



2021/2186(INI)

21.4.2022

OPINION

of the Committee on Petitions

for the Committee on Civil Liberties, Justice and Home Affairs

on the situation of fundamental rights in the European Union – annual report
for the years 2020-2021
(2021/2186(INI))

Rapporteur for opinion: Mario Furore

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SUGGESTIONS

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

1. Expresses concern about the number of petitions setting out cases of discrimination and especially discrimination against persons with disabilities, violations of their workers' and social rights, the right to an accessible workplace and independent living; stresses, in this context, that discrimination remains one of the most serious and unacceptable threats to fundamental rights and that it has no place in any aspect of life; recalls that the EU is built on diversity, pluralism, tolerance and non-discrimination; stresses that discrimination undermines human dignity, life opportunities, prosperity, well-being, and often safety; regrets the fact that the proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426) (the horizontal Anti-Discrimination Directive) remains blocked in the Council, and calls on the Commission to unblock this situation by proposing new anti-discrimination legislation, without lowering standards, if the Council does not approve the text as drafted in 2008; calls on the Member States to effectively tackle every alleged case of discrimination and to deal with them by improving their legal systems and adopting more robust measures in accordance with EU law and international human rights standards in order to ensure the highest levels of protection; underlines the need for targeted efforts at EU and national level to address violations of the rights of persons with disabilities;
2. Welcomes the fact that, following Parliament's recommendations, the Commission has adopted an ambitious strategy for the rights of persons with disabilities for the period 2021-2030; reaffirms the fundamental importance of the implementation of the proposed measures and the further development of national measures in order to ensure that people with disabilities are not disadvantaged and discriminated against in terms of employment, education and social inclusion; considers it paramount to enhance actions aimed at removing any obstacle preventing persons with disabilities from having full and equal participation in society in order to fully uphold their fundamental rights; calls on the Commission and Member States to ensure that all measures to implement the Strategy for the Rights of Persons with Disabilities 2021-2030 at national and EU levels are in full compliance with the UN Convention on the Rights of Persons with Disabilities;
3. Calls on the Member States 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) and to ensure the effective enforcement of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law (the Framework Decision on Racism and Xenophobia) in order to combat persisting afrophobia, anti-gypsyism, antisemitism and islamophobia; points out that the Member States should put forward or review national inclusion strategies to ensure that all people, regardless of race, ethnicity, religion, gender or any other status, are empowered to actively participate in social, economic, political and cultural life; strongly criticises

the fact that some Member States have not fully and correctly transposed into national law the Framework Decision on Racism and Xenophobia; deplores that the provisions of the Racial Equality Directive are still not correctly implemented in all Member States;

4. Regrets the fact that there is still insufficient implementation of the fundamental rights of women in Europe; is deeply concerned about the increase in reactionary trends targeting women; reiterates its firm position on ensuring gender equality and protecting women's rights, including sexual and reproductive health rights; expresses concern about the number of petitions setting out cases of gender discrimination, and especially on measures which impact women's rights, such as abortion rights and violence against women and girls; calls on the Commission to urgently take further action to protect women's rights and especially to implement the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) at the European level by means of appropriate legislation; invites the Member States which have not yet ratified the Convention to do so with no further delay; deplores the fact that during the pandemic cases of violence against women and girls, and other forms of gender-based violence, increased alarmingly; is seriously concerned about the legal acts adopted in some Member States weakening women's rights and gender equality; welcomes the Commission's proposal for a directive on combating violence against women and domestic violence and calls for it to be improved in order to adequately cover all forms of gender-based violence; reiterates the its call on the Commission to add gender-based violence to the list of EU crimes;
5. Highlights the importance of the child's best interests, including in cross-border family litigation; emphasises the importance of close cooperation and efficient communication between the different national and local authorities involved in child custody proceedings; calls on the Member States to adopt non-discriminatory monitoring and evaluation systems for child-related cases so as to ensure full respect for the fundamental rights of the child, particularly the principle of the best interests of the child; calls on the Member States to respect the right of children to see their parents in spite of the restrictive measures taken by Member States in exceptional circumstances, such as the pandemic, as long as this does not endanger children's safety and health;
6. Points out that EU and its Member States should effectively combat discriminatory or violent treatment and reactions against the schooling and participation of children from minority backgrounds, especially migrant, refugee and Roma children, both through enforcement of the law and by promoting mutual understanding and social cohesion; calls on Member States to structurally address respect for diversity, intercultural understanding and human rights, including children's rights, in standard school curricula;
7. Considers that LGBTIQ people face some of the biggest challenges in terms of fundamental rights, and, in particular, the right to non-discrimination; is deeply concerned with the results of the EU Agency for Fundamental Rights survey on how LGBTIQ people experience human and fundamental rights, which indicates 'little, if any, progress' in past years; regrets the significant differences between Member States on these issues; stresses that the right of a person to self-determination of their sex, sexual orientation or gender identity is inviolable; regrets that EU law protects LGBTIQ

persons from discrimination on the grounds of sexual orientation only in the field of employment; highlights that in spite of the progress made in recent years on LGBTIQ social acceptance, the situation of LGBTIQ people in the EU remains critical, as they continue to be the targets of discrimination in all areas of life, including verbal and physical attacks that remain largely invisible out of fear of negative consequences; is deeply concerned about a backlash in rights and attitudes to LGBTIQ persons and a sharp rise in hate speech, often carried out by public figures; strongly condemns anti-LGBTIQ rhetoric and the proclamation of ‘LGBT-free zones’ or ‘zones free from LGBT ideology’;

8. Expresses its concern about the fact that the 2021 Rainbow Europe Map, the annual benchmarking tool drawn up by ILGA-Europe (the European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association), highlighted the almost complete stagnation on the human rights of LGBTIQ persons, particularly on the recognition of LGBTIQ persons in family legislation in Europe; deplores the discrimination rainbow families and their children are still suffering in the EU, including being deprived of their rights on the grounds of their sexual orientation or gender identity, the sex characteristics of parents or partners when exercising the fundamental right to freedom of movement within the EU; welcomes the landmark judgment of the Court of Justice of the European Union (CJEU) in the Coman case of June 2018, which clarified that the term ‘spouse’ within the meaning of the provisions of EU law on freedom of residence for EU citizens and their family members includes spouses of the same sex; urges the Member States that do not recognise either same-sex partnerships or marriages to amend their national laws so as to provide a legal framework for ensuring that the CJEU’s ruling is properly implemented; urges the Commission to propose without delay new EU legislation on mutual recognition of parenthood;
9. Strongly believes that the Commission must improve its overall approach to upholding the fundamental rights of refugees, asylum seekers and migrants; emphasises that they are one of the most vulnerable groups in society and their basic needs must be met; strongly regrets that pushbacks through any means have become the norm in several Member States; reiterates the urgent need to build a fair, effective and humane asylum policy in the EU and urges the Commission to step up efforts in this direction;
10. Calls on the Commission to ensure that decent reception and accommodation system is guaranteed for refugees, migrants and asylum seekers, thereby observing the principle of respect for human dignity as well as full respect for their fundamental rights ; asks the Member States and the Commission to cooperate to guarantee sufficient protection of asylum seekers’ fundamental rights;
11. Expresses its deep concern about the set of temporary measures adopted by the Commission to address the emergency situation at the EU’s external border with Belarus which implicitly back the current practice of pushbacks at EU borders, thus leaving asylum seekers with no access to protection;
12. Notes with concern that persistent inequalities and the lack of successful policies for providing basic infrastructure and services widened the gap between Roma communities and the general population, including in education, and led to deteriorated

conditions for Roma in crucial areas such as employment, healthcare and housing; regrets that the first EU Framework on National Roma Integration Strategies made little overall progress; calls on the Commission and Member States to step up their efforts to ensure full equality, inclusion and participation of Roma at both EU and national levels;

13. Highlights that more progress is needed on safeguarding of refugees' fundamental rights, especially in the light of evolving migrant movements; urges the Commission, in this context, to develop further approaches guaranteeing respect for fundamental rights;
14. Urges the Commission, in the light of the increase in the number of cases of discrimination on various grounds, in particular of a person's sex, sexual orientation and gender identity, to ensure that the Charter of Fundamental Rights of the European Union ('the Charter') is upheld and complied with, using all available legal instruments; calls on the Commission and the Fundamental Rights Agency to work together to raise awareness about the problem in order to guarantee equality for all EU citizens;
15. Considers that particular attention should be paid to the principle of non-discrimination anchored in Article 21 of the Charter and stresses that this provision must be duly respected; calls, therefore, on the Commission to further develop a rigorous mechanism for the regular assessment of the situation of fundamental rights, and, in particular, the right to non-discrimination, as it is one of the most frequently violated rights;
16. Calls for full implementation of legislation and stronger sanctions against any discrimination on the grounds of race, ethnic or social origin, religion or belief, membership of a national minority, disability, age, gender, gender expression, gender identity, sexual orientation, sex characteristics, residence status or health;
17. Emphasises that the COVID-19 pandemic showed severe gaps in the capacity and preparedness of Member States' healthcare, education, employment and social protection systems; strongly believes that Member States must greatly improve their healthcare, social welfare and social assistance systems to ensure they provide full support to everyone, and particularly to those more vulnerable, even during a crisis, thereby adequately protecting everybody's health, economic and social rights; takes note of the increasing number of health-related petitions linked, inter alia, to the spread of the COVID-19 pandemic during the last two years, affecting access to healthcare especially for patients with chronic diseases; underlines the high level of COVID-19 comorbidities among chronic patients; recalls the critical situation of patients with rare diseases in many Member States, including patients with myalgic encephalomyelitis/chronic fatigue syndrome (ME/CFS), who do not receive diagnosis, proper treatment and medical care;
18. Emphasises that the measures related to the COVID-19 pandemic adopted by many Member States have interfered with the rights and freedoms guaranteed by the Union's legal order, such as the freedom of movement of persons, including travelling, working and studying within the EU and within countries, especially in the early phases of the COVID-19 pandemic for thousands of mobile, including seasonal and cross-border workers throughout the Union, freedom of expression and information, the right to privacy and data protection, especially in relation to public health and measures taken in order to safeguard it; stresses that the measures taken to contain the pandemic must be

grounded on a human rights-based approach and be necessary, based on law, temporary and proportional, ensuring full compliance with the rules and principles of the Charter;

19. Notes that restrictions imposed to tackle the pandemic have also hindered the work of civil society; stresses that civil society organisations play an important role in helping victims of fundamental right breaches, as well as in awareness-raising and prevention; calls on the Commission and Member States to provide support to civil society and to adopt measures that facilitate their work;
20. Stresses that an emergency must not provide an excuse for bypassing the democratic principles of the legislative process; calls on the Member States to ensure that any exceptional measure adopted during emergency situations is transparent and involves those concerned, and to ensure that all emergency measures are necessary, strictly proportionate and in place only for the time necessary; calls on the Commission to continue monitoring and assessing the emergency measures put in place to deal with the pandemic in the light of the EU's founding values as laid down in Article 2 of the Treaty on European Union, including fundamental rights, the rule of law and democracy; considers that the Commission must fully and transparently report back to the public on the outcomes of all its assessments of the emergency measures adopted by Member States during the pandemic;
21. Notes with regret the high number of petitions concerning emergency quarantine measures that have been adopted by several Member States as a result of the pandemic and which may have restricted citizens' rights and freedoms, such as the freedom of expression and information, the freedom of assembly and of association, and the freedom of movement and of residence; calls, therefore, on the Commission and the Member States to effectively tackle COVID-19-related discrimination, hate speech and racism against ethnic minority groups, migrants and refugees, or people with a migrant background;
22. Reiterates that everyone has the right to education as enshrined in the Article 14 of the Charter and stresses that this right must be guaranteed under all circumstances and for every child, including those from vulnerable and disadvantaged groups; is concerned about the impact that schools closures during the COVID-19 pandemic might have on the mental health and future of children; calls on the Member States to ensure equal and quality education for all children even in times of crisis such as the pandemic; encourages Member States to exchange best practices in this regard;
23. Highlights that due to the emergency measures adopted in many Member States physical access to doctors and healthcare services, including hospitals, was limited, non-urgent medical treatments, including surgical interventions, were often postponed, the number of hospitalised cancer patients dropped sharply; calls on the Member States to respect the right to healthcare of all the people;
24. Highlights that the closure of educational facilities in all Member States has led to an unprecedented shift to online learning, even though educational systems lacked the digital infrastructure, less than 40 % of educators being ready to use digital technologies in teaching¹ and many low-income homes having no access to computers; calls on the

¹ Organisation for Economic Co-operation and Development, *TALIS 2018 Results*, OECD Publishing, Paris,

Member States to respect the right to education and to not discriminate against children from low-income homes;

25. Emphasises that the restrictive measures in Member States also affected the activities of courts and the judicial system;
26. Points to the petitions related to the pandemic that criticise travel restrictions, especially for couples living in different countries, as well as those raising issues concerning the lack of adequate protection at work for workers in vulnerable situations and problems in obtaining the EU digital COVID certificate for persons recovered from COVID-19 infections; highlights the importance of addressing and solving all cases of non-compliance with EU law in a timely manner, ensuring the implementation of the highest levels of health and safety in all work environments as well as of private and family life;
27. Points to the numerous petitions received denouncing environmental crimes, including those with cross-border implications, related to, inter alia, illegal logging, illicit waste trafficking and dumping, wildlife trafficking and destruction provoking the worsening of biodiversity conditions and increased levels of deforestation, soil, water and air contamination; stresses the urgent need to strengthen the current EU legal framework, which is flawed by significant limitations and shortcomings, in order to ensure the highest levels of protection of citizens' health and of the environmental;
28. Highlights the Preamble to the Aarhus Convention on the right of every person to live in an environment adequate to their health and well-being and Article 37 of the Charter, which affirms that measures towards achieving a high level of environmental protection and the improvement of the quality of the environment must be integrated into the Union's policies; takes note of the serious increase in the number of environmental petitions and emphasises the urgent need for including relevant environmental concerns into the decision-making process for all policies; recalls its resolution entitled 'EU Biodiversity Strategy for 2030: Bringing nature back into our lives'², considering that the right to a healthy environment should be recognised in the Charter and calls for action in this regard; notes that European Court of Human Rights case-law only provides for indirect protection of the right to a healthy environment by sanctioning only environmental violations that simultaneously result in an infringement of other human rights already recognised in the European Convention on Human Rights; calls for the intrinsic value of nature and ecosystems in the light of the interrelationship between human societies and nature to be recognised in the Convention and to enshrine the right to a safe, clean, healthy and sustainable environment as called by the Parliamentary Assembly of the Council of Europe in its recommendation of September 2021; notes EU citizens' concerns expressed in petitions to Parliament on disruptions and deterioration of the environment and their demands for the right to live in a healthy environment and access to justice in environmental matters;
29. Reiterates, that rule of law, media freedom and effective fight against corruption lie at

2019. The main survey (International Standard Classification of Education level 2) was conducted in 31 OECD countries, including 22 EU Member States (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Hungary, Italy, Latvia, Lithuania, Malta, the Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden).

² Texts adopted, P9_TA(2021)0277.

the foundation of our societies and are our core values; stresses that violations of the principles of rule of law and media freedom, as well as the resulting spread of corruption, are however persistent in the Union and that the number of these cases has even increased during the pandemic;

30. Expresses its concern about the threat that different forms of propaganda and misinformation, including anti-vaccine propaganda, pose to human life and health, freedom of speech and expression and to the independence of the media, and about the negative effects they might have on the quality of political debate and on the participation of citizens in democratic societies; calls on the Commission to promote and invest in the strengthening of media literacy, to actively support quality journalism and foster data protection and create a more transparent online ecosystem while safeguarding media freedom and pluralism;
31. Expresses its concerns about the ongoing attacks on the independence of the judiciary in some EU Member States; expresses grave concern about the negative developments which took place in both Hungary and Poland; is concerned about the lack of progress on the Article 7 proceedings in the Council;
32. Reaffirms its regret about the effective limitation of the scope of application of the Charter due to the restrictive interpretation of its Article 51; recalls that the expectations of citizens go beyond the strict implementation of the Charter and that the objective should be to make fundamental rights as effective as possible; reiterates its call for consideration to be given to broadening the interpretation of Article 51 beyond the scope of Union law or deleting it altogether, as stated in previous resolutions³; emphasises that national parliaments are central to promoting and protecting Charter rights within their territories; encourages Member States to fully observe the principles of the Charter in their legislative drafting and to ensure that their national laws respect the highest standards of protection of fundamental rights; believes that interparliamentary cooperation on issues related to the application of the Charter between the European Parliament and national parliaments can improve compliance with the Charter;
33. Stresses that the uses of the Charter in courtrooms can contribute to making the Charter relevant to people's lives; regrets that knowledge of the Charter among national justice practitioners remains low⁴ and this can contribute to improper application of fundamental rights; calls on the Commission and Member States to increase training on the Charter for legal professionals;
34. Recalls that the protection of natural persons when their personal data is processed should be a fundamental right; warns that although the General Data Protection Regulation provides ways for people to protect their personal data, and by extension their privacy, data breaches occur resulting in a breach of confidentiality, availability and integrity, and posing individuals' rights and freedoms at risk or at high-risk; urges

³ Resolution of 27 February 2014 on the situation of fundamental rights in the European Union (2012), OJ C 285, 29.8.2017, p. 112.

⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'Strategy to strengthen the application of the Charter of Fundamental Rights in the EU' (COM(2020)0711).

the Commission and the European Data Protection Supervisor to continue their efforts to oversee the implementation of the appropriate technical and organisational measures by the responsible entities to avoid breaches data protection;

35. Recalls that the freedom of expression, to hold opinions and to receive and impart information and ideas is a fundamental right; expresses its concern about the creation, dissemination and amplification of false or manipulated information using digital technologies for political, ideological or commercial motives; notes that such actions unleash immediate disruptive effects in our societies and can have serious consequences for democracy and human rights; urges the Commission and the Member States to launch initiatives calling for multidimensional and multi-stakeholder responses to counter disinformation, enhancing the role of free, independent and diverse media, investing in media and digital literacy, empowering individuals and rebuilding public trust;
36. Expresses its concern at the lack of reporting of hate crimes by victims owing to inadequate safeguards and to the failure of authorities to investigate properly and obtain convictions for hate crimes in the Member States; calls on the Council to proceed with the assessment of the Commission proposal for a Council decision on hate crime and hate speech and to formally notify Parliament with no delay of its unanimous decision;
37. Welcomes the Commission' proposal for an inter-institutional European Declaration on Digital Rights and Principles as a reference point to guide the European digital transformation and Europe's pioneering role in digital policies; recalls that the Charter dates from a time when the digital economy was not understood as it is today; believes, therefore, that efforts to protect our citizens' in the digital sphere have been scattered in a myriad proposals, resolutions and legislative acts; calls for a European Charter for Digital Rights that protects EU rights in the digital age and recognises, inter alia, the access to the internet as a human right;
38. Highlights that fundamental rights, democracy and the rule of law are mutually reinforcing values which, when undermined, may pose a systemic threat to the Union; considers that the deliberate process of rule of law backsliding in Poland and Hungary is seriously undermining citizens' capacity to fully exercise their fundamental rights as set out in the Charter; expresses its concern about the increasing number of rule of law and fundamental rights violations in some other Member States;
39. Is extremely alarmed about the use of surveillance technology to undermine human rights as brought to light by the recent revelations on the NSO Pegasus scandal confirming spying on, inter alia, human rights defenders and journalists; highlights the paramount importance of adopting more effective national and international rules in this area in order to ensure full protection and safety for civil society organisations, human rights defenders, journalists and other individuals affected by cyber surveillance and interference.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	21.4.2022
Result of final vote	<div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="margin-right: 10px;">+:</div> <div>25</div> </div> <div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="margin-right: 10px;">-:</div> <div>4</div> </div> <div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="margin-right: 10px;">0:</div> <div>4</div> </div>
Members present for the final vote	Alex Agius Saliba, Alviina Alametsä, Andris Ameriks, Marc Angel, Margrete Auken, Alexander Bernhuber, Markus Buchheit, Ryszard Czarnecki, Francesca Donato, Eleonora Evi, Agnès Evren, Gheorghe Falcă, Emmanouil Fragkos, Gianna Gancia, Ibán García Del Blanco, Alexis Georgoulis, Vlad Gheorghe, Peter Jahr, Radan Kanev, Stelios Kypouropoulos, Cristina Maestre Martín De Almagro, Dolors Montserrat, Emil Radev, Sira Rego, Frédérique Ries, Alfred Sant, Massimiliano Smeriglio, Yana Toom, Loránt Vincze, Michal Wiezik, Kosma Złotowski
Substitutes present for the final vote	Mario Furore, Maite Pagazaurtundúa

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

25	+
NI	Mario Furore
PPE	Alexander Bernhuber, Agnès Evren, Gheorghe Falcă, Peter Jahr, Stelios Kypouropoulos, Dolors Montserrat, Emil Radev
Renew	Vlad Gheorghe, Maite Pagazaurtundúa, Frédérique Ries, Yana Toom, Michal Wiezik
S&D	Alex Agius Saliba, Andris Ameriks, Marc Angel, Ibán García Del Blanco, Cristina Maestre Martín De Almagro, Alfred Sant, Massimiliano Smeriglio
The Left	Alexis Georgoulis, Sira Rego
Verts/ALE	Alviina Alametsä, Margrete Auken, Eleonora Evi

4	-
ECR	Ryszard Czarnecki, Emmanouil Fragkos, Kosma Złotowski
NI	Francesca Donato

4	0
ID	Markus Buchheit, Gianna Gancia
PPE	Radan Kanev, Loránt Vincze

Key to symbols:

+ : in favour

- : against

0 : abstention