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41. Regrets that there is no financing plan to accompany the Africa-EU joint strategy and calls once again for the EDF to come under the EU budget so that there may be parliamentary oversight of the implementation of the various EU financial instruments employed in the creation of the different partnerships;
42. Hopes for greater involvement by ministerial bodies in the Strategy's implementation;
43. Calls for the Pan-African and European Parliaments to be able to exercise their supervisory role in the implementation of the Strategic Action Plan;
44. Calls on the national parliaments of all the African and EU countries to examine and debate the Strategic Plan;

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45. Instructs its President to forward this resolution to the EU and AU Councils and Commissions, the High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the ACP-EU Joint Parliamentary Assembly and the PAN-African Parliament (PAP).

Fundamental rights in the European Union (2009) – effective implementation after the entry into force of the Treaty of Lisbon

P7_TA(2010)0483

European Parliament resolution of 15 December 2010 on the situation of fundamental rights in the European Union (2009) – effective implementation after the entry into force of the Treaty of Lisbon (2009/2161(INI))

(2012/C 169 E/07)

The European Parliament,

- having regard to the preamble of the Treaty on European Union, notably its second and its fourth to seventh indents,
- having regard to Articles 2, 3(3) second indent, 6 and 7 of the Treaty on European Union,
- having regard to the Charter of Fundamental Rights of the European Union of 7 December 2000, as proclaimed on 12 December 2007 in Strasbourg,
- having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),
- having regard to the Commission Communication on the Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union (COM(2010)0573),
- having regard to all the related conventions and recommendations of the Council of Europe and the United Nations, including specialised monitoring bodies, in the fundamental rights area,
- having regard to the decisions and case law of the Court of Justice of the European Union (CJ) and of the European Court of Human Rights (ECtHR),

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- having regard to the Memorandum of Understanding between the Council of Europe and the European Union ⁽¹⁾,
 - having regard to the Stockholm Programme – An open and secure Europe serving and protecting citizens,
 - having regard to the activity and annual reports of the Fundamental Rights Agency of the European Union (FRA),
 - having regard to NGO reports on human rights,
 - having regard to the public hearing organised by the European Parliament on 21 and 22 June 2010 on the impact of the Charter of Fundamental Rights in the development of a European area of freedom, security and justice (AFSJ),
 - having regard to its resolution of 14 January 2009 on the situation of fundamental rights in the European Union (2004-2008) ⁽²⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0344/2010),
- A. whereas Article 2 of the Treaty on European Union founds the Union on a community of indivisible and universal values of respect for human dignity, freedom, democracy, equality, solidarity, the rule of law and respect for human rights, for all persons on the territory of the European Union, including those belonging to minorities; whereas the effective safeguarding and promotion of rights has to be an overall objective of all European policies, including their external dimension, and an essential condition of the consolidation of the European Union contributing to the promotion of peace, the values and principles related to human rights and fundamental freedoms and people's well-being,
- B. whereas the entry into force of the Treaty of Lisbon created a new situation in the EU in the field of human rights by making the Charter of Fundamental Rights ('the Charter') legally binding, thus transforming basic values into concrete rights; whereas since its adoption the Charter has become a source of inspiration for the case-law of European courts; whereas the Commission has issued an annual report on implementation of the Charter, and the promotion and implementation of fundamental rights based on the Charter have to be covered by the FRA annual reports,
- C. whereas a genuine culture of fundamental rights must be developed, promoted and reinforced in both the EU institutions and the Member States, in particular when they apply and implement Union law, whether internally and in relations with third countries,
- D. whereas, according to its Rules of Procedure, the European Parliament can address, examine and evaluate the situation of fundamental rights on a yearly basis and make recommendations,

The new post-Lisbon fundamental-rights architecture

1. Stresses that the effective protection and promotion of human rights and fundamental freedoms constitutes the core of democracy and the rule of law in the EU and an essential condition of the consolidation of the European area of freedom, security and justice and that it requires actions at various levels (international, European, national, regional and local level); stresses, moreover, the role that regional and local authorities can play in the concrete implementation and in the promotion of such rights; therefore calls on all EU institutions, Member States' governments and parliaments to build on the new institutional and legal framework created by the Treaty of Lisbon to devise a comprehensive internal human rights policy for the Union which ensures effective accountability mechanisms, both at national and EU level, to address human rights violations;

⁽¹⁾ CM(2007)74.

⁽²⁾ OJ C 46 E, 24.2.2010, p. 48.

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2. Draws attention to its resolutions, as well as its oral questions with debates and its findings from missions in 2009 on concrete cases of fundamental rights, such as on privacy, personal dignity and data protection, on the prohibition of torture, on freedom of thought, conscience and religion, on freedom of expression and information, on freedom of the press and media, on non-discrimination, on the use of minority languages, on the situation of the Roma and on free movement, on Roma women, on discrimination against same sex marriages and civil-partnership couples, on minors, on retention centres for immigrants, and on the alleged illegal detention of prisoners under the CIA rendition programme; stresses that all these resolutions reflect the values enshrined in the Charter, show its clear commitment to the everyday protection of fundamental rights, and send political messages to all individuals in the EU, the Member States and the EU institutions as well as international partners;
3. Regrets that the Council and Commission have not followed up any of the recommendations contained in the European Parliament's 2007 report on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners ⁽¹⁾ nor shared with the European Parliament information on EU-US discussions on this topic;
4. Considers it necessary to reflect on developments in relation to the protection of fundamental rights in the post-Lisbon period and, in that context, intends this resolution to clarify the role that each institution and mechanism should play in the new European architecture of fundamental rights;
5. Reiterates that the entry into force of the Treaty of Lisbon on 1 December 2009 has fundamentally changed the legal face of the EU, which should establish itself increasingly as a community of shared values and principles; thus welcomes the new, multi-level EU system of fundamental rights protection that emanates from multiple sources and is enforced through a variety of mechanisms, including the legally binding Charter; the rights guaranteed by the ECHR, recognition of which flows from the Union's obligation to accede; and the rights based on the Member States' constitutional traditions and their interpretation according to the jurisprudence of the ECtHR and the CJ;
6. Reaffirms that the Charter has the same legal value as the Treaties and represents the most modern codification of fundamental rights, offering a good balance between rights and solidarity and encompassing civil, political, economic, social and cultural rights as well as 'third generation' rights (i.e. the rights to good administration, freedom of information, a healthy environment and consumer protection); considers that the EU should develop a regulatory framework to protect against fundamental rights abuses by businesses;
7. Stresses that the incorporation of the Charter into primary EU law, while not extending the Union's competences and respecting the principle of subsidiarity as defined in its Article 51, creates new responsibilities for the decision-making and implementing institutions, as well as for Member States when implementing EU legislation at national level, and that the Charter's provisions have thus become directly enforceable by European and national courts; calls on the EU institutions and Member States to increase coherence among their various bodies responsible for monitoring and implementation, with a view to effective application of the established comprehensive framework, and to reinforce a cross-EU monitoring mechanism, as well as an early warning system, such as the Universal Periodic Review;
8. Recalls that respect for the core values of the EU and protection and promotion of human rights and fundamental freedoms constitute common ground in the Union's relations with third countries, and stresses that the EU is bound by the Charter also in this respect; in this regard, recalls that the promotion of democracy and of the rule of law goes hand in hand with the respect, protection and promotion of human rights and fundamental freedoms; underlines the fact that, within the new institutional structure of the EU, the European External Action Service (EEAS) can only offer an opportunity to enhance coherence and effectiveness in the sphere of external policy efforts to promote human rights and democracy if a human-rights-based approach to the service's structure, resources and activities is endorsed; emphasises that the Union plays a leading role in the promotion of human rights in the world; in this regard, calls on the EU to ensure the effectiveness of the human rights clauses in the international agreements and to take into account the principles of the Charter when entering into agreements with third countries, as well as to maintain coherence between its internal and external human rights policy;

⁽¹⁾ OJ C 287 E, 29.11.2007, p. 309.

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9. Reaffirms that EU accession to the ECHR will constitute the minimum level of protection for human rights and fundamental freedoms in Europe and provide an additional mechanism for enforcing human rights, namely the possibility of lodging a complaint with the ECtHR in relation to a violation of human rights derived from an act by an EU institution or a Member State implementing EU law, falling within the remit of the ECHR; and that ECtHR case law will thus provide extra input for current and future EU action on the respect for, and promotion of, fundamental freedoms in the areas of civil liberties, justice and home affairs, in addition to the case law of the Court of Justice in this field;

10. Calls on all the Member States of the EU and of the Council of Europe to express their clear political commitment to and their will to support the accession process and agreement as well as to ensure the transparency of the accession process while stressing the need for proper consultation with relevant stakeholders; calls on the Commission to finalise its internal consultations, as well as the negotiations with the Council of Europe, by finding adequate solutions to the main technical questions in order to complete the accession process within a reasonable time limit and in order to ensure the highest possible level of protection of human rights in Europe;

11. Calls on the Commission and the Member States to raise awareness of the benefits of accession to the ECHR and of all the requirements to be fulfilled by the applicants, by developing guidelines on the adequate application and the effects of this additional mechanism in order to ensure that it can be used efficiently and effectively, as well as by including it in the training of all relevant professionals;

12. Welcomes, furthermore, the new horizontal obligations created by the Treaty of Lisbon to combat social exclusion and discrimination and to promote social justice and protection, equality between men and women, respect for private and family life, solidarity between generations and protection of the rights of the child, and to develop a common policy on asylum and immigration and combat trafficking in human beings, as well as its explicit reference to persons belonging to minorities, which reflects another founding value of the Union; welcomes the fact that the Union has acquired legal personality allowing it to accede to international treaties, the improvement in judicial protection with the extension of the jurisdiction of the CJ to areas of obvious relevance to the protection of fundamental rights, such as police and judicial cooperation in the field of criminal law, the strengthened role of the European Parliament and national parliaments in the European decision-making process, especially in evaluating the implementation of EU policy in the AFSJ, the increased role of European citizens, now invested with the power to initiate EU legislation through the European Citizens' Initiative, and the obligation to maintain an open, transparent and regular dialogue with representative associations and civil society (Article 11(2) TEU);

13. Calls for full and consistent implementation, in compliance with international and European human rights law, of the Stockholm Programme, which converts the obligations and principles deriving from the Treaty into practice by setting the strategic guidelines for the AFSJ;

Institutions implementing the new fundamental-rights architecture

14. Considers that the European institutions have often acted in parallel in the field of protection of fundamental rights and therefore calls for reflection on actions taken and for improved cooperation among these institutions, such as established inter-institutional cooperation for the annual monitoring of the situation of human rights in the EU, so that each institution can build upon other institutions' reports;

15. Notes the creation of a new 'Justice, Fundamental Rights and Citizenship' portfolio within the Commission as an indication of its commitment to step up its efforts in the area of fundamental rights and freedoms and as a positive response to Parliament's repeated requests in this regard; such a division between justice and security should not reinforce the misconceived dichotomy between the need to protect the human rights of all people and the need to guarantee their security; the new Commissioner should pay particular attention to EU policies on fighting irregular migration and terrorism, and the full support of the College of Commissioners is crucial to enable the new Commissioner to maintain a high profile;

16. Calls on the Commission to make 2013 the European Year of Citizenship in order to give momentum to the debate on European citizenship and inform EU citizens of their rights, in particular the new rights resulting from the entry into force of the Treaty of Lisbon;

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17. Expects concrete actions by the new Commissioner responsible, in line with already declared intentions: particularly and most importantly, welcomes the commitment to introduce a fundamental-rights impact assessment of all new legislative proposals; to oversee the legislative process to ensure that emerging final texts comply with the Charter; to apply a 'zero tolerance' policy on violations of the Charter, conducting in-depth investigations and initiating infringement procedures when Member States are in breach of their human rights obligations in implementing EU law; and to make sure EU citizens are properly informed on the new fundamental-rights architecture; calls for follow-up to the 2003 Communication on Article 7 of the Treaty on European Union (COM(2003)0606) to define a transparent and coherent way to address possible violations of human rights and make relevant use of Article 7 TEU on the basis of the new fundamental-rights architecture;
18. Reminds the Commission to monitor all new legislative proposals for compliance with the Charter, and to check existing instruments in this respect; suggests that the impact assessments accompanying Commission proposals should clearly indicate whether such proposals comply with the Charter, so that this consideration becomes an integral part of the bringing forward of legislative proposals; recalls the Commission of its explicit task to involve parties concerned by broad consultations in order to ensure coherence and transparency in the Union's actions (Article 11(3) TEU); underlines in this regard the importance of the FRA Platform as a significant resource for fulfilling this task;
19. Reminds the Commission to undertake objective investigations and start infringement proceeding whenever a Member State, in implementing EU legislation, violates the rights enshrined in the Charter; further reminds the Commission to request that Member States provide reliable data and facts and to collect information also from non-governmental sources, as well as to request the FRA and other human rights bodies for input;
20. Draws attention to the recent revival of nationalism, xenophobia and discrimination in some Member States and stresses the central role that the Commission should take in order to prevent and combat these possible violations of fundamental rights;
21. Emphasises the importance of the Commission's annual monitoring of compliance with the Charter, and notes that its monitoring reports should contain an assessment of the implementation of the guaranteed rights, an evaluation of the most contentious issues and of the situation of the most vulnerable groups in the Union, existing protection gaps, key trends and structural problems at national and EU level, with a view to proposing concrete initiatives and measures, recommends the dissemination of best practices to the Member States;
22. Welcomes the Commission Communication on the Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union referring among others to its preventing approach in the effective implementation, the importance of internal training on fundamental rights, the systematic check of the fundamental rights aspect of the Commission's impact assessments by the Impact Assessment Board, as well as the targeted communication measures tailored to various situations needed in this respect; furthermore welcomes the emphasis of the above-mentioned Commission Communication regarding the importance of the political criteria for accession laid down by the 1993 Copenhagen European Council requiring candidate countries to have stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; the preservation of this criterion is supporting the protection of fundamental rights in the future Member States;
23. Calls on the Commission to enforce the values and principles enshrined in the Treaty and Charter and the strategy set out in the Stockholm Programme through concrete legislative proposals while having regard to the jurisprudence of the ECtHR when carrying out these activities; furthermore, calls for the 'Lisbonisation' of the current *acquis* in the field of police and judicial cooperation and for a strengthening of democratic accountability in the AFSJ;
24. Suggests establishing a working relationship between the Commissioners responsible for Justice, Fundamental Rights and Citizenship and Home Affairs and the Committee of Civil Liberties, Justice and Home Affairs, by regularly inviting the Commissioners to exchange views on current issues and developments related to fundamental rights;

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25. Highlights that also the European Parliament should strengthen its autonomous impact assessment on fundamental rights in relation to legislative proposals and amendments under examination in the legislative process to make it more systematic, notably by enlarging the possibilities currently foreseen by Rule 36 of the Parliament's Rules of Procedure on the respect for the Charter and to ask to the Legal Service opinions on legal issues in relation to fundamental rights issues in the EU;

26. Calls on the Council to adapt to the changes required by the Treaty and to comply with the Charter when legislating; therefore welcomes the establishment of the Council's standing Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons and underlines the importance for this new body to have a broad mandate to include issues in relation to fundamental rights with EU and Member States relevance and provide a forum for a Council exchange of views on internal human rights matters, and for the work of this new body to be transparent and efficient, also in relation to the European Parliament;

27. Reaffirms the inter-institutional agreement Common Approach to Impact Assessment ⁽¹⁾ referred to in the Commission Communication on the Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union, which states that the Parliament and the Council are responsible for assessing the impact of their own amendments;

28. Calls on the Council to ensure that the Council Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons (FREMP) has a broad mandate that could include, for example, discussing and responding officially to reports of the FRA (in addition to recommendations of UN treaty bodies, special procedures and mechanisms), assessing the external human rights impact of EU instruments and policies, in coordination with the Council Human Rights Working Group (COHOM), ensuring coordination with agencies without a human rights mandate but human rights impacts (e.g. EIB or FRONTEX), examining EU and Member States signature, ratification and compliance with international human rights instruments and providing a forum for Council exchanges on internal human rights matters;

29. Calls for respect of its right to democratic scrutiny based on the treaties; insists on the necessity of enhancing transparency and access to documents between EU institutions, in order to develop more effective interinstitutional cooperation, including accountability on matters related to fundamental rights; underlines its role in following up its resolutions related to fundamental rights in the EU and its role in evaluating the work of other EU institutions in terms of their action or inaction when assessing developments in the field (e.g. through annual reports), combining as it does political messages with a facts-based approach; underlines its right, enshrined in Article 218(10) TFEU, to be immediately and fully informed at all stages of the procedure for concluding international agreements between the Union and third countries or international organisations;

30. Reaffirms the fact of the CJ's enhanced role in ensuring that all EU institutions, agencies and Member States implementing EU law respect the Charter accordingly, and notes that this will enable the CJ to strengthen and further develop its case law on fundamental rights; stresses the need for established cooperation between national courts, the CJ and the ECtHR in furthering the development of a coherent system of case law in the field;

31. Emphasises the role of the FRA in the continued observance of the fundamental rights situation within the Union and the implications of the Treaty of Lisbon in this field, by providing analysis, assistance and expertise, a task which requires quality, objectivity, effective impartiality and transparency; calls on the Commission to review and strengthen the mandate of the FRA in order to align its work with the new requirements based on the Treaty of Lisbon and the Charter; points out that, within the reviewed mandate, the monitoring role of the FRA should extend to the acceding countries; therefore adequate resources are needed for the increased tasks following the implementation of the Charter; reiterates its request to be fully associated in revising the multi-annual programme of the FRA; welcomes the inclusion of an Annex in the FRA's Annual report, indicating the ratification by Member States of international human rights instruments;

32. Stresses that the main task of the FRA is to provide the decision-making institutions with facts and data on matters related to fundamental rights and that, to this end, it collects and analyses information and data, as well as raising awareness by carrying out scientific research and surveys based on thorough methodologies, publishing thematic and annual reports and networking and promoting dialogue with civil society; welcomes its 2009 annual report and its approach of providing a comparative overview and highlighting good practice in the 27 Member States;

⁽¹⁾ Council document 14901/05 of 24.11.2005.

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33. Calls on the EU decision-making institutions to use the data and facts provided by the FRA during the preparatory stage of legislative activity, in decision-making and/or monitoring processes and to be in constant and close cooperation with the FRA, while involving its NGO Platform;
34. Calls on all European agencies to uphold their commitment to the protection of fundamental rights and to integrate a fundamental-rights approach into all their activities; furthermore calls on the EU to ensure full legal accountability of its agencies in this regard;
35. Is of the opinion that FRONTEX should establish structured cooperation with agencies dealing with fundamental rights or migrants or asylum and with the UNHCR, so as to facilitate operations which have implications for the protection of human rights; welcomes the cooperation agreement signed between FRONTEX and the FRA in 2010;
36. Underlines the fact that the EU and the Member States share obligations in the field of the implementation and/or enforcement of human and fundamental rights, in their respective spheres of responsibility, in accordance with the principle of subsidiarity, and that this shared responsibility and competence represents both an opportunity and an obligation on the part of the Member States and of EU institutions; highlights the enhanced role of the national parliaments provided by the Treaty of Lisbon and supports the establishment of a formal ongoing dialogue between the European Parliament and national parliaments;
37. Reminds the Member States of their duty to provide the Commission, as guardian of the treaties, with reliable data and facts, when requested;
38. Emphasises the importance of the judiciary bodies in the Member States, which play a primary role in ensuring compliance and the enforcement of fundamental rights, and therefore urges supporting easy access to the courts and proceedings with a reasonable time limit as a means of strengthening the protection of fundamental and human rights; urges the Member States to invest effort in the ongoing training of national judges on fundamental rights and freedoms, including the new aspects in the field after the Treaty of Lisbon;
39. Believes that EU action should not only address violations of fundamental rights after they have happened, but should also seek to prevent them; consequently calls for a reflection on mechanisms for early detection of potential violations of fundamental rights in the EU and in its Member States, temporary freezing of the measures which constitute such violations, accelerated legal procedures for determining if a measure is contrary to EU fundamental rights and for sanctions in the event that these measures are nonetheless implemented contrary to EU law;
40. Calls on the EU institutions and the Member States to redouble their efforts aimed at properly informing and raising the awareness of the public, as fundamental rights can be protected more effectively if individuals themselves are aware of their rights and the mechanisms available to protect them; calls for active use of the experience of civic bodies and relevant NGOs and for the maintenance of an ongoing working relationship with all such bodies in implementing the new architecture of fundamental rights and in taking action on specific cases;
41. Reaffirms its right to annually issue a report on the situation of fundamental rights in the EU, addressing fundamental rights issues with EU institutions, agencies or Member States if deemed necessary;

Cooperation with international organisations in the new fundamental-rights architecture

42. Suggests that ways be found for EU institutions and agencies to cooperate better with international organisations committed to the protection of fundamental rights and freedoms, and to make better use of, and more effectively channel, the results of experience in the field;
43. Calls on the EU institutions to exploit the full potential of the Memorandum of Understanding between the Council of Europe and the EU, in the interests of greater synergy and consistency at European level, and suggests that better use be made of the expertise of the human-rights monitoring mechanisms, standards and findings developed by Council of Europe, thus avoiding duplication of work; reaffirms the need for the Union to be more involved in the work of the Council of Europe Commissioner for Human Rights and for the EU to take greater account of that work when implementing policies in the field of freedoms, justice and security;

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44. Calls on the EU Member States to sign up to, and ratify, the core Council of Europe and United Nations human-rights conventions and the additional optional protocols: among others, the European Social Charter (revised), the Convention on Action against Trafficking in Human Beings, the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages of the Council of Europe, as well as the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the UN Convention relating to the Status of Refugees, the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the UN Convention on Organised Crime and its two protocols against human trafficking and smuggling, the UN Convention on the Elimination of All Forms of Discrimination against Women, the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities; furthermore, suggests that, in the European legislative process, more account be taken of international documents and more reference made to them;

45. Stresses the need for appropriate attention to the various UN monitoring mechanisms and to the findings of the UN human-rights bodies, and suggests that their recommendations relevant to Member States be followed closely; points out the importance of the Universal Periodic Review (UPR) of the United Nations Human Rights Council; recommends cooperation with the Office of the High Commissioner for Human Rights and the office of the High Commissioner for Refugees of the United Nations; and welcomes the opening, in Brussels, of the first European Regional Office of the UN High Commissioner for Human Rights;

46. Underlines the important role and active work of the Office for Democratic Institutions and Human Rights (ODIHR), of the OSCE Special Representatives on Freedom of the Media and for Combating Trafficking in Human Beings and of the High Commissioner on National Minorities;

47. Calls on Member States sitting in the United Nations Security Council to ensure procedural rights guarantees in the listing and de-listing process of alleged terrorist groups or persons, as required by relevant CJ case law;

The most pressing challenges of the new era

48. Emphasises that the new architecture will be measured on how effectively the most pressing issues and the most recurrent infringements are handled by the institutions responsible, both in the Member States and at EU level, also in connection with its external relations;

49. Recalls, therefore, all its resolutions, debates and findings from missions in 2009 on fundamental-rights issues, which have shown that there are many outstanding issues and specific cases of violation of fundamental rights, which require urgent concrete steps, mid-term strategies and long-term solutions, as well as follow-up by EU institutions; such as:

- protecting the four fundamental freedoms as the basic EU achievements, with specific attention to the freedom of movement of EU citizens,
- securing the rights of all persons present in the EU territory, irrespective of citizenship,
- ensuring legal certainty and the existence of appropriate checks and balances of a sound democratic system,
- guaranteeing the protection of personal data and privacy, including the collection, processing, transfer and storage of financial and personal data, both within and outside the EU, in accordance with the principles of purpose, necessity and proportionality and the rights of rectification and appeal, and promoting the right balance between individual freedoms and collective security, which is being challenged by new forms of terrorism and organised crime,
- combating trafficking of human beings – especially women and children – since this constitutes a form of slavery; notes that, despite EU and national legislation and policy commitments over many years, several hundred thousand people are estimated to be trafficked into the EU or within the EU area annually, and highlights the need for greater urgency in tackling this crime, including through the new proposed EU Directive, which includes the suggested appointment of national rapporteurs to monitor the implementation of anti-trafficking policy at national level,

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- protecting the rights of refugees and migrants, ensuring that EU management of migration flows and negotiations on readmission agreements with third countries do not put such individuals at risk of human rights violations,
- protecting the rights of victims of violence, crime, war and human rights violations, a policy area in which EU-wide legislation is required, without redirecting attention and resources that go into prevention, combating criminals and terrorists and into addressing root causes; highlights the EU public consultation on improving the rights of victims of crime and violence launched in early 2010 and looks forward to the Commission's follow-up proposal of practical measures to support victims throughout the justice process; recalls the Member State initiative for a European protection order with a view to increasing the protection granted to victims who move between EU Member States but urges legal clarification of its provisions,
- developing EU strategy on the rights of the child through practical measures to combat child abuse, sexual exploitation and child pornography, to promote safer use of the internet and to eliminate child labour and child poverty, bearing in mind the estimate that 10-20 % of children in Europe will be sexually assaulted during their childhood, that research shows child victims portrayed in pornography are getting younger and that current global economic circumstances threaten to push more children into the workforce and/or poverty,
- promoting EU asylum and immigration policies in accordance with the values and principles set out in the treaties, the Charter and the ECHR,
- developing an EU strategy on the rights of disabled people, who still suffer from discrimination in their social, professional and cultural lives,
- prohibiting and eliminating all forms of discrimination, based on Article 21 of the Charter, in all areas of life, including ethnic profiling, while taking into account the established legal responsibilities and competences,
- protecting language diversity, as a cultural heritage of Europe, including minority languages,
- prohibiting the sanctioning of the use of a language different from the official language of a Member State,
- combating poverty and social exclusion,
- drawing up an action-oriented EU-level strategy to foster the inclusion of Roma and mainstreaming the issue in European, national, regional and local policy implementation, and establishing cooperation between Member States and the EU,
- setting up an EU-wide framework on procedural rights for suspects in criminal proceedings,
- guaranteeing and promoting freedom of the press in the European Union, which is deteriorating year after year, the most noteworthy facts being the concentration of the media, the pressure exerted on journalists and their work and the suing of journalists for no real or serious reason,
- evaluating the existing EU readmission agreements and assessing the fundamental rights impact of the EU policy on readmission agreements,
- promoting the social inclusion of the more vulnerable people through education and positive action, including those in prison, or former prisoners, and those serving alternative sentences, in addition to any other measures which foster their social rehabilitation,
- the right to education for all,
- protecting migrants, particularly asylum-seekers;

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- encouraging civil society to promote a transparent and regular debate on fundamental rights, to ensure that they are protected as broadly as possible,
- combating all forms of racism, xenophobia and anti-Semitism,
- promoting greater interfaith and intercultural understanding, with a view to improving the European integration process,
- protecting the rights of irregular migrants in the EU,
- protecting the freedom of expression and the freedom, independence and pluralism of all media and press, and the free flow of information,
- protecting freedom of thought, conscience and religion from any violations, as this is a fundamental right enshrined in Article 10 of the Charter, which includes the freedom to manifest religion or belief in public or in private;

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50. Instructs its President to forward this resolution to the European Council, the Council and the Commission, the governments and parliaments of the Member States and the candidate countries, the United Nations, the Council of Europe and the Organisation for Security and Cooperation in Europe.

Impact of advertising on consumer behaviour

P7_TA(2010)0484

European Parliament resolution of 15 December 2010 on the impact of advertising on consumer behaviour (2010/2052(INI))

(2012/C 169 E/08)

The European Parliament,

- having regard to Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market ⁽¹⁾ (UCPD),
- having regard to Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising ⁽²⁾ (MCAD),
- having regard to 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 (Audiovisual Media Services Directive) ⁽³⁾ (AMSD),
- having regard to Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (Consumer Protection Cooperation Regulation) ⁽⁴⁾,

⁽¹⁾ OJ L 149, 11.6.2005, p. 22.

⁽²⁾ OJ L 376, 27.12.2006, p. 21.

⁽³⁾ OJ L 95, 15.4.2010, p. 1.

⁽⁴⁾ OJ L 364, 9.12.2004, p. 1.