

EUROPEAN PARLIAMENT



Women's Rights Policy and Enlargement

Position Paper

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March 2002

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1 INTRODUCTION

When the European Union was set up, its remit was to establish a union of all the States and nations of Europe. However, that remit was only semi-fulfilled by the foundation of the Organisation for European Economic Cooperation (OEEC) in 1948. It is only now, when citizens have cast off Soviet oppression, that it has become possible to create a 'united Europe'. This unique historic opportunity is of particular importance for Austria. Several of the Enlargement States (Slovakia, Slovenia, the Czech Republic and Hungary) are our immediate neighbours. We have historical and cultural links with them and both we and they will benefit economically from Enlargement. But, as good neighbours, we should ensure in the Enlargement process that Enlargement directly benefits those who for years were deprived of economic, social and political opportunities. That is particularly true of women. They have been the main losers in this radical break from the Communist system, especially in economic terms. Enlargement should restore their economic equality, even in free market conditions. They should also play a central role in society and politics, in accordance with the gender mainstreaming concept.

The Enlargement process is regulated in detail by the EU Treaties. As soon as a country meets the necessary general criteria, in particular democracy, the rule of law and economic competitiveness, it has the right to become a member of the European Union. Specifically, it has to be demonstrated that all aspects of European law will be adopted by the date of accession. Since the criteria do not simply have to be met formally but also have to be put into practice, it is particularly important that everything EU law has to offer in terms of equal treatment for women and men is properly transposed.

Enlargement is presenting various problems for the European Union and the candidate countries in relation to issues such as the budget, agricultural policy, the apportionment of seats and votes in the European bodies, transport and organised crime, and these have to be resolved. We must therefore make sure that more attention is paid to women's rights policies. The process will not be completed by the time of the anticipated accessions (2004/2005), any more than we ourselves have yet achieved equality in a number of areas. That is why it is important to keep presenting our demands to the public in a focused and integrated way, which will also create solidarity between the women in the existing 15 EU States and the candidate countries.

As a member of the European Parliament's Committee on Women's Rights and Equal Opportunities, Christa Prets works to improve the situation of women. As a member of the EU delegations for Romania and Hungary, she is familiar with the problems of women in the candidate countries. Her experiences have been incorporated in this position paper, which summarises specific information to provide a picture of the position of women in the candidate countries.

The background information on legal aspects was provided by Dr. Maria Berger, a member of the Committee on Legal Affairs and the Internal Market.

Trafficking in women as a modern form of slavery is also an important issue in Karin Scheele's work.

The female MEPs from the Austrian Social Democratic Party work together to support and act upon women's concerns as much as possible in their fields of responsibility. For that reason they welcome the opportunity to contribute to this survey initiated by Federal Minister for Women's Affairs, Barbara Prammer, with their political expertise and strong personal commitment.

Brussels – Strasbourg – Eisenstadt, February 2002

The following collaborated on this position paper:

Verena Abu-Dayeh, Patricia Mangeng, Iris Stöckl - office of MEP Christa Prets
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Sincere thanks to the African Women's Organisation in Vienna, the Burgenland regional statistics office and the Romanian Embassy in Vienna.

2 THE ENLARGEMENT OF THE EUROPEAN UNION

The majority of people in the European Union are women (191.6 million.). However, their numbers are not reflected in their status. The situation of women in Europe is still far from satisfactory. Even in the European Union Member States, there are many areas and issues affecting women that are a long way from a solution. That makes it all the more important to pay special attention to the position of women in the forthcoming Enlargement of the Union.

The entry criteria for the candidate countries are determined in the accession negotiations. At the moment, 13 States have applied for EU membership. In March 1998 the European Union started the Enlargement process for 12 candidates for membership.

State	Date of application	Accession negotiations started
Turkey	14.04.1987	-
Cyprus	03.07.1990	31.03.1998
Malta	16.07.1990	15.02.2000
Hungary	31.03.1994	31.03.1998
Poland	05.04.1994	31.03.1998
Romania	22.06.1995	15.02.2000
Slovakia	27.06.1995	15.02.2000
Latvia	13.10.1995	15.02.2000
Estonia	24.11.1995	31.03.1998
Lithuania	08.12.1995	15.02.2000
Bulgaria	14.12.1995	15.02.2000
Czech Rep.	17.01.1996	31.03.1998
Slovenia	10.06.1996	31.03.1998

3 LEGAL BASES

3.1 The Community *acquis* in the fields of equal treatment and equal opportunities

Article 119 of the Treaty establishing the European Communities (right to equal pay for equal work).

The Treaty of Amsterdam (October 1997)

Article 2: Equality between men and women as one of the Community's objectives.

Article 3(2): Elimination of inequalities in all employment policies and Community measures.

Article 13 (ex Article 6a): Action to combat discrimination based on sex or sexual orientation.

Article 137 (ex Article 118): Promotion of equality between men and women with regard to labour market opportunities and treatment at work.

Article 141 (ex Article 119): Application of the principle of equal pay for male and female workers for equal work or work of equal value, equal pay without discrimination based on sex and the adoption of measures providing for specific advantages ‘in order to make it easier for the under-represented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers’.

3.2 EU directives on equal treatment

Since 1975 the European Union has enacted a series of directives¹ to improve the position of women in the labour market.

- Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of equal pay for men and women
- Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions
- Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security
- Council Directive 86/378/EEC of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes
- Council Directive 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity and in the protection of self-employed women during pregnancy and motherhood
- Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding
- Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time
- Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC
- Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex
- Council Directive 97/81/EC of 15 December 1997 concerning the framework agreement on part-time work concluded by UNICE, CEEP and the ETUC
- Currently being discussed with the Commission, the Council and Parliament: amendment of Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as

regards employment, vocational training and promotion, and working conditions

- Special protection for employees during and after the termination of their employment relationship, for instance in sexual harassment cases. This enables a compensation claim to be made at a later date. The equal opportunities officer can act for the victim of discrimination in legal disputes.
- The law of the Member States, within the scope of which exceptions to the principle of free access to employment may be made, is also clearly explained. The need for special protection for women in view of their physical difference is recognised, as is their right to return to the same job after maternity protection.
- Any discriminatory treatment relating to pregnancy or motherhood or other occupational and family circumstances should also be treated as direct discrimination.

The European Parliament asks that in the conciliation procedure, contrary to what is proposed by the Commission, the scope of the Council Directive should be extended to include other points:

- It should include not only equal treatment in the workplace but also equal treatment in all areas relating to women's working life, for example recruitment conditions, vocational training and terms of remuneration.
- Members of Parliament are calling for preventive measures to deal with the problem of sexual harassment² at work, in particular confidential counsellors in undertakings.
- Parliament is providing for further improvements for maternal protection. Fathers and mothers can take childcare leave and should have the right to return to their jobs. The conservatives were opposed to including fathers under these rules. The EP called for an independent arbitration body to be set up, where employees could seek compliance with the rules of this Council directive as well as any other EU rules concerning discrimination and equal treatment.

4 ENLARGEMENT AND WOMEN'S RIGHTS POLICY

4.1 The labour market situation and education in the candidate countries

Women still have to fight for equal treatment and equal rights. That is quite clear from the situation in the labour market. Access to jobs, training, management positions and assistance and opportunities for returning to work after pregnancy are notable examples. Moreover women earn around 25 – 30% less than similarly trained men doing the same job.

The unemployment figures for women in the candidate countries should be noted. In Hungary, for instance, about 900 000 workers, out of a population of about 10 million, have lost their jobs since 1989 in the rapid restructuring of State industries and large-scale privatisation which was, however, often short-sighted and uneconomic.

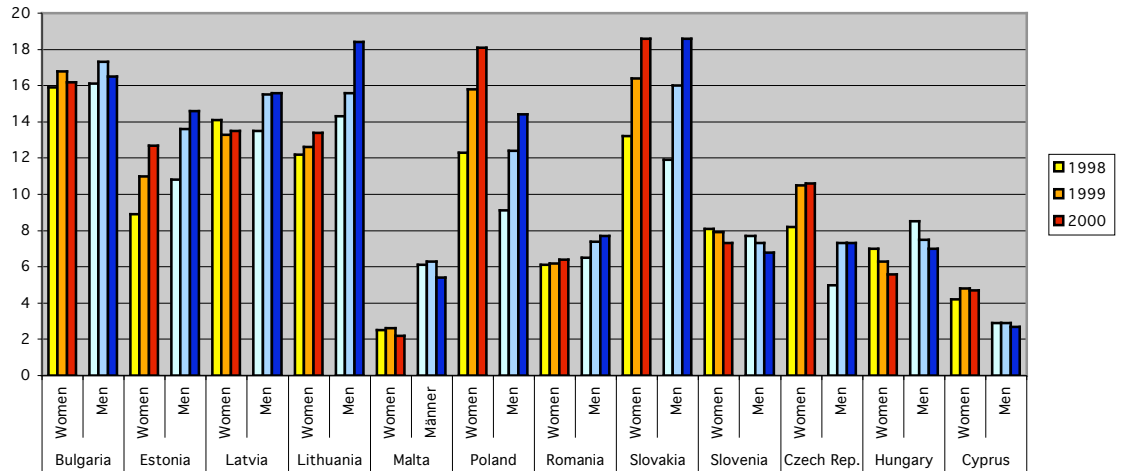
Notes on the table below:

- the figures do not include the long-term unemployed
- fewer women than men are in paid employment; hence there are also fewer women unemployed
- the unemployment rate must always be compared with the occupation rate and placed in context.

Percentage of women/men unemployed in the applicant countries³:

Country	1998		1999		2000	
	Women	Men	Women	Men	Women	Men
Bulgaria	15.9	16.1	16.8	17.3	16.2	16.5
Estonia	8.9	10.8	11.0	13.6	12.7	14.6
Latvia	14.1	13.5	13.3	15.5	13.5	15.6
Lithuania	12.2	14.3	12.6	15.6	13.4	18.4
Malta	2.5	6.1	2.6	6.3	2.2	5.4
Poland	12.3	9.1	15.8	12.4	18.1	14.4
Romania	6.1	6.5	6.2	7.4	6.4	7.7
Slovakia	13.2	11.9	16.4	16.0	18.6	18.6
Slovenia	8.1	7.7	7.9	7.3	7.3	6.8
Czech Republic	8.2	5.0	10.5	7.3	10.6	7.3
Hungary	7.0	8.5	6.3	7.5	5.6	7.0
Cyprus	4.2	2.9	4.8	2.9	4.7	2.7

Percentage of women/men unemployed in the applicant countries



Unemployment rates
(as a percentage of work force)⁴:

EU Member States	1998	1999	2000
Luxembourg	2.7	2.4	2.5
Netherlands	4.0	3.4	2.9
Austria	4.5	4.0	3.6
Ireland	7.5	5.6	4.1
Portugal	5.2	4.5	4.1
Denmark	5.2	5.2	4.7
United Kingdom	6.3	6.1	5.4
Sweden	8.3	7.2	5.7
Belgium	9.5	8.8	6.9
Germany	9.3	8.6	7.8
France	11.8	11.2	9.3
Finland	11.4	10.2	9.6
Italy	11.8	11.4	10.3
Spain	18.8	15.9	13.9
Applicant country	1998	1999	2000
Bulgaria	16.0	17.0	16.9
Estonia	9.9	11.7	13.7
Latvia	13.8	13.7	14.6
Lithuania	13.3	10.2	16.0
Malta	5.1	5.3	4.5
Poland	10.6	12.3	16.0
Romania	6.3	6.2	7.1
Slovakia	12.5	16.2	18.6
Slovenia	7.9	7.3	7.0
Czech Republic	6.5	8.5	8.7
Cyprus	3.4	3.6	4.9

It is virtually essential in the labour market for women to be better and more highly trained than men if they are to have any chance of participating in the labour process.

Before the fall of the Iron Curtain, state-owned undertakings provided childcare facilities and welfare assistance for women. Since 1990, however, the private undertakings that succeeded them have cut back these facilities and payments in order to reduce costs and make more profit.

Some candidate countries, Poland for example, have no laws against sexual harassment in the workplace. The stereotypical view that women should concern themselves only with housekeeping and children is still widespread. In the Czech Republic, Slovakia, Slovenia and Bulgaria in particular, these views can be found in schoolbooks and the media. It is true that many of the candidate countries have amended their laws, but these also have to be put into effect in the daily lives of men and women at home, in the workplace and in public life.

4.2 Equal opportunities

The European Union is monitoring and observing developments in the candidate countries in the light of set criteria, including developments in the position of women. In the latest elections in Romania in November 2000, for instance, statistics showed that more women had exercised their right to vote but, as in many other countries, it was still the case that relatively few (between 6 and 15%) had sought political office and stood for election.

Introduction of women's suffrage

1906	Finland	1928	Ireland
1915	Denmark	1928	United Kingdom
1918	Austria	1931	Spain
1918	Estonia	1944	Bulgaria
1918	Poland	1944	France
1919	Germany	1945	Hungary
1919	Luxembourg	1945	Italy
1919	Netherlands	1945	Slovenia
1919	Sweden	1945	Romania
1920	Czech Republic	1948	Belgium
1920	Slovakia	1949	Greece
1921	Lithuania	1960	Cyprus
		1976	Portugal

The concept of discrimination⁵ is not uniformly and clearly defined in the applicant countries. It is often therefore interpreted arbitrarily and, due to the dominance of male power structures, usually to women's disadvantage. Clear and uniform criteria need to be established and regularly reviewed in order to improve the position of women. The definition is currently being revised in the report on women and employment.

4.3 Female representation in parliaments and institutions

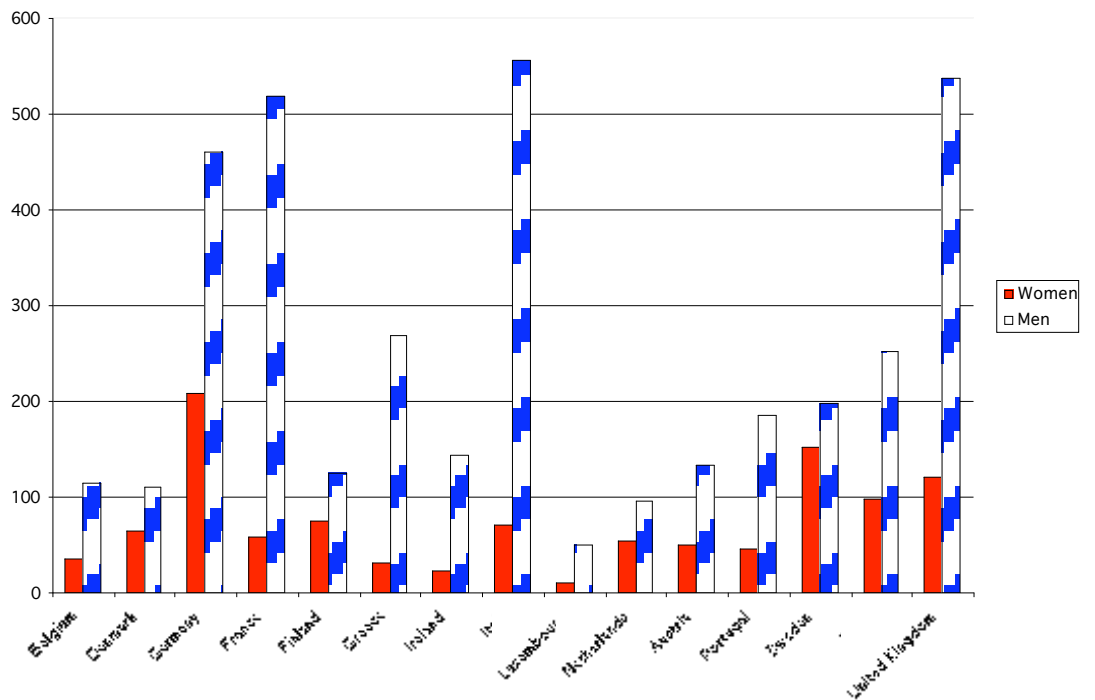
About 15% of women are currently involved in national politics in the candidate countries. The figure for the EU is 22.6%, ranging from 10.3% in Greece to 43.6% in Sweden. Of the candidate countries, Cyprus has the lowest percentage, with 5.4%.

Women in national parliaments in the EU States

EU Member State	Total	Men	Women	%
Belgium	150	114	36	24.0
Denmark	175	110	65	37.1

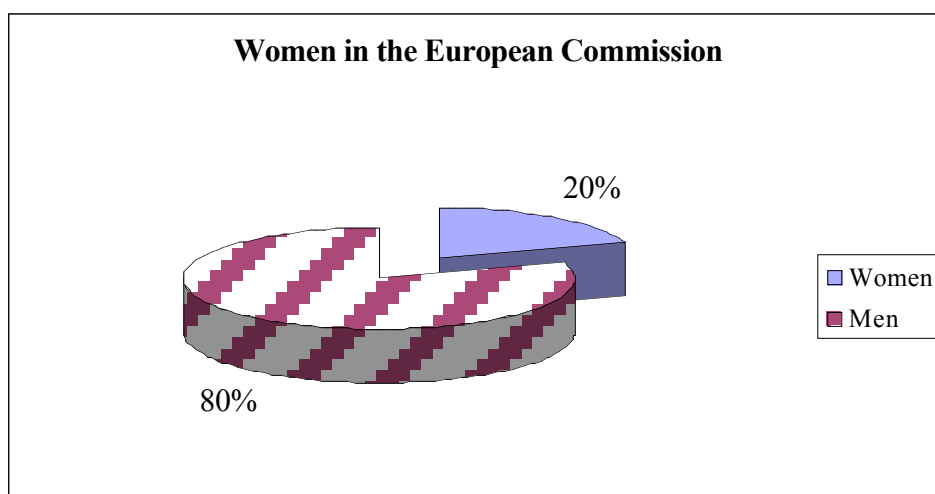
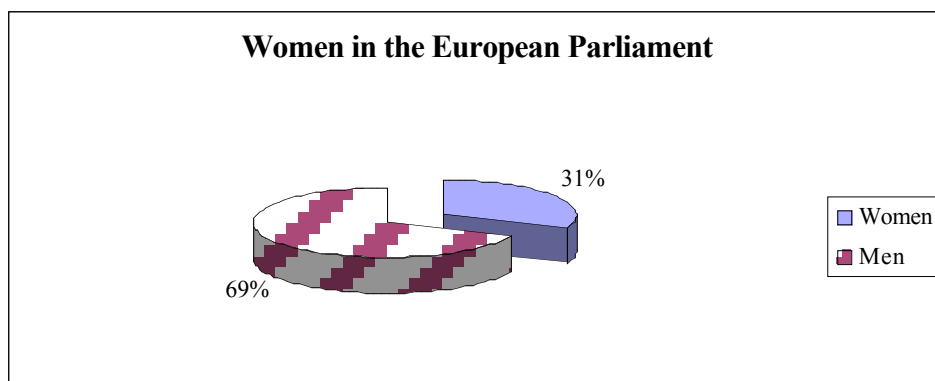
Germany	669	460	209	31.2
France	577	518	59	10.2
Finland	200	126	74	37.0
Greece	300	269	31	10.3
Ireland	166	144	22	13.3
Italy	626	556	70	11.2
Luxembourg	60	50	10	16.7
Netherlands	150	95	55	36.7
Austria	183	134	49	26.8
Portugal	230	185	45	19.6
Sweden	349	197	152	43.6
Spain	349	252	97	27.8
United Kingdom	658	537	121	18.4
Total	4842	3747	1095	22.6

Women in national parliaments in the EU States



Women in the European Parliament and the Commission⁶

	Total	Women	%
European Parliament	626	194	31.0
European Commission	25	5	20.0



Women in the Enlargement countries – parliament and government

State	Women in parliament (%)	Women in government (%)
Bulgaria	10.8	18.8
Estonia	17.8	13.3
Latvia	17.0	30.0
Lithuania	11.0	0.0
Malta	9.2	7.7
Poland	13.4	5.3
Romania	11.9	18.5
Slovakia	13.3	10.0

Slovenia	12.2	18.7
Czech Republic	13.1	0.0
Hungary	8.4	6.1
Cyprus	7.1	0.0

Trafficking in human beings

Progress can be reported in regard to trafficking in women and children, in that new legislation has been introduced prohibiting the trade in human beings. Serious efforts are still needed, however, if the trade is to be stopped altogether.

Cooperation and networks need to be developed between the police and judicial authorities, the immigration and social security services, international organisations and Non-Governmental Organisations (NGOs). The necessary Community resources and assistance should be provided for that purpose. NGOs are political associations of individual citizens with the same or similar interests. There are estimated to be more than 50 000 such 'civil initiatives' worldwide. They have detailed information straight from the candidate countries, which is often not made public. In the EU, about 900 Non-Governmental Organisations are currently pressing to be involved in official development policy. A distinction is made between technical NGOs, which work on specific projects, and political NGOs, which exercise political pressure. They have now evolved into partners of official departments and are invited to participate in negotiations (in the WTO, the UNO, the OECD and the EU or even in national governments).

CEDAW (the Convention on the Elimination of All Forms of Discrimination Against Women) was adopted by the UN General Assembly in 1979. Often described as an international bill of rights for women, it defines what constitutes discrimination against women. The contracting states (currently 165, including all the applicant countries) commit themselves to introducing measures to end discrimination against women. The convention is the only human rights convention that endorses women's reproductive rights and recognises culture and tradition as influences on the organisation of sexual roles and family relationships.

At its closing sitting in 1999, the UN General Assembly adopted the additional protocol to the convention (which entered into force on 22 December 2000). The protocol is a crucial supplementary instrument for women's rights, in that it enables them to bring complaints of human rights violations and discrimination straight to the United Nations after domestic legal channels have been exhausted. The CEDAW committee gives them a fair hearing. Sixty-four states have signed the additional protocol in all, including nine candidate countries (Hungary, Cyprus, Bulgaria, the Czech Republic, Lithuania, Romania, Slovakia, Slovenia and Turkey).

PROBLEMS AND ABUSES

4.4 Trafficking in women

The number of victims of trafficking in women has risen dramatically in Europe in the last few years. Trafficking in women is a violation of human rights, the basic principles of law and hence democracy. One of the main reasons for this form of organised exploitation and degradation is poverty. 78% of victims are exploited by organised criminal gangs in various forms of prostitution. Last year 500 000 impoverished women from Central and Eastern European countries were smuggled into Western Europe by criminal human trafficking networks. The effects on victims' physical and psychological health are serious. They suffer from the worst forms of sexual, physical and mental violence, including physical mutilation and social exclusion. Laws are needed in the CEEC to prevent and control trafficking in women. Cooperation with all international organisations and with the EU has to be stepped up in order to ensure flows of information and put a stop to human trafficking. Austria too is severely affected, since its central geographical position makes it a focal point in this field of organised crime.

STOP

An incentive and exchange programme for persons responsible for combating trade in human beings and the sexual exploitation of children.

The object of the programme is to establish or develop appropriate networks and to foster practical cooperation between the people responsible in the Member States for combating the trade in human beings and the sexual exploitation of children. The programme is aimed at, for example, judges, public prosecutors, police officers, government officials and those who look after the victims. Its general purpose is to develop their specialist knowledge and skills and adapt them to local needs and situations.

On 28 June 2001 the Council decided to extend the STOP programme for a further 2 years. **STOP II** has the same aims as the previous project. Its budget for 2001 was EUR 2 million and another EUR 2 million have been allocated for 2002.

Main features

- Passing on knowledge and information on legal systems and procedures in other Member States (developing legal proceedings, immigration and border control procedures, social security and tax law)
- Building networks
- Exchange of information
- Research, dissemination of new methods
- Dissemination of information and creation of databases.

4.5 Violence against women

Violence⁷ is more than just a threat to the physical and mental health of the victims; it also violates their right to life, safety, freedom, dignity and physical and emotional integrity.

The priority must therefore be to foster Europe-wide cooperation on combating violence and special measures to raise awareness in the EU and the candidate countries. It should be noted that domestic violence is on the increase in those countries in particular. The greater role now played by women in public life has to be regularly reviewed in the light of current statistics. The public and media dissemination of qualitative and quantitative information also helps to raise public awareness. Combating and preventing violence against women and children is a very important issue in the enlarged Europe and it is therefore vital to establish cooperation and create networks between the applicant countries and the EU in order to take effective action against it.

DAPHNE

The DAPHNE I programme (2000-2003) is a preventive European Union action programme to combat and prevent violence against children, young people and women, including those in the Enlargement countries (it developed from the DAPHNE initiative implemented from 1997 to 1999).

An annual budget of EUR 5 million has been allocated for the budget years 2000 to 2003 (total budget EUR 20 million).

Main features

- Advice and information; development and extension of existing information exchange networks; cooperation between NGOs and government authorities
- Campaigns to raise public awareness of the issues
- Research and preventive action
- Adaptation and use of practical in-service training strategies and materials.

Examples of projects under DAPHNE 2000-2003

- Aid for female victims of violence (NGO work)
- Europe-wide Internet action (certain pages are to be closed)
- Cross-border project against trafficking in women (Scandinavia/Baltic States)
- Sophia project – aid for women, children and young people who have suffered abuse (victim care training programme for managers, technicians and volunteers)

4.6 Female genital mutilation (FGM)

At first sight this issue seems to have no relevance to the EU and the candidate countries, because female genital mutilation is not practised in European culture and religions. However, Member States and candidate countries encounter it as a form of violence against women amongst immigrants from countries where this traditional custom still survives. It is estimated that there are 30 000 victims in the United Kingdom, nearly 28 000 in Italy and 20 000 women at risk in Germany. Precise figures are not available for Austria⁸.

Female genital mutilation is a serious infringement of human rights and an act of violence against women. The justifications given for it are religion, the preservation of standards and values, virginity, aesthetic considerations, fidelity to the husband and allegedly safer childbirth.

In fact, the main reasons are ignorance of women's concerns, taboos concerning women's bodies, the political failure to take up a clear position and fight against the custom, the economic dependency of women and the restrictions on their right to choose. In some countries and cultures women have very little chance of marrying if they have not been circumcised, which brings with it economic and social consequences. Mothers are therefore under considerable social pressure to subject their daughters to this mutilation.

Between 110 and 130 million women worldwide have undergone genital mutilation. Another 2 million girls and women are subjected to the operation every year. It is practised on all age groups, from 6-day-old babies to adults. It is common in many ethnic groups in East and West Africa, the south of the Arabian Peninsula and along the Persian Gulf, in a total of 28 African countries. According to reports, it is also practised in minority groups in India, Malaysia and Indonesia.

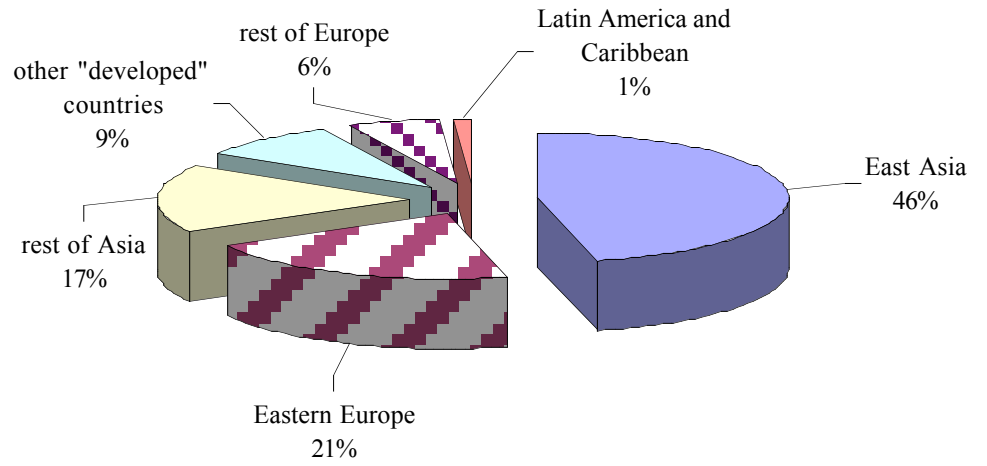
We in Europe must ensure that appropriate legal rules are in place and that women and children are properly protected. Genital mutilation causes lasting damage and often even death through loss of blood or infection. The characteristics of the different cultures have to be taken into account and it is therefore very important to work with local and national groups. Education and information are vital in convincing people that they can give up particular practices without abandoning what, to them, are meaningful aspects of their own culture. Immediate action is needed to ensure that women at risk can be granted asylum in Europe.

4.7 Abortion – women's right to choose

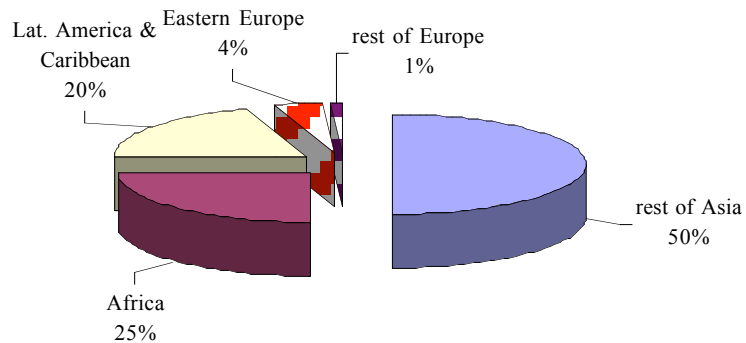
In the European Union and the candidate countries women have the right to abortion, although exercise of the right still raises many problems.

Ireland is the only country in the European Union where abortion is still illegal. Despite that it has one of the highest abortion rates in Europe.

Legal abortions⁹



Illegal abortions



Abortion legislation

Country	Year of adoption
Belgium	1990
Denmark	1973
Germany (post-reunification)	1992
Finland	1970
France	1975
Greece	1986
Ireland	-
Italy	1978
Luxembourg	1978
Netherlands	1981
Austria	1974
Portugal	1984
Sweden	1974
Spain	1985
United Kingdom	1967
Bulgaria	1956 (1990)
Estonia	1955 (1992)
Latvia	1955 (1991)
Lithuania	1955 (1990)
Malta	no data
Poland	1993
Romania	1957 (1989)
Slovakia	1957 (1986)
Slovenia	1977
Czech Republic	1957 (1986)
Hungary	1956 (2000)
Cyprus	1974

5 EDUCATION

Education is a fundamental right of all citizens and those responsible for education policy therefore have a duty to establish framework conditions which ensure that everyone, irrespective of sex, has access to education and training

Women in particular need to be better and more highly trained. Experience shows that higher standards are required of women than of men in securing and keeping a job. Around three-quarters of unemployed women have intermediate to high qualifications, compared with only about a third of men. Professional standards have changed very rapidly over the last few years and will continue to do so. Training needs to be flexible; stereotypical ideas about 'female' occupations have to be put aside and greater inroads made into technology, science and research.

Educational reform is a long-term process and changes are also necessary within the European Union. The candidate countries need outside technical and financial help to enable them to meet the challenge of reforming their educational systems. Rural areas are particularly affected and for that reason regional or local training centres such as already exist in some countries (Hungary, Poland, Estonia, Latvia, Lithuania and Slovenia) need to be further developed and given special support.

6 REQUIREMENTS FOR WOMEN'S RIGHTS POLICY

- Adoption of the Community *acquis* relating to sexual equality is a prerequisite for accession by the new Member States
- Implementation of the gender mainstreaming principle, i.e. integration of the gender aspect in all fields of policy
- Improved access for women to information on their legal rights and action to enforce those rights
- Encouragement for women to assert their rights in court – establishment of equal treatment precedents. Raising awareness of gender-specific issues amongst judges, practising lawyers and legal advisers, politicians and the public
- The number of women in parliament and government in the candidate countries must be in proportion to the number of women in the population
- Active encouragement for women to participate in politics at all levels of government
- Involvement of women in security and foreign policy matters
- Support for the development of an active civil society, with the participation of non-governmental women's organisations (e.g. through public information and further training schemes on international rules for the protection of women)
- Development and dissemination of gender-specific statistics conforming to EU standards, to direct attention to problems, facilitate comparisons and make it easier to monitor equality of treatment for men and women.
- Public discussion of equal treatment and sexual roles
- Development of appropriate individual measures in each applicant country to promote equal treatment for men and women
- Greater cooperation between NGOs in the EU and the candidate countries – involvement in the preparations for EU accession
- Encouraging and supporting exchanges of information between candidate countries and the EU Member States
- Specific female issues must be integrated into all aspects of social and economic life
- Employment measures and practices based on gender equality (equal pay for equal work); specific steps (as provided for in Article 141 of the Treaty) must be taken to promote access by women to education, vocational training and employment, improve the labour market situation to enable them to combine family life and work and prevent discrimination
- Creation of effective instruments to combat trafficking in women; efficient measures to develop networks between the police, the judicial authorities and immigration and social services; participation in voluntary and international organisations
- Active participation by applicant countries in Community programmes contributing to the protection of women's rights:
 - Community Action Programme on the Community strategy on gender equality (2000-2005)
 - Community Action Programme to combat discrimination (2001-2005)
 - STOP and DAPHNE programmes to combat violence against women.

7 THE SITUATION IN THE CANDIDATE COUNTRIES

7.1 Bulgaria

Unemployment

- The unemployment rate for women rose from 13.8% in 1996 to 16.2% in 2000.

Education

- Unfortunately there are no specific data on women's educational programmes. It should be emphasised in general that Bulgaria needs to cooperate more with the other applicant countries on training and further training policies in order to foster an understanding of European integration.

Equal opportunities

- No new laws have been passed on equal opportunities for men and women. Top priority must be given to the adoption of the gender equality bill already drawn up by the Bulgarian Government.
- Bulgaria needs to make further changes to the equal rights laws and legal framework, including proper complaints, monitoring and control procedures.
- The Bulgarian Government has not fulfilled the obligation to appoint an ombudsman for gender equality issues.
- Insufficient financial resources and staff have been allocated for gender equality issues.
- The law on non-profit making legal persons entered into force in January 2001 and represents a new legal framework for Non-Governmental Organisations (NGOs). The law sets out clear provisions for the registration of civil initiatives and foundations.
- Homosexual men and women are still discriminated against under Bulgarian law. To remedy this, discriminatory provisions in the Penal Code need to be amended.
- Living conditions in orphanages are very poor. Around 65% of children in homes belong to minorities. Childcare staff, mostly women, are amongst the poorest-paid workers.

Trafficking in human beings

- Bulgaria remains a country of origin and transit for trafficking in human beings. Human trafficking is still not a specific criminal offence, which makes it more difficult to prosecute, although a proposal to remedy this has already been put forward to Parliament.
- The sex trade and trafficking in women have become major sectors of the economy. The Commission is urged to involve Bulgaria without restriction in the Community programmes to promote gender equality, in particular the Community Action Programme on the Community strategy

for gender equality (2000-2005) and the STOP and DAPHNE programmes to combat violence against women.

Politics

- Progress has been made in political representation. Since the June 2001 elections, 25% of Members of the National Assembly are women (11% more than in the last legislative period).
- Women's participation in politics at all levels of government must be further encouraged. Action should be taken to put a stop to horizontal segregation in the economy and in decision-making processes (76% of employees and 80% of elected representatives are men).

7.2 Estonia

Labour market situation

- The employment rate in 2000 was 60.6%. 44.3% of the unemployed are long-term unemployed. 14.6% of men are unemployed, higher than the figure for women (12.7%). The unemployment rate for the under 25s is 23.9%, much higher than the rate for older people (12.2%).
- There is no general provision, on the lines of Article 119 of the Treaty of Rome, requiring equal pay for equal work. On average women earn less than men in all jobs and the gap has widened in the last few years.

Education

- The position of women has worsened in the transition period. Women are still seriously disadvantaged in vocational training and higher education.

Equal opportunities

- Article 12 of the constitution prohibits discrimination, including discrimination on grounds of sex.
- The legal framework in Estonia guarantees equal rights and opportunities for women, but further efforts are needed to put this into effect.
- In 2000 the Estonian Government drew up a concept paper on the Gender Equality Act.
- The remit of the Ministry of Social Affairs has been extended to include equal treatment. The Minister drew up the 2000-2010 Strategic Action Plan, one objective of which is to integrate the principle of gender equality in all national policies and measures.
- A uniform age limit for protection in heterosexual and homosexual relations is introduced in the new Penal Code adopted by Parliament in June 2001.

Trafficking in human beings

- Firm action needs to be taken against trafficking in women in Estonia. Police officers should be given special training in combating and preventing human trafficking. Special crisis centres have been set up for the women concerned.

Politics

- Only 17.8% of the 101 Members of Parliaments are women, compared with 82.2% men.

7.3 Latvia

Labour market situation

- The new Employment Act (adopted by Parliament in June 2001) transposes most of the *acquis* relating to equal treatment for men and women. General health and safety standards for workers and conditions for night work, maternity leave, time off for prenatal examinations and the prohibition of dismissal are also transposed in the Employment Protection Act.
- Women are still discriminated against, both in access to the labour market and in their income.
- Countless workers whose employers did not pay any social security contributions for them have no entitlement to unemployment benefit if they become unemployed. To remedy this problem, under rules enacted in June 2001 workers are entitled to unemployment benefit even if their employers have not paid the necessary contributions.
- The level of employment continues to fall and was only 58.2% in 2000. 15.6% of men and 13.5% of women were unemployed in 2000. The unemployment rate in the eastern part of the country is many times higher than in Riga, where it is the lowest in the country.

Education

- Women are clearly in the majority in higher education establishments, but there is a gender-specific division of work, since most women choose subjects leading to relatively poorly paid jobs at the end of the course ('typically female' occupations such as education, culture and health).

Equal opportunities

- Significant progress has been made in transposing the Community *acquis* relating to equal opportunities with the passing of the Employment Act and the Employment Protection Act. The Government has approved a concept paper on gender equality. NGOs working in this field have set up an equal opportunities alliance to raise public awareness of the issue.

Trafficking in human beings

- Latvia is a country of origin, destination and transit for trafficking in human beings. Trafficking in women who are forced into prostitution abroad remains widespread. No amendments have yet been made to the criminal law to allow criminal proceedings to be brought for human trafficking.

Politics

- Of the 100 Members of Parliament, 21 are women (21%).

7.4 Lithuania

Labour market situation

- The activity rate (60% in 2000) and the employment rate (60.1%) have fallen slightly over the last few years, reflecting the rise in unemployment due to the restructuring of undertakings and the economic decline in 1999. The situation in the labour market deteriorated, despite strong economic growth. The unemployment rate rose from 14.1% in 1999 to 16.0% in 2000 (men 18.4%; women 13.4%; long-term unemployed 53.0%).

Education

- In view of the declining proportion of women in employment, training in new occupations and new technologies needs to be promoted.

Equal opportunities

- The Lithuanian regulations on gender equality are essentially in line with the Community *acquis*.
- The equal opportunities ombudsman has made considerable efforts to raise public awareness of the concept of equal treatment, particularly in the workplace.
- In March 2000 the inter-institutional committee for the coordination and support of measures on gender equality in all government establishments was set up to ensure that the legal provisions on equal opportunities were implemented by all government departments.
- The equal opportunities ombudsman dealt with 25 complaints, six of which were cases of sexual harassment and sexual abuse; the rest were complaints by victims of sex discrimination in the workplace, when looking for work or in training. In over half the cases the equal opportunities ombudsman decided that the complaints were justified and that the gender equality principle had been infringed.
- In January 2001, Parliament amended the legal provisions on the granting of child benefit to ensure equal treatment for men and women in relation to the upbringing of children.

Trafficking in human beings

- Lithuania is still a country of origin, destination and transit for the trafficking in human beings. Trafficking in women remains a major problem and more preventive steps are needed. More forceful action also needs to be taken in combating the criminal gangs involved in the trafficking of women and in giving the victims appropriate protection and support. Greater involvement by NGOs working to combat trafficking in women should be encouraged. A start has now been made on implementing the programme to combat prostitution and trafficking in women.

Politics

- The number of female Members of Parliament fell from 24 in the last legislative period to its current figure of 14.

7.5 Malta

Labour market situation

- The activity rate, 47%, was very low, slightly less than in 1996. The registered unemployment rate is 4.5%. 5.4% of men and 2.2% of women were unemployed. The activity rate for women is extremely low, resulting in a low overall occupation rate (men and women) of 53.9% in 2000. The occupation rate of 29.4% for women in February 2001 is extremely worrying.
- Low representation of women in decision-making bodies: 25% in the legal system, only 8.1% in government committees and councils and 10.8% in public administration.

Education

- To increase the number of women in employment, the Employment and Training Corporation (ETC) is organising special training programmes for women wishing to return to work and is currently drawing up an action plan for gender equality at work. Further efforts are needed to promote gender equality (especially at work and in politics).

Equal opportunities

- The Maltese Government has worked to achieve further improvements in gender equality, but progress is very slow overall. The situation in access to education is satisfactory.

Trafficking in human beings

- Effective steps need to be taken to stop human trafficking, corruption and organised crime in Malta.

Politics

- Of the twenty ministerial government posts, only one is held by a woman and only 9% of Members of Parliament are women, although 20% of the local councillors elected to all local authorities in the last local elections in March 2001 were women. 56 female candidates stood in the local elections (compared with 31 in 1998, when elections were held for the same local authorities).

7.6 Poland

Labour market situation

- The activity rate for women in 2001 was 52%. Unemployment has increased.

Education

- Access to educational opportunities for women needs to be promoted.

Equal opportunities

- Article 33 of the Constitution provides that men and women must enjoy the same social and economic rights in every respect.
- Further work is currently under way to close the legal loopholes in relation to equal opportunities.
- Women's right to appropriate health facilities for pregnancies and support for voluntary abortions should be recognised.

Trafficking in human beings

- Poland is a country of origin, destination and transit for trafficking in human beings. The Polish authorities have stepped up their efforts to combat human trafficking, significantly increasing the number of people prosecuted for that offence from 24 in 1999 to 119 in 2000. The number of victims coming to light has also increased considerably. The vast majority of charges lead to a conviction. Only 5 out of 156 defendants were acquitted in the criminal courts in the period 1995-1999. A third of those convicted had their sentences suspended on probation. Only one perpetrator was given a prison sentence of over 5 years.

Politics

- Considerably more women than before were elected to both houses of the Polish Parliament in the last parliamentary elections. 20% of Members of Parliament are now women (compared with 13.5% before) and the figure for the Senate is 23% (previously 12%).

7.7 Romania

Labour market situation

- The disabled, the elderly and single women are at particular risk of poverty and social exclusion. Under the act that has been passed establishing a guaranteed minimum income, the basic living costs of the unemployed and those whose earnings are below the statutory minimum are paid by the State.
- The unemployment rate has risen slightly (from 6.8% to 7.1%). More men than women are unemployed (7.7%, compared with 6.4%).

Education

- It is essential to promote equal opportunities for women in education and training, especially for Roma women.

Equal opportunities

- The delay in adopting and transposing the *acquis* in the field of equal rights for men and women is a matter for concern.
- Social issues (such as the fight against social exclusion and the promotion of equal opportunities for men and women) are high on the government's agenda. Various initiatives have been introduced, but are taking time to implement due to lack of funds and insufficient administrative resources.
- In December 2000 the government adopted the National Action Plan to promote equal opportunities for men and women, although so far no concrete steps have been taken to implement the plan, since insufficient resources have been made available.
- The government has designated equal opportunities for men and women one of its main objectives and has made significant changes to administrative structures in order to progress in this field. A new structure has been created in the Ministry of Employment and Social Solidarity for dialogue with NGOs and trade unions. Special bodies have also been set up, in which non-government departments are represented as well as the government (the Equal Opportunities Commission under the Economic and Social Council, the Department for Families, Children and Women attached to the Ombudsman's Office and equal opportunities units in the trade union federations).
- In April 2001 a national strategy to improve the situation of the Roma was announced. Provision has been made for equal participation by Roma women in childcare and child raising schemes, partnerships between Roma NGOs and local public bodies and improvements in childcare standards. To implement the strategy, local Roma agencies have been set up in all districts and staff appointed who are themselves from the Roma community. Despite these encouraging developments, discrimination against the Roma is still common.

Trafficking in human beings

- Because of economic and social instability, widespread poverty and prostitution rings within the country, Romania is a country of origin, destination and transit for trafficking in human beings. Increasing numbers of young people are victims.
- The Romanian police are making efforts to uncover and act against human trafficking. A regional centre has been set up to combat organised cross-border trade in human beings. In October 2000 the Ministry of the Interior introduced a scheme to protect women and children against trafficking. In May 2001 the government appointed an interministerial committee to draw up a law against the trade in human beings. Despite these measures, the legal instruments for prosecuting and punishing those who smuggle human beings and protecting the victims are still far from adequate.

Politics

- Since the 2002 elections, 9.6% of Members of Parliament (33 out of 345) and 8.6% of Members of the Senate (12 out of 140) are women. Four of the 28 ministers are female (women are in charge of the departments of European integration, justice, education and research and health and the family).

7.8 Slovakia

Labour market situation

- With the new Employment Code passed in June 2001, further progress has been made in adopting the Community acquis in relation to equal treatment for men and women. *Inter alia* the code enables the transposition of the directives on pregnant workers, equal access to jobs, the burden of proof for discrimination and childcare to be completed.
- However, unemployment amongst women has increased. The rate for the under-25 age group was 35.2%, for men 18.6% and for women 18.6%. Since 1989 the activity rate for women has declined more than the rate for men (from 60% to 52.8%). On average women earn only 75% as much as men, even though the 'equal pay for equal work' principle applies under Slovakian law.

Education

- No data are available for specific women's educational programmes.

Equal opportunities

- The amendment of the Slovakian constitution in February 2001 established the conditions for the introduction of an equal opportunities officer, with the aim of reducing discrimination through extrajudicial channels. Slovakia has made progress in regard to the equal pay principle.
- In March 2001 the Slovakian Government adopted a policy paper on equal opportunities for men and women. The document shows that concrete legislative and institutional steps have been taken to improve equality of opportunity between the sexes (with the emphasis on the labour market, public and political life and the family). Amongst other things, sufficient financial resources need to be provided if this policy is to be put into effect.

Trafficking in human beings and violence

- A special unit has been set up within the Organised Crime Office to deal with human trafficking. Slovakia has increasingly become a country of origin, destination and transit for trafficking in women and children for purposes of pornography, prostitution and sex tourism. The EU should provide appropriate funding and technical support for action against trafficking in women. The Commission is urged to take effective steps to promote a network of authorities, voluntary and international organisations.
- Violence against women, especially in the home, has increased in recent years and is often regarded by the police and the authorities as a private matter. Domestic violence and sexual harassment are not prosecuted under Slovakian law.

Politics

- Of the present 150 Members of Parliament, 19 are women. Women are under-represented in the Slovakian Government and in Parliament and local government.

7.9 Slovenia

Labour market situation

- Pregnant women on fixed-term contracts are often at risk of losing their jobs. There are no laws to prevent dismissal on the grounds of sex.
- At 57.6%, the activity rate is slightly higher than in 1996. The occupation rate shows a similar trend; in 2000 it was 62.7%, while the unemployment rate fell slightly, to 7.0%. The long-term unemployment rate rose from 52% in 1996 to 62% and mainly included older and middle-aged workers with few qualifications. At the same time unemployment in the under-25 age group went down from 18.1% in 1996 to 16.8% in 2000. In 2000 6.8% of men and 7.3% of women were unemployed, although the trend is being reversed, in other words the number of women unemployed is increasing and the number of men decreasing.

Education

- The principles for vocational training are to be incorporated in the Slovenian legal system.

Equal opportunities

- Equal rights for men and women are enshrined in the constitution, but transposition of the EU legislation on equal treatment for men and women needs to be continued.
- The remit of the Office for Women's Rights has been extended to include all aspects of equal opportunities for men and women and has accordingly been renamed the Equal Opportunities Office. The office reports directly to the Government and has a staff of six. In February 2001 the Equal Opportunities Office and the Council of Europe information centre adopted a charter on the coalition for gender equality in public life.

Trafficking in human beings

- Experience with the SOS Hotline shows that violence occurs in 20% of Slovenian families. The Commission is urged to involve Slovenia fully in the Community programme to promote equal treatment for men and women (2000-2005) and the STOP and DAPHNE programmes to combat violence against women.

Politics

- Women are still under-represented in senior positions in the economy and politics. However, the percentage of female Members of Parliament has increased slightly (from 8% to 13%). There are three women ministers in the government. Only seven of the 90 members of the Slovenian Parliament are women. The Slovenian Government is urged to encourage women to take an active part in politics.

7.10 Czech Republic

Labour market situation

- The amendment to the Employment Act entered into force in January 2001. Since it introduced the principle of equal treatment for all workers and tightened up the prohibition on all forms of discrimination, it entailed extensive changes to the law. The burden of proof in cases of sex discrimination was also reversed by the law of civil procedure which entered into force in January 2001.
- However, women earn about 25% less than men with the same qualifications for the same job.
- The employment rate for women in 2000 (57.4%) was significantly lower than the rate for men (74%). 8.8% were unemployed. The unemployment rate for men (7.3%) was lower than for women (10.6%) and the rate for the under-25s (17.0%) was considerably higher than for older people (7.4%). The long-term unemployed figure rose from 28.2% in 1996 to 47.3% in 2000.

Education

- No data are available on specific education programmes for women. It is noticeable that, compared with the other candidates, the Czech Republic has the lowest percentage of women in higher vocational training (44.5%). Bulgaria has the highest, with 59.8%, followed by Latvia with 59.4%.¹⁰

Equal opportunities

- The constitution of the Czech Republic and the Charter of Fundamental Rights and Freedoms guarantee equal treatment for women in all fields of social, political and public life. Special rights for women, such as the right to better health protection in the workplace and the right to special working conditions, are also enshrined in the Charter of Fundamental Rights and Freedoms.
- A law establishing an ombudsman to protect citizens' rights came into force in February 2000. However, the legal provisions are not being properly observed.

Trafficking in human beings

- Trafficking in women and children continues to give cause for concern. The government has therefore adopted a national plan to combat sexual exploitation for commercial purposes. The Czech Republic remains a country of origin, destination and transit for the trade in human beings. Stronger measures are needed to deal with this form of human trafficking, which is closely bound up with organised crime. Action to treat and protect the victims of human trafficking also needs to be intensified. The measures to prevent sex tourism have been stepped up by organising police patrols in areas at risk and by public awareness campaigns.

Politics

- Thirty-one of the 200 Members of Parliament (16%) and ten of the 81 Members of the Senate (12%) are women. There are no women in the cabinet.

7.11 Hungary

Labour market situation

- The employment law provisions of March 2001 tighten up the prohibition on discrimination and provide for the same pay for the same work, although they have not yet been implemented.
- 5.6% of women were unemployed in 2000. The employment rate for women has fallen from 50.0% to 30.0% in the last ten years.

Education

- No data are available on specific educational programmes for women. The level of education in the 15-29 age group is average for the candidate countries.¹¹

Equal opportunities

- The equal opportunities principle is enshrined in the constitution. As regards equal treatment for men and women, Hungary has already made good progress with transposition into domestic law, practical application of the rules and enforcement of the law. The directives on equal treatment in agriculture, equal treatment for the self employed and equal access to employment and vocational training have not yet been fully transposed. The institutional machinery needed for the transposition and implementation of the *acquis* has to be further strengthened. Hungary has participated in the Community equal opportunities action programme.

Trafficking in human beings

- Hungary is also a country of origin, destination and transit for trafficking in human beings and this urgently needs to be addressed and prevented.
- Violence against women should be more severely penalised and not tolerated. To that end, victims should be given better access to criminal proceedings. Hungary's participation in the STOP and DAPHNE programmes should also be facilitated.

Politics

- Women are under-represented in parliament (less than 9% of MPs).

7.12 Cyprus

Labour market situation

- New regulations defining the powers of inspectors were enacted in November 2000 in the equal pay legislation enforcing equal treatment for men and women. In addition, the *acquis* relating to equal treatment for men and women is to be incorporated into Cypriot law by an amendment to the April 2001 Social Security Act.
- The gap between male and female unemployment is widening. In 2000 the rate for men was 2.7%, the rate for women 4.7%.
- In the 1990s, employment rose by about 1.5% a year. The domestic labour supply, however, grew more slowly, with the result that the economy depends increasingly on temporary foreign workers. The participation rate for women is very low compared with the European Union.
- If economic growth continues at its present rate, the growth in employment over recent years must be maintained. In the short term this can only be achieved by greater participation in employment, especially by women, or a further increase in dependence on temporary foreign workers.
- Nursery schools and improved childcare facilities demonstrate the government's positive attitude to working parents.

Education

- In the summer of 2001 the Government of Cyprus and the Commission agreed to carry out a joint review of employment priorities, investigating ways of mobilising more domestic manpower and improving the qualifications of the work force. It is planned to introduce a more active role for the government employment service, further reforms in general and vocational training and improved access to the labour market for women.

Equal opportunities

- Equality legislation has either been in preparation for some time or is currently being considered. Equality issues were taken into account for the first time in the 1999-2003 National Development Plan.
- The National Machinery for Women's Rights advises the Council of Ministers on strategies to promote women's rights and supports women's organisations. A number of NGOs are also represented in this body. Each ministry has a member of staff to promote women's rights, although there are no regional or local bodies for the promotion of equality. Cyprus has already acknowledged that the transposition and enforcement of the relevant provisions need to be stepped up.
- A special group of officials has been appointed to look in detail at the new government structures for equal treatment of men and women.
- In Cypriot criminal law, the age limit for protection still differs according to sexual orientation.
- For Turkish Cypriots living in the south of the island, the right to marry is in practice restricted by the fact that there are no proper institutions to implement the Marriage Act passed by the Turkish Communal Chamber in the early 1960s. Marriages between the two communities are therefore impossible.

Trafficking in human beings

- Effective instruments are needed to prevent and combat trafficking in human beings.

Politics

- Although the number of women elected to parliament has increased (86 of the 454 candidates were women, compared with 55 in 1996), they are still under-represented in politics.

8 ANNEX - MAP OF EUROPE