Quality in Gender+ Equality Policies

European Commission Sixth Framework Programme
Integrated Project

Aivita Putnina

Report Analysing Intersectionality in Gender Equality Policies for Latvia and the EU

Institute for Human Sciences (IWM)
Vienna
2008

Preferred citation: Putnina, Aivita (2008): *Report Analysing Intersectionality in Gender Equality Policies for Latvia and the EU*, QUING Project, Vienna: Institute for Human Sciences (IWM), available at http://www.quing.eu/files/results/ir_latvia.pdf.

Table of contents

1. Introduction 4
2. Literature review 6
3. Meanings or frames concerning gender equality in gender+ equality policies 13
3.1 Meanings or frames of gender equality in general legislation and machinery 13
General legislation 13
Frames used 15
3.2 The range of the meanings or frames of gender equality in non employment 19
Introduction to the policy around the main issues 19
Care work and benefit system 20
Reconciliation of work and family life 23
Gender pay gap and equal treatment 25
Equal Access to labour market 26
Main frames 27
3.3 The range of the meanings or frames of gender equality in intimate citizenship 33
Introduction to the policy around the main issues 33
Marriage and paternal, maternal rights 33
Rights of homosexual people 34
Reproductive rights 37
Main frames 38
3.4 The range of the meanings or frames of gender equality in gender based violence. 42
Introduction to the policy around the main issues 42
Domestic violence 42
Prostitution 45
Trafficking in women 47
Sexual harassment 48
Main frames 48
3.5 Summary and comparison 53
Understanding gender equality 56
Gender meanings in gender equality policies 58
De-gendering equality 59
Is gender equality a means or an end? 61
Is gender equality present in policy, but made invisible? 62
Are the core issues in gender equality represented in adjacent frames such as human rights, justice, or economic growth? 62
4 The range of intersecting inequalities 64
5 Implications of different versions of intersectionality for gender+ equality? 66
5.1 Inequalities in general gender equality legislation and gender machinery 66
5.2 Intersections in non employment 70
5.3 Intersections in intimate citizenship 71
5.4 Intersections in gender based violence 72
5.5 Summary and comparison 74
6. Identifying changes and the relevance of different forms of intersectionality 76

6.1 Changes in general legislation and machinery 76
6.2 Changes in non employment 78
6.3. Changes in intimate citizenship 78
6.4. Changes in gender based violence 79
6.5 Summary and comparisons 80
7 Conclusions 82
Bibliography 85

1. Introduction

The report analyses the Latvian policy context in relation to the intersection of multiple inequalities and the implications for the quality of gender+ equality policies. The report is based on research on policy process on four issues defined in QUING – general gender equality policy and mechanisms, non-employment, intimate citizenship and gender-based violence. Further, voice and frame analysis of the selected documents across the topics was performed and the results are used in this report.

One of the immediate methodological problems was that Latvia does not have a strong and consistent gender policy that makes gender+ equality analysis even more complicated. Gender equality itself is understood in many contrary ways including the opinion that it means different obligations, rights and duties for men and women. Intersection is possible only when a group and category is seen as socially constructed. In most cases gender in Latvia is seen as a "natural" category and its intersection with class, parental status, and sexuality is disregarded; class, marital status or sexuality are seen as separate axes, with gender being a constant rather than a variable.

The report uses gender and other inequalities in three conceptual levels. First, these are seen as categories and principles evoked or implicitly assumed in policy and legal texts. Secondly, intersection is used as an analytical tool to identify intersections created within policy as well as observing the process of translation of inequalities from the international and EU context into the Latvian policy environment. The third level addresses intersectionality as a research perspective in Latvia, finding its shortcomings in the Latvian context. In the situation where gender is not considered a relevant criterion in science and politics, intersection with it can diminish the significance of the other axis of intersection, e.g. marital, employment or class status.

The first chapter of the report is devoted to the literature review on intersectionality and Latvian context where feminist and gender issues have a different standing than in the older EU countries. It is followed by frame (exploring the range of meanings) analysis of all subissues focussing both on context and text analysis. Special attention is paid to understanding gender equality in the Latvian context.

The next chapter analyses intersections and intersectionality appearing in the texts; both explicit and implicit intersections as well as those produced by policies are taken into account. The absence of a gender dimension in public debates does not eliminate gender intersections. One of the most powerful examples is the debate on homosexuality which involves hate speech against gays in particular, showing the link between masculinity and sexuality. Heteronormativity disguises the intersection

also in cases where gender intersects with marital status, creating problems with recognising paternity outside wedlock.

Finally the development of intersectionality in policy is considered. As intersectionality is virtually absent from the policy perspective in Latvian policy, situations where intersection is produced as a desired or undesired result of policy are considered. Finally the conclusion offers a recapitulation of theoretical perspectives on intersectionality and its possible effect on changing Latvian (in)equality policy.

2. Literature review

In giving an overview of the concept of intersectionality, two aspects should be taken into account: first, is the background against which the concept was set or imagined; second, is the use of intersectionality as a tool for addressing inequality. The concept was born in the USA context with Kimberley Crenshaw realising the limits of a simplified vision of separate forms of discrimination both in critical academic thinking and her own experience as a black American woman.

Recognised forms of identities that can potentially be used for discrimination cross over, thus creating new constellations that are not necessary recognised as such. Therefore it is important to focus the analysis not only along the lines social structure and political practice constructing the identities but also to look at the intersections that create different kinds of recognised inequalities (Crenshaw, 1991). This conceptual position has two consequences. First, new kinds of oppressions and identities are voiced at intersections. Second, when recognised as a group or identity, it can become a political voice. Therefore the use of intersectionality can lead to further categorisation which can be used to both identify oppression and for liberation.

Leslie McCall (2005) classifies approaches to intersectionality along three broad perspectives. The first one uses intersectionality as a dynamic approach erasing categories that would allow moving away also from relations embedded into the categories. The second approach focuses on the dynamics of categorisation and uses intersectionality to identify and voice new inequalities at the intersection of already known categories. It allows examination of the changes in the development of inequality. The third perspective tries to reconcile the two above-mentioned perspectives, looking at the way people cross the categorical boundaries, erasing and creating new categories.

The intersectionality approach has been fruitful in different kinds of theoretic perspectives and applications extending the concept to suit different meanings. Crenshaw (1991) used the concept of intersection as a crossroads of different avenues of power; Yuval-Davis (2006) saw it as axes of difference grounded in specific ontological contexts and; Staunaes (2003) used intersectionality to explore the process of transforming homogenous and stable identities. Thus, intersectionality becomes a starting point for identifying the categories at stake and making political claims, presenting policy alternatives and issues.

The QUING project engages in the debate by focusing on political intersections (Crenshaw, 1990) in relation to gender equality policies, seeking to find patterns of locations, contexts and voices producing gender related intersectionalities. The

structure and practice of the gender equality machinery and law, voices expressing gender and other inequalities as well as framing gender equality and its relation to other inequalities are examined.

Policy related intersectionality in Latvian context has at least two contexts or layers. First, internationally localised and voiced intersections are present in the policy agenda through different international conventions and EU directives with which Latvia has obliged itself to comply. Secondly, there is a level of locally recognised political intersections in the state and NGOs that correlate to or negate the practice of the established "international" intersections. There is a constant struggle for making certain categories visible and thus voices heard.

Political intersectionality, however, depends greatly on the context of structural intersectionality. For example, gender in the Latvian case does not appear as a significant social category of difference and therefore intersection since there is no conceptual grasp of gender as such. Even though "gender" as a concept is added to prohibited grounds of discrimination, public understanding is limited and it is read as "sex". The term "gender" is new, introduced in the late 1990s. The very term "gender equality" was coined in Latvian prior to introducing "gender" as a concept and gender equality became translated as "sex equality". This meant seeing gender as a biological category. Caune et al. (2005) showed that a majority of school teachers surveyed replied that "gender equality means that men and women are different and have their own rights, duties and responsibilities." Therefore, there is a methodological problem in analysing intersectionality because the policy text (introducing gender equality in EU policy) differs from policy practice (seeing it as a false problem since the sexes are naturally different). Therefore the recognition of "gender inequality" in Latvian policy texts does not automatically lead to action to prevent it in the European policy understanding of the term.

The intersectionality perspective has a history of political movements behind it. First, it required "socialising" sex or race and thus making it socially amendable. Its origin is much indebted to black feminism (Crenshaw) and the increasing realisation of diversity in the category of women within feminism. The Latvian situation is different since women as a category have been prominent during the Soviet period. There was a women's quota system to People's Councils that granted formal equality, and the Women's Council of Latvian People's Socialist Republic was established in 1977. Member organisations were organised in all workplaces where the number of women exceeded 50[1]. State policy directly dealt with the double burden on women, establishing childcare networks and a public canteen system. However, the overall context of these activities was essentially different from those in democratic countries. Work was an obligatory duty of all Soviet citizens regardless of their sex, it was not a choice. Also, like the rest of civil organisations, the Council was set up

[1] Latvijas PSR Enciklopēdija, 5/2, Riga, 1984, p.309.

under Communist party authority and did not give women the opportunity to imagine and express an interest of their own. After the breaking up of the Soviet system, “forceful” equality was broken with it with a return back to “natural” gender roles.

Research has explained reasons for a revolt against feminism and its agenda in post-Soviet space (Watson, 1997). According to Watson, the absence of feminism is linked to the re-emerging nations and their national ideologies linking women’s interests with a socialist past. She argues that nationalist ideologies actively use an anti-feminist stance and the articulation of feminist political interest simultaneously comes into opposition to the dominant nationalist political trend. Ironically, the leftist political movement utilising a socialist agenda exclude women to a greater degree than the right wing political parties (Putnina, Ziverte, 2005) as women’s interests have never been articulated as separate from men and in fact confirmed uniform masculine values in the Soviet period (Holland, 1985).

Due to the nationalist ideology, a drive towards the unity overshadows the drive to intersectionality and search for sub-identities. For example, the recent programme for societal integration erased the list of potentially discriminated groups leaving it open after the religious organisations demanded erasing homosexual people from the list. Similarly, reasoning that there is no gender inequality when legal acts do not say the opposite has been one of major arguments of the Latvian report to the CEDAW Commission. Research indicates the Latvian situation as unwelcome for a gendered perspective and speaking of further intersections with gender. For example, the report on the application of the principle of gender equality in employment and gender equality policies in state institutions (2005) discovered that 60 % of their respondents said that they fully do not understand the concepts of “gender equality”, “inequality”, and “discrimination”, which led the researchers to the conclusion that Latvian society still does not comprehend women’s problems like difficulties in finding a job, gaining use of legally granted childcare leave, etc. Women as group do not identify with feminism or women’s interests and do not voice separate interests, apart from a rather small NGO group.

There is a difficulty to diagnose the research approach to intersectionality since such an approach has not been explicitly developed. Looking from an intersectionality perspective one can identify it in the working of inequalities, noticing how ignoring an intersection (e.g. women and motherhood) leads to the further discrimination of women at the particular intersection (e.g. policy towards promoting long term childcare and seeing it as a mother’s natural role, dealing with the unemployment of women after childcare leave and their poverty). Classifying theoretical approaches according to Hancock (2007), those could be identified as varying between unitary (research on understanding gender equality mentioned above) and multiple (on gender and labour market). None of the approaches, however, refer to intersectionality or explicitly take advantage of its uses.

A significant wave of research on women and employment and non-employment was conducted in the late 1990s and early 2000s. This research stresses the significance of gender roles and childcare arrangements[2], gender division in the labour market[3], gender and poverty[4], and singles out rural women as a category[5]. It explores the understanding and attitude towards equality in the Latvian population. Researchers deal with the problem of women's "double burden" and the paradox of women giving equal priority to their work career and childcare. Research encourages greater state involvement in childcare policies and promotion of gender equality in the family. However, this wave of research does not initiate change in governmental policies and the policy analysis component is rather weak.

Later research on gender equality and the labour market mostly concentrates on unemployment and the labour market following EU funds[6]. Partly this focus is linked also to the state policies directed at solving the workforce deficit in 2004-2007. This focus sees the welfare issues of women and families as an outcome rather than beginning of labour market problems and did not contribute to the creation of a gendered perspective. In fact, voicing a gender perspective means more than voicing problems within statistical or "natural" groups and lacks value. As the State Secretary of Ministry of Welfare (responsible for gender equality issues) expressed in a public discussion on Latvia's strategy 2030 on 10 October 2008, gender was among the "airy" responsibilities of the ministry and a strong gender perspective is maintained in few studies, which are also mostly targeted to foreign audiences (e.g. Novikova et al., 2003) and not local ones.

Practical concerns of introducing a unified approach to the category of gender overshadow the problem of defining a theoretical stance. Research commissioned by the Ministry of Welfare responsible for gender equality policy (Market and public opinion research centre SKDS, 2006) focuses on a unitary approach, creating "average" categories of men and women and measuring public attitudes towards both categories. This effort is linked to the belief that one should mark the difference between the two categories and prove their social relevance. The Latvian Bureau of Statistics also produces yearly booklets on men and women in numbers, showing the same effort of making male-female differences obvious, but failing to establish a relation between and within the categories.

Childcare tends to be the field where multiple intersections are voiced. However, it is mostly addressed in a de-gendered form of non-employment in the context of demographic policies, promoting the rise of the birth rate without investment in public childcare facilities. Intersections, of course, are visible in statistics and lead to

[2] Eglīte, Pārsla. 2002, Zariņa, Inna-Bronislava. 1999., Eglīte, Pārsla 1997, Koroļeva, Ilze 1997, Rungule, Ritma. 1997.
[3] Markausa, I. 1998, Tabuns, Aivars, Vanaga, Sanita. 1999.
[4] Zepa, Brigita Jeruma Liene, Pudule Ilva, 2000, University of Latvia, 2002.
[5] Krūzmētra, Maiga. 1997.
[6] E.g., Zepa, Brigita et al. 2007, Baltic Institute of Social Sciences, 2005.

research showing intersectionality but never move further to a theoretical argument. For example, the Central Bureau of Statistics, Republic of Latvia (2004) researched the fact that women with a child under 14 years comprise 37.1% of all unemployed women, registered as employment seekers. The State Employment Service data showed that the number of women after childcare leave willing to find a job is growing. The research concluded that the economic situation, low salaries and low childcare allowances force women to enter the job market combining childcare with paid labour. Interestingly, non-employment in this context is seen as the "natural" status of women and not men, with social forces interfering with it. This way social policy and not women with small children (intersection) become the target group and problem of research.

Care of elderly people, handicapped people, housework, and forms of non-employment among rural women are mostly addressed by NGOs but not researched. Recent research and governmental policies are directed at conciliation of private and family life as a means for promoting safer childcare, improving the welfare of families with children and solving the growing work-force deficit. The research, however, is conducted from a "neutral" perspective and intersecting categories are not the lens of analysis but rather an accidental by-product of researching the labour market and obstacles to it. The creation of the Ministry of Children and Family Affairs started a coordinated and targeted family policy and initiated research on families, marital relationships, parent-child relationships and the role of fathers[7] around 2005. This research[8] mainly lacks a gendered perspective and leads to governmental policies, the creation of mediation services, state alimentary fund etc.

Gender appears as a statement of the fact, for example, childcare lowers women's autonomy (Berga, Guna, Tiltiņa, Inta, Buša, Ilona, Dūšelis, Sandis. 2005), drifting to a unitary approach to gender despite that the intersection between gender and motherhood might seem obvious in this case. Single parent families and homosexuality are still marginal topics in research and intimate citizenship is viewed in terms of traditional heterosexual intimate citizenship (e.g. Rungule, Ritma, Lāce, Taņa, 2000, discovering that the spread of unregistered partnerships influence women to a greater degree than men but not leading to rethinking intersectionality). Research on the legal aspects of homosexual partnerships in 1999 conducted by the Latvian Human Rights Office remains the only research in the field until 2005, when the first Pride March prompts research in academic institutions and the NGO sector which directly deals with the intersection of gender and sexuality[9]. However, this research does not influence mainstream research as neither is recognised as a

[7] Caune Evija, 2007, Sedlenieks, Klāvs, Vasiļevska, Karīna. 2006.
[8] Berga, Guna, Tiltiņa, Inta, Buša, Ilona, Dūšelis, Sandis. 2005, Sebre Sandra, Ļebedeva Laura, Trapenciere Ilze. 2004
[9] Putnina, Aivita, 2006.

category[10]. A considerable amount of research is done on men and fatherhood[11]; the first wave of research at the end of the 1990s concentrated on sex roles while the second wave of research around 2005-2007[12] looks at a broader context of masculinity and gender policies and sees the promotion of fatherhood as an important tool for promoting gender equality. At the same time, motherhood is seen as a natural feature of women and mothers are not defined as a specific target group in family policy while fathers are. The fact that when the programme names "parents" it is mothers that are most often considered does not cancel the real work of intersectionality of course, but it is left unnoticed as a standpoint.

The issues of gender and violence appear on research agenda around 2000 as a separate issue not linked to gender and employment. A substantial amount of research is done on de-gendered migration issues[13], prostitution[14] and human trafficking[15]. This research is initiated and published by academic institutions. Later the issue of human trafficking was raised within the framework of the EU EQUAL programme which has a gender focus. The issue of violence in the family has been raised by the UNDP in 2005 as part of its awareness rising campaign[16] and recently by Latvian governmental institutions but these lack a gender perspective and treat gender as a statistical category rather than a relation or dynamic process.

This Latvian report specifically addresses following questions:

1. What are the contexts in which gender equality is incorporated into the policy body and on which issues?
2. What intersections are recognised and what intersections are created by policy?
3. What is the role of an intersectional perspective in defining and planning policies across QUING issues?
4. Who and in what contexts voices intersectionality? Is it used a strategy or a target?
5. What is the impact of EU and international policy stressing intersectionality on local Latvian policy? How is intersectionality translated into the local policy context?

---

[10] For example, after publishing a study on same-sex families with children in Latvia I was accused of falsifying research as 'family' cannot be attributed to homosexual couples or women relatives raising children together. I have experienced the same kind of attitude presenting other gender sensitive issues when research from gender perspective is seen as a dangerous ideology not "real" research.

[11] Zariņa, Inna-Bronislava. 1999., Eglīte, Pārsla 1997, Koroļeva, Ilze 1997, Rungule, Ritma. 1997.

[12] Caune Evija, 2007, Sedlenieks, Klāvs, Vasiļevska, Karīna. 2006, Putnina, Aivita. 2006.

[13] Regional office for the Baltic and Nordic countries, Helsinki. 2002.

[14] Eglīte, P., Zariņa, I., Gņedovska, I., Irbulis, B. 2002, Kurova, T., Zariņa, J. B., 2002, Zariņa, Ina. 2001.

[15] Baltic Institute of Social Sciences, 2005.

[16] Rone, Dana. 2005.

6. How is intersectionality/different categories imagined and handled? What intersections are most used and prioritized in the Latvian policy context compared to the EU agenda?
7. What are the limits and advantages of an intersectional perspective in the Latvian context?

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

General legislation

The legal system in Latvia has undergone major changes after re-establishing independence in 1990. The legislation of the first independent Republic (1918-1940) was not directly applicable to the new situation. The Constitutional Law (1991) defined **human rights** that were omitted in the Constitution of 1922 listing several aspects of equality: race, nationality, sex, language, party membership, political and religious beliefs, social, economic or service position and origin (Article 12). The Constitution was finally amended in 1998 including a new chapter on basic human rights. Article 91 in a rather general wording "protects equality" and "prohibits discrimination". The only specific group mentioned in the amendments is persons belonging to ethnic minorities, mentioned in the context of preserving and developing their language, ethnic and cultural specificity (Article 114) as well as rights to religious freedom without mentioning a specific group (Article 99). This is a clear example of the Latvian tradition of creating **de-differentiating frames** and thus politically unifying the society. For example, the government in 2003 explicitly states[17] that the absence of explicit restriction of rights of particular groups provides equal treatment. In its report to CEDAW it also states that "the Criminal Codex and Civil Law norms neither provide nor prohibit any specific rights according to sex difference" thus providing equality[18].

Drafting of equality laws largely depended on the agenda of creating a social security system. The rights of **disabled persons** were incorporated in the "Law on Social and medical Protection of Disabled Persons" (1992) stating rights and responsibilities of the state and local governments towards disabled citizens. In 1995, the social security system was re-organised creating a stable pension system and social assistance system. The law "On social security" provided that social services are available regardless of sex, race, nationality and religious beliefs and is based on the solidarity principle. In 1998, the government accepted the concept paper and programme "Equal Opportunities for All" defining policy towards disabled people only until year 2010.

Gender inequality is first publicly defined as a problem in the Ministry of Welfare Social Report 1999 and National Human Rights Office (NHRO) Report 1999.

[17] The combined initial, second, and third periodic report of Latvia on the implementation of convention of 18 December 1979 on elimination of all forms of discrimination against women in the Republic of Latvia, 2003, http://www.politika.lv/index.php?id=8970 (In Latvian)
[18] ibid.

Responding to the demands of EU directives, the Ministry of Welfare has become the responsible institution for introducing gender equality policy. The Social Report addresses the gender pay gap, double work load of women, and gendered segregation of professions and pensions[19]. The HNRO Report states that traditional beliefs on sex roles can influence the just application of the equality principle. It stresses three fields of problems: discrimination in political participation and representation, economic discrimination, and violence in the family[20]. Both reports have set the main formal frame for policy debates.

Further amendments in equality legislation were directly linked to transposition of the *acquis communautaire*. There is no explicit single normative act granting any kind of equality. Instead equality provisions are being gradually inscribed in several already existing normative acts. Amendments following the Directive on Gender Equality were made in the national legislation and extended the provision prohibiting discrimination in relation to access to goods and services as well as employment in the Labour Code in 2002. The Law on Labour Protection came into force on 1 January 2002 and the new Labour Code on 1 June 2002. Both include racial, skin colour, sex, age, disability, religious, political or other beliefs, economic and family situation, sexual orientation and other circumstances as prohibited grounds for discrimination. Sexual orientation was included in the wording only later and after extensive debates when the President made a decision not sign the law and returned it to the Parliament in 2005. The Law transposed the directive on equal pay (75/117/EEC), equal treatment in job accessibility, professional training, career and conditions of work (76/207/EEC), childcare leave for both parents (96/34/EC), duty for providing proof in cases of discrimination on sex grounds (97/80/EC) and protection of pregnant women at work (92/85/EEC). So both acts finally incorporated the requirements of the European Union Directives in the field of equal treatment.

However, the women's NGO network in the Shadow report to the UN, 2004, stressed: "it is necessary to raise awareness and understanding on equal treatment, which is essential for social partners. Although specific articles in the Latvia Labour Code focus on the gender aspect, measures should be undertaken to ensure that the above norms stimulate *de facto* equality in the economic as well as other areas of life[21]." De facto equality in labour market is still one of the priorities in the Equal programme project activities 2004-2007.

The position of Latvia in negotiations prior to accession to the EU in 2004 was that the above mentioned steps fully correspond to the EU requirements of equal treatment and non-discrimination. One of most controversial steps - amendments to the law "On Pensions" was increasing the pension age for women that had previously been five years lower than that of men. Retirement age for both sexes has been

[19] http://www.lm.gov.lv/doc_upl/soczin_par1999_lat.pdf
[20] http://www.vcb.lv/index.php?open=gadazinojumi&this=230903.73
[21] http://www.politika.lv/index.php?id=5287

slowly raised to 62. This decision severely influenced women of pre-retirement age, as this was the group most vulnerable to unemployment. Thus the amendment formally granting gender equality put many women of pre-retirement age into a worse position. However, this aspect has never been articulated as a particular political intersectionality.

Frames used

The Latvian General Gender Equality texts that were analysed differ according to the voice and time period in which they were produced. Civil society texts are more skilled in voicing **gender equality** and the state sector texts improve each year. Gender equality is addressed mostly neutrally and other expressions like **non-discrimination and human rights** are used instead. Even though the Shadow Report to CEDAW explicitly mentions gender equality as a norm, it is not prominent as a norm in the text itself. The State Report to CEDAW voices gender equality as a norm but simultaneously recognises the national value of the traditional family. The text itself mostly supports the position of the traditional family values and different gender roles except for the parts marked as a voice of civil society or ombudsman suggestions.

There were no parliamentary debates on general equality issues. The texts selected for analysis represent the only debate on non-discrimination in the Parliament and it talks about strengthening the general non-discrimination norm, implicitly addressing ethnic discrimination – the most sensitive inequality in the Latvian context due to the large proportion of Soviet period immigrants. Gender equality and societal integration were the two tasks of a single Ministry of Welfare Unit back in 1999. **Ethnic difference** becomes one of the most prominent categories in policy when establishing a Ministry for Special Assignment in Societal Integration Affairs. Gender equality remains the duty of the second level unit within the Ministry of Welfare. This example clearly demonstrates the tendency toward unifying categories instead of thinking about differences when it comes to national ideology. Nation is seen as a matter of ethnic inclusion. Therefore gender has never become a topic in integration policy. Additionally, framing gender difference as a natural fact (therefore unchangeable) means there is no problem with policy and no need for integration.

The main problems highlighted in general gender equality documents are related to discrimination and **the lack of gender equality** in the labour market and the rather vaguely defined “others spheres in society” (stereotypes, family life, etc). Discrimination on grounds other than sex are also identified as problems but seen separately as additional grounds for unequal treatment, not intersecting but forming a list of possible prohibited categories of discrimination.

EU directives and not the inner needs for strengthening antidiscrimination or implementing gender equality (except in the NGO sector) are driving the policy area and this results in a discrepancy between the formulation of policy and its objectives. Categories of different groups potentially subjected to discrimination are borrowed from international and EU documents without matching them to particular groups in society thus creating a situation when anti-discrimination norms are not used in practice. Gender equality norms are most precisely transposed in the field of the labour market where EU regulations have been most explicit. “Other spheres” remain rather consistent and there are no major turning points apart from information campaigns regulating and solving problems of reconciliation of work and family life or domestic violence. Violence against women as a general gender equality problem is mentioned only in the Shadow report to CEDAW. State policy regards it as a deficiency in the policy or general problem of indifference towards violence. Most of the policy problems are attributed to the lack of the knowledge about gender equality and gender mainstreaming.

Lack of knowledge/recognition/action becomes one of major frames in thinking about gender equality. The **Deficit frame** also contributes to framing policy. It has set the basic tone of the Programme for implementing gender equality. This is also supported by the text analysis. Problems are most often located within polity and deal with both the knowledge and capacity of policy makers and implementers and the lack of these resources for implementation. The next popular location of problems is culture, dealing with knowledge and stereotypes, and economy with structural inequality in labour market. Solutions are mostly located in polity. Culture is mentioned only once in relation to providing more information to society. However, culture again reappears as the location for detailed policy action and the knowledge and information transfer mechanism are among the most important policy tools. There is no difference between civil society and state sector texts, the inert reaction of the state (framed as lack of understanding/action) becomes the major obstacle in solving gender equality problem.

Discrepancy between the EU frame of gender equality and Latvian documents is also obvious when looking at problem formulation and target groups in the text analysis. The problem usually contains a gender dimension and women are most often mentioned passive actors. Policy target groups are mostly gender neutral. However, even in the diagnosis part gender equality is mostly neutrally formulated - as an equality principle in general, or seen as gendered in a specific area only or regarded as a principle of equal treatment. Gender equality is mentioned specifically 8 times in 5 documents (2 documents do not mention it at all). The State report to CEDAW considers gender equality as a norm in a rather unusual way – as the absence of any legal provisions providing the opposite. As gender equality is not mentioned in the law at all, its absence is taken as a norm itself granting equality. At the same time, gender neutral norms as the base for non-discrimination and human rights are considered as problems both in NGO and government texts. Frames containing

gender equality are attached to the problem part utilising external perspectives and responding to external obligations but a gender neutral approach is used in framing solutions, showing the gap between the two.

Norm groups are rarely used in problem description and are completely absent in the prognosis part. Men are seen as a norm group once in the Shadow report to CEDAW in relation to employment. Women are considered a norm group once in the Programme for implementing gender equality in relation to health. Interestingly, the Social Report mentions active fathers instead of women as a norm group in relation to childcare. Employed de-gendered persons are mentioned twice as a norm group.

Most of the documents analyzed are prepared by the Ministry of Welfare. A gender equality focus is somehow vaguely formulated and it is not perceived as a strong position in the policy field in general. The Latvian counterpart of the European Women's Lobby WRC "Marta" is the voice of the civil society text. This voice is prominent in other issues, apart from intimate citizenship. It differs from the governmental texts with its broader gender equality policy perspective. It addresses gender equality in areas outside employment (e.g., domestic violence), unlike state texts where employment is the sole or main focus.

There is a lack of voices of specific persons speaking of gender equality. Gender equality is a somewhat externally driven concept and considered not very useful in the policy field. There is also not much public debate on general gender equality issues. Women's organisations mostly deal with particular areas of interest – gender based violence and non-employment.

The programme for implementing gender equality uses gender both as social and biological, depending on the context, which can be explained by the contribution brought from other policy documents. Perspective on gender varies across the sectors e.g. health policy considers gender as biological while employment policy considers it mostly social. Two documents analyzed are solely de-gendered – the Labour Law and State report to CEDAW, but traces of a de-gendered use of gender specific concepts can also be found in other documents.

There is a difference in how the state and NGO sector see gender equality. The State report to CEDAW sees gender equality as sameness while the NGO sector sees it as transformation. The state position does change, in later documents such as the Programme for implementing gender equality there is a balanced vision of gender equality.

Equal treatment is the most prominent strategy to approach gender equality both in the NGO and state sector. The State report to CEDAW stresses specific programmes as the dominant strategy but one should remember the particular understanding of gender equality in the document that allows the strengthening of traditional family

values to be seen as a part of the gender equality task. Later documents stress a more differentiated approach to policy, combining equal treatment with specific programmes (e.g. domestic violence).

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

Introduction to the policy around the main issues

The QUING interest is in the gender+ equality policy embedded within policies on the boundary between employment and non-employment. The Latvian situation is particular in the context of non-employment since the period of obligatory employment of the Soviet times still holds in public memory. Women's access to the labour market is virtually a non-issue but low pay and long work hours are considered as problems even by women's NGOs.

One of the problems with selecting topics within non-employment most relevant for the QUING project is the lack of their direct reference to gender issues. Accordingly, topics are selected according to the main topics identified by the QUING guidelines but not defined so within the Latvian policy environment.

Latvia traditionally has had a high rate of women's employment. After re-gaining independence in 1990, the employment of women with small children was considered a sign of a socialist regime and was not ideologically promoted. At the same time, economic hardship forced women to enter the workforce. During the 1990s research showed that Latvian women had two seemingly contradictory priorities – work career and childcare and family[22]. Politicians often do not extend equal rights to women, instead calling on the "natural" order of things and pointing to childbirth and childcare as "natural" fields where women can express themselves.

Care work and the benefit system are seen separately from the reconciliation of work and family life, resulting in different policies. The benefit system is seen as measures for promoting improvement of the **demographic situation** often contradicting the logic of reconciliation between family and work. Reconciliation of family and work life and equal pay are seen as measures of **gender equality policy and social inclusion** but not necessarily as a part of family policy.

Childcare and its benefit system is much debated as a gender question both in governmental policies and NGO work. It also attracts much publicity and has experienced the most changes. Care for disabled people and other care work is a less prominent issue in this respect.

Increasing the retirement age for women worsened the situation of women of pre-retirement age. However, the policy around pensions lacks even an implicit gender equality aspect except for the occasional observations that the gender pay gap

[22] Koroleva, I. 1997. Gender Roles in Family: Perception and Reality. In *Invitation to Dialogue: Beyond Gender (In)equality* (ed.) I. Koroleva. Riga: Institute of Philosophy and Sociology, Academy of Sciences of Latvia; Zarina, I. B. 1997.The Views of Women on Gender Issues in Family and Employment. In *Invitation to Dialogue: Beyond Gender (In)equality* (ed.) I. Koroleva. Riga: Institute of Philosophy and Sociology, Academy of Sciences of Latvia.

causes lower pensions for women and that the unisex calculation of pensions in the situation when men's life expectancy is 11 years lower than that of women is unfair. The retirement age for men has been elevated to 62 years – a margin at that time higher than the average life span of men. Many pensioners (employment above the EU average is already reached in the pre-retirement age group) do work and the small amount of the pensions forces them to do so. NGO activity and publicity in pension policy is high but it has never acquired an explicit gender aspect.

Equal access to the labour market and social inclusion appeared on the policy agenda in close connection with the Lisbon strategy. Women after childcare leave appear as one of the social inclusion risk groups along with young and elderly people, disabled people, people released from detention and ethnic minorities. Only one minority - Roma – has acquired special attention and a special programme. As research data suggests, the Russian speaking minority experience exclusion only on grounds of poor knowledge of Latvian language, so this is not labelled as an ethnic minority but a language problem. Another difference to other EU countries is that the level of employment of men, women and elderly people is higher than the EU average but lower than the Lisbon targets. One of the distinct features of the Latvian action plan is legalising unregistered employment which is still estimated to be high, thus bringing the official level of employment closer to the 'real' level.

Care work and benefit system

The care of disabled children only came onto the agenda in 2005 and other forms of care and domestic work are virtually absent from policy debates, only voiced by women's NGOs. Recent events in 2007 when a social care centre for disabled "Reģi" suffered a fire and many of its inhabitants were burnt live initiated a debate on alternative forms of care to the continuing Soviet tradition of concentrating the adult disabled and elderly population in large care centres.

The change of the Soviet regime brought significant changes to childcare. Since 1959 the Soviet state had granted childcare services for children from the age of 2 months to 7 years. During the Soviet period mothers were encouraged to return to the labour market[23]. Overall policy favoured women's employment and the largest enterprises had nurseries allowing women to breastfeed children during work breaks. Weeklong nursery services were also available and mothers could leave children for 24-hour care. Such care provision is available in some state-sponsored kindergartens even today.

After re-establishment of independence the structure of the social security system changed. Social security according to Social Tax Law of 1990 became financed by the state and social tax (previously by "voluntary" payments to trade unions). Since then the social security system has been haunted by increasing expenditure with a

[23] Latvijas PSR Enciklopēdija Vol.7, Rīga 1986, p. 387; Vol 3, p. 65, Riga, 1983.

lack of accumulated means. The fall in the birth rate was an immediate reaction to the economic hardship. Additionally, the demographic load was high – there were 1.5 dependents for each employed person. During the 1990s domestic units with children were subjected to the highest risk of poverty because of minimal state support to families raising children.

Women have also traditionally taken care of elderly and disabled members of the family. The Soviet legacy left a rigid form of care based on centres for elderly people (financed by the state budget, pensions and supporters) and centres for persons with special needs (financed by the state budget and pensions). Parents of disabled children were faced with a choice of leaving children in state care or providing care at home with virtually no state support. There was and still is a shortage of centres for elderly people.

Care work and benefit system policy up to 2003 has been framed in terms of **shortage and state budgetary interests**. On the one hand, the return of **patriarchal ideology** as part of nationalism encouraged **traditional family roles**. On the other hand, the shortage of the social budget did not allow for securing the ideological premises and served as the final argument. The period of childcare leave was extended to 3 years but the amount of support for non-employed and part-time employed mothers was small and could not compensate for the expenditures of mother and child. Another form of support – state family support- was and still is small even though it has been doubled since the 1990s to reach 8 lats (12 EUR) per month in 2007. The state commissioned research in 2002 which showed that the childcare benefit system was inefficient but no direct action followed.

The main turning point in the care and benefit system came with the establishment of the Secretariat and later the Ministry for Children and Family Affairs and their prepared family support policy. Though the necessity for family policy and improvement in the demographic situation had been discussed in the policy arena from the beginning of the 1990s, no action had followed since it required investment. The State action plan "State Family policy 2004-2013"[24] came into force and represented the major turning point. It provided for an elevation of childcare support, and developing childcare facilities etc. The new government introduced the concept of "mothers' salary" in 2003[25]. The project soon became named "**mothers' salary**" thus gaining an explicit gender aspect[26]. Women's NGOs protested and the Minister promised to call it the gender neutral "parent salaries". Extensive consultations with women's organisations, trade unions and experts followed, to set up an efficient childcare benefit system. The Latvian Women's Organisation Network actively lobbied for the creation of a comprehensive childcare benefit system[27]. The

[24] http://www.bm.gov.lv/lat/gimenes_valsts_politika/
[25] http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=126
[26] http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=144
[27] http://www.marta.lv/vpage.php?lang=lv&id=15&lapa=38

assumption underlying the change was the necessity to raise the birth rate in the context of the economic instability of families. Increasing child support to the amount of the salary of one of the parents would compensate the loss of income during the period of child-rearing.

Trade unions and women's organisations did not support the prohibition of employment during child-rearing but a compromise was reached as the change was generally seen as improving the position of families and mothers in particular. The NGO sector pointed to the problems with gender equality and enforcement of a patriarchal family model. It also criticised the state policy for its short-term approach and called for increasing state family support during the whole period of a child's upbringing.[28]

Three mothers submitted a claim to the Constitution against the provision providing childcare benefit payment to unemployed mothers on 8 March 2005, a few months after the new law came into force. The claim was supported by the Coalition for Gender Equality and Free Trade Unions. The claim was based on the violation of the equal treatment principle, free choice of employment and the duty of the state to protect families. The court debates revealed the arguments of both sides and were one of the most extensive debates on the topic between traditional and egalitarian family model supporters. **Gender equality** had an important role in the discussion. Mothers claimed that the provision limiting their employment was gender discriminatory and negatively influenced women's participation in the labour market and subsequently the long-term well-being of their families. The Court ruled that the limitations were disproportionate to the aim of the provision, especially for the long-term family interest, and ordered the Parliament to amend the law[29].

Meanwhile paternity leave of 10 calendar days was introduced in 2004 with an information campaign by the State Social Insurance Agency. The Ministry of Welfare staged a social advertising campaign "Why not?"[30] on gender equality and fathers' involvement in childcare. Both campaigns were based on research data confirming the prevalence of traditional family roles which allocated fathers the role of the breadwinner rather than the care-giver. In September 2004, the Minister for Children and Family Affairs introduced a fathers' day to strengthen the traditional family[31].

The Ministry for Children and Family Affairs commissioned the research on fathers' involvement as part of the EC project "Men equal, men different", included in the gender equality policy programme. The research results were published in 2006 and concluded that while Latvia has good gender equality policy the stereotypes of the population did not allow for the use of the gender equality provisions. The Ministry

[28] http://www.apvieniba.lv/article.php?mnu=0&mnuact=&article=111
[29] http://www.likumi.lv/doc.php?id=120788&mode=DOC
[30] www.medijuprojekts.lv
[31] http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=324

staged a campaign for fathers' involvement and reconciliation of family and work for men. Good practice research and guidelines for good practice were developed as a part of the project. Compared to the rather traditional framing of mothers' role in the family, father's involvement in childcare receives much government support. Women are never seen as a target group, apart from in the issue of "mothers' salaries". Father's involvement, however, did not change the patriarchal model of family – it aimed at a better performance by fathers as either 'assistants' in childcare or even as sole child-minders. It is therefore still assumed that different roles are taken up by two parents – one is the main child-minder and the other is the main breadwinner-supported by the traditional family model. This position is especially pertinent given the situation whereby more than 1/3 of families in Latvia have only one parent – the mother.

In July 2003, the care of disabled children in families came onto the agenda. The Ministry of Welfare introduced new suggestions for improving life conditions in families with disabled children, paying particular attention to single parent families[32]. At the same time as the parental salaries were introduced, a new benefit for parents with disabled children up to the age of 16 was introduced. It was small (approx. 35 EUR) but excluded employment on the part of the parent receiving the payment. The Constitutional Court also overrode this decision in 2006, answering the complaint of several mothers with disabled children.

Reconciliation of work and family life

Reconciliation of work and family life came onto the national agenda in the late 1990s. The timing coincided with the EU policy agenda. However, the positioning of the issue is somewhat declarative[33]. It was the most prominent issue in the political agenda of gender equality introduced by international organisations and it is one of the priorities of *The Programme for the Implementation of Gender Equality 2005-2006*. The activities mostly comprise information campaigns organised through ESF projects: public information campaigns, discussions, printed materials on gender equality and employment, lacking active action to provide legal and institutional support. The CEDAW Commission published its report in 2004 criticising Latvia for its failure to address the reconciliation of work and family life and share of domestic duties between men and women,[34] the latter element missing in the local policy agenda.

The Ministry for Children and Family Affairs developed the Action Plan Conception "State Family Policy" (2003) tackling one direction for reconciliation – the provision of state sponsored childcare facilities. The Ministry encouraged the opening and

[32] http://www.delfi.lv/news/national/politics/article.php?id=18527859
[33] Reconciliation of work and family life and collective bargaining in the European Union, 2006. http://www.eurofound.europa.eu/eiro/other_reports/work_family_life.pdf
[34] CEDAW Concluding Comments: Latvia, 26 July, 2004, CEDAW/C/2004/II/CRP.3/Add.5/Rev.1, p. 7, www.politika.lv/index.php?f=349

financing of short-period childcare centres but these did not allow parents regular employment but rather provided only short relief. Short-term child development care centres were to be opened in each Latvian town on the basis of state/local government joint financing and 39 centres have been established since then. This activity still remains the priority for the Ministry action plan.

Women's organisations submitted a Shadow report on CEDAW (2004) recommending promotion of the reconciliation of family and work life, providing access to preschool institutions all around country as well as access to public transport, especially in rural areas. According to the statistics, 63% of children aged 1-6 attend pre-school institutions (72% in urban and 44% in rural areas), and 80% of children aged 3-6 in 2004/5. In 2005, discussion around involving more state institutions accelerated.[35]

The debate over access to childcare facilities becomes prominent throughout 2005-2006. Birth rates started to rise as the generation of baby boomers of the 1980s reached reproductive age. Parents became increasingly dissatisfied with the situation in which their taxes were used for state sponsored childcare facilities but their children did not receive this benefit because of the shortage of institutions. Debate on pre-school child-care facilities and salaries took new turns both in Parliament[36] and the media in 2006. The Ministry for Children and Family Affairs established a working group in 2005 to prepare the legislative background for the demands to establish children's play rooms in enterprises and to develop alternative forms of childcare.

The Ministry of Economy presented the Informative Report on an Action plan for building new pre-school child care facilities to the Cabinet of Ministers in 2006[37]. Public concern rather than the Barcelona targets seemed the main generators of change. At that time, workforce problems were prominent. The Ministry of Education and Science had issued demands for pre-school teachers to receive training in higher pedagogical education. Teachers were reluctant to invest in such training as salaries in the sector were small and many left to work in the illegal private sector.

The Ministry for Children and Family Affairs mentions another way of addressing the reconciliation of work and family life in the Action Plan Conception "State Family Policy" - real guarantees for implementing the right to return to the same employment position after childcare leave. The Plan provided development of methodological recommendations but no action ever followed. RCW "Marta" and the National Human Rights Office/Ombudsman received complaints and prepared several claims to the courts. However, the discrimination is hard to prove and no successful cases have appeared in public yet.

[35] http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=705
[36] http://www.saeima.lv/steno/Saeima9/061207/st061207.htm
[37] 12.09.2006.(prot. Nr.47 34.§)

In 2005 the Employers' Confederation of Latvia started popularising good practice of flexible work forms, organising seminars and preparing information materials. The Free Trade Union Confederation of Latvia promoted the collective labour agreement practice- including options for flexible working hours- by organising 20 seminars. Partly this agenda is influenced by the EU policy agenda, partly by the growing workforce deficit.

Gender pay gap and equal treatment

In its 1999 Report, the NHRO defined occupational segregation and the gender pay gap as key factors in discrimination against women[38]. Those remain the main framings of the issue. No government action to change the situation followed. In its analysis, the *Concept Paper on Gender Equality Implementation*, 2001 mentions de facto inequality in economics, and stresses that a small number of women-employers lower the average salary of women. Women experience discrimination in entering the job market according to their age, family status or visual appearance[39].

The Labour Law and Labour Protection Law amendments include equal pay as part of the equal treatment package necessary for accession procedures. No debates around the amendments take place in the Parliamentary session or in public except at its second reading when an opposition MP Buzajevs calls for including the interests of ethnic minorities into the law. Amendments were generally seen as a rather formal procedure.

The year 2004 is a milestone in women's NGO work. The Equal programme project activities 2004-2007 start and EU money flows into gender equality policy. The Latvian Women's Organisation Network (LWON) started lobbying the European Commission and European Parliament for women's economic independence through the European Women's Lobby. The position of Latvian women was critical towards promoting employment as the main instrument for promoting gender equality. LWON claimed that the high level of women's employment could create impression that women are in good position in Latvia, yet in reality women receive lower salaries than men[40] and are forced to overwork to support their families. LWON called for an EU directive putting an obligation on member states to guarantee and implement de facto economic independence for women[41].

The NGO sector claimed for equal pay for the same job for women and men, additional wage increases in female-dominated sectors, acceleration of the representation of women in all levels of decision-making, and to promote women's

[38] www.vcb.lv/zinojumi/2000.g.z.doc

[39] Insititute of Philosophy and Sociology, "Nabadzīgo cilvēku viedokļi – nabadzības sociālais vērtējums Latvijā" (Opinions of poor – social evaluation of poverty in Latvia), 2000.

[40] The gender pay gap is slowly decreasing, women receiving an average 82.4% of men's salary in 2006, Central Bureau of Statistics data.

[41] http://www.politika.lv/index.php?id=5657

presence in well-paid and high-ranking posts[42]. The CEDAW Commission concluding comments supported the same recommendations[43].

Gender segregation in the labour market came onto the agenda of equality policies as the main reason for the pay gap. The problem was debated also in the CEDAW 31st session discussing the Latvian report[44]. The government commissioned several studies that showed gender bias in education materials for schools. Occupational segregation was also one of the problems targeted by EQUAL programmes providing support for women's entrepreneurship[45], promoting the choice of high technology professions[46] etc. While NGOs (Association of Business Women, Zonta's, Rural Women's Association) have been active in this field, the government had difficulties in dealing with the change in the education system and the education sector was recognised to be the weakest sector in terms of implementing the gender equality programme. The informative report on implementing the Programme for gender Equality 2005-2006 states that several tasks on providing education to school teachers on matters of gender equality were only partly implemented[47].

Equal Access to the labour market

Latvia joined the Lisbon Strategy in July 2002 when it signed the Joint Memorandum and prepared a National action plan. The mechanism of the strategy included close collaboration and peer review within EU Countries. Latvia developed a State Action Plan for Reduction of Poverty and Social Exclusion in 2004. Gender equality was mentioned as a horizontal priority. The plan criticised the situation whereby government lacks any mechanisms for implementing real and not only formal gender equality provisions. It stated that ignoring policy documents and legal acts in real life situations hindered introducing gender equality in the labour market.

The programme also noted the problems of the different economic activity levels for men and women (even though women's employment exceeds the EU average), unequal pay and segregation in the labour market, as well as violence in the family. The main tasks of the programme coincided with gender equality programmes and were directed at popularising gender equality in society, state and local government administration and the prevention of violence.

---

[42] Shadow CEDAW report.
[43] CEDAW Concluding Comments: Latvia, 26 July, 2004, CEDAW/C/2004/II/CRP.3/Add.5/Rev.1, www.politika.lv/index.php?f=349
[44] CEDAW 31st Session, 6-23 July, 2004, http://daccessdds.un.org/doc/UNDOC/GEN/N04/425/03/PDF/N0442503.pdf?OpenElement
[45] http://equal.lsif.lv/zinas/news-24.html
[46] http://equal.lsif.lv/zinas/news-21.html
[47] Informatīvais ziņojums par *Programmas dzimumu līdztiesības īstenošanai 2005.-2006.gadam* izpildi [Informative Report on Implementation of Gender Equality Programme], 2007, pp. 11-12.

The programme positioned ethnicity as a less significant factor than language skills for social exclusion and poverty, except for the Roma minority. For non-Latvians exclusion is driven by insufficient knowledge of Latvian language but for Roma it is their cultural and educational background since they are well integrated in society in terms of language. Integration of these groups is planned by making social assistance and social rehabilitation services available to the groups in need.

Inclusion of disabled persons focuses on developing environmental accessibility and providing rehabilitation services, and opening state subsidised employment programmes (also EQUAL programmes).

In the same year, the Secretariat of the Minister of Special assignments for Societal Integration Affairs passed the National Programme for Promoting Tolerance. It aims at cultural factors of discrimination and promotion of tolerance but is not linked to the social inclusion plans. Roma, Muslims and Jews were named among the less tolerated groups. The main actions included education and support to minority groups.

There are some national differences in formulating the National Lisbon programme for Latvia (2005-2008). Women after childcare leave, young people and people of pre-retirement age are the main risk groups in a life cycle perspective. Women are not seen as a risk group in the sense of having higher employment rates than the EU average but mostly as the group receiving lower salaries and being unaware of gender discrimination[48]. People with a poor knowledge of Latvia were included as a risk group named separately from other socially excluded groups in the National Lisbon programme for Latvia, thus avoiding speaking directly of ethnic minorities.

Main frames

Issues of non-employment in the Latvian context are closely tied to the development of the tax and benefit system and the space for manoeuvre that it offers. Therefore, the debates on non-employment are greatly influenced by the common understanding of the constraints set by the budget rather than the needs of the groups of non-employed. The Constitutional Court becomes an important place to voice the gender aspects of the non-employment issue that are largely ignored in other documents. The Constitutional Court debate on the childcare benefit system is the only text where the state understanding of gender equality is explicitly articulated.

The most frequently identified problems are related to questions of equal treatment and gender equality, both in the workplace and in family life. Thus, problems related to sex discrimination in employment (the pay gap, devaluation of traditional female professions) and problems linked to the “double burden” faced by women are the

[48] National Lisbon programme for Latvia (2005-2008)

most frequently coded. Another significant problem across the documents is the demographic decline of the Latvian/European population.

The concept of non-employment is not used in the texts and rather is considered as unemployment. At the same time, the texts expose a very strong idea of the statuses that work against employment – pensioners and mothers shortly after childbirth. There is a certain contradiction both in the concept and the state produced documents. Non-employment is an accidental result of saving budgetary means rather than a status that has a strong inner logic. For example, in the case of pensions, non-employment is created by withholding pensions from pensioners who are working, thus meaning that pensioners leave the labour market. The same contradiction is reflected in the childcare leave issue. Gender equality policy contradicts the state family policy that is forcing non-employment among mothers of young children. The Constitutional Court, in relation to the non-employment of pensioners and parents, ruled that employment should be allowed in combination with retirement or childcare.

Most texts in this sub-issue are de-gendered, even those produced by women's organisations. However, there seems to be a strategy being used by the NGO sector in terms of raising questions important to women in a non-gendered way. The de-gendered approach is characteristic of most state institutions with the exception of the Gender Equality Unit. Implicitly the view of the majority of policy actors is based on biological difference between a man and a woman that causes the social difference of women being better in childcare. At the same time, this approach is rarely articulated explicitly, showing awareness of a politically correct view on the problem. Therefore there is the split between state gender equality policy and family policy, the first oriented to the reconciliation of work and family life, the other towards traditional family roles though never explicitly addressed as such. The Programme for Implementing Gender Equality 2005-2006 draws on a gender equality principle leaving traditional principles of justice, trust and commensurability in the background. However, even the state family programme includes both approaches, though making copy and paste inclusions from the gender equality programme without integration into the logic of the programme. This shows the general pattern of silencing gender equality questions, even those included in the text.

The problems raised in the diagnosis part of policy documents mostly deal with the absence of childcare facilities and the impact it makes on childcare patterns. Share of household duties plays a minor part in the list of problems. Parliamentary debates are mostly focused on the pension system while childcare is much less debated, possibly explained by the fact that pensioners are an important target group for elections. Women are mentioned as a group only when speaking about pensions (arguing that women have preserved a better condition of health and therefore should not be treated worse that men; in other words, a longer average life-span of women resulting from a better strategy for maintaining health should not lead to a

gender differentiated calculation of pension according to average life-span). Childcare is debated in de-gendered terms of teachers' salaries and demography, completely ignoring women as the main group subjected to the problem both as mothers and teachers.

Civil society texts on childcare are gendered and mostly address the weakness of the state reconciliation policy, lack of childcare facilities and gendered group of child-carers. Women's organisations not only address the problems of mothers but also of nannies who are not paying tax and therefore are not receiving social guarantees. Organisations criticise the state for forcing women into non-employment at the same time as not providing sufficient resources to be non-employed (childcare support is paid and leave granted up to children reaching 1.5 years, but kindergartens are available only when children reach the age of 2-3). None of these problems are listed in governmental texts.

The gaps in the state policy - on the one hand promoting non-employment but on the other not granting the means to take it- is the core of the diagnosis part in the Constitutional Court texts on pensions and childcare issues. The amount of the pensions and childcare benefits is too small to enforce a condition of non-employment in order to receive them.

Usually a de-gendered category of "parents" or "retired persons" is used, but "men" or "fathers" are used more often than "women" or "mothers" in both the diagnosis and prognosis part. Men are seen as suffering from pre-retirement unemployment and an uneven share of household tasks. Documents produced in the state sector provide a peculiar vision on gender equality that can be interpreted as a reaction against calling women the main victims of gender inequality. It is interesting that the State Family policy tends to negate gender aspects and concentrates on the group of fathers and their involvement in childcare as the only specific target group of the programme. It is also, perhaps, a neutral way to address the problem as addressing women's position would meet a hostile reaction or would be considered as feminist – a position that would endanger any policy proposal.

Women in the selected texts are always constructed as mothers or pregnant women. A few passive actors in civil society texts have an intersectional identity – rural women and disabled women. Non-employment (discrimination in the labour market and childcare) is the only context where intersectionality is explicitly stressed but is not developed in detail.

Target groups are usually generally addressed in the objectives and policy actions of the texts. Objectives list such gender neutral general groups as employees, families and parents, less often women and men. Similarly, different categories of employees, often with children in employment legislation or families with children in family policy, are the most often addressed target groups of policy actions in all the

texts. It is interesting that none of the policy texts selected for analysis included women as an explicit target group while fathers are mentioned as a target group 4 times in 2 documents. Women are addressed more generally as “families” or “parents”, showing how gender is made unproblematic and irrelevant by using gender neutral rhetoric. It also allows avoidance of the core of the problem and focus on a less sensitive group (i.e. men) that is perceived somehow marginal to the family and parenthood issues and has to be brought in through law and policy action.

“Economy” is the main category referred to when addressing problems in non-employment texts. Most of documents locate their objective in economics, mostly in terms of labour market and employment, polity being the next popular location. Intimacy is largely disregarded in all types of documents. It tends to be raised in referring to change in the share of household tasks, thus being a pre-condition for labour market policy promoting employment rather than an aim in itself.

Underlying norms are contradictory. On the one hand, gender equality appears as a norm in civil society texts, gender equality policy and law; on the other hand, it is negated and understood in a completely different way in Parliamentary debates and court debates. This shows the role of the experts as a real voice of the policy plans and law that is often opposed to the voice of the real implementers of these documents. Implementation of gender equality is recognised as one of the main problems in the non-employment area. The dominant norms of the Parliament and other state actors, except the Gender Equality Unit, are clearly expressed in the Constitutional Court debate on childcare leave:

> “This absurd understanding of gender equality that we ignore sex differences and breastfeeding as the condition that makes mothers participating in childcare to a greater degree than fathers during the first year. Therefore we do agree with the opinion of the Human Rights Office that women are disadvantaged to men because women choose taking childcare leave most often [seeing it a natural duty].” (Representative of the Parliament in Constitutional Court)

Gender equality is not criticised but understood in a different way - as fulfilment of traditional family roles and as laying in essential biological differences between men and women. This allows for ignoring all declared planned policy actions and law provisions taken by transposing EU directives that contradict the quoted assumption of gender equality. Policy targeted at fathers is the most popular action as it does not critically address traditional family roles but allows for improving the role of the father within the traditional family framework thus producing an intersection between gender and fatherhood.

The gap between de jure and de facto definitions has been corrected when key decisions for pension and childcare system were taken through the Constitutional

Court. The Court voiced international legal norms of equality and forced them upon state actors having a different set of norms. However, gender equality was never explicitly articulated as the grounds for decisions; these remained gender neutral in formulation, but nevertheless the decisions significantly affected the gender equality situation in real life, also highlighting the intersectional identity of working mothers with young children.

There is also a tension between civil society and state voices. Pensioners and mothers made themselves heard through the Constitutional court, showing the marginality of their voice in the policy process. There is also some tension in the Parliament between female and male MPs regarding non-employment and gendered violence. Female MPs do introduce propositions on childcare and retirement as women's questions but the majority of MPs or even some women MPs do not accept them. One more example of a similar women's initiative can be found in the gender and violence issue. It is interesting to note that male MPs even ridiculed speeches addressing these questions as "women's problem".

A significant difference between civil society and institutional texts is the perspective that puts childcare and pension's issues in a broader perspective. The Parliament often sees these issues in narrow terms of budget, change in the labour market and investments (e.g. for childcare facilities) that also influences the implementation of gender equality and family policy documents due to the budgetary constraints and low priority of gender equality. Civil society texts encompass a broader perspective, for example speaking of nannies, limited opportunities for rural women, and disabled women. This creates a divide between the women's organisations and the state. The Gender Equality Unit of the Ministry of Welfare and Ombudsman (former Latvian National Human Rights Office) serve as mediators between the two but share the civil society opinion. However, none of the institutions has enough influence and capacity to make an impact on the policy process. The Constitutional Court becomes the crucial player with its legislative rights, both in childcare and pension law.

Six of the 26 documents analysed in this sub issue do not mention gender even in an implicit way. Most notorious is the State family policy that firmly uses "family" and "parents" and avoids any gendered issues. State Social support granting childcare leave also uses gender neutral terms such as "parents". The rest of the policy actors, however, see childcare policy as heavily gendered. The Ministry in charge of children and family affairs has later introduced fathers as the first gendered target group and has expressed its vision of gender as a biological difference in the texts from the Constitutional Court. But none of the opinions mentioned are present in the initial draft of the programme. Texts on pension policy, including a letter from the Pensioners' Federation, also choose to use a gender neutral approach.

Most of the use of gender sees it in terms of irreducible biological difference and it is sometimes seen as a synonym for gender equality. In 5 texts it is not possible to say

how gender is used. It is social in 3 cases, all coming from civil society texts. In 2 cases it was de-gendered.

Looking at intersectionality, gender most often intersects with class but usually also with other inequalities – disability, age, and region. Intersections are just named. Even when from a group position in civil society and in its texts (rural women, disabled women, retired women) groups do not appear as fixed intersections. Intersections created in policy texts (men-fathers, women after childcare leave) are not perceived as intersecting categories, to paraphrase Crenshaw (1991), rather in the case gender and non-employment, women are seen to be hit only by non-employment, not by being women.

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

Introduction to the policy around the main issues

Three broad topics are covered in the analysis:

- **Marriage and paternal, maternal rights.**
- **Rights of homosexual people;**
- **Reproductive rights, abortion rights;**

Marriage and paternal, maternal rights

Since the establishment of the Ministry for Children and Family Affairs, family policy has been under the responsibility of a Christian First Party and the minister has been Baptist priest Ainars Bastiks. The policy of the Ministry has thus often contradicted the aims of the Ministry of Welfare responsible for implementing gender equality and a more egalitarian family model based on gender equality. A strong definition of marriage under the Civil Code has created difficulties for the paternity recognition procedure, giving priority to marital and not biological parenthood. This definition has also led to absence of family policy directed at other types of family – single parents or non-married parent families. There are no special provisions or privileges for single mothers and they are encouraged to claim alimonies from the father.

The year 2002 brought change as Parliament amended a Civil Code chapter on the origin of child on December 12. It already contained the provision (Article 154) that if the mother of the child is not married or her husband has disproved his paternity in court, paternity can be claimed or acquired through court. An extension to the clause was made stating that that a married father of a child born outside wedlock can claim paternity only with the knowledge and permission of his spouse. The amendment was not discussed in the Parliament as Parliamentarians unanimously supported the fact that such acknowledgment of paternity influences the position of the family and the spouse of the father. HNRO claimed that the provision contradicted both the Constitution and European Convention to the status of children born outside wedlock ratified May 2003[49]. The Constitutional Court ruled that the clause should be exempted as putting unlawful limits on the rights for paternity recognition and that biological and social reality is prior to any legal assumptions.

There still are limitations to paternity rights for parents having children outside wedlock. A married woman still cannot claim other paternity than that of her legal husband, despite biological and legal fathers' agreement upon it. Women can make a complaint to the Court according to article 158 of the Civil Codex but the costs of the court process have to be covered by the petitioner. NGO argued against the law claiming that single parents –mostly women- are among the most vulnerable and poorest groups in society and they may well have financial difficulties in submitting a claim for establishing paternity. This legal provision is criticised in the CEDAW

[49] http://www.politika.lv/index.php?id=108403&lang=lv

Shadow Report and paternity recognition regardless of the marital status of the parents is requested in the recommendations.[50]

The prevalence of marital links over social and biological kinship ties was also reflected in the Constitution amendments defining marriage as the union between a man and a woman in 2006. These amendments underpin the nature of family policy still based on the position of women being derived from their husband.

There was no active family policy prior to 2003, when the Secretariat and later Ministry for Children and Family Affairs was established. Marriage is still regulated by the Civil Code of 1937 and there are no provisions for registered partnership[51]. A low marriage rate and high percentage of children born outside wedlock (44.6% in 2005) are declared as problems to be solved rather than an indication of the real situation[52]. The Ministry calls for the strengthening of mediation services in the divorce procedure[53] and family policy becomes designed to promote the traditional family while other forms of family fall outside the policy debate.

A great deal of the family policy is directed towards information on increasing the role of the father in the family. At the same time, mothers' role is not altered. The already discussed childcare support policy endorses an unequal role division and promoting fathers' equality is ambivalent. The state also begins solving the long-standing problem of children staying in the mother's custody after divorce while not receiving alimonies from the other parent. The majority of parents receiving money from the Administration of the Maintenance Guarantee Fund established in 2004 are mothers[54]. The state pays the minimum sum of 25% and 30% of minimal salary per child and uses its power to recover debt and limit the rights of the debtor to leave the state or register property[55]. The Administration of the Maintenance Guarantee Fund improves the situation but the sum of money still does not provide for an equal share of both parents in children's upbringing and silences further debate on equal responsibilities. There are no provisions for the parent taking custody of the child, as the Administration of the Maintenance Guarantee Fund is responsible only for alimonies for children.

Rights of homosexual people

Homosexuality becomes decriminalised soon after re-establishing independence without any debates, along with many other changes in the Soviet Criminal Code. Partnership comes onto the agenda in 1999 but is silenced when the project reaches

[50] http://www.politika.lv/index.php?id=5287
[51] http://www.bm.gov.lv/lat/normativie_akti/likumi/?doc=732
[52] http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=55, http://www.bm.gov.lv/lat/gimenes_valsts_politika/
[53] http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=78
[54] http://www.ugf.gov.lv/eng/
[55] http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=260; http://www.ugf.gov.lv/eng/

the Parliament. It re-appears on the agenda in 2005 when LGBT groups demand their rights publicly.

The First Pride March was staged 23 July 2005 and brought about a major counter-reaction among politicians and in society. The Church, politicians, high government officials and radical nongovernmental organisations expressed their protest against the Pride. Many deputies and officials, the Prime Minister included, publicly reproach the rights of LGBT people. The question was widely debated in the media and the public. On July 14, 2005 the Ministry for Children and Family Affairs reproached the first pride March in Riga. This information was published on the Ministry front page. It states that the family "is mother, father and a child" and referred to the Pride March as the "popularisation of homosexuality" and "taking the last bastion of society's moral health"[56]. Some NGOs wrote several protest letters and staged debates in support.[57] Riga city council banned the Pride March but the Administrative court overruled this decision. Thousands of protesters gathered to prevent the demonstration. Despite the police protection the demonstration had to change its route and demonstrators had to be evacuated. Later the debate continued in the media, continuing to provoke hatred against sexual minorities.

The following year the Pride March was banned. The initial hostile reaction of the government towards LGBT rights was softened only under international pressure. However, there is still strong pressure from religious groups and society in general that forced the government to exclude sexual minorities from the societal integration programme along with other minority groups listed in the programme. Similarly, Parliament amended the Labour Code including sexuality as prohibited grounds for discrimination only after the President returned the law to the Parliament.

Six complaints on discrimination on sexual orientation grounds were handled by the NHRO in 2005. The state took an ambivalent position in the debate. High state officials criticised the Minister of Societal Integration for offering space for the conference of sexual minorities and Riga City Council for allowing the Pride March. The responsible authorities did not react to the discriminatory opinions of the Prime Minister and several Parliament deputies. Civil society activists wrote a letter in support of sexual minority rights and repudiated the attitude of state officials and the first public discussion gathering Parliament deputies, experts, Church representatives, and NGOs was held under the initiative of the Latvian Association of Anthropologists on November 15, 2005. However, there was a major counter-reaction in society in general condemning the public appearance of sexual minorities and only a minority in civil society supported LGBT rights. More than 300 schoolteachers signed a petition to eliminate "homosexuality" propaganda from schools, insisting on their rights to condemn homosexuality publicly in 2007. A similar

[56] http://www.bm.gov.lv/lat/informacija/jaunumi/?doc=792
[57] http://www.politika.lv/index.php?keyw=antropologu&id=22

petition calling to regard homosexuality as a perversion was signed by several hundred physicians.

In its report in 2005, the NHRO[58] describes the situation after Riga Pride 2005 and criticises the homophobic expressions from politicians and in media discussions. It also criticises the Constitutional amendments regarding the definition of marriage as a heterosexual union.

The Labour Code amendments prepared by the government which included sexual orientation among the prohibited grounds for discrimination caused major dispute during the parliamentary debate of 15 June 2006[59]. Some Parliamentarians expressed their opinion that such discrimination should be allowed or that this discrimination is already included under the wording "other". Homosexuality was openly called perversion, as threatening the birth rate and the reproduction of the nation. The debate repeated the debates on the Constitutional amendments. The culture of the European Union was labelled "death culture" and Latvia was presented as the only country maintaining the moral principle of the authentic Europe. The debate seemed to be formal as this was the third and final reading of the amendments and the first two readings had accepted inclusion of this form of discrimination among the prohibited grounds for discrimination. Moreover, EU directives directly required the introduction of the particular wording. However, the deputies finally voted for exclusion of this form of discrimination. The President returned the Labour Code to the Parliament urging it to reconsider inclusion of discrimination of sexual orientation in the list and it was included in September of the same year. The Parliament debates were still hostile and the positive vote was followed by verbal insults[60].

The Secretariat of the Minister of Special Assignments for Societal Integration proposed to include sexual minorities in the list of minorities in the societal integration programme in 2007. This caused protests in religious organisations and sexual minorities were removed from the list along with others.

Friendship days in May-June 2007 passed peacefully; the police forces guarded the Friendship March and the LGBT organisation "Mozaīka" staged several events – a conference of family models and support lectures by homosexual people and members of their Parliament. A Twinning Agreement is signed with London pride and international human rights' organisations, representatives from the European Parliament, and the Swedish government support the event. The central policy event of the programme became the politician debates on same sex partnership law.

---

[58] http://www.vcb.lv/zinojumi/VCB-2005-gadaZinojums.pdf, pp.64-66
[59] Parliament debates on June 15, 2006, http://www.saeima.lv/steno/2002_8/st_060615/st1506.htm
[60] Parliament debates on September 9, 2006, http://www.saeima.lv/steno/2002_8/st_060921/st2109.htm

Reproductive rights

Of the three intimate citizenship issues only sexual minority rights stand as a separate coherent issue. Reproductive health has been a largely disregarded issue since 2002. Extensive parliament debates on abortion rights, inclusion of the notion of sexuality in the name of law and the rights to assisted reproduction had been held on a proposed law in the Parliament, beginning in 1996. In the meantime, abortion and assisted reproduction were available under lower level regulations of medical treatment. After passing the law, abortions and home birth stand as the most prominent cases when women's reproductive rights are debated implicitly.

The main reason for the law gaining the majority of the Parliament voice was the question of abortion. Up to that date abortion was regulated by regulations of the Cabinet of Ministers and was never defined by law. Some parliamentarians objected to including abortion and protection of life (chapter on assisted reproduction and maternity care) in the same body of law[61]. The debates repeated themselves through three Parliaments until the Law was passed. The Law generally protected pregnant women but did not allocate any financial means to implement the protection. The Parliament debated the rights of unmarried women to use assisted reproduction and question of abortion, finally accepting both[62].

One of the compromises for passing the law was acceptance of a special information sheet called The Order of the Ministry of Health "Written Information on Moral Aspects of Termination of Pregnancy". Moral aspects were included in the Law in its final reading by the Commission of Social Labour Matters[63]. The sheet had to be signed by all women opting for abortion. The text described abortion as a dangerous and painful procedure both for mother and aborted foetus and the possibilities to preserve the life of baby-to-be[64]. It did not speak about family planning and women's rights.

The legalisation of abortion created public debates that are still re-occurring. At the end of 2003 a part of the coalition requested that the Minister of Health resign because of the incompatibility of her political post to her practice conducting abortions as a gynaecologist[65].

The year 2004 brought change as two court claims were submitted on refusal of the state authorities to register children born at home. Riga City mayor intervened and

---

[61] See, Parliament debates on 2 May 1996, http://www.saeima.lv/steno/st_96/st2305.html, also December 3, 1998. http://www.saeima.lv/steno/1998/st0312.html

[62] http://www.saeima.lv/steno/1998/st0312.html, www.saeima.lv/steno/2002/st_3101/st3101.htm - 370k

[63] Suggestions for the second and third reading , www.prolife.lv/tabula_likproj.doc

[64] http://spogulis.calis.lv/tava-veseliba/medicina/no-likumdosanas-par-abortiem/

[65] LETA news, November 5, 2003. Chairman of the First Party condemns the Minister of Health I. Circene for performing abortion.

registered the children himself. Authorities still refused to do so, claiming that their regulations do not allow acceptance of a registration form issued by a midwife[66]. The court ruled that authorities were obliged to register children born at home and ordered to pay the compensation to parents. State authorities appealed and the court of second instance supported the decision of the first instance court. One of the court arguments was that birth is a legal act that cannot be repeated in a different order. The debate involved the argument that midwives certifying birth outside institutions could engage in baby trade, falsifying the certificates. The hospital was seen explicitly as an institution granting control over the reproduction of citizens. This debate is as relevant to women's reproductive rights as abortion. WRC "Marta" explicitly positioned the question of women's right to decide about the place and form of birth.

Part of the controversy was also the practical regulation of midwives not allowing independent practicing, contrary to the Directive 80/155/EEC. The Ministry of Health organised the first working group on regulating home birth including professional organisations but not patient organisations in 2003. Subsequently the issue was debated in Parliament and the main argument against legalising home birth was the total ignorance and poor health of Latvian women being major risks in home births. The framing of the issue is interesting as it claims state control over the reproductive choice of women and sees women as mentally and physically incapable of making choice of childbirth conditions. This framing also dominated in the working group at the Ministry of Health working on Procedures on Delivering Out-Of-Hospital Maternity Services[67]. However, the Parliament amended the Sexual and Reproductive Health law legalising home birth on September 22 2005 without much further debate.

During 2006 the Parliament returned to the Law and made amendments expanding the termination of pregnancy on medical grounds from 22 to 24 weeks[68]. The opposition party organised consultations with NGOs – the association Sustento uniting disabled persons and Women's groups opposing abortion. The debate was ended framing the amendment as a medical problem void of morality.

Main frames

There is only one focused policy available in the area – family policy that generally ignores gender and issues of intimate citizenship. Legal texts and parliamentary debates are the dominating surfaces of the state sector voice. Constitutional Court documents show the intersection of the voices of different actors. For example, the Parliament representative sees women giving birth outside marriage as promiscuous and potential cheaters, therefore offers the privileges to a married woman restricting

[66] http://www.delfi.lv/archive/article.php?id=9400655
[67] Private notes.
[68] See, Parliament debates on December 14, 2006, www.saeima.lv/steno/Saeima9/061214/st061214.htm

the recognition of paternity of her husband outside wedlock. This opinion lies behind many policy documents but is rarely openly voiced as the grounds for legislation or policy plans. The analysis shows that causality links can be traced only in minority of the documents.

Usually the state actors use two sets of values. Thus, in the State family policy document traditional family norms implicitly dominate, while single parent families, families based on consecutive marriages or partnerships are listed as families in crisis. This approach also supports decisions concerning non-employment since at the same time equal parental roles are stressed, addressing the enlargement of the fathers' role. This part of the programme is obviously repeated from the gender equality concept paper prepared by the Ministry of Welfare (however there are no links pointing to the document itself). However, it is not integrated into the family policy document prepared by the Ministry of Children and Family Affairs and therefore stands apart from the overall framing of the traditional family. Nevertheless, as noted earlier, the improvement of the father's role also does not threaten the traditional family in the same way as change in the mother's role would.

The texts by state actors most often omit a gender perspective and use gender neutral target groups and passive actors. Even the women's organisation text analysed in relation to the reproductive health sub-issue is not explicitly gendered, often using gender neutral terms and norms. The letter of the Latvian Association of Anthropologists concerning same sex partnerships and amendments to the Constitution is the only text that explicitly sees sexuality as a gendered problem.

One of the ways in which gender is made invisible in texts is by framing the intimate citizenship issues as of public concern only. Accordingly, many state actors address reproductive health and abortion, and same-sex partnership mainly in the polity location, and do not locate it even marginally in intimacy. For example, the People's Party suggestion to exclude sexual health from the Sexual and reproductive health law draft shows the tension between sexuality as a private matter and reproduction as a public concern thus making reproduction a political and not an intimate issue.

Using pro-life argumentation, abortion is identified as a problem, located in the polity, intimacy and religion. Motivation is based on the rights of unborn life, the interests of which are the only ones considered thus transferring the debate from intimacy of the woman to the policy area representing the "child's interest". Women are missing as subjects in this policy frame. A minority of texts locate the problem in intimacy and make the links to economy and polity as problem zones.

Religion is an important point of reference for voices of different positions in relation to reproductive rights and sexuality. The references range from the Bible to letters to Santa Claus and are used both for granting rights and limiting them. Religion is exclusively used as a location and reference only in the issue of intimate citizenship

and not in other issues. It is also not a causal argument in any other policy field, as Latvian society is considered rather secular.

The voice of the “other” category - Constitutional Court and Latvian Human Rights Office- is prominent in the intimate citizenship issue. However, both actors use gender neutral and legal terminology, making it a basis for policy argumentation but with the decisions implicitly promoting gender equality.

The analysis of selected texts shows that the issue is undergoing significant transformation, mostly under EU pressure, to include sexual orientation among prohibited grounds for discrimination. Policy objectives are formulated in a few documents only (in fact, there is only one family policy document targeted at the issue; the rest being law and reports), therefore the list of target groups for future policy objectives is not lengthy and in most cases consists of gender neutral “families” or “society”.

Responsible actors of prognosis are mostly located in legislation and in its implementation. This allows for the conclusion that no policy changes are foreseen in the near future and no policy on the issue is being voiced apart from legal changes driven by the EU and international community, which are largely disconnected from the local policy background and priorities.

Even though the documents were selected to represent the variety of the voices, no interesting pattern can be traced. All actors are divided according to their position and not according to the sector as in the case of general gender equality. In the state sector as well as in civil society the support for heteronormativity and pro-life norms is strong. Legal actors are prominent in taking the in-between position – the Constitutional Court and Latvian Human Rights Office try to balance the local voice with the international references and thus play an important role in defining the grounds for legislation.

Half of the documents do not invoke gender. In most cases it is not possible to say whether gender is social or biological. Biological and social constructions are each used in 2 cases. Social construction is used only in civil society texts. Gender equality is seen as relevant in 5 texts only – mostly in civil society texts (3 cases), in one Parliament speech on abortion rights (coming from a woman from a party labelling itself Christian) and family policy where it is copied from another gender equality document and does not form the basic frame of the policy. Most often it is seen as the means for a policy rather than an end.

Intersectionality with gender is traced in 4 documents. In three cases gender intersects with marital status. Legal and NGO actors produce all of these texts. These intersections were not voiced when the disputed law amendments were passed in the Parliament and this intersection is seen from the perspective of

international law rather than from the local perspective. One of the intersections links sexuality and gender. Three more documents intersect other inequalities – religion and sexual orientation. All of them are voiced in the parliamentary debate.

Regarding frames, human rights is the dominant one across all the texts analyzed. Other frames – the traditional family and pro-life frame- are used to the same degree, often together. The next most frequent frame is equality which is often used also as a minor frame.

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

Introduction to the policy around the main issues

The three sub issues most relevant to the QUING project are

- **Domestic violence**
- **Prostitution regulations**
- **Human trafficking in women;**
- **Sexual harassment.**

Other topics of QUING are not relevant for Latvia as the population is rather homogenous in terms of culture and traditions.

Domestic violence

Government does not have a united system and approach to prevent violence against women. There is a lack of both unified mechanisms and a system of coordination between institutions and professionals working in this field. The Government does not have proper research or data on violence against women, so there are no comprehensive statistics on domestic violence, sexual harassment in the work place, prostitution and trafficking in women. Domestic violence has also not been legally and politically defined. The gender aspect in approaches to violence is secondary and there is a problem of associating violence with women as victims implicitly but not as the main target group.

Though Latvia ratified CEDAW in 1992 and the UN Declaration on Prevention of Violence against women in 1993, no action has followed. NGOs working in the area of women's rights and protection report that domestic violence against women is both widespread and underreported. Victims of abuse are often uninformed about their rights as well as reluctant to seek redress through the justice system. The police and court system also tend to downplay the seriousness of the problem. The lack of supportive legislation is an important obstacle that prevents further development; violence against women is not defined as a serious problem that demands efforts from government, municipalities and NGOs. There are no legal provisions and mechanisms to prevent abusive persons approaching the victim; therefore women are afraid to report violence.

The NHRO in its report from 2000 defined violence as key factor in discrimination against women[69]; this is also stressed in its subsequent reports,[70] claiming that the state institutions pay attention only to very severe incidents of violence, ignoring psychological abuse. It calls for amendments to the Criminal Code. This is the first time violence comes onto the policy agenda and is recognised by a state institution. Police statistics for domestic violence are grouped under more general categories such as assault or battery. The criminal code specifically criminalizes rape but does

[69] www.vcb.lv/zinojumi/2000.g.z.doc
[70] http://www.vcb.lv/index.php?open=gadazinojumi&this=230903.73

not recognize spousal rape[71]. There have not been major debates around the issue in the policy arena and the issue re-appeared on the agenda only in 2007 when the Council of Europe started working on problems of domestic violence.

The State Action Programme for State family policy 2004-2013 defines measures for the prevention of violence and for providing support to members of families suffering from violence. The document recognises the problem, however, without an explicit gender aspect and proposes solutions to the problem in terms of informing society, specialists and providing psychological counselling as well as planning the rehabilitation for the perpetrator of violence without providing the necessary financial support. It also aims at prevention of violence in the media and provides training for civil servants dealing with victims of violence[72].

The government attitude towards violence is most comprehensively expressed in the Report to CEDAW 2004 and the NGO sector actively participates in the workgroup drafting the official country report. A more critical shadow report is prepared by the NGO sector. The CEDAW Committee criticises the government for the lack of data on violence against women and is concerned that "violence against women, particularly domestic violence, continues to be considered a private matter between the perpetrator and the victim".

The year 2005 starts with intensive capacity building for prevention of domestic violence, though it is mostly international aid that plays an important role here. The Nordic Council of Ministers and Ministry of Welfare initiates the project "Inter-sectoral cooperation for violence prevention 2005-6" organising seminars for police, social workers, judges, school psychologists and the media[73]. The state programme for improving the situation of children and family in 2005[74] includes education programmes for families and specialists based on the Canadian programme "Emotional upbringing of children" targeted at prevention of violence in families. The Association of Local Governments organise seminars according to the State Family Policy "Risk factors in family", violence being amongst the factors.

The most significant turning point is the UN and national campaign against violence in 2005. UN agencies in Latvia – UNDP, UNICEF, WHO and UNPFA start an informative campaign against violence. The campaign is aimed at creating awareness and the production of legal recommendations. Legal research is conducted and recommendations on improving the legal situation of victims of violence were submitted to the government. The Ministry of Welfare supported the

[71] Shadow report to CEDAW http://www.politika.lv/index.php?id=5287
[72] http://www.bm.gov.lv/lat/gimenes_valsts_politika/
[73] http://www.lm.gov.lv/index.php?sadala=409&id=1777
[74] http://www.bm.gov.lv/lat/valsts_programmas/valsts_programma_attiecigajam_gadam/?doc=761

project[75]. Foreign organisations played an important role in initiating all the events, and the NGO sector plays an important role in building capacity among police and other specialists dealing with domestic violence.

While legal problems are tackled, this does not resolve the absence of support mechanisms as restraining orders according to Criminal Code, Article 253 cannot be used in real life cases when the perpetrator of violence lives together with the victim in the same house or apartment[76]. Crisis Centre Skalbes" conducted legal research on court decisions on cases of domestic violence in 2006. The research found that Latvian courts were reluctant to apply international conventions and preferred using the Civil Code. "Cruel treatment" defined by the Code was interpreted as physical violence leaving psychological violence unattended[77].

The Latvian Women's Organisation Network submitted an alternative Report on Beijing Action Platform in 2005 where it claimed that violence against women is one of the problem aspects of women's position in society. However, no mechanisms or action was proposed. The work between the state institutions, experts and NGOs is uncoordinated. The Report criticised the government for its formal inclusion of measures preventing the perpetrator of violence approaching the victim but without granting real instruments for implementation. Women's NGOs pose violence explicitly as a gendered problem, contrary to the gender-neutral approach in family policy.

WRC "Marta" started a project on providing free of charge legal assistance to women suffering from violence in the family, founded by the Norwegian National Donor Campaign in 2006. The project was a subsidiary of the Norwegian Legal Assistance Centre for women and will operate until 2008. An internet portal on different aspects of violence and resources is developed on http://www.pretvardarbibu.lv. The project allows development in legal practice and bridges the gap in the state system in which victims had prove their low level of income prior to receiving state funded legal help using a system of income calculation that did not take into account the economic dependence of victims on perpetrators.

As a part of the ESF programme project "Strengthening capacity in developing and implementing employment and gender equality policies", an opinion pool on attitudes towards violence was commissioned. It showed that women are traditionally viewed as victims of violence and 37% of respondents had experienced or knew cases of such violence[78].

---

[75] http://www.un.lv/?object_id=1093
[76] Rone, Dana. 2005. *Pētījums ANO kampaņai pret vardarbību*. Rīga: UNDP, lpp. 8.
[77] Tallija, Andra un Elīna Ālere 2006*. Sieviešu un bērnu tiesību īstenošana laulības šķiršanas gadījumos Latvijas tiesu praksē*. [Enacting rights of women and children in divorce cases. Practice of courts in Latvia]. Politika.lv, http://www.politika.lv/index.php?id=9912
[78] www.lm.gov.lv/doc_upl/Vardarbiba_gimenee-08_**2006**_2.doc

The Council of Europe decided on drafting an action plan for preventing violence in May 2006. The Committee of Ministers, Council of Europe, accept the plan for the campaign on June 21 2006. These events facilitated the creation of a national group to provide for the participation of Latvia in the Council of Europe campaign for prevention violence against women on January 10, 2007.

The Ministry of Welfare developed the new programme for implementing gender equality 2007-2010 in which one of the six directions for action was violence. However, no new measures were planned. The programme still plans to analyse the situation and to provide conceptual solutions.

The Commission of Human rights and Societal Affairs of the Latvian Parliament organised hearing of institutions involved in solving problems of domestic violence in 2007. The Commission called on the Cabinet of Ministers to develop complex measures to solve the problem. The task was forwarded to the Ministry for Children and Family Affairs.

The Ministry of Health calls a workgroup in relation to the National Report of preventing domestic violence commissioned by the WHO European Office. Researchers and representatives from state institutions, local governments, NGOs, WHO and crisis centres produce the report which provides recommendations for both the state domestic violence programme and the WHO and Ministry of Health bilateral agreement.

Domestic violence prevention is inter-sectoral; this produces weakness in the policy since it create the situation where it becomes “nobody’s problem”. The Ministry of Welfare tackles it as a gender equality problem and provides state funded rehabilitation for children. Other groups are not entitled to state funded rehabilitation. The Ministry of Interior deals with the effects of violence, domestic violence being an unsolvable problem for years. The Ministry of Health has incorporated domestic violence as one of the directions for action in its strategies but has never implemented any action due to the lack of capacity. The Ministry of Children and Family Affairs focuses on children and has assumed the main role in implementing and coordinating policy; however, collaboration between the ministries is traditionally weak in Latvia.

Prostitution

Regulating prostitution had gone through two major turning points. First, regulations for controlling prostitutes were passed and this framework dominated the approach to this problem. Regulations for Limitation of Prostitution, Cabinet of Ministers, No 427 were passed in 1998. Previously regulation was based on the Criminal Code and Administrative code, prohibiting organising prostitution and tackling the spread of sexually transmitted disease. New regulations introduced identification forms and health cards for prostitutes and stated that municipalities have the right to appoint a

special district for providing prostitution services. The NHRO criticised the regulations. Until the end of the year the state institution failed to provide the form for health cards thus breaching their own regulations[79].

The NHRO and NGO "Gender" worked on developing the regulatory framework of prostitution, criticising the state regulations for criminalising not prostitution itself but illegal sex business and caring for the wellbeing of clients rather than the prostitutes.[80] The NGO "Gender" is used as a proxy for addressing marginal clients and offering help through the NHRO[81]. Both organisations conducted joint research on the situation and defined necessary legal developments on regulating prostitution. The Centre estimates that 10 000-15 000 persons provide prostitution services and 25% of prostitutes are under 18 years old in 2003. The Centre also criticised the state institutions for their failure to provide support and legal assistance to adult prostitutes.

However, only women's NGOs discussed prostitution within the framework of violence against women. The high incidence of prostitution was very much linked with the transition period, poverty and women's position in society. Additionally, this occupation was most often seen as the result of human trafficking and not free choice[82].

WRC "Marta", the Information Bureau of European Parliament and Baltic-American Partnership programme organised a discussion on the legal regulation of prostitution in Latvia on March 7, 2006. The institutions participating agreed on the problem but admitted that the lack of political will prevented the development of elaborate regulations. The Swedish example of making the consumption of prostitution services illegal has gradually entered the policy agenda since 2005. The Christian church oriented party the First party supported and lobbied the proposal in the Parliament. Several information campaigns were staged in 2006 and 2007. This is one more example where the feminist approach is silenced, sacrificing it in order to reach the final aim of improving the position of women. The Christian Party supporting the amendments voiced them in terms of family morals and not the oppression of women.

Meanwhile the state policy solved the problem by moving it away from the public space. The Ministry of Interior Affairs reworked Measures for restriction of prostitution in 2007. It provided tighter control and prohibited providing prostitution services outside of the prostitutes' private apartments. Prostitution in public space, clubs, massage saloons, and in clients' homes was prohibited, together with the advertising of such services. The Administrative Code was amended to strengthen the measures

[79] LHRO Report 1998, http://www.vcb.lv/index.php?open=gadazinojumi&this=230903.70
[80] http://www.politika.lv/index.php?id=4832
[81] http://www.vcb.lv/index.php?open=gadazinojumi&this=230903.70
[82] http://www.politika.lv/index.php?id=5657

for breaching the regulations. The minister publicly promised to fight against prostitution, with the change in regulations as the first step.

Trafficking in women

The gender problem Centre "Gender" started several projects for preventing trafficking in women in 1998[83]. Criminal Code Articles 165.1 and 165.2 were amended to include criminal liability for human trafficking on May 18, 2000. The year 2002 was marked by international pressure to take steps in prevention of human trafficking. The Nordic Council of Ministers funded the project "Informative campaign against trafficking in women" targeting both specialists and society. It also aimed at the creation of stable mechanisms of coordination amongst state institutions and NGOs. Already in 2001 the Swedish government in cooperation with NGOs "Marta" and "GENDER" had staged a campaign "You will be sold as a doll, don't believe in easy earning abroad!". The International Migration Organisation and Finish government organised a pilot project on the rehabilitation of trafficking victims in 2002[84]. Capacity building takes place when the Judicial education centre in cooperation with the USA embassy organised a seminar series on human trafficking "Legal and socio-psychological aspects of human trafficking[85]" in 2005.

Partly following international pressure and NGO demands, on 24 April 2002 Parliament amended the Criminal Code Articles 154.1 and 154.2 strengthening laws against trafficking in human beings without any debates. In 2002, charges on sending a person abroad for sexual exploitation with the person's consent were filed in 13 criminal cases, bringing the total number of cases to 25.

The Informative Report of the Ministry of Welfare on "Human trafficking, with special focus on women and children, problem in Latvia"[86] was the result of a working group established April 26, 2002. Apart from the Ministries and state institutions, local governments, the International Migration organisation, and women's NGOs (GENDER, Coalition for Gender Equality, Crisis Centre "Skalbes") participated, implicitly recognising the gender equality aspect of the problem.

The State programme for "Preventing human trafficking 2004-2008" introduced[87] the main directions for action: legislation, analysis, education and rehabilitation services for victims. Reports on enactment of the programme in 2005 and 2006 do not have any focus on gender equality[88]. NGOs criticised the government for providing insufficient assistance to the victims of trafficking and on the issue of funding for

[83] http://www.politika.lv/index.php?id=5256
[84] http://www.politika.lv/index.php?id=5256
[85] http://www.cilvektirdznieciba.lv/index.php?catalogue&id=70
[86] Informative Report, http://www.politika.lv/index.php?id=5256
[87] http://www.cilvektirdznieciba.lv/data/File/Likumdosana/programma%201.pdf
[88] http://www.cilvektirdznieciba.lv/data/File/Likumdosana/programmas%20_atskaite%2005.pdf, http://www.cilvektirdznieciba.lv/data/File/Likumdosana/programmas%20_atskaite%2006.pdf

implementation of the programme[89]. The Cabinet of Ministers passed Regulations in relation to social rehabilitation services for victims of human trafficking and requirements for service providers, creating legal grounds for trafficking victim rehabilitation services covered by the state.

Action on preventing human trafficking developed when the Ministry for Interior Affairs began looking at the problem as a specific problem for women. The Ministry of Interior Affairs participated as a partner in the EQUAL project "Open labour market for women", developing and maintaining an Internet portal on prevention of human trafficking www.cilvektirdznieciba.lv that served as the basic source of information and resources on human trafficking. WRC "Marta" organised a public information campaign against trafficking in women, organising public actions that were well received[90] and offering a free help line throughout 2006-7; it also develops further international collaboration for lobbying in the fight against human trafficking.

Prevention of human trafficking can be regarded as the most successful example of coordination between the state sectors and NGOs, working to create stronger prevention and rehabilitation actions.

Sexual harassment

Sexual harassment appears on the policy agenda in 2004 when the Labour Code amendments are made to define the harassment. Formally the NHRO reviews mentioned that employees suffered from harassment at the workplace. At the same time, government reporting on the implementation of the Beijing Platform for Action stated that it was difficult to measure harassment and assess the situation. In the same year, the Shadow CEDAW Report criticised the low level of understanding of sexual harassment in society.

In 2006 the first research on public attitudes was conducted showing that harassment at the workplace is widespread but normalised. No debate has accelerated since 2004.

Main frames

Gender based violence is not treated uniformly across topic and policy. In the Latvian case, only human trafficking is regulated both by law and policy. Sexual harassment stands out as a new topic, its emergence driven by the Beijing Platform for Action and EU legal requirements. Prostitution is also seen as a separate issue somehow detached from human trafficking. Finally, domestic violence is another recurring topic that is also considered separately from others.

[89] Shadow report, **http://www.politika.lv/index.php?id=8971**
[90] http://www.marta.lv/vpage.php?lang=lv&id=8&lapa=107

On the whole the documents have a more elaborate diagnosis part and less developed prognosis which omits responsible actors. Problems diagnosed in reports to Beijing and CEDAW do not get set as policy targets and implemented. The targets and policy action part is much less developed than in the area of non-employment or general gender equality. Similarly to the issue of intimate citizenship, violence is not a priority in the policy agenda and the prognosis part is poor.

The presence of the NGO sector is notable in all of the issues while it was difficult to find all the categories in the state produced documents to include in the sample for analysis. The weakness of the prognosis in the texts and especially in the issue of domestic violence mirrors the weakness of the policy. The NGO sector dominates the issue and is listed as a partner in state produced documents including the Report to CEDAW and State programme for preventing human trafficking. It also stands behind the change in regulations on prostitution.

Despite the strong presence of women's organisations (namely two organisations, resource centre for women "Marta" and centre "Gender"), the texts are mostly implicitly gendered or de-gendered. Even in state policy programmes women are implicitly mentioned as typical victims but gender is not seen as a problem. For example, the concept paper on preventing domestic violence mentions women in terms of not reporting cases of violence but does not mention them as the main group actually suffering from domestic violence. The NGO sector adopts the dominant de-gendered framing of the problems and uses gender-neutral terms in speaking of women centred questions.

CEDAW and Beijing Platform are important platforms framing the issues. Official and alternative reports force the gender equality and women oriented framing of the diagnosis and prognosis. On the local level, only the gender equality policy keeps the gendered position and this position is detailed in the report to CEDAW but is less present in local policy plans and law. The discrepancy is especially remarkable at the level of policy action.

Of the 14 documents selected for analysis 10 invoke gender. However, gender does not intersect with other inequalities except in one document where 'young women' as potential victims is deduced from the statistics as a sociological fact. The problem is mostly located in polity and less often in intimacy. It allows for a perception of victims and perpetrators of violence as abstract and de-gendered units ordered by a law or a policy plan. Weak policy implementation is often mentioned in the diagnosis as a problem but analysing the texts one can see that weakness is implicitly integrated in this too general and abstract approach to the problem. It also causes a fragmentary approach separating the issue of gender based violence into separate policy fields of gender equality policy, health, interior affairs and family policy.

Policy plans and evaluations across all the topics include victims as **active actors** in diagnosis of the problem. Most often women are named as victims and seen as responsible for not reporting on domestic violence, human trafficking and harassment. Similarly, consumers of prostitution and sex tourists appear as active actors. Compared to other issues, the role of the state actors is less prominent, seeing the cause of the problem as the relation between the perpetuators of violence and victims themselves. This virtual absence of responsible institutions in problem description occurs due to the inter-ministerial nature of the problem and the lack of one strong central institution above the ministerial level dealing with the problem. Thus the problem becomes 'nobody's problem' in terms of institutional responsibility and becomes the responsibility of the victim/perpetuator/trafficker.

Even if women are mentioned as passive or active actors in relation to human trafficking, domestic violence and prostitution, they are named in a completely de-gendered way as if they were an incidental statistical group experiencing the problem. There is intersectionality with age present due to the statistics showing that young women are the risk group for trafficking and prostitution. De-gendered terms – victim or prostitute- are used alternatively but they carry a clear context of primarily speaking of women.

It is interesting to note that policy action names mostly de-gendered target groups. Women are mentioned specifically in two cases only as victims or victims with children. The remaining cases used gender neutral terms "victims" or "prostitutes". In Latvian the term 'prostitute' has feminine gender but it is attributed to men and women alike. This example shows that even at the level of language the term is gendered and implicitly attributed to women but this does not lead to action specifically targeted at women. It is used in a gender-neutral way covering both sexes and avoiding mention of the problem as a gendered one. State institutions less often appear as target groups, and these cases mainly address training and developing institutional capacity. The mechanism of policy action is not well developed and usually involves policy impact the reverse of the one in diagnosis. State is the most often mentioned in-actor; victims and societal groups being out-actors.

Equality, non-discrimination and safety are the most often used norms in all types of document. Traditional family and patriarchal norms are criticised as norms being present in the state policy but document analysis shows that these norms never explicitly appear on the surface of the official documents. Only civil society texts explicitly evoke gender equality as a norm.

It is remarkable that one organisation - WRC "Marta" - has produced most of the civil society texts. CEDAW and Beijing Platform play the role of being an important surface to express opinions. The Ombudsman institution does not play an important part in policy though its report shows that it deals with cases of gendered based

violence and identifies the problem as gendered one. The marginal role of the Ombudsman is due to its low capacity to actively tackle the problem. Victims of violence seldom seek the help of the Ombudsman and it has a limited scope of instruments to address the problem.

Gender based violence is the issue with no tension between the participants. NGOs play an important role in setting the agenda and despite the gendered or de-gendered nature of the problem there is an agreement to tackle it. The Ministry of Interior that is absent from other sub-issues plays an important part in creating policy on the prevention of human trafficking.

It is interesting that Latvia's First Party that is based on a Christian ideology agreed to lobby the Criminal Code amendments introducing the punishment of clients of prostitutes. This party has implicitly opposed the notion of gender equality in all other issues analysed by QUING and is responsible for gender-neutral family policy. This factor is true for other state institutions, whereby violence is repudiated within the framework of patriarchal ideology. This agreement allows good ties of cooperation to be established between the state institutions and society, despite the fact that the state does not see it as an acute problem.

All but 4 texts in the sample invoke gender but in most cases it is not possible to say whether gender is seen as social or biological (or it is de-gendered). Civil society texts invoke gender as social. However, gender is never seen as explicitly biological as in the case of non-employment. The frame of gender equality is used in half of the documents. It is seen as a means rather than end of the policy. Most often the policy is seen as transformation. Equality and human rights are most common frames (each used as major, significant or sole frames in 6 documents). The crime and justice frame is characteristic of the gendered violence topic only but it is not often used. It is interesting that the Parliamentary speech on amendments to the Criminal Code was driven by a frame of national pride; prostitution was seen as a national problem because of the growing foreign sex tourism.

Intersectionality is virtually absent except for a case when age and gender were linked in describing the problem group of 'young women'.

Only a few documents refer to indicators or statistics, due to the problem that there is no reliable data on the problem meaning that it cannot be measured. The policy plans in gender-based violence face this problem with implications for the quality of the documents and implementation. Issues of human trafficking are vaguely defined while the issue of domestic violence is defined neither in law nor in policy documents. Accordingly, 10 of the 14 documents propose legal change. This has been effected in the case of sexual harassment implementing EU requirements but the pressure to address trafficking and domestic violence is recent and the sample of documents present a transition situation in working towards more comprehensive regulation.

There is an agreement on new policy and increased budget but only NGO documents demand a strong gender equality institution to handle the problem. The majority of actors agree on distributing the responsibility over separate already existing ministerial bodies.

3.5 Summary and comparison

Frames summarised

There are certain difficulties in classifying frames as these belong to different levels of generalisation and often include implicit and explicit features that can be controversial. Endorsement of father's rights can be seen as (gender) equality, or as promotion of a patriarchal model (considering that only father's role is addressed, elaborated within the frame of the traditional family model and without change in role models in the family). Framing is both arbitrary and contradictory since often patriarchal norms are called gender equality (see analysis for understanding of gender equality).

General gender equality

1. De-differentiating frames: Human rights and non-discrimination - equality: race, nationality, sex, language, party membership, political and religious beliefs, social, economic or service position and origin, protects equality, prohibits discrimination.
For example, the absence of explicit restriction of rights of particular groups provides equal treatment (most often used in prognosis).
But also rights of recognised groups, such as **disabled persons.**

2. Problem frame: Gender inequality as a problem (most often in diagnosis)
2.1. gender pay gap, double work load of women, gendered segregation of professions and pensions)
2.2. Violence against women as general gender equality problem (marginal, in NGO sector) ↑

3. Deficit frame: **The lack of** gender equality in the labour market and rather vaguely defined "others spheres in society" (stereotypes, family life, etc); and lack of knowledge/ recognition/ action

4. *De facto* equality in the economic as well as other areas of life (NGO sector)

5. Societal integration: ethnicity and language but not gender

Non-employment

1. "Patriarchal" frames
1.1. Naturalisation of traditional women's roles: not extend equal rights to women by calling on "natural" order of things and pointing to childbirth and childcare as "natural" fields where women could express themselves (mothers' salary, extending childcare leave)

1.2. Improvement of fatherhood: Fathers' involvement and reconciliation of family and work for men (State family policy)

2. De-gendered approach: biological difference between a man and a woman that causes social difference of women being better in childcare; gender neutral terms (State family policy) ↑ ↓

3. Deficit frame: Shortage and state budgetary interests – care issues (elderly people, disabled persons, children; in diagnosis)

4. Weakness of the state reconciliation policy (NGO sector) the state forcing women into non-employment at the same time not giving enough resources to be non-employed.

5. Saving budgetary means – small childcare benefits, long childcare leave instead of childcare infrastructure, withholding pensions to working pensioners (NGO)

6. Childbirth as a demographic problem as a part of benefit system policy

7. Equality
7.1. Gender equality frame: Programme for Implementing Gender Equality
7.2. Labour market and employment – pensions, reconciliation of work and family (State) **Equal access to labour market and social inclusion** (Lisbon strategy documents): men and women, handicapped persons, ethnic groups; Women after childcare leave, young people and people of pre-retirement age are the main risk groups in a life cycle perspective but women in general because of the high employment rates
7.3. Reconciliation of family and work as a gender equality and social inclusion problem – EU framed problem (state, NGO sector texts but not much debated and somehow declarative - ESF projects), short-period childcare centres offering relief for domestic duties but not employment (re-framed patriarchal frame, state family policy) vs. childcare facilities allowing employment (Parliamentary debates, NGO sector),
7.4. Equal treatment principle: free choice of employment during childcare and duty of the state to protect families (Constitutional Court); equal treatment package for gender pay gap
7.5. Gender equality de facto: right to work during childcare leave - the provision limiting their employment was gender discriminatory and negatively influenced women's participation in labour market and subsequently long-term wellbeing of their families; care of disabled children (NGO); real guarantees for implementing rights to return to the same employment position after childcare leave (State family policy in diagnosis, missing in prognosis)
7.6. De facto economic independence of women => gender pay gap and over employment amongst women (NGO)
7.7. Gender segregation in labour market and education

7.8. Promoting father's rights

Specific to diagnosis:
8. "Double burden" faced by women
9. Discrimination: sex discrimination in employment (pay gap, devaluation of traditional female professions)

Intimate citizenship

1. Human rights
1.1. Paternity rights – when interfering with marriage
1.2. Discrimination of sexual minorities (EU, NGOs)
1.3. Women's choice – abortions, assisted reproduction, home birth (Parliament, NGOs)
2. Equality
Gender equality: Sexuality as a gendered problem - NGO
3. Patriarchal frame
3.1. Homophobia, heteronormativity (state officials, civil society)
3.2. Marriage as fundamental – priority of marriage over biological parenthood, unregistered partnerships (State family policy), Constitution amendments defining marriage as the union between man and a woman in 2006 (Parliament)
3.3. Father's role – fathers seen as marginal in family, therefore role should increase (state family policy)
3.4. Pro-life frame – abortions (Parliament, NGOs including disabled persons, and religious groups)
3.5. State control over reproduction- regulations of hospital birth, debate on homebirth

Gender based violence

1. Non-discrimination – CEDAW, UN Declaration on Prevention of Violence against women, Human Rights Office
2. Deficit frame: Lack of competence, data etc. - Victims of abuse are often uninformed about their rights as well as reluctant to seek redress through the justice system. The police and court system also tend to downplay the seriousness of the problem. The lack of supportive legislation is an important obstacle that prevents problem solving: violence against women is not defined as a serious problem, lack of understanding of sexual harassment
3. **Violence as a problem** – prognosis of State family policy but no resources
4. **Patriarchal frame**: violence as a private problem (executive sector – police, courts), punishing clients of prostitutes preserving morality (Christian party)
5. **Gendered frame**: domestic violence as gender problem, punishing of clients instead of prostitutes, human trafficking (NGO)
6. Health frame: WHO, Ministry of Health

7. Crime: organised prostitution, measures against prostitutes (State)
8. Immigration frame: human trafficking (international organisations)

Understanding gender equality

Lack of understanding

The question of understanding regarding the meaning of gender equality has become a key subject of general gender equality policy. There is a common agreement on the lack of understanding of what gender equality means. First, gender equality stands as a separate issue defined by a separate gender equality policy with the Programme for 2004-2006. It tackles education and rising awareness in the society about gender equality issues; reconciliation of work and family life, violence prevention and; increasing the administrative capacity of state administrations in the field of gender equality. The new programme for 2007-2008 adds health and a gender direction that is oriented to the health condition of men. Other issues are included under the action direction of strengthening capacity for its implementation. This implementation chapter also contains the Council of Europe indicators created for monitoring the implementation of Beijing Platform for Action: reconciliation of work and family life, unequal pay, violence against women, role of men and women in decision-making processes, sexual harassment, women's health and institutional mechanisms for implementing gender equality. It is interesting that the key document defining gender equality fails to address the gender pay gap, the gender aspect of decision-making processes and sexual harassment as separate directions for action. Attention to men's health as a prominent gender equality problem comes out of efforts to position gender equality as a principle that cares for both sexes.

Vague formulation

Looking at the rest of policy documents apart from the gender equality programme, the gender equality focus is usually somehow vaguely formulated and it is not perceived as a strong position in the policy field in general. The NGO sector is more explicit in voicing all the mentioned topics as gender equality questions. It is also present in drafting the major documents. The Latvian counterpart of the European Women's Lobby WRC "Marta" is the most prominent voice in the civil society texts with exception of issues around homosexuality. This organisation also voices a broader gender equality policy perspective. It addresses gender equality in areas outside employment (e.g., domestic violence), which is the main focus of state sector texts.

Preferring neutral descriptions - non-discrimination and human rights

Gender equality in state produced texts is mostly addressed neutrally and by using other expressions instead such as non-discrimination and human rights, showing that gender equality has not been accepted as a widely acknowledged norm. There is no debate in the Parliament about gender equality questions as such. EU directives are formally transposed and gender equality mechanisms are set up incurring minor costs in response to EU accession demands.

Even though gender equality was mainstreamed and all policy documents and laws had to take the gender equality aspect into account, its use in other government sectors apart from gender equality policies is weak. It is virtually absent in **non-employment policies**. Laws introduce sex as prohibited grounds for discrimination in a non-gendered way. State family policy (except the chapter on reconciliation of work and family life identical to the chapter in the gender equality programme), and pension and social support policies lack a gender equality perspective. It is interesting that gender equality is used as grounds to submit the NGO supported claim to the Constitutional Court in relation to childcare benefits and non-employment. The Court, however, did not take gender equality as a guiding principle for its rule but used the gender equal family model as the basis for its considerations.

Traditional family model

The state perspective on gender equality is most explicitly voiced in Constitutional Court debates on childcare and employment, placing the rights of children prior to those of mothers and insisting on the irreplaceable role of the mother in child development. The same kind of ideal model is reflected in family policy documents – seeing the traditional heterosexual family as the solution to all family problems – divorce, single parenthood, violence, demographic crisis, etc. The focus on family does not allow women to be seen as an independent target group for family policy or gender equality to be seen as a family related problem. Rather gender equality becomes the obstacle for the future of family. Strengthening the father's role is the limit the family policy reaches. Women are already seen a "natural" part of the family.

Gender equality used

The general equality principle is present in reasoning when levelling the retirement age for men and women. This is also one example of how a de-gendered equality principle is applied. Even though the State Pension law obviously dealt with men and women as different target groups (having different retirement ages under Soviet law), the law used general equality rather than a gender equality principle and tried to homogenise gender groups and also conceal the problem that women receive smaller pensions than men and that men have a lower life span than women. Compromise between the two negates gender difference.

Reproductive rights gain a gender equality dimension only marginally with women's NGOs stressing the reproductive rights of women in choosing abortion and place of birth. The main policy frame voices state control over reproduction in the name of safety but not explicitly seeing women as a target group. During the debates in the Parliament a feminist agenda was even named as dangerous for the health of women and children as it stresses women's rights but not duties to deliver healthy babies.

Violence is the topic where gender equality is used most. It is a conventional topic for general gender equality policy documents but when the policy moves outside of the gender equality unit of the Ministry of Welfare, the gender equality dimension becomes weaker. However, it is upheld with the pressure from international organisations which offer aid for capacity building and information campaigns. For example, domestic violence is strongly defined as a gender equality problem in CEDAW and is voiced as such in documents speaking of CEDAW. However, local policy documents have a weak reference to it.

Gender equality is not a strong and valued principle in the policy arena. Even NGOs aiming at achieving gender equality tasks use gender neutral ways thus adjusting (albeit strategically) to the main policy discourse. Lobbying the law amendments prohibiting consumption of sex services is one example of using traditional family values as a means to reach gender equality goals.

Gender meanings in gender equality policies

The main gender equality document - Programme for implementing gender equality- uses gender both as social and biological, depending on the context, which can be explained by the contributions brought in from other policy documents. The perspective on gender varies across the sectors e.g. health policy considers gender as biological while employment policy considers it mostly social. Other documents are mostly de-gendered and use gender neutral terms even when the target group is obviously gendered even in terms of statistics. In most cases it identifies women as the main target group. However, men are an important target group in work and family life reconciliation and equality in decision-making campaigns. Men as a target group are also mentioned in the health sector.

Absence of gender in the parliamentary debates marks their striking difference from other types of texts. Out of 15 texts selected on QUING topics only 7 mention men and women and only one text of those – a parliamentary speech by woman MP Ingrīda Ūdre on abortion- sees gender as social. Other participants in the same debate do not use gender. The debate on pensions is the most gendered one as the different retirement age for men and women was levelled but men and women are seen here as biological categories. Intimate citizenship and labour issues (except the previously mentioned case) do not use gendered categories at all.

There is a significant difference between the state and NGO sector view on gender equality. The State report to CEDAW sees gender equality as sameness while the NGO sector sees it as transformation. The state position shifts in later documents – the Programme for implementing gender equality of 2007 already has a more balanced vision of gender equality.

There is also a difference along the types of documents. Law sees gender as biological, with an exception of the annotation to amendments to criminal law partly

because the Women's Resource Centre "Marta" lobbied the amendments. At the same time, the text of amendments themselves proposing to punish clients instead of prostitutes are gender neutral and are still not passed as they clearly but implicitly address a gendered question.

Equal treatment is the most prominent strategy to approach gender equality both in the NGO and state sector. The State report to CEDAW stresses specific programmes as the dominant strategy but one should remember the specific understanding of gender equality in the document that allows the strengthening of traditional family values to be seen as part of the gender equality task. Later documents stress a more differentiated approach to policy, combining equal treatment with specific programmes (e.g. domestic violence).

The Ministry of Children and Family affairs refer to gender, stressing the father's role. It seems that voicing men or fathers as a target group helps to avoid a negative reaction towards gender equality. In the meantime, family policy avoids addressing women and sees gender equality as neutralising gender, in a perspective which follows the logic that gender neutral policy targeted toward the family will automatically solve the inequality problem.

Most of the use of gender in non-employment issues implies gender as biological difference and in the contexts of the texts biological difference is sometimes seen as a synonym for gender equality. Half of the documents on intimate citizenship do not invoke gender at all (9 out of 18). In most cases it is not possible to say whether gender is social or biological. Social construction is used in civil society texts only. Violence issues differ from other issues with the highest input to policies from the NGO sector. Therefore gender is most often used in these documents. However, even if the NGO sector most often use gender as a social category, it is difficult to judge whether the state sector texts have adopted the perspective. State sector documents used a gendered problem description but the solutions are usually de-gendered showing that a gender perspective has not been utilised.

<u>De-gendering equality</u>

A gender equality perspective disappears when the state addresses particular problems. Childcare policies become de-gendered as these are viewed from a demographic perspective as problems of families and societal values failing to address the fact that women do most childcare both at home and in institutions. Civil society texts on childcare are gendered, addressing the weakness of the state's family and work reconciliation policy and the lack of childcare facilities from a gender perspective, but this never becomes the state perspective. Women's organisations are not entirely feminist in respect to childcare issues since they criticise the state for forcing women into non-employment while not providing enough resources to be non-employed.

Intimate citizenship issues are even less linked to gender equality policy. Marriage and parental rights are guided by the already described family policy, using gender neutral language and promoting the traditional family model. The Constitutional Court debates on paternity rights show that the state institutions do not consider gender equality a value when voiced outside the context of the gender equality programme. The rights of homosexual people are also a de-gendered issue both in the state and NGO texts. The only exceptions are the Latvian Association of Anthropologists and the Women's Resource Centre "Marta" that try to see partnership provisions in a broader gender context. The LGBT community also voices a de-gendered view on the issue.

In analysing documents it was difficult to identify the meaning in which gender is used. Along all issues apart from general policy, a gender neutral approach is used, selecting neutral terms (e.g. "parents", "pensioners") even though it is mainly women who constitute the relevant category. On the one hand, policy documents see statistically or intuitively (there is no data about domestic violence) different target groups but, on the other hand, they avoid gendered solutions, focusing on "victims" or "families" even if the action is obviously targeted at women.

There is a lack of a clear target group for QUING researched policies. General gender equality policy stress both men and women as target groups but other policies voice target groups in a gender neutral way as if it legitimises action and provides for an equal approach.

Only women's organisations stress women as interest and target group in questions related to general gender equality, equality in decision-making, reconciliation of work and family life, equal pay, domestic violence, health, prostitution and human trafficking. However, the strategy to approach targets might be de-gendered, adopting the general policy discourse.

The state is the main actor in the field of general gender equality. The capacity of the state sector to understand gender equality is the main obstacle reaching it, thus creating a circular problem. The role of the NGO sector varies. Trade unions, the Employers' Confederation and women's organisations play an important role in issues of employment regulation, reconciliation of work and family life and the childcare benefit system. Intimate citizenship issues researched by QUING are less coherent but dominated by state action that is pre-dominantly de-gendered. The NGO sector plays the greatest role in dealing with violence issues. Therefore it is the most gendered of the three sub-issues.

The demands for gender equality mostly come from outside Latvia, in international (CEDAW, Beijing platform for action) and EU obligations. Most of the funds also come from outside Latvia showing the low internal priority of gender equality. The framing of gender equality in the three QUING sub-issues shows that it is used

cautiously in all policy documents since it is not a powerful policy instrument but rather disadvantageous in terms of, for example, attracting local funding. NGOs, however, use it for lobbying in international and EU organisations where it seems to be a powerful tool for influencing local policies.

There is the lack of voice of specific persons speaking of gender equality. Gender equality is a somewhat externally driven concept and considered useful in policy fields under certain conditions, usually when foreign aid is involved. There is also not much public debate on general gender equality issues. However, the inclusion of gender equality in the government declaration in 2005 points to a slow change towards introducing gender equality as an instrument in the local policy agenda.

Gender based violence is not a uniform topic and policy. In the Latvian case, only human trafficking is regulated by both law and policy. Sexual harassment stands out as a new topic, its emergence driven by the Beijing Platform for Action and EU legal requirements. Prostitution is also seen as a separate issue somehow detached from human trafficking. Finally, domestic violence is another recurring topic considered separately from others.

Is gender equality a means or an end?

When gender equality is mentioned in the body of law or related texts (only 4 out of the 10 texts selected under QUING guidelines contained it) it is most often mentioned as the means to implementation of general equality (e.g. in Labour Law).

Out of 9 policy texts analyzed five documents refer to gender equality. Most often it mentioned as the end in itself and not much integrated with the rest of the policy process.

Only one Parliamentary debate contains reference to gender equality – the already mentioned speech on abortions. However, the same MP does not use the approach subsequently, it is absent from her speech on pension reform. This illustrates the cause of the weakness of gender equality policy; seeing it largely as a means only, which is also not highly prioritised or recognised in the overall policy arena, does not allow the positioning gender equality as a relevant policy task in sectors other than the gender equality sector itself. It is not mentioned in relation to family policy, in the report and programme on human trafficking and not even in the National Lisbon programme. Only the Programme for implementing gender equality initially started with a vision of gender equality as the end and in the new programme of 2007 a balance between the end and the means is already reached.

Only two NGO texts out of 14 do not mention gender equality. Most of the texts are produced by one organisation (WRC “Marta”- which has been most active in QUING issues) and shadow or alternative reports to CEDAW and Beijing Platform are included. These reports see gender equality both as the end in the case of general

gender equality and a means in specific issues in non-employment and abortion or, in the case of violence, a balancing between both means and end. Other civil society groups – pensioners (on pension reform) and schoolteachers (against homosexual propaganda in schools) - do not use gender or gender equality in their public letters. Only the Latvian Association of Anthropologists mentions gender equality as the means to the equal treatment of homosexual people and diverse family forms. However, WRC "Marta" voices a completely de-gendered view when it comes to the local public information project on sex trafficking which was conducted jointly with the Ministry of Interior, showing the ability to differentiate strategies when approaching gender sensitive topics according to whether the audience is international or local.

Is gender equality present in policy, but made invisible?

There are several strategies through which gender equality is made invisible in texts. First, rather broad general categories are used to refer to rather specific gendered groups. This allows family policy to avoid addressing "mothers" and refer instead to "families", diverting emphasis from problematic gender relations to the traditional family. The other way of making gender invisible in texts is by framing the issues as of public concern only, a prominent strategy in issues of intimate citizenship. Accordingly, many state actors address reproductive health, abortion, and same-sex partnership mainly in the polity location, and do not locate it even marginally as intimacy. For example, the People's Party suggestion to exclude sexual health from the Sexual and reproductive health law shows the tension between sexuality as a private matter and reproduction as a public concern, thus making reproduction a political and not an intimate matter.

Using pro-life argumentation, abortion is also identified as a problem, located in the polity, intimacy and religion. Motivation is based on the rights of unborn life, the interests of which are the only ones considered thus transferring the debate from intimacy of the woman to the policy area representing the "child's interest". Women are missing as subjects in this policy frame. Similarly, the family as a backbone of the society replaces a more intimate view on real family relations in which gender plays a part and women can be seen as a target group.

Visibility and invisibility are consciously used in policy argumentation depending on the arena where the views are being voiced. The international and EU context makes it visible while the local context usually hides the perspective or sees it in general terms, not linked to particular policies on sexuality, family and employment, though less often on violence.

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

Human rights and non-discrimination are the most often used frames in all topics, particularly in legal documents and employment issues. The budget and its shortage is a popular frame in pensions and childcare policy. Demographic concerns are

central to all political parties and family policy is mostly debated within this frame, making women invisible as actors.

A crime and justice frame is present only in the gendered violence topic, but it is not used frequently. It is interesting that the Parliamentary speech on amendments to the Criminal Code is driven by a frame of national pride; prostitution is seen as a national pride problem because of the growing sex tourism.

4. The range of intersecting inequalities

Looking at the legal texts, intersectionality as a list of prohibited grounds for discrimination can be found in documents that were adjusted to EU demands – Labour Law and Social Support law. A similar trend can be observed in other EU related policy documents – the National Lisbon programme mentions several inequalities (the document uses the structure of the EU plan) – age and disability being most explicitly and extensively stressed. Gender, however, is completely missing from its diagnosis part and is implicitly present in prognosis making the reader guess about possible intersections. Even where inequalities obviously have a potential to intersect, this does not happen in the document. A clearly named gender intersection (with age and class) is present in the Programme for implementation of gender equality, 2007 speaking of the social inclusion of women from particular excluded groups. However, it is less prominent in the prognosis part as social inclusion is guided by other policy directions without a stress on gender equality.

Parliamentary debates also do not use intersectionality. Due to the heteronormativity rather than a gender perspective, homosexuality intersects with masculinity when voicing homophobic argumentation. It is rather implicitly clear that debate is around male homosexuality rather than female. Age intersects with gender in the case of pension reform debates but this intersection again is statistical and not perceived as axes of inequality.

Civil society texts do not use an intersectionality approach, even in reports to international organisations. Most often class intersects with gender in the context of women's disadvantages in the labour market and the gender pay gap. However, the potential intersection is never developed further. There is a minor reference to ethnicity in the Shadow CEDAW report speaking of women coming from ethnic minorities but as explained earlier in the text, ethnicity is usually used only in relation to Roma while other differences are attributed to the language skills of non-Latvian minorities.

A one-dimensional use of inequalities and difference has also been promoted in and is a cause of separate integration policies. Integration policy usually deals with cultural integration while welfare policies deal with social integration. Gender equality policy is yet another stream speaking of inequalities. Cultural integration has been handled by a whole Secretariat for Societal integration gradually taking responsibility for integrating not only ethnicity but also sexuality and class related groups of concern though not gender.

Intersectionality has not been captured in the document analysis of this project but the WRC has recently drafted a gender equality law that includes the concept of multiple discrimination. The law has not yet been presented to the public but experts

in the field doubt that such a proposal could be lobbied through the Parliament in the near future.

However, there are several groups that position themselves at some intersection – disabled women, mothers, and rural women- and that claim specific interests. These interests do not always intersect with gender. For example, rural women do not use the intersection with gender politically, they use intersection as a network through which microcredit or collaboration is channelled. They represent themselves in terms of rural development but not as women. Simultaneously, they can take advantage of projects targeted at women. Similarly, the disabled women's organisation "Aspazija" can switch their alliance at the intersection.

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

There are historical and political reasons behind the division of inequalities. During the period of Soviet occupation, Russian speaking migrants mostly belonging to the worker's class flooded Latvia. After the restoration of independence they became the centre of a problem as they had distorted the proportion of Latvian to non-Latvian population. Latvia still has a high rate of Russian speaking non-citizens who did not want to naturalise. This group in many cases coincides with social vulnerability as migrants were people positioned at the lower end of the Soviet society, who did not have a high level of education or Latvian language skills (that were required for gaining jobs with the restoration of Latvian as a state language) and after the fall and reorganisation of industry in 1990s many lost their jobs. However, from the dominant political point of view it was important to concentrate on national values and dilute the problem of non-citizens; reducing the whole non-Latvian speaking proportion of population's problems to language skills, thus neutralising their political claim to gain election rights and installing Russian as the second state language. This allowed societal integration to be seen in terms of language and culture as the prime task of re-creating the nation state. Therefore intersectionality from the political point of view was dangerous and the only ethnic group that was allowed to intersect with class were Roma.

All these changes concerning gender equality occurred in a relatively short time period and mostly without public discussions and its inner demands. Amending laws was largely seen in terms of being a necessary step to EU accession rather than constituting a significant change of moral principles and values in society. Therefore a gap was created between the legal frame and its contents and implementation. The public debate on transposition of the directives has moved towards the quality of transposition. Accordingly, the NHRO has stated[91] that racial directive 2000/43/EC has not been fully incorporated in the legislation on the private sector in the Civil Code and Consumer Rights Act. Similarly, proving discrimination on sex grounds at workplace appeared to be difficult; even if the law put the responsibility to provide proof on employer, employees still had difficulty to prove the discrimination in submitting the claim.

A direct approach to addressing gender equality failed; incorporation of equal treatment and prohibition of direct and indirect discrimination into the general legal framework was not successful as the second reading of Equality Law was removed

[91] http://www.vcb.lv/zinojumi/VCB-2005-gadaZinojums.pdf

from the Parliamentary agenda in 2004 on the grounds that there was a need for a more detailed discussion but it never re-appeared on agenda.

Machinery

The first public discussions on gender equality in the policy arena started in 1999 in the narrow circle of the state and NGO sector and the lack of understanding of gender equality in society and state institutions became the major subject for discussion. The Latvian Human Rights Office and NGO partners (Latvian National Women's League, Institute for Women's Rights, Association of Handicapped Women "Aspazija", Association of Academically Educated Women) drafted legal recommendations for gender equality and non-discrimination, including recommendations related to social security provisions and the Labour Code (entitling fathers to child care leave). Debates start with the initiative of LHRO tackling the question of the formal nature of granting gender equality in work and family life in the context of the gender pay gap and lack of opportunity for women's work career and promotion. However, the discussion remains rather closed and does not bring any change.

In the same year, a working group is established to develop a Concept Paper on Gender Equality at the Ministry of Welfare, largely answering the demands for EU accession[92]. NGO partners remained only partly satisfied with its result as the government declined all the proposed institutional mechanisms which required any additional costs (i.e. the establishment of a Centre for Gender Equality and creation of an institution dealing with gender equality disputes). Initially, the Department of Social Policy Development was responsible for the coordination of gender equality issues. The Societal Integration and Gender Equality unit was then established, taking over the function in 2000. In 2001, the Government finally rejected the proposal of NGOs and the Ministry of Welfare for setting up a specific institution for implementing gender equality. In July 2003, the Gender Equality Unit is formed in the Department of European and Legal Affairs, Ministry of Welfare. It coordinates the implementation of gender equality policy, monitors and assesses gender equality promotion programmes and projects, monitors the overall situation and the assessment of the political impact from the gender equality aspect, and ensures the co-ordination of various normative acts.

The first policy paper defining gender equality policy - Concept Paper on Gender Equality Implementation- is passed in the Cabinet of Ministers in October 2001 and sets following policy directions:

1. Creation of national machinery;
2. Training and raising awareness in public administration, among civil servants;
3. Improvement of the legislation;

[92] http://www.vcb.lv/index.php?open=gadazinojumi&this=230903.73

4. Development of the Programme for the implementation of gender equality setting quantitative and qualitative goals;
5. Regular monitoring and evaluation.

However, gender equality issues are not very popular in society and the creation of understanding in society and the civil service is the ultimate task. There is no pressure, apart from the already present NGO partners, for a different institutional mechanism and more state effort. At the time of passing the concept paper it is not clear how all the tasks still included in the paper should be enacted as financing is not yet allocated. The situation is confirmed by the Report of the Ministry of Welfare "Attitude and understanding of gender equality issues in society" accepted to the knowledge of the Cabinet of Ministers and sent out to all ministries and secretariats in January 2003.

Further activities are directed towards the incorporation of a gender equality principle in national policies and legislation. EU requirements are the major driving force for changes. On July 9 2002, the Cabinet of Ministers (CoM) accepts amendments in CoM instruction **"**Procedure of filling in annotation to normative act projects" providing "analysis of impact of the normative act on equal rights and opportunities of men and women". This motivates ministries to develop competence in this policy field. These and further activities are driven by the EU framework programme "Promotion of an Integrated Approach to Gender Equality in Latvian Policy".

Gender questions implicitly appear in the state family policy which was created for solving the demographic situation of population ageing and a low birth rate. The Secretariat for Special assignments and later Ministry of Children and Family Affairs avoids voicing the question of gender equality. All "State programmes for improving children and family situation" (2003, 2004, 2005, and 2006) ignore integrating the gender equality priority and fail to view the situation from this perspective comprehensively.

The NGO Coalition for Gender Equality staged its first larger public information campaign on the question of gender equality targeting media and university students in 2003. The response to the campaign in society was not welcoming. At the same time, the first forum of Latvian women's organisations was organised by WRC "Marta" in September 2003, uniting 49 women's organisations. WRC "Marta" becomes the centre for Latvian women's organisations and part of the EU Women's Lobby. Part of the NGO's success is due to their expertise in gender equality issues much lacking in the state sector. Their impact on policy largely depends on international cooperation with worldwide NGO networks, policy monitoring and shadow reporting. It becomes a regular forum for setting priorities to ensure gender equality, public participation and improvement of the administrative capacity to work

with gender equality issues and improvements to the gender equality policy mechanism; prevention of violence in the family and for monitoring policy[93].

From 2004 onwards a gender-mainstreaming approach is included as a horizontal objective in the strategic documents of Latvia – the national development plans prepared in relation to accession to the European Union structures and the use of European Union financial funds. The European Commission has defined compliance with the gender equality principle as one of the three horizontal priorities in adoption of Structural Fund resources. The Ministry of Welfare has developed Guidelines to incorporate and evaluate projects from a gender perspective that stand both as educational material and a formal demand[94].

The debates on the action plan for enacting the Concept Paper on Gender Equality Implementation are slow despite NGO pressure. The first action plan 'The Programme for the Implementation of Gender Equality 2005-2006' is accepted by the Cabinet of Ministers only on September 8 2004, three years late. It sets activities in four directions: education and awareness raising in society about gender equality issues; reconciliation of work and family life, violence prevention and; increasing the administrative capacity of state administrations in the field of gender equality.

Public institutions, as well as nongovernmental organizations, carry out activities covered by the programme. They are focused on the different target groups – employers, employees, women and men in different age groups, family, and specialists working in the educational sector. A separate financing mechanism to the programme was not introduced. Its progress reports show that the greatest progress is achieved in the Ministry of Welfare in attracting international funds. At the same time, integration of gender equality in educational programmes is slow and representatives from education authorities fail to cooperate efficiently[95].

Later the government participates in ESF programmes "Strengthening capacity in developing and implementing employment and gender equality policies of the institutions involved" (2004-2007) and EQUAL (2004-2006) that allows for a wide range of projects involving NGOs, state institutions and local governments. These projects include a wide range of activities – research, education campaigns, pilot projects on women's participation in the labour market, child care, popularisation of paternity rights, discrimination at work, legal advice, awareness raising, human trafficking, prostitution, etc. The activities help in promoting understanding of gender equality in different areas and parts of society. Some projects (WRC "Marta", NHRO) included lobbying activities, monitoring gender equality in different policy areas and elaborating proposals for legislation.

---

[93] http://www.marta.lv/new.php?lang=lv&id=43
[94] Translated in English, available on http://www.lm.gov.lv/?sadala=310
[95] Council for Gender Equality, Protocol of 9th meeting March 24, 2005, http://www.lm.gov.lv/index.php?sadala=344&id=1040

Lobbying is enacted through participation in governmental and Parliamentary working groups, which become increasingly professional. However, there is no explicit demand for gender equality policies in society at large. Even a debate of the Parliamentary Sub Commission for Gender Equality with experts on gender equality and the demographic situation ended with some commission MPs blaming women for not staying at home and giving birth to children and the "evil" ideology of gender equality[96].

The year 2006 was a Parliament election year when gender equality first appears on policy agenda as a result of the initiative of politicians themselves. The Minister of Welfare Dagnija Staķe openly criticises the expressions of the fraction leader of the First Party (right wing Christian party) regretting the appointment of a woman to the post of Minister of Defence as discriminatory and ungrounded. The Parliament speaker Ms. Ingrīda Ūdre together with women's NGOs organises a Parliamentary discussion on gender balance in political decision making on May 24 2006. In this discussion, women parliamentarians openly voice problems of informal rules of decision-making excluding women. 2006 is a turning point in terms of including the implementation of gender equality into the new Government action programme after the Parliament elections. Gender equality is included as one of priorities in discussing the new National Development Plan where NGOs actively participate both in draft discussions and final public discussions of the plan. However, these events never take a central place in the media nor attract widespread societal attention.

The new Programme for the Implementation of Gender Equality 2007-2010 prepared by the Ministry of Welfare and submitted to Cabinet of Ministers in 2007 is the main policy document compiling activities from all ministries. The fragmentation and the lack of a common position is the main point of critique from NGO experts. However, a shortage of financing largely influences the contents of the programme. This year the EQUAL project tenure ends placing in question further NGO monitoring and lobbying for gender equality since no state funds are available for this purpose.

5.2 Intersections in non employment

The political situation determined that there is no focus on different employment rates amongst ethnic minority women, for example. Language skills void of gender and ethnicity become the focus and these correlate with lower employment opportunities. Teaching the Latvian language therefore became the remedy to solve the problem, shifting the focus from particular ethnic or gender groups to unification of the nation using language.

Disability is yet another problem addressed from a de-gendered perspective and seen as influencing both genders alike. However, there is a rather strong NGO voice

[96] http://www.delfi.lv/archive/article.php?id=7510414

that links disability and women, but it concentrates mostly on health care and social support available to disabled rather than employment. Also, disability is a much more powerful tool for raising the question of inequality than gender in the political field.

As one of the areas directly influenced by the accession to the EU, labour law lists prohibited and potential grounds for discrimination – race, colour of skin, sex, age, religion, political or other beliefs, national or social origin, property or marital status, sexual orientation or other circumstances - being among them. However, the law offers a clearly one-dimensional perspective on each inequality. These are not seen as real groups of people but rather as attributes of persons that should be disregarded in the labour market. Latvia has moved further towards this perspective, including the prohibition to inquire about the family status of potential employees in job interviews; this is not only the rule but also etiquette of conduct. Of course, women openly admit in surveys that their chances of being employed are lower than those of men. Surveys show that the labour market is gender segregated but these facts are downplayed with the "universal" approach to employees and disregard of gender in other policies; the general gender equality programme cannot influence the labour market in ways other than campaigns and education. Additionally, as the Ombudsman's Office has noted for almost a decade, there are no mechanisms to implement discrimination prohibition in real life situations. The Office claims that the low number of complaints is the result of the lack of mechanisms preventing discrimination rather than reflecting a low level of discrimination.

5.3 Intersections in intimate citizenship

Only some NGO texts and one parliamentary debate refer to gender in relation to intimate citizenship, in the area of reproductive rights and, marginally, in abortion. Texts themselves do not stress intersections, even though intersections can be detected from the context and the selection of arguments. For example, homosexuality is largely seen as male homosexuality in parliamentary debates around anti-discrimination in labour law and the definition of marriage in the Constitution. However, it is always generalised and never made specific. The tradition of differentiated treatment of male and female homosexuality was also evident in Soviet law where male homosexuality was criminalised but female homosexuality was subjected to obligatory medical treatment. At the same time, the reason behind this differentiated treatment is never made explicit which makes the gender-sexuality intersection invisible. Viewing homosexuality as a disease also contributes to the strong vision of homosexuals as an undifferentiated category struck by "natural" disease. This view was publicly articulated in two open letters signed by several hundreds of physicians and teachers.

Family and traditional roles are essential in debates around paternity. Marital status intersects with paternity, limiting recognition of paternity outside marriage. However, similarly to the homosexuality issue, the state perspective is void of gender and

justifies the limitation with the need to strengthen the family. It sees this as a principle rather than as a process of dealing differently with mothers and fathers in relation to marital status. The Constitutional Court also argues on the basis of children's rights to a father and mother, thereby discarding the NGO sector argument of the different responsibilities of a mother and a father to their child being reflected in the law.

Reproductive health issues are another example where a gender perspective is discarded. Instead, reproduction is viewed in terms of public process – through demography and nation building. Women in state produced texts mostly appear as citizens who just happen to be the central target group of law due to their biological feature of childbearing. However, they are never seen as a group influenced by particular reproductive choice. There are exceptions – one female MP (Ingrīda Ūdre) pointed out that abortion is not a matter of demography but a woman's choice. The other exception was the debate on artificial insemination rights which concentrated on the question of whether unmarried women should have entitlement to treatment. Marriage appeared as "natural" condition that would limit married women to conceive children outside marriage. Unmarried women would not commit adultery and therefore should not be granted other legal ways to conceive children. In the end the law granted artificial insemination to heterosexual couples and unmarried women. The intersection with sexuality was missed in the debate particularly because homosexuality was never linked to reproduction and there was no such legal unit of homosexual couples.

5.4 Intersections in gender based violence

QUING topics on gender based violence do not coincide with the Latvian political agenda. Several policy directions can instead be identified. Policy on sexual harassment represents an underdeveloped response to EU directives, incorporated in law and occasionally voiced in the media but not implemented similarly to the prohibition of discrimination. Formally harassment is mentioned in the general equality programme but locally it is not considered a priority problem.

Prostitution often reappears in the local policy agenda but it is traced mostly from the masculine client perspective. Prostitutes are required to register and acquire health cards, their practice is limited year by year but no active measures are taken to improve the position of prostitutes themselves. In contrast, the NGO sector sees it as a heavily gendered problem and the centre "Gender" works as a moderator between prostitutes and the state. The Women's Resource Centre "Marta" arrived at a clearly feminist proposal to regulate clients instead of prostitutes, based on the Swedish and Lithuanian experience. Even though a gender perspective is quite obvious in this case, it is sacrificed to traditional family values when promoting the law amendments to the Parliament. Though a gender aspect is included in the annotation of the amendments, supporting the family and honour of the nation rather than supporting prostitutes as women is perceived as the main argument promoting the law. This is a

clear example of a feminist NGO manoeuvre to reach their aim through a different track.

Human trafficking is one of the best examples of tackling violence in the Latvian policy agenda. The problem was raised with international migration organisations and particularly Scandinavian institutions offering aid in the 1990s. Women sold for sex services are usually the imagined target group. Research shows[97] that young women are the primary risk group. At the same time, similarly to prostitution, these women are seen responsible for getting involved in the trade and profiting from it. The formulation of the problem in local policy is much influenced by the UN convention ratified in 2006 and several information campaigns have been staged to warn society against human trafficking. Women already are stereotypically imagined as the main victims and much effort has been put into widening the perspective to see human trafficking not only as involvement in sex services but also other kinds of forced labour, with men and women of all ages being subjected to it. This perspective allowed human trafficking to become de-stigmatised and the law to be strengthened. At the same time, in generalising the problem, an intersectional perspective was lost. However, this did not prevent the state from delegating resources to the NGO sector for the rehabilitation of victims and their profile clearly showed that these are women of low income and often without Latvian language skills. De-stigmatising and generalising victims rather that showing intersections helped to establish services and women to gain access to them.

Since the creation of the first policy document in the early 2000s, domestic violence has been a traditional topic associated with gender equality However, no comprehensive policy plan was developed until 2008. The main pressure came from the Council of Europe and Cabinet of Ministers, seeing it not only as a local but also international obligation. International pressure directly contributed to the recreation of the problem as a family policy rather than gender equality problem. The Ministry of Children and Family Affairs took the leading role in developing and implementing a programme against domestic violence (family violence in Latvian).

Locally domestic violence is seen as a serious problem but the main group of victims are represented as children, and rehabilitation services are directed primarily at this group. The domestic violence problem is gendered by its mechanism and reflected as such in statistics but the traditional family ideology hides a critical perspective on it. Violence in the family is largely viewed as a private problem and to some degree normalised. Latvia does not have a provision on domestic violence and spousal rape in Criminal Law. The problem is defined as a gendered one – seeing women as the main victims but also as collaborators of perpetrators. At the same time, the solutions are de-gendered, viewing “victims” or “children” as a prime target. Intersections that are shown in studies of domestic violence – class and gender – are largely

[97] http://www.politika.lv/index.php?id=9513

disregarded in the policy process. Poor families and single mother families in prevention work are seen as risk groups while well-off families are often disregarded.

Women as the main target group of violence prevention policy and victims in case of prostitution is clear in the women's NGO agenda in relation to gender equality. However, it is difficult to promote a gender focus on the problem, even without considering further intersections.

5.5 Summary and comparison

Intersectionality has not arrived as a conscious policy strategy, neither in the state nor NGO sector. Gender equality itself is not seen as a serious and grounded problem but rather a tolerated "artificial" and imposed problem that is supported mostly by the NGO sector. The lack of gender equality arguments in parliamentary debates also shows the weak position of this inequality. Disability, income, and age receive much greater recognition as factors producing inequality though, similar to gender equality, they are dealt with in separate policies and do not intersect. In part, the division of responsibility between institutions which deal with inequalities – Ministry of Welfare (poverty, disability and gender equality – dealt with in separate units), Ministry of Children and Family Affairs (family policy), Secretariat for Societal Integration (cultural integration, gradually adding other inequalities, including sexual orientation but excluding gender), Ministry of Interior (dealing with violence), Ministry of Justice (dealing with legal definitions), and Ministry of Health (dealing with disability) creates a fragmented vision of separate and recognised features for potential inequality but not as solid groups at intersections. The creation of a Secretariat for Societal Integration helped to build a unified approach to difference but it also meant that ethnic, religious, cultural, sexual diversity became divorced from questions of gender, with welfare and disability partly lying within the responsibility of the Ministry of Welfare.

Disabled women are well organised, for example, but disability gives them more policy visibility than being women. Historically, disability is the first inequality the state dealt with in 1992. Disabled women are forced to disintegrate their intersection, dealing with their gender and disability as separate issues relating to the separate institutional responsibilities.

However, even if policies are de-gendered and intersectionalities are not spelled out, the results often influence particular intersections. For example, the Constitutional Court ruling that promoting non-employment among parents would threaten the long-term well being of families was based not on gender equality argumentations presented by claimants but on the absence of a long-term family support policy that would provide for non-employment. The Court also voiced the intersection of motherhood with class citing the statistics showing that most mothers' on childcare

leave received the minimal amount of benefit which was far below the officially defined poverty line for one person. Seeing this intersection allowed for the argument that prohibiting employment while on childcare leave would endanger the health of mother and baby. This argument was not reproduced in any policy. All mothers were entitled to work unlimited hours during their childcare leave which could improve the situation of poor mothers but it was not a policy directed at them.

6. Identifying changes and the relevance of different forms of intersectionality

Gender+ equality is a new topic and it is voiced as multiple discrimination in the NGO sector around 2007, when a workgroup of WRC “Marta” experts work on a Gender Equality Law initiative. Issues of multiple discrimination had been previously articulated as implicitly linked to gender and women’s position in society: ethnicity, poverty, care for handicapped children, violence and human trade have been targeted by WRC “Marta” and women’s crisis centres’ practical projects. However, these issues have been voiced more in the form of “Marta’s” correspondence with governmental institutions and Parliament and chapters under the same headlines in reports rather than supported by open public discussions. Similarly, the Institute for Women’s Rights expresses concern for multiple discrimination. The Institute publishes a report on direct and indirect discrimination in the labour market. Most affected are disabled women, single mothers, and women above 35. The Institute stresses that these women feel discrimination both from their employers and society. It issues recommendations to the Ministry of Welfare, Parliament and the NGO sector. However, these recommendations do not produce a major turn in the formulation of gender equality policies or gender equality law.

One of the reasons for this lack of action is that gender inequality is not taken for granted to the same degree as other inequalities are and readers’ comments following articles featuring gender inequality in Internet media imply the view that it is seen largely as an artificially constructed form of discrimination.

The list of possible grounds for discrimination appears in the Latvian policy arena with EU directives. However, legal change defining prohibited grounds for discrimination has largely never been debated. Certain intersections of class, ethnic background and language are politically inconvenient due to the Soviet legacy of a large migrant population and national ideology. Contrary to intersectionality logic, Latvia has moved in the direction of consolidating intersections as if a unified perspective would erase the problematic intersections.

6.1 Changes in general legislation and machinery

The debate around gender equality machinery showed the two ways of developing gender equality policy. The proposal of creating a strong gender equality institution was declined in favour of a small sub-unit at the Ministry of Welfare being responsible for implementing gender equality policy. Since 1996, the National Human Rights Office (NHRO) / Ombudsman monitors compliance with law in respect of gender equality and non – discrimination, provides consultations, recommendations on gender equality issues, reviews complaints on violations of gender equality, and represents the individuals in court. The last authorisation was given in 2005 when the

Parliament amended the NHRO Act and enlarged its competence, transforming it into the national organisation for promoting equal treatment in the context of EU law. The Ombudsman institution deals with gender equality problems along with other prohibited forms discrimination but its capacity and resources are far too low to solve many of them. The Ombudsman has the potential for taking an intersectional approach as the only institution focussing on all forms of discrimination and evaluating all anti-discrimination policies.

The unified approach to human rights was created in the early 1990s, adding a law and later a chapter to the Constitution. The Constitutional Law of 1991 stated that all people in Latvia are equal regardless of race, nationality, sex, language, party membership, political and religious beliefs, social, economic or service position and origin (Article 12). The Constitutional amendments of 1998 are more general and protect equality and prohibit discrimination. The only specifically named rights are the rights of persons belonging to ethnic minorities to preserve and develop their language, ethnic and cultural specificity (Article 114) and rights to religious freedom (Article 99). It was believed (and this position is explicitly voiced in the report to CEDAW) that an absence of discriminatory provisions and prohibition to discriminate already granted equality.

The struggle around inequalities centred on legal and de facto recognition of discrimination, the subject of the NGO shadow report to CEDAW and National Human Rights/ Ombudsman reports.

EU requirements are the major driving force for changes. On July 9 2002, the Cabinet of Ministers passes amendments in its instruction **"**Procedure of filling in annotation to normative act projects" providing "analysis of impact of the normative act on equal rights and opportunities of men and women". This motivates ministries to develop competence in this policy field. These and further activities are driven by the EU framework programme "Promotion of an Integrated Approach to Gender Equality in Latvian Policy" but not by local policy initiative.

Other attempts at building an Inter-ministerial working group and Council for Gender Equality are not successful. Suggestions of the work groups are not implemented because of a lack of resources. Coordination between the ministries remains weak and formal. For example, a great deal of resources implementing Family and Gender equality programmes flows through Ministry of Health. However, these expenditures are linked to the Ministry of Health internal strategy and not to gender equality or family programme where those were attached due to the logic of reasoning but not action.

6.2 Changes in non employment

The first public discussions in the policy arena on gender equality start in 1999 in the context of the low level of understanding of the issue in society and state institutions. LHRO and NGO partners (Latvian National Women's League, Institute for Women's Rights, Association of Handicapped Women "Aspazija", Association of Academically Educated Women) draft legal recommendations for gender equality and non-discrimination, including social security provisions and the Labour Code (entitling fathers to child care leave). Debates start with the initiative of the National Human Rights Office/Ombudsman tackling the question of the formal nature of granting gender equality in work and family life at the same time pointing at the gender pay gap and low opportunity for women's work career and promotion.

The national specifics in formulating the National Lisbon programme for Latvia (2005-2008) also reflect trends of officially recognised differences that are intersectional in nature but this intersectional perspective is not elaborated and worked through in the document. Women after childcare leave, young people and people of pre-retirement age are mentioned as the main risk groups in the programme's life cycle perspective. Women are not seen as a threatened group due to their employment rates being higher than the EU average but mostly as the group receiving lower salaries and unaware of gender discrimination[98]. People with poor knowledge of Latvia are included as a risk group but named separately from other socially excluded groups thus avoiding needing to speak directly of national minorities.

It is worth noting that change in the direction of local non-employment policies is brought about by interest groups – mothers and pensioners. Even if, as discussed earlier, the Constitutional Court did not use a gender equality perspective, its ruling was in favour of citizens at intersections and therefore the Constitutional Court appears as a strong player in producing legislative trends. As Latvian legislation stresses rather generalised equality norms, international law and legal practice contributes to establishing local legal practice to protect citizens at intersections.

6.3. Changes in intimate citizenship

The tension between the Ministry of Welfare gender equality policy, National Human Rights Office/Ombudsman equality and non-discrimination approach and Ministry of Children and Family Affairs to traditional family oriented policy is most obvious in the intimate citizenship issue. Even if the family has been a cornerstone of the dominating national ideology, family policy was initiated only in 2003. Compared to other issues, it was created due to local demand and according to local needs and therefore promoted traditional family values. The Parliament expressed the same perspective when it secured marriage as a union between a man and a woman in the

[98] National Lisbon programme for Latvia (2005-2008)

Latvian Constitution in 2006. Family law clearly deals with gender intersecting with marital status, giving priority to registered marriage and birth of children inside wedlock. Civil Law amendments of 2001 limited paternity rights to children born out of wedlock in cases where fathers were already married. However, intersections are mostly the result of the traditional family logic rather than constituting consciously created groups. For example, when a state representative described women giving birth to children outside of wedlock as potentially promiscuous and liars in contrast to honest legal wives, assumptions were based not on real groups but on the institution of marriage that divided women and their intentions according to its morality.

Reproductive rights issues are similarly de-gendered, with women's position at the middle of the debate presented as incidental. Marital status and family morality again create an intersection here.

LGBT rights stand as a separate issue and no legal regulation apart from lifting criminal prosecution for male homosexuality in the early 1990s and incorporation of EU directives into the Labour Law in 2002 has been passed. Again, intersection of gender and sexuality (in respect of different attitudes to male and female sexuality) can be observed but it is disregarded. The first reaction of state officials to the LGBT movement was open repudiation of homosexuality in 2005 which later softened under international pressure. No change has taken place even if attitudes have softened. The NGO sector is divided upon the issue and it has provoked homophobic reaction in civil society. Societal reproduction as a public issue that concealed the gendered nature of abortion and artificial insemination issues is apparent also in discussing LGBT rights. The rights of individuals are blurred in QUING topics of intimate citizenship because they are not seen as intimate rights attributed to individuals.

6.4. Changes in gender based violence

Latvia does not have a united system and approach to prevent violence against women. There is a lack of both unified mechanisms and a system of coordination between institutions and professionals working in this field. The Government does not have proper research or data on violence against women, so there are no comprehensive statistics on domestic violence, sexual harassment in the work place, prostitution and trafficking in women. The gender aspect is secondary in regulating prostitution, and dealing with violence at home or in the workplace. There is also a problem of implicitly associating violence with women as victims but dealing with it as if gender relations did not have any impact on violence.

Violence issues particularly lack intersectionality, with it only vaguely appearing on the agenda, even then implicitly. All of the issues appear on the agenda following NGO initiative - prostitution regulation, trafficking in women in 1998 and domestic violence a year earlier. Harassment appears on the agenda in 2004 when the Labour

law amendments passed without debate. None of the issues become a high political priority and one of the reasons could be its gendered aspect. One can observe the clear presence of international aid, with government actions following international pressure. For example, the state programme for Preventing human trafficking 2004-2008 was passed in 2004 granting services to victims of trafficking. In an earlier report prior to the preparation of the programme women and children appear as groups of concern but no intersections are developed further.

Domestic violence prevention policy has been weak until 2008 despite having been included in the Programme for implementing gender equality, state family policy and Strategy for public health. The year 2008 brought consolidation of policy but no additional resources are put into the new programme.

Perhaps the use of intersectionality in violence issues is the weakest compared to labour and intimate citizenship issues because those are the least recognised as problematic issues. Mechanisms of violence are gendered and often linked to the models of distributing authority and power in the traditional family. A long standing debate on corporal punishment of children can be used as an example. The Chair of the Human Rights Commission of Latvian Parliament Jānis Šmits proposed that corporal punishment of children is linked to religious freedom, quoting the Bible in summer 2007. A year later when women's NGOs and the President of Latvia organised a meeting to discuss problems with domestic violence, no understanding was met as one of the judges of the Supreme Court and later the President himself in a TV interview admitted that corporal punishment due to reasonable cause and in reasonable amount is acceptable and they had used it with their own children. The struggle to put violence on the agenda overshadows its gendered aspect and further divisions. Besides, presenting violence as a de-gendered issue, (for example, seeing children as the main victims), has so far been successful in terms of at least getting it onto the agenda.

6.5 Summary and comparisons

Intersectionality appears both as a policy problem and a result; however, it is never explicitly voiced and consciously used in policy. One can observe that intersections become more visible when policy itself is consistent. Thus, in the case of violence issues, much effort is devoted to putting the problem onto the agenda. In this phase, the significance of the problem is emphasised by stressing its importance to the whole society and using the most vulnerable group – children. International pressure is also used in all policies linked to QUING issues apart from intimacy issues. This allows for borrowing particular intersections, e.g. in the Labour Law, but does not make these intersections visible in policy practice.

There are several significant intersections that are created by Latvian policies. Marital status and gender intersects in family policy and law with different treatment of

married and unmarried persons. Sexuality implicitly intersects with gender creating different attitudes towards gays and lesbians, but this is the result of heteronormativity evident in the intersection of marital status and gender.

Childcare and non-employment policy is clearly linked to de-gendered family policy. At the same time, this policy creates an intersection between women, motherhood and employment in legitimising and promoting non-employment. The Soviet past makes the situation even more complicated as employment of mothers was promoted in the Soviet Union and the independent Latvia has constructed itself against its Soviet past.

7. Conclusions

Frame analysis shows that de-gendering and de-differentiating frames are preferred to gendered ones. Human rights and non-discrimination is the most popular frame when gender sensitive topics are addressed.

The equality and often gender equality frame frequently overlap with the patriarchy frame due to the understanding of gender equality as different rights, obligations and duties of both sexes. This is the dominating opinion in society and considerably present among civil servants. The Soviet past and nationalist ideology are essentially patriarchal, so paradoxically gender equality issues become mainstreamed and neutralised in this dominant discourse. The Gender equality unit and a few NGOs carry an EU understanding of gender equality. Homophobia, heteronormativity, state patronising and control over childbirth are often used frames in intimate citizenship. Similarly, the demographic frame expresses state control over reproduction. This results in an interesting split between childcare benefit policy (in the name of demography) and reconciliation of work and family life (in the name of equality) leading to contradictory solutions promoting women in employment and childcare simultaneously.

The deficit frame in terms of resources, data, capacity etc. is prominent in all QUING sub-issues. This frame is most often used in the diagnosis part coupled with strengthening capacity in prognosis.

Intersectionality is a good perspective for analysing Latvian policy as it shows gaps in the policy process and allows explanation of the efficiency of particular policies. However, this approach is completely missing from policy and research perspectives in Latvia. As it has been claimed in an anthropological critique of feminism (Strathern, 1990), one can use concepts of western origin in other cultures but it does not necessarily prove their existence there. Instead, Strathern proposes analysing relations between native categories. In other words, a person taught in intersectionality or gender can identify it but it does not prove that it is there in the local perspective. Most Latvians have a different notion of gender – sex relations compared to EU policy-makers. This does not diminish the significance of gender equality but calls for paying attention to ways of introducing gender equality and intersectionality as these concepts alter the fundamental relation between nature/culture, private/public divides (as vividly obvious in case of homophobia). The political reaction towards EU gender equality demands can lead to opposite ends and to marginalising gender equality. Similarly, use of an intersectionality perspective can bring benefit or further marginalise groups at intersections (for example, when gender is a less powerful instrument than disability, it can do harm to furthering the interests of disabled women).

There is a reason why intersectionality is not intensively used as tool of NGOs when it concerns gender. Gender itself is a weak policy argument locally. Despite the fact that much has been done mainstreaming gender equality through formal requirements to policy documents, making it a horizontal priority of National development plans and even government declaration, it still is considered a decorative element rather than the backbone of the policy process.

There are more popular strands than gender, such as marital status, disability, and age, which are taken for granted. Gender itself is a politically weak category and its intersection with other categories does not make it stronger. As a result, inequalities are seen as unitary or multiple according to Hancock (2007), merely adding inequalities but never addressing the relations between them. At the same time, women's NGOs which have a strong gendered agenda manage to adopt the environment and to address the desired intersections (working mothers, women as victims of trafficking, punishing (men) clients instead of (women) prostitutes) without voicing gender. In situations where feminism and gender equality are not valued, using other paths is a more efficient strategy and its success is obvious looking at the NGO input to solving gender violence problems. A gender perspective contributes to the strategy despite it not being voiced as a vision.

From a Latvian policy perspective, EU gender equality policy has had greater impact than Latvia's obligations to CEDAW or the Beijing Platform. Most local internal regulations including gender equality in drafting policy and legal documents are produced using EU funds. International funding dominates gender equality policy and local funding is comparatively small. As a result the main action of gender equality is information campaigns and guidelines.

Stressing intersectionality at the EU level can lead to ambivalent effects. The strongest intersecting strands can dominate, undermining the gender strand and as a result de-gendering the action. This has happened to the National Lisbon programme where poverty and age have erased the gender category. Presence of a gender aspect can also erase the whole policy effort as evident in gender-based violence. Rehabilitation of adult victims (mostly women) and perpetrators (mostly men) has been repeatedly re-scheduled to a more distant future. The problem of the economic dependence of victims of domestic violence has not been solved since recommendations on security, long-terms shelters and legal assistance are never implemented. At the same time, domestic violence and the family based nature of it does not allow victims to be seen as persons in need of social support that poor people are entitled to. The poverty line is determined using the calculation of the whole family income, neglecting to consider economic dependence as a factor facilitating violence.

Crenshaw, in speaking of intersectionality, imagines groups in particular positions. The Latvian context suggests that principle rather that group position is taken into

account when speaking of inequality. For example, sex, marital status, sexual orientation, and beliefs in Labour law are expressed rather as principles of equality but not potential inequalities. With LGBT groups claiming rights sexual orientation became a hot debate topic since it transformed into a real interest group. The argument that all the potential inequalities are handled by implementing a general equality principle is present in the state report to CEDAW and other documents.

Promoting an intersectional approach, similarly to promoting a gendered approach, can be fruitful as it prepares the ground for a better understanding of what gender equality is and why it is needed. This progress can be seen in the appearance of the gender equality topic in the last pre-election campaign and later government programme. However, paths should be considered which create policies that are targeted at intersections despite not being openly voiced as such.

Bibliography

Baltic Institute of Social Sciences, 2005. *Pētījums par faktoriem, kas nosaka sieviešu iespējas iesaistīties darba tirgū* [Factors influencing women's participation in labour market]**.** European Commission initiative EQUAL project "Opening the Labor Market for Women"

Baltic Institute of Social Sciences, 2005. *Cilvēku tirdzniecība Latvijā: stereotipi un situācijas raksturojums* [Trafficking in women: situation outline and stereotypes]. European Commission initiative EQUAL project "Opening the Labour Market for Women". http://www.politika.lv/index.php?id=9513 (accessed March 14, 2007)

Berga, Guna, Tiltiņa, Inta, Buša, Ilona, Dūšelis, Sandis. 2005. *Laulību šķiršanas, laulību noturības un dzimstības veicinošo faktoru izpēte.* [Factors influencing divorce, the stability of marriage and birth rate] LR Bērnu un ģimenes lietu ministrija, Latvijas Ģimenes terapeitu biedrība. Rīga. http://www.bm.gov.lv/lat/gimenes_valsts_politika/petijumi/?doc=2602 (accessed March 14, 2007)

Caune Evija, 2007.. Fathers in Latvia. In *Caring is Sharing. Involment of fathers in care and household tasks in five European Countries*. *Paritea Project,* eds. Woerds Sandra ter, Stavenuiter Monique, Duyvendak Jan Willem, 73-90. Resource Centre for Women „Marta".

Central Bureau of Statistics, Republic of Latvia. 2004. *Mātes nodarbinātība un bērna nabadzība.* [Mother's employment and child's poverty]. Riga.

Crenshaw, Kimberlé W. (1991). Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color, Stanford Law Review, Vol. 43, No. 6., 1241-1299.

Hancock, Ange-Marie 2007. When Multiplication Doesn't Equal Quick Addition: Examining Intersectionality as a Research Paradigm. Perspectives on politics. Vol5/No1, pp. 63-79.

Holland B. (ed.) 1985. Soviet Sisterhood: British Feminists on Women in the USSR. London: Fourth Estate.

Eglīte, Pārsla. 2002. A Shortcoming in Gender Equality. In *Gender Equality in Latvia at the threshold at the New Millennium Latvia*, eds. M. Thorborg, J. B. Zariņa, 81-96. Riga: Institute of Economics Latvian Academy of Sciences.

Eglīte, Pārsla 1997. Shortcoming in Legal Equality In *Invitation to Dialogue: Beyond gender (In)equality*, ed. I. Koroleva, 45- 55. Riga: Institute of Philosophy and Sociology.

Eglīte, P., Zariņa, I., Gņedovska, I., Irbulis, B. 2002. *Leisure choice in Latvia. Prostitution in Latvia at the threshold of XX century.* LZA Institute of Economics, Riga.

Koroļeva, Ilze 1997. Gender Roles in Family: Perceptions and Reality. *In Invitation to Dialogue: Beyond gender (In)equality*, ed. I. Koroleva, 299–309. Riga: Institute of Philosophy and Sociology.

Kurova, T., Zariņa, J. B. (2002) A survey about prostitution in Latvia. *In Gender Equality in Latvia at the threshold at the New Millennium*, eds. M. Thorborg, J. B. Zariņa, 121-152. Riga: Institute of Economics Latvian Academy of Sciences

Market and public opinion research centre SKDS, 2006. *Sabiedrībā pastāvošie stereotipi. Latvijas iedzīvotāju aptauja.* [Stereotypes in Latvian Society] http://www.lm.gov.lv/doc_upl/SabiedribaPastavosieStereotipi2006.pdf . (accessed March 14, 2007)

Markausa, I. 1998. Mājas darbu sadalījums latviešu ģimenēs. [Sharing housework in Latvian families] *Humanities and Social Science in Latvia*. Rīga: University of Latvia,

McCall, Leslie. "The Complexity of Intersectionality." Journal of Women in Culture and Society 30.02005 1771-1800. 26 Nov 2007

Novikova, I. et al. 2003. “Men”, “Europe”, and Postsocialism. In Novikova, Irina and Kambourov, Dimitar (eds): *Men in Global World. Integrating Post-Socialist Perspectives*. Kikimora Publications, Saarijärvi. pp. 75-102.

Putnina, Aivita. 2006 (A). Sexuality, masculinity and homophobia: Latvian case In *Everyday life of GLBT in Eastern and Central Europe*. Forthcoming. The Peace Institute (Institute for Contemporary Social and Political Studies, Ljubljana, Slovenia)

Putnina, Aivita. 2006 (B). Men in Latvia. Situation Outline. Demographic Situation: Present and Future. Strategic Analysis Commission under the Auspices of the President of Latvia, No. 3 (4)/2005. “Zinātne” Publishers, Riga.

Regional office for the Baltic and Nordic countries Helsinki. *2002. Prevention of Trafficking in Women in Baltic States. (2)* IOM Regional Office for the Baltic and Nordic Countries. http://www.refocusbaltic.net/repository/knygos/Trafficking_SIDA_report_Final.pdf (accessed March 14, 2007)

Report on the application of the principle of gender equality in employment and gender equality policies in state institutions. 2005. Sabiedrisko attiecību aģentūra Consensus PR, Situācijas analīze par dzimumu līdztiesības pamatprincipu pielietošanu praksē par nodarbinātības un dzimumu līdztiesības politikas ieviešanu atbildīgajās institūcijās. http://www.lm.gov.lv/doc_upl/Zinojums_institucijas.pdf (accessed 14 March 2007)

Rone, Dana. 2005. *Pētījums ANO kampaņai pret vardarbību.* [Research for initiating UN campaign against violence] Riga, UNDP. www.**pret**vardarbibu.lv/files/**ANO**_vardarb_petijums_Rone.doc (accessed March 14, 2007)

Rungule, Ritma. 1997. The Role of Parents – Fathers and Mothers – in the Family and in the Society. In *Invitation to Dialogue: Beyond gender (In)equality*, ed. I. Koroleva, 311 – 322. Riga: Institute of Philosophy and Sociology, 1997.

Rungule, Ritma, Lāce, Taņa. 2000. *Nereģistrēto laulību ģimeņu, kurās aug bērni, skaita pieauguma cēloņi un sekas.* [Causes and consequances of numerical rise of families based on unregistered partnerships with children] Riga Stradins University. Summary in http://www.lm.gov.lv/doc_upl/lm_soc_polit_petijums2000g.pdf, pp. 13-18. (accessed March 14, 2007)

Sebre Sandra, Ļebedeva Laura, Trapenciere Ilze. 2004. *Laulību, dzimstības un pozitīvu bērnu un vecāku attiecību veicinošo faktoru izpēte.* [The Study of Contribute Factors for Marriage, Birth-rate and Positive Relationship of Children and Parents] Secretariat of Children's and Family Issues. Centre against violence "Dardedze".

Sedlenieks, Klāvs, Vasiļevska, Karīna. 2006 *Men in Latvian Public Environment: Policy, Social and Economic Aspects*. Ministry of Children and Family Affairs, Republic of Latvia, Men Equal Men Different (EC GRANT No VS/2005/0343) http://www.bm.gov.lv/lat/projekti/tetis_majas/?doc=3620 (accessed March 14, 2007)

Staunæs, D. (2003) 'Where Have all the Subjects Gone? Bringing together the Concepts of Intersectionality and Subjectification', *Nora* 11(2): 101–10.

Strathern, Marylin, 1990. Gender of Gift: Problems with Women and Problems with Society in Melanesia. University of California Press.

University of Latvia, 2002. *Pētījums par bērna kopšanas pabalstu, tā efektivitāti un vēlamajiem izmaksas periodiem*. [Childcare support, its effectiveness and periods of payment]. http://www.politika.lv/index.php?id=4885. (accessed March 14, 2007)

Tabuns, Aivars, Vanaga, Sanita. 1999. Labour Market in Latvia: Employment and Unemployment in Unemployment. In *Risks and Reactions*, ed. N. Genov, 230-253. UNESCO.

Watson, P. 1997. (Anti)feminism after Communism. In Who's Afraid of Feminism? Seeing through the Backlash (eds.) A. Oakley, J. Mitchell. London: Hamish Hamilton.

Yuval-Davis, N. (2006) 'Intersectionality and Feminist Politics', *European Journal of Women's Studies* 13(3): 193–210.

Zariņa, Inna-Bronislava. 1999. The Time Spent on Child Care by Gender. In *Women's studies and gender research in the Baltic and Nordic countries: mapping the situation '98: conference proceedings*, ed. Irina Novikova, 56- 63. Riga: Gender Studies Centre, University of Latvia, SIA N.I.M.S.).

Zariņa, Ina. 2001. *Trafficking in Women: a perspective from Latvia*. In: Trafficking in women and prostitution in the Baltic states: social and legal aspects (2001), 225-230. IOM. Regional Office for the Baltic and Nordic Countries.

Zepa, Brigita et al. 2007. *Dzimumu līdztiesības aspekti darba tirgū*. [Aspects of gender equality in labour market]. RS Group, ESF.

Zepa, Brigita Jeruma Liene, Pudule Ilva, 2000. *Nabadzības feminizācija: riska faktoru maiņa no 1991-1999.* [Feminisation of poverty: The Change in Risk Factors: 1991-1999]. Baltic Data House, World Bank, Ministry of Welfare, Republic of Latvia. http://www.politika.lv/index.php?id=4874 (accessed March 14, 2007)