



LOBBY EUROPEEN DES FEMMES
EUROPEAN WOMEN'S LOBBY

BEIJING+10

**1995-2005: REVIEW OF THE
IMPLEMENTATION OF THE BEIJING
PLATFORM FOR ACTION
BY THE EUROPEAN UNION**

**REPORT BY
THE EUROPEAN WOMEN'S LOBBY**

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THE EUROPEAN WOMEN'S LOBBY

Who we are

Founded in 1990, the European Women's Lobby (EWL) is a non-governmental organisation that brings together over 4000 women's organisations across Europe. Our mission is to work together to achieve equality between women and men, to eliminate all forms of discrimination against women, to ensure women's human rights are respected and to eradicate violence against women, and to make sure that gender equality is taken into consideration in all European Union policies.

Our members¹

EWL brings together a wide and diverse range of women's NGOs including European / international organisations and National Co-ordinations. In September 2004 there were 18 EWL National Co-ordinations and in October 2004 seven new National Co-ordinations joined EWL from Poland, Estonia, Slovakia, Malta, the Czech Republic, Lithuania and Turkey. Twenty-one large European and international networks are also members of EWL.

EWL has observer status at the European Commission Advisory Committee on Equal Opportunities for women and men, and Consultative status with the Council of Europe and with the UN Economic and Social Committee.

EWL is a democratic organisation with transparent procedures of communication, decision-making and accountability. The full membership meets each year to decide on policy priorities and agree a work programme. The secretariat of 9 staff is based in Brussels (Belgium). The core budget of EWL in 2004 is 937.500 Euro, 80% of which we receive as an operating grant, based on a work programme and a contract, from the European Commission. The other 20% must be matched from other sources.

What we do

- We ensure that equality between women and men remains visible and central to the political process of the European Union, working through our members at national level and directly with European decision makers to influence and develop new policies to achieve equality.

¹ See Annex 4 for a full list of EWL member organisations.

- We act as a general **resource and information service**, through telephone, email, our web site, news bulletins, press releases, to a wide range of individuals and organisations, including to members of the European Parliament and other decision-makers.
- We **monitor EU policy and legislation** and provide analysis and briefings for our members, and send these to members of the European Parliament, the European Commission and governments.
- We undertake **lobbying and campaigning actions** at European level on a wide range of issues that have an impact on achieving equality between women and men, and support our members' activities and campaigns at national level.
- We work in partnership with other NGOs to promote **civil dialogue and participatory, parity democracy** for all people living in Europe.
- We work in **partnership with women's rights NGOs** across the European region and globally to promote equality between women and men.

*For more information about the European Women's Lobby,
please consult our website:
<http://www.womenlobby.org>*

*To become a member of EWL (individual membership or
organisations), or to subscribe to our monthly Newsflash,
please contact us:
ewl@womenlobby.org*

EXECUTIVE SUMMARY

This report focuses on reviewing the progress made by the European Union institutions in implementing the 12 areas of concern of the Beijing Platform for Action since 1995. Major changes have taken place at the global level as well as within the European Union during the reporting period which had an impact on European policies on equality between women and men. Those changes sometimes bring hope for women's rights, but they also represent challenges and the Beijing+10 review process provides the opportunity to address these challenges.

A. Global context

After two decades of action by women's non governmental organisations and several United Nations Conferences dedicated to issues linked to women's rights, the adoption at the Fourth World Conference in 1995 of the Beijing Platform for Action was a major milestone in the fight for the achievement of equality between women and men globally. Since Beijing, some real progress has been made in the European Union at the legislative level; the position of women in decision-making has improved and thanks to the action of women's NGOs, there has been a growing awareness about questions related to violence against women.

However other developments in the last decade have at the same time started to slow down progress towards gender equality. The EU has adopted an economic policy that stresses market liberalisation, privatisation and competition, which does not include, nor measure through impact analysis, policy goals from the social agenda. **In fact during this period there has been a widespread reduction of funding for public services and such cuts disproportionately disadvantage women.** Yet, at the same time, it is clear that the EU needs to implement its stated commitment to achieve coherence between economic and social policy goals. The lack of coherence has led to **a greater feminisation of poverty in Europe, less job security and a weakening of the European social model of social protection and public services.** The global trend towards and the wide spread support for neo liberal economic policies, have also limited the scope for action both for individual Member States and the EU itself to put a stronger focus on the concrete enjoyment of fundamental rights, in particular social rights and women's rights. Another worrying trend highlighted by this report is the negative **influence of very conservative forces and religious fundamentalism**, in particular in relation to women's sexual and reproductive rights.

B. The enlargement of the European Union and women's rights

The **enlargement** of the European Union first to 15 Member States with the entry of Sweden and Finland in 1995 and the accession of 10 new countries from Eastern and Central Europe in 2004 **has had a significant impact on the structures and policies of the EU**, including gender equality. Equality policies in the EU were strengthened by the

combined effect of the membership of Nordic countries and the outcome of the Beijing Conference. The enlargement of the EU to Central and Eastern European countries is a major turning point. The legitimate expectation of many women in these countries was that EU membership and the transposition of EU gender equality laws would contribute to greater gender equality and provide women with new opportunities. However, while the transposition of European gender equality provisions in all EU Member States is positive, the economic reforms and market liberalisation carried out during the time of transition along with the economic reforms required by the EU as a precondition for accession, have had direct negative impacts on women's lives: their situation in the labour market has become more insecure, there has been a scaling down of public services to support the care of children and other dependents and trafficking in women for the purpose of sexual exploitation has increased.

C. Significant progress on gender equality in the European Treaty

The most significant progress in relation to equality of women and men in the EU has been the integration of the right to equality between women and men into the foundations and objectives of the Community legal order through the **Amsterdam Treaty in 1999**. The Treaty also gives the mandate to the Community to "*eliminate inequalities and to promote the equality of women and men*" in all its activities. This has led to a **new approach** to equality between women and men in the EU institutions combining specific mechanisms and policies for gender equality and the integration of a gender perspective in all areas (*gender mainstreaming*). This dual approach stems from the Beijing Platform for Action and the European Union was also instrumental in encouraging Member States to follow the same policy framework. This positive development was accompanied by the creation of different institutional mechanisms in charge of gender equality or gender mainstreaming.

D. A question of competence

The European Union can act only where it has legal competence to do so. In relation to equality between women and men, the EU has a competence to act on gender equality in employment, and a number of European directives relating to this area have been adopted since 1975. Member States are required to transpose EU directives. Therefore, there has been some progress at national level - a positive effect of the European integration for women, even if the concrete implementation of those measures is still to be improved.

Since 2000 the EU Member States have also started to co-ordinate their actions in other areas with strong gender implications such as employment and social inclusion. In other areas, the EU has a weaker competence but can still play a role in initiating programmes and giving incentives in relation to implementation of the European commitment to gender equality, such as in the areas public health, social protection etc.

E. Mixed results in relation to gender mainstreaming

While we found that the commitment to gender mainstreaming was repeated in many of the most important EU policy documents, it also appears that in terms of gender impact assessment, nothing very systematic was carried out or that gender was merely quoted as an issue but not properly integrated into policy measures. In the area of development policies for example, the EU's gender mainstreaming policy has had little impact on promoting

women's empowerment, transforming gender roles and responsibilities, ending gender inequality, or involving women and men as agents of change. In 2004 a number of initiatives were under way as part of the implementation of the budget line "Promoting Gender equality in development co-operation" which may well lead to an improvement in gender mainstreaming in the day to day work of Commission officials.

In general, too little attention was paid to the transformative nature of gender mainstreaming. It is also difficult to judge the implementation of this strategy at national level due to the absence of systematic gender impact assessment. The success of any gender mainstreaming strategy depends very much on political will and on the commitment of individual decision-makers and officials. The very good work carried out by the Women and Science Unit in the European Commission is a good example of success, while in contrast we find very limited progress in relation to integrating gender issues in other policy areas, such as trade policy, the environment and sustainable development for example. In all gender mainstreaming policies and initiatives, it is important to have less illusive language and more concrete timeframes, budgets, objectives and monitoring tools in place.

F. The lack of a gender perspective in European economic policies

The report shows that **gender is not taken into account in macro level European economic policies**, although the *Lisbon Strategy* affirmed the necessity to increase the employment rate of women and to take into account the needs in relation to childcare as a precondition for growth. Strategies to promote economic growth are introduced with no gender sensitive analysis of the different impact that policies may have on the lives of women and men. But the relationship between economic policies and gender inequality demonstrates the importance of gender mainstreaming. Evidence suggests that pre-dominant macro-economic policies are associated with an increase in the gender segregation of labour, destabilisation of women's employment through sub-contracting, increases in the gender pay gap, reductions in women's access to health and education due to the privatisation of State services, increased inequality in access to credit, land and property, and deepening of the feminisation of poverty.

The need for coherence between macro-economic and gender mainstreaming policies is not sufficiently acknowledged and therefore the EU fails to recognise the contradiction between promoting gender equality on the one hand and perpetuating or even increasing gender inequalities through macro-economic policies on the other hand.

G. Economic and social rights of women: the need to strengthen and reform the European social model

Little has changed in the situation of women in the EU since 1995. **Women's employment rate has only slightly improved and the gender pay gap has only marginally decreased.** In the new EU Member States the situation varies greatly between countries. However the report shows that women's unemployment rates have increased during the transition process in Central and Eastern Europe, and that discrimination against women in the labour market is not sufficiently addressed. Although the EU has recognised through the directives on parental leave and part time work the importance of reconciling family and working life for women and men, **a lot remains to be done in order to change the gendered division of tasks towards a sharing of domestic and care work, which has not changed at all.** Evidence shows that there is a positive relationship between women's participation in paid work and the public expenditure allocated to social benefits linked to

the care of children and other dependents, however there is a serious under-provision of care services for children and dependant persons in most EU countries.

One of the conclusions of this Report is that **social protection, pensions and tax systems in the EU must be reformed so that they respond more adequately to gender equality requirement and to women's needs** in terms of increasing women's participation in the labour market and ensuring adequate support for new family structures notably single parent families. Unfortunately, social policies, which are an integral part of the European model, tend to become weaker and are, for the most part, built upon the male "bread winner" model. It is urgent to promote reforms that include the gender equality demands and a gender equality perspective, taking into account the necessary conciliation of family and working life for women and men, in the context of the European strategy to modernise social protection. The objective is to facilitate women's access to paid work and their equal access to social benefits, including through the individualisation of rights.

H. Inadequate implementation of legislative measures

In some areas, the report concludes that the European **legislative framework is more or less in place, but there's a real failure of implementation, which takes women's rights into account**. For example, policies in relation to human rights very often fail to protect women's rights as recognised by both European and international texts, such as the right to health or the right not to be subjected to violence. In the same way, some texts exist in relation to the protection of gender equality in the content of the media, but they are not implemented properly. The same goes for the existing European legislation on equal pay in employment for example.

I. The absence of European policies in some areas

Despite a strong commitment to gender equality and strong Treaty provision, the European Union has failed to take measures in some very important domains such as **women in decision-making and the fight against violence against women**. In relation to the representation of women in the institutions of the EU, while figures are slowly improving, decision-makers have refused to take any binding measure to improve the situation. There were examples of a very low representation of women in important European nominated bodies during the reporting period. Moreover, while some positive actions were taken in relation to violence against women, these **lack the necessary vision and clear political commitment to address and eradicate male violence against women** in the long term. A European legislative framework is absolutely and urgently needed in this area.

J. Developments and challenges as of the summer 2004

While the report shows notable progress since 1995, actions are still urgently needed in order to ensure a satisfying pace of progress, without which the realisation of equality between women and men will lose ground. Some recent developments seem to indicate already that progress might slow down in relation to policies for equality between women and men. Firstly, the current European Community Framework Strategy on Gender Equality and attached programme are coming to an end in 2005 and **we need to affirm now that gender equality will not progress without a new strategy**. Such a strategy provides the political, policy and legislative framework for all EU actions in relation to gender equality, including gender mainstreaming. The European Commission has integrated the gender equality funding programme in a larger **draft social programme called PROGRESS** from 2007. In

order to comply with Treaty provisions, mechanisms have to be put in place to ensure the visibility of the programme for women and to facilitate access to it for women's NGOs.

Another recent development is the decision of the EU Council to create a **European Gender Institute**. Such an institute would act as a source of expertise and would increase the opportunities for sharing knowledge, data and information on best practices across the 25 Member States of the EU – as well as putting forward recommendations on EU policy and providing effective tools for gender mainstreaming. This Institute should not be created at the expense of other gender equality bodies or of the existing institutional mechanisms, as this would clearly represent a step backwards. The Institute should also be provided with sufficient funding to be able to fulfil its role effectively. Finally, the involvement of women's NGOs is essential to the work of the Institute and should be ensured.

In terms of legislation, as of September 2004, the European institutions were in the process of adopting **two new European directives on gender equality**. One relates to equality between women and men in relation to goods and services. The agreement reached on this text by Member States in October 2004 brings some progress, but it is not satisfactory concerning the main problematic issue in this text, that is the use of actuarial factors broken down by sex in the calculation of insurance premiums. The exceptions to the gender equality principle permitted for insurances will allow for a continuation of discrimination against women for some insurance products, which will have to be closely monitored by the Commission and by women's NGOs.

The other directive that should be adopted soon is a codification of five previous directives on equality between women and men in employment. At the same time, it is clear that women across Europe expect to see further EU gender equality legislation coming forward in the very near future.

As highlighted by this report, actors working towards achieving equality between women and men are faced and will continue to be faced with serious challenges both at the level of the EU and globally. However, the revision process of the implementation of the Beijing Platform for Action is also an opportunity for activists and women's NGOs to network, to share good practices and to raise critical voices on the global scene. It is also an opportunity to ask our governments, as well as European and international organisations for a renewed commitment and for stronger accountability mechanisms in order to make progress towards the full implementation of women's human rights. In this context, it will be crucial for the future of the European Union and for the building of a truly democratic space in Europe for these voices of civil society to be heard.

SOME FIGURES ABOUT EQUALITY BETWEEN WOMEN AND MEN IN THE EUROPEAN UNION

WOMEN AND POVERTY

At-risk-of-poverty rate after social transfers in EU member states and acceding countries in 2001²:

Women: 16%

Men: 14%

WOMEN AND HEALTH

Percentages of adult population with HIV (15-49 years of age): Eastern Europe and Central Asia³

1995: 28 % women; 72 % men

2002: 33 % women; 67 % men

2004: 34 % women; 66 % men

WOMEN AND THE ECONOMY

Gender pay gap (average gross hourly earning of women as a percentage of men's)⁴:

15 old EU Member States

1995: 17%

2001: 16%

Unemployment rates (EU-15)⁵

	Women	Men
1994:	12,7 %	9,9 %
2000:	9,7 %	7,0 %
2001:	8,7 %	6,4 %

Long-term unemployment rates, i.e. 12 months or more (EU-15)⁶

	Women	Men
1994:	6,3 %	4,6 %
2000:	4,5 %	3,1 %

² The social situation in the European Union. 2003, European Commission, 2003

³ "AIDS epidemic update: December 2004", UNAIDS/WHO, 2004, p. 5, 7.

⁴ Op. cit. 2.

⁵ Op. cit. 2.

⁶ Ibid.

Part-time employment (EU-wide)⁷

- 33 % of women in employment are working part-time
- 6 % of men in employment are working part-time

WOMEN IN DECISION MAKING

Representation of women in the European Parliament:

1995: 26.8%

2004: 30.3% women

Representation of women in national Parliaments⁸:

15 old EU Member States:

1996: 14.8%

2004: 25.9%

25 Member States and accessing countries:

2004: 20.1%

Managers (15 EU Member States)⁹:

1995: 30% women

2002: 30% women

VIOLENCE AGAINST WOMEN

Domestic violence

- In the EU **1 in 5 women** experience violence by their intimate male partner. 95 % of all acts of VAW take place within the home.¹⁰

⁷ Ibid, p. 159.

⁸ European Commission data base on women in decision-making.

⁹ Note Pascale Joannin, Robert Schuman Foundation, « L'Europe, une chance pour la femme » (May 2004).

¹⁰ "Unveiling the hidden data on domestic violence in the EU", European Women's Lobby, 1999.

- 6 women die every month in France as a result of domestic violence,¹¹ in the UK: 8 women every month,¹² in Finland: 27 per year.¹³

Sexual harassment

- Between 40 and 50 % of female employees have experienced some form of sexual harassment or unwanted sexual behaviour in the workplace.¹⁴

Violence experienced by women in prostitution

- The average age of women entering into prostitution is 13 or 14; there is no evidence to suggest that this age is decreasing.¹⁵
- Data provided by the British Medical Journal on the experience of client violence against women prostitutes indicates that 93 % of women had an experience of client violence.¹⁶

- Around 80 % of women in prostitution have been sexually abused in their childhood.¹⁷

Rape¹⁸

- Reported numbers of rape in England and Wales (in 2001): 9743 cases; Germany (in 2001): 7891 cases.

Trafficking in women

- Approximately 500,000 women are annually trafficked into Western Europe.
- Legalisation of prostitution in the Netherlands:
 - A new professional category that of “businessmen/pimp” has exploded in the Netherlands transforming the local market into a huge centre for international prostitution:
 - In 1981 there were 2 500 prostitutes, 10 000 in 1985, 20 000 in 1989 and 25 000 on 2003.¹⁹

¹¹ Interview of French Minister for Equality and Parity, Nicole Ameline, “Violence envers les femmes: il faut lutter ensemble”, in: le Bulletin de la Commission Femmes, Amnesty International, no. 7, march 2003.

¹² WOMANKIND newsletter, Spring/Summer 2003.

¹³ “Faith, Hope, Battering: A Survey of Men’s Violence against Women in Finland”, Markku Heiskanen, Minna Piispa; Statistics Finland, Council for Equality, Justice 1998:20, Equality between women and men SVT, 1998, p.4.

¹⁴ “Sexual Harassment at the workplace in the European Union”, European Commission, Employment and Social Affairs, Equality between women and men, 1998, p. 15.

¹⁵ “La prostitution un metier comme un autre?”, Yolande Geadah ; VLB éditeur, 2001, p. 137.

¹⁶ British Medical Journal: Do you want the latest evidence? “Personal characteristics, drug use, and experience of client violence by prostitutes working indoors or outdoors”, downloaded on 17/2/2003 from:

<http://bmj.com/cgi/content/full/322/7285/524/Fu1>

¹⁷ Factsheet on Human Rights Violations, Prostitution Research & Education, Melissa Farley, <http://www.prostitutionresearch.com>

¹⁸ “Rape – Still a forgotten issue. Briefing document”, Linda Regan and Liz Kelly, Rape Crisis Network Europe, 2003, p. 6.

¹⁹ Op. cit., see 15 and Note on Trafficking in Women by the UNECE ECE/AC.28/2004/10.

EUROPEAN WOMEN'S LOBBY REPORT ON THE REVIEW OF THE IMPLEMENTATION OF THE BEIJING PLATFORM FOR ACTION BY THE EUROPEAN UNION 1995-2005

1. INTRODUCTION

The Beijing Platform for Action (BPfA) is an action plan of the United Nations in which governments have made commitments to addressing equality between women and men. It is a powerful resource for women and women's organisations around the world to hold governments accountable in order to progress towards achieving equality between women and men.

2005 will be the 10th anniversary of the adoption of the BPfA, it is therefore important for women's organisations to evaluate the actions undertaken by decision-makers and governments to implement the commitments made in Beijing.

The European Union as such has not signed the BPfA, but all Member States of the EU have signed it. Moreover, equality between women and men is one of the objectives and foundations of the EU. Through its legislation and policies, the European Union has a great impact on the lives of the people living in Europe. In the area of gender equality, the EU has adopted legislation, programmes and policies that have to be implemented at the level of the 25 EU Member States. It is therefore important to also monitor the actions of the EU institutions in the lights of the commitments made by the Member States in Beijing.

The European Women's Lobby (EWL) was present and active in Beijing and at the 2000 special Beijing+5 meetings. As a European-based organisation, EWL aims to monitor the actions of the European Union in the area of gender equality, but also to support actions by NGOs at European and international level.

The present report follows up on the Beijing + 5 Regional Alternative Report for the European Union published by EWL in May 2000 and focuses mainly on legislation, policies and programmes implemented by the European Union institutions since the year 2000.

2. REVIEW PROCESS OF THE IMPLEMENTATION OF THE BEIJING PLATFORM FOR ACTION

"Women's empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the advancement of equality, development and peace"

Beijing Platform for Action, 1995

The Beijing Platform for Action (BPfA) was unanimously adopted by 189 governments at the United Nations Fourth Global Conference for Women held in 1995 in China. In signing the BPfA governments have committed themselves

to take action in the following 12 critical areas of concern:

- a. The persistent and increasing burden of **poverty** on women.
- b. Inequalities and inadequacies in and unequal access to **education** and training.
- c. Inequalities and inadequacies in and unequal access to **health** care and related services.
- d. **Violence** against women.
- e. The effects of armed or other kinds of **conflict** on women, including those living under foreign occupation.
- f. Inequality **in economic structures** and policies, in all forms of productive activities and in access to resources.
- g. Inequality between men and women in the sharing of **power and decision-making** at all levels.
- h. Insufficient **mechanisms** at all levels to promote the advancement of women.
- i. Lack of respect for and inadequate promotion and protection of the **human rights of women**.
- j. Stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the **media**.
- k. Gender inequalities in the management of natural resources and in the safeguarding of the **environment**.
- l. Persistent discrimination against and violation of the rights of the **girl child**.

2.1. Review process at international level

Five years after the adoption of the Beijing Platform for Action, in June 2000, the U.N. General Assembly convened a special session to appraise and to assess the progress achieved in the implementation of the Beijing Platform, and considered further actions and initiatives. The special session was officially called “Women 2000: Gender Equality, Development and Peace for the 21st century” and is often referred to as “Beijing + 5”. The United Nations Commission on the Status of Women (CSW) was mandated in 1995 to regularly review the implementation of the BPfA.

In the year 2005, for the 10-year review, different events will take place in the relation to the Beijing follow up for the UN European region (ECE²⁰/EU) and globally:

- **12-13 December 2004:** NGO Forum preceding the ECE regional preparatory meeting in Geneva.
- **14-15 December 2004:** ECE regional preparatory meeting in Geneva
- **28.02-11.032005:** the 49th session of the Commission of the Status of Women will be devoted to the review and appraisal of Beijing and will consider 2 themes: “Review of the implementation of the Beijing Platform for Action and the outcome documents of the twenty-third special session of the General Assembly”; and “Current challenges and forward-looking strategies for the advancement and empowerment of women and girls”.

²⁰United Nations Economic Commission for Europe.

2.2. Review process at European level

The European Union as such is not drafting a report for the UN 10-year review process of the BPfA. However, meetings will take place at European level in relation to the review process:

- **2-3 February 2005:** the Luxembourg EU Presidency will organise a conference in relation to the Beijing follow up (experts meeting), focusing on institutional mechanisms.
- **04.02.2004:** Ministerial meeting organised by the Luxembourg Presidency.
- **November 2005, Birmingham** (to be confirmed): the UK EU Presidency will organise a European conference on the Beijing follow up.

Subsequent EU presidencies have developed **sets of indicators**²¹ for the follow-up of the Beijing Platform for Action in different areas:

- 1999: Finnish Presidency - Women in power and decision-making.
- 2000: French Presidency - Reconciliation of family life and working life.
- 2001: Belgian Presidency - Unequal pay between women and men.
- 2002: Danish Presidency - Domestic violence against women.
- 2003: Italian Presidency - Women and men in economic decision-making.
- 2004 (planned): Dutch Presidency: sexual harassment at the work place.

Those indicators will be used to review the actions undertaken by Member States during the Luxembourg meeting in February 2005.

²¹ See Annex 2 for the full text of the indicators.

In order to **scrutinise the action of the European Union, from a non governmental point of view, the European Women's Lobby** has undertaken in the present Report a review and appraisal of legislation, policies, programmes and other actions undertaken by the institutions of the European Union in relation to the 12 areas of action of Beijing and which therefore have a bearing on all of the 25 Member States of the EU.

2.3. Review process at national level

A questionnaire was circulated to governments in early 2004 by the United Nations Division for the Advancement of Women in order to assist the Commission of the Status of Women in undertaking the review and appraisal process. All 25 governments within the European Union were expected to complete the questionnaire and to return it to the UN by April 2004. The questionnaire asked for information in four key areas:

- **Part One:** Overview of the achievements and challenges in promoting gender equality and women's empowerment.
- **Part Two:** Progress in implementation of the critical areas of concern of the BPfA and the further initiatives and actions identified in the twenty third special session of the General Assembly (2000).
- **Part Three:** Institutional Developments.
- **Part Four:** Main challenges and actions to address them.

The answers of governments to the questionnaire are posted on the web site of the 49th session of the UN Commission on the Status of Women: <http://www.un.org/womenwatch/daw/Review/responses.htm>

3. GENDER EQUALITY IN THE UNITED NATIONS

3.1. Conferences on Women

UN Conferences have greatly contributed to promote universal human rights and to raise the awareness of the general public on the issue of gender equality. The first **World Conference on Women** was held in **Mexico in 1975**, in **1985** the **Forward Looking Strategies for the Advancement of Women** were adopted in **Nairobi**. At the **Fourth World Conference on Women** in Beijing in **1995**, the participating governments agreed upon the **Beijing Platform for Action**. Five years later, in June **2000**, the U.N. General Assembly convened a special session to appraise and to assess the progress achieved in the implementation of the Beijing Platform.

3.2. Commission on the Status of Women (CSW)

The Commission on the Status of Women (CSW) was established in 1946 as a **functional commission of the Economic and Social Council** to prepare **recommendations and reports** to the Council on promoting women's rights in the political, economic, civil, social and educational fields. The Commission also makes recommendations to the Council on urgent problems requiring immediate attention in the field of women's rights. Following the Beijing Conference, the General Assembly mandated the Commission to integrate into its programme a follow-up process to the Conference, regularly reviewing the critical areas of concern in the Platform for Action and to develop its catalytic role in mainstreaming a gender perspective in United Nations activities.

The CSW consists of **45 members**, elected by the Economic and Social Council for a period of four years. Members, who are appointed by Governments, are elected on the following basis: 13 from African states, 11 from Asian states, 4 from Eastern European states, 9 from Latin American and Caribbean states, and 8 from Western European and Other states. The Commission meets annually for a period of ten working days.

3.3. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)²²

The CEDAW was adopted in **1979** by the U.N. General Assembly and is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

- To **incorporate the principle of equality of men and women in their legal system**, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- To **establish tribunals** and other public institutions to ensure the effective protection of women against discrimination.

Countries that have ratified or acceded to the Convention are **legally bound** to put its provisions into practice. They are

²² For more information on EU Member States' signature/accession to CEDAW and its Protocol, please see Annex 3 of this Report.

also committed to submit **national reports, at least every four years**²³, on measures they have taken to comply with their treaty obligations. The Convention, which entered into force on 3 September 1981, has, as of 20 October 2004, 179 States parties.

3.4. Optional Protocol to the CEDAW Convention

In 1999, the UN General Assembly adopted the Optional Protocol to the CEDAW Convention. By ratifying the Optional Protocol, a State recognizes the competence of the Committee on the Elimination of Discrimination against Women - the body that monitors States parties' compliance with the Convention - to receive and consider complaints from individuals or groups within its jurisdiction. The CEDAW Optional Protocol entered into force in December 2000.

5. Division for the Advancement of Women (DAW)

The UN Division for the Advancement of Women (DAW) is based at the UN Headquarters in New York within the Department of Economic and Social Affairs. The Division advocates the improvement of the status of women of the world and the achievement of their equality with men.

4. OVERVIEW OF THE EUROPEAN UNION, HOW DOES IT FUNCTION?

The European Union (EU) is a regional grouping of democratic European countries, where the Member States have set up common institutions to which they delegate some of their

sovereignty so that decisions on specific matters of joint interest can be made democratically at European level. As of May 2004, 25 countries are members of the European Union with Bulgaria, Romania and Croatia scheduled to join in 2007 and it is anticipated that formal negotiations with Turkey will start soon.

4.1. Institutional Structure

a. The European Parliament:

The European Parliament (EP) is the democratic voice of the peoples of Europe. The power of the EP within the legislative and budgetary process of the EU has increased steadily over the last two decades although it doesn't have the full legislative powers that national parliaments usually have. The current Parliament (2004-2009) has 732 Euro-parliamentarians or MEPs and 30 % of the MEPs elected are women.

b. The Council of the European Union:

The Council of the European Union is the main legislative and decision-making body in the EU. It brings together the representatives of the Member State governments. The Council - together with the European Parliament - sets the rules for all the activities of the European Community (EC) and for intergovernmental co-operation on common foreign and security policy and on justice and home affairs.

c. The European Commission

The European Commission (EC) carries out the day-to-day work in the European Union. It drafts proposals for new European laws, which it presents to the European Parliament and the Council. The Commission monitors the implementation of EU decisions and legislation and supervises how EU funds are spent. The European Commission consists of 25 women and men (currently

²³ See Annex 4.

28% women) nominated as Commissioners by each of the Member State, assisted by about 24000 civil servants. The Commission is appointed for a five-year term.

d. Civil dialogue at European level and partnership with NGOs

Due to the particular structure of the European Union, but also to the need to bridge the democratic gap between citizens and the European institutions, NGOs are very active at European level.

Civil dialogue at European level, in particular with the European Commission is organised without formal rules and procedures, there is no official consultative status for NGOs at European level or general rules for consultation that would apply to all NGOs.

In the European Parliament, the Women's Rights Committee regularly organises hearings and women's NGOs from different levels are always invited to present their views.

The **Council of Ministers** is the most closed EU institutions; access is rather limited and no formal consultation of NGOs is organised. Different **EU presidencies** organise activities and meeting during their term.

The latest development (June 2004) in relation to civil dialogue at European level is the introduction of Article I-46 on **"The principle of participatory democracy" in the Treaty Establishing a Constitution for Europe**²⁴.

This Article introduces an "open, transparent and regular dialogue" between the institutions and "representative

associations and civil society" (Art. I-46-2) as well as the right to petition for one million citizens (Art. I-46-4). However the new Constitutional Treaty won't enter into force and be implemented, before it is ratified by each Member State.

4.2. European legislative framework on equality between women and men

Equality between women and men was included in the founding Treaty of the European Community, signed in 1957. However, equality pertained only to the limited area of equal pay for women and men in the workplace. Over the years, the right to equality has been gradually broadened at the European level, and today, **the Treaty Establishing the European Community (TEC) contains very strong provisions on equality between women and men.** In the same way, sex-based discrimination in the workplace is now prohibited by European legislation. Progress has sometimes been slow and difficult, but Community laws or directives have been adopted over time, establishing a more clearer and more detailed **legal framework for equality of opportunity and rights in employment for women and men.**

a. Treaty Establishing the European Community: articles dealing with gender equality

With the entry into force of the Treaty of Amsterdam on 1 May 1999, equality of the sexes was integrated into the foundations and objectives of the Community legal order. In addition to the provisions of **Article 2, Article 3§2** requires the Community to "eliminate inequalities and to promote equality of women and men" in all its activities. **Article 13** constitutes a legal basis facilitating "the measures necessary to fight all types of discrimination" including those based "on sex". **Article 137** allows

²⁴ Provisional consolidated version of 25.06.2004 – CIG 86/04

the Council to take decisions by qualified majority, using the procedure of co-decision with the European Parliament, to adopt measures to complement the activities of the Member States in the area of equality between women and men as concerns their opportunities on the job market and treatment in the workplace. **Article 141**, strengthening former Article 119 is the **main legal tool for gender equality in employment**. It contains a reference to equal pay for equal work and for work of equal value; paragraph 3 of Article 141 makes it possible to develop legislation in the area of equality of opportunity and equality of treatment for women and men as concerns employment and work. Paragraph 4 allows Member States to implement positive action measures.

b. European directives on gender equality in employment

Since 1975, the European institutions have adopted a series of nine directives on equality between women and men in employment and social security, in order to implement the Treaty provisions and to develop and clarify them. Directives are binding European laws that have then to be transposed at national level in all EU Member States. However, the practical implementation of these directives needs to be improved in many countries.

c. New European Constitutional Treaty: main articles dealing with gender equality

EU leaders reached agreement on a draft European Constitutional Treaty in June 2004. Some new articles were included in the new Treaty in relation to gender equality. However, although the draft Constitutional Treaty constitutes progress in some ways, a firmer commitment towards gender equality could have been made, notably concerning the values of the EU and the introduction of a strong

legal basis for the fight against violence against women at European level.

The values of the EU:

Due to strong pressure from women's organisations and women decision-makers, "equality between women and men" is stated in the article on the values of the European Union (Article I-2):

"The Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.

*These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and **equality between women and men** prevail."*

Declaration on violence against women

Another positive step is the introduction of a Declaration²⁵ on combating all kinds of domestic violence. This Declaration will have no legal status but represents a moral obligation and political will.

The Treaty establishing a Constitution for Europe was signed on 29 October 2004 in Rome, but it won't enter into force and be implemented, before it is ratified by each Member State in accordance with its own constitutional provisions (referendum or parliamentary consent).

5. SPECIFIC INSTITUTIONAL MECHANISMS FOR EQUALITY BETWEEN WOMEN AND MEN AT EU LEVEL

The **EU saw some important advances** during the reporting period, in particular with the ratification and implementation of the Treaty of Amsterdam, including a

²⁵ Regarding Article III-2, the gender-mainstreaming clause.

strong legal basis for gender equality, which facilitated the establishment of important institutional mechanisms contributing to the promotion of women. After 1995, the European Commission started implementing a **dual approach to gender equality, combining gender mainstreaming and specific actions.**

The *gender mainstreaming* approach at European level

Further to the development of the concept of gender mainstreaming at international level and to the introduction of a gender mainstreaming clause in the European Treaty in 1999 (Article 3§2 of the Amsterdam Treaty), the European Commission (EC) adopted the gender mainstreaming approach, in order to integrate gender into all European policies.

Gender mainstreaming means the systematic consideration of the differences between the conditions, situations and needs of women and men in all European policies and action. This does not mean simply making European programmes or resources more accessible to women, but rather the simultaneous mobilisation of legal instruments, financial resources and the EC's analytical and organisational capacities in order to introduce in all areas the objective to move towards equality between women and men²⁶.

Although the EU commitment in relation to gender mainstreaming is very strong on paper, it is not always translated into practice and resources such as institutional back up and training seem to be lacking.

In relation to **gender budgeting**, which aims at including a gender perspective into budgetary work and at making public

budgets contribute to gender equality, little concrete work has been done at EU level.

5.1. Mechanisms for the promotion of gender equality within the European institutions

At the level of the EU, each of the three main institutions has some form of institutional mechanism for the promotion of gender equality, however, both in the Council of Ministers and in the European Commission, gender equality falls within the competence of a body in charge of general social affairs. **Overall at EU level, human and financial resources for gender equality bodies seem insufficient, in particular with regard to the implementation of the gender mainstreaming strategy.**

a. Gender equality mechanisms in the European Parliament

The European Parliament's *Committee on Women's Rights and Gender Equality*²⁷ is a vital arena for making gender issues visible. The Committee can act on the one hand through own initiative reports, which put on the agenda issues linked to women's rights, and on the other hand through its legislative role for the adoption of directives on the basis of articles 13 and 141 of the Treaty. It has to be noted however, that the Committee on Women's Rights is only a "non legislative" supplementary committee and that its existence is regularly called into question.

There is also a unit within the EP administration in charge of gender equality in relation to personnel policies, which is

²⁶ From the Communication: "Incorporating equal opportunities for women and men into all Community policies and activities" (COM (96)67final).

²⁷ The name of the committee was "*Committee on Women's Rights and Equal Opportunity*" until June 2004.

in charge of implementing internal gender equality programmes.

The latest and positive development is the creation within the European Parliament of an internal **High Level Group on Gender Equality**²⁸ in April 2004. The most important task of the Group is “to ensure that the European Parliament takes into account the issues of gender mainstreaming and equal opportunities in all the policy areas which are debated in its committees”. This Group is a legacy from the 5th Parliamentary Term to the 6th (2004-2009), it is therefore difficult to judge how the new European Parliament will work in relation to this Group and the success of this body will very much depend on the commitment to gender equality and gender mainstreaming of the European Parliament governing bodies and of members of the Group.

b. Gender equality mechanisms in the EU Council of Ministers:

Within the Council of Ministers, the **Council of Ministers of Social Affairs** is responsible for matters related to gender equality. There is **no specific Council of Ministers for gender equality**, despite the high status of gender equality in European law and the repeated demands of women's organisations. However, informal ministerial meetings on gender equality have been organised by most EU presidencies.

c. Gender equality mechanisms in the European Commission:

Within the European Commission, gender equality policies are mainly the responsibility of the Directorate General and Commissioner on Employment and Social Affairs, whose name has been changed in August 2004 into

Commissioner and Directorate General on Employment, Social Affairs and Equal Opportunities, which is a positive evolution.

The Commission set up a **Group of Commissioners on Equal Opportunities** in 1995, which is composed of the President of the Commission and four Commissioners. Other Commissioners participate on an occasional basis. The Group assesses the situation as regards equality between women and men within the European Commission, and issues of mainstreaming in all departments and policies. However this Group meets only once a year for about half a day.

The **Inter-service Group on Gender Equality** was set up at the initiative of the Group of Commissioners as a support mechanism and to improve interdepartmental cooperation in relation to gender equality. Rather little information is available about the activities of this group and about the concrete monitoring and follow up of gender mainstreaming within the different policy areas in the European Commission.

The **Advisory Committee on Equal Opportunities for Women and Men** is composed of representatives from national administrations and of social partners; the European Women's Lobby has an observer status within the Advisory Committee. Its remit is to help the Commission formulate and implement Community measures aimed at promoting equal opportunities for women and men and to encourage the continuous exchange of information between the Member States and the various actors involved.

The Advisory Committee is a useful tool and it produces interesting and quite progressive reports, unfortunately there is

²⁸http://www.europarl.eu.int/comparl/femm/high_level_group/default_en.htm

no evidence that those reports are taken into account by the European Commission and resources for the Committee have been recently reduced.

The **Unit for equal opportunities for women and men**, located in the Directorate General for Employment and Social Affairs is in charge of gender equality policies, of the implementation of the Community Framework Strategy on Gender Equality (2001-2005). This Strategy establishes the framework for actions in the area of gender equality; it includes a supporting programme. There is also a Unit in charge of equal opportunities and non-discrimination in personnel policies within the EC administration and internal gender equality action programmes.

The **Women and Science**²⁹ activities are an example of successful gender mainstreaming within the European Commission. The Women and Science Unit is part of the Science and Society activities of the European Commission. To contribute to the promotion of women in scientific research, the European Commission has undertaken measures to ensure gender mainstreaming in the Sixth Framework Programme for Research and Technological Development. Different experts groups have been set up, for example, The “Helsinki Group on Women and Science” was set up to exchange views, experiences and best practice on measures and policies devised and implemented at local, regional, national and European level, encouraging the participation of women in scientific careers and research. The Women and

²⁹See:
http://europa.eu.int/comm/research/science-society/women-science/women-science_en.html

Science Unit also collects statistics and indicators on women scientists.

d. Impetus from the European level in relation to national gender equality mechanisms

Apart from the political influence of the EU and the existence of specific European gender equality institutional mechanisms, the European Union also imposes legal obligations to the Member States in this area. Directive 2002/73/EC of September 2002 amending Directive 76/207/EC on the implementation of the principle of equal treatment for men and women as regards employment³⁰ introduces the obligation for Member States to “*designate and make the necessary arrangements for a body or bodies for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds of sex.*” This is a notable progress, although there is no obligation for these new bodies to be specifically and only dealing with gender equality.

5.2. Specific budgets and programmes for actions in relation to gender equality

Gender mainstreaming in EU funding programmes

As the European Union has adopted a gender mainstreaming approach, there are few specific gender equality programmes, as the expectation is that gender should be mainstreamed in other EU programmes and grants - according to article 3 § 2 TEC. However, even though gender equality is mentioned in many programmes, information is lacking as to the effectiveness in practice of this mainstreaming strategy.

³⁰ Official Journal L 269, 05/10/2002 P. 0015 – 0020.

Community Action Programme on Gender Equality (2001-2005)

This Programme aims specifically at promoting gender equality, it co-ordinates, supports and finances the implementation of horizontal trans-national activities under the fields of intervention of the Community Framework Strategy on Gender Equality (gender equality in economic and civil life, equal representation, social rights and changes in gender roles and stereotypes). The budget of the Action Programme is EUR 50 Million for the period 2001-2005.

Community Action Programme to combat discrimination 2001-2006

This Programme supports activities combating discrimination on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation. Its priorities are: analysis and evaluation; developing the capacity to combat and prevent discrimination; and raising awareness. **Actions to combat discrimination based on sex are not included in this programme.** The budget of the Community Action Programme to combat discrimination is EUR 98.4 Million for the period 2001-2006.

Daphne II - EU programme to combat violence against children, young people and women (2004-2008)

This Programme aims at supporting organisations that develop measures and actions to prevent or to combat all types of violence against children, young people and women and to protect the victims and groups at-risk. The Daphne II programme closely follows the lines of the previous Daphne I programme and supports similar activities: networking of organisations, exchange of good practices and awareness raising

actions. The budget of the Daphne II Programme is EUR 50 Million for the period 2004-2008.

Measures to promote gender equality in Community development cooperation policies, strategies and interventions³¹.

A new budget line was introduced in 2004 in order to promote gender equality into all EU development cooperation policies and interventions in developing countries. The objectives of these measures are (a) to support gender mainstreaming in all areas of development cooperation, combined with specific measures in favour of women of all ages; (b) to support endogenous public and private capacities in developing countries, which can take the responsibility and initiative for promoting gender equality. The financial framework for the implementation of this Regulation for the period 2004-2006 is set at EUR 9 million.

Women and Science activities: The setting up of a European Platform of Women Scientists is planned for the end

of the year 2004 (budget of approximately EUR 2 million for the first three years of operation). "Marie Curie Fellowships"³² provide European placements for pre-and post-doctoral women researchers.

³¹ Regulation (EC) No 806/2004 of the European Parliament and of the Council of 21 April 2004 on promoting gender equality in development cooperation – Budget line 21 02 06. Official Journal L 143, 30/04/2004 P. 0040 - 0045

³²<http://www.cordis.lu/improving/fellowships/home.htm>

6. IMPLEMENTATION OF THE 12 CRITICAL AREAS OF CONCERN OF THE BEIJING PLATFORM FOR ACTION BY THE EUROPEAN UNION

A. WOMEN AND POVERTY (SOCIAL EXCLUSION)

Strategic Objectives:

- A.1: Review, adapt and maintain macro-economic policies and development of strategies that address the needs and efforts of women in poverty.
- A.2: Revise laws and administrative practices to ensure women's equal rights and access to economic resources.
- A.3: Provide women with access to savings and credit mechanisms and institutions.
- A.4: Develop gender-based methodologies and conduct research to address the feminisation of poverty.

Women's poverty and social exclusion in Europe is a multifaceted problem, which needs specific and gendered policy responses. The persistent trend of the feminisation of poverty in European societies today demonstrates that the current framework of social protection systems, and the wide range of EU Social, Economic, and Employment Policies are not designed to meet women's needs. In order to truly have a positive impact on fighting poverty and social exclusion of women in Europe today, it is essential to address the structural causes of poverty in general and the structural causes of the feminisation of poverty in particular.

1. European Union framework of policies, legislation, programmes and projects

Legal/Treaty Base

Although most social policies remain within the competence of each Member State, the European Union can, on the basis of the provisions in *Title XI TEC*, choose to use the EU institutions to **develop joint policies in the field of social policy**.

The Treaty of Amsterdam specifically provides for EU actions to fight social exclusion, through *Article 137 (Title XI)*.

Article 13 of the Treaty gives the EU competence to take actions, including legislative measures, to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

New legislation

- *Council Directive implementing the principle of equal treatment between persons irrespective of racial and ethnic origin. (2000/43/EC).*
- *Council Directive prohibiting discrimination in employment on the grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation. (2000/78/EC).*
- *Council Directive prohibiting discrimination on the grounds of sex in occupational pension schemes. (96/97/EEC).*
- *Council Directive prohibiting discrimination between full-time workers and part-time workers. (97/81/EC).*

Council Resolutions

In November 1999, the Council adopted a concerted strategy for modernising social protection.³³ It focused on three themes: social inclusion policies; reform of pension systems; and reform of healthcare systems. Gender equality is not included as a main concern in the EU strategy for

³³ COM (99)347

modernising/reforming social protection systems.

In 2000, the EU Member States adopted the ***Social Policy Agenda*** in an attempt to create an overall framework for EU social policies, which include anti-discrimination policies, social inclusion policies, gender equality policies, and the reform of social protection systems.

In 2000, the Member States agreed to establish a *European strategy to combat social exclusion and poverty (2000)* using the open method of co-ordination. This strategy includes agreed objectives and the obligation for each Member State to present a biannual National Action Plan in accordance with these objectives. Despite the trend of the feminisation of poverty in Europe over the last ten years, equality between women and men is not included as an overarching objective of this EU strategy.³⁴ The new Member States were asked to align themselves with this EU strategy through the development of Joint Inclusion Memorandums.

Programmes and Budgets

*Community Action Programme to Combat Social Exclusion 2002-2006*³⁵

This programme supports actions to combat social exclusion and poverty, including trans-national projects, and support to European networks. Its budget amounts to 75 M € over 5 years (2002-2006). According to its regulations the elimination of inequalities and the promotion of equality between women and men, are part of the tasks conferred on the Community, which should feature

³⁴ The objectives of the Strategy are: facilitating participation in employment; preventing the risks of exclusion; helping the most vulnerable and mobilizing all relevant bodies.

³⁵ 50/2002/EC

as an aim in all activities within the Programme.

2. Obstacles and remaining gaps

Social protection systems are one of the most important means to fight poverty and social exclusion of women in the EU Member States. Women's situation in European societies today demonstrates that the current **social protection systems** are not designed to meet their needs. Many women have an inadequate patchwork of social security rights and insufficient pension entitlements. Furthermore, women are the majority of people on minimum income schemes and with precarious work contracts.

The effects from and solutions to social exclusion are different for women and men. These differences in experience and dynamics of inclusion and exclusion are not recognised in the *EU strategy to fight against poverty and social exclusion*, and **consequently actions are not gendered or targeted to combat women's poverty.**

Social exclusion and poverty are also closely linked to **macro-economic policies**, as well as to employment and social policies. The underlying principles of EU macro-economic policies, including the Single Market and the Economic and Monetary Union (EMU), are mainly those of economic liberalisation, privatisation, and competition. The decrease of public expenditure which was part of the economic criteria to be met for membership in the EMU, and the subsequent reforms at national level, have in many cases resulted in a **weakening of public services**. Many of the social security systems and social services that

have seen cutbacks are especially important to counteract poverty and social exclusion. In the context of the **enlargement of the EU**, the situation of women in Central and Eastern Europe has become more difficult in many respects. Many women have been excluded from the labour market and negatively affected by the restructuring of social policies, with increased poverty as a consequence. One can conclude that the process of EU enlargement has not provided a significant response to counteract these negative developments.

Women's access to employment and training: The gendered division of work in families directly affects women's access to and participation in the labour market. The unequal sharing of work in families, together with persistent gender inequalities and discrimination in the labour market, have severe effects on women's poverty and social exclusion, including entitlements to social protection. Access to the labour market is even more difficult for certain groups of women, such as disabled women, migrant and ethnic minority women, and older women. As a result their situation is even more precarious.

Women heads of one-parent households: It is estimated that 85% of one-parent households are headed by a woman. In the EU, there is a distinct lack

of policy initiatives in support of one-parent families, which often face a higher risk of poverty.

Older women: Many older women today, lack individual social security or have insufficient pension provision because of low salaries during their paid activities, or career breaks and part-time work. Moreover, many pension schemes in the EU Member States continue to be based upon the traditional nuclear family-model of a male "breadwinner" and a non-employed wife. This leaves many women with "derived rights" based on their husband's employment record and without individual pension rights.

Ethnic minority and migrant women: Labour market segregation, and discrimination, as well as cultural and political mechanisms too often relegate ethnic minority women and migrant women to certain sectors of low waged and low skilled labour. Many migrant women are greatly dependent on work in the informal and unregulated labour sectors, where they are working without proper rights and protection.

Women with disabilities: Disabled women are often facing poverty and social exclusion, a major cause of poverty in this case is the lack of access to employment.

3. EWL Recommendations

1. **Stronger gender equality objectives must be integrated within the EU strategy to combat poverty and social exclusion.** **Specific guidelines and targets addressing the situation of women in poverty** and women experiencing social exclusion should be identified at EU level, in order to achieve an effective outcome at national level. Furthermore, the indicators on social exclusion must be made more effective instruments, including **gender specific indicators** related to he

feminisation of poverty, with figures given for individuals rather than for the household as a whole.

2. Gender equality needs to be made a key objective within the **EU strategy of reforming social protection systems** in order to effectively fight women's poverty and social exclusion.

A specific analysis and reform of social protection systems from a gender equality perspective must include the **individualisation of rights to social security, adapting social protection and services to the changing family structures, and ensuring that social protection systems better counteract women's precarious situation and meet the needs of the most vulnerable groups of women.**

3. **Pension systems need to be reformed in order to combat social exclusion of older women**

There is a need to establish a **universal and adequate basic old age pension system** across the EU, and to develop mechanisms in pension systems that accommodate employment patterns linked to society's needs in terms of care of children and other dependant persons (for example, career-breaks, part-time work). Measures prohibiting direct discrimination in private and public pension schemes, including the practice of basing the level of payments and contributions on actuarial factors based on sex, should be introduced as a matter of urgency.

4. **EU policies ensuring the provision of universal affordable, quality childcare and care for dependent persons.**

Childcare and care for other dependents remains fundamental to combating women's poverty and preventing social exclusion.

5. **Targeted policy action to support women's inclusion into the labour market.**

Reinforced policies are needed for the **inclusion into the labour market of groups of women experiencing multiple discrimination** and which face higher risk of poverty and social exclusion such as migrant and refugee women, women from ethnic minorities, women heads of one-parent households, disabled women, young women, and lesbian women.

B. WOMEN AND EDUCATION

Strategic Objectives:

B.1: Ensure equal access to education.

B.2: Eradicate illiteracy among women.

B.3: Improve women's access to vocational training, science and technology, and continuing education.

B.4: Develop non-discriminatory education and training.

B.5: Allocate sufficient resources for and monitor the implementation of educational reforms.

B.6: Promote life-long education and training for girls and women.

Education and training are essential vehicles for achieving equality between women and men. All 25 Member States of the EU provide for full and universal primary and secondary education. Across Europe, more women than men are graduating from tertiary education institutes.³⁶ However, inequalities in access and significant gender differences in subject areas persist, hindering women and girls' education and life chances. Imbalances in power, outright sex discrimination and gender stereotypes in education materials, schools, universities and on the labour market still prevent women from making certain career choices such as scientific and technical careers, from progressing at the same speed as men in their careers and from earning the same income for the same job across the EU. Moreover, even if the majority of women are very well educated, they are sometimes lost as a resource on the labour market, especially migrant women, women from minorities or disabled women for example.

1. European Union Framework of policies, legislation, programmes and projects

Treaty/Legal Base

At European level, education in general and higher education in particular are not subjects of a "common European policy": competence for the content and the organisation of studies remains at national level. However, according to Art. 149 TEC, the Community "*shall contribute to the development of quality education by encouraging cooperation between Member States*" and Member States are cooperating in the field of education. There are two Commission Directorate Generals specifically dealing with education and research: Directorate General for Education and Training and Directorate General for Research.

Lisbon Strategy

The 'Lisbon Strategy' adopted in March 2000 recognises the important role that gender equality can play "*for contributing to the European Union becoming the most competitive and dynamic knowledge-based economy in the world*".

³⁶New Member States have higher proportions of women graduates. In Portugal and Poland, where the ratios of women to men are at their highest, two thirds of all graduates are women. Even in Austria, Germany and Malta, which have the lowest proportions in Europe, 52% of all graduates are women.

The Communication from the Commission *"Education & Training 2010 the Success of the Lisbon Strategy Hinges on Urgent Reforms"*³⁷ of November 2003 points out that there are too few women in scientific and technological fields and calls for measures to be taken to rectify this. The Education Council has set two objectives: to bring about a 15% increase by 2010 in the number of students in these fields and redress the imbalance between women and men.

The Communication from the Commission on *European benchmarks in education and training: follow-up to the Lisbon European Council*³⁸ states six benchmarks and concrete targets, gender is not one of them, but in setting those benchmarks the Commission called for **special attention to be given to the gender dimension**, in and outside the labour market, for motivating more young people to choose studies and careers **and ensuring gender balance** in the scientific and technical fields.

Commission Directorate General for Research

The **Directorate General Research** has proven to be one of the most successful areas within the Commission when it comes to the implementation of gender mainstreaming. In the Gender Scoreboard produced by the Inter-Service group on Gender Equality, DG Research shows good results in all of the three areas investigated.³⁹ A commitment to gender mainstreaming from top managers is also

acknowledged. However, certain reluctance for positive actions is visible.

The gender equality work in DG Research has a formalised structure. A special **Unit called 'Women and Science'** was created in 2001 and consists of 12 members, working to incorporate the gender dimension into the research field. The Unit works as a catalyst for the rest of the DG and illustrates what actions can be undertaken. One of the tools developed by this Unit is the 'Gender Watch System'.

In 2002, the Commission set up an expert group to review the participation of women in industrial research and the Enwise Expert Group was set up to study and report on the situation facing women scientists in Eastern and Central European countries and in the Baltic States.⁴⁰

EU Research Programmes:

Council Decision adopting a specific programme for research, technological development and demonstration: *"Integrating and Strengthening the European Research Area"* (2002-2006).⁴¹ An action plan is being implemented in order to reinforce and increase the place and role of women in science and research. Gender aspects in research will be taken into account in implementing this programme.

Communication from the Commission *"Women and Science. Mobilising women to enrich European research"* was published in 1999.⁴² Gender mainstreaming is identified as a

³⁷ 11.11.2003 COM(2003) 685 final

³⁸ Brussels, 20.11.2002 COM(2002) 629 final

³⁹ The three areas are: gender impact assessments within a new area, desegregated statistics and a reference to the gender equality policy in calls for proposals and expression of interest (Staff Working Document, 2002-02-15).

⁴⁰ Annual Report on Equal Opportunities for Women and Men in the EU 2002, COM(2003) 98 final
http://europa.eu.int/comm/employment_social/news/2003/mar/com0398_en.pdf

⁴¹ 2002/834/EC of 30 September 2002 - Official Journal L 294, 29/10/2002 P. 0001 - 0043

⁴² Communication, COM (1999) 76

method to promote research by, for and about women and the importance of gender equality in both structure and content is stressed. The Communication defined a set of specific targets for promoting gender equality in the research field, such as having at least 40% participation of women in the committees implementing and managing research programmes for the Commission. The Communication also states that the gender dimension has to be considered when drawing up each of the programmes on different research areas. **Gender Impact Assessment Studies** were carried out in the seven programmes of the fifth framework programme for research and technological development.⁴³

Commission Directorate General Education and Training

*Decision establishing a programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (Erasmus Mundus) (2004 – 2008):*⁴⁴ this decision states that there is a need to step up Community efforts to promote dialogue and understanding between cultures worldwide, bearing in mind **gender equality**. As an action point, it calls for the establishment of transparent conditions for admission to Masters courses, which pay due regard inter alia to gender equality.

Setting European Benchmarks for Education and Training Systems

Several Community policy documents set out targets and objectives for education and training. Such targets can be found in the e-Learning and in the e-Europe 2002 and 2005 action plans⁴⁵, in the Lifelong

Learning Communication⁴⁶ as well as in the Skills and Mobility Action Plan⁴⁷.

The *Council Conclusions of May 2003 on Adapting e-Business Policies in a Changing Environment* underlined the need to narrow and close e-skills gaps and the need for inclusiveness, addressing in particular the severe under-representation of women in the information and communication technologies workforce.

EU Education Programmes

*Commission Proposal for a Decision establishing an integrated action programme in the field of lifelong learning.*⁴⁸ on 14 July 2004 the Commission set out a proposal to replace the current EU Education Programmes with an integrated programme for education and training. The Integrated Programme will comprise **four sectoral programmes** concentrating on school education (**Comenius**), higher education (**Erasmus**), vocational training (**Leonardo Da Vinci**) and adult education (**Grundtvig**). The proposal states that in implementing the Integrated Programme, due regard shall be paid to ensuring that it contributes fully to furthering the horizontal policies of the Community, **in particular by: promoting equality between men and women** and contributing to combating all forms of discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. One of the

tomorrow's Education (COM(2001)172 final. (28.03.2001)

⁴⁶Communication from the Commission, Making the European Space of lifelong Learning a Reality (COM(2001)678 final (21.11.2001)

⁴⁷Communication from the Commission, Commission's Action Plan for Skills and Mobility COM(2002)72 (08.02.2002)

⁴⁸ Brussels, 14.7.2004 COM(2004) 474 final 2004/0153 (COD)

⁴³ Working document, 2002002028a; Working Document, 2002-02-28b

⁴⁴ No 2317/2003/EC - Official Journal L 345, 31/12/2003

⁴⁵Communication from the Commission, The eLearning Action Plan – Designing

objectives of the Integrated Programme shall be to **reinforce the contribution of lifelong learning** to personal fulfilment, social cohesion, active citizenship, **gender equality** and the participation of people with special needs.

Training: The *Council Resolution of July 2003 on Social and Human Capital Building Social and Human Capital in the Knowledge Society: Learning, Work, Social Cohesion and Gender*⁴⁹ underlines the need to develop the positive interactions of social and human capital in three areas in particular: learning, work and social cohesion, while integrating the gender dimension into all these areas. The Resolution stresses the need to address the current gender gap in access to ICT-related education, jobs and the use of ICT, and to encourage more women to pursue higher-education studies in subjects relating to the information society.

The Communication from the Commission *Investing efficiently in education and training: an imperative for Europe*⁵⁰ mentions that gender mainstreaming has the potential to mobilise a considerable and increasingly highly educated workforce.⁵¹

The *Council Resolution of 27 Nov 2003 on equal access to and participation of women and men in the knowledge society for growth and innovation*⁵² requested that employment guidelines should address inter alia entrepreneurship and gender equality.

⁴⁹ Official Journal C 175, 24/07/2003 P. 0003 - 0006

⁵⁰ Brussels, 10.01.2003 COM(2002) 779 final

⁵¹ Detailed work programme on the objectives of education and training systems, op.cit., Objective 1.4.

⁵² Official Journal C 317, 30/12/2003 P. 0006 - 0008

Education and Developing Countries

The *Regulation on aid for policies and actions on reproductive and sexual health and rights in developing countries*⁵³ mentions education and gender awareness.

The *Communication from the Commission on Education and Training in the Context of Poverty Reduction in Developing Countries*⁵⁴ has a strong emphasis on gender equality and education and calls for the elimination of gender-based inequalities by 2005 and the introduction of equality in primary and secondary education by 2015. The Commission sets out many positive recommendations to reduce gender-based inequalities in the education systems of developing countries.

The **Framework Strategy on Gender Equality**⁵⁵ calls for the promotion of: the employability and the access of women to information technologies jobs, particularly by enhancing participation of women in relevant education and training as well as awareness of gender discrimination and the need for a gender balance in civic education and for efforts to eradicate stereotypical gender discrimination in education, for example in educational materials, and to develop good practice in this field.

2. Obstacles and remaining gaps

The first notable gap is the limited role that the EU plays in the area of education;

⁵³ No 1567/2003

⁵⁴ Brussels, 06.03.2002 COM(2002) 116 final

⁵⁵ Communication from the Commission "Towards a Community Framework Strategy on Gender Equality (2001-2005)"⁵⁵ and Council Decision OJ L 017, 19/01/2001 establishing a Programme relating to the Community Framework Strategy on Gender Equality (2001-2005).

while it could have a positive impact to encourage education on the key values of the EU, such as gender equality. The EU could also undertake action in the areas of non-formal education as well as citizenship/intercultural/ sexual/ conflict resolution education.

In terms of access to education, the access of women to the technical professions is still very restricted. While equality between men and women in access to vocational training is enshrined in Community texts, **scientific and technical careers are still a male preserve**, as stressed by the Conclusions of the Stockholm European Council in March 2001.

In primary education girls and women are still very often presented with **stereotypical gendered messages from teachers and textbooks**. Schoolbooks and supporting educational material continues to reproduce sexual stereotypes, portraying traditional images of female and male roles and professions. In an evaluation that has been carried out, by the Commission on the “Quality of school education”, there is no reference to the promotion of gender equality in schools as an indicator for the assessment of the quality of education.

One major **structural barrier to adult women’s education** and training is women’s principal role as **carers for family needs**. This additional work women do often prevents them from entering into activities of education and training. Even when they do have access to programmes of adult education and training, they still have to bear the stress of the “double working day”.

The **skills gap between women and men** remains a significant problem in Europe. Men still outnumber women in many of the subjects that lead to the best-

paid jobs.⁵⁶ While **women in Europe are attaining more educational qualifications than men, this is not reflected in their employment situation**. For example, very few women are appointed to university chairs or to upper level research teams. Teachers in lower education are mainly women but when it comes to higher education the percentage of female teachers declines. **Women are under-represented in scientific fields**: they account for only 25 per cent of students in science and technology subjects and 6 per cent of students in engineering.⁵⁷ Women researchers are still a minority in the Government and Higher Education Sectors, a trend that is accentuated in the natural science and engineering fields.⁵⁸ The under-representation of women in

scientific and technical fields, as well as the under-representation of women in top positions in academic fields, is mainly due to the **continuous orientation of women towards traditional female occupations and the hostility of the predominantly male research community** towards women “invading their space”.

The existing action programmes of life-long education for women are not sufficient to tackle the problem of adult education. The *Adult Education Action* projects do not target women as a group, but address the “disadvantaged” in general terms. Therefore, they lack effectiveness in their outcomes.

⁵⁶http://europa.eu.int/comm/employment_social/speeches/2002/280202jl_en.pdf

⁵⁷ “Equal Opportunities for women and men in the European Union”, Annual Report 1998, European Commission.

⁵⁸ Statistics in focus, *Women, science and technology: Measuring recent progress towards gender equality*, theme 9 – 6/2004

Certain groups of women such as rural and migrant women for example are not prioritised. Specific measures are needed, for example disabled women need individual education systems, methods or

physical spaces, to overcome barriers of access to the education systems. In some ethnic minorities girls are discouraged and sometimes prevented from enrolling in higher education.

3. EWL Recommendations

1. Promote a European dimension in education through for example: ensuring the sharing of good practices on gender equality as an education tool and by developing and gathering gender sensitive statistics on all aspects of education at national and EU level.

2. Include **quantitative and qualitative gender equality indicators** in all **evaluation programmes** aiming at evaluating the quality of education in European schools.

3. Promote a greater participation of women in committees, assemblies, and advisory groups assisting the European Commission in the planning, implementation and monitoring of initiatives related to education and training at EU level. In doing so, sufficient resources must be allocated both for proposed educational reforms and for the monitoring and evaluation of their implementation.

4. Develop **non formal education and concrete training in relation to gender equality through:** encouraging citizenship education; leadership training for women and girls; training equality policy makers to promote gender education for decision-makers for leaders of NGOs and for adult education organisations; promoting life long learning on gender education; training trainers on gender equality. It is also necessary to financially support NGOs doing this kind of work.

5. Promote gender equality in schools towards pupils at all levels of education, teachers and parents as well as in educational materials and methodology. As part of this, promote gender equality in career advice and orientation.

6. Promote gender equality in teacher training and integrate equality between women and men as a crosscutting theme in all compulsory academic curricula. Teachers at all levels must be trained to use gender equality in their methods and as part of their educational programmes.

7. Take the diversity among women (coming from economic, social, ethnic, and other backgrounds) into account when designing educational and training programmes in order to respond to different needs and look closely at the issue of the access to education of more vulnerable groups of women such as migrant, ethnic minority or disabled women and girls.

C. WOMEN AND HEALTH

Strategic Objectives:

- C.1: *Increase women's access throughout the life cycle to appropriate, affordable and quality health care.*
- C.2: *Strengthen preventive programmes that promote women's health.*
- C.3: *Undertake gender-sensitive initiatives that address sexually transmitted diseases, HIV / AIDS, and sexual and reproductive health issues.*
- C.4: *Promote research and disseminate information on women's health.*
- C.5: *Increase resources and monitor follow-up for women's health.*

Although women's health in the EU has improved significantly over the past decade, there are still many factors hindering gender equality in relation to health. Gender roles and unequal gender relations interact with other social and economic variables, resulting in different and often inequitable patterns of exposure to health risk, and in differential access to and utilisation of health information, care and services. In all countries of the European Union, the feminisation of poverty, the high unemployment rate among women, and the large presence of women in atypical jobs with little or no social protection, accompanied by an increase of women as heads of single-parent families and disturbing inequalities in health status between social classes are all obstacles for the improvement of the level of health for women.

1. European Union Framework of policies, legislation, programmes and projects

Legal/Treaty Base

The competence of the European Union in matters of health and health policy is limited. According to the **Article 152** of the EC Treaty, the EU only has the right to complement national policies, directed towards improving public health, preventing human illness and diseases, and obviating sources of danger to human health.

Article 3§1 p) of the EC Treaty states that the activities of the Community shall include "a contribution to the attainment of a high level of health protection". The EU Member States have realised the connection between health and potential increase in economic growth and they tend to build and sustain the health care

systems taking this connection into account, as well as potential threats to the economy in light of the demographic developments and the long-term trend of increasing health costs.

The Commission will be examining, by 2005, the arrangements for **incorporating public health and its contribution to growth and sustainable development in the Lisbon Strategy**, the ten-year strategy set out in 2000 to bring about "economic, social and environmental change in the EU". The Commission "Spring Report 2004" therefore calls for the coordination of national policies to be stepped up in order to support the modernisation and development efforts in the health sector undertaken by all the Member States.

There is no specific European public health programme directed at women, however some EU actions contain specific provisions that affect women.

New legislation

The European legislation contains a set of measures for the protection of European workers regardless of sex. Specific legislative instruments were adopted to protect and pregnant women, such as the *Council Directive 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*⁵⁹.

*Decision of 23 September 2002 adopting a programme of Community action in the field of public health (2003-2008)*⁶⁰: the overall aim of this public health programme is to contribute towards the attainment of a high level of physical and mental health and well-being and greater equality in health matters throughout the Community, while taking gender and age into consideration. This programme calls for all relevant statistics to be broken down and analysed by sex.

*Decision of 29 March 1996 adopting an action plan to combat cancer within the framework for action in the field of public health (1996 to 2000)*⁶¹, a “European Code of Cancer”, was developed in the context of this programme, and makes specific reference to the question of cervical and breast cancer. In addition, two European networks on breast and cervical cancer were created, which aim at promoting best practices and agreed guidelines. A Network on Women and Tobacco was also set up.

Regulation 15 July 2003 on aid for policies and actions on reproductive and sexual health and

*rights in developing countries*⁶². This Regulation states that the Community and its Member States are determined to make a full contribution towards achieving the UN Millennium Development Goals of reducing by three-quarters the rate of maternal mortality, achieving gender equality, and attaining access to sexual and reproductive health care and services worldwide. It also states that experience shows that population and development programmes are most effective when steps have been taken to improve the status of women. This Regulation states that gender equality is a precondition for improved reproductive health, and that men should take full responsibility for their sexual and reproductive behaviour.

The *ACP- EU Partnership Agreement (Cotonou Agreement) 2000* includes a gender dimension with regards to Health and Development. Article 25 of the Cotonou Agreement states that adequate levels of spending in the social sector shall ensure the integration of population issues into development strategies, in order to improve reproductive health, primary health care, family planning and prevention of female genital mutilation. Article 26 makes reference to protecting the rights of the girl child; and Article 31 emphasizes equal participation of women and men in all spheres of life.

Other European acts

*Programme for Action: Acceleration action on HIV/AIDS, malaria and tuberculosis in the context of poverty reduction*⁶³, written in the Annex of this Communication some Basic Principles for Health are outlined for AIDS and Population support. These call for the development of programmes in each country to target poverty reduction and equality between women and men.

⁵⁹ Council Directive 92/85/EEC of 19 October 1992

⁶⁰ 1786/2002/EC

⁶¹ 646/96/EC - OJ L 95, 16.4.1996, p. 9, Decision as last amended by Decision No 521/2001/EC.

⁶² 1567/2003

⁶³ COM (2001) 96 Final, 21.2.2001

Dublin Declaration on Partnership to fight HIV/AIDS in Europe and Central Asia, February 2004, this is an important AIDS initiative adopted during the Irish Presidency, which calls for the development of national and regional strategies and programmes to increase the capacity of women and adolescent girls to protect themselves from the risk of HIV infection, and reduce their vulnerability to HIV/AIDS.

*Communication from the Commission: Modernising social protection for the development of high quality, accessible and sustainable health care and long-term care: support for the national strategies using the open method of coordination*⁶⁴: this communication calls for all measures to take into account the specific problems that women and men can face, especially in human resources policy and the promotion of high-quality jobs. It also calls for **gender to be mainstreamed into the development of prevention and health policies** in order to better take into account the specific problems of women and men and make their care more effective.

The *Commission report Gender issues in safety and health – A review by the EU Agency for Safety and Health at Work*, 2003 provides an excellent and comprehensive review of health and safety from a gendered perspective.

The *European Parliament Report and Resolution on female genital mutilation*⁶⁵ contain a number of recommendations to EU Member States and health practitioners.

The EU, Enlargement and Sexual and Reproductive Health

The European Commission has produced a *Staff Working Paper on Health and Enlargement* in May 1999⁶⁶, with the aim “to help identify potential issues related to health and accession”. It furthermore recognises the possible association between important social problems, poor family planning and health education. These are issues affecting women in particular. Some of the EU Phare/Tacis Programmes do include projects about improving women’s health, particularly in the area of sexual and reproductive health, but they account for a very small percentage of the overall budget of these programmes.

The EP also organised had a public hearing on *sexual and reproductive health in the EU and the candidate countries* and adopted a report on this issue (2002).⁶⁷

2. Obstacles and remaining gaps

There are wide variations and inequalities in health status both among Member States' populations and among the different population groups in each country. The most significant obstacle for a better access to health care for women is linked to the **persisting discrimination against women in all areas**.

The draft *Joint report on social inclusion*⁶⁸ shows that the **most disadvantaged groups have more, and more serious health problems**: for example, 16% of those in the bottom income quintile say that they are in poor health, compared to

⁶⁴ COM(2004) 304 Final April 20, 2004

⁶⁵ A5-0285/2001- 2001/2035(INI

⁶⁶ SEC (1999) 713

⁶⁷ (A5-0223/2002)

⁶⁸ COM (2003) 773 final

7% in the top quintile.⁶⁹ Women belonging to a disadvantaged group often find it more difficult to have access to care, because of long waiting times, high treatment costs in relation to their income, complex administrative procedures and, more generally, insufficient prevention (screening, vaccination).

Financing of care and access to health care still pose major obstacle for some women across the EU. Women should not be obliged to contribute financially more than men for their health care due to their reproductive role and their greater longevity. They should not be disadvantaged in obtaining health care by virtue of their generally lower economic status.

Every country in Central and Eastern Europe has experienced a **cutback in public expenditure on health services** over the last ten years as a result of economic transition. In this context the quality of care is of major concern, including respect for the clients' rights, the availability of gender sensitive services and affordable and easily accessible contraceptives.

The conditions in which women can enjoy **sexual and reproductive health vary significantly throughout the European Union.** The low birth rates in Europe combined with an increased influence of religious groups on some governments entails a **risk of undermining women's sexual and reproductive health and rights.** On the rights level this can result in delaying or refusing an abortion, even in those countries where abortion is legal, because of conscientious objection of the medical professionals or in other countries, the prosecution of women who

have had an abortion. This can also cause enormous health problems when women do not find professional help in time and have to take refuge to unsafe practices.

Gender-based violence is a major public health issue that does not receive any attention at EU level. According to the World Health Organization, the consequences of abuse are profound, extending beyond the health and happiness of individuals, to affect the well being of entire communities. Beyond the immediate physical and emotional effects, it has been shown that violence increases women's future risk of various psychological, emotional, behavioural and physical ailments, and negatively affects their ability to enjoy other human rights.

Another area that remains an obstacle for women and health is the **gender bias in medical research in the EU.** Most biomedical research continues to be based on the assumption that women and men are physiologically similar in all respects apart from their reproductive systems. Other biological differences are ignored, as are the social/gender differences that have a major impact on health. Few women are currently involved in the male-dominated arena of medical research, either as investigators or as subjects.

Demographic ageing will also pose many problems: there will be more age-related illnesses and more women in long-term care in the future. To meet the challenges posed by demographic trends, it is vital to have a sufficient number of professionals trained in a gender sensitive manner.

⁶⁹In 2000 Source: Joint indicators of poverty and social exclusion, Eurostat, ECHP UDB, December 2002 version.

3. EWL Recommendations

1. Strengthen preventive programmes that promote women's health

Different patterns in women's health should be taken into account at the time of designing national public policies and European programmes, to ensure that the health needs of the entire population are included, both women and men. Particular attention should be paid to marginalized groups of women such as disabled, migrant and ethnic minority women. Health care policies should pay particular attention to the needs of older women, given demographic change. Unless there is a conscious policy to deal with the increased health care needs in an aging population, there is also a risk that older women become the primary health carers, and this increased workload is likely to have negative effects on the health of older women themselves.

2. Intensify gender-sensitive initiatives that address sexually transmitted diseases, HIV/AIDS, and sexual and reproductive health issues

Women and men within the EU must have uniform access to sexual and reproductive health information, education and services from an early age onwards. Reproductive health services should address women's sexual and reproductive health in a holistic way and throughout the life cycle, including issues such as sexually transmitted infections, HIV/AIDS, unwanted pregnancy, as well as menopause and other women-specific health concerns. More comprehensive sexual health education is needed for both girls and boys, including education to change attitudes of boys and young men regarding sexuality and make them aware of their own responsibilities in this area. Governments should provide free access to all preventive and screening medical services. Governments should also ensure easy access to affordable contraceptives, including emergency contraception. Particular attention should be paid to the quality of service provision, including safe and legal abortion. Women should not be prosecuted for seeking abortion and medical professionals should even in case of conscientious objection, provide the woman with qualitative referrals.

3. Mainstreaming gender into occupational safety and health strategy

Gender should be mainstreamed into all areas of occupational safety and health at EU and national level, as outlined in the European Community strategy 2002-2006. The gender element should be well defined and transparent and a comprehensive framework should be created that will serve as a guide for mainstreaming gender into occupational safety and health policies, programmes and practices.

4. Legislation, research and capacity building for gender sensitivity

There is a need for legislation stating the obligation of testing methods that measure the different impacts of drugs on both men and women equally, as the reactions and effects on women and men are different. Drugs should also be tested on children, and not only adults. Furthermore, if policies and programmes are to be gender sensitive, the education of health workers and policy makers in relevant areas is essential. More research focusing on gender differences in health and ill health needs to be conducted covering different fields of health and ill health. Capacity building programmes will need to focus on the wider question of gender itself and its implications for health. Across the EU, medical and nursing curricula

also need to be reshaped to ensure that gender issues will be properly integrated into the planning of delivery of services in the future. Medical textbooks need to have a clear gender perspective that recognises the different presentation of symptoms on women, men, and children, as well as the differences in reactions to drugs of men and women, and children. Also, all **relevant health statistics must be broken down and analysed by gender.**

5. Ban and prosecute Female Genital Mutilation (FGM)

Any form of female genital mutilation, of whatever degree, is an act of violence against women, which constitutes a violation of their fundamental rights, particularly the right to personal integrity and physical and mental health, and of their sexual and reproductive rights. Preventing, banning and prosecuting FGM must become a priority in all relevant EU policies, and programmes for sexual and reproductive health and rights. The EU should also play a leading role in bringing this issue on the agenda, at international level, aiming at a general ban of FGM.

D. VIOLENCE AGAINST WOMEN

Strategic Objectives:

D.1: Take integrated measures to prevent and eliminate violence against women.

D.2: Study the causes and consequences of violence against women and the effectiveness of preventive measures.

D.3: Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking.

Violence against women is the most serious violation of women's human rights and fundamental freedoms. In the European Union, at least one woman in five experiences violence by an intimate partner⁷⁰. Violence against women takes many forms such as male domestic violence, sexual violence, sexual harassment, prostitution trafficking in women etc. The main cause of violence against women is deeply rooted in the domination of men over women. The issue of violence is at the very core of this imbalanced relationship, in which men are the prime perpetrator of violence against women in all its forms. Violence against women cuts across many existing areas of EU competence: human rights, social policy, justice and data/statistics but it is not systematically integrated as part of these portfolios due to the absence of specific a legal base for the EU to act on violence against women.

1. European Union Framework of policies, legislation, programmes and projects

A significant progress is the **introduction in the draft European Constitutional Treaty of a Declaration** (regarding Article III-2, the gender mainstreaming clause) on combating all kinds of domestic violence. This Declaration will have no legal status but represents a moral obligation and political will. The scope of the Declaration is limited in that it only refers to domestic violence. It would have been stronger, if it referred to all forms of violence against women. However, the wording chosen is particularly strong as it calls on Member States to take all necessary measures to prevent and punish domestic violence and to support and protect the victims. The Treaty establishing a Constitution for Europe will not enter into force and be implemented, before it is ratified by each Member State.

The primary measure at the EU level to address violence against women is the **DAPHNE** multi-annual programme to facilitate and support NGOs working in the area of violence to develop contacts and information, and to develop preventive and protective measures, which aim to prevent and combat violence against children, youth and women. In 2004, the EU Council adopted a new Daphne programme for a period of five years (2004-2008), in which women are one of the three strands of beneficiaries of the programme alongside children and young people.

⁷⁰ European Women's Lobby: « Unveiling the Hidden Data on Domestic Violence in the EU », 1999.

The European Parliament

During its fifth legislature (1999-2004), the Women's Rights Committee of the European Parliament adopted the following reports relative to VAW in the EU:

- *Daphne Programme 2000-2004: Action to combat violence against children, young persons and women*⁷¹ – a mid term review of the Daphne programme in progress.
- *Combating organised crime: trafficking of women, new actions.*⁷²
- *Gender aspects of the prevention and resolution of armed conflicts.*⁷³
- *Female genital mutilation.*⁷⁴
- *Daphne II Programme 2004-2008: Action to prevent violence against children, young people and women.*⁷⁵
- *The consequences of the sex industry in the European Union (this report was not brought forward for adoption by the plenary of the European Parliament).*⁷⁶

In addition to these specific reports, initiated by the Women's Rights Committee, opinions to other Committees on issues relevant to VAW were adopted, notably:

- *Implementation of measures to combat child sex tourism (communication).*⁷⁷

⁷¹A5-0056/1999, Rapporteur Maria Antonia Aviles Perea.

⁷²A5-0127/2000 19 May 2000 OJ C 59, 23.02..2001, pg 307, Rapporteur Patsy Sørensen.

⁷³A5-0308/2000 30 November 2000, OJ C 228, 13/8/2001, pg 186, Rapporteur Maj Britt Theorin.

⁷⁴A5-0285/2001 20 September 2001, OJ C 077, 28/3/2002, pg 126, Rapporteur Elena Valenciano Martínez-Orozoco.

⁷⁵A5-0083/2004, 19/2/2004, Rapporteur Lissy Gröner.

⁷⁶A5-0274/2004, 30 March 2004, Rapporteur Marianne Eriksson.

⁷⁷A5-0052/2000, 30 March 2000, OJ C 378, 29/12/2000 019 080, Rapporteur Klamt.

- *Freedom, justice and security: assistance, compensation and access to justice for victims of crime.*⁷⁸
- *Combating trafficking in human beings.*⁷⁹
- *Combating the sexual exploitation of children and child pornography.*⁸⁰
- *Harassment in the work place.*⁸¹
- *Short-term residence permit for victims of illegal immigration or trafficking in human beings.*⁸²
- *Illegal immigration and trafficking in human beings: short-term resident permit issued to victims.*⁸³

Public hearings were also organised on trafficking for the purpose of sexual exploitation (2000), the evaluation and perspectives of the Daphne programme (2003) and the consequences of the sex industry in the EU (2004).

The EU Presidencies

Since 2000, four EU Presidency Conferences on the issue of combat violence against women were organised (out of a total of seven conferences since the first one in 1997). At each of these conferences a considerable number of recommendations were adopted. These recommendations provide the basis on which a monitoring exercise could be carried out to determine the level of progress achieved by Member States' governments in addressing and eradicating male violence against women.

- Lisbon, **Portugal**, 2000: "Violence against Women: Zero Tolerance".

⁷⁸A5-0126/2000, 15 June 2000, OJ C 067, 1 March 2001, 185 304, Rapporteur Sørensen.

⁷⁹A5-0183/2001, Rapporteur Klamt.

⁸⁰A5-0206/2001, Rapporteur Karamanou.

⁸¹A5-0283/2001, 20 September 2001, OJ C 077, 28/3/2002, 022 138, Rapporteur Andersson.

⁸²A5-0397/2002, Rapporteur Sørensen.

⁸³A5-0099/2004, 18/2/2004, Rapporteur Sørensen.

- Santiago de Compostela, **Spain**, 2002: “Violence against Women, focusing on three forms of violence (domestic violence, violence in school and sexual harassment)”.
- Athens, **Greece**, 2003: “Combating domestic violence and trafficking in women”.
- Dublin, **Ireland**, 2004: “Violence against Women – From Violation to Vindication of Human Rights”.

Over the years, the issue of **domestic violence** has been a priority for the Presidency Conferences on VAW. However, in Greece, Spain and Ireland other forms of violence against women were added to the conferences’ agendas.

The Athens Presidency Conference (2003) adopted a Resolution that calls on all Member States and the European Union to work towards the introduction of a **EU legal basis to combat violence against women**. This was strongly reaffirmed by the **Irish Presidency Conference**, indicating that a legal base would allow for a EU Directive on tackling all forms of violence against women. The Irish Presidency Conference also called for VAW to be addressed as a violation of women’s human rights.

EU actions and measures in relation to specific forms of VAW

Domestic Violence

At the EU Presidency Conference in Lisbon, Portugal (2000), recommendations were adopted in the field of domestic violence. The recommendations call for the **monitoring and evaluation of all projects of Member States and the exchange of ideas and good practice** on education and prevention, ending violence, preventing recurrence and support to victims.

At the EU Presidency Conference in Santiago de Compostela, Spain (2002), the importance of **evaluating the efficiency and effectiveness of all the measures** undertaken to combat violence against women, including use of **common indicators** to be used in all Member States, was stressed.

The Danish Presidency (2002) adopted the following seven **indicators** on domestic violence: *Profile of female victims of violence; Profile of male perpetrators; Victim support; Measures addressing the male perpetrator; Training of professionals; State effort to eliminate violence against women; and Evaluation*⁸⁴.

At the EU Council in 2002, these seven indicators were acknowledged and integrated into the *Conclusions on the review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action*.⁸⁵

Trafficking in Women

The *European Charter of Fundamental Rights* (2000) prohibits trafficking in human beings. The European institutions have taken different **measures** in order to prevent and combat trafficking in human beings:

In 2002, the *Council Framework Decision on combating trafficking in human beings*, gave a common definition of trafficking, based on the *UN Protocol on combating trafficking in persons*, especially women and children, and the penalties for such crimes.

In 2003, the Council adopted a *Framework Decision on combating the sexual exploitation of*

⁸⁴ See Annex 2 of this present report.

⁸⁵ 2470th Council Meeting – Employment, social policy, health and consumer affairs, Brussels, 2-3 December 2002

children and child pornography. In 2004, the *Directive on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities* was adopted.

In 2000, the European Council adopted a *Decision on the signing, on behalf of the European Community, of the UN Convention against trans-national organised crime and its Protocol on combating trafficking in persons, especially women and children, and the smuggling of migrants by land, air and sea.*

In 2003, the Council adopted a *Resolution on initiatives to combat trafficking in human beings, in particular women*, which call on Member States to continue their efforts against the trafficking of women and to “*wherever possible in cooperation with and where appropriate, provide support to NGOs*”. It also invites the Commission and Member States to “*ensure that all actions and initiatives (...) have a gender perspective*”.⁸⁶

The *European Parliament adopted a Resolution on the Commission’s communication “Further actions in the fight against trafficking in women” (2000).*

In 2004, the European Parliament organised a public hearing on the “*Consequences of the sex industry in the EU*” and drafted an own initiative report on this issue. The report was adopted by the EP Women’s Rights Committee, but was not presented to or adopted by the European Parliament plenary.

Sexual Harassment

The Directive⁸⁷ adopted in 2002 revising the first equal treatment directive from 1976 on “*Equal treatment between women and*

men as regards access to employment, vocation training, promotion and working conditions” provides a definition of **harassment and sexual harassment in the workplace**, as a form of discrimination based on sex. Member States must transpose the provisions of this Directive into national law by 5 October 2005 at the latest.

Female Genital Mutilation (FGM)

The European Parliament adopted a Resolution on FGM (2001), which strongly condemns FGM as a violation of fundamental human rights and urges the European Union and the Member States to work together for the sake of human rights, the integrity of the person, freedom of conscience and the right to health. It calls for the harmonisation of existing legislation and, should existing legislation not prove appropriate, the drawing up of specific legislation on the subject.

Altogether these different measures, EU legislation, reports, resolutions and initiatives demonstrate that violence against women is an issue of concern at EU level but **the fragmented way in which VAW is addressed precludes an overall coherent EU strategy to combat violence against women.**

2. Obstacles and remaining gaps

The measures taken by the European institutions constitute advances in relation to the Beijing Platform for Action. However, these actions **lack the necessary vision, strategy and clear political commitment to address and eradicate male violence against women.** Without a comprehensive EU framework, preventing and combating violence against women in the EU still remains short-term and fragmented.

⁸⁶ Council Resolution on initiatives to combat trafficking in human beings, in particular women (2003/C 260/03)

⁸⁷ 2002/73/EC

Since 1998, Member States have been committing to measures to address violence against women, such as the EU Presidency Recommendation / Resolutions, but there is no means to follow-up on these commitments. Moreover, the key instruments or measures, which relate to violence against women, are not always gender-sensitive. For example, the first report of the Commission (2004) on the *Council Framework Decision on the standing of victims in criminal proceedings*⁸⁸ contains a very weak gender dimension.

Trafficking in Women

The European Commission's Framework Decision on trafficking gives Member States a common definition of trafficking and the Brussels Declaration provides a framework for wide measures and actions. However, the scale of the problem demands more vigorous efforts in order to meet the recommendations of the Beijing Platform for Action.

Most Member States, which are often countries of origin, transit and/or destination, have legislation against trafficking but often lack measures for prevention, support and protection of victims and for their rehabilitation. Trafficking cannot be combated effectively by Member States acting separately and it needs a common EU strategy addressing the entire trafficking chain.

Trafficking concerns mainly women (and children) and cannot be separated from prostitution. Some countries have legalised prostitution, making it a legally acceptable form of exploitation of women. These countries (the Netherlands, Germany) have seen in parallel an increase

in the number of foreign women prostitutes, i.e. illegal and victims of trafficking. The development of the “sex industry” and merchandising of women’s bodies, linked with the liberalisation of services, has increased prostitution in all EU countries.

De-politicisation of violence against women

The fragmented way in which VAW is being addressed at EU level is resulting in a de-politicisation of the issue. This means that increasingly **the feminist analysis of violence against women as a manifestation of the unequal power relations between women and as men and the institutionalisation of these power relationships in all areas of public and private life is being ignored.** Women’s NGOs working in the area of violence against women are concerned about the consequences of this in relation to the empowerment of women to resist and to survive male violence, as well as in relation to how governments are setting public policy and priorities and allocating resources.

Lack of data on violence against women: At EU level, data on VAW is not systematically collated despite the fact that statistics and **data on violence against women is crucial** to highlight the prevalence of violence against women and to carry out further research on the implementation of legislation and the impact of programmes.

⁸⁸ 15/3/2001

3. EWL Recommendations

1. **A political commitment by the EU on violence against women is urgently needed, which includes:**
 - ***A High-level political statement*** condemning male violence against women in all its forms.
 - ***A Legal basis*** establishing a firm foundation within the EU legal order, to address all forms of violence against women. The ultimate objective of the EU should be to expand appropriate laws, services, sanctions, and support to protect victims and bring perpetrators to justice.
 - **Formal endorsement of 25 November as *International Day on Violence Against Women***, which has already been adopted by the UN.
2. **A coherent strategy at EU level on violence against women, which includes:**
 - ***A European Action Plan on VAW***, including timeframes, targets and benchmarks. This would set short, medium and long-term strategies, hence maximising resources. Utilise the Daphne programme outcomes to further EU strategies on VAW, as the Daphne programme has provided a wealth of synergies in developing and strengthening networks across Europe, in providing actions, analysis, data and instruments on all different forms of violence against women.
 - ***A monitoring framework*** to measure progress in relation to the commitments made at EU Presidency Conferences. The seven indicators developed under the Danish Presidency should be applied in all Member States and include a reporting and follow-up mechanism.
 - ***A permanent European monitoring mechanism*** to identify good practice as well as gaps and critical emerging issues relating to all forms of VAW in the EU.
 - ***Annual statistics and data on VAW***. The collation of this data could be obtained through a partnership between the national statistical bodies in the Member States, the National Observatories on Violence Against Women and women's NGOs working in the field.
 - ***Research opportunities*** on VAW within the existing EU programme on research and development.
 - **Strategies that address *trafficking in women*** for the purpose of sexual exploitation as a VAW/human rights issue and not only as issues of fighting against organised crime or illegal immigration.
 - **A leadership role** to ensure that all Member States ratify the international Conventions, such as the *UN Protocol on Trafficking in Human Beings*.
3. **The European Parliament should adopt a European Year on Violence Against Women.**
4. **The designation of a Regional European Union Rapporteur on Violence Against Women to assist the UN Rapporteur on VAW in her task at international level.**
5. **The work of women's NGOs working in this filed should be recognised**, by providing them with sufficient funding and programme opportunities.

E. WOMEN AND ARMED CONFLICT

Strategic Objectives:

- E.1: 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.*
- E.2: Reduce excessive military expenditures and control the availability of armaments.*
- E.3: Promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations.*
- E.4: Promote women's contribution to fostering a culture of peace.*
- E.5: Provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women.*
- E.6: Provide assistance to the women of the colonies and non-self-governing territories.*

Conflict and war disproportionately impact on women and children, particularly the girl child. While the model of the European Union itself was created to ensure long lasting peace in Europe, the EU is reluctant to take a leadership role in promoting a culture of peace in the world. The absence of women in diplomatic positions and decision-making posts remain a persistent barrier to women's participation in conflict prevention, peacekeeping, peace building and post conflict resolution and reconstruction. In general terms, some progress was made in relation to the EU position on women and armed conflict in recognising women's potential to contribute to peace building and conflict resolution but this still needs to be translated into concrete action.

1. European Framework of policies, legislation, programmes and projects

Legal/Treaty Base

Article 2 of the Treaty on the European Union establishes as one of the Union's objective to develop "a common foreign and security policy, including the progressive framing of a common defence policy, which might lead to a common defence."

Article 17 of the Treaty on the European Union states "The progressive framing of a common defence policy will be supported, as Member States consider appropriate, by co-operation between them in the field of armaments." (TEU, Article 17§1) and "shall include humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking." (TEU, Article 17§2)

Resolution adopted by the European Parliament

In November 2000, the European Parliament adopted a Resolution on the ***Participation of Women in Peaceful Conflict Resolution***.⁸⁹ This Resolution was adopted shortly after the unprecedented **UN Security Council Resolution 1325** (October 2000) and can be considered as complementary to the UN Resolution with a specific focus on the EU.

The International Criminal Court (ICC)

Twenty-four of the current EU Member States have ratified the Rome Statute of the ICC (the Czech Republic has signed but as of June 2004, has not yet ratified),

⁸⁹ Participation of Women in Peaceful Conflict Resolution, Rapporteur Maj Britt Theorin, November 2000

which is an important recognition of the commitment of the EU Member States to **pursue perpetrators of crimes committed against women as crimes against humanity.**

Women Asylum Seekers and Refugees

The issue of asylum is an area of competence shared by the European institutions and the Member States. In 1999, the EU Member States agreed to work towards a "*common asylum system*" with the view to harmonising asylum procedures and systems throughout the EU, even though the Member States would retain competence for asylum. A considerable number of policy proposals have been placed on the agenda since 1999 but none of the policies adopted are gender specific.

The main EU policies in the area of asylum are:

A proposal from 2000 for a *Directive on minimum standards on procedures in Member States for **granting and withdrawing refugee status*** has not yet been adopted⁹⁰.

In 2001, adoption of *Directive on minimum standards for giving **temporary protection in the event of a mass influx of displaced persons** and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof*⁹¹.

In 2001, a proposal was made for a *Directive laying down minimum standards on the reception of applications for asylum in Member States*, it was adopted in 2003⁹².

In 2001, a proposal for a *Directive laying down minimum standards for the qualification and status of third-country nationals and stateless*

*persons as refugees, in accordance with the 1951 Geneva Convention and the 1967 Protocol, or as persons who otherwise need international protection*⁹³. This proposal was finally adopted in 2004.

2. Obstacles and remaining gaps

Lack of political leadership at EU level

The EU has not set common standards for the behaviour and conduct of soldiers and peacekeeping forces, including humanitarian aid workers, acting on behalf of the EU in areas of conflict and war. Such standards should include an unequivocal condemnation of all forms of gender-based violence including prostitution and trafficking in women and girls for the purpose of sexual exploitation.

Women asylum seekers and refugees - a pressing issue

The situation in relation to women asylum seekers and refugees remains a critical area of concern in the EU. This is due to a number of reasons, notably:

There is no data that is **disaggregated by sex**. This information would give visibility to women asylum seekers in terms of number and type of claims (reasons for seeking asylum).

There are no EU **gender guidelines**, i.e. a set of commonly agreed EU standards and guidelines to assist policy makers in understanding the nature of and determining gender-based persecution claims to facilitate women's access to asylum.

⁹⁰ COM(2000) 578 final.

⁹¹ Council Directive 2001/55/EC.

⁹² Council Directive 2003/9/EC.

⁹³ COM(2001)510.

In situations where women have obtained a legal status, in cases of family reunification for example, their status is often dependent on a male family member. This leaves the women in a vulnerable position if they are subjected to

male violence on the part of their partner. An **independent status for women** must be secured and brought into line with the EU objective of equality between women and men.

3. EWL Recommendations

1. Actively **promote the equal participation of women in conflict prevention, management and conflict resolution and in post-conflict peace building**, by:
 - **Developing the capacity of the EU within the common security and defence policy** to respond to conflict prevention and to promote the concept of human security.
 - **Providing a mandate** within the common security and defence policy to, *inter alia*: co-ordinate the EU with a focus on non-military crisis management; ensure the drafting, implementation and monitoring of codes of conduct for military and civilian factions intervening on behalf of the EU in areas of armed conflict; and ensure that **at least 40% of women** are included in all reconciliation, peacekeeping, peace-enforcement, peace building and conflict prevention posts, including fact finding and observer missions acting on behalf of the EU and its Member States.⁹⁴
 - **Provide clear gender focused “Codes of Conduct”** on the standards of conduct of military and civilian peacekeeping and humanitarian staff while on mission in areas of armed conflict. Such codes should stipulate that sexual exploitation constitutes acts of gross misconduct that can lead to sanctions and the termination of their employment.
2. Place **women’s human rights at the core of donor policies** for reconstruction and development by:
 - **Building support systems and investment in specialised services for the victims** of rape and trauma in the wake of gender-based violence perpetrated during conflict periods.
 - **Making funds available to women so they can seek redress** through the mechanisms of international law in the aftermath of armed conflicts.
 - **Making funds available to women to participate and take leadership** in reconstructing community life and access to infrastructure such as water supply, electricity, schools, hospitals, roads as well as (re) building legal and administrative structures of the State.
3. Grant **protection to women who flee their countries**
In light of the fact that this issue remains a critical area of concern in the EU and in particular with regards to women asylum seekers, the EU and its Member States should,

⁹⁴As recommended in the European Parliament Resolution on “participation of women in peaceful conflict resolution.” 2000

within the process of harmonisation of EU policies on asylum:

- **Grant women asylum by recognising gender-based violence** as a legitimate reason within the existing UN Geneva Convention of the Status of Refugees (1951) and include gender-based violence within the interpretation of the existing Convention's five criteria (race, religion, nationality, political opinion, or membership of a particular social group).
- **Adopt the United Nations High Commissioner for Refugees guidelines** on the Protection of Refugee Women and on the Prevention of and Response to Sexual Violence against Refugees.
- **Adopt within the process of EU harmonisation of asylum policies**, the UN guidelines on **“International Protection – Gender Related Persecution within the context of Article 1A(2)”**⁹⁵ to assist officials throughout all of the EU Member States in understanding the nature and determining the legitimacy of asylum claims by women on the basis of gender-based violence.
- **Provide annual disaggregated data** on the: (i) numbers of and reasons for asylum claims; (ii) numbers of claims accepted/rejected and reasons thereof; (iii) numbers of women and men who are granted refugee status and (iv) those that are repatriated (voluntarily/forced) and (v) numbers of those sent to “third safe countries”.

4. Invest in Civil Society as a means of conflict prevention

In light of the changing nature of modern day conflict and war, the issue of prevention must be paramount. Therefore, the recognition of women's NGOs is vital in sustaining civil society and creating a safe “human security” environment. In this context, the EU should support women in building communities and invest in women's NGOs in EU external development policies and in the EU role as a donor organisation to areas of conflict and war.

⁹⁵ UNHCR: Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its Protocol relating to the Status of Refugees, HCR/GIP/02/01, 7 May 2002

F. WOMEN AND THE ECONOMY

Strategic Objectives:

- F.1: Promote women's economic rights and independence, including access to employment; appropriate working conditions and control over economic resources.*
- F.2: Facilitate women's equal access to resources, employment, markets and trade.*
- F.3: Provide business services, training and access to markets, information, and technology, particularly to low-income women.*
- F.4: Strengthen women's economic capacity and commercial networks.*
- F.5: Eliminate occupational segregation and all forms of employment discrimination.*

Equal participation by women and men in both economic and social development, and women and men benefiting equally from societies' resources, are key to achieving gender justice. This is far from the case in the European Union today. EU policies, such as economic policies; employment policies, social policies, and budgetary processes, do not yet sufficiently promote women's economic rights. Employment is the main focus of the EU gender equality legislation and a number of European legislative texts have been adopted in this area but discrimination against women in the labour market is still a reality and progress is needed in terms of the implementation of the existing legislation in practice.

1. European Union framework of policies, legislation, programmes and projects

Legal/Treaty base

The EU Treaty provisions for policies in the field of economy are strong, and are mostly included under *Title VI – Common rules on competition and Title VII TEC – Economic and Monetary Policies.*

Employment

Title XI, article 137 TEC gives the EU the possibility to support and complement activities of the Member States in the field of equality between women and men with regard to labour market opportunities and treatment at work. **Article 141 TEC** is the **main legal basis** for adopting European legislation on equality between women and men in employment, it also states that each Member State shall ensure the principle of equal pay for male and female workers.

Title VIII, article 128 TEC gives the Council the yearly task of considering the employment situation and adopting guidelines for Member States' employment policies.

A number of directives have been adopted on the basis of article 141 TEC (ex article 119):

Council Directive 2002/73 of 2002 amends the *Council Directive from 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.* The amended Directive defines and recognises harassment and sexual harassment as a form of discrimination based on sex, and also provides an increased level of protection for any employee who feels s/he has been treated unfairly by an employer because of her/his sex.

The *Council Directive on parental leave*⁹⁶ grants a period of leave for a minimum of three months to workers, either women or men, for the birth or adoption of a child.

The *Council Directive on the burden of proof in cases of sex discrimination in employment*⁹⁷ shifts the *burden of proof* without actually reversing in case of sex-based discrimination it and establishes the definition of indirect discrimination for the first time.

Council Directive on statutory social security schemes (79/7/EEC of 19 December 1978) introduces the principle of equal treatment in the area of social security. This text applies to the working population and provides for the implementation of the principle of equal treatment as concerns the following risks: sickness, disability, old age, workplace accident, occupational sickness and unemployment. *Council Directive on occupational social security schemes (86/378/EEC of 24 July 1986)* extended the principle of equal treatment to professional social security systems.

Directive 86/613/EEC of 11 December 1986 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. This Directive relates to the application of equality of treatment to self-employed workers and their assistants (generally women). The Directive sets out the principle of equal treatment in general terms, but does not provide for much more than the obligation for the Member States to conduct an inquiry into the status of the assistant and the possibilities for pregnancy and/or maternity leave for self-employed workers or their assistants.

⁹⁶ 96/34/EEC of June 1996

⁹⁷ 97/80/EC of 15 Dec 1998

Other European provisions on Economic policies EU Structural Funds

The provisions for the Structural Funds are laid down in the *Title XVII – Economic and Social Cohesion TEC*.

Social policies

Although most social policies remain a Member State competence, the EU can decide, on the basis of the provisions in *Title XI TEC*, to use the EU institutions to develop joint policies in the field of social policy.

Other European acts

The European Employment Strategy (EES)

The first European co-ordinated strategy in the field of Employment started in 1998. All Member States committed themselves to develop their employment policies according to shared *European Employment Guidelines* and to develop a yearly *National Action Plan for Employment (NAP/employment)*, in line with the EES.⁹⁸ Up until 2003 equal opportunities between women and men was one of four pillars of the European Employment Strategy. The strategy also explicitly stated the obligation to apply gender mainstreaming. **Disappointingly, in the new revised EES⁹⁹ of 22 July 2003, gender equality no longer figures among the overarching objectives of the EES**, despite the recommendations from the European Parliament. However, a short gender-mainstreaming clause was introduced¹⁰⁰ in the new EES and gender

⁹⁸ This method has later become named the “Open Method of Co-ordination” (OMC) and is used also extensively used in the field of Social policies.

⁹⁹ 2003/578/EC

¹⁰⁰ The over-arching objectives of the EES are: Full employment; Quality and productivity at work; Cohesion and inclusive

equality is identified as one of the ten *Priority areas of Action*'. Although, this priority area only refers to the need to increase provision of care services for children and other dependants, and to significantly reduce gender gaps in employment rates, unemployment rates, and pay by 2010. Overall, gender equality has a weaker position in the new EES compared with the previous one. As part of the Enlargement process, the accession countries had to align their employment policies to the EES through so-called Joint Assessment Papers. However upon accession the full EES applies to all new Member States.

The Lisbon Strategy: objective to increase women's employment rates

The Lisbon European Council in March 2000 set out a ten-year strategy for the EU *"to become the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion"*. The Council decided that, as part of the Lisbon strategy, policies should aim to raise the overall EU employment rate to 70% and to increase the employment rate of women to more than 60% by 2010.

The EU Spring Council: monitor coherence between EU policies

The Heads of States have designated the Spring Council, taking place every year, as the key moment where they should assess the coherence between EU economic, employment, and social policies, and also take stock of the progress made in the different policy fields. An important step

labour market. The mainstreaming 'clause' reads as follows: *"In pursuing the three overarching objectives, Member States shall implement policies which take account of the following specific guidelines which are priorities for action. In doing so they shall adopt a gender-mainstreaming approach across each of the priorities"*.

towards integrating gender equality issues into the overall EU policy framework is the *Commission Report on Gender Equality to the Spring Council*¹⁰¹.

Targets for childcare provision

At the Barcelona Spring Council in 2002, Member States agreed on targets for childcare provision: to provide childcare by 2010 to at least 90 % of children between the ages of three and the mandatory school age, and to provide childcare to at least 33 % of children less than three years of age.

Council indicators on 'Women and the Economy'¹⁰²

The Council of Ministers has developed indicators in relation to 'Women and the Economy'. Some of these indicators relate to the gender pay gap (Belgian Presidency; 2001), and to the reconciliation of family 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 the way they are to be used remains vague.

The European Social Policy Agenda¹⁰³

The Nice Council in December 2000 adopted the first *European Social Policy Agenda*, which draws together EU social policy initiatives, with the aim of giving a stronger position to social policies at EU level. One of the areas included in the Social Policy Agenda is 'Promoting gender equality'.

EU Strategy to Modernise Social Protection¹⁰⁴

¹⁰¹ COM 2004/115 final

¹⁰² See Annex 2 of this report.

¹⁰³ Council decision 7815/01 of 9 April 2001

¹⁰⁴ COM (1999) 347 final, endorsed by the Council on 29 November 1999

Social protection systems have been and remain a Member State competence. However, in November 1999, the Member States decided to cooperate with each other on four key objectives for the development of the social protection systems.¹⁰⁵ Unfortunately, equality between women and men was not identified as a priority.

EU Strategy for the Reform of Pension Systems (*Laeken Conclusions* 14 -15 Dec 2001)

Gender equality is included in the objectives of this strategy to the extent that the reforms should get rid of direct discrimination in systems where they still exist. However, this does not apply to private and complementary pension schemes that are proliferating around the EU.

Programmes and Budgets

The Structural Funds regulations (2000-2006)

In the 2000-2006 regulations, equal opportunities between women and men are stated as an overarching objective of all Structural Funds interventions. This means that Member States should indicate how they have integrated gender equality. In each of their Structural Funds programmes, Member States must clearly state how their actions are expected to affect/benefit women and men respectively and show how their programmes correspond to the overall aim of promoting equality between women and men.

¹⁰⁵ The four objectives are: to make work pay and provide a secure income; to make pensions safe and pension systems sustainable; to promote social inclusion; and to ensure high quality and sustainable health care.

The Community initiative ‘Equal’

In the reform of the Structural Funds in 2000, the former Community initiative NOW (New Opportunities for Women) aimed specifically at women was discarded. A new community initiative, “**Equal**” was created to support actions to combat all forms of discrimination in the labour market, including discrimination based on sex.

The European Strategy to combat Social Exclusion and Poverty (2000)

See section on Women and Poverty, p.23 of this report.

2. Obstacles and remaining gaps

No gender perspective in the overall EU economic policies

The EU started off as an entity primarily based on the creation of a common space for free movement and economic co-operation. As the last Commission’s report to the Spring Council¹⁰⁶ reflects, economic challenges such as economic growth and competition remain the central focus of European economic policies. The EU is not integrating gender equality perspectives into EU economic, trade, and financial policies. Furthermore, domestic and unpaid work is excluded in the calculation of the GDP, and consequently the different strategies to promote economic growth are designed without any gender analysis when measuring productivity. Moreover, it is rarely acknowledged that the widespread cuts in public services and expenditure (for example in public health services) result in a shift of costs from the paid to the unpaid sector and therefore onto

¹⁰⁶ COM (2004) 29

women who still do the majority of unpaid care work.

The impact of EU Employment Policies on gender equality remains weak

Only limited progress has been made in reducing gender inequalities in employment in the European Union. The efforts of Member States to increase female participation and to reduce employment and unemployment gaps are limited. Underlying factors of gender gaps in employment, unemployment and pay are not well addressed. Actions to address the gender pay gap remain ‘piece-meal’, and gender mainstreaming in existing systems and new policies continues to be non-systematic, lacking gender impact assessments.¹⁰⁷ Member States also fail to recognise that they are sometimes cementing patriarchal gender roles through some of their ‘Work and Family life Reconciliation’ Policies. Moreover, there is a serious lack of initiatives for the care of dependants other than children.

Although the average participation rate of women in the labour market in the new Member States is higher than in the former EU-15, specific attention to the implementation of EES gender equality measures is needed. Women in the new Member States face discrimination in the labour market; the gender pay gap is pronounced and women and men have seen a downscaling of the infrastructure of care services, which is contrary to the EES.

Women’s access to EU resources is limited

Despite the strength of gender equality at a regulatory level, the integration of gender equality has not been followed through in the drafting and implementation of the Structural Funds programmes at national level. There is also a distinct lack of clear and coherent methodology for gender equality mainstreaming in the Structural Funds (such as indicators and gender budgeting mechanisms) that could guide the political actors at national and regional levels.

Gender equality is marginalized in EU social protection policies

Social policies in Europe are not only a ‘safety-net’, but also an integral part of the cohesion of our societies of which they constitute the main mechanism for re-distribution of resources. These include: care provisions for children and other dependants, social services, healthcare, pensions etc. Social protection systems have a profound impact on gender relations. Although equal opportunities between women and men should be mainstreamed into all EU social protection policies, gender mainstreaming has been very poorly applied. There is little analysis or concrete recommendations on how gender equality concerns could be brought into the core of European co-operation in the field of social protection¹⁰⁸.

¹⁰⁷ Joint Employment Report 2003/2004, Council decision 5 March (7069/04)

¹⁰⁸ See also section on Women and Poverty of this report.

3. EWL Recommendations

1. Integrating gender equality into the overall EU macro-economic policy processes

The forthcoming reports on gender equality to the Spring Council must take a more ambitious approach. These reports must include a comprehensive gender analysis of the European Broad Economic Policy Guidelines, Structural Funds, and the EU Finance, Trade and Budget Policies. Particular attention should be paid to the effects on women's employment of trade agreements, which lead to reductions of activity in our countries.

2. Applying gender budgeting at EU level, including in the Structural Funds programming

The commitments of the EU Member States to the Beijing Platform for Action must now be translated into tangible results by: fully introducing gender budgeting at European level, including in all of the different EU budgetary processes and making gender budgeting one of the cornerstones in the new Structural Funds Programming period (2007-2013).

3. European employment policies must become more effective in combating sex discrimination, increasing women's access to the labour market, and improving women's working conditions

EU employment policies must concentrate on improving working conditions and security for atypical, part-time and flexible workers, and develop a specific focus on employment measures in support of groups of women who face double or multiple discrimination such as disabled women, migrant and ethnic minority women, lesbians or young women for example.

Strengthened actions are also needed to: eliminate pay discrimination and break gender labour market segregation; tackle women's work related illnesses; ensure women's equal participation in lifelong learning and in training opportunities; and adapt work organisation to the need to combine family and work for both women and men, including a shortening of working time in general.

4. Making links between employment and social policies to promote gender equality in employment, social life, and civic life

European employment policies must increasingly be linked to EU social policies in order to take effective actions for the full realisation of equality of women and men in all areas of life, particularly in employment. The EU should strengthen its policies for affordable and high quality childcare for all ages, develop care provisions for other dependant persons and strengthen legal provisions for paid parental leave in the European Union. Policies towards an equal sharing of child care and housework responsibilities between women and men also need to be developed.

5. Putting the focus on gender equality in reforms of social protection systems

In reforming European social protection systems the EU and Member States must ensure: higher levels of individual security and autonomy for women, including the

individualisation of rights to social security, together with an individualisation of tax and benefit systems without loss of acquired rights during a transition period. Social security systems must also better correspond to the changing family forms, in particular in supporting non-traditional and one-parent families. The success of the fight against the feminisation of poverty and social exclusion as well as the realisation of objectives in terms of rising employment rates in the European Union depend on this.

6. The EU must develop **mandatory instruments and tools for the implementation of the Beijing Platform for Action in all areas**, including strongly encouraging Member States to **sign and ratify relevant international instruments**. In the area of women and the economy, implementation strategies must be linked to the International Labour Organisation and to the CEDAW Convention. Those strategies should also promote the elimination of obstacles to economic initiatives by women, including business creation.

G. WOMEN IN POWER AND DECISION-MAKING

Strategic Objectives:

G.1: *Take measures to ensure women's equal access to and full participation in power structures and decision-making.*

G.2: *Increase women's capacity to participate in decision-making and leadership.*

Women make up more than half of the population and electorate in the European Union yet they continue to be under-represented in all European Union decision-making bodies, in political decision-making in EU Member States and in economic and social decision-making. Moreover, some women such as young, disabled, lesbian, migrant and ethnic minority women face multiple discrimination in this area.

1. European Union framework of policies, legislation, programmes and projects

Legal/Treaty Base

While the *European Union Treaty* provides for strong general gender equality provisions¹⁰⁹, there is no binding provision for gender equality in political decision-making in the European Institutions. The actions undertaken by the EU in relation to gender equality in decision-making mostly concern Beijing Platform for Action Objective G.1 *"Take measures to ensure women's equal access to and full participation in power structures and decision-making"*. There are few instruments at EU level concerning Objective G.2 measures directed at capacity building.

Positive actions in employment in EU legislation

Article 141§4 of the Treaty of Amsterdam (1999) lays the legal foundations for authorising Member States to establish "*specific advantages*" favouring the "*under-represented sex*". As a consequence, the 1976 Equal Treatment

Directive¹¹⁰ was amended in 2002, in order

to reflect that change in the Treaty. In the revised Directive, the provision related to positive action measures is Article 2§8: *"Member States may maintain or adopt measures within the meaning of Article 141§4 of the Treaty with a view to ensuring full equality in practice between men and women."*

This wording is an important step forward as it should make positive actions and the achievement of equality in employment, including in decision-making, easier. However, there are still some uncertainties regarding the interpretation that the European Court of Justice will make of this provision.¹¹¹ The deadline for transposing this Directive into national legislation is October 2005.

Commission Decision relating to Gender Balance within the Committees and Expert Groups

¹¹⁰ Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

¹¹¹ Although the Courts' case law has evolved from a rigid position (Kalanke case C-450/93, 17.10.1995) it is not certain that the Court will recognise and interpret the new provision as to guarantee substantive equality.

¹⁰⁹ Articles 2; 3(2); 13 and 141

established by it of 19/06/00.¹¹² Article 2 of this decision states: "The Commission commits itself to creating a gender balance in expert groups and committees established by it. The aim in the medium term is to reach at least 40 % of members of one sex in each expert group and committee. For expert groups and committees already in existence, the Commission will aim to redress the gender balance upon each replacement of a member and when the term of a member of an expert group or committee comes to an end."

Other European acts on gender equality in decision-making

There is no *binding* provision for gender equality in decision-making in the European institutions, but the EU has adopted different acts related to this area:¹¹³

*Council Resolution of 27 March 1995 on the balanced participation of men and women in decision-making*¹¹⁴

European Parliament Resolution on women in decision-making of 02/03/2000.¹¹⁵ This EP Resolution (not binding) endorses the use of quotas as a transitional measure to bring more women into decision-making.

European Parliament report on "Elections 2004: How to ensure balanced representation of women and men"¹¹⁶ of October 2003.

An EP Resolution on a draft common procedure for the EP elections¹¹⁷ of 1998 considers that: "When lists of candidates for European elections are drawn up, account must be taken of the objective of equality between men and women and that it is primarily for political parties

to achieve this objective directly". However, no final decision was taken¹¹⁸ on a common electoral procedure for the European elections and it is for each Member State and national political parties to define their own rules.

2. Obstacles and remaining gaps

Different factors play a role in relation to gender equality in political decision-making, in particular **political parties**, the **electoral system** in place, the possibility to **hold several mandates at the same time**, the **political culture** and **gender stereotypes**. In some EU Member States, positive action measures have been introduced (by the State or by political parties) and in two countries, parity democracy in the nomination of candidates for election has been introduced in the constitution. However, much remains to be done to achieve equality between women and men in power in all areas. **Progress remains particularly slow in the economic area**, where different obstacles linked to women's situation in the labour market and in society interlink to make it difficult for women to break the "glass ceiling".

Political parties play a fundamental role in the political arena

They are the main and sometimes only entry point into political life, and although some political parties have integrated gender equality in their internal structure and have set themselves political quotas, many remain male bastions in their functioning, selection procedures, and programmes. Democracy is **an expensive system** for the State and for citizens and as political parties enjoy great privileges in

¹¹² Official Journal L 154, 27/06/2000 p. 34

¹¹³ http://www.europa.eu.int/comm/employment_social/equ_opp/decision_en.html#act

¹¹⁴ OJ C 168 04.07.95 p.3

¹¹⁵ This EP Resolution endorses the use of quota as a transitional measure to bring more women into decision-making.

¹¹⁶ Lone Dybkjaer Report A5-0333/2003

¹¹⁷ Resolution A4-02212/1998

¹¹⁸ As of August 2004.

this respect, it is legitimate to ask or oblige them to be more democratic through implementing gender equality rules aiming at realising gender parity.

A specific problematic issue is “**family voting**”, which is practiced in some European countries and should be addressed urgently, as highlighted by the Council of Europe¹¹⁹ and the Congress of Local Regions and Authorities of Europe.¹²⁰

Data on women in decision making at European level indicates serious gaps

European Parliament: The overall trend of women’s representation in the EP was one of **steady increase, except for a stagnation at the last elections in June 2004**. The proportion of women MEPs **rose from 17.3% after the 1984 elections** to 29.6% after the 1999 elections, rising to 31% in 2003, decreasing to 28.1% with the arrival of observers from new Member States in Spring 2003 and increasing again to **30.3% after the 2004 elections**.

The situation is not good in terms of **women’s representation in the EP internal governing bodies** and the situation has even deteriorated for some posts after the last elections. Women represent only **15% of chairpersons** of Parliamentary committees; only two political groups are co-chaired by women (20% of chairpersons) and only 6 of the 20 members of the EP Bureau are women (30%). This shows that the position of **women is still weak in terms of their internal influence within the EP**. Measures must be put in place in order for governing bodies of the EP to reflect at

¹¹⁹ Recommendation on Women’s participation in elections 1676 (2004)⁴

¹²⁰ Recommendation 111(2002)

least women’s presence as MEPs, if not their presence in the EU population.

Women in decision-making in the EP administration: Progress in the representation of women in decision-making in the EP administration has been very slow and was described in an EP Bureau report as a situation “*in which the minimum standard applied elsewhere is not met*”. Women represent the majority of the EP staff (54%), but only 22% of ‘A’ category staff (20% in 1998). Figures related to staff promotion show obvious inequalities between women and men.¹²¹

Council of Ministers: The Council of Ministers is composed of representatives at ministerial level from each Member State, the percentage of women therefore corresponds to the presence of women in national governments: around 23%.¹²²

European Commission: Until April 2004,¹²³ 5 of the 20 commissioners (25%) were women (1999-2004 legislative period), which represented no progress compared to the earlier European Commission. For the 2004-2009 legislative period, seven women out of 25 have been nominated in the Commission, which increases the participation of women to 28%. However, only one of the five Vice-Presidents is a woman and the EC President has never been a woman.

¹²¹ Report by C. Lalumière to the EP Bureau PE 318.444/BUR

¹²² European database women in decision making:

http://www.europa.eu.int/comm/employment_social/women_men_stats/out/measures_out416_en.htm

¹²³ Anna Diamantopoulou was replaced by Stavros Dimas in April 2004, decreasing the percentage of women Commissioners to 20%.

Women in decision-making in the European Commission administration:

Although there has been some progress, only 23% of 'A' grade staff were women in 2004 (14% in 1995) and 17% of Directors were women (2.6% in 1995). On the other hand, women represented 80% of 'C' grade staff in 2004. In terms of resources and budget, women account for only 17% of costs for the development of middle management posts (although they account for 47.6% of total staffing), which shows that there are obstacles not only for the highest decision-making levels, but that more efforts are needed to promote women from the lowest hierarchy levels upwards.

Women in decision-making in economic and social life

The issue of women's involvement in economic and social decision-making remains more problematic and less quantified than in the political area. Some areas clearly remain male bastions and segregation affects not only the labour market, but also decision-making. For example, more women generally find themselves in decision-making in areas considered typically female but even in feminised sectors; the management is very often male.

Women continue to constitute a minority in **executive positions in the private-sector** labour market. For example, there are only 11% women in the highest decision-making positions of the 50 biggest enterprises of the enlarged EU and in the 15 "old" Member States, only 24% of entrepreneurs are women.¹²⁴

The main obstacles are linked to gender stereotypes and discrimination, but also to

¹²⁴ Note by Pascale Joannin published by the Robert Schuman Foundation, "Europe, an opportunity for women" (May 2004).

the lack of **affordable childcare services** and the fact that women still **do the large majority of work in the home**. Career breaks, mainly taken by women to look after children are also a major hindrance to their career.

Challenges for women in decision-making at European level

Recent events, for example the very poor representation of women in the Convention on the Future of Europe (17%), resulting in a poor representation of women's interests in the Convention have shown once more, that strong actions and a better representation of women in decision-making are needed at European level in order to make further progress towards the realisation of equality of women and men.

Although the European Union institutions are very often structured around different criteria or quota systems for decision-making positions (quotas by nationality/country for the European Parliament; a combination of criteria - nationality, political party, even personality - for all kinds of nominations, including for Commissioners), and despite the Treaty commitment to gender equality, the **gender criteria is very rarely used when it comes to defining nomination/election rules**, or even worse, when nominations are made. This shows the **absolute necessity of binding provisions for gender equality in decision-making** in institutions and nominated bodies at European level. The European Women's Lobby has been actively lobbying to have *parity democracy* adopted and implemented at European level. However, the different strategies used by EWL and other actors to promote parity democracy have failed until now, due mainly to the **lack of political will and support to achieve gender equality in decision-making at European level**.

3. EWL Recommendations

1. **The European Commission should put forward and the Member States should adopt new proposals for Directives to cover new areas, such as gender equality in decision-making.**
2. **The European Parliament elected in June 2004 should make it a priority to adopt a Recommendation on its own electoral procedures, introducing parity democracy and the principle of alternation (1 woman/1man) on the electoral lists for future European elections.**
 - 2b: The European Parliament and other European institutions should also encourage Member States to include the principle of parity democracy and/or zip systems in their national electoral law regarding the next EP elections.
 - 2c: The European Parliament political groups should encourage national political parties to implement parity democracy and/or zip systems at the national level and in their internal regulations.
3. **Action should be taken by Member States (including financial sanctions) and political parties to remove the obstacles to gender equality in decision-making,** which are due to **political parties structures and functioning** and to develop and practice a gender sensitive political culture. Rules should also be established to guarantee that political parties have gender balanced decision-making structures.
4. Democracy should be improved through some **reforms in electoral rules** such as forbidding the holding of several mandates at the same time and implementing women friendly electoral systems such as preferential vote.
5. **Support the involvement of women in politics** through: working on common platforms based on gender equality and gather common resources for women candidates; providing (including political parties) more resources and lead campaigns to encourage the participation of women.
6. The European institutions (European Commission and Parliament), should speed up the implementation of their own **internal gender equality policies,** programmes and targets and allocate the necessary resources for this (financial, training, awareness raising, childcare facilities etc.)
7. There is a **need for measures for the conciliation of private and professional life** (including adequate and sufficient childcare provisions; paid maternity, parental and paternity leave; measures to encourage the sharing of domestic tasks etc).
8. National **delegations at international level** should always be **gender balanced** and delegations, which do not comprise a minimum number of representatives of each sex should be penalised in all international fora (for example, removal of voting rights).

9. European governments that have adopted the Council of Europe Recommendation on the balanced participation of women and men in decision-making of 2003¹²⁵ should **fully implement** the measures contained in this Recommendation.

All measures should take into account the multiple forms of discrimination faced by some groups of women who are particularly under-represented in decision-making.

H. INSTITUTIONAL MECHANISMS FOR THE ADVANCEMENT OF WOMEN

Strategic Objectives:

- H.1: *Create and strengthen national machineries and other governmental bodies*
- H.2: *Integrate gender perspectives in legislation, public policies, programmes and projects*
- H.3: *Generate and disseminate gender –disaggregated data and information for planning and evaluation*

See Pages 19 -23

¹²⁵ Recommendation Rec (2003) 3 of the Committee of Ministers to Member States on balanced participation of women and men in political and public decision-making adopted on 12 March 2003.

I. HUMAN RIGHTS OF WOMEN

Strategic Objectives:

- I.1: 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.
- I.2: Ensure equality and non-discrimination under the law and in practice.
- I.3: Achieve legal literacy.

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, as stated already in the 1993 UN Vienna Declaration. However, in the EU, women's fundamental rights are far from being respected in relation to numerous articles of the European Charter of fundamental rights. In most of the cases, these violations of women's rights in the EU are not from the State but by individuals, organisations or enterprises.

1. European Union framework of policies, legislation, programmes and measures

Legal/Treaty Base

Article 6(1) of the Treaty of the European Union states “the Union is founded on the principles of liberty, democracy, respect of human rights and fundamental freedoms, the rule of law, principles which are common to the Member States”.

Immigration policy became a shared Member State and Community responsibility with the entry into force of the Treaty of Amsterdam, under Title IV¹²⁶ (Article 61-69).

In 2000, the *European Charter of Fundamental Rights* was adopted at the Nice Summit and became the framework for Human Rights in the EU. Although not legally binding, the Charter represents the

minimum standard on which any EU citizen should be able to rely.

The EU has adopted a number of legislative measures and proposals with respect to fundamental rights:

- Council Directive concerning the status of third-country nationals who are long-term residents¹²⁷.
- Council Directive on the right to family reunification¹²⁸.
- Council Directive defining the facilitation of unauthorised entry, transit and residence¹²⁹.
- Council Directive laying down minimum standards for the reception of asylum seekers¹³⁰.
- Council Regulation laying down a uniform format for residence permits for third-country nationals¹³¹.
- Proposal for a Council Directive on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection¹³². ()

¹²⁶ Title IV “Visa, asylum immigration and other policies related to free movement of persons” of the EC Treaty is not applicable to the United Kingdom, Ireland and Denmark by virtue of the specific protocols annexed to the Treaty.

¹²⁷ 2003/109/EC

¹²⁸ 2003/86/EC

¹²⁹ 2002/90/EC

¹³⁰ 2003/9/EC

¹³¹ EC No 1030/2002

¹³² COM (2001) 510 final

See also section on violence against women of this report for legislation on trafficking in human beings.

EU immigration and integration policies

The 1999 Tampere European Council Conclusions set the guidelines for the development of a **common EU Immigration Policy** within 5 years to include: partnership with countries of origin; a common European asylum system; fair treatment of third-country nationals; and management of migration flows. In 2002, the Council adopted an *Action Programme for administrative cooperation in the fields of external borders, visas, asylum and immigration - ARGO programme*¹³³. In addition, the Council has adopted a plan to 'combat illegal immigration and trafficking of human beings'¹³⁴, and agreed on a plan for the 'management of the external borders of the EU'. Immigration and integration issues have also been included as a strategic priority in recent EU positions on social and employment issues¹³⁵.

EU Network of independent Experts on Fundamental Rights

The European Commission set up a *EU Network of independent Experts on Fundamental Rights* in 2002 upon the request of the European Parliament. It monitors the situation of fundamental rights in the EU on the basis of the Charter of Fundamental Rights. The Network has issued two reports examining the EU fundamental rights situation in 2002 and 2003.

EU Human Rights Agency

At the European Summit in December 2003, the Council decided to extend the

mandate of the existing European Monitoring Centre on Racism and Xenophobia to transform it into a Human Rights Agency.

Agreements with third countries and human rights

Since 1992, the European Commission has included in all its agreements with third countries a clause defining the respect for human rights and democracy. A 1995 Council decision fixed the general terms on the basis of this clause, which constitutes an "essential element" of the agreement: according to the 1969 Vienna Convention on the Law of Treaties, the breach of an essential element allows the parties to withdraw from the agreement. This was a major innovation in bilateral agreements and was further developed in the Cotonou agreement signed with ACP countries in June 2000. The respect of human rights and democracy forms now an integral part of the EU external relations with ACP countries. Article 31 of Cotonou provides that co-operation will be aimed also to secure women's access "to all resources required for the full exercise of their fundamental rights".

While the general principle to respect and actively engage in a **human rights clause with third countries** has been adopted, the focus on women's human rights continue to remain marginal even if some progress has been made. Women are considered to be one of the "groups requiring special attention" in the overall EU policy on human rights.

European Parliament

The European Parliament has played a significant role in moving forward the human rights agenda at EU level. Respect for women's human rights with a special focus on prevention of violence against women has been identified as the major priority for the 21st Century by the

¹³³ 2002/463/EC

¹³⁴ 2002/C 142/02

¹³⁵ COM (2003) 336

European Parliament. Since 2000, the EP has adopted three reports on fundamental rights in the EU: the situation on fundamental rights in the EU in 2000¹³⁶, in 2001¹³⁷ and in 2002.¹³⁸ The report on the situation of Human Rights in the EU in 2003 has not been adopted.

European Parliament Reports on women's human rights:

- *Sexual and reproductive health in the EU and the candidate countries.*¹³⁹ (2002)
- *Violations of women's rights and the EU's international relations.*¹⁴⁰
- *Women and fundamentalisms.*¹⁴¹ (2002)
- *Women from minority groups*¹⁴², which calls on Member States to be attentive to the fundamental rights of women with disabilities, migrant and Roma women.

European Parliament public hearings

The European Parliament, in particular the Women's Rights Committee held several hearings on human rights:

- In 2002, on "Sexual and reproductive rights and reproductive health in the European Union and in the candidate countries."
- In 2003 and 2004, the EP organised hearings with NGOs and the Network of Independent Experts on Fundamental Rights.
- In 2004, on "The consequences of the Sex industry in the EU." (2004)
- In 2004, on disabled women.

¹³⁶ (A5-0223/2001)

¹³⁷ (A5-0451/2002)

¹³⁸ (A5-0281/2003)

¹³⁹ (A5-0223/2002)

¹⁴⁰ (A5-0334/2003)

¹⁴¹ (A5-0365/2001)

¹⁴² (A5-0102/2004)

2. Obstacles and remaining gaps

The overall framework

Affirming that women's rights are human rights **does not mean that women have fundamental rights, which are different from those of men.** It means that women are faced with different situations, especially with regard to socio-economic and cultural conditions, causing specific obstacles to stand in the way of their enjoyment of the same rights as men, on an equal footing.

The fact that individual Member States and/or the EU do not protect these rights does not mean that they don't belong to the human rights framework. A true **mainstreaming of gender in Human rights** would include the right of health, including sexual and reproductive rights and health, the **right to peace and the right to a violence-free life.**

The lack of EU policy on violence against women

A significant proportion of women in the EU are submitted to **torture, slavery, humiliation, violence and degrading treatments** precisely because they are women (See section on violence against women of this report). There is no explicit legal base in the EU Treaties to protect women from violence.

The inadequacy of social policies

Persistent gender inequalities together with inadequate social policies lead to a situation where different groups of women face a greater risk of social exclusion and poverty than men, and the **feminisation of poverty continues to be a European wide reality** (See section on women and poverty of this report).

A "neutral" asylum policy

Women experience **specific persecutions precisely because they are women**, which are not recognised by the UN Convention of Geneva on asylum (1951) such as Female Genital Mutilation (FGM), rape as a weapon of war, stoning to death for presumed adultery and “honour crimes”. These acts are torture and persecution against women. Ignoring these persecutions (and the failure of the State to protect women against them) is a violation of the Charter of Fundamental Rights.

The development of the “sex industry” and merchandising of women’s bodies

The liberalisation of services has opened the door to the proliferation of the “sex industry”, which includes prostitution, pornography, and sexual tourism. Instead of targeting women’s human rights protection and creating policies that aim to decrease the demand for prostitution, policies in this area at EU and national levels are driven by security and/or commercial approaches. Thus, some EU and Member State policies aid the propagation of the sex industry.

The emergence of religious fundamentalisms

One major concern for the respect of women’s fundamental rights is the growing importance of religious fundamentalism in the EU. References to religion and tradition are being used as justification for limiting women’s freedom and increasing control over women and

girls is more and more frequent. Sexual and reproductive rights of women are particularly under threat.

Disabled women

The discrimination suffered by women is intensified for women who are disabled as they experience multiple forms of discrimination. Evidence of this can be found in disabled women’s hindered access to: education, continuing training, employment, health care and in their high level of vulnerability to aggression and gender violence.

Migrant and ethnic minority women

Migrant and ethnic minority women experience discrimination in access to employment, access to social rights, as well as in participation in civil and political life. Migrant women often lack individualised rights and as a consequence are more dependent on their husbands as the husband is generally considered by immigration policies and culture as the head of the family. These women are therefore in a vulnerable situation in case of divorce, separation or violence.

Lesbians

Persistent discrimination in civil and political life, and the non-recognition of lesbian rights in terms of family law, and immigration policies, represent a barrier for the full enjoyment of the human rights of lesbians.

3. EWL Recommendations

1. **The EU must implement a gender-sensitive approach to human rights policies, including in the setting up of the new EU Human Rights Agency** and must recognise and highlight the particular human rights violations suffered by women, linked to specific situations.
2. **Each article of the European Charter of Fundamental should be reviewed to identify areas where women's human rights should be protected, as all forms of discrimination affecting women are violations of their fundamental rights.** Although the Charter includes a special Chapter on equality (chapter III) and an article on equality between women and men (article 23), respect for fundamental rights in the EU must be examined from a gender perspective, thus encompassing all of the rights of women and men.
3. **A gender analysis of the situation of women's human rights within EU Member States must be included in the EU Network of Independent Experts of Fundamental Rights yearly report on human rights in the EU.** For this purpose, the Network should contact and consult with women's NGOs working in this field, to be able to recognise the specific situation and rights' violations of women. The yearly report should include information and analysis on: the situation of women in detention; the living conditions of women asylum seekers in asylum detention centres; trafficking in women, information on violence against women, female genital mutilation (FGM) and other harmful traditions practised within the countries of the EU.
4. **Integrate gender equality into all immigration, integration and asylum policies, as well as in all EU measures to combat racism and discrimination.** EU policies must provide reinforced policy-action in support of women from migrant, refugee and ethnic minority communities in Europe, taking into consideration the gendered social, political and economic structures that affect these women. EU and Member State policies must include: the individualisation of rights and benefits at every stage of the migration process to ensure that migrant women obtain rights and entitlements in their own right; the equal legal status of migrants, includes economic rights, human rights, social and civil rights, as well as eligibility to welfare provisions; and recognition of gender-based persecution thus granting refugee status to women persecuted by non-state agents where the state is unable or unwilling to protect them (such as in cases of forced marriage, FGM and other harmful traditional practices).
5. **The EU institutions and the Member States must take account of the interests and needs of disabled women in all relevant policies, programmes and Community instruments.** It is necessary to improve the monitoring of the human rights situation of disabled women in the EU and improve data collection and reporting on this issue. In the Commission's Action Plan (2004-2010) for Disabled People, gender should be taken into consideration, notably by consulting disabled women's NGOs.

Governments and independent human rights bodies should also be aware of the gender dimension of the violations of human rights in this population.

6. **The EU must establish links with other human rights international instruments** in terms of assessment and evaluation of their implementation, including reports by Member State governments, for example, to Committee of the Convention on the Elimination of all forms of Discrimination Against Women. This type of assessment should be integrated into the annual EU Human Rights Report and subsequently serve to inform policies in relation to accountability and monitoring in the future.
7. **All budgets of the EU should be audited from a gender perspective to ensure gender equality and the effective promotion of women's human rights.** Women's human rights and equality are intrinsically linked. Distribution of resources must reflect the EU's commitment for the implementation of equality between women and men.

J. STEREOTYPING OF WOMEN AND INEQUALITY IN WOMEN'S ACCESS TO AND PARTICIPATION IN ALL COMMUNICATION SYSTEMS, ESPECIALLY IN THE MEDIA

Strategic Objectives:

J.1: *Increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication.*

J.2: *Promote a balanced and non-stereotyped portrayal of women in the media.*

The issues to be tackled in relation to gender equality and the media relate to **questions of access, power and portrayal**. Although some European measures exist in relation to the protection of human dignity in media content, in practice, the implementation of these instruments concerns much more the issues of racism and protection of minors than discrimination against women. As regards the role of women in the media, despite a stronger presence of women in the profession, access to decision-making in this field is still difficult and sex-based discrimination is pronounced. Changes in the world's communication systems, including the concentration of the media; lesser influence of public service broadcasting; and the commercialisation of information in general also make the implementation of gender equality policies more difficult.

1. European Union framework of policies, legislation, programmes and projects

Legal/Treaty Base

There is no specific European legislation on women and the media, but some general texts mention discrimination based on sex.

The "*Television without Frontiers Directive*"¹⁴³ establishes the legal base for the free movement of television broadcasting services in the EU. The Directive lays down obligations in relation to the content of broadcasting and advertising: **Article 12(b)** states that "*Television advertising and teleshopping shall not include any discrimination on grounds of race, sex or nationality.*" **Article 22** obliges Member

States to "*ensure that broadcasts do not contain any incitement to hatred on ground of race, sex, religion or nationality*".

The Directive on Electronic Commerce 2000/31 of 8 June 2000 allows Member States to derogate from the freedom to provide information society services from another Member State for reasons linked to "*in particular the prevention, investigation, detection and prosecution of criminal offences, including the protection of minors and the **fight against any incitement to hatred on grounds of race, sex, religion or nationality, and violations of human dignity concerning individual persons***" and "*the protection of public health*".¹⁴⁴

*A Council Decision to combat child pornography on the Internet was adopted on 29 May 2000*¹⁴⁵ **but it does not deal with the issue of pornography in general**. Another *Decision of 2003 concerning the fight against*

¹⁴³ Directive 89/552 of 3 October 1989 amended in 1997 by European Parliament and Council Directive 97/36/EC.

¹⁴⁴ Article 3.4. (a).(i).

¹⁴⁵ Official Journal L 138, 09/06/2000 P. 0001 – 0004.

*illegal and harmful content on global networks*¹⁴⁶ contains a provision (Article 3) for the promotion of “**industry self-regulation and content monitoring schemes** (for example, dealing with content such as child pornography or content which is likely to result in physical or mental harm or content **which incites hatred on grounds of race, sex, religion, nationality or ethnic origin)**”.

In 1998, the Council adopted a Recommendation on the protection of minors and human dignity in audio-visual and information services.¹⁴⁷ A proposal for an additional recommendation was made in April 2004, which slightly reinforces the gender aspect of the text by recommending that Member States and the industries concerned “develop **effective measures to avoid discrimination based on sex**” and “combat such discrimination and promote a **diversified and realistic picture of the skills and potential of women and men in society.**”

Other EU activities in relation to women in the media

One of the objectives of the *Community Framework Strategy on Gender Equality (2001-2005)* aims at changing “*behaviour, attitudes, norms and values which define and influence gender roles in society through education, training, the media, (...)*”.

The European Commission also developed a comprehensive programme in relation to the **information society**, in particular through the *eEurope 2005 Action*

Plan,¹⁴⁸ whose objective is to “give everyone the opportunity to participate in the global information society”. The *eEurope plan* does not integrate gender equality as an issue.

2. Obstacles and remaining gaps

One of the major obstacles in relation to mapping and analysing the situation concerning women in the media is the **scarcity of research and recent comparable data** at European level. Women and the media is one of the objectives of the Beijing Platform for Action that is the most neglected by the European Union.

Women and new information and communication technologies (ICTs)

In the last ten years in Europe, the Internet and new technologies have offered women and women’s groups new opportunities, but **access for all women is still an issue**. In general, the development of new information technologies is a factor of change, not only in terms of economic life and the labour market, but also of cultural and social life. While the different EU institutions have devoted a large amount of work to the development of the information society¹⁴⁹ (eBusiness, eGovernment, eHealth, eInclusion, eLearning etc) they have not included women as a target group in these initiatives. Women were sometimes mentioned in these schemes, but **no specific work on the integration of a gender perspective** was done.

¹⁴⁶Decision No 1151/2003/EC of 16 June 2003 amending Decision No 276/1999/EC adopting a multiannual Community action plan on promoting safer use of the Internet by combating illegal and harmful content on global networks, Official Journal L 162, 01/07/2003 P. 0001 – 0004

¹⁴⁷ Council Recommendation 98/560/EC, OJ L 270, 07.10.1998

¹⁴⁸ Communication CM (2002) 263 Final

¹⁴⁹ [eEurope 2005 Action Plan](#) launched at the Seville European Council in June 2002 and endorsed by the Council of Ministers in the eEurope Resolution of January 2003.

The figures available also show that there is a **gender gap in relation to information technologies**: while women and men have about the same share of computer usage at work, the proportion of women partaking in 3rd level information and communication technology training is still low¹⁵⁰; and overall women use the Internet less than men: 67% compared to 74%¹⁵¹. There is a general assumption that technologies are gender neutral; however, the reality is that technologies are developed (mainly by men) within existing social realities and are therefore influenced by gender roles. This question should be recognised and addressed.

In terms of **decision-making**, the situation for new information technologies is comparable to the one of the traditional media: in 2000, there were 9.3% women in top management position in the telecommunication industry in the EU and EEA Member States.¹⁵²

Another worrying aspect of the information and communication technologies sector is the **role played by ICTs in the development of the sex industry** and the dissemination of degrading and sexist images of women. For example, the sharp increase of the distribution of violent pornography on the Internet or more recently, the use of mobile phone networks to sell pornographic products. The difficulties

associated with control and regulation of the media are more acute for the Internet.

Women's employment in the media - participation and access of women to expression and decision-making in the media

European and national legislation on gender equality in employment also applies to the media sector, but as everywhere else, this does not lead to full equality between women and men in practice. Obstacles here are similar to the ones encountered by women in the labour market in general: **discrimination at the stage of recruitment**; discrimination in **employment conditions** (pay gap, lack of access to training, existence of the glass ceiling etc); **sexual harassment** at work; issues linked to the **conciliation** of family and working life and **gender stereotypes**.

Another problematic aspect concerning women in the media is the growing number of **forced free-lance journalists** ("forced-lance" or "economically dependant journalists") in the profession, a great proportion of which are women. They work independently with short-term contracts and very insecure working conditions, especially in terms of social protection.

In terms of **decision-making**, while women represent 50% of viewers, listeners and reading audiences and while a substantial number of women are involved in careers in the communication sector, men continue to hold the large majority of decision-making positions in the media industry. Women represent about 40% of journalists in Europe but there are only 3% women journalists in decision-making positions.¹⁵³

¹⁵⁰ Commission Benchmarking Report following-up to the "Strategies for jobs in the Information Society", SEC (20001) 222, 7.2.2001.

¹⁵¹ Eurobarometer 56.0, Autumn 2001

¹⁵² European Database Women in Decision-Making: http://www.db-decision.de/IuK_E.htm

¹⁵³ Equality and Quality: Setting Standards for Women in Journalism, 2001, International Federation of Journalists, Bettina Peters.

The main obstacles to gender equality in the media are linked to the patriarchal and sometimes very hierarchical structure of the media enterprises. Researchers and surveys strongly underline the **major role played by “male attitudes”** and male-defined norms, which determine journalistic culture and the ‘rules of the game’.¹⁵⁴

Image and portrayal of women: content is another source of discrimination

Women are less likely than men to be invited as experts or spokespersons on radio and TV programmes. The Global Media Monitoring Project carried out in 71 countries in 1995 found that **17% of world news subjects** (newsmakers and interviewed people) were women. The second survey carried out in 2000 showed very slow progress in this area with a result of 18% women as world news subjects. In the 2000 survey, only 10% of news stories had women as the main focus.¹⁵⁵ Common characteristics can be noticed in the way women are portrayed in the media: they are married, generally young, often associated with fashion and/or they are over-represented as victims of violence. **In other words, media content doesn’t reflect the diversity of women and conveys certain socio-cultural, male centred values.**

The amount of images showing **degrading portrayals of women** in

¹⁵⁴ Women, Media and Democratic Society: in Pursuit of Rights and Freedoms, Margaret Gallagher, 2002.

¹⁵⁵ “Who makes the News? Global Media Monitoring Project 2000” – George Spears and Kasia Seydegart of Erin Research 2000, published by the World Association for Christian Communication.

media content and advertisements has not decreased. Moreover, “the evidence base for a possible connection between the media and violent behaviour appears to be gradually growing.”¹⁵⁶ This trend is aggravated by the commercialisation of the media and by the sometimes highly sexualised content of the Internet. In relation to this, the real obstacle to solve is the seeming “contradiction” and sometimes difficult balance to find between the protection of freedom of speech / freedom of the press on the one hand and the protection of human dignity / women’s rights on the other hand. **The range of regulatory options for the media** sector include: 1) no regulation at all; 2) industry self-regulation (codes of practice); 3) co-regulation where the regulatory function is shared between the State and the industry and 4) State regulation. Although the industry regularly expresses a wish for less State intervention, there is an urgent need and a request from the public/consumers to implement and adapt the existing regulatory tools but also to impose a **proper balance between the principle of freedom of the media and the protection of the audience, including the respect of women’s dignity and human rights.** The existing codes of good conduct seem powerless and not specific enough to tackle the issue of gender equality in media content. Safeguards are lacking (in the form of ombudspersons or media watch authorities) to ensure that codes of conduct are being adhered to and to ensure that the public can lodge complaints if necessary.

While the **concept of ‘incitement to hatred on grounds of sex and**

¹⁵⁶ Council of Europe Meeting of experts on violence and the media, Explanatory Note 2003, IP2(2003)010rev

protection of human dignity' exists in European law and should be implemented, there is little information about whether this concept has been used at national level. Among the many documents linked to the review of the *Television without Frontiers Directive*, some comments were made concerning racial hatred but nothing was mentioned about gender equality.

The extreme difficulty to move forward European gender equality legislation concerning the media

An initial Commission draft proposal for a Directive on gender equality of Spring 2003 included provisions against discrimination based on sex and incitement to hatred on grounds of sex in the media and for the respect of human dignity in advertising. Unfortunately, these provisions were **not included in the official proposal** for a directive adopted by the Commission in November 2003.¹⁵⁷

In the same manner, the European Parliament Committee on Women's Rights adopted a *report on "The consequences of the sex industry in the European Union"*¹⁵⁸ in April 2004. This report alerts to the vast expansion of the sex industry world wide; it highlights the sex industry's use of all types of information and communication systems and emphasises the link between the sex industry and pornography and trafficking in women, prostitution and other violations of women's human rights. The report also calls for specific measures, such as the adoption of national ethical codes for advertisement and the adoption of a European directive on gender equality in the field of the media, advertising and education. Unfortunately, the opposition to this report was so strong that the European Parliament plenary did not adopt it.

¹⁵⁷ Proposal for a directive implementing the principle of equal treatment between women and men in the access to and supply of goods and services, COM(2003) 657.

¹⁵⁸ FINAL A5-0274/2004

3. EWL Recommendations

1. Gender should be fully mainstreamed **into all European policies and programmes related to the information society.**
2. **A strong commitment is needed from both political decision-makers and the media industry**, in order to overcome gender discrimination in employment in the media and move towards a change of attitudes. The European Union should play a leading role in initiating an **in-depth reflection**, which should include all actors (decision-makers, the media industry, trade unions and women journalists' organisations) to make proposals for **structural changes** and for the **implementation of the relevant European legislation** in the profession.
3. **Gender training** for media professionals should be developed and encouraged by media education bodies and Member States and the EU.
4. **There is a need for a gender balance at all decision-making levels** within the media industry. This could be achieved through positive actions and quota systems and the development of positive action committees within media organisations. Public broadcasting organisations should take a lead to achieve this.
5. There must be a strong political commitment and actions by the EU and Member States to:
 - Instate **Zero-tolerance** across the EU for **sexist insults or degrading images** of women **in the media.**
 - **Establish a European legal framework to complete the existing legislation** and to establish clearly the necessary **balance between individual freedom** of expression/freedom of the press and **the right to gender equality** and human dignity.
 - Monitor the **implementation of existing provisions** in European law on sex discrimination and incitement to hatred on the grounds of sex.
6. Establish a **European Media Monitoring Group** with a specific **gender equality branch and expertise** in order to receive complaints from the public, to grant gender equality awards to media and advertisement professionals, to study and report on the question of women in the media and to carry out regular, systematic monitoring of gender images in media content. Some of this work could be undertaken by the future European Gender Institute.
7. Inform women about their rights as customers and **promote activism in this area and innovative ways of working between civil society and the medias.**

K. WOMEN AND THE ENVIRONMENT

Strategic Objectives:

K.1: Involve women actively in environmental decision-making at all levels.

K.2: Integrate gender concerns and perspectives in policies and programmes for sustainable development.

K.3: Strengthen or establish mechanisms at the national, regional and international levels to assess the impact of development and environmental policies on women.

The gender aspect is seriously lacking in European environment policy. During the past ten years no piece of legislation was adopted which deals with women and environment directly, despite an increasing level of knowledge that environmental hazards impact women and men differently. In many cases present environmental policies can be seen to enhance gender inequalities as they simply ignore all gender related issues in their drafting and implementation. Environmental policies must be gender sensitive and must aim at both sustainability and gender equality. At the same time serious steps must be taken by Dg Environment to strengthen women's active participation in environmental decision making. Gender mainstreaming must be put into practice as a matter of urgency.

1. European Union framework of policies, legislation, programmes and projects

Legal/Treaty Base

The *EC Treaty*, Article 3§2 states that equality between men and women should be promoted in all activities, which includes policies on the environment as article 3§1 j) includes a policy in the area of the environment and the EC Treaty article 6 reads "environmental protection requirements must be integrated into the (...) activities referred to in Article 3". These articles imply that equality between men and women should be taken into consideration in environmental policies. However, Title XIX TEC on the Environment (Articles 174 to 176) and Article 95 concerning protection of the environment do not mention gender equality.

The Treaty establishing a Constitution for Europe does strengthen the EU's commitment to the environment as

environmental sustainability was introduced as one of the aims of the European Union. However, gender equality and environmental issues are still dealt with separately.

*Decision of 22 July 2002 laying down the Sixth Community Environment Action Programme*¹⁵⁹: no issues relating to women and the environment are specifically mentioned.

In February 2001 the European Commission adopted a *White Paper on the strategy for a future chemical policy*. This paper proposed the *REACH Directive*, which formulates a new system to register all chemical substances on the internal market. Within the whole text of the *REACH Directive* no gender aspect has been taken into consideration. Women's NGOs stress that women have to be mentioned as a specific group that is seriously and differently affected by chemical substances. Many consumer organisations and NGO's support this

¹⁵⁹ 1600/2002/EC - OJ L 242, 10 September 2002

draft Directive. However, the chemical industry has formed a very strong lobby against it. The proceedings have now become very complex and more and more concessions are made in favour of the chemical industry.

Other European acts

*Communication from the Commission: a European Environment and Health Strategy*¹⁶⁰: there are very limited references to women in this Communication. Women are mentioned concerning environmental contaminants and pregnant and breast-feeding women, and concerning the harmful affects of passive tobacco smoke and environmental smoke on pregnant women.

*Commission: Communication: The European Environment and Health Action Plan 2004-2010*¹⁶¹: there is no mention of gender in this Communication.

*Communication from the Commission on the European Union strategy for sustainable development*¹⁶². This Communication identifies the main threats to sustainable development, one of them being poverty and it states that the burden of poverty is borne disproportionately by single mothers and older women poverty. The Communications states that Sustainable Development should become the central objective of all sectors and policies and that careful assessment of the full affects of policies must be made including, where relevant, the effects on gender equality and equal opportunities. There is no evidence that such assessments have in fact taken place

*Council Recommendation of 26 June 2003 on the broad guidelines of the economic policies of the Member States and the Community (for the 2003-2005 period)*¹⁶³). This Recommendation calls for increased protection of the environment and a greater awareness of gender equality, but these two issues have been treated separately.

*LIFE-Programme*¹⁶⁴: the LIFE-Programme supports many environmental projects such as protecting civil society against industrial accidents. But this programme does not address the issue of women and the environment specifically.

2. Obstacles and remaining gaps

A poor participation of women in environmental decision-making

Women represent the majority of the European citizens but are not taken into consideration in the legislative process in relation to the environment. Women's limited access to technical skills, resources and information has impeded women's effective participation in decision-making regarding sustainable development. .

Gender blind environmental policies

Since 2000, standards have been set for drinking water, waste management, and air pollution and biodiversity is better promoted. Despite better overall EU legislation on the protection of the environment there are still some major gaps in the process as every text was drafted in a gender-neutral manner. The legislation presupposes that environmental hazards affect women and men equally,

¹⁶⁰ (COM (2003)338

¹⁶¹ COM (2004) 416 final (June 2004)

¹⁶² COM (2001) 364 final, 15. May 2001

¹⁶³ OJ L195, 1 August 2003

¹⁶⁴ Regulation No 1655/2000 of 17 July 2000 concerning the Financial Instrument for the Environment (OJ L 192, 28 July 2000)

but the pollution of the environment does not affect them equally.

It has been proven that **women and men are affected differently by environmental problems**. Studies and surveys show that women's bodies react differently than men's to damages to the environment. Moreover, some health problems of women can be directly linked to environmental pollution for example, lead in bones, breast cancer, and toxic chemicals in body fat. Biological factors are one reason the different vulnerability of women and men in relation to environmental pollutants, however social factors also exercise a strong influence in relation to access to resources and in relation to different social roles and responsibilities. Women are often more negatively affected than men by environmental problems. For example:

- Women are more affected by influences of hazardous chemicals in detergents because of the still existing traditionally attributed responsibility for the household sphere.
- Women are more affected by planning of transportation (infrastructure in rural and urban areas). Because of still existing traditional distribution of responsibilities between women and men the distances. "Journey chains" between home and school, kindergarten, shopping facilities, etc. are relevant for much more women than men and have direct influences on their daily life.
- In most cases women still are the caretakers of the family.

Environmental disasters around the world put a lot of additional work burden on their shoulders.

- Women and men do have different access to the use of energy in general and renewable energies specifically, because their economical situation is different.
- Environmental consciousness and behaviour of women and men are very different: women are more concerned about environmental problems and changes and don't believe to the same extent than men do in technical solutions but in the need to change our behaviour and consumption patterns.
- Risk awareness of women in general and especially towards environmental disasters is different than the one of men.

Chemicals

One of the most serious concerns that women are faced with in Europe today is chemicals in the environment. The effects of chemicals on women have to be considered seriously as studies have shown that environmental factors are increasing the rate of disease amongst women. For example, there is evidence that the increase of breast cancer in the last 40 years is linked to the high burden of toxic chemicals on women's bodies. Toxic substances have even been found in breast milk. Women are exposed to a daily barrage of chemicals in their everyday surrounding and no health professional knows what mid- or long-term effects will result from this.

3. EWL Recommendations

1. **Gender equality and gender perspectives should be integrated in all EU and Member State policies and programmes for sustainable development** and stronger mechanisms should be introduced to assess the impact of development and environmental policies on women. Stronger policies for education and studies in the environment, including from a gender perspective, are needed in order to promote and underpin a more sustainable environmental development.
2. Specific measures should be taken to **ensure that women have a voice at all levels of environmental decision making.**
3. The Commission and Member States must better **assess the connection between women's health problems and environmental pollution.** Particular attention should be paid to the dangerous effects of chemicals on pregnant women. Findings of this assessment must be translated into tangible actions, through policies and programmes, to reverse the ill affects of environmental pollution on women's health. **The information and monitoring mechanism** that will be established, as part of the European Union Action Plan on Environment and Health must **include assessment of the health impacts of environmental pollutants on women and children.**
4. The EU and Member States must develop an **Integrated Product Policy for increased recycling and waste prevention objectives.** Women are more seriously affected by growing amounts of waste, as they usually have to handle all kinds of house-waste and are mostly responsible for the separation of house-waste.
5. The level of water quality is directly linked to the presence of chemicals and other pollutants, which in turn have different effects on women, men and children. **High water quality in Europe** must be guaranteed and considered a human rights issue; the EU should play an increased role in ensuring this.
6. The growing culture and **consumption of fast food/industrialised food** not only has negative effects on public health, but also on the environment as the fast food production patterns do not enable for environmentally sustainable production in agriculture. Furthermore, increased public health problems due to bad nutrition cause increased costs in insurance schemes and are therefore not cost effective. EU policies should promote more sustainable production patterns (environmentally sustainable agriculture), which in turn give both environmental benefits and public health benefits.

L. THE GIRL CHILD

Strategic Objectives:

- L.1: Eliminate all forms of discrimination against the girl-child.*
- L.2: Eliminate negative cultural attitudes and practices against girls.*
- L.3: Promote and protect the rights of the girl-child and increase awareness of her needs and potential.*
- L.4: Eliminate discrimination against girls in education, skill development and training.*
- L.5: Eliminate discrimination against girls in health and nutrition.*
- L.6: Eliminate the economic exploitation of child labour and protect young girls at work.*
- L.7: Eradicate violence against the girl-child.*
- L.8: Promote the girl-child's awareness of and participation in social, economic and political life.*
- L.9: Strengthen the role of the family (as defined in paragraph 29 of the Beijing platform for action) in improving the status of the girl-child.*

There is no specific EU competence on children's policy. The European Charter of Fundamental Rights recognizes the need to promote the best interests of the child. Within the implicit hierarchy of rights, the neutral term "children" reinforces the invisibility of the girl child. This is very apparent in relation to trafficking, prostitution, sexually exploited and missing children, where in the majority of cases, it is the girl child who is most at risk from these forms of sexual exploitation. More than 21% of children in the EU are living in relative poverty and many children in the EU, particularly girls, are trafficked or sexually exploited. Children are mostly invisible in EU policy and programmes and receive only a few funds in the EU budget.¹⁶⁵ The special concerns of the girl child are neglected within the policy framework of the EU.

1. European Framework of policies, legislation, programmes and projects

Legal/Treaty Base

There is currently no explicit Treaty article for children; however, if the Treaty establishing a Constitution for Europe is ratified, there will be quite a few specific references to children in the Constitution. There have also been some EU programmes adopted concerning children and the youth in general.

The European Union only started to put children on its political agenda in response to the horrific events of the Dutroux affair in 1995 in Belgium, despite the fact that EU policy and legislation impact on children.¹⁶⁶

¹⁶⁵ http://www.europeanchildrensnetwork.org/Newsletters/Newsletter_22_EN.doc

¹⁶⁶ <http://www.europeanchildrensnetwork.org/Newsletters/NewsLetter17.pdf>

Article 24 of the Charter of Fundamental Rights refers to protection, care, well-being and freedom of expression of children.

The Council adopted a *Framework Decision on combating the sexual exploitation of children and child pornography*¹⁶⁷ on December 22 2003. This Decision encourages Member States to take the necessary measures to sanction intentional misconduct such as: recruiting a child into prostitution or in participating in pornographic performances; engaging in sexual activities with a child, where use is made of coercion, force or threats; money or other forms of remuneration or consideration is given as payment in exchange for engaging in sexual activities; or abuse is made of a recognised position of authority or influence over the child. The Framework Decision calls on each Member State to take the necessary measures to ensure that the production of child pornography; distribution, dissemination or transmission thereof; supplying or making available child pornography; acquisition or possession of child pornography will be sanctioned.

The *Council Decision of 29 May 2000 to combat child pornography on the Internet*¹⁶⁸ calls on Member States to take measures to protect minors in the European Union in order to prevent and combat the sexual abuse of children and, in particular, the production, processing, distribution and possession of child pornography material through the Internet.

¹⁶⁷http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/l_013/l_01320040120en00440048.pdf

¹⁶⁸ Council Decision of 29 May 2000 to combat child pornography on the Internet. http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=32000D0375&model=guichett

Other European acts

The Council adopted a *Resolution on the contribution of civil society in finding missing or sexually exploited children*¹⁶⁹ in October 2001. This Resolution concerns the search for missing or sexually exploited children. It covers situations such as: disappearance and abduction, runaway children, children abducted by a third party, children missing inexplicably, sexual exploitation, child trafficking, prostitution and pornography, paedophile networks on the Internet, and non-organised sexual abuse outside the family.

The annual *EU Human Rights Forum* took place in Rome, December 10-11, 2003. Under the Italian Presidency, the Forum focused on children's rights. The meeting was divided into three working groups on: child trafficking; sexual exploitation of children; and children and armed conflict. Government representatives, Commission and Council officials and NGOs participated at the meeting. Each of the working groups presented a set of recommendations to the plenary meeting. These recommendations were intended for the governments of the EU Member States and the accession countries.¹⁷⁰

Programmes

The European Commission launched the *Safer Internet Action Plan* in 1999, covering the period 1999-2002 which aimed at creating a safer environment through promotion of hotlines, encouragement of self-regulation and codes of conduct,

¹⁶⁹ Council Resolution on the contribution of civil society in finding missing or sexually exploited children (OJ C283 - 9 October 2001)

[http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=32001G1009\(01\)&model=guichett](http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=32001G1009(01)&model=guichett)

¹⁷⁰http://www.europeanchildrensnetwork.org/Newsletters/Newsletter_21_EN.pdf

developing filtering and rating systems, facilitation of international agreements on rating systems and awareness raising amongst parents, teachers and children. This programme was extended until 2004.

The Commission has submitted a proposal for a new 4-year programme called *Safer Internet Plus* with a budget of 50 million Euros to run from 2005 – 2008. The programme, will build upon the previous *Safer Internet Action Plan*, and will include new media. Its scope will incorporate accession countries and will focus on parents and educators. The Safer Plus Programme needs to be adopted by the Council and the European Parliament soon in order for it to begin in January 2005.

In April 2000, a *Youth Action Programme* was adopted by the European Parliament, which brought together existing EU actions for youth such as the "Youth for Europe" programme and the "European Voluntary Service". This Programme aims at fostering co-operation in the area of youth policy, through informal education and training measures and exchanges of young people within the Community as well as with third countries.¹⁷¹ The *Youth Action Programme* has a budget of 520 million Euros for seven years and it runs until 2006.¹⁷²

The main problem within the Youth Action Programme is that eligibility is from 15 upwards and therefore does not include girls and boys under 15. There is no community programme except Daphne (measures to combat violence

against women, children and young people) that targets girls under 15 – or more widely children under 15.

2. Obstacles and remaining gaps

The definition of 'citizen'

One of the major obstacles at EU level stems from the way in which citizens are defined, i.e. they are defined primarily as economic actors and consumers. Therefore, as children are not workers, policies concerning them are limited to fixing conditions for entry into and participation in the labour market, for their care while their parents work and in areas of consumer policy, such as toy safety, and in legislation concerning the media.

Asylum and immigration policies

The girl-child is sometimes the victim of harmful traditional practices, notably female genital mutilation for which she has no say. In most countries, children arriving without their parents or other legal representatives or adults are considered unaccompanied minors. Some countries specify that the marriage of a child qualifies him/her as an adult. This is of particular concern in relation to girls who may have been forced into an early marriage for trafficking purposes notably. Therefore asylum and immigration policies must be aware of the specific needs of girls, including non-accompanied minors, i.e. of non-accompanied girls and young women

Girl Child and Sexual and Reproductive Health Education

In all countries, young women are the group facing the highest risk of HIV infection through heterosexual contact.

¹⁷¹<http://www.europeanchildrensnetwork.org/Newsletters/Newsletter10.htm#NEWS%20FR>

¹⁷²<http://www.europeanchildrensnetwork.org/Newsletters/Newsletter10.htm#NEWS%20FR>

Therefore, the EU should provide suitable and sufficient education programmes in schools on sexual and reproductive health.

The lack of explicit recognition of the situation of the girl child in EU policies

EU policies on children do not adequately address issues of the girl child, including health, education and poverty eradication policies. The EU must explicitly recognise that the girl-child is most at risk because of her gender and the unequal relationships between women and men and girls and boys.

3. EWL Recommendations

1. The EU and Member States must **guarantee girls the full enjoyment of their human rights, this includes:**
 - Strengthen policies against the **sexual exploitation of children** and the growing sex-tourism – both in internal and external policy.
 - Stop and sanction the **“honour killings”** of women and young girls.
 - Integrate the needs of the girl-child in **asylum and immigration policies**.
 - **Combat child poverty** and carry out an assessment of the impact of poverty on the girl child with the view to ensuring that she benefits from educational opportunities, health care and other services.
2. Interventions in relation to the girl child, such as actions and awareness raising to prevent and eradicate **violence** committed against them, must make sure not to single out one section or group in society. Most civic issues concern all groups in society, and therefore need to be formulated and integrated in a way so that everyone feels confident and concerned by the foreseen interventions
3. The EU and Member States must develop specific action programmes **with/for/about girls and young women. Gender** budgeting must be applied in youth policy to make sure that gender mainstreaming and the needs of girls and young women are equally being considered, and that this is mirrored in the allocation of resources dedicated to different youth activities. Furthermore, **the EU should encourage national youth policies and programmes that especially address the needs of girls and young women** and increase sensitivity to and understanding of the inequalities and stereotypes that hinder the development of both girls and boys and encourage the social analysis of economic, cultural, religious and political beliefs and how they can limit individuals, especially women and girls. **Additional financial resources should be allocated to the current Daphne programme** with the aim of engaging in projects for the girl-child particularly in relation to combating violence against the girl-child.
4. The EU should support action and advocacy that **reduce the vulnerability of women and girls to HIV infection** and to improve the quality of life for those already living with HIV.

5. Policies against **media and advertising, which sexualises girls and young women** and reduces them to merely objects, should equally be strengthened, including measures against “visual harassment” through degrading images in the public space.

6. The EU and Member States must **promote and properly resource NGO’s and youth organisations that work with girls**. Non governmental youth organisations need adequate resources to help develop in girls and young women many of the attributes necessary to make them successful individuals and leaders of society, i.e. the development of self-confidence and self-esteem, the management of change in economic society, health and reproductive health education, leadership development, literacy.

7. The **effects of the co-educational system on girls and boys** respectively should be examined, in order to create policies, which would adjust the system to be equally beneficial for both sexes.

ANNEX 1

COMMUNITY FRAMEWORK STRATEGY ON GENDER EQUALITY (2001-2005)

(Extracts¹⁷³)

(...) Future Community work towards gender equality will take the form of a comprehensive strategy, which will embrace all Community policies in its efforts to promote gender equality, either by adjusting their policies (pro-active intervention: gender mainstreaming) and/or by implementing concrete actions designed to improve the situation of women in society (reactive intervention: specific actions).

This integrated approach marks an important change from the previous Community action on equal opportunities for women and men, mainly based on compartmental activities and programmes funded under different specific budget headings. The Framework Strategy on Gender Equality aims at coordinating all the different initiatives and programmes under a single umbrella built around clear assessment criteria, monitoring tools, the setting of benchmarks, gender proofing and evaluation.

(...) In order to deliver its full potential, the Community Framework Strategy will address the challenges of bringing about the structural change required for achieving gender equality. The Commission has identified five inter-related fields of intervention for the framework strategy. Within each of them operational objectives will be pursued to chart the course towards gender equality over the next five years. Under the framework strategy, all Community gender related initiatives will be explicitly linked to one or more of the following areas of intervention: economic life, equal participation and representation, social rights, civil life and gender roles and stereotypes. (...)

Objectives of the Framework Strategy (2001-2005)

3.1. Promoting Gender Equality in Economic Life

1. Strengthen the gender dimension in the European Employment Strategy
2. Improve the use of the Structural Funds for the promotion of gender equality
3. Develop strategies to encourage gender mainstreaming in all policies which have an impact on the place of women in the economy

3.2. Promoting Equal Participation and Representation

1. Improve the gender balance in political decision-making
2. Improve the gender balance in economic and social decision-making
3. Improve the gender balance in the Commission

3.3. Promoting Equal Access and Full Enjoyment of Social Rights for Women and Men

1. Improve the knowledge and monitor the relevant Community legislation in the social sphere

¹⁷³ Full text available under:

http://www.europa.eu.int/comm/employment_social/equ_opp/strategy_en.html

2. Monitor the integration of a gender perspective in the design, implementation and evaluation of Community policies and activities influencing the daily life of women and men

3.4. Promoting Gender Equality in Civil Life

1. Monitor Community law and case law on equal treatment of women and men and, if required, propose new legislation.
2. Promote women's rights as human rights
3. Fight gender-related violence and trafficking of human beings for the purpose of sexual exploitation

3.5. Promoting Change of Gender Roles and Stereotypes

1. Raise awareness about gender equality issues
2. Overcome gender stereotypes in and via relevant Community policies

ANNEX 2

INDICATORS DEVELOPED IN THE COUNCIL OF MINISTERS IN RELATION TO THE BEIJING FOLLOW-UP

2003: The Italian Presidency - Women and men in economic decision-making

1. The proportion and number of women and men among governors and deputy/vice-governors of the Central Banks.
2. The proportion and number of women and men among members of the decision-making bodies of the Central Banks.
3. The proportion and number of women among and men ministers and deputy ministers/vice-ministers of the Economic Ministries.
4. The proportion and number of women and men among presidents and vice-presidents of the Labour Confederations.
5. The proportion and number of women and men among members of total governing bodies of the Labour Confederations.
6. The proportion and number of women and men among presidents and vice-presidents of the Employer Confederations.
7. The proportion and number of women and men among members of total governing bodies of the Employer Confederations.
8. The proportion and number of women and men among chiefs of executive boards of the top 50 firms publicly on the national stock exchange
9. The proportion and number of women and men among members of executive boards of the top 50 firms quoted on the national stock exchange.

2002: The Danish Presidency - Domestic Violence against Women

Profile of female victims of violence

- A. The number of female victims of domestic violence
- B. Background information on the female victims

Profile of male perpetrators

- A. The number of perpetrators involved in domestic violence
- B. Background information on the perpetrator

Victim support

Types of victim support

Measures addressing the male perpetrator

- A. Measures aimed at ending the circle of violence

Training of professionals

- A. Type of training
- B. Target groups

State efforts to eliminate violence against women

- A. Legislation and Justice
- B. Survey and Projects
- C. Policy
- D. Awareness raising / preventive measures

E. Budget

Evaluation

A. Progress made

B. Lessons learned

2001: The Belgian Presidency - unequal pay between women and men (gender pay Gap)

1. Ratio for all employees.
2. Ratio for the total sum of wages
3. Ratio for part-time work
4. Ratio by age and education
5. Wage penalties in female-concentrated occupations
6. Breakdown of the hourly wage gap between men and women using the Oaxaca technique
7. Indicator on laws, regulations and measures to combat discrimination and inequalities at work
8. Indicator of the influence of public authorities on wage bargaining.
9. Indicator relating to part-time work and temporary career breaks.

2000: The French Presidency - Reconciliation of Family Life and Working Life

1. Employed men and women on parental leave (paid and unpaid) within the meaning of Directive 96/34/EC on the framework agreement between the social partners on parental leave, as a proportion of all employed parents.
2. Allocation of parental leave between employed men and women as a proportion of all parental leave.
3. Children cared for (other than by the family) as a proportion of all children of the same age group:
 - before entry into the non-compulsory pre-school system (during the day);
 - in the non-compulsory or equivalent pre-school system (outside pre-school hours);
 - in compulsory primary education (outside school hours).
4. Comprehensive and integrated policies, particularly employment policies, aimed at promoting a balance between working and family life.
5. Dependent elderly men and women (unable to look after themselves on a daily basis) over 75 as a proportion of men and women over 75:
 - living in specialised institutions;
 - who have help (other than the family) at home
 - looked after by the family
6. Normal opening hours of public services (i.e. local authority offices, post offices, crèches, etc) during the week and at weekends.
7. Normal opening hours of shops during the week and at weekends.
8. Total "tied" time per day for each employed parent living with a partner, having one or more children under 12 years old or a dependent:
 - paid working time,
 - travelling time,

- basic time spent on domestic work,
 - other time devoted to the family (upbringing and care of children and care of dependent adults).
9. Total "tied" time per day for each employed parent living alone, having one or more children under 12 years old or a dependent:
- paid working time,
 - travelling time,
 - basic time spent on domestic work,
 - other time devoted to the family (upbringing and care of children and care of dependent adults).

1999: The Finnish Presidency - Women in Power and Decision-Making

1. The proportion of women in the single/lower houses of the national/federal parliaments of the Member States and in the European Parliament.
2. The proportion of women in the regional Parliaments of the Member States, where appropriate.
3. The proportion of women in the local assemblies of the Member States.
4. Policies to promote a balanced participation in political elections.
5. The proportion of women of the members of the national/federal Governments and the proportion of women members of the European Commission.
6. The number of women and men senior/junior ministers in the different fields of action (portfolios/ministries) of the national/federal Governments of the Member States.
7. Proportion of the highest-ranking women civil servants.
8. The distribution of the highest-ranking women civil servants in different fields of action.
9. The proportion of women of the Supreme Courts of the Member States and the proportion of women of the members of the European Court of Justice and the Court of First Instance.

ANNEX 3

EUROPEAN UNION MEMBER STATES AND ACCESSION COUNTRIES AND UNITED NATIONS GENDER EQUALITY INSTRUMENTS (as of October 2004)

CEDAW Convention / Accession; b/ Declarations or reservations; c/ Reservation subsequently withdrawn; d/ Succession			OPTIONAL PROTOCOL TO CEDAW CONVENTION		CEDAW reports ¹⁷⁴	National Action Plan ¹⁷⁵
State	Date of signature	Date of receipt of the instru- ment of ratifica- tion, acces- sion or success- sion	Signa- ture	Ratifica- tion, Acces- sion (a)	Date of submis- sion of latest report	Date of submission
Austria	17 July 1980	31 March 1982 <u>b/</u>	1999	2000	2000	March 1998
Belgium	17 July 1980	10 July 1985 <u>b/</u>	1999	2004	2002	February 1999
Bulgaria	17 July 1980	8 February 1982 <u>c/</u>	2000		1998	July 1996
Croatia		9 September 1992 <u>d/</u>	2000	2001	1998	December 1997
Cyprus			2001	2002	1996	

¹⁷⁴ For more information, see:
<http://www.un.org/womenwatch/daw/cedaw/reports.htm#examined>

¹⁷⁵ National action plans and strategies for implementation of the Beijing Platform for Action, as they have been submitted to the UN April 2000. For more information, see:
<http://www.un.org/womenwatch/confer/beijing/national/westsum.htm>
<http://www.un.org/womenwatch/confer/beijing/national/eursum.htm>
<http://www.un.org/womenwatch/confer/beijing/national/natplans.htm>

		1985 <u>a/</u> <u>b/</u>				
Czech Republic		22 February 1993 <u>c/</u> <u>d/</u>	1999	2001	2002	April 1998
Denmark	17 July 1980	21 April 1983	1999	2000	2002	April 1996
Estonia		21 October 1991 <u>a/</u>			2002	
Finland	17 July 1980	4 September 1986	1999	2000	2001	February 1997
France	17 July 1980 <u>b/</u>	14 December 1983 <u>b/</u> <u>c/</u>	1999	2000	2003	March 1997
Germany	17 July 1980	10 July 1985 <u>b/</u>	1999	2002	2000	Yes
Greece	2 March 1982	7 June 1983	1999	2002	2002	Yes
Hungary	6 June 1980	22 December 1980 <u>c/</u>		2000	2002	
Ireland		23 December 1985 <u>a/</u> <u>b/</u> <u>c/</u>	2000	2000	1999	
Italy	17 July 1980 <u>b/</u>	10 June 1985	1999	2000	1997	March 1996
Latvia		14 April 1992 <u>a/</u>			2004	
Lithuania		18 January 1994 <u>a/</u>	2000	2004	200	November 1996

Luxembourg	17 July 1980	2 February 1989 <u>b/</u>	1999	2003	2003	March 1997
Malta		8 March 1991 <u>a/ b/</u>			2004	September 1996
Netherlands	17 July 1980	23 July 1991 <u>b/</u>	1999	2002	2001	Yes
Poland	29 May 1980	30 July 1980 <u>b/</u>		2003 (a)	1991	Yes
Portugal	24 April 1980	30 July 1980	2000	2002	2002	March 1997
Romania	4 September 1980 <u>b/</u>	7 January 1982 <u>b/</u>	2000	2003	2000	Yes
Slovakia		28 May 1993 <u>d/</u>	2000	2000	1998	1997
Slovenia		6 July 1992 <u>d/</u>	1999	2004	2003	
Spain	17 July 1980	5 January 1984 <u>b/</u>	2000	2001	2004	March 1997
Sweden	7 March 1980	2 July 1980	1999	2003	2001	July 1997
Turkey		20 December 1985 <u>a/ b/</u>	2000	2002	1997	Yes
UK & Northern Ireland	22 July 1981	7 April 1986 <u>b/</u>			1999	Yes

ANNEX 4
MEMBER ORGANISATIONS OF THE EUROPEAN WOMEN'S LOBBY
NATIONALES COORDINATIONS

GERMANY

Deutscher Frauenrat

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comiteliaisonfemmes@hotmail.com

**Conseil des Femmes Francophones de
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Women's Council in Denmark

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ESTONIA

Estonian Women's Association

Roundtable (EWAR)

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NYTKIS

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FRANCE

**CLEF - Coordination Française pour le
LEF**

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**Coordination of Greek Women's NGOs
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Hungarian Women's Lobby

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EUROPEAN MEMBER ORGANISATIONS OF EWL

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Credits

The present report was drafted jointly by the team of the Secretariat of the European Women's Lobby. It was then discussed and amended by the EWL membership during the EWL General Assembly in October 2004. A number of European organisations working on gender issues have contributed to parts of the report, however EWL remains fully accountable for this report.

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International Planned Parenthood Federation European Network
World Association of Girl Guides and Girl Scouts, Europe region (WAGGGS)
Women in Development Europe (WIDE)
Women in Europe for a Common Future

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