

Andrea Krizsan

Travelling Notions of Gender Equality Institutions Equality Architecture in Central and Eastern European Countries

Introduction¹

Gender equality bodies are one of three important strategies that make up the „new politics of gender equality“ (Squires 2008). Gender equality institutions are meant to compensate, both in declaratory and in functional terms, the failures of regular policy making and policy implementation processes in protecting women as individuals and as a group. In declaratory terms, they represent a state’s recognition that women require special protection. The policy approach represented by equality institutions may range from individualist to group driven approaches (Ferree 2010). It may imply different approaches to addressing discrimination ranging from addressing individual discrimination cases, on the one hand, to addressing the social structural roots of disadvantage and discrimination and empowering women, on the other. Equality institutions can be seen to serve the different gender equality visions and strategies of equal treatment and protection against discrimination, difference (meaning special treatment of women) and transformation or mainstreaming (Rees 1998; Squires 1999; Walby 2005) in different ways. Equality institutions play a crucial role not only in putting in place different equality strategies but also in defining and changing them. As such they are crucial agents in responding to new challenges that arise in the creation of gender equality policy.

¹ This paper is based on a common research project and an earlier paper written with Violetta Zentai and Raluca Popa. I am grateful for endless discussions on the topic with both of them. The paper uses research data and reports developed within the framework of the comparative project „Quality in Gender+Equality Policies in Europe“ (QUING). Research reports are available on www.quing.eu. I am indebted to QUING country researchers from East and Central Europe for their enormous and extremely valuable work channeled into this paper. In alphabetical order, they are: Magda Dabrowska, Tamas Dombos, Majda Hrzenjak, Martin Jaigma, Vlasta Jalusic, Erika Kispeter, Roman Kuhar, Marja Kuzmanic, Zuzana Ocenasova, Vilana Pilinkaite-Sotirovic, Aivita Putnina, Stanislava Repar, Ingrid Roeder, Elena Stoykova, Melinda Szabo.

Europe-wide processes of institutionalization in the equality policy field have arrived, albeit with some delay, in new Central and Eastern European member states of the EU. In the 1990s, the majority of Central and Eastern European countries (CEECs) had fragmented, unenforceable gender equality policies. These policies had some constitutional backing but largely remained weak due to the absence of related enforcement and implementation mechanisms. Gender equality institutional structures, while in place everywhere in the Western post-industrialized world by the end of the 1980s (Stetson/Mazur 1995), have only started developing in Central and Eastern Europe (CEE) as of the early 1990s, as they traveled along the different waves of international influence reaching these countries. The first major wave of institutionalization took place in the 1990s in the context of different UN processes, particularly the Beijing World Conference on Women in 1995. In the early 2000s, EU accession processes coupled with increased NGO mobilization generated a new wave of institutionalization.

Understanding processes of gender equality institutionalization in CEECs provides an important perspective on how gender norms traveled to these countries. Understanding these processes shows, on the one hand, the various international factors that had impacted these countries. In addition, it shows the important mediating role played by domestic agents and domestic political and discursive opportunity structures in which they acted that led to a variety of outcomes. The analysis in this chapter covers the ten new EU member states from Central and Eastern Europe: eight first round new member states (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia) and two second round new member states (Bulgaria and Romania).

On Equality Institutions

A short conceptual discussion of equality institutions is needed in order to understand patterns of institutional transfer in CEECs. In the current European context one has to move beyond discussing women’s policy mechanisms in the traditional Beijing platform for Action² sense to discussing equality architectures that imply a set of institutions working in cooperation to meet gender equality

² Chapter H of the Beijing Platform for Action adopted at the United Nations Fourth World Conference on Women in Beijing in 1995 discusses in detail the need for states to establish institutional mechanisms for the advancement of women in order to „design, promote the implementation of, execute, monitor, evaluate, advocate and mobilize support for policies that promote the advancement of women“ (see <http://www.un.org/womenwatch/daw/beijing/platform/institu.htm> – 13.4.2011).

objectives. Within these different institutions, different functions follow different gender equality strategies. Research on equality bodies proceeds from two distinct points of departure: one starts from within gender equality policy and can be labeled state feminism literature, the other is derived from anti-discrimination policy enforcement literature.

Literature on gender equality policy understands equality bodies to be the main institutions that voice women's interests within the policy making process (Stetson/Mazur 1995; Rai 2003; Kantola/Outshoorn 2007; Squires 2008). Initially, women's policy mechanisms were seen as embodiments of difference thinking (Rees 1998) and therefore oriented towards the improvement of the status of women. After the Beijing conference in 1995, these institutions were increasingly seen to be working towards gender equality and as being the main instrument for gender mainstreaming (Rai 2003). State feminism is an approach to equality institutions that stems from a strong assertion of the distinctiveness and political salience of one inequality ground: gender. The UN, in tandem with the transnational women's movement, has played a crucial role in promoting the idea of gendering the state through machineries for the advancement of women (Rai 2003: 1-5). Various World Conferences from Mexico (1975) to Beijing (1995) have provided strong direct and indirect impetus for countries around the world to put similar mechanisms into place.

Research evaluating the activity of gender equality institutional mechanisms (Stetson/Mazur 1995; Rai 2003) highlights the importance of their relation to women's movements and other gender equality groups. The desirability of formalizing communication with women's groups through consultative bodies, councils or other institutions working adjacently to gender equality institutional mechanisms was a persistent finding in earlier comparative work (Stetson/Mazur 1995). Therefore, another type of equality institution should be distinguished, one that becomes particularly important in political contexts that have no tradition of inclusive governance practices and are vulnerable to whims of political cycles: these are consultative equality bodies, which mostly take the form of councils. Consultative bodies emerge mostly as tripartite bodies that bring together experts, NGO representatives and representatives of some or all government ministries in order to formally channel the voice of civil society and experts into the policy-making process. Although they are consultative in their mandate, and as such have mostly weak mandates, they often provide the only formalized interface between the state and civil society for women. As a result, their role in the equality institutional architecture cannot be neglected. While gender equality institutional mechanisms may have mandates to consult with NGOs, the absence of formal

structures and mechanisms for such engagement renders the relationship between gender equality institutional mechanisms and NGOs unstable and dependent on personal and political contexts. Consultative bodies have the potential to address the accountability dilemma faced by gender equality institutional mechanisms (Kantola/Outshoorn 2007). The role of councils bringing together NGOs and experts with representatives of several ministries is also coordinative serving the implementation of gender mainstreaming.

The literature on anti-discrimination policy represents another approach to equality bodies (MacEwen 1998; Krizsan 2006). It argues for equality bodies coming from the experiences of failure in the enforcement of anti-discrimination policies. The rationale is to empower victims of discrimination and to tackle independently and with expertise even structural and hidden forms of discrimination against a variety of vulnerable groups including women (Krizsan 2006; MacEwen 1998; Lustgarten 1980). Victims of discrimination are seen to be in asymmetrical positions which makes difficult to prove their cases and to receive appropriate remedies, therefore these institutions are meant to compensate for the power, information and expertise asymmetry between victims and perpetrators. Along these lines, equality bodies are embodiments of an individualistic, equal treatment approach to inequalities (Rees 1998), meant to compensate for the weakness of victims in the complaint procedures, but not in the overall policy making process. Equality bodies in this understanding most often treat inequality grounds in integrated ways, without emphasizing possible ontological differences between them (Verloo 2006). While rather exceptional before 2000, anti-discrimination bodies started spreading with the EU passing of binding requirements for Member States to establish equality bodies through the Racial Equality Directive (2000), the 2002 amendment of the Equal Treatment Directive and in the 2006 Recast Directive. While the EU requirements refer only to race or ethnic origin and gender, the wave of setting up equality bodies resulting from their adoption in EU Member States brought almost exclusively bodies dealing simultaneously with multiple inequality grounds in countries like Belgium, France, Luxembourg, Sweden or the UK Migration Policy Group 2004 (Bell 2002: 167). The Commission readily welcomed the trend towards integrated thinking and encouraged it in soft law recommendations.³

3 European Commission Green Paper *Equality and non-discrimination in an enlarged European Union* (2004), for example, supported the trend among some Member States to establish „single equality bodies dealing with all of the grounds of discrimination covered by the Directives“ (12).

The two lines of thinking on equality institutions point to different types of equality institutions present in current European equality thinking and policy practice. Their core distinctive features are the functions they serve and the equality strategy they stand for. Gender equality institutional mechanisms in conjunction with consultative bodies have a regulatory mandate to introduce the voice of women in decision making: the higher their position in government, the better. Anti-discrimination bodies have an investigatory and complaint-driven mandate and have to be independent of the executive, as the target of their investigation is often the government as an employer or service provider.⁴ But the two types of institutions also differ markedly in terms of equality strategy. Gender equality institutional mechanisms are conceived along the lines of a transformative and difference treatment approach. Anti-discrimination bodies embody an equal treatment approach to equality. The advantage of the equal treatment approach is that it brings direct remedies to individual victims, meanwhile it is important to remember that it is based on a more limited understanding of equality (Rees 1998). The two types of institutions work along different strategies, and as such they complement each other along the lines of the EU gender equality policy thinking (Booth and Bennett 2002), rather than competing with each other.

Gender Equality Architecture in Countries of Central and Eastern Europe

In the context of post-communist transition and the connected need to improve voice and representation for women in the region, equality state institutions are particularly important in CEECs. A number of typical factors are indicative. Political representation of women, as well as their representation in high level political positions and in public administration in countries of the region is generally well below that of Western post-industrialized states (Saxonberg 2000). Misogynist political speech is prominent. While a lot of variation can be seen among countries in the region in terms of the quality of their gender equality policies and policy debates, it is generally true that patriarchal, anti-gender equality framing is more present in their debates of gender relevant policy issues than it is in most Western, post-industrialized states (Krizsan et al. 2009). Finally, these countries, with some notable exceptions, have relatively young and weak women's movements

⁴ For different approaches to how independence can be realized see Council of Europe 1997 (Krizsan 2004).

and a small number of – usually underfinanced – feminist NGOs (Roth 2007). In addition, victims of discrimination are in strong need of support. The judicial systems are slow and inefficient, and a culture of legal complaints is also lacking (Goldstone 2006). All of these factors point to the heightened importance of state institutions that promote gender equality and support victims of gender discrimination. In the case of these countries it becomes even more important that gender equality institutions work to complement traditional channels of political representation, and are prepared to work even to substitute women's movement mobilization (Weldon 2002).

Two main waves of equality institutionalization can be discerned in CEECs. The following discusses them separately.

The First Wave: Gender Equality Institutional Mechanisms

The first wave of institutionalization came to CEECs in conjunction with UN World conferences and comprised one of the main sources of imposed norms on equality institutions globally (Rai 2003). As a result, most of the sample countries passed their first gender equality policies and created gender equality institutional mechanisms. In Poland, gender equality arrived on the policy agenda as early as 1986, under the influence of the Nairobi Third World Conference on Women, with the establishment of the Plenipotentiary for Women (Nowakowska 2000). Slovenia, the site of a relatively active feminist NGO movement and a history of state support for gender equality during socialism, launched its first gender equality institutional mechanisms in 1992. But the main influential momentum in launching these institutions across the region was the Beijing World Conference in 1995. Beijing placed gender equality initiatives on the policy agenda in the majority of the countries. Moreover, the advent of equality initiatives in the Czech Republic, Estonia, Hungary, Romania, Lithuania and later in Slovakia and Latvia led to the establishment of the first gender equality institutions. The institutions established in this wave were without exception gender equality institutional mechanisms, in the meaning discussed earlier. They were established mainly by gender equality strategies implementing the Beijing Platform for Action.

Lithuania and Bulgaria followed somewhat later. Lithuania constituted an exception in that, along with the appearance of gender equality institutional mechanisms within the government already in 2001, it also established an anti-discrimination body: the Ombudsman for Equal Opportunities between Women and Men. Bulgaria created its first gender equality institutional mechanisms in 2004 under pressure from the EU (Stoykova 2007) after several failed attempts.

Table 1: Gender Equality Institutional Mechanisms

Country	Year Launch	Impact	Current name	Shift
Bulgaria	2005	EU	Equal Opportunities Unit	Equal Opportunities for Women and Men unit established 2004, turned into integrated unit in 2005
Czech Republic	1998	Beijing	Unit for Equality between Women and Men	Integrated under umbrella Ministry for Human Rights and Minorities (2007). Separate units maintained
Estonia	1996 (2004)	Beijing (EU)	Gender Equality Department Gender Equality Commissioner	Commissioner position created in 2004 to cover complaints
Hungary	1995 (2002)	Beijing	Gender Equality Department	Integrated under equal opportunity umbrella state secretariat. Separate units maintained
Latvia	1999	EU	Gender Equality Unit	From general Ministry of Welfare competency to specific gender equality department competence
Lithuania	1995 (2001)	UN Development Program	Gender Equality Unit	Government Advisor on Women and Family Affairs consolidated in 2001. Integrated in umbrella Department of Equal Opportunities and Social Integration
Poland	1986 (2008)	Nairobi	Plenipotentiary for Equal Status	Shifted between Women and Family policy focus several times. Extended to Women, Family and Discrimination in 2007. Last shift 2008
Romania	1995 (2005)	Beijing (EU)	National Agency for Equal Opportunities between Women and Men	Consolidated by law in 2005 (there is no direct continuity between 1995 and 2005 versions)
Slovakia	1999	Post-Beijing	Department of Gender Policy and Equal Opportunities	The current Department operated as a multi-ground unit called Department for Equality and Antidiscrimination in the 2003-2007 period
Slovenia	1992	Domestic factors: past policies, NGOs	Office for Equal Opportunities	Shifted in 2001 from Office for Women's Policy to integrated approach. Keeps priority on gender

Gender equality institutional mechanisms that resulted from this wave of institutionalization vary greatly from one another. A few common denominators can be discerned though. The mandate of these institutions reflected a targeted gender equality policy approach with a discernible focus on implementation of often quite embryonic gender equality policies, and representation of a gender equality perspective within the government. Along these more traditional tasks, their mandate allocated a central place to the responsibility to respond to international obligations of the state almost invariably. This shows that the core motivation for the establishment of these institutions was primarily internationally driven. International obligations greatly influenced mandates of activity of these institutions in Slovenia, the Czech Republic, Hungary, Latvia,⁵ Poland, Romania and to some extent Slovakia.

Lack of independence from politics proved to be one of the most important problems of these institutional mechanisms. They remained in most of the CEECs extremely exposed to political cycles. The number of name changes, shifts between and within ministries along with shifts in framing the policy issues within their mandate are prominent in most cases, but have been particularly excessive in the Polish, Hungarian, Slovak and Latvian cases⁶. As exceptions, the Slovenian and Lithuanian gender equality institutional mechanisms are relatively stable in comparison to the others (Pilinkaite 2007; Kuhar et al. 2007).

Finally, another important and distinctive feature of the majority of gender equality institutional mechanisms in CEECs, is their troubled relationship with gender equality groups, in all cases, with the notable exception of Slovenia. While there have been instances and periods when cooperation was better and more steady in a number of countries, the role of gender equality institutional mechanisms in the region was rarely seen as giving voice to women or access to the state and policy making. They could hardly be seen as embodiments of state feminism in the region (Stetson Mazur 1995 for Poland; OSI 2005). Access of women's NGOs to gender equality institutional mechanisms is most often limited, if not controversial (Krizsan/Zentai 2006; OSI 2005).

In the context of the weak relationship between the gender equality institutional mechanisms and feminist groups, the creation of alternative consultative mechanisms for channeling the voice of NGOs into the policy process came at

5 Hungary, Czech Republic, Latvia had periods when the unit belonged to the Department of European Integration and International Affairs.

6 The prolonged Bulgarian failure to pass a gender equality law and establish a related policy agency to some extent also speaks to this point.

least partly as a compensatory process. Consultative bodies were established in almost all countries in the sample⁷ mostly as a result of pressure coming from NGOs to have adequate representation in policy-making processes (the pressure is particularly visible in Bulgaria, Hungary, Poland, Slovakia, Latvia). Others were created following pressure from the EU to improve implementation of existing gender equality policies (Czech Republic, Bulgaria). In the majority of the countries, they bring together the three main stakeholders of gender policy making: NGOs, experts and policy makers in order to improve policy implementation processes and to give better and more direct access for women's NGOs to the process. In most cases, they complement gender equality institutional mechanism with a formalized mechanism for the inclusion of NGOs. Consultative bodies are often coordinated from within the gender equality institutional mechanism (Hungary, Czech Republic, Latvia, Romania, planned for Estonia). Some are also designated as coordination bodies for gender mainstreaming (for example Latvia, Lithuania, Hungary). Earlier analysis of gender equality policies in CEECs discusses the weak mandate of many consultative bodies (QUING Issue History Reports 2007; Krizsan/Zentai 2006; OSI 2005), and their extreme vulnerability to political cycles and to shifts in the place and framing of gender equality within the broader policy agenda. Almost all consultative bodies in the sample had periods in which they stopped operating. Most of them also suffered from shifts and frequent renaming and redrawing of mandates (especially Hungary, Poland, Bulgaria, Slovakia, Latvia). Consultative bodies were established at different times in the different countries. In Poland and Hungary, they were established and, after being dormant, were reestablished upon the demand for better access to decision making by NGOs. In Slovenia, where gender equality groups enjoyed a good relationship with the gender equality institutional mechanism all along, no such consultative body was created until the mid 2000s. Established in 2005, the Council of the Government for the Implementation of the Principle of Equal Treatment focuses on multiple inequality grounds and primarily serves the purpose of giving voice to other groups (apart from women) newly brought under protection.

The combination of gender equality institutional mechanism and consultative bodies targeting gender equality specifically was in place in most countries of the region by the time they entered EU accession negotiations. While there were a

⁷ Currently unoperational in Slovakia and Estonia. In Slovakia a consultative body existed before but stopped working. In Estonia existence of a gender equality consultative body is stipulated by the Law but has not been created due to lack of resources. Thanks to Martin Jajma for this information.

Table 2: Council Type Gender Equality Mechanisms

Country	Date created	Name	Parties	Notes
Bulgaria	1994 (2004)	National Council for Gender Equality with the Council of Ministers	Ministries and relevant government agencies, NGOs	NGO and EU pressure led to consolidation. Initially National Women's Forum established in 1994
Czech Republic	1999 (2003)	Government Council for Equal Opportunities	Government, experts, NGO	Initial CEDAW Committee consolidated in 2003 under EU influence
Estonia	2004	Gender Equality Council	Not defined by law	Provided for by 2004 Gender Equality Law. Not yet operational
Hungary	1997	Council for Gender Equality	Government, experts, NGO	Consolidated in 2008. Has an allocated seat for intersectional groups
Latvia	2001 (2002)	Inter-ministerial Gender Equality Coordination Group Council for Gender Equality	Government, employer, employee organizations, NGOs	The two complement each other. The Council has a stronger NGO component. Geared to mainstreaming
Lithuania	2000	Inter-Ministerial Commission on Equal Opportunities for Women and Men	Government, NGOs Statistical Office,	NGOs only included since 2007
Poland	1996 (2001)	Forum for Cooperation of NGOs and the Government Plenipotentiary for Family and Women's Affairs (Consultative Programming Council)	Plenipotentiary for Equal Status, NGOs	Some NGOs representing groups at intersection (for example Catholic Women's groups) included in the 1996 setup. No data available on current composition
Romania	1999 (2005)	National Commission for Equal Opportunities between Women and Men (has regional commissions as well)	Government, NGO	Consultative Inter-ministerial Commission for Equal Opportunities between Women and Men. Consolidated in 2005
Slovakia	1996 (2003)	Commission for Equal Opportunities and Status of Women in the Society	Parliament, NGOs, experts and media	Currently not operational. Had NGO members standing for intersectional groups
Slovenia	2005	Council of the Government for the Implementation of the Principle of Equal Treatment	Government, NGO, Expert	

number of similarities, as pointed out above, variation is also important to note in two cases. In Slovenia, the voice and standing of gender equality groups gave exceptional strength and stability to the gender equality institutional mechanism. In Bulgaria on the other hand, no gender equality institutional mechanism was established at all: the Bulgarian gender equality agenda launched with the Beijing conference was made impossible by the economic crisis of the country in 1996, and subsequently shifted away from gender towards issues of race and ethnicity from 1997 onwards (Stoykova 2007). In Bulgaria ethnicity remained the main driving force behind the equality agenda from that point on.

The Second Wave

As of the early 2000s, the EU accession processes coupled with increased NGO mobilization have generated a cascading of norms and increasing institutionalization in the field of equality policy in CEECs. Countries of the region were best performers in harmonizing their legislation with the newly adopted equality directives of the EU (Falkner/Treib 2008). While the hard incentives of the accession forced all of the countries in the region to accommodate the new European equality framework, their policy responses also depended on equality policy processes that ensued in the wake of previously established equality institutional structures and political opportunity structures in which they emerged.

In response to institutional obligations under the EU *acquis* in the beginning of the 2000s, CEECs started to develop anti-discrimination bodies. While the previous wave of institutionalization was almost exclusively gender specific, debates on anti-discrimination policy generated by the EU accession process have enabled discussions in which gender was integrated with several other inequality grounds. In some cases, however, it was marginalized. At the core of the discussions were the six inequality categories protected by the EU (gender, race, age, sexual orientation, disability, religion). However, in several countries the discussion revolved around often unrealistically large lists of inequality grounds⁸. Beyond the move from the

8 The Hungarian Equal Treatment Act 2003 covers 19 grounds. These are: sex, racial origin, color, nationality, origin of national or ethnic minority, mother tongue, disability, state of health, religious or ideological conviction, political or other opinion, family status, motherhood (pregnancy) or fatherhood, sexual orientation, sexual identity, age, social origin, financial status, part-time nature or definite term of the employment relationship or other relationship aimed at work, membership in an organization representing employees' interests, any other status, characteristic feature or attribute.

Table 3: Statutory Complaint Mechanisms

Country	Year Launched	Name	Shift	Inequalities covered	Multiple discrimination in mandate
Bulgaria	2005	Commission for Protection against Discrimination	New institution	17 grounds, open ended	Yes. Defined in law
Czech Republic	2009	Office of the Ombudsman	Competence of general ombudsman extended	9 grounds	No
Estonia	1992 (2004)	Chancellor of Justice	Competence of general ombudsman extended	13 grounds, open ended	No
	2004	Gender Equality Commissioner	Plan for extension to multiple grounds	Gender	No
Hungary	2005	Equal Treatment Authority	New institution	19 grounds, open ended	No
Latvia	1996 (2005)	National Human Rights Office	Competence of general ombudsman extended	9 grounds, open ended	No
Lithuania	1999 (2005)	Office of Equal Opportunities Ombudsman	Extended from gender equality to all grounds	7 grounds, open ended	No
Poland	2008	Plenipotentiary for Equal Legal Status	New institution	No AD law yet. Race, gender, religion, age	No
Romania	2002	National Council for Combating Discrimination	New institution	14 grounds, open ended	Yes. Defined in law
Slovakia	1994 (2004)	Slovak National Center for Human Rights	General human rights body competences extended	13 grounds, open ended	No
Slovenia	2003	Advocate for the Principle of Equal Treatment	Shift from gender equality to integrated approach	7 grounds, open ended	No

single inequality ground approach to an integrated approach, this second wave also generated a move from a structural and group-based thinking about equality to a more individualistic, complaint-driven, equal treatment approach (Rees 1998).

Institutionalization under this wave took on different forms depending on the national institutional contexts and the political willingness to change equality policy in accordance with EU norms. Three patterns of change can be identified in the region, to be called „institutional layering“, „accommodating“ and „institutional shifting“.

Institutional layering

The new wave of institutionalization brought about new equality institutions to the equality architecture of the majority of examined countries. New institutions complemented the previously existent gender equality architecture, rather than amending it. They made possible a new individualistic, equal treatment driven approach for diverse protected grounds, as compared to the existent structural, gender equality specific, programming-based approach. While variation occurs in terms of the form and strength of these new bodies depending mostly on the political commitment of the countries to introduce new institutions, what is common to all of them is their creation of an additional institutional layer on top of extant institutions, which does not modify the earlier institutions. All of these countries opted for a merged approach to all protected inequality categories.

In the countries with the most political commitment to anti-discrimination thinking, new multiple ground anti-discrimination bodies were created.⁹ Romania (2002), Hungary (2005) and Bulgaria (2005) belong here. All three bodies have wide competences that go beyond the six inequality categories protected by the EU to cover several other inequality grounds and also have an open-ended list of grounds. Romania and Bulgaria specifically have mandates to deal with multiple discrimination.

Countries which had a relatively limited political commitment to introducing comprehensive anti-discrimination policy for all protected grounds, such as Latvia, Slovakia, Czech Republic, have chosen a less demanding institutional solution, namely to amend the mandate of their general human rights protection

⁹ In some cases this took place in addition to already available ground specific complaint mechanisms. For example the Hungarian Equal Treatment Authority was created as a parallel structure with the Hungarian Minority Ombudsman who had a mandate to deal with race discrimination cases.

bodies to include measures to combat discrimination through law enforcement. These countries are late-comers in the development of anti-discrimination laws and relatively detached in the field. Latvia has still not passed comprehensive anti-discrimination laws. Slovakia has passed a law but has an extremely weak enforcement record (Repar/Očenašová 2007). The Czech Republic passed a law in 2009 under threat of European Commission sanctions. While their solution followed the *acquis* in the *de jure* sense, it failed to act upon the more general idea standing behind the requirement for specialized anti-discrimination bodies. Most importantly, these new institutional arrangements did not interfere with pre-existing gender equality institutional mechanism and consultative bodies, but provided for another institutional pillar in the equality architecture.

Estonia, while following a layering pattern of institutionalization, is unique in that it has maintained the separateness of gender equality not only in its gender equality institutional mechanism, but it has also created a separate anti-discrimination body for gender (the Gender Equality Commissioner), while placing anti-discrimination duties for all the other inequality grounds in the hands of the long existent general ombudsman institution (the Chancellor of Justice). Estonia and other countries such as Finland have followed the dual institutional model currently used by the EU (Lombardo/Verloo 2009).

In all of these countries, the separation between equal treatment and structural gender equality thinking is evident in institutional terms. They all maintain their specific gender equality institutional structures, while, with the exception of Estonia, they all follow multi-ground thinking for their anti-discrimination bodies.

Accommodating

A somewhat different path is taken by two countries in the sample, which use this second wave of institutionalization to build upon their already existent gender equality institutional mechanism. They accommodated the requirements of the EU for providing efficient support for victims of discrimination within the well working equality institutions that they already had in place. This pattern has also been followed by countries which had relatively stable and successful gender equality institutions such as Slovenia and Lithuania. In both cases, the competences of their gender equality institutions were extended to cover additional protected inequality grounds.

Starting in the late 1990s, the mandate of the Lithuanian Ombudsman for Equal Opportunities, which was the only gender equality specific complaint body operational in the region, was extended to cover complaints based on all

protected inequality grounds. The Slovenian Office for Women's Policy was first changed by integrating in it the Advocate for Equal Opportunities in 2003 in order to address discrimination complaints. In a next step, in 2005, the Advocate's mandate was also extended to cover all protected grounds beyond gender. The Office itself was renamed Office for Equal Opportunities, but priorities remained focused on gender¹⁰; the changes occurring in Lithuania and Slovenia inevitably reinforced a hierarchical relation between inequalities with primacy given to gender. Indeed, while the changes fueled worries from gender equality advocates that the gender equality component might be marginalized, worries were also voiced by defenders of other inequality grounds, who feared that gender would remain the privileged ground and others would be neglected in this institutional setup (Kuhar et al. 2007; Pilinkaite 2007; Pilinkaite 2008). The institutional reshuffling has fueled a competition between inequality grounds rather than a celebration of their intersections and diversity. In both cases, the specific gender equality component of the equality architecture was maintained for addressing structural gender equality issues: in Lithuania, the governmental gender equality institutional mechanism maintained its place and mandate. In Slovenia, the multi-criteria approach only entered the realm of equal treatment thinking characteristic of the Advocate's Office, while the Office of Equal Opportunities maintained its structural priorities on gender equality.

Institutional shifting

The second wave of institutionalization brought about a comprehensive shift in equality thinking from gender equality focus to multiple grounds thinking in only two countries of the region: Poland and Bulgaria. These two countries have followed quite distinctive trajectories of development. The Polish gender equality architecture, while the oldest in the region, is also the one with the most troubled history. The Plenipotentiary for Women's Affairs, originally established in 1986, has been renamed and reframed to belong to different government departments several times throughout its history, shifting between different missions: from more gender equality driven ones to missions serving often traditional family policy purposes. Its relationship with the women's movement was also very problematic throughout the years, with long periods when it was basically stalled (Dabrowska 2007). In 2008, in the context of preparing the long awaited anti-discrimination law, the office of the Plenipotentiary for Women's Affairs was closed down and a

10 See areas of work on the website http://www.uem.gov.si/en/areas_of_work/ - 13.4.2011.

new Plenipotentiary for Equal Status was created in the Prime Minister's Office. It has no mandate neither to address wider structural inequalities, nor to efficiently deal with anti-discrimination cases.

The Bulgarian story is also marked by the absence of political will to support gender equality. No gender equality policy was in place in Bulgaria until 2005, despite repeated attempts by NGOs working in the field. It wasn't until 2004, in the context of EU accession, that a gender equality institutional mechanism was established. In 2005 however, when the Bulgarian anti-discrimination body (the Commission for Protection against Discrimination) was created, the scope of the gender equality institutional mechanism was also amended to extend to all protected inequality grounds. The Bulgarian trajectory shows, on the one hand, a layering of institutions in that a new anti-discrimination institution is established to complement the activity of the gender equality institutional mechanism and the National Council for Gender Equality. On the other hand, it shows a comprehensive shift away from the hardly embedded gender equality architecture towards multiple-criteria thinking brought about by the anti-discrimination body. Thus the National Council for Gender Equality established in 2004 for consultative purposes remains the only specifically gender equality focused institution in Bulgaria.

In Poland political will is absent for the overall equality agenda, which has a tangible effect on all elements of the equality institutional architecture. In Bulgaria the absence of political will concerns gender equality in its specific terms, resulting in a complex institutional architecture concerned with issues of equality which is framed predominantly in terms of parallel thinking about a variety of inequality criteria. A complex equality architecture had emerged in Bulgaria by 2005 that paid little attention to gender. In both cases, gender equality is marginalized and replaced by partially committed equal treatment thinking on a variety of inequality criteria.

The three patterns of institutionalization that have been discussed illustrate the complexity of processes taking place in CEECs in the second wave of institutionalization and the variety and compatibility of emergent institutional forms, and show the need for their differentiated discussion.

Conclusions

The analysis of equality institutionalization in CEEC has shown patterns of gender equality institutional transfer from global and supranational levels to countries of the region. It indicates two clearly distinguishable waves of insti-

tutionalization, each representing different approaches to gender equality and standing for different relations between gender equality and other inequality criteria. While the first wave represents a difference in thinking and a targeted focus on gender equality, the second wave emphasizes an equal treatment approach to gender equality which it views as integral to a wider equality thinking including a larger range of inequality criteria.

While this convergence is clearly a sign of the migration and transfer of institutional patterns, the analysis has also shown divergence among the analyzed countries in responding to international influences. Variation is particularly noticeable in terms of the embedding of new institutions in existing institutional structures. The paper has identified three patterns of change: *layering*, *accommodation* and *shifting*. In countries that followed the pattern of layering, gender equality institutional mechanism remained largely untouched by the new institutional layer. The institutional architecture developed here treats equal treatment and gender equality institutions as separate layers, working in parallel, but having distinct points of focus. In countries following the *accommodation* pattern, the institutional architecture is complemented by an anti-discrimination mandate, but a hierarchical relation between gender and other inequality criteria remains. In this pattern, previously existent institutions accommodate the other criteria but fail to elevate them to the same level as the traditionally prioritized gender equality criteria. Finally the countries in which a shift occurs are the only ones where a comprehensive *shift* in focus occurs in which gender becomes less important than an establishment of multiple inequality criteria. Equality thinking is reframed altogether in light of newly emergent European approaches which emphasize equal treatment for a variety of inequality grounds, leaving little or no specific focus on gender equality.

Are travelling gender equality institutions bringing a move forward in terms of achieving better gender equality policies in CEE? Are the recent EU driven changes progress or a step back? Clear advantages emerge with the creation of anti-discrimination bodies. Specialized protection for victims of discrimination is intrinsic to any good anti-discrimination policy. The creation of such bodies leads to addressing gender discrimination in more efficient ways (Lustgarten 1980; MacEwen 1998; Krizsan 2006). Sanctioning discrimination sends a strong message to society: creating anti-discrimination bodies in CEEC is surely a step forward in having a more efficient policy in place that addresses gender inequality.

Disadvantages of this process are more difficult to capture and analyze, particularly in such a large sample of countries. The new institutions not only bring

an approach to equality that is more individual remedy driven, they also bring an increased emphasis on a less ambitious approach to gender equality, the equal treatment approach, as opposed to more complex gender equality thinking represented by difference and mainstreaming policies (Rees 1998). The equal treatment approach, though important, is in many senses a step back from the structural gender equality approaches represented by the creation of gender equality institutional mechanism under Beijing. The strong EU requirement for creating and maintaining anti-discrimination bodies, might well lead to the regrouping of insufficient resources devoted to equality policy from gender equality institutional mechanism towards anti-discrimination bodies, particularly in the context of the recent economic crisis.

References and data sources

- Bell, Mark (2002): *Anti-discrimination Law and the European Union*, New York: Oxford University Press.
- Booth, Chris and Bennett, Cinnamon (2002): „Gender Mainstreaming in the European Union. Towards a New Conception and Practice of Equal Opportunities“, in: *European Journal of Women's Studies*, no. 4, pp. 430-446.
- Council of Europe. European Commission against Racism and Intolerance (ECRI) (1997): *ECRI General Policy Recommendation no. 2 on Specialized Bodies to Combat Racism, Xenophobia, Antisemitism and Intolerance at National Level*, Strasbourg: Council of Europe.
- Dąbrowska, Magdalena (2007): *Issue Histories Poland. Series of Timelines of Policy Debates, QUING Project*, Vienna: Institute for Human Sciences (IWM), http://www.quing.eu/files/results/ih_poland.pdf – 04.04.2011.
- Falkner, Gerda/Treib, Oliver/Holzleithner, Elisabeth (2008): *Compliance in the Enlarged European Union. Living Rights or Dead Letters?* Aldershot: Ashgate.
- Ferree, Myra Marx (2010): „Framing Inequalities in the United States, Germany and the European Union. Race, Class and Gender as Dynamic Intersections“, Keynote speech delivered at 2nd Equal is not Enough Conference. Antwerp, Belgium, 1-3 December.
- Based on: Ferree, M. M. (2008): „Framing Equality. The Politics of Race, Class, and Gender in the US, Germany, and the Expanding European Union“, in: Silke Roth (Ed.): *Gender politics in the expanding European Union. Mobilization, inclusion, exclusion*, New York [u.a.]: Berghahn Books, pp. 237-256.
- Fredman, Sandra (2005): „Double Trouble. Multiple Discrimination and EU Law“, in: *European Anti-discrimination Law Review*, no. 2, pp. 13-19.
- Goldston, James (2006): „Public Interest Litigation in Central and Eastern Europe. Roots, Prospects, and Challenges“, in: *Human Rights Quarterly*, no 2, pp. 492-527.
- Kantola, Joanna, Joyce Outshoorn (Ed.) (2007): *Changing State Feminism*, New York: Palgrave Macmillan.

- Krizsan, Andrea (2004/5): „Ombudsmen and Similar Institutions for Protection against Racial and Ethnic Discrimination“, in: European Yearbook of Minority Issues, vol. 4, pp.163-184.
- Krizsan, Andrea/Zentai, Viola (2006): „Gender Equality Policy or Gender Mainstreaming. The case of Hungary“, in: Policy Studies, no. 2, pp. 135-151.
- Krizsan Andrea/Dombos, Tamas/Kispeter, Erika/Szabo, Linda/Dedić, Jasminka/Jajma, Martin/Kuhar, Roman/Frank, Anna/Sauer, Birgit/Verloo, Mieke (2009): Framing Gender Equality in the European Union and Its Current and Future Member States. Deliverable No. 61. Final LARG Report. QUING Project. Vienna: Institute for Human Sciences (IWM), www.quing.eu/files/2010/final_larg_report.pdf – 04.04.2011.
- Kuhar, Roman (2007): State of the Art and Mapping of Competences Report. Slovenia, QUING Project, Vienna: Institute for Human Sciences (IWM), http://www.quing.eu/files/results/soa_slovenia.pdf – 04.04.2011.
- Lombardo, Emanuela/Verloo, Mieke (2009): „Institutionalizing Intersectionality in the European Union? Policy Developments and Contestations“, in: International Feminist Journal of Politics, no. 4, pp. 478-495.
- Lustgarten, Laurence (1980): Legal Control of Racial Discrimination, London: Macmillan.
- MacEwen, Martin (ed.) (1997): Anti-Discrimination Law Enforcement. A Comparative Perspective, Ashgate: Aldershot.
- Nowakowska, Urszula (2000): „Government Mechanism for the Advancement of Women“, in: Polish Women in the 90's by Women's Rights Center, <http://temida.free.ngo.pl/rapcont.htm> – 04.04.2011.
- OSI (2005): Equal Opportunities for Women and Men. Monitoring Law and Practice in New Member States and Accession Countries of the European Union, Series of Country Reports, Open Society Institute, Network Women's Program, http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502 – 04.04.2011.
- Pilinkaite-Sotirović, Vilana (2007): State of the Art and Mapping of Competences Report. Lithuania, QUING Project, Vienna: Institute for Human Sciences (IWM), http://www.quing.eu/files/results/soa_lithuania.pdf – 04.04.2011.
- (2008): Report Analysing Intersectionality in Gender Equality Policies for Lithuania and the EU, QUING Project, Vienna: Institute for Human Sciences (IWM), http://www.quing.eu/files/results/ir_lithuania.pdf – 04.04.2011.
- Rai, Shirin (2003): „Introduction“ and „Institutional Mechanisms for the Advancement of Women. Mainstreaming Gender, Democratizing the State?“, in: Shirin Rai (Ed.), Mainstreaming Gender, Democratizing the State. Institutional Mechanisms for the Advancement of Women, Manchester: Manchester University Press, pp.1-40.
- Rees, Teresa (1998): Mainstreaming Equality in the European Union. Education, Training and Labour Market Policies, London: Routledge.

- Repar, Stanislava/Oceansova, Zusana (2007): State of the Art and Mapping of Competences Report. Slovakia, QUING Project, Vienna: Institute for Human Sciences (IWM), http://www.quing.eu/files/results/soa_slovakia.pdf – 04.04.2011.
- Roth, Silke (2007): „Sisterhood and Solidarity? Women's Organizations in the Expanded European Union“, in: Social Politics, no. 4, pp. 460-487.
- Saxonberg, Steven (2000): „Women in East European Parliaments“, in: Journal of Democracy, no 2, pp.145-158.
- Squires, Judith (2007): New Politics of Gender Equality, New York: Palgrave Macmillan.
- (2008): „Intersecting Inequalities. Reflecting on the Subjects and Objects of Equality“, in: The Political Quarterly, no. 1, pp. 53-61.
- Stetson, Dorothy/Mazur, Amy (ed.) (1995): Comparative State Feminism, Thousand Oaks: Sage Publications.
- Stoykova, Elena (2007): State of the Art and Mapping of Competences Report. Bulgaria, QUING Project, Vienna: Institute for Human Sciences (IWM), http://www.quing.eu/files/results/soa_bulgaria.pdf – 04.04.2011.
- Verloo, Mieke (2006): „Multiple Inequalities, Intersectionality and the European Union“, in: European Journal of Women's Studies, no 3, pp. 211-228.
- Walby, Sylvia (2005): „Gender Mainstreaming. Productive Tensions in Theory and Practice“, in: Social Politics, no. 3, pp. 1-25.
- Weldon, Laurel (2002) „Beyond Bodies. Institutional Sources of Representation for Women in Democratic Policy-Making“, in: The Journal of Politics, no. 4, pp. 1153-1174.

(2009); *Alles intersektional? Zum Verhältnis von Rassismus und Sexismus*. In: *Feministische Studien*, 27(2009)1, S. 36-50; *Verhält sich intersektional zu lokal wie postkolonial zu global? Zur Relation von postkolonialen Studien und Intersektionalitätsforschung*. In: Julia Reuter, Paula-Irene Villa (Hg.): *Postkoloniale Soziologie. Theoretische Anschlüsse – empirische Befunde – politische Interventionen* (2010), S. 237-258.

Eveline Kilian ist Professorin für Englische Kultur- und Literaturwissenschaft an der Humboldt-Universität zu Berlin. Ihre Forschungsschwerpunkte sind: Gender und Queer Theory, Transgender, Körper und Geschlecht, Literatur der Moderne und Postmoderne, Kultur- und Literaturgeschichte Londons. Monografien: *Momente innerweltlicher Transzendenz. Die Augenblickserfahrung in Dorothy Richardsons Romanzyklus 'Pilgrimage' und ihr ideengeschichtlicher Kontext* (1997); *GeschlechtSverkehrt. Theoretische und literarische Perspektiven des gender-bending* (2004); *London. Eine literarische Entdeckungsreise* (2008).

Gudrun Axeli Knapp war bis April 2010 Professorin am Institut für Soziologie und Sozialpsychologie der Leibniz Universität Hannover. Ihre Lehr- und Forschungsschwerpunkte sind: Sozialpsychologie der Geschlechterdifferenz, Soziologie des Geschlechterverhältnisses, Ungleichheit/Intersektionalität. Zahlreiche Veröffentlichungen liegen vor zu Entwicklungen feministischer Theorie und Fragen der Interferenz von Klasse, Geschlecht, Ethnizität. Jüngere Buchpublikationen: *Achsen der Differenz. Gesellschaftstheorie und feministische Kritik II* (2003, hg. u.a. mit Angelika Wetterer); *Achsen der Ungleichheit. Zum Verhältnis von Klasse, Geschlecht und Ethnizität* (2007, hg. mit Cornelia Klinger und Birgit Sauer) und *ÜberKreuzungen. Fremdheit, Ungleichheit, Differenz* (2008, hg. mit Cornelia Klinger).

Andrea Krizsan is a Research Fellow at the Center for Policy Studies of the Central European University (CEU) in Budapest. She worked as senior researcher in several European comparative research projects dealing with gender equality policy. She teaches courses on equality policy and the politics of gender violence, and has been the co-director of a CEU summer university course on intersectionality. Her work focuses on comparative public policy concerning different forms of inequality and their intersection and gender violence. Her writing has been published in refereed journals on public policy and European integration, on gender and racial and ethnic studies. She is currently working on a co-edited volume on institutionalizing intersectionality in Europe at Palgrave MacMillan, and on a monograph on explaining and analyzing domestic violence policy innovations in five Central and Eastern European countries. Andrea has a PhD from the CEU Budapest.

Isabell Lorey ist Politologin und Gastprofessorin für Politische Theorie, Kulturwissenschaften und Gender Studies an der Humboldt-Universität zu Berlin sowie an der Universität Wien. Ihre aktuelle Forschung konzentriert sich zum einen auf

Prekarisierung als einer Verdichtung ökonomischer, sozialer und politischer Transformationen in neoliberalen postfordistischen Gesellschaften. Zum anderen arbeitet sie an der Analyse politischer Immunisierungen: Dynamiken der Herrschaftssicherung gegenüber Konstruktionen des Gefährdet-Bedrohlichen sowie den Brüchen dieses Verhältnisses. Zu ihren aktuellen Veröffentlichungen gehören: *Inventionen I. Gemeinsam. Prekär. Potentia. Kon-/Disjunktion. Ereignis. Transversalität. Queere Assemblagen* (2011, hg. mit Roberto Nigro und Gerald Raunig; *Figuren des Immunen. Elemente einer politischen Theorie* (2011).

Susanne Maurer ist Professorin für Erziehungswissenschaft/Sozialpädagogik an der Philipps-Universität Marburg und derzeit auch Geschäftsführende Direktorin des dortigen Zentrums für Gender Studies und feministische Zukunftsforschung. Sie lehrt zum Theorie-Praxis-Verhältnis und zu neueren (Theorie-) Debatten in der (Sozial-) Pädagogik und vertritt dabei kritisch-feministische sowie reflexiv-historiografische Perspektiven. Ihr aktuelles DFG-Projekt (zusammen mit Birgit Bütow, Jena) ist der Untersuchung von Legitimierungsprozessen sozialpädagogischer Zuständigkeit in Spannungszonen der Kooperation im innerdeutschen Ost-West-Vergleich gewidmet. Für den Themenzusammenhang relevante Veröffentlichungen: *Merkwürdige Selbst-Vergessenheit? Thematisierungsdynamiken im Kontext feministischer Theoriebildung*. In: Casale, Rita/Rendtorff, Barbara (Hg): *Was kommt nach der Genderforschung? Zur Zukunft der feministischen Theoriebildung*, (2008), S. 101-119; *Thinking Governmentality 'from below'*. *Social Work and Social Movements as (Collective) Actors in Movable/Mobile Orders*, in: Peters, Michael A./Besley, Tina (Eds): *Why Foucault? New Directions in Educational Research* (2007), S. 125-137; *Soziale Arbeit zwischen Aufbau und Abbau. Analysen zu Transformationsprozessen in den Lebenswelten und der Kinder- und Jugendhilfe im Osten Deutschlands*. (2005, zus. mit B. Bütow und K.-A. Chassé).

Hildegard Maria Nickel, Dr. sc. phil., ist Professorin für Soziologie an der Humboldt-Universität zu Berlin, Mitbegründerin des Zentrum für interdisziplinäre Frauenforschung (ZiF) und langjährige wissenschaftliche Leiterin des ZiF und des ZtG. Ihre Forschungsschwerpunkte sind: Soziologie der Arbeit und Geschlechterverhältnisse, gesellschaftliche und betriebliche Transformationsprozesse. Wichtige Veröffentlichungen: *Reinventing Gender. Women in Eastern Germany since Unification* (2003, zus. mit E. Kolinsky); *Subjektivierung von Arbeit. Riskante Chancen* (2005, hg. mit K. Lohr); *Subjektivierung, Verunsicherung, Eigensinn. Chancen und Grenzen einer neuen Arbeits- und Geschlechterpolitik* (2008, zus. mit H. Hüning/M. Frey).

Andrea Pető is an associate professor at the Department of Gender Studies of the Central European University (CEU) in Budapest. She edited twelve volumes in English, six volumes in Hungarian, two in Russian. Her works appeared in different languages, including Bulgarian, Croatian, English, French, Georgian, German, Hun-