



HRDN NON-PAPER

The New EU Human Rights Strategy

Guidance note for civil society partners

Introduction

On the 25th June 2012 European Union (EU) Foreign Ministers adopted a comprehensive human rights package which was subsequently endorsed by EU Heads of State. This new package consists of a **Strategic Framework on human rights and democracy** setting out the EU's policy, principles, and priorities on human rights and democracy; an **Action Plan** laying out specific actions on how the EU is going to implement pledges made in the Strategic Framework, and a **decision to appoint an EU Special Representative (EUSR) for Human Rights** to be the new high level face and voice of EU human rights policy.¹ This was a powerful pledge by the 27 EU Member States, the European External Action Service (EEAS) and the European Commission to advance the protection and promotion of human rights and democracy together and to move respect for human rights to the centre of EU foreign policy.

It has taken the EU two years to agree on this new human rights package and the Human Rights and Democracy Network (HRDN) has been active in engaging with EU Member States, EEAS and the European Parliament throughout the process to push for a truly ambitious human rights strategy to be adopted.² The EU intends to present its performance in meeting the objectives of this new human rights strategy in its annual public report on human rights and democracy around the world.

We believe this new human rights package represents an important step forward for EU human rights policy. However the pledges made by the EU will now need to be turned into concrete action in a swift and transparent manner. **Civil society has its role to play in pushing for implementation and to continue to call on the EU to practice what it preaches.** This paper aims: 1) to summarise what is contained in the new package, 2) to give an overview on what it means for our partners in the EU and in third countries, and 3) to provide some ideas on how it can be used to hold the EU accountable on particular human rights and democracy concerns.

¹ EU Strategic Framework and Action Plan on Human Rights and Democracy:

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf

Mandate for EUSR: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:200:0021:0023:EN:PDF>

² Link to HRDN documents:

http://www.hrdn.eu/index.php?menu_selected=125&language=US&sub_menu_selected=789

What is the Strategic Framework on human rights and democracy?

As mentioned above the EU Strategic Framework on human rights and democracy sets out the EU's policy, principles and priorities on human rights and democracy. It is a powerful pledge by the EU to prioritize human rights in EU policy both at home and abroad. A specific pledge is made to “**place human rights at the centre of its relations with all third countries, including its strategic partners**” and EU Member States are committed to be “**exemplary in ensuring respect for human rights**”.

The EU reaffirms “its commitment to the promotion and protection of all human rights, whether civil and political, or economic, social and cultural” and notes that it will “speak out against any attempt to undermine respect for universality of human rights”. A commitment is made to raise human rights “vigorously in all appropriate forms of dialogue, including at the highest level” and to make “use of the full range of instruments at its disposal, including sanctions or condemnation” when faced with violations of human rights.

The Strategic Framework states that the “EU will promote human rights in all areas of its external action without exception”. In this regard an important pledge is made to “integrate” the promotion of human rights into external policy areas such as trade and investment. The Strategic Framework also announces that a **human rights based approach** will be used in the area of **development cooperation** to ensure that the “EU strengthens its efforts to assist partner countries in implementing their international human rights obligations”.

What are the priority areas mentioned in the Strategic Framework?

The Strategic Framework outlines the EU's human rights priorities, including the following areas: to promote **freedom of religion and or belief and freedom of expression, opinion, assembly and association**, both online and offline; to continue campaigning against the use of **death penalty and torture and cruel, inhuman and degrading treatment**; to “step up” efforts to promote the **right to a fair trial and equality before the law**; to (continue to) “promote” **observance of international humanitarian law**; to “fight vigorously” against **impunity for serious crimes** of concern to the international community; to “fight” **discrimination** in all its forms through combating discrimination on grounds of **race, ethnicity, age, gender, or sexual orientation**; and to advocate for the rights of the **children, women, persons belonging to minorities, indigenous peoples, refugees, migrants and persons with disabilities**. A pledge is made to “intensify” EU efforts to promote **economic, social and cultural rights** and “strengthen” efforts to ensure universal and non-discriminatory **access to basic services**, with a particular focus on poor and vulnerable groups. The EU will “encourage and contribute” to the implementation of the UN Guiding Principles on **Business and Human Rights**.

What is the purpose of the Action Plan and how will it be used?

For the first time the EU has published an Action Plan which lays out specific actions that the EU (EU Member States, the EEAS, European Commission and the EU Special Representative on Human Rights) intend to undertake to implement the above commitments. This is an important document that builds upon the existing body of EU policy on human rights and democracy such as the EU's human rights guidelines, toolkits and the various financial instruments, in particular the European Instrument for

Democracy and Human Rights. Moreover, it is important to note that the Action Plan is meant as a living document that can be updated so as to respond to new challenges. The Action Plan covers the period until 2014.

The list of actions laid out in the Action Plan is too long to list each one in this paper but some specific actions range from a decision to develop three new sets of public EU human rights guidelines (**on Freedom of Religion or Belief, LGBT rights, and Freedom of Expression online and offline**) to creating a “culture of human rights and democracy in EU external action” through specific actions, such as providing training on human rights and democracy to all EU staff and completing a network of human rights and democracy focal points in EU delegations and CSDP missions.

We strongly advise partners to read though the Action Plan and identify the specific actions related to your work.

What does this new strategy say about EU support for human rights defenders?

Specifically concerning individuals fighting for human rights worldwide, the Strategic Framework pledges that the EU will “**throw its full weight behind advocates of liberty, democracy and human rights throughout the world**”. Furthermore the EU notes that it will “intensify its political and financial support for **human rights defenders** and step up its efforts against all reprisals”. The accompanying Action Plan commits the EU to developing and implementing by mid 2013 a voluntary initiative to facilitate the provision of temporary shelter to human rights defenders at risk. The Action Plan also states the EU will “promote improved access by human rights defenders to the UN and regional human rights protection mechanisms and will address the issue of reprisals against defenders engaging with those mechanisms”.

How does this strategy envisage engagement with civil society?

It is important to note that the Action Plan makes reference to a **genuine partnership with civil society**, including at the local level. Heads of EU Delegations, Heads of Missions of EU Member States, heads of civilian missions and operation commanders are now committed to working “closely with human rights NGOs in the countries of their posting”. A decision was also made to expand the practice of working on human rights issues through human rights working groups formed locally among EU Delegations and EU Member States embassies. There is also a commitment to “consolidate consultations with civil society, notably on policy initiatives and dialogues on human rights”.

Contact details of the human rights focal points of all EU missions and EU liaison officers for human rights defenders will be published on the websites of EU Delegations and the EEAS by the end of 2012. ***These focal points should be the logical EU counterparts for human rights organisations/defenders in third countries. Partners should not hesitate to reach out to them.***

Does the EU have a tailor made human rights strategy for third countries?

The Action Plan also makes reference to tailor made **human rights country strategy** papers for third countries. EU delegations have been tasked with drawing up their own respective 3 year strategy identifying a number of priorities. The Action Plan notes that these strategies “are to be taken into

account in human rights and political dialogues at all levels, in policy-making and when programming and implementing financial assistance with third countries”. Many strategies have already been adopted after consultation with Brussels-based EU working groups. Consultations with local civil society should have taken place during the drafting phase and should ideally continue during implementation and evaluation of the country strategy.

We would encourage our partners when meeting with staff from EU delegations and EU Member State missions to inquire about the priorities contained in the tailor made country human rights strategies. Although the strategies themselves are not yet public, EU diplomats should be in a position to share such information.

What is the role of the new EU Special Representative (EUSR) for Human Rights?

On the 25th July 2012 **Mr. Stavros Lambrinidis** was appointed as the first ever EUSR for Human Rights and will report to both EU Member States and the EU High Representative. This is a position that the HRDN and the European Parliament have advocated for.

The EUSR has been appointed “to strengthen the effectiveness and the visibility” of the EU’s human rights policy and contribute to the implementation of its objectives. The EUSR will act as the high-level face and voice of EU human rights policy internationally and will fill the gap between member states and the EEAS by acting as a focal point for internal guidance, strategic thinking and expertise. The mandate of the EUSR specifically states that the “EUSR shall seek regular contacts with civil society organisations both at Headquarters and in the field”.

We recommend that our partners reach out to the EUSR, encouraging him to meet with a wide range of human rights defenders during his assignments, including those who are imprisoned, facing trial, located in remote areas, and/or working on sensitive issues.

Conclusion

When raising specific human rights concerns or individual cases with the EU – through statements, letters or face to face meetings with EU diplomats – we would urge our partners to remind the EU of the specific pledges made in this new EU human rights strategy and encourage human rights defenders to use this strategy as an advocacy tool, bearing in mind that the pledges made represent a floor rather than a ceiling for EU action on human rights.

December 2012

Do you have further questions or comments? Please contact the HRDN:

The coordinating troika represented by Sofia Lemmetyinen (Christian Solidarity Worldwide), David Nichols (Amnesty International) and H  l  ne de Rengerv   (International Rehabilitation Council for Torture Victims), troika@hrdn.eu, or Claire Ivers, Human Rights Watch, iversc@hrw.org.