

Die Veranstaltung wurde von Carmen Plaza, Direktorin des Fraueninstituts, das dem spanischen Gesundheits- und Gleichstellungsministeriums zugeordnet ist, formell beendet. Bei anschließendem Kaffee und Kuchen, den Ignacio Samper vom EP gesponsert hatte, konnten alle Beteiligten sich über das zuvor Gehörte austauschen.

Weitere Berichte über Veranstaltungen der Landesverbände und Regionalgruppen des djb zur Europawahl folgen in djbz-Heft 3/2014.

En vista de la celebración de las elecciones europeas:

## Introductory speech: La Union Europea y la Mujer – The female face of Europe

Conference of German Women Lawyers Association (djb) in Madrid on 25 March 2014 at the premises of the European Commission and the European Parliament

### Margarete Hofmann

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Muchas gracias a Katharina Miller, la Presidente del grupo madrileño de la Asociación de mujeres juristas alemanas (djb) para haber organizado esta conferencia importante. Muchas gracias también a Francisco Fonseca de la Comisión Europea y Ignacio Samper del Parlamento Europeo para haber facilitado el evento en las localidades de la Comisión y del Parlamento. Me alegro mucho que finalmente era posible de tener esta conferencia del grupo madrileño del djb. En mi calidad de Vice-presidente del djb tengo que enfatizar que es sobre todo el mérito de Katharina Miller que todos nosotros estamos aquí con intervinientes muy interesantes. Admiro mucho el entusiasmo de Katharina y su trabajo incansable.

Voy a cambiar ahora en inglés, porque no tengo mucha práctica en hablar el español, desgraciadamente!

As Katharina pointed out, I work as a Director at the European Commission (OLAF) – where I am responsible for the policy on fight against fraud and corruption. I deal with gender equality issues in my spare time, and I work on a voluntary basis for djb, currently at djb Board as a Vice President and also for EWLA as German Board member. I am very happy that EWLA President Jackie Jones was able to join the Conference.

Why do I do this? I have to say, I was not at all interested in these issues when I was a young professional, but I became sensitized when I progressed in my professional career and experienced some sort of glass ceiling. As it is often the case, I was at that time contacted by a very active member of djb in Brussels and then I joined the Association and the Brussels group. Now, having made a career and being a member of the “executive board” of OLAF, it is important for me to support and help other women to overcome obstacles in their careers and to realize their potential. And also, to get involved in these great women organisations and make female voices heard in politics and society.

I will now say a few words on the subject of this conference: La Union Europea y la mujer – and ask a few questions:

- Why does Europe matter for women?
- What have we achieved so far? And what has still to be done?
- I will also address: What is the role of EU law in this context?
- And what is the role and are the possibilities of women organisations, here djb and EWLA, to influence this law in order to improve the situation of women across Europe? I will illustrate this with an example.

Why does Europe matter for women?

I could say, in Greek mythology Europe is a woman. And women represent more than the half of the European population.

But more importantly, gender equality and equal opportunities are key values of the EU and its Member States and constitute a cornerstone of our legal and institutional system: Gender equality is enshrined in the EU treaties and in the Charter of Fundamental Rights as a fundamental right and a common value. It is an objective and a task of the Union to promote equality between women and men in all its activities and to eliminate inequalities and discrimination based on gender. Article 157 TFEU provides for a strong legal base to ensure equal opportunities and equal treatment of women and men in the field of employment and occupation, including the principle of equal pay for equal work.

Indeed, we can say, there is no modern European democracy without gender equality!

Furthermore, what we have learned as well and what matters in particular in the current economic crisis, there is no – or no sufficient – economic growth and prosperity without gender equality, without the full involvement of both women and men in the economy and the labour market.

So, Europe matters for women, but women also matter for Europe. These are just the two sides of one medal.

When we look what has been achieved in the past decades in the field of gender equality, it is certainly an important acquis, all the more when you compare it with the situation of women in other parts of the world.

Let me just mention the EU rules (Directive 2006/54/EC) to reduce the gender pay gap (including a recent Recommendation –

from March 2014 – on strengthening the principle of equal pay through increased wage transparency), the EU Directives on maternity (92/85/EEC; and the amending proposal from 2008) and parental leave (Directive 2010/18/EU), and the EU action to promote gender equality on company boards (including the Quota proposal from November 2012).

The European Commission also addresses the issue of female participation in the labour market in its Europe 2020 Strategy and through country specific recommendations. Last but not least the EU also focuses on combating gender violence; the Commission has adopted a package of relevant actions – women are, as we all know, the main victims here.

Furthermore, the European Commission has initiated a reflection process for a new Gender Equality Strategy following the 2010 – 2015 Strategy.

Nevertheless, if we do the “reality check” and look at the concrete results, we cannot be satisfied – I take only a few examples:

On the one hand, in preparation for the labour market, women do better than men: A higher degree of young women have an university degree than men (Eurostat figures 2012: 39.9 percent of women aged 30 – 34 compared with 31.5 percent men) and less women than men are “early leavers” from education and training (2012: 10.9 percent women against 14.4 percent men).

On the other hand, the overall percentage of women working in the EU is only 63 percent compared to 75 percent of men (2013). 32 percent of women in the EU work part-time against only 8 percent of men.

The gender pay gap stagnates indeed, despite all efforts, at 16.4 percent in the EU (2013). In my home country Germany it is more than 22 percent, in Spain 17.8 percent. Consequently, also women’s pensions are much lower than men’s, namely by 39 percent lower. That means, women have a much higher risk of poverty after retirement (“Altersarmut”).

Women in decision-making/leadership positions in the private and public sector: this topic has been high on the political agenda for some time now at EU level and in the Member States, we will certainly hear more about it today. There is some improvement, but progress is slow and by no means satisfactory: The percentage of women on the boards of large listed companies is now (figures from October 2013) 17.8 percent on EU average, a gradual, but slow improvement since October 2010 (11.9 percent). But if you look at the top executive positions (executive boards), you just find 2.8 percent of women as CEO of the largest listed companies in Europe (October 2013 – there were even a bit more in October 2011: 3.3 percent). That means the top positions in Europe’s large companies continue to be occupied almost exclusively by men.

I stop here with figures, although I could say still much more, in particular on the results of the recent EU-wide survey conducted by the Fundamental Rights Agency on Violence against women which shows worrying figures which call for renewed policy attention and action.

What do we conclude from these figures?

You may not be surprised when I say we do not need less, but more Europe to promote and achieve gender equality!

We have the common values and objectives in the Treaties and in the Charter (and in our respective national Constitutions...) and we need to make them reality and happen across the EU.

We still need more of an European approach and an European dynamic to bring the lives of European women – and men! – in line with the values and objectives of the Treaties.

We need a variety of measures to do so, not only legal acts, but also awareness raising measures (yes, also fighting against stereotypes!), support programmes and much more.

But in a Community of law, as the EU is, the law plays a crucial role in shaping progress towards gender equality. EU law, in particular also in the field of gender equality, has often had a pioneer or pacesetter function, and has obliged Member States to align their national laws more and more to European standards. That is in my view one important reason why Europe should be close to the hearts of women in Europe: In many cases, without European action, progress in gender equality would have come later and sometimes perhaps not at all. That is why the upcoming elections to the European Parliament end of May matter much also for women.

Nevertheless, we also know that nothing happens from alone, that it can be very difficult to drive and adopt ambitious legislative action at European level. We know very well that Member States, for different reasons, are sometimes reluctant to go beyond the status quo; the draft Directive on improving the situation of pregnant workers, the so-called maternity leave Directive which is blocked at Council level, is just one but important example.

All the more it is important that European women make their voices heard and tell the European policy makers (Commission, European Parliament and Council) what they expect from them – in order to have better, quicker and more sustainable results – to the benefit of European women which ultimately means to the benefit of the whole society.

Women organisations, and in particular the women lawyers associations in the Member States, like the djB, and EWLA, the umbrella organization at European level, make important and valuable contributions in this respect. We are active and committed European women and we matter for Europe. We want fairness and justice at all levels and: Yes, we also want our share of the pie. To that end, we promote gender equality without the “Ifs” and “Buts” and we push the legislator at national and European level to be ambitious, not faint-hearted.

How do we do this:

Of course, we discuss and do networking, we organize conferences and seminars like this one, we write statements and give advice on draft legislation and sometimes we even draft legislative acts ourselves.

And sometimes we develop a great project which considerably impacts on the public opinion and accelerates the process of legislation.

This is the case with the djB-project “Women Shareholders Demand Gender Equality” which we ran in Germany from 2009 – 2013 with the financial support of the Federal Ministry responsible for gender equality.

At the beginning there was a simple, but brilliant idea. A djB member who held shares in listed companies was irritated and

annoyed that at the shareholders meetings the Supervisory and Executive boards consisted almost exclusively of men. Being a lawyer, she looked into the Federal Companies Act (Art. 131 Aktiengesetz) and learned that it was sufficient to hold one single share in order to make use of the shareholder's right to information on company-related matters in the annual shareholders meeting. She started to ask questions to the Board on the representation of women in the Supervisory Board and in executive positions in the companies and on the related measures the company has taken or would take in order to improve the situation.

This initial idea developed into a project which was quoted by the Financial Times Germany as "the most high-profile campaign ever experienced by German attendees of shareholder meetings."

In fact, djb-members visited every year the shareholder meetings of all 30 DAX-listed companies and 45 other listed companies. Overall, during the four years of duration of the project, djb members addressed 400,000 female and male shareholders at more than 300 shareholder meetings. The results of the action – evaluation of the replies to the questionnaires – were presented in four studies of which 11,000 copies were distributed. There was a high media coverage: More than 40 press releases from our side and more than 220 media reports in the German press. Our objectives were fully achieved: First) to raise public awareness about the situation of women in leadership position in companies and, second) to force the Board of the companies to provide information and statistics on female representation in a transparent way and to justify – or better amend – their corporate policy in this field.

Myself, I have participated in a few shareholders meetings. This was a highly interesting and instructive experience and a challenge at the same time – to speak in front of the Board and of sometimes several thousand shareholders. I can tell you, it makes you strong!

Overall, the campaign has much contributed to the lively public debate in Germany about quota in the past years and

has certainly influenced the decision of the new government to go for quota legislation. It has also stimulated the discussion at European level (we presented the project several times in Brussels) and at Spanish level – it encouraged Katharina Miller to launch „Paridad en Acción“! Now, with the positive approach of the German government to quota legislation, it is to be hoped that Ms Reding's draft quota directive will be deblocked in the Council.

Inspired by the success of this now finished project, we had the idea to extend it to the European level. We therefore applied for a grant with the European Commission "European Women Shareholders Demand Gender Equality". The European project covers 12 Member States and focuses on the Euro STOXX 50 companies. Co-beneficiary partners of djb are EWLA, EWLA Bulgaria, the French and the Hungarian Women Lawyers Association, the Finland Chamber of Commerce, the Ministry of Justice and Equality of Sachsen-Anhalt, the University of West of England and the University of Magdeburg Stendal.

We are sure that the project will contribute to involve the general European public in the discussions on gender balance in the private sector to a still greater extent.

An important side effect will be the strengthening and a greater visibility of women lawyers associations in Europe, including EWLA.

Unfortunately, the decision on our application will only be taken in April, as we just learned. So, there is still suspense whether we can go forward with this project, but we hope of course that the decision will be in our favour.\*

Now it is time to come to the end and let the members of this interesting panel speak about their individual experiences with the female face of Europe.

I thank you for your attention.

\* Mittlerweile wurde das Projekt bewilligt. Weitere Informationen s. Seite 80 in diesem Heft.

## Diskussionsrunde zum Thema Frauen in der Bundeswehr

FIM lud ein ins Bundesministerium der Verteidigung am 8. April 2014

**Juliane von Friesen,**

Personal- und Unternehmensberaterin, Senatorin a.D., Berlin

Bis 2001 kamen sie nur im Sanitätsdienst und im Musikcorps vor: Frauen. Inzwischen stehen ihnen alle Laufbahnen offen. Aber es wird noch einige Jahre dauern, bis wir außerhalb des Sanitätsdienstes weibliche Generale und Admirale haben. Gerade erst liegt eine Studie vor nach der Soldaten das Gefühl haben, dass die Schlagkraft der Truppe gelitten habe, weil eben auch 19.000 Soldatinnen Dienst tun. Diese wiederum beklagen sich, dass sie von ihren männlichen Kameraden belästigt und gedemütigt werden. Eigentlich noch schlimmer: Die Soldatinnen wollen die Bundeswehr nicht verändern.

Der Eindruck nach der Podiumsdiskussion, an der u.a. Gerhard Kümmer vom Zentrum für Militärgeschichte und So-

zialwissenschaften der Bundeswehr in Potsdam, Mona Stuber, Militärische Gleichstellungsbeauftragte des Bundesministeriums für Verteidigung, unter Leitung von Krisztina Berger, der Stellvertretenden Regionalleiterin von FIM, der Vereinigung von Frauen im Management, teilnahmen, war in weiten Teilen Ratlosigkeit. Weder die Präsidentin des Deutschen Juristinnenbundes, Ramona Pissal, noch FidAR-Präsidentin Monika Schulz-Strelow oder die Vizepräsidentin des Vereins der Kaufleute und Industrieller, Petra Gothe, hatten ein Patentrezept parat, wie es gelingen könnte, Frauen in der Bundeswehr schneller in Schlüssel- und Spitzenpositionen zu bringen. Diejenige, die es vielleicht hätte verraten können, fehlte leider: Ursula von der Leyen ließ sich durch ihren Staatssekretär Ralf Brauksiepe vertreten.