

# Women of Europe

## Editorial

Europe Day was celebrated for the 10th consecutive year on 9 May last. The decision to commemorate Robert Schuman's Declaration of 9 May 1950 and to make it an annual celebration was taken by the Council of Ministers in Milan in 1985.

This event provides an opportunity to strengthen European citizens' sense of belonging to the Union, to the model of society and culture it represents and to remind them how they are contributing to greater European integration by the political choices they make and the democratic process. The events organised for Europe Day aim to highlight the symbols of a common European identity, to distribute practical and accessible information and facilitate encounters between citizens from different cultures.

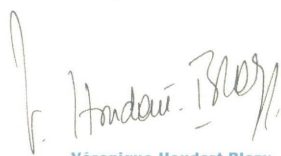
Various associations, local, regional and national authorities were encouraged to organise different events. Some 2.700 different happenings took place in the 15 Member States. They included debates on topics of community interest, educational activities for young people and symbolic or entertaining events and games.

The different countries celebrated their membership of the Union in different ways and according to their cultures. In France, this was a "symbolic" reflection on the major EU challenges such as the single currency, in Germany on the IGC and in many others street concerts such as in Austria, etc.

The European Institutions opened their doors to the public and welcomed some 20.000 visitors to the halls of decision-making such as the Council of Ministers of the European Union.

The major event of Europe Day was the musical celebration "Yes for Europe" organised simultaneously in Lisbon, Turin and Brussels and attended by some 55.000 people. The event was orchestrated by a multinational team and broadcast live on 12 European television channels to millions of viewers.

The increasing popularity of Europe Day and the many initiatives taken to mark this occasion are proof of citizens' growing enthusiasm for Europe.



Véronique Houdart-Blazy

Head of Section - Information for Women

## Kalanke ruling: positive action to continue

Because of the controversy and uncertainty sparked by the European Court of Justice (ECJ) judgement in the Kalanke case (see *Women of Europe Newsletter No 57*), the European Commission has proposed a modification to the 1976 directive on equal treatment for men and women. The controversy arose from the uncertainty created by the judgement which called into question the legitimacy of quotas and other forms of positive action to promote the number of women in certain sectors or levels of employment.

### Questions raised by the judgement

It appears that the Court's negative attitude towards the legality of the Bremen law is based exclusively on the interpretation which should be given to Article 2, paragraph 4 of Directive 76/207/EEC. For the European Commission, the judgement makes it clear that this provision does not cover the type of quota system under which women are given automatic preference over men in the assignment of posts or promotion.

The Commission said the Kalanke judgement came at a time "when it is increasingly recognised that the anti-discrimination laws which were adopted 20 years ago are not now sufficient to achieve equality for women" in access to employment and promotion.

At a time when equality of opportunity for women "has been recognised at the highest level (Essen, Cannes and Madrid European Councils) to be a task of paramount importance" together with the fight against unemployment, the Commission explained it was "crucial" to reaffirm the need to use, "where appropriate," positive action measures to promote equal opportunities for women and men.

The Commission said there was wide agreement that the concept of positive action "embraced all measures aiming to counter the effects of past discrimination, eliminate existing discrimination and promote equality of opportunity between women and men, particularly in relation to types of levels of jobs where members of one sex were significantly under-represented."

The Court only condemned a "special feature" of the Bremen law which gave women an automatic, absolute and unconditional right to appointment or promotion over similarly qualified men, the Commission said.

This, it added, was the only type of quota system affected by the ruling, that is a system which "is completely rigid and does not leave any possibility of taking account of individual circumstances." As a result, Mem-

ber States and employers are "free to have recourse to all forms of positive action including flexible quotas."



To safeguard against further litigation and ensure that the directive specifically permits the kinds of positive action which remain untouched by Kalanke, the Commission proposed amending the wording of Article 2(4) of the directive. It wants to specify in this Article that the measures envisaged by this provision include actions "favouring the recruitment or promotion of one sex in circumstances where the latter is under-represented, on condition that the employer always has the possibility of taking account of the particular circumstances" of an individual case.

Explaining the proposed amendment to the European Parliament's Committee on Women's Rights, Social Affairs Commissioner Padraig Flynn said its main aim was to eliminate any doubts about the legitimacy of positive action.

It would give employers "a margin for manoeuvre" to freely apply positive action measures. It also included a clause whereby measures to promote positive action could not be adopted without taking account of the "particular circumstances of individuals." This would make the amended directive more flexible, he said.

### Experts and parliamentarians speak out

Reactions were varied to the proposed amendment by experts and MEPs attending a public hearing organised jointly by the Parliament's Women's Rights and Legal Affairs Committees.

Nel Van Dijk, President of the Committee on Women's Rights and co-chair at the hearing, regretted that the Commission interpreted the ruling to be an absolute decision that could not be overturned and was adapting legislation to conform to it.

This view was shared by Ulrike Hauffe, the head of the Council for Equal Opportunities for Women in Bremen, invited to the hearing. Policy decides the content of a piece of legislation and the Court's role is to

# parliament

## Committee on Women's Rights

implement it, she said. But "this ruling has dictated the shape of the new directive. This is absolutely disastrous."

She maintained that without quotas women would not have been promoted as well as was the case in Bremen. The Court's ruling limited women's rights, she said. Any proposal to amend the directive had to also address structural inequality, she explained.

Christine Crawley was also critical of the Commission's amendment but warned that



**Christine Crawley**  
Photo: European Parliament

if the directive is not modified, many more men will take cases to court based on the ruling with the risk of weakening it further. If there is no amendment "we face the greater danger of losing the directive altogether." Bremen is an example of "best practice", she said. The amendment

"is a step backwards. No amendment is a step backwards even further".

Ana Palacio, vice-president of the Committee on Legal Affairs, who co-chaired the hearing, disagreed. She was in favour of the ruling because it promoted individuals rights over groups. The debate is about law and society, she said.

"We have a clear problem which has to be faced, that is women's access to positions of responsibility and how to achieve this within the existing legal order." She questioned the extent to which the "automaticity" of the Bremen law was in touch with the existing legal order and the climate of today.

Spanish expert Lucia Ruano Rodrigues said the judgement was "hasty" "with no legal foundation." She said the court had wasted an opportunity to go into greater depth on the complex problem of positive discrimination. It had ignored the issue of indirect discrimination and based its arguments on purely economic/competitive grounds. ●

**A** report by Elena Marinucci on a European strategy to promote local development and employment initiatives was adopted by the Committee on Women's Rights at its 20 and 21 March meeting. The report calls for a better use of resources to create new jobs for women, particularly in the services sector, greater support for the socially disadvantaged and improvements in working time.

Nel Van Dijk spoke about the seminar organised by the European Commission last March on the integration of equal opportunities into the Structural Funds (see *Women of Europe Newsletter No 59*). This seminar was a positive development, she said, and a follow-up would be organised by the Parliament's Committee on Regional Affairs in October.

Social Affairs Commissioner Padraig Flynn addressed the Committee during its 24 April meeting on a series of issues causing concern to members.

This included the cut made by ministers to 30 million ECU of the proposed 60 million ECU budget for the 4th equal opportunities action programme. Commissioner Flynn told the Committee that with the current tendency in the Council to cut back on certain areas of Community spending, it was largely up to Parliament to ensure the action programme was "adequately funded". This they could do by reinstating the original sum during the Parliament's examination of the EU's budget for next year.

Irene Crepaz's report on the proposal for a Council Recommendation on the balanced participation of women and men in decision-making was adopted in the April meeting. There was a general call to strengthen the Commission proposal which Irene Crepaz said lacked any precision as to the measures Member States could introduce. As a result, she said there was a danger that the Recommendation would "never move beyond the realm of pious hopes."

The report called on Member States to introduce measures to bring about a balance between women and men in decision-making at all levels of political, economic, social and cultural life. Irene Crepaz said the recommendation should be strengthened and ensure monitoring and evaluation of targets set.

The Committee supported the call to provide financial incentives to the private sector to encourage the promotion of women and continue positive action measures in favour of women in the public and private sectors.

Cooperation and development programmes should include health care initiatives with clear family planning provisions,



**Irene Crepaz**  
Photo: European Parliament

according to the report by Antoinette Fouque on the follow-up to the Cairo Conference on Population and Development, which was also adopted by the Committee in April.

The report reaffirmed the right to choose

whether to have children or not and said women's access to health services and family planning remained inadequate. It also urged improved access to education and employment for women as part of population and human development policies.

An opinion by Imelda Read on the future development of the market in directories and other telecommunications information services was adopted with some amendments seeking to strengthen women's rights and privacy.

A report by Astrid Lulling on minimum guarantees for asylum procedures and by Thomas Mann on the Green Paper on Public Transport were also discussed. ●

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# commission

## Information actions shaping up

The European Commission and Parliament have joined forces to launch major information actions targeted at European citizens to increase their awareness of the benefits of greater European integration. These actions will focus on three of the EU's key challenges, namely the completion of the internal market, the introduction of the single European currency and progress on the IGC negotiations to reform the Treaties and prepare for enlargement.

All three actions must provide clear, comprehensive and coherent information in a decentralised way to meet the needs and expectations of all EU citizens. They will be organised in a spirit of partnership between the EU institutions, Member States, the civil society and regional and local media.

**"The Euro, a currency for Europe,"** with a 19 million ECU budget, aims to inform consumers, the business and financial worlds of the benefits of the single currency and of the different stages Member States must pass to make the Euro a reality.

The action, to run from 1996-2002, builds on the recommendations made at the Round Table on the Euro held in January this year (see *Women of Europe Newsletter No 58*). The financial and business sectors and decision-makers will be the first targets of the campaign. The workplace, public administrations, families and households will take centre stage by the end of 1997.

**"Citizens First!"** This action, with a 16 million ECU budget, aims to inform citizens of their rights as beneficiaries of the single European market.

Over a two-year period (1996-1997), this action will focus directly on a series of themes affecting the everyday lives of EU citizens. The information provided will cover the rights of EU and legally resident third country nationals to reside, work, study in or travel to any Member State, to freely buy goods or services and to benefit from financial services.

Information booklets and fact sheets will be produced on these and other issues. The equal opportunities booklet will give information on EU legislation in the areas of equal pay, equal treatment, maternity leave and social security giving the latest policy developments and the policy of the "mainstreaming".

**"Building Europe Together."** This action, an initiative by DG X, will run in parallel to the IGC negotiations with a 3 million ECU budget. It aims to inform citizens of the benefits of joint action by the EU and its Member States. It will explain why there is a need to reform the current EU Treaties and working practices to meet future chal-

lenges. Also to run for two years (1996-1997), the action will highlight the work of IGC negotiators.

Priority themes include employment, democracy and citizens' rights, foreign and security policy, the environment and culture.

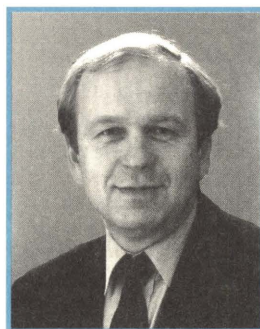
A major conference is planned for some 100 editors of women's magazines and women's pages on the theme of Women and the future of Europe in Vienna next autumn.

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## Encouraging progress on Commission's positive action programme



Erkki Liikanen

ing to Erkki Liikanen, the Commissioner in charge of personnel. In a Communication outlining the results of the plan, he promised to continue the Commission's efforts to meet the targets it set for itself in July 1995. The programme hopes to encourage Member States to implement similar programmes in their public sectors.

The Commission adopted guidelines last year for the promotion and recruitment of women staff and set targets, particularly in Grade A jobs where, it said, women were "seriously under-represented." The targets concern directorship level, middle management (heads of unit/advisors) and administrators. Goals were set for recruitment from the 12 Member States (EUR 12) and from the three new Member States (EUR 3).

For 1996, the Commission emphasized that although it wants to give priority to women in recruitment and promotion over male candidates, this would not be an "automatic" process but based on an appraisal of each individual's situation by the "competent authority." This complies with the Kalanke judgement of the European Court

A review of the progress made in 1995 to promote and recruit more women to positions of responsibility within the European Commission showed "satisfactory results", accord-

of Justice (see separate article on the Kalanke ruling).

The objectives for 1996 remain the same as for 1995 except for the recruitment of administrators which should achieve parity.

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### 1995: objectives and results

#### Directors

EUR 15: objective: Increase from 5 to 10 women  
result: 3 women appointed from the three new Member States, or a total of 8 women

#### Middle management

EUR 12: objective: 25%  
result: 15.25%, or 9 women appointed out of 59 nominations  
applications from women: 10.22%

EUR 3: objective: 50%.  
estimated result: 33%.  
recruitment still in progress.

#### Administrators

EUR 12: objective: 33.3%.  
result: 27.24%

EUR 3: objective: 50%.  
result: 51.22%.

## Integrating gender into development policies

EU development ministers issued guidelines to help Member States promote women's participation in development policy. Based on a European Commission recommendation, the guidelines provide a list of principles and measures to ensure that all aspects of development policy, including emergency and structural adjustment operations, become "gender sensitive."

Policies should aim at "enabling" the full release of women's and men's potential and their equal access to economic, political and social development, including education and health," Ministers said. They want the capacity of institutions to deal with gender issues to be strengthened in Member States and partner countries.

Recognising the role of NGOs in promoting gender equality, ministers called for continued support for the work of these organisations and for the creation of women's organisations and networks when gender analysis showed the need to reinforce women's position "in unequal power structures." ●

## First European Social Policy Forum held in Brussels

On 27 March, just as the IGC talks were opening in Turin, the first European Social Policy Forum, organised on the initiative of the European Commission's DG V, was starting in Brussels.

Designed to provide a platform for exchange on social policy matters, the Forum was attended by decision-makers, non-governmental organisations, trade unions, employers and public enterprises. The plenary sessions and parallel workshops focused on employment, equal opportunities, social protection and the future of working life.

Opening the Forum, European Commission President Jacques Santer said that Europe should be moving towards a "more active, participative and cognitive society." Citizens should be made more aware of their rights and role as "promoters of real equality of opportunity" and their duties of "solidarity and responsibility." ●

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## Single parent families in the European Union

"Single parent families in Member States of the European Union", published by the European Parliament in its "Women's Rights Series", provides a statistical overview of one parent families in all of the EU Member States as well as Norway, Iceland and Switzerland. Written by lawyer Nadine Boujan, it looks at specific action taken at national, European and international level. ●

Available in French, English and German from:  
the European Parliament

rue Belliard 97-113, B-1047 Brussels.

Tel. (32.2)284.36.84. Fax: (32.2)284.49.55.

## Women in Central and Eastern Europe

"Central and Eastern European Women: a Portrait," another European Parliament publication in the "Women's Rights Series", analysis the impact on women of events across Central and Eastern Europe in recent years. It aims to give the reader an overall insight into women's position in the societies of these countries and indicate future trends. ●

Available in English, French and German from the  
European Parliament

(see address above).

## Eurostat publishes statistical analysis of women and men in the EU

"Women and men in the European Union" is a comparative statistical analysis of how women and men live and work in the EU. Published by Eurostat, the statistics office of the European Commission, it covers the early 1990s and is an indispensable tool for those working or seeking information on current sociological trends in the EU. The publication provides facts and figures on demography, family life, women and work and women's participation in decision-making. ●

Available in French, English and German.

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## Council of European Municipalities and Regions meet in Thessaloniki

The Council of European Municipalities and Regions held its XXth States General in Thessaloniki, Greece, from 22 to 25 May. They were opened by President of the European Commission, Jacques Santer. Some 2,000 elected representatives of local and regional authorities discussed their expectations of the IGC, sustainable local and re-

gional development and the challenges of the information society.

A Network of European Women Local and Regional Elected Representatives was launched at the meeting by the Committee of Women Elected Representatives. Its aim is to improve the dissemination of information on European Union policies so as to reduce the democratic deficit and involve more citizens in the building of the European Union. ●

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## 4th Community Action Programme on Equal Opportunities for Women and Men (1996-2000)

Article 4 (a) of the 4th equal opportunities Action Programme stipulates that the Commission can contribute methodological and/or technical and/or financial support for exchanges of information and experience on good practice. Practical guides and application forms are available in the 11 official languages of the Union from the Commission and the relevant national authorities. The deadline for submitting dossiers is 15 July 1996. ●

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