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International Women's Day

Women and the European Constitution

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The European Constitution has particularly negative impacts on women. In the Spanish state, where the first referendum on the Constitution took place last month, women met in January and elaborated many of these attacks in order to strengthen women's participation in the No campaign. Similarly, the women's group of ATTAC France is working to mobilise in what will be a much more closely fought campaign.

Women and the European Constitution

(a new framework to consolidate old inequalities)

January 2005 - FEMINIST ASSEMBLY OF MADRID

[<https://internationalviewpoint.org/IMG/jpg/spanishno.jpg>]

The first thing that merits our attention in the document that is proposed as the European Constitution is the insistence on attributing this project to the will of the citizens. It is as if we had all occupied the streets to demand a Constitution from our rulers.

Nothing is further from reality. The Constitutional Treaty is not the fruit of a democratic and constituent process, but rather responds to the interests of the elites of European productive and financial capital. These interests have, moreover, been linked to the European Project since its birth. This is even more the case now that the Constitution promotes the legal adoption (and deepening) of the neo-liberal economic framework that is especially harmful to women. This constitution will also be practically impossible to reform (Art. IV-443) and political changes that could take place in a member state of the EU could not alter its framework, even if adopted by popular will (Art. I-5)

Beyond the rhetoric that is used, the policies that the Constitution tries to legitimate, represent for women the increasing insecurity of living conditions, a drastic curtailment of liberties, the deepening of inequalities and a guarantee of continuity of patriarchal social organization. This manifests itself in various aspects that we will now develop.

Increasing insecurity of living conditions

The European Constitution (EC) recognizes that people have "the freedom to seek employment, to work" (Art. II-75). On the one hand this formulation ignores the fact that women do not have access to employment in a situation of equality with respect to men. On the other it ignores all the domestic labour and care work that they do, almost exclusively, and the importance of the carrying out of these tasks, since they are absolutely necessary for the functioning of society.

As far as (wage-earning) work is concerned the numbers speak for themselves. Within the EU women constitute the group that is most likely to be unemployed, undertake insecure work and to have low wages. It could be said that in Europe poverty and social exclusion are fundamentally feminine. However the Constitution does not consider changing this situation as a high-priority objective, although it affects at least half of the population.

Rather it aggravates it, because besides strengthening the sexual division of labour that has historically existed in the EU, the social cuts that derive from its application will destroy jobs in the public sector to which women have greater access.

The Constitution also recognizes an "open market economy with free competition" (Art. III-177 and 178). The door is thus opened to privatization of the public services, which are referred to as "services of general economic interest" (Art. III-122). This supposes that the systems of social protection and services like pensions, education and health, will function under the logic of private profit.

Access to these services will depend therefore on spending power and will lose its universal character. The state will have nothing to do with groups with lesser access to money, among them women, leaving them to their fate in the jungle of competitiveness. In addition the increase in military expenditure anticipated in the Constitution (Art. I-41.3) will contribute to greater cuts in social expenditure.

Nevertheless the vacuum created by the lack of social protection will not eliminate necessities and, these will continue to have to be covered (people will continue being born, aging and becoming ill). This work will increasingly fall to families. So it is not unimportant that the Constitution includes "the right to marry and the right to found a family" as referents of social organization (Art. II-69).

Probably, in a not very distant future, the family nuclei will be asked to take responsibility for managing and satisfying alone the necessities that today, rightly or wrongly, are provided by the state. The logic of care and human well-being has always been in contradiction with the logic of the market. Primacy is accorded to the latter in this Constitution and the consequent cuts in social benefits will also affect women because of the role socially assigned to us inside and outside of the ambit of the family.

"Social Europe" falters

The Constitution poses a clear threat to the social rights won in Europe in recent decades. The "Welfare State" is faltering when it should be being developed. In general the policies that the Constitution includes favor a calculated regression in social terms and a form of empowering individualization in relation to more associative or communitarian structures. They also endanger the gains that the feminist movement has made in the European space, especially if we consider the real difficulties that women find in existing societies in exerting rights such as divorce and abortion.

The "formal equality" that apparently functions in the states of the Union often prevents perception of the power relation affecting women and which for example are expressed in low participation in public life, insufficient economic autonomy and the lack of social recognition of the activities that are culturally assigned to them.

One of the clearest manifestations of this reality is found in male violence. This constitutes one of the most relevant problems raised in the EU (more than 20% of women in Europe undergo some type of such mistreatment at least once in their lives). Nevertheless the Constitution does not approach the causes of this violence, in fact it treats it as domestic violence. It limits itself to considering victims, susceptible and weak subjects of support and "protectionist" measures (Declaration relative to Art. III-116).

This constitutional rhetoric about "no discrimination because of sex" is also hollow when, it rests on an increasingly militarized Europe and reinforces the family structure. If the first strengthens the values of machismo and the violent solution of conflicts, the second constitutes the framework where at present more deaths and aggressions are perpetrated against women.

In contrast to the right to marriage, the right to divorce is not recognized. But an express mention allows Malta to maintain the prohibition of abortion, even before possible modifications of the constitutional text (Protocol 7). In all the states of the Union restrictive legal measures exist in relation to abortion. But in some, like Poland or Ireland these measures make it practically impossible. Protocol 7 of the Constitution supposes in addition an ominous legal reference, an express negation of the right of women to decide on their sexuality and on maternity.

The erosion of human rights and liberties, which especially affects the more stigmatized and unprotected groups like prostitutes and women immigrants, is reinforced in the Constitution. Citizenship of the Union appears associated with the nationality of a member state (Art. I.10). This implies, for example, that an immigrant, who is not recognized as a citizen, will not have, among other rights, "freedom to seek employment". This will worsen still more the working conditions of these women in Europe (deregulated jobs involving maximum exploitation).

The freedom enjoyed by capital and commodity circulation will not be enjoyed by people. The concept of citizenship is reduced to that of voters and consumers. The most elementary rights are in danger since the Union will only adhere to the European Convention for the Protection of Human Rights and Fundamental Freedoms when it does not modify the competences of the Union as defined in the Constitution (I-9 Article). It should not be forgotten that the states will respect the principle of an economy of open market and of free competition (Article III-178). That amounts to saying we must eliminate everything that hinders the functioning of the market. We fear that feminist demands will present a hindrance to the achievement of the true objectives of the Union.

The role of the church

The threats to the rights and liberties won by women, which can be seen in the articles commented on, are seriously reinforced by the role of the Churches.

To our great surprise and stupefaction Article I.51 lays down without ambiguity that "recognizing their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches". The preamble to the rough draft already recognized the "European spiritual heritage". This is a heritage that in the history of the continent has involved a great number of deaths and tortures in the name of religious wars, Crusades and "witch hunts". In addition this article evokes for us the Franco dictatorship and the support and connivance that it obtained from the Church. According to article I-52, "the Union respects and does not prejudice the status under national law of churches". This means that the EU will not interfere in an agreement that a government has agreed with the Holy See, although this affects, for example, human rights or the rights of women.

The principle of secularism is therefore excluded from the European legal framework. On the contrary it is an attempt to institutionalize the interference of the Churches in public questions, putting them at least on the same level as the representative organizations of civil society, to be consulted on the policies of the Union (Art. I-47).

For women this runs against the right to decide on our lives, equality between the sexes, divorce, abortion, contraception (including the condom in the fight against the AIDS), the rights of homosexuals and lesbians, and means a grotesque rolling back of the liberties conquered by the feminist movement and other social movements. Also we should not forget that the strongly fundamentalist Catholic ecclesiastical hierarchy justifies without ambiguity the submission of women to men as something natural. To accept that these religious institutions are legitimized to interfere in public life is an insult to the most elementary principles of equality and secularism.

In reality, the European Constitution represents the legal norm that the European Project needs to strengthen its present position. It tries to legitimize itself "in name of the citizens of Europe" and to thus give a green light to the consolidation of a social and political system that guarantees economic profit and the accumulation of capital, all

governed by the supreme logic of competitiveness. From this point of view the stubborn defence of institutions and values that perpetuate the subordination of women to men is understandable, since this is perfectly functional to its intentions.

The European Constitution, in spite of its rhetoric, very seriously threatens the social conquests that the feminist movement has made all over Europe. The struggle of women has little by little been able to politicize the private space bursting into the arena of the public. This politicization and sharpening of conflicts that already exists in societies and families, as far as the division of labour and the right to time for enjoyment and personal development are concerned, can only deepen the rejection of this Project.

From a feminist position we call on women who live in the territory of the Union to face together this injustice which hinders the advance of the social and individual rights of women. Feminism is and has been a movement of considerable social implantation in Europe. It is ever more urgent to undertake this task and as always together we will be able to do it.

Women: ATTAC France statement

For women's rights, for equality, NO to this Europe

Those that support the European constitution argue that Europe represents an opportunity for women. But who can believe this when they see concretely how neoliberal policies implement European directives on equality between men and women?

The European neo-liberal conception of equality between men and women is one of regression!

- In the name of this equality night work has been extended to women, whereas progress would have involved restricting it for everybody, allowing it only for public service tasks where a permanent watch is socially necessary.
- In the name of this "equality" we see challenges to the pensions regime and the family allowances accorded to women as compensation (albeit insufficient) for parental tasks, 80% of which they remain responsible for!
- In the name of equality a European Directive is prepared authorising higher payments for contributions for old-age and supplementary sickness for women because they present a greater "risk" in living longer (this already exists in certain European states)!

The Constitution brings nothing new to women's rights... on the contrary:

- There are no rights to contraception, abortion, sexual orientation of one's choice, to divorce, to live without violence, or the right of asylum on the basis of violence or persecution
- The principle of secularism disappears, opening the door to the retrograde pressure of the churches
- Immigrant women will be still subject to the oppressive traditions of their country through codes of personal status

Laws and Directives imposing equality already exist. But what do they amount to in reality? The average wage of women in Europe still only represents 75% of that of men. Their rate of unemployment is higher by 2% than that of men. And these gaps are not really closing! It is necessary now to translate these laws into reality. But the

Constitution envisages no such approach - very much the contrary.

...it means the aggravation of neoliberal policies whose consequences women are already suffering!

Increases in insecurity, small jobs, and delocalisation, the challenging of social minima and public services, the development of prostitution, which is only seen as a very profitable potential market! The right to employment disappears along with the "right to a decent standard of living", which is nonetheless essential for women who make up the majority of those in insecure employment.

Only a social Europe where fundamental rights and public services will be superior values to those of competition can guarantee the rights won by women and push equality forward.