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*Plenary sitting*

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# **REPORT**

on the situation of fundamental rights in the European Union in 2020 and 2021  
(2021/2186(INI))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Juan Fernando López Aguilar

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the situation of fundamental rights in the European Union in 2020 and 2021 (2021/2186(INI))

*The European Parliament,*

- having regard to the Treaty on European Union (TEU), in particular Article 2 thereof, which states that the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities,
- having regard to the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 2(1), 20 and 21 thereof,
- having regard to Commission Recommendation (EU) 2021/1534 of 16 September 2021 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union<sup>1</sup>,
- having regard to the Commission communication of 9 December 2021 on a more inclusive and protective Europe: extending the list of EU crimes to hate speech and hate crime (COM(2021)0777),
- having regard to the Commission communication of 5 March 2020 entitled ‘A Union of Equality: Gender Equality Strategy 2020-2025’ (COM(2020)0152),
- having regard to the Commission communication of 24 June 2020 entitled ‘EU Strategy on victims’ rights (2020-2025)’ (COM(2020)0258),
- having regard to the Commission communication of 12 November 2020 entitled ‘Union of Equality: LGBTIQ Equality Strategy 2020-2025’ (COM(2020)0698),
- having regard to its resolution of 11 March 2021 on the declaration of the EU as an LGBTIQ Freedom Zone<sup>2</sup>,
- having regard to its resolution of 24 June 2021 on the situation of sexual and reproductive health and rights in the EU, in the frame of women’s health<sup>3</sup>,
- having regard to its resolution of 8 July 2021 on breaches of EU law and of the rights of LGBTIQ citizens in Hungary as a result of the legal changes adopted by the Hungarian Parliament<sup>4</sup>,

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<sup>1</sup> OJ L 331, 20.9.2021, p. 8.

<sup>2</sup> OJ C 474, 24.11.2021, p. 140.

<sup>3</sup> OJ C 81, 18.2.2022, p. 43.

<sup>4</sup> OJ C 99, 1.3.2022, p. 218.

- having regard to its resolution of 14 September 2021 on LGBTIQ rights in the EU<sup>5</sup>,
  - having regard to its resolution of 7 October 2020 on the establishment of an EU Mechanism on Democracy, the Rule of Law and Fundamental Rights<sup>6</sup>,
  - having regard to its resolution of 18 December 2019 on public discrimination and hate speech against LGBTI people, including LGBTI free zones<sup>7</sup>,
  - having regard to the recommendations of the Frontex Scrutiny Working Group of its Committee on Civil Liberties, Justice and Home Affairs, as laid down in the committee’s report of 14 July 2021 on the fact-finding investigation on Frontex concerning alleged fundamental rights violations,
  - having regard to the opinion of the Committee of the Regions of 14 October 2021 entitled ‘Union of Equality: LGBTIQ Equality Strategy 2020-2025’<sup>8</sup>,
  - having regard to the debate in the Current Affairs Committee of the Council of Europe Congress of Local and Regional Authorities, and to its subsequent reports of 17 May 2021 entitled ‘The role of local authorities with regard to the situation and rights of LGBTIQ people in Poland’ and 17 June 2021 entitled ‘Protecting LGBTI people in the context of rising anti-LGBTI hate speech and discrimination: the role of local and regional authorities’,
  - having regard to the reports of the EU Agency for Fundamental Rights, in particular its fundamental rights reports for the years 2020 and 2021,
  - 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,
  - 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 (A9-0224/2022),
- A. whereas under Article 2 TEU, the European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities; whereas the values enshrined in Article 2 TEU must be upheld by the EU institutions and by each individual Member State in all their policies; whereas the Commission, together with

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<sup>5</sup> OJ C 117, 11.3.2022, p. 2.

<sup>6</sup> OJ C 395, 29.9.2021, p. 2.

<sup>7</sup> OJ C 255, 29.6.2021, p. 7.

<sup>8</sup> OJ C 61, 4.2.2022, p. 36.

Parliament and the Council, is responsible under the Treaties for guaranteeing respect for the rule of law as a fundamental value of the Union and for making sure that EU law, values and principles are respected and adhered to;

- B. whereas Article 151 TFEU refers to fundamental social rights such as those set out in the European Social Charter; whereas the Union has still not acceded to the European Convention on Human Rights, in spite of its obligation to do so under Article 6(2) TEU;
- C. 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; whereas the pandemic exacerbated existing challenges and inequalities in all areas of life, affecting vulnerable groups in particular, and sparked an increase in racist incidents;
- D. whereas the right to equal treatment and non-discrimination is a fundamental right enshrined in Articles 2 and 3(3) TEU, Articles 8, 10, 19 and 157 TFEU and Articles 21 and 23 of the Charter of Fundamental Rights;
- E. whereas the term ‘Romani people’ encompasses all people and children from Roma, Kalè, Manouches, Lovara, Rissende, Boyash, Domare, Kalderash and Sinti backgrounds; whereas the new definition of Romani people is better for including even those stigmatised as gypsies without having a corresponding ethnic background, such as Egyptians, Ashkali or Travellers; whereas Roma communities remain one of the most vulnerable and oppressed groups in the EU;
- F. whereas the health crisis was often used as a pretext to attack minorities, including migrants, people from migrant backgrounds and Romani people, who were already subjected to racial and ethnic discrimination, hate speech and hate crimes; whereas Romani women and children, who are often subjected to multiple or intersectional forms of discrimination, are among the most threatened groups and individuals in the Member States and accession and candidate countries, as they face even worse obstacles than Romani men in the general population, and often live in poor, rural or urban – often informal – settlements with limited access to education, work and health services, no access to sanitation or clear water, and a lower life expectancy – a situation that has been exacerbated by the COVID-19 pandemic;
- G. whereas on 20 May 2022 the Committee of Ministers of the Council of Europe adopted a recommendation on combating hate speech, which provides non-binding guidance on how to address the phenomenon; whereas the newly established Committee of Experts on Combating Hate Crime has been tasked with preparing a draft recommendation on hate crime for the Committee of Ministers by the end of 2023;
- H. whereas the deliberate targeting of certain minority groups’ rights in some Member States has created and established momentum elsewhere, as evidenced by backtracking on the rights of women and LGBTIQ persons; whereas these are deliberate strategies aimed at weakening the protection of EU fundamental rights enshrined in Article 2 TEU; whereas the Congress of Local and Regional Authorities of the Council of Europe has adopted a resolution recalling the responsibility of local authorities in protecting the rights of LGBTIQ persons and inviting them to appoint a ‘Local Expert on Equality and

Diversity’; whereas the Committee of the Regions has laid out numerous suggestions for the active role of local and regional authorities in the prevention of and protection against the discrimination of LGBTIQ persons;

- I. whereas during the COVID-19 lockdowns, LGBTIQ people, in particular young people, were exposed to higher than average rates of domestic violence and gender-based violence due to discrimination on account of their being LGBTIQ; whereas LGBTIQ people are more vulnerable to homelessness, a situation exacerbated by the COVID-19 lockdowns;
- J. whereas media freedom is one of the pillars and guarantees of a functioning democracy and the rule of law; whereas media freedom, pluralism and independence and the safety of journalists are crucial components of the right to freedom of expression and information, and are essential to the democratic functioning of the EU and its Member States; whereas public authorities should adopt a legal and regulatory framework which fosters the development of free, independent and pluralistic media; whereas online harassment, threats and lawsuits against journalists, especially investigative journalists, by prominent politicians and public figures including members of the government continue to increase in some Member States; whereas instances of political interference in the media have been reported across the Member States; whereas journalists continue to face obstacles in obtaining access to public information and documents;
- K. whereas the criminalisation of journalists for their work is a particularly grave issue; whereas journalists should not be imprisoned or threatened with a prison sentence for defamation; whereas Member States should not impose criminal sanctions for media offences except in cases where other fundamental rights have been seriously impaired, and should ensure that these sanctions are not applied against journalists in a discriminatory or arbitrary manner;
- L. whereas revelations that several countries, including EU Member States, have used the Pegasus surveillance spyware against journalists, politicians and other actors are extremely alarming and appear to confirm the dangers of the misuse of surveillance technology to undermine human rights and democracy;
- M. whereas whistleblowing is a fundamental aspect of freedom of expression and plays an essential role in detecting and reporting wrongdoing, and in strengthening democratic accountability and transparency; whereas whistleblowing represents a key source of information in the fight against organised crime and in investigating, identifying and publicising cases of corruption within the public and private sectors; whereas the adequate protection of whistleblowers at EU, national and international level, as well as the acknowledgement of the important role played by whistleblowers in society, are preconditions for ensuring the effectiveness of such a role;
- N. whereas some Member States have not yet implemented all the requirements of the Audiovisual Media Services Directive<sup>9</sup>, notably those regarding the independence of the

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<sup>9</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services, OJ L 95, 15.4.2010, p. 1.

national media market regulators;

- O. whereas on 24 June 2021, Parliament adopted a comprehensive resolution on sexual and reproductive health and rights, setting out its vision on the matter in the Member States; whereas the resolution acknowledges shortcomings, welcomes progress and makes a plethora of proposals to ensure access to menstrual products for all, comprehensive sexuality education, modern contraception as a strategy for gender equality, safe and legal reproductive care, access to fertility treatments and maternity, pregnancy and birth-related care for all;
- P. whereas according to a survey by the EU Agency for Fundamental Rights on violence against women, the victims of partner violence only report the most serious incidents to the police in 14 % of cases, and two thirds of female victims systematically do not report violence to the authorities, either out of fear or a lack of information about victims' rights, or due to a general belief that intimate partner violence is a private matter which should not be publicised;
- Q. whereas gender-based violence is a severe violation of fundamental human rights and constitutes a major barrier to achieving gender equality within society; whereas women and girls remain disproportionately affected by gender-based violence, including sexual violence, harassment and female genital mutilation among other forms, as well as domestic violence and intimate partner violence; whereas these acts of violence can be inflicted both in public and in private;
- R. whereas the phenomenon of gender-based cyberviolence is increasing, with one in five women aged between 18 and 29 reported to have suffered sexual harassment online in the EU; whereas the digital public sphere must provide a safe environment for all, including women and girls; whereas there must be no impunity in the online environment; whereas in two own-initiative legislative reports, Parliament has called on the Commission to submit proposals on combating gender-based violence and cyberviolence and on adding gender-based violence as a new area of crime listed in Article 83(1) TFEU;
- S. whereas in many Member States, the lockdown and social distancing measures enacted during the COVID-19 pandemic came to be associated with an exponential increase in the prevalence and intensity of cases of intimate partner violence, psychological violence and coercive control and cyberviolence, as well as a 60 % increase in the number of emergency calls reported by the victims of domestic violence; whereas the requirement to stay at home and the alarming upsurge in the 'shadow' pandemic of gender-based violence made it difficult for women and children to access effective protection, support services and justice and revealed that support resources and structures were insufficient and that victims had limited access to support services, with many left without adequate and timely protection; whereas the Member States should share best practices in specific measures to provide timely and accessible assistance to victims, including setting up emergency texting systems or creating contact points to seek help in pharmacies and supermarkets; whereas for various reasons, in spite of the prevalence of the phenomenon, intimate partner violence against women has been going under-reported in the EU by the victims and their families, friends, acquaintances and neighbours, especially during the COVID-19 pandemic; whereas there is a significant

lack of comprehensive, comparable and gender-disaggregated data, making it difficult to fully assess the impact of the crisis;

- T. whereas children's rights continue to be violated in the Member States as a result of violence, abuse, exploitation, poverty, social exclusion and discrimination based on religion, disability, gender, sexual identity, age, ethnicity, migration or residence status; whereas almost 25 % of children under 18 are at risk of poverty or social exclusion in the EU; whereas poverty deprives children of educational opportunities, childcare, healthcare, adequate food and housing, family support and even protection from violence and can have very long-lasting effects; whereas as the EU Agency for Fundamental Rights has pointed out, fighting child poverty is also a matter of fundamental rights and legal obligations; whereas the promotion of child rights is an explicit objective of EU policies and the Charter of Fundamental Rights, which requires that the best interests of the child be a primary consideration in all EU action;
- U. whereas the COVID-19 pandemic placed an unprecedented strain on children and families across the EU, especially those who were already economically or socially disadvantaged; whereas children from disadvantaged socio-economic backgrounds often lack adequate IT equipment, internet access and the appropriate working space and conditions, which exacerbated existing learning inequalities during the pandemic; whereas the COVID-19 pandemic and the measures taken in response to it have increased the risk of children being exposed to violence, including technology-facilitated child sexual exploitation and abuse; whereas although fewer child asylum applications have been submitted, children's reception conditions have remained inadequate in several Member States;
- V. whereas under Article 47 of the Charter, the fundamental right to an effective remedy requires access to an independent tribunal; whereas political influence or control of the judiciary and similar barriers to the independence of individual judges have repeatedly resulted in the judiciary being unable to fulfil its role as an independent check on the arbitrary use of power by the executive and legislative branches of government; whereas an effective, independent and impartial judicial system is essential to ensure the rule of law and the protection of the fundamental rights and civil liberties of citizens in the EU;
- W. whereas the COVID-19 pandemic illustrated the failure to address the situation of persons held in pre-trial detention; whereas while practices related to the use of pre-trial detention during the COVID-19 pandemic varied from Member State to Member State, in a number of Member States delays in court hearings and investigations resulted in longer periods of pre-trial detention; whereas persons deprived of their liberty were more vulnerable to the COVID-19 outbreak than the general population because of the confined conditions in which they lived for prolonged periods of time; whereas court closures and/or delays to hearings and investigations caused confusion and uncertainty for the suspects, especially those in detention, who had little to no idea when their trial would take place and for how much longer they would be detained;
- X. whereas international law confirms that one cannot be detained for the sole reason of being an asylum seeker; whereas detention must therefore be used only as a last resort and only for a justified purpose; whereas for *de jure* as well as *de facto* stateless persons, their lack of legal status or documentation means that they risk being held



indefinitely, which is unlawful under international law;

- Y. whereas the EU strategy on victims' rights (2020-2025) must provide a framework for action to prevent legal and social impunity, increasing the security and protection of fundamental rights of all EU citizens;
- Z. whereas safeguarding biodiversity and ecosystems is fundamental to climate-resilient development, with 2021-2030 having been designated the UN Decade on Ecosystem Restoration; whereas the Commission has announced that the adoption of crucial legislative initiatives on environmental protection, including a flagship law on nature restoration, has had to be postponed by several months; whereas the European Green Deal aims to protect, conserve and enhance the EU's natural capital and protect the health and well-being of its citizens from environment-related risks and impacts; whereas a number of the proposed legislative initiatives will have a positive impact on the level of environmental protection, as enshrined in Article 37 of the Charter;

### ***Rule of law and fundamental rights***

1. Underlines the fact that the rule of law is a cornerstone of democracy, maintains the separation of powers, ensures accountability, contributes to trust in public institutions and guarantees the principles of legality, legal certainty, prohibition of the arbitrary nature of executive powers, judicial independence, impartiality and equality before the law; stresses that the rule of law and judicial independence in particular are critical for citizens' ability to enjoy their fundamental rights and freedom;
2. Reiterates that the rule of law, media freedom and pluralism and combating corruption effectively lay at the foundation of our societies and are core values of the EU which affect all fundamental rights; notes with regret, however, that violations of these principles are persistent across some Member States and pose a serious threat to the fair, legal and impartial distribution of EU funds;
3. Considers that the rule of law is intimately linked to respect for democracy and fundamental rights and highlights that the deterioration of any of these values constitutes an attack on the pillars of the Union as stipulated in TEU; reiterates its numerous calls to broaden the scope of the Commission's annual rule of law reports to include all Article 2 TEU values in order to provide a holistic overview of the situation in all Member States; calls on the Commission to make use of all tools at its disposal, including the procedure envisaged under the Rule of Law Conditionality Mechanism, to address these violations of the principles of the rule of law, democracy and fundamental rights;
4. Strongly condemns the severe violations of the principles of the rule of law in some Member States, which are causing serious danger in relation to fundamental rights and freedoms; considers that in some cases these violations are of a systemic nature; emphasises the link between deteriorating rule of law standards and violations of fundamental rights, such as those perpetrated in the area of the judiciary, attacks against journalists and free media, including the use of excessive force by law enforcement authorities during protests and at the EU's borders, the lack of guarantees and due process for detainees, incitement to hatred by political actors, an increase in the power of authorities to carry out mass surveillance and the widespread collection of intercepted

data, and restrictions imposed on civil society organisations receiving foreign funding or based on their religious affiliation; further condemns the efforts of some Member State governments to weaken the separation of powers and the independence of the judiciary; expresses its deep concern, in particular, about decisions which call into question the primacy of European law and calls on the Commission to use all available means to take action against these attacks;

5. Highlights that pursuant to Article 2 TEU, the EU is a union based on the rule of law, and that the enforcement of EU law is crucial to ensure that citizens can properly avail themselves of their fundamental rights; regrets, in this regard, that the Commission has made less use of its enforcement toolbox, notably initiating fewer and fewer infringements; notes, therefore, that EU citizens increasingly have to turn to litigation to attain the enjoyment of their fundamental rights; calls on the Commission to support this litigation by setting up a dedicated fund on financial aid to strategic litigation for Charter rights;
6. Stresses that despite its numerous resolutions and reports, and despite several infringement proceedings and decisions from the Court of Justice of the EU (CJEU) and the European Court of Human Rights (ECtHR) in 2020 and 2021, the rule of law situation in the European Union is continuing to deteriorate; regrets the Commission's inability to respond properly to Parliament's manifold concerns about democracy, the rule of law and fundamental rights in several Member States; stresses the need to comprehensively monitor and enforce compliance with all Article 2 TEU values; calls on the Commission to include comprehensive monitoring in an annual report on democracy, the rule of law and fundamental rights report as part of the EU mechanism on democracy, the rule of law and fundamental rights;
7. Stresses that it is essential that court sentences be enforced, both at national and EU level, and condemns the lack of compliance with the judgments of the CJEU and national courts by the public authorities concerned; emphasises that CJEU judgments must be implemented in a timely manner and as soon as possible in accordance with the Treaties, in particular those judgments that seek to prevent discrimination on the grounds of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation;
8. Reiterates that corruption is a serious threat to democracy, the rule of law and fair treatment for all citizens; highlights the link between corruption and fundamental rights violations in a number of areas such as the independence of the judiciary, media freedom and the freedom of expression of journalists and whistleblowers, detention facilities, access to social rights, and the trafficking of human beings; calls on the EU institutions and the Member States to resolutely fight corruption and to devise effective instruments to prevent, combat and sanction corruption and fight fraud, as well as regularly monitor the use of public funds; calls on the Commission to immediately resume its annual anti-corruption monitoring and reporting, with reference to the EU institutions and the Member States;
9. Stresses that inaction and a lax approach towards oligarchic structures and the systemic violation of the rule of law weaken the entire European Union and undermine the trust

of its citizens; underlines the need to ensure that taxpayers' money never ends up in the pockets of those who undermine the EU's shared values;

10. Underlines the fact that the emergency measures that resulted in the concentration of powers and derogations of fundamental rights have increased the risk of corruption; calls on the Member States to step up their efforts to ensure that adequate legislation and institutional frameworks to combat corruption are applied effectively in practice, and that governments act with transparency and accountability; calls on the Member States, in this regard, to closely follow the guidelines issued by the Council of Europe Group of States against Corruption (GRECO) in 2020 to prevent corruption risks in the context of the pandemic;
11. Regrets the fact that structural problems in some Member States with regard to independence of the judiciary and the autonomy of prosecution services undermine citizens' access to justice and have a negative impact on their rights and freedoms; recalls that deficiencies in the rule of law in one Member State have an impact on the Union as a whole and affect the rights of all people in the EU; calls on the Member States and the EU institutions to protect judges and prosecutors from political attacks and any attempts to apply pressure on them and thus undermine their work;
12. Stresses that under Article 47 of the Charter, the fundamental right to an effective remedy requires access to an independent tribunal; notes the increasing challenges posed by national constitutional courts and some politicians; insists that Member States must fully comply with EU and international law as well as the judgments of the CJEU and ECtHR, including those relating to judicial independence; condemns the failure a number of Member States, including Poland and Hungary, to comply with numerous EU laws and European court judgments; calls on the Member States to respect the crucial role of the CJEU and the ECtHR and to comply with their rulings;
13. Reiterates its condemnation of the practice of prosecuting and harassing judges who are critical of the Polish Government; calls on the Polish Government to thoroughly reform the disciplinary system for judges in line with the CJEU rulings, and to reinstate all judges who have been removed from their positions by the illegal Disciplinary Chamber of the Supreme Court, including those judges who continue to be prevented from adjudicating despite having successfully appealed their suspension by the Chamber in a court of law; calls on the Polish authorities to comply with the various CJEU and ECtHR rulings regarding the composition and organisation of the illegitimate 'Constitutional Tribunal' and the Disciplinary Chamber of the Supreme Court in order to comply with the standards of judicial independence to which Poland has committed;
14. Welcomes the infringement procedures launched by the Commission against Hungary and Poland as part of the July 2021 infringement package concerning respect for the human rights of LGBTIQ persons and breaches of EU law, which was the first time that the Commission specifically initiated infringements to safeguard their rights; takes note of the Commission's reasoned opinion to the Hungarian Government on the 'anti-LGBTIQ' law and the government's response, and calls on the Commission to proceed with the infringement by bringing the case to the CJEU; takes note of the decision of the Budapest High Court annulling the obligation to print a disclaimer in children's books in Hungary, and calls on the Commission to monitor the development

of the case with a view to assessing the necessary next steps on the infringement; is concerned over the lack of follow-up vis-à-vis infringement procedures on Polish ‘LGBT-free’ zones and a lack of sincere cooperation by the Polish authorities, and calls on the Commission to send a reasoned opinion to the Polish Government;

15. Notes that in October 2021, pursuant to Article 265 TFEU, Parliament launched legal action against the Commission before the CJEU over its failure to act and apply the Rule of Law Conditionality Regulation<sup>10</sup>, which it had requested in two resolutions in 2021 and came after the Commission offered unsatisfactory replies and attempted to play for time; regrets the fact that by the end of 2021, the Commission had not yet responded to Parliament’s call to trigger Article 6(1) of the regulation and had only sent Hungary and Poland requests for information;
16. Reiterates its position on the Rule of Law Conditionality Regulation, which entered into force on 1 January 2021 and is directly applicable in its entirety in the European Union and all its Member States for all funds under the EU budget, including resources allocated since then through the NextGenerationEU EUR 800 billion temporary Recovery and Resilience Facility; recalls that the Rule of Law Conditionality Regulation provides a clear definition of the rule of law, which must be understood in relation to the other values of the Union, including fundamental rights and non-discrimination; is of the opinion that state-sponsored discrimination against minorities has a direct impact on which projects the Member States decide to spend EU money on, and therefore directly affects the protection of the financial interests of the Union; calls on the Commission to immediately trigger the procedure provided for in Article 6(1) of the Rule of Law Conditionality Regulation;
17. Recalls that no proper response has yet been given to Parliament’s initiative on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights, which is to be governed by an interinstitutional agreement between Parliament, the Commission and the Council; calls on the Commission and the Council to immediately enter into negotiations with Parliament on an interinstitutional agreement pursuant to Article 295 TFEU;
18. Recognises the crucial role played by civil society organisations in the promotion and protection of the EU values enshrined in Article 2 TEU and in the Charter of Fundamental Rights; stresses their key contribution to upholding the rule of law principles in the Member States, giving a voice to vulnerable and marginalised people, and ensuring access to crucial social services; acknowledges that a healthy civic space is a prerequisite for democracy, the rule of law and fundamental rights; stresses that the Union should therefore commit to preserving and fostering civic space at local, regional, national and European levels, including by adopting a dedicated strategy to that end;
19. Welcomes the swift establishment of an efficient, independent and fully operational European Public Prosecutor’s Office in order to strengthen the fight against fraud in the European Union; highlights the importance of supporting and strengthening cooperation between the EU institutions, the Member States, the European Anti-Fraud Office and

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<sup>10</sup> Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget, OJ L 433 I, 22.12.2020, p. 1.

the European Public Prosecutor's Office;

20. Recalls that the COVID-19 pandemic, especially during its early phases, led to severe violations of the freedom of movement and freedom of work and the deterioration of working and living conditions, including for seasonal and cross-border workers throughout the Union; calls on the Member States to ensure that restrictions on fundamental rights resulting from the pandemic are lifted as soon as the public health situation allows, and that all rights and freedoms are restored in full;
21. Highlights the backsliding on the rule of law in many Member States over different periods and by different levels of authority, from the level of the executive with procedures such as fast-tracking laws during state emergencies, to the local level such as pervasive abuses by policing authorities; recalls that the use of discretionary power should be controlled by judicial or other independent reviews and that the remedies available should be clear and easily accessible, particularly in the case of abuses, including access to an ombudsperson or another form of non-contentious jurisdiction; calls on the Member States to establish mechanisms to prevent, correct and penalise the abuse of discretionary powers and to provide adequate reasons for their decisions, in particular when they affect the rights of individuals;
22. Is concerned that the COVID-19 pandemic and ensuing responses have had an unprecedented impact on the functioning of courts and on the ability to exercise defence rights, severely restricting lawyers' ability to consult with their clients; underlines the fact that access to police stations and courts was severely restricted, and many court hearings were postponed or moved online; stresses that these measures had serious implications for the ability of persons arrested, prosecuted or detained to exercise their right to a fair trial;
23. Stresses that the COVID-19 pandemic does not relieve law enforcement authorities of their obligation to carefully balance the interests at stake and using their powers in a manner that complies with their human rights obligations; recalls that where violations of human rights related to policing and the use of force have taken place, Member States must conduct prompt, thorough, effective and independent investigations, and ensure that all those responsible are held accountable in fair trials;
24. Expresses concern about the impact of the COVID-19 crisis on people in detention; stresses that some Member States adopted measures to reduce prison populations, but often only on a temporary basis; underlines the fact that the EU is facing a long-standing crisis in prison overcrowding, which is mainly driven by the excessive use of pre-trial detention<sup>11</sup>; is concerned about the increasing mental health problems among people on remand; recalls that holding legally innocent persons in pre-trial detention is only acceptable as an exceptional measure of last resort and calls on the Member States to limit the reliance on pre-trial detention and to explore alternatives to it; stresses the need for EU standards on pre-trial detention, which should establish the minimum sentence necessary before imposing pre-trial detention so as to exempt minor offenders; is of the opinion that individuals should not be held in prison awaiting trial beyond the legal limit and that cases must be brought to trial within a reasonable time; calls on the Commission to propose minimum standards on prison and detention conditions in the

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<sup>11</sup> Fair Trials, 'Europe: Increase in pre-trial detention rates erodes rule of law', 28 April 2021.

EU;

***Right to equal treatment***

25. Stresses with concern that discriminatory practices continue to occur, based on grounds such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation and gender identity; calls on the Commission to promote public policies aimed at eliminating such discrimination, and to ensure that Council Framework Decision 2008/913/JHA on combating racism and xenophobia<sup>12</sup> is implemented properly and in full; believes that the Commission should initiate infringement proceedings against Member States that fail to do so;
26. Highlights that, according to the EU Agency for Fundamental Rights' annual reports on fundamental rights, many Member States pursue discriminatory institutional practices, policies and laws; calls on the Commission and the Member States to ensure the full implementation and enforcement of anti-discrimination legislation, to launch infringement proceedings against Member States that do not transpose or fully implement EU anti-discrimination legislation, and to step up measures to prevent institutional discrimination, particularly from law enforcement and the judiciary system, which may have a more serious impact on individuals from groups in vulnerable situations; recalls the urgent need to extend protection against discrimination beyond employment through a horizontal and intersectional approach; urges the Commission and the Council to unblock the Equal Treatment Directive without further delay and without lowering standards;
27. Stresses that, according to the EU Agency for Fundamental Rights' report on fundamental rights 2021, Member States should significantly improve the effectiveness of their measures and institutional arrangements to apply the Racial Equality Directive<sup>13</sup> correctly and in full, in particular by enhancing the independence of equality bodies by ensuring they have the proper mandate and resources they need to effectively carry out the tasks assigned to them in the EU's non-discrimination legislation;
28. Urges the Commission to step up its efforts to combat racism, including by proposing ambitious legislation; further calls on the Commission to ensure a proper follow-up of the EU anti-racism action plan 2020-2025<sup>14</sup> and to put in place efficient monitoring and evaluation mechanisms to measure progress;
29. Welcomes the fact that the Commission appointed a victims' rights coordinator, adopted its first victims' rights strategy and set up a victims' rights platform; stresses, however, that challenges to access to justice, particularly for victims in vulnerable situations, and to judicial independence have persisted in several Member States;
30. Calls for a mainstreaming mechanism for cooperation and coordination for EU and

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<sup>12</sup> Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expression of racism and xenophobia by means of criminal law, OJ L 328, 6.12.2008, p. 55.

<sup>13</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, OJ L 180, 19.7.2000, p. 22.

<sup>14</sup> Commission communication of 18 September 2020 entitled 'A Union of equality: EU anti-racism action plan 2020-2025' (COM(2020)0565).

national equality policies, ensuring that all kinds of discrimination, especially intersectional forms of it, are taken into account in the review and adoption of policies, including through equality impact assessments in a regular and transparent manner in accordance with clear goals and timelines, on the basis of the evidence and by using performance indicators; calls for the establishment of close cooperation with the relevant stakeholders, support organisations, communities and people facing discrimination while ensuring adequate resources to undertake action and monitoring measures;

31. Condemns the increase in attacks on LGBTIQ people and urges the Member States and the Commission to take measures to put an end to these attacks and to guarantee effective equality for LGBTIQ people in all areas;
32. Condemns the approach taken by some EU governments to adopt legislation through fast-track procedures with no public consultations or even, in exceptional cases, constitutional changes as a means of legitimising discriminatory policies that could otherwise not be legislated upon, such as provisions specifically aimed at LGBTIQ persons; notes that the changes approved to the Hungarian constitution and the 'anti-LGBTIQ' bill adopted by the Hungarian Parliament in June 2021 are notable examples of encroachment on the right to equal treatment and the principle of non-discrimination; welcomes the fact that 18 Member States published a joint statement condemning the anti-LGBT amendments in Hungary's Child Protection Law; welcomes the fact that 16 Member States reiterated their support for the fight against discrimination against LGBTIQ people; stresses that the promotion of the European project unquestionably includes the promotion of tolerance, acceptance, non-discrimination and equal treatment;
33. Is concerned about reports of excessive force, police brutality and misconduct against Romani people across the EU, in line with the findings of the EU Agency for Fundamental Rights published in 2020, which also revealed that Romani people have to endure widespread poverty, inadequate living conditions, poor health, exclusion from the labour market and harassment; condemns the persisting social exclusion and anti-gypsyism that lead to the disproportionate criminalisation of Romani people and calls on the Commission to put forward better legislation and specific policy measures to prevent such incidents and deliver justice for the victims, while placing the fight against anti-gypsyism at the heart of EU policies;
34. Deplores the fact that a significant number of Romani people in the EU still live in marginalised settlements in extremely precarious conditions and in very poor socio-economic circumstances, often lacking access to clean drinking water, electricity, safe and adequate housing, education, employment, healthcare, sewage facilities and waste collection; recalls that the situation in Roma settlements is in clear violation of human rights and fundamental rights and has serious ramifications, especially for Romani children; urges the Member States to follow the Council recommendation on Roma equality, inclusion and participation<sup>15</sup> as well as the EU Roma strategic framework for equality, inclusion and participation for 2020-2030<sup>16</sup> and to make full

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<sup>15</sup> Council recommendation of 12 March 2021 on Roma equality, inclusion and participation, OJ C 93, 19.3.2021, p. 1.

<sup>16</sup> Commission communication of 7 October 2020 entitled 'A Union of Equality: EU Roma strategic framework

use of EU and national funding to this end; calls on the Commission to step up its monitoring of Member States' progress and to take further steps accordingly;

35. Deplores the fact that the practice segregating children from minority groups in schools remains a significant issue in Europe; emphasises that practices such as this often stem from misdiagnosing children with intellectual disabilities based on their social or personal circumstances; calls on the Member States to strengthen their inclusive policies to prevent these discriminatory practices, whether intentional or not, and to establish supervisory mechanisms to review and reverse diagnostic decisions, where necessary;
36. Calls on the Member States to ensure the proper involvement of social-legal protection bodies regarding children and social guardianship in marginalised Roma communities in order to ensure that children get the protection and care they need for their well-being and development, while respecting their best interests, and to put in place procedures tailored to the different needs of marginalised Roma communities in order to carry out their duties in the same way as for children from the majority population;
37. Highlights that the new EU Roma strategic framework for equality, inclusion and participation sets ambitious targets in seven key areas: non-discrimination, inclusion, participation, education, employment, health and housing, and serves as a stronger monitoring framework with a range of quantifiable and measurable targets to track progress; urges the Commission to ensure proper follow-up to the strategy and progress; further urges the Commission and the Member States to enforce the prohibition of racial or ethnic profiling in law enforcement, counter-terrorism measures and migration controls, as well as police violence, and to ensure accountability;
38. Is worried that terrorism and counter-terrorism policies may have led to discrimination and hostility against certain groups, including communities of colour, Muslim communities, anti-racism movements, activists and organisations; regrets that in some cases those policies include delegitimising, criminalising or attempting to criminalise political, religious and other discourses, which could result in discriminatory law enforcement practices, such as racial and religious profiling, and wider social effects such as self-censorship and shrinking the space for civil society;
39. Welcomes the Commission's decision to organise a public consultation on updating Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime<sup>17</sup> as part of the EU strategy on victims' rights (2020-2025), with the aim of effectively enhancing the assistance and protection provided to victims, including the victims of terrorism, and recognising the importance of preserving their dignity; calls on the institutions concerned to provide safeguards to prevent any subsequent victimisation derived from humiliation and attacks on the image of the victims coming from social sectors related to the attacker;
40. Reiterates its calls on all EU institutions and Member States to effectively address challenges such as the sexual exploitation of children, child pornography, the protection of unaccompanied migrant children, the situation of institutionalised disabled children,

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for equality, inclusion and participations (COM(2020)0620).

<sup>17</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, OJ L 315, 14.11.2012, p. 57.



the protection of children who have suffered domestic abuse and workplace exploitation, and missing children;

41. Welcomes the fact that the Commission heeded Parliament's recommendations and adopted an ambitious strategy for the rights of persons with disabilities for the period 2021-2030<sup>18</sup>; reaffirms the fundamental importance of implementing the proposed measures and of further developing national measures in order to ensure that people with disabilities are not disadvantaged or discriminated against in terms of employment, education and social inclusion and that their rights as envisaged in the UN Convention on the Rights of Persons with Disabilities are fully guaranteed;
42. Is deeply concerned about the rise of poverty and social exclusion, particularly as a consequence of the COVID-19 pandemic, as well as hate speech and hate crime; expresses further concern about the particular and unprecedented strain that the pandemic has placed on individuals in vulnerable situations, including women, individuals from racialised groups, migrants and people with disabilities; expresses deep concern that the COVID-19 crisis was increasingly used as a pretext to attack groups in vulnerable situations, including migrants, people from immigrant backgrounds and Romani people, who are already subjected to racial and ethnic discrimination, hate speech and hate crime;
43. Emphasises that the COVID-19 pandemic revealed major gaps in the capacity and preparedness of Member States' healthcare, education, employment and social protection systems; strongly believes that Member States must greatly improve their healthcare, social welfare and social assistance systems to ensure they provide full support for all, notably more vulnerable people, even during a crisis, thereby adequately protecting the health, economic and social rights of all;
44. Regrets the fact that the COVID-19 pandemic disproportionately affected marginalised Roma communities due to poor housing conditions, limited access to water, electricity and sanitation, and a lack of access to internet and appropriate IT equipment, which left younger Romani people lagging behind school education even further; is particularly concerned that the impact of the COVID-19 pandemic on Romani people amplified inequalities and fuelled prejudice, including cases of police violence; notes with regret that the Roma population was scapegoated on many occasions during the pandemic; notes that they were exposed to stigmatisation, discrimination and hate speech linking the virus to their ethnicity; deplores the fact that some media and social networks often portrayed Romani people as a public health hazard responsible for spreading the virus; calls on the Commission and the Member States to step up their policies to address the poverty and social exclusion that Roma communities have to endure, paying particular attention to the rights of Romani women and children;
45. Stresses that housing is a fundamental necessity and that access to housing, particularly housing assistance, is a fundamental right, as citizens who lack housing cannot participate fully in society or avail themselves of all of their fundamental rights; calls on the Member States to accept, without delay, that they should be bound by Article 31 of the revised European Social Charter on the right to housing; expresses particular

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<sup>18</sup> Commission communication of 3 March 2021 entitled 'Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030' (COM(2021)0101).

concern that young people are deprived of housing due to the huge increase in house prices, especially in certain urban areas;

46. Recognises that poverty is another form of discrimination that leads to the violation of fundamental rights, especially of those groups whose rights are already most affected, such as women, migrants, Black people and people of colour and ethnic minorities, the LGBTIQ community and children; highlights the particular vulnerability of children and the impact that poverty has on them and on their physical and psychological development; calls on the Commission, the Council and the Member States to develop policies to reduce poverty, paying particular attention to children; calls on the Member States to guarantee access to healthcare, quality education and housing on an equal footing for all and to put an end to the reduction of public services, which has led to higher rates of poverty and above all inequality; recalls that economic and social rights are fundamental rights; reiterates its call on the Council and the Commission to consider fundamental rights while making economic policy proposals;
47. Stresses that the Member States should take steps to guarantee the right to a good-quality job that can be reconciled with one's personal and family life and development, as this is the best way to end poverty; recognises that this right is clearly violated in the case of labour exploitation and abuse; calls on the Member States to strengthen labour inspections and to take measures to end labour abuse; calls on the Commission to look into what steps are needed for the EU to accede to the European Social Charter and to propose a timeframe to that end;
48. Is concerned about the lack of progress as regards precarious working conditions in care services, which has dramatic consequences for older people, who need these services to live dignified lives and remain integrated in society; calls on the Commission and the Member States to strengthen their efforts to combat all forms of discrimination against older people and to guarantee their needs and rights; underlines the importance of supporting initiatives linked to active ageing;
49. Emphasises that the availability of online services throughout the EU is one of the fundamental preconditions for full societal inclusion in Europe; observes that some parts of the EU are still not covered by good-quality online services, most often in rural areas, which could serve to further widen the gap in inequality among Europeans; encourages the Commission and the Member States to accelerate the EU's digital transformation, which should focus on the well-being of all generations equally and address safety online;
50. Recalls the importance of systematically collecting mandatory and disaggregated equality data and developing indicators to measure and report on the progress of the EU strategies against racism and discrimination; calls on the Commission and the Member States to step up their efforts in this regard; calls on the Commission and the Member States to collect equality data disaggregated by racial and ethnic origin, as well as other protected characteristics, in order to document racism and develop public policies that meet the needs of the people affected in a real and effective way, while fully respecting the fundamental right to privacy, the protection of personal data and the relevant EU and national legislation;

## *Structural racism*

51. Recognises and condemns the existence of structural racism in the EU due to stereotypes perpetuated by discourses that discriminate against ethnic minorities in all areas of their lives; is deeply concerned by individual, structural and institutional forms of racism and xenophobia in the EU and rising discrimination against Arabs, Black Europeans, people of Asian descent, Jewish people, Muslims, and Romani people; urges the Member States to put an end to discriminatory institutional practices, policies and laws;
52. Underlines the fact that the Black Lives Matter movement mobilised societies across the globe to address racism and discrimination by law enforcement authorities; recalls its resolution of 19 June 2020 on the anti-racism protests following the death of George Floyd<sup>19</sup>, which reaffirmed that Black Lives Matter; reiterates its support for the widespread protests against racism and discrimination that took place in European capitals and cities all over the world following the death of George Floyd in 2020; supports the protesters' call to take a stand against oppression and structural racism in Europe; welcomes the appointment of the EU Anti-Racism Coordinator in May 2021, the organisation of the EU Anti-Racism Summit, the creation of a permanent forum for consultation with civil society on anti-racism and the Council conclusions of 4 March 2022 on combating racism and antisemitism; welcomes, in addition, the Commission's recognition, for the first time, of the existence of structural racism in its EU anti-racism action plan for 2020-2025 and the setting out of concrete measures for tackling racism and ethnic discrimination in the EU;
53. Urges the EU institutions and the Member States to tackle the root causes of structural racism; calls on the Commission and the Member States to implement measures to address persisting structural inequalities in key areas such as the criminal justice system, education, housing, employment, healthcare, goods and services; underlines the important role of education and the media in countering racist narratives and deconstructing prejudices and stereotypes; calls on the Commission and the Member States to promote anti-racism training;
54. Calls on the Member States to adopt national action plans against racism by the end of 2022 and prioritise action to tackle a lack of access to justice and sustained socio-economic inequalities in areas such as housing, healthcare, employment and education, which need to be acknowledged as major barriers to the full enjoyment of fundamental rights and key barriers to inclusion and equality; asks the Commission to monitor and ensure proper follow-up to these national action plans and the EU action plan; further asks the Commission to monitor and take action against racism and discrimination in the Member States, including by initiating infringement procedures to promote the effective application of legislation;
55. Highlights the growing racist and xenophobic sentiments espoused by some opinion leaders, politicians and the media, which has contributed to the creation of a hostile environment for advocates and organisations working against racism; calls on the Member States to fully transpose and apply Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia

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<sup>19</sup> OJ C 362, 8.9.2021, p. 63.

by means of criminal law; encourages the Member States to take the necessary measures to ensure that a racist or xenophobic motive is considered an aggravating circumstance or, alternatively, that the courts may take such a motive into consideration in determining the penalties;

56. Is extremely concerned about the existence and continuous spread of extreme right-wing movements in the EU, especially neo-fascist and neo-Nazi groups; calls on the Member States to take urgent measures to effectively ban these groups; calls, meanwhile, for more research into the foundations, membership base and in particular the funding behind these groups with the aim of identifying possible foreign interference; stresses the need to devote greater space in history curricula to objective and factual learning about different racial or ethnic ideologies, such as slavery, colonialism or fascism, and their forms and origins, including the misuse of science for their justification, as well as their consequences and possible remnants in present times in order to combat the repeated resurgence of these ideologies;
57. Recalls the need to pay close attention to digitalisation and the potential social biases that can be introduced in new technologies; highlights the need to address the potential risks of AI not as a technological problem, but a societal one, especially for individuals from racialised groups; calls on the Commission and the Member States to put in place measures to prevent new technologies, including AI, from exacerbating discrimination, existing inequalities and poverty; calls on the Commission and the Member States to ensure that AI systems are guided by the principles of transparency, explainability, fairness and accountability and that independent audits are carried out to prevent these systems from exacerbating racism; further calls on the Commission and the Member States to tackle the gender and diversity gap in ICT and science, technology, engineering and mathematics (STEM), particularly in the development of new technologies including AI, and in decision-making positions in particular;
58. Urges the Member States to ensure the full implementation of the Racial Equality Directive and Employment Equality Directive<sup>20</sup> in order to combat persisting racism against people of different origins, ethnicity or colour; condemns the fact that racial, ethnic, linguistic and religious minorities still face deep-rooted structural and institutional racism, discrimination, hate crime and hate speech, a lack of access to justice, and sustained socio-economic inequalities which are major barriers to their fully enjoying their fundamental rights, social inclusion and equality as EU citizens in all spheres of life, including housing, education, healthcare and employment;

### ***Gender-based violence, women's rights and the rights of LGBTIQ+ people***

59. Denounces the fact that gender-based violence is one of the most widespread forms of violence in the EU, with EU surveys revealing that one in three women in the Union – 62 million women in total – has suffered physical or sexual violence at some point since the age of 15 and that more than half (55 %) have suffered sexual harassment; points out that gender-based violence is a form of discrimination and a violation of fundamental rights, as well as the result of gender stereotypes, heteropatriarchal structures, power asymmetries and structural and institutional inequalities; underlines the importance of

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<sup>20</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, OJ L 303, 2.12.2000, p. 16.

applying an intersectional and victim-centred approach to all policies and measures to address gender-based violence; calls on the Commission and the Member States to advance their efforts in that direction;

60. Stresses the importance of combating gender-based violence in all its forms and advancing gender equality and women's rights; welcomes the Commission proposal of 8 March 2022 for a directive on combating violence against women and domestic violence<sup>21</sup>, which proposes measures on the criminalisation of certain forms of violence, including the criminalisation of rape based on lack of consent and certain forms of cyberviolence, as well as measures to protect victims and improve access to justice, victim support and prevention, and includes provisions on intersectionality; underlines the cross-border dimension of gender-based violence and insists that gender-based violence must be tackled at a European level; calls on the Commission to add gender-based violence to the list of particularly serious crimes enshrined in Article 83(1) TFEU;
61. Urges the Council to conclude the Union's ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention); regrets the fact that Bulgaria, Czechia, Hungary, Latvia, Lithuania and Slovakia have not yet ratified the convention and reiterates its call on those countries to do so; points out that the Istanbul Convention should be understood as the minimum standard to eradicate gender-based violence; strongly condemns the attempts by some Member States, in particular Poland, to revoke the measures already taken to implement the Istanbul Convention and in combating violence and to resile from the convention;
62. Condemns the actions of anti-gender and anti-feminist movements that systematically attack women's and LGBTIQ rights; urges the Commission to ensure that civil society organisations supported and funded by the Union do not promote gender discrimination; welcomes the first ever EU LGBTIQ equality strategy and further condemns the increasing cases of discrimination, hate crime and violence against LGBTIQ people; asks the Commission to ensure proper follow-up of the strategy;
63. Condemns the continuous and persistent backlash against women's rights in some Member States, particularly Poland, Slovakia, Croatia and Lithuania, including against sexual and reproductive health and rights; recalls that reproductive coercion and the denial of safe and legal abortion care is also a form of gender-based violence; underlines the fact that the ECtHR has ruled on several occasions that restrictive abortion laws and the lack of implementation violates the human rights of women and girls and their bodily autonomy; denounces the lack of access to abortion for women in many countries, and condemns the deaths of at least four women in Poland due to the application of regulations prohibiting abortion in virtually all circumstances; urges the Member States to take effective steps to remedy such existing violations of human rights and women's rights and to put the necessary mechanisms in place to prevent their occurrence in future; calls on the Commission to consider abortion a fundamental right, to remove any obstacles to its access and to ensure that it is carried out in public healthcare systems and to place greater emphasis on sexual and reproductive health and

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<sup>21</sup> COM(2022)0105.

rights in its annual rule of law reports;

64. Strongly condemns the discrimination and segregation of Romani women in maternal healthcare facilities; welcomes the fact that Czechia adopted a compensation law for the victims of forced and illegal sterilisation, and notes that the Government of Slovakia took a step forward in 2021 by issuing an apology, but for the moment no compensation law has been proposed; considers that the right to access healthcare, in particular sexual and reproductive health, constitute fundamental rights for women which should be reinforced and should in no case be diminished or taken away;
65. Calls on all Member States to respect the bodily autonomy of all people, in particular by banning intersex genital mutilation, so-called ‘conversion therapy’ practices, and the forced sterilisation of trans people as a precondition for being granted legal gender recognition; reiterates that gender recognition laws should be adopted in accordance with international human rights standards, thereby making gender recognition accessible, affordable, administrative, quick and based on self-determination;
66. Stresses the need to recognise all partnerships for the purposes of freedom of movement, including for non-EU partners of EU nationals; is alarmed at the continuing non-implementation of the CJEU judgment in Case C-673/16, *Coman and Hamilton*, which recognised that the term ‘spouse’ includes same-sex spouses under EU laws on freedom of movement; points to the submission of a complaint to the Commission in relation to an identical case (*A.B. and K.V. v Romania* – application No 17816/21) stresses that the Commission’s inaction has resulted in the Coman and Hamilton plaintiffs bringing the case to the ECtHR in an attempt to secure legal redress (*Coman and others v Romania* – application No 2663/21); reiterates its call on the Commission to open infringement procedures over the non-implementation of the Coman and Hamilton case;
67. Welcomes the Commission’s commitment to publishing a proposal for a regulation in 2022 on the mutual recognition of parenthood between Member States, which will aim to create legal certainty for rainbow families across the EU;
68. Highlights the worrying increase in gender-based violence and domestic violence during the COVID-19 pandemic; commends the swift responses by some national, regional and local governments to put in place measures to help the victims of domestic violence, such as increasing the number of helplines and information sharing, and introducing codeword schemes at pharmacies, pop-up counselling centres at grocery shops or concealed applications to facilitate the reporting of domestic violence and abuse; points out, however, the general lack of shelters or other safe accommodation options for survivors; urges the Member States, therefore, to allocate adequate funding to existing shelters to help them increase their capacities, as well as facilitate the establishment of additional shelters and safe housing facilities for survivors, including for accompanying minors; calls on the Member States, moreover, to ensure that services for survivors are regarded as essential and remain open, and are complemented by adequate and specialised training for police forces as well as targeted justice responses with the aim of increasing preparedness for the future;
69. Regrets the heightened backlash against women’s and girl’s rights, with some Member

States having sought to roll back sexual and reproductive health and rights, using the COVID-19 pandemic as a pretext to limit access to abortion, contraception and gynaecological services; underlines the fact that in some Member States, notwithstanding the pandemic, there have been attempts to restrict existing legal protections for women's access to abortion care, including the introduction of regressive conditions that must be fulfilled before abortions can be administered, such as mandatory and biased counselling or waiting periods; particularly condemns the more than 20 parliamentary attempts in Slovakia to limit access to abortions during this period; strongly emphasises that services relating to sexual and reproductive health and rights must be recognised as essential and must be available, even during global health emergencies, given the time-sensitive nature of these services;

70. Stresses the importance of ensuring that the response to the COVID-19 crisis incorporates a gender perspective and gender budgeting, as well as ex post gender impact assessments, as proposed in the Commission's gender equality strategy for 2020-2025; urges the EU institutions to ensure gender mainstreaming across all EU policies and actions;

### *Freedoms*

71. Recalls the importance of upholding media freedom, pluralism and independence, ensuring the transparency of media ownership and regulating market concentration, as well as ensuring the protection of journalists; believes that binding EU rules providing robust and consistent protection for independent media and journalists from vexatious lawsuits intended to silence or intimidate them in the EU are much needed in order to help put an end to this abusive practice; calls on the Commission to step up its efforts in this regard, including proposing binding measures and protecting and promoting funding for investigative journalism;
72. Condemns the use of strategic lawsuits against public participation (SLAPPs), which are being deployed to silence and intimidate human rights defenders, including LGBTI rights defenders critical of human rights abuses; highlights that SLAPPs are just one of the threats to a free and pluralist media, with others including commercial pressure and imperatives, political pressure, journalistic self-censorship on issues of particular controversy, the precariousness of journalists' careers and the heavy workloads they face, the pressure they feel to maintain access to elite sources through uncritical reporting, and the prospect of having their professional promotions quashed if they breach unspoken and internalised assumptions regarding the proper 'line' to be taken on particularly controversial issues, notably when it comes to foreign policy; calls on the Member States to protect and develop an independent, pluralist and free media; condemns, in this regard, any measures aimed at silencing critical media and undermining media freedom and pluralism; underlines the urgent need to combat all SLAPPs; welcomes the Commission's recent initiative to issue a recommendation on ensuring the protection, safety and empowerment of journalists in the European Union; calls on the Commission to deliver on the Media Freedom Act without delay;
73. Is concerned about reports that some Member States' authorities have used the Pegasus spyware for political or other unjustified purposes to spy on journalists, politicians, lawyers, civil society actors and other individuals, in violation of EU law and the values

enshrined in Article 2 TEU and the Charter of Fundamental Rights; is concerned about the use of Pegasus against journalists, human rights activists, opposition figures and lawyers within and outside the EU; recalls that Pegasus is just one of the many examples of programmes abused by state entities for the purpose of carrying out illicit mass surveillance against innocent citizens; welcomes the establishment of a European Parliament committee of inquiry on Pegasus, which will investigate the alleged misuse of surveillance tools and the scope of alleged violations of rights and freedoms enshrined in Article 2 TEU and the Charter of Fundamental Rights and provide safeguards and recommendations;

74. Highlights that smear campaigns against LGBTIQ people and civil society more broadly are more prevalent in Member States in which media freedom is under attack; strongly condemns the continuous smear campaigns in public media against judges, journalists and politicians critical of the current government, including SLAPPs , initiated by government agencies, government officials, state-owned companies or individuals with close ties to the government coalitions across Europe; urges the Commission to use all of the legislative and executive tools at its disposal to prevent these intimidatory actions, which endanger freedom of expression; calls on the Commission, in cooperation with journalists' organisations, to monitor and report on attacks against journalists, as well as lawsuits intended to silence or intimidate independent media, and to guarantee access to the appropriate legal remedies;
75. Regrets the fact that the safety of journalists is not universally guaranteed; underlines the importance of media pluralism and the need to protect journalists against threats and attacks in order to prevent self-censorship and to assure freedom of expression and the right to information and safeguard the journalistic profession; calls on the Commission to improve the instruments for assessing measures taken by governments that may undermine freedom of information and pluralism;
76. Condemns the attacks, detentions and violence against journalists during protests, who have been prevented from reporting and thus merely doing their job; expresses deep concern about the cases of police brutality during protests, particularly against journalists, and calls for accountability for these acts; calls on the Commission and the Member States to ensure the safety and protection of journalists, particularly during protests;
77. Stresses that under international human rights law, certain restrictions can be lawfully placed on the right to freedom of peaceful assembly in order to protect public health or other legitimate interests, but they must be provided by law and be necessary and proportionate to a specific aim; expresses deep concern about some blanket bans on protests as well as certain prohibitions and restrictions on protests imposed during the COVID-19 pandemic, while other public gatherings of a similar size continued unaffected, as well as the use of force against peaceful protesters; is concerned about the fact that Member States have different thresholds for the use of force and weapons by law enforcement authorities for maintaining public order; calls on the Member States to protect fundamental rights when adopting restrictive measures and laws regarding the freedoms of expression, assembly and association and to facilitate an environment in which criticism is part of a healthy debate on any issue of public concern;



78. Is deeply concerned about attacks, harassment, violence and threats against journalists, human rights defenders and other individuals who expose foreign interference and disinformation campaigns; urges the Member States, in the context of rapidly increasing disinformation, hoaxes and political propaganda, to include targeted age-appropriate activities in their curricula focused on the development of critical thinking, media literacy and digital skills; calls for greater emphasis to be devoted to citizenship education with a focus on fundamental rights, democracy and participation in public affairs;
79. Notes that the positions of several Member States in international press freedom rankings have declined; highlights the irreplaceable role of public service media and stresses that it is essential to ensure and maintain their independence from political interference; strongly condemns threats to media freedom, including harassment and attacks aimed at journalists and whistleblowers, the disregard for their legal protection as well as media capture or politically motivated actions in the media sector;
80. Is deeply concerned by the further deterioration of media freedom in Hungary, Poland and Slovenia and the various reforms put in place by the ruling coalitions in order to reduce diversity and silence critical voices within the media; is further concerned by the lack of a transparent and clear set of principles for the distribution of advertising to media outlets by national, regional and local governments in some Member States; deeply regrets the deterioration in the economic situation of the media during the COVID-19 pandemic and considers that specific measures should be taken to alleviate the impact of the pandemic on media outlets;
81. Expresses concern about the creation of government-controlled bodies which manage large parts of the media landscape and the hijacking of public service media outlets to serve partisan interests; recalls that where media ownership remains highly concentrated, whether in government or private hands, it constitutes a significant risk to the diversity of information and viewpoints represented in media content; recalls that freedom of expression and information, including the freedom of artistic expression, and media freedom are fundamental to democracy and the rule of law and urges Member States to guarantee the independence of their media authorities; recalls that the right to seek, receive and impart information and ideas either orally, in writing or in print, in the form of art, or through any other media, is a component of the freedom of artistic expression;
82. Calls on the Commission to ensure the proper implementation of the Audiovisual Media Services Directive, paying particular regard to the independence of media regulators, transparency of media ownership and media literacy; calls on the Commission to make effective use of infringement procedures in situations where Member States implement these provisions incorrectly or incompletely;
83. Notes that some measures taken by the Member States in response to COVID-19 had a severe impact on the right to privacy and data protection, that the data protection authorities were not fully consulted, that necessity and proportionality were not always clear, and that in many cases a solid legal basis was lacking and no proper evaluation took place; calls on the Commission, the European Data Protection Supervisor and the European Data Protection Board to evaluate the situation without delay;

84. Expresses deep concern over weak and uneven enforcement of the General Data Protection Regulation<sup>22</sup>, which runs the risk of the regulation becoming a paper tiger and not providing actual protection for EU citizens; deplores the fact that the Commission ignored Parliament's call to launch infringement proceedings against Ireland for failing to properly enforce the regulation;
85. Is concerned about the Commission's internal guidelines on records management and archives, which is based on an erroneous interpretation of Regulation (EC) No 1049/2001 on access to documents<sup>23</sup>, and over the exclusion of text messages from the scope of the rules on access to documents, which has been termed 'maladministration' by the European Ombudsman; regrets the fact that some Member States have thwarted the effective exercise of citizens' right of access to documents by unnecessarily delaying or even eliminating the deadlines for documents access requests; emphasises that this has not only led to a lack of trust in authorities among EU citizens, it has also undermined media pluralism in the EU;

### ***Situation and fundamental rights violations at the EU's external borders***

86. Stresses that saving lives is a legal obligation under international and EU law; strongly condemns the criminal proceedings initiated by some Member States against civil society organisations and individuals for providing humanitarian assistance to migrants; calls on the Member States to ensure that prosecution is not pursued against individuals and civil society organisations assisting migrants for humanitarian reasons;
87. Condemns the fact that some Member States have adopted laws, policies and practices that undermine the effective protection of the human rights of refugees, asylum seekers and migrants on land and at sea; calls on the Commission and the Member States to put the human rights of migrants, asylum seekers and refugees, as well as the principle of responsibility sharing, at the centre of their migration and asylum policies;
88. Strongly condemns the cases of pushbacks and violations of fundamental rights and violence at the external borders of the EU towards migrants, refugees and asylum seekers, as denounced by institutions such as the International Organization for Migration<sup>24</sup>, as well as the criminalisation of humanitarian workers and activists and the use of EU funding, which has disproportionately served to construct closed facilities and strengthen external borders; calls on the Commission and the Member States to set up a fully-fledged fundamental rights monitoring system to investigate all allegations of pushbacks and fundamental rights violations and increase the transparency of the measures taken at the external borders, as called for by the EU Agency for Fundamental Rights<sup>25</sup>; calls on the Commission to launch infringement procedures where there are indications of pushbacks and violence;

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<sup>22</sup> 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, OJ L 119, 4.5.2016, p. 1.

<sup>23</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43.

<sup>24</sup> International Organization for Migration, 'IOM calls for end to pushbacks and violence against migrants at EU external borders', 9 February 2021.

<sup>25</sup> EU Agency for Fundamental Rights, *Fundamental Rights Report 2021*, April 2021.

89. Expresses deep concern at the information published about the European Border and Coast Guard Agency (Frontex) acknowledging its involvement in and knowledge of pushbacks; calls on Frontex to apply Article 46 of its regulation<sup>26</sup> and suspend all operations in Member States where such instances take place and to provide full transparency and accountability for the organisation's operational activities; calls on the Commission to investigate and take the necessary measures to put an end to these practices at Frontex;
90. Calls on the Member States to put the right procedures in place to ensure that individuals are heard before being returned to a neighbouring Member State, and to formally notify them of the decision taken; denounces the fact that migrants and asylum seekers apprehended after crossing an internal or external EU border are not systematically heard before they are returned to a neighbouring Member State, nor are they systematically notified of such; recalls the Member States' obligation to effectively guarantee the right to a fair trial and the right to equality before the law for all people;
91. Expresses deep concern about unaccompanied minors crossing the EU's external borders, particularly its eastern and southern borders, and calls on the Member States to pay specific attention to the situation of unaccompanied minors at these crossing points;
92. Is concerned about the increased use of technology at borders, some of which can be highly intrusive; urges the Commission and the Member States to set up independent monitoring mechanisms at borders, which should also cover the monitoring of border surveillance activities, and to ensure compliance with fundamental rights;

### ***Hate crime and hate speech***

93. Is concerned about the increase in hate speech and smear campaigns across the Member States, which are often perpetrated by high-ranking public officials or leading politicians and specifically target media, NGOs and certain social groups or minorities, such as LGBTIQ persons; stresses that their impact on civic space is undeniable, creating an unsafe environment for civil society and human rights defenders; is alarmed by the numerous examples of attacks on LGBTIQ offices and staff in several Member States in 2021 alone;
94. Condemns all kinds of hate crime, hate speech and accusations devoid of foundation or formulated in bad faith, both offline and online, motivated by discrimination based on any grounds such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation; expresses concern over the hate crimes and crimes relating to incitement to discrimination or violence which occurred during the COVID-19 pandemic, leading to the stigmatisation of some particularly vulnerable individuals; recalls that racism and xenophobia are crimes, not opinions;
95. Welcomes the Commission's proposal for a Council decision to extend the list of EU crimes to hate speech and hate crime and calls on the Council to work diligently towards its unanimous adoption; recalls the need for the Commission and the Member

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<sup>26</sup> Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard, OJ L 295, 14.11.2019, p. 1.

States to work in cooperation with internet companies in order to provide adequate safeguards and to thoroughly implement the Code of Conduct on Countering Illegal Hate Speech Online;

***Environmental protection***

96. Highlights Article 37 of the Charter of Fundamental Rights, which affirms that measures towards achieving a high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union;
97. Calls on the Commission to adopt the relevant legislative initiatives without delay and to carry out the adoption of further planned legislation in accordance with the original timeline; emphasises the urgent need to factor the relevant environmental concerns into the decision-making process for all policies and initiatives; believes that sustainability must be the guiding principle of all macroeconomic policies to ensure a just transition to an environmentally sustainable economy, while protecting and creating sustainable employment, in order to deal with one of the most significant threats humanity has ever faced;
98. Calls for the EU-wide implementation of the Aarhus Convention, which links environmental rights and human rights; highlights that environmental impairment and the failure of some public authorities to provide information about serious environmental risks to which individuals are exposed may have severe and harmful consequences for individuals; calls for the protection of journalists, activists, NGOs, rights defenders, whistleblowers and public watchdogs working in these fields;
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  - ◦
99. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.



## MINORITY POSITION

**Author:** Nicolaus Fest (ID).

'The final version of the report, makes a representation of the situation of the Fundamental Rights in the EU which does not reflect the reality.

According to the present report, the situation of the EU is in pathological crisis. It is described as a place dangerous for LGBT people, racist towards Roma people, unwelcoming with migrants.

The truth is different: despite some single episodes, that can be considered physiological in a complex and diverse system such as the EU, the overall situation of fundamental rights is fairly healthy.

Member States have sufficient checks and balances to guarantee the respect of fundamental rights and each Member State legislation provides safeguards for the protection of FR.

The ideological mantra that the EU is in a state of emergency and the continuous birth of new definitions of categories in need of special protection by the legislator, leads to further unnecessary legislative burden and a disproportionate interference of the EU in national competences, which we oppose.

The relevant German examples of breaches on Fundamental Rights in Mr Fest's original version were not deemed worthy of consideration and have been erased, showing that the approach by the majority on the situation of Fundamental Rights is purely ideological and not based on facts.

21.4.2022

## OPINION OF THE COMMITTEE ON PETITIONS

for the Committee on Civil Liberties, Justice and Home Affairs

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

Rapporteur for opinion: Mario Furore

### SUGGESTIONS

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

1. Expresses concern about the number of petitions setting out cases of discrimination and especially discrimination against persons with disabilities, violations of their workers' and social rights, the right to an accessible workplace and independent living; stresses, in this context, that discrimination remains one of the most serious and unacceptable threats to fundamental rights and that it has no place in any aspect of life; recalls that the EU is built on diversity, pluralism, tolerance and non-discrimination; stresses that discrimination undermines human dignity, life opportunities, prosperity, well-being, and often safety; regrets the fact that the proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426) (the horizontal Anti-Discrimination Directive) remains blocked in the Council, and calls on the Commission to unblock this situation by proposing new anti-discrimination legislation, without lowering standards, if the Council does not approve the text as drafted in 2008; calls on the Member States to effectively tackle every alleged case of discrimination and to deal with them by improving their legal systems and adopting more robust measures in accordance with EU law and international human rights standards in order to ensure the highest levels of protection; underlines the need for targeted efforts at EU and national level to address violations of the rights of persons with disabilities;
2. Welcomes the fact that, following Parliament's recommendations, the Commission has adopted an ambitious strategy for the rights of persons with disabilities for the period 2021-2030; reaffirms the fundamental importance of the implementation of the proposed measures and the further development of national measures in order to ensure that people with disabilities are not disadvantaged and discriminated against in terms of employment, education and social inclusion; considers it paramount to enhance actions aimed at removing any obstacle preventing persons with disabilities from having full and equal participation in society in order to fully uphold their fundamental rights; calls

on the Commission and Member States to ensure that all measures to implement the Strategy for the Rights of Persons with Disabilities 2021-2030 at national and EU levels are in full compliance with the UN Convention on the Rights of Persons with Disabilities;

3. Calls on the Member States to ensure the effective practical enforcement of Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (the Race Equality Directive) and to ensure the effective enforcement of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law (the Framework Decision on Racism and Xenophobia) in order to combat persisting afrophobia, anti-gypsyism, antisemitism and islamophobia; points out that the Member States should put forward or review national inclusion strategies to ensure that all people, regardless of race, ethnicity, religion, gender or any other status, are empowered to actively participate in social, economic, political and cultural life; strongly criticises the fact that some Member States have not fully and correctly transposed into national law the Framework Decision on Racism and Xenophobia; deplores that the provisions of the Racial Equality Directive are still not correctly implemented in all Member States;
4. Regrets the fact that there is still insufficient implementation of the fundamental rights of women in Europe; is deeply concerned about the increase in reactionary trends targeting women; reiterates its firm position on ensuring gender equality and protecting women's rights, including sexual and reproductive health rights; expresses concern about the number of petitions setting out cases of gender discrimination, and especially on measures which impact women's rights, such as abortion rights and violence against women and girls; calls on the Commission to urgently take further action to protect women's rights and especially to implement the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) at the European level by means of appropriate legislation; invites the Member States which have not yet ratified the Convention to do so with no further delay; deplores the fact that during the pandemic cases of violence against women and girls, and other forms of gender-based violence, increased alarmingly; is seriously concerned about the legal acts adopted in some Member States weakening women's rights and gender equality; welcomes the Commission's proposal for a directive on combating violence against women and domestic violence and calls for it to be improved in order to adequately cover all forms of gender-based violence; reiterates the its call on the Commission to add gender-based violence to the list of EU crimes;
5. Highlights the importance of the child's best interests, including in cross-border family litigation; emphasises the importance of close cooperation and efficient communication between the different national and local authorities involved in child custody proceedings; calls on the Member States to adopt non-discriminatory monitoring and evaluation systems for child-related cases so as to ensure full respect for the fundamental rights of the child, particularly the principle of the best interests of the child; calls on the Member States to respect the right of children to see their parents in spite of the restrictive measures taken by Member States in exceptional circumstances, such as the pandemic, as long as this does not endanger children's safety and health;



6. Points out that EU and its Member States should effectively combat discriminatory or violent treatment and reactions against the schooling and participation of children from minority backgrounds, especially migrant, refugee and Roma children, both through enforcement of the law and by promoting mutual understanding and social cohesion; calls on Member States to structurally address respect for diversity, intercultural understanding and human rights, including children's rights, in standard school curricula;
7. Considers that LGBTIQ people face some of the biggest challenges in terms of fundamental rights, and, in particular, the right to non-discrimination; is deeply concerned with the results of the EU Agency for Fundamental Rights survey on how LGBTIQ people experience human and fundamental rights, which indicates 'little, if any, progress' in past years; regrets the significant differences between Member States on these issues; stresses that the right of a person to self-determination of their sex, sexual orientation or gender identity is inviolable; regrets that EU law protects LGBTIQ persons from discrimination on the grounds of sexual orientation only in the field of employment; highlights that in spite of the progress made in recent years on LGBTIQ social acceptance, the situation of LGBTIQ people in the EU remains critical, as they continue to be the targets of discrimination in all areas of life, including verbal and physical attacks that remain largely invisible out of fear of negative consequences; is deeply concerned about a backlash in rights and attitudes to LGBTIQ persons and a sharp rise in hate speech, often carried out by public figures; strongly condemns anti-LGBTIQ rhetoric and the proclamation of 'LGBT-free zones' or 'zones free from LGBT ideology';
8. Expresses its concern about the fact that the 2021 Rainbow Europe Map, the annual benchmarking tool drawn up by ILGA-Europe (the European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association), highlighted the almost complete stagnation on the human rights of LGBTIQ persons, particularly on the recognition of LGBTIQ persons in family legislation in Europe; deplores the discrimination rainbow families and their children are still suffering in the EU, including being deprived of their rights on the grounds of their sexual orientation or gender identity, the sex characteristics of parents or partners when exercising the fundamental right to freedom of movement within the EU; welcomes the landmark judgment of the Court of Justice of the European Union (CJEU) in the Coman case of June 2018, which clarified that the term 'spouse' within the meaning of the provisions of EU law on freedom of residence for EU citizens and their family members includes spouses of the same sex; urges the Member States that do not recognise either same-sex partnerships or marriages to amend their national laws so as to provide a legal framework for ensuring that the CJEU's ruling is properly implemented; urges the Commission to propose without delay new EU legislation on mutual recognition of parenthood;
9. Strongly believes that the Commission must improve its overall approach to upholding the fundamental rights of refugees, asylum seekers and migrants; emphasises that they are one of the most vulnerable groups in society and their basic needs must be met; strongly regrets that pushbacks through any means have become the norm in several Member States; reiterates the urgent need to build a fair, effective and humane asylum policy in the EU and urges the Commission to step up efforts in this direction;

10. Calls on the Commission to ensure that decent reception and accommodation system is guaranteed for refugees, migrants and asylum seekers, thereby observing the principle of respect for human dignity as well as full respect for their fundamental rights ; asks the Member States and the Commission to cooperate to guarantee sufficient protection of asylum seekers' fundamental rights;
11. Expresses its deep concern about the set of temporary measures adopted by the Commission to address the emergency situation at the EU's external border with Belarus which implicitly back the current practice of pushbacks at EU borders, thus leaving asylum seekers with no access to protection;
12. Notes with concern that persistent inequalities and the lack of successful policies for providing basic infrastructure and services widened the gap between Roma communities and the general population, including in education, and led to deteriorated conditions for Roma in crucial areas such as employment, healthcare and housing; regrets that the first EU Framework on National Roma Integration Strategies made little overall progress; calls on the Commission and Member States to step up their efforts to ensure full equality, inclusion and participation of Roma at both EU and national levels;
13. Highlights that more progress is needed on safeguarding of refugees' fundamental rights, especially in the light of evolving migrant movements; urges the Commission, in this context, to develop further approaches guaranteeing respect for fundamental rights;
14. Urges the Commission, in the light of the increase in the number of cases of discrimination on various grounds, in particular of a person's sex, sexual orientation and gender identity, to ensure that the Charter of Fundamental Rights of the European Union ('the Charter') is upheld and complied with, using all available legal instruments; calls on the Commission and the Fundamental Rights Agency to work together to raise awareness about the problem in order to guarantee equality for all EU citizens;
15. Considers that particular attention should be paid to the principle of non-discrimination anchored in Article 21 of the Charter and stresses that this provision must be duly respected; calls, therefore, on the Commission to further develop a rigorous mechanism for the regular assessment of the situation of fundamental rights, and, in particular, the right to non-discrimination, as it is one of the most frequently violated rights;
16. Calls for full implementation of legislation and stronger sanctions against any discrimination on the grounds of race, ethnic or social origin, religion or belief, membership of a national minority, disability, age, gender, gender expression, gender identity, sexual orientation, sex characteristics, residence status or health;
17. Emphasises that the COVID-19 pandemic showed severe gaps in the capacity and preparedness of Member States' healthcare, education, employment and social protection systems; strongly believes that Member States must greatly improve their healthcare, social welfare and social assistance systems to ensure they provide full support to everyone, and particularly to those more vulnerable, even during a crisis, thereby adequately protecting everybody's health, economic and social rights; takes note of the increasing number of health-related petitions linked, inter alia, to the spread of the COVID-19 pandemic during the last two years, affecting access to healthcare especially for patients with chronic diseases; underlines the high level of COVID-19

comorbidities among chronic patients; recalls the critical situation of patients with rare diseases in many Member States, including patients with myalgic encephalomyelitis/chronic fatigue syndrome (ME/CFS), who do not receive diagnosis, proper treatment and medical care;

18. Emphasises that the measures related to the COVID-19 pandemic adopted by many Member States have interfered with the rights and freedoms guaranteed by the Union's legal order, such as the freedom of movement of persons, including travelling, working and studying within the EU and within countries, especially in the early phases of the COVID-19 pandemic for thousands of mobile, including seasonal and cross-border workers throughout the Union, freedom of expression and information, the right to privacy and data protection, especially in relation to public health and measures taken in order to safeguard it; stresses that the measures taken to contain the pandemic must be grounded on a human rights-based approach and be necessary, based on law, temporary and proportional, ensuring full compliance with the rules and principles of the Charter;
19. Notes that restrictions imposed to tackle the pandemic have also hindered the work of civil society; stresses that civil society organisations play an important role in helping victims of fundamental right breaches, as well as in awareness-raising and prevention; calls on the Commission and Member States to provide support to civil society and to adopt measures that facilitate their work;
20. Stresses that an emergency must not provide an excuse for bypassing the democratic principles of the legislative process; calls on the Member States to ensure that any exceptional measure adopted during emergency situations is transparent and involves those concerned, and to ensure that all emergency measures are necessary, strictly proportionate and in place only for the time necessary; calls on the Commission to continue monitoring and assessing the emergency measures put in place to deal with the pandemic in the light of the EU's founding values as laid down in Article 2 of the Treaty on European Union, including fundamental rights, the rule of law and democracy; considers that the Commission must fully and transparently report back to the public on the outcomes of all its assessments of the emergency measures adopted by Member States during the pandemic;
21. Notes with regret the high number of petitions concerning emergency quarantine measures that have been adopted by several Member States as a result of the pandemic and which may have restricted citizens' rights and freedoms, such as the freedom of expression and information, the freedom of assembly and of association, and the freedom of movement and of residence; calls, therefore, on the Commission and the Member States to effectively tackle COVID-19-related discrimination, hate speech and racism against ethnic minority groups, migrants and refugees, or people with a migrant background;
22. Reiterates that everyone has the right to education as enshrined in the Article 14 of the Charter and stresses that this right must be guaranteed under all circumstances and for every child, including those from vulnerable and disadvantaged groups; is concerned about the impact that schools closures during the COVID-19 pandemic might have on the mental health and future of children; calls on the Member States to ensure equal and quality education for all children even in times of crisis such as the pandemic;

encourages Member States to exchange best practices in this regard;

23. Highlights that due to the emergency measures adopted in many Member States physical access to doctors and healthcare services, including hospitals, was limited, non-urgent medical treatments, including surgical interventions, were often postponed, the number of hospitalised cancer patients dropped sharply; calls on the Member States to respect the right to healthcare of all the people;
24. Highlights that the closure of educational facilities in all Member States has led to an unprecedented shift to online learning, even though educational systems lacked the digital infrastructure, less than 40 % of educators being ready to use digital technologies in teaching<sup>1</sup> and many low-income homes having no access to computers; calls on the Member States to respect the right to education and to not discriminate against children from low-income homes;
25. Emphasises that the restrictive measures in Member States also affected the activities of courts and the judicial system;
26. Points to the petitions related to the pandemic that criticise travel restrictions, especially for couples living in different countries, as well as those raising issues concerning the lack of adequate protection at work for workers in vulnerable situations and problems in obtaining the EU digital COVID certificate for persons recovered from COVID-19 infections; highlights the importance of addressing and solving all cases of non-compliance with EU law in a timely manner, ensuring the implementation of the highest levels of health and safety in all work environments as well as of private and family life;
27. Points to the numerous petitions received denouncing environmental crimes, including those with cross-border implications, related to, inter alia, illegal logging, illicit waste trafficking and dumping, wildlife trafficking and destruction provoking the worsening of biodiversity conditions and increased levels of deforestation, soil, water and air contamination; stresses the urgent need to strengthen the current EU legal framework, which is flawed by significant limitations and shortcomings, in order to ensure the highest levels of protection of citizens' health and of the environmental;
28. Highlights the Preamble to the Aarhus Convention on the right of every person to live in an environment adequate to their health and well-being and Article 37 of the Charter, which affirms that measures towards achieving a high level of environmental protection and the improvement of the quality of the environment must be integrated into the Union's policies; takes note of the serious increase in the number of environmental petitions and emphasises the urgent need for including relevant environmental concerns into the decision-making process for all policies; recalls its resolution entitled 'EU Biodiversity Strategy for 2030: Bringing nature back into our lives'<sup>2</sup>, considering that the right to a healthy environment should be recognised in the Charter and calls for

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<sup>1</sup> Organisation for Economic Co-operation and Development, *TALIS 2018 Results*, OECD Publishing, Paris, 2019. The main survey (International Standard Classification of Education level 2) was conducted in 31 OECD countries, including 22 EU Member States (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Hungary, Italy, Latvia, Lithuania, Malta, the Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden).

<sup>2</sup> Texts adopted, P9\_TA(2021)0277.

action in this regard; notes that European Court of Human Rights case-law only provides for indirect protection of the right to a healthy environment by sanctioning only environmental violations that simultaneously result in an infringement of other human rights already recognised in the European Convention on Human Rights; calls for the intrinsic value of nature and ecosystems in the light of the interrelationship between human societies and nature to be recognised in the Convention and to enshrine the right to a safe, clean, healthy and sustainable environment as called by the Parliamentary Assembly of the Council of Europe in its recommendation of September 2021; notes EU citizens' concerns expressed in petitions to Parliament on disruptions and deterioration of the environment and their demands for the right to live in a healthy environment and access to justice in environmental matters;

29. Reiterates, that rule of law, media freedom and effective fight against corruption lie at the foundation of our societies and are our core values; stresses that violations of the principles of rule of law and media freedom, as well as the resulting spread of corruption, are however persistent in the Union and that the number of these cases has even increased during the pandemic;
30. Expresses its concern about the threat that different forms of propaganda and misinformation, including anti-vaccine propaganda, pose to human life and health, freedom of speech and expression and to the independence of the media, and about the negative effects they might have on the quality of political debate and on the participation of citizens in democratic societies; calls on the Commission to promote and invest in the strengthening of media literacy, to actively support quality journalism and foster data protection and create a more transparent online ecosystem while safeguarding media freedom and pluralism;
31. Expresses its concerns about the ongoing attacks on the independence of the judiciary in some EU Member States; expresses grave concern about the negative developments which took place in both Hungary and Poland; is concerned about the lack of progress on the Article 7 proceedings in the Council;
32. Reaffirms its regret about the effective limitation of the scope of application of the Charter due to the restrictive interpretation of its Article 51; recalls that the expectations of citizens go beyond the strict implementation of the Charter and that the objective should be to make fundamental rights as effective as possible; reiterates its call for consideration to be given to broadening the interpretation of Article 51 beyond the scope of Union law or deleting it altogether, as stated in previous resolutions<sup>3</sup>; emphasises that national parliaments are central to promoting and protecting Charter rights within their territories; encourages Member States to fully observe the principles of the Charter in their legislative drafting and to ensure that their national laws respect the highest standards of protection of fundamental rights; believes that interparliamentary cooperation on issues related to the application of the Charter between the European Parliament and national parliaments can improve compliance with the Charter;
33. Stresses that the uses of the Charter in courtrooms can contribute to making the Charter

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

relevant to people's lives; regrets that knowledge of the Charter among national justice practitioners remains low<sup>4</sup> and this can contribute to improper application of fundamental rights; calls on the Commission and Member States to increase training on the Charter for legal professionals;

34. Recalls that the protection of natural persons when their personal data is processed should be a fundamental right; warns that although the General Data Protection Regulation provides ways for people to protect their personal data, and by extension their privacy, data breaches occur resulting in a breach of confidentiality, availability and integrity, and posing individuals' rights and freedoms at risk or at high-risk; urges the Commission and the European Data Protection Supervisor to continue their efforts to oversee the implementation of the appropriate technical and organisational measures by the responsible entities to avoid breaches data protection;
35. Recalls that the freedom of expression, to hold opinions and to receive and impart information and ideas is a fundamental right; expresses its concern about the creation, dissemination and amplification of false or manipulated information using digital technologies for political, ideological or commercial motives; notes that such actions unleash immediate disruptive effects in our societies and can have serious consequences for democracy and human rights; urges the Commission and the Member States to launch initiatives calling for multidimensional and multi-stakeholder responses to counter disinformation, enhancing the role of free, independent and diverse media, investing in media and digital literacy, empowering individuals and rebuilding public trust;
36. Expresses its concern at the lack of reporting of hate crimes by victims owing to inadequate safeguards and to the failure of authorities to investigate properly and obtain convictions for hate crimes in the Member States; calls on the Council to proceed with the assessment of the Commission proposal for a Council decision on hate crime and hate speech and to formally notify Parliament with no delay of its unanimous decision;
37. Welcomes the Commission' proposal for an inter-institutional European Declaration on Digital Rights and Principles as a reference point to guide the European digital transformation and Europe's pioneering role in digital policies; recalls that the Charter dates from a time when the digital economy was not understood as it is today; believes, therefore, that efforts to protect our citizens' in the digital sphere have been scattered in a myriad proposals, resolutions and legislative acts; calls for a European Charter for Digital Rights that protects EU rights in the digital age and recognises, inter alia, the access to the internet as a human right;
38. Highlights that fundamental rights, democracy and the rule of law are mutually reinforcing values which, when undermined, may pose a systemic threat to the Union; considers that the deliberate process of rule of law backsliding in Poland and Hungary is seriously undermining citizens' capacity to fully exercise their fundamental rights as set out in the Charter; expresses its concern about the increasing number of rule of law and

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

fundamental rights violations in some other Member States;

39. Is extremely alarmed about the use of surveillance technology to undermine human rights as brought to light by the recent revelations on the NSO Pegasus scandal confirming spying on, inter alia, human rights defenders and journalists; highlights the paramount importance of adopting more effective national and international rules in this area in order to ensure full protection and safety for civil society organisations, human rights defenders, journalists and other individuals affected by cyber surveillance and interference.

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

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



## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

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

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

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

**Key to symbols:**

+ : in favour

- : against

0 : abstention

## INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	13.7.2022						
<b>Result of final vote</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 100px;">+:</td> <td style="text-align: right;">46</td> </tr> <tr> <td>-:</td> <td style="text-align: right;">11</td> </tr> <tr> <td>0:</td> <td style="text-align: right;">1</td> </tr> </table>	+:	46	-:	11	0:	1
+:	46						
-:	11						
0:	1						
<b>Members present for the final vote</b>	Magdalena Adamowicz, Abir Al-Sahlani, Konstantinos Arvanitis, Katarina Barley, Fernando Barrena Arza, Pietro Bartolo, Vladimír Bilčík, Karolin Braunsberger-Reinhold, Patrick Breyer, Jorge Buxadé Villalba, Anna Júlia Donáth, Lucia Ďuriš Nicholsonová, Sylvie Guillaume, Evin Incir, Sophia in 't Veld, Marina Kaljurand, Fabienne Keller, Peter Kofod, Moritz Körner, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Nuno Melo, Javier Moreno Sánchez, Maite Pagazaurtundúa, Paulo Rangel, Terry Reintke, Diana Riba i Giner, Isabel Santos, Birgit Sippel, Vincenzo Sofo, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Yana Toom, Tom Vandendriessche, Bettina Vollath, Elena Yoncheva, Javier Zarzalejos						
<b>Substitutes present for the final vote</b>	Bartosz Arłukowicz, Malin Björk, Gwendoline Delbos-Corfield, Cyrus Engerer, Daniel Freund, Balázs Hidvéghi, Beata Kempa, Jaak Madison, Fulvio Martusciello, Philippe Olivier, Anne-Sophie Pelletier, Rob Rooker, Róza Thun und Hohenstein, Nils Ušakovs, Tomáš Zdechovský						
<b>Substitutes under Rule 209(7) present for the final vote</b>	Daniel Buda, Ladislav Ilčić, David Lega, Lucia Vuolo						

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

46	+
PPE	Magdalena Adamowicz, Bartosz Arłukowicz, Vladimír Bilčík, Karolin Braunsberger-Reinhold, Daniel Buda, David Lega, Jeroen Lenaers, Fulvio Martusciello, Nuno Melo, Paulo Rangel, Lucia Vuolo, Javier Zarzalejos
RENEW	Abir Al-Sahlani, Anna Júlia Donáth, Lucia Ďuriš Nicholsonová, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Maite Pagazaurtundúa, Ramona Strugariu, Róza Thun und Hohenstein, Yana Toom
S&D	Katarina Barley, Pietro Bartolo, Cyrus Engerer, Maria Grapini, Evin Incir, Marina Kaljurand, Juan Fernando López Aguilar, Javier Moreno Sánchez, Isabel Santos, Birgit Sippel, Nils Ušakovs, Bettina Vollath, Elena Yoncheva
THE LEFT	Konstantinos Arvanitis, Fernando Barrena Arza, Malin Björk, Anne-Sophie Pelletier
VERTS/ALE	Patrick Breyer, Gwendoline Delbos-Corfield, Daniel Freund, Alice Kuhnke, Terry Reintke, Diana Riba i Giner, Tineke Strik

11	-
ECR	Jorge Buxadé Villalba, Ladislav Ilčić, Beata Kempa, Rob Rooker, Vincenzo Sofo
ID	Peter Kofod, Jaak Madison, Philippe Olivier, Annalisa Tardino, Tom Vandendriessche
NI	Balázs Hidvéghi

1	0
PPE	Tomáš Zdechovský

Key to symbols:

+ : in favour

- : against

0 : abstention