Basic information

2017/2125(INI) INI - Own-initiative procedure	Procedure completed
Annual report on the situation of fundamental rights in the EU in 2016 **Subject** 1.10 Fundamental rights in the EU, Charter	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	ENGEL Frank (PPE)	30/03/2017
	Shadow rapporteur KYENGE Cécile Kashetu (S&D) ŠKRIPEK Branislav (ECR) MICHEL Louis (ALDE) ALBIOL GUZMÁN Marina (GUE/NGL) TERRICABRAS Josep-Maria (Verts/ALE)	

Committee for opinion	Rapporteur for opinion	Appointed
PETI Petitions	REBEGA Laurenţiu (ENF)	21/06/2017

European Commission

Commission DG	Commissioner
Justice and Consumers	JOUROVÁ Věra

Key events

Date	Event	Reference	Summary
06/07/2017	Committee referral announced in Parliament		
01/02/2018	Vote in committee		
13/02/2018	Committee report tabled for plenary	A8-0025/2018	Summary
28/02/2018	Debate in Parliament		

01/03/2018	Decision by Parliament	T8-0056/2018	Summary
01/03/2018	Results of vote in Parliament		
01/03/2018	End of procedure in Parliament		

Technical information	
Procedure reference	2017/2125(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Annual report
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/10365

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE612.015	03/10/2017	
Amendments tabled in committee		PE613.306	20/11/2017	
Amendments tabled in committee		PE613.307	20/11/2017	
Committee report tabled for plenary, single reading		A8-0025/2018	13/02/2018	Summary
Text adopted by Parliament, single reading		T8-0056/2018	01/03/2018	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2018)292	23/07/2018	

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

2017/2125(INI) - 13/02/2018 - Committee report tabled for plenary, single reading

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.

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

2017/2125(INI) - 01/03/2018 - Text adopted by Parliament, single reading

The European Parliament adopted by 429 votes to 135, with 63 abstentions, a resolution on the situation of fundamental rights in the European Union in 2016.

The resolution focuses on three areas:

1) Rule of law: Members recalled that respect for the rule of law is a **prerequisite for the protection of fundamental rights** and that any attempt to undermine these principles is to the detriment not only of the Member State concerned but also of the Union as a whole. 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.

Parliament 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. It 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.

Noting the aberrant governance practices observed in some Member States and the differences in the interpretation of the values referred to in Article 2 of the EU Treaty, Parliament called for an EU common approach to the governance of a democratic state and the application of fundamental values. This approach should be based 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**.

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 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, Parliament 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. It 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;
- increase their cooperation and strengthen their fight against organised crime, including **trafficking and human trafficking**.

Members considered 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** and provide migrants, both children and adults, with an education as a necessity for their integration into the host society;
- 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 called for systematic civil or criminal law measures to halt the alarming increase of **hatred, hate speech and false news**, recalling that the Internet cannot constitute lawless area.

Discrimination: Parliament 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 resolution 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;
- ensure that any legislative proposal in the Member States related to **surveillance** capabilities of intelligence bodies should always comply with the Charter and the principle of necessity, proportionality and legality.

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