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Human rights should underpin the new EU Global Strategy *April 2016*

The EU's High Representative for Foreign Affairs and Security Policy and Vice President of the European Commission (EU HR/VP), Federica Mogherini, has launched a strategic reflection process to inform a new EU Global Strategy for Foreign and Security policy by June 2016. The Strategy will shape the EU's foreign policy objectives and interests for the foreseeable future.

Discussions on the new EU Global Strategy come at a time when we are witnessing increasing violations of international human rights and humanitarian law and impunity for grave abuses worldwide. Repressive governments are investing significant energy and resources in silencing human rights defenders, political activists, journalists, minorities and others who are critical of government policies and expose abuses of power, corruption and bad governance. This context calls for a robust, meaningful response from the EU in protecting the human rights of all people, including demonstrating the political will to challenge vested interests which undermine human rights and democracy.

If the new EU Global Strategy is to be successful in achieving its stated objectives of improving security, prosperity, resilience and governance in the world, it will be critical to recognise that key to this is the full respect, protection and realisation of all people's human rights – be they civil and political rights or economic, social and cultural rights – at all times and in all settings. Human rights, good governance and democracy should not be seen as an add-on or contrary to security and stability. **The EU and its Member States must defend the universality and indivisibility of human rights at home and globally.** As former UN Secretary General Kofi Annan stated, *'We will not enjoy security without development, we will not enjoy development without security, and we will not enjoy either without respect for human rights'*. We expect the new EU global strategy to embrace this essential truth and place human rights at the centre of EU foreign policy.

The Human Rights and Democracy Network calls on the EU HR/VP and EU Member States to ensure that the Global Strategy covers the following issues:

1. Universality and Indivisibility of Human Rights

Acknowledge the universality and indivisibility of human rights, be they civil, political, economic, social or cultural rights.

The Human Rights and Democracy Network (HRDN) is an informal grouping of NGOs operating at EU level in the broader areas of human rights, democracy and conflict prevention. Participation in the network is open to non-governmental organizations which engage at EU level in the promotion of human rights, democracy and conflict prevention in and outside the EU.

The vision of the HRDN is that human rights and democracy are placed at the heart of the EU's internal and external policy agenda. This vision should manifest itself in a EU that effectively protects human rights at home and is a force for positive change in the world. In pursuit of this vision, the network aims to influence EU and member state human rights policies and the programming of their funding instruments to promote democracy, human rights and sustainable peace.

The Global Strategy must make clear that human rights are not simply 'values' but international legal obligations. The Strategy must therefore make strong references to international human rights and humanitarian law. It must commit the EU to cooperate with the UN, the Council of Europe, the Organisation for Security and Co-operation in Europe, and other regional human rights monitoring mechanisms as well as international justice mechanisms, such as the International Criminal Court (ICC).

2. The EU Strategic Framework on Human Rights and Democracy

Reaffirm and build on commitments and pledges in the Lisbon Treaty and articulated by EU Foreign Ministers in the landmark 2012 EU Strategic Framework on Human Rights and Democracy.

In the Framework, the EU committed to place human rights and democracy at the centre of its external relations in all areas and with all partners without exception. The EU must therefore ensure that the Global Strategy takes a rights-based approach in all areas of external policy, including in trade, migration, counter-terrorism, development, energy, security and environment policies. Policy coherence for human rights is essential if those rights are to be realised. The strategy should clearly set out the roles and individual responsibilities of all EU actors in shaping and implementing the EU's human rights policy.

3. EU Leadership on Human Rights and Justice

Commit the EU to exercising leadership on human rights and position the EU, together with the Member States, at the forefront of the international community in always acting and speaking out against human rights violations whenever and wherever they occur.

We expect the Global Strategy to reaffirm the strong commitment of the EU and its Member States to fighting against impunity; promoting international justice and accountability; and providing justice and redress for the victims of grave violations of international and humanitarian law, including through strong support to the ICC.

4. Human Right Defenders, Civil Society and Civic Space

Lay out the EU's vision for effectively challenging the rapidly closing space for civil society and populations wishing to express their opinions.

This includes acknowledging the importance of non-governmental actors as key agents of change in a country and committing to a genuine, productive and strategic partnership with civil society organisations and individual human rights defenders both within and outside the EU. The shrinking space for civil society should be seen as a particular challenge. It is an early warning of worse to come and an impediment to implementation of government's commitments in all areas including fighting corruption, advancing peace and delivering on the SDGs. As noted by UN Special Rapporteur on the rights to freedom of peaceful assembly and

of association, Maina Kiai, '[t]he presence of critical civil society can be viewed as a barometer of a State's confidence and stability'. EU Member States and institutions should pledge that they will consistently press for the release of imprisoned rights activists whilst also working to ensure their freedom from restrictive legislation.

5. Support for Democracy

Base the EU's position and actions on participatory approaches, transparency (including the fight against corruption), equity and the rule of law.

The EU Global Strategy should make clear that respect for human rights and democracy are crucial to resilient societies. The demands for more and better democracy and greater access to information through new technologies have opened up new opportunities for a broader constituency to claim rights. But there are also growing challenges which should be addressed, such as crackdowns on freedom of expression and assembly, both online and offline. The EU Global Strategy must be clear in its support to democratic and accountable governance: In addition to committing to support regular elections and election processes, and people's civil and political rights, EU support to democracy must be strengthened by taking into account the needs and interests of a wider range of local stakeholders such as political parties, grassroots civil society, local authorities and parliaments. In order to reflect local needs and interests, politically aware approaches to development should be mainstreamed into EU foreign and security policy. The EU must also find effective means to support conflict-affected and fragile states where governance - and democracy - is generally weaker.

6. Respect for and Coherence with Global Agreements

Respect the principles and objectives underpinning the outcomes of key recent global processes, such as the 2030 Agenda for Sustainable Development and the Paris Agreement on climate change, in which UN States, including the EU and its Member States, have made rights-based commitments.

The principle of ensuring that 'no one be left behind' implies that the EU's foreign and security policy must have as its key objective making the world more stable, prosperous and democratic for all categories of people.

7. Business and Human Rights

Recognise that security, prosperity and just governance may only be ensured if all actors, including the private sector and international financial institutions, protect, respect and fulfil people's rights.

Trade policy is dominated by a narrow set of interests and currently leads to a 'race to the bottom' with each country trying to impose fewer and lower social, environmental, economic and fiscal conditions in order to attract investment and enhance competitive advantage. The EU should therefore commit to revising its own trade policies to ensure they are designed and implemented to protect, respect, enforce and consolidate human rights. Furthermore, given the lack of

safeguards at all levels to prevent business enterprises from becoming complicit in or tacitly benefiting from human rights violations, the EU should support work in the UN to turn the UN Guiding Principles on Business and Human Rights into a binding corporate accountability framework.

Too often, international financial institutions finance private and public sector activities that result in human rights abuses. EU Member States – and EU institutions where relevant- should use their positions on the governing boards of these institutions to introduce policies that require respect of human rights and due diligence to identify and address potential and adverse rights impacts of all their activities.

8. Transparency and Accountability

Commit to more transparency and accountability in how the EU is implementing its human rights obligations in relations with partner countries. As a first step, we recommend organising an annual public Foreign Affairs Council (FAC) debate on human rights, as called for by the European Parliament.

Finally, if the EU wants to be more effective on the world stage, it is crucial for this new strategy to ensure that Members of the European Parliament, national parliamentarians and civil society organizations are stakeholders in its implementation. As a starting point, the HRDN calls for a *formal consultation* of all stakeholders based on a draft of the EU Global Strategy.

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