



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Petitions

2011/2069(INI)

13.7.2012

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 (2010-2011)
(2011/2069(INI))

Rapporteur: Adina-Ioana Vălean

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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 in its motion for a resolution:

- having regard to the 2011 report from the Commission on the application of the EU Charter of Fundamental Rights (COM(2012)169(final)),
- having regard to Parliament's report on the EU Citizenship Report 2010 – Dismantling obstacles to EU citizens' rights¹,
- whereas almost one third of petitions received by Parliament refer to alleged breaches of fundamental rights that are referred to in the Charter,

General

1. Reaffirms, in this context, that the EU and its institutions have a duty, and a responsibility, to respect, guarantee, protect and promote the fundamental rights, civil liberties and European principles and values that are inalienable for European citizens in the EU, on the basis of the Charter and of Articles 2, 6, 7 and 9-12 TEU, notably in cases where these rights and liberties are not effectively and appropriately guaranteed at national level; insists that Article 51 of the Charter should not be used to minimise the importance of the Charter and of its application, and underlines that this article does not abrogate the role and powers that EU institutions have in relation to the protection, defence and promotion of European fundamental values – such as respect for human dignity and freedom – and the principles of democracy, rule of law, good governance, peace, citizenship, equality of gender and non-discrimination;
2. Recalls the duty and the responsibility of Parliament towards the European citizens and residents to defend and promote their interests. This bond between Parliament and the citizens finds its expression in the petitions process, established by the Treaty under Article 227, creating an obligation to seek non-judicial remedies on behalf of petitioners, where appropriate and based upon the facts of each case, in order to assist citizens in the exercise of their fundamental rights and civil liberties, and to ensure that the values and principles contained in the Charter and the Treaties are properly applied in the European Union and in each and every Member State;
3. Calls on the Member States to fulfil their obligations to protect their citizens' fundamental rights and civil liberties, to modify or delete those terms which limit the fundamental rights of the citizens, and urges Member States to honour their commitment and its deriving obligations made under the terms of the Lisbon Treaty² for the EU to sign and ratify the European Convention on Human Rights, thus closing gaps in legal protection by giving European citizens the same rights vis-à-vis the acts of the Union as they presently enjoy vis-à-vis the Member States of the Union; recalls, in this context, the need for clear

¹ Texts adopted, P7_TA(2012)0120.

² TEU, Article 6§2.

information regarding the scope and applicability of the Convention in relation to the Charter, in order to avoid confusion among citizens as to whom to address in a given situation of alleged fundamental rights breaches;

4. Underlines the close link between the rights inherent to EU citizenship and those enshrined in the Charter of Fundamental Rights applicable to all persons on EU territory;

Specific issues

5. Calls on the Council to respect its commitments in relation to fundamental rights, to unblock as a matter of urgency the Commission proposal of 2 July 2008 for a Council Directive on implementing the principle of equal treatment between persons irrespective of gender, religion, culture, language, education, disability, age or sexual orientation; emphasises in this context the rights of the most vulnerable groups of people, meaning , children, in particular for the protection of their personal integrity and in the context of cross-border custody disputes and parental visiting rights, people with disabilities as well as the elderly and ethnic minorities;
6. Calls on the Member States to ensure effective implementation of the directive on equal treatment between persons irrespective of racial or ethnic origin¹ as well as the of relevant legislation on equal treatment between women and men²;
7. Deplores instances of discrimination against minorities, on the principle that human dignity is inviolable, and calls on the Council to act effectively and responsibly to uphold the values of the Union in relation to Member States who fail to fully respect their Treaty obligations on such issues;
8. Draws attention to the number of petitions that concern restrictions on the freedom of the media , and calls on the Commission to task the Agency for Fundamental Rights (FRA) to monitor and study the legislation in this field to ensure that common standards for media pluralism and media freedom are applied, as well as to monitor the situation on democracy and fundamental rights in the Member States, with annual reports on its findings; requests. consequently, that adequate funding should be allocated to the FRA to perform these tasks; welcomes the own-initiative report by Parliament on setting standards for media freedom across the EU, which could lead to a review of EU legislation, and suggests that the FRA and the European Institute for Gender Equality should be merged. or that a legal framework be created providing for close cooperation and coordination between these two agencies, in order to combat in an effective way violations of rights guaranteed by the Charter of Fundamental Rights;
9. 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;

¹ 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

² 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services; 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

10. Recalls that the portability of social security benefits, pensions, health care and recognition of professional qualifications and academic credits are important issues that ensure the full accomplishment of fundamental rights and civil liberties, including on the basis of the completion of the internal market, but notes that many citizens still encounter problems in asserting these rights; calls on the Commission and the Member States, therefore, to ensure that these rights are properly respected, guaranteed, applied and developed;
11. Stresses that the Commission's role 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; 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;
12. Suggests that the Commission's Annual Report on Human Rights should include an evaluation of the situation in the Member States; launches the proposal for Parliament to hold an annual conference, hosted jointly by its Committees on Civil Liberties, Justice and Home Affairs and on Petitions, with the participation of civil society and other stakeholders in the area;
13. Welcomes the Commission policy of providing citizens with concrete information on their rights and the avenues for legal recourse open to them in the event of a breach of their fundamental rights, noting that more consistency and coordination in the work and public presentation of the different communication tools of the Commission will be key for making this information more accessible to citizens; underlines at the same time the fact that this does not discharge the Commission from 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; calls on the Commission to abide by its role of defending the European legal order based on democracy and fundamental rights and to bring such situations to the attention of the Member States concerned; considers that the European Parliament, which has a much broader political field of activity, should make explicit to all EU citizens and residents the actions it is taking to safeguard and defend their fundamental rights;
14. Calls on the Commission to review the regulation establishing the Fundamental Rights Agency with a view to strengthening its mandate and powers, as well as its independence;

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	12.7.2012
Result of final vote	+: 21 -: 0 0: 0
Members present for the final vote	Margrete Auken, Victor Boștinaru, Philippe Boulland, Giles Chichester, Nikolaos Chountis, Iliana Malinova Iotova, Carlos José Iturgaiz Angulo, Lena Kolarska-Bobińska, Erminia Mazzoni, Willy Meyer, Chrysoula Paliadeli, Nikolaos Salavrakos, Jarosław Leszek Wałęsa, Rainer Wieland
Substitute(s) present for the final vote	Zoltán Bagó, Birgit Collin-Langen, Axel Voss
Substitute(s) under Rule 187(2) present for the final vote	Ioan Enciu, Petru Constantin Luhan, Bogdan Kazimierz Marcinkiewicz, Franck Proust, Renate Sommer, Hermann Winkler