



**2017/2089(INI)**

28.11.2018

# **POSITION IN THE FORM OF AMENDMENTS**

of the Committee on Women's Rights and Gender Equality

for the Committee on Constitutional Affairs

on the implementation of the Charter of Fundamental Rights of the European Union in the EU institutional framework  
(2017/2089(INI))

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

PA\_NonLegPosition

## AMENDMENTS

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

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

*Motion for a resolution*

*Amendment*

- *having regard to its resolution of 13 March 2018 on gender equality in EU trade agreements<sup>1</sup>,*

---

<sup>1</sup> *Texts adopted, P8\_TA(2018)0066.*

**Amendment 2**  
**Motion for a resolution**  
**Citation 1 b (new)**

*Motion for a resolution*

*Amendment*

- *having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), and to its resolution of 12 September 2017 on the proposal for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence<sup>1</sup>,*

---

<sup>1</sup> *OJ C 337, 20.9.2018, p. 167.*

**Amendment 3**  
**Motion for a resolution**  
**Citation 1 c (new)**

*Motion for a resolution*

*Amendment*

- *having regard to its resolution of 26 October 2017 on combating sexual harassment and abuse in the EU<sup>1</sup>,*

**Amendment 4**  
**Motion for a resolution**  
**Citation 1 d (new)**

*Motion for a resolution*

*Amendment*

- *having regard to the joint staff working document of 21 September 2015 entitled ‘Gender Equality and Women’s Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020’ (SWD(2015)0182), and to the Council conclusions of 26 October 2015 on the Gender Action Plan 2016-2020,*

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

*Motion for a resolution*

*Amendment*

- *having regard to the guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons adopted by the Council of the European Union at its meeting of 24 June 2013,*

**Amendment 6**  
**Motion for a resolution**  
**Recital G a (new)**

*Motion for a resolution*

*Amendment*

- Ga. whereas the principle of gender equality is a core value of the EU and is enshrined in the EU Treaties and in Article 23 of the Charter; whereas Article 8 TFEU establishes the principle of gender mainstreaming, stating that ‘in all*

*its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women’;*

**Amendment 7**  
**Motion for a resolution**  
**Recital G b (new)**

*Motion for a resolution*

*Amendment*

***Gb. whereas the European Institute for Gender Equality (EIGE) is tasked with developing, analysing, evaluating and disseminating methodological tools in order to support the integration of gender equality into all EU policies and the resulting national policies and to support gender mainstreaming in all EU institutions and bodies;***

**Amendment 8**  
**Motion for a resolution**  
**Recital L a (new)**

*Motion for a resolution*

*Amendment*

***La. whereas Article 24 of the Charter sets out the rights of the child, obliging public authorities and private institutions to make children’s best interests a primary consideration;***

**Amendment 9**  
**Motion for a resolution**  
**Recital L b (new)**

*Motion for a resolution*

*Amendment*

***Lb. whereas Article 14 of the Charter emphasises the right of every child to a fair education;***

**Amendment 10**  
**Motion for a resolution**

**Paragraph 1 a (new)**

*Motion for a resolution*

*Amendment*

**1a.** *Deplores the fact that gender-based violence is too easily tolerated and stresses the need to end impunity by ensuring that perpetrators are prosecuted; calls for the EU to reach an agreement on the ratification of the Istanbul Convention, and on the Commission to put forward a comprehensive EU strategy against all forms of gender-based violence, including the sexual harassment and sexual abuse of women and girls, so as to ensure coherence between internal and external EU action in this field;*

**Amendment 11**  
**Motion for a resolution**  
**Paragraph 1 b (new)**

*Motion for a resolution*

*Amendment*

**1b.** *Is deeply concerned about the vulnerability of migrants, refugees and asylum seekers, particularly women, children and LGBTI people, and calls for the urgent improvement of safe and legal pathways for migration, full respect for the principle of non-refoulement, and access to family reunification services, housing, education, employment, healthcare and psychological support after arriving in the EU;*

**Amendment 12**  
**Motion for a resolution**  
**Paragraph 2**

*Motion for a resolution*

*Amendment*

2. Recalls that the procedures established by the EU institutions to assess the compatibility of legislative proposals with the Charter are mainly of an internal nature; stresses the need to provide for

2. Recalls that the procedures established by the EU institutions to assess the compatibility of legislative proposals with the Charter are mainly of an internal nature; stresses the need to provide for

enhanced forms of consultation, impact assessments and legal scrutiny with the full involvement of independent fundamental rights experts; calls on the Commission to promote structured and regulated cooperation with independent external bodies, such as the FRA and civil society organisations working in the field, whenever a legislative file potentially promotes or negatively affects fundamental rights;

enhanced forms of consultation, impact assessments, ***including specific gender impact assessments***, and legal scrutiny with the full involvement of independent fundamental rights experts; calls on the Commission to promote structured and regulated cooperation with independent external bodies, such as the FRA and civil society organisations working in the field, whenever a legislative file potentially promotes or negatively affects fundamental rights;

**Amendment 13**  
**Motion for a resolution**  
**Paragraph 3 a (new)**

*Motion for a resolution*

*Amendment*

**3a. Stresses the need for close cooperation with EIGE in its role of disseminating accurate methodological tools and with a view to the more effective implementation of gender mainstreaming in the legislative and decision-making processes of the European Union;**

**Amendment 14**  
**Motion for a resolution**  
**Paragraph 4**

*Motion for a resolution*

*Amendment*

4. Reiterates its call on the Commission to revise its decision to divide its considerations on fundamental rights into the current three categories in its impact assessment – economic, social and environmental effects – and to create ***a*** specific ***category*** entitled ‘Effects on fundamental rights’, to ensure that all aspects of fundamental rights are considered;

4. Reiterates its call on the Commission to revise its decision to divide its considerations on fundamental rights into the current three categories in its impact assessment – economic, social and environmental effects – and to create ***two*** specific ***categories*** entitled ‘Effects on fundamental rights’ ***and ‘Gender impact assessment’***, to ensure that all aspects of fundamental rights are considered, ***in particular those of minorities and vulnerable groups such as women, children and LGBTIQ+ people;***

**Amendment 15**  
**Motion for a resolution**  
**Paragraph 7 a (new)**

*Motion for a resolution*

*Amendment*

**7a. Calls on the Commission and the Council to promote, in trade agreements, a commitment to adopting, maintaining and implementing gender equality laws, regulations and policies effectively, including the active measures necessary to promote gender equality and women's empowerment at all levels, in accordance with Article 23 of the Charter;**

**Amendment 16**  
**Motion for a resolution**  
**Paragraph 8 a (new)**

*Motion for a resolution*

*Amendment*

**8a. Regrets that gender mainstreaming is not implemented consistently in all EU activities, which prevents the effective implementation of measures to combat gender discrimination and promote gender equality;**

**Amendment 17**  
**Motion for a resolution**  
**Paragraph 8 b (new)**

*Motion for a resolution*

*Amendment*

**8b. Stresses the need to bring about a cultural shift in the institutions by means of a systematic and structured organisational learning process in order to achieve gender equality both internally and, in particular, with regard to the results and outcomes of their work;**



**Amendment 18**  
**Motion for a resolution**  
**Paragraph 16 a (new)**

*Motion for a resolution*

*Amendment*

**16a.** *Calls on the relevant EU agencies to step up work to implement the gender equality principles enshrined in the Charter, including by ensuring that all the EU institutions and agencies pursue a policy of zero tolerance towards all forms of sexual violence and physical or psychological harassment; calls for all the EU institutions and agencies to fully implement its resolution of 26 October 2017 on combating sexual harassment and abuse in the EU;*

**Amendment 19**  
**Motion for a resolution**  
**Paragraph 20 a (new)**

*Motion for a resolution*

*Amendment*

**20a.** *Calls for the EU institutions and the Member States to combat all forms of discrimination and violence against LGBTI people in their respective countries and beyond, as outlined in the Charter;*

**Amendment 20**  
**Motion for a resolution**  
**Paragraph 20 b (new)**

*Motion for a resolution*

*Amendment*

**20b.** *Stresses that the EU should put in place comprehensive and strategic measures to enable the Member States to respond to women's rights violations within their own borders and ensure their active promotion of the Charter of Fundamental Rights; reiterates its call on all the Member States, in this context, to swiftly ratify the Istanbul Convention in*

*all its parts;*

**Amendment 21**  
**Motion for a resolution**  
**Paragraph 20 c (new)**

*Motion for a resolution*

*Amendment*

**20c. Emphasises that women's rights and gender equality, including universal respect for and access to sexual and reproductive health and rights, must be placed at the centre of the Charter of Fundamental Rights and policymaking at national level;**

**Amendment 22**  
**Motion for a resolution**  
**Paragraph 24 a (new)**

*Motion for a resolution*

*Amendment*

**24a. Recognises that social exclusion can be caused by a lack of fair education and exacerbated by bullying; encourages national and local administrations and schools to provide for measures to assist victims of bullying and prevent their social exclusion, in accordance with Article 34 of the Charter;**

**Amendment 23**  
**Motion for a resolution**  
**Paragraph 25 a (new)**

*Motion for a resolution*

*Amendment*

**25a. Encourages the Member States to support the use of impact assessments for the most vulnerable groups (single mothers, children, people with disabilities, etc.) in the development of national legislation on education, while recognising that this is not required under any legislation or charter and represents a**

*major gap and point of discrepancy  
between EU and national legislation,  
which hinders the development of gender  
equality as set out in the Charter;*