

EQUALITY - A UNIVERSAL PRINCIPLE OF THE CONTEMPORARY WORLD

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Abstract

The right to equality is both a universal right and a fundamental principle of Community law.

Ever since the beginning of modern society, equality has been an ideal condition of many actors. Thus, political decisions, political projects, institutional construction and political will have influenced the evolution of society and tried to build, respect and apply equality.

Equality is convergent with respect for human rights. Democratic society can and must ensure the favourable context for the respect of equality and human rights, because the only way of rigorous expression of equality is democracy. Equality is inextricably linked to the legitimacy of power.

Key Words: *equal opportunities, educational problems, democracy, law, rights.*

JEL Classification: [K33, K38]

1. Introduction

Between fundamental principles of law, equality is central. Equality as a constitutional principle is defined by reference to differences and discrimination.

Perfect equality is not only impossible but also undesirable, because, if the pace of change were the same for all states, this tendency would not involve major changes in the evolution of the world. Contemporary society must offer equal opportunities to all citizens regardless of social status, ethnic, religious, age, sexual orientation, and any other distinctions.

Thus, starting from Th Murrus's Utopia and extrapolating it into contemporary society, the evolution of the human community has led to the implementation of the principle of equality in state constitutions and the declarations of all international organizations and bodies. The ideal society where equality is the basis creates the preconditions for developing the principle of equality, initially utopian, then applicable to real society.

As a general theme, from Montesquieu, Marx or Durkheim, "equality" occupies a very important place in sociology, but also in political sciences, law or philosophy. The differences between men and women, under its various aspects, are always a problem.

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The Universal Declaration of Human Rights and the United Nations Convention on elimination of all forms of discrimination recognize the right to equality before the law and protection against discrimination as universal rights.

2. Equality and non-discrimination

The normative framework has been stipulated since the Treaty of Rome (1957) in art. 119 thus:

"Each Member State ensures during the first stage, and therefore keeps, the application of the principle of equal pay between male and female workers for the same job. Remuneration, for the purposes of this article, means the usual basic or minimum wage or payment and all other benefits, paid directly or indirectly, in cash or in kind, by the employer to the employee based on the employment relationship. Equal pay, without discrimination based on sex, involves the following:

a) the remuneration granted for the same job paid to the unit of measure shall be established on the basis of the same unit of measure; b) the remuneration paid for a job paid according to time shall be equal to that for an equal job. "¹

The Treaty of Maastricht² on the European Union and the Treaty of Amsterdam³ resumed by the provisions of art. 141, the provisions of the former art. 119, no substantial changes were made.

The EU promotes the active inclusion and full participation of all people in society. The principle of equality under the non-discrimination directives extends to three areas: employment, the welfare system and goods and services. According to FRA, the Racial Equality Directive applies to all three areas.

The European non-discrimination directives prohibit differential treatment that is based on certain 'protected grounds', containing a fixed and limited list of protected grounds, covering sex (Gender Goods and Services Directive, Gender Equality Directive (Recast)), sexual orientation, disability, age or religion or belief (Employment Equality Directive), racial or ethnic origin (Racial Equality Directive). The European Court of Human Rights (ECHR), in contrast, contains an open-ended list, which coincides with the directives, but goes beyond them. Article 14 states that there shall be no 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'. The category of 'other status' has allowed the ECtHR to include those grounds (among others)

¹ The EEC Treaty, signed in Rome on 25.03.1957 and entered into force on 01.01.1958, unpublished, brings together France, Germany, Italy and Benelux in a Community which aims to integrate through trade for economic development. Following the Maastricht Treaty, the EEC becomes the European Community, thus expressing the will of the Member States to extend the Community's competences beyond the economic fields; for the history of the evolution of the Treaties, see <http://eur-lex.europa.eu/legal-content/RO/TXT/?uri=URISERV%3Axy0023>.

² It was signed on 07.02.1992 and entered into force on 01.11.1993, being published in OJ C 191 of 29.07.1992.

³ It was signed on 02.10.1997 and entered into force on 01.05.1999, being published OJ C 340 of 10.11.1997.

that are expressly protected by the non-discrimination directives, namely: disability, age and sexual orientation.

The EU reflects in European legislation the result of research that includes sensitive categories and tries to disseminate in the Member States the need for cooperation based on understanding, acceptance and mutual tolerance.

The issue of "equal opportunities" is at the heart of the European Employment Strategy, which seeks to combine the integration of gender perspectives into all European Community policies and programs.

The European Council defined equal opportunities and treatment for men and women or gender equality, as follows: "Gender equality implies an equal level of visibility, affirmation and participation for both sexes in all spheres of public and private life. Gender equality is the opposite of gender inequality, not gender differences, and aims to promote the full participation of women and men in society."

"The only important step that a country, company or organization can take if they want to maximize their potential, is to achieve gender equality", said Borge Brende, General Director of the World Economic Forum.

Gender equality must remain a central objective of any democratic society that is based on full and equal citizenship rights for all. The concept proposes to promote the full participation of women and men in society. Women continue to face discrimination and disadvantageous situations in all areas of economic life. Millions of women around the world face discrimination in their access to training or a job, women are limited to certain professions with reduced mobility opportunities, are paid less for work of equal value or are unable to earn enough in order to support themselves or their families.

The European EIGE Institute has developed an index that highlights, once every two years, developments in gender equality based on a score from 0 to 100 in all EU countries. Different areas are analysed, such as professional activity, financial situation, knowledge, power and health. Thus, in France, President Macron argued that the only major cause of his mandate is equality between women and men. In Germany, gender equality is on the government agenda.

According to the study conducted by the EIGE Institute, Germany is in the middle of the ranking, while Sweden and Denmark are at the top of it. (Tabel 1)⁴

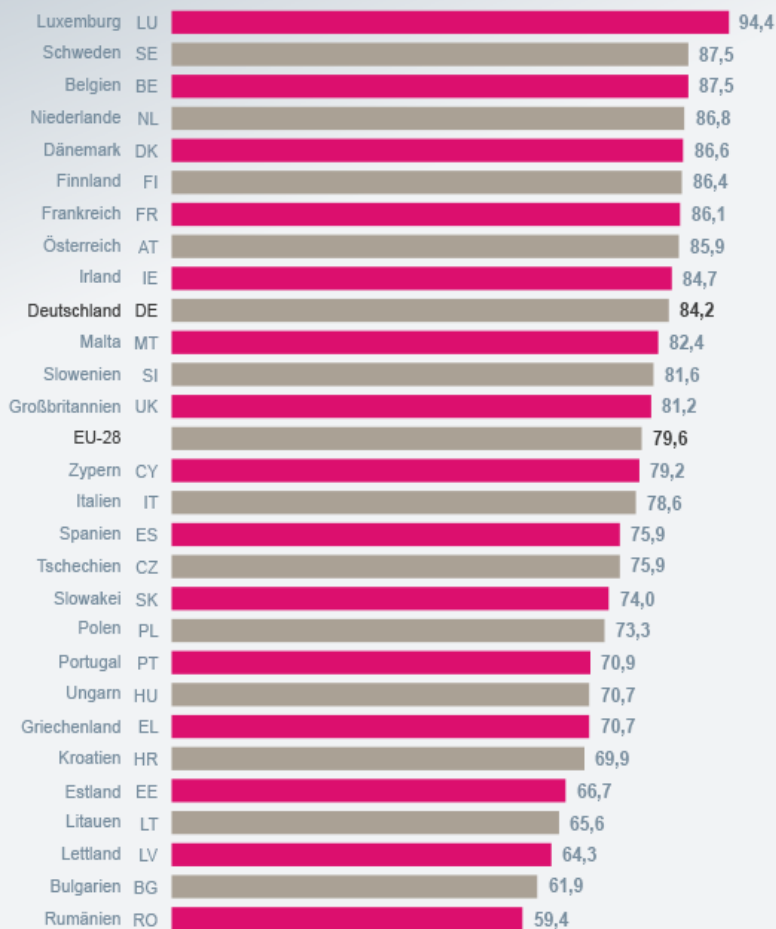
⁴ http://ec.europa.eu/justice_home/index_en.htm;

<https://www.romania2019.eu/2019/04/11/egalitatea-de-gen-si-independenta-economica-a-femeilor-pe-agenda-discutiilor-in-cea-de-a-doua-zi-a-reuniunii-epsco-de-la-bucuresti/>;

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Gehaltslücke zwischen Männern und Frauen

Gender Equality Index 2017 – Geld



Quelle: European Institute for Gender Equality | Daten von 2015 | Index: 1 - 100

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Table 1.

Romania, in the context of holding the rotating Presidency of the Council of the European Union, at the first informal meeting of the ministers of employment and social policies of the EU member states that was organized by our country, through the minister Marius Budăi stated that: “The EU policy regarding Gender equality after 2019 should be strengthened and, by promoting the core values enshrined in the implementation of the European acquis, contribute to the implementation of EU international commitments, such as the United Nations Sustainable Development Agenda and the Sustainable Development Goals (SDGs) 2030, the UN Convention on the Elimination of All Forms of Discrimination

against Women (CEDAW), the Beijing Platform for Action and the Istanbul Convention".

According to the Minister of Labor and Social Justice, gender equality and economic independence of women are essential for sustainable economic growth in all states.

"Gender equality must be a priority on the European agenda," said rapporteur Ernest Urtasun, Spanish MEP from the Green Group / European Free Alliance.

Referring to Europe, we still have a long way to go before we reach a society of equality between women and men. The updated gender equality index shows that we are making progress in this regard, but at a very slow pace.

Frans Timmermans, First Vice-President of the European Commission, said: "Gender equality is a priority on our agenda, but progress on the ground is still slow. For the situation to really change for women, we need to turn awareness and intentions into actions. This means the adoption of new legislation proposed by the Commission on work-life balance, accession to the Istanbul Convention and the implementation of policies already agreed to address the gender pay gap and to combat violence against women. "

Věra Jourová, European Commissioner for Justice, Consumers and Gender Equality, added: "Gender equality is not just about women. It's about our society, economy and demographics. We want to ensure that women are truly equal to men before the law. We will also continue to work to empower women so that they can make their own choices regarding their careers and their families". "The new results of the Gender Equality Index show that inequalities prevail in all areas of life. Europe therefore has an obligation to act. This year I will propose additional measures that empower women and guarantee them equal pay for work of equal value. Equality does not mean that women should be more like men, but it is about creating an environment in which both genders benefit from the same options and fully participate in social, professional and family life", said Věra Jourová, Commissioner for Justice, Consumers and Gender Equality.

Gender equality, non-discrimination, as well as ensuring accessibility are a necessary condition for an intelligent, sustainable and inclusive growth of the role of women in society.

Main indicators on gender equality:

	Proportion of women (%)						
	Employment rate gap	Gender Pay Gap	Gender pension gap	On company boards	In national parliaments	as senior ministers in governments	As MEPs in European Parliament
	2017	2017	2017	2018	2018	2018	2018
EU28	11.5	16 (P)	35.7	26.2	30.0	30.4	36.4%
Austria	8	19.9	41.4	23.8	35.5	35.7	38.9%
Belgium	9.8	6	23.8	30.9	37.3	21.4	35.0%
Bulgaria	8	13.6	25.8	16.4	26.7	23.8	17.6%
Cyprus	9.5	13.7	41.1	10.5	17.9	16.7	16.7%
Czechia	15.8	21.1	13.5	15.7	22.5	28.6	23.8%
Germany	7.9	21(P)	38.1	33.1	30.9	43.8	35.4%
Denmark	6.5	14.7	7.5	30.7	37.1	40.9	30.8%
Estonia	7.3	25.6	2.6	7.4	29.7	26.7	16.7%
Greece	19.7	:	25.1	9.8	18.3	18.2	23.8%
Spain	11.9	15,1 (P)	32.8	23.2	41.7	61.1	48.1%
Finland	3.5	16,7 (P)	25.2	33.8	41.5	35.3	76.9%
France	7.9	15,4 (P)	29.5	44.1	26.9	50	43.2%
Croatia	10.6	11.6	23.1	19.3	20.5	23.8	54.5%
Hungary	15.3	14,2 (P)	15.4	15.3	12.6	7.1	19.0%
Ireland	12.1	:	30.1	18.1	22.2	26.7	54.5%
Italy	19.8	:	35.8	35.5	35.8	23.8	38.4%
Lithuania	1	15.2	18.5	14.1	21.4	13.3	18.2%
Luxembourg	7.9	5	42.6	14.3	31.7	20	33.3%
Latvia	4.3	15.7	16.6	30.1	18	21.4	42.9%
Malta	24.1	12.2	46.1	8.4	14.5	13.3	50.0%
Netherlands	10.5	15.2	43.4	29.8	33.3	37.5	38.5%
Poland	14.6	7,2 (P)	21.4	20.2	28.5	26.1	25.5%
Portugal	7.5	16.3	32.1	16.7	36.1	16.7	28.6%
Romania	17.1	3.50 €	25.2	8.2	21.9	32.1	28.1%
Sweden	4	12.6	26.0	35.8	46.1	52.2	50.0%
Slovenia	7.2	8	14.2	26.2	24.4	47.1	37.5%
Slovakia	12.8	19.8	8.8	20.8	20.8	33.3	30.8%
UK	10.3	20,8 (P)	36.2	28.9	32.2	21.7	39.7%

Note: The five countries that achieved the best results are marked in green. The five countries which have obtained the weakest results are marked in red.

Equal opportunities, another side of the principle of equality, drives the idea that people have equal rights and equal chances of success. They participated in a balanced labour market. Equal opportunities and gender equality are the fundamental principles for the development of a fair society, which values diversity and inclusion and which promotes partnership relations and respect between individuals.

Promoting and respecting equal opportunities and gender equality contributes to the transformation of organizational culture and represents a first step towards a structural transformation of societies in order to provide equal chances of

affirmation to all citizens, regardless of gender, ethnicity, economic and social status, disability, orientation sexual etc.

The concept of "equal opportunities" automatically presupposes that at the level of the social system some discriminatory actions are manifested against individuals, actions which are generally harmful to the whole society. In this sense, the most affected social groups are those of minorities (ethnic, religious, sexual), women, the elderly and people with disabilities, and in a quasi-general way - the poor, generally people with modest jobs and incomes who do not have the capacity. and they are not in the position of being able to influence and negotiate with the different crystallized power structures within the social system. The EU reflects in the European legislation the result of research that includes sensitive categories and tries to disseminate in the Member States the need for a collaboration based on understanding, acceptance and mutual collaboration. The issue of "equal opportunities" is present at the heart of the European Employment Strategy, which aims to combine the integration of gender perspectives in all European Community policies and programs concurrently (complementarily) with the promotion of specific actions in favour of women.

In addition, compared to the legal provisions regarding equal treatment between men and women, EU anti-discrimination legislation has been replaced by ensuring a minimum level of protection and equal treatment of life and work for everyone in Europe.

Conclusion

These laws are designed to ensure equal treatment, regardless of race or ethnic origin, religion and belief, disabilities, sexual orientation or age. Equality between women and men is a fundamental value of the European Union and a right that has been enshrined in the Treaty from the beginning: the Treaty of Rome contained a provision on equal pay.

We can say that there is equality between women and men when both sexes are able to equally share power and influence; to have equal opportunities in terms of financial independence through work and by establishing one's own business; to enjoy equal access to education and the opportunity to develop their skills and talents; to share responsibility for the home and children and to be free of any kind of coercion, intimidation and violence related to gender at home and in the workplace.

The implementation of policies on equal opportunities aims to promote the integration, maintenance, training of women so that the potential is developed and everyone's abilities. Europe's next major challenge is the promotion of an inclusive society based on respect for diversity, equality and fundamental rights for all.

An inclusive society presupposes a balance between individual rights and obligations, but also the increase of social cohesion. All this is possible only by a tolerant approach to existing diversity and by understanding that equality is a universal principle of the contemporary world in a continuous evolution.

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