Situation of fundamental rights in the European Union in 2015

2016/2009(INI) - 13/12/2016 - Text adopted by Parliament, single reading

The European Parliament adopted by 456 votes to 138, with 104 abstentions, a resolution on the situation of fundamental rights in the European Union in 2015.

The resolution noted that whilst the Charter of Fundamental Rights became a fully-fledged component of the Treaties, fundamental rights violations do occur in the EU and its Member States, as pointed out in reports by the Commission, the Fundamental Rights Agency (FRA), the Council of Europe and the UN, and by NGOs.

Parliament reiterated that **human dignity** is the inviolable foundation of all fundamental rights and should not be subject to any instrumentalisation, that it must be respected and protected in all EU initiatives.

Rule of Law: noting that the rule of law is the backbone of European liberal democracy and a prerequisite for the protection of the fundamental rights, Members reiterated their call for the establishment of a Union **Pact on Democracy, Rule of Law and Fundamental Rights**, which should consist of an annual report with country-specific recommendations. They also placed some emphasis on freedom of expression, information and the media and called for consideration of the possibility of setting up a whistle-blower protection scheme and providing safeguards for journalists´ sources. They also expressed concern regarding prison conditions in some Member States, the use of enhanced interrogation techniques, and systemic corruption. Parliament called on the Commission to start infringement procedures whenever a Member State breaches the Charter when implementing EU law. It also recalled that fundamental rights should be included as part of the **impact assessment** for all legislative proposals.

Migration, integration and social inclusion: Parliament recalled that saving lives is an act of solidarity with those at risk, but it is also a **legal obligation**.

Members considered that the social inclusion and integration of migrants and refugees granted international protection in the host society is part of a dynamic and multi-dimensional process (involving rights and obligations) where respect for the values upon which the EU is built must be an integral part, as must respect for the fundamental rights of those concerned. This represents a challenge and an opportunity that requires coordinated efforts and an assumption of responsibilities by all parties.

In this policy area, Member States were asked to:

- apply integration policies as swiftly as possible and with adequate dedicated resources;
- promote intercultural and inter-religious tolerance through strengthened dialogue;
- respect international and EU law, as well as the Charter of Fundamental Rights, when carrying out border guard actions and asylum proceedings;
- devote sufficient resources to create safe and legal routes for asylum seekers in order to undermine the business model of trafficking networks and smugglers;
- guarantee reception conditions that do not deprive people of their fundamental rights to a dignified standard of living and to physical and mental health;
- refrain from inciting fear and hatred among their citizens towards migrants and asylum-seekers for political gain; develop positive campaigns aimed at helping citizens approach integration in a better way

Parliament also raised the following issues:

- any system of **indiscriminate mass surveillance** constitutes a serious interference with the fundamental rights of citizens, and any legislative proposal in the Member States related to **surveillance capabilities of intelligence bodies** should always comply with the Charter. The Commission was asked closely to monitor the compliance of such legislative developments with the Treaties;
- the Commission should support the Member States in their efforts to **prevent radicalisation and violent extremism,** which must centre on promoting European values, tolerance and community, without stigmatization; a European early warning and response system should be strengthened to identify individuals that are at high risk of radicalisation;
- EU law enforcement agencies should step up their efforts to **target criminal trafficking networks and facilitators**, paying special attention to crimes against children. Both Member States and relevant EU agencies, such as Europol, should be supported in their efforts. In addition, the EU Strategy should strengthen measures to prevent the consumption of goods produced, and services provided, by victims of trafficking in human beings;
- the Commission and the Member States should intensify work on exchanging best practices, and strengthen their cooperation in **combating racism and xenophobia** in the form of Afrophobia, anti-Gypsyism, anti-Semitism, Islamophobia and anti-migrant sentiment, as well as homophobia, transphobia and other forms of intolerance, with full inclusion of civil society;
- many improvements are still needed to **combat violence against women and girls**, and the Commission and Member States should review existing legislation, and fully implement Directive 2011/99/EU on the European Protection Order;
- **child poverty rates remain high** in the EU, and the number of minors living in poverty is increasing; Member States should step up their efforts to tackle child poverty and social exclusion through effective implementation of the Commission's Recommendation 'Investing in children: breaking the cycle of disadvantage', and through integrated strategies supporting access to adequate resources;
- on **minority rights**, the Commission should establish a policy standard for the protection of minorities, as protection of these groups is part of the Copenhagen criteria. Member States should ensure that their legal systems guarantee that persons belonging to a minority are not discriminated against, and implement **targeted protection measures** based on relevant international norms;
- the EU and its Member States should take measures to ensure that all **persons with disabilities** may exercise all the rights enshrined in treaties and EU legislation. A human rights-based approach to disability is not yet fully endorsed, resulting in discrimination against those with disabilities in the EU. Members urged Member States to align their legal frameworks with the UN Convention on the Rights of Persons with Disabilities (CRPD) requirements;
- the EU should be actively involved in the UN Open-Ended Working Group on Ageing, and to step up their efforts to protect the **rights of older people**;
- **discrimination of Roma** in the areas of labour, housing, education, health, access to justice or any other domain is unacceptable and harmful to EU society; Member States and regional and local authorities should, in the light of the Commission's Report on the implementation of the EU Framework for National Roma Integration Strategies 2015, implement fully their own national Roma strategies, and to put in place specific measures to fight racial discrimination against Roma;
- the Commission should monitor proper transposition and implementation of EU legislation relevant to **LGBTI** and Member States should review national mental health catalogues and to develop alternative stigma-free access models ensuring that medically necessary treatment remains available for all trans people.

Members went on to note the **rise in Euroscepticism**, and in **the expression of violent political views,** with great concern. They urged the EU and its Member States to strengthen the participation of citizens – especially young people and civil society organisations – in EU matters, so that Europeans can voice their concerns and express their opinions through democratic channels.

Lastly, on **digital rights**, Parliament considered it essential to familiarise the public, in particular children, with the importance of **personal data protection**, including in cyberspace, and the potential risks to which they are exposed, especially in the light of rapid technology developments and increasing cyber-attacks.