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211. Urges the Commission to make an extended assessment of the prison conditions in countries with which the EU has a cooperation or association agreement;

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212. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the candidate countries, the United Nations, the Council of Europe, the OSCE and the governments of the countries referred to in this resolution, as well as the EU offices of the leading non-governmental organisations on human rights.

P5_TA(2003)0376

Fundamental rights in the EU in 2002

European Parliament resolution on the situation as regards fundamental rights in the European Union (2002) (2002/2013(INI))

The European Parliament,

- having regard to the motions for resolutions by:
 - (a) Mauro Nobilia and others, on the appointment of a European Ombudsman for the protection of minors (B5-0154/2003),
 - (b) Mauro Nobilia and others, on the establishment of a European juvenile delinquency monitoring centre (B5-0155/2003),
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to Articles 6 and 7 of the EU Treaty and Article 13 of the EC Treaty,
- having regard to the EU's Fourth Annual Report on Human Rights,
- having regard to all the international conventions in this area,
- having regard to the reports of the European Monitoring Centre on Racism and Xenophobia, of the specialised bodies of the Council of Europe and of the relevant NGOs,
- having regard to the public hearing of 17 and 18 February 2003 with European youth,
- having regard to the public hearing of 24 April 2003 with representatives of the national parliaments, NGOs and journalists on the situation as regards fundamental rights in the EU,
- having regard to the decisions of the Court of Justice of the European Communities and the European Court of Human Rights,

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- having regard to the summary report drawn up by the coordinator of the EU network of independent experts in fundamental rights from the Member States under the Commission's authority,
- having regard to its resolutions of 5 July 2001 ⁽¹⁾ and 15 January 2003 ⁽²⁾ on the situation as regards fundamental rights in the European Union in 2000 and 2001,
- having regard to Rules 163 and 48 of its Rules of Procedure,
- having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the opinions of the Committee on Culture, Youth, Education, the Media and Sport and the Committee on Women's Rights and Equal Opportunities (A5-0281/2003),

Introduction

1. Notes that the Charter of Fundamental Rights, which summarises the basic values on which the EU is founded, i.e. all the principles it sets out, has been 'recognised' (Title II, Article 7) and appears in Part II of the draft Constitution prepared by the European Convention; regrets, however, that this 'recognition' and this incorporation in the draft Constitution are inadequate, since no explicit reference is made to the legally binding nature of the Charter and no provision is made for direct, individual referrals to the Court of Justice of the European Communities;
2. Points out that, under new Article 7(1) of the TEU, the EU institutions, and in particular the European Parliament, can monitor, each according to its sphere of competence, strict respect for human rights and fundamental freedoms on the part of the Member States;
3. Welcomes the report on the situation of fundamental rights in the European Union and its Member States in 2002 by the EU network of independent experts in fundamental rights, which is very informative and useful and contains important material for use in developing EU human rights policy, in both the shorter and the longer term;
4. Considers therefore that, in order to be able to monitor the implementation of the Charter in as rigorous and objective a manner as possible, the EP's annual rapporteur must be given all the necessary resources, including:
 - the summary report of the coordinator of the EU network of independent experts in fundamental rights, of which the first edition was presented in March 2003 and whose value and usefulness should be emphasised even if an effort should be made to ensure that in future the report is submitted earlier to the Commission and the EP's rapporteur and is more operational (e.g. include a clear survey of the EP's priorities and the impact of its recommendations on the application of fundamental rights during the year in question),
 - as comprehensive a list as possible, incorporated in that report, of the good practices noted during the year,
 - much closer cooperation with the specialised committees of EU national and regional parliaments and relevant NGOs or observatories in the field of human rights and freedoms, and an interinstitutional procedure which, on the basis of the report by the EU network of independent experts in fundamental rights, involves the European Parliament, the Council and the Commission (annual report on human rights; NGO forum),
 - in the light of the Council's responsibility for the application of fundamental rights in the EU (annual report and monitoring of the Member States, Article 7(1)), participation, where necessary, by the senior members of the Council's COHOM working group in meetings of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and, possibly, the holding of ad hoc meetings with the EP's rapporteur and the shadow rapporteurs,

⁽¹⁾ OJ C 65 E, 14.3.2002, p. 350.

⁽²⁾ P5_TA(2003)0012.

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- access to an Internet site dealing specifically with fundamental rights in the EU and regularly updated, along the lines of the pages which already exist and are still being improved on the EP website, and also including a discussion forum with European citizens,
- a detailed and unalterable road map, to be determined for the forthcoming parliamentary term, in terms of dates (date of presentation and adoption of the draft report in committee and in plenary; date and number of hearings), work in parallel and in conjunction with the Committee on Foreign Affairs and support from the committees delivering an opinion;

5. Takes the view that that Internet site should also contain all the texts which have legal force on the territory of the European Union and the report drawn up by the EU network of independent experts in fundamental rights, with a view to enabling each individual to gain a better understanding of his or her rights and to verify that they are being observed;

6. Considers that these conditions must be met if its annual report on the situation as regards fundamental rights in the EU is genuinely to be taken into consideration, valued and possibly even feared; this is all the more important in terms of the report's implications as regards the risk of violation of fundamental rights in the Member States, as envisaged in the new early warning system under Article 7(1) of the Treaty of Nice;

7. Reiterates that the enlarged EU must be based on strict respect for the values set out in the Charter of Fundamental Rights; notes, however, that in the 15 Member States in 2002 the situation gave cause for concern in many respects and, as far as certain aspects are concerned, even seems to have deteriorated; points out that it is not sufficient to proclaim rights but that steps must be taken to enforce respect for such rights;

8. Points out, furthermore, that it is important for its annual report on the situation as regards fundamental rights to be seen as an opportunity to exchange information on best practice, i.e. to highlight the EU's added value with regard to respect for values, while taking account of the context and cultural environment in each Member State;

Chapter I: Respect for human dignity

Right to life

9. Approves the signing by all the Member States of Protocol 13 to the ECHR concerning the abolition of the death penalty in all circumstances (war) and urges the Member States to ratify this protocol as soon as possible, with the exception of Belgium, Denmark, Ireland and Sweden, which have already ratified it;

10. Unreservedly condemns terrorism, which is a denial of the fundamental right to life and threatens to destabilise democracies, irrespective of the form it takes and regardless of whether its origins or activities lie within the Union or outside it;

11. Points out, however, that, since terrorism is designed to undermine the rule of law, policies on the prevention and punishment of terrorism must seek, as a matter of priority, to maintain and strengthen the rule of law;

12. Reiterates that terrorism inflicts irreparable harm and huge suffering on its victims and their families; consequently favours the adoption of measures that take account of their specific circumstances, such as a European compensation instrument;

13. Reiterates its support for measures to combat terrorism, but points out that the adoption thereof must fall within the bounds of the rule of law and ensure full respect for human rights and public freedoms;

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14. Expresses its concern at the consequences of international cooperation with the United States, which applies different and lower standards than the EU as regards both notification of personal data required from airline companies or by Europol and the conditions of detention of Community nationals at the Guantanamo base,

Prohibition of torture and inhuman treatment

15. Deeply regrets that the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has still not been ratified by Ireland (Resolution 39/46);

16. Strongly condemns all forms of reinstatement, legitimisation or justification of torture, and calls on Member States under all circumstances to enforce an absolute and unlimited ban on torture, particularly when politicians, members of the judiciary or police officers call it into question;

17. Welcomes the adoption of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, whose aim is to establish a system of regular visits to places of detention in order to prevent torture and other cruel, inhuman or degrading treatment or punishment and to set up a 'Prevention Subcommittee' coming under the authority of the Committee Against Torture and, in each State Party, a national prevention mechanism in the form of one or two independent bodies to visit places where people are deprived of their freedom; calls on the Member States to sign and ratify that Optional Protocol promptly;

18. Notes once again the disproportionate use of force by the police, which in 2002 resulted in the deaths of at least ten people in the EU, despite the fact that they did not represent any real danger, and inadmissible acts of brutality in police stations;

19. Notes also that the situation of prisoners in the EU deteriorated in some Member States in 2002, mainly as a result of overcrowding in prisons (United Kingdom, Portugal, Belgium, Italy and France) which leads to tension between prisoners and prison warders, violence between prisoners, inadequate surveillance (increase in suicide and attempted suicide rates) and a whole range of obstacles to any social reintegration measures; considers in this context that, in view of the principles of legality, democracy and the rule of law which are common to the Member States and fundamental to the EU, national authorities should increase their monitoring and further re-examine the actual legitimacy of prolonging the sentences of prisoners whose behaviour in jail and civil and social activities subsequent to the offences for which they were sentenced are such as to demonstrate that prison has worked as an instrument of correction and positive social reintegration; notes here, in particular, the case in Italy of Adriano Sofri, as recognised by the highest national authorities, by an absolute majority of parliamentarians and by the most prestigious newspapers, whatever their politics, as well as by authoritative institutions and persons at European level; in particular, notes with concern the increase in non-Community citizens and drug addicts among the prison population and fears that this is partly due to, on the one hand, the absence of adequate social policies for integrating immigrants and, on the other, the use of basically repressive policies instead of assistance for social reintegration;

20. Considers it essential, therefore, especially as the EU prepares for enlargement, that the Member States take far more determined measures with a view, in particular, to:

- improving the training and recruitment of police and prison staff,
- setting up independent agencies to monitor police activities and the running of prisons wherever this has not yet been done (Austria, Greece and the United Kingdom did so in 2002),
- introducing, where appropriate, and allowing effective use of appeal procedures against disciplinary sanctions imposed in places of detention; allowing prisoners to have access to a lawyer from the outset and, where necessary, to a doctor, and to inform their relatives,

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- encouraging the introduction of administrative penalties and/or fines for minor offences, and of alternative penalties, such as community work, developing open or semi-open prison systems as far as possible and employing probation arrangements,
- providing prisoners, especially those on long sentences, with sufficient activities, without their being exploited, and educational and cultural opportunities, and specific rehabilitation programmes geared to a return to civil society, both for prisoners from the country where they are imprisoned and for those who come from abroad and wish to return to their country of origin after serving their prison sentence,
- ensuring that malfunctions in police and prison services are investigated more rapidly by the courts and prosecuted uncompromisingly on the basis of the seriousness of the acts committed,
- ensuring at least minimum standards for the health and living conditions of prisoners,
- examining detention procedures in order to ensure that human rights are not violated, that detention periods are not unnecessarily long and that the grounds for detention are reviewed regularly;

21. Calls also on the Member States concerned, as a matter of urgency, to take action vis-à-vis certain categories of prisoners, in particular to:

- keep detention of minors, whether in prison, secure re-education centres or holding centres for immigrants, to a minimum (Belgium, France, Luxembourg and the United Kingdom),
- envisage the release of or alternative confinement for prisoners who are very old or suffer from serious and incurable diseases (France),
- ensure that drug addicts have access to medical treatment and the necessary substitution therapies without discrimination,
- improve supervision of psychiatric hospitals (informing patients of their rights and preventing any abuses) (Belgium and Denmark);

22. Considers, at a general level, that efforts must also be made in a European area of freedom, security and justice, to mobilise European capacities to improve the operation of the police and prison system, for example:

- by encouraging the gathering of information on best practice and allowing exchanges of information relating to the police, prisons and psychiatric hospitals between those responsible for such matters in the various Member States,
- by encouraging Member States to become involved in the Council of Europe's Police and Human Rights programme,
- by drawing up a framework decision on minimum standards to protect the rights of prisoners in the EU;

Prohibition of slavery and forced labour

23. Emphasises again that trafficking in human beings must be condemned and combated energetically since it is fundamentally contrary to human dignity and leads to sexual exploitation and labour exploitation under slavery-type conditions, the victims being most frequently women, girls and children;

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24. Recommends therefore that:

- all the Member States ratify the International Convention on Organised Crime,
- the Member States which have not yet done so ratify as soon as possible the Optional Protocol to the Convention on the Rights of the Child, regarding the sale of children, child prostitution and child pornography,
- all Member States ratify the Convention on Cyber Crime, with the exception of Denmark and Luxembourg, which have already done so;

25. Emphasises that the EU should adopt an effective policy against trafficking in human beings, including:

- promotion of the Brussels Declaration, adopted by both Council and Commission, with all the governments of its present and future Member States and the governments of countries of origin and transit,
- the establishment of an information exchange system,
- the establishment of a European database, in agreement with Europol and Interpol, focusing on disappeared persons who are believed to be victims of trafficking in human beings,
- more effective judicial protection of victims by adopting the Council directive on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities, the Commission proposal for which was approved by Parliament on 5 December 2002 ⁽¹⁾,
- the establishment of special programmes to eradicate poverty in countries of origin;

26. Urges that a comprehensive European policy against human trafficking, the modern form of slavery, addresses the entire trafficking chain, comprising countries of origin, transit and destination alike, targeting recruiters, people who transport the victims, exploiters, other intermediaries, clients, and beneficiaries;

Chapter II: Guaranteeing freedom

27. Believes that there can be no effective protection of people's dignity without rigorous guarantees relating to the various civil and political freedoms;

Protection of personal data

28. Urges:

- Luxembourg and Spain to sign and all Member States, except for Germany and Sweden, to ratify as soon as possible the Additional Protocol to the Convention for the protection of individuals with regard to automatic processing of personal data, regarding supervisory authorities and cross-border data flows,
- France to transpose into domestic law Directive 95/46/EC ⁽²⁾ on the protection of personal data,
- the EU to endow itself with a legally binding instrument which offers, in the areas covered by the second and third pillars, guarantees equivalent to those laid down in Directive 95/46/EC;
- the Member States and the Union to verify that the regulations on keeping communications data comply with the case-law of the European Court of Human Rights, i.e. that they are limited in time, proportionate and necessary in a democratic society, and, if not, to amend or repeal them;

⁽¹⁾ P5_TA(2002)0591.

⁽²⁾ OJ L 281, 23.11.1995, p. 31.

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29. Expresses concern at the substance of Directive 2002/58/EC⁽¹⁾ on privacy and electronic communications, which clears the way for data retention in connection with electronic communications, and calls once again for the adoption of measures to provide protection against extralegal communications interception systems;

30. Expresses serious concern at the agreements now being negotiated or already adopted involving the forwarding of personal data between the EU and third bodies (Interpol, etc.) or third States (USA, etc.) which do not offer the same level of data protection; takes the view that such agreements must at all events maintain the level of data protection guaranteed by Directive 95/46/EC; in that connection, urges that such agreements should systematically make provision for the establishment of a supervisory body responsible for monitoring full compliance with the abovementioned guarantees when the agreements are implemented;

31. Expresses concern, in particular, at the requirement imposed by the US authorities on airlines to provide access to the personal data they hold concerning passengers on transatlantic flights; regards that requirement as incompatible with Community law and calls, therefore, for the effects of such measures to be suspended immediately and until such time as they provide the level of data protection guaranteed by Community law;

Freedom of thought, conscience and religion

32. Calls on the Member States and the EU to promote interfaith dialogue insofar as it condemns all forms of fanaticism and fundamentalism and to guarantee the principle of secularism, which does not rule out the teaching of religion in school; considers that such a dialogue and such teaching ought to devote proportionate attention to non-religious world views;

33. Calls, while approving the progress made in Greece with regard to respect for freedom of religion and belief, for the criminal law provisions on proselytism to be repealed and for Muslims to be able to obtain authorisation to build mosques and have cemeteries where they can bury their dead in accordance with their religious traditions;

34. Recommends once again that Finland and Greece amend their legislation on the duration of alternative civilian service with a view to removing any punitive and discriminatory aspects;

35. Warns the Member States once again against the dangers posed by the activities of sects which are a threat to the physical or mental integrity of individuals, and calls on the Member States, by means of their normal criminal and civil law, to combat unlawful practices and abuses on the part of these sects;

Freedom of expression and information

36. Recommends once again that Belgium, Denmark and Ireland sign and ratify the Council of Europe Convention on Transfrontier Television and calls on Greece, Luxembourg, the Netherlands and Sweden to ratify the Convention (Portugal ratified it in 2002); calls on the countries concerned and Portugal to ratify the Protocol of 1 October 1998 amending the Convention;

37. Deplores the fact that no legislative solution has yet been found in the EU to the problem of the concentration of media power in the hands of a few mega groups, and recalls its resolution of 20 November 2002 on media concentration⁽²⁾ in which it insisted that a European media market should be established to counteract a growing disparity in national rules and safeguard the freedom and diversity of information; deplores the fact that in Italy in particular a situation is continuing in which media power is concentrated in the hands of the Prime Minister, without any rules on conflict of interest having been adopted;

⁽¹⁾ OJ L 201, 31.7.2002, p. 37.

⁽²⁾ P5_TA(2002)0554.

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38. Reiterates that any ideology is legitimate provided that it expresses itself through democratic channels and in doing so condemns terrorist organisations that threaten and murder individuals because they are elected representatives or active members of a given political group;

39. Categorically rejects any violence, intimidation or threat that may interfere with the free exercise of the journalistic profession; calls, therefore, on all states to uphold and protect the right to freedom of opinion and expression, and reiterates its solidarity with journalists — including those within the EU — who are attacked for standing firm and exercising this right freely;

40. Calls on the Commission in this respect to:

- arrange for consultations with a view to drawing up a directive,
- guarantee that public and private media provide citizens with accurate information, avoiding discrimination and guaranteeing access to various groups, cultures and opinions, in particular by ensuring equal access to the media in elections or referendums;
- consider setting up a European regulatory framework for the end of 2005,
- envisage with the Member States specific measures to combat acts of violence of which journalists are victims in the exercise of their profession;

Freedom of assembly and of association

41. Urges Austria and Luxembourg to amend their legislation prohibiting foreigners or non-nationals from standing for election to works councils as this law is contrary to trade union freedoms;

Right to education

42. Calls on the Member States to seek to ensure by all possible means free and effective schooling for all children, including those from very poor families and from certain Roma communities or refugee families, and including children with disabilities who have particular access needs; urges Member States to do their utmost to ensure the effective integration in education systems of the children of refugees, asylum-seekers and immigrants;

Right of asylum and protection in the event of removal, expulsion or extradition

43. Strongly recommends that:

- Austria and Portugal ratify the Geneva Convention relating to the Status of Stateless Persons,
- Spain, France, Finland, Greece, Italy, Luxembourg and Portugal ratify the Convention on the Reduction of Statelessness,
- Greece sign and ratify Protocol 4 to the ECHR (prohibition of collective expulsions), Spain and the United Kingdom ratify Protocol 4 to the ECHR, Belgium and the United Kingdom sign and ratify Protocol 7 to the ECHR (conditions of expulsion) and Germany, the Netherlands, Portugal and Spain ratify Protocol 7;

44. Condemns the delays in adopting the instruments fundamental to the common asylum and immigration policy and regrets the fact that the agreements already secured have all been concluded on the basis of lowest common denominators; points out that such a policy must:

- respect to the letter the rights of asylum-seekers, be based on a non-restrictive interpretation of the Geneva Convention and its 1967 protocol, and cover persecution by non-government agents, persecution on grounds of sex and persecution in the context of generalised armed conflict,

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- be based on the recommendations and conclusions of the United Nations High Commission for Refugees and guarantee the full integration into society of persons who have been granted the right of asylum;
45. Notes that some progress was made in 2002 towards a harmonised common asylum and immigration policy, but regrets that the common policy agreed between the Member States is based on minimum standards which have been set too low and that the emphasis in asylum and immigration policy is on repressive and negative measures;
46. Calls on the Member States to restrict the detention of asylum-seekers solely to exceptional cases which comply with the grounds laid down in the UNHCR guidelines on the criteria and standards applicable to the detention of asylum-seekers;
47. Expresses concern at the high number of persons who lost their lives in 2002 whilst seeking refuge in the European Union; takes the view that this dramatic situation calls for the implementation of a balanced policy providing for legal immigration channels;
48. Calls on the Member States to keep detention to a minimum, to provide facilities for the reception of asylum-seekers, in particular at airports, to offer them assistance from lawyers and interpreters, to afford them the possibility of communicating with the relevant NGOs and with their families and to ensure that appeals have suspensive effect;
49. Calls on the Council to adopt as soon as possible the draft directive providing for secondary protection for persons who are not covered by the Geneva Convention but who cannot be returned to their country of origin because of (a) the threat of torture or inhuman or degrading treatment, (b) the repercussions of generalised violence or events which are seriously undermining public order, or (c) on humanitarian grounds;
50. Condemns the serious situation faced by unaccompanied minors seeking asylum, in particular in Austria, Belgium, Spain, Sweden and Italy;
51. Urges the Member States to amend the rules on and the practice of expulsions as these are too often carried out illegally and undermine human dignity; calls in the strongest terms on the Member States in general to monitor the conditions under which collective expulsions are carried out and the practice of forced expulsions, which have sometimes resulted in deaths;
52. Urges the Member States to refrain from taking any action with a view to amending the text of the Geneva Convention;
53. Calls on the Member States to refuse to extradite persons to countries where they might be condemned to death for their crimes or might face torture or inhuman or degrading treatment;
54. Urges the European Convention and the IGC to propose the abolition of the Aznar protocol to the Treaty of Amsterdam, which, as the UNHCR has repeatedly stated, breaches the Geneva Convention by imposing restrictions on the right of individuals to seek asylum;

Chapter III: Towards equality

Principle of non-discrimination

55. Considers it regrettable that only Austria, Denmark, Sweden, Portugal and the Netherlands have ratified the European Convention on Nationality;
56. Insists that the rights set out in the Charter of Fundamental Rights must be respected, together with in particular the right to seek asylum, the right to effective legal protection and the principle of non-refoulement;

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57. Recommends once again that Denmark, Spain, France, Sweden and the United Kingdom sign Protocol 12 (non-discrimination) to the ECHR and that all the Member States ratify it;

58. Calls on the Member States to guarantee that all children present on their territory are granted access to education regardless of their families' administrative situation;

59. Urges the Member States to guarantee that any person living on their territory are granted access to health care regardless of their administrative situation;

Combating racism and xenophobia

60. Notes the continuation of racially motivated physical attacks in 2002, particularly in Germany, France and the Netherlands, and the resurgence of racially motivated verbal attacks on Muslims, particularly on the music scene in Germany, and of racist messages on Internet sites and football sites in Italy;

61. Expresses concern at the increase in anti-Islamic and anti-Semitic manifestations of hatred and discrimination following the 11 September 2001 attacks; welcomes, however, the awareness-raising campaigns conducted by several governments (UK, Sweden, Germany, Finland, Portugal), forewarning the public against the dangers of stereotyping and the Manichaean view of a clash of 'civilisations';

62. Recommends therefore that the Member States speed up the process of fully and effectively transposing the anti-discrimination directives adopted by the Council in 2000;

63. Approves and supports at European level the proposals for the adoption of a multiannual Community action plan seeking to promote safer Internet use;

64. Welcomes in particular the action taken by the United Kingdom in circulating to all civil servants a code of conduct to be adhered to in relations with all members of the public, whatever their origin, with a view to promoting equal treatment; urges the Member States to take measures to combat racist statements and behaviour by all authorities and to establish training programmes for police officers and judicial officials and, more particularly, those services which deal with migrants at borders (knowledge and understanding of foreign cultures, prevention of racist behaviour, education in tolerance);

65. Calls on Denmark, Greece, the Netherlands, Austria and Italy to adopt a more proactive policy with a view to eradicating racist behaviour;

66. Welcomes the efforts made by the United Kingdom, Germany, the Netherlands, Portugal and Denmark to set up a system for gathering reliable data, which is an essential prerequisite for an effective anti-racism policy; calls on Member States such as Greece, Austria and Italy to follow suit;

67. Welcomes the measures taken by several Member States with a view to making it more difficult for political parties disseminating racist and xenophobic propaganda to put their views across, and calls on Greece, Denmark, the Netherlands, Austria and Italy to be more active in this area; urges those democratic parties in the EU and the applicant countries that have not yet done so to sign the 1998 Charter of European Political Parties for a Non-Racist Society;

68. Calls on the Commission to prepare an analysis and report on the implementation of Directive 2000/43/EC⁽¹⁾ on equal treatment irrespective of racial or ethnic origin and to highlight any discrepancies in Member States in their transposition of the Directive;

⁽¹⁾ OJ L 180, 19.7.2000, p. 22.

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Discrimination against minorities

69. Urges the Member States to ensure that their naturalisation procedures enable long-term residents to obtain full citizenship if they so wish;
70. Deplores the continuation in 2002 of racist acts targeting Roma people and foreign workers;
71. Welcomes the Finnish proposal to set up a permanent European Roma forum and the efforts made by the Greece authorities to introduce a Roma integration programme;
72. Calls on the European institutions to adopt an integrated common approach to solving the problems experienced by the Roma minority, which regrettably continues to suffer from many forms of discrimination;
73. Calls on France, the only State not to have done so, to sign the Council of Europe Framework Convention for the Protection of National Minorities; urges Belgium, Greece, Luxembourg and the Netherlands to ratify the Convention; notes that the Convention only applies to ten Member States;
74. Calls on the Member States that have ratified the Convention for the Protection of National Minorities to persevere with their efforts not only to enable minorities to preserve and develop their identities but also to promote their emancipation and social integration;
75. Strongly recommends that Belgium, Greece, Ireland and Portugal sign the European Charter for Regional or Minority Languages; urges France, Luxembourg and Italy to ratify it;
76. Calls on the Council of Europe to adopt a protocol to the Charter for Regional or Minority Languages regarding action to promote sign language aimed at reducing discrimination against deaf people (of which there are 1.6 million in the EU) as regards sign language teaching and access to the labour market;

Discrimination based on sexual orientation

77. Calls once again on the Member States to abolish all forms of discrimination — whether legislative or de facto — which are still suffered by homosexuals, in particular as regards the right to marry and adopt children;
78. Welcomes the fact that several advances were made in 2002 in Austria (abolition of Article 209 of the criminal code), Finland (recognition of the rights of transsexuals) and Belgium (homosexual marriage);
79. Calls nonetheless on Austria to terminate all current proceedings under Article 209 (old) of the Criminal Code and institute rehabilitation measures for those convicted under this provision; calls also for the new Article 207b of the Criminal Code to be applied in a non-discriminatory manner;
80. Calls on Portugal, Ireland and Greece rapidly to amend their legislation under which the age of consent is dependent on sexual orientation, given the discriminatory nature of such provisions;
81. Recommends that the Member States more generally recognise non-marital relationships, both heterosexual and homosexual, and confer the same rights on partners in these relationships as on those who are married, inter alia by taking the necessary steps to enable couples to exercise freedom of movement within the Union;

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82. Expresses concern at the dilution of Directive 2000/78/EC ⁽¹⁾ establishing a general framework for equal treatment in employment and urges the Commission to prepare an analysis of the implementation and transposition of the Directive, highlighting any anomalies in Member States;

Equality between men and women

83. Recommends that Belgium and Luxembourg ratify the Additional Protocol to the UN Convention on all forms of discrimination against women and that the United Kingdom sign and ratify this protocol;

84. Welcomes the adoption of Directive 2002/73/EC ⁽²⁾ on the implementation of the principle of equal treatment for men and women; expresses the hope that the independent body which, under the directive's terms, will be responsible for assisting victims of gender-based discrimination, will investigate discrimination, publish reports and make recommendations on all matters relating to discrimination and will be set up at the earliest opportunity in each Member State;

85. Regrets that the professional integration of women (particularly from minority groups) is still far from being fully achieved, despite the fact that in 2002 several positive steps were taken in this connection in Greece, Sweden and Belgium (quotas for the appointment of women to board-level and management posts);

86. Demands that the Greek government abolish the penal provisions as described in Article 43b of the Greek Law Decree No 2623/1953/A-268, which impose a sentence of two to twelve months' imprisonment on women who violate the ban on women entering Mount Athos; reiterates its request that the ban on women entering Mount Athos should be lifted and notes that such a ban is a violation of the principle of and the international conventions on gender equality and non-discrimination on the basis of gender and the provisions relating to free movement of persons provided by the Greek Constitution and Community law;

87. Calls on the Member States actively to improve the position of women, inter alia by taking temporary special measures with a view to accelerating de facto equality between men and women, in accordance with their obligations under the UN Convention on the Elimination of All Forms of Discrimination of Women (CEDAW), especially Articles 3 and 4 thereof; recommends that European institutions, when evaluating the legality of the positive action measures on the basis of Article 141(4) of the EC Treaty, Declaration No 28 to the Amsterdam Treaty and the Directives on the basis of Article 13 of the EC Treaty, take into account the substantive equality approach following from this Convention, which means (inter alia) that temporary special measures are regarded as suitable instruments to reach de facto equality instead of an inroad to the formal principle of equal treatment;

88. Notes with concern that despite the improvements achieved over the last five years, gender gaps (including pay gaps of 16 % on average) are still considerable and need to be tackled in order to meet the Lisbon and Stockholm employment rate targets;

Rights of the child

89. Recommends that Belgium, Spain, Finland and the Netherlands sign and ratify the European Convention on the Adoption of Children and calls on France and Luxembourg to ratify the Convention;

⁽¹⁾ OJ L 303, 2.12.2000, p. 16.

⁽²⁾ OJ L 269, 5.10.2002, p. 15.

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90. Recommends once again that Germany, Belgium, the Netherlands, Finland and Spain sign and ratify the European Convention on the Legal Status of Children Born out of Wedlock, and calls on France and Italy to ratify it;

91. Welcomes the fact that in 2002 Germany, emulating Greece, ratified the European Convention on the Exercise of Children's Rights; calls on the other Member States rapidly to sign and ratify the convention; calls on the United Kingdom (in whose territory minors aged under 18 are still being recruited into the army) to ratify the Optional Protocol to the International Convention on the Rights of the Child;

92. Calls on Denmark, Finland, Ireland, Portugal, Spain, Sweden and the United Kingdom to sign and ratify the European Convention on the Repatriation of Minors, and on Germany, France, Austria, Belgium, the Netherlands, Luxembourg and Greece to ratify it;

93. Calls on the Member States, with particular reference to Spain, Belgium and the United Kingdom, to take more effective action to prevent violence against children (removal of references to 'reasonable' punishment, prohibition of preventive custody for children and prevention of genital mutilation of girls);

94. Welcomes the adoption by Denmark, Sweden and Belgium of several laws improving the position of children during court proceedings; welcomes the fact that, in general, the interests and opinions of children are increasingly being taken into account, and calls for children to be given proper legal status in the future EU constitutional treaty;

95. Calls on the Member States to combat school absenteeism and to guarantee full access to education to all children living on EU territory, including Roma children, the children of refugees and children with disabilities;

Rights of the elderly

96. Welcomes the ratification of the revised Social Charter (Article 23) by Finland and Portugal, and urges Germany and the Netherlands to sign and ratify it, and Austria, Belgium, Denmark, Greece, Luxembourg, Spain and the United Kingdom to ratify it;

97. Calls on the European institutions and on governments or competent authorities to end the direct and indirect discrimination to which the elderly are subjected (particularly as regards access to the labour market between the ages of 50 and 65 and to multipurpose, multidisciplinary occupational training at the same period of their working lives, as well as to reintegration arrangements making good use of their experience) and to protect the dignity of sick and disabled elderly persons (adequate pensions, particularly for elderly women; ill-treatment in retirement homes; combating isolation);

Rights of persons with disabilities

98. Recommends that Belgium and the United Kingdom ratify the Vocational Rehabilitation and Employment (Disabled Persons) Convention;

99. Welcomes several measures taken by the EU in 2002 which improve accessibility to services for people with disabilities, in particular in the areas of transport and information and communications technology, and urges Member States to act in a timely manner in the transposition of Directive 2000/78/EC;

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100. Calls on the Commission to launch the process towards a new EU disability-specific directive; considers that such a directive would have as its legal basis Article 13 of the EC Treaty and should call for equal treatment and combat discrimination on the grounds of disability in all areas of EU competence; considers it should also introduce enforcement procedures to ensure that disabled people can effectively exercise their rights in all Member States, including the right to go to court;

101. Calls for a strengthening of the non-discrimination provisions in the Treaty in the context of the current Treaty revision process;

102. Draws attention to the fact that the term 'disability' covers all physical, sensory, intellectual and psychological impairments and multiple impairments and that such impairments vary according to the disability and age of the individual in question; deplores the existence of cases in which persons with disabilities do not yet enjoy the same political, social, economic and cultural rights as other citizens; proposes that measures taken during the European Year of People with Disabilities (2003) should include the setting of a minimum quota of jobs to be occupied by persons with disabilities in companies with more than fifty employees;

103. Calls on Member States to agree to a common position with respect to, and reiterates its support for, a UN Convention on the Human Rights of Disabled People, which must build on the provisions of the UN Standard Rules in such a way as to fully recognise and promote the rights of disabled people and that such a UN Convention must be legally binding;

Chapter IV: Towards solidarity

104. Reaffirms that failure to show respect for economic and social rights, with particular reference to fair and just working conditions and reasonable living conditions (housing, access to public health and transport services), seriously undermines human dignity and in practice prevents individuals from exercising their fundamental rights;

Workers' right to information and consultation within the undertaking

105. Welcomes the adoption of Directive 2002/14/EC⁽¹⁾ establishing a general framework for informing and consulting employees in the European Community;

106. Calls for a strengthening of non-discrimination provisions included in the Treaty in light of the current Treaty revision process;

Right of collective bargaining and action

107. Recommends that Ireland, Spain, Denmark and the United Kingdom amend the provisions of their legislation that do not comply with the articles dealing with collective bargaining in the revised Social Charter and the Social Charter;

108. Calls on Germany, Denmark, France, Italy and Ireland to amend the provisions of their legislation that are contrary to the right to strike for civil servants, as upheld by the revised Social Charter;

Protection in the event of unjustified dismissal

109. Welcomes the adoption of Directive 2002/74/EC⁽²⁾, which extended the protection of employees in the event of the insolvency of their employer to cover part-time workers and temporary workers;

⁽¹⁾ OJ L 80, 23.3.2002, p. 29.

⁽²⁾ OJ L 270, 8.10.2002, p. 10.

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110. Endorses wholeheartedly the setting-up of a European Monitoring Centre on Change within the European Foundation for the Improvement of Living and Working Conditions; expresses the hope that the monitoring centre will help anticipate economic and technological change through the conduct of forward studies and thus make it easier for workers to adjust to all forms of change;

111. Urges the Commission to submit proposals setting out preventive strategies vis-à-vis the harrowing consequences of cyclical redundancies, whose economic and psychological effects on workers are disastrous and inadmissible;

Fair and just working conditions

112. Recommends once again that:

- the Member States ratify the International Convention of 18 December 1990 on the Protection of the Rights of All Migrant Workers and Members of Their Families,
- Austria and Finland ratify the 1964 European Code of Social Security,
- Germany, Denmark, Finland, France, Greece, Ireland, Sweden and the United Kingdom ratify the European Convention on Social Security;

113. Notes that in Europe four main social groups are subjected to discrimination (foreigners, temporary workers, persons with disabilities and women) and urges the Member States and the institutions to take the necessary action to put an end to such discrimination, inter alia by ensuring respect for maximum working hours, access to the workplace, guaranteeing genuine occupational safety (5 000 fatal accidents in the EU in 2002) and health, safeguarding against harassment at work (9 % of EU workers) and setting a fair minimum wage (Ireland, Spain and Greece, where the minimum wage is less than 50 % of the average net wage);

Prohibition of child labour and protection of young people at work

114. Welcomes the ratification by Germany and Belgium in 2002 of the ILO Convention on the Worst Forms of Child Labour;

115. Deplores the fact that in several Member States (Italy, Portugal, France and the Netherlands) the rules on child labour set out in the Social Charter and the revised Social Charter are not yet being observed, and calls on these Member States to amend their legislation accordingly;

Reconciling family and professional life

116. Urges all the Member States to facilitate as far as possible family reunification for legally resident migrant workers;

117. Recommends that the institutions and Member States seek to formulate an optimum strategy for reconciling family and professional life by means of measures relating to leave, child care and other facilities;

Social security, social assistance and, in particular, action to combat social exclusion

118. Emphasises that the two main component parts of the European 'social model' (the right to social security and combating exclusion) must be preserved;

119. Deplores the fact that a large number of Member States (Austria, Belgium, Germany, Luxembourg, Ireland, Spain and Greece) refuse to pay family allowances in cases where dependent children of migrant workers do not live on their territory, or have a minimum period of residence or employment requirement which places non-nationals at a disadvantage;

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120. Recommends that Belgium, Greece, Denmark, Ireland, the Netherlands, Germany and Finland ensure the accumulation of insurance and employment periods for migrant workers;

121. Emphasises that the Community programme to combat exclusion, which sets a target of reducing to 10 % by 2010 of the proportion of persons living below the poverty line in the EU, must be implemented in an effective manner;

Health care

122. Welcomes the adoption on 23 September 2002 of Decision No 1786/2002/EC⁽¹⁾ adopting a programme of Community action in the field of public health (2003-2008);

123. Calls on Belgium (vaccination rate), Greece (combating smoking), Italy and Ireland (occupational health), Sweden (inadequate medical check-ups), France and Austria (recent restriction of free access to medical care for the most disadvantaged sections of the population) to pay greater attention to public health issues and to amend their legislation as indicated in the 2002 reports of the European Committee of Social Rights;

Chapter V: Strengthening European citizenship

Right to vote in European and local elections

124. Recommends once again that Austria, Belgium, Germany, Spain, France, Greece, Ireland, Luxembourg and Portugal sign and ratify the European Convention on the Participation of Foreigners in Public Life at Local Level and that the United Kingdom ratify it;

125. Urges both the institutions and the Member States to take all appropriate steps to ensure the highest possible turnout at the next elections to the European Parliament in June 2004, particularly by means of targeted information and awareness-raising campaigns that enhance the European Union's image and profile;

126. Recommends in particular that the Member States do their utmost to facilitate the inclusion on their electoral rolls of nationals of other Member States living on their territory, with a view to making it easier for them to vote and to stand as candidates at local and European elections;

127. Calls on Member States to undertake appropriate measures to ensure that all elections are materially accessible to all people with disabilities;

128. Calls on the Member States and political parties to continue their efforts to foster balanced representation of women and men in local and European elections;

129. Reiterates its calls on governments, especially those of countries where women's participation in decision-making bodies is still lower than 30 %, to review the differential impact of the electoral systems on the political representation of men and women in elected bodies and consider the adjustment or reform of these systems, in order to achieve a gender balance;

130. Considers furthermore that the concept of European citizenship should go beyond Member State nationality and that the right to vote and stand in local elections and elections to the European Parliament should be extended to long-term legal residents (three years) who are third-country nationals;

131. Urges the adoption and implementation by the EU and the Member States of an ambitious policy for the integration of third-country nationals based on the principle of non-discrimination;

⁽¹⁾ OJ L 271, 9.10.2002, p. 1.

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Right to good administration and access to documents

132. Draws attention to the major role played by the European Ombudsman in applying the principle of good administration and access to documents;

133. Calls on the European Union to implement Regulation (EC) No 1049/2001⁽¹⁾ on access to documents in a spirit of transparency, to apply the derogations and provisions concerning the special treatment of sensitive documents only when this proves absolutely necessary, and to adopt as soon as possible an instrument which brings the rules governing access to the documents of the agencies and institutions of the European Union into line with that regulation;

134. Calls on the EU institutions to apply in full the right of citizens to access to documents, in particular:

- by calling on them to ensure access to opinions of the Legal Services whilst respecting the principles established by the Court of Justice;
- by calling on the Council to ensure access not only to the positions of national delegations but also to their identity, in particular when it is discussing or adopting regulations or legislation;
- by calling on the Commission to end the practice whereby when a Member State vetoes the publication of a document of which it is the author, the Commission systematically does not make the document public;
- by calling on the Member States to apply at least the European rules on access to documents to the documents drawn up at national level on the drafting and implementation of European policies;

135. Urges the Council and the Commission to grant at least to Members of the European Parliament systematic access to any documents linked to the legislative process to which citizens do not have direct access pursuant to Regulation (EC) No 1049/2001⁽²⁾;

Freedom of movement and of residence

136. Calls on the Commission, the Council and the Member States to take all the measures required to implement in full the principle of freedom of movement for persons, pursuant to Article 14 of the EC Treaty;

137. Calls on the Commission and Member States to remove the remaining barriers to the free movement of persons, particularly as regards freedom of establishment; deplores the inadmissible barriers to freedom of movement and of residence for the Roma in some Member States, which make them second-class citizens;

138. Calls for legislation on the free movement of persons to be simplified in keeping with the principle that any third-country national should enjoy full freedom of movement, residence and establishment as soon as he has legal status as a long-stay resident;

139. Welcomes the fact that the Council has reached political agreement on the proposal for a directive concerning the status of third-country nationals who are long-term residents⁽³⁾, which inter alia guarantees them the right to freedom of movement within the EU;

Chapter VI: Fair access to justice

140. Welcomes the Commission Green Paper on procedural safeguards for suspects and defendants in criminal proceedings throughout the European Union (COM(2003) 75); encourages the Commission to take the next step — i.e. to submit the proposal for a framework decision — swiftly;

⁽¹⁾ OJ L 45, 31.5.2001, p. 43.

⁽²⁾ In the case of the Council, this concerns documents with the reference 'LIMITE'.

⁽³⁾ OJ C 240 E, 28.8.2001, p. 79.

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141. Calls on the Council to adopt a framework decision on common standards governing procedural law, for example on the rules concerning pre-trial orders and due process, including the criteria governing investigative methods and the definition of proof, with a view to guaranteeing a uniform level of protection of fundamental rights throughout the EU; takes the view that such a framework decision should come into force at the same time as the European arrest warrant;

142. Urges the Commission to organise the translation and publication of a 'statement of rights' to be distributed to persons facing interrogation when they arrive either at the relevant police station or the place where the interrogation is to be held;

143. Welcomes the intention of the Commission to present in July 2003 a Green Paper on the approximation, recognition and execution of criminal penalties in the European Union; strongly recommends that this Green Paper be followed by a proposal for a framework decision on the same topic before the end of 2003;

144. Welcomes the adoption of Directive 2002/8/EC⁽¹⁾ to improve access to justice in cross-border disputes, which has the aim of guaranteeing effective access to justice for EU citizens and third-country nationals legally resident in the EU who do not have sufficient resources;

145. Welcomes the developments in the case-law of the Court of First Instance and Court of Justice of the European Communities relating to examinations for compliance with the Charter of Fundamental Rights of the European Union (*Max.mobil v Commission*) and relating to protection of the legal rights of private individuals (*Jégo-Quéré v Commission*);

146. Is concerned about the large number and seriousness of the violations confirmed by the European Court of Human Rights of the right to have judgment given within a reasonable time (Italy and Belgium) and the right of access to justice, due process and a fair trial (Italy, Sweden, United Kingdom, Finland, Spain, Greece, Austria and France);

147. Urges the Member States to comply precisely and promptly with the judgments of the European Court of Human Rights concerning the guarantees of due process and to amend their legislation in accordance with those judgments;

148. Reiterates its concern about the large number of cases in which the ECHR has found a reasonable time to have been exceeded in the case of Italy; does not consider this conducive to confidence in the rule of law, and calls on Italy to take all necessary measures to ensure that legal proceedings are prompt and fair;

149. Considers the substance of this resolution to be, with regard to the citizens of the European Union, without prejudice to the granting of rights in the future and the development of the rights, freedoms and principles laid down in the Charter of Fundamental Rights of the European Union;

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150. Instructs its President to forward this resolution to the Council, the Commission, the Court of Justice of the European Communities, the European Court of Human Rights, the European Ombudsman, the Council of Europe and the governments and parliaments of the Member States and candidate countries.

⁽¹⁾ OJ L 26, 31.1.2003, p. 41.