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**NOTE**

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from : Council Secretariat

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Subject : Mainstreaming human rights across CFSP and other EU policies

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On 1 June PSC endorsed the COHOM paper on mainstreaming human rights across CFSP and other EU policies as set out in Annex. PSC tasked all geographical and relevant thematic Working Parties to follow up on the recommendations and tasked COHOM to report back on their implementation in view of the preparation of the annual review of the implementation of the EU human rights policy towards the end of 2006.

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## I. EU INSTRUMENTS TO PROMOTE HUMAN RIGHTS

### I.1. KEY PRINCIPLES

Based on Article 11 of the TEU, as amplified in the 2001 Council Conclusions and their subsequent reviews, the EU is committed to mainstreaming human rights and democratization into EU policies and choices, in order to achieve a more informed, credible, coherent, consistent and effective EU human rights policy. In line with these objectives, the following action is recommended:

ALL ACTORS (i.e. COHOM AND OTHER THEMATIC WP, GEOGRAPHICAL WORKING PARTIES, COUNCIL SECRETARIAT, COMMISSION, CAPITALS, HOMs) TO

(1) make better use of the wide range of EU tools (such as EU Guidelines; CFSP instruments such as political dialogue; human rights clauses in bilateral agreements etc.) and available sources of relevant human rights information for raising human rights issues with third countries, including regional mechanisms (as set out in Annex II);

(2) improve the follow-up to demarches, human rights dialogues and consultations and other political dialogues, as well as EU initiatives in multilateral fora, including through a better co-ordination between COHOM and geographical Working Parties and through local engagement/dialogues by HoMs;

(3) address accusations of double standards, including by core scripts on key human rights issues in EU Member States - e.g. on human rights protection mechanisms in the EU - for use during political dialogue meetings. For instance, COHOM, in consultation with other relevant Working Parties, could develop core scripts on issues more or less systematically raised by third countries (e.g. universal character of human rights; indivisibility of civil, political, social, economic and cultural rights; racism; right to development; religious freedom; human rights and counter-terrorism).

GEOGRAPHICAL WORKING PARTIES, IN CONSULTATION WITH COHOM TO

(4) establish regional/sub-regional/country human rights strategies, where appropriate;

(5) improve the linking of human rights-related efforts and democracy promotion, including election observation activities.

CAPITALS TO

(6) strengthen the involvement of HoMs in view of their crucial role for the EU's human rights policy, in particular by providing them with timely and relevant information and guidance on HR policy, issues and tools.

## **I.2. HUMAN RIGHTS GUIDELINES**

The series of Guidelines the Council has elaborated since 1998 (on the death penalty, torture, dialogues with third countries, children affected by armed conflict and human rights defenders and, under the leadership of COJUR, on international humanitarian law) serve as a framework for the EU's efforts to protect and promote human rights in third countries. The implementation of these guidelines should be strengthened further, including by

CAPITALS, HOMS, COMMISSION, COUNCIL SECRETARIAT TO

(7) give wider publicity to the guidelines (for example, by postings/links on member states' and EU missions' websites; public events; increased translation of guidelines and other major human rights documents into key foreign languages (currently in addition to 11 EU languages, Russian, Chinese, Farsi, Arabic);

GEOGRAPHICAL WORKING PARTIES, IN CONSULTATION WITH COHOM TO

(8) consider supporting thematic focus actions under the guidelines, in consultation with COHOM such as campaign on Freedom of Expression and Women Human Rights Defenders;

COHOM TO

(9) continue to ensure effective implementation and follow up to the guidelines;

(10) continue the practice of reviewing implementation of the guidelines on a regular basis.

## **I.3. POLITICAL DIALOGUES**

With its 2001 Guidelines on Human Rights Dialogues, the Council committed the European Union to intensify the process of integrating human rights objectives into all aspects of its external policies. In line with this undertaking, the following measures should be taken to enhance the integration of human rights in the EU's political dialogues with third countries:

COHOM TO

(11) make a proactive and forward looking use of the overview of dialogues and consultations prepared by the Council Secretariat and the Commission, on the basis of the Presidency programme and calendar, including by

- ensuring that, at the start of each Presidency, key issues to be raised in forthcoming dialogues and follow-up action are identified (possibly via coreu);
- sharing of the overview with geographical Working Parties and HoMs.

TROIKA TO

(12) ensure that actors leading on preparation of specific dialogues provide for the early identification of human rights issues to be considered;

(13) as an internal working assumption and starting point for the preparation of political dialogue meetings, endeavour to include relevant human rights issues and concerns in all agendas and briefings of political dialogue meetings, unless there is a reason not to do so, in line with the Council conclusions of June 2001;

(14) use regional/sub-regional or country human rights strategies, fact sheets, HoMs reports, local human rights action plans drawn up by HoMs, terms of reference/key issues for local dialogue/engagement processes and core scripts (on third countries) when identifying issues to be raised and calibrating the line to take.

Regarding the overall approach to raising human rights issues in the context of political dialogues, the following principles should be taken into account by all relevant actors:

- (i) human rights issues should not only be discussed by experts but should also be raised at the highest political level to ensure coherence between the different levels and give more political weight to human rights concerns;
- (ii) not only criticise countries on their human rights record, but also welcome and encourage positive developments;
- (iii) build on common ground;
- (iv) use dialogue with “like-minded” countries to seek synergies and share experience; also address human rights concerns with “like-minded” countries to avoid allegations of double standards;
- (v) refer to international standards when discussing issues such as freedom of religion or belief and freedom of expression or interfaith dialogue;
- (vi) address discrepancies between law and practice;
- (vii) as regards member countries of the Human Rights Council, refer to their pledges made upon election;
- (viii) consider making more use of public statements where appropriate.

#### **I.4. CO-OPERATION AGREEMENTS AND OTHER FIRST/THIRD PILLAR TOOLS**

In view of the human rights/essential elements clauses that have been integrated in agreements with third countries since 1995 and the growing cooperation of the EU with third countries on human rights and issues relating to justice and home affairs, the following measures are proposed:

COMMISSION, GEOGRAPHICAL AND THEMATIC WORKING PARTIES, HOMS TO

(15) use the human rights clause as a tool for engaging third countries, e.g. on specific concerns, measures to initiate change, possible technical assistance in this regard etc.;

(16) complement human rights clauses with operational action plans (similar to the ENP action plans) that can serve as benchmarks; (16) raise human rights and democratisation issues more systematically in Article 8 dialogues under Cotonou Agreement; as part of the overview of article 8 dialogues, an assessment should be made of the desirability to start a dialogue with ACP countries with which the EU currently does not conduct such a dialogue;

(17) encourage civil society to participate in the Article 8 dialogues, as is foreseen in the Cotonou Agreement; involve civil society informally in the preparation of Article 96/97 consultations;

(18) consider publicizing the results of consultations in an effort to contribute to an environment that enables positive change;

(19) give consideration to the introduction of common human rights criteria in the framework of the forthcoming review of European Neighbourhood Policy Action Plans;

(20) take into account human rights standards and priorities in discussions with third countries on the external dimension of JAI.

## **I.5. MULTILATERAL FORA**

### **ALL ACTORS TO**

(21) improve the coherence between EU action at bilateral and multilateral level, in particular by follow-up on action/deliberations in multilateral fora in bilateral relations/contacts with country concerned;

(22) make a more systematic use of reports and recommendations by UN Special Rapporteurs and Treaty Monitoring Bodies;

(23) support and strengthen regional human rights mechanisms as well as processes and instruments established by regional organisations; promote the establishment of regional mechanism where none exists; HOMS to address such regional tools in reports/fact sheets.

### **GEOGRAPHICAL WORKING PARTIES TO**

(24) hold exchanges of views with UN Special Rapporteurs/Representatives on thematic/country issues.

### **PRESIDENCY/TROIKA/COMMISSION TO**

(25) lobby third countries on outstanding requests to visit countries by UN Special Procedures.

### **COHOM, IN CONSULTATION WITH GEOGRAPHICAL WORKING PARTIES, TO**

(26) further explore implications of establishment of UN Human Rights Council for bilateral EU engagement with third countries (e.g. follow-up to pledges/commitments; universal review).

## **I.6. TECHNICAL ASSISTANCE**

### **COMMISSION AND MEMBER STATES TO**

(27) establish a stronger link between technical co-operation, development assistance and efforts to improve respect for human rights, including on issues covered by the EU Guidelines on human rights, in order to strengthen the EU human rights policy; this aspect should be part of the political dialogue.

### **HOMS TO**

(28) establish regular contact meetings of EU mission staff responsible for human rights and democratization projects in third countries with civil society, incl. non-beneficiaries, as a standard practice.

## **I.7. ESDP MISSIONS AND OPERATIONS**

The protection of human rights should be systematically addressed in all phases of ESDP operations, both during the planning and implementation phase, including by measures ensuring that the necessary human rights expertise is available to operations at headquarter level and in theatre; training of staff; and by including human rights reporting in the operational duties of ESDP missions:

### **COUNCIL SECRETARIAT AND PRESIDENCY TO**

(29) integrate human rights provisions in guiding documents and reviews of ESDP missions and operations where relevant, inter alia by making use of the human rights fact sheet and seeking advise of relevant UN agencies and NGOs;

(30) implement human rights policy in context of ESDP missions and operations where relevant, in particular as regards women and children, including by monitoring and reporting on human rights related issues;

(31) include human rights experts in ESDP missions and operations where appropriate.

### **MEMBER STATES, COMMISSION AND COUNCIL SECRETARIAT TO**

(32) provide human rights training to personnel serving in ESDP missions and operations;

(33) integrate human rights aspects as part of flanking measures or technical assistance provided in the context of ESDP missions and operations where appropriate.

## **II – IMPLICATIONS FOR WORKING METHODS**

### **II.1. COHOM AND GEOGRAPHICAL WORKING PARTIES**

(34) Delegations to consider nominating an official to cover human rights issues in Permanent Representations in order to follow human rights issues discussed in COHOM and other Working Parties and to provide human rights expertise to other staff at Permanent Representation. Such staff could also serve as a contact point on human rights for other institutions (in particular the European Parliament and its Sub-Committee on Human Rights), NGOs etc.;

(35) COHOM occasionally to meet more frequently and/or for longer sessions with operational objectives;

(36) Geographical Working Parties, in consultation with COHOM, to identify key human rights issues, priorities and strategies as part of their overall planning;

(37) COHOM to engage with and support geographical Working Parties in their consideration of human rights issues on their agenda. This could include the possibility of joint meetings;

(38) Presidencies of geographical Working Parties to consider the introduction of action plans on human rights for their Presidency term;

(39) Geographical Working Parties to establish a more systematic exchange with international NGOs and human rights defenders in order to discuss specific country and/or thematic issues.

### **II.2. PR/HR AND EUSRs**

(40) Continuing the practice of PR/HR to engage with geographic and thematic Working Parties;

(41) make more use of the PR/HR to raise EU human rights profile, including in the context of field missions;

(42) informing delegations regularly of human rights activities and actions;

(43) including relevant human rights aspects in the mandates of EUSRs; considering the possibility of appointing human rights focal points/human rights advisors in the staff of EUSRs.

### **II.3. BURDEN-SHARING**

#### **COHOM TO**

(44) make greater use of the EU's capacities by increased burden-sharing (for instance through informal task-forces of several Member States), building upon positive experience in multilateral fora, in particular in relation to the implementation of the EU Guidelines on human rights, while maintaining the Presidency's formal role and responsibilities.

#### **MEMBER STATES TO**

(45) draw Presidency's attention to issues and cases of concern that should be considered for EU action, including via informal channels.

### **II.4. IMPROVED KNOWLEDGE AND INFORMATION MANAGEMENT**

#### **ALL WORKING PARTIES AND COUNCIL SECRETARIAT TO**

(46) ensure effective distribution of information on human rights relevant issues to all relevant actors, e.g. by including relevant acronyms on documents.

#### **CAPITALS, COUNCIL SECRETARIAT, COMMISSION TO**

(47) enhance the exchange of information between concerned actors, including HoMs, human rights experts and geographical desks.

(48) promote wider use of EU human rights fact sheets, including by geographical Working Parties and geographical desks in Ministries of Foreign Affairs, Permanent Representations, Council Secretariat and European Commission.

#### **COUNCIL SECRETARIAT TO**

(49) add other useful sources to the restricted human rights web site (for example overview of tools; core scripts; data bases of individual cases).

(50) establish data base on demarches, incl. under the various EU Guidelines).

#### **ALL ACTORS TO**

(51) keep track of good/best practices and sharing them with colleagues, including across regions.

### **II.5 FOLLOW-UP**

#### **COHOM, IN CONSULTATION WITH GEOGRAPHICAL AND OTHER THEMATIC WORKING PARTIES, TO**

(52) review annually progress achieved towards the implementation of this paper, in particular in the framework of the annual review on EU human rights policy.

## OVERVIEW OF EU HUMAN RIGHTS TOOLS AND SOURCES TO CONTRIBUTE TO MAINSTREAMING

### TOOLS

- CFSP instruments: political dialogue - include human rights on agenda and in speaking notes; demarches and declarations on individual cases or developments of concern, often around theme of guidelines (geographical WGs in lead); Joint Actions/Common Positions/Common Strategies and mandates for ESDP missions and operations: include human rights provisions where applicable.
- HR/SG, EU Special Representatives and in particular the Personal Representative for Human Rights: they can raise issues or individual cases in their contacts and country visits, meet NGOs/opposition leaders/HR defenders, lobby and report on human rights in line with mandates.
- First Pillar: promotion and protection of human rights through implementation of co-operation and association agreements (joint committees, sub-committees on human rights) and action plans under the neighbourhood policy; assistance under geographic budget lines; support for international institutions (e.g. OHCHR), civil society activity and election observation under the European Initiative for Democracy and Human Rights; political contacts and country visits at Commissioner and high official level. Third Pillar: cross cutting issues with Justice and Home Affairs (such as international refugee law and counter-terrorism).
- EU initiatives at UN General Assembly and/or Human Rights Council, other major UN conferences (women, racism, children etc), follow up to UNSC resolutions, as well as OSCE Permanent Council: resolutions, statements, inter-active dialogue, technical assistance, promotion special procedures (<http://www.europa-eu-un.org/>).
- Human Rights Guidelines (<http://ue.eu.int/human-rights>):
  - Death penalty: regular demarches on individual cases and declarations welcoming/ denouncing steps towards/away from abolition/moratorium;
  - Torture: ongoing demarches by HoMs in target countries world wide, focus on ratification and implementation of Convention Against Torture and Optional Protocol, cooperation with UN Special Rapporteur on torture;
  - Children and armed conflict: Council conclusions on evaluation (doc.15309/05) and implementation strategy (doc. 8285/06), advocacy and demarches in particular in target countries, clear link to civilian and military crisis management as well as co-operation with UN;
  - Human rights defenders: women human rights defenders campaign 2006. Troika members encouraged to meet HRD in margins of meetings outside Brussels. Ongoing demarches in urgent cases;
  - Human rights dialogues: doc. 15810/1/04 - COHOM overview every 6 months, ensure EU raises human rights in particular where human rights/essential elements clause;
  - International humanitarian law: doc. 15246/05.

## SOURCES

- EU human rights fact sheets (regularly updated protected website <https://humanrights.consilium.eu.int> - for questions contact [secretariat-hr@consilium.europa.eu](mailto:secretariat-hr@consilium.europa.eu)). Useful as basis for speaking notes /queries/ include in briefing pack Troikas.
- EU Annual Report on Human Rights: overview and analysis of EU actions from June 2004/July 2005: <http://ue.eu.int/human-rights>
- Annual Council conclusions on the implementation of EU human rights policy (doc. 15817/3/05).
- HoMs reports on specific developments, in addition to fact sheets.
- Presidency programme 2006 (doc. 16065/05).
- UN Office of the High Commissioner for Human Rights: overview ratifications and reports with recommendations per country: <http://www.ohchr.org/english/countries>. For general information on Treaty Bodies, Commission on Human Rights and Special Procedures, see: <http://www.ohchr.org/english/bodies/index.htm>. See also pledges made by countries at elections for the Human Rights Council (<http://www.un.org/ga/60/elect/hrc/#candidates>)
- Regional human rights mechanisms (Africa: <http://www.achpr.org>, Americas: <http://www.cidh.org>, Council of Europe: <http://www.coe.int>, Asia: no regional mechanism) and international organisations (<http://www.osce.org/>, <http://www.coe.int/>)
- NGO contacts and reports.

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