

European Parliament resolution on the drafting of a European Union Charter of Fundamental Rights (16 March 2000)

Caption: On 16 March 2000, the European Parliament adopts a resolution in which it reaffirms its full support for the drafting of a European Union Charter of Fundamental Rights.

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The European Parliament,

- having regard to the decision of the European Council on the drafting of a European Union Charter of Fundamental Rights (C5-0058/1999),
 - having regard to its position as representative of the peoples of the European Union,
 - considering that the Union should strengthen the protection of the rights and interests of the nationals of its Member States through the introduction of a citizenship of the Union (Article 2 of the EU Treaty),
 - having regard to the fact that the Union must respect fundamental rights "as they result from the constitutional traditions common to the Member States, as general principles of Community law" (Article 6 of the EU Treaty),
 - having regard to the Preamble of the United Nations Charter and the Universal Declaration on Human Rights adopted by the UN General Assembly in its resolution 217 A (III) on 10 December 1948 in Paris,
 - having regard to its numerous initiatives in the matter of fundamental and citizens' rights, in particular to its resolution of 12 April 1989 on the Declaration of Fundamental Rights and Freedoms¹,
 - having regard to its initiatives in the matter of a constitution for the European Union, in particular its resolution of 12 December 1990 on the constitutional basis of European Union² and its resolution of 10 February 1994 on the Constitution of the European Union³,
 - having regard to the conclusions of the Cologne European Council and the conclusions of the Tampere European Council,
 - having regard to its resolution of 16 September 1999 on the drawing up of a Charter of Fundamental Rights⁴,
 - having regard to its resolution of 27 October 1999 on the European Council meeting in Tampere⁵,
 - having regard to the outstanding importance of the forthcoming enlargement of the Union and the Intergovernmental Conference,
 - having regard to the setting-up on 17 December 1999 in Brussels of the Convention to draft a European Union Charter of Fundamental Rights,
 - having regard to Rule 47(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs and the opinions of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, the Committee on Legal Affairs and the Internal Market, the Committee on Women's Rights and Equal Opportunities, the Committee on Petitions and the Committee on Employment and Social Affairs (A5-0064/2000),
- A. whereas the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law (Article 6 of the EU Treaty),

B. whereas the creation of an ever closer Union among the peoples of Europe (Article 1 of the EU Treaty) and the maintenance and development of the Union as an area of freedom, security and justice (Article 2 of

the EU Treaty) are based on general and absolute respect for human dignity, which is unique to each person, yet common to all, and inviolable,

C. whereas the Union must respect ‘fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law’ (Article 6 of the EU Treaty),

D. whereas some specific rights are already enshrined in the Treaties,

E. whereas the fundamental freedoms and rights unavoidably stemming from the recognition of human dignity require genuine, comprehensive legal protection and effective legal guarantees,

F. whereas the primacy of Union law and significant powers of its institutions, which affect individuals, make it necessary to strengthen the protection of fundamental rights at European Union level,

G. whereas the increase in the powers of the Union and the European Community, especially in the sensitive field of internal security, together with the limits on parliamentary or judicial controls in that field, make it obvious that there is an urgent need for a European Charter of Fundamental Rights,

H. whereas as the Union develops an imbalance must not be created between the objective of security and the principles of freedom and law,

I. whereas fundamental freedoms can be restricted without parliamentary approval, both in the framework of the Union Treaty and of Community law, despite the fact that this is incompatible with the constitutional traditions common to the Member States,

J. whereas, even in the case of legitimate restrictions of fundamental rights, the inherent nature of such rights may in no case be infringed,

K. whereas the economic aspect of European integration must henceforth be supplemented by a genuine political, democratic and social union,

L. whereas fundamental social freedoms ought to be strengthened and developed at European Union level,

M. whereas the Union’s common foreign and security policy, which will in future include defence, must be developed in compliance with fundamental rights,

N. whereas new conflicts with fundamental freedoms can arise from developments in, for example, biotechnology or information technology, and whereas a consensus on fundamental rights at European level constitutes an important contribution towards finding a global solution to the problem,

O. whereas there are serious indications of a rise in racism and xenophobia,

P. whereas it is important that, while respecting the role of every national language, the European Union and its Member States attend to the protection of the diversity of the languages and cultures of Europe, especially regional and minority languages and cultures, and to this end guarantee to the citizens of the Union, through appropriate means of support, that they can maintain and develop their own languages and cultures in the public and private domain,

Q. whereas the human right to asylum must be maintained according to the provisions of the Geneva Refugee Convention,

R. whereas a European Union Charter of Fundamental Rights, in the same way as national provisions concerning fundamental rights, should not in any way conflict with the European Convention on Human

Rights,

S. whereas the Union's accession to the European Convention on Human Rights following the necessary amendments to the Treaty on European Union would represent an important step towards the strengthening of the protection of fundamental rights in the Union,

T. whereas the creation of an ever closer union among the peoples of Europe is inseparably linked with the task of increasing, in addition to fundamental rights, citizens' rights, namely the political, economic and social rights associated with Union citizenship,

U. whereas a charter of fundamental rights constituting merely a non-binding declaration and, in addition, doing no more than merely listing existing rights, would disappoint citizens' legitimate expectations,

V. whereas the Charter of Fundamental Rights should be regarded as a basic component of the necessary process of equipping the European Union with a constitution,

1. Welcomes the drafting of a European Union Charter of Fundamental Rights, which will contribute to defining a collective patrimony of values and principles and a shared system of fundamental rights which bind citizens together and underpin the Union's internal policies and its policies involving third countries; welcomes therefore the progress made in this connection since the European Council meeting in Tampere, in particular the establishment of the joint Convention composed of representatives of the Heads of State and Government, the European Parliament, the parliaments of the Member States and the Commission;

2. Notes that the establishment of a binding European list of fundamental rights will confer a more secure legal and moral basis on the process of European integration, will give concrete form to the common basis that exists at the level of the constitutional state and will provide more transparency and clarity for citizens;

3. Offers its full support and cooperation in drafting the Charter of Fundamental Rights of the European Union;

4. Notes that the recognition and shaping of fundamental and citizens' rights is one of the primary tasks of parliaments;

5. Calls on its delegation to the Convention drafting the charter vigorously to defend the position set out in this resolution;

6. Intends to vote in plenary on the adoption of the Charter at the appropriate time and deems it advisable to publish in advance its objectives regarding the Charter of Fundamental Rights as set out hereunder;

7. Points out that its final assent to a Charter of Fundamental Rights depends to a large extent upon whether the charter:

(a) has fully binding legal status by being incorporated into the Treaty on European Union;

(b) subjects any amendment to the Charter to the same procedure as its original drafting, including the formal right of assent for the European Parliament;

(c) contains a clause, requiring the consent of the European Parliament whenever fundamental rights are to be restricted in any circumstances whatsoever;

(d) contains a clause stipulating that none of its provisions may be interpreted in a restrictive manner with regard to the protection guaranteed by Article 6(2) of the Treaty on European Union;

(e) includes such fundamental rights as the right of association in trade unions and the right to strike;

(f) recognises that fundamental rights are indivisible by making the charter applicable to all the European Union's institutions and bodies and all its policies, including those contained in the second and third pillars in the context of the powers and functions conferred upon it by the Treaties;

(g) is binding upon the Member States when applying or transposing provisions of Community law;

(h) is innovative in nature by also giving legal protection to the peoples of the European Union in respect of new threats to fundamental rights, for example from the fields of information technology and biotechnologies, and confirms, as an integral part of fundamental rights, and especially women's rights, the general non-discrimination clause and environmental protection;

8. Resolves to hold a scientific colloquium to advise Parliament and to carry out public hearings of representatives of society in general;

9. Will strongly support initiatives for a broad societal discussion in the Member States, involving social partners, NGOs and other representatives of civil society;

10. Calls for recognition of the contribution that can be made by organisations representing civil society to the drafting of the Charter;

11. Proposes to grant the States applying for accession observer status in the Convention drafting the Charter and to begin a continuous exchange of opinions with them in the context of the European Conference;

12. Emphasises that the charter should not replace or weaken Member States' provisions concerning fundamental rights;

13. Supports the agreement reached by the Convention that the charter should be drafted on the presumption that it will have full legal force;

14. Emphasises the need to incorporate in the charter, in addition to the rights already enshrined in the EU Treaty, the standards applicable to the Union that are set out in the international conventions signed by the Member States within the context of the United Nations, the Council of Europe, the International Labour Organisation and the Organisation for Security and Cooperation in Europe;

15. Calls upon the IGC to:

(a) put the incorporation into the Treaty of the Charter of Fundamental Rights on its agenda and to give it at that conference the position which it deserves in view of its paramount importance for an ever closer union among the peoples of Europe;

(b) enable the Union to become a party to the ECHR so as to establish close cooperation with the Council of Europe, whilst ensuring that appropriate action is taken to avoid possible conflicts or overlapping between the Court of Justice of the European Communities and the European Court of Human Rights;

(c) add a reference to the European Social Charter and to the appropriate ILO and UN conventions to the reference to the European Convention on Human Rights in Article 6 of the Treaty on European Union;

(d) give all persons protected under the charter access to the Court of Justice of the European Communities by supplementing existing mechanisms for judicial review;

16. Instructs its President to forward this resolution to the Convention responsible for drafting the European Union Charter of Fundamental Rights, the Intergovernmental Conference, the Council, the parliaments of the Member States, the Commission and the Court of Justice and the European Court of Human Rights.

- 1 OJ C 120, 16.5.1989, p. 51.
- 2 OJ C 19, 28.1.1991, p. 65.
- 3 OJ C 61, 28.2.1994, p. 155.
- 4 OJ C 54, 25.2.2000, p. 93.
- 5 Texts adopted at that Sitting, point 15.