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on EU policies in favour of human rights defenders
(2009/2199(INI))

Committee on Foreign Affairs

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on EU Policies in favour of human rights defenders (2009/2199(INI))

The European Parliament,

- having regard to the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Covenant on Civil and Political Rights (IOCP) and the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- having regard to the United Nations Declaration on Human Rights Defenders and the activities of the United Nation Special Rapporteur on the Situation of Human Rights Defenders,
- having regard to the Lisbon Treaty, notably Articles 3 and 21 thereof, and to the Charter of Fundamental Rights of the European Union,
- having regard to the European Union Guidelines on Human Rights, and in particular to the European Union Guidelines on Human Rights Defenders, adopted in June 2004, and reviewed in 2008; having regard also to the Guidelines on Human Rights Dialogues, adopted in December 2001 and reviewed in 2009,
- having regard to its resolution of 6 September 2007 on the functioning of the human rights dialogues and consultations on human rights with third countries¹,
- having regard to human rights clauses in the EU's external agreements;
- having regard to Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide (EIDHR)²,
- having regard to its resolution of 25 April 2002 on the Commission communication to the Council and the European Parliament on the European Union's role in promoting human rights and democratisation in third countries³,
- having regard to its specific guidelines for human rights and democracy actions of MEPs in their visits to third countries,
- having regard to the Statute of the Sakharov Prize for Freedom of Thought, adopted by the European Parliament Conference of Presidents on 15 May 2003, and modified on 14 June 2006,

¹ OJ C 187 E, 24.7.2008, p. 214.

² OJ L 386, 29.12.2006, p. 1.

³ OJ C 131 E, 5.6.2003, p. 147.

- having regard to its previous resolutions on the situation with regard to human rights in the world, and especially to its annexes on individual cases,
 - having regard to the regular debates and urgency resolutions on cases of breaches of human rights, democracy and the rule of law,
 - having regard to the Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities, adopted on 6 February 2008,
 - having regard to the resolution adopted on 24 February 2009 by the Council of Europe Parliamentary Assembly on the situation of human rights defenders in Council of Europe member states¹,
 - having regard to the Recommendation on the legal status of Non-Governmental Organisations in Europe², adopted by the Committee of Ministers of the Council of Europe on 10 October 2007,
 - having regard to regional human rights instruments, including in particular the European Convention on Human Rights, the African Charter on Human and Peoples' Rights and the resolutions adopted by the African Commission on Human and Peoples' Rights (ACHPR) on human rights defenders, the American Convention on Human Rights and the Arab Charter on Human Rights,
 - having regard to Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)³,
 - having regard to the programmes for protecting and sheltering threatened human rights defenders which are being implemented in some EU Member States,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A7-0157/2010),
- A. whereas, under the Charter of the United Nations, every member state has the responsibility to promote universal respect for, and observance of, human rights and freedoms,
- B. whereas, according to the UN Declaration adopted in 1998, 'human rights defender' is a term used to describe persons who, individually or with others, act to promote or protect human rights through peaceful means,
- C. whereas human rights defenders all over the world are crucial actors when it comes to the protection and promotion of basic human rights, often at the risk of their own lives, and

¹ RES/1660(2009)

² CM/Rec(2007)14

³ OJ L 243, 15.09.2009, p. 1.

whereas human rights defenders are also key players for the consolidation of democratic principles in their countries, maintain impartiality and transparency in their work and develop credibility through accurate reporting, thereby constituting the human link between democracy and respect for human rights,

- D. whereas support for human rights defenders is a long-established element of the European Union's human rights external relations policy; whereas, however, EU support varies depending on the countries concerned,
- E. whereas in particular the European Union is specifically concerned with strengthening protection of human rights, as provided for in the Lisbon Treaty, through the accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),
- F. whereas the European Parliament plays an important role as regards the promotion of human rights and democracy, including protection of their defenders, through delegations to third countries, hearings, resolutions, letters and not the least the Sakharov Prize, as well as in its reports on human rights worldwide;
- G. whereas the European Union is also increasingly coordinating its actions with other regional and international mechanisms, established in Africa, Europe and the Americas to closely monitor the situation of human rights defenders and urge States to ensure an enabling environment for their work, in accordance with international and regional human rights obligations,
- H. whereas the European Union's credibility as a protector of human rights defenders in the world is closely linked to its internal respect for human rights and fundamental freedoms,
- I. whereas human rights defenders face human rights violations themselves in the course of their work and whereas these violations include killings, death threats, abductions and kidnappings, arbitrary arrest and detention, and other actions of harassment and intimidation, for example through defamation campaigns, and whereas all these violations can also target the immediate family members of human rights defenders, (including their children), and their other relatives, so as to prevent them from continuing their activities; whereas human rights campaigns are affected in many regions by restrictions on their activities and the persecution of human rights defenders,
- J. whereas protecting individual human rights defenders requires the enforcement of EU human rights policies in general,
- K. whereas women human rights defenders are particularly at risk, and whereas other groups and categories of defenders who are particularly exposed to attacks and human rights violations as a result of the work they carry out include defenders working to promote civil and political rights - notably freedom of expression and freedom of thought, conscience and religion, including the rights of religious minorities - as well as economic, social and cultural rights, notably collective rights such as the right to food and access to natural resources, including trade-unionists, and also those working for minorities' and

community rights, children's rights, indigenous peoples's rights and LGBT rights, and people fighting against corruption,

- L. whereas increasingly sophisticated means are used to persecute human rights defenders, through new technologies, but also through restrictive NGO laws and administrative obstacles severely limiting the space and the possibilities to operate for an independent civil society; stressing in this respect that some governments obstruct or prevent human rights defenders from officially registering organisations and then prosecute them for exercising their right to freedom of association unlawfully,
- M. whereas these actions constitute a clear violation of international human rights law and a series of universally recognised fundamental freedoms;
- N. whereas human rights defenders are also restricted and sometimes directly targeted by policies, legislation and procedures described as 'security' measures, often combined with stigmatisation and accusation of terrorism,
- O. whereas the specific difficulties faced by associations and assemblies of human rights defenders remain the seizure of furniture, the closure of premises, imposition of extensive fines and the meticulous and subjective scrutiny of bank accounts,
- P. whereas trade agreements including a human rights clause can provide the EU leverage to require respect for human rights as a condition for trade,
 - 1) Pays tribute to the invaluable contribution human rights defenders make to the protection and promotion of human rights, the rule of law, democracy and the prevention of conflicts at the risk of their own personal security and that of their families and parents; welcomes the fact that the UN Declaration of 1998 does not provide a strict definition of 'human rights defenders' and in this sense, calls on the Council and the Commission to strongly support this approach;
 - 2) Calls on the EU to prioritise a more effective implementation of the existing tools and mechanisms for a coherent and systematic protection of human rights defenders within the European Union; recommends that the High Representative of the European Union for Foreign Affairs and Security Policy develop measures and a more effective and result-oriented methodology, including evaluations of existing human rights policies and dialogues;
 - 3) Urges the EU and its Member States to express their political will to support the action of human rights defenders, and thus to make better use of all existing tools and develop new complementary mechanisms to support and promote their work through a genuinely participative strategy, which should contribute to an enabling environment for defenders in which they can perform their duties and enjoy protection; underlines that this must be combined with a policy aimed at prevention and protection from attacks and threats against human rights defenders, through both urgent and long-term measures;

Institutional strengthening and innovations under the Treaty of Lisbon

- 4) Recalls that the Treaty of Lisbon, as outlined in its Articles 3 and 21, puts the promotion and protection of human rights at the centre of the Union's external action; underlines that priority must be given to ensuring that the promotion of human rights as both a basic value and an objective of the Union's foreign policy is duly mirrored in the creation and structure of the European External Action Service, including through the designation of sufficient human resources; calls therefore for the creation of a central focal point with a specific responsibility for human rights defenders within the EEAS;
- 5) Underlines that implementation by the EU missions of the guidelines on human rights defenders has so far been unsatisfactory and calls on the Commission to undertake an in-depth analysis to ensure that this issue will be addressed; notes, in this regard, that as a consequence of the adoption of the Lisbon Treaty, Commission delegations in third countries are now required to make full use of the new opportunities, but are also given further responsibilities to better address this issue as they become Union delegations, with an increasingly important role in terms of representation of the EU and the implementation of the human rights policy; reiterates therefore its call to systematically appoint to each country a highly qualified political official with a specific responsibility on human rights and democracy, and to integrate guidelines and develop best practices on human rights and their implementation in EU mission staff training programmes, job descriptions and appraisal processes;
- 6) Emphasises the importance of human rights clauses in trade policies, partnerships and trade agreements between the EU and third countries;
- 7) Expects that the appointment of the High Representative for Foreign Affairs and Security Policy, who is at the same time Vice-President of the Commission, and the creation of a common External Action Service, could considerably enhance the coherence and effectiveness of the EU in this field, and strongly recommends that the elaboration of local strategies in close cooperation with local independent civil society, including their regular evaluation, be institutionalised by the HR/VP, so as to ensure a real implementation of the protecting measures enshrined in the EU Guidelines on Human Rights Defenders;
- 8) Considers it necessary to improve, and systematically follow up on, contacts with independent civil society, as well as access for human rights defenders to EU delegations and missions on the ground; welcomes in this regard the request by the Spanish Presidency to appoint a common local liaison officer from amongst the EU missions for human rights defenders, with responsibility for coordinating the activities of the European Union by promoting increased access to information concerning human rights violations and cooperation with civil society, which will at the same time ensure transparency in the way in which they exercise their responsibilities and the possibility of a rapid reaction, in a flexible manner, in case of emergency; requests that Parliament be informed of these appointments;

Towards a more coherent and systematic approach within the EU Human Rights Policy

- 9) Is concerned by the lack of implementation of the EU Guidelines on Human Rights Defenders; insists that these guidelines be duly and fully implemented by all EU Delegations and that increased efforts be made so as to ensure that all of them have

developed local implementation strategies before the end of 2010, or, where strategies already exist, be revised by the same time; requests that the list of these local strategies be made available to the European Parliament and published in the EU Annual Report on Human Rights;

- 10) Calls on the Council, the Commission and the EU delegations to actively involve human rights defenders and their organisations in the drafting, monitoring and review processes of local strategies, as this will influence the effective value of these strategies;
- 11) Considers that meetings at least once a year between human rights defenders and diplomats as requested in the EU guidelines can clearly contribute to the setting up of such processes and encourages more regular and systematic meetings in the future; calls for efforts to ensure participation in such meetings by the various profiles of human rights defenders active in the country and participation by defenders from the regions;
- 12) Calls therefore on the High Representative for the Common Foreign and Security Policy to consider the possibility of organising an international meeting of human rights defenders, with the participation of the relevant United Nations bodies, the secretariats of the regional human rights conventions and international and regional NGOs, with a view to improving the protection of human rights defenders and promoting human rights throughout the world;
- 13) Emphasises the need for a gender perspective in the implementation of the guidelines, with targeted actions in favour of women human rights defenders and other particularly vulnerable groups, such as journalists and defenders working to promote economic, social and cultural rights, children's rights, and also those working with minorities' rights – in particular the rights of religious and language minorities - the rights of indigenous peoples and LGBT rights;
- 14) Emphasises the importance of freedom of speech and the role of the media, both online and offline, as an enabler for human rights defenders;
- 15) Considers that the development of new technologies and their impact on human rights defenders needs to be assessed and the results integrated in existing EU programmes on human rights and human rights defenders;
- 16) Takes the view that major aspects of local strategies for the implementation of the EU Guidelines on Human Rights Defenders should be reflected in Country Strategy papers/National Indicative Programmes, ENP Action Plans, Annual Action Programmes of the EIDHR and the Instrument for Stability (IfS);
- 17) Reiterates that through the Lisbon Treaty the promotion, protection and security of human rights defenders have to be placed as a priority issue in the EU relationship with third countries and have to be integrated at all levels and in all aspects and instruments of the Union's Foreign policy in order to increase the coherence, effectiveness and credibility of the EU's support for human rights defenders; considers that the development, effective implementation and regular follow-up of specific country strategies on human rights and

democracy could substantially contribute to this targeting approach;

- 18) Considers that human rights defenders in third countries will be better protected by making the EU human rights dialogues more effective; stresses the need to systematically raise the situation of human rights defenders in all political and human rights dialogues and in trade negotiations with third countries, and more generally the situation and the improvement of the right to freedom of association, in national legislations, regulations and practices, reminding partners of the responsibility of States to ensure that all the obligations and rights embodied in the UN Declaration on Human Rights Defenders are included in national law, including the right to freedom of association, freedom of assembly and the right to receive domestic and foreign funding in full transparency and in respect of their autonomy of decision, as well as freedom of expression, which is a right essential to the work of human rights defenders; underlines that partner states should also be reminded of the obligation and the responsibility to protect and promote respect of human rights defenders and their work, by creating conditions that fully enable the exercise of advocacy, monitoring and reporting on human rights;
- 19) Takes the view that, as regards receipt of domestic and foreign funding, specific criteria which are, in principle, indicative and non-exhaustive must be adopted in order to boost transparency and controls; considers that criteria which may be taken into account purely indicatively include: the nature of the organisation of human rights defenders, the number of participants, the degree of urgency in seeking financial support, an analysis of the intervention plan for defending human rights and the needs of the local community; calls for measures to ensure that account is taken of any other criterion which may be invoked by human rights defenders if it is considered essential for carrying out their work;
- 20) Reiterates that the European Parliament's delegations, as bodies responsible for the EP's relations with third countries, could play an even more substantial role in the effort to help human right defenders, pursuant to the specific guidelines for human rights and democracy actions of MEPs in their visits to third countries;
- 21) Calls for more emphasis to be placed on the role of the European Parliament in the EU's human rights dialogues with third countries;
- 22) Proposes a 'human rights assessment' of third countries that engage in trade relations with the EU;
- 23) Encourages the inclusion of the business community in human rights dialogues;
- 24) Considers there is need for both a coherent, coordinated EU approach as well as room for complementary roles for Member States when it comes to protecting human rights defenders;
- 25) Condemns the climate of impunity for violations committed against defenders prevailing in numerous countries of the world; calls upon the Council and the Commission to raise this issue in their bilateral contacts, urging all states to ensure that perpetrators, regardless of their position or function, are brought to justice through independent and effective

disciplinary and criminal procedures, bearing in mind always the possibility of appealing finally, after exhausting the domestic judicial instances of a state, to the European Court of Human Rights;

- 26) Stresses the need to ensure that the invocation of national and public security, including counter-terrorism, is not used arbitrarily against human rights defenders;
- 27) Points out that parliamentarians also play a crucial role when ensuring that national legislation potentially affecting human rights defenders and their activities is brought into conformity with internationally recognised human rights standards; underlines therefore the importance of these issues being systematically addressed by Members of the European Parliament in bi- and multilateral meetings with other parliamentarians and with experts on the ground, in line with its specific guidelines for human rights and democracy actions of MEPs in their visits to third countries;
- 28) Underlines the importance of independent civil society being fully involved in the preparation of all human rights dialogues, either through civil society seminars or other means; considers that the link between civil society seminars and formal dialogue needs to be strengthened, through publication of the recommendations issued and a better follow-up and feed-back to civil society once a dialogue has taken place; stresses the importance of continuing to raise individual cases during the dialogues and considers that making the list of names public would enhance the impact of EU actions and increase public attention for these cases, provided that public disclosure does not put human rights defenders at risk; stresses the importance of cooperating with other human rights defenders and civil society in the assessment of such risk;
- 29) Considers that the European Instrument for Democracy and Human Rights (EIDHR), which has already demonstrated its capacity to support and promote the respect for human rights and the strengthening of the rule of law, should continue to further enhance the direct support for human rights defenders so as to meet both their short-term and long-term needs, ensuring that it also reaches out to particular vulnerable groups and defenders living in remote areas and areas on which less attention is focused;
- 30) Calls for the Council and the High Representative to systematically denounce and reprimand international companies when the latter provide oppressive regimes with surveillance technology, thereby facilitating persecution and arrests of human rights defenders;

More transparency and visibility as protection measure

- 31) Calls on the Council and the Commission to increase awareness among human rights defenders, the EEAS, EU embassies and EU Foreign Ministries about the existence of the guidelines through targeted actions, in order to ensure their full endorsement and application; considers that the annual meetings foreseen in the guidelines would provide substantial support to human rights defenders and also increase the credibility and visibility of EU action, thereby clearly showing how important the protection of human rights is to the EU;

- 32) Stresses that public recognition and visibility given to human rights defenders and their work can also contribute to their protection in difficult circumstances, as perpetrators might refrain from action when abuses will not occur unnoticed; calls on EU Member States and EU delegations, whenever possible, to publish démarches and other activities undertaken regarding a specific case, always in consultation with the human rights defender and his or her family; calls on EU Missions to provide human rights defenders and/or their families, as well as NGOs which have alerted the EU to a particular case, with systematic feedback about any action, in whatever format, taken on their behalf, as spelled out in the guidelines;
- 33) Calls on the High Representative of the European Union for Foreign Affairs and Security Policy and on all Commissioners with responsibilities in the area of External Relations to systematically meet with human rights defenders when they officially travel in third countries, and underlines that support for human rights defenders should also be imperatively included in the mandate of EU Special Representatives; underlines that both the High Representative and the Special Representatives will be held accountable by the European Parliament for their action in this regard;
- 34) Underlines the need to actively support and develop proposals on how the Sakharov Prize network, launched in December 2008 on the occasion of the 20th Anniversary of the Sakharov Prize, could be used as part of a sustained support for human rights defenders, as well as to better capitalise on the possible contribution of the laureates towards different actions by the European Parliament, with the aim of fulfilling its mandate; reiterates its concern over the infringements of the human rights of certain Sakharov Prize winners;

Towards a more coordinated and result-oriented action in favour of Human Rights defenders

- 35) Considers that the EU needs to develop a holistic approach towards human rights defenders in order to increase the credibility and efficiency of EU policy amongst EU Member States and in relation to third countries, including at the same time support measures to secure their activities, as well as preventive and protection measures, while taking into account both short-term and long-term needs of human rights defenders; underlines that the revised Strategy for EIDHR and the EU guidelines on human rights defenders should reflect this approach;
- 36) Considers that the EU should clearly indicate the appropriate sanctions which could be applied to third countries which perpetrate serious human rights violations, and apply them; reiterates once again its request to the Commission and the Council and in particular to the VP/HR to make the human rights clause in international agreements effective and thus to set up a genuine enforcement mechanism of that clause in the spirit of Articles 8, 9 and 96 of the Cotonou Agreements;
- 37) Considers, in order to develop more result-oriented action, that the High Representative of the European Union for Foreign Affairs and Security Policy should regularly evaluate the implementation of the EU Guidelines on Human Rights Defenders by each EU delegation in third countries and should prioritise and closely follow up this work, and make

recommendations to those missions for enhanced action where the implementation has been noticeably weak;

- 38) Calls on the Council to make Europe more accessible for human rights defenders who are unable to stay in their home countries; calls on the Council and Commission to prepare and execute specific measures to ease access to Europe for such human rights defenders;
- 39) Recalls the need to overcome the lack of a coherent protection and asylum strategy by the systematic implementation of emergency measures and initiatives on a short- and long-term basis; requests the High Representative to report to the European Parliament by the end of 2010 on the measures taken to that end;
- 40) Reiterates its request for Member States to develop as a matter of priority a coordinated policy on the issuing of emergency visas for human rights defenders and members of their families, for which special schemes in Spain and Ireland can serve as example; strongly believes that giving the new European Union delegations the power to make recommendations to Member States on the issuing of emergency visas would be a great step forward for the human rights policy of the Union; takes the view that a clear reference to this possibility in the Draft Handbook for the processing of visa applications and the modification of issued visas would be of great help to achieve this common approach, as has already been expressed by the European Parliament during the process of legal scrutiny for the above-mentioned measure;
- 41) Urges the 27 Member States to follow the same line with regard to the issuing of visas for human rights defenders;
- 42) Emphasises the need to accompany these emergency visas with measures of temporary protection and shelter in Europe for human rights defenders, possibly providing for financial resources and housing to shelter human rights defenders, as well as accompanying programmes (human rights activities, lecturing in European universities, language courses, etc.); welcomes the Shelter Cities initiative promoted by the Czech Presidency as well as the Protection and Shelter Programme implemented by the Spanish Government since 2008, and calls on the VP/HR within the EEAS to finalise a European Protection and Shelter programme by the end of 2010 to be implemented in 2011 while not, however, taking responsibility away from other cities; therefore invites the High Representative to present to the European Parliament a manual on how to set up a shelter city as well as a framework proposal supporting networking between such cities; calls for further support to other existing initiatives in this regard;
- 43) Further emphasises that in situations where the life or physical and mental health of a human rights defender might be at risk, Member States and EU delegations should also support and develop other protection tools and urgent response mechanisms; considers that this should be done in close cooperation with local human rights defenders and civil society;
- 44) Welcomes current cooperation between the existing protection mechanisms at European and international level, which could be further strengthened through systematic exchange of information and strategy, so as to ensure a better complementarity between all of them

in terms of both sharing information for emergency cases and coordination for long-term support actions, e.g. through the use of a secure online platform accessible to all official stakeholders; welcomes in this respect the annual meetings organised by the Council of Europe as well as the ‘inter-mechanisms’ annual meetings organised by the Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), with the aim of strengthening the interaction between international and regional mechanisms and institutions for the protection of human rights defenders; invites the existing taskforces on human rights defenders in Europe, within the framework of the Council Working Party on Human Rights and the Council of Europe - the latter being an initiative of the Council of Europe’s Commissioner for Human Rights - to explore ways to work more closely together;

- 45) Calls, in the context of the implementation of the Treaty of Lisbon, for the EU institutions to establish an inter-institutional cooperation mechanism on human rights defenders; understands that the creation of such a mechanism could be eased by the setting up of focal points for human rights defenders in all the EU institutions and organs, with such focal points working in close cooperation with those responsible for human rights and democracy in EU missions and delegations;
- 46) Invites the Council and Commission to explore the possibilities of creating an alert system mechanism to be shared between EU institutions and all other protection mechanisms;
- 47) Believes that information sharing would also be facilitated by the creation of specific data bases, or ‘log books’, in order to keep track of activities undertaken, especially in regard to individuals, while guaranteeing full respect for confidentiality;
- 48) Calls on the Commission to follow and monitor regularly the short- and long term implementation of the EU Guidelines on Human Rights Defenders and report back to the Human Rights Subcommittee of the European Parliament;
- 49) Instructs its President to forward this resolution to the Council, the Commission, and to EU Member States.

EXPLANATORY STATEMENT

Introduction

Human rights defenders all over the world are crucial actors when it comes to the protection and promotion of basic human rights, through a day to day commitment, many times at the risk of their own lives. Human rights defenders are also crucial actors of change, and key players of democratic processes of their countries, thereby constituting the human link between democracy and respect for human rights. Support for human rights defenders is also a long-established element of the European Union's human rights external relations policy.

Time has now come to have a closer look at the EU Policies in support of human rights defenders, to evaluate existing mechanisms, and to propose further steps for the future, so as to strengthen the work of human rights defenders through a participative strategy and to ensure protection through both urgent and long term measures.

Who can be a human rights defender?

The UN Declaration on human rights defenders adopted in 1998 constitutes today the document of reference for all international and regional mechanisms, as it outlines the rights of individuals and organizations essential for the defence of human rights and the obligations of state to provide support and protection for such activity.

According to the declaration, "human rights defender" is a term used to describe persons who, individually or with others, act to promote or protect human rights. But a human rights defender must work through peaceful means. The definition does not include individuals or groups who commit or propagate violence.

In accordance with this broad categorization, human rights defenders can be any person or group of persons working to promote human rights, ranging from intergovernmental organizations based in the world's largest cities to individuals working within their local communities. Defenders can be of any gender, of varying ages, from any part of the world and from all sorts of professional or other backgrounds. In particular, it is important to note that human rights defenders are not only found within NGOs and intergovernmental organizations but might also, in some instances, be government officials, civil servants or members of the private sector.

What do human rights defenders do?

Human rights defenders are identified above all by what they do and it is through a description of their actions and of some of the contexts in which they work that the term can best be explained.

Human rights defenders work towards the realisation of any or all of the rights enshrined in the 1948 Universal Declaration of Human Rights and other international human rights instruments. Consequently, they seek the promotion and protection of civil and political rights as well as the promotion, protection and realisation of economic, social and cultural rights.

Human rights defenders play a pro-active role in the consolidation of democratic principles, and their activities include collection and dissemination of information on violations of human rights, support to victims of human rights violations, contributions to the implementation of human rights conventions, actions to secure accountability and to end impunity, support for good governance, and they are often key partners for the development of human rights education and training.

Violations committed against human rights defenders

Human rights defenders often face human rights violations themselves in the course of their work. This includes killings, death threats, abductions and kidnappings, arbitrary arrest and detention, sometimes tortured. HRDs are often subject to harassment, and many have been the victims of defamation campaigns. Sometimes criminal or other charges are another way to try to stop their work. Peaceful demonstrations, lodging of complaints have led to charges as public disturbance and hooliganism, with severe court sentences. Policies, legislation and procedures described as "security measures", for example the antiterrorism laws, are sometimes applied in such a way as to restrict the work of human rights defenders or to directly target the defenders themselves.

Women Human Rights defenders and other groups particularly at risk

Women human rights defenders face distinct risks and obstacles with regard to effectively carrying out their human rights work. They are at risk because both of whom they are and what they do. Frequently, the violence or threat against them is sexual in nature, or they face restrictions in their work on account of their gender. Furthermore, prejudice, exclusion and public repudiation by both state forces and social actors weigh heavily in their lives. Many women human rights defenders have also a day-to-day responsibility for the care of young children or elderly parents and often find it very hard to continue their human rights work knowing that arrest and detention would prevent them from fulfilling that role in the family.

This particular situation is recognised in the EU Guidelines, which underline that it is important to apply a gender perspective when approaching the issue of human rights defenders and ask missions to pay particular attention to the specific risks faced by women human rights defenders. Special campaigns to increase efforts and better reach out to women human rights defenders have been carried out at EU-level, during several Presidencies.

Other groups and categories of defenders who are particularly exposed to attacks and human rights violations as a result of the work they carry out, according notably to the 2007 report of the Special Representative of Human rights defenders and recognised in the last revision of the EU Guidelines in 2008, include defenders working to promote economic, social and cultural rights and those working with minorities' rights, indigenous peoples and lesbian, gay, bisexual and transgender people.

II. UN and Regional protection mechanisms for human rights defenders

The UN Special Rapporteur

In 2000, the Commission on Human Rights asked the Secretary-General to establish a mandate on human rights defenders, to give support to the implementation of the Declaration on human rights defenders and also to gather information on the actual situation of human rights defenders around the world. This post was occupied by Mrs Hina Jilani until 2008,

when she was replaced by Ms. Margaret Sekaggya. The mandate on human rights defenders is broad and stipulates that the Special Rapporteur's main roles are:

- seek, receive, examine and respond to information on the situation of human rights defenders;
- establish cooperation and conduct dialogue with governments and other interested actors on the promotion and effective implementation of the Declaration;
- recommend effective strategies better to protect human rights defenders and follow up on these recommendations;

In order to do this, the Special Rapporteur presents an annual report to the HRC and General Assembly, undertakes country visits, and takes up individual cases of concern with Governments. The latter is often done through urgency letters. Since the creation of the mandate, over 2100 communications to some 120 countries on the situation of 3600 human rights defenders have been sent. In her first report, Ms Sekaggya focuses mainly on the UPR as a mechanism of strategic value in reviewing and hopefully improving the situation of human rights defenders in states reviewed.

Africa

The African Commission on Human and Peoples' Rights (ACHPR) is an independent monitoring mechanism of the African Union. Its work includes promoting and protecting human rights and interpreting the provisions of the African Charter on Human and Peoples' Rights. In 2004, the ACHPR appointed a Special Rapporteur on Human Rights Defenders to strengthen the protection of the rights of human rights defenders across Africa, Mrs. Reine Alapini-Gansou, succeeded by Mr. Mohamed Bechir Khalfallah in 2009.

The Americas

The Inter-American Commission on Human Rights (IACHR) is an independent mechanism of the OAS and was created to promote and protect human rights across the Americas.

Its work on human rights defenders is coordinated through a designated Human Rights Defenders Unit, which monitors, analyzes and reports on the situation of human rights defenders across the region. It also advises the IACHR on individual petitions by human rights defenders for precautionary measures, which may be ordered when a person is at risk of "serious and irreparable harm" as a result of their rights being violated. Precautionary measures include both security measures and investigations of the threats or other violations against human rights defenders, in order to address the root causes and prevent them happening again.

Europe

OSCE/ODIHR

In December 2003, the OSCE's Warsaw-based Office for Democratic Institutions and Human Rights (ODIHR) created a special programme on freedom of association and has, since 2007, established a Focal Point for human rights defenders. This Focal Point "closely monitors the situation of human rights defenders, identifies issues of concern, and seeks to promote and protect their interests." ODIHR also issues annual reports on human rights defenders in the OSCE region.

The Council of Europe

In February 2008, the Committee of Ministers of the Council of Europe adopted the Declaration on CoE action to improve the protection of human rights defenders and promote their activities.

The Declaration recalls that states have the primary responsibility to create a conducive environment for the work of human rights defenders, which enables individuals, groups and associations to carry out peaceful activities for the promotion and protection of human rights without restrictions other than those authorised under the European Convention on Human Rights. It lists different measures to be taken by states in this regard, such as strengthening the judicial system, ensuring the existence of effective remedies, carrying out prompt, independent and meaningful criminal investigations, strengthening the capacities and competencies of ombudspersons and national human rights institutions to receive complaints and ensuring effective access to the European Court on Human Rights (ECtHR) and other human rights' protection mechanisms. Council of Europe member states are also requested to provide protective measures for swift assistance of human rights defenders at risk in third countries, including observation of trials and the issuance of emergency visas.

The Declaration endorsed the developed practice of the Council of Europe Commissioner for Human Rights to support and provide protection to human rights defenders and invited the Commissioner to strengthen the role and capacity of his Office.

In the framework of the promotion of the effective observance and full enjoyment of human rights in the Council of Europe area, the Commissioner for Human Rights, an independent and impartial institution, endeavours to assess the concrete human rights situation in each member state, to react to problems and give advice, when relevant, on corrective measures. The Commissioner's activities in support of human rights defenders include:

- *Monitoring* of the situation of human rights defenders at national and regional levels with a view to identify gaps and shortcomings in national legislations, regulations and practices, which may affect their working conditions and safety;
- *Reporting publicly* on the situation of human rights defenders;
- *Intervening in urgent cases* of human rights defenders at risk, publicly or through confidential means, notably calling upon the governments to implement their human rights obligations and to assist them in looking for solutions to problems which defenders may face;
- *Public awareness raising and strengthening networks*. The website of the Commissioner has a particular page dedicated to human rights defenders;
- *Co-operation, co-ordination and complementarity* with key partners and actors such as the United Nations Special Rapporteur on Human Rights Defenders, the OSCE-ODIHR, the EU, non-governmental organisations and National Human Rights Structures. For this purpose the Commissioner has set up a task force.

EU

EU Guidelines on Human Rights Defenders

The EU guidelines on human rights defenders were adopted in 2004 and updated in 2008, in order to streamline EU actions in favour of human rights defenders. They give concrete proposals, especially to EU Missions in third countries, on monitoring the situation of HRDs e.g. in the human rights fact sheets, as well regarding support through visible recognition, by regular contacts or through trial observation, when necessary. Support for the UN mechanisms and coordination with other regional instruments is another important aspect, as well as the need to use the development policy also to protect HRDs.

While the guidelines are a very important tool and represent a commitment by the EU, both internal evaluations by the Council in 2006¹, or external assessments, such as a report of Amnesty International in 2007², showed that there was a gap between the ambition and the actual implementation. The Council conclusions contained a wide set of recommendations to both Heads of Missions, Member States and the EU institutions, on awareness raising activities, increased training, more proactive outreach and strengthened support. Since then, some effort has been put into developing local strategies for implementation, and the setting up of local human rights groups at EU level in third countries, in order to assure increased coordination between different missions, but much still needs to be done. While many of the recommendations remain valid, or still needs to be transformed into concrete action, the creation of the European External Actions Service puts their implementation in a new challenging context.

Human rights defenders are of course also important actors for the implementation of many of the other guidelines, at the same time as other guidelines can serve as a tool for their support. One example are the human rights dialogues, often prepared by civil society seminars, with the idea to give input to the dialogue, while some dialogues also give the opportunity to raise individual cases, or at least to discuss the situation and problems faced by the defenders.

EIDHR

The European Instrument for Democracy and Human Rights is the EU's financial instrument for support to human rights and democracy, mainly implemented in cooperation with civil society organisations. One of the novelties in the regulation adopted in 2006, possible through a revision of the financial regulation, is that it can now also give support to non-recognised NGO's, which can be particularly important for those working in particularly difficult situations, covered by objective 1 of the instrument, and a step forward for EU's support to human rights defenders.

During the negotiations on the regulation (EC 1889/2006), one of the absolute priorities of the European Parliament was the introduction of an emergency mechanism to support human rights defenders. Article 9 of the regulation, under the title Ad hoc Measures, reads: "the Commission may allocate small grants on an ad hoc basis to human rights defenders responding to urgent protection needs". The idea was mainly to give EC delegations the possibility to dispose of a small envelope to help HRDs in danger, e.g. to facilitate exit from a country. This kind of direct assistance to an individual was only possible after changes to the financial regulation, but has only been carried out to a very limited degree.

¹ Council Conclusions on EU Guidelines on human rights defenders

² “*Ensuring Protection? The European Union and human rights defenders*”, Amnesty International May 2007, AI Index: EUR 01/007/2007,

However, on the proposal of delegations, in coordination with organisations receiving funding from EIDHR, individuals have benefitted from this assistance. The long-term needs of a human rights defender (apart from an flight ticket, he/she will of course have other needs once in safety) have possibly not been sufficiently taken into account when foreseeing these measures, but there is still a valid point when asking for a political responsibility. Apart from helping people to get out of a country, other valuable actions involving minor sums of money could also be a form of protection, such as: access to cell phones, memory cards to document attacks etc.

Under the Strategy Paper 2007-2010 for EIDHR, objective 3 covers support actions for the different EU guidelines. 16 million € was allocated for specific support to human right defenders for this period. Following the first call for proposals, 11 specialised civil society organisations were selected, with project focusing both on prevention and protection, but mainly from an urgency perspective. When a second call for proposal will be published in 2010, it would be important to make sure that both short as well as long term needs are assured. Activities need to be coordinated and complementary, and reach human rights defenders who might not be so well known, or living in remote areas. Specific actions for especially vulnerable groups, as mentioned above, could also be foreseen. As most current beneficiary organisations are European, it is important to make sure projects also include local capacity building for partners in third countries.

European Parliament

One of the main functions of the European Parliament is to monitor and scrutinise the work of the other EU institutions, but the European Parliament is also in itself an important institution and actor as regards the promotion and protection of human rights defenders, through hearings, resolutions and not the least the Sakharov Prize. In 2008, we organised together with the European Commission and the UN, a big conference commemorating the 60th Anniversary of the Universal Declaration of Human Rights, as well as the 10th Anniversary of the adoption of the UN Declaration on human rights defenders.

The European Parliament assures public access to almost all its activities, thereby providing a platform for discussion and public presentations of HRDs in meetings and hearings. This visibility can in itself give increased protection, but can also expose the individuals to increased risks. Appearances in the European Parliament have sometimes resulted in arrests, Hu Jia maybe being one of the most notable cases. Increased cooperation between the EU institutions, e.g. the European Parliament notifying the European Commission in advance of visiting HRDs, or increased preparedness to follow up on the security situation for HRDs intervening in the EP, could be one way to better deal with these risks.

As for all elected assemblies, texts adopted by vote, resolutions in the case of the European Parliament represent the most significant way of communicating its position on a broad range of subjects, including human rights. Urgent resolutions, now based on rule 122, remain the most used legal basis to address human rights issues within the EP, and many of them deal with individual cases. In the study of EUIC, commissioned by the EP¹, all resolutions adopted

¹ *Beyond Activism. The Impact of the resolutions and other activities of the EP in the field of human rights outside the European Union*, October 2006

between 1999 and 2006 are analysed. Human rights defenders are featured in 74 out of 786 references to individual situations in resolutions (i.e. 9.4% of the total), others being politicians, unionists, journalists etc.

Many individual cases are also raised in correspondence, e.g. by the President of the Parliament or the Chair of a parliamentary delegation or the Chair of the Subcommittee on Human Rights to authorities involved. All individual cases subject to a resolution are listed in an annex to the EP annual report on human rights, sometimes also indicating further initiatives undertaken. There is however room for a more systematic follow-up and an improved track record of actions undertaken. One possibility could be to create a specific data base, as is currently being developed within the Council. This could also facilitate a necessary increased information exchange on activities carried out by the different institutions, as often requested by the European Parliament.

Since 1988, the European Parliament is awarding the Sakharov Prize for Freedom of Thought to laureates for their efforts on behalf of human rights and fundamental freedoms. The visibility the prize gives, in many cases improve the situation of the laureates. As many of them have witnessed in the conference organised in 2008 on the occasion of the 20th anniversary of the prize, the recognition of their work though the award offers real support and 'moral boosting', while the financial grant can be beneficial, both for the laureate and the cause defended. By the creation of the Sakharov Network, it is also hoped that the European Parliament can improve the follow-up and connection with Sakharov Prize laureates as part of a sustained support, as well as better capitalise on the possible contribution and availabilities of the laureates for different actions.

In light of the above, the rapporteur wishes to make the following recommendations on the EU policies on human rights defenders:

Institutional strengthening and innovations under the Treaty of Lisbon

- The Treaty of Lisbon further develop the objectives of the Union's foreign policy in its article 3 and 21 and puts the promotion and protection of human rights at the centre of the Union's external action. First priority has to be given to ensure that the promotion of human rights as both basic value and objective of the Union's foreign policy be duly mirrored in the structure of the EEAS, including in the human resources.
- Commission delegations in third countries will become Union delegations, a process already underway, and will have to play a crucial role in terms of representation of the EU and the implementation of the human rights policy, thereby the need to systematically include a high qualified political councillor on human rights and democracy. The appointment of such a person could at the same time reinforce the coherence and the visibility of the EU Human Rights Policy and be considered as a focal point for human rights defenders on the ground.

Towards a more coherent and systematic approach within the EU Human Rights Policy

- The EU Guidelines on Human Rights Defenders need to be duly and fully implemented by EU Delegations in third countries and by the end of 2010 increased

efforts are needed to make sure that they all develop local strategies. It would therefore be highly recommended that the elaboration of local strategies, including their regular evaluation, is institutionalised by the VP/HR, so as to ensure greater consistency of the Union's policy and a real implementation of such protecting measures. The involvement of human rights defenders into the drafting and monitoring process of local strategies will condition the effective value of these strategies. The meetings of human rights defenders and diplomats planned at least once a year can clearly contribute to the setting-up of such process.

- The list of local strategies should be provided to the Parliament or at least in the EU annual report on human rights. A clear commitment in favour of this measure by Heads of EU Delegations should be requested in case of parliamentary hearings by Parliament before their appointment by VP/HR.
- The current approach consisting in isolating human rights issues from all others has to be reversed. The promotion and protection of human rights defenders have to be integrated at all levels and in all aspects and instruments of the Union's Foreign policy in order to increase coherence, effectiveness and credibility of the EU support for HRD. The adoption of a Country Strategy on Human Rights and Democracy to be considered as a reference document establishing country-specific priorities in this field and mainstreamed into all relevant external EU policies and instruments with the third country concerned could substantially contribute to this targeting approach.
- Major aspects of local strategies for the implementation of the EU Guidelines on Human Rights Defenders should be reflected in Country Strategy papers, ENP Action Plans and Annual Action Programmes of the EIDHR. The support for and protection of human rights defenders must go beyond human rights dialogues and ENP human rights subcommittees considering the urgent character of actions to be taken and have to be systematically high on the agenda of the political dialogue with third countries, including within Association or Cooperation Councils and bilateral Summits.
- The EIDHR which has already demonstrated its capacity to support and promote the respect for human rights and the strengthening of the rule of law should continue to further enhance the direct support for human rights defenders.
- A closer bridge has to be built up between Human Rights dialogues organised prior to bilateral summits, such as the holding of meetings with human rights defenders prior to the summit. This kind of action could overcome the current limits of these dialogues and provide tangible results and usefulness.

More transparency and visibility as protection measure

- Human rights defenders at risk in third countries mainly ask for more visibility and publicity of EU actions regarding all of kind of difficult situations they can face, including harassments, threats and unfair detention. Public measures are identified by them as protection measures. In this sense, it would be recommended that whenever possible, confidential demarches undertaken by EU Member States and in the near

future, by EU Delegations, become public and put on the website of these delegations and on those of the Council and the Commission. The decision to make it public should however always be in the hand of the human rights defender or of his/her family.

- The VP/HR should give top priority to meet with human rights defenders when she officially travels in third countries. In addition, this aspect should be imperatively included in the mandate of EUSR. Both VP/HR and EUSR should be accountable before Parliament for their action in this regard.

Towards a more coordinated and result-oriented action in favour of Human Rights defenders

- Only the elaboration of a holistic approach towards human rights defenders can increase the credibility and efficiency of the EU policy. This approach should therefore include at the same time support measures to secure their activities, as well as preventive and protection measures so as to be able to act in due time. Both short-term and long-term needs of human rights defenders have to be taken into consideration. The revised Strategy for EIDHR and the EU guidelines on human rights defenders should reflect this balanced approach.
- A special focus should not only be made on the protection of human rights defenders in their own country, but also by the delivery of visas for human rights defenders at risk and emergency situations. The issue of this specific visa should be incorporated in the Community Code on visas.
- Urgency visas should also be accompanied by the launching of a programme of shelters cities so as to complement the existing tools and protection mechanisms for human rights defenders.
- The current cooperation between the existing protection mechanisms at the European and international level have to be supported and further strengthened by systematic exchange of information and of strategy so as to ensure a better complementarity between all of them. The existing taskforces on human rights defenders both within the COHOM and the Council of Europe, under the responsibility of the Commissioner on Human Rights, have to be welcomed and should work hand in hand.
- The annual meetings related to the promotion of human rights activism organised by the Council of Europe and the initiatives taken by the Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), and the Inter-American Commission on Human Rights (IACHR) aim at strengthening the interaction and complementarity between international and regional mechanisms and institutions for the protection of human rights defenders. All of these innovative approaches based on increased cooperation between all mechanisms and institutions have to be further explored in order to enjoy a result-oriented strategy towards human rights defenders.

- In the context of the implementation of the Treaty of Lisbon, EU institutions should make special efforts so as to establish an inter-institutional cooperation on human rights defenders based on an inter-institutional network which could meet on a regular basis. The creation of such a network could be eased by the setting up of focal points for human rights defenders in the European Parliament and the EEAS. The creation of an alert system mechanism to be shared between EU institutions and all other protection mechanism should be explored.
- At the same time, the Sakharov Prize network launched in December 2008 at the occasion of the 20th Anniversary of the Sakharov Prize should be further explored.
- Information sharing would also be facilitated by the creation of data bases, or "log books", which would make it easier to keep track on activities undertaken, especially in regard to individuals.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	28.4.2010
Result of final vote	+: 59 -: 1 0: 3
Members present for the final vote	Gabriele Albertini, Pino Arlacchi, Dominique Baudis, Frieda Brepoels, Elmar Brok, Arnaud Danjean, Michael Gahler, Marietta Giannakou, Takis Hadjigeorgiou, Heidi Hautala, Richard Howitt, Anna Ibrisagic, Anneli Jäätteenmäki, Tunne Kelam, Maria Eleni Koppa, Andrey Kovatchev, Eduard Kukan, Krzysztof Lisek, Sabine Lösing, Barry Madlener, Mario Mauro, Kyriakos Mavronikolas, Willy Meyer, Alexander Mirsky, Andreas Mölzer, María Muñoz De Urquiza, Annemie Neyts-Uyttebroeck, Norica Nicolai, Raimon Obiols, Kristiina Ojuland, Ria Oomen-Ruijten, Pier Antonio Panzeri, Vincent Peillon, Hans-Gert Pöttering, Cristian Dan Preda, Fiorello Provera, Libor Rouček, José Ignacio Salafranca Sánchez-Neyra, Nikolaos Salavrakos, Jacek Saryusz-Wolski, Werner Schulz, Marek Siwiec, Zoran Thaler, Johannes Cornelis van Baalen, Kristian Vigenin
Substitute(s) present for the final vote	Laima Liucija Andrikiienė, Elena Băsescu, Emine Bozkurt, Hélène Flautre, Charles Goerens, Elisabeth Jeggle, Evgeni Kirilov, Georgios Koumoutsakos, Barbara Lochbihler, Norbert Neuser, Judith Sargentini, Alf Svensson, László Tőkés, Ivo Vajgl, Dominique Vlasto, Luis Yáñez-Barnuevo García, Janusz Władysław Zemke
Substitute(s) under Rule 187(2) present for the final vote	Georgios Papanikolaou