


Procedure file

Basic information		
INI - Own-initiative procedure	2001/2014(INI)	Procedure completed
Fundamental rights situation in the European Union for 2001		
Subject 1.10 Fundamental rights in the EU, Charter		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Citizens' Freedoms and Rights, Justice and Home Affairs		11/07/2001
		PSE SWIEBEL Joke	
	Committee for opinion	Rapporteur for opinion	Appointed
	PETI Petitions		22/11/2001
		V/ALE WYN Eurig	
	FEMM Women's Rights and Equal Opportunities		26/02/2002
		GUE/NGL ERIKSSON Marianne	
	EMPL Employment and Social Affairs		19/02/2002
		V/ALE VOGGENHUBER Johannes	
	ENVI Environment, Public Health, Consumer Policy	The committee decided not to give an opinion.	

Key events			
18/01/2001	Committee referral announced in Parliament		
03/12/2002	Vote in committee		Summary
02/12/2002	Committee report tabled for plenary	A5-0451/2002	
13/01/2003	Debate in Parliament		
15/01/2003	Decision by Parliament	T5-0012/2003	Summary
15/01/2003	End of procedure in Parliament		
12/02/2004	Final act published in Official Journal		

Technical information	

Procedure reference	2001/2014(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Annual report
Legal basis	Rules of Procedure EP P.F.
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/14214

Documentation gateway

Document attached to the procedure	B5-0677/2001	10/12/2001	EP	
Document attached to the procedure	B5-0678/2001	11/12/2001	EP	
Committee report tabled for plenary, single reading	A5-0451/2002	03/12/2002	EP	
Text adopted by Parliament, single reading	T5-0012/2003 OJ C 038 12.02.2004, p. 0174-0247 E	15/01/2003	EP	Summary

Fundamental rights situation in the European Union for 2001

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.?

Fundamental rights situation in the European Union for 2001

The European parliament adopted its own-initiative report on human rights in the EU, based on the draft by Joke SWIEBEL (PES, Netherlands). (Please refer to the document dated 03/12/02). In addition to the points summarised in that document, Parliament also made the following statements: It felt that that the Commission had rejected the proposal to set up an EU Human Rights Monitoring Agency without sufficient grounds. This proposal will be kept on the agenda. Parliament asked the Commission to examine how the Network of Human Rights Experts could develop into a monitoring agency of this kind. Parliament repeated its request to the European Convention to incorporate the Charter of Fundamental Rights in the draft Constitution of the Union. There must be practical improvements in cooperation and coordination

between the parliamentary committees responsible for human rights issues inside and outside the European Union respectively, in particular so as to clarify which committee is to be responsible for human rights in the applicant countries. The European Parliament welcomed the fact that Ireland has removed the death penalty from its Constitution and urged Greece to abolish the death penalty in all circumstances in order to meet the human rights obligations of a Member State; It reaffirmed that all ideologies are legitimate, provided that they are articulated by democratic means, and condemned those terrorist organisations which kill people because they hold elective office and/or are active in given political groupings; Terrorism causes irreparable damage and untold misery to its victims and their relatives. Parliament supported measures to combat terrorism. These must be adopted without exceeding the bounds determined by the rule of law or in any way violating human rights and civil liberties. Parliament called for a review in 2003 of the measures taken by Member States after 11 September 2001, together with a specific evaluation of their potential incompatibility with fundamental rights. On the prohibition of torture and inhuman treatment, Member States should step up their efforts in this area, by investigating thoroughly all cases of abuse and, in particular, deaths of persons held in custody in police stations, prisons or on remand pending deportation, and consistently punishing the perpetrators. The European Parliament went on to express its concern with the report by Amnesty International and the International Helsinki Federation for Human rights, entitled 'Greece: Ill-treatment, shootings and impunity'. Serious violations of human rights in one Member State are not just the responsibility of that country but should also be the proper concern of the EU as a whole. On the question of forced labour, Member States, and in particular Greece, must devise a balanced policy to combat all forms of trafficking in human beings, particularly women. It should focus not only on the prosecution of offenders but also the protection and rehabilitation of victims and cover not only trafficking for the purposes of prostitution but also other forms of forced labour and exploitation. Approximately half a million women from Central and Eastern Europe are transported every year to the European Union to be sold into prostitution. Member States must make serious efforts to combat trafficking by improving the input of the police, judicial and social authorities and through intensive cooperation with the applicant countries and other countries adjoining the EU. With regard to freedom of conscience, Parliament called on Greece to recognise the right of conscientious objection to military service. Forms of alternative service are needed, which do not last longer than compulsory military service. Moving on to European Council meetings, Parliament asked Member States to avoid a disproportionate use of force and to instruct national police forces to control violence and preserve individual rights, even in confused crowd scenarios where violent lawbreakers are mixed with peaceful law-abiding citizens. It should be mandatory for national police forces to avoid the use of guns and to comply with the UN recommendation on a proportionate use of force and the Council of Europe ethical code for enforcement. Concerning the disorder in Genoa in July 2001, Parliament will continue to pay particular attention to the follow-up of the inquiries that were launched in Italy to ascertain if inhuman or degrading treatment or punishment (Article 4 of the Charter of Fundamental Rights of the European Union) took place. On freedom of expression, Member States must pay particular attention to political interference with the media so as to ensure that they are not divided up on a purely political basis merely for the purpose of using them against political opponents. Member States must monitor virtual monopolies or very large concentrations of the audiovisual and written media. Those Member States that do not yet have independent self-regulatory bodies must establish them so as to combat effectively all anti-democratic tendencies, preserve cultural diversity and guarantee the quality and plurality of programmes and free access for all. On matters of immigration, Member States were asked to limit detention of asylum seekers to exceptional cases, to a limited period and only for the reasons set out in the UNHCR Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum Seekers. People should not be extradited to countries where they risk the death penalty for their offences or where they risk being tortured or maltreated. Member States must not undermine this right through bilateral agreements. Parliament detailed violations by nearly all Member States of the ILO Conventions. Turning to the administration of justice, it expressed alarm at the very large number of cases in which the European Court of Human Rights has established infringements in Italy of the right to trial within a reasonable time. It is also concerned at the climate of impunity that has arisen in a number of Member States (Austria, Belgium, France, Italy, Portugal, Sweden and the United Kingdom) in which misconduct and violence by police and prison staff, particularly against asylum seekers, refugees and members of ethnic minorities, are not punished by adequate criminal penalties. Member States concerned must give higher priority to this matter in their law enforcement and prosecution policies.?