
UNANIMITY UNDER REVIEW, IF NEW EU SANCTIONS TO WORK

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The European Parliament has been at the forefront of the EU demanding tangible measures against human rights violators, and the Greens/EFA group fully supports and has for long promoted the adoption of a comprehensive EU sanctions regime on human rights violations.

More than ever, human rights must be defended in the face of a global backlash against freedoms.

On Tuesday (12 March) and Wednesday, on the initiative of the Greens/EFA group, the parliament will be debating a resolution calling for the imposition of such a regime.

The debate should consider in depth the current challenges and the ways to complement the existing legislation in order to make this a landmark addition to the EU human rights and foreign policy toolbox.

Under the new regime, the listings ought to be based on hard evidence and on open source information, including information provided by the civil society.

Without exception, there should be a direct link between the listed individual and the crime.

This link must be clear from the evidence.

However, while the new regime should focus on individual perpetrators, such as the prison guards and low-level administrators and officers, it must also similarly allow the listing of individuals higher up in the command chain.

It is vitally important that the new regime is legally sound and complies in full with the highest standards of due process.

This means that all individuals who wish to challenge their listing must be guaranteed an effective and timely judicial review.

Furthermore, in accordance with the principle of effective judicial protection, the grounds for the listing should be communicated and be readily available to the individual targeted.

Further, the political legitimacy of any new regime will largely depend on the capacity of the council to adopt listings strictly on a rights-based determination, as opposed to geo-strategic, financial or other considerations.

No individual ought to be beyond sanctioning, no matter where he or she comes from.

Unanimity needs reviewing

In this regard, the unanimity rule in the council would deserve to be reviewed.

In principle, the EU is already able to react on human rights violations through specific sanctions.

The proposed global regime would allow a de-coupling of the individuals from country-based classifications; similarly, to what is currently possible in cases of terrorism.

Being able to target individuals directly without a link to a country or to a major event, would enable the EU to move faster and with more flexibility, and with less bureaucracy.

Crime and effects of crime know no boundaries today, country borders exist in many aspects only on maps.

Criminal networks operate in myriad ways on land and online, causing damage across borders. The added value of the new regime would be to consistently cover all these aspects.

The EU has rightly focused its fight against impunity by supporting prosecution in local, national and international level.

Yet, the EU must also be able to sanction individuals guilty of grave human rights violations, wherever they operate and wherever the effects of their crimes are being felt.

It should not confine itself to operating within the parameters of a country-based list.

It is truly the time to put in place a complementary, flexible and reactive EU-wide sanctions regime, and give a clear message: Europe is not a safe haven for those violating freedoms.

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