Situation of fundamental rights in the European Union in 2017

2018/2103(INI) - 16/01/2019 - Text adopted by Parliament, single reading

The European Parliament adopted by 390 votes to 153 with 63 abstentions a resolution 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.

Parliament 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.

Parliament also pointed out that improving the quality, independence and efficiency of national justice systems, in particular with regard to judges, prosecutors and lawyers, remains a key priority of the European Union. It added that there is an urgent need to introduce a gender-sensitive perspective into the Member States' legal and judicial systems, including the institutionalisation of the gender component through training programmes for judiciary staff.

Parliament reiterated its 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).

It 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 called for the fundamental rights of EU citizens who have moved within the Union under freedom of movement to be protected **after Brexit**.

Parliament 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. 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.

Parliament went on to recognise the work carried out by different NGOs operating in the Mediterranean and their efforts to save lives, recalling that **sea rescue is a legal obligation under the UN Convention of the Law of the Sea**. It called on Member States to support NGOs instead of hindering their work, and called for the **allocation of sufficient funds** to search and rescue operations in the context of a Europe-wide humanitarian operation.

Women's rights

Parliament expressed its support for the demonstrations that took place in several Member States in 2017, following retrogressions related to **sexual and reproductive health rights**, and extensive media coverage of sexual harassment cases. It strongly affirmed that the denial of services related to sexual and reproductive health and rights, including safe and legal abortion, is a form of violence against women and girls. Member States were asked to guarantee comprehensive sexuality education and ready access for women to family planning and the full range of reproductive and sexual health services, including modern contraceptive methods.

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

Parliament strongly condemned 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. Member States were called upon to ensure the effective practical enforcement of the Race Equality Directive.

The EU Agency for Fundamental Rights (FRA)

Lastly, Parliament noted that the FRA has become a centre of excellence in providing fundamental rights evidence to the EU institutions and Member States and welcomed its work in different areas, for example at the migration hotspots in Greece and Italy. 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.