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on the situation of fundamental rights in the European Union (2013-2014)
(2014/2254(INI))

Committee on Civil Liberties, Justice and Home Affairs

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the situation of fundamental rights in the European Union (2013-2014) (2014/2254(INI))

The European Parliament,

- having regard to the preamble of the Treaty on European Union (TEU), in particular its second and its fourth to seventh indents,
- having regard, inter alia, to Article 2, the second indent of Article 3(3), and Articles 6, 7 and 9 TEU,
- having regard to Article 168 of the Treaty on the Functioning of the European Union (TFEU), in particular paragraph 7 thereof,
- having regard to the Charter of Fundamental Rights of the European Union of 7 December 2000 ('the Charter'), which was proclaimed on 12 December 2007 in Strasbourg and entered into force with the Treaty of Lisbon in December 2009,
- having regard to the Universal Declaration of Human Rights, adopted by the UN General Assembly in 1948,
- having regard to the UN treaties on the protection of human rights and fundamental freedoms and the jurisprudence of the UN treaty bodies,
- having regard to the UN Convention on the Rights of Persons with Disabilities, which was adopted in New York on 13 December 2006 and ratified by the EU on 23 December 2010,
- having regard to the UN Convention on the Rights of the Child, adopted in New York on 20 November 1989,
- having regard to the following General Comments of the UN Committee on the Rights of the Child: No 7 (2005) on implementing child rights in early childhood, No 9 (2006) on the rights of children with disabilities, No 10 (2007) on children's rights in juvenile justice, No 12 (2009) on the right of the child to be heard, No 13 (2011) on the right of the child to freedom from all forms of violence and No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration,
- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and to the Beijing Platform for Action, to its resolutions of 25 February 2014 with recommendations to the Commission on combating violence against women¹ and of 6 February 2014 on the Commission communication entitled 'Towards the elimination of female genital mutilation'², and to the Council conclusions of 5 June 2014 on preventing and combating all forms of violence against women and girls, including female genital mutilation,

¹ Texts adopted, P7_TA(2014)0126.

² Texts adopted, P7_TA(2014)0105.

- having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the case law of the European Court of Human Rights, the conventions, recommendations, resolutions and reports of the Parliamentary Assembly, the Committee of Ministers, the Commissioner for Human Rights and the Venice Commission of the Council of Europe,
- having regard to the report by Cephias Lumina, Independent Expert of the Human Rights Council on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (Addendum, Mission to Greece, UN A/HRC/25/50/Add.1),
- having regard to the report by the UN Special Rapporteur on the human rights of migrants, published in April 2013, entitled ‘Management of the external borders of the European Union and its impact on the human rights of migrants’,
- having regard to the UN Human Rights Council resolution of 26 June 2014 calling for the establishment of an open-ended intergovernmental working group with the aim of drawing up ‘an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights’,
- having regard to the strategic guidelines for establishing an area of freedom, security and justice adopted by the Council of Europe on 27 June 2014,
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),
- having regard to the European Social Charter, as revised in 1996, and the case law of the European Committee of Social Rights,
- having regard to the Council of Europe’s Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages,
- having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin¹,
- having regard to the Council recommendation of 9 December 2013 on effective Roma integration measures in the Member States²,
- having regard to the package of directives on Procedural Defence Rights in the EU³,
- having regard to Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law⁴,

¹ OJ L 180, 19.7.2000, p. 22.

² OJ C 378, 24.12.2013, p. 1.

³ Directive 2010/64/EU of 20 October 2010, Directive 2012/13/EU of 22 May 2012, Directive 2013/48/EU of 22 October 2013

⁴ OJ L 328, 6.12.2008, p. 55.

- having regard to the Strategic Framework on Human Rights and Democracy and its accompanying Action Plan, adopted by the Council on 25 June 2012,
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation¹,
- having regard to the conclusions of the Council of the European Union and the Member States meeting within the Council on ensuring respect for the rule of law, adopted on 16 December 2014,
- having regard to Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)²,
- having regard to Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services³,
- having regard to Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA⁴,
- having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁵,
- having regard to Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA⁶,
- having regard to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents⁷,
- having regard to the proposal for a regulation of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (COM(2008)0229),
- having regard to the decisions and case law of the Court of Justice of the European Union (CJEU), and the case law of national constitutional courts, which use the Charter as a reference for interpreting national law,

¹ OJ L 303, 2.12.2000, p. 16.

² OJ L 204, 26.7.2006, p. 23.

³ OJ L 373, 21.12.2004, p. 37.

⁴ OJ L 101, 15.4.2011, p. 1.

⁵ OJ L 281, 23.11.1995, p. 31.

⁶ OJ L 335, 17.12.2011, p. 1.

⁷ OJ L 145, 31.5.2001, p. 43.

- having regard to the political guidelines for the new European Union Commission presented by President Juncker to Parliament on 15 July 2014,
- having regard to the proposal for a regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (COM(2012)0011),
- having regard to the proposal for a directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data (COM(2012)0010),
- having regard to the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 (COM(2012)0286), in particular the provisions on financing the development of guidelines on child protection systems and on the exchange of best practices,
- having regard to Commission Recommendation 2013/112/EU of 20 February 2013 entitled ‘Investing in children: breaking the cycle of disadvantage’¹,
- having regard to the Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, adopted by the Foreign Affairs Council on 24 June 2013,
- having regard to the Commission communication on an EU Framework for National Roma Integration Strategies up to 2020 (COM(2011)0173) and the European Council conclusions of 24 June 2011,
- having regard to the Commission communication entitled ‘Steps forward in implementing national Roma integration strategies’ (COM(2013)0454),
- having regard to the Commission’s EU Anti-corruption Report (COM(2014)0038),
- having regard to the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426),
- having regard to its resolution of 12 December 2013 on the progress made in the implementation of the National Roma Integration Strategies²,
- having regard to its resolution of 4 February 2014 on the EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity³,
- having regard to its resolutions on gender equality,

¹ OJ L 59, 2.3.2013, p. 5.

² Texts adopted, P7_TA(2013)0594.

³ Texts adopted, P7_TA(2014)0062.

- having regard to its resolution of 14 September 2011 on an EU Homelessness Strategy¹,
- having regard to the US Senate report on CIA detention and interrogation programmes,
- having regard to its resolution of 12 September 2013 on the situation of unaccompanied minors in the EU²,
- having regard to its resolutions on fundamental rights and human rights, in particular the latest dated 27 February 2014 on the situation of fundamental rights in the European Union (2012)³,
- having regard to its resolutions on migration, in particular the latest dated 17 December 2014 on the situation in the Mediterranean and the need for a holistic EU approach to migration⁴,
- having regard to its resolution of 8 June 2005 on the protection of minorities and anti-discrimination policies in an enlarged Europe⁵,
- having regard to its resolution of 27 November 2014 on the 25th anniversary of the UN Convention on the Rights of the Child⁶,
- having regard to its resolution of 4 July 2013 on the US National Security Agency (NSA) surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' privacy⁷, in which it instructed its Committee on Civil Liberties, Justice and Home Affairs to conduct an in-depth inquiry into the matter, and to its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs⁸,
- having regard to its resolution of 11 February 2015 on the US Senate report on the use of torture by the CIA⁹,
- having regard to its resolution of 11 September 2013 on endangered European languages and linguistic diversity in the European Union¹⁰,
- having regard to its resolution of 25 November 2014 on seeking an opinion from the Court of Justice on the compatibility with the Treaties of the Agreement between Canada and

¹ OJ C 51E, 22.2.2013, p. 101.

² Texts adopted, P7_TA(2013)0387.

³ Texts adopted, P7_TA(2014)0173.

⁴ Texts adopted, P8_TA(2014)0105.

⁵ OJ C 124E, 25.5.2006, p. 405.

⁶ Texts adopted, P8_TA(2014)0070.

⁷ Texts adopted, P7_TA(2013)0322.

⁸ Texts adopted, P7_TA(2014)0230.

⁹ Texts adopted, P8_TA(2015)0031.

¹⁰ Texts adopted, P7_TA(2013)0350.

the European Union on the transfer and processing of Passenger Name Record data¹,

- having regard to its resolutions of 11 September 2012² and 10 October 2013³ on alleged transportation and illegal detention of prisoners in European countries by the CIA,
- having regard to its resolutions on the Guantanamo Bay detention centre,
- having regard to its resolution of 21 May 2013 on the EU Charter: standard settings for media freedom across the EU⁴,
- having regard to Opinion 2/2013 delivered by the CJEU regarding the draft agreement on accession of the EU to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),
- having regard to the judgment of the CJEU of 8 April 2014 in joined cases C-293/12 and C-594/12 (Digital Rights Ireland and Seitlinger and Others), which annulled Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC,
- having regard to the hearing of Frans Timmermans before Parliament on 7 October 2014, and to his appearance at its sitting of 11 February 2015,
- having regard to the hearing of Dimitris Avramopoulos before Parliament on 30 September 2014,
- having regard to the annual conference of the European Union Agency for Fundamental Rights (FRA) on 10 November 2014 on the theme of ‘Fundamental Rights and Migration to the EU’ and in particular to FRA focus paper ‘Legal entry channels to the EU for persons in need of international protection: a toolbox’,
- having regard to the work, annual reports and studies of the European Institute for Gender Equality (EIGE) and of the FRA and to the FRA’s large-scale surveys on discrimination and hate crime against Jews in the EU Member States, on violence against women in the EU and on LGBT persons’ experiences of discrimination, violence and harassment,
- having regard to the contributions by the NGOs participating in the FRA Fundamental Rights Platform,
- having regard to the reports and research carried out by non-governmental organisations (NGOs) on the subject of human rights and research requested in that field by the Committee on Civil Liberties, Justice and Home Affairs, in particular the study by Policy Department C on the impact of the crisis on fundamental rights across the Member States

¹ Texts adopted, P8_TA(2014)0058.

² OJ C 353E, 3.12.2013, p. 1.

³ Texts adopted, P7_TA(2013)0418.

⁴ Texts adopted, P7_TA(2013)0203.

of the EU,

- having regard to its studies on the impact of the crisis on fundamental rights in the Member States,
 - having regard to the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the ‘Paris Principles’), annexed to UN General Assembly resolution 48/134,
 - having regard to the report (2012/2130(INI)) of the Committee on Civil Liberties, Justice and Home Affairs,
 - having regard to the Commission communication on the Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union (COM(2010)0573) and the Operational Guidance on taking account of Fundamental Rights in Commission Impact Assessments (SEC(2011)0567),
 - having regard to the Commission communication on a new EU Framework to strengthen the Rule of Law (COM(2014)0158) and the Council conclusions of 16 December 2014 entitled ‘Ensuring respect for the Rule of Law’,
 - having regard to the 2013 Commission Report on the Application of the EU Charter of Fundamental Rights (COM(2014)0224), and to the accompanying working documents,
 - having regard to the 2013 Commission Report on EU citizenship – EU citizens: your rights, your future (COM(2013)0269),
 - having regard to the Commission Report on the ‘implementation of the EU framework for national Roma integration strategies’ (COM (2014)0209), and to the Council recommendation of 9 December 2013 on ‘Effective Roma integration measures in the Member States’,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Constitutional Affairs, the Committee on Women’s Rights and Gender Equality and the Committee on Petitions (A8-0230/2015),
- A. whereas European integration came about in part to prevent a recurrence of the tragic consequences of the Second World War and the persecution and repression by the Nazi regime, and also to avoid any decline or reversal of democracy and the rule of law by promoting, respecting and protecting human rights;
- B. whereas respect for and promotion of human rights, fundamental freedoms, democracy and the values and principles enshrined in EU treaties and international human rights instruments (the Universal Declaration of Human Rights, the ECHR, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, etc.) are obligations incumbent on the Union and its Member States and must be central to European integration;

- C. whereas those rights must be guaranteed for everyone living in the EU, including in response to abuse and acts of violence by authorities at whatever level;
- D. whereas, under Article 2 TEU, the EU is founded on respect for human dignity, freedom, democracy, equality, the rule of law and human rights, including the rights of persons belonging to minorities, values which are shared by all the Member States and which must be upheld by the EU, and by each individual Member State, in all their policies, at both internal and external level; whereas, under Article 17 TEU, the Commission must ensure application of the Treaties;
- E. whereas, under Article 6 TEU, the EU has a responsibility to uphold and enforce fundamental rights in any action it takes, regardless of its powers in the area concerned; whereas Member States are also encouraged to do the same;
- F. whereas revision of the EU Treaties is necessary in order to strengthen the protection of democracy, the rule of law and fundamental rights;
- G. whereas in accordance with the preamble of the TEU, the Member States have confirmed their attachment to social rights as defined in the European Social Charter; whereas Article 151 TFEU also contains an explicit reference to fundamental social rights such as those set out in the European Social Charter;
- H. whereas the Charter of Fundamental Rights of the European Union became a fully fledged component of the Treaties when the Treaty of Lisbon came into force, and is therefore now legally binding on the institutions, agencies and other bodies of the EU and on the Member States when EU legislation is applied; whereas a genuine fundamental rights culture must be developed, fostered and strengthened in the EU institutions, but also in the Member States, in particular when they apply EU law domestically and in their relations with non-EU countries;
- I. whereas Articles 2 and 3 of the Charter of Fundamental Rights of the European Union recognise the right to life and the right to integrity of the person;
- J. whereas Article 4 of the Charter of Fundamental Rights of the European Union prohibits all forms of inhuman or degrading treatment;
- K. whereas the importance of social fundamental rights is acknowledged in Articles 8, 9, 10, 19 and 21 of the Charter of Fundamental Rights of the European Union, as it is in the case law of the CJEU, thus underscoring the fact that those rights, and in particular trade union rights, the right to strike, right of association and right of assembly, must be given the same safeguards as the other fundamental rights acknowledged by the Charter;
- L. whereas Article 22 of the Charter of Fundamental Rights of the European Union obliges the Union to ‘respect cultural, religious and linguistic diversity’, and Article 21 prohibits discrimination on the grounds of language and/or being a member of a national minority;
- M. whereas Article 33 of the Charter of Fundamental Rights of the European Union guarantees protection of the family in the legal, economic and social spheres;

- N. whereas Articles 37 and 38 of the Charter recognise the right to a high level of environmental protection intrinsically linked to the deployment of the policies of the Union;
- O. whereas Member States cannot reduce the level of guarantees offered in their own constitutions in respect of certain rights on the pretext that the Charter of Fundamental Rights of the European Union or other instruments of EU law provide for a lower level of protection;
- P. whereas it is recognised that national authorities (judicial authorities, law enforcement bodies and administrations) are key actors in giving concrete effect to the rights and freedoms enshrined in the Charter;
- Q. whereas establishing an area of freedom, security and justice as described in Title V TFEU requires the EU and each Member State to uphold fundamental rights in full;
- R. whereas human beings who are citizens or residents are placed at centre stage in the EU and whereas the personal, civil, political, economic and social rights recognised by the Charter not only have the aim of protecting European citizens and residents against any interference, abuse or violence but are also preconditions for ensuring their full and untroubled personal development;
- S. whereas the rule of law is the backbone of European liberal democracy, and is one of the founding principles of the EU stemming from the common constitutional traditions of all Member States;
- T. whereas the way the rule of law is implemented at national level plays a key role in ensuring mutual trust among Member States and their legal systems, hence it is of vital importance to establish an area of freedom, security and justice as described in Title V TFEU;
- U. whereas respecting the rule of law is a prerequisite for the protection of fundamental rights and is of particular importance within the EU since it is also a prerequisite for upholding all rights and obligations deriving from the Treaties and from international law;
- V. whereas the EU and its Member States are engaged in a global process of moving towards new sustainable development objectives under which human rights are universal, indivisible and inalienable;
- W. whereas the implementation of these values and principles must also be based on effective monitoring of respect for the fundamental rights guaranteed in the Charter, for example when legislative proposals are being drawn up;
- X. whereas the EU is undergoing a period of serious economic and financial crisis, the impact of which, in combination with certain measures, including drastic budget cuts, implemented to address it in some Member States, is negatively affecting the living conditions of EU citizens – increasing unemployment, poverty levels, inequalities and precarious working conditions, and limiting access to and quality of services – and hence the wellbeing of citizens;

- Y. whereas almost one third of petitions received by Parliament relate to alleged breaches of fundamental rights referred to in the Charter, touching on issues such as citizenship, the four freedoms, employment, economic circumstances, environmental and consumer protection, justice systems, voting rights and democratic participation, transparency in decision-making, disability, children's rights, access to education or language rights; whereas some of those petitions raise questions related to health issues and access to healthcare and health services, but also questions related to the right to work as a direct consequence of the economic crisis; whereas petitions are usually the earliest indicators of the situation of fundamental rights in the Member States;
- Z. whereas the EU operates on the basis of the presumption and mutual trust that the Member States conform with democracy, the rule of law and fundamental rights, as enshrined in the ECHR and in the Charter of Fundamental Rights of the European Union, notably in relation to the development of an area of freedom, security and justice and the mutual recognition principle;
- Aa. whereas being unemployed, poor or socially marginalised has major consequences as regards gaining and exercising fundamental rights and means that people in such vulnerable positions must continue to have access to basic services, in particular welfare services and financial services;
- Ab. whereas, following recent terrorist attacks on EU territory, certain anti-terrorism policies and measures are likely to compromise fundamental rights and freedoms in the EU; whereas it is essential to ensure that a balance is maintained between safeguarding fundamental freedoms and rights and strengthening security; whereas the EU and its Member States have the duty to protect European citizens, while ensuring respect for their fundamental rights and freedoms in the design and operation of security policies; whereas necessity and proportionality must be the overriding principles in this area so as to prevent policy actions from infringing civil liberties;
- Ac. whereas thousands of lives are being lost in the Mediterranean, in an unprecedented manner, carrying a huge responsibility to the EU to act to save lives, stop human traffickers, provide legal avenues for migrants and assist and protect asylum seekers and refugees;
- Ad. whereas almost 3 500 migrants died or went missing in 2014 while attempting to reach Europe, bringing the total number of dead and missing over the last 20 years to nearly 30 000; whereas, according to the International Organisation for Migration, the migratory route towards Europe has become the world's most dangerous route for migrants;
- Ae. whereas about one thousand asylum applications a year relate directly to genital mutilation;
- Af. whereas the right to asylum is guaranteed under the 1951 Convention on the Status of Refugees (Geneva Convention) and the protocol of 31 January 1967;
- Ag. whereas the manifestations of extreme nationalism, racism, xenophobia and intolerance have not yet disappeared from our communities; whereas on the contrary, especially after the recent terrorist attacks they appear to be on the rise in many Member States, affecting

both traditional minorities and new national minority communities;

Ah. whereas under Article 49 TEU any European state which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union; whereas compliance with the Copenhagen criteria is an essential precondition for EU accession; whereas the obligations incumbent on candidate countries under the Copenhagen criteria are not only basic pre-accession requirements, but must also continue to apply after a country has joined the EU, on the basis of Article 2 TEU; whereas in light of this, all Member States should be assessed on an ongoing basis in order to verify their continued compliance with the EU's basic values of respect for fundamental rights, democratic institutions and the rule of law; whereas, in addition, a graduated corrective mechanism needs to be introduced so as bridge the gap between political dialogue and the 'nuclear option' of Article 7 TEU and to address the 'Copenhagen dilemma' within the current Treaties;

Ai. whereas, since there are no clear and common benchmarks, challenging the situation as regards the rule of law, democracy and fundamental rights within a Member State is itself continually called into question in the light of political and institutional considerations; whereas in collusion with EU institutions, because there are no binding procedures, in too many instances there is permanent inertia and the Treaties and European values are not observed;

Aj. whereas the right to petition has established a tight bond between the EU's citizens and the European Parliament; whereas the European Citizens' Initiative has introduced a new direct link between the EU's citizens and the EU institutions and can enhance the development of fundamental rights and citizens' rights; whereas citizens' rights include the right to petition as a means of citizens upholding their own fundamental rights, as laid down in Article 44 of the Charter and Article 227 TFEU;

Ak. whereas women still face many forms of discrimination in the EU and are often victims of violence and abuse, especially of a sexual nature;

Al. whereas violence against women is the most widespread violation of fundamental rights in the EU and throughout the world, and whereas it affects all levels of society, regardless of age, education, income, social position and country of origin or residence, and represents a major barrier to equality between women and men;

Am. whereas, according to the findings of a survey conducted in 2014 by the European Union Agency for Fundamental Rights, most women who have been subjected to violence do not report what has happened to the police;

An. whereas sexual and reproductive health and rights (SRHRs) are grounded in basic human rights and are essential elements of human dignity¹; whereas the denial of life-saving abortion amounts to a serious breach of human rights;

Ao. whereas the trafficking and sexual exploitation of women and children are a clear

¹ ICPD Programme of Action § 7.2 and 7.3.

violation of human rights, human dignity and the fundamental principles of law and democracy; whereas today women are more vulnerable to such risks owing to increased economic uncertainty and the higher risk of unemployment and poverty;

- Ap. whereas violence against women as a form of gender discrimination is not explicitly included in European law, and is present as a concept in only three national legal systems (Spain, Sweden and Germany), the result being that it is not seen as a substantive equality issue; whereas the Member States adopt an ad hoc approach to defining violence against women and gender-based violence, with definitions varying widely in national legislation, thus meaning data are not comparable;
- Aq. whereas the Member States are not immune from the evil practice of genital mutilation, to which a reported 500 000 individuals have fallen victim in the EU, with a further 180 000 at risk;
- Ar. whereas numerous violations of fundamental rights still occur in the EU and the Member States, as evidenced, for example, by the judgments of the European Court of Human Rights and as pointed out in reports by the Commission, the FRA, NGOs, the Council of Europe and the UN, such as violation of the right to freedom of assembly and expression of civil society organisations, institutional discrimination against LGBTI persons through marriage bans and anti-propaganda legislation, and the remaining high levels of discrimination and hate crime motivated by racism, xenophobia, religious intolerance, or bias against a person's disability, sexual orientation or gender identity; whereas the responses of the Commission, the Council and Member States are falling short of what is required, given the gravity of these recurrent violations;
- As. whereas societies in which fundamental rights are fully implemented and safeguarded have more chances to develop a dynamic and competitive economy;
- At. whereas Roma, the largest ethnic minority in Europe, continue to be the victims of severe discrimination, racist attacks, hate speech, poverty and exclusion;
- Au. whereas the European external action is based on the same principles that underpin the establishment and development of the EU, that is, democracy, solidarity, human dignity and all fundamental rights; whereas specific human rights guidelines have been developed in the external policies of the EU, but this has not been the case in its internal policies, which could lead to allegations of double standards; whereas it is essential that the promotion of fundamental rights by the EU as part of its external action be paralleled by a robust and systematic internal policy of monitoring compliance with fundamental rights within the EU itself;
- Av. whereas personal data protection provisions should uphold the principles of purpose, necessity and proportionality, including in the context of negotiations and the conclusion of international agreements, as pointed up by the European Court of Justice judgment of 6 April 2014 quashing Directive 2006/24/EC and by the opinions of the European Data Protection Supervisor;
- Aw. whereas the rights to respect for private and family life and to protection of personal data are enshrined in the Charter and are therefore an integral component of primary EU

law;

- Ax. whereas new technologies can adversely affect fundamental rights, in particular the right to privacy and the right to protection of personal data which are guaranteed under Articles 7 and 8 of the Charter;
- Ay. whereas mass access to the internet has opened up still further opportunities for physical and psychological abuse of women, including online grooming;
- Az. whereas the rapid pace of change in the digital world (including increased use of the internet, apps and social networks) necessitates more effective safeguards for personal data and privacy in order to guarantee confidentiality and protection;
- Ba. whereas fundamental freedoms, human rights and equal opportunities must be ensured for all citizens of the EU, including persons belonging to national and linguistic minorities;
- Bb. whereas in Europe, according to the WHO, at least 850 children aged under 15 die from maltreatment each year;
- Bc. whereas according to an FRA survey concerning discrimination and hate crime against LGBTI persons, in addition to the discrimination and violence of which they had been victims, almost half of all the LGBTI respondents 'believed that offensive language about LGBT people by politicians was widespread in their country of residence'; ;
- Bd. whereas LGBTI people are victims of institutional discrimination either because civil unions are prohibited or because there are laws prohibiting assertion of sexual preference;
- Be. whereas people with a disability face many different forms of discrimination which prevent them from exercising their fundamental rights to the full;
- Bf. whereas for people with disabilities the rate of poverty is 70 % higher than the average, partly owing to limited access to employment;
- Bg. whereas secularism and neutrality offer the most effective guarantees that the religious communities which form part of any given state do not suffer discrimination;
- Bh. whereas freedom of the press and freedom to operate for civil society groups such as NGOs are central to democracy, the rule of law and fundamental rights; whereas this freedom has been jeopardised by the adoption of laws or by direct intervention by the authorities in a number of Member States;
- Bi. whereas the Charter of Fundamental Rights states that the elderly have the right 'to lead a life of dignity and independence and to participate in social and cultural life';
- Bj. whereas, while punishments proportionate to the crimes committed do act as a deterrent against fundamental rights violations, the primary goal must remain to prevent crime (by means of education and cultural measures) rather than to take action after the event;
- Bk. whereas the effectiveness of specialised institutions such as national human rights institutions or equality bodies is important to help citizens better enforce their

fundamental rights to the extent that Member States apply EU law;

- Bl. whereas the right to vote and stand as a candidate in local elections and European Parliament elections in one's Member State of residence is recognised in Articles 39 and 40 of the Charter; whereas exercising the right of mobility should not hamper this right;
- Bm. having regard to the weakness of the response by the Commission and the Member States to the revelations by Edward Snowden of massive spying operations using the internet and telecommunications networks as part of the NSA-PRISM programme targeting European countries also, and concerned their failure to enforce measures to protect European citizens or third-country nationals living in Europe;
1. Considers it essential to guarantee that the common European values listed in Article 2 TEU are upheld in full, in both European and national legislation, public policies and their implementation, while fully respecting the subsidiarity principle;
 2. Calls on the Member States to ensure that all EU legislation, including the economic and financial adjustment programmes, is implemented in accordance with the Charter of Fundamental Rights and the European Social Charter (Article 151 TFEU);
 3. Notes that Article 6 TEU requires the Union to accede to the European Convention on Human Rights; notes Opinion 2/2013 of the Court of Justice of the European Union; calls on the Commission and Council to put in place the necessary instruments to ensure that the aforementioned obligation - enshrined in the Treaties - is accomplished without undue delay; considers that this needs to be done on the basis of full transparency, as it will provide an additional mechanism for increasing genuine respect and enforcing the protection of individuals against breaches of their fundamental rights, including the right to an effective remedy, and making the European institutions more accountable for their actions or failings regarding fundamental rights;
 4. Welcomes the appointment of the first Vice-President of the Commission with powers relating to respect for the rule of law and the Charter, and takes note of his commitment to properly enforce the existing framework; expects to see an internal strategy on fundamental rights adopted in the near future, in close cooperation with the other institutions and in consultation with a broad representation of civil society and other interested parties; considers that the strategy should be based on Articles 2, 6 and 7 TEU and should be consistent with the principles and objectives embedded in Articles 8 and 10 TFEU; deplores the lack of political will to invoke Article 7 TEU against Member States responsible for breaches of fundamental rights to penalise them and operate as a deterrent;
 5. Underlines the need for the full use of existing mechanisms to ensure that the fundamental rights and values of the Union referred to in Article 2 of the EU Treaty and in the Charter of Fundamental Rights are respected, protected and promoted; stresses that in this regard all the instruments currently provided for in the Treaties need to be urgently applied and implemented;
 6. Stresses that full use must be made of the existing mechanisms, with objective evaluations and investigations being launched and infringement proceedings being taken out if a case is well-grounded;

7. Underlines the need for possible treaty changes with a view to further strengthening the protection of fundamental rights in the EU Treaties;
8. Notes the Commission's communication on a new EU framework to strengthen the rule of law, which represents a first attempt to remedy the existing shortcomings with regard to preventing and resolving fundamental rights violations and breaches of the principles of the rule of law in Member States; notes the Commission's intention to keep Parliament and the Council regularly informed of the progress made at each stage; considers, however, that the proposed framework may not be a sufficient or effective deterrent when it comes to preventing and resolving fundamental rights violations in Member States, as the Commission has presented this framework in the form of a non-binding communication that does not specify when the framework must be activated;
9. Calls on the Commission to implement and further improve the said framework with the aim of:
 - a) making it part of the internal strategy on fundamental rights, since the rule of law is a prerequisite for the protection of fundamental rights in the European Union and its Member States;
 - b) making better use of the expertise of the Council of Europe and setting up a formal channel of cooperation in matters relating to the rule of law and fundamental rights;
 - c) defining in clear terms the criteria for its application and ensuring that its proactive and transparent implementation successfully prevents fundamental rights violations from materialising; in particular, defining the criteria for 'clear risk of breach' and 'serious and persistent breach', building inter alia on the case-law of the European Court of Justice and the European Court of Human Rights; considering establishing these criteria in such a manner that any breach could automatically trigger application of the framework;
 - d) initiating infringement procedures that might also lead to financial sanctions in accordance with Article 260 TFEU, should systemic or significant violations of Article 2 TEU be identified by the FRA;
 - e) ensuring the automatic triggering of the procedure under Article 7 TEU, should the three-stage process foreseen by the framework fail to resolve the issue, specifying which rights deriving from the application of the Treaties to the Member State in question apart from voting rights in Council, can be suspended, so as to consider the possibility of imposing further penalties that would ensure the effective functioning of the framework in keeping with European law and fundamental rights;
 - f) stipulating that all EU legislative proposals, policies and actions, including in the economic sphere and in the field of external relations and all EU-funded measures, must comply with the Charter and undergo a detailed ex ante and ex post assessment of their impact on fundamental rights, as well as including a proactive plan of action that ensures the efficient application of existing standards and identifies areas in which reforms are necessary; in this regard, believes that the external independent expertise of the FRA should be fully used by the Commission, the Council and Parliament when legislating and developing policies;

- g) developing, in cooperation with the FRA and national human rights bodies in the Member States, as well as with input from the broadest civil society representation, a database that collates and publishes all available data and reports on the situation regarding fundamental rights in the EU and in individual Member States;
10. Urges the Commission to ensure that the abovementioned internal strategy is accompanied by a clear and detailed new mechanism, soundly based on international and European law and embracing all the values protected by Article 2 TEU, in order to ensure coherence with the Strategic Framework on Human Rights and Democracy already applied in EU external relations and render the European institutions and Member States accountable for their actions and omissions with regard to fundamental rights; believes that this mechanism should enable the monitoring of the compliance of all EU Member States with regard to fundamental rights and provide for a systematic and institutionalised dialogue in case of breach of fundamental rights by one or several Member States; considers that in order to make full use of the Treaties' provisions the Commission should:
- a) establish a scoreboard on the basis of common and objective indicators by which democracy, the rule of law and fundamental rights will be measured; these indicators should reflect the Copenhagen political criteria governing accession and the values and rights laid down in Article 2 of the Treaties and the Charter of Fundamental Rights, and be drawn up on the basis of existing standards; in this respect, the Commission should consider broadening the scope of the EU Justice Scoreboard to cover the periodic state-by-state assessment of compliance with fundamental rights and the rule of law;
 - b) ensure constant monitoring, based on the established scoreboard and a system of annual country assessment, to be developed in cooperation with the Council and Parliament, on the compliance with the rule of law and the situation of fundamental rights in all Member States of the European Union and to be based on data supplied by the FRA, the Council of Europe and its Venice Commission, and NGOs;
 - c) propose, in that connection, a revision of the FRA Regulation in order to grant the FRA wider powers and greater human and financial resources, so that it can monitor the situation in Member States and publish an annual monitoring report containing a detailed evaluation of each Member State's performance;
 - d) issue a formal warning if, on the basis of the established scoreboard and the above-mentioned annual monitoring report, the indicators show that Member States are violating the rule of law or fundamental rights; this formal warning should systematically be accompanied by the launching of an institutionalised dialogue involving - in addition to the Commission and the Member State concerned - the Council, the European Parliament and the parliament of the Member State concerned;
 - e) contribute towards improving coordination between the EU institutions and agencies, the Council of Europe, the United Nations and civil society organisations; intensify cooperation between the EU institutions and Member States, including between the European Parliament and national parliaments
11. Welcomes the fact that the Council will hold debates on the rule of law; considers, however, that such debates are not the most effective way to resolve any non-compliance

with the fundamental values of the European Union; regrets the fact that Parliament is neither informed nor involved in the organisation of these debates; calls on the Council to base its debates on the results of annual and specific reports by the European Commission, the European Parliament, civil society, the Council of Europe and its Venice Commission and other parties involved, institutional or otherwise;

12. Calls on the Commission and the Member States to conduct investigations into any allegations of infringements of the fundamental rights enshrined in the Charter, and to follow up those allegations should they be proven; urges the Commission, in particular, to initiate infringement proceedings should any Member State be suspected of acting in breach of those rights;
13. Calls on the Commission to give more priority to the preparation of the Union's accession to the European Social Charter, signed in Turin on 18 October 1961 and revised in Strasbourg on 3 May 1996;
14. Calls on the Member States to establish and strengthen National human rights Institutions in line with the 'Paris principles', so as to ensure the independent promotion and protection of human rights on the national level;
15. Calls for a guarantee of better coordination and consistency between the activities of Parliament, the Council of Europe, the FRA and the EIGE;
16. Expresses concern at the alarming increase in the number of violations of fundamental rights in the EU, in particular in the areas of immigration and asylum, discrimination and intolerance – especially towards certain communities – and in the number of instances of attacks being carried out and of pressure being exerted on the NGOs which defend the rights of these groups and communities; notes Member States' unwillingness to ensure that these fundamental rights and freedoms are observed, in particular as regards Roma people, women, the LGBTI community, asylum seekers, immigrants and other vulnerable groups;
17. Calls on the Council to find common ground on the precise content of the principles and standards stemming from the rule of law that vary at national level, and to consider the already existing definition of the rule of law of the European Court of Justice as a starting-point for debate, including: legality, implying a transparent, accountable, democratic and pluralistic process for enacting laws; legal certainty; prohibition of arbitrariness of the executive powers; independent and impartial courts; effective judicial review including respect for fundamental rights; and equality before the law;
18. Recalls that respecting the rule of law is a prerequisite for the protection of fundamental rights and that security measures should not compromise them, in line with Article 52 of the Charter; also recalls that under Article 6 of the Charter everyone has the right to liberty and security of person;
19. Calls on the Commission, the Council and the Member States to ensure that fundamental rights and principles - as laid down, in particular, in the Treaties, the Charter and the European Convention on Human Rights - are embedded in internal security policies and measures from the outset, as suggested in the FRA Focus paper 'Embedding fundamental

rights in the security agenda'; urges the EU and the Member States to mainstream social inclusion and non-discrimination measures in future internal security strategies;

20. Calls on the Commission, with the support of the FRA, to strengthen awareness-raising, education and training measures and programmes with regard to fundamental rights; these programmes should aim to establish cohesion and trust between all social partners and involve civil society organisations, national human rights institutions and national equality and anti-discrimination offices;
21. Stresses that the role of the Commission as the guardian of the Treaties is not limited to ensuring that legislation is transposed by the Member States, but also extends to the full and correct application of laws, in particular with a view to protecting citizens' fundamental rights; regrets the effective limitation of the scope of application of the Charter due to an excessively restrictive interpretation of its Article 51, read as preventing it from covering the enforcement of EU law; is of the opinion that this approach should be revised to meet EU citizens' expectations in relation to their fundamental rights; recalls that the expectations of citizens go beyond the strict interpretation of the Charter and that the objective should be to render those rights as effective as possible; regrets, therefore, that the Commission pleads lack of competence in numerous replies to petitions complaining of a possible breach of fundamental rights; in this framework, calls for the establishment of a mechanism for the monitoring, systematic evaluation and issuing of recommendations, to foster overall compliance with fundamental values in the Member States;
22. Recalls the crucial importance of the timely and correct transposition and implementation of EU law, especially when it affects or develops fundamental rights;

Freedom and Security

Freedom of expression and the media

23. Recalls that freedom of expression, information and the media is fundamental to ensuring democracy and the rule of law; strongly condemns violence, pressure and threats against journalists and the media, including in relation to the disclosure of their sources and information about breaches of fundamental rights by governments and states; calls on Member States to refrain from applying measures to impede those freedoms; reiterates its call on the Commission to review and amend the audiovisual media services directive along the lines indicated by Parliament in its resolution of 22 May 2013;
24. Stresses that public, independent, free, diverse and pluralist media, together with journalists, both online and offline, are a fundamental building block of democracy; believes that media ownership and management should not be concentrated; stresses, in this regard, that transparency of media ownership is crucial for the monitoring of investments that could influence the information provided; calls for the development of adequate and fair economic rules, in order to also guarantee online media pluralism; calls on the Commission to develop an action plan to assure that all media comply with minimum standards of independence and quality;
25. Expresses its concern over the increasing repressive measures in some Member States

against social movements and demonstrations, freedom of assembly and freedom of speech, particularly regarding the disproportionate use of force against peaceful demonstrators, and the small number of police and judicial investigations in this area; calls on the Member States to protect freedom of assembly and not to adopt measures that call into question or even criminalise the exercise of fundamental rights and freedoms, such as the rights to demonstrate and strike or the rights of assembly and association and freedom of expression; expresses great concern at the national laws in several Member States impacting on fundamental rights in public spaces and restricting the right of assembly; calls on the Commission to monitor and address the serious interferences with fundamental rights caused by national laws setting up restrictions in public spaces on security grounds;

26. Notes that instances of terrorism have led the EU and its Member States to intensify anti-terrorist and counter-radicalisation measures; urges the EU and national authorities to adopt such measures in full respect of the principles of democracy, the rule of law and fundamental rights, especially the right to a legal defence, the presumption of innocence, the right to a fair trial, and the right to respect for privacy and protection of personal data; calls on the Member States and the Commission to evaluate in full transparency any national drafts or proposals for antiterrorist regulatory and legislative instruments in terms of their compliance with Article 2 TEU and the Charter;
27. Recognises that the widespread nature of transnational cybercrime and cyberterrorism creates serious challenges and concerns about protection of fundamental rights in the online environment; considers it essential for the EU to develop state-of-the-art expertise in the field of cybersecurity so as to ensure closer compliance in cyberspace with Articles 7 and 8 of the Charter;
28. Welcomes the report by the US Senate on the CIA detention and interrogation programmes; urges the Member States not to tolerate torture or any other inhuman and degrading forms of treatment on their territory; reiterates its calls on Member States to ensure accountability for violations of fundamental rights in the context of transportation and illegal detention of prisoners in European countries by the CIA; urges Member States to conduct open and transparent investigations to find out the truth about the use of their territory and airspace and to offer full cooperation to the European Parliament's enquiry on the matter, which has recently been reinstated, and its follow-up; calls for protection of those revealing such violations, such as journalists and whistleblowers;
29. Expresses its concerns over repeated reports on the alleged violation of EU fundamental rights, and EU data protection legislation in particular, by the intelligence activities of Member States and of third countries that allow for the retention and accessing of electronic communications data of European citizens; strongly condemns the mass surveillance activities discovered to have been taking place since 2013 and deplors their continued existence; calls for clarification of these activities and in particular the current involvement of a number of Member States; calls on the Commission and the Member States to take full account of the requirements and recommendations of Parliament as set out in its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs; calls on

the Member States to ensure that the activities of their intelligence services are consistent with fundamental rights and subject to parliamentary and judicial scrutiny;

30. Expresses its concern about the adoption of national legislation by Member States allowing for blanket surveillance, and reiterates the need for security instruments that are targeted, strictly necessary and proportionate in a democratic society; reiterates its call to the EU and its Member States to adopt a whistleblower protection system;
31. Is concerned that citizens are not fully aware of their right to data protection and privacy and of the channels of legal redress available to them; underlines in this respect the role of the national data protection authorities in upholding these rights and raising awareness of them; considers it essential to familiarise the public, in particular children, with the importance of personal data protection, including in cyberspace, and the dangers to which they are exposed; calls on the Member States to launch awareness-raising campaigns in schools; stresses that in light of rapid technology developments and increasing cyberattacks, special attention needs to be given to the protection of personal data on the internet, with a strong focus on the security of processing and storing; underlines that although the right to be forgotten is not absolute and will need to be balanced against other fundamental rights, individuals need to be given the right to have their online personal data rectified; expresses serious concern at the difficulty most internet users have in ensuring that their rights are respected in the digital sphere; calls on the Council to make rapid progress on the data protection package so as to ensure a high level of data protection across the EU;
32. Recalls that Member States must ensure that their intelligence services operate in a lawful manner and in full compliance with the Treaties and the Charter; calls in this regard on Member States to ensure that national law will only allow for the collection and analysis of personal data (including so-called metadata) with the consent of the person concerned or following a court order granted on the basis of reasonable suspicion of the target being involved in criminal activity;
33. Stresses that unlawful data collection and processing should be penalised in the same way as violation of the traditional confidentiality of correspondence; insists that the creation of 'back doors' or any other techniques to weaken or circumvent security measures or exploit their existing weaknesses should be strictly prohibited;
34. Deplores the pressure placed on private companies by both public and private bodies to hand over internet users' data, control internet content or jeopardise the principle of net neutrality;
35. Emphasises that safeguarding fundamental rights in today's information society is a key issue for the EU, as the growing use of information and communications technologies (ICT) poses new threats to fundamental rights in cyberspace, the protection of which should be strengthened by ensuring that they are promoted and protected online in the same way and to the same extent as in the offline world;
36. Urges the Commission to monitor intensively the implementation of existing EU legislation in this field and considers that Member States should apply the provisions of criminal law in practice through effective investigation and prosecution in order to ensure

respect for the fundamental rights of victims;

37. Calls on the Commission and the Member States to show the utmost vigilance as regards the impact which certain new technologies, for example drones, might have on citizens' fundamental rights and more especially the right to privacy and the protection of personal data;
38. Underlines the crucial role of education in preventing radicalisation and the rise of intolerance and extremism among young people;
39. Deplores the acts of discrimination, not to say brutality, perpetrated by police forces in some Member States against minority groups such as migrants, Roma, LGBTI people or people with disabilities; urges the Member States to investigate and punish such actions; believes that police forces should be made more aware of, and trained to deal with, the discrimination and violence inflicted on these minorities; calls on the Member States to restore the confidence that minorities should have in the police and to encourage them to report abuses; calls also on the authorities in the Member States to combat the discriminatory ethnic profiling carried out by some police forces;

Freedom of religion and conscience

40. Refers to Article 10 of the Charter, which protects freedom of thought, conscience and religion, including freedom to practise the religion of one's choice and to change religion or belief; considers that this also covers the freedom of non-believers; condemns any form of discrimination or intolerance and calls for a ban of any form of discrimination on these grounds; deplores, in this regard, recent instances of anti-Semitic and anti-Islamic discrimination and violence; calls on the Member States, including regional authorities to protect with all available tools freedom of religion or belief and to promote tolerance and intercultural dialogue through effective policy making, enhancing anti-discrimination policies where needed; recalls the importance of a neutral secular state in preventing discrimination against any religious, atheist or agnostic communities and guaranteeing equal treatment of all religions and beliefs; expresses its concerns over the application of blasphemy and religious insult laws in the European Union, which can have a serious impact on freedom of expression, and urges Member States to abolish them; strongly condemns attacks against places of worship and urges Member States not to allow such offences to go unpunished;
41. Urges respect for freedom of religion or belief in the occupied part of Cyprus, where more than 500 religious and cultural monuments are on the way to collapse;
42. Is alarmed at the rise in anti-Semitism in Europe and the increasingly widespread efforts to deny or downplay the Holocaust; is deeply concerned that many members of the Jewish community are planning to leave Europe because of the worsening climate of anti-Semitism and discrimination and violence against them;
43. Expresses deep concern at the growth of anti-Islamic demonstrations, attacks on mosques and the widespread tendency to associate Islam with the religious fanaticism of a tiny minority; deplores discrimination and violence against the Muslim community; calls on the Member States to condemn such acts systematically and to apply zero tolerance in this

connection;

Equality and non-discrimination

44. Strongly deplores the fact that the Council has still not adopted the 2008 proposal for a directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation; welcomes the prioritisation of this directive by the Commission; reiterates its call to the Council to adopt the proposal as soon as possible;
45. Points out that pluralism, non-discrimination and tolerance are among the founding values of the Union, in accordance with Article 2 TEU; considers that only policies designed to promote both formal and substantive equality and to combat all forms of bias and discrimination can promote a cohesive society by breaking down all forms of prejudice which harm social integration; deplores the fact that even today in the EU there are still cases of discrimination, marginalisation and even violence and abuse based, in particular, on gender, race, colour, ethnic or social origin, genetic features, language, religion or personal beliefs, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation;
46. Considers that the Union and Member States should step up their efforts to combat discrimination and protect cultural, religious and linguistic diversity, and promote measures to enhance gender equality, the rights of the child, the rights of older persons, the rights of persons with disabilities, and the rights of LGBTI persons and persons belonging to national minorities; urges the EU and the Member States to include multiple discrimination within equality policies;
47. Calls on the Commission and the Council to acknowledge the need for reliable and comparable equality data to measure discrimination, disaggregated according to discrimination grounds, in order to inform policy-making, evaluate the implementation of EU anti-discrimination legislation and better enforce it; calls on the Commission to define consistent equality data collection standards, based on self-identification, EU data protection standards and consultation of the relevant communities; calls on the Member States to collect data on all grounds for discrimination;
48. Urges the EU to adopt a directive condemning discrimination based on gender and seeking to counteract gender prejudices and clichés in education and the media;

Promotion of minorities

49. Calls for greater consistency on the part of the European Union in the field of minority protection; strongly believes that all Member States, as well as candidate countries, should be bound by the same principles and criteria in order to avoid the application of double standards; calls, therefore, for the establishment of an effective mechanism to monitor and ensure respect for the fundamental rights of minorities of all kinds both in candidate countries and in EU Member States;
50. Emphasises that the European Union must be an area where respect for ethnic, cultural and linguistic diversity prevails; invites the EU institutions to elaborate a comprehensive

EU protection system for national, ethnic and linguistic minorities in order to ensure their equal treatment, taking into account the relevant international legal standards and existing good practices, and calls on the Member States to ensure effective equality of these minorities, particularly on issues of language, education and culture; encourages the Member States that have not yet done so to ratify and effectively implement the Framework Convention for the Protection of National Minorities; recalls also the need to implement the principles developed in the framework of the OSCE;

51. Condemns all forms of discrimination on grounds of language use and calls on those Member States that have not yet done so to ratify and effectively implement the European Charter for Regional or Minority Languages; urges the Member States and the Commission to take all necessary action to tackle any disproportionate administrative or legislative obstacles that could hinder linguistic diversity at European or national level;
52. Stresses that the principles of human dignity, equality before the law and the prohibition of discrimination on any grounds are foundations of the rule of law; calls on the Member States to adopt a national legislative framework to address all forms of discrimination and guarantee effective implementation of the existing EU legal framework;

Situation of Roma people

53. Deplores the increasing tendency towards anti-Roma sentiment in the European Union and expresses its concern at the situation of the Roma in the EU and the numerous instances of persecution, violence, stigmatisation, discrimination and unlawful expulsions, which are contrary to fundamental rights and European Union law; urges the Commission to continue to take action against those Member States that allow institutionalised discrimination and segregation; calls on the Member States once more to effectively implement strategies to foster real inclusion, to pursue strengthened and pertinent action to promote integration, particularly in the fields of protection of fundamental rights, education, employment, housing and healthcare, and to combat violence, hate speech and discrimination against Roma, in line with the Council recommendation on effective Roma integration measures in Member States of 9 December 2013;
54. Stresses the importance of properly implementing the national Roma integration strategies by developing integrated policies involving local authorities, non-governmental bodies and Roma communities in ongoing dialogue; calls on the Commission to provide for monitoring and better coordination of the implementation; calls on the Member States to cooperate with representatives of the Roma population in the management, monitoring and evaluation of projects affecting their communities, using available funds, including EU funds, while strictly monitoring respect for the fundamental rights of Roma people, including freedom of movement, pursuant to Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States;
55. Deplores the existing discrimination against Roma people in national educational systems and on the labour market; stresses the increased vulnerability of Roma women and children in particular to multiple and simultaneous violations of their fundamental rights; reiterates the importance of protecting and promoting equal access to all rights for Roma children;

56. Urges the Member States to adopt the necessary legislative changes with regard to sterilisation and to financially compensate the victims of coercive sterilisations performed on Roma women and women with mental disabilities, in line with the case-law of the ECtHR;

Violence against women and equality between women and men

57. Urges the EU and the Member States to combat and prosecute all forms of violence and discrimination against women; calls on the Member States in particular to deal effectively with the effects of domestic violence and sexual exploitation in all its forms, including that of refugees and migrant children, and early or forced marriage;

58. Expresses concern about the extent and forms of violence against women in the EU, as documented by the FRA's EU-wide survey which showed that one in three women have experienced physical and/or sexual violence since the age of 15, and that an estimated 3.7 million women in the EU experience sexual violence over the period of one year; calls therefore on the Commission and the Member States to review existing legislation and to keep the issue of violence against women high on the agenda, as gender-based violence should not be tolerated; calls on the Commission to encourage national ratifications and start the procedure for EU accession to the Istanbul Convention as quickly as possible; notes that the immediate accession of all Member States to the Istanbul Convention would lead to the development of an integrated policy and to the promotion of international cooperation in the fight against all forms of violence against women, including sexual harassment both on and off line;

59. Calls on the Member States to set up networks of centres providing support and shelter for women who are victims of trafficking and prostitution, ensuring that they receive psychological, medical, social and legal support and encouragement in finding stable employment and the accompanying entitlements;

60. Expresses serious concern about continuing genital mutilation practices, which are a serious form of violence against women and girls and constitute an unacceptable violation of their right to physical integrity; urges the EU and the Member States to exercise extreme vigilance with regard to such practices within their borders, and to put a stop to them as swiftly as possible; calls in particular on the Member States to adopt a firm and dissuasive approach by training people working with migrants and systematically and effectively prosecuting and punishing the perpetrators of genital mutilation, for which there must be zero tolerance; insists this should be paralleled with information and awareness-raising campaigns targeting the groups concerned; welcomes the fact that EU legislation in the field of asylum views victims of genital mutilation as vulnerable persons and includes genital mutilation among the criteria for the granting of asylum;

61. Calls on the Commission to ensure the continuity of data collection on the prevalence and nature of violence against women as a basis for robust policies to prevent violence and meet the needs of victims, including assessing the implementation of the EU Victims' Directive (2012/29/EU) and organising awareness-raising campaigns against sexual harassment; considers that data collection should build on the first EU-wide survey carried out by the FRA, and should be based on the cooperation between the Commission (including Eurostat), FRA and the European Institute for Gender Equality; reiterates the

request to the Commission made in its resolution of 25 February 2014 with recommendations to the Commission on combating Violence Against Women (2013/2004(INL)) to submit a proposal for an act establishing measures to promote and support the action of Member States in the field of prevention of violence against women and girls, including female genital mutilation; and calls on the Commission to establish 2016 as the year to combat violence against women and girls;

62. Calls on the EU and the Member States to combat and prosecute all forms of violence against women; calls on the Commission to propose a legislative initiative to prohibit violence against women in the EU;
63. Calls on the Commission to raise awareness of the need to foster a culture of respect and tolerance with a view to putting an end to all forms of discrimination against women; calls, moreover, on the Member States to ensure the implementation of national strategies concerning respect for and safeguarding of women's sexual and reproductive health and rights; insists on the role of the Union in awareness-raising and promoting best practices on this issue, given that health is a fundamental human right essential to the exercise of other human rights;
64. Is alarmed at the under-representation of women in decision-making processes, companies and their boards of directors, science and the political sphere, at both national and international level (large companies, national and European elections) and, in particular, at local level; calls for women to be supported in their professional development and efforts to obtain executive posts, and calls on the EU institutions to pay greater attention to the finding that a mere 17.8 % of board members of the largest publicly listed companies in the EU are women;
65. Calls for the maternity leave directive to be unblocked in the Council, as this piece of legislation will make real and tangible gender equality possible, as well as bringing about harmonisation at EU level;
66. Points out that more than half of all postgraduates are women and that this data is not reflected on the labour market, especially in senior decision-making positions; calls therefore on the Member States to take every step required to ensure equal participation of women and men in the labour market and to help women move into high-level posts, and especially to reach an agreement as soon as possible on the proposal for a directive on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures; deplores the fact that in the EU – when both do equal work – women's income is still, on average, 16 % lower than men's income; calls on the EU therefore to continue its work in ensuring equality between women and men in pay in line with Article 157 TFEU, in pensions and participation in the labour market, including in top management positions; considers that this action should help to combat poverty and to ensure that Europe is making full use of all available talent; deplores the fact that women's unemployment rate is still significantly higher than that of men and stresses that financial independence of women must be a component of the fight against poverty;
67. Calls on the Commission to step up monitoring of compliance with the principle of gender equality in European legislation; calls on the Member States to undertake a similar analysis of their national legislation;

68. Recognises that sexual and reproductive health and rights (SRHR) are fundamental rights and an essential element of human dignity, gender equality and self-determination; urges the Commission to include SRHR, as basic human rights, in its next EU Health Strategy in order to ensure coherence between the EU's internal and external fundamental rights policy as called for by Parliament on 10 March 2015;
69. Recognises that the denial of a life-saving abortion amounts to a serious breach of fundamental rights;
70. Calls on the Member States, in liaison with the Commission, to recognise the right to access safe and modern contraceptives and sexuality education in schools; urges the Commission to complement national policies to improve public health, while keeping the European Parliament fully informed;

Children's rights

71. Strongly condemns any form of violence against and ill-treatment of children; calls on the Member States, as States Parties to the United Nations Convention on the Rights of the Child, to take appropriate measures to protect children from all forms of physical and psychological violence, including physical and sexual abuse, forced marriages, child labour and sexual exploitation;
72. Strongly condemns the sexual exploitation of children, particularly the growing phenomenon of child pornography on the internet; urges the Union and Member States to unite in their efforts to combat these serious infringements of children's rights and to take due account of the recommendations made by Parliament in its resolution of 11 March 2015 on child sexual abuse online; reiterates its call for those Member States which have not yet done so to transpose the directive on combating the sexual abuse and sexual exploitation of children and child pornography; calls, furthermore, on the Union and those Member States that have not yet done so to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse;
73. Calls on the Member States to implement Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography, and to strengthen the legal ability, technical capabilities and financial resources of law enforcement authorities in order to increase cooperation, including with Europol, with a view to investigating and dismantling child sex offender networks more efficiently, while prioritising the rights and safety of the children involved;
74. Stresses the role of professionals who work with children, such as teachers, youth workers and paediatricians, when it comes to detecting signs of physical and psychological violence against children, including cyber bullying; calls on the Member States to ensure that such professionals have their awareness raised, and receive training, to this end; calls, furthermore, on the Member States to establish hotlines where children can report any act of mistreatment, sexual violence, intimidation or harassment against them;
75. Considers that children's personal data online must be duly protected and that children need to be informed in a child-friendly manner about the risks and consequences of using their personal data online; calls on the Member States to launch awareness-raising

campaigns in schools; stresses that online profiling of children should be prohibited;

76. Condemns any form of discrimination against children and calls on the Commission and Member States to take united action to eradicate discrimination against children; in particular, calls on the Member States and the Commission to explicitly consider children as a priority when programming and implementing regional and cohesion policies;
77. Calls on the Member States to ensure effective access to justice for all children, whether as suspects, perpetrators, victims or parties to proceedings; affirms the importance of strengthening the procedural safeguards for children in criminal proceedings, particularly in the context of the ongoing discussions on a directive on special safeguards for children suspected and accused in criminal proceedings;
78. Expresses its concern about the increase in the number of cases of international abduction by parents; stresses, in this context, the importance of the role of the European Parliament Mediator for International Parental Child Abduction; underlines the importance of a common EU approach to finding missing children in the EU; calls on the Member States to increase police and judicial cooperation in cross-border cases involving missing children and to develop hotlines to search for missing children;
79. Recalls that the child's best interests as referred to in Article 24 of the Charter must always be a prime consideration in any policy and measure adopted in relation to children; recalls that the right to education is provided for in the Charter and that education is essential, not only for a child's welfare and personal development but also for the future of society; considers the education of children from low-income families to be an essential precondition for enabling children to escape from poverty; calls on the Member States, therefore, to promote high-quality education for all;
80. Stresses that the interests and rights of children of EU citizens should be properly protected, not just within the Union but also beyond its borders, and calls consequently for enhanced cooperation with the institutions responsible for children's well-being in non-EU Nordic countries; considers that all the EU's partners (including members of the EEA) should ratify the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children;
81. Recognises that the financial and economic crisis has had a serious negative impact on the realisation of children's rights and wellbeing; calls on the Member States to step up their efforts in tackling child poverty and social exclusion through effective implementation of the Commission Recommendation 'Investing in children: breaking the cycle of disadvantage' through integrated strategies supporting access to adequate resources, enabling access to affordable, quality services and promoting children's participation in decision-making that affects them; calls on the Commission to take further measures for monitoring the implementation of the recommendation;
82. Invites the Commission to propose an ambitious and comprehensive successor to the EU Agenda on the Rights of the Child in 2015; calls on the Commission to ensure effective mainstreaming of children's rights across all the EU's legislation, policies and financial decisions; calls on the Commission to report annually on the progress made on respect for

the rights of children and the full implementation of the EU acquis on children's rights; calls on the Commission to ensure that the mandate and resources of the children's rights coordinator adequately reflect the EU's commitment to systematically and effectively mainstreaming children's rights; calls on the Commission to adopt the EU guidance on integrated child protection systems that has been announced;

83 Welcomes the trend towards defining forced marriage as a criminal offence in the Member States; calls on the Member States to be vigilant and to provide training for and raise the awareness of staff who come into contact with children, such as teachers and youth workers, so as to equip them to identify children who are at risk of being abducted to their country of origin in order to be forcibly married;

Rights of LGBTI people

84. Condemns in the strongest terms all forms of discrimination and violence on EU territory against lesbian, gay, transgender, bisexual and intersex people (LGBTI), as fostered by laws and policies that restrict the fundamental rights of LGBTI people; calls on the Commission and Member States to adopt laws and policies to combat homophobia and transphobia; calls, in this regard, on the Commission to put forward an action plan or strategy at EU level for equality on grounds of sexual orientation and gender identity, as repeatedly called for by Parliament and as promised by Commissioner Jourová in the process of the Commission hearings; in this regard, recalls its resolution of 4 February 2014 on the EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity; emphasises, nevertheless, that this comprehensive policy must respect the competences of the European Union, of its agencies and of its Member States;

85. Considers that LGBTI people's fundamental rights are more likely to be safeguarded if they have access to legal institutions such as cohabitation, registered partnership or marriage; welcomes the fact that 19 Member States currently offer these options, and calls on other Member States to consider doing so; reiterates, moreover, its call on the Commission to submit a proposal for an ambitious regulation to ensure mutual recognition of civil status documents (including legal gender recognition, marriages and registered partnerships) and their legal effects, in order to reduce discriminatory legal and administrative barriers for citizens who exercise their right to free movement;

86 Calls on the Member States to be vigilant and firm and to impose penalties on public office holders who insult or stigmatise LGBTI people in a public forum;

87. Encourages the EU Member States to support trade unions and employers' organisations in their efforts to adopt diversity and non-discrimination policies with a focus on LGBTI people;

88. Considers that the authorities of the Member States should facilitate procedures enabling people who have changed sex to have their new gender recognised in official documents; reiterates its condemnation of any legal recognition procedure which imposes sterilisation on transgender people;

89. Deplores the fact that transgender people are still considered mentally ill in the majority of

Member States and calls on them to review national mental health catalogues, while ensuring that medically necessary treatment remains available for all trans people;

90. Welcomes the initiative shown by the Commission in pushing for depathologisation of transgender identities in the review of the World Health Organisation's International Classification of Diseases (ICD); calls on the Commission to intensify efforts to prevent gender variance in childhood from becoming a new ICD diagnosis;
91. Strongly regrets that genital "normalisation" surgery of intersex infants is widespread, despite not being medically necessary; welcomes, in this regard, the Maltese Gender Identity, Gender Expression and Sex Characteristics Act of April 2015, which bans such surgery on intersex infants and reinforces the principle of self-determination for intersex people, and calls on other states to follow the Maltese example;

Rights of people with disabilities

92. Deplores the discrimination and exclusion that persons with a disability still face today; calls on the Commission, the Member States and regional and local authorities to implement the European Disability Strategy and to monitor and apply the relevant European legislation; calls on the Commission, in this regard, to relaunch the legislative initiative on an Accessibility Act, in the form of a cross-cutting instrument that can increase the protection afforded to persons with disabilities and ensure consistency between all EU policies in this respect; also calls on the Commission to maximise synergies between the EU disability strategy and the provisions of the CEDAW and the UN Convention on the Rights of the Child in order to ensure that recognised rights are substantively enjoyed and effectively exercised, including by harmonising and implementing the legislative framework and through cultural and political action;
93. Urges the Commission to guide Member States in making the best use of European funds in accordance with the EU's obligations under the UNCRPD Convention and to support and work closely with NGOs and organisations to ensure the proper implementation of the Convention; calls on the EU and Member States to improve access to employment and training for people with disabilities, including people with psycho-social disabilities and to support independent living conditions and de-institutionalisation programmes in line with Article 26 of the Charter;
94. Stresses the need to respect the right of people with disabilities to political participation in elections; calls, in this regard, on the Commission to include an assessment of compatibility with the UNCRPD in its reporting on the implementation of Council Directives 93/109/EC and 94/80/EC, which set out the right to vote and stand as a candidate in elections to the European Parliament and municipal elections; regrets the fact that a large number of people with disabilities in the EU who have been deprived of their legal capacity are also deprived of the right to vote; calls therefore on the Member States to amend their national legislation in order not to systematically withdraw the right to vote from people with disabilities who have been deprived of their legal capacity but rather to perform case-by case analyses and to provide assistance to people with disabilities during voting procedures;
95. Calls on the Commission to assess the compatibility of European legislation with the

requirements of the UN Convention on the Rights of Persons with Disabilities and to evaluate any future proposal in the light of that convention by means of its impact assessments;

96. Condemns the use of forms of physical and pharmacological coercion for mental disabilities and calls on the EU and the Member States to adopt social integration policies;
97. Deplores the fact that people with disabilities still encounter obstacles to their access to the market in goods and services within the Union; considers that these obstacles are of a nature to limit their participation in society and constitute a breach of the rights which they derive, in particular, from their European citizenship; calls on the Commission to make rapid progress with the work on accessibility in the European Union so that a legislative act can be adopted without delay;
98. Call on the EU institutions and Member States to closely engage people with disabilities, including through their representative organisations, in decision-making processes in their respective fields of competence, in line with Article 4(3) of the CRPD;
99. Call on the EU Member States and institutions to ensure that opportunities to participate in consultation processes are clearly and widely publicised using accessible communications, that input can be provided in other formats such as braille or Easy Read, and that public hearings and meetings discussing proposed laws and policies should be made accessible;
100. Call on the Commission to harmonise data collection on disability through EU social surveys in line with the requirements of Article 31 of the CRPD; emphasises that such data collection should use methodologies that are inclusive of all people with disabilities, including those with more severe impairments and those living in institutions;

Age discrimination

101. Deplores the fact that many older people face discrimination and violations of their fundamental rights every day, in particular in access to adequate income, employment and healthcare and to necessary goods and services; recalls that Article 25 of the Charter of Fundamental Rights proclaims the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life; calls on the Commission to develop a Strategy on Demographic Change to put into effect Article 25 of the Charter of Fundamental Rights;
102. Expresses concern that maltreatment, neglect and abuse of older people is widespread in the Member States; calls on the Member States to adopt measures to combat abuse and all forms of violence against the elderly and to promote their independence by supporting renovation and accessibility of housing; recalls that elderly women more often live under the poverty line because of the gender pay gap and later the pension gap;
103. Calls on the Member States to ensure the inclusion of younger workers, particularly those affected by the economic crisis, on the labour market, including through the organisation and provision of training for the social advancement of young people;

104. Calls for people's dignity to be respected at the end of life, in particular by ensuring that decisions expressed in living wills are recognised and respected;
105. Expresses concern that Member States' cuts in public spending and pensions is contributing greatly to poverty in old age by decreasing older people's disposable income, worsening their living conditions, creating inequalities in affordability of services and creating a growing number of older people with incomes just above the poverty threshold;

Hate crime and hate speech

106. Deplores incidents of hate speech and hate crime motivated by racism, xenophobia or religious intolerance or by bias against a person's disability, sexual orientation or gender identity, which occur in the EU on a daily basis; calls on the Member States to protect fundamental rights and to promote understanding, acceptance and tolerance between the different communities in their territory; calls on the EU to make the fight against hate crimes a priority when drawing up European policies against discrimination and in the field of justice; calls on the Commission and the Member States to strengthen the fight against hate crime and discriminatory attitudes and behaviours by developing a comprehensive strategy for fighting hate crime, bias violence and discrimination;
107. Is concerned at the growing presence of hate speech on the internet and calls on the Member States to put in place a simple procedure enabling members of the public to report the presence of hate content on the internet;
108. Expresses its concerns regarding investigations and convictions in connection with hate crimes in the Member States; calls on the Member States to take all appropriate measures to encourage the reporting of such crimes, including by ensuring adequate protection, as FRA findings from its large-scale surveys have consistently shown that victims of crime are reluctant to come forward and report to the police;
109. Expresses its concern that several Member States have not transposed correctly the provisions of Framework Decision 2008/913/JHA and calls on the Member States to fully transpose and implement EU standards and to ensure the enforcement of national legislation punishing all forms of hate crime, incitement to hatred and harassment, and systematically triggering the prosecution of those criminal offences; calls on the Commission to monitor the correct transposition of the Framework Decision and to launch infringement procedures against those Member States that fail to transpose it; calls, furthermore for a review of the framework decision in order for it to fully cover all forms of hate crime and crimes committed with a bias or discriminatory motive, and to clearly define consistent investigation and prosecution standards;
110. Calls on the Commission to support training programmes for law enforcement and judicial authorities, and for the relevant EU agencies, in preventing and tackling discriminatory practices and hate crime; calls on the Member States to provide the authorities responsible for investigation and prosecution with practical tools and skills to enable them to identify and deal with the offences covered by the Framework Decision, and to interact and communicate with victims;
111. Observes with concern the rise of political parties that base their political programmes on

exclusion on ethnic, sexual orientation or religious grounds;

112. Is deeply concerned at the growing trivialisation of racist and xenophobic acts and speech owing to the ever greater visibility in the public sphere of racist and xenophobic groups, some of which have acquired or are seeking the status of political parties;
113. Expresses its deep concern about the rise of political parties that are using the current economic and social crisis to justify their racist, xenophobic and anti-Islamic message;
114. Forcefully condemns the intimidation and persecution of minorities, particularly Roma and migrants, by paramilitary groups, some of which are directly linked to a political party; urges the Member States to outlaw and punish such practices;

Homeless people

115. Expresses its concern at the number of people who have lost their homes as a result of the economic crisis; takes the view that homeless people must be kept integrated within society, and that their isolation and marginalisation need to be combated; to that end, calls on the Member States to adopt ambitious policies to help such people; stresses that homeless people are vulnerable people and reiterates its call on the Member States to refrain from stigmatising them as criminals; calls on the Member States to abolish any law or policy which presents them as such; calls on the Member States to devise national strategies seeking to combat the phenomenon of homelessness on their territories; stresses that the right to housing assistance for the poorest in society is enshrined in the Charter of Fundamental Rights;

Rights of migrants and applicants for international protection

116. Deplores the repeated and tragic loss of life in the Mediterranean, and the role played by smugglers and traffickers, who deny migrants their fundamental rights; points out that the EU and the Member States should do more to prevent further tragedies at sea; calls on the EU and its Member States to put solidarity and respect for the fundamental rights of migrants and asylum seekers at the core of EU migration policies, and in particular:
 - stresses the need to mainstream fundamental rights in every aspect of EU migration policies, and to carry out an in-depth assessment of the impact on migrants' fundamental rights of all measures and mechanisms concerning migration, asylum and border control; in particular, calls on the Member States to respect the rights of vulnerable migrants;
 - underlines the need for a holistic EU approach that will strengthen the coherence of the EU's internal and external policies; encourages the EU and the Member States to put respect for the rights of migrants at the centre of any bilateral or multilateral cooperation agreement with non-EU countries, including readmission agreements, mobility partnerships and technical cooperation agreements;
 - reminds Member States of their international obligation to help people in distress at sea;

- calls on the Member States to amend or review any legislation penalising people assisting migrants in distress at sea;
 - underlines the fundamental right to seek asylum; encourages the EU and the Member States to open up and devote sufficient resources to create new safe and legal possibilities and channels for asylum seekers to enter the European Union, so as to reduce the risks inherent in attempting to enter illegally and to combat human trafficking and smuggling networks that profit from endangering the lives of migrants and from their sexual and labour exploitation;
 - calls on all the Member States to participate in EU resettlement programmes, and encourages the use of humanitarian visas;
 - urges the Member States to guarantee decent reception conditions in compliance with existing fundamental rights and asylum legislation, with special attention paid to vulnerable people and to reducing the risk of social exclusion of asylum seekers; calls on the Commission to monitor the implementation of the Common European Asylum System (CEAS), and in particular of Directive 2013/32/EU, with specific attention to asylum seekers in need of special procedural guarantees;
 - calls for the establishment of an effective and harmonised EU asylum system for the fair distribution of asylum seekers among Member States,
 - deplores the reported incidents of violent push-backs at the EU borders; reminds Member States of their obligation to respect the principle of non-refoulement as recognised by the Geneva Convention and by the ECtHR and of the prohibition of collective expulsions under Article 19 of the Charter of Fundamental Rights; calls on the Commission, its agencies and the Member States to ensure compliance with these and other international and EU obligations;
117. Roundly condemns the security protection at the EU's borders, which now sometimes even takes the form of walls and barbed wire, and the lack of legal routes for entering the European Union, which results in many asylum seekers and migrants being forced to resort to increasingly dangerous methods, placing them at the mercy of people-smugglers and traffickers;
118. Calls for fundamental-rights-sensitive border controls, and stresses the need for democratic oversight by Parliament of Frontex operations;
119. Calls for the suspension of all activities identified as being in violation of fundamental rights under EU law or the Frontex mandate;
120. Stresses the negative impact which the Dublin Regulation has on effective access to international protection in the absence of a genuine common European asylum system, particularly in light of ECJ and ECHR case law; condemns the fact that the revision of the regulation did not lead to its suspension, or at least to the abolition of return to the first country of entry into the EU, and the absence of action by the Commission and the Member States on a possible alternative based on solidarity among Member States;

121. Calls on the Member States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
122. Condemns the indiscriminate recourse to unlawful detention of irregular migrants, including asylum seekers, unaccompanied minors and stateless persons; calls on Member States to comply with the provisions of the 'Return Directive', including respect for the right to dignity and for the principle of a child's best interest, and with international and EU law; recalls that the detention of migrants must remain a measure of last resort and urges the Member States to implement alternative measures; condemns the appalling detention conditions in some Member States and urges the Commission to address them without delay; reiterates the need to ensure that irregular migrants are granted the right to an effective remedy in the event of violations of their rights;
123. Calls on the Member States and the Commission to take the necessary measures to provide information and ensure transparency concerning the detention of migrants and asylum seekers in numerous Member States, and urges the Commission to propose a revision of Regulation 862/2007 so that it will include statistical data on the operation of detention systems and facilities;
124. Stresses the importance of democratic control of all forms of deprivation of liberty pursuant to the laws on immigration and asylum; calls on Members of the European Parliament and of national parliaments to pay regular visits to reception and detention centres for migrants and asylum seekers, and calls on the Member States and the Commission to facilitate access to these centres for NGOs and reporters;
125. Calls for closer monitoring of migrant reception and detention centres, of the treatment of migrants and of asylum formalities in the Member States; expresses concern at 'hot return' procedures and at the violent incidents occurring in various 'hotspots' in southern Europe, necessitating the immediate launch by the Commission within this framework of political dialogue with countries engaging in such practices with a view to upholding the rule of law;
126. Calls on the European Union and its Member States to establish concrete measures and best practices aimed at promoting equality of treatment and social inclusion so as to improve the integration of migrants into society; recalls in this regard that it is essential to fight against negative stereotypes and misinformation about migrants by developing counter-narratives, primarily at school and directed towards young people, to enhance the positive impact of migration;
127. Considers that migrant children are particularly vulnerable, especially when they are unaccompanied; calls on the Commission and the Member States to implement Parliament's resolution of 12 September 2013 on the situation of unaccompanied minors in the EU; calls on the Member States to fully implement the CEAS package in order to improve the condition of unaccompanied minors in the EU; welcomes the Court of Justice judgment in Case C-648/11, which stated that the Member State responsible for examining an asylum application made in more than one Member State by an unaccompanied minor is the state in which the minor is present after having lodged an application there; recalls that unaccompanied minors are above all children and that child protection, rather than immigration policies, must be the leading principle for Member

States and the EU when dealing with them;

128. Calls for an evaluation of how funds earmarked and used for home affairs are spent, in particular funds granted for the reception of asylum seekers; calls on the EU to take action should it emerge that funds have been used for activities that do not comply with fundamental rights;
129. Calls for assistance to be provided to those Member States situated at the external borders of the Union to help them address systematic weaknesses in reception conditions and asylum procedures, which are aggravated by the increase in the number of asylum seekers;
130. Calls on the EU to hold its own agents liable for any infringements of fundamental rights they might commit; in particular, calls for assurances to be given that an investigation will be opened, following allegations that infringements were committed during operations coordinated by the Frontex agency, and that appropriate measures, of a disciplinary or other nature, will be taken against those who are shown to have committed such infringements; to that end calls for an internal Frontex redress mechanism as requested by the European Ombudsman in his investigation into Case OI/5/2012/BEH-MHZ and for the conclusions of investigations into allegations of human rights infringements to be made public; calls, moreover, for Frontex operations to be halted where infringements of human rights have been committed during such operations, as provided for in Article 3(1)(a) of Regulation (EU) No 1168/2011;
131. Calls on the Member States to ratify without further delay the Council of Europe Convention on Action against Trafficking in Human Beings;
132. Calls on the Member States to ensure that women victims of gender-based persecution have genuine access to international protection; calls on the Member States to follow the Commission guidelines for the implementation of Directive 2003/86/EC on the right to family reunification, including the immediate issue of a residence permit valid in its own right to family members who have entered for reasons of family reunification when there are particularly difficult circumstances, such as domestic violence;
133. Welcomes the fact that EU legislation on asylum treats victims of genital mutilation as vulnerable persons and includes genital mutilation among the criteria to be taken into account when asylum is sought; calls on the Member States to train people working with migrants to screen for women and girls likely to be subjected to genital mutilation in their home country;
134. Stresses that the right to freedom of movement and residence of European citizens and their families laid down in the Treaties and guaranteed by Directive 2004/38/EC on freedom of movement is one of the most concrete fundamental rights of European citizens; condemns any attempt to review this acquis, in particular the reintroduction of Schengen border controls outside the Schengen border code, and calls for any breach of the rules to result in action before the Court of Justice; expresses its concerns about the growing trend of quick expulsions of EU citizens from their Member States of residence as a result of the loss of their jobs and income in breach of the existing framework; considers that this is contrary to the spirit of freedom of movement;

Solidarity in the economic crisis

135. Deplores the way in which the financial, economic and sovereign debt crisis, together with the budgetary restrictions imposed, has negatively affected economic, civil, social and cultural rights, often resulting in increasing unemployment, poverty, and precarious working and living conditions, as well as exclusion and isolation, particularly in the Member States in which economic adjustment programmes have been adopted, and underlines that a recent Eurostat note points out that one European in four is now at risk of poverty and exclusion;
136. Notes that the economic crisis and measures implemented to address it have affected the right to access to basic necessities such as education, housing, healthcare and social security, as well as having a negative impact on the overall health condition of the population in some Member States; stresses the need to respect the right to protection against poverty and social exclusion as stated in Article 30 of the European Social Charter; calls on all Member States to introduce support measures, in accordance with national practices, to provide their citizens with decent living conditions and to combat social exclusion;
137. Stresses that the EU institutions, as well as Member States which implement structural reforms in their social and economic systems, are always under an obligation to observe the Charter and their international obligations, and are therefore accountable for the decisions taken; reiterates its call to align economic adjustment programmes with the EU objectives set out in Article 151 TFEU, including the promotion of employment and improvement of living and working conditions; reiterates the need to ensure that there is full democratic oversight through the effective involvement of parliaments over the measures taken by the EU institutions and Member States in reaction to the crisis;
138. Calls on the EU institutions and the Member States to look into the impact on fundamental rights of austerity measures, proposed or implemented, in a gender-sensitive manner, taking into account the disproportionate impact of austerity measures on women; calls on the EU institutions to take remedial action immediately where austerity measures have had a negative impact on women's economic, social and cultural rights;
139. Calls on the EU institutions and the Member States to look into the impact on fundamental rights and freedoms, including social and labour rights, of the measures proposed or implemented to deal with the crisis and to take remedial action if necessary should it emerge that the protection of rights is regressing or that international law, including ILO conventions and recommendations, is being infringed;
140. Calls on the EU institutions and the Member States, when adopting and implementing corrective measures and budget cuts, to conduct an impact assessment on fundamental rights and to guarantee that sufficient resources are still made available to safeguard respect for fundamental rights and to ensure minimum essential levels of **civil** economic, cultural and social rights, with special attention to the most vulnerable and socially disadvantaged groups;
141. Calls on the EU institutions and the Member States to recognise that long-term investment in social inclusion is beneficial, as it tackles the high cost of discrimination

and inequality; calls on the Member States for appropriate public investment to sustain education and healthcare and ensure that access to justice and redress in cases of discrimination are not put in danger by drastic funding cuts in equality bodies' budgets; calls on EU and national institutions not to undermine social inclusion by budgetary measures affecting the functioning of community-based organisations working for equality;

142. Calls on the Commission to consider proposing accession to the European Social Charter, in order effectively to safeguard the social rights of European citizens; calls on the Member States to promote the extension of the social rights in the EU Charter to other social rights mentioned in the revised Social Charter of the Council of Europe such as the right to work, the right to fair remuneration, and the right to be protected from poverty and social exclusion;

Criminality and the fight against corruption

143. Reiterates that corruption crime, in particular organised crime, represents a serious fundamental rights violation and a threat to democracy and the rule of law; stresses that corruption by diverting public funds from the public use for which they are intended reduces the level and quality of public services, thereby seriously harming the fair treatment of all citizens; urges the Member States and European institutions to devise effective instruments for preventing, combating and sanctioning corruption and crime and to continue regularly to monitor the use made of public funds, be they European or national; to that end, calls on the Member States and the institutions to facilitate the rapid establishment of the European Public Prosecutor's Office, thus providing appropriate guarantees of independence and efficiency;
144. Stresses that corruption represents a serious fundamental rights violation; calls on the Member States and institutions to devise effective instruments for combating corruption and to regularly monitor the use of public funds, be they European or national; underlines that increased transparency and access to public documents by citizens and journalists is an efficient way to expose and combat corruption;
145. Urges the European Commission to adopt an anti-corruption strategy that is complemented by effective instruments; calls on all Member States and the EU to join the Open Government Partnership and to devise concrete strategies to promote transparency, empower citizens and fight corruption; calls on the Member States to follow up on the recommendations of the European Commission's Anti-Corruption Report and on Parliament's resolution of 23 October 2013 on 'Organised crime, corruption and money laundering: recommendations on action and initiatives to be taken', and to strengthen police and judicial cooperation in fighting corruption;
146. Urges the Member States to step up their fight against all kinds of serious organised crime, including trafficking in human beings, sexual abuse and exploitation, torture and forced labour, in particular involving women and children;
147. Calls on the Commission to provide for offences to thwart environmental crimes committed by individuals or organised criminal groups which have an impact on the rights of human beings – the right to health, life and the enjoyment of a healthy environment –,

as well as on the economy and on the use of public resources; urges the Commission to examine the effective implementation in the EU of the right of access to justice in the context of the right of every person of present and future generations to live in an environment conducive to his or her health and wellbeing;

148. Proposes the launching of a European anti-corruption code and a transparent system of indicators regarding corruption levels in the Member States and progress made in eradicating corruption, as well as an annual comparative report on the extent to which this major problem has taken hold at European level;
149. Calls on the Commission and Member States to put an end to tax competition and effectively combat harmful tax practices, and tax evasion and avoidance in the EU, which harm Member States' capacity to harness to a maximum their available resources in order fully to realise economic, social and cultural rights;
150. Condemns the growing phenomenon of human trafficking, especially for sexual exploitation, and calls on the EU and its Member States to take measures, in accordance with the EU directive, to combat the demand for exploitation that is fuelling trafficking in all its forms;

Conditions in prisons and other custodial institutions

151. Points out that the fundamental rights of prisoners must be guaranteed by the national authorities; deplores the conditions in the prisons and other custodial institutions of numerous Member States including prison overcrowding and ill-treatment of prisoners; regards it as essential that the EU adopt an instrument which guarantees that the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment (CPT) and the judgments of the ECtHR are implemented;
152. Recalls that the abuse of custodial measures results in prison overcrowding across Europe which violates the fundamental rights of individuals and compromises the mutual trust necessary to underpin judicial cooperation in Europe; reaffirms the need for Member States to honour the commitments made in international and European fora to making more frequent use of probation measures and sanctions which offer an alternative to imprisonment, and to making social reintegration the ultimate aim of a period of custody; calls on the Member States, therefore, to adopt strategies to promote the training and employment of persons serving terms of imprisonment;
153. Reiterates the recommendations to the Commission made in its resolution of 27 February 2014 on the review of the European Arrest Warrant (2013/2109(INL)), notably as regards the introduction of a proportionality test and a fundamental rights exception in the European Arrest Warrant or mutual recognition measures more generally;
154. Regrets that the three framework decisions covering the transfer of prisoners, probation and alternative sanctions and the European Supervision Order, which have great potential for reducing prison overcrowding, have only been implemented by some Member States;
155. Calls on the Commission to assess the impact of detention policies and criminal justice

systems on children; points out that across the EU children's rights are directly affected in the case of children living in detention facilities with their parents; underlines the fact that an estimated 800 000 children in the EU are separated from an imprisoned parent each year, which impacts on the rights of children in multiple ways;

Justice

156. Points out that developing a European area of justice based on mutual recognition and legal safeguards, thus harmonising the different justice systems of the Member States, especially in criminal matters, should remain among the high priorities of the European institutions for the EU Justice Agenda 2020; considers that the effective application of the Charter and the secondary EU legislation on fundamental rights is crucial to the trust of citizens in the proper functioning of the European area of justice;
157. Points out that the right of access to justice and to an independent and impartial tribunal is vital for the protection of fundamental rights, which are effective only if they are judiciable, for democracy and the rule of law; reiterates the importance of ensuring that both the civil and the criminal justice systems are efficient and that the independence of the judiciary is guaranteed;
158. Welcomes the European e-Justice portal, which is operated by the Commission and provides professionals and the public with information on justice systems and is a practical tool to improve access to justice, with a separate section on fundamental rights which aims at informing citizens where to turn in cases of violations of their fundamental rights;
159. Welcomes the steps already taken at European level to harmonise Member States' safeguards in criminal proceedings and their benefits for citizens; reiterates the importance of adopting EU legislation on procedural rights which complies with the highest standard of protection enshrined in the Charter, international human rights treaties and the constitutional law of the Member States;
160. Deplores the lack of access to legal aid in many Member States and the fact that this affects the right of access to justice of those who lack sufficient resources; regards it as essential that the EU adopt a strong and comprehensive directive on legal aid;
161. Calls on the EU and the Member States to provide for measures to support and protect whistleblowers who denounce illegal actions;

Citizenship

162. Considers that active and participatory EU citizenship should be encouraged through access to documents and information, transparency, good governance and administration, and democratic participation and representation, with decision-making as close as possible to Union citizens; points to the need to enable civil society to participate fully in decision-making at European level, this being guaranteed by Article 11 of the Treaty on European Union, and stresses the importance of the principles of transparency and dialogue; notes that the right of citizens to access documents held by public institutions empowers citizens and allows them to scrutinise and evaluate public authorities and hold them to account;

deplores in this context the deadlock in the revision of Regulation (EC) No 1049/2001 and renews its call on the Commission and Council to resume work, taking Parliament's proposals into consideration;

163. Calls on the Commission and the Member States to ensure that information campaigns are conducted on European citizenship and the rights connected with it: the rights to diplomatic and consular protection, the right of petition, the right to submit complaints to the European Ombudsman, the right to vote and stand in European elections and the right to submit citizens' initiatives;
164. Applauds the European Ombudsman for her determination to ensure good administration and transparency in EU institutions and bodies;
165. Condemns the fact that more than 15 million nationals of non-EU countries and 500 000 stateless persons are being discriminated against on account of the refusal to recognise their citizenship; calls on the EU and its Member States to respect the fundamental right to citizenship and in particular calls on the Member States to ratify, and give full effect to, the 1961 Convention on the Reduction of Statelessness and the 1997 European Convention on Nationality;
166. Points out that informing citizens about their fundamental rights is an integral part of the right to good governance as set out in the Charter; calls on the Member States to pay particular attention to the most needy, to ensure that their rights are explained to them, to support them and to ensure that those rights are respected;
167. Believes that stateless persons and third-country nationals permanently resident in the Member States should have the right to vote in local and European elections;
168. Requests the Commission to take a step forward in consolidating the right to good administration by turning the Code of Good Administrative Behaviour of the EU into a legally binding regulation;
169. Calls on the Commission and the Member States to ensure through their policies that fundamental rights are properly respected, guaranteed, protected and developed further within the EU; calls on the Member States to renew their efforts to recognise the right of petition and the right of recourse to the Ombudsman as a means for citizens to uphold their rights;
170. Expresses its concern, on the basis of hundreds of petitions received yearly, at the shortcomings in the actual implementation, both in letter and spirit, in Member States of the provisions of EU environmental legislation, such as the Environmental Impact Assessment and Strategic Environmental Assessment directives; asks the Commission to undertake closer oversight of the substance of such procedures, particularly when specific cases are the subject of petitions;
171. Reiterates the importance of the European Citizens' Initiative (ECI), as a new citizens' right introduced by the Lisbon Treaty which aims at increasing participatory democracy in the EU; notes the importance of the ECI as a powerful tool providing European citizens with a direct democratic right to contribute to the decision-making process of the EU, in

addition to European citizens' right to submit petitions to the European Parliament (EP) and their right of appeal to the European Ombudsman;

172. Calls on the Commission to strengthen the role of the European Citizens' Initiatives (ECIs) by adopting a citizen-friendly approach to tackling all the deficiencies of this instrument in the upcoming revision of Regulation 211/20118 whilst at the same time improving information campaigns to citizens on the use of the ECI and its power to influence the EU policy-making process;

Victims of crime

173. Considers the protection of victims of crime a priority; calls on the Member States to properly implement, without delay, the EU Victims' Directive (2012/29/EU), so as to meet the transposition deadline of 16 November 2015, and on the Commission and the Member States to ensure, in compliance with its Article 28, collection of comparable data on its transposition, in particular on how victims, including victims of crimes committed with a discriminatory motive, have accessed their rights; considers that much remains to be done to support victims of crime, informing them of their rights and ensuring effective referral systems and training for police officers and legal practitioners to establish a relationship of trust and confidence with victims, as shown by FRA research on victim support; welcomes the adoption, in 2013, of a regulation on mutual recognition of protection measures in civil matters;

174. Calls on the Commission and the EU Member States to ensure the highest quality of comparable data collection on the transposition of the EU Victims' Directive (2012/29/EU) and on how victims, including victims of crimes committed with a bias and discriminatory motive, have accessed their rights as required under Article 28 of the Directive;

175. Calls on the Commission and the Member States to take account of demographic developments and changes in the size and composition of households when designing their policies; urges the Commission and the Member States to ensure that their social and employment policies do not discriminate on the basis of the size and composition of households;

176. Points to the legal vacuum as regards citizens' access to legal redress when Member States have not, or have only belatedly, transposed EU legislation that concerns them directly; stresses the need for coordination of actions at all levels to protect and promote fundamental rights encompassing EU institutions, Member States, regional and local authorities, NGOs and civil society;

177. Stresses the need to strengthen institutional transparency, democratic accountability and openness in the EU and urges the competent EU institutions and all Member States to:

- step up their efforts with a view to revising without delay Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents in order to ensure maximum transparency and simplified procedures for public access to information and documents; calls on the Commission, in this context, to relaunch the legislative initiative on an Accessibility Act, in the

form of a cross-cutting instrument that can increase the protection afforded to persons with disabilities, and ensure cohesion between all EU policies in this respect;

- bring forward a revision of the European Citizens' Initiative Regulation (Regulation (EU) No 211/2011) during this parliamentary term in order to improve its functioning, incorporating amendments so as to remove any administrative, organisational and financial obstacles as a result of which not all European citizens can properly exercise their democratic influence through the ECI as provided for in the Treaties; urges the Commission also to include in its proposal the necessary provisions to stop certain groups of citizens, such as those who are blind or living abroad, from being prevented from exercising their right to support citizens' initiatives, as such exclusion limits equality and engagement among citizens;
- bring forward a revision of Directive 93/109/EC laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals, in order to help EU citizens who are resident in a state other than their own to participate in the European elections in their country of residence; calls on the Member States to enable all their citizens to vote in European elections, including those living outside the EU, particularly by means of an information campaign carried out in good time;
- give due consideration to the growing segment of the population that is completely disenfranchised as regards national elections because they can vote neither in their home country nor in their country of residence.

178. Instructs its President to forward this resolution to the Council and the Commission.

EXPLANATORY STATEMENT

This report on the state of fundamental rights in the EU in 2013 and 2014 should be seen within an institutional context that is particularly favourable and sensitive with regard to the respect for fundamental rights in the European Union of today. A new parliamentary term has just started and the new Commission has just taken office, in which respect for the Charter of Fundamental Rights plays an important part in the light of the mandate of the first Vice-President and his role of guarantor of the protection of fundamental rights in the European Union.

The Charter of Fundamental Rights recognises a series of personal, civil, political, economic and social rights of citizens and residents of the EU. When the Treaty of Lisbon came into force, the Charter was given the same binding legal status as the Treaties. All citizens and residents of the EU should be able to enjoy the rights contained therein, without distinction of sex, religion, sexual orientation or colour of skin. Unfortunately, institutional players and non-governmental organisations are reporting an alarmingly high number of instances of violations of fundamental rights still taking place within the territory of Member States of the European Union.

This is unacceptable. The reaction of European Institutions and Member States must be firm and resolute in preventing and putting an end to such violations. Too many actions have been proposed in the past by this Parliament that have not been properly followed through and there have been too many violations of fundamental rights that have not been prevented or that continue to be perpetrated.

In this report, the rapporteur would like to start with the proposals and recommendations made by this Parliament in previous reports on the state of fundamental rights and propose new solutions. The report is divided into two parts, the first part dealing with institutional questions and the second analysing the state of specific fundamental rights.

In her work, the rapporteur has consulted major institutional players including the European Union Agency for Fundamental Rights and the Commissioner for Human Rights of the Council of Europe, the ombudsmen of Member States and all the major players from civil society who were consulted by means of a questionnaire on the state of fundamental rights in their countries and areas of competence.

In the first part of the report, the rapporteur proposes formulating a genuine internal strategy on fundamental rights in the European Union based on the enforcement of Article 2 of the EU Treaty and which involves all of the organs of the European Union active in the field of respect for fundamental rights. It is necessary to ensure consistency with the Strategic Framework on Human Rights and Democracy in the context of foreign relations and above all to overcome the so-called ‘Copenhagen dilemma’, namely to verify thoroughly that there is respect for fundamental rights and the Rule of Law not only in those countries applying for membership of the EU but also in States that are already members. Furthermore, in order that the proposed strategy can be truly effective, it is necessary to introduce a mechanism that can act as a real deterrent that is sufficient to prevent and eradicate instances of violations of

fundamental rights in Member States.

In the second part of the report, the rapporteur deals in detail with a series of violations that she considers should have priority in the light of the current political situation such as freedom of expression, the need to guarantee a fair balance between respect for fundamental rights and guaranteed collective safety, the impact of austerity policies and corruption on fundamental rights, and the situation inside prisons. Furthermore, areas are touched on for which the EU has full powers such as the fight against discrimination and the protection of the rights of migrants and refugees.

13.5.2015

OPINION OF THE COMMITTEE ON CONSTITUTIONAL AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on the situation of fundamental rights in the European Union (2013-2014)
(2014/2254(INI))

Rapporteur: Ramón Jáuregui Atondo

SUGGESTIONS

The Committee on Constitutional Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Points out that it is necessary to continue promoting and strengthening the protection and full development of fundamental rights in compliance with the Treaties and the Charter of Fundamental Rights of the European Union and, more specifically, to ensure that the values of the European Union set out in Article 2 and all relevant articles of the EU Treaty are respected and promoted by the EU, its institutions and all Member States; stresses that the European institutions should be at the forefront of this endeavour and underlines that the Member States should be exemplary in the effective implementation of these obligations;
2. Stresses that the EU's accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) helps significantly to safeguard the human rights and fundamental freedoms of EU citizens and Member States; takes note of Opinion 2/13 of the Court of Justice of the European Union in which the Court concluded that the draft agreement on the accession of the EU to the ECHR was not compatible with EU law; calls on the Commission and the Council to address the concerns raised by the Court as quickly as possible in order to meet fully the obligation to accede to the ECHR as enshrined in Article 6(2) of the EU Treaty and to resume negotiations as soon as possible in a way that adds value to the protection of rights within the EU;
3. Draws attention to the fact that all legislative proposals, including international agreements and in general all EU policies, should be scrutinised to ensure that they

comply with the Charter of Fundamental Rights; calls on the Member States and the Commission to ensure that all EU legislation, in particular the economic and financial adjustment programmes which have adversely affected the living conditions of many people, is continuously implemented in accordance with the Charter of Fundamental Rights and the European Social Charter (Article 151 of the TFEU), in particular with regard to the protection of economic and social rights;

4. Considers that breaches of rights, abuses or inequalities in the Member States undermine democracy and the rule of law, as well as citizens' trust in the European Union institutions; emphasises the role of Parliament as the only directly elected institution in scrutinising legislative proposals and policy to ensure that they comply with the Charter; calls on the EU legislator to promote the EU's values as required by Article 3 of the TEU and, specifically, inclusion and equality, as required by Article 8, 9 and 10 of the TFEU;
5. Recalls the need, in this context more than ever, to ensure coherence between the internal and external aspects, including international agreements, of the protection and promotion of human rights in the European Union, and stresses that legislation and policy making in the field of security and justice and the external dimension of the Union's policies should comply with the Charter of Fundamental Rights as well as the ECHR because the purpose of security and justice policies must be to ensure and protect freedom and fundamental rights;
6. Stresses the importance of ensuring, in all Member States, effective and coherent protection of the rule of law and prevention of infringements of fundamental rights, and acknowledges that the rule of law plays a key role in preventing infringements of fundamental rights; recalls that fundamental rights are part and parcel of the EU's values and that Article 7 of the EU Treaty contains a mechanism for responding to any serious, persistent breach or clear risk of a serious breach by a Member State of the values referred to in Article 2 of the TEU, and highlights that Article 7 should be applied uniformly to all Member States to ensure equality of treatment;
7. Welcomes, therefore, the framework provisions adopted by the Commission on 11 March 2014 on a new EU framework to strengthen the rule of law and the General Affairs Council's decision of 16 December 2014 on the establishment of a continuous dialogue on the state of the rule of law in the EU between Member States in the Council, since both mechanisms should be applied prior to the initiation of proceedings under Article 7 of the TEU, and calls on the Commission and the Council to notify Parliament regularly;
8. Points, however, at the same time to the major obstacles in the way of its implementation, in particular the fact that the formal establishment of the existence of a serious and persistent breach of the fundamental values of the Union in a Member State in accordance with Article 7(2) of the TEU requires unanimity in the Council;
9. Urges the EU institutions and the Member States to introduce an additional mechanism for the effective monitoring of respect for fundamental rights and the rule of law in Member States; believes that, without prejudice to existing mechanisms already applicable in the event of serious and persistent infringements, the proposed alternative should:

(a) widen the mandate of the EU Fundamental Rights Agency to include the monitoring

of fundamental rights and the rule of law in all Member States, both within and beyond the application of European Union law, and so as to allow it to disclose publicly information on a breach of fundamental rights by a Member State;

(b) enable the Commission, on the basis of the findings of the reports generated by the Fundamental Rights Agency, to initiate infringement procedures for violations of Article 2 of the TEU in order to effectively ensure a high level of protection of fundamental rights in the Member States;

10. Underlines the importance of cooperation between EU institutions and national parliaments, as well as between such bodies and the Council of Europe and other organisations; stresses that the protection of minority rights is a basic principle of democracy and deplors all forms of discrimination against minorities and vulnerable people and communities, as referred in Article 2 of the TEU, notes the Council's decision to monitor the human rights situation in the European Union;
11. Recalls the crucial importance of timely and correct transposition and implementation of EU law, especially when it affects and develops fundamental rights;
12. Stresses the need to strengthen institutional transparency, democratic accountability and openness in the EU and urges the competent EU institutions and all Member States to:
 - step up their efforts with a view to revising without delay Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents in order to ensure maximum transparency and simplified procedures for public access to information and documents; calls on the Commission, in this context, to relaunch the legislative initiative on an Accessibility Act, in the form of a cross-cutting instrument that can increase the protection afforded to persons with disabilities, and ensure cohesion between all EU policies in this respect;
 - bring forward a revision of the European Citizens' Initiative Regulation (Regulation (EU) No 211/2011) within this parliamentary term in order to improve its functioning, incorporating amendments so as to remove any administrative, organisational and financial obstacles as a result of which not all European citizens can properly exercise their democratic influence through the ECI as provided for in the Treaties; urges the Commission also to include in its proposal the necessary provisions to stop certain groups of citizens, such as those who are blind or living abroad, from being prevented from exercising their right to support citizens' initiatives, as such exclusion limits equality and engagement among citizens;
 - bring forward a revision of Directive 93/109/EC laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals, in order to help EU citizens who are resident in a State other than their own to participate in the European elections in their country of residence; calls on Member States to enable all their citizens to vote in the European elections, including those living outside the EU, particularly by means of an information campaign carried out in good time;

- give due consideration to the growing segment of the population that is completely disenfranchised as regards national elections because they can vote neither in their home country nor in their country of residence.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	5.5.2015
Result of final vote	+: 20 -: 2 0: 0
Members present for the final vote	Mercedes Bresso, Fabio Massimo Castaldo, Kostas Chrysogonos, Richard Corbett, Esteban González Pons, Danuta Maria Hübner, Ramón Jáuregui Atondo, Jo Leinen, Morten Messerschmidt, Maite Pagazaurtundúa Ruiz, Paulo Rangel, György Schöpflin, Pedro Silva Pereira, Barbara Spinelli, Claudia Tapardel, Josep-Maria Terricabras, Kazimierz Michał Ujazdowski
Substitutes present for the final vote	Max Andersson, Sylvie Goulard, David McAllister, Cristian Dan Preda, Viviane Reding

6.5.2015

OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY

for the Committee on Civil Liberties, Justice and Home Affairs

on the situation of fundamental rights in the European Union (2013-2014)
(2014/2254(INI))

Rapporteur: Daniela Aiuto

SUGGESTIONS

The Committee on Women's Rights and Gender Equality calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas Article 2 of the Treaty on European Union (TEU) states that the EU's founding values are 'human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities';
- B. whereas equality between men and women is a fundamental right and a common principle of the EU, and is still far from being achieved; whereas Articles 21 and 23 of the Charter of Fundamental Rights of the European Union set out a prohibition on any discrimination on the grounds of sex, and whereas violence against women is a brutal manifestation of gender inequality and is one of the most widespread types of violation of human rights in Europe;
- C. whereas Article 4 of the Charter of Fundamental Rights of the European Union prohibits all forms of inhuman or degrading treatment;
- D. whereas sexual and reproductive health and rights (SRHR) are grounded in basic human rights and are essential elements of human dignity¹; whereas the denial of lifesaving abortion amounts to a serious breach of human rights;
- E. whereas, in spite of a certain degree of progress made in some areas in recent years, one in two women have at some point in their lives experienced one or more forms of sexual harassment, and one in three women in the EU have, after the age of 15, experienced

¹ ICPD Programme of Action § 7.2 and 7.3.

physical and/or sexual violence at some point in their lives¹; whereas approximately 500 000 women in the EU have been subjected to female genital mutilation², and whereas violence against women and girls is a major obstacle to gender equality and constitutes an infringement of fundamental rights, and remains one of the most widespread forms of violation of human rights in the EU;

- F. whereas, according to the findings of a survey conducted in 2014 by the European Union Agency for Fundamental Rights, most women who have been subjected to violence do not report what has happened to the police;
- G. whereas violence against women as a form of gender discrimination is not explicitly included in European law, and is present in only three national legal systems (Spain, Sweden and Germany), and as a result, violence against women is not seen as a substantive equality issue; whereas the Member States adopt an ad hoc approach to defining violence against women and gender-based violence, with definitions varying widely in national legislation, thus rendering data incomparable;
- H. whereas, while punishments proportionate to the crimes committed do act as a deterrent against fundamental rights violations, the primary goal must remain to prevent crime (by means of education and cultural measures) rather than to take action after the event;
- I. whereas violence against women is the most widespread violation of fundamental rights in the European Union and throughout the world, and whereas it affects all levels of society, regardless of age, education, income, social position and country of origin or residence, and represents a major barrier to equality between women and men;
- J. whereas the violence suffered by women and girls includes physical and psychological abuse, rape, child abuse, abuse related to religious or other beliefs, sexual harassment and stalking, and domestic violence, also because of new technologies and the internet, through misogynistic language, threats and online slurs, and whereas in some cases this violence results in femicides and/or so-called crimes of honour, constituting a violation of women's fundamental right to dignity, equal treatment and access to justice as defined by the UN; whereas women and girls are entitled to the equal enjoyment and protection of all fundamental freedoms in the political, economic, social, cultural, civil or any other field³;
- K. whereas access to justice is a human right, and equal access to justice for men and women is fundamental to achieving gender equality; whereas women often face both socio-economic barriers to justice, such as economic dependence, lack of financial resources or legal aid, and cultural stereotypes leading to fear and shame, and procedural barriers to justice, such as lengthy criminal proceedings, discriminatory practices and low conviction rates; whereas disabled, rural, minority, migrant, refugee, or LGBTI women and girls may

¹ European Union Agency for Fundamental Rights (FRA) 'Violence against women: an EU-wide survey. Main results' (2014) http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results_en.pdf

² According to figures given by the Commission in a study entitled 'European Commission actions to combat violence against women' (January 2015).

³ Articles 1 and 3 of the UN Declaration on the Elimination of Violence Against Women of 20 December 1993 (A/RES/48/104).

face greater institutional bias in access to justice than other women;

- L. whereas the trafficking and sexual exploitation of women and children are a clear violation of human rights, human dignity and the fundamental principles of law and democracy; whereas today women are more vulnerable to these threats due to increased economic uncertainty and the higher risk of unemployment and poverty;
 - M. whereas in a labour market which is traditionally gender-segregated, the difficulty of balancing work and family life and the undervaluation of women's skills and work are among the complex causes of the persistent gender pay and pension gap;
 - N. whereas gender discrimination affects the labour market participation of women, and particularly of older women, single parents, women with a disability, migrant women and women from ethnic and cultural minorities;
 - O. whereas mass access to the internet has opened up still further opportunities for physical and psychological abuse of women, including online grooming;
 - P. whereas discrimination based on sex continues to this day, having serious repercussions on work, family and private life, and whereas this frequently happens in the field of education, training and services; whereas there are often cases of multiple discrimination against women on grounds other than gender, such as ethnic origin, belief, class, sexual orientation, religion and disability;
 - Q. whereas the economic crisis and austerity policies implemented in many Member States have imposed the shrinking of available budgets and the reduction of public services to assist victims of violence against women, with a negative effect that undermines fundamental rights and places women at increased risk of poverty, exclusion, discrimination and violence;
1. Urges the Commission to include SRHR, as basic human rights, in its next EU Health Strategy to ensure coherence between the EU's internal and external fundamental rights policy, as called for by Parliament on 10 March 2015¹;
 2. Calls on the Commission and the Member States to recognise the right to access safe and modern contraceptives and sexuality education in schools;
 3. Calls on the Member States to ensure the implementation of national strategies concerning respect for and the safeguarding of women's sexual and reproductive health and rights; insists on the role of the Union in awareness-raising and promoting best practices on this issue, given that health is a fundamental human right essential for the exercise of other human rights;
 4. Calls on the Commission to suggest specific steps that Member States may take to combat multiple discrimination;
 5. Calls on the Commission to promote a strategy and action plan to combat all forms of

¹ Texts adopted, P8_TA(2015)0050.

gender-based violence and homophobia, improving prevention and providing protection and assistance to victims, paying special attention to the most vulnerable people, such as children, the elderly, disabled people, refugees, asylum seekers and victims of discrimination; calls on the Commission to present a concrete and ambitious post-2015 strategy for gender equality;

6. Calls on the Member States to set up networks of centres providing support and shelter for women who are victims of trafficking and prostitution, ensuring that they receive psychological, medical, social and legal support and encouragement in finding stable employment and accompanying entitlements;
7. Roundly condemns all psychological and physical violence, including sexual violence, perpetrated against women; calls on the EU and the Member States to ensure that the victims receive assistance and protection;
8. Calls on the Member States to fully implement Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime and Directive 2011/99/EU on the European protection order;
9. Considers that violence against women such as honour killing, child marriage, trafficking, female genital mutilation and domestic violence are serious violations of human rights that should never be justified by religion, culture and tradition;
10. Stresses that in order to effectively combat violence against women and impunity, a change of attitude towards women and girls in society is necessary, where women are too often represented in subordinate roles and violence against them is too often tolerated or undermined;
11. Calls on the Member States to make it easier for women who have been subjected to violence to gain access to justice, and to promote the exchange of best practice;
12. Stresses the need to address gendered barriers to justice in the Member States, in both socio-economic and procedural terms, and urges the Commission and the Member States to take steps to remove them; calls on the Commission and the Member States to improve the collection of gender-disaggregated data on barriers to justice;
13. Urges the Commission and the Member States to ratify the Istanbul Convention, which is a powerful instrument to comprehensively tackle violence against women and girls, including marital rape, domestic violence and female genital mutilation;
14. Expresses serious concern about continuing genital mutilation practices, which are a serious form of violence against women and girls and constitute an unacceptable violation of their right to physical integrity; urges the EU and the Member States to exercise extreme vigilance with regard to such practices within their borders, and to put a stop to them as swiftly as possible; calls in particular on the Member States to adopt a firm and dissuasive approach by training people working with migrants and systematically and effectively prosecuting and punishing the perpetrators of genital mutilation, for which there must be zero tolerance; insists this should be paralleled with information and awareness-raising campaigns targeting the groups concerned; welcomes the fact that EU

legislation in the field of asylum views victims of genital mutilation as vulnerable persons and includes genital mutilation among the criteria for the granting of asylum;

15. Calls on the EU institutions and the Member States to look into the impact on fundamental rights of austerity measures, proposed or implemented, in a gender-sensitive manner, taking into account the disproportionate impact of austerity measures on women; calls on the EU institutions to take remedial action immediately where austerity measures have had a negative impact on women's economic, social and cultural rights;
16. Points out that too many women continue to fall prey to sexual harassment at the workplace, in every segment of the labour market; calls on the Member States to implement awareness-raising campaigns in this regard, targeting both the private sector and the civil service; calls on the Member States also to combat impunity in this field;
17. Is alarmed at the under-representation of women in decision-making processes, companies and their boards of directors, science and the political spheres, at both national and international levels (large companies, national and European elections) and, in particular, at local level; calls for women to be supported in their professional development and efforts to accede to executive posts, and calls on the EU institutions to pay greater attention to the finding that a mere 17.8 % of board members of the largest publicly listed companies in the EU are women;
18. Welcomes the fact that the report on the application of the Charter of Fundamental Rights contains a paragraph on the directive seeking to improve the gender balance among non-executive directors of companies listed on stock exchanges, as a way of promoting fundamental rights in order to achieve genuine equality between women and men on boards of directors;
19. Calls on the Commission to raise awareness of the need to foster a culture of respect and tolerance with a view to putting an end to all forms of discrimination against women;
20. Points out that over half of all postgraduates are women; considers that until there is equal representation of men and women in decision-making posts, positive discrimination measures should be taken in this respect; invites the Member States to take all necessary measures to promote the appointment of women to high-level posts;
21. Points out that the pay gap between men and women constitutes unacceptable discrimination and runs counter to the EU Treaties (Article 157 TFEU); deplores the fact that, in the EU, women still receive 16 % less than men, on average, for the same work; urges the Member States to ensure that the principle of equal pay for equal work is applied in all segments of the labour market;
22. Calls on the Commission to monitor the fundamental rights situation in the EU on the basis of gender-disaggregated data;
23. Calls on the Member States to give the National Institutes for Gender Equality independence and financial autonomy so that they can acquire the necessary staff and play an authoritative role; emphasises the importance of the Member States cooperating with Parliament in gender equality work to implement action plans and targeted

recommendations as regards boosting equality, combating violence against women and achieving a higher level of inclusion of women in society, regardless of the Member State the women are in;

24. Calls on the Commission to step up funding for projects and partnerships between the Member States and NGOs with recognised experience in assisting women who are victims of trafficking and prostitution;
25. Calls on the Commission and the Member States to take account of demographic developments and changes in the size and composition of households when designing their fiscal policies, social security and public services; notes that the number of single person households is on the rise in most Member States, but that most policies directly or indirectly discriminate against them and put them at an undue disadvantage; believes that people should not be rewarded or punished for the particular size and composition of the household they are part of; calls, therefore, for policies to be neutral with regard to household size or composition;
26. Calls on the Member States and the EU institutions to cooperate with the European Institute for Gender Equality (EIGE) and the Agency for Fundamental Rights, in keeping with the shared determination to work together to combat violence and gender discrimination;
27. Calls upon the Member States to step up their response to social media trolls who have targeted women disproportionately with online harassment;
28. Calls on the Commission and the Member States to recognise and promote the role of formal and informal education in helping to bring about gender equality through the empowerment of women and people identifying as LGBTI, thus protecting their fundamental rights;
29. Calls on the Member States to review their national legislation and repeal provisions that discriminate against women, as was recently the case as regards the rules governing one Member State's national retirement scheme, which determined the 'normal retirement age' differently depending on the gender of the person concerned, and, where women applicants were concerned, depending on the number of children they had raised¹;
30. Calls on the EU and the Member States to recognise the inalienable rights of women and girls to bodily integrity and autonomous decision-making.

¹Judgment of the Court of Justice of the European Union of 11 April 2013, Blanka Soukupová v Ministerstvo zemědělství, EU:C:2013:223.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	6.5.2015
Result of final vote	+ : 27 - : 5 0 : 1
Members present for the final vote	Daniela Aiuto, Maria Arena, Catherine Bearder, Beatriz Becerra Basterrechea, Malin Björk, Vilija Blinkevičiūtė, Anna Maria Corazza Bildt, Viorica Dăncilă, Iratxe García Pérez, Anna Hedh, Mary Honeyball, Teresa Jiménez-Becerril Barrio, Elisabeth Köstinger, Agnieszka Kozłowska-Rajewicz, Angelika Mlinar, Angelika Niebler, Maria Noichl, Marijana Petir, Terry Reintke, Liliana Rodrigues, Jordi Sebastià, Michaela Šojdrová, Ernest Urtasun, Ángela Vallina, Beatrix von Storch, Anna Záborská, Jana Žitňanská, Inês Cristina Zuber
Substitutes present for the final vote	Rosa Estaràs Ferragut, Constance Le Grip, Georg Mayer, Branislav Škripek, Monika Vana, Julie Ward
Substitutes under Rule 200(2) present for the final vote	Isabella Adinolfi

5.5.2015

OPINION OF THE COMMITTEE ON PETITIONS

for the Committee on Civil Liberties, Justice and Home Affairs

on the situation of fundamental rights in the European Union (2013-2014)
(2014/2254(INI))

Rapporteur: Soledad Cabezón Ruiz

SUGGESTIONS

The Committee on Petitions calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- having regard to Part Two of the Treaty on the Functioning of the European Union (‘Non-discrimination and Citizenship of the Union’) and to the Charter of Fundamental Rights of the European Union,
 - having regard to the right of petition enshrined in Article 227 of the Treaty on the Functioning of the European Union and to Rules 215 to 218 of its Rules of Procedure,
 - having regard to Rule 53 of its Rules of Procedure,
 - having regard to its previous resolutions on the deliberations of the Committee on Petitions,
 - having regard to the Commission report of 8 May 2013 entitled ‘EU Citizenship Report 2013 – EU citizens: your rights, your future’ (COM(2013)0269),
 - having regard to the opinion of the Court of Justice of the European Union delivered on 18 December 2014 on the draft agreement on the accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (Opinion 2/13) and to the problems it identifies with regard to its compatibility with EU law,
- A. whereas rights inherent to Union citizenship are incorporated in the Treaties and in the Charter of Fundamental Rights of the European Union; whereas the Treaty of Lisbon has strengthened the enforceability of fundamental rights with respect to the implementation

of EU law by Member States at national level; whereas the entry into force of the Charter together with the Treaty of Lisbon generated great expectations among EU citizens that a new age of enhanced rights had begun in Europe; whereas Article 51 of the Charter states that the Member States and the institutions, bodies and agencies of the EU must respect these rights and observe the principles and promote the application thereof in accordance with their respective powers; whereas that article is regarded by the Commission as a limitation on the exercise of its role as guardian of the Treaties; whereas the accession of the EU to the ECHR will strengthen its commitment to the protection of fundamental rights;

- B. whereas promoting the principles of democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, and respect for human dignity on the international scene can only be sincere if those principles are fully and thoroughly respected and implemented in the EU Member States; whereas, according to Eurobarometer, trust in the judiciary in some Member States is extremely low;
- C. whereas almost one third of petitions received by Parliament relate to alleged breaches of fundamental rights referred to in the Charter, touching on issues such as citizenship, the four freedoms, employment, economic circumstances, environmental and consumer protection, justice systems, voting rights and democratic participation, transparency in decision-making, disability, children's rights, access to education or language rights; whereas some of those petitions raise questions related to health issues and access to healthcare and health services, but also questions related to the right to work as a direct consequence of the economic crisis; whereas petitions are usually the earliest indicators of the situation of fundamental rights in the Member States;
- D. whereas the Court of Justice of the European Union plays a major role, in particular through general principles of law, in the protection of fundamental rights within the EU; whereas the case law of the Court of Justice of the European Union (CJEU) and that of the European Court of Human Rights are generally in line with one another; whereas the accession of the EU to the European Convention on Human Rights should be rethought in view of the opinion of the CJEU handed down on 18 December 2014;
- E. whereas the right to petition has established a tight bond between the EU's citizens and the European Parliament; whereas the European Citizens' Initiative has introduced a new direct link between the EU's citizens and the EU institutions and can enhance the development of fundamental rights and citizens' rights; whereas citizens' rights include the right to petition as a means of citizens upholding their own fundamental rights, as laid down in Article 44 of the Charter and Article 227 TFEU;
- F. whereas it is recognised that national authorities (judicial authorities, law enforcement bodies and administrations) are key actors in giving concrete effect to the rights and freedoms enshrined in the Charter;
- G. whereas the Commission should continue to be vigilant regarding Member States' failure to transpose EU legislation or their poor transposition thereof; whereas EU citizens are insufficiently informed about their fundamental rights;
- H. whereas the effectiveness of specialised institutions such as national human rights

institutions or equality bodies is important to help citizens better enforce their fundamental rights to the extent that Member States apply EU law;

- I. whereas the economic crisis and the austerity measures based on cuts in public services, abolition of labour rights, privatisation and restrictions on public spending, have also had a negative impact on universal access to quality education in relation to Article 14 of the Charter, the right to fair and decent work as recognised in Article 31, the right to healthcare as recognised in Article 35, the right to property as recognised in Article 17, and the right to social security and welfare services as recognised in Article 34;
 - J. whereas the right to vote and stand as a candidate in local elections and European Parliament elections in one's Member State of residence is recognised in Articles 39 and 40 of the Charter; whereas exercising the right of mobility should not hamper this right;
 - K. whereas Article 21 of the Charter recognises the right to freedom from discrimination on the grounds of factors 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 or sexual orientation; whereas under Article 19(1) TFEU the EU can adopt legislation to combat specific types of discrimination;
 - L. whereas the Charter enshrines the right to good administration within the Union; whereas it also lays down the right to access the documents of the three main EU institutions; whereas the European Ombudsman represents the guarantee that these rights are respected;
 - M. whereas for people with disabilities the rate of poverty is 70 % higher than the average, partly owing to limited access to employment;
 - N. whereas Articles 37 and 38 of the Charter recognise the right to a high level of environmental protection intrinsically linked to the deployment of the policies of the Union;
1. Deplores instances of discrimination against minorities, including ethnic and national minorities, on the grounds that human dignity is inviolable; calls for the Anti-Discrimination Directive, which seeks to implement the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, to be unblocked in the Council; underlines the fact that specific needs of the most vulnerable citizens such as minorities should be addressed in an appropriate way; calls on the Council and the Commission to act effectively and responsibly to uphold the values of the Union in relation to Member States which fail to fully respect their Treaty obligations on such issues;
 2. Regrets that laws are being sponsored in a number of Member States which make proper compliance with the Charter of Fundamental Rights difficult or impossible, on account of the way they restrict freedom of assembly, freedom of association, freedom of speech and the right to collective bargaining and action;
 3. Calls on the Commission to ensure as a matter of urgency that the Member States transpose and correctly apply Directive 2004/38/EC on the free movement of citizens,

given the frequent recurrence of petitions on the subject of problems encountered, also by their spouses and children; notes the increase in petitions from a number of Member States on child custody disputes in a cross-border context in the framework of the Brussels IIa regulation, and also particularly against some Member States' authorities on the withdrawal of custody from parents who have exercised the freedom of movement within the EU;

4. Underlines the need for possible treaty changes with a view to further strengthening the protection of fundamental rights in the EU Treaties;
5. Calls on the Member States and the EU institutions to be fully engaged in the protection of children's rights in cross-border family disputes; emphasises the need to promote children's rights across EU policies in order to ensure that the best interests of the child are always taken into consideration;
6. Stresses that the interests and rights of children of EU citizens should be properly protected, not just within the Union but also beyond its borders, and calls consequently for enhanced cooperation with the institutions responsible for children's well-being in non-EU Nordic countries; considers that all the EU's partners (including members of the EEA) should ratify the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children;
7. Calls for more emphasis to be laid on protection of the rights of the child, and especially in regard to help for children who are removed from their home while living abroad; considers that the UN Convention on the Rights of the Child should be the basis for settling all child custody disputes involving families residing outside their own country, as it gives special attention to preserving the child's identity;
8. Calls for the ratification by all Member States of the Istanbul Convention so that 2016 can be the year of combating violence against women;
9. Stresses that the role of the Commission as the guardian of the Treaties is not limited to ensuring that legislation is transposed by the Member States, but also extends to the full and correct application of laws, in particular with a view to protecting citizens' fundamental rights; regrets the effective limitation of the scope of application of the Charter due to an excessively restrictive interpretation of its Article 51, read as preventing it from covering the enforcement of EU law; is of the opinion that such an approach should be revised to meet EU citizens' expectations in relation to their fundamental rights; recalls that the expectations of citizens go beyond the strict interpretation of the Charter and the objective should be to render these rights as effective as possible; regrets therefore that the Commission pleads lack of competence in numerous replies to petitions complaining of a possible breach of fundamental rights; in this framework calls for the establishment of a mechanism for the monitoring, systematic evaluation and issuing of recommendations, to foster overall compliance with fundamental values in the Member States;
10. Recalls that the guarantee of respect for fundamental rights also extends to citizens of non-EU countries when on EU territory, and that summary returns, indefinite detention in

immigrant detention centres or denial of basic healthcare all breach precepts laid down in the Charter of Fundamental Rights;

11. Points to the legal vacuum as regards citizens' access to legal redress when Member States have not, or have only belatedly, transposed EU legislation that concerns them directly; stresses the need for coordination of actions at all levels to protect and promote fundamental rights encompassing EU institutions, Member States, regional and local authorities, NGOs and civil society;
12. Points out that in many cases it is hard for the public to know precisely which institution they should turn to when their fundamental rights are violated, and stresses the need for clear and accessible information aimed at avoiding any confusion over the scope and applicability of the Charter of Fundamental Rights or the procedure for obtaining legal redress;
13. Reminds the Commission of its institutional duty to analyse citizens' complaints in relation to possible violations of fundamental rights not only by the EU and by Member States in the application of EU law, but also in relation to situations of systematic failure in the protection of fundamental rights within the Member States;
14. Calls on the Member States , on a basis of full respect for the principle of subsidiarity, to adopt all necessary measures to ensure that the fundamental rights of universal access to quality healthcare, justice, social services and high-quality education are restored to all EU citizens, and above all to the 122 million Europeans at risk of poverty and social exclusion, and to ensure that the tangible and intangible barriers experienced by persons with disabilities are eliminated; stresses that affordable access to energy for every household is fundamental and targeted measures must be implemented; calls on the Member States also to recognise environmental protection as being a key factor in guaranteeing the fundamental right to health;
15. Calls on the Member States and the Commission to remove existing obstacles within the internal market to enable the full exercise of the right of free movement;
16. Recalls that the portability of social security rights and unemployment benefits, pension rights and healthcare rights, in particular for the disabled, and the recognition of professional qualifications and academic credits are important in ensuring the full accomplishment of fundamental rights and civil liberties, including on the basis of the achievement of worker mobility, which has increased in recent years due to the economic crisis; notes, however, that many citizens still encounter problems in asserting these rights; reiterates that mutual recognition of university degrees is essential in order for EU citizens to have proper mobility;
17. Invites the Member States to adopt the necessary legal and administrative provisions to ensure that all EU citizens of voting age can exercise their voting rights in national and regional elections that affect them;
18. Calls on the Member States and the Commission, when proposing legislation, to strike a balance between counter-terrorism measures and the protection of fundamental rights, so that the latter is not compromised;

19. Expresses particular concern at the recent adoption in certain Member States of legislation that restricts the recognised fundamental rights of freedom of expression and assembly; considers that such legislation undermining civil rights leads to a trend of democratic regression;
20. Regrets and condemns the legislation of a LGTBI-phobic nature passed in some Member States which places restrictions on the right to non-discrimination on grounds of sexual orientation and free speech for lesbians, gays and transsexual and bisexual people, in addition to attacking the right of all citizens to enter into a marriage and found a family;
21. Calls for the maternity leave directive to be unblocked in Council, as this piece of legislation will make real and tangible gender equality possible, as well as bringing about harmonisation at EU level;
22. Calls on the Commission to relaunch the legislative initiative for an Accessibility Act, in the form of a cross-cutting instrument that can increase the protection afforded to persons with disabilities and ensure cohesion between all EU policies in this respect;
23. Requests the Commission to take a step forward in consolidating the right to good administration by turning the Code of Good Administrative Behaviour of the EU into a legally binding regulation;
24. Calls on the Commission and the Member States to ensure through their policies that fundamental rights are properly respected, guaranteed, protected and developed further within the EU; calls on the Member States to renew their efforts to recognise the right of petition and the right of recourse to the Ombudsman as a means for citizens to uphold their rights;
25. Expresses its concern, on the basis of hundreds of petitions received yearly, at the shortcomings in the actual implementation in Member States of the provisions, both in letter and spirit, of the EU environmental legislation, such as the Environmental Impact Assessment and Strategic Environmental Assessment directives; asks the Commission to undertake closer oversight of the substance of such procedures, particularly when specific cases are subject to petitions;
26. Reiterates the importance of the European Citizens' Initiative (ECI), as a new citizens' right introduced by the Lisbon Treaty which aims at increasing participatory democracy in the EU; notes the importance of the ECI as a powerful tool providing European citizens with a direct democratic right to contribute to the decision-making process of the EU, in addition to European citizens' right to submit petitions to the European Parliament (EP) and their right of appeal to the European Ombudsman;
27. Calls on the Commission to strengthen the role of the European Citizens' Initiatives (ECIs) by adopting a citizen-friendly approach to tackling all deficiencies of this instrument in the upcoming revision of Regulation 211/2018 whilst at the same time improving information campaigns to citizens on the use of the ECI and its powers to influence the EU policy-making process;
28. Calls on all the EU institutions and Member States to ensure respect for the principles of

democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms and respect for human dignity, both in the Member States and on the international scene;

29. Supports the programme of EU judicial training for national judges, who are key actors in enforcing citizens' rights; warns of the risk of the right to effective legal remedy not being respected in cases where national court procedures are subject to unacceptable delays; expresses the view that in order to respect the principle of equality before the courts and effective access to justice, socio-economic barriers affecting access such as excessive judicial fees and taxes should be tackled in each and every Member State; notes the legal uncertainty generated by any retrospective provision in new legislation of Member States, as well as in cases of continuous changes in the same regulatory field, which de facto hinders access to justice; calls on the Member States to ensure the effective implementation of the right of access to justice, as well as an independent, equitable, effective and impartial justice system operating reasonable time limits;
30. Calls on the Commission to take into account the Göncz report of 17 February 2014 on evaluation of justice in relation to criminal justice and the rule of law, which regrets the lack of available data on national justice systems and therefore calls on the Member States to cooperate fully with the EU and Council of Europe institutions and to collect and provide, on a regular basis, impartial, reliable, objective, and comparable data on their justice systems; calls for an effective mechanism for a regular assessment of Member States' compliance with the fundamental values of the EU, as set out in Article 2 TEU, providing a basis for an early warning tool and emphasises that the Commission is empowered to bring a Member State failing to fulfil an obligation under the Treaties before the Court of Justice of the European Union;
31. Welcomes the European e-Justice portal, which is operated by the Commission and provides professionals and the public with information on justice systems and is a practical tool to improve access to justice, with a separate section on fundamental rights which aims at informing citizens where to turn in cases of violations of their fundamental rights.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	16.4.2015
Result of final vote	+ : 30 - : 0 0 : 1
Members present for the final vote	Marina Albiol Guzmán, Margrete Auken, Beatriz Becerra Basterrechea, Heinz K. Becker, Soledad Cabezón Ruiz, Andrea Cozzolino, Pál Csáky, Miriam Dalli, Eleonora Evi, Sylvie Goddyn, Peter Jahr, Rikke Karlsson, Jude Kirton-Darling, Svetoslav Hristov Malinov, Notis Marias, Edouard Martin, Roberta Metsola, Julia Pitera, Gabriele Preuß, Laurențiu Rebegea, Sofia Sakorafa, Jarosław Wałęsa, Cecilia Wikström, Tatjana Ždanoka
Substitutes present for the final vote	Michela Giuffrida, Jérôme Lavrilleux, Josep-Maria Terricabras, Ángela Vallina, Rainer Wieland
Substitutes under Rule 200(2) present for the final vote	Isabella Adinolfi, Paul Brannen

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	2.7.2015
Result of final vote	+: 32 -: 25 0: 1
Members present for the final vote	Martina Anderson, Heinz K. Becker, Michał Boni, Ignazio Corrao, Rachida Dati, Frank Engel, Tanja Fajon, Laura Ferrara, Monika Flašíková Beňová, Lorenzo Fontana, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Jussi Halla-aho, Monika Hohlmeier, Brice Hortefeux, Filiz Hyusmenova, Sophia in 't Veld, Iliana Iotova, Eva Joly, Timothy Kirkhope, Barbara Kudrycka, Kshetu Kyenge, Marju Lauristin, Juan Fernando López Aguilar, Monica Macovei, Louis Michel, Claude Moraes, Péter Niedermüller, Judith Sargentini, Birgit Sippel, Branislav Škripek, Csaba Sógor, Helga Stevens, Traian Ungureanu, Marie-Christine Vergiat, Udo Voigt, Josef Weidenholzer
Substitutes present for the final vote	Laura Agea, Marina Albiol Guzmán, Carlos Coelho, Pál Csáky, Miriam Dalli, Gérard Deprez, Teresa Jiménez-Becerril Barrio, Marek Jurek, Jeroen Lenaers, Ulrike Lunacek, Andrejs Mamikins, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Kati Piri, Barbara Spinelli, Jaromír Štětina, Josep-Maria Terricabras, Róza Gräfin von Thun und Hohenstein, Elissavet Vozemberg
Substitutes under Rule 200(2) present for the final vote	Daniela Aiuto, Jude Kirton-Darling, Momchil Nekov, Charles Tannock, Romana Tomc, Mihai Țurcanu

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

[32]	+
ALDE	G�rard Deprez, Nathalie Griesbeck, Louis Michel, Angelika Mlinar, Maite Pagazaurtund�a Ruiz
ECR	
EFDD	Laura Agea, Daniela Aiuto, Ignazio Corrao, Laura Ferrara
EFN	
EPP	
GREENS/EFA	Eva Joly, Ulrike Lunacek, Judith Sargentini, Josep-Maria Terricabras,
GUE/NGL	Marina Albiol Guzm�n, Martina Anderson, Barbara Spinelli, Marie-Christine Vergiat
NI	Juan Fernando L�pez Aguilar
S&D	Miriam Dalli, Tanja Fajon, Monika Fla�ikov� Be�ov�, Ana Gomes, Sylvie Guillaume, Iliana Iotova, Jude Kirton-Darling, Kashetu Kyenge, Marju Lauristin, Andrejs Mamikins, Momchil Nekov, P�ter Niederm�ller, Kati Piri, Birgit Sippel

[25]	-
ALDE	
ECR	Jussi Halla-aho, Marek Jurek, Timothy Kirkhope, Branislav �kripek, Helga Stevens, Charles Tannock
EFDD	
EFN	Lorenzo Fontana
EPP	Heinz K. Becker, Michal Boni, Carlos Coelho, P�l Cs�ky, Rachida Dati, Frank Engel, Kinga G�l, Brice Hortefeux, Teresa Jim�nez-Becerril Barrio, Barbara Kudrycka, Jeroen Lenaers, Monica Macovei, Jarom�r �t�tina, Csaba S�gor, R�za Gr�fin von Thun und Hohenstein, Romana Tomc, Mihai �urcanu, Elissavet Vozemberg
GREENS/EFA	
GUE/NGL	
S&D	

[1]	0
NI	VOIGT UDO

Key to symbols:

+ : in favour

- : against

0 : abstention