



EUROPE AND NORTH AMERICA

**Commonwealth of
Independent States (CIS)**

*Armenia, Belarus, Georgia,
Moldova, Russia, Ukraine*

European Union (EU)

Canada

United States

COMMONWEALTH OF INDEPENDENT STATES (CIS)

Dramatic Economic, Political and Social Upheavals

The former Soviet republics of Armenia, Belarus, Georgia, Moldova, Russia and Ukraine are all now part of the Commonwealth of Independent States (CIS). They have not yet acceded to the European Union.

In the Soviet Union, women were legally guaranteed equal rights to education and to political and economic participation. All CIS governments have carried over these achievements in their constitutions, in addition to ratifying CEDAW and adopting the Beijing Platform for Action. With the support of international institutions, and in partnership with civil society, they have taken some steps towards fulfilling their commitments to empower women in economic and social spheres, and mainstream gender across public programs. Yet wide disparities remain between what has been said on paper and what is practiced in reality.

For women in the CIS, conditions have actually worsened in many ways since Beijing. The last decade has been a time of dramatic economic, political and social upheavals. Neo-liberal market reforms have brought privatization, liberalization and a definition of macroeconomic discipline inspired by the international financial institutions. These changes have redistributed economic assets and social services, and shifted the balance of power.

Gender has been an important factor in the reforms, given the unequal position of men and women prior to 1989. But the transition policies have not taken it into account. Men have gained economic assets, while women, as the primary care takers, have picked up a disproportionate share of the negative consequences, including price

increases and cuts in public expenditures that have stripped away health, education and family benefits. Even benefits that remain, such as pensions and stipends for students, are often waylaid by mounting foreign debts and constant budget deficits. Not only do women suffer first and most from developments like these, but their ability to participate in economic, social and political life over the longer term is also minimized.

While the CIS countries subscribe to the principle of gender mainstreaming in public policies and actions, as outlined in the Beijing Platform for Action, the need to balance gender equality with other public policy goals remains a challenge, as does the question of how to overcome engrained cultural patterns of inequality and gender stereotypes. Despite obvious disparities, political parties and their leaders still do not seriously consider gender and women's issues, and women are mostly absent from policymaking processes. Political figures often dismiss women's concerns and fail to place these concerns on the agenda. This demonstrates not only their faults as politicians, but also their lack of understanding of the responsibilities that every country has after signing and ratifying numerous international protocols and conventions.

In short, serious deviations from the fundamentals of sustainable social development—social justice, gender equality and human rights have accompanied the process of the CIS joining the global economy. Constitutional guarantees of women's equality have not been enough to contain the damage to women's social, economic and political standing.

HUMAN RIGHTS

CEDAW Compliance

Belarus, Russia and Ukraine ratified CEDAW without reservations in 1980, and Armenia, Georgia and Moldova acceded to the treaty in 1993-1994. Georgia, Russia and Ukraine ratified the Optional Protocol to CEDAW in 2000-2001; Belarus signed it in 2002, but has not yet ratified. Armenia and Moldova have not signed the Protocol. All CIS countries report regularly on the status of women to the CEDAW Committee, and take treaty provisions into account in preparing national documents. There is no discriminatory legislation regarding equality between men and women, and all countries have adopted national action plans and set up institutional machineries for women's advancement after Beijing.

All countries have also ratified the international Convention on the Elimination of all Forms of Racial Discrimination and the Convention of the Rights of the Child.

National Law

CIS countries have an advantageous position

in terms of women's rights. They are young states still in the process of being formed and have already enacted legislation that guarantees the rights of women to work, to receive equal pay for equal labor, to elect and be elected, and to take maternity leave. Those who violate the labor laws prohibiting the dismissal of pregnant women and women with children face prosecution. All countries also have legislation that prohibits harmful child labor, child prostitution and child pornography. Except Armenia, all have ratified the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

Progressive laws, however, have not curtailed discrimination against women. Despite solid legal frameworks, there are no effective mechanisms to monitor and enforce them. Most countries have not passed gender-specific anti-discrimination or equal opportunity legislation. A common argument is that specific legislation against gender-based discrimination is redundant, because there are already more generic anti-discrimination laws. Only Russia has introduced the

Law on Government's Guarantees of Equal Rights and Freedom for Men and Women. In Ukraine, the Law on Equal Rights and Opportunities for Women and Men is still under discussion in Parliament.

Public Awareness

There is a lack of comprehensive human rights education in schools and universities all over the region, and women's human rights in particular are not included in school and university curricula, or in training for members of the national security forces. In Belarus, the state does not support any forms of human rights education in school curricula, and even throws up barriers to NGOs involved in such activities. Human rights awareness campaigns are considered political, with the potential to undermine presidential power.

It is mainly national NGOs and international organizations that carry out human rights awareness activities among women. Some guidelines are available on how to use legislation to exercise individual rights, such as "Women's Rights: Step by Step", published

by Women, Law and Development International and Human Rights Watch in Ukraine.

Violence Against Women

All CIS countries punish violence against women according to the criminal code and some more specific laws (for example, the Law on Prevention of Family Violence in Ukraine). Nonetheless, women frequently suffer from violence. Although the reported rates are quite low, it is generally acknowledged that these crimes are under-reported due to traditional stereotypes or a lack of confidence in law enforcement agencies. This is particularly true for domestic violence. The persistence of violence also stems from limited awareness of regulations and mechanisms, a lack of effective measures to deal with the underlying causes and the prominence of violent acts in the media.

To date, governmental assistance to victims of violence is inadequate, given that countries struggle with limited financial resources, limited international and national inter-agency cooperation, overly complex bureaucracies and corruption. There are few programs to train judicial, legal, medical, social, educational, police and immigration personnel. Services in all of these areas are limited, and most support to victims of violence comes from NGOs and international organizations. There are few shelters where women can go for refuge, and these are usually small and lack professionals such as lawyers or psychologists to give assistance to victims of violence. They are also expensive to found and run. The introduction of special training for law enforcement officials on domestic violence and trafficking in women is a good starting point in Moldova and Ukraine, but more work is needed.

Today, a dramatic increase in the number of women being trafficked from the CIS, especially to Western Europe and also to North America, is a growing concern in most countries. Since 1989, according to United States State Department estimates, between 120,000 and 175,000 women from Eastern Europe and the CIS have joined the sex industry in Western Europe each year.

Governments have significantly increased their efforts to combat trafficking in human beings over the past four years, in part by adopting a series of new laws. In March 1998, the Criminal Code of Ukraine was amended, making Ukraine one of the first countries in Europe to formally criminalize



this offense by adopting a discrete “Trafficking” provision. Subsequently, in April 2001, the legislature adopted a new criminal code, making trafficking in human beings an indictable criminal offense.

CIS countries are party to several international instruments that address problems directly linked to trafficking, such as forced labor, slavery and slavery-like practices, discrimination against women, children’s rights and migrants’ rights. Four out of six countries (Georgia, Moldova, Russia and Ukraine) signed and two (Armenia and Belarus) ratified the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime. Efforts should now be made for all the countries to ratify these international instruments and to bring domestic legislation into accordance with them.

PEACE AND SECURITY

Security Council Resolution 1325

In terms of international commitments, the level of public awareness about Security Council Resolution 1325 on Women, Peace and Security is very low. Governments accept it as one more official document among others. Using the Resolution is therefore almost entirely up to women.

In 2003, women’s groups in Georgia created the Women’s Peaceful Council. Its goal is to popularize the Resolution among women and governmental officials, in order to make it an effective instrument for backing women’s participation in conflict resolution. The group’s most successful experience has involved bringing together women from opposite sides of Georgia’s ethnic conflict to build confidence, break down stereotypes about the enemy and encourage cooperation.

(Since 1993 Georgia has experienced three armed conflicts—Georgian-Abkhaz, South-Ossetian ethnic conflicts and the Tbilisi civil war). Women pushed MPs to accept them as equal partners in the peace process by organizing public hearings to be held for the first time in one of the halls of the parliament building.

In Chechnya and Russia, mothers desperate to save their conscripted sons have formed the Movement of Soldiers’ Mothers. This movement has grown in political force, leading to the creation of the United National Party of Soldiers’ Mothers in 2004 to protect the interests of draftees and their families, as well as women and children in general.

Asylum Seekers, Refugees, Internally Displaced

In some CIS countries, namely Armenia, Georgia, Moldova and Russia, conflicts have marked the transition period and have been a contributing factor to the displacement of huge numbers of people. Since the collapse of the Soviet Union, almost nine million people have moved throughout the territory for a variety of reasons related to instability, including ethnic conflict and civil war. The growth in slavery and the overall trade in people among those who are internally displaced is not surprising—nor are the gender differences. While most smuggled migrants are male, most trafficked persons from CIS countries are young women and children.

Without appropriate regulations and border controls the response to these uncontrolled flows of people has been mainly ad hoc. In the absence of laws on migrant labor, these workers face exploitation and abuse. Female migrant workers face the additional obstacle of traditional patterns of gender segregation in the labor market, which tend to limit their employment opportunities to domestic work, entertainment, hotels and restaurants, sales, garment and textile production, and assembly work in manufacturing controlled by traffickers in certain places. Living conditions for internally displaced people are abysmal, given the density of some populations and poor sanitary conditions. The level of infectious diseases is very high.

Many displaced women may have already suffered gender-based violence, including rape. They also face high rates of domestic violence when spouses and male family members explode in moments of blind rage and frustration. Some women end up coerced into

providing sexual favors in exchange for critical supplies such as food and shelter. Others have been forced into prostitution by their families in order to provide an income. In Armenia and Georgia, the state conducts training courses for refugees or internally displaced persons, women in particular. But the courses do not cover all the needs of these persons, such as training for the new occupations they have to acquire in new conditions.

None of the six CIS countries have signed the Convention on the Protection of the Rights of all Migrants and Members of their Families. Belarus ratified the Convention Relating to the Status of Refugees and Protocol Relating to the Status of Refugees in 2001; Moldova, Russia and Ukraine acceded to it in 2002, 1993 and 2002 respectively. Armenia and Georgia have not signed it. National laws and regulations in countries with armed conflicts have no gender dimension and do not cover women's and children's issues.

The International Criminal Court

Only Belarus has not signed the International Criminal Court. Armenia acceded to it in 1999; Moldova, Russia and Ukraine signed the Rome Statute in 2000; and Georgia ratified it in 2003. Nevertheless, public awareness of the court is very low, and there is no information on how it has been used to protect women.

POWER AND DECISION-MAKING

Discrimination against women in the political sphere is manifest in the sharp decline of women in the structures of legislative and executive power at all levels. At the outset of transition the share of women elected to parliaments plunged from 23-30 percent to less than 10 percent.

Then, between 1994 and 2004, the share of women in national parliaments increased in four CIS countries. Today, women constitute around 10 percent of parliamentarians in the Russian Federation, where the new Law on Political Parties promotes equal political participation for men and women. Georgia's Parliament is just over 10 percent female, while in Moldova, nearly 16 percent of parliamentary deputies are women, including the chairperson. Women make up 28 percent of those elected to Belarus' Lower House of Parliament. Only in Ukraine has women's share drop, from about 8 percent in 1998 to around 5 percent in 2002.

In general, women are grossly underrepresented not only in parliaments, but also in decision-making positions in government

Box 21. Bringing Women into Business

In Ukraine, Winrock International's Women's Economic Empowerment Project provides Ukrainian women with business and entrepreneurial skills. It offers training, access to credit and grants to NGOs that support women in business.

Working with six Ukrainian women's groups, Winrock has established women's business support centers in Donetsk, Kharkiv, Ivano-Frankivsk, Mykolayiv, Chernihiv and Crimea that offer three-month courses. Each hosts a U.S. Peace Corps volunteer with extensive business experience who consults on small and medium business operations.

Since 1999, more than 1,200 women have completed these courses, and nearly 400 have started or diversified businesses, creating more than a thousand new jobs in areas such as the hotels and restaurant industry and tourism. Another 1,200 women have taken short-term training seminars. Thirty-seven new women's business associations have been formed.

In 2001, Winrock International also launched a credit union program to provide loans in the same locations as the business centers. Working through local credit unions, the program began as a loan fund earmarked for graduates from the three-month courses who presented viable plans for starting a business or expanding an existing one. Many of these women would not otherwise qualify for bank loans or credit from donor programs.

The program's philosophy is to instill in participants the importance of responsible borrowing and credit management. Successful participants build a credit history that can make them more attractive clients to credit unions and banks. A first-time borrower is eligible for a loan of up to \$750; after successful repayment, that amount may be increased to \$1,500. After two successful repayments, it can be increased again to \$2,000.

Having granted \$325,870 in 354 loans to date, the program is now available to women who complete short-term training at the centers.

ministries and other institutions that are now presiding over major changes that will shape the future of CIS societies. This means that women have relatively little input into social and economic policies, even those with a dramatic impact on their lives.

Repeated studies of gender and voting behavior indicate that the absence of women in elected office results not from voting patterns in general elections but from party nomination practices. These in large part limit the number of women in parties and even more so in party executive committees. One common practice is to place women at the bottom of the electoral list. Since political parties are the channels to elected office, their role in increasing women's representation is clearly crucial.

To date, few positive measures, programs or networks support women in politics, and no country in the CIS has quotas. In 2004, Ukraine's former Prime Minister proposed a 30 percent quota for women in all governmental bodies, but Parliament backed away from the idea.

In some countries, women's political parties exist, but they rarely influence decisions, and may not support gender-sensitive policies. The Women for Future party in Ukraine often falls in line with government positions and advocates conservative policies. Most members are former Soviet bureaucrats and part of the Communist Party nomenklatura.

NGOs, not governments, conduct most of the available training programs to increase women's participation in decision-making. As for gender education for political candidates, NGO projects for female candidates in Moldova and Ukraine discovered that there was a greater emphasis on educating male rather than female candidates about gender.

After Beijing, all CIS countries developed national machineries (commissions, committees, councils on gender issues) devoted to advancing women, working out state policies and strategies related to gender, developing action plans, and coordinating gender mainstreaming into all national policies, strategies and programs. These were meant to engage with all forms of state governance—including the legislative, executive and judicial branches—as well as civil society.

However, most of these mechanisms lack resources and sincere political commitment, obstacles that severely constrain their impact on decision-making. They are often departments of women and family within ministries of social affairs, where they are vulnerable to being politically marginalized and viewed as having narrow mandates related primarily to supporting women as mothers.

From a broader perspective, a common hindrance to the implementation of national programs on gender is the weak gender awareness across all government structures. Mechanisms to analyze the specific roles and responsibilities of men and women, and the problems they face, are not in place. This makes it impossible to ensure that national policies, strategies and programs are responsive to all sectors of the population.

POVERTY ERADICATION

Macroeconomic Policies, Development Strategies

Under pressure from the multilateral financial organizations, mainly the IMF and World Bank, CIS countries have undertaken traditional market reforms. These have deregulated economies, decreased the role of the state in monetary and fiscal policies, and linked national economies to world economic processes such as globalization. Many forms of fallout have resulted. The full liberalization of prices has yielded monopolistic high prices, accompanied by a glut in production and a crisis of payments.

Domestic producers have not been able to compete with a flood of imports as transnational corporations have penetrated national markets and taken advantage of cheap labor. Public utility prices have skyrocketed, but without a corresponding growth in incomes, resulting in increasing numbers of defaulters and a rising tide of debt. Reducing state deficits called for slashing social programs and state subsidies to economic branches. Shock privatization instead of producing efficient private property holders, has given birth to a growing number of inefficient organizations, decreased economic activity and, in many cases, has led to the plundering of privatized assets.

Many of the CIS's perpetually indebted economies are now largely dependent on regular foreign financial injections. Inefficient financial management of these loans, which draw an increasing share of national budgets, makes debt repayment increasingly difficult. The export potential of most economies is inadequate for securing debt repayment on a scheduled basis.

In Georgia, the short-term debt repayment schedule was US\$110 million in 2002 and \$133 million in 2003, before shooting up to \$460 million in 2004. Russia's external debt rose from \$152.1 billion to \$159.1 billion within the first half of 2003. Ukraine's foreign debt has increased twice since 2001, and Belarus' went up 3.3 percent during September

2003 to reach \$360 million in October 2003. Debtor governments are obliged to prioritize debt repayments over spending on health, education, sanitation, clean water and other social needs. This has an extremely negative impact on women's access to all of these services.

Poverty in the CIS is one of the most critical challenges, yet tackling it has been difficult in the current period of transition because of policy gaps. In particular, there is no method for defining poverty; in fact, the term "poverty" is not even used. It is clear that while the impact of adjustment varies by country, women today constitute the largest number of the poor, powerless and disenfranchised. Rising poverty and unemployment has spurred prostitution and trafficking in women and children. The groups at greatest risk include single mothers, divorced women with children, rural women, elderly single women, disabled women, mothers with disabled children and unemployed women.

Poverty estimates based on respondents' own perceptions of their financial and social situations show that almost half the women living in CIS countries consider themselves poor. In Moldova and Ukraine, the figure is close to 70 percent. The lowest figure for the general population in the CIS is 22 percent in Belarus.

Russia has a slightly lower percentage of poverty than most of the region, at 50 percent. This is primarily due its tremendous natural resources. The recent economic recovery there, however, has not led to a significant decline in poverty rates because the growth of the GDP mainly benefits the richest part of the population and has not been redistributed to social funds.

No CIS country has yet developed a method of gender-sensitive analysis to evaluate the different impacts of structural adjustments on women and men, and there are few gender-sensitive programs and policies to address women's economic problems. Anecdotal evidence shows that although both men and women suffer from poverty, unemployment and weakened social services, women are more severely affected due to their reproductive and family responsibilities.

On a positive note gender budget related activities have recently begun in several CIS countries. Successful initiatives are currently underway in Georgia and Russia to assess how public resources are allocated and to identify shortfalls in terms of gender. A 2002 book, *Gender Budgeting—the First Experience in Russia*, calculated that gender segregation in the professions in the key economic fields leads to



Half of all CIS women consider themselves poor.

losses of 15–20 percent of the annual budget growth. The book also observed that women and children, who constitute two thirds of the population, receive one third of the aggregated state spending. The book concludes that if a more just gender distribution within the areas of labor, wages, property and resource ownership was insured, the state could be richer and better socially developed.

Employment Patterns, Women's Work

In all six CIS countries, existing legislation guarantees equal rights for men and women in the labor market. But the prevailing economic trends have fueled discrimination against women workers. They contend with disproportionately high levels of unemployment, unstable jobs, low salaries and the absence of social protection measures. Women are often compelled to agree to terms and working conditions that are highly detrimental to both their rights and their health. In general, they cannot afford common consumer services. Only 2 percent report using a laundry service and only 6 percent a dry cleaning service. Only 6 percent can buy convenience foodstuffs.

While the share of women in the economically active population is about 47 percent, 80 percent of discharged workers from 1994 to 2000 were women. Despite their relatively higher education, women also face discrimination when trying to get stable and well-paid jobs. A Human Rights Watch report¹ describes how Ukrainian employers discriminate against women job seekers in the way they announce vacancies and interview applicants. Since labor laws are rarely enforced, women are asked, for example, about children and family—questions never put to men.

Company directors consider women more expensive and less reliable workers because they have a right to take maternity leave. A common prejudice is that women give higher priority to the family than to professional careers. Employers also often pressure women to accept informal working arrangements so they can avoid paying benefits. A recent study on the informal sector reported that women were forced to sign undated letters of resignation, enabling the employer to fire

the lack of civil society confidence in the government. Back wages are most typical of the sectors traditionally dominated by women's labor, such as light industry, health, education and culture. With a wage gap already in place, mounting back wages further entrench discrimination against women in the workforce.

Although countries punish sexual harassment in accordance with their criminal codes, harassment persists. The survey "Basic Pro-

broad and comprehensive, and was mostly attached to, or directly provided through, the workplace.

The drop in social and employment benefits that has taken place in more recent years has left women with considerably less support for efforts to balance family and professional responsibilities. Research during the early years of transition indicated a fall in the GDP share of family benefits across the CIS, with the decline in family support disproportionately high compared to other public expenditures. The shortfall has resulted from both direct cuts and the failure to adjust benefits for cost-of-living increases.

Typically, maternity benefits have been maintained as employment-related social insurance benefits. Some countries have extended the length of maternity leave, for example, Armenia, Belarus, Russia and Ukraine. But studies report a growing gap between the number of mothers entitled to the benefit and those who actually take advantage of it. Legal or collective trade union instruments of enforcement are mainly absent, and some women fear that going on maternity leave might cost them their jobs.

The privatization of pension benefits has put women at a disadvantage due to breaks in employment for maternity leave and child care. Under the reformed pension systems, the employee's contributions over his or her working life determine the benefits. In this situation, women, whose work experience and wages are on average already less than men's, thus suffer a significant erosion of their longer-term security.

In agriculture, privatization and the creation of family-based enterprises often redefines women as unpaid family workers, without the social benefits they were previously entitled to as members of collective agricultural enterprises.

NGOs, women's business associations and other civil society groups have taken an active role in promoting women's employability. Many work directly with the most disadvantaged women, including those who are poor, live in rural areas or work at home. They offer training and support self-employment opportunities. A number of CIS countries, including Armenia, Moldova and Ukraine, have implemented special microcredit programs to support women entrepreneurs.

Under existing laws, women have equal rights to inheritance, ownership of land, credit, natural resources and appropriate technologies. But the privatization of national assets has had a strong male bias. Although a lack of official sex-disaggregated data prevents a

Education is one of the most important tools for women to achieve independence but in CIS countries it is not enough to open doors to well-paid jobs and good careers.

them without paying maternity leave should they become pregnant.

In most CIS countries, the gender wage gap has widened against the backdrop of falling real wages. In Russia and most other CIS countries, wages are only 40-50 percent of the 1989 level. While all countries have ratified the Equal Remuneration Convention and adjusted national laws to comply, women still earn only 60-75 percent of what men do in the region. The gap results from the concentration of female jobs at the lower end of the labor market and lower pay for work of equal value.

According to the International Labor Organization, a considerable proportion of women work in the totally unregulated and illegal informal business sector (over five million in Russia for example), and their share is increasing. Part-time employment is rising in both the formal and informal sectors. Although sometimes viewed as an opportunity for increasing worker flexibility, part-time employment also tends to be poorly paid and to lack benefits. Not surprisingly, labor force surveys suggest that workers would prefer full-time work, but accept part-time jobs because of a lack of full-time job options. Women are more likely than men to be employed part-time (close to 60-75 percent of women are part-time workers).

Non-payment of wages have become a common problem and practice in most of the CIS, particularly in Moldova, Russia, Ukraine and all the economies of the Central Asian region. Wage arrears, which can reasonably be considered a direct violation of human rights, account for growing poverty, restricted access to common public goods and benefits, the devaluation of the social importance of professional labor and

protection of the Ukrainian Population" interviewed 6,206 women and men in May 2002. One hundred and twenty-nine interviewees answered "yes" to the question, "Have you experienced sexual harassment at work?" Of these, 79.8 percent were women and 20.2 percent were men. Twice as many women as men agreed that policies against sexual harassment should be implemented.

Homemaking is still regarded as women's concern, and the "double burden" borne by women in CIS countries is significantly heavier than that of women of Western Europe—by 15 hours per week on average. Women put an average of 70 hours per week into tasks at home. Some national laws address this problem. For example, in Ukraine the Family Code ensures equal rights for men and women in the family and provides parental leave. Both men and women have the right to stay at home, with financial compensation, when a child is born, to receive sick pay when a child is ill. However, sidestepping these rights is a common practice in the new free-for-all world of the market-based economy. Men rarely take advantage of options such as paternity leave because of the prevalence of patriarchal stereotypes.

At the beginning of the 1990s, all CIS countries provided a variety of family benefits—in time, in cash or in kind—to support parents in bearing and raising children. Commonly, the range of benefits included maternity protection and benefits, often in combination with a birth grant, childcare leave (typically granted only directly following maternity leave), child-raising benefits and leave, and benefits for taking care of a sick child. Non-cash programs included subsidies for child-related goods and family services. Coverage of family benefits was

thorough evaluation, women as a whole have less start-up capital, more limited access to credit and less information about credit opportunities and training courses than men. By some estimates, privatization in Russia has left women owning only 5 to 7 percent of assets. Businesswomen serious problems trying to keep afloat in an extremely corrupt environment. The situation in other countries is not much better.

EDUCATION

All CIS countries have achieved the target of the third Millennium Development Goal on eliminating gender disparities in primary and secondary education, and have ratified the Convention against Discrimination in Education. Despite worrying economic trends and the emergence of gender gaps in some areas, however, there are no national action plans for equality and equity in education.

Generally, education is one of the most important tools to help women achieve independence. For women in CIS countries, however, education is not enough to open doors to well-paid jobs and good careers. Discrimination channels them into low-level jobs, with limited opportunities for professional and income growth. Those who are poorly educated and have low incomes not only face discrimination in the workforce, but are more likely to end up as victims of domestic violence and trafficking. Comprehensive efforts are needed to simultaneously raise the status of educated women, eliminate poverty and increase education levels.

Public Policy

Unfortunately, access to education has deteriorated in a few countries. Armenia's enrolment rates in basic education, for example, have declined. While opportunities for education often seem to be the same for boys and girls, disparities lurk below the surface. In some districts of East Georgia that are largely Muslim, only boys finish school. Girls attend for just six to seven years. Family expenditures for boys' education appear to have grown recently, a tendency particularly evident in mountainous areas, among non-Georgian populations and in large families.

Over the last decade, a reduction in the number of pre-school institutions has taken place throughout the CIS. The majority of six-year-old children stay at home, with many parents unable to pay rising fees for kindergarten services. The closures of schools, day care centers and kindergartens have transferred childcare responsibilities to women,

limiting their employment prospects and their participation in social and political activities within their communities.

No country has undertaken a gender analysis of textbooks and programs, making it likely that school education is not fully free from gender stereotypes. In Ukraine, the Ministry of Education has endorsed the draft of the first Basic Gender Course for universities, which is based on scientific and research studies. However, research on women and gender is still a marginal area in academic institutions in the region.

Equal access to lifelong learning is a concern in most CIS countries and, despite achievements, its availability is still inadequate. Adult education is now offered mostly by private companies, without quality control. It is often of low value and the fees are high. Among the gender-specific barriers are constraints on women's time related to their unpaid caring functions at home, but also discriminatory practices by employers, who are more willing to "invest" in male employees. Women's access to lifelong learning remains limited, especially for those over 45.

NGOs have launched their own educational programs with gender perspectives on issues such as domestic violence (the National Association of Public Societies in Russia); trafficking in women (Women for Women and La Strada in Ukraine, and the Moldovan Anti-Trafficking Initiative Project); women's political rights (Women's Political Club 50/50, within the project Women are Able to do Everything in Moldova); and women's economic empowerment (Georgian Association for Women in Business in Georgia, Women's Economic Empowerment Project of Winrock International in Ukraine, International Center for Advancement of Women in Business in Moldova). A regional project, Women for Conflict Prevention and Peacebuilding in the Southern Caucasus, works in Armenia, Azerbaijan and Georgia.

NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

Decision-making

In most countries, women remain underrepresented at all levels of decision-making related to managing natural resources and the environment. Few are trained as professional natural resource managers, such as land-use planners and environmental lawyers. There are no female environment ministers in the CIS, no gender units or specialists under the various environment ministries, and no state strategies for increasing women's access to and

Box 22. Networks Against Violence

In Russia, networks of women's groups have formed to combat domestic violence. NGO members provide education and services, and partner with state organizations such as police departments, state centers for family, youth and childhood, state shelters and higher educational institutions.

The number of crisis centers has grown, along with the forms of their support, which now include special hotlines. Today there are approximately 110 crisis centers in Russia—47 are members of the National Association of Public Societies Providing Aid for Women Suffering from Violence (ONA), which in 2002 provided 96,000 consultations.

NGO programs are also supporting professional women. ONA collaborates with psychologists and lawyers on joint consultations and legal work. Cases are now being handled that were previously considered hopeless, such as incest and murder threats.

However, the amount of support for victims of violence is insufficient. There are whole regions, where there are no crisis centers at all. The poor economic situation has slowed the provision of services and is likely to continue doing so.

ONA's national office is leading efforts to adopt special laws to counter violence. Collaboration with the Women's Aid Federation of England (WAFE) has produced a set of detailed recommendations for the executive and legislative branches of government. Experts from different women's NGOs participated in preparing the materials. The recommendations also include suggested changes in legislation, such as revising the criminal code to punish aggressors who take violent actions against relatives and other persons with whom they live.

control over resources. Within the Environment for Europe process, victory achieved by women's lobbying was the inclusion of a reference to "gender mainstreaming" in the final text of a declaration signed by environment ministers and heads of delegation from 51 countries in the UN Economic Commission for Europe.²

Gender Impacts

Over the last ten years, women's NGOs have made significant contributions to creating

environmentally healthy models of production and consumption as well as natural resource management.² Two examples are the National Campaign on Drinking Water initiated by the women's environmental NGO MAMA-86 in Ukraine and the regional campaign on nuclear contamination organized by the Movement for Nuclear Safety in Russia. Since poorer people are highly vulnerable to environmental disasters and environment related conflict, and women and children make up a disproportionate share of those in poverty, they are particularly affected by environmental mismanagement.

One of the most acute environmental problems in the CIS is nuclear contamination. The 1986 catastrophe at the Chernobyl nuclear plant in Ukraine contaminated huge swathes of Belarus, Ukraine and Russia. Nearly 70 percent of the radioactive substances emitted from the reactor fell on Belarus, contaminating 24 percent of its territory, and 3,668 settlements, with cesium-137. The total number of victims of the disaster comes to 3.2 million people, including one million children. The Ukrainian population, currently 48 million, will continue to undergo exposure to low dosage radiation for a long time.

Another major issue, inherited from Soviet agriculture, is the use and storage of unsafe agricultural pesticides. It is estimated that there could be as much as 30,000 tons of obsolete pesticides stored in inadequate facilities in Ukraine, posing a significant risk to the environment and the health of the population. In particular, there is a danger that these pesticides will seep into ground waters.

Despite the well-established links between environmental pollution and illness, there is no subregional system of environmental health indicators covering all the main environmental issues related to health, and no comprehensive method for collecting and reporting gender-disaggregated data.

In Belarus, Moldova, Russia and Ukraine, more than 50 percent of the rural population relies on water drawn by hand from local

sources, usually shallow wells. Sewage disposal in small rural settlements is at a critically low level (not exceeding 5-10 percent). This contributes considerably to the pollution of surface waters, rising groundwater under settlements and the deteriorating quality of groundwater and aquifers. Health risks from low quality water have become much greater than those accepted in the OECD countries. Water quality monitoring systems are poorly developed in all countries.

HEALTH

The transition period in the CIS has allowed a shocking deterioration in health. Morbidity has risen abruptly across the region following government budget cuts that have depleted quality and affordable health care services in all countries. For example, in Ukraine the number of hospital beds has dropped from 127 beds per 10,000 people in 1992 to 70 beds per 10,000 people in 2000. Since 1994, national expenditures on the public health sector in Belarus, Moldova, Russia and Ukraine have been cut at least four times.

Access and Affordability

The shift to a system that charges for health care has created insuperable difficulties for most people, with the cost of medical services sometimes exceeding the family budget. The right of access to free medical services guaranteed by the government exists only to a limited extent. As a result, people living on the margins often turn up at medical institutions only at late stages of illnesses or do not go there at all. Health care facilities are also more concentrated in cities, a barrier for rural residents.

As one of the most disadvantaged groups in the transition process, women sharply feel these shifts in public health care. Single parent families headed by women are particularly vulnerable. Women also make up for shortfalls in the care of the elderly or that result from measures to reduce health care costs by, for example, shortening the time that patients stay in the hospital. This means women are often forced to take a leave of absence from their paid employment, or in other ways have to lower their productivity.

Breast cancer is one of the most widespread diseases among women, accounting for almost half of women's deaths. The reasons for such a high mortality rate include late diagnosis and the high costs of the

relevant medical services. A growing number of maternal deaths also result from poverty or a lack of access to care; many involve complications from home deliveries or abortions.

Reproductive Health

All CIS governments have put programs in place to improve family planning and parental services. In Russia, the Commission on the Status of Women has called for guidelines to ensure that reproductive health needs are met. Armenia has adopted a law on rights and reproductive health care. The World Health Organization has selected Moldova as a pilot country for its Making Pregnancy Safer program, which includes initiatives to prevent breast and cervical cancer.

The number of abortions in the CIS has fallen over the last few years, but knowledge of contraception, although improved, is still lacking. In 1998, the Ministry of Education in Moldova initiated a course on contraceptive awareness and sexual education among secondary school students, but the program had to be halted just one year later because of financial difficulties.

Poverty and job insecurity are still the main reasons for terminating pregnancy, and abortion has become a profitable business for some medical practitioners. Despite some recent progress, the quality of abortion services needs to be further improved through more modern equipment and upgraded skills among abortion providers. In some countries, the exact number of abortions is unknown due to incomplete reporting and an unknown number of illegal abortions.

HIV/AIDS

In Russia, Moldova, and Ukraine, the incidence of sexually transmitted diseases has greatly increased in recent years. A situational analysis suggests that the real number of people with HIV exceeds the official statistics, and that the epidemic has reached a critical state. By some estimates, the region has some of the fastest growing prevalence rates in the world. In Russia, from 1995 to 2001, the rate of new infections doubled every six to twelve months. Russia was estimated in 2003 to account for 76 percent of all HIV infection in Central and Eastern Europe.

The statistics in the region already show that the disease has gone beyond the intravenous drug users initially affected by it. The male-female ratio is rapidly changing to reflect an increasing number of HIV-positive women. In Ukraine, women account for a growing proportion of new HIV diagnoses, from 1,270



Demonstrating for rights and justice.

(24%) in 1996 to 2,674 (38%) in 2001.

The fact that the sex industry is booming, combined with the high frequency of sexually transmitted infections and of drug use among prostitutes, suggests that prostitution may play an important part in the future spread of HIV in Eastern Europe. Studies from several locations in Russia estimate that between 15 and 50 percent of women intravenous drug users engage in sex work with some regularity, and in some cities there are few HIV prevention or information services available, particularly for workers in the sex trade.

All CIS countries have launched national programs on HIV/AIDS prevention that include gender concerns, such as prevention of mother-to-child transmission, along with special attention to minors and youth. Russia has adopted a federal law on preventing the spread of the HIV/AIDS and established new institutions for HIV prevention. In Belarus, HIV testing is carried out twice during pregnancy at public expense. NGOs substantially contribute to increasing awareness among girls of the danger of sexually transmitted diseases, and offer sex education for boys and girls that emphasizes their rights and responsibilities.

However, women in almost all the countries lack the ability to protect themselves from sexual exposure to HIV, even where condoms and other prevention programs may be available.

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1. The declaration was negotiated at the fifth of a series of ministerial conferences that took place in Kiev, Ukraine in 2003.

2. These groups include the Caucasus Environmental NGO Network, Center of Ecological Education and Information in Russia, MAMA-86 in Ukraine and others.

EUROPEAN UNION

Some Progress but Worrying Trends

Equality between women and men is one of the objectives and foundations of the European Union (EU). Moreover, through its legislation and policies, the EU has a great impact on the lives of the people living in Europe. In the area of gender equality, the EU has adopted legislation, programs and policies that have to be implemented at the level of the 25 EU Member States. Since the 1995 World Conference on Women in Beijing, some progress on women's rights has been made in the EU at the legislative level. The position of women in decision-making has improved and, thanks to the action of women's non-governmental organizations (NGOs), there has been a growing awareness about questions related to violence against women.

However, other developments in the last decade have at the same time started to slow progress towards gender equality. The trend towards market liberalization and privatization and the general reduction of funding for public services, which has been central to European economic policies, is proving to be a major barrier to women's economic independence and to the achievement of gender equality in different areas of life, including employment, public health and the reduction of poverty.

These developments have led to a greater feminization of poverty in Europe, less job security and a weakening of the European social model of social protection and public services. Widespread support for neo-liberal economic policies has also limited the scope for action both for individual Member States and the EU itself to put a stronger focus on the protection of fundamental rights, including social rights and women's rights. Another worrying trend is the negative influence of very conservative forces and religious fundamentalisms, in particular in relation to women's sexual and reproductive rights.

Institutional Structure

The EU is a regional grouping of democratic European countries, where the Member States have set up common institutions to which they delegate some of their sovereignty so that decisions on specific matters of joint interest can be made democratically at European level. As of May 2004, 25 countries are members of the EU, with Bulgaria, Croatia and Romania scheduled to join in 2007. It is anticipated that formal negotiations with Turkey will start soon.

The institutional structure of the EU includes the European Parliament, the democratic voice of the peoples of Europe. The power of the European Parliament within the legislative and budgetary process of the EU has increased steadily over the last two decades, although it does not have the full legislative powers that national parliaments usually have. The current Parliament (2004-2009) has 732 Euro-parliamentarians or MEPs, and 30 percent (or a critical mass) of the elected MEPs are women.

The Council of the European Union is the main legislative and decision-making body in the EU. It brings together the representatives of all the Member States' national governments. The Council, together with the European Parliament, sets the rules for all the activities of the European Community (EC) and for intergovernmental cooperation on common foreign and security policy and on justice and home affairs.

The European Commission carries out the day-to-day work of the EU. It drafts proposals for new European laws, which it presents to the European Parliament and the Council. The Commission moni-

tors the implementation of EU decisions and legislation and supervises how EU funds are spent. It consists of 25 women and men (currently 32% women) nominated as Commissioners by each of the Member State, assisted by about 24,000 civil servants. The Commission is appointed for a five-year term.

Due to the particular structure of the EU, but also to the need to bridge the democratic gap between citizens and the European institutions, NGOs are very active at European level. Dialogue with civil society at European level, in particular with the European Commission, is organized without formal rules and procedures; there is no official consultative status for NGOs at European level or general rules for consultation that would apply to all NGOs.

In the European Parliament, the Committee on Women's Rights and Gender Equality regularly organizes hearings, and women's NGOs from different levels are always invited to present their views. The Council of Ministers is the most closed of the EU institutions; access is rather limited and no formal consultation of NGOs is organized. Different EU presidencies organize activities and meetings during their term.

EU Enlargement and Women's Rights

The enlargement of the European Union, first to 15 Member States with the entry of Sweden and Finland in 1995, and then to 25 with the accession of 10 new countries from Eastern and Central Europe in 2004, has had a significant impact on many areas of the structures and policies of the EU, including gender equality. Equality policies in the EU were strengthened by the combined effect of the membership of Nordic countries and the outcome of the 1995 Fourth World Conference on Women—the Beijing Platform for Action. The enlargement of the EU to include Eastern European countries is a major turning point, which has had mixed implications for women from the new Member States.

The legitimate expectation of many women's NGOs in these countries was that EU membership and the implementation of EU gender equality laws would contribute to greater gender equality and provide women with new opportunities. However, while the implementation of European gender equality provisions in all EU Member States is a very positive evolution, the economic reforms and market liberalization carried out during the time of transition, along with the economic reforms required by the EU as a precondition for accession, have had direct negative impacts on women's lives: their situation in the labor market has become more insecure, there has been a scaling down of public services to support the care of children and other dependents and trafficking in women for the purpose of sexual exploitation has increased.

Recent Developments and Challenges

While there has been notable progress since 1995, some recent developments seem to indicate that progress might slow down in relation to policies for equality between women and men in the coming years. Firstly, the current European Community Framework Strategy on Gender Equality program are coming to an end in 2005 and gender equality will not progress without a new Strategy because this provides the political, policy and legislative framework for all EU actions in this, including gender mainstreaming. The European Commission will also integrate the gender equality funding program in a larger

social program called PROGRESS from 2007. This development may reduce the visibility of the program and may make it difficult for women's NGOs to access funds.

Another recent development that may be more positive is the decision of the EU Council to create a European Gender Institute. Such an Institute would act as a source of expertise and would increase the opportunities for sharing knowledge, data and information on best practices across the 25 Member States. However, this Institute should not be created at the expense of other gender equality bodies or of the existing institutional mechanisms, as this would clearly represent a step backwards. The Institute should also be provided with sufficient funding to be able to fulfill its role effectively.

In terms of legislation, as of September 2004, the European institutions were in the process of adopting two new European directives on gender equality. One relates to equality between women and men in relation to goods and services and is encountering strong opposi-

tion from some Member States and from the insurance sector because it would prohibit the use of actuarial factors broken down by sex in the calculation of insurance premiums. The other directive that is expected to be adopted soon is a codification of all the previous directives on equality between women and men in employment.

Actors working towards achieving equality between women and men will continue to be faced by serious challenges both at the level of the EU and globally. However, the review process of the implementation of the Beijing Platform for Action is also an opportunity for activists and women's NGOs to raise critical voices on the global scene and to ask their governments, as well as European and international organizations, for a renewed commitment and for stronger accountability mechanisms in order to make progress towards the full implementation of women's human rights. In this context, it will be crucial for the future of the EU and for the building of a truly democratic space in Europe for these voices of civil society to be heard.

HUMAN RIGHTS

CEDAW Compliance

The EU upholds the principle that the human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights. All Member States of the EU have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Bulgaria, France, Germany, Hungary and Ireland have ratified with reservations. The Optional Protocol, which enables the CEDAW Committee to receive and consider complaints from individuals or groups within its jurisdiction entered force in 2000, has been ratified/acceded to by most EU Member States, with the exception of Estonia, Latvia and Malta.

Countries that have ratified/acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations. All EU nations have submitted country reports to the CEDAW Committee within the last ten years except for Poland, which last reported in 1991. The following countries have reported within the last five years: Austria, Belgium Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Romania, Slovenia, Spain and Sweden. Nations that have ratified the Convention are also required to create National Action Plans for the implementation of CEDAW. Most nations have done so, with the exception of Cyprus, Estonia, Hungary, Ireland, Latvia and Slovenia.

EU Law

The EU has a comprehensive framework of policies, legislation, programs and measures

to promote human rights. The Treaty of the EU states that, "the Union is founded on the principles of liberty, democracy, respect of human rights and fundamental freedoms, the rule of law, principles which are common to the Member States". In 2000, the European Charter of Fundamental Rights was adopted at the Nice Summit and became the framework for human rights in the EU. Although not legally binding, the Charter represents the minimum standard on which any EU citizen should be able to rely.

The EU has adopted a number of legislative measures and proposals with respect to fundamental rights. The most significant progress in relation to equality of women and men in the EU has been the integration of the right to equality between women and men into the foundations and objectives of the Community legal order through the Amsterdam Treaty of 1999. The Treaty also gives the mandate to the Community to eliminate inequalities and to promote the equality of women and men in all its activities. This has led to a new approach to equality between women and men in the EU institutions, combining specific mechanisms and policies for gender equality and the integration

a number of European directives relating to this area have been issued since 1975. Member States are required to implement EU directives. Therefore, there has been much progress at national level—a positive effect of European integration for women.

Since 2000, the EU Member States have started to coordinate their actions in other areas with strong gender implications such as employment and social inclusion. In other areas, the EU has weaker authority but can still play a role in initiating programs and giving incentives in relation to implementation of the European commitment to gender equality, such as in the areas of public health and social protection.

The European Parliament has played a significant role in moving forward the human rights agenda at EU level. It has identified respect for women's human rights with a special focus on the prevention of violence against women the major priority for the 21st century. Several reports on women's human rights have been produced. They are "Sexual and Reproductive Health in the EU and the Candidate Countries," "Violations of Women's Rights and the EU's International Relations," "Women and Fundamentalisms"

Recent developments indicate that progress on equality policies will slow down in coming years.

of a gender perspective in all areas (gender mainstreaming). This positive development has been accompanied by the creation of different bodies in charge of gender equality or gender mainstreaming.

However, the EU can act only where it has legal authority. In relation to equality between women and men, it is able to act on gender equality in the labor market, and

and "Women from Minority Groups," which calls on Member States to be attentive to the fundamental rights of women with disabilities and migrant and Roma women.

In addition, the Women's Rights Committee of the European Parliament has held several public hearings on human rights. In 2002, a hearing was held on sexual and reproductive rights and reproductive health in

the EU and in the candidate countries. In 2003 and 2004, the European Parliament organized hearings with NGOs and the Network of Independent Experts on fundamental rights in the EU. Also in 2004, there was a hearing in the European Parliament on the consequences of the sex industry and another on disabled women.

Despite these measures, women's fundamental rights are far from being respected in relation to numerous articles of the European Charter of Fundamental Rights. In most cases, these violations of women's rights are not by the State but by individuals, organizations or enterprises. In addition, even with the existence of a European legislative framework that takes women's rights into account, there is a failure of implementation. For example, policies in relation to human rights very often fail to protect women's rights as recognized by both European and international texts, such as the right to health or the right not to be subjected to violence. The current asylum policy ignores persecutions that are specific to women such as female genital mutilation (FGM), rape as a weapon of war, stoning to death for presumed adultery and "honor crimes". Ignoring these persecutions (and the failure of the State to protect women from them) is a violation of the Charter of Fundamental Rights.

The development of the sex industry and merchandising of women's bodies linked with the liberalization of services has opened the door to the proliferation of prostitution, pornography and sex tourism. Instead of targeting women's human rights protection and creating policies that aim to decrease the demand for prostitution, policies in this area at EU and national levels are driven by security and/or commercial interests. Thus, some EU and Member State policies aid the propagation of the sex industry.

One major concern for the respect of women's basic rights is the growing importance of religious fundamentalism in the EU. References to religion and tradition are being used, as a justification for limiting women's and girls freedom and increasing control over. Sexual and reproductive rights of women are particularly under threat.

Disabled women often experience intensified discrimination through hindered access to education, continuing training, employment and health care, and they are more vulnerable to aggression and gender violence. Migrant and ethnic minority women experience discrimination in access to employment, social rights and in participation in civil and political life. Migrant women often lack in-



dividualized rights and as a consequence are more dependent on their husbands who we generally considered by immigration policies and culture as the head of the family. These women find themselves in a vulnerable situation in cases of divorce, separation or violence. Lesbian women face discrimination in civil and political life, particularly because of the non-recognition of lesbian rights in family law and immigration policies.

Violence Against Women

Violence against women is the most serious violation of women's human rights and fundamental freedoms. In the EU, at least one woman in five experiences violence by an intimate partner.¹ Violence against women takes many forms such as domestic violence, sexual violence, sexual harassment, prostitution and trafficking. Violence against women cuts across many existing areas of EU law, human rights, social policy, justice and data/statistics but it is not systematically integrated as part of these portfolios due to the absence of a specific legal base for the EU to act on the issue.

Violence against women continues to be under the jurisdiction of the national Member States as there is no EU Treaty article that address it. Despite its trans-national dimension and prevalence across all Member States, the work on violence against women is not linked to the main EU Gender Equality Framework in terms of institutional mechanisms and programs but is fragmented across Justice and health competencies within the European Commission.

A significant indicator of progress is the

introduction in the draft European Constitutional Treaty (2004) of a Declaration on combating all kinds of domestic violence. This Declaration will have no legal status but represents a moral obligation and political will. Its scope is limited in that it only refers to domestic violence; it would have been stronger if it had referred to all forms of violence against women. However, the wording chosen is particularly strong as it calls on Member States to take all necessary measures to prevent and punish the perpetrators of domestic violence and to support and protect the victims. The Treaty establishing a Constitution for Europe will not enter into force and be implemented until it is ratified by each Member State.

The primary measure at the EU level to address violence against women is the DAPHNE multi-year program to facilitate and support NGOs working in the area of violence to develop contacts and information, and to develop preventive and protective measures to combat violence against children, youth and women. In 2004, the EU Council adopted a new DAPHNE program for a period of five years.

During its fifth legislature (1999-2004), the Women's Rights Committee of the European Parliament adopted several reports related to violence against women in the EU. Public hearings were also organized on trafficking for the purpose of sexual exploitation (2000), the evaluation and perspectives of the DAPHNE program (2003) and the consequences of the sex industry in the EU (2004).

Since 2000, four EU Presidency Conferences on violence against women were organized (out of a total of seven since the first one in 1997). At each of these conferences a considerable number of recommendations were adopted. These provide the basis from which a monitoring exercise could be carried out to determine the level of progress achieved by all Member States in addressing and eradicating male violence against women.

Over the years, the issue of domestic violence has been a priority for the Presidency Conferences. However, other forms of violence against women have recently been added to the Conference agendas. The Athens Presidency Conference (2003) adopted a Resolution that calls on all Member States and the EU to work towards the introduction of an EU legal basis to combat violence against women. This was strongly reaffirmed by the Irish Presidency Conference (2004), indicating that a legal base would allow for a EU Directive on tackling all forms of violence against women. The Irish Presidency

Conference also called for Violence Against Women to be addressed as a violation of women's human rights.

EU actions and measures in relation to specific forms of Violence Against Women include recommendations in the field of domestic violence, measures to prevent and combat trafficking, in human beings, a directive addressing—among other issues—sexual harassment in the workplace and a resolution against female genital mutilation.

Altogether these different measures—EU legislation, reports, resolutions and initiatives—demonstrate that violence against women is an issue of concern at EU level, but the fragmented way in which it is addressed precludes an overall coherent EU strategy to combat it.

PEACE AND SECURITY

Conflict and war disproportionately impact on women and children, particularly the girl child. The absence of women in diplomatic positions and decision-making posts remains an obstacle to women's participation in conflict prevention, peacekeeping, peace building and post conflict resolution and reconstruction. While the EU was created to ensure long-lasting peace in Europe, it is reluctant to take a leadership role in promoting a culture of peace in the world. While general, there has been some progress in recognizing women's potential to contribute to peace building and conflict resolution, this still needs to be translated into concrete action.

The EU has not set common standards for the behavior and conduct of soldiers and peacekeeping forces, including humanitarian aid workers, acting on behalf of the EU in areas of conflict and war. Such standards should include an unequivocal condemnation of all forms of gender-based violence, including prostitution and trafficking in women and girls for the purpose of sexual exploitation.

Security Council Resolution 1325

In November 2000, the European Parliament adopted a Resolution on the Participation of Women in Peaceful Conflict Resolution.² This Resolution was adopted shortly after the unprecedented 2000 United Nations Security Council Resolution 1325 and can be considered complementary to the UN Resolution with a specific focus on the EU.

Asylum Seekers, Refugees, Internally Displaced

In 1999, the EU Member States agreed to work towards a "common asylum system"

with the aim of harmonizing asylum procedures and systems throughout the EU, even though the Member States would retain legal authority for asylum. A considerable number of policy proposals have been placed on the agenda since 1999, but none of the policies adopted are gender specific.

Women asylum seekers and refugees remain a critical area of concern in the EU for a number of reasons. Currently there are no sex-disaggregated data that would give visibility to women asylum seekers in terms of number and type of claims (reasons for seeking asylum). There are no commonly agreed EU standards and guidelines to assist policy makers in understanding the nature of and determining the validity of gender-based persecution claims to facilitate women's access to asylum.

In situations where women have obtained a legal status, through family reunification for example, this is often dependent on a male family member. This places women in a vulnerable position, particularly in cases where there is domestic abuse. An independent status for women must be secured and brought into line with the EU objective of equality between women and men.

The International Criminal Court

Twenty-four of the current EU Member States have ratified the Rome Statute of the International Criminal Court (the Czech Republic has signed but, as of June 2004, has not yet ratified), which is an important recognition of the commitment of the EU Member States to pursue perpetrators of crimes committed against women as crimes against humanity.

POWER AND DECISION-MAKING

Representation

Women make up more than half of the population and electorate in the EU yet they continue to be under-represented in all EU decision-making bodies, in political decision-making in EU Member States and in economic and social decision-making. Moreover, some women—such as young, disabled, lesbian, migrant and ethnic minority women—face multiple discrimination in this area.

Different factors play a role in relation to gender equality in political decision-making, in particular the electoral system in place, the possibility to hold several mandates at the same time, the political culture and gender stereotypes. In some EU Member States, positive action measures or quotas have been

introduced by the State or by political parties. In two countries, parity democracy in the nomination of candidates for election has been introduced in the constitution. Parity democracy implies the equal representation of women and men in decision-making positions. It goes a step further than quotas because it is based on the idea that women are not a minority; they represent more than half of humanity.

Political parties play a fundamental role in the political arena. They are the main and sometimes only entry point into political life, and although some political parties have integrated gender equality in their internal structure and have set themselves political quotas, many remain male bastions in their functioning, selection procedures and programs. A specific problematic issue is family voting, a patriarchal custom that allows men to vote with or for women family members, which is practiced in some European countries (as highlighted by the Council of Europe and the Congress of Local Regions and Authorities of Europe).

The data on women in decision-making at European level indicates serious gaps. In 1996, women comprised an average of 14.8 percent of national parliaments in the 15 EU Member States that joined before 1995—Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, and the United Kingdom. In 2004, these 15 Member States had 25.9 percent women in national parliaments, while all 25 Member States and acceding countries had an average of 20.1 percent.

In the European Parliament the overall trend of women's representation was one of steady increase, prior to stagnation in the last elections in June 2004. The proportion of women Euro-parliamentarians (MEPs) rose from 17.3 percent after the 1984 elections to 29.6 percent in 1999 and 31 percent in 2003, decreasing to 28.1 percent with the arrival of observers from new Member States in Spring 2003 and increasing again to 30.3 percent after the 2004 elections.

The situation is not good in terms of women's representation in the European Parliament's internal governing bodies, and the situation has even deteriorated for some posts after the last elections. Women represent only 15 percent of chairpersons of Parliamentary Committees, only two political groups are co-chaired by women (20% of chairpersons) and only 6 of the 20 members of the European Parliament Bureau are women (30%). This shows that the position of women is

still weak in terms of their internal influence within the European Parliament. Measures must be put in place in order for governing bodies to reflect at least women's presence as MEPs, if not their presence in the EU population as a whole.

Progress in the representation of women in decision-making in the Parliament's administration has been very slow and was described in a Bureau report as a situation "in which the minimum standard applied elsewhere is not met". Women represent the majority of the Parliament's staff (54%), but only 22 percent of 'A' category staff (20% in 1998). Figures related to staff promotion show obvious inequalities between women and men.

The percentage of women in the Council of Ministers, which is composed of representatives at ministerial level from each Member State, corresponds to the percentage of women in national governments: that is around 23 percent.³

Until April 2004, five of the 20 European Commissioners (25%) were women (1999-2004 legislative period), which represented no progress compared to the earlier European Commission.⁴ For the 2004-2009 legislative period, seven women out of 25

binding measures for gender equality in decision-making are needed in order to make further progress towards women's equality. For example, at the recent Convention on the Future of Europe women comprised only 17 percent of participants, resulting in poor representation of women's interests.

Although the EU institutions are often structured around different criteria or quota systems for decision-making positions, and despite the European Treaty commitment to gender equality, gender is very rarely a criterion when it comes to defining nomination/election rules or, even worse, when nominations are made. This shows the absolute necessity of binding provisions for gender equality in decision-making in institutions and nominated bodies at European level. The European Women's Lobby has been actively lobbying to have parity democracy adopted and implemented. However, the different strategies used by the women's lobby and other actors to promote parity democracy have failed, due mainly to the lack of political will and support for this issue.

Progress remains particularly slow in the economic area, where different obstacles linked to women's situation in the labor market and in society intersect to make it difficult for women

to use its institutions to develop joint policies in this field. Overall, gender equality is marginalized in EU social protection policies. This is problematic because such policies in Europe are not only a 'safety-net', but also an integral part of society and the main mechanism for re-distribution of resources. They include care provisions for children and other dependants, social services, health care and pensions.

Social protection systems have a profound impact on gender relations. Although equal opportunities between women and men should be mainstreamed into all EU social protection policies, gender mainstreaming has been very poorly applied. There is little analysis or concrete recommendations on how gender equality concerns could be brought into the core of European cooperation in this field.

The effects from and solutions to social exclusion are different for women and men. These differences in experience and dynamics of inclusion and exclusion are not recognized in the EU strategy to fight against poverty and social exclusion, and consequently actions are not gendered or targeted to combat women's poverty.

Social exclusion and poverty are also closely linked to macroeconomic policies, as well as to employment and social policies. The underlying principles of EU macroeconomic policies, including the Single Market and the Economic and Monetary Union (EMU), are mainly those of economic liberalization, privatization and competition. The decrease in public expenditure that was part of the economic criteria to be met for membership in the EMU, and the subsequent reforms at national level, have in many cases resulted in a weakening of public services.

Many of the social security systems and social services that have seen cutbacks are especially important to counteract poverty and social exclusion. In the context of the enlargement of the EU, the situation of women in Central and Eastern Europe has become more difficult in many respects. Many women have been excluded from the labor market and negatively affected by the restructuring of social policies, with increased poverty as a consequence. The process of EU enlargement has not provided a significant response to counteract these negative developments.

Progress remains slow in the economic area making it difficult for women to break the "glass ceiling."

have been nominated in the Commission, which increases the participation of women to 28 percent. However, only one of the five Vice-Presidents is a woman, and the European Commission President has never been a woman.

As regards to staff of the Commission, although there has been some progress, only 23 percent of 'A' grade staff were women in 2004 (14% in 1995) and 17 percent of Directors were women (2.6% in 1995). On the other hand, women represented 80 percent of 'C' grade staff in 2004. In terms of resources and budget, women account for only 17 percent of costs for the development of middle management posts (although they account for 47.6 percent of total staffing), which shows not only that there are obstacles at not only for the highest decision-making levels, but that more efforts are needed to promote women from the lowest hierarchy levels upwards.

Challenges for women in decision-making at European level remain, and strong actions by the European institutions in the form of

to break the "glass ceiling". Women continue to constitute a minority in executive positions in the private sector labor market. For example, there are only 11 percent women in the highest decision-making positions of the 50 biggest enterprises of the enlarged EU and in the 15 "old" Member States; only 24 percent of entrepreneurs are women.⁵ In 1995, women comprised 30 percent of managers in the 15 EU Member States. This figure remained the same in 2002.

The main obstacles are linked to gender stereotypes and discrimination, but also to the lack of affordable childcare services and the fact that women still do the large majority of work in the home. Career breaks, which are mainly taken by women to look after children, are also a major hindrance to their professional advancement.

POVERTY ERADICATION

Access to Public Services and Resources

Although most social policies remain under Member State purview, the EU can decide,

Employment Patterns, Women's Work

The EU is not integrating gender equality perspectives into EU economic, trade and financial policies. Furthermore, domestic and unpaid work is excluded in the calcula-

tion of the GDP, and consequently different strategies to promote economic growth are designed without any gender analysis when measuring productivity. Moreover, it is rarely acknowledged that cuts in public services and expenditure result in a shift of costs from the paid to the unpaid sector and therefore primarily to women.

There has been little change in women's situation in relation to economic independence and employment in the EU since 1995. Women's employment rate has only slightly improved—in 2002, the difference between women's and men's employment rates was 16.3 percent compared with 18.8 percent in 1998—and the gender pay gap has only marginally decreased, from 17 percent in 1995 to 16 percent in 2001.⁶ In the new EU Member States the situation varies greatly between countries. Women's unemployment rates have increased during the transition process in Central and Eastern Europe, and discrimination against women in the labor market has not been sufficiently addressed.

Although the EU has a target to increase women's employment rates to more than 60 percent by 2010 and to provide childcare to at least 33 percent of children less than three years of age, no coherent and effective policies have been implemented for reconciling family and working life for women and men. The gendered division of work in families directly affects women's access to and participation in the labor market. The unequal sharing of work in families, together with persistent gender inequalities and discrimination in the labor market, have severe effects on women's poverty and social exclusion, including entitlements to social protection.

Access to the labor market is even more difficult for certain groups of women, such as disabled, migrant, ethnic minority, and older women. As a result their situation is even more precarious. Many older women today face hardships due to a lack of individual social security or insufficient pension provisions due to low salaries during their paid activities, of career breaks and to part-time work. Moreover, many pension schemes in the EU Member States continue to be based upon the traditional nuclear family model of a male "breadwinner" and a non-employed wife. This leaves many women with "derived rights" based on their husband's employment record and without individual pension rights.

Labor market segregation and discrimination, as well as cultural and political mechanisms, too often relegate ethnic minority and migrant women to certain sectors of

low waged and low skilled labor. Many migrant women are greatly dependent on work in the informal and unregulated labor sectors, where they work without rights and without protection. Disabled women often face poverty and social exclusion, and a major cause of their poverty is the lack of access to employment.

Many women's groups are advocating for the reform of social protections, pensions and tax systems in the EU so that they respond more adequately to women's needs. This includes increasing women's participation in the labor market and recognizing the existence of new family structures, notably single parent families—it is estimated that women head 85 percent of one-parent households. Unfortunately, social policies, which are an integral part of the European model, are becoming weaker and are still for the most part built on the male "breadwinner" model.

EDUCATION

Public Policy

Education and training are essential vehicles for achieving equality between women and men. Education in general and higher education in particular are not subjects of a common European policy. Authority for the content and the organization of studies remains at national level. However, the Community and Member States are cooperating in the field of education.

All 25 Member States of the EU provide for full and universal primary and secondary education. Across Europe, more women than men are graduating from tertiary education institutes.⁷ However, inequalities in access and significant gender differences in subject areas persist, hindering women and girls' education and life chances.

Access and Changes in Practices

Imbalances in power, outright sex discrimination and gender stereotypes in education materials, schools, universities and on the labor market still prevent women from making certain career choices and from progressing at the same rate as men in their careers. These imbalances also prevent women from earning the same income for the same job across all countries of the EU.

Women's access to the technical professions is still very restricted. While equality between men and women in access to vocational training is enshrined in European Community texts, scientific and technical careers are still a male preserve. Some measures are being taken to address this. The Education Council

has set two objectives: to bring about a 15 percent increase by 2010 in the number of students in these fields and to redress the imbalance between women and men.

Benchmarks and targets in education and training have also been set. Although gender equality is not specifically included, the European Commission has called for special attention to be given to the gender dimension, in and outside the labor market, for motivating more young people to choose studies and careers and for ensuring gender balance in the scientific and technical fields.

In primary education girls and women are still being presented with stereotypical gendered messages. Schoolbooks and supporting educational material still portray traditional images of female and male vocational occupations. In an evaluation that has been carried out by the Commission on the Quality of School Education, there is no reference to the promotion of gender equality in schools as an indicator in the assessment of the quality of education.

One major structural barrier to adult women's education and training is their principal role as family caregivers. This burden on women often prevents them from entering into activities of education and training. Even when they do have access to programs of adult education and training, they still have to bear the burden of the double working day between domestic and paid work.

The skills gap between women and men remains a significant problem in Europe. Men still outnumber women in many of the subjects that lead to the best-paid jobs.⁸ Also while women are attaining more educational qualifications than men, this is not reflected in their employment situation. For example, very few women are appointed to university chairs or to upper level research teams. Teachers in lower education are mainly women, but when it comes to higher education the percentage of female teachers declines.

Women researchers are still a minority in the government and higher education sectors, a trend that is accentuated in the natural science and engineering fields.⁹ Women account for only 25 percent of students in science and technology subjects and six percent of students in engineering.¹⁰ The under-representation of women in scientific and technical fields, as well as their under-representation in top positions in academic fields, is mainly due to the continuous orientation of women towards traditional female occupations and the hostility of the predominantly male research community towards women "invading their space."

In order to start to address these issues, a specific European Program for Research, Technological Development and Demonstration has been adopted that includes an Action Plan to reinforce and increase the place and role of women in science and research. Gender aspects in research will be taken into account in implementing this program.

In 1999, the Commission published a Communication “*Women and Science Mobilizing Women to Enrich European Research.*” Gender mainstreaming is identified as a method to promote research by, for and about women, and the importance of gender equality in both structure and content is stressed. The Communication defines a set of specific targets for promoting gender equality in the research field, such as having at least 40 percent participation of women in the committees implementing and managing research programs for the Commission. The Communication also states that the gender dimension has to be considered when drawing up programs on each of the different research areas. Gender Impact Assessment Studies were carried out in the seven programs of the European Commission’s Fifth Framework Program for Research and Technological Development.

The existing action programs of life-long education for women are not sufficient to tackle the problem of adult education. Adult education projects do not target women as a group, but address the “disadvantaged” in general terms. Therefore, they lack effectiveness in their outcomes. Certain groups of women, such as rural and migrant women for example, are not prioritized. Specific measures are required—for example, disabled women need individual education systems, methods or physical spaces to overcome barriers of access to the education systems. In some ethnic minorities girls are discouraged and sometimes prevented from enrolling in higher education.

NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

Decision-Making on Natural Resources

Despite better overall EU legislation on the protection of the environment—standards have been set for drinking water, waste management and air pollution—a gender perspective is seriously lacking in environmental policy. During the past ten years no legislation was adopted that deals with women and the environment directly, despite an increasing level of knowledge that environmental hazards impact women and men differently.

In many cases present environmental policies actually exacerbate gender inequalities by ignoring gender in their drafting and implementation. Environmental policies must be gender sensitive and must aim at both sustainability and gender equality. At the same time women’s limited access to technical skills, resources and information has impeded their effective participation in decision-making regarding sustainable development. Serious steps must be taken by the Director General of Environment to strengthen women’s active participation in environmental decision-making, while gender mainstreaming must be put into practice as a matter of urgency.

The Treaty Establishing the European Community states that, “equality between men and women should be promoted in all activities”. While gender equality in relation to the environment is not explicitly mentioned, it is implied in the text. The draft European Constitutional Treaty (2004) strengthens the Europe’s commitment to the environment, introducing environmental sustainability as one of the EU’s aims. However, gender equality and the environment are still dealt with as separate issues.

In 2001, the REACH Directive, which formulates a new system to register all chemical substances on the internal market, was proposed. Gender is absent from the entire text of this directive. Women’s NGOs have stressed the need for women to be recognized as a specific group seriously affected by chemical substances. While many consumer organizations and NGOs support the Directive, the chemical industry has formed a very strong lobby against it. The proceedings have become very complex, and more and more concessions have been made in favor of the chemical industry.

The EU strategy for sustainable development identifies poverty as one of the main obstacles, recognizing that the burden of poverty is borne disproportionately by single mothers and older women. It also states that sustainable development should become the central objective of all sectors and policies and that careful assessment of the full effects of the policy must be made, including the effects on gender equality and equal opportunities. However, there is no evidence that such assessments have taken place.

Other EU actions on the environment include a proposed European Environment and Health Strategy. Once again, there are few references to women. The European Environment and Health Action Plan 2004-2010 also does not mention gender. A 2003

Council Recommendation on the economic policies of the Member States and the European Community called for increased protection of the environment and a greater awareness of gender equality, but these two issues have been treated separately. The LIFE-Program, which supports many environmental projects such as protecting civil society against industrial accidents, fails to address the issue of women and the environment specifically.

Gender Impacts

It has been proven that women and men are affected differently by environmental problems and that women are often disproportionately affected. Moreover, some health problems of women can be directly linked to environmental pollution, for example, lead in bones, breast cancer, and toxic chemicals in body fat. Biological factors account for some of the differences in vulnerability, but social factors also play a role. For example, women are more affected by hazardous chemicals in domestic detergents since they are traditionally responsible for cleaning the household. In cases of environmental disaster women, as the primary caretakers of the family, shoulder an additional burden. Rural and urban planning also has a direct influence on women’s lives. For example, transportation is critical for women who must travel daily between home, school, work and shopping facilities.

Access to resources is also an important issue impacting women. For example, women and men have different access to the use of energy in general, and renewable energies specifically, because their economic situation is different.

Chemicals in the environment are one of the most serious concerns facing women in Europe today. Studies have shown that environmental factors are increasing the rate of disease among women. For example, there is evidence that the increase in breast cancer in the last 40 years is linked to high levels of toxic chemicals in women’s bodies. Toxic substances have also been found in breast milk. Women are exposed to a daily barrage of chemicals, and health professionals still do not know what the mid- or long-term effects will be.

Gender equality and gender perspectives should be integrated into all EU and Member State policies and programs for sustainable development, and stronger mechanisms should be introduced to assess the impact of development and environmental policies on women.

HEALTH

Access and Affordability

Although women's health in the EU has improved significantly over the past decade, barriers to better health remain. Gender roles and unequal gender relations combine with other social and economic factors that result in different and often inequitable patterns of exposure to health risk. They also result in differential access to and utilization of health information, care and services.

In matters of health and health policy the EU only has the right to complement national policies directed towards improving public health, preventing human illness and diseases, and exposing sources of danger to human health. The EU Member States have recognized the connection between health and a potential increase in economic growth, and they tend to build and sustain their health care systems taking this connection into account. They also consider potential threats to the economy in light of demographic developments, notably the ageing of the European population and the long-term trend of increasing health costs.

While there is no specific EU public health program directed at women, some EU actions contain specific provisions that affect women. For example, legislative instruments have been created to protect pregnant workers and workers who have recently given birth or are breastfeeding. In 2002, a program of community action in the field of public health was adopted that takes gender and age into consideration and calls for all relevant statistics to be broken down and analyzed by gender. A European Code of Cancer makes reference to cervical and breast cancer, and networks on both these cancers now exist.

The 2000 Cotonou Agreement, a partnership agreement with the African, Caribbean and Pacific States, includes a gender dimension with regard to health and development. It states that adequate levels of spending in the social sector will ensure the integration of population issues into development strategies, in order to improve reproductive health, primary health care, family planning and prevention of female genital mutilation. The agreement also makes reference to protecting the rights of the girl child and emphasizes equal participation of women and men in all spheres of life.

However, despite actions undertaken by the EU, women continue to face obstacles to improving their level of health. This includes the feminization of poverty, a high unemployment rate among women, and the large

presence of women in atypical jobs with little or no social protection.

The most significant barrier to better access to health care for women is linked to the persistent discrimination against women in all areas. An EU draft report on social inclusion shows that the most disadvantaged groups have more serious health problems. For example, 16 percent of those in the bottom income quintile say that they are in poor health, compared to 7 percent in the top quintile. Women belonging to a disadvantaged group often find it more difficult to have access to care, because of long waiting times, high treatment costs in relation to their income, complex administrative procedures and, more generally, insufficient preventative care such as screening and vaccination.

Financing of and access to health care still pose major obstacles for some women across the EU. Women should not be penalized for their reproductive role and their greater longevity by having to contribute more financially for their health care. They should not be disadvantaged in terms of obtaining health care by virtue of their generally lower economic situation.

Every country in Central and Eastern Europe has experienced a cutback in public expenditure on health services over the last 10 years as a result of economic transition. In this context, quality of care is of major concern, including respect for the clients' rights, the availability of gender sensitive services and affordable and easily accessible contraceptives.

Gender-based violence is a major public health issue that does not receive sufficient attention at EU level. According to the World Health Organization, the consequences of abuse are profound, extending beyond the health and happiness of individuals, to affect the well-being of entire communities. Beyond the immediate physical and emotional effects, it has been shown that violence increases women's future risk of various psychological, emotional, behavioral and physical ailments, and negatively affects their ability to enjoy other human rights.

Another area that remains an obstacle to women's health is the gender bias in medical research in the EU. Most biomedical research continues to be based on the assumption that women and men are physiologically similar

in all respects apart from their reproductive systems. Other biological differences are ignored, as are the social/gender differences that have a major impact on health. Few women are currently involved in the male-dominated arena of medical research, either as investigators or as subjects.

Demographic ageing will also pose many



problems. There will be more age-related illnesses and more women in long-term care in the future. To meet the challenges posed by demographic trends, it is vital to have a sufficient number of professionals trained in a gender-sensitive manner.

Reproductive Health

The conditions in which women can enjoy sexual and reproductive health vary significantly throughout the EU. The low birth rates in Europe, combined with an increased influence of religious groups on some governments, has the potential to undermine women's sexual and reproductive health and rights. On the rights level this can result in the inability to obtain an abortion, even in those countries where abortion is legal, because of conscientious objection of the medical professionals, or the prosecution of women who have had an abortion where it is illegal. Abortion is illegal in Ireland, Malta, Poland and Portugal. This can also cause enormous health problems when women do not find professional help in time and are forced to undergo unsafe practices.

On the issue of EU enlargement and sexual and reproductive health, the European Commission produced a 1999 working paper that aims "to help identify potential issues related to health and accession". It also recognizes the possible association between social problems, poor family planning and health education. These are issues affecting women in particular. Some of the EU Phare/Tacis Programs providing financial assistance include

projects on women's health, particularly in the area of sexual and reproductive health, but they account for a very small percentage of the overall budget. The European Parliament also held a public hearing in 2002 on sexual and reproductive health in the EU and the candidate countries.

In 2003, the EU pledged to make a full contribution towards achieving the United Nations Millennium Development Goals of reducing maternal mortality by three quarters, achieving gender equality and attaining access to sexual and reproductive health care and services worldwide. Recognizing that population and development programs are most effective when steps have been taken to improve the status of women, this regulation maintains that gender equality is a precondition for improved reproductive health, and that men should take full responsibility for their sexual and reproductive behavior.

HIV/AIDS

The Program for Action: Acceleration Action on HIV/AIDS, Malaria and Tuberculosis establishes a broad and coherent Community response, over the period 2001-2006, to the global emergency caused by the three major communicable diseases—HIV/AIDS, malaria and tuberculosis—which most affect the poorest populations and which undermine global health. The proportion of the total development cooperation budget allocated to health, AIDS and population stood at 8 percent in 2000 (approximately Euro 800 million) and will be steadily increased as delivery capacity improves. The program also calls for

the development of agendas in each country to target poverty reduction and equality between women and men.

In 2004, an important AIDS initiative was adopted during the Irish Presidency. The Dublin Declaration on Partnership to fight HIV/AIDS in Europe and Central Asia calls for the development of national and regional strategies and programs to increase the capacity of women and adolescent girls to protect themselves from the risk of HIV infection, and reduce their specific vulnerability to HIV/AIDS.

Authors

Adapted from the draft *Review of the Implementation of the Beijing Platform for Action by the European Union*, prepared by the European Women's Lobby (EWL), an NGO that brings together over 4,000 women's organizations across Europe to work together for equality for women's human rights, to eliminate all forms of discrimination against women, to eradicate violence against women, and ensure that gender equality is taken into consideration in all EU policies.

Contributors

Women in Development Europe (WIDE) is a European network of development NGOs, gender specialists and human rights activists.

Women in Europe for a Common Future (WECF) is a network of organizations and individuals working for sustainable development, protection of human health and environment and poverty reduction.

Editor's Note

Focusing mainly on legislation, policies and programs implemented by the EU institutions since the year 2000, the review does not reflect a country-by-country analysis.

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CANADA

Canada's Damaged Relations with Aboriginal Women: A Lost Decade

In 2004, reviewing its own implementation of the Beijing Platform for Action, Canada admitted “that within positive overall trends for women, not all women are benefiting and some continue to be seriously disadvantaged or at risk of facing further barriers”.¹ The situation of Aboriginal women is highlighted as one such marker in Canada's failure to advance the rights of all women. The question arises, then, to what extent have the rights of women in Canada advanced in the last decade if the rights of Aboriginal women have not.

The history of the advancements of Aboriginal women's rights in Canada has involved the United Nations in several ways. A case was made, for example, to the Committee on Human Rights under the International Covenant on Civil and Political Rights when courts and governments in Canada were not receptive. Admonitions from the international community, in part, led to some limited changes. The year after the UN Committee on Human Rights made its ruling, the federal government amended the Indian Act in an attempt to end sex discrimination in the Act. Pressing to end sexual and racial discrimination more comprehensively, women's activism on national and international fronts continue, and gatherings such as the United Nations World Conferences on Women provided a venue for Aboriginal to organize for change.²

Reviewing The Status Of Aboriginal Women In Canada

The status of women in Canada can be measured by assessing the well-being of Métis, Inuit and First Nations women. A history of colonization—and explicitly of dispossession, forced relocation, forced placement in residential schools, violence, cultural domination and other forms of racism—marks relations between governments and Aboriginal peoples. Relations between Aboriginal peoples and non-Aboriginal peoples in Canada are similarly tainted with institutional and popular racism, which intersects with a particular brand of racialized sexism experienced by Aboriginal women. This sexist or gendered racism manifests itself in contemporary government policies and practices. On the occasion of the 10-year review of Canada's implementation of the Beijing Platform for Action, the Canadian Feminist Alliance for International Action (FAFIA) convened a meeting with national Aboriginal women's organizations to independently review

Canada's progress. Present were Pauktuutit (the Inuit Women's Association of Canada), the Métis National Council of Women and the Native Women's Association of Canada (NWAC).

As highlighted in this report, the well-being of Aboriginal women in Canada demands urgent action. However, the sustained existence of national Aboriginal women's organizations is currently compromised by insufficient and often unsustainable funding. This situation compromises the *raison d'être* of national Aboriginal women's organizations and prevents these organizations from engaging in the politics that is required for making changes to relations, policies and practices imperiling the well-being of Aboriginal women.

Featured in this report are some of the challenges that must be addressed, such as the frequent exclusion of national Aboriginal women's organizations from the political arena and discriminatory federal funding to national Aboriginal women's organizations; discrimination in issuing Indian status to the descendants of First Nations women; the inequality in matrimonial property rights between women living on reserves and women living off reserve; the unconscionable historic indifference of governments, the media and society around the unsolved disappearances and murders of Aboriginal women, and the Sisters in Spirit Campaign that is documenting the cases and raising awareness towards bringing an end to violence against Aboriginal women, particularly racialized and sexualized violence; the high rates of ill health among Aboriginal women compared to non-Aboriginal women; economic injustice observable in the staggering rates of poverty among Aboriginal women, the unique barriers to employment they face and the insufficiency of basic need provision in terms of housing on reserves, in urban centers and in the Arctic; and environmental degradation in the Arctic and in southern Canada.

After March 2005, at the end of the 10-year review of the Beijing Platform for Action, Canada's obligations to Aboriginal women must continue to be assessed and governments held accountable. The international community, along with Aboriginal women's organizations, will play an integral role in ensuring this accountability. But the report's recommendations must also be made public to the people of Canada and to government officials in order to effect real change in popular culture and in the law.³

HUMAN RIGHTS

CEDAW Compliance

Canada signed CEDAW in July 1980 and ratified it in 1981. In 2002, Canada ratified the Optional Protocol. In the 2003 UN *Report of the Committee on the Elimination of Discrimination against Women*, the Committee urges Canada “to accelerate its efforts to eliminate *de jure* and *de facto* discrimination against Aboriginal women both in society at large and in their communities, particularly with respect to remaining discriminatory legal provisions and the equal enjoyment of their human rights to education, employment and physical and psychological well being. It also recommends to the State party

to ensure that Aboriginal women's representatives receive sufficient funding in order to be able to participate in the necessary governance and legislative processes that address issues which impede their legal and substantive equality.”⁴

While the advancement of self-determination is a positive development for Indigenous peoples, self-determination does not automatically guarantee fairness or equality for women. Similarly, in the last decade, there has been no progress on eliminating sex discrimination against Aboriginal women in the determination of Indian status under the Indian Act, nor on the division of matrimonial property on Aboriginal land reservations after the dissolution of marriage (which is reg-

ulated by the Indian Act).⁵ Violence against Aboriginal women in Canada remains prevalent, and the response by Canada is woefully inadequate, as further elaborated on below.

National Law

The Indian Act of 1876 was established to define the status of Indians living in Canada, and to distinguish between those who had rights to reserve lands and those who did not. Amendments to the Indian Act were made in 1985 to remove explicit sex discrimination in the determination of Indian status, but residual sex discrimination remains. With the amendments, women who married non-status men were reinstated with Indian status, which had been stripped from them

Box 23. Inuit Women Refuse to be Marginalized

Pauktuutit (Inuit's Women's Association of Canada), a grassroots organization, is the only national NGO addressing issues faced by Inuit women. Yet its existence is both precarious and marginalized. Diminished funding affects the ability of the organization to participate fully in the issues of the day, and outright exclusion—as in the 2004 First Ministers Meeting on Health, and the Aboriginal Peoples Summit where Pauktuutit was given only observer status—makes full engagement near impossible.

In October 2004, Pauktuutit took on Canada's Prime Minister in a letter demanding adequate representation and funding.

"In the case of the Inuit, the Government of Canada has yet to even officially recognize that Pauktuutit is, indeed, a National Aboriginal Organization, even though we celebrate twenty years of success this year. This has clearly caused losses for the advancement of Inuit women's equality—both in the policy decision-making and, very importantly, in the subsequent resource sharing and program development that is negotiated in our absence...

"We are turning excellent projects down, because our core funding is so minimal as to render us unable to provide basic administrative support ... [and] we are now so overworked and underfunded that exhausted, underpaid employees are leaving Even managing minimal board services is becoming untenable...

"These two challenges—lack of voice and insufficient funding—have been increasingly undermining our work for some time and are now gravely jeopardizing our capacity to continue. We shall be forced to close our doors if they cannot be resolved in the immediate future."

at the time of the marriage. However, the Indian status of the grandchildren of reinstated women depends on the grandchildren marrying a status Indian or having both a mother and father with status. In contrast, the descendants of men married to non-status women automatically have status. This discrepancy results from the fact that men with Indian status did not have to relinquish status upon marrying a non-status woman, and their wives automatically gained status.

Therefore, the amendment to the Indian Act was premised on the notion of descent though the male line and in this way it continues to discriminate against Aboriginal women. The effects of sex discrimination regarding status include denial of access to on reserve schooling and housing, access to non-insured health services, childcare and post-secondary education.⁶ Very importantly, status is also a matter of identity and can affect belonging to and membership in a community.⁷ In addition, a person's status can affect participation in a community's self government negotiations. Those present at the outset make decisions on the rules of Indian Band membership, including the rules that determines who is permitted to participate in self determination negotiations and who is not. Denial of the right to participate negatively impacts, in disproportionate numbers, Aboriginal women who lost Indian status before 1985.⁸ The federal government's failure to ensure and support Aboriginal women with reinstated status to full Band membership has the effect of denying them the right to participate in Aboriginal self governance and violates their rights under Articles 15 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women.⁹ The Native Women's Association of Canada, Pauktuutit and other women's organizations are urging the federal government to eliminate from the Indian Act discrimination against Aboriginal women and their descendants. Ultimately, Aboriginal women require full protection under laws that uphold their human rights.

Unlike women to whom provincial and territorial matrimonial property laws apply, women living on reserves do not have the protection of laws equitably dividing matrimonial property at the end of a marriage. Nor do they have the right to the exclusive possession of the matrimonial house for a period time if they have been the victim of violence committed by their partner. The Indian Act currently makes no provisions for these rights.¹⁰ The matrimonial property rights of women have been mentioned in select land management agreements between First Nations Bands and the federal government, but it is not yet clear how and if these rights will be fully implemented.¹¹ This is quite disappointing given the federal government's commitment made in Beijing to apply gender-based analysis to all policy initiatives and legislation of significance to women. The application of gender-based analysis is no less critical to ensuring the equality of Aboriginal women than it is for other constituencies of

women in Canada. Housing shortages on reserves, and the prevalence of poverty and violence, make the protection of women's matrimonial rights especially critical.¹² While a woman may be awarded compensation to replace her half interest, continued residency on the reserve may not be possible without housing.¹³ Indeed, the federal government's failure to establish sufficient housing on reserves for First Nations women denies them and their children the rights equivalent of those women and children living off reserve.¹⁴ The Native Women's Association of Canada therefore recommends that the federal government put interim legislation in place that gives First Nations women matrimonial property rights equivalent to the rights of all other women in Canada. This legislation would eventually be replaced by new self-government legislation offering women protections.¹⁵

Violence Against Women

Aboriginal women are three times more likely than non-Aboriginal women to experience partner violence. The violence they experience is also five times as likely to be severe and potentially life-threatening.¹⁶ The cycle of violence against Aboriginal women is embedded in a history of colonization that involved dispossession, forced relocation, forced placement in residential schools, cultural domination and other forms of racism.¹⁷ The Native Women's Association of Canada asserts that if Aboriginal women's human rights were protected and if they were not marginalized in a number of ways (economically, socially, etc.), they would not be vulnerable to the high levels of brutal, racialized and sexualized victimization that they currently face. While awareness of violence against Aboriginal women has increased, the context or conditions in which violence against Aboriginal women occurs has not been adequately addressed. As a consequence, goals to reduce violence have not been met. Recently, there has been some indication that the federal government will contribute funds so that the Native Women's Association of Canada can investigate and raise awareness about the untold number of Aboriginal women whose disappearances over the past few decades remain unsolved. It is only through the direct involvement of representative Aboriginal women's organizations in implementing positive solutions to these issues that substantive results can be achieved. The Native Women's Association of Canada has estimated that more than 60 women from one city in Canada alone are

“missing” (and likely murdered), and that the overwhelming majority of these women are Aboriginal. These missing and murdered women led lives marked by violence and a legacy of colonization.¹⁸

In its 2003 submission to the UN Committee on the Elimination of Discrimination Against Women, the Canadian Feminist Alliance for International Action (FAFIA) provides evidence to support the fact that Canada has failed to address the racism and bias in the criminal justice system in instances of violent crimes committed against Aboriginal women.¹⁹ For example, to FAFIA’s knowledge, the criminal code’s section on offenses motivated by bias, prejudice or hate has never been applied in the sentencing of an accused for a violent crime against an Aboriginal woman.²⁰ In a statement made at the 2004 UN Permanent Forum on Indigenous Issues, the Native Women’s Association of Canada, Pauktuutit and other women’s organizations quoted the UN’s Special Rapporteur on violence against women, Yakin Ertuk, who writes, “State accountability is embedded in the standard of due diligence to protect women’s bodily integrity: to prevent, investigate and punish private or State violence against women in accordance with human rights law. In so doing, the State and its agents must undertake gender analysis in order to accurately assess how, why, and under what circumstances specific forms of violence are perpetrated.”²¹

The Sisters in Spirit Campaign (See Box p. 168) sees it as imperative that a gendered race analysis underwrites government action that will result in an end to such alarmingly high levels of violence against Aboriginal women in Canada.

POWER AND DECISION MAKING

In the last decade, the political participation of national Aboriginal women’s organizations has suffered because of greatly diminished funding. This lack of funding prevents these organizations from fully engaging with the critical issues of the day. Funding for Aboriginal women’s groups is substantially less than the funding that other national Aboriginal organizations receive. The struggle that needs to be waged against gendered racism demands a strikingly more substantial funding regime from the government in order to ensure meaningful political participation of national Aboriginal women’s organizations.

Funding that allows for a continued but highly precarious existence means that the federal government has, on more than one

occasion, attempted to manipulate the voices of national Aboriginal women’s organizations. Currently, the Métis National Council of Women is in court over the Government of Canada’s contravention of Métis women’s freedom of association. The Government is not allowing Métis women to choose a political representative. Some Aboriginal women’s groups assert that the listing of national organizations representing Aboriginal women in Canada is left to the federal bureaucracy, and that parliamentarians refuse to intervene in the bureaucracy’s selection process. For example, when the government lists the national Aboriginal women’s organizations in Canada, the Métis National Council of Women is excluded.²²

Government reluctance to recognize the significance of the voices of national Aboriginal women’s organizations is long-standing. In the aftermath of the 1992 constitutional talks in Canada, a case brought by the Native Women’s Association of Canada (NWAC) against the federal government over the government’s contravention of native women’s rights to equality and freedom of expression reached the Supreme Court.²³ Since that time, however, NWAC has been selected as one of five national Aboriginal organizations to be federally recognized as political leaders. NWAC has also had the opportunity to participate in high-level policy discussion related to the Canada Aboriginal People Roundtable Follow-up Sectoral Sessions. Unfortunately, these opportunities are not a reality for all Aboriginal women’s groups. For the Métis National Council of Women and Pauktuutit, litigation has been among their only options in their attempt to be recognized as legitimate voices for Aboriginal women. Both organizations, in fact, have launched court challenges against the government over funding and exclusion from the political arena.

The crisis in funding jeopardizes the capacity of some national Aboriginal women’s organizations to act as national representatives of Aboriginal women. Often, government funding is unpredictable, inadequate and piecemeal. Applying for funding, in addition, is very costly because of the nature of the application process. All of this makes it very difficult for organizations to be fully engaged

with, and politically active around, the issues affecting Aboriginal women. For example, the Métis National Women’s Council saw its funding diminish over several years, after which time their core funding was eliminated entirely. It has only been through the persistence and tenacity of these groups that the federal government has more recently articu-



Inuit girls.

lated an improved commitment to tackling the issues facing Aboriginal women, though it is not clear if this will mean an increase in resources for all national Aboriginal women’s groups. While some organizations continue to experience financial straits, Aboriginal women’s voices are not always represented in national political debates. The effect of the funding crisis, according to Pauktuutit, is that service provision is prioritized, leaving no funds for policy work. Pauktuutit’s Executive Director states that “Pauktuutit is unable to engage in the pressing national issues of the day.”²⁴ It is desirable that national Aboriginal women’s organizations in Canada receive adequate, reliable, multi-year, transparent, accountable and predictable core funding. As things currently stand, deliberately managed funding by the government works to marginalize their voices.

In addition, the national Aboriginal organizations that are most frequently legitimated as being a voice for Aboriginal people in Canada tend to be male-led, which means they are not equipped to represent the concerns of Aboriginal women in the same way that the national Aboriginal women’s organizations are able to.²⁵

While women’s organizations may be invited to the meetings of male-led organizations, but there have been occasions in which representatives from some national women’s organizations have been assigned “observer” status at these meetings. Additionally, the mandates of the male-led Aboriginal orga-

nizations differ greatly from the mandates of the women's organizations. For example, Pauktuutit is distinct from Inuit Tapiriit Kanatami (ITK), the national Inuit organization. ITK represents the four Inuit regions in northern Canada, which means that it represents the four land corporations of northern Canada. The sphere of grassroots, community-based politics which is distinct from this, is the work of Pauktuutit. Pauktuutit is elected by and represents women who self-identify as Inuk mostly in northern Canada, but also in the south. Pauktuutit and ITK are colleagues at the working level, collaborating on projects and funding proposals. But at the political level, the two organizations are distinct and autonomous. However, ITK does not vouchsafe Pauktuutit's autonomy. While Pauktuutit is allowed to be present at ITK's board meetings, it is not permitted to vote.²⁶

Another issue affecting some Aboriginal women's organizations is continued inequality in political participation. The Beijing Declaration of Indigenous Women noted the omission in the Beijing Platform for Action of the recognition of Aboriginal women's rights to self-determination. The full participation of women is necessary if self-determination is to meaningfully address the realities of both women and men.²⁷ The unequal participation of Aboriginal women in on-going negotiations for self-government means that Aboriginal women's organizations are unable to secure adequate protections in these agreements for Aboriginal women and their children.²⁸ In the last decade, there have been improvements in the negotiations for self-determination, but it is the view of many Aboriginal women that the current processes underway still do not ensure equal participation by women. Furthermore, the political participation of women can be negatively impacted if a gender-based analysis is not applied throughout the self-government negotiations and implementations of these documents.²⁹ This can only be avoided if the discussions start with all present so that the rules for self-determination are fair and just. Self-determination negotiations determine at the outset the rules of membership, i.e. who is permitted to participate in self-determination and who is not.

Indeed, some Aboriginal women claim that there has been a collaboration between the government and the three male-led national Aboriginal organizations, which has resulted in the suppression of the voices of Aboriginal women.³⁰ Towards founding Nunavut, for example, the federal government worked with the male-led organizations

in establishing this Inuit majority territory. In the process, the male leadership active at the time was institutionally entrenched, and equality assurances for women were effectively dismissed at the outset.³¹ National Inuit women's organizations were excluded from the start from the political discussions, and continue to be excluded from the federal government's decision-making process.³²

National Aboriginal women's groups work diligently and tirelessly to be included in important government discussions and do not always succeed. Some of the national Aboriginal women's groups have not been meaningfully integrated in discussions on national and regional job creation agreements and health services for Aboriginal peoples.³³ With the exception of the Native Women's Association of Canada (which, as noted above, is now one of five national Aboriginal organizations recognized by the federal government), the integration of the voices of national Aboriginal women's groups is in no way guaranteed. As such, the Métis National Council of Women's court case against the Government of Canada is the only remaining means through which the federal government might give the organization equal funding and permit them to fully participate in the devolution of federal funding and service plans to Métis communities. The federal government's failure to systematically include all of the national Aboriginal women's groups in its political discussions at the same level at which male-led organizations are included, and its failure to fund Aboriginal women's organizations at the same level at which male-led Aboriginal organizations are funded, constitutes a violation of the rights of Aboriginal women in Canada under Articles 7 and 15 of CEDAW.³⁴ Accordingly, the UN Committee on the Elimination of Discrimination Against Women, "recommends to the State party to ensure that [A]boriginal women receive sufficient funding in order to be able to participate in the necessary governance and legislative processes that address issues which impede their legal and substantive equality."³⁵

POVERTY ERADICATION

The 2003 report of the UN Committee on the Elimination of Discrimination Against Women asserts that, while poverty in Canada has been declining since 1997, poverty among Aboriginal women still "was far too high."³⁶ It is a crushing fact that 42.7 percent of Aboriginal women live in poverty. This is double the percentage of non-Aboriginal

Box 24. The Sisters in Spirit Campaign

Approximately 500 Aboriginal women have been reported "missing" in the last 30 years. While the number of missing women mounts, the government, media and popular culture remain silent.

The Sisters in Spirit Campaign seeks to document the cases of the missing women, assess Canada's implementation of its anti-violence commitments and address the particular experiences of Aboriginal women. Launched in 2004 by the Native Women's Association of Canada (NWAC), the campaign aims to increase public awareness about the high rates of racialized and sexualized violence against Aboriginal women and to improve public understanding of this violence.

The NWAC works with individual women, Aboriginal women's organizations including Pauktuutit and the Métis National Women's Council, national Aboriginal organizations and other civil society groups, academics, health service providers and legal services in collaboration with federal, provincial and territorial governments.

As stated by the campaign, "Sixty percent of the missing women from Vancouver's Eastside were Aboriginal, and most were young. These were poor women involved in the sex trade. They struggled with drugs and alcohol. Some suffered from the effects of Fetal Alcohol Syndrome, and many were victims of childhood sexual abuse. Every one of them grew up in a foster home. Their lives bore all of the markings of the violence of colonization."

In addition to public education and research, the Sisters in Spirit Campaign works with individual, marginalized Aboriginal women through community-based initiatives; identifies key policy and law reform issues, including media-related hate crimes; and develops relationships with families and friends of the missing and murdered women.

It is urgent action that will increase the life chances of Aboriginal women, and the Sisters in Spirit Campaign insists that time is of the essence.

Source: Native Women's Association of Canada, "Statement by the Native Women's Association of Canada," *Third Session of the Permanent Forum on Indigenous Issues, Joint Statement with AFN*, 6 May 2004.

women living in poverty and far greater than the percentage of Aboriginal men living in poverty.³⁷ Aboriginal poverty is connected to the history of colonization and the dispossession of traditional lands from Aboriginal people, and the Beijing Declaration of Indigenous Women makes note of this.³⁸ In taking possession of lands used by and displacing Aboriginal peoples, its colonizers, destroyed traditional ways of life and the ability of Aboriginal peoples to provide sustenance for the community. Resource extraction from land and waters by colonizers is historic, and hydroelectricity, forestry and mining, for example, support the economy of Canada in the present day. Aboriginal peoples are typically excluded from this economy while made to suffer the environmental damages brought by “development.”

Canada’s economy is certainly diverse and rich, and hence the exclusion of Aboriginal women from its wealth is noteworthy. Figures circulating in 2002 held that the average annual income for non-Aboriginal woman was \$19,350, which was nearly the same as the figure, for Aboriginal men, while for Aboriginal women, the average annual income was around a third less, at \$13,300.³⁹ Aboriginal women are over-represented in poverty rates and, their work in the labor market is undervalued, as well. Despite this, the Métis National Council of Women and Pauktuutit must struggle to be included in government discussions on national and regional job creation.⁴⁰

In the city of Winnipeg, a greater proportion of Aboriginal women are part of the paid labor force compared to non-Aboriginal women, so it is not necessarily because of lower employment rates that Aboriginal women’s income is lower. While employment rates are not always higher, particular barriers prevent more Aboriginal women from working for wages, or for higher wages. These barriers include the great distances between centers where there is paid work and where Aboriginal women have family and have made a community; inadequate child-care; the requirement work cultures make of workers to conform, which for an Aboriginal woman can mean the relinquishing of her values; an education system that does not meet the needs of Aboriginal students, and so discourages them from completing high school; and racist and sexist employers refusing to hire Aboriginal women for certain work, or refusing to hire them at all.

Away from the labor market, Aboriginal women’s unpaid work is crucial. Caring for the environment is unremunerated, as is caring work for the community and for

families.⁴¹ The Métis National Council of Women emphasizes the importance of this work: multiple generations of women are raising the next generation, so this is among the work being done by 51-52 percent of the population.⁴² Under the duress of insufficient income and/or dire poverty, the issue of the day is always survival.

In its 2002 CEDAW report, Canada notes the federal government’s responsibility for housing on reserves, but concludes that “many First Nations still face a large backlog of substandard and overcrowded houses.”⁴³ The federal government is not meeting its housing responsibilities to start, nor is the



government providing adequate social housing or joint funds for social housing in northern Canada. As Inuit and Métis do not have status under the Indian Act, they are in competition with non-Inuit for social housing. Currently, it is the Inuit who must contend with the worst housing crisis in Canada.⁴⁴ Thirty-three percent of Inuit households compared to 18 percent of non-Aboriginal households live in housing that does not have enough bedrooms, that requires major repairs and that consumes over 30 percent of the household income.⁴⁵ In short, housing conditions for a third of Inuit households can be described as unaffordable, inadequate and unsafe. The high cost of private rental market housing in Arctic regions, coupled with the high percentage of Inuit living in poverty, makes a solid case for the need for increased social housing.⁴⁶ In urban centers, Métis The deficiency of government efforts in providing social housing is noted in the 2003 report of the UN Committee on the Elimination of

Discrimination Against Women.⁴⁷

The crisis in housing has several negative effects on Aboriginal women’s well-being. The lack of housing on reserves, in northern Canada and in urban centers and the absence of provisions in the Indian Act on the equal division of matrimonial property together act to separate women from communities upon the dissolution of marriage.⁴⁸ Similarly, a woman whose Indian status has been stripped from her because of her marriage to a non-status Indian or non-Aboriginal man cannot always return to her reserve. Despite the 1985 amendments to the Indian Act reinstating Indian status to women whose status had been stripped, lack of housing prevents reinstated women from returning to their communities.⁴⁹ Unsafe housing—with poor construction, ventilation and insulation—is associated with ill health in the form of respiratory problems and immune system complications. Lack of piped water and substandard sewage disposal are associated with infectious diseases.⁵⁰ Further, high rates of poverty and insufficient housing in the north and on reserves diminish a woman’s ability to leave a violent household.⁵¹ A lack of housing also raises the risk of homelessness for Aboriginal women.⁵²

NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

Environmental security is vital to Aboriginal peoples who live off the land. The Métis National Council of Women reports that 90 percent of women who do not live in a major Canadian centre live off the land.⁵³ For Inuit in the Arctic, living off the land is a matter of survival in several ways. It means cultural survival as well as good health and well-being. More specifically, hunting, fishing, gathering wild resources and sharing these foods are accepted as important contributors to Inuit health and well-being. However, their cultural survival and physical health are being imperiled by environmental damage. Environmental contaminants like persistent organic pollutants (POPs) have bio-accumulated in Arctic wildlife and negatively impacted the health of Inuit through the ingestion mainly of meat. Mercury levels in the blood of Inuit mothers is higher than it is in any other category of women; levels of polychlorinated biphenyls are higher among Inuit mothers compared to white, Dene (First Nations) and Métis mothers, and ⁵⁴ fetuses may be disturbed in Inuit women because of the ingestion of animals contaminated by POPs.⁵⁵

While the knowledge of women living off the land is profound, there is a disturbing absence of data which means that the health effects of environmental degradation in the north are not being diagnosed assiduously, according to Pauktuutit.⁵⁶

The bioaccumulation of environmental contaminants in the Arctic is matched by similarly damaging conditions further south. Asubpeeschoseewagong (Grassy Narrows) First Nation faces mercury contamination in the water, flooding and community relocation, and the clear cutting of forests.⁵⁷ Resource extraction and economic development tend to be the focus of an “old guard” leadership in the position to negotiate land claim agreements with governments in Canada.⁵⁸ Often, when Aboriginal women take leadership on issues of the environment, it is with the goal of preserving the ecological integrity of the land and averting the potential dangers related to industrial development.⁵⁹ However, movements opposed to the course being taken in land claim negotiations receive little or no funding for campaigning for an alternative, while the old guard is well funded, in comparison.⁶⁰

HEALTH

Pauktuutit, the Native Women’s Association of Canada and the Métis National Council of Women are all confronting the very worrisome state of health of Aboriginal women. As a result of the severe effects of structural racism and sexism, which include the extreme poverty in which many Aboriginal women live, Aboriginal women’s health is in a state of crisis. Aboriginal women have double the national average rates of reproductive tract and breast cancers women; life expectancy for First Nations women is eleven years less than it is for the general female population; while rates of sexual abuse among Aboriginal girls under the age of 18 are at 75 percent, and rates of violence among Aboriginal women are at 80 percent.⁶¹ Further, rates among Aboriginal women are higher than among non-Aboriginal women for heart disease, diabetes, tuberculosis and suicide.⁶² Yet some Aboriginal women’s organizations are struggling for full participation in government discussions on health services. The inclusion of the Native Women’s Association of Canada in sectoral discussions with the federal government is a positive step, but the participation of other Aboriginal women’s organizations in discussions regarding women’s health must be greater. (Poor health co-mingles with the ef-

fects of colonization) Aboriginal people are more likely than non-Aboriginal people to be living without adequate nutrition, with sub-standard housing and sanitation, poverty, racism, violence and physical, social and emotional injury.⁶³ A significant period in the history of colonization was the era spanning five generations when children were removed from families and forcibly placed in residential schools. A National Aboriginal Health Organization study found that 68 percent of First Nations respondents and 62 percent of Métis respondents hold that the adverse effects of residential schools are a significant contributor to poorer health.⁶⁴ In church-run residential schools, children were punished for speaking in Aboriginal languages and conducting Aboriginal practices in a bid to assimilate them. School operators maltreated the children and meted out physical and sexual abuse, and for this, in 1998, the federal government issued an apology. The effects of residential schools have been inter-generational: families were separated, cultural practices were dissolved, psychological and physical health was damaged, and the cycle of violence continues to perpetuate itself.

HIV/AIDS

Ill health, according to women’s testimonies in the *Report of the Royal Commission on Aboriginal Peoples*, is best approached through holistic healing. Healing the body requires healing the mind, spirit and the environment, as well as the unequal relations between Aboriginal peoples and existing culturally dominant institutions. In many Aboriginal communities, women are leading the healing.⁶⁵ With many Aboriginal women taking the initiative in the healing of their communities, it is critical that Aboriginal women’s organizations not be excluded in policy and programming regarding Aboriginal health. Off reserve health care, for example, is provided by local NGOs that are selected on the basis of criteria set by the federal government. Pauktuutit notes that federal funds for Inuit health are almost entirely funneled through male-led Aboriginal organizations.⁶⁶ As a consequence, few women’s organizations, if any, are part of the selection or administrative process. And as it stands, First Nations women are not offered comprehensive health services. The recent (Royal) Commission on the Future of Health Care in Canada states that the unwillingness of provincial, territorial and federal governments to assume jurisdiction and responsibility for health care

negatively affects the health of Aboriginal people.⁶⁷ As a consequence, the delivery of health care services to Aboriginal women is often fragmented, inadequate and mostly culturally inappropriate. The UN Committee on the Elimination of Discrimination Against Women recommended in 2003 that Canada “accelerate its efforts” to eliminate discrimination against Aboriginal women, particularly with respect, among other human rights, to equal human rights to physical and psychological well being.⁶⁸

The rising cases of AIDS among Aboriginal peoples in the last decade contrasts to the leveling off of AIDS cases among the non-Aboriginal population. The rate of HIV contraction is startling: each day an Aboriginal person in Canada contracts HIV. Meanwhile, the amount of government money spent on HIV/AIDS has not increased since 1998. More data on HIV/AIDS must be disaggregated on the basis of sex for women-appropriate programming.⁶⁹

Violence increases a women’s susceptibility to sexually transmitted diseases, such as HIV/AIDS. Figures in circulation in 2004 indicate that the proportion of Aboriginal women among adult AIDS cases is almost two times as high as the cases among non-Aboriginal women.⁷⁰ The rate of AIDS among Aboriginal women is 23.1 percent, while for non-Aboriginal women, the rate is 8.2 percent. Young people are more likely to be infected among Aboriginal peoples, with nearly 30 percent of cases concentrated in the under 30 years of age category, compared to less than 20 percent of cases among non-Aboriginal people in the under 30 category. Injection drug use accounts for two thirds of new HIV cases among Aboriginal peoples, with transmission rates from injection drug use that are six times higher for Aboriginal women compared to rates for non-Aboriginal women.⁷¹

Authors

Kalapi Roy, Canadian feminist Alliance of International Action (FAFIA). This paper is based on our research in a consultation undertaken by FAFIA with the Métis National Council of Women, Native Women’s Association of Canada and Pauktuutit. The views expressed in this document may not necessarily represent the views of all FAFIA’s member organizations.

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UNITED STATES

Commitments Waiver and Progress Stalls Amid Backlash Against Women

At Beijing+5, women's groups from the United States reported a strong governmental commitment to the Beijing Platform for Action and some progress in its implementation. At Beijing+10, we have to report that the official governmental commitment to the Beijing Platform is wavering, and progress towards implementation is stalled at best and undermined in key areas, including human rights, poverty eradication and the economy and reproductive health and rights. This holds disastrous consequences for American women, particularly for those who are poor, women of color and immigrant women.

Under the current Administration, consideration of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is stalled, the Convention on the Rights of the Child and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) remain unratified, and the effectiveness of the International Criminal Court (ICC) is being undermined.

The massive loss of jobs, particularly in the public sector, has displaced women workers and pushed them into lower paying service sector jobs with little job security or benefits. The massive military expenditures for the war in Iraq, and excessive tax cuts that have principally benefited the wealthy at the expense of the poor, have had a devastating impact on poor women, who have not only lost income but simultaneously have had to make up for reductions in government services. In addition, the few existing institutional mechanisms for women—the President's Interagency Council on Women and the White House Office for Women's Initiatives and Outreach—have been dismantled by the Bush administration, and advisory committees on women's issues have been undermined by the appointments of people opposed to their mission. Women's representation in the Congress and state legislatures remains abysmally low, at 14 percent and 22 percent respectively, for one of the world's oldest democracies.

HUMAN RIGHTS

CEDAW Compliance

The United States has not yet ratified CEDAW. For many years, the former Chair of the Senate Foreign Relations Committee, Republican Senator Jesse Helms, blocked action on the treaty. In 2002, under a new Democratic Chair, favorable action on CEDAW occurred with a bi-partisan vote of 12 to 7 in the Committee to approve the treaty. However, the Bush Administration requested an additional review of CEDAW by the U.S. Justice Department, thus stalling any further action by the Senate.¹ In international fora, the U.S. also continues to take exception to any language calling for ratification of CEDAW.

Although CEDAW has not been ratified nationally, the city of San Francisco, California, enacted a local ordinance in 1998 based on the convention's principles. The ordinance requires the city to ensure the protection of women's human rights, including the elimination of discrimination against women and girls, and establishes a CEDAW Task Force to assist in the implementation of the ordinance within San Francisco. Gender equity and equal access are promoted in the areas of economic development and employment, violence against women and girls, and health care. The ordinance also requires that city departments undergo gender analysis to monitor discrimination against women and girls in budget allocation, delivery of services and employment practices. The passage of the CEDAW ordinance, the only one of its kind in the U.S., was due to collaborative work between the San Francisco Commis-

sion on the Status of Women and a coalition of community organizations led by the Women's Institute for Leadership Development for Human Rights (WILD), and it has inspired cities across the country to pursue similar initiatives.²

National Law

Women in the U.S. have made progress toward equal opportunities in many sectors of society, yet enforcement of sex discrimination legislation has been declining under the current administration. Title VII of the 1964 Civil Rights Act prohibits discrimination in the workplace based on race, color, religion, sex or national origin. The law has been interpreted to prohibit sexual harassment and expanded to include pregnancy-based discrimination.³ Yet, women in the U.S. still suffer the detrimental effects of gender inequality. Women still earn on average only 77 cents to a man's dollar, lack access to executive and management positions, lack paid maternity leave, and currently face an increase in job discrimination based on pregnancy.⁴ The Bush administration has cut initiatives to fund the enforcement of pay discrimination laws, has removed information on the wage gap from the Department of Labor's website, and has repealed a 2000 rule that gave states the ability to use unemployment funds to pay partial maternity leave.⁵ In recent years, the Department of Justice has dropped precedent-setting sex discrimination cases and undermined the enforcement of discrimination laws in the workplace.⁶

Moreover, the Department of Education under the current administration has taken

a "race-neutral" stance that in reality undermines affirmative action and opposes civil rights protections for students. This stance was evident in a recent Supreme Court case in which the Administration unsuccessfully urged the Court to strike down affirmative action programs used for admissions by the University of Michigan.⁷

The United Nation's five-year Review and Appraisal of the Platform for Action in 2000 concluded that the countries that applied quota systems in governmental bodies, national parliaments and political parties experienced a significant increase in women's representation.⁸ The United States adopted the Platform in 1995, with President Clinton establishing a high-level President's Interagency Council on Women to implement its strategies.⁹ Through working groups set up by the Council, government agencies analyzed their current and projected policies and programs against the goals of the Platform for several years. The Council produced a report on programs for women within the U.S. government entitled, "America's Commitment: Women 2000."

According to the report positive effects of the Council included specific measures related to power and decision-making. For example, the U.S. Department of Agriculture's representative to the Council created a full-time Director of Women's Programs to work on issues affecting women, an unprecedented act in the Department. These combined actions led to the sponsorship of the Second International Conference on Women in Agriculture, which the Council co-sponsored. Other positive affects include the high numbers of presidential appoint-

ments and significant financial contributions for research on women in political and leadership roles.¹⁰

The White House Office of Women's Initiatives was to act "as a liaison between the White House and women's organizations." The office scheduled events for White House officials and presidential appointees and organized forums to amplify the President's pro-woman, pro-family agenda.

In 2001 the Bush administration disbanded the Council and the White House Office of Women's Initiatives. There have been no further efforts for to draft a national action plan to improve women's human rights.¹¹ Institutional mechanisms within the federal government intended to promote gender equality and women's empowerment are few and include: and Office of the Senior Coordinator for International Women's Issues in the Department of State; U.S. Agency for International Development's Office of Women in Development; Department of Labor Women's Bureau; Office on Women's Health in the Department of Health and Human Services; Office of Women's Business Ownership in the Small Business Administration.

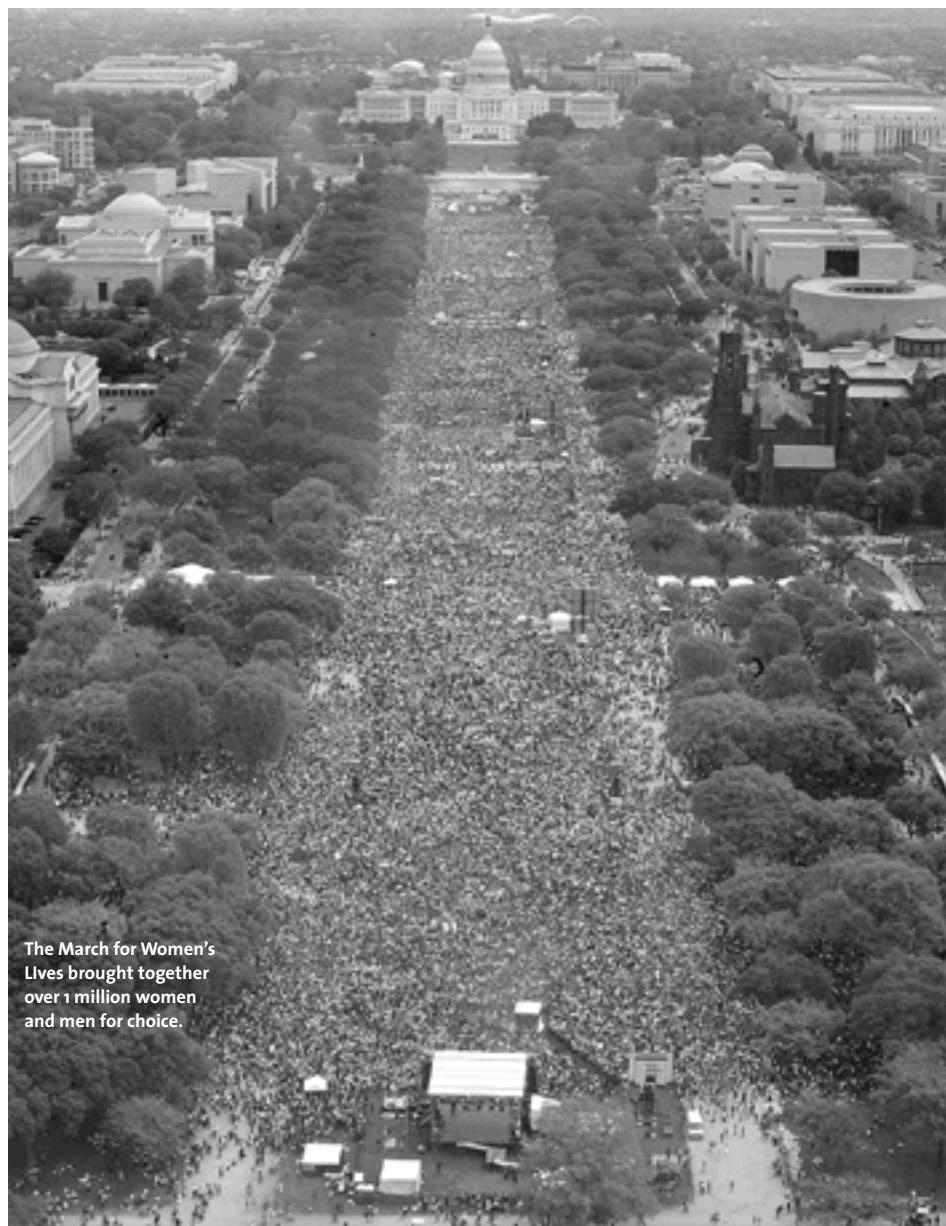
Public Awareness

Under the current administration, the U.S. Government has voiced concern for human rights violations suffered by women internationally, but has often failed to follow through with the commitment and resources to achieve these rights. In general, there is little public awareness about women's human rights in the U.S., as the focus tends to be on domestic laws and constitutional rights.

Violence Against Women

Since 1995, government entities in the United States—at the federal, state and local levels—have made remarkable progress in addressing violence against women. The U.S. Government condemns violence against women, and both state and federal laws provide for the punishment of perpetrators of violence against women and the protection of victims.

Violence against women in all its forms—including domestic violence, sexual assault and stalking—is a pervasive social problem in the U.S. Nearly one third of American women (31 percent) report being physically or sexually abused by a husband or boyfriend at some point in their lives,¹³ and young women aged 16-24 are particularly at risk.¹⁴ In addition, 30 percent of Americans say they know a woman who has been physically abused by her husband or boyfriend in the past year.¹⁵



The March for Women's Lives brought together over 1 million women and men for choice.

The Violence Against Women Act (VAWA) of 1994 was the first U.S. federal law to systematically address violence against women. This historic measure increased options for victims and acknowledged the devastating costs of violence against women by committing \$1.6 billion for services to address gender-based violence. It also improved the criminal justice system's response to domestic and sexual violence, training police and others to respond more effectively. Congress reauthorized VAWA in 2000, with doubled funding of \$3.3 billion.

Programs funded under VAWA include legal services for victims; treatment of domestic violence and sexual assault victims; shelters and transitional housing; grants to train law enforcement officers and prosecutors; services for women with disabilities; rape prevention education; and research on issues involving violence against women.

VAWA 2000 also included new protections for immigrant victims of violence and victims of dating violence. That said, there remains much to be done. VAWA is due for reauthorization again in 2005. Advocates are working to ensure that funding is increased for necessary services and new program initiatives. Some program priorities include prevention of violence; increased involvement of the health care system; programs for youth; increased access to safe housing; and protection of women from discrimination in housing, employment, and insurance.

Currently, the largest portion of VAWA funding goes to Services and Training for Officers and Prosecutors (STOP) grants, which are given to states to be distributed among police, prosecutors, courts and state and local victims services agencies, mainly for the purposes of enhancing law enforcement activities. The second largest portion of VAWA

funding goes to shelter services for battered women and their children.

Domestic violence, sexual assault and stalking are all recognized as crimes. Most prosecution is under state laws, and in recent years there have been considerable improvements in legislation (e.g., requiring police to determine the primary physical aggressor when called to the scene of a domestic violence incident; outlawing mutual arrests; broadening the definition of stalking; removing marital rape exceptions; and enacting and enforcing rape shield laws). Thanks in large part to training done with VAWA funding, local law enforcement officials are much more responsive to these issues than they were a generation ago. However, work remains to be done to ensure that batterers and rapists are in fact prosecuted and that they face adequate punishment for these crimes; often, even when perpetrators of violence against women are prosecuted, they face little or no jail time.

The U.S. has for many years had a tradition of protecting refugees, and has set an example for other countries in protecting women from gender-related violence. But the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) significantly undermined opportunities for refugee women to gain asylum in the United States. The Act created new barriers affecting thousands of women who have sought asylum in America. These new barriers included: expedited removal, which allows immigration officials to order the immediate deportation of anyone who arrives in the U.S. without proper documentation; the mandatory detention of asylum seekers who are subject to expedited removal; and a one-year deadline for refugees to file for asylum.

Immigrants and refugees who are victims of certain serious crimes—including domestic violence, sexual assault, stalking and traf-

These services can be particularly useful for immigrant victims wishing to flee an abusive situation. Many domestic violence hotlines and sexual assault hotlines are available both nationally and locally for victims to call 24 hours a day.

In general, the events of September 11, 2001 have resulted in increased scrutiny of immigrants and refugees. Immigration procedures have become more stringent. There have been several efforts by legislators and the administration to curtail immigration across the board and the immigration authorities are now given broader powers to enforce immigration laws. This climate has resulted in some immigrants feeling fearful of accessing governmental and social services.

Trafficking of women and girls across borders, within countries and across state lines within the U.S. is a huge criminal enterprise that generates enormous profits for the traffickers. It is estimated that approximately 45,000 to 50,000 women and children are trafficked into the U.S. each year.¹⁶ Although this trade in human beings is described in the context of trade in other illegal “commodities,” such as the trade in illegal drugs or guns, there is no analogy that truly reflects the underlying truth of this trade.

In October 2000, the Trafficking Victims Protection Act (TVPA) was signed into law. Developed to protect victims of human trafficking, the bill created a new form of visa, the T-visa, which allows victims of severe forms of trafficking to remain in the U.S. and assist federal authorities in the investigation and prosecution of human trafficking cases. T-visas are available for up to 5,000 victims of severe forms of trafficking each year.¹⁷

T-visa recipients are granted access to legal immigration status, provided with public assistance and protection services if needed, and can eventually apply for permanent resi-

tries’ governments to combat trafficking. Under this legislation, the President established an Interagency Task Force to Monitor and Combat Trafficking, chaired by the Secretary of State. The Task Force also established the Office to Monitor and Combat Trafficking. The Third Annual Report on Trafficking in Persons was released in June 2003.

The Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA) was signed into law on December 22, 2003. It reauthorizes the TVPA and aims to make it easier for victims to access their rights under the act. For example, a new provision allows state and local law enforcement officials to issue endorsements necessary for victims to receive benefits. Previously only federal law enforcement officials were authorized to issue endorsements. Another provision allows victims of trafficking under age 18 to be eligible for a special T-Visa without mandating that they cooperate in the investigation of their traffickers.

The Center for Women Policy Studies, a non-profit policy institute focused on women’s issues, works with state legislators to: make trafficking a state felony offense with appropriately harsh punishments for traffickers and protections for the women and girls who have been trafficked into our communities; to create expert study commissions or task forces to determine the nature and extent of trafficking in each state and make recommendations for legislative, policy and programmatic initiatives; and to regulate “bride trafficking” by commercial “mail order bride” or “international matchmaking” organizations that operate in the state.

States have begun taking on the issue of trafficking and have passed criminalization statutes (in Washington, Texas, Florida and Missouri), created expert study commissions or task forces by statute (in Washington and Connecticut), and have begun to regulate both the international matchmaking organizations (Washington, Texas and Hawaii) and sex tourism (Hawaii).

Judges and judicial personnel are trained through federally funded programs run by the National Council of Juvenile and Family Court Judges and the Family Violence Prevention Fund. These programs provide judges with training seminars, guidelines, publications and other resources to help them better understand how their decisions can play a critical role in preventing domestic violence. Some of this training has specifically focused on addressing underlying gender bias issues or the way in which violence against women can be understood as part of

Immigration laws in the 1990s significantly undermined asylum opportunities for refugee women and since September 2001, procedures have become even more stringent.

ficking—are eligible for the U-Visa created in the Violence Against Women Act of 2000.

All immigrants, regardless of their legal immigration status in the U.S., are eligible for services including shelter, crisis counseling, emergency medical care, food banks and police assistance. Depending on an immigrant victim’s immigration status, access to government benefits may also be possible.

ence. Traffickers have to provide full restitution to victims, and those who prefer to return to their home countries can receive assistance in repatriation and reintegration into the country of origin.

The TVPA established an annual written report on the nature and extent of trafficking in each foreign country that would provide an assessment of the efforts by such coun-

a larger problem of gender-based discrimination. For example, Legal Momentum's National Judicial Education Project has worked with the National Association of Women Judges to conduct trainings and develop model curricula and videos on gender bias in the courts for diverse audiences, including judges, lawyers, bar associations, prosecutors, probation officers, sexual assault coalitions and victim advocates. State and federal court systems have also established task forces to examine gender bias in the courts. Every task force found significant bias against women, leading to extensive training initiatives. They have typically given considerable attention to domestic violence.

PEACE AND SECURITY

Security Council Resolution 1325

Though awareness of 1325 is low among the general public, the U.S. Government as a permanent member of the UN Security Council has been supportive of the Resolution on women, peace and security. While international women's groups based in the U.S. use 1325 to advocate for women's participation in peace processes, the resolution is not applied to processes within the U.S.

The International Criminal Court

Though the Clinton Administration signed the Rome Statute in 2000, the Bush administration later withdrew its signature in 2002, becoming the first nation in the world to "unsign" a UN treaty. Since then the U.S. has continued to campaign against the ICC, strong-arming other countries to sign agreements not to prosecute U.S. citizens and to back away from their commitments to treaties.¹⁸ Public awareness of the ICC remains low within the U.S.

POWER AND DECISION-MAKING

Representation

In the U.S. in 2004, far short of reaching gender balance, women's political participation has stagnated and even started to decline. Where there is growth, it is slow and incremental. During the past decade (and the last five years in particular) we have witnessed a powerful backlash to the strong gains women made in the early 1990s. After 1992, heralded by the U.S. media as the "Year of the Woman in Politics," the pendulum swung back the other way. Lately we have seen a disturbing and dualistic decline both in women's power and in legislation to improve women's status. The overly slow growth—and in certain ar-

reas a reduction—in the number of women participating in decision-making, a dismantling of governmental bodies representing women, and a shift in the ideological representation of women's issues are diminishing women's potential impact. Not only has legislation designed to improve the status of women dropped off, but laws that have had positive effects on the status of women are increasingly being overturned and cancelled



out by new legislation prioritizing women's private-sphere capacity as mothers and wives above their public sphere roles.

The stagnation of women's political representation in the U.S. indicates a crisis in this area. It is increasingly clear that, without some type of affirmative action as proposed by the Beijing Platform for Action, we will be waiting until the year 2124 for women to hold half of the seats in the House of Representatives.¹⁹ While the U.S. loudly proclaims its commitment to gender equity and is at pains to export this sentiment to developing countries around the world, the facts behind the rhetoric reveal that the U.S. lags behind 58 countries in terms of women's political representation.²⁰

From 2000 to 2005, the number of women in the Senate has increased from nine to 14 (14% of seats) and from 56 to 65 congresswomen (14.9% of seats). However, there are no women of color in the U.S. Senate and 12 African American women and seven Latina women in the U.S. House of Representatives.²¹ Currently there are only eight women serving as governors of states, and to date not one woman of color has ever served in this capacity.²² In spite of the recent increase of women governors and women in congress, the deterioration of women's representation at the state level has critical implications for the future number of women governors, senators and congresswomen. As the pool of women in state elected executive and appointed offices and state legislatures tapers off as it has in the past two years, the number of politically experienced women available to move through the political pipeline to serve as candidates to congressional and gubernatorial

seats declines as well. The current loss of women legislators at the State level means that less women are serving and becoming experienced in politics, which will inevitably impact the number of women serving in higher offices.

Just as troubling for the future of women's leadership in the United States is the number of women running for major political offices in the 2004 election: women were 13.6 percent of the candidates for gubernatorial seats, 14.7 percent of the candidates for seats in the Senate and a record-setting 31.7 percent of the candidates for seats in the House of Representatives.

Although it is worth celebrating the fact that a record number of women were running for the House (138 women won their primaries and the previous record was 124 in 2002), it is imperative to recognize that 10 years after the Beijing Conference the U.S. has ample work to do to reach the pledged "goal of gender balance in governmental bodies". This is further evidenced at the judicial and local levels: of the 100 largest cities in the U.S. only 14 have women mayors, 29.3 percent of the justices on state courts of last resort are women and just 23.1 percent of the judges in the appellate courts are women.²³

The number of women in statewide elective executive office is currently 2 percent less than in 1995 and has decreased after an all-time high in 2000 of 28.5 percent.²⁴ Between 2001 and 2003, the number of women as appointed policy makers in state governments dropped three percentage points. Women's representation in the state legislatures is currently only 1.9 percent higher than in 1995 and has decreased from a record high of 22.7 percent in 2002. Out of the fifty state legislatures, in only six do women hold 30 percent or more of the seats, a target mark set by the United Nations Economic and Social Council: Washington (36.7%), Colorado (34%), Maryland (33.5%), Vermont (31.1%), New Mexico (30%) and California (30%). Women of color constitute 4.1 percent of the total 7,382 state legislators, a percentage far below the actual proportion of women of color in the wider population.²⁵

Between 1998 and 2004, the numbers of women in top policy positions in state governments increased only modestly. The proportion of women in statewide elected executive office rose from 24.8 percent to 25.2 percent; the proportion of women state legislators increased only 1 percentage point from 21.5 percent to 22.5 percent. The percentage of women serving on state high courts saw the largest increase: 6.5 percent. From



Anti-war vigils draw together diverse women.

1998 to 2004, the proportion of women department heads increased by six percentage points, from 23.7 percent to 29.7 percent. Women top advisors in governors' offices rose from 39.6 percent to 41.1 percent.²⁶ Between 1999 and 2004, the proportion of women on state high courts rose from 22.3 percent to 28.8 percent.²⁷

Impact of Representation

The quantity of high-level appointments by the Bush administration has changed women's representation. High-level women in the Cabinet and appointed positions are opening doors for women. We know that seeing women in power and decision-making changes traditional notions of leadership. However, while the Bush administration boasts that it has appointed more women to senior level leadership positions than any previous administration (though Bush only has three women in his cabinet, which is less than the 11 women appointed by the last administration), these women overwhelmingly support what many feminist scholars consider to be anti-women policies.²⁸

Numbers alone will not create the systemic support necessary to change women's leadership. Strong civic engagement and critical mass will mean lasting change.²⁹ Earlier legislative gains by women are being eroded on two fronts. Women who support and seek to further the advancement of women through positive legislation are not being placed in positions of power; instead, high-level appointments are wrapped in female-friendly rhetoric while implementing some of the most anti-woman policy seen in the last decade. Two appointments by the Bush ad-

ministration to the Department of Justice's National Advisory Committee on Violence Against Women were the same women to oppose the Act's original inception. Civic groups supporting women have been replaced with anti-woman organizations.

The Congressional Research Service notes, "The presence of an active women's movement has been a factor tending to increase the amount of women's legislation considered in any period."³⁰ The Center for American Women and Politics (CAWP) conducted a study of state legislators in 1988 and again in 2001, which found that women in public office tend to support policies that positively affect the lives of women and children.³¹ These findings were consistent across party lines and were matched in other studies that focused on the U.S. Congress.³² In general, research by women and politics scholars has shown that women have an impact on the institutions in which they serve in three ways: the issues they champion; the transparency of the institution in which they serve; and the inclusion of typically marginalized populations in the process of governing. Women's issues are conceptualized more broadly by women legislators than their male counterparts in both major parties and at all levels of government—although, depending on the nature of the government the impact may be less evident (i.e. local v. state). Women are also more active on women's rights legislation than men regardless of whether it is their top priority, and are more likely than men to have a bill focusing on women's distinctive concerns—women's rights, health care, children, the family, education, envi-

ronment, housing, and the elderly—as their top priority.³³ "The presence of women in legislatures makes a measurable difference in the types of legislation that are proposed and passed into law. Although outnumbered eight to one in the last two decades, women in Congress were successful in gaining legislation that had been long overlooked by men, including gender equity in the workplace and in education, child support legislation and laws for the prevention of violence against women."³⁴

Another examples of legislative action taken by women and across party lines includes The Iraqi Women's and Children's Liberation Act of 2004. On education, a bipartisan group of all 14 of the U.S. Senate's women sent a letter to President Bush urging him to provide enough funding to permit the principal federal funding mechanism for after school programs to grow in the next fiscal year. On democratic practices around the world, women sponsored H.CON.RES.114, calling on civic groups, women's groups and others worldwide to speak up for world peace and reaffirm women's essential role in the peace-building process.

Women's leadership, participation, debate and perspective in power and decision-making, although never monolithic, is in desperate need. The lack of diverse women leaders in the United States is problematic. Focusing on bringing more women into leadership and removing barriers to women's full participation is essential.³⁵

POVERTY ERADICATION

Macroeconomic Policies, Development Strategies

Equal employment opportunity laws for women exist in the U.S., though they are not adequately enforced. Title VII of the Civil Rights Act of 1964 and Executive Order 11246, as amended by Executive Order 11375 in 1967, provides the initial legal basis for affirmative action for women in employment in the U.S. Title VII was further strengthened by the Equal Opportunity Act of 1972, which expanded coverage of the 1964 Act and increased the enforcement powers of the Equal Employment Opportunity Commission. The 1972 Act also empowered the Civil Service Commission to review and approve equal opportunity plans and to monitor the progress of federal agencies and departments in achieving equal opportunities for women and minorities.

Title VII prohibits discrimination in em-

ployment based on race, color, religion, sex or national origin. Executive Order 11246, signed into law in 1965, barred discrimination on the same bases in federal employment and in employment by federal contractors and subcontractors. The order requires executive departments and agencies to “maintain a positive program of equal opportunities.”³⁵ Further, the order requires federal contractors and subcontractors to “take affirmative action to ensure that applicants are employees, and that employers are treated during employment without regard to their race, creed, color, or national origin.” In 1967, Executive Order 11375 expanded Executive Order 11246 to include women. Women’s groups, however, did not gain enforcement of the sex discrimination provisions until 1973.

U.S. Supreme Court decisions in the 1970’s and 1980’s reshaped the parameters of affirmative action programs. In the lone Supreme Court case specifically involving affirmative action for women, *Johnson v. Transportation Agency, Santa Clara County*,³⁶ the Court upheld in 1987 a county affirmative action program that set goals for achieving a workforce in which women, minorities and people with disabilities would be represented in proportion to their population in the county’s labor force.

The Equal Pay Act of 1963 requires equal pay for equal work. However, in 2002, full-time, year-round employed women only earned 76.2 percent of what full-time, year-round employed men earned. Women’s earnings were \$30,724, compared to \$40,668 for men. African American, Native American and Hispanic women earned less than white women. Median earnings for women of color continue to be lower, in general, than earnings for men as a whole. In 2003, the earnings for African American women were \$26,989, 66 percent of men’s earnings (down from 68 percent the previous year); Latinas were \$22,363, 55 percent of men’s earnings (down from 56 percent last year); and Asian American women at \$32,446, 80 percent of men’s earnings (wage gap remained the same). Over a 15-year period, Institute for Women’s Policy Research found that women workers between the prime working ages of 26 to 59 earned only 38 percent of what prime-age men earn.³⁷ Currently, unions and women’s organizations are working to pass new pay equity legislation that would address this gap.

The Age Discrimination in Employment Act of 1967 protects individuals in the workforce over the age of 40. An amendment to Title VII prohibits discrimination on the

basis of pregnancy, childbirth and related illness/conditions. An additional amendment prevents workplace sexual harassment and exploitation. The U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) regulates working conditions. Since January 2001, however, OSHA’s ability to regulate hazardous conditions has been weakened. More regulations have been overturned than added. In 2001, the U.S. Government failed to pass an ergonomic regulation that would have greatly supported many women workers who suffer from injuries due to repetitive stress and heavy lifting.

Other laws in the U.S. that address discrimination include: Title I of the Americans with Disabilities Act of 1990, prohibiting employment discrimination on the basis of disability in both the public and private sector, excluding the federal government; the Civil Rights Act of 1991, providing for monetary damages in case of intentional discrimination; and the Pregnancy Discrimination Act 1978, making it illegal for employers to exclude pregnancy and childbirth from their sick leave and health benefits plans.

Much of the information on the labor market and training for women comes from programs supported by the U.S. Department of Labor and is easily accessed by women on the Internet. Unfortunately, the Current Employment Statistics program plans to discontinue the collection and publication of data on women workers after July 2005, in order to “reduce reporting burden on survey respondents at a time when other data items are planned to be added to the survey.”³⁸

In the formal economy, the U.S. is currently experiencing the greatest job loss since the Great Depression. Since January 2001, Americans have lost 2.7 million manufacturing jobs and over 850,000 professional service and information sector jobs. Wages in the industries in which jobs are being created are, on average, 21 percent lower than wages in those industries in which jobs are disappearing. In addition, expanding industries are less likely to provide workers with health insurance than industries cutting jobs.

An important change in the structure of work has been the introduction of temporary work. The temporary help industry is among the fastest-growing segments of the U.S. economy: 1 in 8 new jobs since 1984 is a “temp” job. Many women are attracted to temp work as a way to balance work and family responsibilities. However, temp work means they earn less, have fewer benefits, and little job security when compared to permanent workers. They are often more likely to

suffer periods of unemployment and more likely to be poor than are permanent workers. Workers in temp jobs are excluded from coverage by many employment and labor laws, which were created with permanent jobs as a standard. Temp workers lack an effective right to organize a union because of restrictive labor laws.

In the U.S., women disproportionately depend on the public sector for jobs that pay good wages and offer benefits partially attributed to a higher rate of union coverage and thus privatization of government services significantly hurts women workers. According to data available in 1998, “median wages for women without a college degree are 15 percent higher in the public sector [than in the private sector]. For women with a college degree, wages in the public sector are 7 percent higher than in the private sector. Among women, 72 percent of public workers participate in a pension plan and 69 percent have employer-provided health insurance. By contrast, in the private sector less than half have either benefit, and in this case of Hispanic women, less than a third do.” For women with a college degree, the gender gap is smaller in the public sector than in the private sector.³⁹ For women without college degrees, 63.9 percent of their jobs are at risk of being privatized.⁴⁰ The continued privatization of public operations is likely to further erode the wages and benefits of women workers, especially African American and Latina women who do not have a college degree.

Workers in the informal economy in the U.S., like their counterparts around the world, experience work conditions that are inferior to those in the formal economy. The majority of workers in the informal economy are employees, working for others in sweatshops, in home-based work and as day laborers. The data on workers in the informal economy, however, is not very strong in the U.S. There is an estimate that it represents about one seventh of economic activity. The majority of this work provides low pay, few benefits, no job security and few unions. Childcare workers—a workforce made up primarily of women—are among the poorest-paid workers in the U.S. In 2000, they were paid a mean wage of \$7.86 per hour, while preschool teachers earned a mean hourly wage of \$9.66. Low wages lead to a high staff turnover in this line of work. Given the correlation between the quality of early childcare, and children’s development and educational growth, these low wages and poor benefits for childcare workers and the ensuing high turnover impact not only the

workers themselves, but those families who depend on early childcare—particular families with working parents.⁴¹

Women's work in the unpaid sector is not visible in the national income accounts in the U.S., and women are still primarily responsible for taking care of children, as well as elderly and sick family members. Despite the creation of the Family and Medical Leave Act (FMLA) of 1993, which provides up to 12 weeks of unpaid, job-protected leave during a 12-month period for men and women who take leave for the birth or care of an infant or adopted or foster child, care of an immediate family member with a serious health condition, or for a worker's own serious health condition unpaid leave still presents a large burden for most families. Also, this legislation only applies to workers who work in workplaces with 50 employees or more.

States are moving toward broadening the eligibility requirement of the FMLA and mandating paid leave programs,⁴² and are working on statewide pre-kindergarten programs that would ease the work-family balance and allow women to both enter the labor force and to develop the skills and tenure necessary to experience mobility within it.⁴³ Legislation was proposed by members of Congress (the Healthy Families Act) that would require employers with at least 15 employees to offer at least seven days of paid leave per year to care for themselves or family members. Currently, more than half of all workers in the private sector and in state and local government are not provided with any paid sick leave after a full year of employment. Providing seven days of paid sick leave annually would be of great importance to women, who still carry primary responsibility for care of the family, though it is not necessarily aimed at creating equity within the family. However, a national childcare or maternity/ paternity leave program that would help to create conditions of equity in sharing family welfare responsibilities does not exist, and the Bush administration has under-funded and undermined federal programs for childcare for low-income families.

Policies with respect to female-headed households have been negative rather than positive since Beijing. The Temporary Assistance to Needy Families (TANF) program, which replaced Aid to Families with Dependent Children (AFDC) as the major income support program for poor single mothers, has resulted in many families headed by women sinking deeper into poverty. Income support has been cut in half or more for poor fami-

lies. Although many women who headed households that formerly received help have found jobs, many of those women and their families remain in poverty. The U.S. Census Bureau does not break down their report on poverty in terms of gender or in terms of female-headed households, but analysis by a non-governmental organization (NGO) in October 2004 found that women were 40 percent more likely to be poor than men, that 1 in every 8 women are poor (compared to 1 in every 11 men) and that 13.8 million adult women (as compared to 9.2 million adult men) were poor.⁴⁴

For many poor women with children, especially those who have lost their jobs in the recession, suffer from mental or physical problems, have very young children and no childcare or are victims of domestic violence, there is a more limited safety net than that which existed prior to Beijing and, for those women who need help, their circumstances have dramatically declined since Beijing.

Public expenditures have decreased with respect to income support for women with children. Although some of the money saved when women moved from public assistance

of agribusiness export-led production has greatly diminished the number of small family-owned farms. Women in rural areas are struggling to keep their farms when possible and support their families in a variety of ways. One network of U.S. women farmers has referred to the triple burden that rural women are facing. They often hold two formal sector jobs (one on the farm, one off the farm) as well as assuming unpaid work in taking care of their family, particularly when social programs have been cut, are too expensive or are not available.⁴⁵ An increasing number of extension services formerly provided by the state are being privatized, forcing rural workers living in poverty into sometimes-desperate situations.⁴⁶

Farm workers are among the poorest laborers in the U.S., and the majority immigrant from Mexico. Immigrant women farm workers face discrimination in getting both semi-skilled and skilled jobs. One example of this is that they tend to be located in processing plants where the nature of work is tedious and involves less specialization.⁴⁷ While the majority of employment and labor law protections apply to workers regardless

Inequality still exists for women's participation in the male-dominated fields of science and technology.

to work was used for childcare subsidies, the childcare subsidy program has not increased since 1996 and there is vastly inadequate funding for it. Inadequate funding of income support programs and childcare is a key factor leading to the disproportionate representation of women in the poverty population. While there have been positive developments in access to health care for children in the form of the Children's Health Insurance Program (CHIP), so that uninsured children can receive health care, their mothers are likely to be uninsured. Women on AFDC were automatically insured under Medicaid; women moving from welfare have overwhelmingly found jobs that do not have health insurance, leaving more poor women without health care today than at the time of Beijing. Furthermore, to the extent federal money is spent, it goes disproportionately to screening. As several reports have indicated, however, screening for women without access to follow-up health care is a cruel joke.

Immigrant workers continue to experience discrimination in the U.S. Women farmers, although fewer in numbers than men, are also struggling. For one thing, the consoli-

of their immigration status, employers often use a workers' immigration status as a means to retaliate against undocumented workers organizing or trying to enforce the labor and employment laws. Such employer violations have created particularly exploitative working conditions for undocumented workers.

Furthermore, the lack of language, accessible government enforcement mechanisms and services pose daunting barriers for many immigrant women workers seeking to file wage and hour complaints, report health and safety violations or access workers' compensation benefits.

The executive offices of the U.S. Government collectively signed a framework on gender and trade in the year 2000 that has never been implemented. The document is entitled: "Women in the Global Economy—Framework for U.S. Participation in International Fora." It sets forth overarching goals and objectives and spells out different tools by which they can be achieved. However, because gender analyses have not been widely incorporated into state and federal budgeting processes, such goals for women have not been reached.

Corporate accountability is a huge issue in the U.S. With the collapse of corporations like Enron and WorldCom, people have become more focused on the lack of corporate accountability. The Sarbanes-Oxley Act (SOA) is the single most important piece of legislation affecting corporate governance, financial disclosure and the practice of public accounting since the U.S. securities laws of the early 1930s. Despite the passage of SOA, the Department of Justice's corporate crime division and the Securities and Exchange Commission are still dangerously underfunded. In roughly 80 percent of U.S. corporations, the CEO is also the chairman of the board.⁴⁸

Another important act is the Alien Tort Claims Act (ACTA) that was passed by Congress in 1789 and provides federal courts with jurisdiction over violations of "laws of nations". The ATCA covers slavery, torture, extrajudicial killing, genocide, war crimes, crimes against humanity, and arbitrary detention and is considered by civil society organizations an important law that holds corporations accountable for egregious human rights violations. In 1996, beginning with a case filed against Unocal Corporation for using slave labor to construct a natural gas pipeline in Burma, a series of cases have been brought under the ATCA alleging that corporations have knowingly participated in human rights violations. The business community has filed a brief asserting "[ATCA] lawsuits harm the economy by putting companies with a U.S. presence at a unique and unfair competitive disadvantage."⁴⁹

Transnational corporations may be held accountable to laws and regulations but these laws are regularly being designed and implemented to benefit economic growth rather than sustainable development in the communities where corporations are doing business (i.e. Chapter 11, Investment Chapter in NAFTA). In many cases, national laws have been rewritten in order to attract foreign direct investment with the hopes that any kind of investment will have a positive impact on populations—even if it lessens a government's ability to implement laws to protect its community and environment and favors multinational ownership over the local. It is increasingly understood within U.S. civil society that investment and corporate accountability are major themes around which women and men should organize.

Access to Public Services and Resources

In 1996, the U.S. passed the Personal Responsibility and Work Opportunities Act

(PRWORA), effectively ending 60 years of entitlement to a basic standard of living in the countries. Poor mothers are required to find a job soon after they begin receiving welfare, and after five years, they are ineligible for federal assistance for the remainder of their lives. Half of all families lost access to Temporary Assistance Program. As a result, the number of families living in extreme poverty has increased.⁵⁰ Poverty rates have grown, especially among single women and their dependent children. Recent findings indicate that women fall deeper into poverty after reaching welfare time limits. Though more low-income single parents are working, three fourths are concentrated in four low-wage occupations. Workforce participation increased 10 percent for single mothers compared to just 1 percent for single fathers; however, the average earnings for mothers continues to be lower.⁵¹

EDUCATION

International Agreements

In relation to international agreements to achieve universal primary education for all, the U.S. 2000 Census Information showed that 97.9 percent of males and females ages 7-9 were enrolled in school. For ages 10-13, 97.1 percent of the males and 96.5 percent of girls were enrolled in school.⁵² There is a slightly higher percentage of women who have less than high school completion in the population ages 60 and older than men in the same age group, but this pattern is reversed for younger age groups. Despite a higher percentage of females in the population receiving Bachelors and Masters degrees in recent years, when looking at the adult population as a whole, more males than females have bachelors degrees or higher.⁵³

The U.S. federal and state adult basic education programs have a major literacy focus for women and men. There are adult education programs in the U.S. Department of Education and the Office of Vocational and Adult Education. The Women's Bureau in the U.S. Department of Labor focuses on some female literacy needs as they relate to employment. Reports show that 23 percent of women have severely limited reading ability compared to 17 percent of men.⁵⁴

On September 30, 2004 the new Education for All Act was introduced to make universal public education a major foreign policy goal. It proposes \$2.5 billion by 2009 to fund universal education tied to strong accountability and performance standards.

The U.S. federal government has only a

few, relatively small specific programs that support gender equity activities in education. Women's groups and NGOs may conduct some of these gender equity activities, but most recipients are educational institutions. A key federal funder of gender equity education is the National Science Foundation Equity Program, which supports research, development and dissemination for increasing the number of women in science, mathematics, engineering and technology.⁵⁵

In the Department of Education, the small (under \$3 million) Women's Educational Equity Act (WEEA) program and one third of the Civil Rights Act (CRA) Title IV, Equity Assistance Center responsibilities are intended to support research, development and dissemination for combating sex discrimination. The CRA Equity Assistance Centers are mandated to focus on assisting K-12 organizations and districts related to gender equity as well as race and national origin equity issues.

As of early 2002, the Department of Education stopped funding the main federal gender equity dissemination function, the WEEA Equity Resource Center. Also the Gender Equity Expert Panel, designed to identify and share information on promising and exemplary products and programs, was discontinued after 2000.

The previously targeted federal funding for gender equity in vocational and technical education essentially disappeared in 1998. Various groups, such as the National Alliance for Partnerships in Equity (NAPE), work to improve the way the guidelines provide gender-related accountability information.⁵⁶

Public Policy

Title IX prohibits sex discrimination in federally-funded education programs and activities at all levels. Title IX and its program activities in elementary and secondary education have resulted in a major increase in girls' participation in athletics and also the protection of women and girls from sexual harassment in schools. They do not cover the elimination of sex stereotyping in curriculum as this was reserved as a state's right/responsibility. Some states and many education agencies have policies prohibiting sexism and sex stereotyping in curricula.

The Special Assistant for Gender Equity is required to coordinate and evaluate gender equity activities across the Department of Education, but that position has not been filled and the functions have not been performed since 2001. Various other programs may focus a little attention on girls' education. In the early years of the National

Institute of Education (the federal education research office) there was a Women's Research team and a grant program to promote research and data collection regarding girls and women's education. In recent years, provisions for sex or gender equity research in the U.S. Department of Education have decreased, as has implementation of the existing provisions to conduct research on girls and women's education. There are still provisions requiring the disaggregation of data by sex and other population groups in some legislation, including that creating the current Institute of Education Sciences and the operation of its National Center for Education Statistics. This lack of enforcement of gender regulations at the institutional level is reflected in the wide disparities that still exist for women's participation in the male-dominated fields of science and technology.⁵⁷

Except for a specific study such as on athletics accountability, or the recently completed study of educator sexual misconduct, there is little research on gender equity issues and no provision to include gender equity as a special area of interest in national reports. Gender equity issues are also absent in areas of important national policy such as comprehensive sexuality education versus the current funding of abstinence-only education.

Access and Changes in Practices

There is some attention paid to special educational needs of females in Hispanic, Native American and immigrant populations. Inequities related to the treatment of disabled females and males exist, as the latter are more likely to be identified as needing special education services.

National welfare policy allows 30 percent of welfare recipients to pursue a year of vocational training before returning to work. However, many states have adopted "work-first" programs, requiring that recipients work before being eligible for educational and training opportunities. This requirement results in most women who receive welfare entering into unstable, low-paying jobs, as they lack the skilled backgrounds to make them eligible for jobs that promise future growth and promotion.⁵⁸ Some states do permit welfare recipients to pursue an educational degree or skills-training course in order to meet their requirement for work.

Unfortunately, this opportunity is not part of the federal welfare program.

NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

Decision-Making

Much of women's participation in issues pertaining to the environment appears to take place at the local or national non-governmental levels within the U.S. Their participation in the Environmental Protection Agency (EPA), the department of the federal



government responsible for making decisions regarding natural resources and the environment, is limited. Despite being headed by several women from 1993 to 2003, the EPA has no visible gender units or specialists, nor have specific gender policies been developed or promoted. While the EPA focuses on the effects of environmental hazards on children, seniors and workers, there is no specific information presented on women.⁵⁹

Local women's interests in the environment are represented at national and global levels through U.S. NGOs and educational institutions. Examples of such groups include the Rachel Carson Institute, which educates

on the connections between women and the environment and advocates for women's environmental leadership.⁶⁰

Gender Impacts

As noted above, the EPA does not highlight information on environmental effects according to gender. It does address the effects of environmental hazards such as air pollutants and lead-based paints on the health of children.⁶¹ The National Institute for Occupational Safety and Health (NIOSH) is the only U.S. federal agency required to conduct research on occupational safety, and it has just recently begun to expand research on the health needs of working women.⁶² NIOSH research finds that musculoskeletal disorders account for more than half of women's work-related injuries, along with job stress and violence in the workplace.⁶³ Exposure to hazardous chemicals, even banned chemicals still in use, are being researched for links to cases of breast and cervical cancer in workers.⁶⁴

Indigenous women and women of color in the United States have worked within NGOs to fight environmental racism and sexism. Native American women from various tribal nations came forward with the Indigenous Environmental Network at the UN Environment Program Negotiations on Toxic Pollutants in Geneva, Switzerland in 1999 to oppose the use of persistent organic pollutants (POPs).⁶⁵ POPs within the United States disproportionately affect Native American women and children, as toxic run-off from factories near tribal lands poisons water and food sources that are then consumed by women and transferred to their children through breast milk.⁶⁶

There has been some national recognition of women's work for the environment, though not in proportion to the number of women involved or the time they have dedicated. On April 19, 2004, Margie Eugene Richard made history by becoming the first African American to win the prestigious Goldman Environmental Prize for grassroots environmentalism. Richard fought against the environmentally racist and unjust practices of The Royal Dutch Shell Company in her home state of Louisiana, winning settlements and safety for her community members and the environmental justice movement.⁶⁷ Another woman of color to be

recognized nationally for her environmental justice work is Peggy Shepard, Executive Director and co-founder of West Harlem Environmental Action, Inc. The group advocates for environmental and social justice issues and for quality of life in communities of color. In January 2002, Shepard was elected the first female chair of the National Environmental Justice Advisory Council (NEJAC) to the U.S. Environmental Protection Agency. She is co-chair of the Northeast Environmental Justice Network which she represents on the board of the Environmental Justice Fund.⁶⁸

The U.S. has signed, but not ratified, the Biodiversity Convention, the Ramsar Convention and the Convention on Climate Change. While the U.S. is the world's largest producer of greenhouse gases, the Bush administration has downplayed the risks of global warming, denied scientific evidence of climate change and refused to ratify the Kyoto Protocol on the grounds that it would damage the U.S. economy.⁶⁹ The U.S. has signed, ratified and entered into force the Convention to Combat Desertification.⁷⁰ There are no commitments made by the federal government to integrate gender commitments into any of these Conventions.

The ways in which women are differentially and adversely affected by the environment are yet to be recognized in a mainstream manner within the U.S. As is true with other national and state-level political positions, there is a long-standing history of male-dominated governmental bodies deciding the fate of the environment and natural resources.

HEALTH

Access and Affordability

There are significant disparities in the incidence of disease between white women and women of color. Many of these disparities can be linked to disparities in health coverage: In 2001, 16 percent of white women lacked health coverage, compared to 20 percent of African American and 37 percent of Latina women lacked coverage.⁷¹

In February of 2004, the U.S. Government confessed to altering a report to falsify data on health disparities such as hypertension, diabetes and HIV, all disproportionately affecting women of color.⁷² This blatant disregard for scientific data and citizen well-being was only reversed after strong public objection, and it stands as a glaring example of the obstacles to women of color's equal access to health in the U.S.

Box 25. Public Services: Access and Availability

Poverty

- In 2003, poverty rates increased for Americans of all ages, especially for children.
- One in three American families lives on less than \$35,000 per year.
- Recent tax cuts resulted in \$230 tax reduction for families in the bottom 20 percent. On the other hand, the richest 1 percent received an average of \$40,990 in tax cuts (Arloc Sherman, Senior Researcher, Center on Budget and Policy Priorities).
- 58 percent of the budget deficit can be accounted for by recent tax cuts

(Center for Policy and Budget Priorities).

Education

- Welfare reform in 1996 focused on a "work-first" policy, requiring most women to find employment, regardless of whether the position offered the wages and benefits necessary to lift the family out of poverty and provide long-term economic stability. As a result, women's access to higher education dwindled. The share of low-income women with some college education declined from 24 percent to less than 17 percent.⁵³
- Many welfare participants are funneled into traditionally female-dominated occupations that pay low wages. Females were predominately referred to vocational programs with training for professions such as childcare, clerical, patient care and customer service. Though in interviews, welfare participants expressed interest in non-traditional professions, they were at times guided towards traditionally female-dominated professions by caseworkers and counselors.

Health Care

- There is no federal health care program designed to cover poor, childless adults

Reproductive Health

The special needs of girls and adolescents are not being adequately met, and women and girls do not have full access to information regarding sexual and reproductive health and rights and to quality family planning services such as emergency contraception. This places young women at risk for unintended pregnancy for several reasons. Comprehensive sexuality information is woefully lacking in

- Most states are making cuts to Medicaid, which covers 40 percent of single mothers
- One in five households with incomes below \$50,000 lack health insurance (Arloc Sherman, Senior Researcher, Center on Budget and Policy Priorities).
- Though the vast majority of poor parents work, the number of employers providing health coverage and dependent coverage has declined in recent years

(Heather Boushey, Economist, Center for Economic and Policy Research).

Sick Leave

- Women are less likely to have access to paid sick leave than male earners. This is particularly true for women in the accommodation and food industries and part-time workers, three fifths of whom are women. Women are also more likely to need to care for sick family members, despite the fact that they are less likely to have access to leave. In extreme cases, women who face inadequate access to sick leave and family leave may lose their jobs.

Food Stamps

- After welfare reform in 1996, fewer families were eligible for food stamps. Notably, legal immigrants no longer qualified. Poor children in single-parent families were less likely to receive them. Enrollment rates in the food stamp program have declined by 35 percent since 1996.

Sources:

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school as well as in the media. To compound the situation, the government is committed to increasing public funding of abstinence-only programs, a policy that has not proven to be effective in decreasing the rate of unintended pregnancies.

Obstacles to access in the area of reproductive health vary in the U.S. from state to state. Women in the west and northeast have the greatest access to reproductive health

services. In all states, women's reproductive rights vary by race and ethnicity, and disparities and discrimination in access to reproductive resources have seriously impaired the reproductive health of women of color. "Women of color and indigenous women in the United States have a history of reduced access to reproductive rights and resources, in part due to inequalities in factors such as education, access to health care, and socioeconomic status, as well as a history of discrimination and racism specific to reproductive health policies."⁷³ Infant mortality rates are 13.5 per 1,000 births for African American infants and 9.7 for Native American infants, compared with 5.7 for white infants, 5.4 for Hispanic infants, and 4.7 for Asian American infants.⁷⁴

Further worsening the situation is the politicization of science under the current administration such that the Food and Drug Administration failed to make emergency contraception available over-the-counter in May 2004, despite the recommendations of more than 70 medical and women's advocacy organizations and despite internal recommendations to do so. Failure to make this product readily accessible for responsible women seeking to avoid pregnancy, will have high public health costs. It is estimated that approximately 1.5 million unintended pregnancies and 800,000 abortions could be avoided were emergency contraception to be widely available and utilized appropriately.⁷⁵

Another obstacle to full access to reproductive health care is the fact that Title X family planning clinics (4,600 in all) are woefully under-funded. Nearly 30 percent of Title X clients are 15-19 years old. These clinics provided services to women with low-resources. In addition to providing cervical cancer screenings, counseling and testing sexually transmitted infections (including HIV), these clinics provide contraception for little cost. Title X clinics are currently under-funded by approximately \$27 million dollars, and there is no significant increase in budget expected.⁷⁶

Many young women thus lack access to comprehensive sex education, timely access to emergency contraception or contraception in general. Should they experience an unwanted pregnancy and seek an abortion, an additional barrier to reproductive health is the fact that 44 states have laws requiring a minor to obtain the prior consent or notification of an adult, typically a parent (up from 35 states in 1995).⁷⁷ Thirty-four of these laws are currently enforced. Studies show that the overwhelming majority of young

women do indeed tell a parent if they are planning on having an abortion. These laws therefore serve to create unnecessary barriers for women who may not feel that it is safe to tell a parent; when, for example, they are the victim of sexual assault from a relative or friend of the family's.⁷⁸

Between 1996 and 2004, the number of state governments that have imposed mandatory waiting periods for women wishing to obtain an abortion has increased from 14 to 25.⁷⁹ Most legislation mandates a delay of 24 hours or more, increasing risk to a woman's health and her exposure to anti-choice harassment and violence at clinics. Mandatory waiting period laws are especially burdensome for low-income women, single-mothers, women who work, women in abusive relationships and women who lack access to public transportation. Within the U.S., 84 percent of counties do not even have an abortion provider and women must travel long distances for the procedure. Medical professional associations and health care givers do not recommend such waiting periods, but instead it is anti-choice legislators who create laws to limit a woman's right to choose a safe and legal abortion.⁸⁰

In November 2003, President Bush signed into law the first-ever ban on abortion, known as the Partial-Birth Abortion Ban, despite a June 2000 U.S. Supreme Court ruling that found similar bans to be unconstitutional. The federal abortion ban would prohibit abortions as early as 12-15 weeks of pregnancy and makes no exception for the health of the woman.⁸¹ President Bush also signed into law the Unborn Victims of Violence Act in April 2004, defining a fertilized egg as a person and furthering the administration's campaign to undermine a woman's right to choose. President Bush has nominated seven Federal Circuit Court judges who oppose a woman's right to choose, who wish to overturn *Roe v. Wade*, and some of whom suggest a constitutional ban on abortion. With the possibility of three to four seats opening on the U.S. Supreme Court during the rest of his term, President Bush is more than likely to nominate anti-choice judges capable of overruling *Roe v. Wade* and severely limiting women's access to abortion.⁸²

The policies of the Bush administration are not only harmful to women in the U.S., but to the lives of women all around the world. In 2001, Bush reinstated the Mexico City Policy, also known as the Global Gag Rule, a policy introduced in 1984 by President Reagan and later rescinded in 1993 by President Clinton. The gag rule denies foreign orga-

Box 26. Exposing the Bush Reality/Rhetoric Gaps

The Global Women's Issues Scorecard on the Bush administration compares the administration's public statements to its record of action on global women's rights, health and development. A series of five scorecards were released through the collaborative efforts of the Center for Health & Gender Equity (CHANGE), Feminist Majority, Women's Environment and Development Organization (WEDO) and the Communications Consortium Media Center (CCMC). Specific topics that were covered include U.S. policy in regards to: Women in Afghanistan and Iraq; CEDAW; International Family Planning and the Global Gag Rule; the UN Population Fund; HIV/AIDS Initiative; Free Trade; Millennium Challenge Account; and Agricultural Subsidies. The scorecards were aimed mainly at policymakers and U.S. media and succeeded in bringing national attention to the detrimental effects of U.S. policy on women's lives.

nizations receiving U.S. family planning assistance the right to use their own non-U.S. funds to provide legal abortions, counsel women on or refer them for abortions, or lobby for the legalization of abortion in their country. Not only does this policy contradict the U.S. ideals of democracy and free speech, it also endangers the lives of women globally by withholding funding, technical assistance and U.S.-donated contraceptives (including condoms) from organizations that refuse to comply with this rule. The gag rule restricts women's access to family planning, increasing the need for abortion, the rates of unsafe abortions and the spread of sexually transmitted diseases and HIV/AIDS.⁸³

HIV/AIDS

The face of HIV/AIDS in the U.S. is increasingly female. In 2003, women accounted for 27 percent of new diagnoses, up from 8 percent in 1985. In 2003, there were 11,498 AIDS diagnoses among women.⁸⁴

Women of color are disproportionately affected. In 2003, African American women accounted for only 13 percent of the female population,⁸⁵ but approximately 67 percent of female AIDS cases. Latinas accounted for 16 percent of estimated cases in the same year. For African American women aged 25-44, HIV/AIDS is the fourth leading cause

of death and it is the third leading cause of death for Latinas in the same age range.⁸⁶

While there are laws protecting people with HIV and AIDS against discrimination, such as the Americans With Disability Act and Equal Opportunity laws, the American Civil Liberties Union reports that people with HIV/AIDS still face widespread discrimination, including breaches of confidentiality about HIV status, employment discrimination, deprivation of parental rights and discrimination in medical care.⁸⁷

One of the major obstacles in terms of accessibility to information concerning HIV/AIDS is the lack of comprehensive education. This is increasingly a problem as the Bush administration seeks to increase funding for abstinence only education, despite the fact that it has been proven ineffective. A report by U.S. Representative Henry Waxman found that over 80 percent of the curricula used in abstinence-only education contained false, misleading or distorted information. One curriculum says that “the popular claim that ‘condoms help prevent the spread of STDs,’ is not supported by the data”; another states that “condoms fail to prevent HIV approximately 31 percent of the time”; one curriculum even lists exposure to sweat and tears as risk factors for HIV transmission.⁸⁸

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