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*Plenary sitting*

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**A9-0226/2020**

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# **REPORT**

on the situation of Fundamental Rights in the European Union - Annual Report  
for the years 2018 - 2019  
(2019/2199(INI))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Clare Daly

## CONTENTS

	<b>Page</b>
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	3
OPINION OF THE COMMITTEE ON CONSTITUTIONAL AFFAIRS.....	30
OPINION OF THE COMMITTEE ON PETITIONS .....	38
POSITION IN THE FORM OF AMENDMENTS OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY .....	45
INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE.....	75
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE .....	76

## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

**on the situation of Fundamental Rights in the European Union - Annual Report for the years 2018 - 2019**

**(2019/2199(INI))**

*The European Parliament,*

- having regard to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the Universal Declaration of Human Rights,
- having regard to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD),
- having regard to the United Nations Convention on the Rights of the Child (CRC),
- having regard to the International Covenant on Civil and Political Rights (ICCPR),
- having regard to the UN Agenda 2030 and the Sustainable Development Goals (SDGs),
- having regard to the references made in previous reports to the state of fundamental rights in the European Union,
- having regard to Article 20 of the Charter of Fundamental Rights of the European Union, which states that everyone is equal before the law,
- having regard to Article 21 of the Charter of Fundamental Rights, which prohibits all forms of discrimination,
- having regard to the obligation for the EU to accede to the European Convention on Human Rights under Article 6(2) TEU,
- having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin,
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation,
- having regard to Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law,
- having regard to Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union

law,

- having regard to Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies,
- having regard to its plenary session debate in Strasbourg on the urgent action needed to address homelessness in Europe, that took place on 13 January 2020,
- having regard to Principle 19 of the European Pillar of Social Rights, which states that ‘access to social housing or housing assistance of good quality shall be provided for those in need’,
- having regard to Article 31 of the Revised European Social Charter on the Right to Housing,
- 
- having regard to Article 34(3) of the Charter of Fundamental Rights of the European Union (‘the Charter’), which affirms the right to social and housing assistance in order to combat social exclusion and poverty,
- having regard to the Commission report of 2019 on in-work poverty<sup>1</sup>
- having regard to the FRA report entitled ‘Combating child poverty: an issue of fundamental rights’,
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- having regard to Resolution 2280 of the Parliamentary Assembly of the Council of Europe on the situation of migrants and refugees on the Greek island, of 11 April 2019<sup>2</sup>,
- having regard to its legislative resolution of 4 April 2019 on the proposal for a regulation of the European Parliament and of the Council on the European Social Fund Plus (ESF+)<sup>3</sup>,
- having regard to Article 2 of the Revised European Social Charter on the right to just conditions of work,
- having regard to Article 31 of the Charter on fair and just working conditions,
- having regard to the Council recommendation of 9 April 2019 on the economic policy in the euro area (2019/C 136/01),

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<sup>1</sup> <https://ec.europa.eu/social/main.jsp?catId=89&furtherNews=yes&langId=en&newsId=9378>

<sup>2</sup> <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=27678&lang=en>

<sup>3</sup> [Texts adopted, P8\\_TA\(2019\)0350](#).

- having regard to its resolution of 10 October 2019 on employment and social policies of the euro area<sup>4</sup>,
- having regard to the EU Youth Strategy for 2019-2027, based on the Council resolution of 26 November 2018,
- having regard to Directive (EU) 2019/1152 of the European Parliament and the Council of 20 June 2019 on transparent and predictable working conditions in the European Union,
- having regard to Directive (EU) 2019/1158 of the European Parliament and the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU,
- having regard to the Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA,
- having regard to the report from the Commission to the European Parliament and the Council entitled "Second report on the progress made in the fight against trafficking in human beings (2018) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims" (COM(2018)0777),
- having regard to the 8th General Report on GRETA's Activities<sup>5</sup> and GRETA reports concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by all the member states<sup>6</sup>,
- having regard to the Communication of 28 November 2018 from the Commission to the European Parliament, the European Council, the Council and the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank on 'A Clean Planet for all: A European strategic long-term vision for a prosperous, modern, competitive and climate-neutral economy' (COM(2018)0773)<sup>7</sup>,
- having regard to Principle 16 of the European Pillar of Social Rights, which stresses the right to timely access to affordable, preventive and curative health care of good quality,
- having regard to its resolution of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration<sup>8</sup>,
- having regard to its resolution of 5 July 2018 on guidelines for Member States to prevent humanitarian assistance from being criminalised<sup>9</sup>,
- having regard to its resolution of 3 May 2018 on the protection of children in

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<sup>4</sup> Texts adopted, P9\_TA(2019)0033.

<sup>5</sup> <https://rm.coe.int/8th-/168094b073>

<sup>6</sup> <https://www.coe.int/en/web/anti-human-trafficking/country-monitoring-work>

<sup>7</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018DC0773&from=EN>

<sup>8</sup> OJ C 58, 15.2.2018, p. 9.

<sup>9</sup> Texts adopted, P8\_TA(2018)0314.

migration<sup>10</sup>,

- having regard to the resolution of the Parliamentary Assembly of the Council of Europe of October 2014 on the alternatives to immigration detention of children (RES 2020),
- having regard to the recommendation of the Council of Europe Commissioner for Human Rights of June 2019 entitled ‘Lives saved. Rights protected. Bridging the protection gap for refugees and migrants in the Mediterranean’<sup>11</sup>,
- having regard to the 2019 Fundamental Rights Report by the European Union Agency for Fundamental Rights and the update of June 2019 of the FRA note entitled ‘NGO ships involved in search and rescue in the Mediterranean and criminal investigations’<sup>12</sup>,
- having regard to its resolution of 5 October 2017 on prison systems and conditions<sup>13</sup>,
- having regard to its resolution of 1 June 2017 on combating anti-semitism<sup>14</sup>,
- having regard to its resolution of 15 April 2015 on the occasion of International Roma Day – anti-Gypsyism in Europe and EU recognition of the memorial day of the Roma genocide during World War II<sup>15</sup>,
- having regard to its resolution of 11 October 2017 on fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism<sup>16</sup>,
- having regard to its resolution of 12 February 2019 on the need for a strengthened post-2020 Strategic EU Framework for National Roma Inclusion Strategies and stepping up the fight against anti-Gypsyism<sup>17</sup>,
- having regard to its resolution of 17 September 2020 on the implementation of National Roma Integration Strategies: combating negative attitudes towards people with Romani background in Europe<sup>18</sup>
- having regard to the FRA report entitled ‘Roma women in nine EU countries’,
- having regard to its resolution of 3 May 2018 on media pluralism and media freedom in the European Union<sup>19</sup>,
- having regard to its resolution of 7 February 2018 on protection and non-discrimination

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<sup>10</sup> Texts adopted, P8\_TA(2018)0201.

<sup>11</sup> <https://rm.coe.int/lives-saved-rights-protected-bridging-the-protection-gap-for-refugees-/168094eb87>

<sup>12</sup> <https://fra.europa.eu/en/publication/2019/2019-update-ngo-ships-involved-search-and-rescue-mediterranean-and-criminal>

<sup>13</sup> OJ C 346, 27.9.2018, p. 94.

<sup>14</sup> Texts adopted, P8\_TA(2017)0243.

<sup>15</sup> Texts adopted, P8\_TA(2018)0447.

<sup>16</sup> Texts adopted, P8\_TA(2017)0413.

<sup>17</sup> Texts adopted, P8\_TA(2019)0075.

<sup>18</sup> Texts adopted, P9\_TA(2020)0229.

<sup>19</sup> Texts adopted, P8\_TA(2018)0204.

- with regard to minorities in the EU Member States<sup>20</sup>,
- having regard to its resolution of 7 July 2016 on the implementation of the UN Convention on the Rights of Persons with Disabilities, with special regard to the Concluding Observations of the UN CRPD Committee<sup>21</sup>,
  - having regard to its resolution of 25 October 2018 on the use of Facebook users' data by Cambridge Analytica and the impact on data protection<sup>22</sup>,
  - having regard to its resolution of 25 October 2018 on the rise of neo-fascist violence in Europe<sup>23</sup>,
  - having regard to its resolution of 7 October 2020 on the establishment of an EU Mechanism on Democracy, the Rule of Law and Fundamental Rights<sup>24</sup>,
  - having regard to its legislative resolution of 17 January 2019 on the Protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States<sup>25</sup>,
  - having regard to the Commission's Communication on strengthening the rule of law within the Union – a blueprint for action (COM(2019)0343),
  - having regard to the Commission communication of 30 September 2020 entitled '2020 Rule of Law Report – The rule of law situation in the European Union' (COM(2020)0580) and its 27 accompanying country chapters on the rule of law in the Member States (SWD(2020)0300-0326), which address the impact of the COVID-19 measures taken by the Member States on democracy, the rule of law and fundamental rights,
  - having regard to its resolution of 8 February 2019 on the rights of intersex people<sup>26</sup>,
  - having regard to its resolution of 14 February 2019 on the right to peaceful protest and the proportionate use of force<sup>27</sup>,
  - having regard to its resolution of 26 March 2019 on fundamental rights of people of African descent in Europe<sup>28</sup>,
  - having regard to its resolution of 14 November 2019 on the criminalisation of sexual education in Poland<sup>29</sup>,
  - having regard to its resolution of 26 November 2019 on children's rights on the occasion

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<sup>20</sup> Texts adopted, P8\_TA(2018)0032.

<sup>21</sup> Texts adopted, P8\_TA(2016)0318.

<sup>22</sup> Texts adopted, P8\_TA(2018)0433.

<sup>23</sup> Texts adopted, P8\_TA(2018)0428.

<sup>24</sup> Texts adopted, P9\_TA(2020)0251.

<sup>25</sup> Texts adopted, P8\_TA(2019)0349.

<sup>26</sup> Texts adopted, P8\_TA(2019)0128.

<sup>27</sup> Texts adopted, P8\_TA(2019)0127.

<sup>28</sup> Texts adopted, P8\_TA(2019)0239.

<sup>29</sup> Texts adopted, P9\_TA(2019)0058.

of the 30th anniversary of the UN Convention of the Rights of the Child<sup>30</sup>,

- having regard to its resolution of 13 February 2019 on experiencing backlash in women’s rights and gender equality in the EU<sup>31</sup>,
- having regard to Commission Recommendation (EU) 2018/951 on standards for equality bodies,
- having regard to the 2018 Commission Annual Report on the List of actions to advance LGBTI equality,
- having regard to its resolution of 18 December 2019 on public discrimination and hate speech against LGBTI people, including LGBTI free zones<sup>32</sup>,
- having regard to its resolution of 30 May 2018 on the implementation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime<sup>33</sup>,
- having regard to its resolution of 16 January 2020 on ongoing hearings under Article 7(1) of the TEU regarding Poland and Hungary<sup>34</sup>,
- having regard to the decision of the European Court of Human Rights (ECtHR) of 19 December 2017 in Case A.R. and L.R. v Switzerland (22338/15), which affirmed that comprehensive sexuality education pursues the legitimate aims of protecting public health, protecting children from sexual violence, and preparing them for social realities; therefore did not recognise an obligation on the part of Member States to allow parents to withdraw their children from such education,
- having regard to the ECtHR case Sh.D. and others v Greece, Austria, Croatia, Hungary, Northern Macedonia, Serbia and Slovenia<sup>35</sup>, which affirms that the child’s extreme vulnerability should prevail over irregular status with necessary measures adopted to protect them and that authorities violated Article 5 by automatically applying the protective custody regime without considering any alternatives to detention or the requirement under EU law to avoid the detention of children<sup>36</sup>,
- having regard to the resolution of the Parliamentary Assembly of the Council of Europe of 3 October 2019 on obstetrical and gynaecological violence (RES 2306) and the related report of the Committee on Equality and Non-Discrimination of the Council of Europe of 12 September 2019, in which the Assembly calls on the Council of Europe member States to combat gynaecological and obstetrical violence and provides recommendation on how to do so,

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<sup>30</sup> Texts adopted, P9\_TA(2019)0066.

<sup>31</sup> Texts adopted, P8\_TA(2019)0111.

<sup>32</sup> Texts adopted, P9\_TA(2019)0101.

<sup>33</sup> Texts adopted, P8\_TA(2018)0229.

<sup>34</sup> Texts adopted, P9\_TA(2020)0014.

<sup>35</sup> Application no. 141165/16, Judgment of 13 June 2019

<sup>36</sup> <https://www.asylumlawdatabase.eu/en/content/ecthr-shd-and-others-v-greece-austria-croatia-hungary-northern-macedonia-serbia-and-sloven-0#content>



- having regard to the Issue Paper entitled "Women's sexual and reproductive health and rights in Europe" (2017) by the Council of Europe Commissioner for Human Rights,
- having regard to the Council of Europe Commissioner for Human Rights Report following her visit to Hungary from 4 to 8 February 2019<sup>37</sup>,
- having regard to the Parliamentary Assembly of the Council of Europe resolution 2299 (2019) on Pushback policies and practice in the Council of Europe members<sup>38</sup>,
- having regard to the reports by national, European and international NGOs, as well as the reports by the Council of Europe Commissioner for Human Rights,
- having regard to the work carried out by the European Union Agency for Fundamental Rights (FRA), the Council of Europe and the Venice Commission,
- having regard to the case law of the Court of Justice of the European Union and of the ECtHR,
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence which opened for signature in Istanbul on 11 May 2011 ('Istanbul Convention'),
- having regard to its resolution of 28 November 2019 on the EU's accession to the Istanbul Convention and other measures to combat gender-based violence<sup>39</sup>,
- having regard to the work of the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Constitutional Affairs, the Committee on Women's Rights and Gender Equality and the Committee on Petitions,
- having regard to the 2018 annual report of the Commission on the application of the EU Charter of Fundamental Rights<sup>40</sup>,
- 
- having regard to the Fundamental Rights Reports of 2018 and 2019 of FRA<sup>41</sup>,
- having regard to the FRA paper "Civil society space: views of organisations" as well as the FRA report "Challenges facing civil society organisations working on human rights in the EU",
- having regard to Rule 54 of its Rules of Procedure,
- having regard to the opinions of the Committee on Constitutional Affairs and the

<sup>37</sup> <https://rm.coe.int/report-on-the-visit-to-hungary-from-4-to-8-february-2019-by-dunja-mija/1680942f0d>

<sup>38</sup> <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=28074&lang=en>

<sup>39</sup> Texts adopted, P9\_TA(2019)0080.

<sup>40</sup> European Commission, 2018 report on the application of the EU Charter of Fundamental Rights: <https://op.europa.eu/en/publication-detail/-/publication/784b02a4-a1f2-11e9-9d01-01aa75ed71a1/language-en>

<sup>41</sup> European Union Agency for Fundamental Rights (FRA), Fundamental Rights Report 2018/Fundamental Rights report 2019:

Committee on Petitions,

- having regard to the position in the form of amendments of the Committee on Women’s Rights and Gender Equality,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0226/2020),
- A. whereas the EU is not merely a monetary union, but also a social one, as enshrined in the European Convention on Human Rights, the European Social Charter and the European Pillar of Social Rights; whereas Article 151 TFEU refers to fundamental social rights such as those set out in the European Social Charter; whereas the EU is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, as set out in Article 2 TEU and as reflected in the Charter and embedded in international human rights treaties; whereas the Charter is part of EU primary law; whereas the Union has still not acceded to the ECHR, in spite of its obligation to do so under Article 6(2) TEU;
- B. whereas these values are shared by all the Member States and should be upheld and actively promoted by the EU and each Member State individually in all their policies, both internally and externally in a consistent way; whereas respect for the rule of law is a prerequisite for the protection of fundamental rights and whereas Member States have the ultimate responsibility for safeguarding the human rights of all people;
- C. whereas Article 17 of the TEU states that the Commission must ensure the application of the Treaties; whereas a refusal by a Member State to fully uphold EU law, the separation of powers, the independence of the judiciary and the predictability of state actions is undermining the credibility of the EU; whereas an independent judiciary, freedom of expression and information and media pluralism are crucial components of the rule of law;
- D. whereas in the years 2018 and 2019, the EU has faced serious and multifaceted challenges in relation to the protection of fundamental rights, the rule of law and democracy, which are all intrinsically connected; whereas the European Commission Special Eurobarometer of March 2019 shows that awareness of the Charter remains low; whereas according to the EU Agency for Fundamental Rights, in 2018 not only human rights violations were found across the EU, but also the rejection of human rights protection systems as a whole<sup>42</sup>;
- E. whereas better promotion of the Charter is needed, for example by means of campaigns promoting awareness, in order to render its provisions more effective and promote it as positive source of interpretation; whereas greater exchange of information on experiences and approaches to the use of the Charter between judges, lawyers’ associations and public administrations within the Member States, as well as beyond national borders, including through the use, where appropriate, of existing funding instruments, such as those provided for in the Justice Programme, as well as targeted training programmes for legal practitioners, could be beneficial;

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<sup>42</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2018-frf-2018-chair-statement\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-frf-2018-chair-statement_en.pdf)

- F. whereas corruption constitutes a serious threat to democracy, the rule of law and fundamental rights and harms all Member States and the EU as a whole; whereas the implementation of the anti-corruption legal framework remains uneven among Member States;
- G. whereas the increase in precarious employment, as well as youth unemployment is deeply concerning and may lead to long lasting negative impacts on the rights enshrined in Article 31 of the Charter;
- H. whereas children's rights are enshrined in the EU Charter of Fundamental Rights; whereas the best interests of the child should be a crucial consideration in all EU action and the principle of the best interest of the child should be fully respected in all legislation, court and government decision at all levels; whereas Member States should ensure the right to education for all children in the EU and protect them from any discrimination;
- I. whereas gender based violence in all its forms, including harassment and violence in the workplace, at home and online, is a violation of fundamental rights which affects all levels of society, regardless of age, education, income, social position and country of origin or residence, and represents a major barrier to equality between women and men; whereas as many as 11 Member States do not provide data on women victims of intentional homicide by an intimate partner or family member<sup>43</sup>;
- J. whereas the ECtHR has established that various types of environmental degradation can result in violations of human rights, such as the right to life, to private and family life, the prohibition of inhuman and degrading treatment, and the peaceful enjoyment of the home<sup>44</sup>; whereas environmental injustices are regularly related to health risks and negative consequences for wellbeing, and certain communities and groups, including socioeconomically disadvantaged groups, as well as black people and people of colour and ethnic minorities, are disproportionately affected by environmental burdens;
- K. whereas access to justice is a fundamental right and impunity represents a significant obstacle for the recovery and protection of victims;
- L. whereas there has been an organised backlash against women's and girl's rights in recent years, where some Member States have sought to roll back on sexual and reproductive health and rights, such as existing legal protections for women's access to abortion care, including the introduction of regressive pre-conditions before abortions can take place, such as mandatory biased counselling or waiting periods, not ensuring that barriers that impede access to abortion in practice are eradicated, as well as attempts to fully ban abortion or remove existing legal grounds for abortion; Whereas in some Member States there have been attempts limit or ban sex education

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<sup>43</sup> [https://eige.europa.eu/sites/default/files/documents/20190390\\_mh0419039enn\\_pdf.pdf](https://eige.europa.eu/sites/default/files/documents/20190390_mh0419039enn_pdf.pdf)

<sup>44</sup> <https://www.coe.int/en/web/commissioner/-/living-in-a-clean-environment-a-neglected-human-rights-concern-for-all-of-us>

and gender studies and to promote campaigns against the Istanbul Convention which deny the existence of gender-based violence; whereas the backlash against women's rights and gender equality is often linked to a broader deterioration in the situation of democracy, the rule of law and fundamental rights;

- M. whereas cases of gynaecological and obstetrical violence have been increasingly denounced in several Member States<sup>45</sup> ; whereas the rights of women in all their diversity are protected under the Treaty, including Roma women, black women and women of colour, LGBT women and women with disabilities; whereas Roma women are particularly affected as regards women's rights and often face exacerbated forms of verbal, physical, psychological and racial harassment in reproductive health care settings; whereas Roma have also experienced ethnic segregation in maternal health care facilities, and are placed in segregated rooms with segregated bathrooms and eating facilities; whereas in some Member States Roma have been subjected to systematic practices of forced and coercive sterilisation and have been unable to obtain adequate reparations, including compensation, for the resulting violations of their human rights;
- N. Whereas the EU has witnessed spread of racism, intolerance, extremism, xenophobia, Islamophobic, anti-Semitic and anti-Roma sentiments which have become normalised in certain Member States and are embraced by opinion leaders and politicians across the EU, fostering a social climate that provides fertile ground for racism, discrimination and hate crimes; whereas Muslims, including Muslim women, continue to experience widespread hostility and intolerance in many EU countries<sup>46</sup>; whereas the EU Agency for Fundamental Rights pointed out in its 2019 report that discriminatory institutional practices, policies and laws exist in many countries; whereas the fight against terrorism and counter-terrorism policies should not lead to general discrimination against certain communities; whereas the FRA created in December 2018 the first dedicated data-base on anti-Muslim hatred; whereas Anti-Semitism appears to be on the rise, as demonstrated by the report of 4 July 2019 by the EU Fundamental Rights Agency, with several Member States reporting increases in crimes motivated by anti-Semitism; whereas ethnic and religious minorities often face verbal, physical, psychological and racial harassment; whereas the development of education and training to foster critical thinking, to give tools to identify all forms of discrimination and intolerance and promote digital literacy, is crucial;
- O. whereas the increased resort of states to new technology, such as predictive policing and the use of facial recognition, presents a number of risks, in particular for racial minorities in Europe;
- P. whereas there is a serious backlash of LGBTI-rights, even to the extent that "LGBTI-free zones" have been introduced<sup>47</sup> in one Member State;
- Q. whereas the EU and the Member States have shared competencies in the area of

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<sup>45</sup><http://www.assembly.coe.int/LifeRay/EGA/Pdf/TextesProvisoires/2019/20190912-ObstetricalViolence-EN.pdf>

<sup>46</sup>[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2017-eu-minorities-survey-muslims-selected-findings\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-eu-minorities-survey-muslims-selected-findings_en.pdf)

<sup>47</sup> LGBT-free zones have been introduced in Poland - <https://atlasnienawisci.pl/>

housing; whereas both a national and an EU level strategy is needed; whereas homelessness is a situation that deprives individuals of human rights, and is itself a violation of human rights; whereas there is a trend of rising evictions and homelessness across the EU<sup>48</sup>; (AM 131)

- R. whereas affordable housing is in short supply in Europe today, in spite of increasing demand; whereas annual overviews published by the European Federation of National Organisations Working with the Homeless (FEANTSA) found evidence of rising homelessness in almost all the EU/EEA; the 2018 FEANTSA report noted that children are becoming the largest group of people in emergency shelters as a result of a deterioration in the living conditions of extremely vulnerable families<sup>49</sup>;
- S. whereas freedom of expression and freedom and pluralism of the media are enshrined in Article 11 of the Charter of Fundamental Rights of the European Union and Article 10 of the European Convention on Human Rights (ECHR); whereas an independent judiciary, freedom of expression and information and media pluralism are crucial components of the rule of law and are vital to the democratic functioning of the EU and its Member States;
- T. whereas the number of threats and attacks against journalists has increased across the EU<sup>50</sup>; whereas the OSCE reports that impunity prevails as, for example, fewer than 15 % of murders of journalists in the OSCE region are solved (Media freedom report); whereas this is a clear deterioration regarding the protection of journalists, which undermines media freedom and freedom of expression, putting democracy at risk;
- U. whereas Parliament's resolution on media pluralism and media freedom in the EU stressed that Member States and the Commission should refrain from adopting unnecessary or disproportionate measures that limit access to the internet and the exercise of fundamental human rights, or that entail seizing control of public communications through the arbitrary imposition of a state of emergency or on other grounds; whereas these laws sometimes use vague and imprecise wording, thus giving a wide margin of discretion to law enforcement authorities when it comes to implementation, and increasing the risks of arbitrary restrictions to the right to freedom of peaceful assembly;
- V. whereas in 2018 and 2019 it has been proven that some major social media companies, in violation of existing data protection law, have granted third-party applications access to users' personal data, and that personal data has been increasingly abused for behavioural prediction and manipulation, including for electoral campaigning purposes; whereas in light of the constant development of technology, interferences with fundamental rights can be seriously high; whereas various information systems can have impacts on fundamental rights, such as data protection and breaches of privacy;

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<sup>48</sup> <https://www.coe.int/en/web/commissioner/-/the-right-to-affordable-housing-europe-s-neglected-duty>

<sup>49</sup> <https://www.feantsa.org/download/full-report-en1029873431323901915.pdf>

<sup>50</sup> <https://rm.coe.int/annual-report-2018-democracy-in-danger-threats-and-attacks-media-freed/1680926453>

- W. whereas whistle-blowers play an essential role in any open and transparent democracy; whereas whistle-blowers are instrumental in promoting transparency, democracy and the rule of law, by reporting unlawful or improper conduct that undermine the public interest such as acts of corruption, criminal offences or conflicts of interest, which represent threats against citizens' rights and freedoms;
- X. whereas Article 11 of the ECHR and Article 12 of the Charter state that everyone has the right to freedom of peaceful assembly and to freedom of association, including the right to form and join trade unions for the protection of their interests; whereas in democratic societies, freedom of assembly is one of the instruments by which people can participate in the public debate and bring about social change;
- Y. whereas acting police officers must always be identifiable in order to enable the investigations of possible excesses of use of force and national authorities must determine the associated responsibilities; whereas Member States have different thresholds for the use of force and weapons by law enforcement authorities for maintaining public order; whereas several Member States<sup>51</sup>, have adopted laws that could lead to disproportionate restrictions of the right to freedom of peaceful assembly;
- Z. whereas the space for civil society is shrinking in certain Member States; whereas Member States are responsible for ensuring that the rights of civil society organisations and human rights defenders are not restricted, and that a conducive legislative and regulatory environment is in place, as reinforced in the recently adopted Council conclusions on the Charter of Fundamental Rights after 10 Years: State of Play and Future Work; whereas Member States should also support the work of civil society organisations through sufficient funding and ensure that there are mechanisms for fruitful cooperation with them;
- AA. whereas State and non-state sponsored campaigns to discredit human rights defenders and civil society organisations aim through their strategies to overturn existing laws on basic fundamental rights; whereas these campaigns have often been echoed by traditional media and social networks, while those who defend migrants and asylum seekers, the LGBTI+ community, survivors of gender-based violence, people of faith and religion and other marginalised groups continue to be criminalised and stigmatised;
- AB. whereas, according to the IOM, 1885 persons in 2019 and 2299 persons in 2018 are believed to have died or gone missing in the Mediterranean Sea on their way to Europe ; whereas the route from Libya to Europe is still the migration route with the highest death toll in the world (646 deaths so far in 2019) and was five times deadlier in 2018 than in 2015 notably due to a reduction in search and rescue (SAR) activities off the Libyan

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<sup>51</sup> Commissioner for Human Rights of the Council of Europe, Shrinking space for freedom of peaceful assembly, Council of Europe, Strasbourg, 2019

coast<sup>52</sup>; whereas saving lives is an act of solidarity with those at risk, but first and foremost a legal obligation under both international law, as Article 98 of the United Nations Convention of the Law of the Sea (UNCLOS) – ratified by all Member States and the Union itself – requires States to render assistance to any person in distress at sea, and Union law<sup>53</sup>;

- AC. whereas the criminalisation of solidarity continued to be used as a tool to disrupt the work of NGOs trying to save lives in the Mediterranean Sea; whereas individuals faced charges related to assistance they provided to migrants and asylum seekers in several EU countries, , demonstrating the worrying trend of criminalizing humanitarian assistance to migrants and asylum seekers;
- AD. whereas the EU has an obligation under EU and international law to receive and process the applications of those who come to the EU seeking asylum; whereas pushbacks constitute a violation of EU and international law and prevent asylum seekers from benefiting from the legal guarantees firmly laid down in such law; whereas the Council of Europe Commissioner for Human Rights expressed grave concern about consistent reports of violent pushbacks;
- AE. whereas migration is part of the EU's past, present and future and one of the biggest challenges of our times that has clear implications on fundamental rights; whereas applicants for asylum have the right and possibility to submit their asylum applications at official border crossings when entering the EU; whereas there have been allegations of violation of fundamental rights of migrants and asylum seekers; whereas border officials need to provide adequate services to refugees, taking into account the special circumstances of vulnerable people, such as children, traumatised people and pregnant women;
- AF. whereas according to the European Border and Coast Guard Agency, in 2018 women accounted for 18 % of all irregular entries across the external EU border and nearly one in five migrants were registered as children, with some 3,750 being unaccompanied; whereas these women and children are particularly vulnerable to abuses of their fundamental rights, such human trafficking; whereas there is a need for Member States to build and strengthen child protection systems to prevent and respond to violence, abuse, neglect and exploitation of children;
- AG. whereas Member States should ensure that migrant and refugee children are granted access education swiftly after their arrival in the European Union territory;
- AH. whereas acts of terrorism constitute one of the most serious violations of fundamental rights and freedoms; whereas during 2018 and 2019, acts of glorification of terrorism

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<sup>52</sup> <https://www.iom.int/news/iom-mediterranean-arrivals-reach-110699-2019-deaths-reach-1283-world-deaths-fall>

<sup>53</sup> See also the obligations laid down in the 1974 International Convention for the Safety of Life at Sea (SOLAS), the 1979 International Convention on Maritime Search and Rescue (SAR) and the 1989 International Convention on Salvage

and homages to the terrorists took place within the European Union; whereas this kind of acts legitimizes terrorism, threatens our democracy and humiliates the victims;

### *Economic and social rights*

1. Recognises that the EU plays an important role in preventing poverty and social exclusion in the Member States; stresses the importance for the EU and its Member States to work out specific programmes aimed at ending child poverty, as special consideration must be given to the particular detrimental impact of poverty on the social, psychological and physical development of children; and the health implications for future adult generations; stresses that children are at a disproportionate risk of social and economic exclusion and experience the violation of their fundamental rights due to abuse, violence, exploitation, poverty, and all forms of social exclusion; stresses that poverty is by itself a form of social injustice, which is grounded in gender inequalities, discrimination and unequal chances to access goods and services; calls on the Commission and the Council to consider fundamental rights while making economic policy proposals and to ensure that human rights impact assessments are conducted in conjunction with any decisions on their adoption, in order to assess any potential adverse impacts on human rights; calls on the Member States to guarantee access to health care, quality education and housing on an equal footing for all;
2. Stresses that major reductions of government spending on public services have had serious effects on inequalities, which have deeply impacted the social fabric of the EU in many Member States and that this continues today- exacerbating already widening inequalities and breaching fundamental rights – and affects in particular women, people with disabilities, the elderly, children, migrants, Roma, Travellers, LGBTI+ people, and people in other disadvantaged groups; reiterates that macroeconomic policies must be guided not only by economic growth but also by social standards, in order to ensure that the most vulnerable in society can fully enjoy their social, political and economic rights; stresses that equal access and opportunities for quality education and employment have a critical role in helping to alleviate inequality and lifting people out of poverty; acknowledges the importance of workers' rights, such as maternity and paternity leave, which help provide a healthy, stable environment for children; calls on Member States to adopt laws to safeguard and strengthen such rights, that contribute to families' social and economic stability; calls on the Member States to ensure appropriate working conditions and protection against economic exploitation and discrimination, especially for those groups who are most vulnerable to experiencing such inequalities, such as young people; calls on the Member States to strengthen implementation of the Youth Guarantee; ensuring that all young people have access to high quality employment, educational, and training opportunities, and that such offers are evenly distributed among Member States and regions; calls on Member States to fully implement the Employment Equality Directive, in order to ensure equal access to employment opportunities, regardless of religious belief, age, disability and sexual orientation;;
3. Stresses that housing is not merely a commodity, but a necessity, as citizens who are deprived of it cannot participate fully in society or access all their fundamental rights;



is concerned by the fact that young people in particular are being priced out of housing and deplores cases of discrimination by landlords and policies which cut housing benefits for young people; is alarmed that up to one third of all homeless people in most EU Member States are aged 18-29; calls on the Commission and the Member States to integrate the recommendations made by the Council of Europe Human Rights Commissioner in her comment of 23 January 2020 entitled ‘The right to affordable housing: Europe’s neglected duty’, particularly the recommendation that all Member States should promptly accept to be bound by Article 31 of the revised European Social Charter on the right to housing; calls on Member States to place the right to adequate housing for citizens among their priorities of social policies and step up investment in social and affordable housing to combat the housing cost overburden, particularly to protect disadvantaged and vulnerable groups; calls on the Commission to duly investigate discrimination in access to housing as prohibited under the Racial Equality Directive and launch infringement proceedings in case of violations;

4. Highlights Article 37 of the Charter, which affirms that measures towards achieving a high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union; emphasises the urgent need of including relevant environmental concerns into the decision-making process of all policies and initiatives and believes that sustainability must be the guiding principle for all macroeconomic policies to ensure the just transition to an environmentally sustainable economy, while protecting and creating sustainable employment; and in order to deal with one of the most significant threats facing humanity; calls for the EU wide implementation of the Aarhus Convention that links environmental rights and human rights; highlights that environmental impairment and the failure of some public authorities to provide information about serious environmental risks to which individuals are exposed, may have severe harmful consequences for individuals;;

### ***Right to equal treatment***

5. Reiterates that women and girls must have control over their bodies and sexualities; calls on all the Member States to guarantee comprehensive sexuality education, ready access for women and girls to family planning, and the full range of sexual and reproductive health services, including modern contraceptive methods and safe and legal abortion;
6. Condemns the present visible and organised backlash at global and European level against gender equality and women’s rights, including sexual and reproductive health and rights; strongly affirms that the denial of sexual and reproductive health and rights services is a form of violence against women and girls and stresses that the ECtHR has ruled on different occasions that restrictive abortion laws and preventing access to legal abortion violates the human rights of women; reiterates that the refusal by medical professionals to provide the full range of reproductive and sexual health services on personal grounds must not infringe on the right of women or girls to access reproductive care; calls on the Commission to include the need to uphold sexual and reproductive health and rights in its Fundamental Rights Strategy;

7. Strongly condemns the alarming number of femicides in the EU, which is the most extreme form of violence against women; regrets the lack of available data in some Member States which reflects the lack of recognition of the problem; calls on the Council to urgently conclude the EU ratification of the Istanbul Convention on preventing and combating violence against women and domestic violence, on the basis of a broad accession, without any limitation; urges the Council and those Member States who have not done so yet to conclude the ratification of the Istanbul Convention;
8. Strongly condemns all forms of sexual, gynaecological and obstetrical violence against women, such as inappropriate or non-consensual acts, painful interventions without anaesthetic, female genital mutilations, forced abortion, forced sterilisation and forced surrogacy;
9. Strongly condemns the ethnic segregation of Roma women in maternal health care facilities; calls on the Member States to immediately prohibit all forms of ethnic segregation in health facilities, including maternal health care settings; calls on the Member States to ensure effective and timely remedies for all survivors of forced and coercive sterilisation, including through the establishment of effective compensation schemes;
10. Condemns hate crime and hate speech, as well as discrimination based on any grounds such as race, colour, ethnic or social origin, language, religion or belief, political opinion, minority status, disability, sexual orientation, gender identity, gender expression or sexual characteristics; reiterates the concern that online hate speech remains a prevalent and pressing issue; warns against the increasing levels and normalisation of hate speech and different forms of racism, such as islamophobia, antigypsyism, antisemitism and against black people and people of colour in many Member States, boosted by the rise of extremist movements and their rhetoric, and by government representatives or political leaders in certain Member States, who use hateful discourse, by spreading racist, xenophobic, anti-LGBTI rhetoric; expresses its concern at the lack of reporting of hate crimes by victims owing to inadequate safeguards and to the failure of authorities to investigate properly and obtain convictions for hate crimes in the Member States; emphasises the need to encourage and facilitate victims to report hate crimes or discrimination, and to give them full protection and support; recalls that Member States should ensure that hate crime and hate speech is effectively recorded, investigated, prosecuted and tried; calls on the Commission and the FRA to continue their work on monitoring hate crime and hate speech in the Member States, and to report regularly on cases and tendencies;
11. Recalls the obligation for the EU institutions and agencies to fully uphold, with regard to all citizens, the right to freedom of thought, conscience and religion and the prohibition of discrimination on grounds of religion or belief, including philosophical beliefs, in public and in private; calls on the Member States to protect freedom of thought, conscience, religion or belief and to effectively implement the EU Guidelines on its promotion and protection;

12. Calls on the Member States to ensure the full implementation of the Race Equality Directive (2000/43/EC) in order to combat persisting racism against black people and people of colour, transphobia, antigypsyism, antisemitism and islamophobia; condemns the fact that racial, ethnic, linguistic and religious minorities face structural racism, discrimination, hate-crime and hate-speech, a lack of access to justice, and sustained socio-economic inequalities in areas such as housing, healthcare, employment and education, which need to be acknowledged as major barriers to full enjoyment of fundamental rights and key barriers to inclusion and equality;
13. Calls for the quick adoption of the proposed 2008 Equal Treatment Directive, which is still awaiting approval by the Council, in order to close the current protection gap in the EU legal framework concerning non-discrimination on the grounds of age, disability, religion or belief, or sexual orientation in key areas of life, such as social protection, education and access to goods and services; calls on the Commission to actively fight segregation and discrimination, including by initiating infringement procedures to foster the effective application of the Framework Decision on combating certain forms of racism and xenophobia by means of criminal law; recalls that these measures should be accompanied by proper national integration strategies;
14. Recalls that the UN Convention on the Rights of Persons with Disabilities (UNCPRD) aims to ensure equal opportunities regarding accessibility, participation, equality, employment, education and training, social protection, health, and EU external action; underlines that persons with disabilities are still disadvantaged and discriminated against regarding employment, education and social inclusion; stresses in this regard the importance of accessibility in public spaces, a minimum percentage for employment of persons with disabilities, guarantees of inclusive education, including access to initiatives such as Erasmus +, with particular attention to children with disabilities;

### *Freedom*s

15. Calls on Member States to protect and develop a vibrant, independent, pluralist and free media sector; condemns in this respect any measures aimed at silencing critical media and undermining media freedom and pluralism, including in sophisticated ways that do not typically lead to an alert being submitted to the Council of Europe Platform for the Protection of Journalism and Safety of Journalists; expresses concern about the creation of government-controlled bodies which manage large parts of a country's media landscape and the hijacking of public service media outlets to serve partisan interests; recalls that where media ownership remains highly concentrated, whether in government or private hands, it constitutes a significant risk to the diversity of information and viewpoints represented in media content; recalls that freedom of expression and information, including the freedom of artistic expression, and media freedom are fundamental to democracy and the rule of law and urges Member States to guarantee the independence of their media authorities; recalls that the right to seek, receive and impart information and ideas either orally, in writing or in print, in the

form of art, or through any other media, is a component of the freedom of artistic expression<sup>54</sup>;

16. Recalls the fundamental role of investigative journalism in acting as a watchdog in a democratic society, strengthening public oversight of political actors, including in the domain of corruption; condemns the persistence and increase in many Member States of violence, threats and intimidation against journalists, including in relation to the disclosure of information about breaches of fundamental rights, which often leads to self-censorship and undermines citizens' right to information; requests the Commission to put forward a proposal for strong and comprehensive mechanisms to protect and strengthen freedom of speech, media freedom and enhance the protection of journalists, including by guaranteeing the transparency of media-ownership, adopting an EU-wide anti-SLAPP directive, creating a permanent EU fund for independent media and investigative journalists and establishing a rapid reaction mechanism for journalists in danger; calls on the Member States to prevent and penalise attacks on investigative journalists in the exercise of their work;
  
17. Emphasises the particularly important role of whistle-blowers in safeguarding the public interest and in promoting a culture of public accountability and integrity in both public and private institutions; Calls on Member States to fully transpose into national law the provisions of Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law as a matter of urgency so as to maximise its effects as soon as it enters into force; encourages Member States to complement such measures to also protect whistle-blowers in cases when they report breaches outside the scope of EU law;
  
18. Expresses its concern about the threat that different forms of propaganda and misinformation pose to freedom of speech and expression and to the independence of the media, and the negative effects they might have on the quality of political debate and on the participation of citizens in democratic societies; calls on the Commission to promote and invest in the strengthening of media literacy, actively support quality journalism and foster data protection and create a more transparent online ecosystem while safeguarding media freedom and pluralism;
  
19. Stresses that political profiling, disinformation and manipulation of information represent a threat to the EU's democratic values; calls on the Commission and the Member States to contribute to the development of education and training in critical thinking that citizens can form their own opinion to face these risks;

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<sup>54</sup> Judgment of the ECtHR of 24 May 1988, Case Müller and Others v. Switzerland, paragraphs 27, 33; Judgment of the ECtHR of 8 July 1999, Case Karatas v. Turkey; Judgment of the ECtHR of 22 October 2007, Case Lindon, Otchakovsky-Laurens and July v. France

20. Stresses that law enforcement officials must respect and protect human dignity and maintain and uphold the human rights of all persons while performing their duty; stresses that the foremost task of police forces is to ensure the safety of citizens, and to ensure protests are conducted in peaceful manner; Condemns the use of violent and disproportionate interventions by law enforcement authorities during peaceful demonstrations; calls on the Member States to ensure that any use of force by law enforcement authorities is always lawful, proportionate, necessary and the last resort, and that it preserves human life and physical integrity; calls on the relevant national authorities, in cases when the use of disproportionate force is suspected or has been alleged, to ensure a transparent, impartial, independent and effective investigation, and avoid impunity; recalls that law enforcement agencies are fully accountable for the fulfilment of their duties and their compliance with the relevant legal and operational frameworks;
21. Strongly condemns the increasing restrictions on freedom of assembly, including during election periods; calls on Member States to refrain from adopting restrictive laws concerning freedom of assembly and encourages the EU and its Member States to take further steps to safeguard and protect freedom of assembly, as a fundamental right and as basic principles of democratic processes; calls on the Commission to take an active role in promoting these rights in line with international human rights standards;
22. Recalls the essential role at local, regional, national, EU and international levels that civil society plays in representing the interest of citizens; in strengthening the voices of those minorities which are not properly represented; and in defending and promoting the principles enshrined in Article 2 TEU; stresses the need to ensure an enabling environment for civil society organisations, where they can operate free from attacks and without unnecessary or arbitrary restriction.
23. Is deeply concerned about the increasingly shrinking space for independent civil society in some Member States, in particular for women's rights organisations, LGBTI organisations and human rights defenders, including unreasonable administrative burdens, decreasing financial support for conducting advocacy, as well as restrictions on freedom of assembly and organisation; condemns the restrictions in access to funding of civil society organisations which, in some Member States, has a more systemic aspect in the form of legal and policy changes and are severely affecting their work and legal standing; calls upon the European Commission and the Council to increase EU support for civil society organisations defending the values of Article 2 TUE in the European Union through the Rights and Values Programme, the funding of which should be significant, as asked by the European Parliament;
24. Insists that regular and comprehensive monitoring and analysis are crucial to understand the challenges faced by civil society across Europe; calls on the European Commission to include relevant indicators related to civic space, freedom of

expression and freedom of association in future annual rule of law reports, to propose a plan of action to protect and promote civil society, including the adoption of Guidelines for the protection of freedom of expression, freedom of association and freedom of peaceful assembly as well as the protection of human rights defenders at risk and to establish an emergency fund for their protection; welcomes the proposal for a revision of Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights and stresses the need to strengthen and enlarge its mandate following a thorough impact assessment; encourages the Commission, the Council and the European Parliament to systematically use the data produced by FRA in policy making;

25. Recognises the serious issues that can arise within prevalent Eurosceptic communities, particularly those which are paired with violent political views, and urges the EU and the Member States to encourage the active participation of EU citizens in EU matters, particularly amongst young people, so that their opinions can be voiced through democratic channels;
26. Emphasises the important roles which civic education and intercultural dialogue play in improving EU citizens' understanding of their political participation; encourages the education of EU citizens of their rights;
27. Notes that new techniques for the collection and processing of personal data for the purposes of behavioural prediction and manipulation have an increasing impact on the fundamental rights of billions of people in the EU and around the globe, particularly the rights to privacy, data protection, information, and media freedom and pluralism; in that regard, urges private actors and competent authorities to ensure the full application of EU data protection law and privacy law, and to ensure that individuals understand when and how their personal data is processed and for what purposes, and how they can object to data processing and file complaints, in order to protect their right to personal data protection and privacy;
28. Calls on the European Commission to launch infringement procedures against Member States whose laws implementing the invalidated Data Retention Directive have not been repealed to bring them into line with the CJEU case law<sup>55</sup>;
29. Highlights the potential dangers to fundamental freedoms and security with regards to the use of new technologies, especially artificial intelligence (AI) systems, including the risks related to the right to protection of personal data and privacy, bioethical concerns related to the use of AI in health care, possible direct and indirect discrimination and biases, potentially exacerbating prejudice and marginalisation and spreading of disinformation; points out that biases in datasets, and in the design and operation of these systems, may lead to biased outputs, particularly when used by law

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<sup>55</sup> Joined Cases C-203/15 and C-698/15 -Tele2 Sverige, and joined cases C-293/12 and C-594/12 - Digital Rights Ireland

enforcement authorities, which may lead to these systems reproducing existing societal, personal and other biases, and may result in discrimination based on social, economic, ethnic, racial, sexual orientation, gender, disability status or other factors; emphasises that further safeguards are needed to ensure privacy and data protection in light of the development of new technologies, and that any implications for fundamental rights must be considered; calls on the EU institutions and the Member States to address the emerging “digital gap”, particularly in the areas of public administration and services; stresses that elderly people, together with those who are socioeconomically disadvantaged are some of the most affected groups by the “digital gap”; stresses that the approach to AI should be “human-centred” and ensure that human values are central to the way in which AI systems are developed, deployed, used and monitored, by ensuring respect for fundamental rights set out in the Treaties and the Charter; calls on the Commission to put forward legislative proposals for a coordinated European approach to AI, drawing on Ethics guidelines for trustworthy AI prepared by the Commission's High-Level Expert Group on AI (AI HLEG);

30. Welcomes initiatives and actions which aim at strengthening security cooperation between Member States and to set out an effective EU response to terrorism and security threats in the European Union; urges the Member States to fully cooperate with each other, and to improve the exchange of information among each other and with EU Justice and Home Affairs agencies; highlights the importance of respecting fundamental rights in the fight against terrorism; stresses the importance that oversight mechanisms in the field of intelligence services should be in line with the Charter and the ECHR; calls on the institutions concerned to provide safeguards to prevent any subsequent victimisation derived from humiliation and attacks on the image of the victims coming from social sectors related to the attacker;

#### ***Fundamental rights of migrants, asylum seekers and refugees***

31. Calls on the Commission and the Member States to implement the Recommendation of the Council of Europe Commissioner for Human Rights of June 2019 entitled ‘Lives saved. Rights protected. Bridging the protection gap for refugees and migrants in the Mediterranean’; reiterates that safe and legal pathways for migration are the best way of avoiding loss of life; urges Member States to intensify resettlement measures, put in place humanitarian corridors to the EU, and introduce the possibility to apply for humanitarian visas for asylum-seekers;
32. Expresses grave concern about consistent reports of violent pushbacks by law enforcement officials in some Member States; calls on the Commission and the Member States to investigate the matter and take effective measures to ensure that such policies and practices are scrapped, including by ensuring the independent monitoring of border control activities by existing national human rights institutions (Ombudsman institutions, NHRIs, NPMs), supported by EU and international bodies (Council of Europe Commissioner for Human Rights, CPT, ECRI, FRA) and ensuring that EU funding is not being used to perpetrate fundamental rights violations; calls on the Commission and the Member States to respect international and EU law, as well as the Charter of Fundamental Rights of the European Union to provide a broad framework to enable orderly migration and avoid forcing migrants to use irregular migration channels;

33. Condemns the fact that some Member States have adopted laws, policies and practices that undermine the effective protection of the human rights of refugees, asylum seekers and migrants, on land and at sea; calls on the European Commission and Member States to put the human rights of migrants, asylum seekers and refugees, as well as the principle of responsibility sharing, at the centre of its migration and asylum policies; Expresses grave concern over the humanitarian situation in hotspots; Calls on the Commission to propose an urgent solution to resolve the flagrant human rights violations in reception centres for refugees and migrants on European soil;
34. Stresses that the saving of lives is a legal obligation under international law and EU law; condemns the intimidation, arrests and criminal proceedings initiated in some Member States against civil society organisations and individuals for providing humanitarian assistance to migrants, whose lives are at risk; calls on Member States to ensure that acts of humanitarian assistance are not criminalised in line with the UN Smuggling Protocol;
35. Stresses that undocumented migrants should be able to fully enjoy their basic fundamental rights, no matter what their legal or administrative status is; recalls that women and children may find themselves forced into sexual activities in order to seek protection or basic support to survive, and that this is often due to gaps in assistance, failures of registration systems and of compliance with the principle of the best interests of the child, family separation or the absence of safe and legal means of entry into the EU;
36. Highlights that almost a third of asylum seekers are children and are therefore particularly vulnerable; calls on the EU and its Member States to step up their efforts to prevent unaccompanied minors from becoming victims of trafficking and sexual exploitation;
37. Reiterates that immigration detention of children is never in the child's best interest in line with the New York Declaration for Refugees and Migrants; calls on the EU and the Member States to step up action to end the detention of children, particularly in the context of migration across the EU, and to work out community-based alternatives to detention, as well as prioritising integration, education and psychological support; stresses that an unaccompanied child is above all a child who is potentially in danger and that child protection, rather than migration policies, must be the leading principle for Member States and the European Union when dealing with them, thus respecting the core principle of the child's best interests.



### ***Rule of law and fight against corruption***

38. Reiterates that corruption is a serious threat to democracy, the rule of law and fair treatment for all citizens; highlights the link between corruption and fundamental rights violations in a number of areas such as the independence of the judiciary, media freedom and freedom of expression of journalists and whistle-blowers, detention facilities, access to social rights, or trafficking of human beings<sup>56</sup>;
39. Calls on the EU institutions and the Member States to resolutely fight corruption, and to devise effective instruments for preventing, combating and sanctioning corruption, and fighting fraud, as well as regularly monitoring the use of public funds; calls on the Commission to immediately resume its annual anti-corruption monitoring and reporting, with reference to the EU institutions and the Member States; calls on all the Member States to comply with the GRECO recommendations;
40. Stresses that organised crime is primarily enabled by corruption; strongly condemns the increase in the trafficking of human beings and urges the Member States and the EU institutions to increase cooperation and step up their fight against organised crime;
41. Reaffirms Parliament's support for the rapid establishment of an efficient, independent and fully operational European Public Prosecutor's Office (EPPO) in order to strengthen the fight against fraud in the European Union;
42. Underlines that the rule of law is a cornerstone of democracy, maintains the separation of powers, ensures accountability, contributes to trust in public institutions and guarantees the principles of legality, legal certainty, prohibition of arbitrariness of the executive powers, judicial independence, impartiality, and equality before the law; stresses that the rule of law and judicial independence in particular are critical for citizens' ability to enjoy their fundamental rights and freedoms; points out that under Article 47 of the Charter, the fundamental right to an effective remedy requires access to an 'independent' tribunal; highlights that political influence or control of the judiciary and similar barriers to the independence of individual judges have often resulted in the judiciary being unable to fulfil its role as an independent check on the arbitrary use of power by the executive and legislative branches of government; condemns the use of the judicial system for political purposes, which seek to damage, delegitimize and silence political dissent;
43. Recalls the intrinsic link that exists between the rule of law and fundamental rights and the need to increase awareness of the values enshrined in Article 2 TEU and the Charter by providing information about citizens' rights;

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<sup>56</sup> <https://rm.coe.int/factsheet-human-rights-and-corruption/16808d9c83>

44. Strongly condemns the efforts of the governments of some Member States to weaken the separation of powers and the independence of the judiciary; expresses its deep concern, in particular, about decisions which call into question the primacy of European law and calls on the Commission to use all available means to take action against these attacks;
45. Calls on the Commission to address in a timely manner all Article 2 TEU violations, in particular those affecting fundamental rights, in the framework of its announced rule of law review cycle; reiterates the critical need for an EU mechanism on democracy, the rule of law and fundamental rights as proposed by Parliament, including an annual independent, evidence-based and non-discriminatory review assessing all Member States' compliance with Article 2 TEU; highlights that Article 2 TEU violations undermine mutual trust among the Member States and make cross-border judicial cooperation untenable;
46. Regrets the lack of progress in the ongoing Article 7 proceedings in the Council despite reports and statements by the Commission, the UN, the OSCE and the Council of Europe indicating that the situation in the Member States concerned has deteriorated; calls on the Council to take into consideration the situation of fundamental rights, democracy and the rule of law in its hearings on Article 7.1 procedure; reminds that the European Parliament cannot be set aside from these ongoing hearings;
47. Calls on the Commission and the Council to make full use of all the tools at their disposal to address risks of serious breaches of the rule of law and to move forward with the on-going Article 7 procedures; points out that the ineffectiveness of the EU's action to protect fundamental rights endangers the entirety of EU law and citizens' rights based thereon and weakens the EU's credibility;

### ***Prison conditions***

48. Is alarmed by substandard prison conditions in certain Member States; calls on the Member States to comply with the rules on detention derived from the instruments of international law and Council of Europe standards; recalls that pre-trial detention is intended to be an exceptional measure, to be used only in cases where it is strictly necessary, proportionate, and for the shortest possible period of time and regrets the continued overuse of pre-trial detention instead of alternative measures which do not

involve the deprivation of liberty; recalls that vulnerable groups of prisoners such as women, juveniles, ethnic minorities, LGBTI prisoners, prisoners with mental healthcare needs or seriously ill prisoners have particular needs, which must be taken into account; calls on the Commission to adopt common EU standards on prison conditions in order to protect the rights of prisoners and promote detention standards in the EU;

### *EU accession to the ECHR*

49. Recalls the obligation laid down in article 6 TEU to accede to the ECHR; calls the Commission to take the necessary steps to eliminate the legal barriers that prevent the conclusion of the accession process, and to present a new draft agreement for the accession of the EU to the ECHR; considers that its completion would introduce further safeguards protecting the fundamental rights of EU citizens and residents and provide an additional mechanism for enforcing human rights, namely the possibility of lodging a complaint with the ECtHR in relation to a violation of human rights derived from an act by an EU institution or a Member State implementing EU law, falling within the remit of the ECHR;
50. Instructs its President to forward this resolution to the Council, the Commission and the national parliaments.





03.6.2020

## **OPINION OF THE COMMITTEE ON CONSTITUTIONAL AFFAIRS**

for the Committee on Civil Liberties, Justice and Home Affairs

on the Situation of Fundamental Rights in the European Union - Annual Report  
for the years 2018-2019  
(2019/2199(INI))

Rapporteur for opinion: Antonio Tajani



## SUGGESTIONS

The Committee on Constitutional Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Recalls that ‘human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities’ are the values on which the EU is founded, as stated in Article 2 of the Treaty on European Union (TEU); stresses that there is no hierarchy of Union values and that the EU should ensure the protection of its values as a whole as one cannot exist without the other;
2. Believes that the conclusions and opinions of the European Union Agency for Fundamental Rights (FRA) and the case law of the Court of Justice of the European Union constitute a good basis for the interpretation of Article 2 of the Treaty on the Functioning of the European Union (TFEU) and the scope of the rights enshrined in the Charter of Fundamental Rights;
3. Highlights that Article 51(1) of the Charter of Fundamental Rights states that the Member States must ‘respect the rights, observe the principles and promote the application thereof’; regrets that, according to FRA, some Member States do not appear to be making sufficient efforts to promote awareness, or the implementation, of Charter provisions; underlines that a better promotion of the Charter is needed in order to render its provisions more effective and perhaps to encourage its use by national legislators and judges as a positive source of interpretation even in cases that do not necessarily fall within the scope of EU law;
4. Points out that the European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights; stresses the importance of ensuring, consolidating and promoting full respect for these values at Union and Member State level; recalls that human rights are universal and indivisible;
5. Stresses the importance of ensuring full compliance with the Charter of Fundamental Rights throughout the whole legislative process; draws attention to the importance of including an analysis on the impact on fundamental rights in impact assessments; recalls that the effective and detailed implementation of EU law is essential to safeguarding EU values, on which the credibility of the EU as a whole depends; points out that national governments will also have to heighten public awareness to ensure that EU citizens are fully aware of their rights and know how to act if they are infringed;
6. Invites Member States to launch evidence-based initiatives and policies aimed at promoting awareness and implementation of the Charter at national level; calls on Member States to apply an ‘Article 51 screening’ to assess at an early stage whether or not a judicial case or legislative file raises questions under the Charter; considers that the FRA Handbook on the applicability of the Charter could serve as inspiration in this regard;
7. Considers that there is a need for a greater exchange of information on experiences and approaches to the use of the Charter between judges, lawyers’ associations and public



administrations within the Member States, as well as beyond national borders, including through the use, where appropriate, of existing funding instruments, such as those provided for in the Justice Programme, and a need to arrange targeted training programmes for legal practitioners;

8. Strongly supports a swift resumption of the negotiations on the accession of the European Union to the European Convention on Human Rights, further to Opinion 2/13 of the Court of Justice of the European Union of 18 December 2014<sup>1</sup>; reiterates the importance of speeding up the accession process, so as to strengthen fundamental rights protection in the Union and reinforce its position in discussions on the rule of law, and of keeping Parliament constantly informed in accordance with Article 218(10) of the TFEU; welcomes the fact that, in the next few months, two sessions of negotiations have already been scheduled with the Council of Europe<sup>2</sup> and calls on the Commission to appear before the appropriate European Parliament committees at key political times in the negotiations;
9. Calls for the adoption of an EU mechanism on democracy, the rule of law and fundamental rights based on its previous resolutions<sup>3</sup>, which does not create a hierarchy of values and ensures that not only the rule of law, but also other Union values, including a wider spectrum of fundamental rights, are properly assessed;
10. Underlines that an independent judiciary is the cornerstone of the rule of law and of the right to effective legal protection<sup>4</sup>; recommends a departure from the existing approach of tackling rule of law cases in individual countries in an ad hoc manner, and calls for the development of criteria and contextual assessments to guide Member States in recognising and tackling any possible rule of law issues in a regular and comparative manner; calls on the Member States always to be ready to defend the rule of law; encourages the attainment of a shared culture of the rule of law in the 27 Member States and in the Union institutions through the use of common definitions, standards and benchmarks, so that the concept of ‘rule of law’ is defined and a way of verifying the proper functioning thereof can be determined; points out that the principle of rule of law applies not only to the quality of legislative processes, but also to the de facto and non-discriminatory application of already existing legislation; considers, furthermore, that regular evaluations by independent experts would be useful as they would allow the Commission to decide on the necessity of launching infringement procedures on a more coherent basis;
11. Stresses that there are other international instruments that would introduce further safeguards in protecting the fundamental rights of Union citizens and residents, such as the Istanbul Convention and the European Social Charter; urges the Council to conclude the EU’s ratification of the Istanbul Convention and calls on the Commission to take the steps required for the EU’s accession to the European Social Charter;
12. Reiterates the importance of strengthening human rights and the rights of the child in

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<sup>1</sup> ECLI:EU:C:2014:2454

<sup>2</sup> Letter of 11 February 2020 from Commissioner Jourová.

<sup>3</sup> European Parliament resolution of 25 October 2016 with recommendations to the Commission on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights, OJ C 215, 19.6.2018, p. 162; European Parliament resolution of 14 November 2018 on the need for a comprehensive EU mechanism for the protection of democracy, the rule of law and fundamental rights, P8\_TA(2018)0456.

<sup>4</sup> Article 19 of the TEU, Article 67(4) of the TFEU and Article 47 of the Charter.

each Member State, which must be made accountable for any infringements thereof detected in its territory;

13. Reiterates that, within the upcoming Conference on the Future of Europe, pre-defined but non-exhaustive policy priorities could be identified, such as European values, fundamental rights and freedoms<sup>5</sup>; welcomes the fact that the protection of European values and, in particular, the fundamental rights and freedoms of EU citizens, is among the six political priorities of the European Commission and can be found in the Strategic Agenda of the European Council for 2019-2024, since this is undoubtedly a topic for debate close to the hearts of citizens; considers it important that the adoption of new mechanisms for the protection of European values, including fundamental rights and freedoms, as well as the sanctions mechanisms provided for in Article 7(3) of the TEU are discussed during the Conference;
14. Reiterates the need for measures to ensure that the voice of EU citizens is taken into account in deciding the future of Europe and for genuine open, inclusive and democratic consultation reaching out to all citizens in all regions and cities of the Union; points out that the EU must continue to engage directly with its citizens after the Conference in order to establish a permanent dialogue mechanism.
15. Suggests that the Conference on the Future of Europe should consider providing the Court of Justice of the European Union with jurisdiction over all aspects of EU law, in accordance with the principle of separation of powers;
16. Recalls that the proposal for a regulation on the protection of the Union's budget in the event of generalised deficiencies as regards the rule of law in the Member States would allow for the introduction of sanctions aimed at Member States whose disregard of the rule of law endangers the sound implementation of the EU budget and the financial interests of the EU; highlights, however, the need for changes to the EU Treaty in order to reinforce the overall sanctions mechanisms provided by Article 7(3);
17. Stresses the importance of ensuring, in all Member States, effective and consistent protection of the rule of law and prevention of infringements of fundamental rights; acknowledges that the rule of law plays a key role in preventing infringements of fundamental rights; recalls that fundamental rights are part and parcel of the EU's values and that Article 7 of the TEU contains a mechanism for responding to any serious persistent breach or clear risk of a serious breach by a Member State of the values referred to in Article 2 of the TEU; highlights that Article 7 should be applied uniformly to all Member States to ensure equality of treatment;
18. Recalls that the major obstacle in applying Article 7(2) of the TEU, as a last resort mechanism for the protection of the Union's values, is the requirement of unanimity in Council; notes that such a high threshold is especially difficult to reach in a body where political considerations play a prominent role and that, therefore, this mechanism has not yet effectively been used;
19. Suggests that the respect of the rule of law as one of the criteria for accession of new

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<sup>5</sup> European Parliament resolution of 15 January 2020 on the European Parliament's position on the Conference on the Future of Europe. Texts adopted, P9\_TA(2020)0010, paragraph 7.

Member States should not be merely a precondition for accession, but a binding and enforceable criterion in order to monitor Member States' compliance therewith throughout their membership of the EU<sup>6</sup>.

20. Stresses that the EU must make more systematic use of the specific clauses provided for in the Treaties which would reinforce the protection of fundamental rights; calls, in that regard for the provisions enshrined in Article 83(1) of the TFEU to be activated as soon as possible in order to include gender-based violence in the catalogue of EU-recognised crimes;
21. Welcomes the fact that the Commission has announced a new Strategy for the implementation of the Charter of Fundamental Rights in its 2020 Work Programme; expects it to focus on raising awareness at national level;
22. Acknowledges that the withdrawal of the UK from the European Union will affect citizens' rights as referred to in Part Two of the TFEU and Title V of the Charter of Fundamental Rights; insists that joint European Parliament-UK Parliament scrutiny of the implementation and application of the Withdrawal Agreement would be beneficial, and would welcome it if joint structures to this end could be established<sup>7</sup>; welcomes the fact that, during the first five years after the entry into force of the withdrawal agreement, the Commission will be required to report annually to the European Parliament and to the Council on the implementation and application of the agreement, in particular with regard to Part Two (Citizens' Rights); expects the Commission also to continue to report on the second part of the agreement after this period.

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<sup>6</sup> European Parliament resolution of 12 February 2019 on the implementation of the Charter of Fundamental Rights of the European Union in the EU institutional framework. Texts adopted, P8\_TA(2019)0079, paragraph 10.

<sup>7</sup> European Parliament resolution of 15 January 2020 on implementing and monitoring the provisions on citizens' rights in the Withdrawal Agreement. Texts adopted, P9\_TA(2020)0006, paragraph 22.

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	26.5.2020
<b>Result of final vote</b>	+: 22 -: 3 0: 2
<b>Members present for the final vote</b>	Gerolf Annemans, Gabriele Bischoff, Geert Bourgeois, Fabio Massimo Castaldo, Leila Chaibi, Włodzimierz Cimoszewicz, Pascal Durand, Daniel Freund, Charles Goerens, Esteban González Pons, Sandro Gozi, Maria Grapini, Brice Hortefeux, Paulo Rangel, Antonio Maria Rinaldi, Domènec Ruiz Devesa, Helmut Scholz, Pedro Silva Pereira, Antonio Tajani, László Trócsányi, Guy Verhofstadt, Loránt Vincze, Rainer Wieland
<b>Substitutes present for the final vote</b>	François Alfonsi, Brando Benifei, Jorge Buxadé Villalba, Markéta Gregorová

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

<b>22</b>	<b>+</b>
GUE/NGL	Leila Chaïbi, Helmut Scholz
NI	Fabio Massimo Castaldo
PPE	Esteban González Pons, Paulo Rangel, Antonio Tajani, László Trócsányi, Loránt Vincze, Rainer Wieland
RENEW	Pascal Durand, Charles Goerens, Sandro Gozi, Guy Verhofstadt
S&D	Brando Benifei, Gabriele Bischoff, Włodzimierz Cimoszewicz, Maria Grapini, Domènec Ruiz Devesa, Pedro Silva Pereira
VERTS/ALE	François Alfonsi, Daniel Freund, Markéta Gregorová

<b>3</b>	<b>-</b>
ECR	Jorge Buxadé Villalba
ID	Gerolf Annemans, Antonio Maria Rinaldi

<b>2</b>	<b>0</b>
ECR	Geert Bourgeois
PPE	Brice Hortefeux

7.9.2020

## OPINION OF THE COMMITTEE ON PETITIONS

for the Committee on Civil Liberties, Justice and Home Affairs

on the situation of fundamental rights in the European Union - annual report for the years  
2018-2019  
(2019/2199(INI))

Rapporteur for opinion: Yana Toom

PA\_NonLeg

### SUGGESTIONS

The Committee on Petitions calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Stresses the importance of the use of the Charter of Fundamental Rights of the European Union ('the Charter'), an act of primary EU law<sup>1</sup>, by Member States at a national level by national courts and through inclusion in legislative procedures when implementing EU law, and regrets the uneven application by Member States of its provisions, in particular Article 51, which could weaken the European project and undermine the quality of democracy in the European Union; urges the Commission to ensure that the Charter is upheld and adhered to, using all legal instruments provided for; recalls that the expectations of EU citizens regarding the protection of their fundamental rights, as demonstrated by petitions, go beyond the field of application of the Charter; considers that a better promotion of the Charter is needed, for example by means of targeted campaigns both in the Member States and on the international scene, in order to render its provisions more effective and promote it as positive source of interpretation even in cases that do not fall within the scope of EU law; encourages national parliaments, in the same spirit, to ensure the highest standards of protection of fundamental rights in their legislative drafting; considers that the European Union Agency for Fundamental Rights (FRA) can provide valuable support to Member States in this regard, if consulted;
2. Underlines the need for possible treaty changes with a view to further strengthening the protection of fundamental rights provided for in the EU Treaties for EU citizens;

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<sup>1</sup> See Article 6 of the TFEU.

3. Reminds the Commission of its institutional duty to analyse complaints from citizens about possible violations of fundamental rights within the Member States;
4. Calls on the Commission and the Member States to ensure that EU citizens and residents are informed about their right to submit petitions to the European Parliament and their right of recourse to the Ombudsman as a means of upholding their rights and reporting violations, as laid down in Article 44 of the Charter and Article 227 of the TFEU;
5. Highlights the need to improve the role of petitions through a dialogue and interaction with EU citizens concerning cases of maladministration by European Union institutions, bodies, offices or agencies; recalls that petitions are usually the earliest indicators of violations of fundamental rights in the Member States;
6. Believes that the EU's fight against racism, xenophobia and other forms of intolerance should begin with clear communication and official exchanges of correct information; considers that hate speech and xenophobia should have no place in social life, including in sports events, and is concerned in particular for persons belonging to vulnerable groups, as they are often the targets; calls on the Commission to systematically collect data in this area to allow for effective, evidence-based legal and policy responses; notes with concern that a number of Member States have not fully or correctly implemented the Council Framework Decision of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law<sup>2</sup> and its minimum standards on offences of denying, condoning and grossly trivialising certain crimes; calls on the Member States to ensure that any alleged hate speech and hate crime is effectively identified and dealt with in accordance with national and EU law;
7. Calls on the Commission to propose an urgent solution to resolve flagrant cases of violations of the human rights of refugees and migrants in reception centres on European soil;
8. Emphasises that an independent judiciary, access to justice, freedom of expression, freedom to access, receive and impart information, and media pluralism are crucial components of the rule of law; calls on the Commission to enforce these core EU values when infringed by Member States; points out the fundamental role played by education in developing people's ability to analyse the messages of the media, and highlights in general the urgent need to take effective steps to combat misinformation and "fake news" in order to ensure the proper performance of the media in a democratic society; expresses its major concern about the shortcomings in access to justice, the right of defence and the lack of independence of the judiciary in some Member States, which are resulting in a weakening of the rule of law, leading to impunity and injustice; calls on the Commission to further develop a thorough mechanism for an impartial and regular assessment of the situation with regard to the rule of law, democracy and fundamental rights in all the Member States; proposes that the Commission set up an EU body to monitor compliance with the rule of law in the Member States;
9. Calls on the EU institutions and the Member States to improve the effectiveness of the EU's judicial cooperation instruments, in particular the European Arrest Warrant, and to

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<sup>2</sup> OJ L 328 of 6.12.2008, p. 55.

ensure that all victims of crime are aware of their rights and have access to appropriate support services, pursuant to the Victims' Rights Directive<sup>3</sup>;

10. Calls for the EU institutions and the Member States to set up legal mechanisms to criminalise the glorification of specific acts of terrorism and crimes against humanity, as they humiliate the victims and cause secondary victimisation by damaging the victims' dignity and recovery;
11. Calls on the Commission and the Member States to further implement the principles of the European Pillar of Social Rights, which is considered to be the cornerstone of the efforts to improve the Union for its citizens and residents, including via legislative measures, where appropriate, to ensure social rights at EU and national level, such as universal access to high-quality and inclusive education, lifelong learning, social and occupational integration, including of persons with disabilities, better working conditions and social services, as defined by the principles of the European Pillar of Social Rights; urges the Commission and the Member States to boost their involvement in and the transparency of monitoring mechanisms focussing on social inclusion measures for persons with disabilities, as laid down in Article 26 of the Charter; recalls the importance of continuing to develop all the necessary dimensions of the EU Framework for the UN Convention on the Rights of Persons with Disabilities (CRPD); underlines the importance of adequate community-based support for persons with disabilities, and therefore insists that corresponding EU funds exclusively target such initiatives, avoiding an institutionalised approach;
12. Calls on all EU Member States that have not yet become party to the Optional Protocol to the CRPD to fully ratify the Protocol in order to allow communications from or on behalf of individuals; calls on the Council to take the necessary steps to ensure the accession of the Union to the Optional Protocol;
13. Calls on the Member States to ensure the right to education for all children in the EU and the respect of the best interests of the child, and to protect them from any discrimination; points out that education systems with language immersion schemes may compromise learning, especially for children with disabilities involving language development problems, such as autism spectrum disorder (ASD);
14. Points to the many petitions denouncing abuses of fixed-term contracts, also in the public sector; deeply regrets these existing practices and considers them to be contrary to Articles 30 and 31 of the Charter, on protection against dismissal and fair working conditions respectively;
15. Considers that particular attention should be paid to the fundamental right to health care, which is enshrined in Article 35 of the Charter, and the particular implications for persons affected by myalgic encephalomyelitis/chronic fatigue syndrome; underlines that sufficient research funding at the EU level is crucial to better understanding the causes and triggers of myalgic encephalomyelitis/chronic fatigue syndrome and rare

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<sup>3</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57).



diseases;

16. Recalls the need to provide access to the environmental justice pillar of the Aarhus Convention at the EU level, in order to provide for an adequate framework and effective mechanisms for civil society to further engage in its duty of environmental protection, in accordance with the spirit of Article 37 of the Charter;
17. Highlights that modern safeguards to ensure privacy and data protection are needed in light of the development of new technologies; notes that, aside from ethical implications from emerging technologies such as artificial intelligence (AI) and big data, the fundamental rights of users need to be considered; welcomes the Commission's efforts to provide an adequate legal framework for AI-based technologies; urges the Commission, within the context of the establishment of 5G networks and the respective infrastructure, to ensure the highest protection of citizens' rights, in accordance with EU data protection law; calls on the Commission to provide guidelines, including ethical standards and common rules on transparency, and to set common requirements for fundamental rights impact assessments;
18. Emphasises the need for enhanced legislation at EU level to protect the public against offences relating to new technologies that could infringe their fundamental rights; calls for the effective involvement of qualified civil society entities in the monitoring of data protection rules, by enabling them to lodge complaints regarding data protection violations with national data protection authorities; notes that, along with the relevant legal framework, it is necessary to educate the public on new digital developments to ensure the effective protection of their privacy rights; highlights in particular the need for targeted and innovative initiatives and specific guidance documents for professionals, including health professionals;
19. Recalls that the current EU legal framework provides protection against discrimination on grounds of gender or racial or ethnic origin, while other forms of discrimination are only covered if they are related to the area of employment and occupation; highlights the overwhelming evidence of discrimination on different grounds in areas such as education, social protection and access to goods and services, including housing, and deplores the stalemate in the adoption of the Equal Treatment Directive;
20. Calls on the FRA to commit to the provision of equality of opportunity and make the EU Code of Ethics a statement of abiding principles that address changing technology and development practices;
21. Highlights the fact that gender-based violence remains a serious and unacceptable violation; calls on the Council to urgently conclude the EU ratification of the Istanbul Convention on preventing and combating violence against women and domestic violence, on the basis of a broad accession, without any limitations; also calls on the remaining Member States to ratify and implement the Istanbul Convention; encourages the Member States that have not implemented the Istanbul Convention to do so; welcomes in particular the work done by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), to monitor the implementation of the Istanbul Convention; calls on the Commission to review the implementing legislation, taking into consideration the side effects of gender-based violence, and to make sure that EU-wide statistical data on violence against women are available to inform policymakers at EU and national level;

22. Is concerned by the number of petitions highlighting discrimination against those who exercise their fundamental rights, particularly in the field of non-discrimination, linguistic rights, minority rights and the right to property; recalls that respect of diversity is one of the founding principles of the EU and also recalls the obligation to respect cultural, religious and linguistic diversity, as enshrined in Article 22 of the Charter; stresses that in order to preserve this diversity, supportive actions should be promoted at both Member State and EU level; believes that a strengthened promotion of the use of regional and minority languages is one way that language discrimination can be tackled; stresses, in particular, the importance of the right to education in minority languages; notes with concern that, despite their genuine link to the EU, some long-term residents have restricted access to free movement and are not protected by anti-discrimination-related rights; welcomes in this regard the European Citizens' Initiative on the Minority SafePack; calls on the Commission to propose legal instruments to implement the suggestions of the Minority SafePack;
23. Stresses that the provisions of Article 24 of the Charter on the fundamental rights of the child must be duly observed, particularly the notion that the best interest of the child must be paramount in any action taken by public authorities, including for instance in decisions related to cross-border custody disputes; also recalls in this regard the fundamental right of the child to be heard as well as the right in principle to keep contact with both parents, unless it is manifestly contrary to the best interests of the child, and in their own language so as to safeguard the child's diverse cultural heritage;
24. Calls for concerted EU action in the field of European and international child protection; stresses the need to intensify cross-border cooperation between Member States and EU institutions to find adequate and prompt solutions in child abduction cases; believes that the EU has a role to play in the promotion of the rights of the child, including at international level;
25. Insists on updating the powers of the European Ombudsman, as suggested in the European Parliament's recent legislative proposal for a revision of the Statute of the European Ombudsman<sup>4</sup>, so as to upgrade the fundamental rights conferred by Articles 42 and 43 of the Charter on access to documents and on referring cases to the Ombudsman, respectively; recalls that this new regulation on the general conditions governing the performance of the Ombudsman's duties as adopted by the Parliament is still pending the Council's consent.

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<sup>4</sup> Texts adopted, P8\_TA(2019)0080.

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	7.9.2020
<b>Result of final vote</b>	+: 26 -: 4 0: 4
<b>Members present for the final vote</b>	Alex Agius Saliba, Andris Ameriks, Marc Angel, Andrus Ansip, Jordan Bardella, Alexander Bernhuber, Markus Buchheit, Ryszard Czarnecki, Eleonora Evi, Agnès Evren, Gheorghe Falcă, Emmanouil Fragkos, Mario Furore, Gianna Gancia, Ibán García Del Blanco, Alexis Georgoulis, Peter Jahr, Radan Kanev, Stelios Kypouropoulos, Cristina Maestre Martín De Almagro, Dolors Montserrat, Frédérique Ries, Alfred Sant, Monica Semedo, Massimiliano Smeriglio, Yana Toom, Loránt Vincze, Thomas Waitz, Stefania Zambelli, Tatjana Ždanoka, Kosma Złotowski
<b>Substitutes present for the final vote</b>	Pernando Barrena Arza, Ádám Kósa, Marie-Pierre Vedrenne

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

26	+
EPP	Alexander Bernhuber, Agnès Evren, Gheorghe Falcă, Peter Jahr, Radan Kanev, Stelios Kypouropoulos, Ádám Kósa, Dolors Montserrat, Loránt Vincze
S&D	Alex Agius Saliba, Andris Ameriks, Marc Angel, Ibán García Del Blanco, Cristina Maestre Martín De Almagro, Alfred Sant, Massimiliano Smeriglio
RE	Frédérique Ries, Monica Semedo, Yana Toom, Marie-Pierre Vedrenne
Greens/EFA	Thomas Waitz, Tatjana Ždanoka
GUE	Pernando Barrena Arza, Alexis Georgoulis
NI	Eleonora Evi, Mario Furore

4	-
RE	Andrus Ansip
ECR	Ryszard Czarnecki, Emmanouil Fragkos, Kosma Złotowski

4	0
ID	Jordan Bardella, Markus Buchheit, Gianna Gancia, Stefania Zambelli

Key to symbols:

+ : in favour

- : against

0 : abstention

4.3.2020

**POSITION IN THE FORM OF AMENDMENTS  
OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY**

for the Committee on Civil Liberties, Justice and Home Affairs

on the situation of Fundamental Rights in the European Union – Annual Report for the years  
2018-2019  
(2019/2199(INI))

On behalf of the Committee on Women's Rights and Gender Equality: Samira Rafaela  
(rapporteur)

**AMENDMENTS**

The Committee on Women's Rights and Gender Equality presents the following amendments  
to the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible:

**Amendment 1**  
**Motion for a resolution**  
**Citation 5 a (new)**

*Motion for a resolution*

*Amendment*

- *having regard to the United Nations Convention on the Rights of Persons with Disabilities (CRPD),*

**Amendment 2**  
**Motion for a resolution**  
**Citation 5 b (new)**

*Motion for a resolution*

*Amendment*

- *having regard to the International Covenant on Civil and Political Rights*

*(ICCPR),*

**Amendment 3**  
**Motion for a resolution**  
**Citation 5 c (new)**

*Motion for a resolution*

*Amendment*

- *having regard to the International Covenant on Economic, Social and Cultural Rights (ICESCR),*

**Amendment 4**  
**Motion for a resolution**  
**Citation 5 d (new)**

*Motion for a resolution*

*Amendment*

- *having regard to the Convention on the Elimination of All Forms of Racial Discrimination (ICERD),*

**Amendment 5**  
**Motion for a resolution**  
**Citation 5 e (new)**

*Motion for a resolution*

*Amendment*

- *having regard to the Convention on the Rights of the Child (CRC),*

**Amendment 6**  
**Motion for a resolution**  
**Citation 6 a (new)**

*Motion for a resolution*

*Amendment*

- *having regard to the UN's Agenda 2030 and the Sustainable Development Goals (SDGs),*

**Amendment 7**  
**Motion for a resolution**

**Citation 6 b (new)**

*Motion for a resolution*

*Amendment*

- ***having regard to the Charter of Fundamental Rights of the European Union,***

**Amendment 8**

**Motion for a resolution**

**Citation 8 a (new)**

*Motion for a resolution*

*Amendment*

- ***having regard to the European Convention on Human Rights,***

**Amendment 9**

**Motion for a resolution**

**Citation 21 a (new)**

*Motion for a resolution*

*Amendment*

- ***having regard to the European Institute for Gender Equality (EIGE) Gender Equality Index for 2018 and 2019, as well as its report ‘Beijing +25 – The 5th Review of the Implementation of the Beijing Platform for Action in the EU Member States’,***

**Amendment 10**

**Motion for a resolution**

**Citation 27 a (new)**

*Motion for a resolution*

*Amendment*

- ***having regard to its resolution of 13 February 2019 on experiencing backlash in women’s rights and gender equality in the EU<sup>1</sup>,***

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<sup>1</sup> ***Texts adopted, P8\_TA(2019)0111.***

**Amendment 11**  
**Motion for a resolution**  
**Citation 34 a (new)**

*Motion for a resolution*

*Amendment*

- *having regard to Commission Recommendation (EU) 2018/951 on standards for equality bodies,*

**Amendment 12**  
**Motion for a resolution**  
**Citation 34 b (new)**

*Motion for a resolution*

*Amendment*

- *having regard to the 2018 Commission Annual Report on the List of actions to advance LGBTI equality,*

**Amendment 13**  
**Motion for a resolution**  
**Citation 38 a (new)**

*Motion for a resolution*

*Amendment*

- *having regard to Issue Paper on Women's sexual and reproductive health and rights in Europe (2017) by the Council of Europe Commissioner for Human Rights,*

**Amendment 14**  
**Motion for a resolution**  
**Recital A a (new)**

*Motion for a resolution*

*Amendment*

- Aa. whereas women's rights are human rights and as such are universal, and must be respected and promoted in all Member States;*



## **Amendment 15**

### **Motion for a resolution Recital A b (new)**

*Motion for a resolution*

*Amendment*

***Ab. whereas the backlash against women's rights and gender equality is often linked to a broader deterioration in the situation of democracy, the rule of law and fundamental rights; whereas women's rights should therefore be included in the rule of law mechanism in the next multiannual financial framework; whereas men and women should be allies in countering this backlash and supporting progress in gender equality and advancing women's rights;***

## **Amendment 16**

### **Motion for a resolution Recital A c (new)**

*Motion for a resolution*

*Amendment*

***Ac. whereas not enough progress has been made on fundamental rights, including women's rights, and in particular in key areas of institutional and policy frameworks for gender equality; whereas there has been an organised and worrying backlash against women's and LGBTI+ rights in some Member States in recent years, with anti-gender movements trying to limit sexual and reproductive health and rights, including through the denial of access to modern forms of contraception and the introduction of regressive preconditions on abortion, attempts to fully ban abortion, to limit equality for LGBTI+ persons, to ban sex education and gender studies, and to promote campaigns against the Istanbul Convention which deny the existence of***

*gender-based violence;*

**Amendment 17**

**Motion for a resolution  
Recital A d (new)**

*Motion for a resolution*

*Amendment*

*Ad. whereas gender based violence in all its forms (including harassment and violence in the workplace, at home and online) is a violation of fundamental rights which affects all levels of society, regardless of age, education, income, social position and country of origin or residence, and represents a major barrier to equality between women and men;*

**Amendment 18**

**Motion for a resolution  
Recital A e (new)**

*Motion for a resolution*

*Amendment*

*Ae. whereas women, particularly women with disabilities, migrant and ethnic minority women, women of colour, Roma women, older women, women with lower education levels, women with health problems, as well as LGBTI+ women, are more often subject to multiple and intersectional forms of discrimination;*

**Amendment 19**

**Motion for a resolution  
Recital A f (new)**

*Motion for a resolution*

*Amendment*

*Af. whereas as many as 11 Member States do not provide data on women victims of intentional homicide by an intimate partner or family member; whereas according to the data from the*

*remaining 17 EU Member States, 788 women were killed by an intimate partner or family member in 2016<sup>2</sup>;*

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*[https://eige.europa.eu/sites/default/files/documents/20190390\\_mh0419039enn\\_pdf.pdf](https://eige.europa.eu/sites/default/files/documents/20190390_mh0419039enn_pdf.pdf)*

## **Amendment 20**

### **Motion for a resolution**

#### **Recital A g (new)**

*Motion for a resolution*

*Amendment*

*Ag. whereas Article 8 of the Treaty on the Functioning of the European Union lays down the principle of gender mainstreaming by stating that in all its activities the Union must aim to eliminate inequalities and to promote equality between men and women;*

## **Amendment 21**

### **Motion for a resolution**

#### **Recital A h (new)**

*Motion for a resolution*

*Amendment*

*Ah. whereas equality between men and women is a fundamental value of the EU; whereas the right to equal treatment and non-discrimination is a fundamental right enshrined in the Treaties which should be applied in legislation, practice, case law and everyday life;*

## **Amendment 22**

### **Motion for a resolution**

#### **Recital A i (new)**

*Motion for a resolution*

*Amendment*

***Ai. whereas Article 13 of the Amsterdam Treaty provides the EU with a legal basis to combat discrimination on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation;***

**Amendment 23**  
**Motion for a resolution**  
**Recital A j (new)**

*Motion for a resolution*

*Amendment*

***Aj. whereas the EU has already implemented a general framework for equal treatment in employment and occupation, which gives it a mandate to combat discrimination based on religion or belief, age, disability and sexual orientation on the labour market; whereas similar anti-discriminatory measures should also be urgently implemented outside the labour market;***

**Amendment 24**

**Motion for a resolution**  
**Recital A k (new)**

*Motion for a resolution*

*Amendment*

***Ak. whereas women continue to be under-represented and discriminated against on the labour market, especially in leadership positions, while they are over-represented in low-paid industries such as social work, care work and education, and devote more time than men to unpaid housework and care, as 80 % of all care provided across the EU is provided by unpaid informal carers and 75 % of these carers are women; whereas in our societies there is still strong occupational segregation between***

*women's and men's roles and jobs, which has negative impacts on gender income equality and societal development; whereas special measures are needed to support women, especially women returning to the job market after a long career break in order to increase their potential on the labour market;*

**Amendment 25**  
**Motion for a resolution**  
**Recital A l (new)**

*Motion for a resolution*

*Amendment*

*Al. whereas, on average, per hour a woman earns 84 cents for every euro a man makes, resulting in a gender pay gap of 16 %; whereas the gender pension gap is 35 %<sup>3</sup>;*

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<sup>3</sup>

*[https://eige.europa.eu/sites/default/files/documents/20190390\\_mh0419039enn\\_pdf.pdf](https://eige.europa.eu/sites/default/files/documents/20190390_mh0419039enn_pdf.pdf)*

**Amendment 26**  
**Motion for a resolution**  
**Recital A m (new)**

*Motion for a resolution*

*Amendment*

*Am. whereas digitalisation is an example of an area that is better remunerated and has great societal impact; whereas only 17 % of ICT specialists are women; whereas women are under-represented at many levels in Europe, such as in start-ups, the innovation sector, and as recipients of venture capital;*

**Amendment 27**  
**Motion for a resolution**

**Recital A n (new)**

*Motion for a resolution*

*Amendment*

**An.** *whereas, according to the findings of the Agency for Fundamental Rights (FRA) in its Fundamental Rights Report 2019, its surveys and various national studies, discrimination and inequalities on different grounds remain realities in everyday life throughout the EU; whereas these findings also consistently show that people who experience discrimination seldom report it; whereas national equality bodies have a key role to play in the promotion of equal treatment and the provision of assistance to victims of discrimination;*

**Amendment 28**  
**Motion for a resolution**  
**Recital C a (new)**

*Motion for a resolution*

*Amendment*

**Ca.** *whereas, according to the Gender Equality Index 2019, in the EU political representation of women at ministerial level is still lagging behind that of men at around one third;*

**Amendment 29**  
**Motion for a resolution**  
**Recital F a (new)**

*Motion for a resolution*

*Amendment*

**Fa.** *whereas according to the European Border and Coast Guard Agency, in 2018 women accounted for 18 % of all irregular entries across the external EU borders, and nearly one in five migrants were registered as children, with some 3 750 being unaccompanied; whereas these women and children are particularly vulnerable to abuses of their fundamental rights, such as human*

*trafficking;*

**Amendment 30**  
**Motion for a resolution**  
**Paragraph 1 a (new)**

*Motion for a resolution*

*Amendment*

**1a. Urges the Council to urgently unblock the negotiations on the Women on Boards Directive in order to address the considerable imbalance between women and men in economic decision-making at the highest level, thereby creating the conditions for women to be able to enjoy their full social and economic rights; welcomes the Commission President's commitment in her Political Guidelines to build a majority to unblock this Directive;**

**Amendment 31**  
**Motion for a resolution**  
**Paragraph 2 a (new)**

*Motion for a resolution*

*Amendment*

**2a. Notes that the Commission's monitoring of the implementation of Directive 2006/54/EC on the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation on the issue of closing the gender pay gap has not been effective, and calls for the full implementation of the Directive, as well as for its revision, and the inclusion of a compulsory requirement for companies to draw up gender equality plans;**

**Amendment 32**  
**Motion for a resolution**  
**Paragraph 2 b (new)**

*Motion for a resolution*

*Amendment*

**2b. Stresses that gender-based wage inequality in the Member States has an impact on women's fundamental rights; reiterates the importance of the 'equal pay for equal work' principle for all labour market-related policies enshrined in Article 157 TFEU;**

**Amendment 33**  
**Motion for a resolution**  
**Paragraph 2 c (new)**

*Motion for a resolution*

*Amendment*

**2c. Urges the Commission to present to the Council for approval a European carers' programme, with a view to identifying and recognising the various types of informal care provision in Europe, and guaranteeing financial support for carers, thus reinforcing women's rights to employment;**

**Amendment 34**  
**Motion for a resolution**  
**Paragraph 2 d (new)**

*Motion for a resolution*

*Amendment*

**2d. Calls on the Member States to support the implementation of the Work-life Balance Directive as it reinforces the equality principle in many areas such as employment and work;**

**Amendment 35**  
**Motion for a resolution**  
**Paragraph 4 d (new)**

*Motion for a resolution*

*Amendment*

**4d. Points out that, according to the**



*Gender Equality Index 2019, gender inequalities are most worrying in the domain of power; notes that, as a general trend, women's representation has improved in the Member States which have adopted legally prescribed candidate quotas; commits to encouraging women's participation in the European electoral process by including gender-balanced lists in the next revision of the Act concerning the election of the members of the European Parliament by direct universal suffrage;*

**Amendment 36**  
**Motion for a resolution**  
**Paragraph 4 e (new)**

*Motion for a resolution*

*Amendment*

*4e. Notes that there are significant differences across the EU in the mandates, competences and resources of the equality bodies established by the Member States in accordance with the directives on equality; calls on the Member States to ensure that they can effectively and independently fulfil the tasks assigned to them in a way that takes due account of the Commission's recommendation;*

**Amendment 37**  
**Motion for a resolution**  
**Paragraph 4 f (new)**

*Motion for a resolution*

*Amendment*

*4f. Calls on the Council to urgently unblock the proposed Equal Treatment Directive after 10 years of deadlock in order to close the current protection gap in the EU legal framework for non-discrimination on grounds of age, disability, religion or belief, or sexual orientation; calls on the Council to implement, in a gender-sensitive way, the principle of equal treatment between*

*persons in key areas such as social protection, education and access to goods and services, and to ensure that the EU does not implement an artificial hierarchy of grounds;*

**Amendment 38**  
**Motion for a resolution**  
**Paragraph 4 g (new)**

*Motion for a resolution*

*Amendment*

**4g.** *Stresses that the effects of climate change affect the whole of society, but in particular women and groups in a vulnerable or precarious situation, thereby increasing inequalities and diminishing their ability to exercise their fundamental rights;*

**Amendment 39**  
**Motion for a resolution**  
**Paragraph 4 h (new)**

*Motion for a resolution*

*Amendment*

**4h.** *Regrets the continued existence of persistent gender pay and pension gaps which still stand at 16 % and 35 % according to the most recent available data; stresses that these figures reflect persisting inequality in the domain of work;*

**Amendment 40**  
**Motion for a resolution**  
**Paragraph 4 i (new)**

*Motion for a resolution*

*Amendment*

**4i.** *Welcomes the commitment of both the Commission President and the Commissioner for Equality to table measures to introduce binding pay transparency measures in the first 100 days of the Commission's mandate; considers that the forthcoming directive*

*should include strong enforcement policies and sanctions for those failing to comply, and should apply to both the private and public sectors, as well as to remuneration packages in their entirety; calls on the Commission to introduce concrete measures building on the 2014 recommendation such as (a) clear definition of criteria for assessing the value of work, (b) gender-neutral job evaluation and classification systems, (c) mandatory gender pay audits and reporting to guarantee equal pay (d) workers' entitlement to request full pay information and the right to redress (e) clear targets for companies' equality performance;*

**Amendment 41**  
**Motion for a resolution**  
**Paragraph 4 j (new)**

*Motion for a resolution*

*Amendment*

*4j. Regrets that according to the EIGE progress in gender equality is being made at 'a snail's pace', and that the EU score for gender equality has only risen one point since 2017; takes note that in many areas no improvements are being made, and that women's fundamental rights continue to be breached;*

**Amendment 42**  
**Motion for a resolution**  
**Paragraph 4 k (new)**

*Motion for a resolution*

*Amendment*

*4k. Calls on the Member States and all EU bodies to cooperate with the EIGE and the FRA, in keeping with the shared determination to work together to combat violence and gender discrimination; calls for increased cooperation with relevant international entities such as the United Nations, in particular with UN Women;*

*calls on the Commission and the Member States to collect robust, disaggregated and comparable data to inform evidence-based non-discrimination policies, monitor trends, and assess the implementation of EU equality directives and international human rights standards; welcomes, in this regard, the establishment of the EU High Level Group on Non-discrimination, Diversity and Equality (HLG) Subgroup on Equality Data and its guidelines on improving data collection and use;*

**Amendment 43**  
**Motion for a resolution**  
**Paragraph 4 l**

*Motion for a resolution*

*Amendment*

*4l. Welcomes the commitment of Commissioner Helena Dalli to put forward by 8 March 2020 a new and ambitious Gender Equality Strategy, containing new legislative proposals as well as incisive policy measures, including, inter alia, measures on gender participation, gender stereotypes, disability, the backlash in women's rights and combating violence against women;*

**Amendment 44**  
**Motion for a resolution**  
**Paragraph 5 a (new)**

*Motion for a resolution*

*Amendment*

*5a. Condemns the backlash in women's rights and gender equality in several Member States; expresses concern over restrictions of sexual and reproductive health and rights (SRHR) and calls on Member States to refrain from adopting any measures that undermine human rights, gender equality and SRHR; reiterates that SRHR are fundamental rights of all women and*

*girls, and must be respected, including the right to bodily and sexual autonomy and to be free from coercion, discrimination and violence; strongly believes that access to SRHR and in particular the choice of contraception and family planning and primary, gynaecological and obstetric healthcare, including safe and legal abortion, should be guaranteed to every woman in the EU; calls on all Member States to decriminalise abortion and abortion-related care; calls on the Commission to include the promotion and improvement of SRHR in the next Health Strategy;*

**Amendment 45**  
**Motion for a resolution**  
**Paragraph 6 a (new)**

*Motion for a resolution*

*Amendment*

*6a. Stresses that gender-based violence is both the consequence and one of the causes of persisting gender inequalities;*

**Amendment 46**  
**Motion for a resolution**  
**Paragraph 6 b (new)**

*Motion for a resolution*

*Amendment*

*6b. Strongly reaffirms the value of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) as the first holistic international instrument to combat gender-based violence; welcomes the commitment by the Commission President in her Agenda for Europe to unblock the EU's accession to the Istanbul Convention; stresses the need to urgently conclude EU accession on the basis of a*

*broad accession without limitations, to advocate its ratification by all the Member States and to ensure proper implementation of the Convention; reminds Member States that proposed EU accession does not exonerate them from ratifying the Convention at national level; welcomes the recent opinion of the Council of Europe's Venice Commission on Armenia as an excellent tool for clarifying and combating all the misconceptions about the Istanbul Convention;*

#### **Amendment 47**

##### **Motion for a resolution Paragraph 6 c (new)**

*Motion for a resolution*

*Amendment*

*6c. Welcomes the commitments to equality by the Commission President in her Political Guidelines for the next European Commission (2019-2024), the measures announced in the Commission Work Programme 2020, and in particular proposals on minimum standards on the definition of certain types of violence and strengthening the Victims' Rights Directive, as well as to table a proposal to add violence against women to the list of EU-recognised crimes defined in the Treaty; considers that the best way forward is to regulate the prevention and elimination of all forms and dimensions of gender-based violence in a single legislative act by adopting a directive on combating violence against women and girls and other forms of gender-based violence;*

#### **Amendment 48**

##### **Motion for a resolution Paragraph 6 d (new)**

*Motion for a resolution*

*Amendment*

**6d.** *Expresses its deep concern about the alarming number of femicides in Europe, which is the most extreme form of violence against women; regrets the lack of available data in some Member States, which reflects the fact that this problem is not acknowledged;*

**Amendment 49**  
**Motion for a resolution**  
**Paragraph 6 e (new)**

*Motion for a resolution*

*Amendment*

**6e.** *Recalls that gender-based and domestic violence is widespread across the EU, and that victims often have limited access to justice and proper protection; urges the Commission and the Member States to respond to this widespread fundamental rights and security challenge appropriately by making it a priority and working with law enforcement authorities to promote better access to justice;*

**Amendment 50**  
**Motion for a resolution**  
**Paragraph 6 f (new)**

*Motion for a resolution*

*Amendment*

**6f.** *Calls on the Commission and on the Council to activate the ‘passerelle clause’ enshrined in Article 83(1) of the TFEU as soon as possible in order to include violence against women and girls and other forms of gender-based violence in the catalogue of EU-recognised crimes, and to allow the Commission to put forward a proposal for a directive using Article 83 of the TFEU as legal basis;*

**Amendment 51**  
**Motion for a resolution**  
**Paragraph 6 g (new)**

*Motion for a resolution*

*Amendment*

**6g. Regrets the tendency in recent years to cut EU funds for combating all forms of violence against women and girls; reaffirms its request to earmark and increase resources for the Daphne strand in the Rights and Values Programme, as well as for its specific objective relating to the promotion and safeguarding of gender equality and gender mainstreaming;**

**Amendment 52**  
**Motion for a resolution**  
**Paragraph 6 h (new)**

*Motion for a resolution*

*Amendment*

**6h. Points out that too many women continue to be subjected to sexual harassment in public spaces and in the workplace; calls upon the Member States and the EU institutions, bodies and agencies to step up their response to this phenomenon; calls upon the Commission and the Member States to counter online harassment which targets girls and women disproportionately, particularly those in public and political life; welcomes the recently adopted ILO Convention on Violence and Harassment in the World of Work (C190), and calls on all Member States to ratify it without delay; calls on the Member States to implement awareness-raising campaigns in this regard, targeting both the public and private sectors;**

**Amendment 53**  
**Motion for a resolution**  
**Paragraph 6 i (new)**



*Motion for a resolution*

*Amendment*

***6i. Calls on the Commission and the Member States to improve the availability and comparability of quality disaggregated data on gender-based violence through cooperation with Eurostat, the EIGE and the FRA in line with the Istanbul Convention's obligations on data collection and research; once again calls on the Commission to establish a European observatory on gender-based violence with a view to gathering accurate and comparable data along the lines of the EIGE's State Observatory on Violence against Women;***

**Amendment 54  
Motion for a resolution  
Paragraph 6 j (new)**

*Motion for a resolution*

*Amendment*

***6j. Stresses that initiatives mitigating gender inequality in the EU have a central role in promoting and protecting women's fundamental rights ;calls in this regard for a robust and evidence-based approach that will allow the drafting of adequate and useful impact assessments on gender equality;***

**Amendment 55  
Motion for a resolution  
Paragraph 6 k (new)**

*Motion for a resolution*

*Amendment*

***6k. Recalls that gender mainstreaming is an indispensable tool for eliminating inequalities, promoting gender equality and combating discrimination; reiterates its call to the Commission to introduce gender mainstreaming in all Union internal and external policies and activities; welcomes the commitment of the new Commissioner for Equality to create a Task Force on Equality***

*with the aim of building an intersectional approach to gender mainstreaming in all EU policies; believes that stronger interinstitutional relations in the field of gender mainstreaming can help develop gender-sensitive EU policies; calls, therefore, for structured cooperation on gender mainstreaming between all institutional partners, such as the Commission, the Council and the EIGE;*

**Amendment 56**  
**Motion for a resolution**  
**Paragraph 7 a (new)**

*Motion for a resolution*

*Amendment*

*7a. Calls for the new Roma health strategy and the Roma 2020 strategy to address discrimination against Roma women, including the serious reproductive and maternal health rights violations they experience in healthcare facilities;*

**Amendment 57**  
**Motion for a resolution**  
**Paragraph 7 b (new)**

*Motion for a resolution*

*Amendment*

*7b. Notes that in relation to SDG 5, the FRA published in 2014 the first – and to date only – EU-wide survey on violence against women, and that the full data set for the next survey will be collected between 2020 and 2022; encourages the agency to publish the survey more frequently and regularly, and to conduct other surveys concerning gender discrimination;*

**Amendment 58**  
**Motion for a resolution**  
**Paragraph 8 a (new)**

*Motion for a resolution*

*Amendment*

**8a.** *Calls on the Commission to foreground the gender mainstreaming perspective in the European Semester by introducing a gender dimension into the annual growth survey and into the formulation process of the Country Specific Recommendations (CSRs);*

**Amendment 59**  
**Motion for a resolution**  
**Paragraph 8 b (new)**

*Motion for a resolution*

*Amendment*

**8b.** *Stresses the need to address gendered barriers to obtaining access justice in the Member States, whether in socio-economic, legal or procedural terms, and urges the Commission and the Member States to take steps to remove them; calls on the Member States to fully implement the Victims' Rights Directive to ensure rights awareness, and that access to appropriate support services and effective remedies is available to all victims of crime; underlines that access to justice is a key issue for women victims of gender-based violence and that, among victims, undocumented migrant women are in a doubly vulnerable position as they may be reluctant to report violations to the police;*

**Amendment 60**  
**Motion for a resolution**  
**Paragraph 8 c (new)**

*Motion for a resolution*

*Amendment*

**8c.** *Notes that gender budgeting is one of the key dimensions of a gender mainstreaming strategy; stresses that gender budgeting must become an integral part of the budgetary procedure, including in the next MFF; stresses its*

*call to add a gender budgeting clause in the regulation on the next MFF, and a provision to ensure a gender-responsive mid-term review;*

**Amendment 61**  
**Motion for a resolution**  
**Paragraph 8 d (new)**

*Motion for a resolution*

*Amendment*

**8d. Calls on the Member States to fully comply with their obligations under the ICESCR, the Convention on the Elimination of All Forms of Discrimination Against Women and the ICERD;**

**Amendment 62**  
**Motion for a resolution**  
**Paragraph 8 e (new)**

*Motion for a resolution*

*Amendment*

**8e. Calls on the Commission and the Council to provide a realistic budget that would allow discrimination and inequalities on different grounds to be effectively combated, promote equal treatment, as well support victims of discrimination; reiterates that sufficient budget funding should be allocated to future FRA activities;**

**Amendment 63**  
**Motion for a resolution**  
**Paragraph 8 f (new)**

*Motion for a resolution*

*Amendment*

**8f. Calls on the EU and the Member States to fully implement the UN CRPD and its Optional Protocol; recalls that women and girls with disabilities are particularly exposed to multiple forms of discrimination**

*and are thus prevented from enjoying their fundamental rights on an equal basis in full;*

**Amendment 64**  
**Motion for a resolution**  
**Paragraph 8 g (new)**

*Motion for a resolution*

*Amendment*

**8g.** *Calls on the Member States to ensure that women's and LGBTI+ rights are protected and recognised as equality principles intrinsic to democracy and the rule of law;*

**Amendment 65**  
**Motion for a resolution**  
**Paragraph 8 h (new)**

*Motion for a resolution*

*Amendment*

**8h.** *Notes that in May 2019, the Agency re-launched, after seven years, the second EU-wide LGBTI survey, which aims to compile the experiences of discrimination and hate crime of lesbian, gay, bisexual, trans and intersex people across the EU, North Macedonia and Serbia, as well as their views and the challenges they face; urges the FRA to publish the results of the survey in 2020 and to ensure that in the future the survey is conducted more frequently and regularly;*

**Amendment 66**  
**Motion for a resolution**  
**Paragraph 8 i (new)**

*Motion for a resolution*

*Amendment*

**8i.** *Highlights the need for targeted policies with an intersectional approach to guarantee the fundamental rights of vulnerable women who experience multiple discrimination, such as women refugees, asylum seekers and*

*migrants, women from religious and ethnic minorities, LGBTI+ women, elderly women and women with disabilities;*

**Amendment 67**  
**Motion for a resolution**  
**Paragraph 8 j (new)**

*Motion for a resolution*

*Amendment*

**8j. Is deeply concerned that in recent years, anti-gender equality and anti-LGBTI+ movements have gained ground in a number of Member States; stresses that these movements seek to challenge established fundamental rights pertaining to gender equality, and aim to block and roll back laws and policies protecting women's rights and defending LGBTI+ people against hate crimes and discrimination;**

**Amendment 68**  
**Motion for a resolution**  
**Paragraph 8 k (new)**

*Motion for a resolution*

*Amendment*

**8k. Reiterates its call on the Commission to adopt an EU LGBTI+ strategy that takes into account Parliament's previous demands, and ensures continuity and a robust follow-up to the previous Commission's list of actions to promote LGBTI+ equality;**

**Amendment 69**  
**Motion for a resolution**  
**Paragraph 8 l (new)**

*Motion for a resolution*

*Amendment*

**8l. Notes that the most vulnerable women belong to minority groups, including gender and sexual, ethnic and religious minorities; urges the Commission and the Member States to**

*take effective action to tackle hate speech against such vulnerable groups;*

**Amendment 70**  
**Motion for a resolution**  
**Paragraph 8 m (new)**

*Motion for a resolution*

*Amendment*

**8m.** *Calls on the Commission and the Member States to communicate and reaffirm the importance and benefits of safeguarding women's rights and gender equality and eliminating gender stereotypes for society, and to further support the development and dissemination of evidence-based research and information on women's rights;*

**Amendment 71**  
**Motion for a resolution**  
**Paragraph 8 n (new)**

*Motion for a resolution*

*Amendment*

**8n.** *Commits to proposing measures to achieve gender balance in the EU institutions in the framework of the upcoming Conference on the Future of Europe;*

**Amendment 72**

**Motion for a resolution**  
**Paragraph 11 a (new)**

*Motion for a resolution*

*Amendment*

**11a.** *Notes with concern the increasingly shrinking space for independent civil society in some Member States, in particular women's rights organisations and human rights defenders; calls on the Commission to strengthen support and protection of civil society organisations and women human rights defenders active at national and*

*local level, who are working to promote gender equality and sexual and reproductive health and rights in particular, including through the Rights and Values programme; emphasises the importance of participation by civil society organisations in the Conference on the Future of Europe;*

**Amendment 73**  
**Motion for a resolution**  
**Paragraph 12 a (new)**

*Motion for a resolution*

*Amendment*

**12a. Calls on Member States to comply with their human rights obligations and to fully implement the judgments of the European Court of Human Rights;**

**Amendment 74**

**Motion for a resolution**  
**Paragraph 13 a (new)**

*Motion for a resolution*

*Amendment*

**13a. Stresses that undocumented migrant women and children should be able to fully enjoy their basic fundamental rights, regardless of their legal or administrative status; expresses its serious concern at the situation of migrants and asylum seekers who are smuggled into the EU; calls for the opening of legal and safe migration and asylum routes in order to avoid sexual and gender-based violence; further stresses in this regard that all legal and administrative procedures should be conducted expeditiously; recalls that women and children may be compelled to exchange sex for protection or basic support to survive; underlines in this regard that improving assistance and registration systems are matters of the utmost**



*importance, together with the need to address family separation and the lack of safe and legal means of entry into the EU; stresses the need for family reunification procedures to ensure the respect of individual rights for women and girls joining their families in the EU, so that they are not obliged to depend on a family member for access to health, education or work;*

**Amendment 75**  
**Motion for a resolution**  
**Paragraph 13 b (new)**

*Motion for a resolution*

*Amendment*

**13b.** *Urges the EU to mobilise the necessary means to fight trafficking and sexual exploitation; calls on the Commission and the Member States to adopt measures to prevent and address the use of new technologies as a tool for recruiting women and girls for human trafficking, especially for sexual and labour exploitation;*

**Amendment 76**  
**Motion for a resolution**  
**Paragraph 4 m (new)**

*Motion for a resolution*

*Amendment*

**4m.** *Calls, therefore, for special attention to be paid to the digital gender gap, which has a substantial impact on access to jobs and services, and thus women's right to employment;*



## INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	17.11.2020
<b>Result of final vote</b>	+: 34 -: 23 0: 3
<b>Members present for the final vote</b>	Malik Azmani, Pietro Bartolo, Nicolas Bay, Vladimír Bilčík, Vasile Blaga, Ioan-Rareș Bogdan, Patrick Breyer, Saskia Bricmont, Jorge Buxadé Villalba, Damien Carême, Caterina Chinnici, Clare Daly, Anna Júlia Donáth, Lena Düpont, Cornelia Ernst, Laura Ferrara, Nicolaus Fest, Jean-Paul Garraud, Maria Grapini, Sylvie Guillaume, Andrzej Halicki, Evin Incir, Sophia in 't Veld, Patryk Jaki, Marina Kaljurand, Assita Kanko, Fabienne Keller, Peter Kofod, Łukasz Kohut, Moritz Körner, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Nuno Melo, Nadine Morano, Javier Moreno Sánchez, Maite Pagazaurtundúa, Nicola Procaccini, Emil Radev, Terry Reintke, Diana Riba i Giner, Ralf Seekatz, Michal Šimečka, Birgit Sippel, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Tomas Tobé, Dragoș Tudorache, Tom Vandendriessche, Bettina Vollath, Jadwiga Wiśniewska, Elena Yoncheva, Javier Zarzalejos
<b>Substitutes present for the final vote</b>	Malin Björk, Delara Burkhardt, Klára Dobrev, Rasa Juknevičienė, Kris Peeters, Karlo Ressler

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

34	+
S&D	Pietro Bartolo, Delara Burkhardt, Caterina Chinnici, Klára Dobrev, Maria Grapini, Sylvie Guillaume, Evin Incir, Marina Kaljurand, Lukasz Kohut, Juan Fernando López Aguilar, Javier Moreno Sánchez, Birgit Sippel, Bettina Vollath, Elena Yoncheva
RENEW	Malik Azmani, Anna Júlia Donáth, Sophia In 'T Veld, Fabienne Keller, Moritz Körner, Maite Pagazaurtundúa, Michal Šimečka, Ramona Strugariu, Dragoş Tudorache
GREENS/EFA	Patrick Breyer, Saskia Bricmont, Damien Carême, Alice Kuhnke, Terry Reintke, Diana Riba I Giner, Tineke Strik
EUL/NGL	Malin Björk, Clare Daly, Cornelia Ernst
NI	Laura Ferrara

23	-
EPP	Vladimír Bilčík, Vasile Blaga, Ioan-Rareş Bogdan, Lena Düpont, Andrzej Halicki, Rasa Juknevičienė, Jeroen Lenaers, Nuno Melo, Nadine Morano, Kris Peeters, Emil Radev, Karlo Ressler, Ralf Seekatz, Tomas Tobé
ID	Nicolas Bay, Nicolaus Fest, Jean-Paul Garraud, Annalisa Tardino, Tom Vandendriessche
ECR	Jorge Buxadé Villalba, Patryk Jaki, Nicola Procaccini, Jadwiga Wiśniewska

3	0
EPP	Javier Zarzalejos
ID	Peter Kofod
ECR	Assita Kanko

Key to symbols:

+ : in favour

- : against

0 : abstention