

Annual report on the situation of fundamental rights in the EU in 2016

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The Committee on Civil Liberties, Justice and Home Affairs adopted an own-initiative report by Frank Engel (EPP, LU) on the situation of fundamental rights in the European Union in 2016.

The report focuses on three areas: (i) the rule of law, (ii) migration and integration, and (iii) discrimination.

Rule of law: Members recalled that respect for the rule of law is a **prerequisite for the protection of fundamental rights**. Under these circumstances, neither national sovereignty nor subsidiarity can justify or legitimise the systematic refusal on the part of a Member State to comply with the fundamental values of the European Union.

Members took note of the Commission's efforts to ensure that all Member States fully uphold the rule of law, but also the ineffectiveness of the instruments used thus far. They considered that all channels of dialogue should be explored but that **Article 7 of the TEU** should be employed if all other remedies have failed.

The report found that the aberrant governance practices seen in some Member States reflect a selective approach to the benefits and responsibilities of EU membership, and the refusal by those Member States to fully uphold EU law, the separation of powers, the independence of the judiciary and the predictability of state actions is undermining the credibility of the EU as a legal area.

Members recalled Parliament's [resolution](#) of 25 October 2016, in which it voted in favour of establishing a **European mechanism for democracy, the rule of law and fundamental rights**. They stressed that this mechanism would be central to the coordinated European approach to governance which is currently lacking.

Members also strongly condemned the increasing restrictions on freedom of assembly and reaffirmed the crucial role of these fundamental freedoms in the functioning of democratic societies. They called on the Commission to take an active role in promoting these rights in line with international human rights standards.

The Commission should partner with civil society to develop and implement an **awareness-raising campaign** aimed at enabling Union citizens and residents to take full ownership of their rights deriving from the Treaties and from the Charter (e.g. freedom of expression, freedom of assembly and the right to vote). Members called for the Member States and EU institutions to step up their fight against corruption by regularly monitoring the way in which EU and national public funding are used.

Migration and integration: concerned by the fact that several Member States have toughened their asylum and migration policies and by the wide divergences in reception conditions provided by some Member States, Members called on the EU and its Member States to **put solidarity and respect for the fundamental rights of migrants and asylum seekers at the core of EU migration policies**. They considered it unacceptable that some Member States claim not to be concerned by the migration phenomenon.

Member States are invited to respect and fully transpose the common European asylum package adopted by the Union as well as the common migration legislation, in particular to **protect asylum seekers from**

violence and discrimination and reinforcing their efforts to prevent the disappearance of unaccompanied minors.

They are also invited to increase their cooperation and strengthen their fight against organised crime, including **trafficking and human trafficking**.

Members considered that safe and legal channels should be available for migration and that the best protection of the rights of people who cannot legally enter Europe is to **address the root causes of migration flows**, find lasting solutions to conflicts and strengthen cooperation and partnerships.

The Union and the Member States should:

- strengthen safe and legal routes for refugees and, in particular, to increase the number of resettlement places offered to the most vulnerable refugees;
- comply with any return policy with respect for the fundamental rights of migrants, including the right to non-refoulement;
- implement reception and integration policies;
- ensure respect for the principles of equal treatment and non-discrimination in all migration and integration policies;
- take steps to provide all migrant children with adequate and dignified reception conditions, language courses, intercultural dialogue, education and vocational training.

Members recommended that security approaches to tackle all forms of radicalisation and terrorism in Europe be complemented, notably by **long-term policies to prevent radicalisation**. They expressed concern about the alarming increase in manifestations of hatred, hate speech and **fake news**. They also recalled that the **internet** cannot constitute a lawless area.

Discrimination: Members condemned any discrimination based on any grounds, while recognising that **secularism**, in terms of strict separation between church and state, and state neutrality were essential to the protection of freedom of religion or belief.

The report emphasised the importance of:

- taking into account the **rights of minorities** since, approximately 8 % of EU citizens belong to a national minority and approximately 10 % speak a regional or minority language;
- urgently combating all forms of violence and discrimination against **women**, which remain widespread phenomena in the European Union;
- ending discrimination against persons with disabilities;
- encouraging Member States to adopt laws and measures to combat **homophobia and transphobia**;
- fighting **online child rights abuses** by effectively implementing the Directive on combating sexual abuse and sexual exploitation of children, as well as child pornography.

Lastly, the report encouraged the Commission to present an agenda that ensures equal rights and opportunities for all citizens, while respecting the competences of Member States.