

In some CEE countries the institutions of Ombudsperson dealing with complains of discrimination on the ground of sex were established (Croatia, Estonia, Lithuania), in Slovenia a Guardian institution (entirely different institution), in Romania there is a Department for protection of family, children and women within the Ombudsperson office.

## COMMENTS

Relatively new in the CEE region institutions dealing with gender discrimination complaints (usually in the form of ombudsperson) accompany the anti-discrimination law which has been introduced as an impact of EU standards.

## FINAL CONCLUSIONS

As in many other regions of the world, women activists in CEE/CIS region are concerned with the current global political situation and the rise of militarism and different types of fundamentalism serving as a pretext for neglecting women's human rights. Efforts to achieve gender equality and to introduce a women's human rights perspective need to be carried out in synergy: at international (UN and EU) and national levels.

The growing influence of conservative forces has already resulted in visible consequences. The support to the women's human rights approach is put under question and the women's human rights movement receive much less financial support.

There is a strong need for further strengthening of NM with a clear mandate on gender equality, since despite the progress in the gender equality legislation, most of these provisions are still only on paper and women in the region are not aware how they can benefit from this legislation and execute their rights. Further, there is a strong need to support the women's movement in the region which has been always playing very important role in advancing women's equality, ensuring the continuity of women's human rights approach and monitoring the implementation of the governmental commitments.

## RECOMMENDATIONS

### To governments:

Secure competent and gender sensitive human resources and adequate financial means provided as a separate line in national budgets for national machineries.

Provide national machineries with stronger legal basis in order to guarantee them sustainability, clear mandate for **gender** equality, as well as position at highest level within the government.

Develop or strengthen the mechanism for implementation of gender equality laws and the system enabling women to execute their rights.

Improve gender-desegregated statistics including collecting and publishing of data and develop relevant indicators concerning e.g. reproductive rights, violence against women, economic activity.

### To governments and CSW:

Allocate sufficient financial resources supporting women's NGOs, especially watch dog networks and organizations working on national and international level in order to secure mainstreaming of women's rights perspective into all spheres of life. The process of Women's Funds establishment/development in CEE/CIS countries should be encouraged and supported as well.

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# Institutional Mechanisms for Gender Equality

## Despite a formal progress – still very weak

## IMPACT OF THE POLITICAL SITUATION

After the 4<sup>th</sup> World Conference on Women in Beijing, all CEE/CIS governments made a commitment to establish national machineries (NM) with their respective mandates, resources, National Plans of Actions associated legislative changes, etc. in order to ensure applying gender mainstreaming approach in all 12 areas of concern from Platform for Action. The process of establishing NM has been different in each respective country.

The European Union (EU) accession process provided the dominant political context during the last few years in Czech Rep., Estonia, Hungary, Latvia, Lithuania, Poland, Slovenia and Slovakia which became EU members in 2004, as well as in the acceding/candidate states (Bulgaria, Croatia, Romania) and those which intend to apply for membership in the near future. This process has had a strong impact on the position, structure and significance of the institutional mechanisms for gender equal status and has positively reinforced the implementation of the national plans of actions, as well as raised gender awareness. Its (positive) impact on the actual situation of women, however, has been less evident.

## Impact of EU accession

*National Machinery tries to promote European Union standards while talking about gender equality. There is no impact so far. (NGO from Bosnia and Herzegovina)*

*The EU accession did help to establish the Gender Equality Law and the new offices, as part of European standards. Women's NGOs promote EU gender equality standards successfully all the time and Government does not dare to reject it. (NGO from Croatia)*

*Gender equality and its promotion have emerged as a new essential social and political condition due to EU accession. (NGO from Latvia)*

*An initiative to reestablish the NM in Serbia is direct result of the first steps towards EU integration. (NGO from Serbia and Montenegro)*

*In fact, EU accession gave and is giving "moral" support, in other words it represents certain pressure and arguments for further NM existence and work. It did not impact NM structures directly. (Expert from Slovakia)*

*The existence of the NM has been stabilized through the process of rationalizing the public administration. (Expert from Slovenia)*

In the CIS and those Eastern and South East European countries which are not applying for EU membership in the near future the governments advanced the national machineries mainly thanks to the UN human rights mechanisms which in new democracies are very important tools for NGOs. These instruments include ratified documents like CEDAW as well as final documents of human rights conferences, especially Beijing Platform for Action and the review process afterwards.

Although in almost all the countries of CEE and CIS the national machineries have been established and have been playing increasingly important role, and further the scope of their activities is better defined and the cooperation with women's NGOs is increasingly frequent, the latter are very concerned that the progress has been too slow and too inconsistent to counteract negative economic and social trends and to have a substantive impact on the real situation of women. Further women's activists are very concerned about inadequate resources and insufficient competence of NM to influence policy and to review legislation. Hence NGOs recommend that the governments secure competent and gender sensitive human resources and adequate financial means for NM.

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In all the countries institutional mechanisms have objectively proven that they are indispensable for the advancement of women. In the light of the fact that conservative forces are gaining increasing power, the continuity of NM is still threatened. The national machineries are not sustainable and extremely vulnerable to political changes. Therefore women's NGOs believe that NM ought to be strengthened by providing it with stronger legal basis, the mandate to formulate the government gender policy and the authority to initiate legislative action. NM must be placed at highest level within the government and have clear mandate for **gender equality**.

Finally, it is important to consider the numerous similarities related to the common background, historic, cultural and institutional legacy of CEE/CIS countries. At the same time there are also substantial differences between them. The latter become particularly evident in the degree to which particular governments respect their international commitments (e.g. PFA, CEDAW, EU directives). The progress in implementation of democratic mechanisms is most visible in Slovenia, where the government treats their international obligations with due seriousness. Unfortunately the situation is very different in the majority of other CEE countries.

## NATIONAL MACHINERIES TEN YEARS AFTER BEIJING

### FACTS

#### Location in the government

The national structures to deal with women's advancement most often are placed as departments/offices/councils in the ministry of labor and social affairs (Armenia, Bulgaria Czech Republic, FYR Macedonia, Moldova, Romania, Russian Federation, Serbia and Montenegro, Slovakia), ministry of health, family or welfare (Latvia, Ukraine) and under the prime minister or in its office (Albania, Croatia, Georgia, Poland, Slovenia - under government secretary-general, Tajikistan, Uzbekistan). In another group of countries there are national commissions/committees under the President (Kazakhstan, Kyrgyzstan). Only in Azerbaijan there is a structure equivalent to ministry. In Turkmenistan there is a NGO Women's Union, which conducts the state gender equality policy.

#### Advisory/consultative bodies in NM

Very recently in some countries the intergovernmental bodies for gender equality with the advisory/consultative functions were established (Albania, Armenia, Azerbaijan, Bulgaria, Czech Republic, Lithuania, Turkmenistan). They include representatives of the trade unions, national statistical institutions and women's NGOs. In some countries the latter have not a very well defined role. The functioning of these bodies depends strongly on the gender focal points in the different ministries, their mandate and place, as well as their professionalism and gender sensitivity.

#### National machinery for women or for gender equality

There is already a visible trend to rename NM from "women's", "women's and family" to "gender equality", "equal opportunities", "gender", "equal status of women and men" institutions. It is the "gender equality" which is most often used in the names of NM (Belarus - the National Council on Gender Equality, Croatia - Governmental Office on Gender Equality, Estonia - Department of Gender Equality, Georgia - Commission on Gender Equality, Latvia - Gender Equality Unit and National Gender Equality Unit, FYR Macedonia - Unit of promotion of Gender Equality, Moldova - Governmental Commission for Gender Equality, Serbia and Montenegro - Gender Equality Office, Tajikistan - Department on Gender Equality Issues). The second most frequent phrase used in the name of NM's is "equal opportunities" (Albania - Committee for Equal Opportunities, Bulgaria - Equal Opportunities for Women and Men Sector and Consultative Commission for Equal Opportunities, Czech Rep - the Governmental Council for Equal Opportunities for Women and Men, Hungary - Minister of Equal Opportunities without portfolio, Russian Federation - Commission on Equal Opportunities for Women and Men, Romania - National Agency for Equal Opportunities /in process of establishing/, Slovakia - Desk for Equal Opportunities and Antidiscrimination, Slovenia - Office for Equal Opportunities).

### COMMENTS

Such renaming the NM to "gender equality" institutions has to be seen as positive change since it indicates a shift from the previous model of dealing with women issues in the context of family to the promotion of equal status of women and men in the society. The change of the name into equal opportunities when a gender is not mentioned might not be so beneficial for women. Women activists are concerned that such name is too broad and poses a risk that issue of women's equal opportunities may become marginalized in an institution of such name. Further, this name is very often related only to equal opportunities in the labour market and not to the other spheres of the life. Another serious concern is that "equality" includes many other forms of discrimination beside gender. This combined with "equality" bodies being undersourced may lead to gender inequalities not being adequately addressed.

## NGOs about the capacity of National Machineries

*In practice the gender sector (within NM) is under staffed. The current staff has medium level of professional skills. (Gender adviser from Kosovo)*

*Primarily due to women's NGOs activities national machinery has been initiated and implemented. Some of the bodies are still in the process of finding the right place and space for activities. We now have all the machinery. Political will and funding is questionable. (NGO from Croatia)*

*As the legal provision for NM existence is not based on the separate law of the parliament, the NM is still vulnerable to political changes. Most likely in the coming election in 2005 the right wing parties (including a nationalist party strongly linked to Catholic Church) will win and therefore there is a serious threat that the NM will be abolished or that scope of its activities will be limited to activities associated with (patriarchal) family issues. (NGO from Poland)*

## LEGISLATION – DE JURE AND DE FACTO

### FACTS

#### Gender equality legislation and anti-discrimination provisions

There is a visible trend to adopt gender equality legislation in most of the CEE countries and as far as CIS countries are concerned it is the case of Kazakhstan and Azerbaijan. In some countries an Equal Opportunity Law was adopted (Croatia, Lithuania, Slovenia), in few others it is being prepared (FYR Macedonia, Moldova). The gender equality legislations focus mainly on eliminating of discrimination on the labour market. Some of them include provisions stipulating quota system for balanced participation of women and men in governmental bodies, official representation or decision making bodies in State enterprises.

In some countries the provisions against the discrimination on grounds of sex have been included into the anti-discrimination legislation (Bulgaria, Romania, Slovakia). In other countries they are in a process of preparation/adoption (Czech Republic, Serbia and Montenegro).

#### Impact of the quota systems on the participation of women in the parliaments

The average percentage of women MPs in the CEE/CIS countries is 13.64.

The positive measures in the election legislation - quota for women in the political parties' elections lists:

30% - FYR Macedonia and Kosovo;

40% - Slovenia in its "specific" law concerning the elections for the European Parliament in 2004.

As the results of these measures:

30% women in Kosovo Parliament;

18.3% women in Macedonian Parliament (compared to 4% in the previous one);

42.8% women as members of European Parliament from Slovenia.

### COMMENTS

Despite the progress in introducing legal provisions against discrimination and adopting or developing of gender equality acts, there are still no legal guarantees for the existence of national machineries and/or for their status and position in the government. The only positive exemptions are Croatia, Lithuania and Slovenia. The gender equality legislation, even if adopted and put in force, in almost all the countries is far from being effectively implemented in practice. This is especially true for those laws that address all forms of discrimination in general, because they introduce a new concept which is not yet well understood.

## GENDER EQUALITY POLICY BY OTHER STATE BODIES

### FACTS

Equal opportunity parliamentary commissions were established in few countries (Croatia, Czech Republic, Kazakhstan - a Parliamentary Group for Gender Equality, Latvia - Parliamentary Sub-committee on Gender Equality, Serbia and Montenegro - Committee on Family Affairs, Health, Social and Ecology Protection in Parliament, Slovakia - Commission for Equal Opportunities and Status of Women, Tajikistan). In some countries women MPs set up forums for cooperation (FRY Macedonia - Women's Parliamentary Caucus for empowerment of women deputies, Poland - Parliamentary Group of Women working for the advancement of women).