AMENDMENTS
1 - 55

Draft Report
Ádám Kósa
(PE510.687v01)

(2012/2324(INI))
Amendment 1
Ádám Kósa

Motion for a resolution
Citation 1 a (new)

Motion for a resolution Amendment
– having regard to Article 1 of the European Union Charter of Fundamental Rights, with special reference to the inviolability of human dignity, which is a universal human right, and having regard to the special sacrifice made by women who bear children, which is not comparable to other sacrifices, which they accept in the wider interests of society and which may irrevocably affect both their bodies and the progress of their careers due to discrimination against them on the labour market,

Or. hu

Amendment 2
Siiri Oviir

Motion for a resolution
Citation 7 a (new)

Motion for a resolution Amendment
– having regard to Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions,

Or. et

Amendment 3
Elisabeth Schroedter
Motion for a resolution
Citation 11 a (new)

Motion for a resolution

Amendment
- having regard to its resolution of 21 October 2008 on monitoring the application of Community law – 24th annual report from the Commission (2008/2046(INI)),

Or. de

Amendment 4
Siiri Oviir

Motion for a resolution
Recital D

Motion for a resolution

Amendment
D. whereas employment is the most important condition for social inclusion and independent living and the levels of unemployment among many groups, in particular young people, those with disabilities and older people, who are particularly targeted in Articles 25 and 26 of the Charter of Fundamental Rights, are far too high;

D. whereas employment is the most important condition for social inclusion and independent living and the levels of unemployment among many groups, in particular young people, members of ethnic minorities and those with disabilities, who are targeted in Articles 21 and 26 of the Charter of Fundamental Rights, are far too high;

Or. et

Amendment 5
Minodora Cliveti

Motion for a resolution
Recital E a (new)

Motion for a resolution

Amendment
Ea. whereas homophobia continues to manifest in Member States, including
murders, banned gay prides and equality marches, public use of inflammatory, threatening and hateful language, police failure to provide adequate protection, violent authorised demonstrations by homophobic groups, and the explicit prohibition of recognising existing same-sex unions;

Amendment 6
Ádám Kósa

Motion for a resolution
Recital E a (new)

Motion for a resolution

Ea. whereas the attainment of equal opportunities is inconceivable without the responsible decision taken by those women who, without concern for the sacrifice which, in the world of work, they accept for their person and their body by bearing children, place themselves at a disadvantage in comparison with those who are not prepared to make this sacrifice;

Amendment 7
Elisabeth Schroedter

Motion for a resolution
Recital F

Motion for a resolution

F. whereas, due to the financial and structural crisis in Europe, the level of unemployment among many groups, in particular young people, including those
with disabilities, and older people is increasing with unacceptable speed, threatening social peace and solidarity in many countries; sexual identity is increasing with unacceptable speed, threatening social peace, and whereas this cannot be accepted, for reasons of international human rights law and in the interests of respect for the dignity of every human being;

Amendment 8
Daniël van der Stoep

Motion for a resolution
Recital F

Motion for a resolution

F. whereas, due to the financial and structural crisis in Europe, the level of unemployment among many groups, in particular young people, including those with disabilities, and older people is increasing with unacceptable speed, threatening social peace and solidarity in many countries;

Amendment

F. whereas, due to the financial and structural crisis in Europe, the level of unemployment among many groups, in particular young people, including those with disabilities, and older people is increasing with unacceptable speed;

Or. nl

Amendment 9
Siiri Oviir

Motion for a resolution
Recital F

Motion for a resolution

F. whereas, due to the financial and structural crisis in Europe, the level of unemployment among many groups, in particular young people, including those with disabilities, and older people is increasing with unacceptable speed, threatening social peace and solidarity in

Amendment

F. whereas, due to the financial and economic crisis in Europe, the level of unemployment among many groups, in particular young people and members of ethnic minorities, including those with disabilities, is increasing with unacceptable speed, threatening social peace and
many countries; solidarity in many countries;

Amendment 10
Lívia Járóka

Motion for a resolution
Recital F

F. whereas, due to the financial and structural crisis in Europe, the level of unemployment among many groups, in particular young people, including those with disabilities, and older people is increasing with unacceptable speed, threatening social peace and solidarity in many countries;

Amendment
F. whereas, due to the financial and structural crisis in Europe, the level of unemployment among many groups, in particular young people, including those with disabilities or from marginalized communities, and older people is increasing with unacceptable speed, threatening social peace and solidarity in many countries;

Amendment 11
Elisabeth Schroedter

Motion for a resolution
Recital G

G. whereas Union law does not cover discrimination effectively in most areas of Union competence with regard to the different grounds of discrimination and the diverse situations of the people concerned;

Amendment
G. whereas Union law on discrimination urgently needs to be supplemented, particularly by means of a directive affording legal protection on the basis of the four grounds of discrimination religion or conviction, disability, age or sexual identity, including outside employment and occupation, because discrimination for example in the field of mobility or the right to housing also adversely affects occupation and employment;
Amendment 12
Lívia Járóka

Motion for a resolution
Recital G

G. whereas Union law does not cover discrimination effectively in most areas of Union competence with regard to the different grounds of discrimination and the diverse situations of the people concerned;

Amendment
G. whereas Union law does not cover discrimination effectively in most areas of Union competence with regard to the different grounds of discrimination and the diverse situations of the people concerned; *whereas the different grounds of discrimination often intersect, most commonly with race and gender, and the preamble of Council Directive 2000/78/EC contains a reference to multiple discrimination;*

Or. en

Amendment 13
Kinga Göncz

Motion for a resolution
Recital H a (new)

Ha. whereas mediation can provide a cost-effective and quick extra-judicial resolution of disputes, where processes are tailored to the needs of the parties, the agreements reached are more likely to be kept voluntarily and to bring about amicable and sustainable relationships between the parties, and can contribute to resolving cases of discrimination;

Amendment
Ha. whereas mediation can provide a cost-effective and quick extra-judicial resolution of disputes, where processes are tailored to the needs of the parties, the agreements reached are more likely to be kept voluntarily and to bring about amicable and sustainable relationships between the parties, and can contribute to resolving cases of discrimination;

Or. en
Amendment 14
Csaba Őry

Motion for a resolution
Recital H a (new)

Motion for a resolution

Ha. whereas, with regard to Article 21 of the Charter of Fundamental Rights, Member States shall take the measures necessary to ensure that the conducts like publicly condoning, denying or grossly trivialising crimes directed at groups of persons, or a member of such groups, defined by reference to religion or belief shall be punishable when such conducts are carried out in a manner likely to incite to violence or hatred against such groups or a member of such groups;

Or. en

Amendment 15
Elisabeth Schroedter

Motion for a resolution
Recital I

Motion for a resolution

I. whereas other distinguished studies and publications show that, despite basically covering four grounds of discrimination (religion or belief, disability, age and sexual orientation), the Directive has so far mainly been referred to in cases of age-related discrimination;

Amendment

I. whereas other distinguished studies and publications show how very prevalent direct and indirect discrimination arising from the four grounds of discrimination (religion or belief, disability, age and sexual orientation) is and what material and financial consequences this has for the persons concerned and for society, particularly because discrimination impairs career opportunities and moreover can also harm health;

Or. de
Amendment 16
Daniël van der Stoep

Motion for a resolution
Recital I

Amendment
I, whereas other distinguished studies and publications show that, despite basically covering four grounds of discrimination (religion or belief, disability, age and sexual orientation), the Directive has so far mainly been referred to in cases of age-related discrimination;

Or. nl

Amendment 17
Elisabeth Schroedter

Motion for a resolution
Paragraph 1

Amendment
1. Notes that, while more in-depth analysis and robust, recent data are currently not available, the latest surveys on the perception of discrimination in the European Union confirm that discrimination in the field of employment is considered to be more widespread than in other areas of life8; calls on the Commission, in its report, to analyse in depth the shortcomings in the transposition of Directive 2000/78/EC in the Member States and to penalise those Member States which display no readiness to fully transpose the directive on protecting victims of discrimination;

Or. de
Amendment 18
Minodora Cliveti

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

Amendment

1a. Calls on the European Commission to revise the scope of the Directive for preventing and combating discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation;

Or. en

Amendment 19
Minodora Cliveti

Motion for a resolution
Paragraph 1 b (new)

Motion for a resolution

Amendment

1b. Notes that the preliminary rulings referred to the European Court of Justice by national courts concern mainly age cases (nine judgements out of thirteen in total since the adoption of the Directive), the ground of age being generally assumed to be an objective characteristic with a natural meaning and hence not defined in national legislation;

Or. en

Amendment 20
Minodora Cliveti

Motion for a resolution
Paragraph 1 c (new)
1c. Emphasises that the European Court of Justice pointed out in case C-229/09 (Wolf v. Stadt Frankfurt am Main) relating to discrimination on grounds of age that, in order to examine whether the difference of treatment based on age in the national legislation at issue in the main proceedings is justified, it must be ascertained whether physical fitness is a characteristic related to age and whether it constitutes a genuine and determining occupational requirement for the occupational activities in question or for carrying them out, provided that the objective pursued by the legislation is legitimate and the requirement is proportionate;

Amendment 21
Minodora Cliveti

Motion for a resolution
Paragraph 1 d (new)

1d. Recommends that the Member States comply with the fundamental norm of Union law of the principle of non-discrimination on grounds of age in national laws;

Amendment 22
Minodora Cliveti

Motion for a resolution
Paragraph 1 e (new)
Motion for a resolution

Amendment

1 e. Calls on the Member States to adopt the necessary measures to boost youth employment with equal rights and protection, to provide quick training programs at the workplace, paid internships for young people and incentives for hiring people with disabilities, in order to prevent and combat discrimination in employment;

Or. en

Amendment 23
Minodora Cliveti

Motion for a resolution
Paragraph 1 f (new)

Motion for a resolution

Amendment

1 f. Underlines the necessity to combat discrimination on the labour market especially for older people, taking into account that above two thirds of Europeans (67%) believe that the economic crisis is contributing to more discrimination against older workers (those aged over 55);

Or. en

Amendment 24
Elisabeth Schroedter

Motion for a resolution
Paragraph 3

Motion for a resolution

Amendment

3. Reiterates that human rights serve the interests of all people and are the recognition of human rights and active participation in society
safeguards not only of peace, harmony and justice in society, but also of a much stronger and flexible European Union in the future, with higher levels of employment and more sustainable population change and consumption patterns; by everybody serve the interests of all people; observes that, in times of democratic change, the European Union cannot afford to exclude people from the labour market on account of their personal characteristics; observes that businesses whose business plan promotes diversity derive an economic advantage from this; calls, therefore, on all businesses in the EU to adhere to this exemplary practice;

Amendment 25
Daniël van der Stoep
Motion for a resolution
Paragraph 3

Motion for a resolution

3. Reiterates that human rights serve the interests of all people and are the safeguards not only of peace, harmony and justice in society, but also of a much stronger and flexible European Union in the future, with higher levels of employment and more sustainable population change and consumption patterns;

Amendment

3. Reiterates that human rights serve the interests of all people;

Amendment 26
Elisabeth Schroedter
Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution

4a. Notes that the general principle of transfer of the burden of proof in favour
of victims of discrimination, which is provided for in Directive 2000/78/EC, has not been fully transposed in all EU States; calls on the Commission, in its report, to undertake an in-depth analysis of the extent to which this principle has been transposed in the Member States and calls on the Commission to insist that Member States transpose it fully, or otherwise to consider the possibility of penalising Member States which refuse to transpose it fully;

Or. de

Amendment 27
Elisabeth Schroedter

Motion for a resolution
Paragraph 4 b (new)

Motion for a resolution

Amendment

4b. Observes that, in some Member States, the possibility provided for in Directive 2000/78/EC for associations and organisations to engage in any judicial and/or administrative procedure or to support a victim of discrimination is only being transposed in a dilatory manner, which means that the protection of victims in the Directive is being implemented inadequately; calls on the Commission, in its report, to analyse precisely the issue of the involvement of associations and organisations and to report on it to the European Parliament;

Or. de

Amendment 28
Elisabeth Schroedter
Motion for a resolution
Paragraph 4 c (new)

Motion for a resolution

4c. Calls on the social partners to do more to protect employees against discrimination in the workplace and in training, and to adopt stronger preventive measures to protect them against discrimination in employment;

Or. de

Amendment 29
Ádám Kósa

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution

5a. Stresses the importance of the Council Conclusions of 21 February 2011 on intolerance, discrimination and violence on the basis of religion or belief and United Nations General Assembly resolution 66/167 on combating intolerance, negative stereotyping and stigmatisation of, and discrimination, incitement to violence and violence against, persons based on religion or belief, and that, according to the FRA (European Union Agency for Fundamental Rights)\(^1\), on the basis of official statistics, in one EU Member State in every four or five the level of hostility to religious conviction is already expressed in a manner so severe as to constitute a criminal offence which has a bearing on Article 4 of the Charter of Fundamental Rights;

\(^1\) Making hate crime visible in the European Union: acknowledging victims'
Amendment 30
Minodora Cliveti

Motion for a resolution
Paragraph 7 a (new)

Motion for a resolution

Amendment

7a. Calls on the European Commission to put forward proposals aimed to provide better protection against discrimination on the ground of gender identity in all areas of life, due to the existing gaps within the European Union's legislation against discrimination;

Amendment

Or. en

Amendment 31
Minodora Cliveti

Motion for a resolution
Paragraph 7 b (new)

Motion for a resolution

Amendment

7b. Strongly condemns any discrimination on the basis of sexual orientation or gender identity and holds that continuous and systematic efforts must be made in the EU in order to fight homophobia in society and to refrain from adopting laws that could have a negative impact on lesbian, gay, bisexual and transgender persons;

Amendment

Or. en
Amendment 32
Minodora Cliveti

Motion for a resolution
Paragraph 7 c (new)

Motion for a resolution

Amendment

7c. Strongly encourages the necessity of harassment protocols at sectoral and company level, which should include disciplinary sanctions for employees who violate personal dignity of other employees, creating environment degrading, intimidating, hostile, humiliating or offensive actions of discrimination, taking into account that 37% of people have been victims of harassment;

Or. en

Amendment 33
Minodora Cliveti

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

Amendment

8a. Notes the trends showing that racial or ethnic discrimination or discrimination on the grounds of religion or belief are more subject to publicity/likely to be brought to courts; recommends that Member States should equally tackle all grounds stipulated by the Directive;

Or. en

Amendment 34
László Surján
Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

8a. Recalls the recent ruling of the European Court of Human Rights in the case of Eweida and others v. the United Kingdom, where the Court declared that Ms Eweida enjoys the protection under Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and that her refusal to take off the cross from her neck at the workplace is in accordance with Article 9 § 1, which declares that freedom of religion also encompasses the freedom to manifest one's belief, alone and in private but also to practice in community with others and in public and that the manifestation of religious belief may take the form of worship, teaching, practice and observance.

Or. en

Amendment 35
Minodora Cliveti

Motion for a resolution
Paragraph 8 b (new)

Motion for a resolution

8b. Urges that the remedies and sanctions against discrimination must reflect the fundamental importance of the principle of equal treatment and they must also be applied in an effective manner so as to provide substantive protection for individuals against discrimination;

Or. en
Amendment 36  
Minodora Cliveti  
Motion for a resolution  
Paragraph 8 c (new)  

Motion for a resolution  
Amendment  

8c. Calls on the Member States to fully respect Articles 2, 3(1)(a) and (c), and 4 of the Directive when they find circumstances regarding a difference of treatment which could be justified where a characteristic related to religion or belief, disability, age or sexual orientation constitutes a genuine and determining occupational requirement, when the objective is legitimate and the requirement is proportionate;  

Or. en  

Amendment 37  
Minodora Cliveti  
Motion for a resolution  
Paragraph 8 d (new)  

Motion for a resolution  
Amendment  

8d. Calls on the Member States to respect treatment on grounds of religion or belief in employment as long as it is not the expression of extremist beliefs and behaviour;  

Or. en  

Amendment 38  
Minodora Cliveti  
Motion for a resolution  
Paragraph 8 e (new)
Motion for a resolution

Amendment

8 e. Recalls the cases of teachers blocked from certain positions or even fired in faith schools because they are non-believers or of the 'wrong' faith or because of private acts like getting married with a divorce person, getting divorced or being treated with assisted reproduction techniques; stresses that this discrimination in employment on the grounds of religion and belief against teachers and other school staff is unreasonable and measures have to be taken in the framework of the implementation of the Directive;

Or. en

Amendment 39
Minodora Cliveti

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

Amendment

9a. Calls on the Member States to simplify legal proceedings because the legal framework is complex and procedures are unclear to the victims of discrimination, with lengthy procedures, high costs, absence of legal aid or support;

Or. en

Amendment 40
Daniël van der Stoep

Motion for a resolution
Paragraph 10
10. Urges that sanctions applicable to infringements of national provisions adopted pursuant to the transposition of Directive 2000/78/EC must be effective, proportionate and dissuasive, in accordance with the judgments of the Court of Justice in cases C-246/09 (Bulicke), C-303/06 (Coleman) and C-415/10 (Meister);

10. Urges that sanctions applicable to infringements of national provisions adopted pursuant to the transposition of Directive 2000/78/EC must be effective and proportionate;

Or. nl

Amendment 41
Daniël van der Stoep

Motion for a resolution
Paragraph 11

11. Calls on the Commission to ensure, through infringement and non-compliance procedures, that Member States respect their legal obligations in fully transposing Directive 2000/78/EC; believes that its competent committee should play a role in the ongoing monitoring of Member States’ obligations under the Directive, in accordance with its resolution of 21 October 2008 on monitoring the application of Community law – 24th annual report from the Commission (2008/2046(INI));

11. Calls on the Commission to ensure that Member States respect their legal obligations in fully transposing Directive 2000/78/EC; believes that its competent committee should play a role in the ongoing monitoring of Member States’ obligations under the Directive, in accordance with its resolution of 21 October 2008 on monitoring the application of Community law – 24th annual report from the Commission (2008/2046(INI));
Motion for a resolution

11a. Calls on the Member States to make intense efforts for eliminating discrimination based on religion or belief in the employment sector, to regulate clearly the right to manifest one's freedom of religion and belief at the workplace, and to introduce restrictions on this freedom only if public health, security or safety require that and the principle of proportionality is respected;

Or. en

Amendment 43
Ádám Kósa

Motion for a resolution
Paragraph 12 a (new)

Motion for a resolution

12a. Recalls that, according to a study published by the Fundamental Rights Agency on "The legal protection of person with mental health problems under non-discrimination law - Understanding disability as defined by law and the duty to provide reasonable accommodation in European Union Member States", based on Article 5 of Directive 2000/78/EC in particular some Member States have, in a wrong way, interpreted the term 'reasonable' to refer to an accommodation which does not result in excessive cost, difficulties or problems for the employer, and, in contrast, other Member States have rightly related this term to the quality of the accommodation; stresses that, however, the burden of proving reasonable accommodation shall not be disproportional;

Or. en
Amendment 44
Ádám Kósa

Motion for a resolution
Paragraph 12 b (new)

Motion for a resolution

12b. having regard to Paragraph 147 of the Annual Report on Human Rights and Democracy in the World 2011 and on EU policy on the subject (2012/2145(INI)), which unambiguously states that freedom of religion or belief is inter-related with issues pertaining to recognition and equal citizenship and at the same time encourages the EU and calls on the European Commission to support efforts to combat discrimination, intolerance and violence on grounds of religion or belief, including supporting and financing initiatives to this end;

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1 Texts adopted, P7_TA(2012)0503

Or. hu

Amendment 45
Sari Essayah

Motion for a resolution
Paragraph 13 a (new)

Motion for a resolution

13a. Considers that research studies do not yield a comprehensive picture of discrimination in employment, as the findings are often not comparable at national level, let alone throughout the EU, as for example different studies combine different grounds for discrimination;
Amendment 46
Sari Essayah

Motion for a resolution
Paragraph 13 b (new)

Amendment

13b. Recommends that, in order to facilitate regular monitoring of discrimination in employment, it is necessary to harmonise the basic data to be entered in the registers of the Member States’ labour inspectorates;

Amendment 47
László Surján

Motion for a resolution
Paragraph 14 a (new)

Amendment

14a. Reminds the Member States and the European Commission to foster inter-religious dialogue and reconciliation between different religious or belief communities, in order to tackle the increasing phenomena of antisemitism, islamophobias and christianophobias that often result in discrimination at the workplace for individuals belonging to one specific religious or belief group;

Amendment 48
Ádám Kósá
Motion for a resolution
Paragraph 15

15. Ask the Member States and the Commission to carefully but urgently reconsider their position in the deadlocked negotiations on a general directive on anti-discrimination in the Council as referred to in its resolution of 25 October 2011 on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020 (2010/2272(INI));

with special reference to the fact that on 23 December 2010 the European Union ratified the UN Convention on the Rights of the Disabled and the Court of Justice of the European Union also has a more extended interpretative practice which should be taken as a basis for the future;

Or. hu

Amendment 49
Elisabeth Schroedter

Motion for a resolution
Paragraph 16

16. Recommends that the European Commission reconsider having a general but legally not universal argument and measure to be applied in different cases for different people in order to ensure the consistency of equal rights in reflecting diversity instead of enforcing the same rights regardless of the differences there may be between people due to their real characters based on nature, (dis)abilities, capacities and skills;

Motion for a resolution

16. Recommends that the European Commission again carry out a public campaign to make people in the EU more aware of the advantages of the EU directive against discrimination; calls on the Commission to create greater opportunities for NGOs which represent the rights and interests of the persons concerned to work together at European level and thus give them the opportunity to exchange experiences; observes that the diversity of personal characteristics of people is an asset to society, that each individual possesses special abilities and
skills which he or she can contribute to the community and that therefore one aim of the EU should be to create an inclusive society;

Amendment 50
Minodora Cliveti
Motion for a resolution
Paragraph 16 a (new)

16a. Underlines the necessity to establish in the Member States a unitary, clear and coherent system of jurisprudence, for equal treatment in employment and occupation;

Amendment 51
Kinga Göncz
Motion for a resolution
Paragraph 16 a (new)

16a. Notes that the European Commission should recommend a dual approach of formal investigation and hearing of complaints with the availability of mediation; stresses the need for a professional training of mediators in order to safeguard the success of mediation;
Amendment 52
Ádám Kósa

Motion for a resolution
Paragraph 16 a (new)

Amendment

16a. Calls on the political groups in the European Parliament, after the next European elections, to set up a monitoring system based on Paragraph 84 of the report on mobility and inclusion of people with disabilities adopted in 2011, which calls on the Council and Commission to consider concluding an interinstitutional agreement with the European Parliament in order - for the first time in the history of the European Parliament - to draw up a specific recommendation and agreement for Parliament to be involved in monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities, and notes that this call for a monitoring committee was reiterated in the joint declaration of 5 June 2013 by the European Disability Forum and the leaders of the political groups in the European Parliament;

Or. hu

Amendment 53
Minodora Cliveti

Motion for a resolution
Paragraph 16 b (new)

Amendment

16b. Recommends that the European Commission should have a legal framework including discrimination on all grounds for employment and occupation;
Amendment 54
Minodora Cliveti

Motion for a resolution
Paragraph 16 c (new)

Motion for a resolution  Amendment

16c. Underlines the crucial role of social partners in preventing and fighting discrimination at the workplace and calls on the Member States to effectively implement measures at national, sectoral and company level;

Amendment 55
Minodora Cliveti

Motion for a resolution
Paragraph 16 d (new)

Motion for a resolution  Amendment

16d. Calls on the Member States to organize campaigns to promote awareness of citizens’ rights in employment and occupation;