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DRAFT REPORT

on the situation of fundamental rights in the European Union in 2015
(2016/2009(INI))

Committee on Civil Liberties, Justice and Home Affairs

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

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The European Parliament,

- having regard to the Treaty on European Union (TEU),
- having regard to the Charter of Fundamental Rights of the European Union of 7 December 2000 ('the Charter'), which was proclaimed on 12 December 2007 in Strasbourg and entered into force with the Treaty of Lisbon in December 2009,
- having regard to the Universal Declaration of Human Rights, adopted by the UN General Assembly in 1948,
- having regard to the UN treaties on the protection of human rights and fundamental freedoms and the jurisprudence of the UN treaty bodies,
- having regard to the UN Convention on the Rights of Persons with Disabilities, which was adopted in New York on 13 December 2006 and ratified by the EU on 23 December 2010,
- having regard to the UN Convention on the Rights of the Child, adopted in New York on 20 November 1989,
- having regard to the following General Comments of the UN Committee on the Rights of the Child: No 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, No 7 (2005) on implementing child rights in early childhood, No 9 (2006) on the rights of children with disabilities, No 10 (2007) on children's rights in juvenile justice, No 12 (2009) on the right of the child to be heard, No 13 (2011) on the right of the child to freedom from all forms of violence and No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration,
- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and to the Beijing Platform for Action, to its resolutions of 25 February 2014 with recommendations to the Commission on combating violence against women¹ and of 6 February 2014 on the Commission communication entitled 'Towards the elimination of female genital mutilation'², and to the Council conclusions of 5 June 2014 on preventing and combating all forms of violence against women and girls, including female genital mutilation,
- having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the case law of the European Court of Human Rights, the conventions, recommendations, resolutions and reports of the Parliamentary Assembly,

¹ Texts adopted, P7_TA(2014)0126.

² Texts adopted, P7_TA(2014)0105.

the Committee of Ministers, the Commissioner for Human Rights and the Venice Commission of the Council of Europe,

- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),
- having regard to the Council of Europe’s Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages,
- having regard to the Council of Europe Parliamentary Assembly Resolution 1985 (2014) - The situation and rights of national minorities in Europe,
- having regard to the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education,
- having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin¹,
- having regard to the Council recommendation of 9 December 2013 on effective Roma integration measures in the Member States²,
- having regard to Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings³,
- having regard to Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law⁴,
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation⁵,
- having regard to Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation⁶,
- having regard to Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services⁷,
- having regard to the Council conclusions of the Justice and Home Affairs Council of 5-6 June 2014 on immigrant integration policy in the European Union,

¹ OJ L 180, 19.7.2000, p. 22.

² OJ C 378, 24.12.2013, p. 1.

³ OJ L 132, 21.5.2016, p. 1.

⁴ OJ L 328, 6.12.2008, p. 55.

⁵ OJ L 303, 2.12.2000, p. 16.

⁶ OJ L 204, 26.7.2006, p. 23.

⁷ OJ L 373, 21.12.2004, p. 37.

- having regard to the Commission Communication entitled ‘Action Plan on the integration of third country nationals’ (COM(2016)0377),
- having regard to the OECD/European Union publication entitled ‘Indicators of Immigration Integration 2015 – Settling In’,
- having regard to Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA¹,
- having regard to Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA²,
- having regard to the decisions and case law of the Court of Justice of the European Union (CJEU), and the case law of national constitutional courts, which use the Charter as a reference for interpreting national law,
- having regard to the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 (COM(2012)0286), in particular the provisions on financing the development of guidelines on child protection systems and on the exchange of best practices,
- having regard to the Commission communication on an EU Framework for National Roma Integration Strategies up to 2020 (COM(2011)0173) and the European Council conclusions of 24 June 2011,
- having regard to the Commission communication entitled ‘Steps forward in implementing national Roma integration strategies’ (COM(2013)0454),
- having regard to 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),
- having regard to its resolution of 12 December 2013 on the progress made in the implementation of the National Roma Integration Strategies³,
- having regard to its resolution of 4 February 2014 on the EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity⁴,
- having regard to its resolutions on gender equality,
- having regard to its resolution of 12 September 2013 on the situation of unaccompanied minors in the EU⁵,

¹ OJ L 101, 15.4.2011, p. 1.

² OJ L 335, 17.12.2011, p. 1.

³ Texts adopted, P7_TA(2013)0594.

⁴ Texts adopted, P7_TA(2014)0062.

⁵ Texts adopted, P7_TA(2013)0387.

- having regard to its resolutions on fundamental rights and human rights, in particular the latest dated 8 September 2015 on the situation of fundamental rights in the European Union (2013-2014)¹,
- having regard to its resolutions on migration, in particular the latest dated 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration²,
- having regard to its resolution of 8 June 2005 on the protection of minorities and anti-discrimination policies in an enlarged Europe³,
- having regard to its resolution of 27 November 2014 on the 25th anniversary of the UN Convention on the Rights of the Child⁴,
- having regard to its resolution of 11 September 2013 on endangered European languages and linguistic diversity in the European Union⁵,
- having regard to Opinion 2/2013 delivered by the CJEU regarding the draft agreement on accession of the EU to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),
- having regard to the Fundamental Rights Report 2016 by the European Union Agency for Fundamental Rights,
- having regard to the Fundamental Rights Agency Handbook on European law relating to the rights of the child (2015),
- having regard to the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the ‘Paris Principles’), annexed to UN General Assembly resolution 48/134,
- having regard to the 2015 Commission Report on the Application of the EU Charter of Fundamental Rights (COM(2016)0265), and to the accompanying working documents,
- having regard to the 2013 Commission Report on EU citizenship – EU citizens: your rights, your future (COM(2013)0269),
- having regard to the Commission Communication entitled ‘Assessing the implementation of the EU framework for National Roma Integration Strategies and the Council recommendation on effective Roma integration measures in the Member States’ (COM(2016)0424),
- having regard to Rule 52 of its Rules of Procedure,
- having regard to the report of the Committee on Civil Liberties, Justice and Home

¹ Texts adopted, P8_TA(2015)0286.

² Texts adopted, P8_TA(2016)0102.

³ OJ C 124 E, 25.5.2006, p. 405.

⁴ Texts adopted, P8_TA(2014)0070.

⁵ Texts adopted, P7_TA(2013)0350.

Affairs and the opinions of the Committee on Constitutional Affairs, the Committee on Women's Rights and Gender Equality and the Committee on Petitions (A8-0000/2016),

- A. whereas migration is an unavoidable part of the EU's future and one of the biggest challenges of our times, as it appeals to the EU's international humanitarian responsibilities and forms a key element for demographic reasons;
- B. whereas acts of terrorism constitute one of the most serious violations of fundamental rights and freedoms; whereas it is necessary to have adequate tools in place to protect EU citizens and residents and to respond properly to such violations;
- C. whereas, according to the Commission, 75 million people fall victim to crime across the EU every year,
- D. whereas trafficking in human beings is a serious crime often committed within the framework of organised crime, constitutes a gross violation of fundamental rights and is explicitly prohibited by the Charter;
- E. whereas racism, xenophobia and hate crime threaten the values of the EU and its Member States; whereas there is an increase in hate speech among political forces and increasing xenophobia and other bias in important sectors of the population;
- F. whereas, according to FRA 'violence against women' survey data, one in three women in the EU has experienced physical or sexual violence since the age of 15;
- G. whereas violence against women is still 'silently' tolerated in many places and a zero tolerance approach is necessary;
- H. whereas children are the future of our society and we are responsible for their present; whereas education is one of the best ways to impart values such as peace, tolerance, equality, justice and respect for human dignity via formal, non-formal and informal education methods;
- I. whereas child helplines and similar tools are useful as awareness-raising, referral and reporting mechanisms for cases related to the violation of children's rights;
- J. whereas live-streaming of child sexual abuse is no longer an emerging new trend, but an established reality; whereas children are at risk of harm through online grooming and solicitation for sexual purposes, which in the most serious cases can turn into sexual coercion;
- K. whereas, in application of Article 37 of the Convention on Children's Rights and the principle of the best interests of the child, unaccompanied or separated children should not, as a general rule, be detained;
- L. whereas the EU institutions have already started procedures to overcome the so-called 'Copenhagen dilemma', not only for those countries applying for EU membership but also in Member States where the enforcement of fundamental rights values should be monitored and observed in all circumstances;
- M. whereas the migration crisis has triggered mistrust and rising hatred towards national

minority communities in Europe, which also affects traditional national minorities;

- N. whereas the FRA's 2016 Fundamental Rights report found that discrimination and anti-Gypsyism continue to pose challenges to effective Roma integration; whereas, according to the 2015 Eurobarometer survey on discrimination, ethnic origin is considered to be the most prevalent ground of discrimination;
- O. whereas many persons of Roma origin in Europe face prejudice, intolerance, discrimination and social exclusion in their daily lives; whereas segregation of Roma children in schooling remains a persistent problem in some Member States;

Dignity

- 1. Reiterates that human dignity is inviolable and must be respected and protected; calls for awareness-raising amongst EU citizens on the inherent dignity of all persons in order to achieve a more sensitive and inclusive society;

Migration, integration and inclusion

- 2. Considers that the social inclusion and cultural integration of refugees in the host society is a dynamic, two-dimensional process (involving rights and duties), representing a challenge and an opportunity that requires responsibilities and efforts both by the refugees and by the Member States, their local and regional administrations and host communities;
- 3. Calls on Member States to apply cultural, political and social inclusion policies as swiftly as possible and with adequate dedicated resources; recalls that social inclusion policies must engage local, regional and national institutions and should focus on individuals rather than on groups or communities, as this can lead to segregation;
- 4. Reiterates that intercultural and inter-religious tolerance needs to be promoted via constant efforts and extensive dialogue and that the crisis arising from the waves of migration cannot be tackled without the involvement of all relevant state and non-state actors, including churches and religious organisations;

Security and the fight against terrorism

- 5. Welcomes the Commission initiatives to strengthen security cooperation between Member States and fully supports all proposed measures to pave the way towards an effective Security Union, in particular the directive on combatting terrorism;
- 6. Stresses that appropriate treatment of victims, including victims of terrorism, is a demonstration of our societies' solidarity with each victim and recognition that such treatment is essential to the moral integrity of society; recalls in this regard that the rules that have applied across the EU since November 2015 guarantee that people who fall victim to crime in the EU benefit from a minimum set of rights;
- 7. Believes that a European early warning and responsive system should be set up to identify groups that are at high risk of radicalisation; calls on the EU and the Member States to make greater efforts to prevent radicalisation via the Internet and social media, in particular among young people, and to assist the families of those who are at risk;

encourages Member States to exchange best practices and to use intelligence-sharing mechanisms in order to fight terrorist networks efficiently;

Human trafficking

8. Notes that Commission's report on the progress made in the fight against trafficking in human beings shows that the Internet and new technologies enable organised crime groups to access a large pool of potential victims on a much larger scale than ever before, as many victims of trafficking, especially for sexual and labour exploitation, are recruited online; calls on EU law enforcement agencies to step up their efforts in targeting criminal trafficking networks and facilitators, paying special attention to crimes against children;
9. Stresses that the vulnerability of children makes them a preferred target for traffickers and that identifying and checking the identity of children who are victims of trafficking is a growing problem; calls therefore for tools which help to keep track of these children and for proper and targeted measures to accompany the children in the process;
10. Calls on Member States to strengthen guardianship systems for children deprived of parental care and unaccompanied children; notes that, while implementing the system, a special focus is needed on accompanying persons and, in light of the best interests of the child, on not separating the child from family or from non-formal accompaniment;
11. Calls on Member States to make equal efforts to identify, protect and assist victims of all forms of exploitation; calls on Member States to implement the EU Anti-trafficking Directive fully and correctly and encourages the Member States, EU institutions and agencies to convene meetings within the framework the EU Network of National Rapporteurs or equivalent mechanisms on trafficking in human beings;
12. Highlights that education is an effective tool in crime prevention and calls on Member States to implement prevention education programmes into national curriculums and to promote and mainstream prevention programmes;

Hate crime

13. Welcomes the Commission's announcement of the Code of Conduct on countering illegal hate speech online;
14. Calls on Member States to develop and disseminate tools and mechanisms for reporting hate crime and hate speech and to ensure that any case of alleged hate crime or hate speech is effectively investigated, prosecuted and tried in accordance with national law and, where relevant, in compliance with the Framework Decision on Racism and Xenophobia, European and international human rights obligations, as well as relevant ECtHR case law;
15. Calls on the EU and the Member States to strengthen the role of human rights education in national curricula as a tool for preventing racism and related intolerance, and calls for greater rights awareness;

Violence against women

16. Highlights that improvements are still needed to combat violence against women, and calls on the Member States and the EU to sign and ratify the Istanbul Convention following the launch of the procedure by the Commission in March 2016;
17. Urges Member States to lead more targeted awareness-raising campaigns, to prevent and protect victims of violence and to protect their rights without delay in line with the Victims' Rights Directive;
18. Highlights that no cultural, religious, national or ethnic background can justify any form of gender-based violence and that EU and national authorities should strengthen their cooperation;

Children

19. Notes with concern that child poverty rates remain high in the EU; encourages Member States and the EU to launch programmes specifically targeting the well-being and healthy development of children;
20. Calls for a focus on violence against children at all levels, from homes to schools, public places and detention centres for migrants;
21. Calls for a multi-stage system in child protection based on the best interests of the child, which should not be designed to punish parents and care-givers, but to send a clear message that all forms of physical and emotional violence against children are unacceptable, and in which the separation of the child from the family would be the very last step;
22. Calls for child-friendly juvenile justice systems in which children understand their rights and their role when they are involved as victims, witnesses or alleged offenders; calls for the adoption of special measures in both criminal and civil proceedings to protect children from unnecessary stress and repeated victimisation;
23. Calls for the 116 emergency hotline to be accessible EU-wide 24/7 for children and for the use of anonymised chat lines on Internet, as these are much more convenient for children in stress and should be set up as a unified system in the EU using official and minority languages;
24. Recalls that children and babies are often used in begging to trigger greater sympathy and more money; calls for the criminalisation of forced begging and of all forms of using children for this practice in the EU Member States, as it endangers the child's health and its social and mental integrity;
25. Highlights that child protection should be enhanced in the digital world and calls for further cooperation between the private and public sectors; encourages those involved to follow good examples of prevention and complaint mechanisms in online social media and to implement these EU-wide;
26. Calls for a code of conduct on protecting children's rights online and offline in cyber space, and recalls that in the fight against cybercrime by law enforcement authorities special attention needs to be paid to crimes against children;

27. Believes that inclusion policies should have a strong focus on children as children are the bridges of common understanding between cultures and societies;
28. Highlights that the announcement by Europol that at least 10 000 unaccompanied children went missing in the EU in 2015 has clearly shown that Member States and European agencies have to step up their efforts urgently in terms of cross-border cooperation, information exchanges and joint investigations and operations in order to fight trafficking in human beings; notes that appointing guardians to unaccompanied children is an important safeguard to ensure their best interests; calls for registration and the use of convenient and dependable identification tools for children of all ages until they enter the inclusion process in order to prevent their disappearance;

Minorities

29. Highlights that traditional national minorities who have been living together with or alongside traditional majority cultures for centuries in Europe are facing the negative consequences of the migration crisis, i.e. mistrust towards non-majority autochthonous minorities; believes that the solution to this problem lies in the establishment of minimum standards on protecting the rights of traditional minorities, as preserving European heritage gives added value to diversity;
30. Calls on the EU to implement PACE resolution 1985(2014) on the situation and rights of national minorities in Europe, fully respecting the principle of subsidiarity; stresses that all emergency hotlines and any official helplines operated in the Member States should be accessible not only in the country's official languages but also in its minority languages and the main EU languages by redirecting calls;

Persons with disabilities

31. Welcomes the concluding observations on the EU's progress in implementing the UN Convention on the Rights of Persons with Disabilities (CRPD), and calls on the EU to use these recommendations as an opportunity to set a positive example by ensuring effective and thorough implementation;
32. Stresses that persons with disabilities are entitled to enjoy their fundamental rights on an equal basis with others, including the rights to inalienable dignity, independent living, autonomy and full social integration; notes that a human rights-based approach to disability is not yet fully endorsed, and urges the EU and its Member States to intensify efforts to align their legal frameworks with CRPD requirements;
33. Recalls that persons with intellectual and psychosocial disabilities face particular barriers to the fulfilment of their fundamental rights and calls on Member States to strengthen efforts to promote their autonomy and inclusion on an equal basis with others;
34. Notes that children with disabilities disproportionately experience a variety of human rights violations, including the denial of access to basic services such as education and healthcare or placement in institutions away from their families and communities, and are at a higher risk of becoming victims of violence, exploitation and other forms of ill-treatment and abuse; highlights the need for comprehensive policy action by the EU and

the Member States to ensure the thorough implementation of the UN Convention on the Rights of the Child, in conjunction with the CRPD;

35. Urges Member States to ensure that the 112 emergency hotline is fully accessible for disabled persons;
36. Calls on the EU and the Member States to allocate sufficient and stable financial and human resources to the monitoring frameworks established under Article 33(2) of the CRPD to enable them to carry out their functions, and to guarantee their independence by ensuring that their composition and operation take into account the Paris Principles on the functioning of national human rights institutions;
37. Calls on Member States to ensure real participation and freedom of expression for persons with disabilities in public life; notes that such efforts should be supported by providing subtitling, sign language interpretation, documents written in Braille and easy-to-read formats;

Elderly people

38. Notes that active ageing and inter-generational solidarity are important issues with respect to Europe's demographic changes;
39. Highlights that discrimination on the basis of age is often combined with other forms of discrimination, such as discrimination on grounds of race and ethnicity, religion, disability, health or socio-economic conditions;

Roma rights

40. Notes that people belonging to the Roma minority are entitled to freedom of movement, and calls on the Member States not to plan resettlement policies based on ethnic reasons;
41. Calls on Member States, in the light of the Commission's Report on the implementation of the EU Framework for National Roma Integration Strategies 2015, to put in place specific measures to fight ethnic discrimination against Roma in line with the Racial Equality Directive provisions, and to combat anti-Gypsyism in line with the Framework Decision on Racism and Xenophobia;

Citizenship

42. Notes the rise in euroscepticism and violent political views, and therefore urges the EU and its Member States to strengthen participation by citizens in EU matters so that Europeans understand that their voices are being heard in the EU and that policymakers are responsive to public opinion expressed through democratic channels;
43. Considers it necessary to reduce administrative burdens on participation in public life and to promote e-governance EU-wide, and calls for the effectiveness of mechanisms such as the citizens' initiative to be strengthened;
44. Notes that civil society organisations, including volunteering and youth work, play a

key role in social participation and calls on the EU and the Member States to support and to promote their work;

45. Believes that civic education improves citizens' understanding of the importance of social and political participation, while human rights education raises awareness of their own rights and teaches them respect for the rights of others; calls on Member States to draw up national plans of action for fundamental rights education and to implement the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education;
46. Reiterates its call for the EU to accede to the European Convention on Human Rights; notes that this would strengthen fundamental rights protection in the EU and expects the legal obstacles to accession to be eliminated as soon as possible;
47. Instructs its President to forward this resolution to the Council, the Commission, the Parliaments and Governments of the Member States and the Parliamentary Assembly of the Council of Europe.