way of work of civil organisations. This had specific consequences in Slovenia where the international foundations did not show much interest in donating money for the activities of different women's organisations (CNVOS 2004). Thus, in the first half of the 1990ies many activities related to women's issues were delegated to the Women's Policy Office, which automatically took over certain functions that women's groups used to have.

State Gender Policy Advocates (SGPA)

State machineries for the advancement of gender equality

The first initiatives for institutionalisation of women’s interests and interests addressing relations between women and men were brought to public attention by women’s organisations in the 1980s. The demand of women, supported by certain political groups, to establish a ministry for women’s issues was rejected in 1989 but after the first multi-party elections in 1990 it has been partially met by setting up a Commission for Women’s Policy as a working body of the Parliament. At the initiative of this Commission, the Women’s Policy Office (WPO), was founded in July 1992 as a central government unit located within the administrative structures of the prime minister’s cabinet (Bahovec, Vodopivec and Salel 2001).

For years Slovenia was the only post-communist Eastern European country with such an office. Its tasks were performed in cooperation with the parliamentary Commission for Women’s Policy, ministries and other state institutions and in partnership with national and international NGOs, social

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333 The assumption that Slovenia is developed enough to be able to organise civil society initiatives without considerable help played a significant role in that respect.
partners and academic circles. After the parliamentary elections in 1996 the viability of the parliamentary Commission for Women’s Policy was called into question, but it was eventually set up again under a new name - Equal Opportunities Commission. The name-change did not have any impact on its mandate and working methods but contributed to gradually change focus from women to gender equality, from a focus on eliminating discrimination against women, to a more dynamic one that considers the right to equality as a fundamental right and recognises the need for proactive strategies and policies.

After the elections in 2000 and in 2004 an initiative to set a special parliamentary working body for promoting gender equality was refused. Its set-up was challenged by a rationalisation of working methods and procedures of the parliament and the introduction of gender equality issues throughout the work of the parliament (CEDAW 2004). The Committee of Internal Policy was entrusted to be a focal point for gender equality issues, while all other parliamentary working bodies have been made responsible for development of gender equality sensitive decisions.

In 2001 the Women’s Policy Office was renamed the Office for Equal Opportunities. The new Office took over all the tasks of the previous office and got some new one. Its role has been further strengthened by the entering into force of the two equality acts, the Act on Equal Opportunities for Women and Men in 2002 and the Act Implementing the Principle of Equal Treatment in 2004. The first act is a special act aimed to promote gender equality in all walks of life and provides legal obligations for establishment of policies, which will actually interfere with the current practice of reproducing inequalities and modify the relationship between women and men and the division of their roles in society. The Act Implementing the Principle of Equal Treatment provides for broader anti-discrimination considerations. In addition to maintaining and strengthening of the OEO the gender equality legislation introduced a process of so called horizontal expansion and vertical decentralisation of national machinery. Since the beginning of 2003 coordinators for equal opportunities have been appointed in each of the 15 ministries and within local governments. This expansion

334 In 2003 the level of autonomy of the government Office for equal opportunities was questioned due to the reform of state administration. The initiator of the reform (Ministry of Interior) proposed majority of the existing government offices should be administratively placed under the structures of one of the line ministries. In July 2003 the Slovenian delegation presenting the second and the third report to Committee on the Elimination of Discrimination against Women reported about this possible changes that might negatively affect the autonomy and the institutional right to initiatives of the government office. The recommendations of the Committee in its concluding comments led to reconsideration of this intention, which resulted in a decision to maintain the Office for Equal Opportunities as a self standing professional service of the government. This was an evidence based influence of proper use of the CEDAW reporting system, which made it possible to maintain actual mandate and powers of the government structure for gender equality to influence the policy development process and exert a proper impact on decision-making.
was than followed by setting up working groups with the aim of making integrated policy proposals that will integrate gender equality dimension in sectoral policy effectively.

During the first 11 years the Office was headed by a (women) director, appointed by the Government. Her function was political and therefore characterised by certain advantages and limitations. Advocating for women’s interests and interests addressing gender equality was not always in conformity of priorities of her party. Since 2003 the Office is headed by a director, who after the reform of the state administration in 2003, has the status of a high ranking government official and is selected on the basis of professional criteria and competencies.

The mandates of the Office have been gradually enlarged and formulated in more specific terms in government decisions and Act on equal opportunities for women and men. The functioning and work of the Office is based mainly on the following: data collection, analysis, surveys of problems and research work for keeping records and understand imbalances between women and men and development of prognosis on how future initiatives will affect their lives; Altering cultural changes and changes in perception through communication (information and awareness raising) strategies, including through promoting the positive role of media; Work related to legislation changes, including binding submission of opinions on proposals and elaboration of proposals for changes to the existing legislation or new laws and recommendations to improve enforcement (the institutional right to initiative includes also the right of the Office to stop the consideration and adoption process if proposals for legislation, measures or programmes have not been submitted to the Office for gender equality proofing prior to their submission to the Government); Co-ordination of the preparation of national programme for equal opportunities for women and men and its implementation periodic action plans; Co-operation with NGOs and provision of partial funding of their projects;

**Women politicians**

In relation to the share in the total structure of the population in the country, women are under-represented at all levels of political decision-making, in both elected and appointed political bodies, both on a local and on a state level. The share of women elected to the National Assembly, never exceeded 13.3%. After the first post-communist elections in 1992, female representation in Slovenian parliament was 13.3%. That figure fell to 7.8% in 1996. After the 2000 elections the female representation increased to 13.3%. At the 2004 elections there were 12% elected women to the National Assembly (Antić 2003). In the National Council, in which those who represent social, economic, professional and local interests sit on and which consists of 40 members, who are elected for a five-year term, there were five
women councillors elected in 1997, and after the latest elections in 2002, their number fell to three.

The share of women in political decision-making at the local level is also relatively low in Slovenia. At the local elections in 1998, there were only 11.4% elected women to urban and municipal councils. Only 4.2% of the women mayors were elected at those elections. After latest local elections in 2002, only 11 municipalities out of 193 are headed by women mayors (5.6%) and only 13% of women were elected to municipal councils. In comparison to the results of the previous local elections the share of women mayors and the share of women municipal councillors increased for 2.2%.

The representation of women in executive power varied from their complete exclusion to three women ministers, which in percentage terms gave them a maximum of 18.7% of ministerial positions. In 1992 the government had only one woman among 14 ministers. In the 1996-2000 government, there were no women in ministerial positions (except in the last four months before new parliamentary elections, when there was one woman minister). In 2000 there were three female ministers: (Minister of the Economy, Minister of Culture and Minister of Education, Science and Sport) of a total of 15 ministerial posts (one of which a minister without portfolio), which amounts to 20% (CEDAW 2002).

The female membership in political parties ranges from 61 percent in the Slovenian Christian Democrats (SKD) to a number of parties where women represent a third of the members (SLS -33 percent ZLSD 37 percent LDS 28 per cent) to some parties which only have 20 or less of female members (SDS 20 percent, SNS 18 percent). All major political parties have specially organised women’s group. These are for example the Women's Network of the Liberal Democracy of Slovenia (LDS), the Women's Association of the Slovene People's Party (SLS), the Women's Forum of the United List of Social Democrats (ZLSD), the Slovene Women's Association of the Slovene Christian Democrats (SKD), the Women's Committee of the Social Democratic Party of Slovenia (SDSS) (Antić 2003). Over the last 15 years a number of efforts to increase women’s political representation have been initiated by the women’s movements representatives. Through the early 1990s the Women’s Group for Politics played visible public role in the field of women’s politics. This group explicitly demanded more women in politics. After 1992, there were several attempts to enact quotas to achieve gender equality in politics in Slovenia. In the middle of the 1990s Women activists from three parties, the ZLSD, the LDS and the Slovenian People’s Party (SPP), tried to convince these parties to incorporate firm quota rules for candidate lists for elections to party organs and for general elections into their statutes. In 1994, an amendment to integrate a 40% quota for men and women into the Law on Political Parties was rejected. New amendments calling for 30% and 40% quotas for men and women were proposed in May 1996, as well as an amendment outlining financial incentives for parties to
bring more women into parliament. This amendment was also rejected by the National Assembly.

In 2001 a Coalition for balanced participation of women and men in public decision-making was founded. The coalition unites individuals from non-governmental and governmental organisations, parliamentary and non-parliamentary political parties and women's groups in political parties, trade unions, other forms of organised civil society, public and private institutions and foundations. The main aim of the Coalition is encouraging and establishing balanced the representation of women and men in public life, mainly by changing electoral legislation and with the introduction of the principle of the balanced representation of women and men in all bodies of authority and in other decision-making bodies. This coalition became a driving force behind the amendment of the Constitution and the enactment of the 40% quota for all electoral lists for the European Parliament elections held in Slovenia in June 2004 (Lokar and Antić 2005). However, this rule does not apply at the state national level.

In sum, we can conclude that the 15-year history of struggle for increased participation of women in political decision-making in Slovenia is a history of defeat. All activities and initiatives in the National Assembly to increase women’s participation have been rejected.
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