

EWLA
Statement
on
the Treaty of Lisbon

9 May 2008

Members of the Board:

Leena Linnainmaa (Finland) President
Beate Rudolf (Germany) Vice-President
Katalin Daszkalovics (Hungary) Vice-President
Herdis Thorgeirsdóttir (Iceland) Vice-President
Nicole Van Crombrugghe (Belgium) Treasurer
Judith Willis (United Kingdom) Secretary
Eva Matt (Austria)
Svetlana Ganeva (Bulgaria)
Iva Jermanová (Czech Republic)
Caroline Bommart-Forster (France)
Patrina Paparrigopoulou (Greece)

Maura Butler (Ireland)
Maria Grazia Giammarinaro (Italy)
Dace Liga Lutere-Thümmel (Latvia)
Anna Wilkowska (Poland)
Maria Eduarda Figanier de Castro (Portugal)
Zuzana Magurová (Slovakia)
Tanja Koderman Sever (Slovenia)
Belén Martín María (Spain)
Lena Svenæus (Sweden)
Regula Kägi-Diener (Switzerland)
Ingrid Westendorp (The Netherlands)

Association Internationale sans but lucratif (AISBL)

EWLA, 4 Drève des Renards, box 16, B- 1180 Bruxelles, Belgique
Tel.: ++32-2-373 09 10-, Fax: ++32-2- 375 45 25, email: info@ewla.org; www.ewla.org
Account number: 630-0236416-86 Bank: ING, Place Poelaert 1, 1000 Brussels, Belgium
Swift code:BBRUBEBB IBAN: BE78630023641686

The European Women Lawyers Association (EWLA) presents its position on the future of the European reform process on the occasion of Europe Day on 9 May 2008:

Having regard to

- the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community signed at Lisbon on 13 December 2007,¹ as well as the declarations and protocols thereto,
- and the twelve contributions of EWLA to the Convention, its three 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 "Reflection Period" on the Future of Europe (of 6 December 2005), and its Resolution on the Future of the Constitutional Framework of the European Union of 12 May 2007,² as well as the subsequent developments;

EWLA welcomes

- the signing of the Treaty of Lisbon by all EU member states, which incorporates important achievements made by the Convention that elaborated the Draft Constitutional Treaty, and which will permit the enlarged EU to function in the future;
- the intention of the EU member states to ensure the ratification of the Treaty before the elections to the European Parliament in summer 2009;
- that the Treaty meets some of EWLA's core proposals, in particular the inclusion of equality between men and women among the values of the EU (Article 2(1) and of peace, social justice, non-discrimination among its objectives (3) EU);

EWLA deplores that

- the Charter of Fundamental Rights of the EU was only incorporated into the Treaty by reference, thus rendering it less accessible to the European citizens;
- member states upheld this concession, which threatens to weaken the human rights protection in Europe, despite the fact that, by doing so, they did not meet their aim of ensuring acceptance of the Charter by all member states;
- gender equality is not listed as a horizontal objective in the General Part of the EU Treaty, but relegated to Article 8 FEU;
- the member states missed the opportunity of emphasising that improving the quality of life and employment and combating violence and trafficking in persons remain among the general objectives of the Union;
- the Treaty refers to the Charter of Fundamental Rights of the EU, as signed in Strasbourg on 12 December 2007,³ and not to the original Charter as adopted by the Convention and proclaimed in Nice on 7 December 2000;⁴

EWLA emphasises

- that the Treaty of Lisbon has to be interpreted in light of the *acquis communautaire* in fundamental rights, and that all the EU Member States are bound by the European Convention of Human Rights and the UN human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women;
- that under Article 52(7) of the Charter of Fundamental Rights (of 2007), the explanations are not binding, but merely of a guiding function, and that, in particular, they cannot be used for an interpretation that restricts the *acquis communautaire* in fundamental rights;
- that in order to enter into force, the Treaty of Lisbon has to be ratified by all member states.

Therefore, EWLA calls upon the member states and the European Commission

- to engage in a serious dialogue with civil society on the merits and the reasons for the above-listed shortcomings of the Treaty of Lisbon, so as to ensure the widest possible support of the peoples of Europe for it, irrespective of whether a referendum is necessary under national law for ratification of the Treaty;
- to bear in mind that the purpose of the European Union is an "ever closer union" of the peoples of Europe and that, consequently, the efforts to improve the European treaties must not cease with the ratification of the Treaty of Lisbon.

¹ [2007] O.J. C 306/1 of 17 December 2007.

² All available at: <www.ewla.org>.

³ [2007] O.J. C 303/1 of 14 December 2007.

⁴ [2000] O.J. C 364/1 of 18 December 2000.