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Committee on Civil Liberties, Justice and Home Affairs

25.4.2006 PE 372.189v01-00

AMENDMENTS 1-53

Draft report **(PE 371.873v01-00)**
Tatjana Ždanoka
Non-discrimination and equal opportunities for all - A framework strategy
(2005/2191(INI))

Motion for a resolution

Amendment by Viktória Mohácsi

Amendment 1
Citation 6 a (new)

- having regard to its resolution on Situation of Roma in European Union adopted on 28 April 2005 (B6-0273/2005),

Or. en

Amendment by Patrick Gaubert

Amendment 2
Recital C

C. whereas the EUMC states that dissemination by national authorities of practical information on non-discrimination at national level remains limited and needs to be extended to target groups and ***the NGOs which support them***; whereas governments need to grant greater recognition to the fact that civil society can be an effective partner in combating racial discrimination and should support any policy objectives to counter discrimination,

Or. fr

Amendment by Johannes Blokland

Amendment 3
Recital D

deleted

Or. nl

Amendment by Kyriacos Triantaphyllides and Giusto Catania

Amendment 4
Recital D a (new)

Δa. whereas combating discrimination involves taking measures to reduce or eliminate social prejudice against particular groups, such as individuals in the process of recovery from substance addiction, recoverd addicts and former convicts, i.e. individuals who are in the process of social reintegration, groups who are in great need of equal opportunities and social integration,,

Or. el

Amendment by Johannes Blokland

Amendment 5
Recital E

E. whereas, as recalled recently by the network of experts, in the implementation of the legislative instruments adopted on the basis of Article 13 of the EC Treaty, the Member States should nevertheless comply with the fundamental rights enshrined in the general principles of EC law ***(deletion)***,

Or. nl

Amendment by Patrick Gaubert

Amendment 6
Recital E

E. whereas, as recalled recently by the network of experts, in the implementation of the legislative instruments adopted on the basis of Article 13 of the EC Treaty, the Member States ***must undertake to*** comply with the fundamental rights enshrined in the general principles of EC law, including the rights, freedoms and principles mentioned in the Charter of Fundamental Rights of the European Union,

Or. fr

Amendment by Patrick Gaubert

Amendment 7
Recital H

H. whereas positive action is a tool designed to promote balanced representation ***(deletion)*** of people in areas and at levels where the population as a whole must be represented in equitable fashion; stressing that this concept must not be confined to the employment sector and must go beyond mere equality between the sexes,

Or. fr

Amendment by Claude Moraes

Amendment 8
Recital H

H. whereas ***it is important to define what is meant by*** positive action ***before deciding whether the law should change and if so how; whereas positive action comprises the measures to be taken to tackle inequality and unlawful discrimination and*** is a tool designed to promote balanced representation of all categories of people in areas and at levels where the population as a whole must be represented in equitable fashion; stressing that this concept must not be confined to the employment sector and must go beyond mere equality between the sexes,

Or. en

Amendment by Kyriacos Triantaphyllides and Giusto Catania

Amendment 9
Recital H a (new)

Ha. whereas a culture of non-discrimination should be promoted through education that fosters peace, non-violence and intercultural dialogue,

Or. en

Amendment by Johannes Blokland

Amendment 10
Recital I

I. aware of the fact that, in order to compensate for earlier injustices or discrimination, there may be a need for temporary recourse to positive measures***, (deletion)*** possibly taking very different forms; whereas the establishment of quotas must be regarded as an extreme

measure which may be applied only in accordance with the case-law established by the European Court of Justice and with due regard to the proportionality criterion,

Or. nl

Amendment by Çirts Valdis Kristovskis and Romano Maria La Russa

Amendment 11
Recital J

J. whereas in the case of certain particularly disadvantaged groups in society (such as Roma) or ***those*** who are denied ***the fundamental*** rights ***recognised by the European Union***, the adoption of positive measures – even of specific legislation – is essential if such people are to be able to participate actively in the life of their society ***(deletion)*** and hence to influence the decisions which affect them,

Or. en

Amendment by Patrick Gaubert

Amendment 12
Recital J

J. whereas in the case of certain particularly disadvantaged groups in society ***(deletion)*** the adoption of positive measures ***(deletion)*** is essential if such people are to be able to participate actively in the life of their society (especially in political life) and hence to influence the decisions which affect them,

Or. fr

Amendment by Johannes Blokland

Amendment 13
Recital O

O. whereas, as the EUMC stresses, without official statistics on ethnic and national origin and on religion, a true insight into discrimination and the success of policies against it will be difficult to ascertain; the lack of sufficient statistical data to illustrate and evaluate discrimination makes it impossible to establish a non-discrimination strategy ***(deletion)***,

Or. nl

Amendment by Patrick Gaubert

Amendment 14
Recital O

O. whereas, as the EUMC stresses, without official statistics on ***the*** ethnic and national origin and ***(deletion)*** religion ***of victims of discrimination***, a true insight into discrimination and the success of policies against it will be difficult to ascertain; the lack of sufficient statistical data to illustrate and evaluate discrimination makes it impossible to establish a non-discrimination strategy based, inter alia, on positive actions in favour of such groups,

Or. fr

Amendment by Patrick Gaubert

Amendment 15
Recital P

P. whereas the processing of personal data is regulated at Community level by means of Directive 95/46/EC and whereas as the network of experts stressed, there is no conflict between personal-data protection and the monitoring of discrimination through statistical means, insofar as the objective of such monitoring is to gain a better understanding of the ***(deletion)*** under-representation of certain groups in particular sectors ***(deletion)***, and to measure progress, in order to identify the need to act and to select the most effective course of action,

Or. fr

Amendment by Patrick Gaubert

Amendment 16
Recital Q

Q. whereas the detection of indirect forms of discrimination (which are explicitly banned under Community law) must be based upon reliable statistics ***(deletion)***; whereas any unavailability of statistics will in effect deny potential victims of indirect discrimination access to a tool which is essential if their rights are to be recognised,

Or. fr

Amendment by Johannes Blokland

Amendment 17
Recital R

R. pointing out that elements which may point to the existence of direct or indirect discrimination are interpreted in accordance with national law or national practices and that as things currently stand the use of statistics as evidence for the purpose of proving indirect discrimination is left to the Member States' discretion ***(deletion)***,

Or. nl

Amendment by Claude Moraes

Amendment 18
Recital R a (new)

Ra. pointing out that equality and the right to live free from discrimination and racism are central elements for a society in which all its members are well integrated; whereas the EU's policies for integration and discrimination should be consistent with each other; whereas, whilst Member States' traditions and cultural norms must be respected, 'integration' should be based on a comprehensive approach such as that agreed by the Member States in the Common Basic Principles on Integration of 2004,

Or. en

Amendment by Sophia in 't Veld

Amendment 19
Paragraph 1

1. Considers that, in addition to legislative tools and means of redress, the fight against discrimination must of necessity be based on ***education, the promotion of best practices and campaigns targeting the general public and those areas and sectors where discrimination takes place; stresses that the fight against discrimination should also be based on*** an awareness of the social (and also the economic) impact of the phenomenon – an awareness that must be relayed by NGOs (which the Member States should closely involve in their anti-discrimination policy);

Or. en

Amendment by Claude Moraes

Amendment 20
Paragraph 1 a (new)

1a. Considers that it is essential to give a clear definition of positive action and to stress that positive action is not positive discrimination; notes that concrete examples of positive action might include, for example: overhauling recruitment policies and practices to identify and remove those that lead to discrimination; taking steps to bring opportunities to the attention of disadvantaged groups; setting targets to improve the representation of disadvantaged groups within the workforce; or providing assistance to help disadvantaged groups to participate in society as a whole;

Or. en

Amendment by Claude Moraes

Amendment 21
Paragraph 2

2. Believes that the sound anti-discrimination practices introduced in the Member States, ***some of which are broader, stronger and more entrenched than others***, should be brought together and disseminated ***by a process of benchmarking***; believes that in this connection the network of Member-State bodies responsible for combating discrimination (Equinet) could usefully be strengthened and all the Member States be encouraged to become involved in it; believes that the task of gathering and disseminating information and of providing coordination and impetus could eventually be entrusted to the Agency for Fundamental Rights;

Or. en

Amendment by Sophia in 't Veld

Amendment 22
Paragraph 3

3. Welcomes the Commission initiative to launch a European Year of Equal Opportunities in 2007 and hopes that this will help to raise awareness of the various forms of discrimination and of multiple discrimination and enable the means of redress to become better known; would nevertheless hope that preparations for such initiatives will in future begin at an earlier stage; ***reiterates its position that the Commission and Member States must ensure that all forms of discrimination are addressed and dealt with equally and reminds the Commission of its promise and commitment to monitor this matter closely and to report to Parliament; continues to regret the fact that inadequate funds were allocated to the Year in view of the importance of the fight against discrimination;***

Or. en

Amendment by Patrick Gaubert

Amendment 23
Paragraph 3

3. Welcomes the Commission initiative to launch a European Year of Equal Opportunities in 2007 and hopes that this will help to raise awareness of the various forms of discrimination and of multiple discrimination and enable the means of redress to become better known; would nevertheless hope that preparations for such initiatives will in future begin at an earlier stage; ***since one of the aims of the intercultural dialogue is to combat discrimination, calls for the European Year of Intercultural Dialogue (2008) to continue the measures initiated in connection with 2007;***

Or. fr

Amendment by Giusto Catania and Kyriacos Triantaphyllides

Amendment 24
Paragraph 3 a (new)

3a. Calls on the Commission to promote education that fosters peace and non-violence and intercultural dialogue pedagogy;

Or. en

Amendment by Sophia in 't Veld

Amendment 25
Paragraph 4

4. ***Deplores the fact that the Charter of Fundamental Rights has not yet been made legally binding, and requests that this situation be remedied;*** *is* insistent that when the Commission performs the stringent, systematic checks which it has undertaken to carry out in order to ensure that its legislative and regulatory acts are compatible with the Charter of Fundamental Rights, it should make a particular effort to detect any form of discrimination (either direct or in particular indirect) which various categories of individual could suffer as a result of such acts; thinks that the Agency for Fundamental Rights should be closely involved in the impact studies carried out in this connection;

Or. en

Amendment by Claude Moraes

Amendment 26
Paragraph 4

4. Is insistent that when the Commission performs the stringent, systematic checks which it has undertaken to carry out in order to ensure that its legislative and regulatory acts are compatible with the Charter of Fundamental Rights, it should make a particular effort to detect any form of discrimination (either direct or in particular indirect) which various categories of individual could suffer as a result of such acts ***and carry out a discrimination impact assessment on every legislative proposal to ensure policy consistency across the Commission DGs,*** ; thinks that the Agency for Fundamental Rights should be closely involved in the impact studies carried out in this connection;

Or. en

Amendment by Romano Maria La Russa

Amendment 27
Paragraph 5

5. Considers – as does the Commission – that if blatant inequalities of an 'endemic', 'structural or even 'cultural' nature are to be remedied and a seriously compromised balance is thus to be restored, it may be necessary in certain cases for a temporary exception to be made to the concept of equality based on the individual in favour of group-based 'distributive justice' ***(deletion)***;

Or. en

Amendment by Kyriacos Triantaphyllides and Giusto Catania

Amendment 28
Paragraph 5 a (new)

5a. Considers that the Member States are not prevented from taking measures, after collecting data from the Member States, on behalf of particular groups not covered by Article 13 of the EC Treaty who belong to categories at high risk of social marginalisation, such as individuals in the process of recovery from substance addiction, recovered addicts and former convicts, i.e. individuals who are in the process of social reintegration;

Or. el

Amendment by Romano Maria La Russa

Amendment 29
Paragraph 6

deleted

Or. en

Amendment by Johannes Blokland

Amendment 30
Paragraph 6

6. Points out that the concepts of 'positive action', 'affirmative equality' and 'distributive justice' reflect one and the same reality, the basis of which is an acknowledgement of the fact that in certain cases, effective action to combat discrimination requires active intervention by the authorities for the purpose of restoring a seriously compromised balance; stresses that intervention of this kind must not be regarded as a form of discrimination (not even as a 'positive' form) and that the concept of positive action cannot be reduced to the idea of a quota ***(deletion)***;

Or. nl

Amendment by Kyriacos Triantaphyllides et Giusto Catania

Amendment 31
Paragraph 7

7. Points out that the principle of equal treatment does not prevent a Member State from retaining or adopting specific measures intended to prevent or to compensate for the disadvantages linked to one of the grounds for discrimination listed in Article 13 of the EC Treaty, and insists that such measures should be extended to all sectors in which serious inequalities are found, whether in education, ***healthcare,*** housing, access to goods and services or any other area;

Or. en

Amendment by Johannes Blokland

Amendment 32
Paragraph 8

8. Is aware that the fact that certain groups are very poorly represented in certain categories of job may have the perverse effect of discouraging those groups from

endeavouring to acquire the knowledge which they need in order to gain access to the jobs concerned, which leads to a vicious circle ***(deletion)***;

Or. nl

Amendment by Claude Moraes

Amendment 33
Paragraph 8

8. Is aware that the fact that certain groups are very poorly represented in certain categories of job may have the perverse effect of discouraging those groups from endeavouring to acquire the knowledge which they need in order to gain access to the jobs concerned. This leads to a vicious circle; strongly recommends, therefore, ***that the high level working group on ethnic minorities in the labour market, which is due to report at the end of 2006, pay close attention to this issue*** and that conditions ***be*** created which will enable all categories of individual to gain access to all types and levels of education and training, ***at all ages, starting from childhood,*** if necessary through the adoption of positive measures designed to enable disadvantaged groups to follow courses of study at school or university or to undertake training courses which would not otherwise be accessible to them;

Or. en

Amendment by Patrick Gaubert

Amendment 34
Paragraph 9

deleted

Or. fr

Amendment by Çirts Valdis Kristovskis and Romano Maria La Russa

Amendment 35
Paragraph 9

9. Stresses the fact that migrants of Roma origin ***(deletion)*** must be granted equality in terms of social and political rights and calls upon the Member States and the applicant countries to draw up a strategy designed to increase the involvement of Roma ***in civil society***;

Or. en

Amendment by Patrick Gaubert

Amendment 36
Paragraph 9 a (new)

9a. Calls on those Member States which do not already have such bodies to set up a specialised administrative body to combat discrimination at national level; stresses that such bodies should be independent and should receive the necessary resources to enable them to help victims of discrimination to make use of legal remedies; considers that they should also have powers to investigate the cases referred to them;

Or. fr

Amendment by Patrick Gaubert

Amendment 37
Paragraph 10

deleted

Or. fr

Amendment by Claude Moraes

Amendment 38
Paragraph 10 a (new)

10a. Considers that, notwithstanding cultural, historical or constitutional considerations, data collection on the situation of minorities and disadvantaged groups is critical and that policy and legislation to combat discrimination must be based on accurate data;

Or. en

Amendment by Patrick Gaubert

Amendment 39
Paragraph 11

deleted

Or. fr

Amendment by Johannes Blokland

Amendment 40
Paragraph 16

deleted

Or. nl

Amendment by Patrick Gaubert

Amendment 41
Paragraph 16

deleted

Or. fr

Amendment by Johannes Blokland

Amendment 42
Paragraph 17

deleted

Or. nl

Amendment by Patrick Gaubert

Amendment 43
Paragraph 17

deleted

Or. fr

Amendment by Johannes Blokland

Amendment 44
Paragraph 18

deleted

Or. nl

Amendment by Sophia in 't Veld

Amendment 45
Paragraph 18

18. Greatly regrets the fact that***, notwithstanding repeated requests by the European Parliament,*** the Commission is not planning at this stage to draw up comprehensive legislation to combat discrimination; ***recalls that better legislation does not only mean eliminating unnecessary legislation, but also developing legislation in response to strong political signals from the European Parliament;*** insists that a new legislative tool incorporating all the grounds for discrimination set out in Article 13 of the EC Treaty and having the same scope as Directive 2000/43/EC be submitted ***before mid 2007.***

Or. en

Amendment by Edit Bauer

Amendment 46
Paragraph 18

18. ***Calls upon the Commission to*** draw up comprehensive legislation to combat discrimination; insists that a new legislative tool incorporating all the grounds for discrimination set out in Article 13 of the EC Treaty and having the same scope as Directive 2000/43/EC be submitted in the near future;

Or. en

Amendment by Edit Bauer

Amendment 47
Paragraph 20 a (new)

20a. Considers that traditional national minorities urgently need a framework policy standard for their effective participation in decision-making processes concerning their identity, and need to be protected by various forms of self-government or autonomy to overcome the double standards established by the Copenhagen criteria on the one hand and the lack of any rules in the Member States on the other;

Or. en

Amendment by Sophia in 't Veld

Amendment 48
Paragraph 21

21. Calls upon the Commission to fulfil actively its obligations as guardian of the Treaties and to undertake urgent action against Member States violating EC law prohibiting discrimination on the basis of Article 13 of the EC Treaty; ***recalls that the Court of Justice has already found against some Member States for failing to implement the anti-discrimination directives, and urges them to take action to fulfil their duties; considers that the*** new Member States which have not transposed the anti-discrimination directives must be subject to infringement proceedings for violating EC law in the same way as old Member States***; requests the Commission to examine as a matter of urgency the quality and content of the laws implementing the anti-discrimination directives, including on the basis of the reports prepared by the network of independent experts on anti-discrimination, and to bring, as a matter of urgency, an action before the Court of Justice against those Member States that have not correctly transposed them;***

Or. en

Amendment by Claude Moraes

Amendment 49
Paragraph 21

21. Calls upon the Commission to fulfil actively its obligations as guardian of the Treaties and to undertake urgent action against Member States ***that have failed to transpose*** EC law prohibiting discrimination on the basis of Article 13 of the EC Treaty***, namely the Race (2000/43/EC) and Employment (2000/78/EC)*** Directives; ***calls on the Commission to write to the Member States that have transposed the Directives poorly or inadequately and calls on the Commission to commence a review of the implementation of the Directives in all twenty-five Member States;***

Or. en

Amendment by Patrick Gaubert

Amendment 50
Paragraph 22

22. Calls upon the Commission to ensure that when anti-discrimination law is next recast, it pays particular attention to the problems of multiple discrimination and those of segregation (which constitutes a form of discrimination) and reviews the concept of indirect discrimination by explicitly authorising proof based on statistics ***relating to discrimination***;

Or. fr

Amendment by Claude Moraes

Amendment 51
Paragraph 22 a (new)

22a. Urges that the new EU Fundamental Rights Agency, which is due to be operational in 2007, be closely involved in the new framework for anti-discrimination and that it provide EU policy makers with timely, sound, reliable, comprehensive and relevant information from which further policy and legislation can be developed; considers that, in light of the concerns about its role and function, it is essential for the Agency to feed into and play an integral role in supporting EU anti-discrimination policy;

Or. en

Amendment by Sophia in 't Veld

Amendment 52
Paragraph 23

23. Calls on the Council to adopt the Commission's proposal for a Council Framework Decision on Combating Racism and Xenophobia, which sets out to establish a framework for punishing racist and xenophobic violence as a criminal offence, as this Decision would contribute to the enhancement of necessary data collection on racist violence and crime across the EU***; believes that the Framework Decision should also include similar situations such as homophobia, islamophobia, etc***.

Or. en

Amendment by Sophia in 't Veld

Amendment 53
Paragraph 23 a (new)

23a. Urges the Commission to bring forward proposals to prohibit the discrimination that same-sex couples - either married or in a registered partnership - suffer live in their daily lives, notably when they exercise the right to free movement enshrined in EU law; requests that the principle of mutual recognition be applied also in this field.

Or. en