Amendment 3
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on behalf of the PPE Group

Report
Laura Ferrara
Situation of fundamental rights in the EU (2013-2014)
2014/2254(INI)

Motion for a resolution (Rule 170(4) of the Rules of Procedure) replacing non-legislative
motion for a resolution A8-0230/2015

European Parliament resolution on the situation of fundamental rights in the European
Union (2013-2014)

The European Parliament,

– having regard to the preamble of the Treaty on European Union (‘EU Treaty’) and the
relevant articles thereof,

– 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
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 women\(^1\) 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,

– 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 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 Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin\(^3\),

– having regard to the Council recommendation of 9 December 2013 on effective Roma integration measures in the Member States\(^4\),

– having regard to the package of directives on Procedural Defence Rights in the EU\(^5\),

– 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 law\(^6\),


– 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

\(^1\) Texts adopted, P7_TA(2014)0126.
\(^3\) OJ L 180, 19.7.2000, p. 22.
\(^7\) OJ L 101, 15.4.2011, p. 1.
as a reference for interpreting national law,

– 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 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 its resolution of 12 December 2013 on the progress made in the implementation of the National Roma Integration Strategies\(^2\),

– having regard to its resolution of 12 September 2013 on the situation of unaccompanied minors in the EU\(^3\),

– having regards to its resolutions on fundamental rights and human rights, the protection of minorities and anti-discrimination policies,

– 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 Rule 52 of its Rules of Procedure,

A. 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;

B. 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


\(^{2}\) Texts adopted, P7_TA(2013)0594.

\(^{3}\) Texts adopted, P7_TA(2013)0387.
Commission must ensure application of the Treaties;

C. 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;

D. 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;

E. 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;

F. 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, notably in relation to the development of an area of freedom, security and justice and the mutual recognition principle;

G. whereas corruption causes social harm and breaches of fundamental rights; whereas an efficient, independent and impartial judicial system is essential for ensuring the rule of law and the protection of the fundamental rights and civil liberties of citizens in Europe;

H. whereas Article 4 of the Charter of Fundamental Rights of the European Union prohibits all forms of inhuman or degrading treatment;

I. whereas children make up one third of the world’s population and one fifth of the population of the EU; whereas children’s rights form part of the human rights that the EU and its Member States must respect and promote; whereas the situation of children in Europe and around the world is far from satisfactory and whereas these vulnerable citizens still face numerous restrictions or violations of their rights;

J. 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;

K. 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;

L. 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 and assist and protect asylum seekers and refugees;

M. 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;
N. whereas the manifestations of extreme nationalism, racism, xenophobia and intolerance have not yet disappeared from our societies; whereas, on the contrary, they appear to be on the rise in many Member States;

O. 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;

P. whereas there are about 80 million European citizens with disabilities; whereas people with disabilities still face a lack of assistance and of support for their inclusion; whereas the EU, as a party to the UN Convention on the Rights of Persons with Disabilities, has the obligation to promote, protect and respect the rights of persons with disabilities as enshrined in the Convention;

Q. whereas women and girls are the main victims of gender-based violence; whereas hundreds of thousands of women living in Europe have been subjected to genital mutilation and thousands of girls are at risk;

R. 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 such risks owing to increased economic uncertainty and the higher risk of unemployment and poverty;

S. whereas Roma, the largest ethnic minority in Europe, continue to be the victims of severe discrimination, racist attacks, hate speech, poverty and exclusion;

T. 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’;

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; underlines the fact that the European Union is bound to adopt legislation in full compliance with its competences as set by the Treaties and in accordance with the principle of subsidiarity;

2. Calls on the Member States to ensure that legislative proposals and policies comply with the Charter and respect fundamental rights, and that the impact of EU legislation and its implementation by the Member States on fundamental rights are systematically examined in evaluation reports on the implementation of EU legislation, annual reports on monitoring the application of EU law and impact assessments;

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; notes his statement during his hearing before Parliament that existing legislation and procedures are sufficient to ensure the rule of law and welcomes his commitment to properly enforce the ‘EU Framework to strengthen the Rule of Law’ for addressing and resolving situations involving systemic threats to the rule of law, thus acting before and complementing the Article 7 mechanisms; embraces his intention to hold an annual colloquium on fundamental rights with the participation of all relevant stakeholders, including the European Parliament;

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. Notes the Commission’s communication on a new EU framework to strengthen the rule of law, consisting of a structured dialogue between the Commission and the Member State concerned, including a Commission assessment, a Commission recommendation and a follow-up to the recommendation as a way 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;

8. Calls on the Commission to trigger, when necessary, the said framework with the aim of:

(a) improving the EU’s capacity to act and intervene in certain types of crisis situations relating to the rule of law by targeting the key issue at stake;

(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; encouraging efforts to make all relevant monitoring activities and assessments performed by the EU institutions, the Council of Europe and the Fundamental Rights Agency on the situation regarding fundamental rights in the EU and in individual Member States more accessible;

(c) ensuring that, where the three-stage process provided for by the framework fails to resolve the issue, the Commission assesses the possibility of activating one of the mechanisms set out in Article 7 TEU;

9. Welcomes the fact that the Council is to hold an annual dialogue in the General Affairs Council on the rule of law in Member States, the result of which will be evaluated
towards the end of 2016;

10. 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;

11. 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**

12. Notes that instances of terrorism have led the EU and its Member States to intensify anti-terrorist and counter-radicalisation measures; stresses that all security measures should comply with the principles of democracy, the rule of law and fundamental rights;

13. 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;

14. 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;

15. 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;

16. Underlines the crucial role of education in preventing radicalisation and the rise of intolerance and extremism among young people;

**Freedom of religion and conscience**

17. 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-Muslim 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 in 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; strongly condemns attacks against places of worship and urges Member States not to allow such offences to go unpunished;

18. 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;

19. 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;

20. Expresses deep concern at the growth of anti-Muslim demonstrations and attacks on mosques; 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

21. 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, birth, disability, age or sexual orientation;

22. 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;

23. 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;

Promotion of minorities

24. 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;

25. 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;

26. 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;

27. 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

28. 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;

29. 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;

30. 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;

Violence against women and equality between women and men

31. 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, early or forced marriage and honour crimes;

32. 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 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;

33. 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;

34. 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;
35. 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;

**Children’s rights**

36. 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;

37. Strongly condemns the sexual exploitation of children, particularly the growing phenomenon of child abuse on the internet; urges the Union and Member States to unite in their efforts to combat these severe 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;

38. 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;

39. 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; reiterates the importance of protecting and promoting equal access to health care, dignified accommodation and education for Roma children;

40. 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;

41. 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;

42. 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**

43. 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;

44. Strongly condemns any discrimination on the basis of sexual orientation and gender identity, and strongly regrets that the fundamental rights of lesbian, gay, bisexual, transgender and intersex (LGTBI) people are not yet always fully upheld in the European Union; calls on the European Commission, the Member States and the relevant agencies to work jointly on a comprehensive multiannual policy to protect the fundamental rights of LGTBI people; emphasises, nevertheless, that this comprehensive policy must respect the competences of the European Union, of its agencies, and of its Member States;

**Rights of people with disabilities**

45. 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;

46. 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;

47. 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;

48. 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;

**Age discrimination**

49. 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;

50. 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;

51. 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;

**Hate crime and hate speech**

52. 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;
53. 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;

54. 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;

55. 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;

56. 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;

57. 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;

58. 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;

Rights of migrants and applicants for international protection

59. 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:

– 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 core 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;

– 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 mechanism for the fair and equitable 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;

60. 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;

61. 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;

62. 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;

63. Calls on the Member States to ratify without further delay the Council of Europe
Constitution on Action against Trafficking in Human Beings;

**Solidarity in the economic crisis**

64. Regrets the ways in which the financial, economic and sovereign debt crisis, together with economic measures that had to be taken, has affected economic and social rights, often resulting in poverty, exclusion and isolation;

65. Emphasises that Member States which implement structural reforms and corrective measures in their social and economic systems are always under an obligation to observe the Charter;

**Criminality and the fight against corruption**

66. 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;

67. 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;

68. 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;

69. Stresses that human trafficking and all forms of exploitation and criminal activities are becoming increasingly common in Europe and have been fuelled over recent years by the spiralling increase of immigrants present inside and outside the EU; calls on the Commission, therefore, to strengthen European legislation on human trafficking in order to improve harmonisation of the national laws of the Member States;

**Conditions in prisons and other custodial institutions**

70. Points out that the fundamental rights of prisoners must be guaranteed by the national authorities; deprecates the conditions in the prisons and other custodial institutions of numerous Member States including prison overcrowding and ill-treatment of prisoners;
72. 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));

73. 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;

74. 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

75. 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;

76. 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 judicable, 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;

77. 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;

78. 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;

79. 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;

Citizenship

80. 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;

81. 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;

82. Applauds the European Ombudsman for her determination to ensure good administration and transparency in EU institutions and bodies;

83. 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;

84. 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;

85. 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

86. 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;
87. Instructs its President to forward this resolution to the Council and the Commission.