



September 2002

EWL Position Paper on the Future of Europe

Introduction

The European Women's Lobby (EWL) welcomes the initiative of the European Council to convene a Convention to reflect on the key issues for the future of Europe and to launch a public debate with civil society.

The EWL reiterates its deep regret concerning the unequal representation of women and men in the composition of the Convention and reaffirms its demands for parity democracy in all EU institutions and bodies.

In raising some fundamental questions in the Laeken Declaration as a basis for the debate on the future of Europe, European governments are looking for ways to combine efficiency, democracy, transparency and simplification for a Europe that is closer to its citizens.

Equality of women and men is already defined in the Treaty as an objective of the Community and its Member States, but the EWL believes that in building an inclusive and fair Europe, equality for women and men and the promotion of human rights must be strengthened as absolute pre-requisites. A further European integration cannot be foreseen unless the population as a whole, including women who constitute half of it, fully participate in its construction. This basic principle must find its reflection in the new Treaty in order to help build a democratic and transparent European Union, which addresses the interests and rights of women and men alike.

The EWL will continue its work, ensuring that women's human rights and de facto equality of women and men are central to the debate on the future of Europe and the forthcoming Intergovernmental Conference in 2004 . With this paper, the EWL sets out its priorities for a democratic and inclusive Europe, as a preliminary contribution to the debate on the future of Europe.

The paper is structured on the basis of the 5 topics proposed by the European Parliament

EWL- LEF, 18 rue Hydraulique, B-1210 Bruxelles

1

Tel. +32 2 217 90 20 – Fax: +32 2 219 84 51 - e-mail: ewl@womenlobby.org
Website: <http://www.womenlobby.org>



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representatives in the Convention for the organisation of debates of the Convention in the initial phase:

1. The Union, to what ends and for what values?
2. What place for the Union in the world?
3. What has the Union to do?
4. How to revitalise democratic legitimacy in the Union?
5. How to govern the Union?

The proposals are made on the assumption that the codification of the existing treaties will be simplified and integrated into one single treaty in the future, extending the community method to all EU policies, and that the Treaty will be written in an accessible user friendly language. However, for the sake of coherence and clarity, references to the current provisions of the Treaty of the European Community (TEC) and the treaty of the European Union (TEU) will be incorporated as footnotes.

1. The Union, to what ends and for what values?

The European Union was created with the ultimate aim of preserving peace and democracy, based on the achievement of human rights and fundamental freedoms, solidarity and well being for all. Women's human rights and equality of women and men form part of the core of these European values. This must be clearly reflected into the Treaty.

1.1 Equality of women and men: an aim and a value for Europe

The EWL proposes the introduction, into the preamble of the future Treaty and in article 6 of the TEU, of the right to equality of women and men as one of the ultimate aims of the European Union and a fundamental prerequisite for European democracy. Some of the commitments made by Governments in the Beijing Declaration during the UN World Conference on Women in 1995 could be reproduced in the preamble:

- Commitment 'to the equal rights and inherent human dignity of women and men' (para 8)

EWL- LEF, 18 rue Hydraulique, B-1210 Bruxelles	2
Tel. +32 2 217 90 20 – Fax: +32 2 219 84 51 - e-mail: ewl@womenlobby.org Website: http://www.womenlobby.org	



- 'Women's empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace' (para. 13)
- 'Equal rights, opportunities and access to resources, equal sharing of responsibilities for the family by men and women, and a harmonious partnership between them are critical to their well-being and that of the families as well as to the consolidation of democracy' (para. 15)

1.2 Reinforcement of the Charter of Fundamental Rights of the European Union

EWL calls also for the integration of the Charter into the new Treaty with a mechanism allowing for its revision at a later stage. The Charter being legally binding, it would place the protection of fundamental rights at the heart of the objectives of the Union. In the context of the future revision of the Charter, EWL recalls its position of November 2000 and recommends that the Charter be strengthened in particular with the introduction of specific provisions in relation to the achievement of women's human rights, such as the prohibition of gender based violence and persecutions, respect for the sexual and reproductive rights and health of women and men, the right to reconcile family and professional life for women and men, the right to health care, the right to parity democracy and the right of consultation of NGOs.

2. What place for the Union in the world?

No policies are gender neutral, and in view of increased interdependence and accelerating economic globalisation, the EWL considers it essential that a gender equality perspective play a more central role in establishing EU external policies. This requires that a gender analysis and gender equality objectives be an integral part of the design, implementation, and evaluation of all EU external policies, including macroeconomic and trade policies, development cooperation policy, poverty reduction programmes and EU Foreign and Security Policy.

The EWL recalls the reaffirms the resolution 1325 from the UN Security Council (31st Oct 2000) whereby is reaffirmed "the important role of women in the prevention and resolution of conflicts and in peace building, and the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution".



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EWL also considers that it is a duty of the EU, as one of the main provider of humanitarian aid and development programmes, that this aid is clearly made conditional upon the respect of human rights and in particular women's human rights and that it fully contributes to the achievement of equality of women and men around the world.

3. What has the Union to do?

In pursuing its activities, the Union must establish the necessary links and increase the coherence between social, economic, employment, and sustainable development policies in support of social justice, equality and solidarity in Europe. A better balance between the different aims of the European Union must be established, putting gender justice and social cohesion at the forefront of EU policy making.

The Union should therefore reinforce its policy on gender equality, not only by acquiring the legal means to take measures and develop comprehensive policies in this field, but also through linking it to the overall analysis of coherence between policy areas, with a specific focus on integrating a gender equality perspective into EU macro-economic policies.

3.1 Prohibition of discrimination based on sex

The EWL proposes the introduction of a new provision with direct effect in the 1st part of the Treaty "Principles" based on the same model as the current article 12 TEC, which prohibits discrimination on grounds of nationality. This new provision would state that, within the scope of application of this Treaty, any discrimination on grounds of sex shall be prohibited. This new article would have direct effect, allowing individuals to put it forward when bringing a case to Court at national level. As for article 12, this new provision will hold that its implementation measures shall be taken using the co-decision procedure.

3.2 Integration of a Title on Equality of women and men

A new Title 1 "Equality of women and men" should be introduced in the part of the future Treaty dedicated to policies. Given that equality of women and men is one of the tasks of

EWL- LEF, 18 rue Hydraulique, B-1210 Bruxelles

4

Tel. +32 2 217 90 20 – Fax: +32 2 219 84 51 - e-mail: ewl@womenlobby.org

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the Community and that in all Community's activities, gender equality shall be promoted , the EWL believes that the policy on equality of women and men has to be given the same legal status as the other policies of the European Community. A coherent and extensive title on gender equality would provide a firm basis for an integrated European legal framework and give the means to take effective actions. The EWL proposes that this new title include:

3.2.1 A general provision laying down a legal framework for a European Policy on equality of women and men.

In this provision, the Community should clearly commit to ensure the full implementation of the human rights of women and the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms, including the right of all women to control all aspects of their health, in particular their own fertility. To that end, the Community and Member States will develop and implement a coherent and integrated European Policy on equality of women and men. Measures will be taken on the basis of the co-decision procedure (Qualified Majority Voting in the Council of Ministers).

3.2.2 Giving the means to the EU to combat all forms of violence against women

Women's human rights and equality are intrinsically linked. All forms of violence are fundamental violations of human rights and persistent obstacles to the enjoyment by women of their rights to equality.

The EWL recommends therefore a new provision in the future Treaty laying down the basis for the development of a comprehensive policy combating all forms of violence, including trafficking in women and prostitution.

3.2.3 Introduction of positive actions in all areas as a mean to reach full equality.

The article should introduce positive actions in favour of women in order to achieve de facto equality for women and men in all areas. In spite of existing international, European and national measures, effective equality has not yet been achieved. Positive actions are required until mentalities are changed and prejudice eliminated, in order for substantive and effective equality to be reached in all areas of the Union's jurisdiction. Equality policy is only meaningful if it is thought as equality of outcome and if therefore it includes an acknowledgement of the need of positive measures, as collective measures, which are not



contrary to the principle of equal treatment between individuals.

3.2.4 Extension of the scope of 'gender mainstreaming'

The Chapter on equality should provide for the extension of gender mainstreaming to areas for which the European Union is competent, including Common Foreign and Security Policy (CFSP) as well as police and judicial cooperation, and thus not limiting equality within the list of policies referred to in the current article 3TEC.

3.2.5 Specific provision on gender equality in the field of employment and occupations

In order to have a comprehensive and coherent title on gender equality policy, the existing provision on gender equality in the field of employment and occupation should be included in this new title.

The EWL believes that a specific paragraph exclusively dedicated to positive measures in the area of employment and occupation is complementary to the introduction of a general provision on positive measures in all areas as explained above. However, the EWL recommends that the wording 'positive measures in favour of women' is used instead of the current one in 141.4: "specific advantages (..) for the under-represented sex". This would clear up all ambiguities, whereas the current situation leaves the door open to misinterpretation likely to have an adverse effect against the interests of women. While men may not access job sectors dominated by women, their under-representation is in many cases not caused by specific forms of discrimination, but may simply be the expression of disinterest stemming from the fact that female dominated professions are for the most part less well paid and less secure. Male under-representation can in no way be compared to discrimination experienced by women.

Furthermore, the use of the term "under-represented sex" implies that discrimination is only a matter of representation, i.e. quantitative. In fact, it is evident that while a sector may be dominated by women, management and decision-making positions, even in those sectors, are usually occupied by men. Over-representation of women in the part-time sector (90 per cent women) may also give rise to severe discrimination.

3.3 A European Union strengthening gender equality, social cohesion and solidarity

EWL- LEF, 18 rue Hydraulique, B-1210 Bruxelles

6

Tel. +32 2 217 90 20 – Fax: +32 2 219 84 51 - e-mail: ewl@womenlobby.org

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The links between social policies and gender equality should be recognised as a basis for EU policy action. The European Union must contribute to the reinforcement of gender equality and social cohesion through developing social protection systems. Social security systems have a considerable impact on gender equality; both in the immediate sense for most individuals, but also in the way that the systems influence the choices women and men make in their lifetime. Most gender discrimination in social security systems is indirect, although direct discrimination also occurs.

The EWL therefore recommends a new provision in the future Treaty integrating social policies and gender equality. With an aim to strengthen and develop the European social protection systems, the Community must recognise:

- The importance of universal social security systems;
- The right of women and men to a high level of individual social security at all stages in life;
- The need to adapt social security provisions to diverse and changing family forms;
- The societal responsibility to provide care services;
- The need for reinforced security for flexible and part time workers in a changing labour market.

3.4 Strengthening of European Policy in the field of Public Health

Sexual and reproductive rights form an integral part of women's human rights and are still daily violated in the European Union and worldwide.

The EWL proposes that the provision on public health is strengthened so that it ensures the full realisation of the sexual and reproductive rights of women and gives competence to the European Union to develop activities for the promotion of sexual and reproductive rights (including the right of all women to control all aspects of their health, in particular their own fertility). Measures should be taken on the basis of the co-decision procedure.

3.5 Strengthening and engendering the Anti-discrimination clause

3.5.1 Integration of a gender dimension in the fight against all forms of discriminations

The EWL fully agrees with a general anti-discrimination clause in the TEC. However, belonging to one's sex is universal, not a matter of categories and all the grounds of



discrimination quoted in the current anti-discrimination clause (apart from sex) refer to groups of people, in many but not all cases minorities. These groups have a common characteristic: since they are composed of human beings, they are made up of men and women and are structured by unequal gender relationships. The multiple discrimination that many women face as women and due to their ethnic origin, their religion or belief, their disability, their age, their sexual orientation must be taken into consideration. The EWL therefore proposes withdrawing the mention of sex in the list of grounds of discriminations mentioned in the clause, and to add a paragraph in that same provision whereby women's interests and concerns will be fully integrated into measures taken on the basis of the anti-discrimination clause.

3.5.2 Strengthening the anti-discrimination clause

The EWL calls for decisions taken under the anti-discrimination clause to be made through qualified majority voting in the Council of ministers, in combination with the co-decision procedure. It proposes also that the anti-discrimination clause should be given direct effect, in order to strengthen the rights of discriminated groups throughout Europe.

4. How to revitalise democratic legitimacy in the Union?

4.1 No democratic legitimacy without parity democracy

Parity democracy emerges from the duality of humanity, equally composed of women and men, with the direct consequence that full and equal enjoyment of citizenship is contingent upon their equal representation in political decision-making positions. The EWL strongly believes that the equal participation of women and men in all democratic process is a prerequisite to democracy. It therefore recommends a new provision to be introduced in the Treaty (in the Title on equality of women and men) whereby equal participation of women and men in decision-making is mandatory in the composition of assemblies, bodies and institutions of the Community. The articles of the Treaty in relation with these bodies would have to be revised accordingly.

4.2 Extension of European citizenship to those residing in the EU

EWL- LEF, 18 rue Hydraulique, B-1210 Bruxelles

8

Tel. +32 2 217 90 20 – Fax: +32 2 219 84 51 - e-mail: ewl@womenlobby.org

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The EWL defends the idea of a multicultural Europe, respecting diversity with equal rights and opportunities for all. It therefore calls upon an extension of citizenship rights to all people residing legally on the territory of the European Union.

4.3 Recognition of civil dialogue in the Treaty

NGOs actions, in particular at the European level, must be recognised and a legal base must be introduced in the EU Treaty for the implementation of civil dialogue, i.e. the process of consultation and exchange between political institutions and civil society -including NGOs - as part of the policy-making process.

In that respect, the EWL fully supports the position of the Platform of European Social NGOs calling for the recognition of the consultative role of NGOs within the a structured civil dialogue, through the creation of a Treaty Article on consultation with civil society.

5. How to govern the Union?

5.1 Mainstreaming gender in policy decision-making

Gender mainstreaming, as set out in the current article 3.2 TEC, aims to mainstream equality of women and men into all policies of the European Union and the Member States at all levels. This obligatory and binding rule requires that Member States implement an active and concerted policy. The policy of gender mainstreaming strengthens the traditional policies of promoting equality and combating discrimination.

The EWL believes that the future treaty should state clearly that gender mainstreaming is an institutional mechanism for achieving equality and should include accordingly requirement that the Union and its Member States analyse its gender-specific consequences at all stages of policy decision-making and alter the policy accordingly.

5.2 Gender budgeting

EWL considers that the Treaty commitment to gender mainstreaming must include gender equality in budgetary processes. The EU has begun to implement gender mainstreaming, but very little has been done yet in the area of budget setting and the allocation of financial resources.



Budgets and budgetary decisions are not gender neutral, they have a different impact on the lives of women and men. Only by including a gender perspective in the process of budget setting can the spending and income be organised in order to contribute to equality of women and men. This will require a political commitment to introduce gender budgeting at all levels of EU activity.

5.3 A gender sensitive language

The EWL recommends that European institutional, administrative texts and legislation is reviewed comprehensively with the aim of using a language that encompasses the two sexes.

5.4 Transparency, simplification

The EWL believes that a transparent and democratic Union requires strengthening the role of the European Parliament with an extension of co-decision procedure to all EU legislation and qualified majority voting within the Council. It is also essential to simplify the decision-making process in order to make it more transparent and understandable to citizens. The EU Treaty should be integrated with the EC Treaty into a single coherent text. The distinction between the “Union” and the “Community” and the three pillars system are confusing. The respective existing treaty texts could be simplified through the drafting of a new preamble and the incorporation into the new, all-inclusive EU Treaty of the titles concerning the different European policies.

Links to related sites

- **Website of the Convention on the Future of Europe**
- **Website of the Forum of the Convention on the future of Europe**