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Gender Equality and Gender Mainstreaming – Achievements and Issues

(Lyčių lygybės strategijos pasiekimai ir iššūkiai)

Santrauka

Šiandieną lyčių lygybė Baltijos šalyse suprantama kaip vienas pagrindinių demokratijos ir pagarbos žmogaus teisėms principų, kuris deklaratyviai grindžiamas lygiomis lyčių teisėmis, atsakomybe, galimybėmis visose gyvenimo srityse ir vienodos elgsenos su abiem lytimis taisyklėmis. Tačiau moterų nedarbo, skurdo feminizacijos, moterų amžiaus ir etninės diskriminacijos raiška posovietiniame kontekste verčia abejoti pažangios lyčių politikos reprezentacijomis, jų atitikimu ES direktyvų reikalavimams ir lyties dėmens integravimo strategijos normatyviniams principams. Straipsnyje analizuojami lyties dėmens integravimo strategijos įgyvendinimo ypatumai Baltijos šalims integruojantis į Europos Sąjungą. Teigiama, kad politinius šių šalių lyčių lygybės prioritetus apibrėžia ekspertinis-biurokratinis modelis, susiformavęs transformuojant nacionalinius neoliberalius lyčių sutarties dėmenis.

The latest Regular Reports on the progress of the Baltic countries towards accession are moderate to quite optimistic in terms of achievements related to measures, which are conditions for the equal treatment of men and women. The pressure created by the negotiation process has resulted in the formulation of equal opportunity legislation in Lithuania, Latvia, and Estonia; as well as the adoption of Action Plans and particular programs such as the development of a training program on gender equality for civil servants in Latvia. It has also resulted in the establishment of a number of institutions, such as gender equality units or councils in all three states, the establishment of an Ombudsman for Equal Opportunities (Lithuania), women's committees in trade unions, the Estonian Women Associations' Round Table (Estonia) and other important initiatives.

There are many challenges to be addressed, in particular the implementation of the commitments made during the negotiation process, and in addressing gender issues in policy areas other than labor market policies and social policies. Gender equality policy documents and gender mainstreaming initiatives need powerful backup in the form of policy projects at the ministerial levels directed at structural change

in social attitudes towards women's and men's issues; thus, working towards legislative initiatives in the areas of family, work, and health. Certain issues and challenges can be discussed that are common to the initiation of gender equality policy and gender mainstreaming in the three Baltic countries, thus telling us more about the realities of harmonization and access reporting. The first and foremost question is whether gender mainstreaming in Estonia, Latvia, and Lithuania is seen as part of the expansion of an equal opportunities agenda, and whether political opportunities, mobilizing structures, and strategic framing (Pollack and Hafner-Burton 2000; 432) do exist to ensure the adoption by the three national governments of a gender-mainstreaming approach in various issue-areas.

The national governances in Estonia, Lithuania, and Latvia clearly manifest political preferences for the 'integrationist' approach to gender equality policies and gender mainstreaming, adapted to the national neo-liberal modifications to the former Soviet gender

contract. Feminist critiques of gendered citizenship in Western welfare regimes, as a basis for a clear vision of mainstreaming gender, are problematic because conceptualizations of citizenship in the Baltic countries are derived from different sets of experiences, legacies, practices, and exercises of political power. Formerly, socialist provision of citizenship rights was based on total state control of citizenship since the state was the possessor of resources and power. Thus, women's disadvantages, as political, economic, social, reproductive citizens, turned to be problematically combined with the socialist model of citizenship – “during socialism, full-time (eight hours per day) employment and social benefits (health care, legal and social protection of motherhood, liberal legislation governing abortion and family planning, and a network of public kindergartens) were considered rights that, once achieved, could never have been lost” (Gaber 1997; 143).

The position of women in the three national labor markets has been characterized by discrimination and by a strong occupational segregation: a high degree of horizontal and vertical segregation, with a growing wage differential. In Estonia “gender division of the labour market shows that men and women are engaged in different areas of activities indicating that the traditional patterns of men's and women's jobs are still prevailing. 54% of men's work is in the primary and secondary sectors while approximately 70% of women work in the service sector” (Kaljurand 2002). Gender asymmetry is explicit in the increasing proportion of women in part-time employment, part of the feminization of this market segment. The gender aspect, however, remains hidden in the comparative workload/payment data (Voormann 2003).

Discriminatory practices have proliferated in the transitional labor markets:

Fighting discrimination in the labour market is difficult due to the lack of clear definition of such discrimination in labour market codes in all transition countries. In the past, this problem was less relevant due to job security. The legislative system enables *de facto* uneven treatment of men and women, as for

example through specifying sex in recruitment ads. In general, while women are discriminated in the existing labour market codes, men in turn have fewer rights in family matters, especially in contacts and care for children after separation and/or divorce (Ruminska-Zimny 2002).

Discriminatory practices are targeted at young women who enter the labour market, and women of pre-retirement age are particularly vulnerable to recruitment into part-time jobs and to impoverishment.

The labour markets in Estonia, Lithuania, and Latvia have exposed that the ‘happy marriage’ of the neo-liberal economic framework and the neoconservative gender ideology is in reality a restatement of women's political, social, and economic disempowerment through the politics of exclusion and marginalisation. The economic ‘transition’ processes have demonstrated that the familiar concepts of the liberal democratic state are “neither neutral nor impartial in the way in which they operate. Instead, they work in favor of some interests and against others. One of the groups to suffer disproportionately is that of women and it is because of this that the use of mainstreaming can be justified in order to redress this balance.” (Beveridge, Nott and Stephen 2000; 386).

Another important component of the process has been absence of influential and independent women's movements; and women's/gender studies centers were politically ghettoized in the academic communities. Women's solidarity, activism, and advocacy required to invoke the politics of structural change (Rai 2002; 182) and manifested marginally in the late 1990s, however, lacked knowledge and strategies of women's political empowerment. Consequently, the parity among the stakeholders that is necessary to secure a politically productive resonance between the proposed gender mainstreaming framework on the one hand, and the relevant national institutions with their neo-liberal economic framework and their neo-conservative framework of gender ideology on the other, has not been created.

The report of the Open Society Institute on

“Equal Opportunities for Women and Men in the European Accession Process” recommends looking beyond the negotiation process and at integration into other aspects of the negotiation process (OSI/EOWM, 2002, p. 7). One aspect that is relevant in this respect is the position of non-citizens in Estonia and Latvia, and of minorities in all three nations. For example, a public survey conducted in Latvia (2000) shows that “24% of all respondents have suffered violations of their human rights and discrimination, with the following breakdown: 18% of Latvian origin and 31% of other ethnic origin, or 20% Latvian citizens and 33% non-Latvian citizens, or 25% men and 22% women. From those respondents who acknowledged violation of their rights, the largest group - 28% indicated their ethnic origin as a ground for the violations against them, with the following breakdown: 11% Latvians and 40% of other ethnic origin, or 17% Latvian citizens and 43% of non-Latvian citizens.” (Feldhune and Mits 2001).

By expressing their concerns about the impacts of the citizenship policies of Latvia and Estonia in the early 1990s, the OSCE, the United Nations, the Council of Europe, and the European Commission accelerated the process of addressing the issue of citizenship and protection of minorities. The regular reports on Latvia and Estonia explicitly refer to progress with regard to citizenship and the protection of minority rights. Unfortunately, they do so without paying attention to the consequences of exclusionary processes that have a particularly strong impact on women from minority groups, and which increases their vulnerability to trafficking (discussed later in the paper). One of the remaining questions is whether the mainstreaming approach, by the EU and the Baltic states, is appropriate for addressing the social exclusion of particular groups such as older women and minority women.

According to the European network of the adult education organizations working on women's employment issues:

The main forms of discrimination against women in

the labour market include discrimination by age, difference in salary (men's salaries are 1.4 times higher than women's), inequality in management positions, and discrimination against young women returning from maternity leave. Although illegal, job advertisements contain sex and age discrimination. Unfortunately, the Law of Equal Opportunities does not prohibit discrimination by age (*European Network of the adult education organizations 2000*).

While the generation aged between 25 and 34 has been labeled as the ‘generation of winners’, older people, especially older women, have become the ‘generation of losers’ (Estonia. Human Development Report 1998). The Latvian Human Development Report of 1999 states:

Many women noted how they had received discriminatory treatment from both private employers and the State Employment Service when looking for work. For example, women often reported being discriminated against because they were older than 35 or even 30. While it should also be noted that men above 50 also experienced difficulties in finding work, women often encountered additional discrimination in regards to their gender, appearance and role as a mother (Neimanis 1999; 16).

Research in the Baltic countries suggests that employment opportunities for women over the age of 30 are poorer than for men in the same age group (Kanopiene 1997; ILO 1999; Neimanis 1999). The social position that one acquired in Estonia and Lithuania during the 1990s was correlated with both age and gender (Narusk 1996; Kanopiene 1997). Quantitative studies on poverty among women with children reveal that the limited employment possibilities for women over the age of 35 had a serious impact on the material conditions of their families. (See, for example, (Aasland et al 1997; Gassmann 2000; Trapenciere *et al.* 2000; Aasland 2000; Poverty Reduction Strategy Lithuania 2004; Kanopiene 2003) The discrimination is especially common in the private sector where employers offer short-term contracts to young women as well as casual work to avoid maternity and childcare costs.

During the Soviet period, women, who constituted 53-54 % of the Baltic populations, had

been employed in industries that were fully integrated into the Soviet economic system. With the break-up of the Soviet approach, women experienced downward social mobility in the early and mid 1990s. In particular, women from the Russian-speaking minorities, who lacked citizenship in Estonia and Latvia, faced the most severe hardships. Some of these women, who were excluded from employment in the formal economy, found jobs in the informal sectors where their rights were much less protected than in the formal economy. Their role was marginalized to that of a mother, a low-paid employee in the local 'shadow economy', or a potential body for the lucrative sex trafficking business into the European Union (Novikova 2002; 8). Due to their increased insecurity and the lack of future prospects, there has been a strong growth in the number of women in the transition countries involved in the sex industry (Huland 2001; 2). Wennerholm and Stukulis both point out that, due to the constraints on finding formal employment, there are large numbers of Russian women working as prostitutes in Riga and Tallinn (Wennerholm 2002; 12; Stukulis 2003; 221-222).

The lack of economic prospects and the gradual elimination from minority groups of women's social power have increased the attractiveness of labor migration to Western Europe. At the same time, the economies and welfare regimes of Western Europe and the European Community have confronted globalizing competition that

presses down wage levels, and in certain service sectors low pay and growth of temporary work are claimed to make the domestic labour force increasingly reluctant to accept such work and rely on unemployment benefits instead. This situation creates demand for foreign labour. For citizens without work in developing or transit countries, possibility to earnings there even in the low-pay sectors in the West is attractive and many of them follow the call of the markets either through legal or illegal migration channels (IOM-Finland 2001).

This has resulted in women's overrepresentation in the low-wage sectors' demand for mi-

grants, in particular in the sex industry (IOM-Finland 2001).

The scale of trafficking and the relationship between social exclusion or marginalization and vulnerability to trafficking initially remained beyond the scope of many policymakers. The European Conference on Preventing and Combating trafficking in Human Beings recognized this and called upon the international community to deal with groups of particularly socially vulnerable women, in particular those who were victims of trafficking in human beings, as part of the gender mainstreaming process. (EU/IOM STOP 2001; European Commission 2001).

For the Baltic countries, the issue of trafficking in human beings for sexual and other exploitation was a significant aspect of the process of preparing for membership. Since 2000, Latvia has had a special criminal provision against trafficking, which criminalizes the sending of a person for the purpose of sexual exploitation. Trafficking, as reflected in the new Criminal Code, is illegal in Lithuania. In Estonia there is no specific provision against trafficking. Despite the integration of provisions into national legislation, there is a limited capacity among gender mainstreaming agencies to address these issues, which is related to a lack of information, expertise, and coordination. Trafficking is not yet a visible integral part of the mainstreaming process in the national contexts: "at first glance, there seems to be almost an over-abundance of international and European instruments and measures relating to trafficking. Yet the instruments form an incoherent strategy and there are actually a few recommendations that recur over and again: multi-disciplinary approach, effective criminalization, proportionate penalties, protection and non-prosecution of victims" (IOM-Finland 2001).

This, of course, raises important questions with regard to the suitability of the general institutional-legal approach towards gender mainstreaming. It is likely that the active participation, in the policymaking process, of individuals and organizations that represent

victims is a requirement for increasing the priority given to the social and health impacts of trafficking.

The issues of women's unemployment, poverty, age, and ethnic background, which increase their vulnerability, highlight an explicit "paradox" in gender equality policies and gender mainstreaming as part of human development in the Baltic States. The requirement for national policymaking machineries that integrate gender equality and gender mainstreaming can be, and has been, fulfilled. However, the Baltic governments have made a clear political choice by selecting an expert-bureaucratic model for implementing gender mainstreaming:

Under the expert-bureaucratic model, assessing gender impact is regarded as a task to be performed by specialists. Those specialists might be gender experts with specialized training as well as a sophisticated understanding of gender relations. Alternatively, mainstreaming might be seen as the prerogative of administrators. While they may be thoroughly familiar with the policy-making process and the policy area in question, they are unlikely to possess a highly developed understanding of gender relations or a proper appreciation of the exact purpose of gender impact assessment. Under the alternative participatory-democratic model a range of individuals and organizations are encouraged to contribute to any gender impact assessment. This model promotes participation and access to policy-making and emphasizes the accountability of experts and officials (Beveridge et al 2000; 390).

The expert-bureaucratic model reflects the 'integrationist' approach to gender mainstreaming. The 'integrationist' approach (Rees 1998; Shaw 2000) was warmly "acclimatized" to the Baltic conditions as a legitimate premise for marginalizing those stakeholders with an 'agenda-setting' approach such as women's advocacy NGOs and feminist/gender researchers.

In the Europe of the 1970-1990s, gender equality policies were promoted by feminists, women activists, politicians, and researchers into the general policymaking parlance for the reformist agendas in the European welfare regimes with reference to the process of Euro-

peanization. The notion of Europeanization does not have single definition. However, it does imply several ongoing processes including Europe's transformation into a single political formation as well as facilitating institutions of governance as a balance between European unity and national diversity. For the Baltic countries, it is the process of Europeanization-as-EU-enlargement that brings gender equality policies and gender mainstreaming to post-Soviet reformist agendas. Conversely, different age, ethnic, and social groups of women, dramatically marginalized, discriminated against, and segregated in the Baltic national economies and politics, have entered the European political and economic space. Europeanization as we experience it today involves transnational labor practices and a market of transnational labor migrants from "access" societies, that have created new intersections of agency, ideology, and politics in the post-Soviet dynamics of gender inequalities that are beyond the reach of transitional national reformist agendas.

Thus, attention should be given to labor and gender inequalities in transnational labor migration and domestic service since gender hierarchies are produced and maintained in transnational circuits of labor mobilization and capital accumulation. In the Europe of today, the transnational (trans-European) labor migration, with its gender hierarchies, strongly confronts the welfare regime policies that have been the contexts for producing the gender equality policies and gender mainstreaming within the national and supranational agendas of Europe and the EU.

The absence of professional arguments in gender and law and in gender and social policies, and a very weak level of public alertness to ideological leverages that transform the democratic challenge of gender democracy into an "elite" representation of pacifying gender equality initiatives, eventually deprive women of political subject-position and socially equal partnerships, at least at the national level. One can only agree with Charlotte Bretherton (1999), a specialist in European studies, that:

First, the increased heterogeneity of the EU will fuel concerns about the responsiveness of EU policy to the very different needs and interests of Europe's women. And, second, enlargement will impose upon CEE women policies which do not reflect their experiences and to which they are indifferent or even opposed (Bretherton 1999; 133).

The consolidation of a women's Europe has not found its way into the transnational, or trans-west-east agenda for gender equality. The question is whether the feminist focus on the complexity and diversity of women in the European Union and Europe includes East-Central and Baltic perspectives. The question is how women and women's organizations in Europe see women's diversity in its various 'east's'.

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Summary

The Baltic States have made a considerable progress in meeting gender equality directives of European Union (EU) in line with the proclaimed fundamental democratic values of Member States and of Union enlargement policy. Despite progress, equality in day-to-day life is still undermined by structural gender in-

equalities and unequal access to rights enjoyed by women and men in practice. The issues of women's unemployment, poverty, age, and ethnic background clearly manifest the political preferences by national governances of the Baltic States for the expert-bureaucratic model, based on 'integrationist' approach to gender equality policies and gender mainstreaming, adapted to the national neo-liberal modifications of the former Soviet gender contract.

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