Situation of fundamental rights in the European Union in 2017

2018/2103(INI) - 13/12/2018 - Committee report tabled for plenary, single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the own-initiative report by Josep-Maria Terricabras (Greens/EFA, ES) on the situation of fundamental rights in the European Union in 2017.

Rule of law, democracy and fundamental rights

Members stressed the importance of the **separation of powers** and the **independence of the judiciary**, the principles of equality before the law, the presumption of innocence and the right to a fair and public hearing and stated that **all Member States have willingly endorsed these fundamental values**. They asserted that neither national sovereignty nor subsidiarity could justify the systematic refusal by a Member State to comply with the fundamental values of the European Union.

The report strongly condemned the efforts of some Member State governments to weaken the separation of powers and the independence of the judiciary, and took the view that the EU should be able to **initiate infringement procedures against Member States** that are no longer upholding the values enshrined in Article 2 TEU, and that Article 7 TEU should be activated if all other remedies have failed. Members felt that the **EU's ineffectiveness** as regards putting an end to the serious and persistent breaches of these values in some Member States is **undermining both trust among the Member States and the credibility of the EU**. They invited the Council to follow up any proposals from the Commission and Parliament relating to **infringement procedures and possible sanctions**.

Members reiterated their call on the Commission to submit a proposal for the conclusion of a Union Pact for democracy, the rule of law and fundamental rights (**EU Pact for DRF**), in the form of an **interinstitutional agreement** laying down arrangements facilitating cooperation between the Union institutions and the Member States in the framework of Article 7 TEU.

The committee also called on all Member States and on the EU institutions to resolutely fight **systemic corruption**, and facilitate the rapid establishment of the **European Public Prosecutor's Office (EPPO)**, expressing its concern regarding legislative initiatives being put forward in certain Member States that might reverse reforms previously undertaken to strengthen the prevention of corruption.

Members went on to highlight **freedom of movement** as one of the principal fundamental rights guaranteed by the EU, and called for the fundamental rights of EU citizens who have moved within the Union under freedom of movement to be protected after Brexit.

The report rejected any **confusion between immigration and terrorism**, and any use of counter-terrorism measures for the purpose of controlling certain migratory movements. It noted with concern that public authorities are increasingly resorting to administrative measures that are incompatible with the principles underpinning the rule of law.

Migration

Members condemned the **abuses and human rights violations** suffered by migrants and refugees, in particular with regard to access to territory, reception conditions, asylum procedures, immigration detention and the protection of vulnerable persons. They discussed the need for: (i) pressing on with the reform of the Dublin Regulation, which is currently blocked in Council; (ii) protection-related schemes,

such as resettlement and humanitarian admission; (iii) legal and safe pathways to the EU; (iv) sufficient funds to search and rescue operations in the context of a Europe-wide humanitarian operation; (v) an effective integration policy; (vi) protection of minors, women and vulnerable groups; (vii) less coercive measures than detention of asylum seekers; (viii) specific safeguards to guarantee that the interoperability of large-scale IT systems respects the fundamental rights of all citizens.

Women's rights

Member States were called upon to consider six main areas of intervention in order to step up their commitment to safeguarding the dignity and rights of women and girls: (i) empowering equality bodies to deal with the entire range of issues that impact on women's rights, from gender equality to violence against women; (ii) improving online safety; (iii) promoting gender equality in education and lifelong learning more effectively; (iv) introducing **gender quotas** as a bold step towards positive action; (v) mainstreaming gender equality in the coordination of economic policies across the EU through the European Semester; and (vi) improving data collection and the dissemination of knowledge on all forms of discrimination and violence against women and girls.

Members called on the Commission to submit a **legal act** to support Member States in the prevention and elimination of all forms of violence against women and girls.

Media freedom, freedom of expression and freedom of assembly

The report called on Member States to take adequate measures that promote the existence of pluralist, independent and free media, strongly condemning the trends in certain Member States to **concentrate media outlets in the hands of government-friendly business actors** and to practise the misuse of public service media to disseminate only the government's messages.

It also expressed deep concern about **assassinations still being committed against journalists** in Member States. Members emphasised the key role of **whistle-blowers** in safeguarding the public interest and pointed out that only ten Member States have introduced comprehensive legislation to protect whistle-blowers.

Racism and hate speech

Members condemned the rise of far-right movements in the strongest possible terms and were concerned at the **trivialisation of hate speech** which can be attributed to some political figures. They expressed concern that 2017 saw **no major improvement** in terms of achieving the goals of the National Roma Integration Strategies. Member States were called upon to ensure the effective practical enforcement of the Race Equality Directive.

The EU Agency for Fundamental Rights (FRA)

Lastly, the report welcomed the operational work of the FRA in different areas, for example at the migration hotspots in Greece and Italy, as well as its awareness-raising and training activities in the area of human rights. It called for the global statutory mission of the Agency to be extended to include the operational task of providing technical assistance, training and capacity-building on fundamental rights issues to the EU institutions, bodies and agencies, as well as to Member States when implementing EU law.