REPORT

on the Commission report on Equal Opportunities for women and men in the European Union, 6th annual report

Committee on Women's Rights and Equal Opportunities

Rapporteur: Rodi Kratsa-Tsagaropoulou
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At the sitting of 2 September 2002 the President of Parliament announced that he had referred the report to the Committee on Women's Rights and Equal Opportunities as the committee responsible and the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the Committee on Employment and Social Affairs for their opinions (C5-0336/2002).

The Committee on Women's Rights and Equal Opportunities appointed Rodi Kratsa-Tsagaropoulou rapporteur at its meeting of 18 June 2002.

The committee considered the Commission report and the draft report at its meetings of 4 and 26 November 2002.

At the last meeting it adopted the motion for a resolution with 1 abstention.

The following were present for the vote: Anna Karamanou chairperson; Marianne Eriksson and Jillian Evans, vice-chairpersons; Rodi Kratsa-Tsagaropoulou, rapporteur; María Antonia Avilés Perea, Regina Bastos, Fiorella Ghilardotti, Lissy Gröner, Christa Klaß, Thomas Mann, Maria Martens, Amalia Sartori, Joke Swiebel and Elena Valenciano Martínez-Orozco.

On 3 July 2002 the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy decided not to deliver an opinion, on 11 November 2002 the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs decided not to deliver an opinion and on 12 June 2002 the Committee on Employment and Social Affairs decided not to deliver an opinion.

The report was tabled on 27 November 2002.
MOTION FOR A RESOLUTION


The European Parliament,

– having regard to Articles 2, 3(2), 13, 137(1) and 141 of the EC Treaty,
– having regard to Articles 30, 31 and 34 of the Treaty on European Union,
– having regard to the Commission’s communication on a framework strategy on gender equality – work programme for 2001 (COM(2001) 119),
– having regard to the Commission’s report on the implementation of Council Recommendation 96/694 of 2 December 1996 on the balanced participation of women and men in the decision-making process (COM(2000) 120),
– having regard to the Commission’s communication to the Council and the European Parliament on the European Community’s development policy (COM(2000) 212),
– having regard to the Commission’s communication on a programme of action for the mainstreaming of gender equality in Community development cooperation (COM(2001) 295),
– having regard to the Council decision of 20 December 2000 establishing a programme relating to the Community framework strategy on gender equality (2001-2005),
– having regard to the conclusions of the European Council meeting in Lisbon on 23 and 24 March 2000,
– having regard to the conclusions of the European Council meeting in Stockholm on 23 and 24 March 2001,
– having regard to the conclusions of the European Council meeting in Barcelona on 15 and 16 March 2002,
– having regard to the strategy paper ‘Making a success of enlargement’ and the Commission’s report on the progress towards accession by each of the candidate countries (COM(2001) 700),

having regard to the Council framework decision of 19 July 2002 on trafficking in human beings,

having regard to Directive 75/117 relating to the correct application of Article 141 of the EC Treaty,

having regard to Directive 92/85 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,

having regard to Directive 86/613/EEC on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood,

having regard to Council Regulation 98/2836,

having regard to its resolution of 5 October 2000 on the Commission’s annual reports on equal opportunities for women and men in the European Union – 1997, 1998, 1999,

having regard to its resolution of 25 April 2002 on the Commission’s annual report on equal opportunities for women and men in the European Union 2000,

having regard to its resolution of 15 November 2000 on the proposal for a Council decision on the programme relating to the Community framework strategy on gender equality (2001-2005) and (COM(2000) 335),

having regard to its resolution of 18 January 2001 on the Commission’s report on the implementation of Council Recommendation 96/694/EC of 2 December 1996 on balanced participation of women and men in the decision-making process,

having regard to its resolution of 20 September 2001 on equal pay for work of equal value,


having regard to its resolution of 4 July 2002 on the implementation of the programme on gender equality 2001-2005 (2001/2266(INI)),

having regard to its resolution of 25 April 2002 on the Commission’s communication to

3 (P5_TA(2002)0206)
8 (P5_TA-PROV(2002)0372)
the European Parliament – Programme of Action for the Mainstreaming of Gender Equality in Community Development Cooperation1,

- having regard to its resolution of 7 February 2002 on the European Union’s policy towards the Mediterranean countries in regard to the promotion of women’s rights and equal opportunities in those countries,

- having regard to the conclusions of the Brussels Regional Forum of 14 July 2001 on the role of women in economic development in the context of Euro-Mediterranean cooperation,

- having regard to rule 47.1 of its rules of procedure,

- having regard to the report of the Committee on Women's Rights and Equal Opportunities (A5-0403/2002),

A. whereas the European Council meeting in Lisbon stressed the need to create more (from 54% to 60%) and better jobs for women by the year 2010,

B. whereas equality between men and women must be secured in all areas of policy, as laid down in Article 3(2) of the EC Treaty and Article 23 of the Charter of Fundamental Rights of the European Union,

C. whereas the European Council meeting in Stockholm invited the Council and the Commission to develop indicators on the provision of care facilities for children and other dependants and on family benefit systems by 2002 and to eliminate pay differentials between men and women; whereas the European Council meeting in Barcelona invited the Member States to remove disincentives for female labour force participation and to strive, in line with national patterns of provision, to provide adequate childcare by 2010,

D. whereas there is a need to continue promoting gender equality by incorporating that goal into policies which have a direct and indirect impact on the lives of men and women,

E. whereas the Commission’s report is descriptive in nature and refers to the significant legal developments in the Member States, but at the same time avoids specifying the infringements of Community law by the Member States or analysing and evaluating the current situation,

F. whereas it is not the purpose of gender mainstreaming to replace positive action to promote gender equality but to act as a complementary measure,

G. whereas respect for and promotion of equality between women and men is part of the Community acquis and therefore an essential requirement for membership of the EU; whereas, moreover, it is a fundamental principle of the Union’s foreign policy,

H. whereas numerous Member States have not established quantitative targets for women's employment in their national action plans; whereas the rate of women's employment is
17% lower than the rate of men's employment,

I. whereas women's pay for the same or equivalent work continues to average only 76% of men's hourly pay; whereas the Joint Report on Employment for 2001 states that the Member States have taken limited measures to reduce the wide pay differential between the two sexes,

J. having regard to the recent legal developments in the fields of asylum and trafficking in human beings,

**Community framework strategy on gender equality (2001-2005)**

1. Welcomes the Commission’s efforts to promote gender equality in the various areas of Union policy; regrets the fact, however, that some Directorates-General are not making commitments in that area;

2. Voices its concern that action 3 "encourage more women to apply or participate in applications" has been largely unsuccessful and calls on the Commission to seek effective methods and measures to promote women in the European Union’s funding and subsidy systems, such as systematic provision of information and the insertion of a standard paragraph in applications/invitations to encourage the participation of women and women’s organisations;

3. Expresses its regret at the lack of a body responsible for gender mainstreaming in the Council of Ministers; calls on the Council to take measures to improve the coordination and processing of matters relating to gender equality;

4. As regards the individual areas of policy, calls for:

   (a) account to be taken of the principle of equal opportunities for women and men when drawing up the general guidelines for the Member States’ economic policies and in drawing up the budget in accordance with the initiative of the Belgian Presidency;

   (b) greater emphasis to be placed on equal opportunities in the context of the European employment strategy by means of incorporating measures to achieve gender equality within all four pillars of the strategy, and to establish quantitative and qualitative upward targets for employment and social protection for women;

   (c) calls for the strengthening of mechanisms for monitoring the funding of national measures by way of the Structural Funds during the mid-term review of the programme in 2003 so as to avoid the transfer of appropriations for equality measures to other objectives and priorities during the second half of the programme;

5. Calls on the Commission to encourage the Member States to collect gender-related data and statistics, which will help to make mainstreaming a success at European level and will enable a comparative evaluation of the problems and achievements to be carried out;

**Action programme on gender equality (2001-2005)**
6. Welcomes the choice of equal pay as the priority theme for 2001; Calls on the Commission to present a new proposal to reinforce the employment guideline aimed at equal pay, including national targets for reducing wage differentials, and calls on the Council to take a positive attitude to this proposal and to adopt it; for this aim calls on the Commission to disseminate the results and correct practices as widely as possible and to carry out research into the reasons for the pay disparity and the measures that the Member States have adopted and will adopt to eliminate it; the role of the employers’ and employees’ organisations should be given particular emphasis;

7. Stresses that women's non-governmental organisations with significant experience at national and regional level are encountering difficulties in taking part in European programmes (specifications, joint funding, application to take part, etc.); calls on the Commission to revise its policy in this regard to enable them to participate as broadly as possible;

8. Welcomes the choice of reconciliation of work and family life as a priority theme for 2002; calls on the Commission to submit proposals on the basis of the conclusions of the Stockholm and Barcelona Councils; stresses the importance of collecting statistics by gender, establishing common indicators for childcare facilities and differentials in pay and other earnings between men and women, by sector, and for atypical and part-time work;

9. Welcomes and supports the Commission's efforts to achieve gender balance on the committees; recalls that these efforts are based on the Council's Recommendation of 1996 on equal participation of women and men in the decision-making process, which was addressed to the Member States, the social partners and other organisations and bodies; calls on the Commission to propose measures to encourage the Member States and the bodies concerned to move towards equal participation of women and men in the decision-making process;

10. Welcomes the choice of the participation of women in the decision-making process as a priority theme for 2003 and calls on the Member States of the EU and employers’ and employees’ organisations to develop new mechanisms and strategies, including the use of quotas, to create the conditions for equal representation of women at all levels and in all areas of decision-making in both the public and private sector;

**Legal developments**

11. Calls on the Commission to propose amendments as soon as possible to the existing directives and, in particular, Directive 75/117 (equal pay), Directive 92/85 (implementation of measures to improve the health and safety of pregnant workers, and workers who have recently given birth or are breastfeeding), and the directives concerning the application of the principle of equal treatment of women and men in statutory and occupational social insurance schemes; calls once again for an improvement to Directive 86/613/EEC on the equal treatment of men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood, in order to set up an effective framework for the rights and independent social insurance of spouses involved in family businesses and of self-employed intellectual workers;
12. Considers that the proposal for a directive on gender-equality which the Commission proposes to submit on the basis of Article 13 of the Treaty, should:

(a) commit the Member States to taking the essential legal and other measures to ensure follow-up to the Beijing Action Platform and to make provision for monitoring the implementation of those measures by drawing up annual action plans,

(b) provide for the adaptation of existing provisions to meet current needs, particularly in regard to balanced participation in decision-making, equality in the education systems, reconciliation of work and family life, equal treatment in respect of taxation and social protection, combating violence, and the trafficking of human beings and sexual exploitation of women,

(c) enable positive action to be taken;

13. Calls on the Commission to submit to Parliament a report assessing the Member States’ implementation of the current directives on equal treatment of men and women, including the directive on the burden of proof, and to develop its strategies to improve implementation, and, where necessary revise those directives;

14. Calls for an extension of the competence of the European Ombudsman (Article 195 of the EC Treaty) with particular reference to women's rights in cases of maladministration in the activities of the Community's institutions and bodies as well as those of the Member States and for the appointment of a deputy ombudsman responsible for gender equality;

Enlargement, external relations and development cooperation

15. Welcomes the Commission’s new initiative to integrate gender equality into the EU’s external relations; expects commitments to be set out in association and cooperation agreements and mechanisms for following-up and monitoring their implementation. Stresses that:

(a) the Commission should take full advantage of the scope provided by Articles 30, 31 and 34 of the EC Treaty to prevent and stamp out the trafficking of human beings and to protect and assist the victims;

(b) pursuant to Council Regulation 98/2836 the Commission should inform Parliament on the progress made in implementing the action programme on integrating of gender issues in development cooperation;

(c) the first regional programme for women in the context of Euro-Mediterranean cooperation should constitute the basis for extending the programme to the three pillars of Euro-Mediterranean cooperation and should promote cooperation between women in European countries and partner countries;

16. Instructs its President to forward this resolution to the Commission.

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EXPLANATORY STATEMENT

Introduction
According to the Commission, the sixth annual report on equal opportunities for women and men in the European Union ‘presents an overview of the main developments and achievements at European and national level in 2001 and outlines perspectives for the year 2002’.

Since 1996, the Commission has drawn up annual reports on equal treatment of men and women, which provides a general picture year by year of progress made in this field. Because of their nature, the annual reports are more concerned with a description of new measures under various policies and not enough with analysing the practical results of those policies.

In its previous resolutions, the European Parliament had already referred to the need for effective analysis and presentation of the results of policies to promote equality. In relation to the annual report for 2000, the current report has more data but still lacks an analysis of the progress already achieved, an examination of the factors responsible for the continued lack of equality and proposals for drawing up a long-term cohesive policy to resolve the problems.

Your rapporteur believes that the annual report, especially in view of enlargement and the problems to be expected in relation to gender equality, should no longer be a matter of routine but should be used as a tool for assessing progress and planning for the future.

The content
The sixth annual report on equal opportunities contains the following chapters:
3. Legal developments concerning gender equality
4. Enlargement, external relations and development cooperation


The aim of the framework strategy on gender equality is to ensure that all Commission policies take account of gender issues and analyse the different impact of policies on women and men (gender mainstreaming) and to promote balance between the two sexes on committees and expert groups.

The strategy is backed up by an annual work programme\footnote{\textcopyright COM(2001)119 final, 2.3.2001}, the aim of which is to identify and focus on priority measures which each department works on every year. The priority measures for 2001 were (and continue to be in 2002) the following three:
- an assessment of the impact on gender equality of specific areas of policy,
- collection and breakdown of statistics by gender,
- encouraging more women to submit proposals/declarations of interest or to take part in
submitting them.

According to the table of results of the framework strategy for 2001:
- the first priority measure was 48% successful. The Commission’s annual report refers to some areas of policy in which significant attempts to integrate the principle of equal opportunities into policy are being made, though there are also Directorates-General making no significant commitments;
- the second priority measure was 33% successful. The continued lack of statistics broken down by gender is mainly due to the lack of national statistics by gender, which are the source of Community statistical data;
- the third priority measure was 25% successful. In regard to encouraging women to submit proposals/declarations of interest and to take part in submitting them, the practice adopted by the Research DG and Information society DG to refer to the Commission’s commitment to gender equality was not widely imitated. The Commission should therefore seek alternative means and methods to promote women within the EU’s funding and subsidy systems. Your rapporteur proposes including a standard paragraph in applications/invitations to submit proposals and declarations of interest, to encourage the participation of women.

Your rapporteur would draw attention to the bureaucratic and financial difficulties faced by small NGOs, experienced in local action on women’s issues, in their efforts to obtain joint funding from the Community. She believes that the Commission should consult more widely with the NGOs and local government bodies on this matter and carry out research into the nature, size, geographical origin, etc. of the organisations which have access to European programmes and into the reasons why other organisations do not have access.

In order to provide better support for women’s organisations, your rapporteur also stresses that the development (e.g. subject for action) of the new budget line (A-3046) for the activity of women’s organisations should be carried out following consultation with the European Parliament.

The Commission’s attempt to attain the target of a minimum level of 40% participation of women and men on committees and expert groups has produced an improvement. It is particularly encouraging in this context that all the departments dealing with such committees or groups should remind the Member States, employers’ and employees’ organisations, the NGOs and professional bodies of the need to submit four names, with at least one from each sex, so that the Commission achieves gender balance when appointing its Members.

Your rapporteur, however, stresses that this attempt by the Commission is based on a Council Recommendation of 1996 on the balanced participation of women and men in the decision-making process, which is also addressed to the Member States, employers’ and employees’ organisations and other organisations and bodies. In view of the fact that the participation of women in the decision-making process has been designated a priority theme of the action programme on equality for 2003 (as referred to below), the Commission should take steps to

implement the suggestions made in the Recommendation.


Equal pay is a priority theme for the first round of transnational plans funded by the programme for gender equality 2001-2005. The Commission’s report does not contain an analysis or an evaluation of the plans, which is expected in 2003. Parliament has already made known its position on the subject in resolution A5-0275/2001 concerning equal pay for work of equal value.

Your rapporteur believes it is worth pointing out again the need to carry out research and collect data concerning the reasons for current pay differentials and to ask the Commission to submit a report on the subject, which should also include proposals for measures to be taken.

As we are already near the end of 2002, your rapporteur will also briefly refer to the priority themes for 2002 and 2003 - reconciliation of work and family life and the participation of women in the decision-making process, respectively.

As regards the first topic, your rapporteur recalls the conclusions of the Council meetings in Stockholm and Barcelona and stresses the need for practical commitments from the Member States, the importance of establishing common indicators for childcare facilities, provision of care and differentials in pay and other earnings between men and women, by sector, and in relation to atypical and part-time work.

As regards the participation of women and men in the decision-making process, the European Parliament has set out its position in resolution A5-0373/2000 on the Commission’s report on the implementation of Council Recommendation 96/694/EC of 2 December 1996 on the balanced participation of women and men in the decision-making process. Your rapporteur thinks it appropriate, with enlargement in view, to ask the Member States to devise new mechanisms and strategies, including the use of quotas, to encourage a significant number of women to participate.

3. **Legal developments relating to gender equality**

The Commission’s report refers to progress made in 2001 in respect of the proposal amending the 1976 Directive on equal treatment in employment, to the expiry of the deadline for transposing Directive 97/80/EC concerning the burden of proof in cases of discrimination based on sex, to the case law of the Court of Justice in 2001 and important developments in the Member States.

Your rapporteur reiterates Parliament’s consistent position of the need to amend Directive 75/117 on equal pay, Directive 92/85 on the introduction of measures to improve the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding, Directive 86/613 on equal treatment of men and women engaged in independent activity, and all the directives relating to the application of the principle of equal treatment of women and men in statutory and occupational social insurance schemes.

In addition, your rapporteur makes a number of proposals concerning the content of the
proposal for a directive based on Article 13, which the Commission intends to submit in November, even if the European Parliament is to deliver an opinion thereon.

In presenting the most important legal developments in the Member States, the Commission does not refer to infringements of Community legislation on gender equality by the Member States. However, Parliament has repeatedly asked the Commission to submit to Parliament a report assessing the Member States’ implementation of the current directives on equal treatment of men and women, to develop its strategies and take measures to improve implementation.

4. Enlargement, external relations and development cooperation

As regards enlargement, negotiations are due to be completed by the end of 2002. As the European Parliament stressed in its resolution A5-317/2002, the adoption of the *acquis communautaire* relating to gender equality is an absolute condition before accession, as it is essentially a human rights issue and, if the applicant countries are to fully implement the *acquis* it is vital that they put in place the necessary institutions or strengthen their institutional and administrative capacity in this field. As regards external relations, the Commission’s report is out of date as, recently, there have been numerous significant initiatives which must be continued and supported. The Council’s framework decision of 19 July 2002 on combating trafficking in human beings is an important step towards uniform penalties for trafficking. It remains to be seen how it will be transposed into national law.

The five year action programme (2001-2006) to integrate gender equality issues into Community development cooperation aims to ensure through a number of practical measures, that the gender equality dimension is incorporated into all Community initiatives on development cooperation. Provision is also made for mechanisms to monitor its implementation.

Your rapporteur believes that this principle is particularly important in the context of the Barcelona process to achieve the goal of Euro-Mediterranean cooperation.

Finally, your rapporteur maintains that, if women’s rights are to be respected and gender equality to be promoted as a policy within the European Union and the rest of the world, it is vitally important that the initiatives and activities of every Presidency be followed up.