

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 and tolerance towards 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 world war. In its origins, it aimed
9 at overcoming this black page in our history, and preventing it from ever happening again. A social and
10 political pact was agreed to in order to build a common space where as overarching principles, the rights
11 of people would be respected and the liberties for enhanced democracies would be defended.

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

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

22 Furthermore, certain EU member states with ruling conservative parties have passed new legislation or
23 reforms that seriously restrict fundamental freedoms to their citizens, thus undermining the quality of
24 their democracies.

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

37 In Hungary, the constitutional reform of 2013 had a severe effect on the independence of the judiciary
38 and data protection authorities among others, media pluralism, rights of minorities and rights of the
39 political opposition. More recently, we have seen the Hungarian government adopt an increasingly hostile
40 attitude towards critical NGOs and civil society groups, with actions including police raids to foreign
41 NGO's offices, suspending their tax numbers and imposing government audits. Further cause for concern
42 are the cases of discrimination and ethnic profiling against Roma population and the European Court of
43 Human Rights' decision, stating that Hungary violated the right to freedom of religion cause great concern

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44 towards the situation of Human Rights and civil liberties in this country.

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

46 1. We reaffirm our commitment towards a Europe based on freedom, solidarity and full
47 democracy. We are convinced that this is the only way to combat extremism, and to make the European
48 project succeed and progress in these challenging times.

49 2. We therefore reject any undermining of civil liberties, and clearly say 'NO' to an EU "Patriot
50 Act", or any other steps towards similar restrictions of freedom and human and political rights. We reject
51 all national legislation already adopted or on its way to be passed that restricts freedoms depicted in the
52 EU Charter of Fundamental Rights, such as freedom of expression, of information, of assembly or
53 demonstration.

54 3. We underline that no fundamental right nor the principle of rule of law can be compromised in
55 the otherwise legitimate goal of enhancing security and cooperation against global terrorism.

56 4. We want to draw attention that the source of increasing instability in many regions of the
57 world, feeding extremist and terrorist groups, lies in the increasing socioeconomic inequalities, coupled
58 with climatic and environmental degradation of many areas, which rise misery and destroy peoples'
59 dignity. And these undesirable conditions are often caused, directly or indirectly, by external policies or
60 actions from the EU, or some of its Member States.

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