

## Area I — Human rights of women: under threat

### Introduction

All EU Member States have obligations to eliminate discrimination against women and ensure that they fully enjoy their human rights. The long-standing Convention on the Elimination of all Forms of Discrimination Against Women is the basis for this. Since 2013, there have been several developments within EU policy that are relevant to the human rights of women. First, the Istanbul Convention will create a comprehensive legal framework on violence against women, once it is ratified by all Member States. At the same time, the Victims' Rights Directive (2012/29/EU) has now entered into law at national level and will outline a number of rights for victims, including the right to understand and be under-

stood, the right to information, and the right to protection and individual assessment. The EU has developed an ambitious strategy to realise 'new and more effective rights for citizens'<sup>(1)</sup>, the European Pillar of Social Rights. Proclaimed in 2017, the pillar outlines 20 key principles structured around equal opportunities and access to the labour market; fair working conditions; and social protection and inclusion.

Since 2013, the EU has undertaken targeted actions to improve the lives of vulnerable groups, many of which face additional challenges in accessing their fundamental rights. In 2016, the Council of the EU released its first conclusions



(1) Quoted from [https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights\\_en](https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights_en)

on LGBTI<sup>(2)</sup> equality. Since then, the European Commission has committed to — and reported annually on — a range of actions to improve the rights of LGBTI people in the EU. The EU has developed comprehensive strategies regarding the rights of other vulnerable groups — in particular to improve the lives of people with disabilities and of Roma people — even if gender is not always effectively mainstreamed in these documents (for more details see the Beijing + 25 report).

Similarly, recent actions to support migrants, refugees and minority groups have generally included a gender dimension, although not necessarily as a priority. The EU's 2016

action plan on the integration of third-country nationals, for example, recognises the need to consider the situation of migrant women, particularly in relation to labour market integration and access to education. This shows some commitment towards gender equality in this area, but it leaves scope for improvement. For example, the 2018-2023 gender equality strategy of the Council of Europe presents a stronger commitment to supporting migrant and refugee women.

Despite these developments, the EU has seen a range of threats to women's human rights in recent years, as described below.

## Gender equality under threat

Strong and effective civil society organisations (CSOs) and non-governmental organisations (NGOs) have an essential role in promoting gender equality and women's rights, and in holding governments accountable when they threaten these. They are also responsible for cooperating and consulting with governments in relation to the design and implementation of strategies and actions plans that contribute to the Beijing Platform for Action.

The environment in which they operate today is increasingly threatened, posing a serious challenge to human rights and civil liberties. This is taking place in the context of rising illiberalism in central and eastern European countries and accompanying 'anti-gender' movements. These deny some aspects of the political freedom to live with one's gender without discrimination or fear; they misrepresent this freedom as an ideology that aims to undermine traditional family structures and culture. They often oppose political positions linked to certain women's and LGBTQI\* rights — for example, the rights to abortion or same-sex marriage.

In a number of Member States, the backlash against gender equality and the shrinking of the space for civil society have deepened and accelerated in recent years, leading to measures and initiatives hostile to women's rights NGOs. They have involved a number of media attacks and smear campaigns, as well as regulatory and financial threats, such as reduced access to government information and more control being placed on CSOs. This has complicated the sustainable operation of these organisations, for example by creating additional barriers to accessing funding through restrictive criteria and administrative burdens.

In some countries, CSOs have even served as scapegoats for areas of social contention, including migration and security issues. For example, in Romania, CSOs faced blacklists from nationalist media outlets. Similarly, in Hungary there has been a backlash against NGOs from the government-friendly media and the state, with parliament adopting the foreign funding law of 2017 and a new law that criminalises activities in support of asylum seekers, refugees and migrants.

## Minority groups keep facing discrimination

Many groups in the EU face daily discrimination. In many cases, the intersections between gender and other characteristics (for example ethnicity, disability status, migration background, social status, sexual orientation, age) combine to create additional difficulties.

Women and girls with disabilities continue to face more difficulties than both women without disabilities and men and boys with disabilities. Too often, the choices of women with disabilities are ignored or even substituted by those of 'third parties, including legal representatives, service providers,

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(2) In this factsheet, the abbreviation LGBTQI\* (lesbian, gay, bisexual, transgender, queer, intersex and other non-dominant sexual orientations and gender identities in society) is used whenever possible. Abbreviations LGBTI (lesbian, gay, bisexual, transgender and intersex) or LGBT (lesbian, gay, bisexual, transgender) are used only in cases when the source used expressly adopts these abbreviations.

guardians and family members, in violation of their rights under Article 12 of the UN Convention on the Rights of Persons with Disabilities (CRPD)<sup>(3)</sup>. For example, women with disabilities face a series of challenges in the areas of reproductive rights and autonomy, in particular the disturbing levels of forced sterilisation and abortion inflicted upon them. Almost a third of women with disabilities above 16 years old (31 %) are at risk of poverty or social exclusion. Either they are absent in media coverage or they appear only in a token or asexual medical perspective. They are under-represented in public decision-making, with their right to vote denied in many Member States, by deprivation of their legal capacity or inaccessible voting procedures.

Roma women too face intersectional and multiple discrimination in several areas of their lives. Four out of five members of the Roma communities have incomes below the poverty threshold in the country they reside in. Fewer than one in five Roma women (aged 16 and over) are in employment, and many Roma girls do not complete secondary education. Roma women may experience particular discrimination in accessing healthcare, and particularly sexual and reproductive healthcare. However, surveys suggest that, in most Member States with data available, they are less likely to report incidents of discrimination than men. This directly infringes their rights to health and reproductive autonomy. The practice of removing Roma children from the family to state care (because of poverty) also threatens Roma women and girls, who sometimes become vulnerable to trafficking while in these institutions.

## Recommendations for action

The EU should consider challenging Member State actions that threaten the human rights of women and minority groups, for example by raising concerns in EU arenas and introducing conditionalities that require recipients of EU funding to demonstrate their respect for these rights before gaining access. Generally, it is important to increase the access of national CSOs (especially small and medium-sized women's rights organisations) to EU-level funding and protection. To enable this, it is worth monitoring the share of EU funding for NGOs that goes towards advancing and promoting women's rights, for example via dedicated women's

Despite legal protections, in several Member States, LGBT-QI\* individuals face discrimination and harassment, including hate speech and hate crimes. A survey of the LGBT community by the European Union Agency for Fundamental Rights revealed that, on average, more than one in three LGBT people had felt discriminated against because of being lesbian, gay, bisexual or trans during the previous 12 months. Out of all the hate-motivated violent incidents that happened within the previous 12 months, the most common recent incident was a threat of violence (63 %), in majority of cases a threat of physical violence (50 %). The groups most at risk are transgender women, with 44 % of them suffering three or more physical/sexual attacks or threats of violence in the last 12 months in the EU.

Several other groups of women are especially vulnerable to discrimination when accessing their rights. Racism towards women and men of colour and of minority ethnic origin is widespread and rising, especially in employment but often also in the context of public and private services. Individuals from religious minorities can face discrimination and harassment, in particular when wearing traditional or religious clothing. For instance, women who wore a headscarf or niqab reported greater levels of harassment than those who did not and suffer from the 'triple penalty', based on being women, having an ethnic minority background and being Muslim. Refugee and migrant women can be especially disadvantaged in accessing essential healthcare, educational opportunities and the job market as well as their rights and protection (the situation of refugee women is treated in more detail in Area E).

rights NGOs and other CSOs whose work is relevant to gender equality.

At both EU and national levels, the gender dimension needs to be included within strategies for social rights, with special attention paid to the situations of particularly vulnerable groups. More attention is required to intersectional discrimination within policy practice. Better mechanisms to address intersectional discrimination are needed, especially relevant indicators to explore the additional disadvantage that individuals can face due to the intersections between their gender, ethnicity, disability status, sexual orientation, migration background, social status and age.

<sup>(3)</sup> European Economic and Social Committee (2018). The situation of women with disabilities, page 9.

## Further information

Beyond the challenges described above, some vulnerable groups of women face everyday structural barriers to realising their rights. These can both result from, and contribute to, higher exposure to poverty and social exclusion. Increasing anti-migrant feeling also threatens to worsen the situation of migrants and refugees.

Furthermore, as the discourse on the termination of pregnancy is being challenged in the context of rising fundamentalism and backlash against women's human rights, it

is essential that the right of women and girls to make autonomous decisions about their own body and reproductive functions be preserved.

Additional information on these issues and others can be found in EIGE's full report on the Beijing + 25 review. Some policy briefs based on this report also present challenges that are closely related to women's human rights (such as Area A, Women and poverty, Area C, Women and health, Area D, Violence against women, and Area F, Women and the economy).

EIGE regularly produces reports reviewing different areas of the Beijing Platform for Action (BPfA) or other EU policy priorities, as requested by the presidencies of the Council of the European Union. This factsheet is based on the report *Beijing + 25: The fifth review of the implementation of the Beijing Platform for Action in the EU Member States*, prepared at the request of Finland's Presidency of the Council of the EU.

Other publications include:

- [Tackling the Gender Pay Gap: Not without a better work-life balance](#) (2019)
- [Gender Equality and Youth: Opportunities and risks of digitalisation](#) (2019)
- [Women and Men in ICT: A chance for better work-life balance](#) (2018)
- [Study and Work in the EU: Set apart by gender](#) (2018)

You can explore all of EIGE's previous BPfA reports and publications at <https://eige.europa.eu/beijing-platform-for-action>

### European Institute for Gender Equality

The European Institute for Gender Equality (EIGE) is the EU knowledge centre on gender equality. EIGE supports policymakers and all relevant institutions in their efforts to make equality between women and men a reality for all Europeans by providing them with specific expertise and comparable and reliable data on gender equality in Europe.  
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