

**MEETING OF CHAIRPERSONS
OF THE COMMITTEES SPECIALISED IN FUNDAMENTAL RIGHTS**

Session 1 – Enforcing fundamental rights to combat exclusion

Background note

Recently, political and academic debate in Europe has turned the spotlight on the actual effectiveness of the fundamental rights that are enshrined in European Treaties and in the Charter of Fundamental Rights, and form part of the constitutional traditions of the Member States.

It is a question that is intimately connected with the model of the State based on the rule of law. It is also a question of specific concern for citizens in view of its direct repercussions on their legal sphere, and, therefore, one that requires thorough scrutiny at an inter-parliamentary level.

The occurrence of fundamental rights violations in some Member States has raised doubts about the effectiveness of the instruments available to the EU to ensure their protection.

In particular, the control and sanction mechanisms laid down in Article 7 of the Treaty on European Union have remained largely unused.

Essentially, an inadmissible asymmetry would arise if, on the one hand, the European Union insists strongly on the respect of fundamental rights by applicant countries, but, on the other, fails to sanction existing members whose conduct is clearly prejudicial to the very same rights.

To remedy this inconsistency [several proposals](#) have been put forward, including most recently by EU institutions.

The European Commission has recently presented [a new legal framework](#) for the protection of the rule of law that provides for an early warning tool for systemic and persistent violations.

It also ought to be borne in mind that the enduring nature of the economic crisis has had a particularly severe social impact on some Member States.

The need to pursue specific and strict fiscal consolidation policies has forced the adoption of measures that have reduced welfare protection in areas such as health care, thus restricting the effective enjoyment of fundamental rights.

In the light of these considerations, we propose to discuss the benefits of initiatives that might allow:

- a) to closely monitor EU-level compliance with the rule of law and fundamental rights;



- b) to provide Parliaments with all relevant information, also through the analyses carried out by EU agencies;
- c) to introduce effective measures to oblige Member States responsible for systemic violations to restore compliance promptly;
- d) to fully enforce all fundamental rights by mainstreaming the social dimension into all EU policies. In this respect it should be noted that Articles 2 and 3 of the Treaty on European Union give precedence to fundamental rights over all the other objectives and strategies of the EU.