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NOTE

From: General Secretariat of the Council
to : Delegations

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Subject : The Effectiveness of Institutional Mechanisms for the Advancement of Women
and Gender Equality
- Council Conclusions

Delegations will find attached the final version of the conclusions as adopted by EPSCO
on 9 December 2013.

The Effectiveness of Institutional Mechanisms for the Advancement of Women and Gender

Equality

Council Conclusions¹

NOTING THAT:

1. Equality between women and men is a fundamental principle of the European Union enshrined in the Treaties and is one of the objectives and tasks of the European Union and mainstreaming the principle of equality between women and men in all its activities represents a specific mission for the Union.²
2. The Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women in 1995, identifies "institutional mechanisms for the advancement of women" as one of twelve critical areas of concern (hereafter, "institutional mechanisms"). It identifies their role as being "to, inter alia, design, promote the implementation of, execute, monitor, evaluate advocate and mobilise support for policies that promote the advancement of women"³. Well-functioning and adequately resourced institutional mechanisms are crucial preconditions for ensuring progress in all the other critical areas of concern.
3. In the European Pact for Gender Equality 2011-2020⁴ adopted in March 2011, the Council reaffirmed its commitment to reinforce governance through gender mainstreaming by integrating the gender perspective into all policy areas including external EU actions and encouraged the Member States and the Commission, in particular through Eurostat, to further develop existing statistics and indicators disaggregated by sex and to fully utilise the capacities of the European Institute for Gender Equality (EIGE).

¹ Conclusions adopted within the framework of the review of the implementation of the Beijing Platform for Action, with particular reference to critical area of concern "H: Institutional mechanisms for the advancement of women".

² Articles 2 and 3(3) TEU And Article 8 TFEU.

³ Beijing Platform for Action Paragraph 196.

⁴ 7370/11.

4. On 21 September 2010 the European Commission adopted its new Strategy for Equality between Women and Men 2010-2015⁵ which identifies "governance and tools of gender equality" as a horizontal priority issue and underlines the importance of strengthening cooperation with the relevant institutional stakeholders.
5. Directives 2004/113/EC, 2006/54/EC and 2010/41/EU obliged the Member States to establish a body (bodies) for the promotion, analysis and monitoring and support of equal treatment of all persons without discrimination on the grounds of sex, with the competence to provide independent assistance to victims of discrimination in pursuing their complaints about discrimination, to conduct independent surveys concerning discrimination, to publish independent reports and to make recommendations on any issue relating to such discrimination, and to exchange available information with corresponding European bodies, such as EIGE.
6. While the European Union possesses a significant body of legislation promoting compliance with the principle of equal treatment of men and women in areas such as employment and access to goods and services, the European Commission's annual reports on progress on equality between women and men demonstrate that *de facto* gender equality has yet to be attained. This is further evidenced by the recently published Gender Equality Index⁶ developed by EIGE and confirmed by work undertaken within the context of the Europe 2020 Strategy, including the Country-Specific Recommendations addressed to the Member States.
7. This set of Conclusions builds on the political commitments voiced by the European Parliament, the Council, the Commission, and other relevant stakeholders in this area including the documents listed in Annex II.

⁵ 13767/10.

⁶ EIGE: June 2013.

RECALLING THAT:

8. Since 1999, successive EU Presidencies have developed indicators on individual areas of concern of the Beijing Platform. The Council has adopted several sets of Conclusions endorsing these indicators which facilitate the measurement of progress by the Member States in pursuing the objectives of the Beijing Platform.
9. In its previous Conclusions on "Institutional Mechanisms" (2006), the Council encouraged the Member States to strengthen their institutional mechanisms, and took note of three indicators: (1) status of governmental responsibility in promoting gender equality; (2a) personnel resources of the governmental gender equality body; (2b) personnel resources of the designated body or bodies for the promotion of equal treatment of women and men; and (3) gender mainstreaming. The Council encouraged the Member States and the Commission to provide support to national and EU statistical offices so that all relevant official statistics related to individuals are collected, compiled, analysed and presented by sex and reflect problems and issues related to women and men and the promotion of gender equality.
10. In its Conclusions on "Beijing +15: A Review of Progress", (2009), the Council stressed that gender mainstreaming and specific actions to promote gender equality are mutually supportive strategies, and that structures and methods need to be reinforced and effectively used at both national and EU level.
11. In 2009, the European Commission's Advisory Committee on Equal Opportunities for Women and Men recommended ensuring that the gender dimension is effectively mainstreamed in the work of national administrations and, in particular, ensuring that those with responsibilities for gender equality in national administrations are effectively supported and resourced.

12. **WELCOMING** EIGE'S Report "Review of the implementation of the Beijing Platform for Action in the EU Member States: Institutional Mechanisms for the Advancement of Gender Equality"⁷, drafted at the request of the Lithuanian Presidency, which provides an overview of developments in Member States' institutional mechanisms since 2006, using the above-mentioned indicators, assesses progress in the implementation of the objectives of critical area H of the Beijing Platform for Action and provides conclusions and recommendations. In its report, EIGE also developed a new indicator for the future review of progress.
13. **RECOGNISING** the efforts of the Member States to strengthen the effectiveness of governmental gender equality bodies by expanding the scope of their functions, increasing the involvement of civil society, in particular women's organisations and non-governmental organisations promoting gender equality, increasing the accountability of gender equality policies and establishing structures for gender mainstreaming.
14. **NOTING** that, as the above-mentioned report by EIGE shows, the status of governmental responsibility in promoting gender equality has not increased considerably since 2005 in some Member States,⁸ that equality bodies responsible for several discrimination grounds cannot always provide information on the personnel resources allocated for combating discrimination on the grounds of sex, which hinders the monitoring of progress on Indicator 2b, and that the use of gender mainstreaming methods and tools is still rare and not properly institutionalised in many Member States.

⁷ 15905/13 ADD 1

⁸ Cf. 14376/06 ADD 1 + COR 1.

STRESSING THAT:

15. Gender equality policies are vital to economic growth, prosperity and competitiveness. The equal, full and effective participation of women and men in all areas, in particular in employment, contributes to reaching the targets of the Europe 2020 Strategy. The Trio Declaration on Equality between Women and Men signed by Ireland, Lithuania and Greece states that reaching *de facto* equality between women and men in all policy areas requires effective governance and implementation.

REAFFIRMING THAT:

16. Institutional mechanisms play a vital role in accelerating the achievement of *de facto* equality between women and men within the European Union and that strong and sustainable mechanisms are needed for developing, implementing and monitoring the relevant policies, in order to ensure that gender equality remains prominent on the political agenda.
17. **TAKING NOTE** of the outcomes of the exchange of views during the Lithuanian Presidency Conference on 13 September in Vilnius, entitled "Gender Equality *de facto* as a Contribution to Reaching Europe 2020 Targets: the Effectiveness of Institutional Mechanisms". This conference provided an opportunity to discuss the key elements of and challenges to the effective and efficient functioning of institutional mechanisms.
18. **TAKING NOTE OF** the following indicator developed by EIGE in the above-mentioned report for measuring progress in this area:
 - Indicator 4: Production and dissemination of statistics disaggregated by sex.

This indicator will complement the ones already available in this area, as indicated in Annex I.

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CALLS ON THE MEMBER STATES, while fully respecting the differences between and specificities of the national public administration systems, to:

19. Take active and effective measures to accelerate the achievement of *de facto* gender equality as a crucial element of democracy and a prerequisite for the full enjoyment of human rights, for economic growth and for competitiveness, including by ensuring the effective and efficient functioning of institutional mechanisms.
20. Continue ensuring that gender equality remains a high priority on the governmental agenda and that complementary approaches, namely, measures to combat discrimination on the grounds of sex and policies for promoting gender equality, are pursued, in order to accelerate progress towards *de facto* equality between women and men.
21. Strengthen the effectiveness of governmental gender equality bodies by placing them at the highest possible level in the government, falling under the responsibility of a Cabinet minister, and providing them with clearly defined mandates and powers, including the competence to analyse, assess and contribute to policies in different areas, to formulate and review legislation, to develop and to implement gender equality policies, and by providing them with adequate personnel resources for fulfilling this mandate.
22. Ensure that bodies for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds of sex, in particular those bodies whose remit covers discrimination on several grounds, while fulfilling their independent functions as prescribed by relevant EU directives, devote sufficient attention to combating discrimination on the ground of sex and promoting equal treatment for women and men, and regularly assess the share of financial and personnel resources dedicated for this work.

23. Continue to improve the effectiveness of gender equality policies by taking the dual approach of gender mainstreaming and specific actions, and to develop national strategies and action plans that should include strategic objectives, clear and measurable goals and specific targets and timeframes, resources for implementation, indicators for monitoring and evaluation and regular reporting on the results achieved.
24. Strengthen efforts to mainstream gender equality in all governmental policy areas at all levels through engagement and consultation with all ministries and departments and, for example, nomination of persons responsible for equality between women and men in each of them; by developing easily applicable gender mainstreaming tools and methods, such as gender training, gender impact assessment, gender budgeting, monitoring and evaluation; and by promoting their use in practice.
25. Establish and/or ensure the effective functioning of inter-ministerial coordination structures for gender mainstreaming that involve key actors such as women's organisations and non-governmental organisations promoting gender equality, the social partners, academics, regional and local governments where appropriate, and other gender equality stakeholders, in order to enhance networking and cooperation and to ensure synergies between different efforts made in pursuit of *de facto* equality between women and men.
26. Raise awareness of gender equality and of the benefits of gender mainstreaming, making full use, where appropriate, of the capacities, knowledge and products of EIGE, and strengthen expertise in gender equality and gender mainstreaming among public officials across different sectors, including through the provision of gender equality training on a regular basis, taking into account the needs of participants, for example, by including a training module on gender equality and gender mainstreaming within the general training structure of the public administration.

27. Improve in cooperation with national and EU statistical offices and making full use of EIGE, the production, dissemination and use of comparable, reliable, regularly updated statistics disaggregated by sex in all relevant areas, in particular where this data is still missing. Promote the use of such statistics for the establishment of targets and indicators in the relevant action plans in order to measure and monitor progress and evaluate the efficiency of gender equality policies and gender mainstreaming, both in the national and in the EU context, in particular in the framework of the Europe 2020 Strategy.
28. Make statistics disaggregated by sex available to all users by ensuring the existence of regular publications and/or websites, working in cooperation with national and EU statistical offices as well as making full use of the capacities, knowledge and products of EIGE.

INVITES THE MEMBER STATES AND THE EUROPEAN COMMISSION, in accordance with their respective competences, to:

29. Continue to monitor the effectiveness of the functioning of institutional mechanisms by using the indicators as set out in Annex I, and to further develop and improve these indicators, also taking into account the different structures of government in the Member States, for example federal systems, so as to ensure efficient monitoring and comparability, making full use of EIGE.
30. Regularly review progress achieved on those critical areas of concern identified in the Beijing Platform for Action for which indicators have already been developed, take the outcomes of these reviews into account in the Commission's annual Report on Progress on Equality between Women and Men, and develop indicators for the critical areas of concern for which indicators have not been developed yet, making full use of EIGE.

INDICATORS⁹

(1) *Status of governmental responsibility in promoting gender equality*

This concerns the existence and the responsibilities and capacity of the governmental gender equality body. Responsibility and accountability of the government and the body mandated with governmental power and capacities are prerequisites for the effective promotion of gender equality;

(2a) *Personnel resources of the governmental gender equality body*

Adequate personnel resources are a critical prerequisite for the creation of effective government gender equality policies;

(2b) *Personnel resources of the designated body or bodies for the promotion of equal treatment of women and men*

Adequate personnel resources are a critical prerequisite for the effective promotion and protection of equal treatment of women and men in accordance with the Directive 2002/73/EC;

(3) *Gender mainstreaming*

Governmental commitment, structures and methods for implementing gender mainstreaming are crucial for successful progress towards gender equality.

⁹ Cf. 14376/06.

NEW INDICATOR 4

Indicator 4: Production and dissemination of statistics disaggregated by sex.

This indicator is designed to measure governmental commitment to the production and dissemination of statistics disaggregated by sex and to identify the methods in use for dissemination of such statistics.

EIGE's report indicates that a major precondition for effective gender equality policies and legislation is availability of timely and high-quality statistics disaggregated by sex. High-quality, comparable and reliable statistics disaggregated by sex help to identify the gender gaps and adjust policies as relevant. Such statistics are a useful quantitative tool for monitoring the effectiveness of gender equality policies, for evaluating the extent to which the objectives have been met and for ensuring timely and relevant evidence-based decision making. According to the report by EIGE, while the majority of Member States collect statistics on a regular basis, not all of them have made a formal commitment to make those statistics publicly available and to disseminate them. The majority of Member States publish such statistics and make statistics disaggregated by sex available on their websites. However, the commitment under the Beijing Platform for Action has yet to be fully realized.

References**1) EU Legislation**

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 (OJ L 373, 21/12/2004 P. 0037-0043).

Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast). (OJ L 204, 26.7.2006, p. 23).

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, 30.12.2006, p. 9)

Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC (OJ L 68, 18.3.2010, p. 13).

Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC (OJ L 180, 15.7.2010, p. 1).

Regulation (EU) No 99/2013 of the European Parliament and of the Council of 15 January 2013 on the European statistical programme 2013-17 (OJ L 39, 9.2.2013, p. 12).

2) Council Conclusions

All Council Conclusions adopted on the review of the Beijing Platform for Action¹⁰, and especially those cited below.

Council Conclusions of 22 October 1999 on the review of the implementation by the Member States and the European Institutions of the Beijing Platform for Action (11862/99).

Council Conclusions of 30 November and 1 December 2006 on Review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action – Indicators in respect of Institutional Mechanisms. (14376/06) and the accompanying Report by the Finnish Presidency "Institutional Mechanisms" (14376/06 ADD 1)

Council Conclusions of 30 September 2009 on the Review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action: "Beijing +15": A Review of Progress (15992/09).

Council Conclusions of 7 March 2011 on the European Pact for Gender Equality (2011-2020) (OJ C 155, 25.5.2011, p. 10).

3) European Council

The Presidency Conclusions of the Madrid European Council of 15-16 December 1995 (00400/95).¹¹

4) Commission

Communication from the Commission: - A Strengthened Commitment to Equality between Women and Men: "A Women's Charter - Declaration by the European Commission on the occasion of the 2010 International Women's Day in commemoration of the 15th anniversary of the adoption of a Declaration and Platform for Action at the Beijing UN World Conference on Women and of the 30th anniversary of the UN Convention on the Elimination of All Forms of Discrimination against Women" (7370/10).

Communication from the Commission of 3 March 2010: "Europe 2020: the European Union's Strategy for jobs and smart, sustainable and inclusive growth" (COM(2010) 2020 final).

Communication from the Commission of 21 September 2010: Strategy for Equality between Women and Men 2010–2015 (13767/10).

Commission Staff Working Document: "Report on Progress on Equality between Women and Men in 2012" (9297/13 ADD 1).

¹⁰ http://ec.europa.eu/justice/gender-equality/tools/statistics-indicators/platform-action/index_en.htm

¹¹ Conclusions in which the European Council undertook to monitor annually the Beijing Platform for Action.

5) Other

Stocktaking study of the effective functioning of national mechanisms for gender equality in Council of Europe member states, CDEG (2004)19

[http://www.coe.int/t/dghl/standardsetting/equality/03themes/standards-mechanisms/CDEG\(2004\)19_en.pdf](http://www.coe.int/t/dghl/standardsetting/equality/03themes/standards-mechanisms/CDEG(2004)19_en.pdf)

Recommendation CM/Rec(2007)17 of the Committee of Ministers to member states on gender equality standards and mechanisms, Council of Europe,

<https://wcd.coe.int/ViewDoc.jsp?id=1215219&Site=CM>

European Commission's Advisory Committee on Equal Opportunities for Women and Men, *Opinion on the gender perspective on the response to the economic and financial crisis*, 2009.

http://ec.europa.eu/justice/gender-equality/document/index_en.htm

Trio (IE, LT, and EL) Declaration on Equality between Women and Men, Dublin, 2013.

<http://www.socmin.lt/index.php?-1011907770>

Audio Record of the Lithuanian Presidency Conference on *the Effectiveness of Institutional Mechanisms*, Vilnius 2013, <http://www.socmin.lt/index.php?-1020974526>

EIGE's report "Review of the implementation of the Beijing Platform for Action in the EU Member States: Institutional Mechanisms for the Advancement of Gender Equality".

12359/13 ADD 1.
