



**2022/2051(INL)**

6.12.2022

# **POSITION IN THE FORM OF AMENDMENTS**

of the Committee on Women's Rights and Gender Equality

for the Committee on Constitutional Affairs

on proposals of the European Parliament for the amendment of the Treaties  
(2022/2051(INL))

On behalf of the Committee on Women's Rights and Gender Equality: Lina  
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PA\_NonLegPosition

## AMENDMENTS

The Committee on Women's Rights and Gender Equality presents the following amendments to the Committee on Constitutional Affairs, as the committee responsible:

### Amendment 1

#### Motion for a resolution Recital Aa (new)

*Motion for a resolution*

*Amendment*

***Aa. whereas the Union needs to safeguard women's rights and gender equality achievements against various attempts to undermine these rights, as observed in certain Member States and worldwide, by enshrining them throughout the legal framework of the Union by inter alia amending the EU Treaties and the Charter of Fundamental Rights of the European Union ('the Charter') in a way that guarantees full access to fundamental rights for everyone and settles women's rights across the Union, focussing among others on free, informed, universal and full access to sexual and reproductive health and rights, including safe and legal abortion, women's full participation in the labour market through effective guarantees in terms of maternity leave, equal leave for parents, paid and non-transferable parental leave, flexible working hours and teleworking possibilities, on-site childcare facilities, care services, and equal pay for work of equal value, in line with principles 2 and 3 of the European Pillar of Social Rights;***

### Amendment 2

#### Motion for a resolution Recital Ba (new)

*Motion for a resolution*

*Amendment*

***Ba. whereas a “right to health” should be established by guaranteeing that all Europeans have equal and universal access to affordable, preventive, curative and quality healthcare; whereas the resilience and quality of our healthcare systems should be reinforced and a European Health Union should be created; whereas the protection and improvement of human health, including sexual and reproductive health and rights, should be added as a shared competence between the Union and the Member States;***

### **Amendment 3**

**Motion for a resolution  
Recital Ca (new)**

*Motion for a resolution*

*Amendment*

***Ca. whereas combating gender-based violence is a key priority of the Union’s Gender Equality Strategy and of the Union’s external action; whereas developments in crime require that gender-based violence is now added to the list of the areas of particularly serious crime with a cross-border dimension set out in Article 83(1) TFEU in order to allow the European Parliament and the Council to establish minimum rules to define offences and sanctions in accordance with the ordinary legislative procedure;***

### **Amendment 4**

**Motion for a resolution  
Recital Da (new)**

*Motion for a resolution*

*Amendment*

***Da. whereas the Charter enshrines the main fundamental rights and liberties for people living in the Union; whereas sexual and reproductive rights (SRR), including the right to safe and legal abortion, are fundamental rights, protected as human rights in international and European human rights law and must be guaranteed and enhanced by the primary law of the Union; whereas the right to abortion should be included in the Charter by adding it, as a shared competence between the Union and the Member States, to Article 35 of the Charter which guarantees the protection and the improvement of health rights and a proposal should be submitted to the Council to amend the Charter accordingly, as it has direct implications for the effective exercise of the rights recognised in the Charter, such as human dignity, personal autonomy, equality and physical integrity;***

## **Amendment 5**

### **Motion for a resolution Recital Ea (new)**

*Motion for a resolution*

*Amendment*

***Ea. whereas gender mainstreaming and gender budgeting are globally recognised strategies and tools to reach gender equality by ensuring the integration of a gender perspective when designing, implementing and evaluating all legislation, policies, programmes and measures across their policy cycle; whereas the implementation of gender mainstreaming and gender budgeting across policy areas and institutions at Union and at national level is still fragmented; whereas gender mainstreaming should be a cross-cutting***

*principle enshrined in the Charter;*

## **Amendment 6**

### **Motion for a resolution**

#### **Recital Fa (new)**

*Motion for a resolution*

*Amendment*

***Fa. whereas the Union and national fiscal and budgetary policies should not reinforce existing gender gaps, including the gender pay gap, or dissuade women from entering, remaining in, or returning to the labour market; whereas the Conference should use the revision of the Treaties to mainstream gender equality in economic and social governance with the aim of reducing poverty, social exclusion and discrimination and of promoting gender equality as enshrined in Article 3(3) TFEU; whereas inequalities particularly affect women in all their diversity and are worsening day by day within the Union; whereas Articles 110 to 113 TFEU on tax provisions and Part Six, Title II TFEU on financial provisions should be applied consistently with the core principle of gender equality laid down in Article 8 TFEU and Article 23 of the Charter, with the cross-cutting objective of the Treaties to achieve the complete elimination of gender discrimination from all policies;***

## **Amendment 7**

### **Motion for a resolution**

#### **Recital Ga (new)**

*Motion for a resolution*

*Amendment*

***Ga. whereas the full implementation of the provisions of the Treaties and the Charter on equality, and the fight against***

*discrimination in all areas implies that equality-relevant data, including data disaggregated by sex, gender, racial and ethnic origin, sexual orientation and identity, are at the disposal of lawmakers and policymakers to understand, uncover and combat all types and dimensions of discrimination, including intersectional and institutional discrimination; whereas the Commission and the Member States should take the necessary steps toward the collection of reliable and comparable data which would allow to advance the EU Gender Equality Strategy, with full respect of Union principles and standards of data protection and fundamental rights;*

## **Amendment 8**

### **Motion for a resolution Recital Ha (new)**

*Motion for a resolution*

*Amendment*

*Ha. whereas the Conference on the Future of Europe confirmed citizens' valuing the presence and the contribution of women in power positions and in any kind of profession; whereas the institutions of the Union and related bodies should fully reflect this and set an example by aiming to be gender balanced, ensuring diversity and seeking gender parity in their own composition;*

## **Amendment 9**

### **Motion for a resolution Recital Ia (new)**

*Motion for a resolution*

*Amendment*

*Ia. whereas the Conference on the Future of Europe confirmed citizens' interest and support towards gender equality through the promotion of women*

*entrepreneurship and business  
environment as well as women in STEM;*

## **Amendment 10**

### **Motion for a resolution Paragraph 1 – point a (new)**

*Motion for a resolution*

*Amendment*

**(1) The Treaty on European Union (TEU) is amended as follows:**

**(a) in Article 2, the second sentence is replaced by the following:**

***“These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and gender equality prevail.”***

## **Amendment 11**

### **Motion for a resolution Paragraph 1 – point b (new)**

*Motion for a resolution*

*Amendment*

**(1) The TEU is amended as follows:**

**(b) in Article 3(3), the second subparagraph is replaced by the following:**

***“It shall combat social exclusion and discrimination, and shall promote social justice and protection, gender equality, solidarity between generations and protection of the rights of the child. The aforementioned objectives shall be framed by the concept of fair social-economic governance, with the aim of reducing inequalities and achieving gender equality. Achieving gender equality requires that gender mainstreaming is applied as a cross-cutting principle in the establishment and implementation of the secondary legislation of the Union.”***



## Amendment 12

### Motion for a resolution Paragraph 1 point c (new)

*Motion for a resolution*

*Amendment*

**(1) The TEU is amended as follows:**

**(c) in Article 13, the following paragraph is added:**

**“5. The composition of the Union’s institutions as well as of the governing and consultative bodies created by those institutions shall be gender balanced, ensure diversity and seek gender parity.”**

## Amendment 13

### Motion for a resolution Paragraph 1 – point d (new)

*Motion for a resolution*

*Amendment*

**(1) The TEU shall be amended as follows:**

**(d) in Article 21(1), the first subparagraph is replaced by the following:**

**“1. The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality, including gender equality, and solidarity, and respect for the principles of the United Nations Charter and international law.”**

## Amendment 14

### Motion for a resolution Paragraph 2 – point a (new)

*Motion for a resolution*

*Amendment*

**(2) The Treaty on the Functioning of the European Union (TFEU) is amended as follows:**

**(a) in Article 4(2), point (k) is replaced by the following:**

**“(k) common safety concerns in public health matters, the protection and improvement of human health and well-being, including universal and full access to sexual and reproductive health and rights, especially, but not exclusively, for women and girls.”**

## Amendment 15

### Motion for a resolution Paragraph 2 – point b (new)

*Motion for a resolution*

*Amendment*

**(2) The TFEU is amended as follows:**

**(b) Article 8 is replaced by the following:**

**“Article 8**

***In all its activities, the Union shall aim to eliminate inequalities and discriminations, to enhance diversity and to promote gender equality by applying the principle of gender mainstreaming in all policy areas and the principle of gender responsive budgeting, while adopting an intersectional approach”.***

## Amendment 16

### Motion for a resolution Paragraph 2 – point c (new)

*Motion for a resolution*

*Amendment*

**(2) The TFEU is amended as follows:**

**(c) Article 10 is replaced by the following:**

**“Article 10**

**“In defining and implementing its policies and activities, the Union shall aim to prevent and to combat discrimination based on sex, gender, gender identity, gender expression, sexual orientation, sex characteristics, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability or age, as well as intersectional discrimination”;**

## **Amendment 17**

### **Motion for a resolution Paragraph 2 – point d (new)**

*Motion for a resolution*

*Amendment*

**(2) The TFEU is amended as follows:**

**(d) in Article 19, paragraph 1 is replaced by the following:**

**“1. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may take appropriate action to prevent and combat discrimination based on sex, gender, gender identity and gender expression, sex characteristics, sexual orientation, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability or age.”**

## Amendment 18

### Motion for a resolution Paragraph 2 – point e (new)

*Motion for a resolution*

*Amendment*

(2) *The TFEU is amended as follows:*

(e) *in Article 83, paragraph 1 is replaced by the following:*

*“1. The European Parliament and the Council may, by means of directives adopted in accordance with the ordinary legislative procedure, establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis.*

*These areas of crime are the following: terrorism, trafficking in human beings and sexual exploitation of women and children, gender-based violence, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime, cyber violence and organised crime.*

*On the basis of developments in crime, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure may identify other areas of crime that meet the criteria specified in this paragraph.”*

## Amendment 19

### Motion for a resolution Paragraph 2 – point f (new)

*Motion for a resolution*

*Amendment*

(2) *The TFEU is amended as follows:*

*(f) in Article 153(1), point (i) is replaced by the following:*

*“(i) the promotion of gender equality with regard to labour market opportunities and treatment at work;”*

## **Amendment 20**

### **Motion for a resolution Paragraph 2 – point g (new)**

*Motion for a resolution*

*Amendment*

*(2) The TFEU is amended as follows:*

*(g) Article 157 is replaced by the following:*

*(i) paragraph 1 is replaced by the following:*

*“1. Each Member State shall ensure that the principle of equal pay for equal work or work of equal value is applied for all workers in a non-discriminatory manner promoting gender equality.”;*

*(ii) in paragraph 2, second subparagraph, the introductory sentence is replaced by the following:*

*“Equal pay for all workers in a non-discriminatory manner promoting gender equality means:”;*

*iii) paragraph 3 replaced by the following:*

*“3. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, and after consulting the Economic and Social Committee, shall adopt measures to ensure the application of the principle of equal opportunities and to promote gender equality in matters of employment and occupation, including the principle of equal pay for equal work or work of equal value.”;*

*(iv) paragraph 4 is replaced by the*

*following:*

**“4. With a view to ensuring full gender equality in practice in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages for women in all their diversity to prevent, eliminate and compensate for any discrimination, inequality or disadvantages in working life.”;**

## **Amendment 21**

### **Motion for a resolution Paragraph 2 – point h (new)**

*Motion for a resolution*

*Amendment*

**(2) The TFEU is amended as follows:**

**(h) Article 165 is amended as follows:**

**(i) in paragraph 2, the seventh indent is replaced by the following:**

**“- developing the European dimension in sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportspersons of all genders, especially the youngest sportspersons.”**

## **Amendment 22**

### **Motion for a resolution Paragraph 2 – point i (new)**

*Motion for a resolution*

*Amendment*

**(i) The Declaration on Article 8 of the Treaty on the Functioning of the European Union (No 19) is replaced by the following**

***“The Conference agrees that, in its general efforts to eliminate gender inequalities, and discrimination, the Union will aim in its different policies to prevent and combat all kinds of gender-based violence, including domestic violence. The Member States shall take all necessary measures to prevent and punish these criminal acts and to provide support, protection and reparation to all the victims having regard to a gendered understanding of violence.”***

## **Amendment 23**

### **Motion for a resolution Paragraph 3 – point a (new)**

*Motion for a resolution*

*Amendment*

***(3) The Charter of Fundamental Rights of the European Union (‘the Charter’) is amended as follows:***

***(a) in Article 3, the title is amended as followed:***

***“Right to the integrity of the person and to bodily autonomy”;***

***(b) in Article 3, the following paragraph is added:***

***“3. Everyone has the right to bodily autonomy, to free, informed, full and universal access to sexual and reproductive health and rights, and to all related healthcare services without discrimination, including the access to safe and legal abortion.”;***

## **Amendment 24**

### **Motion for a resolution Paragraph 3 – point b (new)**

*Motion for a resolution*

*Amendment*

**(3) *The Charter is amended as follows:***

**(b) *in Article 21, paragraph 1 is replaced by the following:***

***“1. Any discrimination based on any ground such as sex, gender, gender identity and gender expression, sex characteristics, sexual orientation, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or any type of intersecting form of discrimination shall be prohibited.”***

## **Amendment 25**

**Motion for a resolution  
Paragraph 3 – point c (new)**

*Motion for a resolution*

*Amendment*

**(3) *The Charter is amended as follows:***

**(c) *Article 23 is replaced by the following:***

***“Article 23***

***Gender equality***

***Gender equality must be ensured in all areas and social spheres.***

***Gender mainstreaming shall be applied as a cross-cutting principle in the establishment and implementation of the secondary legislation of the Union and shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of women in all their diversity.”***



## Amendment 26

### Motion for a resolution Paragraph 3 – point d (new)

*Motion for a resolution*

*Amendment*

**(3) The Charter is amended as follows:**

**(d) the following Article is inserted:**

**“Article 23a**

***The right of access to sexual and reproductive health and rights***

***Everyone has the right to bodily autonomy, to free, informed, full and universal access to sexual and reproductive health and rights and to all related healthcare services without discrimination, including to safe and legal abortion.”***

## Amendment 27

### Motion for a resolution Paragraph 3 – point e (new)

*Motion for a resolution*

*Amendment*

**(3) The Charter is amended as follows:**

**(e) in Article 33, paragraph 2 is replaced by the following:**

***“2. To reconcile family, private and professional life and to promote the equal sharing of caring responsibilities between men and women in order to close the gender gaps in earnings and pay, everyone shall have the right to protection from dismissal for a reason connected with maternity, paternity or care, and the right to equal paid maternity, paternity and care leaves as well as other flexible working arrangements.”;***

## **Amendment 28**

### **Motion for a resolution Paragraph 3 – point f (new)**

*Motion for a resolution*

*Amendment*

**(3) The Charter is amended as follows:**

**(f) Article 35 is replaced by the following:**

**“Article 35**

***Health, well-being and care***

***Health shall be understood as a complete state of physical, mental, emotional and social well-being, and not merely the absence of disease or infirmity.***

***Everyone has the right to quality, accessible, available and affordable care, the right to preventive health care and the right to benefit from medical treatment. A high level of human health protection, including sexual and reproductive health and rights shall be ensured.”***

## **Amendment 29**

### **Motion for a resolution Paragraph 3 – point g (new)**

*Motion for a resolution*

*Amendment*

**3. The Charter is amended as follows:**

**(g) in Article 51, paragraph 1 is replaced by the following:**

**“1. The provisions of this Charter are addressed to the institutions and bodies of the Union with due regard for the principle of subsidiarity and to the Member States. They shall therefore respect the rights, observe the principles and promote the application thereof in accordance with their respective powers.”**





