

European Parliament election

11 challenges for human rights in Europe

Defending the Rule of Law and Fundamental Rights

- 1. According to your political group, what tools should the European Union (EU) use to ensure member states adhere to the founding principles of the EU, including respect for human dignity and human rights, democracy, equality, and the rule of law? Do you favor proposals to condition and restrict access to certain EU funding for member states that do not comply with EU standards on the rule of law and human rights?**

The only valuable and comprehensive solution was proposed by the European Parliament in its own-initiative legislative report on the mechanism on democracy, rule of law and fundamental rights (DRF Pact) adopted in October 2016. First, the DRF Pact does not create any hierarchy of values. Second, the DRF Pact is politically independent. The assessment is made by a panel of independent experts, not the Commission, the European Parliament, or the Member States in the Council. Third, the DRF Pact is not an ad hoc mechanism. Fourth, the DRF Pact has a democratic legitimacy. Given that, the Greens/EFA in the European Parliament remain convinced that the Commission and the Council should refrain from drafting alternative proposals, and should open negotiations with the European Parliament on the conclusion of an interinstitutional agreement on the DRF Pact. In the long term, the panel of independent experts could also publish its findings itself rather than to send it to the Commission, and to propose applicable sanctions.

The issue of possible financial consequences is not covered in the DRF Pact. The Commission should be entitled to strictly monitor the use of Union funding, to ensure that EU spending is fully compliant with Union values. Where applicable, the principle of shared management could be temporarily suspended and that Union funding would be directly managed by the European Commission, in close cooperation with regional and local authorities. Some elements of this approach are already included into the European Parliament's position at first reading on the proposal for a regulation on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States (adopted in April 2019). Some other elements of the European Parliament's position are clearly inspired by the DRF Pact, such as a link between the rule of law and fundamental rights, and the annual assessment of the situation in all Member States by a panel of independent experts. In the long term, the Regulation should be included into the coherent framework of the DRF Pact.

- 2. Which steps should the EU take collectively to protect journalists against attacks for their work and media pluralism in EU countries?**

The EU agencies, such as Europol and Eurojust, should play an active role in investigations of crime against journalists linked to their professional activities.

The EU should support financially and promote the following Member States' actions:

- to promote a free, independent and diverse communications environment, including media diversity;

- to establish a clear regulatory framework for broadcasters which is overseen by a body which is protected against political and commercial interference or pressure and which promotes a free, independent and diverse broadcasting sector;
- to ensure the presence of strong, independent and adequately resourced public service media, which operate under a clear mandate to serve the overall public interest and to set and maintain high standards of journalism;
- to put in place other measures to promote media diversity which may include, as warranted by the situation, some or all of the following:
 - providing subsidies or other forms of financial or technical support for the production of diverse, quality media content;
 - rules prohibiting undue concentration of media ownership; and
 - rules requiring media outlets to be transparent about their ownership structures.
- to take measures to promote media and digital literacy, including by covering these topics as part of the regular school curriculum and by engaging with civil society and other stakeholders to raise awareness about these issues.

Besides, a 'European Daphne Caruana Galizia prize for investigative journalism', named after the murdered Maltese journalist and anti-corruption activist, has to be awarded annually for outstanding investigative journalism in Europe. The EU should also fund cross border investigative journalism projects. The "Erasmus for media" programme could also be established.

3. Which steps should the EU take to protect civil society from legislations that can unduly restrict their rights, activities and access to funding?

Please see our reply to question 1. In addition, we welcome a partial agreement between the European Parliament and the Council on the Rights and Values Programme. The Parliament has managed to introduce the new "Union values strand" referring to democracy, fundamental rights and the rule of law that will fund corresponding actions at local, regional, national and transnational levels. In the long term, additional funding could be earmarked for the civil society organisations from the specific Member States where the Union values are under threat.

Tackling Discrimination and Promoting Equality

4. What are your group's plans to address discrimination against women, promote gender equality in EU countries and protect women and girls from gender-based violence?

Gender equality is far from being achieved and in recent years we have also witnessed a backlash in terms of women's rights and gender equality, which threatens the gains of the past. That is why our group will demand the EU Commission to ensure that gender equality sits high in the political agenda. During this mandate the European Commission has decided to downgrade the main policy document on Gender Equality "The EU Strategy on Gender Equality" to a working staff document. We have also witnessed many new gender equality laws (such as the maternity leave revision, the anti-discrimination directive, and the Women on Boards directive) withdrawn from the Commission work plan or consigned to the drawer.

The times where gender equality is considered a marginalised policy area are over. We are determined to unblock the gender equality directives that are blocked in the Council and we will demand a new Gender Equality Strategy that sets high and binding gender equality objectives for all EU member

states. We will as well advocate in the next mandate for an Equal Pay Directive with binding measures for pay transparency and an EU strategy with clear targets, monitoring measures and sanctions to eliminate once and for all the pension gap.

We will also advocate for the inclusion in the European electoral law of mandatory gender-balanced representation by means of the zipper system or other equivalent methods for the European elections in all the Member States. We will also work to ensure parity in the main EU decision-making bodies, as we believe equal representation is fundamental to ensure that institutions are a fair and democratic representation of our society.

Greens/EFA will also call for a legislative act to combat and eliminate gender-based violence. It is essential that all Member States have the same definition of gender-based forms of violence and provide the same information, access to and provision of shelters, support services, rights, and protection for victims. We will continue to push the EU not only to sign but also to ratify the Istanbul Convention — the first instrument in Europe to set legally binding standards on preventing and combating violence against women and domestic violence. We cannot allow this convention to be hijacked by neoconservative and fundamentalist groups with hate and anti-feminist campaigns. Its ratification would change the lives of women in the EU, making them safer, and building a future in which they can live free of any form of violence. Greens/EFA will continue to pressure governments and the EU Commission to deliver on gender equality.

5. What are your group's plans to address racial discrimination, antisemitism, islamophobia, attacks and discrimination on the basis of sexual orientation and gender identity, disability, hate speech, racially motivated crimes, and attacks and promote tolerance in the EU?

We hope that after the EP elections in 2019, the Council will be prepared to move forward with the 2008 proposal for the new Equality Directive prohibiting discrimination on grounds of religion/belief, age, disability and sexual orientation, as well as multiple discrimination, beyond employment. For that purpose, we also support the use of the *passerelle* to facilitate decision-making on non-discrimination. Apart from that, we invite the Commission to propose a revision of the Framework Decision on Racism and Xenophobia in order to cover hate speech and hate crime related to one's religion/belief, age, disability, sexual orientation and gender identity. In addition, the EU Framework for National Roma Integration Strategies should become a proper EU strategy for the Roma inclusion and fighting anti-Gypsyism, and the Commission should propose a renewed ambitious LGBTI List of Actions, covering, in particular, the recognition and protection of same-sex unions, prohibition of sex 'normalising' surgery and discriminatory requirements for legal gender recognition.

6. What are your political groups' propositions to advance the rights of persons with disabilities?

Please see our reply to question 5.

In addition, the new European Disability Strategy beyond 2020 should include compulsory requirements regarding accessibility in public spaces, a minimum percentage for employment of persons with disabilities, guarantees of inclusive education, including access to initiatives such as Erasmus +, and particular attention to women and children with disabilities;

All persons with disabilities must be empowered to enjoy full rights in all spheres of life and as EU citizens and participate in society on equal basis to others, as enshrined in the UN Convention on the Rights of Persons with Disabilities that has been ratified by the EU. The European Commission and Member States should step up efforts in filling the existing gaps in the implementation of the UN Convention and the European Disability Strategy. At global level, the EU should act as leader to ensure that the Sustainable Development Goals are implemented in a way that is inclusive for persons with disabilities

Respecting Migrants and Refugee's Rights

- 7. What migration policy does your political group support that would ensure all migrants and asylum seekers who reach EU territory are treated humanely and that respects their right to asylum? Does your political group support a policy to secure responsibility sharing among EU member states to alleviate the pressure on first countries of arrival? If your party's migration policy does not address any of these goals can you explain why and what your political group supports?**

The Greens/EFA Group has consistently been calling for the development and implementation of human rights based EU migration and asylum policies.

We believe in an **open and inclusive society** - a society, which takes responsibility for people fleeing war or persecution, which is open to migration and governed by a welcoming culture of solidarity. We object xenophobia, hate speech, and anti-immigration populism. The cornerstones of our Green policy on migration and refugees are a humanitarian approach to refugees based on solidarity and responsibility-sharing, a structured immigration policy and the full respect for human rights.

The Greens/EFA are particularly concerned of the ongoing criminalisation of actors providing humanitarian assistance to migrants and took the initiative to adopt a plenary [resolution](#) on 5 July 2018 urging the European Commission to issue guidelines to Member States clarifying that **humanitarian assistance shall never be criminalised**. The Greens/EFA are particularly concerned of the current lack of **Search and Rescue** actors in the Mediterranean and are calling for an urgent European solution to be found.

The Greens/EFA strongly support the need for an urgent **reform of the Dublin Regulation** in order to ensure solidarity in the EU and appropriate responsibility sharing. We have been supporting and actively contributed with constructive amendments to shape the [European Parliament position](#) on the Dublin Regulation. The Dublin system has been dysfunctional for years at great human and financial cost and is now being revised for the third time. It is now of utmost importance to build a new functioning and sustainable system based on solidarity and responsibility sharing between Member States and which, crucially, gives priority to asylum seekers' family ties and other meaningful links. In our position paper "[A Green Alternative to the Dublin System](#)" we call for a fair distribution key which is binding for all Member States and which takes into account to the extent possible the ties and preferences of asylum seekers to a certain Member State such as family relations, community links and knowledge of language. By introducing a fair and binding distribution key, the EU can drastically expand its protection capacity for refugees. Taking preferences into account improves the prospects of integration.

The Greens/EFA call for a drastic increase **resettlement** and for setting up **humanitarian visas** in order to ensure that people in need of protection can safely travel to the EU. Humanitarian visa would allow

people who are likely to be in need of protection to travel in a safe way to Europe where their asylum claim then would be processed.

On the other hand, the Greens/EFA are also calling for a comprehensive **reform of the EU legal migration acquis**, which would move from the current piecemeal approach to the adoption of a comprehensive and coherent immigration code. People who want to come to Europe to work or to be reunited with their families often have to take the same dangerous routes and perilous journeys as refugees. The EU offers hardly any possibility for them to come to Europe in a legal way. Smugglers and exploitative employers are profiting from this lack of regular migration channels and are presently implementing the labour mobility that the EU is not able to offer, particularly in sectors such as domestic work, care, construction, agriculture and tourism, where migrants unable to get visas often become vulnerable to abuse, violence and exploitation. The Greens/EFA believe that the EU should adopt an Immigration Code, providing for visa opportunities for families to be reunited and for work at all skills levels, in order to incentivise migrants to come to the European Union in full respect of visa conditions and avoiding exploitation, abuse and perilous journeys.

Safe and regular channels benefit everyone; not only do they save lives and contrast the proliferation of smuggling rings, but they also provide receiving states with the possibility to better plan, put structures in place and minimise any risk.

8. What should the European Parliament do to ensure that EU external migration policy protects the rights of migrants and asylum seekers, including the right to seek asylum, and does not expose them to abuse?

Europe must prioritize tackling the drivers of forced migration instead of attempting to stop migration flows. The current focus of the EU on development cooperation as the main instrument for fighting root causes of migration is insufficient. The EU must do much more to tackle violent conflicts such as in Syria, South Sudan or Somalia as they are the main reasons for forced migration. The EU must stop making development cooperation conditional upon cooperation of third countries on the prevention of irregular migration, border control and the readmission of migrants. Development cooperation is about fighting poverty not about fighting migration. The EU must in any case stop cooperating with dictators and international paria states such as Somalia and Eritrea on fighting irregular migration.

The Greens/EFA actively support the implementation of the **Global Compact on Refugees** and of the **Global Compact on Safe, Orderly and Regular Migration** and call for coordinated action for the implementation of the two Compacts at EU level.

Shifting the responsibility for refugees unilaterally to countries outside of the EU such as Turkey and Libya is the wrong response to people in need of protection. Cooperation with third countries must focus on ensuring that regular channels are established for migrants and refugees to travel in safety and have access to protection. **Making cooperation with third countries in all policy areas, conditional upon cooperation on border control and readmission puts significantly at stake migrants' fundamental rights** and undermines the core principles of international and European refugee protection. In the case of Libya, the EU is actively fuelling human rights abuses. Although migrants and refugees in Libya are tortured and detained under horrible conditions, the EU is supporting the Libyan coast guard with funding and training to intercept them and to bring them back into this misery.

Respecting Rights While Countering Terrorism

- 9. What concrete steps should the European Parliament take to ensure that human rights, including the right to privacy, are protected in the context of the EU directives and other EU policies to counter and prevent terrorism? What should the Parliament do to ensure that Directives are subject to oversight and, if necessary, revision if they violate rights when implemented, especially if poorly transposed into domestic law?**

The fight against terrorism is currently led in the European Union by a one-sided perspective: police action and mass surveillance. This did not bring more security to Europeans, but damaged their rights. This is now the time for a more comprehensive policy in order to be more efficient.

Policy responses towards mass surveillance and generalised suspicion are ineffective and threaten the defining features of an open society, where freedom, privacy and the presumption of innocence be respected. The trend of the last decade was to collect more and more data, believing this will bring us more protection. Although the European Court of Justice has three times now ruled that the blanket mass retention of data of whole populations or all air passengers without a link to any suspicion is not compatible with our fundamental rights, Member States and conservatives still don't want to let go of this. But we also do not have enough people to process all the data. Greens stand for a fundamental shift away from putting more hay onto the haystack, and instead focusing on finding and connecting the needles. We truly miss more cooperation on the ground between humans. We argue for "targeted surveillance" which presupposes serious grounds for suspicion, by enhancing human capacities to treat, analyse and react to the intelligence gathered.

The European Parliament in its resolution on Facebook / Cambridge Analytica in October 2018 has called for a dedicated Commissioner for privacy and data protection in the next European Commission. We support this. It would also contribute to better and more persistent infringement procedures in cases where Member States do not fully respect fundamental rights when transposing EU legislation.

The European Parliament should request opinions from the Court of Justice before adopting questionable legislation or ratifying doubtful international agreements. The necessity of this has been proven by the negative opinion of the CJEU on the EU-Canada passenger data (PNR) agreement.

Ensuring Respect for Human rights in the EU's Foreign Policy

- 10. What should the European Parliament do to ensure that respect for and promotion of human rights are at the centre the EU's bilateral and multilateral relations with third countries, including trade policy?**

Through its scrutiny role and adoption of international agreements, the Parliament has a critical role in ensuring the EU complies with its legal obligation to respect and promote human rights in all its external dealings, notably trade. The Greens/EFA group has been at the forefront in denouncing EU double standards when geostrategic, financial or other interests are at play. We will continue to reject bilateral agreements with repressive regimes and EU policies, which fail to consider adequately their impact on human rights. Fighting back against the global backlash against human rights, shoring up human rights defenders and democratic voices and defending multilateralism should be a priority for the EU's global action. The Parliament has to urge the EU to adapt its human rights policy to today's

emerging and pressing challenges, notably in relation to climate change, surveillance capitalism, as well as corporate accountability. Finally, we believe that the EU should lead by example and that it will only be a credible, global actor, if and when it ensures respect for human rights within its own borders.

Greens strongly believe that a human rights clause has to be part and parcel of each and every trade agreement between the EU and third parties. At the same time, Greens are aware that this clause has hardly ever been used for more than ceremonial purposes. In addition, this clause is totally insufficient to avoid those human rights violations which are inherent to the trade chapters themselves. As a preventive measure, Greens call for a Human Rights Impact Assessment, to be added to the Sustainability Impact Assessment. Furthermore, all trade related agreement chapters have to be revised in order to rule out human rights violations. Some examples: provisions on Intellectual Property have to be reshaped so as to exclude restrictions with respect to production and distribution of generic medicines, as well as restrictions with respect to non-profit sharing of seeds. In the chapters concerning Energy, Market Access, and Financial Services, investment in fossil fuel exploitation projects, or change of land use for cash crop purposes, or SPZs (Special Production Zones, which are exempted from labour legislation) have to be excluded from the scope of the agreement.

11. Do you support a Global EU Human Rights Sanction Regime against individuals or groups of individuals responsible for serious violations of international humanitarian and human rights law, including torture, rape, enforced disappearances, and extra-judiciary killings? How should the European Parliament further help advance justice and accountability for abuses?

The Greens/EFA group has been leading [efforts](#) in the European Parliament in support of a global EU human rights sanctions regime. In the face of a global backlash against human rights and widespread impunity, we are convinced that the EU needs a new, flexible and reactive tool in order to target individuals responsible for the worst crimes. Our banks and borders must be closed to those violating freedoms.

The promotion of justice and accountability for abuses should be at the heart of the EU's global action. We are strong supporters of the International Criminal Court and of all efforts at domestic and international level to prosecute perpetrators of gross human rights violations, wherever such crimes have been committed. The EU should step up its efforts to fight impunity and to support civil society actors engaged in this field.