



The Greens' book Chapter 9

Protecting individual rights and liberties within and outside the EU

Green Successes

- **Balancing civil liberties and the fight against terrorism.** Greens managed to modify the Parliament's position on the **fight against terrorism** in order to **take into consideration that civil rights are part of security**. Greens integrated three main principles: 1) principle of necessity and proportionality: a State can never abuse its power. We refuse to consider that the fight against terrorism can be made at the expense of fundamental rights and freedoms 2) effective coherent measures, to guarantee that we do not undermine the very purpose of the laws we adopt, and finally 3) that within police and judicial cooperation, targeted investigation is something the EU should always strive for when putting in place measures to fight crime.
- **Balancing civil liberties and justice.** In the field of judicial cooperation in criminal matters, the Greens denounced the lack of balance between repressive measures, such as the European arrest warrant, the framework decision on terrorism and the terrorist list, and the necessary improvements in protective measures, in particular the rights of persons in judicial systems. Greens were responsible for a report on minimum standards in procedural law, which is not adopted yet. Thanks to the Greens, the majority of the Parliament is now convinced of the necessity to protect civil rights.
- **CIA rendition.** Greens were extremely firm with Council regarding CIA extraordinary rendition. The Council and Commission must condemn this practice and forbid the use of diplomatic assurances. In addition, Member States cannot continue to ignore their responsibilities in this illegal practice and must take all necessary measures; including in-depth investigation to ensure that the EU and Member States never again become involved in such breaches of human rights.
- **Privacy and data protection.** The right to privacy and in particular, the protection of personal data, are also fundamental rights. Following pressure from the Greens, a **legal instrument insuring personal data protection in the field of police and judicial cooperation at EU level** has been adopted. Greens also took the initiative that full compliance with data protection requirements is guaranteed at the European population and housing census.
- **Antidiscrimination.** Greens forced the Commission to fulfil their 2004 promise that they would propose a **horizontal (wide-ranging) anti-discrimination directive**. Also following our lobbying, the Agency of Fundamental Rights is undertaking a report on the discrimination encountered by homosexuals in the EU.
- **Media pluralism.** Thanks to our work, the European Parliament recommended that **media pluralism should be safeguarded through a legal framework to ensure that all EU citizens have access to free and diversified media throughout the EU**. The EP also took the position that a pluralistic system is essential for the continuing existence of a democratic social model. In addition, we secured EU funding for a European News station in Farsi in order to support more media diversity in Iran without interfering in their internal affairs.

- **Combating domestic violence.** Greens pushed the European Parliament to approve the next round of DAPHNE (2007-2014), a **EU programme to combat violence against children, young people and women**. In addition, our persistent demand for EU level recognition of domestic violence was met through the inclusion of a sentence which asks that the Commission 'identifies a legal base within current European legislation to combat violence against women'.
- Greens ensured the **resumption of the annual report on fundamental rights in the EU**, suspended since 2004, is now underway for 2004-2008. This report had and will once again have a major role in evaluating the implementation of Fundamental Rights in Europe on the basis of the annual report produced by the Agency for Fundamental Rights (FRA). In addition through the Green Presidency of this sub-Committee, we also reformed the structure of the report on the EU external Human Rights policy so that it mainly focuses on the evaluation of the implementation of all human rights instruments and the role to be played by the EP instead of simply listing human rights violations.
- The **protection of Human Rights defenders** is one of the priorities of the Greens. We strongly supported the launching of a formal network of the Sakharov laureates which should eventually become a genuine focal point for Human Rights defenders within the European Parliament.
- **Funding human rights promotion.** Following pressure from the Greens, the European Parliament obtained from the Commission a specific and separate instrument on Human Rights and Democracy (EIDHR) to promote civil society actors without requesting the consent of third country authorities. This includes **renewable financial support allowing human rights campaigners to continue their activities and to finance legal assistance**. As co-author of this report, we stressed the need for flexibility when implementing this instrument so as to finance NGOs which are not recognised by repressive authorities. The Greens, as co-rapporteur, also succeeded in establishing an urgent fund for Human Rights defenders at risk.
- **Highlighting and suggesting actions to combat human rights violations.** Greens have had many successes highlighting and recommending actions regarding human rights violations through European Parliament urgency resolutions e.g. our resolution on murders of women in Mexico and Central America did much to publicise the problem whilst offering practical support and expertise from the EU and putting pressure on the Governments of these countries to address the issue.
- **EU sanctions.** The Greens drafted the report on the evaluation of EU sanctions as part of the EU's actions and policies in the area of human rights. A series of concrete recommendations were made including the definition of a clear methodology in order to put an end to the current *ad hoc* nature of responses. This should be accompanied by a clear decision-making process, objectives, benchmarks and review mechanisms. The establishment of a network of independent experts which would publish regular progress reports would also increase transparency and coherence.