

# V. International Gender Workshop

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## European Framework of gender issues integrated constitutionalism

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# EU Framework

## Article 2 Treaty on European Union (2008)

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

# Council of Europe Framework

## **Art. 1 Protocol No 12 (2000)**

1. The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

## UN framework

Convention on the Elimination of All Forms of Discrimination against Women Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979 entry into force 3 September 1981, in accordance with article 27(1)

### Article 5 CEDAW

- States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the **elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;**

# Issue of Gender

Council of Europe Convention on preventing and combating violence against women and domestic violence; Istanbul 11.V.2011 (2014) CETS210

## **Art. 3 Definition; c. CETS210**

“gender” shall mean the socially constructed roles, behaviors, activities and attributes that a given society considers appropriate for women and men.

# Council of Europe framework – gender

## **Art. 12 CETS 210**

Parties shall take the necessary measures to promote changes in the social and cultural patterns of behaviour of women and men with a view to **eradicating prejudices, customs, traditions** and all other practices which are based on the idea of the **inferiority of women or on stereotyped roles for women** and men.

- **CEDAW**: To modify the social and cultural patterns of conduct of men and women, with a view to achieving the **elimination of prejudices and customary and all other practices** which are **based on the idea of the inferiority or the superiority of either of the sexes** or on stereotyped roles for men and women;
- **CETS210**: Parties shall take the necessary measures to promote changes in the social and cultural patterns of behaviour of women and men with a view to **eradicating prejudices, customs, traditions** and all other practices which are based on the idea of the **inferiority of women or on stereotyped roles for women and men**

# Stereotypes:

<https://www.youtube.com/watch?v=B8gz-jxjCmg>





# If women wrote the Constitution?

- What would be in it?
- How would division of powers looked like?
- How quality of life would be defined?
- How relation including international would be organized?
- Did it matter that “mind the lady” was neglected?

# Justice Themis or Justina?



# Constitution of Poland

General guarantee of equality

## Article 32

1. All persons shall be equal before the law. All persons shall have the right to equal treatment by public authorities.
2. No one shall be discriminated against in political, social or economic life for any reason whatsoever.

Equality regardless of gender

## Article 33

Provision for matrimonial equality

1. Men and women shall have equal rights in family, political, social and economic life in the Republic of Poland.
2. Men and women shall have equal rights, in particular, regarding education, employment and promotion, and shall have the right to equal compensation for work of similar value, to social security, to hold offices, and to receive public honours and decorations.

# The difference – PLN Const. of 1952

- Art. 78
  - (1) **Women in the Republic of Poland shall have equal rights with men** in all fields of public, political economic, social and cultural life.
  - (2) The equality of the rights of women shall be guaranteed by: 1. equal rights with men to work and to be paid according to the principle "equal pay for equal work", the right to rest and leisure, to social insurance, to education, to honors and decorations, and to hold public offices

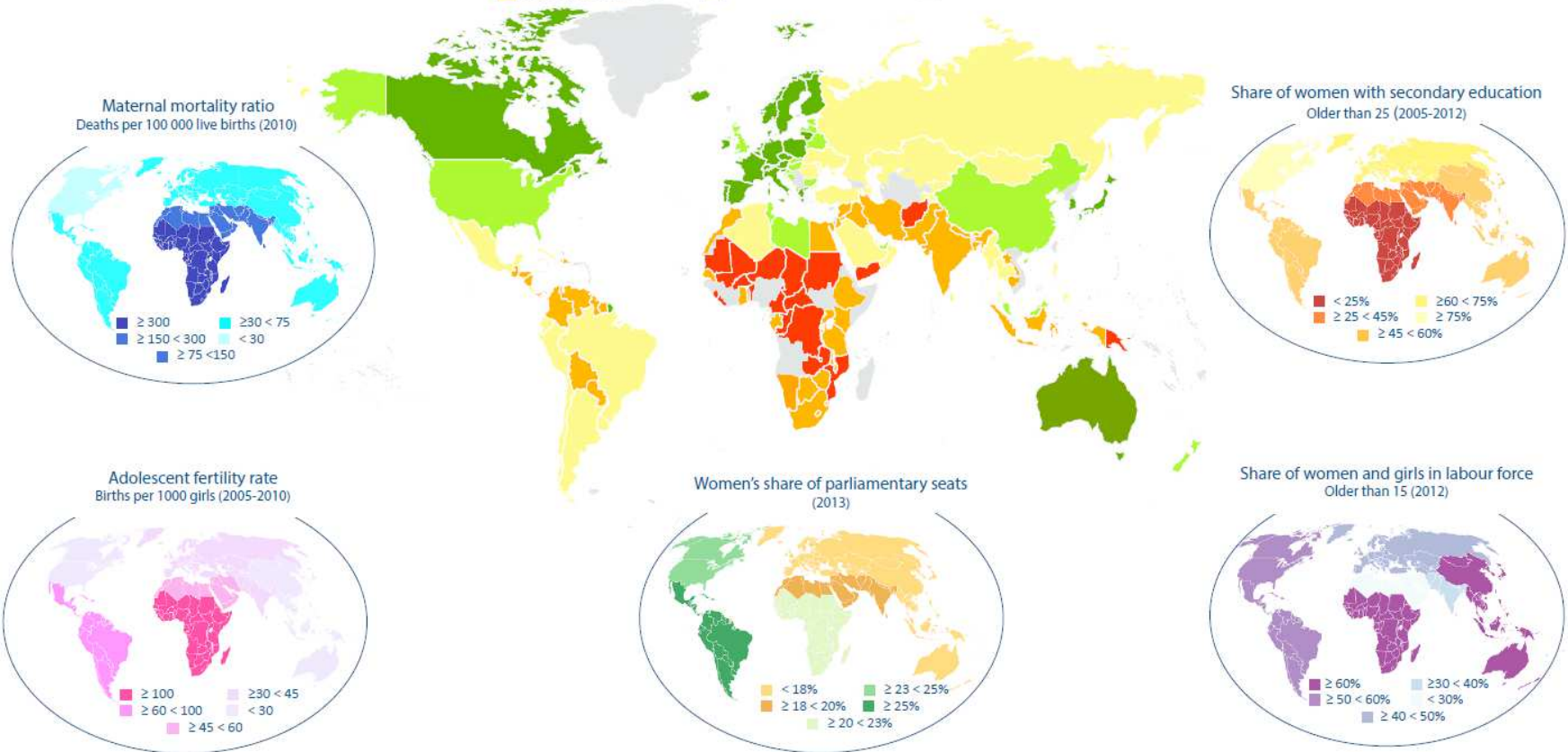
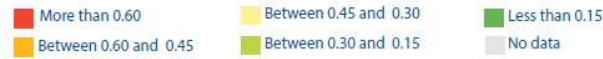
## Domains of the Gender Equality Index



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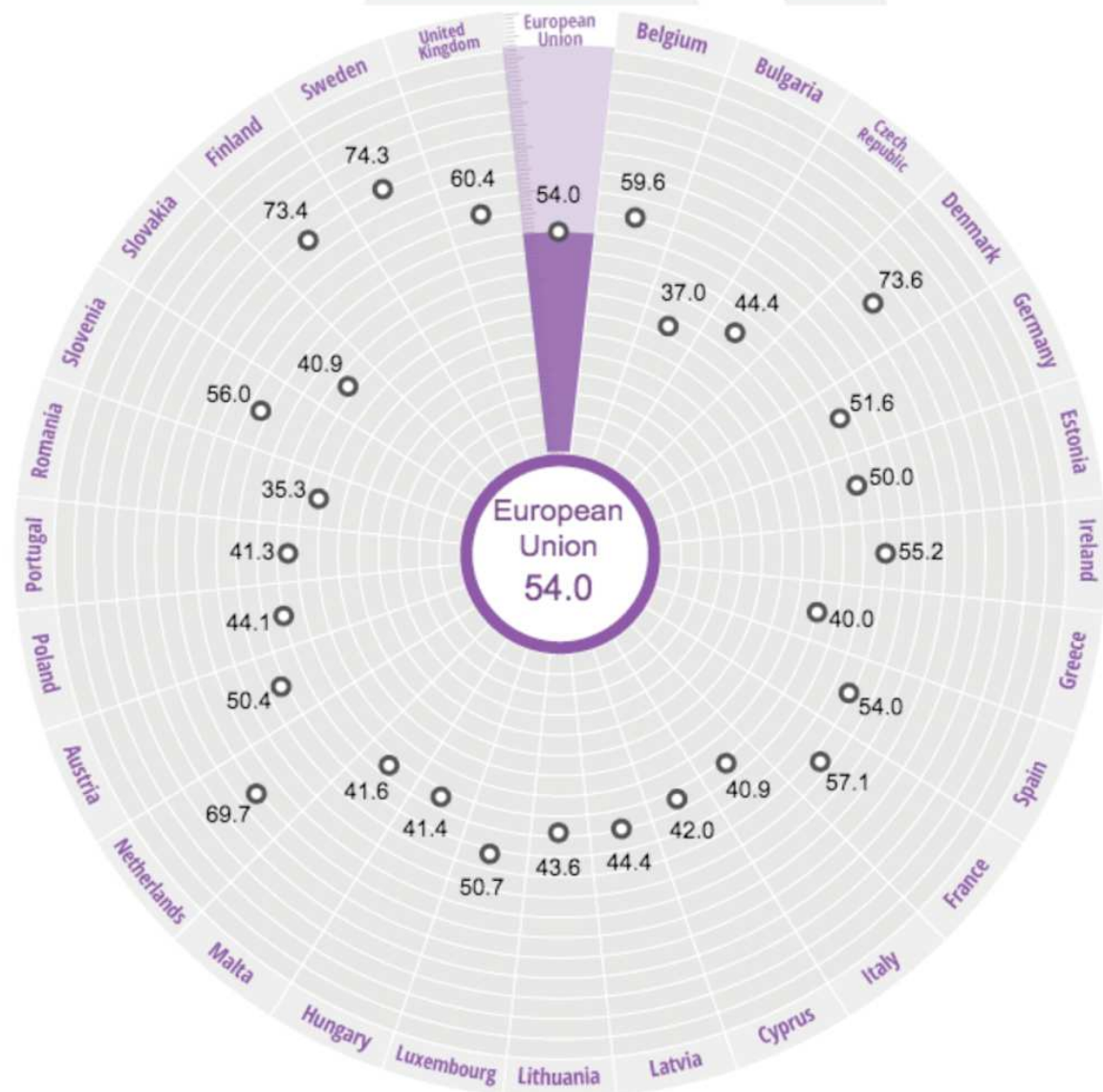
## Gender Inequality Index 2013

The index measures equality between men and women. It is composed of indicators on reproductive health (maternal mortality and adolescent fertility rate), empowerment (women's secondary school attendance and parliamentary seats) and labour market (women's share in labour force). A value of 0 means maximum equality and 1 means maximum inequality.





## Index



# Constitution: Quo Vadis Femina?

<http://visual.ly/how-does-inequality-between-men-and-women-affect-development>



**EQUAL  
DOES NOT MEAN  
IDENTICAL**

**"Gender equality is  
not a woman's issue,  
it is a human issue.  
It affects us all."**

