Fundamental rights situation in the European Union for 2001

2001/2014(INI) - 03/12/2002

The committee adopted the own-initiative report by Joke SWIEBEL (PES, NL) on the situation of fundamental rights in the EU in the year 2001. The rapporteur emphasised misconduct by law enforcement officers, shortcomings in the administration of justice and discrimination of all kinds. The report, which was instituted on the basis of the EU Charter of Fundamental Rights, also flagged up problems in the area of social affairs and in the implementation of the Charter. Throughout the report Member States were mentioned by name where they were considered to have failed in the safeguarding of fundamental rights. The committee noted with concern that misconduct by law enforcement officers as well as atrocious conditions in prisons and police stations had been recurring themes in human rights reports in virtually all Member States. It called on the EU Member States to step up their efforts in this area. The committee was equally concerned by several kinds of discrimination. It criticised the treatment of Roma, especially housing policies towards them in Greece and Italy. It called on the Member States to recognise the national minorities living in their territory and to guarantee their rights as enshrined in several international Conventions. As regards equality between men and women, the committee called on France to remove the difference in the minimum age for marriage and on all Member States to take effective action against domestic rape. Member States were also urged to promote a balanced presentation of women and men in elections and to ensure that disabled people could exercise their right to access all aspects of the electoral process. As regards discrimination on grounds of sexual orientation, the committee welcomed Austria's repeal of Article 209 of the Criminal Code. It also called on Member States to open up marriage to same-sex couples and to apply the same rights to unmarried partnerships - between same-sex couples as well as couples of different sexes - as to marriage. On the issue of the administration of justice, the committee was very concerned at the large number of serious violations reported by the European Court of Human Rights in several Member States on the right to a fair trial, the right of access to the courts, the right to a public hearing, the principle of adversarial proceedings, the right to proceedings within a reasonable time, the right to an impartial and independent tribunal, the right to a defence, the presumption of innocence and the right not to be tried or punished twice in criminal proceedings for the same offence. The Council was called upon to adopt a framework decision on common standards for procedural law. The committee expressed great concern at the significant number of violations of social rights in the Member States and noted that the Committee of Ministers of the European Social Charter had established 56 cases of violations in the fields of child labour, maternity protection and access of foreigners to the labour market. Although the committee reiterated its unconditional rejection and condemnation of terrorism, it was concerned at the negative impact on human rights as a result of measures taken to combat terrorism. It asked Member States to introduce a sunset provision in their specific anti-terrorism legislation. MEPs also urged Member States to adopt a common asylum policy as well as an ambitious programme for the integration of third country citizens, to regularise the status of people without identity papers who have significant ties to the host country, to increase flexibility in procedures for nationalisation or dual nationality, to step up measures to combat illegal immigration, to limit the detention of asylum seekers to exceptional cases and a limited period, and to adhere to the principle of "non-refoulement" (i.e. not to turn applicants away before proper procedures have been completed). With regard to EU citizenship, all Member States were called upon to apply the European Convention on the participation of foreigners in public life at local level and to extend the right to vote and stand as a candidate in local and European elections to all third country citizens who had lived legally in the EU for at least three years. Among other concerns voiced in the report were the high number of abortions in Europe, the new euthanasia laws in Belgium and the Netherlands, the trafficking of human beings for the purpose of prostitution or labour exploitation, restrictions on journalists' freedom and independence, restrictions on taking part in demonstrations during EU summits, and the ban on women entering Mount Athos.