The European Parliament,

- having regard to the motions for resolutions by:
(a) Cristiana Muscardini on establishing official registers of translators at the offices of the criminal police in the Member States (B5-0677/2001)
(b) Cristiana Muscardini, Roberta Angelilli, Roberto Felice Bigliardo, Sergio Berlato, Antonio Mussa, Nello Musumeci, Mauro Nobilia, Adriana Poli Bortone and Francesco Turchi on the provision of essential emergency medical treatment to third-country nationals within the European Union (B5-0678/2001),

- having regard to its previous annual reports on the human rights situation in the European Union and, in particular, to its resolution of 5 July 2001 on the situation as regards fundamental rights in the European Union(1) that launched a new approach including the EU Charter of Fundamental Rights as its frame of reference;

- having regard to Articles 6 and 7 of EU Treaty,


- having regard to the findings of the European Monitoring Centre on Racism and Xenophobia (EUMC) and to its own resolutions on the matter, with particular reference to its recommendation of 16 May 2001 on the European Union’s position at the World Conference against Racism, Racial Discrimination, Xenophobia and related intolerance(3),
having regard to the judgments of the European Court of Justice and the European Court of Human Rights,

having regard to the international conventions on the subject and, in particular, to the findings published in 2001 by the monitoring committees for the major United Nations and Council of Europe conventions(4),

having regard to the reports by international and European NGOs concerned with human rights,

having regard to the reports on the Member States adopted in 2001 by the Council of Europe’s European Commission against Racism and Intolerance(5),

having regard to the public hearing organised by the European Parliament on 17 April 2002 on respect for fundamental rights in the European Union,

having regard to Rule 163 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 Employment and Social Affairs, the Committee on Women’s Rights and Equal Opportunities and the Committee on Petitions (A5-0451/2002),

Introduction

1. Draws attention to the fact that the Charter of Fundamental Rights of the European Union provides a résumé of the fundamental values on which the Union is based and which are referred to repeatedly in Articles 6(2), 7 and 29 of the Treaty on European Union, in connection with the establishment of an area of freedom, security and justice;

2. Believes that it is therefore up to the EU institutions, following the proclamation of the Charter, to take the initiatives needed for them to exercise their role in monitoring respect for fundamental rights in the Member States, having regard to the undertakings given at the signature of the Treaty of Nice on 27 February 2001, particularly as regards the new Article 7(1);

3. Considers that it has a basic duty to verify that due respect is being shown for fundamental rights both by Union institutions and bodies - pursuant inter alia to Rule 58 of its Rules of Procedure - and by the Member States, in accordance with the Treaties and with Rule 108 of its Rules of Procedure;
4. Considers that its annual report on the human rights situation in the European Union would carry greater weight if it were more closely coordinated and more consistent with Parliament’s external human rights activities and if its power of scrutiny over the Commission and Council were strengthened; calls for the annual report to be adopted no later than the July part-session each year;

5. Recommends that the report on respect for fundamental rights in the EU be incorporated into the early warning system provided for in Articles 6 and 7 of the EU Treaty, conferring on its committee responsible an ongoing mission to monitor compliance with the Charter, a mission in which the other relevant committees will be involved, forwarding to it any observations during the course of the year;

6. Believes, in particular, that it is up to the European Parliament, by virtue of its role under the terms of the new Article 7(1) of the Treaty of Nice, and to its relevant committee to monitor, in cooperation with the national parliaments and those of the applicant countries, respect by the European institutions and by the Member States for the rights set out in the chapters of the Charter;

7. Welcomes the fact that, on 16 October 2002, the Commission set up the Network of Experts on Fundamental Rights and calls on the Commission to submit to the Council and to Parliament the Network’s reports on the human rights situation in the EU and the Member States on the basis of multi-disciplinary material, since this should enable Parliament to be presented with an evaluation of the implementation of each of the rights set out in the Charter, taking account of changes in national law, the case law of the Luxembourg and Strasbourg courts and significant case law of the constitutional and other courts of the Member States;

8. Considers that the Commission rejected the proposal to set up an EU Human Rights Monitoring Agency without sufficient grounds; intends to keep this proposal on the agenda and calls on the Commission to examine how the Network of Human Rights Experts could develop into a monitoring agency of this kind;

9. Welcomes the Commission’s decision (SEC(2001) 380/3 of 13 March 2001) to review legislative proposals and other decisions in advance to see whether they are compatible with the Charter of Fundamental Rights and to establish this in a special clause; calls on the Commission to provide Parliament with an overview of how many of its legislative proposals and other decisions now include such a clause and what percentage this represents of the total number of decisions;

10. Reiterates its request to the European Convention to incorporate the Charter of Fundamental Rights in the draft Constitution of the Union;

11. Welcomes the Council’s proposal to ensure greater consistency between the EU’s internal and external human rights policies, and to explore the development of possible means and practices to this end (General Affairs Council of 25 June 2001), but is concerned that there has been, to date, no evidence of this being put into practice; calls on the Council to inform Parliament of the action taken by 1 July 2003;
12. Urges its competent bodies to introduce without delay practical improvements in cooperation and coordination between the parliamentary committees responsible for human rights issues inside and outside the European Union respectively, in particular so as to clarify which committee is to be responsible for human rights in the applicant countries;

13. Urges the Commission and Council not to restrict the annual fora on human rights and citizens’ rights (designed to give the dialogue with NGOs greater continuity) to human rights issues outside the EU but also to consider such issues within the EU, thus making it possible to tackle across-the-board topics; calls on its competent bodies to investigate how Parliament may be involved more closely in the preparations for such meetings with a view to ensuring increased efficiency in practice;

14. Calls on all the Member States to rectify their failure to comply with their reporting requirements to the relevant United Nations monitoring bodies on the implementation of UN human rights conventions(6); calls on the Council and the European Convention to give greater weight to the Member States’ obligations to comply with UN human rights conventions in the formulation of European human rights policy;

15. Calls also on those Member States that are lagging behind in reporting to the relevant Council of Europe committees to comply with their obligations if they have not already done so;

16. Recalls that democracy is based on full respect for human rights and fundamental freedoms and on the full application of the principle of legality and on the rule of law; calls on the Member States and EU institutions, therefore, to ensure full respect of the provisions of the international treaties on human rights, and notably the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its protocols, together with their respective Constitutions and laws;

Chapter 1: Human dignity

Right to life

(...)

31. considers that the Member States should step up their efforts in this area, in particular by:

(...)

- restricting detention as far as possible, even in the case of expulsion proceedings, and completely avoiding taking children into custody save in absolutely exceptional cases;

(...)
Chapter 3: Equality

(...)

Rights of the Child

104. Calls on Belgium and the United Kingdom to sign Protocol No 7 to the ECHR; welcomes the fact that Ireland ratified the Protocol in 2001 and calls on Belgium, Germany, Spain, the Netherlands, Portugal and the United Kingdom to do likewise;

105. Calls on Belgium, Spain, Finland and the Netherlands to sign the European Convention on the adoption of children and further calls on Belgium, Spain, France, Finland, Luxembourg and the Netherlands to ratify the Convention;

106. Calls on Belgium, Germany, Spain, Finland and the Netherlands to sign the European Convention on the legal status of children born out of wedlock; also calls on Belgium, Germany, Spain, France, Finland, Italy and the Netherlands to ratify that Convention;

107. Calls on Belgium, Denmark, the Netherlands and the United Kingdom to sign the European Convention on the exercise of children's rights; urges Austria, Belgium, Denmark, Spain, France, Finland, Italy, Ireland, Luxembourg, the Netherlands, Portugal, Sweden and the United Kingdom to ratify that Convention;

108. Urges the Member States to continue to guarantee the rights of children in accordance with their existing international obligations and to pay particular attention to disadvantaged children, such as children of asylum seekers, children from poor families and children in child protection institutions, and to combating the smuggling of children for the purposes of sexual or commercial exploitation;

109. Calls on the Member States to ensure that all children present on their territory have the right of access to education;

110. Considers that the placing of children in care solely on the grounds that they are living in extreme poverty constitutes a violation of fundamental rights; takes the view that, where this cannot be avoided, it should, as far as possible, be regarded as temporary and should seek to achieve the return of the child to its family; believes that the conditions of such care, whether in a foster family or in an institution, and the process aiming at eventual adoption, must respect all the rights of the family and of the child in question; believes that the parents, in particular, must be given help in continuing to exercise their full responsibilities vis-à-vis the child and to maintaining the emotional links necessary for the child’s development and well-being;

(...)

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(4) UN:CAT (Committee against Torture), CCPR (Human Rights Committee), CEDAW (Committee on the Elimination of Discrimination Against Women), CERD (Committee on the Elimination of Racial Discrimination), CERCSR (Committee on Economic, Cultural and Social Rights); CRC (Committee on the Rights of the Child); Council of Europe : CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment), ECRI (European Commission against Racism and Intolerance), ECSR (European Committee for Social Rights).