

European Parliament resolution of 17 June 2010 on EU policies in favour of human rights defenders (2009/2199(INI))

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A7-0157/2010

The European Parliament,

- . having regard to the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Covenant on Civil and Political Rights (IOCP) and the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- . having regard to the United Nations Declaration on Human Rights Defenders and the activities of the United Nation Special Rapporteur on the Situation of Human Rights Defenders,
- . having regard to the Lisbon Treaty, notably Articles 3 and 21 thereof, and to the Charter of Fundamental Rights of the European Union,
- . having regard to the European Union Guidelines on Human Rights, and in particular to the European Union Guidelines on Human Rights Defenders, adopted in June 2004, and reviewed in 2008; having regard also to the Guidelines on Human Rights Dialogues, adopted in December 2001 and reviewed in 2009,
- . having regard to its resolution of 6 September 2007 on the functioning of the human rights dialogues and consultations on human rights with third countries⁽¹⁾,
- . having regard to human rights clauses in the EU's external agreements;
- . having regard to Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide (EIDHR)⁽²⁾,
- . having regard to its resolution of 25 April 2002 on the Commission communication to the Council and the European Parliament on the European Union's role in promoting human rights and democratisation in third countries⁽³⁾,
- . having regard to its specific guidelines for human rights and democracy actions of MEPs in their visits to third countries,
- . having regard to the Statute of the Sakharov Prize for Freedom of Thought, adopted by the European Parliament Conference of Presidents on 15 May 2003, and modified on 14 June 2006,
- . having regard to its previous resolutions on the situation with regard to human rights in the world, and especially to its annexes on individual cases,
- . having regard to the regular debates and urgency resolutions on cases of breaches of human rights, democracy and the rule of law,
- . having regard to the Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities, adopted on 6 February 2008,
- . having regard to the resolution adopted on 24 February 2009 by the Council of Europe Parliamentary Assembly on the situation of human rights defenders in Council of Europe member states⁽⁴⁾,
- . having regard to the Recommendation on the legal status of Non-Governmental Organisations in Europe⁽⁵⁾, adopted by the Committee of Ministers of the Council of Europe on 10 October 2007,
- . having regard to regional human rights instruments, including in particular the European Convention on Human Rights, the African Charter on Human and Peoples' Rights and the resolutions adopted by the African Commission

on Human and Peoples' Rights (ACHPR) on human rights defenders, the American Convention on Human Rights and the Arab Charter on Human Rights,

. having regard to Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)⁽⁶⁾,

. having regard to the programmes for protecting and sheltering threatened human rights defenders which are being implemented in some EU Member States,

. having regard to Rule 48 of its Rules of Procedure,

. having regard to the report of the Committee on Foreign Affairs (**A7-0157/2010**),

A. whereas, under the Charter of the United Nations, every member state has the responsibility to promote universal respect for, and observance of, human rights and freedoms,

B. whereas, according to the UN Declaration adopted in 1998, "human rights defender" is a term used to describe persons who, individually or with others, act to promote or protect human rights through peaceful means,

C. whereas human rights defenders all over the world are crucial actors when it comes to the protection and promotion of basic human rights, often at the risk of their own lives, and whereas human rights defenders are also key players for the consolidation of democratic principles in their countries, maintain impartiality and transparency in their work and develop credibility through accurate reporting, thereby constituting the human link between democracy and respect for human rights,

D. whereas support for human rights defenders is a long-established element of the European Union's human rights external relations policy; whereas, however, EU support varies depending on the countries concerned,

E. whereas in particular the European Union is specifically concerned with strengthening protection of human rights, as provided for in the Lisbon Treaty, through the accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),

F. whereas the European Parliament plays an important role as regards the promotion of human rights and democracy, including protection of their defenders, through delegations to third countries, hearings, resolutions, letters and not the least the Sakharov Prize, as well as in its reports on human rights worldwide;

G. whereas the European Union is also increasingly coordinating its actions with other regional and international mechanisms, established in Africa, Europe and the Americas to closely monitor the situation of human rights defenders and urge States to ensure an enabling environment for their work, in accordance with international and regional human rights obligations,

H. whereas the European Union's credibility as a protector of human rights defenders in the world is closely linked to its internal respect for human rights and fundamental freedoms,

I. whereas human rights defenders face human rights violations themselves in the course of their work and whereas these violations include killings, death threats, abductions and kidnappings, arbitrary arrest and detention, and other actions of harassment and intimidation, for example through defamation campaigns, and whereas all these violations can also target the immediate family members of human rights defenders, (including their children), and their other relatives, so as to prevent them from continuing their activities; whereas human rights campaigns are affected in many regions by restrictions on their activities and the persecution of human rights defenders,

J. whereas protecting individual human rights defenders requires the enforcement of EU human rights policies in general,

K. whereas women human rights defenders are particularly at risk, and whereas other groups and categories of defenders who are particularly exposed to attacks and human rights violations as a result of the work they carry out include defenders working to promote civil and political rights - notably freedom of expression and freedom of

thought, conscience and religion, including the rights of religious minorities - as well as economic, social and cultural rights, notably collective rights such as the right to food and access to natural resources, including trade-unionists, and also those working for minorities" and community rights, children's rights, indigenous peoples's rights and LGBT rights, and people fighting against corruption,

L. whereas increasingly sophisticated means are used to persecute human rights defenders, through new technologies, but also through restrictive NGO laws and administrative obstacles severely limiting the space and the possibilities to operate for an independent civil society; stressing in this respect that some governments obstruct or prevent human rights defenders from officially registering organisations and then prosecute them for exercising their right to freedom of association unlawfully,

M. whereas these actions constitute a clear violation of international human rights law and a series of universally recognised fundamental freedoms;

N. whereas human rights defenders are also restricted and sometimes directly targeted by policies, legislation and procedures described as "security" measures, often combined with stigmatisation and accusation of terrorism,

O. whereas the specific difficulties faced by associations and assemblies of human rights defenders remain the seizure of furniture, the closure of premises, imposition of extensive fines and the meticulous and subjective scrutiny of bank accounts,

P. whereas trade agreements including a human rights clause can provide the EU leverage to require respect for human rights as a condition for trade,

1. Pays tribute to the invaluable contribution human rights defenders make to the protection and promotion of human rights, the rule of law, democracy and the prevention of conflicts at the risk of their own personal security and that of their families and parents; welcomes the fact that the UN Declaration of 1998 does not provide a strict definition of "human rights defenders" and in this sense, calls on the Council and the Commission to strongly support this approach;

2. Calls on the EU to prioritise a more effective implementation of the existing tools and mechanisms for a coherent and systematic protection of human rights defenders within the European Union; recommends that the High Representative of the European Union for Foreign Affairs and Security Policy develop measures and a more effective and result-oriented methodology, including evaluations of existing human rights policies and dialogues;

3. Urges the EU and its Member States to express their political will to support the action of human rights defenders, and thus to make better use of all existing tools and develop new complementary mechanisms to support and promote their work through a genuinely participative strategy, which should contribute to an enabling environment for defenders in which they can perform their duties and enjoy protection; underlines that this must be combined with a policy aimed at prevention and protection from attacks and threats against human rights defenders, through both urgent and long-term measures;

Institutional strengthening and innovations under the Treaty of Lisbon

4. Recalls that the Treaty of Lisbon, as outlined in its Articles 3 and 21, puts the promotion and protection of human rights at the centre of the Union's external action; underlines that priority must be given to ensuring that the promotion of human rights as both a basic value and an objective of the Union's foreign policy is duly mirrored in the creation and structure of the European External Action Service, including through the designation of sufficient human resources; calls therefore for the creation of a central focal point with a specific responsibility for human rights defenders within the EEAS;

5. Underlines that implementation by the EU missions of the guidelines on human rights defenders has so far been unsatisfactory and calls on the Commission to undertake an in-depth analysis to ensure that this issue will be addressed; notes, in this regard, that as a consequence of the adoption of the Lisbon Treaty, Commission delegations in third countries are now required to make full use of the new opportunities, but are also given further responsibilities to better address this issue as they become Union delegations, with an increasingly important role in terms of representation of the EU and the implementation of the human rights policy; reiterates therefore its call to systematically appoint to each country a highly qualified political official with a specific responsibility on human rights

and democracy, and to integrate guidelines and develop best practices on human rights and their implementation in EU mission staff training programmes, job descriptions and appraisal processes;

6. Emphasises the importance of human rights clauses in trade policies, partnerships and trade agreements between the EU and third countries; proposes a "human rights assessment" of third countries that engage in trade relations with the EU;

7. Expects that the appointment of the High Representative for Foreign Affairs and Security Policy, who is at the same time Vice-President of the Commission, and the creation of a common External Action Service, could considerably enhance the coherence and effectiveness of the EU in this field, and strongly recommends that the elaboration of local strategies in close cooperation with local independent civil society, including their regular evaluation, be institutionalised by the HR/VP, so as to ensure a real implementation of the protecting measures enshrined in the EU Guidelines on Human Rights Defenders;

8. Considers it necessary to improve, and systematically follow up on, contacts with independent civil society, as well as access for human rights defenders to EU delegations and missions on the ground; welcomes in this regard the request by the Spanish Presidency to appoint a common local liaison officer from amongst the EU missions for human rights defenders, with responsibility for coordinating the activities of the European Union by promoting increased access to information concerning human rights violations and cooperation with civil society, which will at the same time ensure transparency in the way in which they exercise their responsibilities and the possibility of a rapid reaction, in a flexible manner, in case of emergency; requests that Parliament be informed of these appointments;

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

9. Is concerned by the lack of implementation of the EU Guidelines on Human Rights Defenders; insists that these guidelines be duly and fully implemented by all EU Delegations and that increased efforts be made so as to ensure that all of them have developed local implementation strategies before the end of 2010, or, where strategies already exist, be revised by the same time; requests that the list of these local strategies be made available to the European Parliament and published in the EU Annual Report on Human Rights;

10. Calls on the Council, the Commission and the EU delegations to actively involve human rights defenders and their organisations in the drafting, monitoring and review processes of local strategies, as this will influence the effective value of these strategies;

11. Considers that meetings at least once a year between human rights defenders and diplomats as requested in the EU guidelines can clearly contribute to the setting up of such processes and encourages more regular and systematic meetings in the future; calls for efforts to ensure participation in such meetings by the various profiles of human rights defenders active in the country and participation by defenders from the regions;

12. Calls therefore on the High Representative for the Common Foreign and Security Policy to consider the possibility of organising an international meeting of human rights defenders, with the participation of the relevant United Nations bodies, the secretariats of the regional human rights conventions and international and regional NGOs, with a view to improving the protection of human rights defenders and promoting human rights throughout the world;

13. Emphasises the need for a gender perspective in the implementation of the guidelines, with targeted actions in favour of women human rights defenders and other particularly vulnerable groups, such as journalists and defenders working to promote economic, social and cultural rights, children's rights, and also those working with minorities' rights . in particular the rights of religious and language minorities - the rights of indigenous peoples and LGBT rights;

14. Emphasises the importance of freedom of speech and the role of the media, both online and offline, as an enabler for human rights defenders;

15. Considers that the development of new technologies and their impact on human rights defenders needs to be assessed and the results integrated in existing EU programmes on human rights and human rights defenders;

16. Takes the view that major aspects of local strategies for the implementation of the EU Guidelines on Human Rights Defenders should be reflected in Country Strategy papers/National Indicative Programmes, ENP Action Plans, Annual Action Programmes of the EIDHR and the Instrument for Stability (IFS);

17. Reiterates that through the Lisbon Treaty the promotion, protection and security of human rights defenders have to be placed as a priority issue in the EU relationship with third countries and have to be integrated at all levels and in all aspects and instruments of the Union's Foreign policy in order to increase the coherence, effectiveness and credibility of the EU's support for human rights defenders; considers that the development, effective implementation and regular follow-up of specific country strategies on human rights and democracy could substantially contribute to this targeting approach;

18. Considers that human rights defenders in third countries will be better protected by making the EU human rights dialogues more effective; stresses the need to systematically raise the situation of human rights defenders in all political and human rights dialogues and in trade negotiations with third countries, and more generally the situation and the improvement of the right to freedom of association, in national legislations, regulations and practices, reminding partners of the responsibility of States to ensure that all the obligations and rights embodied in the UN Declaration on Human Rights Defenders are included in national law, including the right to freedom of association, freedom of assembly and the right to receive domestic and foreign funding in full transparency and in respect of their autonomy of decision, as well as freedom of expression, which is a right essential to the work of human rights defenders; underlines that partner states should also be reminded of the obligation and the responsibility to protect and promote respect of human rights defenders and their work, by creating conditions that fully enable the exercise of advocacy, monitoring and reporting on human rights;

19. Takes the view that, as regards receipt of domestic and foreign funding, specific criteria should be adopted in balance with appropriate transparency and the necessary confidentiality; calls for measures to ensure that account is taken of any other criterion which may be invoked by human rights defenders if it is considered essential for carrying out their work;

20. Reiterates that the European Parliament's delegations, as bodies responsible for the EP's relations with third countries, could play an even more substantial role in the effort to help human right defenders, pursuant to the specific guidelines for human rights and democracy actions of MEPs in their visits to third countries;

21. Calls for more emphasis to be placed on the role of the European Parliament in the EU's human rights dialogues with third countries;

22. Encourages the inclusion of the business community in human rights dialogues;

23. Considers there is need for both a coherent, coordinated EU approach as well as room for complementary roles for Member States when it comes to protecting human rights defenders;

24. Condemns the climate of impunity for violations committed against defenders prevailing in numerous countries of the world; calls upon the Council and the Commission to raise this issue in their bilateral contacts, urging all states to ensure that perpetrators, regardless of their position or function, are brought to justice through independent and effective disciplinary and criminal procedures, bearing in mind always the possibility of appealing finally, after exhausting the domestic judicial instances of a state, to the European Court of Human Rights;

25. Stresses the need to ensure that the invocation of national and public security, including counter-terrorism, is not used arbitrarily against human rights defenders;

26. Points out that parliamentarians also play a crucial role when ensuring that national legislation potentially affecting human rights defenders and their activities is brought into conformity with internationally recognised human rights standards; underlines therefore the importance of these issues being systematically addressed by Members of the European Parliament in bi- and multilateral meetings with other parliamentarians and with experts on the ground, in line with its specific guidelines for human rights and democracy actions of MEPs in their visits to third countries;

27. Underlines the importance of independent civil society being fully involved in the preparation of all human rights dialogues, either through civil society seminars or other means; considers that the link between civil society seminars and formal dialogue needs to be strengthened, through publication of the recommendations issued and a better

follow-up and feed-back to civil society once a dialogue has taken place; stresses the importance of continuing to raise individual cases during the dialogues and considers that making the list of names public would enhance the impact of EU actions and increase public attention for these cases, provided that public disclosure does not put human rights defenders at risk; stresses the importance of cooperating with other human rights defenders and civil society in the assessment of such risk;

28. Considers that the European Instrument for Democracy and Human Rights (EIDHR), which has already demonstrated its capacity to support and promote the respect for human rights and the strengthening of the rule of law, should continue to further enhance the direct support for human rights defenders so as to meet both their short-term and long-term needs, ensuring that it also reaches out to particular vulnerable groups and defenders living in remote areas and areas on which less attention is focused;

29. Calls for the Council and the High Representative to systematically denounce and reprimand international companies when the latter provide oppressive regimes with surveillance technology, thereby facilitating persecution and arrests of human rights defenders;

More transparency and visibility as protection measure

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

31. Stresses that public recognition and visibility given to human rights defenders and their work can also contribute to their protection in difficult circumstances, as perpetrators might refrain from action when abuses will not occur unnoticed; calls on EU Member States and EU delegations, whenever possible, to publish démarches and other activities undertaken regarding a specific case, always in consultation with the human rights defender and his or her family; calls on EU Missions to provide human rights defenders and/or their families, as well as NGOs which have alerted the EU to a particular case, with systematic feedback about any action, in whatever format, taken on their behalf, as spelled out in the guidelines;

32. Calls on the High Representative of the European Union for Foreign Affairs and Security Policy and on all Commissioners with responsibilities in the area of External Relations to systematically meet with human rights defenders when they officially travel in third countries, and underlines that support for human rights defenders should also be imperatively included in the mandate of EU Special Representatives; underlines that both the High Representative and the Special Representatives will be held accountable by the European Parliament for their action in this regard;

33. Underlines the need to actively support and develop proposals on how the Sakharov Prize network, launched in December 2008 on the occasion of the 20th Anniversary of the Sakharov Prize, could be used as part of a sustained support for human rights defenders, as well as to better capitalise on the possible contribution of the laureates towards different actions by the European Parliament, with the aim of fulfilling its mandate; reiterates its concern over the infringements of the human rights of certain Sakharov Prize winners;

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

34. Considers that the EU needs to develop a holistic approach towards human rights defenders in order to increase the credibility and efficiency of EU policy amongst EU Member States and in relation to third countries, including at the same time support measures to secure their activities, as well as preventive and protection measures, while taking into account both short-term and long-term needs of human rights defenders; underlines that the revised Strategy for EIDHR and the EU guidelines on human rights defenders should reflect this approach;

35. Considers that the EU should clearly indicate the appropriate sanctions which could be applied to third countries which perpetrate serious human rights violations, and apply them; reiterates once again its request to the Commission and the Council and in particular to the VP/HR to make the human rights clause in international agreements effective and thus to set up a genuine enforcement mechanism of that clause in the spirit of Articles 8, 9 and 96 of the Cotonou Agreements;

36. Considers, in order to develop more result-oriented action, that the High Representative of the European Union for Foreign Affairs and Security Policy should regularly evaluate the implementation of the EU Guidelines on Human Rights Defenders by each EU delegation in third countries and should prioritise and closely follow up this work, and make recommendations to those missions for enhanced action where the implementation has been noticeably weak;

37. Calls on the Council to make Europe more accessible for human rights defenders who are unable to stay in their home countries; calls on the Council and Commission to prepare and execute specific measures to ease access to Europe for such human rights defenders;

38. Recalls the need to overcome the lack of a coherent protection and asylum strategy by the systematic implementation of emergency measures and initiatives on a short- and long-term basis; requests the High Representative to report to the European Parliament by the end of 2010 on the measures taken to that end;

39. Reiterates its request for Member States to develop as a matter of priority a coordinated policy on the issuing of emergency visas for human rights defenders and members of their families, for which special schemes in Spain and Ireland can serve as example; strongly believes that giving the new European Union delegations the power to make recommendations to Member States on the issuing of emergency visas would be a great step forward for the human rights policy of the Union; takes the view that a clear reference to this possibility in the Draft Handbook for the processing of visa applications and the modification of issued visas would be of great help to achieve this common approach, as has already been expressed by the European Parliament during the process of legal scrutiny for the above-mentioned measure;

40. Urges the 27 Member States to follow the same line with regard to the issuing of visas for human rights defenders;

41. Emphasises the need to accompany these emergency visas with measures of temporary protection and shelter in Europe for human rights defenders, possibly providing for financial resources and housing to shelter human rights defenders, as well as accompanying programmes (human rights activities, lecturing in European universities, language courses, etc.); welcomes the Shelter Cities initiative promoted by the Czech Presidency as well as the Protection and Shelter Programme implemented by the Spanish Government since 2008, and calls on the VP/HR within the EEAS to finalise a European Protection and Shelter programme by the end of 2010 to be implemented in 2011 while not, however, taking responsibility away from other cities; therefore invites the High Representative to present to the European Parliament a manual on how to set up a shelter city as well as a framework proposal supporting networking between such cities; calls for further support to other existing initiatives in this regard;

42. Further emphasises that in situations where the life or physical and mental health of a human rights defender might be at risk, Member States and EU delegations should also support and develop other protection tools and urgent response mechanisms; considers that this should be done in close cooperation with local human rights defenders and civil society;

43. Welcomes current cooperation between the existing protection mechanisms at European and international level, which could be further strengthened through systematic exchange of information and strategy, so as to ensure a better complementarity between all of them in terms of both sharing information for emergency cases and coordination for long-term support actions, e.g. through the use of a secure online platform accessible to all official stakeholders; welcomes in this respect the annual meetings organised by the Council of Europe as well as the "inter-mechanisms" annual meetings organised by the Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), with the aim of strengthening the interaction between international and regional mechanisms and institutions for the protection of human rights defenders; invites the existing taskforces on human rights defenders in Europe, within the framework of the Council Working Party on Human Rights and the Council of Europe - the latter being an initiative of the Council of Europe's Commissioner for Human Rights - to explore ways to work more closely together;

44. Calls, in the context of the implementation of the Treaty of Lisbon, for the EU institutions to establish an inter-institutional cooperation mechanism on human rights defenders; understands that the creation of such a mechanism could be eased by the setting up of focal points for human rights defenders in all the EU institutions and organs, with such focal points working in close cooperation with those responsible for human rights and democracy in EU missions and delegations;

45. Invites the Council and Commission to explore the possibilities of creating an alert system mechanism to be shared between EU institutions and all other protection mechanisms;

46. Believes that information sharing would also be facilitated by the creation of specific data bases, or "log books", in order to keep track of activities undertaken, especially in regard to individuals, while guaranteeing full respect for confidentiality;

47. Calls on the Commission to follow and monitor regularly the short- and long term implementation of the EU Guidelines on Human Rights Defenders and report back to the Human Rights Subcommittee of the European Parliament;

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48. Instructs its President to forward this resolution to the Council, the Commission, and to EU Member States.

(1)OJ C 187 E, 24.7.2008, p. 214.

(2)OJ L 386, 29.12.2006, p. 1.

(3)OJ C 131 E, 5.6.2003, p. 147.

(4)RES/1660(2009).

(5)CM/Rec(2007)14.

(6)OJ L 243, 15.9.2009, p. 1.