

Expectations from EU membership in relation to gender equality legislation and policies

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Estonia, like all candidate countries committed themselves to the UN Beijing Plan for Action in 1995, have ratified CEDAW and other major international human rights instruments. The principles of gender equality (equality before the law or non-discrimination on grounds of sex) appear in the basic legislation in all countries. On the formal level there is no discrimination against women by constitutional law. On the other hand, however, there are no constitutional provisions containing special measures for fostering equality between women and men.

In 2002, the Joint Programme of the Open Society Foundation-Romania and the Network Women's Programme of the Open Society Institute prepared a report on the experience of candidate countries and the challenges of EU accession in the field of Equal Opportunities for women and men.

The report does not measure only the level of implementation of concrete obligations for the adoption of the *acquis* by the governments of the candidate countries, but also the candidate countries' capacity to comply with their commitments and the level of understanding of the need for equal opportunities for women and men.

The fact that in most accession countries until very recently there were no explicit legal provisions and mechanisms on equal pay and equal treatment shows how this topic was underestimated six-seven years ago.

The overall assessment is that EU accession has had a positive impact on raising standards on gender equality in the accession countries. The process has influenced mainly the legislation in the field of employment, especially as concerns equal pay and access to employment, the establishment of gender equality institutions and special legislation in Lithuania and Romania. The shift of the burden of proof in countries like the Czech Republic is a clear positive result of the accession. The influence is visible in the adoption of the parental leave provisions in some countries like Romania, as well as in the removal of some discriminatory protective measures for women.

As in most candidate countries there are no laws containing special measures for gender mainstreaming or for fostering affirmative actions, EU accession plays still an important role in advancing legal and institutional frameworks for us. Among the candidate countries, a separate law for gender equality – Law on equal opportunities between women and men – is present only in Lithuania, where it was passed in 1998 and Romania in 2002. Some other countries (Bulgaria, Hungary,) have a draft law, or a corresponding law is being drafted.

Key difficulties hindering progress

Although under the past regime there was no legal discrimination, for example concerning work or education, real equality was neither culturally accepted nor even discussed. When official communist ideology was lifted up, the vacuum was quickly replaced by traditional patriarchal values that came into power soon after the change of the regime.

The views that consider women's primary roles as of mothers and wives were widely accepted in all economic and social sectors, but most influentially by those in positions of high public visibility – political parties and the media that play a major role in shaping public mentality and socially acceptable values. Such attitudes were very common during the first years of independence.

During the transition the issue of gender equality during the transition for the first time received governments' attention in the mid 90 in the process of preparation for, participation in and follow-up to the 4th World Conference on Women in Beijing.

The prevailing **public opinion** in the region was and continues to be there that equality between women and men has already been achieved and there is no gender-based discrimination as such. The resistance towards equality issues is also partly due to the gender-neutral or **gender-blind culture** of the public administration and politics, which hides the structural inequalities, such as the vertically and horizontally segregated labour markets, the wage gaps, the imbalances in sharing domestic work.

A common weakness in all the countries in accession is the **low level of implementation even of the legislation**, which is formally in compliance with the EU acquis. The same concern is valid for the new legislation adopted during the pre-accession process. This low implementation capacity is due to weak and under-resourced institutions, lack of awareness about social rights and standards, gender equality, and to the absence of case law on gender litigation.

Gender equality **is not only** a question of adopting and implementing the EU legislation, as it was in the beginning of negotiations. It needs administrative capacity, human and financial resources.

All candidate countries have **established departments**, bureaus or focal points mostly in the ministries dealing with labour and social security issues, but in many cases gender equality issues. In some countries interdepartmental committees have been established to co-ordinate gender equality issues between the government, the parliament and NGOs. There are more and more active Round Tables of women parliamentarians.

An ombudsperson or a similar institution have been set up in some countries.

However, given that people in charge of equality issues are overloaded with work and inter-organizational committees lack competence in gender issues the national machineries still exercise limited influence within the executive branch of government and do not necessarily have their own budgets.

Very few gender specialists are available to conduct impartial gender analysis or gender impact assessment.

Despite this these bodies' initiatives have been taken to start work on **gender mainstreaming** in every candidate country to fulfill the requirements of Treaty.

The concept of gender mainstreaming is widely known and accepted among civil servants responsible for gender issues. The real challenge is to "translate" it into action. Implementation requires resources, the capacity building of institutions, knowledge, resources, evaluation and monitoring and a very strong political will.

Co-operation between the Member States of the European Union and the accession countries in the field of gender equality has lasted for many years and, I think has been very **successful**.

For example, the **Nordic-Baltic program** for cooperation on gender equality has been built upon a dialogue between the Nordic countries, North West Russia and the Baltic countries. At the same time it has not been only a one-way track – democratization of Baltic countries and use of experiences from the Nordic countries. Working towards common aims the expertise, innovative thinking of "beneficiaries" has been used for building up different strategies.

We hope that the enlargement of EU **will bring along many positive changes** in different fields of gender equality.

There will be many new possibilities for interaction and co-operation for new member countries after the enlargement.

Let me outline my thoughts about expectations on the way forward:

Experience of action at Community level has shown that promoting gender equality in practice calls for a combination of measures and, in particular, of **legislation and practical action** designed to reinforce each other.

We hope that **educational opportunities** will become increasingly available for the population of new member states. This includes participation in different gender equality seminars and training events as equal members of the EU and the possibility take gender studies courses on university level in a member state of their own choice.

A broad **networking** effort would be particularly important for gender mainstreaming: cooperation with legislators, lawyers, non-governmental organizations and consideration of the views of women experts are needed at the legislative and executive government levels in new member countries.

Since experience with the principle of gender mainstreaming is not yet very extensive, **best practices** should be taken into account as well as women experts trained and placed in the corresponding institutions of our countries.

New problems are already right in front of us and will soon be our common problems: violence against women in all its forms, trafficking in women and girls, sex-industry in our countries.

Let me sum up now some more expectations -

1. Reducing the language barriers in two sense : access to the political documents in our languages for everybody and finding common interpretations for gender-terminology particularly. (And more time to read and understand!)
2. Better implementation of legislation and improved level of legal literacy - awareness of the citizens about their rights, more appropriate training for judges' and lawyers'.
3. Increased involvement in different relevant networks
4. Better co-operation between policy-makers and researchers.
5. Easier access to the best practices and expertise of other countries
- 6.. Moral support for democratization of our societies, for creating civil society