



**EJDM** Europäische Vereinigung von Juristinnen und Juristen für Demokratie und Menschenrechte in der Welt e.V.

**EALDH** European Association of Lawyers for Democracy and World Human Rights

**AEJDH** Asociacion Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo

**AEJDH** Association Européenne des Juristes pour la Démocratie et les Droits de l'Homme dans le Monde

**AEGDU** Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i Diritti dell'Uomo nel Mondo

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## **Statement of EALDH Administrative Council On the Draft Constitution of the European Union**

The draft of the Convention for a Constitution for Europe does not meet the needs of the people of Europe and of the people outside Europe. In the present situation a constitution has to give answers to the main problems of our time, such as military intervention, racism, social injustice and increasing poverty, decline in the rights of workers and of trade unions, discrimination against women and discrimination on other grounds. A constitution for Europe has also to take into consideration the bad experience of the existing unwritten "Constitution" of Europe, which is based on several treaties as well as on innumerable conventions and directives. A particular problem is the lack of democracy associated with a European Parliament without any legislative power. A constitution of Europe must not only take into consideration the welfare of the people of Europe, but also of the millions of people outside Europe but affected by it, and of the migrants who enter Europe.

Despite these urgent requirements the draft for a European Constitution

- does not oblige the European Union to safeguard peace
- considers military intervention to be more important than peace keeping activities
- does not restrict military intervention to the case of self-defence
- allows military intervention without consultation of the Parliament
- does not mention social rights, social development and lasting environmental development as aims equal to economical development
- does not oblige the European Union to do all in its power to defend people in Europe from the socially destructive impact of neo-liberal economic policies both within Europe, and in the rest of the world
- has the effect of elevating the neoliberal economic order to a constitutional principle
- does not mention gender rights and gender democracy as necessary elements of a future Europe
- does not mention labour unions as organisations which are essential to safeguard a democratic and social Europe
- does not oblige the member states to respect the human rights of people within their jurisdiction as well as of immigrants and migrants
- does not give the necessary access to justice for people to defend their fundamental rights
- does not strengthen the rights of migrants who seek shelter inside the European Union
- does not oblige the European Union to a policy that favours a just social and economic development in countries outside Europe
- defers to the cultural, religious and humanistic tradition of Europe without mentioning wars, colonisation, fascism and the dreadful violations of human rights which have been committed in the course of European history, in the name of the various national cultures and in the name of religion
- does not give democratic power to the European Parliament

Under these circumstances the EALDH demands a new draft for a European constitution which takes into consideration the above mentioned criticisms. The EALDH appeals to the Governments of the member states of the European Union not to approve the present draft. EALDH will hold a conference in 2004 where necessary changes to the present draft will be discussed and suggestions will be elaborated.

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