

## Compromise Draft Resolution

1 Tabled by EQUO and ICV

### 2 **On liberties and fundamental rights in Europe**

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4 The European Green Party would like to underline that the European project is founded upon the  
5 principles of peace, freedom, ~~justice, and~~ tolerance ~~towards and~~ diversity.

6 The European Union emerged ~~partly~~ as a response of European nations to the barbaric confrontations  
7 caused in the first half of the 20th century by exacerbated nationalism and totalitarian regimes that  
8 restricted fundamental freedoms, mass-murdered millions, and caused ~~a two world~~ World war Wars. In its  
9 origins, it aimed at overcoming this black page in our history, and preventing it from ever happening again.  
10 A social and political pact was agreed to in order to build a common space where as overarching  
11 principles, ~~the fundamental~~ rights ~~of people~~ would be respected and the liberties for enhanced  
12 democracies would be defended.

13 ~~Sadly, Europe has been hit by acts of terrorism over the last few years, proving that we are not free from~~  
14 ~~the ongoing violent conflicts in a globalised world. The 2004 attacks in Madrid, 2005 attacks in London, and~~  
15 ~~most recently, the direct attack to freedom of expression last January with the murders at Charlie~~  
16 ~~Hebdo's office in Paris, have fed the debate on security against liberty.~~

17 ~~The freedoms guaranteed within the EU, and particularly the freedom of movement of people across~~  
18 ~~former national borders of countries taking part in the Schengen area, are now being questioned by~~  
19 ~~extreme nationalist parties emerging and growing in different European countries. Many of them having~~  
20 ~~often stated their goal not only of closing borders but ultimately of dismantling the EU, they do now~~  
21 ~~attempt to gain popularity making use of tragic terrorist attacks in order to spread their ideology further~~  
22 ~~and promote a generalised islamophobia.~~

23 ~~Furthermore~~ However, certain EU member states with ruling conservative ~~and some socialist~~ parties  
24 have passed new legislation or reforms that seriously restrict ~~the fundamental~~ freedoms-rights of their  
25 citizens, thus undermining the quality of their democracies.

26 ~~For instance~~ In Spain, governmental and legislative powers have recently approved laws and reforms that  
27 restrict ~~political people's democratic~~ rights and make ~~possible~~ the criminalisation of social protest possible  
28 , which has been abundant in Spain since 2011. The 'Reform of the Penal Code', and the 'Law of Citizen  
29 Security Protection', also known as the "Gag Law", go way beyond the issue of citizen security, and seem  
30 to be fuelled rather by the desire to prevent new social movements that challenge the political status quo.  
31 The law entails a hefty increase in fines for those who express their freedom of speech or demonstration  
32 rights, and also strengthens the ability for administrative powers to sanction behaviour, regardless of  
33 judicial intervention. Furthermore, civil peaceful disobedience or the video recording of police activities  
34 will be deemed as punishable behaviour by the administration, with fines ranging between €600 and  
35 €30,000. The UN High Commissioner for Human Rights (UNHR 2015) published a report on 23 February  
36 2015, denouncing these recent legislative reforms, citing restrictions on the rights of peaceful assembly,  
37 free association, and freedom of speech.

38 In Hungary, the constitutional reform and the subsequent legislative changes had a severe effect on the  
39 democratic system of checks and balances, the independence of the judiciary and data protection  
40 authorities among others, the fairness of the electoral system, rights of minorities and rights of the  
41 political opposition, media pluralism, the right to social security, freedom of thought, conscience and  
42 religion and freedom of information, respectively. ~~In Hungary, the constitutional reform of 2013 had a~~  
43 ~~severe effect on the independence of the judiciary and data protection authorities among others, media~~  
44 ~~pluralism, rights of minorities and rights of the political opposition.~~ More recently, we have seen the  
45 Hungarian government adopt an increasingly hostile attitude towards critical NGOs and civil society  
46 groups, with actions including police raids to foreign NGO's offices, suspending their tax numbers and  
47 imposing government audits. Further cause for concern are the cases of discrimination and ethnic profiling

## Compromise Draft Resolution

48 against Roma population and the European Court of Human Rights' decision, stating that Hungary violated  
49 the right to freedom of religion cause great concern towards the situation of hHuman rRights and civil  
50 liberties in this country.

51 Finally the latest call for a national "questionnaire" on migration, being manipulative and misleading, along  
52 the government's recent considerations on the re-introduction of the death penalty, is disturbing and  
53 worrying and should be legally challenged by the EU.

54 In France, an anti- terrorism law was passed in September 2014, despite serious reservations of human  
55 rights associations. Among other problematic dispositions, the law allowed direct censorship of websites  
56 without judicial intervention and aroused concerns on freedom of speech and the potential criminalization  
57 of social contest. A new "Intelligence Law" has been passed on May 5th 2015, again despite the unanimous  
58 opposition of a large panel of associations. This law extends the powers of the French Intelligence service  
59 and raises new concerns about privacy and personal data, as it gives these services free rein for mass  
60 surveillance of the Internet and extends the possibility of such surveillance to social movements and  
61 whistleblowers.

62 In Romania new mass surveillance laws have been put in place, which undermine citizens' right to privacy  
63 in the name of combatting terrorism. Moreover, Romania has been disregarding national minorities' rights  
64 to assemble and the use of minority languages.

65 Recent tragic events and the response to them are further endangering the fundamental rights of  
66 European citizens. Europe has been hit by acts of terrorism over the last few years, proving that we are  
67 not free from the ongoing violent conflicts in a globalised world. The 2004 attacks in Madrid, 2005 attacks  
68 in London, and most recently, the direct attacks to freedom of expression last January with the murders at  
69 Charlie Hebdo's office in Paris and violent anti-Semitic attacks in Brussels, Paris and Copenhagen.

70 The freedoms guaranteed within the EU, and particularly the freedom of movement of people across  
71 former national borders of countries taking part in the Schengen area, are now being increasingly  
72 questioned by nationalist parties in different European countries. Many of them having often stated their  
73 goal not only of closing borders but ultimately of dismantling the EU, they do now attempt to gain  
74 popularity making use of tragic terrorist attacks in order to spread their ideology further and promote a  
75 generalised hatred against Muslims.

76 **In view of all this, the European Greens express the following:**

77 1. We reaffirm our commitment towards a Europe based on freedom, human rights, rule of law,  
78 solidarity and full democracy. We are convinced that this is the only way to combat- discrimination, hatred  
79 and violenceextremism, and to make the European project succeed and progress in these challenging  
80 times.

81 2. We therefore reject any undermining of civil liberties, and clearly say 'NO' to an EU "Patriot Act",  
82 or any other steps towards similar restrictions of fundamental freedoms, civil and human and political  
83 rights. We reject all national legislation already adopted or on its way to be passed that restricts freedoms  
84 depicted in the EU Charter of Fundamental Rights of the European Union and European Convention on  
85 human rights, such as freedom of expression, of information, of assembly or demonstration. We actively  
86 strengthen the right to privacy and to the protection of personal data.

87 3. We call on the European Commission to activate the EU rule of law framework in order to  
88 counter the threats to civil liberties in countries, such as Hungary and Spain.

89 4. ~~3.~~ We underline that no fundamental right nor the principle of rule of law can be compromised in  
90 the otherwise legitimate goal of enhancing security and cooperation against global terrorism cannot  
91 compromise fundamental rights and liberties.

Compromise Draft Resolution

92 | 5. We want to draw attention to the fact that while these reforms degrading our democratic  
93 framework are put in motion in the name of security, there seems to be little interest by those same  
94 political actors in confronting the sources of the security issues we are facing. The increasing instability in  
95 many regions of the world contributes very significantly to the rise of extremism and terrorism abroad  
96 and in Europe. Socioeconomic inequalities, coupled with climatic and environmental degradation of many  
97 areas, increase misery and destroy peoples' dignity. These undesirable conditions are often also at the  
98 origin of remote wars and long-lasting armed conflicts. In many cases these are directly or indirectly  
99 exacerbated by external policies or actions from the EU, or some of its Member States, which have  
100 particular interests in a certain region.~~4. We want to draw attention that the source of increasing~~  
101 ~~instability in many regions of the world, feeding extremist and terrorist groups, lies in the increasing~~  
102 ~~socioeconomic inequalities, coupled with climatic and environmental degradation of many areas, which rise~~  
103 ~~misery and destroy peoples' dignity. And these undesirable conditions are often caused, directly or~~  
104 ~~indirectly, by external policies or actions from the EU, or some of its Member States.~~

105 | ~~5. We consider it unacceptable that the EU's main response to the humanitarian crisis of migrants is~~  
106 ~~to close its borders to external neighbouring countries, making it more difficult to reach EU territory. We~~  
107 ~~reinforce our stand for a European migration policy that is based on respect for life and humans rights and~~  
108 ~~respect for life, and particularly call attention to the recurrent drama of lives lost while attempting to~~  
109 ~~cross the Mediterranean Sea. In this regard, we also express our serious concerns in relation to the illegal~~  
110 ~~practices undertaken by some member states, towards migrants, such as on-the-spot deportations in~~  
111 ~~Melilla's bordering fence, in many cases involving fleeing refugees and asylum-seekers whose life may be at~~  
112 ~~risk.~~