

Strasbourg, May 2001

EG (2001) 7

**HANDBOOK**

**on**

**NATIONAL MACHINERY  
TO PROMOTE GENDER EQUALITY**

**and**

**ACTION PLANS**

**Guidelines**  
**for establishing and implementing**  
**National Machinery to promote equality,**  
**with examples of good practice**

prepared by  
**Giorgia Testolin**  
Consultant expert

The present Handbook has been prepared thanks to a voluntary contribution from Canada.  
It will be translated into the languages of South East Europe.

## TABLE OF CONTENTS

<b>Introduction</b> .....	4
<b>PART I: Establishing a national gender equality machinery</b> .....	5
<b>1. What is a gender equality machinery?</b> .....	5
<b>2. Main principles</b> .....	8
<b>3. How can a national gender equality machinery be set up?</b> .....	8
a. Temporary committees before the establishment of a permanent governmental body .....	8
b. Permanent institutional bodies/divisions to promote equality .....	9
c. Location of the body/division and its tasks .....	10
- At governmental level.....	10
- Focal points in governmental institutions.....	10
- At regional and local level.....	11
<b>4. Examples of national gender equality machinery at Governmental level</b> .....	11
<b>5. Parliamentary bodies to promote gender equality</b> .....	16
<b>6. Examples of national gender equality machinery at parliamentary level</b> .....	17
<b>PART II: National Action Plans</b> .....	19
<b>1. What are national action plans?</b> .....	19
<b>2. Examples of national action plans</b> .....	19
<b>3. Gender balance in appointed bodies, boards and councils</b> .....	21
<b>4. Examples of promoting gender balance in appointed bodies</b> .....	22
<b>PART III: Discrimination law and enforcement: the Nordic example</b> .....	23
<b>1. Equality Acts and Ombuds</b> .....	23
<b>2. Examples of an Equal Opportunities Act</b> .....	24
<b>3. Examples of Ombuds</b> .....	24
<b>4. Equality plans in the work place</b> .....	25
<b>5. Examples of equality plans</b> .....	25

## Introduction

The purpose of this document is to serve as a handbook for those countries which still lack an institutional machinery to promote gender equality or are in the process of reviewing and improving the existing machinery.

Its main aims are to provide a number of guidelines for establishing, implementing and making use of a national machinery to promote equality as well as to propose some examples of “good practice”, which could be followed.

The Nordic countries are referred to more often than other countries. This is mainly due to their long-standing experience with national equality machineries. However, some examples from Southern and Eastern Europe have also been included.

This handbook was prepared by adapting and summarising documents previously elaborated by the Steering Committee for Equality between women and men (CDEG) of the Council of Europe, as well as reports of activities prepared by Groups of specialists working under the auspices of the Committee. In this regard, the following documents constituted useful sources and some of the information they contained was updated:

- The introductory report presented by Ms Leila Rasanen at the international workshop entitled “National Machinery to Promote Equality between Women and Men in Central and Eastern European Countries”, organised by the Council of Europe in Ljubljana (Slovenia) on 30 November – 2 December 1994;
- “National Machinery, Actions Plans and Gender Mainstreaming in the Council of Europe Member States since the 4<sup>th</sup> World Conference on Women” – (Beijing, 1995) – (reference: EG (99) 12);
- “Positive Action in the Field of Equality between Women and Men”, final report of activities of the Group of specialists on positive action in the field of equality between women and men (reference: EG-S-PA (2000)7).
- Studies prepared by a consultant expert, Ms Eliane Vogel-Polsky, Professor at the Free University of Brussels (EG (89) 1; EG (93)2).
- “Requirements, function and authorities of the Parliamentary Commission for Equal Opportunities”, presented at a seminar held in Skopje (6 April 2001) on the “establishment of the Parliamentary Commission for Gender Equality” and prepared by Ms Violeta Neubauer, Co-ordinator for International Co-operation of the Office of the Government of the Republic of Slovenia for Equal Opportunities and Chairperson of the Council of Europe Steering Committee for Equality between Women and Men.

The handbook will be translated into various languages used in South-East Europe thanks to a voluntary contribution made by Canada under Working Table I of the Stability Pact for South-East Europe.

For further information, please contact:

Council of Europe

Directorate General of Human Rights

Division Equality between women and men

F-67075 STRASBOURG CEDEX

Tel: (+33) 3.88.41.23.29

Fax: (+33) 3.88.41.27.05

<http://www.humanrights.coe.int/equality/>

## **PART I: ESTABLISHING A NATIONAL GENDER EQUALITY MACHINERY**

### **1. What is a gender equality machinery?**

A gender equality machinery is an institutional governmental and, in some cases, parliamentary structure set up to promote women's advancement and to ensure the full enjoyment by women of their human rights. Its main function is to monitor and to ensure the implementation of the law, of the principle of non-discrimination and equality between women and men.

Almost all conventions and international legal instruments enshrine the principle of non-discrimination on the grounds of sex, race, language, religion, political or other opinion, national or social origin, property, birth or other status<sup>2</sup>. The principle of non-discrimination is the cornerstone and basis for promoting gender equality. Central to the international covenants<sup>3</sup> is the formal acknowledgement of the principle of equality. These texts are legally binding and envisage appropriate actions to be undertaken by the States Parties in order to fulfil the principle of non-discrimination and equality of women and men. The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, entry into force in 1981), which constitutes a specialised human rights legally binding instrument for States Parties, contains, among others, the following obligations that States have to comply with:

#### **Convention on the Elimination of All Forms of Discrimination against Women**

##### **Article 1**

For the purpose of the present Convention, the term “**discrimination against women**” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

##### **Article 2**

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- a) to embody the principle of equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to **ensure, through law and other appropriate means, the practical realisation of this principle.**

Furthermore, States have expressed their commitments towards the achievement of substantive equality for women, especially at the international world conferences on women, by adopting declarations and plan of actions. Since the first UN Women's Conference in Mexico City in 1975, many countries have followed up on the recommendation to establish a machinery for the advancement of women. The most clear message comes from the Nairobi Conference on Forward Looking Strategies for the Advancement of Women, which reviewed

<sup>2</sup>The listed grounds of discrimination refer to Article 2 of the Universal Declaration of Human Rights.

<sup>3</sup>International Covenant on Civil and Political Rights, article 26 and International Covenant on Economic, Social and Cultural Rights, article 3, of the United Nations. Both were adopted in 1966 and entered into force in 1976.

and appraised the achievements of the United Nations Decade for Women: Equality, Development and Peace (15 – 26 July 1985)<sup>4</sup>.

### **Nairobi Forward Looking Strategies for the Advancement of Women**

#### **Basic strategies – Paragraph 57**

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

The Platform for Action of the 4<sup>th</sup> World Conference on Women (Beijing, 1995) included “institutional mechanisms for the advancement of women” as one of its twelve areas of concern. The Platform gives a definition of national machinery, lists some conditions for effective functioning of such machinery and suggests action to be taken by governments.

Furthermore, the Platform provides a mandate for the national machinery for the advancement of women which includes, *inter alia*, “**to design, promote the implementation of, execute, monitor, evaluate, advocate and mobilize support for policies that promote the advancement of women**” (paragraph 196).

### **Beijing Platform for Action**

**201. A national machinery for the advancement of women is the central policy-coordinating unit inside government. Its main task is to support government-wide mainstreaming of a gender-equality perspective in all policy areas.** The necessary conditions for an effective functioning of such national machineries include:

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

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

#### **Strategic objectives:**

- Create or strengthen national machineries and other governmental bodies;
- Integrate gender perspectives in legislation, public policies, programmes and projects;
- Generate and disseminate gender-disaggregated data and information for planning and evaluation.

Moreover, the results of the special session of the United Nations General Assembly on the progress made since the Beijing Conference (Beijing +5), which was held in New York

<sup>4</sup> The United Nations Decade for Women was opened in 1975 by the Mexico City Conference for Women, underwent a mid-term stocktaking in Copenhagen in 1980 and culminated with the Nairobi Conference (1985).

on June 2000, highlighted achievements and obstacles concerning institutional mechanisms for the advancement of women:

**Beijing + 5**  
**Further actions and initiatives to implement the Beijing Declaration and Platform for Action<sup>5</sup>**

**Achievements:** national machineries have been instituted or strengthened and recognised as the institutional base acting as “catalysts” for promoting gender equality, gender mainstreaming and monitoring of the implementation of the Platform for Action and in many instances of the Convention on the elimination of all forms of discrimination against women. In many countries, progress has been achieved in terms of the visibility, status, outreach and coordination of activities of these machineries. Gender mainstreaming has been widely acknowledged as a strategy to enhance the impact of policies to promote gender equality. The goal of the strategy is to incorporate a gender perspective in all legislation policies, programmes and projects. These machineries, despite their limited financial resources, have made a significant contribution to the development of human resources in the field of gender studies and have also contributed to the growing efforts for the generation and dissemination of data disaggregated by sex and age, gender-sensitive research and documentation.

**Obstacles:** in a number of countries, inadequate financial and human resources and a lack of political will and commitment are the main obstacles confronting national machineries. This is further exacerbated by insufficient understanding of gender equality and gender mainstreaming among government structures, as well as prevailing gender stereotypes, discriminatory attitudes, competing government priorities and, in some countries, unclear mandates, a marginalized location within the national government structures, lack of data disaggregated by sex and age in many areas and insufficient applied methods for assessing progress, in addition to paucity of authority and insufficient links to civil society. The activities of the national machineries were also hindered by structural and communication problems within and among government agencies.

The success of the machinery depends largely on the support of civil society. The main sources of support are the women's movement in all its various forms, such as women in political parties, especially those in decision-making positions, NGOs, women's associations and groups, grassroots movements, researchers on women's issues, and women professionals in, for example, the media. Through these actors, women have been able to articulate their interests and concerns and have placed women's issues on the national, regional and international agendas. Particularly important for the good functioning of a national gender equality machinery are women's studies. A firm link between the machinery and women's studies is mutually rewarding. The machinery can also identify areas that need further research and request research concerning topical issues. However, a respect for the autonomy of research is a precondition for good relations.

Networking among all these bodies and institutions is a part of implementing equality policy. Networking helps to find channels of influence and mobilise resources through the administrative bureaucracy.

<sup>5</sup> Report of the *ad hoc* Committee of the Whole of the twenty-third special session of the General Assembly (A/S-23/10/Rev.1)

## 2. **Main principles: accountability and autonomy**

Two issues are central to the establishment and functioning of a national machinery to promote gender equality: *accountability*<sup>5</sup> and *autonomy*.

**Accountability** is essential for national machineries. A national machinery is an important institution which addresses the diverse interests of women and men and social relations between the sexes. It has to be open to different standpoints, different experiences and to a variety of strategic and practical interests.

A real and permanent dialogue has to be established between the national machinery on the one hand and the various interest groups, especially women's groups, from the civil society on the other hand.

If a national machinery is unwilling or unable to keep alive this dialogue with the civil society, the purpose for which it was created is no longer valid.

A national machinery functions at different levels of governance – local, regional, national and international. It articulates women's interests and represents civil society groups before Government, Parliament and regional and international bodies. In this regard, the dialogue with these groups as well as their support increase the **legitimacy** of a national machinery and make it stronger. Women's groups remain essential actors in the work to achieve gender balanced decision-making. Their support of this goal provides democratic legitimacy for efforts to promote gender equality, for new arguments and strategies.

At the same time, the actors in charge of the national machinery have to be liberated from the stricter forms of political accountability to be able to freely intervene in discussions. Here, the second principle, **autonomy**, plays its role. Democratic practice presupposes a level of autonomy for the representatives of interests, which allows them to change their positions. Without autonomy there is no flexibility and, as a consequence, practical policy-making becomes impossible.

Accountability and autonomy go hand in hand. The crucial point is to find a balance between these two principles so that the national machinery can be effective <sup>6</sup>.

## 3. **How can a national gender equality machinery be set up?**

### *a. Temporary committees before the establishment of a permanent governmental body*

Before the establishment of a permanent governmental body, work for the advancement of women can be started by using temporary bodies, such as governmental committees or working groups.

---

<sup>5</sup> Accountability is defined by the Oxford Dictionary of Politics as "requirement for representatives and representative organisations to answer for the disposal of their powers and duties, act upon criticism or requirements made to them, and accept (some) responsibility for failure, incompetence, or deceit".

<sup>6</sup> See "Requirements, function and authorities of the Parliamentary Commission for Equal Opportunities", presented at a seminar held in Skopje (6 April 2001) on "the establishment of the Parliamentary Commission for Gender Equality" and prepared by Ms Violeta Neubauer.



Some of the current Western European national machinery were established as a result of a comprehensive report on the status of women prepared by a temporary committee.

The **tasks** of this kind of committee could include:

- preparing an overall review and appraisal of the role and situation of women in the restructuring process;
- identifying the key areas of concern and action;
- reviewing and using existing information on women and the gender system such as research, statistical information and other available data and making recommendations on developing and improving the system of data collection by gender;
- identifying the need to develop new legislation that corresponds to the new conditions and protects women's rights effectively;
- proposing a broad programme of action to be taken by the respective governments to achieve equality.

Usually, such a committee is appointed by the government for a fixed period of time to perform the task specified in its mandate. The members represent various groups of the population, different parties, social partners, ethnic backgrounds, etc., to ensure that a broad variety of interests will be articulated during the preparatory process. It is important that the representatives are appointed by a democratic process so that they are considered legitimate representatives of their group. The preparatory work of a committee is performed by secretaries funded by governments. The secretaries are experts, such as social scientists or lawyers, who are committed to advancing the status of women, and are experienced in data collection and policy formulation.

The aims of the above -mentioned strategy are also to raise women's awareness of their rights, and mobilise women and men to create a national consensus for the support and implementation of the programme. Therefore, there is a need to organise the work of the committee in such a way that invites participation in the preparatory work and inspires public discussion. Meetings to stimulate public awareness, hearings, workshops and conferences about the themes dealt with by the Committee could be arranged for this purpose. The draft and/or final version of the report could be widely distributed to women's associations, women's groups, researchers on women's issues, and to local, regional and central governments for comments. The proposals would then be elaborated by taking the comments into account. Such participatory methods help to raise interest and create commitment.

#### ***b. Permanent institutional bodies/divisions to promote equality***

The composition, structure and mandates of the institutional permanent bodies vary. There is also a large variation in the financial and personnel resources of the bodies. Furthermore, the mandates and resources, sometimes even the existence of the bodies, also depend on the governments and their commitment to the promotion of equality between women and men.

The national institutional machinery's main function is to promote equal opportunities legislation, anti-discrimination law(s) and to monitor their implementation (see also 1 what is a gender equality machinery).

A national machinery is usually linked to the government structure. Some countries have an independent equality ministry, even though this *portfolio* usually goes along with another Ministry. In other countries the machinery often takes the form of a department or

unit within a ministry (usually the ministry of labour and social affairs). Committees or councils can also act as a machinery, especially when it comes to setting up and implementing plans of action to promote equality. In some countries there is a system that is independent from the government (ombuds, equality councils/ agencies).

The machinery, besides its mandate linked to legislation and its implementation, is often responsible for activities linked to research, training, elaboration of specific projects and actions.

*c. Location of the body/division and its tasks*

*- At governmental level*

In many countries, an Equality Affairs Division or Office is established in a ministry. This **division** or office is responsible for the preparation of government decisions concerning equality between women and men as well as the co-ordination of those issues in the Cabinet Office.

The division prepares cabinet decisions and government bills that can contain proposals for laws or national plans of action. They are introduced to Parliament by the minister responsible for equality affairs.

The division initiates and carries out activities promoting equality within the framework of its own mandate and budget. These activities might include the publication of leaflets, the drawing up of guidelines and codes of conduct, monitoring advertisements to ensure that they do not infringe the law, acting to prevent sex-stereotyping, etc.

The division can have a gender mainstreaming role for the whole government. However, usually it does not have the power to instruct other ministries. The mainstreaming function is carried out through initiatives, negotiations, by participating in joint committees and working groups, etc. It may also co-ordinate the preparation of a national plan of action for the promotion of equality that covers all ministries.

The division may instruct other ministries in certain issues if the Parliament or the government so decides by giving it the mandate to do this.

The Equality Affairs Division may also been given the power to scrutinise, from the point of view of equal opportunities, all proposals for government bills and other governmental decisions introduced by various ministries, before they are discussed by the Cabinet. The Division may also monitor the implementation of the time-bound targets which have been set in order to increasing the share of women in public boards and committees. In this capacity, the Division approves the proposals for the appointments for assignments before the government or the ministry takes the final decision.

*- Focal points in government institutions*

Focal points may have different functions. One is to introduce a gender perspective into the main policy area of a ministry or an agency. Another function is promote equal opportunities in the personnel policy of the ministry or agency itself.

**Norway**

The Norwegian Ministry of Agriculture, for example, has one full-time and one part-time post which have the responsibility for ensuring gender equality in agriculture. One of the objectives of the

Norwegian government-policy has been to recruit young women to join the agricultural sector. Positive results have been attained through trainee programmes and grants to establish new agricultural enterprises. On the regional level of the Ministry of Agriculture, there are 16 focal points for women's affairs. Hence women's access to training and advisory services in agriculture has greatly improved.

Other ministries which often have focal points responsible for equality affairs are Ministries of Labour, Ministry of Education, or Foreign Affairs, the last one particularly in connection with programmes for women in the developing countries.

Even if there is no particular post allocated to the advancement of women in an agency, the function can be performed by special committees or working groups set up for that purpose. To be effective, the working group should operate at a high level, prepare action plans with concrete targets, resources, timetables and a monitoring system. These requirements are often not fulfilled. However, the simple fact to give to an official or a working group in an agency the mandate to promote equality, can create opportunities to start the work and develop it.

- *At regional and local level*

The advancement of equality at the regional and local levels requires political will and commitment of regional and local government. The influence and activities of the women's movement, NGOs and women's grassroots organisations, as well as the proportion of women represented in the regional and local governments, create the overall conditions for the advancement of women. However, an efficient machinery is instrumental in supporting equal opportunities.

At the local level, the most usual type of equality machinery in the Nordic countries is an equality committee set up by the municipal councils or governments. These bodies consist of representatives of political parties, and they reflect the party composition at the local elections. They can strive to mainstream equality by initiating and co-ordinating an action plan for equality at the local government level. They can also make recommendations on particular issues concerning equality to the municipal council.

At local level, networks which combine the efforts of women politicians, public authorities and representatives of women's movement have often been effective. They have, for instance, been active in combating violence against women, through the setting up of crisis centres and helplines, as well as in local planning and decision-making.

#### **4. Examples of national gender equality machinery at governmental level**

##### **Examples including the most recent developments**

##### **Belgium**

- *Minister of Employment:* Since July 1999, the responsibility for equal opportunities lies with the Vice Prime Minister, who is also the Minister of Employment.

- *Equal Opportunities Department:* In 1999, this federal department merged with the Unit for positive actions of the Federal Ministry of Employment and Labour. Thus, the responsibilities of the

department have been developed as regards employment and particularly as regards the implementation of a positive action policy in the private sector.

### French Community

*Directorate of Equal Opportunities:* This directorate was set up in 1997 at the Ministry of the French Community, replacing the Equal Opportunities Department. It is administratively dependent on the Secretariat General of the Department. Its objective is to promote equal opportunities in the spheres under the responsibility of the French Community, to serve as a centre of resources and exchange, to inform and support associations and to initiate new projects in order to establish a concrete policy regarding equal opportunities.

### Flemish Community

- *Flemish Minister responsible for the Equal opportunities Policy:* This minister was first appointed in June 1995. She is responsible for the overall (horizontal) equal opportunities policy of Flanders beyond all policy fields and levels. Moreover, she conducts a specific (vertical) equal opportunities policy with its own priorities and means. The Flemish equal opportunities policy is directed at women and minority groups. Besides equal opportunities, the current minister is also responsible for welfare and health.

*Equal Opportunities in Flanders Service:* This service went into operation in 1996. It is attached to the Ministry of Flanders and operates at the highest level of the Co-ordination Department of the Ministry. Due to its establishment in this department, all policy fields of the Flemish community are covered. Its objective is to support the policy of the Minister for Equal Opportunities. It contributes to the elaboration of equal opportunities policy as well as to its implementation and it assesses the outcome of these policies.

- *Interdepartmental Equal Opportunities Committee:* This advisory committee was set up in 1996 within the Ministry of Flanders. It is presided by the Equal Opportunities in Flanders Service. Its objective is to support the overall equal opportunities policy. It serves as a discussion forum, in which representatives of the various policy fields discuss the measures and initiatives required to create a broad equal opportunities policy platform.

### Denmark

The adoption by the Parliament of a new Equality Act (May 2000) provides for a completely new national machinery to promote gender equality. The Equal Status Council, which was established in 1975, has been abandoned and a Department for Gender Equality has been established within the Ministry of Equality.

- *Minister of Equality:* The minister is responsible for the Government's overall activities in the field of gender equality and co-ordinates the equality work of other ministries. The gender mainstreaming strategy is in principle considered in relation to the Government as meaning that there are now 20 Ministers responsible for Gender Equality – each within their field of competence. This means, according to the strategy of gender mainstreaming, that each Ministry is responsible for integrating the gender and equality perspective in all policies and activities.

The Minister of Equality lays down rules and guidelines for the gender equality work and initiates special measures to promote gender equality and equal opportunities. It is thus a dual approach.

Each year the Minister draws up a report and a perspective and action plan for gender equality for the Danish Parliament. The yearly report is based on reports from local authorities and ministries and defines the government's priorities within the equality work in the following year.

- *Department for Gender Equality:* it has been set up under the Minister of Equality and acts as secretariat for the Minister. Its task includes: preparation of legislation and administrative rules concerning gender equality, co-ordination of gender equality measures initiated by public authorities

as an element of the mainstreaming strategy, preparation of the annual report on gender equality for the Parliament, implementation of the Minister's perspective and action plan, secretarial assistance to the Gender Equality Board, monitoring of the development in the gender composition of certain committees and boards included in the Act on Gender Equality.

- *The National Centre for Research and Information on Gender Equality*: The Centre is a politically independent institution that is to ensure knowledge, documentation, dissemination and a qualified debate about gender equality. The centre must underpin measures to integrate the gender and gender equality aspect in all policies, planning and administrative activities. The centre can initiate studies, research, analyses, conferences, web sites, etc. and make proposals for activities to the Minister of Equality. The centre is managed by a board composed of representatives from the social partners, women's and men's organisations, researchers and employees.

- *The Gender Equality Board*: The board is composed of a chairperson who is a legally qualified judge and two qualified lawyers. The board deals with complaints about gender discrimination and the Board's decisions are final within the administrative system. The decisions can be brought to the court of law. The Board also offers counselling and guidance to citizens, organisations, authorities and enterprises about the procedure to bring complaints concerning gender discrimination before the board or other bodies. The board publishes its decisions and submits an annual report. Any citizen may file a complaint with the board. The board can award compensation in the case of violation of the gender equality legislation and in special cases overrule a dismissal.

Apart from the above-mentioned institutions there are a number of gender equality consultants in the municipalities and the local labour authorities as well as gender equality committees in organisations, universities and enterprises. This has not changed with the Act on Gender Equality.

### **Finland**

- *Council for Equality*: Established in 1972, this body is attached to the Ministry of Social Affairs and Health. Its members are representatives from political parties. Its objective is to promote and monitor the attainment of equality, to eliminate discrimination, to improve the status of women in employment and to promote equal pay. It proposes reforms to the authorities and labour market organisations, develops equality in the legislative and administrative fields, carries out research and combats violence and sexual harassment.

- *Ombuds for Equality*: (See Part III on Ombuds, page 24).

- *Equality Board*: The objective of this body is to monitor the application of the law. It takes breaches of law before the court, prohibits unlawful action in case of discrimination and may impose a conditional fine in certain cases.

- *Inter-ministerial Working Party*: After the Beijing Conference, the first ever inter-ministerial body on equality issues was set up. It was created for the follow-up of the Beijing Conference. It includes representatives from all ministries. In 1999, its last report was submitted.

### **Hungary**

*National Committee*: it was established in March 1995, and includes representatives of ministries, parliament, all partners involved in collective bargaining, NGOs, women's organisations, as well as the church.

- *Office for Women's Issues*: This body was established in 1996 as "Office for Women's Policy" and later became the "Office of Equal Opportunities". The office was reorganised in 1998, and located within the Social Community Relations Department at the Ministry of Social and Family Affairs and renamed "Office for Women's Issues". Despite all these changes the personnel and tasks of this administrative body remained more or less unchanged. The office's objective is the advancement of women in Hungary.

- *Council for Women's Issues*: This council was established by government resolution in 1999. Its main responsibility is to facilitate the enhancement of equal opportunities. The Council gives advice on and proposes legislation concerning gender equality, takes part in the implementation of programmes sponsored by national or international resources, contributes to research and reviews the reports and information documents dealing with equal opportunities. Among the members of the council are representatives from all ministries, delegates of civic organisations and experts in the field of gender equality. The governmental side of the council also operates as an inter-ministerial committee, with the objective to outline and initiate the proposals for decision-making in the field of women's advancement, and to monitor and co-ordinate their implementation.

### **Norway**

- *Minister of Children and Family Affairs*: The minister has overall responsibility for gender equality within the government. Since 1977, the then Ministry of Consumer Affairs and government Administration has overall and co-ordinating responsibility for gender equality. The executive unit of the Ministry of Children and Family Affairs is the *Equal Status Division*, which was established in 1977. In 1994, the division was separated from the Equal Status and Family Division. The division's overall objective is to promote gender equality. It is responsible for the application of the Equal Status Act, co-ordinates actions, formulates and co-ordinates gender policy at State level and monitors the representation of women in committees (40%).

- *Equal Status Council*: The Council was established in 1972. It is an independent advisory body, administratively attached to the Ministry of Children and Family Affairs. It acts as a liaison body between public authorities, organisations and the public in general. Its major objective is to promote equality in all sectors of society. It suggests to the authorities measures to be taken, monitors the implementation of equal status and collects and disseminates gender related information. In 1997, the Council was transformed into a resource centre for gender equality, called "Centre for Gender Equality" in order to strengthen public awareness. The resource centre functions as a meeting place and as a source of information. It disseminates knowledge by organising seminars and conferences, publishing books and pamphlets, etc. The Centre for Gender Equality is located with the Equality Ombud and with a research information institution "The Source".

- *Ombuds for Equal Status of Women and Men*: (see Part III on Ombuds, page 24).

- *Local Equal Status Committees*: These bodies have been established at municipal level since 1975 in order to promote equality at the municipal level and to serve as a means of communication between individuals, organisations and the municipalities. The Equal Status Council used to organise biannual conferences on gender equality with a view to facilitate networking and training on gender equality in the committees. There is a growing tendency to integrate gender equality concerns into mainstream municipal committees and decision-making fora.

- *Committee of the State Secretaries on Gender Equality*: This was set up in 1997. The regular members comprise the Ministries of Labour and Administration, Regional and Municipal Affairs, Business and Energy, Foreign Affairs (Development Cooperation), Ministry of Justice and the Ministry of Children and Family Affairs. The committee sets a political agenda, improves cross-sectorial dialogue and co-operation, and guides the government and the Ministry of Children and Family Affairs on issues related to gender equality. The Committee also holds an important function for gender mainstreaming, with a view to ensuring that gender equality is considered in all Government proposals, and in promoting the institutionalisation of gender mainstreaming. The Committee is chaired by the Prime Minister's Office, where a political advisor on gender equality was appointed in 1997. The co-ordinating Ministry has the secretariat.

### **Portugal**

- *Commission on Equality and Women's Rights*: it was set up in 1991, replacing the Commission on

the Status of Women operating since 1973. It was later attached to the Prime Minister's Office. The Commission conducts and promotes studies on equal opportunities and women's issues, runs a documentation centre and a specialised library, and alerts and trains specific target groups. It also provides public information on a variety of subjects through the media, issues opinions on equal opportunity policies and legislation, evaluates the application of Community Directives and case-law, runs a help line for cases of violence and produces publications. It has a Consultative Council with two sections, namely a *Joint Ministerial Section* made up of representatives of governmental administrative departments relevant to the work of the Commission operating as equality consultants, and a *Non-Governmental Organisations Section*.

- *Commission for Equality in Labour and Employment*: This commission was set up in 1979 under the Ministry of Employment. It endeavours to promote the application of Legislative Decree No. 392/79 prohibiting discrimination and promoting equal opportunities for and equal treatment of women and men in the fields of labour, employment and vocational training. The Commission's work relates to the public and private sectors, issuing opinions and recommendations to the Employment Minister, dealing with complaints, conducting surveys and research and informing and alerting the public. It is a tripartite commission embracing representatives of the Government and employers' confederations and trade union organisations. It also manages a Centre for monitoring and preventing direct or indirect sex discrimination in collective agreements and encourages the adoption of positive action and the equality perspective in enterprises.

- *Minister for Equality*: The October 1999 elections provided Portugal with a Minister for Equality. The Ministry of Equality comes under the Prime Minister's Office. It is currently responsible for the Commission for Equality and Women's Rights, the Committee for Equality at Work and in Employment and the Office of the High Commissioner for Immigration and Ethnic Minorities.

### **Slovenia**

- *Women's Policy Office of the Government of the Republic of Slovenia*: The office was founded in 1992 as an advisory body (based on the Founding Act of the Women's Policy Office). This central government unit is not attached to any of the existing ministries but it was founded as an independent government service. The Office performs the following tasks:

a) Monitors the position of women and the realisation of the rights ensured by the constitution, laws and international agreements; b) Assists government in policy making and discusses regulations and measures adopted by the government; c) Initiates legislation and proposes measures to the government and ministries to promote gender equality; d) Prepares gender based analyses and reports; e) Disseminates gender-relevant data and other information on gender equality, including through publications and the media; f) Works in partnership with local, regional, national and international agencies.

### **Sweden**

- *The Minister for Gender Equality (Equality between women and men)*: This ministerial post was established by Ministerial Decision in 1976. In 1995, the Deputy Prime Minister was also Minister for Gender Equality and was attached to the Prime Minister's Office. Her objective was to co-ordinate the government policy on equality. The Minister is now also Minister of Agriculture, Food and Fisheries. The Minister has at her disposal a State Secretary and a Political Adviser for Gender Equality.

- *Division for Gender Equality*: Established in 1983, this Division is placed within the Government's services (Cabinet) and was in 1995 attached to the Ministry of Health and Social Affairs. Among its main objectives are to assist the Minister for Gender Equality in co-ordinating the government's policy in this field; initiating training for the Cabinet Office and other government authorities regarding equality between women and men; reviewing written communications from other ministries to Parliament to ensure that a gender perspective has been considered; processing

applications for funds for development work and projects within the field and providing information regarding the Government's policy and work for gender equality. The Division is now attached to the Ministry of Industry, Employment and Communications.

- *Council on Equality Issues*: Established in 1981, this mixed independent advisory body is linked with the government through its chair, the Minister for Gender Equality. Its objective is to exchange information and ideas and discuss current gender equality issues and to express an opinion on government policy. The Council meets 4 times per year.

- *Equal Opportunities Ombudsman*: (see Part III on Ombuds, page 24).

- *Equal Opportunities Commission*: is a governmental authority under the auspices of the Ministry of Industry, Employment and Communications and was established in 1980 by the Equal Opportunities in Employment Act. The commission is charged with ordering an employer, following an application by the Equal Opportunities Ombudsman and under penalty of a fine, to comply with the requirements set forth in the Equal Opportunities Act concerning active measures to be taken by the employers. The Commission consists of lawyers, representatives of the social partners and experts on labour market and on equality issues.

- *Regional Experts for Gender Equality*: Since January 1995, an expert on gender equality is to be found in each County Administrative Board. The Expert supports the implementation of the national policy for gender equality at the regional level and promotes and develops the integration of a gender perspective within the various regional policy fields.

- *Officers at local government level*: These officers co-ordinate activities to promote equality within their communities.

## **5. Parliamentary bodies to promote gender equality**

The establishment of a national machinery to promote gender equality can be initiated also at Parliamentary level – not necessary at Governmental level – by creating within the National Assembly a body with a mandate to secure gender equality, usually a Commission or a Committee.

Parliamentary bodies for the promotion of gender equality are more likely to be established in those countries where there is a need and a will to compensate a lack of women representatives in the Parliaments and/or a lack of clear mandate and authority of the governmental structure for gender equality.

Various countries of Central and Eastern Europe first established a Parliamentary body with the specific mandate to secure gender equality. Yet, gender equality issues and women's issues have often been dealt with by other Parliamentary Committees, usually by the Committee on Family, Women and Children or the Committee on Health. In Croatia and in Hungary, these issues are addressed by the Committee on Human Rights and in the Czech Republic they are handled by a subcommittee of the Petition Committee.

In parliaments where the proportion of women is over 30%, women parliamentarians have formed so-called women's caucuses, an inter-party group of women regardless of their affiliation, which allow women to discuss issues on the parliamentary agenda and prepare a collective strategy.

Whenever a specialised body exists, a crucial challenge is to secure the presence of a fair number of men in it and to reach consensus on key legislation affecting women.



These Parliamentary bodies are usually established by Decree and they differ in terms of mandate and main tasks. These may include:

- to initiate legislations, to monitor their implementation from an equal opportunities point of view and to evaluate the follow-up;
- to promote women's rights and to define strategies and measures to secure equal opportunities;
- to give advice, adopt resolutions and produce surveys.

A Parliamentary body can request from Government and other State institutions information, data and particular documents relevant to its policy and legislative developments. Furthermore, it can commission researchers to carry out surveys and studies on specific issues.

The composition of the working body depends on the number of deputies in individual party groups; in principle each party group of deputies should have at least one representative in each working group. The body will be chaired by a President.

## **6. Examples of national gender equality machinery at parliamentary level**

### **Albania**

*Group of Parliamentary Women:* in 1994, a group of parliamentary women was set up to protect and promote women's rights. After the Beijing Conference, the group was replaced by a sub-commission for Youth and Women (11 members).

### **Belgium**

- *Advisory Committee for Equal Opportunities between women and men:* established in 1996, this parliamentary commission is attached to the High Chamber of the federal Parliament. Its objective is to ensure the follow-up and the evaluation of legislative initiatives and government policies from an equal opportunities point of view, as well as to give incentives in order to orient legislation and government policy towards greater concern for equal opportunities. It gives advice, adopts resolutions and produces reports. It does not have a separate budget.

### **Estonia**

- *Association of Parliamentary Women:* founded in 1998. it brings together women MP's deputies from different parties. The association functions as an observer and supporter of gender-related legislation in Parliament. It holds a meeting every month.

### **France**

- *Two Parliamentary delegations on women's rights and equal opportunities for women and men:* these delegations were set up under Act No 99-585 of 12 July 1999 in both chambers of the French Parliament. Their tasks include informing the two chambers about the implications of government policy for women's rights and equal opportunities for women and men, monitoring the implementation of legislation and drawing up an annual activity report containing recommendations, etc.

### **Lithuania**

*Women's Parliamentary Group*: this parliamentary group was established in 1997 and located within Parliament. It consists of 15 members. It initiates legislation and it is involved in parliamentary procedures.

### **Portugal**

- *Parliamentary Committee on Parity, Equal Opportunities and the Family*: This committee was set up by the Parliament elected in 1995 with a term of office equivalent to that of the legislature (4 years). It endeavours to analyse and study sectorial policies at the national level, define strategies and policy measures to secure equal opportunities, evaluate the implementation of current legislation in the field of parity and equal opportunities and ensure that it is actually applied. It collects information and opinions, accepts reports/opinions from the general public, requests or proposes specialists and carries out information or research assignments.

### **Slovenia**

- *Women's Policy Commission*: The Commission was established within the Slovenian Assembly in 1990. It monitors the position of women and submits proposals before the Government and the Assembly for improving their situation. The Commission members requested that the government set up a ministry or an office for equal opportunities policy. After the 1996 elections, the Commission was renamed Equal Opportunities Policy Commission and set up at committee level in the National Assembly. The mandate it had over the previous six years was extended and it was entrusted with greater competencies in dealing with these matters. The Committee consists of ten members. It performs its tasks in co-operation with independent experts.

### **Spain**

- *Mixed Commission Congress-Senate of the Spanish Parliament*: this Commission, in which the parliamentary groups are represented, is a co-ordinating organ for the promotion, defence and study of issues related to women's rights.

## PART II: NATIONAL ACTION PLANS

### 1. What are national action plans?

National action plans are commitments made by governments to promote equality. Their implementation is entrusted to various actors, mainly the national equality machinery and its different agencies at the national, regional and local levels. In some countries specific regional actions plan exist. Non-governmental associations working for equality and/or the social partners often assist with the implementation of these plans. A growing practice, encouraged by many governments through national action plans, is the adoption of equal opportunities plans in private enterprises.

It is interesting to note that most member States of the Council of Europe set up action plans to promote equality (or “equal opportunities plans”) after the Beijing World Conference on Women, sometimes taking strategies directly from the Beijing Platform for Action. The countries having a longer tradition of national machinery have sometimes set up a more focused plan, working on specific areas of concern in the Platform.

By co-ordinating the preparation of a national plan for action, the division, council or ministry strives to make the rest of the central government take responsibility for the promotion of gender equality. The use of this tool is based on the political activity of the minister and on the political will of the government. The initiative, however, can also come from Parliament, or from an advisory council.

Action plans often include measures implying compulsory procedures and target setting. Target setting is necessary in order to monitor the action plans and to measure the progress made thanks to the plan. Targets are also useful as a tool to benchmark countries.

### 2. Examples of national action plans

#### Belgium

In 1996, a law was published at federal level concerning the monitoring of the application of the resolutions reached at the Beijing Conference. Each year, three reports have to be presented to Parliament on policies concerning the objectives of the Beijing Conference. The first report is prepared by the government. The two other reports are prepared by the minister responsible for equal opportunities and the State Secretary for development co-operation, covering only the fields lying within their responsibility. In 1997, a similar law was created by the Flemish community. The National Action Plan for the implementation of the Beijing Platform for Action was established in 1998. It provides for measures covering all critical areas of concern set out in the Beijing Platform for Action.

#### Denmark

Governmental plans of action were introduced in the Parliament in 1986 after the Nairobi Conference. Progress has been checked by Parliament every three years since then. In 1996, the Ministry of Foreign Affairs submitted a statement on the follow-up of Beijing to the National Assembly. The following issues are addressed in the statement: **a) integration of gender aspects into policy, planning and legislation;** preparation of guides for local governments; **b) education:** revise curricula, teacher training; provide vocational guidance, achieve equitable distribution of teachers at all levels, steer girls into technical and science fields; **c) employment:** eliminate gender segregation in the labour market, work on legislation, incentives, reconciling work and family life,

collect statistics, promote equal pay **d) decision-making**: achieve balanced composition on public boards, councils; **e) violence**: focus on legislation, foreign women in Denmark, preventive campaigns.

### **Finland**

In 1997, the State Council approved the “National Plan of Action 1997-1999 for the Promotion of Gender Equality”, which was elaborated by the Finnish government (Minister for Equality).

The Beijing Platform for Action contains three main principles: the empowerment and advancement of women, the promotion and protection of the human rights of women and the promotion of equality through gender mainstreaming. The Equality Programme of the Finnish Government is based on these principles.

The objectives set out in the Action Plan were carried out as projects or tasks (96 projects in all). Major achievements of the plan were a five-year, cross-sectorial project for the prevention of violence against women and a considerable expansion of support for women’s entrepreneurship.

### **Hungary**

In 1997, the Hungarian Government issued resolution 2174/1997 (VI 26) for the implementation of the resolutions drawn up in the Beijing Platform for Action. The National Programme for Action focused on: the advancement of women’s rights as human rights; measures for the implementation of equal opportunities for women and men; the removal of women’s disadvantages and the advancement of their status; the reduction of gender bias in education and training; the prevention of violence against women; the co-ordination of the Programme for Action and the collection and dissemination of information and publications. The most successful sections of the national Programme for Action were the ones dealing with women’s rights as human rights.

### **Iceland**

The Governmental Plan of Action for the period 1998 to 2002 points out gender mainstreaming as one method to promote gender equality. The Ministry of Social Affairs (which is also the Ministry for Gender Equality) will organise a seminar for all directors and heads of government institutions on the situation of women and men and the role/obligation of each institution to improve it. Another project is to evaluate government bills, reports etc., submitted to parliament, according to a gender perspective.

It should also be mentioned that all governmental statistics should be gender segregated. Some local governments have action plans on gender equality, focusing (among other things) on informing civil servants and heads of institutions about gender equality.

### **Norway**

Few national action plans regarding gender equality are being prepared, more as an exception than a rule. At the moment, a national plan to combat violence against women is being finalised. An action plan against forced marriages as well as measures to combat trafficking in women are also being prepared. (The very first national plan from 1981 concentrated on education and work).

In principle, ministries and officials can draft an equality plan either on the initiative of the government or on their own behalf. Equality plans can, however, also be connected to legislation on equality. In the Norwegian and Finnish equality laws, for example, the promotion of equality is the set duty of officials. This task has been interpreted as an active obligation that is the official must make changes and develop conditions to promote equality. In Finland, approximately half of the ministries have drafted an equality plan. In Norway, for instance, the objective of the national equality plan is to bring the viewpoint of equality into administrative procedures, planning, and formulating policies.

## **Portugal**

The first overall Plan for Equality was adopted on 6 March 1997. The Plan comprises nine comprehensive measures and several sectorial measures aimed at integrating the principle of equal opportunities into all policies. The comprehensive measures include: providing central and regional government officials and civil servants in the social solidarity institutions and the educational sectors with information on national and Community rules. The officials are then supposed to pass this information on to the general public; encouraging the inclusion of equality themes in training courses for central, regional and local authority staff; promoting the incorporation of gender and equality issues into school curricula and training courses; and providing for gender indicators in the data gathering and recording instruments used by public statistical bodies.

The sectorial measures concern the following fields: a) violence, including measures to prevent violence and protect female victims of violence; b) employment and labour relations; c) reconciling private and working life; d) social welfare for mothers and families; e) health; f) education, science and culture.

Many Ministries were involved in implementing this plan, which was evaluated one year after its launch. A second overall Plan is currently being developed, and is about to be submitted to the Minister for Equality.

## **Sweden**

In 1988, the Swedish Parliament passed a Government Bill on policy for equality, which contained a five-year plan of action. The Bill included measures to increase the proportion of women in state committees. The plan was further reinforced by a 1991 bill which included resources to prevent violence against women. In 1993, a new bill, Shared Power/Shared Responsibility, was presented to the Swedish Parliament. It proposed tightening up the Equal Opportunities Act and the introduction of a "father's month" in the parental insurance system. The national action plan of Sweden to implement the Beijing Platform for Action was elaborated by the Government and adopted by Parliament in 1997 and it covered the 12 critical areas of concerns.

### **3. Gender balance in appointed bodies, boards and councils**

Linked to the national action plans is the percentage of women in committees, boards, councils, etc., appointed by the state, provinces or municipalities, which have an impact on formulating policies and preparing decisions in the public administration. The percentage of women involved in these bodies has traditionally been low. That is why the need for **positive action** in this area should be specifically stressed.

It is commonly admitted that in order to have an influence on decision-making, women need to reach the "critical mass" of at least 30%. These provisions (or quotas) are introduced as a general rule to accelerate *de facto* equality.

#### **4. Examples of promoting gender balance in appointed bodies**

##### **Belgium**

The law from 1990, modified in 1997, aiming at promoting the balanced presence of women and men in organs competent to give opinions, states that a maximum of two-thirds of the members of a consultative organ must be of the same sex (obligation of results). The modification of 1997 took into account that the formerly required double nominations of one woman and one man gave no guarantee that the organs were actually gender balanced.

##### **Denmark**

Public boards and committees established by a minister should have a balanced composition of men and women. Moreover, authorities in the civil service, which are directed by boards, councils or other forms of collective management, ought to have a balanced composition of men and women.

##### **Finland**

The quotas in appointed bodies have raised the proportion of women tremendously. In governmental committees the proportion of women is around 43% (compared to 28%), in municipal executive boards the percentage of women has risen from 25 to 45, and in municipal committees from 35 to 47. In agencies and institutions appointed by the ministries the percentage of women rose from 27 to 40.

##### **Iceland**

The Act on Equal Status and Equal Rights of Women and Men states that, wherever possible, an approximately equal number of women and men shall be appointed to boards, committees and councils under the auspices of the government, local government and organisations.

##### **Norway**

The Gender Equality Act requires that all public bodies must include a minimum of 40% of each sex. Exceptions may be granted only where special circumstances render the requirements evidently unreasonable.

##### **Sweden**

The government adopted a three-year programme to increase female representation in decision-making bodies. The strategy has three steps: 1) to make the shortage visible by statistical monitoring and reports made to the Parliament; 2) by establishing time-specific goals to increase the proportion of women on state boards and committees and 3) the pursuit of measures to help achieve these objectives. The goals set for increasing women's representation were 30% by 1992, 40% by 1995, and 50% by 1998.

### PART III: DISCRIMINATION LAW AND ENFORCEMENT: THE NORDIC EXAMPLE

#### 1. Equality Acts and Ombuds

The Equality Acts in the Nordic countries came into effect in: Iceland, 1976; Denmark, 1976 and 1978; Norway, 1979; Sweden, 1980 and Finland, 1986. They differ from each other to a certain extent, but their most essential objectives are the prohibition of discrimination by sex the regulation of investigations into alleged cases of discrimination and the creation of the official post of Equality Ombuds. The Ombuds is responsible for ensuring that the provisions of equality law are complied with. A special post for the Office of the Equality Ombuds exists in Norway, Sweden, and Finland.

**The Equality Ombuds is an independent government authority.** It is the task of the Ombuds to give information concerning equality law and the promotion of equality. The Ombuds and the Acts on Equality are very visible.

The statements of the Ombuds and the rulings of courts of law concerning cases of discrimination attract a great deal of public attention. Additionally, the Ombuds publishes bulletins and annual reports in which certain cases are discussed in detail. This system effectively increases women's awareness of their rights.

Other essential principles of the equality acts include temporary special measures aimed at accelerating *de facto* equality between women and men, the prohibition of direct and indirect discrimination<sup>7</sup>, the reversal of the principle of the burden of proof and the Ombuds' right to obtain information and sanctions.

The Equality Acts in Nordic countries prohibit discrimination by sex; hence both women and men have the right to appeal. Cases are usually brought by people who feel that they have been discriminated against. An individual can request a statement from the Ombuds on whether the prohibition of discrimination defined by the Act on Equality has been violated in her/his case. The Ombuds issues a statement to the individual who then uses it to solve her/his case. The Ombuds can provide assistance in solving the cases.

A lawsuit can be pressed on the basis of the presumption of discrimination in a court of law, which can order compensation for the victim of discrimination. Punitive damages can also be ordered. The Swedish Ombuds can advocate the case in the Labour Court. **The aim of the institution of the Ombuds has been to create an organ that is more approachable than a court of law so that people who have actually faced discrimination will seek assistance.** In Norway and Finland, the Ombuds receives approximately 200-300 requests for statements per year, and additionally provides consultation by telephone.

---

<sup>7</sup> Both direct and indirect discrimination should be prohibited. Legislation in general prohibits direct discrimination on grounds of sex and marital status. Direct discrimination encompasses sexual harassment, and discrimination on the ground of pregnancy. Indirect discrimination made unlawful tends to consist of a prohibition of any practice, policy or situation which is continued, allowed or introduced and which has a significant adverse impact on a particular sex, and which cannot also be demonstrated to be necessary by the person adopting that practice or policy. (See Introductory report by Dr C. McCrudden, Proceedings of the international workshop on national machinery to promote equality between women and men in central and eastern European countries.

## 2. Examples of an Equal Opportunities Act

### Finland

#### *Act on Equality between women and men*<sup>8</sup>

- aims at promoting equality between women and men;
- prevents direct and indirect discrimination based on gender;
- improves the status of women particularly in working life;
- facilitates the reconciliation of working life and family life for women and men;
- prohibits discrimination in advertising jobs and training vacancies;
- gives those discriminated against in working life a right to claim compensation;
- obliges the authorities to change such circumstances that prevent the achievement of equality;
- requires that men and women shall be provided equal opportunities for education and occupational advancement;
- demands an even distribution of male and female members in state and municipal bodies.

The observance of the Act is monitored by:

- the Ombuds for Equality

The Act does not apply to:

- activities connected with the religious practices of religious communities;
- the Act does not authorise anyone to interfere in families' internal affairs or in people's private lives.

### Sweden

The Swedish Equal Opportunities Act makes clear that its primary concern is the improvement of women's conditions in working life. The law may be divided into two major parts. The first relates to the employer's obligation to actively promote equal opportunity plans and to follow them up.

The second major part of the Act concerns the prohibition of discrimination against individual employees or job applicants on the grounds of their sex, and the prohibition of sexual harassment.

The Act also contains rules on the monitoring of compliance with the law and on the sanctions employers may expect if they fail to live up to it.

## 3. Examples of Ombuds

### Finland

- *Ombuds for Equality*: Set up in 1987, the Ombuds is attached to the Ministry of Social Affairs and Health. His/Her objective is to supervise the application of the Act on Equality between Women and Men. He/She brings about action if a breach of law has occurred, provides information on equality legislation and its application and monitors the attainment of gender equality in different sectors of society. The Ombuds for Equality is assisted by the *Office of the Ombuds for Equality* that also carries out work for the Council for Equality. This Office is responsible for drafting and issuing statements concerning discrimination related to equality.

### Norway

- *Ombuds for Equal Status of Women and Men*: The Ombuds was established in 1979 by the Equal Status Act. It is an independent body, administratively attached to the Ministry of Children and Family Affairs. His/Her objective is to ensure the implementation of the Act in collaboration with the Gender Equality Boards of Appeals. The Ombuds receives, examines and tries to resolve complaints

---

<sup>8</sup>The Act on Equality between women and men is in the process of being reviewed.



of sex discrimination in all areas. If no friendly settlement can be achieved between the parties, he/she submits the case to the *Gender Equality Board of Appeals*. The Board settles disputes, in which a friendly settlement has proved impossible. It also issues orders and injunctions and can impose sanctions in case of non-execution of its own, or the Ombuds', decisions.

#### **Sweden**

- *Equal Opportunities Ombuds*: it is a governmental authority under the auspices of the Ministry of Industry, Employment and Communications and was established in 1980 when the Act concerning Equality between Men and Women came into force. The primary task of the Ombuds is to ensure compliance with the Act. This takes place through advice and information and through negotiations with individual employers and employees or their organisations. The Ombuds also provides assistance in disputes regarding violations of the Act's ban on sex discrimination and may also invoke other legislation. The Ombuds may also, upon request or on her/his own initiative, review matters regarding provisions in the Act governing the duties of the employers to take active measures for equality at the workplace. Another important responsibility of the Equal Opportunities Ombuds is to inform the public and in other suitable ways facilitate equality in the workplace. Through information and education, the Ombuds also works to achieve equality in the area of education.

#### **4. Equality plans in the workplace**

The acts on equality in Sweden and Finland, for example, oblige employers to carry out active equality work or to promote equality. This obligation concerns employers in both the public and private sectors. The obligation to promote equality includes developing working conditions in such a manner that they are suitable for both women and men, to allow both men and women to have the opportunity to combine work and family life, to ensure that employees are not exposed to sexual harassment, to promote equal pay and an appropriate gendered division of labour in different tasks and hierarchy levels.

Even though the law obliges the employer to draw up an annual equality plan, this may not happen if union members or other active individuals do not press for it. This is even more true for the execution of the plan. Actual promotion of equality is once again dependent on the will of the participants in the process. Equality law and regulations are tools that must be used by individual women and men who are aware of their rights and want to protect them.

#### **5. Examples of equality plans**

##### **Sweden**

According to Swedish law, an employer who has at least 10 employees has to draft an annual equality plan which includes gender-specific pay statistics, distribution of employees by position and occupation, new recruits, promotion, etc.

##### **Finland**

Equality planning offers a tool for promoting equality in working life. The act obliges each employer with a workforce of at least 30 employees to include measures for furthering equality between women and men at the workplace in the annual personnel and training plan, or to include such measures in the plan of action for labour protection. A separate equality plan can also be drawn up at the workplace. Equality planning can cover, e.g. the development of recruitment procedures, promotion of women's career advancement, working conditions, remuneration, personnel training, participation in working groups, exercise of family policy rights, the equal placement of women and men in jobs, attitudes to equality, the creation of a system of equality contact persons and the promotion of equality in the management.