

**BULLETIN 27**  
**Brussels, 06 May 2004**

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**NEWS ON IGC<sup>1</sup>**

**Irish Presidency presents new discussion document on Constitution**

The Irish Presidency has presented a document feeding into a meeting of senior officials on 4 May in order to push forward the discussion on the Constitution. As we reported in our last bulletins, the Heads of State have committed themselves to conclude the debate on the Constitution no later than by their next Summit on 17 and 18 June. The next IGC meeting on ministerial level is due on 17 and 18 May with an additional meeting on 24 May if needed. The now proposed text is aimed to prepare a common ground for the final discussions as the Irish Taoiseach Bertie Ahern wants as few points as possible to remain for the supposedly last IGC meeting in June.

The Presidency stresses that this document ([CIG 73/04](#)) is "purely a working document" and not to be seen as a "fresh overall Presidency proposal". Therefore it does not propose new aspects on issues such as the scope of Qualified Majority Vote (except for Foreign Direct In-

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<sup>1</sup> Information mostly from Agence Europe, EU observer, euractive and official European Union information websites.

vestment where unanimity is extended) but raises nevertheless some new elements. It is based on the post Naples documents ([CIG 60/03, Add1](#)).

- **Christianity:** Ahern presumes that preamble will remain unchanged in this regard, i.e. referring to “religious values” but not to God explicitly.
- The values article I-2: There is still the reference to the “**respect of rights of persons belonging to minorities**” and “**the principle of equality between men and women**” with slightly changed wording.
- Introduction of an explicit **mention of the principle of equality of the Member States before the Constitution** (I-5).
- The preamble of the **Charter of Fundamental Rights** remains unchanged (and, thus, refers to “national traditions” when it comes to the interpretation of Fundamental Rights).
- To **article I-46** on participatory democracy is added that European law will determine the **minimum number of Member States** from which the signatures have to come from.
- The articles on the Foreign minister are slightly changed, clarifying his or her responsibility “**to ensure the consistency of the Union’s external action**” (I-27) and his power of initiative of a European decision by the Council on the organization and the functioning of the **European External Action Service**.
- The text proposed that the recourse to European law for the establishment of EU penalties shall only apply for within the framework of the prevention and the fight “**against terrorism and related activities**” whereas it was much more general before. (III-49).
- The EP’s powers for a decision on the next structural funds and cohesion funds are cut, going back from co-decision to consultation (III-119).
- The **social clause** (III-2a) and the provisions on social policy (III-107) remain untouched.
- The provisions on **public health** include a Union’s competence in monitoring and early warning when it comes to serious threats to health affecting more than one Member State and mention explicitly the fight against tobacco and alcohol abuse.
- In a comment to article IV-7b the Irish Presidency suggest considering the need of **consent of the European Parliament in order to amend internal polices** (Title III of Part III of the Constitution).
- The accession of the EU to the European Convention for the Protection of Human Rights (I-7) is maintained as goal (the Union

- “shall accede”), and is now **accompanied by a specific protocol** “meeting the concerns of some Member States”.
- The provisions on **Animal Welfare** are maintained (III-5a).

The last lap of the Constitutional debate will obviously be more than ever a diplomatic one: In a press release following the meeting of the senior officials on 4 May in Dublin, Bertie Ahern stated that some progress has been made but that he won't speak out publicly on issues still at stake until his next report to European Summit in June. He will endeavour a second capital tour during the next 5 weeks visiting each Member State in order to proceed on the Constitutional talks. What has been repeatedly reported as still contentious elements are mostly institutional questions, such as the voting system in the Council, the number of Commissioners or the minimum number of seats in the European Parliament. On the other issues we have to rely on hearsay and rather on assumptions than on secured information about the process of discussions as the above-mentioned document does not really touch on the sensitive issues. Ahern repeats that he calls on national governments not to raise any new issues in the debate but that nothing is agreed until everything is agreed.

**In order to find out at which state discussions are you might want to contact your national Permanent Representatives or ministries.**

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### **The act4europe campaign**

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#### **European Women's Lobby campaign on equality between women and men as European Value**

The EWL has sent out a letter today to the Foreign ministers urging them for a re-drafting of Article I-2 on the Union's values:

#### **GENDER EQUALITY IS A CORE VALUE OF THE EU!**

**A European Constitution for the 21<sup>st</sup> Century absolutely must include “equality between women and men” stated explicitly in the first sentence of the Values article.**

This is the text that EWL wants approved for the Values, Article 2 of the future European Constitutional Treaty:

*"The Union is founded on the values of respect for human dignity, liberty, democracy, equality, **including equality between women and men**, the rule of law and respect for human rights, including the rights of persons belonging to minority groups. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice and solidarity prevail."*

Considering the commitment of the Brussels European Council to reach an agreement on the European Constitutional Treaty by June 2004, and regarding Article 1-2, the Values:

The Constitutional Treaty sets out the fundamental values of the European Union; **Equality between women and men must be clearly stated as a core value** in order to ensure elimination of gender inequality and to ensure the full realisation by all women of their human rights.

The use of the universal term "equality" is insufficient to guarantee gender equality. This is why international treaties and a growing number of member states' Constitutions guarantee gender equality. "Equality between women and men" as a concept has proven fundamental in developing policies in support of gender equality both at European level, in EU Member States and in international instruments.

Equality between women and men in the first line of the values article would, *inter alia*, become an explicit criterion for the eligibility for Union membership (As stated in the draft Constitutional Treaty under Title IX: Union Membership); its violation may, under the conditions of Title IX, lead to a suspension of Union membership rights.

**The latest version of the Values article that Member States are commenting upon:**

**Article I-2** *"The Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights, **including the rights of persons belonging to minority groups**. These values are common to the Member States in a society **in which** pluralism, **non-discrimination**, tolerance, justice, solidarity and **the principle of equality between women and men prevail**."*

**The text that is currently circulating on the values Article 2 is NOT acceptable as equality between women and men is a RIGHT not a principle.** Tolerance, justice and solidarity all are abstract terms, that express a vision or a value rather than concrete legal rights. Democracy, the rule of law and the respect for human rights, however, are all tied to specific and specified legal rights. Besides the relevant articles in the Treaty, equality between men and women has been expressed in a number of directives and it entails specific legal rights. Consequently, it is more logical to place "equality between women and men" next to "equality" in the first sentence.

## **The European Parliament's election website**

The European Parliament has launched an [own website](#) on the European Parliament elections. This site is quite useful as it contains some updated data on national candidates standing for the elections in June 2004. We will update our data in the EP elections toolkit with this regard. Please do let us know if you have further information on candidates in your country that you do not find in our contact list.