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BREXIT in 2020 – the year of further disastrous effects for women

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2020 is the year the UK left the European Union and entered the transition phase, just before COVID-19 hit the world like a sledgehammer. The massive socio-economic impact of Brexit, combined with the devastation of COVID-19, has and will have a disastrous effect on women and girls. This article discusses five areas in which women and girls are (and will be) particularly impacted by the effects of exiting the European Union and further disadvantaged by COVID-19's aftershock.

Austerity: Brexit at whose cost?

Ten years of austerity measures led to the UK voting to leave the EU. The cuts to public spending were mainly borne by women (official figures state 86%) and included many programmes targeting women's refugees, asylum seekers' allowances, social care, disability programmes, childcare provisions, NHS and other public sector staff cuts, wage and recruitment freezes. As rising Brexit and Lockdown job losses hit female-dominated workforces in retail and hospitality, the number of those relying on the UK's Universal Credit benefits has doubled (a system based on male breadwinner family model).

Women Workers' Rights

Amidst rising job losses and economic uncertainty, women workers' rights previously under EU protection have been increasingly side-lined during Brexit negotiations and face a precarious future in the UK. Moving rights protections from the binding Withdrawal Agreement to the non-binding Political Declaration is potentially disastrous for women: Will the rights contained in the part-time, agency, pregnant workers and other directives, plus the rights in the EU Charter of Fundamental Rights and Freedoms, be retained by this government? Unlikely. We are rapidly falling behind some other European nations in the rule of law and democratic processes (plus devolution). In terms of EU law, the Withdrawal Act 2020 makes provision for a government minister to make a statement in Parliament to take away rights without the need for Parliamentary scrutiny. The concern is that the rights outlined above targeting women in particular, workers in general, equality, disability, sexual orientation, race and ethnicity and human rights will be the first to go.

Who Cares?

In February, the UK Government announced that "low-skilled" and "cheap" workers would be denied visas in its post-Brexit immigration system. This would exclude most workers in retail, hospitality and, critically, social care – jobs dominated by women and characterised by low-pay and precarious employment. Unpaid carers, often categorised as 'economically inactive', inaccurately suggesting they contribute nothing to the British economy, would also be excluded. Female EU nationals still face 'systematic discrimination' when applying to stay in the country they now call home, forced to navigate an application system based on the model of 'productive man', which particularly excludes carers.

Women's 'invisible' labour has been invaluable in protecting and supporting families and communities during lockdown: from home-schooling and multiplying housework to running outside errands and caring for at-risk relatives and neighbours throughout the pandemic. Over a million volunteers, mostly women, answered the Government's call to support a chronically underfunded and understaffed National Health Service during the pandemic. Past promises of £350 million a week for the NHS as the price of Brexit – a promise retracted the morning after the referendum – have instead been replaced by increased staff shortages as EU health workers leave because of 'the Hostile Environment' and the huge cost of Brexit translating into NHS funding shortfall for the foreseeable future.

Strategizing Gender Equality

This year the European Commission published the Gender Equality Strategy 2020-25 – including its plans to eliminate gender-based violence and to close the gender pay gap. As the EU forges ahead as a global leader in gender equality, progress in the UK has not only stagnated, but is regressing. Sexual and domestic violence is on the rise since Brexit, with cuts to women's refugees and Brexit-induced delays to the Domestic Abuse Bill. The UK has turned its back on EU funding, initiatives and collaboration at the expense of women survivors across the country. Intimate-partner violence has surged during lockdown, with charity helplines overwhelmed and refugees and femicides tripling, yet post-Brexit funding remains uncertain. In contrast to current EU preparations for binding measures on pay transparency to tackle the gender pay gap, the UK decided to suspend enforcement of gender pay gap reporting. Already with one of the largest gaps in the EU, progress has long stagnated in the UK, with the gender pay gap for full-time workers widening and many fearing this trend to worsen. The impact of Brexit on social care alone is expected to cost women £315 million in earnings as they take on added unpaid care work as

public services struggle. In the wake of Brexit and Lockdown pressures, it is essential to stop regression on the already snail-paced progress on closing the gap.

Recovery Funding

The UK, just like the EU, is pumping vast amounts of money into the economy to save it from the worst collapse in living memory. The European Women's Lobby has called for 50% of EU recovery funding to be aimed at women and girls. Feminist economics is smart economics: post-conflict and disaster responses are most effective when women are at the decision-making table and given adequate financial resources for their full engagement in societies. COVID-19 highlighted the need for care and frontline workers – mainly (ethnic minority) women – with their life-threatening and low-income status. Moving towards a feminist state requires recognition and

transformative policies, including financial resources – post Brexit more than ever.

It is a mistake to assume that COVID-19 overshadows or nullifies the impact of Brexit. The effects of these crises on women and girls are both vast and deeply connected. Disrupting the pattern of gender-blind policies of the 2008 financial crash, Brexit and COVID-19, where women shoulder the bulk of the economic burden of crises, is the key to an egalitarian economic recovery fit for the 21st century. Self-exclusion from the EU Gender Equality Strategy and EU Recovery Package by the UK government does not have to mean isolation for UK women and equality organizations from their EU allies. We must push forward together to make our goals a reality for ourselves and our daughters rather than our granddaughters.

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Europäisches Antidiskriminierungsrecht in Deutschland: Gleichstellung der Geschlechter beim Zugang zu Gütern und Dienstleistungen

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In Umsetzung europäischer Antidiskriminierungsrichtlinien (2002/73/EG, 2004/113/EG) verspricht das Allgemeine Gleichbehandlungsgesetz (AGG) Schutz vor Geschlechtsdiskriminierung im Arbeitsleben und beim Zugang zum Beruf, im Bereich der sozialen Sicherung, in Bezug auf Bildung sowie beim Zugang zu Gütern und Dienstleistungen. Tatsächlich ist der Schutz aber weitgehend auf das Arbeitsleben beschränkt und die Mindestanforderungen der Richtlinie 2004/113/EG für die Verwirklichung des Grundsatzes der Gleichbehandlung von Männern und Frauen beim Zugang zu und der Versorgung mit Gütern und Dienstleistungen sind nicht umgesetzt. Dies verstößt gegen europäisches Recht, wird aber in Deutschland kaum thematisiert, da das Arbeitsleben im Fokus steht und die Rechtsmobilisierung gegen Geschlechtsdiskriminierung im Zivilrechtsverkehr sich als schwierig erweist. Doch gerade Mikro-Diskriminierungen können sich im Laufe eines Frauenlebens durchaus summieren und die Nicht-Thematisierung normalisiert Diskriminierung auf Grund des Geschlechts im Alltag.

Was verlangt Richtlinie 2004/113/EG?

Die Richtlinie 2004/113/EG zielt auf die Bekämpfung geschlechtsspezifischer Diskriminierungen beim Zugang zu und der Versorgung mit Gütern und Dienstleistungen, um den Grundsatz der Gleichbehandlung von Männern und Frauen in allen Mitgliedstaaten umzusetzen. Nach Art. 3 Abs. 1 gilt das Diskriminierungsverbot für alle Personen, die Güter und Dienstleistungen bereitstellen, die der Öffentlichkeit ohne Ansehen der Person zur Verfügung stehen, und zwar in öffentlichen und privaten Bereichen, einschließlich öffentlicher Stellen, und die außerhalb des Privat- und Familienlebens angeboten werden. Verboten sind gemäß Art. 2 und 4 unmittelbare und mittelbare Benachteiligungen auf Grund des Geschlechts, Belästigung und sexuelle Belästigung sowie Anweisung zur Diskriminierung. Die Durchsetzung der Diskriminierungsverbote soll durch die Regelungen in Art. 8 ff. garantiert werden, welche effektiven Rechtszugang für Betroffene, Unterstützung durch Verbände, Beweislast erleichterung, Viktimisierungsverbot sowie wirksame und abschreckende Sanktionen umfassen.

Und was leisten §§ 19 ff. AGG?

In §§ 19 ff. AGG scheinen zunächst großzügige Regelungen verankert: Obwohl im Bereich von Gütern und Dienstleistungen explizite Diskriminierungsverbote nur in Bezug auf Rassismus (RL 2000/43/EG) und Geschlecht (RL 2004/113/EG) bestanden, soll der Diskriminierungsschutz auch für Religion, Behinderung, Alter oder sexuelle Identität gelten. Doch die massiv geäußerten