

socialplatform

To: Ms. Kinga Göncz, Rapporteur LIBE Committee
Cc: Rapporteurs for opinions by BUDG, EMPL, IMCO, FEMM and PETI Committee

February 10, 2012

Re: Social Platform's recommended amendments for a solid financial regulation committing the EU to promote and protect equality and non-discrimination during 2014-2020

Dear Ms Göncz,

As Rapporteur for the Commission's proposal for [the Rights and Citizenship Programme COM \(2011\) 758](#) for 2014-2020 we present you with our proposed amendments to ensure a financial regulation for 2014 - 2020 that promotes and protects equality and non discrimination.

Social Platform is the largest civil society alliance fighting for social justice and participatory democracy in Europe. Consisting of 45 pan-European networks of NGOs, We campaign to ensure that EU policies are developed in partnership with the people they affect, respecting fundamental rights, promoting solidarity and improving lives.

We call on you to take into consideration our amendments as the Programme should:

1. **Contribute to the promotion and protection of equality, equality between women and men, and the principle of non-discrimination**
 - o **Article 3 (General objectives)**
2. **Present a consistent framework of actions for all grounds of discrimination to be protected and for equality and fundamental rights to be promoted**
 - o **Article 4.1, 4.2 (Specific objectives), 5.1 (Actions), Recital 8**
3. **Ensure sufficient operating funding to enable European level networks to realize the promotion and protection of equality and non-discrimination in the EU on all grounds**
 - o **Article 5.2 (Actions), 7 (Budget), 8.2 (Implementing measures), 13 (Transitional measures)**

We trust that you will give these issues your utmost attention and include our amendments in your report.

Yours sincerely,



Conny Reuter
President



Pierre Baussand
Director

Social Platform amendments on the Rights and Citizenship Programme COM (2011) 758

Adopted by the Social Platform Steering Group on January 26, 2012

Contribute to the promotion and protection of equality, equality between women and men and the principle of non-discrimination

Amendment - Article 3

Text proposed by the Commission	Text proposed by Social Platform
<p>The general objective of the Programme shall be to contribute to the creation of an area, where the rights of persons, as enshrined in the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights of the European Union, are promoted and protected.</p>	<p>The general objective of the Programme shall be to contribute to the creation of an area, where promotion and protection of the rights of persons, equality, equality between women and men and the principle of non-discrimination as enshrined in the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights of the European Union, are promoted and protected and the United Nations Convention on the Rights of Persons with Disabilities.</p>

Present a consistent framework of actions for all grounds of discrimination to be protected and for equality and fundamental rights to be promoted

Amendment - Article 4.1

Text proposed by the Commission	Text proposed by Social Platform
<p>(a) to contribute to enhancing the exercise of rights deriving from the citizenship of the Union;</p> <p>(a) to promote the effective implementation of the principles of non discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, including equality between women and men and the rights of persons with disabilities and of the elderly;</p>	<p>(a) to contribute to enhancing the exercise to the promotion and the protection of rights of persons including the rights deriving from the citizenship of the Union and from international legal instruments for the protection of third country nationals;</p> <p>(b) to promote equality of all and the effective implementation of the principles of non discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, including equality between women and men and the rights of persons with disabilities, and of the elderly, of racial and ethnic minorities, and of lesbian, gay, bisexual and trans people, including through equality mainstreaming</p>

	<p>New (c) to promote equality between women and men, including through combating violence against women children and other vulnerable persons, and ensuring that a gender equality perspective is taken into account in defining and implementing all the policies and activities of the Union;</p> <p>(d) to contribute to ensuring a high level of protection of personal data;</p> <p>(e) to promote the protection of the rights of the child;</p> <p>New (f) to promote synergies between the fight against poverty and social exclusion and the fight against discrimination and in favour of greater equality.</p>
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Justification:

- (a) **Non-EU citizens are recognised** in Article 3 of the Treaty which speaks about the rights of persons and the Charter that does not discriminate based on nationality.
- (b) **The promotion of gender equality and the fight against violence is crucial** for reaching the targets of the Europe 2020 Strategy.
- (c) **LGBT people and racial and ethnic minorities need to be explicitly and specifically mentioned** in relation to the promotion of equality and fundamental rights and not just in relation to the grounds of discrimination. Specific references to some groups (disabled persons and elderly) and not to others (LGBT people and racial and ethnic minorities) could be interpreted as placing more importance to some grounds of discrimination over others.
- New e) **The wording of the Treaty Article 3.3 “To promote the protection of the rights of the child” is stronger.**
- New f) **Supporting synergies between fighting poverty and fighting discrimination should be a clear objective.**

Amendment - Article 4.2	
<p>Text proposed by Commission</p> <p>The indicators to measure the achievement of the objectives set out in paragraph 1 shall be, inter alia, the European perception of the respect, exercise and implementation of these rights and the number of complaints.</p>	<p>Text proposed by Social Platform</p> <p>The indicators to measure the achievement of the objectives set out in paragraph 1 shall be, inter alia, various qualitative and quantitative data collected on the respect, exercise and implementation of these rights and the number of complaints.</p>

Amendment - Article 5.1

Text proposed by the Commission

With a view to pursuing the objectives set out in Article 3 and Article 4, the actions of the Programme shall focus on the following areas of action:

- a) Enhancing public awareness and knowledge of Union law and policies
- b) Supporting the implementation of Union law and policies in the Member States
- c) Promoting transnational cooperation and building up of mutual knowledge and mutual trust among all involved stakeholders
- d) "Improving the knowledge and understanding of potential issues affecting the exercise of rights and principles guaranteed by the Treaty, the Charter of Fundamental Rights and secondary Union legislation with a view to ensuring evidence-based policy making and legislation." (p. 12)

Text proposed by Social Platform

The actions of the Programme shall focus on the following areas of action with a view to pursuing the objectives set out in Article 3 and Article 4:

- a) **Enhance** public awareness and knowledge of Union law and policies **linked to Articles 3 and 4**
- b) Support the implementation of Union law and policies in the Member States **linked to Articles 3 and 4**
- c) Promote transnational cooperation and build up mutual knowledge and mutual trust among all involved stakeholders **engaged in objectives linked with Articles 3 and 4**
- d) "Improve the knowledge and understanding of potential issues affecting the exercise of rights and principles guaranteed by the Treaty, the Charter of Fundamental Rights and secondary Union legislation with a view to ensuring evidence-based policy making and legislation." (p. 12)

Amendment - Recital 8

Text proposed by the Commission

The Treaty requires the Union to promote the protection of the rights of the child pursuant to Article 3(3) of the Treaty on European Union, while combating discrimination. Children are vulnerable, in particular in a situation of poverty, social exclusion, disability or specific situations putting them at risk. Action should be taken to promote the rights of the child and contribute to the protection of children from harm and violence, which pose a danger to their physical or mental health.

Text proposed by Social Platform

The Treaty requires the Union to promote the protection of the rights of the child pursuant to Article 3(3) of the Treaty on European Union, while combating discrimination. Children are **more** vulnerable, in particular in a situation of poverty, social exclusion, disability or specific situations putting them at risk. Action should be taken to promote the rights of the child **in all EU actions** and contribute to the protection of children from harm and violence, which **constitute a breach of their rights to life, safety, freedom, dignity and physical and emotional integrity.**¹

¹ The wording proposed comes from the Daphne III programme ([Decision 779/2007/EC](#)) and is more adequate.

Amendment - Recital – New 8

Text proposed by the Commission New “Whereas” after n° 8

Text proposed by Social Platform

The requirement to promote a high level of employment, a guarantee of adequate social protection and the fight against social exclusion are promoted by Article 9 of the Treaty. Actions under this programme should support the mainstreaming of this article and ensure synergies between the fight against discrimination and the fight against poverty.

Ensure sufficient operating funding to enable European level networks to realize the promotion and protection of equality and non-discrimination in the EU on all grounds

Amendment - Article 5.2 (d) and new(e)

Text proposed by the Commission

(d) Support for main actors, such as support for Member States when implementing Union law and policies; support for key European level networks whose activities are linked to the implementation of the objectives of the Programme; networking among specialised bodies and organisations, national, regional and local authorities at European level; funding of experts' networks; funding of European level observatories.

Text proposed by Social Platform

(d) Support for main actors, such as support for Member States when implementing Union law and policies; ~~support for key European level networks whose activities are linked to the implementation of the objectives of the Programme;~~ **support activities of relevant NGOs at all levels**, networking among specialised bodies and organisations, national, regional and local authorities at European level; funding of experts' networks; funding of European level observatories.

(e) (new) **Support for the operating costs of key European level networks and specialised bodies such as equality bodies whose activities are linked to the implementation of the objectives of the Programme**

Amendment - Article 7.1

Text proposed by the Commission	Text proposed by Social Platform
1. The financial envelope for the implementation of the Programme shall be EUR 439 million.	1. The financial envelope for the implementation of the Programme shall be EUR 530 million.

Justification:

- **Ensure sufficient non-decreased funding.** Cuts are not justifiable, given how crucial the promotion of equality, gender equality and non discrimination is for attaining the targets of the EU 2020 Strategy. The Charter of Fundamental Rights and the ratification by the EU of the United Nations Convention on the Rights of Persons with Disabilities enhances the EU's responsibilities in this field. The programme should receive at least the same share of the overall funding available for the field of Justice, than the three programmes integrated into it currently receive, namely 58,2%, that is €530 million.²

Amendment - Article 8.2

Text proposed by the Commission	Text proposed by Social Platform
2. In order to implement the Programme, the Commission shall adopt annual work programmes in the form of implementing acts. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 9(2).	2. In order to implement the Programme, the Commission shall adopt annual work programmes, which shall include activities regarding all the specific objectives of the Programme referred to in Article 4 and the actions referred to in Article 5 , in the form of implementing acts. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 9(2).

Justification:

- **The regulation of the Programme must be clear that funding for the different objectives set up in Article 3 and 4 will be available every year** independent of the annual priorities set up the Commission.

² The overall budget allocated to the field of Justice is foreseen to increase by €120 million (from €791 million to € 911 million), it is deplorable that funding for fundamental rights, equality, and violence is foreseen to decrease. In the current 2007-2013 period, the combined budget of the programmes that will be merged into the Rights and Citizenship programme is €460 million (DAPHNE III €121,43 million, Fundamental Rights and Citizenship €97,4, Gender equality and non-discrimination sections of PROGRESS approximately € 241,5)¹. See the [Public consultation by the Commission](#).

Amendment - Article 13 (new)

Text proposed by the Commission

Actions which are initiated before 1 January 2014 on the basis of Decision 2007/252/EC, Decision 779/2007/EC or Section 4: Antidiscrimination and diversity, and Section 5: Gender equality of Decision 1672/2006/EC, shall continue to be governed by the provisions of those Decisions, until their completion. In respect of those actions, reference to the Committees provided for in Article 10 of Decision 2007/252/EC, in Article 10 of Decision 779/2007/EC and in Article 13 of Decision 1672/2006/EC shall be interpreted as references to the Committee provided for in Article 9 of the present Regulation.

Text proposed by Social Platform

Actions which are initiated before 1 January 2014 on the basis of Decision 2007/252/EC, Decision 779/2007/EC or Section 4: Antidiscrimination and diversity, and Section 5: Gender equality of Decision 1672/2006/EC, shall continue to be governed by the provisions of those Decisions, until their completion. In respect of those actions, reference to the Committees provided for in Article 10 of Decision 2007/252/EC, in Article 10 of Decision 779/2007/EC and in Article 13 of Decision 1672/2006/EC shall be interpreted as references to the Committee provided for in Article 9 of the present Regulation.

With a view to avoid a financing gap and to provide for the continuation and development of the activities of key European level networks that previously received support for their operating costs on the basis of Decision 2007/252/EC, Decision 779/2007/EC or Section 4: Antidiscrimination and diversity, and Section 5: Gender equality of Decision 1672/2006/EC, inasmuch as the Commission at the beginning of the financial year 2014 has not yet adopted the annual work programme and the budget allocations for the Programme, these networks shall receive a sum equivalent to not more than one twelfth of the budget appropriations for the preceding financial year each month.

Justification:

- **Transitional measures should be put in place to secure key EU NGO networks activities in the framework of their implementation of the objectives of the programme**, during the transitional period from PROGRESS (providing that they have been successfully applying for funding under the new programme).