

What do gender equality ministers expect from a European Women Lawyers' Association?



Karin Schubert opened the panel discussion with the comment that it was the purpose women lawyers' associations to involve themselves in the legislative process and to comment on court decisions and legal doctrine in support of the interests of women. She said this was necessary, since discrimination and unfair

chances for women such as unequal pay, violence against women, or little opportunity for women to rise to positions of management and leadership can be observed in all the EU member states. In view of the fact that policy on women is being formulated to an increasing extent at the European level there is now a need for international women's networks in addition to the national women lawyers' associations. As such, she directed the question to the participants in the panel discussion as to what specific expectations they had with regard to a European Women Lawyers' Association as (former) ministers responsible for women's affairs.



Dona Cristina Alberdi Alonso referred to the objectives laid down in the statutes of the European Women Lawyers' Association, i.e. the promotion of women's interests in the European Union in general and in the legal areas in particular, the promotion of the understanding of European law and its effects with regard to equal opportunities for women and the networking of women lawyers in all EU member states. She noted that the number of women lawyers had increased significantly in recent years. She said the percentage of women lawyers in Spain was very low in the early 1970s. In 1975 a group of women lawyers

formed an organisation for the first time for the purpose of promoting gender equality, but was not taken seriously by many colleagues at the time. She sees the law as an instrument for achieving equal opportunities. As such, the task of the European Women Lawyers' Association should be to work as a pressure group to change the law or its interpretation in order to achieve factual equality. Key areas in her view include the family, the workplace, and political power. She said that in families there was a need for responsibility sharing; in the workplace there was a need to prescribe active measures by law in order to counteract unequal treatment; women needed to share in political power to the same extent that men do (parity democracy), in connection with which it may be necessary to change national constitutions. In this context she called to mind the Paris Declaration of the fifteen EU member states in which sharing of power not only in government, but also in business, the media, NGOs, etc. was called for. She went on to say that it would be an important task for EWLA to address the question of interpreting the Amsterdam Treaty and determining its new potentials, particularly in areas such as violence against women, parity democracy, and advertising. With regard to the latter point she noted that women are still depicted in the media either as sex objects or in traditional roles. She said there was a need to work towards ensuring that more women are represented at the European Court of

Justice. The decisions handed down by the European Court of Justice are not always friendly to women; at the time of the Kalanke case, for instance, not a single woman was on the panel of judges at the European Court of Justice. She also proposed working to obtain a directive or recommendation that would provide for a parity system for the next elections to the European Parliament in all member countries. If individual national constitutions should not permit this there would be a need to work towards amending the constitutions in question. In concluding she reiterated the areas which in her view should have priority in the work of EWLA: equality in working life, the combinability of work and family, the equal participation of women in decision-making processes, parity democracy, as well as the fight against gender-specific violence. She said that the European Women Lawyers' Association needed to define clear objectives aimed at using the law as an instrument for social and political change with a view to achieving factual equality of women and men in all areas of society.



Barbara Prammer noted that since 4 February 2000 there have not been any women cabinet ministers in Austria. In her view, the immediate effect right-wing populism had on the situation of women is a phenomenon seen throughout Europe. On the other hand, the European network is so well developed in the gender equality area both at the governmental and non-governmental levels that retrogression in European policy on women is not to be expected. She, too, noted the importance of the Amsterdam Treaty with which the principle of gender equality unambiguously entered the European legal system. Policy on gender equality is now on the same level as the establishment of the common market, the economic and monetary union, and the convergence of economic activities. She said there was, however, a constant need to ask the question as to what extent the European institutions have taken these possibilities for further development into account. While a great deal has been done at the level of the European Commission as well as at the level of the European Parliament (e.g. a parliamentary committee for gender equality has been created) there is still acute need for action at the level of the European Council. There is no council on gender equality nor have council working groups on gender equality been formed nor women experts on gender equality integrated into existing council working groups. The reference sometimes heard to the lack of competence of councils of this kind is not convincing in her view. The health ministers' council existed long before there was a health policy competence at the European level. A broad networking effort at the institutional level would be particularly important in the meaning of the principle of gender mainstreaming laid down in the Amsterdam Treaty: cooperation with non-governmental organisations as well as the European Women Lawyers' Association and consideration of the views of women experts are needed at the legislative and executive government levels. Since experience with the principle of gender mainstreaming is not yet very extensive, best practices should be taken into account as well as women experts trained and placed in the corresponding institutions. With regard to specific areas she feels need to be worked on she indicated the application and enforcement of existing laws. She said this was strongly dependent on the financial capacities of the persons in question, something women often

lack. As such, it would be important to try test cases and take them to the highest court levels. She referred in this context to the women's legal protection fund created in Austria which pursues precisely this objective. In her view more women need to be employed in the court systems, in particular at the European Court of Justice, so that the women's view of things will be taken into account. She said that further important areas included violence against women, educational policy, and the awarding of public contracts. She noted that the latter topic was now being discussed in a number of countries and, as such, was particularly important, given that very little could be achieved with motivation alone and without financial pressure. In any event, gender equality could not be achieved without the financial independence of both genders, for which reason the regulatory effects of labour and social law at the European level constituted a key challenge. Karin Schubert summarised what was said by saying that gender equality policy was being thought about, for instance at the level of the European Parliament, but that there was a lack of implementation of these demands in practice, particularly in the institutions. She proposed demanding that the position of President of the European Court of Justice be filled by a women, since it was easier to exert influence from the top down than from the bottom up.



Brigitte Unger-Soyka said that progress could only be achieved with regard to policy on gender equality if there was cooperation. Experience had shown that isolated efforts did not lead to the desired results, which was why the strategy of networking was particularly important. In the individual countries a certain degree of networking had already been achieved and now there was a need to look beyond national borders. She felt that the founding of a European Women Lawyers' Association was the right way to go. She went on to say that during the German EU Presidency it had been particularly important to the German Justice Minister to create formal structures. She said a formal council for gender equality ministers was needed to make visible the importance gender equality policy should have in the European Union. The founding of EWLA could possibly constitute a step in this direction. She reported that based on her own experience bringing up the gender issue and support by an organised interest group was very important for work in the various ministries and organisations and is highly valued; in Germany, for instance, expert support and advice from 'djb' has always been very fruitful. She said she was confident that this would also work at the European level. Karin Schubert closed the panel discussion with the remark that the importance of a European network of women working in ministries had become very important. The establishment of a council working group was now probably the first objective to work towards, something which will require the networking of all women lawyers in Europe. She said women lawyers were predestined to be involved in the legislative process and this should also be EWLA's task.