

Procedure file

| Basic information | | |
|---|--------------------------------|---------------------|
| INI - Own-initiative procedure | 2018/2103(INI) | Procedure completed |
| Situation of fundamental rights in the European Union in 2017 | | |
| Subject 1.10 Fundamental rights in the EU, Charter | | |

| Key players | | | |
|---------------------|---|---|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| |  Civil Liberties, Justice and Home Affairs |  TERRICABRAS Josep-Maria | 24/05/2018 |
| | | Shadow rapporteur  GUILLAUME Sylvie  JUREK Marek | |
| European Commission | Commission DG Justice and Consumers | Commissioner JOUROVÁ Věra | |

| Key events | | | |
|------------|--|---|---------|
| 14/06/2018 | Committee referral announced in Parliament | | |
| 03/12/2018 | Vote in committee | | |
| 13/12/2018 | Committee report tabled for plenary | A8-0466/2018 | Summary |
| 16/01/2019 | Results of vote in Parliament |  | |
| 16/01/2019 | Debate in Parliament |  | |
| 16/01/2019 | Decision by Parliament | T8-0032/2019 | Summary |
| 16/01/2019 | End of procedure in Parliament | | |

| Technical information | |
|----------------------------|--------------------------------|
| Procedure reference | 2018/2103(INI) |
| Procedure type | INI - Own-initiative procedure |
| Procedure subtype | Annual report |
| Legal basis | Rules of Procedure EP 54 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | LIBE/8/13366 |

| Documentation gateway | | | | | |
|---|--|------------------------------|------------|----|---------|
| Committee draft report | | PE626.941 | 28/08/2018 | EP | |
| Amendments tabled in committee | | PE628.530 | 05/10/2018 | EP | |
| Amendments tabled in committee | | PE628.588 | 05/10/2018 | EP | |
| Committee report tabled for plenary, single reading | | A8-0466/2018 | 13/12/2018 | EP | Summary |
| Text adopted by Parliament, single reading | | T8-0032/2019 | 16/01/2019 | EP | Summary |
| Commission response to text adopted in plenary | | SP(2019)355 | 28/05/2019 | EC | |

Situation of fundamental rights in the European Union in 2017

The Committee on Civil Liberties, Justice and Home Affairs adopted the own-initiative report by Josep-Maria Terricabras (Greens/EFA, ES) on the situation of fundamental rights in the European Union in 2017.

Rule of law, democracy and fundamental rights

Members stressed the importance of the separation of powers and the independence of the judiciary, the principles of equality before the law, the presumption of innocence and the right to a fair and public hearing and stated that all Member States have willingly endorsed these fundamental values. They asserted that neither national sovereignty nor subsidiarity could justify the systematic refusal by a Member State to comply with the fundamental values of the European Union.

The report strongly condemned the efforts of some Member State governments to weaken the separation of powers and the independence of the judiciary, and took the view that the EU should be able to initiate infringement procedures against Member States that are no longer upholding the values enshrined in Article 2 TEU, and that Article 7 TEU should be activated if all other remedies have failed. Members felt that the EU's ineffectiveness as regards putting an end to the serious and persistent breaches of these values in some Member States is undermining both trust among the Member States and the credibility of the EU. They invited the Council to follow up any proposals from the Commission and Parliament relating to infringement procedures and possible sanctions.

Members reiterated their call on the Commission to submit a proposal for the conclusion of a Union Pact for democracy, the rule of law and fundamental rights (EU Pact for DRF), in the form of an interinstitutional agreement laying down arrangements facilitating cooperation between the Union institutions and the Member States in the framework of Article 7 TEU.

The committee also called on all Member States and on the EU institutions to resolutely fight systemic corruption, and facilitate the rapid establishment of the European Public Prosecutor's Office (EPPO), expressing its concern regarding legislative initiatives being put forward in certain Member States that might reverse reforms previously undertaken to strengthen the prevention of corruption.

Members went on to highlight freedom of movement as one of the principal fundamental rights guaranteed by the EU, and called for the fundamental rights of EU citizens who have moved within the Union under freedom of movement to be protected after Brexit.

The report rejected any confusion between immigration and terrorism, and any use of counter-terrorism measures for the purpose of controlling certain migratory movements. It noted with concern that public authorities are increasingly resorting to administrative measures that are incompatible with the principles underpinning the rule of law.

Migration

Members condemned the abuses and human rights violations suffered by migrants and refugees, in particular with regard to access to territory, reception conditions, asylum procedures, immigration detention and the protection of vulnerable persons. They discussed the need for: (i) pressing on with the reform of the Dublin Regulation, which is currently blocked in Council; (ii) protection-related schemes, such as resettlement and humanitarian admission; (iii) legal and safe pathways to the EU; (iv) sufficient funds to search and rescue operations in the context of a Europe-wide humanitarian operation; (v) an effective integration policy; (vi) protection of minors, women and vulnerable groups; (vii) less coercive measures than detention of asylum seekers; (viii) specific safeguards to guarantee that the interoperability of large-scale IT systems respects the fundamental rights of all citizens.

Womens rights

Member States were called upon to consider six main areas of intervention in order to step up their commitment to safeguarding the dignity and rights of women and girls: (i) empowering equality bodies to deal with the entire range of issues that impact on women's rights, from gender equality to violence against women; (ii) improving online safety; (iii) promoting gender equality in education and lifelong learning more effectively; (iv) introducing gender quotas as a bold step towards positive action; (v) mainstreaming gender equality in the coordination of economic policies across the EU through the European Semester; and (vi) improving data collection and the dissemination of knowledge on all forms of discrimination and violence against women and girls.

Members called on the Commission to submit a legal act to support Member States in the prevention and elimination of all forms of violence against women and girls.

Media freedom, freedom of expression and freedom of assembly

The report called on Member States to take adequate measures that promote the existence of pluralist, independent and free media, strongly condemning the trends in certain Member States to concentrate media outlets in the hands of government-friendly business actors and to practise the misuse of public service media to disseminate only the governments messages.

It also expressed deep concern about assassinations still being committed against journalists in Member States. Members emphasised the

key role of whistle-blowers in safeguarding the public interest and pointed out that only ten Member States have introduced comprehensive legislation to protect whistle-blowers.

Racism and hate speech

Members condemned the rise of far-right movements in the strongest possible terms and were concerned at the trivialisation of hate speech which can be attributed to some political figures. They expressed concern that 2017 saw no major improvement in terms of achieving the goals of the National Roma Integration Strategies. Member States were called upon to ensure the effective practical enforcement of the [Race Equality Directive](#).

The EU Agency for Fundamental Rights (FRA)

Lastly, the report welcomed the operational work of the FRA in different areas, for example at the migration hotspots in Greece and Italy, as well as its awareness-raising and training activities in the area of human rights. It called for the global statutory mission of the Agency to be extended to include the operational task of providing technical assistance, training and capacity-building on fundamental rights issues to the EU institutions, bodies and agencies, as well as to Member States when implementing EU law.

Situation of fundamental rights in the European Union in 2017

The European Parliament adopted by 390 votes to 153 with 63 abstentions a resolution on the situation of fundamental rights in the European Union in 2017.

Rule of law, democracy and fundamental rights

Members stressed the importance of the separation of powers and the independence of the judiciary, the principles of equality before the law, the presumption of innocence and the right to a fair and public hearing and stated that all Member States have willingly endorsed these fundamental values. They asserted that neither national sovereignty nor subsidiarity could justify the systematic refusal by a Member State to comply with the fundamental values of the European Union.

Parliament strongly condemned the efforts of some Member State governments to weaken the separation of powers and the independence of the judiciary, and took the view that the EU should be able to initiate infringement procedures against Member States that are no longer upholding the values enshrined in Article 2 TEU, and that Article 7 TEU should be activated if all other remedies have failed. Members felt that the EUs ineffectiveness as regards putting an end to the serious and persistent breaches of these values in some Member States is undermining both trust among the Member States and the credibility of the EU. They invited the Council to follow up any proposals from the Commission and Parliament relating to infringement procedures and possible sanctions.

Parliament also pointed out that improving the quality, independence and efficiency of national justice systems, in particular with regard to judges, prosecutors and lawyers, remains a key priority of the European Union. It added that there is an urgent need to introduce a gender-sensitive perspective into the Member States legal and judicial systems, including the institutionalisation of the gender component through training programmes for judiciary staff.

Parliament reiterated its call on the Commission to submit a proposal for the conclusion of a Union Pact for democracy, the rule of law and fundamental rights (EU Pact for DRF).

It also called on all Member States and on the EU institutions to resolutely fight systemic corruption, and facilitate the rapid establishment of the European Public Prosecutor's Office (EPPO), expressing its concern regarding legislative initiatives being put forward in certain Member States that might reverse reforms previously undertaken to strengthen the prevention of corruption.

Members called for the fundamental rights of EU citizens who have moved within the Union under freedom of movement to be protected after Brexit.

Parliament rejected any confusion between immigration and terrorism, and any use of counter-terrorism measures for the purpose of controlling certain migratory movements. It noted with concern that public authorities are increasingly resorting to administrative measures that are incompatible with the principles underpinning the rule of law.

Migration

Members condemned the abuses and human rights violations suffered by migrants and refugees. They discussed the need for: (i) pressing on with the reform of the Dublin Regulation, which is currently blocked in Council; (ii) protection-related schemes, such as resettlement and humanitarian admission; (iii) legal and safe pathways to the EU; (iv) sufficient funds to search and rescue operations in the context of a Europe-wide humanitarian operation; (v) an effective integration policy; (vi) protection of minors, women and vulnerable groups; (vii) less coercive measures than detention of asylum seekers; (viii) specific safeguards to guarantee that the interoperability of large-scale IT systems respects the fundamental rights of all citizens.

Parliament went on to recognise the work carried out by different NGOs operating in the Mediterranean and their efforts to save lives, recalling that sea rescue is a legal obligation under the UN Convention of the Law of the Sea. It called on Member States to support NGOs instead of hindering their work, and called for the allocation of sufficient funds to search and rescue operations in the context of a Europe-wide humanitarian operation.

Womens rights

Parliament expressed its support for the demonstrations that took place in several Member States in 2017, following retrogressions related to sexual and reproductive health rights, and extensive media coverage of sexual harassment cases. It strongly affirmed that the denial of services related to sexual and reproductive health and rights, including safe and legal abortion, is a form of violence against women and girls. Member States were asked to guarantee comprehensive sexuality education and ready access for women to family planning and the full range of reproductive and sexual health services, including modern contraceptive methods.

Members called on the Commission to submit a legal act to support Member States in the prevention and elimination of all forms of violence against women and girls.

Media freedom, freedom of expression and freedom of assembly

Parliament strongly condemned the trends in certain Member States to concentrate media outlets in the hands of government-friendly business actors and to practise the misuse of public service media to disseminate only the governments messages.

It also expressed deep concern about assassinations still being committed against journalists in Member States. Members emphasised the key role of whistle-blowers in safeguarding the public interest and pointed out that only ten Member States have introduced comprehensive legislation to protect whistle-blowers.

Racism and hate speech

Members condemned the rise of far-right movements in the strongest possible terms and were concerned at the trivialisation of hate speech, which can be attributed to some political figures. Member States were called upon to ensure the effective practical enforcement of the [Race Equality Directive](#).

The EU Agency for Fundamental Rights (FRA)

Lastly, Parliament noted that the FRA has become a centre of excellence in providing fundamental rights evidence to the EU institutions and Member States and welcomed its work in different areas, for example at the migration hotspots in Greece and Italy. It called for the global statutory mission of the Agency to be extended to include the operational task of providing technical assistance, training and capacity-building on fundamental rights issues to the EU institutions, bodies and agencies, as well as to Member States when implementing EU law.