



Policy brief

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The Impact of EU Accession on Policies for Inclusion of Various Social Groups: EU Gender Policy Implementation in Ukraine

By Edward Rakhimkulov, Olena Suslova,
Charles R. Wise

Executive Summary

One of the major challenges emerging democracies in Eastern and Central Europe have faced is approximation of their domestic legislation to the legislation of the European Union. This specifically concerns issues related to policies for inclusion of various social groups as many of these new democracies have just only recently started to develop their own legislation in these areas. The challenge is not only to approximate the national legislation to existing EU directives, but also to make a case in the respective societies for the necessity of such legislation. With regard to the example of implementation of EU gender policy guidelines in Ukraine, we discuss the policy implementation implications for formulating policies for inclusion of various social groups in new European democracies.

New Democracies and New Policies

The dissolution of the Soviet Union in 1991 and emergence of new democracies in Central and Eastern Europe brought about increased openness of government operations in these countries. Imperatives of greater transparency in policy development and implementation processes, involvement of citizens and citizen groups on different stages of policy formulation and oversight over its implementation led to adoption of new governing mechanisms. In order to sustain continuing democratization in Central and Eastern

Europe and to make the transformation process more efficient and effective, successful practices of neighbor countries in dealing with these issues are being exchanged by practitioners and policy makers.

Development of Gender Equality Policies in Central and Eastern Europe

The enlargement of the European Union, a process that included two waves of expansion (in 2003 and 2007), supported democratic transformation in Central and Eastern Europe.

As the EU is a union with legal dimensions, candidate countries must accordingly transpose existing EU law, the so called 'legal acquis', into their national legislation. The adoption of this law is the result of a long process of negotiation between the European Commission, representing the EU, and the candidate countries, during which different negotiation positions are discussed and agreed upon. Gender equality is among the fields to which the acquis applies; however, the reports issued within this program measure not only the level of implementation of concrete obligations undertaken by the governments of the candidate countries during the negotiation process, but also the candidate countries' ability to adhere to their commitments, as well as the level of understanding of the broader need for, and benefits of, equal opportunities for women and men.

Historically, the *acquis communautaire* in the field of equal treatment has concentrated mainly on the field of employment and social security because the Union, which was established in 1957 as an economic community, had an interest in the direct economic impact of the principle of equal

pay from the very beginning. Nowadays, the policy on gender equality is part and parcel of EU policies and programs. It is significant that in its report based on the national reports on the European Employment Strategy for the period 1999–2004 the European Commission clearly stressed the fact that equal opportunities for men and women are an economic necessity and that approximately one-fifth of the annual increase of the GNP in EU countries (2.3%) was due to the increased participation of women in the labor force. This explains why the principle of equality does not exclude “positive action”, which allows for the provision of specific advantages in order to make it easier for the underrepresented sex to pursue a vocational activity, or to prevent or be compensated for disadvantages in professional life.

Challenges of EU Accession

EU primary and secondary law (most notably, the 1997 Amsterdam Treaty) establishes standards for member states to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. These standards are further translated into EU directives that contain more specific policy guidelines for legislative adjustment (approximation) not only for the member states but also for candidate countries and other aspiring member states.

A number of EU directives adopted since 1976 provide baseline tenets of EU policy on gender equality. Most candidate countries that went through the process of transposing EU law into their national legislation have had to deal with a communist legacy. In the gender equality area, the legacy was represented primarily in the belief that gender equality had already been achieved during the communist regime. This, in addition to lack of legal traditions and poor institutional infrastructure to implement new policies, hindered the process of adopting new policies. In aspiring 2

member states, such as Ukraine, these obstacles are even more deeply rooted.

Policy developments regarding sexual harassment, violence against women, and more recently on issues such as political participation and reproductive rights, reflect some of the more contemporary trends in the field of women’s rights. These are all areas that generate concern in terms of gender equality in accession countries as well in member states. Civil society has already been working on these issues in depth, and the accession process provides a valuable opportunity for EU-based NGOs, together with NGOs from the accession countries, to undertake a major role in shaping and lobbying for greater and broader requirements. In addition, NGOs from the candidate countries can mobilize and lobby their respective governments on new, emerging issues, and can be of support to the EU institutions in terms of any prospective changes they seek to adopt.

Communist Legacy in Central and Eastern Europe

During the period of communist rule, women were strongly encouraged to participate in all forms of labour on a par with men, although one major factor in the high employment rate of women was the low salary rates that led families to seek to increase their incomes. As the legal underpinnings of equality between men and women developed though, at the same time and by virtue of past traditions, women took on the double burden of childrearing and housework.

Accordingly, there were three major aspects of women’s participation in the socialist economy: work, the socio-political life of the nation, and the family. In order to facilitate women’s balanced fulfillment of these different responsibilities, the state created favorable legal and economic conditions: well-paid maternity leave was

introduced; women's right to abortion was recognized in most countries, childcare facilities were set up, etc. However, the encouragement for women to participate in national economies during socialism did not automatically guarantee women de facto equal status with men. One basic source of discrimination, for example, was the fact that women were defined and understood by society in terms of their role as both mothers and workers. Bearing the burden of the double workday and the accompanying responsibilities was a constant source of stress for many women, and the formal benefits of the legislation often had the reverse effect of actually reinforcing stereotypical roles and unequally distributing men and women's family responsibilities.

As a result, many women regarded their right to work more as a duty than an inalienable human right. A notable accomplishment, however, was women's high level of education, an asset that has unfortunately not been effectively utilized in the period of economic transformation due to the inability of the state to sustain full employment.

What Can Government Do?

Ukrainian policy makers and legislators, taking EU directives as guidance and using different policy implementation mechanisms, have made significant progress towards establishing EU membership inspired policies in their country. Among such instruments were:

- Translating, publishing, and widely disseminating EU directives on equal rights and opportunities for women and men;
- Establishing good working relationships with local NGOs in the area of equal rights and opportunities and engaging other NGOs working in the area of promoting observance of human rights values in policy discussion;

- Initiating expert workshops and round table discussions on gender equality issues
- Encouraging exchange of experience with experts from new EU member states.

These policy implementation tools were used in Ukraine to establish EU guided gender equality principles. As a result of these strategies, the EU-Ukraine Action Plan containing specific language concerning gender equality standards was adopted, and the Law on Equal Rights and Opportunities for Women and Men was passed in October 2005.

Currently, the Ukrainian government is working on establishing working mechanisms in addition to legal instruments to further develop gender equality policies in line with EU guidelines.

The progress of this process so far in Ukraine suggests that similar results can be achieved in other areas of formulating policies for inclusion of various social groups.

About the authors:

Edward Rakhimkulov is an Indiana University School of Public and Environmental Affairs PhD candidate and is professional staff for the Parliamentary Development Project. His research interests include comparative politics (separation of powers, democratization), inter-governmental relations and local government.

rakhimkulov@iupdp.org, 011-38-044-278-1225, 5/2 Zankovetskoï Street, suite 82, Kyiv 01001, Ukraine

Olena Suslova is professional staff for the Parliamentary Development Project. Her research interests include gender studies and democratization. suslova@iupdp.org, 011-38-044-278-1225, 5/2 Zankovetskoï Street, suite 82, Kyiv 01001, Ukraine

Charles R. Wise is Director of John Glenn School of Public Affairs, Ohio State University, and Director of the Parliamentary Development Project for Ukraine. His research interests include institutional development and processes of democratization in developing democracies; development of legislative institutions. Wise.983@osu.edu
614-247-7933, 350 Page Hall, 1810 College Road, Columbus, Ohio, USA

Recommended Sources

- The EU On-Line: Equality between Women and Men (<http://europa.eu/scadplus/leg/en/s02310.htm>)
- EU monitoring and Advocacy Program (<http://www.eumap.org/>)
- Equal Opportunities for Women and Men: Monitoring Law and Practice in Poland (http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502/eowmpoland_2005.pdf)
- (http://www.unece.org/gender/publications/Bulgaria/eowmbulgaria_2005.pdf)
<http://workspace.fse-esf.org/mem/Act2227/doc370/>

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European Union Center for Excellence
Indiana University

Ballantine Hall 542
Bloomington, IN 47405
eucenter@indiana.edu

Phone: (812) 856-3832
Fax: (812) 855-7695