

## How Europe can blaze a trail

*9 November 2015*

A pleasant surprise from the European parliament last week: delegates managed to narrowly pass a resolution calling on EU member states to recognize Edward Snowden as a whistleblower and an international human rights defender. The resolution calls on member states to guarantee Snowden protection from prosecution, extradition and transfer to third states, i.e. the United States.

This is a major step, even if the resolution does not have any binding power. It has echoes of Snowden's situation in summer 2013 as he desperately sent out asylum requests to states in Europe and elsewhere from within the transit zone at Moscow airport – to no avail. In the two years since then, discussions have been ongoing in Germany on whether or not Snowden could at the very least safely enter and leave Germany to give testimony to the NSA inquiry committee. But the German government made it clear that the political will for this is lacking. Similar reactions came from the governments in Switzerland and Sweden when the question of asylum was up for discussion there.

Once again the European institutions are reacting faster than national governments. We saw the same thing happen over a decade ago on the human rights violations arising from counterterrorism action, the CIA rendition program and EU terrorism lists. And it was the European Court of Justice that established the right to be forgotten, denounced mass data retention and overturned the Safe Harbor Agreement that had been concluded with the USA. Led by Dutch Christian Democrat Pieter Omtzigt, the Parliamentary Assembly of the Council of Europe published a powerful report on mass surveillance excesses and a plea for better protection for whistleblowers.

At a time when many populist politicians and movements are responding to globalization by harking back to notions of nation and homeland, European institutions are demonstrating the importance of their role when it comes to building a European democracy in accordance with the rule of law. So instead of tolerating or fostering a sense of disenchantment with Europe, the politicians from the Greens, die Linke and the Social Democrats who brought about this recent resolution must now work within countries like Germany and France to improve European data protection. There is a real need for national and European legislation to improve the untenable position of whistleblowers and to protect the most prominent whistleblower of our time, Edward Snowden, from dramatic and unlawful prosecution by the USA.

The USA is accusing Snowden of violating the Espionage Act, among other things. At its core this is a form of political persecution and EU states are therefore obliged to deny any extradition requests. But the European Parliament's resolution goes further and asks states to guarantee Snowden due protection from the prison sentences of up to thirty years which could be imposed for each individual legal violation. Given the amount of data shared, Snowden could face an enormously long sentence which would see the 32 year old spend the rest of his days in jail, likely in solitary confinement. Europe should – must – protect him from this fate.