Situation of fundamental rights in the European Union (2010-2011)

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The Council adopted conclusions on implementation of the EU's Charter of Fundamental Rights. Prepared in response to the 2010 Commission report on the application of the EU Charter on Fundamental, the conclusions highlight actions taken by the Council and identify areas for future initiatives.

The Council **welcomes** the report and particularly the opportunity presented by the report or an annual inter-institutional exchange of views with the Council and the European Parliament on the application of the Charter and expresses its readiness to engage in such an exchange of views.

It **underlines** its own responsibility for the application of the Charter as well as the fact that since the Lisbon Treaty entered into force several important steps of a horizontal nature have been taken by the Council to strengthen the protection of fundamental rights.

In this context, the Council **highlights** that:

- it gave the former ad hoc Working Party on Fundamental Rights and Citizenship a permanent status at the very end of 2009 and tasked it with all matters relating to fundamental rights, citizens' rights and free movement of persons;
- it adopted a Decision authorising the Commission to negotiate the accession agreement of the EU to the European Convention on Human Rights, and made significant progress in concluding negotiations;
- the efficacy of the guidelines, endorsed by the Coreper, on methodological steps to be taken to check fundamental rights compatibility at the Council's Preparatory Bodies.

The Council **also highlights** that in responding to the 2010 Report which focuses on the legislative acts adopted by the relevant institutions as well as the initiatives taken by the Commission, it finds it essential to highlight actions taken by the Council in 2010 regarding all provisions in the Charter and to point out some areas for future initiatives. It stresses the following:

Dignity: the Council adopted a Decision supplementing the Schengen Borders Code as regards the surveillance of the sea external borders, which also contains guarantees for respecting the prohibition of inhuman or degrading treatment regarding migrants intercepted at sea.

Freedoms: on personal data, it declared its support to a new legal framework based on a comprehensive approach providing for a higher level of harmonisation and aimed at ensuring a higher level of awareness and protection for individuals.

Equality: the principle of equality is one of the founding values of the EU which is also reflected in the prohibition of discrimination. The Council attributes the utmost importance to preserving cultural, religious and linguistic diversity of people living in the EU and adopted conclusions on the role of culture in combating poverty and social exclusion. It reaffirmed, with the adoption of conclusions on the European Pact for Gender Equality for the years 2011-2020, its commitment to fulfil EU ambitions on gender equality as mentioned in the Treaty. The Council also adopted conclusions on active ageing in 2010. It points out that the EU ratified in 2010 the UN Convention on the Rights of Persons with Disabilities after the Council had adopted a code of conduct setting out internal arrangements for the implementation by and representation of the EU relating to this Convention. Lastly, it adopted conclusions

aimed at advancing the full inclusion of the Roma by guaranteeing their rights and promoting their social and economic integration.

Solidarity: the Council adopted conclusions:

- on the integration of youth in the labour market;
- on the Social dimension in the context of an integrated Europe 2020 Strategy;
- on Equity and Health in All Policies, inviting the Member States to further develop their policies and actions to reduce health inequalities and to participate actively in sharing good practice, taking into account the need for action across all relevant policies.

Citizens' Rights: the Council points out that it:

- adopted conclusions on facilitating entry for citizens of the EU at external borders, focusing on the need to improve fast-track systems for external border crossings for the benefit of EU citizens with due regard also to the security aspects;
- approved updated consular guidelines on the protection of EU citizens in third countries which, notwithstanding primary national responsibility in consular matters, provide a framework for consular cooperation, especially in situations in which the safety of EU citizens is endangered in a third country;

Justice: the Council adopted a Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings, calling for the adoption of five measures covering fundamental procedural rights. As co-legislator it adopted in 2010 the Directive on the right to interpretation and translation in criminal proceedings and hopes that the Directive can also be adopted in the near future.

The Council stresses:

- its commitment to continue its activities for a more effective implementation of all provisions of the Charter;
- the effective application of the Charter should be underpinned by actions of all EU institutions and bodies, offices and agencies, as well as the actions of competent national institutions when implementing EU law.

The Council **considers that** although citizens have certain expectations about the implementation of the Charter the requests and complaints of the citizens addressed to EU institutions frequently reflect misunderstandings and over-expectations about the purpose of the Charter. It is therefore essential to inform citizens better about the scope of the Charter.

Lastly, the Council **invites the Commission** to pursue its activity with emphasis on areas which are likely to have the most significant impact on the implementation of fundamental rights reaffirmed in the Charter, and to enhance the European e-Justice Portal by providing the citizens with information about where to turn to when their fundamental rights have been violated.