

# European Union Gender Equality Policies Since 1957

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## Abstract

The European Union (EU) is considered one of the world's most advanced political systems with regard to the promotion of gender equality, with its policies aiming to combat gender inequality often being considered "exceptional".

For nearly four decades, the EU has imposed on member states a series of norms and values that are higher than those in effect in most countries, and has offered a particularly welcoming environment for feminist mobilization. Nevertheless, the serious and lasting economic and budgetary crisis in the late 2000s has raised questions about the EU's capacity to offer a privileged space for the deployment of an ambitious public initiative to combat gender inequality.

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## Article

At the turn of the twenty-first century, EU gender equality policy was considered by all observers as being "exceptional" or "singular" when compared to other European policies involving social regulation. For several decades gender equality appeared to be the only field of action in the social domain where regulation was not limited to a minimalist compromise between unification on highest standards and a total lack of regulations. The promotion of gender equality and the fight against sex-based discrimination was seen as one of the rare areas in which the EU went beyond the mere fluidification of the market, by imposing on member states a range of norms and values that are higher than those in place in most countries.

In 1957, the construction of an initiative on a European level in the field of gender equality was not self-evident in the context of an economic Community founded on the implementation of a Single Market. European gender equality policies were thus developed through successive treaties and the gradual extension of Community competence, in accordance with enlargements, the political balance within the Council and the Commission, and the driving role played by women such as Jacqueline Nonon, Éliane Vogel-Polsky (1926-2015), Barbara Helfferich, or Eryl McNally.

The negotiators of the Treaty of Rome believed that European construction would foster economic progress, which in turn would naturally bring about social progress. Additionally, member states sought to retain their competence in social matters. The interventions of the European Economic Community (EEC) in the social domain had to initially be justified by economic arguments. The negotiations were primarily about the need to harmonize national social systems, in order to avoid distortions in competition among the founding member states within the context of the gradual dismantling of customs and trade barriers. It is in this way that the content of article 119 on equal pay for male and female workers can be understood: it was not a matter of asserting the principle of gender equality, or of demonstrating a desire for social justice, but rather of avoiding any risk of social dumping in sectors that relied heavily on female labour at the time, such as textiles.

Art 119 (art. 157 of the Treaty on the Functioning of the EU) was the sole foundation for European

activity in the area of gender equality until 1997. Nevertheless, a substantial policy of combatting inequality and promoting gender equality was built on this single basis, thanks to which the EU is often considered one of the world's most progressive political systems in this domain.

This policy was based on a series of different instruments. Firstly, a legal arsenal (treaties, directives, jurisprudence) notably guaranteed equal pay, along with equal treatment in the workplace and the labour market. It also prohibited any discrimination in social security systems, established minimum requirements for parental and maternity leave, ensured the protection of pregnant workers and young mothers, and defined the status of self-employed workers and their spouses. It equally prohibited direct or indirect discrimination, made harassment a form of discrimination (gender and sexual harassment), provided for the inversion of the burden of proof, and recognized the possibility of affirmative action "for the underrepresented sex," and guaranteed equal treatment for men and women in the access to and supply of goods and services. From a legal point of view, bringing about gender equality was certainly the central—and most profoundly developed—pillar of Social Europe (15 directives between 1975 and 2010).

This policy for gender equality was also based on financial instruments that made it possible to extend the field of action for gender equality beyond its traditional sphere of intervention, which is to say the labour market, as well as the implementation of financing programs for questions of violence (DAPHNE program), or the role of women in developmental aid programs.

It was finally based on instruments of "soft law," which is to say non-binding law (such as gender mainstreaming, which aims at taking gender into account in all European policies, known as gender mainstreaming, along with the European Commission's Women's Charter, the European Council's European Pact for Gender Equality, and the Strategy for gender equality for 2010-2015). A European Institute for Gender Equality, based in Vilnius, was also created in 2007, and began its activities in 2010.

Does the European Union still offer today a privileged space for the deployment of ambitious public initiatives combatting gender equality?

In 2000, Social Europe—particularly questions connected to gender equality—were relatively high on the list of European policy priorities in the Lisbon Strategy and its European social agenda, which identified the principle social issues for the decade to come. However in 2010, social Europe seemed much more marginal in the Europe 2020 strategy, the integrated guidelines (IGs) (which is to say the shared priorities and goals for employment adopted by the Council and the EU), and the European Semester for economic policy coordination. Since the mid-2000s, the enlargements and political balance within the Council have evolved to the detriment of a consensus, even a minimal one, on the need for the European project to hold side by side both growth and economic competitiveness on the one hand, and justice and social progress on the other. Moreover, while it has historically been developed in the context of social Europe, since 2011 gender equality has been added to the justice portfolio, and has consequently been seen as being part of a broad policy of fundamental rights.

One can therefore consider that at the beginning of the twenty-first century, after numerous decades of development, the European policy of gender equality is threatened with dismantling, and even with gradual extinction. The change has not been very visible, and has been taking place without a formal decision; it nevertheless affects all aspects of policy (reduction of financing, grants, and legislative initiatives, weakening of different institutional structures in charge of gender equality within the Commission, the Council, and the Parliament, as well as the destabilization of the public policy community united around this issue). EU gender equality policy has seen its institutional, interactional, financial, and normative autonomy strongly constrained in a context of budgetary

austerity.

The gradual dismantling of this policy is nevertheless concurrent with an even stronger affirmation of the importance of gender equality as part of the foundational identity of the European Union. There appears to be a heightened risk of seeing the symbolic affirmation rely solely on a policy that is itself symbolic, one that has no material dimension or concrete effect.

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