

Dagmar Lorenz-Meyer

Strategien zur gleichberechtigten Beteiligung von Frauen und Männern - Probleme der EU-Gleichstellungspolitik (nicht nur) bei der Osterweiterung

A Plea for Complexity in Addressing Dilemmas in EU Gender Equality Policies (not only) in EU Enlargement

Zusammenfassung:

Anhand von offiziellen Dokumenten der Europäischen Union, Polens und der Tschechischen Republik zur Gender- und Osterweiterungspolitik werden Status und Bedeutungen der gleichberechtigten Partizipation von Männern und Frauen sowie von Gender Equality untersucht. Um diese Begriffe effektiv einsetzen zu können, müssen wir zuerst verstehen, wie innerhalb von bestimmten Kontexten Bedeutungen konstruiert werden und Politik legitimiert wird.

Im ersten Teil behandle ich die Frage, wie die gleichberechtigte Partizipation von Frauen und Männern als Schlüsselement von Gender Equality in EU-Initiativen und EU-Ratsempfehlungen zur Osterweiterung (sogenanntes „soft law“ der EU) derzeit definiert wird. Ich zeige auf, daß Gender-equality selten eindeutig definiert wird, daß aber Formulierungen zur gleichberechtigten Beteiligung über das Prinzip der Nicht-Diskriminierung hinausgehen, und daß Gender Equality sowohl die kulturell-wertende Gleichstellung als auch eine substantiell-materielle Gleichstellung beinhaltet. Obwohl der Begriff der gleichberechtigten Beteiligung eine strukturelle Umwandlung indiziert, zeigen die tatsächlichen Ausformulierungen ernstzunehmende Mängel auf: Ihnen gelingt es nicht, Gender Equality zu rechtfertigen. Die enge Verbindung der verschiedenen Formen sozialer, politischer und wirtschaftlicher Beteiligung wird zu wenig betont. Und es fehlt ein zulängliches Konzept der Interaktion von Gender mit anderen Faktoren



Grenzen überwinden. Der EU-Erweiterungsprozess und Visionen für Europa aus
frauenpolitischer Sicht
"Overcoming Boundaries: The Process of EU-Enlargement and Visions of
Europe from a Gender Political Perspective"

Dokumentation der Konferenz / Documentation of the conference (21. - 23. Februar 2003)

der Ungleichheit – dieses wäre aber notwendig um zu gültigen „Gender-Indikatoren“ zu gelangen.

Am Beispiel der jährlich erscheinenden Kommissionsberichte über die Fortschritte von Polen und der Tschechischen Republik, in denen die Fortschritte der Beitrittskandidaten bei der Umsetzung der Kopenhagener Kriterien beleuchtet werden, zeige ich auf, daß die Kommission es versäumt hat, Gender Mainstreaming bei der Beurteilung der Kandidaten sowie bei den Beitrittsverhandlungen und –Programmen in die Praxis umzusetzen. Die Kommission widerspricht damit ihren eigenen Ausführungen, nämlich daß die Gleichstellung von Männern und Frauen in allen Lebensbereichen geradezu das Maß der Demokratie darstellt und daß Gender Equality ein integraler Bestandteil der Erweiterung sein soll. Gender Equality wird vielmehr im wesentlichen beschränkt auf die Umsetzung und Durchführung der EU-Ratsrichtlinien zur Gleichbehandlung auf dem Arbeitsmarkt; und sogar hier fehlen klare Indikatoren und unterscheidende Bewertungen.

Vor diesem Hintergrund handelt der dritte Teil sowohl von Berichten zur Situation in Polen und der Tschechischen Republik als auch von Medienberichten und parlamentarischen Debatten zu Fragen von Gender Equality. Es wird gezeigt, daß beide Länder zwar die Parameter der erforderlichen Veränderungen akzeptiert haben, daß aber die Umsetzung der Gleichbehandlungsvorschriften und die Institutionalisierung der Durchsetzungsmechanismen immer noch umstritten bleiben - und zwar auf Grund von vorherrschenden Ansichten zu vermeintlichen wesenseigenen Geschlechtsunterschieden sowie von unglaublich gewordenen Gleichheitsvorstellungen, die mit Staatskommunismus assoziiert werden. In diesem Kontext haben sogar progressive staatliche Akteure Gender Equality eher minimalistisch als Anti-Diskriminierung interpretiert.

Im letzten Teil komme ich zu der Frage, ob und wann man innerhalb des existierenden gesellschaftlichen Kontextes Konzepte aufrechterhalten kann und soll, die Gender Equality so definieren, daß damit auch substantielle materielle Gleichstellung gemeint ist – eine Frage, die ich mit den Konferenzteilnehmerinnen gerne diskutieren möchte.

Die Studie wurde als Teil des Projekts 'Constructing Supranational Political Spaces: The European Union, Eastern Enlargement, and Women's Agency' (2002-2005) durchgeführt und von der National Science Foundation, USA, finanziert. Für die Analyse der polnischen Staatsdokumente danke ich Joanna Mizielińska, für die Analyse der tschechischen Presse Hana Hašková and Alena Křížková.

1. Introduction

The equal participation of women in all spheres of social, political, economic and cultural life has been widely recognised as a requirement of democracy, citizenship and human rights. While women activists and scholars have placed gender equality on regional, national and transnational policy agendas, in this contribution I would like to turn to the particular social and political sites of EU eastern enlargement, within which the political implications of particular theoretical approaches can be traced, and their ethical and political value can be assessed and modified. Specifically, I will consider the status, meanings and effects of *equal participation* and *gender equality* in EU, Czech and Polish state documents on gender and accession. My guiding argument is that we have to understand how these concepts are defined and generate, as well as limit, meaning through their deployment by various social actors and the formulation of policies pursued in their name. This is necessary for feminist intervention to widen conceptions of what kind of gender equality is possible and desirable in the accession countries and to increase our ability to formulate political questions in a way that they become relevant in the lives of women and men.

The paper proceeds as follows: I will start by looking at EU definitions and policies of equal participation and gender equality. I will then analyse the role of gender concerns in the process of enlargement in the EU Regular Reports towards Accession for the Czech Republic and Poland. Against this background I will address some of the ways in which gender equality is currently defined in the Czech Republic and Poland and the questions and dilemmas this raises.¹

¹ For the analysis of the Polish documents I draw on the analysis of Joanna Mizielińska (2003a). Thanks to Petr Pavlik and Veronika Wöhrer for their comments on an earlier draft of this paper.

Grenzen überwinden. Der EU-Erweiterungsprozess und Visionen für Europa aus
frauenpolitischer Sicht
"Overcoming Boundaries: The Process of EU-Enlargement and Visions of
Europe from a Gender Political Perspective"

Dokumentation der Konferenz / Documentation of the conference (21. - 23. Februar 2003)

The analysis constitutes part of the research project '*Constructing Supranational Political Spaces: The European Union, Eastern Enlargement, and Women's Agency*'.² The project explores the generation of new political spaces that cut across local, regional, national and transnational scales and the role of women in this process. Taking the example of the Czech Republic and Poland, one central concern is to empirically investigate how EU gender equality policies are formulated, lobbied, implemented or defeated at different levels with a focus on the interaction of top down and bottom up processes. Building on the document analysis, individual and group interviews will be conducted with three groups of actors: Czech and Polish NGO representatives, state politicians and government officials and EU representatives involved in the accession negotiations with Poland and the Czech Republic.

2. Status and meaning of women's equal participation in EU gender equality initiatives

² The project is directed by J. Regulska (Rutgers University) and involves two country teams at the Academy of Sciences of the Czech Republic (M. Čermáková, H. Hašková, A. Křížková), Charles University, Prague (E. Kalivodová, D. Lorenz-Meyer), Gender Studies NGO, Prague (M. Marksová-Tominová), the University of Warsaw (M. Fuszara, J. Mizielińska) and Rutgers University (M. Grabowska; I. Popovičová). The research is funded between 2002-2005 by the National Science Foundation, USA and its partner institutions in the Czech Republic and Poland.

Grenzen überwinden. Der EU-Erweiterungsprozess und Visionen für Europa aus
frauenpolitischer Sicht
"Overcoming Boundaries: The Process of EU-Enlargement and Visions of
Europe from a Gender Political Perspective"

Dokumentation der Konferenz / Documentation of the conference (21. - 23. Februar 2003)

Equal participation and representation of women and men is defined as a key element and goal of EU gender equality initiatives in the Union's soft law. Yet, if we look more specifically at definitions of gender equality in EU documents we find that this term is rarely positively defined but most often negatively through what is to be eradicated, namely inequality and discrimination. An exception is the following definition from the Commission's *Guide to Gender Impact Assessment*:

'By gender equality we mean that all human beings be free to develop their personal abilities and make choices without the limitations set by strict gender roles; that the different behaviour, aspirations and needs of women and men are equally valued and favoured. Formal (*de jure*) equality is only the first step towards material (*de facto*) equality' (European Commission 1998, 3).

Positively defined gender equality thus first refers to an equal cultural valuation of women and men's interests and activities. Furthermore, however it denotes substantive social and economic equality between the genders. This implies, as Nancy Fraser has argued that '[r]edressing gender injustice ... requires changing both political economy and culture' (Fraser 1997, p. 21). Yet, abolishing political-economic inequality does not necessarily entail a valorisation of gender specificity and vice versa.

The European Union's call for equal participation of women and men, legitimised as a requirement of democracy, human rights, social justice and 'good economics', is a crucial element to substantiate the goal of *de facto* equality. In a European Council Recommendation this goal is translated as promoting 'balanced participation of women and men in the decision-making process' (Council Recommendation 96/694/EC, Article 1). The Commission interprets and legitimises the idea of gender balance as follows:

Grenzen überwinden. Der EU-Erweiterungsprozess und Visionen für Europa aus
frauenpolitischer Sicht
"Overcoming Boundaries: The Process of EU-Enlargement and Visions of
Europe from a Gender Political Perspective"

Dokumentation der Konferenz / Documentation of the conference (21. - 23. Februar 2003)

‘The quantitative objective of a balanced participation of women and men in decision making bodies is also connected with *the qualitative objective of changing politics and the way decisions are taken*. A critical mass of around 30% of women is seen to be necessary to create the necessary dynamic for improving the quality of decisions allowing the concerns, needs and interests of women and men to be reflected in them. The different but complementary and mutually enriching views of women and men should be reflected in all public policies shaping citizens everyday life’ (European Commission 1999, 20, emphasis added).

It is evident, then, that the equal participation of women is not an ‘add women and stir’ approach where women are just added to a given context but one of intended structural change. At the same time there are at least three problems with EU definitions of balanced participation of women and men in the decision-making process.

First, this formulation falls short of legitimising gender parity. Indeed, EU Member States have considered participation as ‘balanced’ with the presence of only 30% of one gender. Second, the reference to women and men’s ‘different but complementary views’ strongly denotes the unwarranted assumption of essential gender difference that is always and necessarily larger between than among women and men. This assumption likewise impedes the justification of gender parity because if women’s concerns and interests were unified they could be represented by anybody (Phillips 1998).³ It also hinders the intersectional analysis of gender with other parameters of inequality. Current EU gender indicators used to assess balanced participation only provide data disaggregated by gender. They do not take into account women’s class, ethnicity, sexual orientation or age that could help monitoring whether more diverse (and possibly competing) interests of women have a legitimate voice in decision-making.

Grenzen überwinden. Der EU-Erweiterungsprozess und Visionen für Europa aus
frauenpolitischer Sicht
"Overcoming Boundaries: The Process of EU-Enlargement and Visions of
Europe from a Gender Political Perspective"

Dokumentation der Konferenz / Documentation of the conference (21. - 23. Februar 2003)

And third, the emphasis of women's participation in decision-making risks devaluing the fact that women in contemporary societies fulfil the bulk of caring work and are more likely to engage in grassroots networks and organisations than in formal politics, thereby placing additional guilt on many already overburdened women (Lister 1995). Put differently, it risks obfuscating the interdependence of different forms of participation and the necessity of substantive structural change, such as combating men's evasion of caring work and the need for transforming the 'public' sphere that is necessary to enable women's equal participation.

In terms of concrete policies to promote the balanced participation of men and women Member States have adopted a range of specific measures such as setting targets, establishing evaluation and monitoring procedures, introducing gender statistics, raising awareness and gender training (Commission of the European Communities 2000a). However, these measures so far have not been very successful, which attests to the non-binding nature of the Union's soft law.⁴ As important as specific measures is the *de facto* implementation of gender mainstreaming. Gender mainstreaming is defined as

'the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by all actors normally involved in policy-making' (The Council of Europe 1998, 7).

³ Phillips (1998) has argued that because women's interests are varied, unstable and in process of formation women should be represented equally (although this still does not make an argument for gender parity, which for Phillips has to be coupled with a revitalisation of democracy).

⁴ Thus the Commission's Progress Report on the Implementation of the Council Recommendation 96/694/EC concludes: 'In spite of a host of different measures adopted by Member States the under-representation of women in governments, Parliaments, and committees preparing decisions as well as in the higher levels of the labour market has not changed considerably... Even in those countries (Belgium and Germany) where ... laws provide for an equal or minimum of a one third participation of the underrepresented sex in decision-making bodies, the percentage is only 18.68% and 12.2% respectively. A considerable number of committees do not have even one woman (28.7% in Germany)' (Commission of the European Communities 2000a, 3).

That is, all policy measures must take into account at the planning stage their possible effects on the situation of men and women through methods such as gender impact assessment and gender auditing of budgets. Furthermore, gender mainstreaming does not only aim for equal participation of men and women but requires itself a participatory approach involving key actors from social and economic life, including non-governmental organisations (Commission of the European Communities 2000b, 15-16).

Both specific measures and gender mainstreaming are significant in the context of EU enlargement because they are supposed to fully apply to the process of accession of the Czech Republic and Poland (Commission of European Communities 2000b, 4-5).

3. Equal participation and gender equality in the process of accession

3.1. The Commission Progress Reports Towards Accession

The accession negotiations with the Czech Republic and Poland have been pursued since 1998 through the pre-accession strategy, in which annual priorities in fulfilling the necessary economic, political as well as legal criteria of transposing the *acquis communautaire*⁵ into national legislation and ensuring its implementation (the so-called Copenhagen criteria) are defined and coupled with financial assistance. The Commission's assessment is contained for each accession country in the Annual Progress Reports. In the following section I shall focus particularly on the Czech Republic's Progress Reports since the analysis shows that even though Poland was considerably slower with transposing the *acquis* there are no substantial differences with respect to where and how gender

Grenzen überwinden. Der EU-Erweiterungsprozess und Visionen für Europa aus
frauenpolitischer Sicht
"Overcoming Boundaries: The Process of EU-Enlargement and Visions of
Europe from a Gender Political Perspective"

Dokumentation der Konferenz / Documentation of the conference (21. - 23. Februar 2003)

concerns are addressed in the reports. The analysis revealed the following findings.

First, there is no indication in the Regular Reports that any of the substantive financial pre-accession programmes (Phare, SAPRAD and ISPA) or the mechanism of twinning of administrations and agencies to strengthen administrative and judicial capacity in the accession countries have been gender mainstreamed with respect to project participants, beneficiaries and gender impact analysis (neither can we assume that those in positions of responsibility have received gender trainings). Yet, the programmes would have been a prime opportunity to integrate a gender dimension in the restructuring of *all policy areas*.⁶

Second, with respect to fulfilling the political criteria *democracy and the rule of law* the Commission assessed the country's Parliament, Executive and Judiciary and their procedures, including recommendations for training and recruitment, in a completely 'gender-neutral' way. Against its own claim that democracy requires the equal participation of women and men, the Commission has not described the low representation of women in Czech and Polish political institutions as a 'democratic deficit' and an area for intervention and change.

Third, women's human rights infringements were largely limited to 'trafficking in women and children' (since 2002 'trafficking in human beings') in the Czech Republic and 'spousal violence' in Poland. This confirms the relative dominance of issues of violence against women vis-à-vis infringements of women's socio-

⁵ The *acquis* includes all rights and obligations deriving from EU treaties and laws. It consists of primary (EC Treaty) and secondary European Law (Council directives), soft law instruments (e.g. Community acts and initiatives), as well as the case law of the European Court of Justice.

⁶ The lack of gender mainstreaming in the Phare programmes despite commitments by the Directorate General Enlargement (European Commission 2001a; 2002a) is confirmed in a review of the recipients of EU

Grenzen überwinden. Der EU-Erweiterungsprozess und Visionen für Europa aus
frauenpolitischer Sicht
"Overcoming Boundaries: The Process of EU-Enlargement and Visions of
Europe from a Gender Political Perspective"

Dokumentation der Konferenz / Documentation of the conference (21. - 23. Februar 2003)

economic rights diagnosed by Grewal (1999) but also the lack of ability or will to address other human rights (e.g. minority rights) from a gender perspective. Interestingly, the *de facto* lack of women's enactment of their right to actively participate in politics is not mentioned under 'political rights'. Instead statistical data on women's low political representation is presented under 'economic, social and cultural rights' - in the Czech reports without further comment. This is evidence of the Commission's tendency to compartmentalise 'women's concerns' under issues of employment and social policy as the only area where binding legislation exists. The section 'economic, social and cultural rights' is by far the shortest of the human rights sections.

Fourth, the assessment of the two economic criteria' *'functioning market economy'* and *'ability to cope with competitive market forces in the Union'*, which require among other things the liberalisation of prices and trade, the restructuring of state enterprises and social security systems, contains no evidence that a gender impact analysis of distributional consequences of macro-economic policies, the reallocation of assets through privatisation and of cuts in public expenditure has been carried out - despite growing evidence that women in the accession countries have not reaped equal benefits and suffered equal losses from these policies as men (Steinhilber 2002) and despite the Commission's stated commitment to gender mainstreaming.

Fifth, with respect to the transposition and enforcement of Community law in each of the 29 policy areas or chapters of the *acquis communautaire*, binding regulations about gender equality only exist in the field of 'Social policy and employment' (Chapter 13). In this chapter very general reference is made to progress made in legal transposition of the EU Directives and since 2001 in

funding. Only between 1 and 12% of women (related) NGOs have received such funding in Poland since 1993 (Mizielńska 2003b).

Grenzen überwinden. Der EU-Erweiterungsprozess und Visionen für Europa aus
frauenpolitischer Sicht
"Overcoming Boundaries: The Process of EU-Enlargement and Visions of
Europe from a Gender Political Perspective"

Dokumentation der Konferenz / Documentation of the conference (21. - 23. Februar 2003)

establishing enforcement structures, in Poland the Plenipotentiary for Equal Status of Women and Men and in the Czech Republic the Council for Equal Opportunities (since 2002). This is followed by recurring statements that 'administrative capacity in this field remains modest' (e.g. for Poland in 2001) and 'more pro-active enforcement and awareness campaigns are needed' (e.g. for the Czech Republic in 2002). Attesting to the lack of intersectional analysis of gender outlined above, 'anti-discrimination legislation' and the new initiative on combating social exclusion in Chapter 13 are not discussed with respect to having gender relevance even though the Regular Reports recognise that poverty and social exclusion are 'multi-dimensional by nature' (for Czech Republic 2002).

In conclusion, it is evident that the EU has not promoted equal participation of women and men in accession and has adopted a 'minimalist approach' (Bretherton 2002, 5) in relation to promoting gender equality in the screening and negotiation process. The reasons are both institutional (e.g. the lack of women among the actors in charge of enlargement negotiations; the subdivision of policy areas between different Directorates General) and political (the lack of political will and the subordinate position of gender equality in the Union's hierarchy of values (Steinhilber 2002)). Bretherton (2002) found that the Commission officials she interviewed in 1999 considered the focus on implementing the *acquis* as the most effective means for influencing policy and generating debate about issues of gender equality within the CEE; in contrast Pavlik found in 2002 that EU officials had either not heard about gender in the negotiation process or considered gender equality only relevant after accession (P. Pavlik, personal communication).

3.2. Progress reports by the Czech and Polish governments and media coverage

Given the Union's power of agenda setting and a widespread scepticism to ideas of gender equality (which have been taken as discredited by state communism) it is hardly surprising that the accession countries in their position papers that respond to the EU Regular Reports and other policy initiatives remain largely within the parameters set by the EU. Just as the EU Regular Reports, these reports lack precise indicators and tend to confidently describe rather than critically assess progress undertaken or planned. The Polish government stated already in 1997 that 'the basic provisions of EU law regarding equal right of women and men have already been included in Polish legislation. The Government expects to implement further measures designed to prevent sex discrimination harmonised with EU standards' (Government of the Republic of Poland 1997, cited in Mizielińska 2003a, 2). In the following years reported progress largely referred to the transposition of Council Directives on equal treatment of women and men, and the terms gender and gender equality were rarely used.

With respect to *media reporting* a preliminary analysis of three major Czech daily newspapers and one weekly magazine around the time of the publication of the EU Regular Reports indicates that gender and women related issues in accession have been mentioned only since 2000 and do not refer to equal participation of women and men (Hašková & Křížková 2003). Limited attention (in comparison e.g. to Roma discrimination) has been given to the Commission's concerns about trafficking in women and children, which were considered to be overrated and to provide evidence of the Commission's limited regional knowledge. Gender inequalities in the labour market are an emerging area of concern, although press reports usually focus on the situation of specific women such as managers or unemployed mothers and use the term 'difference' rather

than inequality, unequal treatment or discrimination, terms rarely used and never related to women.

Yet, it would be premature to conclude that nothing has been achieved. The Czech courts just ruled the first case of sexual harassment brought forward by a woman tram driver. Advisory and monitoring bodies and (part-time) 'gender focus' personnel have also been established, in part as a result of the active lobbying of women's NGOs: in Poland the Plenipotentiary for Equal Status of Women and Men (currently 13 permanent members), which in 2002 helped abolishing the list of more than 90 occupations barred for women (Miezilińska 2003a), in the Czech Republic the Government Council for Equal Opportunities for Women and Men (currently 23 members who meet at least three times a year). These bodies are supposed to draw up policy proposals, define priorities and advise government policies with respect to gender equality. They closely cooperate with, or in the Czech case include members of, women's NGOs and are supposed to coordinate the work of gender focus personnel, which has been established in all Czech ministries. However, these bodies crucially lack human and financial resources and decision-making powers.

Transcripts of Polish parliamentary debates and Czech progress reports on enforcing equal opportunities show that politicians have used EU Council Directives to endorse the transposition of equality legislation (conservatives too have used EU legislation for their ends, arguing e.g. that parity representation does not exist in EU Member States and therefore was unlawful in Poland). They also indicate disputes over meanings or restrictive interpretations of gender equality even by those who endorse it.

Mizielińska's analysis shows that in Poland conservative MPs have repeatedly argued that women and men are already treated equally in Polish law and that

Grenzen überwinden. Der EU-Erweiterungsprozess und Visionen für Europa aus
frauenpolitischer Sicht
"Overcoming Boundaries: The Process of EU-Enlargement and Visions of
Europe from a Gender Political Perspective"

Dokumentation der Konferenz / Documentation of the conference (21. - 23. Februar 2003)

EU legislation is therefore superfluous *and* that natural law endowed women and men with different rights and responsibilities so that they should be treated as 'different but equal'. Against their own assumptions of natural sexual difference the elimination of stereotypes in schoolbooks was considered to threaten differences between the sexes, leading to problems with sexual identification and gender roles. Social democrats have retorted that gender differences derive from culture not nature and that biological differences should not legitimise unequal treatment. They repeatedly clarified that they were not demanding special rights for women but the elimination of discrimination (Mizelińska 2003a).

In the Czech Republic annual government progress reports on implementing the European Employment Strategy and fulfilling the 'Government Priorities and Procedures for the Enforcement of the Equality of Men and Women' illustrate how the concepts of gender equality and gender mainstreaming are used, given sense and defended as internationally 'tried and tested ways' for achieving equality in practice, while similarly providing a minimalist interpretation of gender equality as non-discrimination. An example is the following statement from the 2002 Czech National Action Plan for Employment:

'Our objective is to create a society in which men and women have equal opportunities, rights and duties in all important aspects of life... Creating equal opportunities for men and women clearly includes establishing formal equality (de jure) primarily by means of a prohibition of discrimination, but no legislation can itself ensure the proper application of the principle of equality in practice (de facto). Inequalities and discrimination remain in many areas of life, to the detriment of both genders, and above all women. The fundamental priority for gender equality is therefore to encourage the application of the principle in practice. The main obstacle to that is the poor understanding of the issue - ignorance of it or less than complete understanding, which leads to passivity and lack of interest among citizens and civil servants' (Czech Government 2002, 57-58).

Grenzen überwinden. Der EU-Erweiterungsprozess und Visionen für Europa aus
frauenpolitischer Sicht
"Overcoming Boundaries: The Process of EU-Enlargement and Visions of
Europe from a Gender Political Perspective"

Dokumentation der Konferenz / Documentation of the conference (21. - 23. Februar 2003)

Compared to some of the more encompassing EU conceptions of gender equality outlined in the first part of the paper in which *de facto* equality referred to material equality, *de facto* equality here denotes an equality of opportunities that works in practice. While it is indisputable that equal opportunities regulations are only efficacious if they can be enacted, equating gender equality with non-discrimination and extending the same rights and guarantees to both genders may, as Phillips has argued, 'obscure (and in some circumstances reinforce) those background inequalities that continue to generate inequalities of power' (Phillips 2001, 3). Indeed, even though structural inequalities are mentioned, primacy is given to raising awareness and eradicating individual and collective prejudice and bias - arguably over the promotion of structural and institutional change.

While I certainly would not dispute that information about legislation is indispensable so that laws become meaningful and can be enacted, formulations such as the one in the 2002 Czech National Plan for Employment raise the question *which* conception of gender equality can and should be promoted and how this principle can be translated into policies that promote the social transformations necessary to achieve gender justice. Currently principles of gender equality are not worked out with the fullest possible involvement of all relevant groups and I have argued that even progressive governmental actors have interpreted gender equality negatively as the absence of discrimination, and legitimised EU gender policies as internationally recognised and 'proven' standards.⁷

⁷ Note that women's NGOs do not necessarily share a conception of gender and gender equality either. A recent case study of four women's NGOs in the Czech Republic revealed that three of them, the Movement for Active Motherhood, which lobbies for alternative forms of childbirth and childcare, the Mothers Centre, which offers activities for women on maternity leave, and the Prague Mothers, an environmental organisation, did not want to be labelled 'women's organisations'. The NGO representatives rejected this label because of its association with communism, particularly with the (former communist) Women's Union that is still active in the Czech Republic, and because they did not categorically exclude men (Chaloupková 2002). While it is certainly ironic to reject the label women when mobilising around the identity of mothers,

How can a debate about equal participation of women and men and gender justice be put forward so that it addresses both cultural values and social-economic inequalities and is critical towards the minimalist approach to gender equality adopted by the EU during accession? How can social actors be mobilised to participate in such a debate if as Phillips (2001) has argued the very process of inclusion and dialogue encourages people to stretch their sense of what is desirable and possible?

4. Outlook: A plea for complexity

As a starting point for discussion I would like to draw attention to two strategies from feminist theory and practice that I consider to be useful for moving the debate on gender equality in the accession countries forward in terms of both destabilising essentialist gender categories and refocusing on social inequalities.

With respect to the debate on gender equality and difference, and the question whether we should promote women's equal participation by disregarding or focusing on their sexual difference, feminist theorists have argued that we should reject such a dichotomy that conceives of equality and difference as binary opposites. The assumption of categorical gender difference is usually belied by the heterogeneity within what is constructed as fixed gender categories, and this heterogeneity has to be made publicly visible. Moreover, equality in the Enlightenment tradition always assumes differences (whether deemed biological or social) that can be discarded with respect to, in this case, granting equal rights. The opposite of equality is inequality, not difference. Thus perceived

the women's rejection of mobilising as 'women' can be considered a way of dealing with the dilemma that 'the terms of protest against discrimination both refuse and accept the group identities upon which

Grenzen überwinden. Der EU-Erweiterungsprozess und Visionen für Europa aus
frauenpolitischer Sicht
"Overcoming Boundaries: The Process of EU-Enlargement and Visions of
Europe from a Gender Political Perspective"

Dokumentation der Konferenz / Documentation of the conference (21. - 23. Februar 2003)

gender differences do not rule out equality, only the incommensurability of persons would. Theorists such as Joan Scott argue that what is indispensable for derailing the equality - difference opposition and the naturalisation of gender inequalities is the analysis of 'normative statements that organise cultural understandings of sexual difference' (Scott 1997, 767).

In a similar vein Cornelia Klinger (2001) has argued that we should shift the question of gender equality from the ontological level of gender identities to the reconsideration of social inequality as a structuring multi-axial principle of contemporary societies. Social inequality is the product not only of gender but also of 'race' and class positionings, which have to be analysed with respect to the normative symbolic order that stabilises them.

I would like to suggest more practically that the application of gender mainstreaming to government budgets could be a useful tool in accession countries to address both socio-economic and normative aspects of gender equality. An example of how this can proceed is the analysis of the Government Budget in the UK, which is carried out, in the absence of government impact assessment, by the Women's Budget Group, an independent think-tank of social policy analysts, feminist economists, and NGO policy officers. The Women's Budget group disseminates annual Budget Briefing Papers that cover a range of policy areas such as personal taxation, pensions, child benefit and indirect taxation to the press and other political actors. For each policy area the papers deconstruct assumptions of normality made by the Chancellor in the budget statement (e.g. 'while the Chancellor referred to "older couples", the reality is that most of the elderly and frail are women outliving their spouses, who are more likely to be reliant on government benefits and state pensions' (Women's Budget Group 1995, 4)). Using the University of Cambridge's micro-simulation model

discrimination is based' (Scott 1999, 6) as Scott shows with respect to affirmative action.

Grenzen überwinden. Der EU-Erweiterungsprozess und Visionen für Europa aus
frauenpolitischer Sicht
"Overcoming Boundaries: The Process of EU-Enlargement and Visions of
Europe from a Gender Political Perspective"

Dokumentation der Konferenz / Documentation of the conference (21. - 23. Februar 2003)

POLIMOD the papers then outline in detail how the fiscal policy adopted will affect women and men, couples and singles, persons with and without children economically and socially (e.g. with respect to family dependency) and put forward short-term measures that could feasibly be incorporated into the existing tax and benefit system and would significantly improve the economic position of women (and other groups such as 'Black workers and disabled people who are disproportionately concentrated amongst low-paid workers' (Women's Budget Group 1996, 8)).

Applying this tool in the accession countries would require tackling the reluctance and disinterest of the media to report on gender equality themes. At present, these themes are reported very rarely even in the EU Member States. The political strategy of deconstructing prevalent gender binaries in their historically specific embodiments and normative justifications, together with the building on available expertise of (non)governmental actors in EU Member States in highlighting the distributional consequences of economic policies would, I believe, address both structural inequalities and emphasise the diversity and complexity of women's situations. It may also be a step towards generating a broad based dialogue on the principles of gender justice.

References

Bretherton, Charlotte (2002): 'Gender mainstreaming and enlargement: the EU as negligent actor?', paper presented at the conference 'The European Union in International Affairs', National Europe Centre, Australian National University, 3-4 July 2002.

Chaloupková, Jana (2002): *České ženské hnutí pro roce 1989: Čtyřci případové studie ženských organizací* [The Czech women's movement since 1989: four case studies of women's organisations], unpublished B.A. thesis, Faculty of Humanities, Charles University, Prague.

Commission of the European Communities (2001a): 'Commission staff working paper. Work programme for 2001 of each Commission service for the implementation of the Framework Strategy on Gender Equality', Brussels, available online: http://europa.eu.int/comm/employment_social/equ_opp.

Commission of the European Communities (2001b): 'Commission staff working paper. Work programme for 2002 for the implementation of the Framework Strategy on Gender Equality', Brussels, available online: http://europa.eu.int/comm/employment_social/equ_opp.

Commission of the European Communities (2000a): 'Report from the Commission to the Council, the European Parliament, the Economic and Social Committee on the implementation of Council Recommendation 96/694 of 2nd December 1996 on the balanced participation of women and men in the decision-making process', pp. 1-27, Brussels, available online: http://europa.eu.int/comm/employment_social/equ_opp.

Commission of the European Communities (2000b): 'Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions: Towards a Community Framework Strategy on Gender Equality 2001-5', pp. 1-24, Brussels, available online: http://europa.eu.int/comm/employment_social/equ_opp/strategy_en.html.

Commission of the European Communities (1999): 'Annual Report from the Commission. Equal Opportunities for Women and Men in the European Union 1998', pp. 1-33, Brussels, available online: http://europa.eu.int/comm/employment_social/equ_opp.

European Commission, DG V (1998): 'A guide to gender impact assessment', pp. 1-7, Luxembourg: Office for Official Publications of the European Community; available online: http://europa.eu.int/comm/employment_social/equ_opp.

Grenzen überwinden. Der EU-Erweiterungsprozess und Visionen für Europa aus
frauenpolitischer Sicht
"Overcoming Boundaries: The Process of EU-Enlargement and Visions of
Europe from a Gender Political Perspective"

Dokumentation der Konferenz / Documentation of the conference (21. - 23. Februar 2003)

Fraser, Nancy (1997): 'From redistribution to recognition? Dilemmas of justice in a "postsocialist" age, in: N. Fraser *Justice interruptus. Critical reflections on the 'postsocialist' condition*, pp. 11-39, London: Routledge

Grewal, Inderpal (1999): "'Women's Rights as Human Rights": Feminist practices, global feminism, and human rights regimes in transnationality', *Citizenship Studies* 3 (3), 337-354.

Government of the Czech Republic (2002): National Action Plan for Employment, p. 1-60, available online: <http://www.mpsv.cz>

Hašková, Hana & Křížková, Alena (2003): 'Preliminary analysis of Czech Press Articles (1997-2002)', unpublished research report, Institute of Sociology, Academy of Sciences, Prague.

Klinger, Cornelia (2001): 'Gleichheit und Differenz. Von alten Sackgassen zu neuen Wegen', *Transit* 21, 186-207.

Lister, Ruth (1995): 'Dilemmas in engendering citizenship', *Economy and Society* 24 (1), 1-40.

Mizielińska, Joanna (2003a): 'Polish State document analysis', unpublished research report, Gender Studies Programme, Institute of Applied Social Sciences, University of Warsaw.

Mizielińska, Joanna (2003b): 'Priorities and beneficiaries of EU funding in Poland', unpublished research report, Gender Studies Programme, Institute of Applied Social Sciences, University of Warsaw.

Phillips, Anne (2001): 'Multiculturalism, universalism and the claims of democracy', *Democracy, Governance and Human Rights*, Paper 7, United Nations Research Institute for Social Development, 1-19.

Phillips, Anne (1998): 'Democracy and representation: or, why should it matter who our representatives are?', in: A. Phillips (ed.) *Feminism and politics*, pp. 224-240, Oxford: OUP.

Scott, Joan W. (1999): 'The Conundrum of Equality', *The Occasional Papers* 2, School of Social Science, Institute for Advanced Study, Princeton University, 1-13.

Grenzen überwinden. Der EU-Erweiterungsprozess und Visionen für Europa aus
frauenpolitischer Sicht
"Overcoming Boundaries: The Process of EU-Enlargement and Visions of
Europe from a Gender Political Perspective"

Dokumentation der Konferenz / Documentation of the conference (21. - 23. Februar 2003)

Scott, Joan W. (1997): 'Deconstructing equality-versus-difference: or, the uses of post-structuralist theory for feminism', in: D. Tietjens Meyers (ed.) *Feminist social thought: a reader*, pp. 758-770, London: Routledge.

Steinhilber, Silke (2002): 'Women's rights and gender equality in the EU enlargement. An opportunity for progress', Network Women in Development WIDE, pp. 1-14, available online: http://www.eurosur.org/wide/EU/Enlargemetn/EU%20_Enlargemetn_Steinhilber_Oct.2002.

Women's Budget Group (1995): *Briefing paper on the 1995 Autumn Budget Statement: Impact on women*, London School of Economics.

Women's Budget Group (1996): *Briefing paper on the 1996 Autumn Budget Statement: Impact on women*, London School of Economics.