

SPOTLIGHT ON THE POLITICAL GROUPS AS GENDER EQUALITY ACTORS

‘STRUGGLES OVER ISSUES OF GENDERED VIOLENCE
IN THE EUROPEAN PARLIAMENT’

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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

The aim of this policy study is to provide an account on the most advanced and recent developments of policies about gendered violence in the European Parliament (EP).

Today's context is shaped by the backlash of anti-gender movements and the rise of political groups with right-wing and extreme-right populist affinities, affecting the legitimacy of the EP altogether.

As a result, gender equality is now a highly contested policy field in the EP and it matters to understand the reasons of these contestations and to develop better strategies to tackle the backlash. This policy study offers an extensive overview of the latest policy developments related to gendered violence, not only in terms of policy outcomes but also in terms of how gender equality as a norm is debated. Analysing discourses shows the forms of resistance and stresses the counterstrategies needed to advance gender equality objectives.

Eventually, the pursuit of gender equality objectives in the EP and its political groups requires a coordinated efforts, which includes decision-making strategies and a review of their own internal measures. This policy study reviews gender equality policies in the EP via three recent cases. They include the EU's ratification of the Istanbul Convention, abortion rights in the EU and sexual harassment in the EP.

Taken together, they showcase the necessity to prioritise the field in decision-making but also the importance of remaining attentive to both everyday practices in the Parliament and to political dynamics within and between its political groups in relation to gender equality issues.

INTRODUCTION

1. INTRODUCTION

The issue of combating gendered forms of violence is both long-lasting and recurring. Gendered violence remains a salient issue and often becomes a topic of heated public debate. A few recent examples include the surge provoked by the global #MeToo movement and the outcry over the staggering number of domestic violence and femicide cases that the Covid-19 pandemic aggravated. Beyond issues of sexual harassment and violence against women – which are commonly accepted as gendered forms of violence – restrictions to abortion rights also amount to gendered violence. Abortion rights are typically a controversial topic and recent restrictions in the US and in Poland have put them at the top of public debates, including as part of the US mid-term election campaigns and in several debates in the European Parliament (EP). Restrictions to abortion rights become clear gendered forms of violence when women die during pregnancy because they were refused necessary medical care, or when they flee conflicts with an unwanted pregnancy that may be the outcome of rape and reach countries in which abortion is prohibited.¹

In the European Union (EU), issues of gendered violence have recently been at the core of debates on three occasions: The EU's ratification of the Istanbul Convention, the development of a supranational right to abortion, and the incidents of sexual harassment in the EP. On these three occasions, violence against women and domestic violence, restriction to abortion rights, and sexual harassment were put at the top of the EP's decision-making's agenda, for better and for worse. The Istanbul Convention on violence against women and domestic violence initially constituted a successful legal development before becoming the scapegoat of a rising anti-gender movement across Europe. Access to abortion services was eased in Ireland with decriminalisation but worsened in Poland with the introduction of an almost total ban. Finally, the #MeToo movement reinvigorated policymaking against sexual harassment in some member states and within the European Parliament itself.

This policy study taps into these key political controversies by analysing them within the European Parliament, an actor that holds centre stage for gender equality policymaking. By focusing on the EP, the study digs into a key EU institution and highlights the current state of gendered violence policymaking in the EU. With its members being directly elected by EU citizens, the EP is the most democratic of all EU institutions. It is also often described as the most gender friendly. Notably, its role in politicising core issues like gender equality into the European political stage by adopting several policies tackling gendered violence is important.

In this policy study, the European Parliament is analysed in its entirety, that is not only as a policymaker but also as a norm maker and a workplace. Building on previous research, this study regards the EP as a body shaped by unequal gendered practices. This means that the pursuit of gender equality objectives in the EP also involves a review of its internal measures and practices as well as those practiced by the political groups.

This policy study draws on the findings of a doctoral dissertation conducted as part of the major European Research Council funded scientific research project EUGenDem which provides a systematic analysis of the gendered policies and practices of the political groups in the European Parliament.² The policy study spells out the research findings published in academic journals into recommendations for policymakers in the European Parliament and beyond.³

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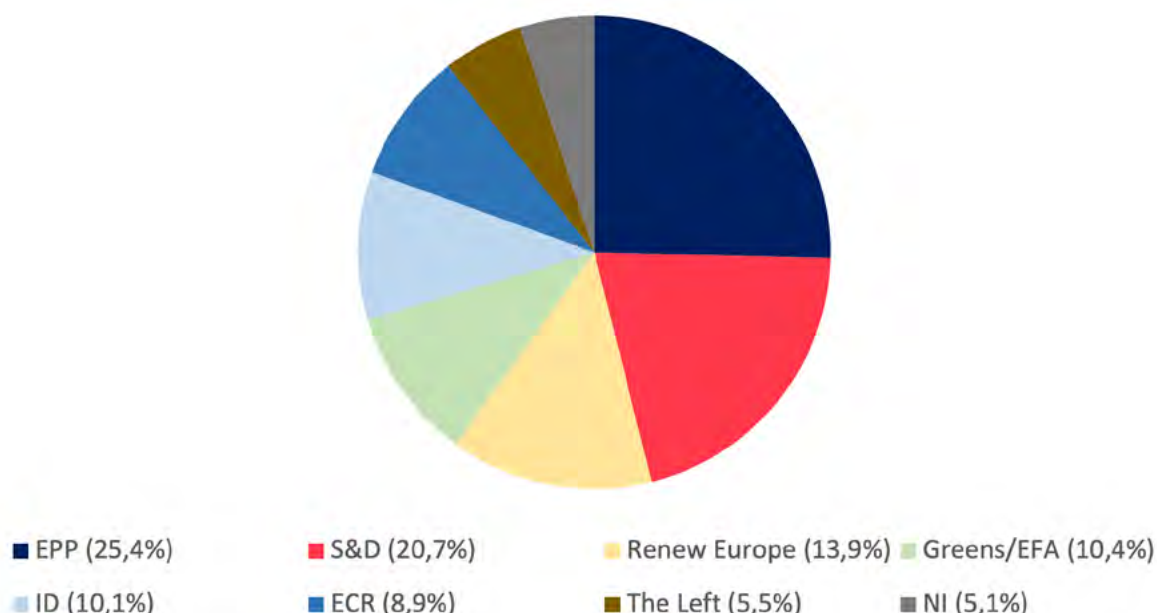
CONTEXT AND BACKGROUND: GENDERED VIOLENCE IN THE EUROPEAN PARLIAMENT AND ITS POLITICAL GROUPS

2. CONTEXT AND BACKGROUND: GENDERED VIOLENCE IN THE EUROPEAN PARLIAMENT AND ITS POLITICAL GROUPS

The European Parliament is traditionally described in the academic literature as a “real champion for gender equality.”⁴ Unique in many ways, the EP counts 705 Members of the European Parliament (MEPs) elected domestically from 27 member states. The MEPs have their own national institutional backgrounds, traditions, and languages, and come together in a well-established institutional setting that organises the EP’s parliamentary work. Once elected, MEPs conglomerate into political groups. Political groups are key political players in the EP because they politicise core issues, including gender

equality, and shape policies. They are generally formed according to shared political affinities between MEPs. During the 9th legislative term (2019-2024), the political groups were the centre-right conservative European People’s Party (EPP); the centre-left Progressive Alliance of Socialists and Democrats (S&D); the European Conservatives and Reformists (ECR); the liberals Renew Europe (ALDE); the radical-right Identity and Democracy (ID); the Greens/European Free Alliance (Greens/EFA) and the Left (The Left).

Figure 1: Size of the political groups in the European Parliament (February 2023)



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Often presented as a supporter for gender equality, the EP regularly acted as a progressive agenda-setter at the supranational level.⁵ It is known for its relatively high number of elected women MEPs in comparison to national parliaments (37% after the 2014 election, 40.4% after the 2019 election, 39.3% in January 2022 after Brexit) and for its specialised Committee on women’s rights and gender equality (known as the ‘FEMM Committee’) – which is the most active body for gender equality policymaking in the EP. It often welcomes and includes the participation of grassroots’ organisations in decision-making by organising public hearings on specific issues and ensures the articulation of a feminist discourse in parliamentary debates. The ranks of the FEMM Committee have included powerful advocates on issues pertaining to violence against women with adopting the first ever parliamentary report on violence against women as early as 1984. Women MEPs have also secured more leadership positions within the EP than in other national settings, for instance, as vice-presidents and committee chairs.⁶

Against this background, every increase of the EP’s power overtime (especially since the Lisbon treaty) was welcomed by feminist advocates, who saw the EP as a genuine ally.⁷ Nevertheless, tensions and contradictions exist within and amongst its political groups with regards to gender equality policies. This means that, despite the above, gender equality remains a disputed concept and a norm subject to contestation in the EP. Notably, the backlash against gender equality spread across Europe with important contestation domestically and in the EP. In the EP, the backlash came along an increasing representation of Eurosceptic radical-right populist groups (RRPs),

mostly after the 2016 elections.⁸ For instance, a recent study by Elena Zacharenko estimated the number of MEPs contesting gender equality in 2020 at approximately 30%.⁹ Such backlash is part of a broader project to contest the global gender equality norm, which has developed internationally since the 1960s. In response, it is now more than ever urgent to uncover the diverse strategies of opposition and highlight the possibilities for pro-gender equality actors to defend the norm, including in the EU and in the EP.

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Regarding discourses around gender equality, new research shows that gender importantly shapes the practices and policies of the political groups. Gender has become a topic around which groups polarise. On one hand, the S&D, Renew Europe, the Greens/EFA and the Left can be defined as groups defending gender equality, while on the other hand, it is opposed in the EFDD and the ECR groups.¹⁰ The EPP group is ambiguous and often ‘sits on the fence’ in relation to gender equality.¹¹ Importantly, all groups have internal tensions and contradictions, which means that gender equality can also be opposed in groups that formally support it.

Against this background, this policy study reviews the current struggles over issues of gendered violence in the European Parliament and proposes remedies.

AIMS AND METHODOLOGY

3. AIMS AND METHODOLOGY

The research behind this policy study focuses on the EP's political groups discourses on issues of gendered violence.¹ Methodologically, it aims to analyse what happens to the objectives of gender equality when issues of gendered violence are represented, problematised, and constructed in public debates. Issues of representations and problematisation are key to political debates and policymakers. Excavating and deconstructing the meanings attributed to issues of gendered violence allow pinpointing the persistence of inequalities. In the context of the European Parliament, it also allows identifying the barriers to the advancement of gender equality at the supranational level. Discourses are here understood in a broad sense, as political discourse, debates, and in particular the framings of specific issues.

A focus on discourse matters because discourses have a normative power. The ways in which political groups frame, construct or problematise gender equality as an issue deserving or not political actions ultimately shapes the policies adopted by the EP and beyond. Beyond, opposition to gender equality can be articulated via anti-EU arguments or via an emphasis on the subsidiarity principle – which are both relevant to EU integration. In a context of 'polycrisis' as experienced now by the EU, it matters more than ever to learn from debates on gender equality and to understand what they tell us about the future of the EU. Drawbacks on gender equality are not merely the result of anti-gender politics and radical-right populism, they are the core site in which current democracies are contested.¹²

This policy study deals with aspects of gender equality policy that are typically highly controversial, such as restriction on abortion rights, and others that are typically well-accepted by policymakers across the political spectrum, such as violence against women. It focuses on the discursive constructions of the EP's

political groups in relation to EU's accession to the Istanbul Convention, abortion rights in the EU and sexual harassment in the EP. This selection of three issue-specific cases shows the disagreements and fault lines between and within the groups. To some extent, opposition to EU gender equality policies were exceptionally strong during the debates on the 2017 resolution on ratifying the Istanbul Convention,¹³ whereas the adoption of the 2021 Matić resolution¹⁴ on sexual and reproductive health and rights (SRHR) suggests there existed a progressive response to anti-gender politics and in favour of abortion rights.

This policy study draws on the findings of a research conducted as part of the project "Gender, party politics and democracy in Europe: a study of the European Parliament's party groups" (EUGenDem) financed by the European Research Council's Consolidated Grant (2018-2023). The project analysed the gendered policies and practices of the European Parliament's political groups and has published findings in various academic books and journal articles (see endnote 2). More specifically, this policy study translates the findings of the doctoral dissertation titled "the discursive politics of gendered violence and bodily rights in the European Parliament" conducted as part of the EUGenDem project.¹⁵

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ISSUES OF GENDERED VIOLENCE AT THE HEART OF RECENT DEBATES IN THE EUROPEAN PARLIAMENT

4. ISSUES OF GENDERED VIOLENCE AT THE HEART OF RECENT DEBATES IN THE EUROPEAN PARLIAMENT

4.1. THE EU'S RATIFICATION OF THE ISTANBUL CONVENTION ON VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

The Council of Europe's Convention on preventing and combating violence against women and domestic violence, known as the Istanbul Convention, was adopted in 2011 and came into force in most EU member states. Some are still opposing its ratification. The Convention had a significant impact in improving national legislation against gendered violence and placed the value of gender equality at the heart of debates in the European region, beyond the EU.¹⁶ With its binding nature, the Convention offers the most extensive legal protection against gendered violence to date.

The Convention rapidly became subject to strong controversies for defining gender as a social construction, which was deemed subversive for many. In many European states, including EU member states, the recognition of gender as a social construction in the law was problematic. For instance, the Bulgarian constitutional court deemed the ratification of the Convention unconstitutional because its definition of gender would denature Bulgarian traditional approach to family as enshrined in its Constitution. Another example includes Turkey's withdrawal from the Convention in July 2021 and the Polish government's declaration of intent to withdraw. Such instances of backlashes assume that the Convention allegedly carries what opponents call a 'gender ideology'.

THE ISTANBUL CONVENTION

The Istanbul Convention is the most comprehensive international and legally binding text of its kind. Negotiated in the Council of Europe, which counts 47 states as members, it entered into force in 34 of those states. All EU member states – except six – have ratified it. Bulgaria, the Czech Republic, Hungary, Latvia, Lithuania, and Slovakia are still opposing its ratification.¹⁷

The Convention offer a holistic framework via four main objectives: (1) focusing on preventing violence against women and domestic violence, (2) protecting victims, (3) prosecuting perpetrators, and (4) implementing coordinated policies. Furthermore, it constitutes the first ever legal text to recognise violence against women as a gender-based form of violence, rooted in discrimination and unequal power relations between women and men.

The independent Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) monitors the implementation of the Convention. It outlines general recommendations and regularly publishes reports evaluating the situation in signatory states.

THE 'GENDER IDEOLOGY' RHETORIC

The 'gender ideology' rhetoric is a form of direct and clear opposition to gender equality that aims to portray gender equality as an ideology and gender equality promoters as ideologues.¹⁸ This anti-feminist and anti-gender rhetoric defend heteronormative and traditional understandings of nuclear families, reproductive rights and education based on conservative, gendered expectations.¹⁹ Current challenges at the domestic level have been discussed quite extensively in the academic literature, where it is argued that such rhetoric is part of the development of an alternative political project against the EU and against equality norms. In the European Parliament, the gender-ideology rhetoric is more visible as debates on gender equality become more polarized. Such discourse typically come from the ECR and ID groups.

At the supranational level, the Convention was first received rather triumphally, to the extent that the EP expected ratification to be quick and easy. The European Commission launched a roadmap and proposal for ratification and signed the Convention in 2017. Ratification of the Convention by the EU level presents many advantages. Sara de Vido argued that it would constitute a step forward in the protection of violence against women within the EU legal framework by signalling the importance of it to reluctant member states and by strengthening the EU's role as a global leader for gender equality.²⁰ In the EP, the FEMM Committee consistently and actively pushed for ratification with the adoption of several resolutions – with the most recent one adopted in February 2023.²¹ Yet, ratification has since been blocked in the European Council. Although ratification was given priority by some states chairing the rotating presidency of the Council (e.g. France and Finland), it is still pending. However, recent developments are promising. For instance, the European Court of Justice declared in its Opinion 1/19 of October 2021²² that the Treaties do not require a common accord to be reached between all member states before the European Council can enact its conclusions on ratification (suggesting

that, formally, no EU law prevents the Council from enacting a decision on ratification). As a result, the EP adopted a new resolution in February 2023 to push for ratification, considering the Court's Opinion. And finally, the European Commission issued a Directive proposal in 2022 on combating violence against women and domestic violence²³ that aims to pursue the Istanbul Convention's objectives (also in member states that did not ratify it). Hopefully, this arsenal of EU legal provisions, soft-law and initiatives will boost the political will in favour of ratification and untangle the situation.

This policy study draws on the findings of an analysis of debates on the 2017 resolution (see endnote 13), which highlighted important ideological cleavages in the hemicycle. Contrary to first expectations, debates about ratification were not easy. The backlash that pre-existed at national level had reached the supranational level. Opposition emerged in the form of anti-gender politics, where direct and indirect opposition to gender equality marked the political discourses. The discursive analysis of debates in the EP showed that divergences were above all ideological. This, in turn, left little space to discuss and assess the concrete, legal implication on EU law ensuing from ratification. Ratification of the Convention by the EU would de facto apply to only two of its provisions that are covered by EU competences, namely judicial cooperation in criminal matters and, asylum and non-refoulement. Considering this narrow scope of ratification, opposition was based on misinformed ideologies rather than legal considerations.

Amongst the opponent to ratification, two types of discourses were dominant. The first consisted in rejecting ratification at the supranational level on the grounds that protection offered by pre-existing national laws suffice. This approach deems ratification by the EU redundant and unnecessary. While this may have looked like an argument motivated by simplicity (to avoid the accumulation of similar laws), research demonstrates on the contrary that such argument is often used by actors opposing the development of gender equality policy, albeit indirectly. The second dominant discourse of opposition consisted in rejecting the Convention blatantly for it constituted

a too controversial and too dangerous of a text. This rhetoric channelled an outright rejection, which is a direct form of anti-gender politics expression.

Regarding the political groups, findings show that the S&D, Renew/ALDE, Greens/EFA and The Left groups, and few MEPs from the EPP, tended to argue in favour of ratification by stressing the Convention's symbolic value and by encouraging the EU to act as a role model for its member states. They regarded ratification as an important step towards the eradication of gendered violence and as a milestone in the pursuit of gender equality objectives in the EU. In contrast, the groups ECR, ENF and EFDD opposed the text, let alone its ratification by the EU. Opposition was articulated via a delegitimization of the text and Eurosceptic arguments. Indirect form of opposition consisted in arguing that supranational commitments were unnecessary, and direct opposition consisted of anti-feminist and pro-religious discourses with the aim to distort and denature the content of the Convention, making it look like unacceptable. They regarded the Convention as bearer of a 'gender ideology' – which they portray as a threat to traditional values. Finally, at least some MEPs from all groups chose to support ratification by stressing its limited scope. Highlighting the limited competence of the EU in relation to violence against women and domestic violence helped downplay the controversies around gender and increase the focus on the few provisions that would become EU law after ratification.

Although the EP resolution on EU's ratification of the Istanbul Convention was eventually adopted by the plenary as a whole, the resistance and backlash expressed by anti-gender political groups or individual MEPs bring evidence to the challenges that await a vote on ratification or on the 2022 Directive proposal.

4.2. ABORTION RIGHTS IN THE EUROPEAN UNION

Safe and legal access to abortion is a precondition for gender equality. In turn, restrictions on access to abortion correspond to a form of gendered violence and undermine gender equality – a value of the European Union.

On the international stage, the recognition of abortion as a right has faced consistent and systematic opposition from global religious and secular actors. In the 1960s, reproductive rights were mostly discussed in terms of population control with objectives far removed from principles of self-determination and autonomy. International policy developments in favour of women's rights in the 1970s and 1980s would exclude reproductive rights. Abortion was off the table. In fact, in 1984, the Reagan Administration introduced a 'Global Gag Rule' that prevented US federal money from being used to promote abortion as a method of family planning. The political environment at the time was unfavourable to progressive claims on sexual health and reproductive rights (SRHR), including abortion. Even if a few international texts marked the development of a "qualifying language"²⁴ in the 1990s, SRHR remained highly controversial in UN negotiations where controversies are typically avoided to protect cooperation between states. Still today, negotiations at the UN remain a main site of struggle, in which certain state and non-state actors such as religious groups or NGOs, work against reproductive rights and gender equality.

In the EU, the politicisation of reproductive rights, including abortion rights, and their translation into policy is challenging. The policy frames for access to abortion remains unharmonized across member states. While most have progressive measures in place, abortion is still banned in Malta, and highly restricted in Poland.²⁵ Further, many indirect barriers prevent access to abortion where it is provided (e.g., time limit and conscious clause). At the EU-level, abortion rights generate strong disagreements and typically divide people and opinions. Additionally, it is generally regarded as falling outside the scope of EU competences, which in relation to gender equality remains largely concentrated within the employment sphere. As a result, the rare times abortion is mentioned in EU texts is when it's done as part of its normative soft powers targeting non-EU countries or in the context of forced abortion. For instance, the 2022 Directive proposal on violence against women and domestic violence only refers to forced abortion and sterilisation.

As for non-binding measures on reproductive and abortion rights, the situation does not fare much better. Non-binding measures include, for instance,

the European Commission's Gender Equality Strategy (2020-2025). But the Strategy does not mention access to safe and legal abortion rights and services nor SRHR. The EP's resolutions also merely constitute non-binding measures. This being said, they are crucial steps. They set broad guiding principles by developing a common discourse on an issue that are then referred to as grounds for future binding and non-binding policies. But in relation to abortion rights, the adoption of resolutions by the EP has been slow and full of obstacles.

Three occasions put abortion rights in the EU at the centre of debates in the EP: the 2002 Van Lancker resolution²⁶, the 2013 Estrela report²⁷, and the 2021 Matic resolution. The Van Lancker resolution contained both progressive and conservative provisions on abortion, that is recommending access to safe and legal access to abortion while also highlighting the physical and psychological health risks allegedly involved with abortion. The resolution was adopted with 280 votes in favour, 240 against and 28 abstentions. Ten years later, when the Van Lancker resolution was due to renewal, the Estrela report brought back issues of abortion onto the political agenda. The text adopted a progressive right-based approach and linked human rights concerns with high-quality abortion services. But the report was harshly condemned in the EP and triggered the reaction of anti-gender movements that mobilized against it. The text was never adopted. In contrast, the recent adoption of the 2021 Matic resolution marked a significant advancement for it took a firm stance about the situation in member states, thus turning the gaze internally towards the EU. It stated that 41% of women in the EU lived under restrictive abortion laws and shed lights on the often-overlooked hindrance caused by indirect barriers to abortion services. Although the text generated a strong but expected reaction from within the EP and from anti-abortion organisations, it was adopted with 378 votes in favour, 225 votes against and 42 abstentions. Interestingly, the debates condemned restrictions on abortion rights as infringement on EU values. In other words, proponents to the Matic resolution claimed restrictions to abortion rights did not belong to the EU, thus making safe and legal access to abortion rights part of EU values.

About reproductive and abortion rights, the political groups of S&D, Renew, Greens/EFA and The Left tended to define safe and legal access to abortion services as a human right and a precondition to gender equality. These groups belong to the most progressive branch of the EP, therefore their support for abortion rights can be expected. However, what is surprising is that for the very first time, these groups debated abortion rights in the framework of EU values and discussed them in relation to the bloc's democratic principles. As a result, restrictive trends to abortion rights were framed as part of global undemocratic interferences against reproductive rights, a reference to foreign lobbies financing anti-abortion movements in Europe. On the downside, this resulted finger pointing practices targeting some member states as 'backwards' and 'in need of catching up', whereas indirect barriers to abortion rights exist in most member states. Such discourse narrows the existence of gendered inequalities to only some 'bad apples' in the EU and reproduces the idea that the EU as a polity and the EP as one of its bodies are both, in principle, championing equality issues. In sharp contradiction, the ECR and ID groups condemned the fact that issues of abortion rights were discussed in the EP and argued for a strict national sovereignty. For them, debating national decisions to restrict abortion rights in the EP constituted an unacceptable interference with sovereignty principles. As the most traditional and Eurosceptic groups in the EP, this could also be expected. However, their extensive use of the human right language to oppose reproductive rights is a rather recent phenomenon, although extensively documented.²⁸ Their discourse distorted the concept of human dignity towards the right of the unborn life, and silenced women's rights and experiences with unwanted pregnancies by talking about mothers and babies.

4.3. SEXUAL HARASSMENT IN THE EUROPEAN PARLIAMENT

In comparison to the two above-mentioned issues, the prevention of sexual harassment in the workplace is one of the most solidly established gender equality policy in the EU legislative framework (Zippel 2006, 2008). Indeed, sexual harassment was first regulated by the 2002 Directive on Equal

Treatment, then replaced by the 2006 Recast Directive. Falling within the scope of the employment sphere, combating sexual harassment as a workplace issue was far easier to integrate into EU law than other gender equality issues. The EU being initially seen primarily as an economy and market community, the EU gender equality policy framework has first and foremost developed as a matter of workers' rights and labour protection, in which tackling sexual harassment is central.

Consistent with its reputation, the European Parliament supported the development of sexual harassment into EU law.²⁹ However, recent events triggered by the #MeToo movement showed that the EP paid significantly less attention to its own policies in relation to sexual harassment. When the #MeToo movement burst in 2017, creating a wave of reactions in most countries and industries, it also affected political institutions. The issue became controversial in the EP too as voices started to raise against incidents of sexual harassment in the EP, blaming the lack of efficient internal regulations against it.³⁰

During debates on the adoption of the resolution on sexual harassment and abuse in the EU in 2017, some MEPs displayed signs with the #MeToo inscription and shared their own experiences of sexual harassment as politicians and in the European Parliament. Despite its adoption, and despite its clear recommendations for the EP itself, the resolution's provisions were not implemented. No further steps against sexual harassment in the EP were taken until the emergence of the #MeTooEP campaign, a bottom-up staff-led movement. The campaign's aims were to raise awareness on the pervasive nature of sexual harassment in the EP and to highlight the limitations of the existing mechanisms in the EP to tackle it. It drew attention to a mismatch between the adopted provisions of the resolution and the lack of implementation in practice. The combative nature of their activism led to an increased visibility of the issue in the EP and to an increased pressure on the EP leadership to respond. The issue gained visibility and forced political groups to position themselves in relation to it.

The S&D, Renew Europe, Greens-EFA and The Left groups tended to define sexual harassment as an impairment of the democratic functioning of parliamentary work, an abuse of gendered power and demanded new measures to combat it (i.e. new code of conduct, new anti-harassment trainings). Simultaneously, they provided support to the #MeTooEP campaign by giving it access to resources (i.e. access to meeting rooms). Some MEPs in leadership positions and from the EPP group tended to deny the problems related to sexual harassment in the EP. They tended to stress that anti-harassment measures allegedly already ensured that harassment was addressed. For them, measures to combat sexual harassment existed so the problem was thus solved. Many MEPs from across the political spectrum depicted sexual harassment as a cultural and private issue, which necessitate individual solutions rather than institutional ones. In contrast, the #MeTooEP campaign formulated a combative discourse seeking transformative changes. They called for a deep reform of the institutions responsible for enabling harassment in the first place.

CONCLUSIONS

5. CONCLUSIONS

5.1. DIFFERENT APPROACHES TOWARDS POLICIES ON GENDERED VIOLENCE BETWEEN AND WITHIN POLITICAL GROUPS

The effort of analysing the ins and outs of different discourses is important to better understand what is at stake when gender equality advances, stagnates or declines in Europe. Via discourses, political actors attribute meanings and solutions to social problems – in other words, they set their political agendas. Thus, politics is the exercise of defining and defending one's own account in discursive battles with political opponents.³¹ Against this background, it is possible to assess the knowledge produced by political actors and expose their contradictions, nuances, and silences vis-à-vis an issue. In relation to gender equality, the analysis of discourses shed lights on the processes that either maintain, challenge, or transform all sorts of inequalities. In the EP, analysing discourses around the norm of gender equality highlights the power dynamics of the political groups, the different forms of support and opposition to equalities as well as the possibilities for the EP, as a supranational policymaker, to advance gender equality.

As mentioned in the introduction, the EP is typically described as a champion for gender equality and a strong ally to feminist actors. But there exist tensions and contradictions within and between political groups in relation to gender equality. In the academic literature, it is common to divide the groups into categories. For instance, they can be divided according to a socio-economic left/right axis; an integration/demarcation axis; a pro-/anti-EU integration axis; a cultural/moral axis; or, a Greens, Alternatives, Libertarians (GALs)/ Traditionalists, Authoritarians, Nationalists (TANs) axis.³² Such framework also helps assessing groups' attitudes towards gender equality. Regarding issues of gendered violence, the findings confirmed clear

distinctions between groups. For instance, ratification of the Istanbul Convention by the EU was opposed by groups on the TANs axis via conservatives and Eurosceptic arguments, and conservative views also prevailed to silence claims for institutional reforms tackling sexual harassment in the EP.

While contradictions exist across groups, they also exist within them. These are typically the outcome of internal conflicts between national party delegations. For instance, within S&D – a group that formally supports policies to combat violence against women and domestic violence – some MEPs from the Bulgarian delegation expressed hostility towards the Istanbul Convention, because of controversies in their home country. Since the bigger delegations have more political weight, the importance attributed to gender equality issues depend on them. For instance, while the EPP as a group tends to oppose reproductive and abortion rights, some delegations like the Swedish, French and Belgium oppose it less than the most conservative delegations like the Italians, Maltese, and Croat delegations.³³

Analysing the groups' discourses helps assess the systematic opposition of some groups and the less visible but incremental forms of backlash. While obvious forms of opposition are easier to tackle, the subtle and indirect forms of opposition can effectively block the advancement of gender equality policies in the EP. For instance, direct forms of opposition included the use of the 'gender ideology' rhetoric to delegitimise the Istanbul Convention, whereas indirect forms of opposition included opposing policies via Eurosceptic arguments. In such case, the attack is supposedly not aiming at the policy itself, but at its supranational nature. Groups on the TAN axis (e.g. ID and ECR) opposed systematically the supranational development of gendered violence policies, notably by contesting the EP's competences and delegitimising gender

equality norms. Their backlash provoked the reaction of progressive actors in the EP, who in response united more strongly and in bigger number against regressive trends. Alliances were built to defend issues some actors would otherwise not engage with. For instance, during the adoption of the Matic resolution, restrictions to abortion rights in the EU were debated as part of two joint meetings with FEMM and the Committee on Civil Liberties, Justice and Home affairs (LIBE), and FEMM and the Special Committee on Foreign Interference in all Democratic Processes in the European Union, including Disinformation (INGE) whereas both LIBE and INGE do not typically engage with abortion issues.

Another important finding is the difficulty for the EP and its groups to face their own limits. For instance, groups on the GAL axis (e.g. S&D, Renew, Greens-EFA and The Left), which tend to support gender equality rather consistently and define themselves as champions of human rights and equality issues, tend to overlook their own contradictions. For instance, during debates on the Matic resolution they tended to blame some 'bad apples' (i.e. radical right groups like ECR and ID; or some member states, especially Poland) but overlooked forms of opposition within their ranks, or forms of indirect barriers to abortion rights that exist in most member states. Likewise, the EP often projects itself as a champion of gender equality, as a good institution, but overlooks its own internal practices responsible for sexual harassment. Yet, the pursuit of gender equality objectives is not the responsibility of just a few 'bad apples'. Much rather, it is the responsibility of all to check their own practices.

5.2. SPECIAL CONSIDERATIONS FOR THE EPP

Special considerations are needed for the EPP group because of the important internal tensions regarding gender equality and gendered violence issues. The group is known for its neutrality on issues of equalities and human rights. During debates on the EU's ratification of the Istanbul Convention and on abortion rights in the EU, the EPP typically referred to the subsidiarity argument and the lack of EU competences, taking the debates

away from discussing the issue itself. And with regards to sexual harassment, the group defended the status-quo, that is the use of existing mechanisms rather than the creation of new ones. In that sense, those seeking internal reforms to prevent sexual harassment were perceived by the EPP as troublemakers.

The group also uses widely the subsidiarity principle to define gendered violence policies as a national competence. It is a key strategy that takes away the possibility to advance gender equality in the EP. Its persuasiveness is powerful because its existence allowed the development of a supranational form of state power in the first place (i.e. the EU). By limiting supra-state powers, the subsidiarity principle offered the possibility of a wider consensus, convincing those reluctant to transfer sovereign powers to supranational bodies. Gender and politics researchers show that 'the subsidiarity card' is strategically used in debates over gender equality to disengage with the substantive content of the norm and turn the attention towards 'technical' matters.³⁴ Empirically, it is confirmed about human rights and abortion rights.

The subsidiarity principle limits what can be achieved in the EP about gender equality, notably, because it forces progressive actors to water down their demands. It forces them to acknowledge the limits imposed by the subsidiarity principle and by EU law, and to justify their actions in the face of this principle. Further, this discursive strategy serves the interests of anti-gender and Eurosceptic groups by preventing the further integration of gender equality policies. It is a concern for democracy that the largest political group in the EP, the EPP, indirectly opposes the development of EU policies on gendered violence issues via the subsidiarity argument – which ultimately also benefits radical right and Eurosceptic groups.

As the biggest and most established group in the EP, the EPP is powerful. The group's lack of support for recent gender equality measures in the field of gendered violence is a real concern for the advancement of the norm at the supranational level. The form of opposition that the group uses against

some aspects of gender equality is less obvious and thus more difficult to tackle.

5.3. CONCLUDING REMARKS ON THE EP AS A SUPRANATIONAL POLICYMAKER FOR GENDER EQUALITY

The findings presented above show that the EP is still not supporting gender equality unanimously. Rather, it is composed of different political groups that hold different political views on if and how gender equality should be achieved in the EU. The groups are themselves heterogeneous as they present internal contradictions, mostly between different national party delegations.

What the findings tell us about the Parliament as a supranational policymaker for gender equality is that while it projects itself as a norm defender, it must remain attentive to its own unequal institutional practices – e.g., gender equality but also racism³⁵ – and must tackle the opposition to gender equality, including subtle ones.

Strategies of opposition have diverse effects on politics in the EP. They impose limits on what can be said about gender equality from progressive actors. Facing the backlash, pro-gender equality actors downplay their ambition to appear as less threatening. They also are forced into positioning themselves vis-à-vis those attacks (i.e., choosing to respond or not and how). Opposition to gender equality is also used by anti-gender actors as a tool via which to oppose the EU in its entirety. Their opposition to gender equality aims at limiting the EU's power by shrinking the EP's possibilities to act as a supranational policymaker for gender equality. In turn, the threat of radical right populist and Eurosceptic groups justifies for some the need to respect a strict application of the subsidiarity principle. Via the subsidiarity principle, they argue the EU remains within its competences and appear as less threatening. Finally, the urgency to tackle opposition to gender equality requires unity behind EU values. However, such objective should not be reached at the cost of dividing some groups and member states as 'progressive' and others as 'backwards'.

RECOMMENDATIONS

6. RECOMMENDATIONS

Given the findings and discussion, this policy study puts forth the following key policy recommendations:

1) EU's ratification of the Istanbul Convention is primordial

- The EU must ratify the Istanbul Convention and adopt the 2022 Directive proposal on violence against women and domestic violence as the two texts complement each other.

2) Safeguarding abortion rights in the EU is part of the EP's democratic role

- Measures on abortion rights and SRHR are important to adopt, even if non-binding. Symbolic measures should not be underestimated as they set broad guiding principles and are then referred to as grounds for future binding and non-binding policies. Their institutionalisation or translation into actionable binding measures is the final objective.

3) Reforming the EP to prevent and combat sexual harassment is needed

- It is important to implement the provisions adopted in the 2017 resolution on sexual harassment and abuse in the EU, including the recommendations targeting the EP.
- The EP and political groups must establish a comprehensive legal framework with a clear message that violence is unacceptable and with adequate support on how to report it. The framework should incorporate codes of conduct, ensure the possibilities and accessibilities of reporting, acknowledge challenges, encourage the public/state-run collection of data and be transparent. Active and informed leadership is key to combat gendered violence and sexual harassment in the EP.

- Preventing gendered violence and sexual harassment in the EP and in political groups requires combating a culture of impunity and fostering a good and healthy working environment. For instance, the ODIHR toolkit provides guidelines for tackling violence against women in politics both as internal practices and in decision-making.³⁶

4) On advancing gender equality policymaking

- Tackling the opposition to gender equality in policymaking requires a coordinated effort, such as fostering formal alliances across political groups and committees.
- It is important for political groups to self-identify and self-assess which forms of opposition prevail internally and to develop formal measures that work accordingly.
- There is potential in discussing gender equality issues within the framework of EU values. EU values have a normative function that can be strategically used to advance gender equality objectives. But it should be kept in mind that alienating some political groups or individual member states and marking boundaries between 'progressive' selves and 'backward' others is eventually counterproductive and reinforces hostility against the EU.
- Good practices can be to include gender equality objectives in the European Parliament's and political groups' formal commitments for transparency and fight against undemocratic principles.
- Finally, equality must be upheld as a non-negotiable democratic value in the EU wherever possible, even if only in debates and non-binding measures because they create an environment in which gender equality is protected.

ENDNOTES

- 1 Euractiv, 22 November 2022, 'Poland's de facto abortion ban risks lives, says MEP', accessible at: <https://www.euractiv.com/section/health-consumers/news/polands-de-facto-abortion-ban-risks-lives-says-mep/> ; and Euractiv, 5 May 2022, 'Ukrainians face rape, trafficking risk while those in Poland cannot access abortion', accessible at: <https://www.euractiv.com/section/health-consumers/news/ukrainians-face-rape-trafficking-risk-while-those-in-poland-cannot-access-abortion/>
- 2 EUGenDem project, University of Helsinki, accessible at: <https://blogs.helsinki.fi/eugendem-project/>
- 3 Berthet, V. (2022a) "Norm under fire: support for and opposition to the European Union's ratification of the Istanbul Convention in the European Parliament" *International Feminist Journal of Politics* 24(5), 675-698; Berthet, V. (2022b) "United in Crisis: Abortion Politics in the European Parliament and Political Groups' Disputes over EU Values" *Journal of Common Market Studies*, 60(6), 1797-1814; Berthet, V. (2022c) "Mobilization Against Sexual Harassment in the European Parliament: The MeTooEP Campaign" *European Journal of Women's Studies*, 29(2), 331-346. Berthet, V. and Kantola, J. (2021) "Gender, violence, and political institutions: struggles over sexual harassment in the European Parliament" *Social Politics*, 28(1), 143-167.
- 4 Locher, B. (2012) "Gendering the EU policy process and constructing the gender acquis" In Abels G. and Mushaben J. M. (eds) *Gendering the European Union*. London: Palgrave Macmillan, 63–84.
- 5 Ahrens, P. and Rolandsen Agustín L. (2019) *Gendering the European Parliament: Structures, Policies, and Practices*, ECPR Press.
- 6 Kantola, J. and Miller, C. (2022) "Gendered leadership in the European Parliament's political groups" In Mueller H. & Toemmel I. (eds.) *Women and leadership in the European Union*. Oxford University Press.
- 7 Kantola, J. (2010) *Gender and the European Union*. Basingstoke: Palgrave.
- 8 Kantola, J. and Lombardo, E. (2021) "Strategies of Right Populists in Opposing Gender Equality in a Polarized European Parliament" *International Political Science Review* 42(5), 565–579.
- 9 Zacharenko, E. (2020) *Anti-gender mobilisations in Europe: Study for policy makers on opposition to sexual and reproductive health and rights (SRHR) in European institutions*.
- 10 Ahrens P. & Kantola J. & Elomäki A. (eds) *European Parliament's Political Groups in Turbulent Times*. Basingstoke: Palgrave Macmillan. Open access: <https://library.oapen.org/bitstream/handle/20.500.12657/57379/978-3-030-94012-6.pdf?sequence=1>
- 11 Ahrens, P., Gaweda, B. and Kantola, J. (2021) "Reframing the language of human rights? Political group contestations on women's and LGBTQI rights in European Parliament debates" *Journal of European Integration*, 1–17
- 12 Graff, A. and Korolczuk, E. (2022) *Anti-gender politics in the populist moment* (p. 212). Taylor & Francis.
- 13 European Parliament resolution of 12 September 2017 on EU accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence, accessible at: https://www.europarl.europa.eu/doceo/document/TA-8-2017-0329_EN.html
- 14 European Parliament resolution of 24 June 2021 on the situation of sexual and reproductive health and rights in the EU, in the frame of women's health, 2020/2215(INI), accessible at: https://www.europarl.europa.eu/doceo/document/TA-9-2021-0314_EN.html
- 15 Berthet, V. (2022) *Dissertation Tampere University, archive*. Accessible at <https://urn.fi/URN:ISBN:978-952-03-2527-5>
- 16 Krizsán, A. & Roggeband, C. (2021) *Politicizing gender and democracy in the context of the Istanbul Convention*. Basingstoke: Palgrave Macmillan.
- 17 For a list of signatory states, see: <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatynum=210>

- 18 Korolczuk, E. (2020) "Counteracting Challenges to Gender Equality in the Era of Anti-Gender Campaigns: Competing Gender Knowledges and Affective Solidarity" *Social Politics*, 27(4), 694–717.
- 19 Kuhar, R. and Paternotte, D. (2017) *Anti-Gender Campaigns in Europe: Mobilizing against Equality*. London: Rowman & Littlefield.
- 20 De Vido, S. (2017) "The ratification of the Council of Europe Istanbul Convention by the EU: A step forward in the protection of women from violence in the European legal system" *European Journal of Legal Studies*, 9(2), 69-102.
- 21 European Parliament resolution of 15 February 2023 on the proposal for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence. Accessible at: https://www.europarl.europa.eu/doceo/document/TA-9-2023-0047_EN.html
- 22 Court of Justice of the European Union, Press release No 176/21, accessible at: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2021-10/cp210176en.pdf>
- 23 European Commission, 2022/0066(COD), "Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence", accessible at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0105>
- 24 Gilby, L., Koivusalo, M. and Atkins, S. (2021) "Global health without sexual and reproductive health and rights? Analysis of United Nations documents and country statements, 2014–2019" *BMJ Global Health*, 6(3).
- 25 See for instance the European Parliamentary Forum for Sexual and Reproductive Rights, 28 September 2021, "the European Abortion Policies Atlas", accessible at: <https://www.epfweb.org/node/857>
- 26 European Parliament resolution on sexual and reproductive health and rights (2001/2128 (INI)), 3 July 2002.
- 27 European Parliament report on sexual and reproductive health and rights (2013/2040 (INI)), 2 December 2013.
- 28 Marques-Pereira, B. (2021) *L'avortement dans l'Union Européenne : acteurs, enjeux et discours*. <https://www.crisp.be/2021/02/lavortement-dans-lunion-europeenne-acteurs-enjeux-et-discours/>
- 29 Zippel, S. K. (2006) *The Politics of Sexual Harassment*. Cambridge University Press.
- 30 Ponté, J. (2019) "Bringing grassroot activism into the fight against sexual harassment in the European Parliament: the MeTooEP Movement", accessible at: <https://feps-europe.eu/wp-content/uploads/2019/10/The-Metoo-Social-Media-Effect-and-its-Potentials-for-Change-in-Europe.pdf>
- 31 Lombardo, E., Meier, P. and Verloo, M. (eds.) (2009) *The discursive politics of gender equality: Stretching, bending and policy-making*. London: Routledge.
- 32 See for instance Hix, S., Noury A. and Roland G. (2005) "Power to the Parties: Cohesion and Competition in the European Parliament, 1979–2001" *British Journal of Political Science* 35(2): 209–234; and, Hooghe, L., Marks, G. & Wilson, J. C. (2002) "Does left/right structure party positions on European integration?" *Comparative political studies* 35(8), 965-989.
- 33 Mondo, É. and Close, C. (2019) "Morality politics in the European parliament. A qualitative insight into MEPs' voting behaviour on abortion and human embryonic stem cell research" *Journal of European Integration*, 41(1), 105–122.
- 34 Havelková, B. (2019) "Women on company boards: Equality meets subsidiarity" *Cambridge Yearbook of European Legal Studies*, 21, 187-216.
- 35 Kantola, J., Elomäki, A., Gaweda, B., Miller, C., Ahrens, P., and Berthet, V. (2023). "It's Like Shouting to a Brick Wall': Normative Whiteness and Racism in the European Parliament" *American Political Science Review*, 117(1), 184-199.
- 36 Organisation for Security and Cooperation in Europe (2022) "Addressing violence against women in politics in the OSCE Region: Toolkit", accessible at: <https://www.osce.org/odihr/530272>



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