

5.

DRAFT RECOMMENDATION ON LEGAL PROTECTION AGAINST
SEX DISCRIMINATION
(Concl(84)378/31, Appendix I to Addendum II to
CM(84)155 and CM(84)250)

After presenting proposals to amend the text of the draft Recommendation on legal protection against sex discrimination (CM(84)250), the Representative of Sweden suggested that the text should be reexamined by the European Committee on Legal Co-operation (CDCJ).

The Representative of Norway supported the Swedish proposals and the Representatives of Italy, the Netherlands and Turkey were also in favour of a reexamination of the text on the basis of the Swedish proposals or at least some of them.

The Representative of Greece said that among the Swedish proposals he could support only the one concerning an amendment to paragraph I.4d of the Principles in Addendum II to CM(84)155. He could approve the text of the Recommendation as it stood.

The Representatives of Austria, Belgium, Cyprus, France, Switzerland and the United Kingdom stated that they could accept the present draft and did not favour sending the draft back to the CDCJ for examination.

The Representative of the Federal Republic of Germany said that the text was acceptable provided the following words were added to the first sentence of paragraph 33 of the explanatory memorandum: "including the splitting system which divides the total joint earnings into two", and the following footnote added to this text:

"In the Federal Republic of Germany the splitting procedure is characterised by the fact that spouses are treated as a unit for tax purposes. It is assumed that the spouses form a community in terms of earnings and consumption, in which each spouse shares half of the other spouse's income and expenditure. When calculating the tax payable, the earnings of both spouses are added together and then halved. The income tax due on half their income is then doubled. The splitting procedure ensures that spouses having a joint income are subject to the same tax burden regardless of their respective share in the joint income. The procedure thus reflects the equivalence of the contributions made by the husband and wife to the conjugal community."

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The Representative of Switzerland suggested that, if this could meet the requirements of the Swedish delegation, a text based on Article 60 of the Convention for the Protection of Human Rights and Fundamental Freedoms might possibly be included in the draft Recommendation to ensure that nothing in the text could be construed as limiting or derogating from legal protection against sex discrimination ensured under the laws of any member State.

The Director of Legal Affairs said that although he approved of the philosophy underlying the proposals of the Representative of Sweden, i.e. that Recommendations by the Committee of Ministers should be forward-looking and likely to stimulate legislative reforms in member States and not solely reflect existing situations, there would, in the present case, be little purpose in sending the text back to the CDCJ as all the proposals contained in the Swedish document had already been rejected by the CDCJ. He also said that a text based on Article 60 of the European Human Rights Convention should not be included in the Recommendation as States were always free to take measures in addition to those suggested therein. Recommendations of the Committee of Ministers could in no circumstances be interpreted as limiting rights derived from national legislation or from international legally binding instruments.

The Chairman called for a vote on the text of the draft Recommendation as set out at Appendix I to Addendum II to CM(84)155. The result was the following: 17 in favour, none against and one abstention.

The Representative of Sweden said that his delegation had abstained in the vote on the Recommendation, not because Sweden was opposed to legal protection against sex discrimination, but because the Recommendation did not go far enough. In the Swedish view it represented a step backward from, for example, the ILO and the UN Conventions in this field, many of which had been signed and ratified by a large number of member States of the Council of Europe.

Decision

The Deputies adopted Recommendation No. R(85)2 on legal protection against sex discrimination, as it appears at Appendix 2 to these Conclusions, and authorised publication of the explanatory memorandum thereto as it appears at Appendix II to Addendum II to CM(84)155, with incorporation of the modifications agreed at the present meeting.

When this Recommendation was adopted, and in application of Article 10.2.c of the Rules of Procedure for the meetings of the Ministers' Deputies, the Representative of Liechtenstein reserved the right of his Government to comply with it or not.

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

COMMITTEE OF MINISTERS

Strasbourg, 18, July 1984

Restricted
Addendum II to
CM(84)155
<CDCJ(84)27>

CMD002419



EUROPEAN COMMITTEE ON LEGAL CO-OPERATION (CDCJ)

FINAL ACTIVITY REPORT

LEGAL PROTECTION AGAINST SEX DISCRIMINATION

Prepared by the: Committee of experts on sex discrimination (CJ-SE)

Adopted by the: European Committee on legal co-operation (CDCJ) at its 41st meeting from 25 to 29 June 1984

For the attention of: The Committee of Ministers for the 375th meeting of its deputies from 17 to 25 September 1984

Activity 22.5.2 of the 1984 Annual Programme of Intergovernmental activities.

SUMMARY

Draft Recommendation
on legal protection against
sex discrimination
and its
Explanatory Memorandum

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I. TERMS OF REFERENCE

The terms of reference of the CJ-SE were:

"To review the legal situation and legislation in member States providing specific protection in the field of sex discrimination and, on the lines proposed in document CDCJ (81) 12, prepare, if possible, a Recommendation on legal measures and machinery in the field of sex discrimination and to give particular consideration to :

- the functions and powers of any special bodies which might be set up for this purpose;
- remedies and sanctions which might be given in the case of sex discrimination."

II. ITEMS SUBMITTED TO THE COMMITTEE OF MINISTERS FOR DECISION

The Committee of Ministers is invited:

- (i) to adopt the draft Recommendation on legal protection against sex discrimination (Appendix I to this report);
- (ii) to authorise the publication of the explanatory memorandum to this Recommendation (Appendix II to this report);
- (iii) to note that the CJ-SE has completed its terms of reference.

III. REPORT

1. In order to carry out the terms of reference indicated above the Committee of experts on sex discrimination (CJ-SE) held the following five meetings :

- 13-16 April 1981
- 15-18 March 1982
- 23-26 November 1982
- 26-29 April 1983
- 25-28 October 1983

2. The list of participants at these meetings is contained in Appendix III. In addition to the member States of the Council of Europe observers from Canada, Finland, the Holy See, the Commission of the European Communities and the Hague Conference on Private International Law took part.

3. The first three meetings of the CJ-SE were chaired by Mr. W. BIRKE (Federal Republic of Germany) and Mrs N. ABADAN-UNAT (Turkey) was Vice-Chairman.

4. The fourth and fifth meetings were chaired by Mr. M. MATZKA (Austria) and Ms M. WADSTEIN (Sweden) was Vice-Chairman.

5. The CJ-SE concluded its work by adopting the draft Recommendation on legal protection against sex discrimination and the draft explanatory memorandum to the Recommendation.

6. The CDCJ examined the draft Recommendation and its explanatory memorandum at its 41st meeting. After making a number of amendments, the CDCJ adopted the draft Recommendation as contained in Appendix I to this addendum by 18 votes in favour (Austria, Belgium, Denmark, Cyprus, France, Federal Republic of Germany, Greece, Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and Turkey), 0 against and 1 abstention (United Kingdom).

7. The CDCJ also approved, after making a certain number of amendments, the draft explanatory memorandum to the Recommendation and decided to recommend the Committee of Ministers to authorise the publication of this text as contained in Appendix II to this Addendum.

APPENDIX I

DRAFT RECOMMENDATION NO. R (84) ... OF THE COMMITTEE OF MINISTERS
TO MEMBER STATES ON LEGAL PROTECTION AGAINST SEX DISCRIMINATION

The Committee of Ministers, under the terms of Article 15(b) of the Statute of the Council of Europe,

Aware that equality between men and women has not yet been fully achieved in spite of the extensive work carried out during these last years by member States;

Noting that certain forms of sex discrimination still exist in the legislation and practice of some member States;

Recognising the necessity to ensure legal and de facto equality between men and women, in particular by improving the situation of women and by taking into account the specific needs of certain categories of people;

Conscious of the importance of the participation of women in the decision-making process at all levels;

Realising the desirability of providing effective measures against sex discrimination and sanctions to ensure equality between men and women;

Considering that the setting up of machinery to protect persons against sex discrimination is an important means of furthering equality between men and women;

Having regard to the different relevant international instruments especially the United Nations Convention of 1979 on the elimination of all forms of discrimination against women,

RECOMMENDS the governments of member States to take or reinforce, as the case may be, all measures they consider appropriate with a view to the progressive implementation of the principles set out in the Appendix to this Recommendation.

APPENDIX TO THE RECOMMENDATION

PRINCIPLES

I. Promotion of equality between the sexes by legislation

In order to promote equality between the sexes legislation should aim at the following objectives:

1. In the field of employment men and women should have equal rights with regard to opportunities for employment and conditions of employment in all fields and, in particular, should be entitled to :
 - a. equal right of access to work;
 - b. equal conditions of work;
 - c. equal opportunities for training;
 - d. equal pay for work of equal value;
 - e. equal opportunities for advancement.
2. In the field of social security and pensions men and women should be treated in an equal way with regard to access to official social security and pension systems or to any other similar systems set up under public law and with regard to the benefits paid by such systems.
3. In the field of taxation men and women should be treated equally.
4. In the field of civil law, equal rights and duties should be given to both men and women in particular with regard to:
 - a. the fulfilment of family responsibilities;
 - b. the exercise of parental responsibilities in so far as it is not contrary to the interests of the child;
 - c. the acquisition, administration and sharing of family property;
 - d. the conclusion of contracts;
 - e. the exercise of a gainful occupation by each spouse;
 - f. the payment of maintenance by one spouse to the other spouse in the case of a separation or to a former spouse in the case of a divorce;
 - g. the domicile and residence of each spouse;
 - h. the rights of succession.

Attention should be paid to the following questions:

- a. the age for marriage and the age to adopt children;
- b. the family name.

5. In addition equal treatment of men and women should be ensured concerning:

- a. the acquisition and loss of nationality;
- b. political rights.

II. Other measures of general character

1. States should, by means of adequate measures, endeavour to create the most favourable social, economic and cultural conditions in order to achieve equality between men and women. Appropriate information should be given to families in order that they can play an active role in the pursuit of these goals.
2. States should encourage the equal participation of men and women in all aspects of public life.
3. Men and women should be encouraged to make full use, on an equal basis, of all existing educational and training facilities.
4. Educational establishments, the mass media and persons or bodies responsible for the production of teaching material should be encouraged, by appropriate means, to play an active role promoting equality between men and women.

III. Special temporary measures (positive action)

States should, in those areas where inequalities exist, give consideration to the adoption of special temporary measures designed to accelerate the realisation of de facto equality between men and women where there are no obstacles of a constitutional nature, in particular by:

- a. making employers aware of the desirability of having as an objective the achievement of equality between the sexes;
- b. giving or encouraging special training for persons of the under-represented sex to enable them to obtain the necessary qualifications.

IV. Machinery to promote equality

States, in order to promote equality between men and women, should adopt suitable machinery which could have, without prejudice to the competence of the courts, one or more of the following tasks:

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- a. suggesting draft legislation and giving advice to the public authorities;
- b. preparing and promoting guidelines and codes of conduct;
- c. encouraging parties to collective bargaining to promote equality and to avoid any discriminatory results;
- d. acting to avoid and eliminate sex discrimination in advertisements;
- e. advising and, where possible, promoting a conciliation between the parties to a dispute;
- f. imposing appropriate administrative sanctions;
- g. bringing, in appropriate cases, legal proceedings before the courts.

V. Remedies and sanctions

1. Legislation promoting equality should contain remedies and sanctions which are effective to discourage discrimination, for example by making use of one or more of the following:

- a. orders to prevent discrimination (prohibiting or requiring the discontinuation of an act, requiring a certain act to be carried out, setting aside a decision of a discriminatory nature) and adequate penalties in case of failure to comply with such orders;
- b. adequate sanctions in case of failure to comply with such orders, administrative and, where necessary, criminal sanctions to punish acts of discrimination (such as fines, suspension of licence, public disclosure of discrimination);
- c. damages to compensate victims of discrimination.

2. States should provide, where cases concerning sex discrimination are brought before the courts, rapid, inexpensive and suitable proceedings as well as free legal assistance where this is necessary.

APPENDIX II

EXPLANATORY MEMORANDUM

INTRODUCTION

1. On a proposal of the European Committee on legal co-operation (CDCJ), which was made following the suggestion of the ad hoc Committee on the Status of Women (CAHFM), the Committee of Ministers of the Council of Europe, at the 328th meeting of the Ministers' Deputies, authorised the setting up of a Committee of experts on sex discrimination (CJ-SE) to give further consideration to the question of legal machinery to provide remedies and sanctions in cases of sex discrimination.
2. Experts from the member States of the Council of Europe and observers from Canada, Finland, the Holy See, the Commission of the European Communities and the Hague Conference on Private International Law attended the five meetings of the Committee of experts and prepared the texts of the draft Recommendation on legal protection against sex discrimination and the accompanying Explanatory Memorandum. These texts, after having been examined and amended by the European Committee on Legal Co-operation (CDCJ), were transmitted to the Committee of Ministers which, at the meeting of the Ministers' Deputies on, adopted the Recommendation and authorised the publication of the Explanatory Memorandum.

SCOPE OF THE RECOMMENDATION

A. Meaning of the word "discrimination"

3. Many different definitions of the word "discrimination" have been given at a national and international level. The word "discrimination" used in the Recommendation has the same meaning as the following Article 1 of the Convention of the United Nations on the elimination of all forms of discrimination against women:

"any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field".

4. It should be noted that the Council of Europe Recommendation is concerned with discrimination against both women and men.

B. Proposals for several non-discriminatory solutions

5. The Recommendation does not attempt to impose any given system on States but seeks to encourage each State to choose, from the proposed non-discriminatory solutions, the solution most suitable for its national customs arising from historical, social, economic or religious factors.

6. To illustrate the arrangements which might be envisaged in this field, various measures taken by States in this context are quoted below, in the Chapter entitled 'Comments on the Principles'.

7. In order to take account of the situation of each State the Recommendation leaves it up to the individual State to decide upon the appropriate measures to be taken or reinforced with a view to the progressive implementation of the principles set out in the Appendix to the Recommendation.

GENERAL MATTERS

8. Even where legal protection against sex discrimination is provided, special difficulties may arise owing to :

- the existence of open or hidden de facto discrimination;
- the effects of the economic crisis and the increasing technological changes;
- the absence of equality within the family where the continuation of the traditional sex roles may reduce the impact of any steps taken to reduce discrimination;

9. Encouraging both sexes to participate equally in the decision-making process is a very effective means of achieving equality. The greater equality in access to work of women has not been accompanied by a similar participation of both sexes in the decision-making process and women are still largely absent from trade union, professional, governmental and other advisory and decision-making bodies (1). There may be a need for special positive measures to overcome the often hidden discrimination against women in these bodies. This absence of women in the decision-making process reflects the situation of women in other fields, which prevent them from participating in this process owing to such matters as the absence of the required educational qualifications, less time available owing to the burden of family responsibilities or less organisational experience. Improvement in these fields (e.g. abolishing sexual discrimination in education and employment and ensuring a fairer division between the sexes of family and social responsibilities) and greater public support will lead to a larger participation by women in the decision-making process. Once the public becomes accustomed to the effective presence of women as well as men in this process it will facilitate the acceptance by both sexes of the need to avoid sex-stereotyping.

COMMENTS ON THE PRINCIPLES

I. PROMOTION OF EQUALITY BETWEEN THE SEXES BY LEGISLATION

10. Principle I, deals with legislation aiming at promoting equality between the sexes and provides that this legislation should aim at the objectives contained in paragraphs 1 to 5, it being understood that special rules for women, which take account of differing factual circumstances, especially rules that serve the aim of an equalisation of chances, should continue to be admissible.

11. Principle I deals with the following topics:

- employment (paragraph 1);

- official social security and pension schemes (paragraph 2);
- taxation (paragraph 3);
- civil law matters (paragraph 4);
- questions relating to nationality, and political rights (paragraph 5).

1. Employment

12. Owing to the importance of equal employment opportunities, most of the work aiming at promoting equality between men and women, both at a national and international level, has been focused on this question.

13. At an international level the following are examples of specific work in the field of employment:

- (i) Council of Europe: Resolution (77) 1 of the Committee of Ministers on women's employment deals with preparation for working life, employment and the position of women in the working world, reconciliation of family responsibilities with occupational activities.
- (ii) International Labour Organisation (ILO): A number of the Conventions of this Organisation deal with sex discrimination such as the Equal Remuneration Convention 1951 (No.100), the Discrimination (Employment and Occupation) Convention 1958 (No.111) and the Workers with Family Responsibilities Convention 1981 (No. 156).
- (iii) European Communities: The Directive of the Council of the European Communities of 9 February 1976 (76/207/EEC) deals with the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion and working conditions. Article 119 of the Treaty of March 1957 setting up the European Economic Community concerns the principle of equal pay for men and women for equal work. The Council Directive of the European Communities of 10 February 1975 (75/117/EEC) on the approximation of the law of the member States relates to the application of the principle of equal pay for men and women.

14. Although the legal provisions concerning employment are generally equal for men and women in most States, in many cases there remains a de facto discrimination (e.g. men are often encouraged to do work which is considered to be more important or which is more highly paid while women tend to do work, confined traditionally to a limited number of types of factory work or to part-time work, which is less skilled and less well paid).

15. Both men and women have, in many States, been affected by the present employment problems. In some cases the employment situation may cause women greater difficulties than men to obtain and retain employment (e.g. reluctance to employ women when men are unemployed or where staff have to be reduced, adopting a system which ensures women rather than men will have to leave, where part-time workers are dismissed first under a redundancy procedure or where the most recently employed workers are required to leave first).

16. In the field of employment, the following additional types of discrimination may arise:

- indirect discrimination - this will be the result of a practice which, although not discriminatory in itself, has an unjustified adverse effect on one of the sexes (e.g. by providing for unnecessary minimum height and weight requirements).
- sexual harassment - in certain cases sexual harassment of an employee by another employee or by the employer may amount to discrimination by the employer (eg in the United States under Title VII of the Civil Rights Act 1964 which deals with sex discrimination in employment);

17. Paragraph 1 of Principle 1 of the present Recommendation provides for equal rights for men and women for access to and conditions of employment and refers in particular to the following five questions:

a. equal right of access to work

18. Equal access to work is of particular importance as it is necessary for economic independence. Equal access to work implies that equal treatment of men and women must be ensured in the provisions and practices relating to the conditions of access to and selection for employment or appointments to certain positions. The expression "work" has been used to include all types of work or professional activities.

19. The equal right of access to work means that both men and women should be allowed to be employed in different fields or to carry out certain tasks unless there is a very clear reason against this such as in cases where a task can only be fulfilled by someone necessarily belonging to one of the sexes or where the work might endanger the health of a pregnant woman or where it might damage the foetus. In other cases men and women should be allowed to carry out certain types of work even if the work is considered to be specifically reserved for one of the sexes (e.g. a professional activity such as a referee or work in the building trade or where part-time work is usually reserved for women and full-time work for men). In this respect discriminatory advertising for employment should be prohibited.

b. equal conditions of work

20. The laws of certain States contain provisions which may prevent women from:

- working as many hours as men;
- working until the same age as men;

or may prevent women from working on an equal footing with men in the case of

- night work;
- underground work;
- heavy work;
- working with certain dangerous substances.

21. Some of these provisions protecting women from certain types of dangerous or arduous work may, even though there are numerous exceptions, unnecessarily restrict the employment opportunities of women. Therefore, although it is recognised that some protective

provisions may be necessary, a number of States have taken measures to review protective legislation applying to women in the light of up-to-date scientific knowledge, technological advances and sociological developments. In addition it may be necessary to extend certain protective provisions to men to ensure that they are also sufficiently protected in the case of dangerous or arduous work.

c. equal opportunities for training

22. In order to ensure equality between the sexes in employment it is important that both men and women have equal opportunities for participation in any training provided by the employer or by any other training institutions. Failure to do so would prevent one of the sexes from progressing to work of a more responsible nature.

23. As most of the traditional areas which employ women are expected to decline, owing in part to the impact of technological changes, it is particularly important to give women equal opportunities with men for training. Additional possibilities for the training of women with respect to technical training and training in the field of so-called new technologies will become more and more important.

d. equal pay for work of equal value

24. It is becoming increasingly rare to find cases where, for exactly the same work, different salary scales apply, although in general terms, the average salary of women is lower than the average salary of a man. The lower average salaries of women are due partly to the fact that the employment market remains sexually segregated so making it difficult to compare salaries and harder to ensure that women are paid the same rate as men for work of equal value. The lower average salaries of women are also due to the fact that women often work shorter hours and, due to traditional roles, they are often insufficiently educated and trained.

25. At an international level the following texts provide for the right of men and women workers to equal pay for work of equal value:

- The ILO Equal Remuneration Convention 1951 (No.100)
- The treaty of 1957 establishing the European Economic Community (Article 119)
- The European Social Charter 1961 (Article 4)
- The Directive of the Council of the European Communities of 10 February 1975 on the approximation of the laws of the member States relating to the application of the principle of equal pay for men and women (75/117/EEC)
- The United Nations Convention of 1979 on the elimination of all forms of discrimination against women (Article 11).

e. equal opportunities for advancement

26. The reasons why men and women often advance at a different pace are complex and not always due entirely to the reluctance on the part of an employer to provide equal opportunities, but also to other factors which may put one of the sexes, usually the woman, at a disadvantage for example:

- difficulty in assuming any additional professional responsibilities which might conflict with family responsibilities (e.g. longer working hours or moving to another region to further career);

- loss of social benefits linked to seniority owing to the time spent at home looking after the children;
- different educational background;
- insufficient professional training.

27. Therefore equal opportunities for advancement will become a reality only when employers treat both sexes equally and when other steps are taken to enable both sexes to take advantage of these opportunities (e.g. sharing of family responsibilities and parental leave by both sexes, providing the same educational and training facilities and taking into account the careers of both spouses).

2. Official social security and pension systems

28. Paragraph 2 of Principle 1 provides for equal treatment for men and women with regard to official security and pension systems. This paragraph is not intended to include occupational pension schemes as established in the United Kingdom.

Men and women are sometimes treated differently by the official social security and pension systems in the following matters:

- social security schemes : In some States certain allowances are paid to only one of the sexes (e.g. the State child allowances may only be paid to the mother or only if the mother takes parental leave will allowances for such leave be paid. Recently some countries have decided to allow either parent to take that part of parental leave which has been granted for the care of the child). In certain cases, the full amount of benefits are paid only to the husband and a married woman may receive unemployment benefits which are paid at a lower rate, for a shorter time or subject to stricter conditions.
- pension schemes : Sometimes, women may be able to retire at an earlier age than men and this need not necessarily constitute discrimination. This may place women in a more favourable position than men who may have to remain at work longer. Women may, however, be in a less favourable position if they are required to retire at an earlier age and do not wish to do so or if this will have an adverse effect on their future pensions.

Special problems may arise in the case of family enterprises such as farms, where wives may not be entitled to participate in pension schemes independently of their husbands.

In some States, although a woman may be entitled to receive a widow's pension, a man is not entitled to receive a widower's pension (or the conditions for such a pension are stricter than those required for a widow's pension).

29. In many States, the law relating to survivors benefits presents special problems. The provisions relating to contributions to and benefits received from official security and pension systems do not always consider a married couple as two individual persons. It is not necessarily discrimination not to treat a married couple as two individual persons. Reforms of the law will have to take into account the fact that, owing to the different ways of sharing work and family responsibilities one of the spouses may have been the major provider of the family income and that the old age benefits of the other spouse may be dependent on the social security rights acquired by this spouse.

30. In the field of social security the following texts promote equality between the sexes :

- Council of Europe - Resolution (75) 28 of the Committee of Ministers on Social Security for women at home
- European Communities - Council Directive of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security (79/7/EEC).

31. In order to ensure that both sexes are treated, as far as possible, equally with regard to official social security and pension schemes paragraph 2 of Principle I provides for equality with regard to access to and benefits paid by such systems.

3. Taxation

32. Paragraph 3 of Principle 1 provides for the equal treatment of men and women in the field of taxation. Normally both sexes are treated alike for the purposes of taxation. However, they may be treated differently on marriage (e.g. the husband alone will be responsible for dealing with the family taxes and the wife will be considered to be his dependent).

33. Equal treatment of spouses should be ensured by whichever system for taxation is chosen - separate taxation of each spouse or joint taxation of both spouses. When calculating the tax to be paid there should be no discrimination based on sex and both spouses should be equally entitled to deal with the tax authorities. Furthermore the taxation rules should not result in discouraging one of the sexes from working. In some countries the system of joint taxation increases the tax to be paid on the income of the wife. In this case some examples have shown that separate taxation can be an advantage to encourage women who wish to become gainfully employed.

4. Civil law matters

34. Both sexes should be treated equally in civil law matters and the first sub-paragraph of paragraph 4 of Principle I seeks to ensure equal rights and equal duties with regard to the following:

a. the fulfilment of family responsibilities

35. Paragraph 4(a) of Principle 1 of the Recommendation deals with family responsibilities. These responsibilities may include such matters as mutual assistance of the spouses or the obligation of mutual assistance. In most States, both husbands and wives are equally entitled to take decisions with regard to the family. A Resolution of the Committee of Ministers of the Council of Europe on equality of spouses in civil law (Resolution (78) 37) provides, inter alia, that the right to take decisions in this field should be granted to both spouses without discrimination.

36. In a few States, a woman on marriage becomes for certain purposes subject to the authority of her husband. She may in particular have to reside in the place chosen by him, she may not be entitled to work outside the home without his consent and the husband alone may be considered to be the head of the family.

b. the exercise of parental responsibilities

37. The importance of ensuring equal treatment of parents with regard to parental responsibilities is recognised by paragraph 4(b) of Principle I in so far as it is not contrary to the interests of the child.

38. In most States, parental responsibilities for a child born in wedlock belongs to both parents jointly. Should the parents separate the court will deal with this question on the basis of the interests of the child and parental responsibilities may be entrusted - if the interests of the child so require - to only one of the parents. This is compatible with the principle of equality of treatment between men and women. In some States, however, only the father of a child born in wedlock may be entitled to exercise parental responsibilities or may do so where the parents do not agree or for certain purposes (e.g. administration of the property of the child).

39. Different solutions may be chosen with regard to children born out of wedlock. In many States, it is considered that it is in the interests of the child and does not violate the principle of equality for the mother to exercise these responsibilities, especially as the father might not wish to have such responsibilities automatically conferred on him. It is possible in some States for unmarried couples, who so wish, to have joint parental responsibilities for their children (e.g. Norway and Sweden).

40. The Committee of Ministers of the Council of Europe has recently in Recommendation No.R (84) 4 on parental responsibilities made recommendations to member States on means of improving the legal systems relating to parental responsibilities in order to promote the development of the personality of the child and to protect the child's person, moral and material interests while guaranteeing legal equality between the parents.

c. the acquisition, administration and sharing of family property

41. Not only is it necessary to allow both men and women to support themselves financially (mainly by granting an equal access to employment), but they should also be entitled to administer and use their money or property in an equal manner.

42. In most States, there are very few differences between men and women with regard to the right to deal with and share in family property. However, in some States certain matrimonial property regimes give the husband alone the power to administer the common property and even the property owned by the wife. In the field of private international law there exists the Hague Convention on the law applicable to matrimonial property regimes.

43. In many cases the family home is not always owned or rented by both spouses, but by only one of the spouses, often the husband. This may occur if a wife owing to household work has no income of her own and so is unable to make a financial contribution to the purchase of the home. In some countries the rights of a spouse to occupy the family home are protected even when the other spouse alone owns the house or is the leaseholder. In order to provide a better protection for such a spouse, the Committee of Ministers of the Council of Europe, in its Recommendation No.R (81) 15, has adopted principles to protect the rights of spouses relating to the occupation of the family home and household contents.

d. the conclusion of contracts

44. Although the law does not normally contain any different provisions for men or women with regard to the conclusion of

contracts, it fails to prevent de facto discrimination which may arise if certain additional requirements are imposed. In practice stricter conditions may be required before credit will be granted to a married woman and a married woman living with her husband may need his agreement or signature in order to obtain credit. Sometimes a single woman may have serious difficulties to obtain a loan because it is feared that she might leave her work after marriage and therefore become financially unreliable.

45. Paragraph 4(d) of Principle I provides for equality with regard to the conclusion of contracts. This question is also dealt with by the United Nations Convention on the elimination of all forms of discrimination against women which provides, in Article 13, that States should ensure both sexes the same right to bank loans, mortgages and other forms of financial credit. Paragraph 2 of Article 15 of this Convention provides: "States parties shall accord to women in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals".

e. the exercise of a gainful occupation by each spouse

46. Both spouses should equally be entitled to exercise a gainful occupation. This implies that the law should not require a wife to obtain the authority of her husband in order to work outside the home. Furthermore it is not equal treatment to provide that the duty of a wife is to maintain the home and the duty of a husband to support the family.

f. the payment of maintenance

47. Paragraph 4(f) of Principle 1 provides for equal treatment of the sexes with regard to the payment of maintenance by one spouse to the other spouse in the case of a separation or to a former spouse in the case of divorce.

In some States, although a wife may obtain an order for maintenance against her husband, a husband or former husband may have no similar right to apply for maintenance from his wife or he may be subject to certain stricter conditions.

g. the domicile and residence of each spouse

48. In most States, each spouse has an equal right to choose his domicile or residence. In a few States, a husband alone is entitled to choose the place of residence or domicile of both spouses. This may cause additional difficulties if, for certain professions, a person is required to reside where he works. Resolution (72) 1 of the Committee of Ministers of the Council of Europe, on the standardisation of the legal concepts of "domicile" and of "residence", provides that the domicile of a married person should not depend upon that of the other spouse and that a person's residence should not depend upon that of another person.

h. rights of succession

49. In the large majority of States both sexes are treated equally with regard to succession. However, in the following cases women may be treated less favourably than men :

- male heirs may in certain regions have precedence over female heirs with regard to the succession of farms;
- a wife may not be able to take a decision concerning the acceptance of a succession without the consent of her husband.

50. The second sub-paragraph of paragraph 4 of Principle I provides that attention should also be paid to the following questions:

a. the age for marriage and the age to adopt children

51. The United Nations Convention on consent to marriage, minimum age for marriage and registration of marriage provides that States should specify a minimum age for marriage. However the minimum age for marriage should not be so low that it might adversely affect the education of the young person. With a higher minimum age for marriage young persons, especially women, are more likely to continue in full-time education. In addition, a higher minimum age is likely to prevent young persons from being forced by their parents to accept arranged marriages.

52. In some States the ages at which a man or woman may adopt a child are different. It is desirable that the legislation concerning the age at which a person may adopt a child should be the same for men and women.

b. the family name

53. Resolution (78) 37 of the Committee of Ministers of the Council of Europe on equality of spouses in civil law recommends States to regulate matters concerning the family name of the spouses to ensure that a spouse is not required by law to change his or her family name in order to adopt the family name of the other spouse. It also recommends States to consider the possibility of taking the necessary steps with a view to allowing both spouses equal rights as to the family name to be given to their children.

54. The desirability of avoiding discrimination concerning the acquisition and transmission of the family name was recognised by the European Ministers of Justice in 1982 at their XIIIth Conference in Athens.

55. However, it may be difficult to ensure complete equality in this field in most States as account has also to be taken of the following matters: the importance of the name as a means of identifying persons and families, the choice of a family name in absence of agreement, the transmission of family names to children.

56. In many States, the family name of the husband is the name usually used by both spouses - either because the law so requires or for traditional reasons. In cases where a wife may not retain her own name a change of name may cause considerable difficulties, especially if she is well-known under her previous family or professional name.

57. In certain States, a woman retains her own name on marriage but may use the family name of her husband for social purposes. In other States, the wife may use her own and her husband's family name but in general the husband will not be able to use his wife's family name and keeps his own family name. In other States the spouses may choose the family name of either spouse or they may choose any family name.

58. Although women usually transmit their family names to children born out of wedlock (except in certain circumstances when the children have been recognised by their fathers) they may not, in most States, transmit their family names to children born in wedlock. However, in Denmark (where each spouse now retains his or her own family name on marriage) and in Norway the parents have the right to decide the child's family name. A child born in wedlock will take its mother's name where the spouses have not reached an agreement upon the family name to be given to the child.

5. Questions relating to nationality and political rights

59. Paragraph 5 of Principle I provides for equal treatment of men and women in the following fields :

a. the acquisition and loss of nationality

60. In a number of countries, the conditions for the acquisition of nationality by the foreign spouse of a national are the same both for foreign husbands and for foreign wives. However in a number of other countries, stricter conditions are applied for the acquisition of their nationality by a foreign husband. A Resolution of the Committee of Ministers of the Council of Europe on the nationality of spouses of different nationalities (Resolution (77) 12) seeks to resolve this problem and recommends equal treatment for foreign husbands.

61. In some States, the marriage itself may be sufficient for a foreign wife to acquire her husband's nationality and she may even, in a few States, lose her own nationality on marriage unless she declares that she wishes to retain it. Marriage does not normally automatically affect the nationality of a husband.

62. In the case of the transmission of nationality to a child, in many States the nationality of the father is transmitted to a child born in wedlock and the nationality of the mother to a child born out of wedlock: The Committee of Ministers of the Council of Europe in Resolution (77) 13 on the nationality of children born in wedlock recommends States to take measures to give such children an equal right to acquire the nationality of their mother as well as that of their father.

b. political rights

63. Earlier this century the right to vote, which was considered to be one of the fundamental rights to be obtained for women in their struggle for equal rights with men, was granted equally to both sexes in many States. However, in certain European States, women still do not have this very important right -the right to vote. Article 3 of the First Additional Protocol, in conjunction with Article 14 of the European Convention on the protection of human rights guarantees the right to vote in elections equally for men and women.

64. Even in States where both sexes have the same political opportunities women do not, in fact, participate in political life to the same extent (2). In many European States few women are elected and therefore few women participate in the decision-making process of political life.

65. The question of political rights has also been considered by the Convention on the elimination of all forms of discrimination against women which, in Article 7, provides that States "shall take all appropriate means to eliminate discrimination against women in the political and public life of the country". This article deals with voting in elections and public referenda, eligibility for election, participating in formulation and implementation of government policy, performance of public functions and participation in political parties and in non-governmental organisations and associations.

II. OTHER MEASURES OF A GENERAL CHARACTER

66. Principle II deals with the following matters :

1. creation of the most favourable conditions to achieve equality between men and women;
2. equal participation of men and women in public life;
3. full use of all educational facilities by both sexes;
4. active role of educational establishments, the mass media and producers of teaching material in favour of equality between men and women.

1. Creation of the most favourable conditions to achieve equality

67. In order to achieve a more equal distribution of men and women on the labour market, in education and in other activities, the infrastructure of society should aim at encouraging conditions that give women better opportunities. In this respect education within the family is very important in the process of achieving equality. Therefore States should give appropriate information (e.g. concerning the opportunities available to both men and women) to families in order to enable them to play an active role in the pursuit of this goal, by providing adequate day care institutions, by improving public transport facilities, and by providing more opportunities for adult and "continuing education", by promoting the creation of additional employment in economically disadvantaged regions, by providing advice on the sharing of work and family responsibilities. In order to overcome discrimination, commissions for equal opportunities for men and women may contribute to achieve equality.

2. Equal participation of men and women in public life

68. Men and women do not participate equally in public life and as a result there are few women in governmental and other advisory and decision-making bodies. Some States have considered it necessary to take positive action in this field in order to achieve equal participation of men and women. In Norway, owing to specific legislation providing for minimum representation of the sexes in political bodies, the number of women has increased considerably.

3. Full use of all educational facilities by men and women

69. There can be little change in the traditional sex roles if schools require or encourage girls and boys to follow different educational courses or professional training. This in turn results in undue sexual discrimination in the labour market which in turn encourages sexual discrimination in education.

70. In 1979 the Standing Conference of the European Ministers of Education examined the theme "Education and equality of opportunity for girls and women" and considered that formal equality, where it existed, had not proved sufficient to ensure practical equality of the sexes and that educational policy should be directed at the achievement of real equality of access.

71. In order to achieve greater equality in this respect the Recommendation provides that men and women should be encouraged to make use of all educational and training facilities. Even where facilities are normally used by persons of the opposite sex this is not a reason for refusing access to such facilities. In Belgium a Commission has been set up specifically to promote equal opportunities for boys and girls in education.

72. The education of men and women should cover many areas in order to ensure that they are able to follow the new technological developments. Education in the new technologies is becoming increasingly necessary for the purpose of employment and show the importance of continuing education for everyone.

4. Active role of educational establishments, the mass media and producers of teaching material

73. An important means of promoting equality between men and women is to educate men and women so that they understand why it is undesirable for inequalities to remain. Without such education, it will not be easy to eliminate de facto inequalities and consequently this will hinder the application of any legal provisions in favour of equality between the sexes.

74. The importance of the role of education is recognised in a Resolution of the Committee of Ministers of the Council of Europe on women's employment (Resolution (77) 1), which provides in Part I A 3 : "Education should aim at increasing young persons' awareness of the change in the respective roles of women and men in society and at preparing them to assume their future roles and responsibilities within the family, at work and in the community as equal partners."

75. An effective contribution to the promotion of equality may be made by the media. Therefore it is particularly essential that the media should promote equality between the sexes and should not promote stereotyped sex roles or degrade or portray one sex in a subordinate role. Very often the media in fact deal only very briefly with the role of women in the economic activity or fail to give sufficient consideration to the views of women on matters which do not traditionally concern women or the family. However, any solution in this field would have to take into account the need to protect freedom of expression of the media.

76. In June 1983 the Council of Europe organised a Seminar in Strasbourg on the contribution of the media to the promotion of equality between women and men. The Seminar dealt with the following topics : 1) the role of the media as agents of social change; 2) employment policy in media organisations and equality of the sexes;

3) advertising and equality between women and men. The purpose of the Seminar was to foster the role of the media in promoting equality between women and men. The conclusions of the Seminar will be examined by the Council of Europe with a view to any further action in this field.

77. In many States, there are no sanctions to prevent discriminatory advertising. In some States measures have been taken to prevent discriminatory advertising in general. For example in Denmark advertisements may be banned if they treat women as sex objects or suggest that a woman is inferior to a man. In Iceland under Article 8 of the law on equality of women and men (no. 78 - 31 May 1976) advertisers are prohibited from publishing any advertisement which could be considered to be derogatory or humiliating for one sex. In Portugal Article 23 of the Portuguese decree, law No. 421/80 of 30 September 1980 which regulates advertising, provides that advertising must not infer that women are inferior or subordinate to men, or reduce them to their traditional domestic role, at the expense of other functions and aspirations. Advertising, which uses the image of women merely as an object to promote goods or services of which she is not the exclusive consumer, is also not allowed under this law. In Norway the second subsection (added in 1978) of S 1 of Act No.47 of 16 June 1972 relating to marketing control provides : "An advertiser and anyone who creates advertising matter shall ensure that the advertisement does not conflict with the inherent parity between the sexes and that it does not imply any derogatory judgment of either sex or portray a woman or a man in an offensive manner."

III. SPECIAL TEMPORARY MEASURES (POSITIVE ACTION)

78. In spite of new equality legislation, in many countries progress in removing inequalities between men and women has not been as rapid or as extensive as had been expected. One way of achieving more certain results would be to adopt positive action programmes in some fields. Such programmes may be used to eliminate systematic discrimination and to make the best use of the abilities of women.

79. As positive action could, in some States and in some cases, be considered unconstitutional as it might create a discrimination against the other sex, the only action States are recommended, to take under the third Principle, is to give consideration to the adoption of temporary special measures in areas where inequalities exist.

80. Article 4 of the United Nations Convention on the elimination of all forms of discrimination against women states that the adoption of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered as discrimination and shall be discontinued when the objectives of equality of opportunity and treatment have been achieved. Article 2.4 of the Council Directive of the European Communities of 9 February 1976 (76/207/EEC) on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions provides that this directive shall be without prejudice to measures to promote equal opportunity for men and women, in particular by removing existing inequalities which affect women's opportunities in employment and professional training.

81. The laws of some States contain special provisions to enable or to require measures of positive action to be adopted: e.g. Article 6 of the Swedish law of 1 July 1980 on equal opportunities for men and women in respect of employment according to which every employer has an obligation to pursue active efforts to promote equality at work.

82. Principle III lists the following examples of special temporary measures which States might consider adopting in order to accelerate the realisation of de facto equality.

- a. making employers aware of the desirability of having as an objective the achievement of equality between the sexes

83. Once employers are aware of the desirability of this objective they will analyse the problem and consider the steps to be taken. One of the steps could aim at overcoming covert discrimination which may arise out of existing policies. In addition to providing any remedial measures, employers could also provide support measures which would be accessible to all employees, but which would, in particular, alleviate one of the sexes (e.g. the provision of child care or transport facilities).

- b. giving or encouraging special training for persons of the under-represented sex to enable them to obtain the necessary qualifications

84. An important measure which States could take would be the setting up of special training in favour of the under-represented sex. Of particular importance in this respect could be management courses for women.

IV. MACHINERY TO PROMOTE EQUALITY

85. Under Principle IV States should provide institutions (3) which might have one or more of the following powers:

- advisory powers;
- decision-making powers;
- powers to ensure the implementation of specific legislation.

86. Paragraph IV gives the following examples of tasks which could be given to this machinery:

87. In a number of States, certain machinery has been set up to deal with problems arising out of employment. However, although many States have constitutional and other provisions to guarantee equality between the sexes, few States have established special machinery of a more general nature having the power to encourage or enforce equality. In those countries where such machinery has been established, it seems there is a greater awareness of the problems relating to the equal treatment of the sexes and an increasing willingness by victims of discrimination to bring cases.

a. suggesting draft legislation and giving advice to the public authorities

88. Suggestions to reform the law might be made and for this purpose in some countries bodies could be set up and given, for example, one or more of the following tasks: proposing new legislation or advising on the working of the existing sex discrimination legislation, reviewing administrative practices.

89. In Belgium, for example, in compliance with Article 135 of the law of 4 August 1978 on economic changes, the Commission on Women's employment and the specialised Commission set up under Article 6 of the collective work Convention No.25 have the task to give advice at the request of the competent judicial body on cases concerning the application in the private field of the provisions of Title V of the law of 4 August 1978 on economic changes.

b. preparing and promoting guidelines and codes of conduct

90. Guidelines and codes of conduct are particularly helpful in promoting equality and giving an indication to employers of the steps they should take to ensure equality.

c. encouraging parties to collective bargaining to promote equality and to avoid discriminatory results

91. In the past, a number of collective agreements between employers and workers organisations not only failed to promote equality, but in some cases resulted in discrimination. Equal treatment of both sexes in this field is therefore of special importance. According to the Swedish labour legislation positive action through special collective agreements on equality is considered one of the most important instruments in the promotion of equality in working life. Existing collective agreements on equality provide for action by the employers concerning recruitment, training, promotion, regrading, job classification, work rules and terms of employment including pay.

92. According to the Directive of the Council of the European Communities of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion and working conditions (76/207/EEC), States must take measures to ensure inter alia, that provisions contrary to the principle of equal treatment with regard to access to all jobs, training and working conditions which are included in collective agreements shall be, or may be declared, null and void or may be amended. Convention No. 100 of the International Labour Organisation (ILO) promotes the principle of equal remuneration for work of equal value. This principle of the Convention may be applied either by national laws or machinery for fixing wages or by collective agreements.

d. acting to avoid and eliminate sex discrimination in advertisements

93. Any solution in the field of advertising has to take into account the fact that freedom of the press might be affected. Activities might include the publication of leaflets, informing the public of the problem; the drawing up of guidelines, monitoring advertisements to ensure that they do not infringe the law, acting to prevent sex stereo-typing. In some countries the advertising industry has voluntarily adopted guidelines to restrict discriminatory practices in advertisements. Unless there is a clear reason, offers of employment should not be worded in such a way as to attract only one of the sexes.

e. advising and, where possible, promoting a conciliation between the parties to a dispute

94. Such work would be of considerable assistance to persons claiming to be victims of discrimination and would, by promoting conciliation, enable many disputes to be settled at an early stage. For example the Equal Treatment Commission in Austria may inform in writing an employer, who is not applying the principle of equal treatment in the fixing of wages, how equal treatment can be ensured. In addition a warning to cease discrimination can be given.

f. imposing appropriate administrative sanctions

95. In some countries it is thought that the best remedies are those granted by the court. Nevertheless in some countries experience has shown that victims of discrimination are reluctant to bring legal proceedings. Therefore it may be more effective to put at their disposal an appropriate machinery which, with few formalities, would perform advisory tasks, give legal assistance and even, where necessary, impose sanctions (e.g. the powers of work inspectors to impose sanctions where there is a failure by employers to comply with the relevant legislation). However this is without prejudice to the competence of the ordinary courts.

96. The possibility of obtaining an appropriate remedy not only assists those suffering from discrimination but also discourages further discrimination. In Ireland the Employment Equality Agency has specific powers, designed to secure the implementation of anti-discrimination legislation. When this Agency is informed of practices contrary to the law it may conduct an official enquiry and issue non-discrimination notices requiring that the discriminatory practices cease. It may also seek a High Court Injunction in the case of persistent discrimination. In Sweden the Commission on equal opportunities may impose fines at the request of the Ombudsman in cases where an employer has failed to comply with his obligations under the law to take positive action.

g. bringing, in appropriate cases, legal proceedings before the courts

97. In some States, the body may itself bring proceedings before the courts in cases of sex discrimination. For example in Iceland the Equality of Treatment Board may, where there has been a breach of the 1976 Act on equality between men and women, bring proceedings on behalf of the persons alleging the breach. The same applies in the case of the Equal Opportunities Ombudsman in Sweden. In the United Kingdom, the provisions of the Sex Discrimination Act 1975 and the work of the Equal Opportunities Commission have resulted in a large number of cases being investigated by the Commission or brought before the courts. This body has the sole right to bring legal proceedings in respect of discriminatory practices and advertisements.

V. REMEDIES AND SANCTIONS

98. In order to discourage discrimination Paragraph 1 of Principle V provides that effective remedies and sanctions should be available. This paragraph gives examples of remedies and sanctions which could be used by States:

99. Principle V also gives examples of ways in which such remedies and sanctions could be used (e.g. where an order might be made to set aside a decision of an employer which is of a discriminatory nature). In Norway, anyone who fails to comply with a decision made by the Equal Status Board or by the Ombud may be fined by the courts.

100. In a number of States where effective sanctions and remedies are available there has been an increased number of sex discrimination cases. It would therefore seem possible that the small numbers of sex discrimination cases to be found in many States may be due more to the absence of appropriate remedies than to the absence of problems of sex discrimination.

101. The work of the courts will not only stop and discourage any discrimination which is contrary to the law but will also, through their decisions, promote a better understanding and awareness of the question and so help to reduce de facto discrimination.

102. This part of the Recommendation is similar to the Council of Europe Recommendation No. R (81) 7 on measures facilitating access to justice which in its Appendix provides that judicial proceedings should be made simple speedy and inexpensive. Provision should also be made for the full assistance of a lawyer when the person concerned does not have sufficient financial means. Generally the employee alleging discrimination against an employer will have to bear the burden of proving discrimination. Recently, however, this has been questioned in a number of States as it has been suggested that in such cases the employer should bear the burden of proving that his

decision was not discriminatory. There are some countries where the employer bears the burden of proving that his decision was not discriminatory (e.g. Belgium, the Federal Republic of Germany, Portugal and Sweden).

103. Article 2 (c) of the United Nations Convention on the elimination of all forms of discrimination against women provides that States undertake "to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination".

104. In addition to protection by national courts, victims of sex discrimination may also be protected by international bodies:

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- The United Nations Human Rights Committee. This Committee may, under the provisions of the Optional protocol to the International Covenant on civil and political rights, bring communications submitted by individuals claiming sex discrimination to the attention of the States party to this protocol.
 - the European Court of Human Rights: the enjoyment of the rights and freedoms contained in the European Convention for the protection of human rights and fundamental freedoms is, by virtue of Article 14, secured without discrimination on any ground such as sex;
 - the European Court of Justice: The Treaty of Rome provides that States should ensure that men and women receive equal pay for equal work - Article 119. In addition in application of Articles 100 and 235 of the Treaty of Rome, three directives have been adopted :
 - Council Directive of 10 February 1975 (75/117/EEC) on the approximation of the laws of the member States relating to the application of the principle of equal pay for men and women;
 - Council Directive of 9 February 1976 (76/207/EEC) on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion and working conditions;
 - Council Directive of 19 December 1978 (79/7/EEC) on the progressive implementation of the principle of equal treatment for men and women in matters of social security.

These Directives require member States to bring into force laws, regulations and administrative provisions necessary to comply with these Directives within a certain time of their notification.

FOOTNOTES

- (1) Recommendation No. R (81) 6 of the Committee of Ministers of the Council of Europe recommends that governments of member States should, as far as possible ensure the participation of women and men in an equitable proportion in Committees and other bodies set up by the Council of Europe.
- (2) The Committee of Ministers of the Council of Europe in Resolution (72) 22 on the suppression of and guaranteeing unjustifiable discrimination invites governments to guarantee the political rights of women by appropriate methods.
- (3) See also historical development and descriptive analysis of national machinery set up in member States of the Council of Europe to promote equality between women and men 1982.

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