



EUROPEAN PARLIAMENT

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Committee on Women's Rights and Gender Equality

2011/2069(INI)

20.9.2011

OPINION

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 (2010)

(2011/2069(INI))

Rapporteur: Lívia Járóka

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SUGGESTIONS

The Committee on Women's Rights and Gender Equality calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
- having regard to Article 2 and Article 3(3), second subparagraph, of the Treaty on the European Union (TEU) and Article 157 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to its resolution of 17 June 2010 on the assessment of the results of the 2006-2010 Roadmap for Equality between women and men, and forward-looking recommendations¹,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 1, 2, 3, 4, 5, 21 and 23 thereof,
- having regard to the recommendation of the Council of Europe's Committee of Ministers on measures to combat discrimination on grounds of sexual orientation or gender identity (CM/Rec(2010)5) and the recommendation and resolution (Recommendation 1915 and Resolution 1728) of the Parliamentary Assembly of the Council of Europe on the same topic,
- having regard to the European Pact for Gender Equality (2011-2020), adopted by the European Council in March 2011,
- having regard to the European Commission's Strategy for equality between women and men 2010-2015 (COM(2010)0491),
- having regard to the Fundamental Rights Agency's report on Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity (2010),
- having regard to the Commission's Communication on the Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union of 19 October 2010 COM(2010) 573 final,
- having regard to the Council of Europe's Convention on preventing and combating violence against women and domestic violence of 7 April 2011 (CM(2011)49 final),
- having regard to its resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women²,

A. whereas the entry into force of the Treaty of Lisbon created a new situation in the EU in

¹ P7_TA(2010)0232.

² P7_TA(2011)0127.

the field of human rights by making the Charter of Fundamental Rights legally binding (Article 6 TEU);

- B. whereas, despite the progress made over the years, equality between women and men is still not achieved in numerous fields such as the labour market, private life, the fight against stereotypes and violence against women;
- C. whereas equality between men and women is recognised as a fundamental right by the Charter, and whereas all types of discrimination should be fought against;
- D. whereas gender equality directives require Member States to establish or designate equality bodies to promote equality, including the provision of independent assistance to victims of discrimination;
 - 1. Affirms Article 2 of the Treaty on European Union, which founds the Union on a community of indivisible and universal values of respect for human dignity, freedom, democracy, equality, solidarity, the rule of law and respect for human rights, for all persons on the territory of the European Union, including those belonging to minorities;
 - 2. Calls on the Commission to monitor thoroughly the implementation of European legislation relating to gender equality in the Member States;
 - 3. Welcomes the first annual report of the Commission on the application of the EU Charter of Fundamental Rights; welcomes the conclusions of the Council, especially on its commitment to fulfil EU ambitions on gender equality as mentioned in the Treaty;
 - 4. Calls on the European Commission and the Member States to take into account the specific needs and concerns of women when drawing up legislation and analysing the situation of fundamental rights in the European Union;
 - 5. Recalls that Article 23 of the Charter states that ‘Equality between men and women must be ensured in all areas, including employment, work and pay. The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex’; stresses that this in no way undermines the rights of other under-represented groups such as children (Article 24), the elderly (Article 25) and persons with disabilities (Article 26); additionally highlights the fact that Article 21 of the Charter clearly states the prohibition of any discrimination against others, such as persons with genetic features, or discrimination based on sexual orientation;
 - 6. Underlines that women are the main victims of gender-based violence; points out that violence and the threat of violence constitute a breach of one’s right to life, safety, freedom, dignity and physical and emotional integrity and constitute a serious threat to the physical and mental health of the victims of such violence; stresses that the effects of such violence, which is so widespread throughout the European Community, constitute a genuine fundamental rights violation and health scourge and an obstacle to the enjoyment by all people of safe, free and just citizenship;
 - 7. Takes note of the Commission’s victims package; regrets that violence against women is

not taken adequately into account; calls on the Commission to launch a comprehensive policy approach against gender-based violence and a directive on combating and eliminating all forms of discrimination and violence against women and girls in all EU Member States;

8. In order to avoid over-expectations and misunderstandings, calls on the Commission to inform citizens better not only of their rights as enshrined in the Charter of Fundamental Rights, but also about the scope of the Charter; recalls with this in mind the importance of the European e-justice Portal; calls in addition on the Member States to increase awareness of the Charter within civil society through a continuous dialogue with relevant non-governmental organisations, particularly women's organisations, as their expertise is invaluable with regard to stereotypes and discrimination, since it is a fact that women have always been the most common and the most vulnerable victims;
9. Welcomes the inclusion of transgender people's rights by the Fundamental Rights Agency in its report on homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity (2010), and their inclusion by the Commission in the strategy for equality between women and men 2010-2015; reminds the Commission of the need to take gender identity into account in the field of discrimination based on sex, especially in future reviews of Directives 2004/113/EC and 2006/54/EC;
10. Notes that transgender people face discrimination and stigma and do not fully enjoy their right to dignity and integrity, given the abusive sterilisation and/or divorce requirements in 21 Member States; calls on the Commission to include gender identity fully in the issue of discrimination based on sex, including in legislative proposals and reviews; calls on Member States to abolish sterilisation and other compulsory medical treatments, as well as divorce requirements that contradict transgender people's right to dignity and integrity;
11. Invites the Commission to consider in the coming years a proposal for a legal framework on the issue of multiple and intersectional discrimination;
12. Highlights the need to support the alleviation of all stereotypes and discriminatory behaviours via special programmes, actions and campaigns involving Member States, the social partners, NGOs, institutions and parliamentarians;
13. Is concerned about women's sexual and reproductive rights and health in some Member State; calls especially on the Member States to respect the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children, and to have information and the means to do so, including access to health care, legal and safe abortion and reliable, safe and affordable contraception;
14. Underlines the need to combat sexual offences against children, especially on the internet, which has a global impact; calls therefore in its forthcoming annual report for monitoring of their protection and progress made in this area; recalls, however, that protection of children's rights remains mainly within the competence of the Member States;
15. Regrets the relatively poor quality of data collected by equality bodies in some Member States, which lacks disaggregation by grounds for discrimination such as sex and age, or by thematic area, such as employment and education; recalls the important role of the

Fundamental Rights Agency in the collection and analysis of objective, reliable and comparable data on a variety of fundamental rights issues in the European Union;

16. Highlights the importance of collecting accurate data on the specific situation of women in relation to human rights in the European Union;
17. Calls for the Commission to set a requirement for the Member States on annual reporting on the actualisation of the Charter of Fundamental Rights;
18. Calls on the Commission to communicate better on the type of complaints, letters, questions and petitions received from citizens concerning the application of the Charter; welcomes any concrete information on gender-based discrimination complaints provided by the Commission to the European Parliament's Committee on Women's Rights and Gender Equality for further analysis; requests that the Commission disseminate widely its forthcoming annual reports on the situation of fundamental rights in the European Union, so as to increase awareness of the need for measures to combat democratic deficits and breaches of fundamental rights;
19. Calls on the Commission to find effective ways to identify and follow up breaches of the Charter of Fundamental Rights and specific cases of violations of fundamental rights, including through carrying out occasional audits in all Member States to identify unfulfilled commitments;
20. Stresses that extreme poverty and social exclusion of citizens cannot be understood solely in economic terms, on the basis of figures, but must also be understood in terms of violation of fundamental rights;

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	15.9.2011
Result of final vote	+: 29 -: 1 0: 2
Members present for the final vote	Regina Bastos, Edit Bauer, Andrea Češková, Tadeusz Cymański, Edite Estrela, Ilda Figueiredo, Iratxe García Pérez, Zita Gurmai, Mary Honeyball, Teresa Jiménez-Becerril Barrio, Nicole Kiil-Nielsen, Rodi Kratsa-Tsagaropoulou, Constance Le Grip, Barbara Matera, Elisabeth Morin-Chartier, Siiri Oviir, Antonyia Parvanova, Raül Romeva i Rueda, Nicole Sinclair, Joanna Katarzyna Skrzydlewska, Britta Thomsen, Marina Yannakoudakis, Anna Záborská
Substitute(s) present for the final vote	Izaskun Bilbao Barandica, Jill Evans, Christa Klaß, Kartika Tamara Liotard, Mariya Nedelcheva, Katarína Neved'álová, Norica Nicolai, Antigoni Papadopoulou, Joanna Senyszyn