

**AN OVERVIEW OF THE KEY EU DOCUMENTS ON GENDER EQUALITY AND SOCIAL
INCLUSION AND SOCIAL COHESION POLICY**

Ljubljana, 2011

Analiza je urađena u sklopu projekta „Ka socijalnoj koheziji – Uticaj na politike socijalnog ukljućivanja za višestruko marginalizovane grupe žena, ųrtve nasilja u porodici“ koji finansira Evropska unija. Sadržaj ove publikacije je iskljućiva odgovornost Autonomnog ųenskog centra i ni na koji naćin ne odražava stavove Evropske unije.



AN OVERVIEW OF THE KEY EU DOCUMENTS ON GENDER EQUALITY AND SOCIAL INCLUSION AND SOCIAL COHESION POLICY

Legal framework

General standards

General principles of social inclusion, social cohesion and gender equality are enshrined in the Treaty on European Union, Treaty on the Functioning of the European Union and the Charter of Fundamental Rights of the European Union.

Treaty on European Union (TEU)

Equality as a universal value of the EU (Article 2): The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

Commitment of the EU to combating social exclusion and promoting gender equality and social cohesion (Article 3 (3)): [...] It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.
It shall promote economic, social and territorial cohesion, and solidarity among Member States. [...]

Treaty on the Functioning of the European Union (TFEU)

In the provisions of general application the EU has committed:

- to eliminate inequalities and promote equality between women and men in all its activities (Article 8),
- to take into account the requirements linked to the guarantee of adequate social protection and the fight against social exclusion in defining and implementing its policies and activities (Article 9) and
- to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in defining and implementing its policies and activities (Article 10)

The Council can take appropriate action (e.g. adopt legislation) to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (Article 19).

Charter of Fundamental Rights of the European Union

Non-discrimination (Article 21): Prohibition of any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation; and on grounds of nationality

Equality between women and men (Article 23): Gender equality must be ensured in all areas, including employment, work and pay.

Special measures (Article 23): The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex.

Integration of persons with disabilities (Article 26) - persons with disabilities have the right to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community

Protection of family (Article 33(1)): The family shall enjoy legal, economic and social protection.

Reconciliation of family and professional life (Article 33(2)): To reconcile family and professional life, everyone shall have the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child.

Social protection of maternity (Article 34(1)): The Union recognises and respects the entitlement to social security benefits and social services providing protection in cases such as maternity, illness, industrial accidents, dependency or old age, and in the case of loss of employment, in accordance with the rules laid down by Union law and national laws and practices.

Employment and occupation

Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)

[Directive 2006/54/EC](#) consolidates in a single text all the rules and case law of the European Court of Justice relating to equal opportunities and equal treatment for men and women in employment and occupation.

Directive provides harmonised definitions of key terms – direct and indirect discrimination, harassment, sexual harassment, pay and occupational social security schemes.

The so called **recast directive** replaces (and repeals) the following directives

- Directive [75/117/EEC](#) on equal pay
- Directive [76/207/EEC](#) (amended by Directive [2002/73/EC](#)) on equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions
- Directive [86/378/EC](#) (amended by Directive 96/97/EC) on occupational social security schemes
- Directive [97/80/EC](#) (amended by Directive 98/52/EC) on the burden of proof in cases of sex discrimination.

The new directive covers the following three **principles**:

- equal pay (Article 4)
- equal treatment in occupational social security schemes (Articles 5 – 13)
- equal treatment in access to employment, vocational training and promotion and in working conditions (Articles 14 – 16).

In order to ensure effective enforcement of the principle of equal treatment the rules on the **burden of proof** are adopted (Article 19). Member States must ensure that the burden of proof for cases of discrimination in their legal system lies with the defendant, meaning that it is for the respondent to prove that there has been no contravention of the principle of equal treatment. Countries may introduce evidential rules which are more favourable to the plaintiff.

Rules on the burden of proof apply to the situations covered by Article 141 of the Treaty (equal pay) and insofar as sex discrimination is concerned to Directives [92/85/EEC](#) (protection of pregnant workers and those who have recently given birth or are breastfeeding) and [96/34/EC](#) (parental leave).

Equal pay

The law prohibits direct and indirect discrimination on grounds of sex in relation to all aspects and conditions of remuneration for the same work and for work to which equal value is attributed. Any discrimination based on sex shall be excluded in particular where a job classification system is used for determining pay meaning that it should be based on the same criteria for women and men (Article 4).

Access to employment, vocational training and promotion and working conditions

The principle of equal treatment means that there should be no direct or indirect discrimination on grounds of sex in the public or private sectors (Article 14).

The law (Article 14) aims to ensure that men and women are treated equally in (conditions for) access to:

- employment, self-employment and occupations, including selection criteria and recruitment conditions; no matter what branch of activity and at all levels of professional hierarchy, including promotion,
- vocational guidance and vocational training,
- working conditions, including dismissals.

Discrimination also includes any less favourable treatment of women related to pregnancy or maternity leave (Article 2).

After the end of maternity leave, a woman should be entitled to return to her job or an equivalent post on terms and conditions which are not less favourable to her. A woman should also benefit from any improvement in working conditions to which she would have been entitled during her absence (Article 15).

The Member States who recognise the rights to paternity and/or adoption leave should take all necessary measures to protect working men and women against dismissal due to exercising these rights and to ensure the above mentioned rights regarding return to job (Article 16).

The rules also prohibit harassment and sexual harassment and instructions to discriminate (Article 2).

Occupational social security schemes

Under the directive, there shall be no direct or indirect discrimination on grounds of sex (Article 5) regarding:

- the scope of occupational social security schemes and the conditions of access to them
- the obligation to contribute and the calculation of the contributions
- the calculation of benefits (including supplementary benefits for a spouse or dependants) and the conditions governing the duration and retention of entitlement to benefits.

The law implements the principle of equal treatment for men and women in occupational social security schemes for all the working population (Article 6), including

- self-employed persons
- persons whose activity is interrupted by illness, maternity, accident or involuntary unemployment
- persons seeking employment
- retired and disabled workers and their beneficiaries.

The directive (Article 7) applies to occupational social security schemes protecting against the risks of:

- sickness
- invalidity
- old age, including early retirement

- industrial accidents and occupational diseases
- unemployment

It also covers occupational social security schemes providing for other social benefits, such as survivor's benefits and family allowances if intended for employed people.

It as well applies to pension schemes for public servants if the benefits derive from the employment relationship with the public employer.

The following practices contravene the principle of equal treatment (Article 9):

- determining who may participate in an occupational social security scheme,
- fixing the compulsory or optional nature of participation in a scheme,
- laying down different rules on the age of entry into the scheme or the minimum period of employment or membership of the scheme required to obtain the benefits,
- laying down different rules for the reimbursement of contributions when a worker leaves the scheme prior to fulfilling the conditions for a right to long-term benefits,
- setting different conditions for the granting of benefits or restricting such benefits to workers of one or another of the sexes,
- fixing different retirement ages,
- suspending the retention or acquisition of rights during maternity leave or leave for family reasons which are granted by law or agreement and paid by the employer,
- setting different levels of benefit, workers' contributions and employers' contributions (for exceptions see Article 9.1.h, 9.1.j(i),(ii))
- setting different standards or standards applicable only to workers of a specified sex.

Self-employment

[Directive 2010/41/EU](#) of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC (OJ L 180, 15.7.2010, p. 1).

Directive 2010/41/EU replaces [Directive 86/613](#) (with effect from 5 August 2012) due to recognition that discrimination based on sex and harassment also occur in areas outside salaried work. New directive draws from conclusions that the directive had not satisfactorily achieved its prime objective of **improving the status of assisting spouses**, recognising that the only way to improve recognition for their work is for spouses to be granted **social security entitlements in their own right**.

The directive applies to the areas not covered by Directives 2006/54/EC (employment and occupation) and 79/7/EEC (social security)

The directive lays down a framework for applying the principle of equal treatment between women and men engaged in an activity of self-employed capacity or contributing to the pursuit of such an activity (Article 1). The law applies to **self-employed workers** and the **spouses or life partners of self-employed workers** (Article 2).

Under the directive the principle of equal treatment applies to (Article 4):

- establishment, equipment or extension of a business,
- launching or extension of any other form of self-employed activity.

The Member States shall also take the measures to ensure that the conditions for the establishment of a company between spouses or life partners are not more restrictive than the conditions for establishment of the company between other persons (Article 6).

The directive ensures that, where the system for **social protection** exists for self-employed workers, the spouses and life partners of self-employed workers can also benefit from a social protection (Article 7).

The directive also covers the right to **maternity benefits** for female self-employed workers and female spouses and life partners (Article 8). They shall be granted a sufficient maternity allowance enabling interruptions in their occupational activity due to pregnancy or motherhood for at least 14 weeks. The law defines a sufficient allowance (Article 8.3.). It also ensures that the self-employed workers and their spouses or life partners have access to any existing services supplying temporary replacement enabling interruptions in their occupational activity due to pregnancy and maternity, or to any national social services (Article 8.4.).

Social security and pensions

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

[Directive 79/7](#) aims to ensure that women and men are treated equally in the area of social security and social protection.

The directive applies to the working population and to retired or invalided workers and self-employed persons (Article 2). In practice, the key areas covered are state pensions and state unemployment benefits.

The directive applies to (Article 3):

(a) statutory social security schemes which provide protection against:

- sickness
- invalidity
- the risks of old age
- accidents at work
- unemployment

(b) social assistance, in so far as it is intended to supplement or replace the schemes referred to in (a).

The practical impact of the directive is severely limited by wide **exclusions**, including survivor's benefits, family and childcare benefits, retirement ages, wives' derived entitlements and benefits for dependent wives (Article 7).

Access to goods and services

Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services

[Directive 2004/113/EC](#) enshrines in EU law the principle of equal treatment between men and women in the access to and supply of goods and services.

The prohibition of discrimination (direct and indirect) applies to persons providing goods and services, which are available to the public and which are offered outside the area of private and family life and the transactions carried out in this context. It does not apply to the content of media or advertising or to education (Article 3).

Differences in treatment may be permitted in the provision of goods and services exclusively or primarily to members of one sex if this is **justified by a legitimate aim**, and if appropriate and necessary (Article 4.5.). A legitimate aim could, for example, be the protection of victims of gender-based violence (in cases like the provision of single-sex shelters).

There is also a specific exception for **insurance and related financial services** where gender is used as a determining factor in the assessment of risk based on relevant and accurate actuarial and statistical data. In any event, costs related to risks of pregnancy and maternity should not be attributed to the members of one sex only (Article 5).

Parenthood and work–life balance

Pregnant workers

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 women and workers who have recently given birth or are breastfeeding (OJ L 348, 28.11.1992, p. 1);

Under the [Directive 92/85/EEC](#), pregnant workers, workers who have recently given birth and women who are breastfeeding are recognised as a specific risk group, and their health and safety are protected.

The rules also cover **maternity leave** and **discrimination in the workplace**.

Under the directive the following rules shall apply:

- Women must be protected from types of activities that may pose a specific risk for pregnancy and breastfeeding, such as exposure to dangerous agents, processes or working conditions; if such risks exist they must be assessed and the result of such assessment communicated to female workers and/or their representatives (Article 4, Article 5).
- Women may not be obliged to perform night work during their pregnancy and for a period following childbirth (subject to submission of a medical certificate); instead they should be transferred to daytime work, excused from work or given extended maternity leave (Article 7).
- Maternity leave must be for an uninterrupted period of at least 14 weeks before and/or after delivery, at least two weeks before delivery (Article 8).
- Pregnant workers may take leave from work without loss of pay to attend ante-natal examinations during working hours (Article 9).
- Women may not be dismissed for reasons related to their condition from the beginning of their pregnancy to the end of their maternity leave. In the event of dismissal, the employer must give good grounds in writing. Such workers must be protected from the consequences of unlawful dismissal (Article 10).
- The employment rights relating to the employment contract including the maintenance of a payment to, and/or entitlement to an adequate allowance for such workers must be ensured (Article 11).

Discrimination on grounds of pregnancy is also covered by the legislation on equal treatment in employment and occupation (see above Directive 2006/54/EC, Directive 2010/41/EU).

In 2008 the Commission presented a proposal for a [revised directive on maternity leave](#) which would increase the minimum period of leave from 14 to 18 weeks and recommend paying women 100% of their salary beyond the current minimum of paying at least equivalent to sick pay. In addition, women would have more flexibility over when to take the non-compulsory portion of their leave

(before or after childbirth) and would thus no longer be obliged to take a specific portion of the leave before childbirth, as is presently the case in some Member States. There would be also a stronger protection against dismissal and a right to return to the same job or an equivalent one after maternity leave. A right to ask the employer for flexible working patterns during or after the end of maternity leave would be introduced although the employer would have the right to refuse this request.

The proposal has been discussed and amended by the European Parliament in 2009 and 2010.

Parental leave

Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC (OJ L 68, 18.3.2010, p. 13);

[Directive 2010/18/EU](#) revises and repeals an earlier law on parental leave [Directive 96/34/EC](#). It puts into effect a framework agreement on parental leave concluded by the European Social Partners (UNICE, UEAPME, CEEP and ETUC).

The directive sets out the minimum requirements on **parental leave** for male and female workers, and **related employment protection**, as an important means of reconciling professional and family responsibilities.

Under the directive:

- male and female workers have individual entitlement to parental leave on the grounds of the birth or adoption of a child, enabling them to take care of the child for at least four months; to encourage more equal take-up of leave by both parents, at least one of the four months shall be provided on a non-transferable basis, i.e. it is reserved for each parent (Clause 2);
- at the end of parental leave, workers must have the right to return to the same job or to an equivalent or similar job consistent with their employment contract or relationship (Clause 5);
- workers are protected against any less favourable treatment or dismissal on the grounds of an application for, or the taking of parental leave (Clause 5);
- for better reconciliation, workers also have the right to request changes to their working hours for a limited period; in considering such requests, employers must balance the needs of the workers and the company (Clause 6).

The new rules shall be applied by March 2012 at the latest.

Maintenance obligations

COUNCIL REGULATION (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations

[Council Regulation \(EC\) No 4/2009](#), the so called *Maintenance Regulation* aims to provide for the effective recovery of maintenance in cross-border situations within the European Union.

Its objective is to enable a maintenance creditor to obtain easily, quickly and generally free of charge, an order which can readily be enforced throughout the European Union. It does this by providing for common rules in relation to jurisdiction, applicable law, recognition, enforcement, cooperation and standardised documents.

It covers maintenance obligations which arise from family relationship, parentage, marriage or affinity (Article 1).

Jurisdiction (Articles 3 – 14)

Jurisdiction usually lies with the court of the place where the defendant or the creditor is habitually resident or the court that has jurisdiction for proceedings regarding the status of a person or parental responsibility.

Recognition and enforcement of decisions (Articles 16 – 43)

A decision on maintenance obligations by one Member State is to be recognised in another Member State without any special procedure.

If the decision was taken by a Member State **bound by the Hague Protocol** of 23 November 2007 on the Law Applicable to Maintenance Obligations (Articles 17 – 22), its recognition may not be opposed nor its enforceability subjected to a declaration of enforceability.

A decision that was taken in a Member State **not bound by the 2007 Hague Protocol** (Articles 23 – 38) is enforceable in another Member State once it has been so declared, provided that it is enforceable in the Member State of origin. Any interested party may submit an application for a declaration of enforceability to the court or competent authority of the Member State of enforcement.

Access to justice (Articles 44 – 47)

The parties to a dispute are to have access to justice in other Member States, including the right to legal aid as well as to enforcement, appeal and review procedures. Any proceedings launched through the intermediary of the central authorities of the Member States concerning child maintenance benefit from free legal aid.

Central authorities (Articles 49 – 63)

Each Member State is to appoint a central authority to assist parties in the establishment and recovery of maintenance. The central authorities carry out certain general and certain specific functions. The **general functions** consist of cooperation with each other, promoting cooperation among the competent authorities, solving problems arising from the application of this regulation etc. In facilitating the application of this regulation and in strengthening their cooperation, the central authorities are to use the [European Judicial Network in civil and commercial matters](#). The **specific functions** of central authorities consist of the provision of assistance to parties in relation to the applications available under the regulation. This includes the transmission and reception of these applications, the initiation of the related proceedings for the establishment or modification of maintenance or for the enforcement of a maintenance decision.

This regulation is applicable from 18 June 2011, provided that the 2007 Hague Protocol is already applicable in the Community.

Equality Body

The following directives specify a **body for the promotion of equal treatment** which should be operating in all Member States:

- Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services
- Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)
- Directive 2010/41/EU of the European Parliament and of the Council on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity

Under the law a body or bodies for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds of sex shall exist. These bodies may form part of agencies charged at national level with the defence of human rights or the safeguard of individuals' rights, or the implementation of the principle of equal treatment.

The competencies of the body must include:

- **providing independent assistance to victims of discrimination** in pursuing their complaints about discrimination;
- **conducting independent surveys** concerning discrimination;
- **publishing independent reports and making recommendations** on any issue relating to such discrimination;
- at the appropriate level **exchanging available information** with corresponding European bodies, e.g. European Institute for Gender Equality

Policy framework

Gender equality

Strengthening the commitment to equality between women and men: a Women's Charter

On the occasion of the 2010 International Women's Day and the 15th anniversary of the World Conference on Women the Commission has adopted a [Women's Charter](#) in order to improve the promotion of equality between women and men in Europe and throughout the world.

The Charter proposes five specific fields of action:

1. **Economic independence**, which should be achieved in particular by combating discrimination, educational stereotypes, labour market segregation, precarious employment conditions, involuntary part-time work and the unbalanced sharing of care responsibilities with men. The Commission commits to ensure the full realisation of women's potential and the full use of their skills.
2. **Equal pay** for women and men. The Commission commits to fight against pay gaps by mobilising all available instruments, including legislative instruments.
3. The **representation of women in decision-making and positions of power**, in the public and private sectors. The Commission undertakes to act for fairer representation of women, in particular by adopting incentives at EU level.
4. Respect for **women's dignity and integrity** and end to **gender-based violence**, including harmful customary or traditional practices. The Commission's action is specifically aimed at eliminating inequality in access to healthcare and eradicating all forms of gender-based violence.
5. **External action of the EU** as regards equality between women and men should enable the development of sustainable and democratic societies to be supported. The Commission undertakes to defend equality between women and men in its relations with third countries.

Strategy for equality between women and men 2010-2015

The European Commission adopted a [Strategy for equality between women and men 2010-2015](#) which builds on the experience of the [Roadmap for equality between women and men \(2006-2010\)](#). The Strategy is a comprehensive framework committing the Commission to promote gender equality into all its policies.

The Strategy is supported by the [Background document](#) which provides the context, with an overview of the situation in different areas and an assessment of the impact of the Roadmap.

The Strategy highlights the contribution of gender equality to economic growth and sustainable development, and supports the implementation of the gender equality dimension in the Europe 2020 Strategy.

The Strategy sets out six thematic priorities:

- 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 (gender roles, legislation and governance tools).

It follows the dual approach of gender mainstreaming and specific measures. For each priority area, key actions and detailed proposals for change and progress are described in an Annex: [Actions to implement the Strategy for Equality between Women and Men 2010-2015](#).

In the area of **combating gender based violence** the Commission has committed to:

- Adopt an **EU-wide strategy on combating violence against women** that will aim, for instance, at eradicating female genital mutilation using all appropriate instruments, including criminal law, within the limits of the EU's powers, supported by a Europe-wide awareness-raising campaign on violence against women.

On 6/7 December 2010 the Employment and Social Policy Council adopted conclusions [Support of the implementation of the European Commission's Strategy for equality between women and men 2010-2015](#).

The Council affirms the need to fully and effectively implement the principle of gender mainstreaming in all its work and encourages the European Council to implement systematic and visible gender mainstreaming in its work and to place the subject of gender equality on its agenda before 2015.

The Council invites the Member States to affirm their commitments to the Strategy priority areas and to ensure that those commitments are effectively followed through in their national policies including in their National Reform Programmes in the context of the implementation of the Europe 2020 Strategy.

European Pact for Gender Equality 2011-2020

[European Pact for Gender Equality 2011-2020](#) adapts and improves the first European Pact for Gender Equality adopted in 2006, in particular in the light of the Commission's Strategy for Equality between Women and Men 2010-2015 and the Europe 2020 Strategy for jobs and smart, sustainable and inclusive growth.

The Pact reaffirms the commitment to gender equality in particular to:

1. close the gender gaps in employment and social protection (with a view to meeting the objectives of the Europe 2020 Strategy, especially in the areas of employment, education and promoting social inclusion in particular through the reduction of poverty);
2. promote better work-life balance for women and men;
3. combat all forms of violence against women.

The Member State shall take the measures in the following fields:

Measures to close gender gaps and combat gender segregation in the labour market:

- promote **women's employment in all age brackets** and close gender gaps in employment;
- **eliminate gender stereotypes** and promote gender equality at all levels of education and training, as well as in working life;
- ensure **equal pay** for equal work and work of equal value;
- promote **women's empowerment in political and economic life** and advance women's entrepreneurship;
- encourage the social partners and enterprises to develop and effectively implement **initiatives in favour of gender equality** and promote gender equality plans at the workplace; and

- promote the **equal participation of women and men in decision-making** at all levels and in all fields.

Measures to promote better work-life balance for women and men:

- improve the supply of adequate, affordable, high-quality **childcare services** for children under the mandatory school age;
- improve the provision of **care facilities for other dependants**; and
- promote **flexible working arrangements** and various forms of **leave** for both women and men.

Measures to tackle all forms of violence against women:

- adopt, implement and monitor **strategies with a view to eliminating violence against women**;
- strengthen the **prevention of violence against women** and the **protection of victims and potential victims**, including women from all disadvantaged groups; and
- emphasise the **role and responsibility of men and boys** in the process of eradicating violence against women.

Gender equality perspective and promotion of gender equality policies shall be applied in developing and implementing the National Reform Programmes, especially concerning the Employment Guidelines. Member States shall also make appropriate use of agreed gender equality indicators developed within the Joint Assessment Framework and within the follow-up of the Beijing Platform for Action in all relevant policy areas and processes.

The progress made on the implementation of the European Pact for Gender Equality should be discussed by ministers annually, at the Council level.

Violence against Women

Council conclusions on improving prevention to tackle violence against women and care to its victims within the scope of law enforcement

On 26 April 2010 the General Affairs Council adopted [Conclusions on improving prevention to tackle violence against women and care to its victims within the scope of law enforcement](#).

The Council concluded that further consideration of the following issues could enable Member States to improve their response to tackling violence against women as well as to give more immediate, adequate and efficient protection to victims:

- To make available, in accordance with the national legal framework, to victims, and persons liable to become victims, flexible and safe reporting mechanisms which can ensure confidentiality.
- To implement police operational protocols for dealing with violence against women and victims of violence, using these, alongside other measures, as a basis for evaluation and risk assessment.
- To develop tools able to integrate and coordinate in an efficient way the full range of available operational resources and assistance to prevent acts of violence against women.
- To reinforce cooperation between Member States' competent authorities by means of information exchanges related to cross-border cases of violence against women and to victims of violence with full respect of national and EU data protection provisions.

Council Conclusions on the Eradication of Violence against Women in the European Union

On 8 March 2010 the Employment and Social Policy Council adopted [Conclusions on the Eradication of Violence against Women in the European Union](#).

The Council urged the Member States to:

- continue and update or develop national strategies for tackling violence against women,
- devote appropriate resources to preventing and combating violence against women,
- promote awareness-raising measures and counselling structures,
- ensure that there is no justification of violence on the grounds of customs, traditions or religious considerations,
- provide assistance and protection to victims, including information, medical, psychological and social assistance, help in finding employment, and legal aid,
- ensure that acts of violence against women are prohibited by law and that their perpetrators are prosecuted before the courts,
- ensure early identification, assistance and support, to all victims of trafficking in human beings,
- ensure protection and support for children living in environments where women are subjected to violence,
- develop criteria for preventive intervention and treatment programmes for potential and actual perpetrators of violence against women.

The Council called on the European Commission to devise a European Strategy for preventing and combating violence against women by establishing a general framework of common principles and appropriate instruments and encompassing the following priorities:

- a) Reviewing the current state of the problem of violence against women and its manifestations at the European level.
- b) Identifying common goals and the means to reach them. This includes the collection of comparable EU-wide information so as to support the Member States in the implementation and evaluation of measures and policies.
- c) In this context, the first steps will be taken towards establishing a European Observatory on Violence Against Women, building on existing institutional structures.

The Strategy should pay due attention to the special circumstances of girls, and of women in vulnerable situations. It should also address the need for the coherence of policies in the internal and external actions of the EU as well as for the involvement of NGOs and other relevant actors.

European Parliament resolution on the elimination of violence against women

On 26 November 2009 the European Parliament adopted [Resolution on the elimination of violence against women](#).

The European Parliament urged the Member States to:

- improve their national laws and policies to combat all forms of violence against women, in particular through the development of comprehensive national action plans to combat violence against women, including concrete measures to prevent male violence, protect victims and prosecute perpetrators;
- to provide assistance, under appropriate national programmes and financing schemes, to voluntary bodies and organisations which offer shelter and psychological support to female victims of violence;

- to step up measures to prevent gender-based violence among young people by providing for targeted education campaigns and better cooperation among stakeholders and the various circles affected by the phenomenon, such as families, schools, the public space, and the media;
- to introduce a coherent system for collecting statistics on violence against women, with particular reference to violence against minors, and including murders committed in the context of violence within the family or close relationships; this shall be done in close cooperation with the European Institute for Gender Equality in order to obtain comparable data at the EU level;
- to recognise sexual violence and rape against women, including within marriage and intimate informal relationships and/or where committed by male relatives, as a crime in cases where the victim did not give consent, and to ensure that such offences result in automatic prosecution and reject any reference to cultural, traditional or religious practices or traditions as a mitigating factor in cases of violence against women, including so-called 'crimes of honour' and female genital mutilation;
- to investigate the extreme human rights abuses against Roma women, penalise the perpetrators and provide adequate compensation to victims of forced sterilisation.

The Parliament urged the Council and Commission to establish a clear legal basis for combating all forms of violence against women, including trafficking.

The Parliament called on the Commission to draw up a more coherent EU policy plan to combat all forms of violence against women and to start work on drafting a proposal for a comprehensive directive on action to prevent and combat all forms of violence against women.

<p>EU Guidelines on violence against women and girls and combating all forms of discrimination against them</p>
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In December 2008, the EU adopted [Guidelines on violence against women and girls and combating all forms of discrimination against them](#), which mark the EU's clear political will to treat the subject of women's rights as a priority and to take long-term action in that field.

The operational objectives of the guidelines are to:

- promote gender equality and combat discrimination against women;
- collect data on violence against women and development of indicators
- devise effective, coordinated strategies;
- combat the impunity of perpetrators of violence against women and access to justice for victims.

These guidelines define a set of general approaches that the EU can apply, for example:

- encourage countries to ratify The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and withdraw reservations;
- encourage and support submission of CEDAW reports;
- initiate dialogue and consultations with women's rights defenders and women's organisations;
- encourage women's rights defenders and women's organisations to work on public policies;
- pay particular attention to violence and discrimination against women in the Universal Periodic Review of the Human Rights Council;
- suggest and promote pertinent regional and international instruments.

The EU will also consider taking specific measures if it becomes aware of individual cases of exceptional gravity, in particular violence perpetrated or tolerated by the State contrary to international commitments.

Specific programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk (Daphne III programme: 2007-2013)

The [Daphne III programme](#) aims to prevent and combat all forms of violence (physical, sexual and psychological), occurring in the public or the private domain, towards children, young people and women and to protect the victims and groups at risk. It supplements the existing programmes in the Member States and builds on the policies and objectives of the two previous Daphne programmes

The programme aims in particular to:

- assist and encourage NGOs and other organisations active in combating violence;
- set up multidisciplinary networks with a view to strengthening cooperation between NGOs;
- develop and implement awareness-raising actions targeting specific audiences;
- disseminate the results obtained under the two previous Daphne programmes;
- ensure the exchange of information and good practice, for example through study visits and staff exchange;
- study phenomena related to violence and its impact on victims and society (health-care, social and economic costs);
- develop support programmes for victims and people at risk and intervention programmes for perpetrators.

With a view to achieving these objectives, the programme supports three types of actions:

- actions taken by the Commission: research, opinion polls and surveys, collection and dissemination of data, seminars, conferences and experts meetings, development and maintenance of websites, etc.;
- transnational projects of Community interest involving at least two Member States;
- support to NGOs or other organisations pursuing an aim of general European interest.

The Stockholm Programme: an open and secure Europe serving and protecting citizens

The [Stockholm Programme](#), adopted by the European Council in December 2009, provides a framework for EU action on the issues of citizenship, justice, security, asylum, immigration and visa policy for the period 2010–2014. It calls for a coherent policy response which goes beyond the area of freedom, security and justice. It includes external relations, development cooperation, social affairs and employment, education and health, gender equality and non-discrimination.

The Programme establishes a framework for tackling many of the issues related to violence against women, such as trafficking in human beings, sexual exploitation of women, gender based violence, domestic violence and female genital mutilation.

The Commission [Action Plan Implementing the Stockholm Programme](#) envisages the preparation of a strategy to combat violence against women, domestic violence and female genital mutilation, to be followed by the action plan. The EU strategy shall be launched in 2011/2012 and the suggested timeframe is 2011-15. The planned strategy would enhance the efforts of individual Member States, encourage cross-European activities, and provide a vehicle for the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence.

Employment and social policy

Europe 2020: EU Strategy for smart, sustainable and inclusive growth

On 26 March 2010, the European Council agreed to the European Commission's proposal to launch a new strategy for jobs and growth, [Europe 2020](#), which focuses on the key areas where action is needed to boost Europe's potential for sustainable growth and competitiveness. To that end, the European Council agreed to set 5 EU headline targets:

1. Employment (75% of the 20-64 year-olds to be employed)
2. R&D / innovation (3% of the EU's GDP (public and private combined) to be invested in R&D/innovation)
3. Climate change / energy (20% lower greenhouse emissions than 1990 / 20% of energy from renewables / 20% increase in energy efficiency)
4. Education (Reducing school drop-out rates below 10%; at least 40% of 30-34-year-olds completing third level education)
5. Poverty / social exclusion (at least 20 million fewer people in or at risk of poverty and social exclusion)

Integrated guidelines for the economic and employment policies of the Member States

The [Integrated Guidelines](#) define the framework for the implementation of the Europe 2020 strategy and reforms. The **guidelines for the employment policies of the Member States** form the second part of the Europe 2020 Integrated Guidelines.

The following guidelines address the issues of women and gender equality in the labour market and social inclusion:

Guideline 7: Increasing labour market participation and reducing structural unemployment

Member States should integrate the flexicurity principles endorsed by the European Council into their labour market policies and apply them, making full use of European Social Fund support with a view to increasing labour market participation and combating segmentation and inactivity, **gender inequality**, whilst reducing structural unemployment. Measures to enhance flexibility and security should be both balanced and mutually reinforcing. Member States should therefore introduce a combination of flexible and reliable employment contracts, active labour market policies, effective lifelong learning, policies to promote labour mobility, and **adequate social security systems** to secure professional transitions accompanied by clear rights and responsibilities for the unemployed to actively seek work.

[...]

Member States should increase labour force participation through policies to promote active ageing, **gender equality and equal pay** and labour market integration of young people, disabled, legal migrants and other vulnerable groups. **Work-life balance policies** with the provision of affordable care and innovation in work organisation should be geared to raising employment rates, particularly among youth, older workers and **women, in particular to retain highly skilled women in scientific and technical fields**. Member States should also remove barriers to labour market entry for newcomers, support self-employment and **job creation** in areas including green employment and **care** and promote social innovation.

*The EU headline target, on the basis of which Member States will set their national targets, is of aiming to bring by 2020 to 75% the employment rate **for women and men aged 20-64 including through the greater participation of youth, older workers and low skilled workers and the better integration of legal migrants.***

Guideline 10: Promoting social inclusion and combating poverty

Member States' efforts to reduce poverty should be aimed at promoting full participation in society and economy and extending employment opportunities, making full use of the European Social Fund. Efforts should also concentrate on ensuring **equal opportunities**, including through access to affordable, sustainable and high quality services and public services (including online services, in line with guideline 4) and in particular health care. Member States should put in place effective anti-discrimination measures. Equally, to fight social exclusion, empower people and promote labour market participation, social protection systems, lifelong learning and active inclusion policies should be enhanced to create opportunities at different stages of people's lives and shield them from the risk of exclusion. Social security and pension systems must be modernised to ensure that they can be fully deployed to ensure adequate income support and access to healthcare — thus providing social cohesion — whilst at the same time remaining financially sustainable. Benefit systems should focus on ensuring income security during transitions and reducing poverty, in particular among groups most at risk from social exclusion, such as **one-parent families**, minorities, people with disabilities, children and young people, **elderly women and men**, legal migrants and the homeless. Member States should also actively promote the social economy and social innovation in support of the most vulnerable.

The EU headline target, on the basis of which Member States will set their national targets, is to reduce by 25% the number of Europeans living below the national poverty lines, lifting over 20 million people out of poverty.

Joint Assessment Framework and Employment Performance Monitor

The Employment Committee (EMCO), the Social Protection Committee (SPC) and the Commission developed a proposal of an assessment and monitoring framework for tracking progress towards the headline targets and for assessing progress towards implementing the Integrated Guidelines. In December 2010 EMCO and SPC adopted the [Joint Assessment Framework \(JAF\), including an Employment Performance Monitor \(EPM\)](#), and are committed to its further development.

The JAF should serve for monitoring and assessment of structural reforms under the Employment Guidelines. It should lead to the identification of key employment challenges and potential risk areas. The JAF results should also be seen as a tool to promote multilateral surveillance and support an overall assessment of the situation at EU level.

Due to different sub-areas of Employment Guidelines and the number of themes where the Guidelines overlap between each other the JAF identifies specific (relatively homogenous) policy areas to be monitored, to which relevant indicators can be attached.

Suggested policy areas under Employment Guidelines are (see Table 1 and Annex: Table A1):

1. Increase labour market participation
2. Enhancing labour market functioning, combating segmentation
3. Active labour market policies
- 4. Adequate and employment oriented social security systems**
- 5. Work-life balance**
6. Exploiting job creation possibilities
- 7. Gender equality**
8. Improving skills supply and productivity, lifelong learning
9. Improving education and training systems
10. Wage setting mechanisms and labour cost developments
- 11. Preventing poverty through inclusive labour markets, adequate and sustainable social protection and access to high quality, affordable and sustainable services**
 - a. **Breaking the intergenerational transmission of poverty – tackling child poverty**
 - b. **Active inclusion – tackling poverty in working age**

c. Tackling poverty in old age
12. Social inclusion of groups at special risk and antidiscrimination

In each policy area, progress in the implementation of policies and towards the related objectives will be assessed quantitatively on the basis of a limited number of indicators (see Annex: Table A2). **In view of gender mainstreaming and where appropriate, the indicators should come in a breakdown by gender.**

Gender equality: strengthening growth and employment - input to the post-2010 Lisbon Strategy – Council Conclusions

In December 2009 the Council adopted [conclusions](#) to strengthen the gender dimension in the post-2010 European strategy for growth and jobs and to visibly integrate gender equality in all relevant policy areas.

The Council called on the Member States to take into account the gender dimension of the Employment Guidelines of the European Employment Strategy and of the Common Principles on Flexicurity when implementing reforms, with a view to promoting the equal sharing between women and men of caring and domestic responsibilities. It also called for adoption and implementation of appropriate policies to improve the opportunities for women and men to reconcile work, family and private life, including policies aimed at achieving the 2002 *Barcelona targets for childcare* (providing childcare 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).

European Platform against Poverty and Social Exclusion: A European framework for social and territorial cohesion

The [European Platform against Poverty and Social Exclusion](#) creates a joint commitment among the Member States, EU institutions and the key stakeholders to fight poverty and social exclusion as the key element of the Europe 2020 strategy.

The Platform sets a framework for action to ensure social and territorial cohesion so that the benefits of growth and jobs are widely shared across the EU and people experiencing poverty and social exclusion are enabled to live in dignity and take an active part in society.

Since women account well over a half of the population living below the poverty line, **social inclusion and antidiscrimination**, including **gender equality** represent one of the Platform's cross-cutting policy areas to fight poverty and social exclusion (see p. 9, 10).

Gender pay gap that is visible in most age groups leads to higher rates of poverty in the female population, both in work and out of work. This risk increases dramatically for single mothers and elderly women.

The Commission has committed to intensify efforts to **promote the economic independence of women**, which is the first of the five priorities of its Strategy on equality between women and men for 2010-2015.

Open method of coordination for social protection and social inclusion

The Open Method of Coordination (OMC) in the field of social protection and social inclusion is an instrument of social development in the EU and the Member States. The OMC is used by Member States to support the definition, implementation and evaluation of their social policies and to develop their mutual cooperation, particularly in the context of the Europe 2020 strategy.

In 2008 the Commission proposed [A renewed commitment to social Europe: Reinforcing the Open Method of Coordination for Social Protection and Social Inclusion](#).

The existing open methods of coordination in the fields of social inclusion and pensions, and the current process of co-operation in the field of health and long-term care, are brought together under common objectives and simplified reporting procedures.

The overarching objectives of the Open Method of co-ordination for social protection and social inclusion are to promote:

- **social cohesion, equality between men and women and equal opportunities for all** through adequate, accessible, financially sustainable, adaptable and efficient social protection systems and social inclusion policies;
- effective and mutual interaction between the Lisbon objectives of greater economic growth, more and better jobs and greater social cohesion, and with the EU's Sustainable Development Strategy;
- good governance, transparency and the involvement of stakeholders in the design, implementation and monitoring of policy.

One of the means to strengthen the Social OMC is to **mainstream social policy** considerations throughout EU policies. The Commission will pursue its own efforts to produce robust impact assessments on each new policy initiative, and in this context pay particular attention to **social impacts**, also drawing on the specific experience already gained in the EU on gender mainstreaming. Furthermore, the Commission will enhance **statistical capacity and data collection**, particularly in areas where comparable data are lacking or insufficient. For example, existing EU-wide surveys must be reviewed in order better to cover material deprivation (including digital exclusion), household wealth, the situation of migrants, the transition from work to retirement; to collect data on life expectancy by socio-economic status; and to improve the availability and analysis of **data disaggregated by gender**.

European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe

The [European Disability Strategy](#) provides a framework for action at European level, as well as with national action to address the diverse situation of men, women and children with disabilities.

[The Initial plan to implement the European Disability Strategy 2010-2020 - List of Actions 2010-2015](#) presents the specific objectives identified in the strategy and the different actions foreseen to achieve them. The following actions concern also gender issues:

Employment

- Explore possibility of stronger focus on women and men with disabilities in Commission employment relevant publications;
- Analysis of the employment effects of informal and family care, with particular attention to gender issues;
- Address employment matters of women and men with disabilities in the EU institutions.

Education and training

- Raise disability matters in the context of the Open Method of Coordination on education, with due attention to the specific needs of women and men with disabilities.

Social protection

- Promote cooperation, peer review and good practice exchange on disability issues, with due attention to gender differences.

Health

- Develop indicators to monitor quality and accessibility of health care services for women and men with disabilities involving the service users perspective;
- Raise disability awareness and specific knowledge among health professionals, considering the specific needs of female and male patients;

- Support research on healthcare provision to women and men with disabilities through health work programmes in FP7 and FP8.

Council Conclusions on the Indicators in respect of Women and Poverty

In 2007, in the process of the Review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action the EPSCO Council adopted [Conclusions on the Indicators in respect of Women and Poverty](#).

The following three indicators were adopted to monitor poverty and social exclusion of women in the EU:

1. At-risk-of-poverty rate by age and sex
2. At-risk-of-poverty rate by type of household and sex, including at-risk-of-poverty rate of single parents with dependent children
3. Inactivity by age and sex
 - a) share of women and men who are inactive by age
 - b) share of inactive women and men who are not looking for a job for family care reasons

The further action shall be taken in the following areas:

- to reinforce the systematic implementation and monitoring of gender mainstreaming in the Social OMC, including in the National Reports on Strategies for Social Protection and Social Inclusion and the Joint Report on Social Protection and Social Inclusion;
- to analyse the gender impact of their social protection systems, in particular when undergoing reforms, in order to ensure that they are not discriminatory, and that they are transparent and well adapted to the needs and aspirations of women and men;
- to analyse the gender impact of the Member States social protection systems, in particular when undergoing reforms;
- to further develop statistics and methodology and undertake research on the issue of poverty and social exclusion of women and men.

Council Conclusions on Balanced roles of women and men for jobs, growth and social cohesion

In 2007, the EPSCO Council adopted the conclusions: [Balanced roles of women and men for jobs, growth and social cohesion](#).

Further action shall be taken in particular to:

- enforce the gender dimension in the Lisbon Strategy in order to achieve women's full participation in the labour market;
- promote effective policies for reconciliation of work, family and private life for women and men, including the creation of and access to quality childcare services and social services and care for elderly and other dependants;
- promote the implementation of existing legislation and policy measures to ensure equal pay and close the gender pay gap;
- encourage and support women's entrepreneurship;
- use fully all appropriate funds for the promotion of gender equality and for removing gender-based segregation;
- monitor and develop comparable EU data, e.g. on childcare services, time spent on paid work and family responsibilities by women and men.

Council Conclusions on Equal opportunities for women and men: active and dignified ageing

In 2009, the EPSCO Council adopted conclusions [Equal opportunities for women and men: active and dignified ageing](#) to address the issue of older women and men, who face serious challenges as they seek to live active lives and to age with dignity. The main challenges are related to employment arrangements and opportunities, stereotypes, poverty, risk of violence, healthcare and family care for dependants.

Further action should be taken in the following areas:

- Mainstreaming gender into health policies and ensuring access to affordable healthcare;
- Make the use of the potential of older men and women and to reduce their risk of poverty, especially that of women;
- Promote the use of new information technologies by older people;
- Ensure quality care services including home care for older persons, taking into account the different needs of older women and men;
- Combat the discrimination that older women and men face in the labour market;
- Fight any form of gender-based violence against women;
- Promote active ageing policies for older workers, taking account of the different situations of women and men.

OTHER RELEVANT DOCUMENTS:

Manual for Gender Mainstreaming Employment, and Social Inclusion and Social Protection Policies (European Commission, 2008)

<http://ec.europa.eu/social/main.jsp?catId=421&langId=en&pubId=70&type=2&furtherPubs=yes>

Report on Progress on Equality between Women and Men in 2010 (European Commission, 2011)

http://ec.europa.eu/justice/gender-equality/document/index_en.htm

Opinion on the EU strategy on violence against women and girls (Advisory Committee on Equal Opportunities for Women and Men, 2010)

<http://ec.europa.eu/social/keyDocuments.jsp?type=0&policyArea=0&subCategory=0&country=0&year=0&advSearchKey=adcopinon&mode=advancedSubmit&langId=en>

Opinion on the gender perspective on the response to the economic and financial crisis (Advisory Committee on Equal Opportunities for Women and Men, 2009)

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