

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

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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 Parliaments 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 womens 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 EUs 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 EUs 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.