Gender and Governance in Central and Eastern Europe

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This paper addresses the fifth point in the workshop outline – the role and function of European multi-level governance on the forms of democracy – by examining public, bureaucratic and elite responses to the EU gender equality norm across 10 Central and East European countries. The study of national responses to the gender *acquis* (Chapter 13 of the *acquis communautaire* – appendix 1) is interesting as it concerns a norm that was ideologically and, in some measure in practice, addressed in all former socialist states. Thus, there is an element of norm continuity in employment policy revealed in this study, along with policy continuity (equal pay, equal treatment, maternity provisions) and policy change - the latter relating to the extension of gender equality and anti-discrimination provisions to other aspects of employment (such as sexual harassment, part-time work, assisting spouses) and to the new social security provisions enacted as part of the accession process. What becomes quickly apparent in the paper is that the formal adoption of the gender *acquis* does not readily translate into policy implementation, and this in turn illuminates the underlying patriarchal assumptions that lay behind communism and that have been carried through into the democratisation process. The paper suggests that while formal adoption of gender-related anti-discrimination policies and thus formal recognition of the norm of gender equality was relatively unproblematic for the accession countries, the subsequent implementation of these policies exposed ambiguities with regard to the legitimacy of gender equality as a norm among national elites, bureaucrats and the public. The level of government and bureaucratic openness to institutionalising gender equality in policy and thereby its acceptance in normative terms provides at least one level of explanation for the varied responses to the gender *acquis* across Central and Eastern Europe. The paper also suggests that the robustness of civil society and the interest and capacity within civil society, and in particular within the women’s community, to engage with decision-making elites presents a second dimension to the institutionalisation of a gender equality norm in CEE governance. The nature of the accession negotiations, essentially bureaucratic and driven by the EU, plays its part in influencing the gender agenda, but this becomes a ‘lighter touch’ once the accession process is complete. The fourth conditioning factor in gaining some acceptance of a gender equality norm among governing elites and public is the debating of gender issues as part of the
democratisation process – countries such as Poland and Slovenia with experience of a longer democratisation process in modern times are more likely to indicate a measure of public and elite awareness of the EU gender acquis than countries with more recent democratisation paths.

**Methodology and paper structure**

This paper is drawn from a study of gender equality in ten Central and East European countries as these countries progressed towards membership of the European Union. Comprising an analysis of one dimension of research focusing on the implementation of the equality acquis, the paper utilises information and interpretations of over 100 in-depth interviews with elected representatives, policymakers, senior trade unionists and women’s NGOs, supplemented by content analysis of parliamentary debates, government reports, and academic literature in each country. As the research programme is carried out by multi-disciplinary country teams, a qualitative methodology predominates.

The paper examines attitudes and responses to the EU’s gender equality requirements across the 10 accession countries: first, among the public in general, second, among bureaucrats and third, among decision-making elites including elected representatives, the judiciary, employers and trade unions. It then discusses the relationship between governments and women’s activists, which is a key factor in shaping the responsiveness of political elites to gender equality and is also a sensitive measure of the democratic inclusiveness of these societies. The paper concludes with comparative observations on the impact of top-down EU governance on the deepening of democratic norms – in this instance gender equality – in the accession states. Before embarking on this analysis, we first consider the small, yet lively, literature in the field.

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2 For brevity, the term ‘accession states’ will be used throughout this paper as a short-hand reference to
Literature

The study of gender and European enlargement has given rise to a new and flourishing literature critically examining the gender-awareness of the accession process. These critiques focus in the main on the role of the EU in promoting women’s rights and gender equality in the prospective member states, raise concerns about the EU’s perspective on gender equality being driven by employment and labour market requirements and note a concomitant interpretation of equality between women and men as entitlement-based rather than one of citizenship rights (Steinhilber 2002, Einhorn 2003). Indeed, many scholars observe a similarity between the employment-driven gender policy of the EU and that of former soviet states (Greenberg 2003, Choluj and Neusuess 2004, Hašková 2004), leading Eberhardt (2004) to the observation that patriarchal norms and values are at the root of both socialist and EU gender policies. Others reflect on the absence of women from national negotiating teams, and argue that women’s exclusion from political power in accession states militates against the adoption and implementation of gender mainstreaming as a strategy for fostering and achieving gender equality (Preece 2002). Watson (2000) queries whether EU gender policies, based on a Western analysis of a public-private sphere divide, can be successfully transposed to the accession countries, and argues, along with Duffy (2000: 222) that under communism women did not necessarily feel excluded or politically less equal than men, and interpreted their lower economic and political situation not as a socially-constructed gender problem, but rather as one of biological-based difference. Watson (2000: 381) warns that

pressing home a woman-compared-with-man agenda which essentialises sexual difference, in a situation where the political identify of women in the old democracies and in countries in transition – despite similarities in the sexual division of labour – is so clearly not the same, risks not only ineffectiveness, but a loss of EU credibility in its eastward move.

Most of the literature on EU enlargement and gender concerns, then, takes the EU as its starting point and examines the implications an extension of gender equality into member states holds for the EU’s gender policy framework and for women in civil society. All commentators note that while gender equality is recognised as a significant objective in EU foundational treaties⁴ and in successive strategies⁵, gender equality has not been an

the eight CEE countries that are now members of the EU and the two countries that will shortly sign accession agreements with the EU – Bulgaria and Romania.

⁴ For example, Treaty of Amsterdam, articles 2, 3 and 13
important consideration of the EU and accession states during the enlargement process. There is also a general view implicit in the literature that the process of European integration involves an unequal relationship between the EU and accession states: the process involves the applicant countries adopting western European economic and democratic norms and standards, and the terms of integration are set by the EU, not an outcome of bargaining among equals (Grabbe 2001). Thus, the accession process is an exercise in top-down policy transposition, with accession states at the ‘receiving end’ of the policy, the acquis communautaire. The recent work of Beveridge (2004) takes a different turn, examining EU gender law and policy from the perspective of the accession countries. In her view, ‘there remains significant shortfalls both in the transposition of law and in the capacity for effective enforcement which remains to be addressed post-accession’ (Beveridge 2004: 16). This paper takes up the discussion from Beveridge (2004), and looks more closely at the national responses to the transposition of the gender acquis across the ten accession states beginning with the attitudes of the public.

**Public attitudes towards EU gender acquis**

The findings of our study show that across the CEE public awareness of the EU gender equality directives is low, and at best citizens are most familiar with equality legislation that resonates with that which existed prior to the 1989 transition, namely equal pay and maternity leave. This lack of knowledge of the gender acquis is not surprising, given the short time period within which accession countries were required to adopt the entire body of EU acquis, providing little scope for negotiating transitional arrangements and no time to debate the issues involved (Grabbe 2001:1017). Any awareness of the EU equality directives, and indeed of gender equality issues more broadly, results from the extent to which the legislation was discussed in the public domain during parliamentary debates on national equal opportunities acts, now in place in eight of the ten states\(^5\) – for instance equal pay

\(^4\) Community Framework Strategy on Gender Equality (2001-2005) and its antecedents

\(^5\) The Czech Republic and Latvia are the only two countries not to have adopted a gender equality act to date. In the other cases, this legislation is quite recent: four states enacted gender anti-discrimination legislation in 2004 (Bulgaria, Estonia, Slovakia and Hungary); three countries adopted equal opportunities legislation in 2002 (Slovenia, Romania and Poland), while Lithuania was first of this group to bring equality legislation to the statute books in 1999. Lithuania’s law was amended in 2002 to permit positive discrimination.
(75/11/EEC) and equal treatment (76/207/EEC) received considerable public attention in Slovakia due to media coverage of the legislative debates on the 2004 Anti-Discrimination Act, the intense debates in the Polish parliament over an extended period of time resulted in public attention to the issue of gender equality, while in Estonia the passage of the 2004 Gender Equality Act provoked significant parliamentary debate that spilled into the public arena.

It is not surprising then, to find that in the majority of our cases, there is generally little public awareness of the gender-based nature of social and economic inequalities. A Romanian study of gender attitudes indicated that almost two-thirds (63 per cent) of respondents believe that women are responsible for carrying out household chores, 70 per cent were of the view that the male role within the family is as financial provider, and only one quarter (26 per cent) thought that men could raise children just as well as women (Open Society Foundation 2000: 5). Despite the highly publicised debates accompanying the introduction of gender equality legislation in Slovakia, most Slovakian women claim not to feel discriminated against, and accept unequal pay as a normal condition of employment (Galikova, 2004).

However, this general finding must be modified in certain instances. In Poland, for example, awareness of gender discrimination in employment has heightened since the opening of accession negotiations. A survey comparing women’s and men’s views on equal opportunities in 1996 and 2000 found an increased awareness of gender discrimination among women: for instance, in 2000 almost three quarters of female respondents (73 percent) believed that they had fewer opportunities in obtaining a job than men, compared with under two-thirds (62 per cent) in 1996. This heightened awareness of the difficulties facing women in the labour market extended to other aspects of employment: women in 2000 were more likely to consider that they faced greater barriers than men in obtaining higher salaries (76 per cent – 60 per cent in 1996), in being promoted to executive positions (72 per cent – 52 per cent in 1996) and in developing a successful professional career (68 per cent – 44 per cent in 1996). The majority of men concurred with these views: in 2000 62 per cent believed that women had fewer employment opportunities than men, 52 per cent thought that women were less likely than men to have a successful professional career and 63 per cent were of the view that
women’s promotional prospects were less than those of men. When asked to explain why women were perceived as being discriminated against in employment matters, the majority of women cited family responsibilities (55 per cent). There was a growing, if lesser, awareness of discrimination in the workplace as being responsible for women’s poorer work-related opportunities: in 1993 this factor was cited by 20 per cent of female respondents; in 1996 it was important to 26 per cent of women (Fuszara 2000).

Longitudinal attitudinal surveys undertaken in the Czech Republic in the period 1991-2002, (such as the European Values Survey), according to Hašková “have shown statistically significant changes in attitudes towards gender roles in the direction of larger acceptance of non-traditional gender roles and a more gender sensitive perception of women’s and men’s positions in society” (Hašková 2004: 7). Public awareness of the right to equal treatment conferred by the gender acquis is also relatively high in Slovenia, if one takes the number of anti-discrimination cases filed as a measure of awareness: – in 2003, forty two cases were taken under various EU equality directives; between 1996 and 2000 eighty eight cases alleging sexual harassment at work were processed. This compares with Hungary, where only four sexual harassment cases have been brought to court between 2001 and 2004, and only three additional cases alleging gender discrimination in employment have been dealt with, all dating from 1992-1997 and citing breach of the general anti-discrimination provisions of the Constitution, and preceding the transposition of the EU acquis (Eberhardt 2004: 39-40).

Women’s NGOs are aware of gender equality concerns in the workplace, but many focus on a broader and more explicitly feminist agenda - violence against women, reproductive health, and related issues. The lesser priority given to workplace and social security equality is partly due to the fact that some of these provisions were covered in pre-89 legislation, thus an urgency to make the provisions of the acquis is not present. In addition, existing stereotypes consider such inequality to be normal or acceptable, and many women’s NGOs do not openly challenge this social view. The most visible Hungarian groups are concerned with human rights and the abuse of women, with very few active on employment and labour market issues. The majority of Hungarian women’s NGOs are active in the cultural sphere, and do not wish, or know how, to influence government policy. Romanian women’s NGOs also have
human rights as a major priority, though they appear more focused on gender-based workplace discriminations than their Hungarian counterparts - key policy concerns include violence against women, equal opportunities, and social security rights. Women's NGOs in Poland and Lithuania have been particularly active in spreading awareness and knowledge of EU equality regulations among the public and decision makers. Slovakian women's NGOs were very active in lobbying for the introduction of the 2004 Anti-Discrimination Act, though specific issues such as workplace equality, maternity leave, equal pay, remain less of a priority. In Latvia, the NGO Coalition on Gender Equality raises awareness of equality in public and decision making bodies and is seeking additional gender-specific legislative reforms.6

Public awareness of the gender acquis is limited, at best, in the majority of our cases, suggesting that the civic culture of CEE countries has not yet institutionalised gender equality as a political norm. Although there appear to be norm shifts in Poland, the Czech Republic, and Slovenia fostered by an awareness of equal opportunities provided for in the acquis, these shifts are not sufficiently substantial to make an impact on the overall public perception of gender roles. The majority of citizens in CEE do not consider gender inequality a problem, equal pay and equal treatment are not widely recognised social goals, and the unequal status of women in the labour market and at home is generally considered an acceptable state of affairs.

**Bureaucratic attitudes towards EU gender acquis**

Grabbe (2001: 1016-1017) observes that accession was managed by an elite team of bureaucrats in each state, where continuity and its associated advantages of acquired and cumulated knowledge of EU processes in the negotiating team of bureaucrats contrasted with the rapid turnover and continual learning curve in relation to EU affairs of political leaders across CEE. In addition, the nature of the accession process was predominantly technocratic, given the huge volume of legislation – 31 Chapters in all – that required an administrative

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6 Party election lists to comprise no more than 70% of one sex, entitlement of non-employed spouses of socially insured persons to maternity benefit, elimination of gender stereotypes in textbooks, additional benefits for lone mothers, and improving the laws on violence against women.
capacity to process and implement. In other words, Grabbe put significant weight on CEE ability to deliver administratively on the third major element of the Copenhagen criteria – “the ability to take on the obligations of membership, including adherence to the aims of political and monetary union” (quoted in Beveridge 2004: 2). It is in this third criterion that gender issues were considered during the accession process (Beveridge 2004: 3-4). Our study examined the responses of bureaucrats to the transposition and implementation of the gender *acquis* in some detail.

Civil servants across CEE lack awareness of gender issues, and are significantly under-informed on gender mainstreaming, the primary policy tool promoted by the EU as a method of raising and addressing the gender dimension in all policy concerns. An Estonian study investigating the level of awareness of gender mainstreaming among state servants found considerable variation in knowledge and commitment to gender issues and gender mainstreaming across the bureaucracy. There was a general perception that the Gender Equality Act was adopted to satisfy EU requirements, but there was scant bureaucratic will to address or promote gender equality concerns (Klefeld, 2004). This pattern of addressing the gender acquis in a legislative manner without the back-up of gender awareness among those responsible for implementing and enforcing the legislation is consistent throughout CEE bureaucracies. In the Czech Republic, for instance, inspectors of employment services – key personnel in enforcing equality provisions – have never been trained in gender equality issues (Pavlík 2004), while gender mainstreaming training for civil servants is complicated by a high turnover rate of participants (Hašková et al 2004). Nonetheless, given the fragile context of bureaucratic gender awareness in the Czech Republic, a core group of public officials charged with implementing and enforcing the equality *acquis* have adopted a pro-active and energetic approach to fulfilling their mandate (Hašková, Kolářová, and Pomahačová 2004). In contrast, Hungarian officials responsible for anti-discrimination and equal opportunities legislation are less committed to breathing life into formal regulations. As in Romania and Slovakia, the concept of ‘equal opportunities’ is understood by bureaucrats as applying to Roma and other minority groups, and not to gender: 2001 preparations on the Hungarian National Development Plan omitted gender equality as an equal opportunities objective, and was inserted only after pressure from a higher ministry (Eberhardt 2004: 46, fn 68). Once
again, the experience of Slovenia is a contrast to the above, with strong equal opportunities programmes led and fostered by well-informed civil servants, and an open commitment by government officials to integrating gender mainstreaming throughout the policy process (Bahovec 2004). Nevertheless, the overall picture is one of relative technocratic competence in transposition of the equality acquis, but a lesser capacity, and indeed a marked reluctance to give practical effect to the equality code.

**Elite decisionmaker attitudes towards EU gender acquis**

**Employers and trade unions**

Employers and trade unions are key actors in the implementation of the EU gender directives, and indeed the directives place a legal obligation on employers to disseminate information on equal treatment in employment in workplace. This requirement is taken seriously in some instances, such as Latvia, where the Confederation of Employers prepared a handbook on the promotion of gender equality within a company. However, membership of the Confederation is dominated by large companies with the legal and other resources to comply with gender regulations: it is more problematic for those working in small business companies to acquire and dissemination information on equal opportunities. In addition, in the context of high unemployment, workers are prepared to sacrifice gender equality opportunities in return for work, even if discriminatory treatment is a feature of such employment (Cimdina 2004). In Slovakia, the government enforcement agency, the National Labour Inspectorate, published a document on women's working conditions and provided information on gender equality laws in the workplace to all employers and human resource departments (Bitusikova 2004). In Hungary and Romania, trade unions have actively promoted the dissemination of equality information among members, provided equality training and supported workplace committees for equal opportunities (Eberhardt 2004; Ghebrea 2004). However, Romanian employers are of the view that equality legislation limits their freedom to decide the best course of economic action, hinders economic development and was implemented for the sole purpose of complying with EU accession requirements.

The extent to which trade unions seek to shape government policy with regard to gender equality varies by country. In Lithuania, gender equality is a peripheral issue for trade unions,
although the Lithuanian Trade Union Women’s Centre seeks to promote awareness of, and take cases, on gender equality in employment. Romanian trade unions address general issues of working conditions, wage benefits and social security matters, without a gender perspective. However, the three major union confederations have equal opportunity departments that offer legal representation to women workers.

Although trade unions flourish in the Czech environment and their extensive European networks make them eminently suitable for enforcing equal treatment policies, the issue of equality is seen as a marginal affair unrelated to other trade union work. The largest trade union, the Czechmoravian Confederation of Trade Unions (CMCTU) founded a women’s committee with donor aid in 1992. However, it remained a formality until 2000, when it began to focus on the enforcement of equality between women and men in the workplace. Although Slovakian trade unions have an effective relationship with government and employers, equality issues are not included in tripartite negotiations. Raising awareness of gender issues in employment is addressed by union and employers associations, but the impact of this work is as yet limited.

Polish trade unions were also judged to be relatively inactive on seeking redress for gender discrimination in employment. Although most unions in Poland have a women’s section, this ancillary organisation is generally quite powerless and gender equality questions are not a major plank in union agendas when negotiating with government. Instead, unions such as Solidarność focus on enabling women to reconcile family and professional responsibilities through advocating extension of maternity leave and lower retiring ages for women, while others such as OPZZ seek the enhancement of infrastructure (e.g. kindergartens) or flexible working time enabling mothers of young children to work. The OPZZ Commission for Women organises training courses in the scope of labour and anti-discrimination law, monitors compliance with these regulations and intervenes in case of their violation. However, many women’s NGO’s are critical of the position unions take on gender equality issues and view union strategies in this regard as contributing to rather than eliminating gender-related discrimination in employment. In Estonia, equal pay was not on the agenda of the two trade union confederations, EAKL (private sector employees) and TALO (public sector employees).
It was not surprising, then, that a recent accession progress report noted that “urgent attention must be paid to completing alignment in the fields of labour and law and equal treatment. In addition, attention must be give to ensuring that the full transposition and implementation of the anti-discrimination acquis, as well as to effectively implementing the acquis in the areas of public health and health and safety at work (European Union Secretariat, 2004:1). The women’s section of the Hungarian Association of Trade Unions (HAUT) has adopted a pro-active approach to informing union members of equal opportunities laws and policies, and has an excellent command of the provisions of gender equality laws. However, as with Estonia, the absence of effective sanctions for those who flout the law makes enforcement, and indeed meaningful implementation, of the gender acquis, difficult for Hungarian unions and the Labour Inspectorate to undertake. And, while the women’s section of the HATU has been actively promoting the incorporation of the principles of equal pay and equal treatment in collective agreements, current Hungarian law does not oblige employers to adopt these agreements (Eberhart 2004: 38).

The picture that emerges across CEE is of limited employer and union acknowledgement of the provisions of the gender acquis and a reluctance to integrate gender discriminatory issues into pay and other negotiations. While individual women’s sections in some countries make valiant efforts to put gender discrimination on the agenda of their unions, their efforts generally fall on stony soil.

Judiciary

The judiciary constitute an additional significant group in enforcing the implementation of the gender equality acquis. In theory, the judiciary should be the best informed about legal changes arising from EU accession. However, our study finds evidence of a considerable disparity in judicial and legal awareness of equal opportunities law. A report by the Open Society Institute on Romania found that “according to the established judicial practice, it does not appear that discrimination or equal opportunities treatment are topics of interest for legal theorists or practitioners” (OSI, 2002). In the Czech Republic, the professional legal community lacks extensive professional experience in gender equality issues, thus making it difficult for them to enforce anti-discrimination legislation. However, in Latvia and Slovakia,
the general legal and judicial knowledge of gender equality laws flowing from EU accession was fostered by specific training programmes and resulted in a greater gender sensitivity among the judiciary, the legal profession, and the police. In Romania, too, few cases of this kind come before the judiciary for adjudication, while the Polish judiciary have considered a wide range of gender discrimination cases, with many, though not all, resulting in judgements favouring the consolidation of women’s employment rights (Zielińska 2004: 22). In Estonia, the judiciary has received systematic training from German colleagues, with implications for the transmission of perspectives on gender equality, for, as the Estonian report notes, “The German understanding of gender equality is very conservative compared with the political culture from the Nordic countries” (Laas 2004: 29). In Estonia, as in Romania, case law on discrimination is scant, with only seven cases brought before the Estonian Supreme Court since 2000, none of which were gender-specific. The Hungarian research makes the important point that there is no tradition of case law, particularly in the area of gender equality, in Hungary, and this raises the problem of how the norms of gender equality can be introduced into the legal system. Nonetheless, although few cases of anti-discrimination have been heard by the courts, judicial findings have thus far favoured the complainant. However, sexual harassment cases produce less favourable outcomes for the complainant, given the absence of a sexual harassment law (Eberhardt 2004: 39-41, fn60). Other countries in our study follow a similar pattern, with few, if any, anti-discrimination or sexual harassment cases taken in Bulgaria, the Czech Republic, Slovakia, Latvia and Lithuania. Explanations for the small number of discrimination lawsuits in these cases include the lack of legal awareness regarding discrimination on the basis of sex, the prospect of losing one’s employment, and the lengthy adjudication process (Czech Republic); absence of awareness of rights and women being unaccustomed to seeking redress for discrimination (Slovakia). However, Poland and Slovenia stand out from the other countries in terms of their gender acquis-related caselaw. In Poland, numerous cases have been before the courts on grounds of discrimination in employment, with a significant proportion applying to gender-based discrimination. Although sexual harassment at work was not recognised as a form of discrimination until 2002, this did not deter a number of complaints of this nature being adjudicated on in the criminal and civil courts prior to 2003 (Zielińska 2002). In Slovenia,
between 1996 and 2000, 80 cases of sexual harassment were reported, and in 2003 42 cases of discrimination against women in employment were filed, indicating an active awareness of rights and anti-discrimination provisions among the female workforce (Bahovec, 2004: 22).

Politicians

Given the limited awareness of key political actors and the general public about equality issues, the key question becomes: ‘what are CEE governments doing – if anything – to promote awareness of the new equality legislation’? At another level, this question addresses the degree to which governments are actively seeking to foster a culture of acceptance of the norm of gender equality. However, aside from the publication of basic information on legislative reforms, the answer across CEE seems to be ‘relatively little’. Five governments (Bulgaria, Hungary, Poland, Romania and Slovakia) do little beyond the bare minimum to raise awareness of the gender acquis, and indeed, in the case of Bulgaria, there is considerable political resistance to raising public consciousness of sex-based discrimination. In the case of Poland, the absence of government-led information campaigns is compensated for by the activities of women’s NGOs, who have provided informed comment on, and promoted awareness of, the equality directives. Estonian and Latvian governments have promoted gender equality, especially as related to the EU directives, through organizing seminars for civil servants and others and producing handbooks on the subject. The impact of such measures has been limited however, with little public interest and only limited political will to integrate gender in the policy process. Governments in Lithuania, the Czech Republic and Slovenia have been involved in more intensive efforts to promote public, specialist, and bureaucratic awareness of the gender acquis through, inter alia, web-portals, seminars, brochures and other forms of dissemination. On the whole, governments appear to be focusing on discrimination generally, including the Roma and those with disabilities, rather than specifically on gender equality issues as raised by the acquis.

Awareness of the EU anti-discrimination measures, and of gender inequality in general, was less pronounced among Polish parliamentarians during discussions on the EU directives, despite gender equality being a politically vibrant issue during debates on the equal status of
women and men in 1994, and on reproductive rights and abortion policies, as well as during legislative consideration of the election law which included a proposal for a gender quota on candidate lists. Instead, the debates in the Sejm in 2001 and 2003 accepted that the proposed gender equality directives were in line with the objectives of the Polish constitution and labour code, and that their implementation was important in combating gender discrimination (Zielińska 2004: 36). Nonetheless, despite the relative ease with which Polish law was brought into conformity with EU requirements, measures to effectively implement these laws are less developed. The former Minister for Labour, Irena Boruta, gave a negative assessment of the awareness and commitment of government and employers to address gender inequalities in the workforce, with little training being provided by government, and little effort at convincing employers to implement anti-discrimination regulations. Thus, while legal compliance was impressive, implementation and enforcement were assessed as lagging significantly (Zielińska 2004: 38). Estonia too, has a implementation problem, caused by “the novelty of ideas about the real equal opportunities of women and men and also by missing knowledge about how to mainstream gender into different policies and areas of life” (Laas 2004: 5). Although the Estonian parliament passed a Gender Equality Act in 2004 supported by an active women’s NGO sector, an early assessment of its effect is bleak: “improvement of gender equality is not implemented, awareness has not increased, and there is no public discussion about gender inequality” (Laas 2004: 42). Hungary’s recently enacted Equal Treatment Act appears to offer a comprehensive package of gender equality reform consistent with EU requirements, including the possibility of class actions being taken against an employer: yet the tightly-controlled consultative process between government and civil society leading to the enactment of this law suggests that there is some distance to go before a consultative culture is the norm in Hungarian legislation-building. In contrast to the above, the Slovene parliament and government seeks to actively promote awareness of gender equality, and women’s legal rights and opportunities through various dissemination activities, the adoption and development of gender mainstreaming in the bureaucracy, wide consultation on a national programme of equal opportunities and enactment of the Equal Opportunities of Women and Men Act, 2002 (Bahovec 2004:19-20).
Government and Women’s NGOs

The nature and extent of cooperation between women’s NGOs and national governments is variable across CEE. There are two general explanations contributing to the configuration of state-civil society relations in this field that also illuminates the stage of democratisation of these states, and the impact of multi-level governance on national political and social cultures and practices. One is the extent to which a national government is open to consulting with civil society on policy issues, and prepared to respond to the analysis of NGOs on particular questions – thus the extent to which governments have moved away from authoritarian models of governance and towards more consultative arrangements is an important consideration. The second significant explanatory factor is the health and robustness of civil society and organised interest representation springing from the public arena. Democratic institutions are relatively new in modern CEE and the process of building an active civil society is at different stages across the region. Both variables impact on the capacity of women’s NGOs to engage with, and influence, governments – and go some way towards explaining the uneven experiences of the exchanges between governments and women’s NGOs.

In addition, the policy issue in question has a bearing on this relationship – in this study we found that governments often sought assistance from women’s NGOs on some gender-related issues, and not on others. For instance, in Slovenia representatives of government and women’s NGOs report good cooperation on the topic of violence against women; however, cooperation is more difficult on the issue of sexual orientation as a basis for workplace discrimination as such a matter has yet to be addressed in the equal opportunities code. Furthermore, women’s NGOs themselves are often unable to agree a common position on certain subjects. In Estonia in 2003, many women’s NGOs sought one year of paid parental leave after childbirth, but were unable to negotiate an agreed view on the subject with all women’s NGOs and with trade unions, undermining the campaign. In Latvia, one women’s group, Marta, initiated a discussion on the need for an umbrella gender equality law; however not all women’s NGOs agreed that it was necessary as most of the needed laws were already implemented.
Furthermore, cooperation between government and women’s NGOs can be affected by party politics. This was aptly demonstrated in Poland by the metamorphosis of the government’s Plenipotentiary for Women (established in 1987) into the Government Plenipotentiary for the Family in 1997 which did not have women in its terms of reference. The person appointed to the office was a male with conservative views on the role of women in society and a publicly declared dislike of homosexuality. His successor, a woman, appointed in 1999, also held traditional views on women’s social role and opposed birth control and sex education in schools. During this time, women’s organisations withdrew from cooperation with the Plenipotentiary and began preparing critical shadow reports in response to those prepared by the Polish government on fulfilling international obligations to women’s rights. In 2002, with the return of a left-leaning government to power, the office was changed to the Plenipotentiary for Equal Opportunity for Women and Men and a feminist activist appointed to the position (Zielińska 2004: 45-46).

Today, Polish women’s NGOs closely cooperate with the Plenipotentiary for the Equal Status of Women and Men in implementing the government’s gender equality programme, including discussing draft laws, participating in seminars, workshops and training courses organised by the Plenipotentiary for Equal Status of Women and Men and the Parliamentary Group of Women. This relationship is regular and institutionalised. However, there is rarely any regular cooperation with other ministries, although women’s organisations try to initiate links of this kind.

The Polish example of the instability of the relationship between government and the women’s sector, depending on the ideological disposition of the government of the day, is echoed in other CEE countries. Women’s NGOs in the Czech Republic, for instance, also published a shadow report on the equal treatment of women and men following their disagreement with the government’s evaluation of its activities for presentation to the UN Commission on the Status of Women. In addition, some women’s NGOs developed their own legislative proposals on issues such as domestic violence, trafficking in women, and changes in electoral laws to bring more women into political life.
Debates on the implementation of equality legislation illustrate the difficulty that women’s NGOs are having in influencing government policy-making. In Bulgaria, for example, women’s NGOs worked in collaboration with European experts on the Bill for Equal Rights and Opportunities. The bill – which focused on gender equality – was rejected by parliament in 2002 and replaced by the weaker Anti-Discrimination Act. In Hungary, MANÉSZ (Hungarian Women’s Alliance for Interest Promotion) and Habeas Corpus (a human rights NGO) issued a report criticising the draft equal treatment bill. Their intervention was ignored by government. During the process of formulating the equal treatment legislation, government consultation with women’s NGOs was superficial: none of the proposals submitted by women’s organisations and women’s sections of trade unions were taken into consideration, the unit responsible for women’s rights within the Equal Opportunities Governmental Office was excluded, and comments by the Women’s Division of government were not taken into consideration.

The token nature of government consultations with women’s NGOs is highlighted in other country experiences. Romanian NGOs, who are increasingly being asked to comment on draft legislation, believe they have no opportunity to shape policy as decisions have been taken before the consultation begins. There is a strong view among the women’s sector in Romania that the government is not sufficiently open to their views and concerns, nor does it offer the necessary funding to the women’s sector to enable it develop capacity to become a viable channel of interest representation. Although the Czech government created the Government Council for NGOs in 1998, some ministries refuse to cooperate with the voluntary sector, and of those that do, some will work with certain civil society organisations but not with women’s groups. Not surprisingly, women’s interest groups in the Czech Republic find themselves in the least favourable position with regard to the decision making process, dependent on the goodwill of individual ministers to inform them of current government thinking on equality issues.

Women’s NGOs in Slovakia and Slovenia seem to have been more successful in their contacts with government. Interviews and media reports suggest that many governmental bodies have developed good working relationships with Slovakian NGOs and seek their
expertise, ensuring slow but stable progress (Bitusikova 2004). The representatives of women's NGOs that communicate with government equality bodies are satisfied with their collaboration and view their interaction with MPs as open and constructive. Women’s NGOs in Slovenia also report good communication, though the possibilities of cooperation differ considerably among ministries.

Thus, the relationship between women’s NGOs and government across CEE is highly diverse, appearing relatively healthy in Poland, Slovenia and more lately, Slovakia. At the other end of the spectrum, we find Hungary, the Czech Republic, Estonia, Romania and Latvia, where relations between the women’s sector and government are limited to, at best, façade consultative exercises. Occupying the ground in between these two poles are Lithuania and Bulgaria, where women’s voluntary organisations, on occasion, have a strong engagement with government, though the outcome is not always to the liking of women’s groups.

Conclusions

In 2004, the European Commission assessed progress in embedding democratic norms and practices in Central and Eastern Europe in bleak terms:

Across the board there has been little real progress towards democratization and respect for human rights, and indeed there has been a tendency towards increased authoritarianism, with administrative and judicial systems which can be arbitrary and corrupt. Civil society remains weak, the marginalization of women has increased in the region [...] Environmental problems are generally given low political priority in the EECCA countries [...] In addition, endemic corruption at all levels has severely affected all EECCA countries; a large proportion of economic activity remains unrecorded and untaxed. (European Commission 2004).

The discussion on attitudes towards the EU's gender acquis in this paper throws some light on the diversity of responses by national governments, decision-making elites, bureaucrats, the public and the women’s community in the accession states. It shows that transposition of the gender acquis was relatively unproblematic on a formal level, but that breathing life into these gender laws is met with differing degrees of resistance, incomprehension, and lack of political will across the accession countries, with the possible exception of Slovenia. This finding lends some weight to Watson's perception that it is not an unproblematic exercise to transpose western European gender norms eastwards. Indeed, one of the over-riding factors
shaping attitudes to the gender acquis and the norm of gender equality they seek to promote is the strong cultural attachment to traditional gender roles expressed by the public along with political and bureaucratic elites, and unchallenged by most women’s organisations. Nonetheless, there is some indication that the gender acquis are gradually being taken seriously, and in this respect one can point to the relatively recent enactment of anti-discrimination or gender equality legislation across CEE (with only two exceptions). However, the deepening of this aspect of democracy can only be assessed in time when national gender laws are used to bring gender discrimination cases to court. In the circumstances, the case-law built to date in Polish and Slovenian courts is quite striking. It can be explained in part, at least, by the fact that both countries have had a longer democratic ‘trajectory’ than other CEE states, and therefore have had major debates on gender equality issues prior to accession to the European Union. Thus, it appears that the lead-in time enjoyed by CEE countries in transforming their political structures from authoritarian to democratic regimes is a factor in building awareness of, and belief among, decision making elites that gender equality is a legitimate democratic norm.

A democratic polity is characterised by a civil society that fosters a range of interest groups articulating specific social and economic concerns. This study of the gender acquis throws light on the state of women’s voluntary activity across CEE, and is an indicator of the depth of civic engagement with political affairs and decision making elites. In this paper, our survey of women’s sector capacity to represent women’s interests in the public and political arenas points to the generally fragile nature of women’s organising and the considerable distance the women’s sector has to travel to establish their voice as influencers. This observation can be extrapolated to the limited engagement of civic society in general, and to the early-stage development of a civic culture across CEE.

Concluding her study of the impact of European accession on CEE governance, Grabbe (2001: 1029) observes that the process had an ‘executive bias’ given the manner in which the negotiations were structured and the view of EU officials that the exercise in adopting European norms (as contained in the three strands of the Copenhagen criteria) was an administrative one. This paper illustrates the consequences of constructing a complex norm-
transfer process in such a manner – while the formal administrative arrangements were addressed to the satisfaction of the EU and followed by the signing of accession treaties (shortly to happen in the case of Romania and Bulgaria), implementation of the gender acquis has presented considerable challenges to most governments precisely because the norm of gender equality was not 'transferred' in the course of adopting the acquis. To some degree, the element of time pressure involved in bringing in ten new members to the EU reduced the scope for national dialogue on the acquis, gender and other, and while permitting national debates on these issues held an element of political risk for the integration project, the more fundamental democratic project suffered from this hasty timetable. Nonetheless, the time factor is only one, and indeed a lesser, element in the diversity of responses to implementation of the equality acquis, and is overshadowed by the socio-cultural support for traditional gender-roles along with the slow acceptance of gender equality as a substantive policy concern and a democratic norm in CEE.
References


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### Appendix 1

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<thead>
<tr>
<th>Reference</th>
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<tbody>
<tr>
<td>75/117/EEC</td>
<td>Equal pay</td>
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<td>76/207/EEC</td>
<td>Equal treatment in the workplace</td>
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<td>79/7/EEC</td>
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<td>Equal treatment with regard to occupational social security schemes</td>
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<td>93/104/EC</td>
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<td>96/34/EC</td>
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