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REPORT

on the situation of fundamental rights in the European Union in 2017
(2018/2103(INI))

Committee on Civil Liberties, Justice and Home Affairs

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CONTENTS

	Page
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION	3
EXPLANATORY STATEMENT	20
INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE	22
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE.....	23

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the situation of fundamental rights in the European Union in 2017 (2018/2103(INI))

The European Parliament,

- having regard to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU),
- having regard to the United Nations Convention on the Rights of the Child,
- having regard to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and its entry into force in the EU on 21 January 2011 in accordance with Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities¹,
- 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 origin²,
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation³,
- having regard to Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law⁴,
- having regard to the 2017 Annual Report of the Commission on the application of the EU Charter of Fundamental Rights⁵,
- having regard to the Commission's EU Anti-corruption Report of 2014 (COM(2014)0038),
- having regard to the Commission communication of 6 June 2011 entitled 'Fighting Corruption in the EU' (COM(2011)0308),
- having regard to the European Pillar of Social Rights,
- having regard to the second European Union Minorities and Discrimination Survey (EU-MIDIS II),
- having regard to the Commission communication of 30 August 2017 entitled 'Midterm

¹ OJ L 23, 27.1.2010, p. 35.

² OJ L 180, 19.7.2000, p. 22.

³ OJ L 303, 2.12.2000, p. 16.

⁴ OJ L 328, 6.12.2008, p. 55.

⁵ European Commission, Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, https://ec.europa.eu/info/sites/info/files/aid_development_cooperation_fundamental_rights/1_en_act_part1_v4_2.pdf

review of the EU framework for national Roma integration strategies’
(COM(2017)0458),

- 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 EU Agency for Fundamental Rights (FRA), the Council of Europe and the Venice Commission,
- having regard to the Fundamental Rights Report 2017 of the EU Agency for Fundamental Rights (FRA)¹,
- having regard to the report of the FRA entitled ‘Antisemitism - Overview of data available in the European Union 2006-2016’,
- 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 its resolution of 15 April 2015 on the occasion of International Roma Day entitled ‘Anti-Gypsyism in Europe and EU recognition of the memorial day of the Roma genocide during World War II’²,
- having regard to its resolution of 25 October 2017 entitled ‘Fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism’³,
- having regard to its resolution of 1 June 2017 on combating antisemitism⁴,
- having regard to its resolution of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration⁵,
- having regard to its resolution of 7 February 2018 on protection and non-discrimination with regard to minorities in the EU Member States⁶,
- 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,

¹ European Union Agency for Fundamental Rights (FRA), Fundamental Rights Report 2017, <http://fra.europa.eu/en/publication/2017/fundamental-rights-report-2017>

² Texts adopted, P8_TA(2015)0095.

³ Texts adopted, P8_TA(2017)0413.

⁴ Texts adopted, P8_TA(2017)0243.

⁵ Texts adopted, P8_TA(2016)0102.

⁶ Texts adopted, P8_TA(2018)0032.

- 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 (A8-0466/2018),
- A. 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, democracy 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; whereas corruption constitutes a serious threat to democracy, the rule of law and fundamental rights and harms all Member States and the EU as a whole; whereas the implementation of the anti-corruption legal framework remains uneven among Member States;
 - B. whereas in its resolutions and reports Parliament has repeatedly urged the Member States to implement the appropriate policies to ensure that people with disabilities, the elderly and the most vulnerable in society can fully enjoy their social, political and economic rights; whereas there is a strong link between minority rights and the principle of the rule of law; whereas Article 2 TEU expressly mentions the rights of persons belonging to minorities and whereas those rights deserve to be accorded the same treatment as the other rights enshrined in the Treaties;
 - C. whereas the arrival in Europe of migrants and asylum seekers continued in 2017 but borders and ports are increasingly closed; whereas this reality requires real EU solidarity to put in place adequate reception structures for those most in need and those who are most vulnerable; whereas many migrants and asylum seekers who seek to reach the EU place their lives in the hands of smugglers and criminals and are vulnerable to violations of their rights, including violence, abuse and exploitation; whereas women and children are at higher risk of being trafficked 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 and the exploitation of children, in line with the commitments set out in the Valletta Action Plan, as well as the resolution of Parliament of 3 May 2018 on the protection of children in migration¹;
 - D. whereas the report by the Special Rapporteur of the UN Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism takes the view that states have the obligation to protect their populations from acts of terrorism, but security measures, including counter-terrorism measures, must be pursued through the rule of law and must respect fundamental rights;
 - E. whereas the FRA report entitled ‘Violence against women: an EU-wide survey’, published in March 2014, shows that one third of all women in Europe have experienced physical or sexual acts of violence at least once during their adult lives, 20 % have experienced online harassment, one in twenty have been raped and more than one in ten have suffered sexual violence involving the use of force, and stresses that violence against women needs to be tackled in all EU Member States, including

¹ Texts adopted, P8_TA(2018)0201.

those which have not yet ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), given the extent of the problem, the severe consequences of violence, and the impact it has on women's lives as well as on society as a whole; whereas women with disabilities are more likely to suffer domestic violence and sexual assault than women without disabilities;

- F. whereas women and girls in the EU experience structural gender inequality in a variety of forms and in a range of settings – including gender discrimination, sexual harassment, gender-based violence and misogynistic hate speech – which severely limits their ability to enjoy their rights and participate on an equal footing in society; whereas in 2017, the #MeToo movement raised awareness of the scale and intensity of the sexual harassment and sexual and gender-based violence that women face; whereas the #MeToo movement resulted in some positive momentum for gender equality, but cases of sexual harassment and sexual and gender-based violence are still widespread; whereas in recent years reports have pointed out a growing backlash against women's rights and gender equality in the EU; whereas women in the Union are not equal before the right to abortion owing to differing policies and legislation across Member States;
- G. whereas in democratic societies, freedom of speech and freedom of assembly are among the instruments by which people can participate in public debate and bring about social change; whereas media freedom, pluralism and independence are crucial components of the right of freedom of expression and are vital to the democratic functioning of the EU and its Member States; whereas journalists and other media actors in the EU are at risk of multiple attacks, threats and pressure and even assassination from state and non-state actors; whereas the journalist Daphne Caruana Galizia, who specialised in investigating tax evasion scandals, tax fraud, corruption and money laundering, was assassinated in Malta after having reported several threats, and independent investigations are required to enable the full identification of the perpetrators in order to bring them to justice; whereas the press and civil society organisations play a fundamental role in a democracy;
- H. whereas Article 21(1) of the Charter of Fundamental Rights states that any discrimination based on any ground such as sex, race, colour, disability, ethnic or social origin, genetic features, religion or belief, language, membership of a national minority, property, birth, age or sexual orientation shall be prohibited; whereas freedom of thought, conscience and religion is guaranteed by Article 10 of the Charter of Fundamental Rights and Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms; whereas persistent racist and xenophobic attitudes are starting to be seen as normal in the Member States and are embraced by opinion leaders and politicians across the EU, fostering a social climate that provides fertile ground for racism, discrimination and hate crimes; whereas these views run counter to the common European values which all the Member States have undertaken to uphold;
- I. whereas migrants, descendants of migrants and members of minority socio-cultural groups continue to face widespread discrimination, across the EU and in all areas of life; whereas FRA studies highlight that victims in an irregular residence situation are reluctant to report abuses to any public authority and having immigrant status enhances

the risk of being criminally victimised; whereas, in spite of numerous calls made to the Commission, only limited steps have been taken to ensure the effective protection of minorities;

- J. whereas the FRA has become a centre of excellence in providing fundamental rights evidence to the EU institutions and Member States;

Rule of law, democracy and fundamental rights

1. Affirms that the separation of powers and the independence of the judiciary are essential to ensure the effective functioning of the rule of law in any society; recalls that this concept is enshrined in the 1948 Universal Declaration of Human Rights and in Article 47 of the Charter of Fundamental Rights, and in particular in the principles of equality before the law, the presumption of innocence and the right to a fair and public hearing by a competent, independent and impartial tribunal established before the law; recalls that these fundamental values were the inspiration for the introductory articles of the European Treaties, which all Member States have willingly endorsed and committed themselves to respecting; asserts that neither national sovereignty nor subsidiarity can justify the systematic refusal by a Member State to comply with the fundamental values of the European Union and the Treaties;
2. Recalls that the rule of law is part of and a prerequisite for the protection of all values listed in Article 2 TEU; calls on all relevant actors at EU and national level, including governments, parliaments and the judiciary, to step up efforts to uphold and reinforce the rule of law; recalls that these actors have the responsibility to address rule of law concerns and that they play an important role in preventing any erosion of the rule of law, which is not an unconditional application of law, but the democratic acceptance of being ruled by law while fully upholding international conventions, as well as, in particular, the right of democratic opposition and the rights of minorities;
3. Strongly condemns the efforts of some Member State governments to weaken the separation of powers and the independence of the judiciary; expresses concern that, despite the fact that most Member States have adopted legislation to ensure judicial independence and impartiality, in compliance with Council of Europe standards, problems remain in the way these standards are applied, leaving national judiciaries open to political influence and fuelling public perceptions of interference in the judicial process and bias among individual judges; recalls that the Commission, in accordance with Article 17(1) TEU and as guardian of the Treaties, has the legitimacy and authority to ensure the application of the Treaties and of the measures adopted by the institutions pursuant to the Treaties, including ensuring that all Member States are upholding the principles of the rule of law and the other values enshrined in Article 2 TEU;
4. Notes the efforts of the Commission and the Council to ensure that all Member States fully uphold the rule of law, democracy and fundamental rights, but also the limited impact so far of the procedures initiated under Article 7(1) TEU; takes the view that the EU should be able to initiate infringement procedures against Member States that are no longer upholding the values enshrined in Article 2 TEU, and that Article 7 TEU should be activated if all other remedies have failed; takes the view that the EU's ineffectiveness as regards putting an end to the serious and persistent breaches of the values referred to in Article 2 TEU in some Member States is undermining both trust

among the Member States and the credibility of the EU; emphasises furthermore that the persistent failure to address these breaches has encouraged other Member States to follow the same path; invites the Council to examine and follow up any proposals from the Commission and Parliament relating to infringement procedures and possible sanctions;

5. Recalls the need for an impartial and regular assessment of the situation with regard to the rule of law, democracy and fundamental rights in all the Member States; stresses that such an assessment must be based on objective criteria; recalls in this regard that the Council also has a key role to play in safeguarding the rule of law and the other values referred to in Article 2 TEU, and welcomes the efforts made by certain Member States to ensure that within the Council a regular assessment takes place of the situation with regard to the rule of law in each Member State; calls on the Council to take swift action with a view to achieving this aim; furthermore recalls Parliament's resolution of 10 October 2016 with recommendations to the Commission on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights¹; reiterates its call on the Commission to submit, on the basis of Article 295 TFEU, a proposal for the conclusion of a Union Pact for democracy, the rule of law and fundamental rights (EU Pact for DRF), in the form of an interinstitutional agreement laying down arrangements facilitating cooperation between the Union institutions and the Member States in the framework of Article 7 TEU; considers that this would be a fair, balanced, regular and preventive mechanism for dealing with possible breaches of the values listed in Article 2 TEU, which could function similarly to the European Semester for economic policy; recalls the intrinsic link that exists between the rule of law and fundamental rights and the need to make all Europeans more aware of the EU's common values and the Charter; underlines the importance of Parliament sending ad hoc delegations to Member States when there is clear evidence of serious breaches of democracy, the rule of law and fundamental rights;
6. Shares the view that any rule of law assessment should be based on solid, objective and comparable data and analysis; recalls that fundamental rights should be included as part of the impact assessment for all legislative proposals; welcomes in this regard the FRA's new European Union Fundamental Rights Information System (EFRIS), which will bring together all existing information relevant to fundamental rights delivered under the different mechanisms at UN, Council of Europe and EU level;
7. Points out that improving the quality, independence and efficiency of national justice systems, in particular with regard to judges, prosecutors and lawyers, remains a key priority of the European Union; stresses that there is an urgent need to introduce a gender-sensitive perspective into the Member States' legal and judicial systems, including the development and institutionalisation of the gender component through training programmes for all judiciary staff;
8. Stresses that corruption not only constitutes a significant systemic obstacle to the realisation of democracy and respect for the rule of law, but may also lead to numerous violations of fundamental rights, thus constituting a serious threat to the principle of fair treatment for all citizens; expresses its concern regarding legislative initiatives being put forward in certain Member States that might reverse reforms previously undertaken to

¹ Texts adopted, P8_TA(2016)0409.

strengthen the prevention of corruption; calls in this regard on all Member States and on the EU institutions to resolutely fight systemic corruption and to devise effective instruments for preventing, combating and sanctioning corruption and fighting fraud, as well as regularly monitoring the use of public funds; calls, to that end, for the Member States and the EU institutions to facilitate the rapid establishment of the European Public Prosecutor's Office (EPPO); calls on those Member States which have not yet announced their intention to join the EPPO to do so; regrets the Commission's decision not to publish the second biannual report on corruption in the EU, and urges it to continue publishing its anti-corruption reports; underlines that having anti-corruption fact sheets as part of the European Semester is not a sufficiently effective measure to ensure that corruption is unequivocally placed on the agenda; welcomes the Commission's statement in its communication 'Fighting Corruption in the EU' that it will seek approval to participate in GRECO, the anti-corruption network set up by the Council of Europe;

9. Highlights the importance of freedom of movement and residence as one of the principal fundamental rights guaranteed by the EU; stresses that Brexit impacts directly on the lives of millions of European citizens, in particular EU nationals resident in the UK and UK citizens living in the EU27, and underlines that safeguarding the fundamental rights of people should be given the same importance as other aspects; calls for the fundamental rights of EU citizens and their families who have moved within the Union under freedom of movement to be protected after Brexit;
10. Emphasises that any steps taken to counter terrorism or organised crime must respect democracy, the rule of law and fundamental rights in the EU; notes with concern that public authorities are increasingly resorting to administrative measures that are incompatible with the principles underpinning the rule of law, and that the policies pursued in this area are being used to address a growing number of crimes and offences, especially in the context of measures taken under a state of emergency; calls on the Member States to ensure that any emergency legislation is consistent with the principles of proportionality and necessity, and that measures taken in this context are subject to clear time limits and regular democratic scrutiny; rejects any confusion between immigration and terrorism, and any use of counter-terrorism measures for the purpose of controlling certain migratory movements;

Migration

11. Condemns the abuses and human rights violations suffered by migrants and refugees, in particular with regard to access to territory, reception conditions, asylum procedures, immigration detention and the protection of vulnerable persons, and underlines the importance of Member States complying with and fully transposing the common asylum package adopted by the Union; points out that almost a third of asylum seekers are children and are particularly vulnerable; calls on the EU and its Member States to step up their efforts to prevent unaccompanied minors from going missing; recalls that the right to asylum is expressly protected under Article 18 of the Charter; notes with concern that fast-track procedures and safe country lists, as well as the takeback procedure under the Dublin rules, put LGBTI asylum seekers at a heightened risk of being returned before being able to substantiate their claim for asylum with third countries or other Member States, in cases where they fear prosecution on grounds of

their sexual orientation, gender identity, gender expression or sex characteristics;

12. Calls on the Member States to ask their authorities to examine whether their legitimate objectives could be achieved by less coercive measures than detention and to provide full justifications based on facts and legal arguments when detention is chosen in the case of asylum seekers, refugees and migrants; recalls that all the Member States are signatories to the Geneva Conventions and are therefore obliged to ensure that all their provisions are respected, regardless of the circumstances; highlights the double discrimination faced by migrant women, both as migrants and as women, and the specific circumstances which they may face during their migratory journey, including in detention and reception centres, particularly harassment and attacks on their safety, physical integrity and privacy, as well as their need to access feminine hygiene products and reproductive healthcare; calls for the establishment and strengthening of systems to protect women with a view to preventing and combating the violence, abuse, neglect and exploitation to which they are subjected, in line with the commitments set out in the Valletta Action Plan;
13. Points out that UNICEF has stated many times that detention will never be in the best interests of the child and that alternatives to detention, regardless of whether children are accompanied by their families or not, should be developed; calls for specific procedures to be developed and put in place with a view to ensuring that all children are protected, in line with the UN Convention on the Rights of the Child; stresses that separation from family members, even in detention, exposes women and children to greater risks; stresses moreover the primacy of the principle of the best interests of the child in all aspects concerning children and of the practical implementation of the right to be heard; recalls that Article 14 of the Charter of Fundamental Rights and Article 28 of the UN Convention on the Rights of the Child guarantee the right to education for every child, including migrant and refugee children, regardless of their status, both unaccompanied and accompanied and avoiding separated schooling and segregation; calls, therefore, on the Member States to ensure that migrant and refugee children are granted access to formal and informal education swiftly after their arrival; stresses that Member States should ensure that migrant and refugee children are effectively supported through linguistic, social and psychological support based on individual assessment of their needs; is concerned about the specific needs and vulnerabilities of asylum seekers from marginalised groups, and calls on Member States to ensure that their specific needs regarding safety, healthcare and legal recognition are met;
14. Points out that solidarity must be the principle upon which Union action on migration is based, and condemns those Member States that act in clear breach of that principle; calls on the Council to press on with the reform of the Dublin Regulation, which it is currently blocking, thus preventing the European Common Asylum System from working properly; stresses that Member States should go ahead with putting in place a combination of protection-related schemes, such as resettlement and humanitarian admission, which can give persons in need of international protection the option of entering the EU to seek asylum there; encourages Member States to facilitate the granting of humanitarian visas and regular mobility schemes to promote legal and safe pathways to the EU, especially for persons in need of protection, and to guarantee their access to services and their fundamental rights, regardless of their status; underlines that Member States must take responsibility for externalising EU migration policies,

including cooperating with third countries in which the UN High Commissioner for Refugees (UNHCR) has reported common serious human rights violations and abuses; takes the view that the Union should play a key role in global resettlement efforts; recalls that any action undertaken by a Member State when acting within the scope of EU law must respect the rights and principles of the Charter of Fundamental Rights; calls on Member States to effectively ensure the individual right to asylum and to accept relocation of refugees from Member States most affected by large numbers of arrivals; also calls on Member States to respect the principle of non-refoulement and to introduce adequate procedural safeguards in their asylum and border procedures; strongly denounces the fact that some Member States do not comply with EU asylum and return legislation and violate the rights of migrants and asylum seekers, for example by failing to provide effective access to asylum procedures, failing to give clear information on legal remedies following a return decision, depriving migrants and asylum seekers of food, or practising automatic and systematic detention;

15. Recognises the work carried out by different NGOs operating in the Mediterranean and their efforts to save lives and provide humanitarian assistance to those in need; recalls that sea rescue is a legal obligation under international law, specifically Article 98 of the UN Convention of the Law of the Sea (ratified by the Union and all its Member States), which makes it obligatory for assistance to be given to any person in distress at sea; recalls its resolution of 5 July 2018 on guidelines for Member States to prevent humanitarian assistance from being criminalised¹; calls on the Member States to support NGOs instead of hindering their work, and calls on the Commission and the Member States to develop and guarantee search and rescue operations; calls for the EU and its Member States to allocate sufficient funds to search and rescue operations in the context of a Europe-wide humanitarian operation; calls on the Member States to transpose the humanitarian assistance exemption provided for in the Facilitation Directive with the objective of reducing the unintended consequences the Facilitators' Package has for citizens and organisations providing humanitarian assistance to migrants and for social cohesion in the receiving society;
16. Stresses that addressing the vulnerabilities and specific needs of migrants should be an integral part of the integration process; recalls that the assessment of the needs of migrants should be carried out regularly and as long as it is needed, as migrants' situation and needs might evolve and vary significantly depending on their country of origin; underlines the fact that family reunification is a powerful tool to empower migrants and give them the feeling that they can start settling and integrating in their new host society; points out that reception policy alone is not enough and the challenge facing the EU is to establish an effective integration policy; calls in this regard for the stepping-up of the sharing between Member States of good integration practices;
17. Notes the establishment of several new large-scale information systems and the objective of improving their interoperability while preserving the necessary safeguards, including with regard to data protection and privacy; calls on the Member States to introduce specific safeguards to guarantee that the interoperability of large-scale IT systems respects the fundamental rights of all citizens, with special attention being paid to the rights of children and vulnerable persons, such as applicants for and beneficiaries

¹ Texts adopted, P8_TA(2018)0314.

of international protection, as well as to profiling; calls on the Member States to ensure that the implementation of interoperability also fulfils child protection objectives, such as identifying missing children and assisting family reunification;

Women's rights

18. Notes with concern that the 2017 FRA paper entitled 'Challenges to women's human rights in the EU' confirms that women and girls experience persistent gender discrimination, sexist hate speech, and gender-based violence in the EU, and that this severely limits their ability to enjoy their rights and to participate on an equal footing in society;
19. Notes with concern that the European Disability Forum report entitled 'Ending forced sterilisation of women and girls with disabilities' establishes that women with disabilities are still suffering from arbitrary decisions leading to sterilisation without their knowledge, consent or authorisation;
20. Calls in this regard on the Member States to consider six main areas of intervention in order to step up their commitment to safeguarding the dignity and rights of women and girls, as suggested in the FRA report, namely: empowering equality bodies to deal with the entire range of issues that impact on women's rights, from gender equality to violence against women; improving online safety; promoting gender equality in education and lifelong learning more effectively; introducing gender quotas as a bold step towards positive action; mainstreaming gender equality in the coordination of economic policies across the EU through the European Semester; and improving data collection and the dissemination of knowledge on all forms of discrimination and violence against women and girls;
21. Strongly condemns all forms of violence against women (VAW), and therefore calls on the Commission to submit a legal act to support Member States in the prevention and elimination of all forms of violence against women and girls and of gender-based violence; calls on the Council to activate the passerelle clause by adopting a unanimous decision to identify violence against women and girls (and other forms of gender-based violence) as an area of crime under Article 83(1) TFEU; welcomes the EU's accession to the Istanbul Convention on 13 June 2017, since this is the first comprehensive legally binding instrument for preventing and combating violence against women and gender-based violence, including domestic violence, at international level, despite the limitation to only two mandates; regrets that to date only 20 Member States have ratified the Convention; regrets that in some Member States discussions around the ratification of the Istanbul Convention have been accompanied by misleading interpretations regarding the definition of gender-based violence and of gender; encourages the remaining Member States and the Council to conclude the process of EU accession to the Convention without delay and to agree on the associated Code of Conduct in order to ensure the implementation of the Convention by the EU; urges the Commission and the Member States to support the civil society organisations working with victims of gender-based violence in all ways possible, including by regular financial support;
22. Stresses that sexism and gender stereotypes, which have led to domination over and

discrimination against women, have a severe impact on women's fundamental rights in all spheres of life; recalls that women are often the victims of multiple discrimination arising from, inter alia, ethnic minority status, sexual orientation, disability or migrant status; highlights the fact that education at all levels and for all ages on equality between women and men, non-stereotype gender roles and respect for personal integrity is required to effectively address all forms of discrimination; encourages Member States to appropriately address this issue in school curricula; deplores the fact that women still suffer from inequalities at work, such as lower participation rates in employment, the pay gap, the greater incidence of part-time employment, poorer pension entitlements, career segregation and poorer levels of progression; calls on Member States to address the key structural barriers to women's economic empowerment and the under-representation of women in work, decision-making and politics, which are the result of multiple and intersecting forms of inequalities, stereotypes and discrimination in the private and public spheres; calls on Member States to put forward measures to tackle effectively sexual harassment and violence in public spaces, in the workplace and offline and online, and to provide victims of gender-based violence with an adequate number of shelters and targeted and integrated support services, including trauma support and counselling; calls on Member States to exchange best practices and to provide regular training for police and judicial staff on all forms of violence against women;

23. Expresses its support for the demonstrations that took place in several Member States in 2017, following retrogressions related to sexual and reproductive health rights, and extensive media coverage of sexual harassment cases; strongly affirms that the denial of services related to sexual and reproductive health and rights, including safe and legal abortion, is a form of violence against women and girls; reiterates that women and girls must have control over their bodies and sexualities; encourages EU Member States to take effective steps to respect and protect women's sexual and reproductive rights in relation to a range of civil, political, economic, social and cultural rights, including the rights to physical integrity, to health, to be free from torture and ill-treatment, to privacy, to equality and to non-discrimination; stresses in this regard that persons with disabilities are entitled to enjoy all their fundamental rights on an equal basis with others; calls on the Member States to guarantee comprehensive sexuality education and ready access for women to family planning and the full range of reproductive and sexual health services, including modern contraceptive methods, and to safe and legal abortion; notes that this should include the elimination of laws, policies and practices that infringe on these rights as well as the prevention of the erosion of existing protections; insists that the Union must play a role in raising awareness of these issues and promoting best practice;

Media freedom, freedom of expression and freedom of assembly

24. Recalls that Article 11 of the Charter of Fundamental Rights enshrines every individual's right to hold opinions without interference, the right to freedom of expression and the right to seek, receive and impart information and ideas through any media, regardless of frontiers;
25. Stresses that public deliberation and debate are vital to the functioning of democratic societies, and in this context encourages the EU and its Member States to take further

steps to safeguard and protect freedom of speech and assembly, as fundamental rights and as basic principles of democratic processes; recalls that, according to the 2017 report by the Secretary-General of the Council of Europe on the state of democracy, human rights and the rule of law, opportunities for peaceful protest are limited where public assembly is subject to undue restrictions; strongly condemns in this regard the increasing restrictions on freedom of assembly, which the authorities have enforced in some cases with a disproportionate use of force against peaceful demonstrators; recalls that in the performance of their duty law enforcement officials must respect and protect human dignity and maintain and uphold the human rights of all persons; stresses that the foremost task of police forces is to ensure the security and safety of citizens, and that any excessive and unjustified use of force by law enforcement officials must be subject to impartial and exhaustive investigations by the relevant authorities of each Member State;

26. Calls on the Member States to take adequate measures that safeguard and promote the existence of pluralist, independent and free media; strongly condemns the trends in certain Member States to concentrate media outlets in the hands of government-friendly business actors and to practise the misuse of public service media to disseminate only the government's messages; notes that the role of media is to encourage healthy deliberation and that the media are therefore a pillar of democracy;
27. Expresses its concern that few specific legal or policy frameworks protecting journalists and media workers from violence, threats and intimidation can be identified at national level in EU Member States; recalls that, according to the Council of Europe, abuses and crimes committed against journalists could have the effect of encouraging a potentially high degree of self-censorship, which in itself has a grave effect on freedom of expression and undermines citizens' rights to information and participation; expresses its deep concern about assassinations still being committed against journalists in Member States; urges the national law enforcement authorities to take all possible measures to prevent such violence, to step up cooperation with Europol, and to accelerate investigations into the killings of journalists in the EU; is also concerned about the precarious working conditions of many journalists and media workers and the levels of physical and psychological violence to which they are subject, which may hamper their ability to carry out their work, undermining quality journalism and the expression of journalistic diversity; stresses the importance of EU-wide projects, such as the Media Pluralism Monitor and Mapping Media Freedom, that assess risks to media pluralism across Europe, map limitations, threats and violations that affect media freedom, conduct awareness-raising campaigns, and provide support for journalists under threat and for cross-border investigative journalism; underlines that financing related to these and similar issues should be secured under the new MFF;
28. Emphasises the key role of whistle-blowers in safeguarding the public interest and in promoting a culture of public accountability and integrity in both public and private institutions; underlines the fact that whistle-blowing is an essential element for investigative journalism and media freedom; denounces the threats, retaliations and condemnations that whistle-blowers still face in the EU; in this context, recalls its resolution of 24 October 2017 on legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and

public bodies¹; points out that, according to the Commission communication of 23 April 2018 on strengthening whistleblower protection at EU level², only ten Member States have introduced comprehensive legislation to protect whistle-blowers; welcomes the Commission's proposal of 23 April 2018 for a horizontal directive on the protection of persons reporting on breaches of Union law³, and underlines the importance of a swift follow-up by the co-legislators, so that the proposal can be adopted before the end of the present legislative term;

29. Welcomes the Commission communication of 26 April 2018, 'Tackling online disinformation: a European approach and the actions it contains'⁴, which aims at creating a more transparent, trustworthy and accountable online ecosystem, improving the security and resilience of election processes, fostering education and media literacy, increasing support for quality journalism, and strengthening the Union's strategic communication capabilities; expresses its concern about the potential threat the notion of fake news could pose to freedom of speech and expression and to the independence of the media, while underlining the negative effects that the spread of false news might have on the quality of political debate and on the well-informed participation of citizens in democratic society; considers that it is above all through the development of education and training in critical thinking that citizens can form their own opinion; stresses that political profiling, disinformation and manipulation of information may be used by political parties and private or public entities inside and outside the EU, and may represent a threat to the EU's democratic values, as in the case of the Facebook-Cambridge Analytica scandal; calls on the Commission to pursue its actions aimed at preventing these practises and guaranteeing data protection, transparency and cybersecurity;
30. Expresses its concern at the obstacles existing to the work of human rights defenders, including civil society organisations (CSOs) active in the field of fundamental rights and democracy, including serious restrictions on freedom of association and freedom of speech for the organisations and citizens concerned, as well as restrictions on financing; recognises the key role of these organisations in making fundamental rights and values a reality for everyone and stresses that they should be able to carry out their work in a safe and well-supported environment; is concerned at the closure of civil society space in some Member States; calls on the EU and the Member States to address proactively the root causes of shrinking civil society space and to uphold fundamental rights; reiterates the call for adequate EU funding, as outlined in Parliament's resolution of 19 April 2018 on establishing a European Values Instrument (EVI)⁵, in order to provide support to CSOs engaged in promoting fundamental values in the Union, and to prevent any misuse of such funding;

Racism, xenophobia, discrimination, hate speech and other forms of intolerance

31. Points out that the EU and its Member States should address and combat effectively the phenomenon of discriminatory and violent incidents affecting the schooling of migrant

¹ Texts adopted, P8_TA(2017)0402.

² COM(2018)0214.

³ COM(2018)0218.

⁴ COM(2018)0236.

⁵ Texts adopted, P8_TA(2018)0184.

and refugee children, Roma children and children belonging to minorities, both through legal responses and by promoting mutual understanding and social cohesion; encourages Member States to ensure that regular school curricula include effective measures guaranteeing and promoting respect for diversity, intercultural understanding and human rights; to that end, encourages the Member States to promote inclusive education from an early age in schools;

32. Points out that violence and offences motivated by racism, xenophobia or religious intolerance or by bias against a person's disability, sexual orientation or gender identity are all examples of hate crime; condemns all types of incidents of hate crime and hate speech that occur in the EU on a daily basis and have come to be seen as normal in some Member States; condemns the rise of far-right movements in the strongest possible terms and is concerned at the trivialisation of hate speech which can be attributed to some political figures; calls for a zero tolerance approach to any discrimination on any ground; calls on the Council to immediately unblock and conclude the negotiations on the Equal Treatment Directive; recalls that 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, which should have been implemented by the Member States by 28 November 2010, provides a legal basis for imposing penalties on legal persons publicly inciting violence or hatred against a minority group;
33. Recalls that Member States which systematically record, collect and publish annually disaggregated data on all forms of discrimination and hate crimes shall do so for the sole purpose of identifying the roots of and fighting discriminations, and that these data shall be totally anonymous in order to rule out any profiling or 'ethnic' statistics while enabling the Member States, along with other key stakeholders, to develop effective and evidence-based legal and policy responses to these phenomena; recalls that any data should be collected in accordance with national legal frameworks and EU data protection legislation; welcomes the compilation of guiding principles on hate crime for law enforcement and criminal authorities and on access to justice, protection and support for victims of hate crime developed by the High Level Group on combating racism, xenophobia and other forms of intolerance; reiterates that grooming, cyberbullying and revenge pornography are new forms of online crime and can have an extremely serious impact, especially on young people and children; recalls in this respect the necessity of media and information literacy, especially for children, in order to ensure responsible internet use; expresses its concern at the lack of reporting of hate crimes by victims owing to inadequate safeguards and the failure of authorities to properly investigate and bring convictions for hate crimes in the Member States; emphasises, therefore, the need to encourage victims to report hate crimes or discrimination, and to give them appropriate protection and support;
34. Calls on the Member States to continue their efforts to ensure the effective practical enforcement of Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (the Race Equality Directive)¹ and to ensure effective enforcement of the framework decision on racism and xenophobia in order to tackle persisting discrimination against Roma, anti-

¹ OJ L 180, 19.7.2000, p. 22.

Semitism, Islamophobia, Afrophobia, anti-gypsyism and aporophobia; points out that the Member States should put forward or review and amend, if necessary, their national integration strategies to ensure that all people are truly empowered to participate effectively in the process of inclusion by promoting and protecting their fundamental rights;

35. Expresses its concern that 2017 saw no major improvement in terms of achieving the goals of the National Roma Integration Strategies; points out that ESIF resources are not linked to the National Roma Integration Strategies and often do not benefit Roma people; condemns the instances of discrimination, segregation, hate speech, hate-motivated crimes and social exclusion experienced by Roma people; condemns the continuous discrimination against Roma people in the areas of access to housing (especially forced evictions), access to healthcare, education, the labour market, justice and equality before the law; warns that Roma children and women are especially vulnerable;
36. Deplores the fact that in 2017 LGBTI people were still victims of bullying, harassment and violence and were facing multiple discrimination and hatred in areas including education, health, housing and employment; is concerned at the continuous experiences of gender-based stigma, violence and discrimination by LGBTI people and the lack of knowledge and lack of intervention on the part of law enforcement authorities, particularly towards trans people and marginalised LGBTI people, and encourages the Member States to adopt laws and policies to combat homophobia and transphobia; strongly condemns the promotion and practice of LGBTI conversion therapies, and encourages Member States to criminalise such practices; also strongly condemns the pathologisation of trans and intersex identities; recalls that combating violence related to the gender identity, gender expression, sex characteristics or sexual orientation of a person falls within the EU's remit on gender-based violence; calls on the Commission to mainstream a gender identity perspective within that remit; urges all Member States to adopt measures that similarly respect and uphold the rights to gender identity, to gender expression, to physical integrity and to self-determination; calls on the Member States to update their criminal codes in line with the Race Equality Directive; considers that both sexual orientation and disability should be included in every catalogue of features protected against discrimination; welcomes the implementation of certain items contained in the list of actions by the Commission to advance LGBTI equality (2014-2019); calls on the Commission to maintain its ambitious multiannual planning in this field, in close cooperation with civil society organisations working in the area;
37. Emphasises the need to combat discrimination against religious minorities; is concerned at the rise of antisemitism and Islamophobia; emphasises that hate speech and hate crimes must be addressed in order to combat the growing number and radicalisation of racists and xenophobes, and points out that racism and xenophobia are crimes, not opinions;
38. Recalls that the UN Convention on the Rights of Persons with Disabilities (UNCPRD) is a legally binding international treaty, signed and ratified by the EU and currently implemented through the European Disability Strategy 2010-2020, the aim being to ensure equal opportunities regarding accessibility, participation, equality, employment, education and training, social protection, health, and EU external action; underlines that

in its implementation report on the European Disability Strategy published in February 2017, the Commission noted that although progress has been made, particularly with the European Accessibility Act proposed in 2015, persons with disabilities are still disadvantaged and discriminated against regarding employment, education and social inclusion; stresses in this regard that the objectives of the Strategy remain, that specific actions is to be taken in the period 2017-2020, and that the resolution of Parliament of 30 November 2017 on implementation of the European Disability Strategy¹ recommended compulsory requirements regarding accessibility in public spaces, a minimum percentage for employment of persons with disabilities, guarantees of inclusive education, including access to initiatives such as Erasmus +, and particular attention to women and children with disabilities;

39. Calls on all Member States to devise a national plan to combat all forms of violence against children; reiterates its call on the Commission to renew its commitment to set out a new EU Agenda for the Rights of the Child, as well as a new strategy for children's rights, and to aim to mainstream children's rights in EU policies, legislation and financial decisions, as well as taking them into account when programming and implementing regional and cohesion policies;
40. Regrets the multiple and intersectional discrimination faced by elderly people in an ageing European society; calls on all levels of government to better integrate this dimension when drafting and implementing policies, including in the implementation of the European Pillar of Social Rights;
41. Considers that the rapid pace of change in the digital world necessitates more effective safeguards for personal data and privacy; stresses that while the internet and social and other media are remarkable communication tools, especially as information sources for the public, at the same time they can be used as technological tools for controlling civil society, threatening vulnerable groups, especially children and women, particularly through stalking, harassment and the publication of sexual or naked photos without consent; calls on the Member States to effectively ensure the right to receive and disseminate information in accordance with Article 11 of the Charter, through a balanced approach in terms of regulating online content; takes note of the Commission's proposal for a regulation to prevent the dissemination of terrorist content online, and calls for the Council and Parliament to work on the text in order to ensure judicial control over decisions to remove online content;

Role and mandate of the FRA

42. Welcomes the positive findings of the FRA's second independent external evaluation for the period 2013-2017 (October 2017) and the related recommendations by the FRA's Management Board;
43. Welcomes the operational work of the FRA in different areas, for example at the migration hotspots in Greece and Italy, as well as its awareness-raising and training activities in the area of human rights; calls for the global statutory mission of the Agency to be extended to include the operational task of providing technical assistance, training and capacity-building on fundamental rights issues to the EU institutions,

¹ Texts adopted, P8_TA(2017)0474.

bodies and agencies, as well as to Member States when implementing EU law;

44. Takes note of the opinions of the FRA and strongly urges the Member States to take account of and implement its recommendations with a view to ensuring that fundamental rights are rigorously upheld in the EU;
45. Reiterates its call for alignment of the FRA's mandate with the Lisbon Treaty, including by making it explicit that the Founding Regulation covers police and judicial cooperation;
46. Welcomes the opinions of the FRA on draft EU legislation and agrees with the positions of its Management Board recommending that 'where the EU legislator deals with legislative files that raise fundamental rights questions, the Agency should be able to provide its assistance and expertise where and when it is needed and not only when it is formally requested' and that 'in order to make full use of the Agency's expertise in the legislative process, the Founding Regulation should allow the Agency to deliver non-binding opinions on draft EU legislation on its own initiative';
47. Is of the opinion that the EU institutions should provide for enhanced forms of consultation, impact assessment and legal scrutiny, including by requesting advice from appropriate independent expert bodies such as the FRA, whenever a legislative file potentially promotes or negatively affects fundamental rights; considers in this regard that more regular consultation of the FRA could be provided for in a revised version of the Interinstitutional Agreement on Better Law-Making;
48. Recommends that EU legislators should request independent and external human rights advice from the FRA whenever a legislative file raises serious fundamental rights issues; calls on the Commission to ensure that the FRA has the requisite mechanisms to enable it to fulfil its mandate;

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

EXPLANATORY STATEMENT

The European Union (EU) is based on the values of human dignity, freedom, democracy, equality, the rule of law and respect for human rights, all of them enshrined in its Charter of Fundamental Rights. The promotion and safeguard of these principles makes Europe unique and a worthy political project where the citizens are at its core. The inclusion of the Charter into the Treaty of Lisbon in December 2009 finally gave a legally binding social and human rights dimension to the four freedoms of the single market which are the freedom for people, goods, services and capital that had been leading the European integration process for decades.

It is only by placing the well-being of the people and the respect of their personal, civil, political, economic and social rights at the centre of the European Union's policies and decisions, that we will manage to counteract Euroscepticism and (re)engage with those citizens who are still struggling to overcome the consequences of the economic crisis and the severe austerity measures imposed by the EU for some years.

It is worth recalling that the EU often stands accused of complexity and detachment from its citizens. The fact that the Charter only applies to EU Member States when they are implementing EU law - Article 51 of the Charter - is perceived as insufficient and unsatisfactory for many citizens. This situation can only create more alienation from the EU, which is why the different European institutions should consider an enhancement of the scope of application of the Charter.

Although the Charter sets out the basic rights that must be respected both by the European Union and the Member States when implementing EU law, we continue to witness breaches and violations of their provisions. In this report, the Rapporteur underlines the major concerns identified in the field of fundamental rights in the EU during 2017 without any intention to downplay any omission. The topics were chosen due to their social and political impact and because of a perceived urgency to be addressed. Some of them, like Migration and the Rule of law, are ongoing challenges already covered in previous reports, which indicates that the problems are persisting and not yet solved.

This report insists on these two crucial topics and treats - among other possible relevant concerns - only four more which are also extremely important for the welfare of European citizens. All six topics have been in the forefront of EU's political life during 2017.

1. Migration

In 2017, 650 thousand first-time asylum seekers applied for international protection in the Member States of the EU. More than 1,000 refugees have drowned in the Mediterranean Sea. The deaths in the Central Mediterranean showed the darkest side of Europe where Member States hijacked any type of common action based on the principle of common responsibility and solidarity. In addition, it is worth to mention the attacks to NGO's working on the field that led last April to the European Parliament to pass a resolution against the criminalisation of humanitarian aid.

2. Rule of law

The concerns raised in many Member States on the issue of separation of powers, corruption

and the triggering of Article 7 has brought one more year the Rule of Law as a major concern.

3. Women's rights.

Women's fight for equality and against discrimination gained momentum with the #MeToo campaign, which gave victims of sexual assault and harassment the courage to speak out against their alleged abusers. The initiative became a worldwide phenomenon that showed the magnitude and severity of the case and the need to act urgently in order to eradicate any form of violence against women and girls.

4. Media freedom, freedom of expression and assembly.

Last year we also witnessed severe backlashes in several Member States in the field of civil liberties, especially those related with freedom of expression, freedom of the press and freedom of assembly. Journalists in the EU continue to be the target of attacks and pressures, some of them with dramatic ends like the assassination of the Maltese journalist Daphne Caruana Galizia in October 2017.

5. Discrimination: Racism, xenophobia and hate speech.

Violence, harassment, threats and xenophobic speech targeting especially LGTBI people, people belonging to ethnic minorities, Muslims and asylum seekers and migrants remained pervasive and grave across the European Union in 2017, according to FRA's second European Union Minorities and Discrimination Survey.

Since the scope of this Report must be limited, it is relevant and fair to mention other ongoing critical topics that require special attention and that have been covered by specific reports in the European Parliament, such as the rights and the discrimination faced by minorities, people with disabilities, Roma and elderly people. The protection of the most vulnerable must be EU's driving moto. In the European Union that we believe in, no one must be left behind.

6. Role and mandate of the FRA.

Following the second independent External Evaluation of the FRA, the Rapporteur has decided to include a specific point about the Agency, with the aim to reflect the need to acknowledge its role as expert advice and as a safeguard of the fundamental rights of people living in the EU, and the need to border its scope and powers.

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	3.12.2018
Result of final vote	+: 31 -: 13 0: 1
Members present for the final vote	Heinz K. Becker, Monika Beňová, Malin Björk, Michał Boni, Caterina Chinnici, Cornelia Ernst, Raymond Finch, Romeo Franz, Kinga Gál, Sylvie Guillaume, Monika Hohlmeier, Brice Hortefeux, Filiz Hyusmenova, Sophia in 't Veld, Dietmar Köster, Barbara Kudrycka, Cécile Kshetu Kyenge, Juan Fernando López Aguilar, Roberta Metsola, Claude Moraes, József Nagy, Ivari Padar, Judith Sargentini, Birgit Sippel, Branislav Škripek, Sergei Stanishev, Helga Stevens, Traian Ungureanu, Marie-Christine Vergiat, Udo Voigt, Josef Weidenholzer, Kristina Winberg, Auke Zijlstra
Substitutes present for the final vote	Carlos Coelho, Pál Csáky, Gérard Deprez, Anna Hedh, Lívia Járóka, Petr Ježek, Sylvia-Yvonne Kaufmann, Emilian Pavel, Morten Helveg Petersen, Christine Revault d'Allonnes Bonnefoy, Barbara Spinelli, Josep-Maria Terricabras
Substitutes under Rule 200(2) present for the final vote	Max Andersson

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

31	+
ALDE	Gérard Deprez, Filiz Hyusmenova, Sophia in 't Veld, Morten Helveg Petersen
GUE/NGL	Malin Björk, Cornelia Ernst, Barbara Spinelli, Marie-Christine Vergiat
PPE	Heinz K. Becker, Michał Boni, Carlos Coelho, Barbara Kudrycka
S&D	Monika Beňová, Caterina Chinnici, Sylvie Guillaume, Anna Hedh, Sylvia-Yvonne Kaufmann, Dietmar Köster, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Claude Moraes, Ivari Padar, Emilian Pavel, Christine Revault d'Allonnes Bonnefoy, Birgit Sippel, Sergei Stanishev, Josef Weidenholzer
VERTS/ALE	Max Andersson, Romeo Franz, Judith Sargentini, Josep-Maria Terricabras

13	-
ECR	Branislav Škripek, Helga Stevens
EFDD	Raymond Finch
ENF	France Jamet, Auke Zijlstra
NI	Udo Voigt
PPE	Pál Csáky, Kinga Gál, Monika Hohlmeier, Lívia Járóka, Roberta Metsola, József Nagy, Traian Ungureanu

1	0
ECR	Kristina Winberg

Key to symbols:

+ : in favour

- : against

0 : abstention