

## REPRODUCTIVE RIGHTS AND THE STATE IN SERBIA AND CROATIA

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## Introduction

The 1994 International Conference on Population and Development (ICPD) in Cairo had a profound effect on global thinking concerning population policy. Since that forum advocates of population control, the dominant paradigm shaping population policy since the 1950s, have been on the defensive in the face of a challenge from a global reproductive rights movement. The population control paradigm has been premised on a concern that population growth poses a danger to development and to the planet's ecological balance, and that serious measures are needed to curtail fertility levels. The final program of action that emerged from Cairo reflected these issues only weakly, focusing instead on reproductive rights and health issues, a discourse that continues to hold a central place in global population dialogues.

The essence of the challenge was to give women a central place in population discussions as subjects, not objects of policy, and to re-orient family planning and health programs toward meeting the broad reproductive health needs of individuals rather than the narrow population control objectives of states. Reproductive rights advocates contend that the use of family planning programs for developmentalist-oriented population control objectives has been illegitimate and inevitably has relegated women to the status of de-personalized policy targets. Women's bodies belong to women, not to states, they argue.

While posing an important challenge to dominant modes of population-related thinking, reproductive rights advocates oddly ignored one critical set of issues at Cairo. Their focus was almost exclusively on countries implementing anti-natalist population measures in *high* fertility settings, where states were violating the reproductive rights of

women and men in the name of population control. They paid almost no attention to the issue of reproductive rights violations in *low* fertility settings, where many states have been pursuing pro-natalist policies. The Cairo focus on anti-natalist policy was in some ways understandable: it is in these countries that the majority of the world's population lives and that violations have been most acute. On the other hand, 47 countries, as of 1995, professed to have policies aimed at maintaining or raising fertility (King 1998, 33 from UN 1996), and the potential for state infringement on reproductive rights was strong in many of these settings. Moreover, as Harbison and Robinson (forthcoming) have pointed out, population policy in the 21<sup>st</sup> century may move from an anti-natalist to a pro-natalist thrust as fertility reaches replacement levels across the globe. As such, reproductive rights abuses in the name of promoting population growth may become more frequent than those arising from efforts to reduce fertility levels.

The neglect at the Cairo conference of reproductive rights in low fertility settings is paralleled by a lack of attention in the fertility and family planning literature itself (King 1998, 33). There exist few studies that explore the dynamics of pro-natalist policy with an emphasis on women's rights.<sup>1</sup> This is to be contrasted with the extensive literature that has emerged concerning reproductive rights and health issues in developing countries that have adopted anti-natalist fertility policy.<sup>2</sup> Many of these works provided an impetus to mobilization efforts for the ICPD, or were inspired by the success of ICPD.

In this paper we seek to help redress this imbalance of attention by examining the cases of Croatia and Serbia, two nations in which governments have deliberately sought to increase, rather than decrease fertility levels. The impetus has been identity politics more so than development: to raise fertility in order to fight perceived challenges to national survival and power amidst threatening internal and external environments of ethnic conflict.

Croatia and Serbia make an interesting comparison. They were the two dominant partners in the former Federal Republic of Yugoslavia. They share the same language. Each has faced issues of depopulation and declining fertility.<sup>3</sup> Both have been involved in warfare driven by a perception of threat to national survival. Each has adopted hostile attitudes toward ethnic minorities. Beyond this, many citizens in each nation view the other as a competitive point of reference, evaluating their own nation's progress by way of comparison to that of their neighbor.<sup>4</sup> Yet despite these many similarities, the dynamics of pro-natalist policy have differed across these two nations. In Croatia, pro-natalist policy, for a long time heavily nationalist in thrust, has recently evolved in a direction that is more respectful toward reproductive rights. A strongly nationalistic faction shapes discourse, but its power has been tempered by liberal political and social actors, including feminist groups, that seek to ensure that women's rights are not violated in the process of population policy implementation. By contrast, in Serbia, elites using ultra-nationalism as a political tool hold sway, dominating political discourse and threatening the reproductive freedoms of women and men.

In this paper we examine the dynamics of pro-natalist fertility policy in these two nations with a view to explaining why, despite similarities, the two have followed somewhat divergent paths. Specifically, we look at the space available for groups to mobilize in each political system; the degree of nationalistic extremism present in the discourse of central political leaders; the stances and strategies of key social actors, particularly feminist groups, religious institutions and actors, and the intelligentsia; the nature of ethnic hostilities; and perceptions of threats and opportunities in external geopolitical environments.

In conducting this comparative analysis we seek to drive home the point that a nation's reproductive rights situation and prospects cannot be understood divorced from

its sociopolitical context. For decades social science scholars examining population control programs, frustrated at the lack of consideration of contextual nuance that has plagued so much family planning program analysis, have been at pains to stress this point concerning population policy.<sup>5</sup> Such a realization has yet to reach reproductive rights analysis. A flurry of literature has arisen since 1994 concerning efforts to implement reproductive health and rights programs that concur with the ICPD mission.<sup>6</sup> Yet only a handful of these works seriously consider how the sociopolitical context structures implementation and appropriate strategy. Our intention in this paper is to ensure that future reproductive rights analysis be carefully grounded in an examination of context.

We begin with an analysis of the dynamics of population policy development in Serbia. We then do the same for Croatia. In the final section we bring the two cases together to identify the features of the sociopolitical environments that explain the differences in the paths the two nations have followed. We also return to the deeper issues concerning how sociopolitical environments structure reproductive rights policy and implementation. Finally we highlight the additional impetus for promoting the reproductive rights agenda that was ignored at Cairo and that has received insufficient treatment in the fertility literature - one that emerges from low fertility nations facing identity issues. This is that women's bodies must be protected not only against those states seeking to use their reproductive capacities for *developmentalist*-oriented fertility *control*, but also against those wanting their bodies for *nationalistic*-oriented fertility *promotion*.

### **The Case of Serbia**

For more than a decade, Serbian society has been ruled by an authoritarian regime that has used ethnic nationalism as a justification to launch a series of wars and to impose

a state of open repression against its citizens. Backed by major social and political actors, most notably the Serbian intelligentsia and the Orthodox Church, the regime has succeeded in creating a closed, conservative society, one that glorifies its own ethnicity while suppressing that of others.<sup>7</sup> In Serbia the space for opposing the mounting state repression and human rights violations is becoming ever more limited.

In such a political environment, it is not surprising that the state has sought to claim not only the loyalty of its citizens and their rights to free information and expression, but also their bodies. Three dimensions of the Serbian socio-political context help explain how the state came to make this unusual claim: (1) the transition from a communist to a nationalist regime and its impact on the discourse surrounding the 'appropriate' role of women in society; (2) national alarm over low Serbian birthrates, and (3) the general environment of repression under an authoritarian regime that has constricted the space for social resistance and political protest.

### **Transition from a communist to a nationalist regime**

Any analysis of reproductive rights in Serbia would be incomplete if it did not take into account the change in the discourse surrounding women that followed the shift in the social paradigm from communism to nationalism.

Communist discourse held that high women's employment rates in socialist Yugoslavia were a clear indicator of the 'resolved women's issue,' i.e. the achievement of women's equality as proscribed by communist ideology. However, evidence suggests that this distorted reality. Working women remained overwhelmingly responsible for domestic duties, clustered in low-paid professions, and earning considerably less than men for comparable work. An often-heard refrain in socialist Yugoslavia was “woman as a housewife, lover, and worker.” As Branka Andjelkovic points out, the message was

clear: profession was important but only if a woman successfully fulfilled the first two tasks (Andjelkovic 1998).

When the key social and political institutions collapsed, family became a priority over all other forms of social activity (Andjelkovic 1998). As a 'buffer zone,' family became a basis for collective identification, which was soon cleverly used by the enforcers of an equally strong collective identity – that of belonging to a nation. The emerging nationalist discourse in Serbia magnified women's roles in line with the traditional patriarchal expectations. While the policies of socialism were, at least nominally, committed to emancipation and equality of women, the new nationalist movement attacked these values on grounds of their association with socialism and communism, and in turn claimed patriarchal gender relations as natural, traditional, and national.

This shift has provided an ideological justification for the limitations on women's participation in the labor force and in the public sphere, and acted as a stimulus to the tendency to see the primary role of women as reproduction (Andjelkovic 1998). The nationalist policy in Serbia intended to reassert 'natural' gender roles, reaffirm the traditional patriarchal family, and regenerate the nation by emphasizing patriotic motherhood and subordinating women's autonomy to the demands of the national collective. Since the care for the nation is the fundamental goal of the state, reproduction became its political fuel and women became the *mothers of the nation* (Andjelkovic 1998).<sup>8</sup> New political actors on the scene advocated that women should return home, to the family, and get away from the inhumane working conditions they had to suffer under communism. In 1990, for instance, Kosta Bulatovic, a high official in the leading opposition party Serbian Renewal Movement, invited Serbian women at the party rally in Novi Pazar to “reproduce and renew the Serbian nation” (Cetkovic 1998, 127).

Men, too, were included in these nationalistic-inspired gender and reproductive discourses. A frequently offered explanation for the low fertility crisis<sup>9</sup> among the Serbs was that Yugoslav communism weakened the family and the nation by upsetting the natural gender order (Bracewell 1996). Maja Gojkovic, Vice-President of the far right Serbian Radical Party (currently in coalition with Milosevic's ruling Socialist Party) blamed Serbian men for losing their masculinity under communism:

Women in general succeeded in preserving their femininity, but a significant part of the male population suffered serious injuries in the region of the backbone and the heart... You can't ask a woman to bear children to men who have capitulated in advance to every threat. In order to raise fertility we must awaken and develop the spirit of masculine honor and heroism. We must help men to be that which nature and tradition intend them to be (*Duga*, 16 August 1992, 52, in Bracewell 1996, 27).

More often, though, the blame was placed on Serbian women, for communism had "made them believe they could be equal to men" (Bracewell 1996, 27). In 1995, Slobodan Grkovic, president of the Christian-Ecological Movement, claimed that communist Yugoslavia used women's reproductive rights as "infanticide - a secret ideological principle for the destruction of Serbian spirit and biological substance...." Grkovic blamed "ideological continuity" of modern Serbian women with early 20<sup>th</sup> century feminists such as Rosa Luxembourg for the current disastrous state of affairs. This had given rise to a situation in which, "the modern Serbian woman is turned against the man, family is fundamentally destroyed, and Serbia is the second country in the world in the number of unborn children killed" (*NIN*, February 17, 1995, 8).

In his editorial entitled "Birth-giving is a moral duty of every married couple," and published in the Serbian leading daily *Politika*, Dr. Milan Miladinovic argued that:

Pedagogical or reproductive-pedagogical measures should be put in place in order to bring about social behavior in accordance with agreed conventions," as women give birth out of "biological, moral, humane, national and overall human duty (*Politika*, 25 August 1998).

Another Serbian demographer, Dr. Stojan Adasevic, offered the following guidelines for national population policy:

In order for the nation to survive, every woman must bear at least three children... Those groups who praise free and planned parenthood, and the unchallengeable right of a woman to abortion, should not forget that in a state subject to the rule of law no one is the master of his own body, whether male or female. A woman must bear herself a replacement, and a man must go to war when the state summons him (*Vreme*, 19 April 1993, 55 in Bracewell 1996, 28).

### **Alarm over low birthrates and national survival**

While the transition from a communist to a nationalist social paradigm shifted gender discourse and set the context for the state's attempt to appropriate women's bodies, it was a perceived crisis in fertility that activated this national project.

The relatively low below replacement fertility rate is viewed in Serbia as a dangerous and widespread social malaise and commonly referred to as 'the white plague.' Many Serbs consider low fertility a threat not only to the traditional family but also to the very existence of the Serbian nation. Calls for action to raise fertility levels have come from all key political players: the ruling Socialist Party, major opposition parties, the Serbian Orthodox Church and the Serbian Academy of Arts and Sciences, the supreme authority of Serbian intelligentsia. The loss of Serbian lives in the wars in Croatia and Bosnia-Herzegovina sparked this concern,<sup>10</sup> but growing birthrate disparities between Serb and ethnic minorities within Serbia itself have raised it to the level of national alarm. The Serbian state has used these developments as justification to push a series of official and semi-official initiatives to raise the fertility of the 'endangered' Serbs and to lower the fertility of certain 'over-reproducing' minorities.<sup>11</sup>

At the end of the 1980s, the Serbian regime raised the question of an imbalance in the population's demographic reproduction. The government pointed to a low fertility rate of 1.8 that was continuing to decline for the northern province of Vojvodina and for

Serbia proper, and contrasted this with a high fertility rate of 4.3 for Kosovo with its Albanian majority (Milic 1993). In 1989, the leading Serbian demographer Milos Macura set out to raise public awareness on the growing problem of this 'demographic disproportion':

The [Albanian] birth rate must be limited for the benefit of women, the family, and the local community in Kosovo, and the interests of relations in Serbia and Yugoslavia. I say this because, unfortunately, the contrast between high and low birth rates is beginning to make an impact on the political and ethnic levels, not only because of the emigration of Serbs and Montenegrins from Kosovo, but also because the great demographic pressures are beginning to extinguish the Serbian and Montenegrin population [there] (*Politika*, 27 January 1989; in Milosavljevic 2000, 301).

The major concern behind these initiatives was that if the low birth-rate of Serbs and high birth-rate of Albanians, Muslims and Roma remain unchanged, the Serbs in their own country would soon be outnumbered by other ethnic groups – the biggest threat coming from Kosovo Albanians. Furthermore, the dominant view was that the high fertility of Kosovo Albanians was in effect a deliberate political ploy aimed at outnumbering the Serbs.<sup>12</sup>

The ruling Socialist Party of Serbia, in a joint effort with the highly respected Serbian Academy of Arts and Sciences and the Serbian Medical Society, issued a *Warning on the Demographic Movements of the Serbian Population* in 1992. Under the dramatic title “Without offspring there is no family; without kin there is no nation!” the document called for the establishment of a State Council for Population that would be supervised by no less than the Prime Minister or President of the country. The *Warning* claimed that:

[It is] a fundamental right of a low fertility nation to be informed on a timely basis of the growing risk of its gradual... but consistent biological, and hence also physical disappearance as a consequence of a decrease in the number of births. On the other hand, ethnic groups with high fertility, causing the so-called demographic explosion, are burdened with no less difficult and frustrating economic and social consequences; and in a mixed environment such as our own, there is a problem of objectively endangering the rights of other nations (*Warning*, Serbian Academy of Arts and Sciences, October 1992, 1).

Parents in low fertility nations (Serbs and a few ethnic minorities, primarily Hungarians and Romanians), the document argued, are condemning their children to bear all the difficult consequences of the disappearance of their ethnic groups. However, some ethnic communities (Albanians, Muslims and the Roma) have fertility so high that it can no longer be called rational or human reproduction. The *Warning* goes on to claim that the three high fertility ethnic groups are, generally, underdeveloped: as in all the years since the end of World War II they failed to, without significant aid from other parts of the country, sustain the level of production, services and living standard per capita achieved elsewhere in Serbia. The document also stated that contemporary war conflicts and “terror committed against the Serbs in Croatia and Bosnia-Herzegovina” are taking a toll on the number of “potentially reproductive Serbian males.”

In conclusion, the authors appeal to members of "ethnic communities with insufficient reproduction" to become aware of their demographic situation and decide whether they wish to continue along the "path to disappearance" or reach a level of reproduction of themselves and their families, and consequently that of the entire nation. By contrast, the choice before the "over-reproducing" ethnic communities is to either continue to respect “anachronistic traditional norms and customs” regulating over-reproduction and treatment of women, or to promptly adopt recommendations of the modern science of family planning.

It is interesting to note the contrast in rhetoric used for two different ethnic groups. The low fertility groups are criticized for "selfish indulgence in materialistic goods," "distorted value systems" and "blind race for standard" in lieu of more life-acclaiming traditional family merits. Meanwhile the otherwise desirable traditional structure of high fertility families is seen as anachronistic and constraining for the women in other ethnic groups. Furthermore, the underlying message is that the mission for low

fertility Serbs should be to concentrate primarily on reproduction, while high fertility non-Serbs should control their reproduction not only for the sake of ethnic balance but also in order not to overuse the limited resources of other ethnicities.

Echoing *Warning*'s principal concerns six years later at a time of increasing ethnic tensions in Kosovo, Rada Trajkovic, now Minister of Family Issues in the Serbian government, claimed that, "the state should find ways to stimulate the fertility of the population of central and northern Serbia and restrict or prohibit enormous increases in fertility in Kosovo" (*Nasa borba*, 20 May 1998). Meanwhile, stories of the ongoing 'white plague' continue to permeate the Serbian media. For instance, in February 2000 the leading Serbian daily *Politika* ran a series of articles on the alarming low birth rates in Serbia. Titles such as "Disturbing statistics of birth rate in Serbia" and "Some areas in Central Serbia infected with an 'epidemic' of negative birth rate" (*Politika*, February 8, 2000, 13) indicate that the overwhelming tone is one of imminent danger, threat and destruction facing the Serbian nation.

Throughout this period the Serbian Orthodox Church has been a major contributor to the alarmist discourse, issuing a number of dramatic proclamations, warnings and even threats against women who have decided to have few or no children.

In 1993, the Bishop of Zvornik and Tuzla and a cabinet minister in the government of the Republic of Srpska (the Serbian entity in Bosnia and Herzegovina), Vasilije Kacavenda advocated for the complete ban on abortion in the Republic of Srpska. He suggested to the Holy Synod of the Serbian Orthodox Church to extend the ban to "all Serbian lands:"

Today, to our misery and shame, many Serbian women kill their children. That is why the percentage of Serbian population decreases with every census. In today's Serbia only 63 percent of the population are Serbs... If we listen to the advice of feminists and others who support the killing of unborn children, the new census will in a few years show that in Serbia and everywhere where Serbs live this percentage is even lower. And this will go on until, God forbid, Serbs in Serbia become a minority and no longer live in their

own country. Because of this state of affairs, Serbs have no right to blame others; they will be themselves to blame for their vanishing (*Politika*, March 27, 1993, 11).

In his Christmas message in 1995, Serbian Patriarch Pavle sent a message to Serbian women:

It is our duty to warn of another danger, the epidemic that has overwhelmed the contemporary world, and unfortunately, our Serbian nation as well, and which threatens to exterminate the descendants of Saint Sava. This is the ‘white plague’ – infanticide that results in low birth rate among the Serbs. Today, in some parts of our country, alas, there are more graves than cradles... Many mothers, who did not wish to have more than one child, now tear their hair off and bitterly weep over their only children lost in wars, cursing God and people, while forgetting to accuse themselves of not giving birth to more children who could remain as comfort... When they face the All Righteous Judge, those mothers who did not let their children be born, will meet these children above, and [the children] will sadly ask them: Why did you kill us, why didn’t you give birth to us?!” (*Politika*, January 7, 1995)

In addition, the Patriarch went on to proclaim that women’s irresponsibility is putting the future of the entire Serbian nation at stake:

It was mathematically calculated that the Serbs, if this birth rate remains unchanged for the better, will in twenty years become a national minority in their own country. Then, of course, they will be unable to make their own decisions regarding themselves and their fate. As the popular saying goes ‘who owns the cattle, owns the mountain’ (*Politika*, January 7, 1995).

These and similar views are still present among the high ranks of the Serbian Orthodox Church. During a Christmas ceremony in January 2000, for instance, Amfilohije Radovic, Archbishop of Montenegro and the Adriatic stressed the need for the renovation of family and the holiness of marriage. He referred to the phenomenon of increasing number of abortions as “womb infanticide,” and a “sin crying to heaven”, over which our ancestors “weep in disconsolation” (*Politika*, January 8, 2000, 14). And right before the start of the Easter Lent 2000, the Holy Synod of the Serbian Orthodox Church made another strong statement, requesting the clergy to deny religious services to doctors and nurses who perform abortions. The Church reiterated again that “infanticide is threatening to bring about biological extinction of the Serbian nation” (*Vreme*, March 25, 2000, 22).

This type of discourse plays well into the previously mentioned social paradigm of gender subordination that is increasingly gaining momentum in the Serbian society – that of the “proper place of woman in society.” In an editorial entitled “The Place of Woman in Church,” *Politika* granted space to the following neo-Orthodox commentary:

Although social sciences teach us that men and women are equal in all aspects, the practice of life has shown that accepting this... has harmed not only women but also men, family and general order in society... Women are different from men, physically and intellectually and spiritually... Her difference derives from the fact that woman is made to be man’s companion ... to be a wife, mother, sister, daughter (*Politika*, January 8, 2000, 22).

The legislative response to the high non-Serbian and low Serbian birthrate was the creation of a population policy that reflected little concern for individual rights concerning childbearing. The draft Law on Serbia’s Population Policy (1990), submitted for public debate, penalized families *with more than three children* by divesting them of all social benefits they had held under previous regulations, and rewarded families *with three children* by giving them additional benefits. This not only denied the principle of social assistance to large families, but also constituted discrimination in social assistance, as the families with more than three children were mostly Albanian, rarely Serbian. In a complement to legislation, Zeljko Raznatovic Arkan, a notorious Serbian warlord accused of human rights violations, established a Humanitarian fund called “Third Child” in the mid 1990s.<sup>13</sup> The aim of the fund was to promote an increase in Serbian fertility by providing humanitarian assistance to Serbian families with three children.

The Draft Law on Serbia’s Population Policy also provided for an added solidarity tax on childless citizens older than 30 years of age on the grounds that they too must pay their debt to the nation, investing economically in its reproduction (Milic 1993). The proposal met with widespread public disapproval among women. In June 1990, in its first public action, feminist group Belgrade Women’s Lobby collected over 2,000 signatures against the Resolution and Draft Law and the Serbian Parliament consequently

removed, at least for the time being, these legislative initiatives from its agenda (Cetkovic 1998, 7). Thus, this assault on women's rights was successfully prevented, but others soon followed.

The continuous pro-natalist assault on reproductive rights of Serbian women was manifest in the passing of a more restrictive abortion law in 1995 that removed social reasons for abortion from legislation. The new law allowed free termination of pregnancy until the tenth week only (previously termination was allowed through the twelfth week). The law provided for only three exceptions: health of the mother, health of the child, and pregnancy as the result of a criminal act (Law on the Procedure for Terminating Pregnancy in a Health Institution of the Republic of Serbia, *Official Gazette of the Republic of Serbia 16/95*).

The Serbian Parliament had previously passed an act removing abortion from the list of partially covered interventions under the public health insurance system. Under the new regulation, abortion was among the three medical services that were to be paid in full by the patients - the other two being recovery from alcohol poisoning and plastic surgery intervention (Cetkovic 1998, 104). According to Marina Blagojevic, traditional and inadequate birth control is to blame for the unusually high rate of abortions in Serbia and Montenegro as compared with the rest of Europe. In 1989, there were 2.14 abortions to one birth in Central Serbia, while every tenth woman in the "fertile contingent" had an abortion that year. A number of research projects have shown that women, when it comes to abortion, do not differ across educational, occupational or other relevant social categories. The women who prevent pregnancy with abortion actually accept this birth control model as normal. Most women who use abortion as birth control are married and relatively young (20-39) (Blagojevic 1998). However, the problem of the high abortion rate is somewhat eased by its qualitative characteristics. In all parts of Serbia, most

abortions were legally induced (96%), and were carried out in the early stages of pregnancy (95% before the 10<sup>th</sup> week). This practice has reduced considerably the dangers of serious health risks and maternal mortality that frequently accompany abortions (Petrovic and Rasevic 1995 in Blagojevic 1998.)

In general, the number of abortions in Serbia has been on a steady decline for years. For instance, the number of induced terminations of pregnancy in Belgrade has fallen from 45,968 in 1983 to 14,356 in 1997, even as the number of births has fallen at a much slower pace: 21,686 in 1983 to 15,139 in 1997 to 13,912 in 1999 (*Vreme*, 25 March 2000, 22). Complementing these coercive pro-natalist with 'incentive-based pro-natalist policies' (Heitlinger 1991, 352), Serbian legislation provided women with one year fully paid maternity leave - the longest in Europe.

### **Authoritarianism and the restriction of reproductive rights**

The threat to reproductive rights arising from state efforts to combat low Serbian fertility has taken place under an authoritarian regime that has increasingly constricted the space for democratic protest. This political situation is the third element of the socio-political context that has shaped Serbian population policy. The encroachment on reproductive rights only followed the general decrease in democratic practices in Serbia. Serbian citizens have been increasingly deprived of most fundamental rights – to free expression, access to information, free and fair political representation, association, even property and basic compensation.

The stepped-up repression is seen by many as a sign that the regime feels increasingly vulnerable to political defeat, either at the polls or on the streets.<sup>14</sup> Especially since the NATO war (March 24 – June 10, 1999), there has been manifest discontent with Milosevic's policies, which have led to Serbia's political isolation and

economic deprivation, not to mention hundreds of thousands of victims in armed conflicts throughout the former Yugoslavia. Since the NATO air campaign, opinion polls have shown a steady decline in support for the authorities and strengthening of the support for opposition.<sup>15</sup> The government's response to popular dissatisfaction has been further attempts to silence those who organize or speak out.

The Serbian government's poor human rights record worsened significantly in 1999 and the crackdown against its critics has intensified dramatically since the end of the NATO air campaign.<sup>16</sup> Especially hard hit are opposition parties, the independent media, the student movement, non-governmental organizations, and civic activists in Serbia. There have been a number of deaths and attacks on government critics that have remained unresolved because the government failed to conduct effective investigations.<sup>17</sup> The most notable of these deaths occurred on April 11, 1999, when Slavko Curuvija, a prominent journalist openly critical of the Serbian authorities, was shot dead in front of his Belgrade home. On October 3, 1999, four high officials of the leading opposition party, the Serbian Renewal Movement, died in a highly suspicious car accident (Human Rights Watch 2000b). These and many other cases have not been resolved and the government shows no intent of pursuing those responsible.

The government severely restricted freedom of speech and of the press and used police intimidation and economic pressure to exercise tight control over the independent press and media (US Department of State 1999). Journalists have been convicted on a variety of charges and fined or given prison sentences for their writing and broadcasting. There have been numerous instances of the arbitrary application of Serbia's draconian Law on Public Information, resulting in a severe crackdown against independent media. Fines have been used to financially cripple the media and deter public criticism of the government's policies. For example, on December 23, 1999, a magistrate in Vranje, a

town in the south of Serbia, fined *Vranjske* magazine 1,000,000 dinars (US \$26,000) because it published a report by the Serbian Helsinki Committee for Human Rights about repression of ethnic Albanians in Serbia's southern municipalities (Human Rights Watch 2000b).

In the most drastic media crackdown to date, Serbian police broke into the premises of the Belgrade independent TV and radio station Studio B on May 17, 2000, seized the equipment and prevented further broadcasting, without any warrant presented to the station's staff. According to the Belgrade Center for Human Rights, this had an immediate effect on the transmission of Radio Index and Radio B2-92, the only two remaining independent radio stations in Belgrade.<sup>18</sup> Some 10,000 protesters rallied in the capital, but the protest was dispersed by hundreds of Serbian riot police, injuring dozens of citizens.<sup>19</sup>

Criminal and misdemeanor proceedings have been initiated against opposition politicians and ordinary citizens who have publicly or even privately criticized the authorities. In one case, Biserka Apic from Sremska Mitrovica was convicted of defamation of the Yugoslav president Slobodan Milosevic on May 26, 1999, and sentenced to four months imprisonment (Human Rights Watch 2000b).

The campaign of violence and harassment has been accompanied by use of hostile language by government officials and the state-controlled media, including insults and threats against the political opposition and independent journalists. Serbian Prime Minister Mirko Marjanovic accused the opposition parties of being "mercenaries in foreign pay who serve the continued aggression against our country," (Human Rights Watch 2000b) while Minister of Telecommunications Ivan Markovic compared the opposition with 1930 Nazi squads (Human Rights Watch 2000b). Serbian Deputy Prime Minister Vojislav Seselj has commented: "We took care of the universities, we pretty

much took care of the media, we shall also take care of the judiciary; step by step, we shall put Serbia in order” (*Glas javnosti*, March 1, 1999 in Helsinki Committee for Human Rights in Serbia 1999).

Civil society’s pockets of resistance – most notably the non-governmental organizations, independent media and some segments within the academic community – are weak and marginalized. With the regime’s increasing assaults on civil society, the space for any meaningful civic opposition to the ruling power is more than limited. The civic community itself remains fragmented and disempowered.

The most outspoken feminist umbrella group, the Belgrade Women’s Lobby, submitted 12 initiatives for constitutional amendments improving the status of women and standing against their discrimination. None of these amendments were adopted by the Serbian Parliament. The Lobby also submitted a series of amendments to the Draft Law on Residency. The Serbian Parliament failed to ratify them, as the authorized signatories came from the parties in opposition. Another important demand by the Lobby was for a criminal law to incriminate marital rape. The proposed amendment removed the words – 'outside of marriage' - from the Article incriminating the crime of rape, and was presented to the Parliament by a representative from a small opposition party. Most Parliament members openly laughed at the opposition representative, and the amendment was not adopted. The Lobby approached a number of political parties, civic initiatives and movements with their Minimal Program of Women’s Demands, asking political organizations to include women’s needs and demands into their programs and statutory acts. Only the small Civic Alliance of Serbia responded favorably to this initiative (Cetkovic 1998).

In conclusion, the attack on reproductive rights in Serbia must be analyzed within the socio-political context of contemporary Serbia, an isolated state that is exerting

repression against its citizens for the sake of perpetuation of the current balance of power. With the regime stepping up oppression in all realms of life, it is unlikely that a weak civil society will have significant success in changing the current gender paradigm, characterized by encroachment on reproductive rights and individual choices of women and men. Serbia at the dawn of the 21st century is a frightened and autistic society, one that lives with a constant feeling of injustice and victimization. With the increasing radicalization of society, it is not unfathomable that some of the current political rhetoric will actually be turned into policy – cementing another brick into the hard wall of authoritarianism Serbia represents today.

### **The Case of Croatia**

In several respects population policy development in Croatia has mirrored that of Serbia. As in Serbia, an alarmist discourse concerning national survival and a low fertility rate contributed to the creation of a repressive reproductive rights discourse in Croatia. The two nations have differed in one important dimension, however, and this helps to explain why violations of reproductive rights in Croatia have been less acute than in Serbia. In Serbia an authoritarian regime has persisted across time and increasingly placed a stranglehold on democratic resistance. In Croatia, by contrast, a process of political liberalization has taken place recently, one that has opened up space for feminist groups to check state action.

#### **Nationalism and the development of a Croatian pro-natalist population policy**

The Croatian regime that held power through the first decade of independence based its legitimacy on nationalism. It used a perceived threat to national survival

emerging from warfare and low fertility rates to promote a pro-natalist population policy that threatened the reproductive rights of its citizens.

The first Croatian multi-party elections in 1990 brought victory to the Croatian Democratic Union (CDU), a party that originated as a nationalist movement. The party garnered support from people of diverse ideological backgrounds, including former communists and nationalists from the wider Croatian Diaspora. Its leader and the first Croatian President Franjo Tudjman adopted the role of 'father of the Nation.' He was the first person to preside over an independent Croatian state, created in 1991 in the context of disintegration of the Socialist Federal Republic of Yugoslavia.

As in Serbia, the move from a communist to a nationalist social paradigm led to a shift in discourse surrounding appropriate roles for women in society. A new nationalist iconography of mother as war victim, symbolizing the suffering homeland, replaced the socialist image of women as workers with formal equality to men. Nationalist rhetoric and its legal and social practice turned women into tools of a collective political project, serving the need for nation building and reproduction (Kesic 1995).

A demographic and political imperative also prompted a change toward a focus on women's reproductive rights: Croatian leaders claimed that population decline jeopardized the survival of the nation. President Tudjman linked depopulation with the anti-Croatian politics of its historical rulers, in particular the Yugoslav state, remarking:

The worst and most damaging result of the dominance over the Croatian people by the unnatural communist system and the anti-Croatian Yugoslav state is Croatia's alarming demographic picture! The way it looks this threatens the Croatian people with extinction, unless we do something about it by taking determined action. (Tudjman 1994, quoted in RCMDR 1997, 7)

Tudjman's warning was not entirely groundless. In Croatia, the last year the total fertility rate was at replacement level was 1967 (Weltheimer-Baletic 1996, 70), and is currently around 1.6 (Council of Europe 1999d, 145). In the period 1991-95 Croatia

experienced negative population growth for the first time (around  $-0.50$  per thousand) a function of both a rise in mortality and drop in birth levels. In addition the age of first birth for women has been increasing over time and now stands at 27.9 (Wertheimer-Baletic 1997). Croatian demographers have identified a number of trends that have contributed to a population problem. These including successive waves of emigration, and decreases in the fertility rate caused by social changes such as the entrance of women into the workforce and urbanization (Wertheimer-Baletic 1997; Zupanov, 1997; Friganovic 1997; Nejasmic 1997).

Also contributing to changes in policy discourse and practice were shifts in the geopolitical circumstances the Croatian regime had to face. Over its first five years, the Croatian regime and citizens grappled with wars both on its territory – widely perceived as a matter of aggression by Serbia backed by the Yugoslav Army - and in neighboring Bosnia-Herzegovina – where Croatia itself was an aggressor along with Serbia. During these years pro-natalist policy was advocated in its most explicit neo-patriarchal and nationalist form, serving the purpose of overall national mobilization and ideological realignment.

First signs of a discourse that threatened reproductive rights emerged 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 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 a flood of metaphors in public speeches, patriotic songs and the media that identified women with their biological reproductive function and that the regime used to glorify Croatian ethnicity (Kesic 1994).

It was in this environment of depopulation fears, warfare, and nationalist alarm that the state first formulated a national population policy. In the spring of 1992 Tudjman called for a national effort to reconstruct Croatian society and state (Kesic 1994 11). In May of that year, a ministry of renewal was set up that included a department of demographic renewal. Don Ante Bakovic, a pro-natalist ideologue and former priest notorious for his anti-Serbian and anti-Muslim statements, became deputy minister and department head. Soon thereafter a public document, 'the Concept of Demographic Renewal' was published. It proposed measures included additional taxes for unmarried people, the reduction of the number of child care centers, the withdrawal of women workers with children from factories, introduction of a paid honorable profession entitled 'Mother Child-Raiser,' and the beginning of state efforts to coordinate with pro-natalist social movements. The document did not explicitly call for the criminalization of abortion, but it did advocate the elimination of "all illusions originating from the time of communism" as part of a struggle against an "anti-life mentality" (Kesic 1994, 11).

The document was attacked internationally as nationalist, fascist and patriarchal. It drew international attention when Zagreb feminist activists notified a sympathetic feminist radio station in Switzerland of the document's existence. Negative reactions also appeared in the national independent media. This national and international pressure had impact: thereafter the government embarrassed itself by contradictory statements and denials of the document's existence. In 1993 the department of demographic renewal and its programs were eliminated, and Bakovic lost his state position.

Around the same time, the Catholic Church took initiative to influence national legislation. In May of 1992, Cardinal Kuharic sent a letter to the Croatian parliament, requesting a ban on abortion and birth control. These efforts, too, provoked negative public reaction, and the Church withdrew and never again advocated its position so

publicly (Kesic 1994; interview with Belic 2000). These events mark the end of the first attempt to institutionalize pro-natalist policy in the country. Negative public reactions, organized feminist resistance, and the state's fear of international disapproval doomed this approach.

### **The Croatian state adopts a modified population strategy**

From then onwards, the regime adapted a less overtly nationalistic strategy concerning population policy, utilizing hard demographic data and a developmentalist discourse in its public articulations. Behind the scenes, however, it offered support to right wing, pro-life fundamentalists who provoked public debate on these issues. The government gave resources to a group founded by Bakovic, the Croatian Population Movement. A Privatization Fund from the government enabled Bakovic's organization to take ownership of a printing shop (B.a.B.e. 1997), and in 1999, the Government Office for Citizens' Associations granted the organization 150,000 DEM for its activities. A symbolic connection between the organization and the regime was the appearance of the organization's key propaganda emblem – a Croatian coat of arms filled with photos of children, among whom are three boys wearing army uniforms and five girls wearing traditional costumes. This emblem appeared on the front page of the Parliament newsletter concerning a 1996 session during which a National Demographic Development Program was passed.

In 1993 this organization began publishing a semi-monthly newspaper *Narod* (the People) that advocated an ethnically pure Croatian state, male leadership in society and Catholic values of family organization and life from conception. The journal was filled with ethnic slurs directed particularly toward Muslims and Serbs, harsh criticism of human rights groups and feminists, demonization of abortion, reinforcement of traditional

values, anti-ecumenism and glorification of President Tudjman. An excerpt from an article entitled “Silent De-Croatization of the Rijeka and Istria Region” is typical of the magazine's content. Bakovic is quoted as saying:

...It is clear...that the 30% of Croatian women who got married and did not marry Croats [instead] married Serbs, Muslims, Montenegrins, Macedonians and Albanians. The contention that Croatian women do not give birth, therefore, is valid. They give birth, but only 70% of them give birth to Croats...Therefore, 90% of Serbs and Muslims in the Rijeka region are married to Croatian women and they (Croatian women) prolong their species.

He continues:

In Rijeka hospital, 90% of the women are Croats, but only 60% of newborn babies are Croats ...many non-Croats were given Croatian citizenship certificates, which they do not deserve, by any means. They have not accepted Croatia as their own homeland, they live in it as foreign bodies, and they want to create a state within the state, culture within culture, civilization within civilization (Bakovic 1995, 3).

In late 1995, with the prospect of an end to warfare in Croatia and Bosnia-Herzegovina, and in line with a 1994 public address to the nation by President Tudjman that focused heavily on demographic renewal, the government began to prepare a national population policy document. This was carried out under the auspices of the Ministry of Development. The Ministry convened a working group of 18 demographers, lawyers, economists and priests, only five of whom were women and none of whom represented women's rights groups. The need for national revival was apparently shared across political parties, as the National Demographic Development Program was passed unanimously by the Croatian Parliament in 1996. While they eventually voted for the program, only three members of parliament – two women from the opposition (a social democrat and a social liberal) and a Serbian minority representative - expressed concerns about infringement of women's and minority rights (SRH 1996).

There were four major components of the program: (1) interventions to encourage repatriation of ethnic Croats living in surrounding countries and other parts of the world; (2) efforts to achieve a more balanced distribution of the population across Croatian

territory; (3) measures to create a 'positive spiritual climate' with a focus on 'public respect of life...from conception to natural death' (RCMDR 1997, 39); and (4) pro-natalist financial and tax incentives for families (RCMDR 1997, 39). Quick passage of the bill, lack of serious debate and insufficient consultation of women's groups and minority representatives resulted in a document that opened the door for potential abuse of reproductive and minority rights. In particular there were two problematic dimensions to the Program's content: a bias against ethnic minorities and potential restrictions on the availability of abortion.

Croatian minorities were encompassed by the national demographic revival but were mentioned in the Program only in passing as 'other citizens of Croatia' (RCMDR 1996, 7). Immigration of other Balkan peoples was to be controlled by strict quotas, and there would be a "rejection of any dual citizenship arrangements with Serbia" (RCMDR 1996, 36). The Program was designed in the months following the military operation *Storm* (August 1995), when the Croatian army took over Serbian controlled territories of Croatia, triggering the exodus of the majority of the local Serbian population. The Program aimed to repopulate those areas and Croatian border zones with ethnic Croats from Serbia and the Croatian Diaspora. Also, the Program outlined a particular role for Bosnian Croats, as the Croatian regime hoped to secure a Croatian presence in neighboring parts of Bosnia-Herzegovina. Thus, the value of groups of ethnic Croats was measured in part by their capacity to bring about control over new territory for the Croatian state. It was clear that one of the core aims of the Program was to make Croatia more Croatian.

Aside from this issue, the Program represented a potential opening for a gradual clampdown on abortion. One of the cornerstones of the program was the 'creation of a positive spiritual climate,' with strong anti-abortion undertones. This was in line with

President Tudjman's vision of demographic revitalization. In a 1994 presidential address he stated that the number of abortions should be reduced by means of "elimination of material obstacles to child-raising" as well as by means of "intensified counseling of parents and spouses with the intention of accepting and stimulating the protection of the unborn child" (*Izvjescje* 1994, 109).

These and other statements of policy priority were accompanied by deterioration in the environment for certain reproductive health services, particularly abortion care. As of 1990 both abortion and contraceptives were taken off a list of subsidized health services, with the exception of only one oral contraceptive. The number of legal abortions decreased between 1990 and 1997 from 41 to 19 per 1000 women (B.a.B.e. 1998 Table 27; Magdic 1999, 71, Table 7), while the percentage of abortions with complications more than doubled (8.6% in 1990 to 19.2% in 1996) (B.a.B.e. 1998, Table 27).

### **Social resistance in Croatia to state population initiatives**

These state proclamations were not left unchallenged by social groups. 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. Even before the draft was completed, B.a.B.e., a women's rights advocacy organization, together with a dozen Croatian women's groups, collected 20,000 signatures against legal restrictions on abortion. The draft law never reached the Parliament (B.a.B.e. 1995), likely a result of this social pressure and the fact that Minister of Health Hebrang, a physician and one of the Croatian Democratic Union leaders perceived as moderate, may have intentionally slowed down and complicated preparation of the new law.

Two year later, the ruling party 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. An opposition woman Member of Parliament alerted B.a.B.e. of the move, and the organization made the people aware of the initiative. The law was never even discussed in Parliament (B.a.B.e. 1997).

Another example of social intervention came in response to a series of positive pro-natalist incentives. The 1996 Labor Law contained a special chapter entitled "Protection of Maternity" that specified a wide range of rights to employed mothers. These included mandatory maternity leave during the first six months of the child's life for the mother and an optional six months of additional leave that could be used by mother or father. Parents with more than three or disabled children were given additional rights to paid leave. The Law also introduced protection of pregnant women against firing and a paid breast-feeding break of two hours daily (B.a.B.e. 2000). However, in the 1997 state budget no resources were allocated for full payment of the second six months of the promised maternity leave to employed women. All that was dispensed was a monthly amount of 1540 Kn (US\$ 220). Thus many women received two to three times less money than guaranteed by law. Through protests by B.a.B.e. and pressure by the women's section of a trade union, a compromise was reached with the government for women to receive their average salaries, with an upper limit of 2500 Kn (US\$ 350) (B.a.B.e 1997).

Another controversial pronatalist move was the attempt to professionalize motherhood. The 1996 labor law delineated special rights for mothers with four or more children, seeking to provide them with professional status, salary, pension, disability insurance and health insurance. On the grounds that it did not apply to men, B.a.B.e. filed a complaint in court, viewing the law as a dangerous move to stimulate the exit of

women from the labor force. Lack of resources meant that the law served rhetorical purposes only, as no tangible support was ever actually provided to mothers.

Again and again Croatian feminist groups intervened on decisive occasions in public policy decisions affecting reproductive rights. They impeded implementation of a 1992 program on demographic renewal. They blocked Church initiatives to push restrictive legislation in Parliament. They prevented the enactment of restrictive abortion laws in 1995. They did the same again in 1997. Also in that year they pushed the state to fund maternity leave payments to women, as guaranteed by law.

The power of feminist groups is a function both of their strong organizational capacities and the recently liberalized political system in which they have operated. They have set up monitoring teams on the status of women in the media, on violence against women and on violations of women's rights. They built partnerships with women politicians in opposition parties. And they are establishing tighter links with regional counterparts and building a common system of monitoring and lobbying for women's human rights in Southeastern Europe. A senior B.a.B.e. official reports that her organization plans to continue to lobby for reproductive rights in order to ensure that harm is avoided should conservative Government come into power in the future.<sup>20</sup>

The democratic political system with multi-party elections has afforded these groups the space to organize and protest state actions. The most recent development in this regard were new elections. On January 3, 2000, a month following the death of President Tudjman, Croatia held free elections for parliament, and the ruling party was cast out of office for the first time since Croatia gained independence in 1991. Prime Minister Racan formed a new government of the Six Party Coalition, led by social democrats and social liberals. On February 7 a second round of presidential elections was held, and a leader in this same opposition, Stipe Mesic, secured the presidency. As a

result of the change in regime, pro-natalist population measures have been put on hold. The new government's working program for the period 2000-2004 mentions demographic issues only briefly, stating that "since the pro-natalist population policy has not in itself yielded desired results," the emphasis will be put on the socioeconomic development, particularly in depopulated areas, immigration and re-distribution of the population. Hence, a long-term opportunity arises for the re-conceptualization of population policy in line with respect for the reproductive rights of all Croatian citizens.

### **Conclusion: Protecting Reproductive Rights in Low Fertility Settings**

Since the breakup of the Federal Republic of Yugoslavia, powerful state and social actors in Serbia and Croatia have promoted a discourse and advocated measures designed to push women to have more children. The ruling Socialist Party of Serbia published an alarmist document in 1992 warning of the potential "physical disappearance [of the nation] as a consequence of a decrease in the number of births." Six years later the Serbian Minister of Family Issues urged the state to find means to increase fertility among Serbs and to lower fertility among Albanians in the country. In 1995 a Serbian Orthodox Christian patriarch warned of "an epidemic...which threatens to exterminate the descendants of Saint Sava." In the same year the state imposed additional restrictions on abortions. In Croatia, in a 1994 national address President Tudjman proclaimed that, "Croatia's alarming demographic picture...threatens the Croatian people with extinction, unless we do something about it by taking determined action." In 1992 and again in 1996 the Croatian regime publicly promoted national measures that restricted reproductive rights. In making these calls, Serbian and Croatian political and social elites have laid a disturbing claim to the reproductive capacities of female citizens in the nations they rule.

What created such problematic reproductive rights environments in these two nations? At heart were perceptions by Serbian and Croatian elites that national survival was at stake and that preserving national power required reversing population decline. A series of difficult sociopolitical circumstances fed these perceptions. First, after the collapse of the Federal Republic of Yugoslavia, the dominant social paradigm in Serbia and Croatia shifted from a socialist philosophy, nominally committed to the emancipation of women, to a nationalist ideology that held no such pretensions and that opened up the political and social space for state attempts to appropriate women's bodies. Second, low fertility rates among Serbs in Serbia and Croats in Croatia frightened leaders and convinced them that without active intervention their nations might wither away. Contributing to this perception in Serbia were the high fertility rates among other ethnic groups, particularly Albanians and Muslims, that created the possibility of Serbs becoming a minority in their 'own' nation. Third, elites of both nations viewed their geopolitical environments as dangerous, and population growth as essential to the preservation of national power and the creation of a bulwark against perceived external enemies. And fourth, authoritarian political structures in Serbia and Croatia constricted the space for democratic checks on reproductive rights violations.

Yet reproductive rights violations were not as serious in Croatia as in Serbia. What explains this difference? While the Croatian political system retained authoritarian features, particularly under Tudjman, in Croatia unlike in Serbia a meaningful level of democratic practices eventually emerged. For instance, multi-party elections have been relatively free and fair in Croatia, and resulted in a change of government in 2000. Freedom of speech and the press are now protected in Croatia, while in Serbia dissent is trampled on consistently and decisively. In Croatia, social groups have been relatively free to assemble and take their concerns to Parliament. In Serbia, organized social protest

immediately carries the danger of arrest. Within this relatively democratic environment in Croatia, feminist groups have been at liberty to organize. B.a.B.e. and other feminist groups have monitored the demographic initiatives of the Croatian state, and their interventions have forced the government to back off on the most restrictive legislation. By contrast, Serbian feminists, constricted by the narrow social space for political protest, have been unable to block state measures to restrict reproductive rights.<sup>21</sup>

Aside from these differences in political systems and social organization, an additional factor has contributed to the creation of a harsher reproductive rights environment in Serbia than in Croatia. The degree of alarm among elites concerning the geopolitical environment - and therefore the motivation to strengthen the nation through population growth - has been markedly higher in Serbia than in Croatia. Serbia has become an international pariah, a result of its promotion of warfare in the region and its attack on its own ethnic minorities. Its leaders have taken action that has isolated the state internationally and that has led to a domestic perception of victimization and a perceived need for resilience in the face of international threats. In Croatia, such alarmist sentiment, originally present, diminished considerably once the nation secured its borders. Increasingly elites have sought to build a reputation for Croatia as a responsible and reliable country, worthy of full acceptance in the community of European nations.

This comparative analysis of Serbia and Croatia highlights the fact that a nation's reproductive rights situation is shaped heavily by sociopolitical context. The political structure, the weakness of civil society, the geopolitical environment, the demographic situation and the dominant ideological paradigm all contributed to the creation of repressive reproductive rights environments in both countries. Positive shifts in Croatia on several of these dimensions, and an increasingly unhealthy sociopolitical environment in Serbia, help explain why the reproductive rights gap between the two nations is

widening. We do not mean to imply that there is a deterministic causal relationship between democracy and the health of a country's reproductive rights environment, for this would exclude the possibility that social action, even in less democratic contexts, can enhance reproductive rights conditions. However, there is a strong association between the two, and scholars and program evaluators cannot ignore sociopolitical context if they hope to disentangle the factors shaping reproductive rights and prospects in low and high fertility settings. Differences in political, social, demographic and geopolitical settings will translate into differences in environments and in appropriate intervention strategies.

The final point we emphasize is that the preservation of reproductive rights is an issue not just for the high fertility countries that were the focus of the 1994 International Conference on Population and Development at Cairo. It is also an issue for the low fertility settings of Europe, North America, East Asia and Latin America. European governments in particular are concerned about declining populations and have intervened to hasten population growth. Not all their initiatives have been objectionable. Many measures have enabled women and men to maintain job security and to devote time to childcare without compromising their means of earning a living or restricting their reproductive choices.<sup>22</sup> Other measures, however, have infringed upon the reproductive rights of individuals. The forces of nationalism and declining population levels will continue to prod governments in low fertility nations to stake claims to the reproductive capacities of their female citizens. Social groups need to monitor state action in order to check abuses of power in this realm. The reproductive rights cause must be extended to low fertility nations.

### **Postscript**

In October 2000, Serbia went through a dramatic political transition, one that promises to offer empirical ground for examining the contention of this paper that socio-political contexts have marked influence on reproductive rights environments. Slobodan Milosevic, hoping to sustain power, had the Constitution revised in July 2000 to enable him to call early elections in September. He misread the polls, however, and, as defeat appeared all but certain, had the vote count manipulated to deny opposition presidential candidate Vojislav Kostunica victory. For many people in Serbia this turned out to be too much. They took to the streets and in a matter of hours brought down a regime that had been in power for more than a decade.

In this more democratic environment the future of reproductive rights in Serbia is brighter, if not certain. On the one hand there are neo-conservative, traditionalist and nationalist elements in Serbian society vilifying Milosevic's regime, not for waging ethnic wars, but for bringing shame and territorial loss to the Serbian nation and for making the Serbs undeserved villains in the eyes of the international community. At the same time there is a reawakened civil society, new space for public dialogue and the possibility of a transformed relationship between the state and the people. It is this re-invigorated public sphere that offers hope that citizens can keep in check any state attempt to encroach on reproductive rights. Moreover, the new government is itself unlikely to put at risk recently forged international friendships by pushing a nationalist project that would involve harsh pro-natalist policies. Equally importantly, it would be

difficult to sell a nationalist program to a population that still has fresh memories of the previous regime.

In its first six months the Kostunica government has paid little explicit attention to reproductive rights concerns, no doubt because the regime is overwhelmed with managing the dozens of issues that arise from the complex legacy of the Milosevic era. However, some of the long-standing lone supporters of women's rights and reproductive freedoms now occupy high positions in the new government and may have direct access to decision-making in this domain. In this respect, there are encouraging signs that the new government will be open to women's voices and to providing space for citizen input on reproductive issues.

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## Notes

<sup>1</sup> A few exceptions exist. See King (1998) on France, Hamilton (1995) on Canada, Heng and Devan (1992) on Singapore, Yuval-Davis (1989) on Israel, Maroney (1992) on Quebec, Jenson and Sineau (1995) on France, Offen (1991) on France, Heitlinger (1991) on a variety of states in Europe, North America and Oceania, and Keyzers (1999) on Europe as a whole. As King has pointed out, those that have explored these dynamics have come to divergent conclusions concerning the impact of such policy on issues concerning women's equity. Studies that have focused on the relationship between nationalist ideologies and pro-natalism have been uniformly critical of such policies. However, those that have taken a different tack - approaching the connection in terms of welfare state expansion - have been more mixed in their assessments. Some scholars argue, for instance, that pro-natalist policy promotes women's equity by leading to greater state support for childcare and work leave benefits.

<sup>2</sup> See for instance Dixon-Mueller (1993), Greenhalgh (1992, 1993, 1994), Jain and Bruce (1994), Sen and Snow (1994), Germain and Ordway (1989), Hartmann (1995), Jain (1989), Petchesky (1995), Petcheksy and Judd (1998), Cook and Fathalla (1996), Lane (1994), Cohen and Richards (1994) and Sen (1999).

<sup>3</sup> The table below illustrates population growth rates in the region across time.

	1980	1990	1993	1994	1996	1997
Yugoslavia (total)		5.4	3.20	3.16	2.5	1.94
Croatia	4.0	0.7	-0.6	-0.2	0.7	0.8
Serbia (total)		5.3	2.96	2.93		1.70
Central Serbia		1.2	-0.21	-0.16	-1.4	-1.71
Kosovo and Metohija		23.6	17.76	17.38	17.5	16.06

Sources: For Yugoslavia, Serbia, Central Serbia, and Kosovo and Metohija: Federal Institute for Statistics, 1995 and 1998; For Croatia: Croatian Bureau for Statistics

<sup>4</sup> The two nations also have a long history of conflict with one another.

<sup>5</sup> Regime type, ethnic structure and state capacity are among the factors these scholars have identified. See, for instance Jason Finkle (1972), who compared the performance of the Indian and Pakistani family planning programs in the 1960s, and Donald Warwick (1982), who compared the implementation of eight population programs in developing world settings. V.A. Pai Panandiker and P.K. Umashankar (1994) argue that the considerable variance in implementation effectiveness of the Indian family planning program at the state level has its roots in the country's federal structure and the realities of electoral politics, both of which circumscribe the capacity of the central government to impose its will on local governments. Omari H. Kokole (1994) maintains that ethnic rivalries preclude the effective implementation of population policies in many African states. Effective policy is particularly difficult in dual ethnic states, where demographic strength is critical in the competition for resources. John Caldwell (1973) notes how political instability has precluded the development of effective population programs in Africa. Ruth Simmons, George Simmons, B.D. Misra and Ali Ashraf (1975) argue that the organizational capacity of governments and political commitment must be considered when designing family planning programs, factors that have been ignored by many analysts. The low level of success of many programs may be attributed to the lack of such capacity. Emphasizing that family planning programs do not operate in a vacuum, Ruth Simmons and George Simmons (1987) develop the idea of the 'resources sector' of a family planning program. They define this as, "the agencies, organizations and individuals with which the program must interact to reach the client population, or to mobilize legitimacy and resources for program operations." George Simmons and Robert Lapham (1987), in the concluding chapter to the most comprehensive work on family planning program effectiveness published to date, suggest a similar research agenda. They conclude that there are many keys to program effectiveness, including a favorable environment, a strong demand for contraception and a supportive political leadership. However, the most crucial factor, they believe, is the design and implementation of the program itself, emphasizing the importance of internal over external factors.

<sup>6</sup> See for instance USAID (1999); Chee, House and Lewis (1999); Sadasivam (1999); Shannon (1999); *Integration* Summer 1999 special issue on the Hague forum; Cohen (1999); Hardee et al. (1999); Correa and Piola (1999); Potts and Walsh (1999); Belouali and Guedira (1998); Correa, Piola and Arilha (1998); Palmer (1998); Sai (1997); Sadik (1996); and Finkle and McIntosh (1996).

<sup>7</sup> The ease with which the ruling elites communicated the ideas of ethnic nationalism and mobilized support for their exclusionist ethnic projects largely arrives from a collectively shared memory of ethnic grievance held by a significant portion of the population. Although the communist regime did its best to cleanse the past of the new socialist Yugoslavia from belligerent retrospection, the narratives of ethnic injustices among the Serbs, Croats, Bosnian Muslims, and Kosovo Albanians were still a lively part of the collective consciousness. It is this delay in carrying out a serious analysis of the painful past that has created room for manipulation and exaggeration by the new, nationalist regimes of the 1990s. Retaliation for what had been done in the past, and a perceived fear of a renewal of genocide, were certainly important elements in mobilizing popular support for nationalist projects.

<sup>8</sup> One manifestation of women's increasing confinement to the private sphere in Serbia was in the level of political representation. After the first multi-party elections in Serbia held in 1990, the proportion of women in the Serbian Parliament fell from around 20% to 1.6% (*Vreme*, 29 April 1991, 29) and has remained low since.

<sup>9</sup> The problem of low fertility is referred to in Serbia as 'the white plague.'

<sup>10</sup> Indicative of this alarm, Dr. Rada Trajkovic, then member of the presidency of a local Kosovo Serb organization *Postojbina* in 1992 declared that, "For every Serbian soldier dead in battle in Slovenia, Serbian mothers must bear 100 more soldiers" (*Vreme*, 6 January 1992).

<sup>11</sup> Initiatives to restrict women's reproductive rights immediately followed the first armed conflicts in Slovenia and Croatia in 1991, according to Zorica Mrsevic, senior consultant at the Institute for Social Sciences and lecturer in reproductive rights at the Center for Gender Studies in Belgrade (interview on January 8, 2000).

<sup>12</sup> For an account of Kosovo demographic disparity and migrations of Serbs from Kosovo, see Marina Blagojevic (2000).

<sup>13</sup> Zeljko Raznatovic was leader of the paramilitary formation "The Tigers," and accused by the International War Crimes Tribunal in The Hague of some of the most atrocious war crimes committed in Croatia and Bosnia. He died after being shot in the lobby of a Belgrade hotel in January 2000.

<sup>14</sup> See Helsinki Committee for Human Rights in Serbia (1999, 2).

<sup>15</sup> A public opinion poll released in April 2000 by the Belgrade-based Center for Political Research and Public Opinion indicates that the people of Serbia believe that Serbia and Montenegro are being led in the wrong direction. The survey showed that two thirds of the population are not satisfied with Yugoslav President Slobodan Milosevic. Only nineteen per cent of respondents expressed satisfaction with Milosevic's policies. More than seventy per cent of respondents said they were not satisfied with the Serbian government (*Blic*, 14 April, 2000).

<sup>16</sup> See Human Rights Watch, *Curtailling Political Dissent: Serbia's Campaign of Violence and Harassment against Government Critics*, available from <http://www.hrw.org/reports/2000/serbia>.

<sup>17</sup> See US Department of State, *Report on Human Rights in Serbia in 1999*, available from [http://www.state.gov/www/global/human\\_rights/1999\\_hrp\\_report/serbiamo.html](http://www.state.gov/www/global/human_rights/1999_hrp_report/serbiamo.html).

<sup>18</sup> Statement by the Belgrade Center for Human Rights, May 17, 2000.

<sup>19</sup> See FreeB92 News Bulletin, May 19, 2000, available from <http://www.b92.net/archive/e/index.phtml?Y=2000&M=05&D=19>.

<sup>20</sup> Interview with Martina Belic, March 11, 2000.

<sup>21</sup> There appear to be no pre-existing differences across Serbian and Croatian women's groups that would help to explain the diverging reproductive rights outcomes across the two nations. Autonomous women's organizations entered the public scene in the former Yugoslavia in the late 1970s. In effect, women's and feminist organizations were the very first alternative groups to be formed in the communist Yugoslavia. One of the first groups, Woman and Society (*Zena i društvo*) was established in Zagreb, bringing together professional women and academics to examine the particularities of gender inequalities in socialist Yugoslavia and discuss Western feminist trends. (Devic 1997). A similar group with the same name was formed soon thereafter in Belgrade in 1978. The differences between the groups were minor - Belgrade feminists nourished a more interactive, non-hierarchical organizational culture from the very beginning - in comparison to the intensity of intellectual exchanges between Croatian, Serbian, and Slovenian feminists (Vuskovic, Trivunac 1998).

<sup>22</sup> It is ironic that measures designed to promote fertility may have potentially positive effects on social choices for women. Many such measures are taken in the name of reinforcing traditional gender roles: to emphasize the reproductive role of women and to ensure their ongoing devotion to childcare and motherhood. Yet some actually result in opening the door for women to enter the labor force and to achieve economic independence. Feminist scholars have mixed views on the effects of such pro-natalist initiatives on women's rights, noting both restrictive and facilitative dimensions to these policies, and pointing to policy context as critical in determining whether such initiatives actually enhance choices for

women (Heitlinger 1991). In Croatia, a lack of resources and a clear intention to reinforce traditional gender roles meant that these measures failed to serve a facilitative purpose.