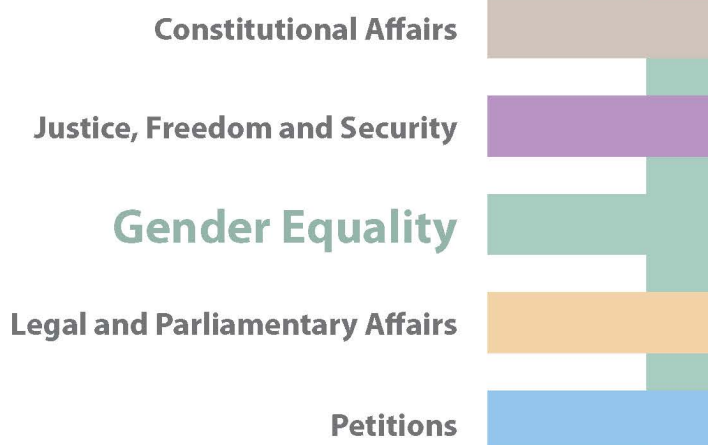


DIRECTORATE-GENERAL FOR INTERNAL POLICIES

**POLICY DEPARTMENT** **C**  
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



**A new strategy for  
gender equality post 2015  
Workshop  
3 September 2014**

WORKSHOP FOR THE FEMM COMMITTEE







DIRECTORATE GENERAL FOR INTERNAL POLICIES  
POLICY DEPARTMENT C: CITIZENS' RIGHTS AND  
CONSTITUTIONAL AFFAIRS

GENDER EQUALITY

## A new strategy for gender equality post 2015

Compilation of in-depth analyses

Workshop  
3 September 2014

### Abstract

Upon request by the FEMM Committee, the Citizens' Rights and Constitutional Affairs Policy Department will hold a workshop on "A new strategy for gender equality post 2015". The Workshop will provide an analysis and respective recommendations for actions to be taken by the European Commission and other European actors before 2020 in 7 different areas to improve the situation of women and to reach gender equality: Gender Mainstreaming, Gender Budgeting and monitoring; Economic independence and the position of women on the labour market; Maternity leave, paternity leave and parental leave and unpaid care work; Women in political and economic decision-making; Dignity, integrity and violence against women; and Gender aspects of foreign affairs and development cooperation.

Document requested by the  
Committee on Women's Rights and Gender Equality

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## LIST OF ABBREVIATIONS

AT	Austria
AWS	All women shortlist
BE	Belgium
BG	Bulgaria
BPfA	Beijing Platform for Action
CBO	Corporate board quota
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CEU	Council of European Union
CRPD	Convention on the Rights of Persons with Disabilities
CSDP	Common Security and Defence Policy
CSW	Commission on the Status of Women
CY	Cyprus
CZ	Czech Republic
DAC	Development Assistance Committee
DE	Germany
DG	Directorate-General
DG DEVCO	Directorate-General Development and Cooperation – EuropeAid
DG ECHO	Directorate-General for Humanitarian Aid and Civil Protection
DG ENLARG	Directorate-General for Enlargement
DG TRADE	Directorate-General for Trade

DK	Denmark
EC	European Commission
ECE	East-Central Europe
ECJ	European Court of Justice
ECtHR	European Court of Human Rights
EE	Estonia
EEA	European Economic Area
EEAS	European External Action Service
EIGE	European Institute for Gender Equality
EPSCO	The Employment, Social Policy, Health and Consumer Affairs Council
ES	Spain
EU	European Union
EU	European Union
FEMM	Committee on Women's Rights and Gender Equality
FGM	Female Genital Mutilation
FI	Finland
FLFP	Female Labour Force Participation
FPTP	First past the post
FR	France
FRA	European Union Agency for Fundamental Rights
GAP	Gender Action Plan
GBV	Gender Based Violence
GEI	Gender Equality Index
GFP	Gender Focal Person



GGP	Gender Gap in Pensions
GIA	Gender Impact Assessment
GPG	Gender Pay Gap
GR	Greece
GS	Gender Stereotypes
HR	Croatia
HR/VP	High Representative/Vice-President
HU	Hungary
IE	Ireland
ILO	International Labour Organization
IPU	Inter-parliamentary Union
IS	Iceland
IT	Italy
JHA	Justice and Home Affairs
LEQ	Legislated electoral quota
LT	Lithuania
LTC	Long Term Care
LU	Luxembourg
LV	Latvia
MDG	Millennium Development Goal
MEP	Member of the European Parliament
MP	Member of Parliament
MS	Member state
MT	Malta

NL	The Netherlands
NO	Norway
ODI	Overseas Development Institute
OECD	Organisation for Economic Cooperation and Development
oQSG	Office Quality Support Group
PBQ	Public body quota
PL	Poland
PM	Placement mandate
PR	Proportional representation electoral system
PT	Portugal
RO	Romania
RS	Reserved seats
SE	Sweden
SI	Slovenia
SIA	Sustainability Impact Assessment
SIP	Social Investment Package
SK	Slovakia
SPC	Social Protection Committee
STV	Single transferable vote
SWOT	Strengths, Weaknesses, Opportunities, and Threats
TFEU	Treaty on the Functioning of the European Union
TRF	Total Fertility Rate
TRS	Two round system
UK	United Kingdom

- UN United Nations
- UNICEF United Nations International Children's Fund
- UNODC United Nations Office on Drugs and Crime
- UNSCR United Nations Security Council Resolution
- VPQ Voluntary Party Quota
- VSO Voluntary Service Overseas

# **GENDER MAINSTREAMING, GENDER BUDGETING, AND MONITORING IN POST 2015 GENDER EQUALITY POLICY**

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## **Abstract**

Upon request by the FEMM Committee, this report analyses the role of gender mainstreaming, gender budgeting, gender equality monitoring and anti-gender stereotyping measures in the context of European Union's post-2015 gender equality framework.

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## EXECUTIVE SUMMARY

### Gender Mainstreaming (Art 8 TFEU) vs. concrete measures (Art. 157, 4 and elsewhere)

The dual approach provides an effective range of tools to address gender mainstreaming and should be retained in the post-2015 gender equality policy.

Implementation of EU equality laws and policies remains uneven.

Effectiveness of gender mainstreaming within EU institutions and within Member States remains very uneven.

### Institutional mechanisms among which Gender Impact Assessments and monitoring

EIGE offers improved EU capacity to monitor progress, identify good practice and develop models and proposals.

The absence of good data on important issues such as gender-based violence presents a continuing obstacle.

The EU should affirm its commitment to the EU Gender Equality Index and consider how it will be utilised to measure and monitor the effectiveness of its strategy.

Gender training should form part of a wider capacity-building strategy that includes post training activities, monitoring systems and organisational changes.

Gender Impact Assessment, though a valuable tool in some contexts, is only one of a range of tools required to enable the EU to deliver its commitment to gender equality.

### The elimination of stereotypes and the role of the media

Gender stereotyping is an issue for the EU because negative stereotypes prevent individuals from fulfilling their potential by limiting choice and opportunity, undermining the economic strategies of the EU.

Stereotyping can undermine anti-discrimination laws and other EU policies by providing the basis for decisions based on stereotypes rather than evidence.

The dual strategy for gender equality offers the EU a range of tools to tackle gender stereotyping, from Directives and Regulations in areas where stereotyping directly challenges the effectiveness of the Single Market to the sharing of good practice and the conduct of studies to improve our understanding of the consequences of stereotyping and of efforts to address it.

## Gender budgeting

Gender analysis should be an integral part of the EU budgetary process and the Multiannual Financial Framework. This analysis includes considering general macroeconomic targets as they are used to design EU economic and social policies (growth and efficiency).

Gender budgeting represents a tool for achieving good governance standards (transparency and accountability).

Gender budgeting is a particularly powerful tool to reveal and address the disproportionate effects of austerity policies on women by examining the corresponding fiscal and budgetary measures in a transparent way.

## INTRODUCTION

The broad context in which a new strategy for gender equality post 2015 must operate presents distinct challenges compared to the context in which previous strategies were formulated. On the one hand, the global economic crisis and the resultant turn to austerity measures in the Member States has impacted heavily on women as employees<sup>2</sup> and service-providers and as users of state-funded services and has drawn attention to the key role of public expenditure and supporting policies in contributing to the advancement of gender equality. On the other hand, increased disaffection with the European Union (EU) adds impetus to the need for the EU to demonstrate its contribution to improvements in the economic and social wellbeing of its citizens, including gender equality and the reconciliation of work and family life.

Improvements in the economy globally and within the EU are highlighting weaknesses in Member State economies and increasingly exposing skills shortages, while continuing globalisation makes urgent the need to ensure that the EU is fully developing and utilising the potential of its workforce to improve its competitive position.

The ability and capacity of the EU to monitor and demonstrate the progress achieved in gender equality has been significantly increased by the establishment of the European Institute for Gender Equality (EIGE) and consideration is given in this report to some of the ways in which EIGE can support the EU's gender equality strategy post 2015.

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<sup>2</sup> The precise impacts appear to vary between Member States but include in some cases lower levels of employment, in others more casualisation or underemployment and in others greater levels of employment as sole breadwinners. Men's employment too has been affected differently in different Member States.

## 1. GENDER MAINSTREAMING (ART 8 TFEU) VS. CONCRETE MEASURES (ART. 157, 4 TFEU AND ELSEWHERE)

### KEY FINDINGS

- The dual approach provides an effective range of tools to address gender mainstreaming and should be retained in the post-2015 gender equality policy.
- Implementation of EU equality laws and policies remains uneven.
- Effectiveness of gender mainstreaming within EU institutions and within Member States remains very uneven.

The dual approach to gender mainstreaming adopted by the EU in its Strategy for equality between women and men 2010-2015<sup>3</sup> (the integration of the gender dimension in all policy areas and specific measures) provides an effective range of tools to address gender mainstreaming and should be retained in the post-2015 gender equality policy. In Annex I, the relevant Strengths/Weaknesses/Opportunities/Threats have been identified.

During the 2010-2015 period significant initiatives have been taken and measures adopted under both approaches:

### 1.1 Integration of the gender dimension in all policy areas

In the Strategy for 2010-2015, the EU identified six priority areas, equal economic independence; equal pay for equal work and work of equal value; equality in decision-making; dignity, integrity and ending gender-based violence, gender equality in external action policy, and horizontal issues. The Report on Progress on equality between women and men in 2013<sup>4</sup> indicates that progress has been made in each of the first five priority areas and, in relation to horizontal issues, it is clear that important gender mainstreaming initiatives have been taken in areas not specifically prioritised such as the Rights, Equality and Citizenship Programme<sup>5</sup> and Horizon 2020<sup>6</sup>.

The development of a new strategy offers an opportunity to review progress under the first five priority areas and to consider whether these remain the areas of highest priority, and to consider whether more could be done to support development in relation to horizontal issues (see 2 below).

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<sup>3</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Strategy for equality between women and men 2010-2015, Brussels, 21.9.2010, COM (2010) 491 final.

<sup>4</sup> Commission Staff Working Document, Report on Progress on equality between women and men in 2013, Brussels, 14.4.2014, SWD(2014) 142 final

<sup>5</sup> Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 20, OJ L 354, 28.12.2013, p. 62–72.

<sup>6</sup> Regulation (EU) No 1291/2013 of the EP and the Council of 11-12-2013 – JL 347 of 20-12-2013.

## 1.2 Concrete measures

During 2010-14, there have been relatively few additions to the *acquis communautaire*<sup>7</sup> in the field of gender equality; however, there have been some important concrete measures adopted in specific fields, such as Horizon 2020.

The need to use concrete measures is particularly pressing where such measures can enhance the EU's competitive position and to promote growth, for example where the talent pool is currently underexploited and well-qualified and skilled workers (whether women or men) are routinely underrepresented in particular sectors of the economy or parts of the workforce.

Concrete measures can also be considered as a useful way to remind Member States of their existing obligations and to encourage better compliance. A clear example of this approach is the Commission's Recommendation of 7.3.2014 on strengthening the principle of equal pay between men and women through transparency.<sup>8</sup>

In line with the principle of subsidiarity and the need for the EU to work in cooperation with the Member States, a wide range of specific measures ranging from Directives and Regulations to recommendations and more tailored governance approaches such as those used in relation to the European Employment Strategy remain available to the EU institutions.

## 2. INSTITUTIONAL MECHANISMS AMONG WHICH GENDER IMPACT ASSESSMENTS AND MONITORING

### KEY FINDINGS

- EIGE offers improved EU capacity to monitor progress, identify good practice and develop models and proposals.
- The absence of good data on important issues such as gender-based violence presents a continuing obstacle.
- The EU should affirm its commitment to the EU Gender Equality Index (GEI) and consider how it will be utilised to measure and monitor the effectiveness of its strategy.
- Gender training should form part of a wider capacity-building strategy that includes post-training activities, monitoring systems and organisational changes.
- Gender Impact Assessment (GIA), though a valuable tool in some contexts, is only one of a range of tools required to enable the EU to deliver its commitment to gender equality.

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<sup>7</sup> The last significant EU legislative initiative in the field of gender equality, Directive 2010/41/EU, addressed a gap in the *acquis* relating to the self-employed.

<sup>8</sup> C (2014) 1405 final, [http://ec.europa.eu/smart-regulation/impact/ia\\_carried\\_out/docs/ia\\_2014/c\\_2014\\_1405\\_en.pdf](http://ec.europa.eu/smart-regulation/impact/ia_carried_out/docs/ia_2014/c_2014_1405_en.pdf) : see also Report from the Commission to the European Parliament and the Council on the application of Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the



## 2.1. Institutional Mechanisms

A 2013 overview on institutional mechanisms by EIGE identified mixed trends in the allocation of resources to support gender equality in Member States, and some ambivalence regarding gender mainstreaming<sup>9</sup>. Consideration should be given in the new Strategy to how to support the December 2013 Council Conclusions on the Effectiveness of institutional mechanisms for the advancement of women and gender equality<sup>10</sup>, which called on Member States to maintain strong institutional mechanisms for promoting gender equality.

## 2.2. Monitoring

The EU should maintain and improve where possible the monitoring of gender equality through the Annual Report on Progress on Equality Between Women and Men, and sector-specific reports such as the 2013 Report on the Implementation of the EU Plan of Action on Gender Equality and Women Empowerment in Development 2010-2015 (see Appendix II). Consideration should be given to the role such monitoring activities can play in enhancing the implementation of policies, and in improving communication and accountability between the EU institutions inter se, and between the EU, the Member States and stakeholder groups, in relation to gender equality.

The ability and capacity of the EU to monitor and demonstrate the progress achieved in gender equality has been significantly increased by the establishment of EIGE officially launched in 2010. The development of a new Strategy affords an important opportunity to consider ways in which EIGE can further support the EU's gender equality strategy post 2015.

Of particular significance and potential utility is the GEI developed by EIGE which is tailored to the EU and which identifies gaps between women and men across a broad range of areas (see 2.3, below). In addition, significant work has been done during the period covered by the current Strategy to identify, for the first time, the involvement of men in gender equality across the EU Member States. The EU should consider how the capacity offered by EIGE can be utilised to enhance monitoring tools and activities across all areas of activities.

The absence of good data on important issues such as gender-based violence presents a continuing obstacle generally speaking and in particular for the further development of the GEI.

The statistical gap concerning the measurement of gender-based violence undermines the European Parliament's efforts to give greater priority to an EU framework to fight violence against women and better information has been called for by both the Parliament and the Council. The development of a new strategy for the post-2015 period offers a valuable opportunity to consider how the EU might contribute to the development of better information and monitoring mechanisms to enable this statistical gap to be filled.

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principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).

<sup>9</sup> EIGE, Review of the Implementation of the Beijing Platform for Action in the EU Member States: Institutional Mechanisms for the Advancement of Gender Equality, 15905/13 ADD 1.

<sup>10</sup> Council of the European Union, Council conclusions on the effectiveness of institutional mechanisms for the advancement of women and gender equality, 9<sup>th</sup> and 10<sup>th</sup> Dec, 2013.

## 2.3. Gender Equality Index

The EU should affirm its commitment to the GEI and consider how it will be utilised to measure and monitor the effectiveness of its strategy.

The development by EIGE of the GEI raises important questions about how this index will be embedded into the gender equality strategy of the EU post 2015. "Through analysing the impact on individual women and men, the Index can demonstrate the progress of the Member States in the implementation of EU policies, and add additional perspectives to the process of assessing the achievement of targets defined in the European Semester."<sup>11</sup>

The EU should also consider how it can support EIGE in adopting proposals to address gaps in the datasets used to compile the GEI, which represent gaps in the availability of robust and comparable data about areas of activity important to the promotion of gender equality.

## 2.4. Gender Training

Gender training should form part of a wider capacity-building strategy that includes post training activities, monitoring systems, and organisational changes.

Significant steps have been taken to draw together information and evidence about the availability, quality and effectiveness of gender training initiatives. The mapping of training carried out by EIGE<sup>12</sup> has identified in a systematic way for the first time the gap which exists between high-level commitment to gender mainstreaming and the development of the capacity, knowledge and skills amongst officials to successfully deliver this commitment (see Appendix II). This presents a valuable opportunity for the EU to take steps within its own institutions to address this issue whilst also contributing to efforts to improve the situation in the Member States and in international organisations such as the UN, which have also been shown to fall short of what is required to make gender mainstreaming effective.

Gender training, of an appropriate quality, should be considered as part of a wider capacity-building strategy that includes post training activities, monitoring systems and organisational changes. This should include discussion on the accommodation of diversity and intersectionality in gender training programmes, as well as how to communicate the benefits of gender training.

## 2.5. Gender Impact Assessment

Gender Impact Assessment (GIA) can be a valuable tool in some contexts, though it is only one of a range of tools required to enable the EU to deliver on its commitment to gender equality.

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<sup>11</sup> EIGE Gender Equality Index, Report, 2013, p.136 (available at <http://eige.europa.eu/content/document/gender-equality-index-main-findings>).

<sup>12</sup> Mapping gender training in the European Union and Croatia: Synthesis report (EIGE, 2013), available at <http://eige.europa.eu/content/document/mapping-gender-training-in-the-european-union-and-croatia-synthesis-report>.

The EU's commitment to impact assessment is long-standing (since 2003) and has evolved over time. A comparative study carried out by the OECD<sup>13</sup> identifies considerable strengths in the EU's processes: the high level of commitment, the parallel positioning of impact assessment, the resources and training available, the attention to quality brought by the IA Board, and the transparency, including stakeholder involvement, in Impact Assessments. However, the report also highlights a number of weaknesses, including in relation to social issues (including gender) and in relation to the process itself (such as the lack of any opportunity for stakeholders to view and comment on the draft before final publication).

The EU's general Impact Assessment process is supplemented in many areas by more specific GIA requirements. The mid-term review of the Strategy for equality between women and men (2010-2015)<sup>14</sup> identifies many areas where specific gender scrutiny provisions are incorporated into EU instruments in place of a more general impact assessment requirement, allowing for the use of clear criteria and principles tailored to the area in question: besides enabling a robust assessment of gender impact if designed carefully, this is an effective mechanism for improving understanding and capacity relating to gender issues within the EU and the Member States.

A recent seminar on Exchange of Good Practices on Gender Equality<sup>15</sup> identified wide variations in practice across the EU Member States in relation to GIA, including some states with advanced and respected processes in use, and others where no GIA tools have yet been developed. It is generally recognised that the wider cultural context plays an important part in determining whether GIA requirements lead to improved outcomes. An important balance has to be achieved between making tools simple enough to be used by a wide range of officials, and oversimplifying complex social and economic issues. A flexible approach, allowing different approaches to be used for different issues, seems necessary, rather than a rigid tool. Moreover, GIA will succeed best where there is high level political support, accountability for the quality of assessments, and a good range of tools, data and monitoring mechanisms to underpin the process.

Consideration should be given to how the EU can enhance its own practice in this area, and continue to make GIA mandatory in particular policy areas where the need can be seen to be great. The EU should also consider how it can support GIA in Member States through further studies, exchange of good practice and recommendations. However, increased emphasis on GIA should not be at the expense of the development of other tools, data, and monitoring mechanisms: rather these tools are mutually reinforcing and a balanced approach should be sought which seeks to enhance the ability of the EU and the Member States to better deliver on the commitment to advance gender equality.

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<sup>13</sup> OECD Sustainability in Impact Assessment. A Review of Impact Assessment Systems in selected OECD Countries and the European Commission 12<sup>th</sup> February 2012, SG/SD(2011)6/FINAL.

<sup>14</sup> Commission Staff Working Document on the mid-term review of the Strategy for equality between women and men (2010-2015), SWD(2013) 339 final, Annex 1.

<sup>15</sup> See European Commission, Justice, Exchange of Good Practices on Gender Equality, Gender Impact Assessment, Austria 3-4 June 2014, Summary Report, available at [http://ec.europa.eu/justice/gender-equality/files/exchange\\_of\\_good\\_practices\\_at/140804\\_summary\\_report\\_at\\_2014\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/exchange_of_good_practices_at/140804_summary_report_at_2014_en.pdf).

### 3. THE ELIMINATION OF GENDER STEREOTYPES AND THE MEDIA

#### KEY FINDINGS

- Gender stereotyping is an issue for the EU because negative stereotypes prevent individuals from fulfilling their potential by limiting choice and opportunity, undermining the economic strategies of the EU.
- Stereotyping can further undermine anti-discrimination laws and other EU policies by providing the basis for decisions based on stereotypes rather than evidence.
- The dual strategy for gender equality offers the EU a range of tools to tackle gender stereotyping, from Directives and Regulations in areas where stereotyping directly challenges the effectiveness of the Single Market to the sharing of good practice and the conduct of studies to improve understanding of the consequences of stereotyping and of efforts to address it.

#### 3.1 Background to gender stereotypes

A widely accepted definition of stereotypes states that they are 'based on socially constructed norms, practices and beliefs' and that '[t]hey are often cultural, and religion-based and -fostered, and reflect underlying power relations'.<sup>16</sup> It is important to acknowledge that stereotypes 'are not inherently negative, but because they are assumptions that disregard a person's individual and inherent abilities, opportunities and environment, they tend to be prejudicial'.<sup>17</sup> Research at Member State level has consistently pointed, on the one hand, to a chronic underrepresentation of women in professional and expert roles in news programmes and documentaries, and, on the other, to a proliferation of sexualised female images in advertising.<sup>18</sup> Gender stereotypes rarely operate alone and are often perpetuated by an individual's race, age, sexual orientation, class, disability etc.<sup>19</sup> This discussion focuses on ways in which the EU can play a role in challenging stereotypes around gender, but does so in full awareness that this is just one part of the picture and that policy-making must be informed by an understanding of the many prejudices that surround women's individual situations.

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<sup>16</sup> This definition is adopted by the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), Countering Gender Discrimination and Negative Gender Stereotypes: Effective Policy Responses, 13 July 2011, available at [www.unwomen.org/en/news/stories/2011/7/countering-gender-discrimination-and-negative-gender-stereotypes-effective-policy-responses](http://www.unwomen.org/en/news/stories/2011/7/countering-gender-discrimination-and-negative-gender-stereotypes-effective-policy-responses); and the European Parliament, Report on Eliminating Gender Stereotypes in the EU, 2012/2116(INI), 6 December 2012.

<sup>17</sup> UN Women, *ibid.*

<sup>18</sup> European Commission, Advisory Committee on Equal Opportunities for Women and Men: Opinion on "Breaking gender stereotypes in the media" (2010), available at [http://ec.europa.eu/justice/gender-equality/files/opinions\\_advisory\\_committee/2010\\_12\\_opinion\\_on\\_breaking\\_gender\\_stereotypes\\_in\\_the\\_media\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/opinions_advisory_committee/2010_12_opinion_on_breaking_gender_stereotypes_in_the_media_en.pdf). See further the EIGE database of stories from the 'Study of collected narratives on gender perceptions in 27 EU Member States', available at <http://eige.europa.eu/gender-stereotype-stories>.

<sup>19</sup> Cook, R. and Cusack, S., *Gender Stereotyping: Transnational Legal Perspectives* (2010, Philadelphia: University of Philadelphia Press).

### 3.2 Gender stereotypes and the media: a case for EU action

Gender stereotyping in the media ensures that presumptions and prejudices about the roles of women and men permeate every area of society, from employment to education to law-making, which can have consequences of relevance to the EU in a number of ways. First, negative stereotypes prevent individuals from fulfilling their potential by limiting choice and opportunity,<sup>20</sup> which in turn undermines strategies in relation to economic growth and the achievement of the Single Market.<sup>21</sup> In particular, gendered employment patterns can be reinforced by policies that are grounded in presumptions, perpetuated by media representations, about the roles of women and men, both in the work place and within the domestic sphere. Similarly, certain professions are often depicted within the media as being inherently female or male.<sup>22</sup> This is the case in relation to careers in the sciences and engineering, where women are under-represented – and caring professions, such as nursing and teaching, which recruit lower numbers of men. Second, stereotyping is a root cause of gender inequality,<sup>23</sup> thus undermining the EU's broader anti-discrimination agenda.<sup>24</sup> Legislative and policy actions may be informed by stereotypes, rather than solid evidence: thus, within the institutions, it is vital that all legislative and non-legislative activity responds to the lived reality of people's lives. Finally, gender stereotyping can be the basis of, and a justification for, violence against women.<sup>25</sup> Of particular concern are certain sectors of the advertising industry which use violent imagery of women, which is often of a sexual nature, to sell products.<sup>26</sup>

Both the European Parliament and the Commission have published reports and studies on the role of the EU in combating gender stereotyping in the media in recent years.<sup>27</sup> This is supplemented by Council of Europe activity in the area<sup>28</sup> and a significant body of work from EIGE<sup>29</sup>, suggesting a growing consensus on the need for action in this area which should be realised under the next strategy for gender equality (see also Annex III).

### 3.3 Challenges to be met by EU action in relation to gender stereotyping in the media

Whilst there is a clear justification for EU intervention to challenge gender stereotyping in the media, any actions must be tailored to the difficult framework that surrounds media regulation and the varying cultural approaches to the roles of women and men in society across the Member States. In respect of the former, it must be borne in mind that in many Member States state interference in the media sector is highly unusual and so binding provisions might not always be appropriate. Furthermore, any action must be implemented in full awareness of the right to freedom of expression found among others in Article 11 of

<sup>20</sup> UN Women, *op cit.*, note 14.

<sup>21</sup> For example, gender stereotypes may impact upon the free movement provisions (Articles 30, 45 and 56; goods, persons and services, respectively), as well as the Europe 2020 strategy for economic growth.

<sup>22</sup> Crowley, N., A policy response to gender perceptions: Discussion Paper (2013), Luxembourg: EIGE, 5.

<sup>23</sup> Crowley, *ibid.*, 4; UN Women, *op. cit.* note 14.

<sup>24</sup> Article 23 Charter of Fundamental Rights of the European Union; Article 3 TEU; Articles 8 and 10 TFEU.

<sup>25</sup> Forest, M. and Platero, R., Report Analysing Intersectionality in Gender Equality Policies for Spain and the EU, QUING Project, Vienna: Institute for Human Sciences, available at [http://www.quing.eu/files/results/ir\\_spain.pdf](http://www.quing.eu/files/results/ir_spain.pdf) accessed 11 August 2014., 32-33.

<sup>26</sup> European Commission *op. cit.* note 16; European Parliament *op. cit.* note 14.

<sup>27</sup> Commission and European Parliament, *ibid.*

<sup>28</sup> See the report of the Council of Europe Gender Equality Commission on the conference 'Media and the Image of Women', Amsterdam, 4-5 July 2013 (GEC (2013) 5 FINAL)

<sup>29</sup> See the EIGE website for details of their work on gender stereotypes <http://eige.europa.eu/content/gender-stereotypes> accessed 11 August 2014.

the Charter of Fundamental Rights of the European Union. The broad range of tools associated with mainstreaming has a valuable role to play; the use of 'soft' measures such as target-setting and awareness raising can offer a more acceptable regulatory option. Indeed, many of the previous successes of gender mainstreaming have been achieved through the use of soft measures to complement hard legislative action.<sup>30</sup> Furthermore, any activity in relation to challenging gender stereotypes in the media must avoid imposing a particular cultural ideal surrounding the roles of women and men that may not be accepted in all Member States. It is important to recognise that gender equality is at different stages, and pursued through different means, across the EU. Offering a range of options to Member States, in a supporting, coordinating and educating role, to allow challenging of gender stereotypes in the media through means that are appropriate to the specific environment can be an effective option.

### 3.4 The use of a mainstreaming approach to challenge gender stereotyping in the media

It is suggested that gender mainstreaming tools are well suited to providing a framework for combating gender stereotypes, particularly within the media. Four key features for a future EU strategy in this area are proposed:

#### 3.4.1. Capitalising upon existing legislative competences

The EU has no direct competence to regulate the use of gender stereotypes within the media. It does, however, have competence to regulate the internal market and an obligation to 'eliminate inequalities, and to promote equality between men and women' in all its activities (Article 8 TFEU) and this could be used effectively to create EU level standards for media products, overcoming the difficulty which Member States face that they risk causing disruption to the Single Market if they seek to act alone in this area. For example, a ban in Member State A on the use of sexually violent images of women in magazine advertising would be a barrier to the free movement of magazines containing such advertising produced in Member State B, where no such ban exists. As a result, the efforts of Member State A to promote equality between men and woman could, without EU action, be vulnerable to legal challenge as a breach of EU free movement law. An appropriate response for the EU would be to require through binding measures a high standard of gender equality in advertising throughout the Union. This would then enable Member States to meet the requirements of the internal market and the Union's commitments to gender equality simultaneously.<sup>31</sup> More generally, it is suggested that a central aspect of gender mainstreaming within the single market should be 'gender-proofing' all legislation that regulates the media sector in a way that ensures measures are taken to combat stereotyping where appropriate.

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<sup>30</sup> Beveridge, F., 'Building against the past: The impact of mainstreaming on EU gender law and policy', (2007) 32(2), *European Law Review*, pp.193-212; Mazey, S., 'Gender Mainstreaming Strategies in the EU: Delivering on an Agenda' (2002) 10(3-4) *Feminist Legal Studies*, at pp.227-240.

<sup>31</sup> Since stereotyping has been established as a root cause of persistent gender inequalities, legislation passed under areas of competence such as the internal market may legitimately seek to combat this. The Court established in *Tobacco Advertising* that the primary aim of single market legislation must be to eliminate genuine obstacles to free movement or distortions to competition but recognised that flanking social policy choices are an inevitable by-product of such activity. Given the obligation in Article 8 TFEU to promote equality between women and men, the case can be made that regulatory choices such as rules on media advertising should promote gender equality through actions that seek to eliminate gender stereotypes.



### 3.4.2. Deploying the full mainstreaming 'toolbox'

Gender mainstreaming is associated with a range of activities, encompassing both hard and soft law: concrete legislative action; target-setting; sharing of good practice; research and data gathering; education; awareness-raising.<sup>32</sup> The complexity and cultural specificity of gender stereotypes and their impact, alongside the nature of media regulation within the Member States, requires a carefully crafted strategy that does not rely on just one regulatory approach, but deploys the full mainstreaming toolbox effectively. A survey of relevant literature suggests the following activities might be pursued:

**Establishment of a media monitoring group.** In 2010, the Commission proposed the establishment of a European Media Monitoring Group with a specific gender equality branch. It was suggested that this body should 'work on common European standards for defining degrading images and sexism' and 'receive and consider complaints from the public'.<sup>33</sup> This body could pursue other functions which would support complementary mainstreaming tools: for example coordinating a central repository of good practice, providing education and training materials, overseeing data gathering and research.

**Representation of women in senior positions within the media sector.** Whilst women are fairly well represented in the media in general, they are not present at decision-making levels.<sup>34</sup> Ensuring that women are appropriately represented in management positions within the media has an important role to play in breaking down gender stereotypes. For example, in Austria legislation exists setting a target of 45% women at all decision-making levels in the Austrian Broadcast and Television Company.<sup>35</sup>

**Education and awareness-raising.** There is a large body of evidence pointing to the importance of developing positive gender identities in childhood, such that limited opportunities and negative perceptions are not carried into later life.<sup>36</sup> Moreover, the importance of ensuring that children, particularly boys, are educated in responding critically to violent imagery of women from a young age is fundamental. Whilst the EU is not competent to influence the content of curriculum in Member States, it has a potentially pivotal role to play in exchanging best practice for educational establishments. The European Commission has identified a number of positive awareness-raising initiatives that could be rolled out across Europe to promote positive and realistic portrayals of women and men in the media.<sup>37</sup>

**Ensuring dialogue with stakeholders.** In order to challenge the culture surrounding gender stereotypes, key stakeholders within the media sector must be engaged. EIGE has pointed to the progress made by the European Commission in engaging the media sector in policy dialogue at European level,<sup>38</sup> a process that should be continued in relation to efforts to challenge gender stereotyping. This process should also include employer associations and trade unions to continue recent efforts to challenge gender stereotyping in the media through new workplace practices in that sector. Finally, civil society organisations, many of

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<sup>32</sup> Beveridge and Mazey, *ibid.*

<sup>33</sup> European Commission, *op. cit.* note 16, at 15.

<sup>34</sup> According to the European Commission (*ibid.*, 6), in 2000 only 9.3% of women were in top management positions in the telecommunications industry in the EU and EEA and 3% of women journalists were in decision-making positions.

<sup>35</sup> European Commission, *ibid.*

<sup>36</sup> Crowley, *op. cit.* note 20.

<sup>37</sup> European Commission, *op. cit.* note 16.

<sup>38</sup> Crowley, *op. cit.* note 20.

whom have a wealth of data in relation to gender stereotyping, ought to be fully engaged in the policy formulation process.

### 3.4.3. Sustained use of dual-track approach

The “dual track” approach requires that initiatives and programmes designed with the sole aim of enhancing gender equality are complemented by a cross-sectoral strategy in which the position of women and men is considered in the design of all Community policies.<sup>39</sup> An essential aspect of this approach is to ensure that all policies in any area of EU activity are evidence-based and not informed by stereotypes. There is, therefore, an important role for the EU in coordinating and funding research into the impact of gender stereotypes across a range of policy areas.

## 4. GENDER BUDGETING

### KEY FINDINGS

- Gender analysis should be an integral part of the EU budgetary process and the Multiannual Financial Framework. This analysis includes considering general macroeconomic targets as they are used to design EU economic and social policies (growth and efficiency).
- Gender budgeting represents a tool for achieving good governance standards (transparency and accountability).
- Gender budgeting is a particularly powerful tool to reveal and address the disproportionate effects of austerity policies on women by examining the corresponding fiscal and budgetary measures in a transparent way.

### 4.1. Gender budgeting in general

Budget is the most powerful governmental tool to plan future policies and actions. Budgets are not gender neutral: spending and revenue activities result in discriminatory effects on men and women.<sup>40</sup> On the other hand, a gender sensitive budgetary process, i.e. the so-called ‘gender budgeting’, could be used to set concrete horizontal gender equality goals across different policy areas. Similarly, the budgetary process provides an opportunity for reflection on the success of gender equality goals.<sup>41</sup> Thus, ‘gender budgeting’ forms an indispensable part of gender mainstreaming.<sup>42</sup>

<sup>39</sup> Commission, Towards a Community Framework Strategy on Gender Equality (2001-2005) COM(2000) 335 final

<sup>40</sup> Diane Elson, ‘Integrating Gender Issues into National Budgetary Policies and Procedures: Some Policy Options’, (1998) *Journal of International Development* 10(7): 929-41; Diane Elson, ‘Integrating Gender into Government Budgets within a Context of Economic Reform’, in Debbie Dublender (et. al. eds.) *Gender Budgets Make Cents: Understanding Gender-Responsive Budgets* (2002, London: Commonwealth Secretariat), 23-47; Rhonda Sharp and Ray Broomhill, ‘Budgeting for Equality: The Australian Experience’, (2002) *Feminist Economics*, 8(1):25-47; Janet Stotsky, ‘Budgeting with Women in Mind’, (2007) *Finance and Development*, 44(2): 12-15.

<sup>41</sup> The Council of Europe, Directorate General of Human Rights, ‘Gender Budgeting’ (Strasbourg, 2005), p.8.

<sup>42</sup> Kate Bellamy (2002), ‘Gender Budgeting’ A Background paper for the Council of Europe’s Informal Network of Experts on Gender Budgeting (UK Women’s Budget Group).



According to guidelines of different institutions and women's rights organisations, the basic good practices of gender budgeting include the following:<sup>43</sup> all state authorities, particularly those in charge of the budget, should be actively involved in gender budgeting; Civil society organisations and external experts should support the process by providing technical expertise and transparency; Officials involved in spending and revenue decisions should receive gender budgeting training; Gender budgeting should target all policies resulting in trade-offs between groups of individuals as well as policies that involve direct spending and revenue-making; Gender equality should be incorporated also into the audit and parliamentary discharge processes as a reflective mechanism to assess the success of gender equality targets.<sup>44</sup> To secure the commitment and cooperation of necessary state authorities, it should be underlined that gender budgeting represents a tool for achieving good governance standards (e.g. transparency and accountability)<sup>45</sup> as well as general macroeconomic goals (e.g. growth and efficiency).<sup>46</sup> However, this should not result in the overshadowing of gender equality by other policy goals.

## 4.2. State of play in the EU and proposals for improvement

At present, the EU does not follow a gender budgeting process, despite the calls of the women's rights organisations and the European Parliament.<sup>47</sup> The EU's budgetary process is suitable as a planning and reflection device for gender equality, due to the involvement of the European Commission, European Parliament and the Council. This is particularly so for the EU's Multiannual Financial Framework that provides a medium term projection of policy targets and spending plans for a period of 7 years. However, the three EU institutions must agree on gender equality targets for gender budgeting to be a smooth process. Thus, the lack of a gender equality pillar within the Europe 2020 priorities presents a challenge, whereas the Council's recent call for the building of a gender equality pillar within Europe 2020 is well founded.<sup>48</sup>

The concrete targets set in the EU Structural Funds Regulations could be used as a starting point in the negotiation of overarching gender equality targets. This is subject, again, to the limitation that at present there is no common approach between the three EU institutions in terms of how to integrate a gender perspective 'into the thematic aspects and procedures of programming'.<sup>49</sup>

<sup>43</sup> Bellamy, *ibid.*; Janet Stotsky, 'Gender Budgeting', IMF Working Paper WP/06/232; Nallari Raj, *Gender and Macroeconomic Policy* (World Bank, 2011).

<sup>44</sup> For instance the Council of Europe's model integrates gender budgeting into the planning and preparation, adoption, implementation, audit and evaluation phases; Council of Europe, *op. cit.* note 38, at 16. Lois Woestman suggests a similar model based on four stages in 'Engendering EU General Budget Support' (2009, WIDE, Brussels), at 5-6. See also Debbie Budlender, who suggests a model based on a 'triangle of players' (politicians, state bureaucracy and civil society) and on a 'triangle of goals' (awareness, accountability and change of budgets), in 'A Global Assessment of Gender Responsive Budget Initiatives' in Budlender (et. al. eds.), *op. cit.* note 37.

<sup>45</sup> See e.g. Council of Europe, *op. cit.* note 38, at 11-12.

<sup>46</sup> For instance Stotsky connects gender budgeting directly to the internalising of negative economic externalities. See, *op. cit.* note 40, at 13.

<sup>47</sup> European Women's Lobby, WIDE and CONCORD Statement, 'Towards a Gender Responsive, Accountable and Participatory Post-2013 EU Multi-Annual Financial Framework and EU financing Instruments', May 2011; European Parliament Directorate General for Internal Policies, Citizens' Rights and Constitutional Affairs, 'The Multiannual Financial Framework from a Gender Equality Perspective' (2012, Brussels).

<sup>48</sup> Council Conclusions on Women and the Economy: Economic Independence from the Perspective of Part-Time Work and Self-Employment, Luxembourg, 19 June 2014, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/lsa/143269.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/143269.pdf).

<sup>49</sup> European Standard on Gender Mainstreaming in the ESF – implementation, <http://standard.gendercop.com/european-policy/implementation/>.

Ideally, all European Commission DGs that operate programs with potentially differing effects on men and women, and not only those directly involved in spending and revenue activities, should be active participants in gender budgeting. An external expert group as well as women's rights organisations should be involved in the process of gender budgeting to increase transparency and responsiveness.

The EU is not a welfare state; it does not implement distributive and redistributive policies; and its budget is miniscule compared to those of the Member States. Thus, for an effective gender mainstreaming process across the EU, Member States should also follow a gender budgeting approach. Gender budgeting experiences across the Member States have been patchy (see appendix II): unsurprisingly, Member States with a strong welfare state, including the Nordic states, Germany, Austria and Belgium have been pioneers of gender budgeting, whereas in Southern European states, such as Spain and Italy, there have been a few local initiatives without a national follow-up.

Positive experiences of the Member States, particularly those of the Nordic states, could be used as a model in the design of gender budgeting at the EU level. The EU does not have the necessary competences to require the Member States to make gender budgeting a part of the national budgetary process. Incentive structures could be introduced using the Structural Funds to encourage gender budgeting at the national level. Likewise, gender budgeting could be promoted using soft cooperation mechanisms, imitating the mechanisms of the Open Method of Coordination. A gender budgeting network between the Member States could be established as a policy learning mechanism, imitating the Nordic model.

However, these proposals require dedication of public resources at the EU as well as the national levels. Thus, they are subject to limitations imposed by austerity measures, as summarised below. Similarly, groups of Member States following different economic and fiscal models have experienced the crisis differently.<sup>50</sup> This might render difficult the adoption of a harmonised approach to gender budgeting across the EU.

### 4.3. Financial crisis, austerity and gender budgeting

According to feminist and globalisation literature, global neo-liberal economic pressures jeopardise gender equality policies, particularly in developing countries. Against this backdrop, it is difficult to suggest concrete measures for gender budgeting in the shadow of post-financial crisis austerity policies. Effective gender budgeting would require a fundamental reconsideration of the current macroeconomic targets and austerity measures.<sup>51</sup>

What can be said is that austerity measures have severely affected the institutional structure of gender equality in all Member States. Three Member States (Ireland, Greece and Portugal) are subject to strict spending conditions attached to their borrowing agreements by the IMF, EU and the ECB. Some other Member States which experienced a

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<sup>50</sup> Vivien A. Schmidt, *The Futures of European Capitalism* (New York, Oxford University Press, 2002); Vivien A. Schmidt, 'What Happened to the State-Influenced Market Economies? France, Italy, and Spain Confront the Crisis as the Good, the Bad, and the Ugly' in Wyn Grant and Graham Wilson (eds.), *The Consequences of the Global Financial Crisis: The Rhetoric of Reform and Regulation* (2012, New York, Oxford University Press).

<sup>51</sup> Diane Elson, 'Engendering Government Budgets in the Context of Globalization(s)', (2004) *International Feminist Journal of Politics*, 6(4): 623-42; Stephanie Seguino, 'The Gender Perspective of the Financial Crisis', *United Nations Commission on the Status of Women, Fifty-third Session* (2009, New York).

milder crisis (e.g. the UK and France) have switched also to austerity as the underlying principle of public spending. Post-financial crisis fiscal mechanisms imposed strict budgetary discipline conditions on Eurozone members subject to monitoring and enforcement by the European Commission and the Council. Thus, a number of serious impediments mitigate against the promotion of gender budgeting by the EU as a part of gender mainstreaming at present: firstly, the legitimacy of such a policy would be strongly questioned in the Member States, particularly those subjected to strict budgetary and fiscal discipline by the EU itself. Secondly, the institutional structures in support of gender equality which should play an active role in gender budgeting have suffered severely from austerity measures in several Member States: for instance, in Romania and Spain gender equality bodies/institutions have been abolished; in Denmark, Ireland and Czech Republic they have been merged with other institutions; and in the UK and Greece they have faced serious budget cuts.<sup>52</sup>

However, the need for gender budgeting is also particularly severe in the present financial climate, to ensure financial and budgeting measures reflect the EU's commitment to advance gender equality. Opaque intergovernmental methods and political bargaining between the Member States, the European Central Bank and the European Commission have been the dominant method for crisis management. Institutions managing the crisis have not been interested in the equality effects of their decisions. The equality effects of the austerity measures across the Member States should be subject to systematic analysis and this should become an integral part of the design of economic and fiscal policies in the future. This is particularly necessary in the shadow of contradictory data provided by different institutions: for instance, in its 2013 Progress Report, the European Commission argues that 'during the financial and economic crisis, women's participation in the economy and their contribution to family finances have increased, thereby decreasing the gender gap'.<sup>53</sup> However, according to women's rights organisations this reflects only 'the deteriorating employment situation of both women and men, and the sharper impact on male employment early in the crisis'.<sup>54</sup>

Gender budgeting is a powerful tool to reveal and address the gender discriminatory effects of austerity policies: thus, it is particularly timely and necessary to introduce gender budgeting in post-crisis Europe. It is proposed that Gender analysis should be an integral part of the EU budgetary process and the Multiannual Financial Framework.<sup>55</sup> Effective gender budgeting would in the first place require a fundamental reconsideration of general macroeconomic targets and the fiscal and budgetary discipline conditions introduced by austerity measures.

## 5. CONCLUSIONS AND RECOMMENDATIONS

### 5.1 Conclusions

1. The dual approach to gender mainstreaming adopted by the EU in its Strategy for equality between women and men 2010-15 (the integration of the gender dimension

<sup>52</sup> European Women's Lobby, 'The Price of Austerity – The Impact on Women's Rights and Gender Equality in Europe', 2012.

<sup>53</sup> European Commission Report on Progress on Equality between Men and Women 2013, Brussels, 14.4.2014 SWD(2014) 142 final, p.3.

<sup>54</sup> European Women's Lobby, op. cit. note 49, at 7.

<sup>55</sup> Stotsky, op. cit. note 40, at 15.

in all policy areas and specific measures) provides an effective range of tools to address gender mainstreaming and should be retained.

2. The development of a new strategy offers an opportunity to consider whether the priority areas in the 2010-15 strategy (equal economic independence, equal pay for equal work and work of equal value; equality in decision-making; dignity, integrity and ending gender-based violence, gender equality in external action policy, and horizontal issues) remain the areas of highest priority.
3. The European Institute for Gender Equality (EIGE) offers improved EU capacity to monitor progress, identify good practice and develop good models and proposals.
4. Gender stereotyping prevents individuals from fulfilling their potential and can undermine economic strategies, anti-discrimination laws and other gender equality strategies.
5. Budgets are not gender neutral and result in discriminatory effects on women and men. In particular the budgetary disciplines imposed in response to the financial crisis may have had unforeseen or undesirable gender impacts which undermine progress towards gender equality.

## 5.2 Recommendations

### Recommendations to the Member State governments and parliaments

Member States should:

1. Recognise the limited progress which has been made towards equality between women and men and continue to focus on this goal; develop further the mechanisms and tools which enable laws, policies and practices to be redesigned to better contribute to the achievement of this goal.
2. Take notice of the progress and weaknesses in gender equality evidenced by the Gender Equality Index and set ambitious targets for improvements in the short, medium and long term.
3. Ensure that national equality bodies and mechanisms are adequately resourced and that proper attention is paid to monitoring, gender training, evidence of good practice and the potential role of gender impact assessment (GIA) and gender budgeting in ensuring that rigorous and sustained attention is paid to the gender impacts of laws, policies and practices within Member States.

### Recommendations to the European Institutions: the European Parliament, the European Commission and the Council

All institutions should confirm their commitment to the Gender Equality Index (GEI) and contribute, in accordance with their competences, to incorporate targets relating to key aspects of the GEI into key policy areas and monitor EU progress against the GEI and the datasets which underpin it.

### The European Commission should:

1. Further enhance its work related to the GEI through the Annual Report on Progress on Equality between Women and Men, and in sector-specific reports.
2. Continue to monitor progress towards equality between women and men across a wide range of policy areas and consider how monitoring activities can also improve communication and accountability for gender equality between the EU institutions inter se and between the EU, the Member States and stakeholder groups.
3. Utilise the expertise and capacity of EIGE fully to support progress towards gender equality, and consider how it can support EIGE to address gaps in the datasets used to compile the GEI.
4. Improve the Commission's own capacity for gender mainstreaming, including improvements in the availability, take-up and quality of gender training across the Commission's staff, the development of post-training activities and monitoring of the success of training initiatives.
5. Improve the EU Impact Assessment process to address concerns that it is weak in relation to social issues, including gender equality, and consider whether mandatory gender impact assessments could be required more extensively in key policy areas to achieve a clearer focus on gender in the policymaking process and to support Member States' progress towards gender equality.
6. Prepare a report on legislative approaches to gender stereotypes, addressing the need to ensure that Member States can take action to combat gender stereotypes in the media without causing unnecessary distortions of the Single Market, and fund research into the impact of gender stereotypes across a range of policy areas.
7. Gender-proof all future legislative proposals on media regulation to ensure that, where appropriate, measures to combat stereotyping are taken, and continue to support awareness-raising initiatives on positive and realistic portrayals of women and men in the media, including through dialogue with the media sector and other stakeholders.
8. To the extent permitted, make gender budgeting an integral part of the EU budgetary process with the help of an external expert group to increase the transparency of the budgetary process.

### The European Parliament should:

1. Ensure that progress towards gender equality is monitored and that effective accountability for gender equality is pursued.
2. Use the expertise and capability of EIGE to support the Parliament's activities in relation to gender equality.
3. Support the Commission's 2010 proposal for the establishment of a European Media Monitoring Group with a gender equality branch to work on common standards for defining degrading images and sexism.
4. Incorporate gender budgeting into the audit and parliamentary discharge processes.

The European Council should:

1. Continue to monitor progress towards equality between women and men across a wide range of policy areas and consider how monitoring activities can also improve communication and accountability for gender equality between the EU institutions inter se and between the EU, the Member States and stakeholder groups.
2. Support the Commission's 2010 proposal for the establishment of a European Media Monitoring Group with a gender equality branch to work on common standards for defining degrading images and sexism.
3. Require and contribute to gender budgeting to become an integral part of the EU budgetary process and the Multiannual Financial Framework.
4. Take into consideration the gender effects of decisions made within the context of post-financial crisis economic and fiscal governance mechanisms, including the European Stability Mechanism.

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## ANNEX I – SWOT ANALYSES

### I. Gender Mainstreaming v. concrete measures SWOT analysis

**Table 1 - Gender Mainstreaming (Art.8 TFEU) vs concrete measures (Art.157,4 and elsewhere) SWOT analysis**

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>Through the European Pact for Gender Equality 2011-2020, the Council has reaffirmed its commitment to gender mainstreaming.</li> <li>The dual approach allows for focus to be directed towards priority areas while maintaining a broad mainstreaming strategy.</li> <li>Concrete measures, both general and specific remain important in particular circumstances where firm mainstreaming requirements are appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>Policy impetus in areas beyond selected priority areas may be weakened as mainstreaming may be perceived as being less important in these areas.</li> <li>Progress is patchy across policy areas and the commitment of some Member States to gender mainstreaming initiatives is low.</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>The creation of EIGE has strengthened the capacity of the EU to monitor gender equality and to carry out studies to support policy development, identify best practices and identify barriers to progress.</li> </ul>	<ul style="list-style-type: none"> <li>External economic environment may be perceived as hostile to gender equality policies and initiatives.</li> <li>Disaffection with the EU within Member States may make certain policy initiatives difficult in the coming period.</li> </ul>

## II. Institutional mechanisms SWOT analysis

**Table 2 - Institutional Mechanisms, among which Gender Impact Assessments and Monitoring SWOT Analysis**

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>Gender mainstreaming is gradually becoming better understood and better integrated into policy development across the EU and in several Member States.</li> <li>The Gender Equality Index (GEI), underpinned by a vast statistical resource, provides a robust mechanism for monitoring the progress of gender equality across the EU and provides a unique opportunity for the EU to review its priorities, aspirations, targets and resources dedicated to the promotion of gender equality.</li> </ul>	<ul style="list-style-type: none"> <li>Capacity and resources allocated to gender mainstreaming in Member States vary significantly and remain low in several Member States.</li> <li>Weaknesses persist in the EU's own Impact Assessment processes, particularly in relation to stakeholder engagement in drafting.</li> <li>Significant gaps remain in the datasets used to compile the GEI, particularly in relation to gender-based violence.</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>Good practice, for example in GIAs and monitoring, is now in place in many policy areas and provides a solid platform for future capacity-building activities.</li> </ul>	<ul style="list-style-type: none"> <li>Austerity policies following from the financial crisis present a continuing threat to the maintenance of adequate institutional mechanisms for the promotion of gender equality.</li> </ul>

### III. The elimination of gender stereotyping and the role of the media SWOT analysis

**Table 3 - The Elimination of Gender Stereotyping (GS) and Role of the Media SWOT Analysis**

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>• Mainstreaming ideally equipped to deal with a complex issue like gender stereotyping (multi-faceted, multi-level, range of tools, dual-track etc).</li> <li>• 'Soft' initiatives associated with mainstreaming have considerable culture changing potential.</li> <li>• Media and advertising covered by aspects of free movement law, offering a 'hook' for hard law provisions on GS.</li> </ul>	<ul style="list-style-type: none"> <li>• Research on gender stereotyping shows very worrying trends with potentially serious consequences across Europe – mountain to climb.</li> <li>• EU legal competence in this area is not 'strong'.</li> <li>• Lack of popularity of EU in MSs – potential for negative reactions to campaigns that do not respect national autonomy or are not sensitive to the social and cultural specificities of MSs.</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>• Cross-institutional support for action on gender stereotyping (Commission and EP – also EIGE and Council of Europe).</li> <li>• Existing body of research establishing negative consequences of gender stereotyping.</li> <li>• EU appropriate forum for 'soft' initiatives e.g. target setting, capacity building, monitoring, gathering statistics.</li> <li>• Growing public interest in representation of women due to new forms of media and current wave of feminism</li> </ul>	<ul style="list-style-type: none"> <li>• Interference with the media can be a politically fraught area.</li> <li>• Huge divergence within MSs in relation to the role of the state vis-à-vis the media.</li> <li>• In case of EU legislation, potential use of 'red card' by national parliaments if competence/subsidiarity not addressed.</li> <li>• EU level mainstreaming can be undermined if MSs do not implement/cooperate.</li> </ul>

## IV. Gender budgeting SWOT analysis

**Table 4 - Gender Budgeting SWOT Analysis**

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>• Extensive EU legal framework of gender equality as framework for gender budgeting</li> <li>• Institutional culture of gender equality in the EU</li> <li>• As a result, less intense need for training of officials</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of common gender equality targets shared by the three EU institutions</li> <li>• Lack of a gender equality pillar in Europe 2020</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>• An extensive public discourse on equality and EU governance as a result of financial crisis</li> <li>• Women's increasing participation in work force as reversal of gender stereotypes</li> </ul>	<ul style="list-style-type: none"> <li>• Austerity measures</li> <li>• Decreasing political commitment to gender equality</li> <li>• Lack of clarity in terms of austerity's effect on gender equality</li> <li>• Opacity in EU economic and fiscal governance</li> </ul>

## ANNEX II – POLICY EXAMPLES

### I. Concrete Measures: Example

While the period 2010-14 has been characterised by little development in the *acquis communautaire*, future developments should not be ruled out. The issue of gender balance in company boardrooms, on which the Commission introduced a proposal in 2012<sup>56</sup>, illustrates how attitudes in the Member States to the possibility of a legislative approach to particular issues can evolve over time. Growing evidence from Member States which have taken legislative action on this issue indicates the success this approach can have and the willingness of Member States to take action on this issue has altered significantly in the last decade<sup>57</sup>. This example serves to illustrate why the EU should not rule out in principle the possibility of further developing the *acquis* in areas such as this where the approach and attitude of Member States has developed over time: specific measures remain a useful way of promoting action on specific issues and seeking to ensure a more even level of protection and promotion of equality across the Member States.

### II. Monitoring: Example

The monitoring of specific areas of activity continues to generate valuable information about the implementation of EU policies and can increase the effectiveness and efficiency of activities and improve accountability, including the promotion of dialogue between EU institutions and Member State institutions.

For example, the 2013 Report on the Implementation of the EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010-2015<sup>58</sup>, brings together information on the activities both of EU representatives and Member States, better enabling the Commission to encourage, support and monitor progress, identify and publicise good practice and identify gaps in implementation of its Plan of Action<sup>59</sup>. Not only did this draw attention to the 'extremely slow' rate of progress on implementation of the EU Plan of Action, it enabled other bodies, such as the EU Council and the UK Parliament, to focus their attention on the issue and recommend further scrutiny. The European Foreign Affairs Council considered the issue at its meeting of 19 May 2014 and expressed its concern at the slow rate of progress identified.<sup>60</sup> The UK House of Commons, European Scrutiny Committee, considered the report in January 2014, expressing its concern and recommending continued scrutiny.<sup>61</sup>

This case illustrates the potential value of robust monitoring of specific initiatives in generating detailed information regarding activity and the evaluation of progress,

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<sup>56</sup> Proposal for a Directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures, COM(2012) 614 final, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0614:FIN:en:PDF>

<sup>57</sup> For information on measures adopted in Member States, see European Commission, Factsheet 'Improving the gender balance in company boardrooms', June 2014, available at [http://ec.europa.eu/justice/gender-equality/files/gender\\_balance\\_decision\\_making/boardroom\\_factsheet\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/gender_balance_decision_making/boardroom_factsheet_en.pdf)

<sup>58</sup> SWD(2013) 509 final, <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2017432%202013%20INIT>

<sup>59</sup> [http://ec.europa.eu/development/icenter/repository/SEC\\_2010\\_265\\_gender\\_action\\_plan\\_EN.pdf](http://ec.europa.eu/development/icenter/repository/SEC_2010_265_gender_action_plan_EN.pdf)

<sup>60</sup> [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/142670.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/142670.pdf)

<sup>61</sup> 29th Report, Session 2013-14,

<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmeuleg/83-xxvi/83xxvi.pdf>

communicating to a wider group of stakeholders the effectiveness and weaknesses of the current strategy, and improving accountability for delivery of EU strategies to both EU and Member State institutions.

### III. EU Member State Experiences in Gender Budgeting

The following examples of state practice in gender budgeting illustrate the wide variation in experiences between Member States and also the existence of some positive experiences of Member States, particularly the Nordic states, which could be used as a model in the design of gender budgeting at the EU level.

- Nordic states have been committed to the process of gender mainstreaming, including a process of gender budgeting, as soon as signing the final document of World Conference on Women in Beijing in 1995. Between 2004 and 2006 the Nordic states ran a cooperation project with a view to establish gender budgeting processes in the light of Council of Europe Guidelines.<sup>62</sup> This project has resulted in permanent cooperation in gender budgeting. Nordic states also run an effective common information platform on gender equality.<sup>63</sup> They also have also bottom-up gender budgeting experiences orchestrated by local authorities, as exemplified in the experiences of the city of Göteborg in Sweden.<sup>64</sup>
- In 2013, Austria enacted a constitutional amendment that makes gender budgeting a compulsory and permanent component of the national budgetary procedure.<sup>65</sup>
- Since 2007, Belgian law orders the central government to integrate gender budgeting into the national budgetary process.<sup>66</sup>
- In France a separate 'yellow appendix' analysing the gender equality effects is attached to the national budget.<sup>67</sup>
- In Germany, the state of Berlin sets pace in gender budgeting together with a gender budget group in the light of the Law for the implementation of Gender Mainstreaming and Gender Budgeting adopted in 2002.
- In the United Kingdom, there is no legal requirement for gender budgeting. The Women's Budget Group, a voluntary organisation composing of gender equality experts, brings external transparency to the UK budget by critically analysing it from a gender equality perspective and publishing the results.<sup>68</sup>
- Scotland has taken a horizontal approach to inequalities after the financial crisis in the light of the Scottish Government Report 'Coping with Change and Uncertainty -

<sup>62</sup> Catharina Schmitz, Nordic Council of Ministers Report – Gender Responsive Budgeting in the Nordic Countries, available at [http://www.ief.es/contadorDocumentos.aspx?URLDocumento=/documentos/investigacion/seminarios/politica\\_fiscal\\_genero/Seminario\\_Genero\\_Madrid\\_14abril\\_catharina.pdf](http://www.ief.es/contadorDocumentos.aspx?URLDocumento=/documentos/investigacion/seminarios/politica_fiscal_genero/Seminario_Genero_Madrid_14abril_catharina.pdf).

<sup>63</sup> See <http://www.nikk.no/en>.

<sup>64</sup> National Commission for the Promotion of Equality of Malta (2009), Report, 'Gender Responsive Budgeting, at 41, available at <https://secure3.gov.mt/socialpolicy/admin/contentlibrary/Uploads/MediaFile/grb.pdf>.

<sup>65</sup> Article 51 (8) B-VG/Federal Constitutional Act.

<sup>66</sup> Institute for the Equality of Women and Men, Manual for the application of Gender Budgeting Within the Belgian Federal Administration, 2010, available at [http://igvm-iefh.belgium.be/fr/binaries/Manual%20gender%20budgeting\\_tcm337-120670.pdf](http://igvm-iefh.belgium.be/fr/binaries/Manual%20gender%20budgeting_tcm337-120670.pdf).

<sup>67</sup> Debbie Budlender, Gender-Responsive Call Circulars and Gender Budget Statements, UNIFEM, Guidance Sheet No.1, January 2007.

<sup>68</sup> See <http://www.wbg.org.uk/wp-content/uploads/2014/03/FINAL-WBG-2014-budget-response.pdf>.



Scotland's Equalities Groups and the Recession'.<sup>69</sup> An Equality Budget Statement is published with the annual budget with the assistance of external Equality and Budget Advisory Group.

- In Southern Europe, gender budgeting has remained largely a local initiative. In Italy, the Province of Modena, The Province of Genoa, and the Region of Marche carried out data collection studies in cooperation with private and civil society organisations with a view to highlight gender effects of revenue and spending activities. Similar projects have also been undertaken in Andalucía and the Basque Country in Spain. Nevertheless, in neither country did the central government follow up these initiatives to make gender budgeting a part of the national budgetary process.

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<sup>69</sup> Available at <http://www.scotland.gov.uk/Topics/People/Equality/18507/13477>.



## ANNEX III: GENDER TRAINING IN THE EU

In 2012-13 EIGE carried out a project on Gender Training in the European Union and Croatia which has brought together a wealth of evidence on gender training across the EU and in International Organisations. The analysis and recommendations from this project provide a sound basis for the EU to consider, as it develops its Gender Equality Strategy for 2015 onwards how the EU might support gender training initiatives in support of its commitment to gender equality generally, and of its gender mainstreaming strategy specifically.

The EIGE project led to the publication of a 'Mapping of Gender Training Policies and Practices in the EU: Summary of Findings'.<sup>70</sup> Associated with this are Country Fact Sheets on training for gender mainstreaming in all the Member States and a data-base of gender trainers and training organisations in all Member States. The team also compiled an online database of gender training resources and some thematic reference sheets for policy-makers. These form a valuable resource for the Commission and the Parliament to improve their knowledge and understanding of the current state of gender training across the EU.

EIGE also published the report 'Mapping Gender Training in the European Union and Croatia: Synthesis Report',<sup>71</sup> which offers an in-depth analysis of key aspects of gender training, including its importance to gender mainstreaming.

The Synthesis Report found that while there was wide-reaching and systematic training in place in a small number of Member States, the number of training initiatives remained low in the majority of Member States and training was often ad hoc. Training is not systematically offered to policy actors in EU institutions. Moreover, the quality and standard of training which is offered varies considerably.

This study found that the key reasons for the absence of systematic gender training were:

- Lack of political commitment;
- An absence of dedicated resources in equality strategies and action plans;
- A lack of incentives for public sector employees to attend training; and
- The impact of the financial crisis on gender training.<sup>72</sup>

The study also points to several examples of good practice which could inform the development of a clearer EU strategy on gender training. A stronger gender training strategy could improve the effectiveness of the EU's gender mainstreaming activities and those of the Member States.

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<sup>70</sup> <http://eige.europa.eu/content/document/mapping-of-gender-training-policies-and-practices-in-the-european-union-summary-of-findings>

<sup>71</sup> EIGE, 2013

<sup>72</sup> Synthesis Report, p.24.

# **ECONOMIC INDEPENDENCE AND THE POSITION OF WOMEN ON THE LABOUR MARKET OF THE EUROPEAN UNION**

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## **Abstract**

Upon request of the FEMM committee, this study examines the position of women on the labour market, drawing particular attention to factors behind the gender pay gap and the gender gap in pensions. The current crisis presents aspects that no other crisis has shown before. On the surface, gaps between men and women are being bridged but under the surface things are more complex and effects more diversified.

Overall, there is a need to introduce a gender perspective in the recovery measures: it would help to get out of the current situation sooner and better.

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## EXECUTIVE SUMMARY

In EU countries a sort of marginalisation toward the working woman still reigns, which tends to occur in both a high concentration of women in low value-added activities and thus low remuneration, and major obstacles to achieving top positions within companies, even though the academic performance of women has been, for some years now, better than that of men. The Gender Equality Index (GEI) shows that the EU is half-way towards gender equality. The range of index scores shows the broad scale of variation throughout the EU in the level of gender equality achieved overall, with much room for improvement in the work and economic independence domains.

**Women at work.** The current crisis presents aspects that no other crisis has shown before. On the surface, the gap between men and women is being bridged but under the surface things are more complex and effects diversified among men and women. Gender gaps are closing not because women have improved their situation but because men saw theirs getting comparatively worse.

Quality of employment deteriorates because employers impose inferior conditions in an effort to curtail costs, or because employees are more willing to accept some worsening if it helps them stay in employment. The evidence available shows that the worsening of working conditions has spared neither men nor women but has affected them differently. It is also perceived differently, making debates on who would be 'more' or 'less' affected rather questionable.

**Gender pay gap (GPG).** The GPG in Europe has stagnated over recent years. Influencing factors are diverse, some of which tend to increase the pay gap while others may decrease it. Factors can be clustered into individual characteristics (e.g., education), establishment and industry characteristics (e.g., firm size), and institutional characteristics (e.g., minimum wages). Statistical evidence shows that:

- GPG is related in a complex way to women's labour market participation rates.
- Child rearing has a large impact on women's average wages. In some countries, women withdraw from the labour market when marrying or giving birth while returning after a couple of years. A re-entry mostly goes along with an allocation into lower paid jobs than women had before their career break, with an allocation into part-time jobs, or into dead-end jobs (so called 'women's child-penalty').
- Workers in unionised sectors are better protected against gender pay gaps and against poor compliance with minimum wage regulation. Recent studies show that sectors, which are traditionally unionised, tend to have lower pay gaps, such as the public sector.

**Gender gap in pensions (GGP).** Considerable research effort has been concentrated on gender pay gaps in working time. Although a generalisation to pensions is a natural extension, this topic has received little attention. Available data show that GGP is very wide: it is more than twice the figure of the gender pay gap indicator. However, there is no simple relationship between the two figures. Suffice it to say that Estonia (lowest pension gap) also has the highest pay gap.

In general, shorter careers are associated with larger pension gaps, though that relationship is not one-to-one. Distinguishing what was the 'dominant job' during one's

working life, the lowest gender gaps are met in the public sector (where they might even be negative), and the largest for the self-employed.

Towards a PINK NEW DEAL. The crisis may be a great opportunity for a historical change. The entire economic policy has so far ignored gender inequalities and might tend to ignore them even more now, due to the shortage of resources. By contrast, introducing a gender perspective in the recovery measures would help to get out of the current situation sooner and better.

## Aim

This analysis looks at the main challenges concerning the economic independence and the role of women in the labour market in the EU. In particular, it focuses on the existing gaps between men and women, looking and the factors behind them. These include:

- gender gaps in the labour market (employment, unemployment, working conditions);
- gender gap in pay;
- gender gap in pensions.

The analysis takes into account the effects of the crisis and, in drafting policy recommendations, reflects existing good practices. Throughout the report, labour market segregation and women's broken careers are considered as important factors behind gender gaps, according to specific relevance.

## GENERAL INFORMATION

### KEY FINDINGS

- In EU countries a sort of marginalisation of women in the labour market still reigns; this tends to occur in both low value-added activities and thus low remuneration, and high-skilled occupations. There are still major obstacles to achieving top positions within companies, although the academic performance of women has been, for some years now, better than that of men.
- The Gender Equality Index (GEI) shows that the EU is half-way towards gender equality. The range of index scores shows the broad scale of variation throughout the EU in the level of gender equality achieved overall, with much room for improvement in the work and economic independence domains.

In recent years, the debate about welfare policy has paid more attention than in the past to vulnerable people, including women. It focuses on a series of measures to stimulate women's entrepreneurial skills, to reduce barriers to entry into self-employment, to support the rights of equality and empowerment of women, being aware that only a social model such as this could effectively halt the population decline, the aging of the population, and create a positive impact for the future economic and social development of the region.

However, what worries most is that a sort of marginalisation still reigns in EU countries, a segregation, both vertical and horizontal, towards the working woman, which tends to occur in both a high concentration of women in low value-added activities and thus low remuneration (such as poor tertiary), and major obstacles to achieving top positions within companies, despite the academic performance of women which has been, for some years now, better than that of men.

The Gender Equality Index (GEI) provides a comprehensive measure of equality between women and men relevant to the EU policy framework. The results presented in Table 1 show that the EU is half-way towards gender equality, although there are large differences between member states in how close they come to the equality point. The range across index scores shows the broad scale of variation throughout the EU in the level of gender equality, with the most problematic areas in the domains of power and time. It also shows that there is much room for improvement in the work and economic independence (money) domains.

## 1. WOMEN AT WORK

### KEY FINDINGS

- The current crisis has aspects that no other crisis has shown before. On the surface, the gap between men and women is being bridged but under the surface things are more complex and effects diversified between men and women. This reduction of gender gaps is mainly due to men's situation comparatively worsening, rather than an actual improvement of women's economic position.
- The quality of employment is deteriorating because employers impose worse employment conditions in an effort to curtail costs, or because employees are more willing to accept some worsening if it helps them stay in employment. The evidence available shows that the worsening of working conditions has spared neither men nor women but has affected them differently. It is also perceived differently, making debates on who would be 'more' or 'less' affected rather questionable.

### 1.1 Narrowing gender gaps in the labour market

Key employment indicators show a narrowing of gender gaps in the EU. Although the activity and employment rates for women in the EU are still much lower than for men, there have been important changes in Europe over recent years, and especially since the 2008 economic crisis. While the activity rate for men remained stable between 2009 and 2013, the rate for women increased by about 2 percentage points (p.p.). At the same time, while male employment rate dropped by about 2.5 p.p., it remained stable for women. As a result, gender gaps in the activity and employment rates have narrowed (Figure 1).

Similarly, the gap between female and male unemployment rates has been narrowing. The gender gap in unemployment rates in the first quarter of 2008 was about 1.0 p.p., falling to near zero by the first quarter of 2013 (Figure 2). Nevertheless, recent figures show that unemployment is falling faster for men than for women and in several member states female unemployment rates remain at their post-crisis peak.

In the EU, the share of women in part-time work (per total female employment) is still considerably higher than for men (32% compared to 9% in the last quarter of 2013, and 30.5% compared to 7% in the last quarter of 2008). Moreover, the extent of female part-time employment varies considerably across the EU. Part-time work by women is most common in the Netherlands (77%), followed by Austria (46%), Germany (45%), Belgium (42%), the UK (41%), Luxembourg (40%), Sweden (38%), Ireland (35%) and Denmark (34.5%). Some of these also have high female employment rates (Figure 3).

While working part-time can reflect personal lifestyle preferences and positively contribute to the work-life balance of female workers, the high share of female part-time employment may also stem from multiple constraints, including family and care-related reasons (European Commission 2013, p. 185). Also, involuntary part-time can be used as alternative to lay-offs (see next section).

Conversely, very low rates of part-time work may also be problematic as they may result from rigid working time arrangements set by the employer or the legal framework (European Commission 2013, p. 226). This is the case in Bulgaria, Slovakia and Hungary, where women's average working hours are as high as that of men, and where part-time work accounts for less than 10 per cent. In these Member States women appear to delay their labour market participation, as shown by large employment gaps between the 25-34 and the 34-54 age groups (Czech Republic and Bulgaria). This is most probably due to parenthood and is supported by evidence of a low nursery-enrolment rate among children below 3 years of age in these countries (European Commission 2013, p. 203).

## 1.2 Quality of work deteriorates as effect of the crisis

Economic crises heighten the risk that the 'quality' of employment will decline, because employers impose inferior conditions in an effort to curtail costs, or because employees are more willing to accept some worsening if it helps them stay in employment. Available evidence shows that the worsening of working conditions has spared neither men nor women, but has affected them differently. It is also perceived differently, making issues of 'more' or 'less' rather questionable.

Part-time working has risen during the recession, and it has been used in Europe to avoid the harder option of firing.<sup>2</sup> According to the results of the European Social Survey conducted in 17 member states to investigate working conditions during the recession, more than 10% of female respondents reported having to work shorter hours in 14 of these countries (as against 13 for men).

Given the use of shorter hours as an alternative to lay-offs, any increase in part-time employment during this recession may be considered as a mixed blessing. However, when workers identify themselves as 'involuntary part-timers', it is the sense of loss that prevails. In 2013, the share of involuntary over total part-time, for male workers, rose to 40.2%, up 9.9 p.p. from its 2007 level. Among women, the corresponding value is 26.3%, up 6 points over the same period. Country-specific patterns vary, of course, but those worst hit by the upsurge in involuntary part-time employment also tend to be those where there was more of it already (Figure 4). Specifically, Mediterranean countries such as

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<sup>2</sup> See Hijzen A. and D. Venn (2011), "The Role of Short-Time Work Schemes during the 2008-09 Recession", OECD Social, Employment and Migration Working Papers, No. 115. Available at: <http://dx.doi.org/10.1787/5kgkd0bbwvxp-en>



Greece, Italy, Spain, and Cyprus have the largest share of involuntary part-time, as well as some of the largest increases for both genders. In percentage terms, however, it is Ireland that leads the league for increases, although its starting value was comparatively low among women. Nordic countries are more frequently found at the opposite end of the range to Mediterranean countries, while Eastern countries are found at both ends.

Unlike part-time, temporary employment is distributed fairly equally between men and women, with a slight prevalence of the latter (Figure 5). In EU27, men on temporary contracts reached 13.3% of total male employment in 2013, while the figure for women was 1 p.p. higher (14.3%).

It is well known that temporary employees are disproportionately concentrated among younger workers. Temporary employment may bring some advantages to young workers, including more opportunities to shop around for better jobs; however, this crisis has added higher cyclical sensitivity to the list of disadvantages for this type of labour relations. The average young worker on temporary employment in the EU experienced a wage penalty of 14.4% in 2012 in comparison with a worker on a standard contract with similar characteristics. Moreover his/her chances of transiting to a standard, indefinite-period work contract were barely over one third in the same year.<sup>3</sup>

This has an important gender twist. Temporary contracts may preclude access to full maternity benefits, for example if the woman becomes pregnant during a spell of unemployment. Moreover, uncertainty about the timing and conditions of the next (sequence of temporary) jobs creates a specific disadvantage for young women. It has been found that fertility is delayed when labour market prospects are unclear.<sup>4</sup> While this holds true in good and bad economic times, for the young female cohorts affected by the crisis uncertainty may lower fertility altogether, since a postponement of a few years will significantly shrink a woman's reproductive period.<sup>5</sup>

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<sup>3</sup> See Samek Ludovici M., Platenga J. and C. Remery (2013), *Starting Fragile. Gender Differences in the Youth Labour Market*, ENEGE report, Brussels. Available at: [http://ec.europa.eu/justice/gender-equality/files/documents/130902\\_starting\\_fragile\\_report\\_2013\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/documents/130902_starting_fragile_report_2013_en.pdf)

<sup>4</sup> See Adsera A. (2004), "Changing Fertility Rates in Developed Countries. The Impact of Labor Market Institutions", *Journal of Population Economics*, n.17, pp. 17-43; Modena F. and F. Sabatini (2012), "I would if I Could: Precarious Employment and Childbearing Intentions in Italy", *Review of Economics of the Household*, 10(1): 77-97.

<sup>5</sup> See Billari F.C., Goisis A., Liefbroer A.C., Settersten R.A., Aassve A., Hagestad G. and Z. Spéder (2011), "Social Age Deadlines for the Childbearing of Women and Men", *Human Reproduction*, 26(3): 616-622.



## 2. GENDER PAY GAP

### KEY FINDINGS

- The Gender Pay Gap (GPG) in Europe has stagnated over recent years. Factors influencing the GPG are diverse, some of which tend to increase the pay gap while others may decrease it. Factors may be clustered into individual characteristics (e.g. education), establishment and industry characteristics (e.g., firm size), and institutional characteristics (e.g. minimum wages). The GPG is related to women's labour market participation rates in a complex way.
- Workers in unionised sectors are better protected against gender pay gaps and against poor compliance with minimum wage regulation. Tijdens and Van Klaveren (2012) study variation in the gender pay gap in 15 sectors and show that sectors, which are traditionally unionised, tend to have lower pay gaps (e.g. the public sector.)

### 2.1 The gender pay gap stagnates

Despite a sharp narrowing of the global gender pay gap between the 60s and the end of the 90s,<sup>6</sup> the gender pay gap in Europe has stagnated over recent years. The latest figures show an average 16.4% gender pay gap in 2012, with the figure around 17% or slightly higher in previous years (Figure 6).

### 2.2 Factors affecting the gender pay gap

To understand changes in GPG over time, one must realise that the factors influencing the GPG are diverse, some of which tend to increase the pay gap while others may decrease it. The impact of each factor may differ widely across countries. Factors may be clustered into individual characteristics, establishment and industry characteristics, and institutional characteristics.

Education, for example, is an individual factor. In most countries, workers with better education have on average higher earnings. Thus, if the share of high-educated women in the female labour force in a country increases faster compared with the share of better-educated men in the male labour force, the GPG will decrease.

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<sup>6</sup> Weichselbaumer and Winter-Ebmer (2005) analyses more than 260 published gender pay gap studies for over 60 countries and finds that, from the 1960s to the 1990s, raw wage differentials worldwide have fallen substantially from around 65% to 30%. The bulk of this decline is due to better labour market endowments of women. The 260 published estimates show that the unexplained or discriminatory component of the gap has not declined over time. A study of the OECD countries for the period 1980 - 2004 reveals that the size of the GPG tends to decline in all countries for which data are available. Since the early 1980s, the OECD notices that the largest decline has occurred in the US, and that in Japan and the United Kingdom the gap is also steadily narrowing. Some countries show fluctuating trends. In Sweden, for example, the gender pay gap was 14.5% in 1980, increased to 19.6% in 1990, and decreased again to 14.8% in 2004. Cf. OECD (2007), *Society At A Glance: OECD Social Indicators*, OECD Publishing, Paris.

Firm size is an establishment factor. In general, workers in larger firms have on average higher earnings. Thus, if, in a country, the share of women working in large firms increases faster compared with the share of men doing so, the GPG will decrease.

Minimum wages are an institutional factor. Assuming compliance with minimum wage regulation, these can be assumed to raise the wage floor. As more women are paid low wages compared with men, minimum wage-setting is assumed to decrease a country's GPG.

As far as institutional factors are concerned, a report by the European Commission from December 2013 on the implementation of EU rules on equal treatment for women and men in employment (Directive 2006/54/EC) found that equal pay is hindered by a number of factors. These include a lack of transparency in pay systems, a lack of legal clarity in the definition of work of equal value, and procedural obstacles. Such obstacles are, for example, the lack of information for workers necessary to bring a successful equal pay claim or including information about pay levels for employee categories (IP/13/1227). Increased wage transparency could improve the situation of individual victims of pay discrimination, who would then be able to compare themselves more easily to workers of the other gender.

The GPG is related in a complex way to women's labour market participation rates. Depending on the initial situation of a country, an increase in women's participation rates may affect GPG differently. If relatively large groups of poorly-educated women enter the labour market, the GPG will increase, assuming a stable stock of male workers. If relatively large groups of well-educated women enter the labour market, the GPG will decrease. Furthermore, in a country with low participation rates, on the one hand, the GPG may be low because the participating women might be well educated, gaining most financially from participating, as their earnings are relatively high. On the other hand, the participating women might be the ones with poor education and low earnings because they need to work to make ends meet. In this case, the GPG is expected to be wide, as concentration in low-paid jobs suppresses women's average wages.

In most countries, the increase in women's participation rates is predominantly due to the employment growth in the services sector and in the public sector. As Tjeldens and Van Klaveren (2012) show, in many countries, the average wages in these sectors are higher compared to average wages especially in agriculture and manufacturing. Thus, countries witnessing these changes can expect a decrease of the GPG, assuming all other factors remaining constant. However, a strong occupational segregation may allocate women into the low paid jobs within these industries and as a consequence, the GPG may increase.

Child rearing has a large impact on women's average wages and thus on GPG. In some countries, women withdraw from the labour market when marrying or giving birth while returning after a couple of years. A re-entry mostly goes along with an allocation into lower paid jobs than women had before their career break, with an allocation into part-time jobs, or into dead-end jobs. This is called 'women's child-penalty'. Therefore, a raising share of re-entering women is likely to cause an increase in GPG. However, in some countries where women withdraw from the labour market and do not re-enter, the GPG is likely to decrease.

Workers in unionised sectors are better protected against gender pay gaps and against poor compliance with minimum wage regulation (Tjeldens and Van Klaveren, 2012). Sectors that are traditionally unionised tend to have lower pay gaps, such as the public sector. Those with low unionisation rates and low wage levels, such as retail, hotels and

restaurants, and agriculture, tend to have relatively higher gender pay gaps. This suggests that these sectors suffer from low levels of compliance with minimum wage regulations. Male-dominated sectors such as construction have the smallest gender pay gaps. This is mainly attributed to the low numbers of women working in this sector combined with a relative higher level of education. Domestic workers show the lowest level of earning and the largest average gender pay gaps. This is mainly due to their low level of unionisation and the fact that many female workers live in the house of their employers, with an average wage in cash much lower than the one of their male colleagues.

### 3. GENDER GAP IN PENSIONS

#### KEY FINDINGS

- The gender gap in pensions is very wide: it is more than twice the figure of the gender pay gap indicator. However, there is no simple relationship between the two figures.
- Women in the past have worked for fewer years than men. In general, shorter careers are associated with larger pension gaps, though that relationship is not one-to-one.

#### 3.1 Factors affecting the gender gap in pensions (GPG)

Pensions are the single most important component of older people's income, especially for women. Thus, they are an important determinant of the economic independence of their beneficiaries, meaning the capacity of an individual to lead an independent life and to take decisions for him/herself. In this way, differences in pension rights between women and men lay the foundation of gender differences between the sexes in later life as regards capacity for individual choice.

When examining independence for people of working age, we are naturally led to think about the gender pay gap. Focusing on gaps in pensions would be the natural follow-up (or sequel) to an interest in gender pay gaps. Those gaps would reflect the accumulated disadvantages of a career spent on a gender-biased labour market.

The structure of pensions is influenced by three sets of factors.

Long-term structural changes: ageing is obviously the most important influence, although echo effects of past employment also play a role. Today's pensions may reflect yesterday's employment as well as social norms such as divorce, widowhood, and cohabitation between generations.

Past pension reforms: today's pensioners are frequently covered by transitional arrangements. They will have lived and worked under one system and will in many cases receive benefits under another. Being a 'group stuck in the middle', they may not be protected by the internal operational logic of the system, whether new or old. As time proceeds, however, more individuals will be affected by new features and be vulnerable to new kinds of pension risks. Two reforms are most likely to have a disproportionate effect

on women. Firstly, the switch in emphasis from public ('first pillar') pensions to occupational ('second pillar') pensions: the overall effect tends to tighten the link between contributions and benefits (so called 'the privatisation of risk'). Secondly, the emphasis on working longer; although its rationale is unassailable, there may be hidden side effects in the medium term leading to lower pensions for those who do not respond to the incentives.

Short-term pressures connected with the current economic crisis: these pressures vary from country to country but could lead to important swings in gender effects; these could affect both occupational and State systems.<sup>7</sup>

### 3.2 Measuring pension gaps

Considerable research effort has concentrated on Gender Pay Gaps. Although a generalisation to pensions is a natural extension, this topic has received little attention. Does old age maintain pre-existing inequalities, does it cumulate and amplify them, or does it give a chance to level out life chances? The broad international literature concludes that GPG are the result of three factors: women participate less in the labour market; they work fewer hours and/or years; they receive lower wages.<sup>8</sup> The 'bad news' is that these facts snowball women's career earnings. The 'good news' is that pay gaps have been shrinking in the past two decades, although progress has slowed down in recent years.

Does this mean that pension gaps will likewise start shrinking with a similar lag, and that therefore they are a problem that will correct itself? In Europe, this question has not been formulated; or if it has been formulated, it has not been answered. There exist a number of national studies with a focus on specific institutional features or reforms.<sup>9</sup> The overall picture of where Europe is – and of where it is going – is essentially absent.

That is why it is so important to have an idea of the extent of the GGP in Europe: the indicator presented in Figure 7 consists of the difference in average pensions between men and women over 65, calculated in terms of pensions gross of tax (i.e. before tax is deducted).<sup>10</sup>

Taking the EU as a whole (weighted by population), men receive on average higher pensions than women by 39%. The widest difference is observed in Luxembourg (47%), followed by Germany (44%), and the UK (43%), which are clearly above the average. The Netherlands (40%), Cyprus (39%) and France (39%) are around the average. A large group of countries have values exceeding a third (Greece, Ireland, Austria, Spain, Portugal, Bulgaria), while five other countries are around 30% (Sweden, Romania, Italy Norway, and Slovenia). It is thus true to say that in 17 of the 27 Member States women receive a pension which is on average 30% or more lower than men's. The EU average, being calculated on a population-weighted basis, is heavily affected by the gap of the larger countries, most notably Germany, the UK and France. Finland (25%), Poland (23%) and

<sup>7</sup> Cf. Corsi M., Crepaldi C. and M. Samek Lodovici (2011), *The Socio-economic Impact of Pension Systems on the Respective Situations of Women and Men and the Effects of Recent Trends in Pension Reforms*, EGGSI report for the European Commission; available at: [http://ec.europa.eu/justice/gender-equality/document/index\\_en.htm](http://ec.europa.eu/justice/gender-equality/document/index_en.htm)

<sup>8</sup> Jefferson T. (2009), "Women and Retirement Pensions: A Research Review", *Feminist Economics*, 15: 115-145.

<sup>9</sup> See Horstmann S. and J. Hüllsman (2009), *The Socio-Economic Impact of Pension Systems on Women*, Gesellschaft für Versicherungswissenschaft und Gestaltung (GVG), European Commission, DG Employment, Brussels; Brugiavini A., Cavapozzi D., Pasini G. and E. Trevisan (2013), "Working Life Histories from SHARELIFE: A Retrospective Panel", *SHARE Working Paper Series*, 11-2013.

<sup>10</sup> All statistical evidence discussed in this part of the study is taken from Bettio F., Tinios P. and G. Betti (2013), *The Gender Gap in Pension in the UE*, ENEGE report for the European Commission - DG Justice, Brussels. Available at: [ec.europa.eu/justice/gender-equality/files/.../130530\\_pensions\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/.../130530_pensions_en.pdf)

Denmark (19%) do fare better but still show sizeable differences in GGP. The lowest values are found for Eastern European countries: Lithuania (15%), Hungary (15%), the Czech Republic (13%), Latvia (9%) and the Slovak Republic (8%). Estonia is 'top of the class' as women's pensions are only 4% lower.

To understand how wide is the pension gap in Europe, one needs a point of comparison. In the case of pensions, the obvious yardstick is the gender pay gap. Pensions replace employment income at an older age when that ceases, so the comparison is a natural one to make. It must be noted, of course, that today's pay gap and today's pension gaps refer to different groups of people. If evaluated today, pension gaps average income sources of a different generation than the one currently earning income in the labour market.<sup>11</sup> Nevertheless, in order to grasp orders of magnitude, it is important to see how the two gaps compare (Figure 8).

One first observation is that pension gaps are considerably wider than pay gaps: the average pay gap (16.2%) is less than half the average pension gap (39%). This is expected given that women work fewer hours per year as well as receiving less on an hourly basis. Thus a given pay gap is magnified into a wider annual earnings gap. In addition, women also work fewer years, and hence it can be expected an even wider career earnings gap.

Secondly, no simple relationship appears to link the two indicators. The country with the widest pay gap (Estonia) is the one with the lowest pension gap. A clearer picture of the relationship between pay and pension gaps can be derived from the scatter diagram linking the two sets of observations. Figure 9 in the annex plots pension gaps against pay gaps: the two sets of data cannot be linked with a direct causal relationship, as they refer to different people, i.e. a younger cohort working and an older cohort drawing pensions.

The scatter confirms the impression that there is no simple linear relationship between pension and pay gaps across countries; the line of best fit is almost flat and explains a tiny part of the variation ( $R^2=0.034$ ).

### 3.3 Do pension gaps reflect broken careers for women?

An important hypothesis explaining gender gaps in pensions is that gender gaps in pensions are to a large extent a reflection of women's low and intermittent previous involvement with paid labour. In particular, especially in recent decades, a large number of women dropped out of the labour force in order to fulfil their family responsibilities. This may have reflected personal choice but may also have been imposed on them by insufficient childcare facilities, inadequacies in maternity leave, etc.

To define what a broken career means, and to classify women into categories according to labour force attachment, is quite a complex task. Following Bettio et al. (2013), it can be assumed that women with a number of years of employment greater than the median years<sup>12</sup> for their country do not have a broken career problem. To classify the remainder it

<sup>11</sup> In the study of ageing, a key distinction is between age groups and cohorts (i.e. people born at a particular time period). Today's 60-year olds (born around 1950) may behave differently than the 60 year-olds of 1990 (who had been born around 1930). At any one time, however, the two concepts coincide. One should always be careful of making generalisations based solely on age, as these may be due to a cohort effect and hence not hold in the future.

<sup>12</sup> The (un-weighted) median value of years in paid work in the EU as a whole (but excluding Sweden, Denmark and Finland which do not report this variable in the SILC survey) is 28 years for men, 21 for women, with little change if we average out the single country's median values in lieu of calculating the median at the aggregate EU

is sufficient to note that in those countries that base their system on social insurance principles, the cut-off for pension entitlement ('vesting') is usually 15 years. Thus it makes sense to define three groups: (1) women with years of employment between 0-15 years (distinguished into two subgroups in Table 2);<sup>13</sup> (2) those between 15 and the median; (3) greater than the median. Many (perhaps most) women who have fewer than 15 years' work experience would have worked after leaving school and at the early stages of building a family; thus at the age of 65 their involvement in employment may only be a distant memory. Given that many pension systems have vesting requirements, a woman who may have worked in the 1970s for 4-5 years would, for social insurance purposes, be treated in the same way as someone who has never worked.<sup>14</sup> Both would only receive an old-age pension, or a means-tested 'standard' pension at the age of 65. This is the reason for aggregating the 'never worked' group (0 years) with those with a few years of payments.

Table 2 shows the classification of women into the three groups. It further breaks down the low category into those with 0-10 and those with between 11 and 14 years' employment. In nine countries (Luxembourg, Cyprus, France, Greece, Ireland, Spain, Italy, Belgium and Slovenia), more than one in four women had been in employment for less than 14 years. On the contrary, in most Eastern European countries (with the possible exception of Poland and Romania), broken careers (in the sense of a large number of women with fewer than 15 years' work) appear to be less of an issue.

It can therefore be concluded that broken careers appear to be a major issue in explaining gaps in pensions. In almost all countries, women with a working life of less than 14 years exhibit a significantly greater Gender Gap in Pension income (Table 3).<sup>15</sup> In Germany for instance, women who had been in employment for less than 14 years appear to have twice as high a Gender Gap in Pensions income (64.1%) compared with women with the 'median' working life (31.8%). The trend is also to be seen in France, Austria and to a lesser extent in Spain. The 'dominant pattern' holds with broken careers being associated with greater pension gaps; as years of employment increase, pension gaps shrink. However, in Bulgaria and in Poland, there appears no significant variation across different working life categories. Greece is the main exception where, remarkably, gender gaps are higher for women with the 'median' working life. This extraordinary result may well be an artefact of the fragmentation of the system into occupational categories, each with very different generosity. Portugal is a partial exception since it records the lowest gap among women having spent between 15 years and median years in employment.

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level. For women, however there is considerable dispersion across countries: from 10 years in Malta and 16 in the Netherlands, to 29 years in the Czech Republic and 30 years in Hungary.

<sup>13</sup> If the years worked data were of better quality, or if there could be access to administrative data, it would have made sense to distinguish 'no work' with even a small number of years.

<sup>14</sup> A recent judgment of the Court of Justice of the European Union in Case C-385/11 ruled that Spanish legislation on contributory pensions discriminates against women on account of the higher prevalence of part-time work and is thus contrary to Council Directive 79/7/EEC.

[http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri= CELEX:62011CJ0385:Es:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62011CJ0385:Es:NOT)

<sup>15</sup> To apply this categorization in order to compute gender gaps for each gradation of broken career and in order to get around the problem that broken careers are an exclusively female issue, the average pension for women in each broken career category is compared to the overall mean pension for all males. In this way all three computed gender gaps in pension have the same denominator.



## 4. CONCLUSIONS AND RECOMMENDATIONS: TOWARDS A 'PINK NEW DEAL'

### KEY FINDINGS

- The crisis may be a great opportunity for historical change. The entire economic policy has so far ignored gender inequalities and might tend to ignore them even more now, due to the shortage of resources. By contrast, introducing a gender perspective in the recovery measures would help all of us to get out of the current situation sooner and better.

At this particular time in European public life, it is worth focusing on the identification of useful tools to achieve real gender equality: to act only on the labour market, and its rules? Operate by specific forms of taxation? Or call into question the whole division of care work at home and outside?

From the answers to these questions, all to be formulated, a setting of economic policy could emerge, a "pink new deal", recalling the "Roosevelt" way out from the biggest recession in history, that of 1929. There is indeed a need of a general plan of investment in social infrastructure on which to base the economic growth of our countries. Schools, kindergartens, universities, and care for the elderly are an investment that generates employment and encourages qualified female employment.<sup>16</sup> There is a large demand for quality services around Europe: if they increase, a growing number of women would be able to work outside the home, because the companies that provide them are often run by women who have shown they can stay on the market, despite the major difficulties faced in accessing credit at a time of credit crunch. It has been estimated that with a gendered investment plan, European GDP will increase gradually, reaching a level 2.4 p.p. higher by 2018 than without the investment plan (Hansen and Andersen, 2014).

### 4.1 Recommendations

National Governments and national Parliaments should fully acknowledge the scope for fiscal policies to enhance female labour force participation (FLFP). Taxation of labour income and government spending on social welfare benefits and pensions both affect labour markets similarly. They weaken the link between labour supply and income, thereby influencing the decision to participate in the labour market. Thus, the appropriate design of benefits is important to avoid disincentives to work. Elborgh-Woytek et al. (2013) outlines a wide range of fiscal policies to enhance the labour force participation of both women and men.

- Replacing family income taxation with individual income taxation. Empirical studies indicate that the female labour supply is more responsive to taxes than the male labour supply. Hence, reducing the tax burden for (predominantly female)

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<sup>16</sup> See UK Women's Budget Group (2013), To Ensure Economic Recovery for Women, We Need Plan F, Briefing note, [www.wbg.org.uk](http://www.wbg.org.uk)

secondary earners by replacing family taxation with individual taxation could potentially generate large efficiency gains and improve aggregate labour market outcomes.

- Tax credits or benefits for low-wage earners could be used to stimulate labour force participation, including among women. These so called “in-work” tax credits reduce the net tax liability - or even make it negative for low-wage earners - thereby increasing the net income gain from accepting a job, and are usually phased out as income rises. In countries that emphasise the income support objective, credits are generally phased out with family income and are often conditional on the presence of children in the household.<sup>17</sup> However, the phasing out of credit with family income results in high marginal tax rates for both the primary and the secondary earner in a family, creating strong adverse labour supply effects among secondary earners. By contrast, in countries that emphasise labour force participation, credits are usually phased out with individual income - the preferable policy to increase FLFP - as the marginal tax rate applied to the secondary earner will generally remain lower.<sup>18</sup>

Some examples of the practices existing already are shown in Box 1.

#### Box 1: Examples of good practices at national level

##### Enhancing Female Labour Force Participation

In the Netherlands, the increase in the female labour force participation rate (FLFPR) from about 35 per cent in 1980 to more than 80 per cent in 2008 can be attributed to a breakdown in barriers between full-time and part-time work contracts, in combination with well-compensated parental leave. Part-time workers benefit from the same hourly wages, social security coverage, employment protection, and rules as full-time workers, which also facilitates the transition from part-time to full-time status (ILO, 2010).

Sweden's high female labour participation rate, with a gender gap of only 6%, is mostly attributed to a generous and flexible parental leave policy with a high coverage rate for child care, job guarantees, and eligibility for reduced working hours. OECD countries with the highest public spending as a share of GDP on child care and education services for children under the age of five have been found to have higher employment rates among mothers with young children (Aguirre et al., 2012).

Germany's “Skilled Labour Strategy” includes measures to improve the availability of child care facilities and to promote more family-friendly working hours, in order to raise the FLFP rate (IMF, 2012).

In Italy, the reform of the labour market in 2012 (Law 92/ 2012, the “Fornero reform”, after the labour minister who promoted it) indirectly targets women having the aim of decreasing the variety of contractual arrangements for atypical jobs and reducing the improper use of some of them. This reform introduced a more universal system of social protection which widens the coverage of the unemployment benefit scheme; it facilitates transition from school to work and favours work experience for young people still in formal education. Moreover, it includes two innovative measures for the conciliation of work and family life: 1) compulsory paternity leave; 2) vouchers for child-care services (Rosselli, 2013).<sup>19</sup>

<sup>17</sup> This is the case in France, Ireland, the Slovak Republic, and the United Kingdom.

<sup>18</sup> This approach is followed in Belgium, Finland, Germany, the Netherlands, and Sweden.

<sup>19</sup> It is too early to assess the impact of the whole package of the Fornero Reform, but a welcome novelty is the implementation of a well-organized system of data-collection to monitor its impact, which could be useful now that reform of the reform is already under way.



### Targeting financial independence of women<sup>20</sup>

In Austria, a means-tested minimum income scheme was introduced in 2010 as the successor of the system of social assistance. It is paid by provincial councils and envisages a minimum security payment oriented at the equalisation supplement reference rate of €747 (2009). The granting of minimum payments is coupled with the willingness to work if the beneficiary is able to. Positively, lone parents are granted a higher benefit than under past regulations to ward off the higher-than-average risk of poverty in this group. Means-tested minimum income payments were coupled in 2010 with the willingness to work if the beneficiary is able to work.

In Belgium, social assistance takes the form of a guaranteed minimum income called the Social Integration Income (Revenu d'intégration social, RIS). RIS is linked to a "right and duty" activation scheme that is obligatory for beneficiaries aged 18-25 and optional for other applicants. RIS is means tested, provided for as long as necessary, and varies according to household composition. The number of RIS beneficiaries has increased during the crisis, and women are the main beneficiaries. A specific, means-tested minimum guaranteed income scheme is provided to older persons (GRAPA), and women are the main recipients.

In France, during the recession, a new income-support scheme, the Active Solidarity Income (RSA), has been implemented. It can be seen as a welfare-to-work reform, encouraging income support recipients to participate in the labour market.

In Luxembourg, a basic guaranteed income (revenu minimum garanti or RMG) is provided either via an integration benefit<sup>21</sup> or a supplementary allowance<sup>22</sup> to individuals who do not have any income or whose income is below the minimum level set by law, either in an individual capacity or jointly with other members of their household. As of 1 January 2011, the basic guaranteed income amounted to €1,251.97 per month for a single person, €1,877.93 for a couple, €358.20 per additional adult, and a further €113.81 s for each child under the age of 18 who qualifies for family allowance.

### Promoting equal pay<sup>23</sup>

In Belgium, Parliament passed a law in 2012 obliging companies to carry out a comparative analysis of their wage structure every two years. Belgium was also the first EU country (in 2005) to organise an Equal Pay Day.

In France, the Government has strengthened existing sanctions against firms with 50 employees and above that do not respect their obligations regarding gender equality. For the first time, as a result of a 2012 decree, two firms were found in April 2013 not to have complied with the legislation on equal pay.

In Austria, the Equal Treatment Act obliges companies to draw up equal pay reports. The rules, which were phased in gradually, are now compulsory for companies with over 250, 500 and 1000 employees. Companies with more than 150 employees will have to produce a report starting in 2014.

In Portugal, a Parliamentary Resolution dated 8 March 2013 includes measures to guarantee and promote equality of opportunity and results between women and men in the labour market, including the elimination of wage gaps. The measures include reporting on gender gaps in wages by industry.

<sup>20</sup> Cf. Corsi M., Cipollone A., D'Ippoliti C., Samek Lodovici M., Sansonetti S. (2009), Gender Mainstreaming Active Inclusion Policies, EGGSI report for the European Commission – DG Employment, Brussels. Available at: [ec.europa.eu/social/BlobServlet?docId=6335&langId=en](http://ec.europa.eu/social/BlobServlet?docId=6335&langId=en)

<sup>21</sup> The integration benefit is linked to assistance programmes for seeking employment, and job creation scheme and is paid to persons who meet certain criteria and are capable of working.

<sup>22</sup> The supplementary allowance is aimed at persons who do not qualify for measures to promote integration into working life or who are temporarily exempt from these. It makes up the difference between the maximum amounts of basic guaranteed income and the means at the household's disposal.

<sup>23</sup> Cf. European Commission (2014), Equal Pay Day, Press release, IP-14-190, Brussels.

The Council should ensure the exchange of these good practices and issue, where appropriate, guidelines for the Member States.

The European Parliament should cooperate with and hold accountable the Council and the Commission for removing labour market distortions and creating a level playing field for measures that would help boost the demand for women's labour. Besides, it has to be taken into account that the norms that apply to women's participation in the labour market have a tangible impact on labour demand, FLFP, and thereby on macroeconomic outcomes. The persistence of gender gaps in pay (and pensions) shows that, despite significant progress over time, gender-based discrimination persists. Indeed, changes in legislation and social norms in recent decades have supported an increasing demand for female labour and have made it possible for women to seek paid employment outside their homes and to contribute to family income. However, while anti-discrimination provisions have been adopted legally within all EU countries, some measures have proven difficult to enforce.

In this sense, the European Commission should propose policies to improve anti-discrimination enforcement, including (OECD, 2008 and 2012):

- Increasing the awareness of legal rights to equal treatment by conducting information campaigns.
- Providing the right incentives: a robust burden-of-proof framework can encourage discrimination claims before courts while minimising the risk for unjustified claims.<sup>24</sup>
- Empowering national equality bodies to conduct formal investigations on their own initiative (without an individual complaint) can increase employers' awareness of equality issues and help potential victims of discrimination.

Last but not least, the European Commission should reconsider the formulation of indicators of gender equality to monitor the social impact of the crisis. The apparent improvement of many gender inequalities despite the deterioration of jobs, wages, working conditions, and income for men and women raises questions about the ability of these "gender gap" indicators to capture the trends of gender equality adequately during a recession. In this direction, and in line with the recommendations made by the Council of the European Union (2014), the European Commission should:

- Cooperate with EIGE to improve the quantity and quality of sex-disaggregated data and support further research on gender-relevant issues, including on women and men's perceptions of their role in the labour market and of the sharing of activities within the household, as well as their perceptions of working conditions and factors that limit opportunities in the labour market in EU-28 Member States.
- Review regularly the progress achieved on those critical areas of concern identified in the Beijing Platform for Action for which indicators have already been developed by EIGE, taking the outcomes of these reviews into account in the Commission's annual Report on Progress on Equality between Women and Men.

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<sup>24</sup> The corresponding provisions of Directive 2006/54/EC would need then to be reinforced by accompanying measures like guidelines for Member States and enterprises.

In this respect, the European Parliament as one arm of the budgetary authority should:

- Provide EIGE with the appropriate resources to keep on monitoring the critical area Women and the Economy (Area F) of the Beijing Platform for Action by using the existing indicators, and further developing and improving these indicators.
- Monitor and evaluate the correct implementation of EU legislation in the field of employment and social policy.

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## ANNEX: TABLES AND FIGURES

**Table 1: Scores of the Gender Equality Index (GEI) (%)**

Country	Index	Work	Money	Knowledge	Time	Power	Health
BE	59.6	66.4	79.3	54.7	45.3	45.2	94.1
BG	37.0	49.9	40.7	32.0	17.3	33.8	84.5
CZ	44.4	71.6	59.3	37.3	23.2	29.6	89.6
DK	73.6	81.6	79.2	75.1	64.9	60.0	91.8
DE	51.6	72.5	76.3	44.1	41.6	28.0	89.5
EE	50.0	64.6	49.1	53.0	51.4	27.5	83.8
IE	55.2	71.0	77.0	52.8	53.4	26.5	96.4
EL	40.0	59.7	63.3	36.7	17.4	24.4	92.4
ES	54.0	61.3	60.7	53.5	33.8	47.2	90.7
FR	57.1	67.0	75.9	49.4	35.8	50.3	90.6
IT	40.9	60.6	68.2	32.1	33.0	18.6	90.8
CY	42.0	68.7	74.1	52.9	25.3	12.2	91.1
LV	44.4	54.9	42.0	38.8	35.2	38.6	77.1
LT	43.6	61.0	41.5	47.4	24.1	32.1	84.9
LU	50.7	66.4	90.9	61.1	48.9	14.7	93.9
HU	41.4	55.9	54.4	35.1	32.5	24.4	83.7
MT	41.6	55.0	68.2	34.0	37.5	18.7	93.2
NL	69.7	73.1	82.5	65.5	71.3	52.2	94.7
AT	50.4	73.9	77.9	44.6	40.0	24.3	91.6
PL	44.1	61.4	52.2	44.0	20.9	34.5	82.6
PT	41.3	66.2	56.3	30.4	22.4	30.6	84.5
RO	35.3	60.4	39.0	28.8	17.8	24.9	84.0
SI	56.0	69.1	70.2	51.4	49.1	36.0	88.7
SK	40.9	61.0	53.7	35.0	17.8	33.1	85.8
FI	73.4	82.0	78.4	67.0	63.8	68.8	89.9
SE	74.3	78.6	80.2	66.3	63.9	74.3	93.1

Country	Index	Work	Money	Knowledge	Time	Power	Health
<b>UK</b>	60.4	76.6	74.3	68.8	43.2	35.2	95.4
<b>EU-27</b>	<b>54.0</b>	<b>69.0</b>	<b>68.9</b>	<b>48.9</b>	<b>38.8</b>	<b>38.0</b>	<b>90.1</b>

**Note:** The scores of the Gender Equality Index range from 1 to 100, where 1 is absolute gender inequality and 100 full gender equality.

**Source:** EIGE (2013).

**Table 2: Classification of women over 65 according to broken careers status (%)**

Country	0-10 years	11 – 14 years	15-median	>median
<b>BE</b>	39.5	3.4	7.9	49.2
<b>BG</b>	1.3	0.5	50.3	47.9
<b>CZ</b>	1.8	0.1	49	49.1
<b>DK</b>	..	..	..	..
<b>DE</b>	18.8	6.1	25.4	49.7
<b>EE</b>	0.8	0.3	57.5	41.4
<b>IE</b>	46.1		4.3	49.6
<b>GR</b>	26	1.3	23.1	49.6
<b>ES</b>	40.4	4.6	5.5	49.5
<b>FR</b>	28.6	4.7	17.6	49.1
<b>IT</b>	29.5	2.8	19.4	48.3
<b>CY</b>	43	3.5	3.9	49.6
<b>LV</b>	1.1	0.2	53.2	45.5
<b>LT</b>	..	..	..	..
<b>LU</b>	43.4		7.2	49.4
<b>HU</b>	9.6	1.9	42.4	46.1
<b>MT</b>		52		48
<b>NL</b>		50.3		49.7
<b>AT</b>	20.7	3.6	25.8	49.9
<b>PL</b>	11.3	1.7	38.3	48.7
<b>PT</b>	12.4	2.3	36.8	48.5
<b>RO</b>	15.4	1.1	35.8	47.7
<b>SI</b>	23.9	0.6	29.2	46.3
<b>SK</b>	4.7	0.5	50.3	44.5
<b>FI</b>	..	..	..	..
<b>SE</b>	..	..	..	..
<b>UK</b>	14.3	11.1	26.1	48.5

**Source:** Bettio et al. (2013).

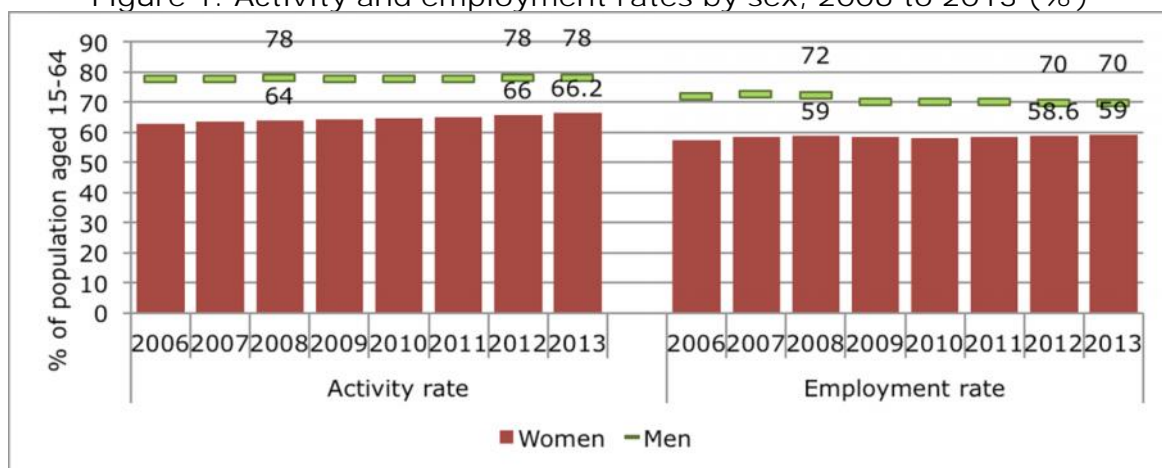
**Table 3: Gender gaps in pension by broken careers (%)**

Country	0 – 14 years	15–median	>median
BE	37.8	43	18.8
BG	34.5	35.2	11.4
CZ	31	13.5	89.6
DK	..	..	..
DE	64.1	48	31.3
EE	14	8.3	-1.4
IE	43.4	..	26.3
GR	28.2	24.2	45.1
ES	39.9	41.8	26.8
FR	56.9	47.4	22.5
IT	41.7	37.9	20.9
CY	52.4	40.5	26.2
LV	12.8	14.4	3.1
LT	..	..	..
LU	59.2	..	33.8
HU	34.1	17.9	7.5
MT	23.4	..	17.3
NL	38.6	..	29.5
AT	50	43.1	21.3
PL	26.9	25.5	19.7
PT	51.3	16.5	40
RO	47.7	32.8	25.1
SI	50.7	31.1	11.5
SK	23	9.6	3.9
FI	..	..	..
SE	..	..	..
UK	50.2	47.3	36

**Source:** Bettio et al. (2013).

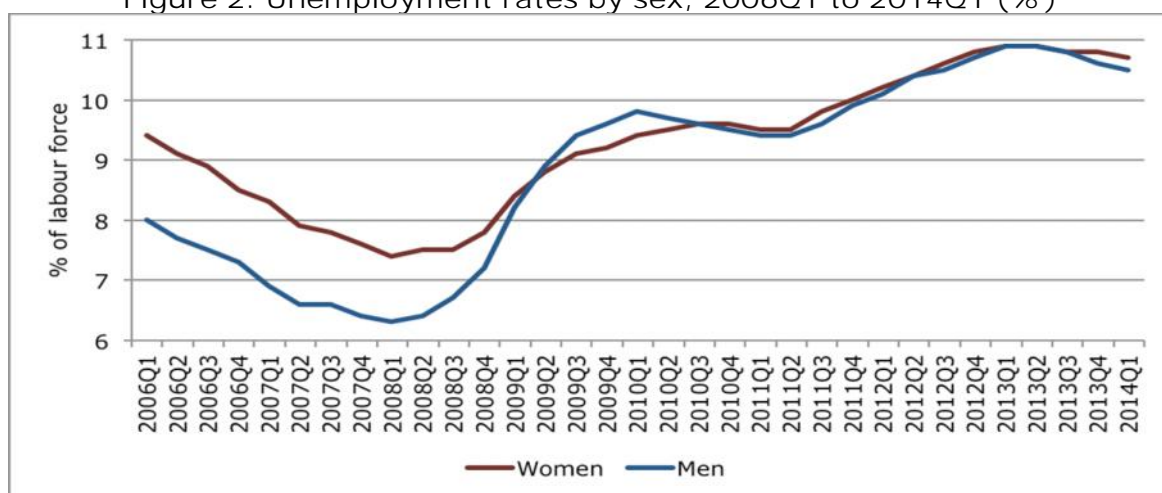


Figure 1: Activity and employment rates by sex, 2006 to 2013 (%)



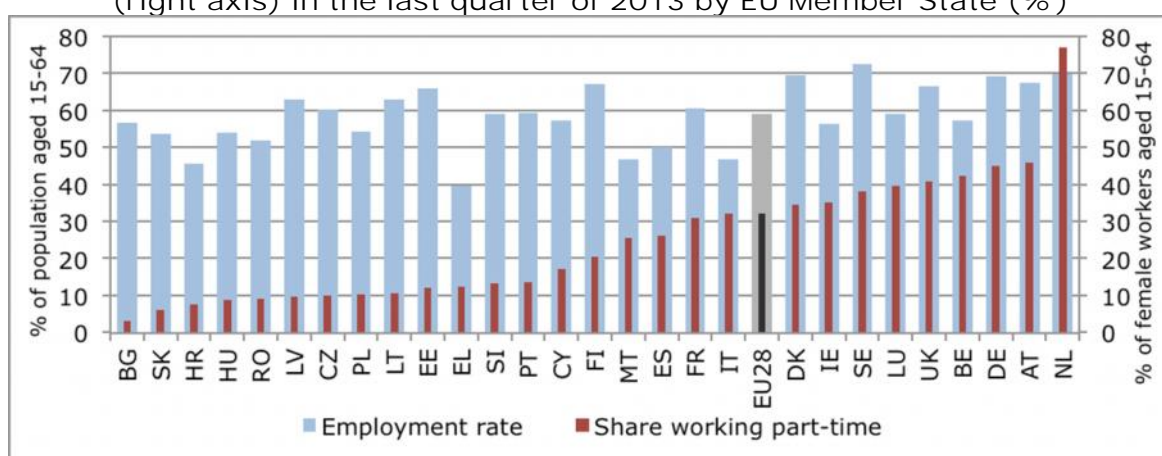
Source: Eurostat.

Figure 2: Unemployment rates by sex, 2006Q1 to 2014Q1 (%)



Source: Eurostat.

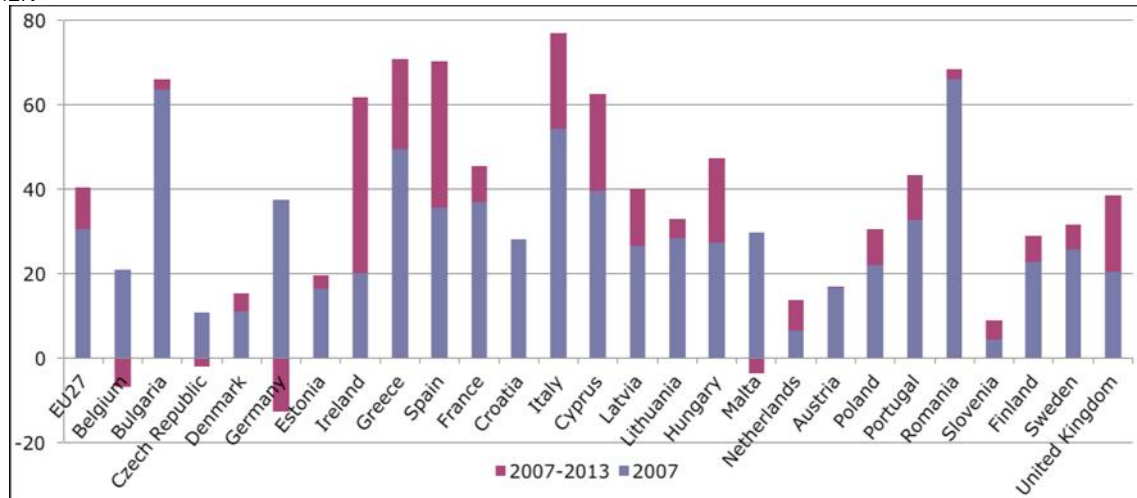
Figure 3: Female employment rates (left axis) and female part-time workers (right axis) in the last quarter of 2013 by EU Member State (%)



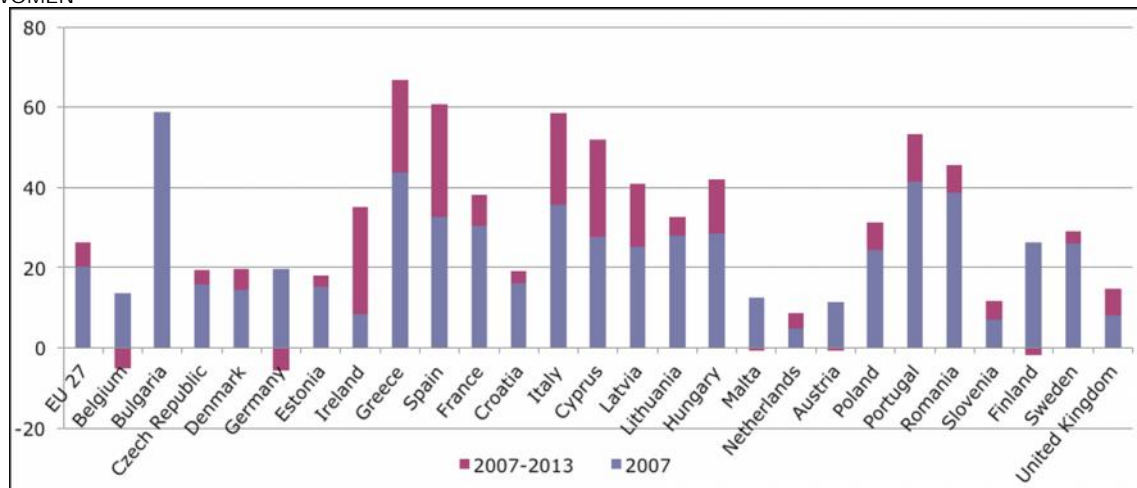
Source: Eurostat.

Figure 4: Involuntary part-time employment as percentage of the total part-time employment by sex, 2007-2013

A) MEN

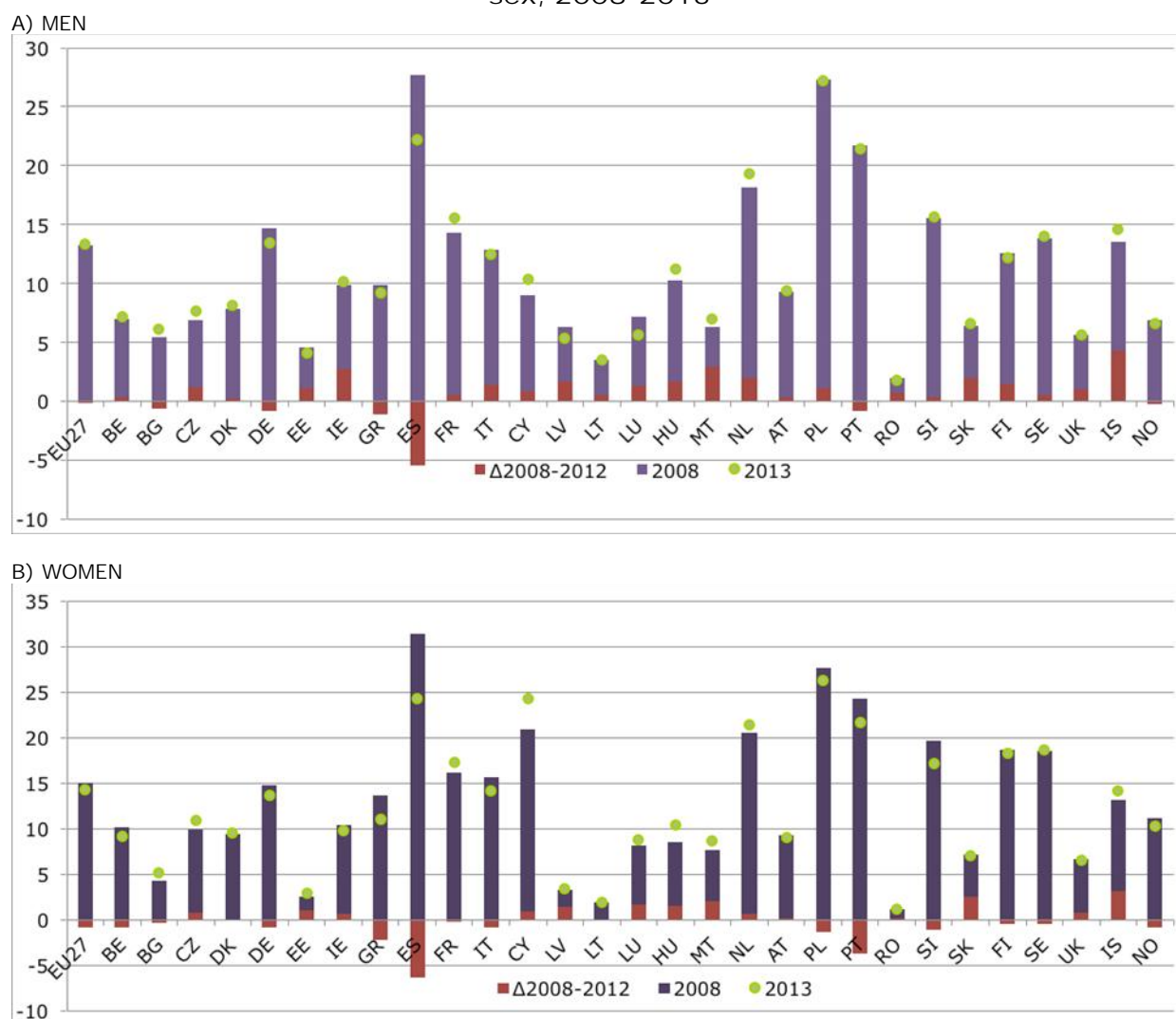


B) WOMEN



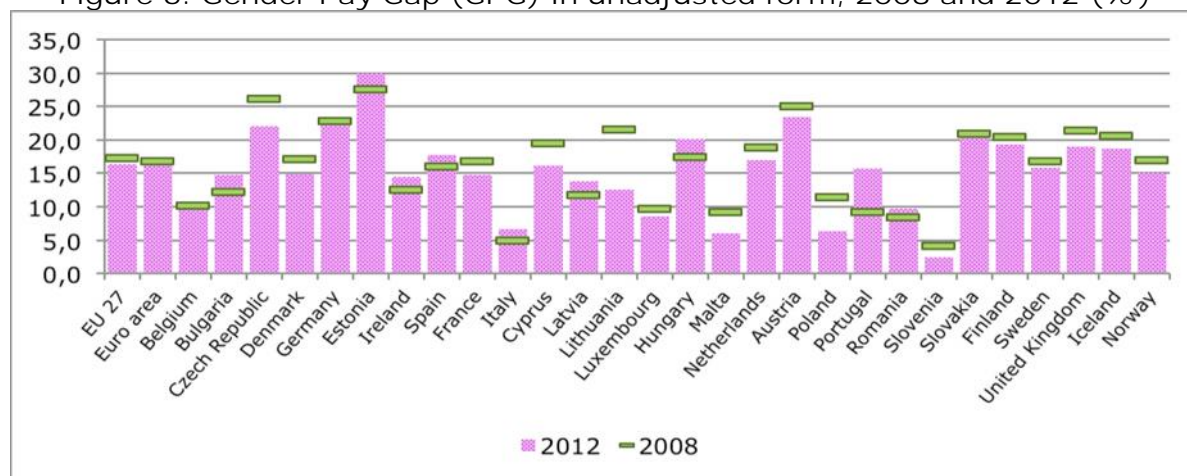
Source: Eurostat.

Figure 5: Temporary employees as percentage of total number of employees by sex, 2008-2013



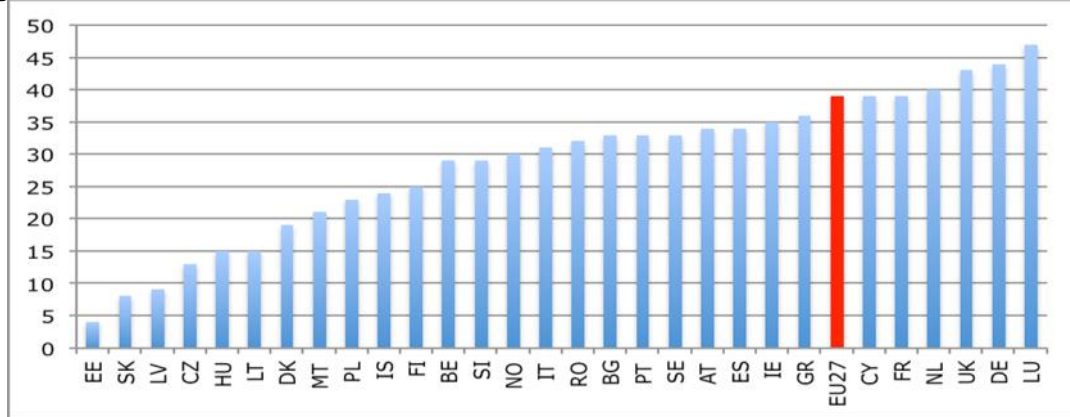
Source: Eurostat.

Figure 6: Gender Pay Gap (GPG) in unadjusted form, 2008 and 2012 (%)



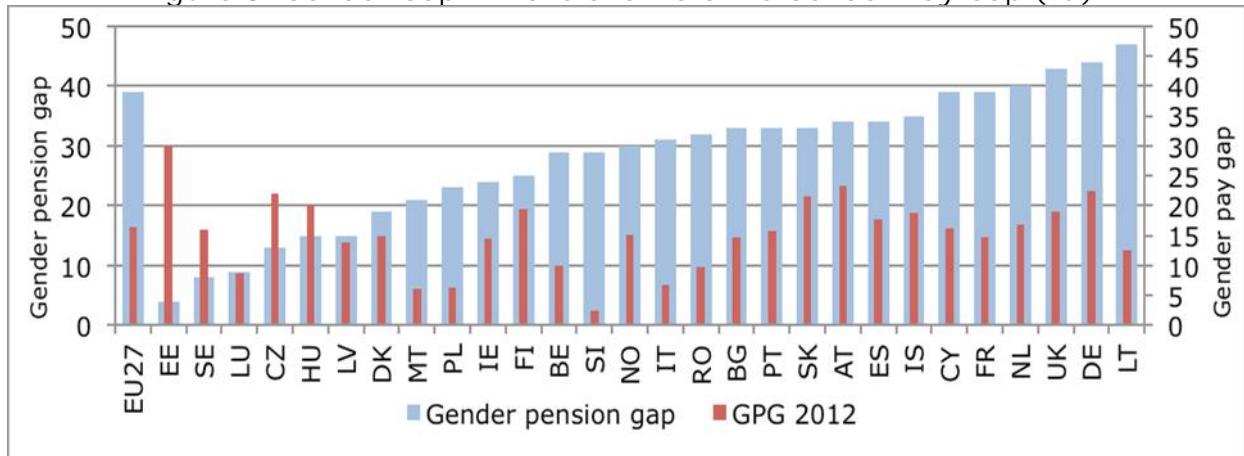
Source: Eurostat.

Figure 7: Gender Gap in Pensions (GGP), pensioners aged over 65 years (%)



Source: Bettio et al. (2013).

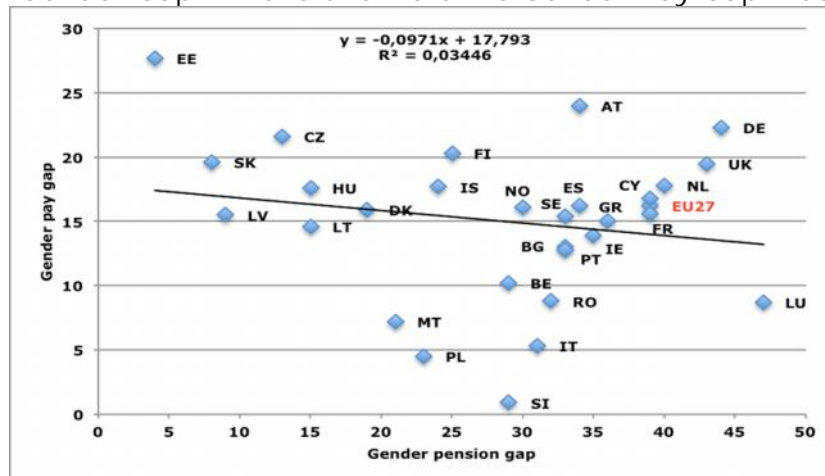
Figure 8: Gender Gap in Pensions vis-à-vis Gender Pay Gap (%)\*



Note: (\*) GPG data for Greece are missing in 2012.

Source: own calculations on data provided by Bettio et al. (2013); Gender Pay Gap from Eurostat's Earnings Database for 2012 [http://epp.eurostat.ec.europa.eu/portal/page/portal/labour\\_market/earnings/database](http://epp.eurostat.ec.europa.eu/portal/page/portal/labour_market/earnings/database)

Figure 9: Gender Gap in Pensions vis-à-vis Gender Pay Gap – Scatter plot

Source: own calculations on data provided by Bettio et al. (2013); Gender Pay Gap from Eurostat's Earnings Database for 2012 [http://epp.eurostat.ec.europa.eu/portal/page/portal/labour\\_market/earnings/database](http://epp.eurostat.ec.europa.eu/portal/page/portal/labour_market/earnings/database)

# MATERNITY LEAVE, PATERNITY LEAVE, PARENTAL LEAVE AND UNPAID CARE WORK

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## Abstract

Upon request of the FEMM committee, this analysis provides an overview of EU legislation and policies with regard to maternity and paternity leave, as well as parental leave, in the context of unpaid domestic work. Recommendations are provided on the need to further develop the EU-level actions regarding work-life balance policies in line with the principle of gender equality within the family and society.

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## EXECUTIVE SUMMARY

Despite the EU's long-term commitment to gender equality, as demonstrated by strategies, benchmarks and legislation measures, comparative statistics on the Member States' populations' economic activity show persisting gender gaps in employment as well as gender pay gaps. This might signal that the EU initiatives have so far provided only limited results, mostly because solutions about work and family reconciliation policies are predominantly the Member States' domain. Moreover, women still perform a majority of unpaid domestic work, including care work.

The EU Gender Equality Strategy 2010-2015, together with Barcelona targets and related goals of the Europe 2020 strategy, addresses these issues. As proved by studies on fertility and female employment, an effective reconciliation policy package includes paid maternity leave followed by several months of parental leave, with individual entitlements for the fathers. The EU gender equality strategies and initiatives adequately deal with these findings. Achieving a more equal share of childcare was one of the main factors behind the EU Parental Leave Directive which (in its present form) obligates the Member States to provide individual and non-transferable entitlements to at least one month of the parental leave to the father (whereas 4 months of the parental leave for both parents altogether). While the strength of this legal solution is that it is legally binding for all the Member States, it also leaves room for interpretation regarding paternity leave and, therefore, the Directive has been implemented in various versions, often as an unpaid part of the leave, thus with only weak impact on father's share of the leave. Consequently, most of the entitlements to parental leave are used by mothers. While the provisions of parental leave vary within the EU, long parental and childcare leave (about three years) proved to impede maternal employment, especially when the incentives for fathers to share the leave are weak or do not exist at all.

Furthermore, the research on the impact of childcare and family policies showed a positive relation between availability of high-quality childcare services and female employment. The European Council has for long recognised this link by including the development of childcare services in the list of Barcelona targets. As reported by the Commission in 2013, only 10 Member States achieved the Barcelona targets with regard to the provision of childcare services for children under the age of three, while the situation worsened in several Member States due to the effects of the economic crisis. The Commission enhanced its commitment to childcare services as monitoring childcare services has become part of the European Semester.

Recommendations for the post-2015 EU strategy for gender equality should include strengthening of individual and non-transferable parental leave entitlements for men as part of EU law. Besides, the Commission might consider establishing a more coherent and institutionalised system of monitoring the implementation of the Parental Leave Directive, especially in the Eastern European countries, where the Directive has been only partially implemented or not implemented at all. Additionally, the EU post-2015 strategy should include enhancement and monitoring of the availability of childcare and elderly care services, with a focus on the services' quality and affordability. Finally, the new strategy should focus even more on the situation of the vulnerable groups as single parents (mostly mothers), young women and men entering the labour market, and immigrants.

## BACKGROUND

Work-life balance or the reconciliation of work and family, as provided by state policies, have been regarded the most important factor influencing female economic activity (Hobson, Fahlén, and Takács 2011; OECD 2011; Esping-Andersen 2009; OECD 2011). Thus, benchmarks regarding parental leave policies and care services have related to gender equality goals and strategies, as well as being included in the EU legislation. As far as parental leave provisions are concerned, the legislation (EU Council Directives) provide minimum standards that must be adopted to the national systems (given that such solutions may not have so far been in place).

Recognizing the new needs of families, the Commission proposed related actions with regard to the reconciliation of work and family. In 2008, a work-life balance package was proposed in order to stimulate the balancing of professional and family life, and increase participation in the labour force, especially for women (EC 2008). Among others, the Commission announced the working on strengthening women's entitlements to leave for family reasons (extending the maternity leave), and to assure the equal treatment of the self-employed and their spouses. Furthermore, while formulating the goals for the Strategy for Equality between Women and Men 2010-2015, the Commission recommended the following: "assess remaining gaps in the entitlement to family-related leave, notably paternity leave and carers' leave, and the options for addressing them" (EC 2010).

In this sense, the Strategy complements the EU2020 headline target of reaching an employment rate of 75% and qualifies the need to facilitate the work-life balance or reconciliation policies as the most important precondition for increasing the female labour force participation. However, as has been noticed by some scholars, there is some imbalance between the two issues with reduced attention to gender equality and gender mainstreaming compared to employment for reaching the overall aim of smart, inclusive and sustainable growth (Villa and Smith 2014). Nevertheless, the references to gender equality in the context of the reconciliation policies were present in the responses from 16 Member States to the Commission's consultation on Europe 2020 who independently related the new strategy to enhancing gender equality, including reconciliation and work and life balance, as well as leave for family reasons (Sweden, *ibid.*). Still, the present EU employment strategy does not specify a separate target for women with consequently a smaller emphasis on the need to reform work-life balance systems in order to enhance equal opportunities for men and women. In the previous employment strategy - Lisbon Strategy – a separate benchmark for female employment was set at the level of 60%, and this threshold was almost reached in 2008 and was equal to 59.1%.

The next section presents the employment situation of the EU Member States and how this is related to the issues of work-life balance. This is followed by the analysis of the EU legislation with regard to parental leave system, flexible working time arrangements, Barcelona targets, as well as ageing and the new caring needs of family and society, with the overall emphasis on the issues of unpaid work.



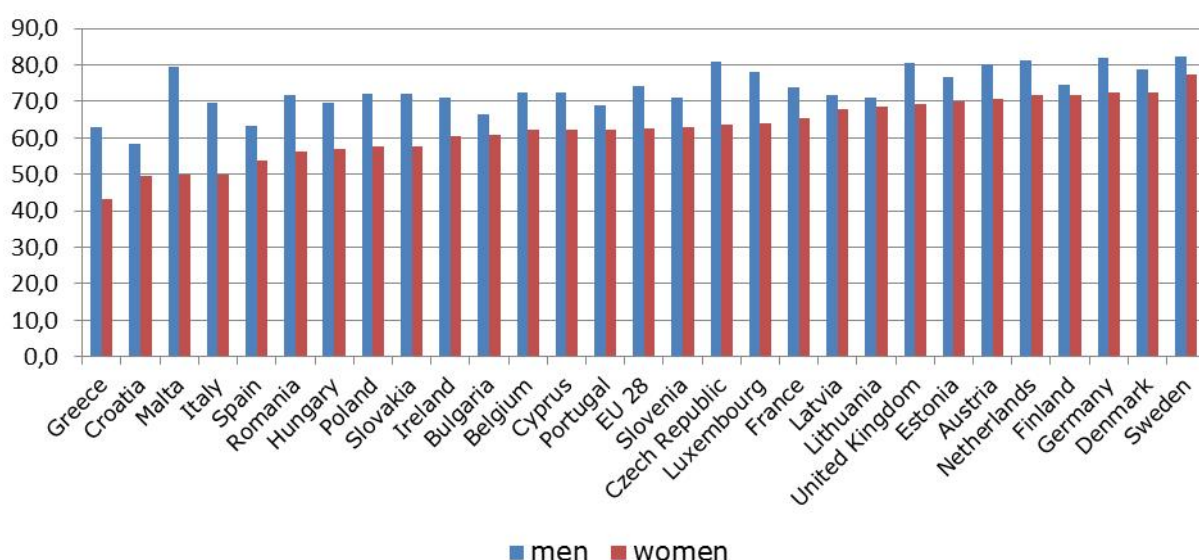
# 1. SETTING THE SCENE: GENDER EMPLOYMENT GAPS AND WORK-LIFE BALANCE

## KEY FINDINGS

- Though female employment rates continued to grow in the last decade, persistence of gender gaps could also be observed; moreover, the more nuanced analysis shows significant differences between the Member States;
- Employment rates of young women (15-29) grow slower than employment rates of older cohorts of women;
- The presence of children in a household negatively impacts the employment of women. Countries that made progress in terms of younger women's employment demonstrates that it has been facilitated by reforms in other policy fields than employment, most notably in the sphere of institutional care and adequate parental leave arrangements.

The general employment levels in the EU increased only slightly between 2000 and 2013. There are a number of EU Member States which did not meet the targets in 2010 and will face the challenge of reaching the redefined targets by 2020. While the economic crisis has to be taken into account in this respect<sup>2</sup>, it is important to notice that, in some countries of the EU, the employment possibilities for women are reduced due to the unavailability of childcare. It is argued that the Barcelona targets for enrolment rates for children in two age groups were to serve as the incentive for the Member State to provide more care and, hence, facilitate female employment (more in section 4.2).

Figure 1: The employment rate of women and men (20-64) in European Union Member States, 2013.



Source: Eurostat LFS.

As can be clearly seen, the levels of employment vary between the countries, with the lowest women's rates being observed in Southern European states, such as Greece,

<sup>2</sup> For information on employment rates during the crisis see Annex tables.

Croatia, Malta, Italy and Spain. At the other end of the spectrum, Germany, Denmark and Sweden are located, with female employment rates exceeding 72%. Notably, only one country, Sweden, reached the Europe 2020 target in the case of women, while in the case of men, ten countries did so. In terms of the employment gap, it is the highest in Malta (29.6 pp.), Italy and Greece (19.9pp. and 19.6pp. respectively). The lowest gaps are found in the countries of Northern Europe: Lithuania, Finland, Latvia and Sweden, but also Bulgaria (which has a total employment rate below the EU average). It is worth noting that notably young women experienced a relatively slow growth in employment, extending a trend existing already before the crisis. The major driver of the employment rate defined in Europe 2020 was the older cohorts, women over the age of 45 (Lewandowski et al. 2013). It is hard to judge whether in the absence of the crisis, the Member States would have had a faster dynamics for the employment rate growth, which would allow some countries to reach the Europe 2020 targets. This has to do with the inherent conflicts in the Lisbon strategy, repeated in the Europe 2020 assumptions – the fiscal stability on the one hand, and social cohesion on the other (Marlier, Natali, and Van Dam 2010).

One of the most important factors influencing the employment rate of women is their activity related to child-birth and child-rearing. The employment rate of women with children under the age of 12, compared to the values of childless women, is significantly lower (see Table 1 in Annex). The reverse phenomenon can be identified in the case of European men. The employment rate of men is higher when they have a child, which results in an employment rate increase of approximately 9 percentage points on average. These two overlapping effects contribute to a significant gender employment gap in households with small children. Also, there exists a substantial gender gap when it comes to the share of the full-time employment in total employment. Accordingly, the gap reached 23 percentage points (EU-28 average) in 2013 (Eurostat data).

A particular case of the parents' employment situation concerns the single parent household. Here, the "motherhood penalty" (Correll, Benard et. al. 2007) is aggravated by the status of the household: the maternal employment increases with the age of the child in both types of households, however such growth is still impeded in single-mother households. On average, in employment terms it means that the employment rate of single mothers remains lower than mothers with partners in all age groups. A specific case is young single mothers (15-29), whose employment tends to be higher compared to single childless women in countries like Lithuania, Italy or Greece (the difference of approximately 20 percentage points), but significantly lower in Germany or the United Kingdom (12-13 percentage points in difference). The differentiation between full-time and part-time employment brings a fuller picture of the phenomenon. Accordingly, single mothers face a higher probability to be employed part-time, while in the case of childless single women, the probability is higher to be employed full time. An interesting exception to this rule is the Netherlands, where single mothers work more full time than childless single women (Ruggeri and Bird 2014).

## 2. MATERNITY, PATERNITY AND PARENTAL LEAVE

### KEY FINDINGS

- The 14 weeks' duration of maternity leave standard set by the Council Directive 92/85/EEC reflects the worldwide established minimal standard with which all Member States comply. The implementation is uneven with most of the East Central European countries (ECE) providing at least 18 weeks of maternity leave.
- There is a variety of solutions with regard to parental leave within the EU but it is still women who take the leave for family reasons.
- The Parental Leave Directive is being implemented in a way that is unlikely to modify men's behaviour. Most importantly, this is when the father-only part of the leave comes without adequate financial compensation.
- Father's involvement in care activities enhances gender equality at home and positively influences decisions about having children.
- The need for strengthening common standards is apparent after reviewing the variety of solutions applied by the Member States.

Maternity leave usually means a direct pre- and post-natal break from employment for the mother of a newly born child. This entitlement is most often regarded as a typical maternal right and associated with the biological consequences of pregnancy: recovery after giving birth to a child plus the first, intensive period of breastfeeding. Therefore, the weeks before and after the birth are reserved for the mothers, with some special entitlements for the fathers. Postnatal paternity leave is usually parallel to maternity leave and marks a "time out" of work that is reserved only for the fathers.

At the same time, parental leave would refer to any kind of leave that is available after the first immediate post-natal leave and is usually available to both parents. It is important to note, that paternity leave is distinct from the father's quota of the parental leave that marks the part of parental leave that is only reserved for the father (the second parent), i.e. this is the father's individual and non-transferable entitlement. Nordic countries are usually regarded as pioneering in the provision of individual entitlements for the fathers – the first "daddy month" was introduced in Norway in 1993, and was followed by Sweden soon after. Another type of leave is childcare leave – a break from work taken for the care of a child at home. However, at the EU level, maternity, paternity and parental leave have received most of the attention.

## 2.1. Maternity and paternity leave

### 2.1.1. Existing framework and legislative plans

With regard to the EU legislation on maternity leave, Council Directive 92/85/EEC (the so-called Maternity Leave Directive)<sup>3</sup> obligates the Member State to provide at least 14 continuous weeks before and/or after delivery, while the two weeks before the childbirth must take place. The mother should also be entitled to an adequate allowance, i.e. payment that would compensate the break from employment at the level that "guarantees income at least equivalent to that which the worker concerned would receive in the event of a break in her activities on grounds connected with her state of health", although also subject to national legislation and ceilings. Additionally, the Directive guarantees protection from discriminatory dismissal. The mother must keep her employment status from the beginning of her pregnancy until the end of the duration of the leave.

In 2008, the European Commission published a proposal amending Directive 92/85/EEC<sup>4</sup>. The proposal adhered to other EU strategies and documents, including the above mentioned Lisbon Strategy for Growth and Jobs and the European Pact for Gender Equality. The key changes included extending the leave's duration from 14 to 18 weeks. The main justification for the modified duration of the leave was to "help the worker to recover from the immediate effects of giving birth, while also making it easier for her to return to the labour market at the end of her maternity leave"<sup>5</sup>. Apart from using the compulsory part of the leave, (six weeks after the delivery), the woman would have the opportunity to use the remainder of the leave with more flexibility, before and after the leave. While using the leave, the mother would also receive an allowance covering her full monthly salary received prior to the maternity leave – an improvement as compared to the regulations in place at the time. Furthermore, the proposal strengthened the protection of the worker's employment, and it extends beyond the moment of returning after using the leave. Thus, an amended Directive would oblige the employer to provide justification in writing for the dismissal of a woman within six months after she returns from maternity leave.

The European Parliament (EP) adopted its first reading in this ordinary legislative procedure on 20 October 2010<sup>6</sup>. The plenary resolution was based on the Report prepared by Edite Estrela (S&D) on behalf of the Committee on Women's Rights and Gender Equality (FEMM).<sup>7</sup> Among others, the amendments should enhance the work-life balance of

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<sup>3</sup> Council Directive 92/85/EEC of 19 October 1992 concerning the implementation of measures to encourage improvements in the safety and health of pregnant workers, workers who have recently given birth and women who are breastfeeding.

<sup>4</sup> Proposal for a Directive of the European Parliament and of the Council of 3 October 2008 amending Council Directive 92/85/EEC 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 who are breastfeeding [COM(2008) 637 final - Not published in the Official Journal]. The proposal was part of what the Commission called "Work-life balance package, see Commission MEMO 08/603.

<sup>5</sup> Ibid.

<sup>6</sup> Formerly: Co-decision procedure (COD).

<sup>7</sup> Second report on the proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/85/EEC 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 (COM(2008)0637 – C6-0340/2008 – 2008/0193(COD)) and the European Parliament legislative resolution of 20 October 2010 on the proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/85/EEC 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 (COM(2008)0637 – C6-0340/2008 – 2008/0193(COD)).

employees with children, both mothers and fathers, in a similar way in across EU Member States to assist those faced with a severe demographic downfall. One of the opening statements of the report underlines that “human reproduction must concern men and women”.<sup>8</sup>

In the first place, the resolution proposed to further extend maternity leave to 20 weeks, suggesting that the longer duration of the leave would benefit breastfeeding mothers<sup>9</sup> and would allow for a full recovery after the childbirth. It also introduced paternity leave (at least two weeks) as an individual and non-transferable entitlement that should also be available to non-married couples. Furthermore, the EP suggested extending the scope of the Directive to adopted parents and to workers “employed by any type of contract, including domestic work” and including flexible working time arrangements. Protection against dismissal would be further strengthened by obligating the Member States to introduce an effective system of sanctions and compensation in the case of unlawful dismissal. The report also explicitly stated that the wage replacement rate of maternity leave allowance should amount to at least 100%. The EP proposed that during the compulsory six weeks of the leave, only the woman should receive the wage replacement, regardless of her employment record. During the remainder of the leave, the wage replacement could be shared between the parents, according to their preferences.

Finally, the revised Directive’s goal is also to strengthen health and safety measures with regard to the reproductive health of both women and men. It would be the responsibility of the employer to “include an assessment of the reproductive risks for male and female workers”.<sup>10</sup>

Since 2010, the Council has not developed a common position for negotiations with the EP nor even given a mandate to the successive Presidencies to start negotiations on an informal level. Consequently, the Commission proposed in July 2014 to withdraw the proposal. The withdrawal is pending given the intentions of the Italian Presidency to move the file forward. The EP has, in the meantime, appointed a new rapporteur, Alessandra Moretti (S&D).

The other legislative proposal of the work-life balance package amended an existing Directive and was adopted on 7 July 2010<sup>11</sup>. It improves the social security of women working in a self-employed capacity. Importantly, the new legislation grants self-employed women the right to use at least 14 weeks of maternity leave (on a voluntary basis) that should also be accompanied by an adequate payment. It covers also those women who assist their husbands/partners with their business activities (‘assisting spouses’).

### 2.1.2. Evaluation and analysis

The Maternity Leave Directive, which is currently in force seems to represent a relatively firm instrument, standardizing maternity leave provisions and protection against dismissal from employment. The Directive sets some minimum standards among which requiring from Member States to provide some form of allowance to women on maternity leave.

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<sup>8</sup> Ibid.

<sup>9</sup> The report refers to the World Health Organisation recommendation of 16 April 2002 on a global strategy on infant and young child feeding, which suggests that exclusive breastfeeding during the first six months of a child’s life guarantees optimum growth and development (a period of 20 weeks is set as a minimum requirement).

<sup>10</sup> Ibid.

<sup>11</sup> Directive 2010/41/EU of the European Parliament and of the Council of the 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC

However, the tentative withdrawal of the proposal to amend the Directive of 1992 should be regarded as a step back on the way to achieve more effective instruments of work-life balance and gender equality in childcare and other unpaid domestic work.

Firstly, for a long time, the 14 weeks' duration of maternity leave standard set by the International Labour Organization (ILO) has been the worldwide established minimal standard which also all Member States have adopted. However, ILO Recommendation 191 in connection with the Maternity Leave Convention (Convention 183) of 2000 recommends lifting the standard to 18 weeks of maternity leave. As noted recently by the ILO, more than a half of 185 countries under their study provided at least 14 weeks of maternity leave in 2013, while 42 countries reached or exceeded the recommended leave's duration, i.e. 18 weeks (for extensive information on maternity leave and benefit system in different countries, see ILO 2014). While all of the EU countries meet the standard of 14 weeks, the adoption of the recommended standard is uneven in the EU with most of the East Central European countries (ECE) providing at least 18 weeks of maternity leave. In this respect, the proposal to amend the existing Directive shows that the Commission assumed to take the lead in the implementation of the new international standard in all Member States.

The proposed duration of a maternity leave of 20 weeks, adopted by the European Parliament, on the other hand, would be in line with the WHO standards with regard to breastfeeding. As some studies suggest, apart from the period of the leave before the confinements, mothers would need to stay with the child at least 4 months after the birth in order to develop the necessary attachment to her child and essential parenting skills. It should also be noted that most mothers in European societies would like to stay at home for 6 months following the childbirth to breast-feed their children (Saxonberg 2013).

Secondly, the need for developing an attachment and parenting skills should not only be the right of the mother, as fathers should have an equal opportunity to stay with their children during the first weeks and/or months after the childbirth. The gender differentiation of care responsibilities is especially visible, when the work interruption related to the care for a child is taken into account. In 2010, the proportion of men who stopped their work in order to take care of a child excluding maternity and paternity leave, did not exceed 2% for the EU28, while in the case of women this proportion was approximately 20 times higher (40%) (Miani and Hoorens 2014). Moreover, the father needs to be present at home in order to provide childcare and home duties, as nowadays the organization of the housework and the mode of how the household operates should not only be the burden of the mother. However, the Directive in force does not cover the individual father's rights to paternity leave that might be used immediately after the confinement, which remains a weakness in the existing solutions. It is clear, that amendments included in the draft proposal for the revision of the Directive would represent a step forward on the way to achieve more gender balance in care work.

Thirdly, the income guarantee in its present form does not seem to be sufficient and instead, the full pay norm occurs as a more appropriate measure. Taking a break from work with only the minimal payment or without any income support during the leave in case of fathers (see Annex Table 1) would increase financial insecurity that families often experience when bringing a new child into the household. Moreover, paternity leave is only taken, when the families do not lose the father's income, therefore, a lack of appropriate income during the leave represents a disincentive for using it. The case of Estonia demonstrates the importance of income replacement during paternity leave: the take up of paternity leave fell significantly during the period when the benefit attached to paternity



leave was abolished between 2009 and 2013. In Finland the percentage of fathers on paternity leave increased from 40% in 1990 to 84% in 2012 (also see Annex Table 3).

Fourthly, the additional amendments with regard to the flexible work conditions, enhanced protection against dismissal, and extending the Directive to any type of contract would also be needed for updating the EU standards in work-life balance policies. to counter the common practice of employers to offer short-term contracts to young men and women with less social protection and excluding them from the rights attached to motherhood and parenthood. This is especially important with regard to young people that are making the transition from education to employment and who are forced to start a family only when having a secure, standard employment contract<sup>12</sup>. For example, Spain is one of the countries with the highest rates of fixed term contracts and it turns out that the take-up of the existing paternity leave has dropped recently when compared to the number of children born, as those Spanish fathers, who work part-time or on a temporary contract tend not to be eligible for using the leave (Escobedo, Meil, and Lapuerta 2014).

Against the backdrop of these arguments, it has to be concluded that the lack of the standard is the basic weakness of the EU policy with regard to the minimum post-natal paternity leave. A large number of EU countries have already introduced paternity leave that is either obligatory for a certain period of time (for example 10 days of the obligatory leave in Portugal) or functions as an individual, non-transferable right and almost always comes with payment at a high level of wage replacement rate. The paternity leave of at least 10 days functions in Belgium, Bulgaria, Finland, France, Latvia, Lithuania, Poland, Portugal, Slovenia, Spain and the UK. Several countries introduced solutions allowing mothers on maternity leave to transfer part of the leave to the fathers voluntarily, i.e. without any additional incentives, in the Czech Republic, Croatia, Poland, Spain and the UK, although Poland, Spain and Croatia have separate paternity leave schemes.

The Southern European countries are divided with regard to the provision of special incentives for the fathers. Italy and Greece give only one day (Italy) or two (Greece) days of the paid leave for the father. Malta extended the individual entitlements from one to three months recently, but there is no statutory paternity leave apart from one day of the birth leave for the father. Unlike Italy, Malta and Greece, Spain and Portugal provide wider entitlements for the fathers – while, so far, 15 days of paid leave are available for the fathers in Spain, the government plan is to extend this period to 30 days from January 2015 (for a review of provision of paternity leave and father's only leave in Annex Table 2).

One strategic opportunity for the EU institutions to continue the work on amending the Maternity Leave Directive would be to look for allies among the ECE countries that already have longer periods of maternity leave. In addition, some of these countries recently introduced individual entitlements for the fathers with regard to post-natal paternity leave: Estonia and Latvia provide the fathers with 10 days of paternity leave with 100% wage replacement rate payments, fathers in Lithuania receive 28 days of the leave with full payment, while Poland has increased paternity leave for the fathers from one to two weeks in 2012 (with 100% replacement rate, no ceiling). Interestingly, Poland extended the duration of the basic maternity leave to 20 weeks, which together brings the Polish system in line with the suggestions included in the proposal for a revised Directive. A coalition with other countries already providing paternity leave and further discussion of the issue of father's rights and the obligations should be again brought back to the agenda.

<sup>12</sup> For statistics on the increase of non-standard contracts see Annex Figure 1.

Threats come from outside the parental leave system, such as for example the still persisting impact of the economic crisis with budgetary cuts that lead to shrinking social rights for men and women in several European countries. Apart from the economic conditions for reforming social policy systems, the political climate might not facilitate pro-gender equality reforms at the EU level.

## 2.2. Parental leave and father's entitlements

### 2.2.1. Existing framework and legislative plans

The EU-level legislation with regard to parental leave has been in force since 1996, when the first parental leave Directive was adopted on the basis of the 1995 Framework Agreement on Parental Leave<sup>13</sup> (so called Parental Leave Directive). The Directive guaranteed entitlements for both: men and women to at least three months parental leave for children under 8 years of age, as well as protection from dismissal on the grounds of taking a break from employment for family reasons.

However, on the basis of the new social partners' framework agreement, the Directive was amended in 2010, introducing important changes strengthening the principle of gender equality in work and family life.<sup>14</sup> The new framework agreed by the social partners was a part of a wider work on reconciliation and a series of actions that the social partners undertook on work-life balance (Clauwaert and Sechi 2011).

The new Directive introduced new references that included the mentioning of the former Lisbon Strategy and Barcelona target and the Framework of Actions on Gender Equality. Updated recitals adhere strongly to family policies to realise the principle of gender equality. Additionally, the new Directive recognises that "encouraging" fathers to participate in the leave is not sufficient and that, therefore, there is a need to urge the Member States to "use more effective measures"<sup>15</sup>. The amended Directive calls for recognising the "growing diversity of the labour force and societal developments including the increasing diversity of family structures"<sup>16</sup>.

In this sense, the main changes included extending the obligatory duration of the leave to four months and an obligation on the side of the Member States to reserve at least one month of the leave to fathers (second parents). Although the Directive recognizes the importance of income replacement during parental leave, especially with regard to the leave take-up by men, details in this respect are left for the Member States to decide. Additionally, the Directive's provisions were extended to cover different employment contracts as the basis for entitlement to parental leave (part-time, fixed term and temporary workers). Protection against any discriminatory treatment or dismissal was strengthened to focus on the Member States' role in securing sufficient measures. The employees may ask for flexible working hours.

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<sup>13</sup> Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICEF, CEEP and the ETUC.

<sup>14</sup> Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC

<sup>15</sup> Ibid., Recital 8.

<sup>16</sup> Ibid., Recital 11.



### 2.2.2. Evaluation and analysis

An unquestionable strength of the new Directive is that it is increasing the minimal standards that are legally binding for all of the Member States. Even now, a variety of policy mixtures are offered by the national systems of childcare and family support based on various national cultures and historical backgrounds while all Member States are facing similar challenges, i.e. conflict between work and life for families with different backgrounds, as well as, on a macro scale, the challenge of a shrinking tax base. On the one hand, gender equality policies, as part of the family support package, have so far turned out to be most effective for increasing female employment and fertility rates. In sum, the new instruments (would) serve as the basis for the improvement of support for parenthood, as well as the enhancement of principles of gender equality in social and economic life.

However, the weakness of this solution is that these minimal provisions are insufficient for an effective change in gender relations in work and family life. Therefore, one month of the non-transferable leave without payment guaranteed should be regarded as a low common denominator. While the new emphasis on a more effective measure should be regarded as a step forward, the Directive leaves parental leave benefit to the Member States' interpretation and national regulations. Thus, even if the non-transferable and individual entitlement is in place, the take-up rates might still be disappointing. The evidence for take-up from various countries shows that only earmarking a special portion of the leave with an adequate payment for the fathers ("use it or lose it" principle) is an effective measure for mobilising fathers to decide to take part of the leave (Gupta, Smith, and Verner 2006; Bonnesen and Nielsen 2013).

Most of the Member States needed to reform their parental leave systems in order to comply with the new parental leave Directive. Some of the EU Member States' family support systems already included earmarked periods of parental leave even before the new framework was debated, with the most obvious example being Sweden. The Finnish system, until 2012, offered a bonus system for fathers that used an additional 24 days of the leave after using the first 18 days. Now the leave has been changed to 9 weeks only for the father. Denmark stands out as the only Nordic country that does not provide non-transferable parental leave beyond the two weeks of paternity leave.

The ECE countries are divided with regard to how they comply with the revised Directive. The Czech Republic is a country that clearly does not comply with the Directive alongside Slovakia – neither do these countries have any individual and non-transferable entitlements to parental leave, nor do they provide paternity leave that would be available for the fathers immediately after childbirth. Poland reserved one of 36 months of childcare leave for the father (literally: one parent) in 2013, in order to comply with the Directive, however, childcare leave is paid but at a very low rate (approx. 100 euro per month) and only for those who meet the income criteria. Therefore, earmarking one, practically unpaid, month for the fathers from the childcare leave does not seem to be an effective strategy.

Croatia has a very generously paid maternity leave: the mother is entitled to 410 days of leave with payment at the level of 90% of her salary, while the father is only entitled to the leave if transferred to him by the mother. In addition, Croatia has reformed its system of parental leave in line with the Parental Leave Directive, and thus, the duration of the parental leave was extended to eight months altogether, while two months became an individual and non-transferable right for the father. However, the allowance during the parental leave is flat-rate and diminishes with time, so this does not seem to be a sufficient

incentive for the fathers to take the leave (Dobroiti 2013). Slovenia has the most progressive solution among the post-communist countries, i.e. almost three month of paternity leave, within which 15 days are fully paid (with ceiling), and during the rest of the leave the benefit comes only as a flat-rate payment. Nevertheless, Slovenia is on the way to further improving the system. Currently, from the year after which “the economy improves”, the father will receive payment during the first 30 days of the parental leave at the level of 100% of his previous income, up to a ceiling of 2.5 times the average wage in Slovenia and the same will apply to the maternity leave benefit.

There are a number of countries, for example Ireland, that allocate some non-transferable portion of the leave to the father, although this goes without any payment, which considerably weakens the incentivising effect of such solutions. Similarly, Cyprus extended the unpaid duration of the parental leave from 13 to 18 weeks in 2012 to comply with the Directive.

Some Member States offer leave which seems in line with the requirements of the Directive, although it is difficult to classify it without doubt as parental leave or rather paternity leave. As such, Lithuania adopted the “Nordic” solution and introduced 4 weeks of paternity leave with full wage replacement, which represents a good incentive altogether to use this kind of entitlement by the fathers. One month of non-transferable parental leave was introduced in Romania, where one month also comes with the flat-rate payment. The leave might be taken within one year of the child’s life or spread over two years and could then be taken up with a lower payment. The abovementioned paternity leave for the fathers in Portugal is formally a part of parental leave and its formal label is “initial parental leave” as its first part comes immediately after the maternity leave.

Table 2 sums up the provision of paternity and parental leaves among the EU Member States. Observing the dynamics of the take-up of leaves available to fathers gives clear hints on how to effectively mobilise men to use parts of the leave. Fathers’ take-up of these schemes is remarkably higher in the countries that reserve part of the leave for the other partner, providing non-transferable, individual entitlements, with generous payments.<sup>17</sup> In Belgium, between 2002 and 2012 the percentage of fathers on parental leave increased from 8.3 to 25.7 %, mostly in relation to individualised entitlements. The reform of parental leave in Germany that reserved two months for one parent in 2007 contributed to an increase of men using the leave from 3.3 % in 2006 to 29.3 % for children born in the second quarter of 2012 (Blum and Erler 2014). For Portugal, the increase was also due to the introduction of the obligatory part in 2009 (although excluding “special schemes”) from 37% in 2008 to 68% for the compulsory days in 2013 (Wall and Leitão 2004). Although outside of the EU, it is worth noting that flexibility and earmarking longer periods of the leave only for fathers leads to the increase in the use of the “father-only” quota in Norway: while only 0.6% of the fathers took exactly 12 weeks of the leave in 2011 (10 weeks was reserved for them), in 2012, after extending the earmarked period to 12 weeks, the percentage of fathers who decided to take 12 weeks of the leave increased to 21% (Brandth and Kvande 2014). At the same time, almost no fathers were using the entitlements in Greece, since the leave is unpaid. In Slovakia, there is no statutory leave for fathers, and no earmarked portions of parental leave for fathers only, thus, only 1% of the fathers reportedly take any part of the parental leave at all (also see Annex Table 3). The lack of obligation for the Members States to provide wage replacement

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<sup>17</sup> There are discussions on the level of the benefit that would be effective, but the researchers agree that the benefit should provide a reasonable level of income replacement, for example at least 2/3 of the previous earnings.

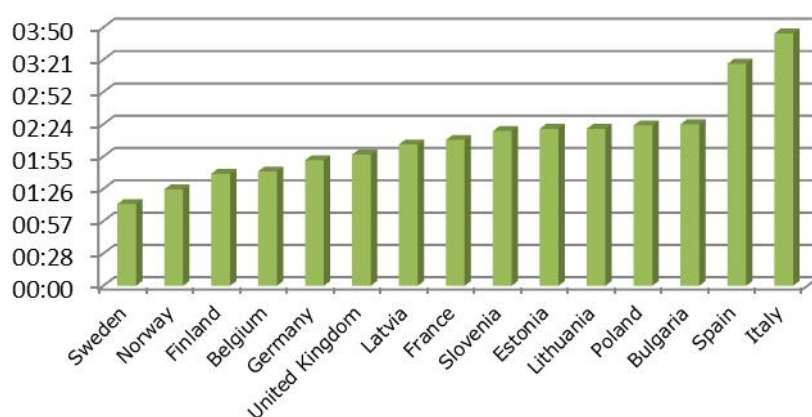
that would effectively encourage fathers to take the leave is a serious weakness in the current EU regulations on parental leave.

Nevertheless, there are opportunities to extend the father-only leave entitlements that are coming from the side of societal changes. Although there are national cultural differences in the perception of gender roles within society and the family and the propensity to take parental leave by the fathers might depend on a general level of acceptance for the fathers on leave and active fatherhood, men seem to realise their own needs towards the children and their rights as the fathers (Hobson 2002). The means of promoting the new roles for men in the form of awareness raising campaigns should remain an important instrument as a part of the actions aimed at closing the gender gap in caring time and domestic unpaid work. However, as pointed out by the research on parental leave use by men, awareness campaigns alone, when not accompanied by individual and non-transferable entitlements for men, are not sufficient to reach more gender equality with regard to family life, so they only rarely bring about any noticeable changes in men's behaviour.

Moreover, the existing research on the effects of the father's involvement represents an opportunity for the advocacy for the strengthening of the father's entitlements. Paid parental leave months in general contribute to the child's well-being, i.e. causing smaller infant mortality rates (Tanaka 2005). Furthermore, some studies suggest that the fathers' involvement in childcare is believed to contribute to the women's choices about having children (Duvander and Andersson 2006; Olah 2003). A study comparing Hungarian and Swedish families concluded that the more equal the division of domestic activities within the family, the bigger the probability of having the second child, and interestingly, the positive relation held for both Hungary and for Sweden, in spite of possessing very different cultural contexts.

There is a threat, though, that men's behaviour would not automatically change with the changes in policies and that father's staying at home during the leave would not engage enough in childcare and other domestic duties, as the statistics show that even in the countries with a higher take-up of parental leave by the fathers (see Figure 2), women still do the lion's share of the domestic unpaid work.

Figure 2: Gender gap with regard to time devoted to domestic activities



Source: Harmonised European Time Use Survey, the author's own calculations (number of hours daily devoted to domestic activities by men as subtracted from the number of hours daily devoted to domestic activities by women), also Szelewa 2013.

However, while it is important to have the argument in mind, it should be noted that some research results actually show that policies have some influence on the shift in men's behaviour. Therefore, Linda Hook's research demonstrated that men tend to engage more in domestic work in the policy context that supports female employment (childcare services) and the father's engagement in care (father's quota) (Hook 2006). The positive result between the women-friendly policy context and men's engagement in domestic duties disappears, where the duration of parental leave taken by the mothers exceeds two years. Therefore, long parental leave negatively influences women's professional careers but also leads to suppressing men's domestic work (Orloff 2009). Finally, a long maternity leave tends to coexist with gaps in employment of mothers and non-mothers (see Annex for reviewing the data). Consequently, it has to be concluded that only a gender balance in the share of the parental leave can provide a long-term support for gender equality in family and society.

### 3. FLEXIBLE WORKING TIME ARRANGEMENTS

#### KEY FINDINGS

- Flexible working time arrangements not only help to retain and further develop the parents' skills but also to participate in the community and public life.
- Mostly women use this kind of arrangements. Flexible working arrangements and part-time work might be associated with lower pay for women. This might further result in limited social rights and smaller benefits, including pensions.

The possibility to adjust working time to family needs was guaranteed by the Parental Leave Directive, which states that "flexible time arrangements make it easier for parents to combine work and parental responsibilities and facilitates the reintegration into work, especially after returning from parental leave".<sup>18</sup> Thus, the main strength of these provisions is that they are useful for a smooth transition between the period when the parents stayed on leave and the moment when they return to work. Another important value of flexible working time is that it helps to retain and further develop the parents' skills but also to participate in the community and public life (ACEOWM 2010). Finally, when flexible working time is combined with both parents partially on parental leave, this might produce a gender balance in families.

A previous strategy for equality between men and women included an explicit reference to flexible working time arrangements suggesting that "flexible working arrangements boost productivity, enhance employee satisfaction and the employers' reputation" but also noticed that because these are mostly women who use the flexible working time solutions due to family reasons that might demonstrate persisting gender inequalities at the workplace and within the family (EC 2006). It seems, indeed, that one of the most serious weaknesses of this solution is that mostly women tend to use this kind of arrangements. Studies show that the flexible working arrangements and part-time work might be associated with lower pay for women (ACEOWM 2010). This might result in the limited social rights and smaller benefits, including pensions.

<sup>18</sup> Directive 2010/41/EU of the European Parliament and of the Council of the 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC.

Flexible working time guarantees were also proposed within the package revising the EU Working Time Directive.<sup>19</sup> Although the agreement on revising the Directive has not been reached so far, the process of negotiations should be treated as an opportunity and therefore, should be observed carefully in order to monitor issues related to flexible working conditions and gender balance. The possible negative impact of flexible working time regulations would be strongly limited by an effective take-up of time-off from work by fathers – and combining this with their parental leave entitlements. Hence, an effective implementation of the parental leave Directive and the strengthening of entitlements for the fathers could provide the adequate instruments for using flexible working time regulations that would work for both men and women.

Threats for the effective and gender-balanced use of flexible working-time arrangements might be related to the persisting effects of the economic crisis – the employers might be unwilling to agree to any special work arrangements if they are not in line with the specific organization of the workplace.

## 4. AGEING, DEMOGRAPHIC SITUATION AND THE NEW CARING NEEDS OF THE FAMILIES

### KEY FINDINGS

- Population ageing is expected to increase in the future, especially in East-Central European countries. The process poses a challenge for the national welfare states and requires redefinition of the existing intergenerational and gender contract. A renewed emphasis on long-term care is necessary, as many of the Member States do not provide effective policy measures to assure high-standard long-term care institutions.
- The EU has a stronger focus on child services. Still, with respect to the Barcelona target of 33% of under 3-year old children, there were nine countries that reached the objective, while in the case of the older age group there were eleven. There is a need to reaffirm and strengthen Barcelona targets as standard-setting tool at the EU level.

### 4.1. Ageing population and long-term care (LTC)

The pressure on the national budgets comes from many sources, including the forecasts of the shrinking employment base due to the processes of the European societies ageing. A total decline for the European countries took place between the 1960's and the 1980's, when the average total fertility rate (TRF) for women in the reproductive age decreased from 2.88 to 1.87 (see Annex Figure 2). With regard to some of the Western European countries, rebounding fertility rates could be observed in the mid-1990's.

<sup>19</sup> Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time

However, the reversal of the negative trend did neither take place in Southern Europe, nor in the ECE countries.<sup>20</sup>

The process of ageing societies is also caused by the growth in life expectancy. In 2010, the EU average life expectancy at 65 for men was a further 17.2 years and for women 20.7 years. The projected values for 2060 are 22.4 for men (an increase of 5.2 years) and 25.9 for women (an increase of 4.9 years) (EC 2012a). Moreover, within the next fifty years, the share of individuals aged 80+ in the overall population will increase by more than 2.5 times, which creates a challenge with regard to long-term care provision (Szelewa 2013).

While these challenges have been noted by the EU and its Member States and were at least partially tackled by the reforms of social policy, the scale of challenges requires a redefinition of the existing intergenerational contract, as well as - the gender contract (Esping-Andersen 2002). It also means new care needs for families – in addition to childcare. Especially senior female workers have been found in a trap between still being professionally active, caring for their elderly parents and taking care of their grandchildren, thus representing the so-called “sandwich generation” (Ben-Galim and Silim 2013; Saraceno 2013, 2010).

The process of ageing, consequences of the negative demographic processes, a shrinking tax base, and threats for the sustainability of public finances over the long term has received attention at the EU level. While the reference to gender balance in childcare and investment in childcare services have been a part of several EU strategic documents, there are not so many EU-level instruments that would directly address the issue of long-term care. The Social Protection Committee (SPC) and in particular its Working Group on Age, is dealing with long-term care, monitoring frequently the development of long-term care services in Member States; regular references to long-term care are present in the yearly working programmes (SPC 2014). With regard to gender issues, the working group has paid attention to the issue of the overrepresentation of women in the provision of both formal and informal care provision as a sign of gender stereotypes with regard to caring activities (CEU 2014). Furthermore, the framework for action has been included in the European Innovation Partnership on Active and Healthy Ageing that is aimed at “increasing the average healthy lifespan of Europeans by 2 years by 2020” (EC 2012b). The strategy is, thus, more focused on the issues of public health, and includes the business sector in building the infrastructure and organization for active and healthy ageing bringing together various stakeholders.

The innovative and wide approach to the issues of ageing and long-term care should be regarded as a strength of the EU recommendations and strategies. However, the actions dealing with the issues of ageing seem to be more a part of the soft measures of the EU influence and have therefore only a limited impact on the Member States real reforms within the field of LTC. In addition, the EU sets no targets here such as in the case of the Barcelona objectives for childcare services, while there are a variety of solutions within the EU. Although the problem of ageing touches all the EU countries, the existing policy frameworks deal with the issues differently. While, for example, the Northern European countries often include institutionalised care with several options for mixed care models, Southern Europe and several ECE countries often lack institutionalised, affordable LTC of high quality, leaving families primarily responsible for the provision of care, and within the family the burden is placed on women (Saraceno 2013).

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<sup>20</sup> In ECE countries, the transition from state-socialism to a market economy and a democratic political system was accompanied by a rapid change in demographic trends: while the ECE countries had relatively high TFRs at the end of the 1980's, through the 1990's and 2000's the TFR fell dramatically.



This situation leads to families hiring migrant workers, very often female, who work without a formal contract in LTC. These care migrant workers find themselves without any adequate protection as they do not qualify for social rights and entitlements. Thus, it is necessary to consider gender imbalances with regard to care work provided in the informal sector, with the inclusion of migrants, as well as the chain of migration within the EU (female workers migrating from Eastern Europe to Western and Southern European countries) (Lutz and Palenga-Mollenbeck 2012). Thus, there is a potential to expand the existing EU framework, especially with relation to gender issues in care.

Further opportunities should be connected with partnerships between the business sector and the public organization of care, where the innovative elements with regard to the provision of health and long term care could improve gender balance among the care workers, for example by introducing more advanced technological solutions and services that increase the quality of life in later age. Depending on political choices, the most important threats could be connected to structural factors and economic conditions for investing in new, innovative strategies that would contribute to the elimination of gender imbalances within care work. Here, again, the long-term consequences of the austerity measures related to the economic crisis could hamper any efforts to introduce more equity in the system of care in ageing societies.

## 4.2. Childcare services and Barcelona objectives

Realising a fundamental and multifaceted role of childcare infrastructure for female employment prospects, in 2002, as a result of the Spanish presidency, the European Council introduced the Barcelona targets. The established targets stated that by 2010, the Member States should reach the stipulated enrolment rate of children. Accordingly, it was proposed that 33% between the ages of 0-3 and 90% of children between 3 and the mandatory school age, should be enrolled in formal childcare. By 2010 only eight countries reached both of these targets. With respect to the target of 33% of under 3-year old children, there were nine countries that reached the objective, while in the case of the older age group there were eleven. Annex Figures 3 and 4 display the situation for 2012 in both age groups.<sup>21</sup>

The strengths of the Barcelona targets and related monitoring can be found in several areas. Firstly, the presence of targets and the monitoring of progress towards them, increased the awareness of policy-makers and key stakeholders concerning the importance of childcare facilities for individuals and female employment but also helped social inclusion from a very young age. It serves as an important argument for the development of childcare, regardless of the cultural traditions present in a given society. Finally, the formulation of the Barcelona targets in terms of the enrolment in formal childcare, rather than, spending on childcare, for example, allows for easier monitoring by social partners and thus, increases the government's accountability.

Simultaneously, some weaknesses of the targets have been pointed out. The way the targets were formulated, masks the quality aspect of care. The issue of childcare quality

<sup>21</sup> When it comes to the younger age group, apart from the outstanding position of Denmark, in the countries which achieved the target, the enrolment rate does not exceed it by more than 10-15 percentage points. At the same time, in some countries with low enrolment rates, the gap to bridge the target is larger than 20 percentage points. This means that the catch-up process will require a significant period of time, as well as considerable resources to finance it. The analysis of the older age group suggests that in the countries which did not achieve the target, the gap is significantly smaller, given the position achieved so far.

is not only essential in terms of children's development and the equalising of chances but also as an important incentive for parents to use childcare facilities. Also, the general formulation of aspects does not say much about the affordability of care services. In some countries, childcare might be available only to highly paid individuals. As a result, the use of childcare (and the employment of parents) may be strongly stratified. Finally, the issue of the demand for childcare is not included in the targets. Even though it might be argued that the alternative strategies of childcare are embedded in the cultural context of a given society, the empirical research demonstrates that such strategies are often used because of the lack of formal childcare.

One may also find significant opportunities when it comes to the Barcelona targets. The empirical research demonstrates that the increasing presence of the childcare institutions impacts the societal attitudes. This occurs through the process of social and political learning that childcare institutions are more accepted as a form of care, when their benefits are socially visible. Moreover, the success of some countries in the progress towards the Barcelona targets suggests a similar strategy can be used in other fields of social protection/social services. The most relevant case would be long-term care. Additional political impetus comes from the Social Investment Package (SIP), a recent initiative by the European Commission. The SIP provides a modern framework for the development of childcare which takes into account the interests of both parents and children as well as social partners, in particular, employers.

When taking into consideration the threats related to the Barcelona targets, one should mention the financing of childcare services. Given the fiscal constraint, the issue of social investment is perceived as of secondary importance to policy makers, who do not perceive its benefits in the long run. The use of structural funds may face the risk of short-term project financing, which may not be sustained from other sources. Further, special attention should be paid to the trade-off between the further extension of leave (and associated benefits) and the extension of the coverage in the field of childcare. However, this should not mean that childcare should be extended at the cost of other social benefits/services. Finally, progress on the quality, and not only the quantity of childcare services will increase not only the parental support for the extension of childcare, but also prove essential for building the human capital of future generations.

## 5. CONCLUSIONS AND RECOMMENDATIONS

While the EU has for a long time been perceived as a pioneer in setting the agenda for gender equality, especially with regard to work and life balance, the analysis of the EU legislation and within the field of parental leave allows for the drawing of less optimistic conclusions, mainly due to the persisting gender gaps in employment and pay. At the same time, women still do the bulk of the unpaid work, while the majority of the care workers, whether formal or informal, are also female.

The implications of the economic crisis might endanger the process of enhancement of the politics of work-life balance. On the one hand, the crisis contributed to employment (and income) instability, on the other, many countries needed to introduce cuts in spending on social policies, including investments in care services or in paid parental leaves.

However, with the institutional and political role that the EU plays with regard to gender equality issues, there is a need and potential to increase and intensify the engagement in gender equality policies within the field of work-life balance. Therefore, the following



recommendations are made as to the issues analysed above and to be possibly taken into account when formulating goals and actions within the new Strategy for Equality between Women and Men. The recommendations are both substantial (what kind of solutions are recommended) and strategic (how to advocate for the solution).

### Recommendations with regard to the employment policies as related to work-life balance

The gender disparities remain stark. Women care more for children and other dependants, but also face more unstable labour markets.

The European Commission, should

- provide for initiatives for more evenly distributed care activities between men and women in a revised EU2020 Strategy and in the new strategy for equality between men and women. These measures should target in particular the participation of men, accompanied by a network of affordable childcare facilities.
- continue to provide Country Specific Recommendations (CSRs) under the European Semester with regard to improved childcare services.
- provide for (legislative) guidelines to Member States regarding the involvement of fathers in un-paid care work.

### Recommendations with regard to maternity leave and paternity leave:

As absence from work for reasons of maternity and paternity have a comprehensive impact on the financial situation of families on the one hand and the situation of men and women on the other hand, the EU legislation with regard to maternity leave duration and payment are no longer sufficient to create a level playing field within the EU, especially with regard to the fact that nowadays many countries go beyond the minimum requirements of 14 weeks. Following the recommendation of the ILO, maternity leave should be extended to 18 or even 20 weeks, with the guarantee of full pay and full application to new forms of families as well as all types of employment contracts. Mothers need to have an opportunity for the flexible use of leave.

- The European legislator should therefore proceed with the adoption of the revision of the so called Maternity Leave Directive.

The birth of a child requires from families a new organization of time. Caring for an infant is a demanding task that should be shared by both parents from the first days, when the child arrives at home. Thus, a more gender balanced division of work requires days-off from work for the father as well, especially, given that there is now a variety of solutions applied by the Member States.

- The EU legislator should seek for ways on how to oblige Member States to introduce two weeks of paternity leave, with adequate wage replacement, either by adopting the proposals of the EP in the first reading of the proposal for a revised Maternity Leave Directive or based on a new legislative initiative of the Commission.
- The Commission should take the need for paternity leave into account when drafting the new employment guidelines and in their CSR in the framework of the European Semester.

Countries that have already both longer maternity leave and paid paternity leave should be interested in establishing the common standard at the EU level which might pave the way for possible coalitions in favour of the new solutions.

### Recommendations with regard to parental leave

Earmarked periods for the fathers diminish one of the biggest obstacles for female autonomy, i.e. the necessity to perform the unpaid domestic work. The existing Parental Leave Directive could be further developed: one month reserved for the father should come with adequate pay as unpaid leave proved insufficient to effectively encourage the fathers to use their part of parental leave. Ideally, a longer period of the leave should be reserved, for example one third.

The arguments in favour of strengthening the father's entitlements with regard to the parental leave system are justified first of all by a more gender balanced division of work within the family. Furthermore, advocating for "father's only" parts of the leave could point to the positive impact of the fathers' engagement in domestic duties on decisions about having more children. Fathers on parental leave engage more in care and household duties and facilitate women's professional careers and economic independence.

- The European Commission should ensure the full implementation of the current Parental Leave Directive in all Member States which is presently not the case.
- The European Parliament should ensure a stricter monitoring of the Directive's transposition for a transparent overview of the situation.

### Recommendations with regard to flexible working time

Although there are clear advantages of the flexible working time arrangements, the EU should monitor gender balance in using such regulations in the Member States. For example, flexible working time conditions should be combined with the options for a flexible use of parental leave by both parents.

- The European Commission should include corresponding provisions in their proposal for the new Employment Guidelines and in the CSRs under the European Semester.
- All European institutions should monitor, regularly evaluate and, where necessary, seek to adjust the implementation of the flexicurity principle.

### Recommendations with regard to the policy towards ageing

Unlike in the case of childcare services, the EU did not set the standards with regard to the long-term care of elderly persons in need that would be as clear as the Barcelona targets for childcare. At the same time, there is a considerable variety of solutions within the Member States. Thus, a similar set of objectives could be developed for long-term care, with the emphasis on care quality, affordability and innovative solutions that would meet the variety of needs of ageing men and women and would take into account that most of the care workers are women, including migrant women working without any specific contracts.

The European Commission should

- monitor both the formal and informal provision of long-term care, including the share of unpaid care work.
- include respective CSR under the European Semester Process.

The Council should adopt targets for the establishment of long-term care institutions following the example of the Barcelona Targets.

#### Recommendations with regard to the Barcelona targets

- The European Commission should carry out a comprehensive assessment whether further expansion of leaves would have the desired effects given the different labour market constraints of men and women and the effects on the availability of child care facilities. Again, the European Semester might serve as a platform for a more thorough assessment of meeting the Barcelona targets.
- The Council should renew its commitment to the Barcelona Targets.

In general, it is also recommended that references to the abovementioned issues and proposals should be present in the EP-hearings of the new Commissioners, as well as in the forthcoming EP Report.

In conclusion, there is a potential for action with the use of the existing EU mechanisms, however, there are also some threats connected with the strategies advocating for more gender equality in the present work-life balance policy package promoted by the EU. Some researchers point to the need to reemphasise the objective of gender equality in strategies, documents and frameworks for action alongside employment and human capital development (Stratigaki 2004; Jenson 2008). More balance is required between the strategic economization of gender equality issues and gender equality as an objective in itself as laid down in Articles 2 and 3 TEU.

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## ANNEX

Annex Table 1: Employment rates of men and women with and without children &lt; 12

Country	Women Without children	Women With children	GAP	Men Without children	Men With children	GAP
Austria	85,5	72,8	-12,7	87,6	92,7	5,1
Belgium	78,5	72,4	-6,1	83,0	91,4	8,4
Bulgaria	77,5	64,8	-12,7	76,7	83,0	6,3
Cyprus	81,7	73,1	-8,6	85,2	93,9	8,7
Czech Republic	86,0	54,4	-31,6	88,6	95,5	6,9
Estonia	81,9	62,6	-19,3	73,5	82,4	8,9
Finland	84,1	71,4	-12,7	80,6	92,4	11,8
France	81,3	72,3	-9,0	83,7	91,7	8,0
Germany	83,8	64,5	-19,3	85,0	91,7	6,7
Greece	66,1	58,2	-7,9	82,1	93,0	10,9
Hungary	78,2	49,3	-28,9	77,1	84,5	7,4
Ireland	76,0	57,2	-18,8	71,2	80,0	8,8
Italy	62,7	54,7	-8,0	78,7	90,8	12,1
Latvia	77,9	69,6	-8,3	69,6	81,0	11,4
Lithuania	78,2	74,9	-3,3	67,1	80,2	13,1
Luxembourg	78,8	69,4	-9,4	90,6	95,6	5,0
Malta	59,4	42,6	-16,8	86,4	94,9	8,5
Netherlands	82,8	78,2	-4,6	88,2	94,1	5,9
Poland	78,6	66,8	-11,8	79,5	91,8	12,3
Portugal	76,5	74,6	-1,9	79,8	91,2	11,4
Romania	70,8	66,3	-4,5	80,0	86,5	6,5
Slovakia	80,4	53,7	-26,7	78,4	89,4	11,0
Slovenia	83,0	84,9	1,9	81,9	94,1	12,2
Spain	68,1	60,1	-8,0	71,9	81,5	9,6
United Kingdom	81,9	65,6	-16,3	83,0	90,5	7,5

Source: EC 2012c, Table 10. For 2010, and without Denmark and Sweden.



**Annex Table 2: Basic paternity leave and/or special incentives to take the parental leave in Member States 2014.**

Country	Paternity leave	Entitlement: individual and non-transferable or family-based, Whether there are any incentives for fathers.
Austria	<b>No statutory leave</b> , one month of unpaid leave for public sector workers. Some private sectors grant <b>2 days</b> to fathers.	<b>No fathers' quota</b> , bonus payment months if both parents apply.
Belgium	<b>10 working days</b> , 3 days obligatory; <b>Payment</b> : full pay for 3 days, then 82%, with a ceiling.	<b>4 months non-transferable</b> with a low flat-rate payment.
Bulgaria	<b>15 days</b> ; <b>Payment</b> : 90% salary replacement rate	<b>None.</b>
Croatia	<b>None.</b>	<b>2 months non-transferable.</b> <b>Payment</b> : 80% of the budgetary base rate.
Cyprus	<b>18 weeks</b> of unpaid leave, among which 2 weeks can be transferred.	
Czech Republic	<b>None.</b>	<b>Family.</b> <b>No incentives.</b>
Denmark	<b>14 days</b> ; <b>Payment</b> : based on the previous earnings.	<b>Family.</b> <b>No incentives.</b>
Estonia	<b>10 working days</b> ; <b>Payment</b> : 100% wage replacement	<b>Family.</b> <b>No incentives.</b>
Finland	<b>9 weeks</b> ; <b>Payment</b> : 75% (30 days) and 70% (further) replacement wage	<b>Family.</b> <b>No incentives.</b>
France	<b>11 working days</b> (two weeks) <b>Payment</b> : 100% up to a ceiling	<b>6 months non-transferable</b> parental leave (from July 2014) with a flat-rate payment
Germany	<b>None.</b>	<b>2 months non-transferable parental leave</b> – as a “bonus”, <b>Payment</b> : 67% replacement of the wage, with a ceiling.
Greece	<b>2 days</b> paid leave paid by the employer.	<b>4 months non-transferable leave</b> , no payment. Public sector: up to 2 years per parent.
Hungary	<b>5 days</b> with <b>100%</b> wage replacement.	<b>1 year individually to mother</b> Then – <b>family</b> entitlement.
Ireland	<b>None.</b>	<b>4 weeks</b> non-transferable, unpaid.
Italy	<b>1 day</b> of compulsory leave <b>with 100%</b> wage replacement.	<b>6 months</b> of non-transferable leave. <b>Payment</b> : 30% wage replacement. <b>Incentives</b> : additional months if father takes <b>at least 3 months</b> .
Latvia	<b>10 days</b> , leave <b>with 80%</b> wage replacement.	<b>Family.</b> <b>No incentives.</b>
Lithuania	<b>28 days</b> (4 weeks) with <b>100%</b> wage replacement.	<b>Family.</b> <b>No incentives.</b>
Luxembourg	<b>No statutory leave</b> , but taking <b>2 days</b> of “leave due to extraordinary circumstances” with full pay is possible.	<b>6 months</b> of non-transferable leave with a flat-rate payment (1775 euro/month).
Malta	<b>1 working day</b> of a special birth leave, with 100% replacement rate	<b>4 months</b> of non-transferable leave, unpaid
Netherlands	<b>2 working days</b> , with 100% wage replacement rate.	<b>26 weeks</b> (38 work hours per week) of non-transferable leave, unpaid (but tax cuts).
Poland	<b>14 days</b> , with 100% wage replacement rate.	<b>Parental leave: family</b> entitlement <b>Childcare leave: 1 month non-transferable</b> , unpaid.
Portugal	None, replaced by “initial father-only parental leave”	<b>20 days</b> of “initial father-only parental leave”, <b>10 days obligatory</b> after the childbirth, with <b>100%</b> replacement rate. <b>3 months</b> of non-transferable leave with <b>25%</b> replacement rate. <b>1 month bonus</b> if parents share

		'initial' leave.
Romania	a) <b>5 days</b> , b) <b>15 days</b> (5 plus 10) if a child-care certificate is obtained after a child-care course and c) <b>7 days</b> for fathers enrolled in the military service; <b>Payment: 25%</b> (for 5 days) and <b>75%</b> (for 15 days).*	<b>1 month of non-transferable</b> leave, payment with a ceiling.
Slovakia	<b>None.</b>	<b>Family</b> (only one person can take the leave). <b>No incentives.</b>
Slovenia	<b>90 days</b> leave. <b>Payment:</b> the <b>first 15 days</b> are paid <b>90%</b> wage replacement rate with a ceiling (100% in the case of low income). The remaining <b>75 days: flat-rate</b> payment	<b>30 days of the leave as individual non-transferable entitlement</b> (from September 2014). <b>Payment: 90%</b> wage replacement rate with a ceiling (100% in case of low income).
Spain	<b>15 calendar days:</b> 2 days of Birth leave plus 13 days of paternity leave; <b>Payment:</b> 100% wage replacement rate.	<b>Individual, but transferable. Unpaid.</b> <b>No incentives.</b>
Sweden	<b>10 days at birth.</b> <b>Payment:</b> 80% wage replacement rate.	<b>60 days</b> of a total of 480 days are reserved for one parent. The parents also get a <b>gender equality bonus</b> if they share the parental leave days equally.
UK	<b>Two weeks.</b> <b>Payment: flat-rate</b> unless low income, then 90% replacement rate.	<b>18 weeks individual non-transferable entitlement, unpaid.</b>

**Source:** The author's own compilation on the basis of Moss 2014, MISSOC database (the 'Mutual Information System on Social Protection'), as well as European Working Conditions Surveys (EWCS). \*Information on the basis of Scambor, Wojnicka, and Bergmann 2012.

**Annex Table 3: Take-up of paternity and/or parental leave by men in selected Member States.**

Country	Take-up of paternity and/or parental leave by men in several of the Member States
<b>Belgium</b>	68% of the fathers use paternity leave, and 25.7 % - parental leave;
<b>Denmark</b>	60% of fathers of children born in 2011 took paternity leave, while 7.2% of the parental leave was taken by men (25% of men took some parental leave, most of them being public employees);
<b>Estonia</b>	38% of the fathers took paternity leave in 2013;
<b>Finland</b>	84% of fathers used paternity leave in 2012;
<b>France</b>	60% of eligible fathers used the paternity leave in 2012;
<b>Germany</b>	29.3 % of fathers of the children born in the second quarter of 2012 used 'father-only' parental leave;
<b>Luxembourg</b>	a growing number of fathers use their entitlement to parental leave: the number increased from 6.3 % in 1999 to 23.4 % in 2012;
<b>the Netherlands</b>	23% of the fathers used parental leave in 2013;
<b>Portugal</b>	68% of the fathers used the compulsory days of paternity leave in 2013.

**Source:** Moss 2014, country notes.

**Annex Table 4: Employment rate of women 20-24 years old in European countries, 2000-2013.**

GEO/TIME	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
<b>Austria</b>	65,1	63,0	63,9	63,0	63,9	66,5	66,5	66,7	67,3	67,7	65,7	66,4	65,8	66,8
<b>Belgium</b>	46,8	44,1	44,2	41,1	45,4	44,5	44,3	44,6	44,7	40,5	40,6	40,6	38,7	37,5
<b>Bulgaria</b>	28,7	35,3	34,5	36,1	37,6	36,3	39,6	41,3	43,3	39,9	35,5	31,9	29,7	30,0
<b>Croatia</b>	na	na	37,5	34,5	36,3	35,2	36,4	36,4	34,7	34,0	30,7	26,7	22,9	20,4
<b>Cyprus</b>	61,7	64,3	64,1	64,7	61,8	59,1	61,1	60,8	62,7	61,4	58,8	50,9	46,4	41,1
<b>Czech Republic</b>	53,1	52,4	50,1	47,5	45,3	41,0	42,1	42,8	41,0	37,4	35,6	33,8	35,3	34,9
<b>Denmark</b>	69,3	66,9	69,2	67,1	64,6	68,6	69,4	71,2	71,9	70,8	66,8	66,3	62,0	62,6
<b>Estonia</b>	43,4	37,8	39,0	36,6	44,4	48,0	45,9	49,4	55,7	44,9	39,5	45,9	47,4	47,4
<b>European Union (28 countries)</b>	na	na	48,7	48,5	48,2	48,3	49,2	50,1	50,4	48,3	46,9	45,9	45,1	44,7
<b>Finland</b>	58,7	59,0	58,5	60,3	58,8	57,1	57,4	60,4	62,2	58,9	57,8	59,3	59,4	60,3
<b>France</b>	44,3	44,4	44,8	47,4	45,8	45,6	44,6	47,4	47,7	47,3	45,4	44,4	43,8	43,4
<b>Germany</b>	63,0	63,0	62,0	61,1	57,2	57,5	59,2	60,8	62,1	61,8	61,9	63,4	62,3	62,9
<b>Greece</b>	37,4	35,5	35,7	33,8	36,0	32,5	31,9	32,3	32,5	32,2	28,3	23,8	18,7	17,6
<b>Hungary</b>	44,5	42,7	43,7	41,5	36,6	34,7	33,9	32,4	31,0	30,0	30,3	30,2	31,1	30,3
<b>Ireland</b>	64,2	63,0	62,0	62,2	62,1	65,5	66,4	67,2	64,7	59,0	52,7	49,8	49,0	49,4
<b>Italy</b>	33,6	33,8	33,4	33,4	36,3	34,7	34,0	33,0	33,1	29,6	29,1	27,4	26,1	24,4
<b>Latvia</b>	45,2	44,8	46,9	47,3	39,9	45,6	49,9	53,6	55,3	44,4	41,8	38,7	41,3	42,5
<b>Lithuania</b>	43,1	40,6	43,2	38,0	31,8	34,3	40,4	38,3	40,8	37,9	33,2	32,0	36,7	37,8
<b>Luxembourg</b>	47,3	48,1	47,0	46,3	36,6	39,6	38,9	32,9	39,0	39,9	35,2	32,6	35,1	31,7
<b>Malta</b>	73,0	71,3	71,0	64,8	64,6	65,0	67,4	68,4	68,5	64,3	64,2	63,3	60,7	66,9
<b>Netherlands</b>	76,0	77,5	79,2	78,6	77,0	76,2	76,4	77,7	77,6	77,8	72,9	73,8	73,6	71,9
<b>Poland</b>	37,4	37,7	33,8	31,8	30,7	32,9	35,4	37,9	40,3	39,6	37,9	34,5	34,0	33,3
<b>Portugal</b>	51,6	52,3	54,4	52,3	48,6	47,7	48,7	48,5	50,3	49,2	45,0	42,6	37,5	35,4
<b>Romania</b>	47,5	44,3	38,6	37,8	42,2	35,5	33,9	33,1	32,2	31,4	30,4	29,7	29,9	29,6
<b>Slovakia</b>	46,7	44,3	41,6	44,4	43,9	41,9	40,2	42,8	38,3	33,6	30,7	26,5	27,4	27,9
<b>Slovenia</b>	46,2	43,8	44,1	39,2	46,1	46,4	46,9	48,0	48,9	44,9	43,8	40,5	38,0	35,1
<b>Spain</b>	39,9	41,5	42,1	43,9	44,9	49,4	52,0	51,3	50,4	43,0	40,3	36,7	31,2	28,2
<b>Sweden</b>	53,1	62,2	60,6	60,1	56,4	57,1	57,7	60,8	59,8	55,8	56,0	58,0	57,4	58,1
<b>United Kingdom</b>	64,6	65,1	66,2	65,0	66,0	65,0	66,1	65,3	64,7	62,0	61,1	59,9	60,9	61,5

Source: Eurostat LFS

**Annex Table 5: Employment rate of women 25-29 years old in European countries, 2000-2013.**

GEO/TIME	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
<b>Austria</b>	75,2	77,2	77,2	75,5	75,9	76,0	75,6	73,9	75,1	76,7	76,7	77,0	79,5	79,5
<b>Belgium</b>	77,7	72,0	73,2	71,9	74,5	74,8	74,4	74,9	75,7	75,5	74,1	73,0	72,2	71,5
<b>Bulgaria</b>	53,1	54,8	55,3	55,6	58,6	57,1	60,8	66,0	66,7	62,1	61,0	59,1	58,5	55,4
<b>Croatia</b>	na	na	61,2	62,4	59,2	64,1	66,9	69,4	68,3	66,2	65,1	60,0	58,4	59,8
<b>Cyprus</b>	74,3	74,9	81,2	77,7	77,9	74,6	78,3	79,3	80,9	78,4	78,8	79,3	73,1	71,5
<b>Czech Republic</b>	56,6	54,9	57,4	58,3	55,9	57,6	60,1	61,5	63,1	61,2	60,3	61,1	60,3	64,1
<b>Denmark</b>	74,6	75,2	74,7	70,9	76,3	74,4	75,8	77,0	79,8	77,7	72,3	69,1	68,3	68,1
<b>Estonia</b>	62,8	61,3	65,4	67,4	63,0	64,6	73,1	67,5	63,5	63,0	63,2	68,0	63,6	65,4
<b>European Union (28 countries)</b>	na	na	65,6	66,3	66,3	66,3	68,0	68,8	69,4	68,2	67,4	67,0	66,1	65,7
<b>Finland</b>	66,7	69,3	72,7	71,5	68,4	70,9	70,8	73,5	73,7	71,1	70,7	70,9	71,0	69,7
<b>France</b>	68,7	68,9	70,8	71,3	71,9	71,9	72,8	72,5	72,8	72,3	72,2	70,9	70,0	70,3
<b>Germany</b>	70,0	69,8	69,9	68,2	67,1	65,3	67,6	68,9	70,2	71,4	72,4	74,7	74,2	74,5
<b>Greece</b>	53,8	55,6	56,5	59,4	59,0	60,4	62,8	62,6	63,5	63,7	60,1	52,6	49,0	43,4
<b>Hungary</b>	55,5	57,5	58,3	59,2	58,9	59,8	60,7	61,2	61,3	59,7	59,0	58,8	59,8	61,1
<b>Ireland</b>	79,2	77,7	78,2	76,6	76,6	77,0	77,5	78,1	76,1	72,4	69,7	67,8	67,9	68,5
<b>Italy</b>	48,9	50,9	52,1	54,1	55,9	53,6	55,7	55,1	55,4	53,2	50,8	50,8	49,9	45,8
<b>Latvia</b>	62,0	67,4	67,4	68,4	67,0	66,5	70,1	69,2	72,6	65,0	66,6	67,4	70,1	71,6
<b>Lithuania</b>	76,0	70,2	71,3	78,0	71,8	75,2	76,0	74,1	74,8	75,8	72,9	73,4	74,4	74,3
<b>Luxembourg</b>	74,3	75,4	78,0	76,4	76,3	77,2	73,2	78,0	72,2	78,0	75,9	76,8	75,3	73,9
<b>Malta</b>	56,1	59,9	61,1	55,9	60,9	61,5	65,3	68,7	70,5	68,9	70,6	74,3	75,9	77,6
<b>Netherlands</b>	80,0	82,8	80,3	81,0	81,6	81,3	83,1	83,4	84,2	84,1	82,6	82,4	81,6	81,3
<b>Poland</b>	57,5	57,6	57,5	60,3	57,8	59,4	62,9	66,2	68,1	66,8	66,4	65,5	64,6	64,6
<b>Portugal</b>	78,2	77,1	77,7	77,1	76,0	74,2	73,1	72,3	73,9	75,1	72,2	72,5	70,3	66,7
<b>Romania</b>	69,3	69,0	65,1	66,8	65,7	63,8	65,2	66,0	65,5	63,5	62,2	63,6	62,8	62,0
<b>Slovakia</b>	56,8	57,2	57,7	60,3	59,3	55,4	59,8	58,6	61,4	58,7	59,6	58,0	57,2	58,0
<b>Slovenia</b>	81,0	77,9	78,0	75,8	76,9	77,2	72,3	75,3	78,8	73,6	73,1	72,4	68,4	65,3
<b>Spain</b>	60,0	61,0	62,8	65,2	67,4	70,0	71,3	73,0	72,3	67,2	65,2	62,8	59,6	57,5
<b>Sweden</b>	72,2	75,8	75,4	76,3	73,8	73,9	74,6	75,8	76,4	74,1	72,6	74,7	74,3	74,5
<b>United Kingdom</b>	71,9	72,3	72,5	72,4	72,3	72,7	72,9	72,6	73,0	72,2	71,6	70,7	69,6	71,6

Source : Eurostat LFS



**Annex Table 6: Employment rate of women 30-34 years old in European countries, 2000-2013.**

GEO/TIME	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
<b>Austria</b>	76,9	75,8	76,7	77,9	77,4	73,7	74,3	74,5	77,6	78,8	78,0	78,4	80,2	78,5
<b>Belgium</b>	76,1	74,3	73,4	73,1	75,2	74,9	76,9	76,0	78,9	77,1	77,2	75,7	76,7	75,3
<b>Bulgaria</b>	66,5	66,3	66,1	66,4	68,8	68,4	70,3	73,6	75,4	71,7	67,4	66,6	67,2	67,1
<b>Croatia</b>	na	na	63,2	65,1	71,6	70,4	69,4	73,3	72,4	74,3	70,8	69,0	66,4	70,0
<b>Cyprus</b>	70,3	77,2	77,2	79,3	75,5	77,2	78,4	81,6	82,6	83,2	81,5	79,6	77,4	75,6
<b>Czech Republic</b>	64,8	66,5	65,9	64,6	64,9	65,5	63,6	62,4	60,9	59,3	58,3	59,9	58,4	59,9
<b>Denmark</b>	79,8	81,8	83,5	76,0	79,6	79,8	81,7	80,8	82,2	81,1	79,9	76,6	78,6	77,3
<b>Estonia</b>	72,7	59,1	70,9	67,4	67,0	72,5	75,2	78,5	76,7	67,9	67,7	65,9	67,2	67,2
<b>European Union (28 countries)</b>	na	na	68,2	68,3	69,3	69,0	70,0	71,0	71,7	70,5	69,9	70,1	69,9	69,8
<b>Finland</b>	71,3	72,9	75,1	75,3	75,7	74,2	74,5	74,9	75,5	75,8	72,8	72,0	70,7	70,3
<b>France</b>	67,9	69,4	69,2	72,6	70,3	71,8	70,6	73,5	76,2	73,8	73,8	73,3	73,7	74,5
<b>Germany</b>	70,6	71,3	71,3	71,2	69,8	66,6	70,0	71,0	70,5	72,2	72,6	74,9	75,6	76,0
<b>Greece</b>	57,5	57,8	58,7	59,7	61,7	61,9	63,7	62,6	63,9	64,7	61,7	57,9	56,0	53,1
<b>Hungary</b>	61,5	62,3	60,8	61,0	60,1	61,3	62,9	62,2	60,5	58,8	59,3	58,8	60,5	61,9
<b>Ireland</b>	68,6	68,6	70,7	68,1	69,3	71,8	71,8	71,8	72,1	70,1	70,0	69,0	68,8	69,2
<b>Italy</b>	54,8	56,2	58,3	57,8	63,0	62,0	62,0	62,2	63,0	61,0	59,2	59,3	59,3	57,3
<b>Latvia</b>	71,9	77,5	74,8	75,8	74,8	71,7	77,5	74,1	75,7	73,4	72,2	74,7	73,9	75,1
<b>Lithuania</b>	71,3	75,0	75,9	81,7	79,7	79,2	81,7	81,7	79,6	79,7	75,7	78,5	80,8	82,3
<b>Luxembourg</b>	70,5	71,8	73,7	68,8	70,7	73,1	80,7	80,2	75,9	79,2	77,9	79,9	81,5	80,2
<b>Malta</b>	40,9	36,6	37,9	41,1	39,6	43,1	48,7	50,8	54,5	57,5	59,0	64,5	65,1	65,3
<b>Netherlands</b>	76,0	76,7	78,4	78,5	76,7	78,6	79,8	81,5	83,9	83,7	83,0	82,2	81,9	79,8
<b>Poland</b>	62,0	62,8	64,2	63,5	67,3	66,4	68,5	72,1	72,6	72,5	71,5	70,4	70,6	70,1
<b>Portugal</b>	77,3	79,4	79,9	79,9	79,7	80,9	80,1	79,6	80,4	77,2	77,2	78,8	74,2	75,0
<b>Romania</b>	75,6	74,8	72,1	69,7	70,9	68,8	71,0	70,6	70,9	70,3	70,4	69,7	68,7	68,0
<b>Slovakia</b>	65,2	67,2	64,2	65,4	64,9	64,5	64,1	65,4	67,3	65,0	61,4	59,9	58,4	57,5
<b>Slovenia</b>	87,6	88,2	87,0	86,2	89,6	87,1	87,5	87,6	88,8	87,1	85,6	85,0	83,2	78,8
<b>Spain</b>	54,9	57,3	62,1	63,0	65,1	68,4	70,3	72,2	72,1	68,9	68,2	67,3	65,4	64,3
<b>Sweden</b>	79,0	80,1	82,1	79,6	79,0	78,3	81,1	82,8	83,5	81,3	80,2	81,5	80,6	79,8
<b>United Kingdom</b>	71,2	70,9	70,5	70,3	71,7	72,3	71,5	71,4	72,6	70,8	71,3	72,3	72,4	73,3

Source : Eurostat LFS

**Annex Table 7: Employment rate of women 35-39 years old in European countries, 2000-2013**

GEO/TIME	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
<b>Austria</b>	76,8	76,8	79,0	79,2	76,5	78,1	78,6	79,9	80,5	81,1	80,9	81,7	81,8	81,3
<b>Belgium</b>	72,7	70,2	69,7	73,1	71,7	74,9	74,8	75,9	77,4	77,3	78,6	76,7	76,9	76,7
<b>Bulgaria</b>	71,6	73,3	72,6	73,8	74,5	75,6	77,5	78,3	80,2	79,0	76,4	75,6	75,6	76,2
<b>Croatia</b>	na	na	70,6	69,9	68,2	71,4	70,9	75,3	75,8	74,3	70,4	69,2	70,7	70,9
<b>Cyprus</b>	59,5	66,7	74,9	79,4	75,6	71,8	74,7	78,7	75,9	79,7	81,4	80,8	76,6	75,4
<b>Czech Republic</b>	78,9	78,9	80,2	79,1	78,6	78,2	77,6	76,5	75,4	74,1	74,7	75,3	74,9	73,9
<b>Denmark</b>	84,8	81,7	81,2	81,3	83,1	82,3	83,0	84,9	86,1	81,7	80,1	81,6	80,6	80,4
<b>Estonia</b>	72,8	76,5	71,6	76,7	77,0	77,4	81,6	77,7	78,9	78,3	75,0	74,7	76,2	74,3
<b>European Union (28 countries)</b>	na	na	69,4	70,4	70,4	70,8	71,8	72,9	73,5	72,9	72,3	72,3	72,2	72,2
<b>Finland</b>	79,4	80,0	81,0	78,6	75,0	78,7	78,6	79,0	81,1	81,1	78,9	80,0	78,7	75,8
<b>France</b>	70,6	71,6	72,3	74,5	73,9	73,8	75,0	76,5	78,2	78,1	77,8	76,7	77,1	77,3
<b>Germany</b>	72,1	72,7	72,1	72,5	71,5	71,3	72,7	74,3	74,6	74,7	74,9	76,2	76,6	76,9
<b>Greece</b>	57,8	57,5	60,7	60,4	62,4	62,9	63,7	65,0	65,0	65,0	65,1	61,8	56,8	55,4
<b>Hungary</b>	71,6	71,5	71,4	72,6	70,0	69,5	69,1	69,0	69,2	68,3	67,1	65,8	67,3	68,2
<b>Ireland</b>	62,1	63,6	62,8	64,7	63,1	64,3	64,8	67,1	68,0	64,7	63,0	64,5	64,6	67,8
<b>Italy</b>	56,5	57,0	58,4	59,5	61,4	61,6	62,9	63,0	63,3	62,4	62,1	62,6	62,1	62,2
<b>Latvia</b>	76,3	76,9	76,9	78,4	77,3	77,4	81,6	83,2	84,0	79,5	74,5	74,0	77,3	75,8
<b>Lithuania</b>	78,0	81,2	75,4	81,4	75,6	80,5	81,9	82,4	82,3	77,4	79,1	80,2	80,3	80,4
<b>Luxembourg</b>	62,4	65,1	64,3	62,4	66,6	69,9	71,0	76,1	71,8	71,8	74,8	73,4	75,1	79,0
<b>Malta</b>	27,2	24,0	32,0	34,1	31,1	33,2	35,4	41,7	40,8	44,9	50,2	55,2	58,1	61,7
<b>Netherlands</b>	72,3	74,8	74,6	74,3	75,7	76,1	78,1	79,7	81,5	81,5	80,3	79,9	79,3	79,8
<b>Poland</b>	69,0	69,6	67,7	68,6	68,5	70,3	70,6	74,5	76,9	76,8	76,4	75,8	75,4	74,2
<b>Portugal</b>	79,8	78,1	75,9	78,3	78,8	76,4	80,4	79,4	80,9	79,2	78,9	78,3	76,0	76,3
<b>Romania</b>	76,2	75,9	73,5	73,2	75,5	72,6	73,2	72,8	71,7	71,6	72,0	71,1	71,6	71,3
<b>Slovakia</b>	72,5	76,9	75,2	75,8	72,5	72,8	72,9	75,7	76,9	74,3	72,6	70,8	71,3	70,7
<b>Slovenia</b>	89,1	88,6	89,9	89,5	87,5	87,9	89,3	88,7	88,6	88,2	87,4	86,2	85,8	84,2
<b>Spain</b>	52,5	55,0	56,1	58,5	61,1	63,6	66,6	67,7	68,2	66,7	65,6	66,7	65,8	64,7
<b>Sweden</b>	82,6	83,9	83,9	82,2	82,6	82,8	82,6	84,4	85,8	83,5	82,6	82,5	84,1	85,8
<b>United Kingdom</b>	72,5	73,5	73,4	74,0	73,0	73,2	72,4	73,0	73,1	73,2	72,1	72,3	73,3	74,4

Source : Eurostat LFS.

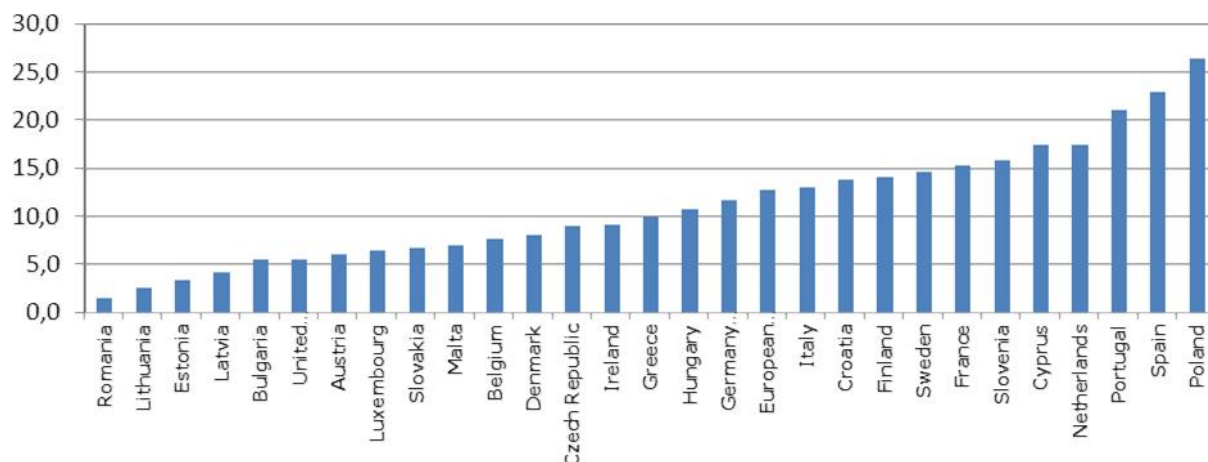
**Annex Table 8: Employment rate of women 40-44 years old in European countries, 2000-2013**

GEO/TIME	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
<b>Austria</b>	74,5	75,7	78,4	80,2	80,0	79,3	80,7	81,8	82,7	83,6	83,7	83,8	83,3	83,7
<b>Belgium</b>	69,8	67,6	69,8	70,3	71,0	73,0	73,5	75,7	77,3	76,5	77,9	77,6	76,5	77,3
<b>Bulgaria</b>	74,9	72,0	72,1	73,6	76,5	76,8	78,3	83,0	83,5	81,2	78,5	77,7	77,8	77,3
<b>Croatia</b>	na	na	69,4	69,4	69,8	72,4	71,4	73,1	74,1	73,8	73,8	70,4	66,3	66,3
<b>Cyprus</b>	66,8	67,0	68,5	71,0	74,6	76,0	76,5	76,0	77,1	76,2	77,6	77,6	75,7	72,0
<b>Czech Republic</b>	83,0	85,2	85,4	81,9	84,1	83,6	85,1	85,7	87,3	86,6	84,2	84,8	85,1	84,4
<b>Denmark</b>	84,8	84,7	84,1	80,7	83,5	83,4	84,6	85,0	84,6	86,0	83,2	82,2	82,6	82,8
<b>Estonia</b>	79,7	85,2	79,2	79,1	85,2	83,1	85,6	84,7	87,2	80,4	78,6	80,5	85,0	83,9
<b>European Union (28 countries)</b>	na	na	70,9	71,2	71,9	72,4	73,5	74,5	75,0	74,7	74,3	74,3	74,1	73,8
<b>Finland</b>	81,7	82,5	83,3	84,2	82,6	82,0	84,1	85,0	84,3	84,6	83,9	84,6	85,0	83,0
<b>France</b>	72,5	73,8	75,1	76,7	76,5	76,1	77,3	79,1	79,5	79,3	78,7	79,4	79,4	78,9
<b>Germany</b>	74,5	75,1	75,1	74,8	74,1	75,2	76,6	77,5	78,1	78,6	79,7	80,8	81,1	81,2
<b>Greece</b>	56,3	55,6	56,6	59,4	61,3	62,0	64,6	65,1	66,6	66,0	65,4	62,9	57,9	55,3
<b>Hungary</b>	75,1	76,2	75,0	75,4	75,8	74,2	73,5	74,6	76,0	75,2	74,8	74,7	77,2	76,5
<b>Ireland</b>	59,3	62,6	64,4	64,1	64,4	64,6	64,1	65,0	64,7	63,6	60,9	60,0	61,9	62,9
<b>Italy</b>	54,3	57,2	57,0	57,0	60,7	61,0	61,8	61,5	62,2	61,3	61,8	61,7	61,8	60,5
<b>Latvia</b>	73,9	78,4	79,5	79,6	84,3	82,2	84,6	80,4	82,9	76,8	78,3	78,6	76,0	80,7
<b>Lithuania</b>	81,2	80,4	80,2	81,1	81,4	83,6	81,6	83,3	83,0	81,6	79,0	81,8	82,2	81,3
<b>Luxembourg</b>	63,1	64,2	64,3	65,7	65,4	67,7	71,5	70,4	68,4	71,3	72,4	73,9	76,6	75,8
<b>Malta</b>	29,8	26,1	28,8	31,0	29,8	31,4	29,8	33,4	41,3	41,9	43,2	48,7	52,5	54,8
<b>Netherlands</b>	71,6	74,0	75,7	74,2	74,6	75,7	77,3	78,9	80,9	81,6	79,8	78,5	78,4	78,8
<b>Poland</b>	70,4	70,1	69,3	69,2	70,7	70,3	71,8	75,4	77,8	78,1	77,5	77,5	76,9	76,6
<b>Portugal</b>	74,9	75,7	74,5	74,2	78,2	76,3	75,9	77,6	76,5	77,2	75,2	76,0	75,7	74,4
<b>Romania</b>	77,1	77,3	69,5	71,4	73,7	69,7	73,8	73,8	72,8	71,9	72,1	71,7	71,8	72,1
<b>Slovakia</b>	78,8	78,6	80,8	80,4	76,5	77,7	80,2	80,6	83,6	80,2	80,0	80,3	78,9	80,5
<b>Slovenia</b>	88,0	88,1	86,1	84,3	85,5	85,3	85,6	88,3	89,2	87,0	89,0	87,5	86,8	86,8
<b>Spain</b>	52,2	53,1	55,8	57,3	58,0	61,9	63,8	66,1	65,6	65,1	64,0	63,4	62,4	62,7
<b>Sweden</b>	83,9	86,4	85,9	85,1	84,0	84,1	83,5	85,1	85,7	85,4	84,2	85,7	86,3	86,4
<b>United Kingdom</b>	75,9	76,7	76,9	76,5	76,4	77,2	77,0	77,0	77,0	76,9	76,4	75,8	76,0	75,9

Source: Eurostat LFS.

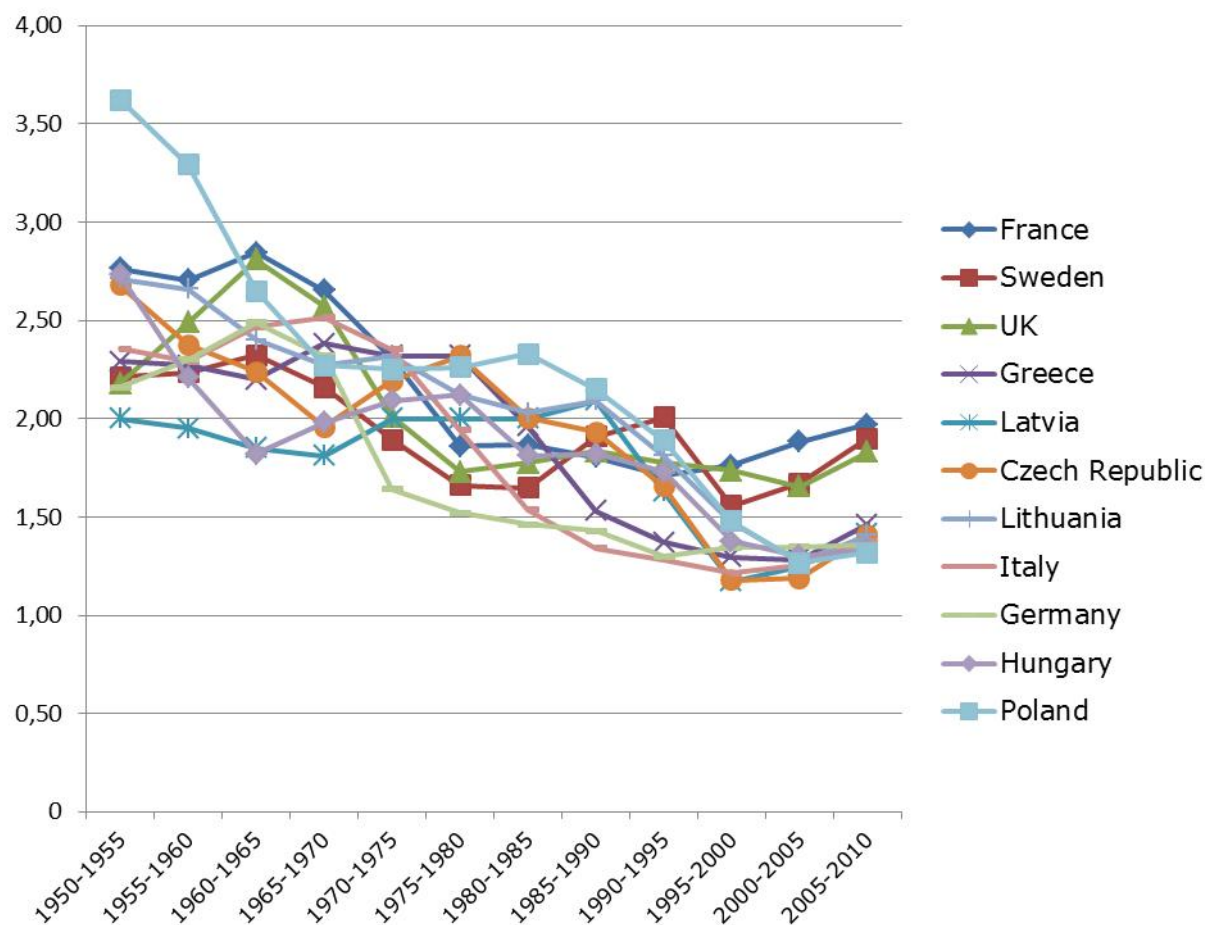


Annex Figure 1: Temporary employees as percentage of the total number of employees (%)



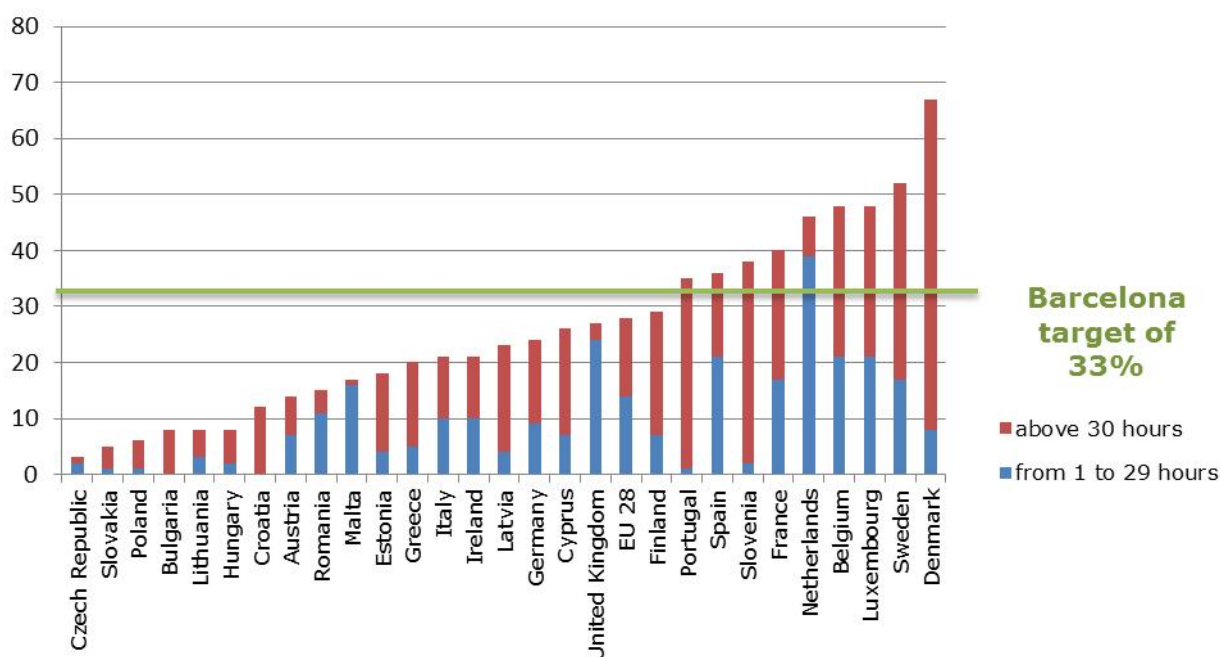
Source: Eurostat LFS

Annex Figure 2: Total Fertility rates in selected European countries 1950-2010.



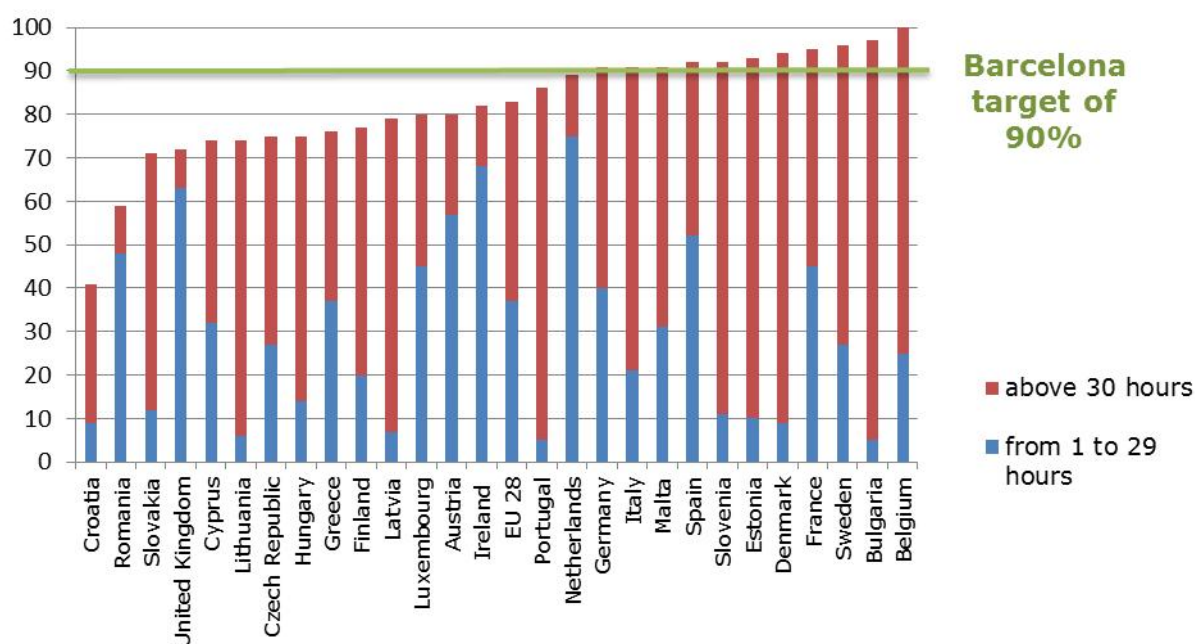
Source: United Nations Population Statistics.

Annex Figure 3: Percentage of children under three cared by the formal arrangements by weekly time spent in care.



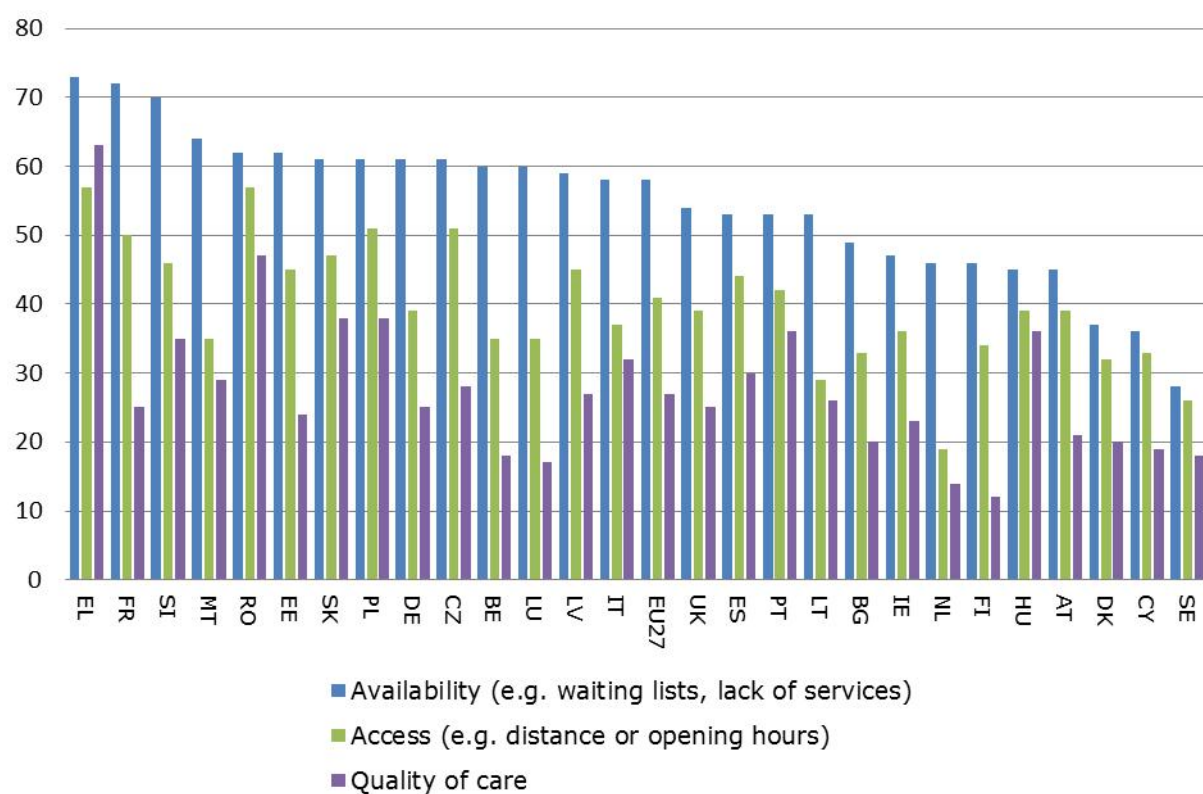
Source: Eurostat, data for 2012, value for Ireland for 2011.

Annex Figure 4: Percentage of children from 3 years of age to mandatory school age cared for by formal arrangements, by weekly time spent in care.



Source: Eurostat, data for 2012, values for Ireland and Portugal for 2011.

Annex Figure 5: Reasons for difficulties concerning the usage of childcare (%)



Source: EC 2013

# WOMEN IN POLITICAL AND ECONOMIC DECISION-MAKING

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## Abstract

Upon request by the FEMM committee, this study reveals that gender quotas have become the preferred tool at the global level and in Europe to improve women's participation in political and economic decision-making. They are increasingly used as an efficient tool to increase women's participation in decision-making bodies. The expansion of gender quotas in Europe affects the number of countries where they are implemented, the proportion of women they target (converging around 40%) and the type of institution they target (political, economic, administrative, social).

This study shows that gender quotas are efficient only when sanctions are an integral part of the legislation and that other complementary measures are needed to challenge informal rules that perpetuate women's exclusion from decision-making and to remove structural barriers to women's participation in the public sphere.

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## EXECUTIVE SUMMARY

Women's full citizenship and inclusion as equal members of the social, economic and political community implies their active participation in decision-making bodies in all spheres of social life. Equal civil, social and political rights must be accompanied by fair representation and participation in decision-making bodies that shape public policies, economic strategies and civil society activities.

However, entrenched historical and structural gender inequalities in the vast majority of societal institutions, including in particular horizontal and vertical gender segregation in the labour market and the unequal distribution of domestic/caring work between women and men, prevent women's full participation in decision-making bodies.

Acting on the fact that, despite having achieved equal social, civil and political rights, women are still vastly under-represented in decision-making bodies, an increasing number of states have decided to use their prerogatives to impose gender quotas in order to achieve gender balance in decision making.

Initially focusing on political institutions with the implementation of electoral gender quotas, quotas are now also found for public bodies (ministerial committees, public institutions advisory boards etc.) and for corporate boards at private and public companies.

The diffusion and prevalence of gender quotas internationally and in Europe makes it possible to assess their efficiency in increasing women's participation in decision-making bodies.

Data show that legislated gender quotas followed by sanctions in cases of non-compliance are an efficient tool to increase women's participation in various decision-making bodies (political assemblies, bureaucracies, executive commissions, company boards, unions etc.). While gender quotas that include tough sanctions are proven to be efficient, voluntary measures or soft quotas without sanctions are not.

Gender quotas help redress systemic discrimination against women in selection, nomination and promotion processes. They also help combat gender stereotypes and provide role models for young women. They promote gender equality norms and contribute to broader social transformation.

While gender quotas help combat discrimination against women in recruitment/promotion processes, they should also be complemented with other measures to challenge informal rules that disadvantage women, especially in political parties, and to contribute to the structural changes that are necessary to overcome the multiple forms of discrimination that contribute to women's exclusion from decision-making bodies.

Such complementary measures include outreach, training, and capacity building for political parties that can be regulated through public financing rules, and improvement of benefits for political representatives and gender balance in media coverage of political campaigns.

The moment seems ripe in Europe today for the European Parliament to push for the Directive on Women on Boards to be adopted. Moreover, European Union (EU) institutions should continue to encourage Member states (MS) and political parties to actively promote women's participation in all types of decision-making bodies.

Finally, despite being entrenched in EU law since 1976, positive action is too often perceived by national Courts as contradictory with equal treatment. Moreover, the ECJ's jurisprudence allows positive action only under strict conditions. Therefore, there is a need for the European Commission to develop guidelines and tools for member states on how to interpret and apply the provisions of Article 157,4 TFEU to avoid setbacks in the application of gender quotas which can be qualified as a unique and efficient way to bring women to the table where decisions are taken.

## 1. INTERNATIONAL AND EUROPEAN CONTEXT

### KEY FINDINGS

- Gender quotas have become the preferred tool at the global level and in Europe to improve women's participation in political and economic decision-making.
- Initially implemented mostly for electoral politics, gender quotas are now used to promote women's participation in other types of institutions such as public administration, corporate boards, universities, etc.
- However, important disparities persist between quota types, in their modalities of implementation, and in their efficiency across political parties, countries and regions.
- Other measures can help to increase women's participation in decision-making bodies but they have proven to be less effective than quotas.

### 1.1 Quota types

Quotas are a form of positive action aimed at redressing gender imbalance through mechanisms establishing a target (minimum percentage) to be reached. It can imply sanctions such as dissolution of the company for corporate boards quotas (Norway), or refusal to register a ballot for elections (France, Belgium, Spain). When sanctions make the quota compulsory it can be labelled a hard quota. When targets are vague and/or sanctions are weak, leaving room for non-compliance, quotas can be called soft quotas.

Gender quotas target four main domains of decision making: political decision making, politico-administrative decision making, economic decision making, and societal decision making:

For the political domain gender quotas consist in policies requiring the inclusion of a certain number of women as candidates or elected representatives. It is common to distinguish between three types of mechanisms used to ensure women's presence: voluntary party quotas (VPQ), legislated electoral quotas (LEQ, also called legal quotas) and reserved seats (RS) (Dalherup 2006, 2007, Krook 2009). VPQ are voluntary measures that political parties decide to implement in electoral lists of candidates and/or for their various internal consultative and executive commissions. LEQ are legal provisions setting a minimum proportion of female candidates or, in gender-neutral terms, a minimum or maximum proportion of either sex for electoral candidates. Finally, RS allot a certain



number of seats to particular groups, in this case women, ensuring their presence in the assembly. RS are mostly present in African or Middle-Eastern countries and often consist in a very small number of elected women. VPQ and LEQ are the most common types of quotas found in European countries. It is to be noted that VPQ are, in the vast majority of cases, especially in Europe, implemented by left-wing parties, and less so by right-wing ones. LEQ and VPQ are sometimes referred to as first generation quotas (Holli 2011).

In the politico-administrative realm, gender quotas take the form of a minimum percentage to be reached in various decision-making bodies (ministerial committees and commissions in corporatist systems such as Finland or Norway, advisory boards of public institutions, intercommunal organizations, state agencies) or in nominations to high civil service functions (for example in France). Public body quotas (PBQ) apply to committees or structures carrying executive powers or not, that are not directly elected but rather composed of appointed members or members indirectly elected. Although implemented for several decades in some Nordic countries, PBQ are less well known than LEQ. However, many European countries are rapidly adopting them. Since they appeared in the Nordic countries after VPQ, PBQ are sometimes referred to as second generation quotas (Holli 2011).

In the economic sphere gender quotas mainly target the corporate boards of private and public companies mandating a minimum percentage of women or in gender neutral terms a minimum percentage of each gender. Following the example of Norway, several European countries have adopted corporate board quotas (CBQ) in the 2000s and 2010s, making Europe a leading region for this type of quota (Fagan et al. 2012, Teigen 2012, Oliveira and Gondek 2014). CBQ are sometimes referred to as third generation quotas (Holli 2011).

Finally, a more recent and less known generation of gender quotas target the executive organs of institutions with a public service or social mission, such as universities, trade unions or sports federations. Less well known, these quotas are nevertheless used in several European countries today.

## 1.2 Diffusion and prevalence of gender quotas

Since the 1990s, many international and European conventions have adopted and reiterated women's participation in political and economic decision making as an urgent and legitimate goal to be pursued, including through positive action.<sup>2</sup>

In 2012, Michele Bachelet, at the time Executive Director of UN Women, placed women's political participation and economic empowerment as a 'top priority' for the organization. However, the target of 30 per cent women in decision-making bodies by 1995, - according to the UN Economic and Social Council in 1990 - is still far from being met.

Largely part of this worldwide trend to enhance women's empowerment, gender quotas have become the preferred tool to promote women's equal participation in decision-making bodies in the political as well as the economic spheres. This suggests that the absence of women from all traditionally male domains of power, and not

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<sup>2</sup> The Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women: Action for Equality, Development and Peace, 15 September 1995/1995, Council of Europe resolution 1825 and declaration on gender balance in political representation as early as 1986, EU recommendations, European Commission's action program on women in decision making (COM 90/449), European Council's recommendation (including 96/694/CE).



just politics, is increasingly seen as being in tension with modern notions of gender equality, democracy and good governance. Often perceived as a “fast track” (Dahlerup and Friedenval 2005) way to achieve gender equality and as a potent instrument to tackle the structural roots of gender inequalities, political gender quotas have been largely adopted in various regions of the world - initially in Latin America at the beginning of the 1990s, then in Europe and Africa (with 31 African countries out of 48 displaying some quota scheme), as well as in various political contexts (consolidated democracies, authoritarian regimes, post-conflict transitions and more recently post-Arab Spring reforms).

The expansion of gender quotas is three fold. It affects:

- the number of countries where they are implemented
- the proportion of either sex to be represented in decision-making bodies (with a convergence around a 40/60 balance)
- the type of institutions in which quotas are to be implemented: national legislature, local and regional councils, European parliamentary delegations, intercommunal executives, ministerial appointed executive, standing and advisory committees and delegations, boards of public institutions council for the judiciary, public broadcasting agencies, trade unions' internal commissions, chambers of commerce, sports federation, corporate and advisory boards of privately and publicly owned companies.

Although governments are the highest political decision-making body, no country has adopted a legal gender quota targeting their composition. Global statistics indicate that in 2012, the Nordic countries had the highest percentage of women ministers (at 48.4%), followed by the Americas (21.4%, up 3 points from 2005). The region with the third highest percentage of women ministers was sub-Saharan Africa at 20.4%, up 3% since 2005. In Europe, the percentage of women ministers was 15.3%. In the Pacific, the percentage of women ministers was 11.5%, followed by Asia at 10.5%, and the Arab States at 7%.<sup>3</sup> In many countries that have adopted LEQ or PBQ, such as Spain, France, Italy, and Nordic countries, governments have been increasingly gender balanced.

### 1.2.1 Legislated electoral quotas globally and in Europe

In 2014, women constitute 21.9% of the members of national parliaments (MPs) around the world, however their presence in national legislatures varies greatly across the globe. EU-28 average of women in single/lower house is above slightly above the world average, with 28% but still far from gender balance (understood as 40/60).

<sup>3</sup> UN Women, “Michelle Bachelet Highlights Quotas to Accelerate Women's Political Participation”, Remarks of Michelle Bachelet, Executive Director of UN Women at the Press Conference on Women in Politics, 2 February 2012, available at <http://www.unwomen.org/2012/03/michelle-bachelet-highlights-quotas-to-accelerate-womens-political-participation/>. See also the map Women in Politics: 2012 by UN Women and Inter-Parliamentary Union, available at [http://www.ipu.org/pdf/publications/wmnmap12\\_en.pdf](http://www.ipu.org/pdf/publications/wmnmap12_en.pdf)

**Table 1: Regional averages for women's presence in national legislatures**

Region	Single House or Lower House	Upper House or Senate	Both Houses combined
Nordic countries	42.1%	--	--
Americas	25.8%	26.4%	25.9%
EU-28	28.0%	25.0%	27.0%
Sub-Saharan Africa	22.6%	19.8%	22.2%
Asia	19.0%	13.9%	18.5%
Arab states	17.8%	7.7%	15.9%
Pacific	13.4%	38.6%	16.2%

**Source:** Interparliamentary Union (2014) accessed at [www.ipu.org/wmn-f/world.htm](http://www.ipu.org/wmn-f/world.htm). And European Commission (2014) [http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/politics/national-parliaments/index\\_en.htm](http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/politics/national-parliaments/index_en.htm)

Today, 56 countries from all regions of the world implement a form of LEQ for their national legislature (single/lower House and/or Upper House) and/or for sub-national elections. In total LEQ and/or VPQ are found in more than 90 countries around the globe in 2014. The **pace of adoption** of these policy measures is accelerating: over the last 15 years, more than 50 countries have adopted electoral reforms to implement gender quotas.<sup>4</sup> Gender quota reform is often an on-going process: in many countries such as Mexico, France or Argentina, quotas are being redesigned to increase their efficiency – most often, though not always, targeting higher numbers.

Eight EU **member states** currently implement LEQ for national legislative elections (Belgium, France, Greece, Ireland, Poland, Portugal, Slovenia, Spain)<sup>5</sup>, while in 14 EU countries at least one political party sitting in Parliament implements a VPQ (Austria, Czech Republic, Cyprus, Germany, Hungary, Italy, Lithuania, Luxemburg, Malta, Netherlands, United Kingdom, Romania, Slovakia, Sweden).

As Table 2 in the annex shows, ranging from 44.5% female MPs (Sweden, ranking 4<sup>th</sup> in the world) to 9.5% in Hungary (ranking 127<sup>th</sup>), the EU displays a large variety when it comes to women's representation. However, it should be noted that **variation across parties** is at least as important as between countries (Wängnerud, 2009). In particular, historically left-wing parties have promoted women as candidates in far greater numbers than right-wing parties. However, in Central Europe and the Balkans, the situation shows that evolution is possible. Today centre-right-wing parties that identify with Western politics and liberalism promote more women than left-wing parties (Rashkova and Zankina, 2013).

<sup>4</sup> *Quota Project, Global Database of Quotas for Women*, International Institute for Democracy and Electoral Assistance (IDEA), Stockholm University and Inter-Parliamentary Union, available at <http://www.quotaproject.org/aboutQuotas.cfm>

<sup>5</sup> *ibid.*

### 1.2.2 Public bodies quotas in Europe

Contrary to LEQ, there is no systematic data collection or study of the prevalence of PBQ in EU member states or at the global level. Finland, Norway, Denmark, Germany, Iceland, Slovenia, Poland, Austria, Belgium, Greece and France have some kind of PBQ, with often a target of 40% women in ministerial standing and/or executive committees, in nominations for high civil servants, and in various public bodies such as advisory councils of state agencies. Sweden has a principle of fair balance without setting a specific target. While some countries apply PBQ across the board to many politico-administrative offices and bodies (Finland, Norway, France, Germany), others have PBQ for only one domain (e.g. in Poland for advisory committees at the Minister of Education and Science). However, PBQ in one domain may spill over to others.

Whereas LEQ are generally adopted after large mobilization by women in political parties and outside (in women's rights organizations) and their allies, PBQ are on the contrary often the result of a top-down process. Countries that have applied LEQ and have learned from this experience tend to expand quota mechanisms to other spheres such as the public administration. PBQ are usually very efficient in reaching their target because state bureaucracies tend to be law abiding. France is a case in point. The gender gap in public service was particularly stark with 59.8% women in the public service workforce and only 21% women in managing positions in 2009. A 2012 reform imposed a 40% quota for appointments to all advisory/supervisory boards in public services as well as for nominations to the highest ranks of public service function, to be reached in a 5-year framework (2013-2018).

### 1.2.3 Corporate boards quotas in Europe

Following Norway's CBO, introduced in 2003, 13 of the OECD countries have adopted CBO including 7 EU member states.<sup>6</sup> This rapid wave of diffusion (Teigen 2012) transformed Europe into the leader for this type of quota worldwide. At the European level, the Parliamentary Assembly of the Council of Europe adopted in 2011 Resolution 1825 on More women in economic and social decision-making bodies. It states: "The Assembly has on several occasions advocated the adoption of positive measures, including quotas geared to promoting access for women in the political arena (...) The Assembly believes that the experience of quotas could be advantageously transposed to the private sector and socio-economic domain". Building on these developments, in November 2012, the European Commission presented a draft legislation with an objective of 40% female members for publicly listed companies by 2020.

Data for women on boards are heterogeneous and not collected by official/governmental agencies in a consistent fashion. Relying on existing data one can note that, except for Sweden, the countries with highest percentage of women board members are those applying a hard quota with sanctions, while countries applying soft quotas, without sanctions, have not seen similar increase of women's presence (see Table 3 in the annex). Again, available data show important disparities across Europe when it comes to women's presence on company boards.

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<sup>6</sup> Spain adopted a quota law in 2007, France, Italy, Belgium, Austria and the Netherlands adopted quota laws in 2011, Denmark adopted a soft quota law in 2013, Finland and Ireland adopted a quota for state-owned companies in 2004.

CBQ target different companies depending on the national context. They can target executive or non-executive board members depending on the legislation and on the national corporate law that defines how boards operate. Size is used as a relevant criteria (number of employees or number of seats on boards or amount of capital) with largest companies subjected to stronger quotas and small or medium-small companies exempted (as is the case in France, Belgium and Spain) (Walby 2013). Ownership of the company is also an important factor with state-owned companies and companies with the state holding a majority of shares subjected to CBQ more easily so as to set the example (Walby 2013, Meier 2013).

#### 1.2.4 Quotas beyond legislatures and corporate boards

Some countries have expanded quota mechanisms to other types of decision-making institutions, targeting civil society and publicly financed institutions such as universities. Austria, France and some German Länder have legislated in favour of quotas for Universities' (professorship nominations and executive commissions). In July 2014, France has also legislated to impose quotas for sports federations.

In some countries civil society actors have adopted quota schemes without legislative pressure. In 2007 the Austrian trade union associations adopted a voluntary 'relational quota' (proportional to female membership) for its executive organs. In Germany, following the debate on CBQ women journalists have founded the initiative 'ProQuote' and women doctors the initiative 'ProQuote Medizin' to demand equal representation on the top posts of their professions.

### 1.3 Measures other than gender quotas to increase women's participation in political and economic decision-making

Other measures can help improve women's participation in decision-making bodies. These include outreach, mentoring and training to find suitable candidates for leadership positions. In the political realm, measures also include party regulations with respect to funding, campaigns, registration of parties and electoral administration (Childs 2013).

Good practices in politics include (Childs 2013, Freidenvall 2013):

- Including gender equality in parties' constitutions (Costa Rica 2009 law makes party registration dependent on equality principle).
- Increasing female voter turn out where a gender gap exists (Serbia, G17 Plus Party).
- Increasing presence of women in political campaigns (materials, broadcasts etc. as in South Africa ANC 2009 campaign).
- Channelling party funds to train women (Brazil Da Silva, 20% of public funds for party research must go to groups that work with women).
- Supporting parties that implement gender mainstreaming (Spain, PSOE internal policy) and train their members on overt and covert gender discrimination (Social democrats in Sweden).
- Collecting data on sex ratio inside parties.
- Promoting and integrating parties' women's sections and women's forums and conventions (UNDP/NDI 2012 recommendation).

- Promoting women's participation and leadership in politics through training (Panama 10% of public funding received for training must be allocated to train women, Mexico 2% of public funding must be for training, promotion and development of women's political leadership).
- Reviewing party expenditure for gender impact (prompted by UNDP/NDI 2012).
- Developing mentoring, women-only trainings and outreach (PDIP Indonesia, Liberal party Canada, UK Conservative Party's Women2win, UK liberal democrats 50:50 campaign).
- Formalizing candidate selection procedures.
- Limiting nomination/primary contest expenditure (UNDP/NDI 2012 recommendation).
- Regulating media coverage of campaigns for gender balance.
- Public or party financing of child care expenses during electoral campaign and activities linked to political mandates (Social democrats in Nordic countries).
- Improving pension schemes and family/parental/sickness leaves for elected representatives.
- Implementing policies to fight sexual harassment during political campaigns and in political institutions.

These measures are crucial but do not substitute for gender quotas, in particular with regard to their effectiveness.

## 2. STRENGTHS OF GENDER QUOTAS

### KEY FINDINGS

- Legislated gender quotas are an efficient tool to increase women's presence in decision-making bodies when sanctions are an integral part of the legislation.
- Where no gender quotas are in place the situation of women in decision-making bodies is unlikely to evolve positively.
- Gender quotas are a simple tool that can be applied to various decision-making bodies.
- Gender quotas are an efficient tool to break the glass ceiling, to combat gender discrimination and to diversify decision-making bodies.
- Numerous international and European recommendations and soft laws support the use of gender quotas.
- Gender quotas lead to important public debates about good governance, gender equality and democracy. They contribute to placing gender equality issues on the political agenda and to monitoring gender inequalities.
- Gender quotas can lead to a strengthening of legal norms regarding gender equality.

### 2.1 Strength in numbers: Bringing women in

The diffusion of gender quotas across the globe attests to their perception as an efficient tool to redress gender imbalance.

In 2013, 9 out of the 10 countries in the world that witnessed the largest increase of female MPs implemented a form of quota (source: IPU).

Of the 12 EU countries with less women MPs only 1 (Greece) had a LEQ in place for the last elections, whereas of the 16 countries with the most women MPs, 6 implement a form of LEQ.

Countries in Europe with traditionally low female presence in legislature, such as France, Belgium, Portugal, Spain, Slovenia, Poland or Greece have significantly improved their historically very low numbers of female MPs thanks to LEQ. Research in the Balkans also shows that the presence of a LEQ is the best predictor of a higher number of women in the Parliament (Rashkova and Zankina 2009).

Stories of leap change in the EU include:

- Belgium with a jump from 12% women in the legislature in 1995 to 23.3% in 1999 to 35.3% in 2003 and 39.4% in 2014



- France with a jump of 20 points in local elections at both the regional and the municipal level with 48% women regional councillors since 2010 and 48% women municipal councillors since 2008 in cities over 3500 inhabitants.
- Slovenia with a leap from 12.2% of women in Parliament in 2004 to 34.4% in 2014.

Examples in South America, such as Argentina or Mexico, confirm that LEQ can radically alter the composition of political assemblies, even in a context of traditional gender roles and historically weak presence of women in the political sphere.

However, As table 2 shows, the existence of a LEQ is no absolute guarantee to achieve high numbers of women in decision-making bodies, since 4 countries with LEQ are below the 30% threshold of women in Parliament.

A significant body of research has focused on the implementation of LEQ in order to measure and evaluate their efficiency.

Several factors account for a LEQ's efficiency in reaching its target. Among those are the quota design within the electoral system (district magnitude, placement mandate), the threshold of representation (30, 40, 50%), the sanctions that come with non-compliance and the support from institutional and political actors (Baldez 2004, Paxton and Hughes 2007, Krook 2009, Schwindt-Bayer 2009). Scholars have noted that a high threshold (minimum of 40%) and a placement mandate (PM), also called rank-order rule, are crucial for LEQ to be effective. Indeed, in the absence of a PM, female candidates tend to be at the bottom of ballots, i.e. in positions with scarce chances to be elected. A low threshold (1/3) with no PM may lead to no women at all being elected despite the fact that all parties will have complied with the LEQ. For example in 2011 in Poland, due to a low threshold (35%) and no PM, the number of women candidates for legislative elections doubled thanks to the recent quota law, but the number of female deputies only rose 3 points (from 21% to 24%).

Hence, in many countries, the minimum percentage of women imposed by the LEQ is coupled with PM taking the form of a zipper (one man/one woman on the whole list, e.g. in France) or through sections of the list (e.g. in Spain, in every 5 posts on the list the 40/60 balance must be respected).

Plurality/majority systems are often considered inimical to the implementation of gender quotas, compared with the List PR system. However, a 2013 French electoral reform for local elections introduced a ticket system (one man/one woman) for local 'general councils'.<sup>7</sup>

A crucial dimension of the quota design is the sanction included for non-compliance. The efficiency of LEQ, when they include sanctions for non-compliance, is beyond doubt. They get women in political decision making in higher numbers and at a faster rate.<sup>8</sup>

<sup>7</sup> Former electoral districts have been paired and in each new district (which is two times bigger than the former ones), a man and a woman will be present on the ballot, ensuring the outcome of 50% women elected.

<sup>8</sup> Nordic countries, which have the highest levels in the world of women's representation, are sometimes referred to as an example of how women's presence in political decision-making bodies can be improved without coercive measures. However, they are certainly an exception rather than a rule to follow. Indeed, 1/ the majority of Nordic left-wing parties and center-right parties did implement VPQ as early as the 1970s, 2/ being corporatist countries political power in Nordic countries is also located in appointed standing committees, and Finland, Norway, Iceland



For electoral quotas, sanctions can come in the form of rejection of the list by the competent legal authority, or in the form of financial penalties. While the former is a strong sanction and has proved efficient in Belgium, France, Poland or Slovenia, the latter is much less efficient as the French case suggests (see below).

If LEQ are not always efficient in bringing large numbers of women into decision-making bodies, especially when they are soft quotas, where no quota exists the situation of women in decision-making bodies is unlikely to evolve at all. During the last parliamentary elections in the EU/European Economic Area (EEA) region, 7 countries experienced a decrease in women's presence (Austria, Liechtenstein, Iceland, Estonia, Sweden, the Netherlands and Hungary) (Freidenvall 2013). None of them implement LEQ. Hence, gender quotas can also prevent setbacks (e.g. when parties with fewer female candidates win elections).

In a similar fashion, in Germany and the UK, where parties implement VPO but no LEQ exist, the pace of increase of women's presence in the Lower House is stalling and since the mid-1990s women make up around 20% of MPs in the UK and 32% in Germany. In the UK, the 2010 elections saw only a 4.5% increase of women's presence compared to 1997. At this pace, it will take decades to reach a gender-balance, assuming no setback occurs.

Similarly the correlation between the existence of a hard CBQ legislation and the presence of women on boards is very high in Europe. Where there is no CBQ with sanctions, women do not get on companies' boards in the same number, nor at the same pace.

## 2.2 Strength in bringing positive social change

While gender quotas might not always bring in the expected high number of women they bring other positive side effects such as breaking stereotypes and gender segregation, enabling a fairer representation of women's interests, and diversifying candidate pools.

### 2.2.1 Breaking stereotypes and gender segregation

A traditional argument against gender quotas is that there is no pool of competent female candidates, whether for elected representatives or board members. The successful and rapid implementation of LEQ, PBQ and CBQ in France, Norway, Spain, Belgium etc. is proof to the contrary. In fact, rather than confirming the argument that there is a problem with the supply of competent women, gender quotas draw attention to the problems that comes from the demand side, such as biases in selection processes, direct and indirect discrimination in nomination and promotion, as well as recruitment which favours similar profiles and experience when recruiting and decreases diversity in decision-making bodies (Lawless and Fox 2005).

Hence gender quotas appear as an important way, if not the only one, in which gender discrimination in recruitment and promotion processes can be redressed. Whereas opponents to CBQ in many European countries argue that there is a lack of qualified women, the implementation of CBQ in France show that women board members

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and Denmark have applied PBQ to those decision-making bodies, and 3/ several Nordic countries implement CBQ to increase women's presence on company boards

are as highly qualified as their male peers with similar levels of educational achievements, similar experiences in ministerial cabinets and similar international experience<sup>9</sup>.

Moreover, gender quotas can also lead to gender desegregation. For example, PBQ in Norway, Finland and France have led to the increase of women's presence in traditionally male domains such as Defence Ministries and industrial portfolios. In most countries, LEQ do not lead to such desegregation and women continue to be assigned to traditionally female portfolios such as social and family affairs, health, education or culture. Still, gender quotas increase women's legitimate right to positions of decision-makers and applying quotas to parliamentary committees can redress this segregation.

Gender quotas also ensure that young women have female role models to inspire them, an important factor to ensure that women develop ambition and thrive to "lean in" (Sandberg and Scovell, 2013, Verge and La Fuente, 2014).

Gender quotas also lead to more diverse decision-making bodies. Research has shown that diversity in decision-making bodies may lead to better decision processes. By bringing diverse experiences and expertise to the table, diversity might help facing uncertainty and may lead to better outcomes (Watson et al., 1993). In France the implementation of LEQ has led to lower the average age of deputies with younger women being elected MPs. Similarly, CBQ have led to the recruitment of more foreign female board members and younger board members since this obligation to recruit new members has encouraged companies to internationalize their boards and, so to say, "to inject new blood".<sup>10</sup>

Both in Norway and in France, the introduction of CBQ led to more transparency in the recruitment process of board members, with the formulation of selection criteria. The need to look for board members outside the 'old boys network' contributes to the professionalization of board members.

### 2.2.2 Improving the representation of women's interests and promoting gender equality policies

Many supporters of gender quotas advocate that women's presence in decision-making bodies will not only improve governance in general but will also benefit women in the form of public policies addressing their needs and interests (Beijing Declaration, 1995). Research on the relationship between women's presence in parliaments and the development of gender equality policies shows that overall female politicians contribute to strengthen the position of women's interests in the parliamentary process (Wängnerud, 2009). In particular:

- Female representatives tend to be more supportive of women's interests (e.g. civic, political, economic rights and health issues, as evidenced in Québec, Belgium, and Argentina)
- Female representatives more often sponsor women's rights bills (as evidenced in Argentina, Belgium, Columbia, Costa-Rica and the United States)

<sup>9</sup> 2014 study from the Observatoire de la parité dans les Conseils d'administrations, ESC Dijon, accessible at [www.observatoire-parite.eu](http://www.observatoire-parite.eu)

<sup>10</sup> Ibid.

## 2.3 Strength in norms: gender quotas, gender equality, governance and democracy

By increasing the presence of women in decision-making bodies, gender quotas also contribute to changes in social norms. Indeed, they spur debates about gender equality, good governance and democracy. In France and in Slovenia it is notable that gender quota altered public perception of how democratic governance and inclusive democracy should look like (Lépinard, 2007; Antic Gaber, 2011).

In fact, despite initial rejection of gender quotas, in many countries, once they are adopted economic and political actors adapt to the new reality and recognize positive changes brought by an increased presence of women in decision-making bodies.

The implementation of gender quotas implies monitoring of gender gaps in various decision-making bodies. This monitoring can lead to the creation of bureaucratic structures in charge of collecting data and evaluating progress, or can put in charge already existing structures (such as electoral tribunals in Mexico or Equality bodies). In both cases, the fact that administrative actors are in charge of monitoring leads to greater awareness of progress and gaps, to identifying obstacles to women's participation, and to designing new public policies to remedy the situation. Hence it stimulates new gender equality policies.

When constitutional debates around gender quotas are resolved with a positive outcome, i.e. the approval of positive action in the form of quotas by the highest courts, legal gender equality norms are reinforced. Indeed, approval of gender quotas entrenches a substantive conception of equality as equality of outcome in the legal order, paving the way for more positive measures for women (Rodriguez-Ruiz and Rubio-Marin, 2009).

Moreover, by affirming that the power to decide should be fairly distributed between men and women, gender parity quotas (understood as at least a 40/60 distribution) contribute to erode the traditional association of men with the public sphere and of women with the private sphere (caring/domestic work). Gender quotas aiming at parity therefore provide new social norms for governance and democracy (Rodriguez-Ruiz and Rubio-Marin, 2008). However, a principle of gender balance in decision-making has the potential to disconnect the exclusive link between politics and men only if, reciprocally, men are increasingly invested with responsibilities in the private sphere.<sup>11</sup>

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<sup>11</sup> See Resolution 1825 of the Council of Europe's Parliamentary Assembly states on women's participation to decision-making bodies stating that states should "introduce positive measures to ensure reconciliation of private and working life, in particular as regards parental leave, balanced participation of women and men in family life (...)".

### 3. WEAKNESSES OF GENDER QUOTAS

#### KEY FINDINGS

- Soft quotas (with no sanctions) are not efficient.
- Voluntary party quotas show wide disparities between left-wing and right-wing parties.
- Gender quotas do not challenge informal rules that perpetuate gender inequalities inside institutions.
- Other complementary measures are needed to ensure that women's participation in decision-making bodies leads to positive changes with respect to structural gender inequalities.

#### 3.1 Soft quotas almost never work

Examples throughout Europe show that when measures to improve women's presence are soft, i.e. unspecified, with low targets, no sanctions and/or only voluntary, they tend to be less efficient or not efficient at all.

Unspecified: For example when Slovenia introduced in 1994 a provision in its law on political parties in order to promote the election of women in the National Assembly the provision was worded in the following terms: "the party shall define in its statute a method for ensuring equal opportunities in nominating candidates for the elections". This provision proved totally inefficient in increasing the number of women elected.

Similarly for PBQ in Germany, the 2001 Federal Equality Law did not impose quotas but a rule of selecting women when they are underrepresented in the unit and have equal qualifications with male candidates. The percentage of women in the Federal Administration has (slowly) increased to now 30% but in 2009 only 3% of Deputy State Secretaries in Federal Ministries were women. The law was changed in 2009 to introduce quotas.

Low targets: When Slovenia passed an electoral reform to introduce quotas for legislative elections it applied a 25% quota for the next election (2008) and only 13.3% women were elected. The law increased the quota to 35% for the next round (2011) in which 32.2% women got elected. In Greece the low threshold of most LEQ (1/3 of either) explains, along with other factors, the relatively poor results of the 2001 law with only 21% women MPs.

No or small sanctions: Financial sanctions are less efficient than rejection of the candidate lists. In France, the Parity Law for the Lower House includes only financial sanctions which allow parties to circumvent the law. The right-wing UMP paid around 20 million Euros due to its non-compliance with parity in candidacies in the 2012 legislative elections. In 2014 a law was passed to double the fines for non-compliance.

In Norway, the CBQ law did not imply sanction at first between 2003 and 2005. During this period, women's presence on boards increased only from 6% to 12%. Then the

government made CBO compulsory (embedded in the 2003 law, with sanctions going all the way to dissolution of the company if it did not comply) and between 2005 and 2008 women's presence rose from 12 to 36% and finally reached 40% in 2009.

Similarly, while the Spanish 2007 Equality law includes a 40% quota for publicly listed companies' boards in an 8 years period, it does not include sanctions for non-compliance but only incentives (priority for government contracts and equality award from government). In 2004 women represented 3.6% of board members in publicly listed companies, in 2006 6.0%, and in 2013 they represent only 15.9% of corporate board members. Spain is still below the European average, and the 40% goal by 2015 will no doubt not be reached.

PBO are not exempt from the rule that the absence of sanction makes gender quotas inefficient. In Belgium a first gender quotas act was adopted in 1990 for federal advisory committees but no sanction applied for non-compliance. This law had no impact and female nominations were not taken seriously. In 1997 a new law was adopted with the sanction that mandate would remain vacant until they were filled with candidates of the right sex.

Voluntary: In March 2011 the Vice-President of the European Commission, Ms. Viviane Reding, asked companies listed in the stock exchanges in the EU to commit to increase the proportion of women on their boards to 30% by 2015 and 40% by 2020. However, a year later the situation had not significantly improved. The pledge to increase the number of women on company boards was signed by only 24 companies. Moreover, in large publicly listed companies, the number of women on boards increased by less than 2 points to reach 13.7%, and 40% of that increase was attributable to France which had just adopted compulsory legislation (Oliveira and Gondek 2014)

Similarly, German voluntary 'flexi-quotas' for corporate boards show that without constraint, companies nominate women in non-decision-making bodies. Indeed, There is an important discrepancy between the percentage of female non-executive board members in the DAX 30 (19.7%) and the number of those women who are executive board members (only 7.8%)

Experiments with financial incentives in Georgia and Croatia (Freidenvall 2013) show that they are not efficient in making political parties nominate more women in political leadership.

### 3.2 Quotas are differently applied across the political spectrum

In Europe VPQ are usually well implemented by parties which have adopted them (Freidenvall et al. 2014), however, VPQ are mostly adopted by left-wing parties and quotas thresholds vary, leading to an unequal representation of women across the political spectrum.

In the UK only the Labour party implements a VPQ with a system of All Women Shortlists (AWS). Conservatives and Liberal Democrats have not been reached by a 'quota contagion' with the result that in 2001 101 of the 120 female MPs were from the Labour Party, and from then until 2010 Labour had always more women MPs than all the other parties combined.

In Germany left-wing parties (German Greens and Social Democrats) have adopted strong VPQ in the 1980s (respectively 50% and 40% for candidate lists and inner-party offices) while the CDU and CSU have softer quotas (30% and 40%) that can be circumvented without any sanction, and the liberal FDP has no quota. Accordingly, in 2010 while the CSU and CDU had respectively 13% and 18% of female MPs, the SPD and the Greens had respectively 38% and 53% female MPs.<sup>12</sup> However it should be noted that weak implementation of VPQ also happens in left-wing parties at the local level: in North-Rhine Westfalia the SPD follows its own quota rules in only 12.9% of the electoral districts.

### 3.3 Quotas: floor or ceiling?

As noted by Freidenvall et al. For the 2014 European elections, 'a trend in party with quotas lower than 50 per cent is that the share of men/women on party lists generally does not (or just slightly) exceed the stipulated quota level.' This is true both for LEQ and VPQ.

### 3.4 Quotas aim at a moving target

Political power tends to relocate to institutions where LEQ do not apply (such as intercommunal executives at the local level in France). Finnish scholar Anne-Maria Holli has argued that in Finland the adoption of quotas at the local level (communal committees) contributed to the transfer of power away from local democratic structures. Only parliamentary standing committees have not lost their power, and they are exempt from quota rules. In these cases a new round of legislative reform (enacted in 2013 in France), applying gender quotas to these institutions is needed to make them efficient in bringing women to where the power really is.

### 3.5 Beyond quotas: challenging gender dominance and segregation

While gender quotas get women into decision-making bodies, they do not alter the very structures that have kept women outside of those institutions for so long. In particular, research shows that, with equal credentials, women are less likely than men to perceive themselves as qualified to run for office (Lawless and Fox 2005) and are more likely to be discouraged to run for office by office holders or party officials (Sanbonmatsu et al. 2009). Moreover, sociological research shows that in organizations, formal rules (about nomination, promotion, credit for accomplishments, retribution etc.) cohabit with informal rules, that is "socially shared rules, (...) that are enforced outside of officially sanctioned channels" (Helmke and Levitsky 2004). While the former might be altered in order to bring in women thanks to positive action such as quotas, the latter are harder to challenge because they are not perceived as rules and are not made explicit. The historical exclusion of women from political parties or corporate boards has made these organizations 'institutionally sexist' (Lovenduski 2005). Generally, party elites are predominantly male and tend to perceive women as an 'outgroup'. They assess individual women candidates by

<sup>12</sup> Parties' willingness to implement LEQ to their fullest extent also varies across the political spectrum. For the 2012 French legislative elections, while 44.8% of left-wing parties candidates and 36.7% of their elected MPs were women, right-wing parties presented only 38.4% female candidates, mostly in unwinnable constituencies since only 12.8% of their elected MPs were women. As a result, in 2012 there were slightly fewer women candidates (40%) than in the previous legislative elections in 2007 (41.6%).

using stereotypes leading them to judge women as less politically capable and to distribute campaign budgets and nomination accordingly (Niven 1998). Hence, the feminization of parties brought about by soft or hard quotas may not translate into evenly distributed resources and recognition.

A recent study on women in Catalan political parties shows that women across parties find that norms for expressing oneself in an authoritative manner in party reunions and when competing for party office disadvantage women. Consistent with a wide array of psychological and management research on the evaluation of women in the workplace (e.g. Heilman and Okimoto, 2007), research on women in politics reveals that expectations of assertiveness clash with traditional feminine gender norms and traps female party members in an impossible double bind: be feminine or be listened to. This in turn leads to constant insecurity and feeling of inappropriateness inside the party (Verge and La Fuente, 2014).

Research also shows that in various contexts such as India, the UK, Scotland, Catalonia and France, gendered rituals (e.g. late and long hours meetings, gender segregation of portfolios), "over-surveillance" of women's performance by party colleagues, informal sanctions when women display ambition (e.g. absence of support for campaign) and informal networks excluding women (late hours and/or male only sociability) impact adversely on women's careers inside political parties (Kenny, 2013; Observatoire Parité, 2012; Puwar, 2004; Verge and La Fuente, 2014). It deters them from actively seeking nomination or re-election and leads to higher turnover of female elected representatives. A recent study reveals that women's careers in European regional parliaments (Catalonia, Saxony, Scotland, Flanders and Wallonia) are considerably shorter than those of their male peers (Vanlangenakker et al. 2013).

A high turnover of female politicians has wide implications: women tend to have shorter political careers, they cannot accumulate experience and mandates and cannot reach the highest spheres of decision making and influence in the same numbers as men. The higher risk of not being re-elected also adversely affects women's pensions rights as representatives and imply much more the need to re-integrate into the labour market after the end of their careers. High turnover also means that women who face inimical party culture do not have the resources to challenge and change informal rules and party culture. Finally research also shows that LEQ do not automatically lead to equal resources for female and male candidates. Indeed, in Belgium, despite the efficient implementation of LEQ, women candidates (for senatorial elections in the Flemish region) obtain worst average positions on lists than men, and inferior campaign expenses (Wauters et al. 2014).



## 4. OPPORTUNITIES FOR WOMEN'S PARTICIPATION IN POLITICAL AND ECONOMIC DECISION MAKING

### KEY FINDINGS

- Momentum has built in Europe for action by EU institutions to promote gender quotas in political and economic decision-making.
- The EU is a crucial actor to help sustain women's networks mobilizing for gender balance in decision making and expertise on gender equality.
- Following recommendation from the Council of Europe, reforms in gender quotas should be articulated with reforms on paternity leave and gender equality monitoring.
- Complementary measures can help boost quotas' effectiveness and contribute to greater gender equality.

### 4.1 A momentum for action at the European level

Since former Commissioner Viviane Reding's proposal and the adoption by a large majority of the European Parliament (on November 20<sup>th</sup> 2013) of a 40% CBQ that would apply to non-executive board members of EU-listed companies in first reading, the case for CBQ has further increased. The success of both French and Norwegian CBQ show that the pool of competent women exists and that CBQ spur companies to diversify their boards. Positive feedback from French large and medium-sized companies shows that the CBQ is perceived as an opportunity to renew the board with younger and more internationally versed members.

While the German Government opposed the proposal, today the German landscape looks different. On September 21, 2012, the Bundesrat proposed a federal law that would require 20% women on corporate boards by 2018 and 40% by 2023. The Bundesrat initiative includes heavy fines for noncompliance such as tax increases and public disclosure. New legislation, with a probable CBQ around 30% is expected to be adopted by the end of 2014.

To fully seize the opportunity related to the European Commission's proposal, it should be amended to include as well that CBQs should also apply to executive board members. Furthermore, the future EU Directive should also include the obligation for enterprises to establish a gender equality plan to be regularly reviewed by the board. By means of example, the 2011 French law instituting CBQ regulates that each year progress should be monitored regarding the nomination of board members and gender equality at large in the company (hiring, promotion, salaries etc.). Boards, soon to be gender-balanced, are to review annually the plan and monitor progress. This mechanism may be an effective means to induce a trickle-down effect of CBQ, from the board to top and middle management.

With respect to the political sphere, unfortunately, the negotiations on the revised Regulation governing political parties at European level and the rules regarding their

funding<sup>13</sup>, will not oblige European political parties to establish rules on the "promotion of gender balance in its general assembly, in its governing bodies and in the composition of electoral lists" as proposed by the Committee on Constitutional Affairs. As this Regulation is also connected to a new act on the financing of political parties, this can be regarded as a missed opportunity to establish hard rules on gender balance in political parties on the European level.

## 4.2 A central role for EU institutions

Equality between men and women is one of the founding principles of the EU since the Treaty of Rome. EU's commitment to gender equality has been strengthened with various instruments referring in particular to women's participation in decision-making.<sup>14</sup> EU anti-discrimination directive and the subsequent creation of Equality bodies at the national level have been of crucial importance to put upgrade gender equality legislations and monitor progress.

Research has shown that women's mobilization is key in the adoption of VPQ and LEQ (Lépinard 2007, Antic Gaber 2011). The EU's role in these mobilizations has been influential in many countries that have passed gender quota laws, including Spain, Belgium, France, Slovenia and Poland. Indeed, in all these countries, women's activists advocating for women's access to decision-making used European soft law and normative discourse in favour of gender equality and gender balance to influence national political elites and the wider public.

Financial support for women's rights/human rights organization in the framework of the Rights and Citizenship Programme 2014-2020 is of particular import in Eastern European countries and has proved instrumental in Slovenia and Poland, two countries with gender quota laws. In countries such as Poland, support from the EU has also led to the participation as experts of members from women's rights NGOs in government programs (Sledzinska-Simon and Bodnar, 2014).

Furthermore, the European political sphere is a crucial space to influence political parties and diffuse good practices. The 50/50 campaign for gender balance in the 2014 European Election, co-sponsored by the European Women's Lobby and various European political parties is a good example of coordinated action at the European level to encourage a 'contagion effect' (increasing the number of women candidates) between parties.

Finally, support from the EU also comes in the form of expertise on gender equality and data collection. The existence of the European Institute for Gender Equality and the financing of expert networks appear crucial in promoting gender balance in decision-making.

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<sup>13</sup> See OEIL, European Parliament website, procedure 2012/0237 (COD): first reading agreement of 16/4/2014 on the Regulation of the European Parliament and the Council on the statute and funding of European political parties and European political foundations, repealing Regulation (EC) No 2004/2003.

<sup>14</sup> The European Commission sponsored and expert network on gender balance in decision-making (1991-1996), and in its Road Map for Equality between Women and Men (2006-2009) equal participation in politics is listed as a top priority. In March 2010 the Commission adopted the Women's Charter, which stresses again the importance of gender balance in decision-making. The Commission's Strategy for Equality 2010-2015 also targets decision-making (see also note 1 p. 8).

### 4.3 Articulating gender-balance and diversity

Efforts towards gender-balance in decision-making should not be perceived as contradictory with efforts towards more diverse and more representative decision-making bodies. Indeed, research shows that demand for gender representation may encourage demand for the representation of other historically disadvantaged groups (e.g. in Belgium or the Netherlands, see Celis and Erzeel 2013) and that gender quotas can be particularly beneficial for minority women.

## 5. THREATS TO WOMEN'S PARTICIPATION IN POLITICAL AND ECONOMIC DECISION MAKING

### KEY FINDINGS

- Gender Quotas saw setbacks in some Member States through rulings of Constitutional Courts which adopted a narrow interpretation of the principle of gender equality.
- The ECJ ruling on positive action imposes strict conditions to the implementation and scope of gender quotas.
- Setbacks with respect to women's participation in political and economic decision making is perceptible in countries where parties that put gender equality into question are on the rise.

### 5.1 High Courts: allies or enemies?

#### 5.1.1 Constitutional principle of equality and LEQ

In several countries, such as Austria, Italy, France or Slovenia, Constitutional Courts initially opposed positive action in the form of LEQ on the ground that they contradict the principle of equal treatment before the law. In all these cases, a constitutional revision was necessary to make the adoption of gender quota schemes possible. In the UK a decision by a lower court invalidated the Labour AWS in 1996, which led to a new legislation, the 2001 Sex Discrimination (Election candidates) bill in 2001 to allow them.

These cases show that the principle of a positive action, in the form of a quota or a preferential treatment for the under-represented group, is still often perceived as contradictory with the principle of individual equal treatment. Oppositions from the Courts lead to substantial delays in implementing effective mechanisms to redress gender balance in political decision-making. For example, in France the 1982 decision striking down quotas invalidated them until 1999.

With respect to European Conventions and Treaties, the situation seems to have stabilized with regard to LEQ. In 1998, the Labour UK government was still uncertain if amending the Registration of Political Parties Act to make AWS legal would not be challenged under EU law or the European Convention on Human Rights (in particular Article 14 on equal

treatment and Article 3 to the First Protocol on Free elections covering the right to stand as candidates). However, today, in particular since France adopted parity laws in 2000, it seems 'politically impossible' for the ECJ or the ECtHR to overturn LEQ (Russell 2001).

### 5.1.2 The ECJ and positive action: CBO and PBO under strict scrutiny

Although the 1976 Equal treatment for Men and Women Directive (76/207/EEC) already provided for a positive action clause (Article 2(4)) which stated that "measures aiming at removing existing inequalities which affect women's opportunities" were to be allowed, the ECJ was initially reluctant to interpret this clause in a broad manner. In 1988<sup>15</sup> and 1995<sup>16</sup>, it struck down positive action schemes. In particular in the 1995 Kalanke case, the Court considered that the individual right to equal treatment of the plaintiff was denied because the German Land of Bremen was giving an absolute and unconditional preference to equally qualified women. The Court stated that this preference, introduced with the objective to reach equal representation at all levels within a department, was going beyond equal opportunities and was unacceptable.

This decision led to a change in the EU treaty with a new provision included in 1997 in the Amsterdam Treaty to allow for "measures providing for specific advantages in order to make it easier for the under-represented sex to pursue vocational activity or to prevent or compensate for disadvantages in professional careers".<sup>17</sup>

Taking into account the new Treaty provision, the ECJ's subsequent jurisprudence allowed positive action schemes for women in employment/training but always with strict cumulative conditions: 1/ there are fewer women than men in the relevant post, 2/both female and male candidates are equally qualified, 3/the application of each male candidate is subject to an individual assessment using criteria that must not discriminate against women and 4/ priority is not automatic and unconditional (Oliveira and Gondek 2014).

This jurisprudence is relevant for PBO as well as for CBO since employment as a board member falls into the domain of competence of the ECJ.<sup>18</sup> Oliveira and Gondek argue that the 2013 European Commission proposal of CBO could successfully pass the ECJ review because of its careful wording and provisions as well as the general political context in which several EU member states have already adopted CBOs (Oliveira and Gondek, 2014).

## 5.2 Women's political and economic participation put into question

Across Europe today, some parties put women's rights and gender equality into question. When these parties enter parliaments, women may lose seats. In Sweden, the entrance to the Parliament of the Swedish Democrats explains a decrease in women's numbers. Similarly, in Iceland, a shift to a conservative majority has also seen a decrease in the number of women (Freidenvall 2013).

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<sup>15</sup> Case C-312/86 Commission v. France

<sup>16</sup> Case C-540/93 Kalanke, [1995] ECR I-3051.

<sup>17</sup> Article 141(4) of the Treaty establishing the European Community, renumbered 157(4) in the TFEU

<sup>18</sup> Case C-232/09 Danosa [2010] ECR I-11405, paragraphs 66 to 69

In Poland, France and Italy, the diffusion and prevalence of a contentious debate on 'gender theory' or 'gender ideology' could be detrimental to women's participation in political and economic decision-making. Indeed, movements close to the Catholic Church in these three countries have vocally opposed reforms in favour of women's rights and same-sex marriage as well as government initiatives in the domain of education to promote gender equality. In Poland, the association of gender quotas with 'gender ideology' has the potential to stall the process of increasing women's participation in decision-making bodies (Sierakowski 2014, Sledzinska-Simon and Bodnar 2014).

It is therefore important that the European institutions continue to promote equality between men and women as one of their founding values and principles. The Commission will be called upon to closely follow-up the implementation of European anti-discrimination law and to enhance the creation of the appropriate institutional mechanisms in the Member States in accordance with the recent study published by EIGE to ensure the realisation of gender equality in decision-making.

## 6. CONCLUSIONS AND RECOMMENDATIONS

### 6.1 Conclusions

1. Gender quotas have become the preferred tool at the global level and in Europe to improve women's participation in political and economic decision-making.
2. Numerous international and European recommendations and soft laws support the use of gender quotas.
3. Initially implemented in politics, gender quotas are now used to promote women's participation in other types of institutions such as public administration, corporate boards, universities, etc. Gender quotas are and can be applied to a wide range of decision-making bodies.
4. However, important disparities persist between quota types, in their modalities of implementation, and in their efficiency across political parties, countries and regions. In particular VPO show wide disparities between left-wing and right-wing parties.
5. Other measures can help to increase women's participation in decision-making bodies but they have proven to be less effective than quotas.
6. Legislated gender quotas are an efficient tool to increase women's presence in decision-making bodies when sanctions are an integral part of the legislation. Where no gender quotas are in place the situation of women in decision-making bodies is unlikely to evolve positively.
7. Soft LEQ (with no sanctions) are not efficient. 'Comply or explain' rules which aim at encouraging companies to nominate more women on their boards (Spain, Denmark, Poland) do not work efficiently
8. Gender quotas are an efficient tool to break the glass ceiling, to combat gender discrimination and to diversify decision-making bodies.
9. Gender quotas lead to important public debates about good governance, gender equality and democracy. They contribute to placing gender equality issues on the political agenda and to monitoring gender inequalities.
10. Gender quotas can lead to a strengthening of legal norms regarding gender equality.

11. However, gender quotas do not challenge informal rules that perpetuate gender inequalities inside institutions. Women's presence in decision-making bodies does not equal women's effective participation in these bodies.
12. While women need more encouragement to run for office, they receive less.
13. Other complementary measures are needed to ensure that women's participation in decision-making bodies leads to positive changes with respect to structural gender inequalities.
14. Momentum has built in Europe for action by EU institutions to promote gender quotas in political and economic decision-making.
15. The EU is a crucial actor to promote the adoption of positive action for women in decision-making, including quota, to help sustain women's networks mobilizing for gender balance in decision making and to provide expertise on gender equality.
16. Following recommendation from the Council of Europe, reforms in gender quotas should be articulated with reforms on paternity leave and gender equality monitoring.
17. Constitutional Courts sometimes pose obstacles to gender quotas by adopting a narrow interpretation of the principle of gender equality.
18. Setbacks with respect to women's participation in political and economic decision making is perceptible in countries where parties that put gender equality into question are on the rise.

## 6.2 Recommendations

The European Parliament should:

1. Continue to raise awareness about women's under-representation in decision-making bodies and encourage the adoption of strategies and action plans including gender quotas mechanisms.
2. Encourage the further entrenchment of positive action in EU treaties.
3. Initiate discussions on action plans with national parliaments regarding the adoption of LEQ (designed with a minimum threshold of 40%, a PM and including sanctions for non-compliance).
4. Promote the adoption of a 40% VPO by political parties for their inner decision making bodies and their candidate lists.
5. Promote the adoption by political parties of gender equality as a founding principle in their inner constitution.
6. Encourage national parliaments to:
  - a. Reform national legislations to make political party registration dependent on the adoption of a gender equality clause in parties' statutes.
  - b. Adopt pension schemes for political representatives which take into account differences between female and male office holders.
  - c. Adopt maternity/parental/sickness leaves and make available day-care facilities for political representatives.
  - d. Take into account the differences of male and female members of parliament regarding measures for the return to the job market after the end of a political mandate.

- e. Regulate and monitor gender balance in media coverage of electoral campaign.
- f. Develop through public financing rules outreach and capacity building for women in political parties, including gender training.
7. Call upon Member States to support the proposal of the Commission on Women on Boards and to enter into negotiations with the European Parliament on their first reading, go beyond the proposal and extend the application of CBQs to executive members of boards as well;
8. In the meantime, continue to monitor and promote the adoption of gender quotas in economic decision-making in general and .
9. Cooperate with the Commission and the Council to develop strategies, instruments and programs to complement gender quotas to promote women's participation in decision-making, such as outreach, training, and capacity building.

The European Commission should:

1. Continue to cooperate with the Council and the EP for the adoption of the proposed Directive; explore the possibility to extend the proposal to cover also executive board members of publicly listed companies..
2. Provide guidance to the Member States and third parties on how to set up quota systems that are in line with ECJ case law.
3. Cooperate with EIGE regarding continuing monitoring of gender equality in decision-making in the 28 member states.
4. Provide EIGE with additional resources to develop indicators regarding gender equality in decision-making and to coordinate in-depth studies of 1/resistances to women's participation in decision-making and 2/ the implementation of gender quotas where they exist and, 3/ the persistence of informal gendered rules.
5. Continue to stress the importance of positive action as a necessary complement to the principle of equal treatment.

The Council should:

1. Propose in its reading of the Women on Boards Directive to extend the application of the Directive also to executive Board Members; introduce for the same companies an obligation to set up a gender equality plan and a compulsory annual gender equality report to the board, in order to monitor progress with gender balance on the board and in all levels of management inside the company.
2. Renew its commitment to positive action and a harmonized approach to positive action across EU member states.

Political parties' leadership in Europe should assume their important role for the advancement of women in political decision-making by:

1. Promoting the adoption of VPQ for their inner decision-making bodies and on candidate lists.
2. Encouraging women to assume political mandates and offices in- and outside political parties through outreach, training and capacity building.
3. Taking action to lower the turn-over for female elected representatives.
4. Collecting and publicize gendered data on party offices including campaign financing.



5. Developing women's networking and supporting women's groups affiliated to their parties.
6. Amending their Rules of Procedure to sanction sexist behavior and actively combat sexual harassment.

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## ANNEX

**Table 2: Women's representation in national parliaments in the 28 EU Member states**

Country	Women's representation (single/lower House)	Type of quota	Electoral system
Sweden	44.9% (2010)	VPQ	List PR
Finland	42.5% (2011)	--	List PR
Belgium	39.3 (2014)	LEQ	List PR
Denmark	39.1% (2011)	--	List PR
Netherlands	38.7% (2012)	VPQ	List PR
Spain	36.0 (2011)	LEQ	List PR
Germany	36.5% (2013)	VPQ	Mixed
Austria	33.3% (2013)	VPQ	List PR
Slovenia	32.2% (2011)	LEQ	List PR
Italy	31.4% (2013)	VPQ	List PR
Portugal	29.5% (2011)	LEQ	List PR
France	26.8% (2012)	LEQ	TRS
Latvia	26% (2014)	--	List PR
Bulgaria	24.6% (2013)	--	Mixed
Poland	24.3% (2011)	LEQ	List PR
Lithuania	24.1% (2012)	VPQ	Mixed
United Kingdom	22.6% (2010)	VPQ	FPTP
Luxemburg	21.6% (2013)	VPQ	List PR
Greece	21.0% (2012)	LEQ	List PR
Czech Republic	19.5% (2013)	VPQ	List PR
Estonia	19.0% (2011)	--	List PR
Slovakia	18.7% (2012)	VPQ	List PR
Ireland	15.1% (2011)	LEQ*	STV
Malta	14.3% (2013)	VPQ	STV
Romania	13.3% (2012)	VPQ	Mixed

Cyprus	10.7% (2011)	VPQ	List PR
Hungary	9.5% (2014)	VPQ	Mixed

**Source:** Interparliamentary Union (2014) accessed at [www.ipu.org/wmn-f/world.htm](http://www.ipu.org/wmn-f/world.htm). And [www.quotaproject.org](http://www.quotaproject.org) for election data. Freidenvall 2013 for electoral systems and quota systems.

\*Ireland will apply its LEQ only in 2016

FPTP= First past the post / List PR= proportional representation system with party lists including several candidates / Mixed: combination of List PR and single-member electoral districts / STV= Single Transferable Vote / TRS= Two-Round System. See IDEA Glossary of terms (<http://www.idea.int/esd/glossary.cfm>)

**Table 3: Women on corporate boards of publicly listed companies**

Region/Country	Year	CBQ	%
EU 28	2013	--	17.8% (610 largest publicly listed companies)
United States	2013	No	16.9% (Fortune 500)
Norway	2013	Yes (40%) since 2008	40.5% (all public limited companies)
France	2014	Yes Full implementation (40%) in 2017	30% (Big-Caps > 1 billion €) 24.9% (Mid-Caps > 150 million €)
Sweden	2014	No	27.0%
Finland	2014	Yes (40% for State owned companies)	26.8%
Germany	2012	No (only incentives)	19.7% (supervisory boards DAX 30) 7.8% (managing boards DAX 30)
Denmark	2013	Yes Self-defined target in a 4 year period but no sanction for non-compliance	19.3% for all publicly listed companies 12.8% for largest companies
Netherlands	2014	Yes Full implementation (30%) in 2016	17%
Spain	2013	Yes Full implementation (40%) in 2015 But no sanction	15.9% (publicly listed companies) 29.5% (companies with state participation)

United Kingdom	2012	No	15% (FTSE 100 boards)
Austria	2014	Yes Full implementation (45%) in 2018 for companies owned (50%+) by the state	11.3%
Belgium	2014	Yes Full implementation (1/3) in 2018	9.2%
Italy	2014	Yes Full implementation (33%) in 2015 for companies with public participation / ownership	8.2%
Ireland	2014	Yes 40% for state owned companies, no sanctions	8.7%

**Sources:** Catalyst ([www.catalyst.org/knowledge/women-boards](http://www.catalyst.org/knowledge/women-boards)), Statistics Norway (Norway), [www.flexi-quote.de](http://www.flexi-quote.de) (Germany), Informa 2014 (Spain), *Observatoire de la parité dans les conseils d'administration*, chair in governance, Burgundy Business School (France), *Gender balance on corporate boards - Europe is cracking the glass ceiling*, European Commission, Brussels, March 2014 (with data of October 2013 covering 610 of the largest publicly listed companies from the 28 Member States): [http://ec.europa.eu/justice/gender-equality/files/documents/140303\\_factsheet\\_wob\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/documents/140303_factsheet_wob_en.pdf) (EU28), *Fortune 500* <http://www.catalyst.org/media/catalyst-2013-census-fortune-500-still-no-progress-after-years-no-progress> (United States). Data on CBQ modalities from Sylvia Walby, 2013.



# DIGNITY, INTEGRITY AND THE ELIMINATION OF VIOLENCE AGAINST WOMEN

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## Abstract

Upon request by the FEMM Committee, this report examines the current situation with respect to the extent of violence against women, its causes and risk factors. It continues by considering EU and international obligations and actions to eliminate violence against women and assist victims before drawing conclusions on strengths, weaknesses and opportunities for action in the coming years. It also addresses the particular situation of Roma women and women with disabilities.

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## EXECUTIVE SUMMARY

Equality between men and women is a fundamental principle of EU law that applies to all aspects of our lives. At the same time violence against women is a reflection of the inequalities between men and women and an obstacle to achieving the aim of equality and a violation of a woman's fundamental rights.

At the international, EU and Member State level there exists a strong commitment to prevent violence against women, to protect and support victims and to prosecute the perpetrators.

Despite this, violence remains pervasive in our societies. Over 60 million women have experienced physical or sexual violence since the age of 15 with a staggering 103 million having experienced sexual harassment. In a 12 month period alone, 13 million women were victims of physical violence and almost 4 million of sexual violence<sup>2</sup>.

Since 1979 and the adoption of the UN Convention on the elimination of all forms of discrimination against (CEDAW), legislation and declarations have been adopted on numerous aspects of the issue at all levels. Legislative commitments exist in particular through the Beijing Platform for Action and the Council of Europe Convention on preventing and combating violence against women and domestic violence (which has now entered into force). Area specific EU legislation exists with respect to certain crimes such as human trafficking and sexual exploitation of children, with respect to the rights of victims of crime and with respect to protection measures.

Together, these measures have established broad principles and obligations to eliminate violence against women.

However, evidence suggests that improvements are required. Concerns are raised over the lack of a co-ordinated and coherent set of policies – something essential in a field covering all aspects of society, economy and justice. Furthermore, action has arguably

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<sup>2</sup> Fundamental Rights Agency (2014), 'Violence against women: an EU-wide survey': <http://fra.europa.eu/en/publication/2014/vaw-survey-main-results>.

been too focused on a limited number of issues such as domestic violence or human trafficking, at the expense of numerous other relevant crimes and vulnerable groups. Finally, despite various commitments, the level and quality of implementation is highly variable. This situation is driven or exacerbated by insufficient structural, process and outcome indicators, a lack of targets or minimum standards, a lack of detailed, consistent and comparable data across the EU, and insufficient monitoring of all violence against women commitments.

With the 2010-2015 Gender Equality Strategy, the Beijing Platform for Action due for its 20 year evaluation and with Member States due to implement a range of EU legislation relevant to violence against women, the coming two years provide an important opportunity to regain the momentum and to develop a clear vision for how the EU should help Member States eliminate violence against women.

Such action should be driven through the adoption by the European Commission of an EU Strategy on the elimination of violence against women. This should set the course for comprehensive policy development in the area covering all aspects of the issue, taking into account the specific needs of vulnerable groups such as Romani women and women with disabilities.

It should begin the process of developing a core set of indicators of success and corresponding targets for the Member States and reach agreement on them. Of course, such agreement will be politically extremely difficult but it has been achieved for a wide range of issues already including on poverty reduction. There is no reason why it should not be attempted here either.

This work should feed into the development of a Decision on the collection of crime statistics which includes a focus on violence against women. It should also lead to agreement with the Member States on their collection of the most important data relevant to the indicators.

These commitments should ultimately be subject to an ongoing, annual monitoring exercise to assess implementation of Member States, appraise current priorities and consider where future changes should be made.

## INTRODUCTION

Equality between men and women is a fundamental principle of EU law that applies to all aspects of citizens' lives. It is one of the European Union's (EU) founding principles with policies on gender equality having been drawn up since the creation of the European Economic Community in 1957 with the Treaty of Rome.

At the same time, 'violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement<sup>3</sup>.'

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<sup>3</sup> Beijing Declaration and Platform for Action, Fourth World Conference on Women, 15 September 1995: <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>.

It is thus a reflection of the inequalities between men and women and, as the Beijing Platform for Action (BPfA) states, 'Violence against women is an obstacle to the achievement of the objectives of equality, development and peace'. It is therefore no surprise that its elimination has been, since the adoption of the BPfA in 1995 and in all subsequent EU and international strategies on gender equality, a key priority in achieving equality.

Gender based violence (GBV) is pervasive and has no boundaries. It exists in all Member States. Women from across all social, educational, economic, religious, ethnic, linguistic, physical and other groupings are subject to gender based violence. The perpetrators – primarily men – equally come from all backgrounds. It is not committed by a specific or limited type of group. Addressing violence against women, therefore requires concerted, co-ordinated and prolonged actions.

## 2010-2014 Gender Equality – Focus on violence against women

The 2010-2014 Gender Equality Strategy contains five priority areas for EU action including on dignity and integrity which encompasses violence against women. In this respect, the Strategy points out inequalities caused by violence against women, gender-specific health risks and diseases, and specific issues arising in the area of asylum. Accordingly, the Commission commits in the Strategy to the adoption of an EU-wide strategy on combating violence against women, to ensuring that EU asylum legislation takes gender equality considerations into account, and draw up a Men's Health report.

In the staff working document accompanying the Strategy<sup>4</sup>, the Commission additionally commits to:

- Launching a Europe-wide awareness-raising campaign on gender-based violence.
- Supporting projects and NGOs to their efforts to eradicate gender based violence (DAPHNE III 2007-2013).
- Legislation on victims' rights.
- Exploring the options to eradicate female genital mutilation in the EU, including by means of criminal law.
- Exchanging information and best practice on Member State actions to combat exploitation, violence and abuse against women with disabilities through the Disability High Level Group.

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<sup>4</sup> Actions to implement the Strategy for Equality between Women and Men 2010-2015 SEC(2010)1079/2: [http://www.google.de/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCMOQfJAA&url=http%3A%2F%2Fec.europa.eu%2Fsocial%2FBlobServlet%3FdocId%3D5776%26langId%3Den&ei=rqn2U\\_OIIKIOKesgdgC&usg=AFQjCNH4UDnIABMoESauxHZzmDzNQkht\\_w&bvm=bv.73231344,d.ZWU](http://www.google.de/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCMOQfJAA&url=http%3A%2F%2Fec.europa.eu%2Fsocial%2FBlobServlet%3FdocId%3D5776%26langId%3Den&ei=rqn2U_OIIKIOKesgdgC&usg=AFQjCNH4UDnIABMoESauxHZzmDzNQkht_w&bvm=bv.73231344,d.ZWU).

## 1. BACKGROUND TO GENDER BASED VIOLENCE

### KEY FINDINGS

- Gender based violence is defined as violence that is directed against a person because of that person's gender and affects persons of a particular gender disproportionately.
- A range of violent acts have been specifically identified as being gender based including domestic violence, sexual violence, trafficking in human beings and stalking.
- It is rooted in gender inequalities and thus requires change at the social, cultural, familial and individual level, and in all sectors of policy.
- Data is fundamental to developing effective, evidence based policies but is severely lacking despite commitments by the Member States to collect it.
- The survey of the Fundamental Rights Agency indicates that in a 12 month period, 13 million women were victims of physical violence, 3.7 million of sexual violence, and 9 million of stalking.
- Factors which increase the likelihood of violence against women and reduce their ability to escape violence can be particularly high amongst some groups such as Romani women and women with disabilities. Yet, actions to improve the situation of these women tends to focus on other policy areas.

### 1.1. What is gender based violence?

Definition: Gender based violence is described in EU legislation<sup>5</sup> 'as violence that is directed against a person because of that person's gender (including gender identity/expression) or as violence that affects persons of a particular gender disproportionately'<sup>6</sup>.

### 1.2. What types of violence are considered as gender based?

GBV covers all forms of violence having a gendered perspective. However, some forms of violence are specifically recognised as disproportionately affecting women or being committed against women because of their gender. Key international agreements and declarations such as the BPfA, Council of Europe Recommendation (2002)<sup>5</sup>, the Council of Europe Convention on preventing and combating violence against women and domestic

<sup>5</sup> Recital 17 of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime.

<sup>6</sup> NB: In providing this definition, the EU has largely followed the approach of international agreements whilst also going beyond them in recognising gender identity and gender expression. At the same time, it has remained gender neutral in referring to persons and not women.

violence (The Istanbul Convention) and EPSCO Council Conclusions refer to *inter alia* the following specific types of violence:

- Violence in close relationships (domestic violence);
- Sexual violence including rape;
- Trafficking in human beings and slavery;
- Sexual exploitation;
- Psychological violence;
- Stalking;
- Physical violence;
- Forced and early marriage;
- Female genital mutilation;
- Forced abortion and forced sterilisation;
- So called honour crimes;
- On-line harassment and sexual abuse.

### Box 1: A specific focus on trafficking of women

Globally, almost 21 million people are estimated to be victims of trafficking in human beings (THB)<sup>7</sup>. The 2012 *Global Report of UNODC*<sup>8</sup> states that between 2007 and 2010, women constituted between 55 and 60% of victims of trafficking in persons detected globally. According to EUROSTAT and UNODC data, THB for sexual exploitation is the most reported form of exploitation of victims (58%) and affects an overwhelming proportion of women (96% women and girls)<sup>9</sup>.

Trafficking in human beings is a highly **gendered phenomenon** throughout the whole cycle of trafficking, from the root causes that make victims vulnerable and the gender dimensions of demand and supply, to the gendered law, policy and institutional responses for addressing trafficking in human beings.

Trafficking of women and girls has been recognised by various international bodies as a **form of violence against women**<sup>10</sup>. The Council of Europe Convention on preventing and combating violence against women and domestic violence also refers in its preamble

<sup>7</sup> The ILO Global Estimate of Forced Labour (2012) is available at [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_182004.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182004.pdf).

<sup>8</sup> UNODC, Global report on trafficking in persons, 2012: [http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking\\_in\\_Persons\\_2012\\_web.pdf](http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf).

<sup>9</sup> EUROSTAT, Trafficking in human beings 2013 edition, April 2013 and ILO, ILO Global Estimate of Forced Labour, Results and methodology, 2012, UNODC, Global Report on Trafficking in persons, 2012

<sup>10</sup> See UN Committee on the Elimination of Discrimination Against Women (CEDAW), CEDAW General Recommendations No. 19, adopted at the Eleventh Session, 1992 (contained in Document A/47/38), 1992, A/47/3, Art. 6, para. 14; UN General Assembly, World Conference on Human Rights, Vienna Declaration and Programme of Action, Vienna, 14-25 June 1993 (A/CONF.157/24), para. 18 ; UN, Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women, 27 October 1995 (A/CONF.177/20/Rev.1), para. 100; UN General Assembly, In-depth study on all forms of violence against women, Report of the Secretary General, 61<sup>st</sup> Session (A/61/122/Add.1), para. 5.



to the CoE Trafficking Convention thereby bringing human trafficking within the scope of violence against women<sup>11</sup>.

Victims of trafficking in human beings are often recruited, transported, transferred or harboured by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability for the purpose of exploitation. It is rooted in numerous vulnerabilities linked to poverty, gender inequality, lack of employment and lack of access to education.

On the **supply side**, the **factors contributing to women's vulnerability** have been found to include factors such as:

- Unequal access to education that limits women's opportunities to increase their earnings in more skilled occupations;
- Lack of legitimate and fulfilling employment opportunities particularly in rural communities;
- Sex-selective migration policies and restrictive emigration policies/laws, instituted often as a "protective" measure, limit women's legitimate migration. Most legal channels of migration offer opportunities in typically male-dominated sectors (construction and agriculture work);
- Less access to information on migration/job opportunities, recruitment channels, and a greater lack of awareness of the risks of migration compared to men;
- Disruption of support systems due to natural and human created catastrophes; and
- Traditional community attitudes and practices, which tolerate violence against women.<sup>12</sup>

On the **demand side**, according to UNIFEM<sup>13</sup>, the major factors include:

- The growth of the billion-dollar sex and entertainment industry, tolerated as a 'necessary evil' while women in prostitution are criminalised and discriminated against;
- The low risk - high profit nature of trafficking encouraged by a lack of will on the part of enforcement agencies to prosecute traffickers (which includes owners/managers of institutions into which persons are trafficked);
- The ease in controlling and manipulating vulnerable women;
- Lack of access to legal redress or remedies, for victims of traffickers; and
- Devaluation of women and children's human rights.

<sup>11</sup> Council of Europe, Council of Europe Convention on preventing and combating violence against women and domestic violence, May 2011.

<sup>12</sup> "Trafficking in Persons: a Gender and Rights Perspective", The United Nations Development Fund for Women (UNIFEM-East and Southeast Asia Regional Office, Bangkok) and the United Nations Inter-agency Project on Human Trafficking in the Mekong Sub-region, available at [http://www.unrol.org/files/traffkit\\_eng.pdf](http://www.unrol.org/files/traffkit_eng.pdf).

<sup>13</sup> "Trafficking in Persons: a Gender and Rights Perspective", The United Nations Development Fund for Women (UNIFEM-East and Southeast Asia Regional Office, Bangkok) and the United Nations Inter-agency Project on Human Trafficking in the Mekong Sub-region, available at [http://www.unrol.org/files/traffkit\\_eng.pdf](http://www.unrol.org/files/traffkit_eng.pdf).



The EU has recognised the gender dimension to trafficking in its policy response. **Directive 2011/36/EU** on preventing and combating trafficking in human beings and protecting its victims adopts a gender sensitive approach and urges MS to adopt a gender perspective in measures to tackle THB. In June 2012, the European Commission adopted the **EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)** setting as a priority developing knowledge relating to the gender dimension of trafficking and vulnerable groups.

There is a gap in the understanding of trends and patterns of THB from a gender perspective. Recognising this, the European Parliament called upon the Commission to undertake research to further understand trends on patterns of THB for sexual exploitation and to identify best practices<sup>14</sup>. In response to this recommendation, DG HOME is tendering a study on the gender dimension of trafficking in human beings<sup>15</sup>. Further policy development should rely on such a study, including in the development of guidelines or other support for Member States particularly in implementing Directive 2011/36/EU to ensure that effective gender sensitive responses are in place regarding the different forms of trafficking.

### 1.3. Data on the extent of violence against women

The collection, dissemination, and analysis of data is fundamental to developing effective, evidence based policies. It is crucial to identifying problems, and understanding the causes and drivers of those problems. It is necessary to determine the most appropriate practical, legal and policy responses and to establishing whether those actions have achieved their objectives and are efficient and effective. It is fundamental to the monitoring of national and international commitments to action. Completing the policy cycle, data ultimately allows for a reassessment of existing policies to determine future action – either new or adjustments to existing policies.

The importance of data collection in policy making, including with respect to violence against women, is **well recognised** and has been acknowledged in relevant international instruments and policy assessments as well as by the EU institutions and the Member States – most recently in June 2014 in the JHA Council conclusions on combating violence against women and girls. However, there has been limited work to examine across the board what data is required for the purposes of elimination of violence against women and which data should be prioritised for collection.

Despite this long standing position and repeated calls for the collection of data, there is **little detailed, consistent and comparable data** on violence against women and its numerous aspects across the EU. The lack of data is well recognised in international instruments, by the EU and by the Member States.

<sup>14</sup> Resolution of the European Parliament of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality (2013/2103(INI)).

<sup>15</sup> HOME/2013/ISEX/PR/041-A2

## Box 2: 5-6 June 2014 JHA Council Conclusions on "Preventing and combating all forms of violence against women and girls, including female genital mutilation"

The EU Member States have all committed to:

Improve the collection, analysis and dissemination at both national and EU level of comprehensive, comparable, reliable and regularly updated data on:

- violence against women (disaggregated by sex, age and victim-perpetrator relationship);
- the number of incidents reported by the victims and recorded by law enforcement authorities;
- the number of convictions; and
- the punishments handed down to offenders.

In addition to the above commitments, the Council of the EU in 2002 and 2004 focused on three indicators to be used when monitoring progress in the area of violence:

- **Indicator 1.** The number of female victims of domestic violence (subsequent sub-indicators include - profile of female victims; profile of male perpetrators; victim support; measures addressing the male perpetrator to end the cycle of violence; training of professionals; state measures to eliminate domestic violence against women; and evaluation;
- **Indicator 2.** The number of employees who report incidents of sexual harassment at the workplace, as a percentage of the total workforce;
- **Indicator 3.** The number of private and public enterprises which have a preventive policy regarding sexual harassment at the workplace, as a percentage of the total number of employers.

As the Swedish Presidency indicated 'The aim was to develop indicators that can facilitate an evaluation of the implementation of the Beijing PfA, as well as to promote the exchange of best practice, help evaluate the measures used (including policy measures), and facilitate awareness-raising initiatives regarding violence against women<sup>16</sup>'. Despite this positive progress, these indicators do not cover the full range of issues which need to be addressed in this field'. This approach tends to reflect Member States' **focus on domestic violence**. However, this should not be at the cost of other crimes. For example, reviews of national actions plans found that they were not comprehensive enough, for example, they had an undue emphasis on domestic violence at the expense of rape and other forms of sexual assault; there were vague general statements; an absence of indicators, monitoring and follow up is often noted; and lack of allocated budgets<sup>17</sup>.

<sup>16</sup> Beijing+15: The Platform for Action and the European Union – Report from the Swedish Presidency of the Council of the European Union: <http://eige.europa.eu/sites/default/files/Beijing+15-SE-report.pdf>.

<sup>17</sup> Hagemann-White, C. (2006), Combating violence against women: Stocktaking study on the measures and actions taken in Council of Europe member States. Council of Europe, Strasbourg, Directorate General of Human Rights; Kelly, L., et al (2011), Realising Rights: Case Studies on State Responses to Violence Against Women and Children in Europe. London: CWASU. [http://www.cwasu.org/displayauthorspublications.asp?author\\_key=1](http://www.cwasu.org/displayauthorspublications.asp?author_key=1).

### 1.3.1 Collecting data on violence against women

Data is obtained primarily through two different routes:

- Data collected through administrative processes such as crime statistics
- Population surveys

However, reliance on crime statistics is flawed due to significant under-reporting of these types of crimes. The most recent data published in 2014, has been obtained through the Fundamental Rights Agency (FRA) which surveyed 42,000 women across the EU<sup>18</sup>. Notably, it found that

- Only 33% of victims of partner violence and 25% of victims of non-partner violence contacted either the police or some other organisation following the most serious incident of violence (with only 14% and 13% respectively reporting the incident to the police). This means that the vast majority of these crimes were not reported.
- Moreover, three quarters (74 %) of stalking cases never come to the attention of the police;
- EU Member States reported only 9528 identified and presumed victims of trafficking in 2010, whilst in Italy alone, it has been estimated that around 40,000 victims are exploited for sexual exploitation.

Beyond the above difficulties in obtaining this basic data on the extent of violence, a wide range of problems arise with respect to definitions, collection methodologies, robustness of the data and having sufficient detail including of course disaggregation of data based on gender and on other relevant factors such as ethnic background.

Problems with respect to some types of EU wide data collection have been resolved through the use of EUROSTATS services. However, these services are most effective when specific EU legislation requires data reporting from the Member States to the European Commission. In the environmental field, for example this is very common e.g. with respect to waste statistics, waste shipments, packaging, end of life vehicles. This contrasts with EU Justice and Home Affairs legislation, where despite repeated efforts of the Commission and the European Parliament, Member States have refused to accept obligations in Directives and Regulations to collect statistics.

Recognising these difficulties, the Commission adopted in 2011 a proposed Regulation on European statistics on safety from crime<sup>19</sup>. That Regulation aimed to implement a household / personal survey in the European Union on specific types of crime (victimisation rates) and on other aspects relating to citizens' feelings of security. It did not, however, aim to impose requirements on Member States for the collection of certain statistics on crime. That proposal was ultimately rejected by the European Parliament due to a lack of focus on gender based violence.

To overcome the lack of data in the field of violence against women, the FRA recently carried out the above mentioned extensive survey of 42,000 women across the EU (the

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<sup>18</sup> Fundamental Rights Agency (2014), 'Violence against women: an EU-wide survey': <http://fra.europa.eu/en/publication/2014/vaw-survey-main-results>.

<sup>19</sup> COM(2011) 335 final: [http://www.europarl.europa.eu/registre/docs\\_autres\\_institutions/commission\\_europeenne/com/2011/0335/COM\\_COM\(2011\)0335\\_EN.pdf](http://www.europarl.europa.eu/registre/docs_autres_institutions/commission_europeenne/com/2011/0335/COM_COM(2011)0335_EN.pdf).

largest of its kind in the world). Based on that survey and wider sources, the tables below provide certain key data on the prevalence of violence against women in the EU.

**Table 1: Key findings: 2014 FRA Survey on violence against women**

<b>Within 12 months of the survey interview women have experienced:</b>	<b>Approximate number and proportion of women</b>
Physical violence	13 million i.e. 7% of women aged 18–74 years in the EU
Sexual violence	3.7 million i.e. 2% of women aged 18–74 years in the EU
Stalking	9 million i.e. 5%
<b>Since the age of 15, women have experienced:</b>	<b>Approximate number and proportion of women</b>
physical and/or sexual violence	62 million i.e. 33 %
Stalking	34 million i.e. 8 %
Sexual harassment	103 million i.e. 55%
Cyber harassment	21 million i.e. 11%

**Table 2: Data from other sources**

Trafficking in human beings	<p>No clear data are available. Various estimates have been made:</p> <p>The number of victims of forced labour, including forced sexual exploitation, estimated to be <b>20.9 million at a global level<sup>20</sup> at any given time.</b></p> <p>According to a UNODC Report<sup>21</sup>, about 120,000 women and children are trafficked every year through the Balkans alone (IOM estimate).</p> <p>Transcrime has estimated that in Italy alone, about 40,000 victims are exploited for sexual exploitation.</p>
Trafficking in the EU 28 – disaggregated by sex between 2008 and 2010 <sup>22</sup>	<p>Women account for 68 %, Girls for 12 %, Men for 17 %, </p>

<sup>20</sup> ILO Global Estimate of Forced Labour 2012: Results and Methodology, June 2012

<sup>21</sup> UNODC, Trafficking in Persons; Analysis on Europe, 2009, p8: [http://www.unodc.org/documents/human-trafficking/Trafficking\\_in\\_Persons\\_in\\_Europe\\_09.pdf](http://www.unodc.org/documents/human-trafficking/Trafficking_in_Persons_in_Europe_09.pdf).

<sup>22</sup> Eurostat: Trafficking in human beings 2013 edition; [http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2013/docs/20130415\\_thb\\_stats\\_report\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2013/docs/20130415_thb_stats_report_en.pdf)



	Boys for 3 % of total number of victims of human trafficking
Female Genital Mutilation	No reliable and comparable data on FGM at EU level. According to UNICEF <sup>23</sup> , more than <b>125 million women worldwide</b> are living with the consequences of FGM. In the EU, the figure of <b>500 000 victims</b> is commonly cited <sup>24</sup> .

#### 1.4. Drivers and risks of violence against women

In order to prevent violence against women, it is essential to understand its causes, the factors which increase the risk of its occurrence, and those factors which reduce it. According to the ecological model of violence against women, each case of violence will have its own specific and individual causes resulting from a **complex mix** of biological or individual factors, relationship factors, and community and social factors.

The **ecological model**<sup>25</sup> organises risk factors according to the following four levels of influence:

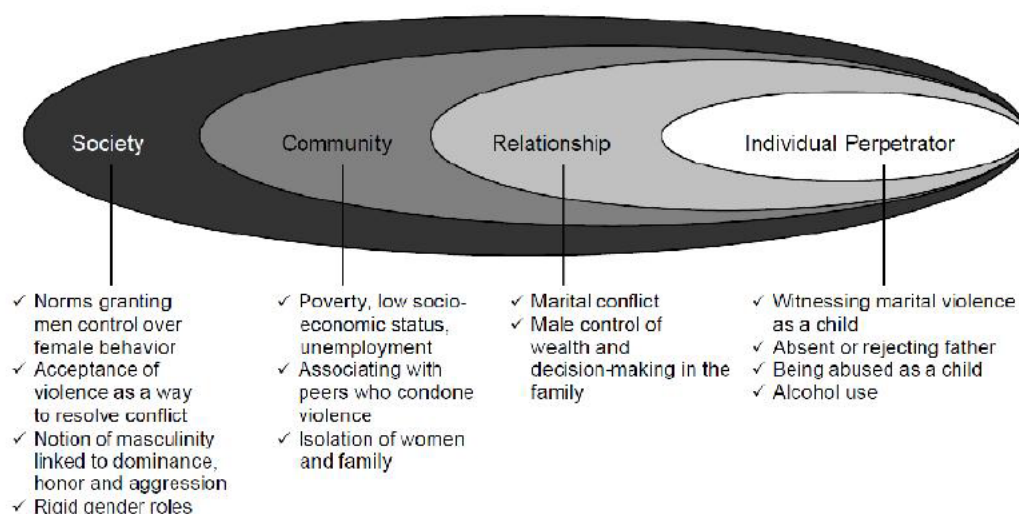
- **Individual:** includes biological and personal history factors that may increase the likelihood that an individual will become a victim or perpetrator of violence.
- **Relationship:** includes factors that increase risks as a result of relationships with peers, intimate partners and family members. These are a person's closest social circle and can shape their behaviour and range of experiences.
- **Community:** refers to the community contexts in which social relationships are embedded – such as schools, workplaces and neighbourhoods – and seeks to identify the characteristics of these settings that are associated with people becoming victims or perpetrators of intimate partner and sexual violence.
- **Societal:** includes the larger, macro-level factors that influence sexual and intimate partner violence such as gender inequality, religious or cultural belief systems, societal norms and economic or social policies that create or sustain gaps and tensions between groups of people.

Importantly and linked to the above factors, **structural inequalities** between women and men, social constructions of masculinity and gender norms are all risk factors for intimate partner and sexual violence. Justifications for violence are often based on gender norms, i.e. social norms about the proper roles and responsibilities of men and women. These cultural and social norms socialise males to be aggressive, powerful, unemotional, and controlling, and contribute to a social acceptance of men as dominant. Similarly, expectations of females as passive, nurturing, submissive, and emotional also reinforce women's roles as weak, powerless, and dependent upon men.

<sup>23</sup> UNICEF Female Genital Mutilation/Cutting: A Statistical Overview and Exploration of the Dynamics of Change, New York, 2013.

<sup>24</sup> European Parliament: *Resolution on ending female genital mutilation* from 16/06/2012 (2012/2684(RSP))

<sup>25</sup> World report on violence and health (Dahlberg & Krug, 2002).

**Figure 1: Visualisation of the ecological model of violence against women and examples of each factor**

**Source:** World Health Organization<sup>26</sup>

#### 1.4.1 Factors that increase the risk of violence against women

Whilst violence against women occurs in all areas of life, studies indicate that certain factors either increase a woman's vulnerability to violence or increase the likelihood that violence will be perpetrated. The table below provides examples of some of the key factors:

**Table 3: Factors increasing risk and vulnerability to violence**

	Factors increasing risk of perpetration	Factors increasing women's vulnerability
Individual or societal factors	Witnessing or experiencing abuse as a child	Witnessing or experiencing abuse as a child
	substance (including alcohol) abuse	women's membership in marginalised or excluded groups
	low levels of education	low levels of education
	limited economic opportunities	limited economic opportunities (including risk of domestic abuse, child and forced marriage, sexual exploitation and trafficking)
	attitudes and practices tolerating male violence	attitudes and practices reinforcing female subordination (e.g. dowry, child marriage)
	normalised use of violence within the family or society to address conflict	women's insecure access to and control over property and land rights

<sup>26</sup> Drawn from World Report on Violence and Health. Geneva, Switzerland: World Health Organization; 2002:1–56

	conflict and tension within an intimate partner relationship or marriage	male control over decision-making and assets
	the presence of economic, educational and employment disparities between men and women in an intimate relationship	lack of safe spaces for women and girls, which can be physical or virtual meeting spaces that allow free expression and communication
State response	lack of punishment (impunity) for perpetrators of violence	
	a limited legislative and policy framework for preventing and responding to violence	
	low levels of awareness among service providers, law enforcement and judicial actors lack of responsibility for the empowerment of women through the educational system, awareness raising campaigns, trainings of officials, etc.	

As can be seen, the range of inequalities that women face which result in e.g. lower employment rates, lower education and health outcomes etc. means that violence against women can only be effectively addressed through **social, cultural and individual change**.

Based on these factors, certain groups of women can be identified as particularly vulnerable to violence. The BPfA identifies the following groups as being particularly vulnerable:

- women belonging to minority groups
- indigenous women
- refugee and migrant women, including women migrant workers, displaced women, and repatriated women
- women in poverty living in rural or remote communities
- destitute women
- women in institutions or in detention
- female children
- women with disabilities
- elderly women
- women living in poverty and
- women in situations of armed conflict, foreign occupation, wars of aggression, civil wars, terrorism, including hostage-taking.

Of these groups, attention should be drawn to the situation of Roma women and women with disabilities. Women in these groups are often in situations which increase the likelihood that they will be subject to violence, whilst also finding it more difficult to escape such violence.



### 1.4.2 Specific focus on Roma women

As explained above, a range of factors increase a woman's vulnerability to violence, reduce their ability to escape this violence and increase the likelihood that violence will be carried out. With respect to Romani women, these risks often arise out of a combination of societal pressures and prejudices and the Romani communities' social organisation which together act as risk factors whilst also reducing Romani women's level of education, health, autonomy etc. and thus increasing vulnerability.

#### **Report for the European Parliament: Empowerment of Roma Women with the European Framework of National Roma Inclusion Strategies<sup>27</sup>:**

*'Prejudices and negative stereotypes on Roma are deeply rooted in Europe. The situation is even worse for women who suffer from severe forms of discrimination also within their own communities.'*

Romani women are especially affected due to multiple discrimination for being women within the patriarchal system and for being part of a largely stigmatised and socially excluded ethnic group. In particular, within Romani communities the patriarchal system is strong. Romani identities are interrelated with traditional gender roles. The result is the definition of social gendered roles which are especially limitative and restrictive for women<sup>28</sup>. The multiple risks faced by Romani women results in a much higher likelihood of their being subjected to violence

#### **Specific aspects of violence against women within Romani Communities**

According to the "Empow-air" project<sup>29</sup> several types of violence operate at the same time:

- Violence operates during the whole life time and it has enormous impact on women's lives.
- The first episode is not an isolated incident. It is normally the beginning of a long story of violence that increases in intensity and hardness.
- Violence takes place in both public and private spheres.
- Violence is exerted by intimate partners and by other family members.

In addition, within relationships and in the community, the violence is often justified, normalised, ignored or blamed on the woman. This makes it difficult for Romani women to identify and report the violence. The importance of family and community also makes it particularly difficult for women to come forward.

These factors combine with the reality that Roma women face challenges in terms of extreme poverty, discrimination and exclusion, resulting in lack of access to education, employment, social services and healthcare structures. Their situation exposes them to a higher risk of trafficking, prostitution, and exploitation, in addition to domestic violence.

<sup>27</sup> [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/493019/IPOL-FEMM\\_ET\(2013\)493019\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/493019/IPOL-FEMM_ET(2013)493019_EN.pdf).

<sup>28</sup> Surt Women's Foundation 'Tackling male violence against Romani women: Recommendations for the prevention, detection and intervention' (as part of the empow-air programme): [http://www.fondazionebrodolini.it/sites/default/files/guia\\_ingles.pdf](http://www.fondazionebrodolini.it/sites/default/files/guia_ingles.pdf).

<sup>29</sup> Ibid.

Moreover, as the Commission has recognised 'Roma empowerment and in particular participation in the decision-making process by Roma women, who act as a link between the family and society, have proved to be an important factor for the success of any measure<sup>30</sup>.'

#### EU Actions relevant to violence against Romani Women

Over the last 15-20 years, the EU and the international community has put in place a relatively extensive body of policies on the integration of Roma into society. Such efforts have intensified in the last five years, with the Commission adopting a number of communications on priorities for EU action, the Member States committing to national integration strategies and the Commission putting in place an annual monitoring mechanism based on its 2011 Communication on an EU Framework for National Integration Strategies by 2020. The European Parliament has also been especially active on the issue of Roma women, adopting numerous Resolutions including in particular a detailed Resolution on the matter in 2006<sup>31</sup>. (see references for further details on Commission reports on the matter).

Despite these efforts, and the recognition of the particularly vulnerable situation of Roma women, two points must be noted. Firstly, the primary focus of EU efforts is on improving the employment, education, health, housing and equal treatment situation of Roma. This is of course crucial, and is also fundamental to reducing Romani women's vulnerability to violence.

However, throughout all these documents, there is a notable lack of focus on the issue of violence against Roma women with the exception of human trafficking and domestic violence. This can be an important lost opportunity especially in a complex environment where the EU may be well placed to provide tools for Member States to assist their policy work.

Secondly, despite extensive efforts, the Commission has recognised that whilst policies or legislation may be in place, implementation needs improvement.

With 2014-2015 marking the mid-point of the EU Framework for national Roma integration strategies, violence against Roma women should be fully examined with a view to its elimination being included as a specific priority in national strategies and in Commission monitoring. The elimination of violence against Romani women must be part of wider actions to improve general living conditions relating to education, health, employment etc. However, there must also be specific long term, community owned action to address violence against women at the individual, relationship, community and society levels.

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<sup>30</sup> Commission Communication: The social and economic integration of the Roma in Europe, COM(2010)133 final: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0133&from=en>.

<sup>31</sup> EP Resolution on the situation of Roma women in the European Union (2005/2164(INI): [http://www.europarl.europa.eu/RegData/seance\\_pleniere/textes\\_adoptes/provisoire/2006/06-01/P6\\_TA-PROV\(2006\)06-01\(PAR02\)\\_EN.pdf](http://www.europarl.europa.eu/RegData/seance_pleniere/textes_adoptes/provisoire/2006/06-01/P6_TA-PROV(2006)06-01(PAR02)_EN.pdf).

**Table 4: Key Statistics<sup>32</sup>**

<b>Education:</b> Ability to read or write Never been to school Remaining in education after the age of 16	Roma men (85 %) / Roma women (77 %) Roman men (14 %)/ Roma women (19 %) Roma men (50 %)/ Roma women (37 %)
<b>Employment</b> In paid work:	Roma men (35%)/ Roman Women (21%)
<b>Health</b>	Few differences between Roma men and women, but between Roma women and non-Roma women, more Roma women say their health is bad or very bad.
<b>Financial situation:</b> at risk of poverty	Roma (87%)/ non-Roma (46%)

### 1.4.3 Specific focus on women with disabilities

Women with disabilities constitute the majority of persons with disabilities in the EU and represent a significant proportion of the EU population (see Key Statistics below). Yet they face **multiple discrimination** based at least on their gender and disability, with other groups such as women with disabilities from ethnic groups, older women with disabilities and lesbian women with disabilities, facing additional prejudice.

As a result, according to the UN, women with disabilities face significantly more difficulties – in both the public and private spheres – in attaining access to adequate housing, health, education, vocational training and employment, and are more likely to be institutionalised<sup>33</sup>. They also experience inequality in hiring, promotion rates and pay for equal work, access to training and retraining, credit and other productive resources, and rarely participate in economic decision making<sup>34</sup>.

Moreover, as the UN has recognised<sup>35</sup>, despite the development of a range of legislative and policy frameworks on human rights, gender equality rights and rights of persons with disabilities, 'the **impact of the combined effects** of both gender and disability have not gained sufficient attention, and violence against women with disabilities remains largely unaddressed.

### Violence against women with disabilities

Women with disabilities are at high risk of violence based on social stereotypes and biases. A recent report prepared for the World Health Organization states that 'Recent evidence synthesis has shown what has been suspected for many years: that persons with disabilities have a **50% higher chance** of having suffered violence in the past year, raising to a threefold increased risk for people with mental health conditions (Hughes et al.,

<sup>32</sup> Fundamental Rights Agency: Analysis of FRA Roma survey results by gender, 2013: <http://fra.europa.eu/sites/default/files/ep-request-roma-women.pdf>.

<sup>33</sup> Women and adequate housing, Study by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, E/CN.4/2005/43, para. 64.

<sup>34</sup> "Employment barriers for women with disabilities", Arthur O'Reilly, The Right to Decent Work of Persons with Disabilities, Skills Working Paper No. 14, Geneva, International Labour Organization, 2003.

<sup>35</sup> UN General Assembly, Report of the Special Rapporteur on violence against women, its causes and consequences, 3 August 2012: <http://www.ohchr.org/Documents/Issues/Women/A.67.227.pdf>.

2012). Meanwhile children with disabilities have a threefold increased risk of having suffered violence (Jones et al., 2012)<sup>36</sup>.

According to a UN Report, Violence against women with disabilities occurs in various spheres, including in the home, the community and, as violence that is perpetrated and/or condoned by the State. The forms of violence to which women with disabilities are subjected can be of a physical, psychological, sexual or financial nature and include neglect, social isolation, entrapment, degradation, detention, denial of health care, forced sterilization and psychiatric treatment. Women with disabilities are twice as likely to experience domestic violence as non-disabled women, and are likely to experience abuse over a longer period of time and to suffer more severe injuries as a result of the violence<sup>37</sup>.

This shows that whilst women with disabilities experience many of the same forms of violence that all women experience — when gender, disability and other factors intersect — the violence against them takes on unique forms, has unique causes and results in unique consequences.

The institutionalisation of women with disabilities also places them at additional risk of abuse. According to a publication from [Hesperian Foundation](#), examples of institutional abuse are:

- forced sex with workers, caretakers, or other residents
- being beaten, slapped, or hurt
- forced sterilisation or abortions
- being locked in a room alone
- ice baths or cold showers as punishment
- forced medication (tranquilisers)
- having to undress or be naked in front of other people

The practice of forced and coerced sterilisation of women around the globe, including Europe, continues to be of concern. Forced sterilisation constitutes an act of violence, a form of social control and a violation of the right to be free from torture and other cruel, inhuman or degrading treatment or punishment.

## EU Action

The Commission's report on the EU's implementation of the CRPD, details the actions the EU has taken with respect to Article 6 CRPD. It notes that beyond the Treaty provisions on equality a number of Directives prohibiting gender discrimination have been adopted as well as strategies on equality between men and women and on Disability. The Disability Strategy in particular recognises the importance of the cumulative impact of discrimination based on multiple grounds. The Commission also refers to a range of reports produced by the Commission and the European Parliament.

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<sup>36</sup> C. Mikton and T Shakespeare, 'Introduction to Special Issue on Violence Against People With Disability', Journal of Interpersonal Violence: [http://www.who.int/violence\\_injury\\_prevention/media/news/2014/12\\_06/en/](http://www.who.int/violence_injury_prevention/media/news/2014/12_06/en/).

<sup>37</sup> Women With Disabilities Australia, "Valuing South Australia's women: towards a women's safety strategy for South Australia", discussion paper prepared for the government of South Australia, 2004, quoted in the UN Report.

Much work has also been carried out at the international level. However, as Mikton recognises, 'the intersection of the two fields of disability and violence has, however, received far less attention'<sup>38</sup>.

Where the matter is dealt with in policy instruments, it tends to be through a cursory reference to grounds which increase vulnerability or could result in multiple discrimination. Limited action has been taken to examine in detail the range of problems faced by women with disabilities across the EU and how those issues should be addressed. Numerous gaps in knowledge exist relating for example to the type of violence experienced by victims with disabilities, the prevalence and risk of violence against adults and children with disabilities, research on the long term consequences of violence against persons with disabilities, targeted research on causes of violence against persons with disabilities, and research on the effectiveness of programmes to prevent violence.

#### Key statistics<sup>39</sup>

The prevalence of disability among women (28%) is higher than among men (23%) (EU-SILC UDB 2011), mainly due to the higher life expectancy of women. About 57% of all persons with disabilities are women.

Women with disabilities face a double disadvantage.

In the EU, in 2011, the employment rate for women with disabilities was 44% and the employment rate for men with disabilities 51%. The gender gap amounted to 7 percentage points (EU-SILC UDB 2011).

The employment rate for women with disabilities is lower than that for women without disabilities (65%), in the age group 20-64.

At EU level, about 20% of women with disabilities live in households at risk of financial poverty, as compared with 16% of women without disabilities. The corresponding percentages for men are 19% and 14%. There are significant differences across countries.

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<sup>38</sup> C. Mikton and T Shakespeare, 'Introduction to Special Issue on Violence Against People With Disability', Journal of Interpersonal Violence.

<sup>39</sup> 2014 Commission Staff Working Document, Report on the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) by the European Union SWD(2014) 182 final: [http://ec.europa.eu/justice/discrimination/files/swd\\_2014\\_182\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/swd_2014_182_en.pdf).



## 2. POLICY RESPONSES TO COMBATING AND PREVENTING VIOLENCE AGAINST WOMEN

### KEY FINDINGS

- A wide number of agreements and legislation have been adopted at the international and EU level on violence against women.
- These in particular include the Beijing Platform for Action, the Istanbul Convention and several EU legislative acts on human trafficking, sexual exploitation of children, victims' rights and protection measures.
- However, policies tend to be fragmented and focused on specific issues rather than covering the full panoply of violence against women issues.
- Implementation of policy commitments is highly variable with changes in practices and outcomes for women being insufficient.
- This appears in part to result from a lack of indicators and targets to meet objectives, a lack of data and insufficient monitoring.

### 2.1. International and EU Instruments

Since the 1970's, a large number of instruments have been adopted at the international level committing participating States (including EU Member States) to implement co-ordinated and coherent policies to combat violence against women in general. In particular, the UN (See Annex 1). In particular, the UN adopted the Convention on the Elimination of all Forms of Discrimination Against Women in 1979, supplementing this in 1995 with the Beijing Declaration and Platform for Action. The Council of Europe has also been active adopting a detailed Recommendation in 2002 on protection of women against violence, and most recently following this up with the adopted of the Convention on preventing and combating violence against women and domestic violence.

In addition to early interventions, the EU has more recently adopted specific legislative and policy instruments focussed on specific crimes and on assisting victims of crime. These instruments have included a specific focus on women's human rights.

With respect to violence against women, the EU has been active in adopting the two pronged approach of mainstreaming gender issues whilst also focussing on specific issues. The ability of EU to act, and the way it may act, differs in according to the legal basis for action as prescribed in the Lisbon Treaty.

As such, there are some opportunities for legislative action in the area e.g. with respect to judicial co-operation in criminal matters, action on victims, the potential harmonisation of certain crimes etc. However, for the most part, relevant policy action remains within the remit of the Member States. Consequently, EU action is focused on providing Member States with guidance and support and providing funding for projects.

Within these parameters, the EU has been particularly active in voicing its commitment to the elimination of violence against women and to identifying key priorities for action. Where it has focused on specific issues e.g. human trafficking, sexual exploitation of children, victims' rights, protection orders, legislation has been adopted and recently came into force or is due in the coming years.

The following table provides an overview of some of the key actions in the last years.

**Table 5: Key EU Actions to combat violence against women**

**2006:** Roadmap for equality between women and men (2006-2010)

**2009, 2011, 2013:** European Parliament Resolutions on combating Violence against women

**2010:** Commission's Strategy for equality between women and men 2010-2015

**2010:** EPSCO Council Conclusions of 8 March 2010 on the eradication of violence against women

**2011:** Directive 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography

**2011:** Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims adopted

**2011:** Directive 2011/99 on the European protection order adopted

**2012:** EP resolution on ending female genital mutilation

**2012:** Directive 2012/29/EU on common minimum standards on the rights, support and protection of victims of crime adopted

**2012:** Commission adopted the 'EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)

**2013:** Regulation 606/2013 on mutual recognition of protection measures in civil matters adopted

**2013:** Commission Communication 'Towards the elimination of female genital mutilation'

**2013:** EP Resolution on gender aspect of the European Framework of National Roma Inclusion Strategies

**2013:** Council recommendation on effective Roma integration measures in the Member States

**2013:** European Report and Resolution on women with disabilities (2013/2065(INI))

**2014:** JHA Council Conclusions on Preventing and combating all forms of violence against women and girls, including female genital mutilation.

**2014:** European Parliament, Resolution with recommendations to the Commission on combating Violence Against Women and Resolution on sexual exploitation and prostitution and its impact on gender equality'

The Council **regularly** adopts Conclusions, prepares monitoring reports on the implementation of the BPfA and organises conferences on violence against women.



Funding: **Daphne Programme** (2000-2013); **Rights, Equality and Citizenship Programme** (2014-2020) with EUR 439 million.

The EU and the Member States have shown a strong political commitment to eliminating violence against women. Nevertheless, through an examination of specific issues such as on Human Trafficking, Roma women and women with disabilities and support services it can be seen that there is much **room for improvement** in terms of policy priorities, developing detailed solutions to problems and to ensure that those solutions are effectively implemented. It can also be seen that some issues have received significant attention whilst others have not had sufficient focus. For example, there has been limited focus on the issue of rape (with the exception of the development of best practices and a practitioner's handbook) despite their being significant attrition rates on rape prosecutions and despite their being evidence that Member States' legislation does not always meet international standards<sup>40</sup>. The significant number of issues that must be taken into account with respect to violence against women makes the likelihood of gaps or duplication much greater and indicates the importance of effective co-ordination and strategic oversight.

Overall, as the European Women's Lobby has put it '*Despite the extreme gravity of this phenomenon, political responses and resources allocated to this issue have been piecemeal, unequal and mostly inadequate at both national and European level. Some countries do however better than others and the landscape varies widely*<sup>41</sup>.'

## 2.2. Guiding principles and requirements developed at the EU and international level

Of these, a core set of instruments<sup>42</sup> have over the years elaborated a range of requirements and guiding principles for governments to follow and implement in order to ensure **effective policies and laws** to prevent violence against women, to protect and support victims of violence and to prosecute and punish the perpetrators.

These requirements cover the core areas of action to prevent violence occurring, to responding effectively by protecting and support victims, to criminalise all relevant forms of violence and to investigate and prosecute those who commit crimes and to ensuring there is effective implementation and monitoring in particular through funding and data collection.

The table below summarises the requirements (See **Annex 2** for more detailed explanations):

<sup>40</sup> Sylvia Walby et al (2013), Overview of the worldwide best practices for rape and prevention and for assisting women victims of rape, European Parliament, Directorate-General for Internal Policies: [http://www.europarl.europa.eu/RegData/etudes/etudes/JOIN/2013/493025/IPOL-FEMM\\_ET\(2013\)493025\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/JOIN/2013/493025/IPOL-FEMM_ET(2013)493025_EN.pdf).

<sup>41</sup> European Women's Lobby: National Action Plans on Violence Against Women in the EU, 2011.

<sup>42</sup> including the 1979 Convention on the Elimination of all Forms of Discrimination against Women, the 1995 BPfA, the 2002 Recommendation on the protection of women against violence, and the 2010 Recommendation and Convention on preventing and combating violence against women and domestic violence.

**Table 6: Summary of requirements for Member States on the elimination of violence against women**

Heading	Primary requirements
General Policy requirements	<ul style="list-style-type: none"> <li>• Development of comprehensive and co-ordinated policies</li> <li>• Ensure sufficient funding</li> <li>• Co-ordinating and monitoring body</li> <li>• Data collection</li> </ul>
Prevention of violence	<ul style="list-style-type: none"> <li>• Awareness raising</li> <li>• Education</li> <li>• Training of professionals</li> <li>• Preventative intervention and treatment programmes</li> <li>• Participation of the Private sector and the media</li> </ul>
Protection and support	<ul style="list-style-type: none"> <li>• Information and assistance</li> <li>• Access to support services</li> <li>• Shelters and helplines</li> <li>• Support for particular groups of victims</li> <li>• Safe Reporting of crime</li> </ul>
Legal action	<ul style="list-style-type: none"> <li>• Criminalisation of specific violence</li> <li>• Civil remedies</li> <li>• Access to justice and compensation</li> <li>• Jurisdiction over acts of violence against women</li> <li>• Effective, proportionate and dissuasive sanctions</li> <li>• No mandatory alternative dispute settlement</li> <li>• Legislative review</li> </ul>
Investigation, prosecution, procedural law and protective measures	<ul style="list-style-type: none"> <li>• Effective investigations and prosecution</li> <li>• Response, prevention and protection by law enforcement authorities</li> <li>• Protecting victims' procedural rights</li> </ul>
Migration and asylum	<ul style="list-style-type: none"> <li>• Recognition of vulnerability</li> <li>• Autonomous residence permit for women experiencing GBV</li> <li>• Recognition of asylum claims based on GBV</li> <li>• Non-refoulement</li> </ul>
International co-operation	<ul style="list-style-type: none"> <li>• Implement international agreements</li> <li>• Cooperate with other States</li> <li>• Exchange information</li> </ul>

Whilst all elements of the policy process – prevention, protection, support, prosecution – are fundamental to eliminating violence against women and helping its victims, **effective support** is essential for their personal safety (and often their children), for their subsequent recovery and for ensuring the effectiveness of any legal proceedings. These needs are well recognised as is the fact that support services for violence against women need to be specialised and have a gender specific focus.

### Box 3: A specific focus on support services

#### EU and international action

The EU has adopted legislation<sup>43</sup> imposing on Member States certain obligations with respect to the provision of victim support services for all victims of crime and for specialist services for victims with specific needs, such as victims of sexual violence, gender based violence and victims of violence in close relationship<sup>44</sup>.

#### Requirements on Member States

Services should include shelters, trauma support and counselling. Moreover, the Directive establishes certain minimum standards that support services should meet and requires that victims receive an assessment to determine their needs.

This EU legislation is further backed by the **Istanbul Convention** which also details requirements for support services for women survivors of violence. The Convention requires that Parties provide or arrange for specialist women's support services to all women victims of violence and their children.

It goes on to refer to the following specific services: shelters, telephone lines, support for victims of sexual violence (rape crisis and sexual violence referral centres), protection and support for child witnesses e.g. counselling,

Moreover the Council of Europe published in 2008 recommendations for Minimum standards for support services<sup>45</sup>. The report provides detailed information on the types of services which are needed by women victims of violence, the **minimum levels of service** that should be provided and guiding principles and standards when providing those services (both core standards and service specific standards. (See **Annex 3** for full details).

In particular, the minimum levels of service, as described below, have been used as reference point help determine whether the extent of implementation of services is sufficient and whether any progress in provision is being made.

Minimum levels of provision (as developed by the Council of Europe)	
Helpline	One covering all violence against women <i>or</i> one on domestic violence, one on sexual violence. The number of help lines should reflect the population size. In small countries one may be sufficient. For more densely populated states there should be at least one helpline in each region.
Shelters	In member states where shelters are the predominant/only form of service provision, there should be one place per 10 000 population. In member states where shelters form part of a community strategy with intervention projects, there should be one family place per 10 000 women. There should be at least one specialist violence against women shelter in every province/region.

<sup>43</sup> Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012L0029&from=en>.

<sup>44</sup> Article 27 of the Directive provides that Member States shall transpose the directive by 16 November 2015

<sup>45</sup> Council of Europe, Combating violence against women: minimum standards of support services, 2008: [http://www.coe.int/t/dq2/equality/domesticviolencecampaign/Source/EG-VAW-CONF\(2007\)Study%20rev.en.pdf](http://www.coe.int/t/dq2/equality/domesticviolencecampaign/Source/EG-VAW-CONF(2007)Study%20rev.en.pdf).



Rape crisis centres	One per 200 000 women. There should be at least one centre per region.
Sexual assault centres	One per 400 000 women.
<i>Independent/integrated services</i>	
Advice/advocacy	One service per 50 000 women
Counselling	One per 50 000 women. This can include existing specialist violence against women groups such as shelters, rape crisis centres, and women's counselling centres, if they offer long term counselling/group work. There should be one specialist violence against women counselling service in every regional city.
Outreach	Reaching out to the largest local minority groups and women with disabilities.

### Implementation of requirements and gaps

There have been limited EU wide studies examining the extent of all services provided for women victims of violence and examining the effectiveness of those services. Nevertheless, some recent reports have looked at shelters, support services concerned with sexual assault, and telephone helplines<sup>46</sup>.

The Council of Europe has prepared a total of four reports assessing the implementation of Recommendation (2002)5 on the protection of women against violence – most recently in 2014. That report also takes into account other reports produced by EIGE and the European Network WAVE (Women Against Violence Europe).

As a first point, it is clear that **data is inadequate and not easily compared** across all countries or even between different years. Accurate conclusions are therefore difficult to draw. However, overall, it can be concluded that whilst support services are deemed of importance in all Member States, provision of those services is highly variable in terms of approach, capacity and quality.

EIGE points out that with respect to services for domestic violence, they are **not always accessible**, (free of charge, geographically distributed, multi-lingual). Based on the recent Council of Europe report on implementation of Recommendation (2002)5, there has been a limited positive trend in the provision of shelters. However, only 6 Member States (out of 24 in the reported table) met the target of 1 place per 10 000 of the population. Moreover, between 2007 and 2010, only 10 of the 24 Member States saw any kind of increase in places.

The Council of Europe has also indicated limited provision (only 4 States) for especially **vulnerable groups** such as women from minority communities and/ or disabled women. Beyond actual provision, concern was expressed their there is limited assessment on the

<sup>46</sup> Council of Europe, Analytical study of the results of the fourth round of monitoring the implementation of the Rec (2002) 5 on the protection of women against violence: <http://www.coe.int/t/dghl/standardsetting/convention-violence/Docs/Analytical%20Study%20ENG.pdf>; EIGE (European Institute for Gender Equality) 2012: *Review of the Implementation of the Beijing Platform for Action in the EU Member States: Violence against Women – Victim Support*: <http://eige.europa.eu/sites/default/files/Violence-against-Women-Victim-Support-Report.pdf>; WAVE 2012: *Country report. Reality check on data collection and European services for women and children survivors of violence. A right for protection and support?* (Vienna, March 2013): [http://www.wavenetwork.org/sites/default/files/02%20WAVE%20COUNTRY%20REPORT%202012\\_0.pdf](http://www.wavenetwork.org/sites/default/files/02%20WAVE%20COUNTRY%20REPORT%202012_0.pdf).

actual support needs of victims. This is of particular concern, given that this is a requirement under the new Victims' Directive. With respect to 24/7 helplines, only 10 Member States have a helpline for all forms of violence with 5 States who replied no indicating they have helplines for domestic violence cases. 11 Member States have no 24/7 helplines at all.

As can be seen from the above analysis, whilst a wide number of agreements and obligations already exist, more detailed, co-ordinated action which is effectively implemented is required.

### 3. CONCLUSIONS

#### KEY FINDINGS

- The issue of violence against women has received significant international, EU and national attention and numerous commitments and obligations exist. Yet, implementation is highly variable and fails to take a comprehensive, co-ordinated and long term approach.
- A lack of data, indicators, targets and sufficient monitoring reduces the likelihood that policies will be effectively implemented and updated.
- Violence against women is deeply rooted in gender inequalities. Its elimination requires a long term, comprehensive approach to change social, cultural, familial and individual attitudes. Action must identify priorities without ignoring the different groups of victims nor the different types of violence that occur. At the same time, victims need immediate action to better protect and support them.
- The coming years offer the opportunity to reignite the momentum to eliminate violence against women and support and protect its victims. The Istanbul Convention has just entered into force, the next round of monitoring of the Beijing Platform is underway and relevant EU legislation should have been implemented or is due to be implemented.
- The EU has a wide range of options for action and the legal base. It must seize the up-coming opportunities to develop with Member States a long term process to eliminate violence against women.

At the international, EU and national level, there is an undeniable commitment to eliminating violence against women and supporting the victims of such violence. Legislation and agreements have been adopted and are being ratified. Strategies and policy documents have been published and declaratory statements of commitment are made on a regular basis.

**Progress** can be seen within the area of criminal procedural rules both at EU and national level. EU Legislative instruments have been adopted with respect to human trafficking and sexual exploitation of children with many Member States having now implemented those laws. Legislation has also been adopted with respect to victims' rights, and protection orders. Member States are also acting to implement obligations within the time periods set.

In addition to human trafficking, other vulnerable groups such as Roma women and women with disabilities have been the focus of EU policy priorities.

More broadly, significant action is being taken with the EU2020 Process and through the Open Method of Co-ordination to address unemployment, and education, health, poverty and social inclusion problems. These are all areas where action is required to improve the situation of women in general and specifically to reduce their vulnerability to violence and increase their ability to escape it.

Effective monitoring has been recognised as requiring further attention. Beyond, the indicators which the Council of the EU have adopted, both the Council and the Commission have recognised the need for improved data collection.

However, despite these efforts, two overarching but fundamental problems can be seen. On the one hand, the outcomes in terms of level of violence against women do not appear to be reducing and as the European Parliament has pointed out in its Resolutions, it appears in some cases to be getting worse.

On the other hand, the implementation of commitments is variable and fragmented and does not appear to have a prolonged and consistent approach. This is particularly problematic when it is well recognised that addressing gender based violence requires a broad and co-ordinated approach. Action needs to change cultural and societal attitudes to reduce violent crime on the one hand, and on the other ensure that the full range of state and civil society services from education to health, to justice etc. are operating to identify victims, support victims and ensure the perpetrators are brought to justice.

These problems can be seen in several different ways. Firstly, some Member States have focused on eliminating violence against women to a greater extent than others. Secondly, even within Member States, implementation may vary between regions and localities.

With respect to these first two issues, these problems arise in part since half the Member States do not have a comprehensive and co-ordinated policy addressing all forms of violence covered by the Istanbul Convention and ten do not have a governmental co-ordinating body focused on violence against women<sup>47</sup>.

Thirdly, some issues have been focused on more than others. For example, although there has been progress in the provision of support services, they still are not provided to an adequate level, have poor geographical distribution, are poorly funded and can lack the necessary quality.

Of course, a wide number of factors can be pointed to as affecting this situation including the complexity of the issues and the fact that achieving the necessary social, cultural, and individual change requires prolonged efforts.

Nevertheless, it can be argued that the limited focus on certain crucial aspects of policy development and the lack of monitoring and the elements necessary for monitoring – indicators, targets, and consistent, comparable and disaggregated data - have at the very least reduced the likelihood of success.

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<sup>47</sup> Data obtained from Council of Europe's 4<sup>th</sup> round of monitoring of the implementation of Recommendation (2002)5



A lack of focus on specific violence against women issues can be seen in two ways. Firstly in some instances, policy may focus on the situation of both men and women but **fail to take into account specific gender aspects**. Secondly, it may **fail to adequately focus on violence against women** within that policy area. Examples mentioned in this paper include trafficking in human beings and Roma women.

With respect to monitoring and its various elements, firstly agreed indicators have focused only on a limited number of issues – domestic violence, sexual harassment at work and sexual harassment preventative policies in the work place. This fails to take into account a wide range of other forms of violence and does not take into account the full cycle of prevention, protection, support and prosecution. Nor does it appear that these indicators are widely used to attempt to identify feasible targets within a reasonable timeframe.

### Swedish Presidency Report on implementation of the BPfA

*'With respect to gender mainstreaming<sup>48</sup>: Progress to date is rather piecemeal. Numerous activities have been carried out, but the overall impression is that isolated measures are still the norm. A systematic approach is needed, including in particular the effective application of a gender impact assessment of policies, the development of statistics broken down by sex, the use of indicators to measure progress and training programmes to develop gender expertise.'*

The lack of commitment to specific targets is also noteworthy. Whilst in other fields it has been agreed that **establishing targets** for example on CO2 emissions, reducing unemployment, reducing early school leaving or reducing poverty, is an essential element of achieving the desired outcome, targets appear to be little discussed within the context of violence against women. This is all the more remarkable given the impact of violence on women's ability to participate in society and its overall cost (estimated at EUR 228 billion to the EU in 2011 of which EUR 24 billion is in lost economic output<sup>49</sup>).

Even if indicators and targets are agreed to, monitoring the achievement of them requires data. Concerns have, however, been repeatedly raised over the **paucity of detailed, quality data across the Member States** with respect to key commitments in the work to eliminate violence against women. These concerns have been raised for many years and whilst the Member States have committed through Council conclusions to improving their collection and provision, the results of those commitments remain to be seen.

Overall, these factors greatly reduce the ability to ensure effective monitoring of commitments. At the same time, although monitoring is carried out with respect to the BPfA and the Gender Equality Strategy, these cover a wide range of issues with the issue of violence against women not necessarily receiving detailed analysis. Moreover, policies are not necessarily assessed for their practical implementation and effectiveness.

With respect to the limited monitoring that is currently in place, it is legitimate to question why it is possible to have such broad ranging and intense monitoring of issues such as employment, education, and poverty through the EU 2020 Semester, and on e.g. Roma integration at large but such monitoring is not established with respect to violence against

<sup>48</sup> Beijing+15: The Platform for Action and the European Union – Report from the Swedish Presidency of the Council of the European Union: <http://eige.europa.eu/sites/default/files/Beijing+15-SE-report.pdf>.

<sup>49</sup> M Nogaj, European Parliament (2013), 'European Added Value Assessment: Combatting violence against women': [http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/femm/dv/eav\\_violence-against-women-/eav\\_violence-against-women-en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/femm/dv/eav_violence-against-women-/eav_violence-against-women-en.pdf).



women. However, numerous studies have indicated the important impact that violence has on all key priorities within the EU Semester and other policy areas. Besides protecting women's fundamental rights, action to eliminate violence will aid Member States in meeting their obligations under the EU 2020 Semester process.

The 2014-2015 period is an important opportunity for action for the EU. A new Parliament and Commission is in place developing its priorities for the coming years. The evaluation of the 20<sup>th</sup> year of the implementation of the BPfA is well under way. Almost all Member States have signed up to the Istanbul Convention, and for many it has now entered into force. A number of relevant EU legislative instruments should either have been implemented or are due to be implemented in the coming years. And of course, the Gender Equality Strategy is due for renewal.

This culmination of factors, together with the stark results of the FRA's survey on violence against women, and the continuing calls from NGOs and other actors for improved action at the EU and national level, highlights the importance of acting in the coming years in a coherent, co-ordinated and decisive manner. Action should not only maintain the momentum of existing work, but generate new momentum to drive the policy agenda into a new implementation oriented phase.

## 4. RECOMMENDATIONS

The various policy documents, communications and resolutions that have been adopted over the years, as well as reports and studies produced by individual experts and NGOs from the field have put forward a wide range of recommendations on the elimination of violence against women. These vary from putting forward high level priorities, to looking at more detailed implementation requirements, through to examining specific groups of women, specific crimes, or specific needs such as protection and support.

This report has not examined all issues and recommendations in detail but rather focuses on a limited number of core issues which appear to be limiting effective implementation of policies.

The recommendation focus primarily on two points:

- Development of detailed policies across all areas of violence against women
- Effective implementation and monitoring of policies.

### 1) Signature and ratification of the Istanbul Convention

- Those Member States which have not yet signed and ratified the Convention should do so as soon as possible, in line with the JHA Council conclusions. The European Commission should also assess the added value of the European Union signing the Convention.

### 2) Adoption of Violence against women strategy

- The European Commission should develop a detailed and properly focused Strategy on violence against women, in combination with an action plan – as called for by the European Parliament. This will be an important element in

determining EU priorities for action and how those priorities will be met. It should be used to improve implementation of existing EU legislation as well as international obligations, and should facilitate monitoring of progress.

- In this respect, it is worth bearing in mind existing approaches such as the EU Framework for National Roma Integration Strategies up to 2020. Not only does it clearly identify priorities but it sets out concrete measures on how the Commission will work with the Member States to facilitate the implementation of national strategies, to develop effective policies and to monitor that progress.
- The Council should renew its commitment to the implementation of such a strategy and issue corresponding guidelines for the Member States.

### 3) Policy development: effective co-ordination and covering all aspects of violence against women

- The European Commission should examine the added value of establishing detailed internal mechanisms for the co-ordination of violence against women policy. As has been seen in areas such as trafficking and the rights of the child, where policy cuts across many different sectors, such co-ordination is necessary. Mechanisms that might facilitate work include a violence against women office and co-ordinator (similar to the Human trafficking co-ordinator), a Commission working group or committee incorporating all DGs that work on policies affecting violence against women, an effective and long term forum for the Commission to work with Member States and NGOs on the development of policies.
- The European Commission should develop more broadly and with the assistance of relevant EU Agencies as well as the European Parliament (and in line with the agreed EU Strategy), policy knowledge and recommendations across all aspects of violence against women. Problems and best practices with respect to combating individual types of violence should be considered as well as considering women in different situations which may place them at greater risk.
- The European Parliament should regularly monitor and evaluate the effectiveness of the coordination, notably in the annual equality report.

### 4) Development of indicators and targets, and Collection of data

- The European Commission should develop for the whole area of violence against women, key indicators on the extent of violence, on laws and policies to prevent violence, to protect and support victims and to prosecute perpetrators, and on outcomes.
- In doing so, (taking into account EU and international obligations already imposed on Member States and existing targets), the Commission should develop recommendations for minimum standards relevant to those indicators and initiate a process with the Member States and the European Parliament to agree targets for Member States for the most important of those indicators.
- To aid in the development of policy and the assessment of achievement of targets, and as called for by the European Parliament in its resolution of 25 February 2014, work should recommence on developing a legislative proposal for European statistics relating to violent crime. Whilst this proposal must cover

a wide range of issues, it should also ensure an appropriate gender focus and focus on violence against women.

- The Commission Decision on European crime statistics focuses on household surveys. However, this is only one source of statistics on violent crime. Based on identified indicators and recommendations for targets, the Commission and EIGE with the assistance of EUROSTAT should work with the Member States, to agree on a specific set of data that Member States will collect on violence against women, on a consistent and comparable basis. There should also be an ongoing commitment to actively consider including data collection requirements in new EU legislation.
- The European Parliament should encourage and monitor the development of key indicators.

#### 5) Effective monitoring of the implementation of violence against women obligations

- With improvements in data collection, the European Commission should put forward recommendations on an effective monitoring process at the EU, to be agreed with the European Parliament and the Member States. A range of existing monitoring processes, such as those established under the EU2020 Semester, through the Open Method of Co-ordination, and with respect to EU obligations under the UN Convention on the Rights of Persons with Disabilities should be examined to determine the best approach.
- When assessing the implementation of relevant EU legislation e.g. on human trafficking, sexual exploitation of children, victims' rights, protection orders, the European Commission should take a gendered approach ensuring that the specific issues of violence against women is examined.
- It is also noteworthy that if the EU were to sign the Istanbul Convention it would be subject to reporting requirements. In addition, the Beijing+20 process is now underway with the assessment of the implementation of the BPfA due in 2015. This process is enhanced by the EIGE reports on the implementation of the critical areas, including the elimination of violence against women. These reports should be regularly followed up in the future to allow for a measuring of progress.

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## ANNEX 1 – KEY INTERNATIONAL INSTRUMENTS RELEVANT TO COMBATING VIOLENCE AGAINST WOMEN

### Key international instruments relevant to combating violence against women

**1979:** the Convention on the Elimination of all Forms of Discrimination Against Women or CEDAW was adopted (entered into force in 1981) and its *Optional Protocol* (2000). General Recommendations 12 and 19 clarified that the Convention includes violence against women and makes detailed recommendations to States parties.

**1989:** The Convention on the Rights of the Child (entered into force in 1990)

**1993:** The Declaration on the Elimination of Violence against Women was adopted

**1994:** The Special Rapporteur on violence against women, its causes and consequences was appointed to seek and receive information on violence against women, its causes and consequences

**1995:** BPfA identified specific areas of action for governments to take in prevention and response to violence against women and girls.

**1996:** The United Nations Trust Fund in Support of Actions to Eliminate Violence against Women (UN Trust Fund to End Violence against Women) was established by General Assembly resolution 50/166 in 1996 as the only multilateral grant-making mechanism that supports local, national and regional efforts to end violence against women and girls.

**2002:** Council of Europe Recommendation (2002)5 on the protection of women against violence

**2004:** The Commission on Human Rights appointed a Special Rapporteur on trafficking in persons, especially women and children.

**2006:** The General Assembly passes the first Resolution on the Intensification of Efforts to Eliminate all forms of Violence against Women (passed annually thereafter through 2010).

**2009:** EP resolution on combating female genital mutilation in the EU

**2010:** The Human Rights Council adopted Resolution 14/12 on accelerating efforts to eliminate all forms of violence against women.

**2011:** Council of Europe Convention on preventing and combating violence against women and domestic violence adopted as the second legally binding regional instrument on violence against women and girls<sup>50</sup>.

<sup>50</sup> So far 8 Member States have signed at ratified the Convention (entry into force due 01/08 and 01/11/2014). A further 14 member States have signed but not ratified, with 6 Member States having done neither.

## ANNEX 2 – KEY REQUIREMENTS AND PRINCIPLES DERIVING FROM INTERNATIONAL LEGISLATION<sup>51</sup> ON VIOLENCE AGAINST WOMEN

### General Policy requirements

- 1) Development of comprehensive and co-ordinated policies: a holistic and multi-disciplinary approach is required involving effective co-operation among all relevant agencies, institutions and organisations.
- 2) Mainstream gender perspectives in policies, in particular relating to combating violence against women
- 3) Ensure Sufficient funding: Governments must allocate appropriate financial and human resources for the adequate implementation of policies to combat violence against women
- 4) Co-ordinating and monitoring body: establish an official body to for the co-ordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence against women
- 5) Data collection: collect relevant disaggregated data on violence against women and support research in the field.

### Prevention of violence

- 1) Awareness raising: promote or conduct awareness raising campaigns and programmes on violence against women and its consequences
- 2) Education: develop teaching materials and take appropriate measure to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices (in particular which promote inferiority or superiority of either of the sexes) which can perpetuate violence against women;
- 3) Training of professionals: ensure appropriate training is provided to relevant professions dealing with victims or perpetrators e.g. judicial, legal, medical, social, educational and police and immigration personnel;
- 4) Preventative intervention and treatment programmes: ensure programmes available to perpetrators of violence in particular domestic violence and sexual violence to reduce risk of reoffending.
- 5) Participation of the Private sector and the media: encourage participation of private sector and the media in promoting non-stereotyped images, and eliminating patters of media presentation that generate violence, encourage self-regulation codes and educate people on violence against women

### Protection and support

- 1) Information and assistance: ensure that victims receive adequate and timely information on available support services and legal measures, including applicable

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<sup>51</sup> Taken from the Beijing Platform for Action and the Istanbul Convention

complaint mechanisms. Promote the provision of assistance to victims wishing to present individual or collective complaints.

- 2) Access to support services: ensure that victims have access to general support services facilitating their recovery from violence, including access to adequately resourced health care and social services. Provide or arrange for specialist support services for victims of violence against women.
- 3) Protection: set up well-funded, appropriate and easily accessible shelters and relief support, as well as national 24-hour helplines which are free of charge and confidential.
- 4) Support for particular groups of victims: Provide for specialist support services for victims of sexual violence. Take due account of the rights and needs of child witnesses, including through the provision of age-appropriate support. Ensure that women with disabilities have access to information and support.
- 5) Reporting: create mechanisms to ensure that victims can report acts of violence in a confidential and safe environment. Encourage reporting by witnesses and ensure that confidentiality rules imposed on certain professional groups do not prevent reporting of serious acts of violence.

#### Legal action

- 1) Criminalisation: ensure that specific intentional acts constituting violence against women are criminalised, regardless of the relationship between the victim and the perpetrator. Sexual harassment as well as the aiding, abetting or attempt of psychological, physical and sexual violence including rape, stalking, forced marriage, female genital mutilation and forced abortion and sterilisation should be made subject to criminal or other legal sanctions. Prevent the application of culture, custom, religion or "honour" as a ground of justification for such offences.
- 2) Civil remedies: provide victims with adequate civil remedies against perpetrators and state authorities which have failed in their duty to take necessary protective measures. Ensure that forced marriages are voidable without undue administrative or financial burden.
- 3) Access to justice and compensation: ensure that victims have the right to claim compensation from perpetrators as well as state compensation where damages are not otherwise covered. Ensure that compensation is effective and granted within a reasonable time frame.
- 4) Jurisdiction: establish jurisdiction over acts of violence against women, ensuring that jurisdiction over sexual violence, forced marriage, female genital mutilation and forced abortion or sterilisation is not dependent on criminalisation in the territory where the offence was committed or reporting by the victim.
- 5) Sanctions and sentencing: ensure that acts of violence against women are punishable by effective, proportionate and dissuasive sanctions of a penal, civil, labour or administrative nature, including the deprivation of liberty where appropriate. Allow certain aggravating circumstances to be taken into account in determining sentences, including that the offence was an act of intimate partner violence, was committed against or in the presence of a child, or was committed repeatedly. Enable the taking into account of final sentences passed by another State and consider issues related to the rehabilitation of offenders.

- 6) Alternate dispute settlement: prohibit mandatory alternative dispute resolution processes regarding acts of violence against women.
- 7) Legislative review: periodically review and analyse legislation to ensure its continued effectiveness in eliminating violence against women.

#### Investigation, prosecution, procedural law and protective measures

- 1) Effective investigations and prosecution: exercise due diligence to ensure that acts of violence against women, whether perpetrated by individuals or the State, are investigated and prosecuted in an effective and timely manner, with due respect for the rights of victims. Evidence related to the sexual conduct and history of the victim shall be permitted only where relevant and necessary. Allow for ex parte and ex officio proceedings where victims require third party support, do not report or withdraw statements or complaints.
- 2) Response, prevention and protection by law enforcement authorities: ensure that victims are offered adequate and immediate protection including a lethality risk assessment. Enable the ordering of emergency barring orders and restraining or protection orders, subject to effective, proportionate and dissuasive sanctions in case of breach.
- 3) Protecting victims' procedural rights: protect the rights of victims at all stages of investigations and proceedings, including by preventing retaliation and intimidation and respecting the rights to information, interpretation, privacy and to be heard in accordance with national law. Legal aid shall be provided to victims in accordance with national law. Ensure that statutes of limitation allow victims who are minors sufficient time to initiate proceedings after reaching the age of majority.

#### Migration and asylum

- 1) Vulnerability: recognise the specific vulnerability of women migrants and refugees, including women migrant workers, to violence against women. Establish linguistically and culturally accessible support services for migrant victims.
- 2) Residence status: where the residence status of victims depends on that of the spouse or partner, allow for an autonomous residence permit subject to conditions established by national law and enable the suspension of expulsion proceedings in order to apply for such a permit. Ensure that victims of forced marriage are able to regain residence status in their country of habitual residence where this has been lost.
- 3) Gender-based asylum claims: ensure that gender-based violence against women is recognised as a ground of persecution under the 1951 Convention on the Status of Refugees, and ensure that a gender-sensitive interpretation is applied to each of the Convention grounds as well as to asylum procedures in general.
- 4) Non-refoulement: respect the principle of non-refoulement and ensure that victims of violence against women are not returned to any country where their lives would be at risk or they may be subjected to torture or inhuman or degrading treatment or punishment.



## International co-operation

- 1) **International agreements:** ratify and/ or implement international human rights instruments related to violence against women. Cooperate with and assist international bodies in fulfilling their efforts to eliminate violence against women. Encourage the dissemination and implementation of international guidelines.
- 2) **Cooperation between States:** cooperate with other States in order to eliminate violence against women, including through mutual legal assistance and enabling victims to file complaints in their State of residence where the offence occurred abroad.
- 3) **Exchange of information:** with due respect for the protection of individual data, where States have reasonable grounds to believe that a person is at immediate risk of being subjected to an act of violence against women abroad, they should transmit any related information to the State upon whose territory this act is likely to occur. Where appropriate, information relating to violence against women which is uncovered in the process of national investigations should also be transmitted and processed by the receiving State, which shall promptly inform the sending State of the final result of any action undertaken.

## ANNEX 3 – MINIMUM STANDARDS FOR THE PROVISION OF SUPPORT SERVICES FOR WOMEN VICTIMS OF VIOLENCE

The table below summarises the key principles and standards put forward by the Council of Europe in 2008 for support services for women victims of violence.

<i>Refuges/shelters</i>	The BPfA, in addition to supporting shelters, added that they should be well-funded, and accessible. A recent legal ruling has established that failure to provide access to immediate protection (in this case where a victim could not access a shelter and had no legal or other avenues to create safety) will mean a state is in violation of the United Nations Convention on the Elimination of all Forms of Violence against Women ( <i>AT v Hungary</i> <sup>17</sup> ).
<i>Counselling and psychological services</i>	A number of international documents reiterate the need for longer term support (often described as 'rehabilitation' <sup>18</sup> ) to overcome the harms of violence.
<i>Health care/medical services, including Sexual Assault Centres</i>	<p>Under the BPfA state parties should provide or support 'specially trained health workers'<sup>20</sup>. Primary health workers should be trained "to recognise and care for girls and women of all ages who have experienced any form of violence especially domestic violence, sexual abuse or other abuse resulting from armed and non-armed conflict"</p> <p>Integration of Sexual Assault Centres within the healthcare system, and the establishment of referral systems that link relevant sectors, such as health care, counselling, housing, law enforcement services and programmes for perpetrators</p>



<i>Legal and other forms of advice</i>	Access to advice should, therefore, be mandatory and without charge. Advocates can be described as a 'one-stop-person' who enables women to understand and exercise their rights; here knowledge is a route to empowerment. There was widespread agreement among interviewees that advice and advocacy services should be provided across domestic and sexual violence, offering the possibilities of early intervention, support through legal cases, practical support, and ensuring that rights and entitlements were forthcoming.
<i>Hotlines/helplines</i>	This form of provision is now " <i>considered a standard component of services in many countries</i> ", and the United Nations Secretary-General's report further emphasises the importance of anonymity and open access " <i>because many women are hesitant to seek help</i> ". It concludes that: " <i>the operation of at least one 24-hour national emergency telephone line providing information, advocacy, support and crisis counselling would constitute good practice</i> ".
<i>Self-help groups</i>	Women supporting other women, finding a voice and perspective has always been part of feminist responses to violence against women, and self-help groups have been an important form of provision in this respect.
<i>Rape Crisis Centres</i>	Rape crisis centres are centres that provide some combination of helpline, counselling, advocacy and self-help in supporting women and girls who have been assaulted recently or in the past.
<i>Self-defence, training and education</i>	The BPfA recommended that States " <i>promote training for victims and potential victims so that they can protect themselves and others against such violence</i> ", It further notes that states support and promote the role of intermediate institutions which may be key in early detection and intervention <sup>27</sup> . Education on many levels - for the community at large and women who seek help and for professionals is a key in both responding to and preventing violence against women
<i>Intervention projects</i>	These inter-agency projects emerged first in Austria, and are increasingly common in German-speaking and some Eastern European countries. Through working at the system level, creating protocols and providing pro-active advocacy they ensure women and children are better protected and that agencies link to provide an appropriate 'basket of resources' (Sen, 1998).
<i>Outreach</i>	Outreach is a pro-active approach, whereby a project or service seeks to identify victims in community contexts who are yet to access support. It is frequently used to engage with 'hard to reach' groups.

### Overarching principles for provision of services

- *Working from a gendered understanding of violence against women: recognition of the gendered dynamics, impacts and consequences of violence against women within an equalities and human rights framework.*
- *Safety, security and human dignity: Services ensure that all interventions prioritise the safety, security and dignity of service users and of staff.*
- *Specialist services: The knowledge and skill base of staff, and forms of provision, are specialised.*

- Diversity and fair access: Services respect the diversity of service users and positively engage in anti-discriminatory practice.
- Advocacy and support: Services provide both case and system advocacy to support and promote the rights and meet the needs of service users.
- Empowerment: A supportive environment where Services ensure service users can name their experiences, are familiar with their rights and entitlements.
- Participation and consultation: Services promote service-user involvement in the development and evaluation of the service.
- Confidentiality: Services respect and observe service users' right to confidentiality.
- A co-ordinated response: Services operate within a context of relevant inter-agency co-operation.
- Holding perpetrators accountable: Services work from the twin foundations of belief and respect for victims and that perpetrators should be held accountable for their actions.
- Governance and accountability: Services are effectively managed, ensuring that service users receive a quality service.
- Challenging tolerance: Services model non-violence internally and externally and use gender analysis to raise awareness.

#### Core standards beyond the principles above

- Crisis services should be available and accessible round the clock, i.e. 24 hours a day, 365 days a year.
- Services should be holistic and user-led.
- Services should be available to all women.
- Services should be provided free of charge.
- Service providers should be mindful of the needs of children of service users.
- Services should be managed democratically.
- Service users should be informed of their rights.
- Service user's right to receive information and support should not be conditional upon making an official complaint or agreement to attend any kind of programme/group/service.
- Services provided by NGOs should be autonomous, non-profit-making, sustainable and capable of providing long-term support.
- National and local governments should have funding streams for violence against women services.

# **THE POST-2015 FRAMEWORK FOR GENDER EQUALITY POLICY IN FOREIGN AFFAIRS AND DEVELOPMENT COOPERATION**

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## **Abstract**

Upon request by the FEMM Committee, this in-depth analysis aims to inform its Members about the most important strengths, weaknesses, opportunities and threats in the field of gender equality policy in foreign affairs and development cooperation for the European Commission until 2020. The analysis identifies the existing legal framework and the actions taken in on-going and previous strategies for equality and provides recommendations on the approach to improve women's position in society for effective equality between men and women after 2015.

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## EXECUTIVE SUMMARY

The year 2015 will be a milestone for the future of women's rights and gender equality policy in EU external relations as it provides the opportunity to take stock of a number of international and European initiatives (Chapter 1). While aid flows in support of gender equality and women's empowerment (Chapter 2) have risen significantly over the past years in the international and EU context, most of this aid went to the education and health sector, while women's lack of economic and political empowerment (Chapter 3) remain among the unfinished business of the Millennium Development Goals agenda. Sustained investments and a renewed international commitment to gender equality are thus crucial.

Among international organisations, the EU stands out in its support for gender equality, both in terms of its commitment to the implementation of the global women, peace and security agenda (Chapter 4), as well as in terms of its commitment to mainstream gender across all areas of EU external policy (Chapter 5). However among the EU's external policy agencies, competency in gender policy analysis and receptiveness to gender mainstreaming vary across the respective policy areas. While the European Commission's Directorate-General for Development and Cooperation – Europeaid - (5.4) seems to have taken the lead on the matter, the Directorate-General for Trade (5.3) has not given much attention to gender inequalities. Other external policy services including, the Directorate-General for Humanitarian Aid and Civil Protection (5.1), the Directorate-General for Enlargement (5.2) and the European External Action Service (5.5) have recently begun to take important steps towards a systematically gender mainstreamed policy.

A number of strengths, weaknesses, opportunities and threats can be drawn out of this analysis (Chapter 6). First of all the EU has a strong policy framework in place covering most aspects of the promotion of gender equality and women's empowerment in external policy, involving regular reporting on progress at a high level. Second, investments have been made to institutionalize expertise and capacity-building. Nevertheless, despite the fact that political commitments and high-level reporting tools create momentum and awareness-raising, effective implementation on the ground remains unclear. In addition, the analysis reveals that policy development and follow-up have been uneven across policy areas, while institution-wide gender expertise remains insufficient, dissipates, and is situated mostly at the lower levels of the hierarchy. Also the external environment forms a threat in the sense that donors operate in a context of economic crisis, marked by insufficient resources and priority overload. Sustained investments in the support of the global gender equality agenda thus remain essential.

The European Parliament should therefore call upon the Commission and the EEAS to develop a strong position on gender equality and women's rights in foreign affairs and development cooperation, so that the EU can take a leadership role in promoting the gender equality agenda globally after 2015. More specifically, the following recommendations (Chapter 7) are provided and discussed: building a coherent gender equality policy across all aspects of external relations, broaden and deepen the EU's gender policy in its external relations and development cooperation, sustain and strengthen political leadership and accountability and further invest in institution-wide expertise and capacity-building.

## INTRODUCTION

### Background

In May 2014, a new Parliament was elected which - in cooperation with the Council - will appoint the new Commission consisting of a President and 27 Commissioners each responsible for a particular area of competence. A particular role is played by the High Representative/Vice-President (HR/VP) for Foreign Affairs. The main responsibility of the Members of the European Parliament in the appointment process will be to hear the designated Commissioners in the respective competent committees about their strategy and action plans for the next 5 years and to approve them.

Furthermore, the year 2015 will be a historic moment for women's rights and gender equality as it provides the opportunity to stake stock of a number of international and European initiatives, among which the European Strategy for Equality between Women and Men 2010-2015, the EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010-2015, the 15th anniversary of the United Nations Security Council Resolution (UNSCR) 1325 on Women, Peace and Security, the 20th anniversary of the Beijing Platform for Action, and the need for a new framework building on the Millennium Development Goals (MDGs).

### Aim

In the preparation phase for the hearings of the new Commissioners and the drafting of new European strategies for equality between men and women, the analysis as well as the accompanying workshop have the purpose to provide the Members of the FEMM Committee with information about what will be the internal and external challenges and opportunities in the field of gender equality in foreign affairs and development cooperation for the Commission until 2020. To identify them, the existing legal framework and actions taken in on-going and previous strategies for equality are analysed and recommendations provided.

### Methodology

The EU's gender equality policy in its foreign affairs and development cooperation will be assessed by means of a Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis involving the identification of the internal and external factors that are favourable and unfavourable to achieving the policy objectives. The two main components of this strategic planning method are the indicators of the internal situation described by strengths and weaknesses and the indicators of the external environment described by opportunities and threats. The SWOT analysis was developed through a study of relevant strategic and planning documents, legislation and statistics. The desk study was complemented by a series of interviews in the European Commission, the European External Action Service (EEAS) and the EU Delegations and the extensive, in-depth field experience of four case studies conducted in 2011 and 2013 (EU cooperation with Rwanda, Liberia, South Africa and Botswana).



## 1. THE RELEVANCE OF 2015 FOR THE FUTURE GENDER EQUALITY POLICY IN EU EXTERNAL RELATIONS

### KEY FINDINGS

- The year 2015 is a crucial moment for the future of women's rights and gender equality policy in EU external relations as it provides the opportunity to take stock of a number of international and European initiatives.
- The EU should seize this opportunity to strengthen its commitments to the promotion of gender equality.

The year 2015 will be a milestone for women's rights and gender equality in EU external relations as it provides the opportunity to take stock of a number of international and European initiatives.

First, the European Strategy for Equality between Women and Men 2010-2015 representing the European Commission's work program to promote gender equality into all its policies comes to an end in 2015. The European Commission will draft a new strategy for the next five years to which the FEMM committee will provide extensive input. This event is an important moment for the FEMM committee to scrutinize the work of the Commission in the strategy's five designated areas, including 'gender equality in external actions' and to urge the EU to strengthen the gender perspective in all its policies.

Second, the EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010-2015, also known as the Gender Action Plan (GAP) will also come to an end. In May 2014 at the meeting of the EU Foreign Affairs Council, the Council has called upon the EU and its Member States to develop an ambitious and robust successor, building on the progress of the current GAP, applying lessons learned and taking into account the post-2015 agenda. The Commission and the EEAS in collaboration with the Member States have therefore set up a Taskforce to define objectives, indicators and the reporting format for the GAP's successor. The FEMM committee will soon be able to scrutinize the new GAP, covering the period from 2016 to 2020, and analyse whether it focuses on results and addresses remaining shortfalls, while taking into account the aid effectiveness agenda as well as international conventions and agreements such as CEDAW and the Beijing Platform for Action.

Third, also for the global community the year 2015 is a critical time to take stock as it marks several key anniversaries, including the adoption of the Beijing Platform for Action (1995), the UNSCR 1325 (2000) and the Millennium Development Goals (2000). Most importantly the United Nations (UN) Millennium Development Goals Agenda will come to an end. To prepare a new global framework, the UN System, member states and civil society organizations have begun to discuss priorities for a post-2015 development agenda. The EU, being a major supporter of the MDG-agenda and having made impressive efforts to strive towards achieving its goals, has taken a proactive role in outlining its position on the post-2015 agenda. In a Communication entitled 'A Decent Life for All - Ending Poverty and Giving the World a Sustainable Future', published in February 2013, the Commission has highlighted that the post-2015 overarching framework should put



'particular emphasis on moving towards a rights-based approach to development, on reducing inequalities, as well as on the promotion and protection of women's and girls' rights and gender equality'. As 2015 also marks the 20th anniversary of the adoption of the UN Platform for Action, this milestone is a crucial opportunity to influence the post-2015 agenda and link it directly to the goals of the Platform for Action, as the lack of convergence between the MDGs and the Beijing Platform for Action are among the main criticisms of the previous framework. Building coherence between both agenda's means that gender equality and women's rights must be reaffirmed as essential ends in themselves and means for achieving peace and security, human rights, and sustainable development. Explicitly connecting the post-2015 agenda with the UN Platform for Action will strengthen the case for a transformative goal on gender equality, women's rights and women's empowerment, and call for gender mainstreaming across all other goals and targets (UN Women 2014).

These interconnected processes provide a once in-a-generation opportunity to position gender equality, women's rights and women's empowerment at the heart of the EU's global agenda. The EU should capitalize on its unique historical role as a gender equality promoter and seize this opportunity to strengthen its commitments in this area.

## 2. WOMEN AS RECEIVERS OF SUPPORT FROM THE EU AND OTHER INTERNATIONAL PROGRAMMES

### KEY FINDINGS

- Aid flows in support of gender equality and women's empowerment have risen significantly over the past years in the international and EU context.
- Most of this aid went to the education and health sector.
- There are no global data on the integration of gender equality indicators and objectives in budget support.

According to a 2014 report of the Organisation for Economic Co-operation and Development (OECD)' Development Assistance Committee members, aid flows in support of gender equality and women's empowerment have tripled since 2002 as measured by the OECD gender equality policy marker<sup>2</sup> or G-marker. Annual aid volumes have risen from 8 USD billion in 2002 to 24 USD billion in 2012 on average (currently representing around 30 per cent of total bilateral aid, budget support excluded). In line with the promotion of the global MDG-framework, most of this aid went to the education and health sector. In contrast, donor investments in women's economic empowerment, peace and security, women's participation and leadership have remained low and unchanged (OECD 2014a). Furthermore, despite major investments in reproductive health (in line with MDG5 to improve maternal health), these financial commitments have been insufficient to arrest the unacceptably high rates of maternal mortality in the world. Maternal deaths thus remain among the unfinished business of the MDG-agenda and a

<sup>2</sup> The gender equality policy marker is a policy indicator developed by the Development Assistance Committee of the OECD used to track resource allocations of donors to promoting gender equality. There are 3 G-Marker Scores: G-0: When gender equality is not targeted, G-1: When gender equality is a significant objective, G-2: When gender equality is a principle objective.

renewed commitment to investing in women's sexual and reproductive health and rights will be necessary to accelerate progress in this area beyond 2015 (OECD 2014a).

As regards EU aid flows, in 2012, 28 per cent of new EU proposals marked gender as principle or significant objective (general budget support excluded) as measured by the OECD gender equality policy marker. Although this figure represents an improvement compared to 20 per cent in 2011 and 14 per cent in 2010, this score remains very low according to the Commission's objective of 75 per cent of projects scoring at least G-1 according to the OECD G-marker (European Commission 2010a). Also, the percentage of EU aid in which gender is marked as a principle objective (score G-2) has been consistently low over the past decades, never accounting for more than 1.4 per cent (186 USD million) of screened aid flows (OECD 2014b).

Still, all in all, looking at the global reporting on the OECD gender equality policy marker it appears that funding for gender equality is quite impressive as aid amounts for gender equality have risen significantly over the past years in the international and EU context. However, the extent to which a donor activity has actually contributed to achieving gender equality objectives is not always clear as the G-marker measures how gender equality objectives are included in the programming of aid (the identification phase of projects and programmes) and does not measure actual outcomes for gender equality afterwards. Also, it is important to keep in mind that the G-marker is a relatively subjective tool as it depends on the judgment of the staff member filling in the assessment. Due to a lack of expertise or commitment there is the risk of staff merely 'ticking the box' and in the past misrepresentations have in fact occurred.<sup>3</sup> In addition it has to be noted that data on the integration of gender equality indicators and objectives in budget support do not exist, which represents a significant percentage of aid that is of the gender equality policy marker's radar.

### 3. ECONOMIC AND POLITICAL EMPOWERMENT OF WOMEN

#### KEY FINDINGS

- Women's lack of economic and political empowerment remains among the unfinished business of the MDG agenda.
- The EU should develop and use a detailed set of indicators that measure women's control over, and access to, assets and decent work, as well as their political participation at international, national and community levels.

Despite the MDG's uneven progress, investments in education and health the last 15 years have had its effect on the lives of women and girls in developing countries. Due to better access to health services, female life expectancy at birth has increased dramatically in the developing world. Furthermore, sustained investments in closing gender gaps in education have had effect at primary, secondary and tertiary schooling levels. Even in regions with the largest remaining gender gaps, such as South Asia and West Africa, there have been substantial gains. Fostered by the rise in education levels, expanding economic opportunities, as well as an unprecedented reduction in fertility, women's participation in

<sup>3</sup> See <http://capacity4dev.ec.europa.eu/public-gender/document/gender-equality-policy-marker>

paid labour has risen in most of the developing world. Nevertheless, despite their massive entrance to the labour market, women's increased participation has not translated into equal earnings or equal employment opportunities. In agriculture, women operate smaller plots and less remunerative crops and as entrepreneurs they tend to be concentrated in less profitable sectors and manage smaller firms (World Bank 2011). These economic inequalities do not disappear with economic development and growth as they can be attributed to women's overrepresentation in low-paid and gender-stereotyped jobs such as domestic and care work, a lack of integration into the formal economy, the unequal burden of unpaid care work and insufficient measures to reconcile paid work and care responsibilities, unequal access to full and productive employment and decent work, the persistence of discriminatory attitudes, norms, stereotypes and legal frameworks, insufficient social protection and insurance coverage for women and unequal access to resources and assets (UN 2014). This uneven playing field imposes a significant cost to women's welfare and opportunities.

Furthermore, women continue to have less input than men in decision-making globally: only one-fifth of the world's parliamentarians are woman, only 13 out of 193 heads of government are female and women hold only 17 per cent of the world's ministerial positions. At this pace, women will not be equally represented in parliament until 2065, and will not make up half of the world's leaders until 2134 (VSO 2013). Furthermore, women are largely absent from senior positions in judicial systems, the executive branches of governments and the civil service (Kabeer and Woodroffe 2014). The lack of power that women have to influence decision-making can be considered as one of 'the deepest and most persistent fault lines of poverty and inequality in the world today' (VSO 2013: 3).

However, in the framework of the MDGs, donors have generally focussed on women's access to education and health. Although these aspects are crucial for transformation towards a gender-equal society, on their own they are limited in scope. It is crucial for the EU's post-2015 agenda to look beyond equal access to education and health and tackle women's lack of economic empowerment, autonomy and independence as well as the unequal participation and representation of women at all levels of decision-making, including in national parliaments and other governance structures.

In the margins of the UN General Assembly in September, the EU, together with twelve co-founding members, launched the Equal Futures Partnership, which will promote women's political participation and economic empowerment. As a founding member, the EU has committed to practical initiatives for women's political participation and economic empowerment. In this framework, the EU should develop and incorporate a detailed set of indicators that measure women's control over, and access to, assets and decent work, as well as their effective participation and influence at international, national and community levels (Kabeer and Woodroffe 2014).

## 4. WOMEN IN EU PEACE KEEPING AND PEACEFUL CONFLICT RESOLUTION

### KEY FINDINGS

- The EU has committed to the full implementation of the global women, peace and security agenda and reports on progress regularly.
- While high-level reporting is indispensable to raise awareness and build momentum, it should move beyond being a bureaucratic exercise.

The EU is committed to contribute to the full implementation of the women, peace and security agenda set in the UNSCR 1325 and 1820 and has a specific policy in place. In December 2008, the Council adopted the 'EU Comprehensive Approach on UNSCR 1325 and 1820 on women, peace and security' (Comprehensive Approach) that covers the whole spectrum of EU's external action instruments throughout the conflict continuum, from conflict prevention to crisis management, peace-building, reconstruction and development cooperation. In parallel, the Council adopted a revised operational paper on the implementation of these resolutions specifically within the EU's Common Security and Defence Policy (CSDP). This document, together with the Comprehensive Approach, jointly form the two main pillars of the EU's women, peace and security policy.

In the framework of the Comprehensive Approach, an informal EU Women, Peace and Security Task Force on UNSCR 1325 was created to increase inter-institutional coordination and promote a coherent approach to gender-related issues. The Task Force is composed of staff working on gender equality and security issues across the relevant Council Secretariat, the EEAS and the Commission services, and is open to EU Member State participation. It meets approximately two times a year.

In July 2010, the Council adopted a set of 17 indicators to follow up progress regarding the protection and empowerment of women in conflict settings and post-conflict situations, as stipulated by the Comprehensive Approach. A report should be compiled at least every two years by the services in charge, with the support of the informal EU Women, Peace and Security Task Force, and presented to the Council's Political and Security Committee. The first report was adopted in May 2011 and a second one in January 2014. The 2014 report on the EU-indicators for the Comprehensive Approach showed some positive developments, indicating for example that 9 out of 14 CSDP Missions and Operations have appointed a gender advisor. Furthermore, the EU and its Member States are active on the issue of women, peace and security in more than 70 countries. Up to 25 EU Delegations indicated that they support a total of 467 projects related to women, peace and security (predominantly human rights and civil society projects). The report also contains several concrete examples of fruitful cooperation with international and regional organisations, including the UN, the NATO, the African Union and the ASEAN. Nevertheless the report also shows that the inclusion of UNSCR 1325 issues in human rights dialogues remains insufficient and admits that the 17 indicators are often vaguely formulated and do not allow for comparison between the first and second implementation reports. A precise picture of progress is thus not always possible.

Also the EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010-2015, contains a specific objective on 'fully implementing UNSCR 1325 and 1820, 1888 and 1889' as well as two corresponding actions and indicators. A report on the implementation of these actions and indicators has been compiled every year since 2011. The 2013 Report indicated that only 3 EU Delegations had developed a strategy to implement the Comprehensive Approach and did not report specifically on the amount of annual support for the UNSCR 1325 and 1820 (although indicator 9.2.1 indicates that the level of funding should be annually monitored and reported upon). The goal of an annual increase in EU support for the UNSCR 1325 and 1820 could thus not be evaluated. While the reporting on the Comprehensive Approach and the women, peace and security aspects of the EU Plan of Action are indispensable to raise awareness and build momentum at a high level, it is equally crucial that the reports move beyond being merely bureaucratic exercises. In the post-2015 framework indicators should become more result-oriented and comparable over time.

## 5. GENDER MAINSTREAMING IN THE EU'S EXTERNAL POLICY

### KEY FINDINGS

- The EU stands out internationally in its commitment to mainstream gender across all areas of its policies.
- Competency in gender analysis and receptiveness to gender mainstreaming vary across the respective external policy area.
- While the Commission's DG for Development and Cooperation – Europeaid - has taken the lead on the promotion of gender equality, the DG for Trade has not given much attention to the matter. Other EU external policy services, including the DG for Humanitarian Aid and Civil Protection, the DG for Enlargement and the European External Action Service, have recently begun to take important steps towards a systematically gender mainstreamed policy.

Among international organizations, the EU stands out in its support for the goal of gender equality. The Lisbon Reform Treaty considers 'equality between women and men' among its values and objectives and, since 1997, the EU has committed to mainstreaming gender considerations into all aspects of its operations and policies, stating that 'in all the activities [...] the Community shall aim to eliminate inequalities and to promote equality between men and women' (EU 1997 Article 2). Accordingly, the EU has adopted a range of high-level policy documents confirming that gender has to be mainstreamed in all areas of external policy and into all programmes and projects at regional and country levels.

The Brussels-based Headquarters, including the EEAS, the European Commission's Directorate-General Development and Cooperation-EuropeAid (DG DEVCO), the Directorate-General for Trade, the Directorate-General for Humanitarian Aid and Civil Protection and the Directorate-General for Enlargement are responsible for outlining the EU's external policy and its implementation guidelines. Approximately 140 EU Delegations and offices around the world are responsible for the implementation of external assistance, serving as the main entry points for integrating gender equality norms

within the practice of European external aid. Among the EU's external policy agencies, competency in gender policy analysis and receptiveness to gender mainstreaming vary across the respective policy areas. While DG DEVCO seems to have taken the lead on the matter, the European Commission's Directorate-General for Trade, has not given much attention to gender inequalities. Other external policy agencies have more recently begun to take important steps towards a systematically gender mainstreamed policy.

## 5.1 Directorate-General for Humanitarian Aid and Civil Protection

Over the past years, the Directorate-General for Humanitarian Aid and Civil Protection (DG ECHO) has taken major steps towards the design and systematic implementation of a gender mainstreaming strategy. In line with the European Consensus on Humanitarian Aid and following recommendations from a 2009 Gender Review, DG ECHO has outlined its approach to gender and gender-based violence in the 2013 Staff Working Document 'Gender in Humanitarian Aid: Different Needs, Adapted Assistance'. With this high-level policy document, DG ECHO aims to improve the quality of humanitarian assistance through gender integration, participation and protection, following a three-track approach including mainstreaming, targeted actions and capacity-building.

In order to support policy implementation and coherence, a gender-age marker was designed to foster and track gender- and age-sensitive programming which will be applied to all funded actions as from 2014. DG ECHO uses the marker's results to monitor its partner's and own performance in integrating gender and age (examining for example if the share of funded actions with a high gender-age marker score is increasing, or if the integration of gender and age improves over the implementation period of projects). The use of the marker is seen by DG ECHO as a joint learning exercise and an organizational change process that takes time and therefore DG ECHO does not link its funding decisions to the gender-age marker in the beginning. When data on the performance on gender sensitivity are systematically being measured and baseline data are available the gender-age marker might become a conditionality for funding.

It is important to note that these crucial policy developments at DG ECHO have become possible due to the indispensable support of senior staff as well the Commissioner. In its 2013 Staff Working Paper, DG ECHO has committed to ensure the implementation of this policy approach through an adequate resource allocation, leadership commitment and monitoring of results. Additionally, with a view to reinforcing institutional knowledge and capacity, DG ECHO will make appropriate guidance and training opportunities available.

Key challenges that have been identified to the strategy are a limited institutional capacity and lack of accountability. Interviews have also shown that there is resistance among staff members who perceive gender as another cross-cutting issue that should be mainstreamed as staff already faces competing priorities. In this respect, efforts to build staff capacity and commitment, combined with a concrete action plan, clear assignments and strong leadership are critical for delivering results. In the post-2015 period it is crucial that these high-level commitments are systematically pursued and followed up. Up to now, DG ECHO has not yet outlined specific targets or performance indicators to meet after 2015. A detailed internal work plan including targets, timelines and performance indicators could be an important asset in this respect and could feed into the new European Strategy for Equality between Men and Women 2016-2020.



As regards staff capacity, DG ECHO has appointed a Policy Officer for Gender and Children (since 2010) and recently (2014) recruited a Gender Advisor to support the missions. Furthermore, DG ECHO has organised two-day Gender-Age Marker Trainings in Brussels (2 in 2014) as well as in Dakar (2014) and Nairobi (2013) to increase the capacity of staff and partners to act in accordance with the new gender policy and apply the gender-age marker. These trainings are voluntary. General trainings on the integration of gender in humanitarian aid are not available to DG ECHO's staff.

## 5.2 Directorate-General for Enlargement

Enlargement policy contributes to gender equality in the world in the sense that it leads candidate and potential candidate countries to align themselves with the EU's *acquis communautaire* - including European standards on gender equality. In accordance with this, the Strategy for Equality between Men and Women has among its key actions the commitment to 'monitor and support adherence to the Copenhagen criteria for accession to the EU in the field of equal treatment between women and men, and assist Western Balkans countries and Turkey with the transposition and enforcement of legislation' (European Commission 2010b). In the 2013 Mid-term review of the Strategy, it was reported that yearly Progress Reports on (potential) candidate countries cover gender inequality under the political criteria as well as under chapters 19 'social policy and employment' and 23 'judiciary and fundamental rights'. Also it was mentioned that some opinions (Albania and Montenegro), monitoring tables (Croatia) and screening meetings (Iceland) have covered gender equality issues.

Each year, the European Commission's Directorate-General for Enlargement (DG ENLARG) adopts an 'Enlargement Package' – which is a set of documents explaining its overall policy and reporting on progress achieved in each country. These country-specific progress reports indeed systematically contain an assessment of the countries' alignment with and implementation of the legal *acquis* in the field of gender equality. Importantly, the Enlargement Package also includes the annual Enlargement Strategy Paper which sets out the way forward and takes stock of the last twelve months. In the latest annual Enlargement Package which was adopted in October 2013, DG Enlargement admits that 'more needs to be done to improve the position of women and ensure gender equality' in EU enlargement policy (European Commission 2013: 9). Although good gender analyses are made under chapters 19 and 23, the gender dimension could be more systematically mainstreamed across the other chapters of the *acquis*. Also it is important for DG ENLARG to go beyond analysing. One of the challenges DG ENLARG encounters in this respect is the translation of its analyses on gender inequality in the Progress Reports to meaningful interventions during negotiations, programs, training and support to candidate countries. More systematic support of partner countries and the systematic inclusion in policy dialogue are necessary. At present, however, there is no specific gender training available to the staff of DG Enlargement, which can make it difficult for officials responsible for negotiations and support in sub-committees and technical and screening meetings to include a gender perspective.

DG Enlargement has recently started to act upon its wish to install a more systematic gender mainstreaming approach in its policy and has appointed a full-time gender advisor in June 2014 (Seconded National Expert with a 2 year posting). In carrying out this endeavour, DG Enlargement could build upon the good practices taking place in DG ECHO and DG DEVCO (see below). In particular the formal instalment of a network of gender focal persons in the EU Delegations in the (potential) candidate countries could provide a

valuable tool. Also the development of a Staff Working Document outlining a systematic approach to gender mainstream EU enlargement policy (in line with DG ECHO's or DEVCO's Action Plan) could provide useful.

### 5.3 Directorate-General for Trade

As stipulated in the European Strategy for Equality between Women and Men 2010-2015, the EU should integrate 'gender equality into its trade policy as part of a wider framework of sustainable development' and encourage 'the effective application of the ILO's core labour standards and its Decent Work Agenda, including in relation to non-discrimination, in its preferential trade agreements' (European Commission 2010b). However, trade policy is not mentioned among the Strategy's key actions and – in contrast to all other external DGs as well as the EEAS - DG Trade is notably absent in the strategy's division of labour. Indeed, the little research that has been conducted on the EU's gender and trade policy indicates that DG Trade is among the poorest compliers with the EU requirement to gender mainstreaming. While in principle gender equality should be addressed in the Sustainability Impact Assessments<sup>4</sup> (SIAs) to help guide negotiators in trade discussions, there is little evidence of gender being systematically included in SIAs, nor of gender considerations being actually used by trade negotiators. If SIAs would systematically assess the likely impact of proposed trade agreements, this would constitute an important first step in gender mainstreaming EU trade policies. The SIAs handbook does not include a strong gender component and stays noncommittal, leaving significant room for the external evaluator's preference whether or not to look at trade policy's gender aspects. An update of the SIA handbook would provide a useful first entry point to integrate gender issues more strongly in DG trade's policy.

While DG Trade does have a staff member who formally has gender issues in her portfolio (among other things), there is little proof of the inclusion of gender equality issues in the work of DG Trade. Also, there are no gender trainings available within DG Trade. A systematic approach to gender mainstream trade policy still has to be built from scratch. In carrying out this endeavour, DG Trade can build upon good practices taking place in other external policy DGs. For example DG ECHO's recent development of a Staff Working Document outlining the promotion of gender equality, could provide a useful example to install a systematic approach to gender mainstream trade policy. Also, the use of a gender equality policy marker (in line with DG ECHO's gender-age marker, or the OECD's G-marker used by DG DEVCO) could provide an inspiration in this sense.

### 5.4 Directorate-General for Development and Cooperation – EuropeAid

The Commission's DG DEVCO (previously DG Development and DG AIDCO) has been viewed as the most gender-friendly DG focused on external policy, as it has been intensely involved in Gender and Development debates since the early 1980s and has issued a string of relevant policy statements, resolutions and communications since the Beijing conference. Notably in 2001, the Commission issued its Programme of Action for the

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<sup>4</sup> Trade Sustainability Impact Assessments are independent studies conducted by external consultants studying the likely impacts of trade liberalisation in areas such as income, employment, capital investment, equity and poverty, health and education, gender inequality, environmental quality of air, water and land, biological diversity and other natural resource stocks.

Mainstreaming of Gender Equality in Community Development Cooperation stipulating a twin-track strategy which implies 'the EC is committed to including gender equality goals in the mainstream of EC development co-operation policies, programmes and projects', while 'concrete actions targeting women (specific actions)' reinforce these processes (European Commission 2001: 8-13). In 2006, the Council, the Parliament and the Commission, jointly agreed upon the European Consensus on Development and included forceful language on gender equality intended to guide the actions of both the EU and its Member States. Inspired by this momentum, in 2007, DG DEVCO issued a 'Communication on Gender Equality and Women's Empowerment in Development Cooperation' aimed at increasing the efficiency of gender mainstreaming and refocusing specific actions for women's empowerment, providing 41 concrete suggestions in the areas of governance, employment, education, health and domestic violence. Requested by the European Development Council, the EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010-2015 was released by the Commission in 2010. This Gender Action Plan (GAP) is a high-level staff working document that implements the 2007 Communication and replaces the twin-track strategy with a 'three-pronged approach' consisting of gender mainstreaming, specific actions, and political and policy dialogue to put gender equality more systematically on the agenda of the dialogue with partner countries. The GAP contains 9 objectives, 37 actions and 53 indicators, to which DG DEVCO, the EEAS, the Member States and the EU Delegations have committed and report on annually. Each year this information is gathered in Brussels, formalised and sent to the Council for approval.

In November 2013, the third report on the implementation of the GAP was published. It concludes that while progress is on-going, it is extremely slow and needs to be accelerated. In 2013, only 79 EU Delegations submitted a report (which is a decrease from 93 Delegations in 2012), as well as 16 Member States. Positive achievements in the period 2012-2013 included the number of sectors using sex-disaggregated indicators going up from 5 to 18 as well as the elaboration of Gender Country Profiles in 12 EU Delegations (planned in 13 others). Despite this progress, significant challenges were reported, such as the lack of technical capacities and knowledge at country level or the relatively high number of countries where gender equality is not raised in political dialogue. Indeed, integrating gender equality issues in political dialogue can be challenging for senior officials who are not equipped or committed to the topic. Also, further progress is required to achieve the ambitious goal to ensure that 75 per cent of aid contributes principally or significantly to gender equality and women's empowerment (currently 28 per cent of new EU proposals mark gender as a principal or significant objective). The next implementation report is due in the winter of 2014.

External reviews of the GAP indicate uneven progress across objectives and policy actors. Although interviews indicate that the GAP and its annual reporting are crucial for awareness-raising and changing staff mind-set, the effects on the ground vary from Delegation to Delegation and much depends on the involvement of the Heads of Mission and of Cooperation. In general, external reviews point out a variable to weak buy-in from EU Heads of Delegations and Member State Ambassadors translating into low performance of senior officials and low financial and human resources allocated to implementation. While some case-studies showed committed Heads of Delegation and Cooperation, pushing staff to integrate gender issues in their work, in other Delegations there is an indifference or apathy towards gender mainstreaming. In general, aside from those working specifically on gender issues, it seems that gender mainstreaming and the GAP are not yet widely understood within the Commission, the Delegations, the EEAS and the Member States. Furthermore, with the exception of specific objectives on MDG3 (promote gender equality and empower women), MDG5 (improve maternal mortality), gender-based violence and the

UNSCR 1325 - the GAP does not directly address important thematic areas such as women's economic empowerment and political participation (ODI 2013).

Another challenge can be encountered in the reporting. As is the case with the reporting on the EU-indicators for the Comprehensive Approach (see chapter 4), the reporting on the GAP often uses a narrative approach which does not always provide sufficient information for comparison and analysis. For example the reporting on the inclusion of gender equality issues in the Delegation's political dialogue provides little detail on what issues were raised with whom, when and with what results (ODI 2013). Also clear reporting on gender mainstreaming in EU general and sector budget support is lacking – which leaves a considerable amount of EU aid untracked.

On the positive side, as regards expertise and capacity-building, DG DEVCO is at the forefront of EU external services. DG DEVCO is the only external policy agency that has a full-fledged unit working on gender issues. Within the unit 'Governance, Democracy, Gender and Human Rights', DG DEVCO has created 5 positions dealing with gender issues, including 1 permanent official, 2 national seconded expert and 2 contract agents. Four positions deal exclusively with gender equality, while one position also focuses on children's rights, LGBTI issues and non-discrimination. The Unit has a significant workload regarding gender equality matters, including policy development and follow-up, the design of tools and support to the Delegations, but also analysing all EU development projects submitted to the different Office Quality Support Groups (oQSGs)<sup>5</sup> and ensuring the integration of a gender perspective in their design. The work in the oQSG is a crucial aspect of gender mainstreaming EU development policy, although the Unit has insufficient staff to carry out this task thoroughly.

In 2007, DG DEVCO invited all EU Delegations to appoint a Gender Focal Person (GFP)<sup>6</sup> and (re-)established its expertise-sharing network consisting of GFPs in the Delegations as well as representatives from all DGs dealing with gender and external relations. In theory, all Delegations have now formally appointed a GFP, although the degree to which gender equality issues are promoted depends on the support from the hierarchy as well as on the commitment and educational background of the staff member.

Furthermore, since 2004, DG DEVCO has initiated a process of systematic technical assistance and capacity-building on gender mainstreaming in development cooperation.<sup>7</sup> Since then, over 2000 persons working on development related matters have received training, which is quite an impressive number. However, taking into account the hierarchical position of these staff members, it comes to the fore that participants have been mostly female contract agents with temporary assignments (as opposed to permanent officials) in non-decision-making positions while the EU's permanent officials seem more interested in other training opportunities. Parts of the trained EU staff have thus left the EU institutions resulting in consequent losses of continuity and institutional memory. Also, the relatively lower status of staff trained in gender matters can limit their ability to influence decision-making (ODI 2013).

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<sup>5</sup> The oQSGs perform peer reviews of the EU's external assistance activities at the identification and formulation stage. Five oQSGs are currently operating, one for each geographic region, and one dealing with measures funded through thematic budget lines. Each oQSG is composed of DEVCO staff based in Brussels and the Delegations. They are responsible for the geographical aspects, quality from a thematic perspective and conformity with contractual and financial rules and practices. See: [http://ec.europa.eu/europeaid/how/ensure-aid-effectiveness/quality-support-groups\\_en.htm](http://ec.europa.eu/europeaid/how/ensure-aid-effectiveness/quality-support-groups_en.htm)

<sup>6</sup> A GFP is defined as a member who is responsible for facilitating the promotion of women's empowerment and gender equality issues in the activities of the Delegation.

<sup>7</sup> Web-based training as well as tailor made face-to-face training in the EU Delegations have been made available annually.

## 5.5 European External Action Service

Since the Directorate-General for External Relations was merged into the EEAS in 2010, headed by HR/VP Catherine Ashton, gender equality in external relations has gotten a more prominent position and several initiatives have taken place. The role of the EEAS as regards the implementation of the GAP has been concerned with actions around UNSCR 1325 (see chapter 4). Furthermore, responsibility rests with the EEAS for a number of training-related indicators (for example providing gender training for EEAS staff pre-posting and for Heads of Mission). In this respect the EEAS has increased the availability of gender trainings for its staff: it organised a gender training in 2012 for Delegations' human rights focal points, EEAS headquarters, Commission as well as the Parliament. Also gender and human rights are routinely included in the foundation courses on CSDP and were included as a topic in the first EU senior mission leaders' course (held in October 2013). Although the first important steps for institutional capacity-building at EEAS have been taken, these effort needs to be sustained to ensure the systematic and structural training of all EEAS staff.

Another important role is connected to the implementation of the 2012 EU Strategic Framework and Action Plan on Human Rights and Democracy, which comprises 'the protection of the rights of women and against gender-based violence' among its goals and includes five gender-related actions for which the EEAS is responsible. Reporting is taking place annually, using a narrative approach citing actions and events. Within the framework of the EU Strategic Framework and Action Plan, in April 2012, the EEAS has appointed a full-time Gender Adviser to its Director on Human Rights and Democracy (permanent official at senior level), cooperating in an informal EEAS gender policy network containing staff from various EEAS departments who have gender equality issues in their portfolio.

The last few years, gender equality in external relations has been high on the agenda and is supported at a high level as demonstrated by regular statements by the HR/VP for Foreign Affairs and Security Policy as well as by other senior EEAS officials. This has created an important momentum at EEAS and has helped to raise the profile and importance of efforts on gender equality and the rights of women and girls (ODI 2013). Furthermore, the EEAS has made efforts to tackle the underrepresentation of women in EU external relations services and promote gender balance at all levels of appointments, in Headquarters and Delegations. For example an informal women's network for EEAS staff was set up, organising trainings and internal events to raise awareness at senior level and at the human resources department. As a result the EEAS Human Resources Department has taken a certain number of incentives such as ensuring an adequate gender balance in all selection panels or giving preference to a female candidate in cases where two applicants for a post display equal merit.

However, according to an external evaluation carried out by the Overseas Development Institute (ODI) 'there is no evidence of systematic gender mainstreaming across the EEAS in its political affairs and geographical departments' nor of gender analysis and gender equality issues being systematically mainstreamed in political dialogue (ODI 2013: 11). Conducting gender analysis and ensuring gender equality issues are integrated in political dialogue with partner countries and in policy programming, should however be an EEAS priority.

One difficulty in this respect can be attributed to an unclear division of labour and responsibility between the EEAS and DG DEVCO, 'whereby EEAS leads on programming and DEVCO on policy' (ODI 2013: 12). This hampers the implementation of



the GAP as well as the Strategy for Equality between Women and Men. Also none of the three GAP implementation reports contain a specific chapter on the work and role of the EEAS (while it does contain chapters on the Commission, the EU Delegations and the Member States). Coordination between foreign policy and development policy needs to be improved to fulfil the political commitments on gender equality, particularly in the Delegations (for example as regards political dialogue and the reporting on this dialogue by Heads of Mission). Nevertheless, all in all the EEAS has taken important steps towards a gender mainstreamed external policy under HR/VP Ashton's leadership, which should be sustained in the next hierarchy.

## 6. ANALYSIS OF STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS

### 6.1 Build on Strengths, Eliminate Weaknesses

#### STRENGTHS

- Strong EU policy framework on the promotion of gender equality and women's empowerment in external policy in place.
- Annual/Biennial reporting at a high policy level creating important momentum and awareness-raising.
- DG DEVCO has invested significantly in institutional expertise and capacity-building. The EEAS and DG ECHO have more recently taken important steps to systematically institutionalize expertise and capacity-building.

The EU has a strong policy framework in place covering most aspects of the promotion of gender equality and women's empowerment in external policy, comprising the Comprehensive Approach to the EU Implementation of the UNSCR 1325 and 1820 on Women, Peace and Security; the European Strategy for Equality between Women and Men 2010-2015 (including the promotion of gender equality beyond the EU among its five priority areas); the EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010-2015 and the EU Strategic Framework and Action Plan on Human Rights and Democracy (including the protection of the rights of women, and protection against gender-based violence among its goals). Most of these strategies include actions, indicators and the responsible actors (the EEAS, the Commission DGs, the EU Delegations and/or the Member States). Each of these strategic frameworks involve annual (in case of the GAP, the Strategy for Equality between Women and Men and the Action Plan on Human Rights and Democracy) or biennial reporting (in case of the EU-Indicators for the Comprehensive Approach). Guided by these significant political commitments and high-level reporting tools, the external services of the EU institutionalize gender mainstreaming methodologies and gender equality principles across their policy and operational work.



## WEAKNESSES

- Policy development and follow-up are uneven across policy areas.
- Effective implementation of EU policy framework remains unclear.
- Institution-wide gender-competence is insufficient, situated at the lower levels of the hierarchy and leaking away.

Nevertheless, although in principle all EU external services as well as all staff members share the responsibility for gender mainstreaming, in practice, policy development and follow-up are uneven across policy areas and the effective implementation remains highly dependent on the skill, commitment and time invested by individual staff members who have gender issues in their portfolio. Not all DGs have a systematic gender policy in place. Trade policy is not included in the Strategy for Equality between Women and Men nor does it have an internal policy framework on the promotion of gender equality and women's empowerment. DG Enlargement has only recently taken the first steps towards this endeavour. Also the EEAS might benefit from an internal action plan bringing together its dispersed efforts.

Furthermore, one of the key institutional challenges is the availability of gender expertise in the Commission's external policy agencies. DG DEVCO is the only external policy agency that has a full-fledged unit working on gender issues, while the EEAS and DG ECHO have recently begun to invest in institutional expertise and capacity-building. In the other external policy agencies the picture varies: while all DGs have a person responsible for gender equality issues/mainstreaming, this is often not a full-time function as the administrator is also responsible for other issue areas. The person in charge for gender is also mostly a temporary agent which might hamper institutional memory and continuity. In general, staff members working on gender equality policy are highly committed, but insufficiently resourced and supported by the hierarchy.

Although it could be expected that a considerable body of institutional knowledge and experience have been build up over the past decades given the investments in gender training and capacity-building for development staff since 2004, most trained staff members have been temporary contract agents at the lower levels of the hierarchy, so a loss of institutional expertise has occurred. Interviews with experts also indicate a low understanding of the importance to mainstream gender with overall staff (for example with staff managing sector and budget support programmes) and stress the need for continued efforts to invest in gender trainings accustomed to the specific work in the different DGs. Also, the EU's low score on the OECD G-marker indicates a need for a stronger and more sustained support to the EU Delegations.

Lastly, while high-level reporting creates important awareness raising and momentum, clear result indicators measuring actual performance are often lacking (an exception being the 75 per cent target on the G-marker in the GAP). In the post-2015 period, actions and indicators should be made more concrete and data more systematically collected and analysed, otherwise reporting risks being a bureaucratic exercise resulting in a merely formal compliance to the goals of gender equality.

## 6.2 Exploit Opportunities, Mitigate Threats

### OPPORTUNITIES AND THREATS

- Opportunity: Clear consensus among donors that gender-equality should be central in the post-2015 agenda.
- Threat: Insufficient resources and priority overload in a context of crisis.
- Opportunity/Threat: Global shift towards the use of budget support.

The international process to develop a post-2015 development framework to replace the MDGs provides a significant momentum to push the agenda for gender equality further, as there seems to be a clear consensus among most international actors that gender equality should be a centre-piece in the new framework with a stand-alone goal and a broadening of the current targets (Kabeer and Woodroffe 2014). This historic moment provides an opportunity to broaden and deepen the gender equality agenda and move beyond the predominant focus on gender issues in education and health. However, donors increasingly operate in a context of priority overload where gender equality is a cross-cutting issue to be mainstreamed among a range of other issues including the environment, human rights, and HIV/AIDS. The danger exists that gender equality is being 'mainstreamed out' as it is subsumed into wider discussions about inequality reduction. A key challenge for donors is thus to ensure that gender is, and remains, a development priority (UNU-WIDER 2012). This is a particularly timely task as so far the world's resources for gender equality have been inadequate to the task of improving women's position in society for effective equality between men and women. More specifically, at the Fifty-eighth session of the UN Commission on the Status of Women (CSW) in March 2014 on the 'challenges and achievements in the implementation of the MDGs for women and girls', the CSW has stressed that 'significant underinvestment in gender equality ... continue to limit progress on the Millennium Development Goals for girls and women of all ages, their families and communities' (UN 2014: 9). Especially in the context of the global economic crisis, shifts to austerity measures with a reduction in investment in social sectors taken by some countries have impacted women and girls negatively (UN 2014). Development resources, including official development assistance, in support of gender equality and women's empowerment thus remain essential.

Furthermore donors have been operating in a context of changing aid modalities which have led to a decline of support by traditional donors to projects and programmes, and a shift towards budget support, policy dialogue, and giving aid through multilateral institutions. Budget support is one of the aid modalities enforced by the EU and its Member States after the Paris Declaration and constitutes a shift away from project-toward programme-based assistance directly into the partner country government budget. Gender advocates see potential in budget support as it can help to ensure that the focus is on the results aid has and on how the government budget advances gender equality (WIDE 2007). Another advantage is that budget support – as opposed to projects and programmes – gives donors high-level access to partner countries' policy dialogue which can be an important entry point for discussing gender equality with partner governments and introducing gender equality principles in public sector reforms.

However, budget support is also a controversial aid modality and gender advocates have expressed fears it equals a deprioritization of gender equality (WIDE 2007). The picture

that emerges from the limited literature examining the implications of the new aid environment for gender equality and women's rights shows that its potential to significantly advance gender equality has not been realised. Whilst there are examples of successful gender budgeting<sup>8</sup>, gender issues are generally not well addressed in budget support and women's organisations have been marginalized in aid programmes and silenced in policy debates (Gender and Development Network 2008). Nevertheless, in 2011, the EU has reaffirmed and strengthened its commitment to the use of budget support. In this renewed policy, gender equality objectives have not explicitly been brought to the fore.<sup>9</sup>

## 7. RECOMMENDATIONS

The European Parliament should call upon the Commission, the EEAS and the Council to develop a strong position on gender equality and women's rights in foreign affairs and development cooperation, so the EU can take a leadership role in promoting the gender equality and women's rights agenda globally after 2015. More specifically, the Parliament should urge the Commission, the EEAS and the Council to have a coherent gender equality policy across all aspects of external relations, broaden and deepen the EU's gender policy in its external relations and development cooperation, sustain and strengthen political leadership and accountability and further invest in institution-wide expertise and capacity-building.

1. Greater policy coherence in promoting gender equality in all areas of EU external action without exception. A more integrated approach to gender mainstreaming and gender equality policy is needed which ensures the full involvement and commitment of all EU institutions across all aspects of external policy.
  - The Commission and the EEAS should 'ensure that policy in [all external policy] areas is coherent with the objectives of promoting gender equality and women's empowerment'. This includes CDSP, climate change policy, development cooperation, enlargement policy, humanitarian aid, human rights, trade, and neighbourhood policy.
  - The Commission should propose for the new Strategy for Equality between Women and Men 2016-2020 concrete and ambitious actions and targets for the EEAS as well as for each external policy DG (DEVCO, ECHO, ENLARG and TRADE). A clear division of labour with targets and responsibilities for each external policy service, without exception, as well as instructions for staff on their role in implementing the EU's gender equality policy should be set up.
  - Building on the good practices in other external policy services, DG Trade, DG Enlargement and the EEAS should start with the development of an Action Plan outlining how to systematically mainstream gender in all their policies. The use of a gender marker as well as the formal instalment of a gender focal persons' network should be examined.

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<sup>8</sup> See for example the three-year European Commission-UNIFEM programme launched in 2008, 'Integrating gender responsive budgeting into the aid effectiveness agenda' supporting gender budgeting initiatives in 10 pilot countries, providing evidence on how budget support can advance gender equality in practice.

<sup>9</sup> To the contrary, while the 2007 guidelines contain a complete section discussing gender equality, the 2012 guidelines only contain two brief references to 'the poor, women and children'.

2. Broaden and deepen EU gender policy in external relations and development cooperation.

- The EU Plan of Action on Gender Equality and Women's Empowerment in Development, the EU Action Plan on Human Rights and Democracy and the European Strategy for Equality between Women and Men 2010-2015 will all be updated in 2015. The Commission should use this opportunity to put forward clear goals, connected to financial commitments. The performance indicators in the existing reporting structures need to be revamped so that they become results-oriented and allow to track progress as well as annual comparison. The Commission should make sure that narrative reporting styles are replaced with a systematic reporting on indicators measuring tangible results.
- The European Commission should ensure the availability of methodical collection and use of sex-disaggregated data which is necessary to support the switch from a narrative to a result-oriented reporting approach.
- The European Commission should broaden the gender equality agenda and explicitly include women's economic empowerment and political participation in the new strategies for the post-2015 framework (including the new EU Plan of Action on Gender Equality and Women's Empowerment in Development, the EU Action Plan on Human Rights and Democracy and the European Strategy for Equality between Women and Men). To support this endeavour, the European Commission will have to develop and use a detailed set of indicators measuring women's control over and access to assets and decent work, as well as their effective participation in decision-making.
- Given that the EU is an international frontrunner on both budget support as well as the promotion of gender equality, the European Commission and the budgetary authority should make sure this aid modality includes a gender dimension and guarantees a female ownership. This endeavour starts with creating a base line and measuring the amount of EU sector and general budget support that includes gender indicators and objectives (gender budgeting). In this respect, the European Commission could also propose to experiment with sector budget support to Ministries of Women's Affairs and Gender Equality instead of investing in more established Ministries such as Ministries of Transport or Education which are often already better funded.
- The European Commission and the budgetary authority should reiterate financial commitment to gender equality in EU external policy by providing increased financing for gender mainstreaming as well as specific projects on gender equality and women's rights. This includes an increase in resources for local, national, regional and international women's organisations who, as evidence shows, have proven to be key actors in advancing women's rights by acting as policy watchdogs and norm catalysts in society.
- In this respect, the European Commission and the EEAS should systematically track financial allocations to gender equality (gender mainstreaming, specific actions and support to women's organisations) and include this data in the DGs' annual reporting (for example in DEVCO's 'Annual Report on the European Community's Development and External Assistance Policies and their Implementation').

3. Sustain and strengthen political leadership and senior management support for gender equality in EU external relations at Headquarters and Delegation level.
  - As a key EU value and political objective, EU political leaders and senior managers from EEAS, the European Commission and the EU delegations should be encouraged to put gender issues high on the political agenda and continue to speak out publicly on persistent gender inequalities and women's rights violations whenever and wherever they occur.
  - The European Commission and the EEAS should ensure that competence on gender equality issues is incorporated in the job descriptions, work plans and performance assessments of senior management in the EU Headquarters and Delegations (for example for the Head of Delegation and Head of Cooperation). This should be accompanied by mandatory training (of at least four hours).
  - The European Parliament should monitor regularly whether gender equality became a mandatory agenda item for political dialogue with third countries on matters regarding human rights, development, trade and accession policy. The budgetary authority should make sure that EU representatives will be equipped with the necessary training and briefing.
  - The European Commission and the EEAS should create accountability at higher levels of the hierarchy by including gender equality targets linked to the post-2015 framework in work plans and performance assessments of senior and middle management in both Headquarters and Delegations.
4. Further investments in institution-wide expertise and capacity-building in both EU Headquarters as well as the Delegations.
  - The European Commission and the EEAS should build in-house capacity on gender equality issues by integrating a gender perspective in all EU training programmes for all external DGs as well as the EEAS. Training is now focussed on EU development staff, but policy-specific gender mainstreaming trainings in other Directorates-Generals are necessary.
  - In this respect, the European Commission and the EEAS should make sure that gender training of at least four hours is mandatory for staff managing sectorial programmes, general and sector budget support and political and policy dialogue in third countries.
  - All EU institutions should make sure that, in application of a key value of the EU, job descriptions and performance assessments explicitly involve gender competence, especially when hiring staff members for policy, research and operational positions.
  - All EU institutions should also ensure that gender focal persons in the Headquarters and the Delegations are allowed to work on gender matters full-time as gender mainstreaming is not a low-cost or no-cost exercise. Furthermore, it is crucial to recruit additional full-time gender advisors and experts at senior levels where they can influence decision-making.

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