

Adopted Resolution

On liberties and fundamental rights in Europe

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

The European Union emerged as a response of European nations to the barbaric confrontations caused in the first half of the 20th century by exacerbated nationalism and totalitarian regimes that restricted fundamental freedoms, mass-murdered millions, and caused two World Wars. In its origins, it aimed at overcoming this black page in our history, and preventing it from ever happening again. A social and political pact was agreed to in order to build a common space where as overarching principles, fundamental rights would be respected and the liberties for enhanced democracies would be defended. However, certain EU member states with ruling conservative and some socialist parties have passed new legislation or reforms that seriously restrict the fundamental rights of their citizens, thus undermining the quality of their democracies.

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

In Hungary, the constitutional reform and the subsequent legislative changes had a severe effect on the democratic system of checks and balances, the independence of the judiciary and data protection authorities among others, the fairness of the electoral system, rights of minorities and rights of the political opposition, media pluralism, the right to social security, freedom of thought, conscience and religion and freedom of information, respectively. More recently, we have seen the Hungarian government adopt an increasingly hostile attitude towards critical NGOs and civil society groups, with actions including police raids to foreign NGO's offices, suspending their tax numbers and imposing government audits. Further cause for concern are the cases of discrimination and ethnic profiling against Roma population and the European Court of Human Rights' decision, stating that Hungary violated the right to freedom of religion cause great concern towards the situation of human rights and civil liberties in this country. Finally the latest call for a national "questionnaire" on migration, being manipulative and misleading, along the government's recent considerations on the re-introduction of the death penalty, is disturbing and worrying and should be legally challenged by the EU.

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

In Romania new mass surveillance laws have been put in place, which undermine citizens' right to privacy in the name of combatting terrorism. Moreover, Romania has been disregarding national minorities' rights

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to assemble and the use of minority languages.

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

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

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

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

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

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

4. We underline that enhancing security and cooperation against global terrorism cannot compromise fundamental rights and liberties.

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