

# CONCLUSIONS

Since the UN Declaration on HRDs was adopted over 20 years ago, HRDs across the globe have faced harassment, intimidation, ill-treatment, undue restrictions, unjust prosecution and arbitrary detention. Thousands of HRDs have been killed or forcibly disappeared by state and non-state actors, or portrayed as criminals, undesirables, “foreign agents”, “anti-nationals”, “terrorists” or threats to “development” or “traditional values”.

The global political context is also undergoing profound changes, with shifting allegiances and previously committed players increasingly disengaging from the international human rights framework. At national levels, restrictive legislation shrinking the space for civil society reflects broader political and cultural trends in which toxic narratives demonize “the other” and breed blame, hatred and fear.

This context makes it ever more timely and crucial for the EU and its member states to act for human rights and to speak out in defence of HRDs. Despite the increasingly challenging global context, the EU remains well placed to play a leading role in this regard. It has a broad range of policies and instruments that it can apply with relative flexibility and so wield significant influence through its relations with third countries and its role in multilateral fora.

## 1.1 CHALLENGES FOR EU ACTION

This report highlights a number of good practices in EU and member state efforts to support and protect HRDs. It also points to systemic shortcomings that regularly risk preventing the EU from translating its policy into practice. The findings of this report do not point to an outright failure to deliver on EU human rights commitments, but rather to an **inconsistent implementation of the EU’s HRD policy**. Indeed, clear disparities in EU action emerged both between and within the different countries analysed. While this report recognizes that each context presents specific challenges for EU action, HRDs faced grave human rights violations in all the countries analysed and require sustained support within and across countries, even in arguably disparate settings with varying political stakes for the EU and its member states.

Between countries, the most visible illustration of the disparities in EU action is the difference in the number and strength of EU statements on HRDs. For example, in Honduras and Saudi Arabia, the number of EU statements issued over the four-year period analysed is equivalent to the number of statements issued in China or Russia in a single year. EU statements on China regularly call for the release of HRDs in detention, while such language is not adopted for Saudi Arabia. The perceived levels of political ownership over the EU’s HRD policy also varied across the different countries.



## NUMBER OF EU STATEMENTS ON HRDS AND CIVIL SOCIETY ISSUED BETWEEN JANUARY 2014 AND APRIL 2019<sup>1</sup>

China	Russia	Burundi	Honduras	Saudi Arabia
46	40*	21	12	8

\* For the purposes of comparison between countries, the figure given for Russia does not take into account statements issued by the EU delegation to the OSCE and Council of Europe as they represent region-specific fora with no equivalent in the other countries analysed. Taking these statements into account, the total number of EU statements on Russia would rise to at least 94 statements.

While in China,<sup>2</sup> Russia<sup>3</sup> and Honduras,<sup>4</sup> support to HRDs is publicly endorsed as a priority in the strategy document underpinning the EU's relations with these countries or their regions, this is not the case for Burundi<sup>5</sup> or Saudi Arabia.<sup>6</sup> Similarly, Russia is the only country analysed in this report for which, to Amnesty International's knowledge, the EU has elaborated country-specific HRD guidelines. While acknowledging the distinct challenges in each country situation and recognizing the need to tailor EU positioning to country-specific circumstances, unwarranted disparities in the implementation of the EU's commitments risk being perceived as arbitrary at best and politically motivated at worst. This may undermine the credibility and robustness of the EU's HRD policy at the global level.

This report also highlights important **inconsistencies between EU actions within the same country**. EU messaging on HRDs often varies depending on the level at which a statement is issued, or an action is taken. In relation to Saudi Arabia, for example, public support for HRDs is more frequent and explicit at the UN HRC than it is at headquarters, while no statements are made in support of HRDs at local level.

Similarly, there is a significant divergence between EU statements adopted after the EU-China human rights dialogue and joint statements issued at the EU-China summit shortly thereafter. EU messaging also varies depending on whether it is issued by the EEAS, the European Commission or member states, underscoring the need to further mainstream human rights across different policy areas and levels of decision-making. Across the five countries, the need for more **effective coordination and responsibility sharing**, particularly between the EU and its member states, remains a persistent challenge.

EU engagement also varies widely depending on the individual HRD in question. In Russia, for example, high-profile cases receive the lion's share of attention in EU and member state statements, while across the board, EU engagement with HRDs outside large urban centres remains limited. Several HRDs interviewed highlighted the person-dependent nature of the EU's engagement on HRDs, which they perceived as fluctuating according to staff turnover within the EU, its member state delegations and EU institutions.

These disparities suggest a **lack of overall strategy and predictability** in the EU's efforts to support HRDs. Rather than pursuing a consistent approach within and across countries, EU action appears to be contingent on a host of different and, at times arbitrary, factors ranging from the evolution in relations with the country in question to changes in EU staff.

<sup>1</sup> As mentioned in the Methodology above, this report defines an EU public statement as any public statement with reference to HRDs, civil society, NGOs and/or restrictive laws in relation to these groups, and issued by the EU delegation, the HR/VP spokesperson, the HR/VP on behalf of the EU and member states or the EU at the UN HRC.

<sup>2</sup> See European Commission, *Joint Communication to the European Parliament, the European Council and the Council: EU-China – A strategic outlook*, p. 2. This states: "The ability of EU and China to engage effectively on human rights will be an important measure of the quality of the bilateral relationship. The EU acknowledges China's progress in economic and social rights. However, in other respects, the human rights situation in China is deteriorating, notably in Xinjiang and regarding civil and political rights, as witnessed by the continuing crackdown on human rights lawyers and defenders."

<sup>3</sup> See the EU's five guiding principles on EU-Russia relations as outlined in the remarks by HR/VP Federica Mogherini at the press conference following the Foreign Affairs Council, 16 April 2018, [https://eeas.europa.eu/headquarters/headquarters-homepage/42996/remarks-hrvp-mogherini-press-conference-following-foreign-affairs-council\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/42996/remarks-hrvp-mogherini-press-conference-following-foreign-affairs-council_en).

<sup>4</sup> See: European Commission, *Joint Communication to the European Parliament and the Council: European Union, Latin America and the Caribbean: joining forces for a common future*, 16 April 2019, [https://eeas.europa.eu/sites/eeas/files/joint\\_communication\\_to\\_the\\_european\\_parliament\\_and\\_the\\_council\\_-\\_european\\_union\\_latin\\_america\\_and\\_the\\_caribbean\\_-\\_joining\\_forces\\_for\\_a\\_common\\_future.pdf](https://eeas.europa.eu/sites/eeas/files/joint_communication_to_the_european_parliament_and_the_council_-_european_union_latin_america_and_the_caribbean_-_joining_forces_for_a_common_future.pdf).

<sup>5</sup> For example, European Commission, *Joint Communication to the European Parliament and the Council for a renewed impetus of the Africa-EU Partnership*, 4 May 2017, [https://eeas.europa.eu/sites/eeas/files/http\\_eur-lex.europa.pdf](https://eeas.europa.eu/sites/eeas/files/http_eur-lex.europa.pdf). While HRDs are mentioned in the *Council Conclusions* of 16 November 2015 (<https://www.consilium.europa.eu/en/press/press-releases/2015/11/16/council-conclusions-on-burundi/>), this is mainly descriptive rather than an explicit prioritization of EU support to HRDs in Burundi.

<sup>6</sup> European Commission, *EU-GCC Cooperation Agreement*.



## EXAMPLES OF LANGUAGE ADOPTED IN EU STATEMENTS: CHINA AND SAUDI ARABIA

<b>CHINA, MAY 2018</b> <b>Statement by the Spokesperson on the recent conviction of Chinese human rights defender Tashi Wangchuk</b>	<b>SAUDI ARABIA, JANUARY 2018</b> <b>Statement by the Spokesperson on the sentencing of Human Rights defenders in Saudi Arabia</b>
<p><i>Chinese human rights defender, Mr Tashi Wangchuk, who was detained in January 2016, was convicted of inciting separatism and sentenced to five years' imprisonment by the Yushu Intermediate People's Court on 22 May 2018. Mr Tashi's rights under China's Criminal Procedure Law and international law obligations to a fair trial, to be tried without undue delay, and to mount a proper defence, were not fully respected.</i></p> <p><i>We expect the Chinese authorities to respect the right to freedom of expression of all citizens as recognised by China's Constitution and in line with China's international law obligations, including the Universal Declaration of Human Rights. China also needs to ensure that ethnic minorities enjoy equal rights, including freedom of expression and belief, as mandated by the International Convention on the Elimination of All Forms of Racial Discrimination, which China ratified in 1981.</i></p> <p><i>Tashi Wangchuk and other detained and convicted human rights defenders and lawyers including Ilham Tohti, Wang Quanzhang, Li Yuhan, Huang Qi and Yu Wensheng must be released immediately.</i></p>	<p><i>On January 25, Human Rights Defenders Mohamed Al Otaibi and Abdullah Al Atawi were sentenced to 14 and 7 years imprisonment, respectively, by the Specialized Criminal Court in Saudi Arabia.</i></p> <p><i>The European Union recalls its strong commitment to the protection, globally, of Human Rights Defenders. While fully respecting the prerogatives of the Saudi Arabia's Judiciary, the European Union underlines the importance of the respect of human rights, including the one to a fair trial, in all cases. The European Union will follow the appeal procedure closely.</i></p>


Another challenge is that EU actions are primarily reactive, often responding to escalations in abuses against HRDs rather than anticipating them, and often **lack follow up once action is taken**. For example, in countries where EU trial observation was possible, these efforts were rarely followed up with public messaging to voice concerns about the right to fair trial or due process, or to raise the profile of the HRDs in question. EU public statements were generally not used as entry points to request a meeting with the authorities or a visit to arbitrarily detained HRDs. Similarly, relocation support was not always followed up with additional protective measures to ensure the HRD could travel safely. In the absence of concerted follow up, such actions appear to be one-off initiatives and insufficiently geared towards achieving impact.

In the same vein, the **lack of visibility given to certain EU actions** risks limiting their impact for HRDs and obscures what type of support HRDs can expect from the EU. For example, when the EU raises individual HRD cases in closed-door meetings, it deserves more critical thinking, backed by specific benchmarks, about whether to publicize this fact and how that could enhance support to HRDs. Indeed, closed-door meetings in China and Russia have sometimes been publicized, increasing the transparency of EU actions and raising the profile of HRDs. Similarly, publicizing EU meetings with HRDs (with their consent) may also boost the legitimacy of HRDs and help counter stigmatization against them.

More could be done to **ensure that the EU's public actions and commitments to HRDs reach their target audience** in a strategic and results-oriented way. EU statements are often not translated into local languages. EU communications are not always shared on popular social media platforms, and the EU Guidelines on HRDs and channels of support are often not publicized in a visible way.

One key gap in this regard is the failure to publish the contact details of HRD focal points on EU delegations' websites. Despite being one of the more concrete and readily deliverable commitments in the EU's 2012

Action Plan on Human Rights and Democracy,<sup>7</sup> no specific email address was found for the human rights or HRD focal points in three of the five countries analysed. This reflects a broader problem across the EU delegations. In an informal evaluation conducted by the International Federation for Human Rights (FIDH) in 2018, only 37% of 129 EU delegation websites included the contact details of a human rights focal point.

 <b>EU DELEGATION WEBSITES: INFORMATION AVAILABLE TO HRDS<sup>8</sup></b>					
	Burundi	China	Honduras	Russia	Saudi Arabia
HRD Guidelines published	yes	no	no	no	no
HRD Guidelines translated into local language	no	no	no	no	no
Name of HRD focal point published	yes	no	no	no	no
HRD focal point contact details published	no	no	no	yes	yes

**A lack of policy coherence** is another key obstacle in the EU’s meaningful engagement for HRDs at a moment when women, LGBTI and Indigenous defenders, as well as those working on issues related to the land, territory and environment, are particularly at risk. Due to the intersectional nature of these HRDs’ work and the risks facing them, the EU Guidelines on HRDs urgently need to be joined up with other EU policies and instruments, such as the Gender Action Plan,<sup>9</sup> the Guidelines on LGBTI rights<sup>10</sup> or the Council Conclusions on Indigenous Peoples,<sup>11</sup> to be most effectively utilized.

Finally, the report identifies instances where the EU and member states adopted innovative and adaptive approaches to support HRDs. This includes providing training on digital security and crowdfunding to HRDs in Russia; taking steps to overcome obstacles to trial observation in China<sup>12</sup> and proactively using social media and other platforms to promote an enabling environment in Honduras and Russia. Such approaches are crucial to fulfilling the EU’s commitment to “adopt a proactive policy towards HRDs”<sup>13</sup> and are more needed than ever in light of the mounting challenges to the EU’s more conventional forms of engagement. However, these **innovative practices do not appear to be systematized** across different countries. Moving forward, such an approach, along with cultivating good practices (see Box 2), will be essential to avoid becoming stuck in more rigid approaches and relying exclusively on conventional channels to support HRDs.

<sup>7</sup> Point 18.c. in the 2012 *EU Action Plan on Human Rights and Democracy*: [https://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/131181.pdf](https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf)

<sup>8</sup> As of 22 May 2019.

<sup>9</sup> Council of the EU, *Gender Action Plan 2015-2020*, 26 October 2015, <https://www.consilium.europa.eu/media/24467/st13201-en15.pdf>.

<sup>10</sup> Council of the EU, *Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons*, 24 June 2013, <https://eeas.europa.eu/sites/eeas/files/137584.pdf>.

<sup>11</sup> Council of the EU, *Council Conclusions on Indigenous Peoples*, 15 May 2017, <http://data.consilium.europa.eu/doc/document/ST-8814-2017-INIT/en/pdf>.

<sup>12</sup> See @tomphillipsin, 14 December 2015, Twitter, <https://twitter.com/tomphillipsin/status/676253519322726401>.

<sup>13</sup> See point 10 in the *EU Guidelines on HRDs*.



## GOOD PRACTICES – EU AND MEMBER STATE EFFORTS TO SUPPORT HRDS

- Providing HRDs with training on digital security and crowdfunding to help overcome a restrictive environment (Russia)
- Liaising with and providing support to HRDs in exile (Burundi)
- Social media with positive messages on HRDs (Honduras)
- Work to counter smear campaigns against HRDs through a Russian language website (Russia)
- Increasing visibility of trial observation efforts by inviting EU member state parliamentarians to monitor trials (Russia)
- Using member state consulates and diplomatic visits to conduct outreach to HRDs in remote regions (Russia, Honduras)
- Issuing visa guidelines to streamline and facilitate the provision of Schengen visas for HRDs (Russia)
- Using multilateral fora where bilateral channels are closed, e.g. the EU lead on the Burundi Commission of Inquiry at the UN HRC
- Individual efforts to mainstream and build human rights aspects into all dimension of relations, e.g. Commissioner Malmstrom’s speech referring to the importance of freedom of expression for the business environment in China.

## 1.2 CHALLENGES IN INTERNAL EU DEBATES

The report also identifies several recurring debates that emerged in interviews with diplomats citing the challenges for EU action on HRDs.

One debate centred on the benefits of **private diplomacy versus public messaging in support of HRDs**. In some contexts, diplomats expressed a clear preference for private diplomacy, arguing that public messaging is less effective and potentially harmful to HRDs. It will always be paramount that the EU seeks the consent of HRDs before adopting a public stance and takes into account potential risks when taking action on behalf of HRDs. Yet the findings of this report suggest that this debate is a false dichotomy. Little evidence was found to indicate that private diplomacy was more effective on its own. Indeed, where EU action had the most visible impact, it combined a mix of different instruments, including both private and public steps, as part of an integrated strategy. Across the board, HRDs underlined the crucial importance of EU and member state public statements in offering protection and support to their work. Unfortunately, it remains unclear how the EU decides to take public or private action, and the degree to which these decisions are based on an explicit set of benchmarks and a comprehensive assessment of impact and risks. Indeed, the inconsistencies between EU public communications on HRDs in Saudi Arabia and China are difficult to justify, suggesting that other considerations are at play, beyond stated EU commitments on human rights.

Another challenge diplomats often cited was the **lack of unity among EU member states**, which they argued could stymie EU action in support of HRDs. This report does document cases where a lack of unity limited the instruments the EU could use to support HRDs and led to inconsistencies at different levels of EU action or decision-making. However, its findings point to creative approaches that have been adopted to overcome these challenges. Although discord among member states is a major concern in EU relations with Russia and China,<sup>14</sup> this has not paralysed EU action in support of HRDs. In view of the different tools and levels at which action can be taken within the EU, these case studies illustrate how the complexity of EU structures allows for a degree of flexibility and the potential for even more thoughtful and strategic engagement on behalf of HRDs.

For example, a lack of local statements on HRDs by the EU delegation in Moscow was balanced by statements by the spokesperson, occasional statements by individual EU member states and communications via the EU delegation’s social media accounts. There is ample scope for further reflection about how the EU and its

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<sup>14</sup> Reuters, “Greece blocks EU statement on China human rights at UN”.

member states can use this flexibility to ensure its support to HRDs. Depending on the context, the EU can employ several approaches individually or in combination. With joint EU positions, no single member state takes full responsibility, at once obscuring the engagement of each member state and potentially reducing the risk of diplomatic consequences for individual member states. Bilateral engagement and action by individual member states can complement joint EU positions. Additionally, the HR/VP and her spokesperson can use their (albeit limited) autonomy to ensure that the EU abides by its commitment to support and protect HRDs. Finally, European officials can strategically use social media, op-eds and press interviews to articulate support for HRDs.

Against the background of EU disunity on human rights in some contexts, such an interplay of different types of positioning or action enables the EU to support HRDs in a strategic manner. Undeniably, EU actions are most effective when unified, consistent and complemented by actions of individual EU member states. Specific channels cannot become an end in themselves but rather can be deployed as strategic alternatives when EU unity proves impossible.

Some diplomats viewed the **lack of formal dialogue or strained relations** with a third country as a major obstacle to the fulfilment of the EU's HRD policy. In Burundi, diplomats felt that the activation of article 96 of the Cotonou Agreement and the resulting breakdown in dialogue limited the scope for EU action in support of HRDs. Similarly, in Saudi Arabia, diplomats considered that establishing a structured human rights dialogue was a priority to address the situation of HRDs.

While human rights dialogues and regular diplomatic exchanges do offer important and specifically dedicated spaces through which to raise the situation of HRDs, this report suggests that such formal channels need not be the mainstay of EU engagement on human rights and HRDs. As the Russia case study illustrates, the suspension of standing EU-Russia dialogues, including the biannual human rights consultations in 2014, has not prevented the EU from drawing on other formal and informal channels to support HRDs. These range from raising cases of HRDs in high-level meetings, issuing statements and observing trials to less formal channels such as social media outreach and other efforts to counter smear campaigns against HRDs. Moreover, even as civil society questions the utility and impact of the EU-China human rights dialogue,<sup>15</sup> a strong body of EU public positioning on HRDs outside the dialogue further raises the question of whether such a formal arrangement is a prerequisite for engagement on human rights and HRDs.

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<sup>15</sup> Amnesty International and other NGOs, "Re: The EU, China and Human Rights" (13 March 2019), "Re: 2018 EU-China Summit" and "Re: EU-China summit" (22 May 2017).

# RECOMMENDATIONS

The findings of this report<sup>16</sup> reveal that the EU and its member states have a body of good practices to draw upon to increase their support and protection of HRDs worldwide. However, key systemic challenges and internal debates have meant the EU and member states continue to punch below their weight in the pursuit of a coherent HRD policy.

Gaps remain in the implementation of the EU's commitments while the current policy framework falls short of addressing today's challenges. The report's findings suggest that further work will be essential to embed the range of actions, tools and instruments at the EU's disposal within a broader strategic vision of how to support and protect HRDs.



**The sole way forward to confront the rapidly evolving challenges HRDs face today, will be for the EU and its member states to adopt a more strategic, visible, innovative and impact-oriented approach to protect HRDs and promote their crucial work.**

This will require the EU to develop a global strategy outlining its response to the burgeoning challenges HRDs face worldwide. It will also require the EU to take this strategy forward along with individual country strategies tailored to the specific circumstances in each third country.<sup>17</sup>

This two-pronged approach will clarify how individual EU actions relate to broader objectives to support and protect HRDs and will go a long way to address some of the EU's key policy shortcomings. These include the need to:

- be strategic in mainstreaming HRD concerns across the EU's different policy areas and strengthening the EU's contingency planning capacities and its responsiveness to human rights crises;
- ensure the visibility of EU and member state action for HRDs, with a view to transparency, predictability and above all the impact of these actions; and
- systematize good practices and cultivate innovative and adaptable approaches for HRDs in the face of rapidly evolving challenges.

With a view to achieving a proactive policy on HRDs in the spirit of the EU Guidelines, the two sets of recommendations below are geared towards:

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<sup>16</sup> These recommendations draw on the research in this report and build on the already large body of standing recommendations by Amnesty International and other NGOs on the implementation of the EU Guidelines on HRDs. See Amnesty International's recommendations on human rights defenders to the Presidencies of Estonia, Bulgaria and Austria, 29 May 2017, [https://amnestyeu.azureedge.net/wp-content/uploads/2018/10/Letter\\_trio\\_of\\_presidencies\\_on\\_HRD\\_recommendations\\_Estonia.pdf](https://amnestyeu.azureedge.net/wp-content/uploads/2018/10/Letter_trio_of_presidencies_on_HRD_recommendations_Estonia.pdf); Amnesty International and other NGOs, "Joint Public Statement, Intensifying the European Union's support to human rights defenders: Civil society proposals for the new EU Action Plan on Human Rights and Democracy", 12 December 2014, [https://amnestyeu.azureedge.net/wp-content/uploads/2018/10/Intensifying\\_the\\_European\\_Union\\_support\\_to\\_human\\_rights\\_defenders.pdf](https://amnestyeu.azureedge.net/wp-content/uploads/2018/10/Intensifying_the_European_Union_support_to_human_rights_defenders.pdf); Amnesty International and other NGOs, "Joint statement on the EU Conclusions on the 10<sup>th</sup> anniversary of the Guidelines on human rights defenders", 13 July 2014, [https://amnestyeu.azureedge.net/wp-content/uploads/2018/10/030714\\_JOINT\\_STATEMENT\\_ON\\_THE\\_EU\\_CONCLUSIONS\\_ON\\_THE\\_10TH\\_ANNIVERSARY\\_OF\\_GUIDELINES\\_ON\\_HRDs\\_joint\\_public\\_statement.pdf](https://amnestyeu.azureedge.net/wp-content/uploads/2018/10/030714_JOINT_STATEMENT_ON_THE_EU_CONCLUSIONS_ON_THE_10TH_ANNIVERSARY_OF_GUIDELINES_ON_HRDs_joint_public_statement.pdf); Amnesty International, "Ten years on: the EU must reinforce its action on human rights defenders", 13 June 2014, [https://amnestyeu.azureedge.net/wp-content/uploads/2018/10/B1587\\_HRD\\_Guidelines\\_anniversary.pdf](https://amnestyeu.azureedge.net/wp-content/uploads/2018/10/B1587_HRD_Guidelines_anniversary.pdf).

<sup>17</sup> See, for example, the EU's local strategy for HRDs in Afghanistan: [https://eeas.europa.eu/sites/eeas/files/170115\\_final\\_eu\\_local\\_strategy\\_for\\_hrd\\_in\\_afghanistan.pdf](https://eeas.europa.eu/sites/eeas/files/170115_final_eu_local_strategy_for_hrd_in_afghanistan.pdf); Nepal: [http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/droi/dv/201/201101/20110110\\_053euguidelinesonhrdnepal\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/201/201101/20110110_053euguidelinesonhrdnepal_en.pdf); and Turkey: [https://www.avrupa.info.tr/sites/default/files/2016-11/EU\\_local\\_strategy\\_on\\_HRD\\_draft\\_07012011\\_L-EN.pdf](https://www.avrupa.info.tr/sites/default/files/2016-11/EU_local_strategy_on_HRD_draft_07012011_L-EN.pdf).

- improving existing EU action to support and protect HRDs; and
- moving beyond established policies and practices to a more adaptive and innovative approach to support and protect HRDs.

## 1.3 IMPROVE EXISTING EU ACTION

### AT THE GLOBAL LEVEL, THE EU AND ITS MEMBER STATES SHOULD:

- Issue annual Foreign Affairs Council Conclusions on EU action to promote and protect HRDs in its foreign policy. Such Council Conclusions will demonstrate the EU's political support to HRDs at the highest level and provide a strategic vision outlining how the EU and member states will support HRDs globally in light of increasing challenges to their work.
- Ensure that the Foreign Affairs Council systematically considers the situation of HRDs in discussing and issuing conclusions on situations in third countries, including by addressing the situation of HRDs in strategies on individual countries and regions.
- Proactively address EU member state disunity on human rights with a view to improving joint action on HRDs:
  - consider how to push back on third countries' efforts to divide EU and member state efforts on human rights and HRDs;
  - develop strategies on how to use divergences among member states to achieve impact through the interplay of bilateral and joint action and positioning; and
  - ensure EU and member state actions and positioning complement each other and that member states' action and positioning echo jointly agreed initiatives at EU level.
- Create working mechanisms to put mainstreaming into practice. Establish regular liaisons throughout the European institutions and between the EU and member states up to the highest political levels to ensure a mainstreamed approach on human rights and HRDs in each third country. In parallel, the Council Working Party on Human Rights (COHOM) should revisit and update its work on mainstreaming in EU foreign policy in response to evolving global challenges and with an emphasis on promoting and protecting HRDs.
- Use multilateral human rights channels to achieve impact for HRDs, including by using UPR recommendations, advocating for the ratification of key human rights treaties and moving parts of EU engagement on human rights to regional or multilateral levels to complement bilateral exchanges where country-level channels are closed.

### AT THIRD COUNTRY LEVEL, THE EU AND ITS MEMBER STATES SHOULD:

- Develop results-oriented country level strategies for EU action on HRDs, ensuring that EU actions are tailored to country-specific circumstances. Among other things, these should outline steps to:
  - promote and protect individual HRDs;
  - ensure a safe and enabling overall environment; and
  - support the human rights issues raised by HRDs.
- Regularly assess the impact of EU actions in support of HRDs, based on clearly defined benchmarks, including their visibility, impact and feedback from HRDs.
- Align all EU external action in third countries with EU action to protect HRDs and promote their work. Ongoing EU work on HRDs should be taken up in all other relevant areas of EU external action in a third country, including development assistance, support to the justice sector or to police/ judicial reform, election observation missions and legal affairs dialogues. EU support to national human rights institutions and national HRD mechanisms must be balanced with sustained critical engagement with authorities in third countries.



## KEY AREAS OF CONCERN:

- Reinforce EU and member state efforts on trial observation by:<sup>18</sup>
  - working on systematic and strategic follow up to trial observation by including denial of access or observation results in public positioning, political dialogue and other EU action;
  - increasing the overall visibility of EU and member state trial observation and its outcomes; and
  - adopting alternative courses of action to support HRDs on trial where trial observation is not possible.
- Systematize the EU and member state response to legislation that unduly restricts the work of human rights defenders. This should include explicit guidance for all EU and member state staff to identify key human rights concerns in legislation on NGOs or civil society and to engage meaningfully with third countries in response to such legislation. The EU and its member states should ensure sufficient resources are available to conduct in-depth legal analysis of the practical implications of restrictive legislation in third countries.
- Reinforce strategic thinking and concrete policies on how the EU and its member states can respond when human rights defenders face reprisals for engaging with the EU in line with commitments in the 2012 EU Strategic Framework on Human Rights and Democracy.
- Build EU and member state commitments on HRDs into job profiles of all staff members of the European External Action Service and the EU delegation, and member state representations, complementing this with monitoring and evaluation of activities on behalf of HRDs. Aim to ensure a systemic, systematic approach on HRDs, avoiding a person-dependent approach and minimizing the effects of staff rotation.
- Develop a due diligence framework to enable EU action on HRDs by objectively balancing potential impact against risks to HRDs. This should exclude any undue blockages and specious “do no harm” debates about possible adverse impact of EU action on HRDs and/or on EU relations with specific third countries.

## COMMUNICATIONS AND VISIBILITY

### The EU and its member states should:

- Develop a global public communication strategy on HRDs, with explicit guidance and benchmarks for:
  - key content, such as the use of the term “HRD”, the name of the concerned individual, EU recommendations on the individual case(s) and on the human rights situation in the third country;
  - the level at which statements are issued – local, spokesperson, HR/VP and/or in collaboration with like-minded states, regional and/or international organizations;
  - consistency in statements within the third country as well as across third countries – without succumbing to a lowest common denominator approach;
  - coordinating statements at local, headquarters and multilateral levels, between EU and member states, and between EU, member states and regional, international organizations or other likeminded states; and
  - steps to increase the likelihood that statements reach their target audience and achieve their desired impact, including appropriate dissemination and translation into relevant languages.
- Improve the visibility and accessibility of EU commitments and channels of support to HRDs, including the publication and translation of the EU Guidelines on HRDs as well as the availability of contacts for human rights or HRD focal points on EU delegation websites.
- Ensure adequate capacity and strategic thinking on how to boost the visibility of HRDs and EU action for HRDs through targeted social media.

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<sup>18</sup> See Amnesty International, *Fair Trials Manual, Second Edition* (Index: POL 30/002/2014), 9 April 2014, <https://www.amnesty.org/en/documents/POL30/002/2014/en/>.

## 1.4 MOVE BEYOND ESTABLISHED POLICIES AND PRACTICES

Amnesty International likewise calls on the EU and its member states to build on the EU Guidelines on HRDs and existing good practices to adopt an ambitious and innovative approach to protecting HRDs and promoting their work.

### AT THE GLOBAL LEVEL, THE EU AND ITS MEMBER STATES SHOULD:

- Act to counter the current pushback to weaken the international human rights framework (including the very definition of an HRD) at multilateral level, emphasizing the universality, indivisibility and interdependence of human rights and seeking alliances with like-minded states in this regard.
- Publicly reaffirm support for HRDs in the EU's internal and external policy as well as in the EU's joint statements with third countries.<sup>19</sup> The EU should explicitly recognize the legitimacy of HRDs and support their work, acknowledging their contribution to the advancement of human rights.

### AT GLOBAL AND THIRD COUNTRY LEVELS:

- Increase consultation with HRDs not only at local level in third countries, but also at a higher political level in geographical European Council working groups, in the Political and Security Committee and the Foreign Affairs Council.
- Seek channels for meaningful EU action even when formal channels of dialogue close.
- Designate a point person in the European External Action Service (EEAS) to identify and propagate good practices and to cultivate innovation in the work of EEAS, EU delegations and member states on HRDs and human rights more widely.

### AT THIRD COUNTRY LEVEL:

- Expand good practices to access HRDs in regions, using consulates or visits to development projects as points of entry. Explore how these and other initiatives can best achieve impact, including by providing visibility for HRDs in remote areas or by conducting trial observation.
- Explore alternative means of promoting human rights and the work of HRDs in third countries, including cultural events, marches, social media, prizes – initiatives that can lend visibility and legitimacy to HRDs and EU action on HRDs.

### KEY AREAS OF CONCERN:

- Develop a concrete strategy to achieve EU impact for HRDs with intersectional concerns and facing specific challenges and risks as a result. These should include WHRDs, LGBTI defenders, Indigenous HRDs, HRDs working on land/territory/environment or business and human rights. To achieve meaningful impact for such HRDs, the EU Guidelines on HRDs must be linked with existing EU policies on women's rights, LGBTI rights, business and human rights, Indigenous peoples' rights and other policies on specifically targeted groups.
- Reinforce the EU response for HRDs in human rights crises and conflicts:
  - develop strategies to identify if and how attacks on HRDs can be an indicator of wider emerging crises;
  - adapt support to HRDs in crisis and conflict countries to meet their evolving needs;
  - boost EU and member state capacities to provide protection in these settings and to meet the high number of demands for timely relocation; and
  - ensure capacity for sustained political, financial and other support to HRDs and civil society in protracted crises.

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<sup>19</sup> See, for example, "Mexico and the European Union reaffirm their commitment to human rights", 26 October 2018, [https://eeas.europa.eu/headquarters/headquarters-homepage/52888/mexico-and-european-union-reaffirm-their-commitment-human-rights\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/52888/mexico-and-european-union-reaffirm-their-commitment-human-rights_en): "The EU and Mexico strongly condemned all acts of aggression against human rights defenders and journalists. Both sides underlined their firm commitment to address the threats they face and to ensure they can fulfil their work with full independence. In this context, the EU and Mexico agreed on the importance of ensuring that mechanisms to protect human rights defenders, journalists and other vulnerable persons are fully resourced, effective and reliable."

- Develop concrete strategies to protect and promote HRDs in exile and/or diaspora as a result of human rights crises or conflicts – including addressing the needs of and threats to HRDs and their families in diaspora in Europe.
- Ensure that the EU and member states are fully equipped to address the specific risks facing HRDs with dual nationality and/or HRDs facing a risk of *refoulement*.
- Allocate resources to address disinformation and online and offline smear campaigns against HRDs. This could include establishing dedicated online platforms, as well as social media and other communication strategies aimed at debunking disinformation and promoting positive counter-narratives regarding the importance of HRDs.
- Boost EU capacity to address digital surveillance targeting HRDs, at a minimum by ensuring that EU staff are equipped with up-to-date, secure channels for communication with HRDs and provided with regular digital security training.

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