

Fondé par Simone de Beauvoir & Gisèle Halimi

Choisir la cause des femmes

THE MOST FAVOURED EUROPEAN WOMAN'S CLAUSE

THE BEST OF EUROPE FOR WOMEN
By Gisèle HALIMI

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What is the association “Choisir la cause des femmes”?

The association “Choisir la cause des femmes” was created in June 1971 by several personalities, notably Simone de Beauvoir (philosopher), Jean Rostand (member of the Académie Française), Christiane Rochefort (novelist), Jacques Monod (Nobel Prize of Medicine) and Gisèle Halimi (attorney), its present Chairwoman.

Its objectives at the time were:

- Sexual education and contraception;
- The abrogation of the repressive law of 1920 forbidding abortion;
- The free defence of women sued for abortion.

1972: Choisir, during the Bobigny trial, represents Marie-Claire C., 16 years old, who aborted with the complicity of her mother, further to a rape. The mother and the daughter, both accused, were released at the end of a trial during which the attorney Gisèle Halimi made number of scientists and personalities testify, including Françoise Fabian, Simone de Beauvoir, Professor Paul Milliez, called by the defence in order to denounce the “trial of another century”. Within a few weeks, the Bobigny trial creates an irreversible public movement which will result in the amendment of the law of 1920. In 1975, the Veil law authorises abortion for a period of 5 years. Choisir presides the commission in charge of controlling the application of the law.

1974: The objectives of Choisir extend to the status of woman in society:

- The struggle against rape, physical and moral violence as well as sexist cultural schemes;
- The struggle for an equal representation of women in politics;
- The struggle for professional equality.

1980: The Aix trial allows Choisir to obtain the re-criminalisation of rape.

1983: Choisir enters the battle of the reform of the Constitution so that the notion of equality in electoral legislation may be introduced. Choisir takes the initiative of several proposals of laws and multiplies the meetings with the French President and the concerned Ministers.

1999: The revision of the Constitution is promulgated on June 28th and is followed by the law dated June 6th, 2000 implementing equality in politics. However, Choisir, remaining vigilant, deplores that only financial penalties are provided in case of non-compliance with the law on the occasion of the legislative elections.

2006: Choisir pursues its reflexion on women’s rights in Europe, initiated by Gisèle Halimi in 1979, and proposes a unique legislative status defending, at the highest level, the rights of the European women: the Most Favoured European Woman’s Clause.

Since its creation, Choisir has been expressing its positions on national and international news, through its quarterly magazine, widely diffused, especially to its European partners.

What is “the Most Favoured European Woman’s Clause”?

The Most Favoured European Woman’s Clause aims at implementing, from a comparative analysis of the women’s rights within the European Union, a legislative package including the best existing laws within the Union, applicable to its European women citizens.

How have we built the Most Favoured European Woman’s Clause?

Since September 2006, the members of *Choisir la cause des femmes*, legal advisors, attorneys, executives, unionists and professors worked in teams and set up the Most Favoured European Woman’s Clause, simultaneously pursuing three objectives: research, comparative analysis and brainstorming, networking and political meetings.

A comparative analysis of the European legislations concerning women

The analysis and comparison of the situation of women in the 27 countries of the European Union in order to define the legislative package most favourable to European women citizens were the first part of our study, which was published on May 2nd, at the *Editions des femmes*. We have first analysed the socioeconomic status of women in the 27 countries of the Union as well as the laws applying to their rights and their effective application.

We have then synthesised these information.

Five main fields appeared; they are the plan of our proposal and gather all elements of a woman’s daily life: the choice to give birth, family law, violence, work life and politics. We have collectively thought of what the legislations most favourable to women would be in these fields, in light of the associations’ testimonies and the responses to the interviews concerning the Clause, conducted with personalities of the 27 countries of the Union.

This is how the “legislative bouquet” of fourteen laws, existing and applied within the European Union, at the date of redaction of our book, was built.

Networking

The second objective of our work was the creation of a think tank concerning the Clause. Two personalities per European country, one government’s representative and a feminist, described the situation of women in their country and gave us their point of view on the Clause.

Their interviews are the second part of our study.

Political meetings and supports

At the European Commission

Mrs. Margot Wallström, Vice-Chairwoman of the European Commission; Mr. Franco Frattini, Vice-Chairman of the European Commission (from November 2004 to May 2008); Mr. Vladimir Spidla, Commissioner in charge of the social affairs, of labour and of equality; Mr. Jean-Claude Thébaud, Chairman Barroso's Chief of staff.

At the European Parliament

Mr. Joseph Daul, Chairman of the European Popular Party (EPP-ED); Mr. Martin Schulz, Chairman of the Socialist Group at the European Parliament; Mr. Graham Watson, Chairman of the Alliance of democrats and liberals for Europe (ADLE); Mr. Daniel Cohn-Bendit and Mrs. Monica Frassoni, co-Chairmen of the Greens Group; Mr. Francis Wurtz, Chairman of the European United Left (EUL-Nordic Green Left); Mr. Poul-Nyrup Rasmussen, President of the Party of European socialists, the Women's Commission; the Women Section of the Socialist Group at the European Parliament.

Program of the trio

H.E. Pavel Fischer, Ambassador of the Czech Republic in France; H.E. Gunnar Lund, Ambassador of Sweden in France.

Parliamentary Assembly of the Council of Europe (PACE)

As a guest on the occasion of the 10th anniversary of the Women's Commission of the PACE, Gisèle Halimi gave a conference on the theme of the Clause in June 2008 before this Assembly, and then met with Mrs. Maud de Boer-Buquicchio, Deputy Secretary General of the COE.

In Belgium

Mrs. Olga Zrihen, Belgian senator, introduced before the Belgian Senate, a proposal of resolution aiming at applying the Most Favoured European Woman's Clause (January 2007); Mrs. Anne-Marie Lizin, Chairwoman of the Belgian Senate.

In France

The Ministers: Mr. Bernard Kouchner, Minister of Foreign Affairs; Mr. Xavier Bertrand, Minister of Social Affairs; Mrs. Roselyne Bachelot, Minister of Health; Mr. Jean-Pierre Jouyet, State Secretary of European Affairs; Mrs. Valérie Létard, State Secretary of Solidarity; Mrs. Rama Yade, State Secretary of Human Rights.

The diplomatic services of the Elysée.

At the Assemblée Nationale, Mrs. Marie-Jo Zimmerman, Chairwoman of the Women's Commission and Chairwoman of the Observatory of Equality; Mr. Jean-Marc Ayrault, Chairman of the Socialist Group; Mr. Jean-François Copé, Chairman of the Union for a Popular Movement Group; Mr. Jean-Claude Sandrier, Chairman of the Democrat and Republican Left Group.

At the Senate, Mrs. Gisèle Gautier, Chairwoman of the Women's Commission.

The FPEU Conference: "the Most Favoured European Woman's Clause"

On the initiative of Choisir, a conference with the label of the French Presidency of the European Union will be held at the Centre des Conférences Internationales Kléber (Paris), on November 27th and 28th, 2008.

It will gather European Commissioners, Ministers, Chairmen and chairwomen of parliamentary groups, members of the European and national Parliaments, feminist associations from the 27 countries of the Union, on the theme of the Clause.

The Clause in the agenda of the FPEU

The Most Favoured European Woman's Clause is included in the agenda of the FPEU. A delegation of Choisir presided by Gisèle Halimi, is invited on November 13th, 2008 to present the Clause during the European Summit on equality in Lille, presided by Mr. Bertrand, Minister of Labour, Social affairs and Solidarity.

The “legislative bouquet” of Choisir for the European women

I. Choosing to give birth.

- Sexual education: Denmark, for sexual education at school since the youngest age.
- Contraception: the Netherlands, for the access to contraception, direct, free and at no cost.
- Abortion: Sweden, for the respect of women’s freedom, lucidity and responsibility.

II. Family: a haven of affection or a trap for women?

- Marriage: Austria, especially for the prevalence of civil marriage.
- Divorce: Spain, especially because divorce is not subject to a fault.
- Civil union: Belgium, which ensures high-level rights.
- Parental leave: Sweden, especially for the alternative parental leave.
- Parental authority: Estonia, for the implementing parental authority from parental link.

III. Violence: battered, raped, prostituted women.

- Domestic violence: Spain, for its global law.
- Rape: France, especially for the legal qualification of rape as crime.
- Prostitution: Sweden, which, by penalising the client, reaches the best result in order to limit prostitution and the trade of women and children.
- Harassment: Latvia, for its provisions in labour law and criminal law.

IV. Workplace: the economical independence of women, the ground for all liberties.

- France, for its Labour Code resulting from social practice and dialogue.

V. Politics: which democracy for women?

- Belgium, for the inscription of equality in the Constitution and its legislative system.

The Most Favoured European Woman’s Clause

Each Member State shall apply to its women citizens a legislative bouquet including the most advanced and existing laws in one or the other of the 27 countries of the Union.

These laws concern the rights specific to women in fields as the choice of their maternities, their professional and familial life, the struggle against violence and political equality.