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56. Stresses the need to prioritise support for political party development, issue-based caucuses within the National Assembly, civil society and the media; considers that the international community is under an obligation to fund an electoral budget, totally or in part, and to provide assistance for the implementation of all provisions of the Afghan elections law, including those relating to the vetting of candidates;

57. Calls on the Commission and the Afghan Government, in view of the forthcoming presidential and parliamentary elections due to take place in Afghanistan in 2009 and 2010 respectively, to continue to encourage and provide adequate funding for actions to promote the political emancipation of women, especially in the regions, given that in the last provincial council elections there were not enough women candidates to occupy the 124 seats designated for women in the provincial councils;

58. Believes that the Commission needs to increase resources for combating drug trafficking, and recommends that the donor community make all efforts to ensure that the introduction of substitute crops offers producers sufficient income for them to give up poppy cultivation on a permanent basis;

59. Recalls its recommendation to the Council of 25 October 2007 on production of opium for medical purposes in Afghanistan ⁽¹⁾, opposing, within the framework of integrated development programmes, recourse to fumigation as a means of eradicating the poppy in Afghanistan and offering its assistance in discussing the possibilities and the feasibility of a scientific 'Poppy for Medicine' pilot project;

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60. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the Government and Parliament of the Islamic Republic of Afghanistan.

Equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions

P6_TA(2009)0024

European Parliament resolution of 15 January 2009 on transposition and application of Directive 2002/73/EC 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 (2008/2039(INI))

(2010/C 46 E/13)

The European Parliament,

— having regard to the Interinstitutional Agreement of 16 December 2003 on Better Law-making ⁽¹⁾ concluded between the Parliament, the Council and the Commission,

⁽¹⁾ OJ C 263 E, 16.10.2008, p. 651.

⁽¹⁾ OJ C 321, 31.12.2003, p. 1.

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- having regard to Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC 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 ⁽¹⁾,

- having regard to Rule 45 of its Rules of Procedure,

- having regard to the report of the Committee on Women's Rights and Gender Equality and the opinion of the Committee on Employment and Social Affairs (A6-0491/2008),

- A. whereas the principles of democracy and the rule of law, which are enshrined in the EC Treaty, make it appropriate for the legislator to monitor the implementation of the legislation which it has adopted,

- B. whereas the task of Parliament as co-legislator concerning monitoring of the implementation of Directive 2002/73/EC is complicated due to the little information made available by the Commission; whereas for that reason, letters were sent to the competent committees of national parliaments and equality bodies asking for information, to which 27 national parliamentary assemblies and 16 equality bodies replied,

- C. whereas Directive 2002/73/EC is an important milestone in the process towards achieving equality between women and men and tackling discrimination on grounds of gender in society as a whole,

- D. whereas Directive 2002/73/EC defined direct discrimination, indirect discrimination, harassment and sexual harassment, prohibited discrimination against women on the grounds of pregnancy or maternity leave, and which provided for the right of return to the same job or an equivalent post after maternity, paternity or adoption leave, where such rights are recognised by Member States,

- E. whereas Member States undertook a number of obligations in transposing Directive 2002/73/EC by 5 October 2005, including:
 - the designation of a body or bodies whose competence includes the promotion, analysis, monitoring and support of equal treatment for men and women,
 - the promotion of dialogue between the social partners with a view to fostering equal treatment, including through the monitoring of workplace practices, collective agreements, etc.,
 - encouragement of dialogue with appropriate NGOs with a view to promoting the principle of equal treatment,
 - promotion of equal treatment at the workplace in a planned and systematic way, for example through company equality reports with regular information on equal treatment of men and women,
 - effective measures to ensure real sanctions for breaches of the Directive, where compensation to victims may not be restricted by fixing a prior upper limit, except in very limited cases,
 - ensuring that persons supporting the victims of gender discrimination and harassment should enjoy the same protection against adverse treatment,

⁽¹⁾ OJ L 269, 5.10.2002, p. 15.

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- reporting every four years to the Commission on measures taken to provide specific advantages to the under-represented sex in professional activities, as well as the implementation of such measures,
 - ensuring that provisions of contracts or agreements in breach of the Directive are amended or declared null and void,
- F. whereas slow or low-quality implementation of Directive 2002/73/EC risks endangering the achievement of the Lisbon strategy and the development of the full potential of the Union's social and economic capacity,
- G. whereas many Member States faced difficulties in transposing Directive 2002/73/EC, especially in introducing into their legislation specific and appropriate measures for improving gender equality and reducing discrimination as regards obtaining employment, vocational training and promotion, and working conditions,
- H. whereas gender mainstreaming should be taken into consideration in these areas,
- I. whereas gender discrimination in other social and political aspects is worsened by the persisting gender pay gap, especially between the so-called feminine and masculine economic sectors,
- J. whereas the economic independence of women is fundamental to their emancipation, and employment with rights is therefore a guarantee for their personal development and for social inclusion, and legislation on equal treatment should therefore be improved,
1. Calls on the Commission to carefully monitor the transposition of Directive 2002/73/EC as well as compliance with the legislation arising from this transposition, and to continue to exert pressure on Member States; stresses the need to make available adequate resources to achieve these objectives;
 2. Recalls Point 34 of the Interinstitutional Agreement on better law-making, and in particular the commitment of the Council to encourage Member States to draw up and make public tables illustrating the correlation between directives and the national transposition measures; considers that the availability of correlation tables would ease the Commission's task in monitoring transposition of Directive 2002/73/EC;
 3. Notes that close cooperation between the competent committees in national parliaments and the European Parliament on monitoring the transposition and implementation of gender equality legislation would bring gender equality closer to policy-makers and citizens;
 4. Appreciates the great number of detailed replies received in a short time from national parliaments and equality bodies concerning the state of play in implementation and problems related thereto;
 5. Regrets that the Commission's report to the European Parliament and the Council, to be based on information communicated by the Member States by the end of 2005, is not yet available;
 6. Deplores the fact that some national legislation does not include in a sufficiently clear and explicit manner definitions of direct and indirect discrimination, harassment and sexual harassment;

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7. Is concerned that in several Member States the scope of the prohibited types of discrimination is not sufficiently wide as to comply with Directive 2002/73/EC; recalls that the prohibited types of discrimination affect both the private and public sectors;

8. Regrets the fact that some national legislation contravenes the principle of effective, proportionate and dissuasive sanctions by setting upper limits for the payment of compensation or reparation to the victims of discrimination;

9. Draws attention to the fact that less favourable treatment of a woman related to pregnancy or maternity leave constitutes discrimination; deplores the fact that some Member States have not recognised in an explicit manner the right to return to the same job or an equivalent post after maternity leave;

10. Calls on Member States to ensure that all the provisions of Directive 2002/73/EC are fully, correctly and effectively transposed and adequately implemented;

11. Welcomes the efforts made by those Member States who have extended or reinforced the requirements of Directive 2002/73/EC, especially those initiatives that have introduced protection against discrimination into new sectors of society;

12. Asks Member States to take steps to encourage employers to foster working conditions that prevent sexual harassment and harassment on grounds of sex and to institute specific procedures to prevent such behaviour;

13. Urges Member States to develop capacities and ensure adequate resources for the bodies promoting equal treatment and equal gender opportunities provided for in Directive 2002/73/EC, and recalls the Directive's requirement of ensuring the independence of those bodies;

14. Notes the different approaches to the implementation of Article 8a of Directive 2002/73/EC, which underlines the need for cooperation and exchange of good practices between Member States; believes that both the Commission Network of National Gender Equality Bodies and Equinet are important tools in enhancing such cooperation and promoting the uniform implementation of Community law in the field of equal treatment of women and men;

15. Welcomes the Commission's intention to conduct a study on the organisation of equality bodies in 2009; invites the Commission and the Member States to gauge the degree of knowledge of EU citizens of the services offered by equality bodies, and to launch information campaigns to make these bodies better known;

16. Draws attention to the poor level of awareness of rights under Directive 2002/73/EC among women, as deduced from the low number of gender equality proceedings and complaints filed; calls on Member States, trade unions, employers and NGOs to intensify their efforts to inform women of the possibilities open to victims of discrimination under national legislation in force since 2005;

17. Notes the limited faith in judicial protection among victims of discrimination; calls on Member States to ensure that assistance granted is independent and readily available, to strengthen guarantees for victims of discrimination and to provide for the judicial protection of persons defending, or giving evidence on behalf of, a person protected by Directive 2002/73/EC;

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18. Calls on the Commission to examine whether Member States are ensuring that victims and associations and organisations which have a legitimate interest in compliance with Directive 2002/73/EC are not prevented by legal or other barriers, for example excessively short deadlines, from initiating legal proceedings in respect of infringements of discrimination protection rules and equal rights or, in the case of victims, from claiming their full rights under Directive 2002/73/EC in other administrative procedures;
19. Acknowledges the positive effects on preventing and assessing the existence of discriminatory practices that can be derived from the close cooperation between equality bodies and labour inspectors; calls on Member States to insist on the training of labour inspectors in light of the new responsibilities acquired as a result of the transposition of Directive 2002/73/EC, as well as on the new tools created, such as the shift of the burden of the proof;
20. Stresses the critical role of NGOs in providing assistance to victims of discrimination; asks public authorities to earmark resources for mediation and assistance projects, which are more complex to carry out than dissemination campaigns;
21. Emphasises the relevance of reliable, comparable and available quantity and quality indicators, as well as gender-based statistics, for ensuring implementation and follow-up to the Directive; urges equality bodies to intensify their efforts in conducting independent surveys, publishing independent reports and making recommendations concerning any issue related to discrimination; recalls the role of the European Institute for Gender Equality, entrusted with the task of gathering and analysing information regarding gender equality, raising the awareness of EU citizens as regards gender equality and developing methodological tools in support of gender mainstreaming;
22. Points to the need to foster dialogue between the social partners in order to apply the principle of equal treatment by means of the monitoring of workplace practices, collective agreements, codes of conduct, research and exchange of experience and good practice;
23. Invites Member States to encourage employers to provide employees and their representatives with regular information on respect for the principle of equal treatment of women and men;
24. Invites Member States to encourage employers to provide employees and their representatives with regular information on gender issues;
25. Insists on the need to develop national mechanisms aimed at monitoring the implementation of the equal pay principle and reinstatement at work following maternity leave, paternity leave or leave to care for dependent family members;
26. Notes that the wage gap persists, with women earning wages that are on average 15% below those for men, that this gap was reduced by only 1% between 2000 and 2006, and that the percentage of women in management posts is still far lower than the percentage of men; insists on the need to develop national mechanisms aimed at monitoring the implementation of the equal pay principle and calls on the Commission to renew the planning of support measures for this purpose, with due respect for the principle of subsidiarity;

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27. Stresses the need to encourage initiatives that contribute to setting up and implementing in companies human resources policies and positive measures promoting gender equality; invites Member States to recommend to undertakings that they develop and implement corporate equality plans and promote gender-balanced representation in management and decision-making bodies;
28. Reminds the Member States of the importance of actively implementing gender mainstreaming and seeking to reconcile family and working life when developing and implementing laws;
29. Emphasises the need to combat the specific obstacles faced by women and girls with disabilities and by the parents of children with disabilities as regards equal access to education and to the labour market and the need to adapt measures to incorporate the gender dimension in all policies and also to the particular needs of such groups;
30. Points to the need to ensure greater flexibility regarding parental leave, particularly for parents of children with disabilities;
31. Calls on Member States to remove discrimination against girls and young women in the transition from school to training and from training to professional life by targeted measures, and also when rejoining the labour market after leave to care for children or relatives; points to the need for public childcare and nursing services, and for care of the elderly; draws the Member States' attention to the commitment that they made regarding these matters at the 2002 Barcelona Summit;
32. Instructs its President to forward this resolution to the Council, the Commission, national parliaments and national equality bodies.

Situation in the Gaza Strip

P6_TA(2009)0025

European Parliament resolution of 15 January 2009 on the situation in the Gaza Strip

(2010/C 46 E/14)

The European Parliament,

- having regard to its previous resolutions on the Middle East, in particular those of 16 November 2006 on the situation in the Gaza Strip ⁽¹⁾, of 12 July 2007 on the Middle East ⁽²⁾, of 11 October 2007 on the humanitarian situation in Gaza ⁽³⁾ and of 21 February 2008 on the situation in the Gaza Strip ⁽⁴⁾,
- having regard to UN Security Council Resolutions 242 of 22 November 1967 (S/RES/242(1967)), 338 of 22 October 1973 (S/RES/338(1973)), and 1860 of 8 January 2009 (S/RES/1860(2009)),
- having regard the Fourth Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War,

⁽¹⁾ OJ C 314 E, 21.12.2006, p.324.

⁽²⁾ OJ C 175 E, 10.7.2008, p. 579.

⁽³⁾ OJ C 227 E, 4.9.2008, p. 138.

⁽⁴⁾ Texts adopted, P6_TA(2008)0064.