2024 European elections : What is at stake for women's rights in Europe

OONA CARTERON

WOMEN'S RIGHTS TEAM – APRIL 24th, 2024

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C O N T E N T S

INTRODUCTION

In October 2023, the UN Special Rapporteur on violence against women denounced a "global epidemic of femicide" (OHCR, October 2023). On September 20th, 2022, Mahsa Alimi was murdered by the Iranian Regime. Poland enforced a near-total ban on abortion in January 2021 and the American Supreme Court overturned Roe vs Wade in June 2022 while Afghan women have been unwaveringly disappearing from public life since August 2021. Setbacks and retrogression of women's rights are not solely issues confined to outside Europe but a pressing challenge to be tackled by all European nations.

As women's rights are steadily being at best challenged and more often overturned, the 2024 European parliamentary elections are taking place at a pivotal moment and therefore will carry particular significance. In a context of growing popularity for far-right parties in national settings across Europe, early polls suggest that populist and eurosceptics are likely to play an increasingly significant role in European politics. This could lead to a potentially more right leaning European Parliament after the June 2024 elections. Inclined to lobby for limited EU involvement in national affairs and restricted European sovereignty, **the growth of right-wing populist parties is likely to bolster a growing axis of anti-feminist movements heightening the current backlash against women's rights in Europe and threatening to erode existing achievements.**

Gender equality is a fundamental value enshrined in Article 2 of the EU's founding treaty, the Treaty on the European Union (Article 2, TEU). As such, the issue has stood at the forefront of many political agendas and European-wide strategies, aiming at tackling discrimination, from economic inequalities to gender-based violence. The Von der Leyen Commission's implementation of the 2020-2025 gender equality strategy or the EU action plan for gender equality and women's empowerment (GAP III) embodies the European Institutions' dedication to promoting gender equality and gender mainstreaming, as well as addressing discrimination and violence against women. However, notwithstanding the accumulation of political and legal endeavours, the situation remains uneven across the EU with progress slowing down, stalling, or even regressing in certain areas. This results in a widening gap between political ambitions and societal realities. Yet, recent public opinion surveys show that less than half of the citizens around Europe agree with the statement that gender equality has been achieved while many more expect the EU to take on a more proactive role and to implement more drastic and ambitious measures to tackle gender inequality (Eurobarometer, 2016). As evidence points to the benefits of achieving gender equality for society as a whole, it is imperative that women's rights assume a central role in the upcoming elections. The importance of upholding women's rights advocacy within the European Parliament is not merely for economic purposes, but rather to face the ideological deliquescence of the EU's founding principles.

This report will examine what has been done already and what remains to be improved in European politics on four major topics: (1) women's representation and the inclusion of women in political processes; (2) economic inequalities through the examples of the gender pay and the gender employment gaps; (3) gender mainstreaming and intersectional policies, and; (4) gender-based violence and sexual health and reproductive rights.

1. WOMEN LEADERSHIP: BREAKING THE GLASS CEILING

1.1 POLITICAL REPRESENTATION: INCLUDING WOMEN IN THE POLITICAL PROCESS

Although gender balance in European and national politics has improved over time, it is far from being achieved. In 1952, only 31 women were delegates in the European Parliament (MEP) until 1979 when the first direct elections were held, they accounted for 15.9 percent of MEPs (European Parliament, 2024). **Following the 2019 European elections, 41 percent of elected MEPs were women**, this number slightly dropped to 39.8 percent in February 2024.

41% *of elected MEPs in 2019 were women*

The level of representation of women in the European Parliament therefore largely exceeds democracies worldwide as well as the European average for national parliaments. However, progress has stalled with data showing that women are still underrepresented at local, national (26.5 percent), and EU-wide levels (31 percent) (European Parliament, March 2023). Furthermore, great disparities remain across Member States. For instance, representation in the Romanian Parliament reached the lowest levels with only 15 percent of its MEPs being women in 2023 (Shreeves & Zamfir, 2023). According to the European Institute for Gender Equality's (EIGE) Gender Equality Index, in 2023 only Sweden and Finland were reaching a score of over 90 with 100 corresponding to gender balanced ministries, parliaments and regional assemblies (EIGE, n.d/a). While countries such as France, Spain, Portugal, Denmark, or Belgium score high on EIGE's 'political power' index score, the situation remains dire in countries such as Hungary, Slovakia, Romania, Cyprus, or Greece, where women sometimes make up for less than a third of MEPs. Moreover, progress has been slow. Reports from the Commission in 2019 show that gender equality in regional parliaments, for instance, has improved since 2005 at an average rate of 0.3 percent (European Commission, 2019).

Further data also illustrates the importance of portfolio disparities in assessing the efficiency and progress made in terms of equal gender representation. Although the proportion of women in politics is steadily increasing, studies often show that they are a lot less likely to be entrusted

with high profile portfolios, such as foreign affairs, defence and justice, or finance, often associated with more 'masculine' qualities. On the contrary, they are very often assigned 'softer' portfolios affiliated with skills traditionally considered more 'feminine,' including all socio-cultural matters such as health and education. In the European Parliament, across the 20 different committees, only six have women as their chairs, with only one woman, Irene Tinagli, as head of a higher-profile portfolio within the Committee on economic and monetary affairs (European Parliament, July 2019). These gaps seem to worsen when one considers the underrepresentation of women belonging to subcategories of minority groups such as ethnic minorities, LGBTQI+, the elderly, or women with a disability. Organisations such as European Network Against Racism (ENAR) point out the severe lack of representation of such minorities and the gaps in representativity of the European democracy (ENAR, 2019). While they make up ten percent of the total EU population, only about four percent of all elected MEPs belong to that category.

While data analysis allows for a greater understanding of the shortcomings of today's representation of women in politics, it sheds light on progress margins and emphasises the need for further efforts to be made in this domain. **Only by understanding the underlying mechanisms informing the underrepresentation of women can political parties and European Institutions take the appropriate steps towards breaking the omnipresent glass ceiling hanging over European and National politics.** The obstacles paving women's journey to politics are manifold, including entrenched traditional gender roles, discriminatory practices, structural gender bias, limited access to resources and networks, harmful stereotyping, and a lack of institutional support for women's advancement. Self-censorship further plays a central role as studies show that women in general are significantly less likely to engage in politics. This includes reluctance to pursue a career or simply in terms of voting, because of a perceived lack of 'political knowledge' which greatly affects political participation (Caul Kittilson, 2016). The inequalities linked to key resources such as time, money, or networks, along with the vastly male-dominated political culture, contribute to obstructing women's entry into politics. Additionally, harmful stereotyping of women as less 'legitimate' or 'weaker' political leaders because of their gender further exacerbates the issue. In addition, perpetual abuse and violence directed at women political leaders, whether in terms of disrespect, commenting on their physical appearance, misogynistic slander and jokes, or public discreditation further acts as a deterrent and limits the 'supply' of women in politics.

Electoral systems and political parties are furthermore systemic key gatekeepers and institutional barriers of gender equality in political representation. This should be a central component of the European parties' election strategies. Fueling the 'demand' for women candidates through reform in recruitment, selection, or outreach aiming at increasing women's engagement with party politics, is the linchpin of achieving equal representation. In this regard, the Commission's 2020 Citizenship report (European Commission, 2019) and the 2023 report on gender equality in the EU (European Commission, 2023), argue that measures such as linking public funding allocation for political parties to their promotion of women's political participation, implemented in Member States such as France or Portugal, establishing quotas for candidate lists and balancing media coverage of women and men candidates has a direct

positive impact on the number of women elected (Parliamentary Assembly, 2016). However, much nuance needs to be brought to the use of quotas, as if not implemented in the right way, they can be detrimental to equal representation rather than a proactive solution. Indeed, quotas, in order to lead to an increase in representation, should be designed according to the electorate system's specificities, incorporation placement rules to put candidates at a 'winnable' seat position and allow for effective sanctions in cases of non-compliance. Nevertheless, the Commission citizenship report highlights that countries with effective quotas should reach gender balance around 2030, whereas countries without may need to wait an additional ten years for the same results (European Commission, 2023).

Equal representation of women in political processes is not solely a matter of justice and equality. **The representation and integration of diverse perspectives are essential for effective governance and decision-making.** Overlooking key issues affecting women perpetuates inequalities and limits progress towards gender equality while the absence of equal representation undermines the credibility and stability of governing political bodies. Achieving gender balance is therefore not only a matter of justice and equality but also essential for the advancement of democratic values and European sovereignty.

1.2 POPULISM AND WOMEN IN POLITICS: A DOUBLE-EDGED SWORD?

According to a report published by the European Council on Foreign Relations (ECFR), the upcoming European elections will witness a major turn to the right, with left, centre-left, and green parties losing seats significantly filled by radical populist parties (Cunningham, Hix & Dennison, 2024). The report further anticipates that anti-European parties will emerge as frontrunners in polls across nine Member States, namely Sweden, Estonia, Latvia, Portugal, Spain, Bulgaria, Finland, Germany, and Romania (Cunningham, Hix & Dennison, 2024). Labelled a 'sharp right-turn,' such results would have dramatic consequences on minorities and women's rights as populist parties often display hostility towards the fundamental values traditionally upheld by the EU (European Parliament, 2017). In this context, maintaining gender equality and ensuring the preservation of women's rights is a pressing concern as it threatens to challenge the very fabric of European ideals and values (EQUINET, 2016). However, this isn't a recent phenomenon. In the last decades, we have witnessed two intertwined phenomena, on the one hand, the steady rise of populist parties across Europe, and on the other hand, the increasing presence of women in politics. This has sparked debates over the causality between a growing number of women in positions of leadership and the progression of equality and women's rights in European politics. When one looks at the female leading figures of the EU today, such as Roberta Metsola, president of the European Parliament, Ursula Von Der Leyen, president of the European Commission, and leaders of prominent national parties like Georgia Meloni or Marine Le Pen, it becomes increasingly clear that support for women in politics shouldn't be blindly based on gender but

should meticulously study and acknowledge the repercussions that such policies can have on other women.

Indeed, populists and far-right movements across Europe differ significantly in many regards but converge on the exploitation of archaic and patriarchal gender roles as well as on racism and xenophobia, making women who belong to ethnic minority groups even more of a target (Hörst & Groenendaal, n.d). In Germany, the AfD, or *Alternative for Deutschland* party, heavily promotes gender norms and the traditional image of women as mothers above all. In Portugal, the nationalist, racist, and misogynistic *Chega* party doubled its score in the legislative elections with a programme advocating against immigration, abortion, LGBTQI+ people, and women's rights in general. In the Netherlands, the *Party for Freedom* paired misogyny with racism by arguing that women needed protection from the inherently oppressive and backward religion of Islam as Muslim men do not respect the same rights as Dutch men. In Spain, the *Vox* party's programme included restricting abortion rights, revoking legislation on gender-based violence and replacing the Ministry of Equality with a Ministry of the Family. The changes brought by electorates at national levels are now spilling over to the European Parliament, thus widening the scope and potential undermining of women's rights.

Paradoxically, many populist leaders are in fact women who don't hesitate to use traditional gender roles as a tool to achieve their political agendas. Indeed, at the heart of the EU's most democratic institution, Roberta Metsola, centre-right MEP from Malta was elected president in 2022. Her leadership is highly symbolic and illustrates the changing dynamics within the Parliament. However, while she openly speaks to "every woman still fighting for her rights, to the vulnerable, to the oppressed and the abused" (De la Baume, 2022), the president is openly and fervently anti-abortion. Her programme is far from the feminist values she proclaims to uphold, as for instance, in January 2021, she abstained on a Resolution calling for the criminalisation of violence against women. In France, Marine Le Pen, head of the *Rassemblement National* (RN), in a similar fashion with the Dutch *Freedom Party*, approaches feminism from a racist, anti-immigration, and anti-foreigners angle. She uses her femininity as a way to soften her party's image and to move away from the radical end of the political spectrum. Nevertheless, although she frequently portrays herself as a strong and independent woman, she repeatedly voted against women's fundamental rights. In 2011, she offered to de-reimburse abortion, to reduce the legal abortion period from 14 to 12 weeks. In 2020, she voted against the PMA (assisted reproduction), against a Resolution on equal pay and on violence against women in January 2020 and September 2021 respectively (Igdir, 2022). Women in leadership positions are therefore often perceived as either motherly, social, and peaceful leaders such as Angela Merkel, or as power-hungry, cold, and rigid figures, showcasing qualities often associated with men. In the case of populist leaders, this trope is particularly pernicious as portrayal as motherly figures gives them credibility as they will "protect all children" (Hörst & Groenendaal, n.d).
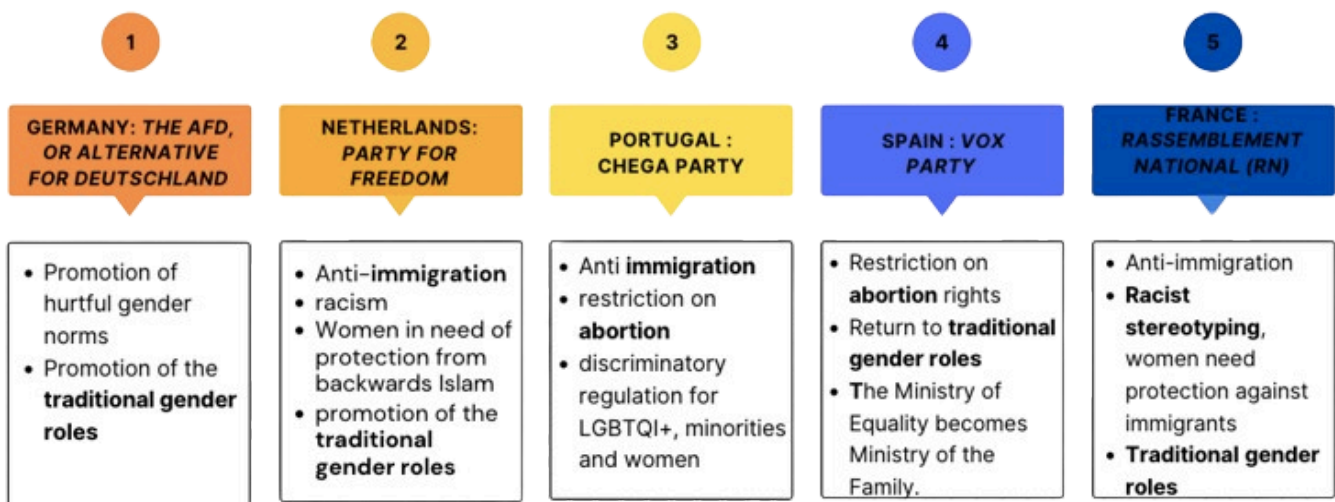
Figure 1 - summary of leading far-right parties in Germany, Netherlands, Portugal Spain and FRance

The growing number of women voting for such parties is an additional example that 'women' are not a homogeneous group, but are rather a complicated net of intertwining identities and beliefs. Researchers, such as Suzanne Moore or Hannah Fearn, argue that women tend to vote with regard to their gender but also to class and ethnicity which could explain, anti-feminist voting behaviours from certain strands of the population. While the rise of female political leaders in Europe is undoubtedly a positive step towards gender equality and representation in governance, it does not guarantee the automatic advancement of women's rights. The trend even seems to be going backwards, with an increasing amount of right-wing and conservative women in positions of executive power gaining back women's votes and endangering progress towards gender-equality. In the context of the upcoming elections, it is thus necessary to evaluate women's leadership based on the content of its ideas rather than to blindly accept the promises of a leader solely based on gender.

2. BRIDGING GENDER GAPS: ECONOMIC CONSIDERATIONS

2.1 CLOSING THE GENDER PAY GAP

Despite significant progress in various aspects of gender equality, women across Europe continue to earn substantially less than their male counterparts for equivalent work. The discussion of how to tackle economic inequalities is not new in a context of consecutive crises, from COVID-19 to the war in Ukraine. However, engaging with the causes of female poverty should be a central issue in the upcoming European elections in order to foster fair and inclusive economic systems and advance gender equality across the continent. Indeed, while

Article 157 of the Treaty on the Functioning of the European Union (TFEU) reads "each member state shall ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied" (Europa, 2012), a 2017 EU Commission report revealed that, at the current pace of progress, it would take over 70 years to bridge the gender-pay gap (GPG) (European Parliament, 2017). Latest data from 2019, show that the GPG stood at 12.7 percent with significant differences between European countries.[1] As this indicator only takes into account employed women, it can be compensated by complementary indicators such as the gender overall-earnings gap, which reflects the average earnings of all working-age women. While the GPG is slowing but steadily decreasing, the latter is significantly increasing, going from 31.1 percent in 2014 to 36.2 percent in 2018 according to the Commission's report, meaning that women's overall earnings, whether employed or not, are 36 percent lower than men's (European Parliament, 2017). These figures and indicators all point towards the same conclusion: women are more likely to live under the poverty threshold than men. All differences in earnings accumulate over time, widening the gap. This culminates in the pension revenue gap reaching 27.1 percent in 2021, a significant decrease from the 2014 pension gap, which rose to the record number of 40.2 percent.[2] Although the lack of intersectional data limits our understanding of how factors such as race or ethnicity intersect with gender to influence pay disparities, data collected at a national level in countries such as the UK illustrate the depth of the gap for women belonging to ethnic minority groups. According to the UK Parliament, the gender pay gap was 14.3 percent in 2023 (Francis-Devine, 2024). However, a recent analysis by the Labour Party shows that the pay gap based on ethnicity among women is widening, with **the pay gap for black african women standing at 26 percent, at 28 percent for Bangladeshi women, and at 31 percent for Pakistani women** (Khan, 2022). Data inclusivity is thus a serious shortcoming of the EU's attempts at tackling female poverty and at closing the gender pay gap.

Research shows that closing the gender-pay gap would have a positive outcome for society and the economy as a whole, as it is estimated that the gender-pay gap will cost the EU 240 billion euros in GDP by 2030.[3] Indeed, according to the European Institute for Gender Equality (EIGE), bridging the GPG is likely to in turn increase job-creation mechanisms for both men and women, augment GDPs per capita, and curb long-standing challenges such as occupational segregation and low productivity. Therefore, one must not neglect the proven spill-over effects of economic gender equality measures. Nevertheless, such measures aiming to tackle female poverty need to take into account the multiplicity of its roots and causes. Indeed, women are more likely to be single-parents, to have children to support, and to suffer the consequences of austerity programs in the wake of economic crises and discrimination at work or in the job market. Overall, three factors seem to stand out as major obstacles in the race for equal pay. Firstly, sectoral segregation tends to gather women in lower-paying jobs which are

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[1] According to EIGE data, the gender pay gap is the difference between the average gross hourly earnings of female and male employees, taking into account differences in sector employment. For further information on how the GPG or the Gender overall-earning gap is calculated, see the Eurostat website. Available at https://ec.europa.eu/eurostat/databrowser/view/teqges01/default/table.

[2] For a detailed account of pension-gap differences, retirement age and variates between EU countries and at an overall European Level, see https://ec.europa.eu/eurostat/web/products-datasets/-/ilc_pnp13.

[3] For further information on the Economic Benefits of Gender Equality in the European Union, see EIGE https://eige.europa.eu/newsroom/economic-benefits-gender-equality.

systematically undervalued because of their feminised perception (European Commission, n.d). Secondly, women take on a higher share of unpaid work, such as domestic work and familial obligations. Third, discrimination is high on the list, with women still often underpaid for the sole reason that they are women, or because they are perceived as less qualified than their male counterparts and institutionalised discriminatory recruitment processes harden the glass ceiling. Many programmes seek to address the gender pay-gap, among which the Commission's 2020-2025 gender equality strategy or the Gender Pay Gap Action Plan as part of the new European Pillar of Social Rights were delivered in 2019. Both attempt to promote transparency, and those projects aim at tackling the roots of negative stereotyping and discrimination in education and the labour market (European Commission, 2023). The 2020-2025 strategy represents a clear improvement over the "Strategic engagement for gender equality 2016-2019" which lacked clear and achievable goals and targets, measurable progress, concrete benchmarks, and a dedicated budget (Desbusscher, 2022). However, the scope of the challenge posed by the gender-pay gap requires more ambitious measures with a larger impact. The 2020-2025 strategy also has a limited outreach impact as for instance, only companies with over 250 employees are bound by the Commission's gender pay reporting obligations. This only covers around a third of employees across the EU, according to the ETUC. This proportion is even smaller in countries where the gender-pay gap is the widest, such as Latvia and Estonia (ETUC, 2022).

The obstacles to closing the gender pay gap are manyfold, and the margins of progress for existing strategies are immense. Impact assessment of existing directives and various European programmes illustrate the need for an even more comprehensive and ambitious approach to address economic inequalities and discrimination.

2.2. GENDER EMPLOYMENT GAP: DEALING WITH THE BURDEN OF PRECARIOUS WORK

Alongside purely monetary considerations, the nature of employment is another crucial aspect of the gender-pay gap. Indeed, women are more likely to engage in precarious and part-time jobs and have a higher inactivity rate. The European Institute for Gender Equality defines precarious employment as insecure and low-quality work arrangements that encompass various dimensions, including wages, work intensity, job stability, access to social benefits, union representation, and statutory protection. It often involves limited protection against discrimination, limited opportunities for training, and career advancement. Precarious work can take the form of temporary, seasonal, part-time, on-call, day hire, casual, or short-term contracts, and may be characterised by low pay and productivity (EIGE, 2017). Women, compared with their male counterparts at equal levels of education, are four times more likely to engage and remain in part-time work. According to data from a 2019 European Parliament report, **45 percent of women with low qualifications are engaged in precarious work, compared to a little under 26 percent for men with the same qualifications** (Prpic & Shreeves, 2019).

According to Eurostat, in 2022, the employment rate among men of working age in the EU stood at 80.0 percent, surpassing that of women, which was 69.3 percent, by a margin of 10.7 percentage points (Eurostat, 2022). The employment gap is even wider when one takes into consideration additional obstacles such as disability or belonging to an ethnic minority group for example.[4] Indeed, a 2021 declaration by the European Parliament stressed that "half of all women of working age with disabilities are economically inactive"(European Parliament, 2021, February). In the same way, young women and women migrants are more likely to engage in non-standard forms of work (International Labour Organisation, 2016). Additionally, women are more likely to engage in unpaid care activities, which reduces their employability or significantly hinders their ability to hold a full-time job. EIGE thus found that, "it is estimated that care responsibilities keep 7.7 million women out of the labour market (compared with only 450 000 men) and contribute to the gender employment gap" (EIGE, n.d/b). In order to tackle this issue, many Resolutions were taken, including the Work-Life Balance directive or the European care strategy, introduced in 2022. Both strive towards encouraging an equal responsibility share between both parents, equal division of domestic tasks, including provisions to facilitate access to paternity leave and to foster women's return to the labour market. Indeed, women are too often victims of hiring discrimination as the possibility of a pregnancy acts as a deterrent for recruiters who believe it would be more profitable to hire a man. In the same regard, women with children are considered as less suitable candidates because they are perceived as automatically unavailable, less flexible, hardworking, and dedicated to their work because their priority goes to their children. These deeply ingrained stereotypes are major obstacles to women's employment and careers. Any measures attempting to tackle the care and employment gap must address not only material difficulties but also negative stereotyping and societal challenges.

Overall, reducing the gender employment and pay gaps is not only a matter of social justice but also critical for economic prosperity, social cohesion, and the EU's commitment to gender equality and human rights. Therefore, it is likely to be a key issue in the upcoming European elections, shaping voters' decisions and political agendas.

3.   GENDER MAINSTREAMING: A FRAMEWORK FOR INCLUSIVE POLICY MAKING

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[4] For further information, see ENAR Shadow Report: Racism & Discrimination in Employment in Europe 2013-2017. Available at
https://migrant-integration.ec.europa.eu/library-document/enar-shadow-report-racism-discrimination-employment-europe-2013-2017_en

3.1 INCLUDING A GENDER PERSPECTIVE IN ALL POLICY AREAS

Gender mainstreaming is defined as the, "integration of a gender perspective into the preparation, design, implementation, monitoring and evaluation of policies, regulatory measures and spending programmes, with a view to promoting equality between women and men, and combating discrimination". It is a fundamental objective of EU policies, and is enshrined in the TFEU (EIGE, n.d/c). For instance, Article 8 reads, "In all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women" (Article 8, TFEU). **Gender equality is thus not simply part of the EU's agenda but must be an underlying theme of all European policies.** The Gender Equality Strategy contains provisions for initiatives linked to key topics such as the ecological and digital transition. Nevertheless, shortcomings in these measures frequently stem from insufficient resources allocated to ensure the effective implementation and institutionalisation of the gender dimension of such policies. Critics have further highlighted that the adoption of gender mainstreaming has been inconsistent and *ad hoc* rather than a systematic consideration. Indeed, researchers such as Lut Mergaert and Rachel Minto point out many institutional and political barriers to the successful implementation of gender mainstreaming including the weaknesses and inadequacy of the necessary structures and measures to equip and train EU staff and the numerous actors involved in the policy-making process (Mergaert & Minto, 2021). This section will give a brief overview of challenges relevant to gender mainstreaming in three particular areas: ecology, migrations, and cyber-violence.

3.1.1 Environmental Policy

Environmental Policy integration (Article 11, TFEU) is a standing horizontal agenda with a clear gendered impact. Statistics show that women are more affected by natural disasters, being more likely to die, to suffer violences, or displacement (European Parliament, 2018 January). Girls and women in the poorest strands of the population are more heavily impacted by the effects of climate change, reaching over a broad spectrum of areas such as food insecurity, malnutrition, or gender-based violence (European Parliament, 2018 January). A 2018 European Parliament press release called for more ambitious action to protect vulnerable populations, including women and children, from the consequences of climate change (European Parliament, 2018 January). The report points out striking data on the gender dimension of environmental issues. **Women and children are fourteen times more likely to die during natural disasters, 70 percent of the 1.3 billion people living under the poverty threshold are women and are more acutely exposed to violence and harassment.**

Nevertheless, CONCORD, the European Confederation of NGOs working on sustainable development and international cooperation, repeatedly criticised the European Commission, arguing that key policy initiatives such as the European Green Deal (2019) or the Farm and Fork Strategy (2020) "are entirely lacking gender considerations" (CONCORD, 2021). This can be explained by a systematic portrayal and perception of climate change related issues in

terms of trade, energy security, or competitiveness with security oriented solutions as opposed to much needed human oriented approaches. While there is a small section on climate change in the Gender Equality Strategy, the two domains remain largely separated, and policies attempting at intertwining them are largely incoherent. Much remains to be done as all the main instruments and frameworks on environmental policing continue to be widely gender-blind (Desbusscher, 2022).

3.1.2 Migration and Asylum

In the same way, women and girls constitute a significant proportion of refugees and asylum seekers, often facing distinct risks and vulnerabilities, including a higher exposure to gender-based violence, exploitation, and sexual trafficking. **The UNHCR further highlights the higher risks for women belonging to a racial, ethnic minority, or to the LGBTQI+ community, and argues that the heightened levels of violence against women are the product of the EU migration policy** (UNHCR, 2015). The externalisation of the EU's borders, by criminalising and securitising migrations and migrants routes, is creating a framework for clandestine and illegal immigration. This is then worsening the vulnerability of women, women with a disability, elderly women, and other marginalised groups, and exacerbating frameworks conducive to sexual violence. The need for gender sensitive measures on migration and asylum law aims at protecting women from more hardship, discrimination and violence during the asylum process. Indeed, women and LGBTQI+ groups are often subjected to discrimination in asylum processes, as many forms of gender-based persecution and violence go undervalued and unacknowledged. The annual 2023 Commission's report on Gender Equality in the EU, mentions the words 'refugees', 'migrants' and 'asylum' together under ten times with nine out of ten regarding Ukrainian refugees fleeing the Russian war of aggression. Needless to say that the Commission has a selective eye when discussing the suffering and vulnerability of women refugees and the hardships faced along their journeys. The European Parliament has been repeatedly vocal in advocating for a new framework for protection of women refugees and asylum seekers, adopting many resolutions reminding key aspects of the EU migration policy, including that, "the treatment of women and girls seeking asylum across Member States differs hugely, and very significant shortcomings remain" (European Parliament, 2016, March).

With far-right regimes hardening their rhetoric on migration laws, safeguarding women refugee's rights is a pillar of achieving gender equality in the EU and a fundamental challenge for the upcoming elections .

3.1.3 Cyber-Violence

New technology introduces new forms of gender-based violence and European policy challenges. Indeed, addressing technology-facilitated gender-based violence requires robust regulatory frameworks that keep pace with rapidly evolving digital landscapes. These new aspects of gender-based violence can take many forms, such as online harassment and cyberbullying based on gender identity or expression, the non-consensual sharing of intimate

images or videos known as doxxing, revenge pornography, and online dating gender-based violence including coercion, manipulation, and exploitation. The lack of accountability creates the groundwork for a context of impunity and anonymity that greatly hinders the advancement of women's rights. Although men and women alike are exposed to cyber-violence, research reveals that women and girls are particularly vulnerable to online gender-based hate speech, harassment or bullying often resulting in a withdrawal from the digital platforms, social exclusion but also offline physical or psychological violence (EIGE, 2022).[5] In light of the Commission's digital transition objectives, the 2022 European Digital Service Act (DSA) aims at regulating online platforms and digital services operating within the European Union and harmonising rules governing digital services to ensure a safer online environment for users, while fostering innovation and tackling cyber-violence. However, the DSA barely mentions gender-based violence, thus further illustrating the shortcomings of the EU's gender mainstreaming strategy. Experts further argue that the digital transition is anticipated to predominantly generate employment in sectors heavily dominated by men (IT, energy, transports), thus exacerbating gender occupational segregation and inequalities, while traditionally female dominated sectors (health, care, education) are increasingly lacking funds and governmental support (Klatzer & Rinaldi, 2020).

Implementing gender mainstreaming in European politics is therefore not simply about social justice, but a crucial component of better governance. By integrating gender perspectives into policies, governments create more effective solutions to societal challenges. This fosters diversity in decision-making, leading to more informed choices and greater accountability. Gender mainstreaming promotes social cohesion, drives economic growth, fulfils international commitments, and ensures long-term sustainability.

3.2 INTERSECTIONALITY : DEALING WITH MULTI-FACTORIAL DISCRIMINATION

Intersectionality refers to the interconnected nature of social categorisations such as race, gender, class, sexuality, and ability, and how they overlap and intersect to create unique experiences of discrimination. Implementing intersectionality in the EU context aims at acknowledging the existence of multiple forms of discrimination simultaneously, which cannot be fully understood or addressed by considering each aspect of their identity in isolation. Although a comprehensive framework and growing attention to intersectionality is slowly being implemented in European policy-making, a recent Equinox report identifies several significant challenges hindering the development of a genuinely intersectional EU gender equality policy. Some key obstacles include: **"a surface level engagement with the concept of intersectionality, including a failure to meaningfully account for race and class"**; "a binary foundation that limits the scope of policy and does not provide for the fact that women have complex identities that go far beyond their gender identity"; and "institutional barriers to

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[5] For a comprehensive analysis of cyber violence, see EIGE. (2022). Combating cyber-violence against women and girls at file:///Users/macbook/Downloads/combating_cyber_violence_against_women_and_girls.pdf

meaningful civil society and community engagement, in particular of those representing communities impacted by intersectional discrimination" (Equinox, 2021). Each section of this report, political representation, economic disparities, gender mainstreaming and gender-based violence, has a deeper impact on women belonging to other minority groups who are further marginalised not only because they are women but also because of their skin colour, sexual or gender orientation, ethnicity, religion or even disability. As the introduction of the concept of intersectionality is a new prerogative of the Von der Leyen Commission it severely lacks background research, data and funding to design and implement targeted policies and scope and effectiveness assessments. Intersectionality is therefore more of an additional thought thrown in the pot. It divides the majority and results in superficial engagement at policy levels.

The conclusions of the European Network against Racism (ENAR)'s analysis of the 2019 elections results illustrate the need for an equal representation of women in the European Parliament as a way to achieve true gender-equality and the challenges it constitutes for the upcoming elections. The review encompasses, "(A) total racial, ethnic and religious minorities, or all of those racialised in their countries and (B) people of colour, all those racialised as 'non-white', with origins outside of Europe" (ENAR, 2019), and finds that these categories are heavily underrepresented in the European Parliament. Only five percent, which accounts for 36 MEPs, belonged to one of these categories after the 2019 elections, 17 of which were women, with a drop to four percent after Brexit, amounting to 30 MEPs. While these figures are increasing, despite available EU data, the underrepresentation of racial, ethnic and religious minorities is striking. This phenomenon is multilayered and multicausal. Structural and institutional barriers marginalise minority groups, while racial, ethnic and religious minorities are often confronted with direct racism and discrimination in voting, both factors resulting in a low proportion of candidates belonging to any of these groups. When adding the additional discrimination faced by women, one can only figure out the reasons for this lack of representation. The ENAR also points to the fact that despite the Commission having a staff of over 33.000 people, no data exists on racial and ethnic diversity, while programmes striving towards achieving greater representation are lacking. While black women for instance are more likely to suffer from exposure to poverty, sexual violence and discrimination, the trend is anticipated to worsen as an increasingly right-wing Parliament is expected to be elected.

Discrimination levels vary from one country to another. For instance a particular focus on headscarfs crystallises the rising Islamophobia and anti-muslim sentiment in Europe.[6] A report by the Open Society Justice Initiative raised concerns over the spread of partial or total bans being implemented on wearing a headscarf in public spaces in at least nine Member States at local or national levels (Open Society Initiatives, 2018). This trend leads to discriminatory exclusion and the rise of a systematically racist, misogynistic and paternalistic public discourse that subverts Muslim women's freedom of choice and expression. In the same way, the ongoing conflict in both Ukraine and Palestine illustrates the clear double-standards when talking about the EU's fight for gender-equality on the international stage as much as at a

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[6] For further information on the multi-faceted discrimination experienced by Muslim women in Europe see ENAR Forgotten women: the Impact of Islamophobia on Muslim women. Available at
https://www.enar-eu.org/forgotten-women-the-impact-of-islamophobia-on-muslim-women/

domestic level. The 'white' appearance of Ukrainian refugees and the perceived 'resemblance' with Europeans has sparked unprecedented levels of empathy, shock and hospitality in the EU, from military aid and sanctions to opening its highly securitised borders. On day 187 of the war raging in Gaza, the desperate and disastrous humanitarian situation of women and girls has sparked nothing but a wave of outcry for 'Israel's right to self-defence'. The inability of the EU to promote and uphold its fundamental values, its stated objectives and international law outside of its borders has long term implications for its credibility and its aptitude to wield its soft-power. Intersectionality is thus as much a matter of coherence and power than of social justice.

The insufficiency of hands-on measures to tackle underrepresentation, intersectional discrimination and exposure to violence further undermines the struggle for gender equality. By designing policies treating women as a unified group, it not only disregards personal and systemic experiences of violence but erodes any attempts at bridging gaps and achieving equality as white feminism is actively detrimental to all feminist and peace-building initiatives across Europe and beyond.

4. GENDER-BASED VIOLENCE: THE END OF THE SPECTRUM

4.1 COMBATING VIOLENCE AGAINST WOMEN

Gender-based violence is a form of violence rooted in gender inequality and discrimination, targeting individuals based on their gender identity or perceived gender roles. It encompasses physical, sexual, emotional, and economic harm inflicted on individuals due to their gender, with the aim of exerting power and control over them. Although men can be victims of gender-based violence, the term is often used to reflect the disproportionate targeting of women. Gender-based violence is aggravated in certain specific contexts such as economic, health, social or political crises or conflicts and is deeply rooted in societal inequalities and unequal power relations (EIGE, n.d/d). While eradicating gender-based violence stands high on the Commission's Gender Strategy objectives list, it is necessary to acknowledge that very little progress has been achieved on the matter. Covid-19 and the ongoing conflict in Ukraine have contributed to the dramatic rise of feminicide and other types of gender-based violence across the EU with levels of accountability reaching all-times low. As argued by a 2022 UN women report, "Femicide represents the lethal end point of a continuum of multiple, overlapping and interconnected forms of gender-based violence. Such homicides usually follow prior experiences of physical, sexual or emotional abuse" (UN Women, 2022). **Effectively tackling gender-based violence requires engaging with the whole spectrum of violence and not simply its most extreme forms.** The capacity of women to engage fully in society continues to be hindered by their disproportionate exposure to violence, with statistics showing that one out of every three women in Europe has experienced physical and/or sexual violence from the age of 15 (European Parliament, 2019). In 2022, the UN registered 89 000 cases of femicide worldwide (UN Women, 2022). However, due to the

incomparability of EU-wide data, no statistics account for the levels of violence experienced by women in the EU thereby debilitating political attempts at dealing with the issue.

89 000 *cases of femicide were registered worldwide in 2022, UN source*

However, the European Commission's Gender Equality Strategy has extensively exposed the EU's measures implemented to end gender-based violence. This includes a Directive proposal, aiming at filling the gap of domestic protection in Member States and diminishing the fragmentation of the existing legal structure (Commission, 2022). Its comprehensive approach constitutes the first legal EU instrument to efficiently combat violence by focusing on prevention, protection, prosecution and by ensuring equal access to justice. It criminalises female genital mutilation, forced marriages, and aims at tackling gender-based cyber-violence. This Directive proposal comes at a time when retrogressive tendencies and backlash against women's rights are witnessed in many EU countries. Indeed, it aims at implementing the objectives set out in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), ratified by the EU on June 28th, 2023. The Convention is a comprehensive international treaty aimed at preventing and combating violence against women and domestic violence. It is a landmark treaty in addressing gender-based violence and the first legally binding instrument to combat and prevent violence against women and girls. So far, there are five states that have not ratified the convention: Bulgaria, Hungary, Lithuania,the Czech Republic and Slovakia.

Although both instruments have been rightfully praised as a progressive and very positive step towards addressing gender-based violence, many changes and improvements remain to be made. The continued absence of a consent-based definition of rape in the Commission's Directive maintains stigmatisation and victim-blaming systems and strengthens the phenomenon of underreporting and impunity perpetuating power dynamics where women don't seek out justice and perpetrators are rarely held accountable for their actions. Furthermore, the Directive is not very broad, as it fails to take into consideration violences perpetrated on marginalised groups including migrant, LBTQI+ individuals, ethnic or racial minorities. **Many steps must now be taken in order to have a fully comprehensive legal approach to gender-based violence, including for instance adding it to the list of Euro-crimes listed in Article 83(1) TFEU.** In order to efficiently tackle violence against women, harmful stereotyping also needs to be addressed as it constitutes the root of the gender-based continuum of violence. Indeed, violence is a continuum that starts with degrading assumptions, victim blaming and restrictive social roles and ends with sexual violence, its most radical form being femicides. For instance in 2017, the European Court of Human Rights (ECtHR), in *Carvalho Pinto de Sousa Morais v. Portugal,* ruled in favour of the applicant. The applicant was awarded compensation as a result of medical negligence during a medical procedure, after which she experienced severe loss of sensation, urinary incontinence and severe vaginal pain. However, her compensation was significantly reduced by the appellate

court on the grounds that at her age (50 years old), with two children, her prejudice is not as significant. The ECtHR, recognised that:

The question at issue here is not considerations of age or sex as such, but rather the assumption that sexuality is not as important for a fifty-year-old woman and mother of two children as for someone of a younger age. That assumption reflects a traditional idea of female sexuality as being essentially linked to child-bearing purposes and thus ignores its physical and psychological relevance for the self-fulfilment of women as people (European Court of Human Rights, 2017).

Combating harmful stereotypes is an imperative focus-point of any strategy attempting to achieve gender-equality and end gender-based violence, as it is often pervasive and normalised. Gender-based violence thereby encompasses a wide range of issues and concerns that need to be assessed and discussed in order to implement successful measures.

4.2 SEXUAL HEALTH AND REPRODUCTIVE RIGHTS

As levels of gender-based violence are increasing, so are restrictions to bodily-autonomy and reproductive health rights, amidst a context of expanding discriminatory, intolerant and violent populist discourse hostile to the EU's fundamental values. Although 95 percent of women in the EU technically reside in countries where abortion is permitted, the practical availability of safe and legal abortion, as well as contraception, is deeply troubling. This issue should be a major concern and a central topic in the upcoming elections (Centre for reproductive rights, n.d). Indeed, according to a European Parliament report on European abortion policies, delays in accessing abortion care vary between ten to 24 weeks depending on the country, 12 countries still require mandatory counselling prior to the procedure while the conscientious objection clause greatly hinders women's rights and ability to safely access health services. Indeed, the rate of objectors stands at ten percent overall but reaches nearly 94 percent (2016 statistics) in certain southern regions of Italy, for instance (EPF, 2021). **Additionally, there is no common legal definition of abortion and it is not mentioned as a fundamental right in either the EU's Charter of Fundamental Rights or the European Convention on Human Rights.** On this topic, the European Parliament called for the right to legal and safe abortion to be included in Article 3 of the EU Charter of Fundamental Rights and the complete decriminalisation of abortion across the EU as an answer to the worrying attacks by the far right of Sexual and Reproductive Health Rights (SRHR). The adopted Resolution phrased the article to be added to the Charter as following :

Everyone has the right to bodily autonomy, to free, informed, full and universal access to sexual and reproductive health and rights, and to all related healthcare services without discrimination, including the access to safe and legal abortion (European Parliament, 2024).

For example, in Malta, abortion is de facto banned and criminalised. Doctors are only allowed to terminate a pregnancy if the person's life is immediately threatened, without taking simple health risks into account. The person is then referred to a council of three doctors to assess the

urgency of the situation, provided that the patient, along with the child, doesn't die before the verdict. Medical abortion remains illegal in countries such as Slovakia and Hungary, where in the latter the woman is forced to listen to the foetus' heartbeat. Abortion rights are also falling under scrutiny in Italy or Romania where the majority of doctors are conscientious objectors, and in Germany where medical websites informing about abortion methods were, until recently, penalised as 'promoting abortion'. The German case, a country that seems to be at the forefront of the EU's human rights agenda, is particularly striking. Article 218 of the German Criminal Code stipulates that abortion is illegal and punishable from between one and five years of imprisonment, unless it is carried out up to the 12th week of pregnancy and has been preceded with a mandatory counselling and 3 days waiting period (Centre for Feminist Foreign Policy, 2022).

Further attention also needs to be brought to the ongoing discrimination against minorities and marginalised groups. As the Centre for reproductive rights reminds, 16 EU Member States do not allow migrant women without documents to access maternal health care during pregnancy. Moreover, lesbian couples are almost systematically discriminated against in any procedure related to assisted reproduction (Centre for reproductive rights, n.d). Migrant women often refrain from seeking medical help or reporting violence out of fear of being deported or detained (Council of Europe, 2017). The ENAR report also states that black women are four times more likely to die during childbirth than white women and are faced with reduced access to reproductive healthcare and are affected by obstetric violence significantly more (ENAR, 2021). Many European countries also allow coercive SRH care practices on the grounds of disability, such as forced contraception, sterilisation and forced abortion (Council of Europe, 2017).

As political parties are actively campaigning for the upcoming elections, it becomes evident that issues of SRHR are increasingly polarising the European political stage, making for a concerning retrogression of women's rights and bodily autonomy, discarded as matters of national competence instead of clear violations of the EU's fundamental principles.

CONCLUSION

The 2024 European parliamentary elections stand at a critical juncture for women's rights in Europe, as the continent grapples with a resurgence of anti-feminist movements amid a backdrop of political shifts towards the right. Despite the EU's foundational commitment to gender equality, recent events such as the erosion of reproductive rights in various countries underscore the urgent need for action. While the Von der Leyen Commission has implemented strategies and action plans to address gender inequality, progress remains uneven, and public opinion indicates a desire for more proactive measures from the EU. In addition to these challenges, the rise of populist and eurosceptic movements across Europe further complicates the landscape for women's rights. These movements often espouse anti-feminist rhetoric and seek to limit EU involvement in national affairs, posing a significant threat to the progress made in advancing gender equality. As such, the 2024 European elections represent a critical opportunity for voters to reaffirm their commitment to upholding women's rights and resist the tide of reactionary ideologies. By electing representatives who prioritise gender equality and empowerment, European citizens can send a clear message that the protection of women's rights is non-negotiable in the face of political polarisation and regression.

In this context, the upcoming elections hold significant implications for women's rights across four key areas: political representation, economic inequalities, gender mainstreaming, and gender-based violence. However, addressing these challenges requires navigating legal obstacles as well as defining the EU's competencies in protecting its values both within and beyond its borders. Ultimately, the question arises: does the EU have a moral obligation to extend and protect its values globally? As the European electorate prepares to cast their votes, it is imperative that women's rights remain at the forefront of political agendas, not only for the sake of achieving gender equality within Europe but also as a testament to the EU's commitment to upholding its foundational principles on the international stage. The outcome of the 2024 elections will not only shape the future of European politics but also determine the trajectory of women's rights in Europe and beyond.

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