

## Background

Europe has a long tradition in the area of democracy, the rule of law and citizens' rights. Running from Athenian democracy, Roman Law, the 1215 Magna Carta, the 1789 Déclaration des Droits de l'Homme et du Citoyen, the European Convention on Human Rights, to the Charter of Fundamental Rights.

The European Union has moreover enshrined democracy, rule of law and fundamental rights (DRF) in its core principles and objectives in the first articles of the Treaties, and in the criteria for EU membership.

### Article 2 Treaty on European Union (TEU)

*“The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.”*

In accordance with Article 2 TEU, the Union and its Member States engage to respect for the values of democracy, the rule of law and fundamental rights. However, there is a gap between the proclamation of these rights and values and actual compliance with them on the part of the European Union (EU) and its Member States.

Whereas the erosion of the rule of law, democratic governance and fundamental rights are a serious threat to the stability of the Union, the monetary union and the common area of freedom security and justice, and prosperity of the Union, the European Parliament adopted on 25 October 2016 a resolution with a proposal for an EU Pact on Democracy, Rule of Law and Fundamental Rights (DRF Pact)<sup>1</sup>.

The proposed Pact entails the establishment of a comprehensive Union mechanism for democracy, the rule of law and fundamental rights, integrating, aligning and complementing existing mechanisms.

The mechanism has two core elements:

- an annual European report on the state of democracy, the rule of law and fundamental rights in the Member States; and
- an EU policy cycle for democracy, the rule of law and fundamental rights, involving EU institutions and national parliaments, including a democracy, the rule of law and fundamental rights policy cycle within the institutions of the Union

As enshrined in the DRF Pact, the role of National Parliaments is key in maintaining the necessary continuous debate within the common Union consensus on democracy, rule of law and fundamental rights. The Pact also includes an annual interparliamentary debate. This year, the parliamentary

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<sup>1</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2016-0409+0+DOC+PDF+V0//EN>

dialogue will focus on the role of the judiciary in upholding DRF and will discuss, in particular the EU Justice Scoreboard.

Against this background, it would be useful to receive information from national Parliaments on their experience in this field and how they have addressed similar challenges.

### Questions

**Does your Parliament/ Chamber consider the full respect of democracy, the rule of law and fundamental rights, as per Article 2 TEU, necessary for good cooperation and mutual trust within the EU?**

**Does your Parliament/Chamber discuss annual reports on Democracy, Rule of Law and/ or Fundamental Rights?**

**Does your Parliament/Chamber have any procedure to assess the state of DRF annually at national level?**

If so:

- which bodies are vested with the power to perform this assessment or monitoring?

**Does your Parliament/Chamber have debates on the situation of Democracy, Rule of Law and/ or Fundamental Rights (DRF)?**

If so:

- how often is this debate taking place?
- can you describe briefly if the debates are incident driven or systematic?
- How is/ are the DRF debate(s) organised?
- Is there a special DRF rapporteur?
- Is/ are the DRF debate(s) based on a report? If so, who provides the report?

**As National Parliaments play a key role in maintaining the necessary continuous debate within the common Union consensus on DRF, the DRF Pact proposes an interparliamentary debate.**

**- How could the work of your Parliament/Chamber contribute to this annual DRF policy cycle?**

- How would your Parliament/Chamber ensure compliance with commitments by all relevant parties?
- Would the appointment of a special DRF rapporteur in your Parliament/Chamber be helpful to safeguard the bottom up approach?

**Finally, what suggestions does your Parliament/Chamber have for ensuring compliance with Article 2 TEU by all Member States?**