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Women's Rights and Gender Equality:

Basic information

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1. GENDER EQUALITY IN THE TREATIES

1.1 Gender equality after the Treaty of Rome

The principle of equal treatment of women and men was first adopted by the European Community in Article 141 (ex Article 119) of the Treaty of Rome, as the right of "equal pay for equal work". This provision, although of a limited scope, evolved progressively since 1975 into a number of Community instruments, which clarified and developed this basic principle of Community law:

- **Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women**, which supplements Article 141 by requiring equal pay for "work to which equal value is attributed";
- **Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions**, which expands the scope of Article 141 by establishing the principle of equal treatment regarding access to employment and providing an opportunity for positive action measures;
- **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**, which implements progressively the principle of equal treatment with regard to statutory social security schemes;
- **Council Directive 86/378/EEC of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes (amended by Directive 96/97/EC of 20 December 1996)**, which implements the principle of equal treatment in occupational schemes of social security. This directive was amended on 20 December 1996;
- **Council Directive 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood**, which implements the principle of equal treatment between women and men carrying out a self-employed activity, including agricultural activity;
- **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 workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16(1) of Directive 81/391/EEC)**, improving the health and safety of workers who are pregnant or have recently given birth;
- **Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC, aiming at reconciling family and working life**. This was the first directive implementing a framework agreement concluded by the social partners at Community level;

- **Council Directive 97/75/EC of 15 December 1997 amending and extending, to the United Kingdom of Great Britain and Northern Ireland, Directive 96/34/EC on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC;**
- **Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex**, where the onus is on defendants accused of discrimination at work to prove that the principle of equal treatment has not been violated;
- **Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC, aiming at reconciling family and working life and implementing a framework agreement concluded by the social partners at Community level.**

1.2 Gender equality after the Amsterdam Treaty

With the entry into force of the Amsterdam Treaty on 1 May 1999, the European commitment to gender equality was strengthened. The Amsterdam Treaty was particularly important with respect to furthering equality of women and men throughout the EU and constituted a major step forward with respect to implementing equality in the work force:

- **Article 2 of the EC Treaty**, proclaims the promotion of "equality between women and men" as a fundamental task of the Community;
- **Article 3 paragraph 2**, provides for the elimination of gender inequalities in Community objectives, strategies and actions, namely that in all of the 21 specific activities listed under Article 3 paragraph 1, the Community should aim to eliminate inequalities and to promote equality between men and women. The gender mainstreaming approach was thus laid down in the EC Treaty;
- **Article 141 paragraph 1**, stating that equal pay should apply not only to equal work, but also to work of equal value;
- **Article 137 paragraph 1**, calls for the Community to support Member states actions to promote "equality between women and men with regard to labour market opportunities and treatment at work";
- **Article 141, paragraph 3**, applies equal opportunities and equal treatment in matters of employment and occupation, including the principle of equal pay for equal work or work of equal value. These measures will be adopted under the co-decision procedure. Article 141 constitutes the legal basis for Community measures for equal opportunities and equal treatment of men and women in matters of employment.
- **Article 141 paragraph 4**, provides for the adoption of "measures providing for specific advantages in order to make it easier for the under-represented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers".
- **Article 13**, explicitly mandates action to combat discrimination based on sex inter alia. Unlike Article 137(1) and Article 141, measures pursuant to Article 13 are subject to unanimity, with Parliament merely being consulted.

The following legislative acts concerning gender equality were adopted based on the provisions in the Amsterdam Treaty:

- **Directive 2002/73/EC of the European Parliament and the Council of 23 September 2002, amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions**, which is due to be implemented by 5 October 2005.
- **Regulation No 806/2004/EC of the European Parliament and of the Council of on promoting gender equality in development cooperation**, which was adopted on 21 April 2004 pursuant to Article 179 EC Treaty (development cooperation policy). This Regulation aims at implementing the gender mainstreaming principle.
- The European Parliament was also consulted in view of the adoption of a **Council directive implementing the principle of equal treatment between women and men in the access to and supply of goods and services**.

Bearing in mind that the application of laws is insufficient in itself to promote de facto equality, efforts have been deployed to promote specific measures aimed at promoting equality between women and men, through successive multiannual action programmes:

- **Council Decision of 20 December 2000 establishing a Programme relating to the Community framework strategy on gender equality (2001-2005)**, which was adopted by the Council after consulting the European Parliament, pursuant to Article 13 EC Treaty. It establishes the **Fifth Action Programme on gender equality** with the aim to promote and disseminate the values and practices underlying gender equality, to improve the understanding of this issue, to develop the capacity of players to promote gender equality effectively and to facilitate the implementation of the **Community Framework Strategy on gender equality**;
- **Decision No 803/2004/EC of the European Parliament and of the Council adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme)**, which was adopted pursuant to Article 152 EC Treaty (public health policy). It substantially contributes to the development of EU policy on combating violence and incorporates all the experience acquired since 1999 during the first phase of this action programme.

1.3 Gender equality after the Nice Treaty

The Nice Treaty barely tackles the issue of gender equality and it does not extend the legal basis of gender equality beyond the employment sector. However, a new paragraph to Article 13 EC was introduced, where the Council may use the co-decision procedure set out in Article 251 EC Treaty to adopt, by qualified majority, Community incentive measures in support of anti-discrimination measures taken by the Member States. In this respect, a new **Decision No 848/2004/EC of the European Parliament and of the Council establishing a Community action programme to promote organisations active at European level in the field of equality for men and women** was adopted on 29 April 2004, pursuant to Article 13 paragraph 2 EC Treaty.

1.4 Gender equality in the Lisbon Treaty

The changes introduced by the Lisbon Treaty in the field of women's rights and gender equality mainly concern two issues: the affirmation of the very principle of gender equality and the EU policies in the field of gender equality¹.

The **Treaty on European Union** (TEU) reaffirms the principle of equality between women and men and includes it in the values and objectives of the Union.

- **Article 2** provides that the European Union is "a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail", and
- **Article 3 paragraph 3**, second indent provides that the Union "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."

In Title II of the **Treaty on the Functioning of the European Union** (TFEU) on the "Provisions having general application", two articles refer to gender equality.

- **Article 8** provides for gender mainstreaming in all EU policies, stating that "in all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women", whereas the current Treaty establishing the European Community contains the same article but only for the Community activities listed in Article 3 of the Treaty.
- **Article 10** also provides that "in defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation". Such a horizontal article does not exist in the current Treaties.

The Charter of Fundamental Rights of the European Union, which is given the same legal value as the Treaties by Article 6 of the TEU, also includes the principle of equality between women and men.

- **Article 23** of the Charter provides that "equality between women and men must be ensured in all areas, including employment, work and pay" but also that "the principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex".
- The **first paragraph of Article 21** also provides that "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 shall be prohibited."

The Treaty on the Functioning of the European Union provides for some changes as regards the policy area within the remit of the Committee on Women's Rights and Gender Equality.

Article 19 of the TFEU provides for a modification in the legislative procedure in the field of non-discrimination. The current Article 13 of the Treaty establishing the European Community provides for consultation of the European Parliament. The first paragraph of Article 19 of the TFEU provides that "(...) the Council acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation." With this new procedure, the Parliament will have to agree before the Council can adopt

¹ Extract from the note on the Impact of the Lisbon Treaty on FEMM policy area of 14.4.2008 (Hélène Calers, Policy Department C, DG IPOL, European Parliament)

a text.

As regards trafficking in human beings, some provisions are currently included in the third pillar, which means that the Parliament is consulted.

A new procedure is included in the Treaty on the Functioning of the European Union. Articles 79 and 83 **provide that the Council and the Parliament will act in accordance with the ordinary legislative procedure (i.e. co-decision)** to:

- adopt measures in "combating trafficking in persons, in particular women and children"
- "establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis". This includes "trafficking in human beings and sexual exploitation of women and children".

Article 5 of the Charter on Fundamental Rights on the prohibition of slavery and forced labour also refers to trafficking: paragraph 3 provides that "trafficking in human beings is prohibited".

The Charter also **includes provisions related to maternity**, which highlight the rights of pregnant women and mothers.

The paragraph 2 of Article 33 provides that, "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".

Moreover, paragraph 1 of Article 34 on social security and social assistance provides that "the Union recognises and respects the entitlement to social security benefits and social services providing protection in cases such as maternity (...)".

Finally, the Member States agreed on **a Declaration** highlighting their **political commitment to combat domestic violence**. This Declaration provides that "the Conference agrees that, in its general efforts to eliminate inequalities between women and men, the Union will aim in its different policies to combat all kinds of domestic violence. The Member States should take all necessary measures to prevent and punish these criminal acts and to support and protect the victims."

The Lisbon Treaty will only enter into force once it has been ratified by all the Member States in accordance with their respective constitutional provisions (parliamentary approval and/or referendum).

2. RECENT AND FORTHCOMING EUROPEAN COMMISSION'S ACTIVITIES ON GENDER EQUALITY

A number of strategic documents and legislative proposals have been put forward by the Commission in the last 5 years in the field of Gender Equality. Among those:

2.1 Roadmap for Equality between Women and Men (2006-2010)

The purpose of this roadmap is to drive the gender equality agenda forward. It builds on the Framework Strategy for equality between women and men 2001-2005.

The roadmap defines some existing areas and proposes other completely new areas of action. A total of **six priority areas** have been selected:

- **Equal economic independence for women and men,**
- **Reconciliation of private and professional life,**
- **Equal representation in decision-making,**
- **Eradication of all forms of gender-based violence,**
- **Elimination of gender stereotypes,**
- **Promotion of gender equality in external and development policies.**

➤ **Equal economic independence for women and men**

Despite the significant progress made thanks to equal treatment legislation and the social dialogue, Europe still faces considerable challenges in achieving equal economic independence for women and men. The Commission has set its objectives around **six key points**.

- Some of the Lisbon targets relate to the gender dimension, but the efforts made to achieve them must be strengthened, particularly as regards employment and unemployment rates for women.
- Despite existing Community legislation, there is still about 17% pay gap between women and men which arises from structural inequalities such as segregation in work sectors.
- Women constitute, on average, 30% of entrepreneurs in the EU. They often face greater difficulties than men in accessing finance and training.
- The risk of poverty is greater for women than for men, as they are more likely to have interrupted careers and, therefore, fewer rights. Social protection systems should allow women to accumulate adequate individual pension rights.
- Women and men are confronted with different health risks. Medical research and many safety and health standards relate more to men and male-dominated work areas.
- Combating multiple discrimination against immigrant and ethnic minority women.

➤ **Reconciliation of private and professional life**

The Commission analysis and proposals in this area are:

- Flexible working arrangements offer many advantages. However, the fact that far more women than men make use of such arrangements has a negative impact on their position in the workplace and their economic independence.
- The result of demographic decline is that the EU cannot afford any waste of human capital. Better childcare facilities make it possible to find a new work-life balance.
- Few men take parental leave or work part-time. Measures should be taken to encourage them to take up family responsibilities.

➤ **Equal representation in decision-making**

The Commission considers that:

- Women's persistent under-representation in civil society, politics and senior management in public administration is a democratic deficit.
- A balanced participation can contribute to a more productive and innovative work culture. Transparency in promotion processes is essential.
- Reaching the target, set by the Member States, of 25% women in leading positions in public sector research can contribute to increasing the innovation, quality and competitiveness of research.

➤ **Eradication of all forms of gender-based violence**

The Commission stressed that:

- Practices such as female genital mutilation or early and forced marriages are breaches of the fundamental right to life, safety, freedom, dignity and physical and emotional integrity.
- To combat trafficking in women, the Commission suggests criminalising such traffic through appropriate legislation, at the same time as discouraging the demand for human beings for sexual exploitation. The new Directive on residence permits for victims of trafficking will provide a tool for reintegrating them into the labour market.

➤ **Elimination of gender stereotypes**

The Commission considers necessary to eliminate gender stereotypes:

- In education and culture: Young people should be encouraged to explore non-traditional educational paths, to avoid placing women in occupations that are less valued and less well paid.
- In the labour market: Women still face both horizontal and vertical segregation. They continue to be employed in sectors that are less valued, and they generally occupy the lower echelons of the organisational hierarchy.
- In the media.

➤ **Promotion of gender equality in external and development policies**

In the Commission's view, when promoting equality in external and development policies, it is necessary to differentiate between acceding, candidate and potential candidate countries, and other countries which may take part in the European Neighbourhood Policy. The former must enforce the Community acquis, whereas in the case of the latter, the EU seeks to promote internationally recognised principles such as the Millennium Development Declaration and the Beijing Platform for Action. It has also reaffirmed, in the "European Consensus on Development", that gender equality is one of the five key principles of development policy. The new EU Strategy for Africa also includes this aspect.

2.2 Annual report on Equality between Women and Men

Equality between women and men in Europe is still a two-sided balance. In terms of quantity, there is without a doubt constant progress in the situation of women: their participation in the labour market continues to grow and their qualifications are now higher than those of men. In terms of quality, however, many challenges remain, particularly as regards the pay gap, labour market segregation and the reconciliation of professional and private life. The annual report looks at the main developments in the past year, identifies future problems and sets guidelines for dealing with them.

The 2009 report is the sixth report on equality between women and men and the second to cover the enlarged European Union (EU) of 27 Member States.

Gender gap main developments in recent years:

The figures for recent years show that the situation of women on the labour market in Europe is subject to two-tier development:

- Major progress in terms of quantity, on the one hand;
- Quality of employment remaining unfavourable in many respects on the other hand.

Female employment in the EU is now **close to the Lisbon objective of 60% by 2010**, having increased from 51.1% in 1997 to 58.3% in 2007. However there are **major differences between Member States, with figures varying from 36,9% to 73,2%.**

- 7.5 of the 12 million new jobs created since 2000 are held by women;
- The female employment rate is currently 58.3%
- The percentage of women employees working part-time was 31.2% in 2007, four times higher than men.
- The employment rate for women over 55 years has increased more rapidly than that for men in the same age range (it is currently 34.8%, i.e. an increase of 7.4 points in comparison to 2000);
- A significant narrowing of the employment rate gap between men and women, falling from 17.1 points in 2000 to 14.2 points in 2007. But if one compares the employment rate of women and men with children under 12 to care for, this gender gap is almost doubled.

This point, given the fact that women have better success rates at school and university (59%), generally raises the question of **the quality of work for women:**

- One of the consequences of gender segregation on the labour market is the persisting gender pay gap (17.4% on average in the EU).
- Sectoral and occupational segregation by gender is not diminishing and is even increasing in some countries;
- The proportion of female managers in businesses has stagnated at approx. 30% and there is very little progression in the numbers of female politicians;
- The proportion of women directors of top quoted company boards is 3% across the EU, while one in ten company board members is a woman.
- The balance between professional and private life remains precarious (the employment rate for mothers with young children is only 62.4% compared with 91.4% for fathers);
- 76.5% of part-time workers are women;
- Recourse to temporary work is also more common among women (15.1% compared with approximately 14% for men).

This occupational imbalance is not without effect on the social situation of women:

- Long-term unemployment is still more common among women (4.5% compared with 3.5% for men);
- The risk of poverty, particularly among women over the age of 65 (21%, i.e. 5% more than for men), is reinforced by shorter, slower and less well-paid careers.

The report stresses the need to significantly improve the quality of employment for women, while confirming the progress achieved in terms of quantity. With this in mind, and in particular **through the new cycle of the European Strategy for Growth and Jobs, it advocates concentrating structural, legislative and financial efforts on:**

- Reducing differences in pay;
- Encouraging equal sharing of private and family responsibilities between women and men;
- Health and welfare at work;
- Action to combat stereotypes linked to gender and cultural origin;
- Tackling stereotypes to enable women and men to use their full potential;
- Promoting equal participation of women and men;
- Creating higher awareness and better understanding of gender equality.

2.3 DAPHNE III programme

Combating violence towards children, adolescents and women: Daphne III programme (2007-2013)

The Daphne III programme aims to prevent and combat all forms of violence, especially of a physical, sexual or psychological nature, against children, young people and women. It also aims to protect victims and groups at risk to attain a high level of physical and mental health protection, well-being and social cohesion throughout the European Union. This programme is the third phase of the Daphne programme and covers the period 2007-2013.

The programme budget amounts to EUR 116.85 million for the period 2007-2013.

Scope and access to the programme

The beneficiaries of the programme are children, young people (12 to 25 years old) and women who are, or risk becoming, victims of violence. These categories are considered as victims of violence, including in cases where they witness a near relative being assaulted.

The programme is designed for target groups, such as families, teachers, social workers, police, medical staff, judicial staff, non-governmental organisations (NGOs) and public authorities.

It is open to the Member States of the EU and the European Free Trade Association (EFTA) States that are parties to the European Economic Area (EEA) Agreement, as well as, under certain conditions, to the candidate countries and the countries of the Balkans.

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.

Community funding may take the form of:

- Grants (operating grants and grants to actions) on the basis of calls for proposals;
- Public procurement contracts for complementary measures (e.g. expenditure on information and communication, monitoring and evaluation) to cover the purchase of services and goods.

The Commission will adopt an annual work programme setting its priorities and propose an indicative breakdown of the funds to be awarded to grants. It will also publish an annual list of the projects funded under the programme.

Daphne III complements the programmes Security and Safeguarding Liberties and the 7th Research and Development Framework Programme, the programmes PROGRESS and Safer Internet Plus and the activities of the European Institute for Gender Equality.

Evaluation

The Commission will present an interim evaluation report to Parliament and the Council on the implementation of the projects and their results (not later than 31 March 2011) and an ex-post evaluation report on the implementation and results of the programme (not later than 31 December 2014). It will also present a communication on the continuation of the programme not later than 31 May 2012.

2.4 European Institute for Gender Equality (EIGE)

The European Institute for Gender Equality was set up on 20 December 2006 in response to a request from the June 2004 European Council and from the European Parliament. The EIGE will assist the European institutions and the Member States in the promotion of gender equality in all Community policies and resulting national policies and in the fight against discrimination based on sex. The Institute will also raise the profile of such issues among Union citizens. The EIGE will play a vital role in providing the expertise needed to develop equality policies across the European Union.

The main aim of the Institute is to help:

- Promote and strengthen gender equality;
- Include gender mainstreaming in all Community policies and resulting national policies;
- Fight discrimination based on sex;
- Raise EU citizens' awareness.

According to the EIGE's founding Regulation, this help will basically take the form of technical assistance provided to the Community institutions, particularly the Commission, and to the authorities of the Member States.

Missions and tasks

➤ **Collection, analysis and dissemination of information**

The main activities of the Institute for Gender Equality will be to collect, record, analyse and disseminate information on gender equality Community-wide. On the basis of strict criteria, it will develop **methods** to improve the objectivity, comparability and reliability of data at European level. On the basis of the objective, reliable and comparable information collected it will develop methodological tools to support the integration of gender equality into all Community policies. The collection and analysis of information will extend to international organisations and third countries in order to enable a more comprehensive understanding of gender issues outside the European Union.

The aim here is also to support the Community¹² in its efforts to integrate gender equality into the

areas of external relations and development cooperation. It will, finally, carry out surveys on the situation in Europe as regards gender equality.

➤ **Promotion of dialogue at European level**

The Institute will also organise activities to foster the exchange of experience and the development of dialogue at European level with all relevant stakeholders, such as Community and Member State institutions, the social partners, non-governmental organisations, research centres, etc.

To be more specific, it will:

- Set up and coordinate a European network on gender equality;
- Organise ad hoc meetings of experts;
- Encourage the exchange of information among researchers and promote the inclusion of a gender perspective in their research;
- Develop dialogue and cooperation with non-governmental and equal opportunities organisations, universities, experts, research centres, and the social partners.

➤ **Raising of public awareness**

The Institute will help organise conferences, campaigns and meetings at European level in order to raise EU citizens' awareness of gender equality. Each event will produce conclusions to be presented to the Commission. Furthermore, the general public will be informed through access to information on the issue of gender equality, notably through a documentation centre and a website. It will, finally, disseminate information aimed at highlighting non-stereotypical roles for women and men in every walk of life.

➤ **Operation of the Institute**

The Institute will perform its tasks within the framework of Community powers and in accordance with the EU's priorities in the field of gender equality. The Institute will be organised in such a way as to operate independently from national authorities, civil society and the Community institutions, thereby ensuring transparency of action. The Institute has legal personality and comprises a Management Board, a Director and the staff, and an Advisory Forum. Its seat has been established in Vilnius (Lithuania).

Pursuant to article 12(1) of the Regulation, the candidate Director of the Institute, Ms Langbakk made a statement in front of the FEMM Committee in the European Parliament on 12 January 2009. Ms Langbakk took up her functions in April 2009.

The Institute should have been fully operational from 18 January 2008, but a delay in its establishment has occurred. It is now in the process of recruiting staff and of appointing the members of the Advisory Forum.

2.5 *PROGRESS* programme

Community programme for employment and solidarity - PROGRESS (2007-2013)

The aim of the PROGRESS programme is to provide financial support for the implementation of the European Union's objectives in the field of employment and social affairs. It will thus contribute to the achievement of the Lisbon Strategy objectives. PROGRESS will finance analysis, mutual learning, awareness-raising and dissemination activities, as well as assistance for the main players over the period 2007-2013.

The programme will be divided into five sections corresponding to five main fields of activity:

- Employment,

- Social protection and inclusion,
- Working conditions,
- diversity and combating discrimination,
- **and equality between women and men.**

Until the establishment of the PROGRESS programme, Community activities in the fields of employment, social inclusion and protection, promoting gender equality and the principle of non-discrimination had been supported by separate action programmes.

Equality between women and men under the PROGRESS programme

This section of the PROGRESS programme will support the effective implementation of the principle of gender equality and promote gender mainstreaming in EU policies by:

- Improving the understanding of the situation in relation to gender equality issues and gender mainstreaming, in particular through analysis and studies and the development of statistics and indicators, as well as assessing the impact of existing legislation, policies and practices;
- Supporting the implementation of EU gender equality legislation through effective monitoring, holding seminars for those working in the field and networking amongst specialised equality bodies;
- Raising awareness, disseminating information and promoting debate about the key challenges and policy issues in relation to gender equality and gender mainstreaming among the social partners, NGOs and other stakeholders;
- Developing the capacity of key European level networks to support and further develop Community policy goals and strategies on gender equality.

Financing

The budget is EUR 657 590 000 for the period 2007-2013 for the whole programme. The breakdown of funding between the different sections will comply with the following lower limits:

- Employment 23%
- Social protection and inclusion 30%
- Working conditions 10%
- Diversity and combating discrimination 23%
- **Gender equality 12%.**

The remaining 2% will be used to cover programme management expenses.

2.6 Current legislative proposals before the European Parliament

In March 2006, the European Council stressed the need for a better balance between work and private life in order to achieve economic growth, prosperity and competitiveness, and approved the European Pact for Gender Equality. In December 2007 and March 2008, the Council called on the Commission to evaluate the legal framework supporting reconciliation and the possible need for improvement in this area and reiterated that further efforts should be made to reconcile work with private and family life for both women and men.

In October 2008, the European Commission presented new proposals aiming at reconciliation of professional and family life, the so called "family package". The Commission's work-life balance package consists of four main parts:

- A policy document (communication) explaining the background and context,
- Two legislative proposals (to revise existing directives), and
- A report on progress made by EU countries towards the so-called 'Barcelona targets' for childcare provision.

Directive on equal treatment between men and women engaged in an activity in a self-employed capacity

On 6 May 2009, the European Parliament adopted by 550 votes to 14 with 57 abstentions the report by Astrid LULLING (EPP-ED, LU) and the legislative resolution amending, under the first reading of co-decision procedure, the proposal for a directive 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 and repealing Directive 86/613/EEC.

The adoption of the political agreement by the Council is scheduled for the Employment, Social Affairs, health and Consumers Council of 30 November 2009.

Maternity leave Directive

The Committee on Women's Rights and Gender Equality adopted the report drawn up by Edite ESTRELA (PES, PT) amending, under the first reading of co-decision procedure, the proposal for a directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding. EP plenary then decided on 6 May 2009 to refer the report back to the FEMM Committee, which will now have to adopt a new report.

Decision on preventing and combating trafficking in human beings and protecting victims

A proposal for amending the Council Framework Decision on trafficking in human beings has been put forward by the Commission at the end of March 2009 and has been allocated to LIBE as lead committee. The FEMM Committee has been asked for an opinion on the proposed framework decision.

2.7 Forthcoming actions by the European Commission

According to the Commission's 2009 work programme two legislative proposals relevant for the activities of the Committee on Women's Rights and Gender Equality will be put forward in the next months:

- Proposal for a Directive to give effect to the **framework agreement** concluded by Business Europe, EUC, CEEP and UEAMPE amending the framework Directive concluded by UNICE, ETUC and CEEP attached to Council Directive 96/34/EC **for a Directive on Parental Leave** (scheduled for adoption by the Commission in July 2009)
- Proposal for a **Directive** providing for **paternity, adopting and filial leave** (scheduled for adoption by the Commission in the fourth trimester of 2009)

2.8 Useful links to EU documents and legislation on Gender Equality

✓ [Communication from the Commission to](#) 15 [the Council, the European Parliament, the](#)

[European Economic and Social Committee and the Committee of the Regions - A Roadmap for equality between women and men 2006-2010 \[COM\(2006\) 92 final\]](#).

✓ [Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 27 February 2009, Equality between women and men - 2009 \[SEC\(2009\)165\]](#).

✓ [Decision No 779/2007/EC of the European Parliament and of the Council of 20 June 2007 establishing for the period 2007-2013 a specific programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk \(Daphne III programme\) as part of the General Programme Fundamental Rights and Justice \[OJ L 173 of 3.7.2007\]](#)

✓ [Regulation \(EC\) No 1922/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a European Institute for Gender Equality \[OJ L 403 of 30.12.2006\]](#)

✓ [Decision No 1672/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Community Programme for Employment and Social Solidarity -- PROGRESS \[OJ L 315 of 15.11.2006\]](#).

✓ [Proposal for a Directive 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 and repealing Directive 86/613/EEC \[COM\(2008\)0636 final\]](#)

✓ Lulling report → Report adopted report by plenary on 6.5.2009
[Report on the Proposal for a Directive 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 and repealing Directive 86/613/EEC](#)

✓ [Proposal for a directive of the European Parliament and of the Council on amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding \[COM\(2008\)0637\]](#)

✓ Estrela report → Report adopted by FEMM Committee on 16.4.2009
[Report on the proposal for a directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding](#)

✓ [Proposal for a Council Framework decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA \[COM\(2009\)136 final\]](#)

3. RECENT AND FORTHCOMING COUNCIL PRESIDENCIES' ACTIVITIES ON GENDER EQUALITY

3.1 Background:

A number of actions and targets with the objective of improving gender equality in several policy areas had been taken by the EU Member States since the beginning of the years 2000. Among these it is important to recall the following:

- The commitment taken by the Lisbon European Council (2000) to **increase the employment rate for women to 60% by 2010 and to redress the gender imbalance in the labour market, in the context of the Lisbon Strategy;**
- The commitment taken by the Barcelona European Council (2002) to **remove disincentives to female labour force participation** and strive, taking into account the demand for childcare facilities and in line with national patterns of provision, **and to provide by 2010 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;**
- The **request** from the 2003 Spring European Council **that the Commission prepares, in collaboration with the EU Member States, an annual report to the Spring European Council on developments towards gender equality and orientations for the gender mainstreaming of all policy areas;**
- The agreement achieved at the Education, Youth and Culture Council in 2003 on the **objective of increasing :the total number of graduates in mathematics, science and technology in the European by at least 15% by 2010, while at the same time the level of gender imbalance should decrease;**

3.2 Actions and initiatives taken in the most recent years:

The trend mentioned above continued also in the more recent years with important initiatives such as:

- In the context of the 10-year review of the Beijing Platform for Action (PFA), the EU Ministers responsible for Gender Equality, on **4 February 2005 adopted a common Declaration** which, inter alia, **reaffirms the strong support for and commitment to the full and effective implementation of the Beijing Declaration and Platform for Action.** Building on that Declaration, **in June 2005**, the Council invited Member States and the Commission to strengthen institutional mechanisms for promoting gender equality and to create a framework to assess the implementation of the PFA in order to create a more consistent and systematic monitoring of progress and invited the **Commission to include the assessment of relevant indicators, developed for the follow-up of the implementation of the Beijing Platform for Action, in its annual report to the Spring European Council;**
- The **invitation** from the Competitiveness Council of **April 2005** to the Member States to set the aim, as a first step, **of increasing the proportion of women in leading positions in the public sector to 25%**, and of boosting their participation in industrial research and technology;

- **In June 2005** the European 17 Commission proposed that an **annual**

High-level Equality Summit be organised for Ministers, chairs of national equality bodies, chairs of NGOs at EU level, EU social partners and representatives of international organisations. The first summit took place in Berlin in 2007 in conjunction with the launching of the 2007 European Year of Equal Opportunities for All. The second Equality Summit was held in Paris in autumn 2008. **The third Equality Summit is scheduled to be held in Stockholm on 16-17 November 2009.**

- **The 2006 Spring European Council stated that Gender Equality policy was vital to economic growth, wellbeing and competitiveness and, with that in view, adopted a European Pact for Gender Equality.**

The Pact aims at encouraging action on Member State and Union level in the following fields:

- Measures to close gender gaps and combat gender stereotypes in the labour market;
- Measures to promote a better work-life balance for all;
- Measures to reinforce governance through gender mainstreaming and better monitoring

The European Pact for Gender Equality, as well as the Annual Report on Equality between Women and Men, should be integrated into the established follow-up mechanisms of the Partnership for Growth and Employment and aim to promote the implementation of gender mainstreaming in actions taken within the strategy.

- **The 2007 Spring European Council established a European Alliance for Families** as a platform for the Member States to exchange opinions and information in the area of family-friendly initiatives;
- **On 15 May 2007, Germany, Portugal and Slovenia signed a Trio Presidency Declaration on the promotion of Gender Equality in the European Union and on supporting the reinforcement of the gender dimension in the Lisbon Strategy for growth and jobs.** The elimination of gender stereotypes was identified as the connecting theme of the gender equality work undertaken by the Trio Presidency. In this context, the challenges faced by women and especially by men in response to changing gender role models was one of the key issues addressed at the Informal Meeting of Ministers for Gender Equality and Family Affairs under the German Presidency on 15-16 May 2007; a European expert conference on “Entrepreneurship and Employability – Gender Stereotypes” was organised by the Portuguese Presidency on 3 October 2007; on 30 January 2008, the Slovenian EU Presidency organised a Europe-wide conference entitled “Elimination of Gender Stereotypes – Mission (Im)Possible?”.
- At the Employment, Social Policy, Health and Consumers Affairs (EPSCO) Council of **8-9-June 2009, the EU Ministers adopted conclusions on "Equal opportunities for women and men: active and dignified ageing"**, in which they call on “the Member States to take women's higher exposure to the risk of poverty, especially in old age, into account, especially when reforming their pension systems; in doing so, the Member States are encouraged to ensure that pension systems take into account the situation of women and men who interrupt their careers due to caring obligations, and to avoid creating new dependency traps;”

The focus of the gender equality ministers' work during the Swedish Presidency will be directed at the **importance of gender equality for economic growth and employment**. Other important issues include **initiatives to counter men's violence against women and following up the UN action plan for gender equality, the Beijing Platform for Action**. The Presidency will also work for a **decision to be taken on the two draft directives currently under discussion between the co-legislators**: equal treatment of self-employed women and men (LULLING report – first reading adopted by the EP on 6 May 2009) and measures to improve health and safety in the workplace for workers who are pregnant, have recently given birth or are breastfeeding (ESTRELA report – adopted by FEMM Committee on 16 April 2009 and referred back to committee by the EP plenary on 6 May 2009).

3.4 *Useful links*

- ✓ [European Pact for Gender Equality \(European Council March 2006 - annex II\)](#)
- ✓ [European Council – Presidency Conclusions](#)
- ✓ [EPSCO Council - Press releases](#)
- ✓ [EPSCO Council 8-9 June 2009 – Council Conclusions on Equal opportunities for women and men: active and dignified ageing](#)
- ✓ [Swedish Presidency Programme](#)

4. WOMEN'S RIGHTS AND GENDER EQUALITY IN THE UN SYSTEM

Efforts to advance women's rights around the world have long had a global dimension. The first transnational feminist networks emerged as early as the mid-nineteenth century, with goals like gaining the right to vote for women, promoting peace, and securing legislation on women's work outside the home. At the same time, a variety of international organizations have identified gender equality as a central policy concern, many upon their founding. A key actor in this regard has been the United Nations (UN). Within the first year of its existence, the UN Economic and Social Council (ECOSOC) established the Commission on the Status of Women (CSW). The main effects of CSW's activities have been the formation of a wide range of new transnational feminist networks, as well as an expansion in the policy areas identified by the UN and its various bodies as crucial to women's social, economic, and political empowerment.

4.1 Platform for Action signed in Beijing (1995)

The Platform for Action signed in Beijing (1995) focused on twelve 'strategic objectives', which can be regrouped in two new 'meta-strategies' for achieving equality between women and men. In particular:

- The concept of “**equal participation in decision-making**” which is described in the Platform for Action as “a leverage function without which it is highly unlikely that a real integration of the equality dimension in government policy-making is feasible. [It] is not only a demand for simple justice or democracy but can also be seen as a necessary condition for women's interests to be taken into account” (UN1995).
- The notion of “**gender mainstreaming**”, which is defined as applying “a gender perspective in all policies and programmes so that, before decisions are taken, an analysis is made of the effects on women and men, respectively” (UN 1995).

Viewed in conjunction with one another, these strategies suggest that gender equality cannot be achieved without (1) the inclusion of women as policy-makers and (2) the consideration of the gendered implications of all public policies.

See: <http://www.un.org/esa/gopher-data/conf/fwcw/off/a--20.en>

4.2 Millennium Development Goals (MDG)

At the United Nations Millennium Declaration - September 2000, the following development goals were adopted:

- Eradicate extreme poverty and hunger,
- Achieve universal primary education,
- Promote gender equality and empower women,
- Reduce child mortality,
- Improve maternal health,
- Combat HIV/AIDS, malaria, and other diseases,
- Ensure environmental sustainability,
- Develop a global partnership for development.

The goals have been commonly accepted as a framework for measuring development progress. They were meant as benchmarks for measuring results, not just for developing countries but also for the rich ones that help to fund development programmes and for the multilateral institutions that help countries implementing them. The first seven goals are mutually reinforcing and are directed at reducing poverty in all its forms. The last goal-global "partnership for development" is about the means to achieve the first seven.

See: <http://www.un.org/millenniumgoals/>

The EU

The commitment of the EU is to achieve the "0.7 GNP recommendation" for the financing of the goals. In the context of gender equality, the EU aims to link the millennium development goals to the targets of the Platform for Action signed in Beijing, to develop relevant indicators for each area and to evaluate progress.

Following the signature of the Beijing Platform for Action, the Madrid European Council (December 1995) requested an annual review of the implementation in the Member States of the Platform. On 2 December 1998, the Council agreed that the annual assessment of the implementation of the Platform for Action would include a proposal on a set of quantitative and qualitative indicators and benchmarks. It has since become a traditional exercise for the Presidencies and since 2006 the exercise has become bi-annual. The specific themes analysed in this context have been: "Women's participation in the power and decision-making process" (1999), "Reconciliation of family life and working life" (2000), "Unequal pay" (2001), "Domestic violence against women" (2002), "Women and men in economic decision-making" (2003), "Sexual harassment at the workplace" (2004), "Women and health" (2006), "Institutional mechanisms" (2006), "Education and training of women" (2007); and "Women and poverty" (2007).

4.3 Follow-up to the Beijing Platform for Action (Beijing + 5)

The twenty-third special session of the General Assembly on "Women 2000: gender equality, development and peace for the twenty-first century" took place at the United Nations Headquarters in New York from 5 June to 9 June 2000 and adopted a Political Declaration and outcome document entitled "further actions and initiatives to implement the Beijing Declaration and Platform for Action".

The outcome of the twenty-third special session of the General Assembly pointed out that in many countries "national machineries have been instituted or strengthened and recognised as the institutional base acting as catalysts for promoting gender equality, gender mainstreaming and monitoring of the implementation of the Platform Action...". While it was pointed out that "progress has been achieved in terms of visibility, status, outreach and coordination of activities of these machineries", obstacles to the effectiveness of the national machineries were also revealed in many countries. These included inadequate financial and human resources, lack of political will and commitment at the highest level, insufficient understanding of gender equality and mainstreaming among government structures, unclear mandates, and structural and communication problems within and among government agencies.

See: <http://www.un.org/womenwatch/daw/followup/ress233e.pdf>

4.4 Follow-up to the Beijing Platform for Action (Beijing + 10)

In 2005, Member States of the United Nations carried out a ten-year review of progress in implementation of the Beijing Declaration and Platform for Action at the 49th session of the CSW. A report of the Secretary General: Review of the implementation of the Beijing Platform for Action and the outcome document of the special session of the General Assembly entitled Women 2000: gender equality, development and peace for the twenty-first century (E/CN.6/2005/2), covered the 12 Critical Areas of Concern and emerging issues identified at the twenty third special session of the General Assembly.

As the outcome of the ten-year review, the CSW adopted a Declaration which reaffirmed the Beijing Declaration and Platform for Action; welcomed the progress made while stressing the remaining obstacles and challenges; and pledged to undertake further action to ensure full and accelerated implementation. The Declaration further stressed that full and effective implementation is essential for achieving the internationally-agreed development goals, including those contained in the Millennium Declaration, and recognized that the implementation of the Beijing Declaration and Platform for Action and the fulfilment of the commitments under the Convention on the Elimination of All Forms of Discrimination against Women are mutually reinforcing in achieving gender equality and the empowerment of women. The Declaration called on the United Nations system, international and regional organizations, all sectors of civil society, including non-governmental organizations, as well as all women and men, to fully commit themselves and to intensify their contributions to the implementation of the Beijing Declaration and Platform for Action.

See: <http://daccessdds.un.org/doc/UNDOC/LTD/N05/254/52/PDF/N0525452.pdf?OpenElement>

FEMM Committee of the European Parliament:

An ad hoc delegation of the FEMM committee of the European Parliament took part in the 49th session of the UN Commission on the Status of Women held from 28 February to 11 March 2005 in New York, the objective of which was to review the implementation of the Beijing Platform for Action 10 years after its introduction. The Committee also participated in preparations for the 49th session at a conference organised in Luxembourg by the Luxembourg Presidency on 2 and 3 February 2005.

The key strands of the committee's position were set out in the European Parliament resolution of 10 March 2005, which called inter alia for:

- Ratification by the Member States of the UN Convention on the Elimination of All Forms of Discrimination against Women,
- Greater participation by women in the economic, political and social decision-making process,
- Implementation of gender mainstreaming and gender-based budgeting in Community legislation.

See: <http://www.europarl.europa.eu/oeil/file.jsp?id=5220522> and also:
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2005-0073+0+DOC+XML+V0/EN>

The follow-up to the Platform for Action adopted at the Fourth World Conference on Women was the subject of a series of oral questions put to the Commission and the Council within the context of the European Parliament debate on International Women's Day, 8 March 2005.

In the context of the 10-year review of the Beijing Platform for Action, the EU ministers responsible for gender equality, on 4 February 2005 adopted a common declaration which, inter alia, reaffirms the strong support for and commitment to the full and effective implementation of the Beijing Declaration and Platform for Action. In its conclusion on the Beijing Platform for Action, the Council of the EU encouraged Member States and the Commission to develop methods and tools for gender mainstreaming, such as gender budgeting, gender audit and gender impact assessment as a priority for the future and to further develop gender expertise and gender training. Amongst other things, it also urged that a gender perspective should be fully taken into account during the high-level review of the Millennium Declaration and integrated through the seven strategic priorities identified in the Millennium Projects in order to empower women and meet the Millennium Development Goals. In December 2007, the Council invited the Member States and the Commission to regularly review progress on issues on which indicators have already been adopted at EU level, starting with "Women and decision-making" and "The reconciliation of work, family and private life". This review was conducted by the Slovenian Presidency in the first semester 2008 for the first issue and by the French Presidency in the second semester 2008 for the second issue.

See: <http://www.europarl.europa.eu/oeil/file.jsp?id=5220522>

4.5 Follow-up to the Beijing Platform for Action (Beijing + 15)

Swedish presidency:

For the autumn of 2009, the unit for Gender Equality at the Swedish Ministry of Integration and Gender Equality has been given the task of analysing the follow-up of the Beijing Platform for Action. The work is headed by Director Marianne Laxén, and an expert group of Justices of the Supreme Administrative Court, researchers and statisticians has been tied to the project. Ph. D. Lenita Freidenvall, Stockholm University, has been appointed coordinator of the research group. The report will be presented for the first time at a UN conference in November 2009 and then in the CSW meeting in March 2010.

In December 2009 at the meeting of Equity Ministers, the Council of the European Union is expected to adopt conclusions based on the mentioned report.

See: <http://www.eu2009.se/>

4.6 Useful links

European Parliament's resolutions

- ✓ [Gender mainstreaming in EU external relations and peace-building / nation-building](#)
- ✓ [Gender equality and women empowerment in development cooperation](#)
- ✓ [Development perspectives on peace-building and nation building in post-conflict situations](#)
- ✓ [Women in international policy](#)
- ✓ [Perspectives of women in international trade](#)

- ✓ [The situation of women in armed conflicts and their role in the reconstruction and the democratic process in countries after a conflict](#)
- ✓ [ORAL QUESTION on the follow up of the Fourth World Conference on Women Platform for Action \(Beijing + 10\)](#)
- ✓ [Violation of women's rights and Union international relations](#)
- ✓ [Further to the Council and Commission statements pursuant to Rule 37\(2\) of the Rules of Procedure by the following Members: Miet SMET, Maria Antonia AVILES PEREA, Christa KLASS and Astrid LULLING on behalf of the PPE-DE Group on the outcome of the Special Session of the General Assembly of the United Nations entitled “Women 2000: gender equality, development and peace for the twenty-first century”, 5-9 June 2000](#)
- ✓ [European Parliament resolution on the follow-up to the Beijing Action Platform \(2000/2020\(INI\)\)](#)
- ✓ [Report on the follow-up to the Beijing \(2000/2020\(INI\)\)](#)
- ✓ [Resolution on International Women's Day and the violation of women's rights](#)
- ✓ [Fourth United Nations International Conference on Women \(September 1995, Beijing\)](#)

Other useful links:

- ✓ United Nations Global Issues: [Women- Website](#)
- ✓ UNFPA United Nations Population Fund
 - Website: <http://www.unfpa.org/public/>
 - [Delivering on the Promise of Equality: UNFPA’S Strategic Framework on Gender Mainstreaming & Women’s Empowerment 2008-2011](#)
- ✓ UN Economic and Social Council
 - [Report of the United Nations Development Fund for Women on the Activities of the Fund to Eliminate Violence Against Women: Note by the Secretary-General A/HRC/10/43–E/CN.6/2009/10](#)
- ✓ IANWGE Inter-Agency Network on Women and Gender Equality
 - [UN System Wide Policy and Strategy on Gender Equality and Empowerment of Women: Website](#)
- ✓ [OSAGI](#): Office of the Special Adviser on Gender Issues and the Advancement of Women
- ✓ [INSTRAW](#): United Nations International Research and Training Institute for the Advancement of Women
- ✓ [UNIFEM](#): UN Development Fund for Women₂₄

- [Who Answers to Women? Gender and Accountability. Progress of the World's Women 2008/2009 \(2008\)](#)
- [UNIFEM Strategic Plan, 2008–2011](#)
- ✓ [UNIFEM Regional Office for Central and Eastern Europe](#)
- ✓ [DAW](#): - Division for the Advancement of Women
- ✓ [UN - ESCWA](#) - Economic and Social Commission for Western Asia: Centre for Women (ECW)
- ✓ [CEDAW - UN](#) - Convention on the Elimination of All Forms of Discrimination against Women
- ✓ [UNESCO's](#) - Gender Mainstreaming Resource Center
- ✓ [Women Watch](#) - United Nations inter agency network on women and gender equality
- ✓ [WORLD BANK](#) - Gender and development - World Bank Gender Mainstreaming Strategy Paper
- ✓ [OCHA](#) - Office for the Coordination of Humanitarian Affairs: Gender Equality