

EP Concerned about Deteriorated Fundamental Rights Situation in EU

Thomas Wahl

News

The European Parliament expressed a number of concerns in its [report on the situation of fundamental rights in the EU for the years 2018-2019](#). The underlying EP resolution of 26 November 2020 was adopted with 330 votes in favour of it, 298 against it, and 65 abstentions.

In the field of PIF and criminal law, the EP highlights the link between corruption and fundamental rights violations in several areas, e.g., the independence of the judiciary, media freedom and freedom of expression of journalists and whistle-blowers, detention facilities, access to social rights, and trafficking of human beings. EU institutions and the Member States are called on to resolutely fight corruption, and to devise effective instruments for preventing, combating and sanctioning corruption, and fighting fraud, as well as to regularly monitor the use of public funds. MEPs also emphasise that the European Public Prosecutor's Office (EPPO) should soon be operable, thus strengthening the fight against fraud in the European Union.

The resolution highlights the importance of the rule of law as a cornerstone of democracy and as a precondition for citizens to enjoy their fundamental rights and freedoms. The EP strongly condemns the efforts of the governments of some Member States to weaken the separation of powers and the independence of the judiciary. It expresses its deep concern, in particular, about decisions that call into question the primacy of European law. In this context, the EP reiterates its demand for an [EU mechanism on democracy, the rule of law, and fundamental rights](#), which was tabled in October 2020 with precise recommendations (à related link).

In addition, the EP regrets the lack of progress in the ongoing Article 7 proceedings (against Poland and Hungary) in the Council, despite reports and statements by the Commission, the UN, the OSCE, and the Council of Europe indicating that the situation in the deviant Member States has deteriorated (à regular eu crim reports on the rule-of-law situation in these EU countries).

As far as criminal law is concerned, another issue raised is the substandard prison conditions in certain Member States, which MEPs find alarming. Member States are called on to comply with the rules on detention stemming from the instruments of international law and Council of Europe standards. The resolution also reiterates that pre-trial detention is intended to be an exceptional measure; it regrets the continued overuse of pre-trial detention instead of alternative measures that do not involve the deprivation of liberty. Other key issues raised in the fundamental rights report are the following:

- *Economic and social rights*: Politics must do more to protect disadvantaged groups, particularly women, people with disabilities, the elderly, children, migrants, Roma, and LGBTI+ people;

AUTHOR

Thomas Wahl

Senior Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

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- *Right to equal treatment*: MEPs condemn the “organised backlash” against gender equality and women’s rights, including sexual and reproductive health and rights; it also voices concern over hate speech and different forms of racism that are becoming increasingly normal.
- *Freedoms*: MEPs are concerned about measures aimed at silencing critical media and undermining media freedom and pluralism. Member States are called on to refrain from adopting laws that restrict the freedom of assembly and to put an end to disproportionate and violent interventions on the part of law enforcement authorities.
- *Fundamental rights of migrants, asylum seekers, and refugees*: Parliament expresses grave concern over reports that asylum seekers are facing violent pushbacks. It is also concerned about the humanitarian situation in hotspots. Intimidation, arrests, and criminal proceedings against organisations and individuals for providing humanitarian assistance must end.

The report additionally raises the issue of new technologies, especially Artificial Intelligences systems and their potential danger to fundamental freedoms and security. Biased outputs must be avoided, in particular when the systems are used by law enforcement authorities. Further safeguards are needed to ensure privacy and data protection in light of the development of new technologies.

Regarding terrorism and security threats in the European Union, the EU must find an effective EU response by means of strengthened security cooperation. It must also take appropriate measures to avoid subsequent victimisation.

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