

Gender Equality and the EU

An Assessment of the Current Issues



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Summary

Equality between women and men is a fundamental principle of democratic societies. However, it is a fact that there still remain inequalities between men and women. Both at EU and at a national level, a wide range of tools and approaches have been developed with the aim of achieving the goal of equality.

The more traditional vertical approach to gender issues is now complemented by the gender mainstreaming of public policies and programmes. This pro-active approach requires those involved in policy making to integrate a gender equality perspective into all policies, at all levels and at all stages.

In this article we look at legislative developments in the EU with regard to gender equality, and at the implementation of gender mainstreaming that the Community has carried out since the early 1990s. We also elaborate on the elements necessary for the successful gender mainstreaming of public policies and provide examples of best practice at EU and national level.

I. Equality between women and men in the EU: An historical overview

EU gender policies have gone through major developments since the original Treaties. The Treaty of Rome included gender equality, although restricted to the principle of equal pay between men and women. Indeed, during negotiations on the Treaty of Rome, France argued that it was necessary to include the principle of equal pay for women and men in order to avoid distortions in competitiveness between Member States. Therefore, the reason for the inclusion of this principle in the Treaty was not so much a response to concerns about gender equality, but to the need to ensure the proper functioning of the Common Market.

Article 119 of the Treaty of Rome therefore established the principle of equal pay for equal work. Despite the limited scope of this Article, its inclusion in the Treaty allowed the Commission and the European Court of Justice (ECJ) to play a more active role during the 1970s in the promotion of equality between men and women in the field of employment and other matters related to the labour market, such as social security and social benefits linked to unemployment.

Accordingly, since 1975 a series of Directives have been adopted in order to clarify and develop this basic principle of Community Law. Parallel to the legislative action of the EC, the ECJ played a major role in promoting a *de jure* equality between women and men. Since its ruling in the Defrenne case¹, which among other things established the direct effect of Article 119 TEC, the ECJ has built up an important case law on gender related issues.

Logically, the first legislative measure adopted by the Council in the field of gender equality was the Equal Pay Directive², which developed and complemented

article 119 TEC. It established that the principle of equal pay implied the elimination of any discrimination on the grounds of sex with regard to anything related to pay for the same work or work of equal *value*.³ Shortly after the Equal Pay Directive, the Council adopted the Equal Treatment Directive,⁴ broadening the principle of equal pay to equal treatment between women and men in the field of access to employment, professional training and promotion, and conditions of employment. In the late 1970s and in the 1980s the Council adopted legislation on equal treatment in the field of social security,⁵ and the self-employed and the role of their spouses.⁶

In parallel with these legislative achievements, the Institutions started to introduce some internal reforms which reflected the growing interest in – and political commitment towards – gender equality. 1981 saw the creation of the Equal Opportunities Unit of DGV (EOU). Only three years later, in July 1984 the European Parliament (EP) created a Committee on Women's Rights and Equal Opportunities, which has since dealt with all matters relating to this topic. Also in the early 1980s, the work of the Community in the promotion of equality between women and men became more systematic and consistent, with the adoption of the first Equal Opportunities Action Programme, covering the years 1982-1985.

The Maastricht Treaty also furthered the protection of gender equality. The Social Protocol attached to the Treaty of the European Community provided that the Community would support and complement national action in several fields, including the promotion of equal opportunities between women and men in the labour market.⁷ Between Maastricht and Amsterdam, the EU went further in its legislative activity in the field of gender equality. The Directives on pregnancy and

maternity leave,⁸ the Directives on parental leave⁹ and part-time work,¹⁰ and the Directive on the burden of proof in cases of discrimination on the grounds of sex¹¹ complemented the Community legislative body on equality between women and men in the field of employment and social security.

The Amsterdam Treaty

The Amsterdam Treaty constitutes an important breakthrough in the concept of gender issues at Community level. So far, gender matters had been limited to the area of employment, and were basically considered a question of social policy. This limited concept changed with the Amsterdam Treaty. In Amsterdam, gender equality was expressly included in the Treaties as one of the tasks (Article 2 TEC) and one of the activities (Article 3 TEC) of the Community. Article 3(2) is of particular importance, since it introduces for the first time in the Treaties the concept of gender mainstreaming, which calls for the integration of a gender perspective in all policy areas, at every level.

Major changes were introduced as well with regard to social policy. The provisions of the Social Protocol were incorporated into Title XI of the TEC. Moreover, Article 141 TEC (ex Article 119) was also subject to amendment in Amsterdam, partly incorporating the provisions of the Social Protocol, and partly incorporating developments in case law and secondary legislation. Accordingly, Article 141 now incorporates the concept of "equal pay for work of equal value" which was first developed by the ECJ and was expressed in the Directive on Equal Pay. A new paragraph 3 establishes that the Council, following the co-decision procedure, and after consulting the Economic and Social Committee, may adopt measures to ensure the application of the principle of equality between men and women in the field of employment and occupation, including the principle of equal pay. Finally the new paragraph 4 allows Member States to adopt or maintain positive measures in order to facilitate the exercise of professional activities for the under represented sex or to avoid or compensate disadvantages in their professional careers.

Another important contribution of the Amsterdam Treaty was the new Article 13 TEC, which establishes that, in the framework of the competences attributed to the Community, the Council, acting by unanimity, and after consulting the European Parliament, can adopt

actions to combat all forms of discrimination. The wording of Article 13 includes eight specific grounds on which discrimination is prohibited: sex, race or ethnic origin, religion or belief, disability, age or sexual orientation. This Article is of paramount importance, since it covers discrimination beyond the labour market.

Two Directives have been passed based on Article 13, neither of which referred to discrimination on the grounds of sex. These are the Race Directive,¹² and Council Directive establishing a framework for equal treatment in employment and occupation.¹³ Both of them are greatly influenced by the Directives on equal treatment between men and women. At the same time, the enactment of this legislation has also helped trigger the debate on gender equality which, at least in legislative terms, seemed to be on stand-by. The content of these two Directives also greatly influenced the amendment of the Equal Treatment Directive, in which amendments are very much in line with the wording of

the two Article 13 Directives.

Indeed, the Equal Treatment Directive was finally amended last year, in order to respond to developments achieved in the field of gender equality, and to the case law of the European Court of Justice.¹⁴ The main contribution of the Article 13 Directives introduced in the new Equal Treatment Directive is the definition of direct and indirect discrimination. The previous Equal Treatment Directive, even though it covered both types of discrimination, did not provide such definitions. For reasons of consistency, the European

legislator considered it appropriate to follow the definitions of the Article 13 Directives in the drafting of the new Equal Treatment Directive. Apart from the influence of the two Article 13 Directives, perhaps the more remarkable aspect of the Directive is its addressing the issues of moral and sexual harassment in the work place, which are considered to be discrimination on the grounds of sex, and are therefore prohibited.

Since the new Equal Treatment Directive is based on Article 141, it refers exclusively to equal treatment between women and men in the field of employment. In its Annual Report on Equal Opportunities for Women and Men in the European Union for the year 2001, the Commission stated its intention to reinforce gender equality legislation by bringing forward a proposal for a Directive on sex discrimination based on Article 13 TEC.¹⁵ The advantage of such a proposal is that we already have a very complete legislative body referring

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to equality between men and women in the field of employment and social security, and this proposal could then extend to new areas beyond employment where the Community has not yet enacted legislation. The areas that it will cover remain to be seen, but it is possible that it will follow the lines of the two Article 13 Directives, and include issues such as social protection, education, access to goods and services, etc.

The European Women's Lobby (EWL), always very active in the promotion of equality between women and men at EU level, has issued what it has called the "Shadow Directive", aimed at influencing the Commission's proposal and the outcome of the legislation.¹⁶ The scope of the Shadow Directive is very broad, and covers matters such as balanced participation in decision-making, access to goods and services, violence against women, taxation, reconciliation of working and family life, awareness raising and education, social protection and the fight against social exclusion, training and research, health, and the fight against sex stereotypes, including images of men and women in the media.

The Charter of Fundamental Rights of the EU

Before approaching the issue of mainstreaming in the EU, mention has to be made of the EU Charter of Fundamental Rights. In December 2000, in Nice, an EU Charter of Fundamental Rights was solemnly proclaimed by the EP, the Council and the European Commission. The Charter is a political document, without legally binding status, which mostly compiles rights that already existed at Community level into a single text.

With regard to gender equality, several provisions of the Charter are of relevance. In Chapter 3 of the Charter, under the heading "Equality", Articles 21 and 23 refer to the principles of non-discrimination and to equality between men and women respectively. Article 21(1) draws on Article 13 of the EC Treaty, prohibiting any discrimination, on any grounds. Article 23, based on Articles 2, 3(2) and 141(3) of the TEC, establishes that equality between women and men must be ensured in every field, including employment, work and pay, and admits the validity of positive action in favour of the under represented sex. Finally, Article 33 of the Charter contains the right to reconciliation of professional and family life.¹⁷

Despite the Charter's lack of legally binding status, the symbolic value of the text cannot be denied, and Advocates-General from the ECJ and the CFI have already expressed their intention to interpret the Charter as if it was legally binding. The future status of the Charter is being discussed in the framework of the debate on the future of Europe, and it looks like it will be included in the Treaties, probably in the form of a preamble, and that it will acquire legally binding status.¹⁸

II. Gender mainstreaming: Engendering public policies

The concept of gender mainstreaming involves decision-making in all areas of society being marked by an active concern for gender equality. It is a strategy aimed at

changing the working methods regarding gender equality policy. The strategy has been developed to stress that equality issues cannot be confined to a sector called "women's development", or addressed through marginal actions and programmes. In the words of the Commission in its 1996 Communication on Mainstreaming, mainstreaming means "*not restricting efforts to promote equality to the implementation of specific measures, but mobilising all general policies and measures specifically for the purpose of achieving equality*".¹⁹ It involves the incorporation of gender considerations into all policies, programmes, practices and decision-making so that, at every stage of development and implementation, an analysis is made of the effect on women and men, and appropriate action is taken.²⁰ As stated by the OCDE "*gender perspectives must become part of the process of formulating, implementing and evaluating policies and programmes.*"

The concept of gender mainstreaming appeared for the first time in international texts after the United Nations Third World Conference on Women (Nairobi, 1985), in the debate on the role of women in development. The Beijing Platform for Action, adopted after the Fourth World Conference on Women held in Beijing in 1995, was the formal starting point to undertake mainstreaming policy. At the Beijing conference gender mainstreaming was described from a new, radical standpoint: "*Governments and other actors should promote an active and visible policy of mainstreaming in all policies and programmes, so that, before decisions are taken, an analysis is made of the effects on women and men respectively*". In almost every chapter of the action plan, there is a section inviting governments to integrate the gender perspective into all policy areas, which has led to many countries adopting national plans for gender mainstreaming. A special adviser to the Secretary General was appointed after the Conference (1996) to support UN efforts to integrate the gender perspective into all UN activities.

The Council of Europe has also been very active in the promotion of equality between women and men, and in the development of the concept of, and techniques for, mainstreaming. The definition of mainstreaming adopted by the Council of Europe's Group of specialists on mainstreaming reads as follows: "*gender mainstreaming is the (re)organisation, improvement and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making*".²¹

III. Gender mainstreaming and the EU

The EU has played a very active role in the promotion and implementation of gender mainstreaming since the early 1990s. The mainstreaming strategy started to be used by the EU through the Third (1991-1995) and Fourth (1996-2000) Equal Opportunities Action Programmes, which had already advocated the inclusion of the gender perspective in all the policy areas and activities of the EU. Both programmes offered support

to projects in order to find working models to promote gender equality efforts in the Member States, including developing ways of integrating the gender perspective into all policy areas.

At the Fourth World Conference on Women (Beijing 1995) the EU was pushing to give gender mainstreaming a prominent position, and played a key role in the inclusion of the gender mainstreaming principle in the Beijing Platform for Action. As mentioned above, in 1996 the Commission issued a Communication on “Incorporating equal opportunities for women and men into all Community policies and activities” in which it stated that mainstreaming involves *“not restricting efforts to promote equality to the implementation of specific measures, but mobilising all general policies and measures specifically for the purpose of achieving equality by actively and openly taking into account at the planning stage their possible effects on the respective situations of men and women.”*

The effects of the gender mainstreaming approach of the Commission were particularly noticeable in the Fourth Equal Opportunities Action Programme, which was clearly inspired by the 1995 UN Beijing Conference on Women. The Programme aimed to promote the integration of equal opportunities for women and men into the preparation, implementation and monitoring of all policies and activities at Community, national, regional and local level.

But the main development with regard to mainstreaming came with the Treaty reforms introduced in Amsterdam. In the Amsterdam Treaty, the concept of gender mainstreaming was introduced for the first time into the text of the Treaties (Article 3(2) TEC) and at the same time promotion of equality between women and men became one of the tasks of the Community (Article 2 TEC). Article 3(2) TEC establishes that in all its activities, the Community *“shall aim to eliminate inequalities, and to promote equality, between women and men”*. These Articles formalise the obligation of the Community to integrate the gender perspective as a horizontal objective affecting all areas. The integration of equal opportunities for men and women into all policies and programmes is therefore – and according to the Treaties – an obligation incumbent upon Member States, their regions and local entities, as well as Community institutions.

With the aim of furthering its mainstreaming policy, on 7 June 2000 the Commission adopted the first comprehensive Framework Strategy on Gender Equality, spanning the next five years and covering all aspects of

the question: equality in economic, social, and civil life, equality in decision-making, and gender roles and stereotypes. It affects all Community policies and all Commission services. It combines measures designed specifically to foster equality (reactive intervention) with the mainstreaming of gender issues in all Community policies (pro-active intervention). Mainstreaming has thus become a central element in the Commission’s new Framework Strategy. In line with the integrated approach, the Strategy makes use of all existing tools and structures, while supporting the development of new ones: monitoring, indicators and benchmarking. This strategy should bring more consistency in Community actions in the field of gender equality, as well as making the policy more visible.

Following the Framework Strategy, all Commission departments are asked to report on the actions they are taking in order to incorporate the goal of gender equality into their policy making process. The strategy focuses on five objectives to which all Community gender

equality initiatives will be linked: equality in economic, social, and civil life; equal representation and participation in decision-making; and changing gender roles and overcoming stereotypes. It also sets targets that must be achieved in the five-year period of the Strategy. The programme 2001-2005,²² which accompanies this strategy, has a provision of 50 million euro for the promotion of gender equality.

The Strategy was followed by the adoption in 2001 of the first Annual Working Programme for Gender

Equality,²³ which detailed all Community activities foreseen for 2001 for the promotion of equality between men and women in all policy areas. Together with the general Annual Work Programme, a Work Programme for the implementation of the Framework Strategy in 2001 was adopted for each Commission service.²⁴ This Work Programme detailed the on-going actions and future activities of each Commission service within the scope of the Framework Strategy. It followed the twofold approach already adopted in the Framework Strategy: specific actions addressed to women (reactive approach) and integration of a gender perspective in policy initiatives (mainstreaming). The activities in the Work Programme act as performance indicators, enabling better monitoring and evaluation of the progress achieved each year, and allowing shortcomings to be identified and then addressed in subsequent Work Programmes.

The same system was used for the Commission’s Work Programme for 2002,²⁵ which retained some of the

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2001 priorities and added new ones, and for the Work Programme for 2002 for each Commission service.²⁶ In the period between the two Programmes, the Commission conducted a self-evaluation exercise (Gender Scoreboard), in order to monitor and report on the progress achieved with the 2001 Work Programme.²⁷

The Commission recently presented its Third Annual Work Programme within the Framework Strategy on Gender Equality,²⁸ supplemented by a Commission Staff Working Paper detailing the specific activities for each Directorate-General (DG) and service.²⁹ The same system as in previous years is applied, including an evaluation of the implementation of the 2002 programme and the setting of the priority actions for 2003.

In general, the approach of the Framework Strategy and the annual Work Programmes seems to be effective, in that it provides for a clear way of monitoring the performance of each DG and service and of the Community as a whole, based on the activities listed in the Work Programme of the previous year. Since it shows the shortcomings and the areas where progress has not been achieved, it permits actions to be focused where they are most needed. At the end of the 2003 Work Programme, which will mark the midpoint of the Framework Strategy, the Commission intends to conduct a more detailed study of the progress achieved in the implementation of gender equality than the evaluations already contained in the work programmes.

From a political point of view, the role of the European Council in the promotion of gender mainstreaming since 1997 has been of great importance. In November 1997, the Luxembourg European Council, devoted the fourth pillar of its strategy for employment to “*strengthening the policies for equal opportunities for men and women*”. From this point onwards, successive Presidencies, in accordance with the mandates contained in both Community and international texts, have continued the work of incorporating the gender perspective in the various Council formations (other than the Employment and Social Policy Council). Both the Portuguese and the French Presidencies encouraged discussions on mainstreaming in the Council, which were continued by succeeding Presidencies. Through this process, gender mainstreaming has been incorporated also into the Councils on Education, the Internal Market, Science and Research, Development, External Relations and into the broad economic policy guidelines (ECOFIN). In 2002 the Spanish Presidency decided to incorporate the perspective of equality between men and women into the Environment and Agriculture Councils.

The European Parliament has also been very active in the promotion of gender equality in general, and gender mainstreaming in particular. The Parliament has repeatedly expressed its commitment to mainstreaming, calling regularly for gender mainstreaming in all Community activities. In its resolution on Equal opportunities for women and men in the EU, the EP said that any type of aid, funding or benefit granted by the Union must be subject to the requirement to observe the principle of equal pay for men and women. It has called for

measures in the field of decision-making, career diversity for women, part-time work etc. With regard to the internal functioning of the Parliament, as already mentioned in this article, as early as 1984 the EP created a Committee on Women’s Rights and Equal Opportunities, which deals with all relevant matters. With regard to the implementation of gender mainstreaming inside the European Parliament, on 20 February 2003 the Committee on Women’s Rights and Equal Opportunities approved a report on gender mainstreaming.³⁰ The report deals with mainstreaming both at the political and the administration level, and puts forward recommendations on concrete measures to be adopted e.g. in the field of balanced participation of women in decision-making, gender mainstreaming of the work of EP committees, awareness-raising and training, the use of gender neutral language, working arrangements and conciliation of working and family life. The report, which will be discussed in the Plenary early March, highlights the need of signalling political will and commitment at the highest level, the allocation of adequate financial and human resources for gender mainstreaming, and the need of gender expertise.

The political Commitment of the European Commission to gender mainstreaming has also proved to be very strong, as we have already seen with the Framework Strategy. To start with, the Commission has gone through an important internal reform in order to be able to face the challenge of mainstreaming all policies and programmes. As already mentioned, in 1981 the Equal Opportunities Unit of DGV was created. The same year also saw the setting up of the Advisory Committee on Equal Opportunities for women and men, composed of representatives from the equality agencies or responsible ministries of the Member States, which advises the Commission on the formulation and implementation of its gender policies.³¹

The Santer Commission established in 1995 the Group of Commissioners on Equal Opportunities. The tasks (and composition) of the Group of Commissioners were re-defined in 1999,³² and include guaranteeing the coherence of Commission actions in the field of equal opportunities, both internally and externally, as well as ensuring the implementation of mainstreaming as stated in Article 3(2) TEC. With the Framework Strategy on Gender Equality 2000-2005, the Group of Commissioners plays a relevant role in monitoring the progress and achievements of the annual Work Programmes.

As of mid-1999 most Directorates-General had a person designated for mainstreaming gender issues. There also exist two inter-service groups, which respectively work on equal opportunities in general and on the specific implementation of equal opportunities in the structural funds.

More recently, the Commission has taken a strong position on internal gender balancing, particularly with regards to the composition of the committees and expert groups (the target is 40%). It should also be mentioned that this target was nearly achieved by the Prodi Commission, where of 120 new cabinet appointments, nearly 40% were women.

IV. Practical implementation of gender mainstreaming: Tools, techniques and resources

Institutional and procedural review

Mainstreaming is a long-term strategy aimed at transforming policy making in a coherent way with respect to the principle of gender equality. It may therefore need the introduction of institutional changes in order to face the challenges arising from its implementation. Most countries have units, committees or departments which deal with gender equality matters, in some cases even individual ministers or ministries with the equality or women's affairs portfolios (e.g. Denmark, the Flemish Community of Belgium, Sweden and Portugal). Also in some countries independent ombudsmen or equality offices have been set up with specific mandates. We can find examples of Gender Equality Ombudsmen in Sweden, Norway, Finland and Lithuania. Many countries have also established parliamentary machinery for the promotion of gender equality, and specialised bodies have been set up within the parliaments.

The equality machinery should play a very important role in terms of co-ordination, advice and/or monitoring of the implementation of mainstreaming strategies. However, cross-departmental cooperation and the creation of new channels for consultation of all political actors are the key for success in effective gender mainstreaming of public policies. In many countries, inter-department or inter-ministry committees have been created in order to co-ordinate or achieve consistency in the mainstreaming of policies, or in order to advise the government on gender related issues. For example, in the Czech Republic a Government Council for Equal Opportunities for Women and Men was created in October 2001, and works as a permanent advisory body of the Czech Government in the area of creating equal opportunities for men and women. It brings together representatives of the different ministries, the Chair of the Statistical Office, representatives of NGOs active in the area of equal opportunities, one representative of trade unions and one of the employers, the Commissioner for Human Rights and an expert involved in the area of equal opportunities for women and men.

In addition to the institutional changes necessary for the effective implementation of gender mainstreaming, certain tools need to be used for the machinery to work effectively.³³

Gender impact assessment methods

Gender impact assessment has its roots in the

environmental sector. This tool will be used to scrutinise any policy proposal and to analyse its foreseeable impact on women and men, in order to correct any imbalances before the proposal is presented. Women and men have different needs and different priorities, and they also have unequal access to economic and social resources. Any apparently neutral proposal can indeed have a different impact on women and men. For example, in an area such as transport, that may seem gender neutral, decisions can have an impact on the situations of women and men if we look at the differences in their respective lives e.g. men are more likely to own cars than women, while women are more likely to need transport to shopping centres or childcare facilities. Taking into account the impact on gender in policies implies then that the needs and priorities of men and women will be equally favoured by those policies, and it helps avoid unintended negative consequences either for women or for men. Gender impact assessment can be applied to legislation, policy plans, policy programmes, budgets, concrete actions, research, etc.

As early as 1994, the Dutch developed a Gender Impact Assessment Tool: the Emancipation Effect Report (EER),

commissioned by the Dutch Equality Division, and constructed by academic researchers. By 1999, nine EERs had been completed at national level, and the evaluations of the instrument were quite positive.³⁴ The Flemish Community of Belgium, which has been very active in the field of equal opportunities and gender mainstreaming since the mid 1990s, also

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developed a Gender Impact Assessment tool (1996-1997) which was then adapted to the local level (1998-2000). In the UK, the Policy Appraisals for Equal Treatment (PAET) guidelines were issued to all Government departments in 1998 in order to help them assess the impact of their policies on women, people from different ethnic groups and disabled people. These guidelines were complemented by a Framework for Gender Mainstreaming, available online, which should help policy-makers consider the impact of their policies on women and men.

With regard to the internal functioning of the Commission, the Equal Opportunities Unit prepared a "Guide to Gender Impact Assessment" aimed at providing Commission officials with a basic checklist for the inclusion of a gender perspective in all Commission proposals. However, the Commission has recently reviewed this sectoral approach to impact assessment of Community policies. In the framework of the Better Regulation Action Plan,³⁵ the European Commission has established a new integrated method for impact assessment, which will apply gradually from

2003 to all major new initiatives. This new impact assessment will integrate all sectoral assessments (gender mainstreaming, business, trade, environment, etc.) into one global instrument. The integrated impact assessment tool builds on these existing practices and incorporates them into the new tool. The system is expected to be fully operational in 2004/2005.

Gender disaggregated statistics and the elaboration of engendered indicators

In order to effectively mainstream, the breaking down of statistics by sex is essential, as was highlighted by the Beijing Platform for Action. The data will help to measure progress towards equality, and to assess the impact on women and men of all policies, including those which were thought to be gender neutral. In fact, the lack of disaggregated statistics has proved to be one of the major hurdles when it comes to mainstreaming policies, and therefore one of the main priorities for action.

In Ireland, a Databank of Gender Disaggregated Statistics relevant to the National Development Plan 2000-2006 was commissioned by the Department of Justice, Equality and Law Reform, containing in 2002 approximately 700 statistics. In the UK, the Office for National Statistics implemented in 2002 a review of gender disaggregated statistics, which aimed to produce a clear and concise guide to official statistics disaggregated by gender.

With regard to the EC, the Commission has put a strong emphasis on data collection and engendered indicators. The evaluations contained in the Annual Work Programmes on Gender Equality show the efforts and achievements in introducing a gender breakdown in statistics. Successive Presidencies of the EU have already developed indicators on women in power and decision-making, the relationship between family life and working life, and pay inequalities between women and men. The Spanish and Danish Presidencies decided to tackle the issue of violence against women, so the Danish Presidency presented indicators on this issue based on a study prepared by the Spanish Presidency.

The 3R method, developed in the framework of the Programme Group of the Swedish Association of Local Authorities, is a review and analysis tool that serves as an aid in systematically compiling facts and information about the situation of men and women. The method involves developing quantitative data, figures and information, which then provide the basis for a qualitative analysis of the operation in question.

Monitoring

Continuous evaluation and follow up of policies has to be done both through regular meeting and reporting by policy makers, as well as research and studies by specialists. An example can be found in Norway, where academics are routinely commissioned to evaluate existing equality policies.

As mentioned before, the Framework Strategy provides a relatively simple monitoring system of the

progress achieved each year in the implementation of gender equality. Each annual Work Programme sets a series of activities which are to be developed in the current year and used as performance indicators. The progress, achievements and shortcomings are monitored by the Commission's Group on Equal Opportunities, with the assistance of the Inter-service Group on Gender Equality. Those are then reported in the Gender Scoreboard, a self-evaluation of the Commission.

Educational tools and techniques

Awareness raising and training on gender related issues are of paramount importance for the effective implementation of mainstreaming. Without a clear understanding of the concept and importance of gender mainstreaming it becomes very difficult to achieve results. Therefore, awareness-raising and training courses aim at involving ministers, parliamentarians, and senior civil servants, in order to create the necessary political commitment to equality. At medium level civil service training programmes, the focus is on putting equality mainstreaming into practice and encouraging participants to integrate it into their work. Other mechanisms are the provision of manuals and handbooks, booklets and preparation of educational materials for use in schools.

The European Commission has been stressing over the last few years the relevance of training and awareness raising on gender issues, and so has the European Parliament. In the Commission, as of 2002, DG Personnel included a presentation on equal opportunities in the introductory courses organised for new Commission staff. Several DGs have also introduced training on gender equality, gender mainstreaming or equal opportunities as part of their general training courses or as specific training sessions. With regard to the Parliament, it organised gender sensitive training for male administrators conducted by men, in order to identify the barriers to women's advancement and ways to tackle the problem. The novelty is that the audience is male administrators and that the message was carried by men.

Consultation, co-ordination and participation tools and techniques

Through the involvement of all actors in the process, the quality of gender policy making will improve. This can be done by the creation of working groups and think tanks within the administration, with the participation of both sexes in decision making, and with specific preparation of the actors involved in the process: conferences and seminars, hearings, creation of directories, databases and organisational charts.

An example can be found in the recent gender mainstreaming project of the Danish inter-ministerial action plan 2002-2006, called "The new gender equality strategy". This project started in 2001 and will last until 2006. The plan covers both ministerial departments and related agencies and institutions. Representatives from all ministries form the interministerial steering

committee. The action plan has settled the targets to be reached by 2006, with a clear agenda: initial overview of the situation, clear initiatives to improve the incorporation of gender, new bills, systematic assessment tools, mainstreaming of budgets, and evaluation of results.

V. Conclusions

Mainstreaming is a strategy that can never replace specific policy initiatives aiming at correcting gender inequalities. Mainstreaming has to be seen always as a support strategy to other existing specific gender initiatives, and/or as an instrument for discovering the areas where specific measures are needed. On the other hand, to have a restricted concept of equality would limit the initiatives, and women would continue to be seen as the "problem". Procedures will have to be adapted to the mainstreaming strategy to avoid the limitations of traditional policy making.

But changes in procedures are not enough. Existing policy tools and techniques will need to be developed and adapted, like for example, the integration of gender into statistical data collection and analysis, budget evaluations, new legislation, and new knowledge production. Knowledge and expertise on gender issues is also essential in order to avoid failures when identifying new gender interests. Ministries and agencies have to be able in their work to perceive society's gender equality challenges in the context of their own policy areas. The experiences from the activities realised will always need to be disseminated. It is a continuous learning process, subject to a continuous review of performance, as well as of the changes in the circumstances in society that led to the adoption of a particular policy. All this means that human and financial resources are essential to foster mainstreaming strategies, as is the political will to use all available resources to achieve a real equality between women and men in our societies.

NOTES

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¹ Judgement of the European Court of Justice of 25/05/71, G. Defrenne v. Belgian State, C-80/70.

² Council Directive 75/11/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women (OJ L 045, 19/02/75).

³ This wording enhanced the protection offered by Article 119 TEC, since it permitted different jobs to be compared. The same wording was included in the revised Article 141 (ex Article 119) after the reforms introduced in Amsterdam. Now Article 141 TEC codifies the principle of "same pay for equal work or work of equal value".

⁴ Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (OJ L 039, 14/02/76).

⁵ Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security (OJ L 006, 10/01/79), and Council Directive 86/378/EEC of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes (OJ L 225, 12.08.86).

⁶ Council Directive 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood (OJ L 359, 19.12.86).

⁷ It should be mentioned that the UK was out of this system.

⁸ Council Directive 92/85/EEC of 19 October 1992 on 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 are breastfeeding (OJ L 348, 28/11/92).

⁹ Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP

and the ETUC (OJ L 145, 19/06/96).

¹⁰ Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC (OJ L 014, 20/01/98).

¹¹ Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex (OJ L 014, 20/01/98).

¹² Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L180, 19/07/00).

¹³ Council Directive 2000/78/EC of 27 November 2000 establishing a framework for equal treatment in employment and occupation (OJ L303, 02/12/00).

¹⁴ Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (OJ L 269, 05/10/02).

¹⁵ Originally, publication of the proposal was foreseen for May 2002, but when this article was finished the proposal had not been issued.

¹⁶ A summary of the Shadow Directive can be consulted on the website of the European Women's Lobby (<http://www.womenlobby.org>). A copy of the full text of the Directive can be obtained from the Secretariat of the EWL.

¹⁷ The rights included in this Article draw on Council Directive 92/85/EEC, and on Directive 96/34/EC.

¹⁸ With regard to the actual scope of the Charter in addressing equality between men and women, the EWL was rather critical. It considered that besides the uncertain legal status of the Charter, it is an insufficient reference document to address discrimination, and more specifically that the reference to the prohibition of discrimination against women was also insufficient.

¹⁹ COM (96) 67 final of 21 February 1996 on "Incorporating equal opportunities for women and men into all Community policies and activities".

²⁰ Definition taken from the "Gender Proofing Handbook" written by Marie Crawley and Louise O'Meara, at the

initiative of the Six County Development Board.

- ²¹ See “Gender Mainstreaming. Conceptual Framework, Methodology and Presentation of Good Practices”, Final Report of Activities of the Group of Specialists on Mainstreaming, 26 March 1998.
- ²² See Council Decision of 20 December 2000 establishing a Programme relating to the Community framework strategy on gender equality (OJ L 17, 19/01/2001).
- ²³ See COM (2001) 119 final, 02/03/01.
- ²⁴ See Commission Staff Working Paper on the Work Programme for 2001 for each Commission service for the implementation of the Framework Strategy on Gender Equality, 02/03/01.
- ²⁵ See COM (2001) 773 final, 17/12/2001.
- ²⁶ See SEC (2001) 1992, 17/12/01.
- ²⁷ Gender Scoreboard, 15/02/2002.

²⁸ See COM (2003) 47 final, 03/02/2003.

²⁹ See SEC (2003) 137.

³⁰ The rapporteur or the report is German socialist Lissy Gröner.

³¹ See Commission Decision 82/43/EEC of 9 December 1981 relating to the setting up of an Advisory Committee on Equal Opportunities for Women and Men (OJ L 20, 28.01.82).

³² See SEC (1999) 1483, 16/09/99.

³³ For a more extensive description of national machineries for the promotion of gender equality, see the 2001 Council of Europe’s Handbook on National Machinery to Promote Gender Equality and Actions Plans.

³⁴ For a more detailed analysis of the EER, see Mieke Verloo, “Another Velvet Revolution? Gender Mainstreaming and the Politics of Implementation”, IWM Working Paper No. 5/2001.

³⁵ See COM (2002) 278. □