

# Procedure file

| Basic information                                      |                                |                     |
|--|--------------------------------|---------------------|
| INI - Own-initiative procedure                         | <a href="#">1996/2239(INI)</a> | Procedure completed |
| Respect for human rights in the European Union in 1996 |                                |                     |
| Subject<br>1.10 Fundamental rights in the EU, Charter  |                                |                     |

| Key players         |  |                                       |            |
|---------------------|--|---------------------------------------|------------|
| European Parliament | Committee responsible                            | Rapporteur                            | Appointed  |
|                     | <b>LIBE</b> Civil Liberties and Internal Affairs |                                       | 29/05/1996 |
|                     |  | GUE/NGL <a href="#">PAILLER Aline</a> |            |
|                     | Committee for opinion                            | Rapporteur for opinion                | Appointed  |
|                     | <b>FEMM</b> Women's Rights                       |                                       |            |

| Key events |  |                              |         |
|------------|--|------------------------------|---------|
| 15/11/1996 | Committee referral announced in Parliament |                              |         |
| 06/03/1997 | Non-legislative basic document published   | <a href="#">B4-0267/1997</a> |         |
| 26/01/1998 | Vote in committee                          |                              | Summary |
| 26/01/1998 | Committee report tabled for plenary        | <a href="#">A4-0034/1998</a> |         |
| 17/02/1998 | Debate in Parliament                       |                              |         |
| 17/02/1998 | Decision by Parliament                     | T4-0067/1998                 | Summary |
| 17/02/1998 | End of procedure in Parliament             |                              |         |
| 16/03/1998 | Final act published in Official Journal    |                              |         |

| Technical information      |                                |
|----------------------------|--------------------------------|
| Procedure reference        | 1996/2239(INI)                 |
| Procedure type             | INI - Own-initiative procedure |
| Legal basis                | Rules of Procedure EP 101o-p1  |
| Stage reached in procedure | Procedure completed            |
| Committee dossier          | LIBE/4/08420                   |

| Documentation gateway          |             |                              |            |    |  |
|--------------------------------|-------------|------------------------------|------------|----|--|
| Non-legislative basic document |             | <a href="#">B4-0267/1997</a> | 06/03/1997 | EP |  |
| Committee draft report         |             | PE224.436                    | 08/12/1997 | EP |  |
| Amendments tabled in committee |             | PE224.436/AM                 | 14/01/1998 | EP |  |
| Committee opinion              | <b>EMPL</b> | PE224.661/DEF                | 22/01/1998 | EP |  |

|   |      |  |            |    |         |
|---|------|--|------------|----|---------|
| Committee report tabled for plenary, single reading |      | <a href="#">A4-0034/1998</a><br><a href="#">OJ C 080 16.03.1998, p. 0003</a> | 26/01/1998 | EP |         |
| Committee opinion                                   | FEMM | PE224.561/DEF  | 28/01/1998 | EP |         |
| Text adopted by Parliament, single reading          |      | T4-0067/1998<br><a href="#">OJ C 080 16.03.1998, p. 0017-0043</a>            | 17/02/1998 | EP | Summary |

## Respect for human rights in the European Union in 1996

The Committee adopted the report on respect for human rights in the EU in 1996 drawn up by Aline PAILLER (EUL/NGL, F). The vote was: 13 for, 12 against, 0 abstentions. According to Ms Pailler, 1996 was a year in which serious problems emerged in connection with immigration and the right of asylum. The EU, she said, needed to establish specific rights for immigrants and asylum applicants as quickly as possible. She was also extremely worried about the rise of racism and the increase in social exclusion. However, she welcomed the fact that the committee had devoted particular attention to combatting discrimination against women. The report re-emphasises the belief of MEPs that human rights must be fully respected by all the Member States - both within the Union and outside it. The EU must adopt this position if it wishes to have any credibility when demanding that human rights be respected by non-EU countries with which it concludes agreements. In fact, the committee proposes that an item entitled 'Human rights in the European Union' be entered systematically on the agenda for the urgent debates. The committee's views and proposals are summarised below. - Immigration and the right of asylum: the committee deplores the exclusively repressive nature of many EU texts which have been adopted or are currently being drawn up, such as those on family reunions and the definition of a refugee. On the question of regularising the position of illegal immigrants, MEPs call upon all the Member States to follow the example of Greece, Spain, Italy and Portugal. - Measures to combat racism and xenophobia: Member States are called upon to adopt or reinforce anti-racist laws by basing them on the principle that 'racism is a crime' whether it involves acts, declarations or the dissemination of slogans; these laws should contain criminal, civil and administrative measures like those already in force in Austria, Belgium, France, the Netherlands, Spain, Sweden and the UK. The Pailler report reiterates the committee's condemnation of all forms of racism, xenophobia, anti-semitism, acts of racist violence and racist discrimination as regards access to employment, vocational training, housing, schooling, health and social services. The committee also wishes to see Parliament's Rules of Procedure modified to empower the President to take action in response to racist remarks made by MEPs during its official meetings. - Economic and social rights: the committee is extremely concerned at the extent of poverty in Europe connected with austerity policies which aggravate unemployment, precarious employment and inequality, despite action taken to combat poverty at national and Community level. - Equal rights and non-discrimination: The inclusion in Community instruments of non-discrimination clauses banning discrimination based on ethnic origin, sex, colour, religion, national origin and sexual orientation is welcomed. However, the committee stresses the need to ensure respect for all minorities. It therefore calls on the Member States to recognize the specific situation of Sinti and Roma and demands that all local authorities provide special centres for non-sedentary population groups. On abortion, the committee deplores the fact that in Ireland the law bans all information or expression of opinion in favour of the voluntary termination of pregnancy. Ms Pailler is also alarmed at the militancy of anti-abortion activists in France. - The situation of prisoners: MEPs are concerned at the ill-treatment, and even torture, still inflicted on prisoners and people under arrest, despite the ratification by all the Member States of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. - Freedom of information, expression and creation: the committee believes that the right of everyone to freedom of expression, of which freedom of the press and the right to information are integral parts, must be reaffirmed. - Individual rights: Member States are reminded of their obligation to respect the right of defence during trials. Lastly, the committee notes the measures taken by Greece to free conscientious objectors and to adopt legislation which recognizes the right of conscientious objection, but calls on it to go further as the committee considers that certain measures remain inadequate or discriminatory. ?

## Respect for human rights in the European Union in 1996

Adopting the report by Mrs Aline PAILLER (GUE/NGL, F) on respect for human rights in the European Union, the European Parliament insists on the need to ensure full respect for human rights in the Member States pointing out that human rights are the natural rights of each individual and are thus not tied to any obligation or preconditions. It reaffirms its wish that the European Union should accede to the European Convention on Human Rights and Fundamental Freedoms and calls on the Governments of the Member States to set up in each country a consultative committee on human rights involving humanitarian organizations and charged with submitting an annual report on the development of the human rights situation. It also calls on the Member States to abolish capital punishment even for exceptional crimes. - Immigration and right of asylum: Parliament calls on the Member States to sign and ratify the International Convention for the Protection of the Rights of Migrant Workers and Their Families adopted by the United Nations in 1990. It announces its intention of monitoring the process of regularizing the position of illegal immigrants already under way in certain Member States. It calls for immigrants from outside the Community to enjoy the same economic and social rights and to be granted the same civil, cultural and political rights, including the right to vote in local elections. It calls on the Member States to recognize the right of families to live together and grant a secure right of residence to under-age asylum seekers. It calls on the Member States to enable third country nationals who have secured the right of long-term residence and intend to remain in the EU to acquire nationality. Parliament calls for improvements regarding hygiene and food in centres where asylum-seekers are held and measures to ensure that they are treated humanely. It urges that no foreigners suffering from a serious illness be expelled or deported. It demands that female asylum-seekers and migrant workers enjoy their own rights independently of their marital status. It considers that there should be no recurrence of secret mass deportations and expulsions involving the prior administration of drugs to those concerned. It calls on the Schengen Member States not to deport illegal immigrants and refugees back to a country where they face torture or other inhuman or degrading treatment. Finally, it calls on the Member States to eliminate any possibility of 'dual sentencing', that is to say expulsion of non-Community residents who have completed prison sentences. - Racism and xenophobia: reiterating its condemnation of all kinds of racism, xenophobia and anti-semitism, Parliament calls on the Member States to treat racism as a crime and recommends that they set up an independent body charged with combating racism in each Member State. It proposes that 21 March be designated European Day for Combating Racism and that a media prize against racism should be awarded on 21 March every year. It condemns political leaders who encourage racism and xenophobia and calls on the political parties to suppress all racism propaganda in their electoral programmes. It

instructs its Committee on the Rules of Procedure, the Verification of Credentials and Immunities to propose that the President be empowered to take disciplinary action in response to racist remarks made by Members of the European Parliament. - Economic and social rights: Parliament deplores that 52 million people in the European Union live in poverty and urges the Council to adopt without delay the Poverty IV programme and to make measures to combat poverty and social exclusion a political priority. It believes that an increased amount of EU budget should be earmarked for this purpose in connection with pilot projects. It calls on Member States to take decisive action regarding the right to work, social security, protection against poverty and social exclusion and the right to housing and other social rights. It advocates the drawing up at Community level of instruments laying down minimum guarantees in respect of income, social protection, the right to medical treatment and housing. It condemns those municipal authorities which have banned begging on their territory. Parliament also calls on the Member States to adopt a European legal framework to guarantee access to employment for people with disabilities and calls on them to respect the recommendations of the ILO (International Labour Organization) concerning non-discrimination as regards labour, concerning child labour and concerning trade union freedom. It calls on the Fifteen to comply with recommendations by the Council of Europe's Committee of Ministers concerning the banning of forced labour, freedom of association and the right to strike. Trade union freedom should be recognized as a fundamental right in all the Member States. - Equal rights and non-discrimination: it is critical of the fact that Council of Europe texts on ethnic groups and minorities (the framework convention and minority languages charter) have still to be ratified by all EU Member States. It calls on Member States to recognize the specific situation of traveller minorities (SINTI and ROMA). It calls on all Member States to recognize equal rights for homosexuals, notably through the establishment of civil union contracts and measures to help combat the prejudices to which they are subject. They call on the Austrian Government to abrogate its anti-homosexual laws. With regard to women, it calls on the Member States to promote equality of treatment and opportunity for women and ensure their effective and equitable participation in public life and the decision-making process in all spheres. To achieve this, positive action is essential and it calls on the Member States to combat all sexism in the media, advertising and school textbooks and to give women positive role models. It proposes that 1999 be designated as European Year Against Violence to Women and calls on the Member States to ensure that all women in trouble are offered material, psychological and moral support, enabling them to make their own choices. It calls for measures to punish and prosecute those who carry out genital mutilation of women and girls. It calls on the Fifteen to revise any existing rules which permit forced sterilization and urges Member States to lay down measures to protect prostitutes and encourage their reintegration into society. With regard to children: Member States should take legislative measures to enable to prosecute on their territory the perpetrators of sexual abuse against children committed in third countries. It calls on the Member States to criminalize all violence against children and proposes that 20 November each year be designated European Day for Children's Rights. The situation of prisoners and persons under arrest: Parliament calls for the banning of and punishment of all forms of inhuman or degrading treatment and torture and is concerned that detention continues to be regarded exclusively as a form of punishment and not a means of readapting and rehabilitating prisoners. It calls for an improvement in prison conditions, pointing out that one of the objectives of penitentiary law should be to rehabilitate those who have been deprived of their freedom with a view to reintegrating them into society. It calls on Member States to set up family visit units in prisons and for these to be exempt from surveillance. It calls for improved access to health care and detention and the development of sports facilities. It calls on Member States, wherever possible, to apply alternatives to imprisonment, in particular by introducing administration and/or financial penalties for minor offences, encourage alternative punishment such as community service, establishing open or semi-open prisons and granting conditional discharge. It calls for special attention to be given to certain particularly vulnerable groups of prisoners, in particular women, immigrants, ethnic minorities and homosexuals. It calls on Member States to give the rehabilitation and education of minors who offend precedence over their imprisonment and never to impose normal prison sentences on children under 16 years of age. It calls for sex offenders to be held in preventive detention if the risk that they will repeat their crimes cannot be entirely ruled out. Freedom of information, expression and creation: Parliament reaffirms the right of all persons to freedom of expression and calls on the Member States to recognize and promote regional languages and cultures, notably in teaching and the media. It condemns all forms of cultural censorship while stipulating that freedom of expression must not become a pretext for racial hatred in any form. It calls for rules to be adopted to guarantee the public and journalists right of access to Community documents and for a directive on combating media concentration in order to guarantee pluralism of information. - Political rights: Parliament calls on all the Member States to recognize the right of conscientious objection. It once more condemns the reference to religion on identity cards and is concerned at possible misuses of the Schengen information system data base which tends to criminalize foreigners and calls for such data bases to be required to respect the right to privacy. It condemns the practice of illegal phone tapping and calls on the Member States to adopt legislation which ensures that a balance is struck between the need to combat crime and the need to protect fundamental rights and freedoms. It calls for measures to combat the violation of individual rights by certain sects which should be refused the status of religious or cultural organizations and it very firmly condemns all acts of terrorism and calls on Member States to clamp down on them severely. ?