

Stocktaking study of the effective functioning of national mechanisms for gender equality in Council of Europe member states

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The main aims of the Organisation are to promote democracy, human rights and the rule of law, and to develop common responses to political, social, cultural and legal challenges in its member states. Since 1989 it has integrated most of the countries of central and eastern Europe and supported them in their efforts to implement and consolidate their political, legal and administrative reforms.

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#### 1. INTRODUCTION - HISTORICAL BACKGROUND

Although some European countries have established national mechanisms for the advancement of women or for equality between women and men back in the sixties, it is mainly in the seventies and particularly after 1975 that the existence and role of such mechanisms became a visible concern, both at national and at international level.

The international community played a decisive role in this regard. In 1975 - the International Women's Year - the I World Conference on Women took place in Mexico City and the recommendations adopted, particularly in the context of the "World Plan of Action", pointed to the need of establishing national mechanisms to promote the status of women. Discussion on the role and functions of such machinery also took place, both preceding the Conference and in the decades to follow.

The Decade for Women (1976-1985), the II and III Conferences on Women, respectively in the middle and at the end of the Decade (Copenhagen, 1980 and Nairobi, 1985) witnessed some developments, in particular a progressive understanding of the importance and of the role of such mechanisms.

In Nairobi, the "Forward-Looking Strategies for the Advancement of Women" were adopted and, in the context of "Basic Strategies" proposed to Member States, it is stated that:

"Effective institutions and procedures must be established or strengthened to monitor the situation of women comprehensively and identify the causes, both traditional and new, of discrimination and to help formulate new policies and effectively carry out strategies and measures to end discrimination..." (para.55)

Going into further detail, the document pointed out, already at that early stage, to the practical conditions and requirements for effective functioning of the national machinery, as well as to certain aspects of the actions to be developed. It stated:

"Appropriate governmental machinery for monitoring and improving the status of women, should be established where it is lacking. To be effective, this machinery should be established at a high level of government and should be ensured adequate resources, commitment and authority to advise on the impact on women of all government policies. Such machinery can play a vital role in enhancing the status of women, inter alia, through the dissemination of information to women on their rights and entitlements, through collaborative action with various ministries and other government agencies and with non-governmental organisations and indigenous women's societies and groups." (para.57).

Other conditions and basic strategies were then pointed out that would, later on, be developed and strengthened, as concerns to be taken up by the national mechanisms in the implementation of their tasks. Among them, the need to develop "timely and reliable statistics on the situation of women" or "to make periodic assessment in identifying stereotypes and inequalities..." (para.58); the need to involve in this action "the population at large, including the media, non-governmental organisations, political party platforms and executive action" (para.56); or the need to create "a comprehensive legal base for the equality of women and men on the basis of human dignity" (para.51). And, curious enough, all these aspects are still valid today.

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<sup>&</sup>lt;sup>2</sup> The Nairobi Forward-Looking Strategies for the Advancement of Women. United Nations Department of Public Information, Division for Economic and Social Information, 1986

The fact that, in 1979, half way through the Decade for Women, the **Convention on the Elimination of All Forms of Discrimination against Women** was adopted by the General Assembly of the United Nations, and came into force two years later, gave renewed political legitimacy to the issues of equality between women and men and to the need for Member States to adopt legislation and policies to combat such discrimination.

The issue of national mechanisms for equality also became particularly relevant, as being essential instruments to carry out such tasks and such responsibility. The CEDAW Committee, that watches over the implementation of the Convention, from the very beginning up till nowadays, regularly enquires about the national mechanisms or national machinery existing in the Member States, their nature, mandate, functions, resources, power and visibility, etc.

Awareness of the role and importance of national mechanisms for the advancement of women or for equality between women and men was also a fact in the context of the Council of Europe, since the beginning of the eighties. The first study on the matter was published in 1982<sup>3</sup> and was followed by a new one in 1985<sup>4</sup> and a further update in 1994<sup>5</sup>.

However, it was particularly in 1995, with the IV World Conference on Women, in Beijing, that this matter became significantly visible, both at regional and international level, to the point of constituting one of the twelve critical areas of the **Platform for Action**. Eleven areas are of a substantive nature, dealing with policy matters, like education, employment, health or environment, or with particular problems affecting mainly women, like violence; this one, on institutional mechanisms, is of a practical, functional nature.

"Institutional mechanisms for the advancement of women" is the title of the critical area in the Platform for Action, a title that keeps a conservative trend focusing on the advancement of women and one not fully in line with the focus of the text and with the new role and functions attributed to these mechanisms.

As a matter of fact, in previous documents emphasis had been placed mainly on the advancement of women, pointing out to women's specific issues and specific policies addressing their situation. In the Platform for Action, even if the formulation of the title still follows this trend, the focus of the text goes much further, recognising and recommending a new role to be taken up by the national mechanisms.

According to the Platform for Action:

"A national machinery for the advancement of women is the central policy-coordinating unit inside government. Its main task is to support government-wide mainstreaming of a gender-equality perspective in all policy areas..." (para.201)

The task of gender mainstreaming, now considered as the main focus for institutional mechanisms, is further explained:

<sup>&</sup>lt;sup>3</sup> E. Vogel- Polsky - Historical development and descriptive analysis of national machinery set up in member States of the Council of Europe to promote equality between women and men: comparative study. Strasbourg, Council of Europe, 1982.

<sup>&</sup>lt;sup>4</sup> E. Vogel-Polsky, - National institutional machinery in the Council of Europe member States to promote equality between women and men: comparative study. Strasbourg, Council of Europe, 1985

<sup>&</sup>lt;sup>5</sup> E. Vogel-Polsky with the co-operation of Dominique Rodriguez – National institutional machinery in the Council of Europe member States to promote equality between women and men: comparative study. Strasbourg, Council of Europe, 1994

<sup>&</sup>lt;sup>6</sup> Platform for Action and the Beijing Declaration: Fourth World Conference on Women, Beijing, 1995. New York, United Nations Department of Public Information, 1996

"In addressing the issue of mechanisms for promoting the advancement of women, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that, before decisions are taken, an analysis is made of the effects on women and men, respectively." (para.202).

The essential conditions for the effective functioning of these mechanisms are also clearly stated. They include:

"

- a) Location at the highest possible level in the government, falling under the responsibility of a Cabinet minister;
- b) Institutional mechanisms or processes that facilitate, as appropriate, decentralised planning, implementation and monitoring with a view to involving non-governmental organisations and community organisations from the grass roots upwards:
- c) Sufficient resources in terms of budget and professional capacity;
- d) Opportunity to influence development of all government policies." (para.201)

In the view of the Platform, national mechanisms are, therefore, more than specific agencies for the development of specific policies for the advancement of women, as they had been mainly envisaged before. Their role is broadened to affect all government policies and the advancement of women is seen in the light of the achievement of gender equality, which involves women and men and society as a whole.

It is a turning point in thinking; from the advancement of women to gender equality, that still requires the former; from marginal, or at least sectorial, policies into the mainstream of general policies, where the gender dimension must be fully integrated.

Such an approach, that was adopted by the international community, as a whole, in the Platform for Action, in 1995, was already being adopted in some countries, namely of the European region.

The **Council of Europe** had a pioneering role in this respect. The gender approach and the twofold role for national machineries, both pursuing specific policies for the advancement of women, including positive action, and pursuing gender mainstreaming into all policies and programmes, had already been recommended to member States of the Council of Europe.

This view is clearly stated in the General Conclusions of an International Workshop on National Machinery to Promote Equality between Women and Men that took place in Liubliana in 1994<sup>7</sup>. There we can read:

"Particular emphasis was laid on the twofold dimension that equality policies pursued by equality machinery must espouse: on the one hand, the horizontal dimension of these policies, cutting across all sectors and areas of government, in order to guarantee a gender perspective in the policies adopted; on the other hand, specific policies and programmes, both in traditional areas of government responsibility (e.g. education, health and employment) and in "new" areas which have recently been made visible in the political arena, such as violence against women, the growing feminisation of poverty, traffic in women, etc."

Four years later, in 1998, the final report of the Council of Europe Group of Specialists on Mainstreaming<sup>8</sup> reaffirms this dual dimension of policies to be adopted in the pursuit of gender equality.

<sup>&</sup>lt;sup>7</sup> National machinery to promote equality between women and men in central and eastern European countries: establishing, implementing and making use of national machinery to promote equality: proceedings of an international workshop. Strasbourg, Council of Europe, 1998.

"Gender mainstreaming cannot replace and render redundant specific equality policy and machineries. When mainstreaming is mentioned as a new strategy to achieve gender equality, it is always stressed that this strategy does not replace "traditional" gender equality policy, but complements it. They are two different strategies to reach the same goal, i.e. gender equality, and must go hand in hand, at least until there is a real culture and consensus regarding gender equality in the whole of society. The question is how gender mainstreaming relates to specific equality policy and why it is still necessary to have "traditional" forms of equality policy. The main difference between mainstreaming and specific gender equality policies is the actors involved and the policies that are to be addressed. The starting point for "traditional" forms of equality policy is a specific problem resulting from gender inequality. A specific policy for that problem is then developed by an equality machinery. The starting point for mainstreaming is a policy which already exists. The policy process is then reorganised so that the actors usually involved take a gender perspective into account, and gender equality as a goal is reached."

The role of equality mechanisms becomes a more complex one, under such a perspective. The report further defines this new role; equality mechanisms must bring gender issues to the fore, act as think tanks on matters related to gender equality and to gender mainstreaming, disseminate knowledge and information, put pressure on policy-makers, a multiple role that allows them to be "the actors who reflect on the government's fundamental role in redressing gender relations."

Similar developments also took place at **EU level** and in 1996 the European Commission stressed the importance of national institutional mechanisms and of their contribution towards the implementation of the community policy for gender equality.<sup>9</sup>

In international terms, however, it was only after the Beijing Conference that the new understanding of the role of institutional mechanisms for equality became clear and widely accepted; notwithstanding this fact, even today, some countries remain inclined to a more conservative view of the role of equality machinery, focusing on women only, a fact that is reflected in the titles and functions attributed to various institutional mechanisms.

An evaluation conducted in 1999<sup>10</sup>, regarding countries from the **ECE region**, for the 2000 review of implementation of the Beijing commitments indicated that, at the end of the nineties, institutional mechanisms seemed to be going through a phase of transition regarding their nature, role and functions. As stated: "There has been a shift from a perspective of advancement of women to one of gender equality which involves both women and men; there has also been a development from mechanisms of a specific nature and limited mandate, mainly social in character, into mechanisms of a more general character and of an increasingly recognised political nature."

According to the review, however, such shift was not always clear in every country, some of them still apparently hesitating between the two perspectives, an hesitation that was reflected both in the designations adopted and in the responsibilities entrusted to the equality mechanisms.

<sup>&</sup>lt;sup>8</sup> Gender mainstreaming: conceptual framework, methodology and presentation of good practices: final report of the Group of Specialists on Mainstreaming. Strasbourg, Council of Europe, 1998.

<sup>&</sup>lt;sup>9</sup> Eliane Vogel-Polsky ; Dominique Rodriguez– L'apport des organismes institutionels nationaux d'égalité des chances à la mise en oeuvre de la politique communautaire de l'égalité. Bruxelles, Commission Européenne, 1996

<sup>&</sup>lt;sup>10</sup> Institutional mechanisms for the advancement of women: some developments since the Beijing Conference – background paper to the Regional Preparatory Meeting on the 2000 Review of Implementation of the Beijing Platform for Action, Economic Commission for Europe, Geneva, 19-21 January 2000

The difference seemed to be particularly significant between those countries where there was a tradition of dealing with women's issues and with gender equality and the countries where equality concerns were more recent, particularly the countries in transition. In the first group, the scope of action and the responsibilities of the national mechanisms were apparently broadened and had become more diversified; in the second group, the mechanisms seemed to be much more incipient and fragile and their institutionalisation faced particular difficulties.<sup>11</sup>

In the preparatory process for the 23rd Special Session of the General Assembly, the theme was considered as one of the priority themes of the Regional Preparatory Meeting of the ECE region (Geneva, January 2000), together with issues like women and economic life or violence against women and trafficking in persons,

The agreed conclusions<sup>12</sup> adopted by the meeting, put forward new guidelines and recommendations in view of emerging needs and realities. Strengthening institutional mechanisms, developing tools for enforcing and monitoring equality policies and strengthening the synergy between these mechanisms and civil society are the main directions of these recommendations.

For the Regional Preparatory Meeting, also supported by the Council of Europe, the Council's main contribution consisted of a survey of existing mechanisms, action plans and gender mainstreaming in the Council of Europe member States since the IV World Conference on Women, a survey<sup>13</sup> that was updated in 2002 in preparation for the V European Ministerial Conference on Equality between Women and Men.

Beyond the European level, the matter of national mechanisms was also taken up at wide international level in the same year, at the annual session of the **Commission on the Status of Women**. A general overview of the situation of national machineries was drawn in a report of the Secretary-General, <sup>14</sup> some "best practices" were pointed out and strategies to strengthen those mechanisms were put forward

At the same time, the theme was also dealt with in the evaluation questionnaire addressed at member States in view of the 23rd Special Session of the General Assembly entitled "Women, Gender Equality, Development and Peace in the twenty-fist century", usually known as Beijing+5. A critical evaluation of developments, both achievements and obstacles, in the implementation of the Platform for Action, was made regarding the twelve critical areas. This evaluation constituted the basis for further measures to be taken in the years ahead, contained in the outcome document - Further Actions and initiatives to implement the Beijing Declaration and the Platform for Action - of the Special Session of June 2000.

In this context, institutional mechanisms operating in member States were also evaluated. Some **achievements** were pointed out (para.24), namely their establishment in various countries, their reinforcement and greater legitimacy in others, and their role as catalysts for the promotion of gender equality and gender mainstreaming and for the monitoring of the implementation of the Platform for Action and of the CEDAW Convention. The evaluation

<sup>11</sup> For more detailed information see National machineries for gender equality and the advancement of women in transition countries (Central and Eastern Europe and the CIS) prepared by the Regional Bureau for Europe and the CIS of UNDP for the ECE regional preparatory meeting

<sup>&</sup>lt;sup>12</sup> Agreed Conclusions on Institutional mechanisms for the Advancement of Women – background paper to the Regional Preparatory Meeting on the 2000 Review of Implementation of the Beijing Platform for Action, 19-21 January 2000

<sup>&</sup>lt;sup>13</sup> National machinery, action plans and gender mainstreaming in the Council of Europe member States since the 4th World Conference on Women (Beijing, 1995) – EG(2002)3

<sup>&</sup>lt;sup>14</sup> Thematic issues before the Commission on the Status of Women: report of the Secretary-General – CN.6/1999/4

also registers progress achieved in terms of status, visibility and co-ordination of actions of these mechanisms, particularly taking into account their role in the promotion of the new strategy of gender mainstreaming. Also recognised as achievements are the promotion of research in the field of gender studies, and the gathering and dissemination of data, essential for the evaluation of situations.

As for **obstacles** still standing in the way of progress and registered in the 2000 evaluation (para.25), inadequate financial and human resources, as well as a lack of political will and commitment are mentioned as being the most significant. Beyond these direct obstacles, others of a more indirect nature are also pointed out. Lack of understanding of the concepts of gender equality and gender mainstreaming, discriminatory social attitudes and stereotypes and, in some cases, unclear mandates and marginalised location in the government structure, lack of data and methods of assessment, lack of authority, communication problems and insufficient links with civil society are other obstacles faced by national machinery.

In the general recommendations of the document, preceding the practical measures to be followed, a full paragraph addresses the need and importance of national machineries for the advancement of women and the promotion of gender equality, as well as the requirements needed for their effective functioning.

It is worth recalling those guidelines:

"Strong national machineries for the advancement of women and promotion of gender equality require political commitment at the highest level and all necessary human and financial resources to initiate, recommend and facilitate the development, adoption and monitoring of policies, legislation, programmes and capacity-building for the empowerment of women and to act as catalysts for open, public dialogue on gender equality as a societal goal. This would enable them to promote the advancement of women and mainstreaming a gender perspective in policy and programmes in all areas, to play an advocacy role and to ensure equal access to all institutions and resources, as well as enhanced capacity-building for women in all sectors...." (para.61)

The requirements are clear – strong mechanisms, highest level, political will, adequate resources...

The mandate is also clear – initiate or recommend legislation and policies and monitor their implementation; promote gender mainstreaming in programs and policies and undertake advocacy for equality; ensure the advancement of women, their capacity-building and their equal access to all areas and sectors...

Requirements and mandate that deserved the consensus of the international community and are still fully valid today.

On the other hand, the dual focus of equality policies is, once again, stressed and reinforced in the same document:

"Programme support to enhance women's opportunities, potentials and activities need to have a dual focus: on the one hand, programmes aimed at meeting the basic as well as the specific needs for capacity-building, organisational development and empowerment; and on the other, gender mainstreaming in all programme formulation and implementation activities...." (para.62)

These principles are further developed, stressing other requirements for effective functioning of national machineries and attainment of objectives, namely: the sharing of expertise,

experiences and knowledge; the development of statistics and other monitoring instruments and evaluation methods; the development of mechanisms for mainstreaming, the adoption of national action plans encompassing a multiplicity of areas, etc.

In 2004, four years after the adoption of such guidelines, we can ask ourselves where we are now standing in terms of progress in this area. **What is the present situation** in terms of institutional mechanisms for equality and their effective functioning, namely the conditions for that functioning, including their status, location, mandates, resources, power and visibility? What is the present situation also in terms of specific programmes and specific areas of action, as well as advancements in regard to mainstreaming gender into global policies?

The answer to these questions is the aim of this paper. Materials used to find it have been mainly the answers to the questionnaire sent to the member States of the Council of Europe on the issue. Such information was completed by other documents of the Council, namely the report on national machinery, action plans and gender mainstreaming updated in 2002, the directory of national machineries of the United Nations, updated in July 2004, relevant CEDAW reports and Concluding Comments by the CEDAW Committee and governments' answers to the questionnaire prepared for the evaluation of Beijing+10 at U.N. level.

### 2. PANORAMA OF INSTITUTIONAL MECHANISMS FOR GENDER EQUALITY: CONDITIONS AND REQUIREMENTS FOR EFFECTIVE FUNCTIONING

To evaluate the effective functioning of institutional mechanisms it is necessary, first of all, to have a general overview of those mechanisms and of the conditions they have for an effective functioning.

There is a **great variety of institutional mechanisms**, by these meaning those that are set up by political authorities, not only at national level, but also at regional or local levels.

A diversity that is reflected upon the status, structure and location, scope of mandate and functions, legal basis, financial and human resources, political legitimacy, power, visibility and authority of these mechanisms, both at central and decentralised level.

#### 2.1. STATUS, STRUCTURE, LOCATION AND LEGAL BASIS OF INSTITUTIONAL MECHANISMS

As regards status, structure and location, the great majority of institutional mechanisms for equality at national level take the form of **departments**, **divisions**, **services**, **commissions**, **working groups**, etc. under a specific ministry or state secretariat, usually the one responsible for the areas of social affairs or social policies, particularly labour or employment and social security, sometimes including also health and family (cases of Albania, Armenia, Bulgaria, Czech Republic, Estonia, Finland, Iceland, Latvia, Liechtenstein, Lithuania, Moldova, Netherlands, Romania, Russian Federation, Slovak Republic, the former Yugoslav Republic of Macedonia,), and less often linked to specific areas like: family (Andorra) or children and family affairs (Norway), family and youth (Ukraine), justice (Cyprus, Ireland) or internal affairs (Greece, Switzerland).

Of course, modalities of mechanisms differ from country to country. It does not mean the same to have a national mechanism under a Minister or only a Secretary of State; it can happen that the Minister is the actual head of the national mechanism, a fact which conveys a stronger political message; or that the mechanism, though under a Minister, has a more technical character and is headed by a director, chair or any other leading body. And, in some cases, it can happen that, although the Minister is in charge of social affairs, his/her competence when it comes to equality matters goes beyond that sphere. But the remaining

fact is that, even if modalities differ, the context within which gender equality is mostly envisaged is that of social policies.

Some national mechanisms are placed under the Prime Minister or Deputy Prime Minister or are located in the Prime Minister's Office (Croatia, Hungary, Poland, Portugal, Russian Federation, Turkey)), a situation which, theoretically, would give the mechanism a privileged location for implementation of gender mainstreaming in the various areas of governance.

In a small number of cases there are **ministries**, **ministers**, **deputy ministers or state secretaries** with the portfolio of women or gender equality only (Hungary, Italy, Denmark, Luxembourg, Sweden, Turkey, U.K.) or in conjunction with other areas (Austria, France, Germany) or structures equivalent to a ministry (Azerbaijan). Worth noting is the fact that independent ministries or ministers had been created in a number of countries in the aftermath of the Beijing Conference and/or preparation of Beijing+5, but that trend does not seem to have progressed.

Other formulas for equality mechanisms have also been adopted at national level, namely the ones that, being under Government supervision, seem to enjoy a certain degree of independence. It is the case of **Institutes**, either recent, as in the case of Belgium, or with an already long history, as in the case of Spain, that seem to be having broader mandates and more significant means of action; or of Slovenia with a self-standing government body in charge of development of equality policies; or of **Councils or National Commissions**, usually of a consultative character and with an enlarged participation, not only of government representatives, but also of representatives of civil society, such as women's NGO's and other organisations, experts, academics, etc.

The development of **interministerial or interdepartmental structures** seems to be a very significant trend in the latest years, both as regards reinforcement, where they already existed, and establishment where such a structure did not exist. It is a development that has taken place both at central and regional levels, and even at local level, in a significant number of countries. A development that is linked to the philosophy, and consequent strategy, of gender mainstreaming into all policies and programmes. Either created or reinforced, this type of mechanisms is now in existence in almost all member States, thus fulfilling one of the necessary conditions for effective functioning of institutional mechanisms with a gender mainstreaming responsibility.

Linked with these interdepartmental structures there appears to have been an increase in units, working groups, co-ordinators or gender focal points in different departments, both the traditional ones, like education or employment, but also new ones. An interesting note is the creation of these units in the area of foreign affairs in some countries, a fact that shows the increasing importance of equality matters at the international level.

Another type of structure, particularly common in Nordic countries, the institution of **Ombuds**, namely dealing with discrimination complaints and equality matters, seems to be finding its way, particularly in countries of central and eastern Europe. In 1999 only Lithuania had such an institution; nowadays it exists, under the same or similar forms, in a significant number of countries of the region, like Croatia, Romania, Slovenia or Estonia, where the Legal Chancellor performs comparable functions.

Some interesting approaches, along the same lines, have been taken by other countries in recent years, namely by Ireland concerning the specific area of employment. The Employment Equality Act adopted in 1998 provided for the establishment of several bodies, namely the Equality Authority and the Office of the Director of Equality Investigations, also called the Equality Tribunal. This one is a quasi-judicial forum that can provide redress for discrimination cases, both in the area of employment and under equal status legislation.

Other mechanisms, namely in Iceland, the Gender Equality Complaints Committee composed by lawyers appointed by the responsible Ministry and by the Supreme Court; or in Slovenia, the Advocate for Equal Opportunities for women and men, a new institution for hearing cases of alleged discrimination and issuing written opinions on them; or in Denmark, the Gender Equality Board chaired by a judge; or the above-mentioned Institute in Belgium - all these mechanisms also deal with complaints on gender-based discrimination, in some cases mainly pertaining to discrimination in the labour market, in others of a more general nature.

In some countries specialised or thematic Commissions dealing with issues that are of a particular relevance for the objectives of gender equality also exist. Some of these thematic structures are old, particularly in the area of work and employment, which is a pioneering area in regard to the creation of equality mechanisms; others are new, particularly in the area of violence, with emphasis on domestic violence, a form of violence that only in the last decade became visible and politically recognised.

Other differentiated equality mechanisms, like observatories or monitoring centres entrusted with the task to evaluate progress in different policy areas (political life, employment, entrepreneurship, advertising, gender-based violence) have been in operation for some time; or, more recently, policy-oriented research and consulting centres dealing with statistics, data banks, information, reporting, and supporting implementation of gender mainstreaming, either attached to Government offices or under Government supervision – these are some of the formulas that have been adopted by different countries.

As regards **decentralisation of institutional mechanisms**, it has been mentioned that an important development occurring in the latest years is this trend to decentralise equality policies and to involve the different sectors and levels of government in equality work and responsibilities. As such, and again this is a movement either of reinforcement in some countries or of creation in others, there are different structures operating at regional and local level. A development that is particularly noticeable in central and eastern European countries, where such structures did not generally exist not so long ago.

Consultants or commissions in municipalities exist, for example, in Denmark and in the former Yugoslav Republic of Macedonia, in local labour authorities also in Denmark, representatives of the ministry responsible for equality in regions and departments in France, regional equality committees in Greece, regional gender centres in Moldova, equality services in cantons and large cities in Switzerland, equality advisers in regional employment services and equal opportunity bodies in regional and local administration in Italy, local commissions that act as gender focal points at the level of countries and towns in Croatia, equality bodies at regional and municipal levels in Spain - these are some examples of decentralisation, a phenomenon that has substantially increased in the latest years.

A decentralisation that even goes beyond political authorities into the fields of civil society organisations where we can find gender equality committees in organisations, universities and enterprises, women's councils in social partners organisations and women's groups, sections or networks in political parties. An analysis of these mechanisms goes beyond the scope of the present paper, but is worth being mentioned.

Institutional mechanisms at **parliamentary level** have also been created in an increasing number of countries. Already acknowledged in the evaluation undertaken in 1999, although in a limited number of countries, they have also increased, both in a formal and in an informal way. In a formal way, committees and commissions or sub-commissions entrusted with the task to foster and monitor the application of the gender equality principle in laws and regulations exist nowadays, not only in western countries, generally with a longer tradition in this respect, namely in Belgium, France, Luxembourg, Norway, Portugal, Spain, but also in

the central and eastern countries, for instance in Albania, Croatia, Russian Federation, the Slovak Republic and Slovenia. In a more informal way, groups and networks of women parliamentarians have also been organised in some countries.

An important aspect of the setting up of institutional mechanisms is the **legal basis of these mechanisms**, particularly of the central co-ordinating unit at national level. They are created either by Government or Parliament decision, in some cases by Presidential decree, or are established under equality laws, both of a general nature or, in several cases, laws on equality in work and employment. In some cases they are created with a short-term mandate, namely the drafting of a national action plan and, later on, they become institutionalised as more permanent structures.

The different forms of creation of institutional mechanisms have advantages and disadvantages, as regards the existence of conditions for effective functioning. If created by an administrative or government decision, an institutional mechanism enjoys a much greater flexibility to adjust to changing circumstances and emerging issues; if created by a legal provision it enjoys a greater degree of stability and independence in relation to political power, namely if a change of government occurs. On the other hand, a formal legal basis may be the source of greater political legitimacy and general acceptance, as well as of more significant powers for enforcement.

An interesting fact, in this regard, which can be considered a new trend, is that a large number of countries of central and eastern Europe have, in recent years, adopted or are drafting or debating laws on equal opportunities for women and men, some of whom are the basis for institutional mechanisms. As for western countries, some of them, particularly the Nordic countries, have recently updated their gender equality acts or employment equality acts, establishing, in some cases, new mechanisms or procedures.

Among the first group, we can mention Croatia, with a very encompassing law, that establishes both the Office for Gender Equality and the Ombudsperson for Gender Equality, as well as Armenia, Azerbaijan, the Czech Republic, Hungary, Lithuania, Poland, Russian Federation, Slovak Republic, Slovenia, Ukraine, and Romania and Bulgaria, the two last ones envisaging all forms of discrimination/inequality, not just gender discrimination.

Among the second group, countries with new acts include Iceland, that updated the law in 2000, Denmark, that adopted a new law also in 2000, Norway, that amended the former Act in 2002 or Finland, that considered it was necessary to reform the Act on Gender Equality to adjust it to a new EU directive on equal treatment. Other countries from the western region also adopted gender equality acts, like Malta, although focusing mainly on the employment sector, which is certainly a EU influence; or the United Kingdom that, having former pioneering acts in the areas of equal pay, sex discrimination and employment, has recently adopted legislation in a specific area – the Sex Discrimination Election Candidates Act 2002 - which enables political parties to adopt positive measures to reduce inequality in this area. Another interesting example is the case of Ireland, where the Equal Status Act 2000 is applicable to non-work places, complementing the former Employment Equality Act of 1998.

Trying to **summarise developments** in regard to the status and structure of institutional mechanisms for equality, which can help to create conditions for a better functioning and attainment of objectives, in general terms we can say that:

- a) there has been an increasing diversification and multiplication of these mechanisms and their progressive establishment in a great variety of policy areas, both traditional ones like employment or education, and also new ones;
- b) there is an increasing existence of interministerial or interdepartmental structures, mainly aiming at gender mainstreaming and involvement of all political and administrative actors:

c) there is increasing decentralisation of these structures in regions, provinces, municipalities and other local level structures;

- d) there seems to exist, in a significant number of cases, a certain upgrading of equality policies and an enlargement of competencies of equality mechanisms, with a generalised focus on gender equality, although a minority number of countries still tend to focus mainly on women;
- e) gender equality legislation has been extensively adopted that, in various cases, includes the legal basis for new mechanisms with increased political legitimacy.

Many of these processes had already started at the time of evaluation in preparation of Beijing+5, but the trends then identified have developed, particularly in what regards the situation of central and eastern European countries, where the movement towards the creation and development of national mechanisms is certainly more notable.

### 2.2. MANDATES OF INSTITUTIONAL MECHANISMS: GENDER MAINSTREAMING AND SPECIFIC ACTIONS

Another important condition for effective functioning is the existence of adequate mandates of the institutional mechanisms both at central and at decentralised level. And here again mandates can be quite different from one another. Mandates also have differences according to the different levels where mechanisms are set up. Information provided by member States, however, refers mainly to mandates of national central mechanisms, which are certainly replicated at regional or local level, in accordance with the specific powers and competencies of authorities at those levels.

According to the information provided, there seems to be a tendency, noted in a significant number of cases, of a certain **enlargement of the mandates** of national mechanisms, reflected not only in a larger number and variety of attributions and tasks, but also in a more encompassing view of all that the building of gender equality must entail. Beyond the elimination of discrimination against women, mainly seen as a social issue, there seems to exist a change of focus in the view of equality for women and men, as an objective linked to the protection and promotion of human rights.

In this regard, it is interesting to note that some countries, namely from the central and eastern European region, when describing the focus of the mandates of the national mechanisms and of the objectives to attain under their action plans, place these in the framework of human rights, as the background upon which these matters must be considered.

They seem to echo the progress achieved in the World Conference on Human Rights (Vienna, 1993), that proclaimed that the human rights of women are part of the universal human rights, but also of the IV World Conference on Women (Beijing,1995), that adopted such focus as a founding stone for equality policies in the Platform for Action.

Mandates of institutional mechanisms for equality are often formulated in rather general terms: elimination of discrimination against women, elaboration and implementation of equality policies, integration of the gender perspective into policies and programmes, achievement of substantial equality, co-ordination of the Government's overall activities in the field of gender equality - these are some of the formulations used.

Sometimes the formulation is so general and vague, that it can be the reason for some criticism, as expressed in a number of instances by the CEDAW Committee after examination of national reports. Lack of a clear mandate, lack of a clear legal status, lack of

sufficient strength, power and visibility – these are some of the criticisms expressed by the Committee, most often in relation to mechanisms of countries of central and eastern Europe, in "Concluding Comments" between 2000 and 2003. (cases of Moldova, Estonia, Russian Federation, Ukraine, Czech Republic, Albania, Slovenia)

Naturally, the **legal dimension** is always present in the mandates, often formulated as drafting, reform or improvement and, in certain cases, enforcement of legislation; formulated also as elaboration of proposals, opinions or recommendations to improve the legal status of women. In some cases, the implementation of equality legislation – gender equality act, equal status act or equivalent formulations – is the core responsibility of some mechanisms' mandate. Some mechanisms, particularly those of an independent nature – ombuds and equivalent structures – also have in their mandates the capacity to deal with complaints of discrimination and, sometimes, capacity of legal representation.

In some countries, emphasis is placed on the **employment** sector and on equality in labour legislation, certainly an influence of European Union requirements following the need for harmonisation in this area and a fact to be found particularly in new members but also in some old members.

Other mandates go into specific details, namely, the preparation of National Action Plans or the development of equality concepts or basic documents to establish a policy on equality. In certain cases, this is, apparently, the only mandate in a first phase; a short-term mandate, that is afterwards prolonged into a more permanent one to deal, namely, with: the monitoring and evaluation of implementation of these plans; specific projects in priority areas; establishment of services for women, like information and advice centres, etc.

The Beijing Platform for Action, that recommended the adoption of National Action Plans for Equality, worked as a challenge and as a source of political legitimacy for the institutional mechanisms to carry forward its proposals and recommendations.

A dimension in the mandates, that is often emphasised, and one that could be considered a more recent trend, and probably the main trend of development in this area, is the dimension of **promotion and/or co-ordination of gender mainstreaming** attributed to the institutional mechanisms. Mobilisation and co-ordination of Government sectors, at various levels, to bring about the implementation of this strategy, is recognised as fundamental and is progressively adopted in most countries. An explicit reference to gender mainstreaming is, therefore, included in mandates of a significant number of institutional mechanisms and the creation of specific bodies of an interdepartmental nature appears as a natural consequence of this responsibility and as a necessary means to fulfil it.

While gender mainstreaming is a relevant dimension, particularly of the most recent mandates, it is also clear in most of them that the **dual-track approach** – gender mainstreaming, on the one hand, and specific actions, mainly addressing women and the demands of their situation, on the other – is to be maintained and reinforced, and is therefore formulated in some mandates.

In many cases, specific **areas and strategies** of intervention are also explicitly mentioned. Some examples include: promotion of gender-sensitive education; gender training of government agents and other responsible actors in decision-making positions; promotion of equality in work and employment; policies for reconciliation of professional and family life; cooperation with the media, aiming at social and cultural change; information and awareness-raising on the situation of women and on the meaning of gender equality; promotion and coordination of research, including analysis of data and other indicators, development of studies and creation of instruments and tools for gender impact assessment, elaboration and dissemination of publications, etc. In a few cases, the monitoring of CEDAW implementation

and the elaboration of national reports, as well as responsibility in regard to other international commitments of the State in the area of equality, are also part of the mandate of the national mechanism.

Some particular matters, namely the issue of violence against women or of trafficking of women for purposes of sexual exploitation or the question of access to decision-making are also included, in a few cases, as areas where the institutional mechanism must intervene and adopt programs of action. In some cases there are, even, special mechanisms or special plans of action and projects to deal with these matters.

The possibility and, in some instances, the obligation of using positive actions is also part of some mandates of mechanisms or, in other cases, a general obligation of the State introduced by legislative provision (ex. Denmark, Croatia, Greece, Luxembourg, Slovenia). Luxembourg has even created a special mechanism – the Positive Actions Committee – constituted by representatives from government and professional organisations, under the presidency of the Minister for the Promotion of Women that advises on funding of positive action projects in private enterprises.

Another focus that tends to gain more and more importance is the dimension of **cooperation with civil society**, namely with NGOs dealing with women's rights or human rights. Recognised as essential partners in the social change, that is the ultimate objective of equality policies, the co-operation with these organisations and the creation of institutionalised channels for dialogue and support is, in a significant number of cases, explicitly included in the mandate of the institutional mechanisms. A co-operation that is also one form of accountability of actions developed, obstacles found and progress achieved, and which is also a responsibility of institutional mechanisms.

An important aspect to note regards the scope of action of the institutional mechanisms that, in some cases, goes beyond gender discrimination and gender equality and addresses other types of discrimination/equality. In the large majority of cases, institutional mechanisms deal with the matter of gender equality as an autonomous issue, but there are cases, very few though, in which other forms of inequality/equality on the basis of other factors (race, ethnicity, disability, sexual orientation...) are also under the scope of the same mechanism, a fact which might raise some comments.

Although recognising that all forms of discrimination, on any grounds, are to be combated and eliminated, we would, however, say that the approach of dealing with discrimination against women in an autonomous, differentiated way, that is adopted in most countries, is the most adequate. As a matter of fact, discrimination against women is a discrimination of a different nature, in the sense that it has a structural and horizontal character in all circumstances, cultures and communities, something that is not the case for other forms of discrimination. Besides, women are not exactly a differentiated group in a given society; they are at least half of that society and are present in all groups, whether they are based on factors of race, ethnicity, culture, disability or any other. Therefore, the global, horizontal and systemic nature of gender discrimination requires that it be dealt with in an autonomous and encompassing way.

**To summarise the most significant factors** in regard to existing mandates of institutional mechanisms, we could say that:

- a) mandates can be of a more general or more detailed nature, but, in most cases, a certain enlargement of mandates of institutional mechanisms seems to be occurring, both as regards the variety of tasks and the overall view of gender equality, envisaged not only as a social question but also as a human rights issue;
- b) the legal dimension is a fundamental aspect of the mandates of institutional mechanisms formulated as elaboration of proposals and opinions, drafting of new

- laws and/or revision of existing ones and, in some cases, enforcement of legislation;
- c) promotion and/or co-ordination of gender mainstreaming, envisaged as a responsibility of institutional mechanisms, seems to be the main trend of new developments, although the dual track approach (gender mainstreaming and specific actions) is still recognised as indispensable;
- d) the scope of intervention of the institutional mechanisms is more and more diversified, including traditional areas, strategies and instruments, together with new areas (ex. violence, traffic, reconciliation of family and professional responsibilities), new strategies and instruments (ex. gender mainstreaming and gender analysis, sex-disaggregated data and other indicators, instruments for gender impact assessment);
- e) reinforcement of co-operation with civil society, particularly with women's NGOs, is also a visible trend in mandates, aiming at a joint effort to advance an issue that is recognised as concerning society as a whole.

#### 2.3. HUMAN AND FINANCIAL RESOURCES OF INSTITUTIONAL MECHANISMS

One last point to address, as regards the existence of conditions for effective functioning of institutional mechanisms, is the issue of adequate means of action, both human and financial resources.

It is a matter on which there is not much information in the replies given by member States. Some refer that financing of mechanisms is part of the general budget of Ministries where they belong; in a small number of reports reference is made to budget increases granted to national mechanisms; in others, complaints are made on the scarcity of such resources. Some information on this matter can be drawn from CEDAW reports, where such information is sometimes touched upon, as well as from comments and criticisms included in the "Concluding Comments" of the CEDAW Committee.

There seems to be a very frequent criticism of this situation, particularly in regard to countries of central and eastern Europe, but also to a few western countries. Limited capacity of national machinery and inadequacy of financial and human resources are repeatedly referred by the Committee as matters of concern and object of recommendations. Out of a total of 28 reports of European countries belonging to the Council of Europe, presented between 2000 and 2003, 11 countries were the object of that concern. (Albania, Czech Republic, Estonia, Hungary, Lithuania, Moldova, Russian Federation, Slovenia, Ukraine, but also Portugal and Switzerland).

On the whole, it would seem right to say that the matter of resources granted to institutional mechanisms for gender equality should be commensurate to the growing political importance of their task in the building of democratic societies, a fact that, apparently, is not generally the case.

3. EFFECTIVE FUNCTIONING OF INSTITUTIONAL MECHANISMS: PRELIMINARY ASSESSMENT OF PROGRESS ACHIEVED

It is not easy and, sometimes, it is not even possible, to have a clear view of the effective functioning of institutional mechanisms in the answers to the questionnaire provided by member States. Even when these contain significant information on actions taken or laws and programmes adopted, this information is more of a descriptive nature than an evaluative one.

However, a preliminary assessment of progress achieved and obstacles encountered has been tried as much as possible. Three aspects have been considered in this exercise, which encompass the main focus and scope of action of institutional machinery for gender equality, namely effective functioning in regard to: 1) national action plans for gender equality or for the improvement of the situation of women; 2) gender mainstreaming into all policies and programmes; 3) specific actions in priority areas. A complementary aspect of cooperation with NGOs is also dealt with in this context.

#### 3.1. NATIONAL ACTION PLANS FOR GENDER EQUALITY

Even though some countries, particularly of western Europe, had plans of action for equality before the Beijing Conference, in some cases even various plans that succeeded one another, it was mainly after 1995 that the adoption of such plans became a common feature almost everywhere. Nowadays, national action plans for gender equality have been established in practically all member States, many of them in the years after 1995, and in a significant number only after 2000.

Institutional mechanisms usually play a decisive role, both in the preparation and in the implementation of such plans. In some cases ad hoc mechanisms have been set up with the specific mandate to elaborate those and were further re-established or institutionalised on a more permanent basis or a new body was set up to replace them.

In certain cases, the elaboration of these plans was preceded by a survey or an evaluation of the main problems regarding the situation of women; in others, it was preceded by the elaboration of **Concept Papers or Policy Papers** on gender equality, which establish the theoretical framework for such plans of action. In others, the definition of priorities and guidelines regarding gender equality is included in the Program of Government, either as an autonomous objective or in a specific context, the context of the family, for instance and these priorities and guidelines are then developed in the specific action plan for gender equality.

In all cases, national action plans have proved to be important instruments for awareness-raising of public authorities, and of society at large, on the importance of gender equality as a requirement of social justice and as an imperative of human rights.

**General objectives** of these plans are often formulated in broad terms, both of a substantive and idealistic nature – promotion and enjoyment of human rights by women – or of a more pragmatic nature – creation of conditions for fighting obstacles in the way to the achievement of women's human rights or of gender equality.

As stated in answers to the questionnaire, in a significant number of cases the elaboration of the plans has had the collaboration, not only of different State structures and institutions, but also of NGOs. In others, organisations of civil society have been invited to comment on draft

plans before their approval and their comments have been considered in the final texts. Cooperation with NGOs and their involvement in the implementation of certain actions and programmes is also explicitly considered in some national action plans, in line with the same type of attitude reflected in the mandates of some mechanisms, as already referred.

**Gender mainstreaming** appears as a very important aspect of the Policy Papers and Plans adopted after 1995. It is seen as a strategy in planning, implementing and evaluating policies and actions; a strategy which is based on a critical regard upon society in its dual composition of women and men. Many answers stress the particular importance of this dimension in their national action plans. This matter, however, will be further developed in this paper.

The dual-track approach to gender equality work, and therefore, the need to adopt specific actions in specific areas, considered as the most critical for the status and situation of women, is clearly acknowledged in most plans of action, as it was in some mandates of national mechanisms. Priority areas are different from plan to plan and country to country, but a significant number of common trends can be identified.

The areas most frequently indicated as critical for women and upon which institutional mechanisms must develop specific actions and programs are mainly the following: women and access to decision-making, particularly in political life, women and economic life, particularly their situation in the labour market, the issue of equal pay and equal treatment, violence against women, particularly domestic violence and trafficking for purposes of sexual exploitation, health issues, including reproductive health, education and training, including gender training and, always, the issue of women's social participation at all levels and the combat against sex stereotypes, which hamper such participation.

One subject that seems to emerge as a new concern in several plans of action is the issue of reconciliation between professional life and family life, seen both as a requirement for a better quality of life and as a requirement for gender equality.

These are the main areas of intervention identified, although there are others that are equally important, but mentioned less often. They are: the media and their role in social and cultural change, the issue of poverty as reflected on women, the family, the situation of refugees and internally displaced as a result of armed conflict, the situation of minorities, the environment, etc.

Underlying intervention in all areas, the national action plans also point out to **strategies** and lines of action, namely legal reform, research, information, including legal information to women, awareness-raising and training of multiple social actors, etc.

The clear establishment of **time frames and targets** is included in a small number of plans and has become a practice in certain countries, even though it is still new in many others. It may, however, be considered as a significant development in the elaboration and adoption of these action plans, which tend to be seen, more and more, as commitments to be fulfilled within a fixed time frame and not just as good, timeless intentions.

Another significant aspect, that is included in many action plans, and a particularly relevant one for the assessment of their effective implementation is the **reporting obligation** foreseen in some of these plans. Reporting by the various policy departments to the central co-ordinating mechanism, reporting by the mechanisms to the Government, reporting by the Government to Parliament - these are some of the practical possibilities envisaged. In other cases there is only a reference that the plan foresees "regular evaluation", "monitoring of outcomes" or similar formulations. However, the concern for reporting and, therefore, for accountability, though apparently incipient in many cases, must be noted.

**To conclude**, we could say that in all areas and actions, the work of institutional mechanisms in relation to the national action plans is recognised as important, either as the initiator and main responsible body for their implementation or as having the role to promote and/or co-ordinate and monitor the work of other bodies and sectors in contributing to the objectives of gender equality.

On the whole, it could be said that there are **positive developments** reflected in the adoption and on-going implementation of national action plans and in the scope and aims of these plans, although not sufficient information is generally provided on the extent of their full implementation.

#### 3.2. GENDER MAINSTREAMING IN ALL POLICIES AND PROGRAMMES

Effective functioning in regard to gender mainstreaming is not easy to assess for lack of clear information, both on mechanisms in place to support and guarantee it, in a significant number of cases, and also because results achieved are not always rendered visible, the information available being, as already mentioned, more descriptive than evaluative. In spite of this fact, there seems to be some progress as regards the adoption and implementation of this strategy in most countries.

A first positive trend is the inclusion of the principle of gender mainstreaming, not only in national action plans, but also in gender equality legislation in some countries. Germany, for instance, includes it in the Federal Equality Act and, in several Nordic countries, the Acts on gender equality explicitly provide the basis for gender mainstreaming. As for central and eastern countries, Armenian, Croatian, Lithuanian and Slovenian laws on gender equality explicitly include this strategy as a requirement in gender equality work.

A second positive trend is the explicit recognition of the responsibility of national mechanisms in this regard. Formulated in terms of promotion of gender mainstreaming or its co-ordination, monitoring or evaluation, this concern is present in certain mechanisms' mandates, as well as in national action plans, programmes and policies, and is very often formulated as a priority aspect of those plans. In some countries special plans of action for gender mainstreaming have been adopted or proposed; in most, however, this concern is integrated into the national plans for gender equality, as well as in some cases, in specific or thematic programs of action, namely regarding employment, development or human rights.

A third important trend to note is the progressive creation of conditions to institutionalise gender mainstreaming, that has been taking place in most countries. Through various means, the most important of which seems to be the creation of interministerial or interdepartmental structures in the majority of countries. Or, in other cases, the creation of agreements or partnerships between the national mechanisms for equality and specific policy departments, with a view to integrate this concern in sectorial areas. The obligation to introduce a gender perspective in sectorial policies is, in other cases, imposed by a Government decree, resolution, directive, circular or assignment to all ministers or just by rules of procedure, that require all departments to observe this approach in political, normative and administrative measures.

At this stage and as mentioned above, practically all countries, with only very few exceptions, seem to have put in place those **interdepartmental structures** at national level and, in several countries, those structures are also replicated at other levels, always aiming at introducing the gender dimension in policy-making.

Inter-ministerial Commissions or Councils, Working Groups or Steering Groups or networks, the denominations vary, but the principle is basically the same. Representatives of all or the most relevant ministries, named as consultants, focal points, co-ordinators or equality counsellors, are responsible for carrying out the responsibility to promote and monitor the integration of the gender dimension in their various sectors of activity and to report to the interdepartmental structure, which monitors and evaluates the overall process of gender mainstreaming. A process that is meant to be developed, both in regard to planning, implementation and evaluation of all policies and programmes.

The political importance of this process requires that the members of these interdepartmental structures be placed at a highly responsible level in their own sectors, one where they can make options and take decisions. However it is not clear, from the information provided, that these representatives always fulfil this condition and some difficulties in the implementation of the functions of these structures lead us to think that problems exist at this level, namely a representation that is not accompanied by the necessary decision-making powers in order make it fully effective.

Some interesting cases, however, should be pointed out, where representation in the interdepartmental structure, responsible for overall co-ordination of gender mainstreaming, is ensured at the highest level, thus allowing for its effective implementation. Among others, the case of Norway, where a Committee of Deputy Ministers is in charge of advising the Government and the Minister responsible for equality affairs; or the case of the United Kingdom, where a Cabinet Subcommittee composed by ministers of the main government departments co-ordinates government policies on equality; or the case of Croatia, where the Law on Gender Equality prescribes the appointment of Co-ordinators for Gender equality at the level of assistant ministers from the different ministries; or the case of Germany, where the Inter-ministerial Group on Gender Mainstreaming is composed by heads of directorate-generals from all ministries. Such high level representation in interdepartmental structures, although essential for implementation of gender mainstreaming in all policies and programs, does not, however, seem to be the rule in most countries.

In several cases, the interdepartmental structures created for the implementation of national action plans and/or for the implementation of gender mainstreaming, both in western and in central and eastern countries, include also representatives or observers of civil society, namely women's NGOs, social partners, academics and experts, that are associated to a process that is essentially a government responsibility, but where they can act as essential partners.

One conclusion that seems to come out of the information provided, and also of the lack of information, is the fact that, although the approach of gender mainstreaming seems to be widely accepted on a principle basis and some structures have been put in place in a significant number of countries, however, in many cases, the right conditions for its effective implementation do not yet exist. Lack of clear mandates of the interdepartmental structures and of power of the representatives, lack of knowledge and training of these representatives and of decision-makers in general, lack of planning of the process of implementation, lack of funding to allow these structures to function properly - these seem to be some of the problems.

**Exceptions to this pattern** can also be identified, particularly in some western countries, where this process seems to be more advanced, while in the central and eastern part, this process, when started, is still in an early phase. For example, Germany reports on a well established process, with a first phase from 2000 to 2002, consisting mainly of training, pilot projects, creation of instruments, co-ordination and public relations on the matter, and a second one, started in 2003, aiming at a wide utilisation of instruments and a routine application of the strategy of gender mainstreaming. Or the case of Austria, where, following

a Resolution by the Council of Ministers, a process was initiated with different groups addressing the issues of information and elaboration of instruments for gender mainstreaming, including the creation of a website on best practices and networking. Or Sweden, where a specific Plan for implementation of gender mainstreaming includes education for high level politicians, like ministers, secretaries of state and country governors, as well as testing of methods and instruments. Or the United Kingdom, where the report "Delivering on Gender Equality" sets out specific targets and initiatives across government in regard to priorities established and was adopted by all ministers involved. Or France, where a recently adopted Charter for Equality between Women and Men is the result of a wide partnership between different sectors and levels of political power and of civil society and sets out the way for further action in the next three years. Or others, where gender training and capacity building for all necessarily involved in the process is already under way.

The question of **gender training** and capacity building for implementation of this strategy is repeatedly evoked as a difficult area and as an urgent need, where countries have to invest. Other obstacles are linked to the effective power of the mechanisms created for the implementation of gender mainstreaming, to the lack of tools and instruments to monitor and assess this process or simply the lack of a real understanding of the need, political interest and meaning of such a strategy.

The question of **tools and instruments for gender impact assessment**, both prior to adoption of policies, as well as during their implementation and for their monitoring and evaluation, is a fundamental issue to address in this context and one which is still new in many countries.

Guidelines on the necessity to establish effective tools and instruments for such evaluation, namely of data, statistics and indicators, have been included in the Outcome document of the 23rd Special Session of the General Assembly in 2000. There it is requested from member States that they

"Provide national statistical offices with institutional and financial support in order to collect, compile and disseminate data disaggregated by sex, age and other factors, as appropriate, in formats that are accessible to the public and to policy-makers for inter alia gender-based analysis, monitoring and impact assessment, and support new work to develop statistics and indicators especially in areas where information is particularly lacking".(para.77 a)

It is further emphasised that the strategy of gender mainstreaming, to be fully operative, requires such tools. Member States must, therefore,

"Develop and use frameworks, guidelines and other practical tools and indicators to accelerate gender mainstreaming, including gender-based research, analytical tools and methodologies, training, case studies, statistics and information." (para.80)

Important to point out is the fact that this is an area where a significant development can be noticed in relation to the Platform for Action, that the Outcome document of 2000 completes and updates. Requirements are now clearer in regard to the need of tools and instruments, statistics, indicators and others, as well as methodologies to devise, implement, monitor and evaluate equality policies and the effectiveness of the gender mainstreaming strategy. It is now recognised that an accurate knowledge of the situation of women and men, through statistics and other indicators, is a requirement to address that situation and to monitor the impact of programmes and policies to achieve change.

According to information provided by member States, one could assume that some progress seems to be occurring in this area. In the evaluation conducted in 1999, already referred and regarding countries of the same area of the world, it is said that "even where there is a clear,"

or growing, understanding of the mainstreaming strategy, difficulties arise from the non-existence of instruments to evaluate gender impact and measure the gender success or failure of policies and programmes. In particular, little progress has been made on the adoption of indicators and benchmarks in the areas of major importance for gender equality" (pg.9)

Five years have passed and some developments are apparently being achieved in this area, which merit explicit reference in the reports by a significant number of member States. Two aspects deserve to be stressed. The first regards the development of statistics and other indicators, both quantitative and qualitative, aiming at a better understanding of the situation of women in comparison to men. The second regards the development of instruments for gender impact assessment.

While the first aspect, particularly in what regards statistical data, seems to be a concern, expressed in various manners in countries both from central and eastern Europe and from western Europe, the second aspect of creation of instruments for gender impact assessment seems to be only addressed in a few countries, being still an almost "silent" subject in many others, both in the east and in the west.

Regarding **statistics and data**, emphasis is laid in some countries on improving tools for sex-disaggregated data collection and data analysis and on publication and dissemination of such information, envisaged as a basis for policy-oriented research and for the devising of policies and programmes that take the gender aspect into account.

In a few cases reference is made to the establishment of agreements with the national statistical apparatus, statistical offices or agencies, to guarantee the sustainability of these processes. In a few others, the creation of divisions of gender statistics within those offices was the formula adopted for the same purpose.

Some interesting examples might be mentioned, namely the case of Lithuania, where gender statistics is one of the critical areas of the Programme on Equal Opportunities for Women and Men and where the methodology of impact assessment of draft decisions adopted by the government includes the impact on women and men; or the case of Italy, where a bill on the collection of gender statistics was produced; or the case of the United Kingdom, where a Public Sector Agreement on gender mainstreaming includes a range of indicators to ensure measurable improvements in gender equality; or the case of Denmark, where a web-based tool was launched in 2003 for reporting on gender equality activities; or the case of Portugal, where an agreement was established involving a network, that includes the central statistical office, the national mechanism for equality and organisations of civil society, to create and maintain a data base on equality between women and men. Web-based tools are, apparently, being created in several countries that are not only useful information tools on the situation of women and men, but also valuable monitoring instruments of developments occurring in the area of gender equality.

The second aspect mentioned, namely the development of **instruments for gender impact assessment** of programmes and policies, both in the planning phase and in their implementation, monitoring and evaluation, being a concern for many countries, apparently only finds concrete expression in a few of them. It is mainly the case of the Nordic countries, and some others like the Netherlands, Germany, United Kingdom, that register some progress in the creation of these instruments.

One final aspect to be considered in the perspective of gender mainstreaming is the socalled **gender budgeting**, which can be considered as its financial policy instrument. It involves a gender-sensitive approach to budgetary processes, their priorities, planning and

implementation, ultimately aiming at a fair distribution of resources, according to the needs of all the citizens, men and women.

Although recommended in the guidelines that followed the 2000 review of the implementation of the Platform for Action, only very few countries report on having already adopted this perspective in their governance, but apparently still at a preliminary stage.

For example, Germany reports on a specific sub-group set up in 2003, under the Interministerial Group on Gender Mainstreaming, to put forward suggestions on how to implement gender budgeting in the Federal Government; Norway reports that ministries started processes of gender budgeting; Sweden reports that efforts to integrate the gender dimension in the budget process have started; the United Kingdom reports on a project being conducted with several government departments exploring how gender analysis can inform expenditure planning and application. However, not much more is mentioned on the implementation or results of these processes.

To conclude, we could say that, as regards effective functioning of the strategy of gender mainstreaming, in all its dimensions, including structures and instruments to make it function accordingly, there is evidence of a process that is taking place practically everywhere, although under different forms and to a different extent in the various countries. In some cases, it is only a preliminary phase of understanding of the concept; in others, it is a phase of establishment of basic conditions for its effective functioning; and, in just a few countries, the process is apparently functioning and starting to be monitored and evaluated. Positive, however, and worth noting is the fact that gender mainstreaming is now a concern, both in countries with a longer tradition in gender equality work and in new democracies where development of such work is more recent. In both cases, however, it is a matter to be further developed and one in which institutional mechanisms have a decisive role to play.

#### 3.3. SPECIFIC ACTIONS

Specific actions to address the main problems affecting the situation of women have been the traditional task of institutional mechanisms since they were created. In the very beginning many of them even operated in a particular area, usually the area of employment, the one where some of the most critical discriminations against women take place.

A progressive understanding of the global and structural dimension of gender discrimination led to the enlargement of these bodies' scope of action or to the creation of new ones with global mandates embracing other relevant areas.

In both cases and until the early 90s, when the notion of gender mainstreaming became relevant, the action developed by institutional mechanisms was mainly of a specific nature focusing mostly on women, their legal and social status, and developing actions and projects addressing the specific needs of their situation.

As already mentioned, the Beijing Platform for Action played a decisive role in changing such focus and proposing a gender mainstreaming perspective, nowadays recognised as an essential focus of institutional mechanisms' work. The need for specific actions, however, remains and they are generally developed by institutional mechanisms in multiple areas in all countries.

The achievement of gender equality, aiming at structural cultural and social change, is a global and encompassing process requiring action in many fronts. Some areas of action have been traditionally considered by institutional mechanisms; others are more recent, in response to emerging difficulties and concerns in women's lives.

Matters like equal conditions in the labour market, equal treatment in employment, health, including reproductive health, non-sexist education and education for equality and human rights, equal access to political life and to decision-making are among the first; others, like gender-based violence, trafficking for purposes of sexual exploitation, violence in situations of armed conflict, the feminisation of poverty or the need to find ways of reconciling professional and family life are among the second.

All of these areas still need to be pursued by institutional mechanisms for gender equality; however, some areas seem to experiment a particular need of further action and reinforcement at the present time. From the information provided by member States we would say that there are some particularly critical areas in Europe, where governments and their institutional mechanisms for gender equality must invest further efforts.

The still disadvantaged situation of women in the labour market, and in economic life in general; women's access to political and public life, with a particular emphasis on access to decision-making posts; violence against women, including domestic violence, a phenomenon that has become particularly visible in the latest decades; trafficking in women for purposes of sexual exploitation; the persistence of sexist stereotypes, that pervade all aspects of social life and hinder the cultural change that achievement of gender equality requires – these seem to be particularly difficult aspects.

Certainly, work is still necessary in other areas, as the realisation of gender equality is a global objective, which touches upon all areas of life. We will, however, deal with the above mentioned areas, which seem to be the most critical ones at the present time. In all of them, we are given information on actions taken; less often, on results achieved.

As regards the **situation of women in the labour market and in economic life**, the problems have long been identified and governments have, generally, pursued some efforts to address them. In this regard it is important to note that EU requirements, both for old member States and for those that have recently entered the community, have acted as driving forces for action in this area.

Looking into the actions developed by member States, we could say that legal reform, both laws and regulations, has been an important trend. In some cases, autonomous laws on equality in work and employment have been adopted, in others the equality dimension has been integrated into existing labour laws or labour codes. In some countries, specific mechanisms for equality in work and employment exist; in others, this is a fundamental dimension of the work developed by institutional mechanisms of a general nature. Specific projects, pursuing different aims are carried out in most countries. Equal pay and equal treatment in labour life, combat against sexual harassment at work, professional training and re-training and qualification of women in diversified sectors, promotion of female entrepreneurship – these are some of the areas where projects have been conducted in most countries.

One area that seems to be in need of further action is the one related to enforcement of legal directives and effective guarantee of women's rights in this area. As mentioned above, there are some initiatives to point out in this regard, of quasi-judicial institutions dealing with complaints, but the need seems to remain for a much stronger action in this area in most countries.

A sensitive area seems to be the one related to maternity and family responsibilities, still a motive for indirect discrimination against women, in spite of legal provisions to prohibit it. Linked to it, but going beyond this situation, is the already mentioned issue of reconciliation of professional and family life, a matter that affects all workers, women and men, but is

particularly critical for working women. Starting to be addressed in some countries, (ex. Austria, France, Hungary, Portugal, Slovak Republic, Spain, Switzerland) it certainly needs and deserves further action by the governments and a particular attention by institutional mechanisms for gender equality.

As regards women's access to political and public life and to decision-making posts, we could say that this area, although being a concern in many countries before 1995, has acquired enhanced visibility with the Beijing Platform for Action and, later on, with the new guidelines resulting from the 2000 evaluation.

Actions and projects have followed in many countries, with a particular emphasis in central and eastern European countries in the latest years. A first aspect of actions taken regards the drafting and adoption of legislation introducing positive measures aiming at gender balance, in a number of countries. In some cases numerical targets have been proposed for a progressive increase of women's participation. According to the information provided, countries having pursued the legal approach are, for example, Azerbaijan, Croatia, France, Greece, Poland, the former Yugoslav Republic of Macedonia and the United Kingdom. In some countries, positive measures have also been adopted by political parties themselves, following pressure by women's groups and with no recourse to the law.

Access of women to political and public life is also, in many cases, a priority area of national action plans, reflected in projects or campaigns, seminars and workshops with that objective, as well as training actions specifically addressed at women potential candidates.

This is an area for a privileged intervention of institutional mechanisms for equality, being under no specific area of governance, as it is the case with education or employment or any other sectorial area. It is true that gender inequality in this area is linked to many aspects of social life and of the social organisation that we are living in. Education and socialisation of girls and boys, stereotypes and fixed roles attributed to women and men, obstacles faced by women due to the traditional view of their family responsibilities, patriarchal culture within political parties and in the functioning of party and political life – these are some of the obstacles faced by women in this area. Actions to counteract them require involvement of different actors at many levels and a capacity to question the *status quo*, that the institutional mechanisms must have.

Further action in this field seems necessary, as time has shown that, with the exception of a few countries, particularly of northern Europe, this is a particularly hard field to go forward, in contrast with other areas where progress is more visible.

As regards **violence against women, and particularly domestic violence**, even though the issue in itself is an old one, its recognition as a political question is fairly recent. It seems, however, acknowledged as such, in almost every country, in its true dimension of violation of fundamental rights. However, answers to this problem, reflected in comprehensive State policies, are not yet a reality in every country.

From the information provided, we can see that this issue is starting to be addressed in different ways, particularly as regards domestic and family violence. The first level is that of legislation, either in the drafting and/or adoption of new legislation or revision of existing legislation, aiming at preventing, combating, punishing domestic violence and protecting its victims.

Beyond legislation, in some countries, comprehensive plans or specific projects have been adopted, that involve multiple institutions in order to address the problem from its various angles. Other countries have created specific institutions, like committees or task forces, in

some cases involving NGOs along with government representatives, to face what is now considered a society problem.

Examples of countries that have adopted such formulas are, among others, Azerbaijan with a task force including law enforcement bodies and NGOs; Cyprus, Iceland or Ireland with committees on violence or on domestic violence against Women; Austria with a 25 point Catalogue of measures against violence; Denmark with an Action Plan against domestic violence; Georgia with a National Action Plan on combating violence against women; Malta with a Committee set up in 2002 to support enactment of legislation, a national action plan, campaigns and policy development; Portugal and Spain with, in both cases, a II Plan of Action against domestic violence; the Slovak Republic with a National Strategy for the prevention and elimination of violence against women and violence in the families; Turkey with an Advisory Committee affiliated to the Ankara Tribunal that offers legal and psychological assistance to women victims of violence, etc.

Another line of action followed in many countries regards the organisation of campaigns and educational activities addressed at the general public and of training actions addressed at those actors that are necessarily involved in dealing with cases of violence – the legal profession, the judiciary, the police and other law enforcement agents, health professionals, etc.

On the whole, it could be said that this is a very critical area, where action must be continued and reinforced and where institutional mechanisms for gender equality have a decisive role to play, as focal points and catalysts for a horizontal and encompassing type of action that deals with many actors, many sectors and many levels of society.

As regards **trafficking in women for purposes of sexual exploitation**, the information provided on the matter comes mostly, but not exclusively, from countries of central and eastern Europe, where this situation has become particularly critical and difficult to control. Governments are trying to find ways to face it and are putting in place programs to respond to it.

Here again, the answers come through legislation – for example Romania has passed a Law on preventing and combating trafficking; Greece has also passed a law on fighting of trafficking, crimes against sexual freedom and, in general, economic exploitation of sexual life; or through the creation of specific bodies, committees, rapporteurs, working groups or task-forces to deal with this problem (ex. Croatia, Romania); through the adoption of action plans or programmes or specific projects to prevent and combat trafficking (ex. Croatia, Denmark, Lithuania, Poland); or through campaigns, both national or regional like the Information and Awareness-raising Campaign on Trafficking in Women, undertaken by the Nordic and Baltic ministers for gender equality in 2002.

Similarly to what has been mentioned in regard to violence, further action is certainly needed to combat trafficking, which is also a form of violence. Further action where institutional mechanisms have an essential role to play, both at national level and in promoting the regional and international co-operation that this problem requires.

One final aspect that needs further attention and for which institutional mechanisms are particularly responsible is the one that refers to the **cultural negative stereotypes** that condition women's and men's roles and which pervade through all sectors of European societies.

It is a structural question and one that is not solved with laws or regulations, but rather with a constant questioning of those stereotypes and a structural change in attitudes and behaviours of women and men. It certainly involves the educational sector and the

educational system on a priority basis, but also other sectors, namely the media and the research community.

Here again the role of institutional mechanisms is a decisive one, of questioning the *status quo*, the entrenched beliefs, the fixed roles attributed to women and men, the organisation of society on the basis of such beliefs and such roles; of putting forward new proposals of social organisation and social functioning; of motivating all relevant social actors for the values of gender equality as a democratic value, etc. etc.

#### 3.4. CO-OPERATION WITH NGOS

Co-operation with the civil society, namely with women's NGOs, is an important aspect of the action developed by institutional mechanisms. Although already recognised as an important issue in the past, it is mainly after the Special Session of Beijing+5 that such co-operation acquires greater political legitimacy in regard to equality policies, in line with the recommendations contained in the Outcome document of the Special Session. There it is recommended:

"Encourage collaboration, where appropriate, among Governments, NGOs, grass-roots organisations, traditional and community leaders for the promotion and protection of all human rights and fundamental freedoms of women and girls and the dignity and worth of the human person and equal rights for women and men" (para.78b)

This is the proposal put forward to member States and, further on, they are advised to "Develop and maintain consultative processes and mechanisms, in partnership with women's organisations including NGOs and community groups to ensure that all women.....are fully involved in and informed about decisions which impact their lives (para.81c)

These recommendations, which echo similar concerns expressed in other *fora*, are apparently finding echo also at the level of member States, both in western countries, where women's NGOs have a longer tradition and in the new democracies, where these organisations have a much shorter history.

In many countries co-operation between the State and NGOs occurs in an institutionalised, regular and on-going form, in others only on an *ad hoc* basis, but everywhere this process seems to be developing. When an institutionalised form is adopted, NGOs are usually present in the interdepartmental structures created to ensure participation of the various sectors of government for an effective gender mainstreaming. In a few cases participation of NGOs is foreseen in legislation or they have been invited to collaborate in the drafting and/or revision of laws, drafting of national action plans for equality or in committees set up to deal with specific problems, namely the problem of violence against women. The area of violence is exactly the one, where the action of NGOs seems to be more recognised, as they are entrusted with the running of projects and institutions that develop actions in this area. In several countries, NGOs are also associated with other issues and are financially supported by national institutions in regard to projects in several areas, like education, health, women's and gender studies, women's entrepreneurship, establishment and running of documentation and information centres, etc.

Some examples of regular co-operation, among others, can be mentioned: Bulgaria, where women's NGOs are represented in the Consultative Commission on equal opportunities of women and men; Cyprus, where there is formal participation of NGOs and academic institutions in the national machinery, both the Council and the Committee for women's rights; Iceland, where work with NGOs is a priority in the context of the Committee on violence against women; Luxembourg, where NGOs are represented in the Committee on Women's work; Romania, where the Act on prevention and sanction of all forms of

discrimination stipulates that human rights NGOs can have procedural capacity; France, where the Service in charge of women's rights regularly supports a network of information centres on women's rights and of associations helping women in the area of violence: Poland, where NGOs have been involved in awareness-raising campaigns, namely in the area of violence in the family; the former Yugoslav Republic of Macedonia, where the Unit in charge of gender equality, which is particularly involved in the process of the political empowerment of women, supports NGOs' projects dealing with this issue; Turkey, where there has been an effort for an institutionalised dialogue with NGOs, through the establishment of specialised commissions on thematic issues; Netherlands that has put in place a subsidy policy for NGOs that stimulate and support the emancipation process in society; the Nordic countries in general, where there is a long tradition of co-operation with NGOs, which function as watchdogs of public institutions and often participate in governmental delegations, etc. etc.

On the whole, it could be said that, particularly in countries of central and eastern Europe, where a few years ago the movement of women's NGOs was rather weak and fragile, there is a certain sense of progress and development. Apparently, there is now a better understanding of the importance of co-operation with civil society, a recognition of the complementary role its organisations can play, as representatives of the interests and concerns of society, thus bringing to political priorities and policies the touch of reality they absolutely need. It is definitely a path for institutional mechanisms to pursue.

#### 4. TOWARDS THE FUTURE: CONCLUSIONS AND RECOMMENDATIONS

As a general conclusion, we can say that there are some **positive developments in** the functioning of institutional mechanisms for gender equality. Following a certain upgrading of equality policies in the aftermath of the Beijing Conference and of Beijing+5 and of commitments undertaken by member States, some new mechanisms have been created and old ones have been reinforced; progressive multiplication and decentralisation of structures at various levels have taken place in several countries; progressive involvement of more and more policy sectors has also occurred; gender mainstreaming has been recognised as an indispensable strategy; new areas of action have been identified and new programmes have been put in place, etc. etc.

And yet, **obstacles and difficulties** remain for the effective functioning of institutional mechanisms in their task of promoting gender equality and ensuring the full enjoyment of human rights by women. In spite of general progress in the elaboration and adoption of equality legislation, where these mechanisms have had an essential role, the fact is that full enjoyment of the rights contained therein is often problematic, due to difficulties in enforcing laws and regulations and to a lack of legal literacy by women, who are not always fully aware of their own legal rights.

Although some new mechanisms have been set up and others have been reinforced, the framework under which they are mostly placed is still that of social affairs policies, sometimes with a very clear welfare approach, rather than in the framework of fundamental rights. On the other hand, although there has been a multiplication/decentralisation of structures, necessary to bring the gender dimension into all sectors, both horizontally, with the creation of interministerial and interdepartmental structures, and vertically, with the creation of regional and local structures, the true fact is that there are, often, difficulties of effective representation and co-ordination and of communication between these structures.

Although gender mainstreaming is recognised as an indispensable strategy to pursue the objective of gender equality in an effective way, the fact is that, with some exceptions, this strategy is only, and slowly, starting to be implemented in most countries and faces particular

difficulties. Difficulties encountered in the creation and adoption of instruments and tools necessary for its effective implementation, namely those instruments that are necessary to evaluate the gender impact of plans and policies and to measure their success or failure from a gender perspective.

Although, along with the task of promoting and monitoring gender mainstreaming across government, new areas of action for institutional mechanisms are being devised in response to emerging problems, these mechanisms do not, generally, dispose of the adequate means and resources, both human and financial, to respond to old and new challenges. In relation to all the problems identified, that require political answers of the ultimate responsibility of governments, institutional mechanisms for gender equality have an important role to play, for which they must be fully equipped and qualified.

In view of this situation, what could or should be done to improve the status, power and visibility of institutional mechanisms and to guarantee that the role and functions they are called to perform are fully understood and respected?

The first thing to state is that there are no ideal models for institutional equality mechanisms or fixed solutions that are good for all and every country. Therefore, there can be no strict guidelines valid for all, as economic, social, cultural and political realities differ and institutional mechanisms, to be effective and sustainable, must fit into the national context, be sensitive to its history, values and ways of thinking. Some basic trends can, however, be pointed out.

Naturally, not all of these trends are new or innovative, many just recuperate and reinforce former recommendations produced in various *fora* along the years, as briefly mentioned in the introductory chapter of the present paper.

The **first requirement** to achieve gender equality is strong political will, not just good will. Strong, because what is at stake in this achievement is a deep, structural and cultural change, something that has also been called a "change of paradigm" in social relations and social organisation. Institutional mechanisms are the government primary instruments for promoting and monitoring such change. Lack of strong political will undermines all efforts, plans and programmes that institutional mechanisms might propose or undertake.

A **second requirement** is the clear recognition that the achievement of gender equality is not just a matter of social justice or of fairness to women; it is a matter of democracy and human rights and an essential factor for sustainable human development; and it pertains to society as a whole, men and women, and not to women only. Contributing to such understanding and acting to place it high into the mainstream of the political agenda is an essential task of institutional equality mechanisms, even though such recognition must come from above, from the very centre of political power and authority. On the other hand, all the action developed by institutional mechanisms is to be understood under that light and in that framework.

These requirements open up the way to some **lines of action towards the future**, which may be formulated as:

- Strengthening institutional equality mechanisms and reinforcing their political legitimacy
- Developing gender expertise and gender training, as well as methods, tools and instruments for implementing and monitoring equality policies and gender mainstreaming and for holding governments accountable

• Establishing sound partnerships with civil society, namely women's and human rights NGOs, the media, the research community and other relevant social actors

• Developing networks at international and European level for exchange of information and good practices and for technical assistance and co-operation.

Along these lines of action some desirable trends can be identified.

### **4.1.** STRENGTHENING INSTITUTIONAL EQUALITY MECHANISMS AND REINFORCING THEIR POLITICAL LEGITIMACY,

Namely as regards:

a) Status, structure and location – institutional equality mechanisms should be located at the highest political level. This requirement should apply to, both the national co-ordinating unit, that should be placed at the highest level of government, under the direct responsibility of the President, Prime Minister or Cabinet Minister, as well as to units or focal points within ministries and other government departments or within regional and local structures, which should also be located at the highest level of those departments and structures.

Such location is a requirement for an enhanced political legitimacy and authority, not only to promote and pursue specific actions in critical areas, but especially to promote, monitor and co-ordinate the process of gender mainstreaming, which implies the capacity to influence decisions in all sectors and policy areas.

The status of representatives of different areas in interdepartmental structures, necessary for ensuring co-ordination of the process of gender mainstreaming, must also be at decision-making level, not just technical level, in order to allow for effective co-ordination by what is a key structure for gender mainstreaming.

- **b) Mandate and functions** effective functioning of institutional mechanisms for equality requires a clear mandate and well-defined functions and responsibilities. These should clearly include the two basic lines of action generally recognised as essential, the so-called dual track approach to gender equality work:
- specific policies and actions, including positive action when appropriate, in critical areas for the advancement of women and for gender equality;
- promotion, monitoring, co-ordination and evaluation of the process of gender mainstreaming into all policies and programs

In this framework, a non-exhaustive list of possible and necessary tasks for institutional mechanisms can be devised:

- a) Regular analysis and evaluation of the situation of women and men in all areas relevant for gender equality and for enjoyment of all human rights, both in quantitative and qualitative terms (ex. education, science and culture; work, employment, entrepreneurship and economic life; health; political and public life; poverty, social protection and social security, etc.)
- b) Proposal of anti-discrimination and equality legislation, where it does not exist, and systematic review of existing or pending legislation to ensure that gender aspects are taken into consideration, aiming at a progressive gender-sensitive legal system;
- c) Systematic analysis and monitoring of general policies and programmes from a gender perspective, both in their planning phase and in their implementation and evaluation;
- d) Proposal and implementation of specific projects for the elimination of gender-based discrimination and for the advancement of women, including positive action

programmes to accelerate this process (ex. legal literacy programmes for women, professional qualification of women in male-dominated sectors, capacity-building and training of women for political decision-making, etc.)

- e) Promotion and development of gender expertise and of gender training programmes addressed at top-level management in government, senior officials in public administration and, whenever possible, in the private sector and other relevant actors of social life:
- f) Promotion of women's studies and gender research in co-operation with the academic community and development of adequate methods, tools and instruments for gender analysis and gender mainstreaming;
- g) Regular dissemination of data and information, relevant studies and best practice models of gender mainstreaming;
- h) Co-operation with civil society organisations, namely women's and human rights NGOs, aiming at a joint effort in pursuing gender equality objectives;
- i) Co-operation with the mass media to mobilise public opinion on gender equality issues, namely through awareness-raising campaigns and gender-sensitive programmes;
- j) Regular reporting on progress in the achievement of gender equality to the relevant bodies, at national and international level;
- k) Regular information to civil society on international agreements, international instruments and international developments in the area of women's rights and gender equality.
- **c) Resources** effective functioning of institutional mechanisms requires that adequate human and financial resources be granted to carry out their tasks.

As for **human resources**, technical qualifications and expertise in gender equality matters are essential factors and should constitute a basic requirement for the selection of staff for the national machinery, together with a real and potential commitment to the cause of gender equality. Skills required and to be developed and regularly updated, through regular training, should, namely, include: gender analysis and gender mainstreaming methodologies, techniques and instruments; human rights and rights-based approach to planning and programming; information, advocacy and public relations skills; languages and computer skills.

A matter for consideration is the question of gender-balance in institutional mechanisms, which are, often, mainly constituted by women. Although acknowledging women's particular interest and involvement in equality matters and the logical justifications for such involvement, efforts towards a greater participation of men in equality policies would be positive and in line with the change from the perspective of women only to that of gender, involving the situation of women and men and from one of specific actions only to that of overall action, involving all areas of society.

As for **financial resources**, the truth is that no institutional mechanism can function effectively without adequate financial means to carry out its functions. Even if funding can often be found for specific actions, campaigns or projects from institutions or bodies outside the State, the main responsibility to provide financial resources to institutional mechanisms lies with the competent authorities - national, regional or local – as the objective of gender equality is a societal issue, for the realisation of which authorities are primarily responsible and accountable.

Sustainability of institutional mechanisms and regular implementation of their mandates require that funding by the State budget fully covers the core operational costs of the institution – staff, maintenance of facilities and equipment, regular functioning, as well as essential aspects of their activity in crucial areas. Further external funding, which requires capacity-building for fund-raising from the institution's staff, may be extremely important for

specific projects, but should not be – or only in very special circumstances – applied to the regular functioning of these institutions.

### **4.2.** DEVELOPING GENDER EXPERTISE AND GENDER TRAINING, AS WELL AS A SYSTEM FOR IMPLEMENTING AND MONITORING EQUALITY POLICIES AND GENDER MAINSTREAMING

Development of gender expertise and gender training and of a system for monitoring and evaluating gender equality policies and gender mainstreaming is an essential task where institutional mechanisms have a fundamental role to play. They are the initiators and main responsible bodies for specific actions for the advancement of women, as well as the catalysts for gender mainstreaming across government. They also have a major responsibility in regard to national action plans and to gender mainstreaming, a process in which they play a pivotal role in holding governments accountable for their responsibility in working for gender equality in all areas of governance. An accountability process that, to be effective, must rely on methods and instruments of analysis and evaluation. To perform such tasks, they must be able to:

- a) **Build a capital of expertise in gender equality matters** both within themselves, with regular training of staff and collaborators, as well as of representatives of other sectors in interdepartmental bodies, that have a key role in the process of gender mainstreaming. Institutional mechanisms must act as capacity-builders and provide gender training to political decision-makers, to senior staff in the administration and to other social actors at various levels.
- b) **Develop methods, tools and instruments for gender mainstreaming,** as development of such methods and instruments of analysis and evaluation is a major responsibility of institutional mechanisms with a two-fold purpose: 1) to have an accurate knowledge of the situation of women and men in all sectors of social life and of the evolution of that situation; 2) to make gender-inclusive policy decisions and measure the impact, success or failure, of the strategy of gender mainstreaming into the different sectors.

Such instruments necessarily include sex-disaggregated statistics and performance indicators, both quantitative and qualitative, as well as benchmarks and time-bound targets, allowing for a regular progress reporting, both to national and international bodies, and which must be made transparently available to the general public.

Instruments must also be adopted for a regular **gender impact assessment**, whether they are guidelines, checklists, manuals or handbooks, which is a matter for the mechanisms' exercise of expertise; a gender impact assessment which must become a routine in policymaking, including in budgeting priorities and allocations, the so-called process of **gender budgeting**. A gender impact assessment that is ante and post policy planning and implementation and ensures that **gender audit** is included in routine auditing functions.

## **4.3.** ESTABLISHING LINKS AND PARTNERSHIPS WITH CIVIL SOCIETY, NAMELY WOMEN'S AND HUMAN RIGHTS NGOS, THE MEDIA, THE RESEARCH COMMUNITY AND OTHER RELEVANT SOCIAL ACTORS

Establishing links with civil society organisations has been recognised as an important dimension of the work of institutional mechanisms for gender equality. Their new role as catalysts for gender mainstreaming is one more reason to develop and reinforce such cooperation, namely with:

a) **Women's and human rights NGOs** and all those pursuing gender equality objectives, that can give a valuable support to institutional mechanisms in their task to question the *status quo* of social organisation and to propose change. They can provide information on the real problems regarding the situation of women's and men's lives which impact on gender equality; they can bring forward their knowledge and experience, they can also make proposals and suggestions for the solution of these problems. A policy of dialogue and of establishing regular channels of communication with the different social actors and their organisations at all levels can be an effective two-way strategy for the successful implementation of equality policies.

Such co-operation, which often happens on an *ad hoc* basis, should be institutionalised, either through the integration of representatives of civil society organisations, particularly women's rights NGOs, into consultative boards or councils or other similar bodies or, at least, through the establishment of regular consultation procedures and the establishment of partnerships for specific projects.

Regular co-operation with women's rights NGOs would desirably include their participation/ consultation in drafting, implementation and evaluation of plans of action or specific projects and in the drafting of reports, namely national reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and other relevant international and European instruments, as well as reports on other commitments of a programmatic nature, like the Beijing Platform for Action and the Beijing+5 update.

Co-operation between institutional mechanisms and NGOs, particularly women's NGOs should also include technical and/or financial support, in whatever way possible, for projects undertaken by those groups that pursue equality objectives or respond to women's needs and concerns, in line with the mandate of institutional mechanisms for gender equality.

- b) **The media -** co-operation with the media is a fundamental aspect of the work of institutional mechanisms. Taking into account, on the one hand their independence and freedom of action, and on the other, their social responsibility, efforts should be undertaken by institutional mechanisms to raise awareness of media agents on the importance of gender equality and on its implications in social organisation, namely in regard to those critical issues that affect women's daily lives, like violence, trafficking, inequality in the labour market and in political life, as well as the persistence of sexist stereotypes in social and cultural life.
- c) Researchers and the academic community, that can be valuable partners of institutional mechanisms, both in what concerns fundamental research in terms of women's and gender studies and also in the development of the theoretical framework, tools and instruments for monitoring and evaluating the success of equality policies and of gender mainstreaming.
- d) Social partners, professional organisations and specific interest groups, that can also be interested and supportive partners in the promotion of equality objectives in their specific areas of intervention, and whose co-operation institutional mechanisms must seek, encourage and value.

4.4. DEVELOPING NETWORKS AT INTERNATIONAL AND EUROPEAN LEVEL FOR EXCHANGE OF INFORMATION AND GOOD PRACTICES AND FOR TECHNICAL ASSISTANCE AND CO-OPERATION

In a globalised world, institutional mechanisms for gender equality have to deal with problems that go beyond national planning and national implementation. Trafficking of persons for purposes of sexual exploitation is a clear example of this fact, but also the consequences of demographic changes, the situation of migrant women and women of ethnic minorities or of women victims of conflict situations, these and other issues imply policies that go beyond borders and require bilateral and/or multilateral co-operation among States.

National mechanisms, dealing with these but also with many other issues impacting on women or on gender equality in all areas, must, therefore, establish **networks with similar institutions in other countries**. In the first place, to co-ordinate those policies that need cross-border co-ordination; secondly, in what concerns equality policies in general, to learn from one another's experiences, to exchange information on research findings and on best practices in policy-making, to bring about joint projects or campaigns of mutual interest, etc.

International and regional organisations can also be a valuable source of information and of support for national mechanisms, both as regards providing technical assistance and also acting as clearing houses for gathering and exchange of information and experience, developing of methodologies and guidelines for gender impact assessment in planning and programming, elaboration of comparative indicators and evaluation criteria, facilitation of common projects, etc. On the whole, international support and co-operation will give enhanced political legitimacy to gender equality issues and to the role of institutional mechanisms for equality.

Just a final word to emphasise that development of these lines of action seems to be essential, at this stage, for a more efficient functioning of institutional mechanisms aiming at the establishment of gender equality as a requirement of human rights.