Introduction

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.

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 Action sense to discussing equality architectures that imply a set of institutions working in cooperation to meet gender equality

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).
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 adjacent 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).
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, Poland, Romania and to some extent Slovakia. Last of all the Sarajevo Declaration on the Establishment of the Equality Institutiue for Women and Men in 2001 calls for the establishment of at least one institution for gender equality at the state level. The establishment of these institutions is roughly correlated with the period of stabilization and the introduction of the Stability and Association Agreement between the European Union and the countries of Central and Eastern Europe.

Table 1: Gender Equality Institutional Mechanisms

<table>
<thead>
<tr>
<th>Country</th>
<th>Year Launch</th>
<th>Impact</th>
<th>Current name</th>
<th>Shift</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulgaria</td>
<td>2005</td>
<td>EU</td>
<td>Equal Opportunities Unit</td>
<td>Equal Opportunities for Women and Men unit established 2004, turned into integrated unit in 2005</td>
</tr>
<tr>
<td>Latvia</td>
<td>1999</td>
<td>EU</td>
<td>Gender Equality Unit</td>
<td>From general Ministry of Welfare competency to specific gender equality department competence</td>
</tr>
<tr>
<td>Slovakia</td>
<td>1999</td>
<td>Post Beijing</td>
<td>Department of Gender Policy and Equal Opportunities</td>
<td>The current Department operated as a multi-ground unit called Department for Equality and Antidiscrimination in the 2003-2007 period</td>
</tr>
<tr>
<td>Slovenia</td>
<td>1992</td>
<td>Domestic factors: past policies, NGOs</td>
<td>Office for Equal Opportunities</td>
<td>Shifted in 2001 from Office for Women’s Policy to integrated approach. Keeps priority on gender</td>
</tr>
</tbody>
</table>

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5 Hungary, Czech Republic, Latvia had periods when the unit belonged to the Department of European Integration and International Affairs. The prolonged Bulgarian failure to pass a gender equality law and establish a related policy agency to some extent also speaks to this point.

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.
Consultative bodies were established in almost all countries in the sample, mostly as a result of pressure coming from NGOs to have adequate representation in policy-making processes. This pressure is particularly visible in Bulgaria, Hungary, Poland, and Slovenia. Consultative bodies are often coordinated from within the gender equality institutional mechanism (Hungary, Latvia, and Romania), planned for Estonia. The combination of gender equality institutional mechanisms 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 few exceptions, the majority of countries created following pressure from the EU to improve implementation processes (the pressure results from women's groups that are part of EU-funded gender mainstreaming projects).

The table below provides information on the establishment and nature of consultative bodies in each country. The information is based on a review of national legislation, reports, and interviews with NGOs and government officials. Consultative bodies are often designated as coordination bodies for gender mainstreaming (for example, in Hungary, Latvia, and Romania). The table also highlights the role of NGOs in the establishment and operation of these bodies, with many bodies including representatives from women's groups. The table indicates that NGOs have been influential in the establishment of consultative bodies, particularly in countries with strong civil society movements.
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 established as all the Bulgarian gender equality agenda launched with the being 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 1999 onwards (Stoykova 2007). In Bulgaria ethnicity remained the main driving force behind the equality agenda from that point on.

As of the early 2000s, the EU accession processes coupled with increased NGO mobilization have generated a cascading of norms and increased institutionalization in the field of equality policy in CEECs. Countries of the region were best performing in harmonising their legislation with the newly adopted equality directives of the EU (Falkner/Treib 2004). 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 dimensions that emerged within the new equality institutional framework. Their policy responses also depended on equality institutional structures and political opportunity structures in which they emerged. In some cases, however, the debate 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 the non-legalization of inequality grounds. Beyond the move from the

Table 3: Statutory Complaint Mechanisms

<table>
<thead>
<tr>
<th>Country</th>
<th>Year Launched</th>
<th>Name</th>
<th>Shift</th>
<th>Inequalities covered</th>
<th>Multiple discrimination in mandate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulgaria</td>
<td>2005</td>
<td>Commission for Protection against Discrimination</td>
<td>New institution</td>
<td>17 grounds, open ended Yes. Defined in law</td>
<td></td>
</tr>
<tr>
<td>Czech Republic</td>
<td>2009</td>
<td>Office of the Ombudsman</td>
<td>Competence of general ombudsman extended</td>
<td>9 grounds</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Plan for extension to multiple grounds</td>
<td>Gender</td>
<td>No</td>
</tr>
<tr>
<td>Hungary</td>
<td>2005</td>
<td>Equal Treatment Authority</td>
<td>New institution</td>
<td>19 grounds, open ended No</td>
<td></td>
</tr>
<tr>
<td>Lithuania</td>
<td>1999 (2005)</td>
<td>Office of Equal Opportunities Ombudsman</td>
<td>Extended from gender equality to all grounds</td>
<td>7 grounds, open ended No</td>
<td></td>
</tr>
<tr>
<td>Poland</td>
<td>2008</td>
<td>Plenipotentiary for Equal Legal Status</td>
<td>New institution</td>
<td>No AD law yet. Race, gender, religion, age</td>
<td>No</td>
</tr>
<tr>
<td>Romania</td>
<td>2002</td>
<td>National Council for Combating Discrimination</td>
<td>New institution</td>
<td>14 grounds, open ended Yes. Defined in law</td>
<td></td>
</tr>
<tr>
<td>Slovenia</td>
<td>2003</td>
<td>Advocate for the Principle of Equal Treatment</td>
<td>Shift from gender equality to integrated approach</td>
<td>7 grounds, open ended No</td>
<td></td>
</tr>
</tbody>
</table>
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 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. 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 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/Očenášová 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 existing 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 gender\(^\text{10}\); 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; Pilinkaitė 2007; Pilinkaitė 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 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 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-

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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


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