

Preface

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Gender equality, understood as equal rights, responsibilities and opportunities for women and men, is still a chimera in several parts of the world. International organization and NGOs alike denounce gender imbalances in terms of education, access to work, type of jobs, lower pay, and so on. Indexes such as the Gender Inequality Index, the Gender Related Development Index or the Gender Empowerment Measure¹ portray the image of a world in which a lot still needs to be done to reach gender equality. In the worst cases this turns into gender-based violence, one of the gravest human rights violations.

The situation in Europe is in several respects better than that in other areas of the world, but not such that we can give up attention to this topic. Women's participation in the economic and political environment of their country at top levels is still limited to a minority. Among the first 50 countries for gender equality, 4 out of the first 10 are members of the European Union (EU) (Finland, Sweden, Ireland, Denmark). However, in the rest of the EU the situation is much worse: among the first 50 countries only 15 are EU members. France ranks 57th, Italy 80th; Greece 83rd, far behind countries such as Nicaragua (9th), Mozambique (23rd), Burundi (24th) or Kazakhstan (31th) (*Global Gender Gap Report* 2012). The gap is particularly evident in the economic and political areas. Employment rates for women are lower than for men (62% vs 75%) and their salary is 17.5% lower than that of their male colleagues. Very few are the women in the European companies' managing boards (16% in 2012) and even less are President of these companies (3%). In the large majority of European countries, the percentage of women in parliament is much lower than the parity: if in Sweden 45% parliamentarians are women, in France the percentage is 20%, in Slovenia 11%, in Greece 17%, in Poland 18%, (*Gender Inequality Index* 2011). Given this situation and given the importance of the EU in terms of both active policies, and model it could represent, what is the policy of the EU in the field and what its own performance in terms of gender equality?

¹ http://hdr.undp.org/en/statistics/indices/gdi_gem/

The aim of this volume is precisely to provide an overview of both EU gender policies and gender balance in EU institutions. This analysis is long due. As a matter of fact, although a huge amount of literature analyses the EU's institutional framework and internal and external policies (e.g. Jørgensen et al 2007; Wallace et al. 2010), scarce attention has been paid to its gender dimension. This task seems particularly urgent given the importance of the EU in setting standards of conduct in Europe and beyond.

To be honest, the EU has devoted attention to gender issues since the beginning (Kantola 2010), an example of this being the Treaty of Rome's clause on equal pay between men and women. The initial EU's approach was one focusing attention on equal opportunities and anti-discrimination, mainly concerned with women's employment rights. This approach has gradually shifted towards the crosscut principle of 'gender mainstreaming'. The principle involves ensuring that gender perspectives and attention to the goal of gender equality are central to all activities. Such a principle has been mainly applied to evaluate policies, but its implications are much larger. As a matter of fact, the EU has an impact on gender issues not only through its purposeful adoption of gender anti-discrimination policies (both within the EU and in its foreign policy), but also promoting legislation and debates that have a gendered and gendering character and therefore produce 'acceptable' understandings of feminization and masculinization. At the same time, legislation and discourses on gender at the subnational, national and transnational level have a relevant impact on gender policies at the EU level. This framework makes policy (any policy) in the EU highly complex and interesting at the same time. Frequently, national cultures and styles interact among themselves, with those developed at the EU (institutional) level and with further international actors to produce something new. This has been partially the case also for gender protection in the EU. The EU legislation on gender protection has been influenced by international trends, the diversified national regimes at the level of the Member States and the influence and pressure of crucial EU institutions such as the European Parliament, the Commission and the Court of Justice. EU Member States' gender regimes range from the Nordic egalitarian regimes, to the Centre-Eastern Europe's conservative welfare states, to the Mediterranean model, to the British liberal conservative pattern (Roth 2008, Lombardo and Forest 2012). This variety inevitably influences the Union's own gender regime, as defined by both hard and soft law: while the former comprises primary law, treaties, directives and the rulings of the European Court of Justice that are all binding measures on Member States, the latter is formed by documents and recommendations that although based on the power to persuade through the dissemination of good practices, result nonetheless powerful in setting trends. By and large, as will emerge throughout this work, the EU gender regime which emerges from this complex network is characterized by the co-existence of anti-discrimina-

tion law, positive action and gender mainstreaming. While historically the EU has focused on the labour market, the introduction of soft law has gradually expanded the original, narrow scope to include gender violence and stereotypes; gender mainstreaming, in turn, has required European actors to recognize the gender dimension and impact of all policy fields. The Amsterdam Treaty represents a further legitimization and expansion, from the hard law point of view, of the UE commitment toward anti-discrimination. The inclusion of race, ethnicity, religion, age, disability and sexual orientation along with the traditional national and gender dimensions of equality, has fostered the adoption of a ‘multiple discriminations’ approach in the EU gender policy.

When trying to assess the concrete ways in which the EU has tackled gender inequalities, fundamental achievements co-exist with structural limits: together, they draw a picture of mixed and even contradictory trends and results (Van Der Vleuten 2007). Among the achievements, an increased women’s participation in the labour market as well as a better representation of women in the political sphere and in decision-making processes. Women’s organizations, movements and agencies have been playing a crucial role in lobbying and mainstreaming gender equality with the result that certain issues (like violence against women) have been successfully included in the Union’s political agenda. Despite these undoubted results, many are the challenges that still need to be tackled: gender segregation (vertical and horizontal) in the labour market, a high pay gap, women’s low presence in the European companies’ managing boards, job typologies that penalize women’s security and pension’s schemes, are just few examples of open problems. Gender role’s patterns that still assign women the almost exclusive responsibility in family care, expose them to a higher risk of poverty and require a stronger action in devising more effective life-work balance policies. Gender inequalities do not concern only the economic, political and social sphere but extend to civil rights as well. The first step to tackle these problems is to know them better and to better explore what has been already done and achieved. This work is a small but hopefully useful contribution in this direction.

Volume Outline

The work is organized in three parts: the first essay, by Alessandra Viviani, Professor at the University of Siena, consists of three sections. The first one is dedicated to the EU gender equality policy and describes the evolution of the EU legal system concerning gender equality, starting with the development of the Directives on equal pay to the more recent steps of the EU institutions. The analysis points out at the different role EU institutions have played in shaping the European policy on gender equality. The second section gives an

overview of the question of representation within the EU institutions. In particular, data are provided about women participation in the EU Parliament, Commission and European Court of Justice. The analysis shows that these figures have increased in the last decades, but women are still underrepresented within all EU institutions. The section also considers that there is a strict connection between women representation at national level (high variability) and women representation within European Commission and Council. Finally, it deals with the question of gender rights as human rights. The human rights approach to gender issues is considered by the author as capable of having a great impact within EU policy, by giving the EU institutions the chance to deal with particularly sensitive areas such as women trafficking and violence against women. Focusing on gender when debating human rights issues enables the EU to overcome its original labour market orientation when discussing and implementing actions regarding women representation.

The second contribution, by Simon Duke, Professor at Maastricht University, considers gender balance in the specific context of the European External Action Service (EEAS). The essay is arranged around a number of inter-related sections which are designed to explore the notion of balance and, indeed, what an 'adequate balance' might comprise. It portrays gender balance at the EEAS, especially at the administrative grades. The contribution suggests that there have been some improvements in gender balance, even in the short life of the Service, but that any further significant changes should be seen as part of a longer-term strategic 'rebalancing'.

The third essay, written by Marta Martinelli, researcher at the Open Society European Policy Institute in Brussels, focuses on the EU approach to gender protection in its external policies (such as human rights, development and peace and security). The author sustains that although an acceleration of gender mainstreaming in all EU policies, documentation and programming from the late 1990s and early 2000s has led to a favourable environment for gender protection in EU external policies (so much so that the EU is now a major actor within the field), the transformative effects of gender mainstreaming remain relatively limited. Far from being exhaustive, the work nevertheless tackles relevant and unavoidable aspects of the gender/EU relationship thus offering a useful tool for the readers to orientate themselves in the lights and shadows of the European polity.

References

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