

### **Rule of law is at the core of the European Union – We need to protect it**

Democracy, the rule of law and fundamental rights are at the very core of the European Union. However, these values have come under attack in recent years.

All over Europe, the rule of law and fundamental rights are under attack. In a lot of countries right-wing authoritarian forces have managed to achieve worrying electoral results. In Poland and Hungary, they have even managed to get into government.

These attacks take different forms (attacking the independence of the judiciary, reducing civil liberties), but very often follow a common pattern. They attack minorities, LGBTI\*s and women, under the pretence of protecting family values, stripping away their rights of self-determination and expression. The independence of the judiciary is the next to be adversely affected, freedom of press and other media gets restricted, and academics and NGOs are obstructed in their work. Even the environmental dimension of rule of law has come under attack, with a record number of infringements of European law on environmental protection and limiting the ability of civil societies to control and protest national environmental policies. Furthermore, right wing forces are trying to reframe the rule of law in an authoritarian way and try to associate it with the enforcement of executive state power. Even though necessary for the public health, the fight against the COVID-19 pandemic has engendered - and in some countries unnecessary - restrictions to fundamental rights and the rule of law. In some EU countries governments have misused the necessary and difficult fight against the COVID-19 pandemic to implement unnecessary civil liberty restrictions, which are unconnected to the preservation of public health. In many EU member states governmental measures were not adequately and sufficiently discussed in parliament and sometimes not based on or in violation with laws in place.

The EGP heavily criticises these developments and calls on, in particular but not only, the Polish and Hungarian governments to stop their attack on the rule of law, democracy and fundamental rights, as well as their attempt to cripple and hamper local governments and further attempts to misuse public money. At the same time, we support the civil movement that is fighting against these developments and we stand in solidarity with all the people resisting and fighting for democracy and fundamental rights, especially in Hungary and Poland. To build truly strong democratic societies we also need to further the social agenda of the European Union in order to live up to the promise of true social rights and social protection for European citizens.

The EGP calls on the European Parliament, the European Commission and the European Council to continue and intensify their fight against these tendencies and to follow through when it comes to defending the rule of law, democracy and fundamental rights.

In particular, as the EGP we:

- Call on the Council of the EU to make substantial progress on the Article 7(1) procedure against Hungary and Poland, as this is the most far-reaching tool currently available at the EU

level to sanction member states breaching the EU values enshrined in the Article 2 of the Treaty of the EU.

- Demand the establishment of an EU Mechanism on Democracy, the Rule of Law and Fundamental Rights. This comprehensive approach is needed to replace the current patchwork of inefficient instruments split across different fields and should include country specific recommendations on democracy, the rules of law and fundamental rights, including media freedom.

- Insist on the need to adopt a strong rule-of-law conditionality mechanism applying to the Multiannual Financial Framework (MFF) and to NextGenerationEU including, in particular, to the Resilience and Recovery Fund. This is the only way to ensure that EU money is not wrongly spent by those who attack the rule of law and fundamental rights and to protect the rights of final recipients and beneficiaries who are not responsible for the rule of law violations.

- Demand that Poland and Hungary end their blockade to the agreed package deal with the European Parliament, that includes the rule-of-law conditionality mechanism and remind that this compromise cannot be reopened. Underlines that their blockade prevents millions of citizens, particularly their own citizens, to receive much needed funds in order to ensure the recovery from the current economic crisis.

- Call on the EU member states not to give in to the Hungarian and Polish Government's vetoes to the adoption of the MFF and the new Recovery Fund. Call on the German presidency to stay firm on the deal that was concluded with the European Parliament and not to cave in to blackmails that would hamper EU values and European solidarity

- When the rule of law mechanism will be adopted, call on the European Commission to make full use of it, taking into consideration that the notion of rule of law should also be understood in conjunction with other European values.

- Call on the European Commission to take a more proactive role in defending the rule of law and acting on the findings of the annual rule of law report, as well as following up and starting infringement procedures where Member States fail to implement EU law with regard to the rule of law and fundamental rights.

- Support institutional reforms to overcome the deadlock created by the unanimity requirements in the Article 7 procedure.

- Will push for the protection of fundamental rights, including in Poland and Hungary, in particular, the right to a fair trial, the right to information and freedom of expression, including media freedom and pluralism, academic freedom, freedom of assembly and freedom of association. EU funding for independent journalism must be largely increased.

- Insist on the crucial importance of the proper functioning of the legislative and electoral system and the importance of the separation of powers and constitutional checks. In particular, we call on the Polish parliament and government to ensure that the legislative and electoral system is fair, and the constitutional powers are used in line with the standards of the rule of law.

- Demand that all missing Member States join the EU prosecutor and that new EU funds are made conditional upon membership in the EU prosecutor, that the EU itself joins the Group of States against Corruption (GRECO) of the Council of Europe and fulfils its obligations under UNCAC, that all EU Member States promote and implement the recommendations of GRECO

and other relevant international bodies to prevent, detect and fight corruption. Who wants to profit from EU funds must accept EU controls against corruption.

- Support the LGBTI community in its fight for acceptance and call on the Polish government to protect LGBTI rights in Poland. We also call on the European Commission to launch an infringement procedure to stop the self-declaration of LGBTI-free zones in Poland.

- Strongly condemn the attack on women's rights, especially the continued attempts to abolish crucial parts of the abortion law in Poland and call on the EU and the Council of Europe to recognise the right to access to a safe and legal abortion and bodily autonomy as fundamental human rights.

- Recognise the right of NGOs in Poland and Hungary, as well as in other EU countries, to have their projects be selected, funded and supported directly by EU institutions and funds. Any attempt by national governments to cut funding opportunities must be prohibited as this is a way to restrict the development of civil society and democracy. Strongly support the call for direct funding for cities, local authorities and regions by the EU Commission in settings where national governments undermine the rule of law and fundamental rights. This would help prevent governments from breaking with the fundamental values of the EU while allowing the EU to ensure a life of dignity for all across the whole EU.

- Support the efforts of civil society to apply its right to receive environmental information that is withheld by public authorities and to participate in preparing plans, programmes, policies and legislation that may affect the environment, as stated in the Aarhus Convention. Especially in the times of climate crisis, the exploitation of nature should not be a source of income for the EU Member States. The implementation of special acts and other legal instruments that limit citizens' influence on environmental policies must be stopped.

- Demand that the EU Charter of Fundamental Rights should apply also to the Member States' actions and citizens should be able to defend them in the European Court of Justice. This will give competences to the EU to act in those areas and to react whenever those rights are violated in the Union.