

Updated questions for hearings of Commissioners-designate, September 2014

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Questions for both Federica Mogherini (Foreign Affairs) and Johannes Hahn (Neighbourhood and Enlargement)

(Questions for both hearings - external action in EU neighbourhood)

Eastern Partnership and Russia

How do you intend to further the transformation of the Eastern Partnership countries into more open societies in view of Russian attempts to disrupt their European integration and establish a new order in the post-Soviet space?

Background: European engagement and integration with the Eastern Partnership countries is a vehicle for their transformation into more open societies. By destabilising Ukraine, annexing Crimea, and bullying Armenia and Moldova to drop their European ambitions, Moscow has demonstrated its intention to disrupt this process and establish a new order in the post-Soviet space. The Kremlin's resolve to consolidate its dominance over the region has deep implications for the prospects of democratisation. The EU needs an equally proactive and clear vision for its policy if it is to remain relevant and further the region's democratic transition.

Ukraine

How will you use your position and the EU's resources to push reforms to create a Ukrainian state that serves its citizens rather than a small group of oligarchs?

Background: Ukraine's stability and prosperity depend not only on resolving its overwhelming security challenges in the East, but domestic reform. The new government has a mandate to introduce far-reaching reforms to create a state that serves its citizens. The surge in civic activism of the Maidan and the government's openness to collaboration with civil society together offer a rare opportunity for deep and inclusive transformation of the country. Despite vast needs, high public demands and the agreement of an ambitious European agenda for reform, the Ukrainian leadership has yet to launch the tough reforms it promised.

Azerbaijan

How will you respond to the current human rights situation in Azerbaijan, where repression of civil society has worsened dramatically in recent months, as highlighted by a recent Resolution of the European Parliament. How do you intend to develop EU-Azerbaijan relations, particularly the Strategic Modernisation Partnership, to improve protection of basic rights and freedoms?

Background: The Azerbaijani authorities have recently unleashed an unprecedented wave of repression, targeting opposition politicians, journalists, civil society representatives,

and human rights defenders. According to civil society research, the number of political prisoners in the country has reached 98 – one of the highest in the former USSR. Internationally renowned and recognized human rights activists such as Leyla Yunus, Rasul Jafarov, and Intiqam Aliyev stand for the many who are defending basic human rights and European values and who are subject to repression and imprisonment for doing so. Despite this assault on freedom and democracy, the EU continues to negotiate a Strategic Modernization Partnership and aims to broaden and deepen its relationship with Baku. Closer EU-Azerbaijan relations have had no effect on improving the situation with basic rights and freedoms. Instead they have been paralleled with a drastic worsening of repression.

Egypt/civil society

How will you address the grave deterioration of the situation of Egyptian civil society? Will you publicly urge Egyptian authorities to stop the increasing pressure on independent NGOs and guarantee freedom of association and expression?

Background: The Egyptian government recently imposed a deadline for NGOs to register under a repressive law passed during the Mubarak era, which puts onerous restrictions on the work of civil society. The registration deadline is currently set for 10 November. In practice, the authorities have already stepped up harassment of NGOs. The government has also proposed a new, even more repressive NGO law. These moves could effectively lead to the elimination of what remains of independent civil society in Egypt. So far, the EU has not publicly voiced concern, despite its commitments to support civil society and human rights under the European Neighbourhood Policy.

Egypt/Commission of inquiry

Will you support the establishment of an international commission of inquiry into the massacre on the Rab'a Square and other mass killings of protesters in Egypt in July and August 2013?

Background: Following the ouster of President Mohamed Morsi, the Egyptian security forces killed over 1000 demonstrators during forcible dispersals of sit-ins organised by supporters of the Muslim Brotherhood. The dispersal of the sit-in on the Raba'a Square resulted into one of the world's largest massacres of demonstrators in a single day in recent history. The Egyptian fact-finding committee established in December 2013 has failed to conduct a credible investigation into the events and no security officials have been held accountable for the killings. In July 2014, the European Parliament called on the HR/VP to muster EU support in favour of a resolution on Egypt at the next session of the UN Human Rights Council, which would initiate an international investigation.

Israel

Will you ensure speedy adoption of EU guidelines for correct labelling of products from Israeli settlements?

Background: The EU does not recognise Israeli settlements in Palestine as being part of Israel. In shops across Europe, however, products from these settlements are labelled as 'Made in Israel', thus misleading consumers. In May 2012, the EU and the member-states committed to apply existing EU consumer legislation to settlement products. In February 2013, HR/VP Ashton specifically committed to work with the Commission to prepare EU-wide guidelines on the labelling of settlement products. However, the guidelines are still not ready and there has been so far little progress on their preparation.

Palestine/ICC

Will you actively and publicly promote Palestine's accession to the Rome Statute of the International Criminal Court, in line with the EU's commitment to promote the widest possible participation in the Statute?

Background: During the latest Gaza war, Palestine announced it would accede to the Rome Statute of the International Criminal Court. It has yet to do so. The EU is formally committed to advancing "universal support for the Rome Statute of the International Criminal Court by promoting the widest possible participation in it". However, EU member-states have reportedly pressured the Palestinian leadership not to seek the ICC jurisdiction. This is a serious contradiction of the EU's policy that could undermine the EU's credibility in promoting the ICC in other parts of the world, including Africa.

Federica Mogherini (External action beyond EU neighbourhood)

Civil society & human rights

Across the globe, individual human rights defenders and the space for civil society are under attack. Ad-hoc or technical responses by the EU have proved ineffective. How will you make this a political priority?

Background: The EU has pledged to speak out when authorities undermine the universality of human rights standards, compromise the independence of NGOs, or restrict the ability of civil society to work freely and in safety. In practice, the EU often prefers quiet diplomacy over visible support. The EU's Strategic Framework and Action Plan commit the Union to promote human rights in all areas of the EU's foreign relations 'without exception'. This human rights package also recognises that the Union cannot promote these values unless an independent and vibrant civil society is in place in its partner countries.

Drones and targeted killings

What kind of policy response will you develop with regard to the use of armed drones for targeted killing operations outside the international legal framework?

Background: In February 2014, the European Parliament adopted a resolution condemning unlawful use of armed drones and calling on the EU to develop a common position and an appropriate policy response at both European and global levels. So far, however, the Council and the European External Action Service have not taken any of the steps requested by the Parliament, despite the EU's stated commitment to promoting compliance with international humanitarian law worldwide.

Africa/elections

What initiatives will you take to help ensure that elections in African countries actually contribute to democratic governance and the rule of law?

Background: Governments make various commitments to democratic governance. However, the way that elections are conducted in several African countries undermines, rather than deepens, democratic consolidation. Citizens are prevented from making democratic choices, accessing information and freely participating in national debates because ruling elites block changes in leadership through electoral fraud or reforms that make it easier for existing governments to remain in power. This requires high-level political leadership from the EU, without which its funding or technical assistance are wasted.

Africa/conflict prevention

What concrete steps will you take to help Africa invest more in conflict prevention and promote accountability of its security forces?

Background: The EU invests heavily in diplomatic activities, crisis management and military intervention by its member-states, but African capacities for conflict prevention and crisis management remain weak. Diplomatic engagement should strengthen African commitments to conflict prevention, management and post-conflict peacebuilding. EU anti-terrorism and rule of law initiatives must not result in the closing of space for human rights and their defenders or in further abuses by local security forces.

Iran

Will you establish an EU Delegation in Teheran and renew the EU-Iran human rights dialogue?

Background: In March 2014, the European Parliament adopted a resolution calling for the opening of an EU Delegation in Teheran by the end of the year and for the renewal of EU-Iran human rights dialogue that has been frozen since 2004. Despite the parliament's

resolution and the possibility that a comprehensive agreement on Iran's nuclear programme will be reached by 24 November, the EEAS and the Commission have not started planning for possible development of bilateral relations with Iran.

Johannes Hahn (Neighbourhood and Enlargement)

Enlargement

How will you maintain the credibility and momentum of the enlargement process?

Background: Enlargement is one of the Union's most powerful policies for bringing stability, fundamental rights and the rule of law to prospective European citizens. However, these benefits could be lost if the EU puts enlargement on hold. The EU's economic crisis has made member-states question their commitments to extend membership to the Western Balkans and Turkey. To maintain political support for enlargement, EU governments must explain its advantages to their own citizens. Reforms to promote democracy and human rights require time to take root. Because of this, the Commission should maintain its policy of front-loading chapters on fundamental rights, justice, freedom and security, and extend this pragmatic approach and open negotiation chapters according to where greatest progress can be made.

Civil society & human rights

Individual human rights defenders and the space for civil society are under attack across the ENP region, from Azerbaijan to Egypt. Ad-hoc or technical responses by the EU have proved ineffective. How will you make this a political priority?

Background: The EU has pledged to speak out when authorities undermine the universality of human rights standards, compromise the independence of NGOs, or restrict the ability of civil society to work freely and in safety. The ENP policy itself has put a strong focus on the promotion of deep and sustainable democracy and the role of civil society in driving this effort. In practice, the EU often prefers quiet diplomacy over visible support. The EU's Strategic Framework and Action Plan commit the Union to promote human rights in all areas of the EU's foreign relations 'without exception'. This human rights package also recognises that the Union cannot promote these values unless an independent and vibrant civil society is in place in its partner countries.

Neven Mimica (Development)

Sustainable Development Goals

How will you ensure that the new Common Position on the Sustainable Development Goals promotes and ensures the continued inclusion of a stand-alone goal on justice and governance in the post-2015 development agenda?

Background: Around the world, billions of people live without the full protection of the law. They are unfairly driven from their land, denied essential services, extorted by officials, excluded from society, and intimidated by violence. By concentrating on five measurable priorities under a justice and governance goal in the post-2015 Sustainable Development Goals—access to information, legal identity, rights to land and property, legal participation, and legal services—the new framework can ensure that no one is left behind. The importance of these rights was affirmed by the Open Working Group of the UN General Assembly. When inter-governmental negotiations start, the EU and its member-states should restate the importance of these rights in the post-2015 framework and encourage a standalone goal on justice and governance.

Gender equality

Will you ensure that the EU starts properly assessing the proportion of EU development funds dedicated to gender equality? What actions will you take to hold EU partner countries accountable to their commitments to promote women's economic empowerment?

Background: In spite of recent progresses, women and girls still constitute the large majority of the world's poorest and are under-represented in decision-making bodies. The recent financial and economic crisis has had gender-specific effects, hitting women and their young dependents the hardest. EU Country Strategy documents refer to gender but in practice the EU has failed to adequately address gender concerns linked to poverty. Collecting evidence on how EU development funds are allocated to address gender concerns in the framework of poverty reduction is a major gap in EU policy.

Africa/equitable distribution

What steps will you take to ensure that EU development assistance promotes a more equitable distribution of wealth in African and other developing countries?

Background: Years of EU development aid in Africa have, in most cases, not resulted in sustainable development or a more equitable distribution of wealth. Many African countries continue to experience difficulties with governance that prevent the state from developing and implementing policies and services that would improve the standard of living. Corruption diverts resources away from public services that are vital to development and poverty reduction, and undermines the goals of EU development policy.

Migration

How will you use the EU's development policy to address the economic causes of migration influxes?

Background: Forced migration is an indicator of the level of respect for human rights in countries of origin, and economic migration indicates development needs. Asylum seekers

make up a significant proportion of migration to the EU, and so do economic migrants. The EU could address forced migration by means of foreign policy, and economic migration by targeted development assistance, for instance by directing aid to countries that send most economic migrants to its member-states.

Cecilia Malmström (Trade)

Trade and human rights

How will you ensure that the human rights criteria under the General System of Preferences are met?

Background: The EU has agreed to ensure that all relevant Commission DGs integrate human rights promotion and protection into their policies. DG Trade, in particular, should hold European industry, trade and business to international human rights standards and ensure that rights criteria are met in relations with third countries. EU governments often prioritise bilateral relations and commercial deals that undermine the Union's rights package, while DG Trade is often perceived as driving EU foreign policy or not working in coordination with other EU foreign policy instruments or institutions.

Věra Jourová (Justice, Consumers and Gender Equality)

Roma anti-discrimination

What policy measures and decisions on funding will you take to fight discrimination against Roma in the four areas of health care, education, housing and employment, covered by the Commission's Framework for National Roma Integration Strategies?

Background: The Commission's Framework for National Roma Integration Strategies promotes access to health care, education, housing and employment for Roma, but does little to combat discrimination, which is a major barrier to Roma integration.

Pretrial detention

The EU has made significant progress over the last five years to improve procedural defence rights in the EU. Will you address remaining gaps and propose effective legal safeguards against the excessive and unnecessary use of pretrial detention – in order to protect individuals and continue to improve mutual trust between member-states?

Background: In 2009, the Council stated in a roadmap that “excessively long periods of pre-trial detention are detrimental for the individual, can prejudice judicial cooperation

between the member states and do not represent the values for which the European Union stands.” The Commission launched a Green Paper in 2011 and received responses from 21 member-states and over 50 NGOs. In 2011, the European Parliament adopted a resolution calling for a legislative proposal on the rights of persons deprived of their liberty. No further action has been taken by the Commission. Yet research shows that contrary to being an exceptional measure pretrial detention has become the norm across justice systems in the EU.

Equality data

Data that shows the status of different ethnic groups is the only way to identify the scale of inequality and the impact of inclusion policies among groups at risk of discrimination. However, in Europe ethnically disaggregated data is controversial. How do you propose to approach the issue?

Background: ‘Equality data’ is data that is broken down according to ethnic group. Policy makers cannot promote equality without reliable data about the socio-economic position of minority groups, such as their standing in the employment market, educational achievement, health status, and housing situation. Such data can be collected with full respect for fundamental rights and data protection rules if individuals explicitly consent to provide sensitive information, and if data is anonymized.

Corina Crețu (Regional Policy)

Roma funding

What measures do you plan to take to ensure that member-states and regions apply for and effectively spend cohesion policy funding to improve socio-economic inclusion for Roma?

Background: The Commission has made cohesion policy funds available to member-states to promote Roma inclusion. However, most member-states with a large Roma population also suffer from a low absorption rate of cohesion policy funds, make limited use of available funds for Roma integration, and have very few projects that promote socio-economic inclusion for Roma.

Cohesion funds and institutionalisation

How will you make sure that individual projects funded by the EU genuinely promote social inclusion for persons with mental disabilities and do not merely lead to the creation of smaller institutions?

Background: An estimated 1.2 million people with disabilities are held in long-stay institutions across Europe. EU legislation concerning cohesion policy funds imposes a

condition on member-states to use EU funding to support the transition away from long-term residential care and towards offering services at local level that will support living and inclusion in the community. However, some governments are labelling projects as 'community living projects' when they are in fact building new institutions on a smaller scale.

Frans Timmermans (Better Regulation, Inter-Institutional Relations, Rule of Law, Fundamental Rights)

Enabling environment at home

How will you make sure that the EU practices at home what it preaches abroad by defending NGOs when they are attacked by its member-states?

Background: When the EU tries to promote human rights in third countries, those governments often accuse the Union of practicing double standards, because the EU does not similar take steps to protect human rights at home. The EU's strategic framework and action plan on human rights and democracy, which guides its foreign relations, recognises that a 'vigorous and independent civil society is essential to the functioning of democracy and the implementation of human rights... The EU... is profoundly concerned at attempts in some countries to restrict the independence of civil society.'

Internal-external coherence

How will you work with the EU's HR/VP on human rights and relevant Commission departments to make sure that internal EU policies complement and do not undermine the human rights goals of foreign policy?

Background: Some internal EU policies, such as in the area of agriculture and fisheries, can have damaging effects on human rights in other parts of the world – particularly socio-economic rights. For example, the Common Agricultural Policy often leads to overproduction of foods that cannot be absorbed by the EU market. To sell these excess products, the EU then dumps them on the markets of developing countries, and this can cause local producers to go out of business.

Dimitris Avramopoulos (Migration and home affairs)

Migrant labour

How would you persuade member-state governments to have further EU regulation of legal migration to Europe, so that work permit schemes match the real need for labour?

Background: A key role for the Commissioner is to ensure Europe's need for migrant labour is met. But in many EU member-states, businesses employ many irregular migrants because the government's immigration policies do not recognise their true labour needs, for instance for low skilled jobs. This makes workers vulnerable and leads to exploitation and violence, as shown with seasonal workers in Manolada and Rosarno.

Migrant support

How would you ensure that migrants or refugees granted permission to stay in countries in Southern Europe are welcomed and supported to make Europe their home?

Background: Integration of migrant communities is essential for social and economic peace. But in Italy and Greece hostility towards migrants and poor reception and integration conditions for refugees instead pushes migrants to be smuggled to Germany or Sweden. This leads to serious risks for migrants as well as an uneven migration pressure on EU countries. It also endangers the Common European Asylum system.

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