BRIEFING
Requested by the FEMM Committee

Briefing on the achievements of the FEMM committee in the area of gender equality during the 2014-2019 term

Promoting equal economic independence for women, closing the gender pay gap, advancing gender balance in decision-making, ending gender-based violence and promoting gender equality belong to the aims of the European Union.

When compared with the rest of the world, the position of women in the EU can serve as a positive example especially because it strives to constantly improve its policies and legislation relating to women’s rights and gender equality.

The European Parliament, and its Committee on Women’s Rights and Gender Equality (FEMM), has played a very active role in promoting those rights.

This briefing looks into the past legislative term (2014-2019) and takes stock of FEMM activities aiming to contribute to gender balance in different spheres of life.

Primary EU law and international treaties on Women’s Rights and Gender Equality

1 EU Treaties

The European Union is founded on a set of values, including equality, and promotes equality between men and women (Articles 2 and 3(3) of the Treaty on European Union (TEU)).

The principle that men and women should receive equal pay for equal work has been enshrined in the European Treaties since 1957 (today: Article 157 of the Treaty on the Functioning of the European Union (TFEU)). Article 153 TFEU allows the EU to act in the wider area of equal opportunities and equal treatment in matters of employment and occupation, and within this framework Article 157 TFEU authorizes positive action to empower women.

In addition, Article 19 TFEU enables the adoption of legislation to combat all forms of discrimination, including on the basis of sex. Legislation against trafficking in human beings, in particular women and children, has been adopted on the basis of Articles 79 and 83 TFEU. The currently running
Rights, Equality and Citizenship Programme finances, among other things, measures contributing to the eradication of violence against women. It is based on Article 168 TFEU.

These objectives are also enshrined in Articles 20, 21 and 23 of the Charter of Fundamental Rights. In addition, Article 8 TFEU gives the Union the task of eliminating inequalities and promoting equality between men and women through all its activities (this concept is also known as ‘gender mainstreaming’).

The Union and the Member States have committed themselves, in Declaration No 19 annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon, ‘to combat all kinds of domestic violence […], to prevent and punish these criminal acts and to support and protect the victims’.

2 International agreements

UN support for the rights of women began with the Organization’s founding Charter. Among the purposes of the UN declared in Article 1 of its Charter is “To achieve international co-operation … in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.” Among its earliest accomplishments was ensuring gender neutral language in the draft Universal Declaration of Human Rights.

In 1979, the General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which is often described as an International Bill of Rights for Women. In its 30 articles, the Convention explicitly defines discrimination against women and sets up an agenda for national action to end such discrimination.

The Fourth World Conference on Women (also known as Beijing Conference on Women), held in Beijing in 1995, went a step further. The Beijing Platform for Action asserted women’s rights as human rights and committed to specific actions to ensure respect for those rights.

The Commission on the Status of Women (UN CSW) is the principal global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women. The UN CSW is instrumental in promoting women’s rights as human rights and committed to specific actions to ensure respect for those rights.

Annual delegations of the FEMM Committee to the UN CSW meetings in New York take place (see below in the FEMM Delegations).

3 Policy measures taken to frame women’s rights and gender equality

The Strategic Engagement for Gender Equality 2016-2019 was issued by the European Commission in 2015. It is the most relevant policy document issued by the Commission in the last legislature, dealing with issues of gender equality. It establishes the Commission’s work programme in terms of gender equality for the 2016-2019 period, lasting until shortly after the new Commission takes office in November this year. Stemming from the Strategic engagement, the Commission issues an Annual Reports on equality between women and men in the EU.

The Programme builds on the priorities and experiences of the Strategy for equality between women and men 2010-2015. The strategic engagement highlights the contribution of gender equality to economic growth and sustainable development and continues to corroborate the 2011-2020 European Pact for gender equality.

The Commission’s 2010-2015 strategy for equality between women and men prioritized five key areas for action:

- equal economic independence for women and men
• equal pay for work of equal value
• equality in decision-making
• dignity, integrity and ending gender-based violence
• promoting gender equality beyond the EU

Further, in the last couple of years, the Commission has put effort into pushing forward and concluding open files on equality between women and men in the EU and its Member States. It finalized negotiations on work-life balance, currently awaiting its First reading position at the Council following the EP vote in April 2019, and it strived to overcome blockage of women on boards. It also concluded the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (‘the Istanbul Convention’) currently awaiting Council’s position. Equally, it launched an evaluation on equal pay (see below for further institutional procedural developments on these files).

In October 2018, the Joint Declaration entitled “Gender Equality as a Priority of the European Union today and in the future” was proposed at the initiative of the Austrian Presidency of the EU Council. It was signed at the Informal Meeting of Gender Equality Ministers and supported by twenty-seven EU Member States. This was the first meeting of its kind since October 2011. The aim of the Joint Declaration is to reaffirm gender equality as a priority of the European Union. The signatories call for a high-level and stand-alone EU Gender Equality Strategy and for a full realization of the dual approach combining gender mainstreaming and specific actions which should be integrated in all key processes concerning the future EU policies, including post-2020 programmes and funding. This call is echoed in the Presidency Conclusions adopted on 6 December 2018. These asked the Commission to adopt a Communication setting out an EU gender equality strategy for the period post-2019.

4 The EU’s main legislative acts concerning women’s rights and gender equality

• Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding;
• Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services;
• In 2006, a number of former legislative acts were repealed and replaced by Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast). This directive defines direct and indirect discrimination, harassment and sexual harassment. It also encourages employers to take preventive measures to combat sexual harassment, reinforces the sanctions for discrimination, and provides for the setting-up within the Member States of bodies responsible for promoting equal treatment between women and men;
• Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave, repealing Directive 96/34/EC; (The Directive 2010/18 on parental leave will be repealed, once the new Directive 2017/0085 on Work-life balance for parents and carers will be adopted. This Directive is awaiting its First reading position at the Council, having been adopted by the EP plenary in April 2019);
• Directive **2011/36/EU** of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. This directive provides for the approximation of sanctions for trafficking in human beings across Member States and of support measures for victims, and calls upon the Member States to ‘consider taking measures to establish as a criminal offence the use of services which are the objects of exploitation […] with the knowledge that the person is a victim [of trafficking]’ in order to discourage demand; it also establishes the office of the European anti-trafficking coordinator;

• Directive **2011/99/EU** of the European Parliament and of the Council of 13 December 2011 establishing the European Protection Order with the aim of protecting a person ‘against a criminal act by another person which may endanger his [or her] life, physical or psychological integrity, dignity, personal liberty or sexual integrity’ and enabling a competent authority in another Member State to continue the protection of the person in the territory of that other Member State; this directive is reinforced by Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters, which ensures that civil protection measures are recognised all over the EU;


5  **Priority areas in the field of women’s rights and gender equality in the last legislature**

The European Parliament has played a significant role in supporting equal opportunity policies, in particular through its Committee on Women’s Rights and Gender Equality (FEMM). One of the means to advance gender equality is by gender mainstreaming the work of the European Parliament. It adopted its first plenary resolution on gender mainstreaming already in 2003. The Parliament’s Committee on Women’s Rights and Gender Equality draws up a **biennial report** on gender mainstreaming in the work of Parliament’s committees and delegations. FEMM also chairs and coordinates the Gender Mainstreaming Network, set up in 2009, which comprises an MEP and an administrator from each parliamentary committee, as well as two representatives from Conference of Delegations Chairs, appointed to bring gender mainstreaming into the work of their committees and delegations. A recent study, commissioned by the Policy department which supports work of the Committee, looked into the question of **gender balance on the European Parliament’s Committees and Delegations**.

The Parliament adopts its position on various legislative or non legislative Reports where aspect of gender equality is addressed. Below are the examples of such reports where the FEMM Committee delivers its position either in the form of own-initiative reports, its Opinion or legislative amendments to the Committee in charge:

5.1 **Directive 2017/0085 on Work-life balance for parents and carers**


The European Parliament’s position adopted at first reading under the ordinary legislative procedure amended the Commission proposal.
Subject matter and scope of the Directive

The proposed Directive lays down minimum requirements designed to achieve equality between men and women with regard to labour market opportunities and treatment at work, by facilitating the reconciliation of work and family life for workers who are parents, or carers. To that end, this Directive provides for individual rights related to the following: (i) paternity leave, parental leave and carers’ leave; (ii) flexible working arrangements for workers who are parents, or carers. The Directive shall apply to all workers, men and women, who have an employment contract or employment relationship as defined by the law, collective agreements or practice in force in each Member State, taking into account the case-law of the Court of Justice.

5.2 The Council of Europe Convention on preventing and combating violence against women and domestic violence (‘the Istanbul Convention’)


This Convention is the most comprehensive and far-reaching international treaty ever adopted regarding the elimination of violence against women. It establishes legally binding rules and standards to prevent violence against women and domestic violence, protect victims and punish perpetrators and aims to take a holistic and integrated approach to combating violence against women, comprising of a set of measures aimed at prevention, coordination, information, criminalisation, support, protection, investigation and prosecution.

The Convention has been signed by all EU Member States. By May 2019, 20 EU Member states had ratified the Convention. The Convention has caused heated discussions in some Member States, centred on the Convention’s use of the term ‘gender’ and its approach of considering violence against women to be gender-based violence. Some see these concepts as threatening ‘traditional’ family values, hence decided not to ratify the Convention. The public and political debate shows that there are various views on the concepts of gender and sex and that terminology is often misunderstood and used out of context.

On 13 June 2019 it will be two years since the EU’s signature of the Convention. Following this signature, the Commission has been working with the Council to agree on the practical arrangements — set out in a Code of Conduct — for the EU and Member States jointly to carry out their legal obligations under the Convention. The Council and the Commission have also been working on Council decisions on the Convention’s conclusion, with the aim of completing the EU’s accession to the Convention. The procedure to be followed involves the Council, following a Commission proposal and the consent of the European Parliament, adopting a decision which concludes the agreement.

It’s important to point out that the Council took two Decisions with two different legal basis to sign the Convention. The first decision refers to Article 82(2) and Article 84 TFEU but states in Article 1 that: “The signing, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial cooperation in criminal matters is hereby authorised, subject to the conclusion of the said Convention”.

The second decision identifies Article 78(2) TFEU (on the establishment of a Common European Asylum System) as its legal base, stating in its Article 1 that the signing of the Convention is ‘with regard to asylum and non-refoulement’.

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1 CETS210–Violence against women and domestic violence, 11.V.2011
The European Parliament has challenged this process and asked for an opinion from the Court of Justice on the compatibility with the Treaties of the proposals for the accession by the European Union to the Council of Europe Convention on preventing and combating violence against women and domestic violence and on the procedure for that accession.

Non-legislative reports concerning women’s rights and gender equality adopted in the past legislature

- **Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime**

In May 2018, the European Parliament adopted a [resolution](#) on the implementation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime.

The Directive 2012/29/EU seeks to place the victim of a crime at the centre of the criminal justice system, and aims to strengthen the rights of victims of crime so that any victim can rely on the same level of rights, irrespective of where the offence took place, their nationality or residence status.

**Status of the implementation of Directive 2011/99/EU on the European Protection Order**

In April 2018, the European Parliament adopted a [resolution](#) on the implementation of Directive 2011/99/EU on the European Protection Order.

The Directive 2011/99/EU allows persons benefitting from a criminal protection order in criminal matters issued in one Member State to apply for a European protection order in another Member State.

This instrument is based on the principle of mutual recognition, which means that protection orders issued in one Member State have to be recognised and enforced in another Member State.

- **Status of the application of Directive 2006/54/EC of the European Parliament and of the Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation**


Persistent inequalities: the principle of equal pay had been enshrined in the Treaties since the very beginning in 1957. It is incorporated in the recast Directive 2006/54/EC. However, despite the significant body of legislation in force for almost 40 years, progress in this area was extremely slow and the gender pay gap still exists, standing at an average of 16.4% across the EU, but with significant differences between Member States.

- **Status of the implementation of the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims from a gender perspective**

In May 2016, the European Parliament adopted a [resolution](#) on the implementation of the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims from a gender perspective.

To recall, trafficking in human beings (THB) is a violation of fundamental human rights under Article 5 of the Charter on Fundamental Rights of the EU, as well as a violation of the victim’s personal integrity and a serious organised crime that undermines the state and the rule of law. It has been addressed at many levels of governance, most notably in the EU with Directive 2011/36/EU on
preventing and combating trafficking in human beings and protecting its victims, which established a legal framework to better enable criminal prosecutions against traffickers.

- **Status of the application of Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services**


  The [Directive 2004/113/EC](#) extends the principle of equal treatment of men and women beyond the realm of employment and the labour market and into the field of access to and supply of goods and services.

  Concerned that the application of the Directive is not uniform, Members called for the elimination of any remaining gaps in the implementation of the Directive in some sectors in certain Member States. Insurance, banking and financial sectors: in the *Test-Achats* ruling, the Court of Justice concluded that Article 5(2) of the Directive works against the achievement of the objective of equal treatment between men and women.

### 6 Policy measures taken to frame women’s rights and gender equality

Overall, in 2015-2019, about EUR 6.17 billion has been allocated to achieving the targets and objectives of the current strategic engagement for gender equality. This includes the financial support given to grassroot organisations (NGOs, civil society organisations, etc).

Under the EU’s Rights, Equality and Citizenship programme, a total of EUR 3.3 million of funding has been granted in 2018 to projects promoting good practice on combating stereotypes and segregation in the labour market.

For 2019, budget line 33 02 02 (promoting non-discrimination and equality) has been allocated EUR 37 262 000 in commitment appropriations, which represents an increase in payments compared with 2015, 2016, 2017 or 2018. In addition, budget line 33 02 01 (Ensuring the protection of rights and empowering citizens) has been allocated EUR 27 164 000 to contribute, among other objectives, to combating and protecting against all forms of violence against women. This figure is also an increase from the 2018 allocation.

Under the ‘Daphne’ strand of the EU Rights, Equality and Citizenship programme, the European Commission granted EUR 15 million to projects to prevent and combat gender based violence.

For worklife balance strategies under the employment and social innovation programme [EaSI](#) is allocated EUR 4.24 million for social innovation projects.

The support of gender equality in research and innovation has led to a growing community of research performing organisations, including universities, and research funding organisations that have adopted gender equality plans (up to 56% in 2016, from 36% in 2014).

Several Horizon 2020 projects launched in 2018 contributed to that goal, as for instance ‘European Community of Practice to support institutional change – ACT’ with a budget of almost EUR 3 million.

In addition, Horizon 2020 GENDERACTION project contributed to mainstream gender equality in the implementation of the European Research Area at national level.

The Commission proposal for the next multiannual financial framework stipulates that gender equality should be embedded as a cross-cutting priority, which could be reflected in the individual
programmes’ designs. This covers, for example, using funding from the European Social Fund Plus\(^2\) to support women’s labour market participation and better work/life balance, or funding from the European Regional Development Fund\(^3\) to support investment in childcare infrastructure.

In addition, Horizon Europe — the EU Framework Programme for Research and Innovation in 2021-2027\(^4\) — should ensure the effective promotion of gender equality and a gender perspective in its research and innovation content.

**New MFF 2021-2027 - Proposal establishing the Rights and Values Programme**

The proposal for a regulation establishing the Rights and Values programme under the new MFF was published on 30 May 2018. Its total allocation is EUR 641 705 000. The proposed new programme groups together two existing funding programmes, the Rights, Equality and Citizenship programme and Europe for Citizens programme, whose grouping is expected to bring the much needed simplification, mutual reinforcement and increased effectiveness. The general objective of the programme is to protect and promote the rights and values enshrined in the EU Treaties and the EU Charter of Fundamental Rights.


On 6 March 2019 the European Parliament and the Council reached a provisional agreement on the programme, which now has to be formally approved by both the Parliament and the Council. The budgetary aspects are subject to the overall agreement on the EU’s next long-term budget.

### 7 EU Agencies supporting gender equality

#### 7.1 The European Institute for Gender Equality (EIGE)

In December 2006, the European Parliament and the Council established a European Institute for Gender Equality, based in Vilnius, Lithuania, with the overall objective of contributing to and boosting the promotion of gender equality, including gender mainstreaming in all EU and national policies. It also combats discrimination based on sex and raises awareness on gender equality by providing technical assistance to the EU institutions through collecting, analysing and disseminating data and methodological tools (see the EIGE’s online Resource and Documentation Centre).

In 2018, EIGE chaired the network of JHA EU Agencies. The agencies work on a wide range of areas, including migration and border management, drug trafficking and combating organised crime, human trafficking and gender equality. It includes nine agencies: CEPOL, EASO, EIGE, EMCDDA, eu-LISA, Eurojust, Europol, FRA and Frontex. Since these areas have a lot in common, the network was established to make use of the synergies and share information.

The JHA agencies report jointly to the Council’s Standing Committee on Operational Cooperation on Internal Security (COSI) regarding the network’s progress and achievements. In line with this requirement, a final report was endorsed by the Heads of the JHA agencies in November 2018 in Vilnius.

#### 7.2 European Union Agency for Fundamental Rights (FRA)

The Fundamental Rights Agency (FRA) was established in 2007 as an EU Agency with the specific task of providing independent, evidence-based advice on fundamental rights.

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\(^{2}\) COM(2018) 382  
\(^{3}\) COM(2018) 372 final  
\(^{4}\) COM(2018) 435 final
The objective of the Agency shall be to provide the relevant institutions, bodies, offices and agencies of the Community and its Member States when implementing Community law with assistance and expertise relating to fundamental rights in order to support them when they take measures or formulate courses of action within their respective spheres of competence to fully respect fundamental rights, including gender equality.

Evaluation reports, news, best practices handbook, thematic surveys, etc. are all parts of output of the FRA in the area of gender equality.

7.3 The EU anti-trafficking coordinator

The position of EU Anti-Trafficking Coordinator (EU ATC) is anchored in the EU Anti-trafficking Directive. The EU ATC is responsible for improving coordination and coherence among EU institutions, EU agencies, Member States and international actors, and for developing existing and new EU policies to address trafficking in human beings (THB). This includes monitoring the implementation of the EU Strategy towards the eradication of trafficking in human beings 2012-2016 and the December 2017 Communication stepping up EU Action to address trafficking in human beings.

The recent refugee crisis has shown up the lack of proper tools at a European level for jointly combating THB, especially when its aim is the sexual exploitation of women and children. The European Parliament expressed its views on the matter in May 2016.

8 Tools to support evidence-based policies

8.1 Meetings with experts

The European Parliament has held numerous hearings, workshops, interparliamentary committee meetings and conferences on various aspects of women's rights and gender equality. Hearings can also be held jointly by two or more committees. In the past legislature, at more than 44 events experts were heard and discussions on key issues were held, including on the following:

- Implementation of EU Funds aimed at fighting violence against women & girls
- Gender-specific Measures in Anti-trafficking Actions
- Gender equal workplaces; best practices & use of care services
- Tackling the Gender Pay Gap
- Gender Budgeting: State of Play and way forward
- Victim’s Rights – LIBE-FEMM Joint hearing
- EU strategy against women’s cancers
- Hearing on the European Protection Order
- Joint Hearing EMPL/FEMM Work-Life balance
- Women’s rights in Afghanistan - Joint Hearing

8.2 International Women’s Day

As every year, on 7 March 2019, FEMM committee, in collaboration with the Directorate for Relations with National Parliaments, organized an Inter-parliamentary Committee Meeting. The topic for this year was on "Women's Power in Politics". The topic chosen is at the heart of women’s rights because it defines women’s capacity to participate and decide on the collective governing of our societies, at the time of the EP elections.
8.3 Ad-hoc delegations

The European Parliament organises ad-hoc delegations to gather information from countries or organisations. In the field of women’s rights and gender equality, this has proved a very useful tool to get a first-hand view of the situation in a country of committee’s interest, and to assess the cooperation with the EU. During this legislative term FEMM organised ad-hoc delegations to UN CSW 58, New York, USA (March 2014), Rome, Italy (March 2014), Riga, Latvia (February 2015), Vilnius, Lithuania EIGE (February 2015), UN CSW 59, New York, (March 2015), WSIS Forum in Geneva, Switzerland (May 2015), Dublin, Ireland (September 2015), Munich, Germany (February 2016), UN CSW 60 NY, USA (March 2016), DEVE mission to World Humanitarian Summit, Istanbul, Turkey (May 2016), Warsaw, Poland (June 2016), Kigali, Rwanda (September 2016), Athens, Greece (November 2016), Malta (February 2017), UN CSW 61 NY, USA (March 2017), Warsaw< Poland (May 2017), AFET mission to Morocco (July 2017), Kiev Ukraine (September 2017), Lisbon, Funchal (October 2017), Budapest, Hungary (February 2018), UN CSW 62 NY, USA (March 2018), EIGE Vilnius, Lithuania (September 2018), Tallin, Estonia (September 2018), Vienna, Austria (October 2018), Rome and Castle Voltturno Napoli, Italy (December 2018), Berlin, Germany (February 2019 and Madrid, Spain (February 2019).

8.4 Supporting analysis

The European Parliament’s Policy Departments and the European Parliamentary Research Service have commissioned a number of studies, in-depth analysis, briefings and delegation papers, at the request of the FEMM Committee, to support the work of Parliament in the field of women’s rights and gender equality. The list of publications provided to the FEMM Committee is in the Annex to this Briefing.

Recent Amendments to Parliament’s Rules of Procedure relevant to FEMM

The European Parliament has adopted some new Rules, which are particularly important for FEMM and which have entered into force on 11 March 2019. They amend Rule 11 paragraph 3, and introduce a new Rule 228a on Gender Mainstreaming.

Conclusions:

Gender mainstreaming is a globally accepted strategy towards realising gender equality. It is not the goal in itself, but a means to achieve equality between men and women by integrating gender perspective into the preparation, design, implementation, monitoring and evaluation of policies, regulatory measures and spending programmes. The EU recognises gender equality as a fundamental right, a common value of the EU and a necessary condition for the Union to achieve its objectives of growth, employment and social cohesion.

Compared to many other parts of the world, the EU is a good address for women. According to the 2018 Sustainable Development Goals Index and Dashboards Report, 11 EU Member States have a score of more than 80 out of 100 for Sustainable Development Goal 5 on gender equality. Sweden, Finland and France are in the lead, scoring above 87 and ranking respectively 2nd, 3rd and 5th worldwide. According to the Commission’s 2019 Report on equality between women and men in the EU, 11 EU Member States are in the worldwide top 20.

However, while the gender gap in the EU is narrowing, and in education even reversed, in many other areas, the pace of change could be faster. EIGE studies show that the economic benefits of gender equality put forth robust evidence showing the positive impacts of reducing gender inequalities in the labour market.
As described above, three areas of a particular interest for FEMM Committee members can be identified for the next legislature: the work started on the Directive on Work-life balance, currently awaiting its First reading position at the Council following the EP vote in April 2019, as described in the briefing; the EU’s accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), currently awaiting Council’s position, and the next MFF and its Rights and Values Programme which still needs to be adopted by the Council and the Parliament.