

AMNESTY INTERNATIONAL

Press Release

AI Index: IOR 61/009/2004 (Public)
4 May 2004

Human rights in an enlarged EU: what can people expect now?

By Dick Oosting, Director, Amnesty International EU Office in Brussels

The official accession to the European Union of ten new member states on 1 May ought to be good news for human rights. Protection of fundamental rights was a critical aspect of the accession process. Candidate countries were scrutinized for years to ensure that their laws and practices were brought in line with EU norms.

The reality is not quite so reassuring. While they are supposed to have passed all the tests to become members of an EU that prides itself on being a Union of values, in practice there are still some serious problems in the new member states. These relate to broad areas of the administration of justice, while discrimination against minorities, in particular Roma, remains a painful reality.

However, all EU members are equal, so on 1 May the scrutiny effectively stopped. In any case, joining the EU is no guarantee that rights will be respected - human rights violations do occur within the EU and they are not just isolated incidents.

Amnesty International's reports on human rights abuses cover most European countries, some of which show disturbing patterns of abuse by law enforcement personnel including ill-treatment, torture and excessive use of force, which is regularly allowed to go unpunished and often has a clear discriminatory element.

But when it comes to human rights, the general picture is that Europe looks abroad rather than at home. The EU Council of Ministers in particular has shown itself remarkably unconcerned about the incidence of human rights abuse within the EU. For years, the domestic human rights question has been ritually dismissed as a matter of national responsibility for which the EU has no competence. The adoption of the EU Charter of Fundamental Rights and its inclusion in the proposed new constitution has not changed that attitude, rather it has reinforced a tendency to take for granted the quality of human rights performance at home.

Amnesty International has long been pointing to the need for the EU to address the issue of observance of human rights within EU borders, and to establish accountability at EU level for EU members. The enlargement of the EU reinforces this need. An important first step must be to recognize that the Commission's role as 'guardian of the treaties' must include the protection of fundamental rights.

To be fair, there has been movement, although not enough. The European Parliament in its annual reports has underlined the need for scrutiny at EU level and facilitated the establishment in 2002 of a Network of Independent Experts to report on human rights compliance within the EU.

The Commission presented a Communication in October 2003 on the application of Article 7 of the Treaty on European Union, which allows for action in the case of a persistent breach of common values, or the threat of such a breach. The only response of the Council so far has been to catch everyone by surprise in December 2003 with the decision to turn the EU Monitoring Centre on Racism and Xenophobia in Vienna into a human rights agency, with, as yet, an unspecified role.

Concern about observance of human rights is not just a matter of compliance at national level. There are significant developments at EU level across a broad range of EU legislation and action in the fields

of asylum, immigration, and judicial and police cooperation that help shape and determine the future of rights protection in Europe.

With a renewed focus on counter-terrorism, the measures that are taken must be rigorous in respecting human rights standards if they are not to backfire. Amnesty International has repeatedly urged the Commission and the Council to close the gap between rights and security. Ultimately, it is not the respect for human rights but the breach of those rights which may jeopardize international efforts to confront the threat of terrorism.

There are also the broader problems in our societies which member states and the EU must confront together: racism and xenophobia, which remain widespread and appear to be on the increase, the scourge of trafficking in human beings affecting women and children in particular, and violence against women generally.

Citizens in the new member states are entitled to expect that their rights will be better respected and protected. As indeed all the peoples of Europe are entitled to expect observance by their governments backed up by an EU that complements and if necessary enforces that commitment.

Brussels 3 May, 2004