



## **Quality in Gender+ Equality Policies**

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Integrated Project

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### **Report Analysing Intersectionality in Gender Equality Policies for Estonia and the EU**

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## 1. INTRODUCTION

The report will try to map and analyse the implications of the intersection of multiple inequalities for the quality of gender+ equality policies in Estonia. While doing so, the following questions are taken into account:

- how are inequalities and their intersections with gender conceptualised in terms of their structure and mechanisms in Estonian gender equality policies?
- to what extent does the context matter in the (re)production of inequalities?
- what attention must be paid to other structural (in)equalities in the making and implementing of European gender equality policies if compared to Estonian policy setting?

Intersectionality addresses the issues that encompass the cases of multiple discriminations and systems of inequality that crystallise or fix the position of the discriminated. It helps to establish unique experiences for the people that are ignored in the current human rights framework.

In addition to that, intersectionality deals with the operational system of policies that leads to the disempowerment of people. Features often seen as distinct and separate, such as ethnicity, race, gender or class, which contribute to the possible forms of repression and domination in society, actually overlap and create sophisticated intersections where these different features converge into a single axis.

Intersectionality is an elaborated theory given there is a proper methodology and enough or visible sources to draw the results from, to uncover multiple convergent identities and a variety of experiences, to reveal the extent of the discrimination that maybe could not be achieved by a traditional, non-intersectional approach. However, the main question regarding intersectionality in Estonian legal and textual space is if there is any noticeable treatment of intersectionality at all. Firstly, it touches upon the available information, reporting and evaluation data. There is not much of that available in Estonia as topics in public and legal debates have been rarely touched from the vantage point of intersectionality. Thus, only few issues can be brought forward for intersectional analysis, which otherwise could become a channel by the help of which the social context of individuals can be studied.

Consequently, it is difficult to document the effects of the problems resulting from converging discriminations and to discover various contextual realities lying behind these problems. Following from the given circumstances described above, there is a lack of policy initiatives and systems of implementation in the Estonian national machinery, which effectiveness could be monitored or reviewed in tackling intersectional discrimination.

However, there have been campaign initiatives and awareness raising events to make the Estonian public conscious to the issue, e.g. the European Year of Equal Opportunities For All – Towards a Just Society that introduced the term ‘manifold discrimination to the public.’<sup>1</sup> In addition, the Estonian Chamber of Disabled People refers (on its homepage) to the Madrid Declaration and a special clause dealing with disabled women.<sup>2</sup> Manifold discrimination as a topic also shows up in the Estonian Association of Youth Organisations, but within the larger European frame.<sup>3</sup>

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<sup>1</sup> [http://ec.europa.eu/employment\\_social/eyeq/index.cfm?&page\\_id=55](http://ec.europa.eu/employment_social/eyeq/index.cfm?&page_id=55)

<sup>2</sup> [http://www.epikoda.ee/index.php?op=2&path=Euroopa+Liit%2FMadriidi+deklaratsioon+\(23.03.2002.a.\)](http://www.epikoda.ee/index.php?op=2&path=Euroopa+Liit%2FMadriidi+deklaratsioon+(23.03.2002.a.))

<sup>3</sup> <http://aken.enl.ee/1662>

## 2. LITERATURE REVIEW

The concept of intersectionality and intersectionality theory entered the academic arena, despite controversial claims, in late 1960s and early 1970s (although the actual term 'intersectionality' was first used in 1991 by Crenshaw). Intersectionality was mainly deliberated on by contemporary sociologists and related circles, at the time closely affiliated with the multiracial feminist movement. Intersectionality was launched within the critique of radical feminism, which became recognized as the revisionist feminist theory. The latter disputed the notion that gender was the principle aspect conditioning the circumstances women find themselves in (Hooks 1984). As it is universally acknowledged, it was Kimberlé Crenshaw who was first to lay claims to intersectionality theory in 1970s. However, the theory gained a gradual popularity with the works on so-called black feminism by Patricia Hill Collins.

The current report has taken Mieke Verloo's text 'Multiple Inequalities, Intersectionality and the European Union' (Verloo 2006) as one of the central points of departure in approaching intersectionality discussions. Verloo takes a critical stance towards EU policy that somehow wants to merge the characteristics of all types of inequalities and cannot fully comprehend the structural nature of it. The article lists a number of the most frequently occurring inequalities, such as gender, sexual orientation, race and class, and explores the significance of structural and political intersectionality. As to the merging of characteristics of different inequalities, Verloo has pointed out that this mistaken postulation relies on the understanding of the sameness of social categories, which are associated with the inequalities and related mechanisms. Consequently, accent on the sameness forces us to overlook the specific characteristics of inequalities and ignores political elements of equality related aspirations. As an important socio-political addition, Mieke Verloo points out the relevance to study the state and the private spheres and their roles in generating inequalities.

The other article the report draws on is Kimberlé Crenshaw's "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color" (Crenshaw 1991). Crenshaw claims that intersectionality is a specific category and that the twofold or manifold vulnerability is greater than the sum of its parts. This new reality, created by intersectionality, can have three venues of manifestation: structural, political and representational. Summarising intersectionality as a tool, Crenshaw first describes it as a way of mediation between claims of multiple identities and the inevitability of group politics. Secondly, Crenshaw is positive about the function of intersectionality in tackling other forms of marginalisation.

I am interested in an intersectional approach that does not divide everything into even smaller categories. Analytical approaches to intersectionality appear to be too complex. Too many multifaceted conceptualisations try to explain the situation where socially constructed categories of separate inequalities interact and thus create social hierarchies.

In order to grasp the idea of labelling of oppressed groups or different inequalities, one should very closely examine the ways the structures, social representations and social processes are being influenced by age, gender, class, sexuality and so forth. I guess it is too difficult and ambiguous. It resembles an endless dividing of social groups into smaller and smaller units until you have only a separate individual affected with a multitude of inequalities.

Local and regional variety in establishing all the levels of inequality is far too great. And the result is that all these structures, social representations and social processes produce extremely specific social positions which are meaningless for analytical study as they resist having a broad scientific view. Specific problems of narrowly identified groups make it hard to determine how broader social structures affect people.

In this respect, it is interesting to follow the ideas of the protagonist of black feminism, Patricia Hill Collins who is rather structural in her ideas. She saw intersectionality as an instrument, which enables us to see many cross-cutting interests (Collins 2000). In Collins's case, the way to interpret black women's social position was to seek for other spaces where systems of inequality collide. For her each individual is placed on the unique template of cross-cutting interests, including sexual identity, nationality, gender, race, class and so on. She was interested in the impact of intersectionality on the individual. Of particular interest to Collins was the manner in which intersectionality creates various kinds of lived experiences and social realities. Furthermore, for Collins, groups' histories and inequalities are interconnected. To understand intersectionality thus means taking into account that coalitions with some social groups are more complicated and less productive than others. Otherwise it is seen groups side with common issues like access to power, victimization, reception of benefits and the history of resistance. Collins summarises that all kinds of inequalities and dominance exercises are very complex and in constant change.

However, theoretical discussions on intersectionality in the Estonian context are still speculative since the society does not recognise a multitude of intersecting inequalities in its understanding and terminology.

### **3. THE RANGE OF THE MEANINGS OR FRAMES CONCERNING GENDER EQUALITY IN GENDER+ EQUALITY POLICIES**

#### **3.1 The range of the meanings or frames of gender equality in general legislation and machinery**

Problems permeating General Gender Equality texts can be divided into two camps: the most resounding and numerous of them are associated with the discriminated and suppressed position of women in Estonian society (in particular in the labour market area).<sup>4</sup> Institutional and legislative shortcomings, combined with ineffective implementation – due to lack of expertise, experience and prevailing mentality – of gender equality and equal opportunities are placed second.

Overall, one could clearly distinguish a period before accession to the EU and the aftermath in the history of gender equality development in Estonia. Moreover, one should take into consideration that it was only by the late 1990s that all necessary institutions for the independent state were established. They were established, alongside the adoption of the principal legislation and stabilisation of economy.

It was in 1989 when, for the first time, the gender equality topic reached the arena of the wider public debate with the organising of the Estonian Women's Conference. The adopted program "Estonian women today and tomorrow" contained a suggestion to pass a law on equality to create a governmental institution, which would tackle the issue, and to include the theme into educational

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<sup>4</sup> The following materials have been used in the composition of this section: Press and Information Department, Estonian Ministry of Foreign Affairs. Fact Sheet. 2004. Estonia Today. Women and men – Equal rights in Estonia. [http://www.sm.ee/eng/HtmlPages/Mehed-naised/\\$file/Naised-Mehed.pdf](http://www.sm.ee/eng/HtmlPages/Mehed-naised/$file/Naised-Mehed.pdf); Ministry of Social Affairs of Estonia webpage: <http://www.sm.ee>; "Estonia. Report presented by the national delegation". 2006. In Human rights and economic challenges in Europe – gender equality. 6th European ministerial conference on equality between women and men. Stockholm 8-9 June, 2006. [http://www.coe.int/T/E/Human\\_Rights/Equality/PDF\\_MEG-6\\_NR\\_Estonia.pdf](http://www.coe.int/T/E/Human_Rights/Equality/PDF_MEG-6_NR_Estonia.pdf); Papp, Ülle-Marike. "National gender equality policy". 2000. In *Towards a balanced society: Women and men in Estonia*, ed. Peeter Maimik, Kadi Mänd, and Ülle-Marike Papp. United Nations Development Programme, Ministry of Social Affairs of Estonia. Tallinn: Ilo Print. [http://www.sm.ee/est/HtmlPages/women\\_men/\\$file/women\\_men.pdf](http://www.sm.ee/est/HtmlPages/women_men/$file/women_men.pdf); Equal Opportunities for Women and Men in Estonia. Monitoring the EU accession process: equal opportunities for women and men. Open Society Institute, 2002; expertise of Ülle-Marike Papp from the Ministry of Social Affairs.

programs for faster recognition. However, the neo-conservative public opinion of the time did not share the enthusiasm and was more occupied with going back to the social roots and norms of what the Soviet occupation had forcibly cut through in 1940. Everything socialist was rejected, and since the new social visions were unknown, the glance was directed to the past.

The Republic of Estonia has ratified almost all of the main international acts that forbid gender discrimination. Looking at the Estonian legislation shows that very few provisions could actually be used to discriminate men and women. Furthermore, the language of Estonian laws is gender-neutral (there is no gender in the Estonian language).

In 1991 and 1992, shortly after Estonia had re-gained its independence it adopted, ratified and committed to several important international agreements, among them the UN Convention on the Elimination of All Forms of Discrimination Against Women (November 1991), the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Convention Against Transnational Organised Crime. Although the themes of human rights and individual rights were rather novel to the newly established state, it hastily tried to catch up with other Western countries in joining all major international conventions and organisation.

The Constitution of the Republic of Estonia, directives of European Union and international agreements ratified by Estonia forbid gender-based discrimination, oblige the elimination of existing gender inequality and the promotion of gender equality. The Constitution of the Republic Estonia<sup>5</sup>, adopted in 1992, states that everyone has the right to free self-realisation and that everyone shall honour and consider the rights and freedoms of others, and shall observe the law, in exercising his or her rights and freedoms and in fulfilling his or her duties. This includes the right not to be discriminated on ground of one's sex and is the prerequisite for exercising the aforementioned rights and freedoms. The Article 12 subsection 1 states that everyone is equal before the law. No one shall be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds. The incitement of national, racial, religious or political hatred, violence or discrimination shall, by law, be prohibited and punishable. The incitement of hatred, violence or discrimination between social strata shall, by law, also be prohibited and punishable. The Article gives priority to international laws and treaties, which are ratified by the Estonian parliament, over the national legislation if the two are in conflict with each other. The rule does not apply to constitutional norms.

However, it is reckoned that until 1993 Estonian society was still firmly in the grip of traditional and conservative understandings of gender equality, although foundations to change these perceptions were laid at this time. In 1995, Estonia participated in the 4th Women's World Conference in Beijing, it was the first time Estonia participated in the Women's World Conference.. The action plan and the final protocol of this conference that established a set of tasks for the governments of all UN member states became a base for positioning priorities of Estonian national action plans. In the aftermath of the Beijing Conference, the inter-ministerial commission was established in 1996, which decisions determine the course of gender equality implementation and development in Estonia. The objectives include creating and strengthening the state structures dealing with the integration of gender mainstreaming, analysing if national legislation comply with international equality standards, providing access to gender sensitive statistics and improving the women's position in labour market and decision making. Of the great importance in promoting women's political and economic activity

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<sup>5</sup> *State Gazette* 1992, 26, 349: <https://www.riigiteataja.ee/ert/act.jsp?id=633949>; in English: <http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X0000&keel=en&pg=1&ptyyp=RT&tyyp=X&q uery=Eesti+Vabariigi+p%F5hiseadus>

and the related awareness raising of the public was the UN Development Programme's project in 1995-1997, which also established the research centre at Tartu University.

In 1997, the conference "Equal opportunities" took place in Tallinn; in the same year in Tallinn, the information forum together with the European Council was organised on family planning and reproductive rights.

Improving the state of affairs in gender equality de jure in Estonia was noteworthy, but the practical implications have not shown the same quality, especially in the spheres of the gender wage gap, labour market segregation, women's role in decision making processes and re-evaluation of gender roles.

In order to achieve the aforementioned objectives, the Gender Equality Bureau was created within the Ministry of Social Affairs in 1996. It was , renamed the Gender Equality Department in 2004. In addition, a number of women's organisation networks were established with the support from international organisations, foreign foundations and especially with the support of the Nordic countries, which foster equality issues in Estonian society.

In 1998, a working group of gender equality consisting of national officials of the Baltic and Nordic Countries was created with the task to coordinate training and cooperation projects for officials and researchers. In 1998, the Europe Agreement entered into force, which also launched the comparative analysis of Estonian and European Union legislation. The results showed significant deficiencies of Estonian legislation, which had to be removed to meet the goals of European equality directives. On the other hand, the late 1990s turned out to be the period when gender equality issues received boost from various support programs, seminars and trainings that raised the people's awareness of the topic.

Accession negotiations between Estonia and the European Union were launched on March 31, 1998 with the Accession Conference in Brussels. The general principles of the negotiations were approved and the rules of procedure were agreed upon. The Secretariat of the Accession Conference was formed from EU and Estonian representatives. The EU Presidency emphasised, in its opening speech of the Accession Conference, the importance of compliance with the pre-accession strategy (provisions of the Europe Agreement and the goals of accession partnership) and the necessity of adopting the EU acquis.

In 1999, Estonia joined the accession process with the European Union, which further outlined the new commitments in the sphere of gender equality in social policy, one of them being the adoption of the Gender Equality Act. The same year, the Government approved the principles of Estonia's policy on elderly people, which does not tolerate discrimination based on age, and supports the inclusion of elderly in social and political life.<sup>6</sup> Article 10 of the Employment Contracts Act prohibits discrimination on the basis of age.<sup>7</sup>

Article 67 subsection 1 of the Government of the Republic Act<sup>8</sup> declares that the area of government of the Ministry of Social Affairs shall include the drafting and implementation of plans to resolve state social issues, the management of public health protection and medical care, employment, the labour market and working environment, social security, social insurance and social welfare, promotion of equality of men and women and co-ordination of activities in this field, and the preparation of corresponding draft legislation. The promotion of gender equality, coordination of activities towards this objective and corresponding legislative activity as a responsibility of the Ministry was written into the Act through the amendment<sup>9</sup> added in 2000.

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<sup>6</sup> Policy on elderly: <http://www.sm.ee/esttxt/pages/goproweb0316>; 7 p., E-text.

<sup>7</sup> *State Gazette* I 2004, 37, 256: <https://www.riigiteataja.ee/ert/act.jsp?id=745279>.

<sup>8</sup> *State Gazette* I 1995, 94, 1628: <https://www.riigiteataja.ee/ert/act.jsp?id=12788414>; 44 p., E-text.

<sup>9</sup> *State Gazette* I 2000, 49, 302: <https://www.riigiteataja.ee/ert/act.jsp?id=72088&replstring=33>, 1 p., E-text.

In its regular report<sup>10</sup> on Estonia's progress towards accession in 2000, the European Commission considered that further progress was needed in order to bring legislation on gender equality in line with the *acquis communautaire*. At that point, the principle of equal treatment for women and men was not sufficiently recognised in Estonia, neither legally nor conceptually. Furthermore, Estonian legislation did comply with a number of Directives, including those on the burden of proof, part-time workers, and the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions. The laws were generally gender neutral, but the substantive meaning of gender equality and the spirit of the Directives, including the principle of equal treatment for self-employed men and women and discrimination on grounds of sex, were rarely understood.

In May 2000, Estonia ratified the Amended and Revised European Social Charter<sup>11</sup>. Then, for the first time in a more heated public debate, issues of equal treatment of men and women were raised. Some crucial articles of the charter that concerned women's and human rights were adopted only after the strong pressure from women's organisations and public criticism (dissected in a more detail in the non-employment section). In the same year, Estonia submitted the first, second and the third country report<sup>12</sup> to the CEDAW Committee.

Under the crosscutting issues section, the Ministry of Social Affairs Strategic Action Plan for the period of 2000-2010 (approved in April 2001) incorporated integration of the principle of gender equality into all national policies, programs and projects as a long-term objective (until 2010)<sup>13</sup>. In 2001 and 2002 respectively, the Government approved the first and the second part of the application plan of Estonia's general conception on the policy of disabled persons "Standard rules to create equal opportunities for disabled people".<sup>14</sup> Both contain provisions prohibiting discrimination. One of the principles in legislation is Article 10 of the Employment Contracts Act that prohibits discrimination on the basis of disability or invalidity.<sup>15</sup>

In 2002, the UN committee reviewed Estonia's progress in the fulfilment of the convention on "The elimination of all kinds of discrimination against women"<sup>16</sup>. The committee found positive the high ratio of women with post-secondary education, the increasing number of women studying non-traditional subjects, modern legislation for the protection of mothers and the growth of women's organisations in society. Estonia's deficiencies concentrated around the field of legislation, for example insufficient anti-discrimination legislation, the inadequate financial and human resources at the Bureau of Gender Equality and the prevalence of violence against women. The critical CEDAW shadow report was compiled by various Estonian women's organisations, including Estonian Women's Studies and Resource Centre (ENUT)<sup>17</sup>. The most critical issues indicated by the shadow report were weakness of national institutional machinery on gender equality and poor implementation of gender mainstreaming; legal illiteracy and access to subsidised legal advice; violence against women, prostitution and

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<sup>10</sup> European Commission's report: <http://www.eonet.ro/pdf/Estonia.pdf>; 53 p., E-file.

<sup>11</sup> *State Gazette* II 2000, 15, 93: <https://www.riigiteataja.ee/ert/act.jsp?id=26389>; 25 p., E-text.

<sup>12</sup> CEDAW report: <http://daccessdds.un.org/doc/UNDOC/GEN/N01/516/53/IMG/N0151653.pdf?OpenElement>

<sup>13</sup> The same principles have been conveyed into the Ministry's Strategic Action Plan for the period of 2007-2010: [http://www.sm.ee/est/HtmlPages/Sotsiaalministeeriumiarengukava2007-2010/\\$file/Sotsiaalministeeriumi%20arengukava%202007-2010.pdf](http://www.sm.ee/est/HtmlPages/Sotsiaalministeeriumiarengukava2007-2010/$file/Sotsiaalministeeriumi%20arengukava%202007-2010.pdf); 32 p., E-file.

<sup>14</sup> The first part in 2001: <http://www.epikoda.ee/include/blob.php?download=epikmain1&id=0085>; 27 p., E-text. The second part in 2002: <http://www.epikoda.ee/include/blob.php?download=epikmain1&id=0086>; 17 p., E-text.

<sup>15</sup> *State Gazette* I 2004, 37, 256: <https://www.riigiteataja.ee/ert/act.jsp?id=745279>; 8 p., E-text.

<sup>16</sup> Review of UN Committee: <http://www1.umn.edu/humanrts/cedaw/estonia2002.html>; 13 p., E-text.

<sup>17</sup> Laas A, S. Ringmaa. 2002. *Supplementary Report to Estonian National Report: Shadow Report*. The CEDAW 26th session on the Implementation of the UN Convention on the Elimination of all Forms of Discrimination against Women. Tartu-Tallinn-New York. [http://www.ut.ee/gender/doc/CEDAW\\_2002\\_16\\_pages.doc](http://www.ut.ee/gender/doc/CEDAW_2002_16_pages.doc); 16 p., E-file.

trafficking in women, women's business opportunities, inadequately segregated data by sex (statistics, etc.) and funding of gender research.

In the spring of 2002, a reciprocal understanding memorandum between the European Union and Estonia, regarding Estonia joining the EU gender equality strategy (2001-2005), was put into force.

In order to raise general public awareness on gender equality, a review "Different but Equal" was published in 2003 in cooperation with the UN Population Fund, which briefly and clearly presents the basic terminology and problems related to equality of men and women. In 2005 the review was also published in Russian.

On March 25, 2003, the Government approved the welfare programme "The welfare programme for children and people with special needs for years 2004-2006"<sup>18</sup>. The main objective of the programme was to develop services supporting the independent subsistence and other means to foster social inclusion and improve the quality of life of children and people with special needs. Social and economical changes have contributed to place these vulnerable social groups into socially unequal positions. The programme targeted children without parental care and the ones having difficulties with subsistence, but also specialists working in child welfare. Of people with special needs, the programme was directed to disabled people of working age, also disabled children, their families and people with severe or long-term psychological or behavioural disorders and specialists working in the field.

The next significant step in the development of gender equality in Estonia was the adoption of the Gender Equality Act<sup>19</sup> on April 7, 2004. The act was, on the one hand, the result of the analysis conducted by the Government in 1995-2000 on the situation of women and their possibilities of exercising various rights in the society, and, on the other hand, the outcome of strong pressure from the European Union and active local NGOs.

The Estonian government first approved the premises of the draft of the Gender Equality Act in 2000. In December 2001, the draft was sent to the Parliament for the proceeding. The first parliamentary reading<sup>20</sup> of the draft took place in March 2002 and the second reading<sup>21</sup> in September 2002, after which it was suspended. After the parliamentary elections in March 2003, the amended draft of the Gender Equality Act was resubmitted to the newly elected Parliament, initiated by the factions of Estonian Centre Party and Social Democrats, and passed the first reading<sup>22</sup> before summer vacations on the 29th of May 2003. Then it was suspended again. The revised draft, now called the Act on Equality of Men and Women, was approved by the government (devised by the Ministry of Social Affairs) in January 2004 and was sent back to the Parliament where its first reading<sup>23</sup> took place in February. During the second reading<sup>24</sup>, the draft initiated by Centre Party and Social Democrats in 2003 was amalgamated with the Government's, which was taken as the original version, but now

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<sup>18</sup> Welfare programme for children: [http://www.sm.ee/est/HtmlPages/lasteprogramm/\\$file/lasteprogramm.pdf](http://www.sm.ee/est/HtmlPages/lasteprogramm/$file/lasteprogramm.pdf); 13 p., E-file.

<sup>19</sup> *State Gazette* I 2004, 27, 181: <https://www.riigiteataja.ee/ert/act.jsp?id=738642>; 9 p., E-text.

<sup>20</sup> Parliamentary stenogram: 13.03.2002 [http://web.riigikogu.ee/ems/stenograms/2002/03/t02031307-12.html#P892\\_166200](http://web.riigikogu.ee/ems/stenograms/2002/03/t02031307-12.html#P892_166200); 25 p., E-text.

<sup>21</sup> Parliamentary stenogram: 18.09.2002 [http://web.riigikogu.ee/ems/stenograms/2002/09/t02091802-09.html#P940\\_187149](http://web.riigikogu.ee/ems/stenograms/2002/09/t02091802-09.html#P940_187149); 36 p., E-text.

<sup>22</sup> Parliamentary stenogram: 29.05.2003 [http://web.riigikogu.ee/ems/stenograms/2003/05/t03052907-06.html#P250\\_50421](http://web.riigikogu.ee/ems/stenograms/2003/05/t03052907-06.html#P250_50421); 16 p., E-text.

<sup>23</sup> Parliamentary stenogram: 10.02.2004 [http://web.riigikogu.ee/ems/stenograms/2004/02/t04021004-06.html#P374\\_69699](http://web.riigikogu.ee/ems/stenograms/2004/02/t04021004-06.html#P374_69699); 22 p., E-text.

<sup>24</sup> Parliamentary stenogram: 19.02.2004 [http://web.riigikogu.ee/ems/stenograms/2004/02/t04021905-04.html#P330\\_76305](http://web.riigikogu.ee/ems/stenograms/2004/02/t04021905-04.html#P330_76305); 11 p., E-text.

again called the Gender Equality Act. The second reading was adjourned and continued on March 24, 2004<sup>25</sup>. The third reading<sup>26</sup> and the adoption of the Act took place on April 7, 2004.

However, in the meanwhile, during the process of the proceedings of the Gender Equality Act, the Ministry of Justice proposed the alternative draft of the Act on Equality and Equal Treatment.<sup>27</sup> The latter act initially included all kinds of discrimination, including gender-based discrimination, but objections were raised by the Ministry of Social Affairs and by women's organisations that wanted to keep the Gender Equality Act a separate law due to reasons described below. Eventually, the idea of two separate laws prevailed.

As to NGOs' activities, then Estonian Women's Studies and Resource Centre<sup>28</sup> (ENUT) monitored the proceeding of the Gender Equality Act's draft from the beginning. Representatives of ENUT participated in the round table on the issues of gender equality, which was organised by Estonian Law Centre Foundation in April 2002. In April, another forum on gender equality took place in Tallinn. ENUT supported the adoption of the separate gender equality act and not the general equality act developed by the Ministry of Justice, which would cover all fields of discrimination, or else there would not be efficient legal protection for people and the application of positive special measures would be hindered. In August 2002, ENUT sent the letter to the Constitutional Commission of the Parliament and the Government of quickly adopt the Act. Sixteen women's organisations supported the appeal. In late August, ENUT sent the appeal through its database to all women's and other civil organisations in order to join the new public letter to the Parliament, where the importance of the quick adoption of the Act was explained. Sixty-three organisations joined the appeal, including women's factions of many political parties (from left to right), the Open Estonia Foundation and the Estonian Representation of Amnesty International. In September 2002, ENUT initiated a postcard-campaign, where people could send postcards demanding the swift adoption of the Act to the Constitutional Commission of the Parliament.

In early 2003, the Annual Conference of Estonian Women's Organisations urged the Parliament to adopt the Gender Equality Act without delay. The same concern was voiced by Estonian Women's Associations Round Table<sup>29</sup> (EWAR) through their address<sup>30</sup> to the Speaker of the Parliament, the Prime Minister and the leader of the Constitutional Commission of the Parliament in September 2003. The address reminded that the adopted act should be a separate one dealing with gender equality and not the general one covering all fields of discrimination. EWAR sent another letter to the Ministry of Social Affairs in October 2003, demanding the adoption of the Gender Equality Act and expressing the wish to cooperate in the development of the national gender equality plan. In addition, a meeting took place between EWAR and the Minister of Social Affairs. In January 2004, the Annual Conference of Estonian women's organisations sent the appeal<sup>31</sup> to the Parliament in order to improve the draft of the Gender Equality Act. In March 2004, EWAR participated in the project competition of women's cooperation organised by the Ministry of Social Affairs with the project that intended to introduce the Gender Equality Act and its application in women's organisations of all counties and local authorities.

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<sup>25</sup> Parliamentary stenogram: 24.03.2004 [http://web.riigikogu.ee/ems/stenograms/2004/03/t04032409-17.html#P457\\_90233](http://web.riigikogu.ee/ems/stenograms/2004/03/t04032409-17.html#P457_90233); 17 p., E-text.

<sup>26</sup> Parliamentary stenogram: 07.04.2004 [http://web.riigikogu.ee/ems/stenograms/2004/04/t04040710-10.html#P435\\_92263](http://web.riigikogu.ee/ems/stenograms/2004/04/t04040710-10.html#P435_92263); 5,5 p., E-text.

<sup>27</sup> Parliamentary stenograms: 20.11.2002 [http://web.riigikogu.ee/ems/stenograms/2002/11/t02112009-20.html#P1961\\_319647](http://web.riigikogu.ee/ems/stenograms/2002/11/t02112009-20.html#P1961_319647); 5,5 p., E-text. 22.01.2003 [http://web.riigikogu.ee/ems/stenograms/2003/01/t03012202-12.html#P751\\_161261](http://web.riigikogu.ee/ems/stenograms/2003/01/t03012202-12.html#P751_161261); 16 p., E-text.

<sup>28</sup> <http://www.enut.ee/enut.php>

<sup>29</sup> <http://www.enu.ee/>

<sup>30</sup> <http://www.enu.ee/enu.php?keel=1&id=165>; 1 p., E-text.

<sup>31</sup> <http://www.enu.ee/enu.php?keel=1&id=166>; 2 p., E-text.

The Gender Equality Act entered into force in May 1, 2004. As to the content, the Gender Equality Act aims to guarantee equal treatment between men and women and to foster gender mainstreaming in all spheres of social life. With it, Estonia for the first time, introduced in the legislation the terms such as “discrimination against women” and other forms of discrimination. It also provides means in fight against sexual discrimination both in private and public sectors and has created the instrument to demand for compensation in case the person’s rights were violated. The Act is qualified as progressive since it applies the strategy of gender mainstreaming on all administrative levels. In addition, educational and research institutions and employers are obliged to foster equal treatment between women and men. The Act provides definitions for key concepts such as gender equality, equal treatment, (in)direct discrimination and sexual harassment along with instituting the rule of shared burden of proof. Certain positive measures can be used in relevant circumstances when the situation of one of the sexes is disadvantageous when compared. The Act established the institution of the Gender Equality Commissioner who is an independent establishment dealing with gender related complaints<sup>32</sup>. Finally, the Gender Equality Act defines the tasks of the Ministry of Social Affairs and creates the Gender Equality Council, which serves as the advisory body to the Government of the Republic.

The abovementioned period of 2001-2004 comes to the fore as a separate period as it reflects Estonian society’s understandings of human rights, stereotypical gender roles and patriarchal ideology. Manifestation of the latter is 500 publications on gender inequality and equality published in the media within these three years. As a parallel activity, amendments were made to the existent legislation with the primary goal to revoke provisions that discriminated men (e.g. mother’s rights were replaced by parent’s rights etc.).

Prior to Estonia’s accession to the EU, several projects backed by international organisations (UNDP, ILO, Nordic Council of Ministers) were carried out that first and foremost aimed to raise the public awareness. In 2001-2003, a great number of international conferences, seminars and schoolings took place. This was also the period when the most sensitive topics, such as violence against women, trafficking in women and prostitution, were opened to public discourse, which resulted in surveys, trainings and few political statements. In order to better secure women’s economical independence, ILO programme “More and Better Jobs for Women” (1999-2003) was launched that also promoted women entrepreneurship. The period is also marked by the establishment of international contacts and domestic networks. Estonia joined the European Union on May 1, 2004. Consequently, the whole array of new projects and policies were implemented.

The Estonian National Development Plan for the Implementation of the EU Structural Funds SPD 2004-2006 contained a gender aspect. Together with the European Commission, the Government of Estonia prepared a Joint Inclusion Memorandum<sup>33</sup> where long-term goals for gender equality activities were set. Based on the Memorandum, the National Action Plan for Social Inclusion for 2004-2006<sup>34</sup> was prepared, which foresaw concrete goals, actions and resources to reduce poverty and exclusion. The Action Plan was not only a strategy but also the first attempt to integrate the strategies and action plans of different spheres into a unified approach to increase social inclusion. The main target groups of the Action Plan were unemployed (especially long-term unemployed and their families), people with disabilities, handicapped children, school drop-outs, people with housing problems and victims of crime.

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<sup>32</sup> See also: Government of the Republic Regulation No. 45 of 10 March 2005, Statutes of Gender Equality Commissioner, <https://www.riigiteataja.ee/ert/act.jsp?id=865250>

<sup>33</sup> <http://www2.sm.ee/kaasatus/failid%2FSotsiaalse%20kaasatus%20%FCchismemorandum%20%28inglise%20keeles%29.pdf>; 71 p., E-file.

<sup>34</sup> [www.sm.ee/est/HtmlPages/NAP\\_valitsusse/\\$file/NAP\\_valitsusse.doc](http://www.sm.ee/est/HtmlPages/NAP_valitsusse/$file/NAP_valitsusse.doc); 51 p., E-file.

In the first gender mainstreaming project under the European Union Gender Equality Programme “Gender Impact Assessment as a Core Measure for Gender Mainstreaming” (September 2003-September 2004) the goal of the Ministry of Social Affairs as the project promoter was to improve the understanding of gender equality and the dual-track approach to achieve equality and to develop specific methods and tools, in particular gender impact assessment, for the promotion of gender mainstreaming in Estonia. The first manual for Gender Impact Assessment was also compiled by the Ministry of Social Affairs. The Phare Twinning Project “Development of Administrative Capacity of National Authorities in the Field of Gender Mainstreaming” was organised in-between July 2004-and December 2005 that involved the Ministry of Health and Social Affairs of Saxony-Anhalt, Germany and the Estonian Ministry of Social Affairs.

Estonia’s National Employment Action Plans are based on the European Employment Strategy. The Employment Guidelines represent a set of objectives, which, until 2003, were grouped under four “pillars” (employability, entrepreneurship, adaptability, equal opportunities) together with horizontal objectives (including gender mainstreaming). The main objectives for the promotion of equal opportunities in the National Employment Action Plan were: the creation of employment opportunities and increasing the employment of women; reconciling work and family life; supporting women as entrepreneurs; and increasing the competitiveness of their businesses.

In March 2006, Estonian National Report on Strategies for Social Protection and Social Inclusion 2006-2008<sup>35</sup> was prepared under the Open Method of Coordination of the European Union and in compliance with the revised objectives and framework approved by the European Council. The report is the first report on social protection and inclusion that has been prepared under revised principles and in the light of new common objectives. It consists of three pillars: social inclusion, pensions and health and long-term care. In order to ensure comparability of national reports and facilitate exchange of good practices between Member States, the report follows the Guidelines drawn up by the Social Protection Committee concerning the structure and content of the document<sup>36</sup>.

According to the Government Action Plan for 2007-2013, training and technical assistance are oriented towards achieving readiness to integrate the equality principle into all action plans and policies in accordance with the Treaty of Amsterdam; elimination of trafficking in women is foreseen according to the relevant strategic action plan. As mentioned before, according to the Gender Equality Act, all state and local authorities and institutions are obliged to use the gender mainstreaming strategy.

Currently, the Inter-Ministerial Committee for Promoting Gender Equality is trying to elaborate the state development plan of gender equality up to 2008. The development plan would act as a base for various inter-ministerial duties in engaging with the variety of issues (horizontal and vertical gender segregation in work and educational spheres, revising gender stereotypes in school textbooks, fighting violence against women). The key emphasis would be placed upon awareness raising and gender training. Of the important projects, the following should be initiated: supporting women in making economic decisions, the role of mass media in shaping power relations, training state officials in order to integrate gender mainstreaming in action plans, developing assessment methods for gender influence. However, the elaboration of this national plan has fallen into a sort of lethargy as the people working on it have been changed/replaced too often.

Another current issue drawing attention is the draft of Equal Treatment Act, which was suspended in 2003 but revived in 2007. It is still based on the draft, which was in the proceeding in 2002-2003, but without the section dedicated to gender equality, which is now covered by a separate law. The reason for re-submitting the revised draft to the parliament was the letter of the European Commission to Estonia from June 28, 2006 that concerns the Directives 2000/43/EC and 2000/78/EC

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<sup>35</sup> [http://ec.europa.eu/employment\\_social/social\\_inclusion/docs/2006/nap/estonia\\_en.pdf](http://ec.europa.eu/employment_social/social_inclusion/docs/2006/nap/estonia_en.pdf); 59 p., E-file.

<sup>36</sup> [http://ec.europa.eu/employment\\_social/social\\_protection\\_committee/spc\\_topics\\_en.htm](http://ec.europa.eu/employment_social/social_protection_committee/spc_topics_en.htm)

on equal treatment issues, which Estonia is obliged to follow but has not done. Since the European Commission started the infringement proceedings, the Government considered the quick adoption of the Act important. The draft underwent the first reading<sup>37</sup> in February 2007. However, due to the general elections in March 2007, the draft fell out of the proceeding. The new version was sent to the Parliament again on May 31, 2007, on the same grounds as before (pressure from the European Commission).

The Shadow Report on the Convention on the Elimination of All Forms of Discrimination against Women was submitted by the Estonian Women's Associations Roundtable in June 2007. It concluded that some of the recommendations expressed by the Committee on the Elimination of Discrimination Against Women in 2002 upon consideration of the combined initial, second and third periodic report submitted by the Government of Estonia "have remained un-tackled"<sup>38</sup>.

**What does gender mean in gender equality policies: women? Men and women? Men? Social relations? Structures? Else? Is gender equality de-gendered? In what ways?**

Two equally significant target groups in policies' objectives are "women" and "men". In the context of general gender equality issues, they are usually targeted together, meaning that they feature in a combined constellation. Other people as target groups include de-gendered "victims of family violence" and "victims of trafficking in human beings".

Women and men (less than women) are the most frequent passive actors in policy problems. Women appear also in intersections: "young women", "young women with children", and "young women without children". Men are seen as passive actors in connection with the absence of gender equality legislation, which, in addition to women, affects men. Prevailing attitudes and stereotypes try to mould men into their "right" social positions as well.

**For whom is gender equality to be achieved? (target group)**

Mostly women but also men.

**By whom is gender equality to be achieved? (responsible)**

Policy actions identify responsible actors in most of the cases. The majority of them are institutional and state actors. The Ministry of Social Affairs, the Estonian government and parliament, legislative power, Constitutional Committee of the Parliament, state and local institutions are the main keywords dominating the field. In couple of the cases, it is difficult to ascertain whether state or civil society actor are meant, e.g. "internal institutions", "educational and research institutions". There are only few people as responsible actors and they are mostly de-gendered: "gender equality specialists", "adviser", "employers" and "expert".

**Where are the demands for gender equality coming from (voice & institution/level)**

Civil society texts in General Gender Equality and Machinery have been articulated by Estonian Women's Association, Open Estonia Foundation, and Unit of Gender Studies (at University of Tartu) and three women representing them. What sets civil society texts apart from the governmental ones is their more explanatory and persuasive undertone. It seems that fundamentals of gender equality need to be clarified in order to convince decision makers and the public to take necessary steps – e.g. adoption of Gender Equality Act. Civil society texts also try to mitigate unsupported fears what gender mainstreaming might entail and show the disadvantaged situation of women in society. Undercurrent

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<sup>37</sup> Parliamentary stenogram: 14.02.2007, [http://web.riigikogu.ee/ems/stenograms/2007/02/t07021405-20.html#P743\\_161914](http://web.riigikogu.ee/ems/stenograms/2007/02/t07021405-20.html#P743_161914); 7 p., E-text.

<sup>38</sup> <http://www.enu.ee/enu.php?keel=1&id=242>

of the documents is rather critical towards the government, although strength is wished for decision makers to overcome the obstacles.

Governmental texts originate from either the Government or the Ministry of Social Affairs. These texts stress the importance of the adoption of policies and legislations to which Estonia is committed through international obligations and the need to unify national legislation with EU legislation. The language of the texts is technical and tedious.

### **Is gender equality a means or an end?**

More end than means.

### **Is gender equality present in policy, but made invisible?**

#### **Are the core issues in gender equality represented in adjacent frames such as human rights, justice, or economic growth?**

Equality is the most dominant frame throughout the supertexts, with human rights, capabilities and well-being, crime and justice and health getting isolated hits.

### **3.2 The range of the meanings or frames of gender equality in non employment**

The period after 2000 until 2004 was significantly influenced by the accession to the European Union and the harmonisation of the national legislation with the EU acquis. In this period equal treatment and anti-discrimination provisions were introduced into labour legislation and the Gender Equality Act was adopted.

One of the key topics within non-employment is the reconciliation of work and family life, where the main issues are pregnancy and maternity leave, parental leave, family and parental benefits, part-time work and flexible working time. Provisions regulating these policies are dealt with in different laws, e.g. the Holidays Act, the State Family Benefits Act, Labour Market Service Act, Act on Parental Benefit, which have been amended over the period covered by QUING. This period is marked by evident changes in the attitudes and values of Estonians about gender equality in the area of employment and family life. The results of several surveys carried out in Estonia in the period 1999-2003 demonstrated that at the end of 1990s or early 2000s, mothers' employment was no longer seen as a hindrance to creating emotional bonds with the child, as it was perceived in the early 1990s, and that career and economic independence is equally important to women and men.

The main shifts in the tax-benefit policies occur in relation to family and parental benefits. Parental benefit was introduced in 2004 with the aim to compensate the loss of income due to raising a small child and helping to reconcile work and family life. While the state's family benefits (child birth-, child- and childcare allowance, single-parent's child allowance, conscript's child allowance and foster care allowance) are a general right for a parent or caregiver, the right to parental benefit – a wage compensation - derives from employment.

Reforms in the pension system were introduced in 2000 by the adoption of the State Pension Insurance Act. One of the most important principles of the Act is the equalisation of the retirement age of women and men at 63 years by 2016. According to the Act a 2-year pensionable service per each child is granted to the parent who has raised a child for at least 8 years. This provision is meant as a compensation for childcare work to one of the parents, in majority used by mothers.

A critical area from a perspective of equal treatment is the issue of equal pay / gender pay gap, which has been strengthened by the transposition of EU legislation. The Act on Wages and the Gender Equality Act prohibit unequal treatment of women and men in remuneration for the same or equivalent work. The Act on Wages also prohibits an increase or decrease in wages on the basis of employee's sex, race, ethnic origin, marital status or family obligations etc.

However, Estonia remains among the EU countries with the largest gender pay gap. Women employees continue to earn almost 25 percent less than their male counterparts. The concern goes also to the differences in pensions between women and men, where among people receiving a national pension (the lowest type of pension) there are eight times more women than men. The monitoring report on equal opportunities for women and men in Estonia, prepared by the Open Society Institute/Network Women's Program, recommends several measures for closing gender pay gaps, among which are the harmonisation of the concept of 'equal pay for work of equal value' in a national legislation and strengthened monitoring of respect of the principle of equal pay by Labour Inspections.<sup>39</sup>

In relation to care work and informal work, the main issue has been the provision of childcare as regards reaching the Barcelona targets for increasing the number of pre-school children in childcare facilities (nurseries and kindergartens). In Estonia, childcare is mainly provided by the parents, especially for the children up to 3 years old, especially due to lack of places in nurseries and kindergartens and to high prices of childcare services. However, no additional provisions regarding childcare facilities or services have been implemented recently in Estonia. Affordable and quality childcare services and increased inclusion of pre-school children remain future challenges of care and reconciliation policies.

Intersectionality of gender and other categories (disabled people, age, ethnic origin, race) mainly emerged in relation to access to employment, equal pay and gender differences in pensions.

The most common intersectionality within the (non)employment occurs when themes are studied from the viewpoint of ethnicity (e.g. Estonians compared to Russians) and age. Economic welfare and social security of single-parent families and lone-mothers intersect also with the issue of intimate citizenship.

### **What does gender mean in gender equality policies: women? Men and women? Men? Social relations? Structures? Else?**

#### **Is gender equality de-gendered? In what ways?**

The two most frequently identified and gendered groups are "women" and "men" (women in more occasions). Men appear in the context of the parental benefit payment, which is threatened to be paid to women only, and also in association with gender pay gap issue. The other de-gendered passive actor groups are "families" and "parents" (in the childcare topic), but also such elusive de-gendered groups as "a part of society which lags behind" and "very little minority" (highly paid women) have been mentioned.

#### **For whom is gender equality to be achieved? (target group)**

Target groups have been identified for most of the objectives. The majority of actors are people, with "women" again taking the lead as most frequently listed actors.

#### **By whom is gender equality to be achieved? (responsible)**

The frequency count is overwhelmingly led by institutional or state actors: Estonian government, Estonian parliament or its commissions, also ministries and different factions of political parties in the parliament.

#### **Where are the demands for gender equality coming from (voice & institution/level)**

Civil society texts in non-employment have been produced by Estonian Women's Association Roundtable, International and Social Research Institute, and Estonian Women's Association. On the

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<sup>39</sup> Sepper, Mari-Liis and Linntam, Marika (2005) Equal Opportunities for Women and Men: Monitoring law and practice in Estonia. Open Society Institute

whole, the voices are rather critical toward the government and policymakers. Their vocabulary often includes an arsenal of strong arguments stating that the found shortcomings are in apparent contradictions with European values, the Estonian constitution and international legal provisions. A couple of voices are less belligerent in their content and rather make suggestions or refer to the society broadly as the source of current problems.

A set of voices in governmental texts traditionally emphasise the need to comply with international treaties and EU directives on promoting legislation.

### **Is gender equality a means or an end?**

Mostly means.

### **Is gender equality present in policy, but made invisible?**

#### **Are the core issues in gender equality represented in adjacent frames such as human rights, justice, or economic growth?**

Gender equality is visibly present in policy due to harmonisation of Estonian policies with required the EU policies. The three most prominent frames emerging are equality, capabilities and well-being and economic development.

### **3.3 The range of the meanings or frames of gender equality in intimate citizenship**

One the key sub-issues of intimate citizenship in Estonia is the reproductive rights and issues associated with it, including family planning etc. These issues have been closely intertwined with the prevalent societal discourse about the continuation of the Estonian people and sustainable development of the nation. While the period of late 1980s and early 1990s with its prevalent mood of optimistic expectancy and certain euphoria (recreation of the independent state) induced a short-lived baby-boom, then it was followed by the period of negative natural growth and fears of the looming future. The negative trends were not only related to the radical reform policy of the 1990s and the decreased economical security of families but also to the general European demographic trends and growing importance of individualistic values. The birth rate in the beginning of the millennium compared to the rate in the 1980s has almost halved in absolute numbers. The latter developments, in turn, have induced series actions, from national plans and legislative measures to visibility on almost every political party's top agenda, calling on families to have more children and worries about Estonians' demographic curves. Hence, when talking about the turning points, one should point out the downward demographic turn of early the 1990s, which was ensued by a series of slogans and declarative programmes by politicians to produce offspring. Only when it was realised that empty words are not really enough, the crucial aspect of financial support has surfaced.

The conceptions of Estonian family policies do not define the family but obviously what is meant is the traditional two-parent family. However, as the surveys and researches show, there have been major changes in the family behaviour throughout the recent history, which question the ruling position of the family with two biological parents. This introduces the sub-issue of civil partnerships and partnering in general. The family based on traditional registered marriage is losing popularity in Estonia. Increasingly more couples do not officially register their partnership, even when children are born. The traditional family model is more often observed by non-Estonians. Estonians have the leading edge in Europe in the number of cohabiting couples. While in the EU countries in the mid 1990s 7% of all partnerships were cohabiting couples, in Estonia it was 14%, which grew to 21% in 1998. As a result, Estonia is one of the leaders in Europe in children born out of wedlock. Gay and lesbian marriages and same-sex unions, however, seem to be a "non-topic" in Estonia. According to the public opinion poll commissioned by the European Commission on discrimination, Estonia has the

smallest number of people (26%) who would reckon there is discrimination of homosexuals in the country.<sup>40</sup> Any attempt so far to bring the discrimination issue (legal non-recognition of same-sex partnerships) to the fore has been met by the overwhelmingly traditionalist and conservative public opinion, which also includes most of the policy makers. The voice of gay and lesbian civil society organisations is weak, as are the organisations themselves. Their fight for civil partnerships embracing same-sex couples lists one major appeal to the policy makers in late 2005 and few articles in newspapers. Portrayal of the issue in media has improved over the years (increasing objectivity and neutrality) but almost no responsibility is taken when it touches upon the third-party related content, like commentaries in newspapers' online-versions and news portals. Since high natural growth and national-conservative ideals have been almost every government's top priority, one cannot be very enthusiastic about a speedy change of legislation.

Divorces and disintegration of cohabiting relationships produce single-parent families, which in an Estonian setting mainly mean the production of single mothers. Women constitute the majority of single parents, only 1% of single parents are single fathers. The more difficult economic situation of single mothers is related to the fact that the support from the other parent is not sufficient. In Estonia, the model of "clean break" is usually followed in a divorce that leaves children to be raised by the mother, while the divorced men hardly engage in this process. After the divorce, the living standard of a single mother deteriorates and her social network changes. However, it is difficult to obtain a full overview of the number of divorced couples and divorce trends since official statistics takes only divorces of legally married couples and not cohabiting couples into account.<sup>41</sup> Possible discrimination of women's rights has lately been a heatedly debated topic, following the governmental plan to change the marriage property regime, moving from common property to a system of separate property.

Gender in intimate citizenship is de-gendered, biological or social. Biological characteristics touches texts on reproductive health and (in)fertility issues the most. More than a half of the supertexts do not consider gender equality relevant. A slight majority of supertexts regard gender equality as a means to another policy goal, while most of them hold gender equality as strategy. The only identified vision of equality equates equality with sameness (in amendments to Employment Contracts Act). The strategy inherent in texts overwhelmingly promote an equal treatment scheme.

The most frequent frame identified in supertexts is equality, which surpasses frames of human rights, health and capabilities and well-being.

**What does gender mean in gender equality policies: women? Men and women? Men? Social relations? Structures? Else?  
Is gender equality de-gendered? In what ways?**

Most of the passive actors are people and to a large extent they are mentioned in a de-gendered way. The largest group of the latter can be placed under the common heading "homosexual people", the other significant de-gendered groups list "employees", "people", "thousands and thousands of people", "MPs", "general public", "guardians" (in connection to Family Law). The largest gendered group is "women" – listed on seven occasions in six documents.

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<sup>40</sup> Rannajõe, Elisa-Maria. 2007. Eesti elanikud ei arva, et homoseksuaale eriti ahistatakse (Estonian people do not think that homosexuals are much harassed). *Postimees*, February 8.

<sup>41</sup> Statistics of the abovementioned issues from: Pall, Katre. 2003. Vabaabieliu - uus väljakutse sotsiaalpoliitikas (Cohabitation - a new challenge in social policy). *Sotsiaaltöö* 6: 21-23; Hansson, Leeni. 2004. Perekonna funktsioonidest (On the functions of family). *Sotsiaaltöö* 3: 28-30; Hansson, Leeni. 2002. Mitteabiellulised kooselud 1990ndate aastate Eestis (Non-marital cohabitations in Estonia in early 1990s). In *Eesti perekonna eritahud* (Different facets of Estonian family), 5-18. Tallinn Pedagogical University.

**For whom is gender equality to be achieved? (target group):**

Mostly women, people discriminated on grounds of sexual orientation.

**By whom is gender equality to be achieved? (responsible):**

Predominantly by state agents.

**Where are the demands for gender equality coming from (voice & institution/level):**

Civil society organisations.

**Is gender equality a means or an end?**

Generally in balance, tipped slightly over to the means side.

**Is gender equality present in policy, but made invisible?**

**Are the core issues in gender equality represented in adjacent frames such as human rights, justice, or economic growth?**

The most frequent frame identified in supertexts is equality, which surpasses frames of human rights, health and capabilities and well-being.

### **3.4 The range of the meanings or frames of gender equality in gender based violence**

On the whole, one could say that through the course of time from mid 1990s until now there have been and still are a number of debated topics (sub-issues) on the societal level that can be gathered under the notion of gender-based violence, but they have not produced a rich field of policy documents. Since the re-gaining of independence in 1991 until the new millennium, there was, as it seems, a temporal gap where such gender-based issues were not dealt with in Estonia. The general audience was rather ignorant until the point when the first and extensive domestic research on the violence against women were conducted in 2001-2003 that shed light to the extent of such violent social phenomena. Estonian legislation on violence is in need of supplementation. The legislation does not explicitly recognise terms such as “violence against women” or “family violence”. There is no mention of the specific crime that touches upon intimate violence or violence in a couple-relationship. From time to time, the debate emerges whether Estonia needs a separate law for family violence. The Estonian police are still often short of motivation, resources and time to continue preliminary investigations. Criminal cases are closed due to the insufficient proof resulting from the lack of police resources. Even if the case reaches the court, the offender’s punishment for inflicting bodily harm is usually conditional and proves to be of only non-sanctional and reprimanding character.

One of the key-issues is domestic or family violence. However, this area of concern is not regularly measured and statistically covered in Estonia, which hinders the official statistics to fully reflect the scope of the issue. At the moment, Estonia is among the states where most of the cases of violence against women remain unregistered / unreported and do not make it to the official statistics. A large part of the victims of violence against women does not seek help from the police. The police statistics records mainly include cases of murder or cases when the ambulance has been called to the scene. In a way, it is a result of the inadequate efforts of the state to educate its citizens. School curricula do not contain topics of violence against women or gender discrimination; relevant training programs for universities and vocational schools are based on voluntary attendance, the same applies to future professionals (police, social workers, judicial personnel etc.). If taken place, such trainings are mostly carried out by NGOs only. The Civil Code and Family Law Act do not contain any specific provisions on cases of violence against women, including domestic violence.

There are no medium- or long-term coordinated action plans for the different professions combating violence against women in Estonia. Most state institutions lack concrete action plans for the prevention of prostitution and trafficking in women, with the exception of the Central Criminal Police, the action plan of which primarily calls for international cooperation.

An important milestone in the policy process was the amendment to the Code of Criminal Procedure in 2006, which established barring orders to protect the victims, including victims of violence against women. From that point onwards, victims can appeal for a restraining order based on the Code of Civil Procedure.

The Act on Gender Equality was passed by the Estonian Parliament on April 7, 2004. The Act contains a definition of sexual harassment, but it does not include any preventive or punishment measures. There are no professions where special laws, compulsory codes or guidelines for dealing with cases of violence against women. There are general rules for the hearing and treatment of all victims and the collection of evidence and information as set forth in the Code of Criminal Procedure.

As to the sub-issue of rape, the new Penal Code from 2002 defines rape as sexual intercourse with a person against his or her will, or taking advantage of a situation in which the person was not capable of resisting or comprehending the act. The definition of rape extends to rape within the family. Sexual intercourse with someone under the age of 14 is criminalised by the penal code. The data on rape are reported to and officially registered by the police, yet such data about rape and attempted rape are insufficient since only a minority of cases are reported to the police and therefore do not give a representative indication about incidences of violence against women. Still, some improvements have taken place to facilitate the victim's situation in police departments: special interviewing rooms with modern equipment have been installed where statements are videotaped so that a victim of crime does not have to provide repeated testimonies of his or her sufferings. In some police prefectures there are also specially trained female officers who can recognise the behaviour of a sexually abused person and are able to handle the person in an appropriate manner.

Another important sub issue is trafficking in women and prostitution. Prostitution is not a "visible" area of concern in Estonia – there is no street prostitution and there are no particular quarters. A rise in the scope of the problem of prostitution in Estonia could be noticed in 1992 when sexual services firms operating in rented private apartments appeared, mostly offering the services of call-girls. Growing gradually, the activity reached its maximum in 1994-1995 and has been decreasing since then, while also the proportion of minors among prostitutes is declining. In order to prevent the spreading of trafficking in human beings and prostitution, the police have been cooperating with the local governments and also non-profit association, with the aim to conduct the explanatory work and supporting actions among underage girls who constitute the largest risk group.

Police structures are being created to fight trafficking in women and forced prostitution, and to improve international communication, co-ordination and co-operation of different police structures through Interpol and Europol. In 1998, a drugs and prostitution team was created within the Tallinn criminal police. Trafficking in human beings violates basic human rights pursuant to the Constitution of the Republic of Estonia, above all human dignity, personal freedom, freedom of movement, privacy and self-determination. Although the Estonian Penal Code does not directly specify trafficking in human beings as a criminal offence, there are approximately 15 articles prohibiting activities linked to human trafficking. The new Penal Code, which was enforced in September 2002, finally criminalised trafficking in women. On 4 December 2002, Estonia ratified the United Nations Convention against Transnational Organized Crime, supplemented by two protocols (trafficking and smuggling in persons).

The surveys organised within the framework of the Nordic-Baltic information campaign against trafficking in women indicate that on the whole, people in Estonia are poorly informed of the nature of

human trafficking and have insufficient or no knowledge on the issues of human rights, gender equality and the damage caused to the society by increased human trafficking and prostitution.

The socio-economic situation of women in Estonia is generally worse than that of men as women are mostly in occupations that have lesser prestige and smaller wages. Therefore, women are more likely to become the victim of trafficking. Members of the Russian-speaking community in the northeast of Estonia constitute a large part of the number of victims, because of their even less favourable socio-economic position. Until recently Estonia used to be solely a country of origin for women and girls who were trafficked for the purpose of sexual exploitation to the Nordic countries and West Europe. However, nowadays Estonia is becoming more and more a country of destination due to country's rapid economic growth since the 1990s and deficit of workforce. Primarily, this touches upon the people from the less developed republics of the former Soviet Union but the scope is more likely to expand. However, as there is still a gap in the standard of living between Estonia and the EU average, there is also a danger for local people to fall victims to human trafficking to the other parts of the EU. The Schengen Agreement and dissolution of the internal EU borders may contribute to aggravation of the issue as well.<sup>42</sup>

The most compelling and frequent examples of the latter are associated with trafficking in human beings and prostitution. Estonia's geographical position during the recent history situates the country on the major trafficking route between East and West, namely Russia and Scandinavia. However, Estonia has been classified as both source and transit country of trafficking in human beings.

The second issue spotted in the texts as significant is the poor state of general security in Estonia: violence and violent behaviour are pervasive and the whole issue is considered worse than shown in police statistics. Additionally, Estonian judicial system pays much attention to the rights of offenders, while victims do not receive the same consideration.

### **What does gender mean in gender equality policies: women? Men and women? Men? Social relations? Structures? Else?**

#### **Is gender equality de-gendered? In what ways?**

Most of the problem statements contain passive actors. By far the most considered group of passive actors is 'people'. Few institutionalised actors comprise of civil society organisations (women's association and shelter for women are mentioned) whose suggestions to policy makers regarding trafficking in human beings are ignored or the organisations are blocked from the state's financial support. The biggest group of passive actors is made up of women. Women are followed by de-gendered category of "victims" (in intimate relations, of trafficking and violence). Men are not listed among the passive actors. No occurrences of intersectionality are found.

The texts are mainly de-gendered or perceive gender as a social construct (especially in civil society texts). The use of gender equality is not generally relevant. The instances where it is relevant belong to principally civil society texts only. In cases when identified (four only), gender equality is seen as an end in itself or perceived as strategy.

#### **For whom is gender equality to be achieved? (target group):**

Mostly women but also men.

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<sup>42</sup> Information in this section has been supplemented by the following materials: webpage of the Ministry of Social Affairs; *Violence against women in Estonia. A report to the Human Rights Committee*, [http://www.omct.org/pdf/VAW/Publications/2003/Eng\\_2003\\_06\\_Estonia.pdf](http://www.omct.org/pdf/VAW/Publications/2003/Eng_2003_06_Estonia.pdf); interview with Sirje Otstavel from Tartu Womens' Shelter in May 2007.

**By whom is gender equality to be achieved? (responsible):**

Predominantly state institutions.

**Where are the demands for gender equality coming from (voice & institution/level):**

Women's organisations, research institutes. Almost in every objective and policy action, target groups are identified. Generally the target groups consist of people. The most frequently occurring set among them are women. Additional gendered examples name "women as victims of violence", "female employers", and "trafficked women". Men, although in couple of cases only, are also seen as target groups – as "male employers" who, prompted by Gender Equality Act, should take action to stamp out sexual harassment and comply with norms of gender equality. "Victims" of all kinds make up a key group of de-gendered target groups, generally implying women. Secondly, "offenders" and "perpetrators" are often identified, in most of the cases referring to violent men.

**Is gender equality a means or an end?**

More directed to gender equality as end not means.

**Is gender equality present in policy, but made invisible?****Are the core issues in gender equality represented in adjacent frames such as human rights, justice, or economic growth?**

Gender equality is not explicitly treated in policy and is rather invisible. The primary frame is crime and justice, with equality and human rights well behind.

**4 THE RANGE OF INTERSECTING INEQUALITIES**

Intersectionality is almost a non-issue in Estonian policy fields. The society and legislators have not yet come to understand problems in the way laid out by feminist or sociology theoreticians.

In general gender+ equality policies, one of the most visible inequalities is age, which appears in categories of "young women", "young women with children", and "young women without children". However, all these examples are rather marginal.

In intimate citizenship, intersectionality reveals itself in the following target groups: "people with special needs and disabled", "youth of 10-25 years of age", "women who have children but no money to undergo fertility treatment", "homosexuals as full-fledged citizens", "children grown up in same-sex families", "women of up to 40 years of age", "women who have undergone fertility treatment".

In non-employment intersections occur – employment status, ethnicity, age, disability etc. – but it is often difficult to tell which groups are exactly meant as most of the actors are de-gendered. However, women are also constructed in an intersectionalised way: "more educated women", "women who give birth", and "younger women". "Men" and "male employees" are seen as target groups in few occasions in connection with the implementation of equal pay principle. "Male employees" together with "female employees" are constructed in an intersectionalised way: constellation of gender and class.

In gender-based violence most of the actors are presented in a de-gendered way even if it is widely known who or which group is being meant. Almost in every objective and policy action, target groups are identified. Generally, the target groups consist of people. The most frequently occurring set among them is 'women'. Additional gendered examples include "women as victims of violence", "female employers", and "trafficked women". Men, although in couple of cases only, are also seen as target groups – as "male employers" who, prompted by Gender Equality Act, should take action to stamp out sexual harassment and comply with norms of gender equality. "Victims" of all kinds make up

a key group of the de-gendered target groups, generally implying women. Secondly, “offenders” and “perpetrators” are often identified, in most of the cases referring to violent men.

**How does intersectionality work in civil society organisations? Is there organisation by strand or do civil society organisations take into account multiple inequalities? Is there a 'hierarchy' amongst the equality strands and are some combinations (e.g. gender and ethnicity) more common than others?**

To name the most visible organisation: The Estonian Chamber of Disabled People. The goal of the Chamber is to facilitate to raising disabled people quality of life in Estonia. For this purpose the Chamber co-operates with governmental bodies and the social partners in order to secure that the Estonian legislation and enforcement of the legislation take the disability perspective seriously.

**Using especially your policy document analysis, what is the meaning of intersectionality? What is the range of terms that might indicate intersectionality? What kind of terms are these? Are intersecting axis named as multiple disadvantage, additional vulnerability, or specific intersections, groups at intersections, or else?**

Intersectionality is not used in Estonian texts, manifold discrimination is used. Thus, the meaning of intersectionality is difficult to point out.

**Thinking about intersectionality and the way it is absent or present, would you say that civil society organisations are 'better' at 'doing intersectionality' than state bodies? If so, why do you think this might be?**

Civil society organisations are traditionally more “progressive” than state bodies and bring up issues before they reach the official arena. However, in Estonia it does not mean “doing intersectionality” but maybe only mentioning it as something that should be tackled.

## **5 WHAT ARE THE IMPLICATIONS OF DIFFERENT VERSIONS OF INTERSECTIONALITY FOR THE MEANING AND PRACTICE OF GENDER+ EQUALITY?**

### **5.1 Inequalities in general gender equality legislation and gender machinery**

Intersectionality is almost missing in diagnosis except on one occasion in the Gender Equality Act, while prognosis part of policies displays no occurrences.

People as gendered active actors include single occasions of women (harassing men that lead them to health risk behaviour) and men (discriminating women in society and at work). Other de-gendered actors are employers, decision makers, politicians and judges. No intersectionality occurs.

Women and men (less than women) are the most frequent passive actors in policy problems. Women appear also in few intersections: “young women”, “young women with children”, and “young women without children”. There is no intersectionality in people’s group.

Thus, intersectionality is almost not identified in supertexts, only exception being Strategic Action Plan of the Ministry of Social Affairs for the period of 2007-2010, when marital/family status is detected.

## 5.2 Intersections in non employment

The question is more general than that of women only. Firstly, minority religious groups in Estonian society have never been a factor which would result in differences in employment rates compared then to the majority religious group (religion in general plays a rather insignificant role in Estonian society). Employment rates among minority ethnic groups is a different matter. Estonia is a home to a large ethnic minority group, mostly Russian-speaking. Owing to historical background of the country and existing local circumstances, there has been a considerable alienation of that group from the rest of the society. Since Soviet times the group is predominantly characterised by the poor command of the official language (Estonian), which in turn is the result of one-time Soviet national, settlement and industrialisation related policies. Educational differences (meaning different orientation, e.g. towards jobs in heavy industry) were constantly reproduced in Russian-speaking schools etc. As a result of political and economical changes in early 1990s, the Russian-speaking minority has found itself disadvantaged in relation to labour market options and competitiveness – insufficient language skills, less education and different educational profiling have contributed to that. Things have only recently started to slowly change, concerning especially the young Russian-speaking generation, which is becoming increasingly integrated into Estonian society. Broadly speaking, the poorer situation of Russian-speaking ethnic minority in the labour market and its lower employment rates are reflected in the occupational situation of Russian-speaking women. The problem is framed within the state's integration policies and independent research institutes, NGOs and state agencies give attention to that.

Another recent illustrative example tied to this topic, when Estonia is a member of EU touches upon the labour deficit in Estonia. While there is a trend of Estonians migrating to Western European countries to look for better paid jobs, a question how to compensate this deficit was prompted. In 2006, Estonian Parliamentary Commission of EU Matters expressed its opinion that the question whether to allow labour force from Russia, Ukraine or Byelorussia is not decided yet. Members of the commission expressed their concerns over the issue and suggested that Estonia should handle the recruiting of a labour force from the aforementioned countries very cautiously since the local Russian-speaking population is not yet fully integrated and its swelling in numbers could bring about extra tensions. Another member stated that recruiting a Russian-speaking labour force is a taboo topic for Estonian parties because Estonia is a nation state that should primarily guarantee the preservation of the Estonian language and nation. Yet a third member of the commission declared that Estonia should continue with the existing conservative immigration policy and recruiting the labour could be possible only in sectors where it is really badly needed.<sup>43</sup>

**Is there a focus on different employment rates amongst women and amongst men by ethnicity, religion, sexual orientation (or family status), dis/ability (or mobility, strength, physical features), age (or social/employment status) etc.? If so, how is this framed (e.g. choice, discrimination) and by whom (e.g. equality body, government)?**

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<sup>43</sup> <http://www.postimees.ee/070506/lisad/euro/200180.php>

The paragraph above dealing with the issue of ethnic minorities in the labour market, mainly Russian-speaking, is as valid for men as for women. Sexual orientation and religion, as said before, do not play a role. Disabled and elderly people, however, have been in focus both on non-governmental and governmental level, recognising the need to improve their chances to increase their involvement in employment schemes and change the mentality of employers and the society in general towards them. The latter two groups and issues have evidently been framed as discrimination.

In general, intersectionality of gender and other categories (disabled people, age, ethnic origin, race) in non-employment emerged mainly in relation to access to employment, equal pay and gender differences in pensions. Men are not identified as active actors and there is no intersectionality found.

Women are constructed in an intersectionalised way as the following examples show: “more educated women”, “women who give birth”, and “younger women”.

“Male employees” together with “female employees” are constructed in an intersectionalised way: constellation of gender and class. Similarly, target groups in policy actions entail people predominantly as actors. The most recurrent groups involve “women”, “parents”, “fathers” and “mothers”, (mostly related to Holidays Act), “men”, “female employees”, “male employees” and “children”. Intersectionality, thus, touches upon the aforementioned female and male employees, but also “working fathers”, “mothers studying at university”, “members of the family who have stayed away from work due to raising of children, caring for elderly or disabled” (also de-gendered approach). Policy actions target other de-gendered target groups as “pensioners”, person with various kind of disability, nursery school students and teachers.

Intersectionality occurs in two cases: “class” comes up in parliamentary debates on the Parental Benefit Act. The three most prominent frames emerging are equality, capabilities and well-being and economic development.

### **5.3 Intersections in intimate citizenship**

**Where is gender in the issue of intimate citizenship?**

**How is gender constructed in these debates: gay men, male homosexuality, lesbians, others?**

**Does race, class, age, disability, class figure? Regarding which issue, and by whom?**

Intersectionality is not present in the diagnosis of intimate citizenship. In prognosis, intersectionality comes to play on two occasions: as gender/marital status (Family Law) and gender vis-à-vis ethnicity-race/age/disability/sexuality/marital status/belief.

There is no indication of intersectionality among active actors.

Intersectionality among passive actors occurs in the following combinations: “homosexual as full-fledged citizens”, “married people”. Intersectionality reveals itself in the following target groups: “people with special needs and disabled”, “youth of 10-25 years of age”, “women who have children but no money to undergo fertility treatment”, “homosexuals as full-fledged citizens”, “children grown up in same-sex families”, “women of up to 40 years of age”, “women who have undergone fertility treatment”.

Intersectionality occurs chiefly with marital/family status, sexual orientation and age. Exceptionally, the amendments to Employment Contracts Act cover all types of intersectionality.

**Have issues been discussed in relation to immigration, i.e. the axis of race? Does “race” figure elsewhere as well?**

No, issues of immigration or race do not surface in discussions.

**Are marriage/partnership policies framed relating to any category? Which one? With which effects? E.g. class and divorce/separation regulations, race and immigration?**

**Are there discussions around the legitimacy of legal recognition of intimacy, as in “fake marriage”? Which categories are raised?**

No, there has not been any such discussion.

#### **5.4 Intersections in gender based violence**

**Where does gender violence begin? What is defined as gender violence in which country, and in which policy context, and by whom?**

The legislation does not explicitly recognise terms such as “violence against women” or “family violence”. There is no mention of the specific crime that touches upon intimate violence or violence in a couple-relationship.

The issue receives more attention among NGOs and independent researchers (research institutes) that advocate the need for the specific policies to directly tackle family or domestic violence.

**Who is discussed as victim or perpetrator of which kind of gender-based violence? E.g. are men (when?) victims? Are women perpetrators and when?**

Active actors as people are overly de-gendered (experts, police officers, medical workers, officials etc) and there is no intersectionality. Men are not listed among passive actors. No occurrences of intersectionality are found. Men are not listed as responsible actors. There is no intersectionality evident in the whole group. No target groups are constructed in an intersectionalised way. Intersectionality with “age” occurs only once – in the CEDAW report on the trafficking sub-issue.

**Are causes of violence related to specific categories, e.g. racialised?**

Causes of violence can be broadly related to general gender category as women appear mostly subjected to violence.

**More specifically, which inequality feature around which type of violence, like trafficking, prostitution, forced marriage, honour crimes, FGM, domestic violence, rape, sexual assault, harassment .**

Violence against women is mainly associated with trafficking in human beings, prostitution and domestic violence.

**Are services around gender based violence directed at specific groups, people related to categories? Which ones?**

There is a network of shelters for women as victims of violent men. Also, there are non-governmental organisation, which, in co-operation with the police or other state agencies, provide help to rehabilitate victims of trafficking in human beings.

### **Do your findings on intersectionality support or contradict Crenshaw's analysis?**

Lack of relevant findings and existing ambiguity of the local policy scene on how gender based violence is approached and identified make it difficult to provide lucid conclusions for support or rejection of Crenshaw's analysis. Although intersectional discrimination, according to Crenshaw, as the consequence of the imposition of one burden that interacts with pre-existing vulnerabilities creates another dimension of empowerment could be, of course, assumed.

## **5.5 Summary and comparison**

### **Is the focus on intersectionality largely ephemeral? Or is it becoming embedded in gender+ equality policy?**

Intersectionality is largely ephemeral in Estonian policy environment.

### **Is intersectionality a source of controversy and debate in gender+ equalities policies or not? If yes, what is the nature of this controversy and debate?**

Intersectionality, as a source of controversy and debates, does not exist in Estonian political scene.

### **If there is an absence of intersectionality in the documents analysed, are there explanations for this? Why would such a finding be surprising or expected?**

One way to approach this absence, the lack of intersectionality, is to see it as result of a long-term discursive legal treatment of women and men as separate homogenous categories without discussing race/ethnicity, nationality or sexuality etc. In addition, the salient norm in documents is predominantly heterosexual middle class Estonian women/men, not "troubled" by intersecting inequalities. To get to the point where legislators and the society came to appreciate the issue of gender equality and gender mainstreaming in the first place (in large part due to the heavy pressure from EU before Estonia's accession to EU) has been tough enough in a post-socialist society like Estonia, which makes recognition of even more detailed visions into intersecting inequalities less obvious. Such processes are plagued by inertia in Estonia.

## **6 IDENTIFYING CHANGES AND THE RELEVANCE OF DIFFERENT FORMS OF INTERSECTIONALITY**

### **6.1 Changes in general legislation and machinery**

The Integration Foundation was established on 31 March 1998 by the Estonian government with the aims of initiating, supporting and coordinating projects designed to promote integration in

Estonian society. These projects are funded from the state budget as well as from external sources.<sup>44</sup> The basic aim of this foundation is to integrate the large Russian-speaking ethnic minority into Estonian society. Given that in this area there are many aching social and political problems, intersectionality issues can be seen.

An important legislative change took place on February 25, 1999 when the Act on the Chancellor of Justice was amended creating a new legal remedy for victims of discrimination. The amendment to the Act on the Chancellery of Justice provides a function of promoting gender equality and applying the equal treatment principle. From 2004 everyone has the right of recourse to the Chancellor of Justice in order to have his or her rights protected.

The Integration Foundation operated between 2000 and 2007 within the national programme "Integration in Estonian society 2000-2007". The foundation was responsible for the sub-programmes of the NP along with the Ministry of Education and Research, the Ministry of Culture, the Ministry of Social Affairs and the Ministry of the Interior.

In 2001 and 2002 respectively, the Government approved the first and the second part of the application plan of Estonia's general conception on the policy of disabled persons "Standard rules to create equal opportunities for disabled people". Both contain provisions prohibiting discrimination. One of the principles in legislation is Article 10 of the Employment Contracts Act that prohibits discrimination based on disability or invalidity.

In the spring of 2002, a reciprocal understanding memorandum between the European Union and Estonia, regarding Estonia joining the EU gender equality strategy (2001-2005), was put into force.

In cooperation with Integration Foundation Centre of Educational Programs and Ministry of Education and Science several new integration projects for new immigrants have been undertaken since 2003. Today the following materials have been issued and the following activities carried out: "New immigrant's children in Estonian education. Educational policy principles and educational organization.". This document introduces international and Estonian acts of law that form the basis of educational organisation set up for new immigrant children. It also brings forward conceptualised trends and planned methods in educational organisation for new immigrant children. The document defines the broader (first generation immigrants) and the narrower concept of a new immigrant (children of migrants, asylum seekers and refugees from the EU and third countries who wish to begin their studies in Estonian schools having lived/resided in Estonia for less than 3 years). There are specialised courses for teachers (financed by state funds or foreign aid) that have been run at Tallinn University and Tartu University. An Estonian language study book for teenager-age new immigrants ASTU SISSE (STEP INSIDE) has been printed, a teachers' book and a handbook for a broader audience targeting the problem enclosed. Project based funding of schools. Integration Foundation CEP has run calls for project proposals since 2004 to allow project based financing for their (extra) work connected to new immigrant children for Estonian educational institutions (kindergartens as well as schools).<sup>45</sup>

The next significant step in the development of gender equality in Estonia was the adoption of Gender Equality Act on April 7, 2004, with its legislative power to tackle manifold/multiple discrimination.

Concurrently, the National Action Plan for Social Inclusion for 2004-2006 was prepared, which foresaw concrete goals, actions and resources to reduce poverty and exclusion. The Action Plan was not only a strategy but also the first attempt to integrate the strategies and action plans of different spheres into a unified approach to increase social inclusion. The main target groups of the Action Plan

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<sup>44</sup> Information of the Foundation from the following site: <http://www.meis.ee/eng/Foundation>

<sup>45</sup> <http://www.meis.ee/eng/immigrants>

were the unemployed (especially long-term unemployed and their families), people with disabilities, disabled children, school drop-outs, people with housing problems and victims of crime.

Since 2008, the basis for the Integration Foundation's activities has been the development plan "Estonian Integration Plan 2008-2013". The goals of 2008-2013, similar to those of 2000-2007, are three: educational and cultural integration; social and economic integration, legal and political integration.

## **6.2 Changes in non employment**

In May 2000, Estonia ratified the Amended and Revised European Social Charter. Then, for the first time in a more heated public debate, issues of the equal treatment of men and women were raised. Some crucial articles of the charter that concerned women's and human rights were adopted only after the strong pressure from women's organisation and public criticism (dissected in a more detail in the non-employment section).

On March 25, 2003, the Government approved the welfare programme "The welfare programme for children and people with special needs for years 2004-2006". The main objective of the programme was to develop services supporting the independent subsistence and other means to foster the social inclusion and improve the quality of life of children and people with special needs. Social and economical changes have been contributed most to place these vulnerable social groups into socially unequal position. The programme targeted the children without the parental care and the ones having difficulties with subsistence, but also the specialists working in the children welfare. Of people with special needs, the programme was directed to disabled people of working age, also disabled children, their families and people with severe or long-term psychological or behavioural disorders and specialists working in the field.

Estonia's National Employment Action Plans have been based on the European Employment Strategy. The Employment Guidelines represent a set of objectives, which, until 2003, were grouped under four "pillars" (employability, entrepreneurship, adaptability, equal opportunities) together with horizontal objectives (including gender mainstreaming). The main objectives for the promotion of equal opportunities in the National Employment Action Plan were: the creation of employment opportunities and increasing the employment of women; reconciling work and family life; supporting women as entrepreneurs; and increasing the competitiveness of their businesses.

The only intersectionality factor related to the demographic or ethnic situation was already mentioned – the presence of a relatively large minority group of non-Estonian speakers, mainly ethnic Russians, who can be disadvantaged in labour market due to their poor official language skills. However, no concrete policy is tackling this matter. Yet, the objective to overcome possible discrimination of non-Estonian speaking population has been mentioned in "Estonian Integration Plan 2008-2013".

## **6.3 Changes in intimate citizenship**

In Estonia, the most visible intersectionality within intimate citizenship has taken place in policies of reproductive behaviour – age of women who can undergo artificial insemination process etc.

In 1997, according to the Artificial Insemination and Embryo Protection Act only adult women of up to 50 years of age who have active legal capacity are, at their own request, permitted to undergo artificial insemination. No-one may compel or persuade a woman to undergo artificial insemination. A woman's consent to artificial insemination has to be in writing. In order for a married woman to

undergo artificial insemination, her husband's written consent, which has to be consistent with the consent granted by the woman, is necessary. The husband's consent has to set out whether he agrees to artificial insemination of his wife with his sperm even after his death.

In 2000, the strategy document "The state reproductive health programme for 2000-2009" (development of which was funded by the Ministry of Social Affairs) was approved by the Government in December without the state financing. The programme is to be carried out by the Estonian Family Planning Union with the financial help from different funds. The programme aims to reach the good state of the reproductive health of Estonian people, which would establish the foundation for the birth of wanted children. The general target group is the whole Estonian population; the prioritized groups consist of young people in age of 10-25, people in age of reproduction, and people with special needs, primarily handicapped people.

With the amendment to the Artificial Insemination and Embryo Protection Act from 2006, women with the health insurance up to 40 years of age have the right to be partially compensated for the costs and medicine related to the procedure of the artificial insemination. The person has the right for the compensation for up to three procedures of the artificial insemination. The policy was developed in order to increase the natality among the childless couples, who cannot have children in the natural way, but whose opportunities to afford the procedure of the artificial insemination is limited due to material means.

As to same-sex unions, nothing revolutionary has happened in Estonia. Family Law Act from 1995 says that marriage is concluded between a man and a woman. In 1997 "Regulation of vital registration records' composition, change, amendment, restoration, repeal and issuing of certificates of marital status" that marriage cannot be concluded between persons of the same sex. However, it does not say anything about persons who have changed their sex, therefore there is no obstacle to such marriages. Only now, in the end of 2008, legislators speak of the possibility of drafting an act, which would allow the registration of same-sex partners some time in 2009.

#### **6.4. Changes in gender based violence**

On 28 August 2005, the Minister of Justice and the Minister of Interior Affairs of the Republic of Estonia signed the so-called Laulasmaa declaration. As human trafficking is an important source of illegal income and taking account of its clandestine and trans-national character and its hazardous effect on the most vulnerable members of the society, it was agreed in the declaration that the fight against crime related to the trafficking in human beings will become a common priority of the Prosecutor's Office and the police forces. Since trafficking in Estonia associates largely with foreign nationals, mostly females abused in sex business, it links it to the intersectionality.

Closely associated with the declaration above, the Government approved "Development Plan for Combating Trafficking in Human Beings 2006-2009" in January 2006. The Plan is guided by the definition of human trafficking as determined by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which supplements the United Nations Convention against Transnational Organised Crime and Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings. The Development Plan plans to proceed from 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. The directive has not been adopted yet, because it requires amendments in Aliens Act.

## 6.5 Summary and comparisons

The main conclusion is that there are really few forms of intersectionality addressed in Estonia, they bear little or no relevance and changes in them are minor. Intersectionality is usually not named but dealt in a covert way. Only few problem areas mention intersecting factors – one of them being the integration project, which seeks to integrate minority groups into Estonian society.

## IDENTIFYING CHANGES AND THE RELEVANCE OF DIFFERENT FORMS OF INTERSECTIONALITY

## 7 CONCLUSIONS

Sylvia Walby's "A review of theory and methodology for the analysis of the implications of intersectionality for gender equality policies in the EU" (2007) states that:

'Theories of gender relations have long engaged with the phenomena of intersectionality. However, this phenomenon has not always been called 'intersectionality'. There have been a large number of terms; there have been a large number of debates in which something akin to intersectionality has been important. From the earliest feminist scholarship there has been recognition that women differ and are not simply a single category.' (Walby, 2007).

In Estonian policy and public space, intersectionality has never been an urgent or relevant topic; it has hardly been engaged with in academic circles, not even during recent history. The base of feminist scholarship is shallow and cannot render much recognition to that categorisation. The term intersectionality is not used. There are few incidental instances in public texts where it has been named "manifold discrimination" or something similar. However, these instances are quite arbitrary and difficult to find, which only exemplify their insignificance.

To refer once again to the condensed summary in the introductory part, to document the effects of the problems resulting from converging discriminations and to discover various contextual realities lying behind these problems is difficult in Estonia. There is a lack of policy initiatives and a lack of systems of implementation in the Estonian national machinery, which effectiveness could be monitored or reviewed in tackling intersectional discriminations.

Indeed, the problem of intersectionality is there. It is revealed in people's everyday life. The most salient occurrences in Estonia are, for example, related to the minority issue, that is to the large Russian-speaking ethnic minority whose integration into Estonian society has had a troubled past and to this day is plagued by numerous problems (most of them touch upon non-employment issue: difficulties finding work or pay equal to that of Estonian-speakers). Yet, nowhere in policy documents or national plans are these intersecting inequalities explicitly put together and recognised and tackled as such. One can only find opinion stories and maybe NGO statements that refer to it explicitly. Legislator's texts can point to the 'sore spots' of society but do not identify them within the acknowledged framework of intersectionality and its theoretical background. Some latent intersections could be found in intimate citizenship (reproduction issues, age of women etc), mediums that advocate the needs of disabled people and in trafficking in human beings (prostitution etc.). Consequently, there are no significant turning points among the Quing issues related to intersectionality, only indirect and latent suggestions. Furthermore, intersectionality has not really become more present as it lacks a history. The situation, of course, might change when the society has first come to terms, understood the relevance or got used with the basics of gender mainstreaming. This could form the base on which to build on.

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