

Review of the EU's human rights strategy

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PURPOSE: to seek the views of the Council and the European Parliament on how opportunities can be exploited to make the EU's external policy on human rights and democracy more effective and to propose certain actions in this area.

BACKGROUND: the Lisbon Treaty has made the Charter of Fundamental Rights of the European Union a legally binding document. The EU's obligation to respect human rights implies not only a general duty to abstain from acts violating these rights, but also to take them into account in the conduct of its own policies, both internal and external.

Ten years have passed since the Commission Communication of 2001 on "The EU's role in promoting human rights and democratisation in third countries". Since then there have been seismic changes in the world, and it is important now to renew the EU's efforts to frame an effective response to the challenges that human rights and democracy face worldwide.

The EU has developed in its external action a broad range of policy instruments and guidelines to put its commitment to human rights and democracy into practice.

In recent years, several challenges have emerged:

- the legitimacy of international human rights and democracy norms and standards has been called into question, sometimes by emerging powers with which the EU seeks cooperation;
- even where international standards are generally accepted, implementation at the national level often remains slow;
- there is also the perception that the EU's statements on human rights and democracy are not always fully matched by its external or internal policies;
- as a consequence of globalisation, new actors have emerged under the ever increasing internationalisation and interdependency of economies, with complex implications for human rights.

The EU has not always been as effective or as joined-up as it might have been.

CONTENT: the objective of this Communication is to open a discussion with the other European institutions on how to make the EU's external policy on human rights and democracy more active, more coherent and more effective.

It sets out a vision of how the EU will broaden, deepen and streamline its action on the international scene to make a real difference to people's lives. It proposes action in four areas (i) delivery mechanisms, (ii) integrating policies, (iii) building partnerships, and (iv) speaking with one voice.

The Communication poses certain questions.

- On external delivery mechanisms – would not a bottom-up, tailored, country-based approach, coupled with cross-cutting worldwide campaigns on specific themes achieve better the human rights and democracy objectives?

- On process – how can the EU become more joined up across the whole range of its policies and Institutions, and externally when working with international partners, NGOs, regional groupings and international organisations?
- On internal structures – should we place priority on the completion of a network of human rights and democracy focal points across EU Delegations worldwide, and a standing capability in the Council on external human rights and democracy issues?

Overhauling delivery: the Communication discusses the need to maximise impact on the ground through tailor-made approaches. Traditionally the EU has adopted a top-down approach to its human rights strategy, agreeing worldwide priorities in Brussels and then seeking to apply these through political dialogues and meetings with third countries. But even if the principles and objectives are universal, immediate priorities, and therefore the route and timetables, can and must vary from country to country. Thus, while the overall objectives of the EU's human rights and democracy policy remain unaltered, an approach that seeks to match objectives in a country with the realities on the ground is more likely to deliver concrete results than a one size fits all approach. **Tailor made country strategies covering human rights and democracy** should therefore be an integral part of the EU's overall strategy towards that country.

In addition to country based tailored strategies the EU should **identify cross cutting themes to put its collective weight behind as time limited, targeted campaigns**. The High Representative has proposed to focus on three themes for the next three years:

- judicial reform focusing on the right to a fair trial;
- rights of women – building on the EU's comprehensive approach to Women, Peace and Security, as well as the EU strategy for equality between women and men;
- rights of the child – building on the "EU agenda for the rights of the child" and both sets of EU guidelines on children.

EU Institutions and Member States should be involved in drawing up specific, measurable, achievable, realistic, time-limited objectives along with implementation plans for each campaign.

The Communication also discusses the following topics regarding the overhaul of delivery mechanisms:

- the implications of the recent review of the European Neighbourhood Policy which further developed the EU's policies in support of democracy ;
- with the European Instrument for Democracy and Human Rights (EIDHR), the Commission has proposed to scale up funding to EUR 1.4 billion (from EUR 1.1 billion) for the forthcoming Multi-Annual Financial Framework 2014-2020. Suggestions will be made for making the EIDHR more flexible so that it delivers better, faster and more, and so that more organisations are able to access funds, and a quick response is ensured to address the needs of civil society in countries facing the most pressing and difficult situations.

Integrating policies: the paper stresses that there is scope to be more joined up across the wide range of EU policies, so that together they achieve their full impact.

Various EU policies with an external dimension have clear relevance for human rights and democracy, and the Communication outlines actions taken in the following areas: development cooperation; trade; the

area of freedom, security and justice; counter-terrorism; crisis management; conflict prevention; and governance of the internet. All actions developed in the framework of these policies (including measures taken by Member States implementing them within their respective areas of competence) must continue to be fully compatible with the respect, protection and promotion of human rights.

Building strong partnerships: the Communication discusses the need to strengthen actions in the context of **multilateral cooperation** and **regional organisations**. It also notes that human rights and democracy are an integral part of the EU's dialogue with other countries.

While the EU has launched some 40 dedicated human rights dialogues and consultations, these achieve best results when firmly embedded in the wider fabric of the EU's relations with a given country.

Learning from experience, the EU should take a number of steps to make these dialogues more effective:

- ensure a closer link of the human rights dialogues with other policy instruments;
- establish priorities, objectives and benchmarks for the dialogues to allow their review in conjunction with the human rights country strategies; generalise best practices across the various formats of human rights dialogues, including local dialogues with ACP countries under the Cotonou Convention (Art. 8);
- explore possibilities for reinforcing dialogue and cooperation with the EU's Strategic Partners.

Speaking with one voice to harness Europe's collective weight: to deliver on the approach set out above, the EU needs to strengthen the way that it deals with human rights and democracy in its external action.

- **European Parliament:** Parliament has made human rights and democracy one of its highest priorities. By making its voice heard systematically as well as urgently on the key questions of the day, Parliament has taken up a leading role in promoting human rights in all the EU does. Its work with other parliaments (through its parliamentary cooperation committees and delegations to regional parliamentary assemblies) is especially valuable in reinforcing the EU's signals. The European Parliament could usefully step up efforts to spread its vital human rights message beyond the Human Rights Sub-Committee to its delegations to third countries.
- **Member States:** Member States must continue to have strong ownership for the EU human rights and democracy policy both at the multilateral level and in bilateral relations with third countries. This requires the **formulation of strong common positions on human rights**, which guide both EU institutions and EU Member States, in order to speak as one. This can be facilitated by regular discussions on human rights questions also at the political level.
- **A standing capability on human rights and democracy in the Council:** the Council Working Group on Human Rights (COHOM) has a key role in steering EU human rights policy. Currently, COHOM is staffed from capitals and meets only once a month and can no longer fully respond to the increased workload. Effective implementation of EU external human rights policy would require **more frequent meetings of COHOM and also a standing capability and expertise** on human rights and democracy among the Permanent Representations in Brussels of EU Member States.
- **Building a culture of human rights and democracy:** a Directorate on Human Rights and Democracy has been created within the EEAS. There is now a human rights focal point in all EU Delegations worldwide – this system should be formed into a network for the delivery of cross-

cutting campaigns. A similar network of focal points is in the process of being created in the EEAS and in the Commission services.

- **A rethink of EU communications:** the EU could **mobilise key Delegations** to use social media for digital diplomacy using existing communication resources. The EU will give practical support to those using social media to enhance civic engagement on the ground.

In order to track progress in achieving the objectives set out in the Communication, the EU will present its performance in its annual report on human rights and democracy in the world.

The Council and the Parliament are invited to review this performance regularly, and to review the EU's strategic objectives after five years.