

STUDY

Requested by the FEMM committee



Backlash in Gender Equality and Women's and Girls' Rights

WOMEN'S RIGHTS & GENDER EQUALITY



Policy Department for Citizens' Rights and Constitutional Affairs
Directorate General for Internal Policies of the Union
PE 604.955– June 2018

EN

Backlash in Gender Equality and Women's and Girls' Rights

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Abstract

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the FEMM Committee, is designed to identify in which fields and by which means the backlash in gender equality and women's and girls' rights in six countries (Austria, Hungary, Italy, Poland, Romania, and Slovakia) is occurring. The backlash, which has been happening over the last several years, has decreased the level of protection of women and girls and reduced access to their rights.

ABOUT THE PUBLICATION

This research paper was requested by the European Parliament's Committee on Women's Rights and Gender Equality and commissioned, overseen and published by the Policy Department for Citizen's Rights and Constitutional Affairs.

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LINGUISTIC VERSION

Original: EN

Manuscript completed in June 2018
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LIST OF ABBREVIATIONS

CEDAW Committee	United Nations Committee on the Elimination of Discrimination against Women
CEDAW Convention	United Nations Convention on the Elimination of All Forms of Discrimination against Women
CSO	Civil society organisation
EIGE	European Institute for Gender Equality
ERDF	European Regional Development Funds
ESF	European Structural Funds
EU	European Union
EU-28	total of the countries of the EU
EWL	European Women's Lobby
FRA	European Union Agency for Fundamental Rights
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
GDP	Gross Domestic Product
ICCPR	International Covenant on Civil and Political Rights
Istanbul Convention	Council of Europe Convention on preventing and combating violence against women and domestic violence
NGO	Non-governmental organisation
OECD	Organization for Economic Cooperation and Development
OSCE/ODIHR	Organisation for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights
SRHR	Sexual and reproductive health and rights
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UPR	Universal Periodic Review
V4 /Visegrad 4	Countries of Czech Republic, Hungary, Poland, Slovakia
WAVE	Women against Violence Europe Network

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BACKGROUND AND AIMS

The aim and focus of the present analysis is to map the backlash in gender equality and women's rights in the recent years of the present decade in selected EU member states: Austria, Hungary, Italy, Poland, Romania, and Slovakia. These countries were selected taking into account Opinions, all Initiative reports or the Delegations that the FEMM Committee has programmed in the course of 2018.

The analysis aims to identify and describe areas, measures and initiatives that have increased risks or have put women and girls in a more disadvantageous position, decreased the protection of women's rights, as well as eroded their established entitlements, or which have blocked related progress.

The report does not provide a comprehensive and in-depth overview and assessment of the situation of women in the countries concerned, or of state performance and the institutional, legislative and policy framework in gender equality and women's rights. It seeks to introduce the basics of that framework, and to describe those areas, policy fields and issues that are revealed to have been mostly affected by the backlash and by movement in a negative direction. In this context, the study also reflects on some missed opportunities where progress has not happened despite the potential for this, as well as reflects on new problems that have arisen in recent years.

The analysis is based on desk research and a literature review, as well as interviews made with – and other contributions provided by – national experts in the relevant countries.

EXECUTIVE SUMMARY

The present decade has witnessed a visible drive against gender equality and the women's human rights agenda across continents. Looking at the European Union, the Gender Equality Index shows persistent inequalities with only a marginal progress from 2005 to 2015.¹ In addition, it is indicative that the theme of the 2017 Annual Colloquium of Fundamental Rights organized by the European Commission was "Women's rights in Turbulent Times".²

The present analysis of selected EU member states has revealed that backlash in gender equality and women's rights has occurred in the last few years. The main areas and fields of this backlash appear to be common across countries. They include the key areas of institutional and policy framework for gender equality, certain policy fields (such as education, sexual and reproductive health and rights, and preventing and combating violence against women) as well as the working environment/operating space for women's human rights NGOs. Consequently, both the gender equality and women's human rights agenda and the main actors promoting this agenda have faced challenges.

Despite commonalities, the penetration, intensity and effects of this backlash have varied among countries and areas. In some cases, backlash has (so far) mostly remained at the level of rhetoric and discourse, while in others it has been translated into concrete measures and initiatives, in some cases even as part of a wider, strategic approach. Generally speaking, backlash has taken place in a context where state action as regards to promoting gender equality and women's rights also featured by

¹ See *Challenges to women's human rights in the EU – Gender discrimination, sexist hate speech and gender-based violence against women and girls* – Contribution to the third Annual Colloquium on Fundamental Rights – November 2017, European Union Agency for Fundamental Rights. p. 3. Available at http://ec.europa.eu/newsroom/just/document.cfm?doc_id=48258

² See *Women's Rights in Turbulent Times: Conclusions of the 2017 Annual Colloquium on Fundamental Rights*. European Commission. Available at http://ec.europa.eu/newsroom/just/document.cfm?doc_id=50219

persistent and fundamental problems. In extreme cases we can even identify a “lashless backlash”: steps have been taken backwards in the absence of any meaningful progress.

The backlash is connected to a significant degree with intensifying campaigning against so-called “gender ideology”. The first news about misinterpreting the word “gender” and creating the concept “gender ideology” that undermines families and cultures shocked and surprised feminists, gender studies scholars, gender equality experts and civil servants who worked with gender mainstreaming in the first years of the millennia, especially as they were said to be the main proponents of such an ideology. Considerable energy went into trying to explain that the concept of gender ideology is wrong, or that there is no such ideology, and that families are safe. When similar attacks started against the Council of Europe’s Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), seen by some as the Trojan horse of so-called gender ideology because of its definition of gender as a social concept, women’s security and rights seemed to be directly at stake. Academic research has investigated the origins of the international movement behind these ideas and the causes of its popularity. Despite discovering the attempts of some Christian churches, American fundamentalist groups and Russian attempts to destabilise Europe as financial and ideological supporters of the movement, its popularity could still not only be explained by referring to “outside” influences. One interpretation is that the concept of gender ideology has become “symbolic glue,” uniting many groups and their critiques of numerous issues: modernity in its postmodern form, the identity politics that they identify with gender equality, same-sex marriage, some women’s rights issues (such as sexual and reproductive rights), sex education, challenging restrictive traditional gender roles, and the instability of the post-2008 crisis world.

This study found that although the backlash and related movement reaches across borders, countries with a longer and uninterrupted history of democratic governance, a strong women’s movement and living traditions of civil organising have been able to balance the forces behind the “gender ideology” debate. Other countries with weaker democratic roots and legacies, a younger women’s movement (often not supported by the usual liberal, progressive allies), a living memory of “state feminism”, Soviet-style crèches, and forced “social engineering” of the socialist past have managed differently. Civil movements in these countries offered less resistance when anti-gender ideology was raised to state policy level in the form of demography policy, the weakening of women’s sexual and reproductive health and rights, and the dismantling of gender equality mechanisms, including gender mainstreaming.

The national machineries for gender equality – not yet equipped with either adequate specialization, authority and/or resources in the countries under analysis – have been sensitive to political changes and experienced either restructuring, issue-enlargement, or budget cuts in recent years.

International and EU normative frameworks have played a crucial role in making progress at the national level. As for policies, however, in some countries a family mainstreaming approach has been awarded prominence this last decade, and appears to be overwriting adherence to the principles of gender mainstreaming and gender equality. Moreover, the adequate monitoring and evaluation of policies has not proven to be widespread. As for legislation, general anti-discrimination frameworks do not appear to properly address – either in letter, or in practice – discrimination based on sex, or issues of gender equality.

EU funding schemes are playing an important role and are used to promote gender equality and women’s rights at a national level. However, no strong gender-equality-based mechanisms for the distribution, monitoring and evaluation as well as gender impact assessment of the utilization of

resources at a national or EU level is identifiable, while worrisome cases of the improper use of resources from a gender equality point of view have been reported in recent years.

Women's rights NGOs have acted as catalysts and progress leaders in legislative and policy developments this last decade. Pre-existing and ongoing challenges to their sustainable operation – e.g. difficulties in accessing funding due to restrictive criteria and administrative burdens – have been further heightened in recent years by measures and initiatives aiming at or resulting in the creation of an unfavourable, or even hostile environment. These have been of varying depth and have taken numerous forms in the countries concerned, such as smear campaigns, legislative measures, or centralization of funding. In some countries, the backlash affects a wider group of NGOs with a progressive democracy-development and human-rights agenda. In parallel, other, non-rights-based women's groups and/or initiatives have been supported or favoured by some governments.

Public education systems have been affected by the backlash in two substantive fields. In terms of gender equality education, the campaign against "gender ideology" has successfully blocked or prevented reforms, or has led to the rolling back of achievements. Comprehensive sex education has also been affected in the same way.

In the field of preventing and combating violence against women, in addition to persistent and longstanding problems in state response new phenomena have emerged, such as sexist hate speech, misogyny and online violence. Men's/fathers groups have become increasingly visible, along with the promotion of the shared custody of children, while any history of domestic violence is often ignored in custody/visitation cases. Since the Istanbul Convention became a target of opponents of "gender ideology", its ratification or implementation has been hindered.

As for multiple discrimination against women, in addition to persistent problems an increase in racism and xenophobia has been determinant this decade. Although the EU Framework Strategy for Social Inclusion provides solid grounds for addressing the situation of Romani women, proper implementation is still a challenge, while gender impact assessments are lacking. When addressing the increased migration and refugee flows affecting Europe this decade, the specific situation of migrant and refugee women, including the different forms of discrimination and violence they have suffered, are suffering from or at risk of has not been given due attention in policy and practice.

Poverty and insecurity, especially in countries which changed their economic model to that of exposed to the market economy and lacked a protective net of social-democratic welfare policies since the rapid transition following 1989, are prone to embracing concepts of community that appear to offer more traditional forms of security: family, nation and religion. In the face of perceived poverty, the weakening or dismantling of family and social policies and weak workers' rights have undermined the focus on individual human rights and European values – such as equality between women and men, LGBTQ rights, anti-racism and the integration of migrants.

Recommendations to EU Institutions concerning the selected countries

- Maintain strong commitment to gender equality and women's rights as one of the values of the European Union.
- Closely monitor the promotion of and situation with gender equality and women's rights in the selected EU member states, with special regard to the institutional, policy and legislative framework, and the fields where backlash has been detected.

- Pay attention to and assess thoroughly whether existing EU legislative and other measures are applied and implemented in accordance with the principles of gender equality and promoting women's and girls' rights.
- Closely monitor and evaluate the distribution and utilization of resources derived from European Union funding schemes from a gender equality and women's rights perspective. Guarantee that gender equality and mainstreaming as a horizontal principle is fostered, and related quality assurance takes place in terms of the distribution and utilization of funding, including in the projects being implemented.
- Thoroughly assess the share of women's rights NGOs from EU funding, as well as the gaps and difficulties in accessing such funding. Repeal existing barriers — e.g. co-funding requirements or partnerships with state as eligibility criteria — accordingly. Consider establishing a beneficiary-friendly mechanism of offering financial support to organizations that promote the values of the European Union, including gender equality and women's and girls' rights.
- Help guarantee a safe and enabling space for civil society organizations and the recognition of the work of NGOs that promote democracy and human rights, including women's and girls' rights.
- Continue to support the accession/ratification and proper implementation of the Istanbul Convention both by the EU and member states.
- Put effort into raising public and professional awareness about the value and benefits of gender equality and the need to eliminate gender stereotypes. Conduct and/or support related information campaigns, including holding a campaign in support of the Istanbul Convention.
- Promote the acceptance of the European Pillar of Social Rights by all member states in the knowledge that women and children are especially vulnerable to changes in social and family policy.
- Promote the introduction of paternity leave (which is lost if not taken) through public campaigns, placing the emphasis on enhancing family policies, not on entrenching diverse, pre-existing systems of maternity and parental leave.
- Adopt as well as properly evaluate legislative, policy and other measures aiming at the protection of different groups of women who are victims of or vulnerable to multiple and intersecting forms of discrimination (e.g. Romani women, migrant, asylum seeking or refugee women). Monitor the situation of migrant women working in the care industry, whether public or private.
- Promote the introduction of national anti-poverty strategies that use gender as a key indicator and make women a significant target group for suitable measures. Women's employment rates should also be targeted in order to create sustainable measures for combatting poverty among women.

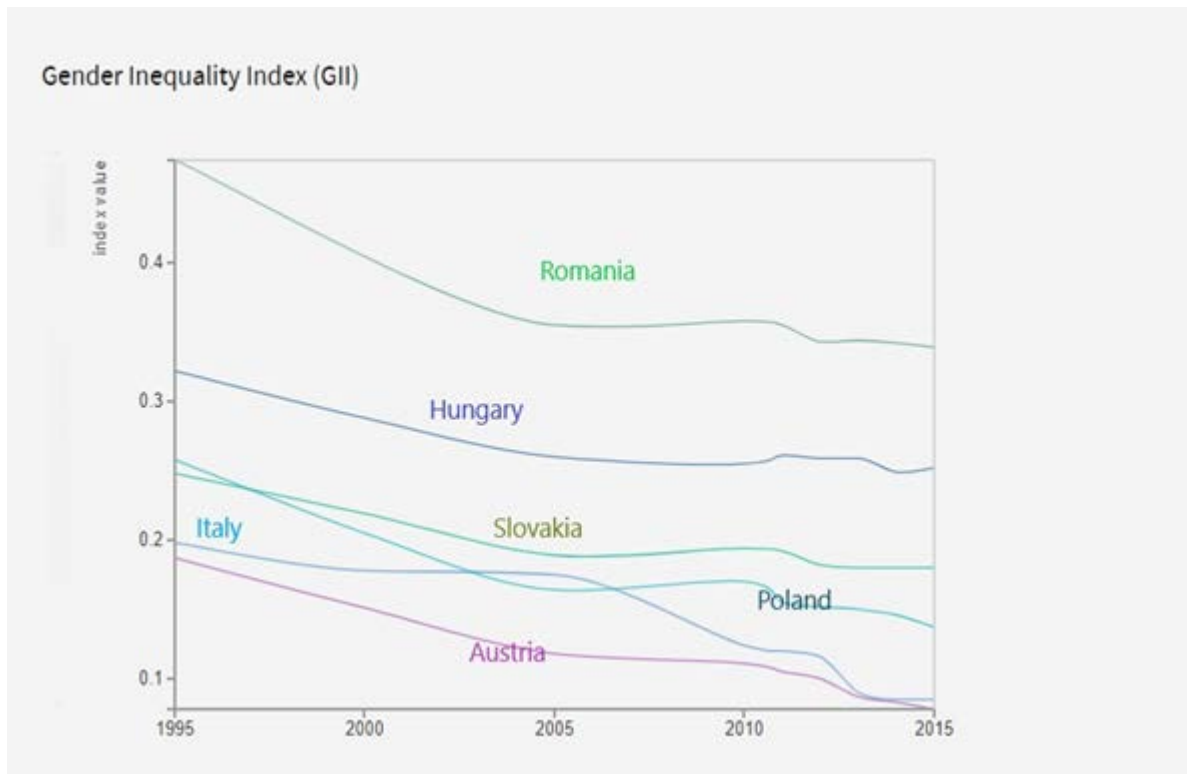
Figure 1: Gender Equality Index in Austria, Hungary, Italy, Poland, Romania and Slovakia, 2015



Source: European Institute for Gender Equality – Gender Equality Index

GENERAL INFORMATION

Figure 2 : Gender Inequality Index in Austria, Hungary, Italy, Poland, Romania and Slovakia, 1995-2015



Source: UNDP Human Development Reports

Introduction

The six countries in our study – Austria, Hungary, Italy, Poland, Romania, and Slovakia – represent a variety of EU member states, and the respective differences affect the responses to our main research question.

Italy is a founding member of the European Economic Community (established in 1958), Austria joined the EU in 1995, whereas the four former socialist states joined in two rounds: Hungary, Poland and Slovakia became EU member states in 2004, and Romania in 2007. With the exception of the latter, all countries are located within the Schengen Area. Austria, Italy and Slovakia use the euro, while Hungary, Poland and Romania still use their national currencies. The economic recession hit Italy, Romania, Hungary and Slovakia hard, while Austria emerged relatively unscathed, and Poland even more so.

The presence of migrants, illegal migrants and refugees has been a fact in Italy for a long time. Austria, historically a target destination of migrants (mostly from East-Central Europe) was also one of the target countries during the 2015 refugee crisis. In Hungary, a small mono-ethnic country that also witnessed a great influx of refugees who later left the country towards countries in the north-west of Europe, the identity of the government has been built on protecting Europe against Muslim migrants, who are held up as a great threat. Slovakia and Poland, also countries with a historically low number of non-European migrants, followed suit by supporting the shared stance of the Visegrad 4 countries against the proposed system for distributing refugees across Europe. Romania voted against the European

distribution quota system for refugees in 2015, but still complied with this system. Since the enlargement of the EU a large number of Polish, Romanian and Hungarian citizens have moved to find work in Western countries, taking positions, among other areas, in agriculture, industry and care-work.³

Hungary, Slovakia and Romania have a considerable Romani population. Both Slovakia and Romania historically have ethnic minority populations (ethnic Hungarians, Germans, Ukrainians, etc.).

Regarding poverty levels, the GDP per capita of the countries in ascending order is the following: Romania (USD 21 566), Poland (USD 24 719), Hungary (USD 26 147), Slovakia (USD 26 677), Italy (USD 36 237) and Austria (USD 46 457)⁴. Poverty can be measured in other ways by the percentage of people who are severely materially deprived, namely: Romania (23.8 %), Hungary (16.2 %), Italy (11.5 %), Slovakia (8.2 %), Poland (6.2 %) and Austria (3 %)⁵. The proportion of urban population in each country in increasing order is Slovakia (54 %), Romania (55 %), Poland (61 %), Austria (66 %), Italy (69 %) and Hungary (71 %).⁶

Total fertility rates (births per woman) are: Poland – 1.32, Italy – 1.35, Slovakia – 1.40, Hungary – 1.45, Austria – 1.49 and Romania – 1.58.⁷

The former socialist Eastern European states lived under authoritarian regimes where the existence of civil society organisations was forbidden by law, churches were severely attacked and later infiltrated, and the processing of historical traumas (loss of territories, the Holocaust, minority exchanges, the Molotov-Ribbentrop pact, etc.) was taboo. The economic and social costs of the transition from state socialism to market economy were huge, and might explain the popularity of Eurosceptic and anti-capitalist populist politicians.⁸

With the exception of Hungary and Romania, the aforementioned countries are predominantly and traditionally Catholic, while Hungary is mixed Catholic-Calvinist-Jewish, and Romania predominantly Romanian Orthodox.

In past years Italy has experienced political turmoil, with changing governments and a strengthening of (new) populist parties both on the left and the right. Austria's presidential elections in 2016 resulted in a president supported by the Greens, while after the general elections in 2017 the centre-right People's Party (ÖVP) was able to form a coalition government with the populist Freedom Party of Austria (FPÖ). In Slovakia following the 2016 election the social democratic SMER formed a coalition government. Since 2015 Poland's conservative Law and Justice Party (PiS) has dominated the government, whose chairman (no official government title) has had a significant influence on politics. The government introduced a series of legal and policy changes that triggered a wave of oppositional and civilian demonstrations. Hungary's prime minister and leader of Fidesz party, is now entering his

³ See http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Largest_20_communities_of_people_born_in_one_EU_Member_State_and_living_in_another_2011_PITEU17.png Retrieved: 18 March 2018.

⁴ World Bank data in USD, and Max Roser, Esteban Ortiz-Ospina: *Global extreme poverty*. First published in 2013, revised in 2017. Data from 2012. <https://ourworldindata.org/extreme-poverty#the-evolution-of-extreme-poverty-country-by-country> Retrieved: 18 March 2018.

⁵ Eurostat data and *Downward trend in the share of persons at risk of poverty or social exclusion in the EU*, 2017 October 16. Data from 2016 <http://ec.europa.eu/eurostat/documents/2995521/8314163/3-16102017-BP-EN.pdf/d31fad6c-a284-47f3-ae1c-8212a581b0c1> Retrieved: 18 March 2018.

⁶ 2015 data, World Bank. <https://data.worldbank.org/indicator/SP.URB.TOTL.IN.ZS> Retrieved: 18 March 2018.

⁷ [http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Total_fertility_rate_1960%E2%80%932015_\(live_births_per_woman\)_YB17.png](http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Total_fertility_rate_1960%E2%80%932015_(live_births_per_woman)_YB17.png) Retrieved: 18 March 2018.

⁸ As Hungarian historian Krisztián Ungváry explains, "The statistics associated with the 'restructuring recession' are formidable but they in no way convey the nature of the resulting social crisis and have never been fully appreciated in Western Europe. In less than five years industrial production sank 32%, agricultural production fell by 35% and GDP by 18%. To demonstrate just how significant these figures are, Hungary's industrial production fell only 20% in the wake of the 1929 Crash and the resulting global economic crisis. Unemployment went from 0.3% in 1989 to 13.2% in 1993, sinking to 6% between 2000 and 2004 before rising again to 11-12% in 2008. In just a few years, real wages fell 25% and pensions lost 30% of their purchasing power." Krisztián Ungváry: *Hungary and the European Union 1989-2014*, 2014 October 28. <https://eu.boell.org/en/2014/10/28/hungary-and-european-union-1989-2014-success-story> Retrieved: 7 April 2018.

third term since 2010. Similar structural changes have been implemented, with similar oppositional movements to those in Poland. Romania formed its recent social democratic-liberal (PSD-ALDE) coalition government in 2016. Corruption resulted in a series of nationwide protests in 2017. Both in Romania and Slovakia mass protests against the government (regarding corruption and the murder of Slovak investigative journalist working on political corruption) resulted in a political crisis and a change of prime ministers. In terms of the perceived level of public sector corruption on a scale of 0-100 (where 0 is highly corrupt, and 100 is very law-abiding) the countries under analysis may be ordered in the following way: Hungary (45), Romania (48), Slovakia and Italy (50), Poland (60) and Austria (75).⁹

Overview of the political and theoretical context. The “gender ideology” debate

There are two terms that are used to refer to a reversal to previously accepted norms and a decline in “progress” in the field of women’s rights and gender equality. *Backsliding* is used in political science to describe a reversal in transitions to liberal democracies,¹⁰ whereas *backlash* is used in feminist journalism and academia to describe a reversal of progress with implementing feminist equality policies and related language. The latter term was first used by Susan Faludi in her 1991 book on Reagan’s 1980s that, in her analysis, thwarted the progress that women had achieved in the 1970s in the form of a challenge by the New Right.¹¹

The English word “gender” in its sociological-feminist sense has not become mainstream in the languages of the aforementioned countries outside academia, and usually cannot be translated using a single word.¹²

Discussion of the origin and development of the ideological and popular movement against “gender ideology” or “gender theory” which started in around 2012 in Europe continues to be a hot topic, but appears to be based on some earlier (mainly religious) schools of thought from the early 2000s.¹³ Outside Europe, other words are being used to describe the phenomenon such as “Cultural Marxism”, “Gayropa” (post-Soviet countries and Russia) and “political correctness” (USA). Different human rights issues are under attack in these mobilisations, from women’s reproductive rights through LGBTQI rights to technical governance methods (gender mainstreaming) and the academic discipline of gender studies.

Much of the analysis is placed in this ‘backlash’ framework that is shared by academia, gender experts, feminists, and LGBTQI activists. However, there is also growing left-wing criticism of the (often also left-wing) backlash discourse, especially focusing on East-Central Europe, which seeks to examine regional differences and to move away from ideological oppositions to understand how the transition to the market economy policies have affected women and why this region has become susceptible to such attacks on modernism. The human rights paradigm of the EU, it is argued, while focusing on the individual rights of women, does not treat the injustices emerging from the economic order that

⁹ Transparency International Corruption Perception Index 2017

https://www.transparency.org/news/feature/corruption_perceptions_index_2017 Retrieved: 16 March 2018.

¹⁰ Nick Sitter, Andrea Krizsán, Ágnes Batory and Violetta Zentai: *Backsliding in area of constitutional safeguards and independent institutions, corruption control, and general equality and minorities*. Deliverable D6.2 for TransCrisis: Enhancing the EU’s Transboundary Crisis Management Capacities, 2017. EU Horizon2020 research (No.649484) <http://www.transcrisis.eu/wp-content/uploads/2017/05/D6.2-Backsliding-in-area-of-constitutional-safeguards-and-independent-institutions-corruption-control-and-general-equality-and-minorities-1.pdf> Retrieved: 1 March 2018. (Further referred as Backsliding in area of constitutional safeguards)

¹¹ Susan Faludi: *Backlash: the Undeclared War Against American Women*, Crown 1991

¹² On this, see the studies in: *Translating Gender. The Uses and Abuses of the Sex/Gender Distinction*, ATGender, Athena Network, 2015 December 23. <https://atgender.eu/wp-content/uploads/sites/207/2015/12/Translating-Gender-2012.pdf> Retrieved: 20 March 2018.

¹³ One of its most noted ideologists is the German Catholic sociologist Gabriele Kubly, whose books on the dangers of “gender” have been translated into eleven languages, including East Central European languages, since 2006. Her most well-known book is: *Die Globale Sexuelle Revolution. Zerstörung der Freiheit in Namen der Freiheit. (The Global Sexual Revolution: The Destruction of Freedom in the name of Freedom)*, fe.Verlag, 2016

developed after the transition of 1989 and the austerity policies after the 2008 crisis which affect the everyday lives of women.¹⁴ The two most comprehensive edited volumes on the topic are: *Gender as Symbolic Glue* (Kovács & Poim, 2015)¹⁵ and *Anti-Gender, Mobilizing against Equality Campaigns in Europe* (Kuhar & Paternotte, 2017). On the one hand, it is argued that such attacks represent cultural backsliding against social changes (gender equality, sexual rights, abortion, in-vitro and assisted fertility treatments, interpretation of the causes of violence against women as contained in the Istanbul Convention, gay and trans rights and same sex marriage, and adoption by same-sex couples), a critique of modernity, or a “conservative revolution”.¹⁶ To quote one academic analysis: “To use a substantive but contextualized approach we define backsliding as states going back on previous commitments to gender equality norms. We operationalize policy backsliding in the field of gender equality along four complementary dimensions: 1) discursive (de)legitimation of gender policy objectives; 2) dismantling and reframing existent policies, 3) backsliding in implementing institutions, coordination, policy programming and funding, 4) dismantling accountability and inclusion mechanisms.”¹⁷

On the other hand, it has been shown that the meaning of “gender” itself has changed over time, and may be being used differently by policy-makers and activists. Some issues monopolised by the “war on gender” also deeply divide the feminist movement (e.g. gender as an innate feeling in identity politics vs. gender as social construction, trans rights for children, and surrogacy, just to name a few). To quote one expert, Kováts states that:

“First, in the English speaking context gender became widely a substitute of biological sex (e.g. in the case when we speak about gender quotas or gender pay gap, what is meant is male-female ratio). Second, it came to mean women, e.g. gender analysis in policy-making is often used to describe how this or that measure would affect women (and less, as intended, gender relations). Third, it is an analytical category to describe the social quality of distinctions based on sex, the power structures in a given society, between men and women, and the roles, possibilities and constraints in society, assigned on being born male or female (e.g. if we speak about gender-based violence, it refers to the gendered nature of a specific type of violence, rooted in the prevailing patriarchal structure of our societies). Fourth, many use it in the trans and genderqueer activism to mean gender identity¹⁸ (a person’s felt sense of identity and expressions, meaning identifying or not with being born male or female).”¹⁹ The same author argues that “...the vehement debates on the continent about “gender ideology” seem to be connected to the current contestations in the Anglo-Saxon world about identity politics, a simplified notion of intersectionality and gender understood as identity.”²⁰

In our study we claim that a backlash in women’s rights is on-going in relation to certain topics (sexual and reproductive health and rights, institutional mechanisms, Istanbul Convention’s ratification, rhetorics, women’s rights civil space, etc.) while there is progress in other areas, mostly disguised as family policy (in family and care policies and the reconciliation of work and private life) at the same

¹⁴ See: Ed. Kováts, Eszter: *Solidarity in Struggle: Feminist Perspectives on Neoliberalism in East Central Europe*. FES, 2016

¹⁵ Eds. Kováts, Eszter, Pöim, Marii: *Gender as symbolic glue. The positions and role of conservative and far-right parties in the anti-gender mobilizations in Europe*, FEPS-FES, 2015 and Eds. Paternotte, David, Kuhar, Roman, *Anti-Gender. Mobilizing Against Equality Campaigns in Europe*, London-New York, Rowman and Littlefield, 2017

¹⁶ As in: *Anti-Gender Movements on the Rise? Strategising for Gender Equality in Central and Eastern Europe*. Publication Series on Democracy. Volume 38. Heinrich Böll Stiftung, 2015.

¹⁷ Krizsán, Andrea, Roggeband, Conny: “Feminist struggles in backsliding states: Towards a new research agenda.” submitted to *Politics and Governance*, under review. (Further referred as Feminist struggles)

¹⁸ On its criticism from a philosophical point of view, see Reilly Cooper, Rebecca: *Gender is not a spectrum*. <https://aeon.co/essays/the-idea-that-gender-is-a-spectrum-is-a-new-gender-prison>

¹⁹ Kováts, Eszter, ‘The Equality Paradigm Exposed. Why Emancipatory Politics Came Under Fire and What We Can Do About It’. *Political Trends and Dynamics. Gender Politics in South-East Europe. A briefing*. FES-SOE Dialogue Südosteuropa, 2017 December-January 2018, p. 9. <http://library.fes.de/pdf-files/bueros/sarajevo/12902/2017-12-2018-01.pdf>

²⁰ Kováts, Eszter, ‘Questioning Consensuses: Right-Wing Populism, Anti-Populism’, and ‘The Threat of “Gender Ideology”’, *Sociological Research Online*, SAGE, No 1-11, 2018

time. Sometimes, as in the case of work-life balance, rhetoric about mothers as innate primary caretakers of children contradicts the actual practice of helping working mothers with new policies re-enter the labour market after childbirth earlier, although these are not framed as being related to gender equality. A comprehensive picture can only be created by understanding both these trends.

Introduction to the historical background and regulation of sexual and reproductive health and rights

The history of contraception and abortion is different in the countries under scrutiny. In former socialist countries the harsh total abortion ban of the Stalin era was eased, and followed the new, pragmatic soviet model (seeking to save maternal lives lost through illegal abortion) curettage became a method of contraception until the 1970s when hormonal contraceptives appeared. (The main brands were manufactured in Hungary for the socialist block.) Hungary legalised abortion in the summer of 1956; Czechoslovakia and Romania in 1957, and Poland in 1959. With the exception of Romania, where Ceaușescu's regime introduced a total ban on contraception and abortion in 1966 for demographic purposes with the infamous Decree 770, all socialist countries maintained this policy until the transition period when they went in different directions, although generally making the related policy stricter. While in the ex-communist countries some women's rights were granted, this was not the result of mass movement struggle. Italy and Austria, being Western and at the same time mostly Catholic countries, legalised abortion about 20 years later, partly as a result of the feminist movement, Austria in 1975, and Italy in 1978. Today we see some preservation of old, liberal regulations, a status quo situation in some countries, but also an attempt to take back the sexual and reproductive rights of women as a result of gender backlash. Research shows that the European anti-choice movements are influenced by international actors who have become active following the years of the new millennium who are also part of general anti-gender movements. Elena Zacharenko analysed the related causes thus:

"To oppose the proliferation of anti-choice movements, political leaders must tackle the root causes – the dual crisis of the economy and the liberal democratic system – at the political level. It is crucial that progressive actors present concrete solutions to these challenges that are in line with their values, to effectively counter the vision put forward by conservative political forces. In order to achieve this, the needs of citizens, particularly those most marginalised, must be placed at the centre of political programming."²¹

The issue paper of the Council of Europe Commissioner for Human Rights on Women's SRHR in Europe calls attention to the principle of non-retrogression:

"The principle of non-retrogression prohibits steps that undermine, restrict or remove existing rights or entitlements. As a result, member states' introduction of retrogressive measures – deliberate backward steps in law or policy that directly or indirectly impede or restrict enjoyment of a right or entitlement – will almost never be permitted under international human rights law. Attempts to weaken gender equality protections and safeguards for women's sexual and reproductive health and rights violate this principle and can rarely be justified."²²

²¹ Hodzic, Amir and Bijelic, Natasa, *Neo-conservative threats to sexual and reproductive health and rights in the European Union*. CESI, 2014 http://www.cesi.hr/attach/_n/neo-conservative_threats_to_srh_in_eu.pdf Retrieved: 31 March 2018. (also describing the Croatian case, not within the scope of our study) and Zacharenko, Elena, *Perspectives on Anti-choice lobbying in Europe. A study for policy makers on opposition to sexual and reproductive health and rights in Europe*. 2016, Commissioned by Heidi Hautala, MEP, p3-<http://www.heidihautala.fi/wp-content/uploads/2017/01/SRHR-Europe-Study--Elena-Zacharenko.pdf> Retrieved: 31 March 2018.

²² Hoctor, Leah, Lamačková, Adriana and Thomasen, Katrine with assistance from

As we will see, attempts are being made to foster retrogression as part of the backlash involving women's and girls' rights.

The most extreme case among the examined countries is Poland, where – as we describe – understanding history is key. In Slovakia and Italy we also witness strong anti-choice movements. The rhetoric of Hungary is located somewhere in between these cases, but no effective backlash is identifiable, whereas Romania and Austria are exceptions with good practices in some areas.

Boulet, Jessica from the Europe Program at the Center for Reproductive Rights: *Women's Sexual and Reproductive Health and Rights in Europe*. Issue paper. Council of Europe CFHR, 2017 <https://rm.coe.int/women-s-sexual-and-reproductive-health-and-rights-in-europe-issue-pape/168076dead> Retrieved: 20 March 2018.

COUNTRY PROFILES

1. AUSTRIA

1.1. Institutional, legal and policy framework for promoting gender equality and women's and girls' rights

In Austria, the institutional, legal and policy framework for promoting gender equality is influenced by the existence of a two-level – federal and provincial – administrative system. Important progress has been made in both legal and policy fields this decade,²³ although there is room for improvement. A change of government happened at the end of 2017. Although it is too early to assess the approach of the new government towards gender equality and women's rights, some worrying signs can already be seen.

The national machinery for gender equality has faced numerous structural changes from its establishment. Since 2007 the Women's Division operated in the Federal Chancellery. From March 2014 to June 2016 it was part of the Federal Ministry of Education and Women's Affairs, and from July 2016 to January 2018 of the Federal Ministry for Health and Women's Affairs. Taking effect on 8 January 2018, this structure changed again and the task was taken back by the Federal Chancellery.²⁴ Such frequent changes by themselves are worrying from the perspective of sustainability and stability. Moreover, concerns were raised – as far back as 2016 – regarding the serious underfunding of the national machinery.²⁵ Furthermore, from the ongoing debate related to the 2018/2019 budget, there are worrying indications that the Ministry for Women's Affairs will receive at least 500 000 euros less than last year.²⁶

The Inter-ministerial Working Group for Gender Mainstreaming/Budgeting is also a relevant actor in the institutional mechanism, similarly to the gender budgeting system.²⁷ NGOs have complained, however, that the implementation of gender budgeting is ineffective.²⁸

As for the policy framework, Austria still does not have a comprehensive policy document/action plan on gender equality. Gender equality issues are addressed by separate strategic/programmatic documents that cover different policy fields (such as employment).²⁹ The UN CEDAW Committee,³⁰ as

²³ See the Committee on the Elimination of Discrimination against Women – Consideration of reports submitted by States parties under article 18 of the Convention – *Ninth periodic report of States parties due in 2017 – Austria*. CEDAW/C/AUT/9, 15 May 2017. Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fAUT%2f7-8&Lang=en Retrieved: 13 April 2018. (Further referred as CEDAW Periodic report, Austria)

²⁴ See more information at https://www.bmgf.gv.at/home/EN/Women_Equality/About_Division_for_Women_and_Equality

²⁵ See for example the GREVIO Shadow Report NGO-Coalition: *Austrian NGO-Shadow Report to GREVIO*. Coordination: Association of Austrian Autonomous Women's Shelters, AÖF & Domestic Abuse Intervention Centre Vienna, IST. Vienna, September 2016. p. 15. Available at http://www.a oef.at/images/04_news/news_2016/GREVIO-Schattenbericht_2016.pdf Retrieved: 13 April 2018. (Further referred as GREVIO Shadow report)

²⁶ Information provided by the national experts for the purposes of this analysis.

²⁷ See CEDAW Periodic report, Austria, *op. cit.*

²⁸ See the United Nations Convention on the Elimination of All Forms of Discrimination against Women – Addendum to the NGO Shadow Report Submitted to the 54th session of the Committee on the Elimination of Discrimination against Women compiled with respect to the replies of Austria (CEDAW/C/AUT/Q/7-8/Add.1) to the list of issues (CEDAW/C/AUT/Q/7-8), *Frauen:Rechte jetzt!* NGO Forum for the implementation of CEDAW in Austria (Ed.) www.frauenrechte-jetzt.at Vienna, January 2013. p. 2. Available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/AUT/INT_CEDAW_NGO_AUT_13222_E.pdf Retrieved: 13 April 2018. (Further referred as Addendum to the NGO shadow report, Austria)

²⁹ See CEDAW Periodic report, Austria, *op. cit.*

³⁰ See Committee on the Elimination of Discrimination against Women – *Concluding observations on the seventh and eighth periodic reports of Austria*, adopted by the Committee at its fifty-fourth session (11 February–1 March 2013). CEDAW/C/AUT/CO/7-8. 22 March 2013, para. 14. Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fAUT%2fCO%2f7-8&Lang=en Retrieved: 13 April 2018. (Further referred as CEDAW Concluding observations, Austria)

well as women's rights NGOs³¹ have expressed concern regarding the lack of such a comprehensive document.

As regards the legislative apparatus, Austria does not have a specific federal law on gender equality. The general anti-discrimination law, the Act of Equal Treatment, creates the legislative framework, but its scope is limited (to employment, occupation, and access to goods and services).³² Furthermore, it has been noted that in many cases regarding gender equality directives the wording in the directive's German version was transferred into the law, leaving its interpretation to national courts.³³

In the general context, campaigning against "gender ideology" has intensified in the last couple of years in Austria. Experts consider this to involve "a vague (albeit emotionally loaded) rejection of the development of family policies, gender equality, gender studies, sexuality policies and sex education."³⁴ Groups with different backgrounds constitute the basis for this movement – one analysis has identified five such types of actors: right-wing extremists and populists; right-wing (Catholic) conservatives; Catholic organizations, including parties; so-called "men's rights" or "father's rights" groups; and so-called "conscious parents".³⁵ The agenda of men's/fathers groups is fighting against the "discrimination of men through family legislation and/or gender equality measures".³⁶ These groups are small in number, but have elevated visibility in mass media.³⁷ Groups of "concerned parents" oppose sexual education or using gender-sensitive language in schools.³⁸ Some of these groups have close links to political actors.³⁹

Online sexist hate speech has also been present in recent years, sometimes targeting high-level politicians. In 2011, the lyrics of the national anthem were changed, adding a reference to "great daughters" to the "great sons" of the nation. In 2014, a very prominent Austrian musician sang the anthem without using the word "daughters". After the minister responsible for women's affairs wrote a Facebook comment about this there was a huge negative reaction from the public, including thousands of hate-filled posts. The public debate that followed this event was filled with misogynist comments promoting rape, and making a mockery of violence against women. As NGOs report, this is not an isolated case – many women face hostility when "speaking [up] for women's rights and against violence against women, or speaking about feminism in the public sphere or through social media."⁴⁰

1.2. Space for civil society – The situation of women's rights NGOs

Austria has a proven record on successful cooperation between the state actors and women's NGOs,⁴¹ leading to important progress towards the cause. There have been no attempts by state actors to shrink the space for civil society in general this decade.

However, in 2017 some restrictions/changes were introduced to the law on assemblies: the deadline for registering a demonstration was extended from 24 to 48 hours; and a protective area of 150 meters

³¹ See Addendum to the NGO shadow report to CEDAW, Austria, *op. cit.*, p. 2.

³² See CEDAW Periodic report, Austria, *op. cit.*

³³ *Country report – Gender equality – Austria 2017. 'How are EU rules transposed into national law?'* By Thomasberger, Martina, European network on legal experts in gender equality and non-discrimination. European Commission, Directorate-General for Justice and Consumers, 2017. p. 44. Available at <https://www.equalitylaw.eu/downloads/4467-austria-country-report-gender-equality-2017-pdf-1-22-mb> Retrieved: 13 April 2018.

³⁴ See Mayer, Stefanie and Sauer, Birgit, 'Gender ideology' in Austria: Coalitions around an empty signifier'. In Kuhar, Roman and Paternotte, David eds, *Anti-Gender Campaigns in Europe Mobilizing against Equality*, *op. cit.*, p. 23.

³⁵ *Ibid.*, pp. 27-28.

³⁶ *Ibid.*, p. 28.

³⁷ *Ibid.*, p. 28.

³⁸ *Ibid.*, p. 28.

³⁹ *Ibid.*, p. 28.

⁴⁰ See the GREVIO Shadow Report, *op. cit.*, p. 30. Additional information was also provided by the national experts for the purposes of this analysis.

⁴¹ See the GREVIO Shadow report, *op. cit.*, p. 16.

for each demonstration was established (counter-demonstrations also have to maintain this distance). In addition, under certain conditions, the government can now prohibit demonstrations that serve the political activity of third-country nationals.⁴²

It is reported that moving forward with the women's rights agenda has been difficult. As NGOs claim, certain forces in society aim to discredit women's NGOs and feminist approaches, while the importance of women's rights services tend to be denied by rightwing, nationalistic and anti-European parties.⁴³ One women's human rights defender summarizes the Austrian situation as being possibly a lot better as compared to other parts of Europe, but she also notes a "rise in conservative politics and attacks on women's rights (reproductive rights, shelters...) – if only on a discursive level at the current moment."⁴⁴

Based on the lack of sufficient progress in certain areas of women's rights — and also recalling a similar initiative from 1997, the "Women's referendum" — NGOs initiated a petition in 2017 called "Women's Advocacy 2.0". After the national elections, this petition addressed the then-upcoming government and the National Council (parliament). The petition formulated nine demands covering several policy fields/issues related to women's rights (such as a quota for women, violence prevention, and reproductive rights).⁴⁵ Within the first two weeks organizers succeeded in collecting the 100 000 signatures that are necessary for obliging the parliament to debate the petition. A worrying sign, however, is that even the minister responsible for women's rights issues did not support some of the demands, arguing that they went "too far".⁴⁶

As for funding, the short (yearly) allocation period has been identified as a — not new but ongoing — problem for NGOs that provide services in the field of violence against women,⁴⁷ hindering sustainability and requiring more effort to ensure financial security. A decrease in funding in the last years for NGOs that work for marginalized groups of women (e.g. homeless women, or migrant women) has also been reported.⁴⁸

1.3. Education policy and gender equality

In the field of education policy no backlash has been detected in the last years in Austria. The school curricula — i.e. general educational goals and general didactic principles — for all types of school include guidelines concerning the issues of gender equality and stereotypes.⁴⁹ Looking at the respective documents, however, there seems to be a strong focus on non-stereotyped paths/educational choices.⁵⁰ In 2013 a legislative change prescribed "gender and diversity competence" as a requirement for future teachers.⁵¹

Austria was one of the first countries to introduce compulsory sex education (which is holistic and addresses relationships and emotions too) in schools in 1970 (only West Germany preceded this in

⁴² Information provided by the national experts for the purposes of this analysis.

⁴³ *Ibid.*

⁴⁴ See *Suffocating the Movement – Shrinking Space for Women's Rights*. Kvinna till Kvinna, 2018. p. 35. Available at <http://thekvinnatillkvinnafoundation.org/files/2018/03/kvinna-till-kvinna-suffocating-the-movement-report-eng-2018.pdf> Retrieved: 13 April 2018. (Further referred as *Suffocating the Movement*, *Kvinna till Kvinna*)

⁴⁵ See <https://newsmavens.com/news/change-indicators/923/women-inaustria-demand-half-of-the-power> Retrieved: 13 April 2018.

⁴⁶ See <http://www.dw.com/en/gender-equality-petition-in-austria-hits-100000-signatures-will-go-to-parliament/a-42673932> Retrieved: 13 April 2018. Furthermore, – as national experts pointed out in relation to this analysis – she has not initiated an open-house program on the occasion of International Women's Day – thus omitting the tradition.

⁴⁷ See the GREVIO Shadow report, *op. cit.*, p. 49.

⁴⁸ Information was provided by the national experts for the purposes of this analysis.

⁴⁹ See GREVIO Shadow report, *op. cit.*, p. 32.

⁵⁰ See for example the CEDAW Periodic report, Austria, *op. cit.*

⁵¹ See CEDAW Periodic report, Austria, *op. cit.*

1968), and such education is integrated into biology, German and religious education classes.⁵² A Fundamental Decree on Sexual Education was published in 1990, and research institutes also prepare educational programs.⁵³ No backlash has been detected in this area at policy level. It should be mentioned, however, that sexual education has been the target of so-called concerned parents, using homophobic arguments: in 2015 the Initiative for Valuable Sexual Education petitioned against the introduction of sexual education guided by diversity in schools.⁵⁴

1.4. Preventing and combating violence against women; the status of the Istanbul Convention

In the field of violence against women important legislative and other measures have been implemented in the last decade. The response of the Austrian system to domestic violence has served as a model for many in Europe, and even beyond. However, there is room for further progress, while signs of backstepping have also occurred, as described below.

Austria signed the Istanbul Convention on 11 May 2011 and ratified it on 14 November 2013, without reservation. The convention entered into force in the country on 1 August 2014.⁵⁵ The state was one of the first two countries evaluated by the GREVIO Committee, the body tasked with monitoring the implementation of the Istanbul Convention.⁵⁶ In addition to the state report, a coalition of 29 NGOs also submitted a report to GREVIO.⁵⁷

An important step — initiated by the Istanbul Convention — at the policy level during this decade was the adoption for the first time of the National Action Plan on the Protection of Women from Violence (2014-2016). An inter-ministerial working group was also established. However, concerns were raised that the plan is rather an activity list than a comprehensive and coordinated long-term strategy.⁵⁸ Furthermore, a coalition of women's rights NGOs requested a role as part of the task force for developing legislative measures in the field of violence against women, but their request was not accepted.⁵⁹ The National Action Plan was not continued after 2016 and the current government has made no plans so far regarding working on a new National Action Plan.⁶⁰

Among the persistent problems, a major concern is that — as the GREVIO Committee pointed out — the focus has strongly only been on the issue of domestic violence, while “less attention, funding and political support” was dedicated to other forms of violence against women.⁶¹ In addition, insufficient funding capacity for the national machinery to coordinate the work and implement the National Action Plan has been raised as a recent point of concern.⁶² Low reporting and conviction rates for violence

⁵² *Policies for Sexuality Education in the European Union*, Note, European Parliament, Policy Department C: Citizens Rights and Constitutional Affairs, 2013

⁵³ Austrian Institute for Family Studies at the University of Vienna. <http://www.oif.ac.at/english/>

⁵⁴ See Mayer, Stefanie and Sauer, Birgit: “Gender ideology” in Austria, *op. cit.*, p. 27.

⁵⁵ See the dates of signature and ratification here: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures> It is worth noting that the state issued an objection to Poland's declaration that was made upon ratification. That declaration says that Poland will apply the Convention in accordance with the principles and provisions of its Constitution. Austria considered this as a reservation. It noted that, by referring to the Constitution's principles and provisions, Poland has made a reservation of a “general and indeterminate scope”, which is thus incompatible with the object and purpose of the Convention. See the objection at https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/declarations?p_auth=sOkzWgLv&coeconventions_WAR_coeconventionsportlet_enVigueur=false&coeconventions_WAR_coeconventionsportlet_searchBy=state&coeconventions_WAR_coeconventionsportlet_codePays=AUS&coeconventions_WAR_coeconventionsportlet_codeNature=6 Retrieved: 13 April 2018.

⁵⁶ See <https://www.coe.int/en/web/istanbul-convention/austria> Retrieved: 13 April 2018.

⁵⁷ See the report referred to above.

⁵⁸ See the GREVIO Shadow report, *op. cit.*, p. 14.

⁵⁹ Information provided by national experts for the purposes of this analysis.

⁶⁰ Information provided by national experts for the purposes of this analysis.

⁶¹ See *GREVIO Baseline Evaluation Report Austria*. Secretariat of the monitoring mechanism of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, Council of Europe, 27 September 2017. p. 6. Available at <https://rm.coe.int/grevio-report-austria-1st-evaluation/1680759619> (Further referred as GREVIO Baseline evaluation report)

⁶² See the GREVIO Baseline evaluation report, *op. cit.*, paras 21-22. and the GREVIO Shadow report, *op. cit.*, p. 7.

cases, a lack of systematic training for professionals, and the absence of a wide range of services are also problematic.⁶³

The GREVIO Committee came to a general worrisome conclusion that seemingly the support among policymakers and legislators for dealing with all forms of violence against women is declining in the country.⁶⁴

A new legislative change in 2013 permitted shared custody of children of both parents. Among the considerations cited, “ensuring contact with both parents to build a steady relationship” is present, but also “reducing the risk of a child to suffer violence or to witness violence inflicted upon people close to them”. However, practice shows that the provisions are little known by the judiciary, and fathers who are violent to mothers are granted visitation rights.⁶⁵ Furthermore, diversionary measures — such as mediation — are extensively used in cases of domestic violence, resulting in a lack of convictions.⁶⁶ In parallel, as stated above, the agenda of men's/father's groups has become quite visible in recent years. These factors raise concerns about restrictions on the protection of women's rights.

1.5. Sexual and reproductive health and rights

In this regard, on ContraceptionInfo (the comparative contraception atlas of the European Parliamentary Forum on Population and Development (EPF) and Third-I) Austria scores the highest from the countries in focus (66.5 %).⁶⁷ Abortion was legalised in 1975, is available upon request until the 16th week without consultation or a prescribed waiting period, and no justification is needed from the woman, although costs are not reimbursed by the government health system. As the same rules apply to women from other countries, Austria is a popular destination for foreign women resident in countries where abortion is difficult to access, or where medical abortion using pills is outlawed (Poland and Hungary) — if they can afford it.⁶⁸ Doctors are permitted to object on conscientious grounds. In rural areas, due to the lack of abortion and family planning clinics, finding an abortion clinic is difficult. There are no public hospitals that provide abortions in the two western provinces of Vorarlberg and Tirol.

Although home- and hospital birth led by trained midwives are possible in Austria, this alternative is not yet widespread. Moreover, hospital births are witnessing an increase in medical intervention in low-risk cases (episiotomy, electronic foetal monitoring, and pain control).⁶⁹

1.6. Economic empowerment of women: employment, reconciliation of work and private life; social rights, care

Austria is the most developed welfare state from the countries under analysis that effectively combines “familialism” and attempts to enhance gender equality through complex and intricate family policies; it thus seems like a Central European haven for families. It is also important that — unlike the East European states under discussion — family and social policy has remained constant for decades: if

⁶³ *Ibid.*

⁶⁴ See the GREVIO Baseline evaluation report, *op. cit.*, p. 12.

⁶⁵ See GREVIO Baseline evaluation report, paras. 133., 134.

⁶⁶ *Ibid.*, para. 163.

⁶⁷ *Contraception Atlas 2018 on methods and availability of contraception in Europe*. The European Parliamentary Forum on Population and Development (EPF): <https://www.contraceptioninfo.eu/>

⁶⁸ Hirvonen, Ewa, *Polish Abortion tourism*, 2017 Laurea University of Applied Sciences, master thesis https://www.theseus.fi/bitstream/handle/10024/138222/thesis_Ewa_Hirvonen.pdf?sequence=1&isAllowed=y Retrieved: 5 April 2018.

⁶⁹ Bodner-Adler, Barbara, Kimberger, O., Griebaum, J., Husslein, P., and Bodner, K: ‘A Ten-Year Study of Midwife-Led Care at an Austrian Tertiary Care Center: A Retrospective Analysis With Special Consideration of Perineal Trauma’, *Bmc Pregnancy, Childbirth*, 2017 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5644072/> Retrieved: 5 April 2018.

changes were made, they were only made more generous or gender equal, either by involving fathers or by encouraging the earlier return to work of women.⁷⁰ Surprisingly, however, men are still not involved in childcare and domestic work more equally, and birth rates are not growing significantly. Austrian family policies can be described as a modernised male breadwinner model, where mothers work part-time.⁷¹

Austria spends 3.0 % of its GDP on families, which is above the OECD average. The largest part of this involves cash benefits paid to families, while less is spent on services and tax allowances. Since 1983 the Federal Ministry for Families and Youth has been responsible for the coordination of different benefits. Maternity leave starts at eight weeks before the expected time of birth, and lasts eight weeks after it (in the case of a Caesarean section, this is raised to 12). Employment is prohibited during this time; mothers receive their average monthly wage.⁷² The self-employed and farmers can choose between a payment of 1 500 euros/month or a paid replacement (*Betriebshilfe*). After this period parents are entitled to leave from work until the child is two years old (*Elternkarenz*). This is independent of any payment received (*Kinderbetreuungsgeld*); a system which gradually developed from 2002 to 2010 to include five layers, where the less time spent with the child, the higher the benefit. Each option includes months reserved for the second parent (usually the father) which are lost if not taken.⁷³ The model with the longest period of leave is the most popular one (in 2012, 46 % chose this). Families also get a generous family allowance that gradually increases until the child reaches 18 (or if at university, 24) years old.⁷⁴ All these entitlements are universal and most are not connected to previous employment. Further assistance (tax credits and benefits) is given to single parents, sole breadwinner and low-income families.

The employment rate of women is 68 %, but many work part-time. Since 2004, when part-time work became a right until the child is seven, the popularity of this option has grown: 71 % of employed mothers aged 25-49 with children under 15 work part time. Fathers have had the chance to take parental leave since the 1990s, but only 4 % take it (2012). The availability and quality of childcare institutions is high (like in Hungary), but it is not free of charge, and opening hours are limited. Ninety-one percent of children aged 3-5 attend kindergarten, while only 23 % of 0-2 year-olds are in crèche (although big regional differences exist). Austria has a high number of women working in part-time positions: every second woman works less than 40 hours. In rural areas, the part-time rate is even higher than in urban areas. This must be seen as a result of the lack of child care options provided by the state, while it leads to a pension gap of 40 % to 50 % between men and women.⁷⁵

⁷⁰ Jaschinski, Ina, Berghammer, Caroline, Neuwirth, Norbert, *Family policies: Austria*, 2014 <https://www.perfar.eu/policy/family-children/austria> Retrieved: 6 April 2018.

⁷¹ Berghammer, Caroline, 'The return of the male breadwinner model? Educational effects on parents' work arrangements in Austria, 1980-2009'. *Work, Employment and Society*, 2014, 28, 4, pp. 611-623.

⁷² If they get a 13th or 14th month salary as well, which is common in Austria, this is also included in the average.

⁷³ The options are: 436 euros per month for 30 months (+ 6 for the second parent), 624 euros for 20 months (+4), 800 euros for 15 months (+ 3) or 1 000 euros for 12 months (+ 2), or 80 % of maternity leave for 12 months (+2)

⁷⁴ From 110 euros per month per child to 159 euros. This allowance is also granted to migrant workers whose families live in the country of origin. If this is an East European country, this sum alone can support a large family staying behind, which is why a policy change was recently suggested involving cutting it to the level of the country of origin. (For comparison, childcare allowance per month in Hungary is 38 euros after one child.) <https://www.euractiv.com/section/politics/news/austria-wants-to-cut-family-benefits-for-children-living-abroad/> Retrieved: 10 April 2018.

⁷⁵ *Gender Gap in Pensions: Looking Ahead*, 2017, European Parliament, Policy Department. [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/583150/IPOL_STU\(2017\)583150_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/583150/IPOL_STU(2017)583150_EN.pdf) Retrieved: 21 April 2018.

1.7. Multiple discrimination and intersectionality

1.7.1. The situation of migrant and refugee women

Austria has a long history of immigration due to its geographical location, its history as a former, multiethnic empire, and as a gatekeeper between Eastern and Western Europe — the first Western liberal democracy for refugees arriving on foot from beyond the former Iron Curtain.⁷⁶ The federal integration office of migrants, the *Österreichischer Integrationsfonds* (ÖIF, formerly the UN Refugee Fund) was set up in 1960 by the UNHCR and the Ministry of Interior as a result of Hungarian refugees fleeing after the revolution of 1956. There was a great influx of refugees during the Yugoslav Civil Wars. Since 2002 the services of the former have included language and integration courses and mobile counselling in all states for recognized refugees and beneficiaries of subsidiary protection. In 2016 18.4 % of women in Austria (812 600) had been born in another country. Most of them were EU nationals (Romanians, Germans and Hungarians are overrepresented), 48.7 % of them were third-country nationals (from Bosnia-Herzegovina, Turkey and Serbia), while only 7.5 % of them were asylum seekers. The social composition of third-country national women differs from Austrians mainly in terms of age (they are younger), fertility rate (1.39 for Austrian and 1.94 for immigrants, with Afghan and Syrian women having the highest level of fertility at 4.03-3.63) and educational background (lowest for women from Turkey).⁷⁷ For girls and women arriving from some countries, FGM (female genital mutilation) poses a danger.⁷⁸

In recent years, discussion about migration and the preservation of Austrian values has arisen. In 2017 (similarly to France and Belgium six years earlier) the full-face veil (burka and niqab) was forbidden. This was portrayed as both a national and European issue (similarly to gender-based violence perpetrated by Muslim men).⁷⁹ Women CSOs criticise the government for the way refugee status is attached to the husband in the family, while wives are not treated separately in these cases. Violence against refugee and migrant women and girls poses a problem, too. Sometimes at refugee centres police officers may not be of the same sex as the interviewees. During the 2015 influx at the height of the Syrian refugee crisis, rapes and abuses were reported by women in the big reception camps as a result of mixed gender toilet facilities. It is not regulated whether shelters (run at the regional level) may accept asylum-seeking women.

According to the legislation, multiple discrimination can only be referred to in the field of employment and occupation, but not in education and social protection.⁸⁰ A further problem exists with the definition of multiple discrimination: it is formulated in a general way, causing difficulties with enforcement.⁸¹

The CEDAW Committee noted with concern an “increase of xenophobic violence against migrant women and cases of incitement to hatred and violence, particularly targeting Muslim and/or black women”⁸² as early as in 2013. In responding to the flow of migration in 2015, the general Austrian response was commended by the GREVIO Committee. However, regarding services, it is reported that in several provinces, “some groups of migrant or refugee women, especially undocumented and

⁷⁶ Schropper, Isabel: *Austria, migration, mid-19th century to present*, 2013

⁷⁷ *Frauen: Statistiken zu Migration und Integration*, 2016 (ÖIF)

https://www.integrationsfonds.at/fileadmin/content/AT/Fotos/Publikationen/Statistikbroschuere/migration_integrations_Schwerpunkt_Frauen_2016.pdf Retrieved: 11 April 2018.

⁷⁸ *Fact Sheet: Gewalt Gegen Frauen im Kontext von Migration: Schwerpunkt Genital Verstümmelung*, 2018 (ÖIF) <https://www.integrationsfonds.at/publikationen/oeif-fact-sheets/> Retrieved: 11 April 2018.

⁷⁹ Estimates suggest that there are about 150 Muslim women in Austria who regularly wear the niqab or burka.

⁸⁰ CEDAW Periodic report, Austria, *op. cit.*, paras. 19-21.

⁸¹ *Ibid.*, para. 19.

⁸² See the CEDAW Concluding observations, Austria, *op. cit.*, para. 26.

asylum-seeking women and women with limited social rights and benefits”, face barriers — administrative or financial regulations — to accessing women’s shelters.⁸³ Furthermore, concerns have also been raised regarding the training of relevant staff to ensure they can identify instances of gender-based persecution.⁸⁴

⁸³ See the GREVIO Shadow report, *op. cit.*, p. 7.

⁸⁴ *Ibid.*, p. 7.

2. HUNGARY

2.1. Institutional, legal and policy framework for promoting gender equality and women's and girls' rights

Since the democratic transition Hungary has tried to find effective institutional, legal and policy framework for promoting gender equality and women's rights — as the related research shows.⁸⁵ The state's family mainstreaming approach — with the goal of demographic increase — as well as actions to influence the space for women's rights NGOs have been important drivers in this process. As to the former, in 2017 the UN working group on the issue of discrimination against women in law and practice pointed out in its country report on Hungary that “a conservative form of family whose protection is guaranteed as essential to national survival should not be put in an uneven balance with women's political, economic and social rights and the empowerment of women.”⁸⁶

As analysis show, in the institutional framework, the national machinery for gender equality has always been sensitive to political changes and lacking appropriate human and financial resources, while also being administratively marginalized (acting mainly as a ministerial department or unit). After the change of government in 2010, the already modest number of staff employed at the department was reduced. At the same time, structural arrangements indicated a change in priorities: the respective women's policy unit was subordinated/linked to family policy settings.⁸⁷ Currently, the Women's Policy Unit at the Department of Family Affairs and Women's Policy — under the auspices of the Deputy State Secretary for Family and Demography Policies — is situated at the Ministry of Human Capacities.⁸⁸

At the policy level, Hungary lacked a national strategy/action plan for gender equality between 1998 and 2010. The government adopted the *National Strategy for the Promotion of Gender Equality – Guidelines and Objectives 2010–2021*,⁸⁹ a few months before the national elections in 2010. The first action plan for the strategy for the years 2010-2011 was also adopted.⁹⁰ After the change of government the strategy was kept in force, but no new action plan was developed afterwards. The government has communicated since 2012 that they will adopt a

⁸⁵ See: Juhász, Borbála ed., *A nőtlen évek ára – A nők helyzetének közpolitikai elemzése 1989–2013. (The price of womanless years. Policy analysis on the situation of women 1989–2013.)* Magyar Női Érdekvédelem Szövetség (Hungarian Women's Lobby), Budapest, 2014. Available in Hungarian at: http://noierdek.hu/wp-content/uploads/2016/09/notlen_evok_ara.pdf Retrieved: 24 March 2018. (Further referred as Juhász, Borbála ed.: *A nőtlen évek ára*)

⁸⁶ See the *Report of the Working Group on the issue of discrimination against women in law and practice on its mission to Hungary*; United Nations Human Rights Council Thirty-fifth session 6–23 June 2017. A/HRC/35/29/Add.1. p. 19. Available at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/29/Add.1 Retrieved: 26 March 2018

⁸⁷ See *Enjoyment of civil and political rights by women in Hungary* – Submission to the UN Human Rights Committee 122nd session (12 March–6 April 2018), International Covenant on Civil and Political Rights. Hungarian Women's Lobby, NANE Association and PATENT Association, February 2018. p. 3. Available at http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/HUN/INT_CCPR_CSS_HUN_30260_E.pdf Retrieved: 24 March 2018. (Further referred as *Enjoyment of civil and political rights, Submission of Hungarian Women's Lobby, NANE and PATENT*)

⁸⁸ In parallel, operation of the institutional system that serves victims of domestic violence pertains to the Department for Creating Equal Chances. See the EMMI order No. 33/2014. (IX. 16.) on Rules of Organization and Operation of the Ministry of Human Capacities. Available at <http://www.kormany.hu/download/7/72/51000/SZMSZ%20egys%C3%A9ges%20szerkezetben.pdf#!DocumentBrowse> Retrieved: 24 March 2018.

⁸⁹ The Strategy was adopted by the Government Decision No. 1004/2010 (I. 21.)

⁹⁰ The action plan was adopted by the Government Decision No. 1095/2010 (IV. 21.)

new strategy,⁹¹ but this has not happened yet. Consequently, the state is lacking the relevant policy basis.

Hungary does not have a specific law on gender equality.⁹² The Act on Equal Treatment and the Promotion of Equal Opportunities (brought in by EU accession as a comprehensive law) constitutes the relevant legal basis.⁹³ By including 'sex' among the twenty grounds of discrimination, while omitting specific provisions and not covering certain fields and relationships, critical assessments conclude that the law cannot sufficiently address discrimination against women.⁹⁴ In 2011, the Fundamental Law of Hungary (i.e., the new Constitution) was adopted. Compared to the previous one, it does not include the principle of equal pay. It lays out, however, that family ties shall be based on marriage (the union of a man and a woman) or the relationship between parents and children, and that life should be protected from the moment of conception.⁹⁵

Hungary has the lowest representation of women in parliament in Europe, currently in 158th place from 189 in the respective list of Inter-Parliamentary Union.⁹⁶ The Act on the Election of the Members of the Parliament adopted in 2011 did not respond to this problem, and a related modification intended to introduce a quota failed.⁹⁷ Despite the recommendations of international actors (such as the UN CEDAW Committee and OSCE), and also a joint demand by Hungarian women's umbrella organizations in 2013,⁹⁸ a legislative quota was not adopted either for the 2014 or the 2018 national elections. At the same time, the CEDAW Committee expressed concern in 2013 at statements of male politicians in parliamentary debates "that discriminate against women and reinforce gender stereotypes".⁹⁹ Experts indicate that the situation has become worse since then, with numerous political actors, even in high positions — mostly from the governing party — openly having made sexist statements about the competences of women and their (envisioned) role and place in society.¹⁰⁰

⁹¹ The UN CEDAW Committee in its Concluding Observation to Hungary in 2013, noted with concern the decision to adopt a new strategy rather than accelerate the implementation of the existing one. See: Committee on the Elimination of Discrimination against Women – *Concluding observations on the combined seventh and eighth periodic reports of Hungary*, adopted by the Committee at its fifty-fourth session (11 February–1 March 2013). CEDAW/C/HUN/CO/7-8, 26 March 2013. para. 19. Available at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fHUN%2fCO%2f7-8&Lang=en
Retrieved: 24 March 2018 (Further referred as CEDAW Concluding observations, Hungary)

⁹² The respective draft law from 2001 did not reach the parliamentary debate. See Bill No. [T/3804](#) on ensuring equal opportunities between women and men. Retrieved: 24 March 2018.

⁹³ See Act No. CLXXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities

⁹⁴ See: *A Magyar Női Érdekvédelem Szövetség bírálata és javaslatai az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról szóló törvényjavaslatához*, 2003. november 27. (Opinion and Critique of the Hungarian Women's Lobby Concerning the Draft Act on Equal Treatment and the Promotion of Equal Opportunities). November 27, 2003. Available in Hungarian at: <http://nokjoga.hu/sites/default/files/filefield/2003-eselyegy-tv-kritikaja-noierdek.pdf> Retrieved: 11 February 2018.

⁹⁵ For the analysis of democratic backlash with regard to this constitutional article, see: Ilonszki, G. and Vajda, A., 'Women's Substantive Representation in Decline. The case of democratic failure.' *Politics and Gender*, forthcoming.

⁹⁶ See the list of Inter-Parliamentary Union <http://archive.ipu.org/wmn-e/classif.htm> Retrieved: 26 March 2018

⁹⁷ See for example: Ilonszki, G., 'The Impact of Party System Change on Female Representation and the Mixed Electoral System' Tremblay, Manon ed. *Women and Legislative Representation. Electoral Systems, Political Parties and Sex Quotas*. 2nd updated and revised edition, Palgrave, Macmillan, 2012. pp. 211-224.

⁹⁸ See the text of the statement in Hungarian at <https://nokjoga.hu/sites/default/files/filefield/2013-jun27-3-ernyoszerv-allasfoglalas-a-nok-politikai-reszvetele-demokratikus-ertekek.pdf> Retrieved: 26 March 2018

⁹⁹ See the CEDAW Concluding observations, Hungary, *op. cit.*, para. 24.

¹⁰⁰ See the related article: https://www.hazipatika.com/psziche/karrier/cikkek/alkatlag_alkalmatlanok_a_nok_a_politikara/20171214143122 Retrieved: 24 March 2018.

2.2. Space for civil society – The situation of women's rights NGOs

As research shows, women's rights NGOs have always faced difficulties while working in the field — e.g. regarding the lack of public awareness about gender equality issues and women's rights, the non-receptive mood of stakeholders/policy makers, and due to the structural barriers relating to access to funding.¹⁰¹ In this context the change of government in 2010 brought about setbacks in both influencing/moving forward the gender equality agenda, state-NGO relations, and the operative environment of NGOs in general, as described below.

The comprehensive agenda of women's rights and gender equality has been reportedly questioned/targeted since 2010¹⁰² in relation to the promotion of the family mainstreaming approach. In addition, previous women's rights-related, issue-based task forces with state and CSO representatives and the Council for Gender Equality, a tripartite consultation forum, have been dissolved.¹⁰³ Furthermore, it was noted that the process of delegating gender equality experts to the monitoring committees of different Operational Programmes in the framework of ESF schemes has become non-transparent. However, in 2012, thanks to the UN UPR mechanism, a Human Rights Working Group consisting of ministry representatives was formed, while a Human Rights Roundtable and thematic working groups involving NGOs were also created.¹⁰⁴ The Thematic Working Group on Women's Rights is an important actor and some women's rights NGOs were invited to participate. Several of these NGOs claim, however, that while information sharing has taken place, relevant legislative proposals, timely issues have not been discussed by the working group, even when requested so. NGOs have concluded that substantive results have not been achieved by this body so far.¹⁰⁵

As reported, in 2013 a series of initiatives started by government-friendly media and state actors against a group of NGOs dealing with democracy and human rights, labelling them "leftist fake NGOs", "paid political actors", or agents who "serv[e] foreign interest[s]".¹⁰⁶ The Hungarian Women's Lobby (HWL) and three of its member organizations — including those which combat violence against women and promote LGBT and reproductive rights — were included on a list of 13 NGOs considered "problematic" by the government in 2014.¹⁰⁷ These NGOs have a decade-long proven record concerning monitoring state compliance with international norms, as well as commenting on state measures and actions through the media. They faced a Government Control Office audit as recipients of EEA/Norwegian NGO Funds¹⁰⁸ (together with many other NGOs), as ordered by the prime minister

¹⁰¹ Administrative burdens or meeting co-funding requirements to secure defined proportions of project funding from other sources belong here. See Juhász, Borbála ed.: *A nőtlen évek ára*, *op. cit.*

¹⁰² As one woman human rights defender said, "Women's rights activists are accused of trying to spread "gender ideology" and the "free choice of sex/gender" or the reversal of "innate roles of women and men" – when in fact they promote gender equality and the women's human rights agenda. Women human rights activists are seen as if they were opposing traditional family values and have been called "human rights extremists" by pro-government media sources." In: *Suffocating the Movement*, Kvinna till Kvinna, *op. cit.*, p. 20.

¹⁰³ See *Alternative report submitted to the UN CEDAW Committee for consideration in relation to the examination of the combined seventh and eighth periodic reports of Hungary*, by the Hungarian Women's Lobby and the European Roma Rights Centre, January 2013. pp. 1-2. Available at: http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/HUN/INT_CEDAW_NGO_HUN_13260_E.pdf Retrieved: 24 March 2018 (Further referred as *Alternative report of Hungarian Women's Lobby and the European Roma Rights Centre to CEDAW*, 2013)

¹⁰⁴ See the related government website at: <http://emberijogok.kormany.hu/en>

¹⁰⁵ See *Enjoyment of civil and political rights*, Submission of Hungarian Women's Lobby, NANE and PATENT, *op. cit.*, pp. 3-4.

¹⁰⁶ See the *Timeline of Governmental Attacks against Hungarian Civil Society Organisations*, 17 November 2017. Available at: https://www.helsinki.hu/wp-content/uploads/Timeline_of_gov_attacks_against_HU_NGOs_17112017.pdf Retrieved: 25 March 2018 (Further referred as *Timeline of Governmental Attacks*)

¹⁰⁷ See the related article in Hungarian, with the list of the Prime Minister's Office sent to a journalist on request <http://444.hu/2014/05/30/itt-a-kormany-listaja-a-szervezetekrol-akik-miatt-nekimentek-a-norveg-alapnak/> Retrieved: 24 March 2018

¹⁰⁸ EEA Grants and Norway Grants on the basis of the EEA Agreement "represent the contribution of Iceland, Liechtenstein and Norway to reducing economic and social disparities and to strengthening bilateral relations" with beneficiary EU countries in Central and Southern Europe and the Baltics. See more information at <https://eeagrants.org/>.

himself. The legality of that audit was questioned even by the Norwegian Government. Later that year, the fund's grant management NGOs endured a police raid and confiscation of documents. In 2015-2016 HWL and one of its member organizations — together with other NGOs — faced a taxation authority audit. Related audits were undertaken at contractual partners and service providers of these NGOs, assessing the validity of services provided.¹⁰⁹ These procedures have not found any breaches of legislation or other irregularities.

The legislative framework for the operation of NGOs was also changed. In 2011 an act on the right of association, on public benefit status and on the operation and support of civil society organizations was adopted.¹¹⁰ Conditions for obtaining public benefit status became stricter.¹¹¹ Many NGOs — including women's rights NGOs — did not re-apply for public benefit status.

In 2017 Act No. LXXVI on the transparency of organizations receiving foreign funding was adopted. This requires NGOs receiving foreign funding equivalent to or more than 7.2 million HUF (cca. 23 000 euros) to register themselves in court as organizations receiving foreign funding, and to label themselves as such in their publications and press communications. Adoption of the act attracted criticism from numerous international actors.¹¹² Currently, the law is at the European Court of Justice based on an infringement procedure.¹¹³ In addition, related petitions of NGOs and opposition party MPs are pending at the constitutional court.¹¹⁴ The law also affects women's rights NGOs that use or plan to use foreign funds.

In 2018 the "Stop Soros" draft package of laws was introduced.¹¹⁵ The bills focused on organizations that support migration and involved introducing a licencing obligation for their operation and levied a 25 % tax on foreign funding. A vote on the bill has not occurred until the national elections in April.

In order to step up against the restrictive legislative and other measures, and for the free operation of civil society, an informal coalition of CSOs called Civilisation ("Civilizáció") was formed in 2017.¹¹⁶ The network – including participants from women's right NGOs – has organised or facilitated related protests and other mobilisation and awareness raising activities.

As regards funding, research shows that in Hungary the state hasn't funded women's groups in a meaningful way, and foreign funding has also not been very consistent.¹¹⁷ The EU Fundamental Rights Agency has pointed out that "between 2011 and 2016 (and even before that), organisations involved in litigation and advocacy in the fields of domestic violence, women's rights and gender equality did not receive any direct government funding other than the 1% contributions from personal income tax".¹¹⁸ Opening in 2016, a call under the EU Structural Funds mechanism containing gender equality

¹⁰⁹ See the Timeline of Governmental Attacks, *op. cit.*

¹¹⁰ See Act No. CLXXV of 2011

¹¹¹ The law requires that applicants perform legally regulated public tasks, and have suitable resources and societal support. Societal support is suitable if the proportion of personal income tax 1 % offer from taxpayers to the respective organization reach 2 % of all incomes, if the expenses for public benefit activities account for half of expenses, or if at least 10 volunteers work for the organization, all within a two-year period. See Article 32 (5) of the act.

¹¹² See for example: European Commission for Democracy through Law (Venice Commission) – Hungary – *Opinion on the Draft Law on the Transparency of Organisations Receiving Support from Abroad*. Adopted by the Venice Commission at its 111th Plenary Session (Venice, 16-17 June 2017). CDL-AD(2017)015. Available at [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)015-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)015-e) Retrieved: 25 March 2018.

¹¹³ See the related news here: http://europa.eu/rapid/press-release_IP-17-5003_en.htm Retrieved: 21 April 2018.

¹¹⁴ The submissions are available [here](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)015-e).

¹¹⁵ See the unofficial translation at <https://www.helsinki.hu/wp-content/uploads/Stop-Soros-package-Bills-T19776-T19774-T19775.pdf> Retrieved: 25 March 2018

¹¹⁶ See: <https://www.facebook.com/civilizacio2017/>

¹¹⁷ See Krizsan, A. & Roggeband, C., *The Gender Politics of Domestic Violence. Feminists Engaging the State in Central and Eastern Europe*. New York: Routledge, 2017

¹¹⁸ See *Challenges facing civil society organisations working on human rights in the EU*, European Union Agency for Fundamental Rights, 2017, p. 30. Available at http://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-challenges-facing-civil-society_en.pdf Retrieved: 26 March 2018 (Further referred as Challenges facing civil society organisations, FRA)

priorities was framed with a family focus. NGOs with their registered administrative seat in Central Hungary (the most developed region) were excluded from applying for this funding.¹¹⁹ While women's human rights NGOs may not seek to apply for state (government) managed funds in the current environment, non-feminist women's organizations are gaining substantial state funding¹²⁰ (even without a proven record in the respective fields).¹²¹

The above process is reflected in the related ranking as well. A Freedom House report shows that since 2010 the rating and scores for civil society in Hungary have deteriorated, but the situation seems to have become worse on a yearly basis since 2016.¹²²

2.3. Education policy and gender equality

Public reference by state actors to "gender ideology" has occurred in the field of education. In 2010, the government decree on the national curriculum of kindergarten education¹²³ was amended, the content aimed at helping to avoid the use of gender stereotypes was replaced by a less direct statement. State officials employed the argument of the need to promote the moral and mental development of children and the need to limit the spread of "gender ideology" in justifying this change.¹²⁴

In the National Core Curriculum for elementary education, adopted in 2012, gender equality is not included among the tasks and values of public education. Only a subchapter on "Social and civic competences" refers to the importance of knowledge of concepts about gender equality – thanks to the related EU legislation. At the same time, the need to prepare students for relationships and family life is highlighted in the document, aiming to compensate for "the changes in the value systems and the problems in the functioning of some families."¹²⁵

In a further step back, in 2017 references to "gender" and "gender theory" were removed from the national framework curricula and the special requirements for secondary school leaving exam.¹²⁶ Only a "biology-based distinction between the sexes and an outdated approach to 'complementary sexes'" remained in the documents.¹²⁷

Another example of the concept-labelling rhetoric relates to a textbook presenting history through a gender lens. An MP from the governing party denounced this textbook as promoting "gender ideology" in a parliamentary debate.¹²⁸

¹¹⁹ See the call "Védőháló a családokért" (Safety Net for Families) <https://www.palyazat.gov.hu/efop-121-15-vdhl-a-csaldokrt> Retrieved: 25 March 2018.

¹²⁰ See for example Roggeband, C. and Krizsan, A., 'Reversing gender policy progress in Central and Eastern European new democracies.' Paper presented at the General Conference of the European Consortium for Political Research, Oslo, 7-10 September 2017. p. 13. (Further referred as Reversing gender policy progress)

¹²¹ See for example in Hungarian <https://24.hu/kozelet/2018/02/02/200-milliot-kap-retvari-unokatestverenek-noegylete/> Retrieved: 25 March 2018

¹²² See *Nations in Transit 2018 – Country profile Hungary*, Freedom House. Available at <https://freedomhouse.org/report/nations-transit/2018/hungary> Retrieved: 21 April 2018.

¹²³ Government Decree No. 137/1996 (VIII. 28.)

¹²⁴ See a related article in Hungarian: http://eduline.hu/kozoktat/2010/8/31/20100830_gender_nemi_sztereotipiak_ovoda Retrieved: 24 March 2018. See also more on this: Alternative report of Hungarian Women's Lobby and the European Roma Rights Centre to CEDAW, 2013, *op. cit.*, p. 5.

¹²⁵ See more on this: Alternative report of Hungarian Women's Lobby and the European Roma Rights Centre to CEDAW, 2013, *op. cit.*, p. 5.

¹²⁶ See Decree of the Minister of Human Capacities No. 24/2017 (X. 3.) on modification of certain ministerial decrees regarding public education

¹²⁷ See *Enjoyment of civil and political rights*, Submission of Hungarian Women's Lobby, NANE and PATENT, *op. cit.*, p. 5.

¹²⁸ See Kuhar, Roman; Zobec, Aleš: 'The anti-gender movement in Europe and the educational process in public schools' *CEPS Journal* 7 2017, 2, S. 29-46, p. 38. Available at

https://www.pedocs.de/volltexte/2017/14594/pdf/cepsj_2017_2_Kuhar_Zobec_The_anti_gender_movement.pdf Retrieved: 24 March 2018

Currently, a new National Core Curriculum is under development, with plans for its adoption in 2019. Nothing indicates yet that it will bring about positive changes; the above-mentioned process suggests the opposite. At the same time, cases of gender stereotyping in textbooks do arise.¹²⁹

As the state's latest Periodic Report to CEDAW also noted in 2011,¹³⁰ the issue of gender equality is not emphasised in teacher training, being only present in some local programmes and individual initiatives of teachers, rather than at the policy level.

Gender studies in higher education have also suffered difficulties in recent years. Central European University – being the only institution issuing MA on gender studies until 2017 – faces the risk of closure after the modification of the Act on Higher Education in 2017. The European Commission has started a related infringement procedure, and referred the case to the European Court of Justice.¹³¹ Furthermore, the Gender Studies MA course that started in 2017 at Eötvös Loránd University of Sciences has become a target of critique.

2.4. Preventing and combating violence against women; the status of the Istanbul Convention

Important legislative measures have been taken in the last decade as regards combating violence against women. However — as the related analyses show¹³² — these do not comply with promising practice and international standards, and have lacked a meaningful process of consultation with women's rights NGOs. It is claimed that the comprehensive 4 Ps approach (prevention, protection, prosecution and integrated policies), as prescribed by the Istanbul Convention, has not been utilized in Hungary.¹³³

Hungary signed the Istanbul Convention on 14 March 2014.¹³⁴ An interministerial working group was established for the preparation for accession in 2013.¹³⁵ Women's rights NGOs active in the field were not either part of or invited to the group. The draft law on ratification was opened to public consultation — for nine days — in February 2017. In parallel, numerous voices were raised against the convention last year.¹³⁶ A negative shift in government communication has also been detected.¹³⁷ At the end of 2017, leaders of the governing party started to openly speak against the convention, arguing by using a misinterpretation of the concept of gender.¹³⁸ At a constructive dialogue with experts of the

¹²⁹ A quote from the environmental studies textbook from the 6th grade: "boys and girls are different with regard to certain physical capabilities and intellectual abilities". In addition, a reader for the 4th grade contains a sexist joke, saying that shouting is happening just because the father is explaining 4th grade homework to the mother.

¹³⁰ See Committee on the Elimination of Discrimination against Women – Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women – *Combined seventh and eighth periodic reports of States parties – Hungary*. CEDAW/C/HUN/7-8, 22 September 2011. paras. 109-110. Available at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgGIUyogsos8GkK8DnmVpyzJ5C2qRRW2Z9929%2b%2bNQEbQFE2Rxb83H6c5s4lUrZf23L22yesLnLrKIVpUR7Wly8%2bjXfiNpCdDmZvUrJCD7Rm> Retrieved: 26 March 2018.

¹³¹ See the related press release at http://europa.eu/rapid/press-release_IP-17-5004_en.htm Retrieved: 21 April 2018.

¹³² See: Wirth, Judit: *Nők elleni erőszak* (Violence against women), Juhász, Borbála ed: *A nőtlen évek ára*, *op. cit.*, pp. 99-111.

¹³³ See *Enjoyment of civil and political rights*, Submission of Hungarian Women's Lobby, NANE and PATENT, *op. cit.*, p. 7.

¹³⁴ See <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>

¹³⁵ See the Joint order of KIM–EMMI–BM No. 35/2013. (XI. 4.) on the Working Group dealing with violence against women

¹³⁶ They included the Youth Christian Democratic Alliance, the Human Dignity Center, Citizengo movement, and the Center for Fundamental Rights.

¹³⁷ See a related written response of the representative of Ministry of Justice here <http://www.parlament.hu/irom40/18611/18611-0001.pdf> Retrieved: 26 March 2018.

¹³⁸ The leader of parliamentary party group of the governing Fidesz party stated in a press conference in December 2017 that the convention is not only about the elimination of violence against women. He argued that the convention understands that no biological sex but only gender exists, and he thinks it absurd for the party group to support a measure which would replace biological sex with gender in the legislation, so there are parts of the convention which are unacceptable to them.

UN Human Rights Committee on March 2018, the government representatives noted that the outcome of the public consultation was very negative.¹³⁹

Women's rights NGOs have been constantly advocating for the ratification of the convention. A related petition initiated in 2016 collected more than 6 500 signatures,¹⁴⁰ while an informal coalition of nearly 50 organizations/groups with a diverse background was formed in 2017-2018 to urge for ratification.¹⁴¹

On the other hand, in March 2018, 333 organizations from 9 countries – including Hungarian ones – turned to the Secretary General of the Council of Europe requesting the modification of the convention in relation to its content regarding 'gender'.¹⁴² As a reaction, letters in support of the Convention was sent to the Secretary General by the European Coalition to end violence against women and girls with more than 3 800 signatures¹⁴³, and by the WAVE Network and its allies with 1 166 signatures¹⁴⁴.

In the meantime, some norms on domestic violence that were adopted in recent years in Hungary are not in compliance with the Convention. Furthermore, there are regulations in question among them that replaced ones previously recognised as symbolic of state-NGO collaboration, but are now adopted without such collaboration.¹⁴⁵

For service provision targeting domestic violence victims, development started in 2016, extending the capacity of existing services and establishing new types of services using EU Structural Funds resources.¹⁴⁶ Women's rights NGOs claimed that they have not been involved or even consulted as regards service development, and were excluded from the application process, too. According to legislation only "temporary family homes" can operate existing services, while the call for proposals also established the same criteria for newly established services.¹⁴⁷

Among the issues that have emerged in recent years, custody/visitation rights in domestic violence cases are worth mentioning. Recent research by NANE Women's Rights Association shows that courts and child protection authorities disregard domestic violence in custody and visitation cases, thus forced visitations with abusive parents are widespread.¹⁴⁸ In the meantime, new measures have the potential to work against the victims, by lacking reference to take into consideration any history of domestic violence: the obligatory mediation for custody cases in the new civil code, and the criminalization of barring/obstructing visitation belong here. In parallel, the activity of fathers' groups has received more visibility and recognition recently. In 2017, the Fathers for Justice Association (whose leader has been convicted of not paying alimony and for bodily harm) organized a conference on – the otherwise scientifically rejected – Parental Alienation Syndrome, with support (and planned speaker contributions) from the Ministry of Human Capacities.¹⁴⁹

¹³⁹ See the video record here: <http://webtv.un.org/meetings-events/human-rights-treaty-bodies/human-rights-committee/watch/consideration-of-hungary-3464th-meeting-122nd-session-of-human-rights-committee/5754553990001> Retrieved: 25 March 2018.

¹⁴⁰ See the petition at https://www.peticioek.com/hatekony_fellepest_a_nk_elleni_es_csaladon_beluli_erszak_ellen Retrieved: 21 April 2018.

¹⁴¹ See the open letter to government representatives at <http://nane.hu/egyesuletunk/a-nane-egyesulet-a-mediaban/nyilt-level-az-izstambuli-egyezmény-ratifikalásáért/> Retrieved: 21 April 2018

¹⁴² See the letter at <http://www.irs.in.ua/files/publications/Letter-to-Secretary-General-of-CoE-Thorbjorn-Jagland.pdf> Retrieved: 21 April 2018

¹⁴³ See <https://www.womenlobby.org/More-than-3800-organisations-in-49-countries-in-support-of-the-Istanbul?lang=en>

¹⁴⁴ See <https://www.wave-network.org/24-featured-news/192-reaction-letter-to-secretary-general-of-council-of-europe>

¹⁴⁵ The Order of the Chief of National Police No. 2/2018. (I. 25.) belongs here, as well as Decision 30/2015. (VII. 7.) of the National Assembly on setting national strategic objectives to advance effective response to domestic violence. See *Enjoyment of civil and political rights, Submission of Hungarian Women's Lobby, NANE and PATENT, op. cit., p. 7.*

¹⁴⁶ See Biztos Menedék (Safe Shelter) call No. EFOP-1.2.5.-16 (under the Human Resources Development Operational Program), available at <https://www.palyazat.gov.hu/efop-125-16-biztos-menedek> Retrieved: 25 March 2018.

¹⁴⁷ *Ibid.*, p. 22.

¹⁴⁸ See *Enjoyment of civil and political rights, Submission of Hungarian Women's Lobby, NANE and PATENT, op. cit., p. 6.*

¹⁴⁹ See a related article in Hungarian at <https://24.hu/kozelet/2017/11/29/testi-sertes-miatt-buntetett-apaval-konferenciazik-a-kormany/> Retrieved: 25 March 2018.

Starting in 2014, the issues of sexual violence/rape and sexual harassment were given more attention due to several high publicity cases (including a police victim-blaming video spot aiming to raise awareness of rape,¹⁵⁰ and Hungarian cases that followed the #MeToo campaign). Although related initiatives have been started by some institutions, a national policy response doesn't exist. Moreover, recent news about highly-publicized cases indicated the rehabilitation/acquittal of perpetrators, either through institutional processes¹⁵¹ or by terminating the respective criminal procedure.¹⁵²

Hungary is the only country among those examined that has been downgraded this decade by the U.S. Department of State regarding its response to human trafficking. For the 2017 report, Hungary's so-far constant Tier 2 ranking was modified to Tier 2 Watch list.¹⁵³

2.5. Sexual and reproductive health and rights

In contrast to other European countries, the main trends regarding the topics of sexual and reproductive health and rights have remained unchanged in Hungary for decades due to a consensus that has existed since the era of state socialism — although slight changes have been attempted regarding the tightening up of regulations about abortion, these remained at the rhetoric level.¹⁵⁴ On the already quoted comparative contraception atlas Hungary scores 42.4 %.¹⁵⁵ Modern contraceptive methods are available but none are subsidised for demographic reasons, and hormone-based medication is expensive. The morning-after pill is only available on prescription, and only gynaecologists can write such prescriptions (GPs cannot, which makes obtaining it more complicated).¹⁵⁶ The abortion pill is not used in state hospitals as it is considered by some gynaecologists to be unsafe, thus women for whom this method is the preferred choice, go to private clinics in Austria. Due to the price of contraceptives, abortion is still a form of contraception in Hungary.¹⁵⁷ (One out of three pregnancies ends in abortion, although the number is constantly declining.¹⁵⁸)

The aforementioned constitutional change at the time Hungary's Fundamental Law was adopted introduced a new sentence involving the protection of the life of the foetus from the moment of conception. This change foreshadowed a tightening of abortion laws, which ultimately did not

¹⁵⁰ See the open letter by women's rights NGOs against the video in Hungarian at <http://keretkoalicio.blogspot.hu/2014/11/nem-ruha-teszi-az-aldozatot-nojogi.html> Retrieved: 26 March 2018.

¹⁵¹ See an article about the re-employment of a well-known director who admitted to sexual harassment [https://szinhaz.org/csak-szinhaz-hirek/2018/03/02/marton-laszlo-ujra-rendez-megszolalt-sarosdi-lilla/](https://szinhaz.org/csak-szinhaz/csak-szinhaz-hirek/2018/03/02/marton-laszlo-ujra-rendez-megszolalt-sarosdi-lilla/) Retrieved: 25 March 2018.

¹⁵² See the Article on terminating an investigation into a sexual harassment case ('assault against decency') involving a mayor. <https://24.hu/belfold/2018/02/27/nyolc-honap-utan-megszuntettek-a-nyomozast-a-zaklatassal-vadolt-polgarmester-ugyeben/> Retrieved: 25 March 2018

¹⁵³ TIER 2 includes "Countries whose governments do not fully meet the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards." TIER 2 WATCH LIST includes "Countries whose governments do not fully meet the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND:

a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or c) The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year." See the rankings at <https://www.state.gov/j/tip/rls/tiprpt/index.htm> (Retrieved: 21 April 2018).

¹⁵⁴ A state-of-the-art comprehensive summary of the topic can be found in the *Enjoyment of civil and political rights by women in Hungary* by the Hungarian Women's Lobby, NANE and PATENT, *op. cit.*. See also Ilonszki, G. and Vajda, A., 'Women's Substantive Representation in Decline', *op. cit.*

¹⁵⁵ <https://www.contraceptioninfo.eu/>

¹⁵⁶ In contrast to the decision made by the European Commission in January 2015 requiring Member States to allow the sale of the emergency pill over-the-counter (A/HRC/32/44).

¹⁵⁷ For women less than 19 years of age, every second pregnancy ends in abortion. One quarter of young people report not using any form of contraception when having sex, while from every ten teenagers only one is supported financially by their parents to buy contraception. NRC research commissioned by MSD Pharma, 2015, http://kettosmerce.blog.hu/2017/05/31/az_elerheto_fogamzasgatlas_kozos_ugyunk Retrieved: 17 April 2018.

¹⁵⁸ Kamarás, Ferenc, *Terhességmegszakítások Magyarországon*. (Abortion in Hungary) Budapest: TÁRKI 2006 electronic version, <http://old.tarki.hu/adatbank-h/kutjel/pdf/a961.pdf> Retrieved: 25 March 2018.

happen.¹⁵⁹ A scandalous case of the use of EU Progress funds to promote gender equality using a campaign to discourage abortion involving images of fully grown foetuses with a caption reading *Let me live!* (originally intended as a campaign to promote adoption) in 2011 showed the clear intention of the governing party but created a public outcry¹⁶⁰ and no legislative moves followed. However, the practice of compulsory counselling prior to abortion by district nurses has been scrutinised through a survey conducted by Patent Association, a human-rights based women's NGO, which found that the expectant mother is often emotionally pressured about her decision.¹⁶¹

Since 2014 sterilisation has been legally restricted: only people above 40 or with three children can obtain it for non-medical reasons.¹⁶²

Giving birth is often over-medicalised in Hungary with 90 % of women being subject to routine episiotomies in the case of first and further vaginal births, while 33.4 % of births involve a Caesarean section.

Various civic groups are fighting for birth without violence, and negotiating for less medicalised forms of hospital birth and the enlargement of the circle of midwives who are permitted to practice.

As the recent ICCPR shadow report establishes, the most symbolic backlash that activists for home birth experienced involves the case of Dr. Ágnes Geréb. "Hungary's foremost defender of women's reproductive rights, Dr. Ágnes Geréb, obstetrician-gynaecologist, was sentenced to two years' imprisonment and suspended from working as an obstetrician-gynaecologist and midwife for ten years after she was found repeatedly guilty of negligent malpractice by a criminal court on 9th January, 2018, after the re-opening of the procedure and confirming the original decision of February 2012."¹⁶³ Dr. Geréb was supposed to start her jail sentence on March, 6th, 2018, but this was postponed until a decision is made about a presidential pardon.

2.6. Economic empowerment of women: employment, reconciliation of work and private life; social rights, care

Economic empowerment and women on the labour market are well-documented topics. EIGE, Eurostat, the World Bank and OECD all collect and analyse data about these issues, and UN country and shadow reports also mention it. The UN Working group on the issue of discrimination against women, for example, visited Hungary in 2016.¹⁶⁴ Their main findings were that women constituted 57 % of the workforce in 2015, which, in the context of the overall increase in employment after the crisis, was a positive result, but the employment gap between men and women had also grown (to 12.5 %). In contrast to the OECD average, a high number of women held management positions (40 %), but were present in small proportions at the highest level of company boards.

Since 2010 changes have been made to legislation that affected workers. The 2011 series of changes to the Hungarian Constitution (renamed Fundamental Law) resulted in the dropping of the mandate promoting equal pay for work of equal value. The 2012 new Labour Code does not make explicit the concept of equal pay for work of equal value, either. It also made the labour market more "flexible" (less

¹⁵⁹ The Hungarian Government made a statement in its constructive dialogue with the CEDAW Committee in 2013 that the new article in the Fundamental Law protecting life from the moment of conception would not be used to restrict women's access to abortion (CEDAW/C/HUN/CO/7-8).

¹⁶⁰ <http://wunrn.com/2011/06/hungary-eceu-asks-stop-of-anti-abortion-campaign/>

¹⁶¹ <http://www.abortusz.info/> The special homepage created for the campaign against possible restrictions by Patent Association.

¹⁶² International petition against the proposal describing counter arguments:

https://tasz.hu/files/tasz/imce/international_open_letter_sterilization_signed.pdf Retrieved: 15 March 2018.

¹⁶³ *Enjoyment of civil and political rights*, Submission of Hungarian Women's Lobby, NANE and PATENT, *op. cit.*

¹⁶⁴ Report by the working group on the issue of discrimination against women in law and practice during its mission to Hungary, *op. cit.*

stable) partly by removing earlier job-security-related measures that applied to returning mothers. Although a new measure stating that employees must inform employers about pregnancies¹⁶⁵ was outlawed by the constitutional court in 2014, protection against dismissal upon returning to work before the child is three years old was lifted (it was earlier defined as 30 days). The gender pay gap has remained persistent: Eurostat registered it at 32.4 % in 2014 (the overall earnings gap); other research arrives at different figures (16.2 % in the sample for 2010).¹⁶⁶

Family is the focus of Hungarian social policy: since 2011 the government has prided itself on introducing family mainstreaming instead of gender mainstreaming, and women are mostly portrayed as agents of family policy. The policies have a clear demographic target: enhancing fertility.¹⁶⁷ Following the parliamentary elections in April 2018 at which the government secured its third term, the first strategic policy direction revealed by the prime minister was that “demography policy will be the priority sector of the new government”.^{168, 169} Family policies were redesigned in the last eight years to target working middle-class families at the expense of the poor (called “perverse redistribution” by some).¹⁷⁰ As Dorottya Szikra, a key Hungarian researcher of comparative Central European family and social policies, summarises:

“Family policy reforms increased inequalities between families as employed parents with high incomes received formerly unseen resources through the new family tax allowance system and the reform of the child care leave payment. However, families with meagre labour market opportunities or low income lost out due to the lack of upgrading the most important, universally available benefits, and due to harsh cuts in the social assistance system.”¹⁷¹

The aforementioned family tax allowance introduced in 2011 “acknowledges two fundamental values: work and child raising while at work”.¹⁷² The changes to the tax system, involved the introduction of a single-band flat rate income tax (a universal 16 %), while one year later VAT was raised to an unprecedentedly high 27 %.

The emphasis on work and child raising for the “demographic turn” was the motive for introducing “flexible parental leave”¹⁷³ (*rugalmas GYED*). If a parent (usually the mother) returns to work before the

¹⁶⁵ Act No I of 2012 (the Labour Code), Article 65 (5)

¹⁶⁶ Sík, Endre, Csaba, Dániel, Hann, András, *A férfiak és nők közötti jövedelem-egyenlőtlenség és a nemi szegregáció a mai Magyarországon* (Gender pay gap and gender segregation in contemporary Hungary), 2013, research of the Equal Opportunities Office (EBH) http://www.egyenlobanasmod.hu/tamop/data/TAMOP_EBH_1_szakertoi.pdf

¹⁶⁷ See among others: Ingot, Tomasz, Szikra, Dorottya, Rat, Christina, ‘Reforming Post-Communist Welfare States. Family policy in Poland, Hungary and Romania since 2000’ *Problems of Postcommunism*, 2012, vol. 59. no. 6., See also Szikra, D., Gyóry, A., ‘Family Policies and Female Labour Force Participation in the Visegrád countries. Has there been a move towards flexibility since 2000?’, *GRINCOH Working Paper Series*, Paper No. 5.05, 2014 http://www.grincoh.eu/media/serie_5_social_cohesion_and_welfare/grincoh_wp5.05_szikra_gyory.pdf. Further reference on this issue: Raț, Cristina and Szikra, Dorottya, “Family policies and social inequalities in Central and Eastern Europe. A comparative analysis of Hungary, Poland and Romania between 2005 and 2015.” In Guðný Björk Eydal and Tine Rostgaard, eds., *Handbook of Child and Family Policy*. Ashgate: Edward Elgar, 2018 (forthcoming).

¹⁶⁸ <http://www.fidesz.hu/hirek/2018-04-10/a-demografia-a-legfontosabb-nemzetstrategiai-kerdes/>

¹⁶⁹ In his first radio interview after the elections, the prime minister said: “We would like to make a comprehensive deal with Hungarian women. Demography is up to them, this is their decision. Let them tell us what they want, and let us understand that. Childbearing is the most personal decision, but it is also important for the community. It is the most personal public issue. It is the government’s job to listen to women when they want to have children and they can tell us how it can be made easier, to understand it, and to make a contract with them not for four but for fifteen-twenty years about the Hungarian future, and what we, the government can offer them.” [Translated by the authors]. <https://index.hu/belfold/2018/04/20/viktor-interju-aprilis-20-kozradio/> Retrieved: 20 April 2018.

¹⁷⁰ A concept by Zsuzsa Ferge, the doyenne of Hungarian sociology and expert on poverty

¹⁷¹ Szikra, Dorottya: *Welfare for the wealthy. The social policy of the Orbán regime 2010-2017*, Budapest, FES. 2018, executive summary

¹⁷² The prime minister was quoted as saying: “Today we miss [lack] 1 million jobs and 1 million children. For this reason the most important task of the coming year is the introduction of the new, comprehensive, proportionate and family based tax system. This is the basis of the turn in employment and demography” Quote from a government website providing information about the decision (translation by the authors). <http://2010-2014.kormany.hu/hu/gyik/tajekoztato-a-csaladi-adozasrol> (10 February 2011) Retrieved: 20 March 2018.

¹⁷³ The Hungarian maternity and parental leave system is one of the oldest existing family and women’s policy measures. It was introduced in 1968 and widened to its present form in the late 1980s (both dates still in times of state socialism). It consist of 24 weeks of maternity leave; the remaining years are state-paid parental leave (until the second birthday of the child a higher sum if the mother or father is employed, and a universal but meagre sum until the child is three regardless of previous employment). Parental leave is also usually taken by mothers, so the general understanding in Hungary is that maternity leave is for three years.

child is two, they get the full monetary allowance plus a full-time salary, while the allowance is not lost even if a second or further child is born during the time of leave.¹⁷⁴ A recent study found, however, that this generous measure also invited highly paid fathers to take parental leave instead of mothers while still working full time, leaving the care of the child and the household to the partner, who is thus curtailed of any means of insurance or pension status. This pragmatic solution, although decided at the family level, pushes women into an insecure and dependent status, and does not promote the involvement of fathers in childcare, or women entering the labour market earlier: on the contrary, it reinforces gender stereotypes.¹⁷⁵ However, part-time work (very rare in Hungary) until the child becomes three was made possible by a law, first only in state jobs (although still seldom used). To make work for mothers possible, a nursery and kindergarten¹⁷⁶ building spree started (mostly using EU Structural Funds), and more flexible solutions involving combining the two types of institutions. However, a contradictory measure was the passing of a law that allows municipalities to ask for a fee for (previously free) nursery services.

The rhetoric of a “working” nation was soon translated into policies, too: public work was introduced as a measure for tackling unemployment and cutting welfare benefits and managing rural tensions between the working and unemployed population (often Romani).¹⁷⁷ The pay for participation in public work is lower than the minimum wage and the poverty threshold. Many women, including young mothers, are employed in public work (in one of the poor North-Eastern counties of Hungary, Szabolcs, 14.5 % of women and 12 % of men were engaged in the public work scheme in 2016).¹⁷⁸ Here, the work circumstances (toilet facilities, lunch breaks, provision of water) depend on the individual (usually the mayor) who oversees the work.¹⁷⁹

Among the restrictive austerity policy changes regarding pensions, an interesting phenomenon was the relaxation of rules for women (“Women40”), which the government prided itself on. Women with 40 contributory years (into which maternity leave is included, but not higher education) were entitled to old age pension, regardless of their age. This was very popular with women,¹⁸⁰ but criticised by feminists and men for different reasons.¹⁸¹

The past years have also witnessed the unprecedented migration of Hungarian workers (many of them care-workers and doctors) to Western countries in the EU (mainly Austria, Germany and the UK), a

¹⁷⁴ These policy measures were based on an NGO-expert council's policy package. The Demographic Round Table and the Three Princes and Three Princesses Movement (*Három királyfi, három királylány mozgalom*).

¹⁷⁵ Füstös, Mónika, Sáfrány, Réka, *A skandináv családtámogatási modell jó gyakorlatainak feltérképezése* [Mapping the good practices of the Scandinavian family policy model], Budapest, 2018. Research report to Skandináv Modell. HU01-0028-COOPERD-B1-2017 Norwegian-EEG Fund project.

¹⁷⁶ Child care institutions are free of charge, high quality municipality-run institutions – albeit sometimes overcrowded – with a long tradition. They offer meals free of charge to means-tested families too.

¹⁷⁷ The first public work programs were introduced by a socialist government as an experiment in 2009 called Road to Employment, with similar intentions.

¹⁷⁸ Ed. Varga, Júlia: *A közoktatás indikátorrendszere 2017* (The indicator system of public education), Budapest, MTA KRTK KTI, Hungarian Academy of Sciences, 2018

¹⁷⁹ Farkas, György, Molnár, György, Molnár, Zsuzsanna, *A közfoglalkoztatási csapda*. (The Public Works Trap) 2014 based on a survey directed by Márton, Izabella, Vojtonovszki, Bálint https://drive.google.com/file/d/0BypYLcPOXd_HY2RvZGx3ZlBvenc/ by the Hungarian Antipoverty Network

¹⁸⁰ Its popularity can be explained by women's general earlier life and work experiences, the double burden they have to handle and the wish to be actively involved in helping raise their grandchildren. By 2016 140 000 women had applied for this early retirement. Nyugdíjak és egyéb ellátások (Pensions and other benefits), 2016 KSH, <https://www.ksh.hu/docs/hun/xftp/idoszaki/regiok/orsz/nyugdij/nyugdij16.pdf>

¹⁸¹ “Early retirement pensions were stopped and the basic rule became that no one can receive [an] old age pension[...] under the age of 62 after 2012. However, an exception is made in the case of women with 40 contributory years. Interestingly enough, years of higher education do not count as contributory years, whereas time spent on maternity and parental leave does, reflecting the preference of the cabinet for women's caring roles. This measure attempts to link pro-natalist family policy aims (caring for one's own children and caring for the grandchildren) with the old age pension system.” Szikra, Dorottya: *Austerity Policies and Gender Impacts in Hungary*. A working paper, 2013. FES, Budapest http://library.fes.de/pdf_files/bueros/budapest/10835.pdf

phenomenon that strengthened after 2011.¹⁸² We only have approximate estimations of numbers: they range between 300 000 and 600 000 people.¹⁸³ According to the statistics, women are slightly overrepresented among the Hungarian migrant workers in the age group 20-29. We also know that about 1 000 Hungarian children are born abroad each month.¹⁸⁴

Among the decisive social movements in Hungary, that of the nurses stands out (as it does in Poland, too). These state employees demonstrated for better working conditions, higher wages, and less overtime. There is a direct link between the growing burden on medical staff and the previously mentioned migration-for-work of nurses. The iconic movement of 2015 that developed into a general dissident critique of the government policy was started by one nurse, Mária Sándor, the so-called Nurse in the Black Dress.¹⁸⁵ Her heroic mobilisation of several nursing trade unions and NGOs ended up stranded between divided trade union movements and was not successful. Later, she withdrew from public life.

2.7. The effects of austerity and poverty

The economic crisis severely affected Hungary: the depression was deeper in comparison to other Visegrad countries, and GDP fell by 8 % between 2008 and 2009. After the unpopular stabilisation austerity package implemented by the short-lived Bajnai government, the new Fidesz era started withdrawing money from social spending (a 13 % decrease between 2008 and 2013). The withdrawn resources were partly moved to employment services in line with the idea of providing support for work.¹⁸⁶ Access to social assistance was restricted to only one person in the family, which deteriorated the situation of poor families. Further measures (including public work, described in the employment subchapter) humiliated people living in poverty.

How poverty affects women is described in EIGE publications and a study made for the European Women's Lobby.¹⁸⁷ In Hungary, poverty policies (and sociological research too) mainly focus on children, although women are also seriously affected by it, especially if they raise children, or if they are single mothers. In-work poverty also burdens women more, as the latest Eurostat data shows (9.4 % of Hungarian men, whereas 9.9 % of women are at risk of in-work poverty).¹⁸⁸ Despite this, in January 2015, an internal communication guideline was leaked from the Ministry of Human Resources (EMMI) which showed the following words were forbidden from being used by civil servants: equal opportunities (the suggested alternative was a newly coined Hungarian term: "opportunity creation"), inclusion, poverty, poor (the suggested alternative was a very formal one: indigent), poverty reduction, domestic violence, and equality. Measuring poverty was made more difficult by change in methodology of the Central Statistical Office (KSH). Most data are collected disaggregated by sex, as required by Eurostat harmonised data collection procedures. However, not all sex-disaggregated data is published in tables or in publications. The reason for this is the general "gender blindness" of both academia and social

¹⁸² <https://www.portfolio.hu/gazdasag/kiderult-hogy-mennyien-vandoroltak-ki-magyarorszagrol-itt-a-hatalmas-meglepetes.283118.html> Retrieved: 15 April 2018.

¹⁸³ Research by the Central Statistical Office. Lakatos, Judit, 'Külföldön dolgozó magyarok – Magyarországon dolgozó külföldiek'. (Hungarians working abroad – foreigners working in Hungary) in *Statisztikai Szemle* 93./2, 2015 www.ksh.hu/statszemle_archive/2015/2015_02/2015_02_093.pdf Retrieved: 26 March 2018.

¹⁸⁴ Blaskó, Zsuzsa, Fazekas, Károly: *Munkaerőpiaci Tükör 2015* (Labour Market Survey), Budapest: MTA KRTK KTI, 2016 http://econ.core.hu/file/download/mt_2015_hun/egyben.pdf Retrieved: 26 March 2018.

¹⁸⁵ Hungarian hospital attire is white. On the starting day of her strike, Mária Sándor wore an American-style black cloak.

¹⁸⁶ Szikra, Dorottya: *Austerity Policies and Gender Impacts in Hungary*. op. cit.

¹⁸⁷ *Poverty, gender and intersecting inequalities in the EU: Review of Implementation of Area A: Women and poverty in the Beijing Platform for Action*. EIGE, 2016

Collection of Practises of Non-monetary Measures in the area of women and poverty: Good practices. EIGE, 2016 Elomaki, Anna: *The price of austerity – The impact on women's rights and gender equality in Europe*, EWL, 2012.

¹⁸⁸ <http://ec.europa.eu/eurostat/web/products-eurostat-news/-/DDN-20180316-1?inheritRedirect=true> Retrieved: 21 April 2018.

policy makers in Hungary. The number of women is only considered important in the case of family allowances and family services (these services are usually administratively connected to women).¹⁸⁹

2.8. Multiple discrimination and intersectionality

2.8.1. The situation of Romani women

Hungary lacks a gender equality policy framework *per se*; this constitutes a major barrier when addressing several grounds of discrimination together, responding to multiple discrimination against different groups of women, and the manifestation of intersectionality.

Roma women in Hungary — the largest minority group — may suffer from multiple discrimination based on gender, ethnicity and social class, or from manifestations of intersectionality. They face barriers to equal access to education, healthcare and adequate housing and employment as well as to justice.¹⁹⁰ The overrepresentation of Romani children in institutional care and school segregation (including channelling Roma children into special education)¹⁹¹ also affects girls. Beyond segregation, early marriage and childbearing also contribute to the high dropout rates of Romani girls.¹⁹² In 2015-2017 the Ministry of Human Resources launched a series of calls entitled “Prevention of early school leaving of Roma girls” for NGOs and church organisations, but an evaluation of projects is not available yet.

In 2016, the European Commission started an infringement procedure against school segregation practices.¹⁹³ On a positive note, a unique decision — even in Europe — of the Curia in Hungary in October 2017 ordered complex school desegregation in a related case (not only mixing students, but also providing related preparation of host community and mentoring of Roma children).¹⁹⁴

Reproductive health and rights is one area where Romani women face injustice. Forced sterilization cases have been documented in the last decade in Hungary. In 2017, the Equal Treatment Authority ruled in favour of a Roma woman who was harassed through racist comments at a county hospital by medical staff while giving birth.¹⁹⁵

¹⁸⁹ Borbély Dr., Szilvia, *A szegénység hazai dimenziója és mérése. Szakmai anyag* [The Hungarian dimension of poverty and its measurement. An expert paper], 2013 Retrieved: 20 March 2018.

http://www.berbarometer.hu/main/rolunk/tanulmányaink1/szegenyseg_vezetisszefoglalval.pdf,

Ed: Fodor, Éva, ‘Gender and the Experience of Poverty in Eastern Europe and Russia after 1988’ (special issue: *Communist and Post-Communist Studies*). 2002

Gábos, András, Szívós, Péter “A női szegénység Magyarországon és Európában” [Female poverty in Hungary and Europe], *Szerepváltozások*, TÁRKI, Budapest., 2009

¹⁹⁰ See *Enjoyment of civil and political rights*, Submission of Hungarian Women’s Lobby, NANE and PATENT, *op. cit.*, p. 10.

¹⁹¹ See *Written Comments of the European Roma Rights Centre, Concerning Hungary for Consideration by the Human Rights Committee 122nd session* (12 March – 6 April 2018). Available at

http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/HUN/INT_CCPR_CSS_HUN_30228_E.pdf

Retrieved: 24 March 2018. (Further referred as ERRC ICCPR Submission)

¹⁹² See European Parliament, *Empowerment of Romani Women within the European Framework of National Roma Inclusion Strategies, Country Report on Hungary*, 2013, p. 26.

¹⁹³ See Infringement No. 20152206, 6/05/2016 Formal notice Art. 258 TFEU – Non-conformity with Directive 2000/43/EC on Racial Equality – Discrimination of Roma children in education. Available at http://europa.eu/rapid/press-release_MEMO-16-1823_EN.htm Retrieved: 24 March 2018.

¹⁹⁴ See ERRC ICCPR Submission, *op. cit.*, p. 5.

¹⁹⁵ See No. EBH 349/2016. About the case, see Balogh, Lídia, “Az Egyenlő Bánásmód Hatóság határozata szerint roma nemzetisége miatt zaklattak egy szülő nőt a B.A.Z. Megyei Kórházban.” (“According to the decision of the Equal Treatment Authority, a woman giving birth was harassed in the B.A.Z County Hospital because of her ethnicity.”) *JTI Blog*, February 6. 2017. Available at <http://jog.tk.mta.hu/blog/2017/02/az-egyenlo-banasmod-hatosag-roma-zaklattak-szulo-not>. Retrieved: 24 March 2018. In 2017, the ERRC launched public interest litigation against the same hospital for indirectly discriminating against Romani women during childbirth. The person accompanying a pregnant woman must wear a special garment or is not allowed into the ward. The price of this garment is cca. 18 USD, and thus represents a burden on those who live in poverty. See in more details at ERRC ICCPR submission, *op. cit.*, p. 6.

At the policy level, the Hungarian Social Inclusion Strategy is of special importance. Both the original¹⁹⁶ and updated version¹⁹⁷ of the strategy deeply analyse the situation of Roma women. In this framework, the first high-profile measure targeting Roma women was a training and labour market integration program entitled “Growing Opportunity! – Training Programme for 1 000 Roma Women in the Fields of Social Services and Health Care”. While the program’s training element was successful, the implementation of the labour market element was reported to be less effective.¹⁹⁸ Furthermore, a critical assessment found a lack of political will regarding the opening of other, better paid, more prestigious areas of employment to Romani women.¹⁹⁹

2.8.2. The situation of migrant and refugee women

In the summer of 2015 a huge influx of refugees crossed Hungary, but few remained. The government made the “protection of our borders” a key priority, both literally through erection of a barbed-wire fence system on the Serbian border, and symbolically for political mobilisation. The media and NGOs (including one that provided traumatised women with psychological counselling) were gradually excluded from refugee centres, the border area and reception centres. The treatment of women refugees certainly does not follow the recommendations of the European Women’s Lobby, the European Network of Migrant Women and the Women’s Refugee Commission delivered to decision makers following a comparative survey in 2016.²⁰⁰

Since 2017, refugee seekers have been retained in a closed transit zone at the border. Harsh criticism arose when news about the treatment of pregnant women and families with children in the transit zone came to light.^{201,202} The Hungarian Helsinki Committee, a well-known NGO that provides legal help for refugee seekers, reported that “even though women, children and unaccompanied minors between 14 and 18 years old are accommodated separately from single men in the transit zones, in the absence of any procedure to recognise non-visible signs of vulnerability, vulnerable asylum seekers are not separated from others.”²⁰³

Since the fence was erected there has been a steep decline in refugee seekers amounting to more than 80 %.²⁰⁴

Girl victims of trafficking in the transit zone are not identified, there is no special state provision for their special situation, NGOs cannot engage identified or potential victims in tailored programs, and children aged between 14-18, many of them unaccompanied and traumatised, are enclosed together with adults.²⁰⁵

¹⁹⁶ Ministry of Public Administration and Justice. 2011. *National Social Inclusion Strategy – Extreme Poverty, Child Poverty, the Roma – 2011–2020*

¹⁹⁷ Ministry of Human Resources. 2014. *National Social Inclusion Strategy II. – The Permanently Needy – Children Living in Poor Families – The Roma; 2011–2020* (Updated version).

¹⁹⁸ Information was provided by Lídia Balogh, expert in the field.

¹⁹⁹ See Alternative report of Hungarian Women’s Lobby and the European Roma Rights Centre to CEDAW, 2013, *op. cit.*, p. 6.

²⁰⁰ *From conflict to peace? #womensvoices: Recommendations on preventing and combating violence against refugee women and girls on the move*. EWL-WRC, Brussels: 2016 <https://www.womenlobby.org/IMG/pdf/womensvoicesfinalforweb-2.pdf> Retrieved: 25 March 2018.

²⁰¹ <https://budapestbeacon.com/hungarys-transit-zones-are-prisons-where-pregnant-women-are-handcuffed-and-children-go-hungry/>

²⁰² Cordelia Foundation <http://www.cordelia.hu/index.php/en/>

²⁰³ Matevžič, Gruša, *Unidentified and Unattended – The Response of Eastern EU Member States to the Special Needs of Torture Survivor and Traumatized Asylum Seekers* – May 2017. Hungarian Helsinki Committee. p. 33. Available at: <https://www.helsinki.hu/wp-content/uploads/Unidentified-and-Unattended.pdf>

²⁰⁴ <http://www.iom.hu/migration-issues-hungary>

²⁰⁵ GRETA Report on Hungary under Rule 7 of the Rules of Procedure for evaluating implementation of the Council of Europe Convention on Action against Trafficking in Human Beings. <https://rm.coe.int/greta-2018-13-upro-hun-en/16807bf672> Retrieved: 27 April 2018 and Szekeres, Zsolt: The detention of asylum seeking children in Hungary: Dire tendencies in upholding the basic rights of children. EDAL: European Database of Asylum Law, 8 March 2017. <http://www.asylumlawdatabase.eu/en/journal/detention-asylum-seeking-children-hungary-dire-tendencies-upholding-basic-rights-children> Retrieved: 27 April 2018

3. ITALY

3.1. Institutional, legal and policy framework for promoting gender equality and women's and girls' rights

Important measures have been introduced by Italy in the last decade to promote gender equality and women's rights.²⁰⁶ However, as analysis shows, the state has lacked a well-grounded and effective institutional mechanism for promoting gender equality, related policies have been "cautious", while progress in legislation has mostly been generated due to the pressure of women's movement or EU/international commitments.²⁰⁷

The institutional framework for gender equality has faced structural changes since its establishment, including after 2010. The Department for Equal Opportunities serves as the national machinery for gender equality. During its existence it has operated under the auspices of different ministries, a minister without portfolio, or high-ranking officials.²⁰⁸ The machinery does not have a sole focus on gender equality: it deals with other equal opportunity issues as well.²⁰⁹

Critics argue that lack of continuity of political responsibility has hindered the efficiency of the department's work and coordinatory role.²¹⁰ It is also reported that the development in the field has been dependent on the approach of the responsible high-level stakeholder. After some progress noted in 2013, when the then-appointed minister followed a committed gender equality agenda, regression followed as her successors did not pursue the related commitments.²¹¹

The National Commission for Equal Opportunities — of which different ministries and civil society organizations constituted a part — was established in 2006, but expired in 2012.²¹²

The establishment in recent years of the Department for Family Policies raises some concerns. The department is responsible for "promotion and coordination of relevant Government's action, aimed at ensuring the implementation of family policies and supporting both maternity and paternity."²¹³ NGOs have pointed out the lack of coordination between the two departments,²¹⁴ and the UN CEDAW Committee was concerned about the "priority given by the Department of Family Policies to protection of the family compared with that afforded to the elimination of discrimination against women".²¹⁵

²⁰⁶ See for example, Committee on the Elimination of Discrimination against Women – Consideration of reports submitted by States parties under article 18 of the Convention – *Seventh periodic report of States parties due in 2015 – Italy*. CEDAW/C/ITA/7, 11 January 2016. paras. 18-19. Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fITA%2f7&Lang=en Retrieved: 1 April 2018 (Further referred as CEDAW Periodic report, Italy)

²⁰⁷ See in more detail: Professor Rosselli, Annalisa, *The Policy on Gender Equality in Italy*. European Union, Brussels, 2014. point 1.2.2. Available at [http://www.europarl.europa.eu/RegData/etudes/note/join/2014/493052/IPOL-FEMM_NT\(2014\)493052_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/note/join/2014/493052/IPOL-FEMM_NT(2014)493052_EN.pdf) Retrieved: 1 April 2018

²⁰⁸ *Ibid.*

²⁰⁹ See CEDAW Periodic report, Italy, *op. cit.*, paras. 18-19.

²¹⁰ See *CEDAW Shadow Report Written by the Italian platform "CEDAW: Work in progress"* With reference to the 7th periodic report on the implementation of the CEDAW Convention submitted by the Italian Government in 2015. p. 16. Available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ITA/INT_CEDAW_NGO_ITA_27675_E.pdf Retrieved: 1 April 2018 (Further referred as "CEDAW: Work in progress" Shadow report)

²¹¹ See *CEDAW Alternative Report – Italy Article 2 and article 5* With reference to the Seventh periodic report of Italy on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Drafted and Compiled by the Italian Network for Women's Rights (INWR), 8 June 2017. pp. 4-5. Available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ITA/INT_CEDAW_NGO_ITA_27687_E.pdf Retrieved: 1 April 2018 (Further referred as INWR CEDAW Report)

²¹² See CEDAW periodic report, Italy, *op. cit.*, para. 24.

²¹³ See CEDAW periodic report, Italy, *op. cit.*, para. 23.

²¹⁴ See INWR CEDAW report, *op. cit.*

²¹⁵ See Committee on the Elimination of Discrimination against Women – Concluding observations on the seventh periodic report of Italy. CEDAW/C/ITA/CO/7, para. 21. d). Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fITA%2fCO%2f7&Lang=en (Further referred as CEDAW Concluding observations, Italy)

At the policy level, although important strategies/action plans have been developed in different fields (addressing violence against women, or trafficking), a comprehensive gender equality policy framework is lacking — as the CEDAW Committee also noted in 2017.²¹⁶

At the legislative level, the Code on Equal Opportunities between Women and Men²¹⁷ constitutes the main relevant piece of legislation. EU and international norms have driven important progress in legislation. However, several related problems have been reported in this area: harmonization happened through the “verbatim repetition” of the directives’ texts while areas not covered by EU law were left out,²¹⁸ and compliance with EU and international norms is incomplete; some measures “reduce in scope” or “even suppress” the rights defined in the CEDAW Convention.²¹⁹

As a general shortcoming of the structural framework, the still-existing geographical differences between the regions in terms of addressing gender equality issues, and (in relation to this) the lack of sufficient monitoring, evaluation and impact assessment of laws and policies may be mentioned.²²⁰ (However, some progress has been seen in this area regarding the new policy documents that address gender-based violence and trafficking.²²¹)

European funding schemes — European Structural Funds (ESF) and European Regional Development Funds (ERDF) — have played and continue to play an important role as regards the provision of resources in the field: the government has implemented or supported numerous gender mainstreaming programmes and gender equality projects in different policy areas. As the government noted, the use of ESF and EU thematic programmes has increased.²²² However, the need for sufficient monitoring and evaluation of the distribution and utilization of these resources has arisen as an issue.²²³

As for women’s participation in decision-making, important legislative steps have been taken in recent years to increase women’s presence in local governments and regional councils (in 2012) and the European Parliament (in 2014).²²⁴ Furthermore, since 2013 a law has required political parties to allocate at least 10 % of their total public funding to increasing women’s political participation.²²⁵

In a missed opportunity, however, the bill designed to modify the constitution in order to — among other goals — promote gender equality in representation for the election of chambers was adopted in 2016, but later that year rejected in a referendum.²²⁶ With the increase in the presence of women in (high) political positions, sexist and hate speech towards women politicians has notably increased in recent years in the context of political events/debates, and by the general public, both at the national and local level. It was reported that male politicians have very rarely expressed condemnation of such

²¹⁶ *Ibid.*

²¹⁷ Legislative Decree No. 198/2006

²¹⁸ See *Country report – Gender equality – Italy 2017. How are EU rules transposed into national law?* By Renga, Simonetta, European network of legal experts in gender equality and non-discrimination. European Commission, Directorate-General for Justice and Consumers, 2017. pp. 50-51. Available at <https://www.equalitylaw.eu/downloads/4212-italy-country-report-gender-equality-2017-pdf-1-30-mb> Retrieved: 1 April 2018. (Further referred as Country report – Gender equality – Italy)

²¹⁹ See INWR CEDAW report, *op. cit.*, 1.2.

²²⁰ See for example the CEDAW Concluding observations, Italy, *op. cit.*, paras. 13, 22, 44 and the shadow reports of NGOs, *op. cit.*

²²¹ See Italy’s Supplementary Information as of July 6, 2017 in the CEDAW reporting process. Available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ITA/INT_CEDAW_AIS_ITA_28017_E.pdf Retrieved: 1 April 2018 (Further referred as Italy’s Supplementary Information in the CEDAW reporting process)

²²² See CEDAW Periodic report, Italy, *op. cit.*, para. 27.

²²³ See for example the “CEDAW: Work in progress” Shadow report, *op. cit.*, p. 4.

²²⁴ See Act 215/2012 and Act 65/2014. For more details see CEDAW Periodic report, Italy, *op. cit.*, para. 29.

²²⁵ See “CEDAW: Work in progress” Shadow report, *op. cit.*, p. 11.

²²⁶ See Committee on the Elimination of Discrimination against Women – Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women – *List of issues and questions in relation to the seventh periodic report of Italy – Addendum – Replies of Italy*. paras. 68-73. Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fITA%2fO%2f7%2fAdd.1&Lang=en Retrieved: 1 April 2018. (Further referred as CEDAW State Reply to list of issues, Italy)

speech, and sometimes the opposite: they reinforce such practices by making discriminatory statements about women's social role.²²⁷

3.2. Space for civil society – The situation of women's rights NGOs

As practice shows and several sources acknowledge, the women's movement and women's rights NGOs have played and are continuing to play a crucial role in advocating for and realizing progress in the field of gender equality.²²⁸

No legislative or other measures have been detected in recent years that, generally speaking, were aimed at restricting the free operation of civil society/NGOs, including women's rights NGOs. However, measures have been adopted that hinder the work of NGOs active in refugee and migration issues.

Meaningful cooperation as well as transparent and regulated consultation and dialogue between state actors and women's right NGOs (thus the participation and involvement of the latter in legislative and policy processes) has been lacking, as it is reported. Consultations with these organisations were claimed to be sporadic, arranged in a non-permanent manner.²²⁹ Several negative steps have occurred in this regard since 2013. In 2013 the then-new minister without portfolio responsible for equal opportunity issues aimed to increase the effective involvement of civil society. She assembled more than 100 women's NGOs to create a civil society working group and a task force to combat violence against women. However, she resigned the same year, and her successors did not continue her initiative. Furthermore, several examples from recent years prove that individual experts and women's rights NGOs have been left out of consultations.²³⁰ As reported in 2017, the subsecretary to the president of the council carries out non-binding consultations with a small number of NGOs elected using unclear criteria, excluding experts and NGO representatives chosen by civil society itself and other well-represented groups. Thus, the "consultation process is still unclear in terms of purposes, timings and actors involved".²³¹

Lack of access to funding is one of the key identified problems for women's rights NGOs. As a recent analysis shows, very few feminist groups are able to access public funds.²³²

3.3. Education policy and gender equality

Evidence shows persisting gender stereotypes and prejudices in Italy.²³³ The state has introduced relevant measures in the field, including during the present decade. Gender education and the role of teacher training in this regard appears in relevant legislation, more precisely in the law on "good schooling" ("bouna scuola") from 2015. Furthermore, the Extraordinary Action Plan against Sexual and Gender-based Violence aims at "training of school personnel against gender-based violence and

²²⁷ INWR CEDAW report, *op. cit.*, 4.1-4.2.

²²⁸ See for example the INWR CEDAW report and the "CEDAW: Work in progress" Shadow report, *op. cit.*

²²⁹ "CEDAW: Work in progress" Shadow report, *op. cit.*, p. 2.

²³⁰ For example, the governments terminated the expert panel established in 2012 to elaborate a code for the media portrayal of women. Furthermore, in 2016 the selection criteria for civil society consultation that was launched for the concession renewal of the national television were unclear, and women's NGOs with gender and media expertise were excluded from the consultation. See INWR CEDAW report, *op. cit.*, 3.2.1., 3.2.2.

²³¹ INWR CEDAW report, *op. cit.*, 1.3-1.4.

²³² See: McCracken, Katie, Marquez, Sergio, Priest, Sarah, *Mapping of NGOs working for women's rights in selected EU Member States*. European Parliament Policy Department for Citizen's Rights and Constitutional Affairs, 2016. Available at

[http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556932/IPOL_STU\(2016\)556932_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556932/IPOL_STU(2016)556932_EN.pdf) Retrieved: 1 April 2018.

²³³ See for example the Map 1 of this study.

discrimination". Among the objectives, skills development in education for gender equality and elimination of stereotypes appear.²³⁴

However, practice shows that these aims and goals have not been reached (yet). Many related initiatives have been ad hoc/project based.²³⁵ In some cases, the lack of expert involvement in the related projects/initiatives has been reported as a problem, resulting in questionable output.²³⁶

It is noted that school textbooks still contain gender stereotypes. Pedagogical education rarely addresses gender equality issues and teachers are not systematically trained, thus lack the relevant competences. Teacher training and school initiatives about gender equality seem to be mainly grounded on individual interests and commitments.²³⁷

In this context, visible action against gender education has taken place in recent years, also connected to the Good Schooling act. The act prescribed teacher training about gender issues; specific modules about equal opportunities at every school level and grade were also foreseen by law. However, conservative forces opposed this reform, focusing on the term 'gender' and calling it 'gender theory', actually by misinterpreting its content. The former argued that such an approach would lead children astray from normal heterosexuality and the central role of the family, and thus should be considered a form of 'mental deviation'.²³⁸ In response, the chief of the Department of Education issued a memorandum to schools stressing that 'gender ideologies' will not be conveyed to students.²³⁹ Furthermore, the responsible minister convened an expert committee to investigate the potential damage to pupils, but the body reached no conclusion.²⁴⁰ Finally, the executive norm adopted in relation to the law in 2017 lacks educational modules about equal opportunities, does not contain references to gender, nor provision for related training.²⁴¹ In this environment schools have had to modify gender mainstreaming projects, and funds for training activities have been cut.²⁴² Reform in this regard was therefore unfortunately blocked both at the level of policy and practice. Consequently, comprehensive state policy in the public education sector that addresses gender stereotypes and prejudices and promotes gender equality is lacking, as it also is outside the education sector.²⁴³

Linked to this process, two regions funded a project involving a counselling service nominally to support the relationship between families and schools, but the declared aim was "to defend the family from the external threats represented by gender".²⁴⁴ The funds were allocated to public projects (support exceeded 30 000 euros), but private conservative Catholic organizations also benefited from it.²⁴⁵

There is a lack of information about contraceptive methods and sex education in schools.²⁴⁶ However, in 2015 the National Fertility Plan was adopted, involving key stakeholders (including schools), aiming to "counter the significant reduction of childbirth and raise awareness [about] reproductive health".²⁴⁷

²³⁴ For the respective measures, see the CEDAW Periodic report, Italy, *op. cit.*, paras. 93-95.

²³⁵ One such initiative was a Code of Self-regulation for School-book Publishers to ensure equal representation in schoolbooks.

²³⁶ For example, it was reported that in the call from 2016 for school projects gender expertise was not required, and some project outputs actually reinforced prejudices. See INWR CEDAW report, *op. cit.*, 2.4.1.

²³⁷ See INWR CEDAW report, *op. cit.*, Point 2. See also "CEDAW: Work in progress" Shadow report, *op. cit.*, p. 12.

²³⁸ See the INWR CEDAW report, *op. cit.*, 2.4.2. and the "CEDAW: Work in progress" Shadow report, *op. cit.*, pp. 12-13.

²³⁹ INWR CEDAW report, *op. cit.*, 2.4.2.

²⁴⁰ See "CEDAW: Work in progress" Shadow report, *op. cit.*, p. 13.

²⁴¹ INWR CEDAW report, *op. cit.*, 2.4.2.

²⁴² See "CEDAW: Work in progress" Shadow report, *op. cit.*, p. 13.

²⁴³ See the INWR CEDAW report and the "CEDAW: Work in progress" Shadow report, *op. cit.*

²⁴⁴ INWR CEDAW report, *op. cit.*, 2.4.2.

²⁴⁵ *Ibid.*

²⁴⁶ See "CEDAW: Work in progress" Shadow report, *op. cit.*, p. 13.

²⁴⁷ CEDAW periodic report, Italy, *op. cit.*, para. 143.

In this field the state considers schools important actors for raising young people's awareness on risk factors and protection of fertility.²⁴⁸

The Ministry of Health and the Ministry of Education have been working since 2015 on the "National Guidelines for Education to Affectivity, Sexuality and Reproductive Health in Schools", following the WHO Guidelines on Sexual Education. This was practically ready by 2017. The state envisaged holding the related public consultation by September of that year.²⁴⁹ The CEDAW Committee recommended that the state finalize and implement the guidelines.²⁵⁰

3.4. Preventing and combating violence against women; the status of the Istanbul Convention

Important legislative, policy and other measures and programmes have been implemented in the field of violence against women. Legislative — as well as policy and institutional — changes in the present decade have been generated and influenced in large part by accession to the Istanbul Convention, or compliance with EU law. Relevant bodies such as the Inter-ministerial Working Group and the National Observatory on Violence against Women were established in 2016.

An important legislative package was adopted in 2013.²⁵¹ The law brought changes in both substantial and procedural criminal legislation and contained some protective measures. However, critics argue that it was mainly repressive in nature by not addressing prevention and also lacking a description of funding provisions.²⁵² In addition, it is claimed that the transposition of the relevant EU directives has taken place only partially and without participatory debate.²⁵³

As for policies, the Extraordinary Action Plan on Sexual and Gender-Based Violence was adopted in 2015 for a two-year period.²⁵⁴ However, several actors have criticized the plan. The main points of concern were: the planned action is generic (not concrete), not systemic and not organic. The lack of evaluation processes and adequate funding was also noted. In addition, it was reported that transparency was lacking in terms of how regions use funding from the central government.²⁵⁵ Concern was also raised that in the field of combating violence, non-feminist organizations are increasing in number.²⁵⁶

Despite some positive developments, typically persistent problems are reported by the UN CEDAW Committee as well as by NGOs such as the lack of competence and proper training of professionals, under-reporting, low prosecution and conviction rates of cases of gender-based violence against women, and non-usage or limited recourse to law (e.g. civil court orders).²⁵⁷ The "cumulative impact and intersection of racist, xenophobic and sexist acts against women," as well as the regional and local disparities in the availability and quality of assistance and protection services, including shelters, for

²⁴⁸ *Ibid.*

²⁴⁹ See CEDAW State Reply to list of issues, Italy, *op. cit.*, paras. 79-80. See also Italy's Supplementary Information in the CEDAW reporting process, *op. cit.*

²⁵⁰ See CEDAW Concluding observation, Italy, *op. cit.*, para. 36. c)

²⁵¹ Law-Decree 93, converted into Act 119/2013 on "Urgent provisions on safety and for the fight against gender-based violence, as well as on civil protection and compulsory administration of provinces"

²⁵² See Country report – Gender equality – Italy, *op. cit.*

²⁵³ "CEDAW: Work in progress" Shadow report, *op. cit.*, p. 26.

²⁵⁴ Before that the first National Plan against Gender-Based-Violence and Stalking covered the period of 2010-2013.

²⁵⁵ "CEDAW: Work in progress" Shadow report, *op. cit.*, p. 26.

²⁵⁶ Information was provided by the national expert for the purposes of this analysis.

²⁵⁷ See CEDAW Concluding observations, Italy, *op. cit.*, para. 27. and "CEDAW: Work in progress" Shadow report, *op. cit.*, pp. 25-26.

women victims of violence has also been noted.²⁵⁸ In addition, it was claimed that sometimes those who are tasked to combat stereotypes are actually reinforce them.²⁵⁹

It was reported in 2017 that draft laws on joint parental custody are being submitted to parliament, grounding on the prejudice that mothers manipulate children to gain exclusive custody of them and accuse fathers of violence.²⁶⁰ Usually 'parental alienation' (PAS) is referred to in these cases, mostly by violent fathers. Remarkably, after the CEDAW Committee's related recommendation in 2011, the Italian Psychology Society and the Italian Department of Health stood up against PAS. However, it is still referred to in legal proceedings, as reported.²⁶¹ Consequently, women victims of violence may face court-ordered mediation, and it happens that abusers are granted visitation rights or shared custody. This practice hinders access to alimony as well. In the meantime PAS has political and media support, including that of some celebrities.²⁶² On the other hand, as NGOs note, Articles 31 and 48 of the Istanbul Convention (on taking violence into consideration in custody and visitation cases, and on prohibiting mediation) have not been integrated into the legal system.²⁶³ The CEDAW Committee also raised concerns about this practice, including the growing influence of men's organizations in the media that portray negative stereotypes of women.²⁶⁴

The Istanbul Convention was signed by Italy on 27 September 2012, and ratified on 10 September 2013. The Convention entered into force on 1 August 2014.²⁶⁵ No reservation was made to the convention and parliament approved it unanimously. Women's rights organizations, other human rights NGOs, and violence against women centres and shelters played an active role in mobilization beforehand. NGOs report, however, that the convention is not sufficiently well known and its application is uneven.²⁶⁶ They also note that the national-level selection process for the Italian member of the GREVIO Committee — the monitoring body of the Istanbul Convention — was not in line with the transparency and quality requirements laid out in the respective Council of Europe regulation.²⁶⁷

3.5. Sexual and reproductive health and rights

Italy scores 52.2 % on the map of ContraceptionInfo. Abortion was legalised in 1978 in respect of Law 194, and immediately witnessed a movement by Catholic forces to repeal it, but a referendum on the subject in 1981 was unsuccessful. On paper, abortion may be performed; in reality, the service may be difficult to access. Even if the law could not be changed, gynaecologists' attitudes have. Conscientious objection (which is an option specified in the 1978 law) to performing abortions, or to prescribing contraception (which is not reimbursed), especially in some regions of Italy (Apulia, for example) is growing. From 59 % in 2005, the number of gynaecologists who will not perform abortions had grown to 70 % by 2013. Another blow to the availability of abortions was the effect of austerity measures which significantly hit services for women. Following Law 194, special women's clinics were set up, but many lost their funding and now belong to the Catholic Church which refuses to offer these services.

Female Genital Mutilation (FGM) is a concern in Italy due to the large migrant population from African countries where this harmful practice is common. Italy, in an example of good practice, finds awareness

²⁵⁸ See CEDAW Concluding observations, Italy, *op. cit.*, para. 27. e) and g)

²⁵⁹ For example, the official spot for the International day on elimination of violence against women for 2016 reinforced prejudices and stereotypes on violence against women, as noted. Furthermore, the awareness-raising campaign launched by RAI on the same occasion was reported to be revictimizing. See INWR CEDAW report, 2.2.2

²⁶⁰ INWR CEDAW report, *op. cit.*, 5.3.

²⁶¹ *Ibid.*

²⁶² *Ibid.*

²⁶³ "CEDAW: Work in progress" Shadow report, *op. cit.*, p. 26.

²⁶⁴ CEDAW Concluding observations, Italy, *op. cit.*, paras. 25. c), 27. d), 51.

²⁶⁵ See <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>

²⁶⁶ "CEDAW: Work in progress" Shadow report, *op. cit.*, p. 25.

²⁶⁷ INWR CEDAW report, *op. cit.*, 1.3-1.4.

raising about this topic important. National campaigns have been launched and targeted at immigrant parents (e.g. Nessuno Escluso).

3.6. Economic empowerment of women: employment, reconciliation of work and private life; social rights, care

Italy, the epitome of “familialism”, has one of the lowest proportions of working women and also one of the lowest fertility rates in Europe. The national employment rate is also quite low (58.2 % in 2017), while the share of women is only 45.23 %. Youth unemployment runs high at 35.1 %, while the general unemployment rate is 11.2 %. The number of women in senior business positions is low; women often work in family businesses. Here, the traditional North-South divide works in favour of less-developed regions as the number of women entrepreneurs is higher in the South (28.26 % in the region of Molise, for example) than in the industrial North (18.04 % in Milan).²⁶⁸

Although the first maternity protection laws were introduced in the fascist era in the 1920s for working mothers, and the Italian Constitution of 1946 guarantees the protection of mother and child (Article 37), the practical involvement of the state in institutional childcare only started in the 1970s (regarding the legalisation of divorce and abortion, see the SRHR chapter). In the 1990s, the system of childcare services and maternity protection was transferred to the regional/municipal level, which may have led to big regional differences (responsibility for cash transfers for the new-born and fiscal help for the disadvantaged remained at the national level). Maternity leave lasts five months, two of which prior to the expected date of birth and three after at 80 % of daily salary, also with a promise of job security until the child is one year old. After maternity leave, each parent can take six months' parental leave (for one child a maximum of ten months can be used) at 30 % of monthly salary until the child is three. Although this policy encourages gender equality, only 8.6 % of men take this leave. Working mothers are also entitled to a “baby-sitting voucher” worth 300 euros per month for eleven months that can be spent on private nannies or public or private crèches.²⁶⁹ Despite these state policies, intergenerational solidarity still plays a relevant role in Italy's system of childcare.²⁷⁰

One of the poignant social crises of Italy is the same one that affects the whole of the developed world: the care crisis. As the number of older people increases (an estimated 24 % of the population by 2020 in Italy), aging is closely connected to migration. The elderly are usually cared for at home, but increasingly not by family members but by (often East-European) migrant working women, the so-called *badanti* (care givers, a commonly used phrase).²⁷¹ Further discussion of the topic is included in the case study on Romania.

3.7. The effects of austerity and poverty

Why is the Italian poverty rate so high for a well-developed, Western country, one of the founding members of the European system of cooperation? The answer lies in the global economic crisis of 2008 which hit Italy especially hard, added to which huge national debt, tax evasion, and low productivity

²⁶⁸ Scammel, Rosie, 'Italy's "determined" women boost business.' 2014 August 22. <https://www.thelocal.it/20140822/italys-determined-women-boost-business> Retrieved 9 April 2018.

²⁶⁹ Ferrari, Giulia: *Family policies: Italy* <https://www.perfar.eu/policy/family-children/italy> Retrieved: 4 April 2018.

²⁷⁰ Ponzelli, Anna M., 'Work-Life Balance and Industrial Relations in Italy'. *European Societies* Vol. 8. 2006. <https://www.tandfonline.com/doi/abs/10.1080/14616690600645043?src=recsys&journalCode=reus20> Retrieved: 4 April 2018.

²⁷¹ Rugolotto-Larotonda van der Geest conducted anthropological field work in Verona, identifying and interviewing numerous care givers from Romania and Moldova (once a part of Romania and then the Soviet Union; a mostly Romanian speaking, non-EU country). See Rugolotto, Silvana, Larotonda, Alice, van der Geest, Sjaak, "How migrants keep Italian families Italian: badanti and the private care of older people", *International Journal of Migration, Health and Social Care*, Vol. 13 Issue: 2, 2017, pp.185-197., <https://www.emeraldinsight.com/doi/full/10.1108/IJMHC-08-2015-0027> Retrieved: 4 April 2018.

caused austerity measures to be introduced in 2011. As a result of these factors, from 2008 to 2011 living standards dropped by 10 %, the unemployment rate almost doubled (from 6.8 % to 11.3 %), youth unemployment rose to an especially high level (37.2 %), and the absolute poverty rate also doubled (from 3.1 % to 7.6 %), with children suffering the most. According to OECD data for 2015, 11 % of Italians under 17 were living in absolute poverty, as opposed to only 3 % in 2006. There are huge regional differences between the North and South, and also social ones between households with an Italian and immigrant background (23.4 % of the latter live in poverty, as opposed to 4.3 % of Italians).²⁷² As the report by Anna Elomäki for the European Women's Lobby (EWL) on the effects of austerity on women established, the crisis was not a "he-session"; it affected women's work and wages, resulted in the limitation of childcare services, and reduced funding for women's rights — among other factors.²⁷³ Social enterprises by and for women may represent a way to escape these harsh effects.²⁷⁴

3.8. Multiple discrimination and intersectionality

3.8.1. The situation of Romani women

The Roma in Italy — cca. 160,000 in number²⁷⁵ — face discrimination in several fields of life such as employment, housing and health. The general national context has been characterized by widespread anti-Roma attitudes and hate speech; populist politicians have played a role in this.²⁷⁶ Harassment and violence have also affected Roma women, including in recent years. It is sad to say that tensions seemed only to have lowered when the focus was redirected towards migrants.²⁷⁷

Discrimination against Roma and Sinti women and girls is persistent in many fields of life, both at institutions and in society as a whole.²⁷⁸ As research shows, school dropout is highly prevalent among Roma, Sinti and Traveller women and girls (RSC).²⁷⁹ Local surveys indicate the main reasons for this as housing segregation and related isolation; the application of lower evaluation criteria and expectations to RSC children; and discriminatory practices towards girls and women within the RSC community, such as early marriages.²⁸⁰ Roma and Sinti women are also particularly vulnerable to violence, in general. Roma women and minors are significantly present among trafficking victims in Europe.²⁸¹

Multiple and intersectional discrimination is not addressed by national legislation. This leads to the practice that lawyers choose the strongest grounds for discrimination in their related cases.²⁸²

At the policy level, the state has paid attention to multiple discrimination. The National Roma Integration Strategy describes the situation of Romani and Sinti Women — also referring to multiple discrimination —, and contains measures that include a gender perspective.²⁸³ The strategy has a

²⁷² MacKinnon, Angus, 'Italy must step up reforms to tackle poverty and inequality' OECD, 2017 February 16. <https://www.thelocal.it/20170216/sustained-reforms-are-needed-in-italy-oecd-warns> Retrieved: 28 March 2018.

²⁷³ Elomäki, Anna, *op. cit.*

²⁷⁴ 'Italy: Can social enterprises improve the economic empowerment of women?' *European Women's Voice*, EWL, 2015 https://www.womenlobby.org/IMG/pdf/european_women_s_voice_2015.pdf Retrieved: 27 March 2018. and *WeStart: Mapping women's Social Entrepreneurship in Europe*, EWL, 2015 <http://westarteuropa.org/> Retrieved: 27 March 2018. Italian report

²⁷⁵ CEDAW Periodic report, Italy, *op. cit.*, para. 90.

²⁷⁶ See Challenges facing civil society organisations, FRA, *op. cit.*, pp. 44-50.

²⁷⁷ *Associazione 21 Luglio Submission to the UN Committee on the Elimination of All Forms of Discrimination Against Women at its 67th session – 03 July – 23 July 2017*. p. 5. Available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ITA/INT_CEDAW_NGO_ITA_27946_E.pdfAssco_21 Retrieved: 2 April 2018. (Further referred as Associazione 21 Luglio CEDAW submission)

²⁷⁸ See Associazione 21 Luglio CEDAW submission, *op. cit.*, p. 4.

²⁷⁹ According to a related FRA survey, 85 % of RSC girls living in Italy have not completed compulsory school (compared to 76% of boys). The survey is quoted by the "CEDAW: Work in progress" Shadow report, *op. cit.*, p. 13.

²⁸⁰ "CEDAW: Work in progress" Shadow report, *op. cit.*, p. 13.

²⁸¹ See for example "CEDAW: Work in progress" Shadow report, *op. cit.*, p. 9.

²⁸² See Country report – Gender equality – Italy, *op. cit.*, p. 50.

²⁸³ See CEDAW Periodic report, Italy, *op. cit.*, para. 41.

special section on the education of Roma and Sinti children, aimed at promoting access to primary and secondary education. Special measures address girls here.²⁸⁴

Several concerns have been raised, however, regarding the implementation of existing measures. A general concern was formulated by the CEDAW Committee in 2017: the absence of a gender impact assessment for the implementation of the national strategy for the inclusion of Roma, Sinti and Caminanti (Traveller) communities.²⁸⁵ Furthermore, in the field of education, the lack of competence of teachers — in terms of the relevant training — to recognize signs of need and act with regard to forced marriages is noted specifically.²⁸⁶

3.8.2. The situation of migrant and refugee women²⁸⁷

In 2017 8.2 % of the country's population were foreign nationals residing in Italy, not counting illegal migrants, whose numbers are difficult to determine. The distribution is uneven in the country, with 59.5 % living in the industrialised North.²⁸⁸ Since the enlargement of the EU, the number of East European migrants, mostly from Romania, has increased, (see the employment chapter in the Romanian case study); about 10 % of whom are Roma.²⁸⁹ The Mediterranean Sea route to Italy from Africa for illegal migrants and refugees became popular in the 2000s as a result of the Libyan civil war and collapse of authority that generated a crisis.²⁹⁰ Between December 2014 and November 2015 27 % (330 955) of all refugees arriving to Europe were women, whereas only 11 % of refugees arriving to Italy were women.²⁹¹ The majority of these women were from Nigeria, followed by Ukrainians (21.9 % of Nigerian asylum seekers and 49.7 % of Ukrainian asylum seekers are women). From all other countries, except for war-torn Syria (Pakistan, Bangladesh, Gambia, Senegal and Eritrea), the vast majority of the arrivals are men. According to reports, 80 % of Nigerian women and girls are trafficked for forced prostitution,²⁹² which often goes undetected by immigration police officers and reception centres. Women NGOs (like BeeFree, a social entrepreneurship that works to reduce violence against women, the trafficking of women and discrimination²⁹³) which are specialised at understanding the signs of trafficking or fleeing from domestic abuse sometimes have difficulty entering camps, and sometimes are used as helpers in the interview process. Immigrants' reasons for fleeing their own countries are different for women and men: women often flee from domestic abuse, forced marriage, or follow a partner (only 59 % of women make their own decision to migrate). During their migration and also after arriving they are often abused, raped, or forced into prostitution. The special situation of refugee women and girls should be taken into account.²⁹⁴

²⁸⁴ See Associazione 21 Luglio CEDAW submission, *op. cit.*, p. 6.

²⁸⁵ CEDAW Concluding observation, *op. cit.*, para. 35. d)

²⁸⁶ "CEDAW: Work in progress" Shadow report, *op. cit.*, p. 13.

²⁸⁷ See CEDAW periodic report, *op. cit.* See also the Council of Europe Group of experts against human trafficking (GRETA) urgent procedure report on Italy 2017. January 31. <https://www.coe.int/en/web/anti-human-trafficking/-/greta-publishes-report-on-italy?desktop=true> Retrieved: 10 April 2018.

²⁸⁸ <http://demo.istat.it/str2014/index.html>

²⁸⁹ Source: Ciobanu, Claudia "EUROPE: Home to Roma, And No Place for Them". Inter Press Service., 16 May 2018 <http://www.ipsnews.net/2008/05/europe-home-to-roma-and-no-place-for-them/> Retrieved: 10 April 2018.

²⁹⁰ The largest refugee centre in Europe is in Italy, the CARA de Mineo, in Eastern Sicily.

²⁹¹ Eurostat data quoted in: Lanni, Alessandro, 'How many refugees in Italy are women?' 2016. February 23 <https://openmigration.org/en/analyses/how-many-refugees-in-italy-are-women/> Retrieved: 10 April 2018. Francesca Romana Genoviva: The number of women seeking asylum in Italy and who they are. 2017. March. 8. <https://openmigration.org/en/analyses/the-number-of-women-seeking-asylum-in-italy-and-who-they-are/> Retrieved: 10 April 2018.

²⁹² The horrifying stories are similar to other forced prostitution testimonies except for the voodoo ceremonies that, apart from violence, keep Nigerian girls and women enslaved. <https://www.pbs.org/newshour/world/nigerian-women-escape-sexual-bondage-italy>

²⁹³ <http://www.befreecooperativa.org/wordpress/> See also the Italian members of European Network of Migrant Women <http://www.migrantwomennetwork.org/>

²⁹⁴ See the joint recommendations of the European Women's Lobby (EWL) and the Women's Refugee Commission (WRC) #womensvoices, 2016 and also the EP resolution on the situation of women refugees and asylum seekers in the EU, adopted on 8 March 2016. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0073+0+DOC+XML+V0//EN&language=EN>

Human Rights Watch visited nine reception centres in Italy in 2017. It found that numerous barriers prevent asylum-seeking women survivors of violence from accessing essential support. These barriers include: inadequate identification of asylum seekers who have experienced violence; lack of specialized training of staff and service providers; lack of access to same-sex interpreters and information about services; inadequate conditions for treating survivors of sexual or other gender-based violence; and lack of access to information about procedures for seeking international protection.²⁹⁵

²⁹⁵ See Human Rights Watch – *Submission to the United Nations Committee on the Elimination of Discrimination against Women on the seventh periodic report of Italy*, June 21, 2017. Available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ITA/INT_CEDAW_NGO_ITA_27876_E.pdf

4. POLAND

4.1. Institutional, legal and policy framework for promoting gender equality and women's and girls' rights

Important legislative (and other) measures have been taken in the last decade in Poland in the field of gender equality, thanks to the EU accession and other international commitments. However, research concludes that the promotion of equal opportunities for women and men in employment and public life has not been a government priority since EU accession.²⁹⁶ Furthermore, a process of addressing gender equality and women's rights within a broader equal treatment framework has been witnessed since 2005. Notably, a visible backlash regarding related values and approaches occurred after the change of government in 2015.²⁹⁷ In terms of gender equality issues the approach was determined by the fact that the Government's declared priority is "the pronatalist traditional family policy",²⁹⁸ leading to negative changes in the women's rights agenda.

Changes at the institutional level are a visible expression of the downgrading of the issue of gender equality. The position of the Government Plenipotentiary for Equal Status of Women and Men existed between 2001 and 2005. From 2005 to 2008, the Department for Women, Family and Prevention of Discrimination within the Ministry of Labour and Social Policy took over the responsibilities of the Plenipotentiary.²⁹⁹ The issue focus of the national machinery for gender equality was further widened in 2008: the Government Plenipotentiary for Equal Treatment — as a secretary of state in the Chancellery of the Prime Minister — became a key player, responsible for taking action on the grounds of a number of forms of discrimination. NGOs claim that these changes contributed to a serious gender equality backlash in 2008-2011 caused by the then Plenipotentiary, who did not deal with gender issues.³⁰⁰ The UN CEDAW Committee, in its concluding observations in 2014, expressed concern that since 2006 there has been no separate government authority for gender equality policies. It is also concerned about the lack of resources and separate budget for the Plenipotentiary.³⁰¹

²⁹⁶ See Policy paper summarizing findings on backsliding in equality policies and inclusion measures addressing gender, disability and ethnicity based inequalities by Krizsan, Andrea and Zentai, Violetta, in *Backsliding in area of constitutional safeguards*, op. cit., p. 18. (Further referred as Backsliding – Policy paper summarizing findings on backsliding in equality policies)

²⁹⁷ In the field of constitutional review and legislation on judiciary, several measures have led the European Commission to trigger the Article 7 procedure against Poland, proposing the Council to determine a risk of a serious breach of the rule of law. The European Parliament endorsed the procedure in March 2018. See the endorsement at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2018-0055+0+DOC+XML+V0//EN> Retrieved: 14 April 2018.

²⁹⁸ See *Country report – Gender equality – Poland 2017. How are EU rules transposed into national law?* By Zielinska, Eleonora, European network of legal expert on gender equality and non-discrimination. European Commission, Directorate-General for Justice and Consumers, 2017. pp. 64-66. Available at <https://www.equalitylaw.eu/downloads/4471-poland-country-report-gender-equality-2017-pdf-1-43-mb> (Further referred as *Country report – Gender equality – Poland*)

²⁹⁹ For more details about the history of institutional, legislative and policy framework, see: Warat, Marta, *Development of Gender Equality Policies in Poland. A review of success and limitations*. Working paper no. 2.2 Gender Equality Policy in Poland. Jagiellonian University in Krakow, October 2014. Available at: http://www.geq.socjologia.uj.edu.pl/documents/32447484/80907944/WP2.2Warat_gender_equality_in_Poland.pdf Retrieved: 17 March 2018.

³⁰⁰ See *Alternative Report on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Poland 2014*, submitted to the UN Committee on the Elimination of Discrimination Against Women by KARAT Coalition in Consultative Status with the Economic and Social Council of the United Nations on behalf of CEDAW Coalition of Polish NGOs, September 2014. p. 19. Editor-in-Chief and Coordinator of the production of the Report: Magdalena Pocheć, Agnieszka Popławska. Contributor to the referred section: Kinga Lohmann) Available at: http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/POL/INT_CEDAW_NGO_POL_18378_E.pdf Retrieved: 17 March 2018. (Further referred as *Alternative report to CEDAW, KARAT Coalition*.) The report (on page 20) notes for example that in 2010 30 CSOs dealing with equality issues asked the Prime Minister to dismiss the Plenipotentiary due to her lack of professional experience and commitment to gender equality.

³⁰¹ See Committee on the Elimination of Discrimination against Women – *Concluding observations on the combined seventh and eighth periodic reports of Poland*, CEDAW/C/POL/CO/7-8, 14 November 2014. para. 16. Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fPOL%2fCO%2f7-8&Lang=en Retrieved: 17 March 2018. (Further referred as *CEDAW Concluding observations, Poland*)

After the change of government in 2015, the scope of issues was further widened: the new position became the Government Plenipotentiary for Civil Society and Equal Treatment. The office of the Plenipotentiary for Equal Treatment was closed. It was reported that the new Plenipotentiary had no record of equal treatment issues and was unknown by relevant NGOs.³⁰² Furthermore, he publicly admitted that gender equality was not among his priorities.³⁰³ He stated in a speech at the session of UN Commission on the Status of Women in 2015 that next to gender mainstreaming the government has started to widely promote the new concept of family mainstreaming, and that this concept “goes far beyond gender mainstreaming”.³⁰⁴ His successor also did not have a record on gender equality issues. It is indicative that the Commissioner for Human Rights was “not aware of the Plenipotentiary’s strong engagement” in combating gender discrimination or violence against women.³⁰⁵

The Commissioner for Human Rights is also of relevance to gender equality and women’s rights issues; one of the deputy commissioners is responsible for equal treatment. This institution was also affected by the new approach: the budget of the commissioner was cut in 2016 to the level of 2011, and the draft budget for 2017 was less than requested.³⁰⁶ In 2015 a bill was prepared to modify the legislation on the commissioner, addressing immunity/liability issues. When examining the bill, OSCE/ODIHR pointed out the insufficient clarity about the criteria for ensuring fairness, transparency and impartiality when raising the commissioner’s immunity with regard to criminal proceedings. It recommended — among other things — that the law shall state that the Commissioner and his/her staff shall be protected from liability for actions performed in good faith in their official capacities.³⁰⁷ The law was adopted in 2016, but concerns remained regarding the respective sufficient guarantees.³⁰⁸

Poland does not have a specific law on gender equality. The legislative framework features a wider equal treatment focus. Here, EU accession played an important role in progress, although legal harmonization has been delayed,³⁰⁹ and is reported to be still unfinished.³¹⁰ The Equal Treatment Act — introduced in 2010 — is a comprehensive norm that addresses several grounds of discrimination, including sex.³¹¹ According to NGOs, the act is not satisfactory and is rather minimalistic, protecting

³⁰² See the European network of legal experts in gender equality and non-discrimination – News report – Poland, Expert: Lukasz Bojarski, 17 February 2016. Available at:

<https://www.equalitylaw.eu/downloads/3691-poland-new-government-plenipotentiary-for-equal-treatment-with-different-mandate-problems-with-the-budget-of-the-ombud-polish-equality-body-pdf-95-kb> Retrieved: 16 March 2018.

³⁰³ See: Alternative follow-up information on the steps taken to implement the recommendations indicated in Concluding Observations on the combined seventh and eighth periodic reports of Poland submitted to the UN Committee on Elimination of Discrimination against Women by KARAT Coalition in Consultative Status with the ECOSOC on behalf of CEDAW Coalition of Polish NGOs. p. 2. Available at: http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/POL/INT_CEDAW_NGS_POL_26254_E.pdf Retrieved: 16 March 2018. (Further referred as Alternative follow-up information to CEDAW, KARAT Coalition.)

³⁰⁴ See the speech here: http://www.spoleczenstwoobywatelskie.gov.pl/sites/default/files/general_debate_new_2.pdf Retrieved: 17 March 2018

³⁰⁵ See Committee on the Elimination of Discrimination against Women – Information provided by the Commissioner for Human Rights of the Republic of Poland on the steps undertaken by Republic of Poland to implement the recommendations indicated in Concluding Observations on the combined seventh and eighth periodic reports of the Republic of Poland, at the Committee’s fifty-ninth session, held in October 2014 (CEDAW/C/POL/CO/7-8). p. 3. Available at

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/POL/INT_CEDAW_NGS_POL_29303_E.pdf Retrieved: 16 March 2018. (Further referred as CEDAW Follow-up information by the Commissioner for Human Rights)

³⁰⁶ See: Alternative follow-up information to CEDAW, KARAT Coalition, *op. cit.*, p. 3.

³⁰⁷ See: Final Opinion on the Draft Act Amending the Act on the Commissioner for Human Rights of Poland based on an unofficial English translation of the Draft Act commissioned by the OSCE Office for Democratic Institutions and Human Rights. OSCE/ODIHR, 2016. p. 4. Available at <https://www.osce.org/odihr/223436?download=true> Retrieved: 16 March 2018.

³⁰⁸ See the *Report by the International Ombudsman Institute (IOI) Following a Fact Finding Mission to Warsaw, Poland from 18-20 July 2016 – Ombudsman Under Threat*. p. 7.

Available at https://www.rpo.gov.pl/sites/default/files/Final%20Report%20Poland_24_10_2016%20ENG.pdf

³⁰⁹ See Backsliding – Policy paper summarizing findings on backsliding in equality policies, *op. cit.*, p. 29.

³¹⁰ See Country report – Gender Equality – Poland, *op. cit.*, p. 64.

³¹¹ Act of 3 December 2010 on the implementation of certain provisions of the European Union on equal treatment (Dz. U. [the Journal of Laws] for 2010, No. 254, item 1700, as amended)

against gender discrimination only in the area of employment and access to goods and services. Also, it does not address intersectional discrimination.³¹²

A notable achievement in the field of women's political participation was the introduction of the legal gender quota for the electoral lists of Sejm (the lower Chamber of Parliament) in 2011. The quota was one of the demands of the Congress of Women (Kongres Kobiet), a wide-scale influential social movement of different groups and actors, including academics, politicians, and civil society representatives, established in 2009.³¹³ The quota has brought progress in the representation of women. However, the law still lacks a so-called zipper system that would guarantee women a presence among the winning places, and is not applied to the senate, the higher chamber of parliament.³¹⁴

In the policy framework the last specific policy document to address gender equality was the National Action Plan for Women for the period 2003–2005. After an eight-year gap, the National Action Plan for Equal Treatment 2013–2016 was introduced with a wide issue focus. Although the government claimed that the gender criterion is properly considered, and related actions have been taken to prevent gender-based discrimination,³¹⁵ according to the Commissioner for Human Rights it had a limited government policy impact.³¹⁶ Similarly, the CEDAW Committee was concerned that the National Action Plan did “not sufficiently address women's rights and their protection from discrimination”.³¹⁷

Similarly to other countries, gender equality issues and agendas have been targeted by a campaign against so-called “gender ideology” over the last decade. Conservative forces were mobilized for this purpose. In 2014 a Parliamentary group called “Stop Gender Ideology” was formed.³¹⁸ In addition, since 2015 government rhetoric has referred to the concept as a major threat to society and Catholic family values, and challenges gender equality issues within this framework.³¹⁹

4.2. Space for civil society – The situation of women's rights NGOs

From 2016 onwards concerns were raised about the shrinking space for civil society in Poland, including campaigns targeting NGOs, aiming to deteriorate their credibility and legitimacy.³²⁰ This shrinking space may be detected in different forms and fields. Measures aiming at restricting the right to assembly in 2016,³²¹ centralisation of funding for NGOs, and limiting access to funds for certain organizations, as well as further diminishment of already not well-developed consultation mechanisms all raise concerns.³²² These measures of a general nature have affected women's rights NGOs — among other organizations —, but these NGOs and their agendas have also been targeted in a direct way.

³¹² See: Alternative report to CEDAW, KARAT Coalition, *op. cit.*, p. 2.

³¹³ See https://www.kongreskobiet.pl/en-EN/text/about_us/social_movement

³¹⁴ See CEDAW Follow-up information by the Commissioner for Human Rights, *op. cit.*, pp. 5–6.

³¹⁵ See Committee on the Elimination of Discrimination against Women – *List of issues and questions in relation to the combined seventh and eighth periodic reports of Poland – Addendum – Replies of Poland*, CEDAW/C/POL/Q/7-8/Add.1, 20 June 2014. Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fPOL%2fQ%2f7-8%2fAdd.1&Lang=en Retrieved: 16 March 2018

³¹⁶ See: CEDAW Follow-up information by the Commissioner for Human Rights, *op. cit.*, p. 3.

³¹⁷ See CEDAW Concluding observations, Poland, *op. cit.*, para. 18.

³¹⁸ <http://www.sejm.gov.pl/sejm7.nsf/agent.xsp?symbol=ZESPOL&Zesp=270>

³¹⁹ See Feminist struggles, *op. cit.*, p. 7.

³²⁰ See Visit by the Conference of INGOs of the Council of Europe to Warsaw – *Participation of NGOs in the decision-making process in the Republic of Poland – Report*, June 2016, Council of Europe, Conference of INGOs. p. 21. Available at: <https://rm.coe.int/16806ca7f2> Retrieved: 18 March 2018 (Further referred as Visit by the Conference of INGOs)

³²¹ The legislation gave preference to recurring assemblies over others. See Challenges facing civil society organisations, FRA, *op. cit.*, p. 26.

³²² See Reversing gender policy progress, *op. cit.*, pp. 16–17.

As research and evidence shows, in past decades feminist organisations – often cooperating with female politicians – have acted as the most persistent women’s rights advocates.³²³ At the same time, with the mobilization against gender ideology, NGOs working on gender issues collaborating with schools and authorities became considered political, antipatriotic organisations transposing “western ideology”.³²⁴ In 2016 and 2017 the Ministry of Justice discontinued funding for organizations, who provide specialized support for women victims of domestic violence, among others. The Women’s Rights Center, with a long operating history and significant recognition, was affected by this action. The Ministry ‘justified’ the decision by claiming that the assistance they provided was addressed solely to a specific group of victims (i.e. women victims of domestic violence); the activities were thus non-comprehensive and even discriminatory by not supporting every victim. It was reported that the plenipotentiary did not take any related action.³²⁵ In the meantime, it was noted that funding was transferred to a Catholic organization and an organization that supports families “in their natural function”.³²⁶ Furthermore, in October 2017 there was a police raid involving the seizure of documents and computers on the offices of Women’s Rights Center and the Baba Lubuskie Center for Women’s Rights in different cities. The raid was taken place one day after the organisations participated in a protest against the restrictive abortion law.³²⁷ Authorities justified this by referring to an investigation linked to the action of the Ministry of Justice in a period when the ministry funded these organisations.³²⁸

In 2017, the bill on the National Freedom Institute – Centre for the Development of Civil Society was prepared. It aimed to establish a new body to distribute public funding for NGOs and promote cooperation between public authorities and NGOs. The Commissioner for Human Rights expressed serious concerns as regards both the consultation methods and the planned regulation on funding of NGOs.³²⁹ Similarly, the Conference of INGOs found the establishment of the centre very controversial.³³⁰ In addition, OSCE/ODIHR requested that the resources of central authorities or other support from abroad to CSOs not be centralized under the institute, and that the executive’s direct influence over the Institute and civil society support schemes shall be limited.³³¹ The act was adopted in October 2017. A member of the Council of Ministers is chairing a Committee that appoints the institute’s director and the majority of the Director’s Council,³³² so the influence of the executive remains present. National NGOs also expressed concern about the law, assessing it as a shift away from supporting the growth of civil society, and as “a systemic threat to the independent operation and development of NGOs”.³³³

Difficulties in access to funding for women’s rights NGOs from the state-controlled part of the EEA/Norway Grant scheme in the previous funding cycle (2013-2017) was reported.³³⁴ Furthermore, attempts by the state to gain control over the funding of civil society were also made with regard to

³²³ See Dr. Zielińska, Katarzyna, *Gender mainstreaming in local decision-making in Poland*, 2018. Paper prepared in the framework of the project “Learning from Visegrad 4 Experience to Advocate for Equal, Inclusive and Democratic Local Governance”. Project promoter: Cultural-Humanitarian Fund ‘Sukhumi’, Georgia

³²⁴ Visit by the Conference of INGOs, *op. cit.*, 19.

³²⁵ See: CEDAW Follow-up information by the Commissioner for Human Rights, *op. cit.*, p. 3.

³²⁶ See *Poland’s New Front, A Government’s War against Civil Society*, August 2017. Human Rights First. p. 13. Available at <http://www.humanrightsfirst.org/sites/default/files/Poland-Report-August-2017.pdf> Retrieved: 13 April 2018. (Further referred as Poland’s New Front, Human Rights First)

³²⁷ The Women’s Rights Centre commented: “We are afraid that this is just a pretext or warning signal to not engage in activities not in line with the ruling party”. See news about it: <https://www.theguardian.com/world/2017/oct/05/police-raid-offices-of-womens-groups-in-poland> Retrieved: 13 April 2018.

³²⁸ See *Suffocating the Movement*, Kvinna till Kvinna, *op. cit.*, p. 35.

³²⁹ <https://www.rpo.gov.pl/en/content/commissioner-presented-his-opinions-government-bill-national-freedom-institute%E2%80%93-centre-civil-society>

³³⁰ Visit by the Conference of INGOs, *op. cit.*, p. 14.

³³¹ See: Opinion on the Draft Act of Poland on the National Freedom Institute – Centre for the Development of Civil Society, OSCE/ODIHR, 2017. p. 5. Available at <https://www.osce.org/odihr/336546?download=true> Retrieved: 16 March 2018

³³² See <http://www.hfhr.pl/en/national-freedom-institute-act-helsinki-committee-in-poland-issues-statement/> Retrieved: 12 April 2017

³³³ *Ibid.*

³³⁴ Information was provided by the national expert for the purpose of this analysis.

the management of funds provided in the EEA/Norway Grant scheme in the new grant cycle from 2018. It was reported, that the Polish government considered some projects in the previous round controversial,³³⁵ being concerned about funding women's, gay and political watchdog organizations.³³⁶ During negotiations with the donor countries for the new cycle, government representatives stated their desire that the fund be channelled through a central agency. In the meantime, it was also noted that officials were intending to develop a net of NGOs that focus on women's and family issues, or discrimination as considered from a traditional perspective.³³⁷ In 2017 right-wing organisations established a "Confederation of Non-Governmental Initiatives of the Republic" aiming to fair distribution of Norway Grants. One of the confederation members, the Ordo Iuris foundation, claimed that the operator of the EEA/Norwegian grant scheme, the Stefan Batory Foundation, favours "dangerous" sexual minorities, and discriminates against married people, big families, prenatal people, and Christians. The Batory Foundation refuted the allegations.³³⁸ After long negotiations, in December 2017 Poland and the donor states finally concluded an agreement: the funds for civil society will be managed by independent operators with no links to authorities, and be selected through open competition.³³⁹

Even before the more visible backlash, the CEDAW Committee in 2014 noted the inadequate funding of NGOs for women's rights and their limited involvement in the development and evaluation of the National Action Plan.³⁴⁰ Other sources noted that NGOs working on the elimination of violence against women practically fulfil the obligations of the state and have to limit their services due to lack of funding.³⁴¹ However, NGO reports that civil society organisations that support government policies get significant state funding.³⁴²

As a counter-action to the government's (planned) measures in different fields, mobilization and a series of protests took place in 2016, 2017 and 2018. During some of these actions women's rights demands for reproductive rights were integrated into a wider pro-democracy agenda.³⁴³ One of the demonstrations, the so-called "Black Protest" in 2016, succeeded in preventing more restrictive abortion legislation. In 2017 and 2018, further demonstrations took place. Moreover, the Save Women initiative has successfully collected signatures for reproductive rights in recent years.³⁴⁴ (See more details of that initiative in the following subchapters on education and SRHR.)

4.3. Education policy and gender equality

Several sources and pieces of research show that the Polish education system has not been successfully responsive to education for gender equality, and that textbooks contain gender stereotypes.³⁴⁵ The Ministry of Education did not prepare specific standards for non-discrimination in textbooks, and textbook reviewers have not provided specific guidance. A report from 2014 reflects the then currently ongoing reform of the school curriculum and the revision of textbooks. However, it notes that the new

³³⁵ See Poland's New Front, Human Rights First, *op. cit.*, p. 13.

³³⁶ See <https://euobserver.com/nordic/139490> Retrieved: 12 April 2018

³³⁷ See Poland's New Front, Human Rights First, *op. cit.*, p. 13

³³⁸ See the euobserver article, *op. cit.*

³³⁹ See: <https://www.norway.no/en/missions/eu/about-the-mission/news-events-statements/news2/agreement-on-eea-and-norway-grants-to-poland/>

³⁴⁰ CEDAW Concluding observations, Poland, *op. cit.*, para. 18.

³⁴¹ See Alternative report to CEDAW, KARAT Coalition, *op. cit.*, pp. 65-66. (Contributor to the referred section: Alina Synakiewicz, updated by Joanna Piotrowska)

³⁴² See *Suffocating the Movement*, Kvinna till Kvinna, *op. cit.*, p. 38.

³⁴³ See *Feminist struggles*, *op. cit.*, p. 17. Information was also provided by the national expert for the purposes of this analysis.

³⁴⁴ See more information at <http://en.federa.org.pl/save-women-bill-with-500-000-signatures-submitted-to-the-polish-parliament/> Retrieved: 15 April 2018. Further details can be found in the SRHR chapter.

³⁴⁵ See for example CEDAW Concluding observations, Poland, *op. cit.*, para. 22.

curriculum does not mention the necessity of applying the gender equality principle. From that perspective — the lack of special attention and dedicated measures/tools —, the reform was seen as “a missed opportunity”.³⁴⁶

Parents of school children and conservative fathers' groups took part in a campaign against the concept of gender considered as a threat to traditional family and values.³⁴⁷ The field of education was also affected by this campaign. One of the targets was a teacher's guide for preschool about the implementation of gender equality. It was reported that institutions providing education about gender equality experienced harassment and hostility from local authorities. Even the Plenipotentiary for Equal Treatment issued an explanatory letter about “gender” and “gender equality”, but without success.³⁴⁸

In the field of sex education the related curriculum content is framed under “Preparation for Family Life”. NGOs report that the content is often very problematic, does not conform to scientific standards, is not objective, and represents the Catholic doctrine.³⁴⁹ Moreover, opposing sex education — as something promoting the “sexualization of children” — was one of the main themes of those who campaigned against “gender ideology”. The latter, for example, organized a mass demonstration in 2015 in Warsaw aimed at stopping changes in the sex education school curriculum.³⁵⁰ The lack of progress in this area is indicated by the fact that one of the proposed measures of the Save the Women bill in 2017 was the introduction of comprehensive sex education in schools.³⁵¹

4.4. Preventing and combating violence against women; the status of the Istanbul Convention

Important legislative and policy measures have been implemented in the last decade to address violence against women in Poland. International obligations and commitments have played a key role in this. The respective policy document for addressing domestic violence was adopted in 2014: this is the National Programme for Counteracting Domestic Violence (2014-2020).³⁵²

However, several sources note that a comprehensive approach to addressing violence against women and domestic violence is missing in Poland.³⁵³ The lack of a response to all forms of violence against women, problems with addressing violence against girls, the discontinuation of criminal proceedings regarding cases of domestic violence and the lenient sentences awarded to perpetrators can be mentioned among the persistent problems.³⁵⁴

Poland signed the Istanbul Convention on 18 December 2012.³⁵⁵ However, there has been active debate around accession to it in which mostly the Catholic Church and some politicians were the main opponents. In fact, many identify the starting date for anti-gender mobilizations to an initiative related

³⁴⁶ See Alternative report to CEDAW, KARAT Coalition, *op. cit.*, pp. 35-36. (Contributor to the referred section: Anna Dzierzgowska)

³⁴⁷ See Graff, A. and Korolczuk, E., “Worse than communism and Nazism put together”: War on gender in Poland. In: Roman Kuhar and David Paternotte Eds.

Anti-Gender Campaigns in Europe Mobilizing against Equality, *op. cit.*, pp. 176-177.

³⁴⁸ See Alternative report to CEDAW, KARAT Coalition, *op. cit.*, pp. 37-38. (Contributor to the referred section: Anna Dzierzgowska)

³⁴⁹ See Alternative report to CEDAW, KARAT Coalition, *op. cit.*, pp. 56-57. (Contributor to the referred section: Wanda Nowicka, updated by Karolina Więckiewicz)

³⁵⁰ See: Graff, A. and Korolczuk, E., “Worse than communism and Nazism put together”: War on gender in Poland. *op. cit.*, p. 177.

³⁵¹ See: <http://en.federa.org.pl/save-women-bill-with-500-000-signatures-submitted-to-the-polish-parliament/> Retrieved: 13 April 2018

³⁵² See: *WAVE Country Report 2017 – The situation of women's specialist support services in Europe*. WAVE – Women against Violence Europe, Vienna, 2018., p. 86

³⁵³ See for example: Krizsán, Andrea, Pap, Enikő: *Implementing a Comprehensive and Co-ordinated approach – An assessment of Poland's response to prevent and combat gender-based violence*. Council of Europe, April, 2016. pp. 64-73. Available at <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168064ecd8> See also: CEDAW Concluding observations, *op. cit.*, para. 24.

³⁵⁴ See Alternative report to CEDAW, KARAT Coalition, *op. cit.*, pp. 63-68. (Contributor to the referred section: Alina Synakiewicz, updated by Joanna Piotrowska)

³⁵⁵ See <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>

to the Convention. Namely, in April 2012 the then minister of justice publicly opposed the ratification of the Convention, calling it a “carrier of gender ideology”.³⁵⁶ The key argument against the Convention was the inclusion of the concept of “gender”. Opponents saw it as a danger to traditional families and values, including the traditional role of women and men. This was embedded in a more general campaign against “gender ideology”. Other — clearly false — counter-arguments were also used against the Convention.³⁵⁷ Arguments included that it promotes homosexuality and trans-sexuality, and discriminates against men. It was also said that the regulation is not necessary since Poland performs well according to the related EU survey on domestic violence (with a low rate of harm and a high rate of reporting), and that the existing general framework is appropriate.³⁵⁸

Finally, the Convention was ratified on 27 April 2015 without reservation, and entered into force on 1 August of the same year.³⁵⁹ However, upon ratification Poland issued a declaration that it “will apply the Convention in accordance with the principles and the provisions of the Constitution”.³⁶⁰ The governing party — following promises they made in the election campaign — after coming to power initiated preparations for the withdrawal of ratification. The withdrawal was announced by the president several times,³⁶¹ and in December 2016 the Minister of Social Affairs, Labour and Family publicly renounced Poland’s commitment to the convention.³⁶² In addition, the Ministry of Justice initiated a draft bill to withdraw from the convention. Although this proposal was rescinded in 2017 — thanks to the reaction of women’s groups and also actors from abroad —, some MPs continued calling for a withdrawal from the convention.³⁶³

At the same time, a lack of political will to properly implement the Convention, and to accept its basic principles is reported.³⁶⁴ As an example, the minister responsible for policy related to family violence described the necessary legislative changes based on ratification as ones that will increase the safety of victims and, on the other hand will allow to preserve the autonomy of the family.³⁶⁵

4.5. Sexual and reproductive health and rights

As Wanda Nowicka, politician, activist and founder of the pro-choice Federation for Women and Family Planning, explained in a comprehensive chapter,³⁶⁶ more than thirty years of legal abortion in Poland (1959-1993) were immediately compromised as political liberation from the totalitarian communist regime came into sight. The birth of democracy in Poland, therefore, went hand in hand with a reduction in women’s reproductive rights. This situation is rooted in (women’s) history, as Polish women kept the nation together in the nineteenth century when Poland was divided into three parts

³⁵⁶ See: Graff, A. and Korolczuk, E., *Worse than communism and Nazism put together”: War on gender in Poland*. *op. cit.*, p. 178.

³⁵⁷ See: Toporowska, Anna, ‘The Istanbul Convention in Poland’. *Central EU Law Blog for Students*: <http://centraleulawblog.eu/istanbul-convention-poland/> Retrieved: 16 March 2018

³⁵⁸ *Ibid.*

³⁵⁹ See <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>

³⁶⁰ See the declaration here

https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/declarations?p_auth=sOkzWgLv&coeconventions_WAR_coeconventionsportlet_enVigueur=false&coeconventions_WAR_coeconventionsportlet_searchBy=state&coeconventions_WAR_coeconventionsportlet_codePays=POL&coeconventions_WAR_coeconventionsportlet_codeNature=10 Retrieved: 7 April 2018.

³⁶¹ See Country report – Gender equality – Poland, *op. cit.*, p. 55.

³⁶² See the related MEP statement here <http://www.europarl.europa.eu/news/en/press-room/20161214IPR56095/istanbul-convention-polish-government-asked-to-reconsider-intention-to-withdraw> Retrieved: 14 April 2018.

³⁶³ See Bielecka, Agnieszka, Poland No Friend to Women – Government Refuses to Fund Women’s Support Groups. 3 December 2017 <https://www.hrw.org/news/2017/12/03/poland-no-friend-women> See also Country report – Gender equality – Poland, *op. cit.*, p. 55.

³⁶⁴ See Country report – Gender equality – Poland, *op. cit.*, p. 55.

³⁶⁵ *Ibid.*

³⁶⁶ Nowicka, Wanda, ‘Poland: The Struggle for Abortion Rights in Poland’ *SexPolitics. Reports from the Front Lines, Sexuality Policy Watch* (SPW). Ed. Richard Parker, Rosalind Petchesky, Roberts Sember, 2004. E-book: <http://www.sxpolitics.org/frontlines/book/pdf/sexpolitics.pdf> Retrieved: 26 March 2018.

and lost its independence, and in Russian-ruled territory organised two unsuccessful fights for freedom (thus the symbolic figure of heroic motherhood, "Matka Polka," developed). The Catholic Church also played an important role in the road to the transformation of 1989. Following the 1970s the socialist state started to decrease intervention in the social spheres and family, allowing the church to take over their former role, while religion represented one form of resistance to the regime.

In 1990, at the first free National Congress of Solidarity, a resolution was adopted in favour of the legal protection of the unborn during which only the 10 % strong Women's Section (headed by Małgorzata Tarasiewicz) protested, creating a huge uproar. It was thus no wonder that the 1993 Act on Family Planning overruled any social grounds for requesting an abortion, leaving three possibilities for the latter: if the pregnancy is a result of rape or incest, if the foetus is malformed, or if the life of the mother is in danger. But even legal abortions became difficult to access in the public health system as the medical community resisted through conscientious objection (while expensive underground abortions at private clinics administered by gynaecologists thrived as they filled the "market niche"³⁶⁷. Thus by tolerating the black market, abortion was outsourced to the private industry. Although in 1996 the then liberal-socialist government liberalised abortion on social grounds, a year later a constitutional tribunal de-legalised it.

There were unsuccessful government attempts in 2004-2005 to liberalize abortion, and in 2015 a new attack started on the narrow possibilities for abortion, with support for an almost total ban (including for cases of ectopic pregnancy and rape survivors, and threats to doctors and women of five years in prison). This time the process was initiated by a combination of church and civilian forces:³⁶⁸ The Catholic Church and the Stop Abortion Network collected enough signatures to have the proposal tabled in parliament. They managed to collect almost five times the required 100 000 (450 000 signatures were finally presented). Leading politicians (for example then Prime Minister) declared that they would support the ban, although other Law and Justice Party MPs opposed it, they were not unified on the question.³⁶⁹ An unprecedented counter-mobilisation (well-structured within the political protests going on in Poland against other changes in the country) emerged, growing beyond the usual support for feminist activism, and a liberalisation draft law named "Save Women" was put forward (supported by 250 000 signatures). Parliament debated the two draft bills together, but dropped Save Women and sent Stop Abortion on to further readings.³⁷⁰ In response, Polish women organised Black Monday or the Women's Strike for 2016 October 3 (the colour code black was a reference to the 19th-century national heroism of the widows of freedom fighters), when demonstrators dressed in black protested in numerous cities, towns and villages around Poland. Two days later, the proposed ban was withdrawn.³⁷¹ This first bid was followed by a second one, and in 2018 the Stop Abortion bill proposed to delete the third justification for legal termination: irreversible damage to the foetus.³⁷² The Black protest was repeated, this time on a Friday, on the 23rd of March.

³⁶⁷ For an economic analyses of the debate and for abortion figures, see: Cocotas, Alex, 'How Poland's Far-right government is pushing abortion underground', *Guardian*. 2017 November 30. <https://www.theguardian.com/news/2017/nov/30/how-polands-far-right-government-is-pushing-abortion-underground>
Retrieved: 30 March 2018.

³⁶⁸ How sexual and reproductive rights are in focus of the gender backlash in Poland is fully described in: Graff, A., Korolczuk, E., "Worse than Communism and Nazism put together." *War on Gender in Poland*. *op. cit.*, pp. 175-195.

³⁶⁹ Deputy Joanna Lichocka said "it is not a government project". See: <https://vaaju.com/poland/joanna-lichocka-on-tightening-abortion-laws/>
Retrieved: 22 April 2018

³⁷⁰ The parties were again divided on the Save Women bill, overriding their usual political differences. Some deputies of the oppositional Civic Platform and Nowoczesna parties for example did not vote in favor of it either, while the PiS leader did not vote against it, but sent it back to committees for further discussion.

³⁷¹ This strike was an inspiration to the American Women's Strike on International Women's Day, 8 March 2017.

³⁷² In order that the baby should be born, baptised and buried, if dead.

Abortion rights are not the only component of an ongoing political struggle; this includes the issues of contraception and sexual education at schools.³⁷³ Although Poland scores the same (42.8 %) as Hungary on the Contraception Atlas of Europe, women's sexual rights are facing more challenges in Poland.³⁷⁴ Anti-gender mobilisation here has focused on sex education, against the ratification of the Istanbul Convention, sexual and reproductive rights (including abortion, contraception, and IVF) and generally, gender equality politics. This movement portrays the EU as a second coloniser after the Soviet Union (and earlier Tsarist Russia) which would like to impose social engineering on Poland. "68% of Poles trust the EU as an institution (...). However, mass support for modernization brought by the EU funding does not necessarily translate to acceptance of cultural and social transformation associated with sexual democracy. ...The concept of "gender ideology" explicitly links homosexuality, abortion and the alleged threat of arbitrary sex change with the West and the European Union"³⁷⁵ explains Graff and Korolczuk. Oral contraceptives are difficult to get, as many gynaecologists refuse to prescribe them and many chemists refuse to sell them, and obtaining emergency contraceptives has required a prescription since 2017 July.

Poland employs a medicalised birth process in hospitals, Caesarean sections have doubled since 1999,³⁷⁶ and now stand at 40 %. Home birth is legal in Poland, and a growing number of mothers are choosing this option, using a midwife at home.

4.6. Economic empowerment of women: employment, reconciliation of work and private life; social rights, care

The participation of women of the ages 15-64 in the labour market was the lowest in Poland among the Visegrad countries in 2015: 61.4 %.³⁷⁷ The gender pay gap based on median monthly earnings was 21.7 %. The share of unemployed women was 7.8 %. The labour participation rate of two categories of women in Poland drops significantly according to age: those who have children (until they reach school age), and those older than 55 (in the 55-59 age cohort the participation rate is only 55.4 %). Women in business life, although their number is low in comparison with other Visegrad countries,³⁷⁸ have influenced political life, initiating a movement for the greater representation of women in decision-making positions. It was the Congress of Women (*Kongres Kobiet*) that achieved its goal of implementing quotas in political life. One of its initiators was Henryka Bochniarz, founder and president of an employer's organisation, Lewiatan, and former minister and CEO of Boeing. It was exactly the upper-class business origin of the *Kongres Kobiet* that triggered surprising criticism from left-wing feminist circles. Poland can also boast a high number of female entrepreneurs.

In the case of Poland, we cannot identify a backlash in family policy; on the other hand, the history of social and family policies is one of the explanations for the popularity of the Polish government, despite

³⁷³ The interconnectedness is well described by Alex Cocotas, *op. cit.*

³⁷⁴ Contraceptioninfo.eu

³⁷⁵ Graff-Korolczuk, *op.cit.*, p. 178.

³⁷⁶ Doroszevska, Antonina, 'Home birth in Poland. The methods of demedicalisation of births or professionalization of midwifery?' *European Sociological Association Mid-Term Conference of the Research Network on Sociology of Health & Illness New directions in health care work and organisations*, Lisbon Portugal, 2016

https://www.researchgate.net/publication/307466034_Home_births_in_Poland_-_the_method_of_demedicalization_of_births_or_professionalization_of_midwifery Retrieved: 3 April 2018.

³⁷⁷ The English language Slovak online newssite, V4revue ran a comparative series on women in Visegrad countries based on statistical data analysis as a result of an Erasmus+ project called "Learning about the causes and effects of gender imbalance in Central Europe". See: Adamec, Jan, *Women earn less than men in the V4: a punishment for home and childcare?* <http://visegradrevue.eu/women-earn-less-than-men-in-the-v4-a-punishment-for-home-and-childcare/> Retrieved: 2 April 2018.

Also: https://ec.europa.eu/info/sites/info/files/european-semester_thematic-factsheet_labour-force-participation-women_en.pdf Retrieved: 2 April 2018.

³⁷⁸ The ratio of women in top 25 companies' management boards was 6.4 % in 2015. See Inotai, Edit: *Business in the V4: Still a no woman's land* <http://visegradrevue.eu/business-in-the-v4-still-a-no-womens-land/> Retrieved: 2 April 2018.

the vigorous opposition and demonstrations against it, so it deserves analysis. After the transition, the former socialist countries in this study with similar social systems (based on the double earner, low salary model with full-time working mothers) chose different pathways. Poland fully embraced a policy model that neglected family support and cut down on the number of crèches and kindergartens, while maternity and parental leave were not extended. Families and women with children, in short, were left to their own devices, while redistribution targeted single parents, large families and families with lower income. The year 2007 saw an important change in this approach when the Family Policy Program was introduced, designed among others by the moderate PiS politician Joanna Kluzik-Rostkowska. The five-point package included an increase in maternity leave, favourable laws regarding social insurance contributions for mothers on unpaid child-care leave, further tax credits for children, more flexible childcare regulation allowing private nannies, and government publicity campaigns for the popularisation of parenthood. Further policy changes, such as the early childcare law of 2011, were aimed at increasing the number of childcare facilities. As Inglot-Szikra-Rat proved,³⁷⁹ this policy change was motivated by demographic fears, was part of the “familialist” style of social policy, and moved away from supporting only the needy through means-tested policies towards supporting the needs of middle-class and working urban families. In the process of change there was a broad coalition of stakeholders: conservative parties (the League of Polish Families, LRP), civil society organisations, ministry of labour strategists and welfare experts, but left-wing and feminist groups were excluded. The feminist movement in Poland rather concentrated on the issue of women’s rights and abortion and less on family policy, and their proposals only came out in the mid-2000s, putting formal child-care institutions at the centre, as opposed to cash-transfers. In 2016 the PiS government introduced such a cash-transfer measure with a dual goal: to encourage fertility (similar to the Hungarian approach) and to reduce child poverty. This was called the 500+. After every second child, a monthly payment of 500 zlotys is given to the family after each child, while for poorer families such a family allowance is paid even after the first child. Other social benefits were not cut.³⁸⁰ Similarly to the generous birth grants (*becikowe*) introduced in 2005, this initiative had a significant influence on lowering poverty levels, especially child poverty. In April 2018 PiS publicised a new program called Women+ at their party congress. According to this, a woman who bears a minimum of four children shall be entitled to a pension, regardless of previous employment; women who give birth to a second child soon after the first will be entitled to a special bonus; while mothers at universities can get special scholarships. Medicine for pregnant mothers will also be free.³⁸¹ Feminists, who attacked the approach for its familialist, conservative features, and for its possible effect of further lowering the already low female participation in the labour force from the outset,³⁸² found themselves opposing a measure that benefited a large part of the population, especially in the countryside.³⁸³

³⁷⁹ Inglot, Tomasz, Szikra, Dorotya, Rat, Cristina: ‘Reforming Post-Communist Welfare States, Family Policy in Poland, Hungary, and Romania Since 2000,’ in *Problems of Post Communism*, Vol. 59. No. 6. November-December 2012, pp.27-49.

³⁸⁰ <http://blogs.worldbank.org/europeandcentralasia/family-500-battling-child-poverty-poland> Retrieved: 3 April 2018.

³⁸¹ <https://www.money.pl/gospodarka/wiadomosci/artykul/program-mama-emerytura-dla-matek-darmowe,218,0,2403290.html>

³⁸² Goraus, Karolina; Inchauste, Gabriela, ‘The Distributional Impact of Taxes and Transfers in Poland’. *Policy Research Working Paper*; No. 7787. World Bank, Washington, DC.,2016 <https://openknowledge.worldbank.org/handle/10986/24868> Retrieved: 3 April 2018.

³⁸³ Beaty, Thalia: ‘Strike to Win: Can Polish feminists turn Protest into Power’, *Dissent*, 2017 summer, <https://www.dissentmagazine.org/article/poland-feminists-strike-manifa-razem-protest-power> Retrieved: 3 April 2018.

5. ROMANIA

5.1. Institutional, legal and policy framework for promoting gender equality and women's and girls' rights

Romania's EU accession played an important role in defining the institutional, legal and policy framework for gender equality.³⁸⁴ However, gaps between gender equality legislation and policies and their implementation exist, as reported.³⁸⁵ The economic crisis significantly affected Romania, and austerity measures were introduced in 2009. This brought about changes in the public administration system that also affected gender equality bodies/issues.³⁸⁶

At the institutional level, the National Agency for Equal Opportunities between Women and Men (ANES) under the Ministry of Labour and Social Justice functions as the national machinery for gender equality. Grounded on austerity measures, in 2010 it went through negative changes: first re-designed with fewer competences and budget as a Directorate, and later as a Department in the Ministry. Its local structures were closed. Similarly, the National Agency for Family Protection — established in 2003 to enforce the law addressing domestic violence — was also dissolved. This decision was criticized by NGOs, academics, and also politicians.³⁸⁷ After the change of government, a process of consolidation took place. In 2015, ANES was re-established with a new additional competence: coordination and implementation of the government strategy on domestic violence.³⁸⁸ However, the UN CEDAW Committee in 2017 expressed concerns about the lack of resources allocated to the agency for implementing the law on equal opportunities between women and men, and the absence of a monitoring mechanism.³⁸⁹

ANES coordinates the work of the National Commission on Equal Opportunities for Women and Men (CONES). CONES consists of representatives of ministries, public administration bodies and authorities, trade unions, employers' associations, and relevant NGOs. Respective county commissions, and also one in Bucharest (COJES) have been established.³⁹⁰ However, the National Commission and local commissions have not been active in the last few years.³⁹¹

The National Strategy on equal opportunities between women and men for 2014-2017 and the General Plan of Action for its implementation was adopted in 2014. Before that, there was related policy

³⁸⁴ See Backsliding – Policy paper summarizing findings on backsliding in equality policies, *op. cit.*, p. 29

³⁸⁵ Making a Difference to Women Activism – Celebrating 20 years – IWRAP Asia Pacific – CEDAW 67th SESSION –

Report on discrimination and violence in the context of intolerance on the full enjoyment of all human rights by women and girls in Romania. The Women's Association in Romania. Available at:

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ROU/INT_CEDAW_NGO_ROU_27676_E.pdf Retrieved: 30 Marc 2018. (Further referred as NGO CEDAW report of Women's Association in Romania)

³⁸⁶ See *Backsliding – Policy paper summarizing findings on backsliding in equality policies, op. cit.*, pp. 11-12.

³⁸⁷ There was an attempt to dissolve the Parliamentary Commission on Equal Opportunities for Women and Men, but criticism by NGOs blocked it.

³⁸⁸ See Committee on the Elimination of Discrimination against Women – Consideration of reports submitted by States parties under article 18 of the Convention pursuant to the simplified reporting procedure – *Seventh and eighth periodic reports of States parties due in 2017 – Romania*. CEDAW/C/ROU/7-8, para. 17. Available at

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fROU%2f7-8&Lang=en Retrieved: 30 March 2018. (Further referred as CEDAW Periodic report, Romania) See also Backsliding – Policy paper summarizing findings on backsliding in equality policies, *op. cit.*, p. 12.

³⁸⁹ See Committee on the Elimination of Discrimination against Women – *Concluding observations on the combined seventh and eighth periodic reports of Romania*. CEDAW/C/ROU/7-8, para. 14. Available at

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fROU%2fCO%2f7-8&Lang=en Retrieved: 30 March 2018. (Further referred as CEDAW Concluding observations, Romania)

³⁹⁰ See CEDAW Periodic report, Romania, *op. cit.*, para. 40.

³⁹¹ *Country report – Gender equality – Romania 2017. How are EU rules transposed into national law?* By Justina Ionescu, European network of legal experts on gender equality and non-discrimination. European Commission, Directorate-General for Justice and Consumers, 2017. p. 6. Available at <https://www.equalitylaw.eu/downloads/4356-romania-country-report-gender-equality-2017-pdf-1-28-mb> Retrieved: 30 March 2018. (Further referred as Country report – Gender equality – Romania)

coverage from 2005 to 2012.³⁹² However, the above-mentioned changes negatively affected the implementation of gender equality policies as well.³⁹³ As a new step in 2016, a draft government decision about programmes of national interest was prepared in this area for 2017-2019 with three sub-programmes: founding/supporting counselling centres and sheltering victims of domestic violence and organizing intervention teams; founding and supporting assistance services for offenders; and increasing women's participation in decision-making and promoting women in such positions.³⁹⁴ However, on 4 January 2017 The Network of NGOs on Prevention and Combating Violence against Women in Romania expressed in an open letter their concern regarding the lack of willingness of the government to allocate needed resources for funding in 2017-2019 these programs of national interest, which remain only declarations without content.³⁹⁵

The main piece of relevant legislation is Law No. 202/2002 on equal opportunities and treatment for women and men. In addition, a general anti-discrimination act is also in place.³⁹⁶ However, critics say that the mode of transposition of EU laws has resulted in an "overlap, a lack of clarity and inconsistencies that affect women from all groups protected against discrimination".³⁹⁷ Further claims address the ineffectiveness of sanctioning mechanisms.³⁹⁸ The CEDAW Committee also expressed concern in 2017 about the weak implementation of the act, as well as about the limited resources available for strategies on equal opportunities and non-discrimination.³⁹⁹

In February 2018, the Prime Minister announced the obligation of companies to employ a gender equality expert.. That obligation concerned legal entities in the public and private sector with more than 50 employees. However, in the document submitted by the government to parliament the obligation no longer exists, being replaced by the possibility for companies to opt to employ an expert in the field of equal opportunities between women and men, within the existing budget limits.⁴⁰⁰

Similarly to in other countries, a citizen's bill initiative aimed to push through a constitutional amendment on the definition of the family based on marriage between a man and a woman. The initiating organization (Coalition for Family) collected three million signatures for this purpose in 2016. The bill gained support in the Lower House in 2017. As of March 2018 it is waiting for the approval of the senate, and a referendum on the topic will be held afterwards.⁴⁰¹

The 2016 elections brought back a proportional voting system based on party lists: this is considered more favourable for women's political participation. The system contributed to an increase in women's parliamentary presence.⁴⁰² Furthermore, a proposal for a 30 % quota for both sexes on party lists for local and general elections were submitted to parliament.⁴⁰³ However, as the CEDAW Committee

³⁹² Government Decision No. 1050/2014. See also CEDAW periodic report, *op. cit.*, paras. 41-43.

³⁹³ See *Backsliding – Policy paper summarizing findings on backsliding in equality policies*, *op. cit.*, pp. 11-12.

³⁹⁴ See CEDAW Periodic report, Romania, *op. cit.*, para. 65.

³⁹⁵ See <https://violentaimpotrivaefemeilor.ro/ministerul-finantelor-a-respins-aprobarea-programelor-de-interes-national-in-domeniul-violentei-in-familie-si-egalitatii-de-sanse-motivul-lipsa-banilor>

³⁹⁶ See CEDAW Periodic report, Romania, *op. cit.*

³⁹⁷ Country report – Gender equality – Romania, *op. cit.*, p. 41.

³⁹⁸ *Ibid.*

³⁹⁹ See CEDAW Concluding observations, Romania, *op. cit.*, para. 14. b)

⁴⁰⁰ Information provided by the national expert for the purposes of this analysis.

⁴⁰¹ See a related article <http://www.nineoclock.ro/dragnea-bill-to-amend-constitutions-definition-of-the-family-to-pass-senate-under-urgent-procedure-and-referendum-to-be-held-after-promulgation/> Retrieved: 1 April 2018.

⁴⁰² See: E-Romnja Association, the Coalition for Gender Equality and the Network for Preventing and Combating Violence Against Women: *NGO Shadow report complementing the Romanian Government's report to the CEDAW*. 2017. p. 8. Available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ROU/INT_CEDAW_NGO_ROU_27790_E.pdf Retrieved: 31 March 2018. (Further referred as NGO Shadow report to CEDAW, Romania)

⁴⁰³ See CEDAW Periodic report, Romania, *op. cit.*, para. 48.

pointed out, the draft does not ensure that women are placed in winning positions⁴⁰⁴ (this would involve a so-called “zipper system”). Hence, it can be seen as a missed opportunity.⁴⁰⁵

As the government's last CEDAW report acknowledges, grants schemes such as the ESF and the Norwegian Grants have played an important role in the implementation of national strategies for gender equality.⁴⁰⁶

5.2. Space for civil society – The situation of women's rights NGOs

Both civil society organisation in general and women's rights NGOs in particular have undergone significant changes in the last decade, partly due to austerity measures.

Austerity-related processes had negative effects on formal consultation mechanisms, and budgets were cut in numerous domains, both changes affecting the field of gender equality. However, civil society was mobilized in response to austerity measures. In 2012, – and later in 2017 as well – protests in bigger cities were organized addressing several pro-democracy causes and creating a coalition of different groups.⁴⁰⁷ Women's rights groups and causes were integrated into these protests. In parallel, the movement's capacity was also strengthened by the activism of new actors (young feminists, professional women, and minority women's groups such as Roma women).⁴⁰⁸ Protests led to progress in institutional and policy settings in the area of gender equality, successfully reclaiming previous achievements that had been taken back. In general, the mobilization showed the strength and potential of civil society to stake claims for democratic values.⁴⁰⁹

Despite these achievements, women's rights NGOs still report a lack of meaningful consultation with state actors. They also note a lack of access to otherwise non-appropriate financial resources which do not reach those who deal with the respective issues.⁴¹⁰

As a form of backlash, attempts to shrink the space for civil society have occurred in Romania in recent years. A survey among CSOs revealed a trend to a decline in access to government information.⁴¹¹ Specific NGOs have also been directly targeted: activists “were accused of ‘serving foreign interests’ and of being part of a conspiracy led by George Soros” by a TV station that was later fined for making this claim.⁴¹² Furthermore, nationalist media outlets circulated blacklists of CSO leaders.⁴¹³ In a more systematic attempt, in 2017 two MPs from the ruling party submitted a draft law that would oblige NGOs to report all sources of income and expenses twice a year. Failing to comply would result in the dissolution of NGO within 30 days. NGOs saw the only real effects of the draft to be “increased state control over NGOs”, deterring citizens from associating in such organizations. They also pointed out that the draft opens up censorship for criticisms towards politicians and public officials.⁴¹⁴ The Council of Europe's Venice Commission and the OSCE ODIHR also prepared an opinion on the draft law. They

⁴⁰⁴ See CEDAW Concluding observations, Romania, *op. cit.*, para. 24.

⁴⁰⁵ In practice, during the 2016 elections the Coalition for Gender Equality called public attention to the violation of the law, allowing political parties to register all-male electoral lists, although both sexes should be represented on the list by law. The Central Electoral Office admitted the violation, but put the responsibility on regional offices. Reserved Parliamentary seats for Roma minority were occupied only by males in the three last elections. See NGO Shadow report to CEDAW, Romania, *op. cit.*, p. 9.

⁴⁰⁶ See CEDAW Periodic report, Romania, *op. cit.*, para. 89.

⁴⁰⁷ See Backsliding – Policy paper summarizing findings on backsliding in equality policies, *op. cit.*, p. 11. See also Feminist struggles, *op. cit.*, p. 17.

⁴⁰⁸ Feminist struggles, *op. cit.*, p. 16.

⁴⁰⁹ See Backsliding – Policy paper summarizing findings on backsliding in equality policies, *op. cit.*, p. 13., 23., 24.

⁴¹⁰ See the NGO CEDAW report of Women's Association in Romania, *op. cit.*

⁴¹¹ See *Challenges facing civil society organisations*, FRA, *op. cit.*, p. 43.

⁴¹² See *Challenges facing civil society organisations*, FRA, *op. cit.*, p. 38.

⁴¹³ See *Challenges facing civil society organisations*, FRA, *op. cit.*, p. 48.

⁴¹⁴ See the open letter at <http://www.apador.org/en/psd-vrea-sa-transparentizeze-urgent-ong-uriile-sau-sa-le-desfiinteze/> Retrieved: 31 March 2018.

raised concerns, among others, that human rights or gender issues are not included in the list of areas for public interest status. In addition, they noted that the new reporting and disclosure requirements, as well as the sanctions of suspension of activities and dissolution are unnecessary and disproportionate.⁴¹⁵

5.3. Education policy and gender equality

Research proves that gender equality issues have not and are not now being properly addressed in the Romanian education system. Teachers are not prepared to address the issue. In addition, textbook content — as earlier and recent studies show⁴¹⁶ — and school processes also reinforce gender stereotypes.⁴¹⁷ Furthermore, as wider context, a recent study revealed the significant influence of the Orthodox Church on social life and on politics through the promotion of conservative ideas and traditional gender roles.⁴¹⁸

Both the CEDAW Committee and NGOs active in the field have become concerned about the lack of educational policy measures for supporting gender equality (including in school curricula and teacher training) and that the system reinforces stereotypes, while lacking a consideration of the historic role and contribution of women.⁴¹⁹ As a concrete example of a recent missed opportunity, in 2017 the Ministry of Education published a curricula proposal for secondary education. The reform was “long-awaited” but NGOs expressed their disappointment that the curricula did not include content on human rights, gender equality, gender stereotypes, discrimination, women’s rights, LGBTQI rights, or sexual and reproductive rights.⁴²⁰ They also report that no reform can be seen regarding textbook content.⁴²¹

Sex education is not obligatory in schools. Related lessons are part of the optional Health Education course. A recent study concluded though that the “sexuality education module does not lead to or stand for comprehensive sexuality education”.⁴²² Among the concerns identified, the non-comprehensive content, the approach to the traditional family model and gender roles, the lack of proper training and teacher competence, the lack of related evaluation, as well as the very small number of students involved can be mentioned. Moreover, it is claimed that the related minimum standards of the Ministry of Education and a guide for teachers has not been updated for ten years.⁴²³ In comparison, CSOs report that some conservative groups — supported by the Orthodox Church — teach in schools about “abstinence as contraception and other moralizing and prejudicial approaches.”⁴²⁴ Moreover, they report that representatives of the respective ministries have

⁴¹⁵ See European Commission for Democracy through Law (Venice Commission), OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR): Romania – *Joint Opinion on Draft Law No. 140/2017 on Amending Governmental Ordinance No. 26/2000 on Associations and Foundations*, Adopted by the Venice Commission at its 114th Plenary Session (Venice, 16-17 March 2018). Venice Commission Opinion No. 914 / 2017, OSCE/ODIHR Opinion No. NGOROU/322/2018. pp. 4-5., 12. Available at [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2018\)004-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2018)004-e)

⁴¹⁶ See *Alice in Textbook Land*, a study by the Bucharest University in 2015. Available at <https://www.scribd.com/document/270405416/Raportul-Integral-Alice-in-Tara-Manualelor>, referenced by the NGO Shadow report to CEDAW, Romania, *op. cit.*, p. 3.

⁴¹⁷ See the NGO Shadow report to CEDAW, Romania, *op. cit.*, p. 3.

⁴¹⁸ See PEW Research Center: *Religious Belief and National Belonging in Central and Eastern Europe – National and religious identities converge in a region once dominated by atheist regimes*. Available at: <http://assets.pewresearch.org/wp-content/uploads/sites/11/2017/05/15120244/CEUP-FULL-REPORT.pdf> The results are referred to by the NGO Shadow report to CEDAW, Romania, *op. cit.*, pp. 2-3.

⁴¹⁹ See CEDAW Concluding observations, Romania, especially paras. 16. and 26., and the NGO Shadow report to CEDAW, Romania, *op. cit.*, pp. 2-3., 11-13.

⁴²⁰ The NGO Shadow report to CEDAW, Romania, *op. cit.*, p. 3.

⁴²¹ *Ibid.*

⁴²² The main results are presented by the NGO Shadow report to CEDAW, Romania, *op. cit.*, p. 12.

⁴²³ *Ibid.*

⁴²⁴ See the NGO Shadow report to CEDAW, Romania, *op. cit.*, p. 12.

acknowledged “fear” of the reaction of the church concerning the implementation of mandatory sexuality education.⁴²⁵

Among related problems, the CEDAW Committee, in addition to pointing out the absence of mandatory age-appropriate education on sexual and reproductive health and rights in the school curriculum and the lack of training of teachers, has expressed concerns about high rates of teenage pregnancy and the lack of measures to prevent child marriages and address the impact on the school attendance of Roma girls.⁴²⁶

5.4. Preventing and combating violence against women; the status of the Istanbul Convention

Important steps have been taken by Romania in the last decade to address violence against women, focusing primarily on the issue of domestic violence. The key piece of legislation is Act No. 217/2003 on preventing and combating family violence.

Analysis shows that gender-based violence was one of the areas of gender equality most severely affected by the crisis, while important progress followed afterwards.⁴²⁷ Some of the steps were taken due to the intention to accede to the Istanbul Convention. The act addressing family violence has been amended several times since 2012. The national strategy to prevent and combat domestic violence and the related national action plans for 2013-2017 were adopted in 2012. The competence of ANES was extended to address domestic violence as well in 2015.⁴²⁸

Romania signed the Istanbul Convention on 27 June 2014.⁴²⁹ As the state CEDAW report says, during the preparation procedure an agreement was signed with UNICEF regarding the provision of technical assistance and support. No mention was made about such agreements with women's rights organizations, however. A working group was created, consisting of government representatives/specialists from key ministries, institutions and experts in the field of domestic violence. Debates and consultations were organized for assessing the institutional and legal framework and also for drawing up proposals for legal changes. In October 2015-March 2016, at the request of NGOs, ANES took part in meetings of the working group of the Superior Council of Magistracy. The working group aimed to draft the legislation needed for implementing the convention, and included representatives of relevant ministries, academia, and members of the NGO network “We break the silence about sexual violence”. In April 2016 ANES collaborated through meetings with NGOs specialists, and a legislative package was developed to implement the Istanbul Convention.⁴³⁰

The Interministerial Committee for Preventing and Combating Domestic Violence was also established in 2016 to — among other goals — ensure the cooperation of relevant institutions and organizations, support the implementation and monitoring of the Istanbul Convention, and support proposals for improving the legal framework. The first meeting of the Committee was held in 2016.

The bill on ratification of the convention gained broad support in parliament: in the senate there was only one vote against it and one abstention. However, the state made several reservations to the

⁴²⁵ *Ibid.*, pp. 12-13.

⁴²⁶ CEDAW Concluding observations, Romania, *op. cit.*, paras. 26., 32.

⁴²⁷ See *Backsliding – Policy paper summarizing findings on backsliding in equality policies*, *op. cit.*, p. 12.

⁴²⁸ See CEDAW Periodic report, Romania, *op. cit.*, paras 17., 60.

⁴²⁹ See <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>

⁴³⁰ CEDAW Periodic report, Romania, *op. cit.*, paras. 63-64.

convention.⁴³¹ On 23 May 2016, Romania ratified the convention, which entered into force on 1 September of the same year.⁴³²

Despite structural progress, in practice a number of problems and shortcomings were identified both by the CEDAW Committee and NGOs in 2017. These included, among other things: limited coverage of (focusing on family violence) and gaps in laws and policies and in their implementation; the lack of training and competence of professionals; under-reporting of violence; withdrawal of complaints and the absence of ex officio prosecution; the use of mediation in domestic violence cases; as well as the limited number and scope of services.⁴³³ Among the missed opportunities, the restrictive eligibility criteria in the new legal aid system and the limited financial resources allocated to the system should be mentioned.⁴³⁴

As noted before, in March 2018 an opposition letter signed by 333 organisations with a traditional/religious orientation was sent to the Secretary General of the Council of Europe calling for changes to the text of the Istanbul Convention, citing “gender ideologies” and the teaching of items such as “sexual orientation” as reasons for the proposed change. It is of note that from the 333 signatories, more than 150 were from Romania and belonged to the Coalition for Family and Civic Platform Together.⁴³⁵

Romania is mainly a country of origin for victims of trafficking. Registered victims in the EU are mostly from Romania and Bulgaria. In recent years, the tendency for an increase in the number of underage victims has been reported.⁴³⁶ Romanian minor victims — especially girls — represent up to 40 % of the victims of sexual exploitation, a figure much higher than the EU average (14 % of registered victims of sexual exploitation, according to Eurostat data from 2015).⁴³⁷ In responding to the phenomenon of trafficking, utilization and implementation of laws are seen as a problem, while complex, long-term assistance for victims and the necessary budget considerations are noted by NGOs as the biggest challenges. Furthermore, it is reported that changes in funding availability have changed the service landscape as well (old ones have disappeared, and new emerged): this has led to fluctuations and affected the quality of assistance services.⁴³⁸

5.5. Sexual and reproductive health and rights

The extremely restrictive legislation outlawing abortion and any form of contraception⁴³⁹ in place during the Ceaușescu regime (1966-1990) resulted in demographic growth, but the number of abandoned children also increased and the results are ingrained in public memory.⁴⁴⁰ This natalist policy was combined with mandatory gynaecological check-ups, along with penalties for unmarried women and childless couples. In 1990 the law was changed and abortion became legal on request in a liberal way (unlike in Hungary and Slovakia); it is thus no wonder that Romania scores 57.9 % on

⁴³¹ Country report – Gender equality – Romania, *op. cit.*, p. 37

⁴³² See <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>

⁴³³ See in detail the CEDAW Concluding observations, Romania, *op. cit.*, paras. 10., 18. and the NGO Shadow report to CEDAW, Romania, *op. cit.*, pp. 4-7.

⁴³⁴ CEDAW Concluding observations, Romania, *op. cit.*, para. 10. c)

⁴³⁵ See the letter to Secretary General of the Council of Europe, Mr. Thorbjørn Jagland, signed by 333 NGOs, *op. cit.*. Further information was provided by the national expert for the purposes of this analysis.

⁴³⁶ See the NGO Shadow report to CEDAW, Romania, *op. cit.*, p. 7.

⁴³⁷ *Ibid.*

⁴³⁸ *Ibid.*

⁴³⁹ Kligman, Gail, *The Politics of Duplicity: Controlling Reproduction in Ceausescu's Romania*. Berkeley, CA: University of California Press, 1998.

⁴⁴⁰ The shocking conditions in Romanian orphanages with their abuse and neglect of children were some of the first news to hit the West after the fall of the iron curtain. The memory of total abortion and contraception ban is very vivid. An award-winning Romanian film from 2007, *4 months, 3 weeks and 2 days*, takes place in 1987 in Romania and portrays an illegal abortion.

ContraceptionInfo. In 2015, 20.62 % of pregnancies ended in abortion.⁴⁴¹ Parliamentary attempts to restrict the practice of abortion, as occurred in 2012, aimed at requiring women to attend psychological counselling sessions, but have been unsuccessful. Medical abortion has been available since 2008.

An example of good practice is the comprehensive Sexual and Reproductive Health Strategy that was presented by the Ministry of Health and Family in 2003, aided by consultations with local experts and the WHO Regional Office for Europe, taking almost two years to prepare.⁴⁴² However, as mentioned in the Education chapter of this study, there has recently been an attack on sexual education in schools. The Coalition for Gender Equality, an umbrella of 60 NGOs with a focus on SRHR,⁴⁴³ put out an urgent call for sex education in schools in 2015. This attempt was immediately attacked by 18 Christian-oriented associations with strong links to Archbishop Father Teofan and the Metropolitan Orthodox Church of Moldova and Bukovina. These actors alerted the international community thought to be sympathetic to their cause. "Sexuality is a natural predisposition that can be easily instrumentalized through ideological discourse and thus falls under the control of foreign interests, at which point it becomes destructive", argued the protesters, who compared compulsory sexual education to the activities of the communist regime which separated children from their parents, as the communist principle was — in their understanding — that children do not belong to parents but to the state.⁴⁴⁴ This strong reaction was similar to the reactions of other former socialist states to any intervention "from the EU or UN" regarding education or family policy.

Romania remains the country with the most recorded births among adolescent mothers (nearly 14 % of babies are born to mothers less than 20 years old), due to the lack of information about reproductive rights. Romania also has the youngest mothers with a first child, the average age being approximately 26 years, according to Eurostat data published in 2016.⁴⁴⁵

5.6. Economic empowerment of women: employment, reconciliation of work and private life; social rights, care

The proportion of working age women (15-65) in work in Romania is 52.6 %, while the employment gender gap is growing.⁴⁴⁶ The maternity/parental leave system is similar to the Hungarian one, but the maternity part is shorter (18 weeks), and child-care leave with 85 % of earlier income (with an upper limit) lasts until the child is two. This is only paid to previously employed mothers and only for the first three children. Unlike Hungary's strong and consequent insistence on the traditionally long system of parental leave, Romania's family policy system has been rather unstable and subject to change. After accession to the EU, Romanian migrant workers, many of them women, moved to Western countries to work in the areas of agriculture, domestic duties and elderly care (mainly to Italy and Spain due to the language similarities. A similar trend also happened in the early 1990s when ethnic Hungarian and German Romanians left for Hungary or Germany to work in similar professions).⁴⁴⁷ This offered a

⁴⁴¹ Historical abortion statistics in Romania <http://www.johnstonsarchive.net/policy/abortion/ab-romania.html> Retrieved: 4 April 2018

⁴⁴² http://www.romania.jsi.com/Docs/sexual_rh_strategy.pdf Retrieved: 25 March 2018.

⁴⁴³ Including among others the popular online video sex education promotion NGO Sexul vs. Barza (Sex vs. Stork, initiated by a young woman, Adriana Radu).

⁴⁴⁴ Quoted by Antonia Tully, a famous anti-abortion (pro-life) campaigner in a narrative of her visit to Romania in 2015. <http://voiceofthefamily.com/romania-holding-the-line-against-anti-family-sex-education/> Retrieved: 4 April 2018. Voice of the Family is a Catholic lay umbrella organisation of pro-life (anti-abortion) CSOs.

⁴⁴⁵ <https://www.wall-street.ro/articol/Social/230186/romania-ramane-tara-cu-cele-mai-multe-nasteri-inregistrate-in-randul-mamelor-adolescente.html> Retrieved: 21 April 2018.

⁴⁴⁵ <https://stirileprotv.ro/stiri/social/outeducatia-sexuala-subiect-tabu-in-scolile-din-romania-peste-50-000-de-minore-au-devenit-mame-in-ultimii-6-ani.html> Retrieved: 21 April 2018.

⁴⁴⁶ http://www.instat.gov.al/media/1654/women_and_men_in_romania.pdf Retrieved: 10 April 2018.

⁴⁴⁷ Data from 2011: 341 296 men and women in Italy and 171 163 in Spain. Source: http://migrantinfo.eu/news/864/situation_of_Romanian_workers_abroad.pdf. Retrieved: 10 April 2018.

demographic solution to the large number of people born under Ceaușescu, the so-called “the children of the decree” (see chapter on SRHR). However, the fate of left-behind “home alone” children taken care of by their grandparents became an issue. Separation often causes emotional and mental stress on both sides.⁴⁴⁸ Migrant female workers may also encounter physical and sexual abuse from male employers.⁴⁴⁹

Romania emerged from the socialist era with high levels of child poverty and overcrowded childcare facilities as a result of the infamous anti-abortion decree of 1966 (as discussed in the chapter on sexual and reproductive health and rights). Social policy after that focused not on mothers and families (as in Hungary), but on children, with the aim of alleviating poverty. As a consequence of the memory of coercive pronatalism, unlike in other East European countries, demographic concerns were not at the centre of Romanian social policies until 2004. This is evident in the fact that support allowances for couples with children flattened out after the fourth child. The 2010 austerity measures did away with the Romanian version of the birth-grant — the “trousseau for the new-born”. In 2006 a green paper on population was presented and policy recommendations were made to engage more women in paid work, but the document also emphasised measures for increasing the birth rate (which was dropping partly as a result of the above-mentioned migrant workers). In Romania, popular protests, the Democratic Party’s Women’s Organisation and public debate prevented further austerity cuts to child care benefit and the universality (as opposed to means-testing) of the child care allowance in 2010. The planned package was negotiated with the International Monetary Fund. Mothers with children demonstrated in Bucharest in big numbers, and 21 000 signed an online petition. The proposed flattening of the child-care benefit would have affected only about 15 % of urban beneficiaries (salaries being so low that most women received the minimum sum already), but participants stood up for all mothers. This mobilisation clearly involved middle-class, double-earning families who were defending their interests.

In 2017-2018 discussions started about introducing new policy measures to help women who raise large families, including a reduction of retirement age and a special pension. The first bill, initiated by a PSD senator and discussed in the senate in the summer of 2017, proposed that women who give birth to three or more children should receive a monthly allowance to the value of 30-50 percent of the average national wage. The second draft normative act is the new pension law announced by the Minister of Labor. “A principle that we are considering is that women with more than three children have a reduced retirement age of up to six years,” the Minister said.⁴⁵⁰

5.7. The effects of austerity and poverty

As established in the chapter on the economic empowerment of women, poverty has been a key issue in Romania for a long time. According to Eurostat data (2017), half of the Romanian population suffers from material and social deprivation, which is the highest proportion in the EU.⁴⁵¹ The gap in economic equality is also widest here: the richest are on average 3.8 times more affluent than the poorest strata

⁴⁴⁸ Called the “Italy-syndrome”. See: Ciobanu, Claudia, ‘Why do female Eastern European migrants suffer from depression?’ 26 January 2018. <https://newsmavens.com/news/smoke-signals/1092/why-do-female-eastern-european-migrants-suffer-from-depression> Retrieved on 2018. Retrieved: 11 April 2018.

⁴⁴⁹ Tondo, Lorenzo and Kelly, Anny, ‘Romania and Italy unite to halt abuse of migrant women workers’. *Guardian*, 19 March 2017. <https://www.theguardian.com/global-development/2017/mar/19/romanian-italian-authorities-talks-stop-abuse-of-migrant-women-workers> Retrieved: 11 April 2018.

⁴⁵⁰ <https://www.libertatea.ro/ultima-ora/noi-facilitati-pentru-mamele-cu-multi-copii-2128234> Retrieved: 21 April 2018. Translation by Laura Albu, national expert

⁴⁵¹ <http://ec.europa.eu/eurostat/web/products-eurostat-news/-/DDN-20171212-1?inheritRedirect=true&redirect=%2Feurostat%2F>

of society. Poverty hits rural communities and children most (see the previous chapter, noting that the historical focus of Romanian social policy is the alleviation of child poverty instead of family policy).⁴⁵²

The global economic crisis of 2008 hit Romania badly, and austerity measures (both cutting and economic restructuring reforms) were introduced in 2010; some of the harshest in Europe.⁴⁵³ The level of female employment dropped (especially in the public sector, where besides layoffs wages were also cut, hospitals were closed, and gender equality bodies were abolished).⁴⁵⁴ This severely affected women. The government's attempts at changing the universality of child allowance and reducing parental leave failed because of intense opposition from mothers and parties' women's sections. Romanian women face chronic, in-work and multi-generational poverty and material deprivation disproportionately to Romanian men. In this context, many women decide to migrate for work to other Western European countries. Some of these women engage in prostitution to sustain their extended families and children. While talks about an anti-poverty strategy started earlier in 2017, sustained public dialogue with women's rights NGOs should be continued in order to find adequate and immediate solutions.⁴⁵⁵

5.8. Multiple discrimination and intersectionality

5.8.1. The situation of Romani women

Economic crisis and austerity measures have impacted Romani people — already affected by social exclusion — negatively. Cuts in support for school and health mediators, as well as Romani language teachers, were direct means, while the decentralization of services impacted the capacity of local authorities. Evictions by municipal governments also occurred in the wider context of growing racism and hate speech, even by public figures.⁴⁵⁶

The situation has been even harder for Romani girls and women who otherwise experience multiple forms of discrimination and the manifestation of intersectionality in several fields. The low enrolment, high dropout and poor school performance of Roma and economically disadvantaged communities enhance the risk of exclusion and poverty among women.⁴⁵⁷ Roma women are most vulnerable to being illiterate, while a World Bank study from 2014 identified a gender gap in participation in compulsory education in favour of Roma boys.⁴⁵⁸ The teenage pregnancy rate in the country is the highest in the EU (three times greater than average), and the country ranks second in the EU for the rate of teenage births.⁴⁵⁹ Moreover, Roma women have limited access to employment and health services. Attempts to abolish legislation on non-discrimination, the maltreatment/discrimination of Roma women by the police and social workers, public hate speech against Roma women by politicians, and the segregation of Roma women in maternity wards also constitute a problem, as noted.⁴⁶⁰ In addition, the low rates of birth registration of Roma babies and children prevent them from benefiting from basic services.⁴⁶¹

⁴⁵² See the Arte documentary about exploited workers in the textile industry. Romania: Poverty made in Europe a film made by Eberhard Rühle (2017): <https://www.arte.tv/en/videos/076893-000-A/romania-poverty-made-in-europe/>

⁴⁵³ Stoiciu, Victoria, *Austerity and Structural Reforms in Romania: Severe measures, Questionable Economic results and Negative Social Consequences*, 2012, Friedrich Ebert Stiftung. <http://library.fes.de/pdf-files/id-moe/09310.pdf> Retrieved: 28 March 2018.

⁴⁵⁴ See Elomäki, A., *op. cit.*

⁴⁵⁵ <https://www.theguardian.com/global-development/2017/mar/12/slavery-sicily-farming-raped-beaten-exploited-romanian-women>

⁴⁵⁶ See *Backsliding – Policy paper summarizing findings on backsliding in equality policies*, *op. cit.*, p. 12.

⁴⁵⁷ CEDAW Concluding observations, Romania, *op. cit.*, para. 26. a)

⁴⁵⁸ CEDAW Periodic report, Romania, *op. cit.*, para. 127.

⁴⁵⁹ NGO Shadow report to CEDAW, Romania, *op. cit.*, p. 17.

⁴⁶⁰ CEDAW Concluding observations, Romania, *op. cit.*, para. 36. d)

⁴⁶¹ *Ibid.*, para. 36. e)

Currently, the Strategy for the inclusion of Romanian citizens belonging to the Roma minority covers the period 2012-2020. The state report to CEDAW claims that gender equality appears among the principles of the Governmental Strategy on Roma inclusion and is reflected throughout the proposed activities. Thus it mentions the situation of Roma women in relation to relevant measures: for instance, concerning the health of the mother and child, family planning, preventing early marriages, fighting domestic violence and trafficking.⁴⁶² However, the CEDAW Committee expressed concern about the lack of resources allocated to the National Council for Combating Discrimination to ensure the mainstreaming of efforts to combat intersecting forms of discrimination, as well as about the insufficient funding for the strategy.⁴⁶³

Regarding the legislation on multiple discrimination, as a result of amendments to the law in 2007, the list of possible criteria that may form the basis of the facts of discrimination was defined.⁴⁶⁴ According to the legislation, multiple discrimination can be recognized in two ways: by establishing two or more criteria that underlie acts of discrimination; or by recognizing a new criterion for discrimination: the intersection of already listed and recognized criteria. The facts of discrimination may be investigated separately for each criterion that is identified. It is therefore important that individuals who are considered to have suffered a discriminative act formulate the complaint according to such criteria.⁴⁶⁵

At the same time, concerns have been raised by the CEDAW Committee — as well as NGOs — that although the concept of multiple discrimination is reflected in the legislation, related regulations/methodologies are lacking.⁴⁶⁶ There is also a reported lack of acknowledgment within the courts and legal institutions; consequently, the concept is not used in practice.⁴⁶⁷

As an example, the E-Romnja Association with members of the Coalition for Gender Equality filed a complaint in 2013 to the National Council for Combating Discrimination against a local politician who said that Romani women should be sterilized after their first child. The complainants argued that three criteria intersected in the case: gender, ethnicity, and social class. The National Council did not analyse the three criteria. In addition, it only issued a warning in the case, with no financial sanctions.⁴⁶⁸

A study published in 2016⁴⁶⁹ underlined that better representation of the interests of disadvantaged groups at different decision-making and administrative levels will lead to the better substantiation and focus of projected policies and programs, as well as to an increase in the chance of success of their implementation. Also, developing mechanisms for representing diversity within certain disadvantaged groups will lead to better addressing of the specific forms of discrimination that underlie multiple discrimination.

⁴⁶² CEDAW Periodic report, Romania, *op. cit.*, paras. 119-120.

⁴⁶³ CEDAW Concluding observations, Romania, *op. cit.*, para. 36. c), e)

⁴⁶⁴ "Art. 2. - (1) According to this Ordinance, any discrimination, exclusion, restriction or preference on the basis of race, nationality, ethnicity, language, religion, social category, beliefs, gender, sexual orientation, chronic non-contagious disease, HIV infection, affiliation to a disadvantaged category, and any other criterion that has the object or effect of restricting, removing the recognition, use or exercise on an equal basis of human rights and fundamental freedoms or of rights recognized by law, in the political, economic, social and cultural sphere, and in any other areas of public life." In Law 324/14 July 2006, published in M.Of. Nr. 626 of July 20, 2006.

"Art. 4 h) multiple discrimination means any act of discrimination based on two or more criteria of discrimination."

⁴⁶⁵ Information was provided by the national expert for the purpose of this analysis.

⁴⁶⁶ See for example CEDAW Concluding observations, Romania, *op. cit.*, para. 36. b)

⁴⁶⁷ The NGO Shadow report to CEDAW, Romania, *op. cit.*, p. 21.

⁴⁶⁸ See NGO Shadow report to CEDAW, Romania, *op. cit.*, p. 22.

⁴⁶⁹ Studiu Cu Privire La Legislația În Vigoare Cu Privire La Discriminarea Multiplă A Victimelor Violenței Pe Bază De Gen "Suportul victimelor violenței prin abordarea discriminării multiple". Promotor de Proiect: Institutul de Medicină Legală Iași. Partener proiect: Fundația Centrul de Mediere și Securitate Comunitară

6. SLOVAKIA

6.1. Institutional, legal and policy framework for promoting gender equality and women's and girls' rights

In Slovakia, the setting up and development of the institutional, legal and policy framework for gender equality were promoted and influenced by EU accession, as well as other international commitments. Experts note, however, a still present room for improvement regarding the organisation and functioning of respective state institutions.⁴⁷⁰

At the institutional level, the Department of Gender Equality and Equal Opportunities of the Ministry of Labour, Social Affairs and Family serves as the national machinery for gender equality. The machinery has actually functioned since 1999 at the same ministry, and structurally seem to be as a stable body for managing gender equality policy. However, its legal authorization for this task was confirmed only in 2012.⁴⁷¹ Among the main concerns, as the UN CEDAW Committee underlined, are the "level of political authority and coordination capacity of the Department", with special regard to the current gender equality strategy, and its high level of dependency on European Structural Funds and other donors, risking the long-term sustainability of the implementation of the strategy.⁴⁷²

In 2010, the position of deputy prime minister for human rights and national minorities was created; the portfolio included gender equality issues. However, after the change of government in 2012, the position was terminated, while many human-rights-related tasks were assigned to the Ministry of Foreign and European Affairs. In the meantime, reorganization of the consultative and advisory bodies of the government took place and finished in 2011. As a result, the Government Council for Human Rights, National Minorities and Gender Equality was established. The council is a permanent advisory, coordinating and consultative body. Eight specialized committees operate within the council, one of which is the Committee for Gender Equality. Importantly, the public body-civil society membership share of the committee is 50-50 %. Moreover, relevant proposals shall be addressed in this forum, and the council is obliged to adopt opinions following a two-thirds majority vote.⁴⁷³

At the policy level, Slovakia has performed well at introducing gender equality policy documents. This has ensured continuity in the policy framework in the last decade. Currently, the National Strategy for Gender Equality for years 2014-2019, and the related National Action Plan for Gender Equality for the years 2014-2019 are the relevant documents in force. A process for evaluation is described in the respective strategies,⁴⁷⁴ and since 2007 a yearly Summary Report on the Status of Gender Equality in

⁴⁷⁰ See *Country report – Gender equality – Slovakia 2017. How are EU rules transposed into national law?* By Magurová, Zuzana, European network of legal experts on gender equality and non-discrimination. European Commission, Directorate-General for Justice and Consumers, 2017. p. 53. Available at <https://www.equalitylaw.eu/downloads/4250-slovakia-country-report-gender-equality-2017-pdf-1-32-mb> Retrieved: 3 April 2018. (Further referred as Country report – Gender equality – Slovakia)

⁴⁷¹ Committee on the Elimination of Discrimination against Women – Consideration of reports submitted by States parties under article 18 of the Convention – *Fifth and sixth periodic reports of States parties due in 2014 – Slovakia*, CEDAW/C/SVK/5-6, 14 July 2014. para. 23. Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSVK%2f5-6&Lang=en Retrieved: 3 April 2018. (Further referred as CEDAW Periodic report, Slovakia)

⁴⁷² Committee on the Elimination of Discrimination against Women – *Concluding observations on the combined fifth and sixth periodic reports of Slovakia*. CEDAW/C/SVK/CO/5-6, 25 November 2015. para. 144. a), b). Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSVK%2fCO%2f5-6&Lang=en Retrieved: 3 April 2018. (Further referred as CEDAW Concluding observations, Slovakia)

⁴⁷³ See more at CEDAW Periodic report, *op. cit.*, paras. 23-26. See also Committee on the Elimination of Discrimination against Women – Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women – *List of issues and questions in relation to the combined fifth and sixth periodic reports of Slovakia – Addendum – Replies of Slovakia*, CEDAW/C/SVK/Q/5-6/Add.116, June 2015, paras. 28-29. Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSVK%2fQ%2f5-6%2fAdd.1&Lang=en Retrieved: 3 April 2018. (Further referred as CEDAW State reply to list of issues, Slovakia)

⁴⁷⁴ See CEDAW State reply to list of issues, Slovakia *op. cit.*, paras. 19-20.

Slovakia has been published.⁴⁷⁵ However, concerns are raised regarding the implementation of these documents, arguing that gender equality in everyday life is “far from reality”.⁴⁷⁶

Slovakia does not have a specific law on gender equality. A comprehensive anti-discrimination act provides the legislative framework. According to expert opinion, the norm is progressive.⁴⁷⁷ However, research has revealed that inconsistency and often flaws remain in implementation of the act by courts in gender and multiple discrimination cases.⁴⁷⁸

In 2013 a big protest was organized against the National Strategy on Human Rights that was seen as a moment setting the conservative agenda and discourse for the upcoming years.⁴⁷⁹ The campaign to oppose so-called “gender ideology” has strengthened in Slovakia, similarly to other countries, questioning of gender equality (which has as argued “no justification and unnecessarily polarizes the public”⁴⁸⁰) along with targeting sexual minorities and reproductive rights, and the promotion of traditional gender roles.⁴⁸¹ Catholic Church hierarchies, numerous organizations and newly emerging “civic” initiatives that promote traditional family values play a role in spreading these ideas.⁴⁸² In October 2013, the Committee for Gender Equality issued an Opinion on [the] Undermining of the Principle of Gender Equality as a response. The committee clarified that gender equality does not deny biological differences between men and women, and does not promote sameness. In addition, roundtables were organized to clarify the term and related concepts, and researchers – including expert from the Slovak Academy of Sciences – held a press conference with the same purpose. However, the concept of “gender ideology” continued to influence public discourse, distorting established terminology.⁴⁸³ In 2013, the CEDAW Committee expressed concern regarding the fact that “vigorous campaigns by non-State actors, including religious and civic organizations, the media and politicians, advocat[e] traditional family values, overemphasiz[e] the roles of women as mothers and caretakers and criticiz[e] gender equality as “gender ideology””.⁴⁸⁴ At the same time, NGOs reported a lack of consistent/systemic state action to respond to that campaign.⁴⁸⁵

In 2014, the constitution was amended to define marriage as union between one man and one woman, and declaring the protection and promotion of heterosexual marriage.⁴⁸⁶ Furthermore, in connection to the above-mentioned campaign, a referendum on the protection of family was held in 2015 based on a citizen’s initiative by a platform of conservative organizations. The referendum aimed to confirm the constitutional definition of marriage as the union of one man and one woman, to prevent the right

⁴⁷⁵ CEDAW Periodic report, Slovakia, *op. cit.*, para. 22.

⁴⁷⁶ The information was provided by the national expert for the purpose of this analysis.

⁴⁷⁷ Country report – Gender equality – Slovakia, *op. cit.*, p. 53.

⁴⁷⁸ See: *Parallel Submission by the European Roma Rights Centre and Center for Civil and Human Rights Concerning Slovakia under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women for Consideration by the Committee on the Elimination of All Forms of Discrimination Against Women at the 62nd Session on (26 October - 20 November 2015)*. p. 4. Available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SVK/INT_CEDAW_NGO_SVK_21842_E.pdf Retrieved: 3 April 2018. (Further referred as CEDAW Submission of European Roma Rights Centre and Center for Civil and Human Rights)

⁴⁷⁹ The information was provided by the national expert for the purposes of this analysis.

⁴⁸⁰ CEDAW State reply to list of issues, Slovakia, *op. cit.*, para. 46.

⁴⁸¹ See: *Committee on the Elimination of Discrimination Against Women’s 62nd session – Periodic review of Slovakia, November 2015 – Joint submission by the Center for Reproductive Rights, Občan, demokracia a zodpovednosť (Citizen, Democracy and Accountability), Ženské kruhy (Women’s Circles), and TransFúzia (TransFusion)*. pp. 3-4. Available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SVK/INT_CEDAW_NGO_SVK_21974_E.pdf Retrieved: 4 April 2018. (Further referred as CEDAW Joint submission of Center for Reproductive Rights, Citizen, Democracy and Accountability, and TransFusion)

⁴⁸² *Ibid.*

⁴⁸³ CEDAW State Reply to list of issues, Slovakia, *op. cit.*, paras. 46-49.

⁴⁸⁴ CEDAW Concluding observations, Slovakia, *op. cit.*, para. 18. b)

⁴⁸⁵ See CEDAW Joint submission of Center for Reproductive Rights, Citizen, Democracy and Accountability, and TransFusion, *op. cit.*, p. 4.

⁴⁸⁶ See: Madarova, Zuzana, ‘Love and Fear – Argumentative Strategies Against Gender Equality in Slovakia’, *Anti-Gender Movements on the Rise (...)*, Heinrich Böll Stiftung, *op. cit.*, p. 33.

of same-sex couples to adopt, and to contest children's rights to sex education. The referendum was ultimately invalidated.⁴⁸⁷

6.2. Space for civil society – The situation of women's rights NGOs

After 2010, Slovakia restructured the mechanisms for consultations. The National Council and its committees became relevant forums for CSO participation and notable provisions strengthen their influencing role, as described above. In addition, a government plenipotentiary for civil society was also established.

Among the administrative burdens, it was reported that CSOs are required to register at the ministry of interior, and foundations at the central body relevant to their field of work, too.⁴⁸⁸ One point of concern at a higher level is that legislative attempts to shrink the space for civil society have occurred in recent years in Slovakia, similarly to in other countries such as Hungary. In 2016, MPs from the far-right party Kotleba – Ľudová strana Naše Slovensko (Kotleba – People's Party Our Slovakia) proposed an amendment to the law on public-service-providing non-profit organizations. The draft introduced the term 'foreign agent,' labelling NGOs if they are subsidized, act on the orders or requests of, or are under control of a foreign natural or legal person. The bill proposed that the activities and materials of these organizations must contain a foreign agent warning message, and a special registry for them shall be created. The draft also proposed entitling courts to terminate an organisation if it is deemed to present a threat to constitutional order, security or defence of the country. The bill was voted down in parliament.⁴⁸⁹ Later on, in April 2017, a prime minister called for an investigation of the funding and background of NGOs, referring to the issue of foreign interests.⁴⁹⁰

For women's right organizations specifically, the decline of the funding allocated to NGOs has been a concern in recent years, as the UN CEDAW Committee pointed out.⁴⁹¹ Furthermore, it is claimed that for those NGOs being mostly small organisations with limited human and financial resources, accessing to EU grants is almost impossible. For example, in 2018 ESF grants to support gender equality and anti-discrimination are set in a way that excludes small organisations, mostly because of administrative burden and financial insecurity. At the same time, it is noted that state financial support is very limited and short-term. It is concluded, therefore, that sustainability of women's NGOs – even those with decades-long operation – has been at risk.⁴⁹²

6.3. Education policy and gender equality

As the state underlined in the documentation for the CEDAW Committee, in Slovakia traditional gender stereotypes are widespread, among the strongest in the EU, according to a Eurobarometer survey.⁴⁹³

⁴⁸⁷ CEDAW Submission of European Roma Rights Centre and Center for Civil and Human Rights, *op. cit.* Further information was also provided by the national expert for the purposes of this analysis.

⁴⁸⁸ *Challenges facing civil society organisations*, FRA, *op. cit.*, p. 22.

⁴⁸⁹ See: Standing and operational space of non-governmental organisations (NGOs) in contributing to respecting and promoting fundamental rights in EU Member States – Slovakia 2017. Contractor: Center for the Research of Ethnicity and Culture. Author(s): Elena Gallová Kriglerová, Jana Kadlečíková, Alena Chudžíková, Katarína Medľová. Reviewed by: Jana Plichtová. Available at http://fra.europa.eu/sites/default/files/fra_uploads/slovakia-civil-space_en.pdf Retrieved: 4 April 2018.

⁴⁹⁰ See <https://spectator.sme.sk/c/20523982/government-to-look-at-financing-ngos.html> Retrieved: 4 April 2018.

⁴⁹¹ CEDAW Concluding observations, Slovakia, *op. cit.*, para. 14. b)

⁴⁹² Information was provided by the national expert for the purposes of this analysis.

⁴⁹³ See Committee on the Elimination of Discrimination against Women – Concluding observations on the combined fifth and sixth periodic reports of Slovakia – Addendum – Information provided by Slovakia in follow-up to the concluding observations, CEDAW/C/SVK/CO/5-6/Add.1, 22 December 2017, p. 28. Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fSVK%2fCO%2f5-6%2fAdd.1&Lang=en

The state also notes the presence of a strong conservative movement that seeks to defend traditional gender roles that enjoy robust societal support.⁴⁹⁴

In public education, gender equality appears among the principles of the School Act, and according to this law elementary and secondary schools are required to incorporate gender equality and human rights topics into syllabuses.⁴⁹⁵ One of the six areas of the current gender equality strategy is education. In practice, however, concerns are raised that teachers have not received gender education or training that prevents to include gender aspects in the curricula. Women's NGOs being pioneers at gender sensitive education have conducted projects offering gender courses and trainings, and sensitizing teachers.⁴⁹⁶ However, it is noted that with no sustainable support this work is partial and lacks systematic and continuous approach.⁴⁹⁷

Sexuality education does not constitute a separate curricula subject as such. Education about marriage and parenthood was an optional subject for a while. The state acknowledged in 2014 that schools often face resistance from some parents, conservative NGOs and politicians who object to comprehensive sex education, and such education lags behind the majority of EU countries, not meeting human rights standards.⁴⁹⁸ The state refers to the preliminary results of research by the Institute for Research in Social Communication of the Slovak Academy of Sciences: many teachers have observed that children need information about sexuality, partner relations and sexual and reproductive rights; however, the former feel the lack of relevant competences.⁴⁹⁹ In 2014 sexuality education under the title 'Marriage and parenthood education' became a compulsory and crosscutting subject, with content for three age groups.⁵⁰⁰ However, NGOs note that sexuality education is inadequate in many schools, having a primarily focus on anatomy (reproductive organs).⁵⁰¹ The CEDAW Committee was also concerned about the limited SRHR education.⁵⁰²

6.4. Preventing and combating violence against women; the status of the Istanbul Convention

In the field of preventing and combating violence against women, important legislative and other measures have been introduced, mostly to enable compliance with the Istanbul Convention and related EU norms.

Notably, the state has a separate policy document in this field: the National Action Plan for Prevention and Elimination of Violence against Women for the years 2014-2019. Moreover, also with regard to accession to the Istanbul Convention, in 2014 the Coordination-Methodological Centre for Gender-based Violence and Domestic Violence was established, with the task of creating, implementing and coordinating comprehensive national policy in the field. For several initiatives resources from the ESF and Norwegian Financial Mechanism have been used over the last decade.⁵⁰³ From the point of view of such funding, concerns have been raised regarding the sustainability of the developments in terms

⁴⁹⁴ *Ibid.*, para. 29.

⁴⁹⁵ CEDAW Periodic report, Slovakia, *op. cit.*, paras. 166., 171.

⁴⁹⁶ E.g. ASPEKT and Občan, demokracia a zodpovednosť – Citizen, democracy and accountability

⁴⁹⁷ The information was provided by the national expert for the purposes of this analysis. See also [ruzovyamodrysvet.sk / pinkandblueworld.sk / www.odz.sk](http://ruzovyamodrysvet.sk/pinkandblueworld.sk/www.odz.sk)

⁴⁹⁸ CEDAW Periodic report, *op. cit.*, paras. 173-174.

⁴⁹⁹ *Ibid.*

⁵⁰⁰ Topics covered include, among others, the principles of healthy life (issues of self-confidence and self-esteem; risk of sexual abuse of children; safety in situations of risk; gender equality; responsible approach to sexuality; principles of safe behaviour; identification of signs of abuse and exploitation of children, dangers of child pornography and sexual exploitation of children). See the CEDAW State reply to list of issues, paras. 85-88.

⁵⁰¹ CEDAW Joint submission of Center for Reproductive Rights, Citizen, Democracy and Accountability, and TransFusion, *op. cit.*,

⁵⁰² CEDAW Concluding observations, Slovakia, *op. cit.*, para. 26.

⁵⁰³ See CEDAW Periodic report, Slovakia and CEDAW State reply to list of issues, Slovakia, *op. cit.*

of ongoing operating costs, where relevant (such as in the case of the Methodological Centre, or service provision). It has also been reported that in the field of violence, service providers with no dedicated commitment to taking a women's rights approach are now considered experts on the issue.⁵⁰⁴

Some of the usually persistent problems in this field are, as the UN CEDAW Committee pointed out, the underreporting of violence against women by victims; the low number of prosecutions and convictions; the limited application of police protection orders; and the lack of a coordinated system for prevention and victim assistance, including provision of shelters and legal, medical and psychological assistance.⁵⁰⁵

In the last decade, the issue of claiming alternating custody of children (exercising joint parental rights) for divorce cases has occurred. This topic was brought to the agenda by 'fathers' rights' organizations. In 2010 related legislative changes took place, allowing a court to place a child in the alternating custody of both parents. Moreover, since 2012 courts have been able to issue a temporary measure ordering a child to be taken into the care of another person or alternating custody. As evidenced, the notion of alternating custody raises both problems with interpretation and inconsistent application in practice.⁵⁰⁶ Furthermore, the CEDAW Committee took note of the growing influence of the "men's rights movement", and expressed concerns regarding the lack of research on the long-term developmental effects on children of such forms of custody, as well as the lack of safeguards against decreasing child support payments that may result in jeopardizing children's well-being.⁵⁰⁷

Slovakia signed the Istanbul Convention on 11 May 2011.⁵⁰⁸ It refers to the convention in its CEDAW periodic report as "a breakthrough document".⁵⁰⁹ The task of ratification was incorporated into the respective national action plan (2014-2019). However, ratification was postponed several times.⁵¹⁰ Standpoints even diverged among different ministries. The Minister of Justice argued that a law on domestic violence had to be enacted prior to signing the convention. He also called for dialogue with conservative organisations who objected to ratification. However, the Ministry of Labour supported the ratification. In 2015 a draft act addressing gender-based violence and domestic violence was prepared. However, the government postponed its submission to parliament with a view to the upcoming elections (beyond the time constraints, the desire not to bring up 'controversial' issues in the election period — such as gender-based violence and the convention's ratification — explains the decision). The manifesto of the new government did not contain a commitment to adopt the above-mentioned act. Adoption of the act was not included in the legislative plan of the government for 2016, either. In June 2016, the Ministry of Justice asked the prime minister to postpone the ratification of the convention until 30 June 2017.⁵¹¹ Furthermore, some MEPs also stood up against the Convention.⁵¹²

An active campaign in support of the Istanbul Convention also took place in recent years, led by an NGO called Pro Choice (Možnosť voľby).⁵¹³ A coalition of supporters was formulated, signatures were collected,⁵¹⁴ a petition was issued to stakeholders,⁵¹⁵ and famous men also spoke up⁵¹⁶ in support of ratification.

⁵⁰⁴ Information provided by national expert for the purposes of this analysis.

⁵⁰⁵ CEDAW Concluding observations, Slovakia, *op. cit.*, para. 20. b), c).

⁵⁰⁶ CEDAW Periodic report, Slovakia, *op. cit.*, para. 252.

⁵⁰⁷ CEDAW Concluding observations, Slovakia, *op. cit.*, paras. 41. b), 42. b)

⁵⁰⁸ See <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>

⁵⁰⁹ CEDAW Periodic report, Slovakia, *op. cit.*, para. 12.

⁵¹⁰ See the chronology summarised above in details in Country report – Gender equality – Slovakia, *op. cit.*, pp. 44-45.

⁵¹¹ *Ibid.*

⁵¹² Information was provided by the national expert for the purposes of this analysis.

⁵¹³ See <http://moznostvolby.sk/category/istanbulsky-dohovor/>. Retrieved: 22 April 2018.

⁵¹⁴ See <http://www.changenet.sk/?section=kampane&x=807417&act=list> Retrieved: 22 April 2018.

⁵¹⁵ See <http://www.changenet.sk/?section=kampane&x=807417> Retrieved: 22 April 2018.

⁵¹⁶ See <http://moznostvolby.sk/odzvonne-nasiliu-na-zenach-podporme-istanbulsky-dohovor/> Retrieved: 22 April 2018

Despite all these efforts, in 2018 the situation became less favourable. The prime minister – joining the anti-gender discourse – announced in February that Slovakia would not ratify the convention. He called it as a controversial document that “could violate the constitution and lead to the introduction of same-sex marriage” and that it “needlessly questions natural differences between men and women and calls them stereotypes”.⁵¹⁷ The junior coalition party even brought up the idea of withdrawal from the Convention. In parallel, the Catholic Church referred to the potential discrimination of religious freedom as an argument against the document.⁵¹⁸ In February 2018 the representatives of all 13 Christian churches called on the government to withdraw its support for the convention.⁵¹⁹

6.5. Sexual and reproductive health and rights

Slovakia, with a score of 44.1 % on the ContraceptionInfo scale, has a liberal abortion law that was challenged in 2001 on constitutional grounds⁵²⁰ by the Christian Democratic Party (KDH). After lengthy parliamentary debates the constitutional court ruled in 2007 that the expression that created the grounds for appeal in the Slovak constitution “prior to birth” is not equivalent to “the moment of conception”, and dropped the proposal. Difficulty in accessing abortion might stem from the fact it is not free of charge, and that in some regions it is difficult to find a public hospital where gynaecologists do not engage in conscientious objection. The cost of contraceptive pills, like in Hungary, is not reimbursed.⁵²¹ This situation is justified by demographic-ideological reasons by conservative politicians. A proposal in 2015 for including the pill in the public health care system was rejected by parliament.⁵²²

The CEDAW Committee’s recommendations also mention this issue.⁵²³ In 2007 the Ministry of Health introduced a comprehensive draft program on SRHR based on international human rights standards that would have included the public health coverage of hormonal contraceptives, but due to the heavy criticism of the Catholic Church and anti-choice groups the program was dropped.

Romani women and girls with a socially deprived background (mostly from Eastern Slovakia) on the other hand may encounter coerced⁵²⁴ sterilisation without informed or parental consent in hospitals after giving birth. (See more information on the Multiple discrimination chapter.)

One positive development concerns obstetric violence. Thanks mostly to the work of ODZ (Občan, demokracia, a zodpovednosť– Citizen, Democracy and Accountability), a human-rights based NGO,

⁵¹⁷ <https://www.reuters.com/article/us-slovakia-treaty/slovakia-rejects-treaty-combating-violence-against-women-idUSKCN1G620F>
Retrieved: 4 April 2018. Further information was provided by the national expert for the purpose of this analysis.

⁵¹⁸ *Ibid.*

⁵¹⁹ See the related news at <https://agensir.it/quotidiano/2018/2/28/slovakia-christian-churches-call-on-government-to-withdraw-support-for-istanbul-convention/> Retrieved: 4 April 2018. Further information was provided by the national expert for the purpose of this analysis.

⁵²⁰ Petráňová, Magda; Moulin-Doos, Claire; Plichtová, Jana, ‘The Debate over Reproductive Rights in Germany and Slovakia: Religious and Secular Voices, a Blurred Political Spectrum and Many Inconsistencies’, *Politics in Central Europe* 4 (2008), 2, pp. 61-78. URN: <http://nbn-resolving.de/urn:nbn:de:0168-ssoar-63207>

⁵²¹ An in-depth study based on interviews states:

“our interviewees consistently said that contraception is difficult to afford for low-income women—for example, women who have to survive on only one income, have many children, or are unemployed. According to them, it is simply not possible to afford contraceptives while living on social benefits. Even working women can find contraceptives difficult to afford: a divorced pharmacy assistant with two children said that paying for contraceptive pills would be difficult because they are too expensive; likewise, a divorced social-work student with part-time employment said that contraceptive pills and patches are too expensive for her, so she does not use them” in: *Calculated injustice: The Slovak Republic’s failure to ensure access to contraceptives*. Center for Reproductive Rights, Freedom of Choice Slovakia, Citizen, Democracy and Accountability 2011, p. 30.

⁵²² *Calculated injustice, op. cit.*

⁵²³ CEDAW Concluding observations, Slovakia, *op. cit.*, para. 30. b)

⁵²⁴ CEDAW Submission of European Roma Rights Centre and Center for Civil and Human Rights, *op. cit.*

and Ženské Kruhy (Women's Circle), a women's NGO, public discussion has started about health care culture and pregnant women and birth and policy changes are on the way.⁵²⁵

6.6. Economic empowerment of women: employment, reconciliation of work and private life; social rights, care

The employment rate of women is 60.4 %, ⁵²⁶ with the highest female unemployment rate in the V4 countries at 12.9 % (this is double that of the Czech Republic) in 2015, but decreased to 8.4 % by 2017.⁵²⁷ Slovak female employment rates and patterns are strongly influenced by family and parental leave policy. Slovakia and Hungary have very similar parental leave systems that have been immune to change since the transition period, and in the case of Slovakia survived austerity cuts and different political coalitions.⁵²⁸ It can be established, as politicians also boast, that the maternity/parental leave system is one of the national specialities of these countries.⁵²⁹ In Slovakia, insurance-based maternity benefit at 75 % of previous daily earnings is 34 weeks long (37 for single mothers, and 43 for mothers of twins). This is followed by flat-rate parental leave (*rodičovská dovolenka*, similar to the Hungarian GYES) which can be taken until the child is three. Although the amount is higher than its Hungarian counterpart, this is still not sufficient for the receiving parent and baby to live on (amounting to about 203.20 euros per month), so it presupposes either a male breadwinner or a working mother with a family member or (private) crèche caring for the child.⁵³⁰ Slovakia scores lowest for number of children under three years of age attending crèches in European comparison, at 3.1 %.⁵³¹ A one-week paternity leave was briefly introduced by the government in 2003, but, as interest was very low, it was withdrawn two years later. As for parental leave, only 0.9 % of fathers take it.⁵³² As Michoň argues, promoting gender equality does not seem to be an objective of parental leave policy in Visegrad countries.⁵³³ Legal changes in 2017 to introduce a 10 day paid paternity leave for fathers after the child is born are already proving results.⁵³⁴ However, balancing work and family care is made difficult not only by the lack of crèches, but also a very low number of part-time jobs, where Slovakia scores the third-lowest in European comparison (6.8 % of women work part-time).⁵³⁵ As this family policy set-up is an engrained characteristic of Slovakia, we cannot speak about a backlash, but a semi-permanent feature.

⁵²⁵ The two volume series: *Women-Mothers-Bodies I: Women's Human Rights in Obstetric Care in Healthcare Facilities in Slovakia* and *Women – Mothers – Bodies II: Systemic Aspects of Violations of Women's Human Rights in Birth Care Provided in Healthcare Facilities in Slovakia* <http://odz.sk/zeny-matky-tela-2-systemove-aspekty/> Retrieved: 31 March 2018.

⁵²⁶ 2017 Eurostat LFS data

⁵²⁷ Adamec, J. *Women earn less... op. cit. and Eurostat LFS (2017)*

⁵²⁸ See Saxonberg, S.: *Gendering Family Policies in Post-Communist Europe: A Historical Institutional Analysis*, Palgrave, Macmillan, 2014

⁵²⁹ Vighová, Veronika, *Parental Leave Policy in Slovakia and Hungary: Shifting in the Same Direction?* MA thesis for CEU Political Science Department, Budapest, 2015 http://eige.europa.eu/docs/77_HU.pdf Retrieved: 3 April 2018.

⁵³⁰ Early childhood education for under three years old is relatively minimal; crèches do not fall under the leadership of any ministries. Education for All 2015 National review: Slovakia <http://unesdoc.unesco.org/images/0023/002302/230213E.pdf> Retrieved: 3 April 2018.

⁵³¹ Adamec, Jan.: 'Dads at home – more money, more state, or different mindset?' *V4 revue*, 19 May 2016.

⁵³² Adamec, J.: *Dads at home... op.cit.*

<http://visegradrevue.eu/dads-at-home-more-money-more-state-or-different-mindset/> Retrieved: 3 April 2018.

⁵³³ Michon, P., 'Waiting for the Incentives to Work: Comparative Analysis of the Parental Leave Policies in the Visegrad Countries.', *Community, Work and Family*, Vol.18. No.2, 2015, pp. 194-915.

⁵³⁴ <https://www.eurofound.europa.eu/observatories/eurwork/articles/slovakia-incentives-for-men-to-take-time-off-work-for-family-life> and <https://spectator.sme.sk/c/20530775/fathers-also-take-care-of-their-children.html> Retrieved: 23 April 2018.

⁵³⁵ Adamec, J.: *Dads at home... op. cit.*

6.7. Multiple discrimination and intersectionality

6.7.1. The situation of Romani women

In terms of general context, the CEDAW Committee in 2015 pointed out among its concerns “the recent resurgence of the negative discourse by political leaders, private organizations and religious groups and of violence directed against Roma women and women belonging to other ethnic minority groups, migrant, refugee and asylum-seeking women and lesbian, bisexual, transgender and intersex women.”⁵³⁶

In 2012 the Strategy of the Slovak Republic for Roma integration to 2020 was adopted. Gender equality is mentioned among the implementation principles. The strategy defines special measures in different policy fields. The elimination of multiple discrimination of women and reducing gender inequality in private and public life in Roma communities are some of the global objectives of the strategy. Gender-specific indicators are defined for monitoring performance.⁵³⁷

In practice, Romani women and girls are discriminated against in several walks of life. It is reported that they face barriers in access to justice that sometimes are influenced by professional bias.⁵³⁸ In the field of employment, Romani women are in a more disadvantageous situation both compared to Romani men and women from the majority group.⁵³⁹ In addition, Romani women and girls are particularly vulnerable to violence, including trafficking and prostitution.

In the field of education, the school segregation of Romani children affects girls as well. It may occur in the form of putting children in special schools, or in classes with students with mild mental disabilities, or in separate classrooms and schools within mainstream education. The government made an outrageous statement to justify the disproportionate number of Romani children in schools and classes designed for children with mental disabilities, arguing that the higher prevalence of genetically determined disorders amongst Roma is due to their having the highest level of inbreeding in Europe.⁵⁴⁰ The European Commission started an infringement procedure due to school segregation in 2015.⁵⁴¹ An analysis from 2017 shows that reforms have done little to end this practice.⁵⁴²

Sterilization without consent has been documented in Slovakia. In 2011 and 2012 three related decisions were published by the European Court of Human Rights.⁵⁴³ Compensation was paid in these cases. In addition, in 2012 the Council for Human Rights, National Minorities and Gender Equality adopted a resolution on unlawful sterilizations, expressing regret for the victims, and all possible victims. However, NGOs working in the field raised general concern about the absence of proper investigations in such cases, and the lack of a comprehensive compensation system for all victims.⁵⁴⁴ Notably, in 2014 a legal norm which mandates an informed consent form in cases of sterilization was adopted. However, the lack of monitoring of implementation, as well as weak awareness raising among the target group, may affect its effectiveness.⁵⁴⁵ Moreover, there have been legislative attempts and other plans by politicians (in 2011 and 2014) to introduce sterilization free of charge for those living in

⁵³⁶ CEDAW Concluding observations, Slovakia, *op. cit.*, para. 39.

⁵³⁷ CEDAW Periodic report, Slovakia, *op. cit.*, paras. 66., 67.

⁵³⁸ See the CEDAW submission of European Roma Rights Centre and Center for Civil and Human Rights, *op. cit.*, p. 4.

⁵³⁹ See *Second European Union Minorities and Discrimination Survey Roma – Selected finding*. European Union Agency for Fundamental Rights, 2016. Section 2.2 (pp. 19-20) Available at <http://fra.europa.eu/en/publication/2016/eumidis-ii-roma-selected-findings> Retrieved: 4 April 2018.

⁵⁴⁰ See the CEDAW submission of European Roma Rights Centre and Center for Civil and Human Rights, *op. cit.*, p. 9.

⁵⁴¹ The infringement number of the case: 20152025

⁵⁴² See *A Lesson in Discrimination: Segregation of Romani children in Primary Education in Slovakia*. Amnesty International and European Roma Rights Centre 2017. Available at <http://www.errc.org/cms/upload/file/report-lesson-in-discrimination-english.pdf> Retrieved: 4 April 2018.

⁵⁴³ See in detail the CEDAW Submission of European Roma Rights Centre and Center for Civil and Human Rights, *op. cit.*, pp. 5-7.

⁵⁴⁴ See the CEDAW Submission of European Roma Rights Centre and Center for Civil and Human Rights, *op. cit.*, p. 5.

⁵⁴⁵ *Ibid.*, pp. 5-6.

socially disadvantaged areas, and to provide financial incentives for sterilization that address Romani women.⁵⁴⁶

Segregation of Romani women at the gynaecological and obstetrics departments of some hospitals is also still present, as reported. It sometimes happens that institutions admit this, and even justify it.⁵⁴⁷

⁵⁴⁶ *Ibid.*, pp. 5-6.

⁵⁴⁷ *Ibid.*, pp. 7-8.

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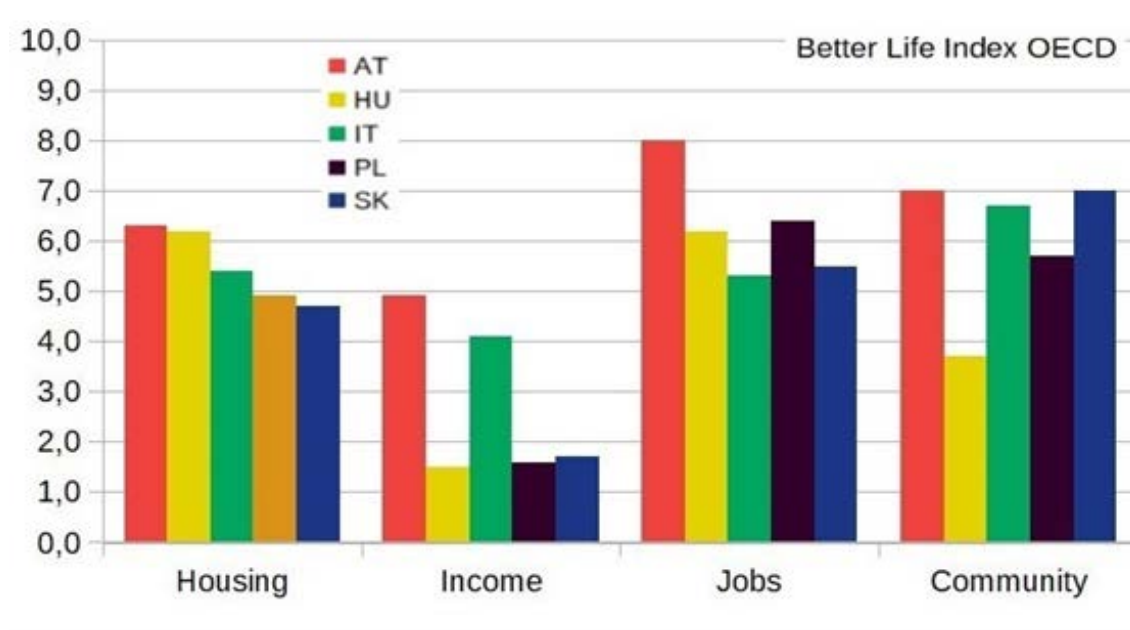
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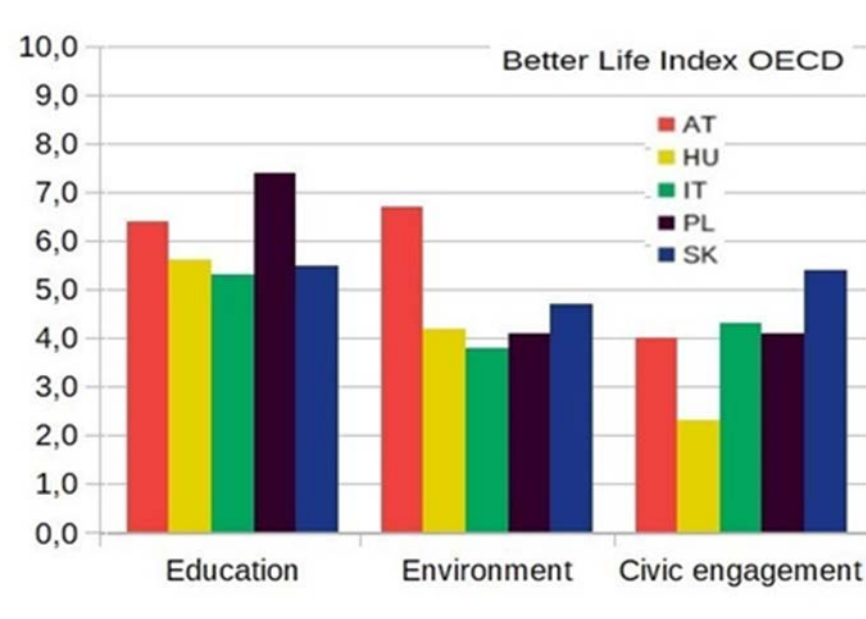
ANNEX

Figure 3: Better Life Index in Austria, Hungary, Italy, Poland, Romania, and Slovakia – Housing, Income, Jobs, Community



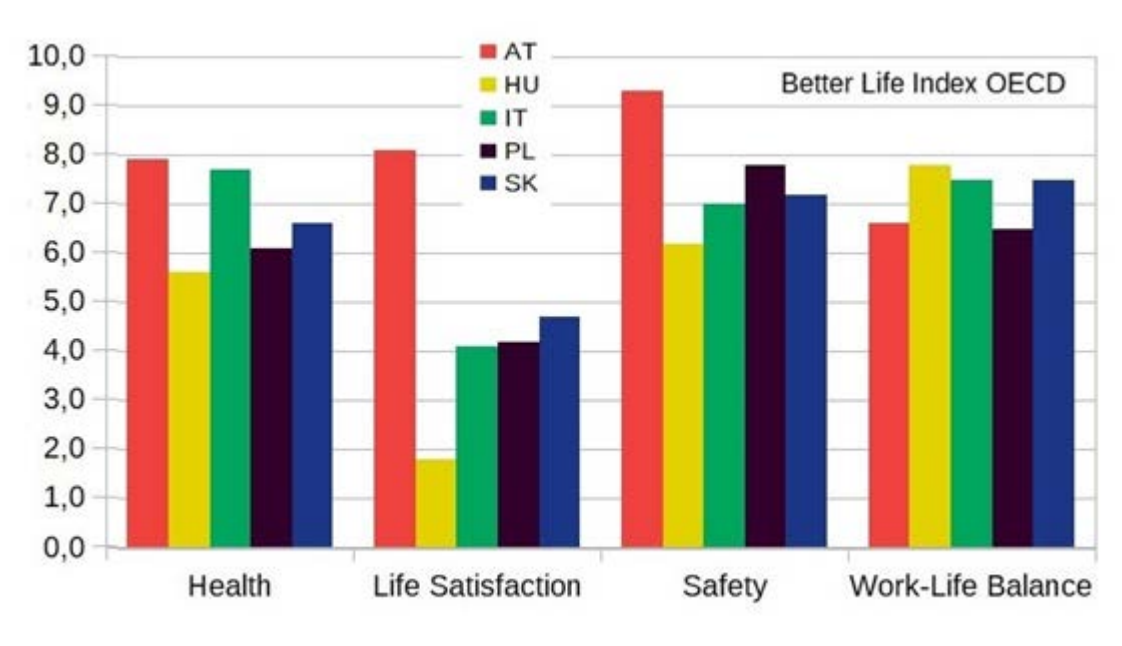
Source: OECD

Figure 4: Better Life Index in Austria, Hungary, Italy, Poland, Romania, and Slovakia – Education, Environment, Civic engagement



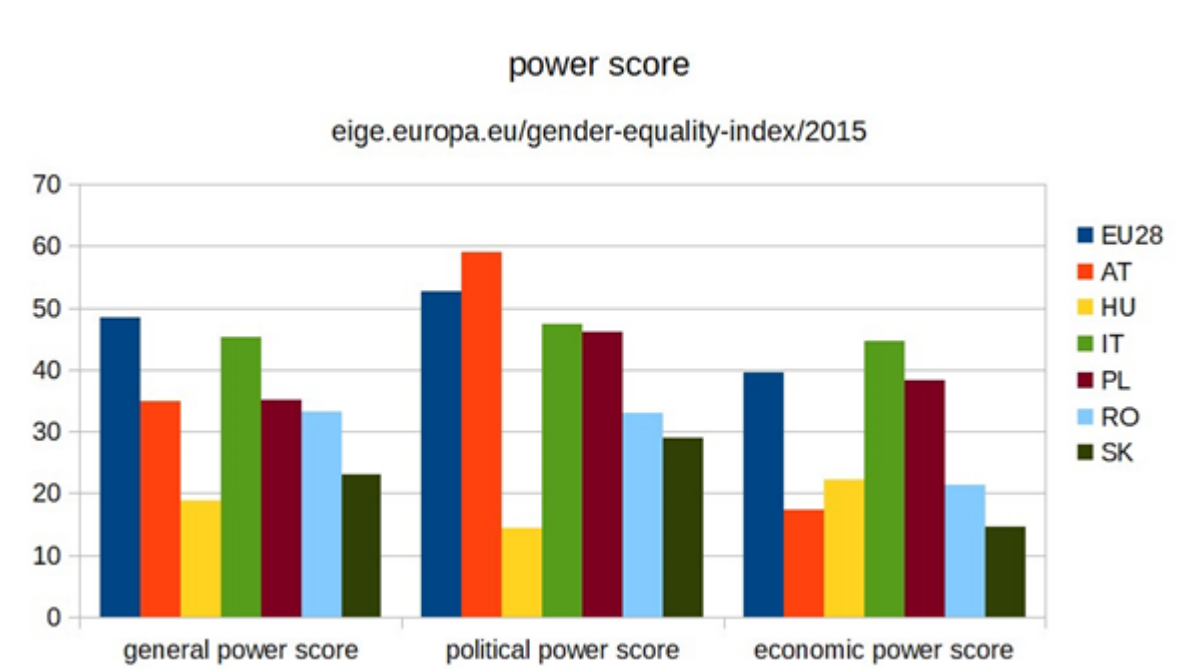
Source: OECD

Figure 5: Better Life Index in Austria, Hungary, Italy, Poland, Romania, and Slovakia – Health, Life satisfaction, Safety, Work-life Balance



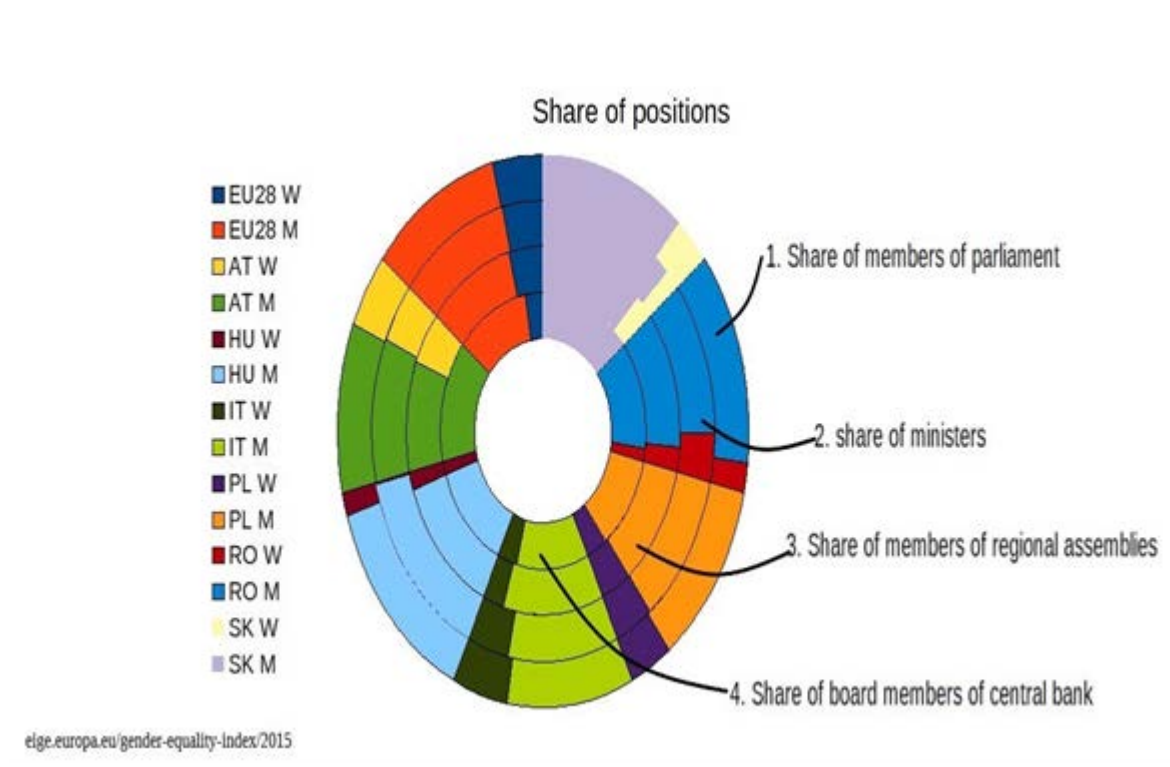
Source: OECD

Figure 6: Gender Equality Index power score – EU-28, Austria, Hungary, Italy, Poland, Romania, Slovakia



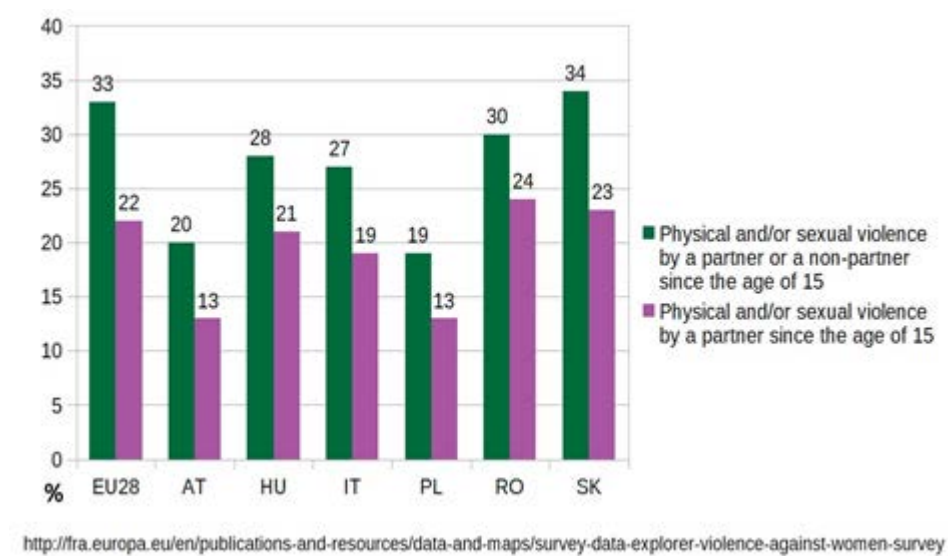
Source: European Institute for Gender Equality – Gender Equality Index, 2015

Figure 7: Gender Equality Index Share of power – EU-28, Austria, Hungary, Italy, Poland, Romania, Slovakia



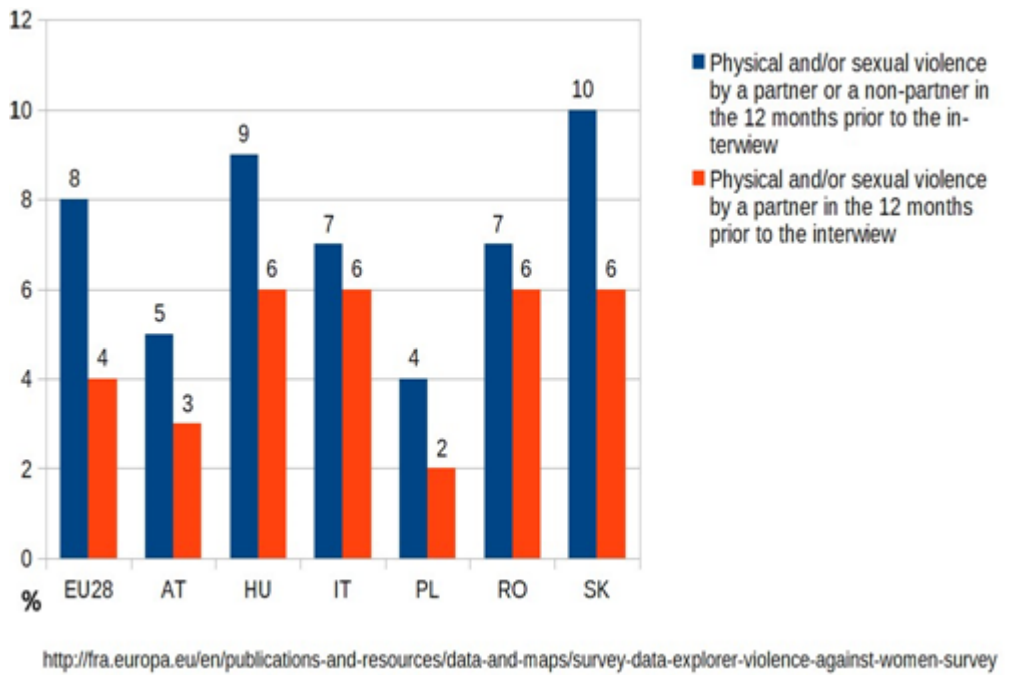
Source: European Institute for Gender Equality – Gender Equality Index, 2015

Figure 8: Physical and/or sexual violence by a partner or a non-partner, and by a partner only since the age of 15 – EU-28, Austria, Hungary, Italy, Poland, Romania, Slovakia



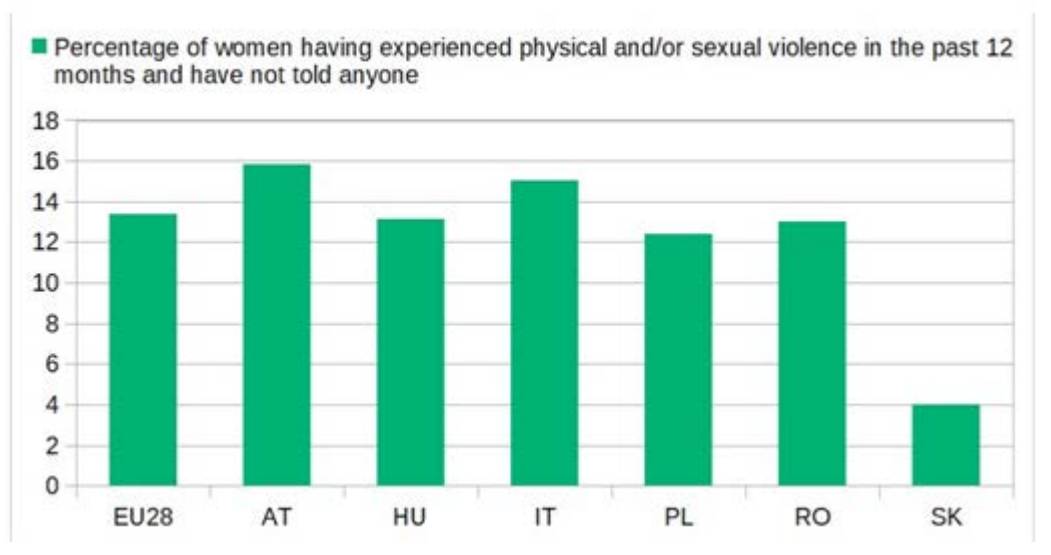
Source: European Union Agency for Fundamental Rights – Violence against women survey

Figure 9: Physical and/or sexual violence by a partner or a non-partner, and by a partner only in the 12 months prior to the interview – EU-28, Austria, Hungary, Italy, Poland, Romania, Slovakia



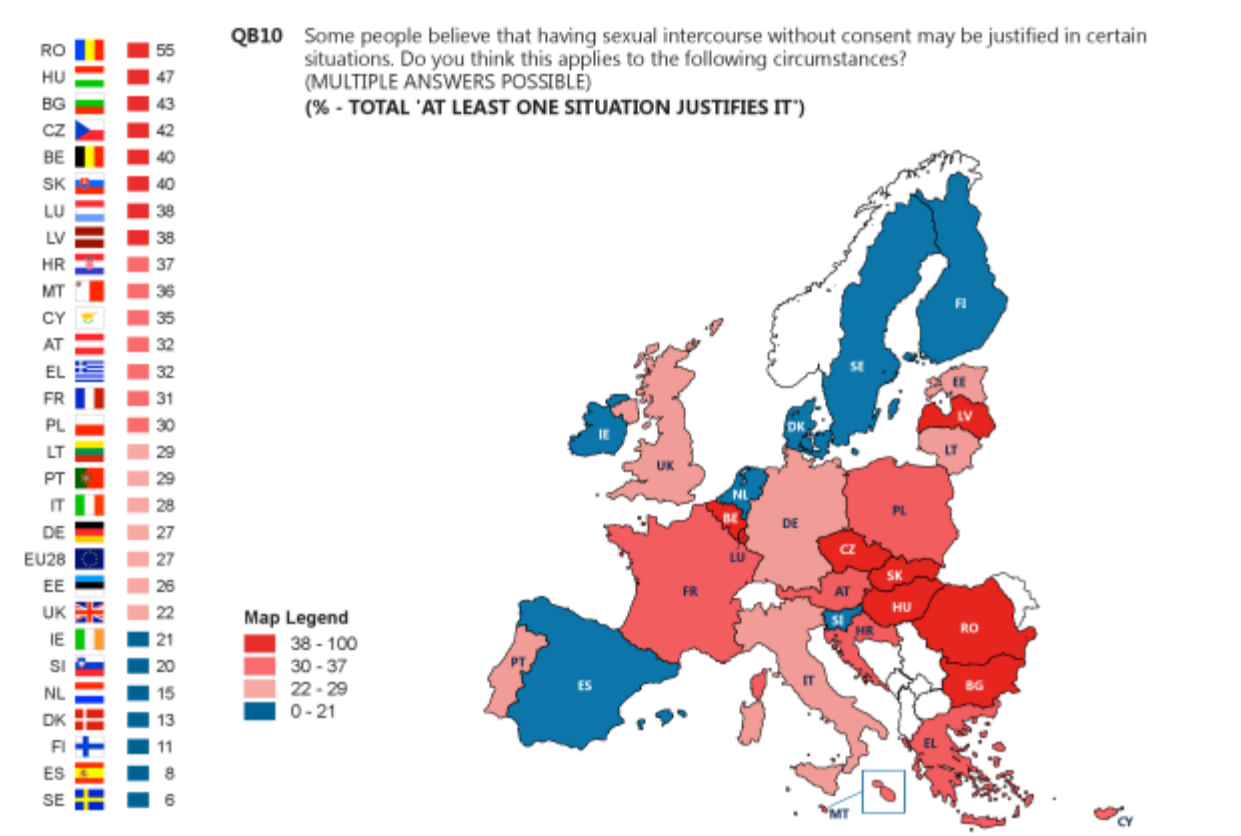
Source: European Union Agency for Fundamental Rights – Violence against women survey

Figure 10: Percentage of women having experienced physical and/or sexual violence in the past 12 months and have not told anyone – EU-28, Austria, Hungary, Italy, Poland, Romania, Slovakia



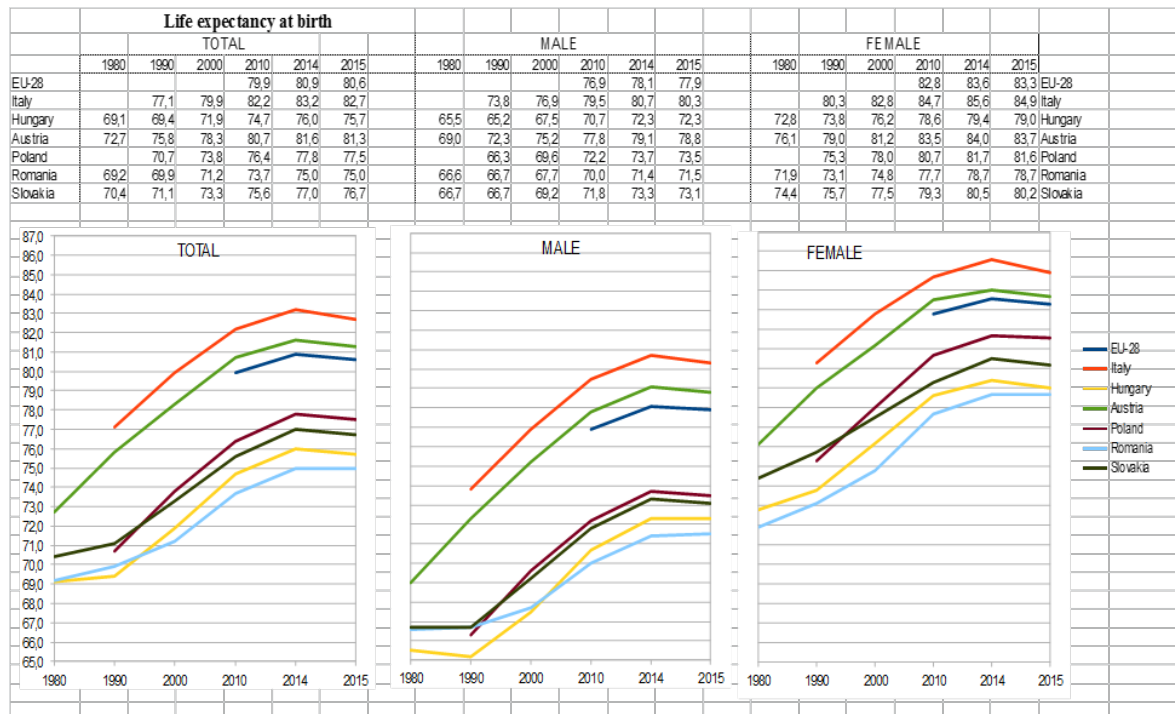
Source: European Institute for Gender Equality – Gender Equality Index, 2015 (estimate)

Map 1 : Percentage of persons who agree that sexual intercourse without consent may be justified in certain situations – EU-28



Source: Special Eurobarometer 449 – Gender-based Violence Report, European Commission, 2016, p. 65

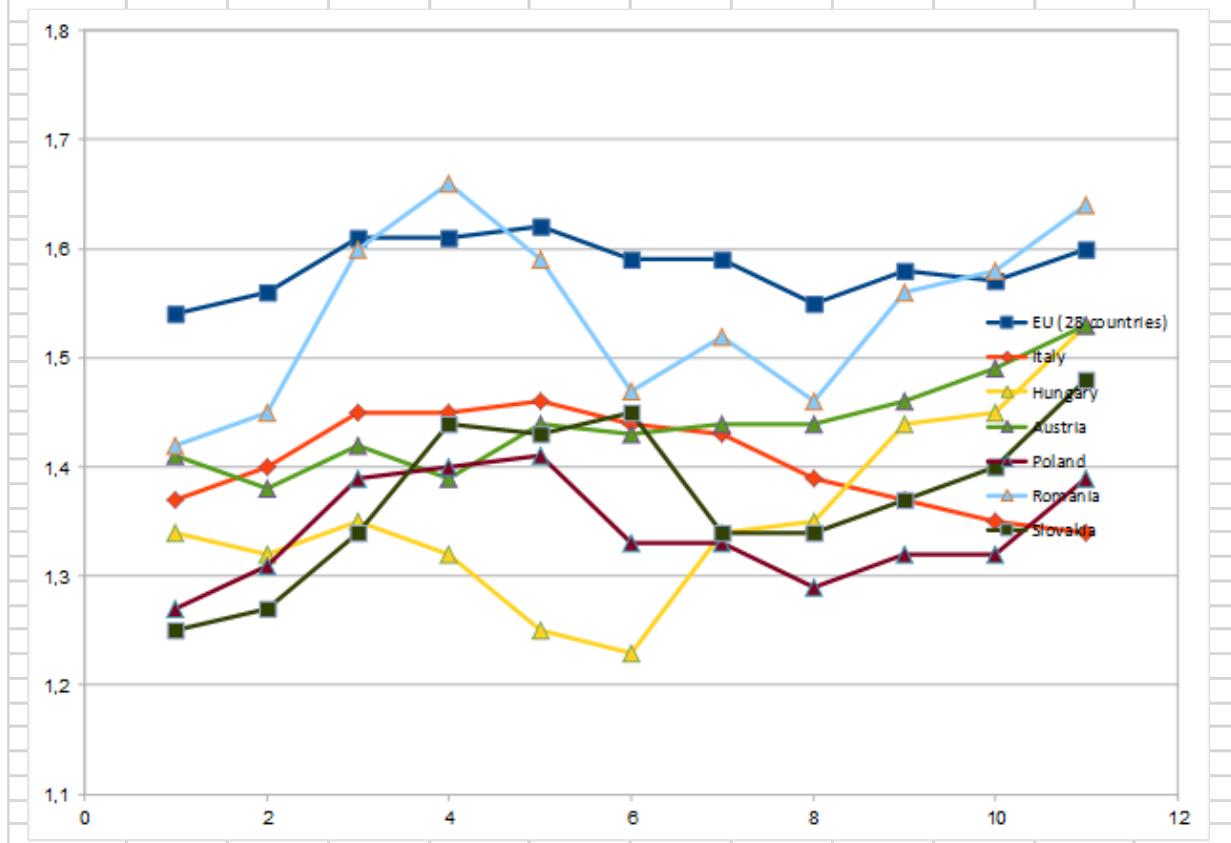
Figure 11 Life expectancy at birth – Austria, Hungary, Italy, Poland, Romania, Slovakia, EU-28



Source: Eurostat

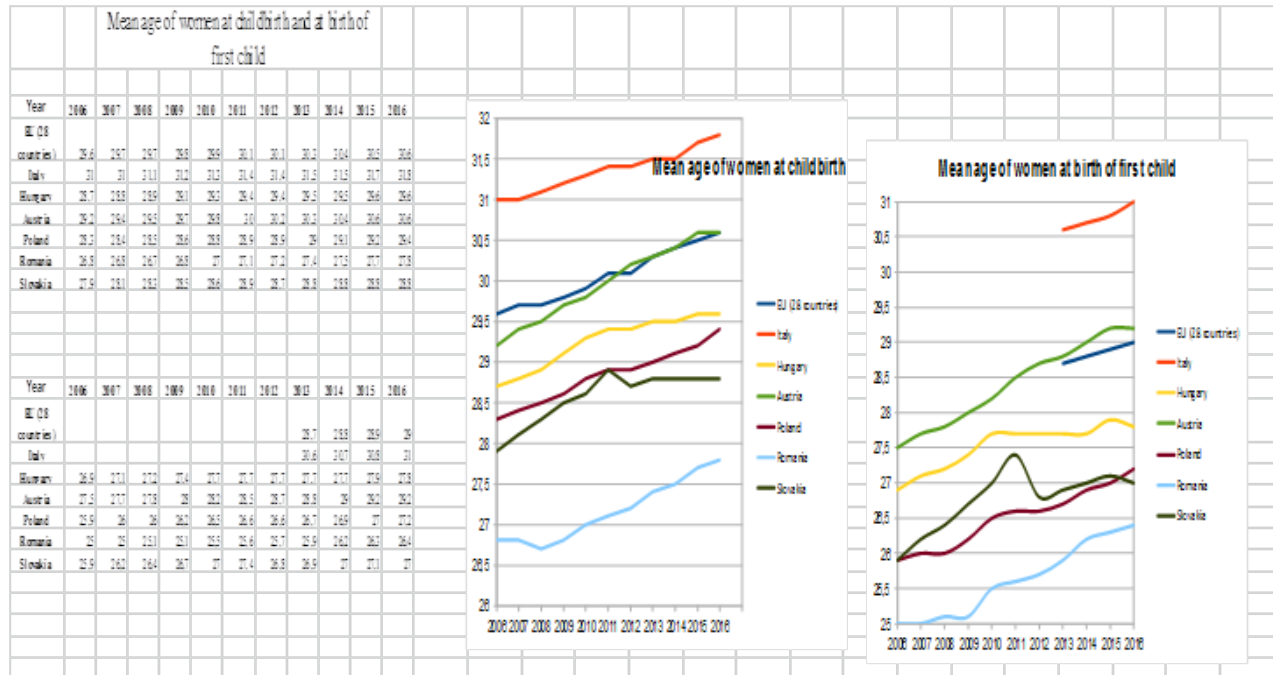
Figure 12 Total fertility rate – number of children per woman – Austria, Hungary, Italy, Poland, Romania, Slovakia, EU-28

Total fertility rate											
number of children per woman											
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
EU (28 countries)	1.54	1.56	1.61	1.61	1.62	1.59	1.59	1.55	1.58	1.57	1.6
Italy	1.37	1.4	1.45	1.45	1.46	1.44	1.43	1.39	1.37	1.35	1.34
Hungary	1.34	1.32	1.35	1.32	1.25	1.23	1.34	1.35	1.44	1.45	1.53
Austria	1.41	1.38	1.42	1.39	1.44	1.43	1.44	1.44	1.46	1.49	1.53
Poland	1.27	1.31	1.39	1.4	1.41	1.33	1.33	1.29	1.32	1.32	1.39
Romania	1.42	1.45	1.6	1.66	1.59	1.47	1.52	1.46	1.56	1.58	1.64
Slovakia	1.25	1.27	1.34	1.44	1.43	1.45	1.34	1.34	1.37	1.4	1.48



Source: Eurostat

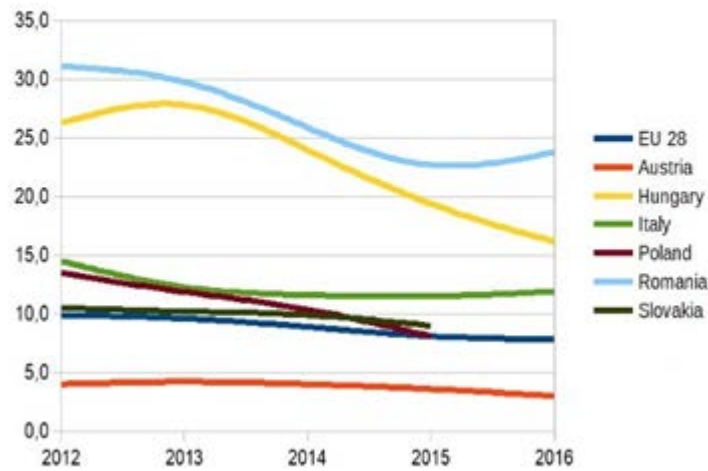
Figure 13: Mean age of women at childbirth and a birth of first child – EU-28, Austria, Italy, Hungary, Poland, Romania, Slovakia



Source: Eurostat

Figure 14: Severe material deprivation rates, 2012-2016 – EU-28, Austria, Italy, Hungary, Poland, Romania, Slovakia

Severe material deprivation rates, 2012-16
http://ec.europa.eu/eurostat/statistics-explained/index.php/Material_deprivation_statistics_-_early_results



Source: Eurostat

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the FEMM Committee, is designed to identify in which fields and by which means the backlash in gender equality and women's and girls' rights in six countries (Austria, Hungary, Italy, Poland, Romania, and Slovakia) is occurring. The backlash, which has been happening over the last several years, has decreased the level of protection of women and girls and reduced access to their rights.

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