



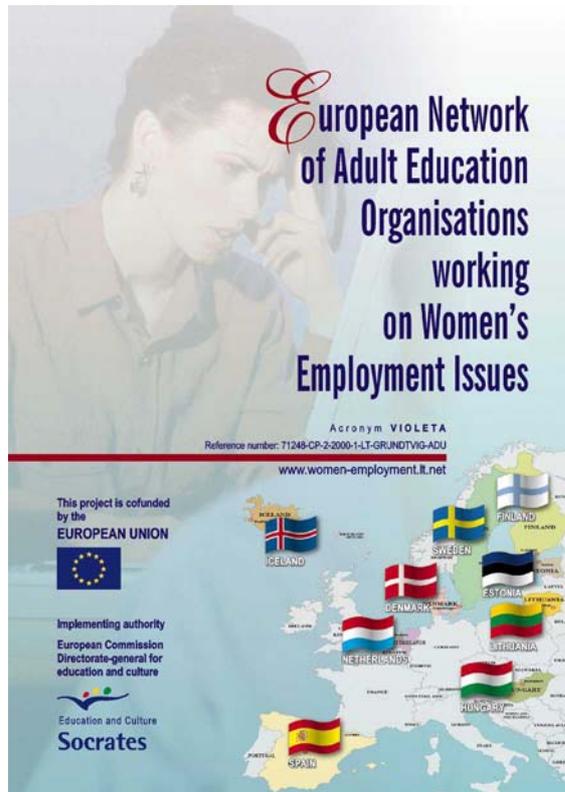
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WORKING ON WOMEN'S EMPLOYMENT ISSUES**
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WOMEN'S HUMAN RIGHTS

A Handbook



2003

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- Funen County Administration, The Department of Labour Market Affairs and Adult Education, Denmark
- Finnish Institute of Occupational Health, Finland
- Women's Educational Center in Akureyri, Iceland
- Lithuanian Association of Adult Education, Lithuania
- Women's Training Centre VVS, the Netherlands
- Nordic Folk Academy, Sweden
- Kaunas Regional Distance Education Study Centre at Kaunas University of Technology, Lithuania
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- Association of Open Study Groups, Hungary
- Women's Training Centre, Estonia
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WELCOME TO THE "EUROPEAN NETWORK OF ADULT EDUCATION ORGANISATION WORKING ON WOMEN'S EMPLOYMENT ISSUES".

Developed by the SIF, Lithuania

This handbook "Women's Human Rights" is one of the results of co-operative activities of partners of the EU Socrates project "European Network of Adult Education Organisations Working on Women's Employment Issues".

General objective of the project is, over of a period of three years, the establishment of the European Network of the Adult Education Organisation dealing with the non-formal education for unemployed and economically-disadvantaged women. Project **aims** to promote better co-operation and understanding among the adult education organisations in Europe working with women's employment issues, and to develop a mobility training program with the lifelong learning perspective to foster active citizenship, increase self-esteem and enhance employability for women. The project **promotes** innovation in learning provisions for women using the ODL (Open Distance learning) for the self-education on mobility training program. The developed training programs **increase** women's capacity to play a full and active role in society by promotion of women's human rights and facilitation of women's participation in politic, labour market and social life.

Project outcomes

- The **site** on Internet about network activities: www.women-employment.lt
- The **database** of the organisations providing training for unemployed and disadvantaged women.
- A booklet on **Women's Employment and Gender Equality in Europe** (in English).
- The **curricula** (in English and all national languages) on mobility training for unemployed and disadvantaged women to increase their self-confidence and enhance employability.
- The handbook "**Women's human rights**" (in English and national languages).
- The **strategic plan** of the Network for the years 2000-2002 and **idea bank** for the future co-operation.
- **Articles on Specific women's situation** in partner countries and the **history** of legislation on gender equality in partner countries.
- **CD-ROMs** (in English and in all national languages) as a methodical part to the mobility-training program for self- education.
- **Tele-reportage** about the network's activities and project's outcomes.
- **Video-film** about partner organisations.
- **Leaflets** of the Network's activities.

INTRODUCTION TO THE HANDBOOK "WOMEN'S HUMAN RIGHTS"

The sustainable, democratic development of the society could not be ensured without gender-balanced policy taking into account representation, resources and results. Not very many countries in Europe could be proud of good results on gender-balance in different themes and target groups. The quantitative comparing analysis of the statistical gender-segregated data from the partner countries was made in our project "European Network of Adult Education Organisations Working on Women's Employment Issues". This analysis (see www.women-employment.lt) has showed that gender inequalities exist in practice in different themes, like political and public life, labour market, family and social life, education and health, rural areas, business, etc. According to Euro-Stat information, even in the European Commission, we have only five women-commissioners (25%), and in European Parliament, participation of women makes only 31 %. On the other side, there are good samples in different countries how to combat gender inequality by implementing "positive discrimination" measures or other innovative initiatives, including special training for

adults on all levels. The philosophy of equal rights has to foresee not only equal rights and opportunities, but also results. Non-discrimination must exist in practice, in our every day life, not only be written in legal documents. We can say that society is not quite prepared to support equal gender opportunities and, especially, results. That is why we have developed the handbook on women's human rights. This handbook provides women with opportunities to understand and speak women's human rights. It also provides educator, facilitators, trainers and volunteers with concrete ideas to motivate, engage and involve women to take actions for women's human rights in their own way, in their own community.

The central aim of this publication is to make women's human rights education accessible, usable and useful for educator, facilitators, trainers and volunteers, who are active with non-formal education activities for women. This course is developed to incorporate it to the "Mobility training program for women for unemployed and socially disadvantage women", which also was developed during this project. But it also could be helpful for local pilot projects and for specific activities related to promotion of women's human rights. Women at the grassroots level will become familiar with international and European mechanisms set up for the raising of critical issues of the discrimination against women and will be encouraged to co-operate in making positive changes in local policies regarding women's issues. Education is a key target for gender equality, since it involves the ways in which societies transfer norms, knowledge and skills.

The importance of further development of gender equality issues in adult education was stressed in the international UNESCO Conference: ***Lifelong Learning in Europe: Moving towards EFA Goals and CONFINTEA V Agenda***, which was held in Sofia, on the 6th – 9th of November, 2002. The Call of Action Recommendations, point 11 of this Conference, stresses: "*Quantitative and qualitative instruments to monitor the application of gender sensitive policies in the provision of Adult Education must be further developed and used*".

BRIEF CONTEMPORARY HISTORY OF WOMEN IN EUROPE

Compiled by Nordic Folk Academy, Sweden

Even if the possibilities for women to participate in public life have varied widely over the centuries, there have always been women who have distinguished themselves and who have made changes in their time. Most women's lives are invisible in the history-books, but a few have been remembered and a few have been rediscovered. We tend to think that women in public spaces is something new in the 20th century, this is not so though. This chronology will concentrate on the 20th century but will start with a few examples of extraordinary women in Europe's past, there are so many to choose from, to make a representative selection would be impossible in this little space, so these women are just to serve as examples.

In 700 BC Sappho was a famous Greek poet, her poetry is among the first documented poetry in European history. Most of her ten volumes were lost early on, but some lives to this day. In 1759-97 Mary Wollstonecraft distinguished herself as an English philosopher who debated women's right to education and it's importance for women to be full-worthy citizens. She claimed that the differences between men and women were based on social upbringing not on biology. Although she lived in the 18th century, she had most influence on current debate in the 19th century. Her most important work was "A Vindication of the Rights of Women" from 1792. One of the important women of the French revolution was Olympe de Gauges, who in 1791 wrote the first "Declaration of the Rights of Woman and Citizen" during the French revolution. She was opposed to violence and sought to bring about change in a pacific manner. She also said that if a woman has the right to step up to the guillotine she should also have the right to step up to the speakers chair. She was executed.

Towards the end of the 19th century the suffrage movement became stronger and the term feminism first started to come in use. Many countries had a first wave of women's movements in the 1920's. There was a strong women's international peace-movement around this time and many countries granted women the right to vote (Finland, Norway, Denmark, Iceland, Great Britain*, Germany, Austria, Latvia, Poland, Estonia, Russian Federation* and Ireland, Netherlands, Belarus, Ukraine, Luxembourg and Belgium, Albania, Czech Republic and Slovakia, Lithuania, Sweden). In

some countries the struggle was harsh, in England suffragists were imprisoned, while in other countries it was a more parliamentary process.

The post World War II era brought along a lot of change and a lot of women gained the right to vote (Great Britain grant full suffrage, Romania, Turkey, Spain, Portugal, Bulgaria, France, Croatia, Italy, Hungary, Yugoslavia, Ireland (full), Bulgaria, Malta, Bosnia and Herzegovina). Women had entered the work area during the war and many women had to support themselves and their families while their husbands were gone or even as widows after the war.

The 1950's and 60's meant a large change for women, more women entered higher levels of education and in the 60's the birth control pill was introduced, this meant a considerable change for many women. Women were able to control the number of children they wanted and when they wanted them. In the 60's and 70's the right to abortion movement gathered masses of women all over Europe. Simone de Beauvoir published what came to be the 20th century perhaps most famous feminist book, "the Second Sex" (1952). Some additional countries granted suffrage (Greece, Monaco, Andorra, Switzerland and Portugal). Greece, Spain and Portugal suffered from totalitarian regimes during this period, this put a halt to women's movements in these countries although they were always present they were severely oppressed. Eastern Europe had women's organisations that were generally incorporated in the communist parties. Generally, these countries had a higher representation of women in parliament than the average in the rest of the world. The parliamentary representation in these countries has gone from over 20% before 1989 to an average of 10% after.

In the 1970's the women's movement became even stronger and more articulated. The first Women's International Conference was held in Denmark. Family politics came up on the agenda and many countries started creating day-care systems, so that women more freely could participate in the labour market. With the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979, women's rights were internationally and officially recognised. By this the specific rights of women and the fact that it is necessary to point out that women's human rights are violated against on a regular basis became clear. It is also a document that can be used by all women in the member states to demand their human rights. 170 countries have so far ratified the document all the European countries have ratified.

The 1980's and 90's has meant an increase of women in the political sphere for most European countries.

The European Union has a long-standing commitment to promoting gender equality, which was established in the Treaty since 1957. The Community legislation in force ensures that women and men are equal before the law. The promotion of gender equality is an important element of all the Community policies.

Within the Council of Europe, the issues of equality between women and men is seen as a fundamental human right and is the responsibility of the Steering Committee of Equality between Women and Men (CDEG). This is intergovernmental body within the Council, which carries out analyses, studies and evaluations, defines strategies and political measures and, where necessary, decides on the appropriate legal instruments.

** Some countries granted partial rights to women, therefore one country may be mentioned more than once, each time they have extended women's suffrage.*

THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Compiled by the Social Innovation Fund, Lithuania

Aims:

- Give definitions of discrimination against women
- Introduce the role of the CEDAW Convention
- Learn to use Convention effectively in practice

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) establishes the international standard for promotion of women's human rights. The Convention was

adopted by the UN General Assembly on December 19, 1979, and came into force as a treaty on December 3, 1981. The countries that have ratified the Convention “condemn discrimination against women in all its forms” and “agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women” (Article 2).

It is the most concise and usable document adopted during the UN Decade for Women, and it provides a rights-oriented framework for development that is essential to full recognition of women’s contributions to and participation in economic, political, social and cultural life. The Convention spells out an internationally accepted norm of equality between women and men throughout the life cycle. The Convention is an international treaty ratified presently by 165 countries.

Summary of CEDAW

Article 1: defines discrimination against women as "any distinction, exclusion or restriction made on the basis of sex, which has the purpose or effect of denying equal exercise of human rights and fundamental freedoms in all fields of human endeavour".

Article 2: mandates States Parties to condemn discrimination in all its forms and to ensure a legal framework, including all laws, policies and practices that provide protection against discrimination and embody the principles of equality.

Article 3: requires that States Parties take action in all fields (civil, political, economical, social and cultural) - to guarantee women's human rights

Article 4: permits States parties to take temporary special measures to achieve equality:

Article 5: declares the need to take appropriate measures to modify sex roles and stereotyping, and to ensure family education, which would teach that men and women share common responsibility in raising children

Article 6: obliges States parties to take measures to suppress all forms of traffic in women and exploitation of prostitution.

Article 7: declares the women's rights in political and public life: the right to vote in all elections and be eligible for election to all elected bodies, to participate in formulation of government policy and to hold office at all levels of government, as well as to participate in non-governmental organisations.

Article 8: requires action to allow women to represent their governments at the international level and to participate in international organisations.

Article 9: mandates that women will have equal rights with men to acquire, change or retain their nationality and that of their children.

Article 10: obliges States Parties to end discrimination in education and requires: equal access to education and vocational guidance at all levels; the same curricula, examinations, standards for teaching and equipment; encouragement of coeducation; equal opportunity for scholarships and grants; equal access to continuing education, including literacy programs designed to eliminate the literacy gap between women and men; elimination of stereotyping in education and textbooks; measures for reduction of female dropout rates; equal participation in sports and physical education; as well as equal access to health and family planning information.

Article 11: mandates the end of discrimination in the field of employment and requires: the same employment rights as for men, including the right to work, and equal selection criteria; a free choice of profession, employment and training; equal remuneration and benefits, including equal treatment as to work of equal value; the right to social security; occupational health and safety protection; prohibition of dismissal on the basis of pregnancy or marital status; maternity leave; provision of social services to support the combination of family and work responsibilities; special protection against harmful work during pregnancy, with a requirement to review protective legislation in light of scientific developments.

Article 12: requires steps to eliminate discrimination in the field of health care, including access to service on family planning.

Article 13: requires that women were ensured the same rights as men are in all spheres of social and economic life, such as family benefits, bank loans and credits, and participating in recreational activities, sports, cultural life.

Article 14: focuses on the particular problems faced by rural women, including the areas of women's participation in development planning, access to adequate health care, credits, education, and adequate living conditions.

Article 15: obliges States Parties to take steps to ensure equality before the law - guarantee the same legal capacity, as to men: to contract, administer property, appear in court or before tribunals; contractual and other private restrictions on legal capacity of women shall be declared null and void; freedom of movement; the right to choose residence and domicile.

Article 16: requires steps to ensure equality in marriage and family law- equal rights and responsibilities with men in marriage and family relations; the right to choose a spouse and enter into marriage only with free and full consent; equality during marriage and at its dissolution; the right to choose freely the number and spacing of children; access to information, education, and means to make that choice; to have the same personal rights, as husband has; the right to choose a family name, profession, or occupation; equal rights and responsibilities regarding ownership, management, and disposition of property; a minimum age and registration of marriage.

Articles 17-21: calls for the establishment of the Committee on the Elimination of Discrimination Against Women (CEDAW) to evaluate progress made in implementation of the Convention, establishes a schedule and rules of reporting on progress including possibility to invite specialised agencies to report on the situation with women's human rights in the country. These specialised agencies usually ask for the alternative reports from the NGOs in the country.

Articles 23-30: set forth elements of the operation of the convention.

While the Convention does not detail exhaustively the specific types of discrimination that women may face in different cultures, it provides a framework within which a range of issues may be addressed, based on its core understanding of non-discrimination and equality.

By demanding the practical realisation of rights, the Convention promotes the substantive model of equality: equality of opportunity, access and results.

Convention does not automatically confer rights on women. Its promise can only be delivered if we learn to use it effectively in practice to set goals, identify needs, frame laws, policies and programs, and evaluate action.

Group work

Discuss in the groups "How CEDAW could help women" in different fields, for example, education, employment, participation in politics etc. Use the following samples from the Leila Rasskh Milani (2001).

Education

1. CEDAW could encourage expansion of both, public and private programs that have boosted female participation in Mathematics, Information Technology, Technical Science, etc
2. CEDAW would encourage schools to review and revise their scholarship requirements to ensure that they make the same financial opportunities available to women, as they do to men.
3. Slovenia and Switzerland have changed their school admission policies to benefit girls

Employment

1. Occupational segregation of women into low-paid, female dominated occupations, sex-based wage disparities and sexual harassment in employment continue to hamper women workers. In compliance with CEDAW, governments would take appreciated measure to remove the gaps that exist in addressing employment discrimination based on sex.
2. Governments would develop and adopt the job evaluation system based upon gender-neutral criteria. This kind of assessment would facilitate the comparison of the economic value of the jobs in which women predominate with those, in which men predominate.

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4. OECD-DAC Gender www.oecd.org
5. Bringing Equality Home www.unifem.undp.org/cedaw

WOMEN AND POLITICS

Compiled by Estonian Women's Studies and Resource Centre, Tallinn

Aims:

- Give definitions of the main concepts concerning women in politics
- Describe ideological as well as psychological hindrances that may hinder women's participation in political life
- Advise how to enhance women's participation in political sphere
- Describe different forms of quotas' systems being used by several countries

Definition of gender balance in politics

Equal participation of women and men is a crucial factor for lasting development and symbolises the level of political maturity of societies: while democracy requires equal rights for women, this in turn guarantees democracy. Commonwealth by Women's Affairs Ministers stated in 1996 that at least 30 per cent of all decision-makers in the political, public and private sectors should be women by the year 2005. They also stated that countries already close to this target should strive for a 50-50 balance between female and male decision-makers.

Why is it important to have gender-balanced policy

- without an equal number of women in politics, there is no true democracy
- women have particular experiences and specific interests that can best be represented by women
- women can bring a more constructive and less adversarial style to politics

Political institutions need a balance of women and men whose experiences give them a personal understanding of a wide range of issues. There should be sufficient representation of all social groupings in politics so that everyone's needs are met, and this can only happen when there is gender-balanced involvement on the ground.

Overview of a few ideological and psychological hindrances that prevent women's participation in political life

Ideological and psychological hindrances for women to become politicians include the following:

- Gender ideology and cultural patterns, as well as pre-determined social roles assigned to women and men;
- Women's lack of confidence to run for elections;
- The way in which women are portrayed in the mass media.
- In many countries, traditions continue to emphasize, and often dictate, women's primary role as mothers and housewives. Societies all over the world are dominated by an ideology about "a woman's place". Despite of this kind of ideology, women have to overcome this difficulty of feeling uncomfortable in the political field. A woman should be prepared for the fact that when she becomes a politician, she does not cease to be a woman. It is this womanhood which should be placed first, since it contains different creative potentials and intellectual strength. The ability to make decisions and implement them is not a gender-specific trait, but a common human one; in other words, a man holding power is natural, and a woman holding power is natural too - or ought to be.
- Lack of confidence is one of the main reasons for women's under-representation in formal political institutions, including parliaments, governments and political parties. With confidence

and determination women can reach the highest levels in the political process. That is why women should believe in themselves and should do away with the widespread perception that men have to be their leaders.

- The mass media deserves to be called the fourth branch of power because of its influence on public opinion and public consciousness. However, often the mass media tends to minimize coverage of events and organizations of interest to women. The media, including women's publications, does not adequately inform the public about the rights and roles of women in society; nor does it take issue with government measures for improving women's position. The media also ignores the fact that women are largely alienated from the political decision-making process. Another widespread trend in the media is to depict women as beautiful objects. In this case, women are identified and objectified according to their gender, and are made to internalise certain notions of beauty and attractiveness which relate more to a woman's physical capacities than to her mental faculties. Such an approach encourages the long-standing patriarchal stereotype of the "weaker sex", where women are sexual objects and "second-class" citizens.

How to enhance women's participation in political sphere?

- **Promote awareness of electoral rules & regulations**
The rules and regulations of the electoral system as well as for candidacy should be clear and well articulated to the community especially to women. In some instances, the problem is not the lack of women's political participation but rather their lack of awareness about electoral laws, and changes in structure and processes.
- **Advocate for change in the electoral system**
Although it is not a guarantee that changing the electoral system will lead to increase in women's participation, it is still crucial to examine the possibility of changing to a better system and see where reforms even if incremental will make a difference.
- **Organize women groups – strengthen networking**
Women need to organize themselves within and outside of political parties. It should start at the community level where women groups/organizations will have a stronger voice to press for their demands. A resolute women's movement translates to number of votes, which means major parties (mostly men dominated) are likely to include women in their list of candidates.
- **Increase access to resources/information**
Continuous awareness rising through leadership training/seminar is necessary to develop women's skills and knowledge to prepare them in performing future political roles. This should be accompanied by easy access to resources and accurate/updated information. Sex disaggregated statistics on the status of women in all sectors are valuable inputs to decision-making and evidence for pushing for equality legislation.

Quota system

The representation of women worldwide presently stands at below 14% in lower houses of parliament. Given the slow rate at which the women are elected to parliaments, various methods may be implemented to address the present imbalance in decision-making. Introducing quotas systems is an efficient and effective means of addressing the problem. Quota systems aim at ensuring that women constitute at least a "critical minority" of 30 or 40 per cent.

Quota systems take different forms. The most common forms are those introduced through constitutional or national legislation, and those that are adopted voluntarily by political parties.

Legislated Quota
France: In 1999 a constitutional amendment was introduced requiring political parties to include 50% representation of women on their party lists for election.
Party Quota
Sweden: in 1994 the Social Democratic Party introduced the principle of every second on the list a

women - the zipper or zebra principle.

Norway: in 1983 Labour Party introduced 40% quota

Denmark: in 1988 the Social Democratic Party introduced a 40% quota for local and regional elections.

United Kingdom: In 1993, the Labour Party introduced all women short lists to ensure that women were selected for winnable seats in the 1997 election.

Sources: International IDEA, Women in Parliament: Beyond Numbers; and IPU, Politics: Women's Insight, 2000.

Group work

Write down all the qualities that you think a politician must have. Compare these with other students. What do you think, are the qualities that you described stereotypical which may prevent women's participation in political sphere?

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RIGHTS OF EU CITIZENS RELATED TO EMPLOYMENT

Compiled by Association of Open Study Groups, Hungary

Aims:

- Analyse the gender mainstreaming policy in European Union
- Define the principle of equal pay for equal work
- Look through gender equality aspects and some important rights of EU citizens, related to employment
- Define the procedures to deal with discrimination

What does the EU do for gender mainstreaming?

Gender mainstreaming is one of the most important political objectives of the European Union. Gender mainstreaming approach means that women and men have the same responsibility for reorganising, improving, developing and evaluating fundamental political and structural processes. The Community policy aimed at equal opportunities has always been on the agenda

of the Community with various contents since the very beginning of the European integration. An article 3/2 of Amsterdam Treaty, 1999 defines: "Member States have to combat gender inequality and support equal opportunities"

A distinction must be made between policies of equal treatment and equal opportunities. **Equal treatment of men and women means** the prohibition of discrimination against women. **The policy of equal opportunities** requires Member States and candidate countries to take measures to provide equal rights to women in various aspects of life, such as education, health, labour market, social security, etc.

The EU policy does not prohibit discrimination against women, but discrimination between genders. Thus the male citizens of the European Union can exercise their rights in the same way as women. Although in practice men are much more rarely discriminated against than women.

Unfortunately, despite the efforts of the European Union and Member States, gender mainstreaming does not actually apply in the Member States. In most Member States there are still significant differences in wages, there are very few women ministers, or economic leaders in high positions, discriminative job advertisements are published every day. Compared to the main competitor, the United States, the EU is lagging behind in this aspect, and there are many things to do yet. Of course, there are significant differences between individual Member States, because these Scandinavian countries or Holland are much more advanced in this area than countries of the Mediterranean region, i.e., Spain, Greece or Italy.

Equal treatment has become more and more important in Community legislation since the 1970s. This was the time when they overcame the obsolete concept, which reduced the Community policy to wage differences. Consequently, a wider concept of equal treatment, and directives reflecting it, were developed step by step. Thus at the moment eight directives form the binding Community legislation concerning equal treatment.

Let us take a look at some important rights of EU citizens in somewhat more details.

Equal pay for equal work principle

Irrespective of which Member State, a Community citizen works as an employee, he or she is entitled to equal pay for equal work regardless whether the employee is a man or a woman. The practical implementation of this principle may make the employment of women more expensive. Therefore, more developed Member States were concerned that capital investments would flow into Member States which practically ignore the right to equal treatment, guaranteed in the Constitution everywhere, and therefore female employees are much cheaper. The only protection against this is to oblige all Member States to reach the same level in the implementation of this principle.

Despite the legislation and public opinion forming attempts of the last forty years, there are still significant differences between women and men performing equal work. The wage differences vary very strongly in EU Member States according to sectors and countries. This wage difference is on average 20% in Member States, but it may reach 30% in individual Member States too.

An example from Hungary, one of the candidate countries

The Hungarian legislation prohibits the violation of the equal pay for equal work principle both in specific regulations and indirectly. According to the Constitution: everyone has the right to equal pay for equal work, without any discrimination. The Labour Code also prohibits discrimination in general. Therefore, the effective Hungarian legislation guarantees equal rights to genders and obliges employers to equal treatment. However, it does not deal specifically with the issue of equal pay, and especially does not put as much stress on it as it is done in the Community legislation.

Equal treatment in the labour market

Member States are obliged to prohibit discrimination between genders in all issues related to employment.

Right to equal promotion, education and conditions of work. An employer must promote male and female employees on the basis of the same principles, and may not discriminate between men and women when he has to decide on contribution to training. In addition, an

employer must provide the same work conditions for men and women. This may affect flexible working hours, conditions of dismissal or dress code requirements. However, not all discrimination violates the Community law. Discrimination on the basis of the nature of work may be justified. Therefore, of course, it is not considered discrimination if a circus hires a man as a power lifter and women are sought and recruited as models presenting ladies' clothes.

Positive discrimination

The EU allows discrimination between genders, if its only objective is to eliminate the impacts of discrimination suffered in the past. Positive discrimination is only an option, but the EU does not oblige the Member States to apply it. Practice indicates that Member States use the instruments of positive discrimination more and more often, because there is more needed to overcome prejudice than the mere prohibition of discrimination. Positive discrimination is most frequently applied to promote a career in the labour market and assist participation in public life.

Equal treatment in social security

The issue of equal opportunities cannot be limited to employment, because it affects all aspects of life. The principle of equal treatment requires that there should be no discrimination based on gender, especially referring to marital or family status, for example, in the calculation and use of social benefits.

Equal treatment in Hungarian legislation

The Constitution provides the social rights to each individual citizen, providing equal opportunities in access to the services in a legal sense. The statutory regulations governing social issues, passed in the recent years, guarantee equal opportunities in compliance with the directives referred to above.

Legal remedy

It was a problem in all Member States that whenever discrimination cases were filed, they got stuck mainly on problems of procedural law. The new EU regulation is aimed at assisting injured parties in effective law enforcement, removing two especially important obstacles:

- a) the discrimination should not be proved by the injured party,
- b) the prohibition of indirect or hidden discrimination has also been expressed.

a) The burden of proof has been turned around

The turning out of the burden of proof means that in discrimination cases the defendant, i.e., the employer, must prove that he did not apply discrimination against his plaintiff employee, and not the employee has to prove that discrimination has happened. In such cases, the burden of proof has to be turned around because in most cases only the employer has verbal or written proof of the conditions of discrimination, which makes it more difficult to provide proof. The turning around of the burden of proof forces and "makes interested" employers to disclose all available facts, data and information, because this is the only way he can be exempted from liability.

The burden of proof has been turned around in the Hungarian law too. It is enough for an employee to state that in her/his views she (he) was discriminated against by the employer, and in a lawsuit initiated on this basis the employer must deny the employee's claims. However, we can regretfully conclude that even if these progressive regulations exist, they are not applied at all. There have been hardly any lawsuits like this in Hungary.

What is the situation in your country?

b) Prohibition of indirect and hidden discrimination

Discrimination is hidden if the same rules apply to men and women, but they are only disadvantageous for women, in the form of, for example, lower wages or worse work conditions.

The best example for this is discrimination against part-time employees. Employers usually employ women for part-time employment, because the work can easily be done in addition to raising children. However, the hourly wages are lower than the wages of employees working fulltime, the majority of whom are men. Such an employer's measure constitutes hidden

discrimination, because it discriminates against part-time employees, i.e., exclusively against women.

Are part-time women employees discriminated against in your country? What happens in such cases? Why?

Finally, let's take a look at what citizens of the European Union can do if they are discriminated against. The Treaty of Amsterdam acknowledged gender mainstreaming as one of the fundamental principles of the European Union, the implementation of which must be promoted by the authorities of the Member States and Community institutions.

Seeking legal remedy at national courts

If someone is discriminated against, at first the legal remedy options available in the given country must be used. This primarily involves lawsuits.

European Court

Employees may also enforce their rights at Community level. They can turn to the European Commission with a complaint, which then demands, and explanation from the authorities of the Member States. The Commission orders the Member States to put a stop to discrimination immediately. If they do not comply, the Commission may initiate a lawsuit against a Member State at the European Court.

Within the Social Matters and Employment Main Directorate of the Commission an organisation unit deals with equal opportunities. Its most important responsibility is to formulate the Community policy on equal opportunities. The Information Centre on Women Issues also operates within the framework of the Commission, and it is obliged to inform women on Community policies and promote consultation on issue affecting women.

European Parliament

A petition (complaint) may be addressed to the European Parliament, and the competent elected Euro MP can also be approached who can put a question to the Commission and the Council with regard to the relevant issues.

The Committee of Women's Rights operates within the European Parliament, and it has a very significant role in influencing the Community policies. The influence on Community policies is called mainstreaming. The Committee has prepared reports on violence against women, unemployment among women and health conditions of women, etc.

Appeal for help to Women's Lobby in Europe

The European Women's Lobby, which operating with EU support and representing 2700 organisations, mediates between women's organisations and European institutions.

Equal opportunities in the candidate countries

Owing to the EU accession process, the issue of equal opportunities has come to the forefront in the candidate countries for the last few years. Significant results have been achieved in the restructuring of legislation, and the statutory regulations now comply with most of the Community requirements. However, it is a longer-term task to ensure that statutory regulations can be applied in practice too, and that they have a considerable impact on our everyday lives.

References

1. Studies in the English language dealing with women www.unesco.org/most
2. Homepage of the European network of women's organisations on the subject of violence against women and children www.wave-network.org
3. Address of the European server, which contains information on the subject on the pages of the Commission and Parliament in the 11 official languages of the Union www.europa.eu.int
4. Homepage of the European Women Lobby www.womenlobby.org

Useful addresses:

Committee of Women's Rights

European Parliament
Kirchberg, L-2929 Luxembourg
e-mail: DG2-femm@europarl.int

Equal Opportunities Unit

European Commission
Rue de la Loi 200
B-1049 Bruxelles
Fax: (322) 296 3562
e-mail: egop@bxl.dg5.cec.be

Information Centre on Women issues

European Commission
Rue de la Loi 200
B-1049 Bruxelles
Fax: (322) 299 3891
e-mail: infofemmes@cec.eu.int

European Women's Lobby (EWL)

18 Rue Hydraulique
B-1210 Bruxelles
Phone: (322) 217 9020
Fax: (322) 219 8451
e-mail: ewl@womenlobby.org

SEXUAL HARASSMENT AT THE WORKPLACE

Compiled by Finish Institute of Occupational Health, Finland

Aims:

- Give definitions of the sexual harassment at the workplace
- Describe various negative personal as well as institutional consequences
- Define preventive policy and legislation

Definition of sexual harassment at the workplace

Sexual harassment is a relatively new term. It was first introduced in the United States in 1970s, but the behaviour it describes has been around for years. Attitudes and values in the workplace have changed and they are still changing: what was acceptable in some workplaces and institutions ten years ago, may today be seen as bad practice, weak management, or sexist and inappropriate behaviour. Everyone has the right to be treated with respect and professionalism at work by all parties involved: managers, supervisors and colleagues. Sexual harassment is one form of workplace mobbing (Herbert, 1999).

European Commission's Code of Practice defines sexual harassment as conduct affecting the dignity of women and men at work: "Sexual harassment means unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work. This includes unwelcome physical, verbal or non-verbal conduct". The EC definition includes both "unwanted conduct of a sexual nature" as well as gender harassment. The definition distinguishes three types of conditions: unwanted, improper or offensive behaviour; refusal or acceptance of behaviour influences decisions concerning a job; the behaviour creates a working climate that is intimidating, hostile or humiliating for the person (European Commission, Employment & Social

Affairs, 1998). It is the recipient's subjective feelings and responses that are crucial in determining whether that conduct constitutes sexual harassment or not. Because personal experiences differ, what one person may consider as positive, amusing and friendly, another may experience as threatening, undermining, and offensive.

Why it is important to protect sexual harassment at the workplace?

Harassment often refers to unbalanced power relations at work: Harassment involves someone with power or authority bothering (or mobbing) a person or persons in a less powerful position, teasing or victimising them, being unkind, behaving thoughtlessly, touching them, ignoring them, and isolating or picking on them. The harassed person feels powerless for various reasons: a lower position in the hierarchy, personal circumstances, the need to keep the job, feelings of isolation, and the sense of being less important to the organisation than the harasser (Herbert, 1999).

Although percentages differ, due to differences in method and definition, the European studies estimate that, approximately 30% to 50% of women have experienced some form of sexual harassment or unwanted sexual behaviour in the workplace, while about 10% of men have experienced sexual harassment or unwanted sexual behaviour. Men perceive harassment as less offensive, and they experience less negative consequences of harassment (Social Agenda 2/2002).

There is no typical profile of a harasser or harassed persons. In most cases, the harassers are colleagues or supervisors. Clients and patients can also be harassers but to a lesser degree. Harassed employees are usually women, but not always. Young, aged between 20 and 40, single or divorced women are more likely to be harassed than other women. Women with a lower education level and temporary workers are more exposed to sexual harassment. Women in male-dominated jobs experience more sexual harassment than in other jobs. Harassment-prone occupations include police officer, bus or taxi driver, waitress, nurse, and sales woman (man) organisational characteristics are critical. Organisations, characterised by a sexualised work environment and a tolerance of sexual harassment facilitate the occurrence of sexual harassment. Employees experience less sexual harassment in organisations, which are characterised by a positive social climate (employee-oriented instead of job-oriented).

Sexual harassment may lead to various negative personal as well as institutional consequences. The affected employees report negative consequences for their personal well being, work satisfaction, and work motivation. Harassment often interferes with their private lives. Sexual harassment can negatively affect careers, professional qualifications, and the ability to work efficiently. Sexual harassment can have a demoralising effect on the general work atmosphere. Sexual harassment may also result in low productivity, staff turnover, and absenteeism due to ill health and poor quality of work.

How to prevent sexual harassment at the workplace?

Every organisation should have a preventive policy regarding sexual harassment, as well as some examples of the behaviour that the policy aims to prevent or eliminate in the workplace. The examples make it easier for everyone to understand what behaviour is appropriate and what is inappropriate in a given organisation. The policy should also include a procedure, which offers both formal and informal ways of making a complaint. It is the manager's responsibility to intervene when harassment incidents occur, but the whole staff should understand how to contribute to the creation of harassment-free work climate. Staff members need information about sexual harassment. Training and education are the best way of changing the attitudes and behaviours. (Herbert, 1999).

The new EU directive on equality includes tough rules to protect employees from sexual harassment and discrimination at work. In summer 2002, new amendments were introduced to the 25-year-old EU directive on equality. One of the key reforms concerned sexual harassment. The amended directive also reinforces other aspects of workplace equality. The new directive urges governments to establish equal opportunities agencies in the Member States where they do not already exist. Governments across the EU have until 2005 to amend their national laws to comply with the new equality directive (Social Agenda 2/2002).

Group work

Divide students into groups of 4-5 people. Ask them to write down (or draw) an example of inappropriate behaviour in an organisation. Discuss altogether each case and define which kind of unbalanced power relations were created at work place and how they could be prevented.

References:

1. Herbert, C: Preventing sexual harassment at work. International Labour Office, Geneva 1999.
2. Sexual harassment at the workplace in the European Union. European Commission Employment and Social Affairs, 1998.
3. Social Agenda: Sexual harassment outlawed. European Commission Employment and Social Affairs, 2/2002.
4. www.europa.eu.int/comm/employment_social/equ_opp/rights_en.html.

EQUAL PAY FOR EQUAL WORK

Compiled by Association of Open study groups, Hungary

What you can find in this chapter of the handbook is a detailed description of a group exercise for training activities. It is an adaptation of a simulation published in **Compass, the Manual on Human Rights Education with Young People**, produced within the framework of the Human Rights Education Programme of the Council of Europe, in 2002.

We would like to take this opportunity to recommend Compass. It provides trainers, teachers, educators, professionals and volunteers of non-governmental organisations being active in promoting human rights with concrete and creative ideas, pedagogical guidelines, also essential information about human rights and international standards and documents, to motivate people to take actions for human rights in their own social environment.

Compass was published in English and will be translated into different languages. For further information, please consult the following websites: www.coe.int/hre, www.book.coe.int.

Different wages

A simulation for training activities on gender equality, social rights and discrimination

Objectives of the exercise:

- To confront participants (students) with the realities of discrimination in the workplace
- To analyse whether discrimination on the basis of gender and age should be allowed or not
- To promote solidarity, equality and justice

Related human rights:

- The right for fair remuneration
- The right to equal work and equal pay
- The right not to be discriminated against on the grounds of age and sex

Background information

Suggested legal documents to study the rights to fair remuneration:

International Covenant on Economic, Social and Cultural Rights

European Social Charter

The issues about inequality of workers' remuneration are different in different countries and also different depending on whether the issue is sex or age discrimination. Discrimination on a gender

basis is nothing more than evidence of discrimination against women. Historically, women have been disadvantaged in the social, political and economic spheres. Examples of discrimination against women in the workplace include discrimination during the selection and interviewing of job applicants, discrimination in relation to promotion prospects and the fact that, on average they get lower wages than men do. It is a violation of the right for fair remuneration when women receive less than men for doing the same job.

Although the principle of equal work for equal pay is generally upheld, youth remuneration is often held to be a special case and many countries have policies to allow young workers' to be paid less than an adult for the same job. The European Committee of Social Rights (the implementation body of the European Social Charter) does not view low pay for young people as incompatible with the guarantee of a fair wage so long as the difference is reasonable and the gap closes quickly. For example, a wage 20 % lower than the adult starting wage is seen acceptable for sixteen to eighteen-year-olds.

Young people do not earn always less than adults. For example, young people flourish in the sectors based on the new information and computer technologies and receive far higher remuneration than older workers, women or men, who are close to retirement age.

Group size: 4 +

Time: 90 minutes

Materials:

- 1 copy of the handout "Workers' wage rates"
- labels, one for each participant ("worker")
- pens, symbolic money

Preparation:

- Prepare the labels. These should state the sex and age of the workers. Use the list of workers' wage rates for reference.
- Prepare and copy the symbolic money.
- Decide what work the participants will have to do. Collect together any equipment they will need.

Instructions:

1. Explain to the participants that they are workers and have to do some work for their employer (you!). They should not worry; everyone will be paid.
2. Hand out the labels at random, one to each participant.
3. Explain the task and make sure everyone knows what he or she has to do.
4. Let people get on with the work!
5. When the tasks are completed, ask people to line up (queue up) to be paid. Pay each person according to their age and sex as laid out in the list of workers' wage rates.
You should count the money out aloud so everyone can hear and all are aware of how much each of the others is getting.
6. If participants start to question or complain, give brief "reasons", but avoid being drawn into discussion.
7. You will have to use your own judgements about how far to go, but stop when you believe it is beginning to get too heated! Give everyone time to calm down and to get out of the role, and then sit a circle for the debriefing. The trainer/facilitator should be prepared to be a resource person during the discussion.

Debriefing and evaluation

Take the discussion in stages. Start with a review of the simulation itself:

- How did it feel to receive more (or less) than others workers even though everyone did exactly the same task?

- Why did some people receive more (or less) than others? Why did this happen?
- How did it feel to get more than others? How did it feel to get less than others?
- Does it sort of discrimination happen in workplaces in your country?
- Next talk about remuneration on the basis of sex:
- Can different pay for the same job, when done by a man and a woman, be justified? Why? Why not? When?
- What if a man does the job better than a woman? Is that reason enough for paying the woman less?
- Do you think that there are jobs that should be done exclusively by men/women? Why? Why not? If yes, which jobs?
- Do you think that practice of positive discrimination can be justified in order to change social attitudes?

Finally, you can go on to talk about remuneration on the basis of age:

- Is there a policy for different wages on the basis of age in your country? If not, do you think there should be?
- What is the rationale for applying this kind of policy?
- What is your opinion about this type of policy? It is good? Bad? Necessary? Unnecessary? Give reasons.

Tips for facilitators

You will very probably have to adapt the activity. If you need to add or to delete some workers from the list, make sure that you still have a balance of sexes and variety of different age groups. If the group is large or you want to get into a deeper discussion on the different types of discrimination, it is a good idea to sub-divide the group into smaller groups.

What sorts of tasks are suitable for this activity? It should be exactly the same task for every worker. Also try to choose something that can be done by several people at the same time, so it does not become tedious for people to wait and watch.

Think about the following: Is the space enough? Can the exercise be done outdoors? Can it be done equally easily and well by people of different ages and by both men and women in a mixed group? Is it safe? Does it require many skills? Will people feel embarrassed or refuse on ethical grounds? How can it be repeated several times over?

Examples of tasks:

- Take books off a shelf and put them in a box. Carry the box to the other side of the room and unpack the books onto a second bookshelf.
- Clean the room/garden.
- Clean the blackboard/whiteboard and neatly write a given phrase on it.
- Make origami/decoration for a celebration.
- Look up the definition of a work and write it on a piece of paper. (If you choose different words, each relating to human rights, then at the end you may have a short glossary of terms!)

When you are paying out and have to give explanations for the different salaries, you will have to think up “reasons”. They can be grounded in what actually happened or they can be ridiculous.

For example:

- Someone who stumbled gets less
- Someone who smiled and looked happy gets more
- It's weekend, etc.

Variations

You can develop a few in-depth roles or case studies for different workers. You can also include other details such as educational background and professional experience.

You may not feel prepared to do this activity as a simulation and you would rather prefer to discuss the topics with participants. However, you should be aware that discussion alone not stimulates the strong emotional response that you get through the simulation.

Handout

Workers' wage rates according to sex and age

	Sex	Age	Pay
1. (or: David)	Male	35 years	100 coins/units
2. (or: Anne)	Female	17 years	30 units
3. (or: Peter, etc.)	Male	22 years	70 units
4.	Female	36 years	80 units
5.	Male	66 years	60 units
6.	Female	58 years	50 units
7.	Male	48 years	100 units
8.	Male	29 years	100 units
9.	Female	45 years	90 units
10.	Female	33 years	70 units

BREAKING FREE FROM GENDER STEREOTYPING

Compiled by Women's Educational Centre in Akureyri, Iceland

Aims:

- Analyse the persistence of traditional stereotypes regarding the role of men and women in the family, in employment and in society which perpetuate discrimination against women
- Define the ways of breaking of stereotypes.

Stereotypes pigeonhole boys and girls, men and women into fixed roles and behaviour that deny individual aspirations. Although, in many countries, women make up half the workforce, the old assumption that men should be earning a living while women are at home looking after the house and family continues to restrict opportunities for both genders.

The Cost of this

Discrimination: Individual men and women who go against the grain face restricted job opportunities, isolation and harassment.

Wasted talent: Young people cannot fulfil their potential unless all subjects are realistic options to them. Stereotypes limit individual ambitions of both girls and boys.

Skills gap: Some industries with skill shortages are recruiting from a restricted pool. There is a lack of skill in the computer industry, yet the number of women entering this industry is decreasing.

Unequal pay: In Britain, women working full-time earn on average 19% less than men. One of the reasons for this pay gap is the concentration of women in certain types of jobs, which attract less money than jobs traditionally done by men.

Disaffection: Masculine stereotypes, which glamorise "laddish" or "boyish" behaviour, have a negative effect on boy's performance at school.

What can we do?

School: set targets for boys and girls in different subjects, promote positive role models for men and women doing non-stereotypical jobs, introduce discussion on gender roles into Personal, Health and Social Education.

Careers advisers: Give comprehensive advice on different options. Encourage diverse work placements. Involve employers as mentors and role models.

Parents: Encourage children to learn wide variety of subjects, regardless of their gender.

Government: Promote positive action by starting a Challenge Fund for schools who that want to promote diversity. Introduce gender awareness into the curriculum for Citizenship Education and for teacher training.

Employers: Promote their sector to people of both genders. Introduce mentoring schemes to support individuals in minority, and training for managers to root out discrimination.

Case study 1

Maternity / Paternity Leave

In Iceland, each parent has an independent right to maternity/paternity leave of up to three months due to a birth, primary adoption or permanent foster care of a child.

This right shall not be assigned. In addition, parents shall have a common right to three additional months, which may either be taken entirely by one of the parents or else divided between them.

The right to maternity/paternity leave shall lapse when the child reaches the age of 18 months.

From: "Act on Maternity/Paternity Leave no. 95/2000.

Discuss in the group how, in your opinion, this Act could help to break the stereotypes in the family life. What is the situation in your country?

Case study 2

In September 2001, women at the University of Iceland were: 11% of professors, 27% of readers (associate professors), 51% of lecturers, 43% of part-time teachers, 61% of students.

It has been stated that it takes 2000 women/girls to get one female professor in natural sciences, while the number for men/boys is 400.

Discuss in the group the problem that women face in this case. What are the recommendations could be suggested to remove the obstacles/barriers: laws, policies, programs and services, development of infrastructure and institutional strengthening, training for attitudinal changes, implementing special measures, quotas etc.

Reference

Equal Opportunities Commission www.eoc.org.uk