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OPPORTUNITIES AND OBSTACLES — SCREENING THE EU ENLARGEMENT PROCESS FROM A GENDER PERSPECTIVE

Silke Roth*

Like any other social or political process, the EU enlargement is gendered. This article first describes gender mainstreaming as an instrument to achieve gender equity, then discusses how the EU Enlargement process both shapes and is shaped by gender relations and reproduces, challenges and modifies gender differences in both the private and public spheres.

Gender and Politics

To say that politics or any other social process is gendered means that “advantage and disadvantage, exploitation and control, action and emotion, meaning and identity, are patterned through and in terms of a distinction between male and female, masculine and feminine.”¹ Although there might be little or no relationship between politics and gender, “in patriarchal cultures, masculinity is signified not only by possession of a penis and paternity, but (depending on time and place) by the statuses of soldier, property holder, scientist, and citizen; statuses from which women are necessarily excluded, because to include them would be to acknowledge that biological sex, on the one hand, and subjective identification with symbolic masculine or feminine positions, on the other, are not the same.”² This genderedness of politics can be observed in discussions about women or openly gay men as candidates for high-profile political positions (such as the presidency). Although by no means restricted to politics, the gendered nature of political institutions is reflected in the gender distribution in national governmental cabinets and parliaments. As statistics established by the Inter-Parliamentary Union (IPU) show, in 2004, the gender distribution in the Arab states (94%) is closer to the World Average (85%) than the Nordic countries (60%) which have the lowest participation of men in national parliaments (see Table 1).³

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¹ Joan Acker, *Hierarchies, Jobs, Bodies*, 4 *GENDER & SOC'Y* 139, 167 (1990).

² Joan Scott, *Some Reflection on Gender and Politics*, in *REVISIONING GENDER* 70, 75 (Myra Marx Ferree et al. eds., 1998).

³ Inter-Parliamentary Union, at <http://www.ipu.org/english/home.htm>.

Opportunities and Obstacles

Table 1. Men in National parliaments

	Single or Lower House	Upper House or Senate	Both Houses Combined
World Average	84%	86%	85%
Arab States	94%	93%	94%
Asia	85%	86%	85%
Pacific	89%	80%	88%
Sub-Saharan Africa	85%	87%	86%
Europe OSCE (Nordic countries not included)	84%	85%	84%
Americas	81%	82%	82%
Europe OSCE (Nordic countries included)	82%	85%	82%
Nordic countries	60%	—	60%

Source: IPU on the basis of data provided by national parliaments in Regions are classified by the descending order of the percentage of men in the lower or single House

In the former Socialist countries, women's political participation was much higher than in Western Democracies.⁴ Although women were well represented in state parliaments, those parliaments had little decision-making authority, while the Politburo and Central committees were almost exclusively male.⁵ In her discussion of the gendered construction of the communist subject in state-Socialist Hungary, Fodor argues that women's participation in paid work and politics was characterized by the reproduction and reinforcement of women's segregation into inferior positions.⁶ However, rather than considered as not-quite-perfect men, women were acknowledged as a group with gender-specific needs and abilities.⁷ When the parliaments in the former Socialist countries gained real power during the democratization of Eastern Europe, the percentage of female members of parliament dropped: in Romania, from about one third to 4%, in Hungary, from 21% to 7%, and in the Czech and Slovak Republics, from 30% to 6%.⁸

Since the first election in 1979, the participation of women in the European parliament was on average higher than in the member countries.⁹ The percentage of women in the European parliament increased in each election, especially since Sweden and Finland joined the EU in 1995.¹⁰ Keep in mind that the influence of the European parliament was initially quite limited. The seats in parliament

⁴ Peggy Watson, *Politics, Policy, and Identity: EU Eastern Enlargement and East-West Differences*, 7 J. EUR. PUB. POL'Y 369, 371 (2000).

⁵ Watson, *supra* note 4, at 372.

⁶ Eva Fodor, *Smiling Women and Fighting Men: The Gender of the Communist Subject in State Socialist Hungary*, 16 GENDER & SOC'Y 240, 248 (2002).

⁷ *Id.* at 241.

⁸ Watson *supra* note 4, at 375.

⁹ See BEATE HOECKER, *FRAUEN, MAENNER UND DIE POLITIK* 184 (Bonn, Dietz 1998).

¹⁰ *Id.* at 185.

lacked power and were not very attractive.¹¹ It remains to be seen whether, just as in the former Socialist countries, the percentage of men will increase once this institution gains power.

From Equal Pay to Gender Mainstreaming

Not only was the political participation of women higher in the European Union than in the member states (at least prior to the Northern Enlargement in 1995), but from the beginning the EU also provided a favorable venue for women's interests, as it was often more open to feminist demands than national governments.¹² In this regard Article 119 of the Treaty of Rome of 1958 which demanded equal pay for men and women was of crucial importance.¹³ This article was introduced because France, which had introduced equal pay during World War II, was afraid to suffer disadvantages compared to the other member states.¹⁴ As an unintended side effect, Article 119 became a starting point for further sex equality legislation.¹⁵ In addition to workplace equality, the directives concerned tax and social security measures, child-care facilities, education and training opportunities, and were accompanied by positive-action programs on behalf of women.¹⁶ However, because it is up to the member states to implement these measures, considerable differences between the legislation of each country can be noted.¹⁷

Depending on what the EU member states have already achieved with respect to gender-equality measures, there are great differences regarding the anticipated effects of EU membership.¹⁸ For example, Scandinavian women were afraid that the EU could mean the "end of gender equality as [they] know it," and also the end of universal and more generous social rights than in other EU countries.¹⁹ In contrast, feminists in countries with fewer social rights, a lower female labor force participation, and lower representation of women in political parties and parliaments hope that the European Court will contribute to ending discriminating practices and enabling women to exert stronger political influence.²⁰

A good example of progress is the case of Tanja Kreil. In 2000, the European Court ruled that German constitutional law, which prohibits the use of weapons

¹¹ *Id.*

¹² SONIA MAZEY, GENDER MAINSTREAMING IN THE EU 21 (Kogan Page 2001) (2001) [hereinafter MAZEY].

¹³ MAZEY *supra* note 12, at 21.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.* at 22-24.

¹⁷ See *id.* at 51. See also Bozena Choluj and Claudia Neuss, Eu Enlargement in 2004: East-West Priorities and Perspectives from Women Inside and Outside the EU, Discussion Paper 7 (2004) available at http://www.frauenakademie.de/dokument/img/gender_equality_enlargedEU.pdf [hereinafter Choluj & Neuss].

¹⁸ *Id.*

¹⁹ See Barbara Hobson, *Economic Citizenship: Reflections through the European Union Policy Mirror*, in GENDER AND CITIZENSHIP IN TRANSITION 84 (Barbara Hobson ed., 2000).

²⁰ Hobson *supra* note 20, at 85.

by women in the army, violated EU policy and thus needed to be changed.²¹ Similarly, in 1995 new political opportunities became available when Austria, Finland, and Sweden joined the EU in 1995.²² Finland and Sweden in particular had a strong existing commitment to equal opportunities and considerable experience in mainstreaming gender in their national policies.²³

The EU adopted gender mainstreaming in the Amsterdam Treaty of 1997.²⁴ "Gender mainstreaming" means the "(re)organization, improvement, development in all policies at all levels and at all stages by the actors normally involved in policy making[.]" and "openly taking into account at the planning stage their possible effect on the respective situation of men and women."²⁵ Thus, in contrast to earlier women's politics, gender mainstreaming declares all policy fields as relevant for women (and men). This also means that instead of helping women to adapt to structures that benefit men, the gendered structures shall be changed in order to become more women friendly.

The implementation of gender-mainstreamed regulations is monitored by the EU, but has to be carried out by the national governments. The EU-strategy is two-fold. It combines gender-specific policies with gender mainstreaming, a strategy which seeks to promote institutional change. This also affects states that want to join the European Union, and in order to do so, must bring their laws into accordance with EU-legislation.

Gender Relations and EU Enlargement

In many respects, women in Socialist European countries experienced greater gender equality than women in Western-European countries. Under socialism in countries such as East Germany, the Baltic States, and Russia, the employment rates of women were almost as high as the rate of men's labor force participation, much like Sweden at the time.²⁶ In other states (such as Poland, Hungary, and Romania), the gender gap was larger, but still compared favorably with the US, France, and West Germany.²⁷ Furthermore, women tended to work full-time, they were well represented in parliaments, had access to abortion, and reproductive work was publicly supported through public daycare, laundries, and canteens.²⁸

²¹ Theresa Wobbe, *Institutionalisierung von Gleichberechtigungsnormen im supranationalen Kontext: Die EU-Gleichstellungspolitik*, in *GESCHLECHTERSZOLOGIE* at 332 (Bettina Heintz ed., Sonderheft Kölner Zeitschrift für Soziologie und Sozialpsychologie 41/2001, 2001).

²² MARK A. POLLACK & EMILIE HAFNER-BURTON, *MAINSTREAMING GENDER IN THE EUROPEAN UNION* (Harvard Jean Monnet etd., Harvard Law School Working Paper No. 2, 2000) (2001) [hereinafter POLLACK].

²³ *Id.* at 9.

²⁴ MAZEY, *supra* note 12, at 19-20.

²⁵ Commission of the European Union, 2000:5, cited in MAZEY, *supra* note 12, at 1.

²⁶ BARBARA EINHORN, *CINDERELLA GOES TO MARKET: CITIZENSHIP, GENDER AND WOMEN'S MOVEMENTS IN EAST CENTRAL EUROPE* 116 (Verso 1993) [hereinafter EINHORN].

²⁷ *Id.* at 122.

²⁸ *Id.* at 29.

However, the high integration of women in the labor market was accompanied by unequal pay, occupational segregation, and a sharp domestic sexual division of labor resulting in women's excessive work burden and exhaustion.²⁹ Although public daycare was available, it did not necessarily satisfy the needs of parents and children.³⁰ Choluj refers to gender relations in Socialist Poland as a "forced feminism" characteristic of Stalinism, which did not lead to a change in attitudes toward gender equality.³¹

How did the enlargement process affect gender relations? Before the agreements were signed, the candidate countries had to meet the Copenhagen criteria from 1993 (*acquis communautaire*), which required political reforms and economic transformation, as well as legislative and social policy changes.³² As Choluj and Neususs point out, the accession countries had "to adjust national legal and institutional frameworks so as to accelerate their transition to a market economy, but also to strengthen human- rights standards and democratic, civic, and political policies and practices."³³

Gender equality came relatively late onto the agenda of negotiations for entry to the EU.³⁴ Much greater priority was placed on social and economic reforms based on neo-liberal principles that were lacking a gender perspective.³⁵

In the first half of the nineties, in almost all transition countries, employment and revenues declined and the Gross National Product dropped.³⁶ Unemployment affected women more than it did men because women were strongly represented in shrinking sectors, particularly the public sector. As a result, many women shifted their work into the informal sector.³⁷ Yet, there are still significant differences in unemployment rates and the gender gap in unemployment from country to country differs drastically.³⁸

Despite high education and extensive skill training, women face explicit discrimination in hiring, particularly age discrimination.³⁹ As Choluj and Neususs point out, "[w]omen in accession countries have increasingly raised concerns over the disproportionate negative consequences for women in social security

²⁹ *Id.* at 122.

³⁰ Bozena Choluj, *EUROPAS TOCHTER*, 203-23 (Ingrid Miethe and Silke Roth eds., Oplanden: Leske + Budrich 2003).

³¹ *Id.*

³² Konjit Gomer, *Gender Equality & Enlargement of the European Union 1* available at <http://www.womenlobby.org>.

³³ Choluj & Neususs *supra* note 9, at 4.

³⁴ *Id.*

³⁵ *Id.*

³⁶ EINHORN, *supra* note 26 at 117-127. See generally Charlotte Bretherton, *Gender Mainstreaming and EU Enlargement: Swimming Against the Tide*, *Journal of European Public Policy*, (2001) at 60-81 [hereinafter Bretherton]. See also VALENTINE M. MOGHADAM, *DEMOCRATIC REFORM AND THE POSITION OF WOMEN IN TRANSITIONAL ECONOMIES* 327-334 (VALENTINE M MOGHADAM ed., Clarendon Press 1993).

³⁷ *Id.*

³⁸ Watson *supra* note 4, at 369-384.

³⁹ Choluj & Neususs *supra* note 9, at 4.

and pension systems, as well as other areas of exclusion or discrimination.” They have pointed to the prevailing weakness of mechanisms needed to ensure effective implementation of EU gender-equality directives.”⁴⁰ This means that from a gender perspective, the EU enlargement process is contradictory. On the one hand, the adaptation to political and economic standards of the EU leads to an exclusion of women from labor markets and the public sphere. On the other hand, because gender mainstreaming is an integral part of the EU policies, the enlargement process also provides some important policy instruments for increasing equality between men and women, and also fights against exclusion based on ethnic, geographical, and social origin.

Additionally, several questions need to be raised with respect to the role of gender mainstreaming in the enlargement process. The most critical is the question of whether it is possible or effective to apply policies and thinking that have developed in a liberal democratic setting to countries that are in transition from state socialism, given that gender relations – or power relations between men and women – are context specific.⁴¹ As Choluj and Neusüss point out, “the [S]ocialist legacy has . . . instilled among women in the East and the public at large an aversion to the placing of quotas or other positive measures designed to achieve gender equality in politics” among men and women, as well as the public at large.⁴²

The second concern is how to address the disparity of gender mainstreaming requirements for candidate countries. Candidate countries do not adhere equally to the political, economic, and social EU norms; nor does the EU hold them equally accountable to each of these considerations.⁴³ According to the European Women’s lobby, the EU, including the governments of candidate countries do not counteract the increasing unemployment of women and the increasing problem of lack of daycare facilities.⁴⁴ Indeed, the European Women’s lobby has argued that in order to achieve equality between women and men in the candidate countries, the EU must integrate gender equality in the negotiations and evaluation, thereby treating equality between women and men as an integral and necessary part of the enlargement process.⁴⁵

In 2001, three years before the EU enlargement, gender mainstreaming was still notably absent from policies directed at Central and Eastern European countries.⁴⁶ The enlargement policy is therefore illustrative of a conflict between ideas and interests, which serves to inhibit the institutionalization of gender main-

⁴⁰ *Id.*

⁴¹ Watson, *supra* note 4 at 370-371.

⁴² Choluj and Neusüss *supra* note 9, at 4-5.

⁴³ Bretherton, *supra* note 36, at 69.

⁴⁴ Europeans Women’s Lobby, *Gender Equality and Enlargement of the European Union*, at <http://www.womenlobby.org/Document.aso?DocID=219&tod=53344> (last visited October 20, 2004).

⁴⁵ *Id.*

⁴⁶ Bretherton, *supra* note 36, at 69.

streaming principles and practices, not only in relation to enlargement, but also across EU policy areas and beyond.⁴⁷

Further, opportunities to systematically integrate gender during the pre-accession period have not been pursued. For example, gender was not integrated into the assistance program *Phare* which could have been a requirement for project approval – a practice that is now established in development programs.⁴⁸ The progress report on gender mainstreaming thus identifies the enlargement as an area where greater effort is required.⁴⁹

The EU has taken note of such criticism. In 2002, the EU introduced a gender equality action program aimed at increasing women's participation in politics in the accession countries.⁵⁰ One year later, in 2003, the Commission of the European Communities ("Commission") announced plans to concentrate its activities on the promotion of gender balance in decision-making and a series of local seminars to raise awareness about women's political participation.⁵¹ Due to the advocacy of women's groups and networks, some improvement with respect to women's participation can be noted.⁵²

However, much progress is still to be made. In 2002, a conference on Gender Mainstreaming in the Structural Funds identified a lack of clear targets and monitoring in terms of gender equality.⁵³ Conference members recommended specific measures aimed at the under-represented sex, visible and increased funding allocated to specific equality actions and gender mainstreaming, training for gender mainstreaming, and gender-disaggregated statistics.⁵⁴ Similarly, the Commission work program for 2003 encompassed gender impact assessment, gender-disaggregated data, the development of gender equality indicators, and gender mainstreaming modules in the staff training in all Directorates General ("DG") and services.⁵⁵

So far, the literature on gender mainstreaming in the EU enlargement process is limited. The EU Commission monitors the progress of the accession countries and publishes annual reports. The latest reports identified that, with respect to gender equality measures, the accession countries have brought their legislation into accordance with the EU-directives.⁵⁶ However, concerning Poland, the Commission concluded that while some progress had been made with respect to

⁴⁷ Bretherton, *supra* note 36, at 73, 76.

⁴⁸ *Id.* at 71.

⁴⁹ *Id.* at 70.

⁵⁰ Commission of the European Communities, *Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. Annual Report on Equal Opportunities for Women and Men in the European Union 2002* (May 2003) available at http://europa.eu.int/comm/employment_social/news/2003/mar/com0398_en.pdf, at 6 [hereinafter Commission Report 2003].

⁵¹ *Id.*

⁵² Choluj and Neuss, *supra* note 9, at 5-6.

⁵³ Commission Report, *supra* note 50, at 10-1.

⁵⁴ *Id.*

⁵⁵ *Id.* at 25.

⁵⁶ POLLACK, *supra* note 22.

the legislative alignment, further efforts were required to ensure proper implementation of EU legislation in the fields of equal treatment for women and men.⁵⁷ Although gender equality is addressed in the Polish constitution of 1997, the state is not obligated to actively support the introduction of gender equality.⁵⁸

Furthermore, it must be taken into consideration that in winter 2001, the Catholic Church promised to promote Poland's joining the EU in its rural areas under the condition that the Polish government would not change its gender policies.⁵⁹ Consequently, the abortion law was not liberalized and the gender equality law has not been introduced.⁶⁰ This led to protests against the exclusion of women from the political process.⁶¹ Politically active Polish women turned to former EU Commissioner Diamantopoulou, who at that time was responsible for labor and social politics. They were disappointed when Diamantopoulou pointed out that the EU member countries have their right to "cultural differences" and that the EU could not help the Polish women in their struggle for the liberalization of abortion law.⁶² Gender equality is further undermined by the image of *Matka Polka* (Mother Poland), which shapes the image of women in Polish society.⁶³

In Hungary in 2002, the legislation concerning equal treatment between men and women was in line with the *acquis communautaire*, but required implementation. As Petö points out, however, formal adjustment to the EU legislation might lead to increasing discrimination.⁶⁴ This highlights the tensions between gender specific policies and gender equality policies.

Although the EU pursues a dual approach in which gender specific measures and gender mainstreaming are mutually supportive and supplementing of each other, gender equality legislation can be used to undermine gender specific measures. Consider, for example, equal opportunity legislation supporting women's entry into education and the labor market. Petö criticizes that "formal technical criteria were set up how to measure and how to achieve gender equality in these countries without explicitly considering the political implications, the consequences, and the costs of these attempts to alter historical patterns of discrimina-

⁵⁷ Commission of the European Communities 2002 Regular Report on Poland's Progress Towards Accession, COM (2202) 700 final, SEC(2002) 1408, Brussels, Belgium, 87 (Oct. 9, 2002), available at http://europa.eu.int/comm/enlargement/report2002/hu_en.pdf.

⁵⁸ Claudia Neusüss, *Polen: Verfassungsnorm, Gleichstellungswirklichkeit und die Hoffnungen der Frauen auf die*, 13 EU. FEMINA POLITICA, 67-74 (2004).

⁵⁹ See Bozena Choluj, *Die Situation der Frauen-NGOs in Polen an der Schwelle zum EU-Beitritt*, in EUROPAS TÖCHTER (Ingrid Miethe and Silke Roth eds., Opladen: Leske + Budrich (2003)), 203-223. See also Neusüss *supra* note 58, at 67-74.

⁶⁰ Choluj, *supra* note 59, at 218.

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ Andrea Petö, *Angebot ohne Nachfrage: Ungarische Frauen als Bürgerinnen eines EU-Beitrittslandes*, in EUROPAS TÖCHTER. FRAUENBEWEGUNGEN IN EUROPA, 183-201 (Ingrid Miethe and Silke Roth, eds., Opladen: Leske + Budrich, 2003).

tion.”⁶⁵ Furthermore, Petö argues that the fact that feminism in Hungary is “relational” rather than “individual” has been overlooked.⁶⁶

With respect to Lithuania, the Commission reports that legislation and implementation concerning gender equality almost completely corresponds with EU norms.⁶⁷ In addition to anti-discrimination legislation, the Ministry for Social Security and Labor started an initiative to increase women’s representation in local and national governments.⁶⁸ Furthermore, Lithuania participates in the Nordic-Baltic campaign against the traffic in women.⁶⁹ Lithuania’s progress with respect to gender equality raises two questions. First, whether the proximity to the Scandinavian countries plays a role for this development, and second, whether Lithuania has a better record of gender equality than some of the current EU member states.

The transition countries experience trafficking in women and children as origin, transit, and destination countries, and also experience drug trafficking, arms trafficking and other criminal networks.⁷⁰ They have therefore developed national action plans and legislative measures to abolish traffic in women and children.⁷¹ Their efforts are supported by the ministers for interior affairs and justice of the EU, who decided to undertake active steps against traffic in women.⁷²

All the Eastern European candidate countries signed the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Some countries, like the Czech Republic, Hungary, and Slovakia, also signed the additional optional CEDAW protocol, which incorporates the features of existing UN complaints procedures and requires regular reports about the efforts to eliminate discrimination against women.⁷³

⁶⁵ *Id.* at 11.

⁶⁶ *Id.*

⁶⁷ COMM’N OF THE EUROPEAN COMMUNITIES, 2002 Regular Report on Lithuania’s Progress Towards Accession, COMM (2002) 700 final, SEC (2002) 1406, 115 Brussels, Belgium (Oct. 21, 2002), available at http://europa.eu.int/comm/enlargement/report2002/lt_en.pdf.

⁶⁸ *Id.* at 29.

⁶⁹ *Id.*

⁷⁰ See Larysa Kobelyanska, *Violence and the Trafficking in Women in Ukraine*, 76-84, 82-84, World Bank Discussion Paper no. 411, (Marnia Lazreg, ed. World Bank 2000). See also Stanislava Buchowska, *Trafficking in Women : Breaking the Vicious Cycle*, 85-101, World Bank Discussion Paper No. 411, 75-101, 85-88 (Marnia Lazreg, ed. World Bank 2000).

⁷¹ *Id.*

⁷² *Id.*

⁷³ COMM’N OF THE EUROPEAN COMMUNITIES, Regular Report on Hungary’s Progress toward Accession, COMM (2002) 700 final, Brussels, Belgium (Oct. 9, 2002), available at http://europa.eu.int/comm/enlargement/report2002/hu_en.pdf; COMM’N OF THE EUROPEAN COMMUNITIES, Regular Report on Czech Republic’s Progress toward Accession. COMM (2002) 1402 final, Brussels, Belgium (Oct 9 2002) available at http://europa.eu.int/comm/enlargement/report2002/cz_en.pdf; COMM’N OF THE EUROPEAN COMMUNITIES, Regular Report on Slovakia’s Progress toward Accession. COMM (2002) 1410 final, Brussels, Belgium (Oct. 9, 2002) available at http://europa.eu.int/comm/enlargement/report2002/sk_en.pdf (last visited November 12, 2004).

Conclusions and Outlook

In the past decade, the situation of women in Central and Eastern Europe, which was previously characterized by high labor force participation, has become more similar to the Western European situation, meaning that it has worsened. Thus from an Eastern European perspective, the question can be raised whether the member states themselves live up to the principle of gender mainstreaming.

The concept of gender mainstreaming could serve as a bridge between women in Eastern and Western Europe, allowing the formation of coalitions to benefit women in all European countries. In recent years, several women's networks such as the Eastern European Women Coalition Karat or the Network East West Women (NEWW) have been formed.⁷⁴ These networks, which receive support from the EU and other organizations, provide information, mutual support, and try to shape the European agenda.⁷⁵

In May 2004, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovenia, and the Slovak Republic joined the EU.⁷⁶ This means the EU membership increased by about 20%, to approximately 450 million citizens.⁷⁷ One month later, in June 2004, the presidents of the 25 member states agreed upon the first EU constitution, which shall come into effect in 2007.⁷⁸ Until then, it needs to be approved by the member states, and in some cases in a plebiscite. Given the low participation in the election to the EU parliament in June 2004 and the success of the parties critical of the EU, the governments will have to fight for popular support for the EU constitution.

This constitution will bring the following changes: instead of a six month rotation, in the future, the presidency will last two years and be renewable.⁷⁹ The position of a foreign minister will be created in order to coordinate the foreign policy of the EU.⁸⁰ Until 2014 each member state will be represented in the Commission. Afterwards, the Commission will consist only of eighteen commissioners of the twenty-seven member states, taking the demographic and geographic size of the member states into consideration.⁸¹ The composition of the parliament – which will have more influence – will change, giving more seats to smaller countries and taking some away from larger countries.⁸²

How will these changes affect the participation of women in the political institution of the EU and the representation of their interests? Mateo Diaz and Millns

⁷⁴ See <http://www.karat.org/> (last visited Oct. 21, 2004).

⁷⁵ *Id.*

⁷⁶ In 2007, Bulgaria and Romania might join the EU as well. Currently, it is not clear if and when Turkey will become a member of the EU.

⁷⁷ See <http://www.europa.admin.ch/eu/expl/staaten/e/> (last visited October 21, 2004).

⁷⁸ See <http://european-convention.eu.int/docs/Treaty/cv00850.en03.pdf> (last visited Oct. 21, 2004) for a draft of the EU Constitution.

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

conclude that women hardly benefit from these reform processes.⁸³ They are concerned by the under representation of women in EU institutions and therefore call for hard as well as soft legal measures to guarantee gender equality.

However, even if gender mainstreaming has not been yet implemented equally in the old and new member states of the European Union, it is an important strategy for achieving more gender equality. In the evaluation of this strategy, various levels and political actors need to be distinguished: on the European level, the various entities of the EU which differ with respect to the implementation of gender mainstreaming and transnational women's networks like the European Women's Lobby, KARAT, or NEWW; on the national level, we need to take into consideration the national governments as well as national women's movements.

Gender mainstreaming is a top-down strategy: the EU requires the implementation of gender mainstreaming from the member states and the government of the member states, in turn, demand the implementation in the administration and throughout society; however, it is important that there is grass roots demand and pressure on the governments. The EU as a transnational opportunity structure allows the formation of transnational feminist networks.⁸⁴ This means that women's movements which find themselves constrained at the national level, for example, by conservative governments or a political culture influenced by the (Catholic) Church which emphasizes a conventional gender division of labor, find allies in transnational and international networks and coalitions. The EU supports these networks financially and provides them with access and legitimacy. Keck and Sikkink refer to the strategy of influencing national politics by way of transnational opportunity structures as 'boomerang effect'.⁸⁵

Support of gender mainstreaming through women in the candidate countries is important for women in both the old and new EU states. If gender mainstreaming is not taken seriously in the enlargement process, this could result in a worsening of the situation of women in the EU. Thus, women of the EU as well as women of the candidate countries hope that the EU enlargement will lead to a strengthening of gender equality.

⁸³ Mercedes Mateo Diaz & Susan Millns, *Die Rolle der Frau und die konstitutionelle Zukunft der europäischen Union*, 13 FEMINA POLITICA 75-90 (2004).

⁸⁴ Silke Roth, *Gender, Globalization, and Social Movements*, in FEMINIST MOVEMENTS IN A GLOBALIZING WORLD: GERMAN AND AMERICAN PERSPECTIVES, 4-12 (Silke Roth & Sara Lennox eds., Johns Hopkins University 2002); Silke Roth *One Step Forwards, One Step Backwards, One Step Forwards – The Impact of EU Policy on Gender Relations in Central and Eastern Europe*, in TRANSITIONS, 15-28 (Jacqueline Heinen & Stéphane Portet eds., 2004).

⁸⁵ MARGARET E. KECK & KATHRYN SIKKINK, *ACTIVISTS BEYOND BORDERS: ADVOCACY NETWORKS IN INTERNATIONAL POLITICS* 12-13 (Cornell University Press, 1998).