GENDER EQUALITY IN EUROPE: BACK, OR THE FUTURE?
Among the key figures and cases studies highlighted in this brief:

- The overall income gap between women and men within the European Union stands at 36.2% (2018).²
- In 25 out of 27 UE countries, the poverty rate is higher for women than for men.
- Around 50% of women and just 6% of men in the EU in partnerships are primarily responsible for their children’s personal and physical care, such as bathing, feeding or changing diapers.
- An estimated 13 million women in the EU-27 have experienced physical violence – by either a partner or a non-partner – in the previous 12 months.
- In the EU, less than 5% of the total number of women who said they had experienced an act of sexual violence reported it to the police.
- A higher share of LGBTQIA+ respondents aged 18 or over are now often or always open about being LGBTQIA+ in the EU (52% compared to 36% in 2012), but 61% of respondents still avoid holding hands in public with a same-sex partner. Still, 37% of respondents aged 15 to 17 are rarely open about identifying LGBTQIA+.
- Three EU countries (Malta, Poland and Romania) have laws that penalise abortion under all circumstances and/or only allow abortion under restrictive conditions.
- Four member states have adopted measures to fight period poverty (Spain, Belgium, Ireland and France).
By the end of 2023, women represented 33% of the members of national parliaments across the Member States. In Sweden, 47% of the members of the parliament are women - making it the Member State with the highest representation of women in the EU.

In contrast, only 14% of the parliamentarians in Hungary and Cyprus are women.

Gender legislative quotas for parliamentary elections exist in 11 countries in the EU: Belgium and France (at 50%); Greece, Ireland, Spain, Croatia, Italy, Luxembourg and Portugal (at 40%); Poland and Slovenia (at 35%). Since they introduced quotas, these countries have increased the share of women in their parliaments almost three times faster than countries without quotas. However, the presence of quotas, even if it encourages parity in representation, does not guarantee effective parity by electoral conservative effect.

Ireland’s Citizens’ Assembly [CA] (deliberation of 100 citizens) framework provides an interesting case study of how deliberative and experimental forms of democracy can act as a vehicle to advance gender equality away from party politics. The country has become an international exemplar in using CAs to debate complex social issues in a relatively short timeframe with focused recommendations for policy action provided. In 2015 and 2018, referendums on marriage equality and abortion were facilitated based on CA recommendations. The period brought immense social change to Ireland as both referendums were a resounding success for equality.

The Irish government has since committed to holding referendums on the constitutional definitions surrounding family and women’s place in the home. Two referenda will be held on 8th March 2024 to change the constitution to provide for a wider concept of Family; and delete Article 41.2 of the Constitution to remove text on the role of women in the home, and insert a new Article 42B to recognise family care. Oxfam Ireland is calling for ‘yes yes’ votes in the referenda and is supporting the work of feminist and women’s rights organisations in Ireland who have been campaigning for these referenda for years.

There are limitations to the CA, mainly that the government is not obliged to act upon recommendations as demonstrated by its rejection of the proposal to lower the voting age to 16.
ACCESS TO CONTRACEPTION AND ABORTION: BACK TO THE PAST

There has been limited action to promote access to contraception and abortion within the EU. Much of this can be attributed to the fact that EU health policy is a national competence, meaning that policy-making, national healthcare system administration, and national healthcare provision - including financing and service scope - remain mainly within the purview of the Member States. Most countries in the EU provide legal abortion upon request; however, restrictions upon access are still in place in many national frameworks. This may include written consent to be obtained by a medical professional and/or mandatory waiting periods between scheduled visits.

The COVID-19 pandemic highlighted how bureaucratic barriers to restrict abortion access, even at the best of times, were made worse during times of crisis. For those living in countries where abortion is illegal or severely limited, travel restrictions aimed at halting the spread of the virus made it difficult to access abortion abroad. The pandemic also highlighted cynical attempts by EU right-wing governments to impede access to abortion through the use of COVID-19 restrictions.

Recent research indicates that anti-gender organisations and religious networks have been accessing state funding to target abortion and LGBTQIA+ rights in many EU countries. The rise of anti-gender movements is closely linked with the growth of right-wing populism in Europe, especially where political far-right groups have gained ground in electoral politics.

**ABORTION POLICIES IN EUROPE**

For stand-alone abortion laws legalising abortion or part of the general health law, only two Member States have progressive laws - the Netherlands and Sweden - even though in the Netherlands abortion is still part of the criminal code and this law could be challenged (parties wanting to bring back the time to consider and reduce the number of weeks of pregnancy allowing for an abortion). Furthermore, 14 Member States have regular stand-alone abortion laws, while two countries have regressive laws (Hungary and Slovenia). In five Member States, abortion provisions are covered in the penal/criminal code, where-by abortion is decriminalised and/or allowed only under certain grounds or many grounds. Lastly, three EU countries (Malta, Poland and Romania) have laws that penalise abortion under all circumstances and/or only allow abortion under restrictive conditions.

**CONTRACEPTION POLICIES IN EUROPE**

Regarding the level of coverage of contraception within the national health system, only three EU Member States are considered to have a ‘superior’ system (France, Portugal and Slovenia).

In contrast, five Member States are noted to have a ‘similar’ system in place. Meanwhile, four EU Member States are deemed to have a system in place that is ‘less’ than national health coverage, while 15 are noted to have ‘no’ coverage at all.

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ITALY - access to abortion is under threat

In Italy, conscientious objection\(^{28}\) is possible for medical personnel who practice abortion as outlined in law 194/78\(^{28}\). According to the Ministry of Health’s report presented in 2022, 64.6% of Italian gynaecologists were conscientious objectors in 2020, showing a slight decrease compared to 2019.

However, the Luca Coscioni Association report\(^{36}\) clarifies that the situation in some areas of the country is even worse because the data from the ministerial report is not up-to-date.

So, although abortion is officially legal in Italy, women and pregnant people have difficulty accessing services. The problem is not only religious, as many doctors declare themselves conscientious objectors to avoid stigma and prioritise their careers\(^{27}\). The number of abortions in Italy has been steadily decreasing since 1978, when the law was approved. However, clandestine abortions remain stable. According to the ministerial report, these are estimated to be between 15,000 and 20,000 annually. This data, consistent in recent years, conceals a proportional increase in clandestine abortions in areas where access to legal abortion is less available\(^{28}\).

Taking inspiration from Hungary, signatures have been collected for the popular initiative bill “A Beating Heart”, which is being promoted by anti-abortion groups. The proposal aims to make it compulsory for women to listen to the foetus’s heartbeat even if they want to terminate the pregnancy. The proposal has received the support of mayors, town halls and municipal administrations and will likely be discussed in the national Parliament due to having achieved quorum\(^{29}\).

Women spend between 100€ and 675€ each year on menstrual products alone\(^{30,31,32}\). EU data on period poverty is fragmented as there are no official indicators to monitor the issue. However, in public-funded settings, including schools and third level colleges, adequate, safe, and suitable period products in all educational settings should be provided to ensure that no students are disadvantaged in their education by period poverty\(^{38}\).

For example, in 2018, the Belgian government lowered the VAT on menstrual products from 21% to 6\(^{34}\), and in 2023, the French government has announced the reimbursement of reusable menstrual protection for under-25s, while the number of people suffering from menstrual insecurity has doubled since the COVID-19 crisis\(^{36}\). Since 2022 Ireland has also provided a range of free, adequate, safe, and suitable period products in all educational publicly-funded settings, including schools and third level colleges, to ensure that no students are disadvantaged in their education by period poverty\(^{38}\).

SPAIN - Europe’s good student

Spain has made significant progress in promoting gender equality in recent years, especially with a comprehensive legal framework for SRHR. In 2022, Spain reformed the law on Sexual and Reproductive Health and Voluntary Interruption of Pregnancy to remove existing obstacles to exercising the right to voluntary termination of pregnancy, for example, by ensuring that women who access abortions in public hospitals near their homes, removing the need for consent of legal guardians for women aged 16 and 17 and for women with disabilities, removing the mandatory three-day reflection period and regulating the objection of healthcare professionals. The reform also aims to guarantee access to methods of contraception, which will be distributed in high schools, prisons and social service centres. The morning-after pill will also be available free of charge in healthcare centres.

The reform also creates a sick leave specifically for women experiencing incapacitating menstrual periods, making Spain the first country in the EU to implement such a policy. The new legislation allows women to take sick leave for very painful mensturations and is part of a broader law aimed at enhancing women’s reproductive rights, including facilitating access to abortion in public hospitals\(^{37}\). Menstrual leave is already recognised in countries like Japan, Indonesia, Taiwan, and Zambia, although, in practice, it is used to various degrees\(^{38}\). This progressive step taken by Spain is viewed as a significant stride for women’s well-being, challenging the historical taboo surrounding menstruation.

The law acknowledges the often invisible pain associated with menstruation and aims to provide women with the necessary support for self-care. For example, a survey conducted in 2019 among Dutch women found that 14% had taken time off from work or school during their period, and only 20% of these women disclosed the actual reason\(^{39}\). While concerns exist that such menstrual leave might be viewed negatively by employers, proponents argue that education and legislative support are crucial to destigmatising reproductive health issues and fostering a workplace environment conducive to women’s overall well-being\(^{40}\).

The law does not specify the exact number of days allowed, with medical validation required to qualify for this unique form of sick leave\(^{41}\). The medical validation of the “incapacitating menstruation” may pose a potential challenge for the implementation of the leave, given that doctors tend to minimise women’s pain, even in cases of endometriosis and polycystic ovary syndrome.

With the reform, Spain also recognises reproductive exploitation, forced abortion and pregnancy, forced sterilisation and forced contraception as forms of gender-based violence, as set out in the Istanbul Convention\(^{42}\). Finally, Spain adopted in 2023 a new law on equality for trans people and the protection of LGBTQIA+ rights. The law allows gender self-identification to legally change sex. Among other things, the law bans “conversion therapy” and establishes measures to prevent discrimination against LGBTQIA+ people\(^{43}\).
**LGBTQIA+ RIGHTS: A STATE-BY-STATE CONDITION**

The EU Treaties prohibit any discrimination on the basis of sex and sexual orientation. Same-sex sexual activity is legal in all EU Member States, and discrimination in employment has been banned since 2000. However, there are differences among EU states regarding protection, same-sex civil unions, same-sex marriage and adoption by same-sex couples.

According to International Lesbian and Gay Association (ILGA) Europe, which has ranked European countries, there is significant variation among countries regarding LGBTQIA+ rights. The scale goes between 0% (gross violations of human rights, discrimination) and 100% (respect of human rights, full equality). Out of the 27 EU Member States, Malta takes the first place (89.2%) in the protection of LGBTQIA+ rights, followed by Belgium (76.3%) and Denmark (75.5%). Bulgaria (19.8%), Romania (18.1%) and Poland (15%) take the last three positions.

In 2019, 76% of Europeans agreed that LGBTQIA+ people should have the same rights as heterosexual people (up five p.p. since 2015). However, the figure varied significantly across the Member States, from 98% in Sweden and 97% in the Netherlands to 38% in Slovenia and 31% in Slovakia.

The 2020 FRA survey concludes that discrimination against LGBTQIA+ people persists, with little overall progress in the seven years since the first survey was conducted, and there is regression in some areas. A higher share of LGBTQIA+ respondents aged 18 or over are now often or always open about being LGBTQIA+ compared to 2012, but 61% of respondents still avoid holding hands in public with a same-sex partner. Still, 37% of respondents aged 15 to 17 are rarely open about being LGBTQIA+.

The share of respondents reporting harassment and violence has also increased. A majority of people now report experiences of harassment (58% compared to 45% in 2012). Still, only 14% went to the police to report attacks or threats of violence, compared to 17% in 2012. Lesbian women are less likely than gay or bisexual men to report harassment or physical attacks to any authority.

**ESTONIA - The first Baltic state to legalise same-sex marriage**

In June 2023, Estonia’s parliament voted in favour of marriage equality, marking the country as the first in the Baltic region to legalise same-sex marriage. The bill, an amendment to the 2016 Family Law Act, builds upon existing partnership recognition that allows same-sex civil unions and acknowledged marriages conducted abroad. Set to be enforced from January 1, 2024, the legislation grants same-sex couples the right to marry and adopt children. This progressive step reflects a broader societal shift in Estonia, where recent polls by the Estonian Human Rights Centre indicate a growing acceptance of LGBTQIA+ rights, with 53% of the population supporting marriage equality. This is a significant increase from the 34% reported in 2012.

Estonia’s achievement of marriage equality sets a precedent in the post-communist states of Central and Eastern Europe, positioning the country as an example for others to follow. The success story can inspire neighbouring Latvia and Lithuania, where civil partnership bills are currently under consideration.

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**PERCEPTION ON LGBTQIA+ RIGHTS**

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The rise of anti-gender movements in Hungary and Poland

Anti-gender movements can be characterised as the emergence of conservative and, to some extent, fundamentalist social movements that resist what they perceive as the ‘gender ideology’ threat54. At its core, this sentiment strongly opposes LGBTQIA+ and women’s rights, particularly directed against specific administrative policies such as public funding and support for gender studies55, gender mainstreaming, and activism for women’s and LGBTQIA+ rights56.

In Hungary, Prime Minister Victor Orbán (and President of Fidesz), the right-wing populist and national-conservative political party, has been clamping down on LGBTQIA+ rights for more than a decade. A year after he came to power (2011), his party passed a new constitution that banned same-sex marriage, which was later amended to bar same-sex couples from adopting children57. This has pit Budapest against Brussels, with the European Commission taking Hungary to the bloc’s highest courts for passing a law that the EU executive believes discriminates against people based on their sexual orientation and gender identity58. Furthermore, Hungary’s proposed “anti-propaganda law” seeks to ban content that “promotes or portrays” what it refers to as “divergence from self-identity corresponding to sex at birth, sex change or homosexuality” to minors59.

In 2022, Orbán made it compulsory for women seeking an abortion to “listen to the fetal heartbeat” before they can access the procedure60. These types of campaigns against sex education, same-sex civil partnership, and marriage equality have spread in the EU and can also be identified in Spain61, France62, Croatia63, Italy64, and Slovenia65 amongst others.

Poland has also witnessed the rise of anti-gender movements, and during the tenure of the Law and Justice (PiS) government from 2015 to 2023, the 1993 Act on Conditions of Termination of Pregnancy was dismantled through the Polish Constitutional Tribunal on the grounds of being unconstitutional66. Consequently, abortion access was restricted to cases of rape or when the mother’s life was at risk. Unfortunately, the enforcement of this law has led to tragic outcomes, with several pregnant women losing their lives due to hospitals refusing to perform necessary abortions, even in life-threatening situations67. This situation has sparked discussions in the European Parliament, shedding light on Poland’s de facto ban on abortion and its implications68.

The LGBTQIA+ community in Poland remains the least legally protected in the EU69. Historically, the PiS government made homophobia a central electoral theme since it first had to defend its hold on power in 2018. Since then, a large part of Poland has declared itself free of “LGBT ideology”. LGBTQIA+-free zones refer to municipalities and regions in Poland that have publicly declared their opposition to LGBTQIA+ rights, with the intention of prohibiting equality marches and other LGBTQIA+ events70. By June 2020, approximately 100 municipalities and five voivodeships71, covering a third of the country, had implemented resolutions that were labelled as “LGBT-free zones”72. However, it is worth noting that as of October 2023, a majority of these resolutions have been annulled or retracted73. LGBTQIA+ people living in these areas are faced with a choice: emigrate, keep their heads down or fight back74. In 2021 the European Commission took legal action against Poland and Hungary for violations of the fundamental rights of LGBTQIA+ people as enshrined in Article 2 of the Treaty of the European Union75.
The COVID-19 crisis has considerably increased the workload of paid and unpaid carework on women, and thus widened gender inequalities. In 2021, while 90% of men aged 25 to 54 with a child were employed, only 72% of women of that age were employed in the EU.

Inequalities are on the rise and women are paying the price

A low gender pay gap does not necessarily indicate more gender equality. Rather, a lower gap can be a consequence of lower labour market participation of women. For example, in Italy, where the gap is 5.0%, the employment rate for women is 53.1% compared to 72.9% for men. Here, low employment rate for women is linked to failure in accessing the labor market for women with children and/or low level of retention rate for employed women with children (failure of welfare system, lack of implementation of work-life balance directives, short paternal leave, patriarchal society, etc.).

The low percentage of women employees in managerial positions also contributes to the gender pay gap. With a low employment rate for women, considering only the pay gap between working women and men does not allow us to grasp the overall situation.

The differences in earnings between women and men cumulate throughout life and culminate in noticeable average income differences in old age. As a result, women in the EU aged over 65 received a pension that was, on average, more than a quarter lower than that of men (the gender pension gap in the EU stands at 27.1 p.p. in 2021).

In the EU, women are also at higher risk of poverty or social exclusion (22.6% for women compared to 20.7% for men). In all EU countries except Hungary and Austria, the poverty rate is higher for women than for men. The gap is 4.2 points in Croatia, 4.4 in Bulgaria, and 5.3 points in Estonia and Lithuania. Around 45% of single parents in the EU are at risk of poverty, and women represent the majority of this group (83%). Women in the most vulnerable position are the most affected by poverty. For instance, 19% of women aged over 65, almost 31% of women with disabilities and almost 40% of foreign women living in the EU are at risk of poverty.

Within societies, an unequal share of care responsibilities creates significant obstacles for women to participate in the labour market on an equal footing with men. Women undertake more than three-quarters of unpaid care and makeup two-thirds of the paid care workforce, mostly done by women and girls living in poverty. Poverty and exclusion are key drivers of care inequalities among women.

Available data shows that women bear the primary responsibility for childcare in the EU. According to EIGE, women are twice as likely (56%) to spend at least 5 hours on childcare per day than men (26%). Around 50% of women and just 6% of men in partnerships are primarily responsible for their children’s personal and physical care, such as bathing, feeding or changing diapers.

Box: Covid’s impact on women poverty

The COVID-19 crisis has considerably increased the workload of paid and unpaid carework on women, and thus widened gender inequalities. In 2021, while 90% of men aged 25 to 54 with a child were employed, only 72% of women of that age were employed in the EU.
The Nordic countries lead the way on work-life balance and parental leave policies

Finland, Sweden and Denmark are known for their strong work-life balance policies and generous parental leave benefits. The Nordic countries have promoted gender equality by offering affordable childcare, education, and parental leave for both mothers and fathers, which has enhanced well-being and triggered prosperity.

In Denmark, the laws regarding parental leave and allowance were adjusted in 2019 to comply with the EU Directive on work-life balance for parents and carers. The new Parental Leave Act in Denmark, which came into effect on August 2, 2022, allows each parent to take 24 weeks of leave, of which 11 weeks are earmarked for each parent and cannot be transferred. The remaining 13 weeks can be transferred to the other parent. The new Act also includes new rules for adopters, solo parents, close family members, and rainbow families.

In Finland, the Parental Leave Act was also amended in 2021 to increase the parental leave allowance from 11.5 months to 14.5 months, of which 6.6 months are earmarked for each parent and cannot be transferred. The remaining 1.3 months can be transferred to the other parent. The amendment also includes a new quota of 69 working days for the second parent, which can be taken during the child’s first two years. In Sweden, parents are entitled to 480 days of paid parental leave when a child is born or adopted. Each parent – should they be two – is entitled to 240 of those days.

Overall, both Sweden, Finland and Denmark have strong work-life balance policies and generous parental leave benefits, which have contributed to their high rankings in happiness and
Where do we stand on the legislative framework for GBV?

The EU ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, known as the ‘Istanbul Convention’ in 2023. However, five Member States have not signed it (Bulgaria, Czechia, Hungary, Lithuania and Slovakia), while Latvia ratified the convention very recently in January 2024. In November 2023, the Latvian parliament supported the draft law to ratify the Istanbul Convention.

In recent years, six Member States have introduced hatred, contempt, or hostility towards a person on the grounds of sex, gender-based violence connotation or sexism as aggravating circumstances. In six Member States, the homicide of a cohabiting or non-cohabiting intimate partner is considered aggravated. One-third of Member States distinguish between intentional and unintentional or involuntary manslaughter. These advances are essential to classify gender-based violence as such and if we are to have an effective legal response and appropriate support for victims.

Afterwards, several Member States initiated national action plans to coordinate their health, police, and justice services, ensuring a comprehensive approach to prevent women at risk from being overlooked. Some countries modified legislation to designate shelters and hotlines as essential services, guaranteeing accessibility at all times while many EU Member States implemented awareness campaigns to inform victims about available assistance and underscored that domestic violence is a violation of human rights, not merely a private matter. However, a study conducted by EIGE showed that despite many promising measures implemented by EU governments to protect women from violence, more effort is needed to ensure that access to support services is unhindered, especially in times of crisis.
APPENDIX : MEMO ON THE INSTITUTIONAL FUNCTIONING OF THE EU

The European Union has a number of institutions and bodies designed to ensure that it functions properly and carries out its missions:

The European Council, comprises the heads of state or government of EU member countries, and sets the main political direction and priorities of the EU. It meets several times a year to address key issues and provide impetus for the development of the Union.

The European Commission is the executive body of the EU. Composed of 27 commissioners appointed by each member state, it is responsible for proposing laws, implementing policies, and ensuring the enforcement of treaties. Politically independent, the Commission also oversees the day-to-day management of the EU. Within the Commission, Helena Dalli is Commissioner for Equality, in charge of inclusion, combating discrimination, and women’s and minority rights.

The European Parliament, as the legislative body of the EU, is elected every five years by European citizens. The 705 Members of the European Parliament participate in the formulation of laws alongside the Council of the EU, representing member states. The Parliament is actively involved in shaping policies and ensuring democratic representation at the EU level. The European Parliament is divided into 22 committees and subcommittees, including the Committee on Women’s Rights and Gender Equality (FEMM).

The Council of the European Union, also known as the Council of Ministers, consists of government ministers from each EU country, according to the policy area to be discussed. It shares legislative and budgetary responsibilities with the European Parliament. Within the Council of EU, the EPSCO (Employment, Social Policy, Health and Consumer Affairs Council configuration) is responsible, among many other things, for social inclusion and gender equality.

**EUROPEAN COUNCIL**
(27 heads of state)
- sets the EU’s main policy directions
- Resolves unresolved issues in the Council of Ministers

**EUROPEAN COMMISSION**
(27 commissioners)
- proposes the budget and European «laws» (directives, regulations, decisions, etc.)
- can censure the Commission, elect its President and approve the European Commission for Equality
- Justice and Consumers Directions (including gender equality issues)

**COUNCIL OF THE UE**
(Ministers of 27 member states)
- working party on social questions (including gender equality)
- vote on the budget and the majority of European «laws»

**EUROPEAN PARLIAMENT**
(705 members of parliament)
- Committee on Women’s Rights and Gender Equality (FEMM)
However, it should be noted that the majority of the information and data presented in this report comes from external sources which may present a more binary perspective.

The term 'women' and 'girls' used throughout this report is broadly defined by Oxfam to include cis, gender women and girls, trans, and gender non-conforming people. However, it should be noted that the majority of the information and data presented in this report comes from external sources which which may prese nt a more binary perspective.

As of 2020, over 30 European countries provide access to contraception and abortion as a right. The European Parliament, the European Commission, and the Council of the European Union have adopted resolutions and policies supporting reproductive rights. The EU has also taken steps to ensure the availability of sanitary products, aiming to remove the so-called "tampon tax" in line with the principle of free movement of goods within the EU.

68. La Moncloa. (2022). The Government of Spain reforms the law on sexual and reproductive health and the voluntary interruption of pregnancy.
73. EuroActiv. (2023). Belgium: The start of a rainbow domino effect?
74. Rainbow Europe. (2023). Estonia: The start of a rainbow domino effect?
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77. Human Rights Watch. (2023, June 22). Minister Harris and Collins announce roll out of free period products in further education and training sector.