



18.10.07

EVALUATION OF THE IMPLEMENTATION OF THE EUROPEAN COMMISSION'S ROADMAP FOR EQUALITY BETWEEN WOMEN AND MEN 2006-2010 – YEAR ONE

Introduction

The European Commission's *Roadmap for equality between women and men 2006-2010* was launched in March 2006 with the goal of accelerating progress toward gender equality in six priority areas. The European Women's Lobby (EWL) had drafted its own Roadmap in 2005 in order to highlight the needs and priorities of women across Europe. A number of the EWL strategic objectives have been built into the Roadmap of the Commission, which we very much welcome. At the same time, EWL is committed to monitor the full implementation of the commitments made in the Roadmap, in order to ensure that the European Union continue to play an instrumental part in advancing equality between women and men in Europe.

EWL's general concerns in relation to the implementation of the Roadmap after one year are the following:

- It still appears difficult to *involve all services in the Commission* even though the Roadmap clearly extends beyond the sole competencies of the Employment Directorate General.
- Effective gender mainstreaming that brings transformative results presupposes *training for Commission officials*, continuous and rigorous *gender impact assessment* and *gender budgeting*, but none of these are discernible in any systematic way.
- Proposals for *new legislation or policies* in some areas are slow to come forward in some fields in spite of a demonstrated need for them, for example in relation to violence against women, women in decision-making or discrimination in education and in the media.

The present report analyses progress made in the implementation of the Roadmap by the European Commission (EC), and points out the areas where steps are still to be taken. We review each area of the Commission's Roadmap by first recalling what EWL considers as priority issues in the given field, then giving a short overview of actions taken by the Commission in relation to that field¹, and finally, presenting our recommendations specifically related to each of the fields.

PART I: PRIORITY AREAS OF ACTION FOR GENDER EQUALITY

1) ACHIEVING EQUAL ECONOMIC INDEPENDENCE FOR WOMEN AND MEN

Globalisation and a liberal economic framework have negative consequences in relation to women's economic independence and position on the labour market. EWL considers it a priority to **safeguard of the European social model**, including social services of public interest. This entails the need to strike a balance between security and flexibility on the labour market and the monitoring of the **Flexicurity policy** in relation to employment from a gender perspective.

¹ The EWL review of Commission actions is not exhaustive, as the Commission itself is preparing a review of the implementation. The Commission's review will be available at a later stage from ec.europa.eu/employment_social/gender_equality/gender_mainstreaming/roadmap_en.html. Please, check the site for news.

Although the *Lisbon Strategy*² affirmed the necessity to increase the employment rate of women and to take into account the needs in relation to childcare as a precondition for growth, gender is still not taken systematically into account in European macro-economic policies. The need for coherence between macro-economic and gender mainstreaming policies needs to be acknowledged and implemented in policy making.

Many of the issues linked to women's economic independence, such as gender gaps (in pay, time, care-work) and implementation gap (the distance between laws/policies and reality), poverty, social protection, working and learning conditions (reconciliation of work/family, flexible and safe work) must be addressed in a way that is based on a gender-analysis also taking into account the impact of violence against women as both a cause and a consequence of women's inequality. EWL stresses that all these fields are strongly related, therefore *only an integrated approach taking account of each of these aspects can be effective* in promoting women's economic independence.

1.1) Reaching the Lisbon employment targets

Priority issues for EWL: Evaluations of the Lisbon strategy on Growth and Jobs show a negative trend in the focus on gender equality in Member States' (MS) programmes³ in particular since the removal of the specific equal opportunities guideline. Since the adoption of the Roadmap, the concept of flexicurity has been placed on the political agenda and linked to the revised Lisbon Strategy and promoted as the way forward. EWL's priorities are to place gender equality issues at the heart of the revised Lisbon strategy, to strongly link the flexicurity concept to issues of gender gaps including the equal sharing of unpaid work⁴.

Actions taken by the European Commission:

Both the 2006 Annual Progress Report⁵ and the Joint Employment Report⁶ on the follow up of the Lisbon strategy mention persisting gender inequalities, but neither focuses enough on them. The Integrated Guidelines⁷ on which Member States base their reports on their National Reform Programmes are currently being revised, and new guidelines will be adopted by the 2008 Spring Council. However, there is no indication that the revised guidelines will introduce the much needed stronger emphasis on gender equality.

Two Communications on flexicurity were published by the Commission in 2007.⁸ While both documents mark some progress, EWL regrets that both documents mention women as "specific groups" or as "weaker groups" mostly together with the young, the disabled, and/or the migrant worker.⁹ EWL also regrets that the Commissions documents fail to mention the central importance of the provision of care services by the state for the success of flexicurity strategies¹⁰.

In 2007, the Commission also published a "Manual for Gender Mainstreaming of Employment Policies"¹¹.

² The Lisbon programme for Growth and Jobs was adopted at the March 2000 Lisbon special European Summit. See: http://www.europarl.europa.eu/summits/lis1_en.htm, or: http://ec.europa.eu/growthandjobs/index_en.htm.

³ The reports on the National Reform Programmes on the implementation of the Lisbon Strategy testify to this fact. See National Reform Programmes: http://ec.europa.eu/growthandjobs/key/nrp2005-2008_en.htm, and National Reports on the Implementation at: http://ec.europa.eu/growthandjobs/key/nrp2006_en.htm.

⁴ See more on this in Section 1.2 and Section 2.

⁵ See: http://ec.europa.eu/growthandjobs/annual-report_en.htm.

⁶ See: http://ec.europa.eu/employment_social/employment_strategy/employ_en.htm.

⁷ See at http://ec.europa.eu/growthandjobs/pdf/COM2005_141_en.pdf.

⁸ See both documents at http://ec.europa.eu/employment_social/employment_strategy/flex_meaning_en.htm.

⁹ Various other communications and documents on the Lisbon process and women can be found at: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/295&format=HTML&aged=0&language=EN&guiLanguage=en>.

¹⁰ The flexicurity model took shape in Denmark, a country where policies, services and measures for the conciliation of private and professional life are quite developed.

¹¹ http://ec.europa.eu/employment_social/gender_equality/docs/2007/manual_gend_mainstr_07_2007_en.pdf.

EWL Recommendations

- A. A requirement to **conduct gender mainstreaming in all the Integrated Guidelines** across the macro-economic, micro-economic and employment dimension should be introduced into the new Integrated Guidelines to be adopted in 2008.
- B. Introduce a **new guideline on equal opportunities** with specific attention to employment measures in support of groups of **women facing multiple discrimination**.
- C. **Concrete targets and timelines** should be set for the desegregation of the labour market and the provision of quality, affordable care services for all dependants.
- D. **Stronger and more formal focus** should be put on **equality between women and men during the Spring Summit**.
- E. **The provision of care services should be an integral part of the flexicurity** concept and the link between this strategy and other social and economic policies should always be emphasised.

1.2) Eliminating the gender pay gap

Priority issues for EWL: Closing the gender pay gap requires a multifaceted approach including setting concrete targets, implementing equal pay legislation and equal opportunities policies and gender-sensitive wage policies. The existence of affordable, accessible and high-quality care services for all dependants, gender-sensitive leave arrangements, strong incentive for men and women to share family responsibilities equally¹² should be part of the efforts to close the pay gap.

Actions taken by the European Commission: The Commission published a Communication in July 2007 entitled *Tackling the Pay Gap between Women and Men*¹³. Since existing legislation has proven insufficient in eliminating the gender pay gap, the Communication proposes that Member States a) ensure better application of existing legislation; b) fight the pay gap as an integral part of Member States' employment policies; c) encourage employers to respect equal pay; and d) support exchange of good practices across the EU and involving the social partners. The Communication also suggests that further legislative measures on a Community level may be needed.

EWL Recommendations¹⁴

- A. **Concrete targets and definite timelines for Member States** to reduce the pay gap should be introduced in the Integrated Guidelines or Growth and Jobs.
- B. Legal measures on **obligatory equal pay audits based on indicators** should be adopted.
- C. **Leave-time and career breaks related to reproduction and caring** responsibilities should be made **positive components of pay**.
- D. Equality bodies and labour inspectorates should **oblige employers to submit data relevant to pay gap disputes** otherwise inaccessible to employees, while **employers should be engaged** in exploring the underlying issues contributing to the gender pay gap.
- E. The **impact of the 'flexicurity' concept** on the gender pay gap should be assessed.

1.3) Women entrepreneurs

¹² See more on this in Section 2.

¹³ See: http://ec.europa.eu/employment_social/news/2007/jul/genderpaygap_en.pdf. The Communication draws on a comparative review of 30 European countries *The gender pay gap, origins and policy responses* (July 2006), see: http://ec.europa.eu/employment_social/publications/2006/ke7606200_en.pdf.

¹⁴ Because of the strong link between the pay gap and access to work and care services, the recommendations regarding the pay gap should be read together with those regarding flexicurity (Section 1.1) and reconciliation (Section 2).

Priority issues for EWL: Women's entrepreneurship is one dimension of the achievement of equality between women and men in decision-making and is part of the dynamics of economic development as well as social and territorial inclusion/cohesion.

Actions taken by the European Commission: In 2006 and 2007, the European Commission mainly concentrated on activities of exchanges of good practice and policy analysis, including in the framework of Action Plan for female entrepreneurship

EWL Recommendations

- A. Develop an **EU strategy** on how to **increase the support to women's economic initiatives and women's entrepreneurship** in all areas and at all levels and developing policies that support the potential of a **social and solidarity based economy**.
- B. Give greater visibility to what is at stake for women in the **development of mixed economic solutions** and to women's participation in the setting up of innovative initiatives in this area.

1.4) Gender equality in social protection and the fight against poverty

Priority issues for EWL: The at-risk-of-poverty and social exclusion rate is higher for women than men in most EU countries. EWL sees it as a priority that the EC recognizes that a) employment in itself is insufficient to protect women from poverty if the jobs available are low paid or insecure or if quality and affordable childcare services are not provided, b) social protection systems that calculate benefits on the basis of the family unit instead of the individual reinforce women's dependence for social protection, thus directly discriminating against women, and c) it is essential to address the structural causes of the feminisation of poverty in particular.

Actions taken by the European Commission: In October 2007 the Portuguese Presidency will address the issue at a High Level Round Table on Poverty and Social Exclusion where a specific workshop is devoted to the situation of women. In 2007 the Commission published the *Study on poverty and social exclusion among lone-parent households*¹⁵ that shows again that employment in itself is not enough to prevent poverty¹⁶.

EWL Recommendations

- A. Any reform must include the individualisation **of rights to social security and benefits**, and the adaptation of social protection and services to changing family structures
- B. **Gender equality objectives**, and **specific guidelines and targets** must be integrated in **any EU policy on social protection systems**, including actions to support non-traditional families, and groups of women who face multiple discrimination.
- C. **Indicators** on social exclusion must include gender-disaggregated individual-based data.
- D. **Pension systems need to be reformed in order to combat social exclusion of older women**, including a **universal basic old age pension system** across the EU, and mechanisms in pension systems that **accommodate employment patterns linked to society's needs of care-work** (for example, career-breaks, part-time work). Measures **prohibiting discrimination in public and private pension schemes**, including prohibiting the practice of basing the level of payments / contributions on actuarial factors based on sex.
- E. Provide **universal affordable, quality care services for all dependants**.
- F. **Ensure consistency** between policies on preventing and combating poverty and other policy areas (pay gap, flexicurity, care services and services of general public interest, etc.).

¹⁵ See: http://ec.europa.eu/employment_social/social_inclusion/docs/2007/study_lone_parents_summary_en.pdf.

¹⁶ The report states: "[I]n many cases the problem cannot be solved with inclusion in the labour market on any terms, but only with a rewarding job 'making work pay' and implying lasting guarantee against social exclusion."

1.5) Recognising the gender dimension in health

Priority issues for EWL: EWL considers women's access to affordable quality health care a human rights issue, especially in relation to sexual and reproductive health. It is also critical to integrate a gender equality focus in all fields of EU Public Health Policies.

Actions taken by the European Commission: The actions taken by the Commission in the field of public health fail to address women's specific needs and gender equality:

The EU Health Strategy will be adopted in 2007.¹⁷ The Commission's discussion document on the Health Strategy does not refer to the improvement of women's health as one of the key objectives within the three elements of the strategy.

Programme of Community action in the field of Health 2007-2013: The core text of the draft programme¹⁸ does not refer to women's health.

Community action on health services (26/09/2006): The technical approach taken by the Commission fails to reflect health services as an integral element of services of general interest and doesn't include a gender analysis. Many of the services directly linked to women's health¹⁹ are not recognised and addressed in the Communication as public health services, and the Commission did not address sexual and reproductive health services as particular cross-border healthcare.

EWL Recommendations

- A. **Ensure that the improvement of women's health becomes one of the overall objectives of the EU Health Strategy**, with specific references under the 3 elements of the strategy.
- B. **Ensure that the Committee set up to assist the Commission for the implementation of the Health Programme for 2007-2013 is gender-balanced** in its composition, **and includes at least one gender expert** in charge of monitoring.
- C. As a follow-up to the EC's communication on health services: a) **develop a general framework for services of general interest** integrating health and social services, b) **recognise the specificity of sexual and reproductive health services as cross-border healthcare**.
- D. **Draft** as a matter of priority the second **European report of Women's Health**²⁰.
- E. Raise awareness on the **vaccination against cervical cancer** and make it available.
- F. Encourage the development of **gendered testing procedures of medication and therapies**.
- G. Collecting information and statistics **on (drug and alcohol) addictive tendencies amongst women in all age groups** and their need for care and treatment.

1.6) Combating multiple discrimination, in particular against migrant and ethnic minority women

1.6.1. Integration of a gender perspective and of the issue of multiple discrimination in the European Year on Equal Opportunities for All and in anti-discrimination policies

Priority issues for EWL: Both specific actions and the integration of a gender dimension in all activities related to the *European Year on Equal Opportunities for All* and in European anti-

¹⁷ See the discussion document at: http://ec.europa.eu/health/ph_overview/strategy/health_strategy_en.htm.

¹⁸ (COM(2006)234 final), as of: 25 October 2007. See: http://ec.europa.eu/health/ph_overview/pgm2007_2013_en.htm.

¹⁹ Among others: family planning, care services for persons with additional support needs, mental health support or healthy eating projects, or services to women victims of violence.

²⁰ The previous Commission report on women's health was published on 22 May 1997. See: <http://europa.eu/scadplus/leg/en/cha/c11558.htm>.

discrimination policies. EWL also insisted on the involvement of women's organisations in the planning and monitoring activities regarding the Year.

Actions taken by the European Commission: A range of activities were undertaken at European level in 2007 including the organisations of two high level conferences, a study on multiple discrimination, a communication campaign and the setting up of an NGO steering group (including EWL).

In July 2007 the European Commission launched a consultation to define whether new measures (legislative or else) are needed at the European level in order to combat discrimination on the grounds mentioned in article 13 of the Treaty of the European Communities.²¹

EWL Recommendations

- A. Enhance **EU legislation on non-discrimination and equality** on different grounds, especially those not covered by existing legislation, and fill the gaps in existing legislation in relation to multiple discrimination and to discrimination experienced by racial and religious minorities. In parallel, **EU legislation and institutional mechanisms for equality between women and men** must be preserved and developed.
- B. Gender should be mainstreamed in any new initiative as well as in all existing policies and action in relation to the fight against discrimination.
- C. The closing event of the Year on Equal Opportunities for All should allow for direct interaction with decision-makers. Measurable objectives should be set up in relation to the Year and its follow up.

1.6.2. Migrant women

Priority issues for EWL: Research on immigration has for a long time focused on the male migrant worker, reinforcing an image of migrant women only expected to assist their husband and children, with no independent status (family reunification). This model does not correspond to the current reality and reinforces stereotypical images of migrant women. EWL therefore considers the acknowledgement of the phenomenon of feminisation of migration as a priority, which needs to be included in policy-making and legislation, as well as the full respect of women's human rights and the fight against the multiple discrimination faced by migrant women.

Actions taken by the European Commission: EWL welcomes the Commission's formal commitment to promote gender equality and gender mainstreaming in migration and integration policies, in particular the Framework for Integration of Third-Country nationals, the Policy Plan on Legal Migration, and the European Fund for Integration.

Legal framework on the admission and stay of third-country nationals: In June 2007, the Commission subcontracted the impact assessments of Community instruments on the legal status of Third-Country Workers in paid employment and on the conditions of entry and residency of Highly Skilled Workers. Neither of the assessment questionnaires included detailed references to gender.

The Commission's *Handbook on Integration for policy-makers and practitioners*²² does not reflect a genuine concern for gender issues. Although the handbook includes references to gender and several projects' presentations targeting migrant women, it does not include a proper analysis on the particular needs and rights of migrant women. A separate section dedicated to gender would

²¹ The six grounds recognised are: sex, racial or ethnic origin, religion or belief, disability, age and sexual orientation.

²² See: www.ec.europa.eu/justice_home/doc_centre/immigration/integration/doc_immigration_integration_en.htm. Point V. "The Handbook on Integration contains good practices and 'lessons learned' drawn from the experience of policy-makers and practitioners across Europe. By collecting and presenting concrete examples from different areas of immigrant integration, the handbook feeds into a larger policy process in the field of integration in the European Union (EU), notably the development of the European framework on integration."

have been very welcome. The same applies to the second *Annual Report on Migration and Integration*²³, and to the consultation process for the development of a *European Website on Integration*. Council Decision 2007/435/EC established the *European Fund for the Integration of Third-country Nationals*²⁴. EWL regrets the clear lack of a specific gender dimension in the decision. The *Council adopted the Strategic Guidelines of the European Fund for Integration*.²⁵ This document should be more precise as to the representation and participation of migrant women.

Irregular migration, return migration: The Commission failed to take into consideration the particular risks incurred by women who are returned to their countries of origin²⁶. The *proposal for a Directive providing sanctions against employers of illegally staying third-country nationals*²⁷ issued in May 2007 has not been subjected to a sufficient gender impact assessment.

EWL Recommendations

- A. **Ensure** that a **gender analysis** is included **in the process of reflection on the revision of existing directives in the field of immigration**.
- B. **Develop gender impact assessment tools before the adoption of any measures regulating migration flows and return policy** or in the field of integration, **and apply gender budgeting** according to findings.
- C. **Guarantee the participation of migrant women's NGOs in the European Integration Forum**, if set up.
- D. **Guarantee** that the work to be done by the **European Fundamental Rights Agency** on migration and refugees **includes a gender dimension**.

2) ENHANCING RECONCILIATION OF WORK, PRIVATE AND FAMILY LIFE

Priority issues for EWL: Opportunities to reconcile work and private life are major determinants of women's and men's decisions about the type and the form of their work, and the number and spacing of their children.

EWL therefore sees it as priorities that a) the state ensures the provision of affordable and good quality care services, b) provisions on maternity, parental, paternity and other kind of leave are improved, men are encouraged to take up c) men are encouraged to equally share care work d) care work is not covered by exploiting migrant female labour, e) employers are provided with financial and moral incentives to make sure women do not constitute a more expensive employee-pool than men, and f) the concept of flexicurity does not get translated into exploitative working conditions (e.g. part time, non-secure, short-contract work primarily offered to women).

Actions taken by the European Commission: The Commission published a *Communication on the demographic future of Europe – from challenge to opportunity*²⁸ in October 2006. EWL welcomes the Communication, but regrets that it fails to mention the positive link between higher fertility rates and the existence of care services and adequate reconciliation legislation and policies.

In 2006 the Commission started a "*Consultation of social partners on reconciliation of professional, private and family life*" which could hopefully lead to new legislation/revision of existing legislation.

²³ (SEC(2006)892), see: <http://register.consilium.europa.eu/pdf/en/06/st11/st11526.en06.pdf>, 3 July 2006.

²⁴ 2007/435/EC Council Decision of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General Programme Solidarity and Management of Migration Flows (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:168:0018:01:EN:HTML>).

²⁵ August 2007.

²⁶ Returned women are often placed in situations of grave gender inequalities: they face violence and other gender-based human rights violations that they have been trying to escape in the first place

²⁷ COM(2007)249 final

²⁸ See: http://ec.europa.eu/employment_social/news/2006/oct/demography_en.pdf, 12 October 2006.

EWL Recommendations

- A. Review and improve the **Pregnant Workers Directive**²⁹ in relation to 1) guarantees for payment during maternity leave (guaranteeing full salary protection); 2) better health and safety protection; 3) strengthen the right to breastfeeding facilities; 4) extend the protection to all workers in atypical forms of employment including domestic workers³⁰.
- B. Improve the **Parental Leave Directive**: 1) add incentives for fathers to take parental leave; 2) make the paternal leave non-transferable between parents; 3) improve employment rights and the prohibition of discrimination; 4) duration of parental leave; 5) age of the child in respect of which parental leave can be taken and 7) payment. **The issue to be most urgently addressed is the payment of parental leave.**
- C. **Other types of leave** should be introduced by European legislation: 1) Paternity leave; 2) Adoption leave; 3) Care leave (care for an elderly parent or a family member with a disability or terminal illness); 4) Education leave
- D. **An integrated approach to reconciliation is needed**, adopting working and learning conditions to the life-cycle approach.
- E. **Promote gender equality from an early age to break down stereotypes** that reinforce the traditional division of labour.
- F. **Introduce taxation policies and other methods that ensure women are not considered more problematic and expensive employees than men.**

3) PROMOTING EQUAL PARTICIPATION OF WOMEN AND MEN IN DECISION-MAKING

3.1) Women in political and economic decision-making

Priority issues for EWL: EWL works towards the realization of parity democracy, the equal participation of women and men at all levels of decision-making and in all areas (political, economic, social, scientific etc.), including within EU institutions, and through binding mechanisms.

Actions taken by the European Commission: While every EU document dealing with the participation of women in political, economic, scientific and social decision-making sadly observes the fact that women are vastly underrepresented, few concrete action was taken on the European level to seriously improve the situation³¹. The Commission maintained the existing database on women in decision-making³², which is a useful tool. The Commission also prepared for the creation of a network of women in decision-making, which is under way.

EWL Recommendations

- A. The European network of women in decision-making should be multi-disciplinary and able to make concrete recommendations to the institutions, in particular in view of the European elections and the renewal of the European Commission in 2009.
- B. Concerning the realisation of parity democracy in the European Commission itself, **Member States should be obliged to nominate both a woman and a man** as candidate commissioners in 2009 and the future EC President would be able to nominate a balanced Commission.
- C. Elections of the European Parliament in 2009, a **uniform electoral system including binding measures to achieve the equal representation of women and men in the EP**

²⁹ 92/85/EEC

³⁰ In line with ILO convention 103.

³¹ Programmes exist within EU institutions to improve the gender balance in decision-making among civil servants.

³² See: http://ec.europa.eu/employment_social/women_men_stats/index_en.htm.

should be set in place. In the absence of such a system, EWL recommends such measures in all EU Member States.

- D. **Quotas at the decision-making levels of public and private companies** should be promoted based on successful examples (e.g. Norway).

3.2) Women in science and technology

Priority issues for EWL: In this area women are confronted with the double burden of persistent stereotypes on the one hand, and of the claim of objectivity of possible advancement based on “excellence” on the other. The scarcity of women in senior positions and on scientific committees may also prevent women’s interests from being put forward in policy and decision-making in these areas. It is necessary to implement a dual approach of specific programmes for women (including positive actions) and gender mainstreaming.

Actions taken by the European Commission: EWL welcomes the publication *She Figures: Women and Science. Statistics and Indicators* (2006). The data prove that there still is a strong horizontal and vertical gender segregation in these fields. However, EWL regrets that the Gender Action Plans which had existed in the 6th Framework Programme were dropped from FP7.

With regard to the European Research Council (ERC)³³, it was decided that the only criterion that would matter in the selection of proposals would be “excellence”. However, according to independent studies³⁴ and women’s experiences, the success of researchers tends to depend on their successful placement in formal and informal networks, language abilities³⁵, non-transparent and non-accountable selection procedures (aspects in which women are at a disadvantage) as much as on scientific quality and achievements, clearly defying the existence of achievements by pure excellence. The fact that neither FP7, nor ERC policies address this issue reflects a clear distancing from the gender equality policies articulated by the EU.

EWL Recommendations

- A. **Gender-balanced** in research teams, decision-making bodies, evaluation panels and selection committees should be vigorously pursued (there is a Commission target of a **minimum of 40% female representation in panels and committees** in research process).
- B. **Projects with a gender balance or a gender dimension** should be concretely **encouraged and rewarded** (for example, by better scores).
- C. **Awareness-raising and gender-training for the scientific community** (for proposers and evaluators) and **policy makers** should be continuous.
- D. **Networking among women scientists** at all levels should be supported and strengthened.
- E. The European Commission’s research institutions (in particular, the European Research Council) should lead the way in providing a **transparent, inclusive, gender-sensitive notion of “excellence”**.

4) ERADICATING GENDER-BASED VIOLENCE AND TRAFFICKING

4.1) Eradication of gender based violence

Priority issues for EWL: Violence against women is a continuous series of physical, verbal and sexual assaults and acts committed in different ways by men against women with the explicit aim and result of hurting, degrading, intimidating and silencing women. Violence against women is a

³³ The European Research Council was officially launched in February 2007 as “the first pan-European funding body set up to support investigator-driven frontier research” which will be in charge of distributing a large part of EU funding in the field of scientific research. See homepage of ERC at: <http://erc.europa.eu/index.cfm>.

³⁴ See e.g. Wennerås, Christine and Agnes Wold: “Nepotism and sexism in peer-review”. *Nature* Vol.387/22. May, 1997.

³⁵ Language knowledge is, of course, strongly influenced by the amount of time and money an individual can devote to language learning.

fundamental barrier to the achievement of gender equality and a violation of women's human rights. Violence should always be defined in accordance with the definition in Article 1 in the UN Declaration on Elimination of Violence against Women.³⁶ Very few European countries recognise that the different forms of violence against women (VAW) constitute human rights violations. This results in an overwhelming majority of policies and legislation lacking adequate responses.

Actions taken by the European Commission: The Commission supports Member States and NGOs through the Daphne Programme. The absence of a European policy and coordinated EU level definition of VAW renders coherent and effective steps, and even the collection of statistics problematic, and keeps the work on an *ad hoc* level.

EWL Recommendations

- A. Urgently **fill the existing void in EU legislation regarding VAW: A definition of violence against women and a strategy to define the best way to enshrine its prohibition in EU law is needed at the EU level.**
- B. The National Plans of Action to combat VAW – called for by the Commission's Roadmap – should have a **coherent and comprehensive approach** based on the UN Declaration.
- C. **Recognition and support the indispensable role of women's NGOs** in providing services.
- D. Set up a **permanent monitoring system** at EU level that includes NGO monitoring.

4.2) Eliminate trafficking in human beings

Priority issues for EWL: Victims of trafficking are mainly women (and children) bought and sold for sexual exploitation. Even though the EU Action Plan on Trafficking in Human Beings³⁷ includes a gender dimension, this is generally ignored in the policies. In order to be effective, the prevention of trafficking in women for sexual exploitation must include eliminating the demand side of all forms of prostitution and all forms of sexual exploitation. It should be a priority to recognize the gender dimension of trafficking in women, otherwise, effective policies and measures of prevention, and the protection of women victims of trafficking cannot be designed and implemented.

Actions taken by the European Commission: The Commission set up a working group on statistics on trafficking with IOM, Eurostat, Europol and academics.

The Commission introduced an annual EU anti-trafficking day, however, the programme of the launching conference on 18 October 2007 lacked a gender dimension altogether, which makes the Commission's understanding of the issue questionable.³⁸

A conference by the Portuguese Presidency in October focused on the gender dimension of trafficking, which EWL welcomes. EWL also welcomes the fact that the Commission decided to renew the work of the Expert Group on Trafficking.

EWL Recommendations

- A. Set up mechanisms to **ensure that the gender dimension of trafficking in human beings is part of all policies** aimed at preventing and combating trafficking. This should also be reflected in the composition and terms of reference of the EU Expert Group on Trafficking.
- B. **Design specific gender sensitive strategies for different forms of trafficking and exploitation** (trafficking for sexual exploitation, forced labour).
- C. **Address the reduction of demand for sexual services.**

³⁶ For facts and figures on violence against women see the homepage of EWL under Policy Centre on Violence against Women.

³⁷ *Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children* as adopted by the Ministerial Conference on Migration and Development, Tripoli, 22-23 November 2006. See: http://ec.europa.eu/justice_home/doc_centre/immigration/docs/OUAGADOUGOU.pdf.

³⁸ See information and programme of the conference at: ec.europa.eu/justice_home/news/events/news_events_en.htm.

- D. **Support the networking of organisations, especially NGOs** involved in the provision of assistance to victims, rehabilitation and return of women victims of trafficking.

5) ELIMINATING GENDER STEREOTYPES IN SOCIETY

Priority issues for EWL: Damaging stereotypes of gender roles are still widely accepted in European cultures. Portrayal of women includes traditional clichés about women's role in domestic and caring tasks or about their submissiveness to men or as sex objects for example in order to promote sales. These stereotypes, conveyed through the media as well as education, constitute strong obstacles to the achievement of equality between women and men.

Actions taken by the European Commission: The Informal Meeting of Ministers for Gender Equality and Family Affairs, in May 2007 declared that gender stereotypes will be the “intertwining theme” of the first Trio Presidency³⁹. No specific action was taken by the Commission in this field either in education, training culture, the labour market or in media; mostly *ad hoc* projects are visible on the national level, depending on Member States' priorities.

EWL Recommendations

- A. Establishing a **European legal framework** to complete the existing legislation **clearly prohibiting incitement to hatred on the grounds of sex in media and advertising**.
- B. Encourage **compulsory gender training in teacher and media training institutions**.
- C. **Safeguard and develop public broadcasting** as an independent media tool with a public service mission that includes **promoting democracy, human rights, and gender equality**.
- D. Establish **EU standards** to be used **in accreditation processes of school textbooks** with the goal to root out stereotypical and prejudiced portrayal of women and men/girls and boys.
- E. Promote the **sharing of good models**, and facilitate peer-learning among MSs, and establish **funding opportunities** for EU level and national campaigns to eliminate gender stereotypes.
- F. **Media representatives** should be **involved in a dialogue with institutions, Member States and NGOs** to facilitate the elimination of stereotypical media portrayal of women.

6) PROMOTING GENDER EQUALITY OUTSIDE THE EU

6.1) Enforcement of EU legislation in acceding, candidate and potential candidate countries

Priority issues for EWL: According to EWL member organisations, new Member States (MSs) usually formally comply with the EU law transposition requirement but concrete implementation and reforms are much more problematic. It is therefore, necessary that the Commission introduces more effective measures to encourage MSs to concretely implement gender equality legislation, and to hold MSs responsible for infringements and/or lack of action.

³⁹ The Trio Presidency Declaration: „Towards Gender Equality in the European Union“ on “Gender Stereotypes” stated “All forms of discrimination on the grounds of sex are based on gender stereotypes. Gender-based stereotyping can be found in all areas of society as a determinant factor and smallest common denominator for gender inequalities and unbalanced participation.” See: http://ec.europa.eu/employment_social/news/2007/may/presidency_declaration.pdf.

Actions taken by the European Commission: The Commission is currently conducting a review of the fulfilment of the law-harmonization obligations regarding gender equality directives in twelve MSs, and will start a review procedure regarding Directive 2006/54/EC (Recast Directive) in 2008, when transposition into national law will have to be completed. Unfortunately, according to present legal regulations, the review process is not public.

The Commission also set up a network of experts of national Equality Bodies that meets regularly to discuss issues related to sex-based discrimination as a peer-learning exercise. While EWL welcomes this initiative, we regret that the work of this group is not public.

EWL Recommendations

- A. **Measures against Member States in breach** of harmonization requirements **should be accelerated and made public.**⁴⁰
- B. The Commission should **scrutinize not only the transposition of the directives, but set more effective mechanisms** (e.g. a strategic plan) in place to **hold MSs responsible for the implementation** of legal measures on the national level.

6.2) Promotion of gender equality in European Neighbourhood Policy (ENP), external and development policies

Priority issues for EWL: EU external and development policies must recognise that the economic, educational, political and sexual empowerment of women affects not only themselves but also whole families and communities. Unfortunately, the mainstreaming of equality between women and men takes place in an *ad-hoc* way in external policies of the EU. It is also crucial the the EU actively promotes women's human rights and sexual and reproductive rights in its external and development policies , including through specific programmes, support to women's NGOs and financial incentives.

Actions taken by the European Commission: The Commission adopted a Communication on Gender Equality and Women's Empowerment in Development Cooperation in 2007⁴¹ and gender is identified as one of the five priorities in the European Consensus on development⁴², indicators for monitoring progress have not yet been developed.

EWL Recommendations

- A. Dialogue with third countries, conflict prevention and crisis management, bilateral agreements and funding mechanisms should all include a **strong gender aspect**. A **working group** should be set up **within the Working Party of Human Rights (COHOM)** to examine how women's human rights could be addressed in a systematic way in all aspects of the EU's external policies.
- B. **Development, trade and external relation policies** should be **adjusted to a development framework of social justice**, and the enforcement of **human and women's rights**.
- C. The **implementation and the monitoring mechanisms**, and the necessary **financial and human resources** to ensure an effective implementation of the Communication's strategy **should be defined**. **Transparent and systematic mechanisms** need to be put in place to allow women's organisations to engage in these processes.

⁴⁰ See also European Parliament resolution of 4 September 2007 on Better Regulation in the European Union (2007/2095(INI)): "(53.) [The Parliament] Requests the Commission to improve the provision of information about transposition and infringement proceedings, and to make this information public and easily accessible on the Commission's website." Presently the publication of interim results would be against the law, as the ECJ has found on several occasions.

⁴¹ COM(2007) 100 final, adopted 8 March 2007.

⁴² Council of 22.11.2005.

PART II: IMPROVING GOVERNANCE FOR GENDER EQUALITY

1) Reinforcing structures

Priority issues for EWL: The implementation of a dual approach of specific actions and gender mainstreaming necessitates strong and adequately resourced institutional mechanisms, which need to be supported at the highest political level.

Actions taken by the European Commission: Preparations for the setting up of the European Gender Institute continued. The Institute should start its work at the end of 2007. Within the European Commission the Inter-Service Group on Gender Equality⁴³ is an important tool for the implementation of the Roadmap, however, the visibility of the work of the Group is limited.

EWL Recommendations

- A. Strengthen and resource adequately the existing **Commission Inter-Service Group on Gender Mainstreaming** and make its work visible inside and outside the Commission.
- B. At least one of the meetings of the **Commissioners' Group on Equal Opportunities** per year should be devoted to equality between women and men only
- C. A **chapter on gender mainstreaming in each Commission Directorate General** should be included in the Commission's Annual Report on Gender Equality.
- D. Create a **women's information service** within the Commission to deal with awareness raising activities and public information, and **develop the EC web site on gender equality** on the model of the EC anti-discrimination website⁴⁴, in all official languages.
- E. Consult women's NGOs for the drafting of the work programme of the **European Institute for Gender Equality**.
- F. Ensure that the work programme of the **European Fundamental Rights Agency (FRA)** include women's human rights and a gender perspective. Create mechanisms for effective **cooperation between the FRA and the Gender Institute** and links with women's organisations.
- G. Develop recommendations for the use of gender sensitive language **in all official documents and interpretation in all EU official languages**.

2) Reinforce networking and support social dialogue

Priority issues for EWL: EWL considers it a priority that the networking between state actors and between state and civil society actors be facilitated and supported especially where implementation of the directives is lagging behind in some of the Member States.

Actions taken by the European Commission: The Commission set up a network of national Equality Bodies in 2006. The Progress Programme supports civil society organisations.

EWL Recommendations

- A. The **work and the results of the Network of Equality Bodies should be public**.
- B. The **dialogue between state and civil society** actors should be supported by the Commission through, for example, the organisation of **regional roundtables on gender equality** with the participation of state actors and NGOs.

⁴³ Since 1996 the Inter-Service Group on Gender Equality brings together representatives of all Commission Directorates. Its main task is to develop gender mainstreaming activities, contribute to and co-ordinate activities in the annual work programmes on gender equality, monitor their implementation and exchange experience and good practice.

⁴⁴ See: http://ec.europa.eu/employment_social/fundamental_rights/index_en.htm.

3) Support gender impact assessment and gender budgeting

Priority issues for EWL: Gender impact assessment (GIA) and gender budgeting (GB) are two indispensable tools for gender mainstreaming (GM). EWL sees it as a priority that the assessment of proposed EU actions from a gender equality perspective become a regular and transparent process with discernible results measurable by women's NGOs, and that specific gender budgeting is built in to all EU and national programmes and policies.

Actions taken by the European Commission: One of the tasks of the Inter-Service Group on Gender Equality is to develop methods, and help the implementation of gender impact assessments (GIA) in the Directorates, and to monitor whether GIA and GB guidelines are observed.⁴⁵ However, the work of the group is not very visible, thus there is limited possibility to influence the process and evaluate the results.

According to a study carried out in 2007⁴⁶, the importance of gender impact assessment is usually acknowledged by Member States, but the commitment is formal, since GM strategies rarely surface in concrete implementing strategies, and they can usually not be found in fields other than labour market issues.

A European expert conference "Let's share the benefit - with gender budgeting towards social justice and equal opportunities" was organised by the German EU presidency in June 2007.⁴⁷

EWL Recommendations

- A. **Establish GB guidelines**, while setting up also a **Gender Budgeting Working Group** within the Budget Directorate General to back up the work of the Inter-Service Group.
- B. Carry out a separate **gender impact assessment of the EU budget each year**, and introduce a **budget heading for activities on gender equality in the budget of each Commission unit**.
- C. Set up a permanent gender impact assessment procedure for all European **Structural Funds and Cohesion Funds** with a special attention to fields other than employment. Implementation of **GIA and GB** in national programmes should be supervised by making it a **criterion** in both calls and in review processes at the national level **at every stage of the policy cycle** from planning to monitoring.
- D. Include a **gender clause** as part of the specifications **in all agreements between the Commission and external contractors**, whereby the contractor is obliged to mainstream gender in the tasks assigned (impact assessment, studies etc.) with the support of an expert.⁴⁸
- E. Ensure **access for national women's NGOs to the gender equality funding** within the **PROGRESS programme** (2007-2013) and government provided co-financing.
- F. Set up **mandatory gender mainstreaming and gender awareness training** for Commissioners, for the highest levels of civil servants, and within all management training for European civil servants and make information about the training publicly available.

4) Reinforcement of the effectiveness of legislation

⁴⁵ However, the success of this process is not ensured, since the Commission's 2002 Communication on Impact Assessment (currently used as a basis for impact assessment within EC services, and overwriting the Commission's 1997 *Guide to Gender Impact Assessment*), proposes an 'integrated' approach to assessment, gender supposedly included among other things, which is a step backwards. As for gender budgeting, no binding rules apply at the time.

⁴⁶ The study was commissioned by the Directorate General for Internal Policies, Policy Department Structural and Cohesion Policies, and covered 122 Operative Programmes of the Structural Funds in 9 member states.

⁴⁷ The European Gender Budgeting Network, formed in 2006 by experts, issued a comprehensive manifesto at the Frankfurt conference. See: <http://www.infopolis.es/web/GenderBudgets/manifiesto.html>.

⁴⁸ See example of "bad practice" in Section 1.6.2.

Priority issues for EWL: EWL sees it as a priority that Member States are provided with support and tools to help them effectively implement EU gender equality legislation. Since differences between MSs as to the effective transposition and implementation of legal instruments are considerable, it is of utmost importance to share good practice and facilitate peer-learning among MSs.

Actions taken by the European Commission: Besides actions mentioned in earlier sections⁴⁹, the Commission organised a conference in October 2007 about the EU gender equality legislation.

The EC has launched a consultation to define whether new measures are needed at European level in order to combat discrimination on the grounds mentioned in article 13 (sex, race or ethnic origin, religion or belief, disability, age or sexual orientation)

EWL Recommendations

- A. **A specific Directive implementing the Principle of Equality between Women and Men outside Employment** is necessary to complement existing legislation).⁵⁰
- B. Given the vast differences in Member States regarding judicial and Equality Bodies' (EB) knowledge and implementation of gender equality legislation, besides **reviewing the EU gender equality legislation**, EU action is needed to facilitate **training for legal professionals** (judges, prosecutors, lawyers and EB experts) on gender related legal issues.

5) Monitoring progress

Priority issues for EWL: Monitoring the progress and implementation of gender equality measures is both a European level and a national level exercise. EWL sees the facilitation of the monitoring process by providing tools, information and financial support to national level actors as a priority.

Actions taken by the European Commission: The Gender Equality Unit monitors the progress in the implementation of the Roadmap within the Commission.

EWL Recommendations

- A. **Stages and results of the monitoring process should be publicized** on the EC gender equality website.
- B. **The development of indicators** on gender equality **should be accelerated** and widely publicised.
- C. **Monitoring activities should be independently financed.**

CONTRIBUTORS

EWL would like to express its grateful thanks to the organisations that contributed to this review:
The European Platform of Women Scientists (www.epws.org)
The WIDE Network (www.wide-network.org)
Member organisations of EWL (www.womenlobby.org)
Staff members of the Unit on Equality between Women and Men at the European Commission

⁴⁹ C.f. Part I. 6.1 and Part II. 2, on network of experts of national Equality Bodies with the goal of reinforcing the effectiveness of legislation related to gender equality, and Part I. 2, the *Consultation of the social partners on reconciliation of professional, private and family life*.

⁵⁰ See also point 1.6.1 and EWL Response to the European Commission Consultation on a Possible New Initiative to Prevent and Combat Discrimination Outside Employment (15.10.07).