

Human rights

SUMMARY

In the 70 years since the adoption of the Universal Declaration of Human Rights – the first international document to set common standards of achievement for all states – the pivotal role and moral, legal and political significance of human rights in the international arena have become indisputable. However, despite considerable progress in many areas on recognition, codification and implementation, human rights have also come under increased attack. Whether in theatres of war or in the political arena, human rights are now often rejected on ideological grounds. The EU itself has not been spared by the current backlash. In its Member States, a populist wave has empowered some political forces that increasingly question the significance of core human rights, such as the right to freedom of expression. In these troubled times for human rights, opinion polls show that European citizens perceive human rights as one of the most important values for them personally and one of the values that best represent the EU itself.

Having emerged from World War II and its atrocities, European countries were determined to secure lasting peace, and the Union they created is founded on respect for democracy, the rule of law and human rights, which guide and shape its legislation and policies. Within the EU, recent action has included new legislation on data protection and access to justice, the European Pillar of Social Rights, and initiatives to combat inequality, discrimination and hate speech. There is also an acknowledgement that more needs to be done to complete the legal framework to combat discrimination and strengthen internal mechanisms for upholding the rule of law. Human rights are additionally a general objective of EU external action. The EU is deeply committed to promoting human rights, as enshrined in international treaties, in its relations with third countries and with other multilateral regional and global institutions. During Parliament's last mandate, the EU consistently applied and deepened a range of policy approaches that strengthen its role and image as a normative power that inspires others through its example. Maintaining and consolidating this policy remains vital for preserving the EU's image and credibility as a normative power based on values, and one that has the capacity to act at a time when the principle of multilateralism is increasingly questioned.

This is an update of an earlier briefing issued in advance of the 2019 European elections.



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State of play

Human rights are fundamental values of the entire international community. More than 70 years after the adoption of the Universal Declaration of Human Rights, the first comprehensive international human rights document to set common standards to which all UN members should aspire, human rights have become a cornerstone of the international system and have reached almost universal recognition. However, much remains to be done in practice so that every human being can enjoy their fundamental rights.

Globally, despite progress over recent decades in a number of areas, human rights today face multiple challenges. Increasingly assertive authoritarian regimes have taken their toll on human rights behind a [façade of deceptive legitimacy](#), restricting fundamental political and civil freedoms and harassing human rights defenders. Some states resist human rights because they consider that these conflict with their religious and cultural traditions, despite human rights' claim to universality. Furthermore, the most violent civil conflicts of recent years such as in Syria and Iraq, have witnessed large-scale atrocities amounting to crimes against humanity, war crimes, and even [genocide](#). Many reports show negative trends in respect for rights and freedoms in the world. For example, in 2018 more countries recorded a decrease in equality before the law and individual liberty than an increase, according to the index of the [V-Dem Report 2018](#). [Freedom House](#) also found that 'political rights and civil liberties around the world deteriorated to their lowest point in more than a decade in 2017' and the trend continued in [2018](#). Since 2013, freedom of the press has deteriorated in all regions of the world, except in Asia where it has stagnated at a very low level, according to the Reporters without Borders World Press Freedom Indexes for [2018](#) and [2019](#).

The EU itself is founded on respect for human rights, as well as respect for human dignity, freedom, democracy, equality and the rule of law. According to the [Copenhagen criteria](#), all EU candidate countries must have stable institutions that guarantee respect for human rights and the rule of law if they are to join the EU. In accordance with the EU framework, the majority of EU Member States are highly rated for respect for these values when compared with the rest of the world. For example, all EU Member States have been qualified as 'free' in Freedom House's [2018 report](#), although some have recently experienced backsliding. This EU Member State position was confirmed by The Economist Intelligence Unit [Democracy Index 2018](#), which includes respect for civil liberties in its score. According to this index, all EU Member States are either 'full' or 'flawed' democracies, but scores have tended to deteriorate against the previous year. Other rankings, which focus on specific rights and freedoms, such as press freedom, show that the situation among EU Member States is much more varied. According to the [2019 World Press Freedom Index](#), nine EU Member States score among the 15 highest-rated countries for press freedom. However, six Member States still experience significant problems, and the situation in one EU Member State, Bulgaria, is classified as 'bad'. The [rise of populist parties](#) in some Member States, some of which base their appeal on attacking [minorities](#) and curbing [women's rights](#), has placed fundamental rights in the EU at risk. The recent killings of journalists in the EU is also a worrying trend, even though the [number of deaths](#) globally fell in 2017 (although not for women journalists, twice as many of whom were killed in 2017 compared to 2016). Additionally, the development of new technologies has opened [new avenues](#) through which these rights may be threatened, presenting challenges for data protection, but also for freedom of speech, with [online hate speech](#) and the spread of [fake news](#) requiring countermeasures to strike a balance between curbing these practices and protecting people's right to express themselves freely. The [migration crisis](#) has also put a significant strain on EU Member States' human rights obligations.

What more could be done?

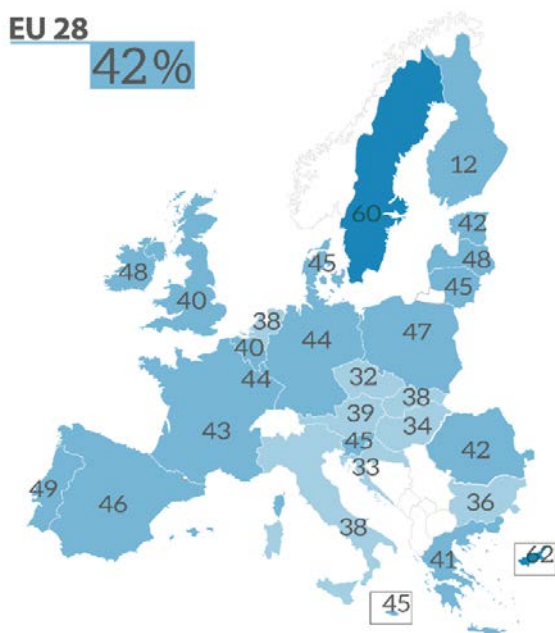
In the face of these multiple challenges, the potential of action supporting human rights in the world is all the more significant. Human rights are [essential](#) in securing economic development, as well as [democracy and peace](#). Firmly rooted in universal human rights, the UN's [2030 Agenda for](#)

[Sustainable Development](#) recognises the [strong links](#) between sustainable development and human rights and emphasises the need to combat discrimination and promote equality, especially gender equality. Although not explicitly framed in the language of rights, most targets outlined under the [sustainable development goals](#) to be achieved by 2030 are closely aligned to human rights. Human rights are also [vital](#) for preserving peace and [preventing conflicts](#), as gross human rights violations are often among the main causes of conflict – a fact that is also recognised in the EU [2016 Global Strategy](#). The strategy also highlights the close link between human rights, democracy and the rule of law, as various facets of 'resilient societies'. Improving EU human rights policy coherence with other external policies, such as development aid and democracy support is therefore of paramount importance.

At EU level, the potential for action on human rights is also significant. The EU has a fundamental rights infrastructure in place, but it still needs further development to address both the old and the new challenges. The heterogeneity of human rights standards between EU Member States, as well as backsliding in recent years, is also a matter for concern. The EU has passed several landmark directives to protect specific aspects of fundamental rights, such as the Employment Equality Directive and the Citizens' Rights Directive. Further steps for EU action could include: support for improved implementation of existing EU law; adoption of new directives to cover current gaps in protection which, inter alia, create an artificial hierarchy of grounds; and [completion](#) of EU accession to the European Convention on Human Rights, which would enable individuals to turn to the European Court of Human Rights not only regarding treatment by individual Member States, but by the EU itself. So far, individuals have been able to bring complaints against the EU to the European Court of Justice, but this accession would result in greater external scrutiny. The systemic threats to the [rule of law](#) in some EU Member States also require treatment under an adequate and effective EU framework.

Public expectations for EU involvement¹

Figure 1 – Human rights as the most important personal value, per Member State, in %



Source: EPRS, based on [Eurobarometer 88](#).

European citizens perceive human rights as one of the most important values for them personally and as one of the values that best represent the EU itself. Out of a list of 12 values listed by the 2017 [Standard Eurobarometer 88](#),² only the value of peace is more important. On average, 42 % of Europeans list human rights as one of the three most important values for them personally and 33 % as one of the three values that best represent the EU. Perception of the personal importance of human rights varies significantly amongst Member States, however. Human rights are the most important value for the highest proportion of citizens in Cyprus (62 %) and Sweden (60 %), and lowest in Czech Republic (32 %), Croatia (33 %) and Hungary (34 %). Even though it is the second most important personal value for the EU as a whole, it tops the ranking in nine Member States, namely Belgium, Cyprus, Italy, Lithuania, Poland, Portugal, Romania, Spain and Sweden.

The proportion of citizens who perceive human rights as one of the three values that best represent the EU varies from 47 % in Belgium to 21 % in Croatia. In seven Member States, it is the value that is perceived as characterising the EU better than any other value. These Member States are Belgium, Cyprus, Ireland, Latvia, Portugal, Romania and the UK.

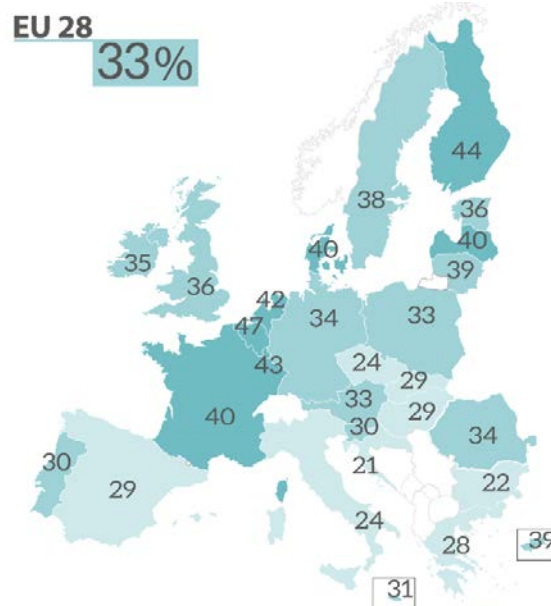
According to a 2016 [Pew Research Center study](#), European countries demonstrate rather different opinions on the importance of promotion of human rights outside the European Union. Within a sample of 10 EU Member States, the share of people who think that improving human rights around the world should be one of the EU's most important foreign policy goals was highest in Spain (63 %) and lowest in Hungary (17 %).

EU framework

Legal framework

The EU has developed a framework for protecting fundamental rights within the Union and advancing human rights in the wider world. As expressed in the Treaty on European Union (TEU), the EU is founded on respect for human rights – including the rights of persons belonging to minorities – human dignity, freedom, democracy, equality and the rule of law and both its internal and [external policies](#) are guided by these principles.³ Within the EU, the commitments set out in the founding Treaties are also guaranteed by national constitutions and, at EU level, by the [Charter of Fundamental Rights](#), adopted in 2000, which enshrines all the personal, civic, political, economic and social rights enjoyed by all people living in the EU.⁴ When the Lisbon Treaty came into force in 2009, the Charter acquired the same legal value as the Treaties, meaning that all EU law must be compatible with the Treaties and the Charter. The rights set out in the Charter are binding on EU institutions and bodies, as well as national governments, which must respect them when implementing EU law or [acting](#) within its scope. Under Article 7 TEU, the relevant EU institutions can also take action in situations where there is 'a clear risk of a serious breach' of EU values by a Member State or where there is a serious and persistent breach of EU values, as laid down in Article 2 TEU.

Figure 2 – Human rights as a value that best represents the European Union, per Member State, in %



Source: EPRS, based on [Eurobarometer 88](#).

CHARTER OF FUNDAMENTAL RIGHTS OF THE EU

- DIGNITY** including the right to life and integrity of the person and prohibition of torture and slavery
- FREEDOMS** including the right to liberty and security, respect for private life, protection of personal data, right to marry and found a family, right to education, freedoms of thought, conscience and religion, expression and information, assembly and association, to choose an occupation and to conduct a business, the right to property, the right to asylum and protection in the event of removal, expulsion or extradition
- EQUALITY** including equality before the law, non-discrimination, diversity, equality between men and women, the rights of the child and the elderly and integration of persons with disabilities
- SOLIDARITY** including workers' right to information, right of collective bargaining, fair and just working conditions, prohibition of child labour, social security and social assistance, health care, environmental and consumer protection
- JUSTICE** right to an effective remedy and fair trial, presumption of innocence and right of defence, right not to be tried or punished twice in criminal proceedings for the same criminal offence
- CITIZENS' RIGHTS** including the right to vote and stand as candidate at elections for the European Parliament and at municipal elections, right to good administration, access to documents and petition, ombudsman, freedom of movement and residence and diplomatic and consular protection

To protect and defend fundamental rights, the EU is committed to and can take [action](#) to combat discrimination, including by introducing [EU anti-discrimination law](#).⁵ EU laws have been adopted to combat discrimination on the basis of sex, ethnic and racial origin, religion and belief, disability and sexual orientation in areas such as employment. A proposed [horizontal anti-discrimination directive](#) would cover as yet unaddressed grounds of discrimination and implement the principle of equal treatment outside the labour market, irrespective of age, disability, sexual orientation or religious belief. The proposal has not yet, however, reached the required unanimity within the Council.

The [European Court of Justice](#) (ECJ) in Luxembourg, to which individual citizens, companies and organisations can [resort](#), plays an important role in upholding these rights and ensuring that European law is interpreted and applied in the same way in every Member State.

International commitments

The EU's legal framework is consistent with international human rights law. Indeed the Treaties commit the EU to respect international law, promote respect for the [United Nations Charter](#) and accede to the Council of Europe's [European Convention on Human Rights](#) (ECHR).⁶ The EU is party to the most recent UN human rights treaty, the [Convention on the rights of persons with disabilities](#).

The EU Member States also have substantive individual commitments under international human rights treaties and agreements, some of which go [further](#) than EU law. All are [party](#) to the UN Charter and the majority of its [human rights treaties](#). They are also [party](#) to the ECHR, which means that individuals can have [recourse](#) to the Council of Europe's [European Court of Human Rights](#) in Strasbourg if their rights are violated.

Financial framework

Promoting human rights inside the EU

The current main funding programme dedicated to the protection and promotion of fundamental rights **in the EU** is the [Rights, Equality and Citizenship Programme](#), with a 2014-2020 financial envelope of €439 473 000. Its stated [aim](#) is 'to help to make people's rights and freedoms effective in practice by making them better known and more consistently applied across the EU', 'to promote the rights of the child', and 'the principles of non-discrimination and gender equality'.

Other funding programmes relevant to the protection and promotion of fundamental rights in the EU include the [European structural and investment funds](#) and, in particular, the [European Social Fund](#), which promotes social inclusion by improving access to training and labour market participation for women, early school leavers, migrants, Roma, the disabled and other marginalised groups. The [Justice programme](#) aims to ensure effective application of EU legislation in civil and criminal justice. The [Employment and Social Innovation programme](#) (EaSI) combats poverty and social exclusion and promotes quality employment; the [Europe for Citizens programme](#) helps to raise awareness of the EU and its values and history; and the [Asylum, Migration and Integration Fund](#) (AMIF) helps alleviate the repercussions of the migration crisis.

Promoting human rights in the world

The [European Instrument for Democracy and Human Rights](#), with [€ 1.33 billion](#) under the current multiannual financial framework (MFF), provides funding for civil society organisations implementing programmes at local or global level in favour of human rights. It also provides emergency assistance and direct grants for human rights defenders at risk. It is specifically designed so that funding does not require third country government consent, unlike other EU external financial instruments. The [European Neighbourhood Instrument](#) (ENI) helps promote human rights, fundamental freedoms, the rule of law and the fight against discrimination. Its total budget under the 2014-2020 MFF is €15.43 billion. The [Development Cooperation Instrument \(DCI\)](#), with €19.66 billion in funding over the current MFF period, is the main EU budgetary instrument for funding aid to developing countries. Almost two thirds of its budget are dedicated to geographical

programmes, which must spend at least 15 % of their funding on human rights, democracy and good governance.

Outside the EU budget, the [European Development Fund](#) (EDF) is the main programme contributing to human rights support. Launched in 1959, the EDF provides development aid for African, Caribbean and Pacific countries and is financed by direct voluntary contributions from EU Member States, with €30.5 billion under the 2014-2020 MFF. The EDF supports human rights either directly (e.g. measures to support gender equality), or indirectly, such as by fostering legal reform, institutional capacity building.

Deliveries of the 2014-2019 parliamentary term

Policy initiatives within the EU

The European [Commission](#), [Parliament](#) and [Council](#) all have a role to play in ensuring that new EU legislation and policies, or revisions of existing laws, comply with the standards set out in the Treaties and the Charter of Fundamental Rights. A specialised EU body, the EU Fundamental Rights Agency ([FRA](#)), was established in 2007 to collect and analyse information on the situation across the EU and identify areas where progress can be made. Some of the important steps taken are listed below.⁷

Dignity

- The EU is [committed](#) to preventing and combating trafficking in human beings and protecting victims. In December 2017, it [stepped up](#) the work it was already doing on the basis of its [Anti-trafficking Directive](#) and the [EU strategy towards the eradication of trafficking in human beings 2012-2016](#). The [priorities](#) include giving victims better access to support and disrupting trafficking chains. Between 2004 and 2015, the EU [financed](#) 321 projects in 26 EU countries, focusing on combating labour exploitation, child trafficking and sexual exploitation.

Freedoms

- Since 25 May 2018, new [EU rules](#) have ensured that personal data is protected across the EU and when transferred outside. The rules also give Europeans the right to know how their personal data is being collected and if their data has been leaked or hacked. Under the 'right to be forgotten', personal data must be deleted upon request, if there are no legitimate reasons for a company to keep it. The ECJ had already [ruled](#) that the Charter's privacy rights must apply to all transatlantic data transfers in its 2015 *Schrems* judgment and privacy campaigners have [used](#) the new EU data protection law to file further data protection cases.

Equality and non-discrimination

- The EU's [gender equality index](#) shows that although there has been progress, [equality between women and men](#) is far from having been achieved. From 2016 to 2019 the EU has been pursuing five priorities under its [strategic engagement for gender equality](#), including combating violence against women and closing the gender pay gap.
- The FRA's EU-wide surveys have revealed the extent of the discrimination and harassment faced by [immigrants and minority ethnic groups](#). The EU has adopted strategies to combat [anti-Gypsyism](#) and [anti-Semitic and anti-Muslim hatred](#). It has also set up a [high-level group](#) to improve data on [hate crime](#) and counter hate speech online. One priority was to implement a [code of conduct](#), agreed with four major firms (Facebook, Microsoft, Twitter and YouTube), which are [now](#) removing a higher proportion of illegal hate speech.
- The FRA is conducting a [follow-up](#) to the 2014 first-ever [EU-wide survey](#) on discrimination, violence and hate speech experienced by lesbian, gay, bi-, and trans people in the EU. The EU has also been [implementing](#) a 2014-2019 '[list of actions to advance LGBTI equality](#)'.
- The [European disability strategy 2010-2020](#) represents a shift towards a human rights approach in EU policy and aims for full participation in education, work, leisure activities and public life for people with disabilities. Measures include piloting an [EU disability card](#) giving

equal access to benefits when travelling in the EU, and new EU legislation on accessibility, including a [law](#) requiring public sector bodies to make their websites and mobile apps more accessible. Another [EU law, adopted in April 2019](#), will introduce common European rules for goods and services such as TV equipment and air, bus and rail transport.

- [Action](#) on children's rights includes promoting [child-friendly justice systems](#) and helping children leave institutional care for family or community [alternatives](#). Support for children's rights is also mainstreamed in wider EU policy, including the [European Pillar of Social Rights](#).

Solidarity

- The new [European Pillar of Social Rights](#), adopted in November 2017, aims at delivering new and more effective citizens' rights on equal opportunities and access to the labour market, fair working conditions, [social protection](#) and inclusion. Forthcoming EU laws will address [work life balance](#) and [predictable working conditions](#).
- In 2016, the EU launched an Online Dispute Resolution [Platform](#) to strengthen consumer protection.

Citizens' rights

- Freedom of movement is a fundamental EU principle, giving EU citizens and their family members the right to live and work anywhere in the EU. A new [EU regulation](#) will cut the amount of red tape and costs involved in having a document, such as a birth or marriage certificate, recognised in another EU country. Steps have also been taken to [help international couples](#) to resolve disputes over property and ensure [better protection for children](#) in cross-border custody disputes and child abduction cases. In June 2018, the European Court of Justice [ruled](#) that EU countries that have not legalised same-sex marriage must at least respect the residency rights of same-sex spouses who want to live together in their territory.

Justice

- To support the right to a fair trial, the EU adopted the last of a [package](#) of laws aimed at strengthening the rights of people suspected or accused in criminal proceedings in 2016. The [Directive on legal aid](#), which had to be transposed into national law by May 2019, aims to ensure that legal aid is offered in a uniform way across the EU. The other rules cover the [right to information](#) (since June 2014), the [right to interpretation and translation](#) (since October 2015), the [right to have a lawyer](#) (since November 2016), the right to be [presumed innocent and to be present at trial](#) (since April 2018) and special [safeguards for children suspected and accused in criminal proceedings](#) (from June 2019).

Upholding respect for fundamental rights, democracy and the rule of law

- EU values are part of the accession criteria for countries wishing to join the EU, but the guarantees against existing Member States backsliding on these values are weaker. Recent laws introduced in Poland and Hungary have [reignited discussion](#) on the effectiveness of EU procedures for upholding the rule of law internally, prompting the European Commission to trigger, for the first time, the new [Rule of Law Framework](#) procedure introduced in 2014. The rule of law is one of the cornerstones supporting respect for human rights.

European Parliament action. Parliament assesses the fundamental rights situation in the EU in an annual resolution. In the final [resolution](#) of the 2014-2019 term, Parliament drew attention to specific issues and reiterated its [calls](#) for a new mechanism for democracy, the rule of law and fundamental rights, with a view to monitoring the situation within the EU, providing a coordinated approach, and informing people of their rights under the Treaties and the Charter.

Policy initiatives in external action

The EU is equally committed to promoting human rights beyond its borders. To strengthen its external credibility, the EU has to ensure its internal and external human rights policies are consistent – an objective highlighted in the 2012 [strategic framework on human rights and](#)

[democracy](#) and in the second [action plan on human rights and democracy](#), covering the 2015-2019 period. Moreover, the EU has to make sure that human rights are mainstreamed in all its other external policies. Compared with China, for example, which does not condition its development aid on values, the EU may appear a very demanding development aid provider for some partner states.

- The EU deploys a wide range of political and diplomatic tools to defend human rights. It issues numerous **public statements** urging respect for human rights, and encourages third country authorities to ratify relevant international conventions, adapt their legal frameworks and comply with their obligations. The EU conducts regular **dialogues on human rights** with international organisations and many partner countries in the world. These enable the EU to discuss issues of concern, to gather information and to provide its support in relation to human rights issues. In 2017, the EU held human rights dialogues with more than 30 partner countries. Moreover, human rights form an integral part of the political dialogues the EU holds regularly with its partners from the Africa, Pacific and the Caribbean (ACP) region. For example, in the most recent [human rights dialogue](#) with China in July 2018, the EU addressed issues such as deteriorating civil and political rights in the country, the detention and conviction of a significant number of Chinese human rights defenders, and minority rights, especially for Tibetans and Uighurs. The EU also holds dialogues with other regional organisations, such as the [African Union](#) and [ASEAN](#) in 2017.
- The EU is very active in promoting human rights at **multilateral level**, as an observer in the UN General Assembly (UNGA) and the UN Human Rights Council. An EU-led [resolution on freedom of religion or belief](#) was adopted by consensus in the UNGA Third Committee (Social, Humanitarian and Cultural) in 2017. The EU is engaged in cooperation on human rights with other regional organisations, such as the EU-funded programme with the African Union '[Strengthening the African Human Rights System](#)'. It has also established [extensive cooperation](#) with the Council of Europe to promote human rights in enlargement and neighbourhood countries.
- The EU has continued to use its **trade policy** leverage as the biggest commercial bloc in the world to promote human rights. Free trade agreements negotiated and concluded since 2014 are linked to the human rights and democracy clause in political framework agreements, including with countries such as Canada and Japan, which do not present major human rights issues. The provisions on trade and sustainable development included in the new generation of EU trade agreements impose obligations on the parties to comply with fundamental labour rights as enshrined in International Labour Organization (ILO) conventions. The EU's unilateral trade preferences are also conditioned on beneficiary country respect for fundamental human and labour rights. It closely monitors and assists the beneficiaries of its GSP+ scheme, which requires them to ratify and implement relevant international conventions, and has published biennial country reports in 2016 and 2018. The EU is considering withdrawing its trade preferences granted under the 'Everything but Arms' scheme to Cambodia because of serious human and labour rights violations. In 2016, the EU [amended](#) its regulation banning trade of items that can be used for torture and executions, by strengthening a series of provisions to respond to issues observed in implementation. The EU is [promoting](#) a proposal for an international instrument banning such trade at the UN. Another [Regulation](#) adopted in 2016 will impose due diligence obligations on EU importers of minerals from conflict areas, starting from 2021. In 2018, the EP agreed by an overwhelming majority to proposed amendments to a [legislative proposal by the Commission](#) to amend the EU dual-use export control regime, in order to prevent the abuse of cyber-surveillance technologies by regimes with a questionable human-rights record. The Council has yet to agree on its position. Further progress on this file will depend on how the new Parliament and the other institutions decide to proceed.
- To improve mainstreaming human rights in **development policy**, the Commission published a staff working document, a 'Rights-based approach [encompassing all human rights in EU development cooperation](#)' in December 2014.

- In the framework of its **neighbourhood policy**, the EU places special emphasis on human rights in its partnerships with its neighbours. It encourages and supports countries in their progress on human rights and monitors them closely. For example, the most recent [country report on Tunisia](#) (2018) highlights some progress on human rights.
- To respond to serious human rights violations committed by government officials or non-state actors, the EU imposes **sanctions** targeted at individuals identified as responsible, such as asset freezes, or travel bans. Most recently, the EU has placed [restrictive measures](#) on Myanmar/Burma army, border guard, and police officials involved in atrocities committed against the Rohingya population. Similar EU sanctions are in place against [Venezuelan officials](#) suspected of human rights violations and undermining democracy and the rule of law. Against countries experiencing civil war, the EU institutes arms embargoes, often in line with UN Security Council embargoes, to minimise harm to the civilian population, as was the case in [South Sudan](#). The EU imposed export restrictions against [Syria](#), on equipment and technology that might be used for internal repression and for monitoring or interception of internet or telephone communications, as well as individual sanctions against more than 250 persons and over 60 entities in the light of the violent repression of the civilian population. In response to very grave human rights violations, possibly amounting to [crimes against humanity](#), committed in Burundi against political opponents and civil society activists, the EU temporarily suspended direct support to the government in March 2016.
- The EU has strengthened its efforts to ensure **justice for war crimes and crimes against humanity**. It supports the [International, Impartial and Independent Mechanism for Syria](#) established by UNGA. The EU remains a staunch supporter of the International Criminal Court, and supports the universality of the Rome Statute where it has provided implementation assistance to countries and financial support for promotion by civil society.
- Protecting **the human rights of migrants and refugees** has been at the heart of the European approach to addressing migratory issues since the migratory crisis began in 2014. EU naval operations in the Mediterranean have saved numerous lives.
- The EU attaches great importance to reducing human rights violations occurring in relation to **business activities**, particularly those conducted by EU-based companies in third countries. It has been committed to the 2011 [UN Guiding Principles on Business and Human Rights](#) (a set of guidelines to prevent, address and remedy human rights violations committed in business operations). The EU's [Non-financial Reporting Directive \(Directive 2014/95/EU\)](#), which entered into force in 2014 with a transposition deadline of 6 December 2016, obliges large EU companies operating abroad to disclose information on their compliance inter alia with human rights norms, including on due diligence processes implemented. The EU has been constructively engaged in the UN negotiations on a binding treaty on business and human rights.
- The EU also focuses on those who stand up to defend human rights, developing a [policy](#) of protecting **human rights defenders** worldwide, through means such as issuing statements, undertaking confidential demarches, allocating emergency grants and encouraging Member States to issue temporary EU visas for those most endangered. In 2015, the EU funded a consortium of NGOs to establish a [mechanism](#) to support defenders.
- Following a February 2016 European Parliament resolution, the Commission created the [function](#) of special envoy for the promotion of **freedom of religion or belief** outside the EU, in order to promote respect for this right, which is challenged in many parts of the world. The Union has also supported several UN resolutions on the issue.
- **Gender equality and women's empowerment** in the world are another priority pursued by the EU in recent years. The [EU gender action plan II 2016-2020](#) aims at integrating gender considerations into all EU external policies.

European Parliament action. The Parliament is a strong supporter of human rights. It monitors the human rights situations in the world closely and regularly issues urgency resolutions in response to the most serious human rights violations. Under the last parliamentary term these included resolutions [on the situation of Rohingya refugees, particularly children](#) (June 2018), [Women's rights defenders in Saudi Arabia](#) (May 2018), or the [Situation in the Gaza strip](#) (April 2018). Parliament adopts an annual resolution on the EU Annual Report on Human Rights and Democracy in the World, in which it highlights challenges to human rights and areas that require a particular EU focus. Its Human Rights subcommittee (DROI) drafts own-initiative reports, and organises hearings, debates and visits to third countries. To honour those who stand up for human rights around the world, the European Parliament awards the annual Sakharov prize for freedom of thought. The prize has recently been awarded to Oleg Sentsov, a Ukrainian film maker from Crimea imprisoned in Russia (2018), to the Venezuelan Democratic opposition (2017), to Nadia Murad and Lamya Haji Bashar who spoke out about the sexual ordeals suffered by Yazidi women at the hands of ISIL/Da'esh, to Raif Badawi, an imprisoned Saudi liberal blogger (2015), and to Denis Mukwege, a Congolese gynaecologist, dedicated to helping women sexually mutilated in war (2014).

Potential for the future

Budgetary outlook

Promoting human rights within the EU

Funding for fundamental rights under the 2021-2027 MFF proposal is again to be spread across different funds, depending on the policy area in which they are applied. However, the most relevant fund, aimed directly at the protection and promotion of fundamental rights, is the [Justice, Rights and Values Fund](#). Its overall allocation should be roughly equivalent to that of the previous MFF. The fund is divided into two separate programmes: the [Rights and Values programme](#), whose general objective is to protect and promote the rights and values enshrined in the EU Treaties and the EU Charter of Fundamental Rights, with a total allocation of €641 705 000, and the [Justice programme](#), which continues from the current justice programme, albeit with slightly less funding (€305 000 000 compared to €377 604 000). Its objective is to contribute to the further development of a European area of justice based on the rule of law, mutual recognition and mutual trust, including facilitating effective access to justice for all.

The new MFF proposal has introduced a new Charter conditionality for the funds regulated by the [Common Provisions Regulation](#) (European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the European Maritime and Fisheries Fund, the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument). The [changes mean](#) that all Charter rights would need to be applied throughout the project cycle using resources provided by these funds. In the last legislature, Parliament also [supported](#) another major proposal for a [new rule of law mechanism](#) in the MFF to protect the EU budget from financial risks linked to rule of law deficiencies in EU Member States.

Promoting human rights in the world

According to the Commission proposal on a new external financing instrument for the 2021-2027 MFF ([the Neighbourhood, Development and International Cooperation Instrument](#) (NDICI)), most previous external instruments will be merged into one single instrument to create increased flexibility. The new instrument will preserve most of the priorities and funding formats of existing human rights programmes and components of the current MFF. The thematic part of this new instrument includes four programmes, addressing human rights and democracy, civil society organisations, stability and peace, and global challenges, with a proposed total budget of €7 billion. The human rights and democracy thematic programme will continue from the EIDHR, with a proposed budget of €1.5 billion. It will preserve the defining EIDHR features, in that it will provide assistance independently of third country governmental consent and will have global coverage. The

NDICI proposal advocates 'a rights-based approach encompassing all human rights, whether civil and political or economic, social and cultural' (Article 8.1).

The European Parliament adopted a [resolution](#) on the NDICI draft regulation in March 2019 amending the Commission proposal. In its first reading position, the Parliament proposed an increase in funding for human rights, democracy and civil society worldwide to at least € 2 billion under the human rights thematic component. It also called for stronger human rights conditionality. In cases of persistent breaches of human rights, EU support should be partially or fully suspended. Further progress on this file will depend on how the new Parliament and the other institutions decide to proceed.

Policy strategies and debates

When it comes to **upholding and advancing human rights within the EU**, recent [thematic](#) reports from the Fundamental Rights Agency and annual monitoring reports from [FRA](#), the [Commission](#) and the [Parliament](#) have flagged up a number of possible approaches to challenges, such as the need to address the worsening climate for human rights, ensure that citizens are more aware of their rights and that remedies for rights violations are more accessible for everyone, improve the implementation of socio-economic rights, and make more effective use of the EU budget to protect and empower citizens.⁸

Accordingly, fundamental rights have been the focus of much interest in recent high-level policy debates. In his [2017 State of the Union address](#), Commission President Juncker proposed a 'sixth scenario' for the further evolution of the EU, founded on a union of values (in addition to the five proposed by the [2017 Commission white paper](#)). For President Juncker, the EU represents freedom and equality between its Member States, with no second-class citizens, workers or consumers. His [2018 address](#) also contains an appeal to protect journalists and press freedom, as well as a desire for the European Union to take better care of its social dimension. In the [future of Europe debates](#), several national leaders have also stated their commitment to fundamental rights and stressed the need for the requisite means to protect them.

There are also ongoing discussions on how the Charter could be used [more effectively](#) at EU and national level. The Fundamental Rights Agency's 2018 [opinion](#) on the issue for the European Parliament proposed that further forms of consultation, such as independent expert advice, could be used to ensure that EU law and policies respect fundamental rights. It also proposed training for national judges and other legal practitioners and more information exchange between the EU and EU Member States, as well as backing the new rule of law mechanism in the MFF proposal. A [resolution](#) on the implementation of the Charter in the EU institutional framework was adopted by Parliament in February 2019.

Externally, promoting respect for human rights is a difficult task since partner governments are sometimes not interested or are opposed to improving their human rights standards. On various occasions, the European Parliament has urged the EU to monitor problematic situations closely and, if needed, to consider using all the means at its disposal, including sanctions. Another challenge for the EU is to ensure consensus among its Member States on its external human rights policy. Human rights is one of the three areas where the Commission [envisages](#) using the '[passerelle clause](#)' in the EU Treaty, in order to move from unanimity to qualified majority when deciding on foreign policy issues. Upholding its commitment to human rights in the external pursuit of its vital interests, such as in the field of security, the fight against terrorism, and management of irregular migration will remain another important challenge for the EU in the near future.

Through its Treaty, the EU is committed to the principle of the universality and indivisibility of human rights. Even if the EU is the largest development aid donor worldwide, as [research](#) has revealed, there is still room for an improved focus on social and economic rights both internally and externally, particularly as global inequalities deepen and economic growth in many developing countries leaves many behind. Consolidating the links between development cooperation and human rights action is a [policy imperative](#) that has been underlined by the European Parliament. A

further important [expectation](#) is for the EU to mainstream human rights in all the trade and investment agreements it concludes, so as to protect human rights.

Promoting human rights in the wider world is not only a matter of compliance with fundamental values by the EU. The commitment to human rights has traditionally been a major vector of EU soft power in the world, greatly contributing to its credibility and influence, as [recognised](#) by the European Parliament. As multilateralism and its underlying values come under threat, the EU is expected to assume its role as a major geopolitical player and stand firm behind the global system.

MAIN REFERENCES

[Fundamental Rights Report 2018](#), European Union Agency for Fundamental Rights.

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ENDNOTES

- ¹ This section was drafted by Alina Dobрева, with graphics by Nadejda Kresnichka-Nikolchova.
- ² The full list of values includes: peace, human rights, respect for human life, democracy, individual freedom, equality, the rule of law, tolerance, solidarity and support for the others, respect for other cultures, self-fulfilment and religion.
- ³ The relevant Treaty articles are [Article 2](#), [Article 3](#) and [Article 21](#) of the Treaty on European Union (TEU).
- ⁴ The term 'fundamental rights' is used in the European Union to express the concept of 'human rights' within a specific EU internal context.
- ⁵ The relevant Treaty articles are [Article 10](#) and [Article 19](#) of the Treaty on the Functioning of the EU (TFEU).
- ⁶ The relevant Treaty articles are [Article 21 TEU](#) and [Article 6 TEU](#).
- ⁷ For some of the areas covered by the Charter of Fundamental Rights, including gender equality, environmental protection, cultural diversity, consumers and migration, further information is available in other publications in this series.
- ⁸ See also the recommendations from the FRA 2018 [Fundamental Rights Forum](#).

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