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REPORT

on the situation of fundamental rights in the European Union – annual report
2022 and 2023
(2023/2028(INI))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Katarina Barley

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

**on the situation of fundamental rights in the European Union – annual report 2022 and 2023
(2023/2028(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 Charter of Fundamental Rights of the European Union (‘the Charter’),
- having regard to the case-law of the Court of Justice of the European Union¹,
- having regard to Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget² (the Rule of Law Conditionality Regulation),
- having regard to Regulation (EU) 2021/692 of the European Parliament and of the Council of 28 April 2021 establishing the Citizens, Equality, Rights and Values programme and repealing Regulation (EU) No 1381/2013 of the European Parliament and of the Council and Council Regulation (EU) No 390/2014³,
- having regard to Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Prosecutor’s Office (‘the EPPO’)⁴,
- having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural person with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)⁵,
- having regard to Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union’s financial interests by means of criminal law⁶,
- 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

¹ Inter alia: *Commission v. Hungary* (Transparency of associations), Case C-78/18, ECLI:EU:C:2020:476; Judgment of the Court (Second Chamber) of 6 October 2022. *I. L. v Politsei- ja Piirivalveamet*, Case C-241/21, ECLI:EU:C:2022:753.

² OJ L 433 I, 22.12.2020, p. 1.

³ OJ L 156, 5.5.2021, p. 1.

⁴ OJ L 283, 31.10.2017, p. 1.

⁵ OJ L 119, 4.5.2016, p. 1.

⁶ OJ L 198, 28.7.2017, p. 29.

criminal law⁷,

- 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 origin⁸ and to the ongoing infringement proceedings launched by the Commission based on this Directive against several Member States, out of which one has been referred by the Commission to the Court of Justice,
- having regard to the Council Recommendation of 12 March 2021 on Roma equality, inclusion and participation (2021/C 93/01)⁹,
- having regard to the Commission communication of 9 January 2023 entitled ‘Assessment report of the Member States’ national Roma strategic frameworks’ (COM(2023)007),
- having regard to Commission Recommendation (EU) 2021/1534 of 16 September 2021 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union¹⁰,
- having regard to the Commission communication of 9 December 2021 entitled ‘A more inclusive and protective Europe: extending the list of EU crimes to hate speech and hate crime’ (COM(2021)0777),
- having regard to the Commission communication of 5 March 2020 entitled ‘A Union of Equality: Gender Equality Strategy 2020-2025’ (COM(2020)0152),
- having regard to the Commission communication of 24 June 2020 entitled ‘EU Strategy on victims’ rights 2020-2025’ (COM(2020)0258),
- having regard to the Commission communication of 12 November 2020 entitled ‘Union of Equality: LGBTIQ Equality Strategy 2020-2025’ (COM(2020)0698),
- having regard to the Council conclusions of 2 March 2022 on combating racism and antisemitism,
- having regard to the Commission communication of 2 December 2020 entitled ‘Strategy to strengthen the application of the Charter of Fundamental Rights in the EU’ (COM(2020)0711),
- having regard to the Commission report of 6 December 2022 entitled ‘A thriving civic space for upholding fundamental rights in the EU – 2022 Annual Report on the Application of the EU Charter of Fundamental Rights’ (COM(2022)0716),
- having regard to Commission Recommendation (EU) 2023/681 of 8 December 2022 on procedural rights of suspects and accused persons subject to pre-trial detention and on

⁷ OJ L 328, 6.12.2008, p. 55.

⁸ OJ L 180, 19.7.2000, p. 22.

⁹ OJ C 93, 19.3.2021, p. 1.

¹⁰ OJ L 331, 20.9.2021, p. 8.

material detention conditions¹¹,

- having regard to the Commission communication of 5 July 2023 entitled ‘2023 Rule of Law Report – The rule of law situation in the European Union’ (COM(2023)0800), the 27 country chapters and its accompanying recommendations to the Member States,
- having regard to the European Pillar of Social Rights, including its third principle on equal opportunities, and to the Commission communication of 4 March 2021 entitled ‘The European Pillar of Social Rights Action Plan’ (COM(2021)0102),
- having regard to the Commission proposal for a directive of the European Parliament and of the Council of 27 April 2022 on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings (‘Strategic lawsuits against public participation’) (COM(2022)0177) (‘the anti-SLAPP directive’), and its accompanying recommendation,
- having regard to the Commission proposal for a regulation of the European Parliament and of the Council of 16 September 2022 on establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU (COM(2022)0457) (‘the Media Freedom Act’), and its accompanying recommendation on internal safeguards for editorial independence and ownership transparency in the media sector¹²,
- having regard to the Commission proposal for a Council directive of 7 December 2022 on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in the field of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and deleting Article 13 of Directive 2000/43/EC and Article 12 of Directive 2004/113/EC (COM(2022)0689),
- having regard to the Commission proposal for a Council regulation of 7 December 2022 on jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood and on the creation of a European Certificate of Parenthood (COM(2022)0695),
- having regard to the Commission proposal for a directive of the European Parliament and of the Council of 7 December 2022 on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and deleting Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU (COM(2022)0688),
- having regard to the reports of the EU Agency for Fundamental Rights (FRA), in particular its fundamental rights reports for the years 2022 and 2023, including FRANET country reports,

¹¹ OJ L 86, 24.3.2023, p. 44.

¹² OJ L 245, 22.9.2022, p. 56.

- having regard to the Universal Declaration of Human Rights,
- having regard to the UN instruments on the protection of human rights and fundamental freedoms, including the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of Persons with Disabilities, the recommendations and reports of the UN Universal Periodic Review, the case-law of the UN Treaty Bodies and the special procedures of the Human Rights Council,
- having regard to the UN 2030 Agenda for Sustainable Development,
- having regard to the European Convention on Human Rights (ECHR) and the case-law of the European Court of Human Rights (ECtHR),
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence, which was opened for signature in Istanbul on 11 May 2011 ('the Istanbul Convention') and was ratified by the European Union on 28 June 2023,
- having regard to the recommendations and reports of the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities and other bodies of the Organization for Security and Co-operation in Europe (OSCE),
- having regard to the Council of Europe report of 23 March 2023 entitled 'Human Rights Defenders in the Council of Europe Area in Times of Crises' following the round-table with human rights defenders organised by the Office of the Council of Europe Commissioner for Human Rights, held in Dublin on 24-25 October 2022¹³,
- having regard to the Council of Europe Framework Convention for the Protection of National Minorities and to the European Charter for Regional or Minority Languages,
- having regard to the European Social Charter of the Council of Europe,
- having regard to the statements, recommendations and reports of the Council of Europe Commissioner for Human Rights,
- having regard to the recommendations and reports of the Council of Europe, in particular of the Venice Commission, the European Commission against Racism and Intolerance (ECRI), GREVIO and GRECO,
- having regard to its resolution of 13 November 2018 on minimum standards for minorities in the EU¹⁴,
- having regard to its resolution of 15 January 2019 on gender equality and taxation

¹³ Council of Europe, '[Human Rights Defenders in the Council of Europe Area in Times of Crises](#)', 23 March 2023.

¹⁴ OJ C 363, 28.10.2020, p. 13.

policies in the EU¹⁵,

- having regard to its resolution of 11 November 2021 on strengthening democracy and media freedom and pluralism in the EU: the undue use of actions under civil and criminal law to silence journalists, NGOs and civil society¹⁶,
- having regard to its resolution of 15 December 2021 on the evaluation of preventive measures for avoiding corruption, irregular spending and misuse of EU and national funds in case of emergency funds and crisis-related spending areas¹⁷,
- having regard to its resolution of 17 February 2022 with recommendations to the Commission on a statute for European cross-border associations and non-profit organisations¹⁸,
- having regard to its resolution of 8 March 2022 on the shrinking space for civil society in Europe¹⁹,
- having regard to its resolution of 10 March 2022 on the rule of law and the consequences of the ECJ ruling²⁰,
- having regard to its resolution of 9 June 2022 on the rule of law and the potential approval of the Polish national recovery plan (RRF)²¹,
- having regard to its resolution of 6 July 2022 on intersectional discrimination in the European Union: the socio-economic situation of women of African, Middle-Eastern, Latin-American and Asian descent²²,
- having regard to its resolution of 15 September 2022 on the proposal for a Council decision determining, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded²³,
- having regard to its resolution of 5 October 2022 on the situation of Roma people living in settlements in the EU²⁴,
- having regard to its resolution of 15 December 2022 on suspicions of corruption from Qatar and the broader need for transparency and accountability in the European institutions²⁵,
- having regard to its resolution of 7 July 2022 on the US Supreme Court decision to

¹⁵ OJ C 411, 27.11.2020, p. 38.

¹⁶ OJ C 205, 20.5.2022, p. 2.

¹⁷ OJ C 251, 30.6.2022, p. 48.

¹⁸ OJ C 342, 6.9.2022, p. 225.

¹⁹ OJ C 347, 9.9.2022, p. 2.

²⁰ OJ C 347, 9.9.2022, p. 168.

²¹ OJ C 493, 27.12.2022, p. 108.

²² OJ C 47, 7.2.2023, p. 184.

²³ OJ C 125, 5.4.2023, p. 463.

²⁴ OJ C 132, 14.4.2023, p. 29.

²⁵ OJ C 177, 17.5.2023, p. 109.

overturn abortion rights in the United States and the need to safeguard abortion rights and women's health in the EU²⁶,

- having regard to its resolution of 3 May 2022 on the persecution of minorities on the grounds of belief or religion²⁷,
- having regard to its resolution of 5 May 2022 on ongoing hearings under Article 7(1) TEU regarding Poland and Hungary²⁸,
- having regard to its Decision (EU) 2023/325 of 18 October 2022 on discharge in respect of the implementation of the budget of the European Border and Coast Guard Agency (Frontex) for the financial year 2020²⁹,
- having regard to its resolution of 20 October 2022 on growing hate crimes against LGBTIQ+ people across Europe in light of the recent homophobic murder in Slovakia³⁰,
- having regard to its resolution of 10 November 2022 on racial justice, non-discrimination and anti-racism in the EU³¹,
- having regard to its resolution of 13 December 2022 towards equal rights for persons with disabilities³²,
- having regard to its resolution of 19 April 2023 on combating discrimination in the EU – the long-awaited horizontal anti-discrimination directive³³,
- having regard to its position of 10 May 2023 on the draft Council decisions on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regards to institutions and public administration of the Union³⁴, as well as with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement,
- having regard to its resolution of 11 May 2023 on the adequacy of the protection afforded by the EU-US Data Privacy Framework³⁵,
- having regard to its report and recommendation of 22 May 2023 on the investigation of alleged contraventions and maladministration in the application of Union law in relation to the use of Pegasus and equivalent surveillance spyware,
- having regard to its resolution of 1 June 2023 on the breaches of the Rule of Law and

²⁶ OJ C 47, 7.2.2023, p. 268.

²⁷ OJ C 465, 6.12.2022, p. 33.

²⁸ OJ C 465, 6.12.2022, p. 147.

²⁹ OJ L 45, 14.2.2023, p. 13.

³⁰ OJ C 149, 28.4.2023, p. 22.

³¹ OJ C 161, 5.5.2023, p. 10.

³² OJ C 177, 17.5.2023, p. 13.

³³ P9_TA(2023)0111.

³⁴ Texts adopted, P9_TA(2023)0196.

³⁵ Texts adopted, P9_TA(2023)0204.

- fundamental rights in Hungary and frozen EU funds³⁶,
- having regard to its resolution of 13 July 2023 on public access to documents – annual report for the years 2019-2021³⁷,
 - having regard to its resolution of 4 October 2023 on the segregation and discrimination of Roma children in education³⁸,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Constitutional Affairs,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0376/2023),
- A. whereas the EU is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and human rights, including the rights of persons belonging to minorities, as set out in Article 2 TEU and the Charter, and embedded in international human rights treaties; whereas these values should be shared and upheld and actively promoted by the EU and the Member States in their internal and external action; whereas, in recent years, some Member States have shown a worrying decline in respect for these values;
- B. whereas democracy, the rule of law and fundamental rights are mutually reinforcing values, which, when undermined, pose a systemic threat to the Union and the rights and freedoms of all people in the EU; whereas respect for the rule of law is binding on the Union as a whole and its Member States at all levels of governance;
- C. whereas free, independent and transparent elections are a pillar of democracy;
- D. whereas the increasing spread of disinformation poses a threat to the democratic functioning of the Union; whereas reducing the manipulation of information is a matter of public interest; whereas disinformation reduces the ability of EU citizens and residents to make fact-based decisions and participate freely in democratic processes; whereas independent and pluralistic media are a powerful tool in fighting disinformation;
- E. whereas media freedom, pluralism and the independence and safety of journalists are crucial components of the right to freedom of expression and information, and are essential to the democratic functioning of the EU and its Member States; whereas, in recent years, journalists and other media actors in many Member States and abroad have been increasingly subject to threats, undue pressure, intimidation, violence and other forms of interference with their work, particularly when focusing on the misuse of power, corruption, fundamental rights violations and criminal activities; whereas SLAPPs remain a pressing issue across the EU; whereas the alarming situation as regards threats and attacks is not exclusively limited to professional journalists and

³⁶ Texts adopted, P9_TA(2023)0216.

³⁷ Texts adopted, P9_TA(2023)0295.

³⁸ Texts adopted, P9_TA(2023)0342.

other traditional media actors; whereas the definition of media actors has expanded as a result of new forms of media in the digital age and therefore includes others who contribute to public debate and perform journalistic activities or fulfil public watchdog functions;

- F. whereas government bodies in some Member States and non-EU countries have used Pegasus and other surveillance spyware against journalists, politicians, law enforcement officials, diplomats, lawyers, business people, civil society actors and other actors, for political and even criminal purposes; whereas such practices are extremely alarming and underscore the risk of the abuse of surveillance technologies to undermine fundamental human rights, democracy and electoral processes;
- G. whereas corruption is a serious threat to democracy and the rule of law; whereas there are persistent and serious concerns about the fight against corruption in some Member States; whereas the mechanisms to stop corruption are weak in several Member States and the lack of protection given to whistleblowers continues to be a widespread deficiency; whereas the Rule of Law Conditionality Regulation aims to protect the Union budget against breaches of rule of law principles;
- H. whereas journalists, media outlets and bloggers, human rights defenders, civil society organisations (CSOs), activists, trade unions, artists, researchers, whistleblowers, and politicians increasingly face threats, harassment and other forms of intimidation as a result of their engagement in public participation;
- I. whereas the independence of the judiciary – an essential requirement for the democratic principle of separation of powers and central to guaranteeing respect for fundamental rights – is facing serious threats and is even being structurally undermined in an increasing number of Member States;
- J. whereas the Court of Justice recalled³⁹ that the right to freedom of association, enshrined in Article 12(1) of the Charter, is one of the essential bases of a democratic and pluralist society, as it allows people in the EU to act collectively in fields of mutual interest and, in doing so, to contribute to the proper functioning of public life; whereas increasing attacks against the right to assembly and association through the disproportionate use of force against peaceful protesters, including the beating of protesters, have been reported in some Member States;
- K. whereas some Member States have imposed restrictions with the deliberate aim of limiting civic space; whereas the civic space in many Member States faces legal, administrative and fiscal harassment, criminalisation and negative rhetoric aimed at stigmatising and delegitimising CSOs, activists and human rights defenders and diminishing their capacity to carry out their work;
- L. whereas, in March 2023, the Council of Europe Commissioner for Human Rights assessed that the situation of human rights defenders in Europe had deteriorated alarmingly, and that governments had an increasing tendency to disregard their human rights commitments, prioritising national security and public safety concerns over human rights; whereas the Commissioner reported increasing restrictions on their ability

³⁹ *European Commission v. Hungary* (Transparency of association), Case C-78/18, ECLI:EU:C:2020:476.

to work freely and safely, as well as various forms of reprisal, including judicial harassment, prosecution, abusive controls and surveillance, smear campaigns, threats and intimidation in Member States and neighbouring countries; whereas the absence of effective investigations into violations committed by state and non-state actors against human rights defenders remains a major concern; whereas this undermines democracy and is part of a wider problem of polarisation in society, characterised by increasing expressions of hatred and violence against different social or minority groups;

- M. whereas there have been multiple incidents of migrant deaths and human rights violations at European borders owing to ineffective management and disproportionate use of force by the authorities; whereas increasing amounts of technology, including artificial intelligence, are being used to monitor migrants at the EU's external and internal borders; whereas the criminalisation of non-governmental organisations or any other non-state actors that carry out search and rescue operations, while complying with the relevant legal framework, amounts to a breach of international law⁴⁰ and therefore is not permitted by EU law; whereas the Court of Justice recalled that non-EU nationals can only be imprisoned when there is a specific legal basis to restrict their right to liberty and not when there is only a general criterion⁴¹;
- N. whereas fatalities at Europe's sea borders decreased slightly in 2022 compared to 2021, but still remained higher than in the three years prior to 2021⁴²; whereas most deaths occurred in the Central Mediterranean, off the North African coast⁴³;
- O. whereas several reports and investigations have been conducted on Frontex on issues related to fundamental rights, including by the European Anti-Fraud Office (OLAF) and the European Ombudsman; whereas the former Director of Frontex resigned from his position in April 2022; whereas all EU agencies must comply with fundamental rights and be accountable where there are instances of fundamental rights violations;
- P. whereas there has been an organised backlash against women's and girls' rights in recent years; whereas, in some Member States, there have been attempts to further roll back on sexual and reproductive health and rights, such as on existing legal protections for women's access to abortion care; whereas, in recent years, the denial of access to safe and legal abortion in some Member States has led to the death of a number of women; whereas the prevalence of gender-based violence, including sexual violence and rape, remains high across the EU; whereas some Member States have still not ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention); whereas movements against promoting and providing sexuality education are growing in the EU;

⁴⁰ Providing assistance to any persons found in distress at sea is a legal obligation of EU countries, established in international customary and conventional law (International Convention for the Safety of Life at Sea – SOLAS Convention, 1974; United Nations Convention of the Law of the Sea – UNCLOS, 1982; International Convention on Maritime Search and Rescue - SAR Convention, 1979), as well as EU law.

⁴¹ Judgment of the Court (Second Chamber) of 6 October 2022, *I. L. v Politsei- ja Piirivalveamet*, Case C-241/21, ECLI:EU:C:2022:753.

⁴² The European Union Agency for Fundamental Rights, 'Fundamental Rights Report 2023', p. 148, 8 June 2023.

⁴³ The European Union Agency for Fundamental Rights, 'Fundamental Rights Report 2023', p. 148, 8 June 2023.

- Q. whereas gender-based violence is both a cause and a consequence of the structural inequalities that are rooted in gender stereotypes and power asymmetries, including those in the private, social, public and economic sphere;
- R. whereas FRA survey data shows that the prevalence of discrimination on the grounds of racial or ethnic origin or religious beliefs (including Roma, Muslims, Jewish people and people of African descent) remains consistently high, both over time and across different population groups, in particular individuals from disadvantaged socio-economic backgrounds, in different Member States; whereas racial and ethnic minorities face systemic racism, hate crime and hate speech, a lack of access to justice and sustained socio-economic inequalities in areas such as housing, healthcare, employment and education, which need to be acknowledged as major barriers to the full enjoyment of their fundamental rights and a key barrier to inclusion and equality; whereas antisemitism, anti-gypsyism, islamophobia and racism are persistent forms of hatred and discrimination; whereas far-right extremism poses a particular threat to people affected by discrimination and to society as a whole; whereas, according to FRA, there are indications of systemic racism in the EU, including within law enforcement; whereas intersectional discrimination must be taken into account in policies and measures aimed at combating racism and discrimination;
- S. whereas persons with disabilities living in the EU continue to face discrimination, including the denial of reasonable accommodation, harassment and multiple and intersectional forms of discrimination in all areas of their lives, including socio-economic disadvantages, social isolation, maltreatment and violence, including gender-based violence, forced sterilisation and abortion, lack of access to community services, low-quality housing, institutionalisation, inadequate healthcare and denial of the opportunity to contribute to and actively engage in society;
- T. whereas a significant portion of Romani people⁴⁴ in Europe live in extremely precarious conditions in both rural and urban areas, and in very poor socio-economic circumstances; whereas most Romani people are deprived of their fundamental human rights in all areas of life; whereas the placement of children into segregated schools and the discriminatory practice of placing children of ethnic and racial minorities into schools for children with mental disabilities continue to persist in some Member States;
- U. whereas the continuous trend of increasing discrimination, hate speech and violence against LGBTIQ+ people and LGBTIQ+ rights defenders persists across the EU; whereas LGBTIQ+ people still face discrimination and exclusion in several Member States regarding social protection, social security, access to healthcare, education, legal protection and access to and supply of goods and other services that are available to the public, including housing; whereas the case-law of the Court of Justice that protects the social rights and private life of same-sex couples and children born to same-sex parents is not being implemented, such as the ‘Coman case (C-673/16)’ and the ‘Baby Sara case (C-490/20)’; whereas surgeries and medical treatments are being performed on intersex children without their prior, personal, full and informed consent; whereas intersex genital mutilation can have lifelong consequences, such as psychological trauma and

⁴⁴ The term ‘Romani people’ encompasses diverse groups, including Roma, Kalè, Manouches, Ashkali, Travellers, Lovara, Rissende, Boyash, Domare, Kalderash, Romanichal and Sinti. There is no commonly agreed terminology, as some communities prefer the term ‘Roma people’.

physical impairments;

- V. whereas incidents of hate crimes and hate speech have steadily increased across the EU over the last few years⁴⁵, largely due to the increasing number of social media users and the fact that hate speech thrives online; whereas the business model of social media platforms, based on micro-targeted advertising, plays a role in spreading and amplifying hate speech, inciting discrimination and violence; whereas education systems are key to providing digital education, literacy and skills for everyone, promoting users' understanding of digital technologies, overcoming inequalities, improving digital inclusion and empowering and protecting individuals and their rights, while outlining their responsibilities; whereas hate speech can lead to hate crime; whereas, according to the FRA, up to nine in ten hate crimes and hate-motivated attacks in the EU are not reported and are therefore not sanctioned;
- W. whereas Article 21 of the Charter prohibits all discrimination based on language or membership of a national minority; whereas Article 22 thereof guarantees respect for linguistic diversity;
- X. whereas the EU is based on the promotion of social, cultural and economic rights; whereas the number of people living in poverty in the EU remains high, with more than one in five children at risk of poverty and almost one in four European citizens at risk of poverty or social exclusion; whereas the poverty cycle exacerbates other inequalities such as people's access to education, affordable housing, healthcare and employment; whereas the energy crisis and inflation have increased the number of people affected by insecurity, poverty and social exclusion; whereas Article 151 TFEU refers to fundamental social rights such as those set out in the European Social Charter; whereas the European Pillar of Social Rights and the implementation of its Action Plan are key instruments to mainstream social priorities across all EU policies and a guide for the actual implementation of its 20 principles;
- Y. whereas EU accession to the European Convention on Human Rights (ECHR) is an obligation under Article 6(2) TEU and remains a high priority;
- Z. whereas Member States and EU institutions and bodies, including the Court of Justice, the FRA and the EPPO all have a crucial role to play in upholding EU values and ensuring respect for fundamental rights;
- AA. whereas the European Ombudsman conducted an investigation into the exchange of personal texts and calls related to the procurement of COVID-19 vaccines between the Commission President and the Pfizer CEO, which the Commission refused to disclose afterwards; whereas, in July 2022, the Ombudsman found that this refusal constituted maladministration⁴⁶;
- AB. whereas, for several years, the rule of law has been deteriorating in several Member

⁴⁵ European Parliamentary Research Service, at a glance briefing, 'Combating hate speech and hate crime in the EU', June 2022.

⁴⁶ European Ombudsman, '[Recommendation on the European Commission's refusal of public access to text messages exchanged between the Commission President and the CEO of a pharmaceutical company on the purchase of a COVID 19 vaccine \(case 1316/2021/MIG\)](#)'.

States as a result of the systematic actions of their governments, particularly in Hungary and Poland, which have ongoing Article 7(1) TEU procedures against them; whereas rule of law and fundamental rights concerns are rapidly growing in other Member States; whereas it is crucial to ensure that Member States comply with OSCE commitments and other international obligations and standards for democratic elections, including the Venice Commission;

- AC. whereas poverty is a form of structural and social injustice, which is grounded in gender inequalities, discrimination and unequal opportunities to access goods and services, leading to the violation of fundamental rights; whereas tackling poverty requires taking an intersectional approach into account and paying particular attention to individuals in vulnerable situations, such as children, women, racialised and ethnic communities, LGBTIQ+ people, migrants and asylum seekers and people with disabilities, as well as individuals from socio-economically disadvantaged backgrounds;
- AD. whereas, according to the report of the European Environment Agency entitled ‘Air quality in Europe 2022’, 238 000 premature deaths resulted from exposure to fine particulate matter air pollution in the Union in 2020 alone;

The rule of law and access to justice

1. Recalls the importance of free media in upholding democracy, holding public and private institutions to account and allowing citizens to access fact-based information; stresses the importance of media pluralism and journalistic freedom; strongly condemns the fact that, in 2022, another global record for the number of imprisoned journalists was set, and calls for the full delivery of justice with regard to the killing of investigative journalists in the EU;
2. Calls for a swift agreement on the anti-SLAPP directive, which should offer substantive and broad protection against abusive lawsuits; calls on the Member States to implement the Commission Recommendation on protecting journalists and human rights defenders that engage in public participation from manifestly unfounded or abusive court proceedings, and specifically to remove prison sentences for defamation cases, decriminalise defamation and favour civil or administrative procedures instead; urges the Commission to address the seriousness of SLAPPs brought through criminal proceedings by presenting a proposal for measures to ensure that defamation, libel and slander, which constitute criminal offences in most Member States, cannot be used for SLAPPs through public or private prosecution; stresses that SLAPPs are only one method used to silence journalists and calls on the Commission to further investigate other practices and to intervene; calls on politicians to publicly condemn threats and attacks against journalists;
3. Reiterates its concern over the breach of fundamental rights with regard to the use of Pegasus and equivalent spyware to target individuals and high-profile personalities, such as journalists, bloggers, human rights defenders, politicians, or other actors; underlines that the illegitimate use of spyware by national governments directly and indirectly affects the integrity of decision-making, thus undermining EU democracy and highlighting the urgent need for greater transparency and legal accountability in the surveillance industry;

4. Calls on the Member States, in particular Greece, Hungary, Poland, Spain and Cyprus, to follow their respective recommendations from its report on the use of Pegasus and equivalent surveillance spyware; recalls its recommendations for common EU standards to be followed, as individual rights cannot be put at risk by permitting unfettered access to surveillance;
5. Urges the Member States to draw up national action plans for the safety of journalists, to create a favourable environment for plural and independent media to flourish and to play their essential watchdog role to hold governments and other actors to account;
6. Recalls that the trade in and use of spyware needs to be regulated strictly; underlines that the use of spyware must be authorised only in exceptional and specific cases with respect to investigations into a limited and closed list of clearly and precisely defined serious crimes, be justified on a case-by-case basis, comply with the Charter and other relevant Union law, and be ordered, *ex ante*, by an independent and impartial judicial authority with effective, known and accessible remedial measures; stresses that all spyware surveillance must be scrutinised by an independent *ex post* oversight authority, which must ensure that any authorised surveillance is carried out in compliance with fundamental rights and in accordance with the conditions set out by the Court of Justice, the ECtHR and the Venice Commission; insists that individuals targeted with spyware be given access to real and meaningful legal remedy;
7. Stresses that corruption is incompatible with the values of democracy and the rule of law as it deepens inequalities and erodes citizens' trust in good governance; is deeply concerned by the increasing level of corruption in several Member States, in particular cases involving high-level officials and politicians; reiterates its condemnation of the alleged cases of corruption involving current and former Members of the European Parliament; underlines, in this light, the adoption of the amendments to its Rules of Procedure that aim to strengthen its integrity, independence and accountability; is concerned about the varying levels of implementation of the EU anti-corruption framework in Member States; requests that zero tolerance for corruption must be the rule; calls for the establishment of an independent ethics body; calls on the Member States to ensure the full implementation of the Whistleblower Protection Directive⁴⁷;
8. Stresses that judicial independence and effective checks and balances, which can vary from one Member State to another, are key components of the rule of law; highlights that serious concerns remain as to the rule of law and the independence of the judiciary in several Member States; condemns any attempts by Member State governments to exert political influence or control over the independent decision-making of the judiciary either directly or by organisational means;
9. Supports the creation of an EU strategy to ensure concrete and coordinated action at EU level, including through the creation of a protection mechanism for human rights defenders in Europe, building on the examples in EU foreign policy, to ensure prevention, direct assistance and accountability;
10. Supports the use of the Recovery and Resilience Facility and the horizontal enabling

⁴⁷ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, OJ L 305, 26.11.2019, p. 17.

conditions for the freezing of EU funding to fight corruption and rule of law backsliding in Member States; stresses that funds restricted through different conditionality measures must only be released once key enabling conditions are met; urges the Member States to complete the appropriate measures to reach the milestones set out in their respective recovery and resilience plans; calls on the European Council to take action and to determine whether Hungary has committed serious and persistent breaches of EU values under Article 7(2) TEU; strongly deplores the systematic scapegoating of the LGBTIQ+ community by the Hungarian authorities; underlines that the Council shares the responsibility for the protection of the values enshrined in Article 2 TEU and that the failure to do so would have long-lasting and potentially damaging consequences; insists that Parliament's role and competences be respected;

11. Deplores the fact that some Member States are prolonging state of emergency measures beyond what is necessary and proportionate, and rushing to adopt legislation without proper consultation;
12. Reiterates the imminent need to establish an EU mechanism on democracy, the rule of law and fundamental rights and urges the Commission and the Council to immediately enter into negotiations with Parliament on this agreement;
13. Welcomes the introduction of broadcasting and live-streaming in 2022 by the Court of Justice to facilitate partial public access to its judicial activity;

Freedoms

14. Expresses deep concern about the increasing threats to the freedoms of association, speech and assembly; reiterates that the right to peaceful assembly can only be restricted when provided for by law and when necessary and proportionate to protect a general interest recognised by the Union or the rights and freedoms of others; condemns the use, in some instances, of violent and disproportionate intervention by law enforcement authorities during peaceful protests and condemns cases of discretionary mass arrests of potential protesters; encourages the relevant national authorities to ensure transparent, impartial, independent and effective investigations into the suspected or alleged use of disproportionate force; calls on the Member States to use alternative practices to maintain public order that have already proven to be effective in other Member States;
15. Emphasises that in order to ensure the right to freedom of expression and information, which is foundational for any democracy, information must be universally accessible and diverse; underscores that artistic freedom must be guaranteed; stresses that disinformation can be highly disruptive to the functioning of democratic societies, economies and political systems; recalls the need for media and digital literacy to be included in civic education in order to counter the spread of disinformation; reiterates its recommendations to take effective measures to tackle disinformation from malicious foreign powers, in particular with a view to the upcoming European elections; underlines that an independent and pluralistic media landscape, both online and offline, is indispensable to effectively counter disinformation and propaganda, and therefore must be promoted, including through effective action against media concentrations;
16. Stresses that, under Union law, national regulatory authorities and/or bodies must be

functionally independent from their government and must not seek or take any instructions from any other body; notes that the political independence of media regulation and oversight by the Member States and the Commission, the protection of editorial independence throughout the EU, the protection of journalists from surveillance and the protection of journalistic sources are of paramount importance; calls, in this regard, for the adoption of a strong European media freedom act to guarantee the independence, plurality and freedom of media across the EU, ensuring transparency of ownership and financing;

17. Underlines the crucial role of CSOs in promoting active citizenship, fundamental rights and democratic participation in Europe; urges the Commission to present a strategy and establish minimum standards for the protection of CSOs in all Member States in order to promote a regulatory and political environment free from chilling effects, threats and attacks, to provide CSOs with sustainable and non-discriminatory access to resources and to support their engagement in civil dialogue and participation in policymaking; deplores the fact that the situation of human rights defenders in the EU has deteriorated alarmingly in recent years; urges the Commission and the Member States to take the necessary measures to ensure that human rights defenders are able to work free from hindrance and insecurity;
18. Recalls that, under Article 6 of the Charter, everyone has the right to liberty and security, which means that everyone in the EU should be protected from unlawful and arbitrary arrest; calls on the Member States to follow the Commission Recommendation on procedural rights of suspects and accused persons in order to improve detention conditions and, thus, ensure a higher level of protection for the right to liberty and security;
19. Condemns the rise in religion or belief-based discrimination and racist incidents in the EU; calls on the Commission and the Member States to take decisive action in this regard, including at international level; recalls that, under Article 10 of the Charter, everyone has the right to freedom of thought, conscience and religion; deplores the fact that incidents of discrimination and racist and xenophobic crimes are often not reported to the authorities, which leads to de facto impunity; regrets the fact that not all Member States have fully transposed the framework decision on combating certain forms and expressions of racism and xenophobia by means of criminal law;
20. Is concerned over the increasing number of incidents of police violence against the Romani population; calls on the Member States to rigorously investigate these incidents to ensure that there is no impunity for introducing and/or implementing repressive, violent measures against Romani individuals or communities; calls further on the Member States to address biased police recordings, reporting, prosecution and court judgments and the inadequate access to justice of Romani people;
21. Points out that, as a result of the datafication of everyday life and data scandals, the right to the protection of personal data is of growing importance; reiterates its concerns about the uneven application of the General Data Protection Regulation; supports the initiatives to strengthen the legislative process on an EU regulatory framework on artificial intelligence providing for strong safeguards for fundamental rights;

22. Strongly condemns the widespread fundamental rights violations and the use of disproportionate violence at EU borders against migrants including refugees, such as arbitrary detention, inhumane living conditions and lack of access to healthcare, unlawful returns and violent pushbacks; is very concerned about Member States codifying the use of pushbacks into their national law; condemns all laws in the Member States that undermine the effective protection of the human rights of refugees, asylum seekers and migrants on the land and at sea, as well as the criminalisation of humanitarian workers and activists; highlights that almost a third of asylum seekers are children and reiterates that immigration detention of children should not be permitted;
23. Calls for the EU and the Member States to ensure that effective oversight mechanisms are put in place to ensure fundamental rights compliance at the external borders, which should also cover the monitoring of border surveillance activities; calls further on the Commission and the Member States to ensure that the individuals whose data are stored in the databases of the EU's large-scale information systems are informed about their rights and have access to available remedies;
24. Strongly deplores the numerous deaths of refugees and migrants at sea who are often victims of trafficking of human beings and have to face inhumane and degrading treatment without any consideration for their safety; reiterates the obligation under the international law of the sea to assist persons in distress and urgently calls for permanent coordinated search and rescue operations with swift disembarkations, and for Member States to take every action possible to save the lives of people at risk at sea; calls for the right to asylum of all persons rescued at sea to be respected, by assessing individual circumstances on a case-by-case basis;
25. Notes that several Member States use national security as a determinant for internal policies, such as migration; stresses that any measures taken on the basis of national security must be necessary and proportionate, and must not undermine the rights guaranteed by the Charter; recalls that Article 19 of the Charter provides for protection in the event of removal, expulsion or extradition by prohibiting collective expulsions and, therefore, requires individual assessments and prohibits the rejection of applications for international protection based solely on a specific nationality;
26. Welcomes the activation of the EU Temporary Protection Directive (TPD)⁴⁸ following the war in Ukraine, which aims to ensure access to protection for refugees and asylum seekers of any origin; recalls that access to accommodation, employment, education, healthcare and social welfare services under the TPD must take into account a gender approach; deplores the unequal treatment, racial discrimination and violence faced by non-Ukrainians fleeing the conflict, in particular people of colour and LGBTIQ+ people; deplores the double standards on migrants and refugees in the EU and calls for an end to this situation;
27. Welcomes the recommendation of the Council of Europe's Committee of Ministers on protecting the rights of migrant, refugee and asylum-seeking women and girls, calling on Member States to take measures to prevent discrimination against such women,

⁴⁸ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212, 7.8.2001, p. 12.

including by promoting access to employment and sexual and reproductive healthcare, and facilitating access to services and justice for survivors of gender-based violence⁴⁹;

28. Notes, with concern, the large population of stateless persons in the EU, especially children being born stateless; calls on the Commission to develop a comprehensive strategy and action plan to address statelessness in the EU and to protect them from expulsion; calls on the Member States to properly identify, recognise and protect stateless people, addressing the specific vulnerabilities of stateless persons;

Equality and dignity

29. Calls on the Commission to ensure that the right to non-discrimination and equal treatment is respected across the EU; deplores the fact that the proposal on the horizontal anti-discrimination directive has remained blocked in the Council since 2008; considers that any update of this proposal by the Commission must build on Parliament's position, address intersectional discrimination and explicitly prohibit discrimination on any combination of grounds listed in the Charter; regrets the fact that the Council has ignored these requests and urges the Council to integrate them into its mandate and to take all appropriate actions to fight discrimination in the EU;
30. Calls on the Commission to monitor and ensure proper follow-up of the implementation of the Member States' national action plans against racism and the EU anti-racism action plan; urges, furthermore, the Commission to mainstream anti-racism and anti-discrimination in all EU policies; calls on the upcoming Council presidencies to seriously consider establishing a Council configuration on gender equality and equality;
31. Calls on the Commission and the Member States to tackle racial discrimination in all areas of society, with a specific emphasis on education and the prevention of school segregation, through effective legislative and policy measures, both in the Member States and in enlargement countries;
32. Recalls, with regard to digitalisation, the need to pay close attention to discriminatory biases being introduced into new technologies and the need to require developers and deployers to provide publicly accessible information on how these systems are trained; calls on the Commission and the Member States to put in place measures to prevent new technologies, including artificial intelligence, from exacerbating discrimination, existing inequalities and poverty; calls on the Commission and the Member States to ensure that artificial intelligence systems are guided by the principles of transparency, explainability, fairness and accountability, and that fundamental rights impact assessments are put in place; calls further on the Commission and the Member States to tackle the gender and diversity gaps in the information and communications technology (ICT) and science, technology, engineering and mathematics (STEM) sectors, particularly in the development of new technologies, and especially in decision-making positions;
33. Recalls the importance of children belonging to national minorities being able to find dedicated schools offering education in their language; encourages the inclusion of

⁴⁹ Council of Europe, '[Recommendation CM/Rec\(2022\)17 of the Committee of Ministers to member States on protecting the rights of migrant, refugee and asylum-seeking women and girls](#)', 20 May 2022.

national minority representatives in decision-making processes impacting their education systems;

34. Recalls that gender-based violence is highly prevalent in all Member States across the EU; strongly condemns the rapid backsliding on women's and LGBTIQ+ rights in several Member States; strongly condemns the denial of access to safe and legal abortion services as it is a form of gender-based violence; highlights that the ECtHR has ruled that restrictive abortion laws and lack of implementation violate women's right to bodily autonomy and integrity; reiterates its condemnation of Poland's law that imposes a near total ban on abortion; recalls that citizens who help people to access abortion services when it is not freely or legally available should not be persecuted; reiterates its call for the right to abortion to be included in the Charter;
35. Welcomes the Commission's proposal for a directive to combat violence against women and domestic violence and calls for the swift conclusion of the negotiations and for gender-based violence to be included in the list of EU crimes; highlights that such a directive should guarantee the obligations laid down in the Istanbul Convention as a minimum standard and aim to strengthen these standards to increase the level of protection; welcomes the EU's ratification of the Istanbul Convention which entered into force on 1 October 2023; calls on the remaining Member States to swiftly ratify the Convention in order to protect women against violence;
36. Underlines that persons with disabilities, in particular women with disabilities, continue to face multiple and intersectional discrimination based on their disability, gender, race, ethnicity, age, religion or belief, sexual orientation, migration status or socio-economic background; stresses that women and girls with disabilities are particularly subject to gender-based violence, including physical, sexual, psychological and economic violence; calls on the Commission and the Member States to ensure that mechanisms for reporting violence against persons with disabilities, as well as support services for victims, are put in place and are made accessible;
37. Stresses that the rights of the child are universal and that every child should enjoy the same rights, free of discrimination, such as the right to the recognition of parenthood, including for same-sex couples; welcomes the Commission's proposal for a regulation on jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood and on the creation of a European Certificate of Parenthood to protect the rights of all children by ensuring that their parental ties, including, in particular, same-sex parents, established in one Member State are recognised in all EU Member States;
38. Calls on the Member States to make forced sterilisation punishable as a criminal offence; reiterates its position that the directive on combating violence against women and domestic violence should include forced sterilisation as a criminal offence under Article 83(1) TFEU;
39. Recalls that hate crimes and hate speech motivated by racism, xenophobia or religious intolerance, or by a hostility or prejudice based on a person's disability, sexual orientation, gender identity, gender expression or sex characteristics are extreme examples of discrimination; notes that the Member States have a duty to combat and

investigate hate crime, punish perpetrators and take preventive measures; stresses the need for the appropriate recording of hate crimes by law enforcement authorities in order to better understand the nature and prevalence of the phenomenon and its impact on victims, and to address its root causes;

40. Welcomes the Commission's initiative to expand the list of EU crimes in Article 83(1) TFEU to hate speech and hate crimes, highlighting the need to ensure a robust EU criminal law response to hate speech and hate crime; strongly deplores the delayed approval of the initiative, and reiterates its call on the Council to work diligently towards a consensus;
41. Recalls that EU legislation on hate speech and hate crimes should universally protect human dignity and combat hatred and intolerance irrespective of their motivation, with a special focus on targeted persons, groups and communities; strongly condemns all forms of hate speech and smear campaigns in public media against journalists, politicians, public officials, activists and other actors;
42. Calls on the Commission to effectively monitor the implementation of the measures contained in the various equality strategies, such as the EU LGBTIQ+ Equality Strategy 2020-2025, the EU Gender Equality Strategy 2020-2025, the Strategy on Roma Equality and Inclusion, and the EU anti-racism action plan 2020-2025; urges the Member States to swiftly draw up and implement national action plans against racism;
43. Welcomes the fact that the Commission, for the first time, invoked an isolated violation of Article 2 TEU when it referred the Hungarian 'child protection law', which camouflaged other objectives, to the Court of Justice;

Social, economic and environmental rights

44. Recognises that poverty is another form of discrimination that leads to the violation of fundamental rights and unequal opportunities to access goods and services; highlights the particular vulnerability of children and the impact that poverty has on them and on their physical and psychological development; calls on the Commission, the Council and the Member States to develop policies to reduce poverty and social exclusion, taking into account an intersectional approach and paying particular attention to individuals in vulnerable situations; welcomes the approval of the European Child Guarantee, but considers that more efforts are needed, particularly in the area of social protection; calls on the Member States to guarantee equal access and opportunities for quality education and employment, as they play a critical role in helping to alleviate inequality and lifting people out of poverty;
45. Is deeply concerned about the increase in poverty, inequalities and social exclusion in the EU; calls on the Member States to tackle 'period poverty' and to eliminate VAT on personal hygiene products; stresses that the long-term economic consequences of the COVID-19 pandemic and the rise in food and energy prices have severely impacted the rights of people living on low incomes or in poverty, including to an adequate standard of living, to food, to health, to housing and to social security; calls on the Commission and the Council to develop macroeconomic policies guided not only by economic growth, but also by social standards and recalls the importance of social standards in the

European Semester;

46. Welcomes the Council Recommendation of 30 January 2023 on adequate minimum income⁵⁰ ensuring active inclusion as a step forward in implementing principle 14 of the European Pillar of Social Rights; regrets, however, the lack of concrete measures to overcome structural discrimination towards vulnerable groups; calls on the Member States to collect disaggregated data on minimum income for these groups;
47. Stresses that digitalisation is a transversal process that impacts access to all services, particularly healthcare, and the exercise of fundamental rights; underlines that digital poverty in the EU should be monitored and assessed in relation to access to essential services and fundamental rights, including for elderly people, people living in remote areas, people living in situations of homelessness and Roma people; recalls the obligation of Member States, under the Convention on the Rights of Persons with Disabilities, to ensure that people with disabilities have full access to society; recalls that technological addictions constitute a public health problem that particularly affects minors and their physical and mental integrity;
48. Notes that housing is not a commodity, but a necessity, and that it is a precondition for participating fully in society; calls on the Member States to step up investment in social and affordable housing to eradicate housing cost overburden, particularly among disadvantaged and vulnerable groups, and to avoid competition between these groups;
49. Welcomes the recognition of the universal right to access to a healthy and sustainable environment by the UN Human Rights Council on 8 October 2021; highlights that environmental impairment and the failure of some public authorities to provide information about serious environmental risks to which individuals are exposed, may have severe harmful consequences for individuals; recalls the need to fully align the EU ambient air quality standards with the latest World Health Organization guidelines by 2030;

Institutional safeguards for fundamental rights

50. Welcomes the progress made since the resumption of the negotiations towards EU accession to the ECHR in June 2020 and the provisional agreement on the draft revised accession instruments reached in March 2023; calls on the Commission and the Council to resolve the remaining issue on the situation of EU acts in the area of the common foreign and security policy as swiftly as possible in order to complete the accession process;
51. Supports the FRA's work on analysing data in order to document discrimination and welcomes further developments in this field; welcomes the Commission's proposals for two directives on standards for equality bodies, aiming to ensure the implementation and enforcement of EU anti-discrimination rules; calls on national bodies cooperating with the FRA to provide impartial data; calls on the FRA to consult additional sources when serious concerns persist on the quality of data;

⁵⁰ Council Recommendation of 30 January 2023 on adequate minimum income ensuring active inclusion, OJ C 41, 3.2.2023, p. 1.

52. Highlights the importance of supporting and strengthening cooperation between the EU institutions, the Member States, OLAF and the EPPO; calls on the Commission to present a report assessing the possibility and modalities of expanding the mandate of the EPPO, as provided for in Article 86 TFEU, to include serious environmental crimes that are detrimental to the interests of the Union or that affect the consistent application of EU policies related to the protection of the environment;
53. Calls for the FRA to be established as an independent human rights authority, similar to national human rights institutions and in line with the UN General Assembly's Paris Principles of 1993, to protect and promote the Charter policies and practices from Union institutions, bodies, offices and agencies, and from Member States when implementing EU law; considers that this requires a legal basis in the Treaties for the creation of an EU authority for fundamental rights, enshrining its independence and introducing the ordinary legislative procedure for adopting and amending its mandate; calls for this new authority to be entitled to bring actions under Article 263 TFEU on grounds of infringement of the Charter; calls for the power to handle complaints and the mandatory consultation by the Commission of the FRA when preparing proposals for legislative acts or recommendations which have an impact on fundamental rights to be included in its mandate;
54. Recalls the importance of the relevant Court of Justice case-law upholding the respect for fundamental rights and further defining the rule of law; is concerned by the persistent refusal of some Member States to implement domestic, Court of Justice and ECtHR judgments, which contributes to the erosion of the rule of law; stresses that the non-implementation of judgments can lead to human rights violations being left without remedy; highlights that the primacy of EU law constitutes the bedrock of the EU's legal order; calls on the Commission to ensure adequate follow-up in case of non-implementation of this principle;
55. Stresses the role of national and local administrations, and the Member States' parliaments and law enforcement authorities in promoting and protecting Charter rights;
56. Notes the FRA observation that Member States appear to lack a structured engagement with the implementation of the Commission strategy to strengthen the application of the Charter, such as definitions of clear targets, milestones and timelines; calls on the Member States to fully implement the strategy;
57. Recalls that the right to participate in democratic life and the obligation to ensure that decisions are taken as openly and as close to citizens as possible are protected under the Treaties and Article 10 TEU in particular; calls on the EU institutions and the Member States to ensure sufficient time for public consultation and transparency and to publish public documents in a proactive manner;
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58. Instructs its President to forward this resolution to the Council and the Commission.

EXPLANATORY STATEMENT

Respect for human dignity, freedom, democracy, equality, the rule of law and human rights are the founding values of the European Union as set out in Article 2 TEU and the Charter of Fundamental Rights. Upholding and actively promoting these values is an obligation of both, the EU institutions and the Member States. The Rapporteur is of the opinion that, in recent years, a worrisome decline of the respect of fundamental rights took place in across the European Union and that the consensus on the common European values is at risk of crumbling.

In the years 2022 and 2023, the EU faced new, unprecedented challenges. Still dealing with the adverse effects of the Covid-pandemic, the Russian war of aggression against Ukraine added the influx of millions of people, who were forced to leave their homes. Consequently, the report should adequately reflect fundamental rights questions arising from these circumstances, including but not limited to (i) the use of emergency legislation and its effect on the space for CSOs, (ii) the role of free media for the functioning of democratic systems, and (iii) the protection of social rights, and (iv) fundamental rights protection for refugees and migrants.

Approach by the Rapporteur

The Rapporteur aims to achieve a comprehensive report, reflecting the main developments in the years in question.

The report should primarily reflect the general tendencies of the fundamental rights situation in the European Union in the years 2022 and 2023. However, the report should also cover systemic problems in individual Member States, provided there is an ongoing procedure on the matter at the European level, including procedures under Article 7 TEU, infringement procedures, and judgements by the CJEU and the ECtHR.

Structure

In order to be able to cover all relevant elements, the draft report is structured around the main clusters of fundamental rights, broadly based on the chapters of the Charter of Fundamental Rights. Instead of focusing only on some priorities or specific groups, and in light of the maximum length of four pages for own-initiative reports, the Rapporteur is seeking to provide a general outline under which all fundamental rights questions can be categorised. It can and will be enriched during the amendment stage.

The main categories are:

The rule of law and access to justice

This chapter covers *inter alia* the role of free media, the use of emergency legislation, parliamentary rights, the independence of the judiciary, effects of corruption, and rule of law procedures at the European level.

Freedoms

This chapter covers *inter alia* collective freedoms, as the right of assembly and the right of association, as well as individual freedoms, such as the right to liberty and security, freedom of thought, the protection of personal data, freedom of expression and information, and the right to asylum.

Equality and dignity

This chapter covers *inter alia* the right to non-discrimination on grounds of gender, 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. It also covers the right to respect for a person's physical and mental integrity, particularly relating to hate speech and hate crimes.

Social, economic and environmental rights

This chapter covers *inter alia* poverty as discrimination, social inequalities, digital poverty, housing, access to education, access to employment, the right of collective bargaining, and the right to have access to a healthy and sustainable environment.

Institutional safeguards for fundamental rights

This chapter covers *inter alia* the role of institutions such as the Council of Europe and the European Court of Human Rights, the European Court of Justice, the EU Fundamental Rights Agency, the European Public Prosecutor's Office, as well as national courts and national equality bodies.

ANNEX: ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that she has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
Amnesty International, European Institutions Office
Committee to Protect Journalists
European Anti-Poverty Network
European Civic Forum
ILGA-Europe

The list above is drawn up under the exclusive responsibility of the rapporteur.

20.9.2023

OPINION OF THE COMMITTEE ON CONSTITUTIONAL AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on the situation of fundamental rights in the EU in 2022 and 2023
(2023/2028(INI))

Rapporteur for opinion: François Alfonsi

SUGGESTIONS

The Committee on Constitutional Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Welcomes the progress made on the negotiations towards the EU's accession to the European Convention on Human Rights (ECHR), as required by the Treaty of Lisbon, and the recent provisional agreement reached on the draft revised accession instruments; demands that accession be finalised as soon as possible in order to consolidate and render more coherent the protection of human rights in Europe by subjecting all European institutions to the authority of the ECHR and by enabling individuals to bring cases against the Union directly before the European Court of Human Rights; calls furthermore for the EU to accede to the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages;
2. Calls for the accession of the EU and its Member States to the Council of Europe conventions to be finalised, such as the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Lanzarote Convention, the Criminal Law Convention on Corruption and the Civil Law Convention on Corruption, as well as the European Social Charter and the Istanbul Convention; calls on the bodies of the EU and the Member States to foster comprehensive and constructive cooperation with the Council of Europe with the aim of strengthening their responsibilities to guarantee the safeguarding of fundamental rights;
3. Stresses the importance of the Istanbul Convention for the protection of the fundamental rights of women, combating violence and domestic violence and calls on the six Member States who have not yet ratified it to do so without further delay;
4. Calls for the key role of the EU Agency for Fundamental Rights (FRA) to be strengthened, including by expanding its tasks and powers to further promote and protect fundamental rights across the EU;
5. Stresses the role of Member States at all levels, notably the levels of national and

regional parliaments, national and local administrations and law enforcement authorities, in ensuring the full application of the Charter of Fundamental Rights (the Charter) when implementing EU law; recalls that the FRA must be granted sufficient capacities and the resources in order to undertake the tasks entrusted to it in accordance with its renewed mandate;

6. Invites the Commission and the Member States to further inform civil society actors and involve them in the implementation of the Charter; recalls that according to the FRA Fundamental Rights Report 2022, there is still room for improvement in the protection and promotion of fundamental rights at local level; recalls the need to guarantee that the rights and principles enshrined in the Charter are correctly taken into account at every step of the EU legislative process and to monitor the implementation of all the rights enshrined therein at all levels of governance; stresses that the EU must also prioritise the education and awareness of its citizens regarding their fundamental rights, ensuring that they are well informed and empowered to exercise these rights;
7. Takes note of the Council of Europe's report of 6 October 2022 entitled 'Freedom of political speech: an imperative for democracy'; stresses that freedom of expression in the EU must not be limited by the interests, constitutional framework or political choices of a Member State; stresses the importance of media pluralism and freedom of expression; stresses the need to ensure the impartiality and effective independence of national regulatory authorities from governments; strongly condemns unjustified and disproportionate interference by these authorities in journalistic expression and editorial decisions in some Member States; welcomes in this regard the proposal for a European media freedom act and calls for its swift approval;
8. Takes note of the Council of Europe's report of June 2022 entitled 'Pegasus spyware and its impacts on human rights'; expresses deep concern about its conclusion that Pegasus spyware has or potentially could have detrimental effects on human rights and fundamental freedoms, including the right to dignity, freedom of assembly, freedom of religion, and even the physical and psychological integrity of the individual; calls on the Member States to immediately cease the use of Pegasus spyware;
9. Takes note of the opinions, reports and studies of the Venice Commission; requests that they be complied with and appropriately followed up on;
10. Takes note of the reports from the OSCE/ODIHR on election observations in participating states in the EU;
11. Regrets that the fundamental rights and residence status of EU and UK citizens have been severely affected by the UK's withdrawal from the EU; stresses that the Northern Ireland Protocol is a prerequisite for a smooth relationship between the EU and the UK; calls on the UK Government and all Member States to guarantee the full protection of the rights of EU and UK citizens as laid out in the EU-UK Withdrawal Agreement, the Trade and Cooperation Agreement and the Windsor Framework, as well as those enshrined in the Good Friday Agreement;
12. Considers that Russia's war of aggression against Ukraine places the EU in a new situation, namely that of a prospective enlargement to include Ukraine, Moldova, Georgia and the Western Balkan countries, with the Copenhagen criteria as a

fundamental basis, notably the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;

13. Calls on the Member States to treat all persons that seek refuge from Russia's war of aggression with humanity and solidarity in line with the applicable international laws and agreements; calls, in this regard, for the full implementation of Article 2 of the Treaty on European Union (TEU), particularly as regards the respect for human rights, including in the ongoing negotiations on the new pact on migration and asylum;
14. Welcome the adoption of the European Rule of Law Mechanism by the Commission and consequently the annual publication of the Rule of Law Report since 2020; strongly condemns the severe violations of the principles of the rule of law in some Member States to the detriment of fundamental rights and freedoms; expresses its deep concern, in particular, about decisions which call into question the primacy of EU law and calls on the Commission to take a very firm stance against persistent attacks in certain Member States against the rule of law or any of the values enshrined in Article 2 TEU, by using all tools available; welcomes the 2023 Rule of Law Report carried out by the Commission and especially the set of specific recommendations to Member States on national justice systems, anti-corruption frameworks, media freedom and pluralism and institutional issues related to checks and balances; reiterates its support for the full implementation of the Rule of Law Conditionality Regulation and its call for an interinstitutional agreement on a new mechanism for democracy, the rule of law and fundamental rights; stresses that in the next revision of the Treaties, Article 7 TEU needs to be reformed and strengthened to ensure its applicability and effectiveness;
15. Suggests that respect for the rule of law should not be merely a precondition for the accession of new Member States, but a binding and enforceable obligation on all Member States, to be monitored throughout their membership of the EU⁵¹;
16. Calls for the creation of annual conferences on the rule of law following the Commission's Rule of Law Report, with delegations from all Member States, involving randomly selected and diverse citizens, parliamentarians, local authorities, social partners and civil society representatives, on the basis of the proposal from the Conference on the Future of Europe;
17. Deplores the recent scandals that have tarnished the EU's image, such as the Qatargate corruption scandal and state espionage using Pegasus, with MEPs among the targets; calls for all the repercussions of these scandals to be thoroughly tackled, with the aim of fully restoring Parliament's reputation and credibility in order to preserve citizens' trust in the European institutions;
18. Welcomes, in this light, the adoption of the amendments to the Rules of Procedure of the European Parliament that aim at strengthening its integrity, independence and accountability;
19. Welcomes the work of the committee of inquiry set up in the European Parliament (PEGA) to investigate existing national laws regulating surveillance, and to establish

⁵¹ European Parliament resolution of 12 February 2019 on the implementation of the Charter of Fundamental Rights of the European Union in the EU institutional framework. OJ C 449, 23.12.2020, p. 28.

whether spyware was used for political purposes against, for example, journalists, politicians or lawyers; stresses that the illegitimate use of spyware by national governments undermines European democracy and decision-making processes; calls for greater transparency within the Member States regarding the laws regulating surveillance in order to prevent the emergence of any new mass surveillance scandal;

20. Is appalled by and expresses serious concern about the findings of the European Anti-Fraud Office's report on Frontex operational activities in Greece and the Agency's blatant disregard for the lives of migrants and active violations of their human rights;
21. Requests a proactive policy of access to documents, integrity and transparency from the EU institutions in order to ensure that citizens can effectively exercise their right to scrutinise the work and activities of the EU institutions;
22. Underlines, in line with Article 19 TEU, Article 67(4) of the Treaty on the Functioning of the European Union and Article 47 of the Charter, that an independent judiciary is the cornerstone of the rule of law and of the right to effective legal protection; recommends a departure from the existing approach of tackling rule of law cases in individual countries in an ad hoc manner, and calls for the development of criteria and contextual assessments to guide Member States in recognising and tackling any possible rule of law issues in a regular and comparative manner;
23. Stresses that the rule of law is intrinsically linked to respect for democracy and for fundamental rights and that the three principles must therefore be jointly monitored.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	20.9.2023
Result of final vote	<div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="text-align: right; padding-right: 10px;">+:</div> <div>21</div> </div> <div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="text-align: right; padding-right: 10px;">-:</div> <div>3</div> </div> <div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="text-align: right; padding-right: 10px;">0:</div> <div>0</div> </div>
Members present for the final vote	Włodzimierz Cimoszewicz, Ana Collado Jiménez, Gwendoline Delbos-Corfield, Salvatore De Meo, Daniel Freund, Charles Goerens, Sandro Gozi, Zdzisław Krasnodębski, Jaak Madison, Victor Negrescu, Max Orville, Paulo Rangel, Domènec Ruiz Devesa, Jacek Saryusz-Wolski, Helmut Scholz, Pedro Silva Pereira, Loránt Vincze, Rainer Wieland
Substitutes present for the final vote	François Alfonsi, Vladimír Bilčík, Mercedes Bresso, Pascal Durand, Alin Mituța
Substitutes under Rule 209(7) present for the final vote	Sara Skyttedal

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

21	+
PPE	Vladimír Bilčík, Ana Collado Jiménez, Salvatore De Meo, Paulo Rangel, Sara Skyttedal, Loránt Vincze, Rainer Wieland
Renew	Charles Goerens, Sandro Gozi, Alin Mituța, Max Orville
S&D	Mercedes Bresso, Włodzimierz Cimoszewicz, Pascal Durand, Victor Negrescu, Domènec Ruiz Devesa, Pedro Silva Pereira
The Left	Helmut Scholz
Verts/ALE	François Alfonsi, Gwendoline Delbos-Corfield, Daniel Freund

3	-
ECR	Zdzisław Krasnodębski, Jacek Saryusz-Wolski
ID	Jaak Madison

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	13.11.2023
Result of final vote	+: 35 -: 6 0: 1
Members present for the final vote	Abir Al-Sahlani, Malik Azmani, Pietro Bartolo, Vasile Blaga, Karolin Braunsberger-Reinhold, Patrick Breyer, Saskia Bricmont, Damien Carême, Lucia Ďuriš Nicholsonová, Cornelia Ernst, Maria Grapini, Sylvie Guillaume, Evin Incir, Sophia in 't Veld, Jeroen Lenaers, Juan Fernando López Aguilar, Erik Marquardt, Birgit Sippel, Sara Skyttedal, Annalisa Tardino, Milan Uhrík, Tom Vandendriessche, Elena Yoncheva
Substitutes present for the final vote	Nathalie Loiseau, Jan-Christoph Oetjen, Anne-Sophie Pelletier, Dragoș Tudorache, Maria Walsh
Substitutes under Rule 209(7) present for the final vote	Petras Auštrevičius, Katalin Cseh, Ciarán Cuffe, Marie Dauchy, Estrella Durá Ferrandis, Cyrus Engerer, Malte Gallée, Niclas Herbst, Martin Hojsík, France Jamet, Bernd Lange, Jutta Paulus, Laurence Sailliet, Ivan Štefánek

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

35	+
PPE	Vasile Blaga, Karolin Braunsberger-Reinhold, Niclas Herbst, Jeroen Lenaers, Ivan Štefanec, Maria Walsh
Renew	Abir Al-Sahlani, Petras Auštrevičius, Malik Azmani, Katalin Cseh, Lucia Ďuriš Nicholsonová, Martin Hojsík, Sophia in 't Veld, Nathalie Loiseau, Jan-Christoph Oetjen, Dragoș Tudorache
S&D	Pietro Bartolo, Estrella Durá Ferrandis, Cyrus Engerer, Maria Grapini, Sylvie Guillaume, Evin Incir, Bernd Lange, Juan Fernando López Aguilar, Birgit Sippel, Elena Yoncheva
The Left	Cornelia Ernst, Anne-Sophie Pelletier
Verts/ALE	Patrick Breyer, Saskia Bricmont, Damien Carême, Ciarán Cuffe, Malte Gallée, Erik Marquardt, Jutta Paulus

6	-
ID	Marie Dauchy, France Jamet, Annalisa Tardino, Tom Vandendriessche
NI	Milan Uhrík
PPE	Laurence Sailliet

1	0
PPE	Sara Skyttedal

Key to symbols:

+ : in favour

- : against

0 : abstention