

Fundamental rights in the European Union (2010-2011)

European Parliament resolution of 12 December 2012 on the situation of fundamental rights in the European Union (2010 - 2011) (2011/2069(INI))

The European Parliament,

- having regard to the preamble of the Treaty on European Union, notably its second and its fourth to seventh indents,
- having regard to Articles 2, 3(3) second indent, and Articles 6 and 7 of the Treaty on European Union,
- having regard to the Charter of Fundamental Rights of the European Union of 7 December 2000 ('the Charter'), as proclaimed on 12 December 2007 in Strasbourg,
- having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),
- having regard to the UN Convention on the Rights of Persons with Disabilities,
- having regard to the 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,
- having regard to Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin¹,
- having regard to the 2010 and 2011 Commission Reports on the Application of the EU Charter of Fundamental Rights (COM(2011)0160 and COM(2012)0169) and to the accompanying staff working documents,
- having regard to the Commission Communication on the EU Citizenship Report 2010: Dismantling the obstacles to EU citizens' rights (COM(2010)0603),
- having regard to the Commission's Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union (COM(2010)0573) and the Operational Guidance on taking account of Fundamental Rights in Commission Impact Assessments (SEC(2011)0567),
- having regard to the Stockholm Programme – An open and secure Europe serving and protecting citizens²,
- having regard to the Council conclusions on the Council's actions and initiatives for the implementation of the Charter of Fundamental Rights of the European Union, adopted at the 3092nd General Affairs Council meeting in Brussels on 23 May 2011, and to the Council's Guidelines on methodological steps to be taken to check fundamental rights

¹ OJ L 180, 19.7.2000, p. 22.

² OJ C 115, 4.5.2010, p.1.

compatibility at the Council's preparatory bodies¹,

- having regard to the Commission Communications entitled ‘An EU Framework for National Roma Integration Strategies up to 2020’ (COM(2011)0173) and ‘National Roma Integration Strategies: a first step in the implementation of the EU Framework’ (COM(2012)0226),
 - having regard to the body of United Nations conventions on human rights to which Member States are party, the conventions and recommendations of the Council of Europe, the reports by the bodies of the Council of Europe, in particular the reports on the human rights situation drawn up by the Parliamentary Assembly and the Commissioner for Human Rights, and the decisions, guidance and judgments of specialised monitoring and judicial bodies,
 - having regard to the decisions and case law of the Court of Justice of the European Union (CJEU) and of the European Court of Human Rights (ECtHR),
 - having regard to the case law of the national constitutional courts, which uses the Charter as a reference for interpreting national law as well,
 - having regard to the activities, annual reports and studies of the Fundamental Rights Agency of the European Union (FRA),
 - having regard to NGO reports and studies on human rights and to the relevant studies requested by the Committee on Civil Liberties, Justice and Home Affairs,
 - having regard to its resolutions on fundamental rights and human rights, notably that of 15 December 2010 on the situation of fundamental rights in the European Union (2009) – effective implementation after the entry into force of the Treaty of Lisbon²,
 - having regard to its resolution of 8 June 2005 on the protection of minorities and anti-discrimination policies in an enlarged Europe³,
 - having regard to its resolution of 9 March 2011 on the EU strategy on Roma inclusion⁴,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Women's Rights and Gender Equality and the Committee on Petitions (A7-0383/2012),
- A. whereas Article 2 of the Treaty on European Union (TEU) founds the Union on a community of indivisible and universal values of respect for human dignity, freedom, democracy, gender equality, non-discrimination, solidarity, the rule of law and respect for human rights and civil liberties, for all persons on the territory of the EU, including those belonging to minorities, stateless persons and those who are temporarily or irregularly on

¹ Council document 10140/2011 of 18 May 2011.

² OJ C 169 E, 15.6.2012, p. 49.

³ OJ C 124 E, 25.5.2006, p. 405.

⁴ OJ C 199 E, 7.7.2012, p. 112.

the territory of the European Union; whereas these values are common to the Member States, in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail;

- B. whereas respecting and promoting these values is an essential element of the European Union's identity and a condition for becoming an EU member and for fully preserving membership prerogatives;
- C. whereas Article 6(3) of the TEU confirms that fundamental rights, as guaranteed by the ECHR and as arising from the constitutional traditions common to the Member States, constitute general principles of Union law,
- D. whereas, with the entry into force of the Treaty of Lisbon, the Charter has, pursuant to Article 6 of the TEU, the same legal value as the Treaties, and is binding on the institutions, bodies and agencies of the EU, as well as on Member States when implementing EU law; whereas the Charter has transformed values and principles into tangible and enforceable rights,
- E. whereas accession by the EU to the ECHR, as required by the TEU, will allow EU acts to be subject to review by the European Court of Human Rights, creating greater accountability for the EU and improving access to justice for individuals;
- F. whereas the effective safeguarding and promotion of rights must constitute an overall objective of all EU policies, including their external dimension, and whereas observing the duty to protect, promote and fulfil does not require new competences for the EU but rather proactive institutional engagement with human rights, developing and reinforcing a genuine culture of fundamental rights in the institutions of the Union and in Member State; whereas the EU needs to foster a coherent EU human rights policy and a mechanism bringing together the various fundamental rights actors within the EU structure;
- G. whereas citizens can enjoy their rights fully only if fundamental values and principles, such as the rule of law, the independence of the judiciary, media freedom of the media and non-discrimination are upheld;
- H. whereas the gap between fundamental rights and their implementation undermines the credibility of the EU and of its Member States and effective respect for and promotion of human rights, within its territory and throughout the world;
- I. whereas the obligations incumbent on candidate countries under the Copenhagen criteria continue to apply to the Member States after joining the EU by virtue of Article 2 of the TEU, and whereas in light of this all Member States should be assessed on an ongoing basis in order to verify their continued compliance with the EU's basic values of respect for fundamental rights, democratic institutions and the rule of law,
- J. whereas the effective protection and the promotion of fundamental rights call for Member States to accept, in a spirit of solidarity and sincere cooperation with the other Member States. EU scrutiny of respect for the Union's values in their legislation, policies and practices;
- K. whereas, together with Article 2 of the TEU, Article 7 grants the EU institutions the power to assess whether there is a breach of common values such as respect for human rights,

democracy and the rule of law in the Member States, and to engage politically with the countries concerned in order to prevent and redress violations;

- L. whereas the May 2012 joint study by the EU Agency for Fundamental Rights (FRA), the United Nations Development Programme (UNDP) and the World Bank on the situation of the Roma confirms that the Roma suffer discrimination throughout Europe and that their situation is worse than that of all non-Roma in comparable situations; whereas the discrimination and increased violence against them in EU Member States are rooted in latent anti-Gypsy attitudes,
- M. whereas the current economic crisis is challenging the principle of solidarity, which is an essential component of the EU's history and identity, as well as the underlying bond bringing together EU citizens as members of the same political community¹;
- N. whereas social and economic rights are essential elements of the Charter and, as such, should be given prominent recognition in any analysis of the situation of fundamental rights in the Union;

General recommendations

1. Calls on the Commission, the Council and the Member States to fully assume their responsibilities in relation to the proper and full application of the EU's mandate and competences with regard to fundamental rights, on the basis of both the Charter and the articles of the Treaties dealing with fundamental rights and citizens' rights issues, in particular Articles 2, 6 and 7 of the TEU; believes that this is the only way to ensure that the European Union equips itself - as it has done in other areas of common interest and importance, such as economic and budgetary matters - to deal with the democracy, rule of law and fundamental rights crisis and tensions that are affecting it and its Member States; calls for the urgent strengthening of European mechanisms to ensure that democracy, the rule of law and fundamental rights are respected in the European Union;
2. Notes, while welcoming the steps taken by the Commission to ensure that its legislative proposals comply with the Charter, that there remains room for improvement, as proposals continue to emerge that fail to consider at all, or fail to consider adequately, the impact of proposed measures on fundamental rights; calls on the Commission to take tangible steps towards improving the verification of its proposals with the Charter, including ensuring adequate expertise across all Commission services;
3. Urges the Commission to ensure that the impact on fundamental rights of EU legislation and its implementation by the Member States systematically form part of the Commission's evaluation reports on the implementation of EU legislation and its annual report on monitoring the application of EU law; recommends that the Commission revise the existing Impact Assessment Guidelines to give greater prominence to human rights considerations, widening the standards to include UN and Council of Europe human rights instruments;
4. Welcomes the Commission's proposal for a permanent scoreboard on justice, the rule of law, democracy and fundamental rights, which will cover all Member States included in

¹ See notably the Charter articles on social rights and the relevant specific Treaty articles on solidarity: Articles 80 and 122 TFEU.

the European Semester; calls on the Commission to ensure that the European Parliament and the national parliaments are fully involved in the procedure and that the scoreboard is regularly presented to, and assessed and monitored by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs;

5. Calls on the Council to ensure effective implementation of its commitment to check both its proposed amendments to Commission proposals and proposals put forward on its own initiative with the Charter; recalls that in order to ensure the effective implementation of fundamental rights the Member States too must ensure the full application of the provisions of the Charter when implementing EU legislation;
6. Calls on the Commission – and the Council, where it initiates legislation – to make systematic use of external independent expertise, notably from the Fundamental Rights Agency, during the preparation of impact assessments;
7. Views favourably the measures taken by the Commission, the European Ombudsman and other bodies to boost citizens' awareness about exercising their rights under the Charter of Fundamental Rights; urges the Commission to continue providing information to citizens and to assess the results of providing such information;
8. Highlights Parliament's fundamental role in checking and controlling the drawing-up and implementation of European law and insists, therefore, that Parliament should also strengthen its autonomous impact assessment on fundamental rights in relation to legislative proposals and amendments under examination in the legislative process and make it more systematic;
9. Calls on the Commission to draft an annual report on the situation of fundamental rights in the EU, on the basis inter alia of Articles 2 and 6 TEU and of the Charter; believes that such a report should include an analysis of the situation in the Member States, including on the basis of international organisations', NGOs', EP and citizens' concerns in relation to violations of fundamental rights, the rule of law and democracy; calls for the report to address the implementation, protection and promotion of, and respect for, fundamental rights in the EU and its Member States, as referred to in the Charter, the ECHR and international treaties on fundamental rights, and to contain specific recommendations; recalls that the Commission has a duty to conduct such activity as guardian of both the Treaties and the Charter and on the basis of Articles 2, 6 and 7 of the TEU;
10. Calls on the Commission to ensure that its annual report on the implementation of the Charter adopts a more balanced and self-critical analysis, to include not only positive developments but also analysis of where it could strengthen its approach in the future;
11. Regrets that the 2010 and 2011 Commission reports on the application of the EU Charter of Fundamental Rights do not emphasise social and economic rights, particularly in the current context of economic crisis, where such rights are all the more relevant;
12. Calls on the Commission to ensure that its annual report on the application of the Charter addresses the situation of social and economic rights in the Union and, in particular, how these are implemented in the Member States;
13. Recommends that Parliament, the Commission and the Council jointly and formally recognise the existence of positive obligations to protect and promote human rights as part

of EU law; emphasises that respect for fundamental rights and freedoms implies actions at various levels (international, European, national, regional and local) and stresses the role that regional and local authorities can play in this area in connection with human rights associations; urges the Commission and the Council to improve cooperation with international organisations dealing with fundamental rights, NGOs and civil society in pre-legislative and legislative processes;

14. Calls on the Commission and the Council to ensure that a sufficient level of funding is ensured in funding programmes dedicated to fundamental rights and anti-discrimination during the coming Multiannual Financial Framework for civil society organisations at all levels;
15. Calls on the Council to include in its annual reports on human rights in the world an analysis of the situation in the Member States by also taking into account the measures to be taken to implement ECtHR judgments and to adapt domestic legislation and practice accordingly;
16. Calls on the Commission to revise the EU legislative acquis by duly taking into account the rights outlined in the EU Charter; considers that the possible tensions between economic freedoms and fundamental rights should be addressed already at legislative level and not only by the EU judiciary;
17. Calls on the Commission to revise the former third pillar domain (police and judicial cooperation in criminal matters) in the light of the Charter; recalls the recommendation made in its resolution of 25 November 2009 on the Stockholm Programme¹ asking for a consistent revision of this legislation and reminds the Commission that on 1 December 2014 all legislation adopted in a totally different constitutional framework will be applied as such in the EU and will unduly affect the rights of the individual under EU jurisdiction;
18. Regrets
 - the lack of transparency in the Commission’s dialogue with Member States when fundamental rights or the interests of European citizens are at stake; considers that such a lack of transparency with regard to the transposition of EU law is contrary to the EU rules on transparency and the principle of legal certainty, is extremely prejudicial for the other EU countries, for EU citizens and for the other institutions, particularly when Citizens’ social and economic rights are at stake; welcomes the initiatives announced by the Commission to improve transparency with regard to Member States’ action or inaction in connection with the implementation of the internal market and considers that the transparency announced for fiscal policy should even be improved when fundamental rights are at stake;
 - the lack of transparency in the EU agencies, which makes it difficult to ascertain whether or not their actions comply with the principles of transparency, good administration, personal data protection and antidiscrimination, as well as of necessity and proportionality; regrets the Commission’s persisting lack of interest in a legislative framework guaranteeing an open, independent and efficient administration, as required by Article 41 of the Charter and Article 298 of the TFEU;

¹ OJ C 285 E, 21.10.2010, p.12.

- the lack of transparency and openness, as well as of appropriate respect for, and protection and promotion of, fundamental rights and of democratic and parliamentary oversight, in international negotiations, which has led Parliament to reject international agreements such as ACTA, which will lead EU institutions and Member States to change their current practices and respect citizens' rights;
19. Suggests more transparency in the Commission's dialogue with Member States and in the work of EU agencies, when fundamental rights or the interests of European citizens are at stake;
 20. Calls for the launch of a 'European fundamental rights policy cycle', detailing on a multiannual and yearly basis the objectives to be achieved and the problems to be solved; considers that this cycle should foresee a framework for institutions and the FRA, as well as Member States, to work together by avoiding overlaps, building on each others' reports, taking joint measures and organising joint events with the participation of NGOs, citizens, national parliaments, etc.;
 21. Proposes that steps be taken to ensure continuous channels of information-sharing on fundamental rights in the EU between the relevant bodies and within the EU institutions and EU agencies, and to hold a yearly interinstitutional forum in order to assess the EU fundamental rights situation; considers that such a forum should be a preparatory step for Parliament's annual debate on fundamental rights and on the development of the European area of freedom security and justice; considers that this interinstitutional forum should convene representatives of the Commission, the Council Working Group on Fundamental Rights, Citizens' Rights and Free Movement of Persons (FREMP), Parliament's Committee on Civil Liberties, Justice and Home Affairs, Committee on Petitions, Committee on Employment and Social Affairs, and Committee on Regional Development, and representatives of the European Ombudsman, the Fundamental Rights Agency, Eurofound, and the European Data Protection Supervisor;
 22. Urges national parliaments to enhance their role in human rights scrutiny of EU activities and national implementation of EU law and invites them to hold periodic meetings focused on the strategies to be developed to implement the Charter and the case-law of the EU Courts;
 23. Deplores the delays in the EU's accession to the ECHR; calls on the Council to act under the terms of Article 265 of the TFUE so that the procedures for EU accession to the ECHR are concluded; urges the Commission to conclude the procedure at the earliest opportunity, and Member States to launch procedures for ratifying the accession to the ECHR as soon as possible, as this will provide an additional mechanism for enforcing the human rights of its citizens;
 24. Considers that, even before the conclusion of the negotiations for the EU's accession to the ECHR, the EU and its Member States should consider transposition by the Member States of the Strasbourg case-law as a matter of common interest;
 25. Considers that the Commission and the Council should create a mechanism to ensure that the EU and its Member States respect, implement and transpose the ECtHR's case-law, since this is a matter of common interest and an obligation as regards respect for fundamental rights in the EU;

26. Reminds all Member States to comply with their obligations to respect fundamental freedoms and rights; notes that participation in international treaties for the protection and promotion of human rights can only serve to strengthen the protection of fundamental rights within the EU and welcomes the fact that the EU has acceded to the Convention on the Rights of Persons with Disabilities and will accede to the ECHR; calls on the Council and the Commission to take steps towards becoming a party to other international human rights treaties, such as the UN Convention on the Rights of the Child;
27. Is extremely worried about the situation of democracy, the rule of law, checks and balances, media and fundamental rights in some Member States and, in particular, about the practice by those in power of selecting, appointing or dismissing people occupying independent positions in, for example, constitutional courts, the judiciary, public broadcasting media, media regulatory bodies and the offices of ombudsmen or commissioners, merely on the basis of political affiliation rather than on that of competence, experience and independence;
28. Regrets the Commission's weak response to specific violations of fundamental rights and the weakening of democratic checks and balances and the rule of law in Member States, and calls on the Commission to ensure that infringement proceedings secure the effective protection of human rights, rather than aiming for negotiated settlements with Member States;
29. Considers that, in order to maintain the credibility of the accession conditions, Member States should also be continuously assessed on their continued compliance with the EU's fundamental values and the fulfilment of their commitments regarding the functioning of democratic institutions and the rule of law; calls on the Commission to ensure that infringement proceedings secure the effective protection of fundamental rights and to launch objective investigations and start infringement proceedings if well grounded, thus avoiding double standards, whenever a Member State violates the rights enshrined in the Charter when implementing EU legislation;
30. Recalls the Commission's commitment to giving priority to those infringement proceedings which raise issues of principle or which have a particularly far-reaching negative impact on citizens¹;
31. Calls, therefore, on the Commission to update its 2003 communication (COM(2003)0606) and draw up before the end of 2012 a detailed proposal for a clear-cut monitoring mechanism and early warning system, as well as a freezing procedure, as already called for by Parliament, to ensure that Member States, at the request of EU institutions, suspend the adoption of laws suspected of disregarding fundamental rights or breaching the EU legal order, associating, in particular, the national fundamental rights bodies created in compliance with the Paris principles and building on the provisions of Articles 2, 6 and 7 of the TEU and Article 258 of the TFEU;
32. Underlines its commitment to use its powers to act as a human rights litigant, in particular to ensure that EU acts respect, protect, promote and fulfil human rights;
33. Calls for the revision of the procedural rules of the CJEU and General Court in order to facilitate third-party interventions, by human rights NGOs in particular;

¹ COM(2010)0573.

34. Calls for the setting-up of appropriate national human rights institutions (NHRIs) in all Member States and for measures to facilitate networking between these bodies across the EU with the support of the FRA; invites the EU institutions and the Member States to develop the capacity of equality bodies, data protection bodies, NHRIs and the FRA as human rights litigants;
35. Calls for closer cooperation between Union institutions and other international bodies, particularly with the Council of Europe and its European Commission for Democracy through Law (Venice Commission), and to make use of their expertise in upholding the principles of democracy, human rights and the rule of law; encourages the Commission and the Member States to intensify their cooperation, including with the European Parliament and the national parliaments, in order to improve the implementation of EU human rights legislation and ensure that complaints are followed up and that any irregularities are rectified;
36. Regrets the worsening situation of media freedom in various Member States; calls on the Member States to respect, and the Commission to take appropriate measures to monitor and enforce, media freedom and media pluralism; welcomes the initiative of the European Parliament to draft a report on standard-setting for media freedom across EU;
37. Is concerned at the deteriorating situation as regards media freedom and pluralism, in particular the freedom and pluralism of the press, in the Union, including as a result of the current economic crisis; condemns the conditions under which some journalists work and the obstacles they face, especially when covering demonstrations; is particularly concerned that some Member States are tempted to challenge the principle of the protection of journalistic sources and the ability of investigative journalists to investigate circles close to government; regrets deeply the attitude of the Commission, which refuses to make any legislative proposal to ensure media freedom and pluralism in accordance with Article 11 of the Charter;
38. Calls the Commission to entrust the FRA with the task of issuing a yearly report monitoring the situation of media freedom and pluralism in the European Union;
39. Welcomes the adoption by the UN Human Rights Council of a resolution recognising internet rights, particularly concerning access to the internet and freedom of expression; stresses in particular the appeal to strive for 'the promotion, protection and enjoyment of human rights, including the right to freedom of expression, on the internet and in other technologies', noting that these rights must be respected regardless of frontiers and through any media; calls on the EU and Member States to implement this resolution in domestic law and ensure its promotion at international level;
40. Reiterates its call to the Commission for a swift revision of the EU *acquis* in police and criminal matters, in compliance with the Lisbon Treaty and the Charter, before the deadline of 1 December 2014;
41. Calls for the parliamentary evaluation of FSJA-related policies through the creation of a permanent link between the Parliament's Committee on Civil Liberties, Justice and Home Affairs, the Council Working Group on Fundamental Rights, Citizens' Rights and Free Movement of Persons (FREMP) and national parliamentary committees dealing with fundamental rights in order to assess the relevant legislation at EU and national level;

42. Calls on the Member States to properly fulfil their obligations under international law, which they have so far failed to do, to investigate serious human rights violations carried out in the context of cooperation with the CIA counter-terrorism programme, to step up the fight against trafficking in human beings and organised crime and to afford full redress to victims;
43. Calls on EU institutions to ensure that the FRA is consulted on any legislative proposal having an impact on fundamental rights, and to respect the independence and competences of the FRA;
44. Stresses that the mandate of the European Union Agency for Fundamental Rights should be enhanced to include regular monitoring of Member States' compliance with Article 2 of the TEU, the publishing of annual reports on its findings and presentation of such reports in the European Parliament;
45. Considers it unacceptable
 - that Parliament, the only directly elected EU institution and EU co-legislator for most EU policies, has not been permitted to define the thematic areas for the multi-annual framework (MAF) of the FRA;
 - that police and judicial cooperation in criminal matters, which has become standard EU policy, as well as social and economic rights, which are essential elements of the Charter, are still not explicitly included in the mandate of the FRA; asks the Council to include the above matters in the next multiannual framework of the FRA;
46. Points to shortcomings in the current mandate of the FRA, in particular the limited number of comparative evaluations between Member States and the lack of assessments of the whole human rights, rule of law and democracy landscape of Member States;
47. Points out that the Paris Principles on NHRIs should be used as a model for reforming the national institutions and the FRA, and calls on the Commission and the Council , together with the European Parliament, to revise, as a matter of urgency, the founding regulation of the FRA under the ordinary legislative procedure, so that the remit of the FRA is broadened to cover the full scope of Articles 2, 6 and 7 of the TEU and, in particular, the European Charter's implementation by the EU institutions, agencies, offices and bodies, as well the activities of Member States; considers that the independence of the FRA should be strengthened, as well as its powers and competences; considers that the FRA Scientific Committee and the FRANET network should submit to the European Parliament and the national parliaments and publish annually a thematic and more focused report assessing the situation in the Member States, as was done until 2006 by the former Network of Experts on Fundamental Rights; calls on the FRA to fully respect Article 15 of the TFEU by making its proceedings open and by giving access to its documents via a publicly accessible register, as foreseen by Regulation (EC) No 1049/2001;
48. Is concerned about the 'opt-outs' of some Member States, which risk affecting the rights of their citizens, who will suffer more from discrimination than other EU citizens and recalls that, in accordance with the case-law of the ECJ, the 'opt-outs' are not intended to exempt the Member States from the obligation to comply with the provisions of the Charter or to prevent a court of one of those Member States from ensuring compliance with those provisions;

49. Stresses that, beyond informing individuals of their Charter rights, the Commission must ensure they are aware of how to exercise their right of access to justice and enforce their rights in relevant fora; considers that informal networks, such as those successfully developed for the internal market (SOLVIT), should be established at national and regional level to assist and advise people whose rights risk being violated (such as migrants, asylum seekers, vulnerable people); considers that these support structures for right restoration and economic and social integration should be a priority for regional funds;
50. Calls on the Commission to inform those citizens contacting it in relation to fundamental rights violations of these additional or more appropriate possibilities in detail, to keep record of these indications and to report on this in full detail in its annual reports on fundamental rights in the EU and on the implementation of the Charter; underlines that citizens' correspondence is extremely relevant in revealing possible structural, systemic, serious violations of fundamental rights in the EU and its Member States and consequently relevant to ensure the genuine application of Articles 2, 6 and 7 of the TEU by the Commission;

Discrimination

51. Calls on Member States to collect disaggregated data for all grounds of discrimination, as well as to develop fundamental rights indicators in cooperation with the FRA, in order to ensure properly informed and targeted legislation and policies, particularly in the field of non-discrimination and in the context of national Roma integration strategies;
52. Calls on the Commission to propose a review of the Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law to include other forms of bias-motivated crime, including on grounds of sexual orientation, gender identity and gender expression;
53. Deplores the fact that not all Member States have properly transposed the Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law; calls on Member States to prosecute xenophobia, racism, anti-gypsyism and other forms of violence and hatred against any minority groups, including hate speech; calls on the Member States to ensure that bias-motivated offences, such as those with racist, xenophobic, anti-Semitic, Islamophobic, homophobic or transphobic intent are punishable within the criminal law system, that these offences are properly registered and investigated effectively, that offenders are prosecuted and punished, and that victims are offered proper assistance, protection and compensation; recalls that on 1 December 2014 this framework decision will become fully enforceable;
54. Stresses that the principles of human dignity and equality before the law are the foundations of democratic society; deplores the current blockage of Council negotiations on the Commission's proposal for a horizontal directive extending comprehensive protection against discrimination on all grounds; calls on the Council to act, on the basis of Article 265 of the TFUE and to adopt the directive;
55. Stresses that, in accordance with the Charter of Fundamental Rights of the EU, European citizens should also be protected from discrimination on linguistic grounds;
56. Calls on Member States to establish complaints procedures that ensure that a victim of multiple discrimination, taking into account that women are specially targeted by these,

can lodge a single complaint addressing more than one ground of discrimination; considers appropriate to support the activities of human rights defenders and the development of collective actions by marginalised people and communities;

57. Calls on Member States to protect freedom of religion or belief, including the freedom of those without a religion not to suffer discrimination as a result of excessive exemptions for religions from laws on equality and non-discrimination;
58. Stresses that, in the area of the fight against discrimination, the specificity of discrimination on grounds of disability should be fully taken into account;

Protection of individuals belonging to minorities

59. Stresses that the situation of stateless persons permanently resident in Member States needs to be addressed, on the basis of the recommendations of international organisations;
60. Underlines the importance of respect for the rights of persons belonging to national minorities; encourages the Member States that have not yet done so to ratify the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages without further delay and, where relevant, to withdraw reservations and restrictive declarations; calls on Member States to take action to combat discrimination suffered by members of linguistic minorities and to document the results of action taken to protect the right of members of linguistic minorities to use their own language; urges Member States not to discriminate against persons belonging to national or ethnic minorities and to ensure that such people enjoy the rights conferred on them by international and EU law;
61. Calls on Member States to address racial and ethnic discrimination in employment, housing, education, health, access to goods and services; is particularly concerned about the rise of political parties which are openly racist, xenophobic, Islamophobic and anti-Semitic, owing to an economic and social crisis which is encouraging a frantic search for scapegoats, and whose violent practices should be condemned; is also concerned at the adoption of repressive measures against the homeless in the context of the current crisis;
62. Stresses that, owing to divergences in the implementation of EU law and complex administrative procedures, some categories of persons encounter discriminatory obstacles in the exercise of their right to freedom of movement and residence; calls on the Commission to bring infringement procedures against Member States violating Directive 2004/38/EC;
63. Regrets that citizens of Roma origin are subjected to collective expulsion procedures by Member States and deplores the weak reaction of the Commission in certain cases;
64. Calls on the Commission to evaluate the tangible results of the EU Framework for National Roma Integration Strategies and the progress achieved in each Member State; recognises the efforts made by some Member States, but above all the many gaps in most of the strategies presented to the Commission; calls on the Commission to recommend improvements so as to meet more effectively the objectives set out in the EU Framework for National Roma Integration Strategies; calls for an analysis to be made of the financial feasibility and sustainability of these strategies and the progress achieved in each Member State in its annual reports to Parliament and the Council;

65. Stresses the importance of implementing properly the national Roma integration strategies by developing integrated policies involving local authorities, non-governmental bodies and Roma communities in ongoing dialogue under the provisions of the EU Framework; calls on Member States to provide an effective response to Roma exclusion by implementing the measures presented in their national Roma integration strategies and to cooperate with representatives of the Roma population in the management, monitoring and evaluation of projects affecting their communities, by making use of all available EU financial resources;
66. Believes that the fight against anti-Roma discrimination should do more to involve the Roma community, whose representatives are best placed to testify to the lack of access to the rights to employment, education, housing, health, and goods and services, and to find solutions to address these problems;
67. Calls on the Member States to eliminate the spatial segregation, forced evictions and homelessness faced by the Roma, to set up effective and transparent housing policies and to avoid the criminalisation of homelessness;
68. Calls on the Member States to address the high levels of unemployment among the Roma by removing barriers to accessing employment;
69. Calls on the Member States to reform their national educational systems in order to address the needs of minorities, including Roma children, and to dismantle segregated educational arrangements, without prejudice to education in minority languages existing in many Member States;
70. Urges Member States to adopt the necessary legislative changes with regard to sterilisation and to financially compensate the victims of coercive sterilisations performed on Roma women and women with mental disabilities, in line with the case-law of the ECtHR;
71. Reiterates its call for a targeted approach to the social inclusion of Roma women in order to avoid multiple discrimination and ethnic segregation;
72. Calls on Member States to allocate sufficient budgetary resources for realising the objectives identified in their national Roma integration strategies; calls on the Council to support and adopt the proposals of the Commission and Parliament regarding the next Multiannual Financial Framework, in particular those enabling the European Social Fund and the European Regional Development Fund to better contribute to the social inclusion of Roma by broadening the range of ex ante conditionalities in order to include the development of national strategies and the mapping of the territorial concentration of poverty;
73. Points out that the latest and future enlargements have led and will lead to an even greater number of Member States characterised by cultural and linguistic diversity; believes, therefore, that the EU has a particular responsibility to safeguard the rights of minorities; calls on the Commission to step up its action to involve enlargement countries in its efforts aimed at the social inclusion of Roma, as well as to mobilise the Instrument on Pre-Accession Assistance and to urge enlargement countries through the mechanism of the Stabilisation and Association process to work to this end;
74. Is alarmed by the rising tide of hate speech and stigmatisation of minorities and of other

groups of people and by the growing influence of these phenomena in the media and in many political movements and parties, reflected at high political level and in restrictive legislation; calls on Member States to adopt adequate measures in order to promote, in economic, social, political and cultural life, effective equality between persons, taking due account of the specific circumstances of the persons belonging to these minority communities; points to the inconsistency of policy towards national minorities, noting that, while the protection of minorities is a part of the Copenhagen criteria, there is no standard for minority rights in Community policy; emphasises the fact that minority rights are an integral part of basic human rights;

75. Considers that no single solution exists for improving the situation of national minorities in all the Member States, but that some common and minimum objectives for public authorities in the EU should be developed, taking account the relevant international legal standards and existing good practices; calls on the Commission to establish a policy standard for the protection of national minorities;
76. Considers that traditional national minority communities represent a special contribution to European culture, that public policies should therefore be more focused on their protection and that the Union itself must address these needs in a more appropriate way;
77. Suggests efforts to promote confidence building between, and the co-existence of, communities traditionally living next to each other by teaching and learning about one another's identity, regional identities, one another's languages and one another's history, heritage and culture, with a view to better understanding and greater respect for diversity;
78. Considers that effective participation in decision-making, based on the principles of subsidiarity and self-governance, is one of the most effective ways of handling the problems of national minorities, following the best practices existing within the Union;

Equal opportunities

79. Regrets the limited impact of EU and national initiatives in the area of inequality between men and women, particularly in the context of employment; calls on the Member States to set specific employment targets and strategies in the framework of their National Reform Programmes and Action Plans for gender equality, to ensure equal access of women and men to enter and stay in the labour market; considers that, with a view to closing the entrenched gender pay and pension gaps, these targets must address the persistent concentration of women in part-time, low-pay and precarious jobs; calls on Member States to adopt measures for better reconciliation of family and working life for all generations of women, including the provision of quality care facilities for children and other dependents;
80. Considers that women's underrepresentation in political decision-making is a deficit for fundamental rights and democracy; welcomes the positive measures introduced in France, Spain, Belgium, Slovenia, Portugal and Poland, such as legislated parity systems and gender quotas, as essential good practices, and calls on Member States with particularly low representation of women in political life to consider introducing binding legislative measures;
81. Points to the fact that women continue to suffer discrimination in various areas of everyday life, in spite of the legislation in force on combating discrimination, and is deeply disappointed to note that, after almost 40 years of legislation, the gender pay gap has

hardly closed at all;

82. Considers that violence against women is the most pervasive violation of girls' and women's human rights worldwide, including in the EU; calls on the Commission to establish 2015 as the European Year to End Violence against Women, and to deliver a related EU-wide strategy to end violence against women, as announced in the Council Conclusions of March 2010, comprising legally binding instruments, awareness-raising actions, data collection and funding for women's NGOs;
83. Reiterates its position on sexual and reproductive health rights, as stated in its resolutions of 10 February 2010¹, 8 March 2011² and 13 March 2012³ on equality between women and men in the European Union – 2009, 2010 and 2011; expresses concern, in this connection, about recent restrictions on access to sexual and reproductive health services in some Member States, in particular safe and legal abortion, sexuality education and funding cuts to family planning;
84. Calls on the EU institutions to explore the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in the EU legal framework;
85. Calls on the EU to put an end to policies establishing dependency between family members in the framework of family reunion, and calls on the EU and its Member States to grant migrant women an autonomous residence status, especially in cases of domestic violence;
86. Urges the EU and the Member States to step up efforts to achieve the objectives of the European Pact for Equality between women and men 2011-2020 and to take measures to tackle the gender pay gap, occupational segregation and all forms of violence against women;
87. Calls on the Member States to take effective measures to protect pregnant workers and women on maternal leave;
88. Urges Member States to address the issue of violence against women, domestic violence and sexual exploitation in all its forms and to combat trafficking in human beings;
89. Calls on the Member States to ensure that national action plans address multiple discrimination and protect women belonging to ethnic minorities and immigrant women;

Sexual orientation and gender identity

90. Calls on the Commission to propose a recast of the Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law including other forms of bias crime, including on grounds of sexual orientation, gender identity and gender expression;
91. Calls on Member States to adopt the national legislative framework to address discriminations experienced by LGBT people and same-sex couples on grounds of their

¹ OJ C 341 E, 16.12.2010, p. 35

² OJ C 199 E, 7.7.2012, p. 65.

³ Texts adopted, P7_TA(2012)0069.

sexual orientation or gender identity, and urges them to guarantee effective implementation of the existing EU legal framework and CJEU case-law;

92. Calls on Member States to register and investigate hate crimes against gay, lesbian, bisexual and transgender people (LGBT) and adopt criminal legislation prohibiting incitement to hatred on grounds of sexual orientation and gender identity;
93. Welcomes the Commission proposals¹ on jurisdiction and applicable law for the property effects of marriages and registered partnerships; considers, however, that the choice of two different instruments and of a separate approach for registered partnerships and marriages is unjustified; considers that the same choice of jurisdiction and applicable law should apply in both cases;
94. Calls on Member States which have adopted legislation on same-sex partnerships to recognise provisions with similar effects adopted by other Member States; recalls the Member States' obligation to fully implement Directive 2004/38/EC of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, including for same-sex couples and their children; welcomes the fact that more and more Member States have introduced and/or adapted their laws on cohabitation, civil partnership and marriage to overcome the discriminations based on sexual orientation lived by same-sex couples and their children and calls on other Member States to introduce similar laws;
95. Calls on the Commission to bring forward a proposal for the full mutual recognition of the effects of all civil status documents across the EU, including legal gender recognition, marriages and registered partnerships, in order to reduce discriminatory legal and administrative barriers for citizens who exercise their right to free movement;
96. Calls on the Commission and the Council to intervene more forcefully against homophobia, violence and discrimination based on sexual orientation, including by calling on Member States' mayors and the police to protect freedom of expression and demonstration on the occasion of LGBT pride marches; calls on the Commission to use the results of the ongoing FRA survey in order to finally follow up the repeated calls by Parliament and NGOs and issue, as a matter of urgency, the EU Roadmap for equality on grounds of sexual orientation and gender identity, with a view to its adoption by 2014;
97. Calls on Member States to ensure the effective protection of participants in LGBT public events, including pride marches, and to ensure that these events can take place lawfully;
98. Deplores that transgender people are still considered mentally ill in a number of Member States; calls on Member States to introduce or review legal gender recognition procedures, on the model of Argentina, and review conditions (including forced sterilisation) set for legal gender recognition; calls on the Commission and the World Health Organisation to withdraw gender identity disorders from the list of mental and behavioural disorders and to ensure a non-pathologising reclassification in the negotiations on the 11th version of the International Classification of Diseases (ICD-11);
99. Welcomes the new set of asylum rules introduced in the Qualification Directive, which includes gender identity as a ground of persecution; maintains that the asylum package

¹ COM(2011)0127 and COM(2011)0126.

must remain coherent and include sexual orientation and gender identity in the Asylum Procedure Directive;

100. Calls on Member States to ensure access to employment and goods and services without discrimination on grounds of gender identity, in line with EU law¹;
101. Welcomes the launch of an FRA survey that will gather comparable data on the experience of LGBT people in the European Union and Croatia;
102. Calls on Member States to fully transpose Council Directive 2003/86/EC on the right to family reunification, without any discrimination on the grounds of sex or sexual orientation; recalls that, according to the case-law of the European Court of Human Rights, same-sex couples fall under the scope of family life²;
103. Considers that LGBT people's fundamental rights are more likely to be safeguarded if they have access to legal institutions such as cohabitation, registered partnership or marriage; welcomes the fact that 16 Member States currently offer these options, and calls on other Member States to consider doing so;

Young people, the elderly and people with disabilities

104. Calls on the Member States to tackle age discrimination in employment, in line with the case law of the CJEU on the recruitment and dismissal of elderly workers;
105. Calls on the Member States to ensure the inclusion of younger workers, particularly those affected by the economic crisis, on the labour market, including through the organisation and provision of training for the social advancement of young people;
106. Regrets that young people in some Member States are still being prosecuted and sentenced to imprisonment because the right to conscientious objection to military service is still not adequately recognised, and calls on the Member States to stop persecution of and discrimination against conscientious objectors;
107. Welcomes the decision to declare 2012 as the European Year of Active Ageing and Solidarity between Generations; calls on the Member States to recognise and respect the rights of the elderly so as to enable them to enjoy a life of dignity and good quality by providing adequate social services, lifelong learning and other programmes for their social and cultural inclusion; calls on the Member States to adopt measures to combat abuse and all forms of violence against the elderly and to promote their independence by supporting the renovation and accessibility of housing; recalls that elderly women live more often under the poverty line due to the gender pay gap and later the pension gap; stresses that men and women over 65 years of age who are active and willing contribute fully and in many different ways to the daily life of society;

¹ Directive 2006/54/EC of the European Parliament and of the Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation; Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

² Schalk and Kopf v Austria, Application No. 30141/04, ECtHR.

108. Calls for people's dignity to be respected at the end of life, in particular by ensuring that decisions expressed in living wills are recognised and respected;
109. Calls on the Member States to combat discrimination against persons with disabilities, particularly regarding labour market integration;
110. Calls on the EU and on the Member States to improve access to employment and training of persons with disabilities, including persons with psycho-social disabilities, using existing EU funds;
111. Calls on all the Member States to ratify the UN Convention on the Rights of Persons with Disabilities (CRPD) and the Optional Protocol thereto, and to ensure that all national action plans are in line with the European Disability Strategy 2010-2020 and aimed at improving accessibility, employment, inclusive education and training, as well as independent living for the disabled;
112. Calls on the European Institute for Gender Equality, in coordination with the Fundamental Rights Agency, to conduct research and provide guidance at European and national level as regards the specific situation of women and girls with disabilities; stresses that particular attention should be paid to practices of forced sterilisation and coerced abortion, which may amount to torture or inhuman or degrading treatment and which should, therefore, be prosecuted and punished;
113. Calls on an innovative solution on info-communication accessibility regarding access for deaf and hard-of-hearing citizens to the EU institutions and conferences, based on the Parliament's resolutions of 17 June 1988 on sign languages for the deaf¹, of 18 November 1998 on sign languages² and of 25 October 2011 on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020³, in accordance with Articles 2, 21, 24 and 30 of the CRPD;
114. Calls on the Member States to fund organisations providing support for independent living conditions for disabled people and de-institutionalisation programmes;
115. Calls on the Commission and the Member States to ensure that EU funding for internal and external actions is not used to create barriers or to generate discrimination against persons with disabilities and to put in place adequate measures for the adoption of new funding programmes to prevent this;
116. Calls on the Commission and Member States to ensure that EU funds are not directed towards renovating existing or building new institutions for persons with disabilities but are used instead to facilitate community living, in accordance with Articles 5 and 19 of the CRPD and Articles 21 and 26 of the Charter of Fundamental Rights;
117. Stresses the need to increase the political participation of persons with disabilities in elections by accommodating their special needs;

Data Protection

¹ OJ C 187, 18.7.1988, p. 236.

² OJ C 379 E, 7.12.1998, p. 66.

³ Texts adopted, P7_TA(2011)0453.

118. Reaffirms that the right of self-determination over personal data and the right to privacy constitute fundamental elements of a person's personality, human dignity and liberty;
119. Stresses that the reform of the EU's data protection regime should increase transparency and awareness of data protection rights, make remedies and sanctions more effective and empower data protection authorities with competence to impose fines on violators of EU data protection law; urges the Council to commit to a comprehensive data protection framework with a uniform and high level of harmonisation, building on Directive 95/46/EC; stresses that derogations and exceptions to the principles governing the protection of personal data, in particular the principle of purpose limitation, and the transfer of data to third countries, must be avoided; stresses that it is of crucial importance that comprehensive data protection standards envisaged in the area of law enforcement also cover the domestic processing of data;
120. Is concerned about the existing tendency to undermine the independence of data protection authorities, and welcomes the Commission's vigilance; calls on Member States to comply with existing provisions and the relevant case-law;
121. Expresses its concern regarding the shortcomings of the Data Retention Directive highlighted by the Commission's report, the EDPS, several national parliaments and the constitutional courts of several Member States, which have declared it unconstitutional; stresses the need to review the Data Retention Directive or at least explore alternatives to data retention, such as expedited data preservation and targeted collection of traffic data;
122. Is concerned at the lack of progress made in the negotiations for an Agreement between the European Union and Canada for the transfer and use of PNR data to prevent and combat terrorism and other serious transnational crime; points out that the agreement signed in 2005 is no longer valid, owing to the expiry of the Adequacy Decision in September 2009, and that the transfer of PNR data has taken place since that date on the basis of unilateral undertakings by Canada to the Member States;
123. Welcomes the fact that, under the EU-Australia PNR agreement, data is collected only for the purpose of preventing, detecting, investigating and prosecuting terrorist offences or serious transnational crime, and that effective redress and protection safeguards are ensured;
124. Regrets that, in the EU-US PNR Agreement, the purposes for the collection of PNR data are not explicit and that data protection safeguards provided for in the agreement are not fully in line with EU standards; stresses that the Commission has not properly explored less intrusive alternatives to the analysis of PNR data, such as that provided by using Advanced Passenger Information or by restricting the use of PNR data to cases where a lead or initial suspicion has already been established;
125. Is concerned that the EU-US TFTP Agreement may not have been implemented in accordance with the provisions laid down in the agreement; stresses that the first and second inspections performed by the Europol Joint Supervisory Body (JSB) raise serious concerns about the compliance of the EU-US TFTP Agreement with data protection principles;
126. Points out with concern that the first inspection performed by the Europol Joint Supervisory Body (JSB) raises serious concerns about the EU-US TFTP Agreement's

compliance with data protection principles;

127. Calls on the Commission to address the concerns expressed by the EDPS, the Article 29 Working Party, the European Economic and Social Committee, the FRA and several national parliaments on the proposed directive on the European Passenger Name Record (PNR)¹, by limiting the scope of application to flights to and from third countries, the fight against international terrorism, the length of data retention and the list of data stored and by ensuring an effective evaluation of the system;
128. Does not consider the Commission's communication on a European terrorist finance tracking system as an adequate basis for negotiation; calls on the Commission to present a legislative proposal for a legal and technical framework for the extraction of data on EU territory, ensuring full compliance with European data protection standards;
129. Stresses that a European terrorist finance tracking system² should be an efficient and targeted extraction system with clear access rights ensuring the termination of the current transfers of bulk data to the US as soon as possible;
130. Calls on the Commission and the Member States to abrogate or review the rules on liquids and body scanners, and calls the Commission to bring infringement proceedings against those Member States violating EU regulations protecting citizens' fundamental rights on the matter;

Migrants and refugees

131. Calls on the Member States to set up a procedure for more coordinated rules governing asylum seekers, in compliance with the case law of the CJEU and the ECtHR;
132. Reminds Member States that they must fully respect the Geneva Convention on refugees, in particular Article 33 thereof, which prohibits any 'refoulement' to their frontiers;
133. Strongly condemns the extensive use by most Member States of detention to facilitate removal of immigrants, including minors, and urges Member States to introduce alternatives to detention in national legislation;
134. Calls on Member States to reform their asylum procedures in order to comply with the requirement to ensure an effective remedy, as laid down by the ECtHR and CJEU case-law, notably on applicable timelines to lodge an appeal against a decision, a negative decision and provisions on the right to stay in the host country during the appeal process;
135. Notes that there is a huge disparity in recognition of gender-based persecution in asylum procedures in the EU; calls on Member States to adopt and implement gender guidelines for initial decision-makers and judges, based on UNHCR gender-relevant guidelines, and on the European Asylum Support Office to develop tools to ensure a gender equality perspective in the Common European Asylum System;
136. Calls on the Member States to focus on effective legal migration policies and to ratify the International Convention on the Protection of the Rights of All Migrant Workers and

¹ COM(2011)0032.

² COM (2011)0429.

Members of their Families; stresses that special attention should be given to women migrants who are particularly vulnerable;

137. Recalls the importance of the directive on seasonal workers¹ for reducing irregular working conditions and the risk of exploitation, and urges the swift conclusion of negotiations;
138. Recalls that access to health care is a fundamental right and calls, in particular, on Member States to make this right accessible in practice, including for irregular migrants, especially pregnant women and minors, thus taking up the concerns expressed by the Agency for Fundamental Rights in its report of 11 October 2011;
139. Welcomes the EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016 and the work of the EU Anti-Trafficking Coordinator; recalls that Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of mass rapes, human trafficking and other forms of sexual abuse of women and children or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, and Directive 2009/52/EC of the European Parliament and the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals are useful tools for the protection of victims of trafficking and should be fully implemented;
140. Deplores the slow progress in adopting the Common European Asylum System (CEAS) and regrets that the Union's approach has focused on migration control rather than on access to international protection to meet the needs of intended beneficiaries; calls on the Council and Member States to ensure that the CEAS is implemented by the end of 2012 as planned, in accordance with the international obligations of Member States on asylum;
141. Welcomes the improvements in the revised Qualification Directive², in particular a greater acknowledgment of gender-specific forms of persecution, the inclusion of gender identity as a ground of persecution for which protection should be granted, and the commitment to take the best interest of the child into account;
142. Urges Member States to implement the Qualification Directive in a manner which ensures full consistency with international human rights law, and calls on the Member States that wish to do so to go beyond the minimum level of benefits and rights ensured by the text;
143. Stresses that the broadened scope of the Directive on Long-term Residents³ to include refugees and beneficiaries of subsidiary protection will contribute to their effective integration, which carries benefits for the European Union and the Member States;
144. Welcomes the revised Commission proposal recasting the Reception Conditions Directive⁴ and stresses that basic reception conditions should be offered from the moment asylum seekers arrive and that they should be encouraged to contribute to the host community, irrespective of the length of their stay;
145. Stresses that gaps and ambiguities in the amended proposal for a Directive on common

¹ COM(2010)0379.

² OJ L 337, 20.12.2011, p.9.

³ OJ L 132, 19.5.2011, p. 1

⁴ COM(2011)03201.

procedures for granting and withdrawing international protection status¹ must be addressed in a manner which can enable Member States to avoid the risk of increased costs and potential misuse, while ensuring access to fair and high-quality asylum decisions for those in need of protection;

146. Recommends the setting-up of asylum expert teams to assist states with insufficient asylum infrastructures; takes the view that the existence of minimum standards and of quality-assessment mechanisms can raise the quality of asylum decision-making;
147. Emphasises that asylum seekers do not enjoy equivalent levels of procedural and substantive protection in all Member States, due to inadequate transposition of EU law or to differing approaches to implementation;
148. Expresses concern at the current Dublin system's impact on the legal rights of asylum seekers, including their right to have their claim to asylum examined fairly and, where recognised, to effective protection, as well as at the uneven distribution of asylum claims among Member States;
149. Highlights the importance of negotiations with a view to amending the Dublin II Regulation, and stresses that more efficient procedures should not be sought at the expense of the rights of applicants;
150. Stresses the need to complete negotiations on an effective mechanism for suspending transfers to Member States under the Dublin II Regulation, where there is a risk of a violation of the fundamental rights of the persons concerned, in line with recent ECtHR and CJEU case-law;
151. Calls for fundamental rights-sensitive border controls, and stresses the need for democratic oversight by Parliament of Frontex operations;
152. Stresses its commitment to ensuring full parliamentary scrutiny of the EU's JHA agencies, in particular Europol, Frontex, Cepol, Eurojust, and the Agency for the operational management of large-scale IT systems; calls on these agencies to enhance the fundamental rights dimension of their activities;
153. Stresses the need to monitor the practical implementation of EASO's mandate, and points out that the fundamental rights-related aspects of Europol's work should be addressed in the renegotiation of its mandate in 2013;
154. Calls for the effective implementation of the fundamental rights provisions of the Schengen Borders Code and of the Community Code on Visas in the context of future Schengen evaluations;
155. Stresses that the principles of necessity and proportionality of the data collected and stored should apply to the new technologies for storing personal data and for border surveillance;
156. Stresses that freedom of movement within the Schengen area is one of the EU citizens' most concrete rights; strongly disagrees with new grounds for proposals relating to the reintroduction of Schengen border controls, as this would undermine free movement within

¹ COM (2011)0319.

the European Union and the functioning of Schengen area;

157. Expresses its concern at increasing non-compliance by Member States with the Schengen acquis, thereby undermining freedom of movement in the European Union and accordingly stresses the importance of an EU-driven evaluation and monitoring mechanism to verify the application of the Schengen acquis, adopted in line with Article 77 of the TFEU and with fundamental rights principles;
158. Is concerned about the lack of harmonised procedural guarantees when contesting the lawfulness and proportionality of issuance of an alert in the Schengen Information System or comparable national databases;
159. Calls on the Commission, in the light of its evaluation of European Readmission Agreements¹ (EURAs), to refrain from supporting the hasty conclusion of new agreements that lead to violations of fundamental rights; calls on the Council to observe the ‘no agreement at any cost’ principle;
160. Calls on those Member States that have not yet done so to ratify the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level, and on those that have ratified it to put into effect Article 6 of the Convention, which provides for the right to vote and stand in local authority elections to be granted to all third-country nationals who have resided lawfully and habitually in the host country for the five years preceding the elections;

Rights of the child

161. Calls on all EU institutions to effectively address challenges such as the removal of children from the custody of one or both parents, missing children, sexual exploitation of children and child pornography, protection of unaccompanied migrant children and the situation of institutionalised children with disabilities, as well as the protection of children who have suffered domestic abuse and workplace exploitation;
162. Welcomes the Commission’s EU Agenda for the Rights of the Child, the Commission’s efforts to ensure respect for, and promotion of, the rights of the child in judicial proceedings, and the fact that the Directive on victims of crime ensures a higher level of protection of children as vulnerable victims;
163. Calls on the EU institutions and on all Member States to elaborate child-friendly policies in areas such as employment, the environment, security and migration, as well as in relation to judicial matters, education and data protection; stresses the importance of investing in child-oriented actions by re-orienting existing budgetary lines and through new investments; calls on all Member States to prohibit the employment of children under the minimum school-leaving age; stresses that young people at work must be protected against economic exploitation, anything that may harm their safety, health or physical, mental, moral and social development and working conditions that may interfere with their education;
164. Recalls that the European Union and its Member States must take into account the rights and duties of the parents, legal guardians or other individuals legally responsible for the

¹ COM(2011)0076.

child;

165. Calls on the Member States to ensure the adequate implementation of the Directive on combating the sexual abuse of children and child pornography¹ and of the Directive on preventing and combating trafficking in human beings²;
166. Calls on all EU Member States that have not yet done so to ratify the Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the 2007 Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse;
167. Emphasises that no unaccompanied minors should be detained since they are vulnerable persons who need special reception arrangements;
168. Welcomes the Commission's Action Plan on Unaccompanied Minors (2010-2014); calls on the Commission to inform Parliament of the findings of the expert group on unaccompanied minors in the migration process;
169. Calls on the Commission to mainstream children's rights in all EU activities and to assess the work to date of the Children's Rights Coordinator and the European Forum on the Rights of the Child;
170. Encourages the use of the children's rights indicators elaborated by the FRA in the reviewing of EU actions; calls for the elaboration of practical guidelines on how such indicators could best be used;
171. Expresses concern about the recent scandals involving cases of paedophilia, and calls on the EU and the Member States to ensure that impunity is not tolerated in investigations of paedophilia;

Victims' rights and access to justice

172. Calls on other stakeholders, including EU agencies such as EUROPOL and Member States, while making human rights a paramount issue, to secure EU-level cooperation in a holistic, coordinated and integrated approach; calls on Member States to adopt appropriate legal frameworks and an appropriate and uniform definition of trafficking in human beings and to ensure national coordination among state actors responsible for the protection and promotion of the human rights of victims of trafficking; calls on Member States to encourage research in the field of trafficking in human beings in order to adjust government policies properly in areas such as migration, the labour market and the economy;
173. Stresses the need to evaluate the progress made in the fight against trafficking in human beings in the light of the findings of the EU Anti-Trafficking Coordinator;
174. Regrets that EU citizens resident in a Member State other than their own are not effectively informed about their rights, and urges Member States to improve their information systems;

¹ OJ L335, 17.12.2011, p.1.

² OJ L 101, 15.4.2011, p.1.

175. Stresses that both the ECtHR and the CJEU have highlighted in their rulings obstacles in the way of the right to a fair hearing and of access to justice, such as the length of proceedings and the lack of effective remedies;
176. Calls on the Member States to address remaining barriers, such as time limits, legal standing, the length of proceedings, legal costs and procedural formalities;
177. Urges Member States to restructure their court systems, review the level of court fees, reform the legal aid system and provide alternative dispute settlement mechanisms so as to facilitate equal access to justice to the maximum extent possible;
178. Urges the EU institutions and the Member States to examine how common legal principles on collective redress could fit into the EU legal system and into the legal orders of the Member States;
179. Expresses concern in relation to respect for a fair trial in the European Union and its Member States and, in particular, in relation to recent proposals on 'secret evidence' allowing the government to use evidence against individuals which they would be unable to challenge, or even to see, which would be in striking contradiction with European fundamental rights and standards;
180. Calls on the Commission to complete the Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings, ensuring that fair trial rights may be effectively exercised in practice;
181. Welcomes the Roadmap on criminal procedures and calls on the Commission and the Member States to step up efforts in order to achieve strong EU-wide standards for the procedural rights of both defendants and victims;
182. Calls Member States to ensure that extradition to third countries does not infringe fundamental rights, and invites them to review the international treaties to which they are parties in this respect;
183. Urges the Commission to examine the effective implementation in the European Union of the right of access to justice in the context of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being;
184. Calls on Member States to deal with gender-specific crimes and to propose effective means for tackling domestic violence, if necessary by adopting legislation on protection measures;
185. Welcomes the Roadmap for strengthening the rights and protection of victims, adopted by the Council, and the Commission proposal for a victims' package that addresses specifically the needs of child victims and of victims of terrorism;
186. Calls on the Member States to provide the financial resources for crime victim services, taking into account the upcoming assessment by the FRA of options and promising practices in the Member States;
187. Draws attention to the remaining deficiencies regarding minimum guarantees for rights of defence, and points out that the Council of Europe's Commissioner for Human Rights has questioned the absence of effective remedies against the European Arrest Warrant and its

use for minor crimes;

188. Expresses serious concern about the situation of detainees in the European Union; calls on the Commission, the Council and the Member States to bring forward proposals, together with the Council of Europe and the Committee for the Prevention of Torture, to ensure that prisoners' rights are respected and that reintegration into society is promoted; calls for the implementation of the requests contained in its resolution of 15 December 2011 on detention conditions in the EU¹ and, in particular, for a legislative initiative on minimum common standards of detention in the European Union and for appropriate monitoring mechanisms;
189. Stresses that international cooperation in the fight against terrorism should be based on full compliance with international standards and obligations in the area of human rights;
190. Welcomes the investigations into illegal CIA activities that have already taken place in some Member States, as called for in Parliament's 2007 reports and in its 2012 follow-up report; calls for further investigations and invites Member States fully to meet their obligations under international law;
191. Calls for the strengthening of democratic and judicial oversight of secret services at national level, which is extremely urgent and necessary; calls for the European Union to strengthen its oversight in relation to cooperation at EU level between these agencies, including via EU bodies, and between these and third countries;
192. Expresses concern about the instances of police in the EU using disproportionate force at public events and demonstrations; calls on the Member States to ensure that the democratic and judicial oversight of law enforcement agencies and personnel is strengthened, that accountability is ensured and that impunity has no place in Europe, especially with regard to disproportionate use of force or acts of torture or inhuman or degrading treatment; calls on the Member States to ensure that police personnel carry an identification number;

Citizenship

193. Recalls that the 1992 Treaty of Maastricht introduced the concept of 'citizenship of the Union', conferring on every citizen of the Union the right to move and reside freely within the territory of the Union, the right to vote and to stand as a candidate in municipal elections and in elections to the European Parliament in the Member State in which he or she resides, protection by the diplomatic or consular authorities of any Member State, the right to petition the European Parliament and to apply to the European Ombudsman, and a series of rights in various fields such as the free movement of goods and services, consumer protection and public health, equal opportunities and equal treatment, and access to employment and to social protection; notes that the Treaties of Amsterdam (1997) and Lisbon (2009) further strengthened the rights associated with Union citizenship;
194. Calls on the Commission to make a comparative study of electoral rights at national and EU level in order to identify divergences that have an unfair impact on certain categories of persons in the European Union, and to accompany it with appropriate recommendations on overcoming discrimination; recalls the importance of preferential treatment and special measures in promoting the representation of people from different backgrounds and

¹ Texts adopted, P7_TA(2011)0585

disadvantaged groups in decision-making positions;

195. Recalls the European Court of Human Rights's judgments in relation to electoral procedures, based, inter alia, on the Venice Commission's Code of Good Practice in Electoral Matters, and calls on the EU and the Member States to implement them;
196. Calls on the Commission to address the situation of non-citizens, in particular, in the Citizenship Report and the Report on the Application of the EU Charter of Fundamental Rights;
197. Calls on Member States to launch information and awareness-raising campaigns in order to inform EU citizens about their right to vote and stand in elections while taking into consideration the needs of more specific audiences and vulnerable groups; calls for the necessary reforms of the European election procedures to be carried out in all Member States in order to promote active EU citizenship; considers that active and participatory EU citizenship should also be encouraged through access to documents and information, transparency, good governance and administration, democratic participation and representation, with decision-making as close as possible to Union citizens;
198. Welcomes the fact that 2013 has been designated the European Year of Citizens, thus giving visibility to Union citizenship and its concrete benefits for Union citizens, and calls on the Commission and the Member States to ensure that information campaigns are conducted on European citizenship and the rights connected to it;
199. Calls on the Commission and the Member States to distribute information on the right to diplomatic and consular protection; calls on Member States to cooperate actively in order to secure the protection of EU citizens outside the European Union, including in times of crisis or disaster;
200. Calls on the Member States to prepare information campaigns to promote citizens' active participation by exercising their right of petition and their right to submit complaints to the European Ombudsman about acts of maladministration committed by a European institution or body, and through citizens' initiatives;
201. Calls on the European Union and the Member States to increase public awareness of the Citizens' Initiative, a means of direct democracy aimed at enhancing the Union's democratic functioning;
202. Points to the need to launch effective information campaigns that promote EU citizenship rights among young people, such as setting up an 'active citizenship programme' in schools and universities;
203. Underlines the need for swift reform of the European Parliament's electoral system, ensuring the active participation of EU citizens in the EU's functioning;

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204. Instructs its President to forward this resolution to the European Council, the Council and the Commission, the governments and parliaments of the Member States and the

candidate countries, the United Nations, the Council of Europe and the Organisation for Security and Cooperation in Europe.