



LOBBY EUROPEEN DES FEMMES EUROPEAN WOMEN'S LOBBY

30th May 2005

POSITION PAPER OF THE EUROPEAN WOMEN'S LOBBY ON THE SETTING UP OF A EUROPEAN GENDER INSTITUTE

The European Women's Lobby (EWL) represents more than 4000 women's organisations across Europe, which have been consulted and hereby put forward their common position on the creation of a European Gender Institute.

Introduction

Equality between women and men is one of the missions of the European Community and has been an important European policy for several decades; a large body of EC law also exists in this area. The European Constitutional Treaty reinforces further gender equality in several ways. The evaluation made by the European Women's Lobby of the implementation of the Beijing Platform for Action after 10 years¹ showed some progress for women's rights in the EU but also many weaknesses, particularly in terms of the allocation of human and financial resources to enable the effective implementation of the gender mainstreaming strategy in European policies.

The creation of a new European Gender Equality Institute presents an opportunity to reinforce the effectiveness of the EU gender equality policies and programmes. It is therefore crucial that the tasks, functions and budget of the Gender Institute are adapted to the general aim of achieving gender equality in the European Union and completes existing strategies and bodies.

Deleted: ??

1. The Gender Institute within the existing setting of European gender equality policies

The main responsibility for defining and implementing policies as well as for monitoring the implementation of gender equality legislation will always lay with the competent European and national institutions.

Therefore the creation of such a new body at European level should be complementary and should not in any way replace existing mechanisms for gender equality within the European institutions, such as:

- The Women's Rights Committee in the European Parliament;
- The EP High level Group on Gender Mainstreaming;

¹ EWL Beijing+10 Report, available on:

<http://www.womenlobby.org/Document.asp?DocID=830&tod=113317>

EWL- LEF, 18 rue Hydraulique, B-1210 Bruxelles
Tel +32 2 217 90 20 – Fax +32 2 219 84 51 - ewl@womenlobby.org -
<http://www.womenlobby.org>

- The gender equality Unit within the European Commission Directorate General for Employment, Social Affairs and Equal Opportunities;
- The Commissioners Group on Equal Opportunities;
- The Commission's Inter Service Group on Gender Equality;
- The Advisory Committee on Equality between Women and Men.

In the same way, the Gender Institute should exist parallel to existing European agencies² and non-governmental organisations working on gender equality and related issues, its resources should not be taken from resources allocated to existing bodies or organisations.

The Gender Institute's objectives should be to **provide expertise and support to the relevant institutions and bodies in their gender equality tasks, with the overarching mission to advance equality between women and men in all the areas of work of the European Union.**

To be effective, the **work of the Gender Institute must be guided by a strong feminist political framework, a Gender Equality Strategy, to be put forward by the Commission and adopted by the European institutions as soon as possible.**

2. General principles for the work of the institute

The following principles should be followed for the composition of all its internal bodies:

- **Positive action in favour of women** and a strong representation of women;
- The members of the all bodies should be requested to have a **proven experience and expertise in gender equality issues**;
- The bodies of the institute must **incorporate the existing expertise of experts, researchers and activists in gender and feminist studies.**

All activities of the Gender Institute must, from **the outset incorporate the specific needs and situation of the many women who face double or multiple discrimination.** Integrating an **intersectional approach** for the outset, will ensure that the real experience of groups such as migrant or ethnic minority women, disabled women, younger or older women or lesbians will be fully recognised and analysed in all the work of the Institute.

Activities of the Gender Institute must be based on all UN Human Rights Instruments pertaining to women (e.g. CEDAW and its Optional Protocol) as well as other relevant resolutions, agreements and decisions adopted within the UN system.

3. Tasks of the future Institute

The draft Regulation of the European Commission puts a very strong emphasis on the work related to information and data (collection analysis, dissemination etc). Gender-based discrimination and inequalities are structural cross-cutting phenomena that touch

² See also point 6 on Relationship with other European agencies, in particular the future Fundamental Rights Agency, page 6

all areas of life, they are in general under-documented in Europe and they need to be explored in depth with the aim of providing an analysis of causes, effects and possible solutions, in order for decision-makers and institutions to be able to find the necessary answers to the problems. The information gathering work of the Institute should be structured and led by this philosophy and objective.

3.1. Scope of work of the Institute

The objectives³ of the Institute are to “assist the Community institutions, in particular the Commission and the authorities of the Member States in the fight against discrimination based on sex and the promotion of gender equality”.

Reference is made in the draft Regulation to **Articles 2; 3§2; 13 and 141 TEC. Those articles should be read in combination.** They define equality of women and men as an objective of the Community and provide a strong legal basis for very broad action at EU level. Furthermore, the **European Constitutional Treaty** further broadens the scope of application of the principle of gender mainstreaming to cover also Foreign and Security Policy and Justice and Home Affairs.

The scope of work of the Institute should therefore be broad and take into account the structural nature of gender inequalities. The Institute should therefore **not limit its work to the issues dealt with by the Employment, Social Affairs and Equal Opportunities Directorate General of the European Commission**, but work on all areas, including for example education, the media, women in decision-making etc. It would in particular be crucial for the work of the Institute to include issues of **violence against women and the protection of women’s human rights**, as there cannot be equality as stated in the EC Treaty without the elimination of all forms of violence against women and the full respect of women’s human rights.

3.2. Integration of gender equality into all Community policies

Gender mainstreaming has, for some years been stated as a major instrument of the EC gender equality strategy, but **implementation has been uneven and ineffective in most areas**, due partly to insufficient resources and partly to the absence of sufficient political will at the highest level with the EC. The creation of a European Gender Institute is an opportunity to make more resources available and to make a commitment to improve the implementation of gender mainstreaming at European level.

A successful gender mainstreaming policy would necessitate **more concrete timeframes, budgets, objectives, monitoring tools, training and guidance for officials in all sectors.** It would be crucial for the new Gender Institute to contribute to the process of integrating these tools within the work of the EU institutions. The draft Regulation mentions the development of “methodological tools” (Article 3§1c), but the wording of the Regulation should be **more precise and specific and spell out more the tools to be developed**, such as gender impact assessment, gender budgeting etc.

3.4. Support in relation to existing European gender equality provisions

³ Article 2 of the draft Regulation

While the **European Commission has the primary role** of monitoring the implementation of European legislation, given the vital importance of the implementation of European existing gender equality directives, for “old” and new Member States, the new Gender Institute should also have a role to play to **assist the Commission** in this respect. It should in particular **use the information collected to evaluate the implementation and effectiveness of existing legislation** to assist the European Commission in its monitoring and legislative role.

Another crucial aspect would be to conduct **awareness-raising campaigns on gender equality Directives** across the EU.

3.6. Awareness raising and work with the media

Awareness raising of European citizens and work with the media are both central to the realisation of gender equality. European-wide campaigns and media work could potentially have a large impact on the change of mentalities in relation to gender stereotypes and stereotypes linked to the image that women have of the EU for example. The Gender Institute should therefore play a stronger role in this area.

4. Partnership and involvement of different stakeholders

The draft Regulation foresees **the involvement of NGOs** in the governing bodies of the Institute, which is extremely positive and quite unusual compared to the structure of other European agencies.

The added value of such a European agency will very much lay in its ability to **create partnerships between different actors and levels** (institutional or not, NGOs, social partners, professional organisations, the media, international organisations etc) and between EU Member States, to allow for exchanges of good practices and to create a European-wide dynamic in favour of the realisation of gender equality. The exchange between different countries and the setting up of mechanisms aiming at gathering and disseminating the experience and work of national or local institutions and organisations are very important for the efficiency, success and recognition of the Institute.

The measures foreseen in the draft regulation for the building of partnerships and dialogue could be improved as follows:

- The **European Parliament** could be involved for example if it could nominate personalities or experts in the Advisory Forum of the Institute, as is the case in some other agencies.
- **Civil society** (women’s organisations and social partners) should be as represented as the Council and Commission in the Management Board by **6 representatives with voting rights** and in the Advisory Forum.
- **Women’s non governmental organisations, and specifically the European Women’s Lobby** should be specifically mentioned as part of the Management Board and the Advisory Forum (and not merely “non-governmental organisations”).

- A mechanism for linking the gender institute with the existing **Advisory Committee** on Equal Opportunities for Women and Men should be foreseen.
- The only concrete way of cooperation foreseen in the Regulation is through experts meetings and conferences and the meetings of the Advisory Forum. Other mechanisms should be planned, such as a **Network of national actors** as is the case in a number of other European agencies, where Member States are requested to provide the agency with information and to identify national networks of communication. This is particularly relevant, as independent bodies working on gender equality should exist soon in all Member States, as provided for by EU directives. The Network of national actors should **include major national women's NGOs**

5. Relationship with other European agencies, in particular the future Fundamental Rights Agency

Avoiding duplication of work is always important, especially in areas such as gender equality, where resources are scarce. So the future Gender Institute should **link with other European agencies**, whose remit sometimes touch upon issues to do with equality between women and men. The Gender Institute should also **train and advise other agencies**, in order to support them in their gender mainstreaming work.

Given the horizontal nature of gender equality and the EU commitment to mainstreaming gender in all areas, which has just been strengthened in the European Constitution, **stronger concrete linking mechanisms** could be foreseen between agencies. For example, the chairperson of the Board and/or director of the Gender Institute could be an observer in the Board of Administration or other bodies of relevant other agencies⁴ and vice versa.

The relationship between the Gender Institute and the future Fundamental Rights Agency is particularly important, as issues of women's human rights should be central to the work of both bodies.

In its response to the public consultation on the Fundamental Rights Agency, EWL underlined the need for the future Fundamental Rights Agency to mainstream gender into all its activities. The **Fundamental Rights Agency should be able to call on the European Gender Institute for expert advice and consultation** in relation to gender mainstreaming and gender impact assessments.

Y:\POLICY\Gender equality policy and legislation\Gender institute\Draft EWL position paper European gender institute_EN.doc

⁴ For example, the Chairperson of the Board and Director of the Foundation for the Improvement of Living and Working Conditions can attend the meetings of the Board of the European Agency for Health and Safety at Work.