

The global movement for women's rights in 2010 marks 15 years of activism on the basis of the shared framework and vision enshrined in the groundbreaking Beijing Platform for Action (BPfA). In Europe, this year also represents a milestone for thousands of women's associations from across the region as it marks 20 years since the foundation of the European Women's Lobby (EWL). Over the last two decades, the EWL has acted as a forum for increased exchange, cooperation and integration, allowing the women's organisations of Europe to play an active role in shaping the European framework for gender equality. As a key part of its activism, the EWL aims to ensure that the implementation of the BPfA by both the European Union (EU) and its Member States remains high on the political agenda.

The EWL has been instrumental in both the elaboration and implementation of the BPfA from the beginning. The EWL was an active participant in the United Nations' (UN) Beijing Conference on Women in 1995 and has been present at all of the follow-up meetings that have taken place since. This publication represents the third Alternative Report that the EWL has produced, following our earlier Beijing+5 and Beijing+10 reports. In line with its mission and political focus, the EWL examines in this report the progress made at EU level towards the full implementation of the BPfA. Across each of the 12 critical areas of concern identified in Beijing, the report offers a comparative analysis of the developments achieved over the previous five years, highlighting the current situation across the Union. Consideration of both the legislative and other initiatives that the EU has undertaken over the reporting period allows for the identification of critical gaps and the formulation of concrete recommendations addressed both to the EU Institutions and to the 27 Member States.

The gaps highlighted and recommendations made in this report have been shaped by the conjoined voices of women's representatives from across Europe. The EWL and its members call clearly and firmly for these concerns and recommendations to be heard by political leaders and policy-makers and afforded the considered political attention and action they are due. Working together, it is our hope that the next anniversary of Beijing will be a time for celebration for everyone sincerely committed to making equality between women and men a reality for future generations of women in Europe and beyond.

Brussels, February 2010



Introduction

The European Union and Beijing+15

Fifteen years have brought major changes to the European political arena, but in terms of meeting the commitments for women's rights and gender equality made in Beijing in 1995, the journey undertaken by the European Union (EU) and its Member States remains unfinished. The United Nations' (UN) Fourth World Conference on Women in Beijing in 1995 demanded 'Action for Equality, Development and Peace'. This resulted in the adoption by 189 States of the Beijing Platform for Action (BPfA), a document which continues to provide a solid and shared framework for the work of women's rights activists around the world today. In Europe, although the EU as such is not party to this agreement, all 27 EU Member States are signatories. Furthermore, equality between women and men is one of the founding values and objectives espoused by a Union which celebrated 50 years in 2007. The full and effective implementation of the BPfA is fundamental to the legitimacy of the European Union, both in the eyes of its peoples, and increasingly, as the EU seeks to expand its field of action and influence, in the eyes of the world.

Since 1995 the EU has grown from 15 to 27 Member States, with the latest accessions being those of Bulgaria and Romania in 2007. This increasing diversity has had a significant impact on the structures and policies of the EU, including as regards gender equality. At the same time, it has vastly increased the reach of the Union, which today counts some half a billion inhabitants. The Union has also developed politically, with an ever-growing number of competences being ceded to the supranational level. In this respect, equality between women and men is a strong competence of the EU, in particular equality in employment for which an extensive body of legislation has been developed. More generally, according to its Treaties, the EU has a duty to fight against sex discrimination and promote equality, and to integrate a gender equality perspective into all its activities. After the rejection of the Constitutional Treaty in referenda in France and the Netherlands in 2005, structural reform was finally achieved in December 2009 with the coming into force of the Treaty of Lisbon. These developments have allowed the EU to play an increasingly active role across all policy fields, including promoting equality between women and men.

Over the last five years, the European Union has taken a number of steps which further its compliance with the BPfA, including the adoption of a framework action programme in the form of a five-year Roadmap for Equality between Women and Men adopted by the European Commission in 2006, and a Gender Pact adopted the same year by the Council. Potentially significant steps were also taken by the founding of a European Institute for Gender Equality, which became operational in December 2009; and the signature of the Lisbon Treaty, which enhances the scope of gender mainstreaming, contains a horizontal clause on anti-discrimination and puts the Charter of Fundamental Rights on a par with the Treaties in terms of legal value.

With a focus on internal policies, this report highlights a number of targeted steps the EU has taken which address certain elements of the 12 critical areas of concern identified in Beijing. Nevertheless, a critical analysis also identifies a number of significant weaknesses and gaps, both in terms of processes and policies. Some of the recurrent shortcomings relate to the lack of comparable data across the EU, the lack of targeted financial resources, targets and indicators, problems of coordination between the national and EU levels and gaps in the implementation of gender mainstreaming. Furthermore, there are areas of concern which are largely neglected at the European level, in particular media policies, the environment, education, health and the girl-child.

In 2010, the EU takes stock of the progress made across the 12 critical areas of concern identified at the Beijing Conference. 2010 also marks the expiry of the current Roadmap for Equality between Women and Men and of the EU's framework Lisbon Strategy for economic and social policies. Utilising its strong competence on gender equality and the new tools at its disposal, the Union must review, reassess and re-launch its women's rights and gender equality agenda. The EU must also make further commitments for the full implementation of the BPfA, especially in areas

where gaps remain and in view of the EU's legal commitment to integrate a gender equality perspective throughout its policies. 2010 therefore brings with it an opportunity for the EU to articulate a bold strategic action plan, underpinned by both financial and human resources, in order to advance substantive equality between women and men.

Both new and persistent challenges for actors working to achieve effective equality between women and men exist at local, national, European and the global level. The most immediate and visible of these challenges is the financial and economic crisis, which has become a social crisis. The European Women's Lobby's strong and consistent message is that the crisis is gendered in both its nature and its effects and that, given this, it is all the more necessary to pursue and strengthen policies for the protection of women's independence, integrity and equality. It is vitally important that the pursuit of substantive equality between women and men is not considered a luxury to be addressed only in times of economic growth. It is a legal and moral imperative that must be fully and robustly reflected in all European activity in order to safeguard and build upon the gains women and society as a whole have made over the previous decades.



Executive Summary

Equality between women and men is one of the fundamental values espoused by the European Union (EU) and shared by its Member States. The 2010 European Women's Lobby (EWL) report on the implementation of the Beijing Platform for Action (BPfA) nevertheless shows that the track record of the EU in implementing the commitments made 15 years ago in Beijing is mixed, with significant challenges outstanding.

The situation of women in the European Union is extremely diverse; across the continent, women's experiences and needs, as well as the rights they enjoy, are far from homogeneous. All Member States of the European Union have undertaken steps to implement the BPfA, as shown by the Beijing+15 report drafted by the Swedish Presidency¹ as well as the reports drafted by the Member States themselves as part of the review at the level of the United Nations². Despite these steps, there are considerable differences in the approach and focus of national policies and legislation.

Since 2005 progress has been made at EU level regarding specific core gender equality policies. The *Roadmap for Equality between Women and Men 2006-2010* was a useful political framework for the work of the European Commission, and the *Gender Pact* adopted by the Council in 2006 was a positive commitment. However, the lack of specific resources for the Roadmap and the lack of definite targets and follow-up for the Pact undermined the efficacy of these strategies. More importantly, poor coordination between the national and the European levels on delivering concrete actions in relation to both the Roadmap and the Pact proved to be a major shortcoming. In terms of new legislation, some steps were taken, including the consolidation of different pieces of EU law on gender equality in employment.

The gaps that remain concern areas that are not at all or not sufficiently covered by EU action: inadequate measures to ensure the full participation of women in all areas at all levels, including the equal representation of women and men in decision-making in the European Institutions; the absence of consistent policies to tackle all forms of violence against women; the lack of European commitment to address women's sexual and reproductive health and rights; and the lack of legal measures in relation to gender equality in education or the media. Additionally, this review shows that the compilation of both gender-disaggregated statistics and comparable data, and inclusion of the needs and situation of women in all policies (as required by the gender mainstreaming strategy introduced in Beijing and anchored in the European Treaties) remain challenging, in particular concerning media policies, education, the environment, the girl-child and health. These are also the areas of the BPfA which are often neglected at the national level, even though they should be central to any gender equality strategy. Finally, some issues have emerged which are not contained in the BPfA but which now require stronger action and attention at the European and national level. These include measures to tackle the multiple discrimination that many women face.

2010 is an important milestone for equality between women and men. It marks the end of a number of political commitments, strategies and processes of the past years. In addition to the Beijing+15 review these include the current *European Lisbon Strategy for Growth and Jobs* (which is a central element of the EU's economic and social policies) and the *Roadmap for Equality between Women and Men 2006-2010*. In reviewing, reassessing and re-launching its gender equality agenda, the EU must face up to significant challenges, notably the impact of the financial, economic and social crisis. The crisis makes protecting and reinforcing women's rights all the more necessary, while representing a window of opportunity for restructuring institutions, processes and practices, and changing behaviour. This opportunity should not be ignored or missed. It is crucial that gender equality is and remains a core guiding principle of all EU activity and that the gains women and society as a whole have made over the previous decades are protected and developed further.



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¹Swedish Presidency of the Council of the European Union, *Beijing+15: The Platform for Action and the European Union, 2009*.²United Nations Economic Commission for Europe, National answers to the Beijing+15 questionnaire, available at: http://www.unece.org/gender/National_Reports.html.



Women and poverty (and social exclusion)

The at-risk-of-poverty rate among women in the EU stands at 17%; it is higher than that of men and has not fallen over the last five years. Estimates that calculate individualised poverty income (as opposed to combined household income) show that women's poverty could be as high as 36% against 11% for men in situations of separation, divorce or death of a partner. Certain groups are particularly vulnerable to poverty and social exclusion, notably the elderly (22% at risk) where women form a majority and, on average, have lower pensions and savings than men; single parents, 80-90% of whom are women; and immigrant women, many of whom work in the informal economy. Homelessness among women is increasing in some countries. The persistent gender pay gap, lower employment levels, the lack of security of women's employment, lower social benefits and pension rights, violence, trafficking in women, and (multiple) discrimination all contribute to this gender dimension of poverty and social exclusion, which has been largely ignored by policy-makers.

In the EU, most social policies remain within the competence of the Member states, but EU action to fight poverty is possible by means of the Open Method of Coordination (OMC), strengthened in 2006. In 2008 the European Commission produced a *Manual for Gender Mainstreaming Social Inclusion and Social Protection Policies*, but has failed to show adequate political leadership and address the gender gaps within this area.

The EWL calls on the EU and its Member States to guarantee minimum income, individualised rights and social protection; recognise and address the gender dimension of poverty; and strengthen the European Social Model and the Social OMC.



Education and training of women

The European Union has no strong competence in the field of education and training. However, progress made in education and training represents one of the great achievements in terms of empowering women and girls in Europe. Today, there are more female than male graduates at all levels, including from tertiary education. Nevertheless, throughout educational careers, traditional stereotypes about girls and women's place within society and their capabilities persist. Moreover, the outcome of educational investments is not gender-neutral: women with few qualifications suffer more than men in a similar situation, and, across the board, women still earn significantly less than men and remain highly under-represented in top positions, including in academia.

Despite awareness of the gender differences within educational systems and their outputs, with the exception of some rare and isolated examples, education and training policy processes rarely include a gender perspective within their programmes, analyses, evaluations, and proposals. Furthermore, existing EU policies, documents and programmes do little to address this situation. The explicit exclusion of the field of education from the scope of current European gender equality legislation is of considerable concern.

The EWL calls on the EU and Member States to ensure the application of a gender mainstreaming strategy in all education and training policies and programmes, and to pay due attention to demographic and economic trends by promoting lifelong learning. It is also crucial that, in the context of the review of the European gender equality legislation,³ the European Union fills the existing gap in scope between race and sex-based discrimination legislation and proposes new legislation prohibiting sex-based discrimination in education and the media.



Women and health

Sex and gender impact differently on women and men's health and access to health care. For example, elderly women are more likely to suffer from poor health and lack of access to quality health care than their male counterparts. In addition to this, women have particular health concerns and needs, including their sexual and reproductive health and rights (SRHR).

The inclusion of a gender equality dimension in European health policies is not systematic. Although the European Commission's Action Programmes recognise gender as a health determinant, the EU health strategy does not take sex and gender health differences into account; gender mainstreaming is absent from Commission policy papers on health and fails to be applied in EU actions and programmes. Additionally, general European texts dealing with gender equality are weak on health issues. Finally, sexual and reproductive rights, subject to very uneven and often insufficient legislative protection across the Member States, are addressed in European external relations, but absent from internal policies.

The EWL calls on the EU to address the gender dimension of health and health inequalities uniformly and systematically, develop policies that specifically address women's health needs and guarantee their access to quality health care, including SRHR.



Violence against women

Gender-based violence continues to be the most fundamental and globally widespread violation of women's human rights, to which 45% of all women in Europe have been subjected. Male violence against women remains a major cause of death among women in the EU. The statistics speak for themselves: one in five women has been a victim of domestic violence, costing the EU an estimated 16 billion Euros in 2006, or one million Euros every half hour; 40-50% of women have been confronted with sexual harassment in the work-place; every year, hundreds of thousands of women are trafficked within Europe for sexual exploitation and up to half a million girls in Europe suffer or are threatened with genital mutilation. The production and sale of pornography entails and encourages violence against women. The protection of women from male violence varies widely from country to country, as do the services they can access.

No EU legislation exists on violence against women. Furthermore, the cooperation between Member States on this issue is very weak. The European Parliament and the European Commission have tried to deliver measures and recommendations on the issue (the main concrete current European action being the funding programme 'Daphne'), but support from the Council is difficult to obtain and there is no commitment to concretely implement the proposals, such as the 2002 indicators on domestic violence. More generally, these actions lack the necessary vision, strategy and clear political commitment to address and eradicate male violence against women. The fragmented way in which violence against women is addressed at EU level is leading to a de-politicisation of the issue.

The EWL calls on the EU and the Member States to commit to a strategy leading to a concrete EU Action Plan on eradicating all forms of male violence against women.



³In particular Directive 2004/113 regarding gender equality in goods and services.



Women and armed conflict

Conflicts, wars and militarism are gendered processes and have a disproportionate impact on women and the girl-child. Sexual violence in conflict and post-conflict situations is one example of this.

Despite a number of EU reports and documents on this issue, no common standards exist for the conduct of EU military forces, including humanitarian aid workers, and women remain highly under-represented in European peacekeeping and peacemaking processes.

The EWL calls on the EU and Member States to take concrete actions to implement United Nations Security Council Resolutions 1325, 1820, 1888 and 1889 on Women, Peace and Security in EU external and development policies and at a national level through targeted Action Plans. The European Union and its Member States must actively promote the equal participation of women in conflict prevention, management and conflict resolution and in post-conflict peace-building; place women's human rights at the core of donor policies for reconstruction and development; condemn all forms of gender-based violence in situations of armed conflict and in post-conflict societies.



Women and the economy

The economic independence of women is crucial to achieving equality between women and men. While women's employment rate in the EU has risen substantially over the last ten years and is close to the EU target of 60%, work patterns continue to reflect traditional gender roles: women are four times more likely than men to work part-time; the average hourly pay-gap in the EU stands at 17.4% and has not decreased over the last five years; the employment rate for women falls by 12.4 points when they have children under 12, while it rises by 7.3 points for men. Social protection systems continue to be based on a 40 to 45 years uninterrupted career model which rarely reflects women's working life patterns.

The EU has strong competence in employment and related labour-market social policies. In 2006, the EU consolidated the existing legislation in this field into a single text. New proposals have recently been made in advancing legislation on maternity and parental leave. In 2008, the Commission put forward a Renewed Social Agenda, identifying the gender pay-gap as a key area where intervention is necessary. Progress continues to be slow however in implementing the Barcelona childcare targets particularly for infants under 3 years, which hinders women's full participation in the labour-market. In 2007, the Council adopted *Common Principles of Flexicurity*, which refer to reconciliation of family and professional life but fail to place gender equality at the core of flexicurity policies.

The EWL calls on the EU and Member States to ensure de facto equality between women and men in employment; to shape the labour-market to mirror women and men's lives particularly in relation to sharing of responsibilities in paid and unpaid work; to ensure the development of an all-encompassing coherent socio-economic post-Lisbon Strategy which links gender equality, social inclusion, growth and jobs, the development of a care economy and the elimination of all obstacles to women's economic independence; to apply systematic gender mainstreaming in all socio-economic policies; and to ensure fully paid maternity and parental leave.



Women in power and decision-making

In 2009, no single parliament in the European Union showed an equal representation of women and men. The average is 23% and there has been very little progress over the last five years. The average representation of women in national governments is also 23%. Although only one of the four so-called 'Top Jobs' at EU-level is held by a woman, on the whole the EU Institutions perform slightly better than the Member States, with 35% women in the European Parliament and 33% women in the college of Commissioners. Beyond public institutions, it is also a concern that women are largely absent from board rooms and other socio-economic decision-making positions. The number of women presidents of Europe's largest companies has fallen from 4% to 3% since 2004. Progress in this field is slow, indicating resistance from the existing male-dominated power structure. Economic disadvantages, gender stereotypes, male-centred work-places and institutional practices, including within political parties, and glass ceilings are some of the reasons women are so under-represented in decision-making.

Despite an EU acknowledgement of this situation, little concrete action has been taken. The EU Institutions have adopted only non-binding texts for equal representation. In terms of representation of women in the economic sector, the encouraging example of Norway regarding quotas on the boards of private enterprises is increasingly recognised, but has yet to translate into the adoption of similar measures elsewhere.

The EWL calls on the EU and Member States to adopt binding measures for the full participation of women in both political and economic decision-making, and reinforce these with measures to combat stereotyping and reconcile private and working life.



Institutional mechanisms for the advancement of women

Institutional mechanisms are the most effective way of promoting women's rights in the EU. Since 2004, European countries have either established or strengthened such mechanisms for equality between women and men. However, 2009 statistics showed a reduction in the resources devoted to such mechanisms in some countries, a worrying trend often wrongly justified by the financial crisis. Moreover, the implementation of gender mainstreaming, an important tool for institutionally promoting gender equality, has been piecemeal and problematic.

Since 2005 the Commission has created groups and networks to promote cooperation internally and with national gender equality bodies. In 2006, the European Institute for Gender Equality was founded to assist the European Union and Member States in the promotion of gender equality. Since 2006, a European Directive requires all Member States to create bodies for the promotion of equal treatment in employment. On the other hand, the analysis show that both at national and European level, institutional mechanisms for gender equality often lack the necessary resources, authority and visibility to be fully effective.

The EWL calls on the EU and Member States to sustain and strengthen institutional mechanisms for the advancement of women, including at the level of the United Nations, and to implement gender mainstreaming and gender budgeting tools fully and coherently.





Human rights of women

The EU takes pride in its commitment to the respect and promotion of human rights, of which women's rights are an integral part. However, this commitment has so far been largely associated with external EU policies, as is the case regarding sexual and reproductive rights for example, which are not adequately guaranteed to all women throughout the Union. Gender-based violence is the most fundamental violation of women's human rights within the EU and beyond. The human rights of the EU's 64 million migrants and asylum seekers, an increasing proportion of whom are women (52.4%), are a particular case of concern, not least because migrant women are especially vulnerable to multiple discrimination and often lack the legal literacy necessary for the protection of their rights.

The EU has taken a number of initiatives to institutionalise and improve the protection of human rights in Europe since 2004. It signed the UN Convention on the Rights of Persons with Disabilities in 2006; opened a Fundamental Rights Agency (FRA) in 2007 and an Institute for Gender Equality in 2009; and launched a proposal for a new anti-discrimination Directive in 2008. In 2009, the Lisbon Treaty made the EU Charter of Fundamental Rights legally binding for all but three Member States who have regrettably been accorded opt-outs, and a new Commission portfolio was created for Fundamental Rights.

The EWL calls on the EU and Member States to make full use of the new human rights tools at their disposal in order to close the gaps that remain in the protection of women's human rights. This must include measures to ensure the implementation of gender mainstreaming including through immigration, integration and asylum policies; the elaboration of legislation and policies to tackle multiple discrimination; and the clear recognition of the sexual and reproductive rights of all women.



Women and the media

Women and the media remains one of the objectives of the BPfA which is most neglected by the EU and its Member States. Women suffer from a serious lack of visibility in the mainstream media: in Europe, there are four men for every woman who gets news coverage, women are central to a news story only 10% of the time, and only 32% of principal TV characters are female. Stereotyping as homemakers, victims and sex-objects is also widespread: adverts showing boys place them outdoors 85% of the time while those featuring girls place them inside the home more than half of the time; women are more than twice as likely as men to appear in the news as victims and they are more than twice as likely to be portrayed in (semi-) nudity.

The exception of cultural products to legislation on free movement of goods and services has severely hampered the application of EU anti-discrimination legislation in this field. A 2004 Directive concerning gender equality in access to and supply of goods and services specifically excluded the content of media or advertising. Some progress was made with the amendment in 2007 of the Television without Frontiers Directive to cover all audiovisual media services. This legislation calls on the Member States to ensure media services do not include or promote any discrimination based on sex; however, there is no evidence of implementation of this legislative piece.

The EU and Member States must ensure women's access to and participation in the media at all levels. The EWL calls on them to take concrete actions to combat stereotyping in media content and fill the existing legislative and policy gap to prohibit and effectively monitor discrimination based on sex throughout the media.



Women and the environment

Environmental policies impact directly on the health and living standards of individuals, and gender differences and inequalities combined with lack of sensitivity to women's particular needs mean that women often suffer disproportionately from inadequate policies in this area. Women and men have different patterns of work, consumption and use of transport, and studies show a gender-differentiated environmental impact, with women having a lesser environmental 'footprint' than men. All this provides evidence of the gender dimension of environmental issues, which needs to be taken into account for good policy planning and implementation.

Women are significantly under-represented in decision-making in the environmental sector and the gender perspective is almost entirely ignored in the setting and implementation of environmental policies. Over the last 15 years, no single piece of legislation adopted at European level in this area has included a gender dimension. The recent EU initiatives on cosmetics, chemicals and biocides may nevertheless help to protect women consumers.

The EWL calls on the EU and Member States to systematically include women as actors in the sector and to integrate a gender equality perspective in all environmental impact analyses, legislation and policies; and, furthermore, to ensure that this environmental dimension is integrated into all other relevant policy, such as health and transport.



The girl child

Childhood is a gendered experience, and the needs and rights of the girl-child demand specific attention in the EU. In particular, the vulnerability of girl-children to gender-based violence, including sexual abuse, pornography and trafficking must be recognised. Girls in some communities are still considered inferior to boys. More broadly, girls are affected by stereotyping in media content and educational systems. Girl-children also have specific health concerns, for example regarding eating habits, cancer and sexual health.

In 2006, the European Union adopted its own Strategy on the Rights of the Child, but the gender dimension is absent from EU policy and legal documents on children, which reinforces the invisibility of the girl-child. In 2008, the Slovenian Presidency developed indicators on girl-children in the EU in relation to the BPfA.

The EWL calls on the EU and Member States to integrate the rights and perspectives of girl-children into policies and legislation relating to childhood, the rights of children and youth; to give due consideration to the specific vulnerabilities and needs of girls; and to use the 2008 indicators to monitor developments.



**European Union implementation
of the Beijing Platform for Action
2005-2010**

A / WOMEN & POVERTY (AND SOCIAL EXCLUSION¹)

strategic objectives

- Review, adapt and maintain macro-economic policies and development of strategies that address the needs and efforts of women in poverty.
 - Revise laws and administrative practices to ensure women's equal rights and access to economic resources.
 - Provide women with access to savings and credit mechanisms and institutions.
 - Develop gender-based methodologies and conduct research to address the feminisation of poverty.
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The terms 'poverty' and 'social exclusion' are now increasingly replaced in European public discourse by more positive concepts such as 'social inclusion' or 'active inclusion'. The persistence of high levels of poverty among women demonstrates that current social protection systems and the wide range of EU social, economic and employment policies are not designed to meet their needs. In order to have a positive impact, it is essential to tackle the structural causes of poverty in general and of the feminisation of poverty in particular. The intersectionality of gender with other factors must be accounted for in the gender analysis of poverty and social exclusion.



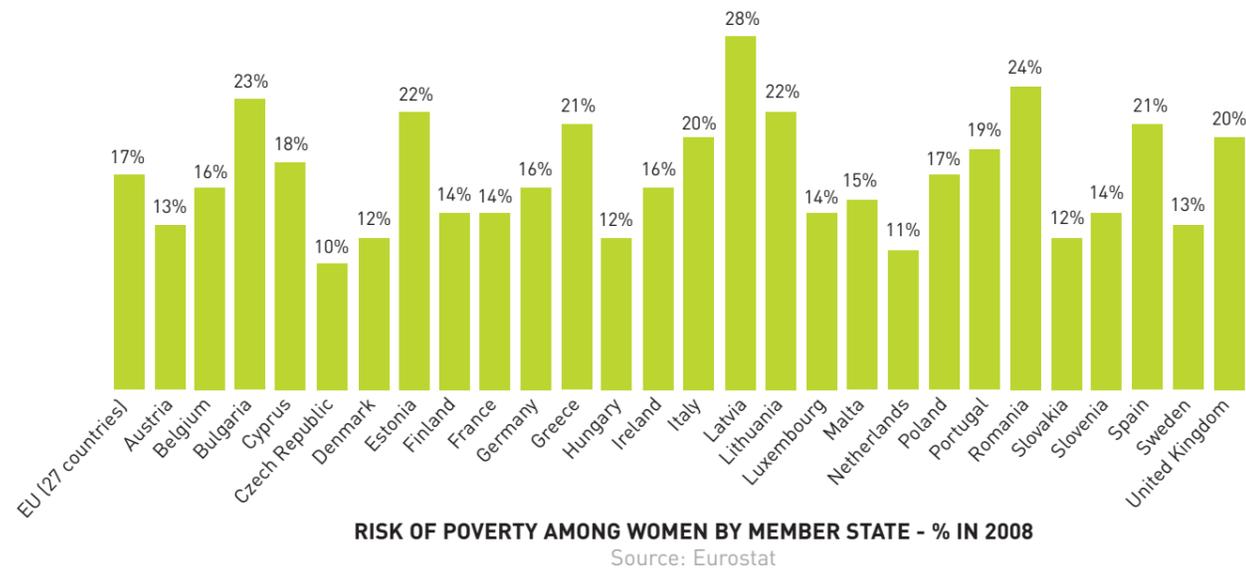
EWL focus

The issue of women's poverty has always been an integral part of the EWL's work on employment and social policies. The EWL is an active member of the Coalition of Social NGOs for the European Year 2010 for Combating Poverty and Social Exclusion, which is calling for real political change to address poverty across Europe. In January 2010, the EWL issued a statement on women, poverty and social exclusion.² In order to understand more clearly how the current recession is affecting women in Europe, the EWL and Oxfam released in February 2010 a joint policy report on *The Impact of the Recession on Women's Poverty & Social Exclusion in Europe – The Hidden Crisis*. The EWL persistently lobbies for the individualisation of rights both in data collection on income-related poverty and with regards to social security benefits.

THE CURRENT SITUATION IN THE EU REGARDING WOMEN AND POVERTY AND SOCIAL EXCLUSION

The vulnerability of women to poverty and social exclusion within the EU

Women's at-risk-of-poverty rate stands at an average of 17% across the EU today, two percentage points higher than that of men. In every age group, more women are likely to be living in poverty than men. Despite relative economic prosperity, this rate has not significantly decreased over the last five years. The figures nevertheless vary substantially between Member States: the highest at-risk-of-poverty rate for women is in Lithuania (27%), whereas the rate in the Czech Republic is comparatively low (10%).



¹While the term 'social exclusion' does not appear in the Beijing Platform for Action, we have added it here to denote a process of exclusion that extends beyond income-related issues. The barriers that women face lead to their exclusion from full participation in all areas of life. ²EWL, *The European Women's Lobby calls on European leaders to address the feminisation of poverty and social exclusion*, 19 January 2009, available at: <http://www.womenlobby.org/SiteResources/data/MediaArchive/policies/Poverty%202010/EWL%20Messages%20Y2010-%20shortened%20and%20formatted.pdf>

Certain groups of women are particularly vulnerable to poverty and social exclusion. These include notably women over the age of 65, 21% of whom live in poverty, as women accumulate lower earnings in comparison to men over their life-cycle. Single parents, 80-90% of whom are women, are strikingly vulnerable, having an at-risk-of-poverty rate of 33%. National studies highlight other smaller but radically affected groups: for example, women fleeing domestic violence have an at-risk-of-poverty rate of 63% in the UK. In addition, difficulties and inequalities in the job-market, violence against women, exorbitant housing prices and lack of social housing contribute to women becoming homeless; there is evidence that the number of women affected by homelessness is increasing in some EU countries. For instance, in France the percentage of women among the homeless has increased from 14% in 1999 to 20% in 2008.³

Another group particularly vulnerable to poverty is immigrant or ethnic minority women. Different factors contribute to this. Some groups of women have very limited access to financial services; pilot projects have only just started offering micro-credit to Roma women.⁴ Many immigrant women are forced to work in the grey economy or in sectors not covered by generic labour codes (such as domestic work). Cultural stereotyping and discrimination by employers result in many ethnic minority women having to take temporary and/or low-skilled jobs.⁵ Consequently, migrant women are frequently excluded from social protection measures, including maternity benefits, pensions and medical leave.

The hidden nature of women's poverty

Poverty and social exclusion are the result of inequalities, including those between women and men. Their gendered nature is hidden because women are usually referred to as a 'vulnerable group' as opposed to being recognised as constituting half of the population. Women's poverty and social

exclusion in Europe is a multifaceted problem making it difficult to assess and address.

Conditionality requirements of social protection benefits and the absence of individualised rights in social protection systems render women dependent either upon their partner or the State. Women's unpaid work in the home, including work undertaken by assisting 'spouses'/partners in family businesses, continues to be ignored in terms of its contribution to Gross Domestic Product; and the lack of mandatory social security protection for assisting 'spouses'/partners increases their risk of poverty and social exclusion, especially in cases of separation or death of their partner.

Income-related poverty is measured in terms of accumulated household income (referred to as 'equivalised disposable income'), which presupposes that all members of a given household are equal and that income and resources are distributed equally therein. However, efforts to estimate income-poverty on the basis of individualised income (as opposed to combined household income) show that women's poverty could be as high as 36% against 11% for men in situations of separation, divorce or death of a partner.⁶

EU LEGISLATION, POLICIES AND PROGRAMMES SINCE 2004 REGARDING WOMEN AND POVERTY AND SOCIAL EXCLUSION

Promoting equality and the wellbeing of the Union's peoples are the main objectives of the Union as laid down in the Treaties. The EU does not have competence *per se* to legislate in matters relating to social wellbeing other than through employment related issues. Most social policies remain within the competence of Member States but the European Institutions can make somewhat substantial policy contributions to relieve the risk of

³Coordination Française du Lobby Européen des Femmes, *Note pour le groupe thématique de l'AG du LEF sur les femmes et la pauvreté*, June 2009. ⁴See for example pilot micro-credit projects in Spain and the training and enterprise creation project in Bulgaria referenced in: EGGSI - Expert Group on Gender equality, social inclusion, health and long term care, *Ethnic minority and Roma women in Europe: A case for gender equality?*, November 2008. ⁵See for example TUC, *Black Women and Employment*, 2006, available at: <http://www.tuc.org.uk/extras/bwae.pdf> ⁶European Commission, *Commission staff accompanying document - Equality between women and men - 2010*, 18 December 2009.

poverty across the EU. Article 9 TFEU provides for a horizontal social clause and Article 3(3) TEU calls for 'combating social exclusion [...] and the promotion of social justice and protection'. Article 160 refers to the Social Protection Committee's role 'to modernise and improve social protection systems'.

While the Lisbon Treaty provides a framework for the social dimension of EU policies it is too early to predict its impact. Currently social policies are addressed through the intergovernmental Open Method of (OMC) established in 2000 and strengthened in 2006. The OMC for social protection and social inclusion addresses issues of poverty and social inclusion, pensions and health and long-term care; however, strands relevant to women (health, care and pensions) remain underdeveloped.

• **New EU legislative acts affecting women and poverty and social exclusion since 2004**

The Council in 2008 endorsed a non-binding Commission Recommendation on the *Active inclusion of people excluded from the labour-market* which covers three strands of the active inclusion policy, namely: adequate income support; inclusive labour-markets; and access to quality services.⁷ The Recommendation stresses that the active inclusion policy should 'promote gender equality and equal opportunities for all'.⁸ The Active Inclusion Strategy once implemented will provide a more solid framework to assess and monitor the structural barriers that maintain women on the margins of society.

•• **Other initiatives of the EU concerning women and poverty and social exclusion since 2004**

The European Commission has taken a range of actions since 2004, including designating 2010 as the European Year for Combating Poverty and Social Exclusion.⁹ Other initiatives include issuing a Communication in 2008 on *A Renewed Commitment to Social Europe: Reinforcing the Open Method of Coordination*

for Social Protection and Social Inclusion which recognises that 'delivery on common objectives – fighting poverty and social exclusion, ensuring pension adequacy and sustainability, ensuring equitable access to health and long-term care – remains a challenge' and states that 'there are no signs of an overall reduction in poverty rates in the EU'.¹⁰

Another 2009 Communication on *A Shared Commitment for Employment* equates care services with 'alternative employment strategies' such as 'services cheques' which lowers the value given to care and maintains workers in this area, mainly women, on the margins of socio-economic power and structures.¹¹

In publishing in 2008 a *Manual for Gender Mainstreaming Social Inclusion and Social Protection Policies*, the Commission sought to assist Member States with a step-by-step practical guide to mainstreaming gender in employment, social inclusion and protection policies.¹² It includes reference to the needs of specific disadvantaged groups of women, including women from ethnic minorities and Roma women.¹³

A couple of significant initiatives have been taken by the other EU Institutions over the period. The European Parliament adopted a Resolution on *Women and poverty in the European Union*.¹⁴ This is the only political resolution that specifically addresses women's poverty and social exclusion in the EU. In 2007, the Council developed a number of indicators which, if properly used, will help expose the various natures of poverty and social exclusion and the importance of sensitivity to gender in related policies.¹⁵

⁷ European Commission, *Recommendation on the active inclusion of people excluded from the labour-market*, 2008/867/EC, 3 October 2008, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:307:0011:0014:EN:PDF>

⁸ *Ibid.*, 3 (b), p. 4. ⁹ See Civil Society Coalition to end poverty, initiated by EAPN and including the EWL: www.endpoverty.eu

¹⁰ European Commission, COM(2008) 418 final. ¹¹ European Commission, COM(2009) 257 final.

¹² European Commission, *Manual for gender mainstreaming social inclusion and social protection policies*, 2008, available at:

http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2008/manual_mainstreaming_gender_guidance_en.pdf

¹³ In addition to this manual, the *Common Basic Principles on Roma Inclusion* makes specific reference to Roma women (see principle 5). The CBPs on Roma inclusion were included in the Council Conclusions on Inclusion of the Roma, 8 June 2009, available at: <http://ec.europa.eu/social/BlobServlet?docId=2808&langId=en> ¹⁴ European Parliament, *Resolution on women and poverty in the EU*, P6_TA(2005)0388, 2005, available at:

<http://www.europarl.europa.eu/document/activities/cont/200905/20090507ATT55443/20090507ATT55443EN.pdf>

¹⁵ Council of the European Union, Employment, Social Policy, Health and Consumer Affairs Conclusions, *Review of the implementation by Member States and the EU institutions of the Beijing Platform for Action – Indicators in respect of Women and Poverty*, December 2007, 13947/07 ADD 1.

GAPS AND RECOMMENDATIONS

Women's lower earning power should mean that they are a significant target for ameliorative action under policies tackling poverty and social exclusion. However, European social policy strategies do not explicitly include achieving gender equality as a target and gender mainstreaming remains very weak. The relationship between women's poverty and social exclusion on the one hand and migration and anti-trafficking on the other must also be better understood and reflected in EU policies and actions. Not assessing the impact of policies or actions on women carries the danger that these policies will both fail to redress gender inequalities and increase the precariousness of vulnerable groups of women.

The EU's lack of competence to legislate in the area of social welfare is a major drawback for women and men living in Europe. In this context it is critical that the most effective use is made of the intergovernmental Open Method of Coordination (OMC). In particular, priority must be given to social protection and social inclusion in relation to pensions, health and long-term care policies which can help to provide part of the solution to women's structural poverty. To address the gender dimension of poverty effectively it is essential to listen and respond to the voices of vulnerable women themselves and women's civil society organisations with long-term expertise on these issues.



THE EWL CALLS ON THE EU TO:

- Strengthen collective mechanisms of solidarity, in particular the European Social Model.
- Develop a human rights framework to combat poverty and social exclusion and show political leadership by affirming the right of all women, men, girls and boys in the European Union to lead a dignified life, free from poverty and social exclusion; and committing to a society that is inclusive of all rather than developing a two-tier system within the EU .
- Ensure a gendered socio-economic framework based on equality, anti-discrimination and human rights is applied to policies aimed at combating poverty and social exclusion.
- Implement the Commission Recommendation on the *Active inclusion of people excluded from the labour-market*.¹⁶
- Guarantee a minimum income for all and develop an EU Directive on Minimum Income, building on the 1992 Recommendation¹⁷ and the 2008 Active Inclusion Recommendation.
- Guarantee individualised social protection coverage to self-employed workers and their assisting partners in line with the European Parliament's Report.¹⁸
- In the context of 'services of general interest', guarantee universal provision of water, electricity, gas, health, housing, transport and access to the internet and ensure that the internal market review will not adversely affect social inclusion; guarantee public funding of affordable, good quality and accessible care structures.
- Strengthen the social dimension of the Open Method of , particularly the strands relating to long term-care, health and pensions; provide systematic gender-disaggregated data and information in national reporting and in the annual *Joint Report on Social Protection and Social Inclusion*; engage with national and specific interest women's organisations to ensure their needs are taken into account.
- Carry out research, particularly within the socio-economic strand of the European research framework programmes to meet the strategic objective to 'develop gender-based methodologies and conduct research to address the feminisation of poverty'.
- Carry out research on the financial sustainability of social protection systems, especially in light of changing demographic trends.

¹⁶European Commission Recommendation 2008/867/EC.¹⁷Council of the European Union, Recommendation, *Common criteria concerning sufficient resources and social assistance in social protection systems*, 92/441/EEC, 1992.¹⁸European Parliament, *Report on the proposal for a directive of the European Parliament and of the Council on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Directive 86/613/EEC* (COM[2008]0636 – C6-0341/2008 – 200/0192(COD)).

THE EWL CALLS ON THE MEMBER STATES TO:

- Address and redress the gender gap by:
 - Revising the household unit measure used to determine income-poverty thresholds that presuppose gender neutrality within households;
 - Implementing the indicators in respect of women and poverty;¹⁹
 - Addressing women's poverty throughout the life-cycle, including ensuring full pay for women during statutory maternity leave and access to and indexation of pension schemes.
- Guarantee individualised rights to taxation and social protection entitlements to eliminate women's dependant status through derived rights.
- Assess and reform social protection systems from a gender equality perspective, in particular, to guarantee universal pension rights.
- Ensure that lifelong learning opportunities are available to women to support the development of recognised pre-labour-market and basic skills training: reading, writing, language, internet and digital learning.

¹⁹Council of the European Union, 13947/07 ADD 1, December 2007.

B / EDUCATION & TRAINING OF WOMEN

Strategic objectives

- Ensure equal access to education.
 - Eradicate illiteracy among women.
 - Improve women's access to vocational training, science and technology and continuing education.
 - Develop non-discriminatory education and training.
 - Allocate sufficient resources for and monitor the implementation of educational reforms.
 - Promote lifelong education and training for girls and women.
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All 27 Member States of the European Union guarantee and offer free primary and secondary education to boys and girls. The European Union's main activities in the area of education have been, since 2002, cooperation and exchange of good practice under the framework of the Open Method of Coordination (OMC).¹ This reflects the priority given to education and training in the Lisbon Strategy for Growth and Jobs.² However, policies in these important areas have not incorporated gender aspects sufficiently or appropriately: the new policy area of pre-school education does not take a gender-sensitive perspective; the envisioned lifelong learning strategies at EU level present women only as a vulnerable category needing help and support to 'integrate' or 're-integrate' into the labour-market.³ Women's rights in relation to education must be further strengthened within the EU legal framework and gender mainstreaming applied as a policy tool.



EWL FOCUS

Education is one of the areas not yet covered by European gender equality legislation. The EWL strongly highlights how educational systems promote gendered educational paths, leading to gender different outcomes and inequalities which disadvantage women in employment and pay. In 2006, the EWL proposed amendments to the European Parliament *Report on educational discrimination against young women and girls*⁴ and in 2007 highlighted gender differences in education in its response to the European Commission *Consultation on a new initiative to prevent and combat discrimination outside employment*. A large part of EWL activity in this area is dedicated to stressing the need for a stronger sensitivity towards gender in education, and the elimination of persistent gender stereotypes with a view to securing a place on the EU political agenda for equality between women and men in education.

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THE CURRENT SITUATION IN THE EU REGARDING EDUCATION AND TRAINING OF WOMEN

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• Equal access to education and training

Women outnumber men as graduates at secondary and university levels. Girls are less likely (13.5%) than boys (17.5%) to drop out of school.⁵ The latest data also show that more girls and young women than boys and young men enter tertiary education. In July 2008, 62% of young women aged 15-24 were enrolled in education and training compared to 57% of young men of the same age.⁶

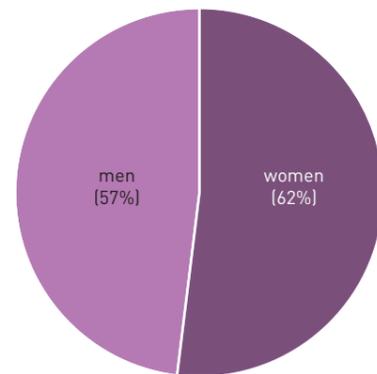
Certain groups of young women are nevertheless vulnerable to missing out on educational qualifications. Girls from low-income families are more likely to be low-skilled as difficulties in access to education lead to reinforcement of the traditional preference for education for boys. Access for girls from some groups, such as girls with disabilities and from the Roma minority, is particularly limited due to the lack of attention to specific needs and to multiple discrimination.

Equal access to education and skills is also in question in light of the distribution of qualifications. Beyond the enduring stereotyping in educational materials, social perceptions of the traditional roles of the sexes influence the selection of courses of study and educational specialisation which remain heavily gendered. Girls and young women dominate in health and welfare, education,

humanities and arts and are considerably less prominent in science, mathematics, computing (20% female graduates), engineering (18%), manufacturing and construction, areas which generally lead to better remunerated employment.

•• Qualifications and employment

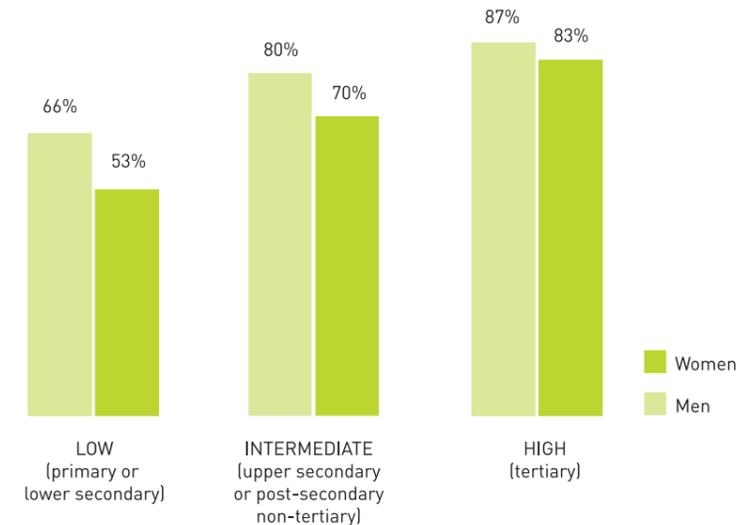
In today's knowledge economy, the lack of educational qualifications is increasingly detrimental to an individual's economic prospects. Women with low levels of education are particularly unlikely to be in work, compared to both males with low levels of education and females with higher levels. This is true especially in Greece, Ireland, Italy and Spain where fewer than 47% of females aged 25 to 64 without upper secondary degrees are employed, compared to over 70% of similarly educated males and of women with tertiary education.⁷



PERCENTAGE OF YOUNG PEOPLE AGED 15-24 IN EDUCATION AND TRAINING BY SEX, 2008.

Source: European Commission, Eurydice, *Key Data on Education in Europe*.

¹The Open Method of Coordination offers some mechanisms for mutual learning and cooperation, using 'soft law' and guidelines aimed at convergence in education policy and speedier adoption of common objectives. ²European Council, *Resolution on education and training as a key driver of the Lisbon Strategy*, (2007/C 300/1), OJEU, 12 December 2007. ³ NESSET, *Gender and Education (and Employment)*, 2009. ⁴European Parliament Committee on Women's Rights and Gender Equality, *Report on educational discrimination against your women and girls*, 2006/2135(INI), 27 November. ⁵European Council and the European Commission, *Annex 2: Progress Against the Five Reference Levels of Average European Performance (BENCHMARKS) and other Key Indicators in Education and Training*, OJEU, C 86/12, 5 April 2008, p. 12. ⁶European Commission, Eurydice, *Key Data on Education in Europe*, 2009, p. 95.



DIFFERENTIAL OF MALE/FEMALE EMPLOYMENT OF 25-39 YEAR OLDS BY HIGHEST LEVEL OF EDUCATION ATTAINED, 2007.

Source: European Commission, Eurydice, *Key Data on Education in Europe*.

⁷OECD, *Education at a Glance 2005*, 'Executive Summary', p. 3, available at: <http://www.oecd.org/dataoecd/20/25/35345692.pdf>

The higher qualifications generally secured by women are not reflected in their position in the labour-market.⁸ Currently, the average gender pay gap in the EU-27 is 17.4%.⁹ Women are also seriously under-represented in higher managerial and decision-making positions.¹⁰ This vertical segregation of labour is apparent also in the European academic sector. According to recent data at the beginning of their academic careers women account for 42% of grade C but reach only 15.3% of grade A posts. Men take the lion's share of positions in academic institutions in grades A and B with 84.7% and 67.8%. Only a fraction of females engaged in research reach senior rank during the course of their careers.¹¹

••• Lifelong learning

Demographic, economic and technological trends in Europe are increasing the importance of continuing education and training over the life span. Lifelong learning allows for new opportunities for completing studies, developing new skills or requalification. This trend can benefit women. There are significant differences between how Member States promote and make use of these programmes, with participation rates varying from under 10% in Hungary to over 70% of those aged 25-64 in Sweden.¹² Also, research indicates that there are gender differences in terms of attendance levels for lifelong learning programmes. A significant correlation emerges between these general participation rates and women's participation, highlighting how women in particular benefit from the accessibility of lifelong learning initiatives. In the Member States where general participation levels are highest (Sweden, Finland and the UK), women's participation rate is 10% above men's. In countries where general access to lifelong learning programmes is less, male participants outnumber female. Women cite family responsibilities as the main impediment to their participation in education and training programmes.¹³

••• EU LEGISLATION, POLICIES AND PROGRAMMES SINCE 2004 REGARDING EDUCATION AND TRAINING OF WOMEN

Existing EU gender equality legislation has no provision to guarantee equality between women and men in the area of education. The Race Directive is the only EU legislation that guarantees non-discriminatory access to education and it applies to ethnic or racial background only.¹⁴ The European Union's mandate includes 'contributing to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action'. The Member States retain responsibility 'for the content of teaching and the organisation of education systems and their cultural and linguistic diversity'.¹⁵

• New EU legislative acts affecting education and training of women since 2004

The December 2004 Council *Directive implementing the principle of equal treatment between men and women in the access to and supply of goods and services* specifically excluded education from its scope of application.

•• Other initiatives of the EU concerning the education and training of women since 2004

The *Roadmap for equality between women and men 2006-2010* tackles the area of education and training, with the objective to 'eliminate gender stereotypes in education, training and culture' and proposes a set of monitoring indicators.¹⁶ A recommendation to 'combat gender stereotypes, in particular those related to sex-segregated labour-markets and in education' also appears in the *European Pact for Gender Equality*.¹⁷ Education, training, vocational education, lifelong learning and

research are coordinated in different institutional settings within the EU.

Within the European Commission, the Commissioner for Education and Culture coordinates education, training and lifelong learning programmes and the Commissioner for Science and Research has responsibility for research. Until 2007, within the Directorate-General (DG) for Research, a Unit on Women and Science developed studies and ensured the application of a gender perspective to research projects funded by the Commission. Subsequently called the Unit for Scientific Culture and Gender Issues, its gender mainstreaming activities were considerably reduced.¹⁸

Since 2004, policies for education, training and lifelong learning have been organised within the framework of the education and training 2010 work programme.¹⁹ Three joint reports by the Council and the Commission on progress in 2006, 2008 and 2010 each contain a small gender analysis of basic education, primary and secondary studies, vocational education and adult learning.²⁰ Despite the gender mainstreaming requirement, the *Seventh Framework Programme of the Community for research, technological development and demonstration activities 2007-2013*, which contains significant funding commitments, does not mandate gender action plans for project proposals.

Three Committees in the European Parliament have competences relevant to education and training: the Committee for Women's Rights and Gender Equality (FEMM), the Committee for Culture and Education (CULT) and the Committee for Industry, Research and Energy (INTRE). During the 2004-2009 legislative period, the FEMM and CULT committees adopted relevant Reports and Opinions in the areas of education, lifelong learning and research.²¹

In the Council of the European Union, an analysis of education and training for women in all Member States was undertaken during the German Presidency (2007) and a number of indicators were proposed.²² Several Council Conclusions recommend that gender equality must be a main objective in education and training: *Efficiency and equity in education and training* (2006); *Adult learning* (2008); and *Migration and education* (2009). During the Swedish Presidency, a conference on Gender differences in educational achievements in November 2009 addressed several significant themes: gender differences in educational outcomes; boys' higher drop-out rate but faster integration into the labour-market; girls' higher educational achievements but failure to break through the glass-ceiling; and the gender pay gap.²³

⁸ Ibid., pp.36-39. ⁹ European Commission, *Report on equality between women and men – 2009*, p. 5. ¹⁰ European Commission, *SHE Figures 2009. Statistics and Indicators on Gender Equality in Science*, 2009. ¹¹ This data was collected in relation to indicators developed by the German Presidency (2007). ¹² European Commission, EUROSTAT Publications, *Significant country differences in adult learning*, N° 44/2009, p. 1, available at: http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-09-044/EN/KS-SF-09-044-EN.PDF ¹³ Ibid., p. 9. ¹⁴ Council Directive 2000/43/EC of 29 June 2000, implementing the principle of equal treatment on grounds of racial and ethnic origin (O.J. 2180, 19/07/2000), Art. 3, 1(e). ¹⁵ Art. 165 (1) TFEU. ¹⁶ European Commission, *Roadmap for equality between women and men 2006 – 2010, Annex I: Indicators for Monitoring Progress on the Roadmap*, 2006, p.32. ¹⁷ Council of European Union, Presidency Conclusions, 23-24 March 2006.

¹⁸ See: <http://ec.europa.eu/research/index.cfm?pg=org&lg=en#directorates> ¹⁹ Council of the European Union, Education and Training 2010: *The Success of the Lisbon Strategy Hinges on Urgent Reform*, 25-26 March 2004. ²⁰ European Commission, *Key competences for a changing world, 2009; Delivering lifelong learning for knowledge, creativity and innovation*, 2007; *Modernising education and training: a vital contribution to prosperity and social cohesion in Europe*, 2005. ²¹ European Parliament, FEMM Committee Reports: *Educational discrimination against young women and girls* (INI/2006/2135); *Measures to reconcile family life and a period of study for young women in the EU* (INI/2006/2276); *Women in Science* (INI/2007/2206). ²² Council of the European Union, Beijing+15: *The Platform for Action and the European Union. Report from the Swedish Presidency*, 2009, p. 53. ²³ Council of the European Union, Swedish Presidency, *Conference on gender differences in education and achievements*, 2009.

GAPS AND RECOMMENDATIONS

Gender disparities and stereotypes remain significant at all levels in the educational systems of EU Member States. Despite access to education for girls and boys in all 27 Member States, there is still discrimination against particular groups of girls. Most affected are girls from minorities and/or from a migrant background, Roma, girls with disabilities, or those living in rural areas. Young women are under-represented in engineering, IT and construction studies and have to overcome significant obstacles to reach higher academic positions. There has been little or no improvement in providing gender-sensitive educational materials, training and counselling or women's/gender studies courses at secondary level across the European Union.



THE EWL CALLS ON THE EU TO:

- Fill the existing gap in scope between European legislation on racial and sex-based discrimination and propose new legislation to ensure equality between women and men in education and media.
- Ensure the application of gender mainstreaming in all European programmes, policies and actions.
- Require gender action plans for all projects funded under the *Seventh Framework Programme for research, technological development and demonstration activities*.
- Develop and collect comparable gender-disaggregated data and indicators – quantitative and qualitative – to underpin gender-sensitive policy development and analysis.
- Support the development of educational programmes and actions on women's rights, gender equality, gender identities and gender relations at all levels of education.
- Encourage Member States to use good practices from learning exchanges to overcome gender stereotypes and other barriers to education.
- Use a gender perspective within lifelong learning strategies and policies to help all women in their career development and in the planning/management of their individual lives.
- Request Member States to guarantee lifelong learning programmes to everyone to ensure continuous employability.
- Set up a framework for Member States to recognise skills for employability acquired in informal settings, for example, those acquired in unpaid work and in NGOs.

THE EWL CALLS ON MEMBER STATES TO:

- Develop gender-sensitive teachers' training, educational programmes and material as well as actions on women's rights, gender equality, gender identities and gender relations at all levels of educational systems.
- Include quantitative and qualitative gender equality indicators in all evaluation programmes aiming at evaluating the quality of educational systems.
- Encourage girls to take up scientific and technical careers through improved counselling and by providing and developing mentoring schemes in universities.
- Provide funding for the creation, development and support of gender and feminist studies and research.
- Use an intersectional perspective to respond to different needs and social backgrounds when designing education and training programmes.
- Ensure that governmental structures for the education of girls and boys with disabilities are put under the ministry of education.
- Guarantee the equal representation of women and men on evaluation panels and selection committees in the educational system and scrutinise tests and entrance examinations with a gender perspective.
- Include informal adult education as part of lifelong learning programmes to complement the formal educational system, taking into account the particular needs and constraints of all women.

C / WOMEN AND HEALTH

Strategic objectives

- Increase women's access through the life cycle to appropriate, affordable and quality health care.
- Strengthen preventive programmes that promote women's health.
- Undertake gender-sensitive initiatives that address sexually transmitted diseases, HIV/AIDS and sexual and reproductive health issues.
- Promote research and disseminate information on women's health.
- Increase resources and monitor follow-up for women's health.

Social and medical research indicate that sex and gender impact differently on women's and men's health, access to health and health care.¹ Unequal access to resources coupled with other social factors produce inequitable health risks and access to health information, care, and services for women and men. In addition to this, biological differences imply that women have particular health concerns and needs, especially related to sexual and reproductive health. There are strong disparities between European countries in access to and protection of sexual and reproductive rights. While the prerogative in health policy belongs to Member States, the EU has a coordination role with the goal of ensuring a high level of human health protection for all.² Firmer action is needed at EU level in order to ensure uniform protection of women's health and rights. Several EU documents acknowledge that gender and age are significant health determinants; however, women's rights and gender issues are not consistently integrated in European health policies.³



EWL FOCUS

The EWL work on women and health has focused mainly on promoting women's sexual and reproductive health and rights. The EWL and its members have been involved in different campaigns, such as that which led to the positive referendum results on abortion in Portugal in 2007. Work in this area will be developed by the EWL to ensure the development of further health policies which recognise and respond to the needs and experiences of women, including in relation to access to health services and in the area of sexual and reproductive health and rights.



THE CURRENT SITUATION IN THE EU REGARDING WOMEN AND HEALTH.



• Access to health

Although access to basic health care is guaranteed in principle in all EU Member States, discrepancies continue to exist which negatively affect certain groups of women. One such group is the elderly. In all Member States women live longer than men, with an average life expectancy for women of 81.5 years and for men of 75.2 years.⁴ There are gendered differences in healthy life years from birth; these vary from country to country, and social, cultural, and economic factors determine that women are more likely to suffer poor health and have poor access to quality health care in their later years.⁵ Migrant women are another extremely vulnerable group who face considerable language and information barriers: they are poorly informed of their rights and the availability of services. Undocumented migrant women fear expulsion when trying to access health care or are denied the right to such care in some countries. Women with disabilities also face a number of specific barriers in accessing health such as physical accessibility, limited adaptability of health services in the field of motherhood, sexuality and reproductive health, and lack of trained professionals.

Women's access to health is jeopardised in many cases by the denial of their fundamental sexual and reproductive rights. Access to contraception and protection against sexually transmitted diseases, safe pregnancy termination, quality midwifery, etc., are crucial to the protection of women's health. Maternal deaths from childbirth, for example, although an increasingly rare phenomenon in the EU, remain at 25 per hundred thousand in Estonia and Romania.⁶ A 2008 study on women's sexual and reproductive health suggests several positive trends: abortion rates are declining; reliable methods of contraception are being

used; HIV testing during pregnancy has become more acceptable; teenage birth rates are falling, with low rates in most EU countries.⁷ However, sexual and reproductive rights are not uniformly recognised and applied in all EU Member States. This includes access to adequate maternity leave: the current EU minimum standard of just 2 weeks mandatory maternity leave threatens the health of women and babies.⁸ Organisations working in this field often struggle to continue to exist and educational programmes need financial and political support to survive and develop further.

•• Health Risks

Women and men differ in terms of health behaviours and the health risks they face over their lifetimes. Cancer is one example, with women suffering predominantly from different forms of cancer than their male counterparts, most notably breast, uterus and cervical cancers. Cancer represents one of the biggest health threats in Europe, fatal in 2006 for 140 women out of every hundred thousand.⁹ All Member States have provisions for breast and cervical cancer screening, but conditions of access and quality of treatment differ from country to country. Awareness, diagnosis and access to treatment for uterus cancer are insufficient.¹⁰

Eating disorders are another health risk example with a strong gender dimension. Among those aged 15–24, more men than women are classified as being overweight while more women than men suffer from being underweight. The main explanations for this are bad dietary habits, lifestyles and stereotypes about girls and women's bodies.¹¹



EU LEGISLATION, POLICIES AND PROGRAMMES SINCE 2004 REGARDING WOMEN AND HEALTH



The primary responsibility for health-related policy rests with Member States. The EU nevertheless has a competence in health promotion and disease prevention and a role to play in coordinating and providing support to Member States in order to attain a high level of human health protection.¹³ The EU recognises that gender, alongside age, education, economic status and civil status, is a significant determinant for health and access to health care. Nonetheless, this recognition has not in practice done justice to the complex sex and gender differences in health that ought to be addressed in EU policies, actions and programmes.

THE HEALTH OF WOMEN WITH DISABILITIES

Women with disabilities face a number of barriers in accessing health and social services. These barriers include physical accessibility, limited adaptability of health services in the field of motherhood, sexuality and reproductive health and lack of trained professionals. The barriers vary from negative attitudes in society and a lack of understanding of their needs to limited adaptability of services.

In several countries in Europe there is clear evidence that forced sterilisation continues to be carried out on many persons with disabilities, above all on girls and women mostly with intellectual or psychosocial disabilities and without their consent or their understanding the specific purpose of the medical operation, under the pretext of the wellbeing of the person with disabilities.

This is a form of violence that violates the rights of person with disabilities to form a family, decide on the number of children they wish to have, gain access to information on family planning and reproduction, and retain their fertility on an equal basis with others.¹⁴

¹Sen, G. & P. Östlin, *Unequal, Unfair, Ineffective and Inefficient. Gender Inequity in Health: Why it exists and how we can change it*, Karolinska Institute, 2007. ²Art. 168 TFEU [ex Art. 152 TEC]. ³Council of the European Union, *Conclusions on Women and Health*, 2005; *Conclusions on Health and Migration in the EU*, 2007; *Conclusions on Roma Inclusion*, 2008; *Resolution on the health and well-being of young people*, 2008. ⁴European Commission, EUROSTAT Publications, *Key figures on Europe 2009*, Figure 2.8: Causes of death, EU-27, 2006, p.59. ⁵World Health Organisation, *Women, Ageing and Health: A framework for Action. Focus on Gender*, 2009. ⁶European Commission, 'Maternal and Prenatal Health', *Major and Chronic Diseases Report 2007*, p. 179.

⁷Oliveira de Silva, M., *Sexual and Reproductive Health, REPROSTAT 2 Project*, 2008, pp. 280-290. The study also proposes 18 indicators to complement the existing WHO global indicators. ⁸Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding. ⁹European Commission, EUROSTAT Publications, *Figure 2.8: Causes of death, EU-27, 2006 in Key figures on Europe 2009*, p.58. ¹⁰Instituto per la Ricerca Sociale, Fondazione Brodolini & Expert Group on Gender equality and social inclusion, health and long term care issues (EGGS), *Access to Healthcare and Long-Term Care: Equal for women and men? Final Synthesis Report*, Milan, 2009, pp. 73-88. ¹¹European Commission, EUROSTAT, *The life of women and men in Europe*, 2008. ¹²EGGS, *Ethnic minority and Roma women in Europe: A case for gender equality?*, 2008. ¹³Art. 168 TFEU. ¹⁴EDF declaration on Sterilisation of women with disabilities, November 2009 and EDF/CERMI publication on the Situation of Women with disabilities in the EU, November 2007, the European Commission-funded study on the situation of women with disabilities in the EU in light of the UN Convention, December 2009.

- **New EU legislative acts affecting women and health since 2004**

Since 2004, no legislative acts were adopted at EU level that address directly the issue of women's health or are concerned with women and health or gender determinants of health.

As of January 2010, a proposal was being considered to amend the 1992 Council Directive on the protection of pregnant workers, those who have recently given birth or are breastfeeding.¹⁵

- **Other initiatives of the EU concerning women and health since 2004**

The EU health strategy introduced by the European Commission in 2008 presents a four strand approach: shared health values like equity, solidarity and citizens' empowerment; health as the greatest wealth; introducing health into all EU policies; and strengthening the EU's voice in global health. The approach encompasses human diversity but is gender blind, failing to apply women's rights and a gender-sensitive perspective to its main policy objectives, goals and action plans.¹⁵ Furthermore, EU policy documents do not recognise women's significant contributions as doctors, health workers, or managers.

In addition, EU policies and documents for equality between women and men often fail to consider health. Health is not covered in the *European Pact for Gender Equality* or in the documents concerning public health of the two Trio Presidencies.¹⁷

Other EU initiatives have paid better attention to the gender dimension in health matters. In its 2007 Conclusions, the Council of the European Union stressed the gender and sex differences related to health. Addressing *Women's health*, it called for 'gender-related biomedical research as well as on socio-economic determinants' and for 'raising awareness amongst the general public but also health-care professionals that gender is a key determinant of health.'¹⁸ The Council's

Conclusions on *Health and Migration in the EU* (2007) and on *Inclusion of the Roma* (2009), as well as a Resolution on the *Health and well-being of young people* (2008) all note the importance of gender considerations. At the level of the European Parliament, the Committee on Women's Rights and Gender Equality organised several public hearings on topics related to women's health; published a document on *Discrimination against Women and Young Girls in the Health Sector*;¹⁹ adopted an own-initiative Report on *Gender discrimination in health systems*;²⁰ and two Resolutions, addressing the *fight against breast cancer* in the enlarged EU²¹ and *fighting female genital mutilations* in the EU.²²

European policies have to a limited extent integrated these concerns. The 2008–2013 *Programme of Community action in the field of health* extended the recognition of its precursor that 'gender, socio-economic status and age are important health considerations and it is essential to systematically collect, process and analyse comparable data, within national constraints, for effective monitoring.'²³ The *Roadmap for equality between women and men 2006–2010* situates health in the broad policy area of economic independence and proposes to 'monitor and strengthen gender mainstreaming in health policies, including by updating the gender dimension in health.'²⁴ EU youth policies refer to sexual health and a healthy lifestyle in the context of sexual activity.²⁵

The European Commission published in January 2010 its long-awaited second report on women's health entitled *Data and Information on Women's Health in the European Union*. The report provides data but few recommendations. However, it does highlight the fact that 'current data related to women's health are scattered, inconsistent and in some cases even unavailable' and recommends that 'women's health shall be recognised as a public health subject area of considerable importance in research and policy making'.²⁶

¹⁵ Council Directive 92/85/EEC of 19 October 1992. For further information on maternity leave, see Section F on 'Women and the Economy'. ¹⁶ European Commission, *White Paper* 'Together for Health: A Strategic Approach for the EU 2008-2013', Brussels, 2007. ¹⁷ Trio Presidency Declaration (Germany, Portugal, Slovenia): 'Towards Gender Equality in the European Union', Germany, 2007; Trio Presidency Declaration (France, Czech Republic, Sweden): 'Gender Equality', France, 2008. ¹⁸ Council of the European Union, *Conclusions on Women's Health*, 2006. ¹⁹ European Institute of Women's Health, *Discrimination against Women and Young Girls in the Health Sector*, 2007. ²⁰ European Parliament, Report on gender discrimination in the health systems, 2005. ²¹ European Parliament, *Resolution on Fight against breast cancer in the enlarged EU*, 2006. ²² European Parliament, *Resolution on fighting female genital mutilations in the EU*, 2009. ²³ European Parliament and Council of the European Union, *Decision to establish a second programme of Community action in the field of health 2008-2013*, 2007. ²⁴ European Commission, *A Roadmap for equality between women and men 2006-2010*, Com(2006) 92 Final. ²⁵ European Commission, *An EU Strategy for Youth – Investing and Empowering*, Brussels, 2009. ²⁶ European Commission, *Data and Information on Women's Health in the European Union*.

GAPS AND RECOMMENDATIONS

Gender and sex differences in health and a gender equality perspective are not systematically taken into account in EU health-related policies and activities, but addressed sporadically and in very general terms. Despite a Council Recommendation on cancer screening in 2003 for example, there has been no concerted action to address this or other prominent health issues for women. Gender mainstreaming rarely appears in European Commission policy papers and even less in actions and programmes. Moreover, initiatives to address the health needs of specific vulnerable groups such as people with disabilities are gender-neutral. While the EU's external policies consider sexual and reproductive health and rights, they are absent from the EU's internal policies; the White Paper *Together for Health* affirms the principle of citizen's empowerment without considering women's right to control their own fertility. Free access to information, contraception methods, and education on sexual and reproductive rights are important means of realising this principle concretely.



THE EWL CALLS ON THE EU TO:

- Ensure that health-related policies and programmes as well as actions addressing health inequalities take account of gender and sex differences.
- Ensure that policies and programmes for specific groups such as the Roma, people with disabilities or lesbian, gay, bisexual and transgender persons (LGBT) pay specific attention to the health needs of women within these groups. Research should be conducted to identify their specific health needs.
- Act upon the violation of the human rights of women related to their sexual and reproductive health and rights, especially in the case of forced sterilisation of women with disabilities or Roma women.
- Make mandatory the collection of sex disaggregated data in the area of health.
- Take account of sex and gender differences in nutrition, physical activity and health and use this information when collecting data and disseminating best practice.
- Guarantee all women a minimum of 24 weeks fully-paid maternity leave.
- Fund and prioritise gender-sensitive research and policy actions based on appropriate and timely gender-segregated monitoring data, especially in areas like muscular-skeletal conditions and diseases and the effects of therapy and drugs.
- Ensure equal representation of women and man on European decision-making bodies that analyse and propose health policies, and develop statistical indicators for women's participation in senior health posts and in decision-making bodies in the health sector.
- Develop and support programmes that facilitate women's access to senior posts in the health sector, including to the boards of medical and research centres.



THE EWL CALLS ON MEMBER STATES TO:

- Ensure the integration of women's specific needs and of a gender perspective in all aspects of health policies, programmes, research and educational curricula, including through funding and the involvement of experts.
- Make mandatory the collection of sex disaggregated data in the area of health.
- Recognise and guarantee sexual and reproductive health and rights, including safe abortion and affordable safe contraception, and ensure universal access to relevant health education and information.
- Develop and financially support educational programmes on sexual and reproductive rights, and disseminate information, especially targeting youth.
- Improve and assure pre- and post-natal medical care by devising prenatal care indicators and carrying out regular monitoring processes.
- Ensure access to health care to all women and men, regardless of their legal status.
- Ensure that health care systems provide targeted support services and information to women with disabilities in light of the implementation of Article 25 of the UN Convention on disability, recognising the right to the highest attainable standard of health and to gender-sensitive health services including rehabilitation and sexual and reproductive health services.
- Prevent, ban and prosecute forced sterilisation of women, including women with disabilities or Roma women.
- Provide gender- and culture-sensitive training to doctors and health workers to help them overcome gender stereotyping and discriminatory attitudes, especially towards vulnerable categories of women.
- Prevent, ban and prosecute female genital mutilation.
- Ensure access to and quality of screening, diagnosis and treatment for breast, uterus and cervical cancer for all women, and develop awareness-raising campaigns on these issues. Introduce mandatory testing methods that measure the different impacts of therapies and drugs on both men and women equally.



D / VIOLENCE AGAINST WOMEN

Strategic objectives

- Take integrated measures to prevent and eliminate violence against women.
- Study the causes and consequences of violence against women and the effectiveness of preventive measures.
- Eliminate trafficking of women and assist victims of violence due to prostitution and trafficking.

Violence against women continues to be the most fundamental and globally extensive violation of women's human rights but, as yet, no EU legislation exists to tackle it. Furthermore, definitions of violence against women vary and most Member States do not have a substantive National Action Plan to combat all of its forms. Prostitution and trafficking are generally separated from violence against women; anti-trafficking action focuses on organised crime and is rarely linked to prostitution, despite trafficking in women being the main channel feeding prostitution in Member States.



EWL FOCUS

In 2007, the European Women's Lobby, together with its European Observatory on Violence against Women, published a report analysing national legislation and policies on violence against women in Europe.¹ The report evidences a lack of commitment by governments to promote and protect women's rights.

Since 2004, the EWL has undertaken many activities tackling the prostitutional system and trafficking in women for sexual exploitation: in 2006 it developed a transnational awareness-raising project in 14 countries (EWL/CATW);² and between 2005 and 2008 coordinated a large assistance and cooperation project in the Nordic Baltic Region.³

2010 is a vital year for developing concrete responses to male violence against women at European level due to new political awareness of the issue in the European Institutions. The EWL will advocate strongly for European legislation covering all forms of violence against women.

THE CURRENT SITUATION IN THE EU REGARDING TO VIOLENCE AGAINST WOMEN

Prevalence of violence against women

When all forms of violence against women are taken into account, 45% of all women in Europe have suffered from men's violence. It is estimated that every fifth woman has been subjected to domestic violence, which remains a major cause of death amongst women; in France, one woman is killed every three days by her partner or ex-partner.⁴ It is estimated that the total annual cost of domestic violence against women in the 27 Member States of the EU could be as high as 16 billion Euros, amounting to 33 Euros per capita per annum, or 1 million Euros every half hour.⁵

Some women encounter a greater risk of violence or difficulty in accessing services due to their specific situation, such as those facing language barriers, lack of documentation, family pressure and isolation, or those within state institutions such as prisons or hospitals. Migrant women and women from minority ethnic populations can face other forms of violence in the family setting; for example, currently up to 500,000 girls and women living in the European Union are affected or threatened by female genital mutilation.⁶ Women with disabilities face institutional and systemic violence, punishment, abuse and/or threat of such violence, directed at them by authorities, the health-care, social security and other public systems.

It is important to recognise that violence against women concerns women of all ages. Girls and young women in the EU are affected by all the types of violence outlined here and are particularly at risk of female genital mutilation, sexual abuse and forced marriage.

Sexual Harassment

Violence against women also occurs at work. Between 40 and 50% of women in the European Union have experienced sexual harassment in their workplace at some point in their lives.⁷

Prostitution and Trafficking in Women

Prostitution is a form of violence against women. More than half of the women in prostitution in the UK have been raped and/or seriously sexually assaulted and at least 75% have been physically assaulted at the hands of pimps and punters. Studies have shown that nine out of ten women in prostitution surveyed would like to exit prostitution but are unable to do so. 68% of women in prostitution experience the same level of post-traumatic stress disorder as do victims of torture and combat veterans undergoing treatment.⁸ Trafficking is a gendered issue directly connected with prostitution: 79% of victims are trafficked for sexual exploitation and more than 80% of these are female.⁹ Most Member States are countries of origin, transit and/or destination of trafficking in human beings.

Pornography

Pornography promotes damaging stereotypes in its portrayal of men and women. The production and sale of pornography is not harmless: it entails and encourages violence against women and plays a key role in shaping men's and women's conception of relationships. Studies have shown that female victims of domestic violence report that their abuser views pornography.¹⁰

EU LEGISLATION, POLICIES AND PROGRAMMES SINCE 2004 REGARDING VIOLENCE AGAINST WOMEN

The EU has produced a number of documents and established measures to tackle male violence against women but has not passed any recent legislation. The European Parliament (EP) has taken a lead through its work within the Committee on Women's Rights and Gender Equality (FEMM Committee) as detailed below. Unfortunately the response at EU level to the issue of violence against women has been fragmented, pointing to the urgent need for comprehensive and coherent EU legislation.

Violence against women in EU external Policies

Violence against women is addressed sporadically in the framework of EU external policies: female genital mutilation is mentioned in cooperation agreements (e.g. the Cotonou Agreement) and women and conflict and gender-based violence are mentioned in development instruments, such as the 2006 European Parliament Resolution on the *Situation of women in armed conflicts and their role in the reconstruction and the democratic process in countries after a conflict*. Aside from this, violence against women in the European Security and Defence Policy Framework was examined under the 2008 French Presidency of the Council and EU guidelines on violence against women and girls in external EU policy were adopted.¹¹

¹EWL, *Reality Check: when women's NGOs map policies and legislation on VAW in Europe*, 2007. ²EWL-CATW, *The links between prostitution and sex trafficking: a briefing handbook*, available at: <http://www.epacvaw.org/spip.php?article3> ³Nordic Baltic Network: *Working Together*, available at: <http://www.epacvaw.org/spip.php?article211> ⁴Mission Égalité des Femmes et des Hommes, 2009. ⁵Psytel, *Ingénierie de l'information, Projet Daphné 'IPV EU_Cost', Estimation du coût des violences conjugales en Europe*, Maité Albagly-Sandrine Baffert-Claude Mugnier-Marc Nectoux-Bertrand Thellot, 2006. ⁶Association of European Parliamentarians with Africa, 2009, available at: http://www.awepa.org/awepa-news/move-to-eliminate-fgm-in-europe_en.html

⁷European Commission, 'Sexual Harassment at the workplace in the European Union', 1998, available at: <http://www.un.org/womenwatch/osagi/pdf/shworkpl.pdf> ⁸Demand Change! Campaign Briefing, 2009. ⁹United Nations Office on Drugs and Crime, 'Global Report on Trafficking in Persons', 2009. ¹⁰Utah Domestic Violence Coalition, 2009, available at: www.udvc.org ¹¹See section E on 'Women and armed conflict'.

• **New EU legislative acts affecting violence against women since 2004**

There are no new legislative acts at EU level in relation to violence against women.

•• **Initiatives of the EU concerning violence against women since 2004**

The European Parliament's FEMM Committee has been instrumental in dealing with violence against women. Reports from this Committee, later adopted by the Parliament, have addressed trafficking in women and sexual exploitation, violence against Roma women, immigrant women, women with disabilities and lesbians, as well as murders of women in Central America and Mexico, and female genital mutilation. Male violence against women is regularly denounced in Reports on specific issues such as women and poverty, women in armed conflicts, women in accession countries and also in general papers on gender equality. One 2005 Report specifically dedicated to violence against women in all its forms, *Current situation in combating violence against women and any future action*, led to the adoption of a Resolution. Public hearings were organised on female genital mutilation (October 2007), domestic violence (October 2008), sexual harassment in the workplace (November 2007) and murders of women in Central America and Mexico (April 2006). The FEMM Committee used the opportunity of International Women's Day to raise awareness on violence against women (2005) and on prostitution at international sports events (2006).

In April 2009, the EP adopted a Written Declaration on violence against women in support of the UNIFEM campaign 'Say NO to violence against women' and to create a European Year on Zero Tolerance of violence against women. In November 2009, the EP held several events and adopted two important documents calling for a coherent EU policy on violence against women, namely its Resolutions on the *Elimination of violence against women* and on the *Stockholm*

Programme. Both Resolutions call for a Directive and a European Action Plan on violence against women. The 2010 FEMM Committee's International Women's Day event is to be dedicated to violence against women.

The European Commission addresses violence against women through its multi-annual DAPHNE programme facilitating and supporting NGOs, academics and public institutions working in the area of violence at a transnational level. A new programme for 2007-2013 was adopted with a 50% increase in funding resulting in a budget of 116.85 million Euros for its seven year duration, to be shared between 27 countries. The large number of acts of violence among young people has led the Commission to include combating violence against women as a project under its Youth in Action programme.

The European Commission is now looking at Member States' legislation on violence against women: it has delivered one call for tenders to evaluate legislation on trafficking in human beings for the purpose of sexual exploitation, and another for a feasibility study on the standardisation of national legislation on gender violence and violence against children.

Fragmentation in the approach to eradicating violence against women is also characteristic of the activities of EU Council Presidencies. Trafficking in human beings is regularly addressed, as evidenced by conferences organised by the Presidencies of the UK (2005), Portugal (2007) and Sweden (2009), though not always with a gender dimension. The 2006 Austrian Presidency held a ministerial conference on harmful traditional practices and in 2009 the Swedish Presidency organised a conference on male violence against women. Unfortunately these events failed to address the issue of violence against women in a sufficiently comprehensive way.

••• **Initiatives of the EU concerning trafficking in women since 2004**

Some measures have been put in place at EU level since 2004 in order to tackle trafficking, but overall these initiatives have lacked a gender perspective and have tended to focus on trafficking from an organised crime or immigration perspective. The European Commission's *Framework Decision on trafficking* (2002) provides Member States with a common definition of trafficking and the 2002 Brussels Declaration offers a basis for wide measures and actions. In its evaluation of the implementation of the 2002 Framework Decision by the Member States, the European Commission in 2006 highlighted the lack of political will to address the issue substantially and support and protect women.

The *Roadmap for equality between women and men 2006-2010* lists gender-based violence and trafficking in women among its priority areas. The Commission established an EU Action Plan on best practices, standards and procedures for combating and preventing trafficking in human beings. However, the evaluation it published in 2008 reveals weak points, especially as concerns police protection for victims, compensation, and police risk assessment before return. The strong political signal given with the establishment of an EU Anti-Trafficking Day in 2007 failed to carry through to the following year when nothing was organised to mark the Day on 18 October. In 2009, an EU ministerial conference took place for the third EU Anti-Trafficking Day, *Towards Global EU Action against Trafficking in Human Beings*, but once again the gender dimension of the phenomenon was neglected.

The European Parliament has been very active on trafficking in human beings: making a Recommendation to the Council on fighting trafficking; passing Resolutions on trafficking in women in Cambodia and on strategies to prevent the trafficking of women and children; and running a campaign in 2006 against prostitution: 'Showing the red card to forced prostitution'. The Parliament's November 2009

Resolution on the Stockholm Programme calls for gender to be taken into account at all stages of policy-making on trafficking in human beings. The FEMM Committee also delivered a set of questions to the Commission and the Council in November 2009 on new legislation on trafficking to replace the Framework Decision of 2002.



Best Practices

Spain is regarded as a 'leader' in combating domestic violence since it passed a comprehensive law addressing the issue in 2004. The law provides for the creation of special courts and integral rehabilitation centres, improved assistance to victims, and a series of procedures aimed at protecting women under threat. Among the reforms included are guarantees of equal rights for all victims, including economic aid regardless of the victim's age, and the creation of a fund to help cover alimony and child support in the case of separation and divorce. Moreover, the Spanish law has been accompanied by awareness-raising campaigns, targeting a variety of audiences (victims, perpetrators, public audience, media, politicians, etc.).

In Latvia, harassment provisions have been included in labour law and criminal law.

Sweden is known for its legal provisions on prostitution (1999), which, by penalising the prostitute-user, address the roots of prostitution, namely demand, and help to dismantle the prostitutional system. It is important to note that these provisions are part of a more comprehensive national law for action on violence against women, which includes three key concepts: legislation is to be further improved and made more rigorous; further preventive measures are to be undertaken; and women victims are to be dealt with in better ways than before. The law is accompanied by substantive funding. Norway (2008) and Iceland (2009) adopted similar legal provisions.

GAPS AND RECOMMENDATIONS

The feminist analysis of violence against women as a manifestation of the unequal power relations between women and men, and the institutionalisation of these power relationships in all areas of public and private life, is still largely ignored. This has consequences for the ability of women to resist and survive male violence, as well as for effective government policies, priorities and resource allocation. Violence against women is treated as a isolated issue whereas we know that it is directly interconnected with all other areas of public life. Moreover, although Member States have committed to introduce measures to address violence against women since 1998, there are no mechanisms to follow-up on these commitments.

The different measures – legislation, reports, resolutions and initiatives – prove that violence against women is an issue of concern at EU level, and the actions by European Institutions demonstrate some progress in implementing the Beijing Platform for Action, but in a fragmented way that impedes the formulation of a coherent EU strategy. The actions lack the necessary vision, strategy and clear political commitment to eradicate male violence against women. Despite the level of activities spanning public events, reports and recommendations, the EU still lacks a proper legal framework for pursuing perpetrators and supporting women effectively. Greater political will is needed to translate commitments made over ten years into concrete measures and active implementation.



THE EWL CALLS ON THE EU TO:

→ Take all necessary measures to address and eradicate all forms of violence against women as an inherent part of its gender equality strategy, policies and actions, by:

- Bringing forward a legal instrument on violence against women that ensures that all forms of violence against women are addressed within a broad, feminist definition of male violence against women, and that provides for full protection and support for women, as well as strong preventive measures and sanctions for perpetrators.

- Developing a European Action Plan on violence against women, with specific funding, which expresses an enhanced holistic understanding of male violence against women and its link to gender (in)equality. This EU Action Plan should set precise targets and funding for service provision to victims, therefore reflecting the EU commitment to show leadership through recognising and supporting the role of women's NGOs working with victim support services.

- Setting up a European monitoring framework and mechanism to measure progress in relation to EU commitments on violence against women and identify gaps and critical emerging issues including violence against particularly vulnerable groups of women such as ethnic minorities, migrant women, women in institutions or in detention, minors, women with disabilities, older women, refugee women and those in situations of armed conflict.

- Producing annual statistics and data on all forms of violence against women, including against specific groups of women such as those with disabilities.

- Developing research opportunities on violence against women within existing EU programmes.

→ Designate an EU Special Representative / Rapporteur on violence against women to assist the UN Rapporteur on violence against women in her task at international level.

→ Show clear political will to address prostitution and trafficking in women for sexual exploitation, by:

- Setting up mechanisms to ensure that the gender dimension of trafficking is part of all policies aimed at preventing and combating trafficking in human beings.

- Ensuring that female victims of trafficking for sexual exploitation are given strengthened rights, protection and support, as well as access to residence permits.

- Reducing demand for sexual exploitation by supporting actions targeting education for equal and respectful relationships between women and men, awareness campaigns aimed especially at men, and by sanctioning buyers and pimps.

- Encouraging networking between organisations, especially NGOs, involved in the provision of assistance to victims, rehabilitation and repatriation of women victims of trafficking.



THE EWL CALLS ON MEMBER STATES TO:

→ Establish a National Action Plan on all forms violence against women if one is not already in existence, and ensure ongoing and systematic monitoring to measure progress.

→ Ensure the highest standards of legislation with regard to combating male violence against women.

→ Show political will to cooperate with other Member States, both in the sharing of good practices, and in engaging in joint efforts to work on the issue at the EU level.

→ Produce annual statistics and data on all forms of violence against women.

→ Produce official statistics or disaggregated data about the prevalence of violence against women or girls with disabilities, including violence committed by the State itself, administrative systems and authorities.

→ Recognise and support the role of women's NGOs working with victim support services by allocating sustainable funding for operational work and research, creating networking opportunities and consulting NGOs regularly.

→ Ensure that health care and social welfare systems respect and enforce the right to full and informed consent by all women prior to conducting any medical investigations or treatment; and ban prosecute any forced sterilisation.

→ Develop and implement training actions on diversity and equality in relation to violence against women.

→ Take measures to ensure the access to support services, including women's shelters, of all women independent of their legal status, disability, sexual orientation, race or ethnic origin, age or religion.

→ Ratify all international and regional human rights instruments promoting and defending women's rights, without reserve clauses, such as the UN 1949 *Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others*.

→ Engage in the fight against the prostitutional system and trafficking in women for sexual exploitation, through prevention, protection and prosecution measures.



E / WOMEN & ARMED CONFLICT

Strategic objectives

- Increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed and other conflicts, or under foreign occupation.
- Reduce excessive military expenditures and control the availability of armaments.
- Promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations.
- Promote women's contribution to fostering a culture of peace.
- Provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women.
- Provide assistance to the women of the colonies and non-self-governing territories.

Conflicts, wars and militarism are gendered processes.¹ They use, maintain and often promote the ideological construction of gender in their definitions of 'masculinity' and 'femininity' and have a disproportional impact on women and children, particularly the girl child. In effect, what this means is that men go to war to defend national/state values, territories and borders and protect and defend their 'own' women and children. Women are regarded as 'the protected' and 'the defended', which inevitably means women having to 'survive the violence' and 'patch and mend the war-torn societies' instead of their equal participation in contributing to democratic development, enforcement of rights and justice and creating human security for all. The absence of women in diplomatic positions and decision-making posts remains a persistent barrier to women's participation in conflict prevention, peacekeeping, peace-building and post-conflict reconstruction.



EWL FOCUS

The EWL has clearly articulated positions on conflict situations around the world, highlighting their effects on women. In September 2009, the EWL adopted a Position Paper on *Women, Peace and Security*. The EWL's work on the implementation of the United Nations Security Council Resolutions 1325, 1820 and, more recently, 1888 and 1889, is ongoing.



THE CURRENT SITUATION REGARDING PROCESSES ON WOMEN AND ARMED CONFLICT IN THE EU

According to the United Nations Development Fund for Women (UNIFEM), 'while women remain a minority of combatants and perpetrators of war, they increasingly suffer the greatest harm. In contemporary conflicts, more than 70 percent of casualties have been civilians — most of them women and children.'² Through enlargement, neighbourhood,³ development, humanitarian and security policies, the EU seeks to extend stability across Europe and increasingly to play a role in peace promotion at the global level. In the framework of the European Security and Defence Policy (ESDP), the Union aims to develop its civilian and military capacities for crisis management and conflict prevention at international level. However, the great majority of EU policies that address armed conflict fail to integrate a gender perspective adequately.

• Violence against women in conflict situations⁴

Despite EU and international commitments to upholding women's rights, specific and gendered forms of violence are perpetrated upon women, including sexualised violence in war and in the aftermath of conflict by former soldiers. For example, nearly 5,400 cases of rape were reported in the eastern part of the Democratic Republic of Congo (DRC) in the first six months of 2009.⁵ Forced impregnation or sterilisation, prostitution, trafficking and female genital mutilation are also rife in such situations.⁶

Sexual violence against women is also perpetrated by international peacekeeping forces and humanitarian workers: in 2009 dozens of United Nations (UN) peacekeeping troops were disciplined for their involvement in sexual abuse and exploitation.⁷ A binding code of conduct for EU forces involved in conflict prevention and peace-building should

Gender mainstreaming in ESDP operations

'Working with a gender perspective inside a military force clearly supports the work and results of the operation. In particular, it improves collection and gathering of information and intelligence and supports the objective to gain credibility among the local population [...] so that they feel trust and credibility in us and our work. In this context, it is vital to work towards the local female population, which has not always been the case in previous missions.'

Charlotte Isaksson, former Gender Advisor, EU military mission EUFOR RD Congo¹³

be an integral part of any peacemaking efforts, based on the UN model.⁸

•• Gender mainstreaming in EU security policies and operations

Until December 2009, European Common Foreign and Security Policy (CFSP) was not covered by the gender mainstreaming provisions of the EU Treaties, and consideration of the gender dimension in the operations of European Security and Defence (ESDP) missions has been sporadic and weak. The approach that the EU takes to security, combining civilian and military tools, engages its personnel in activities where sensitivity to women's experiences and needs is crucial to success. In post-conflict reconstruction for example, it is vital to take account of women's needs when rebuilding housing, access to water and transport systems or demining lands.⁹

Although several European commanders have expressed the conviction that a gender perspective is 'the key to success' in peacekeeping operations,¹⁰ the trend towards gender mainstreaming begun with the adoption of UN Security Council Resolution (UNSCR) 1325 in 2000 rapidly stagnated. The 2003 *European Security Strategy* only contained two references to women – as victims of trafficking.¹¹ Referring to Member States, the European Parliament noted in a May 2009 Resolution that 'the practical commitment to furthering gender mainstreaming and women's empowerment in external policies is still weak, the implementation of the existing policy documents is modest and the budgetary

resources earmarked specifically for gender issues are insufficient'.¹²

••• The inclusion of women as leaders and personnel in peace processes

In major peace processes worldwide over the last decade, women have averaged 6% of negotiators and less than 3% of signatories.¹⁴ In this context, women's experiences of conflict and post-conflict situations are rarely addressed: out of 300 peace agreements since the Cold War, only ten have mentioned sexual violence. In the case of ceasefires, sexual violence is also rarely mentioned.¹⁵

In peacekeeping situations, female military police are generally regarded as more 'approachable' than their male counterparts in particular in certain communities.¹⁶ The absence of women and their perspectives in peace negotiations, post-conflict reconstruction, disarmament, humanitarian relief and peace-building is a persistent and direct barrier to the integration of human security and women's rights' concerns and a barrier to sustainable peace.¹⁷

Currently, all eleven EU Special Representatives (EUSR) in troubled areas of the world are men; indeed, there has never been a female EUSR. Only seven of the more than 130 European Commission Delegations are headed by women. Further, not a single ESDP mission is currently headed by a woman and women represent only 6% of ESDP operational personnel.¹⁸

¹As in the work of N. Davis, J. Cock, C. Cockburn, C. Enloe, V. Kesic, B. Ivekovic, etc. ²See: http://www.unifem.org/gender_issues/peace_security/ ³See European Commission: http://ec.europa.eu/world/enp/documents_en.htm ⁴See section D on 'Violence against women'. ⁵See: <http://www.un.org/apps/news/story.asp?NewsID=32606&Cr=drc&Cr1> ⁶See, for example, L. Jackson, *The Greatest Silence: Rape in Congo, 2007*; and European Parliament, *Resolution on the situation in the Democratic Republic of Congo and rape as a war crime*, 17 January 2008. ⁷ See: <http://www.un.org/apps/news/story.asp?NewsID=32857>

⁸The UN Code of Conduct for Peacekeepers. See *Gender and peacekeeping Operations, In-Mission Training package*, TES/DPKO 2001. ⁹See the *UN Gender Guidelines for Mine Action Programmes*, 2005. ¹⁰Gya, G., 'The importance of Gender in ESDP', *European Security Review*, No. 34, July 2007, p. 6. ¹¹Council of the European Union, *European Security Strategy: A Secure Europe in a Better World*, 12 December 2003. ¹²European Parliament, *Resolution on gender mainstreaming in EU external relations and peace-building/nation-building*, 2008/2198(INI), 7 May 2009. ¹³Cited in European Parliament *Report on Gender mainstreaming and the empowerment of women in the EU's external relations instruments*, April 2009, p. 21. ¹⁴UNIFEM, see: http://www.unifem.org/gender_issues/peace_security/ ¹⁵UNIFEM, see: http://www.unifem.org/news_events/story_detail.php?StoryID=894 ¹⁶Valenius, J., 'Gender mainstreaming in ESDP Missions', *Chaillot Paper*, No. 101, EU Institute for Security Studies, May 2007. ¹⁷Kasic, B., *Women and the politics of peace: Contributions to a culture of women's resistance*, Centre for Women's Studies, Zagreb, 1997. ¹⁸Wallström, M., 'Women, peace & security' - Speech by European Commission Vice-President Wallström, 22 October 2009.



EU LEGISLATION, POLICIES AND PROGRAMMES SINCE 2004 REGARDING WOMEN AND ARMED CONFLICT



• New EU legislative acts affecting women and armed conflict since 2004

The Treaty of Lisbon will affect some aspects of the EU's policy on armed conflict in potentially important ways for women. In particular, it extends the obligation of gender mainstreaming to the EU's security policies. The Treaty also provides for a comprehensive overhaul of the EU's external representation structures. The creation of a European External Action Service (EEAS) bringing together structures and staff from the European Commission, the Council Secretariat and Member State services offers a unique opportunity to ensure the equal representation of women and men in this area, as well as the full implementation of gender mainstreaming in new policy-making procedures. The appointment of a woman, Catherine Ashton, to head this new service as High Representative of the Union for Foreign Affairs and Security Policy is a positive step. Finally, the Treaty of Lisbon gives legal force to the Charter of Fundamental Rights of the EU.

•• United Nations Security Council Resolutions affecting women and armed conflict since 2004

The Resolutions of the UN Security Council have provided the key framework for implementation of a gender perspective into the policies and actions of the EU and its Member States in relation to women and armed conflict. In 2000 the UN Security Council passed a historic Resolution, UNSCR 1325 on *Women, Peace and Security*, addressing the impact of war on women and women's contributions to conflict resolution and sustainable peace. In 2008, Resolution 1325 was followed by UNSCR 1820; in 2009, two more Resolutions on *Women, Peace and*

Security were passed in rapid succession: UNSCRs 1888 and 1889. Both UNSCRs 1820 and 1888 recognise, and call for a coordinated response to, conflict-related sexual violence as a matter of international peace and security. UNSCR 1889 returns to the importance of women's participation and empowerment and urges Member States to take further measures to improve women's participation during all stages of peace processes. For the first time, this Resolution incorporates reporting and monitoring requirements, with the UN Secretary General empowered to scrutinise results. Member States are also called upon to develop and implement their National Action Plans on women and armed conflict. UNSCR 1889 led to the creation of the post of UN Special Representative for Sexual Violence in Conflict, to which Margot Wallström, outgoing Vice-President of the European Commission, was appointed in February 2010.

••• EU implementation of United Nations Security Council Resolutions and other initiatives affecting women and armed conflict since 2004

Since 2004, the EU has produced a number of reports and documents and taken some steps to implement the UN Security Council Resolutions on *Women, Peace and Security*. In 2005, the Council of the European Union put in place a set of standards of behaviour for ESDP operations; however, these are by no means exhaustive and do not reach the standards set by the UN Code of Conduct.¹⁹

In July 2006, the Council drew up a checklist for gender mainstreaming in ESDP operations,²⁰ and in November issued *Conclusions on Promoting Gender Equality and Gender Mainstreaming in Crisis Management*.²¹ The Conclusions stressed a zero tolerance policy towards sexual exploitation and abuse, gender-based violence and prostitution. The ESDP mission in the Democratic Republic of the Congo (DRC) launched at the end of 2006 was the first to include a gender advisor. Since then, most ESDP missions have included gender advisors,

and progress has been made on providing gender-awareness training for all ESDP personnel. However, the effectiveness of these initiatives may be undermined by the persistent lack of a concrete EU gender policy and gender-specific budget lines for ESDP missions.²²

In the 2008 Report on the *Implementation of the European Security Strategy*, the EU recognised that 'effective implementation' of UNSCR 1325 and UNSCR 1612 on *Children and Armed Conflict* is essential.²³ The Report addressed the question of the 'appalling use of sexual violence as a weapon of intimidation and terror' and stated that 'effective implementation of UNSCR 1820 on sexual violence in situations of armed conflict is essential'.²⁴ In December 2008, the Council adopted a *Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820*, which included the setting up of a Women, Peace and Security Task Force,²⁵ and the General Affairs Council adopted *Guidelines on violence against women and girls and combating all forms of discrimination against them*.²⁶

The European Parliament (EP) has also been active on the issue of women and armed conflict over the period. In 2006, the EP adopted two Resolutions: the first on the *Situation of Women in Armed Conflict and their Role in the Reconstruction and Democratic Process in Post-Conflict Countries*,²⁷ the second on *Women in International Politics*.²⁸ Both encouraged greater inclusion of women in peace-building missions. In 2007, the Subcommittee on Security and Defence approved an internal *Gender Mainstreaming Action Plan*.²⁹ Following the publication in April 2009 of a Report on *Gender mainstreaming and empowerment of women in the EU's external relations instruments*,³⁰ a new Resolution was adopted by the Parliament in May.³¹ It called for gender balance in the new External Action Service; more women as Heads of Delegations and EU Special Representatives and in ESDP missions and operations; and systematic gender

mainstreaming throughout planning, training, and operational processes. The EP also made clear that 'quotas are an indispensable means of ensuring gender equality in peace and security missions and in decision-making in national and international reconstruction processes, and of guaranteeing the political presence of women at the negotiating table'.

•••• National level implementation of United Nations Security Council Resolutions and other initiatives affecting women and armed conflict since 2004

Despite increasing EU level activism, European security and defence remain largely in the hands of Member States. Even in the framework of ESDP missions, selection and training of personnel for example remain the responsibility of the individual contributing countries. Effective implementation of UNSCR 1325 into EU security policies therefore requires action at national level. To date, just nine EU countries have developed the requested National Action Plans (NAPs). Where they exist, many NAPs suffer from a distinct lack of accountability mechanisms, such as gender budgeting, time-bound measurable targets, reviews and clear reporting structures. They are thus not 'living documents', which raises additional concern for the viability of their implementation.³²

ADOPTION OF NATIONAL ACTION PLANS BY EU MEMBER STATES

Denmark	→ June 2005
United Kingdom	→ March 2006
Sweden	→ October 2006
Austria	→ August 2007
Spain	→ November 2007
The Netherlands	→ December 2007
Finland	→ September 2008
Belgium	→ May 2009
Portugal	→ August 2009

¹⁹ Council of the European Union, *Generic Standards of Behaviour for ESDP Operations*, Brussels, 2005. ²⁰ Council of the European Union, *Check list to Ensure Gender Mainstreaming and Implementation of UNSCR 1325 in the Planning and Conduct of ESDP Operations*, 27 July 2006. ²¹ Available at: http://www.eulex-kosovo.eu/training/hr/gi/docs/EU_Council_conclusions_Gender_Women_in_ESDP.pdf

²² See European Parliament, *Resolution on gender mainstreaming in EU external relations and peace-building/nation-building*, 7 May 2009. ²³ Council of the European Union, *Report on the Implementation of the European Security Strategy - Providing Security in a Changing World*, Brussels, 11 December 2008, p. 10. ²⁴ *ibid.*, p.8. ²⁵ Available at: http://www.consilium.europa.eu/uedocs/cms_Data/docs/hr/news187.pdf ²⁶ Available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/16173cor.en08.pdf> ²⁷ European Parliament, *Resolution 2005/2215(INI)*, June 2006. ²⁸ European Parliament, *Resolution 2006/2057(INI)*, October 2006. ²⁹ Available at: http://www.honvedelem.hu/files/9/8008/sede_action_plan_on_gender_mainstreaming-final_version.pdf ³⁰ Available at: http://www.isis-europe.org/pdf/2009_artrel_306_09-04-epstudy-strategy-ext-rel-gya.pdf ³¹ European Parliament, *Resolution on gender mainstreaming in EU external relations*, P6_TA(2009)0372, 7 May 2009. ³² UN-INSTRAW offers a thorough guide for governments, UN and regional organisations and NGOs, for policy and planning on women, peace and security: *Securing Equality, Engendering Peace*, 2006.

GAPS AND RECOMMENDATIONS

Although the EU has made efforts over the period to integrate a gender dimension into its security and defence policies, this policy field remains heavily male-dominated, male-centred and military oriented. The coming into force of the Treaty of Lisbon on 1 December 2009 represents an opportunity to improve the gender dimension and women's participation in EU external policies.

As security policies remain largely in the hands of Member States, it is vital that the remaining 18 without National Action Plans develop these urgently to implement this aspect of UNSCR 1325. In the nine Member States where NAPs are already in place, suitable methods of implementation and monitoring must be developed. In 2010, the EU and its Member States must make full use of the tenth anniversary of UNSCR 1325 in order to raise awareness of the impact of conflict on women and girls and advance their involvement in peace-building and conflict resolution.



THE EWL CALLS ON THE EU TO:

- Develop an EU-wide Action Plan on UNSCRs 1325/1820/1888/1889.
- Implement the May 2009 Resolution on gender mainstreaming in EU external relations and peace-building/nation-building.
- Monitor and encourage the development of National Actions Plans by all EU Member States and candidate countries, and evaluate their implementation.
- Map and review gender issues within EU peace and security policies and programming.
- Assess and fill gaps in EU strategic priority related to UNSCRs 1325/1820/1888/1889.
- Ensure the equal participation of women and men in European fora and institutions dealing with all aspects of conflict prevention, management and resolution and in post-conflict peace-building.
- Appoint an EU Special Representative for Women's Rights in Conflict Situations.
- Ensure that the European Institute for Gender Equality carries out research on gender mainstreaming in EU external missions.
- Place women's human rights at the core of EU donor policies for reconstruction and development.
- Invest in civil society women's organisations, financially and otherwise, as both a means of conflict prevention and post-conflict reconstruction.
- Condemn all forms of gender-based violence in situations of armed conflicts and post-conflict societies; and ensure that women and girls have access to redress through international law in the aftermath of conflict.
- Support the International Criminal Court (ICC) to pursue perpetrators of crimes

committed against women as crimes against humanity and war crimes.

- Provide full access to sexual and reproductive health services and support programmes, including counselling, for women who have suffered sexual violence.
- Adopt a binding code of conduct for the behaviour of EU soldiers and peacekeeping forces, including humanitarian aid workers; include an unequivocal condemnation of all forms of gender-based violence, including prostitution and trafficking for the purpose of sexual exploitation.

THE EWL CALLS ON THE MEMBER STATES TO:

- Re-affirm commitment to the full implementation of UNSCRs 1325/1820/1888/1889.
- Urgently develop National Action Plans with a holistic approach to women, peace and security issues and which acknowledge women's role in peacemaking, peacekeeping, peace-building and post-conflict reconstruction; include mechanisms for accountability, such as gender budgeting, time-bound measurable targets, reviews and clear monitoring and reporting structures.
- Provide full financial support for the implementation of UNSCRs 1325/1820/1888/1889 as well as adequate and sustainable funding for women's equal participation in peace processes.
- Adopt a binding code of conduct for the behaviour of soldiers and peacekeeping forces, including humanitarian aid workers; include an unequivocal condemnation of all forms of gender-based violence, including prostitution and trafficking for the purpose of sexual exploitation.
- Place women's human rights at the core of donor policies for reconstruction and development.

F / WOMEN AND THE ECONOMY

Strategic objectives

- Promote women's economic rights and independence, including access to employment, appropriate working conditions and control over economic resources.
- Facilitate women's equal access to resources, employment, markets and trade.
- Provide business services, training and access to markets, information, and technology, particularly to low-income women.
- Strengthen women's economic capacity and commercial networks.
- Eliminate occupational segregation and all forms of employment discrimination.

The economic independence of women is crucial to achieving equality between women and men. While the employment rate of women has increased substantially throughout the EU over the last decade, the patterns of women's work continue to reflect traditional gender roles. The visibility of women in the labour-market has led to the assumption that the dual-income model dominates as opposed to the single male breadwinner model of the past.¹ However, social protection systems continue to be shaped around the male breadwinner model, with the result that women remain on the margins of economic independence and power whether they are workers in the labour-market and/or recipients of social protection benefits, including statutory rights such as pensions. A more cohesive and coherent approach to socio-economic policies is necessary in order to achieve women's economic independence.



EWL FOCUS

For the EWL, ensuring women's economic independence is key to the promotion of gender equality. This includes integrating a strong gender equality dimension into European employment and social policies; working towards the elimination of sex-based discrimination in employment and pay; and making the link between paid and unpaid work. In this context, the 2006 EWL 'Who Cares?' campaign focused on issues of reconciliation of private and professional life from a feminist perspective and on the provision of care services for all dependants. As well as the EWL's continuing work on employment policies, including strengthening women's entrepreneurship, this campaign has been followed by intensive and ongoing work on new European measures related to assisting spouses, maternity and parental leave. The EWL is calling for 24 weeks maternity leave, full pay throughout the duration of leave and legal protection for women returning to work. The issue of care, particularly lack of quality, accessible and affordable care services, is a barrier to women's full participation in the labour-market; the EWL calls for the development of a care economy in the context of the future new European economic and social EU 2020 Strategy.

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THE CURRENT SITUATION IN THE EU REGARDING WOMEN AND THE ECONOMY

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• The gender employment gap

Women's participation in the labour-market has stimulated economic growth across the European continent. In fact, the female work force has contributed more to economic development in the European Union than the emerging economies of China and India. Today, close to 60% of European women are employed, a historic high. Nevertheless, the Lisbon Strategy target of 60% employment for women by 2010 falls short of an equal share of the overall EU employment goal of 70%. Furthermore, although women's employment rate is close to reaching its target, it will do so to varying degrees in different countries ranging from 36.9% to 73.2%.²

Women still face serious challenges when entering the job-market. Their contribution and needs are often hidden, for example, in terms of the contribution of women's unpaid work in the home and in family businesses to the economy. The definition of 'labour-market skills' is too narrow and does not take account of the skills that women and men develop in informal settings, such as care. Insufficient recognition is given to the link between pre-employability skills (reading, writing, basic digital skills, languages) and delivering a successful inclusive social and economic cohesion strategy. Supporting lifelong learning as a prerequisite for continuous employability is unfortunately not a priority.

Despite the fact that women are now the majority of higher education graduates, representing 59% of those awarded university diplomas, the choice of study fields continues to impact on gender segregation in the labour-market in terms of occupations and economic sectors. Women, more than men, tend to be concentrated in a limited number of sectors of the economy, namely: health care and social work (up to 70% of the work-force in this

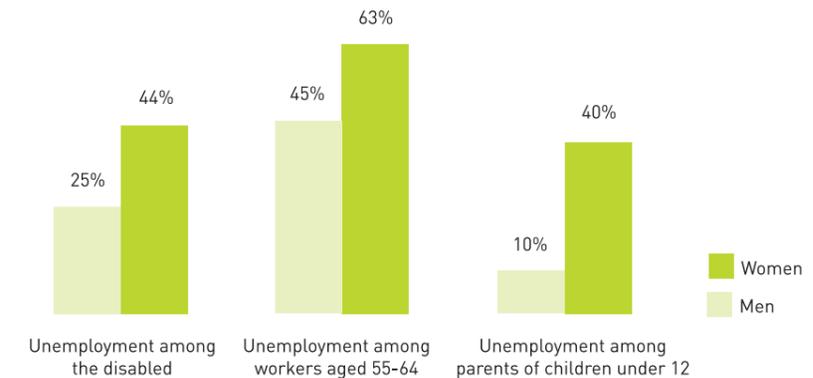


The employment rate for women falls by 12.4 points when they have children under 12, while it rises by 7.3 points for men.

sector in almost all countries), retailing, education (up to 70% of the work-force), administration and catering. According to the 2008 *Statistical Portrait* of women and men in the EU, this concentration seems to be increasing rather than falling over time.³ This indicates that women are not benefiting from new jobs in the knowledge-based economy. In the period 2000 to 2007, women occupied 60.5% of all the new jobs created but obtained 82.5% of the new jobs in health and social services.⁴ Women's entrepreneurship has remained stagnant for the past decade as women's access to credit, their visibility as entrepreneurs, and support for women entrepreneurs beyond start-up phase remain limited.

10.6%, compared to men's 7.9%. Women with disabilities and those belonging to ethnic minorities face similar, and often more drastic, challenges. Highly educated migrant women who obtain their qualifications outside the EU are twice as likely to be employed in low-skill jobs in comparison to EU-qualified and native women with the same level of education.⁵ Roma women are also vulnerable.⁶ In the EU, women with disabilities are twice less likely to be employed than men with disabilities or women without disabilities;⁷ if a woman with a disability gets a job, she is less likely to work full time⁸ and is paid less than workers from all other groups. The additional obstacles faced by these groups of women are due to the intersectionality of their gender with, and aggravation by, other grounds of discrimination which must be addressed in employment policies.

Certain groups of women are particularly vulnerable economically, facing even more obstacles on the job-market in comparison to their male counterparts. In rural areas for instance, female unemployment stands at



UNEMPLOYMENT RATES AMONG CERTAIN GROUPS BY GENDER

Source: EUROSTAT, 2008

¹Which is not necessarily the case; for example concerning the employment rate of women in rural areas, which is well below the 60% Lisbon target and in Malta where women's employment rate is only 37%.²European Commission, Report on equality between women and men 2009.

³ Eurostat, *The life of women and men in Europe: a statistical portrait*, 2008, available at: http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-80-07-135/EN/KS-80-07-135-EN.PDF. ⁴European Commission, *How Social Services help mobilising the workforce and strengthening social cohesion, Background information*, EMPL/E-4 D (2009), 15 April 2009. ⁵RAND report, *Migrant Women in the EU Labour Force*, 2008. ⁶EGGS1 - Expert Group on Gender equality, social inclusion, health and long term care, *Ethnic minority and Roma women in Europe: A case for gender equality?*, November 2008. ⁷European Commission, DG Employment, *Social Affairs and Equal Opportunities, Men and women with disabilities in the EU: statistical analysis of the LFS Ad Hoc Module and the EU SILC*, final report, 2007. It is worth mentioning that the employment situation of women with disabilities varies greatly within Europe with high employment rates in the Nordic countries and the UK (60% of women with disabilities in Sweden are employed) and rates below 10% in the southern and south-eastern countries. ⁸ECOTEC, *Study on the situation of women with disabilities in light of the UN Convention for the Rights of Persons with Disabilities (VC/2007/317)*, final report for DG Employment, Social Affairs and Equal Opportunities of the European Commission, 2009.

•• Reconciling work and family life

The greatest challenge to female employment in Europe continues to be reconciling family life, particularly as regards the care of children and other dependent family members, with the demands of the labour-market. With the European job-market still reflecting a male-dominated life-cycle model, women's position in the labour-market suffers significantly and disproportionately when they decide to have children. The employment rate for women falls by 12.4 points when they have children under 12, while it rises by 7.3 points for men. Women in Europe are four times more likely to work part-time than men. In most cases, part-time work stems from a desire to compromise between work and family obligations, and a lack of options. 30% of European women say that they work part-time in order to care for children or other dependants, and would like to work more if care alternatives were available.

The lack of affordable, accessible and quality childcare is still not being adequately addressed, despite the European targets to provide childcare to at least 90% of children between three years old and the mandatory school age and at least 33% of children under three by the year 2010.⁹ Most Member States will not meet these targets, particularly in the 0-3 age group. Reconciliation measures fail to reflect the reality of women's disproportionate burden of care for children and dependent family members that shape their participation

(or not) in the labour-market and the importance of care especially in the context of an increasingly ageing population. The male take-up rate of reconciliation measures is low, and depends on a number of factors including pay: men are unlikely to take leave for a fixed sum that does not reflect their salaries.¹⁰ Reconciliation thus requires holistic care policies. Currently, the reform of a European Council Directive on maternity leave is becoming a legislative battleground in the European Institutions, particularly in relation to pay, duration of leave and the introduction of a paternity/co-maternity leave clause. The need for care facilities has been identified as a priority for all groups of women, including migrant and Roma workers; however, policies are weak.¹¹

Since 2007 flexicurity has emerged as a key policy priority. Flexicurity aims to provide mechanisms to adapt to a rapidly changing economic environment by combining flexibility in work and security when out of work, which Member States are invited to implement. A close look at the concept of flexicurity reveals a policy that tends to favour employers over workers, failing to address the fundamental and persistent obstacles to women's full participation in economic life. Guaranteed income is crucial for periods out of or between jobs for those for whom activation and flexicurity strategies may prove difficult, especially women, who are invariably the primary carers. Most affected are: single parents, 85% of whom are women; and parents

with additional caring needs for sick or special-needs children, other family members or dependents.

••• The gender pay, pension and savings gap

European women may be entering the labour-market in unprecedented numbers, but they still face serious obstacles in attaining equal treatment in employment. Women's average hourly salary is 17,4% lower than men's in the EU. In seven member states, namely Cyprus, the Czech Republic, Germany, Greece, the Netherlands, Slovakia and the UK, women earn 20% less than their male counterparts. This staggering gender pay gap has not been systematically tackled in economic, social and employment policies. Targets and timelines to reduce the gap are lacking and equal pay audits are generally not mandatory. There is a danger that economic recovery measures will deepen the gender pay gap.

Furthermore, older women are increasingly recognised as a vulnerable group that will fall victim to a gender pension gap.¹² They are sanctioned financially for the time they spent out of the labour-market on caring tasks and suffer from a failure to guarantee indexing of pensions¹³ which leads to a progressive poverty trap in old age. The gender pension gap has yet to be recognised and addressed in the context of the gender pay gap, which demonstrates that the male breadwinner model is still the yardstick against which access to socio-economic rights is measured.



EU LEGISLATION POLICIES AND PROGRAMMES SINCE 2004 REGARDING WOMEN AND THE ECONOMY



• New EU legislative acts affecting women and the economy since 2004

In 2006, the Recast Directive was adopted.¹⁴ This legislation brought together the existing provisions of different Directives on equal treatment between women and men in employment (access to employment, including promotion, vocational training, and working conditions, pay and occupational social security schemes) and included some case law.

In June 2009, the social partners negotiated improvements to the original 1996 Council Directive on parental leave¹⁵ and a Framework Agreement on Parental Leave¹⁶ which was adopted by the Council in November 2009. The Framework Agreement extended individual rights to a period of leave from three to four months with one month non-transferable between parents.

In July 2009, the Council adopted new rules for the coordination of social security systems (building on a Directive from 1986)¹⁷ to extend provisions to those covered in one Member State if they move to/live in another Member State. Reference is made to 'non-active persons', defined as 'persons who are in a social security system covering all residents but who do not exercise a paid activity, such as persons taking care of the home';¹⁸ this reinforces dependency status because it fails to recognise individual rights.

Changes are proposed to the 1986 Council Directive on the application of the principle of equal treatment for self-employed men and women, including those working in agriculture and protection of pregnant women and mothers, to provide for automatic access for assisting partners to social security coverage

women's average hourly salary is 17.4% lower than men's in the EU

⁹ Presidency Conclusions, Barcelona European Council, 15-16 March 2002. ¹⁰ Not all Member States provide payment during parental leave. ¹¹ Lack of implementation by Member States of childcare provision requirements particularly affects immigrant women.

¹² See section A on 'Women and Poverty'. ¹³ Protecting the value of a pension against inflation by linking an annual rise to the cost of living. ¹⁴ Directive 2006/54/EC of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) OJL 204, 26 July 2006, pp. 23-36. ¹⁵ Directive 96/34/EEC of June 1996. ¹⁶ Framework Agreement on Parental Leave [Revised], 18 June 2009, Business Europe, UEAPME, CEEP, ETUC. ¹⁷ Directive 86/378/EEC of 24 July 1986 on the Implementation of equal treatments for men and women in occupational pension schemes. ¹⁸ Council of the European Union, 12369/09 (Presse 231), Brussels, 27 July 2009.

under the same conditions as self-employed workers.¹⁹ This will address inequality inherent in the Directive, which in the case of women and men who share an economic activity relegates the majority of women to secondary status due to their unequal legal status and non-mandatory social security protection. Self-employed women and assisting partners would then be entitled at their own request to avail of existing maternity leave provisions (14 weeks, of which two are mandatory) under the 1992 Directive. The Council has yet to adopt this proposal.

In October 2008, the Commission proposed to amend the 1992 Council Directive on the protection of pregnant workers, those who have recently given birth or are breastfeeding.²⁰ The European Parliament failed to adopt the Report in May 2009, calling instead for the proposal to be addressed under the new legislature. Modification of this Directive is the cause of major discussions and divisions making it unlikely that the revised legislation will be adopted in 2009.

Furthermore, a Working Time Directive, put forward in 2005 but not yet approved, contains proposals that would extend working time beyond a 48-hour week.²¹ If adopted, this Directive would undermine reconciliation of family and professional life measures and reinforce gender inequalities in paid and unpaid work.

•• Other initiatives of the EU concerning women and the economy since 2004

The first European coordinated strategy in the field of employment started in 1998 with the introduction of shared *European Employment Guidelines* and a yearly *National Action Plan for Employment*. This is ongoing. Although most social policies remain the legal preserve of Member States, the EU can develop joint policies in the field of social policy via the Open Method of Coordination (OMC). Until 2005, the OMC focused solely on social inclusion. In 2006, a 'streamlined' framework was developed, which brought together social

inclusion and social protection, i.e. social inclusion, pensions, health and long-term care. Coherence between EU economic, employment and social policies is assessed at the annual Spring Council, which is charged with taking stock of progress made in the different policy fields. The *Commission Report on Gender Equality to the Spring Council* is a key part of this task.²² The Council of Ministers developed indicators in relation to women and the economy. Some of these indicators relate to the gender pay gap (Belgian Presidency, 2001) and the reconciliation of private and working life (French Presidency, 2000); during the Italian Presidency (2003), indicators of the number of women in economic decision-making centres were developed. However, the status of these indicators and their application remain vague.

Common Principles of Flexicurity were adopted by the Council in December 2007.²³ Member States have been invited to translate the Principles into practice as part of the Lisbon Strategy. One of the Principles (Principle six) states: 'Flexicurity should support gender equality, by promoting equal access to quality employment for women and men and offering measures to reconcile work, family and private life.' This weak formulation confirms that reconciliation measures are here considered more as a strategy to adapt to the labour-market rather than to achieve equality between women and men.

In 2008 a package of 19 initiatives was launched to form the *Renewed Social Agenda*.²⁴ Amongst these were proposals for Directives and initiatives across a wide range of issues including the gender pay gap, but no specified action was identified in relation to the gender gap in entrepreneurship. An opportunity was lost to strengthen female entrepreneurship and to recognise that women entrepreneurs are a good investment who should be provided with financial risk-taking guarantees.

¹⁹ Directive 86/613/EEC of 11 December 1986 on equal treatment between women and men engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood.

²⁰ Directive 92/85/EEC of 19 October 1992. ²¹ Directive 2003/88/EC of 4 November 2003.

²² COM 2004/115 final. ²³ Council of the European Union, Employment, Social Policy, Health and Consumer Affairs, *Towards Common Principles of Flexicurity – Council Conclusions*, December 2007, 16201/07. ²⁴ European Commission Communication, *Renewed social agenda: Opportunities, access and solidarity in 21st century Europe*, COM(2008) 412 final.

GAPS AND RECOMMENDATIONS

Since the adoption of the Lisbon Strategy in 2000, the specific focus on women in economic policy has been reduced and gender equality has been diluted as a policy outcome. Instead, more neutral terms have emerged, such as 'promoting a life-cycle approach to work' and 'reconciliation of work, private and family life'. This shift in focus has not delivered for women. Women's full employment rates remain low. The failure to include women's entrepreneurship in the plans for the *Renewed Social Agenda* limits opportunities for women on the labour-market. It will be impossible to increase women's employment rates without adequate childcare provision. If proposals to extend working hours are adopted, this must be in conjunction with reinforced measures for reconciliation of family and professional life. Furthermore, flexicurity practices need to be monitored across all Member States. The inclusion of the gender pay gap in social renewal initiatives is to be welcomed; however, it is important that this egregious discrimination is tackled urgently and aggressively. Moreover, unless there is a gender equality perspective in all economic recovery measures there is a danger that the gender pay gap will be deepened.

Generally, economic policies remain disjointed, lack coherence and fail to deliver a concerted vision on gender equality. The *Lisbon Strategy on Growth and Jobs*, the *Integrated Guidelines* covering macro and micro employment issues and flexicurity are juxtaposed with other major restructuring policies, notably reforms in the rules of the internal market. A coordinated, coherent approach is urgently needed that links these to the EU's gender equality policy and legal framework.



THE EWL CALLS ON THE EU TO:

→ Reaffirm the goal of equality between women and men and explicitly aim to achieve gender equality as an outcome in the upcoming post-Lisbon EU 2020 strategy; and undertake to monitor macro and microeconomic policies that undermine women's labour-market access and economic independence.

→ Develop an all-encompassing coherent socio-economic strategy which links gender equality, social inclusion, growth and jobs including in environmental sustainability sectors; and apply systematic gender mainstreaming to all social, environmental, macroeconomic, microeconomic and employment dimensions of the post-Lisbon EU 2020 strategy.

→ Ensure the Gender Institute compiles and widely disseminates data on how women's skills benefit the labour-market and economic growth, including links between fertility rates and women's employment rates.

→ Develop an indicator on women's entrepreneurship in the EU 2020 strategy; and strengthen female entrepreneurship through support strategies, facilitating access to credit (including microcredit), including for ethnic minority women; and ensure rigorous monitoring of progress.

→ Tackle inadequate paid leave provisions as part of the gender pay gap, including requiring that care leave payments should be a percentage of salary rather than a fixed sum.

→ Use the *Framework Agreement between the Social Partners on Parental Leave* to establish fully paid leave;²⁵ and entitle single parents to a longer parental leave or the right to transfer parts of the parental leave to someone with a close connection to the child.

→ Entitle women to 24 weeks maternity leave with income equivalent to full salary throughout; guarantee the inclusion of maternity leave in the calculation of pensions and insurance; and ensure that women are protected from dismissal for up to one year on returning to work.²⁶

→ Adopt a Directive to provide fully paid paternity leave of at least one month to be taken immediately or shortly after the birth or adoption of a child.

→ Adopt a Directive on other forms of paid leave, including adoption leave, leave during artificial insemination processes, education leave to meet lifelong learning requirements, leave for the care of sick and terminally ill family members taking into consideration the diversity and changing nature of family structures.

→ Ensure that self-employed parents and parents with temporary working contracts have the same rights to paid maternity, paternity, parental leave and other forms of paid leave. Reach urgent agreement in the Council to adopt the changes to Council Directive 86/613.²⁷

→ Develop a set of core employment and social protection rights in which periods of unpaid work are counted as productive time in calculations for full pension rights and other employment-related social security benefits; and limit monetary payments in kind (vouchers).

→ Make visible the contribution of women's unpaid work (in the home and in family businesses) to the economy, through the development of satellite accounts and systematic recording therein.

→ Guarantee a minimum adequate income through a European Directive.

→ Designate a European Equal Pay Day.

²⁵See EWL, *Critical Analysis of the Framework Agreement on Parental Leave*, September 2009. ²⁶See EWL's proposals in relation to amending the 1992 Directive and in response to the Estrela report, revised April 2009. ²⁷Directive 86/613/EEC of 11 December 1986.

THE EWL CALLS ON THE EU AND MEMBER STATES TO:

→ Mainstream the gender pay gap issue into all economic, social and employment policies, including policies related to care services and care leave arrangements, and integrate a gender equality perspective into all economic recovery measures; introduce concrete targets and timelines to reduce the pay gap, and adopt mandatory equal pay audits.

→ Introduce indexation to meet inflation/increases in costs of living as one means of addressing the 'working poor'.

→ Renew commitments to European targets on childcare provision addressing: accessibility, quality, affordability and valuing the status of childcare workers (predominately women); and extend targets to include quality, affordable care services for all dependants, including elderly care.

→ Develop quality job creation in the care sector, including childcare and care of all dependents; and implement fully the renewed OMC on Health and Long Term Care to develop standards that enhance status, salaries, qualifications and working conditions in the sectors of elderly care and care for dependents.

→ Provide tax incentives for companies that introduce family-friendly policies to guarantee work/life balance.

→ Develop and strengthen gender mainstreaming in the area of flexicurity and consult with women's NGOs as well as the social partners, given that Member States are invited to develop national flexicurity pathways on the basis of the flexicurity common principles, and monitor these effectively in National Reform Programmes.²⁸

→ Ensure that all women are entitled to full pension rights, including for their time spent out of the labour-market (in caring, lifelong learning, etc.); apply gender equality to existing pension schemes; guarantee transferable occupational pension schemes between different employments; and index pensions.

→ Guarantee lifelong learning as a prerequisite for continuous employability and widen the definition of employability skills to include pre-employability skills and those acquired in informal settings (such as care).

→ Recognise the qualifications of migrant women obtained in third countries.

→ Develop programmes, including positive action measures and self-esteem trainings, to ensure the access to quality employment for women facing intersectional discrimination such as those with disabilities or of ethnic minority origin.

²⁸See European Commission, DG Employment, Social Affairs and Equal Opportunities, *Manual for gender mainstreaming of employment policies*, July 2007.

G / WOMEN IN POWER AND DECISION-MAKING

Strategic objectives

- Take measures to ensure women's equal access to and full participation in power structures and decision-making.
 - Increase women's capacity to participate in decision-making and leadership.
-

En 2009, no single parliament in the European Union had an equal representation of women and men. Among European governments, only in Spain is there parity and in Finland are there more women than men. Women are largely absent from the boardrooms where economic and financial decisions affecting the wellbeing of people across the globe are made. Slow progress on equality and the current economic and financial crisis offer an opportunity to question and transform current power structures and to adopt radical measures to challenge what is effectively an invisible quota system whereby the dominant (currently male) group monopolising decision-making reproduces itself automatically.



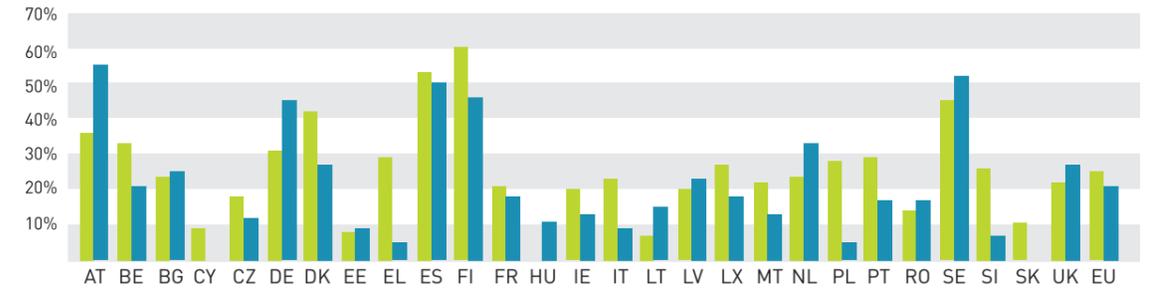
EWL focus

The promotion of the equal participation of women and men in decision-making has been at the core of the EWL's work since its creation. In 2008-2009, with its highly visible 50/50 Campaign for Democracy on the European elections and allocation of 'EU Top Jobs' (www.5050democracy.eu), the EWL was extremely active in demanding binding measures for parity democracy in all EU Institutions. The popular campaign was prominent in the media across the EU and secured the backing of more than 300 high-level supporters including heads of states, writers, trade unionists, etc.

THE CURRENT SITUATION IN THE EU REGARDING WOMEN IN POWER AND DECISION-MAKING

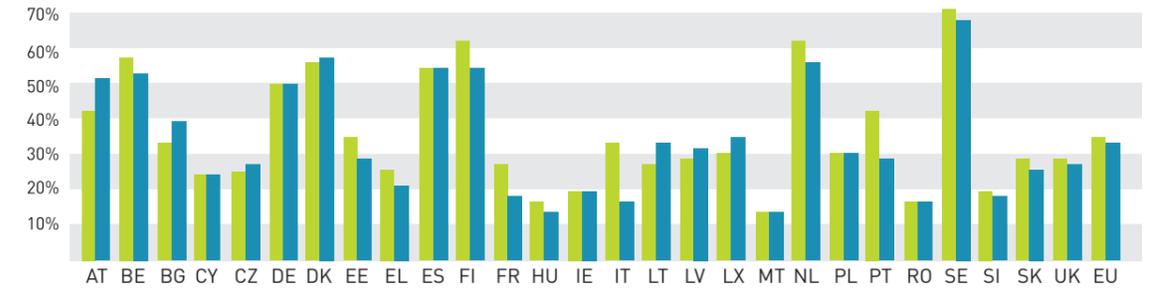
• Power and decision-making in the political arena

The situation in political decision-making has improved marginally since 2004. The proportion of women in the European Parliament (EP) increased from around 30% in 2004 to 35% after the 2009 elections. In national governments and parliaments, representation has improved by just two percentage points (from 21% to 23%) over the same period. However, a deeper analysis of power sharing within the European Parliament shows that women are still largely absent from the key internal bodies where agendas are set and financial decisions are made. In the European Commission, the presence of women in the college of Commissioners rose from 27% during the 1999-2004 period to 30% in 2004-2009 and stands currently at 33% for the 2009-2013 period. This indicates that the European executive, while not reaching parity, is doing better than EU governments (23% women).¹



WOMEN IN NATIONAL PARLIAMENTS 2004-2009, 2009-2014

Source: Interparliamentary Union, 'Database Women in National Parliaments'.



WOMEN IN NATIONAL GOVERNMENTS 2004-2009, 2009-2014

Source: European Commission, 'Database on Women and Men in Decision-making'.

•• Power and decision-making in the financial and economic areas

Most worrying is the lack of progress for women in power and decision-making in the financial and economic sphere. There was no woman head of a central bank in Europe in 2004 or in 2009 and women constitute just 3% of the presidents of the largest publicly quoted companies (4% in 2004). The top 300 European companies had 9.7% women on their boards in 2008, a very modest progress compared to 8.5% in 2006 and 8% in 2004.² Analysis of the figures illustrates that there is significant improvement in countries with quota legislation such as Norway, while progress is very slow or non-existent in countries without decisive action.

••• Power and decision-making in the areas of research, science and innovation

Women are under-represented in key positions and decision-making in other sectors too. In entrepreneurship and innovation, only 8.3% of

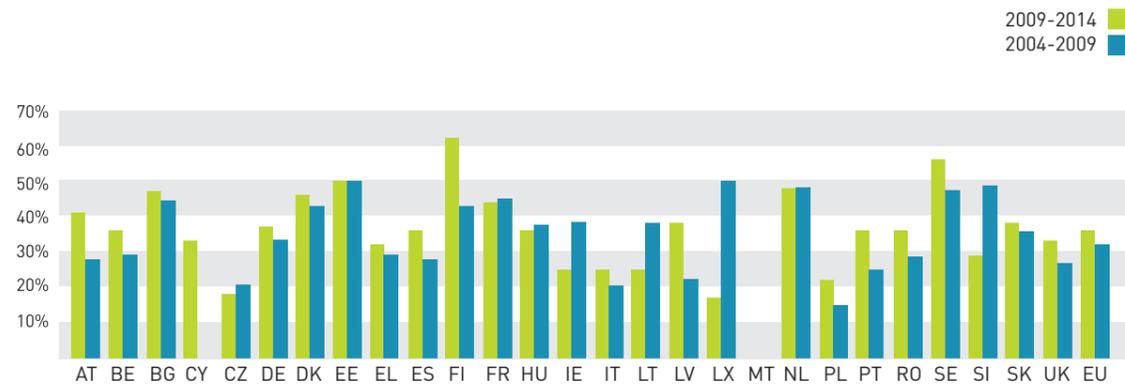
patents awarded by the European Patent Office are given to women and only 5-15% of high-tech business is owned by women.³ In science and research, the proportion of women graduates at PhD level is growing slowly (from 42% to 45% between 2002 and 2006). However, women attained just 20% of grade A academic positions in 2007 (up from 17% in 2002).⁴ In 16 European countries, men occupy more than 90% of university headships.⁵

•••• Reasons for the under-representation of women in power and decision-making

The reasons for the under-representation of women in power and decision-making can be summarised as follows:

→ Women's economic subordination: economic, social and cultural resources are necessary to attain decision-making positions;

→ Symbolic factors linked to traditional gender roles and stereotypes: decision-making is still seen as a male domain and the culture and



WOMEN IN THE EUROPEAN PARLIAMENT 2004-2009, 2009-2014

Source: European Parliament website.

¹European Commission, *European database on women in decision-making*, 2009.²Professional Women's Network, Board Women Monitor, 2008.

³European Commission DG Enterprise and Industry, *Evaluation on Policy: Promotion of Women Innovators and Entrepreneurship, Final Report*, 2008. ⁴European Commission, *She Figures* (Preliminary results), 2009. ⁵ibid.

standards of working of institutions or enterprises are still based on the male lifestyle, life cycle, networking habits, etc.;

→ Electoral institutions, laws and political parties: electoral systems, multiple mandates, status of elected persons and the role of political parties as gate-keepers all militate against women.⁶

Despite the scarcity of data on inequalities among women themselves, it must be noted that some women face multiple discrimination and diverse layers of exclusion in their efforts to access any type of power or decision-making position: young, disabled, lesbian, migrant or ethnic minority women are in general not represented at all in elected assemblies or boardrooms. In the European Parliament currently, there is just one woman member of Roma origin – the only Roma MEP – despite the Roma population in Europe being around ten million.

The promotion of the equal presence of women and men in decision-making requires consistent action on all fronts to eliminate or compensate for these obstacles.

●●●●●●●●●●
EU LEGISLATION, POLICIES AND PROGRAMMES SINCE 2004 REGARDING WOMEN IN POWER AND DECISION-MAKING
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At international level, the equal participation of women and men in decision-making is referred to in Articles 7 and 8 of the legally-binding United Nations *Convention on the Elimination of All forms of Discrimination against Women*. The Council of Europe has undertaken interesting but non-binding work on women in decision-making: in the Action Plan adopted at the Third Summit of the Council of Europe in 2005, the Heads of State and Government confirmed their commitment to achieving real equality between women and men. At EU level, there have been some

significant initiatives, but nothing new of a legally binding nature.

● **New EU legislative acts affecting women and decision-making since 2004**

There have been no new legislative developments within the EU framework concerning women and decision-making over the period.

●● **Other initiatives of the EU concerning women and decision-making since 2004**

At European Union level, every document dealing with the participation of women in political, economic, scientific and social decision-making observes the fact that women are vastly under-represented. Despite this, little concrete action has been taken by the EU Institutions to improve the situation within their own structures.

The European Parliament's Resolution on *Women in decision-making* of 2 March 2000 endorsed the use of transitional quotas to bring more women into decision-making, and the *European Pact for Gender Equality* adopted by the European Council in March 2006 urged the EU and Member States to promote women's empowerment in political life. However, no EU Institution has adopted and applied radical measures; in particular, there is no EU-wide binding provision to ensure the equal representation of women and men in elections to the European Parliament, for which national electoral laws currently apply.

The European Commission has no mandatory regulations on this point either. Programmes do exist to improve the gender balance in decision-making among civil servants in the European Institutions but women remain significantly under-represented at the highest grades of European public administration.⁷ Indeed, this evidence of poor outcomes to calls to action suggests that there has been little or no tangible follow-up on commitments made as far as decision-making at EU level is concerned.

In 2003 women comprised 8.5% of board members in public limited companies in the Norwegian private sector, while the figure for state-owned companies was 45.7%. In 2004, the law regarding board representation for state-owned companies was amended to require a minimum of 40% representation of either sex. Similar legislation followed for public limited companies in the private sector. The average representation of women in permanent board appointments in Norwegian public limited companies at the time was 15.5%. After the Norwegian government implemented the regulations, women's representation increased to 44.2% in 2008.¹¹

The introduction of the law was at first met with massive opposition within the business community but, according to one expert, since the target has been reached 'thousands of attitudes have changed. [...] Firstly, finding qualified, experienced women at senior level with time, skills and an interest in board work did not prove too difficult after all. A number of measures came into play, exposing and promoting women, making it clear to company owners that the female skills and experiences were out there and accessible. [...] Secondly, there appeared to be several good reasons why women should have seats on boards. In the media, owners were adamant they sought 'the best person' [...], but most of them also admitted taking short cuts when recruiting for boards and assessing the available talent. Many said they simply 'called a buddy' [...]. Less than 50% of the companies on the Oslo Stock Exchange had board selection committees. Furthermore, owners admitted they simply ignored 50% of the talent pool, i.e. women.'¹²

Promoting the equal participation of women and men in decision-making is one of the priorities of the *European Commission's Roadmap for equality between women and men 2006-2010*. In pursuit of this, the Commission implemented some policy measures during this period including:

- The development of the existing database on women in decision-making;
- The creation of a network of women in decision-making and publication of specific reports in 2007 and 2009;
- The introduction of some measures in programmes for education, research and communication technologies, including setting a target of 25% for women in leading positions in the public research sector;⁸
- The launch of a European Network of Female Entrepreneurship Ambassadors and a portal for sharing information on women's entrepreneurship.⁹

At the national level, legal measures for the promotion of equality in political decision-

making have improved slightly. Eleven European countries have stipulations in their constitutions or electoral laws which impose measures to increase women's political representation; some focus on political parties while others introduce legal parity democracy requirements for some or all national elections. The countries are: Albania, Belgium, Croatia, France, Bosnia and Herzegovina, Kosovo, Serbia, the Former Yugoslav Republic of Macedonia, Portugal, Slovenia and Spain. In five of these countries (Albania, Croatia, Portugal, Slovenia and Spain,), the measures have been introduced since 2005. Italy passed a law in 2005 that introduced a provisory quota system for European Parliament elections. Additionally, in 16 EU countries some political parties have voluntary non-legally binding quotas.¹⁰ Whilst a system of non-legally binding quotas has proved effective for some political parties in some countries, their limited success makes resolute action more necessary, suggesting that Member States need to activate their commitment to equality by introducing binding legislation and other measures directed at political parties and economic and other decision-making arenas.

⁶In general, list systems are more favourable to women; the possibility of holding several mandates is an additional obstacle to newcomers to politics, including women, obtaining a mandate; political parties to a large extent control the nomination process of candidates, i.e. the first step to enter electoral contests.⁷In the European Institutions, 22% of senior administrative positions are held by women. See *European Commission, Women in European Politics. Time for Action*, 2009, available at: www.ec.europa.eu/social/ BlobServlet?docId=2052&langId=en

⁸ European Commission, *A roadmap for equality between women and men 2006-2010*, 2006. ⁹ See: http://ec.europa.eu/enterprise/entrepreneurship/support_measures/women/womenentr_portal.htm ¹⁰In most cases, these measures were introduced before 2005. See *Global Database for Quotas for Women with information on legal and voluntary party quotas by country*, available at: www.quotaproject.org. See also *European Parliament Study, Electoral Quota Systems and their Implementation in Europe*, PE 408.309, 2008. ¹¹Professional Women's Network, *Board Women Monitor*, 2008. ¹²Hurvenes, E., *Boards on the Agenda*, 2009, available at: www.elinhurvenes.com

GAPS and recommendations

While the European Union has made a number of important, visible commitments on tackling the under-representation of women, the gap between women and men remains significant in political, economic and other decision-making forums. Individual organisations such as political parties need to take more responsibility for eliminating the myriad obstacles to progress. While not neglecting changes in party structures and selection systems, often overlooked are socio-economic support and measures for reconciling work and private life, including active encouragement for men to do more of the caring work at home. Nevertheless, it is obvious that years of declarations and minor actions have not achieved the necessary change. This makes it imperative that the EU and Member States take stock of the current picture and arrangements with a view to decisive action. A major gap is failure thus far to adopt binding measures and impose targets and minimum standards.



THE EWL CALLS ON THE EU TO:

- Introduce a uniform electoral system including binding measures to achieve the equal representation of women and men among MEPs for the European Parliament elections in 2014 or other measures to achieve this.
- Introduce a system whereby each Member State nominates both a woman and a man as candidate Commissioners, and adopt a binding rule ensuring that the EC President nominates a European Commission where women and men are equally represented.
- Adopt binding texts to ensure the equal representation of women and men in internal decision-making bodies of the European Parliament as well as among members of the Economic and Social Committee and the Committee of the Regions.
- Amend Article 2 of the European Commission Decision of 19 June 2000 on gender balance within the committees and expert groups established thereby to set a 50% target for women's representation and a deadline for achieving this target.¹³
- Implement positive action measures at all levels in European Institutions and agencies where women are under-represented with targets and deadlines for achieving results.¹⁴
- Develop and support mentoring programmes as well as confidence building, leadership and media relations training for women within the European civil service.
- Create a European funding programme for the empowerment of women within political parties and trade unions.
- Improve the European database on women in decision-making by including detailed data on the status of women within parliamentary parties and in decision-making in different economic sectors.



¹³The current target aims to ensure the presence of at least 40% of members of each sex in every expert group and committee. ¹⁴Staff Regulations of Officials of the European Communities, Article 1d (77) 96, 1 January 2005.

THE EWL CALLS ON MEMBER STATES TO:

→ Introduce effective parity legislation or quotas as appropriate for the various national electoral systems¹⁵ and incorporate implementation requirements, monitoring processes and effective sanctions, including financial sanctions for political parties especially where they are partially supported by public funds.

→ Ensure that parity legislation or quotas include zipper systems¹⁶ or other effective rules to ensure an equal proportion of elected women and men candidates.

→ Introduce policy to outlaw multiple mandates and to apply term-limits, including prohibiting immediate re-election, in electoral laws, thereby increasing turnover.¹⁷

→ Introduce effective binding measures including sanctions for non-compliance aiming to achieve the equal representation of women and men in high-level economic and financial decision-making, including on company boards and in universities.



THE EWL CALLS ON THE EU, MEMBER STATES AND POLITICAL PARTIES TO:

→ Promote better policies for the reconciliation of work and private life for both women and men, including changes in standards and ways of working and the internal rules of political parties, boards and parliamentary assemblies, and encourage men to do more unpaid care work at home.

→ Actively support and encourage women aspirants and candidates, providing them with financial resources, training, and equal access to media and political networks.

→ Identify ways to increase the representation and participation of women from particularly under-represented groups such as those from immigrant or ethnic minority background or women with disabilities. This should include the promotion and support of mentoring programmes.

→ Introduce measures and policies to advance parity within political party structures through:

- The creation of women's party organisations with budgets; democratic procedures for selecting candidates for all posts within the party and for elections;

- Parity in internal party decision-making bodies;

- Awareness-raising on gender equality for leading party decision-makers and all members of party decision-making bodies.



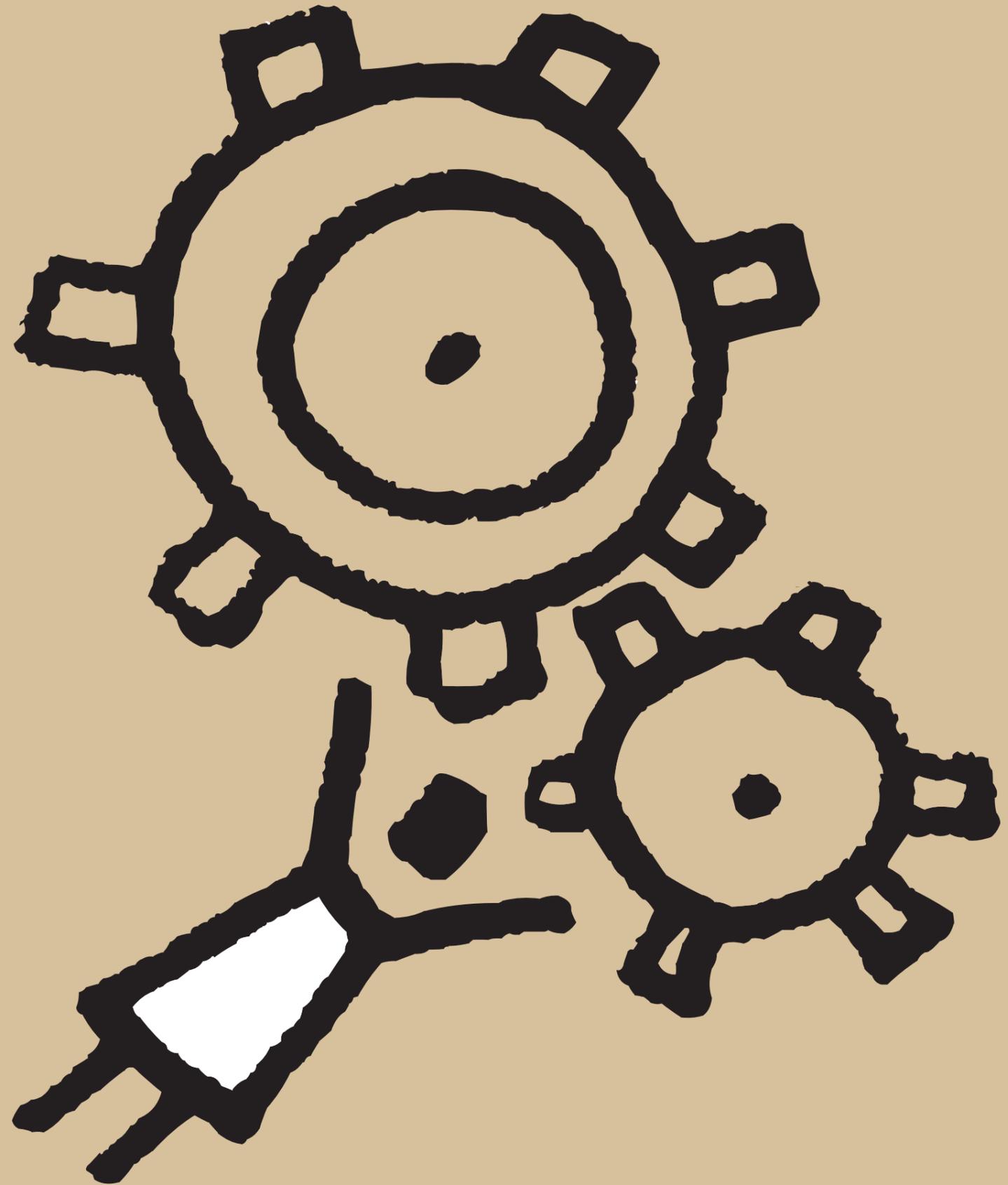
¹⁵International Institute for Democracy and Electoral Assistance, *Designing for Equality: Best-fit, medium-fit and non-favourable combinations of electoral systems and gender quotas*, 2007. ¹⁶Matland, R., 'Enhancing women's participation: Legislative Recruitment and Electoral Systems', *In Women in Parliaments: Beyond Numbers, A revised edition*. International IDEA Stockholm, 2005. ¹⁷European Commission, *Women in European Politics. Time for Action*, 2009.

H / INSTITUTIONAL MECHANISMS FOR THE ADVANCEMENT OF WOMEN

Strategic objectives

- Create and strengthen national machineries and other governmental bodies.
 - Integrate gender perspectives in legislation, public policies, programmes and projects.
 - Generate and disseminate gender-disaggregated data and information for planning and evaluation.
-

Institutional mechanisms are central for promoting equality and are recognised at EU and national level as essential tools to promote women's rights and achieve equality between women and men. They enable greater visibility, status, outreach and coordination of activities. In addition to specific measures for women's rights and gender equality, gender mainstreaming – the goal of which is to make sure that all laws, policies, programmes and projects fully reflect the particular needs and situations of women – has become widely accepted since the Beijing World Conference on Women as a useful strategy for progress. However, problematic implementation at all levels points to the need for stronger institutional mechanisms and more effective gender mainstreaming.



EWL FOCUS

The EWL has been working for stronger institutional mechanisms for women's rights, including resources, efficient gender mainstreaming and gender budgeting as well as adequate authority, competences and resources to be allocated to the European bodies working on equality between women and men. The effective implementation of gender mainstreaming and gender budgeting, particularly within the EU Institutions, is a permanent focus of the EWL's work.

Since 2007 the EWL has also been playing an active role in the United Nations Gender Equality Architecture Reform Campaign (GEAR Campaign), which should lead to the creation of a strong new well-resourced women's rights agency within the UN system.



THE CURRENT SITUATION IN THE EU REGARDING INSTITUTIONAL MECHANISMS FOR THE ADVANCEMENT OF WOMEN



• Institutional mechanisms

Following the Beijing World Conference on Women and the adoption of the Treaty of Amsterdam in 1999, a dual approach to gender equality emerged at EU level, combining on the one hand specific targeted actions for women's rights and on the other hand, gender mainstreaming; this approach should be reinforced by the Lisbon Treaty.

At European Union level, each of the three main Institutions has an established mechanism for promoting equality, although not necessarily one dealing specifically with equality between women and men. Until November 2009 equality between women and men was within the competence of a body in charge of social affairs in general in both the Council of Ministers and the European Commission. The European Commission set up an Inter-Service Group on Gender Mainstreaming/ Gender Equality in 1996 to support and improve interdepartmental cooperation on gender equality and gender mainstreaming. However, the Group does not have its own secretariat or funding. Several other bodies have been in place for a while within the European Institutions: the European Parliament Women's Rights Committee and High Level Group on Gender Equality (2004), a Unit for Equality between Women and Men within the European Commission and an Advisory Committee on Equal Opportunities for Women and Men, etc.¹

Some European countries have longstanding mechanisms for the advancement of women, established as early as the 1960s; other countries have created such mechanisms more recently. However, information from EWL members in 2009 highlighted the recent

tendency in some Member States to reduce resources for equality mechanisms. Wrongly, some have used the financial crisis to justify this.

•• Obstacles to progress

Strong political leadership and adequate financial and human resources are required to progress towards gender equality. There is also often insufficient understanding of and interest in women's rights, gender equality and gender mainstreaming within governments and governmental structures. This is exacerbated by a lack of training and continuing gender stereotyping and discrimination. Some national machinery for the advancement of women have unclear mandates or are marginalised, their activities hindered by staff turnover or suffering from structural and communications problems within and among government agencies. Additionally, the lack of gender impact assessment, data disaggregated by sex and age and methods for evaluating progress, along with insufficient liaison and partnership with civil society organisations, impede the progress towards equality.

The full integration of a gender equality perspective (gender mainstreaming) in all EU policies and activities as enshrined in the EU Treaty² and the application of gender budgeting tools are rendered partly ineffective through lack of a coherent strategy, reliable methodology, resources and visible political will. Gender mainstreaming is often used as an excuse for inaction or, worse, for eradicating positive action for women's rights. Gender mainstreaming is not a goal in itself, but rather one of the strategies besides specific institutional mechanisms, programmes, policies and positive actions to be used to achieve the goal of a transformed society in which equality between women and men will be a reality.



EU LEGISLATION, POLICIES AND PROGRAMMES SINCE 2004 REGARDING INSTITUTIONAL MECHANISMS FOR THE ADVANCEMENT OF WOMEN



• New EU legislative acts affecting institutional mechanisms for the advancement of women since 2004

As well as encouraging the development of institutional mechanisms politically, the European Union imposes legal obligations on Member States to do so. The latest European Directives on gender equality adopted by the European Parliament and the Council include the obligation to create national bodies for the promotion of equal treatment of all persons without discrimination on grounds of sex.³

•• Other initiatives of the EU concerning institutional mechanisms for the advancement of women since 2004

The Council of Ministers and the European Parliament have not significantly changed their gender equality mechanisms since 2004.⁴ In the European Commission, the Group of Commissioners on Equal Opportunities created in 1996 to deal specifically with gender equality became the Group of Commissioners on Fundamental Rights, Non-Discrimination and Equal Opportunities in 2005 with a remit covering anti-discrimination and equal opportunities generally. The focus on gender equality at the highest level has therefore decreased.

The European Commission's *Roadmap for equality between women and men 2006-2010* included commitments for institutional mechanisms and monitoring including the formation of a network of national gender equality bodies, the creation of a European Gender Institute and support for gender budgeting and gender impact assessment. In 2006 a permanent network for cooperation was set up between the established national

¹ For a general overview of institutional mechanisms, please see the European Women's Lobby Resource Kit, *Institutional Mechanisms for the Promotion of Equality between Women and Men*, http://www.womenlobby.org/site/1abstract.asp?DocID=2201&v1ID=&RevID=&namePage=&pageParent=&DocID_sousmenu=&parentCat=15.

² Article 8 TFEU. ³ Directive 2006/54/EC of 5 July 2006 on the implementation of the principle of equal opportunities for men and women in matters of employment (modifying Directive 2002/73) and Directive 2004/113/EC implementing the principle of equal opportunities for men and women in the access to and supply of goods and services. ⁴ European Women's Lobby, Resource Kit, *Institutional Mechanisms for the Promotion of Equality between Women and Men*, 2008. *ibid*.

gender equality bodies and the European Commission. Its purpose is to promote uniform implementation of EU law in the field of equality between women and men, but its work is not very visible. A parallel European network of equality bodies called Equinet was established around the same time; Equinet's role is to develop cooperation and facilitate information exchange between equality bodies across Europe to support the uniform implementation of EU anti-discrimination law (but not gender equality legislation) and to level-up legal protection for victims of discrimination. Unlike the network of gender equality bodies, Equinet has a permanent secretariat and therefore plays a more visible role.

The creation of the European Institute for Gender Equality was agreed in 2006 and the board of the Institute, which is based in Lithuania, was nominated in 2007. As of December 2009, the Institute's substantive work had just begun. The Institute will provide expertise, improve knowledge and raise the visibility of equality between men and women. The Institute aims to strengthen promotion of gender equality, including gender mainstreaming, in all EU and resulting national policies, to combat sex discrimination and to raise public awareness of gender equality.

In the European Commission, from 2010, gender equality will be under a new Commissioner portfolio covering Justice, Fundamental Rights and Citizenship. It will therefore be necessary for the new European Commissioner for Justice, Fundamental Rights and Citizenship to have a proven track-record in fundamental rights, women's rights, combating discrimination, and collaboration with civil society. A strong, structured and well resourced between relevant Directorate Generals will be key to the success of this new institutional arrangement. A strong new Action Plan on gender equality in all areas should also be adopted in 2010 and allow for, more efficient gender mainstreaming and proper enforcement of legislation and other policies on equality between women and men.



GOOD PRACTICE: GENDER MAINSTREAMING LAW IN BELGIUM

In January 2007, Belgium adopted an ambitious law making gender mainstreaming a legal obligation in public policy. This law requires the gender dimension to be integrated by all government departments into their strategic and operational objectives, management plans, contracts and policy planning instruments. Its provisions cover gender budgeting, public tendering, subsidies, statistics, gender indicators and the application of a gender test (a prior evaluation of every new project's impact on the respective situations of men and women). The law thus obliges the government, ministers and departments to integrate equality between women and men into all policy strands at all levels. As of 2009, two decrees on the implementation of this law are outstanding.

GAPS AND RECOMMENDATIONS

In general, the gaps that remain regarding institutional mechanisms for the advancement of women in the EU are inadequate financial and human resources combined with a lack of political will and commitment in some countries. The insufficient understanding of gender equality and gender mainstreaming within government structures and lack of training are also substantial impediments to the efficiency of gender equality bodies. The work of some agencies dealing with gender equality at EU level is not very visible. This has resulted in slower progress and a lack of knowledge among EU citizens and many policy-makers about existing machineries dealing with women's rights and gender equality. There is therefore a need for more publicity, monitoring and evaluation both of agencies' work and of gender equality programmes generally. Ensuring that institutional machineries for the advancement of women have robust authority and sufficient resources has always been a major challenge. In this context, there must be a swift reversal of the 2008-2009 trend of cutting resources. A coherent strategy, making use of gender-sensitive analysis, budgeting and planning tools, is a major gap which must be plugged to give full effect to the Lisbon Treaty's obligation on gender mainstreaming. Worthy of note is the comprehensive Recommendation on *Gender equality standards and mechanisms* adopted by the Council of Europe in November 2007. This defined the requirements for achieving Member States' commitments on gender equality, including strong institutional mechanisms, and is an excellent model to be adhered to.⁵



⁵ Council of Europe Committee of Ministers, *Recommendation on gender equality standards and mechanisms*, CM/Rec(2007)17, 2007.

THE EWL CALLS ON THE EU TO:

- Appoint a European Commissioner for Justice, Fundamental Rights and Citizenship who has a proven track-record in fundamental rights, women's rights, combating discrimination, and collaboration with civil society; and ensure effective coordination between relevant Directorate Generals in the European Commission.
- Adopt a strong new Strategic Action Plan for effective equality between women and men, with concrete commitments and measures concerning governance and institutional mechanisms for the advancement of women, a specific budget and strong accountability mechanisms.
- Clarify and refine the obligation to mainstream the gender perspective contained in Article 8 TFEU by means of an implementing instrument containing details on tools, a support structure and a budget.
- Set up a systematic a priori gender impact assessment procedure for all new legislative proposals adopted by the European Commission.
- Ensure systematic gender mainstreaming in the work of different Councils of Ministers, through training of decision-makers and officials and the involvement of experts.
- Set up mandatory gender mainstreaming and gender awareness training for Commissioners, the highest levels of civil servants and within all management training for European civil servants; and make information about the training publicly available.
- Create permanent positions of gender equality and gender mainstreaming advisors attached to directors to support gender mainstreaming in each European Commission Directorate General; and expect each to prepare a chapter on gender mainstreaming for the Commission's *Annual Report on Gender Equality*.
- Strengthen the Commission Inter-Service Group on Gender Mainstreaming by: providing it with a secretariat and dedicated funding; expecting it to be more visible inside and outside the Commission; ensuring consistency in membership, proven expertise and commitment to gender equality among its members; and requiring regular gender equality training and links with actors in civil society and the research community.
- Establish Gender Budgeting Guidelines at European level and set up a Gender Budgeting Working Group within DG Budget to support the work of the Inter-Service Group on Gender Mainstreaming.
- Carry out separate gender impact assessments of the EU budget each year, and introduce a budget heading for activities on gender equality in the budget of each Commission unit.
- Set up a permanent gender impact assessment procedure for all European Structural Funds, Cohesion Funds and funds related to the European Neighbourhood Policy with special attention to fields other than employment.

THE EWL CALLS ON MEMBER STATES TO:

- Include a gender clause as part of the specifications in all agreements between the Commission and external contractors, whereby the contractor is obliged to mainstream gender in the tasks assigned (impact assessment, studies, etc.) with the support of an expert.
- Devote at least one meeting of the Commissioners' Group on Equal Opportunities per year solely to equality between women and men.
- Create a women's information service within the Commission to provide public information and organise awareness-raising activities.
- Ensure that the new European Institute for Gender Equality is a strong actor contributing to greater visibility of women's rights and gender equality policies, more efficient gender mainstreaming and de facto equality between women and men in all areas.
- Ensure that the future EU strategy on disability and the Disability High Level Group of the EC address the issue of intersectionality of gender and disability and pay attention to the specific needs of women with disabilities.
- Require the Fundamental Rights Agency to include a transversal gender equality and women's rights perspective in all thematic areas of the Multi-Annual Framework and subsequent activities.
- Fully implement the Recommendation on gender equality standards and mechanisms adopted by the Committee of Ministers of the Council of Europe in November 2007.⁶
- Increase human and financial resources to policies and institutional mechanisms for women's rights and gender equality at all levels, especially in the context of the current economic crisis.
- Support and engage with women's organisations at all levels.



⁶Council of Europe Committee of Ministers, Recommendation on gender equality standards and mechanisms, M/Rec(2007)17, 2007.

i / HUMAN RIGHTS OF WOMEN

Strategic objectives

- Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
- Ensure equality and non-discrimination under the law and in practice.
- Achieve legal literacy.

Women's rights are human rights guaranteed in both general human rights instruments and instruments that recognise the specificities and vulnerabilities of women, such as the United Nations Convention on the Elimination of all forms of Discrimination against Women (CEDAW). The EU takes pride in its commitment to the respect and promotion of human rights, of which women's rights are an integral part, but this commitment has so far mainly been associated with external EU policies, which are largely outside the scope of this report. Nevertheless, most BPfA policy areas relate to human rights. Gender-based violence is the most fundamental violation of women's human rights within the EU and beyond. The importance of this issue, including in terms of trafficking in women for sexual exploitation, justifies its identification as a specific area of concern in the BPfA and its consequent treatment in a separate chapter of this report.¹

This chapter covers not only the implementation of human rights instruments, equality and non-discrimination and legal literacy, but also policy areas vital to women's rights in Europe and not considered in the other sections of the BPfA: asylum, immigration and integration; and sexual and reproductive health and rights.



EWL FOCUS

Between 2004 and 2009, the protection of women's reproductive health and rights and the fight against setbacks in this area were for the EWL the subject of joint campaigning, collaboration with specialised organisations and policy work (EWL Position Paper on Sexual Rights in the EU, 2005) at the levels of the EU, the Council of Europe and the UN. The EWL also spearheaded activities in the area of religion and women's rights (seminar and Position Paper 2007) as well as for gender-sensitive asylum policies in the EU (EWL Advocacy Guide, *Protecting Women Seeking Asylum* 2007). The EWL was involved in the negotiations of the United Nations *Convention on the Rights of Persons with Disabilities* and its Optional Protocol adopted on 13 December 2006.

Since 2007, the EWL has been running a project on equal rights for migrant women in the EU in cooperation with migrant women's organisations throughout Europe. The integration of the needs of diverse groups of women, in part through the promotion of further anti-discrimination policies, has been a priority over this period.

The EWL lobbied for the inclusion of women's human rights and the fight against male violence against women in the Stockholm Programme on justice and home affairs, adopted in December 2009, which will run from 2010 to 2014. The EWL will closely monitor the implementation of this programme and all EU policies in the areas of migration, asylum, integration, anti-discrimination, and sexual and reproductive health and rights.



THE CURRENT SITUATION IN THE EU REGARDING WOMEN AND HUMAN RIGHTS



In order to protect the human rights of women, the creation and full and effective enforcement of legally-binding human rights instruments is of fundamental importance. Legal literacy is crucial as individuals must be made aware of the rights they have and how to claim them. Critical evaluation of the provision of human rights is particularly important when considering the rights of vulnerable groups (such as immigrants and asylum seekers) and when addressing issues which are consistently overlooked as women's human rights (such as sexual and reproductive health and rights).

• Human rights instruments

All EU Member States are party to both the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (1950) of the Council of Europe and the United Nations CEDAW (1979).² Whilst the former is a general human rights treaty, the latter reflects the particular needs and experiences of women in response to the androcentrism of traditional human rights frameworks and their subsequent failure to fully recognise women's rights as human rights.

Through its strong public support for CEDAW and the BpFA, the EU upholds the principle that the human rights of women and the girl-child are an inalienable, integral and indivisible part of universal human rights. In 2000 the EU released its own declaration of the human rights of its citizens: the Charter of Fundamental Rights (henceforth 'the Charter').³ Although the Charter has only just become legally-binding with the entry into force of the Lisbon Treaty on 1 December 2009, prior to this date the European Courts had already begun to integrate its provisions within their work: by early 2002 the Advocates General of the European Court of Justice had referred to the Charter in over half of the cases

they had handled since its release.⁴ In the preamble to the Charter there is explicit reference to the common international obligations of Member States including the ECHR; however, no reference is made to CEDAW. Within the Charter itself, equality between women and men is provided for in Article 23: 'in all areas, including employment, work and pay'; the same article also states that the maintenance and adoption of positive action measures is permissible. However, Article 23 does not provide a positive obligation to pursue women-specific measures in order to achieve substantive equality. In this regard the Charter falls below the level of protection provided by the *acquis communautaire*.⁵

• Immigration, integration and asylum

The human rights of the EU's migrants and asylum seekers, an increasing proportion of whom are women, are a case of particular concern, not least considering that migrant women are particularly vulnerable to multiple discrimination and often lack the legal literacy necessary for the protection of their rights. According to UN estimates, Europe had 64 million migrants in 2005, accounting for a third of all international migrants and making up almost 9% of the total population. In Europe women accounted for 52.4% of the migrant population in 2000. Some countries show a much higher percentage according to the OECD: in 2004, among the third country nationals living in Europe for five years or less, women represented the majority in Poland (68%), Italy (63%), the Netherlands (58%), Portugal (57%) and Greece (56%).⁶ Estimates also indicate that on average 30% of those who seek asylum in the EU are women. However, the figures vary considerably between countries.⁷ The increasing proportion of women migrants has, however, not yet led to a reframing of immigration, integration and asylum policies and legislation. These take a gender-blind approach predominantly, which impacts negatively upon women.

• Sexual and reproductive health and rights (SRHR)

Women's right to control their sexuality and to have access to sexual and reproductive health-related services is essential to achieve gender equality. Whereas the sexual and reproductive rights of European women might seem to be guaranteed in a satisfactory way in the eyes of the rest of the world, ongoing difficulties and disparities exist among women and between different European regions and countries. The sexual and reproductive rights which should be enjoyed without obstacles by all women in Europe include: legal and safe abortion; open access to reliable, safe, affordable contraception; access to health care, including maternity care; sex education and information in relation to sexual and reproductive health, free choice and consent.

In the EU, there is a growing influence of anti-choice movements, conservative religious movements, more cases of conscientious objection among medical professionals and insufficient access to information and services for all women, including migrant and third-country women, all of which limit women's enjoyment of sexual and reproductive rights. For example, in 2006 the Catholic Church in England and Wales and Conservative politicians brought to the UK Parliament a proposal to decrease the legal period when a woman can get an abortion.⁸ In the European Union, there are still four countries where abortion is illegal: Cyprus, Ireland, Malta and Poland. In June 2009, Ireland obtained a guarantee from the European Council that the Lisbon Treaty would not impact upon the scope or application of their national laws on abortion.⁹

The rights to family and to SRHR of specific groups of women such as lesbian women or women with disabilities also need to be ensured. Only eight EU Member States provide lesbians with the right to access fertility treatment and to adopt the children of a wife/registered partner.¹⁰ Women with disabilities and Roma women are often confronted with forced sterilisation.¹¹

¹ See section D on 'Violence against women'. ² ECHR, available at: <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=005&CL=ENG>; CEDAW, available at: <http://www2.ohchr.org/english/bodies/cedaw/> ³ The Charter of Fundamental Rights of the European Union, 2000, available at: http://www.europarl.europa.eu/charter/default_en.htm

⁴ See European Commission website: http://ec.europa.eu/justice_home/unit/charte/en/european-context-reference.html
⁵ See the Conclusions from the Jean Monnet Conference on 'Gender Equality in the New European Union', 2003, pp.3-4. The *acquis communautaire* is the body of common rights and obligations which bind all the Member States together within the European Union. For further details, see: http://europa.eu/scadplus/glossary/community_acquis_en.htm ⁶ Ayres, R. & T. Barber, 'Statistical analysis of female migration and labour-market integration in the EU', Working Paper, FEMIPOL Research project, 2006. ⁷ See the EUROSTAT survey for the second quarter of 2009, available at: http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-09-039/EN/KS-QA-09-039-EN.PDF ⁸ Equal Rights Trust Report, *Religion and healthcare in the EU: Policy issues and trends*, 2009. ⁹ On guarantees given to Ireland regarding the Lisbon Treaty, see: <http://www.lifenews.com/int1343.html> and <http://www.eurongos.org/Default.aspx?ID=1494&M=News&PID=5982&NewsID=2025>. The legal guarantees are in the text from the Conclusions of the June 2009 European Council. ¹⁰ ILGA Europe, 'Rainbow Europe: Legal situation for lesbian, gay and bisexual people in Europe', July 2009. ¹¹ European Disability Forum, Statement, 'Against forced sterilisation of women and girls with disabilities', 25 November 2009.

•••• Equality, non-discrimination and multiple discrimination

Despite the EU's commitment to equality between women and men, gaps remain in EU legislation providing for non-discrimination against women and equality between women and men. This is particularly the case with regard to legislation beyond employment (see the diagram below and for more details consult the individual chapters of this report). Furthermore, the existing legal gaps in areas beyond employment at the European level for discrimination based on religion or belief, disability, age or sexual orientation also prevent the protection of many women facing discrimination on these grounds.

Over recent years the concepts of 'multiple discrimination' and 'intersectionality' have been the objects of increased attention by politicians and academics. This reflects public concern as evidenced in the 2008 Eurobarometer on discrimination, in which

37% of the respondents considered discrimination on more than one ground to be widespread.¹² Despite these developments, the European Commission reports a lack of legislation and policy to tackle multiple discrimination at the EU level and across Member States, particularly regarding the ability to pursue prosecutions based on multiple grounds of discrimination.¹³ This has a negative impact on women who are subject to multiple discrimination.

••••• Legal literacy

Achieving legal literacy amongst those who live in the EU is essential to the protection and promotion of their human rights, which include rights to non-discrimination and equality. Given the primary and central role of national human rights instruments, the EU cannot work in isolation from its Member States; in addition, the EU has a responsibility to raise awareness of the legal provisions developed at a supranational level in order that old people

living in the EU are fully informed of their legal rights and how they can claim them. However, a recent survey of the European Fundamental Rights Agency on discrimination on the basis of ethnic or immigrant origin presents worrying evidence that 80% of the respondents did not know of any organisation that could offer support or advice to victims of discrimination.¹⁵

established minimum standards defining who can qualify for refugee status) and the *Procedures Directive* adopted in 2005 (which established minimum standards for asylum procedures) – pays stronger attention to gender and the specific needs of women asylum seekers, but could still be improved. The process for these recast Directives will need to be monitored carefully, especially at the European Council level.

EU LEGISLATION, POLICIES AND PROGRAMMES SINCE 2004 REGARDING WOMEN AND HUMAN RIGHTS

• New EU legislative acts affecting women and human rights since 2004

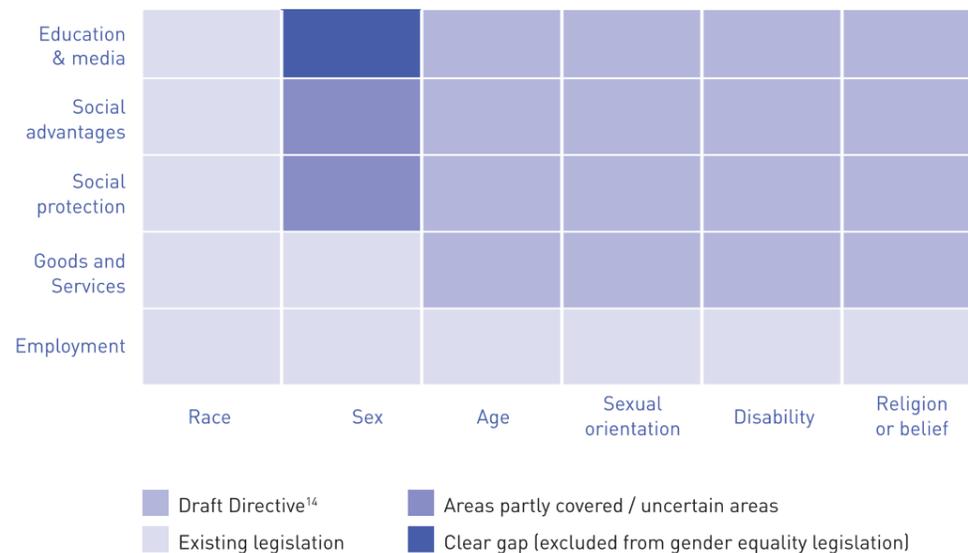
Human rights instruments: The United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol were adopted on 13 December 2006. The EU and all Member States have signed the Convention and 17 Member States signed the Protocol in 2008. The process of ratification of the Convention by the EU was underway at the time of writing this report; this will be the first international human rights instrument ratified by the EU. The adoption of this Convention represents an important breakthrough for disabled women.

Sexual and reproductive health and rights (SRHR): There has been no legislative act in this area at European level since 2004.

Equality, non-discrimination and legal literacy: The European Commission proposed on 2 July 2008 a new Directive on equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation.¹⁹ This will complement existing European legislation against discrimination on these four grounds which is currently limited to the area of employment.²⁰ Despite the fact that sex-based discrimination is not covered by this Directive, it is an important step towards improving protection for women who might face discrimination on a ground other than sex or at the intersection of gender with another ground.

Two main challenges lie ahead for European anti-discrimination legislation however. One concerns the scope of protection, which should be the same for all grounds of discrimination contained in the EU Treaties.²¹ It is important that the new Directive is adopted with the proposed scope and a strong text, and that the same level of protection is guaranteed in future against sex-based discrimination in education, media, social protection and social advantages. The second challenge relates to the need to ensure that victims of multiple discrimination are effectively protected, which is currently not the case in most Member States where legislation does not permit a complaint based on the interaction of different discrimination grounds. A gendered perspective is still lacking in anti-discrimination policies.

Immigration, integration and asylum: Both the *Employer's Sanctions Directive* adopted in 2009¹⁶ and the *Return Directive* adopted in 2008¹⁷ (developed to fight illegal immigration) mention either gender or women; the first Directive recognises gender-based discrimination as a potential source of exploitative working conditions while the second includes pregnant women as a vulnerable group. However, neither Directive ensures sufficient guarantees for migrant women's human rights. Regarding asylum, the European Commission proposal for recast Directives in November 2009¹⁸ – updating the *Qualification Directive* adopted in 2004 (which



EU ANTI-DISCRIMINATION LEGISLATION 2009

¹²European Commission, Eurobarometer 296, 'Discrimination in the European Union: Perceptions, Experiences and Attitudes', July 2008, available at: http://ec.europa.eu/public_opinion/archives/ebs/ebs_296_en.pdf ¹³European Commission, *Tackling Multiple Discrimination: Practices, policies and laws*, 2007. ¹⁴European Commission, *Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation*, COM/2008/0426 final, Brussels, 2008.

¹⁵Fundamental Rights Agency, 'EU-MIDIS', 2009, available at: http://fra.europa.eu/fraWebsite/eu-midis/index_en.htm ¹⁶See: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:168:0024:0032:EN:PDF> ¹⁷See: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF> ¹⁸European Commission proposals, 21 October 2009, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009PC0554:EN:NOT> and <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009PC0551:EN:NOT> ¹⁹European Commission, *Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation*, COM/2008/0426 final, Brussels, 2008. ²⁰Employment Equality Directive 2000/78/EC. ²¹The discrimination grounds contained in Article 19 TFEU (ex Article 13 TEC) are sex, race, religion or belief, disability, age and sexual orientation.

•• **Other initiatives of the EU concerning women and human rights since 2004**

Fundamental rights within the EU: The EU's Fundamental Rights Agency (FRA) opened on 1 March 2007. Built upon the European Monitoring Centre on Racism and Xenophobia (EUMC), the FRA is an independent body charged with providing assistance and expertise to the EU Institutions in the area of fundamental rights as well as with monitoring the state of fundamental rights within the EU and its Member States. This includes the promotion of equality between women and men as an essential element for the protection of fundamental rights.²² As of 1 February 2010, a new Commissioner portfolio for Justice, Fundamental Rights and Citizenship (including citizens' and minority rights) will be created for the first time in the history of the European Commission,²³ under which activities relating to gender equality and anti-discrimination will be placed. This will change significantly the perspective of these policies by putting them in a fundamental rights framework. If it is accompanied by strong political will, good coordination and sufficient resources, this change could potentially lead to a stronger application of policies for women's rights across all EU activities.

The European Parliament adopted a progressive Report in 2008 on the *Situation of Fundamental Rights in the EU (2004-2008)* with a section on equal opportunities focusing on women's fundamental rights and references to the rights of undocumented migrants.²⁴ However, the impact of this Report on EU policy-making remains to be seen.

Immigration, integration and asylum: There has been increased recognition of the need to integrate a gender dimension and to pay specific attention to the situation of migrant women in policy documents relating to immigration, integration and asylum at the EU level. These include the *Communication A Common Agenda for Integration - Framework for the Integration of Third-Country Nationals in the EU (2005)*; *The Roadmap for equality*

between women and men (2006-2010); the European Parliament Kratsa Report on *Immigrant Women in the EU (2006)*; the Declaration of the Ministerial Conference on Integration of Vichy (November 2008); and the European Commission Policy Plan *Asylum – an integrated approach to protection across the EU (June 2008)*.²⁵

However, in 2004, the European Commission recognised that a 'systematic mainstreaming of gender considerations seems to be lacking in most Member States when dealing with immigration, both in terms of policy and data'.²⁶ The commitment to integrate a gender perspective in immigration and integration policies has not yet led to a reframing of these policies to ensure non-discrimination and the protection of migrant women's rights. Additionally, recent measures taken at the EU and national level appear to have an indirectly discriminatory effect on women. For example, where legal migration is concerned, the sectoral and earnings modes of selection of economic migrants used at the EU and national levels favour men.

Another example is the 2003 Directive on family reunification which augments the barriers to the right to family life making it increasingly difficult for women to qualify because of the structural inequalities they face in their countries of origin and of reception. Moreover, the absence of a comprehensive picture of integration beyond employment means that many issues critical to migrant women's integration (such as education, health, political participation and legal status) are not considered in the framework of integration policies.

Sexual and reproductive health and rights (SRHR): Since 2004, the European Commission and the European Parliament have committed to supporting SRHR but only in the very specific framework of EU relations with developing countries.²⁷ The lack of a harmonised European commitment on this issue is due mainly to diverging views on reproductive and sexual health and rights for women between political

parties and governments. Therefore, activities were undertaken through declarative actions such as public hearings, individual initiatives for Written Declarations or co-signed letters from several Members of the European Parliament (MEPs) sharing the same progressive principles. A relevant example of the European Parliament's inability to deliver progressive political statements on the issue was the failure to adopt the Written Declaration on *Women's right to self-determination, adequate sex education and family planning in the EU (2005)* which was not backed by a sufficient number of MEPs.²⁸

Equality, non-discrimination and legal literacy: Discrimination on grounds of sex, race or ethnicity, religion or belief, disability, age or sexual orientation, and any combination of these grounds (multiple discrimination), is among the thematic areas of the *Multi-Annual Framework* of the Fundamental Rights Agency for 2007-2012.²⁹ It is also in the mandate of the European Institute for Gender Equality, which started its work at the end of 2009.³⁰

The most visible effort on legal literacy made by the European Commission was the 'European Year of Equal Opportunities for All' in 2007, which followed on from the EU's wider information campaign 'For diversity. Against discrimination' which has been active since 2003. Part of the rationale behind the European Year was to raise public awareness of the right to non-discrimination as protected under EU law.³¹ However, while gender equality was included in the themes of the Year, the focus and visibility given to women's rights was insufficient. The evaluation report focusing specifically on the implementation of gender mainstreaming shows the lack of knowledge of Member States regarding the concept itself: they often interpreted gender mainstreaming to mean simply having many women and men on meeting panels.³²

²² Council Regulation 168/2007 establishing a European Union Agency for fundamental rights, available at: http://fra.europa.eu/fraWebsite/attachments/reg_168-2007_en.pdf ²³This followed a commitment by President Barroso to the Members of the European Parliament in Strasbourg on 15 September 2009, available at: <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/09/391> ²⁴European Parliament Report 2007/2145(INI), available at: <http://www.europarl.europa.eu/sides/getDoc.do?language=EN&reference=A6-0479/2008> ²⁵See all EU adopted and proposed texts on immigration, integration and asylum, available at: http://ec.europa.eu/justice_home/doc_centre/intro/doc_intro_en.htm ²⁶European Commission's first Report on Migration and Integration, COM (2004) 508 final, 16 July 2004. ²⁷European Commission commitment to: UNFPA programme in Council Conclusions 2004; MDGs in Council Conclusions 2005; European Consensus on Development 2005; bilateral aid programmes such as 2007 project on reproductive health for youth in six Palestinian camps in Lebanon. European Parliament Report, *Sexual and reproductive health in the EU and the candidate countries*, 2008.

²⁸European Parliament, Written Declaration 0079/2005, available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+WDECL+P6-DCL-2005-0079+0+DOC+PDF+V0//EN&language=EN> ²⁹Research produced by the FRA are available at <http://fra.europa.eu/> ³⁰Regulation (EC) No 1922/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a European Institute for Gender Equality, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R1922:EN:HTML> ³¹See: http://ec.europa.eu/employment_social/eyeq/index.cfm?cat_id=EY ³²European Commission, *Evaluation of the 2007 European Year of Equal Opportunities for All*, 2009, available at: <http://ec.europa.eu/social/main.jsp?catId=618&langId=en&moreDocuments=yes>

GAPS AND RECOMMENDATIONS

Human rights, including women's rights, have until now been seen by the European Institutions mainly as an external relations issue as shown by the example of sexual and reproductive rights. While the obligation to pay attention to gender or women as a specific group appears more and more in EU legislative and policy documents in areas critical to women's human rights, it remains to be seen how this commitment will be translated into practice in the absence of specific implementation measures. Key policies, such as those relating to legal migration and family reunion, still fail to pay attention to their gendered discriminatory impact; this must be urgently addressed. Integration policies with a specific focus on migrant women lack a comprehensive approach that goes beyond employment.

Another crucial issue to women's human rights that requires permanent vigilance at the European level is women's sexual and reproductive health and rights (SRHR). With no EU legal instrument as yet ensuring women's equal access to the best standards of reproductive and sexual health, women in Europe rely on the European Convention on Human Rights.³³ This area is not a priority for European funding and European aid for family planning in developing countries is falling.³⁴ During the vote in the European Parliament on the 2007 budget, an amendment was tabled against the use of EU funds for SRHR. Fortunately, a majority of MEPs voted against this anti-choice amendment. This example shows how important it is for the EU to adopt a clear position defending the human rights of all women living in Europe and beyond and refusing to endorse the conservative views of some Member States that endanger these fundamental rights.

It is to be hoped that the institutionalisation of fundamental rights within the EU through the Treaty of Lisbon, the nomination of a Commissioner for Justice, Fundamental Rights and Citizenship and the establishment of both the Fundamental Rights Agency and the European Institute for Gender Equality will lead to fundamental rights, including women's rights, being placed at the core of all EU policies. The ratification of CEDAW by the European Union as called for by the EWL and other organisations would also represent a step in this direction.

³³ For example, the European Court of Human Rights condemned Poland in the case of Alicia Tysiac in 2007. ³⁴ German Foundation for World Population (DSW) and European Parliamentary Forum on Population and Development (EPF), *Euromapping 2009: Mapping European Development Aid & Population Assistance*, 2009.

THE EWL CALLS ON THE EU TO:

In relation to fundamental rights:

- Take the necessary measures to sign and ratify the United Nations Convention on the Elimination of all forms of Discrimination against Women and its Optional Protocol.
- Ratify without any reservations the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol.
- Ensure that the Commissioner for Fundamental Rights gives priority to women's rights and equality between women and men.
- Ensure that the Fundamental Rights Agency puts a women's rights and gender equality perspective at the core of all policies.

In relation to immigration, integration and asylum:

- Promote and adopt gender-sensitive migration policies including labour and family reunification policies; and conduct gender-impact assessments to ensure that these policies do not discriminate directly or indirectly against women.
- Adopt robust mechanisms for taking gender equality into account in the asylum process, including: a Gender Unit within the European Asylum Support Office; an EU ad-hoc gender expert group on asylum; and a study on the disparities between Member States in granting protection on the basis of gender-based persecution and on the forms this protection takes.
- Ensure that integration policies and measures incorporate a gender equality perspective, pay specific attention to the different needs of migrant women and are developed in close consultation with migrant women's organisations.

→ Ensure funding for initiatives supporting migrant women's integration, especially those developed by migrant women's organisations.

In relation to sexual and reproductive health and rights (SRHR):

- Recognise and guarantee SRHR as a strategic priority for achieving gender equality and the empowerment of all women, both in internal and external policies, to include: strengthened measures for sexual and reproductive health in public health and education programmes and actions; permanent mechanisms to establish a database and clear information on the SRHR of women in Europe; and mechanisms to monitor the commitments made at the Cairo and Beijing conferences and in relation to the Millennium Development Goals.
- Encourage Member States to establish a legislative framework to provide and strengthen universal access to SRHR information and services for women and men, and delete restrictive clauses and/or reservations made in relation to UN conventions and their accession treaties to the EU.
- Promote policies that aim to improve SRHR for specific groups of women (adolescents, lesbians, ethnic minorities, migrants, refugees, women with disabilities, transgender women, victims of trafficking and prostitution, etc.).
- Put pressure on third countries to abolish and punish traditional practices harmful to women's health and contravening their sexual and reproductive rights.

In relation to equality, non-discrimination and legal literacy:

- Ensure strong, consistent protection against discrimination on all grounds and raise awareness about existing legislation.

THE EWL CALLS ON MEMBER STATES TO:

→ Eliminate all derogations and exceptions remaining in EU gender equality legislation notably in the field of social security and goods and financial services.

→ Propose new legislation to ensure equality between women and men in education and media.

→ Introduce new European policies and legislation to eliminate inequalities in decision-making and violence against women.

→ Enable victims of multiple-discrimination to be effectively protected through the inclusion of a multiple discrimination clause in gender equality and anti-discrimination legislation.

→ Take appropriate, accelerated and public measures against Member States who have not transposed and (adequately) implemented gender equality and anti-discrimination Directives and ensure that Member States do not use the transposition process of European Directives to lower legal protection.

→ Put more effective mechanisms in place to hold Member States responsible for the full implementation and public knowledge of legal measures at the national level, including involving women's NGOs and supporting their work in this regard.

→ Monitor the transposition, implementation and use of existing gender equality and anti-discrimination Directives by concluding independent reviews.

In relation to immigration, integration and asylum:

→ Promote and adopt gender-sensitive migration policies, including labour and family reunification policies; and conduct gender-impact assessments to ensure that these policies do not discriminate directly or indirectly against women.

→ Adopt robust mechanisms for taking women's rights and gender equality into account in the asylum process, including the adoption and promotion by all Member States of the United Nations High Commission for Refugees' gender-sensitive guidelines (2002).

→ Ensure that integration policies and measures incorporate a gender equality perspective, pay specific attention to the different needs of migrant women and are developed in close consultation with migrant women's organisations.

→ Ensure funding for initiatives supporting migrant women's integration, especially those developed by migrant women's organisations.

In relation to sexual and reproductive health and rights (SRHR):

→ Guarantee that all women, regardless of their status or situation, have equal and facilitated access to SRHR.

→ Ensure the highest standards of legislation with regard to SRHR.

→ Prevent, ban and prosecute practices harmful to women's health and contravening their sexual and reproductive rights, including female genital mutilation and forced sterilisation of women with disabilities

→ Show political will to cooperate with other Member States in both sharing good practices and engaging in joint efforts to work on SRHR at the EU level.

→ Recognise and support NGOs helping women to access information and service provision in terms of SRHR by allocating sustainable funding for operational work and research, creating networking opportunities and consulting women's NGOs regularly.

In relation to equality, non-discrimination and legal literacy:

→ Ensure sufficient human and financial resources at all levels for policies and institutional structures, both in the governmental and non-governmental sector, aimed at achieving equality between women and men and ensuring against all forms of discrimination.

→ Ensure that legislation provides a uniform protection for all grounds of discrimination listed in Article 19 TFEU and extend additional cover to grounds other than those listed in Article 19 TFEU.

→ Ensure the full implementation of existing gender equality and anti-discrimination Directives through making resources available for targeted training and awareness-raising measures.

→ Adopt a strong new anti-discrimination Directive to eliminate discrimination based on age, sexual orientation, religion or belief and disability that meets the demands of the EWL, anti-discrimination networks and the European Parliament.

→ Add explicit clauses and binding regulations on multiple discrimination to national legal systems.

J / WOMEN AND THE MEDIA

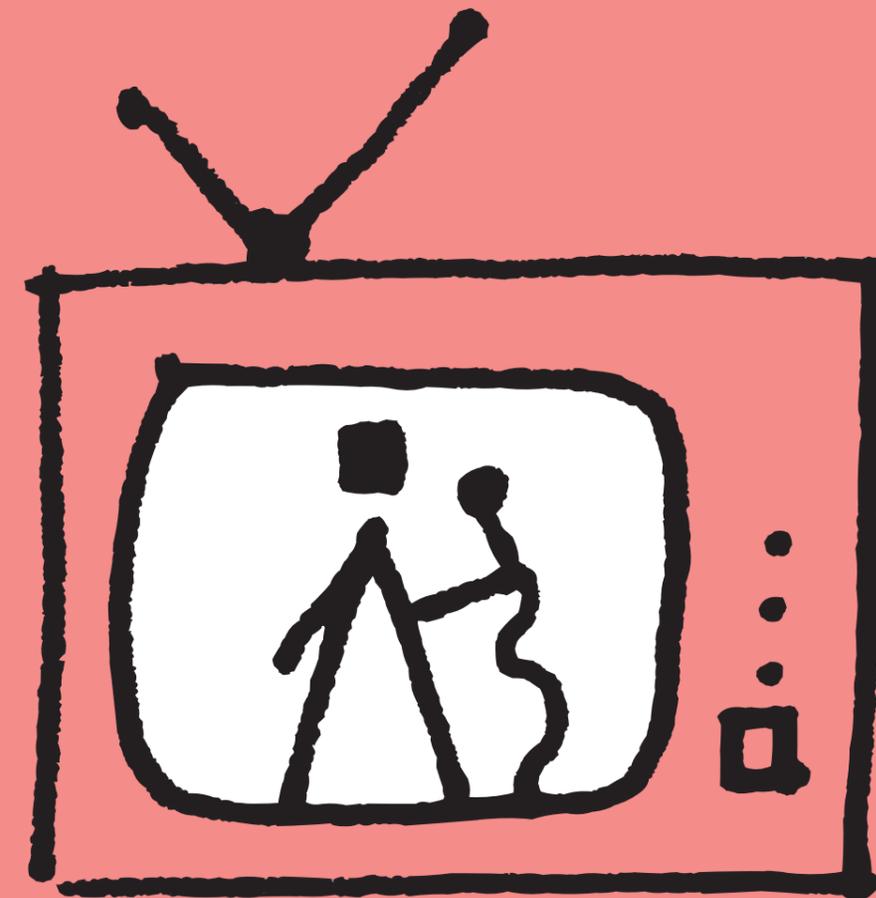
Strategic objectives

- Increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication.
- Promote a balanced and non-stereotyped portrayal of women in the media.

'If media are a mirror of society as they should be, they certainly need to reflect better the fact that gender equality is a fundamental human right.'

International Federation of Journalists, *Gender Equality in Journalism*, 2009, p. 1

In 2005, the EWL's Beijing+10 Report concluded that 'Women and the media is one of the objectives of the Beijing Platform for Action that is the most neglected by the EU'. Unfortunately, little has changed in this respect over the last five years. The diversity of the globalised 21st Century media does not make combating stereotypical and degrading portrayals of women an easy task. This difficulty is compounded by the necessity of balancing the fundamental values of protection against discrimination with freedom of expression and of the press. Nevertheless, the rapidly increasing spread and impact of the media, especially in digital form, make ensuring the protection of human dignity in media content all the more essential. For this, consideration must also be given to the participation and access of women to the media, both in terms of expression and decision-making.



EWL FOCUS

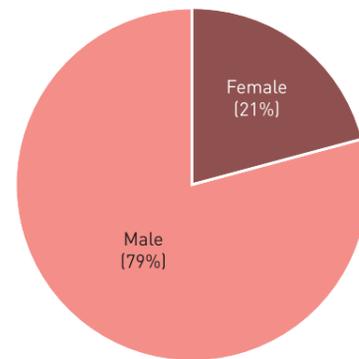
Gender stereotyping in the media is of great concern to the EWL. In 2006, the EWL worked extensively on the revision of the *European Television without Frontiers Directive*, focusing on aspects relating to the protection of fundamental rights and women's rights, anti-discrimination and violence against women in advertising and television content. The EWL monitors European policies on women and the media, engages in journalist training and is compiling European-level data on gender stereotyping, sexism and violence in the media.



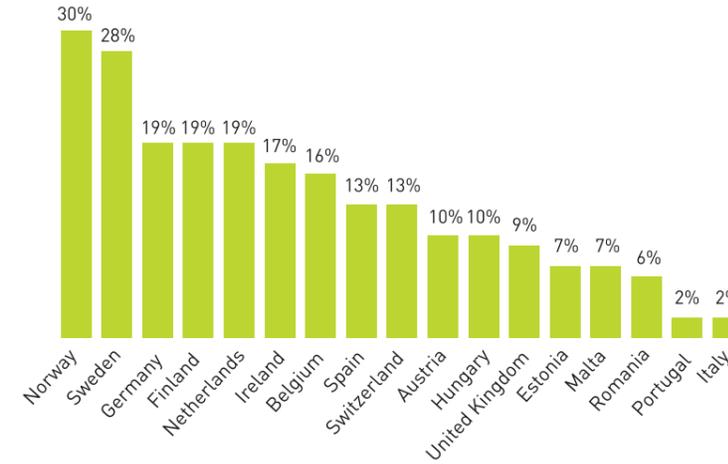
THE CURRENT SITUATION IN THE EU REGARDING WOMEN AND MEDIA

• Women's participation and access to expression through the media

In Europe, there are four men for every woman who gets news coverage. The Global Media Monitoring Project 2005 highlighted a slight rise in the number of female subjects in the news since 2000 (from 18% to 21%), but the fact remains that the European Union does not score well in relation to women's voices in the media. For example, in Europe women are central to a news story only 10% of the time, a figure that has not changed since 2000 and is half the US rate. This low representation of women goes beyond the news: only 32% of main TV characters are female;¹ and women athletes only secure between 2-9% of television airtime devoted to sports.² Certain groups of women receive even less attention than the average (migrant women, elderly women, disabled women, lesbian women, etc.).³



WOMEN AND MEN IN THE NEWS
Source: Global Media Monitoring Project 2005, *Who makes the news?*, 2005



POLITICIANS IN THE NEWS- THE PERCENTAGE OF WOMEN
Source: Global Media Monitoring Project 2005, *Who makes the news?*, 2005

More worrying than the low coverage of women in mainstream media is that women most qualified for and in need of access are denied it. Women make up only 16% of experts and 14% of spokespersons. Only 10% of European politicians in the news are female – this is actually below the global average of 12%! In Italy and Portugal, women represent only 2% of politicians in the news. This is not simply because men tend to be in higher positions: a 2003 study of politicians heading their party lists in parliamentary elections in the Netherlands found that the men received twice the coverage of the women.⁴

•• The portrayal of women in the media

The lack of women portrayed in positions of power or expertise reflects a wider issue of the stereotypical image the media promotes of women and men and gender relations. When women appear in the news, they do so most of the time in a more personal or 'human' capacity than men. Women are most likely to be eyewitnesses (30%), to give personal views (31%), or to represent popular opinion (34%).

They are twice as likely to appear as news subjects in stories on social issues than in stories on politics or government. Women are more than twice as likely as men to be portrayed as victims.⁵ This bias is even more prominent with regard to women with disabilities or Muslim women.

In European news, women are three times as likely as men to be identified in terms of their family status. This association with the 'traditionally female' domains of the home and the family is strong across all media: women only represent 27% of the employees or professionals shown in adverts, but some 60% of those portrayed doing housework or looking after children. Adverts showing boys place them outside of the house 85% of the time. Adverts featuring girls place them more than half of the time in the home. The effect of such portrayals on young girls in societies where the average child watches two hours of television per day cannot be underestimated.⁶

Homemakers and victims, women in the media are also beauty and sex objects. In the news,

¹Götz, M., *Girls and Boys and Television: A few reminders for more gender sensitivity in children's TV*, 2008, available at: http://www.br-online.de/jugend/izi/deutsch/forschung/IZI_Guidelines_WEB.pdf ²Media Awareness Network, *Media Portrayals of Girls and Women: Media Coverage of Women and Women's Issues*, 2005, available at: www.media-awareness.ca ³Global Media Monitoring Project 2005, *Who makes the news?*, 2005, available at: http://www.whomakesthenews.org/images/stories/website/gmmp_reports/2005/gmmp-report-en-2005.pdf

⁴Wierstra, R., *Breasts, Butts, Balkenende*, Hilversum, Bureau Beeldvorming en Diversiteit, 2003. ⁵Global Media Monitoring Project 2005. ⁶Media Awareness Network, *Media and Girls*. ⁷Van Hellemonst & Van Den Bulk, *L'Image des femmes et des hommes dans la publicité en Belgique*, 2009, p. 16. ⁸Media Awareness Network, *Media and Girls*.

women are more likely than men to be covered in pictures. They dominate the fashion and entertainment sections. In advertisements, women are more than twice as likely to be portrayed in (semi-) nudity as men.⁷ The fashion industry is eroticising increasingly younger models, and adopting the visual images of vulnerability common in pornographic media.⁸ Children Now reports that 38% of the female characters in video games are scantily clad, 23% baring breasts or cleavage, 31% exposing thighs, another 31% exposing stomachs or midriffs and 15% baring their behinds.⁹ The link with violence against women is also strong: the top-selling video game *Grand Theft Auto*, for example, allows players to beat prostitutes to death after having sex with them.¹⁰ This kind of message is as strong in music and music videos: rap artist Eminem's song *Kim*, for instance, depicts him murdering his wife, while *Kill You* describes how he plans to rape and murder his mother.¹¹

••• Women media professionals

The decision-making in the industry that produces this media is heavily male-dominated. In 2000, there were 9.3% women in top management positions in the telecommunications industry in the EU and European Economic Area and only 3% of women journalists are in decision-making positions.¹² The obstacles women face in the media are similar to those they encounter in the labour-market more generally: discrimination at the stage of recruitment, a pay gap averaging 17.4% in the EU, more precarious conditions of employment and the existence of a glass ceiling.

Among media professionals, women often suffer similar discrimination faced by their sex in the content the media produces. For example, they are valued for their looks, being far more likely to be presenters than reporters, but only while young; whereas up to the age of 34 women represent 79% of presenters, in the 50-64 age-bracket their presence drops to just 7%. Under-represented as reporters, especially in newspapers, they are more often

assigned to local news as well as to social issues, health and education.¹³

The presence of women at all levels in the media industry is essential to reverse these trends in stereotyping of women in the media. The 2005 Global Media Monitoring Project showed how women reporters give women more coverage. Female journalists are also more likely than their male counterparts to produce news articles that highlight gender inequalities, as well as pieces that clearly challenge gender stereotypes.

••• EU LEGISLATION, POLICIES AND PROGRAMMES SINCE 2004 REGARDING WOMEN AND MEDIA

Despite multiple internal and external calls for the EU to intensify its efforts in this area, the Union has made slow – and mixed – progress in ensuring that the principle of gender equality, which was enshrined in its founding Treaties, applies and is implemented with regard to the media industry.

• New EU legislative acts affecting women and the media since 2004

A December 2004 Council Directive implementing the principle of equal treatment between men and women in the access to and supply of goods and services specifically excluded its application to the 'content of media or advertising'.¹⁴

There do nevertheless exist some general texts regulating media services in the EU which mention discrimination based on sex, some of which have been updated since 2004. One is a Recommendation which carries political weight but is not binding on Member States:

• In 2006 the Council and Parliament amended the 1998 *Recommendation on the protection of minors and human dignity in audio-visual and information services in the framework of*

the Community programme for a safer internet 2005-2008 with mixed results for gender equality.¹⁵ While the Recommendation calls on the European Commission to 'act with greater determination in this area with the aim of adopting measures to protect consumers from incitement to discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation and of combating any such discrimination' (Para. 5), the other changes in the text weaken the protection that the Recommendation affords: two additions in Para. 17 and recommendation I-3(a) insist on the need to consider the protection against discrimination only 'without infringing freedom of expression or of the press'. Also, while a 2004 amendment reinforced the gender aspect of the text by recommending that Member States and the industries concerned 'develop effective measures to avoid discrimination based on sex', the 2006 Recommendation replaced this by a call to simply 'consider' such means.

Another text extended the coverage of the legislation in question but did not include any stronger wording on anti-discrimination. As a Directive, it is legally binding but leaves the means of implementation up to individual Member States, which makes monitoring compliance more difficult:

• In December 2007 the *Television Without Frontiers Directive* was amended to become the *Audiovisual Media Services Directive*.¹⁶ The aim was to enlarge the scope of the legislation, which serves as the legal basis for the free movement of European broadcasting services, to cover on-demand audiovisual media services such as video-on-demand whatever platform is being used, including internet and mobile TV. The text applies to the content of broadcasting and advertising and calls on Member States to 'ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any incitement to hatred based on race, sex, religion or nationality' and that 'audiovisual commercial communications provided by media service

providers under their jurisdiction' do not 'include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation'.

•• Other initiatives of the EU concerning women and media since 2004

In 2006 the European Commission inaugurated a new *Roadmap for equality between women and men 2006-2010*. In this, the elimination of gender stereotypes, including in the media, is set as a priority. The Commission committed to 'develop[ing] dialogue with media to encourage a non-stereotyped portrayal of women and men'.¹⁷ The annual reports on equality between women and men nevertheless betray the lack of substantial progress in this regard. The 2008 Commission report identified 'the need for the Member States, in collaboration with the social partners and civil society, to strengthen efforts to tackle stereotypes in education, employment and the media and to advance the role of men in promoting gender equality'. The 2009 report recommended that 'the media, including the advertising industry, should be encouraged to transmit non-stereotyped images and content, in particular of women in decision-making positions'.¹⁸ The Commission in 2008 also initiated a 'shadowing programme' with senior managers to encourage more young women to enter the ICT industry.¹⁹

The Council of the European Union has also given this issue political backing. In May 2007 the Trio Presidency of Germany, Portugal and Slovenia issued a Declaration making the elimination of gender stereotypes in society a priority theme, but no specific action was taken by the Commission in this field.²⁰ In January 2008 the Slovenian Presidency held a Conference on *Gender Equality: Elimination of Gender Stereotypes - Mission (Im)Possible?* but the conference and subsequent report did not directly address the issue of stereotyping in the media.²¹ The Employment, Social Policy, Health and Consumer Affairs June 2008 Council Conclusions recognised that:

⁹ Children Now, *From Sidekick to Superwoman: TV's Feminine Mystique*, Report on the 1995 conference on Children and the Media, 1995, available at: http://www.media-awareness.ca/english/resources/articles/gender_portrayal/sidekick.cfm

¹⁰ Media Awareness Network, *Violence in Media Entertainment*. ¹¹ *ibid.* ¹² Media Awareness Network; International Federation of Journalists, *Getting the balance right: gender equality in journalism*, 2009; International Federation of Journalists, *Equality and Quality: Setting Standards for Women in Journalism*, 2001. ¹³ Global Media Monitoring Project 2005, p. 63.

¹⁴ Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:373:0037:0043:EN:PDF>

¹⁵ Recommendation 2006/952/EC of the European Parliament and of the Council of 20 December 2006 on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and on-line information services industry, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:378:0072:0077:EN:PDF> ¹⁶ Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities. ¹⁷ European Commission, *A roadmap for equality between women and men, 2006-2010*, p. 8. ¹⁸ European Commission, *Equality between women and men, 2009*, p. 9. ¹⁹ European Commission, *Women wanted in Europe's ICT industry!*, press release of 6 March 2008, available at: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/392> ²⁰ The Trio Presidency Declaration, *Towards Gender Equality in the European Union on Gender Stereotypes*, stated that 'all forms of discrimination on the grounds of sex are based on gender stereotypes. Gender-based stereotyping can be found in all areas of society as a determinant factor and smallest common denominator for gender inequalities and unbalanced participation.' ²¹ See: http://www.uem.gov.si/fileadmin/uem.gov.si/pageuploads/Gender-Stereotypes_conference_report.pdf ²² European Parliament Resolution of 3 September 2008 on how marketing and advertising affect equality between women and men (2008/2038(INI)).

'The media, including the advertising industry, contributes to the reproduction of culturally transmitted stereotypes and images of women and men', but moreover that 'the media as a whole can also play a crucial role in combating gender stereotypes and in promoting the non-discriminatory and realistic portrayal of girls/women and boys/men in society'. The Council called on Member States: 'To promote, through appropriate institutions, awareness-raising campaigns and the exchange of good practices on combating gender stereotypes and the advancement of the realistic and non-discriminatory portrayal of girls/women and boys/men in the media.'

Although its Resolutions are non-binding, the voice of the European Parliament can carry important weight. In September 2008, the EP passed a strong Resolution on how marketing and advertising affect equality between women and men. The Resolution argues for 'the need to eliminate from textbooks, toys, video and computer games, the internet and new information and communications technologies (ICTs), and from advertising through different types of media, messages which are contrary to human dignity and which convey gender stereotypes'. The Parliament called on the Commission to intensify its efforts against discrimination in the media and for further research on this topic.²²

GAPS AND RECOMMENDATIONS

In terms of gender equality, the two strategic objectives regarding women and the media identified in Beijing in 1995 play complementary and reinforcing roles: women's equal access to and control over the provision of media services bears a relation to the quality of the portrayal of women in media content. The European Union has the competence to act on both fronts, notably by upgrading its legislation prohibiting sex-based discrimination in this area to match that on racism. The EU also needs to ensure the implementation of the legislation already in force. For this, more EU-wide comparable data is required, and needs to be gathered in a consistent manner from Member States.

The competence for communications and media remains partly in the hands of Member States, they must therefore, as signatories of the BPfA and in consideration of their EU Treaty commitment to gender equality, take action to ensure they individually, and as members of the EU, make efficient progress in meeting the Strategic Objectives regarding women and the media.

Action is also needed on the part of the media industry to ensure a realistic portrayal of women and men, more coverage for women and gender issues and gender equality in the profession, including in decision-making.



THE EWL CALLS ON THE EU TO:

- Fill the existing gap in scope between European legislation on racial and on sex-based discrimination and propose new legislation to ensure equality between women and men in education and media.
- Follow-up concretely on the 1997 European Parliament Resolution calling for the prohibition of all forms of pornography in the media, as well as the advertising of sex tourism.
- Establish a European Media Monitoring Group with a specific gender equality branch and expertise to receive and consider complaints from the public, grant gender equality awards to media and advertising professionals, study and report on women in the media and carry out regular, systematic monitoring of gender images in media content.
- Fully mainstream gender into all European policies and programmes related to the media and information society.
- Develop, fund and encourage training programmes on women's rights, anti-discrimination and gender stereotypes for media professionals.
- Develop research and comparable data concerning women and the media, including on the portrayal of women from specific groups such as women with disabilities or ethnic minority women.

THE EWL CALLS ON MEMBER STATES AND THE MEDIA SECTOR TO:

- In the context of the European Presidencies, give political support to combating sexism and the stereotyping of women and men in the media and undertake concrete initiatives to raise awareness on this issue.
- At national level, implement EU legislation calling for the promotion of a 'diversified and realistic picture of the skills and potential of women and men in society'²³ and monitor implementation.
- Fully implement new EU legislation prohibiting discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation in commercial communications whether linear (broadcast) or non-linear (video-on-demand), and monitor implementation. Progressive interpretation should be made of the requirements not to 'prejudice respect for human dignity' and not to 'encourage behaviour prejudicial to health or safety' (Article 3e), in particular in relation to fighting sexism and images accepting or encouraging violence against women.²⁴
- Develop and enforce a system of effective sanctions penalising the promotion of degrading images of women in all media.
- Develop safeguards (in the form of ombudspersons or media watch authorities incorporating gender equality experts) to ensure that industrial codes of conduct include a gender equality perspective and are being adhered to, and to ensure that the public can lodge complaints if necessary.
- Implement positive action measures to ensure more women have access to management positions in the media, including top management positions.
- Implement legal measures to end all discriminatory employment practices and sexual harassment in the media, including with regard to free-lancers.
- Develop, fund and encourage training programmes on women's rights, anti-discrimination and gender stereotypes for media professionals, including in journalism schools.
- Develop initiatives to encourage equal access to new technologies by young women and men, including through educational initiatives

²³ Recommendation 2006/952/EC ²⁴ Directive 2007/65/EC

K / WOMEN AND THE ENVIRONMENT

Strategic objectives

- Involve women actively in environmental decision-making at all levels.
 - Integrate gender concerns and perspectives in policies and programmes for sustainable development.
 - Strengthen or establish mechanisms at the national, regional and international levels to assess the impact of development and environmental policies on women.
-

The European Union has strong competence in the area of the environment, both in terms of environmental quality standards for air and water as well as of processes and products that may be responsible for giving rise to environmental damage and climate change. A full range of areas is covered from chemicals and Genetically Modified Organisms' to nature and wildlife protection, air quality and climate change. Therefore, the EU can potentially implement ambitious environmental policies. In effect, the Union should play a leading role notably in relation to the global fight against climate change, despite the lost opportunity of the recent Copenhagen Summit.

Despite the EU Treaty gender mainstreaming requirements, European environmental policy is entirely lacking in a gender perspective. During the last fifteen years, no piece of legislation has been adopted in which the gender dimension of environmental policies has been addressed. This is unacceptable given the studies and knowledge about the differential impact of environmental policies and hazards on women and men. The absence of a gender perspective from environmental policies in fact increases gender inequalities. Also, differences in situations and vulnerability must be acknowledged and addressed if we are to arrive at effective environmental policies.



EWL FOCUS

The EWL was very active in 2006 in joint lobbying with a coalition of NGOs in relation to the European Regulation on the Registration, Evaluation, Authorisation and Restrictions of Chemicals (REACH), highlighting women's concerns and needs in this area. The aim was to place precautionary action at the forefront of European legislation and to include provisions for the substitution of the most dangerous chemicals.



THE CURRENT SITUATION IN THE EU REGARDING WOMEN AND THE ENVIRONMENT



• The gendered health impact of environmental policies

Environmental policies impact directly on the health and living standards of individuals, and gender inequalities combined with lack of sensitivity to women's particular situations and needs mean that women often tend to suffer disproportionately from inadequate policies in this area. In certain regions of the EU, in particular in some of the new Member States, access to safe water and sanitation is not assured. For example, half of the Romanian population, almost 10 million people, lives in houses that are not connected to a centralised drinking water supply or sewerage system. In Bulgaria 98% of rural communities are not connected to sewerage systems. Poor Roma people living in isolated areas in several of the new EU Member States – Slovakia, Czech Republic, Romania and Hungary – do not have access to safe drinking water and sanitation.¹ Low hygienic standards of public toilets in EU countries, especially in rural areas, also particularly affects young girls: in public schools girls often avoid using the toilets for health reasons, especially during their monthly menstrual cycle.

Environmental conditions also impact on the prevalence of disease. There are links between breast cancer, one of the most important causes of illness and death among women in Europe, and environmental conditions. Recent research shows that 10 out of every 1000 breast cancer cases could be prevented if policies and science were to take environmental risk factors into account and actively eliminate hazardous chemicals in the workplace and consumer products.²

Exposure to chemicals, both for short and long periods, is a recent area of research and investigation in which knowledge is just being developed. So far, there is insufficient identification of the gender differences in the exposure to and health effects of chemicals. Nevertheless, there is increasing evidence of the wide-scale and long-term differential effects of low dose contamination by endocrine disruptive chemicals (EDCs) on girls' and boys' reproductive health.³ Exposure to chemicals classified as carcinogenic, mutagenic or reproductive (CMRs) are particularly harmful and many are found in cleaning products or pesticides. These have a greater impact on women as they are the main carers and comprise the majority of workers who come into contact with them through their employment in the service industry (including cleaning), agriculture and the food industry.

•• Women's environmental footprint

The way in which women and men's consumption patterns impact on the environment has become a new interest for investigation and evaluation in a few European countries like Sweden, Finland, and Germany.⁴ These studies evidence that the social construction of gender and existing gender inequalities lead to different lifestyles among women and men that impact differently on the environment, climate change and levels of emissions. The area of transport illustrates this gender dimension. EU data on transport systems is not disaggregated by sex and employment in the transport sector is heavily male-dominated. Still, a recent study on transport systems in several Member States identified a differentiated use of public transport by women and men. Women tend to work closer to home and travel less often and for shorter distances. They tend to walk and/or

The external dimension of the EU's environmental policies and their gendered impact

The EU's environment and climate change policies have a significant global impact, particularly as concerns women and girls in developing countries. The lack of effective global environmental policies increases gender inequalities worldwide, as women are particularly vulnerable to the effects of environmental hazards and climate change. This is due to their lower socio-economic status as compared to men, to the traditional domestic responsibilities they shoulder, and to the danger of male violence they are exposed to in situations of conflict, which are created or exacerbated by scarcity of natural resources. For example, according to UNIFEM, women and girls spend up to 8 hours per day gathering water for their families. Droughts caused by climate change are shrinking existing water supplies, further lengthening the distances to walk, and putting millions of women in danger of attack. Partly also for this reason, millions of girls around the world are unable to go to school.

The EU must be at the forefront of international efforts to tackle climate change and other environmental issues, as well as implement strong environmental policies internally. In elaborating its policies in this field, the EU must fully recognise and address the multiplying effects of environmental degradation on inequalities, in particular between women and men, and ensure the promotion of women's equal rights.

¹This information is provided by WECF (Women in Europe for a Common Future) based on a project carried out in Romania and Bulgaria since 2006. ²Lynn, H., *Politics and Prevention: Linking breast cancer and our environment, Women in Europe for a Common Future*, 2009.

³Endocrine disrupting chemicals are exogenous substances that act like hormones in the endocrine system and disrupt the physiologic function of endogenous hormones. EDCs encompass a variety of chemical classes, including hormones, plant constituents, pesticides, compounds used in the plastics industry and in consumer products, and other industrial by-products and pollutants. Denmark, Germany, Spain and the UK funded and carried out research on the effects of EDCs on humans. The results show a significant impact of these chemicals on the reproductive health for both boys and girls. See J. Barrett et al., *Girl, Disrupted. Hormone Disruptors and Women's Reproductive Health*, 2009; The German Federal Government sponsored a translation of this publication and funded its dissemination. For Spain, see the work and publications of Marina Lacasaña. ⁴The Swedish Ministry of Sustainable Development published the *Initial study of lifestyles, consumption patterns, sustainable development and gender: Do women leave a smaller ecological footprint than men?* in April 2006.

use public transport more often than men. Men use private cars and travel by air more frequently. Mobility patterns are also shaped by the gendered division of paid and unpaid labour. As women generally have smaller incomes, less leisure time and consume less in comparison with men in the same geographical and social location, they tend to leave a smaller footprint on the environment.

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EU LEGISLATION, POLICIES AND PROGRAMMES SINCE 2004 REGARDING WOMEN AND THE ENVIRONMENT
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As noted above, despite supposedly fervent EU activity in this field, not a single piece of EU environmental legislation adopted over the last fifteen years has included a gender dimension. Still, some important EU legislative acts passed during the reporting period have potential but indirect benefits for women.

● **New EU legislative acts affecting women and the environment since 2004**

The EU chemical Regulation REACH, adopted in 2006,⁵ is very important given that chemicals are contained in the most every day consumer products. The Regulation applies the principle of 'no data, no market' and reversed the burden of proof for the absence of dangerous chemical substances from the regulator to the manufacturer; this should have the effect of encouraging the substitution or withdrawal of hazardous chemicals. However, the REACH instrument has important shortcomings; not, for example, being effective in addressing the major public health threat of endocrine disrupting chemicals (EDCs).⁶

In 2008, the EU updated a Directive on cosmetics to take account of new dangerous substances in products widely used by women.⁷ Efforts to ensure the phasing out of chemicals and sensitisers in cosmetics failed.

In mid-2009 the EU proposed changes to Regulations on biocidal products to protect consumers from high levels of methyl bromide, formaldehyde and benzene, which are often found in cleaning products used predominantly by women as the main carers.⁸

●● **Other initiatives of the EU concerning women and the environment since 2004**

The European Parliament Resolution on *Combating cancer* (April 2008) highlights the environmental causes behind the disease and seeks to establish an EU Cancer Task Force.⁹ This could have a significant impact on women and the treatment of breast cancer if a gender perspective is included in this work.

The European Parliament commissioned a study on women and transport to discover how women use public transport and if transport systems meet their needs.¹⁰ From this research, a tool emerged to evaluate the gender sensitivity of transport systems.

None of the Presidencies of the Council of the European Union has worked on developing and collecting gender indicators in the area of the environment as was done in most other areas of the Beijing Platform for Action. This demonstrates that little attention is paid to gender when considering European environmental policies.

⁵European Parliament and Council of European Union, *Regulation concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)*, Brussels, 2006. ⁶In order to address the lack of information concerning the impact of different products containing chemical substances on women and children's health, Women in Europe for Common Future (WECF) is running a information campaign and develops Consumer Guides on important product groups. The Project called SIN List takes the 356 chemicals identified as Substance of Very High Concern based on the criteria established by the EU chemical regulation REACH and tries to identify problematic ingredients and their health effects in these product groups. See: <http://www.chemsec.org/list/latest-on-sin/477-the-sin-list-used-in-two-new-wecf-consumer-guides->
⁷European Commission, *Cosmetics Directive 76/768/EEC*, Consolidated version, Brussels, 2008. ⁸European Parliament and Council of the European Union, *Proposal for a Regulation concerning the placing on the market and use of biocidal products*, Brussels, 2009. It will repeal and replace the current Directive 98/8/EC concerning the placing of biocidal products on the market. The proposed Regulation is scheduled to enter into force on 1 January 2013. ⁹European Parliament, *Resolution on combating cancer in the enlarged European Union*, Brussels, April 2008. ¹⁰University of East London and Wuppertal Institute, *Women and Transport. The Gender Audit*, London, 2005.

GAPS AND RECOMMENDATIONS

There is a glaring lack of integration of the gender dimension in EU environmental policies as a whole, and no assessment of the differential impact of these policies on women and men. In climate change policies for example – one of the most salient environmental issues in the contemporary global debate – gender aspects have been absent in the discourse and perspectives promoted by the European Union's representatives. In Member States, women are present in ecological and environmental movements but largely absent from decision-making in this sector, including at the governmental level. At the time of writing this report, the only exceptions to this were Finland, Sweden, Denmark and the Netherlands, where women ministers lead on environmental issues.

More generally, there is scarce research indicating the number of women in decision-making processes relating to the environment; or describing how they are actively involved; or how and to what extent their needs, concerns and opinions are integrated into policies and programmes for sustainable development.

The centrality of women in maintaining sustainable patterns of consumption, production and management of natural resources, and their contribution to the education of children, preserving quality of life and avoiding depopulation of rural areas for present and future generations must be recognised. Biodiversity, sustainable development, prosperity and quality of life must coexist in harmony. Women have both specific needs and a major role to play in delivering this, as affirmed in the Beijing Platform for Action.



THE EWL CALLS ON THE EU TO:

- Systematically include a women's rights and gender equality perspective in the definition, implementation and monitoring of environmental policies at all levels, including local/regional development, in the European Agricultural Fund for Rural Development (EAFRD) and research activities.
- Ensure the equal participation of women and men in planning processes and decision-making in the environmental field at all levels.
- Include a gender-sensitive perspective in the process of constructing a common understanding of environmental issues.
- Take account in all EU health policies of the differential impact of environmental conditions on the health of women and men.
- Place a moratorium on the use of endocrine disrupting chemicals (EDCs) in all consumer products, food-production and packaging materials; and increase funding for research on the differential effects of low dose contamination by EDCs on girls' and boys' reproductive health.
- Follow-up on the European Parliament Resolution on *Combating cancer* (April 2008) by establishing an EU Cancer Task Force.
- Revise the EU drinking water Directive to require that all sources of contamination, including unsafe sanitation, be addressed and allocate adequate funding for this.
- Allocate financial resources to develop an EU-wide comparative study about the different gender impacts on emissions and consequent climate change effects. On the basis of the conclusions of the study, propose concrete actions on emission reduction to national governments.
- Increase public awareness about the positive effects of gender-sensitive environmental policies and the contribution that gender equality policies can make to different environmental issues.

THE EWL CALLS ON MEMBER STATES TO:

- Ensure the integration of a women's rights and gender equality perspective in all environmental policies and policies for sustainable development at national, regional and local level; use, and support the promotion of gender mainstreaming as an instrument for good governance.
- Ensure the equal participation of women and men in decision-making structures in government-appointed bodies and institutions dealing with the planning, definition and implementation of environmental and all other policies.
- Include women and women's organisations in the planning and decision-making processes on climate change; for adaptation to be successful, women must be informed of, be involved in and contribute to decision-making processes whether at local, national or international levels.
- Promote women's entrepreneurship in agriculture, renewable energies, environmental protection and tourism so as to strengthen their participation and continuous training, and enhance their contribution to innovation, quality of life and preservation of land, environment and culture.
- Promote the access of women to training and employment related to new 'green' jobs and emerging environmentally-friendly techniques, as women are mainly absent from, and are not encouraged to participate and develop a career in, these areas.
- Support and promote specific research and studies on women and the environment as well as the integration of a gender perspective in environmental protection and environmental impact assessment studies.

L / THE GIRL-CHILD

Strategic objectives

- Eliminate all forms of discrimination against the girl-child.
- Eliminate negative cultural attitudes and practices against girls.
- Promote and protect the rights of the girl-child and increase awareness of her needs and potential.
- Eliminate discrimination against girls in education, skill development and training.
- Eliminate discrimination against girls in health and nutrition.
- Eliminate the economic exploitation of child labour and protect young girls at work.
- Eradicate violence against the girl-child.
- Promote the girl-child's awareness of and participation in social, economic and political life.
- Strengthen the role of the family in improving the status of the girl-child.

Children are gendered human beings, and therefore girl-children have specific experiences and needs. However, European policies addressing children's rights take a gender-blind approach. Children's rights are considered within different European policies and programmes, in areas such as: combating violence, trafficking, anti-discrimination, the elimination of sexual exploitation and prevention of child abduction. The neutral term 'children' used in European policies reinforces the invisibility of the girl-child and the particular concerns that she is faced with, including sex-based discrimination and stereotyping, and a higher risk of sexual or labour exploitation, trafficking and violence. The distinct needs of girls must be addressed in EU and national policy.



EWL FOCUS

The EWL has established good cooperation with organisations working with girls and on girls' and children's rights, undertaking, for example, several joint activities with the European Youth Forum and the World Association of Girl Guides and Girl Scouts. The latter became a member of the EWL in 2009. Furthermore, the EWL was especially active in collaborating with children's organisations to promote and monitor the integration of the specific needs and rights of girls during the adoption of the *EU Strategy on the Rights of the Child* in 2007.² The EWL will continue to lobby for stronger measures to combat violence against and trafficking of girl children, and ensure that girls are included in its ongoing work on health and gender stereotypes.



THE CURRENT SITUATION IN THE EU REGARDING THE GIRL-CHILD



National legislation in all EU Member States recognises the equal rights of girls and boys. Still, the girl-child has particular interests, concerns and vulnerabilities.

• The girl-child, poverty and exploitation

There is a greater level of poverty among children than in the overall population in all 27 Member States.³ The at-risk-of-poverty rate for those under 18 years of age as compared to the population as a whole is higher by 6, 7 or 8 percentage points in some countries, especially in some new Member States.⁴ Across the EU, 17% of under-18 year olds are in the highest at-risk-of-poverty category. Unfortunately, European data on children's poverty is not disaggregated by sex.

The risks that arise from poverty and social exclusion for girls are different from those with which boys are confronted; this includes increased dangers of child trafficking and prostitution and risks of other forms of child labour and exploitation.

•• The girl-child, education and equal opportunities⁵

The education enrolment rates for girls and boys are similar in Europe. Girls perform better than boys in reading literacy and make up more than half of those who successfully complete their education. Young women comprise at least 55% of 17-19 year olds who attain upper secondary qualifications, although in all but a few EU Member States, it is young men who are in the majority of those completing vocational courses.

Nevertheless, significant numbers of young women and young men still leave education with only basic schooling.⁶ Certain groups of girls are particularly at risk of exclusion from

educational opportunities, in particular those from migrant or ethnic minority backgrounds and from families with low socio-economic status. Girls with disabilities confront problems of understanding, recognition and support services in educational systems. Gender stereotypes can also impact on girl's educational chances: for example, expectations for girls to perform large amounts of domestic labour can cause them to lose out on education at an early age.⁷

••• Stereotyping and the girl-child

Educational systems continue to contribute to gender stereotypical patterns of choice and paths, which affect the chances and opportunities that girls have in later life. Traditional perceptions of gender roles mean that girls are more likely to go/be directed to areas such as health and welfare, education, humanities and arts, which lead to less prestigious and less well-paid jobs than areas such as science, mathematics, computing, engineering, manufacturing and construction.

Girls are confronted everyday with stereotyped images in the media, in educational materials and in toys.⁸ A major study on gender in children's television found that girls tend to be portrayed as 'conventionally beautiful, underweight, and sexualised', motivated by love and romance, and dependent on boys. They often fall into two stereotypical categories defined by hair colour: the blonde 'girl next door' or the 'blonde bitch'; or the red-headed tomboy.⁹ In advertising, little girls are portrayed most of the time in the home, as opposed to boys, who are placed outside 85% of the time.¹⁰

•••• The girl-child's health and wellbeing¹¹

The artificial constructions of body-images promoted by the media impact negatively on girls' and young women's self perceptions and can lead to eating disorders, health and mental problems.¹² Eating disorders like anorexia and bulimia are more frequent among girls and young women than among their male counterparts.¹³

The sexualisation of the girl-child can affect health, wellbeing and life chances. Over one million adolescents in the world became infected last year with HIV, two thirds of them girls.¹⁴ The teenage birth rate is also an issue of concern. This varies significantly from country to country, rising from under 3% of live births in 14 Member States, to 8% in Latvia and Lithuania and 13% in Bulgaria and Romania.¹⁵

Girls have a number of particular health concerns. For example, breast cancer and cervical cancer are the greatest causes of death for women aged between 15 and 44. A vaccine has been approved for the human papillomavirus, the major cause of cervical cancer, which should be taken before the first sexual encounter to be most effective, i.e. by girls aged between 9 and 15.¹⁶ So far, it has been introduced for girls in only five EU Member States, in four of which it is available free of charge.¹⁷

••••• Violence against the girl-child

The prevalence of male violence against the girl-child is the most serious violation of the human rights of girl-children in Europe and the world. Girl-children, like adult women, experience different forms of male violence.

Violence by intimate partners often begins very early in youth: recent research by the National Society for the Prevention of Cruelty to Children in the UK found that one in four girls, some as young as 13, had been slapped or hit by their boyfriends.¹⁸

Sexual abuse is also widespread. According to the Council of Europe, an estimated 10% to 20% of children in Europe are sexually assaulted during their childhood.¹⁹ Girls are far more likely to suffer sexual abuse than boys: 25.3% of sexual violence is reported by girls as compared to 8.7% reported by boys.²⁰ Forced marriage is not unknown in Europe, and can affect girls as young as ten.²¹ An estimated 1.8 million children worldwide are victims of prostitution or pornography.²²

²European Commission, *Towards an EU Strategy on the Rights of the Child*, Brussels, 2006. ³Eurochild, *Annex: Country Fiches to Ending Child Poverty within the EU? A review of the 2008-2010 National Strategy Reports on Social Protection and Social Inclusion*, 2009. ⁴Romania, Czech Republic, Hungary, Slovakia.

⁵For more information, see section B on 'Education and training of women'. ⁶Eurostat, *The life of women and men in Europe – a statistical portrait*, European Communities, 2008, pp.29-33, available at:

http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=KS-80-07-135

⁷See European Commission, Freedom and Justice website, available at: http://ec.europa.eu/justice_home/tsj/children/well_being/tsj_children_well_being_en.htm ⁸For more information, see section J on 'Women and the media'. ⁹Götz, M., *Girls and Boys and Television: A few reminders for more gender sensitivity in children's TV*, 2008. ¹⁰Media Awareness Network, *Media and Girls*, available at: <http://www.media-awareness.ca> ¹¹For more information, see section C on 'Women and health'.

¹²The Council of the European Union, Slovenian Presidency, *Review of the implementation by Member States and the EU institutions of the Beijing Platform for Action - Indicators in respect of the Girl-child*, Brussels, 2008, pp. 18-19; 26-29. ¹³ibid. ¹⁴Global information from European Commission, *Towards an EU Strategy on the Rights of the Child*, 2006, pp.4-5.

¹⁵European Commission, *ECHI Demographic and Socio-economic factors indicators, Live births by mother's age at last birthday in 2005*, available at: http://ec.europa.eu/health/ph_information/dissemination/echi/echi_1_en.htm ¹⁶ibid. ¹⁷Belgium, Cyprus (not free of charge), Germany, Romania and Italy. See EGGSI, *Access to Healthcare and Long-term care: Equal for Women and Men? Final Synthesis Report*, Milano, Italy, 2009, pp.73-74. ¹⁸Barter, C., M. McCarry, D. Berridge & K. Evans, NSPCC study, *Partner exploitation and violence in teenage intimate relationships*, September 2009, available at: http://www.nspcc.org.uk/Inform/research/Findings/partner_exploitation_and_violence_wda68092.html ¹⁹May-Chahal, C. & M. Herczog, *Council of Europe report, Child sexual abuse in Europe*, Strasbourg, 2003. ²⁰See WHO, *Women and Health Fact Sheet*, November 2009. ²¹Terre des hommes website, available at: <http://www.terredeshommes.org/index.php?lang=fr&page=act.sex> ²²ibid.

The situation of Roma girls²³

Prejudice and discrimination against the Roma is widespread but cultural attitudes mean that girls lose out most. As Roma they are shunned by wider society, as girls they are valued less by their own communities. They face the same pressures as other women do, especially in the poorest nations in Europe, including pressure to leave school, marry early and confine themselves to the domestic sphere. In the Slovak Republic only 9% of Roma girls attend secondary school compared with 54% of Slovak girls. While just 6% of non-Roma girls over 10 leave school in Romania, 39% of Roma girls aged over ten do not have any education.

Finally, some girls and young women living in Europe will be among the 130 million worldwide estimated to have undergone female genital mutilation with another two million girls thought to be affected annually, often through initiation rites at the break of adolescence.²⁴ Every year up to 500,000 girls and women living in the European Union are affected or threatened by female genital mutilation.²⁵

EU LEGISLATION, POLICIES AND PROGRAMMES SINCE 2004 REGARDING THE GIRL-CHILD

The right to protection and respect and the promotion of the principle of the child's best interests are recognised in the Charter of Fundamental Rights of the European Union, which gained the same legal status as the EU Treaties with the entry into force of the Lisbon Treaty in December 2009.²⁶ The Charter uses the neutral term 'child' throughout with minimal reference to gender. In its point 3 the Charter refers to 'his and her': 'Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his and her parents, unless that is contrary to his or her interests', but there is no direct reference to girl-children.

In the EU, 18 years of age marks the upper limit of childhood.²⁷ European youth policies extend to girls and boys between 15 and 30²⁸ and recently these have incorporated a gender perspective and adopted gender mainstreaming tools for activities and programmes of youth organisations.²⁹

• New EU legislative acts affecting the girl-child since 2004

No legislation was adopted at EU level affecting the rights of girl-children over this period.

•• Other initiatives of the EU concerning the girl-child since 2004

Many EU initiatives, actions and documents on children's rights are devoid of a gender perspective, even when they concern issues strongly connected to the rights of the girl-child such as violence,³⁰ sexual exploitation and child pornography³¹ or use of the internet and other communication technologies.³²

The 2006 European *Strategy on the Rights of the Child*³³ considers the situation of children in Europe, including their vulnerability to poverty but, disappointingly, does not include a gender-sensitive perspective. Issues such as female genital mutilation, coercive sexual relations, forced marriages and HIV infection are addressed, but without paying attention to the specificity of their gender dimension.³⁴

In 2008, the Slovenian Presidency of the Council of the European Union analysed and developed the first ever indicators for the girl-child in the EU.³⁵ The indicators cover three areas: a) sexual and reproductive health looking at sex and relationship education; b) media and cultural attitudes and practices looking at body self-image; and c) educational accomplishments in mathematics and science. The Presidency's report on the indicators is a necessary foundation for the development of EU policies as 'the status and the social opportunities of the girl-child do not feature much in EU documents and strategic orientations at present.'³⁶

²³ PLAN International, *Because I am a Girl*, Roma girls in Europe, 2009, pp. 97 -99.

²⁴ European Commission, *Towards an EU Strategy on the Rights of the Child*, 2006, p.4. ²⁵ Association of European Parliamentarians with Africa, 2009. ²⁶ Charter of the Fundamental Rights of the European Union, Art. 24. ²⁷ European Commission, *Towards an EU Strategy on the Rights of the Child*, 2006. ²⁸ The European Commission Youth Programme 2000-2006 and Youth in Action Programme 2007-2013 address young people aged 15-28 or aged 13-30. European Commission, *Decision establishing the Youth in Action programme for the period 2007 to 2013*, 2006. ²⁹ European Youth Forum, *WO=MEN Your best friend in making equality between women and men a reality*, 2007. ³⁰ European Parliament and Council of the European Union, Joint Decision establishing for the period 2007-2013 a specific programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk (Daphne III programme), 2007. ³¹ Council of the European Union, Framework Decision on *Combating the sexual exploitation of children and child pornography*, 2003 and *The Evaluation Report*, 2007. ³² European Parliament and Council of the European Union, *Decision No 1351/2008/EC establishing a multiannual Community programme on protecting children using the Internet and other communication technologies*, OJEU L 348/118 of 24 December 2008. ³³ European Commission, *Towards an EU Strategy on the Rights of the Child*, 2006. ³⁴ Ibid., pp.4-5. ³⁵ Council of the European Union, Slovenian Presidency, *Review of the implementation by Member States and the EU institutions of the Beijing Platform for Action - Indicators in respect of the Girl-child*, June 2008. ³⁶ Ibid., p.14.

GAPS AND RECOMMENDATIONS³⁷

European programmes and actions for the protection of children have a poor record when it comes to incorporating a gender perspective. The distinctive needs and problems of the girl-child are ignored as the general term 'children's rights' is constantly used when analysing and developing policies. This situation is exacerbated by a tendency to think that the rights of the girl-child are predominately a matter concerning developing countries. Conversely, the EWL is pressing for recognition that the situation of girls in the European Union must be made more visible and their rights respected and enhanced.



³⁷ Several recommendations included in other sections of this report, notably education, violence and health, apply to the girl-child.

THE EWL CALLS ON THE EU TO:

- Recognise the distinctive needs of girl-children and the specific risks to which they are vulnerable and address these, using gender-sensitive language and data, in all internal and external EU policies and programmes related to children.
- Complement the existing legislation on gender equality with texts on education, media and protection from all forms of violence taking full account of the specific situation and needs of the girl-child.
- Implement programmes to mentor and increase the participation of young women and girls, including in decision-making and in science and research.
- Collect data disaggregated by sex and age to underpin a gender perspective in planning, implementation and monitoring of all policies and programmes for children across health, education, poverty and social exclusion and other areas.

THE EWL CALLS ON MEMBER STATES TO:

- Recognise the distinctive needs of girl-children and the specific risks to which they are vulnerable and address them in all governmental policies and programmes.
- Ensure universal access to education for girls irrespective of their social backgrounds.
- Request educational institutions and encourage the media to adopt and project balanced and non-stereotypical images of girls and boys and work to eliminate child pornography and degrading and violent portrayals of the girl-child.
- Adopt gender-sensitive curricula, teaching materials and textbooks to improve the self-image, lives and work opportunities of girls and boys.
- Undertake research to evaluate the effects of stereotypes and sexual images in the media on girls and young women and take preventative action.
- Support programmes for a safer school environment for the girl-child and ensure the elimination of harassment and abuse in schools.
- Include the specific needs of migrant girl-children, girls with disabilities or from ethnic minorities and other vulnerable groups, especially in policies related to health and education.
- Support, including financially, gender-sensitive sex education in order to prevent teenage pregnancies and STDs including HIV.
- Prevent, ban and prosecute female genital mutilation.
- Promote and properly resource NGO's and youth organisations that work with girls.

WOMEN'S RIGHTS AND GENDER EQUALITY IN EU EXTERNAL POLICIES

EUROPEAN POLICIES IN THE FIELDS OF DEVELOPMENT COOPERATION AND HUMANITARIAN AID¹

• Development cooperation

The achievement of gender equality in development policies and, in particular, the Millennium Development Goal 3 targets, are proving to be challenging, requiring further political will and efforts by the European Commission and Member States alike.²

The *European Consensus on Development* (2005) identified gender equality as a core part of all policy strategies and stipulated that the EU would include 'a strong gender component in all its policies and practices in its relations with developing countries'.³ The 2007 Commission Communication on *Gender Equality and Women's Empowerment in Development Cooperation* further strengthened this commitment by including gender mainstreaming (together with specific actions) as a key element of the EU's strategy in this respect.⁴

The Council Conclusions on *Gender Equality and Women's Empowerment in Development Cooperation* (2007) stressed the close inter-linkages between sustainable achievements in poverty reduction and development and the empowerment of women, including their political empowerment.⁵ The Council fully supported the approach of increasing the efficiency of gender mainstreaming and refocusing on specific actions for women's empowerment as presented in the

Commission's Communication. The European Commission and Member States are working on an EU Plan of Action on *Gender Equality and Women's Empowerment* in the EU's external relations and development cooperation, scheduled for adoption in 2010.

With regard to financing, in addition to the resources available under the country or regional aid programmes, the Commission has thematic budget lines, including the Thematic Programme 'Investing in People' for the period 2007–2013. This Programme contains a separate financial envelope for funding actions in the area of promoting gender equality and the empowerment of women. The funds available are allocated through calls for proposals from eligible organisations and by direct agreements with selected partners. Priority areas include the implementation of international commitments at country level; capacity building of women's NGOs; and strengthening the statistical capacity of governments in order to use gender-disaggregated indicators and data.

The promotion of gender equality in individual country strategies under the 10th European Development Fund was supported by the drawing-up of programming guidelines and the monitoring of equality issues in national plans. Gender mainstreaming guidelines for strategy papers have been drawn up to support gender equality in country and regional programming.

•• Humanitarian Aid

The EU has reaffirmed the principles relating to gender equality in the *European Consensus on Humanitarian Aid*⁶ and committed the EU to promoting the active participation of women and to incorporating protection strategies against sexual and gender-based violence in all aspects of humanitarian interventions. In accordance with its action plan, an external review of gender issues, including strategies against sexual and gender-based violence in humanitarian interventions, has been finalised. In addition, internal guidelines for funding humanitarian protection activities have been drawn up.

From the perspective of civil society, both the Commission's Communication on *Gender Equality and Women's Empowerment in Development Cooperation* and the Council's Conclusions on the matter are valuable. However, the weakness of the Communication lies in that fact that the text does not take into account the current context of the feminisation of poverty, nor the importance of consistency in foreign policy with commitments to gender equality and the empowerment of women. In operational terms, weaknesses include the lack of indicators to facilitate monitoring, evaluation and accountability (by both the European Parliament and civil society) and the lack of necessary resources, both financial and human.

THE ADVANCEMENT OF WOMEN'S RIGHTS AND GENDER EQUALITY IN EU EXTERNAL POLICIES – A CONTRIBUTION BY WIDE⁷

Fifteen years after the adoption of the Beijing Platform for Action (BPfA), gender inequalities persist worldwide. Today, in the 21st Century, women – more than 50% of the world's population – are still second-class citizens. In the present context of multiple global crises (economic, financial, food, energy, climate and care), WIDE is concerned that gender equality and the enforcement of women's human rights

are losing ground worldwide.

The European Union has a major role to play in the promotion of gender equality, women's human rights and the empowerment of women worldwide through its external policies. Over the last five years the EU and Member States have adopted a number of crucial documents on this issue. These political initiatives are important but they are not enough. Evidence shows that there is still a huge gap between discourse and action.

The Beijing+15 review is a key opportunity for the European Union and Member States to strengthen their commitments and implementation mechanisms towards the advancement of gender equality and women's rights in their external policy and action. WIDE calls on the EU to take account of the following recommendations:

• Reinforce commitments on gender equality and women's rights in EU external policies including development, trade and security.

→ The future EU strategy for gender equality must be a Strategic Action Plan for Effective Equality, with concrete commitments and measures and strong accountability mechanisms.⁸ It must include a strong chapter on EU actions in External policies (development, trade and security) and provide mechanisms for stronger coordination and coherence among the different departments. The future EU Gender Action Plan on Gender Equality and Development (GAP) to be adopted in 2010 must be linked to the EU strategy for gender equality and be a binding document with a specific budget and specific accountability mechanisms.

→ The EU and Member States must fulfill their Official Development Assistance (ODA) commitments including addressing the negative effects of the economic and financial crisis in developing countries, particularly on gender equality and women's empowerment. They must commit to an increase of resources

¹This section is largely based on the Report of the Swedish Presidency of the Council of the EU, Beijing + 15: The Platform for Action and the European Union, 2009. ²Millennium Development Goal 3: 'Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015.' Targets include: 3.1 Ratios of girls to boys in primary, secondary and tertiary education; 3.2 Share of women in wage employment in the non-agricultural sector; 3.3 Proportion of seats held by women in national parliament. ³Joint Declaration by the Council, Member States, European Parliament and Commission on the development policy of the European Union, *The European Consensus*, OJ C 46, 24 February 2006. ⁴European Commission Communication, *Gender Equality and Women Empowerment in Development Cooperation*, COM/2007/0100 final. ⁵Council of the European Union, *Gender Equality and Women's Empowerment in Development Cooperation*, DEVGEN 91 SOC 205, 15 May 2007.

⁶Joint Statement by the Council, Member States, European Parliament and Commission, 2008/C 25/01, 30 January 2008. ⁷WIDE is a European feminist network of women and development organisations, gender advocates and women's rights activists with national platforms in 12 European countries, membership from EU, CEE and CIS countries and more than 100 members from around the world. WIDE works in alliance with other women's rights coalitions and networks from Africa, Asia and Latin America, as well as from Europe. WIDE's work focuses on influencing and transforming EU and international macroeconomic, trade and development policies from a feminist perspective and developing alternatives to the dominant patriarchal, neo-liberal, and profit-driven economic and development paradigm. For more information, see: <http://www.wide-network.org> ⁸Such a strategy should be adopted in 2010 to follow up on the European Commission Roadmap for equality between women and men 2006–2010.

to reach at least 20% of total ODA for gender equality and women's empowerment by 2015. The EU must provide transparent information on how ODA allocations correspond to policy commitments on gender equality and women's empowerment, both in relation to resources allocated for gender mainstreaming and for specific actions.

•• Address the interrelationship between gender equality, development and trade in the EU Policy Coherence for Development approach, and respond to women's rights commitments as established in the Beijing Platform for Action and CEDAW:

→ The EU must ensure policy coherence between gender equality on the one hand, and development and trade policies, as well as other macroeconomic measures in the area of external relations on the other, in line with its international commitments for women's rights. The objectives set out in a number of EU documents with regard to the promotion of gender equality, women's empowerment and women's economic and social rights are at present undermined by other EU policy initiatives. In the area of EU trade policy, the non-integration of gender equality obligations in current proposals such as the ongoing bilateral or multilateral free trade agreement negotiations is obvious.

→ The EU approach to Policy Coherence for Development must address the interrelationship between gender equality, development and trade. It must also link development policies to other systemic issues and the responses to the crisis to the financing for development process. A key pillar for the future EU strategy for policy coherence must be the advancement of gender equality and women's empowerment through the implementation of agreed international social, gender equality and women's rights commitments, such as those elaborated in the BPfA and CEDAW.

••• Strengthen accountability mechanisms in measuring gender equality and women's rights in development goals:

→ The EU must ensure that the Millennium Development Goals (MDGs) draw on the BPfA and that the MDG process does not undermine the implementation of the BPfA. The assessment of performance of European and national development policies for the advancement of gender equality and women's rights must not be reduced only to measuring achievement of MDG 3. The MDGs present a narrow and minimalist focus for measuring the advancement of gender equality and women's rights. They ignore the structural nature of poverty as well as that of gender inequality. Indeed, the lack of 'mainstreaming' of gender within the MDGs poignantly highlights the difficulties of gender mainstreaming as a strategy.

→ The European Commission and Member States must apply the indicators related to the BPfA approved by different EU Presidencies for monitoring progress in gender equality and women's rights in the implementation of their external policies including development, trade and security policies.

•••• Increase support for women's organisations as key actors in the promotion of gender equality and women's rights worldwide:

→ The EU must reverse the trend towards reductions in funding for women's rights organisations in the context of the multiple crises. The value and importance of civil society and especially the contributions of women's organisations to policy formulation, monitoring and implementation as well as the provision of essential services in relation to violence against women and sexual and reproductive rights must be recognised and supported by the EU through appropriate funding, initiatives and actions. These include increased, substantial, predictable and multi-year core funding and the creation of political spaces for true policy dialogue for women's organisations.

CONCLUSION

Current challenges and upcoming priorities for action

The road that still remains to be travelled before the Beijing Platform for Action (BPfA) is fully and comprehensively implemented in the European Union (EU) shows a lack of political will to follow through on commitments and deliver real progress on equality between women and men. The 2010 review of the BPfA's implementation in the EU shows progress in some areas, insufficient attention in others, and critical challenges ahead in relation to many issues. Equality between women and men is a fundamental human right and an end unto itself. This must be wholly reflected in all the policies and activities of the EU and Member States. The BPfA provides a comprehensive and robust framework within which to achieve gender equality, and its full and effective implementation must be considered to be a priority. The 2010 review represents an opportunity to build on previous work to allow for real progress in the realisation of women's rights and de facto equality between women and men in Europe and beyond.

CURRENT CHALLENGES

The EU currently faces a number of transversal challenges that impact on its implementation of the Beijing commitments and bring into question the progress that has been made over the last five years. How the EU will deal with these challenges will be central to its success in making effective progress towards realising equality between women and men.



Recognising and rectifying the gendered impact of the current financial, economic and social crisis

The current financial crisis has become an economic and social crisis. This recession is a potentially transformative moment in history, a moment of opportunity to reassert the fact

that another vision of the world is possible, one in which the core values of the EU are essential including equality between women and men.

There is a strong gender dimension to the financial, economic and social crisis, both in its nature and in its effects.¹ The global crisis also impacts on women in other regions of the world with consequences on economies that depend on women's work and income, including remittances. Unfortunately, until now, initial evaluations of the crisis and subsequent recovery plans at different levels – European, national and international (G20) – have failed to acknowledge, understand, analyse and address the gender impact of the crisis. Constant denial of the gender impact of the crisis coupled with the exclusion of women as part of the solution runs the risk of returning to a 'business-as-usual' recovery

¹EWL and Oxfam UK, The impact of the recession on women's poverty and social exclusion in the European Union: The invisible crisis, February 2010.

strategy which, in the long term, will have detrimental consequences on the real lives of women, men, girls and boys as well as the environment in which we all live.

Equality between women and men is an objective of the EU enshrined in the Treaties and must therefore be an inherent part of all European and Member State recovery plans. This principle must be central to the transition towards a longer term holistic vision of the post-crisis era, including the direct involvement of women in financial and economic decision-making and of feminist economists in the definition and implementation of policies related to recovery.



Ensuring adequate funding for women's rights and gender equality

The financial, economic and social crisis impacts on the resources available for programmes and organisations seeking to advance women's rights and gender equality. Funding for policies, institutional mechanisms and women's organisations has always been a challenge. The level and regularity of resourcing, for example, has been the main factor contributing to the success or failure of institutional mechanisms for the promotion of women's rights or of the gender mainstreaming strategy. Financial resources, in particular core funding, are also central to ensuring a voice for women's rights organisations at all levels.

The crisis has already started to impact on the available resources for women's rights and gender equality in different ways. This includes cuts in public spending for the work of governmental and non-governmental actors on gender equality. It includes, as well, a foreseeable reduction in available resources from private organisations. Progress towards women's rights and equality also runs the risk of being jeopardised in an invisible way through cuts in social benefits and subsequent transfer

of some of the care burden from the State to households, especially to women who remain the main carers. An example of this might be reduced public spending for childcare services.

The work of women's organisations and other bodies acting to further equality between women and men is essential and must be fully supported with strong resources. Measures to pursue substantive equality between women and men are moral and long-term social and economic imperatives. In times of vulnerability, assuring respect for fundamental rights is more important than ever.



Ensuring the centrality of equality between women and men in a context of increasing political shift towards policies of 'equality for all'

Recent years have seen increasing political, social and academic sensitivity to multiple forms of discrimination and inequality, particularly on the six grounds included in Article 19 of the Treaty on the Functioning of the European Union (TFEU). This has broadened the parameters of equality agendas towards embracing 'equality for all', including the recognition of multiple discrimination against individuals. This shift represents a significant opportunity to advance equality between women and men as it affords a greater appreciation of the differences in the identities, needs and experiences amongst women themselves. For example, it highlights the diverse situations of women in the workplace who are discriminated against not just because they are women, but also because they belong to specific vulnerable groups.

The pursuit of real change must begin with securing uniform legal protection against discrimination based on all grounds listed in Article 19 TFEU and ensuring that prosecutions against discrimination on multiple grounds can be pursued at both a national and a European level in order to address structural

inequality. Key steps in this will be the adoption of a strong new anti-discrimination Directive on the grounds of religion or belief, disability, age and sexual orientation that will cover the legal gap left by the Employment Framework Directive, and the levelling-up of gender equality legislation based on the review of Directive 2004/113 on gender equality in goods and services.

However, in advancing an agenda of 'equality for all' two considerations are crucial. Firstly, anti-discrimination measures (ensuring equal treatment) must be recognised as constituting only a part of equality and equality policies. In order to achieve substantive equality, changes must be made to structures, institutions and behaviours. The tools used to promote equality between women and men should include positive action measures, women specific funds, awareness-raising campaigns and gender mainstreaming. In pursuing 'equality for all' it is essential that the full range of tools are employed and new tools are developed, including a stronger gender mainstreaming perspective. 'Equality for all' must not be reduced to 'protection against discrimination for all'.

Secondly, it is vital that the focus on equality between women and men is neither lost nor diluted. This is especially the case in countries which have chosen an 'equality for all' approach in terms of legislation and institutional mechanisms and structures, such as equality bodies. The lack of resources for and invisibility of women/gender issues in some cases of 'equality for all' approaches have been highlighted in several countries. These matters need to be addressed and this includes maintaining and (re)establishing specific policies, measures and funds which have as their goal the promotion of women's rights and the realisation of substantive equality between women and men. Furthermore, all positive action measures for equality must be gender-sensitive.



Implementing gender mainstreaming as an effective tool for gender equality

Gender mainstreaming remains the most important framework tool for the realisation of equality between women and men and its full implementation must be prioritised. Despite the EU's legal and political commitment to gender mainstreaming, there is no evidence that this has been implemented either in the Member States, throughout the policy-making processes of all EU Institutions or across all areas of EU policy and activity. Although there are isolated examples of good practice, a broad evaluation across the EU highlights that in the few areas where gender mainstreaming is identifiable, it remains predominantly a practice of integrating women into existing institutions as opposed to challenging and transforming the institutions themselves so that they fully reflect the particular needs and situations of women. Furthermore, gender mainstreaming's goal of securing equality between women and men is at times eclipsed by an exclusive focus on the tools of mainstreaming. This very often results in a technocratic, 'tick box' approach to pursuing gender equality which excuses inequality between women and men if there is evidence of some mainstreaming tool having been employed.

The implementation of gender mainstreaming continues to be heavily dependent upon the political will of committed individuals and is therefore lost with their departure. The critical role that these individuals play in the EU is compounded by the lack of visible and well-resourced bodies with expertise in gender mainstreaming, which have sufficient institutional authority to be drivers of an effective and transformative strategy. It is essential that institutions have highly qualified, permanent members of staff who work to mainstream gender into all EU policy and action. This must be coordinated across institutional bodies. To substantiate the EU's

commitment to equality between women and men it is vital to dedicate significant financial and human resources to mainstreaming gender. This, however, has yet to take place and therefore remains a focal point for EWL monitoring and activity.

Finally, it is essential that the goal of equality between women and men is advanced through a dual strategy at all levels in the future. Gender mainstreaming can be efficient only when combined with specific measures and must not be used as an alibi for dismantling women-focused policies, programmes or funds.



Guaranteeing women's fundamental rights in the context of a political shift to conservatism

In its Beijing+10 report the EWL highlighted the movement towards political conservatism at the global, European and national levels that had started to slow down and limit progress towards gender equality. Over the last five years, this shift has intensified. The rise in prominence of socially and politically conservative forces in national and European legislative and governance structures over the last few years seriously risks undermining support for the achievement of substantive equality between women and men.

Firstly, widespread support for neo-liberal economic policies stressing market liberalisation, privatisation and competition has greatly increased the challenge the EU faces in reconciling its economic and social policy goals. In particular, the widening of the gap between rich and poor, the weakening of job security and reduced social protection and public services have a disproportionately negative impact upon the lives of women.

Secondly, beyond socio-economic policies, political and religious trends heavily influence the extent to which issues that are

fundamental to assuring women's human rights are included on the European agenda. Of particular note is the fact that women's Sexual and Reproductive Health and Rights (SRHR) are currently not fully guaranteed within the EU. SRHR must be recognised as fundamental human rights which are integral to the health and wellbeing of individual women, families and society as a whole. Protection of women's SRHR must be integrated throughout the EU's international cooperation and assistance policies and programmes as well as internal policies in relation to public health, human rights, equality and anti-discrimination.

It remains a challenge for the EWL to ensure that the advancement of women's rights and equality between women and men are not subject to political and religious trends. Equality between women and men must be fully appreciated as a fundamental right.



UPCOMING PRIORITIES FOR ACTION

With these challenges in mind and in light of our analysis of the EU's performance over the last five years in implementing the BPfA, the European Women's Lobby calls on the European Union and its Member States to:

- Adopt a political declaration at EU level strengthening the commitment of Member States to the full and effective implementation of the Beijing Platform for Action (BPfA).
- Ensure that the 15-year review process of the BPfA at European and international levels results in progress for women's rights both in Europe and worldwide. This progress should and must be pursued in accordance with, and with political commitment to, the BPfA.
- Ensure the swift creation of a strong composite United Nations entity (combining policy and operational activities) focused on gender equality and women's rights, with adequate resources and under the direction of an Under Secretary-General.
- Ensure sufficient human and financial resources for internal and external policies and structures aimed at achieving equality between women and men at all levels in the governmental and non-governmental sectors, including for women's organisations and counteract the cuts/regression already observed in some Member States.
- Ensure the integration of a gender equality perspective in recovery plans and in new financial and economic architecture and policies, which means promoting structural changes including: introducing gender budgeting methods, binding measures for the equal representation of women and men in economic and financial decision-making and a strong gender equality priority accompanied by new targets (e.g. on the reduction of the gender pay gap) in the revised Lisbon Strategy.
- Adopt a strong new Strategic Action Plan for Effective Equality between Women and Men to replace the current European Commission Roadmap,² covering a broad range of areas and including specific measures, concrete targets, strong accountability mechanisms and a specific, adequate and increased budget. This should be accompanied by the endorsement of the new Strategic Action Plan by the Council of Ministers or by the adoption of a new more binding Gender Pact and regular monitoring at the national and EU levels.
- Ensure the prioritisation of gender mainstreaming as the key framework tool for achieving equality between women and men, and develop a gender mainstreaming implementing instrument (tools, structure and budget), to clarify and refine the Treaty obligation to mainstream a gender equality perspective, including gender budgeting, in all activities of the EU, especially in view of the coming into force of the Lisbon Treaty, which reinforces this obligation.
- Ensure consistent implementation of EU gender equality legislation throughout the EU: measures against the breach of harmonisation requirements should be accelerated and made public; and the European Commission should scrutinise not only the transposition of the Directives, but also put more effective mechanisms in place to hold Member States responsible for the implementation and public knowledge of legal measures at the national level.
- Bring forward an EU Action Plan and a legal instrument to concretely address all forms of violence against women, including prostitution and sexual exploitation, ensuring the prevention of such violence, the protection of victims and the prosecution of perpetrators.
- Actively address the uneven protection of women's sexual and reproductive health and rights across the European Union.
- Ensure all European and national policies take into account an intergenerational and intersectional perspective, including issues related to girl-children as well as reflecting the specific inequalities faced by different groups of women. The EU must ensure the integration of a strong gender equality perspective in anti-discrimination policies and legislation, as well as specific measures, including positive action measures, to tackle the multiple discrimination that many women face.

² For more details, see the EWL response to the EC consultation on the future of European gender equality policies, October 2009.

Acronyms

BPfA	Beijing Platform for Action
CEDAW	United Nations Convention on the Elimination of all forms of Discrimination against Women
CoE	Council of Europe
CULT	Committee of Culture and Education, European Parliament
DAW	Division for the Advancement of Women, United Nations
DG	Directorate-General, European Commission
EC	European Commission
ECHR	European Convention on Human Rights
EP	European Parliament
ESDP	European Security and Defence Policy
EU	European Union
EUMC	European Monitoring Centre on Racism and Xenophobia
EUROSTAT	European Commission's Office for Statistics
EUSR	European Union Special Representative
EWL	European Women's Lobby
FEMM	Committee on Women's Rights and Gender Equality, European Parliament
FRA	Fundamental Rights Agency
GEAR	United Nations Gender Equality Architecture Reform Campaign
ICC	International Criminal Court
ICT	Information and Communication Technologies
LGTB	Lesbian, Gay, Bisexual and Transgender Persons
MDG	Millennium Development Goal
MEP	Member of the European Parliament
NAP	National Action Plan
NGO	Non-Governmental Organisation
ODA	Official Development Assistance
OECD	Organisation for Economic Cooperation and Development
OJEU	Official Journal of the European Union
OMC	Open Method of Coordination
REACH	European Directive on the Registration, Evaluation, Authorisation and Restriction of Chemicals
SRHR	Sexual and Reproductive Health and Rights
TEC	Treaty establishing the European Community
TFEU	Treaty on the Functioning of European Union
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNIFEM	United Nations Development Fund for Women
UNSCR	United Nations Security Council Resolution
WHO	World Health Organisation

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