

**Mr Jean-Claude Juncker  
President**

European Commission  
Berlaymont Building  
B-1049 Brussels

**AMNESTY  
INTERNATIONAL**



**EUROPEAN INSTITUTIONS OFFICE**

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Dear President Juncker,

### **STATE OF THE UNION 2015: SEIZING THE OPPORTUNITY TO PUT HUMAN RIGHTS FIRST**

On the occasion of your first *State of the European Union* (EU) address to the European Parliament on 9 September, and as preparations continue for the Commission Work Programme 2016, Amnesty International urges you to include a strong human rights dimension, taking the opportunity to demonstrate the Commission's commitment to ensuring this founding principle is central to its work.

Over recent months, the very idea of the European Union has been challenged in a way unprecedented in its history. EU responses to migration and the global refugee crisis, and to the Greek financial crisis, in particular, have called into question member state solidarity and have threatened to erode the credibility of the EU and its institutions. This autumn's *State of the European Union* is a critical opportunity for you, as European Commission President, to address this reality directly and assert the European interest by reaffirming the values that underpin the Union itself. This means explicitly articulating that human rights will guide the Commission's work and reinforcing this via specific policy commitments.

### **HUMAN RIGHTS AT HOME**

First and foremost amongst these, for Amnesty International, is the elaboration of a strong and coherent internal EU human rights strategy to match the EU Strategic Framework on Human Rights and Democracy which underpins EU external action: committing the EU to using all its powers to respect, protect, and promote human rights throughout all its internal policies.

In your political guidelines for the Commission, you indeed spoke of your intention to 'make use of the prerogatives of the Commission to uphold...fundamental rights': by establishing a strategic vision for human rights in the EU, the Commission would more clearly demonstrate that it is ready to assume leadership on this issue and work with other EU institutions to close gaps in legislation, ensure strong human rights impact review at every stage of the legislative process, and ensure a more proactive approach to human rights protection.

Both the Council<sup>1</sup> and the European Parliament<sup>2</sup> have recognised the significance of an internal human rights strategy, highlighting the importance of complying with treaty obligations, avoiding double standards between internal and external EU policy, and the impact upon the credibility of the EU's external human rights policy. This is the moment to take that step forward.

Such a strategy would also better enable the Commission to set out more systematically how it will build upon the positive steps that it has already been taking to protect human rights within Europe, and avoid a seemingly piecemeal approach. In this regard, over the past year, the Commission has initiated

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<sup>1</sup> See for example the conclusions of the JHA Council meeting of 5 and 6 June 2014, available at <http://bit.ly/1E6bDHR>

<sup>2</sup> See for example the European Parliament resolution of 12 March 2015 on the Annual Report on Human Rights and Democracy in the World 2013 and the European Union's policy on the matter, available at <http://bit.ly/1MJXasQ>

infringement proceedings against two Member States for breaches of EU anti-discrimination legislation – moves welcomed by Amnesty International on an issue on which we have long campaigned. Nevertheless, we call on the Commission to increase transparency around infringement proceedings with a fundamental rights focus, and to broaden out the scope of enforcement for violations under the entire scope of the Racial Equality Directive.

Similarly, the Commission must also play its part in ensuring that the horizontal anti-discrimination directive is finally adopted and outstanding reservations by Member States are adequately resolved without a substantive weakening of the draft legislation. This, again, was a specific priority in your 2014 political guidelines.

Building on the fundamental rights colloquium in October, the Commission should also seek to plug gaps in human rights protection in Europe, particularly with regard to extending existing hate crime legislation to cover grounds such as homophobia and transphobia.

For human rights to be genuinely protected, accountability is crucial. This means action must be taken where rights are at risk and where the tools exist to do so. In this regard, the *State of the European Union* also serves as a moment to signal the Commission's intent to use the rule of law framework developed in 2014 and initiate an open, firm, public, and mature dialogue with Hungary on its human rights record.

Alongside this, the Commission must complete its period of reflection on the Court of Justice of the EU ruling regarding Union accession to the European Convention on Human Rights, and move forward to securing an amended draft accession agreement.

## **PROTECT THE RIGHTS OF MIGRANTS, REFUGEES AND ASYLUM-SEEKERS**

As mentioned above, the EU is facing serious challenges resulting from the global refugee crisis and its handling of migratory flows more broadly. The Commission has taken a lead in seeking to strengthen search and rescue capacities in the central Mediterranean, and to reinvigorate solidarity amongst Member States and secure support for relocation and resettlement programmes. But the institution needs to address the systemic issues that push refugees and migrants to undertake dangerous sea crossings, and to be bolder in terms of encouraging Member States both to ensure more legal and safe routes to Europe for people in need of international protection, and to increase the number of resettlement places, humanitarian admissions, and humanitarian visas available for refugees.

For so long as departures continue in such significant numbers, Amnesty International calls on the Commission to play its part to ensure the maintenance of the deployment of the necessary naval and aerial assets as close to Libyan waters as required to rescue people in distress. Any withdrawal of resources, or diversion of their use, will jeopardize the current efforts in saving lives.

Amnesty International also urges the Commission to enforce rigorously the EU asylum *acquis* regarding the processing of asylum applications and the reception of asylum seekers and irregular migrants by Member States, to ensure their human rights compliance. The Commission must also do its part to enhance significantly EU assistance – namely financial, operational and technical – to frontline Member States for receiving asylum seekers and processing applications. Furthermore, the institution should propose the revision of EU internal migration regulations to facilitate the freedom of movement of persons granted international protection in the EU, including by revisiting the Long-Term Residence Directive. This must be accompanied by the establishment of a system of mutual recognition by Member States of positive decisions on international protection.

## **EU EXTERNAL ACTION**

Of course, the scope of the Commission's work also extends beyond the Union's borders, and in this regard, Amnesty International highlights the critical role that the institution has in ensuring that the ambitions of the newly revised EU Action Plan on Democracy and Human Rights are realised. All too often, the EU's rhetoric on human rights externally is undermined by other interests and by the lack of a consistent message from all EU actors, including the Commission. It would send a powerful message if you reaffirmed in your address the Commission's intention to truly mainstream human rights effectively and to ensure that human rights protection and promotion is at the core of its external action – including in trade, energy, migration, security, counter-terrorism, and development policies – and based upon the principle that human rights are inalienable, indivisible, and universal.

As you prepare to deliver the *State of the European Union* address, Amnesty International remains available to discuss any of the above points more substantively.

Thank you for your attention and we hope you will take up these issues in September and, importantly, as dialogue continues with the European Parliament on the Commission Work Programme for 2016.

Yours sincerely,



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Acting Director