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Dragica VUJADINOVIĆ, PhD*

***THE WIDENING GAP BETWEEN PROCLAIMED GENDER
EQUALITY AND REAL STATE OF AFFAIRS IN TIMES OF
COVID-19 PANDEMIC***

A premise of this article is that the existing gap between the advanced gender equality normative framework and the state of gender equality in real life has widened in times of crises, including the COVID-19 pandemic.

The background theoretical-methodological framework is presented in the introduction. The first chapter presents progressive gender equality achievements in the normative and strategic international, European and national framework. The next chapter explains why all crises have been worsening gender (in)equality in real life and even within the scope of already achieved rights. The third chapter outlines the negative impacts of COVID-19 on gender equality and living conditions of women globally, in the EU and Serbia. The fourth chapter addresses how the COVID-19 pandemic could contribute to

* Professor, University of Belgrade Faculty of Law, Serbia, dragicav@ius.bg.ac.rs.

advancing gender equality. The conclusion sums up the main topics of analysis and considers challenges related to the pandemic's possible positive impacts on gender equality.

Key words: *Gender equality. – Patriarchy. – Gender discrimination. – Intersectional discriminations. – Pandemic.*

1. INTRODUCTION

The advanced gender equality normative framework within international human rights law, which has been expressed also in strategic and policy-making documents and incorporated in national legislations, has been in a state of discrepancy with, to a certain extent, still persisting hierarchical power relations, subordination, and gender inequality in real life. These phenomena represent manifestations of patriarchy, which has been counterpoised to tendencies of emancipation in the contemporary context. Real life nowadays has been characterized by the dialectic of patriarchy and its overcoming. The main premise of this paper is that the mentioned gap, which as a rule has existed globally and locally, becomes much wider and deeper in times of crisis, including during the current pandemic crisis.

The background premises of feminist critical analysis aim to outline the historical and theoretical-methodological framework for understanding the mentioned dialectic of patriarchy and emancipation and they include several additional layers of analysis, such as the overlapping between gender-based discrimination and other modalities of discrimination (issue of intersectional discrimination), and the impacts of all social crises on declining emancipatory trends and increasing patriarchal ones.

The political-historical and theoretical background framework of this analysis is summed up in the following premises:

- Premodern societies all feature heteronomous social relations and specific forms of personal and political dependency among the subordinated social strata. During the entire premodern history, the logic of patriarchal subordination and discrimination of women had been dominant. Patriarchy has remained the dominant model of social relations, constituted by hierarchy, power relations, subordination of women, personal and political dependency, and accompanied by a system of values that had devaluated women in all pre-modern societies. Modernity was the first historical epoch that brought emancipatory

tendencies and led to the establishing of the dialectic of patriarchy and emancipation, i.e., manifestations of hierarchical power relations and attempts toward their overcoming in favor of gender equality.

- When attempting to analyze the contemporary position of women, it is necessary to take into consideration each concrete case of gender relations in the context of the concrete-historically determined dialectic of patriarchy and emancipation. This means that the mentioned mutually counterpoised civilizational tendencies have been differently manifested in particular cultures, regions, societies, social groups and social strata.

Concerning these two background premises, it is important to bear in mind that modern and contemporary society have brought about epochal changes, which have enabled the civilizational step forward toward overcoming patriarchy and the gradual establishing of gender equality. Factors of industrial and political revolutions in Western civilization contributed significantly to ideas and practices of establishing political and economic independence of the individual and universal equality of all individuals. When reading the Declaration of the Rights of Man and of the Citizen, women recognized their own rights among the equal rights of the man and the citizen, and their attempts that the rights of females to vote and education be recognized had prompted the emergence of suffragette movements. After the Second World War and the legacy of the Holocaust, the UN Universal Declaration of Human Rights of 1948 indicated processes of focusing international law on human rights, universal equality and equal concern for the dignity of each individual (see, for example, Moyn 2010, 12–13; Corradetti 2012, XV). These were foundations for the constant advancing of the normative and strategic gender equality framework in later decades of the 20th and 21st centuries (Vujadinović 2019; Vujadinović 2020). The processes of establishing widespread education and ever more widespread exiting of women from the private sphere and their entering the public sphere of work, politics, culture, as well as emerging of new social movements, including feminist ones, have contributed to the constant advancement and enrichment of the emancipatory tendencies of gender equality. Due to the processes of internationalization and globalization in economics, politics, law, culture, and mass media, the mentioned dialectic has been omnipresent, but always in a contextually determined manner.¹ On

¹ The merit of the civilizational advancement of gender equality has differed a lot within the global contemporary real-life context. There are huge differences in the scope of women's emancipation, depending on where they were born and in which conditions their private and public life have been conducted. In other words, an

the other hand, the processes of globalization have not been followed only by the reproduction of the inherited “old” patriarchy, but also by appearance of a “new patriarchy” (see, for example, Vujadinović 2017; Campbell 2013). Within different manifestations in different contexts of the dialectic of patriarchy and emancipation, the overlapping of different modalities of discrimination has been combined with the reproduction of both the “old” and “new” patriarchy. “New” modalities of patriarchy have been linked to neoliberal globalization, and could be also called, as suggested by Campbell, “neoliberal neopatriarchy”. Namely, the rapid globalization and the culture of hyperindividualism in fact led to yet more extreme forms of oppression within precarious working conditions across the globe, i.e., brutal working week conditions for working women, which are institutionalized in the interests of men, due to the fact that women primarily have been encumbered by duties of care. Furthermore, gender-based violence has proliferated and sex trafficking is thriving as the globally lucrative trade (Campbell 2013; Campbell 2014; Higgins 2018). In addition, processes of media tabloidization and trends of sensationalism, social media trends of relativization of the basic values of dignity and respect, and consumerism also contribute to the emergence of new forms of patriarchalism (Vujadinović, Stanimirović 2016).

These insights about the concrete-historical determination of manifestations related to different tendencies of patriarchy and its overcoming, imply the need for introducing the additional premises.

- The concrete-historical approach to contradictory tendencies of patriarchy and emancipation from patriarchy, has to be intersectional in the case of each individual, social group and referential phenomenon. Gender-based discrimination must be combined with other discriminatory factors, i.e., analyzed in the context of other relevant bases of discrimination, such as class, race, religious orientation, cultural heredity, individual and collective systems of values. This theoretical-methodological premise informs us that the critical analysis of gender relations has to be intersectional always, meaning that it

intensity of gender (in)equality depends on more or less advanced economic development, on a more democratic or more authoritarian political order, on whether historical heredity and cultural setups have been more or less rigidly designed, on the quality and scope of education, religious affiliation, sexual orientation, race, class, nation, personal educational and economic statuses, etc. However, germs and elements of patriarchy could be found even in the most developed countries, and among most educated and economically independent women within their individual system of values, habits, familial relations, as well as concerning manifestations of discrimination within societal structures in which their public life has been conducted (Vujadinović 2017).

should recognize all mutually overlapping discrimination factors (e.g., race, class, religion, culture) as combined with discrimination based on sex and gender. In the case of countries and regions with a stronger authoritarian political order and/or a rigid religious and traditionalist cultural heredity, there could be proportionally more dominant elements of patriarchy, and more difficulties for emancipatory elements to sustain under rising suppression during any crisis. Subordination of women exists in all social classes and strata within the mentioned circumstances, but the conditions of huge poverty, impoverishment, and hunger, as well as wars, natural catastrophes and crises, have represented additional factors of influence that have a much greater effect on women from lower classes and strata. In short, the burden of gender-based discrimination has been mostly manifested among individuals who have been discriminated against in a multilayered fashion (poor, uneducated, unemployed, encumbered by rigid religious and traditional norms in the private sphere, to the particular dressing code, devoid of the right to education and work, such as Afghanistan women under Taliban rule, economic or even personal dependence on male family members, exposure to violence and rape with impunity, belonging to non-white races, persons with disabilities and LGBTQ+ persons (see, for example, Vujadinović, Stanimirović 2016; Wing 2022; Crenshaw 1989). All these factors or some of them can be cumulated in intersectional discrimination of a female individual.

- The intersectional approach to detecting power relations and all layers of discrimination of women and girls requires not only a concrete-historical approach in each particular case and context, but also demands a constant sensitivity to non-binary persons. Therefore, the need emerges for extending the theoretical-methodological framework in a way that would also take into consideration non-binary and trans-gender modalities of gender relations (see, for example, Verdu 2022; Banović 2022; Saeidzadeh 2022). An openness for all concrete expressions of non-binary gender identities implies theoretical and practical readiness for understanding and protecting the equal human rights of the vulnerable LGBTQ+ population. It has been fully opposite to the pejoratively interpreted “gender ideology”, which is promoted by extreme right-wing academics and right-wing social movements. These opponents of gender and trans-gender equality attempt to derogate the principles of gender equality as well as neglect the human rights of transgender persons and persons of different sexual orientation by designating the struggle for their protection as a false, artificial, imposed “gender ideology” (see, for example, Antonić 2021).

It is also necessary to introduce the premise related to the issue of crises and their impact on gender equality.

- Each crisis opens the space for regressive processes in regard to strengthening patriarchal tendencies and intersectional discrimination of women and girls. The deterioration of living conditions of the female population has happened in every crisis, including during the COVID-19 pandemic.

This premise informs us that the processes of emancipation have been fragile, that they have been hardly achieved and can be lost not so difficultly in both real life and the normative-legal framework. The deterioration of the achieved female rights protection emerges with the establishing of less democratic or authoritarian and totalitarian regimes, as well as with social-political changes that lead to rising emphasis of traditionalism, religious affiliations, inherited habits, and to a certain degree of traditional patriarchal roles of women. Repatriarchalization has been accompanied by processes of clericalization and re-rationalization and always comes with or becomes strengthened by the rising trends of ethnonationalism as well as by outbreaks of conflicts, wars, militarization, and violence in the public and private space (for the case of Serbia in the 1990s, see, for example, Vujadinović 1995).

It could be noted that all crises, which occur in societies because of wars, economic break-downs, and all other possible causes, have as a rule affected women more (see, for example, Browne *et al.* 2014). The patriarchal heredity of millenniums of establishing and reproducing subordination of women and their reduction to roles related to family care, child bearing and sustaining everyday life in a private sphere, on the one hand, and linking men to the public sphere and to power relations, with their dominance in both the private and public sphere, on another, has not been overcome up to this day. The patriarchy has been weakened because it lost its unison dominance, i.e., because of being counterpoised in contemporary times by the emancipatory tendencies of overcoming power relations in the public and private spheres. However, patriarchy has persistently existed and reproduced not only within its traditional modalities but also in the new ones; as already mentioned, the so-called “new patriarchy” emerges with the processes of globalization, internationalization, consumerism, tabloidization of the media, and digitalization of social networking. In crises, the manifestations of both the “old” and “new” patriarchy have gained strength and, they, as a rule, pose a threat to previously achieved emancipatory lifestyles and habits, and previously achieved freedoms and rights of women (Campbell 2013). This

also applies to all vulnerable social groups, among which the intersectional mutual overlapping of different bases of discrimination has also been linked to discrimination based on sex and gender (Wing 2022).

In light of the abovementioned background premises focused on the dialectic of patriarchy and emancipation, it is worth commenting the main “discrepancy premise” once again. The statement about the advanced normative framework does not intend to “idealize” the state of international human rights law and its implications on the rights of women and gender equality, while the dialectic of patriarchy and emancipation has been manifested also in the normative legal framework alone, and therefore the regressive processes are always possible again. The opposite statement, about the reproduction of patriarchal heredity in real life today, does not intend to “demonize” the real state of affairs. Emancipatory trends have been constantly present everywhere and are prevalent in more developed democratic societies; they act as a more or less powerful “counter-weight” and they manage to defeat patriarchy in different micro and macro ways, which means creating a spiral of unstoppable progress of gender equality in the contemporary world. However, this last statement must not be “idealized” and taken for granted, because the regressive attempts against gender equality and attacks aimed at abolishing it must always be taken seriously and cautiously.

2. CIVILIZATIONAL ADVANCES IN THE NORMATIVE AND STRATEGIC APPROACH TO GENDER EQUALITY²

International human rights law and the most advanced achievements of constitutional democracy have established and promoted the principle of gender equality, while at the same time the reality has been overburdened with contradictory progressive and regressive tendencies.

The attempt of the normative-legal and strategic framework has been to boost and accelerate emancipatory processes in the sphere of gender relations and to enhance, through public policies, the overcoming of the patriarchal heredity in general and in specific states and societies. One of the key findings of the Global Gender Gap Report of the World Economic Forum, from March 2021 is that given its current trajectory, it would take 135.6 years to close the gender gap worldwide (World Economic Forum 2021, 5).

² Parts of this chapter are taken from Vujadinović *et al.* 2020, 15–25.

The message is clear that it is necessary to stimulate the mentioned process through the normative and strategic context, and with a help of public policies.

The principle of equality between men and women is one of the basic principles of human rights. The United Nations (UN) and its international instruments require its Member States to ensure equal enjoyment of human rights by all. International Covenant on Civil and Political Rights (1966), in addition to the general non-discrimination clause, puts emphasis on gender equality and specifically requires Member States to ensure equal enjoyment of all rights (contained therein) by men and women.³ This is equally true for the International Covenant on Economic, Social and Cultural Rights, with regards to the second generation of human rights.⁴

Additional impetus for the achievement of gender equality was provided by the Convention on the Elimination of All Forms of Discrimination against Women (1979),⁵ which requires Member States to ensure equality between women and men in different fields (Fenelly 2018, 449–455). The obligation to remove the stereotypical perception about the roles of men and women, at all levels and forms of education, through revision of textbooks and educational programs, adjustment of teaching methods, etc., was particularly emphasized.⁶ The Member States are also required to eliminate

³ International Covenant on Civil and Political Rights, *Official Gazette of the SFRY – International Agreements*, No. 7/71, Arts. 2–3 & 26.

⁴ International Covenant on Economic, Social and Cultural Rights, *Official Gazette of the SFRY – International Agreements*, No. 7/71, Arts. 2–3.

⁵ Although the text of the Convention on the Elimination of All Forms of Discrimination against Women (*Official Gazette of the SFRY – International Agreements*, No. 11/81) only mentions discrimination based on sex, the Committee for Elimination of Discrimination against Women is of the opinion that the Convention aims to eliminate all forms of discrimination against women, including gender discrimination (General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/GC/28, para 5). At the same time, this convention goes beyond the concept of discrimination applied in many international sources of law, because it recognizes the problem of intersectional discrimination against women, which arises from the fact that discrimination based on sex and gender is closely related to other factors of unfavorable treatment of women, such as race, ethnicity, health, age, sexual orientation, and gender identity.

⁶ Convention on the Elimination of All Forms of Discrimination against Women, Art. 10.

discrimination against women, in order to guarantee the same employment rights, the same employment opportunities, the same criteria for selection of candidates and free choice of occupation and employment.⁷

Equality between men and women is emphasized as one of the UN 17 Sustainable Development Goals, since discrimination based on sex (and gender) negatively affects economic prosperity, health and wellbeing, both individually and globally.⁸

The principle of equality is also at the core of the standards of the International Labour Organization (ILO), with the most important standards being those relating to equal pay for men and women for equal work or work of equal value (ILO Convention No. 100) and those relating to protection against discrimination in employment and occupation (ILO Convention No. 111).⁹

The Council of Europe adopted *the Convention on Preventing and Combating Violence against Women and Domestic Violence* in 2011, in Istanbul. Issues of preventing and banning the violence against women, including sexual violence, have been the main focus of the Convention (the so-called Istanbul Convention).¹⁰ Addressing the problem of violence against women holistically, the Convention develops complex mechanisms for the fight for women's equality based on the "4 Ps" principle: (integrated) policies, prevention, protection, and prosecution. Integrated policies include the adoption and implementation of effective, comprehensive and coordinated policies, relevant to preventing and combating all forms of violence covered by the Convention.

⁷ *Ibid.*, Art. 11, para 1, items a–c. These provisions take into account the challenges that women face in accessing dignified and safe employment and prohibit their exclusion from the labor market and certain professions and jobs, for cultural and traditional reasons that exist in certain countries. Women are therefore granted the right to the same employment opportunities as men and the freedom to choose occupation and employment, the right to career advancement, job security, and training, as well as the right to enjoy all rights and benefits related to employment, in order to create the conditions for the effective enjoyment of the right to work for workers of both sexes (Fennelly 2018, 454). In addition, the Convention upholds the obligation to recognize the right to maternity leave and to protect the workers who use it from negative consequences (Art. 11, para 2), and to provide support to working parents, especially mothers, primarily by improving the conditions for childcare (Art. 11, para 1, item f).

⁸ *Sustainable Development Goals* (SDGs). 2012. United Nations Conference on Sustainable Development, Rio de Janeiro.

⁹ The ILO Declaration on Fundamental Principles and Rights at Work, 1998, para 2.

¹⁰ Convention on Preventing and Combating Violence against Women and Domestic Violence, *Official Gazette of the RS – International Agreements*, No. 12/13.

Process of accession of Serbia to the EU after 2000 has brought to Serbia the streaming toward the best achievements of international law and EU law regarding gender equality. Advancing of the normative and strategic frame within family law, inheritance law and criminal law concerning issues relevant to gender equality has happened in the revised versions of these fields of legal regulation. Within the accession process it is also necessary to establish particular laws against gender inequality and discrimination against women. Gender-based discrimination was prohibited by the Law on Prohibition of Discrimination (2009),¹¹ while the Law on Equality of Sexes (2009)¹² requires public authorities to pursue an active policy of equal opportunities in all areas of social life.

New versions of these laws were enacted in 2021, and the Law on Equality of Sexes has been renamed the Law on Gender Equality.¹³ Law on Gender Equality regulates the issue of gender equality in sixteen fields of social life, and it puts a special focus on prevention of gender-based violence and on prohibition of direct or indirect discrimination on any basis and in any sphere of life. This Law obligates the public authorities of all institutions to pursue a systemic policy for promoting gender equality, to introduce gender sensitive titles, positions and professional affiliations, to start establishing annual plans with particular measures related to gender equality, and to produce annual reports about realized as well as not achieved aims, as put forth in annual plans; the obligation to collect gender sensitive data about employed persons, about persons on leading positions, and reasons for more men being appointed on them, reasons for gender imbalances in recruitment, promotion, career development, as well as regarding salaries (gender pay gap): there are also proposed obligations to collect data about reported sexual harassment, discrimination and gender-based violence. This law includes sanctions for not adopting a plan of special measures and for not producing the annual reports. A person responsible for gender equality has to be appointed in each public institution.

Promoting gender equality and combating gender-based discrimination also represent Serbia's strategic commitments. The key strategic document is the National Strategy for the Promotion of Gender Equality for the period 2016–2020,¹⁴ which identifies gender-sensitive education as one of the

¹¹ Law on Prohibition of Discrimination, *Official Gazette of the RS*, No. 22/09.

¹² Law on Equality of Sexes, *Official Gazette of the RS*, No. 104/09.

¹³ Law on Gender Equality, *Official Gazette of the RS*, No. 52, 24 May 2021; Law on Prohibition of Discrimination, *Official Gazette of the RS*, Nos. 22/2009 and 52/2021.

¹⁴ National Strategy for the Promotion of Gender Equality for the period 2016–2020, *Official Gazette of the RS*, Nos. 55/05, 71/05.

special goals within the strategic goal of “Changed gender patterns and improved culture of gender equality”. In October 2021 the Governments adopted the new National Strategy for Gender Equality for the period 2021 to 2030 (Government of Serbia website 2021).

3. THE FRAGILITY OF GENDER EQUALITY EMANCIPATORY TENDENCIES IN TIMES OF CRISIS

Times of crisis have been disadvantageous for the position of women all over the world. Every crisis – whether local or global, whether caused by the natural catastrophes or wars or widespread disease – does return women to a certain extent to the patriarchal matrix of domestic work and caring for the children and the family. Emancipatory processes do falter and retreat toward traditional female roles in each situation of crisis. Every crisis, namely, strengthens the focus on survival and on the search for security and support among the immediate family members and within what is familiar and known. In other words, the focus is on the family and maintaining the given state of affairs or even reverting to tradition and inherited habits. Survival implies an emphasis on the care for the closest family members and material subsistence, i.e., for the elementary upkeep of the family, domestic economy, and providing food and lodging for children. The states of crises impose a reduction of amenities and models of behavior in the struggle for a mere survival and/or stability. The traditional female roles have been extremely advantageous/accommodable for such circumstances and resorting to them happens as a rule. Women accept the mentioned recurrence either voluntary or by the imposed context.

The key point of this seemingly simplified statement has been that the processes of females entering the public sphere in modern and contemporary times, both globally and locally, have had in their background the heredity of millennia of identifying women with their roles of mothers and wives in the private sphere. The processes of emancipation from the deeply rooted patriarchal heredity have been of a short historical duration and have therefore been very fragile. They have been unstoppable in principle, while the civilizational flywheel in their favor has been launched; however, on the other hand, deadlocks and steps backwards have always been possible and do happen.

Establishing gender equality as an opportunity, a reality and a long-lasting aim has represented a historical phenomenon of modernity. Only under the influences of the modern industrial and political revolutions of the 18th and 19th centuries, widespread education from the early 20th century, and

widespread entry into the labor market and subsequently public offices, have women achieved basic human rights, entered the public sphere and many aspects of gender equality have emerged; therefore, only “recently” have we seen the partial cutting of the “umbilical cord” to long pre-modern history that linked women to the private sphere and traditional roles. This “cord” has been only partially cut because of the constant struggle between traditional patriarchal inheritance and emancipatory steps over what happens in each individual woman and man, as well as at the micro and macro level of all institutional and social frames in all contemporary societies (Vujadinović 2017; Vujadinović 2022).

The fragility of gender equality emancipatory tendencies has been the structural one, because each crisis affects women poorly, in a way that dispatches them more easily and quickly, and in greater numbers into the private sphere, to which they belonged by traditional default. Their unpaid work for a huge area of domestic tasks has always been a crucial factor of stabilization and survival during crises (Vujadinović 1995; Browne *et al.* 2014).

The background of this logic lies in a patriarchal matrix that is still strong, which has been diminished and has been significantly overcome in contemporary times, but still exists. Patriarchy persists everywhere, but especially in poorer and more traditionalist societies, and in authoritarian states and societies overburdened with conflicts and wars. In other words, it persists especially in the intersectionally weakened female social strata, i.e., among women who have been simultaneously poor, uneducated, colored, trans-gender, and have been living in impoverished and militarized societies. All this applies to the global, national and local level – and especially in times of crisis.

4. COVID-19 PANDEMIC AND GENDER (INE)EQUALITY

The current pandemic represents a global, local and individual crisis, which has been reflected in all spheres of life and has caused quite a few negative consequences for everyone, and especially for women.

This pandemic has been ongoing for several years now and it has imposed lockdowns and isolation within homes and families, on all individuals, everywhere and especially during the first two years. Working from home has become predominant. Working from home, in combination with domestic economy, which most often belongs to women due to inherited habits, and an overcrowded presence of family members at home, within the same space

and during unusually long periods of time, has also become the “normalcy“. These new living and working conditions have represented an unexpected and largely shocking experience. Family members have gotten accustomed to separate lives in the times of “normalcy“ and much less everyday physical coexistence at home, due to processes of urbanization, separation of the workplace from the residence, as well as due to contemporary high mobility trends and emphasized dynamics of individualized lives. In short, they have been disaccustomed to spending abundant time together at home and within the family, especially under lockdown circumstances.

The pandemic crisis has brought into question established models of contemporary living; it has imposed locking individuals into the family circle in combination with working from home. Many divisions between the private life of an individual and their public behavior and activities, the individualized lifestyles of family members, have been relativized and collapsed under the imposition of collectivity while being locked in the home space. Children’s education from home has placed a greater burden on parents, especially mothers, in regards of helping in fulfilling school tasks and duties. Too many activities, covering too much of every day and during an extensive period of time, have overlapped within the home, which previously used to be primarily associated with the gathering of family members outside of working hours and at night. Comparatively speaking, many more persons must accept staying at home for much longer, regardless of whether the home space is large or small. Conflicts have been appearing, and previously conflicting relations have experienced heightened tension. There has been an increase in mental breakdowns, family violence, threats to children from violence in the family and more often from their fathers, threats to women from their partners, as well as endangerment of elderly people, and persons with disabilities from family members and within institutions of care. Of course, this does not mean that in times of crises, including this one, there are not also examples of increased solidarity and strengthening of interrelations within families and in general.

Oxfam International, a global movement for fighting inequality, poverty and injustice, had conducted a study on 14.3 million people in 68 countries. Oxfam reported indicative results related to impacts of the pandemics onto female population, in the document which title already sends an important message. The title *Five Ways Women and Girls have been hardest hit by Covid-19* (Oxfam International 2021), clearly implies a worse position of the female population compared to the male population, in the context of the pandemic. The main premise is that a backlash against women’s rights has occurred in many countries, and made things more difficult, particularly for women in a situation of poverty and vulnerability. In addition, the

pandemic crisis has torn away the gains of the past. Working conditions have worsened, much more precarious work has fallen to women. The pandemic has disproportionately pushed women out of employment, and therefore reversed decades of progress in female participation in the labor force. “Globally, women are overrepresented in the sectors of the economy that have been hardest hit, such as accommodation and food services. They are also much more likely to be in precarious and vulnerable employment. In low-income countries, 92% of women work in jobs that are informal, dangerous, or insecure and have faced the lack of access to social protection or safety nets” (Oxfam International 2021). At the global scale, 740 million women work in the informal sector, and the outbreak of the pandemic has caused a sharp fall in their income. From the time of the onset of the pandemic, it is estimated that more than 470 million of women have been pushed into severe poverty. A sharp decline in ensuring healthcare and especially reproductive healthcare has occurred, therefore increasing the risk of unwanted pregnancies, sexually transmitted diseases, and complications during pregnancy, delivery and abortions. “There are global predictions of up to 7 million unintended pregnancies worldwide due to COVID-19 and its measures” (Oxfam International 2021). Forecasts indicate that by 2030 there will be 13 million more child marriages, due to school closures and increased poverty. There are also estimates that the pandemic and rise of poverty, combined with the decline in girls’ education, will lead to the loss most of the advancements in education achieved in the past twenty years. This study also points that burden of unpaid work has been even greater than usually. “Women have kept the world running during the Covid-19 response, picking up the care workload in clinics, in homes and at the workplace. Globally, women make up 70% of the health and social care workforce. They are also most of the domestic workers in the world. While these jobs are essential for the pandemic response, they have long been undervalued and poorly paid, putting these women essential workers at greater risk of being exposed to the virus themselves.” (Oxfam International 2021) Oxfam research indicates that unpaid care work has become even much more intensive. Namely, prior to the COVID-19 pandemic, women and girls were already spending 12.5 billion hours per day on unpaid care work, however, lockdowns, illness, and school closures have increased their unpaid work dramatically. Indicative is that among those overburdened by unpaid work are single mothers, women living in poverty, and racially and ethnically discriminated groups. This research also points to the fact that women have been more exposed to hunger. “Women play a crucial role in the global food system as producers, as workers on plantations and in processing plants. Women are also typically responsible for buying and cooking food for the family. Yet on every continent the prevalence of food insecurity is higher for

women than for men“ (Oxfam International 2021). Women are first to go hungry with the lockdowns, because of the pay gap, higher job insecurity, prevalent social norms, and their readiness to “first skip meals or eat smaller portions“. Restrictions of movement and being closed within the home has resulted in a rapid increase in violence against women and girls. At the same time support services have decreased their activities, and preventing and punishing of violence perpetrators has become less present. In addition, the increase in domestic violence becomes even greater in conditions of conflict. “In conflict-affected countries, the coronavirus pandemic adds an additional level of threat and insecurity for women, girls and non-binary people linked to rising social and economic pressures and lockdown measures“ (Oxfam International 2021). The Oxfam analysis also points to the fact that women were absent in the mainstream decision-making in regards of the lockdown measures, and there was also reduced civil society activism and women’s organizations were restricted in spreading their voice. As a consequence, the intersectional approach to COVID-19 was missing from the policy measures, in the sense that “much of the global response to pandemic has not considered the gendered, intersectional impacts, with women in poverty and vulnerability, racialized, young and in reproductive age etc. having been more affected.“

4.1. COVID-19 Pandemic and European Union – Issue of Gender (In) Equality

In March 2021 the European Commission published a report (European Commission 2021) on the impacts of the COVID-19 pandemic on gender equality in the EU. The results indicated very negative impacts. Namely, in Europe as well as across the world the pandemic caused a widening of already existent gender inequalities in almost all spheres of life, therefore stopping advancements and reversing already achieved improvements. The deterioration of family violence has been dramatic in the EU. All member states have reported rising trends of domestic violence. For example, in France during the first week of the lockdown, there was a 32% increase in violence, in Lithuania the rise was 20% in the three first weeks of isolation. Ireland reported a five-fold increase in domestic violence, and Spain reported an increase of 18%. Besides the surge in violence, negative trends are obvious in the labor market, with women overrepresented in sectors that are impacted the worst by the crisis. Namely, they make up 76% of healthcare and social care employees, and 86% in personal care in health services workers. As a result, women “were at the frontline tackling the pandemic“, and they faced in the mentioned sectors “an unprecedented rise

in workload, health risk and challenges to work-life balance“. Women were additionally hard hit in the labor market, while they had more difficulties in reentering the labor market during the partial recovery, in the summer 2020, when employment rates rose more for men than women. More than 2.2 million women lost their jobs since the outbreak of the pandemic, and proportionally compared to men, half as many women returned to their jobs during the mentioned recovery.

The European Commission report also indicates the lockdown’s negative impact on unpaid care and work-life balance: “on average, women spent 62 hours per week caring for children (compared to 36 hours for men) and 23 hours per week doing housework (15 hours for men).“ And again, like as in the Oxfam International report, the European Commission reports a striking lack of women in COVID-19 decision-making bodies: “Of 115 national dedicated COVID-19 task forces in 87 countries, including 17 EU Member States, 85.2% were made up mainly of men, 11.4% comprised mainly women and only 3.5% had gender parity. [...] At the political level, only 30% of health ministers in the EU are women.“

As stated above, 62 hours of women’s childcare work per week, against 36 hours for men, and 23 hours against 15 hours in unpaid work per week, indicates a huge work-leisure misbalance. The closing of schools and many services, created much greater pressure on women, in different ways but with similar consequences for unemployed women and those who lost their job, but also for women who continued working from home, with the duty to additionally cover child care and learning from home, as well as taking care of feeding, hygiene within the family life, and often combined with care for elder family members in the home or out of the home (European Commission 2021).

The worsening working conditions for women in the labor market had also a very controversial consequence on the overlapping social and economic dimensions of intersectional discrimination, in the sense that the gap among women alone has widened – between women who are poor and less paid for care and services work, or who have lost their job, on the one hand, and women who have been on higher scales of salaries and have a better starting position for working from home (and generally for working). This gap has been additionally boosted by the gap in the digital sphere, where poor women have much fewer opportunities to achieve digital literacy and gain resources for digital work and, therefore, do not have opportunities to work in better-paid jobs from home. On the other hand, care services and jobs cannot be transformed into online modalities (Jepsen 2021).

The Index of Gender Equality in the EU for 2021 (European Institute for Gender Equality 2021) covers a range of indicators in the domains of society and life affected the most by the COVID-19 crisis. It shows significant worsening of indicators in different dimensions in the domains of work, money, knowledge, time, power and health. The interrelation of the COVID-19 pandemic and generally health, on one hand, and gender equality on another, indicates that women have been unproportionally represented in healthcare and, consequently, have been much more exposed to the impacts of the virus and in danger of contracting the disease. Healthcare workers have also faced mental disorders under pressure of the work overload and witnessing the suffering and dying of patients and care workers. Fertility rates dropped, especially in the countries most affected by the pandemic. Economic insecurity and the rise of unpaid women's care work, in combination with diminished access to sexual and reproductive health services have resulted in the postponement of plans for having children or abandonment of the idea of having children at all. The intersection of gender and health has the following conclusion: "Gender inequalities and gender norms intersect with socioeconomic, geographic, and cultural factors and create structural barriers when accessing healthcare. As highlighted in the domain of health, several population groups, such as lone parents, older people, migrants and people with disabilities, and women in particular, stand out as highly vulnerable to unmet healthcare needs" (European Institute for Gender Equality 2021, 103).

4.2. COVID-19 Pandemic and Serbia – Issue of Gender (In)Equality

The study conducted by the association Women's Platform for the Development of Serbia (Pajvančić *et al.* 2020), contains relevant conclusions. One of them is that the declaration of a state of emergency was questionable from a constitutional point of view, with a special problem related to the fact that the National Assembly had been excluded from deciding on declaring and lifting the state of emergency. The measures for combatting COVID-19 were gender-blind, and among them very few were related to the vulnerable groups. Certain measures for supporting vulnerable groups (among which women have been most represented) were enacted only following intervention by civil society and the Commissioner for Equality and the ombudsperson. The pandemic has strongly expressed and widened the existing inequalities and clarified the meaning of "vulnerability". The most affected were those invisible to the system, the poor, persons with disabilities, the unemployed and informally employed, and among them there are mostly women. Employed women, who had to work from home

or in healthcare and different services jobs, experienced a worsening of life and working conditions, because they bore also the burden of intensified domestic obligations (food, care for the elderly, children, schoolwork), as well as because of their widespread employment in jobs mostly exposed to the virus (healthcare, sanitation, etc.) (Pajvančić *et al.* 2020, 11). Lockdown measures most severely affected women over the age of 65, while the lack of movement and physical activities caused additional health problems. Also, systemic supplying support was absent, and voluntary support was poor and inefficient, to say the least (Pajvančić *et al.* 2020, 163). A special problem was that the state of emergency made even more difficult the position of women exposed to domestic violence, while the systemic measures for reporting violence in lockdown circumstances were not created. Furthermore, the increase of the mentioned violence also occurred in Serbia, as was the case elsewhere (Pajvančić *et al.* 2021, 104–111).

Although the virus itself does not discriminate, the impacts of COVID-19 have not been gender-neutral. The consequences of the pandemic, which are immediate and long-lasting, have affected disproportionately the lives of all marginalized groups, and especially women and girls (Pajvančić *et al.* 2021, 7).

The feminist association FemPlatz prepared the Report on Gender Equality in Serbia for 2020 (Beker *et al.* 2021). One of the general conclusions is that gender inequalities have been clearly expressed and deepened during the COVID-19 pandemic. Based on different analyses conducted in Serbia, the conclusion is that the burden, measured by exposure to risks from infection by the virus because of the job nature, as well as measured by the scope of engagement in everyday strategies for care about home and family, have been unproportionally more born by women than men. The conclusion is also that the general living conditions of women have been worsened in 2020, due to inappropriate measures for combatting COVID-19, in the situation when the virus pandemic had affected more women and exposed them to a great extent to the intensified risk of discrimination (Beker *et al.* 2021, 11, 13).

The team of Social Inclusion and Poverty Reduction Unit of the Serbian government announced in March 2020 the results of the survey covering more than 2000 respondents, related to the economic and social security impacts of COVID-19 on vulnerable groups (persons with disabilities, LGBTQ persons, single parents, women victims of violence, migrants, Roma female and male, young persons, homeless). The survival strategies for all was to buy elementary food, cheaper products, and smaller amounts of food products. Concerning the governments' support measures, vulnerable groups considered most important the financial measures of direct one-off

delivery of money, support for entrepreneurs, social transfers, temporary loan moratorium. Especially important to them are measures related to keeping jobs. Support in food, water, hygiene supply was important to the homeless, migrants, Roma, and single parents. Negative statements were related to the lack of sufficient financial support and access to services. The help came mostly from close family members, cousins, and neighbors, and vulnerable persons mostly had to fend for themselves. The worst situation in regard to social and health services happened in the case of women victims of violence and disabled persons, and the diminishing of necessary services was experienced also by single parents and members of the LGBTQ and Roma populations.

5. OPPORTUNITIES FOR PROGRESSIVE RESPONSES TO THE PANDEMIC CRISIS – NORMATIVE AND POLICY MAKING SOLUTIONS IN FAVOR OF GENDER EQUALITY

Legal protection of women in developed Western countries and even in semi-peripheral states, such as Serbia, has achieved significant results. However, the reality of life in the context of an extraordinary heightened COVID-19 pandemic crisis, has practically led to the decline of women's status and life conditions everywhere, but with specific features and manifestations in each concrete context.

The fragility of emancipatory processes in the conditions of crises has been the common denominator for the worsening quality of real life, but crises too can threaten the advanced normative-legal framework. However, on the other hand, in times of huge historical turmoil and crossroads, crises sometimes contribute to civilizational steps forward in normative solutions.

Experiences from the First and Second World War bear certain indicators of this sort. The World Wars opened a window of opportunity for women, while female persons in huge numbers entered the public space through employment in factories, instead of the men, as well as by means of a patriotic help to the soldiers behind the frontlines or even in the war zones across Europe (Vujadinović 2019). The "benefits" from the First World War (Grayzel 2014), in regards of gender equality, came from its influence regarding the successful adoption of the universal right to vote in the United States of America in 1920 and in Great Britain in 1928. The patriotic spirit of women had a positive impact on the general public and contributed to diminishing resistance toward decades-lasting struggle of the suffragette movements for equal right to vote (Vujadinović 2019). After the Second World War, the universal right to vote was recognized almost in all countries, and the

processes of female widespread education as well as widespread female employment started happening soon after (Vujadinović 2019). The women's experiences from the 1941–1945 war changed them in a way that they were no longer fully prepared to accept the traditional female roles, and, therefore, the germs of the 1960s feminist and civil rights social movements had their roots in the mentioned women's self-empowering experiences (McEuen 2016).¹⁵ Also, the Holocaust heritage crucially impacted the adoption of the UN Universal Declaration of Human Rights in 1948, which has represented the key basis of further advancement of human rights, including women's rights (Vujadinović 2020).

The COVID-19 pandemic has contributed to the advancement of the EU normative and strategic frame, with indications that the positive steps forward could be a good example and stimulus for international law, in a wider sense, and also for national legislation. The worsened gender imbalance becomes visible both globally and locally in pandemic conditions. Visibility of the fact that women have been predominantly engaged in jobs of health and social care and services, has been accompanied by rising awareness of the crucial importance of these, usually underestimated, jobs for the common welfare. This newly emerging awareness imposes the need for a strategic and policy-making reconsideration of these sectors, as they have been devaluated in financial terms and marginalized in terms of their importance and status, as previously stated.

The pandemic crisis has highlighted the most important points of the persistent and deteriorate structural gender inequalities in contemporary societies. Low salaries and hard working conditions in the health and social care sectors have come under scrutiny, and the crucial importance of the jobs devoted to care, health, education, social security, and services has become visible. In the EU, women present 93% of the labor in the childcare sector and among primary school teachers; women represent 86% of workers employed in personal care jobs and in healthcare; they account for 95% of the cleaning staff and side-help workers (European Movement Ireland 2021).

¹⁵ Concerning the widespread employment phenomenon, for the case of the USA, McEuen says: "The Second World War changed the United States for women, and women, in turn, transformed their nation. Over three hundred fifty thousand women volunteered for military service, while twenty times as many stepped into civilian jobs, including positions previously closed to them. More than seven million women who had not been wage earners before the war joined eleven million women already in the American workforce. Between 1941 and 1945, an untold number moved away from their hometowns to take advantage of wartime opportunities, but many more remained in place, organizing home front initiatives to conserve resources, to build morale, to raise funds, and to fill jobs left by men who entered military service" (McEuen 2016, 1).

The need for better salaries and higher valuation of these mentioned jobs has come on the agenda. The importance of childcare functioning well has appeared as the crucial point too. The European Union has announced its objective for gender equality to become the horizontal aim, which must always be taken into consideration in all concerned measures, planned reforms and investments (European Parliament 2022; European Commission 2021).

The EU has passed a post-pandemic recovery plan, called NextGenerationEU (NGEU), which represents an instrument of support and solidarity for building the post-COVID Europe, which should be more green, more digitalized, and more resilient against all unpredictable risks (European Commission 2020). The main pillar of the recovery plan, which is expected to secure financial assistance for the Member States for fighting against the economic and social effects of the pandemic, is the fund called The Recovery and Resilience Facility (RRF). This fund, together with the EU Budget 2021–2027, represents the biggest-ever financial plan for stimulating the solidarity and welfare of the EU citizens. The mentioned funds for the post-pandemic recovery (NGEU and RRF), also emphasize the urgency of gender-sensitive policies and responses to the crisis. All Member States must explain within their application for recovery plans and projects their operative attempts toward advancing gender equality, and must demonstrate concrete examples of reforms and investments in which gender equality has been taken into consideration. In short, as mentioned above, gender equality has to be the horizontal aim in all proposed measures, planned reforms, and investments.

The European Commission has adopted a strategic document, titled *A Union of Equality: Gender Equality Strategy 2020–2025*, which establishes the policy objectives and key actions for advancing gender equality in the EU. “It aims at achieving a gender equal Europe where gender-based violence, sex discrimination and structural inequality between women and men are a thing of the past. A Europe where women and men, girls and boys, in all their diversity, are equal. Where they are free to pursue their chosen path in life, where they have equal opportunities to thrive, and where they can equally participate in and lead our European society.”¹⁶

¹⁶ European Commission. 2020. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *A Union of Equality: Gender Equality Strategy 2020–2025*. COM(2020) 152 final. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0152&from=EN> (last visited 13 October, 2022), 3.

Accordingly, the main principles of the EU strategy are: Ending gender-based violence, Challenging gender stereotypes, Closing the gender gap within the labour market, Attain equal participation across different sectors, Tackle the gender pay and pension gap, Tackle the gender care gap, and Attain a gender balance in decision making and politics (Human Rights Directorate 2020). In other words, it is structured around six themes: Being free from violence and stereotypes; Thriving in a gender-equal economy; Leading equally throughout society; Gender mainstreaming and an intersectional perspective in EU policies; Funding actions to make progress in gender equality in the EU; Addressing gender equality and women's empowerment across the world (Observatory European Charter for Equality of Women and Men in Local Life 2020).

The Gender Equality Strategy 2020–2025 represents an important instrument for implementing the Action Plan of the European Pillar of Social Rights, in a sense of advancing the welfare state which would be gender sensitive.

In order to monitor and track progress in the implementation of the Gender Equality Strategy 2020–2025 in each of the 27 Member States, in March 2021 the European Commission launched the so-called Gender Equality Strategy Monitoring Portal.¹⁷

In November 2020, the European Commission and the High Commissioner for Foreign and Security Policy announced the Gender Action Plan III (GAP III) for 2020–2025, which contains an ambitious agenda for empowering women in all external actions.¹⁸ GAP III outlines a policy framework with five pillars of action for accelerating progress toward meeting the EU's international commitments. It pays out the tasks and aims that will promote gender equality through all external actions, political dialogue and diplomacy, with the aim of being applied at the national, regional and global levels. Furthermore, every attempt of this kind has to be followed by an intersectional approach and on a human rights-based perspective. GAP

¹⁷ European Commission. 2021. Gender Equality Strategy Monitoring Portal. <https://composite-indicators.jrc.ec.europa.eu/ges-monitor> (last visited 10 October, 2022).

¹⁸ The EU policy framework with five pillars of action for accelerating progress toward meeting international commitments and a world in which everyone has space to thrive. European Commission, High Commissioner for Foreign and Security Policy. 2020. Joint Communication to the European Parliament and the Council, EU Gender Action Plan (Gap) III – An Ambitious Agenda for Gender Equality and Women's Empowerment in EU External Action. JOIN(2020) 17 final. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020JC0017&from=EN> (last visited 18 November, 2022).

III emphasizes the importance of the common activities of all stakeholders, including the Member States, EU, multilateral, bilateral and regional partners, the NGO sector, and, especially, women's organizations and associations. The focus is also on the value idea that the EU will serve as the leading good example and role model, by establishing its own gender-balanced leadership and governing positions. Accordingly, it is stated that "[t]he EU is a global front-runner in promoting gender equality as a key political objective of its external action and common foreign and security policy, aimed at accelerating progress towards global goals including the Sustainable Development Goals (SDG) at the core of the 2030 Agenda. The EU pursues a three-pronged approach, combining gender mainstreaming, targeted actions and political dialogue."¹⁹

European co-legislators have established the Common Provisions Regulation 2021–2027 (CPR), a rulebook governing eight different EU funds, representing one-third of the EU budget, which is to be delivered to the Member States and regions. Legal preconditions for receiving these funds will be that the member states have abided by The Charter of Fundamental Rights of the European Union and that they have a developed national strategic framework for establishing gender equality in all projects proposed for receiving these funds. Furthermore, the proposed gender equality to be taken into consideration in all dimensions of project realization – during all preparatory phases, implementation, monitoring, reporting, and evaluating. In short, the legal framework predicts additional determinants related to gender equality for all the funds in the 2021–2027 period (Hammersley 2021).²⁰

The aim of gender mainstreaming, which has been embedded in the EU Budget, recovery Plan and other mentioned accompanying funds, conditioned by the respect for the Charter and basic principles of gender equality, represents a strong strategic, political, legal and institutional support for advancing the living conditions for women, in the situation when the pandemic caused their decline and increase of gender inequality misbalances and gaps. They will undoubtedly represent a serious stimulus for the long-term promotion of gender equality in the EU. It should be reiterated that the results of the EU Index of Gender Equality sent a message

¹⁹ *Ibid.*

²⁰ These are the following funds: the European Fund of Regional Development, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund, the European Maritime, Fisheries and Aquaculture Fund, Asylum, Migration and Integration Fund, the Integrated Border Management Fund, and Internal Security Fund.

that it is of crucial and urgent importance for decision-makers in the EU to integrate the issue of gender equality in all recovery measures, and especially in healthcare measures.

On the other hand, there are sound critical remarks, coming from some European social movements, civil society representatives, and some MEPs (Klatzer, Rinaldi 2020), which point to the much smaller than necessary emphasis on gender mainstreaming of all mentioned instruments, especially the recovery plan, which has been directly linked to the pandemic and the post-pandemic recovery. NextGenerationEU, namely, does not put enough focus on the sectors of care, health and social security and services, where mostly women have been engaged and employed. The economic stimuli are focused primarily on the economic sectors where men have been a dominant workforce, such as the digital, energy, agriculture, and construction sectors, while still neglected are the sectors of care, health, education, social work, culture, recreation (European Movement Ireland 2021; Klatzer, Rinaldi 2020). Critical remarks are related to the facts that potentials for investment in the sectors of care and the rise of employment in them have been neglected once again, that the opportunity for building a sustainable economy of care has been passed up, as well as that the burden of the unpaid work in the field of care has been also neglected and will lead toward further gender inequality. The point of criticism is that at the end of the day the advancement of gender equality has been left on the margins of the NextGenerationEU recovery package.

All in all, in spite of the mentioned critique, the policy orientation of the EU Budget, as well as of the post-COVID-19 recovery measures and other mentioned instruments, could be considered as gender sensitive and potentially contributive to overcoming the deepened gender gap in the EU Member States, as well as in countries that have been in the accession process, such as Serbia.

However, the outbreak of war in Ukraine overlapped almost immediately with the enacting of all the mentioned progressive and promising redistributive and solidary measures and instruments. The war has been followed by new emerging crises (military, security, migration, security, economic, and energy crisis), and at the same time also imposes the redistribution of financial support from solidarity to security. In other words, the consequences of the current war crisis and its accompanying multiple crises could call into question the full implementation of the recovery plan. Possible negative counter-impacts of the mentioned multiple crises could be the putting aside again of the plans for boosting the “female” sectors (healthcare, services, social welfare) and giving again priority to the military

industry, security and other “male” sectors. From the point of gender equality and human rights protection in general, it would be of a crucial importance for “Europe of Equals” to prevail over “Fortress Europe”.

6. CONCLUSION

Different aspects of the worsening position of women have been considered, taking into account the global and the EU levels, as well as the case of Serbia. The argumentation was developed around the main premise that the gap that has “normally” existed between the mentioned advanced normative framework of international law and strategic documents, in regard to the affirmation of gender equality and national legislatures based on them, on the one hand, and the state of affairs in the real social life, which has been exposed to the dialectic of patriarchy and a struggle for overcoming it, on the another hand, becomes significantly expanded and widened in times of crisis.

Since 2008 the global economic crisis has worsened the position of large groups of people and has especially greatly and deeply emphasized manifestations of intersectional discrimination of women. However, new modalities of the global crisis related to the COVID-19 pandemic have additionally deepened different dimensions of intersectional gender discrimination and gender inequality. The pandemic crisis made sharply visible the importance of economic sectors of social and health care, and different services in which women have been predominantly engaged and employed. Furthermore, a gendered dimension of these devaluated economic sectors is also identified.

Neoliberal responses to the global financial crisis in 2008 encompassed continuous stimulating investments into sectors of the economy that employ male workers and lead to the general impoverishing of women and an increasing gender gap, at both the macro and microeconomic levels (UN Women 2014; Pearson, Sweetman 2011; Hozić, True 2016; Seguino 2010). Viewed from a more general perspective, the neoliberal strategy of economic development has been dominant in the economic development of the EU since the 1990s: the “managerial mindset”, which is dominant within an economic frame, has been constantly in a struggle and at odds with a “constitutional mindset”, which is dominant in EU politics and law (Brunkhorst 2013). The strategy of advancing the constitutional democratic order, universal human rights, women’s rights, as well as rights of transgender persons, i.e., converging universal equality and the right to diversity, represents the mentioned “constitutional mindset”. Seeds of the mentioned neoliberal

strategy of development are also visible in the EU recovery plan, although the “constitutional mindset” of human rights, solidarity and gender equality prevails in this strategic EU economic and political document. The synergy of the ideas of constitutional democracy within Member States, and ideas and practices of “Social Europe” and “Green Europe”, as well as “Europe of Equals” have been backed by the “constitutional mindset”.

The international legal and strategic documents, and especially the ones coming from the EU, have advanced and stimulated gender equality in real life. However, the mentioned gap between what ought to be and what is has been constantly on the agenda.

The UN Sustainable Development Goals, as well as ideals of “Social Europe”, “Green Europe” and “Europe of Equals”, could essentially contribute to overcoming the structural gender gap and implementing a gender-sensitive post-pandemic recovery.

However, the new economic crisis, war crisis, energy crisis, migrant crisis, and security crisis that are currently shaking the EU and the world in the context of the war in Ukraine, might also this time – like many times before – lead toward giving priority to “more important” economy and security sectors. Namely, it could happen again that the focus is moved from empowering sectors of care, social security, health, services, and education toward enhancing armament and the military industry. In short, orientation toward security and defense policies might prevail over an orientation toward social and health security, and welfare policies accompanied by gender equality.

If the negative scenario prevails, with a reduced implementation of the NextGenerationEU recovery plan as a consequence, the gender gap would remain and could become even wider and greater, influenced by additional sources of crises, which have followed the COVID-19 pandemic crisis too quickly and too ominously. However, the “constitutional mindset” has been deeply rooted and continuously advanced within the normative-legal and strategic framework of the EU, and the NextGenerationEU recovery plan has become an important pillar for advancing solidarity and gender equality. Thus, a strong commitment to the basic principles of the EU, to the protection of human rights and gender equality will survive, persist and grow. The struggle will continue between attempts and tendencies of building “Europe the Fortress” and “Europe of Equals”, and there is a real chance that the strategical-developmental image of “Solidary Europe”/“Social Europe”/“Green Europe”/“Europe of Equals” will prevail.

REFERENCES

- [1] Antičić, Slobodan. 2021. *Iskušnja radikalnog feminizma*, 2nd ed. Belgrade: Službeni glasnik/Catena Mundi.
- [2] Banović, Damir. 2022. Queer Legal Theory. 73–93 in *Feminist Approaches to Law – Theoretical and Historical Insights*, edited by Dragica Vujadinović, Antonio Álvarez del Cuervo, Susanne Strand. Heidelberg: Springer.
- [3] Beker, Kosana, Biljana Janjić, Valentina Lepojević. 2021. *Report on women's rights and gender equality in Serbia in 2020*. Pančevo: FemPlatz. https://www.femplatz.org/library/reports/2021-10-18_PreneraZena_2020_EN.pdf (last visited 18 November, 2022).
- [4] Browne, Evie, Huma Haider, Freyja Oddsdottir, Brigitte Rohwerder, Anna Louise Strachan. 2014. Gender in Fragile and Conflict-Affected Situations (Rapid Literature Review). Birmingham, UK: GSDRC, University of Birmingham. https://genderandsecurity.org/sites/default/files/Browne_et_al_-_G_in_Fragile_Con-affectd_situatns_-_Lit_Review.pdf (last visited 11 November, 2022).
- [5] Brunkhorst, Hauke. 2013. Beheading of the legislator: The European Crisis – Paradoxes of Constitutionalizing Democratic Capitalism. 37–54 in *Identity, Political and Human Rights Culture as Prerequisites of Constitutional Democracy*, edited by Miodrag Jovanović, Dragica Vujadinović. Hague: Eleven International Publishing.
- [6] Campbell, Beatrice. 2013. *End of Equality*. Chicago: The University Chicago Press.
- [7] Campbell, Beatrice. 2014. Why we need a new women's revolution. *The Guardian*. 25 May. <https://www.theguardian.com/commentisfree/2014/may/25/we-need-new-womens-revolution> (last visited 16 November, 2022).
- [8] Corradetti, Claudio (ed.). 2012. *Philosophical Dimensions of Human Rights – Some Contemporary Views*. Oxford: Springer.
- [9] Crenshaw, Kimberle Williams. 2003. Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Anti-Discrimination Doctrine, Feminist Theory, and Antiracist Politics. 139–167 in *Critical race feminism: A reader*, edited by Adrienne Katherine Wing. New York: New York University Press.

- [10] European Parliament. 2022. *Gender Equality in the Recovery and Resilience Facility*. [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2021\)698757](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2021)698757) (last visited 17 November, 2022).
- [11] European Commission. 2020. *The EU's long-term Budget and NextGenerationEU – Facts and Figures, 2021–2017*. https://ec.europa.eu/info/publications/eus-next-long-term-budget-nextgenerationeu-key-facts-and-figures_en (last visited 17 November, 2022).
- [12] European Commission. Directorate General for Justice and Consumers. 2021. *2021 Report on Gender Equality in the EU*. Luxembourg: Publications Office of the European Union. https://ec.europa.eu/info/sites/default/files/aid_development_cooperation_fundamental_rights/annual_report_ge_2021_printable_en_0.pdf (last visited 30 October, 2022).
- [13] European Institute for Gender Equality. 2021. *Gender Equality Index 2021: Health*. <https://eige.europa.eu/publications/gender-equalityindex-2021-health> (last visited 15 August, 2022).
- [14] European Movement Ireland. 2021. *EU Recovery and Gender Equality*. <https://www.europeanmovement.ie/eu-recovery-and-gender-equality/> (last visited 10 October, 2022).
- [15] European Parliament. 2022. *Gender Equality in the Recovery and Resilience Facility*. [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2021\)698757](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2021)698757) (last visited 17 November, 2022).
- [16] Fennelly, David. 2018. Convention on the Elimination of All Forms of Discrimination against Women: Articles 1, 2, 3, 4 and 11 (CEDAW). 449–455 in *International and European Labour Law – A Commentary*, edited by Edoardo Ales, Mark Bell, Olaf Deinert, and Sophie Robin-Olivier. Baden-Baden – München – Oxford – Portland: Nomos – Verlag C.H. Beck – Hart Publishing.
- [17] *Government of Serbia website*. 2021. Usvojena Strategija za rodnu ravnopravnost od 2021. do 2030. godine. 14 October. <https://www.srbija.gov.rs/vest/582820/usvojena-strategija-za-rodnu-ravnopravnost-od-2021-do-2030-godine.php> (last visited 17 November, 2022).
- [18] Grayzel, Susan. 2014. Changing lives: gender expectations and roles during and after World War One. *British Library*. 29 January <https://www.bl.uk/world-war-one/articles/changing-lives-gender-expectations> (last visited 14 October, 2022).

- [19] Hammersley, Haydn. 2021. Common Provisions Regulation 2021–2027: Analysis of the final agreement. <https://edf-feph.org/content/uploads/2021/06/Analysis-of-the-final-Common-Provisions-Regulation-agreement-2021-2027-1.docx> (last visited 18 November, 2022).
- [20] Higgins, Charlotte. 2018. The Age of Patriarchy: how an unfashionable idea became a rallying cry for feminism today. *The Guardian*. 22 June. <https://www.theguardian.com/news/2018/jun/22/the-age-of-patriarchy-how-an-unfashionable-idea-became-a-rallying-cry-for-feminism-today> (last visited 30 September, 2022).
- [21] Hozić, Aida, Jacqui True (eds.) 2016. *Scandalous Economics: Gender and the Politics of Financial Crises*. Oxford: Oxford University Press.
- [22] Human Rights Directorate. 2020. Gender Equality Strategy 2020–2025. <https://humanrights.gov.mt/en/Pages/Gender%20Equality/European%20Affairs/Gender-Equality-Strategy-2020-2025.aspx> (last visited 15 October, 2022).
- [23] Jepsen, Maria. 2021. Good News for Gender equality as we exit the COVID-19 crisis?. *Eurofound*. 28 April. <https://www.eurofound.europa.eu/lt/publications/blog/good-news-for-gender-equality-as-we-exit-the-covid-19-crisis> (last visit 1 October, 2022).
- [24] Klatzer, Elisabeth, Azzura Rinaldi. 2020. *Next Generation EU leaves women behind. Gender Impact Assessment on the EC proposal for #nextGenerationEU*. The Greens/EFA Group in the European Parliament. https://alexandrageese.eu/wp-content/uploads/2020/07/Gender-Impact-Assessment-NextGenerationEU_Klatzer_Rinaldi_2020.pdf (last visited 30 October, 2022).
- [25] McEuen, Melissa A. 2016. Women, Gender, and World War II. *Oxford Research Encyclopedia of American History*. <https://doi.org/10.1093/acrefore/9780199329175.013.55> (last visited 16 November, 2022).
- [26] Moyn, Samuel. 2010. *The Last Utopia: Human Rights in History*. Cambridge, Mass. – London: The Belknap Press of Harvard University Press.
- [27] Observatory European Charter for Equality of Women and Men in Local Life. 2020. The European Union and Gender Equality. <https://charter-equality.eu/the-charter/the-eu-and-gender-equality.html> (last visited 14 October, 2022).
- [28] Oxfam International. 2021. 5 ways women and girls have been the hardest hit by Covid-19. <https://www.oxfam.org/en/5-ways-women-and-girls-have-been-hardest-hit-covid-19> (last visited 12 October, 2022).

- [29] Pajvančić, Marijana, Nevena Petrušić, Sanja Nikolin, Aleksandra Vladislavljević, Višnja Bacanović. 2020. *Rodna analiza odgovora na COVID-19 u Republici Srbiji*. Belgrade: OSCE Mission in Serbia – Ženska platforma za razvoj Srbije 2014–2020.
- [30] Pearson, Ruth, Caroline Sweetman. 2011. *Gender and the Economic Crisis*. Oxford: Oxfam.
- [31] Saedziadeh, Zara. 2022. Feminist Methodologies and Gender Research. In *Gender Competent Legal Knowledge*, edited by Dragica Vujadinović, Mareike Froehlich and Thomas Giegerich. Heidelberg: Springer.
- [32] Seguino, Stephanie. 2/2010. The Global Economic Crisis, its Gender and Ethnic Implications, and Policy Responses. *Gender&Development* 18: 179–199.
- [33] Social Inclusion and Poverty Reduction Unit, Serbian Government. 2020. Posledice COVID-19 pandemije na prihode i potrošnju domaćinstava iz perspektive osetljivih grupa. <https://socijalnoukljucivanje.gov.rs/rs/posledice-covid-19-pandemije-na-prihode-i-potrosnju-domacinstava-iz-perspektive-oseljivih-grupa/> (last visited 13 October, 2022).
- [34] Vujadinović, Dragica. 1995. Civilno društvo i svakodnevni život – Slučaj Srbije. 303–329 in *Potisnuto civilno društvo*, edited by Vukašin Pavlović. Belgrade: EKO centar.
- [35] Vujadinović, Dragica. 2013. Human Rights: A Dworkinian View. 95–117 in *Identity, Political and Human Rights Culture as Prerequisites of Constitutional Democracy*, edited by Miodrag A. Jovanović and Dragica Vujadinović. Hague: Eleven International Publishing.
- [36] Vujadinović, Dragica, Vojislav Stanimirović. 2016. Rodni odnosi u Srbiji u doba tranzicije – između emancipacije i retradicionalizacije. 189–215 in *Demokratska tranzicija Srbije – (Re)kapitulacija prvih 25 godina*, edited by Bojan Vranić, Goran Dajović. Belgrade: Pravni fakultet.
- [37] Vujadinović, Dragica. 2017. Teorijsko-metodološki okvir za razumevanje rodnih odnosa – slučaj Srbije. 99–111 in *Pravni kapaciteti Srbije za evropske integracije*, edited by Stevan Lilić. Belgrade: Pravni fakultet u Beogradu.
- [38] UN Women. 2014. *The Global Economic Crisis and Gender Equality*. New York: UN Women.
- [39] Vujadinović, Dragica. 2019. Rod i pravna regulativa. 97–115 in *Studije roda*, edited by Dragica Vujadinović and Vojislav Stanimirović. Belgrade: Pravni fakultet.

- [40] Vujadinović, Dragica 2020. Od antičke teorije prirodnog prava do savremene teorije ljudskih prava – moguće promišljanje kontinuiteta i diskontinuiteta. 62–79 in vol. 10 *Perspektive implementacije evropskih standardau pravni sistem Srbije*, edited by Stevan Lilić. Belgrade: Pravni fakultet.
- [41] Vujadinović, Dragica. 2022. Feminist Reconsideration of Political Theories. 1–31 in *Feminist Approaches to Law – Theoretical and Historical Insights*, edited by Dragica Vujadinović, Antonio Álvarez del Cuvillo, Susanne Strand. Springer.
- [42] Verdu Sanmartin, Amalia. 2022. The Concept of Gender in Law. 31–53 in *Feminist Approaches to Law – Theoretical and Historical Insights*, edited by Dragica Vujadinović, Antonio Álvarez del Cuvillo, Susanne Strand. Springer.
- [43] Wing, Adrien K., Caroline Pappalardo. 2022. Critical Race Feminism: A Different Approach to Feminist Theory. 53–73 in *Feminist Approaches to Law – Theoretical and Historical Insights*, edited by Dragica Vujadinović, Antonio Álvarez del Cuvillo, Susanne Strand. Springer.
- [44] World Economic Forum. 2021. *Global Gender Gap Report 2021*. http://www3.weforum.org/docs/WEF_GGGR_2021.pdf (last visited 18 September, 2021).

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