

Gender Budgeting

Legislative and regulatory basis for EU policies on gender equality

The European Union is based on the rule of law. This means that every action taken by the EU is founded on treaties that have been approved voluntarily and democratically by all EU Member States. Treaties are binding agreement between EU member countries that sets out EU objectives, rules for EU institutions, how decisions are made and the relationship between the EU and its Member States.^[1]

The EU's approach to gender equality

Equality between women and men is recognised by the EU as a fundamental principle, a core value of the EU and a necessary condition for the achievement of the EU objectives of growth, employment and social cohesion.

Since 1996, the Commission has committed itself to a 'dual approach' towards realising gender equality. This approach involves mainstreaming a gender perspective in all policies, while also implementing specific measures to eliminate, prevent or remedy gender inequalities. Both approaches go hand in hand, and one cannot replace the other. Gender mainstreaming is not a policy goal in itself, but a means to achieve gender equality.

What is gender mainstreaming? (EIGE, 2016)

Gender equality is a fundamental value of the European Union enshrined in overarching EU legal and policy documents.

Articles 2 and 3(3) of the founding Treaty on European Union^[2] (TEU), Articles 21 and 23 of the Charter of Fundamental Rights^[3], and Article 8 of the Treaty on the Functioning of the European Union^[4] (TFEU) call for equality between women and men. Article 8 of the TFEU, for example, explicitly requires the Union to 'eliminate inequalities and promote equality between

women and men through all its activities' (gender mainstreaming).

The Treaty of Lisbon^[5] includes a commitment to gender equality through Declaration No. 19, annexed to the Final Act of the Intergovernmental Conference that adopted the Treaty.^[6]

The EU Economic Growth Policy (Europe 2020)^[7] includes increasing women's labour market participation as an objective. Moreover, the Barcelona targets^[8] include a specific target on childcare coverage to facilitate the reconciliation of work and private life for both women and men.

The issues of **pay gap and organisational diversity** are clear priorities for the European Commission which are directly linked with EU Funds' objectives. These European priorities have been laid down in the legally binding Directive 2014/95/EU (on disclosure of non-financial and diversity information by certain large undertakings and groups), in the non-binding Recommendation 2014/124/EU (on strengthening the principle of equal pay between men and women through transparency) and in the EU action plan 2017-2019: '[Tackling the gender pay](#)'^[9].

The **framework for Strategic Engagement for Gender Equality 2016-2019**^[10] highlights the EU Funds as the EU's most important investment tool, including for promoting gender equality through:

continued monitoring and support for Member States in attaining the Barcelona targets on childcare;

taking into account the results of a public consultation on work-life balance^[11];

supporting companies' efforts to increase women's labour-market participation by facilitating Diversity Charter platforms;^[12]

integrating a gender perspective into the implementation of the European Agenda on Migration^[13], addressing barriers to migrant women's employment and helping Member States to make full use of the possibilities offered by the European Social Fund (ESF) in this regard;

awareness-raising to promote women's entrepreneurship, including by launching an e-platform for women entrepreneurs (2016), creating a European Network of Women Business Angels (2016) and establishing the Network of Women's Web Entrepreneurs Hubs.

The **2011 – 2020 Gender Equality Pact**^[14] includes three main EU ambitions on gender equality:

- 1 closing the gender gaps in employment and social protection;
- 2 promote better work-life balance for women and men throughout the life-cycle;
- 3 combatting all forms of violence against women.

The **European Pillar of Social Rights**^[15], introduced by EU institutions at the Social Summit for Fair Jobs and Growth in November 2017, lays down 20 key principles as a framework for convergence towards better living and working conditions across the EU. It is structured around three categories: equal opportunities and access to the labour market (including 'key principle 2: gender equality'^[16]), fair working conditions, social protection and inclusion. Linking these elements to future EU Funds implementation, especially the new European Social Fund Plus (ESF+), is meant to support the pillar's implementation.


The recently adopted Work-life Balance Directive (Directive (EU) 2019/1158)^[17] champions gender equality and focuses on delivering key elements of the EU Pillar of Social Rights (key principle 9: work-life balance^[18]), through legal and policy measures.

Legal measure: the introduction of paternity leave. Fathers/equivalent second parents will be able to take at least 10 working days of paternity leave around the time of a child's birth, which will be compensated at least at the level of sick pay.

Legal measure: strengthening the existing right to 4 months of parental leave by making 2 of these months non-transferable from one parent to another. These will be compensated at a level to be set by Member States.

Policy measure: making better use of EU Funds to improve long-term care and childcare services.

Policy measure: removing economic disincentives for second earners that prevent women from accessing the labour market or working full-time.

In 2015, all Member States of the United Nations – including all EU Member States – adopted the **2030 Agenda for Sustainable Development** ^[19] and its sustainable development goals (SDGs). Gender equality is a cross-cutting element of all 17 global goals, as well as a standalone goal (SDG 5: 'Achieve gender equality and empower all women and girls')^[20] in its own right. Paragraph 20 of the 2030 Agenda explicitly highlights the importance of closing gender gaps and supporting gender equality by systematically mainstreaming the gender perspective, while the SDG framework also includes a specific indicator on gender budgeting (indicator 5.C.1.).

More on the UN Sustainable Development Goals targeting closing gender gaps and supporting gender equality

Paragraph 20 of the 2030 Agenda states:

Realizing gender equality and the empowerment of women and girls will make a crucial contribution to progress across all the Goals and targets. The achievement of full human potential and of sustainable development is not possible if one half of humanity continues to be denied its full human rights and opportunities. Women and girls must enjoy equal access to quality education, economic resources and political participation as well as equal opportunities with men and boys for employment, leadership and decision-making at all levels. We will work for a significant increase in investments to close the gender gap and strengthen support for institutions in relation to gender equality and the empowerment of women at the global, regional and national levels. All forms of discrimination and violence against women and girls will be eliminated, including through the engagement of men and boys. The systematic mainstreaming of a gender perspective in the implementation of the Agenda is crucial.

Footnotes

[1] European Union (n.d.), EU Treaties, EU, Brussels. Available at: https://europa.eu/european-union/law/treaties_en

[2] European Union (2007), Treaty on European Union, EU, Brussels. Available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A12012M%2FTXT>

[3] European Union (2000), Charter of Fundamental Rights of the European Union, EU, Brussels. Available at: <https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights...>

[4] European Union (2007), Treaty on the Functioning of the European Union, EU, Brussels. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>

[5] European Parliament (2018), Fact Sheets on the European Union: The Treaty of Lisbon, European Parliament, Brussels. Available at: <http://www.europarl.europa.eu/factsheets/en/sheet/5/the-treaty-of-lisbon>

[6] European Parliament (2018), Fact Sheets on the European Union: Equality between men and women, European Parliament, Brussels. Available at: <http://www.europarl.europa.eu/factsheets/en/sheet/59/equality-between-me...>

[7] European Commission (2010), Europe 2020 Strategy, European Commission, Brussels. Available at: <https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-poli...>

[8] European Commission (2018), Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Barcelona objectives on the development of childcare facilities for young children with a view to increase female labour participation, strike a work-life balance for working parents and bring about sustainable and inclusive growth in Europe, European Commission, Brussels. Available at: https://ec.europa.eu/info/sites/info/files/bcn_objectives-report2018_web...

[9] European Commission (n.d.), EU Action against Pay Discrimination. Available at: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/equal-pay/eu-action-against-pay-discrimination_en

[10] European Commission (2015), Strategic Engagement for Gender Equality 2016-2019, European Commission, Brussels. Available at: <https://ec.europa.eu/anti-trafficking/eu-policy/strategic-engagement-gen...>

[11] European Commission (2015), First-phase consultation of social partners under Article 154 TFEU on possible action addressing work-life balance faced by working parents and caregivers, C(2015) 7754 final, European Commission, Brussels.

[12] European Commission (2019), Tackling Discrimination, Directorate-General for Justice and Consumers, Brussels. Available at: http://ec.europa.eu/justice/discrimination/diversity/index_en.htm

[13] European Commission (2015), Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A European agenda on migration, COM(2015) 240 final, European Commission, Brussels. Available at: <https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/commun...>

[14] Council of the European Union (2011), Council conclusions of 7 March 2011 on European Pact for Gender Equality (2011-2020), Council of the European Union, Brussels. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52011XG0525%...>

[15] European Commission (2017), European Pillar of Social Rights, European Commission, Brussels. Available at: <https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-an...>

[16] Key principle 2 (gender equality) specifies that 'Equality of treatment and opportunities between women and men must be ensured and fostered in all areas, including regarding participation in the labour market, terms and conditions of employment and career progression. Women and men have the right to equal pay for work of equal value.' For more information, see: <https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-an...>

[17] European Commission (2017). Proposal for a directive of the European Parliament and of the Council on work-life balance for parents and carers and repealing Council Directive 2010/18/EU. COM/2017/0253 final - 2017/085 (COD). Brussels: European Commission. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2019.1...

[18] Key principle 9 (work-life balance) specifies that: " Parents and people with caring responsibilities have the right to suitable leave, flexible working arrangements and access to care services. Women and men shall have equal access to special leaves of absence in order to fulfil their caring responsibilities and be encouraged to use them in a balanced way."

[19] United Nations General Assembly (2015), Resolution adopted by the General Assembly on 25 September 2015. Transforming our world: the 2030 Agenda for Sustainable Development. UNGA, New York. Available at: https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E

[20] UN Women (2015), SDG 5: Achieve gender equality and empower all women and girls, UN Women, New York. Available at : <http://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-...>