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Defending Fundamental Rights and the Rule of Law Requires Political Will...and Courage

GreensEFA Group proposals sent to the European Commission

While the Hungarian Prime Minister gags the press, undermines freedoms, and kicks 'progressively-minded' universities out of the country; the Polish government attacks the independence of Constitutional judges or violates the rights of women; the Romanian government attempts to decriminalise corruption offences and while murders of journalists in Malta and Slovakia send shockwaves across Europe, people are looking towards the EU for help, but so far, not enough has been done.

The reason for this lies in the way the European Union has been set up. It started as a purely economic union and then progressively, the idea of human rights and fundamental freedoms began to creep in. But to date, there are limited options available to the EU institutions to step in and defend the citizens against attacks from their own government.

The most well-known is the so-called "Article 7" procedure, which allows for progressive sanctioning of an EU government and can result in the suspension of their voting rights on important decisions or legislation. But this has rarely been used - it was activated by the European Commission against the Polish government only recently, in December 2017, and in the case of Hungary it was the European Parliament who launched the procedure in September 2018, based on a report drafted by Greens/EFA MEP Judith Sargentini.

What we are calling for is a radical overhaul of the system so that we no longer have to rely on the "last-resort" procedure. We want a system with annual checks of the respect for fundamental rights and the rule of law in all EU countries which includes country-specific recommendations. And to avoid any perception of political interference, we want this assessment to be carried out by a panel of independent experts, nominated by national Parliaments and also by the European Parliament, to ensure the democratic legitimacy of the whole process.

We also believe that EU funds should be distributed by the European Commission in cooperation with regional and local authorities if the national government cannot be trusted to respect EU values on freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. Care should be taken to ensure that EU funds make it to the poorest people in the country, as these are exactly the people that the EU funding is supposed to be helping.

More EU funding should be provided to NGOs and civil society organisations that are working hard to defend rights, democracy and the rule of law, which is why we proposed to create a new funding line on "Rights and Values" thanks to GreensEFA MEP Bodil Valero. The exact amount of funding that will be made available is still under negotiation, but at least the agreement to have this specific type of funding has already been secured.

Finally, greater attention should be paid to fundamental rights throughout the legislative process. For example, impact assessments on future laws should examine the effects of these laws on fundamental rights, and the Fundamental Rights Agency should be given the power (and the resources) to intervene and make recommendations during the EU legislative process.

To read our submission to the European Commission, visit:

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Responsible MEPs



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Attached documents

GreensEFA group_Contribution to EC reflection on rule of law_23May2019.pdf

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