

Procedure file

Basic information		
INI - Own-initiative procedure	2009/2199(INI)	Procedure completed
EU policies in favour of human rights defenders		
Subject 6.10.09 Human rights situation in the world		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	AFET Foreign Affairs		21/10/2009
		Vers/ALE HAUTALA Heidi	
		Shadow rapporteur	
		PPE TÓKÉS László	
		S&D PRODI Vittorio	
		ALDE SCHAAKE Marietje	
		ECR TANNOCK Timothy Charles Ayrton	
European Commission	Commission DG External Relations	Commissioner ASHTON Catherine	

Key events			
26/11/2009	Committee referral announced in Parliament		
28/04/2010	Vote in committee		Summary
14/05/2010	Committee report tabled for plenary	A7-0157/2010	
16/06/2010	Debate in Parliament		
17/06/2010	Results of vote in Parliament		
17/06/2010	Decision by Parliament	T7-0226/2010	Summary
17/06/2010	End of procedure in Parliament		

Technical information	
Procedure reference	2009/2199(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative

Legal basis	Rules of Procedure EP 54
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	AFET/7/01620

Documentation gateway

Committee draft report	PE439.063	18/02/2010	EP	
Amendments tabled in committee	PE439.882	12/03/2010	EP	
Committee report tabled for plenary, single reading	A7-0157/2010	14/05/2010	EP	
Text adopted by Parliament, single reading	T7-0226/2010	17/06/2010	EP	Summary
Commission response to text adopted in plenary	SP(2010)6508	27/10/2010	EC	

EU policies in favour of human rights defenders

The Committee on Foreign Affairs adopted the own-initiative report drafted by Heidi HAUTALA (Greens/ALE, FI) on EU policies in favour of human rights defenders.

It 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. The committee 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 and 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.

Members urge 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. It underlines that this must be combined with a policy aimed at prevention and protection from attacks and threats against human rights defenders.

No strict definition of 'human rights defenders': Members welcome the fact that the UN Declaration of 1998 does not provide a strict definition of and in this sense, call on the Council and the Commission to strongly support this approach.

Institutional strengthening and innovations under the Treaty of Lisbon: Members recall that the Treaty of Lisbon puts the promotion and protection of human rights at the centre of the Union's external action. 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 (EEAS), including through the designation of sufficient human resources and the creation of a central focal point with a specific responsibility for human rights defenders within the EEAS.

The committee reiterates its call to systematically appoint to each country a highly qualified political official with a specific responsibility on human rights and democracy. It 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. It 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. It 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. It requests that Parliament be informed of these appointments.

Towards a more coherent and systematic approach within the EU Human Rights Policy: Members are concerned by the lack of implementation of the EU Guidelines on Human Rights Defenders. They insist 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. Several initiatives have also been proposed to strengthen coherence in this area:

- to organise meetings once at least once a year between human rights defenders and diplomats as well as the organisation of 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;
- 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;
- 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);
- regular follow-up of specific country strategies on human rights and democracy;
- 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. It 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.

In general, Members consider there is a 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.

Members condemn the climate of impunity for violations committed against defenders prevailing in numerous countries of the world and call 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.

The reports 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. It 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.

Members underline 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. They stress 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.

More transparency and visibility as protection measure: Members call 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. They consider 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. They call 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. They call 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. They underline that support for human rights defenders should also be imperatively included in the mandate of EU Special Representatives. The High Representative and the Special Representatives will be held accountable by the European Parliament for their action in this regard.

The committee 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.

Towards a more coordinated and result-oriented action in favour of Human Rights defenders: Members consider that the EU needs to develop a holistic approach towards human rights defenders in order to increase the credibility and efficiency of EU policy in this field. The EU should clearly indicate the appropriate sanctions which could be applied to third countries which perpetrate serious human rights violations, and apply them. The committee 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 order to develop more result-oriented action, the committee considers 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.

Moreover, Members call on the Council to make Europe more accessible for human rights defenders who are unable to stay in their home countries. They reiterate their 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. 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 according to the committee.

Members emphasise 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. They welcome the 'Shelter Cities' initiative promoted by the Czech Presidency as well as the Protection and Shelter Programme implemented by the Spanish Government since 2008. They invite 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. They call 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. Members further emphasise 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.

Members call, 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. They understand 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. They invite 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.

Lastly, the committee calls on 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.

EU policies in favour of human rights defenders

The European Parliament adopted a resolution on EU policies in favour of human rights? defenders.

In its resolution, the Parliament pays tribute to the invaluable contribution human rights? defenders make to the protection and promotion of

human rights in the world and 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. It recommends that the High Representative of the European Union for Foreign Affairs and Security Policy (High Representative) develops measures and a more effective and result-oriented methodology.

Parliament also calls on the EU and its Member States to express their political will to support the action of human rights? defenders and develop new complementary mechanisms to support and promote their work creating an environment for defenders in which they can perform their duties and enjoy protection. This must be combined with a policy aimed at prevention and protection from attacks and threats to which they are subject.

No strict definition of ?human rights? defenders?: Parliament underlines the importance of not defining too precisely what is meant by ?human rights? defenders?. It welcomes the fact that the UN Declaration of 1998 does not provide a strict definition and, in this context, calls on the Council and the Commission to strongly support this approach.

Institutional strengthening and innovations under the Treaty of Lisbon: Parliament recalls that the Treaty of Lisbon places the promotion and protection of human rights at the centre of the Union?s external action. 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 (EEAS), including through the designation of sufficient human resources and the creation of a central focal point with a specific responsibility for human rights? defenders within the EEAS. The plenary also underlines the importance of human rights clauses in trade policies, partnerships and trade agreements between the EU and third countries, as well as proposing a "human rights assessment" of third countries that engage in trade relations with the EU.

To strengthen the role and effectiveness of human rights? defenders, Parliament reiterates its call to systematically appoint to each country a highly qualified political official with a specific responsibility on human rights and democracy. It considers that the appointment of the High Representative and the creation of a common External Action Service, could significantly enhance the coherence and effectiveness of the EU in this field. It 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. It requests that Parliament be informed of these appointments.

Towards a more coherent and systematic approach within the EU Human Rights Policy: given the lack of implementation of the EU?s Guidelines on Human Rights? Defenders, Parliament calls for increased efforts be made so as to ensure that all of the delegations have developed local implementation strategies before the end of 2010. Several initiatives have also been proposed to strengthen coherence in this area:

- the organisation of meetings between human rights? defenders and diplomats, as well as the organisation of 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;
- the strengthening of 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, as well as minorities? rights, the rights of indigenous peoples, etc;
- major aspects of local strategies for the implementation of the EU?s 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);
- regular follow-up of specific country strategies on human rights and democracy;
- 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: Parliament stresses the need to focus on the idea of promoting awareness in third countries regarding the obligations and rights embodied in the UN Declaration on Human Rights? Defenders, including the right to freedom of association, freedom of assembly and the obligation and the responsibility to protect and promote respect of human rights? defenders by creating conditions favourable to their work;
- the inclusion of the business community in human rights dialogues;
- more emphasis to be placed on the role of the European Parliament via its delegations in third countries or greater involvement of the EP in bilateral dialogues on human rights between the EU and third countries.

The plenary 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. It 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.

In general, Members consider there is a 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.

Combating the climate of impunity: Parliament condemns the climate of impunity for violations committed against defenders prevailing in numerous countries of the world and 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. It stresses the need to ensure that the invocation of national and public security, including counter-terrorism, is not used arbitrarily against human rights defenders.

Parliament 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. It 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.

Members underline 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. They stress 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.

More transparency and visibility as protection measure: Parliament 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. It 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. It calls on the High Representative 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. It 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. It underlines that support for human rights defenders should also be imperatively included in the mandate of EU Special Representatives. The High Representative and the Special Representatives will be held accountable by the European Parliament for their action in this regard.

The resolution 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.

Towards a more coordinated and result-oriented action in favour of Human Rights defenders: Parliament 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 in this field. The EU should clearly indicate the appropriate sanctions which could be applied to third countries which perpetrate serious human rights violations, and apply them. Parliament 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 order to develop more result-oriented action, Parliament considers that the High Representative should regularly evaluate the implementation of the EU's Guidelines on Human Rights Defenders by each EU delegation in third countries and should prioritise and closely follow up this work.

Moreover, Parliament calls on the Council to make Europe more accessible for human rights defenders who are unable to stay in their home countries. It 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. Parliament 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.). 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 according to the Members.

Parliament 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. They invite 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. It calls on the VP/HR to finalise a European Protection and Shelter programme by the end of 2010, to be implemented in 2011. Members further emphasise 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.

Parliament 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. It 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. It 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.

Lastly, Parliament calls on the Commission to follow and monitor regularly the short- and long-term implementation of the EU's Guidelines on Human Rights Defenders and to report back to its Human Rights Subcommittee.