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REPORT

on the situation of fundamental rights in the EU in 2016
(2017/2125(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 EU in 2016 (2017/2125(INI))

The European Parliament,

- having regard to the Treaty on European Union and the Treaty on the Functioning of the European Union,
 - having regard to the references made in previous reports to the state of fundamental rights in the European Union,
 - having regard to its previous resolutions and the previous resolutions of other European and international institutions and agencies,
 - having regard to the reports by national, European and international NGOs,
 - having regard to the work carried out by the Agency for Fundamental Rights, the Council of Europe and the Venice Commission,
 - having regard to the case law of the Court of Justice of the European Union (CJEU) and of the European Court of Human Rights (ECtHR),
 - having regard to the work of the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Constitutional Affairs, the Committee on Women’s Rights and Gender Equality, the Committee on Employment and Social Affairs and the Committee on Petitions,
 - 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, Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, and Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection,
 - having regard to the African and European leaders’ joint statement on the migrant situation in Libya of 1 December 2017 following the African Union - European Union (AU-EU) summit in Abidjan,
 - 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 (A8-0025/2018),
- A. whereas the basis for European integration is the upholding and promotion of human rights, fundamental freedoms, democracy, the rule of law and the values and principles enshrined in the European Treaties, the EU Charter of Fundamental Rights and international human rights instruments;
- B. whereas Article 2 of the TEU states that the EU is founded on the values of respect for

human dignity, freedom, democracy, equality, the primacy 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 and actively promoted by the EU and each Member State individually in all their policies, both internally and externally in a consistent way; whereas Article 17 of the TEU states that the Commission must ensure the application of the Treaties;

- C. whereas respect for the rule of law is a prerequisite for the protection of fundamental rights, and whereas Member States have the ultimate responsibility to safeguard the human rights of all people by enacting and implementing international human rights treaties and conventions; whereas the rule of law and fundamental rights should be continually consolidated; whereas any attempt to undermine these principles is to the detriment not only of the Member State concerned but also of the Union as a whole;
- D. whereas the EU's accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms is a Treaty obligation under Article 6(2) of the TEU;
- E. whereas special attention should be paid to the protection of the human rights of the most vulnerable groups;
- F. whereas the aberrant governance practices seen in some Member States reflect a selective approach to the benefits and responsibilities of EU membership, and whereas the refusal by those Member States to fully uphold EU law, the separation of powers, the independence of the judiciary and the predictability of state actions is undermining the credibility of the EU as a legal area;
- G. whereas the arrival in Europe of migrants and asylum seekers continued in 2016¹; whereas many of these migrants take extremely dangerous routes, placing their lives in the hands of traffickers and criminals, and are vulnerable to violence, abuse and exploitation; whereas, according to UNHCR data, 27 % of the migrants arriving in Europe via the Mediterranean are children; whereas, according to Unicef-IOM (International Organisation for Migration) reports, about a quarter of the adolescents surveyed in the central Mediterranean route had never been to school;
- H. whereas in 2016 racist and xenophobic reactions against refugees, asylum seekers and migrants were widespread, and whereas particularly vulnerable populations continue to experience increased levels of discrimination, violence and re-traumatisation during the asylum process;
- I. whereas the strong migratory pressure to which certain Member States have been subjected for several years requires real EU solidarity to put in place adequate reception structures for those most in need and vulnerable; whereas many migrants place their lives in the hands of smugglers and criminals and are vulnerable to violations of their rights, including violence, abuse and exploitation;
- J. whereas women and children are at higher risk of being trafficked, exploited and sexually abused at the hands of traffickers and there is therefore a need to build and strengthen child protection systems to prevent and respond to violence, abuse, neglect

¹ http://migration.iom.int/docs/2016_Flows_to_Europe_Overview.pdf

and exploitation of children, in line with the commitments set out in the Valletta Action Plan;

- K. whereas the ongoing wave of terrorist attacks across the EU has fuelled widespread mistrust of Muslims, both EU citizens and migrants, and whereas certain political parties are exploiting this mistrust and employing the rhetoric of cultural isolationism and hatred of those who are different;
- L. whereas the systematic use of states of emergency and extraordinary judicial and administrative measures and border controls do very little to deter terrorists, who have often been long-term residents and even citizens of EU Member States;
- M. whereas the political measures taken by a number of Member States in response to the arrival of asylum seekers and migrants include the reintroduction of internal border controls in the Schengen area, a step which is increasingly seen as permanent rather than just temporary;
- N. whereas hate speech includes all forms of expression, both online and offline, which propagate, encourage, promote or justify racial hatred, xenophobia, or prejudice against someone's 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 or other forms of hatred based on intolerance, including political parties and political leaders promoting racist and xenophobic ideas, policies, speeches and practices and spreading fake news; whereas the development of new kinds of media is making it easier to engage in online hate speech; whereas, as the Council of Europe has stated, the phenomenon of online hate speech requires further analysis and action with a view to regulating and finding new ways of combating rhetoric of this kind;
- O. whereas there is a risk that the increased levels of racial or gender-based hatred and violence and xenophobia, whether expressed in the form of hate crimes, fake news, anonymous messages spread on social networks and other internet platforms, protests or political propaganda, are starting to be seen as normal in the Member States;
- P. whereas modern societies cannot function and cannot develop without a free, independent, professional and responsible mass-media system based on principles such as fact-checking, the willingness to reflect a range of informed opinions and the protection of the confidentiality of media sources and the safety of journalists, as well as the protection of freedom of expression and means of limiting fake news; whereas public media plays an essential role in guaranteeing the media's independence;
- Q. whereas all recent reports by international and European agencies and organisations and by civil society, including NGOs, indicate many areas of progress; whereas, nevertheless, fundamental rights violations persist in some Member States, including in terms of discrimination against minorities, corruption, toleration of hate speech, detention conditions and living conditions for migrants;
- R. whereas the EU Agency for Fundamental Rights report entitled 'Violence against women: an EU-wide survey', published in March 2014, found that one third of all women in Europe had experienced physical or sexual acts of violence at least once

during their adult lives and that 20 % of women had experienced online harassment; whereas violence against women and gender-based violence, both physical and psychological, are widespread in the EU and are to be understood to be an extreme form of discrimination that affects women at all levels of society; whereas further measures are needed to encourage women who have been the victims of violence to report their experiences and seek assistance;

- S. whereas respect for the rights of persons belonging to minorities and the right to equal treatment is one of the EU's founding principles; whereas approximately 8 % of EU citizens belong to a national minority and approximately 10 % speak a regional or minority language; whereas, at present, except for infringement procedures, the EU has tools of only limited efficacy to respond to systematic and institutional manifestations of discrimination, racism and xenophobia against minorities; whereas there are discrepancies among Member States in terms of recognition of minorities and respect for their rights; whereas, in spite of numerous calls on the Commission, only limited steps have been taken to ensure effective protection of minorities;
- T. whereas digital media have provided children with vast opportunities; whereas, however, children face new risks at the same time; whereas children should be educated about their fundamental rights in the digital world to make it safer for them; whereas child helplines are vital tools in cases linked to the violation of children's rights; whereas the development of digital literacy, including media and information literacy, should be promoted as part of the basic education curriculum and from the earliest years of schooling; whereas fundamental rights should be promoted and protected online in the same way and to the same extent as in the offline world;
- U. whereas e-Government services became increasingly accessible across the EU in 2016; whereas the European e-Justice Portal allows citizens and legal practitioners to obtain information on European and national legal procedures and the functioning of justice;

Rule of law

1. Asserts that neither national sovereignty nor subsidiarity can justify or legitimise the systematic refusal on the part of a Member State to comply with the fundamental values of the European Union which inspired the introductory articles of the European Treaties, which every Member State has willingly endorsed and committed themselves to respecting;
2. Notes that compliance with the Copenhagen Criteria by states at the time of their accession to the EU must be subject to constant monitoring and to a constant dialogue within and between Parliament, the Commission and the Council;
3. Recalls that, in accordance with Article 17(1) of the TEU, the Commission, as guardian of the Treaties, has the legitimacy and authority to ensure that all the Member States are upholding the principles of the rule of law and the other values referred to in Article 2 of the TEU; considers, therefore, that the measures taken by the Commission to carry out the task and to ensure that the conditions which existed before a Member State's accession are still being fulfilled do not violate the sovereignty of the Member States; recalls the responsibility of the Council itself to be involved in matters of rule of law

and governance; welcomes the idea of holding regular talks on the rule of law within the General Affairs Council and calls on the Council to continue down this path so that every Member State is subject to regular evaluation;

4. Notes the Commission's efforts to ensure that all Member States fully uphold the rule of law, but also the ineffectiveness of the instruments used thus far; considers that all channels of dialogue should be explored but that they should not be prolonged indefinitely without tangible results; insists that Article 7 of the TEU should no longer be regarded merely as a hypothetical tool, but should be employed if all other remedies have failed; recalls in that context that the triggering of Article 7 does not automatically mean that sanctions will be imposed on the Member State concerned;
5. Stresses that the EU needs a common approach to the governance of a democratic state and the application of fundamental values, which does not yet exist, and that it must be democratically decided and developed by pooling experiences of European governance; considers that this common approach to governance should include a common understanding of the role of the majority within a democracy to prevent abuse which could lead to tyranny by the majority;
6. Recalls the intrinsic link that exists between the rule of law and fundamental rights; notes the strong mobilisation of EU citizens through which they show their strong commitment to fundamental rights and European values; recalls, in this context, the need to make all Europeans more aware of the EU's common values and the Charter;
7. Considers that differences in interpretation and non-compliance with the values referred to in Article 2 of the TEU weaken the cohesion of the European project, the rights of all Europeans and the mutual trust needed among the Member States;
8. Points out that in its resolution of 25 October 2016¹ it recommends the establishment of a European mechanism for democracy, the rule of law and fundamental rights; points out that this mechanism would be central to the coordinated European approach to governance which is currently lacking; urges the Commission to put forward a proposal to establish such a mechanism in line with the principles of subsidiarity and proportionality;
9. Underlines that a broader rule of law monitoring framework would result in better cohesion between the existing tools, improved effectiveness and annual cost savings; underlines the importance of making use of varied and independent sources throughout the monitoring process; reiterates the importance of preventing violations of fundamental rights rather than reacting when these violations are repeated;
10. Strongly condemns the increasing restrictions on freedom of assembly, in some cases with violent responses by the authorities against protesters; reaffirms the crucial role of these fundamental freedoms in the functioning of democratic societies, and calls on the Commission to take an active role in promoting these rights in line with international human rights standards;
11. Points out that the right to access to justice is vital for the protection of all fundamental

¹ Texts adopted, P8_TA(2016)0409.

rights, democracy and the rule of law;

12. Points out that in its resolution of 25 October 2016¹ it calls on the Commission to partner with civil society to develop and implement an awareness-raising campaign aimed at enabling Union citizens and residents to take full ownership of their rights deriving from the Treaties and from the Charter (e.g. freedom of expression, freedom of assembly and the right to vote), and providing information about citizens' rights to judicial redress and litigation routes in cases relating to violations of democracy, the rule of law and fundamental rights by national governments or EU institutions;
13. Calls on the Commission, as guardian of the Treaties, to produce up-to-date databases on the situation of fundamental rights in the individual Member States, in partnership with the European Agency for Fundamental Rights (FRA);
14. Points out that corruption undermines the rule of law, democracy, human rights and the equal treatment of all citizens; reiterates that corruption poses a threat to good governance and the existence of a just and socially equitable judicial system and slows economic development; calls for the Member States and EU institutions to step up their fight against corruption by regularly monitoring the way in which EU and national public funding are used;
15. Emphasises the essential role of witnesses and informants in ensuring that the activities of criminal organisations or serious violations of the rule of law are prosecuted and punished;
16. Calls on the Member States to facilitate the rapid establishment of the European Public Prosecutor's Office;

Migration and integration

17. Notes that the drivers of migration in third countries are mainly violent conflicts, persecution, inequality, terrorism, repressive regimes, natural disasters, human-made crises and chronic poverty;
18. Recalls that asylum seekers and migrants continue to lose their lives and face multiple dangers while attempting to cross the EU's external borders irregularly;
19. Expresses concern at the fact that several Member States have toughened their political approach to asylum and migration and that certain Member States are not fully complying with their obligations in relation to these areas;
20. Calls for 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;
21. Calls on the Member States to respect and fully implement the adopted common European asylum package and the common migration legislation, particularly with a view to protecting asylum seekers against violence, discrimination and re-traumatisation

¹ Texts adopted, P8_TA(2016)0409.

- during the asylum process, and paying particular attention to vulnerable groups; recalls that children make up almost a third of asylum seekers and are particularly vulnerable; calls for the EU and its Member States to step up their efforts to prevent unaccompanied minors from going missing;
22. Welcomes the cooperation between the FRA and FRONTEX in creating a handbook on the treatment of children at land borders;
 23. Is concerned about the wide divergences in the reception conditions provided by some Member States, with some Member States failing to ensure adequate and dignified treatment of applicants for international protection;
 24. Strongly condemns the upsurge in the trafficking of human beings, the perpetrators of which – including officials and government players – should be held accountable and brought to justice and urges the Member States to increase cooperation and step up their fight against organised crime, including smuggling and trafficking in human beings, but also exploitation, forced labour, sexual abuse, and torture, all while protecting victims;
 25. Recalls that women and children are at higher risk of being trafficked and of being exploited and sexually abused at the hands of traffickers;
 26. Takes the view that safe and legal routes should be available for migration, and that the best way to protect the rights of people who cannot legally enter Europe is to address the root causes of migration flows, find sustainable solutions to conflicts and develop cooperation and partnerships; believes that these should contribute to the rapid and robust development of countries of origin and transit by developing local economies and offering new opportunities there, as well as investing in asylum systems in transit countries which fully respect international law and fundamental rights in this area;
 27. Calls for the EU and the Member States to strengthen safe and legal routes for refugees and, in particular, to increase the number of resettlement places offered to the most vulnerable refugees;
 28. Recalls that the return policy should fully comply with migrants' fundamental rights, including the right of non-refoulement; considers that the necessary attention should be given to protecting the dignity of individuals being returned and asks, in this regard, that voluntary returns and assistance for reintegration into the societies of origin be strengthened;
 29. Stresses that the EU should promote a reception and integration policy in all the Member States, and that it is unacceptable that certain Member States claim that the migration phenomenon is not their concern; highlights the fact that the principles of equal treatment and non-discrimination should always be ensured throughout all migration and integration policies; welcomes the launch of the European Integration Network and recommends an increase in the exchange of best practices among Member States in the field of integration;
 30. Recalls the importance of providing migrants, both children and adults, with an education as a necessity for their integration into the host society; insists on their specific needs, particularly in terms of language learning; stresses the need for measures

to be taken in all the Member States to give them access to healthcare, good living conditions and the opportunity to be reunited with their families;

31. Stresses the need to ensure the provision of educational resources on intercultural dialogue to the general population;
32. Stresses the need for measures to be taken as a matter of priority in all the Member States to give all migrant children adequate and dignified reception conditions, language courses, a grounding in intercultural dialogue, education and professional training;
33. Calls on the Member States to strengthen their child protection services, including those for asylum-seeking, refugee and migrant children; urges the Commission to put forward a coherent concept of guardianship systems to protect the best interests of unaccompanied minors; calls for specific procedures to be developed and put in place to ensure the protection of all children, in line with the UN Convention on the Rights of the Child;
34. Stresses the imperative need for people of various religious background, including those who have already been living in the European Union for a long time, to be integrated as effectively as possible into European society;
35. Stresses that the development of social inclusion and education strategies and policies tackling discrimination and exclusion could prevent vulnerable individuals from joining violent extremist organisations;
36. Recommends that security approaches to tackle all forms of radicalisation and terrorism in Europe be complemented, notably in the judicial sphere, by long-term policies to prevent radicalisation and recruitment of EU citizens by violent extremist organisations;
37. Is concerned about the alarming increase in manifestations of hatred, hate speech and fake news; condemns incidents of hate crime and hate speech 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; stresses that tolerance for the propagation of the rhetoric of hatred and fake news feeds populism and extremism; believes that systematic civil or criminal law measures can halt this harmful trend;
38. Stresses that purposeful dissemination of false information about any category of persons living in the EU, the rule of law or fundamental rights represents an immense threat to the EU's democratic values and unity;
39. Points out that social networks and the anonymity guaranteed by many different media platforms encourage many forms of expression of hatred, including far-right and jihadist extremism, and recalls that the internet cannot constitute a lawless area;
40. Recalls that freedom of expression, information and the media are fundamental for ensuring democracy and the rule of law; strongly condemns violence, pressure or threats against journalists and the media, including in relation to the disclosure of information about breaches of fundamental rights;

41. Condemns the normalisation of hate speech sponsored or supported by authorities, political parties or political leaders and reported by social media;
42. Recalls that the fight against these phenomena relies on education and public awareness; calls on the Member States to introduce awareness-raising programmes in schools and urges the Commission to support the efforts made by Member States in this regard, in particular by creating guidelines for this process;
43. Believes that awareness of hate crimes should be systematically developed among police officers and judicial authorities in the Member States, and that the victims of these crimes should be advised and encouraged to report the incidents; calls for EU-wide training for police enforcement officials in the EU to be able to combat hate crimes and hate speech effectively; stresses that this training should be provided by the European Union Agency for Law Enforcement Training (CEPOL) and build on best practices at national level and the work of the European Union Agency for Fundamental Rights (FRA);
44. Welcomes the fact that the Commission created a high-level group to combat racism, xenophobia and other forms of intolerance;
45. Calls on the high-level group created by the Commission to work in particular on harmonising the definition of 'hate crime' and 'hate speech' across Europe; believes that the group should also address hate speech and incitement to violence that can be attributed to political figures;
46. Calls for this phenomenon to be curbed through improved monitoring, investigation and prosecution by the relevant judicial authorities of the authors of statements or words incompatible with European laws, while protecting freedom of speech and the right to privacy, in collaboration with civil society and IT companies;
47. Calls on the Commission in this context to propose a recast of the Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law in order to cover other forms of bias crime;

Discrimination

48. Condemns any discrimination based on any grounds such as prejudice against someone's 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, as stated in Article 21 of the Charter, or any other form of intolerance or xenophobia and recalls Article 2 of the TEU;
49. Recognises that secularism, in terms of the strict separation of church and state, and the neutrality of the state is essential for protecting freedom of religion or belief, guaranteeing equal treatment of all religions and beliefs and fighting discrimination on grounds of religion or belief;
50. Notes that the proposed 2008 Equal Treatment Directive is still pending approval by the Council; reiterates its call on the Council to adopt its position on the proposal as soon as

possible;

51. Recalls the Member States' obligation to fully implement Directive 2004/38/EC of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States;
52. Recalls that human rights are universal and that no minority should suffer discrimination; emphasises that minority rights are an inalienable part of the principle of the rule of law; notes that there is a higher risk of violation of rights of minorities when the rule of law is not respected;
53. Condemns the instances of discrimination, segregation, hate speech, hate crime and social exclusion experienced by Roma people; condemns the continuous discrimination against Roma people in access to housing, health care, education and the labour market; recalls that all European citizens should receive equal assistance and protection regardless of their ethnic origin;
54. Calls on the Commission and the Member States to collect reliable and comparable data on equality in consultation with minority representatives in order to measure inequalities and discrimination;
55. Calls on the Member States to exchange good practice and to apply tried and tested solutions in addressing the problems faced by minorities throughout the European Union;
56. Insists on the importance of pursuing equality policies that enable all ethnic, cultural and religious minorities to enjoy their fundamental rights uncontested;
57. Encourages those Member States that have not yet done so to ratify the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages; recalls, furthermore, the need to implement the principles developed in the framework of the Organisation for Security and Cooperation in Europe (OSCE);
58. Urges the Member States to give proper consideration to minority rights, to ensure the right to use a minority language and to protect linguistic diversity within the Union; calls on the Commission to strengthen its plan to promote the teaching and use of regional languages, as a potential way of tackling language discrimination in the EU;
59. Encourages the inclusion in school curricula of education about the value of tolerance in order to provide children with the tools they need to identify all forms of discrimination, whether of an anti-Muslim, anti-Semitic, anti-African, anti-Roma or anti-LGBTI nature, or aimed at any other minority;
60. Calls on the Commission to share Member States' best practices for addressing gender stereotypes at school;
61. Regrets the fact that LGBTI people experience bullying and harassment, and suffer discrimination in different aspects of their lives;

62. Condemns all form of discrimination against LGBTI people; encourages the Member States to adopt laws and policies to combat homophobia and transphobia;
63. Encourages the Commission to present an agenda that ensures equal rights and opportunities for all citizens, while respecting the competences of Member States, and to monitor proper transposition and implementation of EU legislation relevant to LGBTI rights; urges the Commission and the Member States to work in close cooperation with civil society organisations working for the rights of LGBTI people;
64. Deplores the fact that transgender people are still considered mentally ill in the majority of Member States and calls on those states to review their national mental health catalogues and to develop alternative stigma-free access models, ensuring that medically necessary treatment remains available for all transpeople; deplores the fact that several Member States today still impose requirements on transgender people such as medical intervention in order to have the changed gender recognised (including in passports and official identity documents) and forced sterilisation as a condition for gender reassignment; notes that such requirements are clearly human rights violations; calls on the Commission to provide guidance to Member States on the best models for legal gender recognition in Europe; calls on Member States to recognise change of gender and to provide access to quick, accessible and transparent legal gender recognition procedures without medical requirements such as surgery or sterilisation or psychiatric consent;
65. Welcomes the initiative shown by the Commission in pushing for the 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;
66. Calls on the Commission to collect data on human rights violations faced by intersex people in all areas of life and to provide guidance to Member States on best practices to protect the fundamental rights of intersex people; regrets that genital 'normalisation' surgery for intersex children is still in practice in EU Member States despite not being medically necessary, even though medical procedures on children cause long-term psychological trauma for them;
67. Calls on the Member States to fully implement the Victims' Rights Directive¹ and to identify and remedy gaps in their victims' rights protection system, paying special attention to vulnerable groups, such as the rights of children, minority groups or victims of hate crime;
68. Calls, as a matter of urgency, for the EU and its Member States to combat all forms of violence and discrimination against women and to prosecute the perpetrators; 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;

¹ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

69. Calls on the Member States to exchange best practices and to provide regular training for police and judicial staff on new forms of violence against women;
70. Welcomes the fact that every Member State has signed the Istanbul Convention and that the European Union has acceded to it; calls on the Member States that have not yet ratified the convention to proceed to do so;
71. Urges the Member States to step up their efforts to combat sexual harassment and sexual aggression;
72. Recalls that poverty in old age is especially worrying in the case of women, on account of the continued gender pay gap resulting in the gender pension gap;
73. Calls on the Member States to draw up appropriate policies to support elderly women and to eliminate the structural causes of gender differences in compensation;
74. Stresses the need to end discrimination against people with disabilities, granting them equal social and political rights, including the right to vote, as stated in the UN Convention on the Rights of Persons with Disabilities;
75. Acknowledges that women's sexual and reproductive health is related to multiple human rights, including the right to life, the right to be free from torture, the right to health, the right to privacy, the right to education and the prohibition of discrimination; stresses, in this regard, that people with disabilities are entitled to enjoy all their fundamental rights on an equal basis with others;
76. Calls for the EU and its Member States to recognise the fundamental right to access to preventive health care; insists that the Union must play a role in raising awareness about and promoting best practices on this issue, including in the context of the EU Health Strategy, while respecting the competences of the Member States, given that health is a fundamental human right that is essential to the exercise of other human rights; recalls, in this regard, that coherence and consistency between the EU's internal and external human rights policies are of great importance;
77. Emphasises that any system of indiscriminate mass surveillance constitutes a serious interference with the fundamental rights of citizens; stresses that any legislative proposal in the Member States related to surveillance capabilities of intelligence bodies should always comply with the Charter and the principle of necessity, proportionality and legality;
78. Calls on the Commission and the Member States to promote the numbers of the missing children hotline (116 000) and the child helplines (116 and 111) among the general public and among relevant stakeholders in national child protection systems; calls on the Member States to ensure that citizens have access to adequate, child-friendly services, accessible throughout the EU 24/7; calls on the Member States and the Commission to allocate sufficient funds if needed;
79. Calls, as a matter of urgency, for the EU institutions and the Member States to unite in their efforts to combat infringements of children's rights online; reiterates its call for those Member States which have not done so to transpose and implement effectively the

Directive on combating the sexual abuse and sexual exploitation of children and child pornography¹; calls on the Member States 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 tackling this phenomenon; stresses the role of professionals who work with children in detecting signs of physical and psychological violence against children, including cyber bullying; calls on the Member States to ensure that awareness is raised among such professionals and that they receive adequate training;

80. Takes note of the positive trends in certain Member States regarding the rights of victims; notes, however, that there are still obvious gaps in the general services providing support to victims of crime;
81. Welcomes the EU e-Government Action Plan 2016-2020 and the European e-Justice Action Plan (2014-2018);
82. Encourages the Commission to appoint EU coordinators on Afrophobia and anti-Gypsyism, to be responsible for improving coordination and coherence among EU institutions, EU agencies, Member States and international actors and developing existing and new EU policies to address Afrophobia and anti-Gypsyism; stresses, in particular, that the role of the EU coordinator on anti-Gypsyism should be to strengthen and complement the work of the Commission's Non-discrimination and Roma Coordination Unit by reinforcing the team, allocating adequate resources and employing further staff in order to have sufficient capacities to fight anti-Gypsyism, raise awareness of the Roma Holocaust and to promote Holocaust remembrance; recommends the adoption of European frameworks for national strategies to combat Afrophobia, anti-Semitism and Islamophobia;
83. Condemns the steps taken by Member State governments to undermine and demonise civil society and NGOs; urges Member States to provide support to civil society organisations as they often do important work complementing social services provided by the state or even filling gaps not covered by the state;
84. Proposes the appointment of an EU coordinator for civic space and democracy, tasked with coordinating the work carried out by the EU and the Member States in this field, while playing a supervisory role and serving as a point of contact for NGOs as regards harassment-related incidents that restrict their work;
85. Invites the Commission to establish guidelines for civil society engagement and indicators for civic space;

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

¹ Directive 2011/92/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/JHA, OJ L 335, 17.12.2011, p. 1.

EXPLANATORY STATEMENT

Safeguarding fundamental rights is a stated ambition of the European Union and a commitment which is part and parcel of the European integration process. For decades, the development of Europe as a political entity has gone hand in hand with improvements to the legal and judicial safeguards which enable EU citizens to assert their rights. Beyond our borders, European States and their Union are perceived as a bastion of individual rights and freedoms, ample explanation for the pull exerted by our continent on people who, because they face persecution or danger in their own countries, seek refuge and protection in Europe.

Europe is a rich continent in which individuals enjoy many opportunities to seek self-fulfilment. This perception – which is sometimes challenged here at home – remains widespread in neighbouring areas: in the Middle East, Turkey and Africa. Hundreds of thousands of people have embarked on journeys, often exposing themselves to appalling dangers, with the aim of getting closer to, and ideally ultimately reaching, Europe. They suffer all manner of abuse and mistreatment. These people will continue to come knocking on our door. It is essential that the migrants who reach Europe should be given the opportunity to contribute fully to society on the continent where they have chosen to live. It is also vital that Europe should make it clear, plainly and honestly, that we cannot accept every single person who wants to move to Europe without having any right or entitlement to do so. Accepting the rule of law means there can be no free for all. While it is crucial to combat hate speech and violence against ‘outsiders’, it is also important to guarantee the effectiveness and efficiency of the legislation on the crossing of borders and immigration.

Europe is, and must remain, a place of refuge. People whose lives or physical integrity are endangered by circumstances that they are forced to flee must still to be able to count on being taken in and looked after in Europe. Ideally, a system for, and a European approach to, asylum and temporary protection should be introduced in order to ensure uniform criteria for granting protected status.

It should go without saying that the rule of law prevails in Europe. Predictability of political decision-making; consistent application of constitutions and laws; freedom from arbitrary State action; and the rejection of political favouritism and corruption should all apply universally and incontrovertibly. The plain fact is, however, that breaches of the rule of law are becoming more frequent throughout the European Union. This state of affairs is deplorable and alarming: nearly 30 years after democratic governance triumphed throughout the continent of Europe, fresh authoritarian trends are emerging, both in the rhetoric employed by parties in opposition and in the choices made by parties in government. The European Union is a community of law and values enshrined in the founding Treaty. It cannot accept failings of governance within Europe that breach both the spirit and the letter of the Treaty.

We face many challenges in the area of fundamental rights – those just outlined are far from being the only ones. However, your rapporteur has preferred to focus on what he regards as the absolute priorities today. The length of this own-initiative report limited by the Rules of Procedure; in any event, however, your rapporteur believes that, in order to send a clear and powerful political message, it makes sense to focus on a few key areas of concern.

Other reports highlighting the attention paid by the European Parliament to rights and freedoms in all contexts have just been or are about to be submitted. Your rapporteur takes the view that this report should not cover in detail all the issues specifically discussed in other parliamentary reports. This is why he is proposing a more focused and concise approach.

The rule of law, and migration and integration, are the main topics dealt with in the draft report. These were certainly the key issues in 2015 and 2016, and they have lost nothing of their relevance or topicality. What is more, they are closely bound up with one another: the issue of migration must be addressed by taking measures consistent with the rule of law, and this in turn must serve to enhance public confidence in national and European institutions and their ability to act effectively.

Your rapporteur has also opted to include an overview of developments in response to previous annual report on fundamental rights. Thus, where possible, the progress made since the last reports were drawn up has been outlined in a separate section. Another section summarises, for all Member States, concerns expressed by defenders of fundamental rights. It shows that nobody and no Member State is – as yet! – beyond criticism when it comes to fundamental rights. This is all the more important because it could encourage us to work together to improve the way we deal with issues relating to fundamental rights and to avoid getting bogged down in a tit for tat of unthinking criticism and recrimination which stems more from our own pangs of conscience than anything else. Your rapporteur continues to argue strongly for the development of European governance, desired and accepted by all the States of the Union and its institutions, a European governance which takes full account of the fundamental rights of each individual.

Your rapporteur would like to emphasise the value of the previous work of the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Constitutional Affairs, the Committee on Women's Rights and Gender Equality, the Committee on Employment and Social Affairs and the Committee on Petitions:

- Report on fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism Rapporteur: Soraya Post
- European Parliament resolution of 1 June 2017 on combating anti-Semitism (2017/2692(RSP))
- European Parliament resolution of 15 September 2016 on application of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ('Employment Equality Directive') (2015/2116(INI))
- European Parliament resolution of 12 September 2017 on the proposal for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence (COM(2016)0109 – 2016/0062(NLE))
- European Parliament resolution of 14 March 2017 on equality between women and men in the European Union in 2014-2015 (2016/2249(INI))
- European Parliament resolution of 14 June 2017 on the need for an EU strategy to end and prevent the gender pension gap (2016/2061(INI))
- European Parliament resolution of 14 March 2017 on the application of Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services (2016/2012(INI))

- European Parliament resolution of 12 May 2016 on implementation of the Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims from a gender perspective (2015/2118(INI))
- European Parliament resolution of 1 June 2017 with recommendations to the Commission on the protection of vulnerable adults (2015/2085(INL))
- European Parliament resolution of 25 October 2016 on the fight against corruption and follow-up of the CRIM resolution (2015/2110(INI))
- European Parliament resolution of 14 March 2017 on fundamental rights implications of big data: privacy, data protection, non-discrimination, security and law-enforcement (2016/2225(INI))

MINORITY OPINION

pursuant to Rule 52a(4) of the Rules of Procedure

Marek Jurek

The protection of fundamental rights should reinforce the freedom of debate in each EU Member State and not be turned into an ideological tool of pressure on the public opinion of these countries. However, this is the nature of the assessment included in the Report on the Situation of Fundamental Rights, which directly addresses the emigration policy of some Member States and a large part of public opinion in Europe. It is regrettable that in the context of this issue, the proposal to add to the project an appeal to promote European values, such as freedom of religion and belief, in non-European countries jeopardized by internal conflicts was rejected.

We also emphasize that the call for ratification of the Council of Europe Convention on the Prevention and Combating Violence against Women and Domestic Violence (Istanbul Convention), which is included in the report and has still not been ratified by more than 1/3 of EU countries, seriously violates the principle of subsidiarity.

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	1.2.2018						
Result of final vote	<table style="width: 100%; border: none;"> <tr> <td style="width: 100px;">+:</td> <td style="text-align: right;">41</td> </tr> <tr> <td>-:</td> <td style="text-align: right;">8</td> </tr> <tr> <td>0:</td> <td style="text-align: right;">3</td> </tr> </table>	+:	41	-:	8	0:	3
+:	41						
-:	8						
0:	3						
Members present for the final vote	Asim Ademov, Heinz K. Becker, Malin Björk, Michał Boni, Caterina Chinnici, Frank Engel, Cornelia Ernst, Raymond Finch, Lorenzo Fontana, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Monika Hohlmeier, Brice Hortefeux, Filiz Hyusmenova, Sophia in 't Veld, Dietmar Köster, Barbara Kudrycka, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Roberta Metsola, Claude Moraes, Péter Niedermüller, Ivari Padar, Soraya Post, Judith Sargentini, Birgit Sippel, Branislav Škripek, Csaba Sógor, Sergei Stanishev, Helga Stevens, Traian Ungureanu, Marie-Christine Vergiat, Udo Voigt, Josef Weidenholzer, Kristina Winberg, Tomáš Zdechovský, Auke Zijlstra						
Substitutes present for the final vote	Kostas Chrysogonos, Carlos Coelho, Maria Grapini, Teresa Jiménez-Becerril Barrio, Marek Jurek, Andrejs Mamikins, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Jaromír Štětina						
Substitutes under Rule 200(2) present for the final vote	Georges Bach, Jonathan Bullock, Julia Reda, Francis Zammit Dimech						

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

41	+
ALDE	Nathalie Griesbeck, Filiz Hyusmenova, Sophia in 't Veld, Angelika Mlinar, Maite Pagazaurtundúa Ruiz
EFDD	Kristina Winberg
GUE/NGL	Malin Björk, Kostas Chrysogonos, Cornelia Ernst, Marie-Christine Vergiat
PPE	Asim Ademov, Georges Bach, Heinz K. Becker, Michał Boni, Carlos Coelho, Frank Engel, Brice Hortefeux, Teresa Jiménez-Becerril Barrio, Barbara Kudrycka, Roberta Metsola, Csaba Sógor, Jaromír Štětina, Traian Ungureanu, Francis Zammit Dimech
S&D	Caterina Chinnici, Ana Gomes, Maria Grapini, Sylvie Guillaume, Dietmar Köster, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Andrejs Mamikins, Claude Moraes, Péter Niedermüller, Ivari Padar, Soraya Post, Birgit Sippel, Sergei Stanishev, Josef Weidenholzer
VERTS/ALE	Julia Reda, Judith Sargentini

8	-
ECR	Marek Jurek, Branislav Škripek
EFDD	Jonathan Bullock, Raymond Finch
ENF	Lorenzo Fontana, Auke Zijlstra
NI	Udo Voigt
PPE	Kinga Gál

3	0
ECR	Helga Stevens
PPE	Monika Hohlmeier, Tomáš Zdechovský

Key to symbols:

+ : in favour

- : against

0 : abstention