



## HUMAN RIGHTS

The European Union is committed to supporting democracy and human rights in its external relations, in accordance with its founding principles of liberty, democracy and respect for human rights, fundamental freedoms and the rule of law. The EU seeks to mainstream human rights concerns into all its policies and programmes, and it has different human rights policy instruments for specific actions — including financing specific projects through the EU financial instruments.

### LEGAL BASIS

- Article 2 of the Treaty on European Union (TEU): EU values. The EU's founding values are 'human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities';
- Article 3 TEU: EU objectives. In 'its relations with the wider world', the EU contributes to the 'eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter';
- Article 6 TEU: the Charter of Fundamental Rights and the European Convention on Human Rights. Although the Charter of Fundamental Rights of the European Union (Article 6(1)) only explicitly refers to the implementing of Union law, the EU's institutions and bodies and its Member States must also respect the Charter in the EU's external relations. Countries joining the EU must also comply with the Charter. Article 6(2) gives the EU legal competence to accede to the European Convention on Human Rights;
- Article 21 TEU: principles inspiring the Union's external action. These principles are democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, equality and solidarity, and respect for the principles of the United Nations Charter of 1945 and international law. In Article 21, the EU endorses the principle of the 'indivisibility of human rights and fundamental freedoms', committing itself to considering economic and social rights to be as important as civil and political rights;
- Article 205 of the Treaty on the Functioning of the European Union (TFEU): general provisions on the Union's external action. This article determines that the EU's international actions are to be guided by the principles laid down in Article 21 TEU.

### EU HUMAN RIGHTS POLICY

In 2012, the European Council adopted a Strategic Framework on Human Rights and Democracy, accompanied by an action plan to implement the framework. The framework defines the principles, objectives and priorities for improving the effectiveness and consistency of EU policy over the next 10 years. These principles include mainstreaming human rights into

all EU policies (as a ‘silver thread’), including when internal and external policies overlap, and adopting a better-tailored approach. The action plan set out specific steps for the period up to 31 December 2014. A new action plan for the period 2015-2019, based on the assessment of the first plan and on the political guidance of the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, was adopted in July 2015.

While not legally binding, the EU guidelines on human rights adopted by the Council of the EU provide practical instructions on:

- action against the death penalty,
- dialogues on human rights,
- the rights of the child,
- action against torture and other cruel treatment,
- protecting children in armed conflicts,
- protecting human rights defenders,
- complying with international humanitarian law,
- combating violence against women and girls,
- promoting freedom of religion and belief,
- protecting the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people,
- promoting freedom of expression both online and offline.

The EU regularly includes human rights within the political dialogues conducted with third countries or regional organisations. It also conducts human rights dialogues and consultations dedicated to human rights with more than 40 countries. In addition, nearly all of the 79 African, Caribbean and Pacific (ACP) states have a dialogue with the EU based on Article 8 of the Cotonou Agreement, which states that political dialogue should include ‘the regular assessment of the developments concerning the respect for human rights’.

Diplomatic démarches (which are confidential) and declarations (which are public) concerning third-country authorities also represent a significant means of exercising diplomatic pressure in international relations.

Bilateral trade agreements and the various association and cooperation agreements between the EU and third countries or regional organisations include a human rights clause as an ‘essential element’. Different measures — such as reducing or suspending cooperation — are foreseen in cases of non-compliance. A strong conditionality mechanism has been established for the enlargement countries. A ‘more-for-more’ approach (more integration and money in exchange for more reforms) has been integrated into the renewed European neighbourhood policy. Incentives for reforms are provided in the preferential trade schemes granted by the EU to developing countries (GSP+).

Human rights country strategies are based on a bottom-up approach, with the aim of integrating EU human rights guidelines or action plans into a single, coherent policy document adapted to a specific country, with concrete goals established over a period of three years.

EU election observation missions are also intended to improve human rights by discouraging intimidation and violence during elections and strengthening democratic institutions.

The EU also promotes human rights through its participation in multilateral forums such as the UN General Assembly’s Third Committee, the UN Human Rights Council, the Organisation

for Security and Cooperation in Europe (OSCE) and the Council of Europe. The Union also actively promotes international justice, for example through the International Criminal Court.

With a budget of EUR 1.3 billion allocated between 2014 and 2020, the European Instrument for Democracy and Human Rights (EIDHR) supports (mainly) civil society actors promoting human rights and democracy. An important feature of this instrument is that the consent of the relevant government is not necessary. Other financing instruments dealing with human rights include the Development Cooperation Instrument (DCI), the Instrument contributing to Stability and Peace (IcSP), the European Neighbourhood Instrument (ENI) and the European Development Fund (EDF). The European Endowment for Democracy is a private law foundation supported by the EU and its Member States. The 2014-2020 budget of EUR 2.3 billion for the Union's common foreign and security policy (CFSP) covers different activities, particularly crisis management.

An annual report on human rights, prepared by the High Representative of the Union for Foreign Affairs and Security Policy and adopted by the Council, provides an overview of the human rights situation in the world, as well as of the EU's actions during the year.

## **ACTORS**

The European Council defines the EU's strategic interests and the general guidelines of the CFSP.

EU foreign affairs ministers in the Foreign Affairs Council, which meets every month, generally deal with human rights issues arising through the CFSP or through the EU's trade or development policies. The Council's Human Rights Working Group (COHOM), which carries out preparatory work for high-level discussions and decisions on human rights issues, is composed of human rights experts from the Member States and representatives from the European External Action Service (EEAS) and the European Commission.

The Foreign Affairs Council is chaired by the High Representative of the Union for Foreign Affairs and Security Policy — currently Federica Mogherini — who contributes to the development of the Union's CFSP and ensures that decisions are implemented. The High Representative also represents the EU on CFSP matters and oversees the EEAS and the EU delegations in third countries. A directorate for human rights, global and multilateral issues exists within the EEAS, and every EU delegation has a human rights 'focal point'.

The Commission negotiates international agreements, oversees the enlargement process and neighbourhood policy, and manages development programmes and financial instruments (in close cooperation with the EEAS).

The role of the EU Special Representative for Human Rights is to enhance the effectiveness and visibility of EU human rights policy. The Special Representative has a broad, flexible mandate and works closely with the EEAS. The position is currently held by Stavros Lambrinidis, appointed in July 2012, who is the EU's first thematic special representative.

## **ROLE OF THE EUROPEAN PARLIAMENT**

Parliament contributes to the EU's policies and monitors the work of the other EU institutions.

Under Articles 207 and 218 TFEU, most international agreements need Parliament's consent to enter into force. For example, in 2011, Parliament blocked the textile protocol to the Partnership and Cooperation Agreement (PCA) between the EU and Uzbekistan, on grounds of child labour

issues. It only gave its consent in 2016 following significant improvements regarding the use of child and forced labour.

Article 36 TEU obliges the High Representative to consult Parliament on the main aspects and basic choices of the CFSP, and to inform it on the evolution of those policies. Parliament may ask questions or make recommendations to the Council or the High Representative.

Parliament's resolutions help to raise awareness about human rights abuses. Resolutions may be a part of the legislative process, an outcome of parliamentary committees' own-initiative reports, or the result of the urgency debates that usually take place on the Thursday morning of each Strasbourg plenary session to highlight flagrant violations of human rights across the world (Rule 135 of Parliament's Rules of Procedure).

Parliament's Subcommittee on Human Rights, attached to the Committee on Foreign Affairs, has 30 members and 28 substitutes. It organises hearings on a wide range of human rights issues, with the participation of stakeholders, to provide input for resolutions. The subcommittee also handles the day-to-day management of human rights dossiers, while its delegations regularly visit relevant countries. Human rights issues in the EU's external relations are also dealt with by the following committees: the Committee on Foreign Affairs (AFET), the Committee on International Trade (INTA), the Committee on Development (DEVE) and the Committee on Women's Rights and Gender Equality (FEMM).

Human rights are an essential element of meetings with non-EU parliaments and in regional parliamentary assemblies. To ensure the consistency and credibility of Parliament's activities, the 'Guidelines for EP Interparliamentary Delegations on promoting human rights and democracy in their visits to non-EU countries' were approved in 2011 and updated in 2016.

Thanks to its budgetary powers (under Article 14 TEU and Article 310(1) TFEU), Parliament has a say in the allocation of funds to the EIDHR and other financial instruments used in the promotion of human rights. It also approves the budget, thus ensuring full accountability.

Furthermore, Parliament is co-legislator for the external financing instruments. It can thus influence the objectives and priorities of these instruments in order to ensure the effective and complementary use of EU aid for the promotion and protection of human rights in third countries.

Every year, the European Parliament awards the Sakharov Prize for Freedom of Thought to human rights activists around the world. Previous laureates include Nelson Mandela, Aung San Suu Kyi and Malala Yousafzai. In 2015, the prize was awarded to Raif Badawi, a blogger and advocate of freedom of expression from Saudi Arabia, who was sentenced to 1 000 lashes and ten years in prison for posting material that was considered blasphemous. The laureates of 2016, Ms Nadia Murad and Ms Lamiya Haji Bashar, are survivors of sexual enslavement by the self-styled Islamic State (IS) and have become spokespersons for women afflicted by IS's campaign of sexual violence. They are public advocates for the Yazidi community in Iraq, a religious minority that has been the subject of a genocidal campaign by IS militants. Parliament has also created the Sakharov Prize Network to support Sakharov laureates, develop contacts between them and encourage joint activities.

Launched by the Sakharov Prize Network in 2013, the Sakharov fellowship programme for human rights defenders from third countries aims at expanding the fellows' knowledge of the EP human rights engagement, helping them develop their capacities and improve their work, while also raising awareness of the Sakharov Prize and its values.

The chief observer of the EU's election observation missions is usually an MEP. European Parliament election observation delegations are integrated into EU or international missions and

use their facilities and infrastructure (for more information, please refer to fact sheet [6.4.2](#), on promoting democracy and observing elections).

The President of the European Parliament actively supports human rights through statements and letters and by discussing human rights issues when meeting important actors.

Parliament's own-initiative annual report includes reflections on the EU's human rights policy and the EU annual report, reviews Parliament's own activities, and sets priorities for the future.

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