



After a Fast-Track Process the European Parliament Takes a Troubling Position on Counter-Terrorism in Europe

Joint Statement by Amnesty International, International Commission of Jurists, Open Society European Policy Institute and Open Society Justice Initiative

Last week the European Parliament's Civil Liberties Committee (LIBE) adopted its text on the draft Directive on Combating Terrorism. The text gives rise to serious human rights and rule of law concerns.

We regret that LIBE did not address some of the serious flaws in the Commission's original proposal and call on all those involved in the next stage of negotiations, under the Slovak Presidency, to correct these shortcomings and secure the adoption of new EU legislation that respects fundamental rights and member states' obligations under international law.

We note the Committee's vote to introduce overarching human rights safeguards, with reference to procedural safeguards, non-discrimination, freedom of expression, and the protection of humanitarian organisations. Alone, as outlined in our [joint submission](#) [pdf], these articles are insufficient to address the remaining substantive defects in the text.

Of particular concern is the fact that the LIBE text, contrary to the principle of legality, retains vague and imprecise language requiring the criminalisation of so-called 'preparatory acts' that have no direct link to a violent act of terrorism, and may never result in one being committed. For example, it fails to clearly define what constitutes a 'terrorist group' or what amounts to 'receiving training' or 'travelling' for terrorism purposes. Too often, states utilise broad and vaguely worded counter-terrorism laws to violate human rights, in particular the rights of ethnic and religious minorities, refugees and migrants. States have also used these laws to target humanitarian organisations which can result in serious breaches of individual rights and humanitarian law.

It is critical that the forthcoming negotiations on the Directive establish stronger safeguards against such risks. The Parliament suggests weighing security and human rights by "[striking a fair balance between ensuring security and respecting basic human rights](#)". However, the final text must recognise that human rights are an integral part of security, as demonstrated by the fact that much of the instability experienced globally is fueled by the widespread or systematic violation of such rights.

Throughout the drafting process the EU has bypassed crucial democratic steps. From the start the legislative process has been characterised by undue haste and closed-door meetings: no impact assessment was carried out to inform the Commission's proposal; there was no public hearing in the European Parliament to discuss the draft with experts and practitioners; and negotiations will now start without parliamentary-wide review of the LIBE text.

The new Slovak Presidency will lead the negotiations in trilogue format with the Council, Parliament and Commission. The Presidency should take this opportunity to initiate a long overdue, open discussion with experts, practitioners, and other civil society actors. This will help address some of the grave shortcomings in the consultation process to date, and allow for the adoption of an EU directive on counter terrorism in full compliance with international human rights standards and democratic practice.

BRUSSELS, July 13, 2016