

Women of Europe

council

Editorial

The New Year is, for many of us, the occasion to express our wishes, make good resolutions, set goals for ourselves and examine what the year has in store.

In terms of our publication, 1997 will be rich in content and the subjects it covers. Some articles will relate specifically to equal opportunities and mainstreaming, others will be more general focusing, for example, on the fight against international organised crime which includes trafficking in and violence against women, and others will cover major Community programmes and policies such as preparations for EMU or the 5th RDT framework programme which should take account of the gender dimension.

But the most critical deadline for 1997 is the Intergovernmental Conference (IGC) for which the official negotiations began last March in Italy and should conclude next June in the Netherlands.

The progress document put forward by the Irish Presidency last December on the negotiations begins as follows: "The European Union belongs to its citizens. The Treaties founding the Union should address their most direct concerns." This is a good beginning and one which we, as citizens and women, fully support. Negotiators should keep this in mind when tempted to ignore the human dimension which should be part and parcel of all Community activities, even those of an economic or monetary nature.

Other aspects of the proposed text are less satisfying. For example, there would be an obligation to respect the fundamental rights of citizens but this would be limited to civil rights. What about other rights? Although equality between men and women becomes one of the missions of the Community, it unfortunately does not constitute a fundamental right.

But there have also been some breakthroughs, notably the rewording of article 119 which concerns equal pay. It is proposed that the concept of "equal work" is replaced by that of "work of equal value", and a clause is added to this article providing for the adoption of equality measures by a qualified majority vote and no longer by unanimity. There is also question of the implementation of the equality principle and not just its promotion.

Negotiations will gather pace between now and the end of June and the mobilisation of women will have to be maintained right to the end. This is why we will be keeping you informed, as clearly as possible, of the results of the IGC negotiations which will have a considerable influence on our future as women citizens of the European Union. ●



Véronique Houdart-Blazy

Head of Section - Information for Women

Monetary union dominates Dublin Summit

EU heads of state and government, meeting in Dublin in December, agreed in a Declaration to a broad range of measures to boost employment and made "decisive progress" on preparations for European Monetary Union (EMU). Their resolve to combat organised crime, including the sexual exploitation of women and children, was strengthened. But the toughest part of the Intergovernmental Conference (IGC) negotiations, which will decide the future shape of the EU, was deferred (see article page 2). It is now up to the Dutch Government to navigate Member States through this politically sensitive phase. The date for signing the new EU constitutional treaty was set by EU leaders as June 1997, at the Amsterdam Summit. They have given themselves six months to arrive at an agreement.

The Dublin Summit's greatest success was arguably the financial deal concerning the euro. This will ensure that EMU will remain on schedule with a starting date 1 January 1999. It took 24 hours of negotiations for the deal to be reached. It covers the structure of the new exchange rate mechanism, the legal framework for the use of the euro and a stability and growth pact to ensure "durable budget discipline" among participating countries. To bring the euro closer to reality, the new bank notes featuring images of Europe's architectural heritage were unveiled.

European leaders were keen to show the link between this financial agreement and employment, and reaffirmed the importance of equal opportunities.

Mr John Bruton, the Irish premier said the Dublin Summit was about "stable money, more jobs and safer streets". In a Declaration on employment, adopted at the Summit, they said "there is no conflict between sound macroeconomics and budget policies on the one hand and strong and sustainable growth in output and employment on the other".

In the Declaration, governments promised "vulnerable groups" such as unemployed women, unemployed young people and the long-term unemployed "particular support". They "encouraged" Member

States to retake steps "to desegregate the labour market and ensure the high representation of women in part-time employment does not exclude them from training to enhance their future employability". To promote jobs, they urged a reform of taxation and social protection systems to make them more "employment-friendly".

Committing themselves to a European area of freedom, security and justice, EU leaders expressed their "abhorrence" of the sexual exploitation of children and trafficking in human beings and undertook "to take all the necessary action to protect those most vulnerable in society". They welcomed the joint approach agreed by Member States to tackle offences against children and improve judicial cooperation and said Community funds had been set aside to fight "these odious crimes".

Dutch Presidency opts for pragmatic approach

The Dutch government announcing its work programme for its six months' Presidency, which started on 1 January, said it would adopt "a pragmatic approach". Holding the Presidency puts a country in the spotlight, said the Dutch government, but it explained that it will "resist the temptation to advance topics that are primarily for domestic consumption".

New Treaty takes shape

The realities of the European situation, it said, mean that top priority will be given to the IGC, and preparations for EMU and enlargement. It said it will continue reinforcing EU internal policies such as cooperation to combat racism, cross-border crime and drug trafficking. It promised to pay attention to measures to promote equal treatment of women and men during the next six months and will also try to work towards a code of conduct to end the traffic in women.

Social Affairs ministers support equality

Two important equal treatment directives were given the go ahead by the Council of Social Affairs Ministers meeting in December, following a political agreement.

The first concerns the burden of proof in sex discrimination cases (see *Women of Europe Newsletter No 64*). This proposed EU directive will share the burden of proof between the employer defending an action and the person complaining of discrimination.

Under the proposed law, a person taking a case to court must establish facts "from which it can be presumed that there has been direct or indirect discrimination". They do not have to prove the employer intended to discriminate. It is then for the employer to prove that there had been no violation of the principle of equal treatment between women and men. The draft directive also gives a definition of indirect discrimination for the first time in EU legislation.

The second proposal would bring the 1986 directive on equal treatment in occupational social security schemes into line with the Barber ruling of the European Court of Justice (see *Women of Europe Newsletter No's 64 and 65*). The draft directive specifies that employers which set up supplementary pension schemes for their employees must respect the principle of equal treatment between women and men as laid down in Article 119 of the Rome Treaty.

Ministers did not follow the European Commission in its suggestion to amend the 1976 equal treatment directive in the wake of the Kalanke ruling (see *Women of Europe Newsletter No 61*). The Commission proposed this amendment to affirm that positive action measures are lawful on condition that the employer has the possibility to take account of the particular circumstances of an individual case. But ministers remained unconvinced that the ruling had called into question the validity of the 1976 directive. They said that any changes to the directive were premature and preferred to wait for further clarification from the European Court of Justice which is now reviewing a new case from Germany, the Marschall case (C-409/95). This concerns a promotion system giving priority to women in the land of Nordrhein-Westfalen. No date has been set for the preliminary hearing expected later this year. ●

The Irish Presidency drew up a 140 page document for the Dublin Summit to outline progress made at the Intergovernmental Conference (IGC) since it was launched over nine months ago (see *Women of Europe Newsletter No 59*). But, if anything, the document showed that deep divisions remain on the more sensitive issues concerning this major constitutional reform.



The Irish Presidency could not be faulted for its attempt to secure agreement at the IGC talks. The outline document clearly lays out the areas where agreement has been reached or is near. But the more politically sensitive issues are left up to the Dutch government which took over the presidency of the EU Council of Ministers on 1 January and with it the responsibility to push for an agreement by June 1997. The Irish Presidency admitted that "the final trade offs ... can come only next year (1997)".

The contentious issues go to the heart of this constitutional reform to update the Maastricht Treaty. They involve the power balance between the smaller and larger Member States, how far each government is prepared to develop policies at EU level in common with its colleagues and if it is ready to cede its national veto in favour of majority voting and over which issues. It also means a decision on the notion of "flexibility" allowing Member States to cooperate more closely without being held back by more reticent members.

In an interview with *Women of Europe Newsletter*, MEP Raymonde Dury (PSE, B) who was one of the main organisers of the public hearings on the IGC held at the European Parliament in 1996 and a keen follower of the IGC talks, said she regretted there had been "little obvious progress" in the negotiations. The "major" questions have not been dealt with, she said.

Amongst the changes she would like to see is a clear legal distinction in the new Treaty between equality of opportunity and positive action. She wanted the employment chapter to be strengthened giving the EU the possibility to go beyond coordination and develop policy in this field and for citizen's rights to be clearly defined.

Equality reinforced in Citizen's Europe

In its outline document, the Irish Presidency recommended adding two new chapters. The first would create an area of "freedom, security and justice" within the EU ensuring that basic human rights are upheld by Member States. The second would improve EU action on employment.

A new article on non-discrimination would give the EU the right to take action banning discrimination based on "sex, racial, ethnic or social origin, religious belief, disability, age or sexual orientation". Additions are also proposed to promote equality between women and men and better guarantee the application of the principle of equal treatment in employment. The right to equal pay for work of equal value would be written into the proposed Treaty and a new clause would also expressly allow Member States to maintain or adopt positive action measures.



Raymonde Dury

Source: European Parliament

Improved coordination of existing national policies is the approach adopted in the chapter on employment. If adopted, the EU Council of Ministers would propose common guidelines and national measures would be assessed annually. There also seems to be majority support to incorporate the Social Protocol into the new Treaty.

IGC, a necessary step for enlargement

Foreign policy is another key area where it is proposed to strengthen the EU's influence to reflect the fact the EU is the world's largest trading entity.

Negotiations are expected to continue on a weekly basis in the hope that the June 1997 deadline for finalising the Treaty can be met, opening the way for enlargement. Raymonde Dury emphasised that ensuring stability and peace in the European continent through enlargement is the real political impetus behind the IGC. ●

Committee on Women's Rights

A hearing on Aids prevention in prostitution, organised by the Committee on Women's Rights in November, was told that the way laws on prostitution were enforced was a barrier to HIV prevention. Prostitution is a social reality, said Dr Ruugh Mak of *Europap (European Intervention Projects Aids Prevention for Prostitutes, Ghent University Hospital)*. As such, it has to be organised in a way that minimises the risk for HIV transmission. He urged specific health and social services for prostitutes in every major town in Europe with appropriately trained staff. Pia Covre of the *Committee on Civil Rights for Prostitutes, Rome*, said illegal immigrants were often forced into prostitution because of poverty. She called for free and anonymous access to health screening services for these people. Both speakers emphasised the need to fund projects tackling the problem of Aids amongst prostitutes.

During a first discussion to launch an

EU-wide campaign for zero tolerance of violence against women, the link between prostitution and pornography and pornography and violence in the home was highlighted by some Committee members.

Separately, an opinion on the EU and the external dimension of human rights policy was adopted by the Committee calling for an inclusion of human dignity and the protection of children.

At its December meeting, Lean Rantanen from the *Finnish Equality Ombudsman Institution* explained to the Committee how the Finnish system of job evaluation worked. She said such systems were essential to narrow the wages gap between women and men because they evaluate the job and not the person carrying it out. But some Committee members were concerned that such systems could also have a negative impact because the classification of jobs is not gender neutral.

A report on the situation of the wives of self-employed workers was adopted with several amendments, notably to give married and non-married partners independent social security rights including sickness and retirement pensions, maternity benefits, access to training and the right to be represented in professional bodies.

Committee members in another opinion unanimously adopted, said the transposition at national level of EU equality laws was highly unsatisfactory. They asked the Commission to use its powers under the Treaty to ensure full transposition by governments. ●

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infos

Ending the innovation deficit

The European Commission has unveiled its first *Action Plan for Innovation* in the EU. The plan is based on consultations which followed the Commission's 1995 Green paper on innovation. Three key issues are addressed: fostering an innovation culture; creating the right administrative, legal and financial environment; and improving links between research and innovation. ●

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Declaration on Sustainable Rural Development

At the top of the EU agenda and underpinning all rural policy should be a sustainable rural development. This was one of the conclusions of a European Conference on Rural Development organised by the European Commission in Cork, Ireland, in November. Rural development policy requirements of the EU for the year 2000 and beyond were examined. The results were presented by Lord Plumb, MEP, as *The Cork Declaration - A Living Countryside*. The Declaration calls for measures to stem rural exodus, combat poverty, stimulate employment and equality of opportunity and respond to growing requests by EU citizens

for more quality, health, safety, personal development and leisure, and improved rural well being. ●

For a copy of the Declaration or information:

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Towards Healthy Ageing

At a conference organised in October in Dublin by the *European Institute of Women's Health*, an NGO, two initiatives were launched. The first was a women's health network to help achieve health targets in the EU. The second was a strategic policy paper entitled *Women in Europe: towards healthy ageing* which reviews the health status of older women and makes recommendations in four areas: coronary heart disease, cancer, osteoporosis and depression. ●

For further information and to obtain the paper:

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Trafficking in women

Justice and Home Affairs Ministers backed the Commission's Communication on trafficking in women for the purposes of sexual exploitation in December. This advo-

cate a coherent and multidisciplinary European approach to end this traffic estimated to involve the transport of over 500.000 women a year to the EU alone. As part of this communication, a new programme called *STOP (Sexual Trafficking of Persons)* will be launched with a budget of 6.5 million ECU over the next five years. *STOP* will provide a forum for exchanging ideas, collecting statistics, developing joint actions and disseminating information to end trafficking in adults and children.

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The *Fédération pour la disparition de la Prostitution (FEDIP)* organised a meeting in Paris on 22 and 23 November on the theme "For a European citizenship worthy of a society refusing prostitution". This event, which brought together some 4.000 participants was one in a series of International Days for the Abolition of Slavery in all its Forms and aimed to strengthen dialogue at European level with a view to the reintegration of people caught up in prostitution and for the global prevention of prostitution. ●

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