



EUROPEAN WOMEN'S
LOBBY
EUROPÉEN DES FEMMES



Equality for lesbian, gay, bisexual,
trans and intersex people
in Europe



European Network Against Racism
Réseau européen contre le racisme

Brussels, 10 April 2013

Fundamental rights under threat in triologue discussions on the European Structural and Investment Funds 2014-2020

Representing a coalition of European NGOs, we call upon the European Institutions involved in the trilogue negotiations on the Common Provisions Regulation to maintain the proposed ex-ante conditionalities on “non-discrimination”, “gender equality” and “disability”, in Annex V.

European NGOs call upon the Irish Presidency, the European Commission and the European Parliament to uphold the general ex-ante conditionalities on antidiscrimination, gender equality and disability, as they negotiate the content of Annex V of the Common Provisions Regulation of the European Structural and Investment Funds 2014-2020.

One year ago, on 24 April 2012, the General Affairs Council adopted a partial general approach, which deleted the general ex-ante conditionalities on non-discrimination, gender equality and disability.

We regret that this is still the position of the Council.

On the other hand, we welcome the efforts of the European Commission and the European Parliament which strongly defend the inclusion of these conditionalities in the Regulation and we call upon them to maintain their positions and be guardians of these fundamental rights.

In this historic moment, the subsidiarity principle cannot be instrumentalised to justify parochialism. When lack of trust towards the European Union is growing across countries, the EU and its institutions have a clear responsibility in ensuring that the European integration process goes forward by promoting territorial, economic and social cohesion. And in time of crisis, the EU and its institutions shall show responsibility in the use of the EU money, being it the money of the European taxpayers.

Participation and inclusion of persons at risk of discrimination, the fight against poverty and social exclusion must be supported by the EU Structural and Investment Funds. This is also a direct requirement of the Treaty on the Functioning of the European Union (TFEU) where we find in the same paragraph (art.3.3) the obligation

that “The EU shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child. It shall promote economic, social and territorial cohesion, and solidarity among Member States.”

The social and economic objectives of the EU 2020 Strategy will not be reached by excluding women, persons with disabilities and persons at risk of discrimination. It is of utmost importance that the Funds continue to promote social cohesion, on an equal footing with economic and territorial cohesion, across all EU regions. In fact, stemming from the TFEU there is also the obligation that, “in all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women.” (art. 8)

Finally, we call for safeguarding the thematic ex-ante conditionality on “Promoting social inclusion and combating poverty” and in particular of the measures “for the shift from residential to community based care” to ensure that every European citizen enjoys the right to live independently.

We remind Member States that the EU has legal obligations that apply to all its actions, including the Structural Funds and that in today’s social and economic context it is in their common interest that the Structural Funds are used to support the fundamental rights of citizens and social cohesion across the EU.

The prevention of inequalities or discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation is established by Article 2 of the Treaty on European Union, Article 10 of the Treaty on the Functioning of the European Union, Article 21 of the Charter of Fundamental Rights, and the UN Convention on the Rights of Persons with Disabilities, ratified by the EU, and the other articles mentioned above. **A decision to remove the general ex-ante conditionalities will be in breach of these fundamental Treaties.**

European citizens will not accept that important social, economic and employment provisions are either jeopardized or lost in political discussions.

The EDF, EWL, AGE, ILGA Europe and ENAR therefore call on the Council to uphold the general ex-ante conditionalities on non-discrimination, gender equality and disability and to the European Commission and the European Parliament to keep their red-lines, as promised, and be guardians of these fundamental rights.

Yours Sincerely,

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