



## Women Lawyers Without Borders Germany

„ME - MAN YOU - WOMAN. Traditional Roles Forever?“  
Pink/woman - black/man, weapons/man – jewellery/woman!

**Jasmina Prpić**  
**Frankfurt, 11. März 2015**

Good morning, dear guests,  
Dear Mrs. President, Sigrid Volk,  
Dear ladies of the International Women's Club,  
Dear ladies and gentlemen,

The thought-provoking exhibition “Me – Man. You – Woman. Traditional Roles Forever?” which is now being presented at the Archaeological Museum in my new hometown of Freiburg, inspired me to give my speech this symbolic and bold title; a title which is more current and explosive than many of us realize.

I am honoured to accept the Elizabeth Norgall Prize, and thank the Committee for awarding me this distinction, as someone who promotes “understanding between people of varying nations as well as supporting and establishing the rights of women, both internationally and nationally.” After twenty years of voluntary work, I am also very pleased about the monetary aspect of the prize. I would like to thank all the ladies of the International Women's Club, especially Mrs. Helene Gressenbauer-Rösner who, without having met me personally, nominated me as a candidate for this award. According to her, she was both convinced and impressed by my idea to found the association “Women Lawyers without Borders”.

That is why I would like to share this wonderful tribute with all of my colleagues and co-associates of “Women Lawyers Without Borders”. In my opinion, this prize belongs to all of us. I would like to extend a warm welcome to the lawyer, Regina Schaaber, who is deputy chairman of the association, and to the lawyer Anneliese Schmid-Kaufhold, our founding member. In spite of all of our differences, lawyers from Germany and a further 26 countries, (from Brazil to Greece, from Nigeria to Iran), all have the same goal, namely to implement procedures against any form of violence and discrimination against women, and to work towards their extensive participation in social, political and economic life in their respective countries.

We have developed global network projects in order to exchange information between colleagues concerning the violation of women's rights and how best to rectify them. We want to pass on our insights and positive experiences which, luckily, do not only exist in Europe: like how the access to education, health care and employment can lend women and girls all over the world dignity and a feeling of self-worth; or, on how to sanction sexual violence and exploitation in war zones. With the help of the U.N. Women's Rights Convention, CEDAW (Convention on the Elimination of all forms

of Discrimination against Women), as well as the U.N. Resolution 1325, as our “women's weapons”, we want to encourage and promote social change by lawful means in order to ensure complete equality for women all over the world. To achieve this, it is of particular importance to work with political representatives at all levels of government, as well as with non-governmental organizations. This is precisely the goal of our international conventions project, “Woman & Rights”. The opening conference in this series was the 2013 “Arab Spring” convention, with notable representatives from women's organizations from Tunisia, Egypt, Libya, Lebanon and Jordan, as well as advisors from the U.N. and the Federal Ministry of Justice and the Federal Ministry of Family Affairs. I also want to mention the Balkan Conference, which is planned for November, 2015, with representatives from seven successor states that were once part of Yugoslavia. However, here again we are confronted with the problem of funding, a difficulty we have encountered since the establishment of our association. Although I intend to use the total amount of the Elizabeth Norgall award, I am not sure whether it will be sufficient to cover our material expenses. Similar to the conference on the “Arab Spring”, the implementation of the upcoming convention will be on a completely voluntary basis. For this reason, I would be most grateful for any suggestion or advice about finding other financial sources (in your “Money Metropolis”) to cover the residual sum of this project. With the kind support of the I.W.C., we have placed flyers on the tables with our contact information.

### **Me Man – You Woman**

Women are often more strongly affected by violence than men, and in a different way. It begins with domestic violence, sexual assault, arranged marriages, forced sterilizations and abortions, and goes as far as trafficking in women and mass rape. These numerous forms of violence have evolved over time in a male dominated society and are structurally established in some cultures. From a global point of view, women have substantially less access to resources like food, land, technology or financial services, compared to men. According to the Food and Agriculture Organization of the United Nations, if there was equal access to food, the number of starving people would be reduced by between 100 to 150 million.

So-called multiple discrimination is quite prevalent. For example, poor women, members of an indigenous group or an ethnic minority, women with a disability or migrant women are more likely to suffer from discrimination. It is particularly problematic that gender discrimination and violence against women often occur in a private environment, for example between spouses, or in the family. Many countries consider it unjustified to intervene in people's so-called private sphere. Certain customs of gender discrimination, like genital mutilation, are not prohibited by law. My predecessor, Mrs. Biermann, was committed to preventing this kind of violence against women. Last year, her invaluable efforts were rewarded by you, dear ladies of the International Women's Club, by awarding her this prize.

And as long as gender-based discrimination and inequality are the order of the day,

- as long as babies must die only because they are female,
- as long as women are doused with petrol and burned because their dowry is considered too small,
- as long as women are forced to have abortions or sterilisations and are not allowed to plan their own family,
- as long as women are paid less than men for the same work,
- as long as women are not included in the peace process, but are victims and hostages of warfare,
- as long as they are subject to violence in their own home,

society can neither progress, nor can a peaceful and prosperous world evolve.

### **Me Man – You Woman**

Many people believe that there has always been a natural gender role that still determines our behavioural patterns. Recently, at a conference on Women's Rights, the Turkish President, Erdogan, remarked that equality between man and woman is “contrary to nature”. Feminists and the opposition party alike were outraged. The remark triggered a controversial debate about women's rights and the murder of women in Turkey.

### **Me Woman – You Man**

What do archaeology and the exhibition in Freiburg say about this subject? What was it really like in prehistoric days? Was the man the hunter who fed the family, while the woman nurtured the children in the cave? Even if there was a gender role allocation two and a half million years ago, there is no reason why it should still be relevant today. When it comes to other subjects, we are not willing to accept prehistoric customs as our guiding principles. Who would want to give up their ceramic stove or bed in order to cook over an open fire, or go to sleep in a haystack?

**“All human beings are born free and equal in dignity and rights” is the wording of Article 1 of the Universal Declaration of Human Rights, issued on the 10th of December, 1948.**

Today, the formal principle of gender equality is generally undisputed in most countries and the legal basis for this equality already exists. However, nowhere in the world has true gender equality been fully realized. Not even in Europe. Up until a few years ago, in spite of all the progress and success in this field, there has been an obvious disparity between legal and actual gender equality. In some countries this is still the case. Oddly, this discrepancy can also be seen in highly developed countries, where there is the misconception that discrimination only exists elsewhere, but not in their own cultures. Again, the facts speak for themselves.

**Switzerland** was one of the last European countries to give its female population full civil rights. Women in that country were not allowed to vote until 1971. Similarly, only in 2011 did **Malta** establish the legal basis for divorce. Up until 2013, abortions were illegal in **Ireland**, even for health reasons.

**Germany:** The Basic Law for the Federal Republic of Germany (Grundgesetz) became effective in 1949. Only after a long struggle, was Article 3, paragraph 2, added to the constitution, with the significant sentence, “Men and women have equal rights”. Not until 1958, ten years after the Basic Law of the Federal Republic of Germany was passed, did the Law of Equality become effective. For the first time, German women were allowed to independently manage the capital they brought into the marriage as well as the income generated during their marriage. Up until this law was passed, only men were allowed to manage women's assets or the money they earned through their own employment. Husbands even had the right to terminate their wives' employment with immediate effect.

### **Me Man – You Woman**

The hierarchical role model continued to exist **in Germany** until the extensive Family Law Reform was passed in 1977. Before this law was put into effect, a woman was only permitted to work if her

employment was compatible with her duties towards both husband and family. On the other hand, she was often obliged to work in her husband's business.

- Similarly, only in 1994 was the complete legal equality of marriage names recognized.
- As of 1997, marital rape is punishable by law. Before that, it was categorized as “duress” or “bodily harm”.
- In 1998, unmarried mothers were given the full parental custody of their children, without the mediation of a social worker for questions relating to the determination of paternity or alimony.
- In 2002 the “Protection against Violence Act” was passed to protect women from domestic violence and stalking.
- However, even today, fiscal law promotes marriage and the traditional role of housewife by giving marital income-splitting preferential treatment. The same applies to co-insurance coverage between spouses provided by public health care.
- On the other hand, child care costs are only partially tax deductible.

The prevention of persistent inequality in Germany will remain a challenge for some time to come. Some of these issues are: employment rates, unequal pay, hours of labour, supervision assistance in the home, and the poverty risk, to mention only a few topics.

When it comes to executive positions, the German economy still relies on the fact that a man works full time and is available around the clock. When a woman aspires to a leading position, she is always asked whether her managerial position is compatible with her family duties. I have never heard a man being asked this question. It is as if fathers had no domestic duties, as if fathers did not have to take their children to the kindergarten, or help them with their homework, or perhaps want to play with them during the week. And it goes without saying that many fathers, particularly young men, want to be equally responsible for their children.

### **Finally, as a Bosnian, I would like to speak on behalf of my countrywomen.**

At the end of the 20th century, in the middle of Europe, a bloody war erupted in former Yugoslavia. Most of the refugees were women and children. I was one of them, with my then twelve and ten year old daughters. Thousands of women who did not manage to flee, or did not want to take the risk, were raped. The women from the region of Srebrenica believed the world community and thought they were safe in a U.N. protected zone. They had to live without their husbands, sons, brothers and fathers. Within a few days, more than 8.000 of these innocent Muslim men were murdered. Mass rape was deployed as a strategy of war. That was only possible because, up until now, the history of women in war has always been a history of silence; or perhaps of sufferance and turning a blind eye.

### **Me Woman – You Man. Immovable Gender Roles from Prehistoric times to the 21st Century.**

Twenty years after the end of the war, the situation of the Bosnian women is still precarious. Poverty and unemployment influence everyday life. Domestic violence is on the rise.

In fact, safety in the Balkans requires not only the absence of war, but also the elimination of unjust social conditions, including gender inequality. Furthermore, women's and gender issues are still not considered to be an important aspect. That is why the implementation of the Resolution 1325, as well as other international agreements for the peace and safety policy for this region, still remains one of the greatest challenges.

The Balkan conference especially wants to thematise this problem: Can and should the women of the Balkan region be victims and, at the same time, peacemakers? Can they break up the firmly established gender roles? "Women Lawyers without Borders" say "Yes, they can!"

As a German non-governmental organization, we want "to serve the peace of the world", as written in the preamble of the constitution - especially in these times that are characterized by war and crises. Terror attacks and war demand that heads of state and representatives of civil society commit themselves to preserving safety, stability and peace, to the prevention of violence and to conflict resolution. This is something that our Federal President encouraged us to do in his speech about "Experts for Peace". I say "our Federal President" because I am now a naturalized citizen, and not only do I have dual citizenship, but I also want to share the responsibility that the Federal President emphasized, namely to help achieve and shape "Germany's civil contribution to peace and security in the world, in spite of the increasingly difficult conditions."

I thank you!