

20.11.2020

A9-0226/39

Amendment 39

Clare Daly

on behalf of the GUE/NGL Group

Report

A9-0226/2020

Clare Daly

Situation of Fundamental Rights in the European Union – Annual Report for the years 2018-2019

(2019/2199(INI))

Motion for a resolution

Citation 20 (new)

Motion for a resolution

Amendment

– *having regard to the views adopted by the Committee on Economic, Social and Cultural Rights on 11 October 2019 under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, concerning communication No. 37/2018, López Albán v. Spain^{1a},*

^{1a} <http://www.housingrightswatch.org/content/recent-decision-un-cescr-committee-deems-spain-violation-right-adequate-housing-third-time>

Or. en

20.11.2020

A9-0226/40

Amendment 40

Clare Daly

on behalf of the GUE/NGL Group

Report

A9-0226/2020

Clare Daly

Situation of Fundamental Rights in the European Union – Annual Report for the years 2018-2019

(2019/2199(INI))

Motion for a resolution

Citation 22 (new)

Motion for a resolution

Amendment

– *having regard to the view of the Commissioner for Human Rights for the Council of Europe of 29 June 2018 on ‘Greece: immediate action needed to protect human rights of migrants’^{1a},*

^{1a} <https://www.coe.int/en/web/commissioner/-/greece-immediate-action-needed-to-protect-human-rights-of-migrants>

Or. en

20.11.2020

A9-0226/41

Amendment 41

Clare Daly

on behalf of the GUE/NGL Group

Report

A9-0226/2020

Clare Daly

Situation of Fundamental Rights in the European Union – Annual Report for the years 2018-2019

(2019/2199(INI))

Motion for a resolution

Citation 41 (new)

Motion for a resolution

Amendment

– *having regard to the ECtHR case **Sh.D. and others v. Greece, Austria, Croatia, Hungary, Northern Macedonia, Serbia and Slovenia**^{1a}, which affirms that the child's extreme vulnerability should prevail over irregular status with necessary measures adopted to protect them and that the 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^{1b},*

^{1a} *Application no. 141165/16, Judgment of 13 June 2019.*

^{1b} <https://www.asylumlawdatabase.eu/en/content/ecthr-shd-and-others-v-greece-austria-croatia-hungary-northern-macedonia-serbia-and-sloven-0#content>

Or. en

Amendment 42**Clare Daly**

on behalf of the GUE/NGL Group

Report**A9-0226/2020****Clare Daly**

Situation of Fundamental Rights in the European Union - Annual Report for the years 2018-2019

(2019/2199(INI))

Motion for a resolution**Recital M***Motion for a resolution*

M. whereas cases of gynaecological and obstetrical violence have been increasingly denounced in several Member States⁴⁵ ; 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;

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

Amendment

M. whereas cases of gynaecological and obstetrical violence have been increasingly denounced in several Member States⁴⁵ ; 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, **as has found to be the case in Bulgaria^{45a}**; whereas Roma have also experienced ethnic segregation in maternal health care facilities **in that Member State**, and are placed in segregated rooms with segregated bathrooms and eating facilities^{45b}; whereas in some Member States, **such as Slovakia and Czechia**, 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^{45c};

⁴⁵ <http://www.assembly.coe.int/LifeRay/EG/A/Pdf/TextesProvisoires/2019/20190912->

^{45a} Commissioner for Human Rights of the Council of Europe, Women's Sexual and Reproductive Health and Rights in Europe, Council of Europe, Strasbourg, 2017, pp. 42-44; Decision of the European Committee of Social Rights of 5 December 2018, European Roma Rights Centre v Bulgaria, Complaint No. 151/2017; European Roma Rights Centre, Romani woman harassed by racist hospital staff during childbirth wins case, European Roma Rights Centre, 18 January 2017, <http://www.errc.org/press-releases/romani-woman-harassed-by-racist-hospital-staff-during-childbirth-wins-case>

^{45b} Decision of the European Committee of Social Rights of 5 December 2018, European Roma Rights Centre v Bulgaria, Complaint No. 151/2017.

^{45c} Committee on Economic, Social and Cultural Rights, Concluding observations on the third periodic report of Slovakia, 18 October 2019, E/C.12/SVK/CO/3, paras. 44-45; Committee on the Elimination of Racial Discrimination, Concluding observations on the combined twelfth and thirteenth periodic reports of Czechia, 19 September 2019, CERD/C/CZE/CO/12-13, paras. 19-20; Committee on the Elimination of Racial Discrimination, Concluding observations on the combined eleventh and twelfth periodic reports of Slovakia, 12 January 2018, CERD/C/SVK/CO/11-12, paras. 23-24; Human Rights Committee, Concluding observations on the fourth report of Slovakia, 22 November 2016, CCPR/C/SVK/CO/4, paras. 26-27.

Or. en

20.11.2020

A9-0226/43

Amendment 43

Clare Daly

on behalf of the GUE/NGL Group

Report

A9-0226/2020

Clare Daly

Situation of Fundamental Rights in the European Union – Annual Report for the years 2018-2019

(2019/2199(INI))

Motion for a resolution

Recital P

Motion for a resolution

Amendment

P. whereas there is a serious backlash of LGBTI-rights, even to the extent that “LGBTI-free zones” have been introduced⁴⁷ in *one Member State*;

P. whereas there is a serious backlash of LGBTI-rights, even to the extent that “LGBTI-free zones” have been introduced in *Poland*⁴⁷;

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

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

Or. en

Amendment 44**Clare Daly**

on behalf of the GUE/NGL Group

Report**A9-0226/2020****Clare Daly**

Situation of Fundamental Rights in the European Union – Annual Report for the years 2018-2019

(2019/2199(INI))

Motion for a resolution**Recital W***Motion for a resolution*

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;*

Amendment

W. whereas *whistleblowing is a fundamental aspect of freedom of expression and plays* an essential role in *detecting and reporting wrongdoing, and in strengthening democratic accountability and transparency; whereas whistleblowing represents a key source of information in the fight against organised crime, and in investigating, identifying and publicising cases of corruption within the public and private sectors; whereas journalists and other media actors in the EU face multiple attacks, threats and pressures from state and non-state actors; whereas the detention and criminal prosecution of Julian Assange sets a dangerous precedent for journalists as affirmed by the Parliamentary Assembly of the Council of Europe^{1a}; whereas the adequate protection of whistle-blowers at EU, national and international level, as well as the acknowledgement of the important role played by whistle-blowers in society, are preconditions for ensuring the effectiveness of such a role;*

^{1a} *Resolution 2317 (2020) of the Parliamentary Assembly of the Council of Europe on threats to media freedom and journalists' security in Europe.*

Or. en

20.11.2020

A9-0226/45

Amendment 45

Clare Daly

on behalf of the GUE/NGL Group

Report

A9-0226/2020

Clare Daly

Situation of Fundamental Rights in the European Union – Annual Report for the years 2018-2019

(2019/2199(INI))

Motion for a resolution

Recital X a (new)

Motion for a resolution

Amendment

Xa. whereas on 1 October 2019, the Council of Europe’s Committee on Legal Affairs and Human Rights approved an investigation into the growing number of national, regional and local politicians prosecuted for statements made in the exercise of their mandate in Spain^{1a};

^{1a} Introductory memorandum of the Committee on Legal Affairs and Human Rights of the Council of Europe entitled ‘Should politicians be prosecuted for statements made in the exercise of their mandate?’, 1 October 2019, AS/Jur (2019) 35.

Or. en

20.11.2020

A9-0226/46

Amendment 46

Clare Daly

on behalf of the GUE/NGL Group

Report

A9-0226/2020

Clare Daly

Situation of Fundamental Rights in the European Union – Annual Report for the years 2018-2019

(2019/2199(INI))

Motion for a resolution

Recital Y a (new)

Motion for a resolution

Amendment

Ya. whereas many instances of the disproportionate use of force against peaceful demonstrators continue to be reported across the EU, including the beating of demonstrators; whereas law enforcement authorities in some Member States such as Romania^{1a}, Spain and France^{1b} are increasingly using less lethal weapons, such as batons, tear gas, hand-held sting grenades, electroshock weapons, water cannons and rubber bullets to control or disperse crowds of demonstrators; whereas the number of persons seriously wounded in demonstrations in recent years as a result of the use of rubber bullets is particularly striking;

^{1a} *European Parliament resolution of 13 November 2018 on the rule of law in Romania (OJ C 363, 28.10.2020, p. 8).*

^{1b} *Commissioner for Human Rights of the Council of Europe, Shrinking space for freedom of peaceful assembly, Council of Europe, Strasbourg, 2019; Commissioner for Human Rights of the Council of Europe, Memorandum on maintaining public order and freedom of assembly in the context of the ‘yellow vest’ movement in France, Council of Europe,*

*Strasbourg, 2019; Commissioner for
Human Rights of the Council of Europe,
Protection of the rights to freedom of
expression and peaceful assembly during
last week's demonstrations in Catalonia,
Council of Europe, Strasbourg, 2019.*

Or. en

20.11.2020

A9-0226/47

Amendment 47

Clare Daly

on behalf of the GUE/NGL Group

Report

A9-0226/2020

Clare Daly

Situation of Fundamental Rights in the European Union – Annual Report for the years 2018-2019

(2019/2199(INI))

Motion for a resolution

Recital Y

Motion for a resolution

Amendment

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 States⁵¹, have adopted laws that could lead to disproportionate restrictions of the right to freedom of peaceful assembly;

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 responsibilities ***associated with the chain of command***; whereas Member States have different thresholds for the use of force and weapons by law enforcement authorities for maintaining public order; whereas several Member States⁵¹, have adopted laws that could lead to disproportionate restrictions of the right to freedom of peaceful assembly;

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

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

Or. en

20.11.2020

A9-0226/48

Amendment 48

Clare Daly

on behalf of the GUE/NGL Group

Report

A9-0226/2020

Clare Daly

Situation of Fundamental Rights in the European Union – Annual Report for the years 2018-2019

(2019/2199(INI))

Motion for a resolution

Recital AB a (new)

Motion for a resolution

Amendment

ABa. whereas, by selling arms to countries that are conducting brutal war campaigns, acting as a backer for opposing sides in foreign conflicts, supporting coups against democratically elected leaders, and supporting crushing sanctions, the EU has exacerbated violence and instability in already fragile countries; whereas sanctions imposed in the name of delivering human rights are in fact depriving people of fundamental rights^{1a}; whereas the EU must not cause or take part in creating chaos in non-EU countries;

^{1a} <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26155&LangID=E>

Or. en