

A large, abstract graphic composed of a grid of dots in various shades of gray, with several dots highlighted in red. The dots are arranged in a way that suggests a map of Europe or a similar geographical shape.

A Quiet Farewell?

Current Developments in EU Gender Equality Policy

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- Ensuring equality between men and women and a binding commitment to proactive equality policy in the gender mainstreaming sense are objectives enshrined in the primary law of the European Union (EU).
- Particularly since the mid-1990s a great deal of fresh momentum in respect of equality policy has come from the EU. Over the last few years however the EU's gender equality policy has become noticeably less visible and its political relevance has dwindled.
- It is uncertain at present whether the European Commission's current strategy for equality between women and men will be replaced when it draws to a close at the end of 2015. Given that gender equality seems increasingly to be slipping further down the EU's political agenda, that would contribute to making EU gender equality policy considerably less significant.



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1. Introduction

Since the entry into force of the Treaty of Amsterdam in 1999, equality between women and men and a binding commitment to pro-active policies on equality that adopt a gender mainstreaming approach have been enshrined as objectives in EU primary law. Building on the prohibition on wage discrimination against women that was stipulated in the 1957 treaty establishing the European Economic Community, which was rooted in French concerns about distortion of competition due to low-paid female workers in other countries, EU policy to promote gender equality evolved out of the principle of equal treatment, via specific measures to promote women, and subsequently developed into the gender mainstreaming strategy. Spurred on by the 1995 UN World Conference on Women in Beijing, gender mainstreaming was established in the European Union in the spirit of a dual approach with a remit to encompass policy on gender equality as a cross-cutting task while also including specific measures to fostering equality between women and men.

The EU has been an important driving force for gender equality policy since the mid-1990s. However, over the past few years EU gender equality policy has grown noticeably less visible. This development is also reflected in the current debate on whether the European Commission's strategy for equality between women and men, scheduled to run until the end of this year, will be continued. The gender equality strategy aims to coordinate all of the European Commission's equality initiatives and programmes. However, it also forms an important reference framework on equality policy for the other EU institutions and for the Member States. That is particularly important because, as gender equality is no longer a substantive issue in the Europe 2020 Growth Strategy adopted in 2010, abandoning the equality strategy would further diminish the significance of gender equality, which is however enshrined in law as an EU objective.

2. The EU as a Driving Force on Equality Policy

EU gender equality policy and the impetus for change this has triggered in the Member States is based on legal and financial instruments, as well as on what are known as »soft law« mechanisms.

2.1 Legal and Financial Impetuses

Crucial legal standards relating to equal treatment and equal opportunities for men and women have been established since the 1970s through a series of EU directives, which must be transposed into national law by the Member States, and through rulings handed down by the European Court of Justice. This has helped ensure that progress could be made on putting gender relations on a more modern footing in many Member States, both legally and in the broader social context. With the entry into force of the Treaty of Amsterdam in 1999, gender equality and a binding commitment to pro-active policy on equality in the spirit of gender mainstreaming were integrated into the primary law of the European Union as objectives (now Art. 3, Sub-section 3 of the consolidated version of the Treaty on European Union as well as Art. 8 of the Treaty on the Functioning of the EU).

From the early 1980s to the mid-2000s, focused action programmes provided funding for specific measures to foster equal opportunities for women and men. The obligation to implement gender mainstreaming in measures funded by the European Structural Funds has provided a particularly important impetus in the Member States and has helped to develop this equality strategy. For example, in some Member States support structures were set up to flank implementation of gender mainstreaming in Structural Funds programmes. This offered scope to develop methodologies, build skills, engage in networking activities and pursue equality policy through agenda setting, all of which had a knock-on effect that extended far beyond the actual funding programmes. Funding support for the EU learning network »Community of Practice on Gender Mainstreaming« has also supported exchange of experience across the EU.



2.2 Impetus from the European Employment Strategy

The EU's influence on the Member States' gender equality policy developed primarily out of the European Employment Strategy and its »Open Coordination Method«. This is based on what are known as »soft law« instruments, such as benchmarking and peer review, monitoring and policy recommendations, as well as exchange of good practice. In recent years the European Employment Strategy has also included equality objectives, focusing in particular on increasing women's participation in the labour market and public provision of childcare (known as the Barcelona Objectives). This has pushed forward a shared understanding of gender equality that moves beyond the models that have previously predominated in certain Member States.

Embedding gender equality policy in the European Employment Strategy simultaneously enabled and limited equality policy impetuses from the EU. In keeping with the EU's origins as an economic community, equality between women and men in the EU is addressed to this day primarily as an economic issue, with a focus on employment policy. On the other hand, various other policy areas relevant for equality, such as social policy, are not within the ambit of EU competences. Equality objectives were always strictly related to the economic objectives of economic growth and competitiveness and became part of the EU's political agenda above all when they could be incorporated into other policy objectives. Labour market participation of women took centre-stage in order to raise overall levels of employment with a view to financing social security systems and coping with demographic change. Further aspects relevant to equality were addressed first and foremost if they were held to be an obstacle to women's participation in the labour market.

2.3 The European Commission's Strategy for Equality Between Women and Men

Over the course of time however the focus in EU gender equality policy has grown broader than the initial emphasis on economic and employment policy. Equality strategies to date have thus also concentrated on women's dignity and integrity as equality policy objectives, specifically in the light of health issues and gender-related violence.

In contrast to earlier Action Programmes on Equal Opportunities, equality strategies adopted since the 2000s by the European Commission have not had a clearly determined funding framework. The equality strategy aims to ensure comprehensive coordination of all the European Commission's gender equality policy initiatives and programmes. The equality strategy forms the work programme of the European Commission in the field of gender equality, »aiming additionally to stimulate developments at national level and to provide the basis for cooperation with the other European institutions and with stakeholders«. The equality strategy does not contain quantitative objectives or mechanisms for imposing sanctions. However, when specific areas for priority action on equality policy are established, concrete qualitative equality objectives are formulated, forming an equality policy frame of reference for the EU institutions and the Member States. For example, the goal of equal economic independence for women and men, articulated in the equality strategy, turns the spotlight on the question of employment that *pays a living wage*. Ensuring that women and men can secure their own livelihood independently serves as an important corrective to an obsessive focus simply on employment rates and the employment policy concepts of activation and flexibilization, which have contributed to an increase in precarious employment. Overall the equality strategy of the European Commission provides an opportunity to put equality policy concerns and activities in the Member States into a trans-European context and to strengthen these endeavours as a result.

2.4 Statistics and Equality Indicators

Progress has been sought and achieved on developing shared equality indicators and harmonisation of statistics across Europe within the framework of the European Commission's equality strategy as well as the Beijing Platform for Action, with support from the Council Presidencies. Preparing and processing equality indicators and gender statistics also numbers among the central remit of the European Institute for Gender Equality (EIGE), established in 2009, which has inter alia developed a European Gender Equality Index that is updated on a regular basis.



3. Current Status of Equality Policy in the EU

The period from the mid-1990s to the mid-2000s is now viewed as the »golden age« of EU gender equality policy. In the wake of the 1995 UN World Conference on Women in Beijing, gender mainstreaming was implemented as an equality policy strategy and, with the Treaty of Amsterdam, was enshrined in EU primary law; new directives were adopted and equality objectives were incorporated into the European Employment Strategy. Over the last few years however the EU's gender equality policy has become noticeably less visible.

3.1 Gender Mainstreaming – Two Steps Forward, One Step Back

The introduction of gender mainstreaming as the EU's equality policy strategy was linked to a hope that this would provide an enduring impetus for gender equality policy. After initial advances however, implementation has stagnated. Institutional implementation of gender mainstreaming has been piecemeal both at the EU level and in the Member States. Isolated measures remain the general rule and there is no systematic utilisation of the plethora of well-founded methods and instruments that have been developed for various spheres of application and areas for action. Instead, efforts to anchor equality policy within institutions have suffered from stagnation and in some cases the situation has even deteriorated rather than moving forward.

At the same time as it has become apparent that there is scant institutional consolidation and implementation of gender mainstreaming, EU equality policy in recent years has on the whole been a »kid gloves policy«. Whilst legislative initiatives on directives (for example on maternity leave) did not make any headway, equality policy activities unfolded through »soft law« measures with no quantitative goals stipulated and without any mechanisms for imposing sanctions. One positive point that should be emphasised is nevertheless that equality between women and men is clearly enshrined as a cross-cutting objective in the regulations for the new Structural Funds 2014 to 2020 programming period, although here too no specific goals are stipulated and there are no mechanisms for imposing sanctions.

3.2 From Equality to Anti-discrimination?

The EU's anti-discrimination guidelines have introduced important new emphases into the debate and have reinforced anti-discrimination policy in the Member States. However, the fact that the gender equality policy department within the European Commission has been moved from the Directorate-General for Employment and Social Affairs to the Directorate-General for Justice has also fed into fears that EU policy on equality between women and men might be subsumed into general anti-discrimination policy and could thus once again be restricted, shifting away from a focus on structural equality to a narrow legal understanding of individual equal treatment. Whilst this trend is already noticeable in some Member States, for example in mergers of equality and anti-discrimination bodies, at the EU level there currently appear to be fewer signs of a possible shift away from equality and gender mainstreaming to a general anti-discrimination policy in the narrow sense of the term. It would be truer to say that equality policy has been sidelined in the wake of the financial and economic crisis and the measures adopted to deal with that crisis.

3.3 Europe 2020 Strategy

While the topic of gender equality was still accorded significant status in the early days of the European Employment Strategy as one of four pillars and with several specific guidelines, equality progressively became a less visible issue as the years went by. There has not been a separate equality guideline since the mid-2000s. The Lisbon Strategy adopted in 2000 still encompassed a quantitative equality objective on increasing women's participation in the labour market, later supplemented by the Barcelona Objectives on public provision of childcare. In contrast, the Europe 2020 Strategy adopted in 2010 no longer stipulated any quantified goals on gender equality. The objective enshrined in this strategy, namely increasing the rate of employment to 75 percent, is interpreted as an indication that it is difficult to achieve this target without increasing female participation in the labour force; this is more or less the argument put forward on this point in the European Commission's equality strategy. Gender equality is therefore no longer visible as a distinct independent goal in the EU's current growth strategy. Although the European Commission has undertaken in its equality strategy to »support the



promotion of gender equality in the implementation of all aspects and flagship initiatives of the Europe 2020 strategy», the European Commission's equality objectives are, conversely, not incorporated into the Europe 2020 Strategy. That means the two strategies exist in parallel with relatively few links between them.

3.4 Anti-feminist Backlash

Anti-feminist tendencies that are rooted in conservative circles and in particular in the right-wing populist camp that saw its position reinforced in the last elections to the European Parliament, are currently becoming apparent to a remarkable degree in many European countries. Anti-feminist campaigns in this context tend for example to be opposed to reproductive self-determination and sexual education, equal rights for homosexuals or gender mainstreaming, which allegedly constitutes an attack on the family and on identity. At the EU level this is for example expressed in campaigns against various equality policy reports from the European Parliament, such as the Estrela report on sexual and reproductive health and associated rights (2013) or the Lunacek report on the EU roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity (2014) (the reports are named in each case after the MEPs who drew up the report in question).

The European Parliament's support for a progressive gender equality policy is by no manner of means secured. The aforementioned Estrela report from 2013, for example, was rejected, albeit by a slim majority. The 2014 Zuber report on equality between women and men in the European Union, which in particular addressed the impacts of the crisis on women, was also rejected. A more positive signal, in contrast, is transmitted by the European Parliament's adoption of the Lunacek report (2014) as well as the recent Tarabella report (2015) on equality between women and men in the European Union and the Noichl report (2015) on the EU strategy for equality between women and men post 2015.

3.5 Uncertain Future: Will There Be a New Equality Strategy after 2015?

The European Commission's strategy for equality between women and men is scheduled to run only until the end of 2015. On the basis of the information currently available, it is not certain that there will subsequently be a new Commission equality strategy. The competent ministers and secretaries of state from 21 Member States therefore felt a need to write an open letter urging the EU Commissioner responsible to adopt a new gender equality strategy. The European Commission's reluctance so far to adopt a new gender equality strategy seems to stem from efforts to streamline and focus all Commission initiatives on the ten political guidelines highlighted by Commission President Juncker when he took office in 2014. However, although the objective of gender equality is enshrined in EU primary law, it is not mentioned in these ten guidelines.

In the light of the erosion of EU gender equality policy, which has been observable for several years, it is alarming to find that the European Commission's equality strategy is now up for debate. The strategy has so far not had been legally binding as directives are, and has lacked a financial framework as well as mechanisms such as those in force within the framework of the European Semester, the annual cycle to coordinate and monitor the Europe 2020 Strategy. However, if the gender equality strategy were abandoned, it would send out a fatal signal in the light of the already curtailed status of gender equality on the EU's political agenda, and would mean this policy area would become even less significant. Even the long struggle over this strategy can be read as an indication that the real issue is securing what has been achieved so far rather than making progress in new realms.

4. Conclusion

The European Commission noted in the 2014 Report on equality between women and men that it would take a further 70 years to achieve gender equality if the pace of development did not increase. Although the gender gaps have narrowed over the past few years, this is also partly due to the worsening situation for men that has arisen as a result of the economic crisis. Conversely, if austerity policy persists, there is reason to fear that women will be particularly hard hit by public sector



saving programmes and social policy cuts. The project of achieving equality between women and men is therefore far from completion.

Against this backdrop, it is important to boost and pool the efforts. The European Commission's gender equality strategy is an important reference framework for this policy area. As gender equality objectives have increasingly vanished from the EU's central political initiatives over the last few years, the question of whether the strategy will be continued or even developed further takes on greater importance. It would be highly positive if the equality strategy could be strengthened to make it more effective. This could be done by underpinning the qualitative equality objectives with quantitative benchmarks and establishing closer links to the Europe 2020 Strategy by embedding the gender equality strategy in the European Semester's monitoring mechanisms.



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