

**To the College of Commissioners
European Commission**

Brussels, 10 March 2014

Joint NGO statement on the upcoming European Commission Communication on safeguarding the rule of law in the EU

Over the past year, several calls have been made by European institutions and civil society alike urging the European Union (EU) to better safeguard its founding values. These include Council conclusions, resolutions from the European Parliament and calls from civil society, among which the statement issued by the Human Rights and Democracy Network (HRDN) in August 2013.¹

In follow-up to such calls, European Commission President José Manuel Barroso announced in his *'State of the Union'* speech in September 2013, that a Communication by the Commission, outlining a general framework for addressing challenges to EU values in member states, would be issued in 2014. This followed previous commitments and an acknowledgment by the Commission that there is a protection gap at EU level when it comes to responding to increasing threats to such values, which needs to be addressed.

Our organisations welcomed the announcement, and the Commission's stated intention to come up with a comprehensive framework to address situations where the EU's founding values, including respect for human rights, are at risk.

As the Commission is about to adopt this Communication, our organisations would like to express concerns that human rights seem to have been sidelined in the discussions.

We are particularly concerned that the current debate within the Commission seems to favour a restrictive approach that would limit the scope of the forthcoming Communication to the rule of law in its narrow interpretation, disregarding the other values listed in Article 2 TEU, most notably respect for human rights.

We believe it is imperative that this exercise is strongly anchored in and uses as a basis Article 2 TEU as a whole, or there is a real risk that this long overdue debate loses sight of its original purpose, which was to secure a more effective EU response to actual human rights abuses across the EU.

Only an approach that takes Article 2 TEU, including respect for human rights, as its benchmark, can ensure that the EU is better equipped to adequately address situations such as the 2010 Roma crisis in France, or the constitutional crisis in Hungary and Romania in 2011 and 2012, which were among the situations that prompted the current debate.

A narrow approach would also be at odds with the Council's call for new methods and initiatives "to better safeguard fundamental values, in particular the rule of law and the fundamental rights of persons in the Union (...)", and to the position expressed by several member states in the context of the consultation held by the Commission in November, which underscored the need to consider all the values enshrined in Article 2 TEU.

¹ Human Rights and Democracy Network, *Strengthening the European Union's response to human rights abuses inside its own borders*, August 2013, available at http://www.hrdn.eu/index.php?menu_selected=125&language=US&sub_menu_selected=789

For its part, the European Parliament has clearly endorsed a broader approach in a range of reports addressing human rights in the EU, most notably its resolutions on Hungary, CIA renditions and most recently, its annual report on the Situation of Fundamental Rights in the EU. These all urged the EU to take concrete action in order to ensure that human rights are more effectively enforced in the European Union.

The pressing need for such action stems from abundant evidence gathered by our organisations, the EU Fundamental Rights Agency (FRA) and other European and international monitoring bodies showing that significant shortcomings remain when it comes to respect for human rights in the EU. Systematic discrimination and abuse against Roma, LGBTI people, people with disabilities and other vulnerable groups, violence against women, and continued abuses against migrants and asylum seekers are salient examples. These human rights violations, if left unaddressed, undermine the very fabric of EU societies and those very founding values that the upcoming Commission Communication is meant to safeguard.

Respect for human rights is at the core of any democratic society based on the rule of law. As such, any debate on safeguarding the latter cannot ignore the former without failing in its objective. By confining its work to a narrowly defined rule of law mechanism that leaves out human rights, the Commission's response is bound to fail to grasp the full dimension of the 'rule of law' crises it aims to contain, and overlook the fact that, in most cases, human rights violations are an inextricable part of the problem and remedying them a vital part of the solution.

As the College of Commissioners is set to discuss the Communication, our organisations active in defending and promoting human rights in Europe, call on each Commissioner to express their support for a Communication that embraces Article 2 TEU as a whole, and places the imperative to prevent and remedy human rights abuse at its core.

Finally, we believe that to make the most of the opportunity, **the EU should develop a comprehensive internal human rights strategy, drawing inspiration from the landmark adoption in 2012 of an EU Strategic Framework and Action Plan on Human Rights and Democracy**, whose aim is to orient the Union's external action while renewing the EU's commitment to respect and promote human rights across all its policies and ensure coherence between its external and internal action in this field. Such a strategy should bring together all existing instruments with a view to enhancing the EU's capacity and action to preserve, enforce and promote respect for human rights in its member states.

Amnesty International - European Institutions Office
European Network against Racism (ENAR)
FIACAT - International Federation of ACAT (Action by Christians for the Abolition of Torture)
FIDH – International Federation for Human Rights
Human Rights Watch (HRW)
International Rehabilitation Council for Torture Victims (IRCT)
Open Society European Policy Institute
Quaker Council for European Affairs (QCEA)
Social Platform

All the above NGOs are part of the Human Rights and Democracy Network (HRDN) working group on EU internal human rights policy.

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