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# REPORT

on the review of the EU's human rights strategy  
(2012/2062(INI))

Committee on Foreign Affairs

Rapporteur: Rui Tavares

**CONTENTS**

	<b>Page</b>
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION .....	3
OPINION OF THE COMMITTEE ON DEVELOPMENT .....	19
RESULT OF FINAL VOTE IN COMMITTEE .....	22

## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the review of the EU's human rights strategy

(2012/2062(INI))

*The European Parliament,*

- having regard to Articles 2, 3, 6, 8, 21, 33 and 36 of the Treaty on European Union (TEU),
- having regard to the joint communication of the High Representative of the Union for Foreign Affairs and Security Policy and the Commission to the European Parliament and the Council of 12 December 2011 entitled ‘Human Rights and Democracy at the Heart of EU External Action – Towards a more effective approach’ (COM(2011)0886),
- having regard to the Commission communication to the Council and the European Parliament of 8 May 2001 entitled ‘The European Union’s role in promoting human rights and democratisation in third countries’ (COM(2001)0252),
- having regard to the Commission communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 20 April 2010 entitled ‘Delivering an area of freedom, security and justice for Europe’s citizens – Action Plan Implementing the Stockholm Programme’ (COM(2010)0171),
- having regard to the Commission communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 25 October 2011 entitled ‘A renewed EU strategy 2011-14 for Corporate Social Responsibility’ (COM(2011)0681),
- having regard to the EU Strategic Framework on Human Rights and Democracy and the EU Action Plan on Human Rights and Democracy as adopted at the 3179th Foreign Affairs Council meeting of 25 June 2012,
- having regard to the UN Guiding Principles on Business and Human Rights,
- having regard to its resolution of 18 April 2012 on the Annual Report on Human Rights in the World and the European Union’s policy on the matter, including implications for the EU’s strategic human rights policy<sup>1</sup>,
- having regard to its resolution of 20 January 2011 on the situation of Christians in the context of freedom of religion<sup>2</sup>,
- having regard to its resolution of 14 February 2006 on the human rights and democracy

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<sup>1</sup> Texts adopted, P7\_TA(2012)0126.

<sup>2</sup> Texts adopted, P7\_TA(2011)0021.

clause in European Union agreements<sup>1</sup>,

- having regard to its resolution of 7 July 2011 on EU external policies in favour of democratisation<sup>2</sup>,
- having regard to its recommendation to the Council of 2 February 2012 on a consistent policy towards regimes against which the EU applies restrictive measures, when their leaders exercise their personal and commercial interests within EU borders<sup>3</sup>,
- having regard to the EU Guidelines on Human Rights,
- having regard to the European Convention on Human Rights and the ongoing negotiations on the EU's accession thereto,
- having regard to the Charter of Fundamental Rights of the European Union<sup>4</sup>,
- having regard to its recommendation to the Council of 13 June 2012 on the EU Special Representative for Human Rights<sup>5</sup>,
- having regard to the Foreign Affairs Council Conclusions on the European Endowment for Democracy<sup>6</sup> adopted at its 3130th meeting on 1 December 2011, and to the Declaration on the establishment of a European Endowment for Democracy<sup>7</sup>, agreed to by COREPER on 15 December 2011,
- having regard to its recommendation of 29 March 2012 to the Council on the modalities for the possible establishment of a European Endowment for Democracy (EED)<sup>8</sup>,
- having regard to the recent establishment of the European Endowment for Democracy (EED)<sup>9</sup>,
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Development (A7-0378/2012),

A. whereas the EU is founded on the principle of respect for human rights and has a legal obligation, as outlined in its Treaties, to place human rights at the core of all EU and Member State policies, without exception, and at the core of all international agreements; whereas dialogues between the EU, its Member States and third countries must be followed by concrete measures designed to ensure that human rights remain at the core of those policies;

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<sup>1</sup> OJ C 290 E, 29.11.2006, p. 107.

<sup>2</sup> Texts adopted, P7\_TA(2011)0334.

<sup>3</sup> Texts adopted, P7\_TA(2012)0018.

<sup>4</sup> OJ C 303, 14.12.2007, p. 1.

<sup>5</sup> Texts adopted, P7\_TA(2012)0250.

<sup>6</sup> Council document 17944/11.

<sup>7</sup> Council document 18764/11.

<sup>8</sup> Texts adopted, P7\_TA(2012)0113.

<sup>9</sup> Texts adopted, P7\_TA(2012)0061.

- B. whereas the EU has developed an extensive toolbox of instruments as a policy framework to support this obligation, including human rights guidelines, a global financial instrument on human rights and democracy (the European Instrument for Democracy and Human Rights (EIDHR)), a requirement for all external financial instruments – such as the Development Cooperation Instrument (DCI), the Instrument for Stability (IfS), the European Neighbourhood Instrument (ENI), the Pre-Accession Instrument (IPA) and the Partnership Instrument (PI) – to promote human rights and democracy within their remit, the establishment of the EED, the appointment of the new EU Special Representative for Human Rights, Council declarations and conclusions, statements by the High Representative, EU démarches, EU sanctions in the event of severe human rights violations and, more recently, human rights country strategies;
- C. whereas, in accordance with the variable nature of contractual relations between the EU and third countries, the EU has established a wide variety of tools – such as the European Neighbourhood Policy (ENP), the Cotonou Agreement, human rights dialogues and consultations with third countries – to promote human rights and democracy and improve cooperation within international bodies in the context of discussions on issues of common interest; whereas the ENP monitors the implementation of agreed commitments and the Cotonou Agreement provides for consultations in the event of human rights violations; whereas the EU’s role in supporting and observing electoral processes also has a substantial impact in terms of fostering human rights and democracy and strengthening the rule of law;
- D. whereas the cumulative effect of these policies has resulted in a piecemeal approach whereby the principle of coherence and consistency between the different areas of EU external action and between these and other policies has not been duly respected; whereas these different instruments have consequently become stand-alone elements and do not serve either the legal obligation to monitor the implementation of human rights clauses or the associated policy goal, such that there is a need for harmonisation and the creation of synergies between these instruments;
- E. whereas several factors prevent the implementation of an effective EU policy on human rights and democracy, and whereas the joint communication of December 2011 did not effectively address those factors, such as the lack of an integrated approach based on a linkage between all EU external instruments and the adequate incorporation of country priority objectives, the absence of a benchmarking policy for all instruments (including geographical policies and strategies) which should be able to measure and monitor respect for human rights and democratic principles based on specific, transparent, measurable, achievable and time-bound indicators, and the weakness of human rights dialogues, which should be enshrined in the wider political dialogue at the highest level;
- F. whereas the events of the ‘Arab Spring’ and the experience gained with Eastern Partnership countries both during and prior to their respective transition periods have demonstrated the need to reshape the Neighbourhood Policy in order to give higher priority to dialogue with, among others, NGOs, human rights defenders, trade unions, the media, universities, democratic political parties and other elements of civil society, and to defending fundamental freedoms, which are indispensable to democratisation and transition processes; welcomes, in this regard, the setting-up of the EED as a tangible

- response by the EU to the challenges of democratisation, initially, although not exclusively, in EU neighbourhood countries;
- G. whereas this renewed policy should aim at further engaging partner countries in deeper democratic reforms and respect for fundamental rights, in particular core fundamental rights such as freedom of expression, conscience, religion or belief, assembly and association, on the basis of the ‘more for more’ approach and of mutual accountability between partner countries, the EU and its Member States;
- H. whereas, as part of the review process, the Council rationalised and reframed the EU’s policy on human rights and democracy in the context of its external action; whereas this redefinition is embodied in the EU Strategic Framework on Human Rights and Democracy, which was adopted by the Foreign Affairs Council of 25 June 2012 and complemented by an Action Plan clearly setting out specific objectives, a timeline, milestones for action and the allocation of responsibilities; whereas the Council nominated a Special Representative for Human Rights to enhance the visibility, effectiveness and coherence of EU human rights policy and to contribute to the implementation of its objectives by assessing the current human rights instruments, consulting different partners and institutions in the field and focusing on substantive issues that require immediate attention;
- I. whereas the current economic crisis, its perceived effects on the strength of the European project and changes in the global balance of power have demonstrated the insufficiency of lofty proclamations on human rights issues if they are not matched by a principled human rights policy implemented through agile and concrete measures and underpinned by an obligation to respect the coherence and consistency of the internal and external dimensions of all EU policies;
- J. whereas promoting human rights and democracy is a joint responsibility shared by the EU and its Member States; whereas progress in this area can only be made by means of coordinated, coherent action by both parties; whereas economic and social rights have formed an integral part of human rights since the adoption of the Universal Declaration of Human Rights in 1948;
- K. whereas it is therefore necessary that the EU help implement these rights in the least-developed and developing countries with which it signs international agreements, including trade agreements;
- L. whereas developments in technology, new ICT tools, increasing levels of education throughout many regions of the world, the advent of certain developing countries as regional powers, the creation of new multilateral forums such as the G-20 and the emergence of an informed and interconnected global civil society all point to the need to strengthen the consistency and coherence of current instruments under international law and to boost cooperation in the context of global governance in order to secure respect for human rights, put an end to impunity for human rights violations and improve the prospects for democracy across the world;
- M. whereas free access to the internet and telecommunications encourages free and democratic debate and may be a means of giving rapid warning of human rights violations, and should therefore be a priority in the EU’s external action in support of

democracy and the defence of human rights;

- N. stresses that the broad thrust and main elements of the new EU Strategic Framework on Human Rights and Democracy call for a high degree of consistency and of political will to obtain tangible results;

*EU Strategic Framework on Human Rights and Democracy*

1. Considers that the strategic review initiative strives to respond to the main challenges identified by Parliament and other stakeholders; welcomes the comprehensive and inclusive approach adopted by the Council in this regard and, in particular, the Action Plan on Human Rights and Democracy as a concrete expression of the EU's commitment and accountability, along with the appointment of an EU Special Representative for Human Rights, which was something Parliament had called for in previous reports;
2. Reaffirms that the universal human rights and freedoms stipulated in the Universal Declaration of Human Rights apply to every human being, regardless of all circumstances or situations and of religion or belief, sex, racial or ethnic origin, age, disability, sexual orientation or gender identity;
3. Calls on the EU to move from words to action and to implement the pledges made in a swift and transparent manner;
4. Stresses that the Strategic Framework and Action Plan represent a floor, not a ceiling, for EU human rights policy and insists that the EU institutions and the Member States adopt a firm and coherent approach to human rights abuses worldwide, in a transparent and accountable manner;
5. Welcomes the fact that the Vice-President / High Representative has proposed to promote women's rights, children's rights and justice (focusing on the right to a fair trial) as the three cross-cutting campaign themes, and is confident that the new EU Special Representative for Human Rights will have a positive role in the implementation of the Action Plan in that respect;
6. Strongly believes that the creation of the post of Special Representative of the European Union for Human Rights should reinforce human rights policy in all EU external policy strategies;
7. Seeks to ensure ongoing communication and collaboration between the EP and the EU Special Representative for Human Rights;
8. Expresses Parliament's wish, as the only directly elected EU institution, to be closely associated with this reshaped policy framework, and its determination to continue to play a key role in improving the democratic legitimacy of EU policy-making, while respecting the role of each institution in accordance with the Treaty;
9. Reiterates its will to intensify interinstitutional cooperation, including as part of a contact group on human rights – bringing together the European External Action Service (EEAS), the relevant services of the Council and the Commission, the EU Special Representative

for Human Rights and the EP's Subcommittee on Human Rights and Committee on Foreign Affairs – entrusted with the follow-up to the review and the Action Plan;

10. Insists on the need for all institutions to combine their efforts in this process and calls, therefore, for a joint declaration committing them to common founding principles and objectives;
11. Welcomes the ambitious nature of the Strategic Framework; stresses the need, however, for better coordination and greater clarification in respect of procedures and the division of tasks between the EU and its Member States, with a view to implementing the Action Plan more efficiently and effectively;

*Coherence and cooperation in policy areas and between the EU and its Member States*

12. Stresses the need for coherence and consistency across all policy areas as an essential condition for an effective and credible human rights strategy and considers it regrettable that there is no specific reference to these principles in the Strategic Framework; reminds the Commission of its repeated commitments, as set out in its 2001 communication and its 2010 Communication on an Action Plan Implementing the Stockholm Programme (COM(2010)0171), to take practical steps to ensure greater coherence and consistency between its external and internal policies; recalls that the full involvement of Parliament and greater coordination in this area were agreed in 2001; reminds the Member States and the EU institutions that respect for fundamental rights begins at home and must not be taken for granted, but continually assessed and improved, so that the EU can be heard as a credible voice on human rights in the world;
13. Calls for more effective coordination between the EU and its Member States with a view to making policies and programmes on human rights, security and development more consistent and complementary;
14. Calls on the Commission and the EEAS to live up to the pledge of a 'human rights-based approach' across the entire development cooperation process;
15. Urges the EU to maintain and honour its role as a leading defender of human rights in the world, through the effective, consistent and considered use of all available instruments for the promotion and protection of human rights and the effectiveness of our development aid policy;
16. Highlights the importance of Policy Coherence for Development with a view to ensuring that EU policies in all areas permit human rights to be increasingly realised, while ensuring that no human right is violated by any EU policy;
17. Emphasises that the new EU Special Representative for Human Rights must take the development agenda into account in all actions aimed at promoting human rights in the world; expects, in this respect, close collaboration with Parliament and its relevant committees on this issue;
18. Invites the Commission and the EEAS, in the context of the UN Convention on the Rights of the Child and the need to ensure the fullest possible protection of the rights established



by that convention and prevent their erosion, to provide particular support for prioritising the needs of children of both sexes for special safeguards and care, on the basis of that convention and of the Declaration of the Rights of the Child;

19. Strongly condemns female genital mutilation as a breach of the bodily integrity of women and girls, and urges the Commission and the EEAS to pay specific attention to such harmful traditional practices in their strategy for fighting violence against women;
20. Considers that the EU will only be seen as a credible defender of human rights and democracy if its policies abroad are consistent with its actions within its own borders;
21. Points out that the Strategic Framework must be given sufficient visibility to enhance its legitimacy, credibility and accountability in the eyes of the public;
22. Urges the Commission to issue a communication on a human rights action plan in order to promote the EU's values in the external dimension of justice and home affairs policy, as announced in the Action Plan Implementing the Stockholm Programme in 2010 and in line with the EU Action Plan on Human Rights and Democracy;
23. Insists that all Commission directorates-general and the EEAS carry out detailed assessments of the legal implications of the Charter of Fundamental Rights for the EU's external policies, as the Charter applies to all action taken by the EU institutions; commits itself to the same exercise; encourages its parliamentary committees to make use of the relevant provision under Rule 36 of its Rules of Procedure, allowing them to verify the conformity of a proposal for a legislative act with the Charter of Fundamental Rights, including proposals relating to external financial instruments;
24. Stresses the need to increase the level of cooperation and consultation between the Council's Working Party on Fundamental Rights (FREMP) and Human Rights Working Group (COHOM); calls for this cooperation and consultation to be extended to the EU Special Representative for Human Rights; calls on both bodies to make full use of the Council of Europe's expertise and instruments and of UN special procedures, including when preparing new initiatives with a view to articulating and promoting common values and international standards;
25. Welcomes increased policy coherence with international and regional conventions and mechanisms such as those of the UN and the Council of Europe; calls for systematic inclusion of these standards in the human rights country strategies, which should be the reference document for geographical and thematic policies, action plans, strategies and instruments; suggests that cooperation on human rights, in particular through human rights dialogues timed to coincide with international summits, should be extended to all regional partners and organisations and followed up by specific statements after meetings with these partners and also after meetings with third countries, in particular the BRICs and other emerging economies;
26. Considers that the inclusion of countries in North Africa and the Middle East in the Council of Europe Neighbourhood Policy will provide complementary tools for an approximation of their legislative framework and best practices in the area of human rights; notes that the recently agreed EU-Council of Europe joint programme for

strengthening democratic reforms in the Southern neighbourhood is an example of the Council of Europe's complementary expertise on constitutional, legal and institutional reforms;

27. Invites the competent EU institutions to work towards improving respect for and protection of freedom of religion or belief when dealing with international human rights standards;
28. Calls on its relevant committees, such as the Subcommittee on Human Rights, the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality, to intensify their cooperation with the relevant Council of Europe bodies and instruments and to establish structured dialogues so as to develop an effective and pragmatic synergy between the two institutions and make full use of existing expertise in this field;

*Towards an inclusive and effective approach*

29. Acknowledges the review's goal of placing human rights at the centre of the EU's relations with all third countries; considers it essential that the EU adopt an effective approach to its partners by advancing selected key priorities relating to human rights, democracy and the rule of law, and that it concentrate its efforts on this approach so as to channel them into deliverable and achievable outcomes; notes that, in the area of human rights, these key priorities should include core fundamental rights such as freedom of expression, religion, conscience, assembly and association;
30. Suggests that the EU and its Member States should adopt as key priorities human rights, the fight against the death penalty and efforts to combat discrimination against women, areas in which the EU has achieved admirable results and in which its experience is relevant enough to share and to generate practical outcomes;
31. Recalls that development, democracy and the rule of law are prerequisites for, but not identical to, the realisation of human rights and that they interact with and support one another; calls on the EU to support the establishment of democratic and human-rights-based ideals throughout society, especially with a view to promoting gender equality and children's rights;
32. Welcomes the pivotal role of the human rights country strategies, which were a long-standing request from Parliament, and the fact that they have been developed as an inclusive process encompassing EU delegations, heads of mission and the COHOM; deems it essential to organise broad consultation, especially with local civil society organisations, representatives of national parliaments, human rights defenders and other stakeholders, and stresses that they must be protected by implementing measures to this effect;
33. Considers that country-specific identification of priorities, realistic objectives and forms of political leverage is essential to more effective EU action and measurable achievements; takes the view that human rights country strategies should be mainstreamed in the Common Foreign and Security Policy and the EU's trade and development policies (in both geographical and thematic programmes) in order to ensure greater efficiency,

effectiveness and coherence;

34. Requests the Commission to integrate human rights country strategies into the programming and implementation of all assistance to third countries, and into strategy papers and multiannual indicative programmes;
35. Recommends that key priorities of the human rights country strategies be made public, without putting at risk the safety of human rights defenders and civil society in the countries concerned; stresses that these public priorities would demonstrate the EU's commitment to human rights in third countries and provide support to those struggling to exercise and protect their human rights; believes that Parliament should have access to the human rights country strategies and to all information relating to them;
36. Underlines the role of corporate social responsibility (CSR) in the field of human rights as expressed in the Commission communication of 25 October 2011, which refers inter alia to the UN Guiding Principles on Business and Human Rights; stresses the need to include CSR in EU human rights strategies; recalls that European and multinational companies also have responsibilities and obligations and welcomes the reaffirmation of CSR by the EU; urges all enterprises to fulfil their corporate responsibility to respect human rights in line with the UN Guiding Principles; welcomes the Commission's readiness to develop human rights guidance for small and medium-sized enterprises; calls on the Member States to develop their own national plans for the implementation of the UN Guiding Principles and to insist on the need for partner countries too to adhere to internationally recognised CSR standards, such as the OECD Guidelines for Multinational Enterprises and the ILO Tripartite declaration of principles concerning multinational enterprises and social policy;
37. Believes that the Strategic Framework and the accompanying Action Plan, which has a three-year timeframe, will rationalise country priority objectives, inter alia by covering thematic EU guidelines and related local strategies so as to provide a coherent framework for all EU action; calls for prompt finalisation of all human rights country strategies, their rapid implementation and an assessment of best practices; is convinced that these strategies will allow accurate annual assessments of the implementation of the human rights clauses set out in framework agreements;
38. Recommends that, as part of the human rights country strategies, the EU agree on a list of 'minimum items' that its Member States and the EU institutions should raise with their relevant counterparts in third countries during meetings and visits, including at the highest political level and during summits;
39. Urges the EU institutions and the Member States further to encourage third countries to make express provision for women's rights in their legislation and to guarantee respect for those rights;
40. Invites the competent EU institutions to engage with and provide assistance to religious actors and faith-based organisations in support of religious freedom and conflict resolution;
41. Welcomes the commitment made in the Strategic Framework to place human rights at the

centre of EU relations with third countries, including strategic partners; calls on the EU, therefore, to adopt annual Foreign Affairs Council conclusions on the EU's strategic partners, in order to establish a common threshold for the Member States and for EU officials in terms of the human rights concerns that they have to raise, as a minimum, with their relevant counterparts;

42. Calls for renewed efforts to protect and support human rights defenders in third countries, especially those living under threat or in fear because of their commitment; looks forward to the more flexible, targeted measures which it will be possible to take to protect human rights defenders within the framework of the EED;

*EU Action Plan on Human Rights and Democracy*

*Human rights clause*

43. Urges the Commission to propose legislation requiring EU companies to ensure that their purchases do not support perpetrators of conflicts and grave human rights violations, namely by carrying out checks and audits on their mineral supply chains and publishing the findings; takes the view that mandatory due diligence by EU companies, in line with the guidelines published by the OECD, would protect the reputation of European businesses and make EU human rights and development policies more coherent, especially in areas plagued by conflict;
44. Recommends that the High Representative base this mechanism on recognition of the potential risk of a partner country breaching international human rights standards, by including specific features of a genuine 'early warning' system in the clause, and on the establishment of a graduated framework based on consultation, steps and consequences, similar to the one provided for in the Cotonou Agreement and along the lines of the monitoring mechanism put in place under the EU-Turkmenistan Partnership and Cooperation Agreement; notes that such a system, based on dialogue, would help to identify and address a deteriorating environment and repeated and/or systematic human rights violations in breach of international law, and make it possible to discuss corrective measures within a binding framework; calls, therefore, for the review also to assess the role, mandate and objectives of human rights dialogues and consultation, which should be improved;
45. Calls for the protection of the fundamental rights of migrants in host countries to be regularly evaluated and given special attention;
46. Welcomes the setting-up by Parliament of the mechanism for monitoring human rights situations, established as part of the conclusion of the Partnership and Cooperation agreement with Turkmenistan; recommends that similar monitoring mechanisms be systematically envisaged for other agreements as well;
47. Highlights the Council's 2009 decision to extend the human rights and democracy clause to all agreements and to provide for a linkage between these agreements and free trade agreements by including a 'passerelle clause' where necessary; notes the reference in the EU Action Plan on Human Rights and Democracy to the development of criteria for the application of this element; notes that the extension of the coverage of the human rights

clause necessarily requires a clear mechanism for its implementation at the institutional and political levels, and that it therefore needs to be complemented by an operational enforcement mechanism; insists that enforceable and non-negotiable human rights clauses must be included in all agreements concluded by the EU with both industrialised and developing countries, including sectoral agreements and agreements on trade and investment; considers it essential that all partner countries, in particular like-minded countries and strategic partners with which the EU is negotiating agreements, subscribe to this binding commitment;

48. Notes that Parliament is not involved in the decision-making process as regards initiating consultation or suspending an agreement; considers that in the event that Parliament adopts a recommendation calling for the application of the human rights clause and of the provisions of the sustainable development chapter, the Commission should carefully examine whether the conditions under this chapter are fulfilled; notes that in the event that the Commission considers that these conditions are not fulfilled, it should present a report to Parliament's responsible committee;
49. Encourages the High Representative to expand the annual report on the EU's action in the field of human rights and democracy in the world, by adding a progress report on the implementation of the EU Action Plan for Democracy and Human Rights which also covers the application of the human rights and democracy clause in agreements in force, containing a case-by-case analysis of each consultation process and other appropriate measures initiated by the Council, the EEAS and the Commission, together with an analysis of the effectiveness and coherence of the action taken;

#### *Human rights impact assessment*

50. Believes that the EU can fully address its obligations under the Lisbon Treaty and the Charter only by preparing human rights impact assessments before negotiating any bilateral or multilateral agreements with third countries;
51. Notes that this systematic practice is the only way to ensure consistency between primary law, EU external action and the third party's own obligations under international conventions, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and internationally recognised labour and environmental standards;
52. Calls for the aforementioned impact assessments to encompass the full range of human rights, including online, which must be understood as an indivisible whole;
53. Notes that these assessments must be conducted in an independent, transparent and participatory manner, involving potentially affected communities;
54. Calls on the Commission and the EEAS to develop a robust methodology which enshrines the principles of equality and non-discrimination so as to avoid any negative impact on certain populations and which provides for mutually agreed preventive or remedial measures in the event of any negative impact, before negotiations are finalised;
55. Draws particular attention to the need to carry out impact assessments of those projects

whose implementation carries a serious risk of violating the Charter's provisions, such as projects relating to the judiciary, border control agencies and police and security forces in countries governed by repressive regimes;

*A benchmarking policy*

56. Stresses that human rights and democracy objectives necessarily require specific, measurable, achievable, public criteria aimed at assessing the level of respect for fundamental freedoms, human rights and rule of law; considers, in this connection, that the EU should make full use of the relevant instruments and expertise of the UN and of the Council of Europe, including the implementation of the European Convention on Human Rights as a viable element of such a human rights and democracy benchmark catalogue for the member countries of the Council of Europe, and should clearly differentiate its political conclusions from a legal and technical evaluation;
57. Recommends that the EEAS develop a set of qualitative and quantitative indicators and country-specific public benchmarks that could serve as a coherent and consistent basis for the annual assessment of EU policies in the framework of the human rights country strategies and the human rights dialogues with third countries; recommends that these benchmarks also include the basics of international refugee law, so as to protect the rights of refugees and displaced persons;

*The renewed European Neighbourhood Policy*

58. Recalls the policy lessons learned from the Arab Spring and the experience gained with Eastern Partnership countries both during and prior to their respective transition periods, including the need to change previous policies focused mainly on relations with authorities and to establish an effective partnership between the EU and the governments and civil societies of partner countries; underlines, in this connection, the important role of the newly established EED, initially, although not exclusively, in EU neighbourhood countries;
59. Stresses the importance of creating programmes and supporting projects that allow for contact between civil society in the EU and in third countries and asks the Commission and the EEAS to build up the capacity of civil society to participate in decision-making processes at local, regional, national and international level, which should become a central pillar of the external financial instruments currently under review;
60. Welcomes the fact that the Eastern Partnership human rights dialogues are complemented by joint civil society seminars and reaffirms its support for the Eastern Partnership Civil Society Forum;
61. Calls on the Commission and the EEAS to use the model of an institutionalised civil society consultation mechanism set out in the EU-South Korea Free Trade Agreement as a starting-point for the development of even more inclusive mechanisms for all agreements;
62. Understands the core of the EU's new approach as strengthening societies by means of active domestic accountability so as to support their capacity to take part in public decision-making and democratic governance processes;

63. Welcomes new initiatives such as the EED and the Civil Society Facility (CSF) which make EU aid more accessible, especially to civil society organisations, and can act as a catalyst for a more strategic and political EU approach to democratisation by providing context-specific, flexible and timely assistance aimed at facilitating democratic transition in partner countries;
64. Notes that although the events of the Arab Spring were expected to bring pro-democratic transformation, in many cases they resulted in the deterioration of the freedoms and rights of religious minorities; strongly condemns, therefore, all acts of violence against Christian, Jewish, Muslim and other religious communities, along with all kinds of discrimination and intolerance towards religious people, apostates and non-believers on the basis of religion or belief; stresses once again, in line with its earlier resolutions, that freedom of thought, conscience and religion is a fundamental human right;
65. Stresses that the events of the Arab Spring have revealed a number of shortfalls in EU policies towards the region, including the situation of young people, who face mass unemployment and a lack of prospects in their countries; welcomes, however, the willingness to take a new approach, and insists that ongoing projects and exchange programmes that are inclusive of Arab Spring youth need to be stepped up, particularly those initiated under the Union for the Mediterranean;
66. Highlights the need to create exchange programmes or open up European programmes to Arab Spring youth, and for civil-society-based reflection on the causes and consequences of the lack of awareness of the problems, particularly those of an economic and social nature, facing these societies;
67. Suggests creating exchange programmes or opening up European programmes to third-country youth;
68. Emphasises that strong bonds with civil society in both the Arab Spring and Eastern Partnership countries, fostered inter alia by exchange programmes, traineeships in EU and Member State institutions and scholarships to European universities, are indispensable for the future development and consolidation of democracy in those countries;
69. Points out that the aforementioned civil-society-based reflection could be enhanced by the establishment of a Euro-Arab Youth Convention or a Euro-MENA / Euro-Mediterranean Youth Convention, with a special focus on human rights;
70. Emphasises that the situation of women in the Arab Spring countries is often critical in order to assess progress with regard to democracy and human rights, and that securing women's rights should be an essential part of the EU's action in relation to these countries; also recalls that democracy entails the full participation of women in public life, as stated in international and regional instruments such as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
71. Stresses the crucial role of national human rights institutions, and of their cooperation, in the Member States and EU neighbourhood countries; encourages initiatives aimed at transferring good practices, coordinating and stimulating cooperation between national human rights institutions in the Member States and EU neighbourhood countries, such as

the 2009-2013 programme for cooperation between ombudsmen from Eastern Partnership countries, which was jointly set up by the Polish and French ombudsmen with a view to enhancing the ability of ombudsmen's offices, government bodies and non-governmental organisations in Eastern Partnership countries to protect individual rights and build democratic states based on the rule of law; stresses the need for such action to be coordinated within the EU and for the EU institutions to draw on the experience gained through it; underlines the need to encourage the establishment of national human rights institutions in those EU neighbourhood countries whose legal systems do not include such bodies;

72. Insists that the High Representative and the Commission implement with conviction the renewed European Neighbourhood Policy by applying with equal attention the 'more for more' and 'less for less' principles;
73. Believes that countries clearly assessed as not making progress on deep democracy and deeply embedded institutional and social change, including the rule of law, should see the Union's support reduced, without prejudice to support for civil society in those countries, in line with the aims of this policy, particularly where they infringe certain core principles, including freedom of expression, freedom of religion or belief, gender equality, freedom of conscience, freedom of assembly and freedom of association;
74. Is concerned about the perpetuation of past attitudes whereby excessive political reward is given for steps taken by partner governments which do not contribute to the direct achievement of the objectives;
75. Welcomes the initiative of introducing a human-rights-based approach to development policy, notes that such an approach must be based on the indivisibility of human rights and firmly believes that human beings and their welfare, rather than governments, should be at the heart of cooperation objectives; emphasises that Policy Coherence for Development must be understood in this context as contributing to the full realisation of human rights objectives, so that different EU policies do not undermine one another in this respect;
76. Welcomes the new EU Aid Volunteers initiative, which from 2014 to 2020 will give some 10 000 Europeans the opportunity to participate in humanitarian operations worldwide, in those places in which aid is most urgently needed, and to demonstrate European solidarity by providing practical help to communities struck by natural or man-made disasters;

*Joint interinstitutional responsibility*

77. Takes the view that the Strategic Framework and the Action Plan are particularly significant, as they represent a common commitment endorsed by the High Representative, the Council, the Commission and the Member States; welcomes the recognition of the leading role played by Parliament in promoting human rights and democracy; expects that Parliament will be duly involved in the implementation phase of the Action Plan, inter alia through exchanges in the Contact Group on Human Rights, which brings together the EEAS, the relevant services of the Council and the Commission, the EU Special Representative for Human Rights and the EP's Subcommittee on Human Rights and Committee on Foreign Affairs;



78. Recommends that Parliament develop more dynamic relations with the EU delegations, based on regular contacts and exchanges of information through progress reports reflecting an ‘agenda for change’ in the field of human rights and democracy and the objectives and milestones defined in the Action Plan;
79. Commits itself to ensuring more systematic follow-up of its resolutions relating to human rights and of individual human rights cases by developing a follow-up mechanism with the support of the recently established Human Rights Action Unit, and recommends increased cooperation between the Subcommittee on Human Rights, the Committee on Budgets, the Committee on Budgetary Control and other relevant EP committees, and with the Court of Auditors, in order to ensure that the objectives of the strategic review will be matched by adequate financial support from the Union;
80. Recommends that Parliament improve its own procedures in relation to human rights issues and step up its efforts to mainstream human rights effectively into its own structures and processes in order to ensure that human rights and democracy are at the core of all parliament actions and policies, including through the revision of its Guidelines for EP Interparliamentary Delegations on promoting human rights and democracy;
81. Is of the opinion that each standing delegation of Parliament and each relevant committee should have a member, preferably selected among its Chair and Vice-Chairs, specifically tasked with monitoring the human rights portfolio on the region, country or thematic area concerned, and that the persons designated should report regularly to Parliament’s Subcommittee on Human Rights;
82. Recommends that EP delegations going on mission to a country where the human rights situation is worrying should have members specifically tasked with raising the human rights issues regarding the region or country concerned, and that these members should report to Parliament’s Subcommittee on Human Rights;
83. Calls for improved cooperation on human rights issues with the national parliaments of the Member States;
84. Stresses the need to improve the model for plenary debates on cases of breaches of human rights, democracy and the rule of law in order to allow for more frequent debates with broader participation by Members, consultations with civil society during the drafting process and a greater degree of responsiveness to human rights violations and other unforeseen events on the ground, and stresses the need for better follow-up to past debates and resolutions;
85. Stresses the need for better utilisation of the potential of the Sakharov Prize Network by the EP and the other EU institutions;
86. Recommends that Parliament, in cooperation with the national parliaments of the Member States, organise an annual event on human rights defenders, with the participation of human rights defenders from around the world, which would provide Parliament with an annual opportunity to demonstrate its support for human rights defenders worldwide and help advance their right to speak up and pursue their rights in their respective countries;

87. Calls for concrete application of Article 36 TEU in order to ensure that Parliament's views are duly taken into consideration when it comes to the follow-up of resolutions and recommends stronger dialogue in this regard;
88. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the governments and parliaments of the Member States and the Council of Europe.

9.10.2012

## **OPINION OF THE COMMITTEE ON DEVELOPMENT**

for the Committee on Foreign Affairs

on the review of the EU's human rights strategy  
(2012/2062(INI))

Rapporteur: Alf Svensson

### **SUGGESTIONS**

The Committee on Development calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Reaffirms that the universal human rights and freedoms stipulated in the Universal Declaration of Human Rights apply to every human being, regardless of all circumstance or situation and of religion or belief, sex, racial or ethnic origin, age, disability, sexual orientation or gender identity;
2. Calls on the Commission and the EEAS to live up to the pledge of a 'human rights-based approach' across the entire development cooperation process;
3. Urges the EU to maintain and honour its role as a leading defender of human rights in the world, through the effective, consistent and considered use of all available instruments for the promotion and protection of human rights and the effectiveness of our development aid policy;
4. Highlights the importance of Policy Coherence for Development with a view to ensuring that EU policies in all areas permit human rights to be increasingly realised, while ensuring that no human right is violated by any EU policy;
5. Requests the Commission to integrate human rights country strategies into the programming and implementation of all assistance to third countries, as well as in strategy papers and multiannual indicative programmes;
6. Calls for the inclusion of a human rights assessment in the deployment of EU country aid modalities, in particular regarding budget support;
7. Calls for renewed efforts to protect and support human rights defenders in third countries,

especially those living under threat or in fear because of their commitment; looks forward to the more flexible, targeted measures which it will be possible to take to protect human rights defenders within the framework of the European Endowment for Democracy (EED);

8. Recalls that development, democracy and the rule of law are requisites for, but not identical to, the realisation of human rights and that they interact with and support each other; calls on the EU to support the establishment of democratic and human rights-based ideals throughout society, especially with a view to promoting gender equality and children's rights;
9. Insists that enforceable and non-negotiable human rights clauses must be included in all agreements concluded by the EU with third countries;
10. Emphasises that the new EU Special Representative for Human Rights must take the development agenda into account in all actions aimed at promoting human rights in the world; in this respect, expects there to be close collaboration with Parliament and its relevant committees on this issue;
11. Invites the Commission and the EEAS, in the context of the UN Convention of the Rights of the Child and the need to ensure the fullest protection of the rights foreseen by it and prevent their erosion, to provide particular support for the prioritisation of the needs of children of both sexes in terms of special safeguards and care, on the basis of the Convention and of the Declaration of the Rights of the Child;
12. Strongly condemns female genital mutilation (FGM) as a breach of the bodily integrity of women and girls, and urges the Commission and the EEAS to pay specific attention to such harmful traditional practices in their strategy for fighting violence against women.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	9.10.2012
<b>Result of final vote</b>	+: 22 -: 0 0: 0
<b>Members present for the final vote</b>	Thijs Berman, Ricardo Cortés Lastra, Corina Crețu, Leonidas Donskis, Catherine Grèze, Eva Joly, Filip Kaczmarek, Miguel Angel Martínez Martínez, Gay Mitchell, Norbert Neuser, Bill Newton Dunn, Maurice Ponga, Jean Roatta, Michèle Striffler, Alf Svensson, Eleni Theoharous, Patrice Tirolien, Ivo Vajgl, Anna Záborská, Iva Zanicchi
<b>Substitute(s) present for the final vote</b>	Cristian Dan Preda, Patrizia Toia

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	6.11.2012
<b>Result of final vote</b>	+: 59 -: 0 0: 4
<b>Members present for the final vote</b>	Pino Arlacchi, Franziska Katharina Brantner, Frieda Brepoels, Elmar Brok, Tarja Cronberg, Mário David, Marietta Giannakou, Ana Gomes, Takis Hadjigeorgiou, Anna Ibrisagic, Liisa Jaakonsaari, Jelko Kacin, Tunne Kelam, Evgeni Kirilov, Maria Eleni Koppa, Andrey Kovatchev, Eduard Kukan, Vytautas Landsbergis, Ryszard Antoni Legutko, Sabine Lösing, Ulrike Lunacek, Mario Mauro, Francisco José Millán Mon, Alexander Mirsky, María Muñiz De Urquiza, Annemie Neyts-Uyttebroeck, Norica Nicolai, Justas Vincas Paleckis, Pier Antonio Panzeri, Ioan Mircea Pașcu, Alojz Peterle, Bernd Posselt, Hans-Gert Pötering, Cristian Dan Preda, Fiorello Provera, José Ignacio Salafranca Sánchez-Neyra, Nikolaos Salavrakos, Jacek Saryusz-Wolski, György Schöpflin, Marek Siwiec, Laurence J.A.J. Stassen, Charles Tannock, Inese Vaidere, Geoffrey Van Orden, Sir Graham Watson, Boris Zala, Karim Zéribi
<b>Substitute(s) present for the final vote</b>	Laima Liucija Andrikienė, Marije Cornelissen, Véronique De Keyser, Metin Kazak, Norbert Neuser, Marietje Schaake, Alf Svensson, László Tőkés, Ivo Vajgl, Alejo Vidal-Quadras
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Leonidas Donskis, Jolanta Emilia Hibner, Karin Kadenbach, Rui Tavares, Róza Gräfin von Thun und Hohenstein, Peter Šťastný