



## THE STATUS OF WOMEN IN EUROPEAN LAW

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*Interdiction: gender equality is central to the protection of human rights, the functioning of democracy, respect for the rule of law, and economic growth and competitiveness. The Council of Europe's work in the fields of human rights and gender equality has resulted in comprehensive legal standards and policy guidance aimed at achieving the advancement and empowerment of women and the effective realisation of gender equality in Council of Europe member states and beyond. Gender equality is central to the Council of Europe's missions: safeguarding human rights, upholding democracy and preserving the rule of law.*

*Summary of the Main research results : Women and girls are key agents of development and change. Achieving gender equality and empowering women and girls is vital to building fair, inclusive, prosperous and peaceful societies everywhere. Gender equality is one of the European Union's core values. All people, in all their diversity, should be free to live their chosen life, thrive socially and economically, participate and take a lead as equals.*

*Conclusion:*

*Equality between women and men is a fundamental value of the European Union, dating back to the 1957 Treaty of Rome, which established the principle of equal pay for equal work. Since then, the EU has continued to tackle gender-based discrimination and today Europe is one of the safest and fairest places for women in the world. The EU aims to give women the same opportunities as men in the workplace, such as equal pay, and to help both men and women to strike a better balance between work and other areas of life. Another major priority is to stop violence against women and girls and to promote gender equality in the EU and across the world. The EU also promotes equality between men and women in decision-making positions.*

*This article examines the improved situation of women in the EU.*

*Keywords: Gender equality, Womens Right , European Union, Human Rights, Democracy.*

*Presenting the issue: the legal status of women in Europe has undoubtedly improved during recent decades, effective equality between women and men is far from being a reality. Gender gaps and structural barriers persist in many areas, constraining women's opportunities to benefit from their fundamental rights.*

*Gender equality and the fight to counter all types of discrimination against women lies at the core of the European Union's treaties: it is included in articles 2 and 3 of the Treaty on European Union (principle of the equality between men and women), in articles 8 and 19 of the Treaty on the Functioning of the European Union, which stipulates that the Union - in all of its actions, ensures the respect of equality between men and women, the European Council and Parliament - as part of its ordinary legislative procedure can take steps in this sense, as well as in article 23 of the Charter of Fundamental Rights, notably in terms of wages and work [1].*

*Since the 1980s the Council of Europe has been playing a key role in developing authoritative policy guidance and legal instruments to promote gender equality, two Council of Europe conventions are particularly important for women's rights and gender equality: the Convention on Action against Trafficking in Human Beings (2005) and the Convention on Preventing and Combating Violence against Women and Do-*

mestic Violence (2011) (Istanbul Convention). The Council of Europe has also been involved in developing instruments and concepts such as parity democracy and gender mainstreaming. The Gender Equality Commission (GEC) was established to help ensure gender mainstreaming in all Council of Europe policies and bridge the gap between commitments made at international level and the reality faced by women in Europe [2, p 5].

*Background:* The European Convention on Human Rights (1950) is the main European Convention on Human Rights, which guarantees civil and political human rights and reaffirms the principle of non-discrimination (Articles 1 and 14).

The European Social Charter (1961 and revised in 1966), which guarantees the rights to housing, health, education, employment, legal and social protection, and the movement of persons without discrimination. It also promotes equality between men and women in terms of education, work and family life, and positive action to ensure equal opportunities and the right to equal pay.

The Council of Europe Convention on Action against Trafficking in Human Beings (2005) aims to prevent and combat trafficking in women, men and children for the purpose of sexual exploitation, work or other forms of exploitation, as well as to protect victims and prosecute them.

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Harassment (Lanzarote Convention, 2007) is the first treaty to criminalize all forms of sexual offenses against children. The Convention specifically criminalizes participation in child sexual activity, child prostitution, child pornography, inviting children for sexual purposes (“makeup”) and “sex tourism”. The convention stipulates that individuals can be prosecuted for certain offenses, even when the offense was committed abroad. Preventive measures under the Convention include screening, recruiting and training those in contact [3, P 2,3].

The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention, 2011), which came into force in 2014, is the first legally binding international instrument on pre-

venting and combating violence against women and girls at international level. It establishes a comprehensive framework of legal and policy measures for preventing such violence, supporting victims and punishing perpetrators [4, P 5].

In 2010 the EU adopted its first Action Plan on Gender Equality and Women Empowerment in Development (2010-2015). It aimed to ensure a stronger leading role of the EU in promoting gender equality and women’s empowerment in development, as well as ensuring adequate human and financial resources.

In addition to the EU Gender Equality Strategy 2020-2025, the Gender Action Plan III 2021-2025 sets out the EU’s political and operational roadmap to a gender-equitable world and aims to address the structural causes of gender inequality by adopting a transformational and rights-based approach. And addressing gender intersection with other forms of discrimination, and the program focuses on five pillars: prioritizing gender equality and empowerment of women and girls in EU external action, working with EU member states as a multilateral team at regional level. Strengthen partnerships with stakeholders, CSOs, women’s organizations, accelerate progress by focusing on key areas of partnership, including ending gender-based violence, sexual and reproductive health and rights, economic and social rights and empowerment, participation and Equal leadership, women, peace and security, green and digital developments and leadership Following the EU Gender Equality Strategy 2020-2025, the EU Gender Action Plan 3 seeks to increase its contribution to the Sustainable Development Goal 5 (Gender Equality) in all areas of domestic and foreign policy [5].

In 2017, the European Union launched an action plan to reduce the gender gap. The plan addresses issues such as stereotypes and work-life balance, and calls on governments, employers and trade unions to ensure that women’s wages are determined fairly. Gender equality is at the heart of the European pillar of social rights, which aims to equalize behavior and opportunities between women and men in all areas, including labor market participation, employment conditions and career advancement. It is also important for both men and women to balance work, income and time for themselves and their families. The European Commission’s

work-life balance plan is based on the principle of equal treatment and reinforces new rights - or existing rights - at EU level to help balance the division of care responsibilities between men and women and thus Supports women's employment and includes a set of measures to support member states in supporting pregnant workers, as well as those taking leave from family leave, improving care services and addressing economic barriers for second-timers.

Health issues for men and women can be different. The aim of the EU's third health program is to ensure that people, regardless of gender, have an equal chance of good health and quality health care.

The European Union also launched the European Women in Digital Network in 2018 to strengthen women's participation in the digital sector so that girls and women in the digital sector can collaborate with ideas and experiences in this field.

The EU is also committed to bridging the gender gap in research and innovation (Horizon 2020). Each year, the EU Prize for Innovative Women recognizes women who are not only excellent researchers and innovators, but also successful entrepreneurs. The EU is also taking steps to improve women's employment in other sectors, such as transport [6].

The EU adopted its new strategic approach to women, peace and security in December 2018. As a result, progress is being made on the EU's objectives of

stopping violence against women and girls, improving their socioeconomic rights.

increasing their participation in decision-making processes at all levels.

Gender analysis is becoming an important tool of the EU's external policies. Almost all EU Delegations have carried out a detailed gender analysis.

The EU and UN established an EU-UN collaborative platform on Women, Peace and Security in September 2018. The priorities include:

- make leadership accountable through improved data and gender analysis;

- ensure women's participation in peace processes, the implementation of peace agreements and related decision-making;

- protect women's human rights defenders and women's organizations.

ensure women's participation in economic decision-making in post conflict situations;

- increase the number of women in uniformed services in peacekeeping missions and national security services;

- finance the women, peace and security agenda and invest in women peace builders [7].

Health is the foundation for sustainable development. The EU supports partner countries in pursuing a "health in all policies" approach to sustainable quality improvement, coverage and cost-effectiveness of healthcare and health system upgrades. Half of the EU's health aid (between 2014 and 2020) goes to global projects such as the Global Fund to Fight AIDS, Tuberculosis and Malaria. Global Alliance for Vaccine and Immunization, Vaccine Alliance; WHO Public Health Coverage Partnership; And the United Nations Population Fund.

Gender equality and empowerment of women and girls are core values of the EU and its international development policy. The EU gender action plan addresses three main priority areas: ensuring girls' and women's physical and psychological integrity; promoting women's and girls' socio-economic and cultural rights; and strengthening girls' and women's voice and participation in decision-making. 2019 saw continuing implementation of the Spotlight Initiative<sup>21</sup>, a transformative EU-UN partnership to eliminate all forms of violence against women and girls worldwide. The 'Safe and Fair' programmer is improving the working conditions of female migrants moving from 11 Association of South-East Asian Nations (ASEAN) countries to Gulf countries. The EU also launched a programmer to further strengthen regional and international networks of national human rights institutions and a call for projects on the protection of Lesbian, Gay, Bisexual, Trans, and/or Intersex human rights defenders. Actions were also undertaken to address growing challenges related to freedom of expression and media freedom [8,P 20,21].

The COVID-19 pandemic has amplified current gender-based violence against women, confirming long-standing research findings that the risk of domestic violence tends to increase in times of crisis and home turned out not to be safe for everyone, and lockdown measures played a demonstrable role in the significant

increase in reports of domestic violence. The Commission adopted its Gender Equality Strategy 2020-2025.

As one of the first achievements of the strategy, the Commission proposed binding transparency measures in March 2021. Proposed guidelines to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay. Transparency and Enforcement Mechanisms In March 2021, the Program Commission adopted an action plan to implement the European Pillar of Social Rights, which focuses on gender equality and sets ambitious goals for women's participation in the labor market and the provision of childhood education and care , Among other things. Adequate minimum wage goals can also help reduce the gender pay gap, as women earn more than men [4,P 3].

### **Conclusion**

Women have been historically discriminated in society. Based on assumptions about the “natural” gender roles in society, women have been denied important rights from the suffrage, the right to sign contracts or perform work outside the home to custody rights. Over the last century, important developments have taken place. The conceptualization of women's rights as human rights and their incorporation into international law played an important role in this. Women's equality became the subject of international documents such as the UN's Convention on the Elimination of Discrimination against Women, the 1995 The Beijing Declaration and Platform for Action, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women or the Council of Europe Convention on preventing and combating violence against women and domestic violence. Notwithstanding, women's full equality has not yet been achieved. Women everywhere are still subject to different forms of violence in war and in times of peace, in the public and the private spheres, they earn less and are facing higher poverty rates than men, are under-represented in positions of power in fields like politics [8].

The adoption of the Council of Europe Gender Equality Strategy (2018-2023) is a testament to the strong commitment of the Council of Europe to achieving real equality between women

and men and empowering women of all their diversity, as well as the organisation's willingness to address emerging challenges, especially From the human rights of migrant, refugee and asylum women, persistent sex discrimination at all levels and socio-economic barriers to women's empowerment.

The Council of Europe's comprehensive set of standards and work also provides important input into member states' efforts to achieve the UN 2030 Agenda for Sustainable Development, in particular the Sustainable Development Goals 5 (“Achieving Gender Equality and Empowering All Women and Girls”). “Promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and creating effective, accountable and inclusive institutions at all levels”). Its intergovernmental platforms, in particular the GEC, provide unique opportunities to exchange information and experiences on progress towards sustainable development goals.

The implementation of gender equality standards is progressing but very slowly. Exchanges with member states and other relevant stakeholders, as well as cooperation programs, are useful ways to bridge gaps and support member states in applying gender equality standards, and if effective steps are not taken to accelerate progress towards real gender equality, the risk There is a real interaction. Reducing resources and coordinated movements against advances in gender equality and women's human rights will help bridge the gap between standards and their implementation. Violence against women remains a global epidemic that affects one in three women, while anti-gender equality movements reject the Istanbul Convention and the concept of gender. These movements justify discrimination against women, normalize patriarchy, violence, sexism, and homosexuality, thereby denying basic human rights principles and hindering progress in achieving gender equality. The Council of Europe's pioneering work on equal access to justice for women has also shown that addressing gender stereotypes in the judiciary, in all areas of law, including the prosecution and punishment of violence against women, and reparation to victims. It will be crucial to make progress in preventing and reducing the prevalence of discrimination based on gen-

der and persistent violations of women's human rights. Cooperation strategies and programs in this area will provide member states with ongoing support to improve the situation and ensure real access to rights.[2, P 18]

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### СТАТУС ЖІНКИ В ЄВРОПЕЙСЬКОМУ ПРАВІ

*Заборона: гендерна рівність є центральним у захисті прав людини, функціонування демократії, поваги до верховенства права, економічного зростання та конкурентоспроможності. Результатом роботи Ради Європи у сфері прав людини та гендерної рівності є комплексні юридичні стандарти та політичні вказівки, спрямовані на досягнення розвитку та розширення прав і можливостей жінок та ефективну реалізацію гендерної рівності в країнах-членах Ради Європи та за її межами. Гендерна рівність є центральною в місіях Ради Європи: захист прав людини, підтримка демократії та верховенства права.*

*Підсумок основних результатів дослідження. Жінки та дівчата є ключовими агентами розвитку та змін. Досягнення гендерної рівності та розширення прав і можливостей жінок і дівчат є життєво важливими для побудови справедливих, інклюзивних, процвітаючих і мирних суспільств у всьому світі. Гендерна рівність є однією з основних цінностей Європейського Союзу. Усі люди, у всьому їх розмаїтті, мають бути вільними, жити своїм обраним життям, процвітати соціально та економічно, брати участь та брати лідерство як рівні.*

#### Висновок

*Рівність між жінками і чоловіками є основоположною цінністю Європейського Союзу, яка бере свій початок з Римського договору 1957 року, який встановив принцип рівної оплати за рівну працю. Відтоді ЄС продовжує боротися з гендерною дискримінацією, і сьогодні Європа є одним із найбезпечніших і найсправедливіших місць для жінок у світі. ЄС прагне надати жінкам однакові з чоловіками можливості на робочому місці, наприклад рівну оплату, і допомогти чоловікам і жінкам знайти кращий баланс між роботою та іншими сферами життя. Ще одним важливим пріоритетом є припинення насильства щодо жінок і дівчат і сприяння гендерній рівності в ЄС та в усьому світі. ЄС також сприяє рівності між чоловіками та жінками на посадах прийняття рішень. У цій статті розглядається покращення становища жінок у ЄС.*

*Ключові слова: гендерна рівність, права жінок, Європейський Союз, права людини, демократія.*