

European Institutions

Strategies for exerting more influence



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Among the interest groups to be found in Brussels there are an increasing number of non-governmental organisations. While the ecological movement, interest groups of handicapped people, and agencies for the protection of animal rights have been quite successful the representatives of women's interest have found comparatively little resonance. Birgit Schmidt am Busch answered the question of how professional and successful lobbying of the new Women Lawyers

Association could be structured with the aim of taking more influence upon decisions within the EC. Successful lobbying should advance systematically along two tracks: direct lobbying is characterised through the direct approach to the decision-maker, while indirect lobbying takes the path via other more powerful interest groups or media by means of dialogue or alliances. The advantages of the second pathway in the pursuit of women's influence in Brussels are apparent. The Women Lawyers Association will scarcely be able to maintain a standing presence. As far as it will be necessary to convince other lobbyists of the Association's point of view it will be possible to address women from powerful interest groups who are usually receptive to matters of women's concern. Professional press and publicity work are necessary in order to use the powerful role of the media effectively in the public debate. The Commission is a real European institution. In the other bodies - e.g. the Council, the parliament, and the committees are national and regional representatives to be found. Here again successful lobbying should advance on two tracks. Parallel to lobbying on the European level influence is exerted upon the representatives of each individual member state. The federal German government is for instance more likely 'to lend a sympathetic ear' to its own potential voters. The same strategy applies to the lobbyists on the national and on the European level. Lobbying should not confine itself to exerting influence upon draft legislation but also includes monitoring of compliance with and adherence to EC laws. In the preliminary phase, before negotiations take place to the drafting of new legislation or directives for the implementation of legislation it is essential to exert influence as early as possible. This is especially important in view of the right of initiative of the Commission, which has the competence to float political themes and subsequently to advise special regulations. In this case the lobbyist preferably offers concrete suggestions for the contents of a regulation. Not to be underestimated is the right to veto of the parliament under the proceedings for joint decisions. Here it is possible to exert influence by means of participation in hearings and contact to the members of parliament. Influence upon the Council of Europe is only possible via the national governments. The greatest significance of the European Women Lawyers Association lays in the field of influence upon the application of law, since the possibility is envisaged in cases of non-compliance between national law and the EC equal opportunities laws to complain directly to the EC Commission. The European Court of Law has through its adjudication a strong impulse effect in the field of equal opportunities. For this reason it is important to monitor the pending cases, to publicly explain the legal point of view of the European Association of Women Lawyers, and to dis-tribute it to the involved

parties in the cases. It is possible to demand from the national governments that they plead the legal point of view of an interest group in European court cases. Finally the EC Government summit conferences should not be underestimated which are consulting over a basic institutional reform of the EC right now. Here it is possible to exert influence at a national level as was shown by the engagement of women in the preliminary negotiations to the Treaty of Amsterdam. The lobbying of women and of women's interests groups achieved the establishment of a significant expansion of equal opportunity competences in the EC although the theme of equal opportunities had not been envisaged for the conference. In regard to the coming conference the German Association of Women Lawyers demands an appropriate and adequate representation of women in all EC bodies. Precondition for all variations of lobbying is the acquisition of information, using all re-sources. The best source of information is personal contact at all levels but especially to civil servants of the Commission. Establishing contact can be practiced via participation in bodies, committees etc., participation in hearings and conferences as well as in direct talks with civil servants of the Commission. The Commission has always stressed the importance of exchange of views between itself and non-governmental organisations. Moreover, the exchange of views with members of the European Parliament serves also the purpose of putting oneself at disposal for expert opinion as a women specialist. The national representatives of individual member states serve as an interface between citizens and bodies of the EC, and they are useful for tips and establishing contacts. An information network can complete the nature of contacts with the often well in-formed lobbyists of the more powerful interest groups. Useful sources for the acquisition of information via publications are

- the publications from the office of official publications,
- official gazettes of the different commissions,
- the collected precedent findings of the court of law,
- monthly bulletins of the general secretary's office,
- annual reports of the commissions.

Important information is also to be found in the national government programs, the working programs of the commissions, and the working program of each new presidency.



Dr. Maria Berger, MdEP

Maria Berger represented the point of view of an European parliamentarian. She reported about the opportunities of an European Women Lawyer Association to exert more influence upon the decision-making process at EC level. In her opinion the opportunities available are dependent of the general political climate. Currently most of the governments of the member states are center / left oriented, although this does not necessarily coincide with progressive policies towards the interest of women. However, the commitment of the new European Commission should be emphasized especially in respect to the equal opportunities policies of the Treaty of Amsterdam. The opposite is the case within the European Parliament. Since the last European elections it is the most conservative of the three legislative authorities of the EC. For this reason it is necessary to mobilise women of all fractions and parties in the

European Parliament in order to put women's policies on the agenda of the parliament. Women built a relatively high proportion of 30 % of the members. The high proportion of women is reflected in the allocation of parliamentary functions. Beside the female President of Parliament there are also committee chairwomen in charge. The representation of women within the European Parliament varies - on the one hand de-pendant from the political fractions or parties, on the other hand it reflects an incline from North to South. The Proportion of women among the Commissioners is 25 %. The proportion of women among the governments of the member states is averagely 20 %. The figures show that the average is to be viewed with some caution: among the national governments are some in which 40 % of the ministers are women, other with only 6 %. Nevertheless, Ms Berger was able to report that three women who had been in charge signed the budget of the European Union for the year 2000. On the subject of lobbying, Ms Berger spoke first of the opportunities within the European Parliament. The importance of the European Parliament as a source of legislature has been enhanced through the Treaty of Amsterdam. Hardly a legal provision can be implemented within the EC if the European Parliament has not accepted it. The elaboration of draft legislation is the work of the special committees who appoint a re-porter to parliament when a decision has to be made. The post of a reporter is allocated in turn to the various fractions represented by the committee members. The reporter is responsible for steering the legislation project through the draft procedure. Since many projects of draft legislation are concurrently in process, there is much division of labour within the committees, and the reporter has a trusted status. This makes the reporter to the first address of the lobbyists. The directives, draft legislation and regulations reach the parliament after a long process of discussion between organisations, representatives of interest groups, non-governmental organisations etc. Therefore it makes sense to influence at an early stage of discussion. Within the European Parliament itself the procedures are quick. For instance motions and petitions to change scope and details of draft legislation are only possible within set time limits. The debates of the special committees are public. Access is possible per ticket. There are also hearings to which experts are invited to speak on specific subjects. They are invited upon recommendation of the fractions. Ms. Berger described the difficulty for the members of parliament to work independently and at the same time to be dependent from 10,000 lobbyists as sources of information. Lobbying is taken for granted at EC level. Finally Ms. Berger introduced the current discussion, which could be of current interest for the European Women Lawyers Association. Firstly the Charter of constitutional rights. The current debate tends to demand the obligatory status of the Charta - and that it also should include social rights. The Charta should consist of three chapters: one chapter about the rights of citizens of the EC, a second chapter about further social rights, and a third chapter about the rights of foreigners living in the EC - in the sense of general human rights. A further point of possible interest to women's initiatives is the extension of the application of article 13 of the Treaty of Amsterdam. Measures according to this very progressive article can currently only be unanimously carried, and the abolition of the precondition of a unanimous vote in article 13 would be an important matter of concern. Also of importance is the observation of the new configuration and expansion of the institutions of the EC. For instance the mandates within the European parliament are to be made dependent upon proportional population figures within the EC member states. This could lead to a reduction in representation of women. The extension of the number of member states can create the problem that in the new member states equal opportunity politics have been

and are of little interest until now. Therefore during the negotiations with new member states pressure should be brought to bear in this respect. Finally Ms. Berger raised the question of raising the proportion of women within the direction of the Commission.



Florence Schmidt-Pariset, France

Geschlechtergleichheit: Brauchen wir ein neues Gemeinschaftsrecht?

The referate of Florence Schmidt-Pariset starts with an anecdote from Belgium : A young juge d'instruction (examining magistrate) arrives at the scene of a crime and asks the police officers to report the state of their investigations. When she tells them her name and her profession the officer answers: "Well, you are juge d'instruction and I am Napoleon!". This story happened in 1960 and women have made their way since then to all law professions but there is still a difference between the political discussion on equal opportunities (it is the CEDAW Convention , the program of gender-mainstreaming of the European Commission for example) and the real situation as it is shown by statistics an national as well as on international level. Especially in France there has been a subtle development since 1970 due to art. 14 ECHR and the directive 76-207 from 9th february 1976. The rule of equal payment for equal work was set into force by French law from 15th november 1973. - Nevertheless the ranking of 102 states concerning the participation of women in the political and the economical sphere shows France in the 11th position far behind the northern states. Even certain developping countries such as Costa Rica, Trinidad and Tobago present themselves as being more progressive than for instance France or Italy. Effectively women are still a minority in strategic functions. Men and women are not at all occupied with the same employment, they don't follow equal carriers and they are not paid equally. There is still a difference of 27 % between the average earnings of men and women. Even in highest positions men's income lies about 13% above that of women of the same professional qualification. Paradoxically women are very present on the labour market - differently from Germany for instance where school-hours coerce women to cut off their professional activities in order to bring up their children. 80 % of the French women at the age of 25 to 55 are employed and 55 % of those who have three children carry on professional activities. Regarding occupational and family work which is still mostly done bay women french women find themselves on the first rank of working activities. - Another important fact is that women find themselves in higher positions only as a minority although they are on the average highlier qualified than men. On the other hand women are over-represented in jobs at the hierarchical bottom. One can observe two opposite tendencies: there is an increasing number of women in professions which need high qualification such as surgical, legal or business diplomas and at the same time there is a feminisation of certain subaltern jobs. Concerning the legal side of professional life the law provides in principle equal payment for equal work. The rule ROUDY from 13th july 1983 states the general principle of non-discrimination and precisely holds firms with more than 50 employees to give an annual report to the work council comparing the situation of men and women. The trade unions can work out a plan of equal opportunities in the job which allows women to make up their leeway. Due to the persistant inequality the Report GENISSON proposes especially to the officers of ANPE (National Agency for

Employment) to pay more attention to anti-discrimination by obliging them to add "men/women" to all of the vacancies. Schmidt-Pariset comes to the conclusion that the strategies of women to improve their influence passes by a legal development in the field of professional life but also by heightening the access of women to functions in public life. Parity in political life has been an objective of a draft to modify the constitution in 1999. The parliament has given permission to transfer the constitutional principle that men and women shall be given equal access to electoral political functions and mandates in a provisional law of parity. It is foreseen for regional and municipal elections that every six candidates have to be balanced men and women. For european elections a strictly alternating list is prescribed. As far as the social dialogue is concerned the participation of women is an essential factor. Insisting on the role of law, Schmidt-Pariset points out that the most efficient legal instruments , which are suggested by the Rapport GENISSON, are to sanction unequal treatment a posteriori and to put the onus of proof of non-discrimination on the employer. These suggestions join with the rules of the European directive from 15th December 1997 which have to be transferred before 1st January 2001. Thus the global evolution joins together with the initiatives of the European Commission.