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ON WOMEN'S RIGHTS**

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**Publisher:** **European** Parliament  
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**Author:** Anne-Sophie Divanon

**Editor:** Victoria Garcia Muñoz  
Division for Policies on Social Affairs, Women, Health and Culture  
Directorate-General for Research  
Tel.: **(00352) 4300 26679**  
Fax: (00352) **4300 27720**

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## 1. Introduction

The purpose of this study is to examine the conventions, treaties, directives, recommendations, declarations and resolutions emanating from the United Nations, the European Union or the Council of Europe and relating directly or indirectly to women's rights.

The legally binding character of each of these instruments on States which have ratified them or acceded to them varies from one instrument to another. The **treaties** of the European Union require the transposition of their provisions into national legislation, unless an article or protocol of a particular treaty provides otherwise by way of exception. Any infringement may result in an action before the Court of Justice of the European Communities. The various **conventions**<sup>1</sup>, especially those drawn up by international organisations, make provision for a verification mechanism to ensure that the rules they contain are being observed: States are generally required to submit periodic reports on the application of the convention to a committee or other body responsible for processing the reports and making recommendations on the basis of their contents. European **directives** are legally binding on the Member States of the European Union in terms of the results they are designed to achieve. To that end, they fix a deadline by which their provisions are to be implemented. **As** with the treaties, any infringement of one of the provisions of a directive may give rise to legal proceedings. Finally, **recommendations, declarations and resolutions** reflect the adoption of a position and are never legally binding.

Although they are legally diverse, all of these instruments are accorded equal importance in the first part of the present study and are approached in the same way: the purpose of the act is defined, its substance is described, the latest position on ratifications is presented, and any reservations that signatory States may have expressed are explained<sup>2</sup>. This examination faithfully reflects the terminology used by the contracting parties<sup>3</sup> or contained in the body of the instruments in question.

The second part of the study presents in the form of tabular summaries the position regarding the implementation by each Member State of the provisions contained in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which is currently considered to be the most exhaustive convention in terms of women's rights. A brief description is given of each of the instruments featured in the tables.

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<sup>1</sup> N.B. States have several means of expressing their acceptance of a convention: signature, accession, approval and/or ratification. These means reflect the nature of a State's consent to being bound by the convention in question.

In the case of a successor **State**, a situation that occurs when a new State is created or when one State is annexed by another, the newly created or annexed State contracts the rights and obligations of the State out of which it has been formed or into which it has been incorporated. This is precisely the situation in which the **Czech Republic, Slovakia and the former Yugoslav Republics** currently find themselves.

<sup>2</sup> The information regarding ratifications and reservations reflects the position on 1 January 1998.

<sup>3</sup> The wording of the various instruments is generally reproduced verbatim.



## **2. Instruments adopted by the United Nations**

In accordance with the principles set forth in the Universal Declaration of Human Rights, the United Nations **seeks** to ensure that fundamental human rights are applied without distinction as to race, sex, language or religion.

This **is** the purpose for which the United Nations has formulated its conventions and other agreements relating to women's rights; they are designed to combat the discrimination to which women are still subject and to promote sexual equality.

By approving Articles **55** and **56** of the Charter of the United Nations, the UN Members accepted a moral and legal obligation to eliminate inequalities between men and women wherever these persist. Moreover, a convention is an international instrument which is subject to ratification and which obliges the **ratifying** States to implement its provisions'.

Since the provisions of a convention cannot be directly applied by a natural or legal person, the States Parties must first transpose it into national law and must adopt specific measures to guarantee that **everyone** is able to enjoy the full exercise of the rights defined in the convention'.

The General Assembly of the United Nations has adopted four conventions whose main aim relates directly to the rights of women. These are the Convention on the Political Rights of Women, the Convention on the Nationality of Married Women, the Convention on Consent to Marriage, the Minimum Age of Marriage and the Registration of Marriages and the Convention on the Elimination of **All** Forms of Discrimination against Women. Other conventions that do not deal directly with women contain provisions on problems which might affect women; foremost among these is the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

In the **realm** of the workplace, the International Labour Office has grappled with the problems facing women employees and **has** drawn up a number of conventions relating directly or indirectly to women.

Lastly, UNESCO has adopted a convention designed to combat discrimination within education **systems**; the convention enshrines the principle of equal access for girls and boys to the education system.

The purpose of this part of the study is to provide a succinct guide to the instruments adopted by the various international organisations.

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<sup>4</sup> *Compendium of international conventions concerning the status of women.* United Nations, 1998.

<sup>5</sup> *Op. cit.*, note 1.

## **2.1. Instruments adopted by the UN General Assembly**

### *2.1.1. Conventions specifically devoted to women's rights*

#### **CONVENTION ON THE POLITICAL RIGHTS OF WOMEN**

*Opened for signature in New York on 31 March 1953*

*Entered into force on 7 July 1954*

**Principle:** "Everyone **has** the right to take part in the government of his country (...) and has the right to equal access to public service in **his** country."

**Aim:** To ensure equality between men and women in public life.

**Main provisions:** On equal terms with men, women shall be entitled to vote in all elections, shall be eligible for election to all publicly elected bodies, to hold public office and to exercise all public functions established by national law.

#### **Reservations expressed by the parties which are Member States of the European Union:**

**Austria:** Austria reserves its right to apply the provision of article 111 to this Convention, as far as service in the armed forces is concerned, within the limits established by national legislation.

**Belgium:** §1. The Belgian Constitution reserves the exercise of the royal powers for men. **As** far as the exercise of regency **functions** is concerned, Article 111 of the Convention does not prejudice the application of the constitutional rules as interpreted by the Belgian State.

**Finland:** **As** regards Article III, a decree may be issued to the effect that only men or women can be appointed to certain **functions**, which, because of their nature, *can* be properly discharged either only by men or by women.

**Germany:** The Federal Republic of Germany<sup>6</sup> accedes to the Convention with the reservation that article III<sup>7</sup> does not apply to service in the armed forces.

**Ireland:** Article 111 is accepted subject to reservation in **so far as** it relates to:

- a) the employment of married women in the public service;
- b) the unequal remuneration of women in certain positions in the public service, and subject to the following declarations:

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<sup>6</sup> The Federal **Republic** of Germany acceded to the Convention on 27 March 1973 with reservations **and** a declaration.

<sup>7</sup> See Annex 1.

- (1) that the exclusion of women from positions of employment for which by objective standards or for physical reasons they are not suitable is not regarded as discriminatory;
- (2) that the **fact** that jury *service* is not at present obligatory for women is not regarded as discriminatory.

**Italy:** The **Italian** Government reserves the right to apply the provisions of Art. III as far as service in the armed forces and in special armed corps is concerned within the limits established by **national** legislation.

**Spain:** Articles I<sup>8</sup> and III of the Convention shall be interpreted without prejudice to the provisions which in current Spanish legislation define the status of head of family.

Articles II<sup>9</sup> and III shall be interpreted without prejudice to the norms relating to the office of Head of State contained in the Spanish Fundamental Laws.

Article III shall be interpreted without prejudice to the fact that certain functions, which by their nature *can* be exercised satisfactorily only by men or only by women, shall be exercised exclusively by men or by women, as appropriate, in accordance with Spanish legislation.

**United Kingdom of Great Britain and Northern Ireland:**

- (1) Article III is accepted subject to reservations, pending notification of withdrawal in any case, in so far as it relates to:
  - (a) succession to the Crown;
  - (b) certain offices primarily of a ceremonial nature;
  - (c) the function of sitting and voting in the House of Lords pertaining to holders of hereditary peerages and holders of certain offices in the Church of England;
  - (d) recruitment to and conditions of services in the armed forces;
  - (e) jury service in Grenada [...] <sup>10</sup> as well as in the Kingdom of Tonga.
  - (f) ... <sup>11</sup>;

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<sup>8</sup> See Annex 1.

<sup>9</sup> See Annex 1.

<sup>10</sup> This reservation was withdrawn in relation to the **Bahamas** in 1974 and to the Isle of Man and Montserrat in 1995.

<sup>11</sup> The reservation in subparagraph f) concerning the employment of **married** women in the diplomatic service and the home civil service of the United Kingdom has been withdrawn in respect of those territories to which it still applied.

- (g) remuneration for women in the Civil Service of [...] Hong Kong, as well as of the Protectorate of Swaziland;
  - (h) ...<sup>12</sup>;
  - (i) in the State of Brunei, the exercise of the royal powers, jury service or its equivalent and the holding of certain offices governed by Islamic Law.
- (2) The United Kingdom reserves the right to postpone the application of this Convention in respect of women living in the Colony of Aden, having regard to local customs and traditions. Further, the United Kingdom reserves the right not to apply this Convention to Rhodesia unless and until the United Kingdom informs the Secretary-General of the United Nations that it is in a position to ensure that the obligations imposed by the Convention in respect of that territory can be fully implemented.

**Verification procedure:** Until 1979, the Economic and Social Council was responsible for verifying the implementation of the Convention, the States Parties being required to submit to it a two-yearly report on progress made in implementing the provisions of the Convention. Since then, in view of the fact that Article 7(a) and (b) of the Convention on the Elimination of All Forms of Discrimination against Women deals with the concept of women's political rights, the **Committee** on the Elimination of All Forms of Discrimination against Women is now responsible for overseeing the States Parties' implementation of the Convention on the Political Rights of Women.

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<sup>12</sup> The reservation expressed in subparagraph h) concerning the Bailiff of Guernesey has now been withdrawn.

## States Parties to the Convention

party	Signature	Ratification	Accession	Succession
<b>Austria</b>	19 <b>October</b> 1959	18 April 1969	—	—
<b>Belgium</b>	—	—	20 May 1964	—
<b>Denmark</b>	29 <b>October</b> 1953	7 July 1954	—	—
<b>Finland</b>	—	—	6 <b>October</b> 1958	—
<b>France</b>	31 <b>March</b> 1953	22 April 1957	—	—
<b>Germany</b>	—	—	4 <b>November</b> 1970	—
<b>Greece</b>	1 April 1953	29 <b>December</b> 1953	—	—
<b>Ireland</b>	—	—	14 <b>November</b> 1968	—
<b>Italy</b>	—	—	6 <b>March</b> 1968	—
<b>Luxembourg</b>	4 June 1969	1 <b>November</b> 1976	—	—
<b>Netherlands</b>	8 <b>August</b> 1968	30 July 1971	—	—
<b>Portugal</b>	—	—	—	—
<b>Spain</b>	—	—	14 January 1974	—
<b>Sweden</b>	6 <b>October</b> 1953	31 <b>March</b> 1954	—	—
<b>United Kingdom</b>	—	—	24 February 1967	—
<b>Bosnia-Herzegovina</b>	—	—	—	1 <b>September</b> 1993
<b>Croatia</b>	—	—	—	12 <b>October</b> 1992
<b>Hungary</b>	2 <b>September</b> 1954	20 January 1955	—	—
<b>Iceland</b>	25 <b>November</b> 1953	30 June 1954	—	—
<b>Latvia</b>	—	—	—	14 April 1992
<b>Norway</b>	18 <b>September</b> 1953	24 August 1956	—	—
<b>Poland</b>	31 <b>March</b> 1953	11 <b>August</b> 1954	—	—
<b>Romania</b>	27 April 1954	6 August 1954	—	—
<b>Slovenia</b>	—	—	—	6 July 1992

Note: States that do not feature in the table have not signed the Convention.

## CONVENTION ON THE NATIONALITY OF MARRIED WOMEN

*Opened for signature in New York on 29 January 1957*

*Entered into force on 11 August 1958*

**Principle:** Men and women are equal before the law with regard to the acquisition, changing or retention of nationality.

**Aim:** To ensure that everyone enjoys the right to nationality that is enshrined in Article 15 of the Universal Declaration of Human Rights, especially in cases where the law imposes a husband's nationality on his wife.

### **Main provisions:**

- Neither the celebration nor the dissolution of a marriage between one of a State's nationals and an alien nor the change of nationality by the husband during marriage shall automatically affect the nationality of the wife.
- Neither the voluntary acquisition of the nationality of another State nor the renunciation by a national of its nationality by one of its nationals shall prevent the retention of its nationality by the wife of such national.
- An alien wife married to a national may acquire her husband's nationality upon application, subject to the conditions laid down in national legislation.

**Reservations:** None of the Member States of the European Union formulated any reservations.

**Verification procedures:** When the Convention was opened for signature, the States Parties decided that the Economic and Social Council of the United Nations would oversee its implementation. Subsequently, on the entry into force of the Convention on the Elimination of All Forms of Discrimination against Women, in which Article 9 deals with the nationality of married women, responsibility for verifying the implementation of the Convention on the Nationality of Married Women was transferred to the Committee on the Elimination of All Forms of Discrimination against Women.

**States Parties to the Convention**

<b>party</b>	<b>Signature</b>	<b>Ratification</b>	<b>Accession</b>	<b>Succession</b>
Austria	—	—	19 January 1968	—
Belgium	15 May 1972	—	—	—
<b>Denmark</b>	20 February 1957	22 June 1959	—	—
Finland	—	—	15 May 1968	—
	—	—	7 February 1974	—
Ireland	24 September 1964	25 November 1957	—	—
Luxembourg	11 September 1975	22 July 1977	—	—
Netherlands	—	—	8 August 1966	—
Portugal	21 February 1957	—	—	—
<b>Sweden</b>	27 March 1957	13 May 1958	—	—
<b>United Kingdom</b>	20 February 1957	28 August 1958	—	—
Bosnia-Herzegovina	—	—	—	1 September 1993
Croatia	—	—	—	12 October 1992
Czech Republic")	—	—	—	22 February 1993
Hungary	5 December 1957	3 December 1959	—	—
Iceland	—	—	18 October 1977	—
Latvia	—	—	14 April 1992	—
<b>Norway</b>	9 September 1957	20 May 1958	—	—
Poland	—	—	3 July 1959	—
Slovakia	—	—	—	28 May 1993
Slovenia	—	—	—	6 July 1992

Note: States that do not feature in the table have not signed the Convention.

(1) Czechoslovakia had signed and ratified the Convention on 3 September 1957 and 5 April 1962 respectively.

**CONVENTION ON CONSENT TO MARRIAGE, MINIMUM AGE FOR MARRIAGE  
AND REGISTRATION OF MARRIAGES**

*Opened for signature in New York on 10 December 1962*

*Entered into force on 9 December 1964*

**Principle:** A marriage cannot take place without the free and full consent of each of the two spouses, both of whom must be of marriageable age.

**Aim:** To ensure that national legislation grants equal rights to both spouses in marriage.

**Main provisions:**

- Marriage **shall** be entered into only with the free and full consent of the intending spouses, expressed by each of them in person in the presence of the authority competent to solemnise the marriage.
- The States Parties shall take legislative action to prescribe a minimum age for marriage. Persons who have not reached that age shall be unable to contract a legal marriage.
- The registration of marriages in an official registry shall be compulsory.

**Reservations expressed by Member States of the European Union:** Reservations were expressed by **Denmark, Finland, Greece, Sweden** and the **United Kingdom**. These reservations relate to Article 1(2), which stipulates that "it shall not be necessary for one of the parties to be present when the competent authority is satisfied that the circumstances are exceptional and that the party has, before a competent authority and in such manner as may be prescribed by law, expressed and not withdrawn consent".

**Verification procedures:** The States Parties originally had to provide the Secretariat-General with a five-yearly report on the laws and practices in force in their countries and on the measures taken to implement the **provisions of** the Convention.

Later, on the entry into **force** of the Convention on the Elimination of All **Forms** of Discrimination **against** Women, in which marriage is dealt with in Article **16**, the Committee on the Elimination of **All** Forms of Discrimination against Women assumed responsibility for verifying the implementation of the Convention on the Nationality of Married Women.

**States Parties to the Convention**

Party	Signature	Ratification	Accession	Succession
Austria	—	—	1 October 1969	—
Denmark	31 October 1963	8 September 1964	—	—
Finland	—	—	18 August 1964	—
France	10 December 1962	—	—	—
	—	—	9 July 1969	—
Greece	3 January 1963	—	—	—
Italy	20 December 1963	—	—	—
Netherlands	10 December 1962	2 July 1965	—	—
Spain	—	—	15 April 1969	—
Sweden	10 December 1962	16 June 1964	—	—
United Kingdom	—	—	9 July 1970	—
Bosnia-Herzegovina	—	—	—	1 September 1993
Croatia	—	—	—	12 October 1992
(Czech Republic <sup>(1)</sup> )	—	—	—	22 February 1993
Hungary	—	—	5 November 1975	—
Iceland	—	—	18 October 1977	—
Poland	17 December 1962	8 January 1965	—	—
Romania	27 December 1963	21 January 1993	—	—
Slovakia	—	—	—	28 May 1993

Note: States that do not feature in the table have not signed the Convention.

(1) Czechoslovakia had signed and ratified the Convention on 8 October 1963 and 5 March 1965 respectively.

## **CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)**

*Opened for signature in New York on 1 March 1980*

*Entered into force on 3 September 1981*

**Principle:** "Discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity"<sup>13</sup>.

**Aim:** To achieve *de facto* equality between men and women in all areas of life.

### **Substance of the Convention<sup>14</sup>:**

Based on principles that had already been defined in previous conventions, the Convention on the Elimination of All Forms of Discrimination against Women combined and extended the scope of these other conventions although it did not render them obsolete. The suppression of traffic in women and of the exploitation of women's prostitution, for example, are dealt with in Article 6 of CEDAW, while Article 7 focuses on women's political rights and Article 9 on the nationality of married women.

With its blanket coverage of the political, economic, social and cultural fields, this Convention is recognised as **the most comprehensive instrument of international law on women's rights**. It provides, in fact, for **all** of the following:

- the elimination of all remaining discriminatory provisions in the national constitutions, statutes and regulations, etc., of every State **Party** (Article 2);
- guaranteed exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men (Article 3);
- modification of the social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudices and of discriminatory customs and practices (Article 5);
- measures to suppress all forms of traffic in women and exploitation of prostitution of women (Article 6);
- the same political rights for women as are enjoyed by men (Article 7);
- equal opportunities for women to represent their Governments at the international level and to participate in the work of international organisations (Article 8);

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<sup>13</sup> Extract from the **preamble** to the **Convention**.

<sup>14</sup> See **Annex 2**.

- the right of women to choose their **own** nationality (Article 9);
- access to education and training for women on a basis of equality with men (Article 10);
- the right of women to enjoy the same employment opportunities and the same right to work **as** their male counterparts (Article 11(1)), their employment being safeguarded during pregnancy and maternity leave (Article 11(2));
- the right of access to health care services, including those related to family planning (Article 12);
- the same economic (access to financial services), social (the right to family benefits) and cultural rights (participation in sporting and recreational activities) **as** men (Article 13);
- extension of the rights of rural women (Article 14);
- equality of women with men before the law (Article 15);
- the same rights relating to marriage and family relations as are enjoyed by men (Article 16).

#### **Reservations formulated by the Member States of the European Union<sup>15</sup>:**

**Austria:** Austria reserves its right to apply the provision of article 7 (b), as far as service in the armed forces is concerned, and the provision of article 11, as far as **night work** of women and special protection of working women is concerned, within the limits established by national legislation<sup>16</sup>.

**Belgium:** Article 7 of the Convention does not prejudice the provisions laid down in articles 60 and 58 of the Belgian Constitution, whereby **the exercise of the royal powers** is reserved for men and whereby the sons of the King or, for want of sons, the Belgian princes of the ruling royal family assume the function of honorary senator at the age of eighteen years and obtain voting membership of the Senate at the age of twenty-five.

The application of article 15<sup>17</sup>, paragraphs 2 and 3, shall not affect the validity of the interim provisions enacted for couples married before the entry into force of the Act of 14 July 1976 concerning the reciprocal rights of husbands and wives and their marriage contracts, in cases where, in accordance with the option available to them under the Act, they have declared that they are maintaining *in toto* their prior marriage contracts.

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<sup>15</sup> In this part the full text of the reservations which were formulated by the States themselves at the time of signature, accession and/or ratification of CEDAW and which were still in force on 1 January 1998 is quoted verbatim.

<sup>16</sup> This reservation applies only to the exemption of women from national military service, Austrian jurists having concluded that the exemption was based on 'objectively justifiable' grounds. Women do, however, serve in the administrative branches of the armed forces.

<sup>17</sup> Article 15 concerns equal rights before the law.

**France:** Article 5 (b) with regards to the common responsibility of man and woman to educate their children and article 16, paragraph 1 (d), with regards to equal rights and responsibilities of parents in questions concerning their children, must not be interpreted as implying joint **exercise of parental authority** in situations in which French legislation allows of such exercise by only one parent.

Article 14, paragraph 2 (c), should be interpreted as guaranteeing that women who **fulfil** the conditions relating to family or employment required by French legislation for personal participation shall acquire their own rights within the **framework of social security**.

Article 14, paragraph 2 (h) dealing with **adequate living conditions** for women living in rural areas, particularly in relation to housing, sanitation, water and electricity supply, transport and communications, should not be interpreted as implying the actual provision, free of charge, of the services mentioned in that paragraph.

Finally, the Government of the French Republic enters a reservation concerning the right to **choose a family name mentioned** in article 16, paragraph 1 (g), of the Convention.

**Germany:** Article 7 (b) regarding the right to participate in the formulation and implementation of government policy, to hold public office and to perform all public functions at all levels of government will not be applied to the extent that it contradicts the second sentence of Article 12 a (4) of the Basic Law of the Federal Republic of Germany. Pursuant to this provision of the Constitution, women may on no account render service involving the use of arms.

**Ireland:** On article 13 (b) and (c) [concerning the right to bank loans, mortgages and other forms of financial credit and the right to participate in recreational activities], while the question of supplementing the guarantee of **equality** contained in the Irish Constitution is under consideration, for the time being Ireland reserves the right to regard its existing law and measures in this area as appropriate for the attainment in Ireland of the objectives of the Convention.

Ireland reserves the right not to supplement the existing provisions in Irish law which accord women a **legal capacity identical** to that of men with further legislation governing the validity of any contract or other private instrument freely entered into by a woman with regard to Article 15 of the Convention.

Ireland is of the view that the attainment in Ireland of the objectives of the Convention does not necessitate the extension to **men of rights identical to those accorded by law to women in respect of the guardianship, adoption and custody** of children born out of wedlock and reserves the right to implement the Convention subject to that understanding.

With regard to **employment** (article 11, paragraph 1) and the **right to family benefits** (article 13 (a)), Ireland reserves the right to regard the Anti-Discrimination (Pay) Act 1974, the Employment Equality Act of 1977 and other measures taken in implementation of the European Economic Community standards concerning employment opportunities and pay as sufficient implementation of articles 11, 1 b), c).

Finally, Ireland reserves the right for the time being to maintain provisions of Irish legislation in the area of social security which are more favourable to women than **men**.<sup>18</sup>

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<sup>18</sup> In other words, Ireland reserves the right to discriminate in favour of women (positive discrimination).

**Italy:** Italy reserves the right to **exercise**, when depositing the instrument of ratification, the option provided for in article 19 of the 'Vienna Convention on the Law of Treaties of 23 May 1969'<sup>19</sup>.

**Luxembourg:** The application of article 7 on the Elimination of All Forms of Discrimination against Women in public and political life **shall** not affect the validity of the Constitution concerning the **hereditary transmission of the crown** of the Grand Duchy of Luxembourg. Moreover, the application of paragraph 1 (g) of article 16 of the Convention, providing for the same personal rights for husbands and wives, including the right to choose a family, a profession and an occupation, **shall** not affect the right to **choose the family name of children**.

**Spain:** Spain did not enter any reservations, but the Spanish Government declared that the ratification of the Convention by Spain shall not affect the constitutional provisions concerning succession to the Spanish crown.

**United Kingdom:** The United Kingdom understands the main purpose of the Convention, in the light of the definition contained in Article 1, to be the reduction, in accordance with its terms, of discrimination against women, and does not therefore regard the Convention as imposing any requirement to repeal or modify any existing laws, regulations, **customs** or practices which provide for women to be treated more favourably than men, whether temporarily or in the longer term.

None of the obligations of the United Kingdom under the Convention shall be treated as extending the succession to, or possession and enjoyment of, the Throne, the peerage, titles of honour, social precedence or armorial bearings, or as extending to the affairs of religious denominations or orders or to the admission into or service in the Armed Forces of the Crown.

The acceptance by the United Kingdom of Article 15 (4) which stipulates that States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile is subject to the provisions of British immigration legislation as regards persons not at the time having the right under the law of the United Kingdom to enter and remain in the United Kingdom.

The United Kingdom's acceptance of Article 9 **relating to nationality** shall not be taken to invalidate the continuation of certain temporary or transitional provisions which **will** continue in force beyond 1 January 1983, the date on which the British Nationality Act was brought into force.

In the domain of employment (Article 11 of the Convention), the United Kingdom reserves the right to apply all United Kingdom legislation and the **rules of pension schemes** affecting retirement pensions, survivors' benefits and other benefits in relation to death or retirement. This reservation will apply equally to **any** future legislation which may modify or replace such legislation, or the rules of pension schemes, on the understanding that the terms of such legislation will be compatible with the United Kingdom's obligations under the Convention.

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<sup>19</sup> Article 19 of the Vienna convention on the Law of Treaties stipulates that a State may, when signing, ratifying, accepting, approving or acceding to a treaty, formulate a reservation unless the reservation is expressly prohibited by the treaty or is incompatible with the object and purpose of the treaty.

With regard to the effects on **employment of marriage, pregnancy or maternity**, the United Kingdom reserves the right to apply any non-discriminatory requirement for the qualifying period of employment or insurance for the application of the provisions contained in Article 11 (2).

Finally, in relation to Article 15, paragraph 3 in which the States Parties agree that all contracts and other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void, the United Kingdom understands the intention of this provision to be that only those terms or elements of a contract or other private instrument which are discriminatory in the sense described are to be deemed null and void, but not necessarily the contract or instrument as a whole.

**Verification procedures:** Under Article 17 of the Convention, a Committee on the Elimination of All Forms of Discrimination against Women (hereinafter referred to as 'the Committee') was established. This Committee is responsible for examining the progress made by States Parties in the implementation of the Convention. The examination is based on reports submitted by each State Party.

In **fact**, by accepting Article 18 of the Convention, States Parties have undertaken to submit to the Secretary-General of the United Nations, for examination by the Committee, a report on the legislative, legal, administrative or other measures which they have adopted to give effect to the provisions of the Convention and on the progress made in this respect. These reports may also indicate obstacles encountered in the application of these provisions.

The submission of these reports takes place in the year following the entry into force of the Convention in the State concerned then every four years thereafter as well as at the request of the Committee.

In the light of these reports, the Committee may make recommendations for the attention of all interested parties.

**States Parties to the Convention**

Party	signature	Ratification	Accession	Succession
<b>Austria</b>	17 July 1980	31 March 1982	—	—
<b>Belgium</b>	17 July 1980	10 July 1985	—	—
Denmark	17 July 1980	21 April 1983	—	—
Finland	17 July 1980	4 September 1986	—	—
<b>France</b>	17 July 1980	14 December 1983	—	—
<b>Germany</b>	17 July 1980	10 July 1985	—	—
<b>Greece</b>	2 March 1982	7 June 1983	—	—
<b>Ireland</b>	—	—	23 December 1983	—
<b>Italy</b>	17 July 1980	10 June 1985	—	—
<b>Luxembourg</b>	17 July 1980	2 February 1989	—	—
<b>Netherlands</b>	17 July 1980	23 July 1980	—	—
<b>Portugal</b>	24 April 1980	30 July 1980	—	—
<b>Spain</b>	17 July 1980	5 January 1984	—	—
<b>Sweden</b>	7 March 1980	2 July 1980	—	—
<b>United Kingdom</b>	22 July 1981	7 April 1986	—	—
Bosnia-Herzegovina	—	—	—	1 September 1993
Croatia	—	—	—	9 September 1992
Czech Republic(1)	—	—	—	22 February 1993
Estonia	—	—	21 October 1991	—
<b>Hungary</b>	6 June 1980	22 December 1980	—	—
Iceland	24 July 1980	18 June 1985	—	—
<b>Latvia</b>	—	—	14 April 1992	—
Liechtenstein	—	—	22 December 1995	—
Lituania	—	—	18 January 1994	—
<b>Norway</b>	17 July 1980	21 May 1981	—	—
Poland	29 May 1980	30 July 1980	—	—
<b>Roumania</b>	4 September 1980	7 January 1982	—	—
Slovakia	—	—	28 May 1993	—
<b>Slovenia</b>	—	—	—	6 July 1992
Switzerland	23 January 1987	27 March 1997	—	—

Note: States that **do not feature** in the table have not **signed** the Convention.

(1) Czechoslovakia had **signed** and **ratified** the Convention on 17 July 1980 and 16 February 1982, respectively.

### *2.1.2. Conventions and Covenants containing provisions on women's rights*

#### **CONVENTION ON THE SUPPRESSION OF THE TRAFFIC IN PERSONS AND OF THE EXPLOITATION OF THE PROSTITUTION OF OTHERS AND ITS FINAL PROTOCOL**

*Opened for signature at Lake Success (New York) on 21 March 1950*

*Entered into force on 25 July 1951*

**Principle:** "Prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the **community**"<sup>20</sup>.

**Aim:** To combat traffic in human beings and exploitation of the prostitution of others – even if the victim is consenting – and to make such activities punishable by law.

**Main provisions:** As is emphasised in the Preamble, the Convention recognises that it is rooted in the following international instruments and reaffirms their validity:

- the International Agreement of **18 May 1904**<sup>21</sup> for the Suppression of the White Slave Traffic, as amended by the Protocol approved by the General Assembly of the United Nations on **3 December 1948**,
- the International Convention of **4 May 1910**<sup>22</sup> for the Suppression of the White Slave Traffic, as amended by the above-mentioned Protocol,
- the International Convention of **30 September 1921**<sup>23</sup> for the Suppression of the Traffic in Women and Children, as amended by the Protocol approved by the General Assembly of the United Nations on **20 October 1947**, and
- the International Convention of **11 October 1933**<sup>24</sup> for the Suppression of the Traffic in Women of Full Age, as amended by the aforesaid Protocol.

The Convention therefore seeks to unify these instruments and to broaden their scope.

The Parties to the Convention agree to punish any person who commits or one of the offences referred to therein or who aids and abets the perpetrator of such an offence. Each offence must be recorded with a view to identifying repeated offences and systematically imposing consistent sanctions. Moreover, such offences may be regarded as extraditable, and offenders must be prosecuted and judged in accordance with national legislation. Each of the States Parties has undertaken to establish or maintain a service charged with the coordination and centralisation of the results of the investigation of offences referred to in the Convention and to cooperate with the services of the other parties to the Convention.

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<sup>20</sup> Extract from the **Preamble to the Convention**.

<sup>21</sup> **United Nations Treaty Series, Vol. 92, p.19.**

<sup>22</sup> **United Nations Treaty Series, Vol. 98, p.109.**

<sup>23</sup> **United Nations Treaty Series, Vol. 53, p.39, Vol. 65, p. 333, Vol. 76, p. 281, and Vol. 77, p.364.**

<sup>24</sup> **United Nations Treaty Series, Vol. 53, p.49, Vol. 65, p. 334, Vol. 76, p. 281, and Vol. 77, p.365.**

In **addition**, the States Parties **agreed** to take preventive measures in an initial phase through their **social**, economic, **educational** and other **services**, then to promote the reintegration of prostitution victims into working life and finally to provide substantial aid to victims in need.

**Verification procedures:** Article 21 of the Convention requires States Parties to transmit information to the Secretary-General of the United Nations on the measures they have adopted with a view to implementing the provisions of the Convention. **This** information is examined by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the UN Commission on **Human** Rights.

Now, since the purpose of this Convention has been integrated *into* Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women, the committee set up to oversee the implementation of the latter is now **also** responsible for monitoring the implementation of measures designed to combat traffic in persons and exploitation of the prostitution of others.

### **States Parties to the Convention**

party	Signature	Ratification	Accession	Succession
<b>Belgium</b>	---	—	22 June 1965	---
<b>Denmark</b>	12 February 1951	—	—	—
<b>Finland</b>	27 February 1953	8 June 1972	—	—
France *	—	—	19 November 1960	—
<b>Italy *</b>	—	---	18 January 1980	—
Luxembourg	9 October 1950	5 October 1953	—	---
<b>Portugal</b>	—	—	30 September 1992	—
<b>Spain</b>	—	—	18 June 1962	—
<b>Bosnia-Herzegovina *</b>	—	---	—	1 September 1993
Croatia *	—	—	—	12 October 1992
Czech Republic	—	—	—	30 December 1993
<b>Hungary *</b>	—	—	29 September 1955	—
Latvia *	—	—	14 April 1992	—
Norway	—	—	23 January 1952	—
<b>Poland</b>	—	—	2 June 1952	—
Romania	—	---	15 February 1955	—
Slovakia	—	—	—	28 May 1993
Slovenia *	—	—	—	6 July 1992

\* Did not sign or **did not** accede to the **Final** Protocol of the Convention.

**SUPPLEMENTARY CONVENTION ON THE ABOLITION OF SLAVERY, THE SLAVE TRADE  
AND INSTITUTIONS AND PRACTICES SIMILAR TO SLAVERY**

*Drawn up at the United Nations Office in Geneva on 7 September 1956  
Entered into force on 30 April 1957*

**Principle:** Slavery and every institution or practice similar to slavery are a serious affront to human dignity.

**Aim:** The Supplementary Convention is designed to deal with practices similar to slavery which are not covered by the Slavery Convention of 1926. Its aim is therefore to intensify national and international efforts to eliminate anything that might be akin to slavery.

**Provisions of the Convention:** Under the terms of the Convention, the States Parties agree to renounce all forms of human enslavement, including child labour, and to outlaw the sale and bequest of slaves. They also undertake to eliminate the practice of debt bondage.

**Verification procedures:** Under Article 8, the States Parties to the Convention undertake to cooperate with each other and to communicate to the Secretary-General of the United Nations copies of any laws, regulations and administrative measures enacted or put into effect to implement the provisions of the Convention.

## States Parties to the Supplementary Convention

<b>party</b>	<b>Signature</b>	<b>Ratification</b>	<b>Accession</b>	<b>Succession</b>
Austria	—	—	7 October 1963	—
Belgium	7 September 1956	13 December 1962	—	—
<b>Denmark</b>	27 June 1957	24 April 1958	—	—
Finland	—	—	1 April 1959	—
<b>France</b>	7 September 1956	26 May 1964	—	—
	7 September 1956	14 January 1959	—	—
<b>Greece</b>	7 September 1956	13 décembre 1972		
Ireland	—	—	18 September 1961	—
<b>Italy</b>	7 September 1956	12 February 1958	—	—
Luxembourg	7 September 1956	1 May 1967	—	—
Netherlands	7 September 1956	3 December 1957	—	—
Portugal	7 September 1956	10 August 1959	—	—
<b>Spain</b>	—	—	21 November 1967	—
<b>Sweden</b>	—	—	28 October 1959	—
United Kingdom	7 September 1956	30 April 1957	—	—
Bosnia-Herzegovina	—	—	—	1 September 1993
Croatia	—	—	—	12 October 1992
<b>Czech Republic</b>	—	—	—	22 February 1993
<b>Hungary</b>	7 September 1956	28 February 1958	—	—
Iceland	—	—	17 November 1965	—
Latvia	—	—	14 April 1992	—
Norway	7 September 1956	3 May 1960	—	—
Pologne	7 September 1956	10 January 1963	—	—
Roumania	7 September 1956	13 November 1957	—	—
<b>Slovakia</b>	—	—	—	<b>28 May 1993</b>
Slovenia	—	—	6 July 1992	—
<b>Switzerland</b>	—	—	28 July 1964	—

Note: States that do not feature in the table have not signed the Convention..

**INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

*Opened for signature on 16 December 1966*

*Entered into force on 3 January 1976*

**Aim:** To guarantee that, in accordance with the Universal Declaration of Human Rights, States Parties create conditions whereby everyone may enjoy his economic, social and cultural rights, without discrimination of any kind as to race, colour, sex, etc.

**Provisions of the Covenant:** States Parties must promote the realisation of the right of peoples to self-determination and of their right to dispose freely of their natural wealth and resources. They recognise the right to education, to work and to the enjoyment of just and favourable conditions of work, to vocational training and guidance, to fair wages, to equal remuneration for work of **equal** value, to social **security**, to enjoyment of the highest attainable standard of physical and mental health, to special protection of mothers before and after childbirth, etc.

**Verification procedures:** The Economic and Social Council supervises the implementation of the Covenant by considering reports on the measures which the States Parties have adopted and the progress each of them has made in achieving the observance of the rights recognised in the Covenant. The Economic and Social Council subsequently created a body dedicated to the task of examining the reports and empowered to submit general recommendations to the General Assembly of the United Nations which may help to promote and achieve the aims of the Covenant.

**States Parties to the Covenant**

<b>Party</b>	<b>Signature</b>	<b>Ratification</b>	<b>Accession</b>	<b>Succession</b>
Austria	10 December 1973	10 September 1978	—	—
Belgium	10 December 1968	21 April 1983	—	—
Denmark	20 March 1968	6 January 1972	—	—
Finland	11 October 1967	19 August 1975	—	—
France	—	—	4 November 1980	—
Germany	9 October 1968	17 December 1973	—	—
Greece	—	—	16 May 1985	—
Ireland	1 October 1973	8 December 1989	—	—
Italy	18 January 1967	15 September 1978	—	—
Luxembourg	26 November 1974	18 August 1983	—	—
Netherlands	25 June 1969	11 December 1978	—	—
Portugal	7 October 1976	31 July 1978	—	—
Spain	28 September 1976	27 April 1977	—	—
Sweden	29 September 1967	6 December 1971	—	—
United Kingdom	16 September 1968	20 May 1976	—	—
Bosnia-Herzegovina	—	—	—	1 September 1993
Croatia	—	—	—	12 October 1992
Czech Republic	—	—	—	22 February 1993
Estonia	—	—	21 October 1991	—
Hungary	25 March 1969	17 January 1974	—	—
Iceland	30 December 1968	22 August 1969	—	—
Latvia	—	—	14 April 1992	—
Lithuania	—	—	20 November 1991	—
Norway	20 March 1968	13 September 1972	—	—
Poland	2 March 1967	18 March 1977	—	—
Slovakia	—	—	—	28 May 1993
Slovenia	—	—	6 July 1992	—
Switzerland	—	—	18 June 1992	—

Note: States that do not feature in the table have not signed the Convention..

**INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS  
AND ITS OPTIONAL PROTOCOL**

*Opened for signature on 19 December 1966  
Entered into force on 23 March 1976*

**Aim:** To ensure that States Parties, **acting** in accordance with the Universal Declaration of Human Rights, guarantee the **full** enjoyment by women and men of the civil and political rights defined in the Convention.

**Provisions of the Covenant:** **No** one shall be subjected to arbitrary arrest, be tortured, be held in slavery or servitude or be subjected to any attack on his person or home.

Sentences of death **shall** not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

The States Parties guarantee that everyone shall have the right to freedom of thought, conscience and religion and freedom of expression and equality before the law and agree to grant equality of rights and responsibilities as spouses as to marriage, during marriage and at its dissolution.

Lastly, the States Parties undertake to protect the family.

**Aims and provisions of the Optional Protocol:** Each State Party to the Optional Protocol to the International Covenant on Civil and Political Rights recognises the competence of the Human Rights Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant and to bring any such communications to the attention of the State Party concerned.

**Verification procedures:** The Human Rights Committee is responsible for ensuring observance of civil and political rights. It is independent of the States Parties and neither receives recommendations nor takes instructions from the General Assembly, the Economic and Social Committee or any other United Nations body. It examines the reports submitted by the States Parties, to which it may address comments and remarks.

**With** regard to the implementation of the Optional Protocol, the Human Rights Committee, having found a complaint to be admissible, brings it to the attention of the State Party accused of having violated the provisions of the Covenant. The State Party then has six months to submit to the Committee written explanations or statements clarifying the accusations levelled against it and indicating the remedy, if any, that has been taken or is proposed.

**States parties to the Covenant**

Party	Signature	Ratification	Accession	Succession
<b>Austria</b>	10 December 1973	10 September 1978	—	—
Belgium	10 December 1968	21 April 1983	—	—
<b>Denmark</b>	20 March 1968	6 January 1972	—	—
Finland	11 October 1967	19 August 1975	—	—
<b>France</b>	—	—	<b>4 November 1980</b>	—
<b>Germany</b>	9 October 1968	17 December 1973	—	—
Ireland	1 October 1973	8 December 1989	—	—
<b>Italy</b>	18 January 1967	15 September 1978	—	—
Luxembourg	<b>26 November 1974</b>	<b>18 August 1983</b>	—	—
Netherlands	<b>25 June 1969</b>	11 December 1978	—	—
Portugal	<b>7 October 1976</b>	15 June 1978	—	—
<b>Spain</b>	28 September 1976	27 April 1977	—	—
<b>Sweden</b>	20 September 1967	6 December 1971	—	—
United Kingdom	16 September 1968	<b>20 May 1976</b>	—	—
Bosnia-Herzegovina	—	—	—	<b>11 September 1993</b>
<b>Croatia</b>	—	—	—	<b>12 October 1992</b>
Czech Republic	—	—	—	22 February 1993
Hungary	<b>25 March 1969</b>	17 January 1974	—	—
Iceland	30 December 1968	<b>22 August 1979</b>	—	—
Latvia	—	—	14 April 1992	—
Lithuania	—	—	<b>20 November 1991</b>	—
<b>Norway</b>	<b>20 March 1968</b>	13 September 1972	—	—
Poland	2 March 1967	18 March 1977	—	—
Roumania	27 June 1968	9 December 1974	—	—
Slovakia	—	—	—	<b>28 May 1993</b>
Slovenia	—	—	6 July 1992	—
Switzerland	—	—	18 June 1992	—

Note: States that do not feature in the table have not **signed** the Covenant.

## **2.2 Instruments adopted by the International Labour Organization**

### *2.2.1 Conventions specifically devoted to women's rights*

#### **C41 Night Work (Women) Convention (Revised), 1934**

- Adopted on **19 June 1934**
- Entered into force on **22 November 1936**
- *Aim*: To ensure that women, without distinction of age, are not employed during the night in any public or private industrial undertaking other than an undertaking in which only members of the same family are employed.

#### **C89 Night Work (Women) Convention (Revised), 1948**

- Adopted on **9 July 1948**
- Entered into force on **27 February 1951**
- *Aim*: To prohibit night work by women in any public or private undertaking other than an undertaking in which only members of the same family are employed. In cases of serious emergency, the government, in consultation with the employers' and workers' organisations, may suspend the prohibition of night work.

#### **C103 Maternity Protection Convention (Revised), 1952**

- Adopted on **28 June 1952**
- Entered into force on **7 September 1955**
- *Aim*: To guarantee maternity protection to all women employees, irrespective of age, nationality, race, creed or marital status. To that end, the States Parties to the Convention undertake to grant a period of maternity leave to women before and after the birth of their child and to guarantee their immunity from **dismissal as well as** social security in the form of cash and medical benefits. They also undertake to allow nursing mothers to interrupt their daily work to feed their child.

#### **C45 Underground Work (Women) Convention, 1935**

- Adopted on **21 June 1935**
- Entered into force on **30 May 1937**
- *Aim*: To prohibit underground work by any female, whatever her age. The Convention thereby seeks to protect the health and safety **of** women, although the ban on underground work reduces the number of job opportunities for women, and because of this it has often been regarded in recent times as a discriminatory provision.

## **2.2.2 Conventions containing provisions on women's rights**

### **C100 .Equal Remuneration Convention for men and women workers for work of equal value, 1951**

- Adopted on **29 June 1951**
- Entered into force on **23 May 1953**
- Aim: **To** ensure the application of the principle of equal remuneration for men and women workers for work of equal value and to eliminate pay differentials based on sex. To that end, the contracting Members of the ILO agree to ensure that rates of remuneration are determined without discrimination on grounds of sex and to promote objective appraisal of jobs on the basis of the work to be performed and skills required for its performance.

### **C111 Discrimination (Employment and Occupation) Convention, 1958**

- Adopted on **25 June 1958**
- Entered into force on **15 June 1960**
- Aim: **To** ensure that the contracting ILO Members undertake to declare and pursue national policies designed to promote equality of opportunity and treatment in respect of employment and occupation and to seek the cooperation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of those policies. **To** that end, the contracting parties are to enact legislation designed to establish clear equality of rights in these domains and to adapt their education systems to ensure that no individual's access to education may be impaired as a result of unfair discrimination on any grounds, including sex.

### **C122 Employment Policy Convention, 1964**

- Adopted on **9 July 1964**
- Entered into force on **15 July 1966**
- Aim: **To** ensure that the contracting ILO Members pursue active policies designed to promote full, productive and freely chosen employment. Members must guarantee the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in, a job for which he is well suited, irrespective of race, colour, sex, etc.

### **C127 Maximum Weight Load Convention to transport for a worker, 1967**

- Adopted on **28 June 1967**
- Entered into force on **10 March 1970**
- Aim: **To** establish standards governing the weight of the maximum load that a worker may be authorised to transport manually, the purpose of this restriction being to protect the health and safety of workers. The load that may be transported by an adult woman must be considerably lighter than that which a man of the same age is authorised to transport.

### **C129 Labour Inspection (Agriculture) Convention, 1969**

- Adopted on **25 June 1969**
- Entered into force on **19 January 1972**
- *Aim*: To create a system of labour inspection for agricultural undertakings which is similar to the one that exists for industrial undertakings and to extend it to tenant farmers, cooperative members and members of farmers' families. The purpose of the system of labour inspection is to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work and of the provisions governing the employment of women, children and young persons.

### **C136 Hazards arising from Benzene Convention, 1971**

- Adopted on **23 June 1971**
- Entered into force on **27 July 1973**
- Aims: **To** protect workers from hazards arising **from** benzene, to prohibit the use of benzene in conditions of non-compliance with the statutory safety requirements and to ensure that all workers employed in work processes involving exposure to benzene undergo regular medical examinations.  
The employment of pregnant women or nursing mothers in work processes involving exposure to benzene is prohibited.

### **C142 Human Resources Development Convention, 1975**

- Adopted on **23 June 1975**
- Entered into force on **19 July 1977**
- Aim: To improve the ability of individuals to understand and to influence their social and working environments. To that end, the contracting Members undertake to develop comprehensive and coordinated policies and programmes of vocational guidance and vocational training, in particular through public employment services, in order to encourage and enable all persons, on an equal basis and without any discrimination whatsoever, to develop and use their capabilities.

### **C156 Equal opportunities and treatment between workers of both sexes: Workers with Family Responsibilities Convention, 1981**

- Adopted on **23 June 1981**
- Entered into force on **11 August 1983**
- Aim: To extend the principles of non-discrimination, equality of opportunity and equal treatment between men and women to workers with family responsibilities who seek employment (in this Convention the term 'discrimination' means inequality of opportunity to obtain employment and to participate and advance in economic activity).

**C158 Termination of Employment Convention, 1982**

- **Adopted on 22 June 1982**
- **Entered into force on 11 August 1983**
- **Aim: To provide safeguards against recourse to fixed-term contracts of employment designed to circumvent the prohibition of dismissal on grounds such as pregnancy, maternity leave, family responsibilities, etc.**

**States Parties to the Conventions adopted by the International Labour Organization**

Convention n°	41	45	89	100	103	111	122	127	129	136	142	156	158
Austria		x		x		x	x				x		
Belgium	x	x	*	x		x	x		x				
Denmark				x		x	x		x		x		
Finland		*		x		x	x		x	x	x	x	x
France	x	x	*	x		x	x	x	x	x	x	x	x
Germany		x		x	x <sup>(1)</sup>	x	x		x	x	x		
Greece	x	x	*	x	x	x	x			x	x	x	
Ireland	x	*	*	x			x				x		
Italy		x	*	x	x	x	x	x	x	x	x		
Luxembourg		*	*	x	x								
Netherlands	x	x	*	x	x <sup>(3)</sup>	x	x		x		x	x	
Portugal		x	*	x	x	x	x	x	x		x	x	x
Spain		x	*	x	x <sup>(2)</sup>	x	x	x	x	x	x	x	x
Sweden		*		x		x	x		x		x	x	x
United Kingdom	x	x		x			x				x		
Bosnia-Herzegovina			x		x	x	x		x	x	x	x	x
Croatia					x	x	x		x	x		x	
Czech Republic			x			x	x				x		
Estonia													
Hungary	x				x	x	x	x	x	x	x		
Iceland						x	x						
Latvia						x	x		x		x		x
Lithuania						x		x			x		
Norway						x	x		x		x	x	
Poland					x	x	x	x	x		x		
Romania			x			x	x	x	x	x			
Slovakia			x			x	x			x	x		
Slovenia			x		x	x	x		x	x	x	x	x
Switzerland			x			x				x	x		

\* Denounced the Convention

- (1) With the exception of the work referred to in Article 7(1)(c).  
 (2) With the exception of the work referred to in Article 7(1)(b) and (c).  
 (3) With the exception of the work referred to in Article 7(1).

### **2.3. Instrument adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO)**

#### **CONVENTION AGAINST DISCRIMINATION IN EDUCATION**

*Adopted on 14 December 1960  
Entered into force on 22 May 1962*

**Principle:** Girls and boys, women and men have the same rights in the field of education.

**Aim:** To proscribe any form of discrimination and to promote equality of opportunity and treatment for all in education.

**Provisions of the Convention:** The term 'discrimination' includes any distinction, exclusion, limitation or preference which, being based on Race; colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of **nullifying** or impairing equality of treatment in education..

The States Parties undertake to ensure, by legislation where necessary, that there is no discrimination in the admission of pupils to educational institutions and to formulate, develop and apply a national policy to make primary education free and compulsory, to make secondary education generally available and accessible to all and to make higher education equally accessible to all on the basis of individual capacity.

The States Parties must also develop vocational training and apprenticeships, make them accessible to **all** on the basis of equality between individuals and ensure that education is directed to the **full** development of the human personality.

**Verification procedure:** Under Article 7 of the Convention, the States Parties are required to submit periodic reports to the General Conference of UNESCO. These reports must provide **information** on the laws, administrative regulations and activities through which the Convention is being implemented.

In the event of a dispute relating to the interpretation or application of the Convention, the States Parties may refer the matter to the International Court of Justice.

**States Parties to the Convention**

Party	Ratification	Accession	Succession
Denmark	4 October 1983	—	—
Finland	18 October 1971	—	—
France	11 September 1961	—	—
Germany	17 July 1968	—	—
Italy	6 October 1966	—	—
Luxembourg	20 January 1970	—	—
Netherlands	25 March 1966	—	—
Portugal	8 January 1981	—	—
Spain	29 August 1969	—	—
Sweden	21 March 1968	—	—
United Kingdom	—	14 March 1962	—
Bosnia-Herzegovina	—	—	1 September 1993
Croatia	—	—	6 July 1992
Czech Republic	—	—	26 March 1993
Hungary	16 January 1964	—	—
Norway	8 January 1963	—	—
Poland	15 September 1964	—	—
Romania	9 July 1984	—	—
Slovakia	—	—	31 March 1993
Slovenia	—	—	6 July 1992

Note: States that do not feature in the table have not signed the Convention.

### **3. Instruments adopted by the European Union**

#### **3.1. Article 119 of the Treaty of Rome**

"Each Member State shall during the first stage ensure and subsequently maintain the application of the principle that men and women should receive equal pay for equal work.

For the purpose of this Article, 'pay' means the ordinary basic minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives, directly or indirectly, in respect of his employment from his employer.

Equal pay without discrimination based on sex means:

- a) that pay for the same work at piece rates shall be calculated on the basis of the same unit of measurement;
- b) that pay for the same work at time rates shall be the same for the same job."

Directive 75/117/EEC (see below) supplements this concept of equal pay for equal work by defining equal work as the same work or work to which equal value is attributed.

The same Article 119 subsequently reappears in Article **6** of the Protocol and Agreement on Social Policy **annexed** to the Maastricht Treaty with the addition of a third paragraph concerning the adoption of specific measures for women. This new paragraph is worded as follows:

"**3.** This Article shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for women to pursue a vocational activity or to prevent or compensate for disadvantages in their professional careers."

This addition should be seen as the legal base without which unrestricted recourse to positive discrimination in favour of women was impossible. Until the adoption of that provision, Directive **76/207/EEC** on the implementation of the principle of equal treatment ~~for~~ men and women only allowed for limited application of the principle of positive discrimination.

Finally, the Treaty of Amsterdam amended Article **119**<sup>25</sup> of the Treaty of Rome, incorporating into its first paragraph the 'work of equal value' dimension as defined in Directive **75/117/EEC**:

"**1.** Each Member State shall ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied."

The Treaty of Amsterdam goes on to specify in paragraph **3** that "the Council (...) shall adopt measures to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, including the principle of equal pay

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<sup>25</sup> **Article 119 has now become Article 141.**

for equal work or work of equal value". Finally, paragraph 3 of the aforementioned Article 6 of the Protocol and Agreement on Social Policy has been added to Article 119 as paragraph **4**, although the reference to 'women' in the former **has** been changed to 'the under-represented sex'

### **3.2. The advances made by the Treaty of Amsterdam<sup>26</sup>**

The Treaty of Amsterdam, unlike its predecessors, refers explicitly to the principles of non-discrimination and equality between men and women.

Thus a new Article 6a in the Treaty Establishing the European Community (Article **13** in the consolidated Treaty of Amsterdam) provides for action to combat discrimination based on sex:

"Without prejudice to the other provisions of the Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal **from** the Commission and after consulting the European Parliament, may take appropriate action **to** combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation"<sup>27</sup>.

Equality between men and women was the subject of an addition to Article 2 of the Treaty Establishing the European Community:

"The Community shall have **as** its **task** (...) to promote (...) a high level of employment and of social protection, equality between men and women, (...) the raising of the standard of living and quality of life, and economic and social cohesion and solidarity among Member States"<sup>28</sup>.

It also features in a new paragraph in Article **3** of the same Treaty:

"In all the activities referred to in this Article, the Community shall aim to eliminate inequalities, and to promote equality, between men and **women**"<sup>29</sup>.

So the aim of these additions in the Treaty of Amsterdam is obviously to specify the precise nature of a 'minimum basis of fundamental social rights' in order to define the European social model more clearly. This would also make it easier for the Court of Justice to verify that fundamental rights are being duly respected<sup>30</sup>.

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<sup>26</sup> A study on *Women's Rights and the Treaty of Amsterdam* was published as a working paper in 1998 by the Directorate-General for Research of the European Parliament. Women's Rights Series, FEMM 104 EN.

<sup>27</sup> Wording of the draft Treaty of Amsterdam of 19 June 1997.

<sup>28</sup> *Op. cit.*, note 22.

<sup>29</sup> *Op. cit.*, note 22.

<sup>30</sup> Cf. European Parliament, *Women's Rights and the Treaty of Amsterdam*. Directorate-General for Research working paper, Women's Rights Series, FEMM 104 EN, 1998, p. 44.

### **3.3. Directives**

#### **Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women<sup>31</sup>**

Directive 75/117/EEC broadens the scope of Article 119 of the **EC** Treaty. Its first article defines the principle of equal pay **as** the elimination of all discrimination on grounds of sex with regard to **all** aspects and conditions of remuneration for the same work or for work to which equal value is attributed. It is up to national governments, however, to ensure that any systems of job classification are based on equal rights.

Articles **3** and **4** specify that Member States must adjust their legislation in order to exclude all discrimination based on sex in the domain of pay; the Member States were given one year to revise their legislation accordingly.

In addition, all employees are to enjoy protection against dismissal resulting **from** complaints or legal proceedings designed to enforce compliance with the principle of equal pay. Accordingly, the Directive provides for a right of legal redress for any worker who considers that he or she has been the victim of sex discrimination with regard to pay. **This** right is important, because it implies the formal granting of legal protection to workers even though the Directive was adopted at a time when none of the Member States' legal systems afforded such protection.

#### **Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions<sup>32</sup>**

The Directive is based on the principle that there should be no discrimination whatsoever on grounds of sex either directly or indirectly by reference in particular to marital or family status.

- Member States must ensure that any laws, regulations and administrative provisions contrary to the principle of equal treatment are abolished.
- **All** persons who consider themselves wronged by failure to apply to them the principle of equal treatment must have a guaranteed right to pursue their claims by judicial process.
- No employee may be dismissed by an employer as a reaction to **a** complaint within the undertaking or to any legal proceedings aimed at enforcing compliance with the principle of equal treatment.
- The rights available to employees under the Directive and other legislation must be brought to the attention of employees by all appropriate means.

The Directive does, however, refer to the option that is open to Member States to implement

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<sup>31</sup> **OJ L 45 of 19 February 1975.**

<sup>32</sup> **QJ L 39 of 14 February 1976.**

programmes of affirmative action, and it does not affect provisions relating to pregnancy, maternity and occupational activities in which the sex of the worker is a determining factor.

Provision is also made for infringement proceedings before the European Court of Justice against any Member States which do not comply sufficiently with the aims of the directive.

**Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security<sup>33</sup>**

Directive 79/7/EEC concerns the entire economically active population as well as invalids and retired workers. It provides for the gradual elimination of all forms of discrimination in statutory social security schemes. It applies the principle of equal treatment to statutory schemes which provide protection against sickness, invalidity, old age, accidents at work, occupational diseases and unemployment.

**Council Directive 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood<sup>34</sup>**

Applicable to self-employed workers and their spouses not being employees or partners (i.e. without professional status) who habitually participate in the activities of the self-employed worker, the Directive seeks to ensure that the conditions for formation of a company between spouses are not more restrictive than those applicable to persons who are not married to each other. Women who are self-employed workers or spouses of self-employed workers must be able to join a social security scheme voluntarily and be entitled to protection during pregnancy and motherhood.

Measures must be taken to eliminate all forms of discrimination in respect of the establishment, equipment or extension of a business, including discrimination in the provision of financing facilities.

**Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding<sup>35</sup>**

This Directive contains special provisions affording protection to pregnant or breastfeeding women from the potentially harmful effects of certain working conditions, industrial processes, etc. It also requires Member States to ensure that these women are not obliged to perform night work and to that end provides for the possibility of a transfer to daytime work or leave from work or extension of maternity leave. Lastly, Member States are asked to impose severe penalties for

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<sup>33</sup> OJ L 6 of 10 January 1979.

<sup>34</sup> OJ L 359 of 19 December 1986.

<sup>35</sup> OJ L 348 of 28 November 1992.

any wrongful dismissal that might occur on grounds of a worker's pregnancy and to ensure that her contract of employment and the rights pertaining to it are maintained.

**Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC<sup>36</sup>**

The Member States are to put into effect the framework agreement on parental leave which was concluded on 14 December 1995 and which sets out "minimum requirements on parental leave and on time off from work on grounds of *force majeure* as an important means of reconciling work and family life and promoting equal opportunities and treatment between men and women"<sup>37</sup>.

This agreement applies to all workers, men and women, who have an employment contract or employment relationship as defined by the law, collective agreements or practices in force in each Member State.

Its main proposals are:

**1. On parental leave:**

- an individual right to parental leave on the grounds of the birth or adoption of a child to enable parents to take care of their child for at least three months;
- definition by law and/or collective agreement of the conditions of eligibility and of detailed rules for granting parental leave, subject to compliance with the minimum requirements of the framework agreement annexed to the Directive and with the aid of the suggestions listed in clause 2.3 of that agreement;
- a guaranteed right for workers to return to the same job or to an equivalent job at the end of their parental leave;
- consideration by Member States of the importance of continuity of entitlement to social security cover during parental leave.

**2. On absence from work for reasons beyond the worker's control:**

- definition of the conditions in which workers are authorised to absent themselves for work for urgent family reasons beyond their control which make their presence indispensable.

The final provisions of the framework agreement on parental leave stipulate, among other things, that Member States shall adopt the laws, regulations and administrative provisions necessary to comply with the Council decision within a period of two years from its adoption.

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<sup>36</sup> OJ L 145 of 19 June 1996.

<sup>37</sup> From the preamble to the framework agreement on parental leave, which is annexed to the Directive.

**Council Directive 96/97/EC amending Council Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes<sup>38</sup>**

Directive 86/378/EEC dealt with the occupational schemes which were not covered by Directive 79/7/EEC, in other words those schemes which lie between the statutory system of national insurance and purely private **insurance** policies, such as the schemes operated by companies or by representatives of the active members of a particular trade or profession or those which are based on collective agreements. The adoption of Directive 86/378/EEC meant that all occupational schemes were henceforth covered by a European directive.

Directive 86/378/EEC required Member States to take all necessary steps to ensure that the provisions of occupational schemes contrary to the principle of equal treatment were revised by 1 January 1993. This deadline could, however, be deferred in respect of certain provisions, particularly those relating to the determination of pensionable age for the purposes of granting old-age or retirement pensions, pending the adoption of a new European directive prescribing equal treatment in those domains.

The **main** amendment to this provision effected by Directive 96/97/EC is that it restricts the scope for deferment and derogation of the implementation of Directive 86/378/EEC to schemes for self-employed workers.

Moreover, true to the principle of non-discrimination, the new Directive calls for the abolition of the unfair advantages offered by certain occupational schemes, whether to male or to female workers.

**Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex**

"The aim of this Directive shall be to ensure that the measures taken by the Member States to implement the principle of **equal** treatment are made more effective, in order to enable all persons who consider themselves wronged because the principle of equal treatment has not been applied to them to have their rights asserted by judicial process after possible recourse to other competent bodies".

**Scope:** Situations covered by Article 119 of the EC Treaty and by Directives 75/117/EEC, 76/207/EEC and, in so far as discrimination **based** on sex is concerned, 92/85/EEC and 96/34/EC.

The Directive stipulates that Member States shall take such measures as are necessary to ensure that, when persons consider themselves wronged because the principle of equal treatment has not been applied to them, they are able to refer the matter to a court or other competent authority. Where the plaintiff establishes facts from which direct or indirect discrimination may be inferred, it is up to the respondent to prove that there has been no breach of the principle of equal treatment.

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<sup>38</sup> **QJ L 46 of 17 February 1997.**

Measures taken pursuant to this Directive must be brought to the attention of all the persons concerned, and the laws and regulations of the Member States must conform to the provisions of the Directive by 1 January 2001.

**Council Directive 97/81/EC of 15 December 1997 concerning the framework agreement on part-time work concluded by UNICE, CEEP and the ETUC<sup>39</sup>**

This Directive does not deal directly with women, but since 70 to 90% of part-time workers are women<sup>40</sup>, it is relevant to the subject of our paper.

This framework agreement, which is an integral part of the overall European employment strategy, sets out general principles and minimum requirements for part-time work<sup>41</sup>. The aims of the agreement are as follows:

- to provide for the removal of discrimination against part-time workers,
- to improve the quality of part-time work, and
- to facilitate the development of part-time work on a voluntary basis and to contribute to the flexible organisation of working time in a manner which takes into account the needs of employers and workers.

Since the statutory social security schemes fall within the exclusive jurisdiction of the Member States, one of the clauses of the framework agreement indicates that the principle of non-discrimination applies only to employment conditions without really defining what is meant by employment conditions. The same clause permits the existence of differences between the treatment of full-time workers and that of part-time workers, provided that these differences are justified by objective reasons.

In general, the only obligation that the framework agreement imposes on Member States and on the social partners is that they must periodically review the discriminatory derogations in their legislation and their collective agreements. In fact, the use of the term "should" in the remainder of the text demonstrates the declaratory character of this framework agreement<sup>42</sup>.

### **3.4. Recommendations**

**Council Recommendation 84/635/EEC on the promotion of positive action for women<sup>43</sup>**

This Recommendation calls on Member States to adopt policies of affirmative action designed to eliminate existing inequalities affecting women in their working lives and to take, continue or promote affirmative-action policies in the public and private sectors.

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<sup>39</sup> OJ L 14 of 20 January 1998.

<sup>40</sup> Report on the state of women's health in the European Community, COM(97)224 final, p. 26.

<sup>41</sup> This framework agreement does not relate to other types of untypical work.

<sup>42</sup> *Op.cit.*, note 30, p. 38.

<sup>43</sup> OJ L 331 of 19 December 1984.

This affirmative action should consist in:

- informing the general public and the working world and increasing their awareness of the problem of *de facto* inequality;
- ensuring respect for the dignity of women in the workplace;
- diversification of the qualifications and career choices open to women;
- creation of a guidance and counselling service staffed by personnel who are skilled in dealing with specific questions relating to the special problems of unemployed women;
- recruitment and promotion of women to economic sectors, occupations and hierarchical levels where they are generally underrepresented;
- adaptation of working conditions, the organisation of work processes and working hours;
- active participation by women in decision-making bodies.

**Commission Recommendation 87/567/EEC of 24 November 1987 on vocational training for women<sup>44</sup>**

Since the initiatives that were supposed to lead to higher qualification levels among women have hitherto produced limited results, the European Commission recommends that Member States should adopt policies designed to encourage the participation of young and adult women in training schemes, especially those relevant to occupations of the future.

In particular, these policies should have the following aims:

- to integrate training for women into a broader process of cooperation among all interested parties - education bodies, careers guidance services inside and outside schools, training organisations, the two sides of industry, administrative authorities, etc.;
- to staff the relevant bodies, especially careers guidance and training services, with personnel who are qualified to deal with the specific problems of women;
- to make instructors aware of problems specific to women;
- to encourage school and university careers services to reach out to pupils and students rather than waiting to be asked for guidance;
- to make women themselves aware of the options that are open to them and to ensure that they receive information about these options;
- to encourage more girls to take part in the various initial vocational training systems, particularly apprenticeships and training in traditionally 'male' trades;
- to introduce training courses and information sessions on business management to encourage girls to start up their **own** businesses;
- to promote the participation of women in continuing training;
- to create specially adapted structures and programmes with a view to reintegrating women wishing to return to work.

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<sup>44</sup> OJL 342 of 4 December 1987.

**Commission Recommendation 92/131/EEC of 27 November 1991 on the protection of the dignity of women and men at work<sup>45</sup>**

The subject of Recommendation 92/131/EEC is sexual harassment.

Member States are invited to promote awareness of the fact that any words or actions with a *sexual* connotation or based on *sexual* activity which impinge upon the **dignity** of men and women **at** work are unacceptable. Moreover, under certain circumstances such words or actions may be contrary to the principle of **equal** treatment as defined in Directive 76/207/EEC (see p.39 above).

**Council Recommendation 92/241/CEE of 31 March 1992 on child care<sup>46</sup>**

Particularly in view of the fact that a shortage of childcare services constitutes a barrier to women's access to and more effective participation in the labour market, this Recommendation invites Member States:

- to encourage and to support financially the creation of childcare services which can be used when parents are working, seeking work or attending training courses with a view to obtaining employment;
- to allow mothers and fathers who have family responsibilities to take special leave;
- to promote the creation of a working environment which is compatible with the needs and obligations of workers with children;
- to promote the sharing of family responsibilities between men and women, with male workers playing a more active role in the upbringing of their children.

**Council Recommendation 96/694/EC of 2 December 1996 on the balanced participation of women and men in the decision-making process<sup>47</sup>**

Member States are recommended:

- to adopt a comprehensive, integrated strategy designed to promote balanced participation of women and men in decision-making processes, including the introduction of legislative, regulatory and/or administrative measures where necessary;
- to alert those involved in education and training at all levels to the importance of eliminating all prejudice and discriminatory stereotypes, of presenting a realistic and complete image of the roles and abilities of women and of achieving more balanced sharing of occupational, domestic and social responsibilities between women and men.

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<sup>45</sup> OJ L 49 of 24 February 1992.

<sup>46</sup> OJ L 123 of 8 May 1992.

<sup>47</sup> OJ L 319 of 10 December 1996.

### **3.5. Resolutions adopted by the European Parliament**

The European Parliament **has** adopted numerous resolutions in the realm of its policy on women. The annexed table, however, covers only those resolutions relating to violence against women, violation of women's rights, the fight against sex discrimination, and sexual equality in the domains of social security, health and work.

The table also **contains** references to **their** publication in either the C series of the Official **Journal** of the European Communities<sup>48</sup> or to the minutes of the parliamentary sitting at which they were adopted.

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<sup>48</sup> See Annex 3.

## 4. Instruments adopted by the Council of Europe

### 4.1. Convention for the Protection of Human Rights and Fundamental Freedoms

Signed and ratified by **all** the Member States of the European Union, the Convention for the Protection of Human Rights and Fundamental Freedoms, commonly known as the European Convention on Human Rights (hereinafter referred to as the ECHR), does not deal specifically with the rights of women. It does, however, address issues that directly concern women. For example, questions relating to abortion, marriage and conjugal rights, family life and discrimination are covered by the ECHR. Moreover, it lays down that the enjoyment of the rights and freedoms **set** forth in the Convention shall be secured without discrimination on any ground such **as** sex.

**Abortion:** The European Commission on Human Rights has ruled that the recognition of the absolute **right** to life of a foetus is contrary to the Convention. However, States may limit the right of abortion without thereby infringing a pregnant woman's right to respect for private life as enshrined in Article 8<sup>49</sup> 50.

#### *Right to enter into marriage and equality of spouses:*

Article 12: Men and women of marriageable age have the right to *marry* and to found a family, according to the national laws governing the exercise of this right.

Article 5:  
(Protocol n° 7) Spouses shall enjoy equality of rights and responsibilities of a private law character between them, and in their relations with their children, as to **marriage**, during marriage and in the event of its dissolution. This Article shall not prevent States from taking such measures as are necessary in the interests of the children.

It should be noted that, while the Convention provides for equality between spouses in marriage and in the event of dissolution, it does not guarantee the **right of** divorce or the right to remarry.

#### *Discrimination:*

Article 14: The enjoyment of the rights and freedoms as set forth in this Convention shall be secured without discrimination on any ground such as sex, ...

Article 14 certainly enunciates the principle of freedom from discrimination, but it does not lay down a general obligation to **refrain** from practising discrimination as enshrined in the Convention on the Elimination of **All** Forms of Discrimination against Women.

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<sup>49</sup> Article 8: 1 Everyone **has** the right to respect for private and family life, his home and his correspondence.  
2 There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary **in** a democratic society in the interests of national security, public safety or the economic well-being of the **country**, for the prevention of disorder or crime, for the protection of health or **morals**, or for the protection of the rights and freedoms of others.

<sup>50</sup> Cf. D. Gomien, *Vade-mecum de la Convention européenne des Droits de l'Homme*, Éditions du Conseil de l'Europe, European Documents Collection, Strasbourg, 1991, p. 17.

## **4.2. The European Social Charter**

The European Convention on Human Rights, which guarantees civil and political rights, was supplemented by the European Social Charter, a European treaty that was signed at Turin in **1961** and guarantees the fundamental social and economic rights of the citizens of the contracting States.<sup>51</sup>

The European Social Charter (hereinafter referred to as the **ESC**) is in force in all the Member States of the European Union. It guarantees the effective realisation and enjoyment of **19** fundamental social rights without discrimination based on factors such as sex.

The ~~first~~ few articles of the Charter guarantee a number of work-related rights: the right to work, the right to just conditions of work and the right to safe and healthy working conditions. Article **4**, devoted to the right to fair remuneration, enshrines the right of men and women workers to equal pay for work of equal value.

The subsequent articles deal with the right to organise and the right to bargain collectively, with rights relating to social protection, to social services and to medical assistance, family rights and the right to vocational guidance and training, etc.

Article **8** of the **ESC** directly concerns women in that it addresses **the right of employed women to special protection**. This article defines the **circumstances** in which the pregnancy and maternity of a woman employee must be protected. The Parties to the Charter also undertake to establish the illegality of dismissal of a woman when she is absent from work on maternity leave and to provide for mothers who are nursing their infants to be entitled to sufficient time ~~off~~ during the working day for that purpose. Finally, Article **8** also covers the use of female labour for night work in industrial enterprises and proposes a total ban on the employment of pregnant women, women who have recently given birth and women who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature.

The Additional Protocol of **1988** to the CSE, which Ireland, Portugal and the United Kingdom have not signed, proposed broader protection of social and economic rights, particularly with regard to the right of workers to **equality of opportunity and treatment** in matters of employment and occupation without discrimination on the grounds of sex.

In fact, in Article 1(1) of the Protocol, "the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:

- access to employment, protection against dismissal, and occupational resettlement;
  - vocational guidance, training, retraining and rehabilitation;
  - terms of employment and working conditions, including remuneration;
  - career development, including promotion".

Article 1(2) and (3) go on to specify that "provisions concerning the protection of women, particularly **as** regards pregnancy, confinement and the post-natal period, shall not be deemed to

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<sup>51</sup> *cf.* **Preamble to the original Charter.**

be discrimination as referred to in paragraph 1 of this article" and that "paragraph 1 of this article shall not prevent the adoption of specific measures aimed at removing *defacto* inequalities". The revised **European Social Charter**, signed on **3 May 1996**, which is not yet in force and which *Austria*, Germany, Ireland, the Netherlands and Spain have not yet signed<sup>52</sup>, adds eight new rights to the original ESC. These include the right to **equal opportunities and equal treatment** in matters of employment and occupation without discrimination on the grounds of sex (Article 20), which is enunciated in the same terms as in the Additional Protocol of **1988**.

In addition, Article **26** adds to the original ESC the **right to dignity at work**. This article is formulated as follows:

"With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers' and workers' organisations:

- 1° to promote awareness, information and prevention of sexual harassment in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct;
- 2° to promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct".

Finally, Article **27** deals with the **right of workers with family responsibilities to equal opportunities and equal treatment** with the aim of ensuring that such workers *can* enter, remain in and re-enter employment after an absence due to those responsibilities and that family responsibilities as such do not constitute a valid reason for termination of employment.

### **4.3. The realm of sexual equality**

#### *4.3.1. The work of the Parliamentary Assembly*

#### **Recommendation 1008 (1985) on women's position in politics**

Observing that women are subject to discrimination in many domains, and especially in the political arena, the Parliamentary Assembly recommends that the Committee of Ministers ask member States to:

- establish, if they have not already done so, mechanisms for the implementation of programmes designed to achieve equality between men and women and to equip these mechanisms with the prerogatives, funds and staffing they require to operate effectively;
- take measures and produce a realistic strategic plan for increasing the representation of women in elected public bodies;
- provide women with the means to enable them to be recruited, trained and appointed to positions of responsibility and senior posts in public administration, particularly in the domains in which women have not traditionally been employed.

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<sup>52</sup> Selon l'état des signatures au 2 **Mars** 1998.

### **Recommendation 1229 (1994) on equality of rights between men and women**

Aware that equality of rights between men and women is a fundamental principle of democracy and that **equality** of rights presupposes that both sexes have the same opportunities, the Assembly recommends that the Committee of Ministers:

- establish the principle of **equality** of rights between women and men **as** a fundamental right in an additional protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms;
- overcome the ambiguity of the French term *droits de l'Homme* by replacing it with *droits de la personne*;
- **increase** the number of women in the representative organs of the Council of Europe, as well as at all levels of its Secretariat;
- to introduce in French the general use of feminised forms of titles and names of functions.

### **Recommendation 1261 (1995) on the situation of immigrant women in Europe**

Immigrant women are confronted by more serious difficulties than immigrant men. When they are married, they are often confined to the home doing housework and isolated from the local community, without real opportunities to learn the language of the host country, which seriously impedes their integration into the host society. Moreover, when they are employed, most of the jobs they have do not enable them to achieve a degree of autonomy.

In addition, the situation of immigrant women often depends on the legal status of their husband or father and under existing policies they are considered to be dependants.

In order to improve their situation, the Parliamentary Assembly recommends that the Committee of Ministers invite member states:

- to ensure equality of treatment for immigrant women before the law and in practice;
- to recognise the right to family reunion for immigrant women and men without distinction;
- to adopt legislation giving immigrant women an independent and autonomous right of residence (not tied to the residence status of their husband).

### **Recommendation 1269 (1995) on achieving real progress in women's rights**

Disappointed that the principle of parity, or even of equality, between men and women is still not included in the constitutions of all Council of Europe member states, the Parliamentary Assembly recommends in particular that the Committee of Ministers:

- ensure that the principle of equality of rights between men and women is included in the constitutions of member states;

- become active to eliminate all discrepancies that currently exist in the legislation of member states as regards the treatment of women as individuals rather than in the context of their family or in relation to their husbands; .
- encourage member states to create institutional bodies to ensure the real achievement of equality between men and women;
- ask member states to adopt specific anti-discriminatory legislation providing appropriate sanctions in cases in which the equality of women and men is not respected, especially in professional life;
- request that member states incorporate sexual discrimination in the criteria of political or religious persecution used to justify the request for asylum on the **part** of women;
- invite all member states which have not yet signed and ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to support the adoption of the draft protocol to CEDAW.

**Recommendation 1271 (1995) on discrimination between men and women in the choice of a surname and in the passing on of parents' surnames to children**

Considering that a name is an element which determines the identity of individuals and that, for this reason, the choice of name is a matter of considerable importance, the Parliamentary Assembly of the Council of Europe believes that continued discrimination between men and women in this area is unacceptable.

The Assembly therefore recommends that the Committee of Ministers ask member states to take the appropriate measures to:

- implement strict equality between mother and father in the passing on of a surname to their children;
- ensure *strict* equality in the event of marriage with regard to the choice of a common surname for both marriage partners;
- eliminate all discrimination in the legal system for conferring a surname between children born in and out of wedlock.

**Recommendation 1321 (1997) on improving the situation of women in rural society**

Observing that the role of women in rural development has often been greatly undervalued and even completely ignored and recognising that policies attracting women and girls to stay in the countryside must be encouraged as a means of combating the abandonment of rural areas, the Parliamentary Assembly recommends that the Committee of Ministers call on member governments to:

- improve statistical data and information on rural areas;
- increase women's participation in decision-making, especially by promoting policies of affirmative action;

- make an integrated approach to equality a primary concern by ensuring that the mandates and activities of organisations reflect a desire to achieve sexual equality through the development of concrete action plans and programmes;
- assure equal access to social services and cultural revival by promoting initiatives which offer rural women interesting and enriching activities and pastimes;
- increase women's participation in the economy by means of a foresighted employment policy which seeks to broaden the range of income-generating opportunities for rural women, especially young women, to promote women entrepreneurs by ensuring adequate training and access to resources, to develop legislative initiatives that promote equality in the wage system and to establish a proper social status for assisting spouses, providing them with their own social security and pension protection;
- develop more appropriate education and training models for rural areas, providing for the establishment of local training institutions and programmes that fit women's daily schedules and for the promotion of training courses in expanding sectors such as agroforestry and village and farm tourism as well as in entrepreneurship;
- undertake legislative and administrative reforms to give rural women, and especially married women, full and equal rights to land ownership, and review land distribution programmes to ensure safeguards for households where the head of the family is a woman;
- promote special credit programmes to facilitate the setting up of small businesses by rural women, and review the access to financial credit that is available to married women.

**Recommendation 1325 (1997) on traffic in women and forced prostitution in Council of Europe member states**

1. Traffic in women and forced prostitution constitute "a form of inhuman and degrading treatment and a flagrant violation of human rights". To combat these phenomena, the Parliamentary Assembly recommends the creation of a convention on traffic in women and forced prostitution, which would stipulate repressive measures to combat trafficking through harmonisation of the laws of signatory states. The Convention should also establish a control mechanism to monitor compliance with its provisions and to coordinate further action on a pan-European scale.

The Assembly further recommends that the Committee of Ministers urge member states to:

- increase awareness of this problem among the general public and particularly target groups of traffickers' potential victims;
- introduce training of immigration staff so that they are better equipped to deal with the problem;
- create specialised police structures at the national level to combat traffic in women and forced prostitution;

- improve international cooperation among police bodies;
- enable the authorities to seize and confiscate profits **from** offences related to traffic in women and forced prostitution, and impose heavier sentences for trafficking in women and forcing them into prostitution, as well as making it a crime to knowingly use the services of such women;
- grant residence permits to victims of traffic and forced prostitution who are willing to testify in court, and include them in witness-protection programmes if necessary;
- organise legal, medical and psychological assistance for victims of trafficking and forced prostitution;
- grant the various NGOs and associations for victims of prostitution access to the courts;
- help the women who are victims of trafficking to reintegrate into the society of their country of origin upon their return, make free telephone helplines for women victims widely available, support the setting up of reception centres and additional temporary accommodation for victims, and grant victims the minimum rate of social assistance and access to health care during their stay.

#### **4.3.2. *The work of the Committee of Ministers***

##### **Declaration on equality between women and men, adopted on 16 November 1988**

In **this** declaration, the member states of the Council of Europe acknowledge that equality between women and men is one of the principles of human rights and is affirmed as a fundamental right in numerous international instruments to which they have subscribed as well as being guaranteed by national constitutions and legislation. Nevertheless, numerous inequalities remain in law and in practice. Consequently, the member states:

- **reaffirm** their commitment to the principle of equality between women and men, which is an essential condition **of** democracy and a dictate of social justice;
- condemn all **forms** of sexism;
- undertake to:
  - pursue and develop policies designed to achieve effective equality between women and men in all aspects **of** life;
  - promote awareness of the requirements of democracy and human rights in relation to equality between women and men;
- declare that the strategies to be implemented must allow women and men to enjoy equal treatment before the law as well as equal opportunities to exercise their rights and to develop their individual gifts and talents.

The domains in which measures should be taken are defined in the declaration. They largely correspond to those enumerated in the UN Convention on the Elimination of All Forms of Discrimination against Women.

### **Recommendation R(79) 10 on women migrants**

In this recommendation, the Committee of Ministers echoed very precisely the wording of Recommendation **1261** on the situation of immigrant women (see page **50** above).

### **Recommendation R(81) 15 on the rights of spouses relating to the occupation of the family home and the use of the household contents**

If they have not done so already, member states should ensure that any act relating to the occupation of the family home and the use of the household contents takes place by mutual consent of the spouses. Consequently, provision should be made for the imposition of sanctions in the event of an act by one spouse which infringes the rights of the other.

In addition, the Committee of Ministers recommends that member states define in law the rights of each spouse in the event of failure of the marriage or of the death of one spouse and in relation to property held on lease.

### **Recommendation R(84) 17 on equality between men and women in the media**

Member states are recommended to contribute to the achievement of equality between women and men in the electronic media and the press. To that end, the Committee of Ministers proposes a number of measures, including:

- encouragement for media bodies to adopt affirmative-action programmes designed to improve the situation of women in the media, especially at the decision-making level and in technical services;
- development of training courses and facilities for women in the domains of new media technology;
- ensuring the application of the principle of equal treatment between women and men through standards established for recruitment, training, remuneration, promotion and all other working conditions of media employees;
- encouragement of participation by women in equitable proportion in supervisory and management bodies in the world of the media and increased involvement by women in the interviews and debates broadcast by the media;

Other measures relate to the elimination of stereotypes and to the need for the media to present a favourable image of women and to safeguard the dignity of women.

### **Recommendation R(85) 2 on legal protection against sex discrimination**

Referring to the various relevant international instruments, and particularly to the Convention on the Elimination of All Forms of Discrimination against Women, the Committee of Ministers recommends that member states adopt or reinforce, as appropriate, all measures they consider useful with a view to gradually applying the principles of non-discrimination on grounds of sex.

**This** recommendation largely reflects the principles set forth in the UN Convention, in particular:

- in the domain of employment, equality between men and women should be guaranteed with regard to access to jobs, working conditions, training opportunities, equal pay for **work** of equal value, promotion prospects, etc.;
- in the domains of taxation, social security and pension rights, equality of men and women should be guaranteed;
- in terms of civil rights, spouses should enjoy the same rights with regard to the exercise of domestic and parental responsibilities, choice of surname, legal capacity, choice of domicile and residence, succession, etc.

Moreover, women and men should enjoy the same political rights and the same rights with regard to the acquisition, changing or retention of nationality.

The **Committee of Ministers** also recommends the implementation of general measures designed, among other things, to:

- ensure equality between women and men in education;
- encourage the principle of sexual equality in **all** aspects of public life;
- promote sexual equality through concrete projects, appropriate legislation, codes of practice, etc.;
- provide for sanctions and legal remedies as effective deterrents against discrimination of any kind.

### **Recommendation R(85) 4 on violence in the family**

Several different suggestions are made to member states in this recommendation:

With a view to preventing violence in the family, it would be useful:

- to alert and **inform** public opinion about the extent and seriousness of violence in families;
- to create an appropriate system of vocational training for all those whose work involves dealing with cases of violence;
- to encourage the creation of agencies, associations or foundations devoted to providing assistance for victims while avoiding interference in people's private lives;
- to provide for the existence of administrative services which would be responsible for looking after victims of family violence and which would be empowered to deal with such cases by providing assistance, care and counselling to the victims, reporting cases of violence, etc.

**As far as** reporting is concerned, the Committee of Ministers consider it useful that member states should endeavour to ensure that concrete information is publicised about the need for people to report any **known** cases of family violence to the public authorities and other competent bodies, about the specific reporting channels open to them and about the ways in which they can take direct action to help the person in danger.

Finally, as regards state intervention in response to acts of violence, member states should:

- ensure that the appropriate measures can be taken rapidly, even on a temporary basis, in order to protect the victim and to prevent any further acts of violence;
- ensure that children can be removed from the source of danger.

### **Recommendation R(90) 2 on social measures concerning violence within the family**

Noting that violence within the family occurs at all levels of society, and in all countries, rich or poor, and that social and economic pressures on families contribute to violent behaviour, the Council of Europe issued a recommendation on that subject for the attention of its member states.

**This** recommendation, which examines the problem from every perspective, provides for specific measures for women, including the following:

- Women who are victims of violence within the family should be given coordinated and comprehensive assistance, including, if necessary, financial assistance in accordance with national legislation.
- If legal possibilities of removing an abusive spouse exist, they should be used to allow the abused woman and her children to remain at home.
- Where a victim of violence was previously financially dependent on the violent person, financial assistance should be made available if needed to enable the victim and children to become independent. This measure should not discharge the perpetrator from his financial responsibilities.
- There should be general and sufficient provision of accommodation in hostels for battered women (shelters). The aim of shelters for battered women is to provide rapid help for women in danger without their being expected to meet the cost of creating and operating the shelters. Once a battered woman has been admitted to a shelter, she should, if she so wishes, receive psychotherapy and legal counselling and avail herself of the expertise of social workers and other qualified staff. When a battered woman leaves a shelter, she should receive after-care from social workers, who can visit the woman on her home and help her to overcome her difficulties.
- **Abused** women must be entirely free to decide whether or not to return to their partners.
- The creation of self-help groups in which women who have left a shelter meet regularly in order to avoid isolation should be encouraged.

## 5. Implementation in the Member States of the European Union of the provisions contained in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Since each **country** has its **own** legislation, the purpose of this final part of our paper is to identify, by means of a single analysis chart for all EU Member States, the lowest common denominator in terms of women's **rights**. **As** the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is regarded as the most comprehensive instrument in the field, each of the **rights** or provisions it defines is listed and ticked or crossed for each country in the tables.

Each table summarises one particular aspect of CEDAW: promotion of women, equality before the law, elimination of stereotypes, traffic in women and exploitation of prostitution, nationality, education, health, employment, political and public life, economic and social life, matrimonial law and the family, and rural women.

A commentary accompanying each table provides a description of each right or provision, followed by a rapid review of the situation, and serves to highlight the initiatives taken by individual countries.

### 5.1 Promotion of women

#### **Constitutional enshrinement of the principle of equality:**

The principle of equality prohibits any arbitrary differentiation in law or in practice. Not every Member State of the European Union has enshrined this principle in the text of its constitution. *Denmark, Finland* and *Luxembourg*, for example, have not.

The Danish Constitution of 1953 does not contain any provision that deals explicitly with equality between men and women, but it does enunciate the principle of equal treatment of these two **sections** of the population, and **all** the personal rights recognised in the Constitution apply to both sexes. There are no plans to amend the Constitution in order to insert provisions explicitly prescribing sexual **equality**<sup>53</sup>.

In *Finland* and *Luxembourg*, the constitutions do not explicitly prescribe equality between the sexes but rather the equality of citizens. **As** part of the revision of their respective constitutions, the Government of *Finland* wishes to have a clause inserted prohibiting any form of discrimination, including sex discrimination<sup>54</sup>, while the *Luxembourg* Government seeks the inclusion of an explicit guarantee of equality between men and women<sup>55</sup>.

#### **Prohibition of all discrimination against women:**

In principle, once equality is enshrined in a constitution, all forms of discrimination based on sex are prohibited and punishable, with the exception of discriminatory arrangements for the benefit of particular groups such as pregnant women. In practice, these prohibitions are expressed in laws governing one specific domain, such as employment, education or health.

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<sup>53</sup> Cf. CEDAW/C/DEN/2 of 21 May 1993.

<sup>54</sup> Cf. CEDAW/C/FIN/2 of 8 April 1993.

<sup>55</sup> Cf. CEDAW/C/LUX/1 of June 1997.

**Existence of sanctions for discrimination:**

Following on from the prohibition of all discrimination, sanctions are provided for in the anti-discriminatory laws within the scope of each law. This means that, for sanctions to be applied, women victims have to exercise their right to bring an action in law claiming discrimination on grounds of sex. In some countries, such as *France* and *Italy*, associations devoted to women and their rights are entitled, in certain conditions, to bring such an action on a woman's behalf.

**Measures to eliminate discrimination against women:**

From information campaigns to the repeal of discriminatory provisions that might still persist in national law, measures to combat discrimination against women are particularly numerous. In general, because these measures are inspired by the European directives and by the Convention on the Elimination of All Forms of Discrimination against Women, many similarities are observable in the way in which this struggle is waged in different countries. The problem is addressed on the basis of the **domain** in which the action is to take place (education, employment, etc.) and of the target group (entrepreneurs, women in general, teachers, the police).

**Creation of a service dedicated specifically to women and/or equality:**

Every country in the European Union currently possesses a ministerial division responsible for studying issues relating to women and/or equal opportunities. In addition, there are also organisations or civic associations dedicated to representing the interests of women and/or monitoring the application of equal-opportunities legislation. There are the National Women's Councils in the English-speaking countries and the councils on equal rights that exist in all member countries.

**Campaigns and information brochures:**

Television campaigns and advertising through posters and information brochures, which may be targeted at the general public or at particular groups, are the means by which women's rights can be promoted on a national scale. All the Member States have had such campaigns and continue to use this approach.

In *Germany*, for example, a campaign was conducted in **1993** with the slogan "*We can do it together*"; this campaign was targeted at men with a view to encouraging them to change their traditional behavioural models at work, at home and in society in general.

PROMOTION OF WOMEN	A	B	D	DK	E	EL	F	FIN	I	IRL	L	NL	P	S	UK
Principle of equality enshrined in the national constitution	x	x	x	N	x	x	x	N		x	N		x	x	
All discrimination against women prohibited	x	x	x	x	x		x	x			x	x	x	x	x
Sanctions applicable in the event of discrimination	x	x	x	x	x		x	x			x	x	x	x	x
Measures taken to eliminate discrimination by individuals, businesses or other	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Specific ministerial division for women established	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Campaigns and information brochures	x	x	x	x	x		x	x		x	x		x	x	x
<p><b>x:</b> yes                      <b>N:</b> no                      <b>Blank box:</b> information unavailable at time of going to press</p>															

Key to countries:    A    Austria                      EL    Greece                      L    Luxembourg  
                               B    Belgium                      F    France                      NL    Netherlands  
                               D    Germany                     FIN    Finland                     P    Portugal  
                               DK    Denmark                    I    Italy                         S    Sweden  
                               E    Spain                         IRL    Ireland                    UK    United Kingdom

## 5.2. Elimination of stereotypes

### *Efforts in the field of education*

#### **Elimination of stereotypes in school textbooks:**

Stereotypes can be eliminated from school textbooks in several different ways. Some countries such as *France* have opted for the creation of commissions responsible for scrutinising school textbooks with a view to eradicating any stereotypical or sexist representations in pictorial or other form. Other countries, such as *Sweden*, do not require this systematic review of textbooks, preferring to rely on publishers, to whom they make recommendations or distribute information on equality between boys and girls. In the latter case, it has been observable that publishers are increasingly concerned by the problem, and a great deal of effort has gone into the elimination of sexist prejudices.

As for *Italy*, when the Italian Government submitted its third periodic report<sup>56</sup> on the application of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the committee responsible for the implementation of CEDAW expressed its profound concern at the lack of any major initiative to eradicate stereotypes from school textbooks and other educational material or to highlight the role of women and their contribution to human history.<sup>57</sup>

#### **Combating sexism in educational practice:**

The fight against sexism in educational practice is generally waged by alerting teachers to questions of equality between the sexes during their training or in the course of their careers through campaigns or special courses of instruction.

### *Efforts in the field of advertising and the media*

All countries of the European Union agree that advertising and the media are the most powerful vehicles for projecting images of men and women. Some countries see a need for tighter regulation of media products and more especially of advertising. Others, such as the *United Kingdom*, prefer to encourage the media and advertisers to employ more women in their production teams. Be that as it may, all countries of the European Union prohibit pornography and images depicting women as sex objects in advertising.

#### **Development of the image of women projected by the media and elimination of stereotyped roles in advertising:**

The image of women as portrayed by the media is largely being developed by increasing awareness of the issue among media operators, by issuing guidelines and by respecting a number of standards and practices in the domain of advertising (especially the ideal of respect for the dignity of women). Some countries have chosen to develop this image by imposing standards or by creating a special commission with responsibility for checking the content of particular programmes or advertisements.

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<sup>56</sup> Committee on the Elimination of All Forms of Discrimination against Women, Third periodic report by Italy, CEDAW/C/ITA/3 of 21 June 1997.

<sup>57</sup> Report by the Committee on the Elimination of All Forms of Discrimination against Women (16th and 17th sessions), UN General Assembly, 52nd session (A/52/38/Rev.1), New York, 1997, p. 120, point 346.

For example, the French *Conseil supérieur de l'audiovisuel* (Senior Council for the Audiovisual Industry) has the task of ensuring compliance with the media code of practice; among its specialist members is a woman journalist who is specifically responsible for questions relating to women in the media.

**Participation of women in programme production:**

All Member States recognise that the best way of combating stereotypes is to encourage the integration of a growing number of women in the production teams for radio and television programmes.

Many efforts have been made to this end, with the result that, although they remain fewer in number than their male counterparts, women are involved in programme design, recording and/or presentation.

<b>ELIMINATION OF STEREOTYPES</b>	<b>A</b>	<b>B</b>	<b>D</b>	<b>DK</b>	<b>E</b>	<b>EL</b>	<b>F</b>	<b>FIN</b>	<b>I</b>	<b>IRL</b>	<b>L</b>	<b>NL</b>	<b>P</b>	<b>S</b>	<b>UK</b>
<b>In the field of education</b>															
Stereotypes being eradicated from school textbooks	x	x	x	x			x	x	Rk	x	x	x	x	x	x
Sexism being combated in educational practice	x	x	x	x	x		x	x	Rk	x	x	x	x	x	x
Teachers being made aware of the fight against sexism	x	x	x	x	x	x	x	x	Rk	x	x	x	x	x	x
<b>In the field of advertising and the media</b>															
Image of women projected by the media is being developed	x	x	x	x	x		x	x	x		x	x	x	x	x
Women playing a part in programme production	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Elimination of stereotyped roles in advertisements		x	x	x	x		x	x	x		x	x	x	x	x
x: yes                      N: no                      Blank box: information unavailable at time of going to press Rk: See relevant text above															

### 5.3. Equality before the law

#### Recognition of full equality before the law:

Whether in the form of an Equal Rights Act or an Anti-discrimination Act, the enshrinement of sexual equality in law prohibits any form of discrimination based on sex. This prohibition also applies to indirect discrimination, in other words to discrimination arising from activities which result in practice in different situations for men and women.

#### Same legal capacity as men:

By virtue of the fact that equality is enshrined in legislation and/or the constitution, women possess the same legal capacity as men. They therefore have the same scope for exercising their legal rights. Consequently, any contractual or legal provision designed to limit the legal capacity of women must be deemed null and void.

#### Equal rights in the conclusion of contracts and the administration of property:

Women enjoy the same rights as men with regard to the conclusion of contracts and the administration of property. This also applies to wives, who are entitled to conclude contracts and administer property in **their** own name, irrespective of the situation and wishes of their husbands.

#### Equality of treatment throughout the judicial process:

Equality of treatment throughout the judicial process features in all the legal systems of the EU Member States. This equality also implies access to legal aid on the same terms as men. However, it has been observed in the *United Kingdom*, for example, that convicted women often receive lighter sentences than their male counterparts, even for identical offences.

<b>EQUALITY BEFORE THE LAW</b>	<b>A</b>	<b>B</b>	<b>D</b>	<b>DK</b>	<b>E</b>	<b>EL</b>	<b>F</b>	<b>FIN</b>	<b>I</b>	<b>IRL</b>	<b>L</b>	<b>NL</b>	<b>P</b>	<b>S</b>	<b>UK</b>
Full equality before the law recognised	x	x	x	x	x		x	x	x		x	x	x	x	x
Women enjoy the same legal <b>capacity</b> as men	x	x	x	x	x		x	x	x		x	x	x	x	x
Women enjoy equal rights in the conclusion of contracts	x	x	x	x			x	x	x		x	x	x	x	x
Women enjoy equal rights in <b>the</b> administration of property	x	x	x	x			x	x	x		x	x	x	x	x
Women are treated equally throughout the judicial process	x	x	x	x	x		x	x	x		x	x	x	x	x
<b>x: yes                      N: no                      Blank box: information unavailable at time of going to press</b>															

## **5.4. Traffic in women and sexual exploitation**

### **Suppression of direct or indirect procurement:**

All European legal systems condemn anyone who, directly or indirectly, incites or compels a person to engage in prostitution, takes part in the trafficking of women and/or profits from either of these activities. In some countries, such as *Finland*, owners of hotels and restaurants can be prosecuted for indirect procurement if they allow their premises to be used for prostitution.

In general, the countries of the European Union also tend to favour suppressing the exploitation of consenting prostitution too. The *United Kingdom* even goes as far as to consider husbands living on the immoral earnings of their wives to be guilty of an offence under Article 30 of the **Sexual Offences Act 1956**, punishable by up to seven years in prison on conviction by the Crown Court or by six months' imprisonment and/or a fine of €2000 in the event of conviction by a magistrate<sup>58</sup>.

### **Suppression of prostitution:**

In most EU countries, prostitution is not in itself a criminal act. However, soliciting in public thoroughfares is an offence and police units specialising in prostitution ensure that prostitution does not offend against public morals and does not spread beyond certain geographical bounds. In *Austria*, the authorities have designated the areas within which prostitution is "authorised". Outside these areas, all prostitution is prohibited.

In *Denmark*, prostitutes are not prosecuted if they also pursue a "normal" occupation. Those who have no other occupation are liable to prosecution. The view of the Danish Government is that sexual exploitation – of which, incidentally, women are not the only victims – becomes a less frequent occurrence if women can earn their living by other means<sup>59</sup>.

In the *Netherlands*, prostitution is regarded as an occupation.

### **Compulsory medical examination of prostitutes:**

Prostitutes are not subject to compulsory medical examination in any country except *Austria*, where they undergo a weekly medical check-up and a six-monthly HIV test.

### **Support for occupational and social rehabilitation:**

As a means of combating prostitution and of supporting those prostitutes who wish to change their activity, assistance can be given in finding jobs and obtaining places on training courses or in finding accommodation.

### **Creation of shelters:**

Financial support may be provided in the form of grants for the establishment and operation of hostel facilities offering women temporary accommodation and/or health care and moral support. These shelters are particularly important in the context of traffic in women. The women concerned, who largely belong to the countries of Central and Eastern Europe and the developing countries, are destitute, particularly in cases where they are trying to rid themselves of their pimp or of the man to whom they have been sold.

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<sup>58</sup> **Committee on the Elimination of All Forms of Discrimination against Women, second periodic report of 11 May 1991.**

<sup>59</sup> **CEDAW Committee Reports, Volume II, 1986-1987, p. 21, point 10.**

**Cooperation in combating international networks:**

Under the international conventions and European directives in this domain, the Member States of the European Union are pledged to cooperate in combating the international prostitution and trafficking networks. The degree to which countries are actively engaged in this struggle varies in accordance with the extent to which the problem affects them.

*Germany*, for example, publishes information brochures for women from Thailand and the Philippines, two countries where a large number of victims of traffic in women are recruited, in their own languages in order to alert them to the danger of arranged marriages and forced prostitution. These brochures are distributed through the German embassies in the two countries.

**Temporary residence permits for plaintiff victims and protection of victims who wish to testify in court:**

Victims of traffic in women often live illegally in the countries to which they have been sent. In general, victims who wish to lodge a complaint or to testify in court are entitled to reside legally in the country in question pending completion of the trial. In addition, victims may, if necessary, receive official protection to avoid exposing their lives to unnecessary dangers.

**Financial and material aid for repatriation:**

Finally, still in the context of the fight against the international prostitution networks, some Member States offer women victims the opportunity to return to their country of origin. Since many of these women came to Europe to escape economic misery in their own countries, this opportunity may sometimes be accompanied by financial or material aid for their repatriation.

**Prevention of AIDS and drug addiction:**

A number of advice centres are available to prostitutes and drug addicts, while the latter can also avail themselves of centres offering withdrawal treatment. These centres offer assistance in occupational reintegration, provide emergency medical treatment, distribute syringes and condoms free of charge and lend moral support while respecting the anonymity of their clients.

<b>TRAFFIC IN WOMEN AND SEXUAL EXPLOITATION</b>	<b>A</b>	<b>B</b>	<b>D</b>	<b>DK</b>	<b>E</b>	<b>EL</b>	<b>F</b>	<b>FIN</b>	<b>I</b>	<b>IRL</b>	<b>L</b>	<b>NL</b>	<b>P</b>	<b>S</b>	<b>UK</b>
Direct procurement is punishable	x	x	x	x	x		x	x	x	x	x		x	x	x
Indirect procurement is punishable	x	x	x	x	x		x	x	x	x	x			x	x
Conspiracy to procure and aiding and abetting procurement are punishable	x		x				x			x	x				x
Consenting prostitution is punishable	Rk	N	N	Rk	x		x	N	N	N	N	N	N		N
Government cooperates in the fight against international networks	x	x	x	x			x	x	x		x	x			x
Victims are eligible for assistance for occupational reintegration	x	x	x	x	x		x	x	x						
Shelter facilities have been established	x	x	x		x		x								
Plaintiff victims are eligible for temporary residence permits	x	x			N		x		x			x			
Victims wishing to testify are afforded protection	x		x		x		x		x						
Financial and material repatriation aid is available		x	x		N		x								
Prostitutes undergo compulsory medical examinations	x	N	N		N		N		N		N	N			
AIDS prevention programmes are implemented	x	x	x				x	N			x	x		x	x
prevention of drug addiction are implemented Programmes for the	x	x	x				x	N			x			x	x
x: yes	<b>N:</b> no <b>Blank box:</b> information unavailable at time of going to press <b>Rk:</b> See relevant text above														

## 5.5. Nationality

### Equal rights to acquire, change or retain nationality:

In all countries of the European Union women now have the same rights as men with regard to the acquisition, changing or retention of nationality. This means that neither marriage to an alien nor a change in the husband's **nationality** during marriage automatically imply that the wife should change her nationality.

### Equal rights with respect to the nationality of children:

National legal systems differ on the nationality of the children of mixed marriages. In some countries, whatever the **marital status** of the mother and father and whether the children were born in or out of wedlock, both parents have the same rights in respect of their children's nationality. In other countries, such as *Denmark* and *Sweden*, children born out of wedlock take the nationality **of** their mother. This means that a mother must previously have acquired Danish or Swedish nationality in order to pass it on to her child.

NATIONALITY	A	B	D	DK	E	EL	F	FIN	I	IRL	L	NL	P	S	UK
Equal rights with regard to the acquisition of nationality	x	x		x			x		x		x			x	x
Equal rights with regard to changes in nationality		x		x			x		x		x			x	x
Equal rights with regard to retention of nationality		x		x			x		x		x			x	x
Equal rights with regard to children's nationality		x	x	N			x		x		x			N	N
x: yes                      N: no                      Blank box: information unavailable at time of going to press															

## **5.6. Education**

**As far as access to learning at all levels, to all types of education and to all vocational-training facilities is concerned,** boys and girls enjoy the same rights in all countries of the European Union. **They** also have access to the same curricula, take **the same examinations** and **are awarded certificates** on the basis of the **same performance criteria**. They are taught by **teaching staff with qualifications of the same standard and their school premises and equipment are of the same quality**.

Nevertheless, and in spite of the struggle to combat stereotypes and sexist practices in education, traditions die hard. Although the gap is tending to close, there are still fewer girls than boys on scientific and technical courses.

### **Same conditions for career and vocational guidance:**

Girls have access to the same **advice** and information **services** as boys to help them to choose their school subjects and careers. However, in the context of the effort to combat sexist practices in education, teacher-training programmes and guidance officers are sometimes used for the express purpose of making careers guidance less discriminatory.

### **Efforts to eliminate any stereotyped role models:**

Whereas the other countries of the European Union are making considerable efforts in this domain, *Italy* emphasises that differences between the sexes are assets. This is not necessarily incompatible with any attempt to eliminate stereotyped role models, but the Committee on the Elimination of All Forms of Discrimination against Women **has** judged Italy's efforts in this domain to be insufficient (see p. 60 above).

### **Encouragement of coeducation:**

Coeducation is generally encouraged by the Member States. All state primary and secondary schools as well as the public universities are coeducational.

In the *United Kingdom*, where many girls' schools and boys' schools still exist, no special efforts are being made to encourage coeducation. On the other hand, as in other countries, the sex of pupils must not result in a discriminatory choice of subjects in the school curriculum.

### **Elimination of stereotypes in school textbooks:**

See page **60** above.

### **Equal access to scholarships and other study grants:**

All scholarships and study grants are accessible to girls on the same terms as boys. Moreover, young women, particularly in higher education, continue to benefit from measures of positive discrimination. In order to encourage young women to take up scientific careers or to undertake lengthy courses of higher education, scholarships and prizes for particular pieces of work have been established specifically for female students.

### **Equal access to sporting activities and physical education:**

All pupils, girls and boys, enjoy the same conditions of access to sporting activities and physical education. Nevertheless, there are noticeable differences in the sports in which girls and boys choose to participate: **girls** continue to prefer gymnastics and dance, while boys tend to opt for team sports and athletics.

**Encouragement to seek technical and scientific qualifications and to enter higher education:**

**All** the countries of the European Union have been trying to encourage girls to choose scientific and technical careers and to enter higher education. While the number of girls in universities has shown a marked increase, it is still a fact that few of them are studying scientific and technical subjects at any level within the education system. To rectify this situation, the public authorities have conducted information campaigns designed especially for girls and their families as well as launching initiatives to **inform** and train school, university and college staff. Potential employers have been mobilised, as have industrialists, and meetings have been arranged with professionals from the traditional male preserves.

For example, in 1994, *Germany* launched a national initiative based on the slogan "Women put new life into engineering". Organised jointly by the Ministry of Education, the Federal Institute of Labour (Bundesanstalt **für** Arbeit) and Deutsche Telekom, its aims were to highlight the achievements and **successes** of women, particularly in the technical trades, and to reduce the level of prejudice against technical careers. The initiative was highly successful.

EDUCATION	A	B	D	DK	E	EL	F	FT	I	IRL	L	NL	P	S	UK
Same conditions for career and vocational guidance	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Equal access to learning and studies at all levels	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Same conditions for the achievement of all diplomas	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Equal access to all types of education	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Equal access to all vocational-training facilities	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Access to the same curricula and examinations	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Access to teaching staff with qualifications of the same standard	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Access to school premises and equipment of the same quality	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Elimination of any stereotyped concept of the roles of men and women	x	x	x	x	x	x	x	x	Rk	x	x	x	x	x	x
Encouragement of coeducation	x	x	x	x	x	x	x	x	x	x	x	x	x	x	Rk
Elimination of stereotypes in school textbooks	x	x	x	x	x	x	x	x	Rk	x	x		x	Rk	x
The same opportunities to benefit from scholarships and other study grants	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
The same opportunities to participate in sports and physical education	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Encouragement of technical and scientific studies	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Encouragement of higher education	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
x: yes      N: no      Blank box: information unavailable at time of going to print															

## **5.7. Health**

### **Equal access to health-care services, including family planning:**

All health and family-planning services are accessible to men and women on the same terms.

With regard to family-planning services in particular, the purpose of these is to provide information on matters relating to fertility and birth control (contraception and abortion) and on sexuality. Some of these **services** also have a degree of responsibility for educating families and/or providing medical consultations.

### **Access to health services of the same quality:**

In all the countries of the European Union men and women have a legal right to the same quality of health service. There is no discrimination on grounds of sex in this domain.

### **Provision of antenatal and post-natal services:**

The monitoring of pregnant women is constantly improving. Throughout their pregnancy and confinement, women are receiving more and more medical and moral support. Social security schemes pay for compulsory antenatal examinations. Women in financial difficulties generally have access to these services free of charge.

On the other hand, regular moral support and even medical assistance after the birth is conspicuous by its virtual absence.

### **Right to abortion on non-medical grounds:**

Abortion is regulated differently in the various Member States. Abortion on medical grounds, in other words in cases where the foetus is not viable and the mother's psychological, mental and/or physical health would be seriously compromised by continued pregnancy, is authorised on condition that these reasons are medically certified. Abortions for non-medical reasons, such as financial or psychological difficulties, are prohibited in Ireland and Portugal. The period within which **abortions** are authorised varies from one **country** to another, but does not exceed **16 weeks** after conception.

### **Information campaigns and brochures on contraception:**

In order to avoid unwanted pregnancies, information campaigns have been conducted, targeting girls in particular. Information brochures may be distributed in family-planning centres or in the sickrooms of secondary schools.

*Greece*, which had observed that there was a tendency among Greek women to use abortion as a form of contraception, redoubled its efforts to inform young women in particular and to encourage them to use proper forms of contraception.

<b>HEALTH CARE</b>	<b>A</b>	<b>B</b>	<b>D</b>	<b>DK</b>	<b>E</b>	<b>EL</b>	<b>F</b>	<b>FT</b>	<b>I</b>	<b>IRL</b>	<b>L</b>	<b>NL</b>	<b>P</b>	<b>S</b>	<b>UK</b>
Equal access to health-care and family-planning services	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Equal access to health-care services of the same <b>quality</b>	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Provision of antenatal and post-natal services	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Right to abortion on non-medical grounds	x	x	x	x	N	x	x	x		N		x	N	x	x
Information campaigns and brochures on contraception	x	x	x	x	x	x	x	x	x		x	x	x	x	x
Action to suppress violence against women	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
<b>Increasing</b> awareness among the general public by means of information campaigns	x	x	x	x	x	x	x	x		x	x	x	x	x	x
Training police officers to deal with the problem of violence against women	x	x	x	x	x		x	x		x	x	x	x	x	x
Provision of social, medical and/or legal assistance for victims	x	x	x	x	x		x	x	x		x	x	x	x	x
Creation of shelters and other reception centres	x	x	x	x	x	x	x	x	x	x	x	x	x		x
<p>x: yes      N: no      Blank box: information unavailable at time of going to press</p>															

## **5.8. Working life and employment**

### **Right to work (as an inalienable human right):**

In all the countries of the European Union, women have the same right to work as men. This being the case, no one **can** prevent any other person **from** exercising his or her right to work.

### **Right to the same employment opportunities:**

Women must have the same employment opportunities as men. While that is the case in theory, it must be said that, in practice, most part-time jobs, for example, are held by women, whether or not they wish to work part-time, and that when one parent has to stop working to look after children, it **is** invariably the mother who decides to interrupt her career or to terminate her employment permanently.

### **Same selection criteria for the same job:**

Whether a job applicant is a man or a woman, the recruiter must set the same requirements in terms of the skills, diplomas and vocational qualifications necessary for the performance of the job in question.

### **Right to promotion on the basis of the same criteria:**

**As** is the case with recruitment, promotion must be granted on the basis of the same criteria for men and for women.

### **Right to receive basic and advanced vocational training:**

Women have the same right as men to receive basic and advanced vocational training. This right is essential if an individual is to improve his or her professional competence with a view to possible promotion to a higher level.

In **most** countries of the European Union supplementary instruction, specific training and practical **courses** designed for women are provided in subjects such **as** information technology and advanced technology, which few women will have chosen to take when they were at school.

### **Right to equal remuneration for work of equal value:**

**Since** the adoption of European **Council** Directive 75/117/EEC<sup>60</sup> on the application of the principle of equal pay for men and women, the countries of the European Union have certainly incorporated **this** principle into their legislation. Nevertheless, there are still many cases of pay discrimination. "Although **126** countries have signed the International Labour Organization (EO) Equal Remuneration Convention, which dates from **1951**, women continue to be treated distinctly less favourably than men in cases where their qualifications and workrates are the **same**"<sup>61</sup>.

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<sup>60</sup> See p. 39 above.

<sup>61</sup> Tr. from L. Delattre, "Les femmes demeurent victimes de ségrégations sur le marché du travail", in *Le Monde*, 17 December 1997.

**Right to equal treatment in respect of work of equal value:**

When a woman produces work of equal value to that of her male counterpart, she must not be treated less fairly than he. Under such circumstances she must enjoy the same remuneration, the same terms of employment, the same grading and the same advantages as her male colleague.

**Right to the same social security benefits:**

**As** a consequence of their right to equal pay, women workers have the same rights **as** male workers to social security benefits.

**Right to safe working conditions:**

On the same basis **as** men, women have the right to pursue their occupation in the safest possible conditions.

European Directive 92/85/EEC<sup>62</sup> strengthens the rights of pregnant workers and workers who have recently given birth or are breastfeeding.

**No dismissal on grounds of maternity or pregnancy:**

Dismissal of an employee on grounds of pregnancy or maternity is a punishable offence in every Member State of the European Union.

**No dismissal on grounds of marital status:**

The same applies to dismissal on grounds of marital status. No employer may dismiss a woman employee for reasons based on her marital status or because of a change in her marital status during the period of her employment.

**Right to paid maternity leave:**

**All** women workers in the European Union are entitled to paid maternity leave, ranging from **14** weeks in **Germany** and *Portugal* to five months in *Italy*. It should be noted that *Denmark* and *Sweden* provide extensive paid leave which may be taken by either parent, although one portion is reserved for the mother<sup>63</sup>.

**Guaranteed retention of former employment, seniority and social allowances:**

Employers are required to guarantee the retention of the employee's job, her seniority and her social allowances. In the event of an employer being unable to guarantee the retention of the employee's **former** job, he must guarantee that she will be given a job of at least equivalent status without any decrease in pay.

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<sup>62</sup> See p. 40 above.

<sup>63</sup> ILO, "Maternity protection at work, in *World of Work*", No 24, April 1998.

### **Development of social services to enable parents to combine family obligations with work responsibilities:**

From rapid growth in the number of creches to the adjustment of working hours, from the development of homeworking **breastfeeding** in the workplace, considerable efforts are being made throughout Europe to enable parents to combine family obligations with work responsibilities. In spite of these efforts, there is a rising unsatisfied demand for these facilities, especially for childminding services during working hours, which is a result of the growing number of young mothers who wish to remain in employment.

While we are examining this subject, let us mention an interesting initiative launched in *Italy*, namely the creation of 'time banks' **administered** by women, which, through exchanges of skills and services, has contributed to the development of mutual assistance between families, particularly with regard to **childcare**.<sup>64</sup> In fact, by registering the services offered and requested by each of the participating women, the 'time bank' has allowed a mother who works as a teacher, for example, to give some hours of *extratuition* in return for a number of hours of childminding or housework, which ultimately enabled her to devote more of her free time to her family and/or to resume or continue her career on more favourable terms.

### **Protection of pregnant women employed on potentially harmful work**

In all countries of the European Union, pregnant women are protected from hazardous work. If need be, the employer must transfer the pregnant woman to less arduous and non-hazardous work for the entire period of her pregnancy.

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<sup>64</sup> Second **periodic report** by Italy on the implementation of CEDAW, 14 March 1994.

<b>WORKING LIFE</b>	<b>A</b>	<b>B</b>	<b>D</b>	<b>DK</b>	<b>E</b>	<b>EL</b>	<b>F</b>	<b>FIN</b>	<b>I</b>	<b>IRL</b>	<b>L</b>	<b>NL</b>	<b>P</b>	<b>S</b>	<b>UK</b>
Right to work (as an inalienable right of all human beings)	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Right to the same employment opportunities	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Same selection criteria for the same job	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Right to promotion on the basis of identical criteria	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Right to basic and advanced vocational training	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Right to equal pay for work of equal value	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Right to equal treatment in respect of work of equal value	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Right to the same social security benefits	x	x		x			x	x			x	x		x	x
Right to safe working conditions	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Dismissal on grounds of maternity or pregnancy is illegal	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Dismissal on grounds of marital status is illegal	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Right to paid maternity leave	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Guaranteed retention of job on return from leave	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Guaranteed assignment to an equivalent job on return from leave	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Guaranteed retention of seniority and social allowances	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Development of social services to enable parents to combine family obligations with work responsibilities	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Protection of pregnant women from harmful work	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
x: yes                      N: no                      Blank box: information unavailable at time of going to press															

## **5.9. Political and public life**

In all countries of the European Union, women enjoy the fundamental political rights: they are entitled to vote in all elections and are eligible for all publicly elected bodies, yet they are conspicuously underrepresented in government bodies and representative assemblies.

Likewise, although women are entitled to play a direct role in the formulation and implementation of government policies, fewer of them actually do so.

Moreover, women are entitled to hold public office and to exercise all national and international public functions and are subject to the same selection criteria as their male counterparts. Nevertheless, women are noticeably underrepresented in posts at secretary and assistant secretary level. Even though women are being appointed in increasing numbers to senior administrative posts, they are still outnumbered by men in that category, whether in the home civil service or the diplomatic service.

### **Right to vote in all elections and eligibility for all publicly elected bodies:**

Whether women's right to vote is guaranteed by the national constitution or by an electoral law, all female citizens of the European Union are entitled to vote in all elections (communal, regional and national elections). Similarly, women are eligible for all publicly elected bodies.

### **Access to all public functions at all levels:**

In **Denmark, France** and *Luxembourg*, women are equal before the law in terms of the conditions for access to public functions, and the recruitment system is based on an examination in which the markers are unaware of the candidate's identity.

### **Access to all representative functions abroad:**

In **Denmark, France** and *Luxembourg*, women have equal access to posts and senior positions in the foreign ministry. In principle, they therefore have the same rights as their male colleagues to pursue a career in the diplomatic service and to represent their country abroad. They are also playing an increasingly important part in the work of the international organisations.

### **Access to all the armed forces:**

In **Denmark** and **France**, there is no compulsory conscription of women. However, they are legally entitled to serve in all military units, with the exception of the French Foreign Legion. However, as was observed above, the higher the post in the chain of command, the less likely it is to be filled by a woman.

### **Encouragement of the promotion of women to senior posts:**

Aware of the implications of equal representation of women and men at all levels of political and public life, the governments of the Member States have had no hesitation in developing programmes or policies designed to promote women to posts traditionally occupied by men. The results of these initiatives have been generally satisfactory, with increasing numbers of women ministers, diplomats, officers, etc., even though women remain underrepresented at the top of the various hierarchical structures.

Noting the persistence of sexist prejudices in its Ministry of Foreign Affairs, *Denmark* launched an action plan at the end of **1993**, entitled *Equality in Foreign Affairs by the Year 2000?*, the purpose of which to change the attitudes and habits of all categories of personnel, including those in the senior echelons.

**Increasing awareness among young people through the school curriculum:**

Another approach used by the public authorities to promote women's access to posts in politics and public administration is that of increasing awareness among young people through the school curriculum and school activities. Indeed, for several years now efforts have been made to alter the image of women in school curricula by showing them engaged in the performance of tasks that have traditionally been reserved for men. In addition, through the provision of information, girls are being encouraged to opt for jobs in which a high degree of responsibility is exercised, to go in for managerial careers and to put themselves forward for prestigious civil-service entrance examinations, etc.

POLITICAL AND PUBLIC LIFE	A	B	D	DK	E	EL	F	FIN	I	IRL	L	NL	P	S	UK
Right to vote in all elections	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Eligibility for all publicly elected bodies	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Access to all public functions at all levels	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Access to all representative functions abroad	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Eligibility to participate in the work of international organisations	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Access to all posts in the armed forces	Res.	x	Res.	x	x		x	x	x				x	x	x
Encouragement for the promotion of women to senior posts	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Increasing awareness among young people through the school curriculum				x			x				x				
<p>x: yes N: no      <b>Blank box: information unavailable at the time of going to press</b></p> <p>Res.:the State in question formulated a reservation on this point</p>															

## 5.10. Economic and social life

### Equal rights to bank loans, mortgages and other forms of financial credit:

Women have the same **rights** as men when it comes to taking out bank loans, mortgages and other forms of financial credit. In practice, it is observable that women are asked for more guarantees for a loan of the same type and amount, particularly a guarantee from their spouse. Credit applications from women are also more frequently refused than those from men.

### Equal access and conditions to Sporting, recreational and cultural activities:

Although more boys than girls actually take part in sporting activities, access to recreational activities, sports and all aspects of cultural life is open to all on equal terms.

<b>ECONOMIC AND SOCIAL LIFE</b>	<b>A</b>	<b>B</b>	<b>D</b>	<b>DK</b>	<b>E</b>	<b>EL</b>	<b>F</b>	<b>FIN</b>	<b>I</b>	<b>IRI</b>	<b>L</b>	<b>NL</b>	<b>P</b>	<b>S</b>	<b>UK</b>
Equal right to bank loans	X	X	X	X		X	X			X	X	X		X	X
Equal right to mortgages	X	X	X	X		X	X			X	X	X		X	X
Equal right to financial credit	X	X	X	X		X	X			X	X	X		X	X
Access on equal terms to participation in sports	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Access on equal terms to participation in recreational activities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Access on equal terms to participation in cultural life	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
X: yes                      N: no <b>Blank box:</b> information <b>unavailable at time of going to press</b>															

## 5.11. Matrimonial and family law

### Same right to enter into marriage:

Men and women in the European Union have the same right to enter into marriage, the only exception being in *Luxembourg*, where a woman may not remarry within three hundred days of her husband's death or of the date of her divorce unless she goes into labour within that period.

### Right to choose a spouse freely and to marry with free and full consent:

In law, women and men have the **right** freely to choose a spouse, and both partners must give their free and full consent to the marriage. It should be noted that, in the *United Kingdom*, the Matrimonial **Causes Act** does not prohibit arranged marriages. However, by virtue of section 12(c)

of the **Act** of 1950, a marriage is declared null and void if one party has not given his or her free and full consent, whether that party agreed to marriage under duress, mistook the nature of the ceremony or was of unsound mind at the time of the ceremony. Such a marriage cannot be annulled on delivery of a decree absolute but will be treated as if the marriage tie had subsisted until that point<sup>65</sup>.

**Same rights and responsibilities during marriage and at its dissolution:**

In law, men and women have the same rights and responsibilities during marriage and in the event of its dissolution.

**Right to decide freely on the spacing of births:**

Every woman **has** the right to decide whether she wishes to have children and, if **so**, on the number and spacing of births. Any social or family pressure designed to obstruct the exercise of that right must be regarded as a curtailment of the woman's freedom.

**Same right to decide on the education of Children:**

Decisions regarding the upbringing and education of children must be taken jointly by their father and mother, except in the case where a court order has assigned this right entirely to one parent.

**Same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children:**

In principle, men and women have the same rights and responsibilities with regard to the guardianship, wardship, trusteeship and adoption of children. However, as far as trusteeship in the event of separation or divorce is concerned, there **is** an observable tendency in most countries of the European Union to grant custody of children to their mother, although the number of fathers who obtain custody has been increasing over the past few years.

**Same personal rights as husband and wife:**

Wives enjoy the same personal rights **as** their husbands. Among these personal rights are the right to choose freely whether or not to pursue a profession or occupation, the right to hold public **office**, the right to change their nationality, the right to take out a loan in their own name without their husband's consent, the right to choose their religion, etc. In other words, a wife can now make most decisions without having **to** seek her husband's approval.

**Same right to choose a family name:**

A wife may keep her maiden name if she wishes. **As** far as the children's surname is concerned, it is **customary** in most countries of the European Union for the father's surname to take precedence over that of the mother.

**Same rights in respect of the ownership, acquisition, administration and enjoyment of property:** Women have the same rights as men to own, acquire and administer property and to enjoy its benefits.

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<sup>65</sup> Third **periodic report** by the United Kingdom to the Committee on the Elimination of All Forms of Discrimination against Women, 31 July 1995.

<b>MATRIMONIAL LAW</b>	<b>A</b>	<b>B</b>	<b>D</b>	<b>DK</b>	<b>E</b>	<b>EL</b>	<b>F</b>	<b>FIN</b>	<b>I</b>	<b>IRL</b>	<b>L</b>	<b>NL</b>	<b>P</b>	<b>S</b>	<b>UI</b>
Same right to enter into marriage	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Same right to choose a spouse freely	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Right to enter into marriage only by free and full consent	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Same rights and responsibilities during marriage	x	x	x	x	x	x	x	x	x		x		x	x	
Same rights and responsibilities in the event of dissolution	x	x	x	x	x	x	x	x	x		x		x	x	N
Same parental rights and responsibilities	x	x	x	x	x	x	x	x	x		x		x	x	x
Right to decide freely on the spacing of births	x	x	x	x	x	x	x	x	x		x		x	x	
Same right to decide on children's education	x	x	x	x	x	x	x	x	x		x		x	x	
Same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children	x	x	x	x		x	x		x		x		x	x	x
Same personal rights as husband and wife	x	x	x	x	x	x	x	x	x		x		x	x	
Same right to choose a family name	x	N	x	x	x	x	x	x	x		x		x	x	x
Same right to the ownership, acquisition, administration and enjoyment of property	x	x	x	x	x	x	x	x	x		x		x	x	
Betrothal and marriage of a child has no legal effect	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
x: yes      N: no <b>Blank box: information unavailable at time of going to press</b>															

## 5.12. Rural women

The particular problems faced by rural women do not lend themselves to the production of a summarised table showing the remedies adopted by each Member State. In fact, since these problems vary from one **country** to another, they have been treated differently, on a case-by-case basis, by the governments of the European Union.

It is possible, however, to identify certain similarities between the situations in the various countries which **can** serve as the basis for reflection and the development of joint initiatives.

The first factor we should examine is the position of *fanners' spouses*. Many efforts have been made over the past **20** years to find some way of recognising the economic contribution of the work performed by the wife of a farmer. Proceeding from the premise that a farmer's wife does **as** much work **as** her husband on the farm, the social security systems, especially the invalidity and retirement pension schemes, have been reformed to give farmers' spouses their own independent status.

The equivalent of maternity leave is granted in some countries. This allows the farmer's wife (especially in the **case** of a family farm where the wife's work accounts for 50% of the total labour input) to interrupt her work without jeopardising the economic survival of the household. In addition, it is sometimes possible, **as** in **France**, to obtain a maternity replacement allowance which enables the farmer to employ a farmhand to replace his wife during her maternity leave.

The second factor relates to *women farmers*. Women are encouraged to start up their own farming businesses through a programme of supplementary training, focusing primarily on business management and new technology. Moreover, since it is often more **difficult** for a woman to gain the confidence of bankers, financial assistance is available to support agricultural initiatives launched by women.

The third factor has to do with the fact that the *qualification levels* of women in rural areas, although they have tended to rise in recent years, remain below those of urban women. To that end, literacy courses, training sessions, intensive practical courses and other specific educational facilities have been established. These facilities take account of the daily routine of rural women, particularly farmers' spouses, and can introduce them to new activities such as rural tourism, farmhouse restaurants and B&Bs, etc., which could be a source of extra income for the farming business.

Finally, at the grass-roots level, local, **county** and regional authorities support economic, social and cultural initiatives designed to provide rural women with easier access to family-planning and health services, to encourage greater participation by women in the public life of their local communities or to create a civic fabric and self-help networks.

## **6. Conclusion**

Although the issue of women's rights seems to have generated a great deal of debate in recent years, some of the legislative and other instruments which could serve as the legal basis for measures in favour of women and of **equal** opportunities have actually been in force for a very long time.

**Since** the adoption of the Convention on the Elimination of All Forms **of** Discrimination against Women, a great deal **of** progress **has** been achieved. Women have gradually been taking their place alongside men in public life, in business and in the cultural world. Women have been appointed to leading positions in government departments and major companies. Legislation on matters such as maternity protection, assistance for one-parent families and the elimination of sex discrimination, especially in the workplace, has developed by leaps and bounds.

Be that **as** it may, there is *still* a long way to go before this legal equality between men and women becomes *de facto* equality, before it becomes an everyday reality. Much remains to be done, especially in the domain of information. While the legal framework exists and supports the actions of women, they are often largely unfamiliar with it. Few women know the laws that protect them or promote their interests. And too few of them ever have recourse to those laws.

And so, even though numerous efforts have been made, especially in the field of education, where stereotyped concepts of the roles **of** boys and girls have been eliminated in favour of a coeducational approach to the problems of society, it remains a fact that stereotyped social, **cultural** and behavioural models persist. The eradication of these models could represent a major challenge at the dawn of the third millennium.



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## **Annexes**

### ***Annex 1: CONVENTION ON THE POLITICAL RIGHTS OF WOMEN***

Articles I, II and III

#### ***Article I***

Women shall be entitled to vote in all elections on equal terms with men, without any discrimination.

#### ***Article II***

Women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination.

#### ***Article III***

Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.

### ***Annex 2: CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN***

Articles 2 to 16

#### ***Article 2***

The States Parties condemn discrimination against women in all its forms, agree to pursue, by all appropriate means and without delay, a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national Constitutions or other appropriate legislation if not yet incorporated therein, and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

- (f) To take all appropriate measures, including legislation, to **modify** or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal **all** national penal provisions which constitute discrimination against women.

*Article 3*

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

*Article 4*

1. Adoption by States Parties of temporary special measures aimed at accelerating *de facto* equality between men and women shall not be considered discrimination as defined in this Convention, but shall in no way entail, as a consequence, the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity, shall not be considered discriminatory.

*Article 5*

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

*Article 6*

States Parties shall take all appropriate measures, including legislation, to suppress all **forms** of traffic in women and exploitation of prostitution of women.

*Article 7*

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

#### *Article 8*

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

#### *Article 9*

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

#### *Article 10*

States Parties *shall* take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

- (g) The same opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

*Article 11*

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
  - (a) The right to work as an inalienable right of all human beings;
  - (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
  - (c) The right to **free** choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and current retraining;
  - (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
  - (e) The right to social security, particularly in cases **of** retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
  - (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
2. In order to prevent discrimination against women on the grounds of marriage **or** maternity and to ensure their effective right to work, States Parties shall take all appropriate measures:
  - (a) To prohibit, subject to the imposition **of** sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
  - (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
  - (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of childcare facilities;

- (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.
3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

#### *Article 12*

1. States Parties **shall** take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 above, States Parties shall ensure to women appropriate services in connexion with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

#### *Article 13*

States Parties *shall* take all appropriate measures to eliminate discrimination against women in other **areas** of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, in sports and in all aspects of cultural life.

#### *Article 14*

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which they play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
  - (a) To participate in the elaboration and implementation of development planning at all levels;
  - (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
  - (c)** To benefit directly from social security programmes;
  - (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as the benefit of all community and extension services, *inter alia*, in order to increase their technical proficiency;

- (e) To **organize** self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;
- (f) To participate in all community activities;
- (g) To have **access** to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

#### *Article 15*

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. They shall in particular give women equal rights to conclude contracts and to administer property and treat them equally in all stages of procedure in courts and tribunals.
3. States Parties **agree** that all contracts and other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties **shall** accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

#### *Article 16*

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
  - (a) The same right to enter into marriage;
  - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
  - (c) The same rights and responsibilities during marriage and at its dissolution;
  - (d) The same rights and responsibilities **as** parents, irrespective of their marital status, in matters relating to their children. In all cases the interests of the children shall be paramount;
  - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
  - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption **of** children, or similar institutions where these concepts exist in national legislation. In all cases the interest of the children shall be paramount;

- (g) The same personal rights as husband and wife, including the right to choose a **family** name, a profession and an occupation;
  - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
- 2.** The betrothal and the marriage of a child shall have no legal effect and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

**Annex 3: RESOLUTIONS ADOPTED BY THE EUROPEAN PARLIAMENT**

<b>VIOLENCE AND VIOLATION OF WOMEN'S RIGHTS</b>	
Resolution on violence against women	OJ C 176 of 14.7.1986, page 73
Resolution on trade in women	OJ C 268 of 4.10.1993, page 141
Resolution on violations of the freedoms and fundamental rights of women	OJ C 205 of 25.7.1994, page 489
Resolution on the violation of women's rights	OJ C 115 of 14.4.1997, page 172 B4-0201, 0249 and 0259/97
Resolution on the need to establish a European Union-wide campaign for zero tolerance of violence against women	OJ C 304 of 6.10.1997, page 55 A4-0250/97
Resolution on International Women's Day and the violation of women's rights	OJ C 104 of 6.4.1998, page 137 B4-0293, 0294, 0304, 0309,0314 and 0315/98
Legislative resolution embodying Parliament's opinion on the amended proposal for a European Parliament and Council Decision adopting a programme of Community action (the DAPHNE Programme) (2000-2004) on measures aimed at preventing violence against children, young persons and women (COM(99)0082-C4-0099/99-98/0192(COD))	Minutes of the sitting of 16.4.1999, pages 13 to 19 A4-0188/99

<b>DISCRIMINATION ON GROUNDS OF SEX</b>	
Resolution on the exploitation of prostitution and the traffic in human beings	OJ C 120 of 16.5.1989 page 352 A2-0052/89
Legislative resolution embodying Parliament's opinion on the proposal for a Council Directive on the burden of proof in cases of discrimination based on sex (COM(96)0340-C4-0539/96-96/0196(PRT))	OJ C 132 of 28.4.1997, page 215 A4-0115/97
Resolution on discrimination against women in advertising	OJ C 304 of 6.10.1997, page 60 A4-0258/97
Decision on the common position adopted by the Council with a view to the adoption of a Council Directive on the burden of proof in cases of discrimination based on sex (C4-0441/97-96/0196(SYN))	OJ C 358 of 24.11.1997, page 25 A4-0326/97
Resolution on the Communication from the Commission to the Council and the European Parliament on trafficking in women for the purpose of sexual exploitation (COM(96)0567-C4-0638/96)	OJ C 014 of 19.1.1998, page 39 A4-0372/97
Proposal for a Council Directive on the extension of Directive 97/80/EC on the burden of proof in cases of discrimination based on sex to the United Kingdom of Great Britain and Northern Ireland (COM(98)0084-C40186/98-98/0066(CNS))	OJ C 123 of 22.4.1998, page 14

<b>EQUALITY BETWEEN MEN AND WOMEN IN THE DOMAIN OF SOCIAL SECURITY</b>	
Legislative resolution embodying Parliament's opinion on the Commission's proposal for a Council Directive amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes ( <b>COM(95)0186-C4-0422/95-95/0117(CNS)</b> )	OJ C 362 of 2.12.1996, page 28 A4-0256/96
Proposal for a Council Regulation amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 ( <b>COM(96)0452-C4-0543/96-96/0227(CNS)</b> )	OJ C 182 of 16.6.1997, page 58 A4-0118/97

<b>EQUALITY BETWEEN MEN AND WOMEN IN THE DOMAIN OF HEALTH CARE</b>	
Decision on the joint text approved by the Conciliation Committee for a European Parliament and Council Decision adopting a programme of Community action on health monitoring within the framework for action in the field of public health ( <del>97-2001</del> ) ( <b>C4-0204/97-95/0238(COD)</b> )	OJ C 200 of 30.6.1997, page 26 A4-0202/97
Legislative resolution embodying Parliament's opinion on the proposal for a Council Regulation amending Council Regulation (EEC) No 302/93 establishing a European Monitoring Centre for Drugs and Drug Addiction ( <b>COM(97)0489-C4-0606/97-97/0259</b> (CNS))	OJ C 104 of 6.4.1998, page 52
Legislative resolution embodying Parliament's opinion on the proposal for a Council Regulation amending Council Regulation (EEC) No 2062/94 establishing a European Agency for Safety and Health at ( <b>COM(97)0489-C4-0605/97-97/0258(CNS)</b> )	OJ C 104 of 6.4.1998, page 50 A4-0035/98-04
Resolution on the report from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the state of women's health in the European Community ( <b>COM(97)0224-C4-0333/97</b> )	Minutes of the sitting of 9.3.1999 pages 64 to 69 A4-0029199

<b>EQUALITY BETWEEN MEN AND WOMEN AT WORK</b>	
Resolution on the Commission proposal for a Council Directive on the framework agreement concluded by UNICE, CEEP and the ETUC on parental leave (COM(96)0026-C4-0138/96)	OJ C 096 of 1.4.1996, page 284 A4-0064/96
Legislative resolution embodying Parliament's opinion on the amended proposal for a Council Regulation (Euratom, ECSC, EEC) amending the Staff Regulations of Officials and Conditions of Employment of Other Servants of the European Communities in respect of equal treatment of men and women (COM(96)0077-C4-0565/96-00/0904(CNS)) (COM(93/106final)	OJ C 144 of 16.5.1996, page 14 OJ C 104 of 15.4.1993, page 13
Legislative resolution embodying Parliament's opinion on the proposal for a Council Recommendation on the balanced participation of women and men in decision-making (COM(95)0593-C4-0081/96-95/0308(CNS))	OJ C 166 of 10.06.1996, page 269 A4-0149196
Resolution on the implementation of equal opportunities for men and women in the civil service	DJ C 362 of 2.12.1996, page 337 A4-0283/96
Council Recommendation of 2 December 1996 on the balanced participation of women and men in the decision-making process	DJ L 319 of 10.12.1996, pages 11 to 15
Legislative resolution embodying Parliament's opinion on the Commission's proposal for a Council Directive amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes (COM(95)0186-C4-0422/95-95/0117(CNS))	DJ C 362 of 2.12.1996, page 28 A4-0256/96
Legislative resolution embodying Parliament's opinion on the amended proposal for a Council Regulation (Euratom, ECSC, EEC) amending the Staff Regulations of Officials and Conditions of Employment of Other Servants of the European Communities in respect of equal treatment of men and women (COM(96)0007-C4-0565/96-00/0904(CNS))	OJ C 085 of 17.3.1997 page 128 A4-0046197
Resolution on the Commission communication - A code of practice on the implementation of equal pay for work of equal value for women and men (COM(96)0336-C4-0460/96)	OJ C 200 of 30.6.1997, page 193 A4-0143197
Resolution on the Commission Communication - Incorporating equal opportunities for women and men into all Community policies and activities - "mainstreaming" (COM(96)0067-C4-0148/96)	OJ C 304 of 6.10.1997, page 50 A4-0251/97
Resolution on the Annual Report from the Commission: Equal opportunities for women and men in the European Union 1996 (COM(96)0650-C4-0084/97)	OJ C 304 of 6.10.1997, page 45 A4-0257/97
Resolution on the Commission proposal for a Council Directive concerning the framework agreement on part-time work concluded by UNICE, CEEP and the ETUC (COM(97)0392-C4-0551/97-97/0221(PRT))	OJ C 371 of 8.12.1997, page 60 A4-0352/97

<p>Proposal for a Council Directive extending Council Directive 96/34/EC of 3 June 1996, on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC, to the United Kingdom of Great Britain and Northern Ireland (COM(97)0457-C4-0521/97-97/0239(CNS))</p>	<p>OJ C 335 of 6.11.1997, page 12 A4-0251197</p>
<p>Proposal for a Council Directive on the extension of Council Directive 97/81/EC of 15 December 1997, on the framework agreement on part-time work concluded by UNICE, CEEP and the ETUC, to the United Kingdom of Great Britain and Northern Ireland (COM(98)0084-C4-172/98-98/0065(CNS))</p>	<p>OJ C 123 of 22.4.1998, page 13 C4-0172/98</p>
<p>Legislative resolution embodying the opinion of the European Parliament on the proposal for a Council Directive amending Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (COM(96)0093-C4-0317/96-96/0095(CNS))</p>	<p>Minutes of the sitting of 9.3.1999, page 62 A4-0038/99</p>
<p>Resolution on the progress report from the Commission of the follow-up of the Communication "Incorporating equal opportunities for women and men into all Community policies and activities" (COM(98)0122-C4-0234/98)</p>	<p>Minutes of the sitting of 9.3.1999, pages 70 to 73 A4-0072/99</p>

