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Equal Opportunities for Women and Men in the European Union

Annual Report 1997

(presented by the Commission)

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EXECUTIVE SUMMARY

This Annual Report on Equal Opportunities for Women and Men in the European Union presents an overview of the main developments which have had an impact on equal opportunities at Community and at national level during 1997. While important issues arose across a range of areas, three developments deserve to be particularly highlighted:

- the Amsterdam Treaty was agreed with new powers relating to equal opportunities;
- the Member States jointly decided to put in place a new employment strategy, for immediate implementation, in which equal opportunities is an explicit and important component;
- progress was made in integrating equal opportunities for women and men into other policy areas, building on the commitments as regards mainstreaming.

Equal Opportunities in the Amsterdam Treaty

1997 saw the adoption of the Amsterdam Treaty. In 1998 the process of ratification commences. This Treaty has confirmed the importance of equal opportunities in the European integration project and has opened up new possibilities for advancement. Equality between women and men has always been a founding principle of the successive Treaties and is confirmed as such in the new Article 2 of the new Treaty. Article 3 assigns to the Community the duty to eliminate inequalities and to promote equality in all its activities - this is the underpinning that is needed to advance further on the mainstreaming strategy.

New Article 13 will permit appropriate action to combat all discrimination, including discrimination based on sex and sexual orientation.

Article 141 extends the scope of the former Article 119 and gives equality of treatment between women and men a specific legal base. This provision deals with key aspects relating to employment and occupation. It also confirms the right of Member States to take measures providing for specific advantages in order to make it easier for the under-represented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.¹

The Commission considers that these aspects of the new Treaty are to be welcomed, particularly because they raise the status of the principle of equal treatment and secure the basis for future initiatives on a number of fronts.

New Employment Strategy

In November 1997, there was agreement by Heads of States and Governments at the special Jobs Summit in Luxembourg to a new European employment strategy. The Summit recognised that the position of women on the labour market merits particular attention.

It is partly by achieving a higher participation rate of women in the labour market that the European Union can contribute in a decisive manner to the employment growth that it needs to secure its future, maintain its prosperity and social systems. The Jobs Summit recognised at the highest level that equality of opportunity is a matter of economic interest.

The establishment of the new employment strategy means that progress on equal opportunities in the labour market will be scrutinised at the highest level every year from now on.

Subsequently, in December 1997, the Council adopted employment guidelines for 1998.

These guidelines set out targets and objectives in four areas: entrepreneurship, employability, adaptability in the labour force and workplace and equal opportunities.

The Member States will submit action plans by April 1998 in which they detail the action they are taking to implement the guidelines. The European Council will carry out a first review in Cardiff in June 1998. A joint evaluation of the plans will be undertaken by the Commission and the Council for consideration at the Vienna Summit in December 1998 by the Heads of States and Governments.

Mainstreaming

Mainstreaming - the strategy of integrating the equal opportunity dimension into all major policy areas - saw significant progress during 1997.

¹ Article 141 of the future EC Treaty incorporates and extends Article 653 of the Social Protocol.

EQUALITY PROVISIONS IN THE AMSTERDAM TREATY

Article F

The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.

Article 2

The Community shall... promote... a high level of Employment and social protection, equality between men and women, the raising of the standard of living and quality of life, and economic and social cohesion and solidarity among Member States.

Article 3

In all activities referred to in this Article, the Community shall aim to eliminate inequalities, and to promote equality, between women and men.

Article 13

...the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Article 137

With a view to achieving the objectives of Article 117², the Community shall support and complement the activities of the Member States in the following fields:

- improvement in particular of the working environment to protect workers' health and safety;*
- working conditions;*
- the information and consultation of workers;*
- the integration of persons excluded from the labour market, without prejudice to Article 127;*
- equality between men and women with regard to labour market opportunities and treatment at work.*

Article 141

1. Each Member State shall ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied.

2. For the purpose of this Article, "pay" means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives directly or indirectly, in respect of his employment, from his employer. Equal pay without discrimination based on sex means:

- (a) that pay for the same work at piece rates shall be calculated on the basis of the same unit of measurement;*
- (b) that pay for work at time rates shall be the same for the same job.*

3. The Council, acting in accordance with the procedure referred to in Article 251, and after consulting the Economic and Social Committee, shall adopt measures to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, including the principle of equal pay for equal work or work of equal value.

4. With a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.

² Article 117 incorporates Article 1 of the Agreement on Social Policy which was amended into the Treaty. It aims to promote employment and improve living and working conditions.

The clearest and best example of mainstreaming is the placing of equal opportunities at the heart of employment strategy.

Within the Commission, structures have been put in place to help ensure that equality can be taken into account in the framing of European Union policies generally.

In 1997, 29 Commission services designated officials to hold specific responsibility for facilitating and encouraging the development of mainstreaming in their Directorates-General. These officials act as a support structure for the task in their respective services and they exchange ideas and experiences across services on a regular basis.

The Structural Funds are the Union's main funding mechanism for the promotion of economic and social cohesion. The Council, in its Resolution³ on the Structural Funds and equal opportunities for women and men adopted in 1996, had argued that Structural Funds have an important role to play in supporting equal opportunities - a role that merited being strengthened.

The Commission has taken this view very much into account in 1997 in its preparatory work leading to the tabling of proposals in 1998 for reform of the Structural Funds.

A strengthened commitment to the active promotion of equality of opportunity across the entire range of the Structural Funds will be an important element of the mainstreaming strategy.

In the context of the Community's development co-operation policies, the Commission presented a proposal for a Council regulation on the integration of gender issues in development co-operation. The proposal, currently discussed in the European Parliament and in the Council, aims at supporting the adoption of a gender-sensitive approach in the conception and implementation of Community development policies as well as in their monitoring and evaluation.

Conclusion

These are the principle strands in the development of equal opportunities in the European Union during 1997. The importance in each case lies less in the concrete achievements or benefits delivered during 1997 and more in their potential for future developments.

The real significance of 1997 will become clearer as the Union comes to implement the Amsterdam Treaty after ratification; as the year-on-year employment process takes root; and as

the logic of mainstreaming is brought to bear in ever widening field of policy areas.

³ Council Resolution on mainstreaming equal opportunities for women and men into the European Structural Funds of 2.12.1996, OJ C 386 of 20.12.1996.

1998 EMPLOYMENT POLICIES FOUR PILLARS AND NINETEEN GUIDELINES

I. IMPROVING EMPLOYABILITY

Tackling youth unemployment and preventing long-term unemployment

The Member States will ensure that:

1. every unemployed young person is offered a new start before reaching six months of unemployment;
2. unemployed adults are also offered a fresh start before reaching twelve months of unemployment.

Transition from passive measures to active measures

3. Each Member State will endeavour to increase significantly the number of persons benefiting from active measures to improve their employability, and fix a target of gradually achieving the average of the three most successful Member States, and of at least 20%.

Encouraging a partnership approach

4. The social partners are urged to conclude agreements with a view to increasing the possibilities for training, work experience, traineeships or other measures likely to promote employability.
5. The Member States and the social partners will endeavour to develop possibilities for lifelong training.

Easing the transition from school to work

The Member States will:

6. improve the quality of their school systems in order to reduce substantially the number of young people who drop out of the school system early;
7. make sure they equip young people with greater ability to adapt to technological and economic changes and with skills relevant to the labour market, where appropriate by implementing or developing apprenticeship training.

II. DEVELOPING ENTREPRENEURSHIP

Making it easier to start up and run businesses

The Member States will:

8. give particular attention to reducing significantly the overhead costs and administrative burdens for businesses, and especially small and medium-sized enterprises, in particular when hiring additional workers;
9. encourage the development of self-employment by examining, with the aim of reducing, any obstacles which may exist, especially those within tax and social security regimes, to moving to self-employment and the setting up of small businesses, in particular for employed persons.

Exploiting the opportunities for job creation

10. The Member States will investigate measures to exploit fully the possibilities offered by job creation at local level in the social economy and in new activities linked to needs not yet satisfied by the market, and examine, with the aim of reducing, any obstacles in the way of such measures.

Making the taxation system more employment friendly

The Member States will:

11. set a target, if necessary and taking account of its present level, for gradually reducing the overall tax burden and, where appropriate, a target for gradually reducing the fiscal pressure on labour and non-wage labour costs, in particular on relatively unskilled and low-paid labour;

12. examine, without obligation, the advisability of reducing the rate of VAT on labour-intensive services not exposed to cross-border competition.

III. ENCOURAGING ADAPTABILITY IN BUSINESSES AND THEIR EMPLOYEES

Modernising work organisation

13. The social partners are invited to negotiate, at the appropriate levels, in particular at sectoral and enterprise levels, agreements to modernise the organisation of work, including flexible working arrangements, with the aim of making undertakings productive and competitive and achieving the required balance between flexibility and security.
14. Each Member State will examine the possibility of incorporating in its law more adaptable types of contract, taking into account the fact that forms of employment are increasingly diverse. Those working under contracts of this kind should at the same time enjoy adequate security and higher occupational status, compatible with the needs of business.

Support adaptability in enterprises

15. The Member States will re-examine the obstacles, in particular tax obstacles, to investment in human resources and possibly provide for tax or other incentives for the development of in-house training; they will also examine any new regulations to make sure they will contribute to reducing barriers to employment and helping the labour market adapt to structural change in the economy.

IV. STRENGTHENING THE POLICIES FOR EQUAL OPPORTUNITIES

Tackling gender gaps

16. The Member States will attempt to reduce the gap in unemployment rates between women and men by actively supporting the increased employment of women and will act to reverse the under-representation of women in certain economic sectors and occupations and their over-representation in others.

Reconciling work and family life

17. The Member States will strive to raise levels of care provision where some needs are not met.

Facilitating return to work

18. The Member States will give specific attention to women, and men, considering a return to the paid workforce after an absence and, to that end, they will examine the means of gradually eliminating the obstacles in the way of such return.

Promoting the integration of people with disabilities into working life

19. The Member States will give special attention to the problems people with disabilities may encounter in participating in working life.

SECTION 1

MAINSTREAMING
EQUAL OPPORTUNITIES

The Commission has embarked on a mainstreaming policy with the aim of integrating the equal opportunity dimension into all major Community policies and actions. This commitment was signalled by the adoption of a Communication⁴ in February 1996. A concept of mainstreaming was developed during the Fourth UN World Conference.⁵ Mainstreaming demands a more comprehensive approach to equality.

A change in attitudes is occurring in relation to the promotion of equal opportunities and the development of a gender perspective in policies and programmes at the level of Member States, the European Union level, and in international fora and debates.

The aim of the mainstreaming policy is to improve the quality of policies and avoid unintended negative consequences. Monitoring gender impact of all policies must be developed, in particular, on policies that are commonly considered as gender neutral.

Within the Union, the significance of and meaning attributed to mainstreaming has varied from context to context. The ways in which it has been applied have depended on, amongst other factors, the level of development of equality policy in the different Member States and the level of knowledge and openness to change on the part of relevant actors. Despite considerable progress, a number of barriers and shortcomings are apparent. To overcome the barriers a number of measures are needed. These include awareness-raising, large-scale training to develop the necessary gender expertise, regular gender impact assessment of policies and gender proofing to guarantee the quality of legislative proposals and other policy documents.

At European level

In 1997, the existing structures for the promotion of equal opportunities in the European

Commission policies and activities, the Group of Commissioners on Equal Opportunities, the inter-service group on Equal Opportunities, and the sub-group on Equal Opportunities in the Structural Funds have been supplemented by a broad-based 'Group of gender mainstreaming officials'.

The mainstreaming strategy was also endorsed by a Resolution of the European Parliament⁶ on the Commission Communication on Mainstreaming adopted in September 1997. The European Parliament calls on the Member States to implement a policy on mainstreaming in their local, regional, and national policies.

A Guide to gender impact assessment⁷ of Commission policies and activities has been produced for this purpose. A first report on activities and measures to achieve the mainstreaming of equal opportunities has been in preparation throughout 1997.⁸ The report shows widespread

Commitment at the very highest level is an essential criterion for success to set in place the mobilisation of the mainstream actors, the allocation of clear responsibilities and the application of tools and instruments, such as gender impact assessment of policies, gender proofing procedures and monitoring and evaluation of progress. Mainstreaming is a complementary approach to specific measures of positive action, the intention being to widen the scope and impact of equal opportunities. This dual approach is essential for success. As the number of mainstreaming initiatives grow - in a range of organisations and sectors - and becomes more complex, the demand for practical tools to improve effectiveness and measure progress also increases. Monitoring gender differences is becoming crucial to assessing the effectiveness of policies.

⁴ COM(96) 67 final of 21.2.1996.

⁵ Fourth UN World Conference on Women, Beijing, China, 4-15 September, 1995.

⁶ European Parliament Women's Rights Committee. Report on the Communication from the Commission - Incorporating equal opportunities for women and men into all Community policies and activities. Reporter Mrs Angela Kakkola, EP 222.553 of 17.9.1997.

⁷ The 'Guide to Gender Impact Assessment' was agreed as an informal working document of the Commission services by the Group of gender mainstreaming Officials at their second meeting of 15 September 1997.

⁸ COM(98) 122 final of 4.3.1998. Progress Report from the Commission on the follow-up of the Communication 'Incorporating equal opportunities for women and men into all Community policies and activities'.

activities and a very marked progress over a short period of time. The Report will be published in 1998.

Some specific examples of Community policies include:

Structural Funds

The Structural Funds are the Union's primary instruments for the achievement of economic and social cohesion. Since the 1996 Report on Equal Opportunities for Women and Men in the European Union was published, many calls for projects and propositions have had the objective of, directly or indirectly - promoting equal opportunities and contributing to the labour market integration of women. These included: rural development⁹ projects under Article 8 of the European Agricultural Guidance and Guarantee Fund (EAGGF), pilot projects also taken up under the EAGGF,¹⁰ pilot projects of interregional co-operation of the European Regional Development Fund (ERDF) and support to local employment initiatives¹¹ under the European Social Fund (ESF). Interventions under the Community Initiative programme Urban¹² included actions in favour of equal opportunities.

The most important Community initiative for the promotion of equal opportunities, the EMPLOYMENT-NOW (1995-1997)¹³ initiative continues to encourage innovation and theme groups between projects have been established. Vertical and horizontal desegregation remain as priorities of the second phase (1997-1999).

Assessments have been carried out to measure the impact of the Structural Funds on the promotion of equal opportunities, for instance, in Finland, Ireland, Spain and Portugal. They show that equal opportunities is not sufficiently taken into account in the programming processes and in the evaluation of impacts. In the future it is proposed to build on lessons learned and to integrate equality measures into the mainstream programmes of the Structural Funds.

Reform of the Structural Funds has also been announced in the AGENDA 2000 Communication.¹⁴ It should involve reinforcing the human resources and equality components in all of the objectives of the Structural Funds. A new system of Community initiatives is envisaged.

Education and Training policies

Respect for equal opportunities between women and men is provided for in the SOCRATES (education) and YOUTH FOR

EUROPE (youth exchanges outside schools) programmes and also constitutes a specific objective in the LEONARDO DA VINCI programme (training) which provides for positive action measures in addition to mainstreaming. Equality was a cross-cutting, transversal issue for the European Year of Lifelong Learning and Training (1996), and the opportunities for positive action were stressed in all the implementation documents. The White Paper 'Teaching and Learning - towards the learning society' states the importance of guidance on careers and courses and access to education and training, especially in technological sectors for women. More recently, the Report of the Commission on 'Access to Continuous Education in the Union'¹⁵ analysed the measures undertaken by Member States in favour of women, especially women threatened with unemployment, unemployed women and women in the process of labour market integration.

Social dialogue

The reinforcement of the role of the social partners and the underpinning of the co-ordination and follow-up of key themes in employment policies are referred to in the draft Amsterdam Treaty. The integration of the Social Protocol into the Treaty itself is an important step forward. The consequences of all these changes are crucial for European citizens. They will open the way for improvements in the field of equal opportunities for women and men.

The social partners' contribution to the promotion of equal opportunities was highlighted in the 1996 Annual Report. In its Communication¹⁶ on the development of the social dialogue, the Commission has underlined the importance of this contribution to social policy generally, but also at the level of sectoral policies. The Social Protocol has provided a model for European agreements reached by social partners on subjects directly or indirectly linked to equal opportunities. In a number of cases, the intervention of the social partners has made it possible to include clauses relating to equal opportunities or to the

⁹ OJ C 284 of 27.9.1997.

¹⁰ OJ C 326 of 31.10.1996, OJ C 125 of 22.4.1997, OJ S 43 of 1.3.1997.

¹¹ OJ C 323 of 29.10.1996.

¹² OJ C 38 of 10.2.1996.

¹³ OJ C 327 of 29.12.1990.

¹⁴ For a stronger and wider Europe. COM(97) 2000 final. Supplement 5/97-Bull European Union.

¹⁵ COM(97) 180 final of 30.4.1997.

¹⁶ COM(96) 448 final of 18.9.1996.

reconciliation of work and family life in sectoral or local agreements.

Hewlett-Packard Ltd at Boblingen in Germany provides an example of good practice. It operates a system of employee reinstatement following a break for family leave which goes beyond the legal limits of parental leave. British Gas in the UK,¹⁷ has developed a range of provisions designed to assist employees with family responsibilities to develop their skills and further their careers. The provisions are incorporated in a nation-wide agreement.

Policies on external relations or external trade and development co-operation

Gender analysis is being integrated in all planning procedures of the developing partner countries. This implies a shift away from women-specific interventions to a consideration of gender in all development policies and projects.

In relation to the co-operation with ACP countries, the Commission published a Green Paper on the ideas, concerns and methods for the period 'post Lomé' after 2000 in December 1996. This paper and the subsequent Communication to the Council in December 1997¹⁸ contain important references to gender as a key issue for economic growth, social development and respect for human rights. The Lomé Convention has been the main form of development cooperation between the European Union and 70 African, Caribbean and Pacific States since 1975.

Besides the assessment, through a detailed progress report in the form of a Commission staff working paper, of the implementation in 1996-1997 of the 1995 Council Resolution on integrating gender issues in development co-operation, the Commission has adopted in June 1997 a proposal for a Council Regulation on this matter. Once adopted, this Regulation will provide the legal framework for the management of Community financial assistance and provision of technical expertise to support the mainstreaming of the gender perspective in all the Community's development co-operation policies and interventions.

The Communication of the Council 'The Trading System and Internationally Recognised Labour Standards'¹⁹ places equal opportunities among core standards to be supported.

MAINSTREAMING IN THE MEMBER STATES

A number of Member States have attempted to introduce a mainstreaming approach to high levels of decision-making.

In Sweden, the Minister of Labour is entitled to scrutinise proposals with a view to incorporating a gender perspective into all policies.

In Spain, the governing council of the Instituto de la Mujer has been enlarged to include a wider field of activities. Collaboration between the Instituto de la Mujer and the Instituto Nacional de Empleo has resulted in the inclusion of equal opportunities in training for officials carrying out the Plan for Integrated Employment Services.

The Federal Ministry of Women's Affairs in Germany has developed a gender perspective which takes the form of a right to examine proposed legislation at an early stage.

In the Netherlands, selected policy plans from the Ministry of Education, Culture and Science and proposed legislation from the Ministry of Foreign Affairs and the Ministry of Justice are considered for their gender impact. A specific procedure has been developed to assess the gender effects of policies.

In Greece, the General Secretariat for Equality has been reorganised with the aim of strengthening its communications with government departments, regional equality offices and NGOs.

¹⁷ Cited in 'Equal Opportunities and Collective Bargaining in Europe', Vol. 1, Luxembourg: Office for Official Publications of the European Communities.

¹⁸ COM(95) 423 final of 18.9.1995.

¹⁹ COM(96) 402/4.

SECTION 2

**WOMEN AND MEN
IN THE LABOUR
MARKET**

The Guidelines for employment policies in 1998: a step forward for promoting equality

The situation of employment in Europe led the European Council to agree a new chapter on employment in the Treaty. The Guidelines proposed by the Commission provided a framework for discussion at the extraordinary European Council on employment in Luxembourg in November 1997. The Guidelines were adopted by a Resolution of the Council on 15 December 1997. This was a crucial step forward in inserting the equality dimension at the heart of employment policy. Equality is now one of the priorities which should underpin national employment policies. In the multi-annual programmes of the Member States under the Essen process, predecessor to the new employment strategy, policies to promote equality between women and men on the labour market have not been strongly visible to date.

An equality gap remains in the labour market. The unemployment rate of women in the

European Union is higher than that of men (12 per cent as compared with 9 per cent).

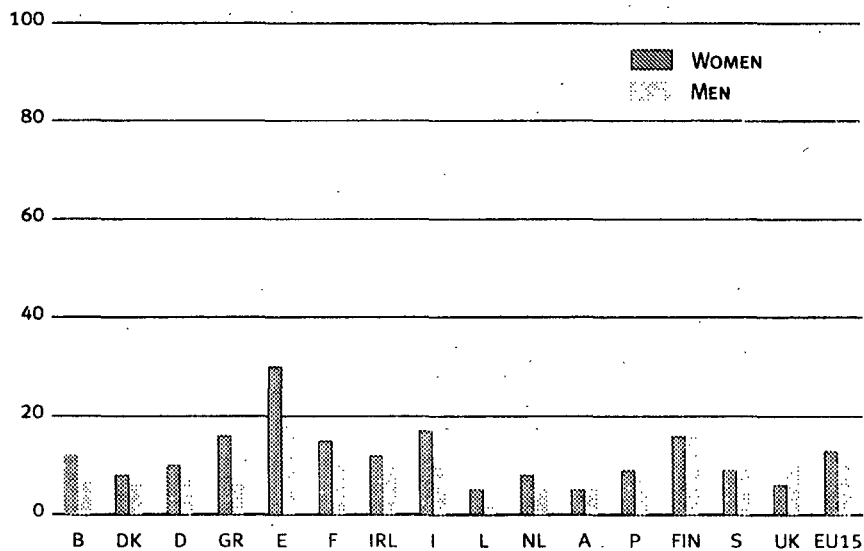
Statistics on the structure of earnings in the 15 Member States were gathered during 1997 and are currently being studied by Eurostat. First results of analysis of the data for Spain, France, Sweden and the UK reveal a continuing gender difference in earnings between women and men; a pattern likely to be observed throughout the Member States.

Average hours of work have fallen in Europe. This is particularly true in the case of women in employment. An increasing proportion of women are working part time or engaged in weekend, morning or evening work. Although there has been an increase in the number of women and men at work, the growth in the employment rate has not been matched by a growth in the volume of working time (labour input).

New policies to desegregate the labour market are needed which bear on both supply and demand factors. Activities to promote labour market desegregation often consist of isolated and dispersed actions without a programmatic framework and which fail to achieve a substantial impact.

Some of these issues are being addressed in the EMPLOYMENT-NOW initiative. The second phase priorities (1997-1999) include tackling vertical desegregation, by training women for senior management, and horizontal desegregation in non-traditional sectors of employment. For example, computer maintenance jobs are associated with technical work and have a male

**UNEMPLOYMENT RATES OF WOMEN AND MEN (15-64 YEARS)
IN THE EUROPEAN UNION, 1996 (%)**



SOURCE: EUROSTAT

image. A training association in Paris, supported by NOW, has developed a technician training programme with a mainstreaming strategy. This team, based on an action-research study, will try to raise the awareness of employment and guidance counsellors of the wide range of occupations in new technologies for both women and men.

New organisation of work

The employment guidelines refer to policies on career breaks, parental leave and part-time work as being of particular importance to women and men.

Progress in women's employment has often been linked with the development of part-time work. This development presents both opportu-

In a dynamic and expanding labour market, new gender gaps and gender discrimination are appearing. The Commission, with its partners, will build on efforts already undertaken to improve contractual status and to enhance protection of so-called 'non-standard employment'. There is a risk that women's employment is further concentrated in sectors where they may be over-represented (sectors such as household services or personal care), thus reinforcing sex segregation in the labour market. This development makes essential the formulation of a policy on equal opportunities in these sectors.

nities and risks. On the one hand, part-time employment is very often associated with low professional status, lack of job security and lower pay than that earned by full-time workers whatever their status.

On the other hand, development of part-time work may offer new opportunities. In many cases, they make it possible for women to return to the workforce after a prolonged absence; in others, part-time employment can be an effective way of combining work with family life.

Member States, such as the Netherlands and Belgium, encourage flexibility while trying to ensure all social rights of part-time workers.

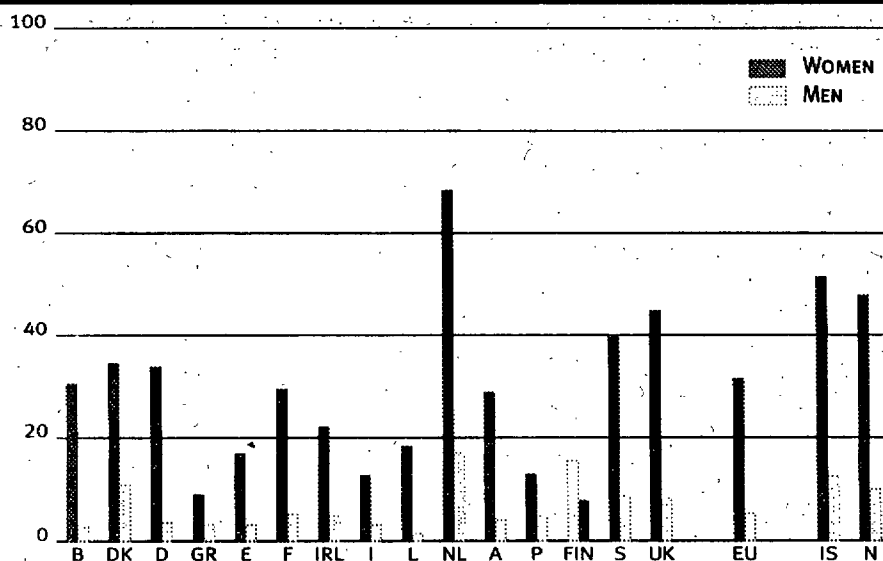
The Commission has examined these issues in its Green Paper 'Partnership for a new organisation of work',²⁰ and is currently assessing the reactions of interested parties with a view to establishing how best to modernise the legal, contractual and policy framework. Breaking down traditional gender roles is an important aspect of the task.

In parallel, in its Communication, 'Modernising and Improving Social Protection in the European Union',²¹ the Commission emphasises the importance of adapting social protection so that it supports and encourages employment, in particular, by maintaining a balance between flexibility and security.

²⁰ COM(97) 128 final of 16.4.1997.

²¹ COM(97) 102 final of 12.3.1997.

PART-TIME EMPLOYMENT OF WOMEN AND MEN AS A SHARE OF TOTAL EMPLOYMENT IN THE EUROPEAN UNION AND IN ICELAND AND NORWAY (%), 1996



SOURCE: EUROSTAT, STATISTICS IN FOCUS N°8, 1997.

NOTE: D = LFS 1995, N = 1995, IS = 1995.

This is particularly relevant for part-time workers.

In April 1996, the Commission issued a formal consultation paper on 'flexibility, working time and security for employees', which focused on the need to ensure the principle of non-discrimination for workers involved in newer flexible forms of work. Women account for a significant proportion of workers involved in such forms of 'non-standard' employment. In response to this consultation, the European social partner organisations (UNICE, CEEP and ETUC) announced their intention to start negotiations on this subject, concentrating initially on part-time work.

Thus, in May 1997, the social partners reached an agreement on this aspect of the issue. This framework agreement on part-time work recognises the necessity to put an end to discrimination against part-time workers and to improve their working conditions, while making the development of part-time work easier. The Council adopted a Directive 97/81²² in December 1997 which embodies this agreement in law.²³

The adoption of this Directive is a recognition that part-time work is an increasingly important element in the labour market. It is of enormous importance for equal opportunities given that 83 per cent of part-time workers are women. The Directive aims at underpinning the ability of women and men to exercise a degree of choice over their hours of work, choosing to work part-time, for example, when family circumstances demand or during the run-up to retirement.

The Commission's consultation document also raised questions concerning temporary and fixed-term contract work. As a next step, UNICE, CEEP and ETUC have indicated to the Commission that they are prepared to negotiate on the subject of fixed-term contract to supplement the earlier agreement on part-time work.

SMEs Women and enterprises

In the Resolution on Growth and Employment adopted at Amsterdam in July 1997, the European Council emphasised that special attention should be paid to the potential for small and medium sized companies to create jobs.

New sectors are appearing with a strong potential for job creation, and the Guidelines for 1998 Employment policies underline that all possible sources of jobs and new technologies and innovations must be exploited effectively. New sources of jobs are often in the services and the care sector, where

women have the greatest opportunities to enter or return to the labour market. The use of new technologies provide new possibilities to women, for example, in rural areas.

Women are less likely than men to create businesses²⁴ and when they do, the companies tend to be small. Women encounter a range of problems, especially when it comes to securing finance. These issues were raised in the programme of the Third European Conference of Craft and Small Businesses held in Milan in November 1997. The third multi-annual programme concerning enterprise policy and especially small and medium sized companies (1997-2000) explicitly referred to women entrepreneurs in its call for proposals.²⁵ The 1996 Report of the European Observatory for SMEs²⁶ includes a chapter on women in SMEs. It underlines the role played by women in SMEs and analyses the specific difficulties encountered by women entrepreneurs. The experience acquired through the EMPLOYMENT-NOW initiative (half of the projects concern creation of enterprises by women) will help the Commission to develop further actions in this field.

Several Member States have taken steps to deal with these difficulties: in Finland and Sweden, for example, women entrepreneurs are supported with a special entrepreneur's loan. Portugal provides specific support, technical assistance structure and a network of national and international co-operation.

The development of women's entrepreneurship will be an important component of the employment process and of the new Objective 3 of the Structural Funds.

During 1997²⁷ the Commission organised round table discussions which brought to light the need to increase the visibility and recognition of assisting spouses. The discussions were attended by MEPs, representative organisations and experts. They highlighted the need to develop

²² Council Directive of 15.12.1997. OJ L 14 of 20.1.1998, p.9.

²³ A draft Directive extending the scope to the UK will be proposed in 1998. (Legal base: Art. 100).

²⁴ Preparatory documents for the OECD conference "Women, entrepreneurs in small & medium enterprises, a major force in innovation and job creation", Paris, 16-18 avril 1997.

²⁵ Call for proposals: Assistance to craft companies and small enterprises, OJ C 117 of 15.4.1997.

²⁶ European Observatory for SMEs, Fourth Annual Report, July 1996.

²⁷ The first was held on 7 February 1997, the second on 23 and 24 June 1997.

SECTION 3

LIVING AND WORKING IN EUROPE - THE CARE AGENDA

training programmes corresponding to actual needs and to improve the representation of assisting spouses. This is an important dimension of the general policy issue around setting up small family businesses and the move from employment to self-employment of family members.

In the light of the conclusions drawn, the Commission will propose a number of actions.

Individualisation of rights

The individualisation of rights in relation to social security is potentially an important issue from an equal opportunities perspective. No Member State has a completely individualised system of social security. They all relate - at least in some respects - social protection and tax assessment to the specific family situation, by giving so-called derived rights.

With regard to pensions, for example, the impact of dependant adult supplements and household rate pensions is considerable, particularly in Belgium and Ireland. Survivors and orphans pensions exist in all Member States, except in Belgium (orphans pension). Denmark, Finland, Spain and Sweden have systems which are not individualised but take less account of different household situations, although survivors pensions exist. At the other end of the scale, there are systems, as in France and Belgium, where the different household situations are very much taken into account.²⁸

The Commission has financed a study on the individualisation of social security rights and the possible alternatives in order to adapt social protection to changes in working life and in family structure and has also subsidised a seminar²⁹ on individualisation of rights in October 1997, which afforded Member States experts an opportunity to examine in greater depth what moving towards individualised rights might mean. More work is planned in that area. Adapting social protection to changing needs will be one of the themes for analysis, debates and action among the Member States, the European institutions, the social partners, within the social dialogue and at the 1998 European Social Policy Forum.

The issue of reconciling work with household³⁰ life is at the centre of major social change, namely, changes in the organisation of work, in demographic patterns, in the restructuring of social protection, in attitudes towards social and economic dependency, in the distribution of caring work between women and men, and in the provision of services between the public and private sectors. A care agenda has appeared in Europe, wider than the debate about childcare. It concerns the future of the family, the care of the elderly and infirm and the role of men in contributing to care work.

Across Europe the following trends are present:

- Demand for early childhood services. The proportion of children aged three years old in nursery schools is over 90 per cent in Belgium, France, and Italy.³¹
- Data in the European Union indicates that 10 per cent of households³² are composed of just one person. The upward trend towards the formation of single person households presents new challenges for the provision of services.
- With the ageing of the population, new needs are appearing. The burden of caring for the elderly, predominantly carried out by women, is now added to their responsibilities for childcare. The European Community Household Panel Survey shows that, in 1994, 9 per cent of women working for at least 30 hours a week undertake up to 4 hours per day of work caring

²⁸ DULBEA, *Individualisation of Social and Fiscal Rights and Equal Opportunities between Women and Men*, ULB, Brussels, 1997.

²⁹ *Individualisation of rights, social security and equality between women and men*, Commission, University of Nanterre, 9-11 October 1997.

³⁰ A private household is one where one, two or more persons share a common dwelling.

³¹ Eurydice Unit, European Commission.

³² Eurostat, *Population and Social Conditions*, 1996, N° 5.

for a dependent person after they leave their job.³³

The Commission has responded by supporting projects, studies, networking, co-ordinating discussions and inviting consultation on these large-scale trends and changes.³⁴

Through, for example, the Medium Term Community Action Programme on Equal Opportunities for Women and Men (1996-2000), a project has been launched in Siena,³⁵ Italy, by the amministrazione provinciale. A broad partnership of regional and local authorities, trade unions and NGOs, is promoting a method for analysing the personal service sector and its contribution to the combining of working and family life.

The EMPLOYMENT-NOW initiative has developed programmes combining training and care, and the Structural Funds have, in several cases, undertaken care provisions to facilitate training and returning to work.

In the 1998 Employment Guidelines the Council considers reconciling work and family life and facilitating return to work after an absence (often for the education of young children) as a key issue to developing employment in Europe. Member States are invited to strive to raise the level of care provision.

The Commission groups of experts 'Gender and employment' and 'Equality rights' are jointly making an inventory of the provisions of care for children and all dependent persons in the 15 Member States, Iceland and Norway. They are also assessing the impact of the availability and the lack of care services on women's employment. This work will be fed into a meeting of European Ministers responsible for equal opportunities to be held under the UK Presidency in Belfast in May 1998.

Recent legal developments are outlined below.

Parental Leave

The Council Directive 96/34/EC of 3 June 1996³⁶ on parental leave allows for the minimum provision of three months (unpaid) leave for both male and female employees on the birth or adoption of a child, to be taken at any time before the child reaches the age of eight.

The Directive was adopted under the Social Protocol and initially applied to only 14 of the Member States. Following the agreement in Amsterdam to end the UK opt-out to the social protocol, a draft Directive extending parental

leave to the UK was adopted by the Council on 15 December 1997.

The Directive on Parental Leave is an important element of the series of integrated and complementary measures needed to meet the objective of reconciling work and household life. During 1997, the Commission reviewed studies and measures being implemented in the 15 Member States.

Evidence from the Commission's own monitoring during 1997 and the OECD (1995)³⁷ confirms that there are considerable methodological problems in assessing the proportion of women and men who are taking advantage of parental leave entitlements across the Member States.

Nevertheless, existing trends show parental leave is primarily used by women. In Denmark, where there is a tradition of parental leave, 90 per cent of beneficiaries are women.³⁸

Pregnancy and maternity

The Council Directive on pregnant workers 92/85³⁹ adopted in 1992 under Article 118a establishes a framework for the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or who are breastfeeding. Article 14 (4) of the Directive provides for Member States to report to the Commission on the practical implementation of the Directive, including the views of both sides of industry. On the basis of the information provided, the Commission is currently preparing this report.

As foreseen in Article 3 of the Directive, the Commission continued preparing a guidance document on the assessment of the chemical, physical and biological agents and industrial processes considered hazardous for the safety or health of these workers. The Commission has been assisted in this task by the Advisory Committee on Safety, Hygiene and Health protection at work, and the final text will be drawn

³³ Eurostat, Statistics in Focus, 1997, No. 5.

³⁴ Demographic Report, COM(97) 361 final of 9.7.1997; Modernising and Improving Social Protection in the European Union, COM(97) 102 final of 12.3.1997; Partnership for a New Organisation of Work, COM(97) 128.

³⁵ Project Labour Team, Amministrazione Provinciale di Siena, Italy.

³⁶ OJ L 145 of 19.6.1996, p.4.

³⁷ OECD, Employment Outlook, Paris, July 1995.

³⁸ Communication from Ligestrillingsradet, Denmark, 1997.

³⁹ OJ L 348 of 28.11.1992, p.1.

up in consultation with the Member States in the first semester of 1998.

Childcare

In February 1998, the Commission adopted a report on the implementation of the 1992 Council Recommendation on childcare.⁴⁶ The Report was prepared subsequent to analysis during 1997 of Member States responses to a Commission questionnaire. The report reaffirmed the central role of childcare provisions in reconciling work and family life across the European Union. The success of the Recommendation has been to stimulate debate on the care issue. The role of the workplace in ensuring family-friendly policies has come to the fore during the years following the Recommendation, as has the role of private organisations. The position of family day-care (childminding) figures less frequently in replies of the Member States.

The 1998 employment guidelines state that there must be adequate provision of good quality care for children and other dependants in order to support women's and men's entry and continued participation in the labour market. Establishing a framework for the diversity of policies to respond to the demands of both childcare and dependent care will be part of the care agenda of the future. The Commission will support the Member States in this regard and will monitor progress made during 1998 in order to prepare 1999 guidelines.

Other initiatives

Almost all Member States have embarked on one or more initiatives designed to explore or promote the harmonisation of work and family life during 1997.⁴⁷

An overview of these measures shows the considerable heterogeneity of approach.

Belgium, Spain, Portugal and France have supported studies on parental leave or on the ideas implied by reconciliation. Italy and Austria have tried to raise awareness through conferences, or publicity campaigns to encourage reflection on the division of care work within couples. A number of Member States have drafted proposals (Italy) or amended their legislation to increase the scope (Denmark) or the insurance value (Germany) of maternity and parental leave.

Employers and Trade Unions are involved in the development of innovative measures in

Diversity is a characteristic of the growth of recent childcare provision in the Member States. In several Member States diversity means a range of services to match the different working patterns of parents and the needs of non-employed parents. For other Member States, the search for diversity has been reflected in developing types of childcare which match the different needs of children and respond to their development at different ages.

Ireland and the UK. Portugal has been conducting an enquiry into the situation of workers who are also caring for an elderly person in their home.

Austria, the Netherlands, Denmark and Finland have widened the scope of existing campaigns to include men in measures for better combining work and family life, or are monitoring men's readiness to use leave schemes and other social provisions.

SECTION 4

PROMOTING A GENDER BALANCE IN DECISION-MAKING

Over the last two decades, a visible trend has been emerging which extends the focus of equal opportunities beyond the labour market. Crucial to this development has been the recognition that women's under-representation in decision-making positions presents a formidable barrier for the democratic development of the European Union, its cohesion and its global competitiveness.

Women are widely under-represented in decision-making positions including those in the political sphere. The situation has significantly improved since recent (1997) elections that took place in several Member States of the European

⁴⁶ COM(98) of 4.2.1998.

⁴⁷ Extracted from Advisory Committee questionnaire replies 1997.

PROMOTING A GENDER BALANCE IN DECISION-MAKING

Union; however, the gap remains substantial. The various strategies to reach a critical mass of women in decision-making posts were described in the 1996 Annual Report. The visible and strategic presence of women in the public sphere, including the political sphere, is a precondition for their promotion and rise to decision-making posts in other spheres.

The participation of women in national parliaments in the European Union increased overall by 2.3 percentage points between the reference dates of 1996 and 1997 (from 14.8 to 17.1 per cent).

Recent elections have brought some improvement in relation to the number of women in political decision-making. A Eurobarometer survey⁴² found an increasing willingness among Europeans to accept the idea of women rising to posts of political responsibility. Despite this trend, women remain proportionally better represented in government posts than in assemblies elected by direct ballot. They also fare better when elections are by proportional ballot. The positive value of integrating women into elected positions has still to be fully recognised.

The representation of women in government is frequently higher than their share in their respective national assemblies. Between 1996 and 1997, women's share in governmental posts rose

by 2.5 percentage points (from 16.8 to 19.3 per cent).

Women's participation at a regional level is much higher than it is at national level. In 1997 women's participation was 23.2 per cent in the regional governments. Between 1996 and 1997, it rose from 25.1 to 26.6 in regional parliaments.

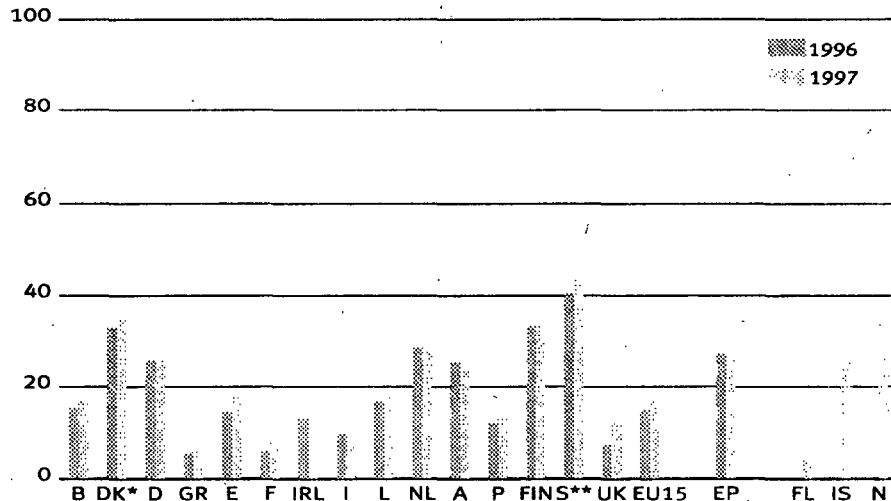
The Council Recommendation on the Balanced Participation of Women and Men in Decision-Making⁴³ expresses the need for integrated action in order to address the gender imbalance in decision-making in the European Union. As such, it complements initiatives that have been taken at international and national levels.

It calls on Member States to develop an integrated strategy to promote a balanced participation of women and men in decision-making authorities. During 1999, the Commission will prepare a first report on the implementation of the 1996 Council Recommendation for the three year period since its adoption.

The Committee on Women's Rights in the European Parliament produced two significant reports on women in decision-making positions. The first report⁴⁴ set out a clear analysis of the

⁴² Européennes, Européens: A chances égales? Eurobarometer 44.3 Opinion Poll, March-April 1996, 1996 Report.
⁴³ OJ L 319 of 10.12.1996, p.11.
⁴⁴ European Parliament Women's Rights Committee, submitted by Jessica Larive EP, 205.666/Rin, 1994.

PARTICIPATION OF WOMEN IN THE NATIONAL PARLIAMENTARY ASSEMBLIES OF THE EUROPEAN UNION MEMBER STATES, IN THE EUROPEAN PARLIAMENT AND ICELAND, NORWAY AND LIECHTENSTEIN (%), 1996 AND 1997



SOURCE: DATA FOR 1996 FROM THE EUROPEAN EXPERTS NETWORK IN DECISION-MAKING. DATA FOR 1997 FROM FRAUENCOMPUTERZENTRUM BERLIN. NOTE: * EXCLUDES 4 MEMBERS ELECTED IN GREENLAND AND FAROE ISLANDS. ** PARLIAMENT INCLUDES 15 SUBSTITUTES FOR MINISTERS.

barriers to decision-making as well as proposing specific measures which help raise both the quantity and quality of women's representation in decision-making. The second report⁴⁵ called for an integrated strategy to improve women's representation in decision-making.

The Committee of the Regions⁴⁶ stressed the importance of the shift in public discussion regarding women in decision-making asserting that there is increasing support for the aim of achieving a balanced participation of women and men in the nominations of representatives in the Committee by the Member States.

The Commission, for its part, provided Member States and other concerned bodies with a practical tool for the promotion of a better gender balance. The guide 'How to Create a Gender Balance in Political Decision-Making',⁴⁷ published in 1997, provides a means to put political will into action with a view to empowering women by way of suggesting concrete strategies and policies. The guide offers specific recommendations to governments, political parties and women's organisations for increasing the number of women in political decision-making.

The Commission also supported research on women's participation in areas that do not necessarily belong to the political sphere, namely in the areas of health, justice, finance and education⁴⁸. In addition, it conducted a comprehensive study that mapped and assessed the research that had been done on women in political, economic and social decision-making in the 15 European Union countries, Norway and the institutions of the European Union⁴⁹. The results of these empirically-oriented studies provided the basis for transposing the political commitments made by the Member States of the European Union in the Beijing Platform for Action, the Council Recommendation and the 1996 Charter of Rome into effective strategies for the promotion of a better gender balance.

The Commission launched a Third Action Programme for Equal Opportunities for Women and Men among its own personnel (1997-2000).⁵⁰ This programme sets out an integrated strategy aimed at improving the balance in the representation of women and men at the various levels in the institution, and at developing a gender-sensitive work culture. This strategy is based on the dual approach of mainstreaming the gender perspective in all personnel policies, as well as taking positive action in the area of recruitment and appointment of women to decision-making positions. The programme also aims at impro-

ving facilities to reconcile working life and family commitments.

Bodies responsible for equal opportunities in the Member States have been active in supporting a wide range of activities to encourage and develop a greater role for women in decision-making. Social partner organisations and NGOs have also contributed to the promotion of a gender balance. Conferences and studies on the subject were organised during 1997 by UEAPME, the ETUC, CEC and women's organisations in Spain and the Netherlands.

The Medium Term Community Action Programme for Equal Opportunities for Women and Men⁵¹ (1996-2000) has supported a number of initiatives in 1997 relevant to the promotion of a balanced participation of women and men in decision-making. For example⁵²:

- The Belgian Senate has initiated a collaboration project between Committees on equal opportunities in national parliaments and the Committee on Women's Rights of the European Parliament. A conference took place in May 1997 in the Belgian Senate. In 1998, the national assembly of Portugal will chair the activities under this project.
- The Council of European Municipalities and Regions (CEMR) has planned to widen the European network of local and regional elected women representatives, to other members. Improvement in the dissemination of information on equal opportunities to local communities, participation of women and men elected at local and regional levels in meetings and conducting surveys on decision-making in local politics, are included in this project.

⁴⁵ European Parliament Women's Rights Committee, submitted by Irene Crepaz EP 214.950/fin, 1996.

⁴⁶ Resolution on the appointment of COR members in terms of equal opportunities, Committee of the Regions 237/97.

⁴⁷ Commission, Directorate General for Employment, Industrial Relations and Social Affairs, 1996.

⁴⁸ Gender, Power and Change in Health Institutions of the European Union, European Commission, DGV; Women in Decision-making in the Judicial Systems of the European Union, CESEP; Women in the Financial Institutions in the European Union, Wissenschaftszentrum Berlin; Women in Decision-Making in Education, Catholic University of Louvain.

⁴⁹ J. Lovenduski, Southampton University.

⁵⁰ Third Action Programme for Equal Opportunities for Women and Men within the European Commission 1997-2000 SEC (97) 536/3.

⁵¹ COM(95) 381 final of 19.7.1995. Council Decision of 22.12.1995, OJ L 335 of 30.12.1995, p.37.

⁵² see Directory of the Projects, 1997, Medium-Term Community Action Programme on Equal Opportunities for Women and Men (1996-2000) Commission, DGV.

- The FrauenComputerZentrum (FCZ) in Berlin has set up a European data bank on 'Women and Decision-Making'. It provides valuable base data for further research, studies, training methods as well as for the development of political strategies to promote women's participation in decision-making.
- The National Women's Council of Ireland has also collected data on women and decision-making in all sectors so as to put strategies into place for ensuring a balance between the sexes in the decision-making process. One particular goal is to discern training needs with a view to encouraging women's effective participation.

SECTION 5

EQUALITY RIGHTS - PROGRESS IN 1997

Legal and enforceable rights are the basis upon which a regime of equal treatment is built. In 1997, attention was focused on intergovernmental discussions and the Amsterdam Treaty, which gives new responsibilities and new possibilities for European institutions to promote equal opportunities for women and men and to fight discrimination. At the same time, several themes have emerged in relation to supporting equal opportunities for women and men.

Equal pay

One of these themes is that of equal pay, which has long been a cornerstone of equal opportunities for women and men. The Code of Practice on the implementation of equal pay for work of equal value, adopted by the Commission,³³ was discussed by the Committee on Employment and Social Affairs in the European Parliament. The Report was adopted on 11 June 1997.³⁴ The report emphasises that setting up and implementing job evaluation and classification systems are considered to be essential in order to eliminate sex discrimination from pay structures and remove unfair wage elements. Awareness-raising and information campaigns are also described as an important step in the process of reducing the current wage differentials.

Burden of proof

The adjustment of the burden of proof in the case of sex discrimination has long been a concern of the Commission which had already proposed a Directive in 1988.³⁵ In July 1996, the Commission submitted a draft Directive³⁶ to the Council. It was presented to the Parliament which gave its opinion³⁷ on the first reading. A new proposal was submitted to the Council and was the subject of a common position on 27 June 1997. After the opinion in second reading by the European Parliament, the Commission submitted a re-examined proposal of the Directive. The Council adopted the Directive³⁸ 97/80 on 15 December 1997.

Social security schemes

As far as social security is concerned, the Commission has concentrated on extending the benefits of equal treatment in social security schemes, in particular to self-employed workers, following the Barber ruling³⁹ by the Court of Justice of the European Communities. On 20 December 1996, the Council adopted a new Directive 96/97⁴⁰ amending Directive 86/378/EEC. The Commission is also studying a new draft Directive to bridge the gap in existing Community legislation in the realm of equal treatment between women and men. This proposal should deal with important matters such as pensionable age, survivors' benefits and family benefits which are excluded from the scope of existing Directives⁴¹.

Positive action: Kalanke and Marshall cases

Following the Kalanke case, the Commission proposed to amend Directive 76/207/EEC on equal treatment.⁴² On 17 April 1997, the Council

³³ COM(96) 336 final of 17.7.1996.

³⁴ European Parliament Committee on Employment and Social Affairs. Report on the Code of Practice on the implementation of equal pay for work of equal value, EP 220.249 adopted on 11.6.1997.

³⁵ OJ C 176 of 5.7.1988.

³⁶ 1996 Report, p.102.

³⁷ 10.4.1997.

³⁸ OJ L 14 of 20.1.1998, p.6. The adopted text meets the principal objective sought: that of reversal of the burden of proof to favour the complainant.

³⁹ Case C-262/88 of 17.5.1990 Barber v. GRE [1990] ECR 1889.

⁴⁰ OJ L 46 of 17.2.1997, p.20.

⁴¹ Directives 86/378/EEC and 96/97/EC as far as the self-employed are concerned and 79/7.

⁴² Case C-450/95 Kalanke v. Freie Hansestadt Bremen [1995] ECR-I 3051, COM(96) 88 final of 27.3.1996, p.93.

decided to postpone discussion on this issue as the majority of the Member States did not believe it was necessary to change the Directive. Since the Kalanke ruling did not call into question its validity, the Member States wanted to re-examine their position in the light of the outcome of the IGC.

In case C 409/95 (Marschall/Land Nordrhein-Westfalen), the European Court of Justice⁶³ concluded that a national law which gives priority to women in promotions in the public sector in cases where there are male and female candidates who are equally qualified for the post in question does not conflict with Community law provided that certain conditions are satisfied and the promotion of a male candidate is not excluded from the outset.

The ruling of the ECJ confirms the legality of the approaches to positive action when they allow a degree of flexibility in their application (not automatic). The new Amsterdam Treaty Article 141 (4) will not, on coming into force, change the situation. The European Parliament is

The interpretation of the Amsterdam Treaty and its impact on the reinforcement of equal access to social security regimes and on the maintenance and adoption of positive actions is now being studied.

Provisions for positive actions in national and Community law have also to be reconsidered after the judgement of the European Court of Justice in the Marschall case and the Commission has to envisage what are the new possibilities to ensure that equality of treatment may not only mean creating equal opportunities for individuals of different sex but may also encompass action to reduce structural differences in the position of women and men in working life generally.

presently studying the consequences of this case for the Commission's proposal to modify Directive 76/207.

Sexual harassment at work

The protection of the dignity of women and men at work is of crucial importance. The Commission has already launched research, information campaigns and guidelines with the social partners. The social partners have agreed that sexual harassment is a widespread problem but they did not conclude an agreement on this

subject during 1997. The Commission is consequently evaluating the results of studies commissioned during 1997 in order to determine further how best to approach this issue at European level.

Trafficking in Persons

Respect for the human rights of women is recognised as an integral part of human rights. The human rights of women include the right to have control over and decide freely on matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. This is endorsed in the Commission Communication of 1996, which deals with one aspect of violation of the human rights of women: trafficking in women.⁶⁴ The importance given to observing democratic principles and human rights under the Treaties was one of the inspirations behind the Commission Communication on combating child sex tourism of 1997.⁶⁵

Throughout 1996 and 1997, the Commission, the European Parliament⁶⁶, Member States and concerned NGOs⁶⁷ have expressed, in often passionate language, a revulsion for the violation of the rights and human dignity of women and children (both girls and boys) in the European Union, as well as the devastating effects this has on victims living inside and outside the European Union.

The Commission has proposed an integrated, multi-disciplinary approach to tackling trafficking and has supported co-operation between law enforcement agencies under joint action initiatives by the Member States.⁶⁸ The Justice and Home Affairs Council have now extended the mandate of the European Drugs Unit to the field of trafficking in human beings.

As a measure to combat violation of women's human rights, a new programme known as STOP⁶⁹ - Stop the Trafficking of Persons - was

⁶³ Case C-409/95 Marschall v. Land Nordrhein-Westfalen of 11.11.1997.

⁶⁴ COM(96) 567 final of 20.11.1996. See also: the Hague Ministerial Declaration on European Guidelines for effective measures to prevent and combat trafficking in women for the purpose of sexual exploitation, Ministerial Conference under the Presidency of the European Union, The Hague, 24-26 April 1997.

⁶⁵ OJ C 3 of 7.1.1997, p.2.

⁶⁶ European Parliament Committee on Civil Liberties and Internal Affairs. Report on trafficking in human beings of 14.12.1995.

⁶⁷ Statement from the European NGO Conference on trafficking in women, Noordwijkerhout, 5-7 April 1997.

⁶⁸ Treaty of European Union, Article K3 (2) second indent.

⁶⁹ OJ L 322 of 12.12.1996.

launched covering the period 1996-2000⁷⁰ to develop initiatives to combat trade in human beings, sexual exploitation of minors and the use of telecommunication facilities for the purposes of such crimes⁷¹.

The priority given to such initiatives was sustained by the DAPHNE initiative⁷² introduced by the Justice and Home Affairs Task Force of the General Secretariat of the Commission in 1997, thus assisting non-governmental and voluntary organisations in fighting violence against women, young persons and children, and in particular in combating sexual abuse and sexual exploitation. Some 46 DAPHNE projects have been selected for an action programme.

SECTION 6

FOLLOW-UP TO THE BEIJING PLATFORM FOR ACTION

The UN Fourth World Conference on Women⁷³ was an event of tremendous significance. It demonstrated a consensus that women's issues are global and universal and that gender equality for all people is essential for the construction of just and democratic societies for the twenty-first century.

The Platform for Action which emerged as a result of the Conference together with the preparatory process provides both a framework and an agenda for action on the critical areas of concern to women throughout the world. The importance of political determination and the fulfilment of the commitments made at the Fourth World Conference on Women at Beijing were key messages taken by the European Union to the Commission on the Status of Women in New York during 1997⁷⁴. Many representatives of women's global networks and organisations also went to New York to dialogue with government representatives and international organisations on how to follow up the Platform of Action, and effectively prolong the impact of the Beijing Conference. The impact of a world-wide demon-

stration on this scale cannot be measured over the course of a single year.

The impact of the Conference can also be attributed to the fact that underlying concerns in relation to equal opportunities issues emerged at the same time in a large number of countries, and certainly within the European Member States. The Conference has accelerated the process of reform and contributed to a better co-ordination of actions and interventions.

During 1998, the Commission will continue its monitoring of the implementation of the Beijing Platform for Action and facilitate the ongoing dialogue between Member States concerning its implementation. A European wide review of progress since 1995 will be supported during 1998.

Responses to Beijing by the Member States

Member States have outlined their plans to meet the goals established at Beijing in the first follow-up reports, which were published during 1996 and circulated during 1997. Many of the national reports presented plans rather than concrete achievements. Each Member State has to fill the gap between goals to be achieved and actual projects and programmes put in place to implement them.

Member States have developed actions and plans under the various headings of the Platform for Action. Under education and training, Spain has published a non-sexist education handbook; at a different level, Luxembourg has produced a manual, 'Convention on the Elimination of all forms of Discrimination against women' (CEDAW). To take account of the Platform for Action on health, both Norway and Ireland have developed plans which take into account the gender dimension of health and health information. Under the heading of violence against women, Germany, Greece and Belgium have each initiated and supported new developments: Germany in training materials for women's refuge staff, Greece in research on sexual abuse, and Belgium

⁷⁰ Launching date: 1997.

⁷¹ Joint Action of 29.11.1996. OJ L 322 of the 12.12.1996, p.7.

⁷² Daphne Initiative OJ C 136 of 1.5.1997 p.14.

⁷³ UN Fourth World Conference on Women, Beijing, China, 4-15 September, 1995.

⁷⁴ Statement on behalf of the European Union by Ms Ina Brouwer, head of the Netherlands delegation to the 41st session of the United Nations Commission on the Status of Women, New York, 10 March 1997.

in the area of specialised police units. Every Member State has supported action in the strategic area of women and the economy. The Portuguese development of a special observatory to monitor and prevent direct and indirect discrimination and to promote a new culture of equality between women and men among the social partners is of particular interest.

Luxembourg Presidency

In December 1997, the Luxembourg Presidency organised a discussion on the follow-up to Beijing. The discussion considered three aspects:

- the integration of the concept of mainstreaming into national policy of the Member States;
- the best practices in the field of positive action in the Member States;
- measures undertaken by Member States in the struggle against violence towards women.

In their conclusions, the Council noted that following a number of declarations of intent, Member States had moved to concrete action. The Council noted that real efforts have been made on most of the themes of the Platform for Action defined by the United Nations. The Council observed that Member States underlined the important role played by NGOs in the promotion of women's rights at Member State level as well as international level.

NGO support

United Nations agencies and international NGOs, among others, have developed a number of new systems to measure progress in reaching the goals of the Platform for Action.⁷⁵ These systems propose simple and uniform indicators of advancement in reducing gender disparities or promoting the empowerment of women in countries at different levels of economic and social development.

The Fourth World Conference brought together a wide range of participants: representatives of states far apart geographically as well as in terms of economic or political development; representatives of NGOs of all sizes and ranges; local movements and international organisations; and the media. This face-to-face exchange was particularly useful.

The NGO Forum held at Huairou outside Beijing in parallel with the UN Conference was one of the largest assemblies of women's NGOs which had ever taken place. It has had the important effect of strengthening relations between NGOs around the world and increasing their contribution to change through dialogue with governments. At a regional and international level, European women's NGOs have been involved in organising the monitoring and follow-up of the Beijing Global Platform for Action. During 1997, many NGOs in the field of development examined the integration of gender into European and national governments' development co-operation, trade and external relations policies.

⁷⁵ See UNDP Human Development Report 1996, Oxford University Press, Social Watch 1997, Instituto del Tercer Mundo, Montevideo, 1997.

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