

# For a Europe of human rights

Manifesto of the AEDH and its members in view of the 2014 European Parliament elections  
Brussels, November 11, 2013

## **1. Citizenship, democracy, and respect for human rights**

*A European residence-based citizenship conferring the same civil and political rights to all residents of the EU.*

*A ‘top-level’ harmonization of fundamental rights in the European Union, expanding the legislative competencies of the EU in the area of fundamental rights.*

*A democratization of the Union’s institutions by transforming the European Parliament into a true legislative body with the right of initiative.*

## **2. Economic, social and cultural rights, and respect for human rights**

*In order for the social Europe to take precedence over the commercial Europe, the European Union must safeguard equal access to economic, social and cultural rights, and harmonize different social policies at the top level.*

*For a social residence-based citizenship founded upon a basic set of shared rights.*

## **3. Minority rights, the fight against discrimination, and respect for human rights**

*The new proposed anti-discrimination directive, which has been stalled at the Council for several years now, must be adopted if Europe wishes to remain credible in the fight against discrimination in all areas. Action to promote equal rights, particularly gender equality, is an essential element in the fight against discrimination.*

*The European Union and its Member States must accord its largest minority, the Roma people, the place, consideration, and means that are due them.*

## **4. Asylum, immigration, and respect for human rights**

*The EU must guarantee to all migrants the full exercise of their rights, in their universality and indivisibility. Every asylum seeker must be received with dignity and must be afforded the material and legal means to make their request for protection heard, wherever in the EU they arrive. All Member States must offer reception conditions that enable asylum seekers to have a dignified standard of living throughout the asylum procedure. The integration of migrants and refugees must be a priority.*

## **5. Detention for violation of law and respect for human rights**

*Detainees remain citizens, deprived exclusively and exceptionally of liberty in accordance with the law, and are destined to recover this liberty once the sentence has been served. As such, they should retain their right to work, training, and social security.*

*All other forms of sentence must be considered before detention is sought.*

*Detention conditions must be harmonized to the highest standards throughout the European Union.*

## **6. Personal data and respect for human rights**

*The protection of personal data is a fundamental right, “not a means to foster economic growth”.*

*At the European level, personal data protection must be carried out in the same manner and with the same guarantees by a single legal text, in the administrative, social, commercial and economic area as well as in the police, justice, and internal affairs area.*

### **1. Citizenship, democracy, and respect for human rights**

*A European residence-based citizenship conferring the same civil and political rights to all residents of the EU.*

*A 'top-level' harmonization of fundamental rights in the Union, expanding the legislative competencies of the EU in the area of fundamental rights.*

*A democratization of the institutions of the European Union, by transforming the European Parliament into a true legislative body with the right of initiative.*

Citizenship is a fundamental right attached to the quality of being human. It is founded solely on a person's awareness of being a citizen, and authorities should not have the power to grant it, but the obligation to recognize it.

Yet several million European citizens are victim to the discriminatory refusal to recognize their citizenship. This is the case of 15 million persons from third countries residing in the Union, and of more than 500,000 stateless persons.

#### **The AEDH calls for:**

- 1.1. The recognition of a universal right to citizenship
- 1.2. The creation of a European residence-based citizenship, so that European citizenship ceases to be merely an "annex" and "complement" to national citizenships.

On the eve of crucial European elections, AEDH underscores the responsibility of European authorities and members of parliament with regard to the following points:

- 1.3. European citizenship can only be of substance if it is "inclusive"; it must equally grant all resident-citizens of Europe all of their fundamental rights, particularly economic and social rights
- 1.4. A European residence-based citizenship also presumes a 'top-level' harmonization of fundamental rights and a common set of rights guaranteed by the Union to all its residents
- 1.5. The European Union and its Member States should ratify and fully implement the 1961 United Nations Convention on the Reduction of Statelessness and the Council of Europe's 1997 European Convention on Nationality
- 1.6. Citizenship and democracy cannot be effective in the European Union without the emergence of a European political life, that is, truly transnational political forces, through the urgent democratization of the institutions, particularly the right of legislative initiative for the European Parliament, and the reinforcement of European civil society and its recognition as a player in the EU's political and legislative framework.

## **2. Economic, social and cultural rights, and respect for human rights**

*In order for the social Europe to take precedence over the commercial Europe, the European Union must safeguard equal access to economic, social and cultural rights, and harmonize different social policies at the top level.*

*For a social residence-based citizenship founded upon a basic set of shared rights.*

AEDH notes that the European Union has a tendency to place the demands of the Europe of trade before the needs of the Europe of society, bringing about wide social and economic gaps in the EU.

In this context, AEDH remains firmly in favour of:

- 2.1. Equal access to economic and social rights, and the equal quality of service for all
- 2.2. Economic growth that is strongly connected to human development
- 2.3. Development of solidarity-based ties between the peoples of Europe that should prevail among the Member States
- 2.4. Promotion of the value of our societies' multicultural nature and, from the Union: European cultural works, in their diversity, are an asset to European citizenship and must be sustained and preserved by the EU and its Member States.

As such, **AEDH calls for:**

- 2.5. The adoption of effective policies of job creation and valorisation of work
- 2.6. A policy to ensure access to dignified housing
- 2.7. The right to public, free, and secular education
- 2.8. The right of each individual to health care and social protection, in the face of attempts to transform health into a commodity like any other
- 2.9. Initiating the harmonisation, with a precise schedule, of different social policies towards the highest standards via a solidarity system (minimum wage, guaranteed minimum income, health and unemployment insurance, and pensions) in order to create social protection floors
- 2.10. An EU foreign policy which promotes, supports, monitors effective implementation of HR obligations in 3<sup>rd</sup> parties countries signing agreements with the EU. In particular, goods circulating in the EU should be produced under decent working conditions.
- 2.11. Initiating a European social policy to combat exclusion and poverty and promote greater integration of EU residents
- 2.12. Developing the means for a social Europe that could benefit from the fight against tax evasion, tax havens, and corruption
- 2.13. A social residence-based citizenship with a basic set of rights for all.

### **3. Minority rights, the fight against discrimination, and respect for human rights**

*The new proposed anti-discrimination directive, which has been stalled at the Council for several years now, must be adopted if Europe wishes to remain credible in the fight against discrimination in all areas. Action to promote equal rights, particularly gender equality, is an essential element in the fight against discrimination.*

*The European Union and its Member States must accord its largest minority, the Roma people, the place, consideration, and means that are due them.*

#### **AEDH calls for:**

- 3.1. The European Union to exercise its right to persecute member states due to infringement, especially with regards to Roma rights
- 3.2. The European Union's confirmation that it has a clear and strong political will to fight discrimination on a European level and for European policy on discrimination to be developed and strengthened
- 3.3. The adoption of the horizontal "anti-discrimination" directive to be promoted
- 3.4. The European Union to ratify the European Convention on Human Rights
- 3.5. The European Union and its Member States to ratify and fully implement the Council of Europe's Framework Convention for the Protection of National Minorities
- 3.6. The European Union and its Member States to ratify and fully implement the revised European Social Charter
- 3.7. The European Union and its Member States to ratify and fully implement the United Nations Social Contract of 1996
- 3.8. The European Union to promote policies on integration and social inclusion to achieve greater involvement of migrants and minorities in the democratic process.

#### **4. Asylum, immigration, and respect for human rights**

*The EU must guarantee to all migrants the full exercise of their rights, in their universality and indivisibility. Every asylum seeker must be received with dignity and must be afforded the material and legal means to make their request for protection heard, wherever in the EU they arrive. All Member States must offer reception conditions that enable asylum seekers to have a dignified standard of living throughout the asylum procedure. The integration of migrants and refugees must be a priority.*

##### **AEDH rejects:**

- 4.1. An immigration policy based solely on the utility offered by migrant labour
- 4.2. The criminalisation of migrants, even if they are undocumented
- 4.3. The detention of migrants, especially vulnerable persons, asylum seekers and minors
- 4.4. The development of policies to outsource border control and migration management services, especially via readmission agreements with countries that do not offer full guarantees that the human rights of migrants and refugees will be respected
- 4.5. The use of lists of safe countries of origin and safe third countries as a means to reject or deny asylum requests
- 4.6. The use of the term “illegal” to describe migrants or migration.

##### **AEDH calls for:**

- 4.7. The elimination of short stay visas
- 4.8. The elimination of the Dublin III regulation and a policy of European solidarity in asylum seeker reception
- 4.9. Citizen-oriented, parliamentary oversight of surveillance of external borders and the FRONTEX agency
- 4.10. The European Parliament to have a strong role in the oversight of directive implementation
- 4.11. The European Union and its Member States to ratify the International Convention on the rights of all migrant workers and members of their families.

### **5. Detention for violation of law and respect for human rights**

*Detainees remain citizens, deprived exclusively and exceptionally of liberty in accordance with the law, and are destined to recover this liberty once the sentence has been served. As such, they should retain their right to work, training, and social security.*

*All other forms of sentence must be considered before detention is sought.*

*Detention conditions must be harmonized to the highest standards throughout the European Union.*

#### **AEDH calls for:**

- 5.1. Deprivation of liberty to be combined with a social reintegration programme
- 5.2. Detainees to retain their civil and political rights; their right to work and to training; and their affiliation to social security systems
- 5.3. Preparation for release and social assistance to be made a priority
- 5.4. Detention to be a last resort after considering alternative sentences
- 5.5. Budgets and staffing to be adequate to meet these objectives
- 5.6. Detention conditions to be harmonized to the highest standards
- 5.7. The European Arrest Warrant to not be applied until offences are harmonized and individual rights are guaranteed
- 5.8. The application of the European Prison Rules (EPR)
- 5.9. Alternative sanctions to be applied to individuals suffering from health problems which could be worsened by a prison sentence
- 5.10. Mentally ill detainees to be held in a facility other than prison
- 5.11. Prisons to remain under the responsibility of the state and for their construction and management to not become a lucrative economic activity.

## 6. Personal data and respect for human rights

*The protection of personal data is a fundamental right, “not a means to foster economic growth”<sup>1</sup>. At the European level, personal data protection must be carried out in the same manner and with the same guarantees by a single legal text, in the administrative, social, commercial and economic area as well as in the police, justice, and internal affairs area.*

AEDH notes that the European Union increasingly handles security issues – especially those related to border protection, immigration control and terrorism – by a disproportionate collection of data and the use of surveillance systems (Eurodac, Eurosur, Smart Borders, SIS II, VIS, etc.).

Furthermore, the right to personal data protection is more frequently considered a means to be exploited by the free market than a fundamental right in this era of digitalisation and globalisation.

As such, **AEDH calls for:**

- 6.1. The protection of personal data to remain a fundamental right and “not a means to foster economic growth”
- 6.2. The protection of personal data to be guaranteed by a single legal text, in the administrative, social, commercial and economic area as well as in the police, justice, and internal affairs area
- 6.3. Independent, effective oversight measures to be implemented on the national and European levels to ensure individual rights
- 6.4. The interoperability and interconnection of databases for security reasons to be limited on the basis of the principles of legality and proportionality
- 6.5. The use of biometrics to be strictly regulated and banned in the private sector
- 6.6. The use of security cameras, including drones equipped with cameras, to be subject to strict regulation and oversight; prior authorisation by a court should be required
- 6.7. The 2006/24/EC directive on the retention of data from electronic communications for security reasons to be revised to better guarantee citizens' rights
- 6.8. The European Union to promote information and awareness raising campaigns, especially those aimed at minors, concerning the dangers for private life and personal data due to the use of social networks and the internet.

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<sup>1</sup> See for example the European Commission's press release: “Data is the new currency: the value of EU citizens' data was €315 billion in 2011[...]” (in: “*Data protection reform: restoring trust and building the digital single market*”. European Commission -Viviane Reding, 17.09.2013. Available at: [http://europa.eu/rapid/press-release\\_SPEECH-13-720\\_en.htm?locale=FR](http://europa.eu/rapid/press-release_SPEECH-13-720_en.htm?locale=FR))