

Shadow Report on the Convention on the Elimination of All Forms of Discrimination against Women

Submitted by the Estonian Women's Associations Roundtable
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Introduction

The Republic of Estonia has committed itself to guarantee universally recognized human rights in its national law and practice. According to the Constitution, all international treaties ratified by Estonia are an inseparable part of the Estonian legal system and have precedence over conflicting national legislation.

The UN Convention on the Elimination of All Forms of Discrimination against Women is the most comprehensive international treaty addressing the human rights of women. The Republic of Estonia acceded to the convention on 26. September 1991.

Ratifying CEDAW, Estonia obliged to take steps to eliminate gender based discrimination against women in all spheres of life, in public and in private, and to apply all necessary tools and measures, including temporary special measures to achieve *de facto* equality between women and men.

The 30 articles contained in CEDAW are based on three main principles: equality, non-discrimination and state obligation. The principle of equality recognises equality of all people and, based on this, stresses the equality of outcomes for women and men as two groups of the population which are roughly less equal in size. The principle of non-discrimination is based on the understanding that women's disadvantages are socially constructed and can therefore be eliminated. State obligation means that all state parties are legally bound to eliminate discrimination against women and report on the implementation of the norms and standards contained in CEDAW.

Each country is free to decide whether to conclude or accede to agreements and treaties. International law and the principles underpinning the rule of law require that treaties and agreements be performed. The present report addresses the standards and norms as well as areas of intervention where government action could have been more efficient.

Conformity of laws with CEDAW and public awareness

Estonian national legislation is in principle in conformity with the UN Convention on Elimination of All Forms of Discrimination against Women – discrimination on grounds of sex is prohibited, individuals are in principle guaranteed the opportunity to protect their rights in courts, positive special measures are permitted and responsibilities relating to reducing structural inequalities, incl discrimination against women, have been envisaged. The Gender Equality Act, effective since 1 May 2004, which applies both to the public as well as the private sectors provides the legal definition of direct and indirect discrimination. According to the definition, when identifying whether we have a case of discrimination or not, we need two individuals (or groups of individuals) in a comparable situation and a fixed legal right in the application of which one party is at a disadvantage or restricted access to which puts one party at a disadvantage.

Even though there is a precise legal definition of discrimination and the compensation mechanism in cases of discrimination is in place, people in Estonia are reluctant to turn to court for the protection of their rights.

In Estonia, judicial decisions are published electronically on the Internet. However, when searching the databases of court statistics and judicial decisions KIS¹ and KOLA², we failed to find any cases of court disputes regarding discrimination against women or gender discrimination. Estonia lacks judicial practice in the field of equal treatment of women and men. The topic is not widely discussed and the discriminated do not dare launch court action fearing to lose the job and damage their reputation.

For people to better defend their rights they need to be better informed of them. Even if everyone in Estonia has access to the database of Estonian legal acts, it is crucially important that information about the rights stipulated in laws be actively disseminated, also among women. Estonian women's organisations have organised a few seminars to discuss provisions of legal acts of relevance for women, the government, however, has failed to publish any printed material which would clearly and simply explain the underlying logic and provisions of the Gender Equality Act and how they benefit women. We have observed the situation where after the adoption of the Gender Equality Act the number of seminars, workshops and information events addressing gender issues has considerably dropped.

Government institutions responsible for the implementation of the provisions of CEDAW

UN General Assembly resolution 42/60 of November 30, 1987 recommended that States parties establish and/or strengthen effective national machinery, institutions and procedures, at a high level of Government, and with adequate resources, commitment and authority to advise on the impact on women of all government policies, monitor the situation of women comprehensively, help formulate new policies and effectively carry out strategies and measures to eliminate discrimination.

A similar recommendation is found in the Beijing Platform for Action whereat such institutions have to have a clear mandate, adequate resources, possibilities to exercise impact and provide training.

The three institutions whose functions include elimination of discrimination against women and advancement of gender equality in Estonia are the Chancellor of Justice, the Gender Equality Commissioner and the Ministry of Social Affairs.

The Chancellor of Justice has the right to conduct a reconciliation procedure in cases of disputes concerning discrimination based on sex, both in the public and in the private sector. However, according to the provisions of the Chancellor of Justice Act, participation in the reconciliation procedure is purely voluntary and parties may withdraw from it at any stage. We claim that the opportunity given to the party against whom the complaint is submitted not to participate in the procedure conflicts with the provision in Art 2 (c) of the Convention and fails to guarantee effective protection of women against all acts of discrimination.

¹ KIS publishes judicial decisions which are accessible to the public and which have entered into force after 01.01.2006.

² KOLA publishes judicial decisions which are accessible to the public and which entered into force until 31.12.2005

So far, the Chancellor of Justice has not yet commenced any conciliation procedures concerning discrimination based on sex.

The Gender Equality Commissioner accepts applications from persons and provides opinions concerning possible cases of discrimination. Apart from this so-called ombudsman's function, the Commissioner has to monitor the compliance with the requirements of the Gender Equality Act, incl supervision over the implementation of the Act by government as well as local government agencies, educational establishments, research institutions and training providers. Further, the Commissioner has to analyse the impact of legal acts on the situation of women and men, promote gender equality and initiate and implement relevant programmes and projects. In view of the comparatively numerous complaints and inquiries submitted and the necessity to apply written procedures, the Commissioner has limited time for monitoring the compliance with the Gender Equality Act. The Commissioner's range of tasks is such that s/he is unable to fulfil all of them. At the same time, state supervision over the enforcement of the Gender Equality Act is absent meaning that it is not possible to issue precepts, impose sanctions, fines, etc.

The Commissioner does have the right to obtain information which is necessary to ascertain the facts relating to a case of discrimination, but has no right to impose sanctions like precepts or penalties on the subject who is obligated to provide the information. The tasks imposed on the Gender Equality Commissioner by the Gender Equality Act are far too numerous given the number of staff (two officials). They do not only range from accepting application from citizens and launching appropriate action to monitoring the application of the principle of equal treatment, but also include supervision of implementation of other strategies aimed at achieving gender equality. The Commissioner's activities are financed from the state budget, the funds for this are, however, so limited that the Commissioner cannot commission surveys or analyses.

We are deeply concerned with the current situation and the possibilities for the Commissioner to focus on the protection of women's rights knowing that the government has submitted to the Riigikogu (Estonian parliament) a draft law on equal treatment of minorities according to which the Gender Equality Commissioner will be additionally tasked with conducting proceedings concerning alleged cases of discrimination on grounds of race, nationality or ethnic origin, age, disability, sexual orientation, religion or belief. Furthermore, according to the draft law, only two officials will be added to the current staff of the Commissioner, which is clearly not enough.

The Ministry of Social Affairs, whilst protecting the rights of women, has the duty to promote gender equality and coordinate relevant activities.

The Ministry of Social Affairs has since 2004 when the Gender Equality Act took effect neither conducted nor commissioned any gender impact assessments of laws or legal acts even though this is requested by the Gender Equality Act.

What is further worrying is that when drafting the new Family Law Act, which is about to totally change the current marital property regime, the Ministry of Justice did not undertake any gender impact assessment that would allow a forecast of the intended or unintended impacts on women and men triggered by this piece of legislation.

Those involved in the process of drafting the law seem to have ignored consideration of such notions as gender segregation, women's disadvantaged position or their

limited income to effectively protect their rights. The government has so far failed to establish procedures for collecting information and data which would allow to identify in the early stages of policy development the differential consequences that the policy may have on different groups of the population, including women and men.

The statute of the Gender Equality Council was adopted by the government in 2005. Up until now, however, those responsible have failed to nominate members to and convene this collegiate body that is supposed to develop general guidelines for the gender equality policy and monitor the incorporation of the gender equality perspective into all policies, programmes. And action plans.

The Gender Equality Act provides that the employer has to collect gender-based statistical data to be used for highlighting the existing gender inequalities. The procedure for the collection of data and the list of data is to be established by a regulation of the government. The regulation has, however, not been adopted yet, even though three years have passed since the adoption of the Gender Equality Act.

According to the statutes of the Ministry of Social Affairs, furtherance of gender equality and coordination of relevant activities is a separate area of governance of the ministry. Surprisingly enough, the same statutes, when outlining the ministry's long-term objectives, never mention the word gender equality or any specific activities that would be undertaken to promote it. We are convinced that the stipulation "ensuring an environment sustaining intergenerational consideration and balancing working and family life, and a tolerant and sympathetic society" does not adequately reflect the full range of topics involved in eliminating gender inequality.

The activities of the Gender Equality Department are regulated by the Minister of Social Affairs regulation of 4 May 2004, according to which the main duties of the department include preparation of legislation relating to gender equality, planning of measures to reduce inequality and coordinating the implementation of relevant measures. We claim that adequate performance of these duties depends on the political will to establish posts in government agencies mandated to promote gender equality. This, however, has not happened.

In June this year, the statutes of the Ministry of Social Affairs were amended, which resulted in assigning additional duties to the Gender Equality Department. Now, the department has to coordinate the drafting of a comprehensive family policy combining a range of measures applied in the social sphere, employment and health protection; to develop and enforce gender equality policy and coordinate the implementation of gender mainstreaming. Such a challenging task was imposed on a relatively small department of the ministry without providing any clarification to or consulting with women's organisations. The proposed amendment leads to changes in the department's statutes. Due to this change, we are afraid, the focus of the activities of the department, i.e. addressing unequal distribution of power between women and men, working to achieve a more balanced representation of women and men in political decision-making, promoting women's financial independence and professional careers – will shift and these critically important activities face the risk of being marginalised. What the government is aiming at with the new family policy is increasing the currently low birth-rate. In this context, women are primarily seen as agents responsible for the supply of babies.

Summarising, we may claim that Estonian government agencies fail to efficiently fulfil those functions which are necessary for the protection of women's human rights, identification of manifestations of indirect discrimination and reducing gender inequalities.

National action plans and involvement of women's organisations

The Estonian Women's Associations Roundtable has on several occasions been invited to participate in inter-ministerial working groups which discuss proposals for major strategic documents. This is a positive development, on the one hand. On the other hand, however, we have observed lack of awareness among government officials of gender inequality, the principle of equal treatment of women and men, as well as of relevant norms. There have been instances when opinions of women and topics of concern suggested by women's organisations have been completely ignored.

The Republic of Estonia has two major strategic documents – The State's Budgetary Strategy 2008-2001 and the National Strategic Reference Framework 2007-2013 for the implementation of Structural Funds - which create the framework for government action within the next years.

Estonia's state budget envisages promotion of gender equality and implementation of several policy instruments, among them gender mainstreaming, the strategy to combat and prevent violence against women and the national action plan against trafficking in human beings. What is of concern for us is that having inquired the Ministry of Social Affairs about the state of affairs concerning the actual implementation of the mentioned instruments, we learnt that there were no funds envisaged for these activities in the next year's budget.

All EU member states that make use of the Structural Funds, ie financial instruments targeted at reducing all kinds of structural inequalities, are obliged to lessen gender inequalities and promote gender equality, ie equal rights, responsibilities and opportunities for men and women. We can claim that this requirement has in Estonia been openly ignored. This, in turn, has its negative implications on the applications for funding seeking to address women's disadvantages.

In Estonia, the requirement to reduce gender inequalities and promote gender equality has been incorporated as one of the horizontal themes in the national development plans for the implementation of the Structural Funds.

The projects and measures associated with horizontal topics and equal opportunities are the ones that help achieve economic independence for women and men, reduce the gender pay gap, reconcile private and professional life, promote more equal representation of women and men in decision-making, reduce gender stereotypes, reduce gender-based segregation in the labour and educational market, reinforce the social inclusion of disadvantaged persons and groups, and guarantee their access to training and the labour market.

This formulation was added to the development plan solely upon the request by women's organisations after discovering that the document made no reference to the gender equality objectives.

We are concerned that the officials responsible for designing and implementing the operational programmes are not aware of what the gender equality objectives entail. Structural Funds' managers in Estonia lack knowledge of gender issues and skills to check whether the gender perspective is truly taken into account in the operations co-financed by the Funds. Under the lack of relevant training and absence of guidelines, this might seriously hinder achieving the ambitious gender equality objectives.

In 2006, the Estonian Women's Associations Roundtable submitted a range of proposals to the most important strategic documents discussed above. We tried to add the gender perspective to the analysis of the background situation, pointed to several problems that might arise as well as suggested additional strategic objectives. Doing so, we proceeded from several legal instruments like recommendations of the Committee on the Elimination of Discrimination against Women, dating from 2002, and the requirement to assess the impact on women of national legislation to ensure that it does not constitute *de facto* discrimination against women; the Gender Equality Act and the Communication from the Commission on the A Roadmap for equality between women and men COM(2006) 92 along with the priority areas for intervention suggested by Estonian women's organisations.

We contributed our ideas to all strategic documents, among them Operational Programmes for development of human resources, entrepreneurship, information society, transport and energy infrastructure. The responses that we got to our proposals from government agencies were sometimes astonishing. A few examples have been outlined below.

In Estonia, the public is generally aware of the persisting gender disparities in the labour market. When the Estonian Women's Associations Roundtable suggested that it would be necessary to use gender impact assessment, perform appropriate surveys and analyses as well as elaborate guidelines for the elimination of gender inequalities and do so also in the labour market context, the Ministry of Social Affairs that is tasked with advancing gender equality and coordinating relevant measures responded "in reference to impact assessment, the request to specify concrete fields is not justified since considering the length of the programming period this might limit our scope for action." The Ministry, responding to the proposal by the Estonian Women's Associations Roundtable to consider in implementing the labour market policy delivery of training on gender mainstreaming, performing and using the results of research and analyses, commented that the proposal could not be considered because "such a stipulation might limit the range of potential fields of intervention". We are convinced, however, that promotion of cross-cutting issues cannot in principle be a limiting factor.

CEDAW stipulates that States Parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

Based on this, we submitted our proposals to the Ministry of Education and Research, which, however, were rejected. The Ministry, for instance, preferred not to include in the Operational Programme our formulation: "Education, training and culture play a key role in defining and shaping gender stereotypes. Women and men often pursue gender stereotyped educational paths and careers leading to the situation where women choose less prestigious and lower-paying jobs. Education should focus on elimination of gender stereotypes in early educational environments, teachers and pupils should be engaged in awareness-raising training; young women and men should be encouraged to choose education which is free of gender-specific prejudices." The justification for turning down the proposals was that "combatting gender stereotypes is not the main objective of our activities. We can talk about shaping the views in the context of awareness-raising, not consultations."

Our proposals submitted to the Ministry of Economic Affairs and Communications concerning the incorporation of special measures to promote female entrepreneurship were ignored on grounds that all groups of the population, incl the disadvantaged, should be created equal opportunities to engage in business. So far, we have received no response to our request to specify which groups the Ministry considers disadvantaged and what they mean by equal opportunities.

When Estonian government officials claim that gender impact assessment, research into and analyses of gender inequality, development of respective guidelines and delivery of gender training allegedly limit their scope of intervention, this not only indicates their complete ignorance of the topic, but also demonstrates lack of political will and biased attitudes toward law enforcement. What the Estonian society refuses to accept and acknowledge is that women and men have different status, different needs and different opportunities which have to be taken on board when passing decisions affecting their lives.

Even though the strategy document for the use of the Structural Funds' monies briefly mentions the need to reduce gender inequality, this requirement, we are afraid, is not backed up with adequate measures and concrete action.

In sum, we can claim, that Estonian policies and programmes do not incorporate a gender perspective. Furthermore, the concerns articulated and proposals made by women's organisations are often ignored due to lack of expertise among decision-makers. This means that in Estonian policy-making, the gender agenda is currently neither articulated nor pursued.

Article 5. Gender roles and gender stereotypes

The Committee on the Elimination of Discrimination Against Women, having considered the combined initial, second and third periodic report of Estonia, recommended in 2002 that the government design and implement comprehensive programmes in the educational system to promote cultural changes with regard to the roles and tasks attributed to women and men, also in the family, in employment, in politics and in society at large. The responsible organ, ie the Ministry of Education and Research, has in our opinion failed to adequately respond to this request.

We base our assumption on the analysis of textbooks conducted in 2002 by researchers of Tartu University. The analysis revealed that Estonian textbooks continue reinforcing old-fashioned patriarchal stereotypes and ideologies. The school textbooks addressing family issues maintain: "Men's home is the entire world; women's world is her home", which is in direct conflict with the underlying principles of a democratic society. This, however, does not seem to be a matter of public concern. What worries us, however, is that Estonia lacks any regulatory mechanism enabling to stop the publication of textbooks which inadequately reflect our current realities.

The regulation by the minister of education and research of March 2007 "The terms and procedure for the certification of the compliance of textbooks, exercise books, workbooks and other study books to the national curriculum" provides the regulatory framework only for textbooks: "The texts and illustrations contained in the textbook should avoid stereotypes which incite gender, ethnic, cultural or racial prejudice." The regulation further obliges the printing houses to provide editors and conduct testing of textbooks at schools. What is completely missing, is the opportunity to interfere in the textbook compilation process prior to their entry on the list of textbooks approved

by the minister of education and research. It is only upon detection of false facts or inconsistencies in the textbooks already on the approved textbooks list or in case study materials fail to correspond to the requirements set out in the regulation that an interested party can submit an application to the minister of education and research relative to deficiencies. Thereafter, the minister, if supported by the relevant committee members, can propose that the deficiencies be rectified whether by way of publishing supplementary material or in the opposite case, the the textbook will be removed from the list of approved textbooks.

Education plays a critical role in shaping children's and young people's assumptions about gender roles. We claim that the Ministry of Education and Research has paid inadequate attention to this critically important area. The lack of basic knowledge among designers of educational policies of factors underlying gender inequality is a barrier to advancing gender equality.

Under the conditions where only 1.2% of fathers take parental leave because if they do they run the risk of undermining the image of "a normal Estonian man", we cannot, in fact, talk about reconciliation of work and family responsibilities.

We are seriously concerned about the pornofication of Estonian public space, its impact on the young generation and sustainability of efforts to tackle the problem. The relevant discussions were originally initiated by the Information Office of the Nordic Council of Ministers. Neither the politicians nor the executive power has, however, provided additional support to keep the topic on the public agenda. The media continue to transmit messages promoting patriarchal values and male dominance. The draft of the Advertising Act that is expected to remedy this and which prohibits derogations from the gender equality principle, depiction of persons as sex objects or use of of sexist language and images is still awaiting its adoption by the Riigikogu (Estonian Parliament). There are no effective policies or programmes designed for the education system or mass media aiming to change attitudes toward social roles ascribed traditionally to men and women. We are confident that this cannot be accomplished only by means of a few short-term projects.

Article 6. Traffic in women and prostitution

Estonia has adopted the National Action Plan against Trafficking in Human Beings 2006-2009. The implementation of the action plan is within the jurisdiction of the Ministry of Justice. Further organisations involved in the implementation of the action plan include the Ministry of Education and Research, the Ministry of the Interior, the Ministry of Social Affairs, the Ministry of Foreign Affairs and NGOs.

One of the objectives of the National Action Plan is prevention of human trafficking by way of raising public awareness and reducing demand for trafficked persons. All the surveys conducted in Estonia have demonstrated that awareness of trafficking in human beings as well as of human rights and gender equality is limited; people have no or a very vague idea of the consequences of human trafficking and prostitution for the individual and the society at large.

In 2007 a documentary "The phenomenon of prostitution in society" commissioned by the Ministry of Education and Research and financed by the Gambling Tax Council was released by the Crime Prevention Foundation. The film is accompanied by educational materials. The surprising thing is that the documentary is promoted as an educational film. It has been analysed by psychologists, social workers, trainers and sociologists, ie specialists who know and study prostitution, provide assistance

to prostitutes on a daily basis and engage in educational preventative work at schools. All of them considered the film utterly inappropriate for showing at schools because of the highly biased nature of the information provided. Rather than warning young people of the devastating consequences of prostitution for young women and the society at large, the film glorifies “the profession of prostitution” and reinforces the myths about prostitution which were refuted many years ago thanks to targeted interventions and concerted efforts by a wide range of actors and stakeholders. The film suggests that prostitution is a matter of free choice, a career option. The message that the film delivers may ruin everything done in Estonia to deconstruct the myths about prostitution and prevent women from falling into the trap of prostitution.

The fact itself that the prostitute mentions repeatedly that she leads a nice life and the former brother owner reiterates that prostitution is normal falls short of explaining to the young how destructive the consequences of prostitution are for one’s personality, physical integrity and reproductive health.

The Estonian Women’s Associations Roundtable sent letters to several ministries to bring their attention to the fact that the film is counterproductive to achieving Estonia’s objectives in the fight against prostitution and helps to promote prostitution. The ministry commissioning the documentary claims that they do not treat the film as educational material, but regard it as an alternative option to analyse the phenomenon of prostitution. The Crime Prevention Foundation, however, introduces the film on its website as follows: “This documentary film is based on a socio-ethical research of a social phenomenon of prostitution. It is about the mainstream, voluntary prostitution, tackling with acts of free will and respective consequences”. The film is downloadable at <http://www.kesa.ee/?menyy=1-0-0&news&naitan=14> We claim that prostitution is violence against women and the educational system should do its utmost to combat this phenomenon where documentaries like this are counterproductive. Furthermore, using government funds for such purposes cannot be deemed acceptable in a state based on the rule of law.

Article 11. Employment

Gender pay gap

In Estonia, women’s gross hourly earnings have been lower than men’s throughout the period following re-establishment of independence. Women are paid less compared to men also in the same occupational groups. We may consequently maintain that the principle of equal pay for work of equal value is not applied in Estonia. There is a widespread understanding in that the gender pay gap has nothing to do with discrimination and the problem is not a real one. Furthermore, dealing with the pay gap means interference with contractual relationships which is unfair and not desired. Deep-rooted stereotypes about women’s and men’s roles and jobs still persist in Estonian society.

Estonia’s weak trade unions lack interest and are not properly mandated to ensure the application of the principle of equal pay for work of equal value. Since the institutions tackling the pay gap are few and the attitudes toward the gender pay differences tolerant, the trade unions have failed to exercise enough pressure to change the situation.

Lower income leads to increased dependence on the partner and limits women’s autonomy. The size of the income also determines the size of certain benefits, e.g. unemployment benefit, allowance for raising a small child and also the size of the

pension. Low income is linked to socio-economic disadvantage. Gender pay gap has to be interpreted as a manifestation of gender discrimination.

Women often fail to defend their positions in the wage bargaining because of the lack of self-confidence and also for moral reasons – asking for a salary increase is regarded unethical.

Estonia lacks experts in the field of gender-specific wage differences as well as experts able to develop models for eliminating inequalities. The system and types of remuneration should not be based on the sex of the employee, but on the objective evaluation of the work performed. Estonian organisations do not effectively apply performance measurement systems, which might also be explained by the fact that their development is costly and time-consuming.

Estonia has neither demonstrated political will nor allocated financial resources to measure the value of work, to develop adequate pay systems, to analyse salary schedules and the wage bargaining processes for gender effects.

Gender wage differentials have negative implications for economic growth and societal development and contribute to child poverty and domestic violence. Irrespective of this, the gender wage gap as a gender issue has neither received public attention nor has been studied comprehensively in Estonia.

Concluding remarks and comments by the Estonian Women's Associations Roundtable.

The Roundtable claims that some of the recommendations put forward by the Committee on the Elimination of Discrimination Against Women in 2002 upon consideration of the combined initial, second and third periodic report submitted by the Government of Estonia have remained untackled.

Institutional capacity

In Estonia, gender equality issues have attracted relatively less attention compared to western countries. The relevant activities started practically in 1995 and the corresponding legal norms were introduced in 2004. Given the short history of promotion of gender equality in Estonia we still need to strengthen the law enforcement mechanisms and relevant institution by building up their capacity and expertise.

The Ministry of Social Affairs can efficiently perform its coordinating role provided other ministries establish posts or units tasked with the promotion of gender equality and integration of the gender equality perspective into all policies, programmes and action plans in their respective areas of governance. What is further needed is a sound financing scheme, opportunities for continuous training, existence of resource and information centres providing access to the experience and good practice available in other countries. This is particularly relevant in connection with the launch of the EU Gender Institute.

The Gender Equality Commissioner should be given the right to issue precepts and impose penalty payments. The supervision over the implementation of the equal treatment norm should be placed within the competence of the Labour Inspectorate.

Central and local government officials and representatives of social partners lack competence to protect women's human rights. Their limited willingness to develop the necessary expertise might be caused by the absence of political will among top-level government officials. We propose that officials, especially those involved in the management and implementation of EU Structural Funds, should be trained and provided knowledge and skills to analyse the underlying processes that create and perpetuate gender inequality and design measures to eliminate it.

It is also necessary to provide systematic training to public sector employees on the implementation of gender mainstreaming, to conduct surveys and publish guidelines whereby involving NGOs that are frequently better trained in and better informed about gender issues compared to public and private sector actors.

We are strongly convinced that the the National Curriculum study objectives should make reference to developing knowledge of the principle of equality between women and men and of basic human rights.

Surveys and statistics

The recommendations by the Committee on the Elimination of Discrimination against Women addressed also the questions of research and availability of gender sensitive statistics. Estonia has currently no research institute specialising in gender segregation, we lack relevant surveys and data. But this does not seem to be a major problem for decision-makers.

The problem of gender inequality, however, was highlighted in Estonia's Human Development Report 2006. To effectively promote gender equality, we need to produce and use statistics disaggregated by sex, and develop a set of indicators. This would allow to conduct in-depth analyses and provide a more adequate picture of our socio-economic realities.

Rural women

The Committee on the Elimination of Discrimination against Women requested that the Government develop comprehensive policies and programmes aimed at economic empowerment of rural women. However, we still lack research on rural women's access to training and public services as well as on their participation in decision-making. The Estonian Rural Women's Union turned in 2005 to the Ministry of Agriculture with the request to participate in the monitoring committee supervising the preparation of the Rural Development Plan 2007-2013. This request was turned down on the pretext that since the representatives of the Farmers' Union, the umbrella organisation where the Union of Rural Women's belongs, were already involved, there was no perceived need to engage any additional representatives.

The national statistics has failed to produce data separately on rural and urban women; no analyses have been made relative to the impact of programmes on rural women and their participation in family businesses. Analysis of the participation in social security schemes from the gender perspective has yet to be undertaken. We lack information and data about the situation of women spouses who have neither entered into employment relationship nor are partners in the business undertaking, but who regularly participate in or contribute to business activity and carry out practically the same tasks as their spouse.

We further need to develop a system which would allow self-employed women as well as women spouses of self-employed persons to recruit a temporary substitute in

cases of interruption of work for pregnancy or motherhood to make it easier for a female entrepreneurs to achieve a balance between work and life.

Measures and policies targeted at reducing gender inequality

The Committee on the Elimination of Discrimination against Women recommended that the Government ensure that continuing judicial education include the Convention on Elimination of All Forms of Discrimination against Women and its applicability at the domestic level; it further recommended that the awareness-raising campaigns be organised to increase public awareness of the importance of temporary special measures to achieve gender equality. The draft of the 2008 training programme for the judiciary developed by the Estonian Law Centre Foundation does not, however, envisage such training.

http://koolitus.lc.ee/koolitusnoukogu/2008_kohtunike_koolitusprogrammi_eeln6u.html

Quotas in the capacity of temporary special measures have been discussed within a few seminars, the topic has, however, not stirred any political debate. We believe that NGOs' attempts to put quotas on the public agenda are doomed to failure until there is a clearly expressed political will to promote gender equality.

Prior to the parliamentary elections in 2007, an analysis of political parties' election platforms between 2003 and 2007 was undertaken to identify the trends observable within the indicated period and to demonstrate in which direction Estonian democracy was heading, and also what sort of role Estonian political parties had in this process. Public opinion polls have shown that people generally prefer long-term solutions to questions concerning justice, solidarity and public participation. The political platforms, however, focus on short-term solutions and lack vision of where Estonian society should be going. Political scientists have also articulated their concern about the inadequate inclusion in the political platforms of topics like HIV prevention, life expectancy and gender equality where Estonia ranks lowest in the EU.³

The Committee on the Elimination of Discrimination against Women recommended that Estonia apply measures to reduce horizontal and vertical gender segregation in education, training and re-training, in employment and in the political sphere. We are of the opinion that the few projects implemented by the Ministry of Social Affairs to promote women's careers and women's increased participation in political decision-making have not been sustainable in the long-term since they have not been followed up by national action. As mentioned above, it is not clear at present which ministry will be made responsible for promoting female entrepreneurship. The Ministry of Social Affairs that for years promoted projects which helped create an enabling environment for female entrepreneurs has stopped the corresponding activities. The Ministry of Economic Affairs and Communications has repeatedly claimed that when it comes to business, women and men should be treated equally and no special measures are required.

We are convinced that the situation of rural women needs to remain in the focus of attention and the sustainability of EU-funded projects undertaken on ministerial level should be followed up by national action.

Support to women's organisations

Until 2004, the Ministry of Social Affairs was allocated funds from the state budget to strengthen women's organisations' networks and to enhance their sustainability.

³ Politoloog: erakondade programmid jäävad kodanikele arusaamatuks, EPL, 14.02.2007

Thereafter, amendments were made to the corresponding regulation of the minister of social affairs, upon which the state budget monies and the resources of the Open Estonia Foundation were pooled. The latter was also charged with the task of administering the use of project monies whereat the requirement that any project proposal submitted involve several women's organisations was repealed. This year's application round was further focused on addressing men's problems.

The biggest obstacle to women's empowerment and to women's organisations activities that facilitate this process is lack of resources. Women's organisations, which in Estonia are not financed from the state budget, are clearly at a disadvantage compared to other civil society organisations which receive regular government grants.

We find that it is absolutely crucial to ensure women's organisations secure government funding to build up their capacity so they can effectively contribute to the advancement of women. In particular so, because there is still a perceived lack of political will, commitment and action at the highest political level. Our experience with project-based work over the last decade has shown that short-term projects, even though highly instrumental in furthering the position of women and tackling women's vulnerabilities, is not enough. Sustainable results require long-term action, secure funding as well as human resources.

The preparation of the present shadow report helped Estonian women's organisations express and strengthen their independent voice in women's issues in Estonia. By pointing to areas where the government has failed to adequately meet its human rights obligations set forth in CEDAW or remained partly or fully unresponsive to the CEDAW committee's recommendations from 2002, Estonian women's organisations re-defined for themselves the agenda which to push forward and mobilise support to. The Estonian Women's Associations Roundtable relies on the CEDAW committee to use their mandate to put pressure on and suggest interventions to the Estonian government to promote the women's rights and gender equality agenda in Estonia.