

**Amendment 1**

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on behalf of the ID Group

**Report****A9-0224/2022****Juan Fernando López Aguilar**

Situation of fundamental rights in the EU in 2020 and 2021  
(2022/2186(INI))

**Motion for a resolution (Rule 181(3) of the Rules of Procedure) replacing non-legislative motion for a resolution A9-0224/2022**

**European Parliament resolution on the situation of fundamental rights in the European Union in 2020 and 2021**

*The European Parliament,*

- having regard the Treaty on European Union and the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union, in particular Article 2(1), which enshrines the right to life for all persons, Article 20, which states that everyone is equal before the law, and Article 21, which prohibits all forms of discrimination,
- having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)<sup>1</sup>,
- having regard to Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence<sup>2</sup>,
- having regard to the Commission communication of 2 December 2020 on the Strategy to strengthen the application of the Charter of Fundamental Rights in the EU (COM(2020)0711),
- having regard to the Commission report of 10 December 2021 entitled ‘Protecting Fundamental Rights in the Digital Age – 2021 Annual Report on the Application of the EU Charter of Fundamental Rights’ (COM(2021)0819),
- having regard to Rule 54 of its Rules of Procedure,

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<sup>1</sup> OJ L 119, 4.5.2016, p. 1.

<sup>2</sup> OJ L 328, 5.12.2002, p. 17.

- having regard to the opinion of the Committee on Petitions,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0000/2022),
- A. whereas in 2020 and 2021, restrictive measures to combat the COVID-19 pandemic interfered with a wide range of fundamental rights such as the rights to freedom of movement and assembly, the right to private and family life, including personal data protection, and the rights to education, work and social security;
  - B. whereas between January 2020 and December 2021 more than 325 000 illegal border crossings were detected by the European Border and Coast Guard Agency (Frontex) and Member State border checks <sup>3</sup>, with untold numbers of illegal migrants, traffickers and smugglers entering, remaining in and destabilising the security of our Union;
  - C. whereas there is no EU-wide legal definition of what the concept of the rule of law entails; whereas the Commission, on the one hand, seeks to bind the Member States to EU law, putting the Union hierarchically above the Member States, while, on the other hand, seeking to replace the traditional content of the rule of law by constructing a subjective set of values and principles; whereas the EU has alleged rule of law violations for political purposes in the past;
  - D. whereas it is obvious that the Commission is not addressing violations of the rule of law equally;

***General remarks regarding the interpretation of the concept of the rule of law and fundamental rights***

1. Considers that too much parliamentary time is taken up with targeting conservative Member States, such as Hungary or Poland, but that not enough is done to eliminate corruption and breaches of the rule of law and media freedom in other Member States;
2. Stresses that each Member State has its own national constitutional traditions which are in line with European values and which must always be treated with respect, objectivity and regard for the principle of equality; underlines that the rule of law is a fundamental value in all the Member States; expresses concern that the Commission's abuse of the concept of the rule of law for political aims destroys mutual trust and sincere cooperation between Member States;
3. Welcomes the fact that the rule of the law is a fundamental principle in all Member States; respects the fact that Member States may interpret the general concept of the rule of law differently because of their vastly differing legal traditions and case-law; recalls that the concept of the rule of law cannot be construed according to the Commission's subjective interpretation and application of the law; reiterates the fact that Member States' various legal jurisdictions have different definitions of the concept of the rule of law and fundamental rights, and that this difference in national law should be respected and celebrated; points out that there is ample academic research on comparative law indicating that there is no universally accepted definition of the rule of law; considers

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<sup>3</sup> Frontex 2022 <https://frontex.europa.eu/we-know/migratory-map/>

that this lack of conceptual consensus at EU level will inevitably lead to legal uncertainty and will open the door to political interference, which in and of itself constitutes a violation of the rule of law;

4. Considers that cooperation between Member States is of particular relevance for promoting democracy, the rule of law and fundamental rights in the EU; urges the Commission to uphold its own rules on transparency, the fight against corruption and justice;
5. Expresses its concern that the Commission applies its own interpretation of the rule of law and fundamental rights without a clear definition agreed between the Member States; condemns the fact that the Commission focuses on Member States that do not share its progressive ideology;

### ***Right to equal treatment***

6. Calls on the Commission to end its identity policy strategies that favour specific groups on the basis of gender, ethnicity, group history or self-perception; notes that so-called positive discrimination includes negative discrimination against those who are not part of a particular group; notes the European Council's decision not to pursue negotiations on the horizontal anti-discrimination directive as it runs counter to the principles of subsidiarity and proportionality, and because it is impossible to include the concept of multiple discrimination in the text;

### ***Media freedom***

7. Condemns attempts by governments to silence media outlets that criticise them and to eliminate media freedom and pluralism; also condemns social media platforms that censor, deplatform or intimidate independent journalists and free citizens who express a narrative differing from that of the mainstream media;
8. Condemns governmental politicisation of the media, where governments use it as a tool for their own political agenda; urges the Member States to decouple broadcasting authorities from political parties, ensuring independent financing, editorial freedom and journalistic integrity;

### ***Freedom of assembly, women's freedoms and freedom of conscience***

9. Condemns the violence of Antifa and far left extremists in general; notes that according to the latest Europol report left-wing extremism is still a relevant security concern in Europe<sup>4</sup>;
10. Condemns the violence of Islamic extremists in general; notes that, according to the latest Europol report, Islamist extremism remains a serious security problem in Europe<sup>5</sup>; expresses its concern that freedom of speech, freedom of assembly and women's freedoms are increasingly under threat in neighbourhoods with large Muslim populations, and that anti-Semitic and homophobic attitudes are also much more

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<sup>4</sup> [https://www.europol.europa.eu/cms/sites/default/files/documents/Tesat\\_Report\\_2022\\_0.pdf](https://www.europol.europa.eu/cms/sites/default/files/documents/Tesat_Report_2022_0.pdf)

<sup>5</sup> Ibid.

prevalent in those areas;

11. Recognises that freedom of conscience includes the right to conscientious objection;

### ***Freedom of expression***

12. Reiterates that freedom of speech is a fundamental right, vital for the development of a pluralistic and democratic society; emphasises that any restriction to the online or offline exercise of this freedom, such as the removal of content, must be exceptional, prescribed by law and justified by the pursuit of a legitimate aim, in accordance with Article 11 of the Charter of Fundamental Rights of the European Union and Article 10 of the European Convention on Human Rights;
13. Is concerned about the use of the vague notion of ‘hate speech’; calls on the Commission and the Member States to work with internet companies to provide adequate safeguards, in particular to ensure that any interference is limited to what is necessary and proportionate, and to include the possibility of judicial redress;
14. Calls for transparent implementation and public review of the EU Guidelines on the promotion and protection of freedom of religion or belief, adopted by the Council on 24 June 2013<sup>6</sup>, as called for by Parliament in its resolution of 15 January 2019 on EU Guidelines and the mandate of the EU Special Envoy on the promotion of freedom of religion or belief outside the EU<sup>7</sup>; calls for progress reports on the implementation of the Guidelines to be forwarded regularly to Parliament and the Council;

### ***Right to protect bodily autonomy***

15. Expresses concerns about some of the restrictive measures enforced to limit the spread of COVID-19, which have forced businesses into debt and closure, seen people separated from their loved ones, increased mental illness as a result of isolation, and led to rises in domestic violence, as people were imprisoned in their homes and prevented from having any external contact;
16. Calls on the Commission to present full details of all contracts concluded for the purchase of COVID-19 vaccines without redactions;

### ***Concluding remarks***

17. Calls on the Commission to cease using the protection of the rule of law and fundamental rights as a tool to put political pressure on certain Member States to change democratically approved policies that fall squarely within the competences of the Member States;

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

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<sup>6</sup> [https://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/137585.pdf](https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/137585.pdf)

<sup>7</sup> OJ C 411, 27.11.2020, p. 30.

national parliaments of the Member States.

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