

Beijing + 10

Progress made within the European Union

Executive summary
Report from the Luxembourg Presidency of the Council
of the European Union



*Présidence luxembourgeoise
du Conseil de l'Union européenne*

With support from the European Community – Programme relating to the Community Framework Strategy on Gender Equality (2001-2005). The information contained in this publication does not necessarily reflect the position or opinion of the European Commission.

Researchers :

Ms Anne-Marie Theisen, political scientist and Senior Researcher of the private social research institute ACORD International, Luxembourg

Ms Nadine Spoden, economist and Senior Researcher of the private social research institute ACORD International, Luxembourg

Ms Mieke Verloo, doctor in political sciences and lecturer at the Radboud University Nijmegen - Department of Political Science & Centre for Women's Studies, The Netherlands

Ms Sylvia Walby, Professor of Sociology, School of Sociology and Social Policy at the University of Leeds, United Kingdom

Edited by and available at

Ministère de l'Egalité des chances

L – 2921 Luxembourg

Tel : 478 58 14

Fax : 24 18 86

www.mega.public.lu

e-mail : info@mega.public.lu

Overview of progress and further action needed

The European Community is a leader in the development of gender equality policies, contributing to the global community. The EU supports the UN Platform for Action and has created innovative mechanisms to take forward the challenges that this presents at both Community and Member State levels. Today, the European Community regards equality between women and men to be a fundamental principle and the rights of women and girls to be an inalienable, integral and indivisible part of universal human rights.

Progress at the European Community level

The achievement of some aspects of gender equality has long been a goal of the European Community, even before the UN 1995 conference in Beijing. The principle of equal pay was encoded in the EC's founding Treaty of Rome in 1957 in Article 119. This Article provided the basis on which several legally binding Directives were developed from the 1970s onwards to provide for the equal treatment of men and women in employment, broadly defined, as well as a range of equal opportunity programmes and initiatives.

Since 1995, there have been several new developments, especially in the mechanisms and institutions to provide for the advancement of women. These include: refinement of the strategy; development of institutions and the extension and consolidation of the legal instruments; the introduction of new policy tools, such as the Open Method of policy Co-ordination, gender impact assessment and gender budgeting; and the operationalisation of the objective of gender equality in a range of benchmarks and indicators.

Strategy

The EU has clarified the gender equality strategy, by making it explicit that it requires both specific gender equality actions and the mainstreaming of gender equality as a perspective in all policy areas. The dual aspects of the strategy complement each other in crucial ways, ensuring focused resources and expertise as well as reaching out into new policy domains.

Development of institutions, bodies and law

Institutions and other bodies

The Unit for Equal Opportunities within the Commission has long provided focused expertise and resources to support the development of policy initiatives. This is linked in diverse ways to a wide number of related committees and other bodies, especially within the European Commission, the European Parliament and European civil society. These include: the Group of Commissioners on Equal Opportunities, established in 1995; the Inter-service Group on Gender Equality, established in 1995 to support the Commissioners' Group; the Inter-Departmental Group on Equal Opportunities; the Advisory Committee on Equal Opportunities composed of Ministerial representatives; the High Level Group on Gender Mainstreaming, established in 2001 and composed of directors of gender equality policy in Member States; the European Parliament's Committee on Women's Rights and Equal Opportunities; and the European Parliament High Level Group on Gender Equality, established in 2004. The EU has developed a series of medium term programmes for equal opportunities between women and men,

each covering several years. Further, the Commission funds Networks of Experts on gender equality issues so as to provide gender expertise (often from academics) from each Member State that contributes to European level policy making. In addition, the Commission funds the European Women's Lobby so as to provide an additional route by which diverse women's voices can contribute their experiences to the process of policy making. In this way considerable progress has been made in innovative development of gender equality bodies across the range of EU policy making institutions.

Legal framework

The EU has developed the strongest legal framework to support gender equality in the developed world. This framework rests on both Treaties and Directives, and is a key part of the *acquis communautaire*.

Treaties:

The European Community legal framework for gender equality was consolidated and extended in the Treaty of Amsterdam in 1997. This treats the equality of women and men as a fundamental principle, establishes it as one of the key objectives of the Community and specifies gender mainstreaming as a specific mission of the Community (Article 3(2)). The Treaty extends the legal bases for EU action on gender equality, both within employment (Articles 137, 141) and beyond (Article 13). The legal and moral framework for gender equality was further deepened in the Charter of Fundamental Rights (Nice 2000), and in the European Constitution (Rome 2004).

Directives:

Since 1995 the range of issues on which there are legally binding Directives on gender equality has been broadened beyond the early concern for pay, employment conditions, social security and pregnant workers. There has been the extension of the right to equal treatment to those who engaged in the forms of atypical work that has sometimes led to worse conditions for women, so that those who work part-time are to be treated equally (*pro rata*) with those in full-time employment (1997), and those in temporary jobs to equally those in permanent employment. There is a Directive (1996) that helps to provide a better balance between work and care, by providing a legal basis not only for maternity leave, but also for paternity and parental leave. In these two sets of Directives, for marginal workers and for parental leave, the EU offers new global standards for gender equality in the workplace.

The number of countries adopting the *acquis* as their legal framework for gender equality has grown as a result of the accession of 10 new Member States in 2004.

New Policy Tools

Open Method of Policy Co-ordination and the European Employment Strategy

The achievement of gender equality is a key component of the European Employment Strategy EES (Luxembourg 1997, Lisbon 2000). The goal of EU economic policy is 'to become the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion' (Lisbon 2000). With this aim, the EU goes beyond the traditional narrow focus

of economic policy on economic growth alone, instead combining it with a focus on quality as well as high levels of employment and also with social cohesion. This breadth of focus provides the opportunity to mainstream gender equality into the heart of economic policy. Gender equality is currently one of the ten guidelines on which Member State progress on economic policy is to be assessed at EU level.

The process of policy development, the Open Method of policy Co-ordination, is new. It provides an innovative way of mainstreaming EU gender equality goals into nationally specific policy regimes. This process entails the setting of targets for Member States in order to achieve the agreed strategy and the annual monitoring of movement towards these targets, agreed at meetings of the Spring European Council often using Structural Indicators, overseen by Eurostat. The EU-wide strategy is implemented by policies developed to suit national frameworks, though with exchange and learning between different countries, and monitored through annual reports to Council, the National Action Plans, using agreed Structural Indicators, with data overseen by Eurostat. In addition the Commission uses expertise from Networks of Gender Experts to assist in its assessment of Member State progress. Insofar as gender equality issues have been mainstreamed within the EES, then these receive the full attention of Council and Commission combined with the commitment to the development of data support by Eurostat. This applies especially to the commitments made by the European Council to narrowing the gender gaps in employment (women's employment rate to rise to 57% by 2005 and to 60% by 2010) and unemployment (Lisbon 2000, Stockholm 2001), as well as the provision of childcare for at least 90% of children between 3 years and school age and 33% for children under 3 (Barcelona 2002) and pay (Brussels 2003).

Gender impact assessment and gender budgeting

The EU is supporting the development of specific tools to take forward gender equality, including gender impact assessment and gender budgeting.

Monitoring Equal Opportunities between Women and Men

The Commission produces for Council an annual report that monitors progress on equal opportunities between women and men in the EU. In addition, the Employment and Social Affairs Council conducts an annual review of actions to implement the UN Platform for Action.

Indicators

The EU is playing a leading role in the development of indicators to operationalise the specific objectives concerning gender equality in a manner suitable for the more developed countries. Indicators are needed in order to so as to enable the assessment of progress, and usually require a robust set of quantitative data that is comparable over time and between countries. In 1998 Council committed the EU to the development of a simple suite of indicators to monitor progress on the 12 critical areas of the UN Platform for Action. Indicators have been proposed by a series of EU Presidencies: Finland 1999, women in power and decision making; France 2000, reconciliation of family and working life; Belgium 2001, gender pay gap; Spain, Denmark, Ireland, Greece, Netherlands, 2002-4, violence against women. In addition, some indicators have been agreed by Councils as part of the EES. The EU has indicators in five of the twelve critical areas: Women and

the Economy (gender gaps in employment, unemployment and pay; provision of care for children and other dependents); Women in Power and Decision-Making (percentage of women among elected positions, ministerial positions, executive boards of top companies, and boards of central banks); Women and Poverty (percentage of women among those 'at-risk-of-poverty'); Women and Education (educational attainment; life-long learning; science and technology graduates); and Violence Against Women (domestic violence: number of female victims, types of victim support, measures to end violence; sexual harassment at work). Several of these indicators are supported by robust statistical data overseen by Eurostat, especially where they overlap with the needs of the EES and are constituted as Structural Indicators.

Progress within Member States

All Member States have developed some national machinery to implement gender equality policies consistent with the UN Platform for Action. There has been much innovation and there is considerable diversity in the form that this machinery takes. All Member States have some civil servants with gender equality responsibilities. Sometimes these gender equality units are within a dedicated ministry, though more frequently they are embedded in a combined ministry. In some cases there is a dedicated Minister for Gender Equality, Parity or Women, and sometimes the Minister has other responsibilities as well. All Member States have incorporated the *acquis communautaire*, which includes gender equality laws, into their domestic legislation. Additional mechanisms and tools, such as gender impact assessment, gender budgeting, the establishment of independent bodies (research centres, observatories), and personnel with investigation powers into gender equality matters have been introduced by some Member States. The wide range in the types of developments may suggest that there is ongoing exploration of the merits of the different forms. The following table shows, for 2004, the extent to which Member States of the enlarged EU (EU-25) have developed various types of institutional mechanisms for the advancement of women.

% MS	<i>National machinery</i>
44%	Gender equality ministers or state secretaries or other ministers for gender equality
44%	Gender equality divisions, units, or departments (dedicated or combined ministry)
16%	Operational gender focal points
12%	Independent gender equality ministries
32%	Independent gender equality centres
48%	Multi-party government commissions, committees or councils for gender equality
44%	Inter-ministerial consultation groups for gender equality

Further strategies needed to fully implement the Platform for Action

In general there are three key ongoing challenges. The first is to clarify the misunderstanding that gender mainstreaming can replace other gender equality strategies, such as those based on specific actions concerning women. The challenge is *to ensure appropriate action to create space for both strategies*. Second, the engagement with diverse inequalities, including those of ethnicity/race, religion/faith, disability, age and

sexual orientation, is a challenge to be addressed in all aspects of gender equality policy, so as to *redress gender bias in strategies that address diverse inequalities and ethnocentric bias*, while protecting resources to deal with gender inequality. Third, the development of effective gender equality policies poses the challenge to *combine both new forms of technical expertise and new forms of democratic representation*.

Strengthening national mechanisms

Concerning the need for further implementation of the Platform for Action goal to *strengthen national mechanisms*, it is very important to position national machineries that are dedicated to gender equality at the highest possible political and executive level and to assure stability of these machineries independent of political change and also to clarify the mandates of gender equality units. Moreover, there is a need to develop standardised gender training, to integrate this in regular training procedures and thereby engage a wider range of policy actors in work for gender equality.

In view of the diversity of institutional mechanisms existing in the European Union, there is a need to generate knowledge as to the differentiated impacts, strengths and weaknesses of the range of institutional formats as they operate in practice, and to gather systematic information on the effectiveness of the variety of practices that are used to ensure expertise and accountability and subsequently to work towards their institutionalisation and evaluation. To further improve the effectiveness of gender equality policies, it is essential to develop, at both Member State and EU levels, independent, adequately funded units or procedures for monitoring and evaluating gender equality policies and in holding governments to account.

In view of recent developments there is a need to maintain the organisational visibility of gender equality within integrated units, and to monitor the distribution of resources for and policy attention to gender equality in the output of such units.

In order to further contribute to improving the quality of gender equality policies, it is necessary to develop a more structural link between governments, NGOs and gender studies.

Strengthening tools for gender mainstreaming and gender equality policies

Strengthening gender impact assessment

Gender impact assessment needs to be further developed, disseminated and consolidated. There is a need to introduce gender impact assessment in all countries, especially in new Member States and to consolidate the use of gender impact assessment in Member States with some experience.

There is a need to make 'gender impact' clearly visible when integrated impact assessment is developed.

To strengthen the link with civil society, it is extremely important to integrate the participation of or consultation with citizens in gender impact assessments, at national as well as local level.

Furthermore, good use can be made of the experiences so far by doing comparative research on the strengths and weaknesses of the various gender impact assessment methodologies and their use in practice, by developing and disseminating the best

methodologies and practices in gender impact assessment and by a general systematical exchange of information on gender impact assessment between Member States and between Member States and the European Commission;

Strengthening gender budgeting

There is a general need to further develop and generalise gender budgeting and to provide more and more adequate tools for gender budgeting, including gender-disaggregated statistics, indicators and benchmarks.

The principle and practice of gender budgeting should be extended to EU-level financial institutions so as to include a gender equality perspective in macro-economic policy and financial decision-making in the EU consequent on the development of the Euro and European Central Bank.

It is of the utmost importance to include women's voices and interests in areas of decision-making in which they are still under-represented and to actively encourage the engagement of expert civil society groups and NGOs;

Further development of indicators

The most urgent need is to fill the remaining gaps in the list of indicators for the 12 critical areas of the Platform for Action and to develop the gender disaggregated statistical data sources needed to support them in a robust and comparable form.

On Poverty an indicator needs to be developed and data collected that would capture resource distribution within as well as between households. Concerning Education it is important to agree on indicators measuring gender equality, which not limited to the needs of the European Employment Strategy. There are several areas where an indicator needs to be agreed on. This is the case for Health; Women and Armed Conflict; Institutional Mechanisms; Human Rights of Women; Women and the Media; Women and the Environment; and the Girl-Child. On these areas appropriate sources of statistical information need to be established. Moreover, it is very important to complete the development of indicators concerning violence against women, and to collect the data necessary to use them. Also, the development of the indicators on the provision of care for children and other dependents needs to be completed. Concerning the gender pay gap, action needs to be taken to collect data that is fully comparable, inclusive and annual.

There is an urgent need to provide the statistics to support the Presidency's indicators on the provision of care for children and other dependants (and indeed the Barcelona targets), and to ensure that the plans for further development of the statistical information indicators are delivered, in particular that the range and depth of questioning is sufficient, and that the repeats are sufficiently frequent to enable adequate monitoring.