

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?

Our political family in the European Parliament, the S&D Group, is resolute in its support for a strong and comprehensive EU mechanism that will apply to all EU Member States and apply to Democracy, Rule of Law and Fundamental Rights (DRF Pact). This Pact foresees an annual DRF Report on the compliance of EU Member States' with the values laid down in Article 2 TEU, accompanied by country-specific recommendations, to serve as a basis for an inter-parliamentary debate and a permanent DRF Policy Cycle within the institutions.

We want to see tools that are more comprehensive and preventive. Other mechanisms such as those proposed by the EPP or a voluntary peer review in Council are not effective enough to properly assess the situation across the EU.

The S&D Group is in favour of a mechanism for the next MFF to protect the financial interests of the EU and its values. Nevertheless, this proposal needs to be reinforced with the following measures:

- The final beneficiaries must be protected with an additional "safety net". This allows for the direct mobilisation of payments to the benefit of the final beneficiaries by the Commission, in cases where the respective Member State/government entities do not follow its legal obligation to make the payments;
- The scope shall not be restricted only to "rule of law" strictly as enshrined in Article 2 but shall encompass the respect of all Copenhagen Criteria and strong and common EU values;
- The role of the European Parliament cannot be limited to information but shall be on an equal footing with the Council in order to reflect its role on budget and also as the direct voice of European citizens on this important issue.

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

As a political family, the PES continues to fight for media pluralism and media freedom in the EU, particularly at a time when journalists are under attack and a free and impartial media is threatened in a number of Member states.

During this mandate, the deaths of journalists Daphne Caruana Galizia, Ján Kuciak and have brought into clear focus the real risks and pressures brought on journalists and our need to protect them. Our political family was active in supporting where possible investigations into their murders as well ensuring that they are honoured and not forgotten in the EU.

In the European Parliament, the S&D Group has been instrumental in pushing for whistle-blower legislation across the EU. The end of the mandate saw cross-sector legislation adopted which our

group steered through Parliament to ensure that those who call out corruption and wrongdoing are protected. Next mandate we want to see the scope of this legislation expanded to ensure journalists acting as whistleblowers are covered and to include social rights.

As new forms of media develop, our political family will continue to fight dangerous elements like fake news and hate speech. Along with this, we will continue to enhance and defend a media landscape that is pluralistic, credible and non-partisan. Media pluralism and diversity is essential for a healthy democracy. The concentration of media ownership is a key threat to this, and the EU should be equipped to monitor the situation in Member States, and to take action when there is a concentration of power in the hands of one company or individual.

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

The EU is a community of law and its values constitute the very basis of its existence. These values are enshrined in the EU Treaties, the EU Charter of Fundamental Rights and the UN Convention on the Rights of Persons with Disabilities. The PES believes it is essential to actively support civil society from legislation that restricts any of these values.

In its resolution on democracy, the PES declared its active support for civil society fighting for democratic rules in countries where fundamental rights have come under threat. This includes ensuring they have adequate funding to carry out their work. In particular, we want a European fund to support civil society organisations that are protecting the fundamental rights of minority groups and vulnerable people within Member States.

Over the last five years, the S&D Group has supported programmes designed to provide financial support for civil society on a local and national level to counter the backlash against democracy, rule of law and fundamental rights occurring in some Member States in the EU.

In the next mandate of the European Parliament, we want to continue to defend the idea to create programmes that are clearly related to European values such as the Rights, Equality and Citizenship Programme, the Europe for Citizens Programme and the Justice Programme. These would not just protect but would also support civil society organisations in their activities and access to funding.

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?

If we are going to achieve gender equality, we need to see an end to violence against women and girls and ensure that women free to make their own decisions and their bodies and their lives, particularly when it comes to questions about sexual and reproductive health and rights. We see it as a cross-cutting issue that must be applied across all policies and sectors and in all phases, by using gender mainstreaming and gender budgeting.

In the next mandate our political family wants to focus on a number of areas:

ECONOMIC EMPOWERMENT OF WOMEN

We want binding legal measures for pay transparency and the introduction of pay audits and publicly accessible wage-mapping to help overcome the gender pay and pension gap.

In cases of workplace gender discrimination, we want to see a reversal of the burden of proof, and the introduction of a new EU-level definition of 'work of equal value'. This should take into account case law from the European Court of Justice in order to ensure a better reflection of factors such as working conditions, the level of responsibility conferred on workers and the physical or mental requirements of the work.

Furthermore, we want the establishment of gender equality plans and gender audits in the private sector for companies with more than 50 employees so that we can enhance gender equality and combat discrimination in the workplace. These plans should be carried out in close cooperation with social partners and they should contain concrete measures such as the use of gender-neutral language, prevention of sexual harassment, appointment of the under-represented gender to top positions, part-time work and participation of fathers in childcare and leave.

In the European Parliament, the S&D Group will push for gender audits of fiscal policies in order to eliminate tax-related gender bias. The disproportionately high tax burden for secondary earners, most of whom are women, is often a serious disincentive to participation of women in the labour market. We believe that individual taxation is crucial to achieving tax fairness for women and therefore urge Member States to introduce individual taxation systems, while ensuring that all financial and other benefits linked to parenthood in current joint taxation systems are fully preserved.

We also find it outrageous that female hygienic products are still not considered basic products in all Member States. We therefore want all EU countries to eliminate the so-called "care and tampon tax" by applying a 0% VAT rate to these essential goods.

GENDER PARITY IN POLITICAL AND ECONOMIC DECISION MAKING

Our political family will make full use of gender quotas and zip lists and encourage others to do the same in order to reach gender parity in political decision making. These tools are the most effective approach in addressing discrimination and gender power imbalances and improving democratic representation in political decision-making bodies.

We also want gender parity in economic decisions. We will use binding legislation to reach gender balance on boards of companies, as suggested by the 'Women on Boards' Directive Proposal from 2012. We will continue to fight for the Council to unblock this proposal and to find a swift agreement on the directive.

FIGHTING VIOLENCE AGAINST WOMEN - IN ALL ITS FORMS

We want the EU and all Member States to ratify the Istanbul Convention as the most comprehensive international treaty on preventing and prosecuting violence against women and domestic violence and to protect survivors.

We want a European Strategy to prevent and fight gender-based violence that includes a proposal for a legislative act, identifying violence against women and girls as an area of crime listed in Article 83 (1) TFEU in order to have a mandatory legal base so as to draft a legislative proposal in the form of a Directive.

In 2018, the S&D initiated a report with concrete proposals to combat sexual harassment at the workplace and in public spaces. Unfortunately, conservatives in the European Parliament opposed our call for mandatory training to raise awareness of and to prevent sexual harassment within the EU institutions. However, we will continue our fight for this to be introduced.

We will widen our work on banning sexist advertisements in public spaces to counter gender stereotypes and discrimination as well as online violence and hate speech against women.

Finally, we must tackle trafficking and sexual and labour exploitation. These are a modern form of slavery that constitute a clearly gendered crime. The S&D Group want to shift the criminal burden onto those who purchase the services—sexual or other—of trafficked persons. We will also push for proposals on an ambitious EU Strategy for Eradicating Trafficking in Human Beings.

GUARANTEEING SEXUAL AND REPRODUCTIVE HEALTH RIGHTS.

These rights are fundamental human rights. They are an essential element of gender equality and the self-determination of women and men, as well as a precondition for women's economic independence. We therefore demand the full range of SRHR, including age-appropriate sexual and relational education, voluntary family planning, access to affordable contraception, and to safe and legal abortion, to be included in the next EU Public Health Strategy.

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?

There are different ways to address the discriminations referred to above.

As a political family, the PES has a strong record in tackling discrimination. Over the course of the last mandate in the European Parliament, the S&D Group adopted several policy papers and strategies - e.g. LGBTI paper and the S&D Working group on Extremism. We also appointed specific spokespersons on key issues, such as a special representative to Muslim communities and a spokesperson for Roma. We will continue this approach in the next mandate.

Our group is engaged in a continuous dialogue with civil society on these topics. We can rely on a comprehensive network of organisations at European and national level. Moreover, many of our MEP candidates have already signed pledges from civil society organisations fighting against discriminations (ILGA-Europe, Disability forum, Roma Platform, #MeToo EP campaign...).

In the European Parliament, the S&D Group will continue its support for the continuation of different internal cross-party interest groups (Intergroups) and informal groups defending an inclusive society and promoting an intersectional approach. We will keep on defending the quick and swift adoption of the blocked horizontal anti-discrimination directive outside of work, which could tackle these topics at EU level. Some EU texts in this field, especially those concerning hate speech and crime, may need some updates in order to include new grounds of discrimination.

Our political family is also working to tackle discrimination within the European Parliament and making it clear it has no place in our political group. We are implementing a zero-tolerance policy towards discrimination by actively training our staff. This is currently more of an exception rather than the general practice amongst political group secretariats in the European Parliament.

As well as this, we want to tackle hate speech at EU level. We pushed for stronger sanctions and a better definition of hate speech in the revised European Parliament rules of procedure and, with this new tool, S&D Members will continue to refer cases to the Parliament President to ensure a strict follow up as well as ensuring a strict policy towards its own Members.

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

Between 2014 and 2019, the S&D Group in the European Parliament supported the adoption of important legislation to improve accessibility in Europe, including the European Accessibility Act, the Website Accessibility Directive and the European Electronic Communications Code. Over the next five years, we will monitor the implementation of this legislation. But we need to go further.

We were disappointed with the level of ambition of the European Accessibility Act, which focused on digital accessibility rather than physical accessibility. Therefore, we will fight to get Member States to improve the accessibility of built environments for services and the accessibility of transport.

We will also prioritise full accessibility of programmes such as Erasmus+, Solidarity Corps and the Youth Employment Initiative for people with disabilities. We want to ensure the inclusion of provisions and policies targeted on the inclusion of people with disabilities. On the revision of the Regulation on social security coordination, we support strongly the portability of rights for persons with long-term care needs.

We want to ensure people with disabilities can enjoy their rights fully, including the right to an inclusive education, and their right to vote. This means implementing measures to make the European elections fully accessible and inclusive, such as ensuring accessibility of polling stations, campaign materials and political debates.

Regarding digital accessibility, any future files in the area of digital Europe or the digital single market should also specifically assess and take into account the needs of disabled people and ensure equal access.

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?

Our political family is in the vanguard of calls for an overhaul of the European rules on asylum. We want to ensure greater harmonisation of asylum procedures and to install genuine solidarity and a fair-sharing of responsibility between Member States. We want to have a serious dialogue about this, establishing common and shared responsibilities regarding migration and refugees. We are in favour of developing and improving the implementation of protection frameworks for both migrants and refugees, in particular through safe and legal migration routes and humanitarian visas.

The PES family will continue to fight for a sustainable, unified and effective Common European Asylum System. This approach was first encapsulated in the Parliament's Report on a Holistic Approach to Migration, in which the S&D Group ensured support for a centralised system for fair allocation of responsibility for all those arriving in the EU who are seeking international protection. This would ensure we treat each asylum seeker as someone seeking asylum in the EU rather than in an individual Member State, and would be based on fair and objective criteria. The S&D Group believes that such an approach would greatly alleviate the burden on Member States of first arrival.

We will also insist on the need for greater search and rescue capacities for people in distress at sea and on land in order to fulfil the primary obligations of international law. The EU should encourage the countries concerned to sign the Protocol against the Smuggling of Migrants by Land, Sea and Air.

We want to ensure that human rights are at the centre of our migration policy, and all attempts to work with third countries, including countries of origin and transit, must go hand in hand in with improving human rights conditions within these countries.

Finally, we want to see the introduction at EU level of effective and sustainable policies to counter global climate change, as this is one of the main causes of increasing internal displacement and forced migration.

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?

Through the proposed revision of the rules governing the Common European Asylum System, the S&D Group successfully ensured that the EU ground rules on asylum should remain as they always have been – based on the Geneva Convention on Refugees and on the individual right to asylum. The defence of humane treatment and respect of fundamental rights can be found throughout the S&D Group's positions and in the various proposals for reform of the Common European Asylum System.

In addition, the S&D Group position has been very clear on the need for a European approach to resettlement for persons in need of protection and the introduction of systematic, mandatory, large-scale resettlement programmes. As well as this, we want to see the establishment of humanitarian visas at European level in case of a significant stream of refugees. This would alleviate countries in certain regions which host millions of refugees and would simultaneously create safe and legal routes for the most vulnerable refugees.

Over the next five years, the PES family believe the European Parliament should work together with civil society and human rights organisations to identify and propose mechanisms aimed at increasing the proper defence of human rights and addressing the risk of human rights abuses. This should be done in the context of the Partnership Framework with third countries.

The European Parliament should also work towards introducing increased safe and legal pathways to ensure appropriate management of migrants and ensuring the right to seek asylum. This should include ensuring that the reform of asylum directives improves access to fair and efficient asylum procedures.

The list of safe countries of origin should be subject to permanent monitoring, taking into account the positive or negative changes in respect of human rights in the country. The ratification of the 1951 Refugee Convention should also be a criterion that is used. Moreover, In the context of the readmission agreements with third countries, the European Parliament should continue insisting on strong respect of human rights with appropriate safeguards.

The European Parliament should continue its financial and political support to UN agencies and NGOs working to improve conditions and treatment of migrants and asylum seekers in third countries.

In the last mandate, the S&D Group strongly supported the UN Global compacts for migration and refugees. The European Parliament should use all tools available to turn those commitments into reality with strong follow up and review mechanisms. The implementation of both compacts must be transparent and inclusive, involving stakeholders and human rights organizations. Finally, the European Parliament should push for a strengthened parliamentary dimension as a way to ensure accountability and the respect of human rights clauses.

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?

Our political family has pushed and will keep on pushing for the protection of all fundamental rights, including the protection of privacy and personal data, the presumption of innocence, and the protection of procedural rights in security legislation. Indeed, security cannot be achieved at the expense of civil liberties. Rather, they need to reinforce each other. In the next mandate, we would like to see a comprehensive evaluation of current policies to identify gaps and overlaps, and specifically identify aspects that are not working, and whether this has led to any negative consequences for fundamental rights.

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?

The PES has always and will always fight to put binding human rights commitments front and centre of our trade policy.

In the last mandate, the S&D Group led the way in the parliament with key pieces of legislation to make real and meaningful change on the ground in our partner countries. Thanks to their work, we defeated right-wing groups by pushing through the "conflict minerals legislation" making sure that all EU importers are legally obliged to ensure that precious materials for use in everyday objects such as mobile phones, are sourced responsibly.

Similarly, our political family set the bar high on the "torture goods" regulation, meaning that no EU operator can trade or be complicit in the trade of equipment which may be used for torture. We will continue to take a similar approach in the future, so that human rights are not simply an "opt in," but are binding and enforceable in all circumstances. We will similarly push for a horizontal human rights clause in all trade agreements.

The EU's Generalised System of Preferences (GSP) has proven successful in helping some of the poorest countries develop. However, this instrument needs strengthening when it comes to human rights and labour violations. In the next mandate, we will push to make sure this instrument takes into account local reports of human rights abuses, and that benefits for partner countries are more readily withdrawn in cases of non-compliance.

Our family is in favour of further promoting the ratification and implementation of several international guidelines, conventions and rules on business and human rights, such as the core ILO conventions, the UN Guiding Principles on Business and Human Rights, the United Nations Global Compact for businesses, the Extractive Industries Transparency Initiative and the Kimberley Process. We want to put a special focus on the eradication of child labour, forced labour, human trafficking, corruption and unethical working conditions, and on the promotion of gender equality, non-discrimination and the freedom of association.

We would like an EU-wide mandatory due diligence system and recall the EU's commitment to placing human rights and democracy at the centre of its relations with third countries, therefore including human rights conditionality clauses in international trade policy and agreements.

We would like all the Member States to strictly observe the EU Code of Conduct on Arms Exports. In particular, they should halt all transfers of weapons, surveillance and intelligence equipment and material that could be used by governments to crack down on human rights and attack civilians.

The European Parliament must continue to insist on a modernisation of the EU's policy on exports controls for dual-use goods. While the Commission had presented a proposal in September 2016 and the European Parliament had adopted its position in January 2018, the Council has blocked the legislation. This failure to address human rights violations that occur because of the use of cyber surveillance technologies, including those from EU Member States, is inadmissible.

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?

Our political family strongly condemns all violations of human rights across the globe. We would like to see an autonomous, flexible and reactive EU-wide sanctions regime that would allow us to target any individual, state or non-state actor, or other entity, responsible for or involved in grave human rights violations.

We firmly believe that such a regime is an essential part of the EU's existing human rights and foreign policy toolbox and would strengthen the EU's role as a global human rights actor, notably in its fight against impunity and its support to victims of abuse and to human rights defenders worldwide.

This regime should allow for the imposition of restricted measures against any individual or entity that is responsible for, involved in or assisting the planning, directing or committing of gross human rights violations and abuses, or acts of systematic corruption related to human rights violations. These measures should include asset freezes and EU entry bans. We will emphasise the need to clearly define the scope of violations and to set up appropriate legal avenues through which a listing can be challenged.

Member States should ensure that authorities, companies and other actors registered in their territories are in full compliance with the Council decisions on restrictive measures against individuals and entities. We are concerned at recent reports of violations of these decisions and would remind Member States of their obligation under international law to ensure the arrest and prosecution of those suspected of having committed crimes involving atrocities present on their territory.

It is essential to us that the credibility and legitimacy of this regime are conditioned by its full compliance with the highest possible standards in terms of the protection and observance of the due process rights of individuals or entities concerned. In this regard, we insist that decisions to list and delist individuals or entities should be based on clear, transparent and distinct criteria and directly linked with the crime committed in order to guarantee a thorough judicial review and redress rights. Finally, we call for the systematic inclusion of clear and specific benchmarks and a methodology for the lifting of sanctions and for de-listing.