

EUROPEAN PARLIAMENT

1999



2004

Session document

FINAL
A5-0060/2003

26 February 2003

REPORT

on gender mainstreaming in the European Parliament
(2002/2025(INI))

Committee on Women's Rights and Equal Opportunities

Rapporteur: Lissy Gröner

CONTENTS

	Page
PROCEDURAL PAGE	4
MOTION FOR A RESOLUTION.....	5
EXPLANATORY STATEMENT	13
OPINION OF THE COMMITTEE ON LEGAL AFFAIRS AND THE INTERNAL MARKET.....	22

PROCEDURAL PAGE

At the sitting of 14 March 2002 the President of Parliament announced that the Committee on Women's Rights and Equal Opportunities had been authorised to draw up an own-initiative report, pursuant to Rule 163 of the Rules of Procedure, on gender mainstreaming in the European Parliament.

At the sitting of 24 October 2002 the President of Parliament announced that he had referred the matter to the Committee on Legal Affairs and Internal Market for its opinion.

The Committee on Women's Rights and Equal Opportunities appointed Lissy Gröner rapporteur at its meeting of 27 March 2002.

The committee considered the draft report at its meetings of 22 May and 25 November 2002, 23 January and 19 February 2003.

At the last meeting it adopted the motion for a resolution by 23 votes to 1 with 0 abstentions.

The following were present for the vote: Anna Karamanou, chairperson; Marianne Eriksson and Jillian Evans, vice-chairpersons; Lissy Gröner rapporteur; María Antonia Avilés Perea, Regina Bastos, Boogerd Johanna (for Marieke Sanders-ten Holte pursuant to Rule 153 (2)), Armonia Bordes, Lone Dybkjær, Ilda Figueiredo (for Geneviève Fraisse), Mary Honeyball, María Izquierdo Rojo (for María Rodríguez Ramos), Karin Jöns (for Helena Torres Marques), Hans Karlsson, Astrid Lulling, Maria Martens, Christa Prets, Amalia Sartori, Miet Smet, Patsy Sörensen, Joke Swiebel, Feleknas Uca, Elena Valenciano Martínez-Orozco and Sabine Zissener.

The opinion of the Committee on Legal Affairs and Internal Market is attached.

The report was tabled on 26 February 2003.

MOTION FOR A RESOLUTION

European Parliament resolution on gender mainstreaming in the European Parliament (2002/2025(INI))

The European Parliament,

- having regard to the EC Treaty, in particular to Articles 2, 3(2), 13 and 141(4) thereof, and to the case-law of the European Court of Justice,
- having regard to Article 23(1) of the EU Charter of Fundamental Rights¹,
- having regard to the 1979 UN Convention on the elimination of all forms of discrimination against women (CEDAW),
- having regard to the Platform for Action adopted at the Fourth World Conference on Women held in Beijing on 15 September 1995,
- having regard to its resolution of 18 May 2000 on the follow-up to the Beijing Action Platform²,
- having regard to its resolution of 11 February 1994³, its opinion of 24 May 1996⁴ and its resolution of 2 March 2000⁵ on women's representation in decision-making,
- having regard to the Council Resolution of 27 March 1995⁶ and to Council Recommendation 96/694/EEC of 2 December 1996 on the balanced participation of women and men in the decision-making process⁷,
- having regard to its resolution of 15 November 1996 on the implementation of equal opportunities for men and women in the civil service⁸,
- having regard to its resolutions of 16 November 1997 on the Commission's communication 'Incorporating equal opportunities for women and men into all Community policies and activities'⁹ and of 9 March 1999 on the progress report from the Commission on the follow-up to this communication¹⁰,
- having regard to the Resolution of the Council and of the Ministers for Employment and Social Policy, meeting within the Council of 29 June 2000, on the balanced participation of women and men in family and working life¹¹,

¹ OJ C 364, 18.2.2000, p. 1.

² OJ C 59, 23.2.2001, p. 258.

³ OJ C 61, 28.2.1994, p. 248.

⁴ OJ C 166, 10.6.1996, p. 269.

⁵ OJ C 346, 4.12.2000, p. 82.

⁶ OJ C 168, 4.7.1995, p. 3.

⁷ OJ L 319, 10.12.1996, p. 11.

⁸ OJ C 362, 2.12.1996, p. 317.

⁹ OJ C 304, 6.10.1997, p. 50.

¹⁰ OJ C 175, 21.6.1999, p. 18.

¹¹ OJ C 218, 31.7.2000, p. 5.

- having regard to its legislative 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)¹ , and to its resolution of 3 July 2001² on the work programme for 2001,
- having regard to its resolution of 18 January 2001 on the Commission 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 process³ ,
- having regard to its resolution of 25 September 2002 on representation of women among the social partners of the European Union⁴ ,
- having regard to European Parliament and Council Directive 2002/73/EC amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions⁵,
- having regard to the Staff Regulations applicable to Officials and other Agents of the European Community, in particular articles 1(a), 27, second subparagraph, 28, 29 and 45(1) thereof,
- having regard to the Secretary-General's report 'Towards a new staff policy', adopted by the Bureau in October 1997, and to the evaluation report of 22 March 2001,
- having regard to the reports on equal opportunities in the EP secretariat adopted by the Bureau in 1998 (report by Ms Hoff), in 2000 (report by Ms Lienemann), and in 2002 (report by Ms Lalumière)⁶,
- having regard to the COPEC Third Action Plan 2001-2005,
- having regard to its resolution of 10 April 2002 on discharge in respect of the implementation of the general budget of the European Union for the financial year 2000⁷ in particular paragraphs 17-22 thereof,
- having regard to the hearing on gender mainstreaming in the European Parliament held by the Committee on Women's Rights and Equal Opportunities on 17 June 2002 in Brussels,
- having regard to Rule 163 of its Rules of Procedure,
- having regard to the report of the Committee on Women's Rights and Equal Opportunities and to the opinion of the Committee on Legal Affairs and Internal Market (A5-0060/2003),

A. whereas equality of men and women is a fundamental principle of Community law and,

¹ OJ C 337 E, 28.11.2000, p. 196.

² OJ C 65, 14.3.2002, p. 22

³ OJ C 262, 18.9.2001, p. 248.

⁴ P5_TA-PROV(2002)438

⁵ OJ L 269, 5.10.2002, p. 15

⁶ PE 318.444/BUR

⁷ P5_TA(2002)167

according to Article 2 of the Treaty, is one of the tasks to be promoted by the Community,

- B. whereas Article 3(2) of the Treaty lays down the principle of gender mainstreaming by stating that in all its activities the Community shall aim to eliminate inequalities, and to promote equality of men and women,
- C. whereas the Beijing Platform for Action endorsed gender mainstreaming as an effective strategy to promote gender equality and stated that governments and other players 'should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes, so that before decisions are taken an analysis is made of the effects on women and men respectively',
- D. whereas gender mainstreaming involves the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages by the actors normally involved in policy-making'¹,
- E. in view of the fact that gender mainstreaming leads to a fairer and more democratic society in which both women and men can participate, and that full use can be made of human resources by taking into account the diversity represented by women and men,
- F. whereas the policy of gender mainstreaming complements and does not replace specific equality policies and positive actions as part of a dual approach to achieving the goal of gender equality,
- G. whereas positive actions are set out in Article 141(4) of the EC Treaty (in the field of employment and occupation), Article 4 of the CEDAW, Article 23(2) of the Charter of Fundamental Rights of the EU, and in the Council Recommendation of 13 December 1982 on the Promotion of Positive Action for Women,
- H. whereas since 1996 the European Commission has adopted a policy of gender mainstreaming and incorporation of equal opportunities for women and men in all Community activities and policies,
- I. whereas the Commission has signalled commitment at the highest level by setting up the Group of Commissioners on Equal Opportunities; it has further set up an organisational structure in each DG and division and has developed tools to mainstream policies and to monitor the gender mainstreaming process,
- J. whereas the Danish Presidency of the Council has put forward an ambitious approach to mainstreaming gender in the work of the Council
- K. whereas balanced participation in decision-making by women and men is an important prerequisite for achieving a gender-sensitive policy and thus forms an integral part of a gender mainstreaming approach,
- L. whereas despite the steady increase in the percentage of women in the EP from 17.5 % in 1979 to 31.5 % in the 1999 elections, women are still largely under-represented in positions of authority and responsibility in EP political decision-making bodies (in

¹ Report by the Group of Experts of the Council of Europe on gender mainstreaming EG-S-MS (98) 2.

particular in the Bureau, where only two vice-presidents are women, and in the Conference of Presidents, with only one woman as co-president),

- M. recalling that women's participation and representation in politics in several of the candidate countries are lower than the EU average and that the current percentage of women in the European Parliament could decrease if action is not taken to ensure that women are able and willing to run for office in these countries,
 - N. considering that women are largely under-represented in the higher ranks of the EP administration, and stressing the lack of progress since the Bureau reports of 1998 and 2000; whereas the report adopted by the Bureau on 3 September 2002 focuses on access for women to posts of responsibility in Parliament (recruitment and appointment, career development) and sets objectives to this end,
 - O. whereas in its above-mentioned resolution of 18 January 2001 it called for the promotion of gender balance in all policy fields and all committees at EU, regional, national and international level, whereby the representation of either gender should not fall below 40 %,
 - P. whereas the Lisbon European Council of 23-24 March 2000 recognised the importance of promoting all aspects of equal opportunities in employment and set the objective of increasing the number of women in employment to more than 60 % by 2010,
 - Q. whereas, according to the above-mentioned Council Resolution of 29 June 2000, the objectives of balanced participation by men and women in family and working life and of balanced participation of women and men in the decision-making process constitute two particularly relevant conditions for equality of men and women,
 - R. recalling that the same Council Resolution called upon the institutions and bodies of the European Community, in their capacity as employers, to implement measures promoting the balanced recruitment and career advancement of men and women with a view to preventing the horizontal and vertical segregation of the labour market,
1. Commits itself to adopting and implementing a policy plan for gender mainstreaming; the overall objective of this policy is to promote equality of women and men through genuine and effective incorporation of the gender perspective in policies and activities, including decision-making structures and the administration, so that the different impact of measures on women and men is assessed before decisions are taken;
 2. Considers that its policy plan should be based on the following priorities:
 - a) signalling political will and commitment at the highest level, by setting up a High-level Group on Gender Equality; this group might be composed of the EP President and Members of the Bureau, Chairs of the relevant committees and the Secretary General;
 - b) mainstreaming gender in the activities of the European Parliament through, on the one hand, effective work by the competent committee and, on the other, the integration of the gender perspective in the work of the other committees and delegations;

- c) gender balance in decision-making processes by increasing the representation of women on Parliament's governing bodies, on the bureau of committees and delegations and other posts of responsibility, in the composition of delegations and in other missions such as election observation;
 - d) incorporating gender analysis into all stages of the budgetary process as a tool for promoting transparency and equality, ensuring that women's and men's needs and priorities are considered equally and assessing the impact of EU resources on women and men;
 - e) an effective press and information policy which systematically takes into account gender equality and avoids gender stereotypes, takes women's needs and perspectives into account and not only provides information about gender mainstreaming but also promotes that policy;³. Underlines the need for adequate financial and human resources, so that EP bodies are provided with the necessary tools, including gender analysis and assessment tools, with appropriate gender expertise (research and documentation, trained staff, experts) and with gender-specific data and statistics;
4. Calls on the Conferences of Committee and of Delegation Chairs to make recommendations to the Conference of Presidents as to how concretely to implement gender mainstreaming in the committees' and delegations' work, on the basis of proposals by its competent committee;
 5. Suggests the following guidelines for implementing gender mainstreaming in the committees' and delegations' policy work:
 - appointment of a member (the Chair or a Vice-chair) responsible for implementing gender mainstreaming in the work of the committee/delegation;
 - prioritising areas or subjects where gender mainstreaming could be relevant; carrying out a project or an initiative in this area;
 - making an annual assessment of the activities and achievements in the field of gender mainstreaming;
 - committees and delegations should be assisted in their tasks by members of the secretariat who have received appropriate training and who constitute a network of experts in gender mainstreaming;
 6. Considers it necessary to strengthen the secretariat of the competent committee in order to maximise its operations and be able to give appropriate assistance to its members in coordinating the implementation and further development of gender mainstreaming in all policy sectors;
 7. Considers monitoring and evaluation an essential part of the mainstreaming strategy and proposes to this effect that its competent committee draw up an annual report on gender mainstreaming in the EP committees' and delegations' work, including the identification and assessment of failures to incorporate the gender dimension; this report would be submitted to plenary; the annual report on gender mainstreaming in EP policy work, combined with the Bureau report on equal opportunities in the EP Secretariat, would represent the state of play of gender equality in the EP as a whole;⁸. Stresses the important role of political parties in implementing gender mainstreaming, changing gender

stereotypes through their programmes and activities and promoting women's participation in politics;

9. Calls on the Conference of Presidents to discuss how gender could be mainstreamed in the activities of political groups, if necessary by amending the European Parliament's Rules of Procedure, and to propose concrete measures to this effect, among other things in order to guarantee balance between women and men in the Bureau of the European Parliament and in the bureaux of the committees and delegations;
10. Reiterates its calls upon the Commission to encourage, as it has itself undertaken to do, the applicant countries to establish programmes and campaigns for female politicians and candidates to ensure that they are prepared for the EU institutions and for the 2004 European elections, with the aim of ensuring that the percentage of women members of the European Parliament increases;
11. Urges that guidelines for gender-neutral language in EP texts be drafted and the terminology and language use in EP documents reviewed; considers that this will require training of all staff involved in administrative drafting and of the translation service;
12. Calls on the specialised committees to ensure that all programmes and activities financed through the EU budget in their respective fields of responsibility promote gender mainstreaming, and to report yearly on their committee's activities concerning gender mainstreaming and gender budgeting;

Gender mainstreaming in the EP Secretariat

13. Calls for the implementation of a coherent, comprehensive framework for gender mainstreaming in the EP administration, in close cooperation with the Directorate-General for Personnel and COPEC, and with the involvement of staff representation; this policy plan should coordinate all existing initiatives, indicate objectives and priorities and the means of achieving them, and be complemented by data and gender statistics, indicators, clear targets and benchmarks;
14. Welcomes the strengthening of the Equal Opportunities Unit in the Directorate General for Personnel and the appointment, in March 2001, of 'equal opportunities correspondents' in each Directorate General; deems it necessary to define clearly the correspondents' role and tasks;
15. Recalls the opportunity provided for in Article 141(4) of the EC Treaty and the relevant provisions of Directive 76/207/EEC, as amended by Directive 2002/73/EC, allowing for positive measures to favour the under-represented sex in recruitment, career development and other professional activity;
16. Considers that awareness-raising, information and professional training are essential to support changes in attitude and behaviour; asks for the introduction of gender mainstreaming modules in the training plans of each DG for staff members at all levels, starting from high-level management, and for a specific programme of conferences and seminars;
17. Recommends that gender be mainstreamed in all staff policy documents and regulations;

existing rules and policy guidelines need to be reviewed from a gender perspective and adapted accordingly;

18. Recommends that each DG indicate priority areas it considers appropriate for starting gender mainstreaming; results of their action or initiatives in this field would be disseminated in cooperation with COPEC, the Equal Opportunities Unit and the network of equal opportunities correspondents in each DG; successful and particularly interesting projects/initiatives could be presented on International Women's Day (8 March) as best practice;
19. Calls on the Staff Committee to play an active role in implementing the mainstreaming strategy in the EP secretariat by striving to achieve gender balance in the designation of its representatives on all boards and committees and in the distribution of posts of responsibility among its members; stresses the importance of awareness-raising on gender equality issues and of specific training for the members of the Staff Committee;
20. Reiterates the importance of achieving gender balance in the decision-making process as an important precondition for achieving a gender-sensitive policy; to this effect:
 - a) fully supports the recommendations contained in the 2002 report by Ms Lalumière, as adopted by the Bureau on 3 September 2002, concerning women's access to posts of responsibility and the measures proposed concerning competitions, recruitment and career development;
 - b) requests, as a complement to the Bureau recommendations and to the measures contained in the COPEC Action Plan 2001-2005, the introduction of mentoring systems, as part of career guidance, based on the principle of equal opportunities, and a study analysing career progression of female staff in all categories compared with men and of part-time staff compared with full-time staff;
 - c) draws attention to the fact that women make up 70.4% of C- grade staff and considers it necessary to accelerate the implementation of measures designed to facilitate moving to a higher category, given in particular the decreasing proportion of women in category B since 1998 (cf. Ms Lalumière's report to the Bureau); such measures would contribute to narrowing the gap in career prospects between women and men;
 - d) recalls the need stated by the Secretary-General in his 1997 report to the Bureau 'to adapt the working environment to ensure that officials working part time, of whom the vast majority are women, or from home (teleworking), do not experience discrimination as regards training opportunities, promotion, or mobility';
 - e) welcomes the progress achieved in ensuring gender balance in recruitment, selection and competition boards; recommends targets for striving to achieve parity in the representation of the administration and the Staff Committee on statutory boards and consultative committees;
21. Considers working arrangements and measures enabling women and men to combine work and family life for women and men as a priority area in which to mainstream the gender perspective; draws attention to the following issues:

- making the necessary provisions, in particular by means of systematic replacement of staff working part-time, to ensure that part-time working is granted in all Directorates-General to staff who request it (see paragraph 21 of its resolution of 10 April 2002) and is considered a valid option for both women and men;
 - introducing flexible time schemes, which might suit the EP's particular working needs better and would help staff to combine their professional and private lives more successfully;
 - providing adequate and well-organised childcare facilities (crèches, day nurseries, after-school centres, medical care, flexible hours, etc.) in order to accommodate parents, both women and men, employed in the EP, with a view to meeting the increasing needs that will result from enlargement;
 - guaranteeing the right to return to the original, or an equivalent, post after unpaid leave taken for family reasons and/or parental leave;
 - looking into the possibilities of extending teleworking, on a voluntary and temporary basis, to services other than Translation;
 - addressing issues of the general organisation of work, in particular long working hours, late meetings and missions;
22. Considers it essential to ensure that human dignity, privacy and integrity are respected and harassment at the workplace combated; recalls that, according to some research, women are more frequent victims than men of harassment¹; expects the Advisory Committee on Psychological Harassment, set up in 2000, to play an increasingly effective role in preventing and combating harassment;
23. Supports the anti-discrimination provision, in line with Article 13 of the Treaty, and the reversal of the burden of proof in cases where direct or indirect discrimination may be presumed, as put forward in the Commission proposal for a Council regulation amending the Staff Regulations of officials and other servants of the European Communities²;
24. Instructs its President to forward this resolution to the Council, the Commission and COPEC.

EXPLANATORY STATEMENT

INTRODUCTION

“... governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes, so that, before decisions are taken, an analysis is made of the effects on women and men, respectively.”
(Beijing Platform for Action, 1995).

¹ EP resolution of 20 September 2001 on harassment at the workplace,

² (COM(2002) 213)

This report deals with gender mainstreaming in the European Parliament, both at the political level (EP political work, composition and functioning of its bodies) and at the administration level.

This document is divided into two parts:

Part A contains background information on gender mainstreaming as a strategy to achieve the goal of gender equality: it touches upon on definitions and methodological issues and outlines the mainstreaming strategy of the European Commission, as an example of good practice.

Part B contains the rapporteur's proposals to the Bureau, the Conference of Committee Chairpersons and the Secretary General on concrete measures to integrate a gender perspective in EP political and legislative work and within the administration.

A - GENDER MAINSTREAMING AS A STRATEGY TO ACHIEVE THE GOAL OF GENDER EQUALITY

1. Definitions

“Gender mainstreaming is the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making”¹

Gender mainstreaming was explicitly endorsed as a strategy to achieve the goal of gender equality by the UN Fourth World Conference on Women (Beijing, 1995). The EU played a key role to this effect. A "mainstreaming paragraph" was included in each of the 12 chapters of the Beijing Platform for Action.

In its Communication of 1996 the Commission says mainstreaming involves *“mobilising all general policies and measures specifically for the purpose of achieving equality by actively and openly taking into account at the planning stage their possible effects on the respective situations of men and women”²*.

2. Double approach

Gender mainstreaming aims to complement and not to replace specific equality policy. Gender mainstreaming and ‘traditional’ gender equality policies are two interdependent strategies to reach the same goal, gender equality³. Gender mainstreaming goes hand in hand with **positive actions** (measures providing for specific advantages in favour of the under-

¹ Report by the Group of Experts of the Council of Europe on gender mainstreaming EG-S-MS (98) 2

² ‘Incorporating equal opportunities for women and men into all Community policies and activities’ COM (96)0067 of 21.2.1996

³ EG-S-MS (98) 2

represented sex or aimed at preventing or compensating for disadvantages of one sex in a policy area). **Art. 141(4)** of the EC Treaty provides a legal base for positive action.

3. Legal base

The EU commitment to **gender equality** is enshrined in the EC Treaty and in the Charter of Fundamental Rights of the European Union. The principle of gender equality recognises the differences between men and women, their different situations and the diverse roles they play in society. It aims to promote equal visibility and full participation of men and women in all spheres of public and private life.

Art. 3(2) provides in particular the legal basis for gender mainstreaming:

- **Article 2 TEC** states that the promotion of equality between men and women is a task of the European Community.
- **Article 3 (2) TEC** says that in all its activities the Community shall aim to eliminate inequalities and to promote equality between men and women.
- **Article 23 (1) of the Charter of Fundamental Rights:** "Equality between men and women must be ensured in all areas, including employment, work and pay."

4. Conceptual framework and methodology¹

4.1. Prerequisites for gender mainstreaming

- Political will and commitment at high level
- Necessary financial and human resources
- Specific gender equality policy
- Participation of women in decision-making processes
- Gender expertise
- Statistics broken down by sex

In the Commission's Progress Report on its 1996 Communication², the main barriers to gender mainstreaming were identified in the lack of sufficient political will, of human and budgetary resources and of proper gender expertise. The EP has pointed out that "lack of awareness of gender issues at the decision-making levels must be remedied and given top priority"³ if gender equality is to make any substantial progress.

4.2. Why mainstreaming?

Because gender mainstreaming leads to a fairer and more democratic society, in which both women and men can participate and makes full use of human resources by taking into account the diversity represented by women and men.

4.3. How to mainstream? Techniques and tools

¹ See EG-S-MS (98) 2

² COM (98) 122

³ EP resolution of 9 March 1999 on the progress report (COM (98) 122)

As pointed out, inter alia, in the Report of the Group of Experts of the Council of Europe a wide range of techniques and tools are needed.

- Analytical techniques and tools, such as gender-desegregated statistics; cost-benefit analysis of proposals from a gender perspective; gender studies; gender impact assessment methods; monitoring and evaluation of policies; indicators and benchmarking.
- Educational techniques and tools: e.g. awareness-raising and gender training, starting from decision-makers at top level; specialists in gender issues.
- Consultative and participatory techniques and tools, such as working/steering groups and think tanks; gender balance in decision-making, conferences, seminars, hearings.

5. Gender mainstreaming in the European Commission

Following the Beijing Conference, the Commission stated its political will to implement gender mainstreaming by adopting a Communication on this subject in 1996.

Gender mainstreaming became a central issue in the Fourth Action Programme on Equal Opportunities 1996-2000, and it is one of the core elements of the Framework Strategy on Equal Opportunities 2001-2005. The Framework Strategy embraces all Community policies and sets five main objectives for gender equality: economic life, equal participation and representation, social rights, civil rights and gender roles.

5.1. The Commission method

It is based on the following key elements: dual approach (gender mainstreaming and specific actions), gender impact assessment and gender proofing, training and awareness-raising; monitoring, benchmarking and breakdown of data and statistics by sex; it aims to mobilise all Commission services and to anchor responsibility.

5.2. Structures:

The **Group of Commissioners on Equal Opportunities**, chaired by the Commission President, was set up in 1995 to signal high-level commitment and to give political impetus to the Commission's strategy and actions in the field of equal opportunities and gender mainstreaming. Its main tasks are to guarantee the coherence of Commission action in the field of equal opportunities and to ensure that the gender dimension is taken into account in all relevant Community policies and actions. The Group holds an annual joint meeting with representatives of the EP and of the Council Presidency, the Advisory Committee on Equal Opportunities and the European Women's Lobby.

- **Inter-service Group on Gender Equality**
- **Advisory Committee on Equal Opportunities for women and men**

The Commission has further set up an organisational structure in each DG and division and has developed tools to mainstream policies and to monitor the gender mainstreaming process.

B – GENDER MAINSTREAMING IN THE EUROPEAN PARLIAMENT

6. Proposals for a gender mainstreaming policy plan in the EP

The promotion of gender equality in all areas of life is increasingly recognized as a prerequisite for a better and a more democratic society. It is necessary to eliminate the inequalities women still face in the economic, social, educational and political spheres.

In economic life, ambitious goals have been set by the Lisbon European Council, in particular the target of raising the number of women in employment to 60% by 2010. International institutions and several Member States have established action plans for gender equality and developed best practices in the field of gender mainstreaming.

The European Parliament, as the European institution closest to citizens, with a long-standing commitment to gender equality, should have a leading role and integrate the gender perspective in a coherent and comprehensive way in its political work and in its own structures. .

7. Political will and high-level commitment

The rapporteur recommends that the EP signals its political will and commitment by setting up a High-Level Group on Gender Equality, chaired by the EP President.

8. Role of the Committee on Women's Rights and Equal Opportunities

This Committee is the main EP body responsible for matters relating to women's rights, equal opportunities and gender mainstreaming. It carries out its functions in a dynamic and pro-active way. Besides legislative work – e.g. revision of the Directive 76/207/EEC on equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions – and own-initiative reports, it draws up a large number of opinions to other committees, and it gives its political input to major developments, such as enlargement and the European Convention.

Due to the neutralised status of the Committee, its members can be full members of a second committee, and substitute member of a third committee, which enables them to monitor gender issues in other policy fields and to promote mutual exchanges of information.

9. Mainstreaming gender in the committees' and delegations' work

However, gender mainstreaming is a horizontal, long-term strategy, to be applied throughout the whole policy process at all stages - from policy preparation and planning, through decision and implementation until evaluation.

The rapporteur proposes that the Conferences of Committee and of Delegation Chairs make recommendations to the Conference of Presidents as to how to implement gender mainstreaming in their own policy field(s), on the basis of proposals by the competent committee

A member (preferably the Chair or a Vice-chair) should be responsible for gender mainstreaming within each committee/delegation. She/he should be assisted by a member of the secretariat having received appropriate training.

9.1. Key areas

The gender perspective needs to be incorporated in all policy areas so that an analysis is made of their effects on women and men. All areas are relevant. However, each committee might wish to prioritise some areas they might consider as most suited to start with.

By way of example: the crucial areas of concern indicated by the Beijing Platform of Action¹; or policy areas which are generally recognized as important for achieving gender equality, such as the labour market, education, social and family policy, development cooperation, or which correspond to strategic objectives of the Framework Strategy (economic life, social rights, human rights). Other key areas: mainstreaming gender equality in the enlargement process and in external relations. Starting gender mainstreaming in new areas, such as the EU budget policy - budgets being key instruments of policy planning - would be a valuable and challenging task.

An important issue is represented by gender-neutral language in EP texts. This would involve revising terminology and training for officials involved in administrative drafting and training for the translation service.

9.2. Work programme and assessment

Each committee should state in its working programme how they intend to implement gender mainstreaming in their own field of activities, e.g. by systematically integrating gender impact assessment in their work or by elaborating a project in a specific area.

Each committee should make an annual assessment of its activities and achievements in the field of gender mainstreaming

It would be useful to compare experiences in this field in other EU or international institutions and in national Parliaments.

9.3. Evaluation and follow-up

The EP competent committee should draw up an annual report on gender mainstreaming in the EP committees and delegations. This report would be submitted to the plenary. The annual report on EP committees' and delegations' policy work, together with the report to the Bureau drawn up by the Vice-President responsible for equal opportunities in the EP secretariat, would represent the state of play of gender equality in the EP as a whole.

10. Gender-balance in decision-making

A balanced participation of women and men in decision-making is an important prerequisite

¹ Poverty, education and training, health, violence, armed conflicts, economy, power and decision-making, institutional mechanisms, human rights, the media, the environment, the girl-child.

for mainstreaming gender and achieving gender equality. The percentage of women in the EP has steadily increased from 17.5% in 1979 to 31% in the 1999 elections, but women are still largely under-represented in positions of authority and responsibility.

Composition of EP governing bodies				
Body	Members	Women	% women	Chair
EP Bureau	15	2	13.33	No
Conference of Presidents	8	1 (co-president)	6.25	No
College of Quaestors	5	3	60	-
Conference of Committee Chairs	17	4	23.5	No
Conference of Delegation Chairs	35	9	25.7	No

Women in EP committees' and delegations' bureaux						
EP Body	Chairs	Women chairs		Vice-chairs	Women vice-chairs	
		Total	%		Total	%
Committees	17	4	23.5	51	16	31.3
Delegations	35	9	25.7	70	19	27.1

ACP Joint Assembly	Members	Women	% women	Chair	Vice-chair
	77	28	36.36	YES	5 out of 12 (41.66%)

Convention and EP Delegation to the Convention

	Members of the Convention	Women	% women	Chair/ Vice-chairs	Presidium	EP delegation	women	% women
Full Members	102 (+3)	18	17.64	no women	2 women (12 members)	16	5	31.25
Alternates	102	23	22.54	-	-	16	7	43.75

Women in Political groups bureaux
--

Function	Total	Women	% women
President	7	1 co-president	7.1
Vice-president	36	10	27.7
Members of the Bureau	110	40	36.36

Achieving gender balance in EP decision-making requires an increased representation of women in EP governing bodies, in committees' bureau, in the composition of delegations and other bodies.

11. Tools and resources

Adequate financial and human resources should be made available for gender mainstreaming, so that the EP can be provided with the required tools, such as gender expertise (research and documentation, trained staff, experts); statistics by gender etc .

12. Gender mainstreaming in the EP Administration

Here too, within the EP administration, there is the need for a comprehensive framework for gender mainstreaming, under the responsibility of the Secretary-General and in line with the relevant Bureau recommendations. The EP secretariat has already put in place a range of bodies and structures in the field of equal opportunities (see below), in line with the commitment expressed by the Bureau and the Secretary-General in various staff policy documents. Your rapporteur estimates that a gender mainstreaming plan should build on this achievements and expertise and coordinate the various initiatives in a coherent plan.

EP structures

a) One of the EP Vice-presidents has been in charge of equal opportunities in the EP secretariat since 1998. Following Ms Hoff's and Ms Lienemann's reports, adopted in March 1999 and in July 2000 respectively, Ms Lalumière's report, adopted in September 2002, focuses explicitly on improving the gender balance in EP staff, in particular in A grades and middle and senior management.

b) COPEC, the Committee on Equal Opportunities, was set up in 1987 by the Secretary-General. Its main tasks are to propose all appropriate measures to ensure equal opportunities between men and women in the EP and to monitor proper implementation of the measures taken. Its Third Action programme 2001-2005 is a reference document for monitoring progress in the field.

c) The Equal Opportunities Unit, was set up in 1992 within the Division for Professional Training (Directorate General on Personnel). It assists the Vice-President in charge of the report to the Bureau on Equal Opportunities. Its main tasks are to produce research and statistics; to advise the Appointing Authority, COPEC and other internal bodies on matters related to equal opportunities; to assist officials who have been discriminated against on the basis of gender and to inform staff about equal opportunities policy.

d) In March 2001 a network of 'equal opportunities' correspondents, appointed by the Directors-General, was created under the aegis of the Secretary-General. It is however

necessary to define clearly their role and tasks, including regular reporting to their own DG and to the DG for Personnel, to provide them with adequate training and to regularly spread all relevant information to the staff.

e) In November 2002 a consultant was recruited by DG5 for awareness raising and training on gender issues. A temporary A post was created in the 2003 budget to acquire the outside expertise needed to implement and follow up measures contained in the report by Ms Lalumière.

13. Priority areas:

13.1. Gender balance in decision-making

To achieve a greater balance between women and men employed within the EP at all levels, including management, will contribute to achieving a gender-sensitive policy. The rapporteur will not deal here in detail with these issues, and refers to the targets for the recruitment and appointment of women in category A and the other measures concerning competitions procedures, recruitment and career development proposed in the report by Ms Lalumière to the Bureau.

13.2. Awareness-raising and training

Awareness-raising, information and professional training are key to support changes in mentality and behaviour. Your rapporteur will mention the need of raising awareness about equal opportunities and non-discrimination, especially for those involved in selecting and recruiting new staff and for the management; of including gender mainstreaming modules in training plans of DGs for staff members; of organising seminars and lectures to raise awareness of gender issues and of diversity.

13.3. Working arrangements and conciliation of work and family life for both women and men

This is a crucial area. If no progress is made in making working arrangements more compatible with family responsibility, a major obstacle will persist to the achievement of the twin objectives of balanced participation of women and men in family and working life and in the decision-making process, which are recognized as two particularly relevant conditions for equality of women and men.¹

The EP administration should make the necessary arrangements, in particular by means of systematic replacement of staff working part-time, to ensure that part-time is considered a feasible and valuable option for both men and women.

Other options should be explored, such as teleworking on a voluntary and temporary basis, building on the experience made by the Translation Directorate; flexible working time; issues of general organisation of work, with particular reference to long working hours, late meetings, missions etc.

As to child-care facilities, it will be necessary to meet the increasing needs that will result

¹ Council resolution of 29 June 2000

from the enlargement, for places in crèches, day nurseries and after-school centres, in particular in Luxembourg.

22 January 2003

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS AND THE INTERNAL MARKET

for the Committee on Women's Rights and Equal Opportunities

on gender mainstreaming in the European Parliament
(2002/2025(INI))

Draftsman: Giuseppe Gargani

PROCEDURE

The Committee on Legal Affairs and the Internal Market appointed Giuseppe Gargani draftsman at its meeting of 8 October 2002.

It considered the draft opinion at its meetings of 02 December 2002 and 22 January 2003.

At the last meeting it adopted the following conclusions unanimously.

The following were present for the vote: Giuseppe Gargani, chairman and draftsman; Ioannis Koukiadis and Bill Miller, vice-chairmen; Paolo Bartolozzi, Luis Berenguer Fuster (for François Zimeray), Bert Doorn, Janelly Fourtou, Evelyne Gebhardt, Fiorella Ghilardotti, Lissy Gröner (for Carlos Candal, pursuant to Rule 153(2)), Malcolm Harbour, Heidi Anneli Hautala, Karin Jöns (for Maria Berger, pursuant to Rule 153(2)), Kurt Lechner, Klaus-Heiner Lehne, Neil McCormick, Arlene McCarthy, Manuel Medina Ortega, Marcelino Oreja Arburúa (for José María Gil-Robles Gil-Delgado), Anne-Marie Schaffner, Marianne L.P. Thyssen, Diana Wallis and Stefano Zappalà.

SHORT JUSTIFICATION

Gender mainstreaming in the European Parliament is certainly a worthy objective with a view to achieving true gender equality as laid down in both the EC Treaty (Articles 2, 3, 13 and 141) and the Charter of Fundamental Rights of the European Union (Article 23)¹. Gender mainstreaming means taking preventive action in political and administrative decision-making processes by encouraging decision-making which takes account of how those decisions might affect relations between men and women. The initiative of the Committee on Women's Rights and Equal Opportunities proposes that Parliament adopt a plan of action for mainstreaming, along the lines of the measures adopted by other institutions, such as the Commission and the Council, to back up the other measures designed to achieve equal opportunities.

As regards the first area in which gender needs to be mainstreamed – the policies and actions of Parliament – the proposals to set up a high-level policy group, to restore the gender balance in Parliament's governing bodies and to begin implementing gender mainstreaming in the work of the committees are certainly to be welcomed. Likewise, it is sensible to encourage the applicant countries to establish programmes and suitable campaigns to enable women to participate in the 2004 European elections and prevent the percentage of female Members of the European Parliament from falling below the current level.

As far as gender mainstreaming in the Parliament Secretariat is concerned, however, it is worth focusing on the topic of women's access to posts of responsibility and the measures to be taken with regard to competitions, recruitment and career prospects.

In this regard, the draft resolution of the Committee on Women's Rights and Equal Opportunities fully endorses the proposals of the 2002 report by Ms Lalumière, approved by the Bureau on 5 September 2002². Not only does this report provide for the appointment of a higher percentage of women at A1/A3 levels over the next few years, but, in terms of career development, it also states that Parliament should 'give systematic preference, where there is equal merit, to female applicants for management posts for as long as the imbalance continues'. Furthermore, Parliament should 'apply the same principle to promotions of women from A5 to A4 in order to enlarge the pool available for management posts, inter alia when awarding 3 promotion points'.

Such a rigid and automatic mechanism would appear to be completely at variance with the case-law of the Court of Justice concerning Directive 76/207 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions³. Indeed, the Court has confirmed the principle whereby Directive 76/207 'precludes national rules (...) which, where candidates of different sexes shortlisted for promotion are equally qualified, automatically give priority to women in sectors where they are under-represented'⁴. In other words, according to the Court ruling, giving absolute and unconditional priority to the under-represented gender for appointment or promotion goes beyond the objective of promoting equal opportunities. It also confuses the objective with the outcome – equal representation – which can only be achieved if this objective is fulfilled. Therefore, to avoid running the risk of unlawfulness, it would be useful to include in the motion for a resolution a reference to compliance with the case-law of the Court of Justice

¹ OJ C 364, 18.2.2000, p. 1.

² PE 318.444/BUR.

³ Cf. Judgments of the Court of Justice of 17 October 1995, Case C-450-93, *Kalanke v Freie Hansestadt Bremen*, ECR 1995, p. I-3051 and 11 November 1997, Case C-409/95, *Marschall v Land Nordrhein-Westfalen*, ECR 1999, p. I-6363.

⁴ Operative part of the judgment of the Court of Justice, 17 October 1995, Case C-450-93, *Kalanke v Freie Hansestadt Bremen*.

in this context.

CONCLUSIONS

The Committee on Legal Affairs and the Internal Market calls on the Committee on Women's Rights and Equal Opportunities, as the committee responsible, to incorporate the following point in its motion for a resolution:

Paragraph 13 a (new).

Reminds of the opportunity provided for in the article 141 (4) of the EC Treaty and the relevant provisions of the revised Directive 76/207/EEC, allowing for positive measures to favour the under-represented sex in recruitment, career development and other professional activity.