

POWER, AUTHORITY AND FEMINIST REPUBLIC

The European Union: in the vanguard on equality policy?

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The European Union (EU) thinks of itself as in the vanguard of gender equality policies worldwide. The EU's view of itself as a leader has a conspicuous ethnocentric bias, even though comparisons do put most of the members of the bloc at the head of global rankings for various economic, social and political indicators.

To assess the extent to which gender equality is a priority for the EU, we looked at the main actions it has taken in equal treatment, affirmative action and gender transversality. Our assessment took account of various reports issued by the Committee on Women's Rights and Gender Equality (FEMM) of the European Parliament and by the European Institute for Gender Equality (EIGE), the EU body dedicated to promoting equality policy - which just happens to be based 1500 kilometres from Brussels.

Equal treatment

European gender equality laws have required many Member States to introduce laws against workplace discrimination, sexual harassment and violence against women. Today, gender equality is recognised as a fundamental value enshrined in the European treaties. Nevertheless, we should remember that despite the fact that a commitment to gender equality featured in the founding treaty in 1957 (Treaty of Rome, Article 119), it was not seen at that time as a value in itself but responded to a French concern about competition from markets where labour was cheaper. The proof of that is that equal pay for equal work

has still not been achieved for women, with a gender pay gap of 16% – a gap that rises to 37% for pensions–.

The commitment to equality of opportunity or equal treatment made progress during the 1970s through the judgements of the European Court of Justice (cases brought by women) and through the mobilisation of feminist movements in Member States. No advance in women’s rights has yet been made without women themselves organising. In the case of the European Union, the key has been the so-called “velvet triangles”, constellations of activists, academics, political representatives and officials – all feminists – at European, state and domestic levels.

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Subsequently, the EU has adopted a suite of directives on equality of access to work, on working conditions and, to a lesser extent, on social protection measures, such as the right not to be discriminated against. Overall, there has been greater progress in policies based on outlawing (direct or indirect) sex-based discrimination rather than with strategic policies that address the structural causes of inequality or that subvert traditional gender roles. What’s more, the EU has not exercised due diligence in terms of the application of the *acquis communautaire* in relation to gender equality in the integration of Central and Eastern European countries. For example, Malta joined the EU in 2004 but divorce did not become a legal right until 2011. There are still Member States that do not recognise the right to abortion in any circumstances (Malta, Ireland until last year) or that only allow abortion in the case of rape or serious risk to the life of the mother (Cyprus, Poland). In nearly half of Member States, marriage between people of the same sex is not legal.

In terms of preventing and acting against violence against women, the EU has still not managed to ensure that seven of its Member States sign the Istanbul Convention, the Council of Europe’s 2011 Convention on preventing and combating violence against women. In fact, other parts of the world, such as Latin America, are more advanced in the recognition of institutional violence against women and in measures to provide assistance to survivors. Despite the fact that in the EU there is a serious lack of data on the prevalence of male gender-based violence, funds have not been provided to conduct the second of the macro-surveys first carried out in 2014. In the same way, the European Daphne programme to combat these forms of violence now has less funding and fewer operational projects that when it started in 1997. We should also note that violence against women does not appear in the European list of offences for which an extradition order can be issued between Member States.

Thus, despite the fact that the EU has promoted a degree of legislative convergence among

Member States, unlike in other policy areas, it has devoted more energy to the theory of the rights of women and the LGBTI community than in effectively protecting those rights.

Affirmative action

Approaching things from an equal treatment or equality of opportunity perspective is not enough to bring about equality, as is shown by the [Gender Equality Index](#) published by the European Institute for Gender Equality. Affirmative action involves specific, temporary measures to eliminate, prevent or compensate the structural discrimination that women continue to suffer, with the aim of bringing about substantive equality or equality of outcome.

However, the EU has only brought forward soft affirmative action measures, aimed fundamentally at preparation for work, for example, encouraging women to pursue scientific careers (but no measures to promote caring professions to men). Whilst the European Commission has excused its inaction on the basis of subsidiarity (that it is for the Member States to take affirmative action), the Court of Justice of the European Union has at the same time taken a very restrictive approach to affirmative action.

Affirmative action has not reached the level of political representation. The EU did not have 'founding mothers' and its principal institutions have historically been in the hands of men. In the European Parliament, starting from the first direct elections in 1979, it has taken 40 years to reach technical parity, with women making up 41% of MEPs elected at the 2019 elections. Of the 25 people who have been the Parliament's President, only two have been women. This is also the first legislature in which the European Commission is made up of an equal number of men and women and is headed by a woman (Ursula von der Leyen). However, since the foundation of the EU, the finance, economic, budget and financial stability portfolios have been held only by men.

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The presence of women in European institutions has been left, therefore, to the Member States, some of whom have introduced electoral gender quotas to limit the over-representation of men. This *laissez faire* attitude has also been seen over the gender gap in the make-up of the boards of directors of companies, with the proposed directive put forward by the former Vice-President of the European Commission Viviane Reding gathering dust in a drawer since 2012. In summary, the EU is no benchmark in relation to measures that promote equality of outcome.

Gender transversality

Gender transversality was adopted by the European Union as an overarching principle for action in the design, implementation and evaluation of policy in 1996 (COM (96) 67 final), with the aim of taking account of the conditions, situations and needs of both men and women. Community four-yearly equal opportunity plans have reflected that principle.

Even so, the EU's response to the financial crisis that started at the end of the 2000s relegated gender transversality to the back of the priority queue. The European Economic Recovery Plan did not contain a single reference to "gender", "equality" or "women", despite the different impact of labour market and pension reforms and public sector cutbacks on women. The lack of any gender perspective in fiscal and macroeconomic policies and labour market regulation policies means that institutional efforts to increase female employment are frustrated by structural adjustments that disincentivise women's economic participation or make women's work more precarious, with more part-time or short-term jobs. At the same time, policies in the area of work-life balance that promote equal sharing of responsibility between men and women in family life or in the regulation of healthcare, on the other hand, have been conspicuous by their absence.

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The EU did not develop a gender equality strategy for the 2016-2020 period and gender transversality tools (gender data, gender impact reports and budget-setting with a gender perspective) remain underused in the design and implementation of European policy. Most EU programmes (such as the European Programme for Employment and Social Innovation, EaSI; the Fund for European Aid to the Most Deprived, FEAD; the European Globalisation Adjustment Fund, EGF) contain no specific equality actions and have no separately identified budget for such actions. Turning to Structural Funds, less than 1% is devoted to gender equality, which is dealt with as a theme, not a transversal dimension.

Thus, as the European Parliament has repeatedly denounced, the gender perspective has not taken root in the work of the European Commission or of the Council of Europe and readily takes a back seat in times of economic hardship.

Conclusions

The fact that how much of a priority gender equality is for the EU depends on the extent to which it is consistent with neoliberal economic priorities deprives the concept of all value. Inequality does not (just) lead to a loss of talent for the employment market but it is also a

grave breach of human rights and a failure of democracy. Gender transversality is also a long way from having a secure place in European policy.

Along the same lines, the EU has gradually adopted a weak position in defence of the rights of women at international gatherings, whether on the climate emergency, peace and security or gender equality. We will have the chance to see the strength of the EU's commitment to feminism under the European Commission's new female Commissioner for Equality (Helena Dalli) at the UN's upcoming Beijing +25 conference. I am not at all optimistic - it is difficult to advocate to the world something you don't do at home. Let's look, for example, at the dramatic absence of a gender perspective in the management of the refugee crisis, despite the fact that women are affected very differently by war and by the gangs that feed off the suffering of those fleeing. Indeed, "Fortress Europe" absolutely does not embody feminist values, and neither does the silence of community institutions in the face of attacks on the rights of women and the LGBTI community or in the face of the quashing of political dissent in a number of Member States. Thus, whilst the EU thinks of itself as in the vanguard of gender equality policies worldwide, the reality gives the lie to that belief.



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