

**GENDER EQUALITY IN THE EU –
TWO YEARS AFTER ACCESSION OF NEW MEMBER STATES
UNIFEM Consultation
April 22, Bratislava, Slovak Republic**

CONCLUDING STATEMENT

The United Nations Development Fund for Women (UNIFEM), Regional Office for Central and Eastern Europe (CEE) convened on April 21-22, 2006 a consultative meeting to assess the *de facto* situation of gender equality in the new Member States from CEE two years after they joined the EU on May 1, 2004. Participants at the consultation represented national gender equality institutional mechanisms, EU integration offices and non-governmental organizations from new Member States, acceding, candidate and potential candidate countries. The meeting was opened by Ambassador Irene Feudenschuss-Reichl, Director of Austrian Development Cooperation, and was also attended by representatives from the European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities, European Parliament, Committee on Women's Rights and Gender Equality, European Women's Lobby as well as the other UN agencies. Following their deliberations, participants at the meeting worked to elaborate the following statement of their conclusions and recommendations:

Recognizing the obligations of the European Union and its Member States to comply with international human rights standards on gender equality, particularly under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) as well as legal obligations to ensure equality between women and men in the EU as defined in the *acquis communautaire* and other fundamental documents of the European Union;

Acknowledging that accession and integration in the EU harbours the potential to serve as a catalyst for increase in momentum to advance the gender equality agenda in countries striving for membership, but also concurrently to raise greater attention to gender issues within the EU;

Participants gathered at this meeting from new Member States, candidate countries as well as countries striving for EU membership have identified common priorities and concerns regarding the status of gender equality, which call for serious attention and action both by the European Union and by national governments, at various levels:

1. Whereas accession processes have served to promote action to achieve gender equality and women's rights in the new Member States; since their accession to the Union in 2004, some countries have seen growing **stagnation and loss of momentum, and in some instances, backlash**. A stark example is the demoting of the gender equality national mechanism in Poland, accompanied by a shift in policy direction that threatens to erode women's rights. The rise

seen in many countries of conservative, nationalist, or religious forces undermines the hard-won gains of feminists and women's organizations.

2. Recognizing that EU and national legislation is continuously evolving, the group notes their concern that the strong focus of EU directives related predominantly to gender equality on labour market issues, leaves **other areas that are fundamental to achieving gender equality insufficiently addressed and uncovered by legally binding instruments.**
3. In relation to EU guiding legislation, concern is raised that gender equality increasingly is getting lost in general anti-discrimination legislation. The **dilution of gender equality objectives** through increased application of equal opportunities or equal treatment concepts and terminology is of concern. Over-emphasis on gender mainstreaming as opposed to targeted actions and measures benefiting women, is also deserving of attention.
4. The absence of a formally agreed upon definition of multiple discrimination as well as inconsistencies between legislation dealing with discrimination on the grounds of sex and legislation dealing with other forms of discrimination translates into a situation whereby there is **no legal means to tackle discrimination of women from disadvantaged groups** on several grounds.
5. In all new Member States as well as countries in the process of accession, gender equality laws and policy frameworks that were adopted are inadequately enforced. **Poor implementation** is directly related to lack of awareness of the laws and how to implement them by both duty bearers and rights holders. Poor implementation is also symptomatic of deeply ingrained negative attitudes and stereotypes, which cannot be uprooted through legislation alone.
6. Advancement of gender equality cannot be achieved in EU isolation but must also be strongly linked to commitments for support to attaining these same objectives in all countries aspiring to join the EU, as well as countries beyond the borders of Europe. The new EU financial instruments, now being developed, in particular the Instrument for Pre-Accession Assistance (IPA), the European Neighborhood and Partnership Instrument (ENPI) and the Stability Instrument (SI), **fail to adequately reflect the EU commitment to the promotion of gender equality.**
7. Gender equality mechanisms at national local levels, in new Member States, as well as in acceding countries, candidate countries and countries aspiring for EU entry, **suffer from significant gaps in capacity.** Such mechanisms furthermore lack stability and independence, as seen in terms of their precarious location within government, inadequate staffing, unclear mandates, and insufficient resources to carry out their work.

8. Women's hope that progress towards accession, and even more so, entry to the EU would be accompanied by increase in resources and other investments towards advancing gender equality work has not been fulfilled. **EU funding mechanisms are complex and difficult to access by civil society organizations.** Smaller organizations, which often carry out some of the most important work at the grassroots level, are a particular disadvantage.

Participants agree that the following recommended concrete actions and measures could meaningfully contribute to addressing the concerns identified above:

- a) **INVEST IN ADVANCEMENT OF ENFORCEMENT OF LEGISLATION:** Encourage the enactment of new laws and regulations for the advancement of women where appropriate and ensure that new legislation contains clear enforcement mechanisms and is tailored to the national context. Following adoption of laws and policy frameworks to protect women's rights, national governments must ensure their effective enforcement through intensive capacity building at all levels targeting all bodies responsible for implementation, drawing on the expertise of women's organizations. Awareness-raising about the law and women's rights is necessary for parties responsible for implementation, as well as for society at large, and particularly for women as rights holders. Progress in enforcement must be systematically monitored with governmental and EU support, in close cooperation with expert advocacy groups in civil society.
- b) **ADDRESS WATERING DOWN OF GENDER IN EU TERMINOLOGY:** An expert review and analysis of EU equal opportunity language and concepts and the manner in which they are transposed in new Member States and countries pursuing accession is urgently needed, in order to shed light on the implications of the use or misuse of terms that marginalize gender equality. The experts would be additionally tasked with providing recommendations for follow up.
- c) **CIVIL SOCIETY – THE INDISPENSIBLE PILLAR:** Action to advance gender equality in all countries continues to rely on knowledge, experience and advocacy by feminists and NGOs committed to this cause. Women's NGOs require support in overcoming differences and engaging in collective action on specific issues related to EU accession and integration that are of common interest and concern to them all. Recognizing that regional networking is taking place on many issues, support is nevertheless needed for networking about EU-related issues and joint advocacy on specific concerns related to accession with governments and at the EU level. Priority issues already identified at this meeting include funding and monitoring the finalizing and implementation of the new EU financial aid instruments.
- d) **THE EU COMMITMENT TO GENDER EQUALITY SHOULD BE FULLY REFLECTED IN RESOURCE ALLOCATIONS:** Funding mechanisms, both in terms of support for civil society in new Member States, and as they will be

translated under the new financial aid instruments for countries outside the EU (IPA, ENPI, and SI) need to be reexamined to ensure adequate support for gender equality work in and outside the EU. Ways to provide financial support to smaller NGOs who lack the resources to fulfill the matching funds requirements in the EU funding framework should be sought, particularly in light of the reduction in and very plausible phasing-out of non-EU donor support to CEE and accession countries. Moreover, to ensure that the principles of gender equality that the EU has endorsed internally are reflected in its external policy, the new financial aid instruments should be modified to adequately incorporate gender considerations on the basis of consultations with women's groups.

- e) **SUPPORT GOVERNMENTAL MECHANISMS THAT WORK; ADVOCATE FOR CHANGE WHERE THEY DON'T WORK:** The experience with governmental gender equality mechanisms in new Member States, in acceding countries, in candidate countries and in countries aspiring for EU membership ranges from encouraging or hopeful, to unacceptable. Mechanisms that show promise deserve recognition and visibility for their accomplishments, as well as support for their further strengthening. Equally, there is a need to monitor and advocate for change with governments that have set up mechanisms that fail to deliver. Actions in support of the above include: an expert assessment of status of gender equality mechanisms in new Member States and countries on the road to EU accession; support for systematic networking among gender institutional mechanisms, at both central and local levels, to facilitate exchange of experience. Such an undertaking must be designed in consultation with experts and NGOs, so as to ensure that it is a meaningful exercise aiming at qualitative results that are not influenced by politics.
- f) **ADDRESSING MULTIPLE DISCRIMINATION AGAINST WOMEN:** Special measures to improve the situation and reduce multiple forms of discrimination faced by women from vulnerable groups, such as ethnic minorities, elderly women and women with disabilities, should be undertaken and monitored, particularly considering the governments' commitments under CEDAW and various national plans and policies for gender equality, social inclusion, and others. For example, under the Decade of Roma Inclusion 2005-2015, nine countries in the region including new Member States and countries on the road to accession, have agreed on priority areas for accelerating social inclusion and improving the economic and social status of Roma. Measures undertaken by governments under the Decade for Roma Inclusion should include targeted actions to tackle the multiple discrimination and the particular disadvantages faced by Roma women. There is a need to monitor the implementation of these measures with respect to Roma women's rights as well as the extent to which gender is incorporated in other national strategies or policies on Roma.

UNIFEM is encouraged to initiate dialogue with the European Commission regarding response and cooperation with the EC to advance implementation of actions proposed here, including the possibility for UNIFEM to play a role in facilitating easier access

by NGOs in new Member States and accession countries to EU funds, as well as exchange of experience and knowledge between women in new Member States, acceding countries, candidate countries and countries aspiring for EU membership also, in guiding implementation of some of the actions, including the expert group assessments.

This document and the **recommended concrete actions and measures it entails** should be circulated and considered more widely, including, upon its establishment, with the EU Gender Institute. Opportunities should also be explored for strategic cooperation with the European Women's Lobby.