



## Assessing fundamental rights in the European Union

Since 1993, the European Parliament has held regular debates on the situation of fundamental rights in the EU Member States (MS). In the context of the Charter of Fundamental Rights, these debates frame democratic and political dialogue on the initiatives taken by EU institutions, agencies and Member States in domains of EU competence.

### Promoting fundamental rights

In 1977, an [interinstitutional declaration](#) set out the institutions commitment to abide by fundamental rights, in particular those set out in the European Convention on Human Rights (ECHR). In a [1989 resolution](#), the European Parliament (EP) adopted the Declaration of fundamental rights and freedoms as a first list of Community rights.

In 2000, a European Convention, made up of representatives of the EP, national parliaments and governments, drafted the EU Charter of Fundamental Rights.

The Charter has been part of EU primary law since the entry into force of the Lisbon Treaty (Article 6(1) TEU). It is binding on EU institutions and on MS when implementing EU law. Given it has the same legal value as the Treaties, EU legislators must therefore ensure that the fundamental rights dimension is embodied in all EU legislation and implementing policies. This principle has been reiterated in the [Stockholm Programme](#) on the implementation of the European Area of Freedom, Security and Justice.

In this perspective, European institutions, agencies and bodies have strengthened their rights assessment mechanisms. Once the [EU's accession](#) to the ECHR is complete, the European Court of Human Rights will provide an additional level of judicial control within the EU system.

### EP long-standing reporting practice

The EP has consistently advocated that fundamental rights be strictly monitored. On 11 March 1993, it adopted its first annual report on respect for human rights in the EU. The

Council followed the EP's example, adopting its first annual report on the issue in 1999. After the entry into force of the Lisbon Treaty, the Commission started its own annual reports on fundamental rights [in 2010](#).

However compared with the reports of other EU institutions and agencies, Parliament's resolutions are more focused on possible improvements. They have called for some constitutional innovations, such as EU accession to the ECHR, and have focused on the MSs' obligation to respect the EU's core values (art. 2 TEU). These objectives were reiterated in the EP's [2009 resolution](#) as well as in the [2010-2011 report on the situation of fundamental rights in the EU](#) (Rapporteur Monika Flašíková Beňová, Slovakia, S&D).

### A fundamental rights scoreboard?

Following a request from the EP, the current Commission includes a Vice-President competent for fundamental rights, Viviane Reding. The 2010 [Strategy](#) for the effective implementation of the Charter of Fundamental Rights by the EU, proposes systematic and rigorous monitoring of the implementation of the EU Charter. Similarly, the Council has set out non-binding [Guidelines](#) on methodological steps to be taken to check fundamental rights compatibility at the Council's preparatory bodies. In its latest [conclusions](#), it took account of the [Commission's annual reports](#) on the application of the Charter.

As effective judicial remedies are an essential part of any system of fundamental-rights protection, Reding has recently proposed establishing a "[Justice Scoreboard](#)". This would assess the strengths and weaknesses of Member States' justice systems, and enable problems to be remedied without resorting to the use of Article 7 TEU procedures. It would more effectively ensure equal treatment for all EU citizens on EU territory. It would also strengthen mutual understanding between different MSs' legal systems.