

THE FUTURE GENDER EQUALITY STRATEGY

The European Commission has committed to issue a Gender Equality Strategy for March 2020, in order to provide EU-wide policy guidelines for achieving gender equality. Equinet welcomes this initiative, which comes as a strong political signal in favour of a gender equal Europe. In the post-#MeToo era, it is crucial that the European Union continues to position itself as a leader in the field of gender equality.

It should be highlighted that all the five key areas for action from the current Strategic Engagement for Gender Equality (2016-2019) remain relevant and should be kept and strengthened in the future Gender Equality Strategy. This Policy Brief also provides inputs for new areas to develop.

Equality bodies work directly with victims of gender discrimination and are mandated, by EU law, to promote equality all over the EU. They have an **invaluable wealth of practical expertise** for achieving gender equality in Europe. Based on their experience and direct inputs, Equinet has identified a number of **horizontal policy priorities** that could usefully be reflected in the future Gender Equality Strategy.

HORIZONTAL POLICY PRIORITIES

1. **Access to justice** should be ensured and strengthened for all, specifically in cases of sex discrimination, harassment, violence, hate speech and hate crimes. Access to justice implies to combat under-reporting and to provide legal aid, especially for the most vulnerable groups of women.
2. **Structural and institutional discrimination** should also be combatted at EU level, in particular to uncover and address systemic forms of exclusion in the way institutions conduct their business and policy processes are ordered and driven.

3. The EU should **strive** to achieve **substantive gender equality** in Europe, where discrimination is combated, the practical and policy implications of diversity and inclusion are understood and accommodated, and positive action is deployed to achieve positive outcomes for discriminated groups.
4. The Gender Equality Strategy should foster **change in culture and cultural norms**, establishing and pursuing creative and cutting-edge approaches to shifting public and political discourse, and addressing the backlash against equality and human rights.
5. The Strategy should be **intersectional**, understanding and addressing the lived reality of the most vulnerable women, and taking into account their various situations, experiences and needs.
6. Finally, the Strategy should ensure **substantial financial investment** in gender equality.

Equinet has also identified **seven thematic policy priorities** that require special attention in the future Gender Equality Policy.

THEMATIC POLICY PRIORITIES

The gender pay gap

The concept of equal pay has been protected since 1957, as it was already included in the Treaty of the Economic European Community. Yet, in 2017, women's gross hourly earnings were on average 16.0 % below those of men in the EU. The gender pay gap is persisting all over the EU and closing it should remain a priority for the European Commission.

Equality bodies are mandated by EU law to combat gender-based discrimination in remuneration. They protect victims of discrimination in cases of unequal pay.¹ They can directly liaise with employers, labour inspectorates and/or courts, and are therefore central actors for cases of pay discrimination. They monitor the implementation of the law on equal pay, and issue reports and recommendations to policy-makers in order to improve the law.

In sum, equality bodies are both **watchdogs and advocates for closing the gender pay gap**.

Based on their extensive expertise on the topic, equality bodies recommend that:

1. Binding legislation on pay transparency is adopted at European and Member States levels.
2. The equal pay for work of equal value provisions in equal treatment legislation are more effectively implemented
3. European and national statistics on the gender pay gap are regularly published.

¹ Equinet, How to Build a Case on Equal Pay, 2016.

4. Concrete steps are taken, in the Gender Equality Strategy, to reduce the gender pension gap.
5. Concrete steps are taken, in the Gender Equality Strategy, to combat gender stereotypes that lead to a horizontally segregated labour market with women typically being over-represented in low-paid sectors.
6. Encourage Member States to implement preventive duties addressing equal pay, which should include requirements to conduct analysis and take action to address pay differentials identified, as well as addressing pay structures and composition.

Work-Life Balance

The reconciliation of work and family life is a crucial issue to ensure the realisation of a gender equal Europe. The lack of adequate parental leave, paternity leave and carers' leave can increase gender inequalities, and often have a deep impact on women in the labour market. Workers who are parents and carers still face unfavourable treatment and discrimination in their workplace and report a lack of information and support in many Member States. The recently adopted Work-Life Directive aims at improving the lived realities of parents and workers, for instance by introducing paternity leave all over the EU and ensuring that parents and carers are not discriminated for taking leave or requesting flexible working arrangements.

Equality bodies are actively working to safeguard a fair work-life balance and to eliminate discrimination in recruitment based on motherhood and parenthood, but also pregnancy-related or leave-related discrimination. This has been formalized by giving them an explicit role in the new Work-Life Balance Directive.

Equality bodies promote an inclusive approach to work-life balance, which includes mothers, fathers, parents and carers. The future Gender Equality Strategy should strive to be as inclusive as possible, also taking into account the existence of diverse types of families, including LGBTI families and single parents. It must also be underlined that when it comes to work-life balance, some vulnerable groups require stronger protection and this need should be explicitly **acknowledged in the Gender Equality Strategy.**

In order to **achieve an equal share of care responsibilities**, and to eliminate the care penalty, equality bodies, based on their experience, recommend that:

1. The implementation of the Work-Life Balance Directive is closely monitored.
2. Equality bodies are meaningfully involved in the implementation and the monitoring of the Work-Life Balance Directive.²
3. The Gender Equality Strategy actively promotes protection against pregnancy-related discrimination, parenthood-related discrimination and leave-re

² [Directive \(EU\) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU](#)

lated discrimination. Good practices on these issues are promoted, as well as positive duties to tackle these forms of discrimination.

4. Cooperation between equality bodies and labour inspectorates is consistently strengthened.
5. Awareness-raising on equal sharing of the burden of care is conducted in the EU to change mindsets and encourage better work-life balance for all.

Women in Poverty

Gender inequalities and poverty are intrinsically linked, and form part of a vicious cycle. Because of gender inequalities, women have access to fewer resources, less well-paid and more precarious jobs, if they manage to access the job market at all. Poverty leads women to experience more frequent instances of violence and discrimination, including in access to justice or access to healthcare and social services. Depending on various criteria (age, ethnic origin, disability, etc.) some women have an even higher risk of living in poverty and experiencing discrimination. The Gender Equality Strategy must ensure that the particularly precarious situation of groups such as Roma women, women with disabilities, women with low pensions, rural women, women working in SMEs, migrant women and Muslim women are taken into account and ensure that they are protected against poverty, violence and discrimination.

Because of their mandate and the scope of their work, equality bodies can often help identifying the specific needs and injustices suffered by various groups of women in poverty. They can directly assist them when they are unfairly treated, but they can also issue recommendations, and advocate for targeted affirmative measures.

In order to **break the cycle of poverty and gender inequalities**, the experience of equality bodies points to a need to:

1. Recognise socio-economic status as a potential ground for discrimination and its intersection with the ground of gender.
2. Mainstream gender sensitive measures in anti-poverty policies to benefit women.

Gender-based violence, violence against women and sexual harassment

The main source of violence against women is the unequal distribution of power between women and men, which results in discrimination against women. Equality bodies can therefore make significant contributions to the efforts to combat **gender-based violence as the most drastic form of gender discrimination**.

Most equality bodies have a mandate to work in the area of **gender-based harassment and sexual harassment**, which are explicitly mentioned as forms of discrimination in the EU Equal Treatment Directives. Others also have a mandate to assist victims of gender-based violence.

Equality bodies have a wealth of valuable expertise, and can organise awareness-raising campaigns, make recommendations to duty bearers, train relevant actors (including civil servants and school teachers) to tackle various forms of violence, cooperate and exchange with other institutions and stakeholders, and produce informative and practical tools for professionals, victims and the general public.

Based on this extensive expertise and on all the good practices developed by equality bodies,³ equality bodies point to a need to:

A/ On gender-based violence

1. Regularly collect and publish comparable and disaggregated data on violence against women (Eurostat, Eurobarometer, FRA, etc.), possibly every five years.
2. Create national and European femicides observatories: to collect data and establish or designate existing bodies on the national level in order to systematically analyse cases and identify remaining gaps.
3. Extend or adapt existing EU legislation to combat online violence and harassment.
4. Ratify the [Istanbul Convention](#) at national and EU level, as the most comprehensive treaty in the area of violence against women.
5. Ensure adequacy, including adequate funding, of support services.
6. Enhance access to justice for victims of gender-based violence, by training law enforcement staff, combatting under-reporting and providing adequate legal aid for victims.

B/ On sexual harassment

1. Regularly collect and publish comparable and disaggregated data on sexual harassment at work (Eurostat, Eurobarometer, FRA, etc.), possibly every five years.
2. Encourage EU Member States to ratify the [ILO Convention on Violence and Harassment](#).
3. Consider explicitly requiring the reversal of the burden of proof for cases of sexual harassment in the workplace.
4. Introduce a mandatory duty on employers to take reasonable steps to protect workers from harassment and victimisation in the workplace.
5. Ensure that confidentiality agreements do not prevent disclosure of future acts of discrimination, harassment or victimisation.
6. Increase resources, independence and legal powers of equality bodies to combat sexual harassment in the workplace. Ensure that the intersectional aspect of harassment is adequately taken into account by the Gender Equality Strategy (with a particular focus on women with disabilities, women from ethnic minorities, Muslim women, migrant women and women working in precarious jobs).

³ Equinet, Tackling Gender-Based Violence and Violence Against Women: Equality Bodies' Contribution, 2019

Combatting Gender Stereotypes

Gender stereotypes are at the origin of the persistence of sexism and gender inequalities. A successful Gender Equality Strategy which aims at achieving substantive equality in the EU must address the issue of gender stereotypes and prejudices, and how to tackle them.

Because they are mandated to ensure equality is promoted and protected in the EU, equality bodies can play a pivotal role in challenging gender stereotypes. For instance, in the field of education⁴ they can support schools in making equality plans and gender mainstreaming; they can ensure school curricula in general, and school books specifically, are gender sensitive; and they can train teachers to avoid the perpetuation of stereotypes at school. Equality bodies can also work with the media and support general awareness raising campaigns to tackle stereotypes.

In order to **combat gender stereotypes in the EU**, the experience of equality bodies points to a need to:

1. Develop an EU survey on sexism, to identify general trends and challenges at EU level.
2. Strengthen data collection and research on gender-based discrimination in schools and school curricula.
3. Encourage Member States to mainstream gender equality in school curricula and develop tools for schools, teachers and families.
4. Fund national programmes to combat gender stereotypes.
5. Encourage the creation of codes of conduct to avoid stereotypes in the media.
6. Support regular awareness-raising campaigns in the media to tackle stereotypes.

Digitalisation and Artificial Intelligence

The increased use of artificial intelligence, machine learning and algorithmic decision-making in the private and public sectors in the EU is fostering unprecedented legal and policy challenges. Algorithmic discrimination is one of the main risks induced by AI, and equality bodies have a crucial role to play to counter it. Because they are experts in the field of anti-discrimination and equality, equality bodies should be at the center of the process of making digitalization fairer and more ethical.

Equality bodies have already started to commission research and studies on the implications of AI for equality (including gender equality),⁵ and some of them have used their powers to issue opinions on some practices in the public and private sector. Some equality bodies are also collaborating directly with essential actors in the fight against algorithmic discrimination, including governmental bodies, banks, insurance companies and the financial sector. If given the adequate resources,

4 Equinet, Equality in the Classroom: Equality Bodies and Gender Equality in Education,

5 Upcoming Equinet report, Regulating AI: the new role for equality bodies, 2020.

equality bodies have the potential to provide anti-discrimination trainings to relevant AI actors, to identify legal gaps, or to initiate strategic litigation which challenges discriminatory technology.

Equality bodies can also bring an equality perspective to digitalization in general, by supporting the work to combat online violence against women, or by highlighting the lack of accessibility to digital tools, in particular for migrant women, elderly women and disabled women.

In order to ensure that **digitalization in the EU is fair and gender equal**, the experience of equality bodies points to a need to:

1. Mainstream a gender-sensitive approach into AI, ensuring that the datasets used, the training of AI and the use of AI all enhance and not undermine gender equality.
2. Conduct an EU wide analysis on the legal gaps regarding AI and the principle of non-discrimination.
3. Ensure a fair balance between digitalization and data protection.
4. Foster collaboration between regulators on the issue of digitalization: equality bodies, regulators in the field of data protection, consumer protection, employment rights, health care and financial services.
5. Encourage Member States, when there are no contentious legal issues, to develop national ethical principles on AI, in collaboration with equality bodies.
6. Foster access to new technologies for the most marginalized groups of women, for instance by providing them with free training.

Sexual and Reproductive Health and Rights

In order to achieve substantive gender equality, the Gender Equality Strategy must guarantee equal and fair access to health in the EU, including sexual and reproductive health. The specific needs and challenges faced by some groups in equal access to health should be taken into account. For instance, lesbian, bisexual and single women should not face discrimination when accessing In Vitro Fertilization. Across the EU, access to medical transition for transgender and non-binary people should be provided. The Strategy should also take into account the lived realities of Roma women, who often face violence and forced sterilization.

Equality bodies can provide practical expertise and issue recommendations on health-care discrimination. In order to ensure that **the EU provides fair access to sexual and reproductive rights**, the experience of equality bodies points to a need to:

1. Prevent discrimination of lesbian, bisexual, and single women undergoing IVF.
2. Ensure access to medical transition for transgender and non-binary people without humiliating conditions.
3. Prevent genital mutilation for intersex people.
4. Effectively protect everyone, in particular Roma women and trans persons from forced sterilization.