

European Congress (EWLA)

**Gender Equality and Professional Life - Current Developments in Europe**

**Workshop 1**

*"The European Convention and the fundamental rights of women and men"*

Sabine OVERKÄMPING (D),

*Vice-chairwoman of the Commission on Public law of djb (German women  
lawyers association)*

*Paris, 21 September 2002*

First of all I would like to thank the French organisers and the board members of EWLA for the work they have done to provide a forum in order to discuss current developments in Europe with regard to gender equality. It is absolutely necessary to monitor European developments, especially to point out the women's view. Often women are differently concerned than men. However, gender mainstreaming that should be known by everybody is not taken everywhere into account. The results of this European Congress will help to underline the different views. Hopefully, this is heard where decisions are taken, not only in Brussels.

It is a great pleasure for me to participate in this workshop on "The European Convention and the fundamental rights of women and men" as a representative of djb (German women lawyers association). Our association deals with European affairs since the mid nineties in a structured way. We built up a working group dealing with directives concerning gender equality but also with principal affairs like the Intergovernmental Conferences in 1996 and 2000 and with the Charter of fundamental rights. We put forward our opinions and tried to influence decisions. Doing this we met a lot of engaged women lawyers around Europe. A network grew up. We founded EWLA, a very young organisation, but already quite active on European level and what is most important - HEARD - by European decision makers. Thanks to our common efforts, namely also of EWL and AFEM, already a long time active on the European level, gender views cannot be neglected any more.

Now I would like to draw your attention to what djb thinks that the European Convention is supposed to attain.

Please allow me some general remarks:

The djb welcomes the work on a European Constitution that has started in spring with the preparatory work by the Convention that will – hopefully – propose necessary regulations to be adopted by the Intergovernmental Conference in 2004.

According to our opinion it was the right decision to establish a Convention in order to prepare for the next Intergovernmental Conference in 2004. The experience with the Convention drafting the European Charter of Fundamental Rights shows that a body composed of representatives of the Heads of State or Government of Member States, of the Commission, of national Parliaments and of the European Parliament accompanied by civil and social dialog can initiate a debate all over Europe.

The djb is convinced that a serious, fruitful debate on the future of Europe, pushed ahead by ambitious goals, is entirely indispensable and takes place. It is necessary to discuss the topics provided for in the Declaration of Nice, namely:

- Clarification of powers between the European Union and the Member States,
- Reflection on subsidiarity,
- Decision on the statures of the Charter of Fundamental Rights,
- Simplification of treaty regulations and
- Discussion on the role of National Parliaments

Of course, this is not sufficient. The djb stresses the point that the result of the debate about the future of Europe will not endanger the Community acquis, but respect it and develop it according to the

challenges at issue. A discussion on additional topics in the Convention and at the Intergovernmental Conference is necessary, such as:

- On the basis of positive experiences with establishing the codecision procedure, which offers a much greater democratic legitimacy, it is necessary to look for possibilities to extend its use and to end up with the codecision procedure as a general practice.
- At the same time it should be considered whether Council decisions on the basis of qualified majority could become a standard procedure. This is particularly important for the areas such as justice and home affairs, where further integration is indispensable.
- The djb hopes that a closer and more effective co-operation in the field of common foreign and security policy can also be achieved.
- The djb proposes to simplify the procedure of enhanced co-operation [Verfahren der verstärkten Zusammenarbeit], in order to pave the way for more integration.

The djb welcomes considerations concerning the consultation of the civil society by way of a civil forum. Considering the aspects of participation and legitimacy, it is important to actually involve the civil society into the proceedings of the convention what has been done and what is going on. The same is true with regard to the involvement of youth.

The djb accompanies the Convention work. We meet quite regularly to discuss the outcome of the meetings of the Convention. A first draft will be submitted in October. We are looking forward to comment on it.

It is desirable that the proceedings of the Convention on the future of Europe will be followed closely by the citizens as it was possible with the

proceedings of the Convention for the drafting of a Charter of Fundamental Rights. The real time provision of all documents used in the proceedings on the internet is helpful and is an answer to the need of transparency. Within our association we discuss whether our next national congress in 9/03 should deal with the outcome of the Convention.

Before the Convention started working the djb demanded a balanced participation of women and men. We expected that the European Parliament as well as the national parliaments would have been without any problems able to fulfil this request in the nomination of members to the Convention and hoped that member states and the Commission would have taken a balanced participation of women and men into account. But we all know that the Convention is not gender-balanced. The worst case happened. The representation of women does not even reach the weak female representation in the convention that discussed the fundamental rights charter.

Let me close my intervention with some more specific proposals:

- Djb is in favour of integrating the Charter of fundamental rights as it is. Of course, the content of the articles is far away from being perfect, especially if we look at the gender articles, namely Art. 23 and Art. 33. However, a pragmatic approach advises the integration appeal. It would be a decisive and legally binding step forward to a Europe of citizens. We fear that if we accept the integration only in case of changes we won't have a Charter at all. In case of non-integration we stay with the even more unperfect rule of Art. 6 of the EU-Treaty.

- Djb stresses the need of a genuine title/chapter “Gender Equality”. All regulations that are already in force should be put together. With regard to the non achievement of gender parity in the Convention we should call for a regulation on gender balanced participation in decision making.
- Djb welcomes the EWLA-proposals to implement gender mainstreaming into the Convention work and hopes that this will be done.

Thank you for your attention