

Monitoring of Respect for Fundamental Rights and the Rule of Law in Europe

The Alliance of Liberals and Democrats for Europe (ALDE) Party convening in Dublin, Ireland on 8-10 November 2012

Whereas

- respect for human rights and the rule of law are fundamental values on which the Union is based; this is more than ever enshrined in our Treaties through the entry into force of the Lisbon Treaty and Charter of Fundamental Rights;
- the EU Charter of Fundamental Rights is binding for all EU Member States since the entry into force of the Lisbon Treaty and should be respected by governments and citizens from Member States with legal force;
- the EU should be a frontrunner for fundamental and human rights and whereas this requires full and undisputable compliance with those rights by all Member States and any European country wishing to become a member of the Union;
- a strengthening of the principle of the rule of law would enhance the trust Member States and citizens have in the EU; it would also ensure credibility of the EU as a defender of human rights;

Notes

- that during recent years, new mechanisms to deal with judicial reform and the rule of law in candidate countries and new Member States, such as the Cooperation and Verification Mechanism (CVM), have been developed;
- that the EU has set up a Fundamental Rights Agency and launched negotiations on the accession of the EU to the European Human Rights Convention;
- that the EU lacks clear guidelines to determine whether a country is breaching the common values in such a way that article 7 of the Treaty on the European Union (TEU) must be evoked;
- the opinions of the European Commission for Democracy through Law (Venice Commission) on the legal questions arising from the new Hungarian Constitution;
- that during recent years different ideas for the verification of the principle of the rule of law have been raised, for instance by Commissioner Reding and the Dutch government;

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Regrets

- that the Reporters Without Borders press freedom index for 2011-2012 indicates that 14 European countries, of which seven are members of the European Union, are deemed to have %noticeable problems+with their press freedom;
- that this negative picture is confirmed by the Freedom House International ranking of press freedom for 2012 where four EU Member States, as well as seven non-EU European countries, are ranked as being only partly free;

Stresses

- that the mechanisms of monitoring the rule of law within the EU and among Member States are ambiguous, especially after membership has been achieved. Because of the lack of stringent and agreed mechanisms, there is a risk of double standards, where all countries must respect the values upon entering into the EU, but where it remains unclear how the respect of common values should be followed up within the Union after accession;
- that the same applies to combating corruption; little action has been taken including older Member States, yet it is a priority under CVM;
- that the Commission should use all its competences and instruments available to ensure human rights in EU Member States are not infringed upon;

Insists

- that a system is set up by the European Commission to closely monitor EU Member States' compliance with the Charter of Fundamental Rights and Article 2 of the Lisbon Treaty, with the possibility of imposing sanctions;
- on introducing a mechanism by using the legal base in article 352 of the Treaty of the Functioning of the EU (TFEU), if treaty negotiations are not opened;
- that the European Commission should develop a transparent ranking system indicating how well EU Member States respect the values set out in the Treaty and the Charter of Fundamental Rights;
- that the Council of the European Union should broaden the mandate of the European Union's Agency for Fundamental Rights to also monitor the compliance of fundamental rights in EU Member States in the form of annual reports;
- that the European Commission should present these annual reports through public hearings in the European Parliament;

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- that the European Commission, as the guardian of the Treaties, expresses how the Union should handle a serious and persistent breach by a Member State of the values referred to in Article 2 and Article 7 of the Lisbon Treaty;
- that the Member States give the European Commission the authority to impose economic sanctions, such as the freezing of EU funding, for Member States severely in breach of their commitments to EU fundamental values and for withdrawal of funding in cases where these breaches are confirmed by the European Court of Justice;
- that the European Commission and the European Parliament should make better use of their right to bring to the attention of the Council that a core value is seriously and persistently breached in an EU Member State; the European Council and the Council to use its authority under Articles 7 (2) and (3) of the Treaty on the European Union to impose sanctions, where appropriate.

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