

Procedure file

Basic information		
INI - Own-initiative procedure	2021/2186(INI)	Procedure completed
The situation of fundamental rights in the European Union in 2020 and 2021		
Subject 1.10 Fundamental rights in the EU, Charter		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 LÓPEZ AGUILAR Juan Fernando	11/10/2021
		Shadow rapporteur	
		 BILČÍK Vladimír	
		 ENGERER Cyrus	
		 ŠIMEČKA Michal	
		 KUNKE Alice	
		 ROOKEN Rob	
		 REGO Sira	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Petitions	NI FURORE Mario	30/09/2021
European Commission	Commission DG Justice and Consumers	Commissioner JOUROVÁ Věra	

Key events			
07/10/2021	Committee referral announced in Parliament		
13/07/2022	Vote in committee		
28/07/2022	Committee report tabled for plenary	A9-0224/2022	Summary

14/09/2022	Debate in Parliament		
15/09/2022	Results of vote in Parliament		
15/09/2022	Decision by Parliament	T9-0325/2022	Summary

Technical information

Procedure reference	2021/2186(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/9/07277

Documentation gateway

Committee draft report		PE719.655	23/02/2022	EP	
Amendments tabled in committee		PE731.495	11/04/2022	EP	
Amendments tabled in committee		PE731.528	11/04/2022	EP	
Committee opinion	PETI	PE704.548	21/04/2022	EP	
Committee report tabled for plenary, single reading		A9-0224/2022	28/07/2022	EP	Summary
Text adopted by Parliament, single reading		T9-0325/2022	15/09/2022	EP	Summary
Commission response to text adopted in plenary		SP(2022)642	05/01/2023	EC	

The situation of fundamental rights in the European Union in 2020 and 2021

The Committee on Civil Liberties, Justice and Home Affairs adopted the own-initiative report by Juan Fernando LÓPEZ AGUILAR (S&D, ES) on the situation of fundamental rights in the European Union in 2020 and 2021.

Background

In 2020 and 2021, restrictive measures to combat the COVID-19 pandemic interfered with a wide range of fundamental rights such as the rights to freedom of movement and assembly, the right to private and family life, including personal data protection, and the rights to education, work and social security. The pandemic exacerbated existing challenges and inequalities in all areas of life, affecting vulnerable groups such as women, children, LGBTIQ people and sparked an increase in racist incidents.

Rule of law and fundamental rights

The report strongly condemned the severe violations of the principles of the rule of law in some Member States, which are causing danger in relation to fundamental rights and freedoms. Once again, Members condemned the efforts of some Member State governments to weaken the separation of powers and the independence of the judiciary. They regretted that EU citizens increasingly have to turn to litigation to attain the enjoyment of their fundamental rights and in this regard, they called on the Commission to support this litigation by setting up a dedicated fund on financial aid to strategic litigation for Charter rights.

The EU institutions and the Member States are called on to resolutely fight corruption and to devise effective instruments to prevent, combat and sanction corruption and fight fraud, as well as regularly monitor the use of public funds. The Commission should immediately resume its annual anti-corruption monitoring and reporting, with reference to the EU institutions and the Member States.

Members welcomed the infringement procedures launched by the Commission against Hungary and Poland as part of the July 2021 infringement package concerning respect for the human rights of LGBTIQ persons and breaches of EU law, which was the first time that the Commission specifically initiated infringements to safeguard their rights.

Members reiterated their position on the Rule of Law Conditionality Regulation, which entered into force on 1 January 2021 and is directly applicable in its entirety in the European Union and all its Member States for all funds under the EU budget. They are of the opinion that

state-sponsored discrimination against minorities has a direct impact on which projects the Member States decide to spend EU money on, and therefore directly affects the protection of the financial interests of the Union. The Commission is called on to immediately trigger the procedure provided for in Article 6(1) of the Rule of Law Conditionality Regulation.

The committee recalled that no proper response has yet been given to Parliament's initiative on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights, which is to be governed by an interinstitutional agreement between Parliament, the Commission and the Council.

Right to equal treatment

Members highlight with concern that discriminatory practices continue to occur, based on grounds such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation and gender identity.

The report noted that the changes approved to the Hungarian constitution and the anti-LGBTIQ bill adopted by the Hungarian Parliament in June 2021 are notable examples of encroachment on the right to equal treatment and the principle of non-discrimination.

Gender-based violence

The committee highlighted the worrying increase in gender-based violence and domestic violence during the COVID-19 pandemic and commended the swift responses by some national, regional and local governments to put in place measures to help the victims of domestic violence. It underlined the fact that in some Member States, notwithstanding the pandemic, there have been attempts to restrict existing legal protections for women's access to abortion care, including the introduction of regressive conditions that must be fulfilled before abortions can be administered, such as mandatory and biased counselling or waiting periods.

Freedoms

Members are concerned about reports that some Member States authorities have used the Pegasus spyware for political or other unjustified purposes to spy on journalists, politicians, lawyers, civil society actors and other individuals, in violation of EU law. They welcomed the establishment of a European Parliament committee of inquiry on Pegasus, which will investigate the alleged misuse of surveillance tools and the scope of alleged violations of rights and freedoms enshrined in Article 2 TEU and the Charter of Fundamental Rights and provide safeguards and recommendations.

Members are also deeply concerned by the further deterioration of media freedom in Hungary, Poland and Slovenia and the various reforms put in place by the ruling coalitions to reduce diversity and silence critical voices within the media.

Situation and fundamental rights violations at the EU's external borders

The report condemned the fact that some Member States have adopted laws, policies and practices that undermine the effective protection of the human rights of refugees, asylum seekers and migrants on land and at sea. The Commission and the Member States are called on to set up a fully-fledged fundamental rights monitoring system to investigate all allegations of pushbacks and fundamental rights violations and increase the transparency of the measures taken at the external borders, as called for by the EU Agency for Fundamental Rights.

Lastly, Members expressed deep concern about unaccompanied minors crossing the EU's external borders, particularly its eastern and southern borders, and called on the Member States to pay specific attention to the situation of unaccompanied minors at these crossing points.

The situation of fundamental rights in the European Union in 2020 and 2021

The European Parliament adopted by 410 votes to 131, with 42 abstentions, a resolution on the situation of fundamental rights in the European Union in 2020 and 2021.

Parliament recalled that in 2020 and 2021, the restrictive measures taken to combat the COVID-19 pandemic have undermined a wide range of fundamental rights, such as the right of movement and assembly, the right to private and family life, including the protection of personal data, and the rights to education, work and social security. The pandemic has exacerbated existing difficulties and inequalities in all areas of life, particularly affecting vulnerable groups, and has led to an increase in racist incidents.

Rule of law and fundamental rights

Recalling that the rule of law, media freedom, pluralism and the fight against corruption are fundamental values of the Union, Parliament regretted that violations of these principles persist in some Member States and pose a serious threat to the fair, legal and impartial distribution of EU funds. It called on the Commission to use all the tools at its disposal, including the procedure envisaged under the rule of law conditionality mechanism, to remedy these violations of the principles of the rule of law, democracy and fundamental rights.

Parliament strongly condemned the severe violations and sometimes systemic nature of the principles of the rule of law in some Member States, which are causing danger in relation to fundamental rights and freedoms. It condemned the efforts of some Member State governments to weaken the separation of powers and the independence of the judiciary and expressed concern about decisions that call into question the primacy of European legislation.

Members regretted that EU citizens increasingly have to turn to litigation to attain the enjoyment of their fundamental rights and in this regard, they called on the Commission to support this litigation by setting up a dedicated fund on financial aid to strategic litigation for Charter rights. They denounced the failure of the relevant public authorities to comply with the rulings of the Court of Justice of the European Union and the decisions of national courts.

The EU institutions and the Member States are called on to resolutely fight corruption and to devise effective instruments to prevent, combat and sanction corruption and fight fraud, as well as regularly monitor the use of public funds. The Commission should immediately resume its annual anti-corruption monitoring and reporting, with reference to the EU institutions and the Member States.

Members welcomed the infringement procedures launched by the Commission against Hungary and Poland as part of the July 2021 infringement package concerning respect for the human rights of LGBTIQ persons and breaches of EU law, which was the first time that the Commission specifically initiated infringements to safeguard their rights.

Right to equal treatment

Parliament highlighted with concern that discriminatory practices continue to occur, based on grounds such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation and gender identity.

Members called for the full implementation of the EU framework decision on combating racism and xenophobia and called on the Commission and Member States to ensure the full implementation and enforcement of anti-discrimination legislation. They also welcomed the Commission's proposal to include hate crimes and hate speech in the EU crime list.

The Commission is urged to propose ambitious legislation to combat racism. Members condemned the existence of structural racism in the EU and the growing discrimination against Arabs, black Europeans, people of Asian origin, Jews, Muslims and Roma. They called on Member States to put an end to discriminatory institutional practices, policies and laws, and to take urgent steps to effectively ban neo-fascist and neo-Nazi groups.

Gender-based violence

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Freedoms

Members condemned the use of SLAPPs to silence and intimidate journalists and human rights defenders, including LGBTI rights defenders who speak out against human rights violations.

Members are concerned about reports that some Member States authorities have used the Pegasus spyware for political or other unjustified purposes to spy on journalists, politicians, lawyers, civil society actors and other individuals, in violation of EU law. They welcomed the establishment of a European Parliament committee of inquiry on Pegasus.

Members are also deeply concerned by the further deterioration of media freedom in Hungary, Poland and Slovenia and the various reforms put in place by the ruling coalitions to reduce diversity and silence critical voices within the media.

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