Situation of fundamental rights in the European Union - annual report 2022 and 2023

2023/2028(INI) - 18/01/2024 - Text adopted by Parliament, single reading

The European Parliament adopted by 391 votes to 130, with 20 abstentions, a resolution on the situation of fundamental rights in the European Union – annual report 2022 and 2023.

The resolution stated that in March 2023, the Council of Europe Commissioner for Human Rights assessed that the situation of human rights defenders in Europe had deteriorated alarmingly, and that governments had an increasing tendency to disregard their human rights commitments, prioritising national security and public safety concerns over human rights.

Moreover, there have been multiple incidents of migrant deaths and human rights violations at European borders owing to ineffective management and disproportionate use of force by the authorities. In addition, increasing amounts of technology, including artificial intelligence, are being used to monitor migrants at the EU's external and internal borders.

Several reports and investigations have been conducted on Frontex on issues related to fundamental rights, including by the European Anti-Fraud Office (OLAF) and the European Ombudsman. In this regard, the former Director of Frontex resigned from his position in April 2022.

The rule of law and access to justice

Member States are called on to implement the Commission Recommendation on protecting journalists and human rights defenders that engage in public participation from manifestly unfounded or abusive court proceedings, and specifically to remove prison sentences for defamation cases, decriminalise defamation and favour civil or administrative procedures instead. The Commission is urged to address the seriousness of SLAPPs brought through criminal proceedings by presenting a proposal for measures to ensure that defamation, libel and slander, which constitute criminal offences in most Member States, cannot be used for SLAPPs through public or private prosecution.

Parliament also reiterated its concern over the breach of fundamental rights regarding the use of Pegasus and equivalent **spyware** to target individuals and high-profile personalities, such as journalists, bloggers, human rights defenders, politicians, or other actors.

Members are deeply concerned by the increasing level of corruption in several Member States, in particular cases involving high-level officials and politicians. They called for the establishment of an independent ethics body and on the Member States to ensure the full implementation of the Whistleblower Protection Directive.

Parliament reiterated the imminent need to establish an EU mechanism on democracy, the rule of law and fundamental rights and urges the Commission and the Council to immediately enter into negotiations with Parliament on this agreement.

Freedoms

Parliament expressed deep concern about the increasing threats to the freedoms of association, speech and assembly and reiterated that the right to peaceful assembly can only be restricted when provided for by law and when necessary and proportionate to protect a general interest recognised by the Union or the rights and freedoms of others.

Parliament called for the adoption of a strong **European media freedom act** to guarantee the independence, plurality and freedom of media across the EU, ensuring transparency of ownership and financing.

As regards **human rights defenders**, the Commission and the Member States are urged to take the necessary measures to ensure that human rights defenders are able to work free from hindrance and insecurity.

The Commission is urged to present a strategy and establish minimum standards for the protection of **civil society organisations** (CSOs) in all Member States in order to promote a regulatory and political environment.

Effective oversight mechanisms should be put in place to ensure fundamental rights compliance at the **external borders**.

Deploring the numerous deaths of refugees and migrants at sea who are often victims of trafficking of human beings and have to face inhumane and degrading treatment without any consideration for their safety, the resolution reiterated the obligation under the international law of the sea to **assist persons in distress** and urgently called for permanent coordinated search and rescue operations with swift disembarkations, and for Member States to take every action possible to save the lives of people at risk at sea.

Regarding **statelessness**, Parliament called on the Commission to develop a comprehensive strategy and action plan to address statelessness in the EU. Member States should properly identify, recognise and protect stateless people, addressing the specific vulnerabilities of stateless persons.

Equality and dignity

Deploring the fact that the proposal on the horizontal anti-discrimination directive has remained blocked in the Council since 2008, Members considered that any update of this proposal by the Commission must build on Parliament's position, address intersectional discrimination and explicitly prohibit discrimination on any combination of grounds.

The Commission is called on to mainstream anti-racism and anti-discrimination in all EU policies.

Parliament strongly condemned the rapid backsliding on women's and LGBTIQ+ rights in several Member States and the denial of access to safe and legal abortion services as it is a form of gender-based violence. The Commission and the Member States are called on to ensure that mechanisms for reporting violence against persons with disabilities, as well as support services for victims, are put in place and are made accessible.

Social and economic rights

Parliament called on the Commission, the Council and the Member States to develop policies to reduce poverty and social exclusion, taking into account an intersectional approach and paying particular attention to individuals in vulnerable situations.

Member States are called on to:

- tackle ‘period poverty’ and to eliminate VAT on personal hygiene products;

- step up investment in social and affordable housing to eradicate housing cost overburden, particularly among disadvantaged and vulnerable groups.

Institutional safeguards for fundamental rights

Parliament highlighted the importance of supporting and strengthening cooperation between the EU institutions, the Member States, OLAF and the EPPO. It called for the FRA to be established as an independent human rights authority.