



# Exchange of good practices on gender equality

**Gender Impact  
Assessment**  
Austria, 03-04 June 2014

Comments Paper - Estonia

ISTITUTO  
PER LA  
RICERCA  
SOCIALE

irs

ösb  
CONSULTING

*The information contained in this publication does not necessarily reflect the position or opinion of the European Commission.*

Justice

*This publication is supported by the European Union Programme for Employment and Social Solidarity - PROGRESS (2007-2013).*

*This programme is implemented by the European Commission. It was established to financially support the implementation of the objectives of the European Union in the employment, social affairs and equal opportunities area, and thereby contribute to the achievement of the Europe 2020 Strategy goals in these fields.*

*The seven-year Programme targets all stakeholders who can help shape the development of appropriate and effective employment and social legislation and policies, across the EU-27, EFTA-EEA and EU candidate and pre-candidate countries.*

*For more information see: <http://ec.europa.eu/progress>*

# Gender Impact Assessment in Estonia

Anu Laas  
Laas & Laas Ltd

## 1. Introduction

Gender equality issues are mentioned in the current Estonian Government Coalition Agreement (2014).<sup>1</sup> The Agreement points out following aspects for increasing gender equality and better governance:

- Support to increasing role of women in politics;
- Tackling gender pay gap;
  - setting public sector as an example for fair gender pay;
  - control over collective agreements;
- To reduce violence against women and domestic violence;
  - adoption of new Anti-Violence Action Plan;
  - signing the Istanbul Convention.

The Coalition partners have promised also to work in partnership with the NGOs in a field of provision of public services (voluntary rescue organisations, women's shelters, legal aid for the disadvantaged, etc.). On the other hand, there could be a trap for women, because it is stated that 'we [the Coalition] attach importance to the development of voluntary work and the representative organisations of volunteers', which could easily lead to increasing women's unpaid work.

Estonia does not have a Gender Equality Strategy. A missing gender equality strategy in combination of high personnel turnover rate in the ministries results with deficiencies in gender competence. Preparation of such a strategy requires goodwill, dedication and expertise. This requires knowledge about gender equality and non-discrimination to move on from formal planning, reporting and head counting equality approach. For example policies and projects are mostly required to comply with a generic gender-equality principle – which may often amount to stating that the project is gender-neutral and/or not does not worsen gender inequalities - and much less to demonstrate how they are actively promoting gender equality (GHK 2011: 133).<sup>2</sup>

---

<sup>1</sup> The current Estonian Government is a majority government and the coalition consists of two political parties: the Reform Party (RP) and Social Democratic Party (SDP) and was formed on 26 March 2014. Prime Minister is Mr. Taavi Rõivas, former Minister of Social Affairs. The Ministry of Social Affairs was split in two: there are Minister of Social Affairs and Minister of Health and Labour.

<sup>2</sup> The GHK report states that it is very important to introduce gender impact assessment in the monitoring and evaluation process of the ESF programme projects, which means that evaluators found GIA inadequate or missing.

## 2. Gender mainstreaming

According to law gender equality has to be mainstreamed into all areas of social life. It should be stated that rigid economic growth and efficiency oriented thinking is gender blind. However, welfare and gender expert knowledge exists, due to low status of the topic, gender impact assessment is made by people without gender knowledge in a formal way.

### 2.1. Legal framework

The Gender Equality Act (GEA) defines equality of men and women as a fundamental human right and the public good in all areas of social life. The GEA stipulates that state and local government agencies are required to promote gender equality systematically and purposefully. According to the GEA, public authorities are required to change the conditions and circumstances which hinder the achievement of gender equality. Upon planning, implementing and assessing national, regional and institutional strategies, policies and action plans, the agencies have to take into account different needs and social status of men and women and consider how the measures applied and to be applied will affect the situation of men and women in society.

Article 11(2) provides that employers should collect sex-disaggregated statistical data concerning employment that allow, if necessary, the relevant institutions to monitor and assess whether the principle of equal treatment is complied with in employment relationships. The procedure for the collection of data and a list of data shall be established by the Government of the Republic by a regulation. This requirement is in force since 2004, but law is not implemented.

Competence of the Gender Equality and Equal Treatment Commissioner is stipulated in the Equal Treatment Act (ETA). Among many duties, the Commissioner is obliged to analyse the effect of laws on the situation of men and women and to advise and inform the Government of the Republic, government authorities and local government authorities on issues relating to the implementation of equality laws (GEA and ETA).

### 2.2. Equality bodies

The independent equality body the Gender Equality Commissioner (2005-2008) and the Gender Equality and Equal Treatment Commissioner (2009 onwards) accepts applications from persons and provides opinions concerning possible cases of discrimination.<sup>3</sup> The Commissioner has carried out numerous projects for increasing knowledge about gender equality, but the Office has been under resourced. In 2013-2015 additional resources from the Norway Grant programme is involved.

The Chancellor of Justice resolves discrimination disputes which arise between persons in private law.

---

<sup>3</sup> From 2009 the Commissioner provides opinions to persons who suffer from discrimination on grounds of sex, nationality (ethnic origin), race, colour, religion or other beliefs, age, disability or sexual orientation.

The Gender Equality Department at the Ministry of Social Affairs exists since 1996, but has also poor resources and a lot of duties are fulfilled on project basis. Also the Gender Equality Council as an advisory body within the Ministry of Social Affairs was established in 2013. There are 22 members, representing the Government and different national agencies, local governments, political parties, employers, students, women's and other NGOs.

### **2.3. Impact assessment in law drafting**

Engagement practices have been used by the Government state authorities. The objective of engagement is to raise the quality and social legitimacy of resolutions and to increase the participation of the non-profit, private, and public sectors in preparing and making decisions. Engagement could be hampered by the poor resources of expected partners.

A handbook of the impact assessment methodology in law making was published in 2012. It briefly points out a need for gender impact assessment and ten questions to assess gender impact were introduced. Gender impact assessment is not done by the civil servants in different ministries, but a draft law will be sent to the Department of Gender Equality at the Ministry of Social Affairs for gender sensitive opinion and GIA.

All draft laws are assessed by different specialists and consulted with representatives of the target group and of the civil society. Legal texts are analysed and evaluated by the legal experts at the ministries and at the Research Department of the Parliament. Legal experts make analyses of existing legal texts, draft laws and transpose EU Directives into national law.

For the majority interest groups assessment of legal texts is based on voluntary work. Therefore only bigger organisations have the capacity to be efficient and useful partners in public consultation processes. On the other hand, Illing and Lepa (2013) state that stakeholders should be active in monitoring law making process and to contact authors of draft law, and not just to wait, until they are contacted.

### **2.4. Project based gender equality promotion**

#### **2.4.1. Gender budgeting project**

The project 'Mainstreaming gender perspective into state budget' was carried out from October 2010 to April 2012 within the framework of the EU PROGRESS Programme (2007-2013) in co-operation with Austria. Employees of Estonian ministries and government agencies were trained in gender budgeting and a gender budgeting manual for the public sector was compiled. The project was initiated and primarily conducted by the Office of the Gender Equality and Equal Treatment Commissioner.

The lessons learned from the pilot project were that the main obstacles to gender mainstreaming are a lack of statistics disaggregated by sex, low awareness of gender equality, of information about gender inequality in the different areas of government and of specific goals for gender equality in different fields of activity (CEDAW report 2013: 19).

### 2.4.2. Institutional capacity building of equality bodies

The project 'Promoting Gender Equality through Empowerment and Mainstreaming' (2013-2015) will raise awareness of different actors on issues of gender equality and prohibition of discrimination as well as structural gender inequalities in the society.<sup>4</sup> The project is promoted by the Gender Equality and Equal Treatment Commissioner and funded by the EEA and Norway Grants. Increased awareness is planned on legal remedies in discrimination cases and improved knowledge of civil servants who can use gender mainstreaming in their work. The objective of the project is also to have a positive impact on the legal culture (strategic litigation). One goal is to publish guidelines for state and local government officials with the aim to help them implement GEA and fulfil the legal duty to promote gender equality. Special focus of the guidelines will be on the practical implementation of gender mainstreaming methods. There will be piloting gender mainstreaming tools and methods in the Ministry of Social Affairs. The aim of the pilot will be to test the methods of gender mainstreaming and GIA.

### 2.4.3. Project 'Diversity Enriches'

The project 'Diversity Enriches' (2010-2014) was **managed by the Tallinn Law School at Tallinn University of Technology. The project is co-financed by the European Union (PROGRESS), Ministry of Social Affairs and Tallinn University of Technology.** The main objectives of the project were better implementing the legislation on non-discrimination and fostering the dissemination of information on EU and national policy and legislation in the non-discrimination field. In the framework of this project the second edition of the handbook of the Equal Treatment Act (ETA) was published in 2012.

In February 2014, this project has launched a survey results on impact assessment of the ETA. An Article 14 of the ETA stipulates: 'Each ministry shall, within their area of government, monitor compliance with the requirements of this Act and shall cooperate with other persons and entities upon promotion of the principle of equal treatment'.

Survey findings show that the ETA is an unknown legal act in the majority of ministries, except the Ministry of Social Affairs and Ministry of Culture. According to the opinion of the majority of civil servants the principle of equal treatment is required by the Constitution, international conventions and EU Directives. The majority of civil servants were not familiar with the ETA and have not used this legal Act in their work.

Researchers from the Institute of Baltic Studies and International and Institute of International and Social Studies from University of Tallinn have studied the awareness of equal treatment in Estonian society in 2013. These researchers found low awareness; only cases based on gender have received some public attention. They also point out the fact that a knowledge of inequality is limited with the area of labour market (e.g. wage gap, gender segregation etc.) and other areas of unequal treatment have not been studied and highlighted. The survey findings show a rather inadequate understanding about the principles of equal treatment in the society as well as about the existence or purpose of the Equal Treatment Act (ETA). This

<sup>4</sup> <http://www.svv.ee/failid/Promoting%20Gender%20Equality%20through%20Empowerment%20and%20Mainstreaming.pdf>, accessed 27 April 2014.

applies both to officials, employers and media as well as to the population as a whole. There is a need for a more active promotion of equal treatment in society.

### **3. Participatory budgeting**

A pilot project Participatory Budgeting (PB) initiative in the City of Tartu is an example of good governance at a local level. The PB in Tartu was carried out in 2013 and got a lot of attention. There were three main objectives: to improve community cooperation, to introduce budget planning principles and process, also to make at least one specific proposal or action real. The PB has got also some criticism in connection of low involvement, poor discussions and it was told that one of the main objectives, to explain to wider community main principles of budget planning.

Lessons learned from the 2013 experience caused some changes in planning 2014 action. Namely instead a long list with proposed ideas there will be a preliminary selection of core themes. On the basis of these themes are planned thematic working groups for discussing and elaborating initial ideas.

Krinjova and Reinsalu (2013) have studied the PB at the LG level (case of Tartu) and found that the most critical challenges were connected with political confrontations and financial autonomy. But the PB pilot project has enhanced a dialogue between citizens and government and hopefully will bring new knowledge on how to improve local participatory practices and will help learn what democracy is and how it works for the both parties, for those, who are engaging and for those who are engaged.

### **4. Transferability issues**

#### **4.1. Gender budgeting**

From 2009 in Austria all governmental levels (i.e. federal level, states, and municipalities) are legally required to aim at effective gender equality in budgeting. Gender budgeting in Austria has been an impressive good practice and Estonia has used Austrian experience in twinning project on gender budgeting. The Gender Budgeting Project (2010-2012) has increased awareness, offered training for practitioners and Sheila Quinn in cooperation with local gender experts has compiled the gender budgeting handbook. This project results have created a solid basis for further development of gender responsive budget allocation at the national, local and enterprise level.

The group of civil servants trained in the course of the Gender Budgeting Project could act as gender aware contact points in their respective ministry. There is a database of civil servants on the gender budgeting as an expert pool. This will enable further initiatives of gender budgeting to take place in public sector.

Why does Estonia not have gender sensitive budgeting in place in 2014? As Schratzenstaller (2014) points out, gender impact assessment has two pillars:

- Gender responsive budgeting in the multi-annual and annual regular budgeting process as one element of performance oriented budgeting.
- Gender impact assessment as one element of regulatory impact assessment within the policy-making and evaluation process.

In Estonia a gender equality strategy is missing and activities promoting gender equality are fragmented. The project 'Promoting Gender Equality through Empowerment and Mainstreaming' (2013-2015) gives new hope for institutionalising GIA (regulatory basis, detailed and practical guidelines, skilful people, consultation and auditing the GIAs).

For gender sensitive budgeting sex-segregated data should be available and this requires implementation of requirement on sex-segregated data collection as stipulated by Article 11(2) of the GEA. Unfortunately, the Regulation by the Government of the Republic is not adopted and law is not implemented. Lack of sex-segregated data is a serious obstacle for gender audit and gender sensitive policy assessment. Sex-segregated data and gender research could serve as a basis for gender impact assessment.

In the course of the project, bimonthly newsletters have been issued and an inter-ministerial working group has been formed. One threat to the expected outcome is high personnel turnover rate in the ministries which could result in deficiencies in gender competence, loss of trained gender experts within state agencies.

Rapid institutional development and comparatively slower development of the civil society offers some challenges for GIA on national, as well on local level. It could be interesting to combine participatory budgeting (PB) experience with gender sensitive budgeting ideas, which requires knowledge in GIA. In 2014, three cities (Tartu, Viljandi and Kuressaare) have planned to try the PB project. Obstacles for the PB are limited financial autonomy of the Estonian local governments and political confrontations. On the other hand, there is a chance for a good democracy lessons and gender sensitive approach.

## 4.2. Gender impact assessment in law drafting

Illing (2004) has stated that a regulatory impact assessment was introduced in Estonia in 1995. Systematic and purposeful gender equality promotion is required from 2004, but GIA as a method is not widely used. GIA is a part of the general impact assessment procedure. Regulatory impact assessment has developed a lot and several guidelines have been published.<sup>5</sup> Obligation is put to gender experts at the Ministry of Social Affairs and resources for the work are extremely poor.

Elomäki (2014) points out that in Finland the central gender equality structure coordinates and monitors and gives some support if consulted on GIA matters, but it does not conduct GIAs. It should be done in Estonia in a same way. The project 'Promoting Gender Equality through Empowerment and Mainstreaming' (2013-2015) trains civil servants and guidelines, practical examples and procedures of GIA will

---

<sup>5</sup> Regulation of the good law drafting and technical rules (2012); Impact assessment methodology (2012).



be studied and handbook will be published. Gender mainstreaming tools and GIA will be tested in the Ministry of Social Affairs. It is expected that equality experts in the Ministry of Social Affairs could act as coordinators and advisors on GIA, not actual GIA makers, but it is a threat that this pilot project gains an opposite result.

There are the same challenges as mentioned by Elomäki (2014: 9) like personality traits of the GIA specialists, personnel turnover, low authoritative support, time pressure etc. In Estonia several training and capacity building projects have been carried out, where trainees were selected according to their position, but after training they have made a career change.

On the other hand, more people with gender lenses could influence on attitudes, people and organisations and change a society.

## 5. References

Albi, Kristina; Laidvee, Janek; Ü.-M. Papp, Ülle-Marike; Sepper, Mari-Liis (2010). Soolise võrdõiguslikkuse seadus. Kommenteeritud väljaanne (Gender Equality Act: commentaries) (in Estonian), Juura: Tallinn. available online at: [http://www.sm.ee/fileadmin/meedia/Dokumendid/Sotsiaalvaldkond/sooline\\_v6/Soolise\\_vordõiguslikkuse\\_seadus\\_Kommenteeritud\\_valjaanne.pdf](http://www.sm.ee/fileadmin/meedia/Dokumendid/Sotsiaalvaldkond/sooline_v6/Soolise_vordõiguslikkuse_seadus_Kommenteeritud_valjaanne.pdf), accessed 19 April 2014.

BDA Consulting (2009). Juhendmaterjal Euroopa Sotsiaalfondist perioodil 2007 – 2013 toetatavate tegevuste läbivate põhimõtete käsitlemiseks (Guidelines on the horizontal themes in the ESF) (in Estonian). Available at <http://www.hm.ee/index.php?0511226>, accessed 19 April 2014.

CEDAW Report (2013, Draft Report, unpublished). Fifth and Sixth Periodic Report on the implementation of the Convention on the Elimination of all forms of Discrimination against Women in Estonia. Draft Report.

Eesti Uuringukeskus (2014). Võrdse kohtlemise edendamise kohustuse teadlikkus ja rakendamine ministeeriumides (Awareness about obligations of ministries upon implementation and promotion of principle of equal treatment). Tallinna Tehnikaülikooli Õiguse Instituut: Tallinn.

Equal Treatment Act (ETA), RT (State Gazette) I 2008, 56, 315.

Elomäki, Anna (2014). Gender impact assessment in law drafting. Discussion Paper for the Exchange of good practices on gender equality event in Vienna on 3-4 June 2014.

Gender Equality Act (GEA), RT (State Gazette) I 2004, 27, 181.

GHK & Fondazione G. Brodolini (2011). Evaluation of the European Social Fund's Support to Gender Equality: Synthesis Report. Synthesis Report. Final (24 January 2011).

[http://ec.europa.eu/social/main.jsp?catId=701&langId=et&internal\\_pagesId=616&moreDocuments=yes&tableName=INTERNAL\\_PAGES](http://ec.europa.eu/social/main.jsp?catId=701&langId=et&internal_pagesId=616&moreDocuments=yes&tableName=INTERNAL_PAGES).

Hea õigusloome ja normitehnika eeskiri (Regulation of the good law drafting and technical rules)(2012). Riigikantselei (Government Office): Tallinn. [http://valitsus.ee/UserFiles/valitsus/et/riigikantselei/strateegia/strateegiate-mojude-hindamine/MHM\\_03-12-12.pdf](http://valitsus.ee/UserFiles/valitsus/et/riigikantselei/strateegia/strateegiate-mojude-hindamine/MHM_03-12-12.pdf)

Illing, Eveli (2004). Õigusaktide mõjude analüüsi areng Euroopas (Development of impact analysis of legal texts in Europe). Riigikogu Toimetised 9, 136-142.

Illing, Eveli & Lepa, Reesi (2013). Kodanike ja kodanikeühenduste kaasamine poliitika kujundamisse Eestis (Engaging civil society organisations into policy making), Riigikogu Toimetised 28. <http://www.riigikogu.ee/rito/index.php?id=11180>

Institute of Baltic Studies; TLÜ RASI (2013). Equal treatment in Estonia: Awareness and promotion (research report), Tartu, Available at: <http://www.ibs.ee/VKE/V%C3%B5rdse%20kohtlemise%20edendamine%20%282013%29%20-%20EN.pdf> , accessed 6 May 2014.

Krenjova, Jelizaveta & Reinsalu, Kristina (2013) Good Governance Starts from Procedural Changes: Case study of Preparing Participatory Budgeting in the City of Tartu. Socialiniai tyrimai (Social Research), 2013, 3 (32), 28–40. [http://www.su.lt/bylos/mokslo\\_leidiniai/soc\\_tyrimai/2013\\_32/krenjova\\_reinsalu.pdf](http://www.su.lt/bylos/mokslo_leidiniai/soc_tyrimai/2013_32/krenjova_reinsalu.pdf).

Mõjude hindamise meetodika (Impact assessment methodology) (2012). Justiitsministeerium ja Riigikantselei (Ministry of Justice and Government Office): Tallinn. [http://valitsus.ee/UserFiles/valitsus/et/riigikantselei/strateegia/strateegiate-mojude-hindamine/MHM\\_03-12-12.pdf](http://valitsus.ee/UserFiles/valitsus/et/riigikantselei/strateegia/strateegiate-mojude-hindamine/MHM_03-12-12.pdf)

Papp, Ülle-Marike (2014). Soosüsteem ja sooideoloogia - kesksed mõisted märkamaks soolist ebavõrdsust (Gender system and gender ideology – basic concepts for noticing gender inequality). Soolõime uudiskiri, veebruar 2014. <http://www.svv.ee/failid/Soosusteem%20ja%20sooideoloogia%20%E2%80%93%20kesksed%20moisted%20markamaks%20soolist%20ebavordsust%20%20%28Ulle%20Papp%29.pdf>, accessed 3 May 2014.

Papp, Ülle-Marike (Ed.)(2011). Strateegia 'Säästev Eesti 21' analüüs soolise võrdõiguslikkuse edendamise aspektist (Assessment of the National Strategy on Sustainable Development 'Sustainable Estonia 21' from the Gender Perspective) (in Estonian). Eesti Naisuurimus- ja Teabekeskus (ENUT): Tallinn. [http://www.enut.ee/lisa/SE21\\_strateegia\\_analys.pdf](http://www.enut.ee/lisa/SE21_strateegia_analys.pdf), accessed 3 May 2014.

Quinn, Sheila (2011). Riigieelarve naistele ja meestele. Vajaduspõhine eelarvestamine avalikus sektoris (State budget for women and men. Gender budgeting in the public sector). Sotsiaalministeerium (Ministry of Social Affairs): Tallinn. Available at <http://www.sm.ee/tegevus/sooline-vordoiguslikkus/programm-progress.html> , accessed 3 May 2014.

Reinsalu, Kristina (2006a). Is Estonian local e-government responsive to citizens' needs? The case study of Tartu. Information Polity: The International Journal of Government & Democracy in the Information Age, 2006, 11(3-4), 255-272.

Reinsalu, Kristina (2006b). Knowledge management in Estonian regional administration: Background, outputs, and unused resources, Information Technology for Development, 2006, 12(1), 63-76.

Schratzenstaller, Margit (2014). Gender Impact Assessment in Austria. Discussion Paper for the Exchange of good practices on gender equality event in Vienna on 3-4 June 2014.

Võrdse kohtlemise käsiraamat (2012). Õiguse Instituut, Tallinna Tehnikaülikool: Tallinn. (Handbook on Equal Treatment, Law School of the Tallinn University of Technology)  
[http://issuu.com/erinevusrikastab/docs/v6rdse\\_kohtlemise\\_kasiraamat\\_est\\_2012/38?e=5283261/2015162](http://issuu.com/erinevusrikastab/docs/v6rdse_kohtlemise_kasiraamat_est_2012/38?e=5283261/2015162), accessed 2 May 2014.

Internet sources

Coalition Agreement 2014. Estonian Reform Party and Social Democratic Party Coalition Policy Paper. [https://valitsus.ee/UserFiles/valitsus/en/the-government/2014\\_Coalition%20agreement.pdf](https://valitsus.ee/UserFiles/valitsus/en/the-government/2014_Coalition%20agreement.pdf), accessed 25 April 2014.

Homepage of the Gender Equality and Equal Treatment Commissioner, [www.svv.ee](http://www.svv.ee), accessed 23 April 2014.

Homepage of the Government Office, <http://valitsus.ee/et/riigikantselei>, accessed 3 May 2014.

Homepage of the Ministry of Social Affairs, [www.sm.ee](http://www.sm.ee), accessed 5 May 2014.