



LOBBY EUROPEEN DES FEMMES EUROPEAN WOMEN'S LOBBY

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European Women's Lobby Response to the European Commission Consultation on a Possible New Initiative to Prevent and Combat Discrimination Outside Employment

*With more than 4000 member organisations across Europe, the **European Women's Lobby (EWL)** is the largest platform of women's organisations in the EU, working to achieve equality of women and men in Europe and to realise women's human rights.*

*The European Women's Lobby (EWL) welcomes the European Commission's commitment to strengthen EU equality and non-discrimination policies and the opportunity to consolidate achievements in legislating for equality in general, and equality between women and men in particular. The EWL believes that developing EU equality and anti-discrimination policies further is a vital step towards achieving a social Europe closer to all women and men leaving on its territory, and to ensuring the construction of a Union based on social cohesion and solidarity. **EWL stresses that equality between women and men must be the cornerstone of all such policies.***

Introduction

The EWL would welcome strong proposals to strengthening EU equality and anti-discrimination policies and wishes to stress the importance of further developing EU legislation in support of non-discrimination and equality on different grounds, especially those not covered by existing legislation, and improving existing legislation. EWL stresses the need to fill the existing gap in existing European legislation in relation to inequality and discrimination experienced by racial and religious minorities. The EWL would also favour an enlargement of the scope of EU equality and anti-discrimination policies to cover additional grounds to the ones mentioned in Article 13, in particular social and economic status/origin.

The EWL considers gender inequality and sex-based discrimination to be present in all spheres of social life and to affect individuals and societies both in Europe and globally. Gender-based discrimination is about the structural unequal distribution of power and resources between women and men belonging to all groups in society and thus should be distinguished from discrimination on other bases such as ethnicity, disability and so on. Furthermore, **women as a category can be distinguished from other major oppressed groups in that they represent a numerical majority and it is imperative that they are regarded as a basic unit of analysis of social life and experiences and in relation to all other forms of discrimination.** At the same time, the EWL believes that EU policy and legislation can benefit from intersectional analysis and implementation, that is from the understanding that all forms of oppression do not act independently of, or in addition to one another but rather interrelate and apply in diverse ways to each woman and man.

The EWL welcomes the initiative of the European Commission to organise the recent conference on 'The European Parliament of Equal Opportunities for All' which took place on 11 and 12 October 2007. However, the conference failed to include speakers/testimonials on sex-based discrimination. Both key note speakers included points in their talks in relation to the importance of legislative initiatives which take gender into consideration; however, on the second day, it was

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with regret that the EWL again witnessed a lack of focus on sex based discrimination during the workshops or the final panel. The EWL wishes to recall that both article 13 TEC and the European Year on Opportunities for All include women and sex-based discrimination. In line with the key note speakers invited by the EC, ***EWL would like to stress that any possible new initiative to prevent and combat discrimination outside Employment which in any way excludes or undermines sex-based discrimination would be incomplete and would fail to address the issue of discrimination in a holistic and comprehensive manner.***

1. Need and Nature of Any Initiative

1.1 Evidence of Discrimination against Women

The EWL stresses the importance of a possible new initiative to prevent and combat sex based discrimination outside employment. The need to ensure enhanced and uniform legal protection for all Article 13 grounds is clear. Articles 2, 3 and 13 of the Treaty read in combination, define equality of women and men as an objective of the Community and the Member States, which obliges Member States to achieve equality in all fields covered by the Treaty and those articles provide a strong legal basis for very broad action at EU level. It becomes imperative that policy moves beyond addressing the fight against discrimination but actually to developing an active approach to equality between women and men.

Furthermore, the adoption of the Article 13 directive on equality between women and men in the area of goods and services in 2004¹ was a turning point for many women and men across Europe in showing the commitment of the EU to go beyond the area of employment in relation to gender equality as was the case since 1951. However, the existing legislative framework needs to be completed. EWL has for a long time stressed that this directive should be seen as the first of a series of European legislative proposals.

The evidence of discrimination against women outside employment is very prominent and well documented in local, regional, national and European wide studies, cases, research and statistics. The European Commission has itself put a high emphasis and drafted numerous reports where such discrimination is demonstrated and has funded a large number of projects both to report on and tackle such sex-based discrimination. Further, numerous conventions, reports and documents adopted at international level, such as the CEDAW Convention or the Beijing Platform for Action provide strong evidence of remaining discrimination based on sex in all areas of life in general, and discrimination outside employment in particular and show the commitment of EU Member States to overcome discrimination in all areas.

1.2. Areas for New Initiatives

In this context, new EU legislation in the field of equality between women and men should include the following areas, in which individuals have no solid legal protection²:

- education, training and research;
- elimination of direct and indirect discrimination based on sex in social assistance;
- social protection, social security, social benefits and non-occupational healthcare and the fight against social exclusion;

¹ 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

² Please see annex for more details on each area.

- care;
- violence against women and trafficking;
- health;
- taxation systems;
- decision making;
- the media

EWL would also like to stress that existing legislation, in particular 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 needs to be improved, in order to fully prohibit direct discrimination in private and public pension schemes, including the practice of basing the level of payments and contributions on actuarial factors based on sex. ***More information on all the areas mentioned in this section are provided in Annex I of this document.***

The EWL wishes to stress that although the areas below are not exhaustive, they do summarise the main areas where new legislation against which there is no solid legal protection on the basis of sex. The EWL would be willing to submit a separate document whereby such evidence is analysed at greater length.

2. Nature and Effectiveness of Non-Legislative Measure and of Measures to Accompany any Legislation

2.1. The EWL firmly stresses the need for a specific Directive implementing the Principle of Equality between Women and Men outside Employment.

Because the area of sex-based discrimination and inequality is structurally imbedded and ingrained in all aspects of social life; because of the complexity of a problem which intersects with all other forms of inequality; because the issue of gender is distinctly different to other forms of inequality and discrimination in that it affects the majority, the EWL believes that *both legislative and non legislative measures* are absolutely necessary and have to be combined in order to best address the issue in a coherent, holistic and effective manner. Such a directive should contain a provision regarding multiple discrimination. EWL also recalls the necessity *to improve the implementation of gender mainstreaming at European and national levels.*

The EWL further points to the importance of any legislative and non-legislative measures taken by the European Union to incorporate implementation strategies *as part of the measures themselves* rather than consider them as additional to any documentation.

2.2. Measures to Support Effective Implementation

Lack of implementation of European legislation on gender equality is one of the main issues highlighted by EWL member organisations throughout Europe. Some of the measures to be taken in order to ensure implementation of both legislative and non legislative measures that the EWL recommends include:

- *Intensify efforts in order to strengthen the implementation of gender mainstreaming in all policies by establishing strategic priorities and focusing efforts on priority areas and by*

the more systematic use of gender analysis and gender budgeting in the context of mainstream budgetary processes and policy reviews.

- *Systematic Review, Monitoring and Evaluation of Policy Initiatives and Systems of Implementation themselves* to check their efficacy in addressing the problems faced by different intersectional identities both on the national and the EU level
- *Systematic Exchange of Best Practice* of all stakeholders at the national and EU level in order to ensure both a positive flow of information and good examples of work taking places in various member states.
- *Training, including at the highest level* on gender related issues as well as all equality areas in order to ensure their understanding and commitment. This should be a process rather than a single task.
- *Commitment to local, regional and EU level consultations* with relevant stakeholders working in the area of gender, with the aiming of broadening stakeholder participation and stronger alliances to take place.
- *Provisions for Consultations* and establishing close, sustained and systematic communication with academic institutions in relevant fields in order to strengthen the knowledge-base on gender and gender inequality and about the impact of public policies on gender relations and gender equality.
- *Commitment to Funding civil society initiatives, including media projects*, working in the area of gender and equality issues with a particular emphasis on awareness raising and information campaigns. Resources ought to be carefully allocated to those who are most marginalised and who have the least access to rights and recourses. Legalise the *publicity of the results of infringement procedures* against Member States, drawing on the resolution of the European Parliament adopted on September 4, 2007.³
- Readily available *reporting and evaluation data disaggregated by sex* and in relation to race, ethnicity, disability, sexual orientation, descent, citizenship status and other identities. Such data facilitates the identification of the extent and impact of specific problems and policies relating to specific groups of women such as those from different ethnic groups, migrants, poor women and more.
- *Using the data mentioned above*: it become imperative to document the impacts of a problem that are the result of the convergence of identities. That is to probe beneath the single identity to discover other identities that may be present and contributing to a situation of disadvantage.
- *Make the information about European legislation and policies on equality between women and men accessible to all*: for example by developing the EC web site devoted to equality between women and men on the model of the EC anti-discrimination website, in all official languages⁴ and including notably information about implementation of European legislation at national level.

3. Advantages and disadvantages of dealing in one single initiative with discrimination outside the labour market not currently covered by EU legislation

³ European Parliament resolution of 4 September 2007 on Better Regulation in the European Union ([2007/2095\(INI\)](#)): “(53.) [The Parliament] Requests the Commission to improve the provision of information about transposition and infringement proceedings, and to make this information public and easily accessible on the Commission's website.” Presently the publication of interim results would be against the law, as the ECJ has found on several occasions.

⁴ The gender equality site is available in three languages only.

3.1. Setting the Context

Different equality agendas have their specific dynamics of inclusion, exclusion, and marginalization – and consequently need specific analysis and actions in order to find the best strategies. In this context, the agenda for achieving equality between women and men cuts across all different groups of society.

“Equality between women and men” constitutes a specific field of activity of the EU, based on precise Treaty provisions, including but not limited to Article 13. The approach adopted so far at the EU level goes beyond the fight against discrimination and aims at achieving a transformative form of equality between the sexes, in order to ensure that European societies function for the benefit of both women and men – having a significant impact on all the different groups of society.

The idea of “gender equality” foresees a transformation of gendered constructions that perpetuate inequalities, the redistribution of work between women and men (productive and reproductive), the eradication of male violence against women, and on fully ensuring the respect for women’s human rights, as is also outlined in the current European Roadmap for Equality between Women and Men. This transformation must focus on measures achieving de facto equality between the sexes. Therefore, *if the EU changes the scope of its gender equality agenda by placing it within a strict anti-discrimination framework, the Union does not give itself sufficient means to achieve the task given to the Union in the Treaty of Amsterdam of “eliminating inequalities and promoting gender equality”.*

The European Commission should focus on how to preserve and develop EU legislation and institutional mechanisms for equality between women and men, while at the same time developing and strengthening EU’s anti-discrimination legislation, actions and institutional mechanisms.

The EWL is very concerned about the trend in some countries to merge discrimination, human rights, and bodies for equality between women and men. There is little evidence that this approach has led to greater coherence, but simply to less money and resources, and less precise and adequate mechanisms to deal with the complex issues of human rights, anti-discrimination, and equality between women and men. The EWL would be willing to further elaborate on this should there be a request by the European Commission.

The European institutions should be equally concerned about these national level developments, particularly in an enlarged EU where we are facing real challenges to ensure the momentum of both the anti-discrimination agenda as well as the agenda for equality between women and men. In this light, there is a need to maintain and reinforce the existing capacity at EU level, including within the European Commission, in the areas of anti discrimination and equality between women and men in terms of both financial resources and human resources.

3.2. Best Approach to tackle multiple discrimination

The EWL reiterates that the inequality and discrimination against women act in conjunction and at the same time as other forms of oppression. Although no priority over one type of discrimination can be placed over others, this oppression includes characteristics such as race, ethnicity, religion, sexual orientation, class, disability, age. It is the belief of EWL that in order for EU policy and legislation to become more effective, inclusive and democratic, these forms of oppression need to be seen in the light of not acting independently of, or in addition to one another but rather interrelate and apply in diverse ways to each woman and man. The EWL believes that it is precisely intersectionality, that is, the combination of multiple identities and how they demonstrate and expose discrimination and inequality in different forms and shapes that needs to be taken into

consideration in policy initiatives. *The EWL insists that the best way to tackle multiple- discrimination and how this is experienced particularly by women is by using a combination of legislative and non legislative measures at all levels.*

3.2. Can a single initiative address the specificities of the different types of discrimination?

The position of the EWL is that a specific Directive implementing the principle of equality between women and men outside employment is a necessary legislative instrument to ensure the elimination of discrimination against women and ultimately gender equality for all. Such a Directive should take into consideration the best approach to tackling multiple discrimination, thus ensuring that the document does not address women as a monolithic, homogeneous group but rather incorporate how intersections of oppression function to produce inequality and discrimination. In the case of gender equality and discrimination against women, and as explained in the introduction of this document, gender-based discrimination is about particular types of power and thus should be distinguished from discrimination on other bases and it is for this reason that the EWL insists on a specific directive.

As reiterated above, the directive can be only a partial measure towards realising equality and combating gender-based discrimination. It is only through ensuring the combination of legislative and non legislative measures incorporating systematic implementation strategies and methods and implementing gender mainstreaming that gender-based discrimination can be tackled towards envisioning an egalitarian, inclusive society.

EWL reiterates that besides current and future European gender equality legislation, uniform legal protection should be given to all women and men facing discrimination.

4. Exceptions to the Rule of Equal Treatment

Legal provisions to fight discrimination have proven insufficient to achieve real equality and must often be accompanied by measures for positive action or other strategies. The basic right to equality of women and men as recognised in Community law obliges the Community and the Member States to use all necessary means to achieve it, including positive action. Positive actions in favour of women are also set out in Article 4 of the United Nations Convention on the Elimination of all Forms of Discrimination against Women, in Article 23 paragraph 2 of the Charter of Fundamental Rights of the European Union, in the Council Recommendation of 13th December 1982 on the Promotion of Positive Action for Women, and is already being applied in practice in the area of equality in the workplace in accordance with Article 141 paragraph 4 of the EU Treaty.

Positive actions aim primarily to improve the situation of women. These measures are temporary in nature and will cease once full equality of women and men has been achieved. They are not contrary to the principle of equal treatment.

Role of Equality Bodies

The EWL suggests that a number of examples of existing national equality bodies dealing with all aspects discrimination including sex in general have failed to fully address sex-based discrimination and multiple discrimination faced by women. In fact, it is often the case that such discrimination is rarely treated as highly important. The EWL recommends that any equality bodies formed at the national level should be specifically required to address discrimination based on sex grounds.

Ensuring Effective Operation

Equality bodies need to ensure that adequate resources and institutional mechanisms at national level are in place in order to move towards the implementation of existing legislation and awareness raising with potential victims of discrimination. Specifically trained members of staff need to at all times consider systematic ways in incorporating the advice and consultation of civil society in general and women's non-governmental organisations more specifically as a source of expertise and as monitoring actors. It is further very important that research institutes working in the area of gender in particular and discrimination in general in member states and on a European level are consulted on a systematic basis and that research results are utilised and analysed when considering policy measures and actions.

Conclusions

Rather than proposing a streamlining or merging of policy areas or institutional capacity, the European Commission should focus on supporting the introduction of new legislation and reinforcing the institutional mechanisms for *equality between women and men*, while at the same time developing and strengthening EU's anti-discrimination actions, legislation and institutional capacity on other grounds, including those mentioned in Article 13 TEC.

One of the essential dimensions to the gender equality agenda is that it aims to achieve a transformation of the gendered power relations in society that perpetuate inequalities between women and men. The EWL cannot see how the reduction of the scope of the EU's gender equality agenda would in any way address this issue in a comprehensive manner.

At this time the task of eliminating inequalities between women and men and promoting gender equality, as set out in the Treaty of Amsterdam, requires an ongoing political focus involving the implementation of the European Roadmap for Gender Equality, as well as a strong and affirmed commitment to specific policies, programmes and new legislation.

ANNEX I

Further to paragraph 1.2. in the main document, new EU legislation in the field of equality between women and men should include the following areas, in which individuals have no solid legal protection:

- ***Education, training and research***

Education is the cornerstone in addressing the issue of equality between women and men in a comprehensive manner and at all levels. Across Europe, more women than men are graduating from tertiary education institutes.⁵ However, *inequalities in access* and significant gender differences in subject areas persist, hindering women and girls' education and life chances. Imbalances in power, outright sex discrimination and *gender stereotypes* in education materials, schools, universities and on the labour market still prevent women from making certain career choices, from progressing at the same speed as men in their careers and from earning the same income for the same job across the EU. Moreover, even if the majority of women are very well educated, they are sometimes lost as a resource on the labour market, especially migrant women, women from minorities or disabled women for example.

Women are particularly badly represented in the higher levels of teaching professions, especially universities, in scientific research and in technological development. Despite the fact that women are sometimes in the majority in terms of numbers of graduates, the percentage of women declines as they move up the scientific and academic career ladder. Specific action is required to establish equality in this field.

Further, equality and a strong gender perspective need to be integrated as criteria into all research funded by the European Research Council.

- ***Social protection, social security, social benefits and non-occupational healthcare and the fight against social exclusion***

Some aspects of social protection and social security are not covered by the existing community legislation in the field of equality of women and men in the workplace. It is necessary to achieve equality of women and men and to implement *the principle of individualisation of rights*⁶ in these areas, in particular to ensure a decent income for the most vulnerable women and to combat social exclusion, which affects women more than men, especially some groups of women such as single mothers or older women.

A number of social welfare benefits not relating to employment contributions use *the criteria of civil status* in order to determine the level of payments often leading to the penalisation of women due to their status as cohabitants and/or dependants.

Assisting spouses (mostly women) in most Member States are not formally recognized and are only eligible for derived rights to social protection through their husband's contributions. They are

⁵New Member States have higher proportions of women graduates. In Portugal and Poland, where the ratios of women to men are at their highest, two thirds of all graduates are women. Even in Austria, Germany and Malta, which have the lowest proportions in Europe, 52% of all graduates are women.

⁶ Systems whereby rights accrue directly to the individual⁶ whatever their marital status.

therefore very vulnerable, especially in the event of divorce or death of the self-employed worker. Directive 86/613 has been ineffective in giving assisting spouses a clearly defined professional status and establishing their social security entitlements. There is a need for more binding EU legislation providing guarantees for assisting spouses including compulsory registration of assisting spouses, as take-up has been low for voluntary contributory social security schemes even where this has been made possible. New legislation should apply not only to assisting spouses but also to *assisting live-in partners in other long-term forms of cohabitation*.

- ***Care – revision of parental, maternity leave directive - paternity leave directive***

The EWL observes a trend at the level of EU policy making that is to legislate paid work, and to leave out of the definition of ‘worker’, women and men who provide care work [predominantly women]. There is therefore a vital need to reconsider the relationship between paid and unpaid work.

Although the EU has recognized the importance of *reconciling private and working life for women and men* through the directives on parental leave and part time work, women still carry most of the unpaid care and domestic work, which impacts heavily on other aspects of life and leads to different types of discrimination on the labour market, for example in terms of pay, career advancement etc⁷. The improvement of existing legislation in relation to *maternity and parental leave* and the introduction of further legislation in relation to *paternity leave and other types of leave* is therefore crucial for the realisation of equality between women and men in all areas of life.

- ***Violence against women and trafficking***

Violence against women is the result of the imbalance in power relationships between women and men. Violence against women knows no geographical boundary, no age limit, no class distinction, no race nor cultural difference. *Any form of violence and abuse is a fundamental barrier to the achievement of equality and gender equality and a violation of human rights*.

EWL stresses the need for coherent and comprehensive policies as well as the pressing need for filling the *existing void in EU legislation regarding violence against women*. Although most European countries have committed to protecting women and combating violence against women, and progress has been made on ensuring violence against women is penalised both in the legislation and in the provision for prosecution, an ongoing and systematic monitoring to measure progress proves to be essential.

A *strategy at EU level* is needed to define the best way to enshrine the prohibition of violence against women (VAW) in EU law (either by recognising VAW as a human rights violation or violation of the principle of equality of women and men). The EU strategy should be viewed in the light of *mainstreaming the issue of VAW throughout European policy*, in the context of law enforcement and services for victims, which involves discussions on national budget allocation and EU competency.

⁷ EWL provides a full analysis of this issue in different policy papers in the context of its Campaign on Care issues, see for example:
http://www.womenlobby.org/site/1abstract.asp?DocID=1675&v1ID=&RevID=&namePage=&pageParent=&DocID_sousmenu=&parentCat=19

The Daphne programme objective of ensuring a coordinated EU approach on VAW needs to be supported by adopting a coordinated definition of VAW as the EU approach currently is by definition uncoordinated. The confusion regarding what is VAW and the misconception that it can be remedied by narrow and/or gender-neutral approaches (as is the case regarding the current use on the expression of domestic violence) will be clarified if a broad European wide legal definition is adopted.

With the above consensus achieved in the EP (with an EP Declaration or Resolution) a more comprehensive framework policy could be envisaged in the EU – for example a strong declaration can then be adopted by the Council of Ministers.

EWL considers it a priority to have the gender dimension of **trafficking** in human beings recognized. Without that recognition effective policies and measures of prevention, and the protection of women victims of trafficking cannot be designed and implemented.

In the EU, trafficking victims are mainly women (and children) bought and sold for sexual exploitation. Even though the EU Action Plan on Trafficking in Human Beings⁸ includes a gender dimension, this is generally ignored in the policies. In order to be effective, the prevention of trafficking in women for sexual exploitation must include eliminating the demand side of all forms of prostitution and all forms of sexual exploitation.

At EU level, **specific gender sensitive strategies for different forms of trafficking and exploitation** are needed to better prevent and combat trafficking for sexual exploitation and forced labour and to protect victims. EWL wants to stress that how inclusive and comprehensive the approach should be, it has to take into consideration the different impact of actions and policies on women.

- **Health**

There are many factors hindering *gender equality in relation to health*. Gender roles and unequal gender relations interact with other social and economic variables, resulting in different and often *inevitable patterns of exposure to health risk, and in differential access to and utilisation of health information, care and services*. In all countries of the European Union, *all forms of violence against women the feminisation of poverty*, the high unemployment rate among women, and the large presence of women in atypical jobs with little or no social protection, accompanied by an increase of women as heads of single-parent families and disturbing inequalities in health status between social classes are all obstacles for the improvement of the level of health for women.

Sexual and reproductive health care and rights is a particular area where discrimination occurs among groups of women as well as between women and men. An example of discrimination in the intersection between gender and age can be found in free breast cancer screening which is often offered free of charge but only to women over a certain age span. Another example of intersectional discrimination between gender and ethnic origin can be found among some groups of women, namely undocumented women who have limited if any access to sexual and reproductive health care and rights. The arbitrary situation that currently exists in Member States requires an anti-discrimination framework in this particular case.

⁸ *Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children* as adopted by the Ministerial Conference on Migration and Development, Tripoli, 22-23 November 2006. See at: http://ec.europa.eu/justice_home/doc_centre/immigration/docs/OUAGADOUGOU.pdf.

Gynaecological examinations including regular smear tests, long term contraception (pill, coil) are not freely accessible to all women nor is information about the need to ensure ongoing sexual and reproductive health care from which some groups of women are excluded.

In the area of *medical research*, the male norm, in terms of body weight and physical components, continues to determine principles for medical standards and medication, which leads to de facto disadvantages for women.

Forced sterilisation is an area where discrimination and violation of fundamental rights against some groups of women is very critical in some countries, namely women with disabilities and women from some ethnic communities, such as women from the Roma community.

- ***Women in decision-making***

Women are still under-represented in decision-making bodies in all areas (political, economic, social etc.) and at all levels. EWL has been working for many years for the realisation of *parity democracy* at European level and in particular, EWL has been asking for binding measures for the equal representation of women and men in the European Parliament and the European Commission to be adopted, including concerning officials within European institutions.

In this, EWL recommends a new system of *nomination of commissioners* whereby each Member State would propose a woman and a man as nominate commissioners in 2009 and the President would choose among them with a view to achieve a gender balance.

The EWL stresses that women's presence in decision-making bodies is not in itself enough to change management methods and it is therefore important to legislate on the *creation of strong and adequately resourced political and administrative structures* which can be responsible specifically for gender equality

- ***Taxation***

Taxation policies can be a determining factor in the participation of women and men in society and in achieving equal access to resources and it often include aspects that are discriminatory against women, in particular when marital status is taken into consideration. The *individualisation of taxes* is a prerequisite for achieving equality of women and men. Studies⁹ have also shown that even when taxation systems are formulated in a gender-neutral way, in practice they privilege men.

- ***Media***

Women are less likely than men to be invited on radio and TV programmes¹⁰ and the amount of images showing degrading portrayals of women in media content and advertisements has not decreased.

There is an urgent need *to impose a proper balance between the principle of freedom of the media and the protection of the audience*, including the respect of women's dignity and human rights. *Safeguards are lacking (in the form of ombudspersons or media watch authorities)* to ensure that codes of conduct are being

⁹ See : http://www.quing.eu/files/results/soa_austria.pdf

¹⁰ The Global Media Monitoring Project carried out in 71 countries in 2000 found that 18% of world news subjects (newsmakers and interviewed people) were women.

adhered to and to ensure that the public can lodge complaints if necessary. While the concept of 'incitement to hatred on grounds of sex and protection of human dignity' exists in European law¹¹, there is little information about whether this concept has been used at national level.

An initial Commission draft proposal for a *Directive on implementing the principle of equality between women and men of Spring 2002* included provisions against discrimination based on sex and incitement to hatred on grounds of sex in the media and for the respect of human dignity in advertising¹². Unfortunately, these provisions were not included in the Directive adopted in 2004. The EWL insists that media play a crucial role in shaping attitudes and behaviour and that this issue needs to be tackled at European level through legislation but also through the establishment a *European Media Monitoring Group* with a specific gender equality branch and expertise in order to receive complaints from the public.

Figures further demonstrate that there is a gender gap in relation to information technologies which negatively affects women. Technologies are developed (mainly by men) within existing social realities and are therefore influenced by gender roles. This question should be recognized and addressed.

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¹² This draft proposal directive also covered the areas of education and social assistance, health care and taxation.