

**EWLA**

**General Assembly Resolution**

**on**

**Fundamental Rights in Europe –  
The Next Steps**

**July 5, 2008**

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**The General Assembly of the European Women Lawyers Association (EWLA), held in London, United Kingdom, on 5 July 2008, adopted the following**

## **RESOLUTION ON FUNDAMENTAL RIGHTS IN EUROPE - THE NEXT STEPS**

Having regard to

- Article 6 EU, both in the present version and in the Lisbon Treaty, as well as the case law of the ECJ, which all recognise that fundamental rights are an integral part of the Union legal order and binding as general principles of law;
- the international human rights obligations of the EU Member States, in particular under the European Convention on Human Rights, the provisions of the European Social Charter, and the Convention on the Elimination of All Forms of Discrimination against Women;
- the Charter of Fundamental Rights of the European Union;<sup>1</sup>
- the Council Recommendation on balanced participation of women and men in the decision-making process,<sup>2</sup> the Commission Decision relating to gender balance within the committees and expert groups established by it;<sup>3</sup> as well as Resolution 1489 (2006) of the Parliamentary Assembly and relevant recommendations of the Committee of Ministers of the Council of Europe;<sup>4</sup>
- the 12 contributions of EWLA to the Convention, its 3 appeals to the Intergovernmental Conference of 2004 regarding the draft Constitutional Treaty, its Resolutions on the Future of Europe of 2005 and 2006, its statement on the Reflection Period, its Resolution on the Future Constitutional Framework of the EU, its statement on the Lisbon Treaty,<sup>5</sup> and the subsequent developments;

### **EWLA emphasises**

- that the respect and effective protection of fundamental rights in Europe constitute a core value of the Union and an essential element for bringing the citizens closer to the European Union;
- that these fundamental rights encompass civil and political rights as well as economic and social rights and substantive equality between women and men;
- that Member States remain bound by these fundamental rights when acting within the scope of European Union law irrespective of whether they may have opted out of the Charter of Fundamental Rights, and that, therefore EWLA deplors that some Member States intend to make use of the opting-out option.

**For these reasons, EWLA calls upon all Union bodies, especially the European Parliament, the Council, the Commission, and the ECJ, as well as all Member States and other relevant actors**

- to treat the Charter of Fundamental Rights as a living instrument that has to be interpreted so as to maintain and enhance the *acquis communautaire*;
- To ensure the equal participation of women and men on all levels of European decision-making by
  - taking positive and effective measures in the appointment process, in particular by proposing and considering a woman and a man for each position to be filled, including the highest positions within the European Union;
  - encouraging political parties to achieve balanced representation, e.g. by alternating women and men on the lists of candidates or by quotas of no less than 50 %.

<sup>1</sup> Of 7 December 2000, [2000] O.J. C 364/1.

<sup>2</sup> Recommendation 96/694/EC of 2 December 1996, [1996] O.J. L 319/11.

<sup>3</sup> Decision 2000/407/EC of 19 July 2000, [2000] O.J. L 154/34.

<sup>4</sup> CM/Rec. (2003) 3 “Balanced participation of women and men in political and public decision-making”, of March 12, 2003, CM/Rec. (2007) 17 “Gender equality standards and mechanisms,” of November 21, 2007, PA Resolution 1489 (2006) “Mechanisms to ensure women’s participation in decision making,” of March 17, 2006.

<sup>5</sup> All available at <[www.ewla.org](http://www.ewla.org)>.