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Delegation of the European Union to the Council of Europe

The representative to the Council of Europe and Head of the Delegation

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Gender Equality Commission
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Intervention of Mr Jacek Grabowski, Deputy to the Head of the European Union Delegation to the Council of Europe

The promotion of Gender equality in the European Union (November 2013)

I. Background information

- Equality between women and men is a **fundamental right and a common value** of the EU. The EU is bound to strive for equality between women and men since 1957. With the entry into force of the new Treaty of the European Union at end of 2009, equality between women and men has been upgraded to the status of a "fundamental value" (**art. 2 TUE**) and an objective (**art. 3 TUE**) of the European Union.
- **Article 8 TFEU** requires that the Union promote equality between women and men "in all its activities". All EU institutions are required to aim to eliminate inequalities, and to promote equality between men and women in all activities.
- Moreover, the EU's **Charter of Fundamental Rights** provides for equality between women and men and prohibits sex discrimination in all fields.
- From 1975, the EU has issued **several directives** on sex discrimination and the European Court of Justice has given a great number of judgments on sex discrimination cases.
- The European Commission strengthened its commitment to gender equality and gender mainstreaming in all EU policies and adopted in 2010 the **Women's Charter** and the **Commission's Strategy for equality between women and men**.
- The Strategy for equality between women and men for the period 2010-2015 was adopted in September 2010 and reflects the European Commission's commitment to continue and step up its activities in the field of gender equality. The Strategy is accompanied by a Staff Working Document listing the actions to be implemented between 2010 and 2015 by each Directorate-General of the Commission. It stipulates

that each Directorate-General is responsible for the programming, monitoring and reporting of the gender equality activities in its policy fields.

- The Strategy reaffirms the dual approach of gender mainstreaming and the adoption of specific measures **in six priority areas**:
 - equal economic independence for women and men;
 - equal pay for work of equal value;
 - equality in decision-making;
 - dignity, integrity and ending gender violence;
 - promoting gender equality beyond the EU;
 - horizontal issues, in particular combating rigid gender roles and promoting the role of men

II. Achievements and current activities

- Every year, in its **annual report on progress on equality between women and men**, the Commission provides a detailed assessment of the progress being made with regard to equality between women and men in Europe across the priority areas of the Strategy. The annual reports take stock of the main policy developments and analyse progress achieved using a robust set of indicators. The next annual report is scheduled to be adopted in May 2014.
- On 14 October 2013, the Commission published its **mid-term review of the Strategy**. The mid-term review complements the annual reports by providing information about the contribution of each Commission service and the European External Action Service (EEAS) to the implementation of the Strategy. The benchmarks for this assessment are the 24 key actions announced in the Strategy, as well as the more than 120 individual actions of the Commission services.
- The mid-term review finds that, half-way through the strategy's five-year time scale, the Commission is delivering on its commitments. It has taken action in the majority of areas covered, in particular actions improving the gender balance in economic decision-making, promoting equal pay, tackling violence against women and female genital mutilation and promoting equality within the Europe 2020 strategy. The mid-term review is accompanied by a detailed overview of all the activities carried out so far by the Commission (Annex 1).
- The mid-term review also finds that the Women's Charter and the Strategy for equality between women and men continue to provide an ambitious policy framework for promoting gender equality in the EU until 2015. The mid-term review looks ahead to the actions to be carried out by the Commission services and the EEAS between 2013

and 2015 and is accompanied by a second detailed overview of the objectives and timelines of all planned activities (Annex 2). This renewed commitment to gender equality is of particular importance taken persistent gender gaps and new challenges, in particular in difficult economic times.

- The mid-term review also underlines the importance of gender mainstreaming as an integral part of the Strategy, including through impact assessments and evaluations, and makes some concrete suggestions for further strengthening gender mainstreaming in the Commission in practice.

1. Equal pay

- The European Commission organised the third **European Equal Pay Day (EPPD)** on **28 February 2013**. This day is held each year to increase awareness of the fact that women need to work longer than men to earn the same. Activities related to this day included a press release, the update of the Commission's gender pay gap webpage¹ and a new brochure with the latest data on GPG².
- **"Equality Pays Off" project³**: The Commission wants to support employers in their efforts to tackle the gender pay gap. For this reason, the Commission started in August 2012 a project called "Equality Pays Off". Its aim is to raise the awareness of companies of the "business case" for gender equality and equal pay through better access to the labour force potential of women in the context of demographic changes and skill shortages. It is doing so by organising training activities for companies and tools that can be used by them in 34 European countries. This action is in line with the Europe 2020 Strategy target of raising the employment rate to 75%, for which greater participation of women in the labour market is essential.
- Within the framework of the Equality Pays Off project, a **"Business Forum"** was held on 21 March 2013 in Brussels. It enabled 165 representatives of companies, multiplier organisations and institutions from 31 European countries to exchange knowledge and strategies on how best to foster gender equality and to access current and future female talent.
- **Exchange of good practices on national equal pay days**: An exchange of good practices took place in Estonia on 18-19 June 2013 on equal pay days. Estonia, Belgium and Spain presented their respective equal pay days. During the exchange, participants discussed and proposed ideas on how to improve the impact of the equal pay days in general by raising awareness of the existence of the GPG and how to improve the collaboration between the different players in the organisation of these equal pay days.

¹ <http://ec.europa.eu/justice/gender-equality/gender-pay-gap>

² http://ec.europa.eu/justice/gender-equality/files/gender_pay_gap/130422_gpg_brochure_en.pdf

³ http://ec.europa.eu/justice/gender-equality/equality-pays-off/index_en.htm

- **Open call for proposals:** In the beginning of June 2013 the Commission published an open call for proposals on "Support to civil society and other stakeholders aiming at promoting equality between women and men". One of the two concrete priority areas of this call is addressing the gender pay gap. The deadline for delivery of proposals was end of August. During the coming months the evaluation process will take place.
- **Report on the application of Directive 2006/54/EC:** The Commission is preparing a Report on the application of Directive 2006/54/EC which will in particular focus on assessing the application of the provisions on equal pay in practice.
- **Non-legislative initiative on equal pay:** The Commission is planning a non-legislative initiative in 2014 aiming to promote and facilitate effective application of the principle of equal pay in practice and assist Member States in finding the right approaches to reduce the persisting gender pay gap. This initiative is included in the Commission Work Programme for 2014⁴.

2. Combating violence against women (VAW)

- The EU has effective measures in the field of criminal and civil justice: Directive 2011/36/EU on trafficking in human beings, Directive 2011/93/EU fighting against the sexual abuse and sexual exploitation of children and child pornography, Directive 2011/99/EU on the European protection order (applicable in criminal matters), and the Directive 2012/29/EU on the rights, protection and support of crime victims adopted on 25 October 2012.
- On 12 June 2013, the **Regulation 606/13/EU** was adopted and will ensure that victims of (in particular domestic) violence can still rely on restraint or protection orders (in civil matters) issued against the perpetrator in their home country if they travel or move. It complements **Directive 2011/99/EU of 13 December 2011 on the European protection order** ("EPO criminal"), which applies to protection measures adopted in criminal matters. Together the two instruments will ensure the free circulation of the most common types of protection measures within the EU.
- The Commission uses all relevant occasions to encourage the EU Member states to complete national ratification of the **Council of Europe Convention on preventing and combating violence against women and domestic violence**. Analysis of all implications of a possible EU accession is still on-going .
- The Commission organised in April 2013 an **exchange of good practices** on victims' support services and treatment programmes for perpetrators of violence against women, based on Spanish and Irish experiences.
- The Commission keeps providing **funding** to grassroots organisations addressing VAW through the Daphne III programme. Through the PROGRESS programme, the

⁴ http://ec.europa.eu/atwork/pdf/cwp_2014_annex_en.pdf.

Commission will co-fund projects implemented by Ministries that aim to develop awareness-raising activities on violence against women. The list of projects funded will be published before the end of the year.

- Ending **female genital mutilation** is among the main priorities of the Commission.
 - Vice-President Reding hosted a **Round-table** on female genital mutilation on 6 March 2013. The same day a **public consultation** on FGM was launched and a **restricted call for proposals** aimed at co-financing Member States awareness-raising activities on violence against women. The European Institute for Gender Equality has released the results of an EU-wide study on FGM.
 - These activities will feed into a **Commission Communication** planned to be adopted around 25 November.

3. Childcare

- **The availability of affordable and quality childcare services** is a priority of the European Union. In 2002, the European Council in Barcelona set targets in this area: "(...) Member States should strive (...) to provide childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3 years of age;" In June 2013, the Commission adopted a **report** on the attainments of the **Barcelona targets** which shows that most countries have missed the targets. Only 8 Member States (BE, DK, ES, FR, NL, SE, SI and UK) were able to meet the targets for both age categories in 2010. Within the context of the Europe 2020 Strategy, on 29 May, the Commission proposed country-specific recommendations to the Council under the third European Semester for 2013. Recommendations have been addressed to 10 Member States⁵ on female employment, on childcare availability/quality and/or full-day school places and on care services. The Commission will continue to support the attainment of the Barcelona targets and the development of affordable accessible and quality childcare services throughout the new European Semester and within the Cohesion Fund programming in order to eliminate barriers to parental employment, promote social inclusion and promote equality between women and men.

4. Gender balance in decision-making

- **Proposal for a Directive on improving gender balance among non-executive directors of companies listed on stock exchanges**

Content

⁵ Austria, Czech Republic, Estonia, Germany, Hungary, Italy, Malta, Poland, Slovakia, and the United Kingdom

The aim of the proposed Directive adopted by the European Commission in November 2012 is to accelerate the progress towards a more balanced representation of women and men on boards of listed companies while allowing companies sufficient time to make the necessary arrangements.

The proposed Directive applies to companies listed on stock exchanges in the EU Member States, excluding small and medium-sized companies (SMEs), even if they are listed on stock exchanges. It applies to listed companies irrespective of whether they are privately or publicly owned. However, the target date for achieving gender balance in listed companies which are public undertakings has been advanced to 2018.

The proposed Directive sets an objective of 40% for the representation of the under-represented sex among non-executive directors to be achieved by 1 January 2020 (or 2018 for public undertakings). This objective means that if a company does not have 40% of women/men among non-executive directors, it must apply a preference rule for equally qualified women/men in selection procedures for the positions of non-executive directors. These positions will have to be given to the best qualified candidates, irrespective of their sex, but in case of equal qualifications, preference must be given to the candidates of the under-represented sex, in order to reach the quantitative objective. Furthermore, the selection procedures for non-executive board members will become more transparent: the criteria for the position will need to be established and candidates will be chosen on the basis of comparative evaluation of the qualifications. Companies will be obliged, on the request of an unsuccessful candidate, to disclose the qualification criteria on which the selection was based and how they have been applied.

For executive directors Member States will have to ensure that companies undertake individual commitments to achieve balanced representation. The same deadlines apply.

Member States with legislative or other measures in place to ensure a balanced representation in company boards will not be obliged to adapt those measures, if they can show that they can reach the objective of 40% by other means of equivalent effectiveness. This is only a temporary suspension. If in those Member States the 40% objective is not achieved by 2020 (or 2018 for public undertakings) the directive will apply in whole as of that respective date.

Member States will have to introduce effective, proportionate and dissuasive sanctions for breaches of the Directive. A range of reporting obligations will be imposed on Member States and the Commission in order to monitor the application of the Directive. The measure is meant to be temporary and in principle is set to expire in 2028.

State of play

The Commission proposal is being discussed by the European Parliament and the Council of the EU.

- Report on **Women and men in leadership positions in the European Union, 2013**

The report on "Women and men in leadership positions in the European Union, 2013, a review of the situation and recent progress" was published on 14 October 2013. It was produced in the context of the European Commission's commitment to monitor the current situation and trends in the participation of women and men in high-level decision-making positions. The report looks at the current situation and recent progress for gender balance across a range of decision-making positions in the public and private sectors, including business, financial institutions, politics, civil service and the judiciary. It includes examples of actions taken by governments, business and other stakeholders to boost the participation of women in leadership positions.

The report is, as far as possible, based on quantitative analysis of the situation with the majority of data being drawn from the European Commission database on women and men in decision-making, which is freely available for online consultation⁶).

More information are available at this link: http://ec.europa.eu/justice/gender-equality/index_en.htm

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⁶ http://ec.europa.eu/justice/gender-equality/gender-decision-making/database/index_en.htm