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**JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE
COUNCIL**

**HUMAN RIGHTS AND DEMOCRACY AT THE HEART
OF EU EXTERNAL ACTION –
TOWARDS A MORE EFFECTIVE APPROACH**

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JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

HUMAN RIGHTS AND DEMOCRACY AT THE HEART OF EU EXTERNAL ACTION – TOWARDS A MORE EFFECTIVE APPROACH

All human rights – civil, political, economic, social and cultural – are universal in nature, valid for everyone, everywhere. Respect for human rights and fundamental freedoms is at the core of the European Union. The protection and promotion of human rights is a silver thread running through all EU action both at home and abroad. On human rights and democracy, the EU must be principled when it comes to the norms and values it seeks to uphold, creative in the ways it does so, and absolutely determined to achieve concrete results.

The objective of this Communication is to open a discussion with the other European institutions on how to make the EU's external policy on human rights and democracy more active, more coherent and more effective. With a view to producing a step change in the EU's effectiveness, it sets out a vision of how the EU will broaden, deepen and streamline its action on the international scene to make a real difference to people's lives.

It proposes action in four areas – delivery mechanisms, integrating policies, building partnerships, and speaking with one voice. It seeks the views of the Council and the European Parliament on how opportunities can be exploited and challenges can be addressed. It provides an orientation around which to gather views and evidence, including from other interested parties, so as to strengthen the EU's external human rights strategy.

"The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law."

Treaty on European Union, Article 21

The context: the EU as a global force for human rights

Ten years have passed since the Commission Communication of 8 May 2001 on *"The European Union's role in promoting human rights and democratisation in third countries"*. Since then there have been seismic changes in the world, from 9/11 to the Arab Spring. The events of 2011 in the Middle East and North Africa show the central importance of human rights and democracy. It is important now to renew the EU's efforts to frame an effective response to the challenges that human rights and democracy face worldwide.

The EU has developed in its external action a broad range of policy instruments and guidelines to put its commitment to human rights and democracy into practice, working together with EU Member States and the European Parliament, as well as civil society. Several Guidelines adopted by Council (as well as toolkits and similar instruments) guide EU action on key human rights concerns such as the death penalty, the fight against torture, the protection of Human Rights Defenders, freedom of religion or belief, child rights, the rights of women, or sexual orientation. An *Agenda for Action* has created a new basis for the EU's response on democracy support.

On this basis, the EU has been raising human rights questions and the situation of individuals under threat with other countries: in a growing number of human rights dialogues and consultations, at political meetings, in diplomatic démarches and publicly. The EU has been offering its advice and support in strengthening democratic institutions and human rights, and has taken action to impose restrictive measures because of serious human rights violations. Close engagement with and support to civil society is a key feature of EU action.

The EU has also been at the forefront in building strong standards and mechanisms for the promotion and protection of human rights at the United Nations, the Council of Europe and the OSCE. The EU has been working with other organisations and stakeholders to ensure that the UN addresses serious human rights violations in specific countries, and to take up key human rights concerns.

The EU has itself put human rights at the core of its enlargement policy, which is governed by the Copenhagen criteria.

The Universal Declaration of Human Rights sets international standards for all UN Member States. Every UN Member State is a party to at least one of the six major human rights treaties that the Universal Declaration has inspired, with 80% of states having ratified four or more. And ratification continues at a steady pace. In the area of human labour rights, the eight Core Labour Conventions of the ILO have achieved a high ratification rate worldwide including full ratification by all EU Member States. A global legal framework therefore exists: the real challenge lies in ensuring its implementation.

The EU promotes human rights inside and outside its borders on the basis that human rights are indispensable both for individual dignity and social justice and for the promotion of international peace, prosperity and stability.

The challenges

In recent years, several challenges have emerged. First, the legitimacy of international human rights and democracy norms and standards has been called into question, sometimes by emerging powers with which the EU seeks cooperation. At the UN, some States have contested well-established human rights norms, suggesting – wrongly – that human rights violations can be justified by cultural differences. Laws on blasphemy have been used to limit freedom of expression. The current economic crisis, has resulted in a further shift in global economics which in turn has led some to question the universal nature and utility of human rights. When the EU promotes human rights, in areas such as death penalty abolition or sexual orientation, it often runs into objections.

Even where international standards are generally accepted, implementation at the national level often remains slow. Women and girls still face discrimination and violence. Discrimination on grounds of sexual orientation and gender identity is widespread. The last decade has not seen enough progress in the eradication of torture and inhuman treatment, or on protecting and promoting child rights. The EU was instrumental in bringing about the United Nations Convention on the rights of persons with disabilities, and has acceded to it as a full party – but considerable challenges remain to ensure its full implementation.

There is also the perception that the EU's statements on human rights and democracy are not always fully matched by its external or internal policies. In the context of the Arab Spring there has been a debate whether previously the EU had done enough to support civil society and to promote change rather than stability. At the same time, the EU's internal human rights record has come under increasing scrutiny.

Finally, globalisation is presenting new challenges for the promotion of human rights. New actors have emerged under the ever increasing internationalisation and interdependency of economies, with complex implications for human rights. While human rights obligations have traditionally concerned States, human rights abuses today come from a wider range of sources ranging from indigenous people having their land taken from them, to the export of new technologies used for censorship and surveillance. While in many countries globalisation has contributed to improving the situation of a large number of people, by lifting them out of poverty and opening societies, in others globalisation is blamed for widening inequalities and aggravating discrimination and exploitation.

The EU response

The EU has not always been as effective or as joined-up as it might have been. The task in hand is to ensure the clarity, coherence, and effectiveness of policy, by being smarter and more strategic. The promise of the Lisbon Treaty to put human rights, democracy and the rule of law at the centre of all external action and to ensure consistency between the different areas of its external action and the implementation of the principles of the EU's foreign policy make this even more pressing.

The following sets out key elements of a strategic framework – a suggested vision and actions to which the European institutions can contribute their experience and views.

The EU's objective should remain to prevent violations of human rights and, where they occur, to ensure that victims have access to justice and redress and those responsible are held to account.

In doing so, the EU should reaffirm its commitment to the universality, indivisibility and interdependence of all human rights – civil, political, economic, social and cultural. Respect for human rights is laid down in the Universal Declaration of Human Rights, the UN Charter and international human rights treaties.

Democracy is a universal value based on the freely expressed will of people to determine their own political systems. Human rights and democracy go hand in hand with the empowering freedoms – freedom of expression, association and assembly – which underpin democracy. Developments such as the Arab Spring demonstrate once more that liberty cannot be suppressed.

The EU considers that respect for the rule of law, including access to justice and the right to a fair trial, is essential for the protection of human rights and democratic principles.

The EU should commit itself to promoting and protecting freedom, dignity, equality and justice for all as a key foreign policy priority. Human rights and democracy must run as a “silver thread” throughout EU external policies. The promotion of these goals is important for other objectives, such as security, development, economic participation and social inclusion. Human rights and democracy should be taken into account in foreign policy decision making at every stage.

EU external action has to comply with the rights contained in the EU Charter of Fundamental Rights which became binding EU law under the Lisbon Treaty, as well as with the rights guaranteed by the European Convention on Human Rights.

To promote these principles, the EU needs to revisit its delivery mechanisms, processes and structures. Action is needed in a number of areas, including:

- On external delivery mechanisms – would not a bottom-up, tailored, country-based approach, coupled with cross-cutting worldwide campaigns on specific themes achieve better the human rights and democracy objectives?
- On process – how can the EU become more joined up across the whole range of its policies and Institutions, and externally when working with international partners, NGOs, regional groupings and international organisations?
- On internal structures – should we place priority on the completion of a network of human rights and democracy focal points across EU Delegations worldwide, and a standing capability in the Council on external human rights and democracy issues?

A. OVERHAULING DELIVERY: EFFECTIVE ACTION, MADE TO MEASURE

Maximising impact on the ground through tailor-made approaches

Traditionally the EU has adopted a top-down approach to its human rights strategy, agreeing worldwide priorities in Brussels and then seeking to apply these through political dialogues and meetings with third countries. But even if the principles and objectives are universal, the

immediate priorities, and therefore the route and timetables, can and must vary from country to country.

Thus, while the overall objectives of the EU's human rights and democracy policy remain valid and unaltered, an approach that seeks to match objectives in a country with the realities on the ground is more likely to deliver concrete results than a one size fits all approach. Tailor made country strategies covering human rights and democracy should therefore be an integral part of the EU's overall strategy towards that country. This will help to prioritise and rationalise work, especially of EU Delegations and Member State Embassies, whilst better drawing on the relevant mix of EU tools and instruments and working in the areas most likely to deliver lasting improvements and change. That is not to say that the EU should, not for example, condemn the use of the death penalty in a country that continues to apply it, rather that this should not be the sole focus of EU human rights work when other areas might deliver change.

The EU is currently developing human rights strategies for over 150 countries (and ultimately all countries should be covered). These should help the EU to tailor its approach and to have a stronger positive impact on the ground. The country strategies aim to bring together the resources of EU Delegations and the diplomatic missions of EU Member States in the field. They establish country-specific priorities and objectives, which can be integrated in all relevant EU external policies such as development, trade or security, and so fit into the EU's overall political and economic relations with any given country. They are drafted taking into account the views of civil society.

The EU should ensure that the human rights country strategies are taken into account in human rights dialogues, in policy-making and when programming and implementing financial assistance with third countries, including in the post-2013 Country Strategy Papers.

Delivering results on cross-cutting themes through a campaign-based approach

In addition to country based tailored strategies the EU should identify cross cutting themes to put its collective weight behind as time limited, targeted campaigns. Longstanding work on support to the ICC (International Criminal Court) and abolition of the death penalty are good examples. Such campaigns should be the subject of collective action by all EU institutions and individual EU Member States.

The High Representative has proposed to focus on three themes for the next three years:

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

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

A new approach with neighbours and beyond

The recent review of the European Neighbourhood Policy further developed the EU's policies in support of democracy. The new approach is based on mutual accountability and an enhanced commitment to the universal values of human rights, democracy and the rule of law, including an intensified policy dialogue in this respect. It introduced two concepts: "deep democracy", aiming at setting a baseline of necessary accomplishments against which progress can be assessed; and "more for more", rewarding countries that are willing to make real progress on the road towards democracy by making additional funds available for cooperation. The reverse of "more for more" should also apply. Partnerships with civil society will be enhanced and additional financial assistance will be made available, including through a new dedicated funding facility.

Working in partnership with civil society

The EU needs to work closely with civil society and to draw on its expertise and alternative channels of communication. The longstanding dialogue among officials, NGOs, business, trades unions and the media needs to be developed. The EU should continue to support the vibrant civil societies which are vital to democratic states, and social partners who are key to sustaining reforms. Even where there is little or no reasonable prospect of engaging effectively with a government, this should not mean lessening contacts with the people of that country. The need is then all the greater for the EU to engage with civil society and peaceful political opposition, supporting human rights defenders in the face of risks and threats. The EU should continue to speak out on specific human rights situations and violations and on democratic regress, with particular emphasis on preserving or creating the necessary opportunities for civil society to prosper.

The EU takes a systematic approach to consultations with international and local human rights NGOs in all aspects of its human rights policy. Specific attention will be given to supporting conditions in third countries that will enable civil society to operate freely. The annual EU-NGO forum on human rights should continue to review and contribute to EU action.

Human rights defenders are indispensable allies for the EU in the worldwide promotion and protection of human rights and are key interlocutors for EU Delegations and the diplomatic missions of EU Member States in third countries. The EU should continue to support the effective implementation of the EU Guidelines on human rights defenders, including through awareness raising among all relevant stakeholders. The EU should continue to address urgent protection needs of human rights defenders at immediate risk, notably through an emergency shelter scheme at an EU level. Political support to human rights defenders is complemented by dedicated financial assistance from the EIDHR, taking account of the specific obstacles faced by such people in their daily work.

The European Instrument for Democracy and Human Rights (EIDHR), €1.1 billion for the period 2007-2013, reflects the EU's commitment to promote and support democracy and human rights, by providing support to civil society and human rights institutions worldwide. For the forthcoming Multi-Annual Financial Framework 2014-2020, the Commission has proposed to scale up funding to €1.4 billion (in 2011 prices).

In the context of the Multi-Annual Financial Framework, suggestions will be made to make the EIDHR more flexible so that it delivers better, faster and more, and so that more

organisations are able to access funds, and a quick response is ensured to address the needs of civil society in countries facing the most pressing and difficult situations.

B. A JOINED UP APPROACH TO POLICY

The EU is committed to putting human rights and democracy at the centre of its external action, as a "silver thread" running through all that it does. The Treaty on European Union makes clear that human rights and democracy are guiding principles for all the EU's actions. There is scope to be more joined up across the wide range of EU policies, so that together they achieve their full impact.

Various EU policies with an external dimension have clear relevance for human rights and democracy, including those on development cooperation; trade; the area of freedom, security and justice; counter-terrorism; crisis management; conflict prevention; and governance of the internet.

All actions developed in the framework of these policies (including measures taken by Member States implementing them within their respective areas of competence) must continue to be fully compatible with the respect, protection and promotion of human rights.

Democracy and elections

Concerning democracy support, the EU and its Member States have a strong commitment to democracy, which is enshrined in treaties and constitutions, and draws on strong parliamentary traditions. In 2009 the EU adopted a strategy and an *Agenda for Action* on democracy support in its external action. This called for greater policy coherence and more coordinated use of instruments, in the spirit of the Lisbon Treaty.

Elections play a vital role for a wide range of human rights, such as freedom of expression, assembly and association. The EU is a major actor in electoral support and helps partner countries to implement credible, transparent and inclusive electoral processes. Moreover, its Election Observation Mission (EOMs) are an important instrument available to the EU. Their recommendations represent a very useful contribution to further support human rights and democracy in a country. The EU will give greater focus in its election observation to the participation of women and national minorities, as well as persons with disabilities both as candidates and voters. Ensuring synergy between election support and election observation is a very important element of the EU's strategy. The EU will make active use of the EOM reports.

Elections alone cannot sustain democracy. The EU's approach to democracy, should create synergies between direct support to electoral process, political society (parliaments and political parties, civil society and media) and support to other critical components of state building, such as the rule of law, the judiciary, public administration reform and decentralisation.

The EU is strengthening its implementation of the *Agenda for Action* on democracy support, having initiated a first round of pilot countries, by using the democracy component of the EIDHR and seeking better coherence in the use of political and financial instruments in its overall approach to democracy support globally. The EU's response to recent developments in North Africa was based on initiatives taken in the review of the European Neighbourhood Policy, further to develop methodology on supporting reforms that build sustainable

democracy. This means applying positive and negative incentives as appropriate, and developing benchmarks to assess progress in human rights, democracy and the rule of law.

Development cooperation

The human rights and development cooperation agendas are closely interlinked. Respect for human rights is key to the full achievement of the Millennium Development Goals (MDGs). The EU has a longstanding commitment to ensure that respect for human rights and democratic development is "mainstreamed" across development cooperation. This may take the form of ensuring transparency in decision making, to allow the full participation of women and marginalised groups, thereby avoiding contributing to their further exclusion. Efforts should be made to ensure that EU financed development programmes and projects contribute to the fulfilment of partner countries' international human rights obligations, including the recommendations put forward by UN treaty bodies during the Universal Periodic Review, as well as other monitoring bodies such as the ILO. Linking human rights, democracy and development, is essential to achieve success in fields from access to water and sanitation to food security.

The recent Communication "Increasing the impact of EU Development Policy: an Agenda for Change" highlights the challenge of better supporting the efforts of partner countries in implementing their domestic and international obligations on human rights. The EU is committed to ensuring that a country's record concerning human rights, democracy and rule of law has a more direct impact on the programming, modalities and channels of aid, and on the reviewing of direct budget support.

In the evaluation of direct budget support contracts, specific conditions may be attached to supporting deep and sustainable democracy and human rights, in line with the Commission Communication on "The Future approach to EU Budget Support to third countries".

Country human rights strategies and a *Human Rights Based Approach* should ensure that human rights and democracy are reflected across the entire development cooperation process, and ensure continuity between political and policy dialogue on human rights issues and development cooperation.

Human rights clauses

Since 1995 the EU has included a human rights clause in political framework agreements with third countries. It reaffirmed this policy in 2010. The clause is now contained in agreements with more than 120 countries and more are under negotiation. The clause provides the basis for cooperation on human rights and for promotion of human rights in relation to all areas covered by these agreements. The clause also forms the legal basis for measures taken in response to violations of human rights. These measures can include suspension of meetings and technical co-operation programmes with the country concerned.

Trade policy

The Common Commercial Policy is one of the most visible manifestations of the EU's external action. The EU's trade and human rights agenda needs to be coherent, transparent, predictable, feasible and effective. The challenge is to make trade work in a way that helps rather than hinders human rights concerns.

The EU approach to trade policy focuses on using positive incentives, making use of trade preferences to promote human rights, coupled with a process of dialogue about the conditions to maintain those preferences. The EU's trade partners are very different and the way in which coherence with human rights objectives is ensured needs to reflect this diversity. One embodiment of this approach is the Generalised System of Preferences' GSP+ scheme, which grants additional preferences to countries that commit to embracing core universal values on human rights, labour rights, environment and governance. The EU's Free Trade Agreements are linked to the EU's political framework agreements (see previous section on "*Human rights clauses*"); the human rights situation in the partner country should be considered when the EU decides whether or not to launch or conclude FTA negotiations.

The Lisbon Treaty conferred new competences in the field of investment policy; the EU's common investment policy should be guided by the principles and objectives of the Union's external action, including on human rights.

Specific trade measures are also used to support human rights objectives. Examples include Regulation 428/2009 on the control of exports of dual use items, Regulation 1236/2005 concerning trade in goods which can be used for capital punishment or torture and Council Common Position 2008/944/CFSP on Arms Exports.

Information and communications technology

Developments in information and communication technologies (ICT), such as the internet, mobile telephony, and social media, have enormous potential to promote human rights such as freedom of expression and assembly. A global flow of information can truly empower civil society and human rights activists. These technological developments can also, however, reinforce authoritarian states by increasing opportunities for surveillance and censorship. There is currently a lack of clear standards for European companies concerning the sale of such technologies to authoritarian States, as well as for the provision of *ex post* services, such as training and consulting. In this light, the EEAS and the relevant Commission services will develop appropriate measures to ensure that people are not subject to indiscriminate censorship or mass surveillance when using the internet and other ICTs, and can truly put them to their best use to promote human rights, also taking into account privacy and personal data protection.

Business and human rights

Corporate Social Responsibility (CSR) allows companies to integrate social and environmental concerns in their business and in their interaction with their stakeholders on a voluntary basis. European businesses should be encouraged to undertake adequate due diligence to ensure that their operations respect human rights, wherever they are performed.

Globalisation has created more opportunities for enterprises to contribute to the fulfilment of human rights and also created heightened risks of business involvement in human rights harm. The EU welcomed the United Nations Guiding Principles on Business and Human Rights, endorsed unanimously by the UN Human Rights Council in June 2011. The European Commission published a Communication on Corporate Social Responsibility in October 2011. It expressed the Commission's expectation that all enterprises should meet the corporate responsibility to respect human rights as defined in the UN Guiding Principles. In the light of this Communication, the Commission will, *inter alia*, develop human rights guidance for small and medium-sized enterprises, invite Member States to develop their own

national plans for the implementation of the UN Guiding Principles and continue to encourage partner countries to adhere to internationally-recognised CSR standards, such as the OECD Guidelines for Multinational Enterprises and the ILO Tri-Partite Declaration of principles concerning multinational enterprises and social policy.

Conflict prevention

Human rights violations, the lack of fundamental freedoms, and a prevailing culture of impunity – particularly in fragile situations – cause or exacerbate political instability and violent conflicts.

The EU will further strengthen the focus on the human rights situation and on the respect of fundamental freedoms in its conflict risk analysis and in its early warning systems. The EU should also continue and reinforce its efforts to mainstream human rights and fundamental freedoms in its conflict prevention and peace building activities, and – where appropriate – translate analysis and early warning into options for early action.

Crisis management

The EU's crisis management missions and operations operate in close interaction with local forces, often in a context of conflict, and many of them come across human rights violations. Since the first EU crisis management operation in 2003, best practices have been identified on incorporating human rights and gender considerations in planning and implementation. The EU will align itself with international best practice on planning, training and deploying, following the UN's inter-agency approach to human rights in its Peacekeeping Operations.

The EU will strengthen the human rights, child protection and gender elements of its conflict prevention, crisis management and peace-building efforts, taking into account international best practice and aiming at a democratic outcome, replacing violence with political conflict resolution mechanisms.

The implementation of the Comprehensive Approach to the EU Implementation of the UNSCR 1325 and 1820 on Women, Peace and Security, and the Guidelines on violence against women and girls and combating all forms of discrimination will be integrated in EU human rights policy, including in the annual report.

Implementation of the Guidelines on International Humanitarian Law will also be stepped up.

Counter-terrorism

Counter-terrorism activities must be conducted in full compliance with fundamental rights and international law. This includes human rights law, international humanitarian and refugee law, free and fair judicial proceedings as well as the protection of personal and private data. In its human rights dialogues with third countries, the EU already raises violations of human rights committed under the guise of counter-terrorism activities. However, there is scope to intensify discussion of this issue with third countries in dialogues devoted to counter-terrorism co-operation. In these dialogues, the EU calls for non EU countries to ratify counter-terrorism related UN conventions and protocols. Human rights should be more firmly embedded in the planning and implementation of counter-terrorism assistance projects with third countries.

Freedom, security and justice

In the external dimension of the area of Freedom, Security and Justice – including police and judicial cooperation, the fight against drugs and organised crime, the functioning and independence of the judiciary, border management, trafficking in human beings, mobility, asylum and migration – the protection of fundamental rights is paramount. When developing cooperation with third countries in these fields, it is essential to ensure that practices fully respect human rights, including non-discrimination. For example, if information is exchanged with the police forces of third countries, that information cannot have been obtained by torture or inhumane treatment, and adequate protection must be in place.

Strengthening respect for human rights and the human rights of migrants in source, transit and destination countries is also a central concern of the EU's *Global Approach to Migration and Mobility*, which defines the EU's external migration policy. Special attention should be paid to protecting and empowering vulnerable migrants, such as unaccompanied minors, asylum-seekers, stateless persons and victims of trafficking.

The phenomenon of human trafficking is especially relevant in this area. It is important to ensure that crime control / security and human rights are understood as complimentary dimensions of the same issue, and that the root causes of trafficking are also addressed. In particular, it is crucial to protect women against gender-based forms of violence, and to fight the feminisation of poverty. The EU will continue to prioritise trafficking in human beings in its external action from a human rights approach. This prioritisation will reflect on funding, training and information exchange activities and it will go beyond the external dimension of Freedom, Security and Justice. The EU Anti-trafficking Coordinator and the EEAS have already established contacts to start developing a list of priority countries and regions for future partnerships in the area of human trafficking.

In the field of border management, the EU actively promotes the integration of the Human Rights dimension in the development of efficient border control in third countries. In particular, it is essential that border guards are appropriately equipped and trained to ensure that persons in need of protection who present themselves at the border are given access to the appropriate assistance and procedures.

360 degree policy coherence

That the EU is exemplary in respecting fundamental rights is vital, not only for the people living within the EU but also for the development of the Union itself. A strong track record will strengthen the EU's action to promote human rights around the world.

The Lisbon Treaty has made the Charter of Fundamental Rights of the European Union a legally binding document. It has to be respected equally by all EU institutions, bodies, offices and agencies, as well as by Member States, when they are implementing EU law. The EU's obligation to respect human rights implies not only a general duty to abstain from acts violating these rights, but also to take them into account in the conduct of its own policies, both internal and external.

In October 2010 the Commission adopted a Strategy for the effective implementation of the Charter of Fundamental Rights. It explains how the Charter is to be put into practice by EU Institutions and Member States. It has been welcomed by the European Parliament and the Council of the EU. Each year, the Commission will publish a report on progress made. In March 2011 the first report on the application of the Charter by EU institutions was published.

The EU's commitment to accede to the European Convention on Human Rights complements the strong protection of human rights that already exists in the Union's legal order through the EU Charter of Fundamental Rights and the jurisprudence of the Court of Justice of the EU.

These EU policies are relevant to Europe's credibility in raising human rights with other countries. When the EU raises human rights issues with third countries, it bases itself on international standards: these are mainly the core UN human rights treaties and core labour standards as well as (for partners in Europe), Council of Europe and OSCE standards. It is important that the EU and its Member States, within their respective areas of competence, should implement these standards visibly and effectively.

C. BUILDING STRONG PARTNERSHIPS

Multilateral cooperation

To get strong UN action, the EU needs to build common ground with partner countries. It has invested much over recent years in the ability of the UN Human Rights Council (HRC) in Geneva, and the Third Committee of the UN General Assembly, to set and protect universal human rights norms and standards, and to address serious human rights violations. This has led to some notable successes such as rallying worldwide support for a moratorium on the death penalty, or achieving consensus on initiatives related to freedom of religion or belief.

Success largely depends on the capacity of the EU to outreach and be receptive to third country partners, to engage in cross-regional coalition, using also its bilateral relations. The EU needs to increase its capacity to agree common positions and speak as one, using the cumulative weight and resources of the Member States through burden sharing and taking a more strategic approach to the setting of its priorities. Better synergy and coordination have to be developed between Geneva, New York and Brussels, as well as with EU action in other multilateral forums, such as the Council of Europe and the OSCE.

The EU should work to increase its effectiveness at the UN, building cross-regional coalitions, supporting the UN system's human rights mechanisms and promoting better synchronisation with its actions at bilateral level and in other multilateral forums. The EU will develop an annual approach to the identification of priorities at the UN across all human rights related meetings in Geneva and New York, in consistency with the mid-term priorities defined for its action at the UN.

International justice

The EU is fully committed to promoting International Justice – combating impunity and promoting a law-based international order, preventing genocide, crimes against humanity and war crimes, and holding the perpetrators of such crimes accountable. The EU will continue to advocate accountability for violations of international humanitarian law and human rights law. The EU will continue to provide substantial support to the International Criminal Court, as well as to other international criminal tribunals, and to campaign for universal ratification of the Rome Statute. The EU is fully committed to supporting the universality and integrity of the Rome Statute of the ICC and the independence of the ICC. The EU is also committed to giving full effect to the Rome Statute by implementing the principle of complementarity and reinforcing effective links between national justice systems and the ICC.

The EU should develop a specific policy on transitional justice through its external action to support societies in dealing with abuses of the past, through mechanisms for justice, truth, reparations and institutional reform.

Regional organisations

The EU will strengthen its cooperation on human rights and democracy with regional and intergovernmental organisations, both at the political level and at the local level, between EU Delegations and headquarters, field offices or missions of these organisations. It will use its cooperation with the Council of Europe and the OSCE more systematically. The EU should explore the possibilities of deepening cooperation with the AU, ASEAN, OAS and others, building on their consolidated or emerging regional human rights and democracy mechanisms. The EU should use its dialogues with different regions, such as ASEM, EULAC, AU/EU and ACP, to strengthen cooperation on human rights.

The EU should further promote human rights, democracy and the rule of law in the Arab world and beyond, by closer cooperation with other organisations, such as the Arab League and the OIC.

Impact through dialogue

Human rights and democracy are an integral part of the EU's dialogue with other countries, up to and including Summit level. While the EU has launched some 40 dedicated human rights dialogues and consultations, these achieve best results when firmly embedded in the wider fabric of the EU's relations with a given country.

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

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

Responding to serious violations

In some cases, the EU takes measures (for example asset freezes, arms embargoes or visa bans) in reaction to serious human rights abuses in third countries. These are invariably the subject of careful consideration in accordance with the EU's 2004 "basic principles on the use of restrictive measures" and the EU Charter of Fundamental Rights.

Restrictive measures are regularly reviewed by the Council of the EU. It is important that they contribute to the stated objective, that they are targeted, that they do not have an adverse impact on the civilian populations and that they comply with requirements on clear and fair procedures, including the right to an effective remedy.

D. HARNESSING EUROPE'S COLLECTIVE WEIGHT

To deliver on the approach set out in previous sections, the EU needs to strengthen the way that it deals with human rights and democracy in its external action.

European Parliament

The European Parliament has made human rights and democracy one of its highest priorities. By making its voice heard systematically as well as urgently on the key questions of the day, the Parliament has taken up a leading role in promoting human rights in all the EU does. Its work with other parliaments (through its parliamentary cooperation committees and delegations to regional parliamentary assemblies) is especially valuable in reinforcing the EU's signals. The European Parliament could usefully step up efforts to spread its vital human rights message beyond the Human Rights Sub-Committee to its delegations to third countries.

Member States

For the EU to be more effective and credible in promoting and protecting human rights and democracy, the collective weight of EU institutions and EU Member States must be mobilised. Member States must continue to have strong ownership and responsibility for the EU human rights and democracy policy both at the multilateral level and in bilateral relations with third countries. This requires the formulation of strong common positions on human rights which guide both EU institutions and EU Member States in order to speak as one. This can be facilitated by regular discussions on human rights questions also at the political level. In addition, Member States have an important role to play in contributing to the implementation of the EU human rights and democracy policy through burden sharing and division of labour.

A standing capability on human rights and democracy in the Council of the EU

The Council Working Group on Human Rights (COHOM) has a key role in steering the EU human rights policy and in advising the PSC and the Council. Currently, COHOM is staffed from capitals and meets only once a month and can no longer fully respond to the increased workload and demands. Effective implementation of EU external human rights policy would require more frequent meetings of COHOM and also a standing capability and expertise on human rights and democracy among the Permanent Representations in Brussels of EU Member States. A Brussels formation of COHOM would ensure closer integration with the work of the Council, COREPER and PSC other thematic or geographic Working Groups. It would also allow monthly meetings of Human Rights Directors to concentrate on the strategic aspects of the EU policy on human rights and democracy, while the Brussels formation would address ongoing issues.

Building a culture of human rights and democracy

A Directorate on Human Rights and Democracy has been created within the EEAS. As a general principle, it is understood that human rights are not only the responsibility of experts, but that they are key to the work of everyone. To this end there is now a human rights focal point in all EU Delegations worldwide – this system should be formed into a network for the delivery of cross-cutting campaigns. A similar network of focal points is in the process of being created in the EEAS and in the Commission services.

Training on human rights and democracy is provided to all Heads of Delegation and to EEAS and Commission staff.

A network of focal points on human rights and democracy will be completed, using latest available technologies for the sharing of information and best practice.

A rethink of EU communications

Throughout the world, social media networks provide a platform for human rights defenders to provide support and information to one another, and to reach their supporters around the world. They also allow them to document and relay their personal experiences, often circumventing State-controlled media. Video- and message-sharing services can make it more difficult for brutal regimes to hide human rights repression and the subversion of democracy. At the same time, these services can be used for more accurate monitoring and profiling of citizens. This connectivity – and the community of people newly created through social media networks – can also be used to bring together policy makers and people for political discussions. For example, by using a live webcast, people from around the world can discuss human rights issues with leading political figures from the EU and its international partners. This breaks down traditional barriers of hierarchy and access to political influence. If people want to have a say in the discussion, all they now need is internet access.

Engagement with different groups in society through digital diplomacy is a key way to promote EU values, and the EU's work around the world. There have been significant developments in the EU's digital diplomacy through its use of social media, although more needs to be done to develop these new techniques, and tap into the potential of its Delegations around the world.

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

Next steps

The European Union has both the will and the means to be a leader when it comes to protecting human rights and supporting democracy worldwide.

This Communication is designed as a contribution to the ongoing discussion within the EU institutions on a more effective and comprehensive approach to human rights and democracy. It seeks views on a number of possible actions and options. The next step should be to refine these ideas through inter-institutional discussions into an agreed EU approach.

In order to track progress in achieving the objectives set out in this Communication, the EU will present its performance in its annual report on human rights and democracy in the world. This should give an opportunity to all stakeholders in EU policy, including civil society, to assess the impact of EU action and contribute to defining future priorities.

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