

Expanding Rights, creating space for action? EU Reform and Enlargement from a Gender Perspective

Position paper by NRO Frauenforum and Karat Coalition¹

This position paper by the German NGO-Women's Forum and KARAT Coalition highlights central issues for gender equality in the EU reform and enlargement from the perspective of women in both "old" and "new" EU member states. We express our joint concerns and formulate shared demands regarding the future European Union. We address our concerns to all national governments as they reposition themselves in the face of a new European Union, as well as to decision makers on the European level, in the Commission, the Council and the Parliament. We direct ourselves particularly at those persons who will assume their functions this year, especially the new Commissioner for Employment and Social Affairs, the newly-to-be-constituted Commission on Women's Rights and Equal Opportunities, and new MPs from accession countries, and old member states.

We are convinced that our concerns are shared by a large community of women's NGOs and Lobby Organizations in Europe. We therefore invite others to take up the positions expressed here in their advocacy work on the EU, its reform and the enlargement process.

1. EU reforms and the Constitutional Treaty

We welcome and support the drafting a European Constitutional Treaty, which we consider a step to strengthen the rights basis of the Union. We support the in particular the efforts to reinforce citizens' fundamental rights and the constitutive values of the Union. We see a great need to counterbalance the longstanding dominance of economic and common market-oriented concerns in the Union. Women, not only in Central and Eastern Europe, have set hopes in the European

¹ This position paper was drafted by the German NRO Frauenforum and Karat Regional Coalition, and discussed at the conference "Expanding Rights? EU Reform and Enlargement from a Gender Perspective", organized by the NRO Frauenforum, and WOMNET (Network Office on Global Structural Policy from Women's Perspective), in Berlin, 11.-12. December 2003. It also reflects the recommendations formulated at the Karat Coalition conference "Gender Assessment of the Impact of EU Accession on Women and the Labour Market in Central and Eastern Europe", which took place in Warsaw 7-9 November 2003.

social model. Jointly, we now demand that social concerns and social policies be strengthened rather than further weakened in an enlarged Union.

We are strongly advocating the inclusion of equality of women and men into the Constitutional Treaty as a core value of the Union. At the same time, we are committed to a multiplicity of secular values to be reflected in the Constitution, and a human rights approach throughout the EU legal framework.

For us as women's rights activists, reproductive rights and reproductive self-determination are contained in human rights. Thus, we contest any religiously inspired attempts to control women's autonomy over their bodies. We regard freedom of thought and religious diversity as conditions for the exercise of women's human rights, in Europe and elsewhere, and strongly oppose a narrow focus on Christian traditions and values in Europe.

2. Women's Political Representation

We are concerned about women's political representation in the European Union, in both the Commission and the Parliament, especially after the enlargement. Currently, women account for 31% of the total number of MEPs, mostly a result of sustained political struggle on the national level in EU member states. Yet only 14.2 % of the observers to the EP from acceding countries are women, and some countries have not sent women observers at all. The lack of gender balance among the proposed Commissioners from new member states is already visible.

In light of past experiences, we are concerned about recent developments: To achieve women's equal political representation in the enlarged European Union, a clear and strong commitment of all bodies of the EU and all national political actors is of paramount importance. EU enlargement and reform cannot be an excuse for a backlash in women's political achievements, both in terms of numerical representation as well as in substance! We demand equal representation of women in appointed and elected functions, and advocate for effective mechanisms to ensure their representation on all decisionmaking levels.

3. EU Enlargement

We support the enlargement of the European Union. We see it as an opportunity for the women's movement to become more united and stronger. We are, however, opposed to the neoliberal thrust and economic bias of EU policies. We are also concerned about new dividing lines across the continent which are created by EU enlargement, between acceding countries and their neighbors without (immediate) perspectives of joining the EU. We worry that political collaboration, communication, cultural and social exchange, and economic relations will be disrupted by the new EU borders.

The new EU borders affect us as part of the international women's movement in our ambitions and actions, as well as in our commitment to reach out across the borders of the EU. We will not let ourselves be divided by EU external borders and will expand our established links in Central and Eastern Europe.

We demand EU action against new divisions which particularly affect those women and men, who, for a variety of reasons, live or work across and along the EU borders. We demand decisive action against illegal and violent practices along the EU borders. We envision the EU as open for newcomers, and as an actor for social justice. New political initiatives directed at non-members, such as the “Wider Europe” concept, therefore ought to pay particular attention to social policies instead of being concerned only with border control and economic policy.

4. Gender equality legislation

We have observed that the accession process has brought improvements in gender equality legislation in the new member states. It is essential, for example, that countries have to legally define and address direct as well as indirect discrimination in order to comply with EU law. The implementation of laws on paper, however, is insufficient. Women’s organizations in EU accession countries have gathered ample evidence that, de facto, women’s economic and social rights have not been protected in the EU accession process.² Moreover, large groups of women have been excluded from the scope of legal protection systems because they work in informal employment relations. Many women do not have effective access to justice because institutional mechanisms for gender equality are inadequate and the culture of law is underdeveloped.

We continue to demand that formal legal improvements translate into real improvements for women: In the interest of democracy and a culture of law, effective and accessible law enforcement mechanisms need to be created and strengthened on national as well as international levels. Monitoring of law implementation, rights awareness and legal literacy of women are crucial preconditions for justice to come true. They urgently need effective support.

5. Social Inclusion and Justice vs. Economic Goals

Social inclusion and justice are goals greater than pure economic progress to us. Yet economic and fiscal concerns appear to be driving EU policies and actions too often. Reductions in public spending throughout the Union are debilitating welfare states; the simultaneous transition to market economies and the adjustment to EU standards in Central and Eastern Europe have had serious social consequences, especially on the social infrastructure. Women have all too often been the ones to pick up the slack, as state support and services have become unavailable.

We refuse to accept the current subordination of women’s rights and social goals to economic and monetary policies, and the use of the Maastricht criteria on the stability of the currency and on public debt to justify cuts in social spending. Against the currently dominating economic and trade policies, we demand that social policy and social concerns, as well as gender equality, be given greater

² See, for example, Karat Coalition 2003, Gender Assessment of the Impact of EU Accession on the Status of Women in the Labour Market in CEE. National Studies of Poland, Hungary, Czech Republic and Bulgaria.

weight. Welfare states need to be protected and transformed, not downsized, so that they become instruments for gender equality.

In this context, we commend the proposed new EU directive about equality in access to goods and services. Finally, the widespread discrimination against women in the insurance industry, among others private health and pension insurances, will be outlawed. We consider this initiative an innovative step toward legal control of market actors' practices, and thus in the interest of social justice.

6. Expanding Employment Opportunities

We see an urgent need to expand employment opportunities in Central and Eastern Europe, under conditions of decent work and equality of women and men. Where women are in disadvantageous or discriminated positions on the labor market, this needs to be redressed. In some contexts we see a worrying practice of pushing women from the labor market to relieve the pressure of unemployment, and to turn around demographic trends by promoting childbearing.

Gender equality and respect for women's rights implies that women's choices are not instrumentalized. Safeguarding, and, where necessary, expanding the care infrastructure is needed to allow everyone to combine paid work with family responsibilities. Care infrastructure is a shared concern of women throughout the future EU, as is discrimination of women in pay. Both need effective remedies urgently. EU funding for initiatives and programs on women's economic and social rights needs to be insured.

The European Employment Strategy (EES) should be revised after enlargement, in particular concerning benchmarks for women's labor market position. Given past achievements of women on CEE labor markets, reaching current EU benchmarks often de-facto means a lowering of standards. We demand that both gender mainstreaming and special measures to address gender discrimination be improved and effectively ensured in National Employment Plans. Moreover, a close monitoring of commitments is needed, by independent actors with the necessary access to statistical and administrative information.

7. Employment and Migration

Employment and migration are closely linked, and migration processes are clearly gendered. Women migrants from Central and Eastern Europe work in highly feminized sectors in the EU, such as household services, cleaning, health care as well as elderly and child care. The situation is similar in new EU member states, where large numbers of women from neighboring countries work in feminized and informalized workplaces, for example in private households. Regardless of place, these employment situations are typically exploitative, characterized by a lack of respect for worker's rights, and no access to social protection schemes.

We are concerned that the reservations of EU member states against the free movement of labor after enlargement will enhance informal employment, discrimination and labor exploitation. Future EU member states are currently

required to introduce changes in border and visa regimes which are already contributing to an increase in illegal border activities and corruption. Organized crime and human trafficking, particularly trafficking in women for sexual exploitation, are consequences of ever stricter border regimes, as well as the lack of economic opportunities for women in their home countries. Illegal and exploitative practices are fulfilling a demand in “receiving” countries. The perpetrators and customers of sexual services of trafficked women are to be penalized everywhere rather than the survivors.

8. Funding for Gender Equality and Gender Audits

Too little attention has been paid so far to existing vast gender imbalances in spending in EU programs, in particular pre-accession financial assistance. Moreover, funding for NGOs, in particular women’s NGOs, in new EU member states, as well as beyond the EU borders, needs to be assured. We see a vibrant civil society and watchdog NGOs as constitutive for democracy.

Available EU funds should not be concentrated in governmental hands in new member states, with unclear and women-unfriendly distribution mechanisms. In the absence of other sources of funding, access to international financial resources is vital for NGOs, in particular for women’s NGOs and existing transnational NGO networks.

In the spirit of the EU’s commitment to gender mainstreaming, we call for a systematic gender audit of EU funding programs, in particular pre-accession assistance. We demand provisions for regular gender monitoring and auditing of Structural Funds. We insist that gender budgeting be effectively ensured in both old and new member states, minimally with respect to EU Structural Funds.

9. EU’s International Role and Responsibilities

We consider sustainable human development as a guiding principle for the EU internally, as well as regarding its role internationally, for example in international trade. Over the last decades ample evidence has been gathered, from Europe and elsewhere, that the currently dominant economic and international trade policies have a greater negative impact on women than on men. In general, the EU trade regime, in CEE and beyond, has often been inhibiting, rather than promoting sustainable development.

We envision the international role of the enlarged and reformed EU as a key force for sustainable human development and international justice, for peaceful resolution of conflicts and against the ongoing worldwide militarization. We recognize that the current trend appears to be the opposite and express our deep concerns about that.

As women’s rights activists, we are particularly concerned about the consequences of EU trade policies and practices, in neighboring countries and elsewhere, and the impending further liberalization of trade and services. We call upon the EU to promote the respect for economic and social rights and gender justice, and to protect and expand access to public goods and social protection

for all rather. Public goods and social protection should not be commercialized in the interests of international corporations, which put people's livelihoods at risk.

We call upon the EU to maintain and strengthen gender equality and gender mainstreaming as core principles guiding development cooperation, conflict prevention and resolution. We demand that the EU live up to its international commitments regarding women's rights as expressed, for example, in the Cairo, Beijing and Beijing +5 UN documents, regarding funding of development cooperation, as well as the Millennium Development Goals.