



# EU ANNUAL REPORT ON HUMAN RIGHTS AND DEMOCRACY IN THE WORLD IN 2015



Council of the  
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AND DEMOCRACY IN THE WORLD IN 2015**



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This brochure outlines EU policy developments in human rights and democracy on thematic issues throughout 2015. The country-by-country coverage can be found online in the Council’s Public Register under the same title ‘EU Annual Report on Human Rights and Democracy in the World in 2015’.

# FOREWORD BY FEDERICA MOGHERINI, HIGH REPRESENTATIVE OF THE EUROPEAN UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY

I write this foreword just after receiving the news that a substantial official pardon has been granted to representatives of political parties, non-governmental organisations (NGOs) and journalists in Azerbaijan to mark the Novruz holiday. At the end of February I had the opportunity to discuss this issue with President Ilham Aliyev, during talks in the course of my visit to Baku.

This clearly illustrates that human rights are the cornerstone of our European foreign policy. I raise the issue of fundamental freedoms in all my visits and meetings, with all interlocutors — without exception. And the EU Special Representative (EUSR) for Human Rights, Stavros Lambrinidis, works every single day, with his many missions around the world, to keep human rights high on the political agenda of the EU, and of all our interlocutors.

With the new Action Plan on Human Rights and Democracy, we are making sure that fundamental rights and freedoms are a constant focus of all our policies: the actions we are putting in place span from the fight against gender-based violence — and last year I appointed Ambassador Mara Marinaki as the first ever European External Action Service (EEAS) Principal Advisor on Gender (PAG) — to making sure that all our trade agreements incorporate the highest human rights standards.

Worldwide, there is no stronger advocate of human rights than the EU. We do not just speak out against violations and abuses — a necessary, but often insufficient move. The effectiveness of our policy greatly depends on our ability to constantly engage with all relevant actors, both in our bilateral relations and in multilateral contexts, and at all corners of the world: we are currently following the reconciliation process in Myanmar/Burma as well as the negotiations between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC), to promote accountability, democracy and peace.

This annual report is a unique public source of information and analysis for observers of the EU's external policies on human rights — as these reports have been for more than 15 years, since the first edition in 1998/1999. This year's report is structured around the main thematic areas of the new EU action plan. It aims to provide an overall picture of EU human rights activities in 2015, but also to be more analytical and

focused on the areas in which our action was particularly prominent. It is shorter and more to the point than previous editions, and it is made available in a more accessible format.

Of course, the report could not ignore the fact that 2015 was a particularly tough year for human rights in Europe itself and in its neighbourhood. The refugee crisis has tested Europe's responsibility as a global player and its capacity to live up to its values. More than ever human rights will need to be at the core of our response: we are called to solidarity in order to manage properly and humanely the current extraordinary flow of refugees, in cooperation with all our partners. In 2015, we agreed that national responses alone are not effective: we now need to move steadily towards a truly European and global approach to human mobility in the 21st century, matching our internal and external policies, and making sure they are consistent.

In our next steps, there are two things we must always keep in mind. First, this is not about numbers but about people — men, women and children, each with their own story, each with their inalienable rights. Secondly, our credibility as a global human rights' champion depends on our actions at this juncture. The stakes could not be higher.

I am sure that with vision and through our partnership with the human rights community, starting with our work with NGOs and civil society networks, we will be able to turn this crisis into an opportunity.



*Federica Mogherini at the Foreign Affairs Council of 20 June 2016, when the thematic part of the annual report was adopted*

# 1. INTRODUCTION

Against a background of instability and conflicts in the Middle East and parts of Asia and Africa, the ensuing migration crisis and recurring terrorist attacks against civilians, 2015 has been a year of extraordinary challenges for the European Union and the international community at large. ISIL/Da'esh extended its reach to parts of Syria and Iraq, producing mass atrocities and human rights attacks, targeting minority groups in particular. Serious human rights violations and a worrying trend of harassment and attacks on activists and on civil society were witnessed in many other parts of the world.

In 2015, the EU adopted the new **EU Action Plan on Human Rights and Democracy (2015-2019)** <sup>(1)</sup> which outlines the EU priorities and strategy for the next 5 years. The purpose of this action plan is to continue implementing the **2012 Strategic Framework for Human Rights and Democracy** <sup>(2)</sup>, with sufficient flexibility to respond to new challenges. It also aims to better address issues through focused actions and the systematic and coordinated use of all EU instruments, notably EU guidelines, tool-kits and other agreed positions, and the various external financing instruments, in particular the European Instrument for Democracy and Human Rights (EIDHR). The action plan was drawn up on the basis of the Joint Communication 'Keeping human rights at the heart of the EU Agenda' <sup>(3)</sup> presented by the High Representative of the European Union for Foreign Affairs and Security Policy, Federica Mogherini, and the European Commission.

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- 1 EU Action Plan on Human Rights and Democracy. The new action plan is divided into the following five chapters: I. Boosting ownership of local actors; II. Addressing human rights challenges; III. Ensuring a comprehensive human rights approach to conflicts and crises; IV. Fostering better coherence and consistency; and V. A more effective EU human rights and democracy support policy.
  - 2 EU Strategic Framework and Action Plan on Human Rights and Democracy, 11737/12.
  - 3 Joint Communication 'Keeping human rights at the heart of the EU Agenda', JOIN(2015) 16 final.

## EU SPECIAL REPRESENTATIVE FOR HUMAN RIGHTS, STAVROS LAMBRINIDIS

The EUSR for Human Rights, Stavros Lambrinidis, appointed in 2012, continued to work — under the authority of the High Representative of the European Union for Foreign Affairs and Security Policy — to increase the consistency, effectiveness and visibility of human rights in EU foreign policy. Key emphasis in 2015 was placed on strengthening the EU's human rights engagement with strategic partners with an important regional and multilateral presence, including through return visits to Brazil, China, Mexico and South Africa; increased focus on the EU's neighbourhood, including through first-time visits to Azerbaijan and Morocco; continued strong engagement with selected countries in transition, including Bahrain and Myanmar/Burma and the launch of the first

human rights discussions with Cuba; and increasing the profile of the EU's engagement with the UN and with regional human rights mechanisms to foster regional ownership and to promote the universality of human rights, including through the launch of a first policy dialogue on human rights with the Association of South-east Asian Nations' (ASEAN) human rights mechanisms and deepening cooperation with the African Union (AU).



*Federica Mogherini and Stavros Lambrinidis at  
the UN in Geneva (March 2015)*

increasingly difficult situation they face in many countries. Focusing on reversing crack-downs and new restrictive laws on NGOs, working for the release of HRDs, setting up more efficient support mechanisms, and endeavouring to re-establish the dialogue necessary to address these issues was a key focus of several missions and follow-up contacts in 2015.

Through visits to almost twenty countries in 2015, speaking engagements at numerous high level multilateral meetings, and meetings with hundreds of

key stakeholders from governments, international organisations and civil society, the EUSR also sought to raise the EU's effectiveness and visibility as a preeminent world actor on human rights and to advocate for key EU priorities, including freedom of expression and association, women's and children's rights, the fight against torture, non-discrimination, the abolition of the death penalty, economic, social and cultural rights, business and human rights and promoting accountability for human rights violations.

At the multilateral level, the EU continued to be a vocal advocate of the universal promotion and protection of human rights, working in particular through the Third Committee of the United Nations General Assembly (UNGA) and the United Nations Human Rights Council (HRC), but also UN specialised agencies such as the International Labour Organisation (ILO). In these contexts, the EU promoted its thematic and country priorities and collaborated with countries from all regions in the pursuit of its objectives. The EU also supported the mainstreaming of human rights across the work of the UN more broadly, and promoted a human rights-based approach to the sustainable development goals, adopted through the 2030 Agenda in September 2015. In February 2016, the Council adopted conclusions on the EU's priorities at the UN human rights fora <sup>(4)</sup>. The EU continued to use an annual strategic work plan, burden sharing arrangements with the EU Member States and targeted outreach to make its participation in these fora more effective. The EU also cooperated closely with the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Council of Europe and the Organisation for Security and Co-operation in Europe (OSCE).

## EU INSTRUMENTS

The EU has a broad range of policies, tools and financing instruments at its disposal to promote and defend human rights. These include public diplomacy (EU statements and declarations), more discreet diplomacy tools (demarches <sup>(5)</sup> and political dialogues), but also human rights guidelines and human rights country strategies, regular human rights dialogues, and financial cooperation projects including support to civil society. The EU strives to ensure the best interplay of these instruments, i.e. to use them most effec-

4 Council conclusions on EU priorities at UN human rights fora in 2016, 6012/16.

5 A demarche is a type of diplomatic representation. It is a formal approach made to the representative of a third country or international organisation to persuade, inform or gather the formal views of a government on a specific issue. It can take written or oral form.

tively and in conjunction with each other in order to achieve the best results. Human rights issues should not be confined to human rights dialogues, for instance, but are included in the agenda of other meetings, including political or other dialogues (for example, visa liberalisation) and summits.

**Human rights guidelines:** the EU has adopted 11 guidelines <sup>(6)</sup> which set out priority areas of external action. The guidelines most recently adopted are those on freedom of religion or belief and freedom of expression online and offline. They are intended primarily to serve as a practical tool to guide EU actors around the world when implementing EU human rights priorities at the local level. Guidelines are updated regularly.

**Human rights country strategies:** these strategies are prepared to a large extent at the local level by EU delegations and based on an analysis of the human rights situation in a given country. These strategies have become central in helping ensure policy consistency. They identify the top priorities for EU action on human rights and democracy, define long- and short-term key objectives and describe concrete activities to be carried out to reach these objectives in the respective country.

**Human rights dialogues:** Over the years, human rights dialogues have been established with an increasing number of countries. Their objectives include: discussing questions of mutual interest and enhancing cooperation on human rights in multilateral fora such as the UN and enabling the EU to share its concerns on human rights violations with partner countries, information gathering and endeavouring to improve the human rights situation in the partner country concerned. These dialogues are key instruments for the EU to bilaterally engage on human rights, including on specific themes such as torture, the death penalty, freedom of religion or belief, freedom of expression online and offline, disabilities, women's and children's rights, fundamental rights and principles at work and cooperation in multilateral fora.

In 2015, the EU held formal human rights dialogues and consultations with 34 partner countries and regional groups. Dialogues resumed with Egypt and Tunisia (with both countries, the last dialogue had been in 2010) and, for the first time since 2009, with Belarus. In addition, many of the 79 African, Caribbean and Pacific countries that are party to the Cotonou Agreement engaged in a dialogue with the EU.

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6 Full list of the 11 EU human rights guidelines.

Prior to human rights dialogues, consultations are carried out with civil society in Brussels and in the country hosting the dialogue. Debriefings on the outcome of the dialogues are also held. Policy forums and dialogues are complemented by technical meetings with civil society organisations throughout the year, in which the EU shares information on activities and policies. In May 2015, an innovative initiative was organised with Tunisia to engage in a 'trialogue' between civil society, the Tunisian government and the EU, back-to-back with the EU-Tunisia Human Rights Dialogue.



*EU-Afghanistan Human Rights Dialogue (June 2015)*

## EU AT UN HUMAN RIGHTS FORA

**EU-UN Partnership on Human Rights:** The EU is strongly committed to the UN human rights bodies and promotes a responsive, effective, and impactful UN human rights system. The EU supports the UN High Commissioner for Human Rights and his staff in their worldwide human rights work. It promotes full cooperation with the HRC Special Procedures, including by ensuring mandate holders' unhindered access to and contact with individuals and civil society. The EU is unwavering in its commitment to the UN treaty bodies and draws on their findings and recommendations in its country work. Similarly, the EU supports the Universal Periodic Review and calls upon all countries to fully engage with this process, including by ensuring follow-up to recommendations.

**70th session of the UN General Assembly, Third Committee:** The Third Committee (Social, Humanitarian and Cultural Affairs) of the 70th session of the UNGA in October/November 2015 dealt with roughly 60 resolutions, and the EU was very active, delivering nine formal statements and intervening in more than 45 interactive dialogues with UN officials, human rights mandate holders and the High Commissioner for Human Rights. The EU presented initiatives on freedom of religion or belief, rights of the child (jointly with the Group of Latin America and Caribbean Countries — Grulac), the Democratic People's Republic of Korea (jointly with Japan), and Myanmar/Burma — all of which were adopted with significant support — and also supported a number of partner initiatives, including resolutions on Iran, Syria and HRDs.

**United Nations Human Rights Council, sessions 28 to 30 and two special sessions:** 2015 was another busy year for the HRC, with the three regular sessions complemented by two special sessions: one on 1 April 'in light of the terrorist attacks and human rights abuses and violations committed by the terrorist group Boko Haram'; and another on 17 December 'on preventing further deterioration of the human rights situation in Burundi'.

**International Labour Organisation, International Labour Conference and Governing Body:** 55 EU statements were delivered at the ILO in 2015 during the 104th International Labour Conference, the 323rd, 324th and 325th sessions of the Governing Body as well as during two tripartite meetings. The EU and its Member States supported fundamental principles and rights at work, sustainable development, labour protection, in particular against unacceptable forms of work as well as monitoring progress towards decent work. They addressed violations of core labour standards on forced labour in Eritrea,

Mauritania, Myanmar/Burma and Qatar, child labour in Cambodia and Cameroon and freedom of association in Bangladesh, Belarus, Fiji, Guatemala and Swaziland. The EU also strongly supported the work of the ILO's unique standard supervisory mechanism.



*Donald Tusk, President of the European Council, addresses the UN General Assembly (September 2015)*

## EUROPEAN INSTRUMENT FOR DEMOCRACY AND HUMAN RIGHTS (EIDHR)

The EIDHR is one of the key external financing instruments used to promote and support democracy and human rights worldwide. Building on its key strength, which is the ability to operate without the need for host government consent, the EIDHR is able to focus on sensitive issues and innovative approaches, and to cooperate directly with isolated or marginalised civil society organisations.

Compared to the 2007-2013 EIDHR, the 2014-2020 EIDHR has been adjusted to address new realities and is more strategic in its focus and procedurally easy to use. Its budget has been increased and thus enabling the EU to provide more support for the development of thriving civil societies and their specific role as key actors for positive change in support of human rights and democracy. This includes increasing the EU's capacity to react promptly to human rights emergencies and more support for international and regional human rights protection mechanisms.

Support is also given to undertake electoral observation missions, follow up their recommendations and improve democratic and electoral processes. Also, the EIDHR's specific objectives have been better defined with respect to the protection of human rights and support of democratic processes, including in particular:

- a stronger wording on the role of civil society, including a specific reference to the cooperation between civil society and local authorities and relevant state institutions;
- a stronger emphasis on each vulnerable group (national, ethnic, religious and linguistic minorities, women, lesbian, gay, bisexual, transgender and intersex persons (LGBTI), indigenous peoples);
- a stronger emphasis on economic, social and cultural rights.

## 2. THE EU HUMAN RIGHTS APPROACH TO CONFLICTS AND CRISIS

### INTEGRATING HUMAN RIGHTS IN CONFLICT PREVENTION, CRISIS MANAGEMENT AND TRANSITIONAL JUSTICE

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In 2015, conflict and crisis have affected the lives of millions of civilians. Serious violations of international humanitarian and human rights law are common in many armed conflicts. The EU's commitment to human rights includes integrating human rights considerations into all its policies and financing instruments addressing these issues.

The EU has taken additional steps in 2015 to mainstream its human rights and gender policies in the planning, implementation, conduct and evaluation of Common Security and Defence Policy (CSDP) missions and operations.

In line with the 2013 crisis management procedures<sup>(7)</sup>, human rights and gender considerations were addressed during the planning process for new missions and operations, and an analysis of the human rights and gender situation was incorporated in the CSDP planning documents. In 2015, there were advisers or focal points for human rights and gender in most CSDP missions and operations. The tasks of the advisers and focal points include both mainstreaming human rights and gender into the work of the mission or operation, and implementing specific activities.

Human rights and gender components are also included in CSDP training, i.e. CSDP orientation training, pre-deployment training, and security sector reform courses organised by various Member States within the framework of the European Security and Defence College (ESDC). Human rights and gender are also emphasised in the high level and senior mission leaders courses. Specialised training on human rights, gender, children and armed conflict, protection of civilians and conflict prevention is also available through ESDC and other Member State initiatives.

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7 Suggestions for crisis management procedures for CSDP crisis management operations, 7660/2/13 REV 2.



*Joseph Yakété, Defence Minister of the Central African Republic, at Camp Kasai, the base of the EU Military Advisory Mission (EUMAM RCA) in Bangui*

During 2015, the EU played a significant role, including via the technical advice provided by the Advisory Mission to Ukraine (EUAM), in the development of the Ukrainian national human rights strategy, approved by President Petro Poroshenko in August 2015, and the action plan for the implementation of the strategy over the period 2016-2020. EUAM advisors participated in working groups and submitted recommendations that were incorporated in the final draft of the action plan. Key inputs delivered by EUAM included advice on combating torture and inhumane treatment, protection of prisoners' rights, core reforms of the penitentiary system, ensuring the right to a fair trial, the right to privacy, and freedom of peaceful assembly. EUAM advocated for gender equality, the ratification of the Istanbul Convention (to prevent and combat violence against women and domestic violence), and the adoption of a national action plan for the implementation of UN Security Council Resolution 1325 (which addresses the impact of war on women, and the role women can play in conflict management).

In November 2015, the Council adopted conclusions on EU's support to transitional justice <sup>(8)</sup>. In doing so, the EU became the first regional organisation to have a dedicated strategy concerning transitional justice. The policy framework demonstrates the EU's commitment to transitional justice and strengthens the consistency of the EU's engagement. It also provides guidance to EU and EU Member State staff.

On the practical level, the EU remained active in the field engaging in countries in transition through its crisis response, conflict prevention, post-conflict recovery, security and development efforts. The issue was raised at over a dozen political dialogues with partner countries during 2015. An EU Envoy for the Colombian Peace Process was appointed in October to assist with the implementation of the peace agreement reached in the country on 23 September. Training was also organised throughout the year for EU and Member State staff working on transitional justice issues.

The EU continued to be one of the largest financial contributors to transitional justice initiatives worldwide, providing financing for justice, truth-seeking initiatives, institutional reform and reparations programmes including through support to civil society and victims' groups. Projects funded in 2015 ranged from a small pilot project in the Democratic Republic of the Congo supporting access to justice for victims to providing large scale support to the training of prosecutors and outreach campaigns for the UN International Criminal Tribunal for the former Yugoslavia (ICTY). The EU also supported access to justice for victims through a global programme on gender-sensitive transitional justice implemented jointly with UN Women.

The EU continued to work closely with the UN (in particular the Special Rapporteur for the promotion of truth, justice, reparations and guarantees of non-recurrence), regional organisations and civil society in supporting transitional justice.

## **INTERNATIONAL CRIMINAL COURT (ICC)**

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The EU continued its efforts to ensure that perpetrators of genocide, war crimes and crimes against humanity are held accountable for their actions, and to achieve justice for victims of atrocities. In that context, the EU continued to support the ICC <sup>(9)</sup>, not least by providing political support to the court in multilateral fora such as the UN Security Council and the HRC. The EU has provided financial assistance to the court and to civil society actors in support of the cause of the court.

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8 Council conclusions on EU support to transitional justice, 13576/15.

9 In accordance with Council Decision 2011/168/CFSP of 21 March 2011 and with the 2006 Agreement on cooperation and assistance.

One example of such support has been the EU's ongoing engagement towards the universality of the Rome Statute and promoting a better understanding of the ICC's mandate. The EU has continued to make every effort to further this process with third states, in particular during its human rights dialogues, through systematic demarche campaigns worldwide, the organisation of dedicated local or regional seminars, the systematic inclusion of a clause in agreements with third countries, encouraging the ratification of or accession to the ICC Statute as well as offering assistance in implementation, or through financial support to civil society organisations advocating for the universality of the Rome Statute.

The EU and its Member States have played a leading role in efforts to strengthen cooperation with the court. In particular, the EU undertook consistent action to encourage full cooperation of states with the ICC, including the prompt execution of arrest warrants. The EU's reaction to non-cooperation with the ICC by third states focused especially on how the EU and its Member States can respond to instances of non-cooperation, to persisting or repeated cases of non-cooperation, and when to avoid non-essential contacts with individuals subject to arrest warrants issued by the ICC. The EU's reaction to the visit of Sudanese President Al-Bashir to South Africa in June 2015 is a case in point <sup>(10)</sup>.

Finally, the EU continued to be fully committed to the implementation of the principle of complementarity enshrined in the Rome Statute. For this purpose, the EU provided operational guidance on bridging the gap between international justice and national justice systems. In Côte d'Ivoire, for instance, the EU contributed to the reinforcement of the justice and detention sectors. Special priority was given to the rehabilitation of the court system in order to offer equitable access to citizens.

## **INTERNATIONAL HUMANITARIAN LAW (IHL)**

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The EU remained a major advocate for IHL and humanitarian principles. For example, in his statements on the attacks against the International Committee of the Red Cross (ICRC) in Yemen of 25 August and 2 September 2015, EU Commissioner for Humanitarian Aid and Crisis Management, Christos Stylianides, called on all parties to the conflict to respect IHL, and to cease targeting humanitarian workers. In his statement of 18 September 2015 on the attack on civilian areas of Aleppo, Syria, the Commissioner condemned all indiscriminate attacks on civilians and urged all parties to the conflict to respect IHL and the protection of civilians. Similarly, in his statement on the airstrikes against a *Médecines Sans Frontières* hospital in Kunduz, Afghanistan

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10 Statement by spokesperson on South Africa and the ICC, 150614\_02\_en, Brussels, 14 June 2015.

on 3 October 2015, the Commissioner called on all parties to the conflict to respect IHL and ensure that healthcare facilities and humanitarian workers are protected.

It continued to implement the 2005 EU Guidelines on International Humanitarian Law (updated in 2009), which set out operational tools for the European Union and its institutions and bodies to promote compliance with IHL. The guidelines also aim to promote compliance with IHL by third states and non-state actors. The EU continued working towards further participation in the principal IHL instruments and other relevant legal instruments which have an impact on IHL <sup>(11)</sup>.

In order to improve implementation of IHL at the national level, the EU continued to support states in their efforts to adopt national legislation pertaining to their IHL obligations. For instance, the EU has advocated with the Government of Iraq for it to accede to the Additional Protocol II to the Geneva Conventions, allowing for the full application of IHL in the context of non-international armed conflicts. The EU also funded programmes to help build effective and accountable security and justice sectors.

The EU continued to promote the dissemination of and training on, and supported, publications on IHL inside the EU and in third countries, in particular vis-à-vis national authorities, armed non-state actors and humanitarian actors. For instance, the EU training missions for Somalia and Mali include in their curriculum training in human rights law and IHL.

The ICRC remained an important partner in providing IHL training and dissemination and continued to receive funding from the EU for that purpose.

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11 In full respect of the competence attributed to, and of the limitations imposed on the EU in matters related to IHL by the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) as amended by the Treaty of Lisbon.

On the occasion of the 32<sup>ND</sup> International Red Cross and Red Crescent Conference, which took place from 8 to 10 December 2015, the EU, its Member States and European Union National Red Cross Societies submitted a number of ambitious Joint Pledges <sup>(12)</sup>. These pledges aim, *inter alia*, at the strengthening of compliance with IHL, the strengthening of IHL protecting persons deprived of their liberty, the promotion and dissemination of IHL as well as increasing respect for and protection of medical missions in times of armed conflict or other emergencies and the prevention of and response to sexual and gender-based violence during times of armed conflict or in the aftermath of disasters and other emergencies.

## MIGRANTS, REFUGEES AND ASYLUM SEEKERS

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During 2015 Europe was confronted with unprecedented flows of refugees, asylum seekers and irregular migrants, including a marked increase in the proportion of children in migration, resulting in a humanitarian crisis in the Mediterranean and along the Western Balkans migration route, including continued tragic loss of life at sea.

In the face of this great challenge, the EU has sought to ensure that the protection of human rights is a priority in its response. The European Council, in its statement of 23 April 2015 <sup>(13)</sup> and conclusions of 25-26 June 2015 <sup>(14)</sup>, agreed on the need for a quick and effective response to the humanitarian crisis, whilst also designing a medium- and long-term strategy and reinforcing cooperation with third countries of origin and transit. The European Agenda on Migration <sup>(15)</sup>, which was adopted by the European Commission in May, prioritises respect for human rights across each pillar of action. The African and European leaders who gathered at the Valletta Summit in Malta on 11-12 November 2015 underlined the importance of protecting the human rights of migrants, and the action plan <sup>(16)</sup> that was adopted at that summit includes a number of clear commitments in this regard, including: facilitating access to justice, legal assistance, witness protection, health and socio-psychological support for refugees, migrants and asylum seekers; supporting countries in their efforts to accede to and comply with the 1951 Refugee Convention and its 1967 Protocol; enhancing the protection capacities of host countries; and addressing human rights violations that contribute to instability.

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12 32<sup>nd</sup> International Red Cross and Red Crescent Conference Pledges.

13 Special meeting of the European Council, 23 April 2015 – statement 204/15.

14 European Council conclusions, 25-26 June 2015, 500/15.

15 Commission Communication 'A European Agenda on Migration', COM(2015) 240 final.

16 Valletta Summit on migration – action plan and political declaration 809/15.



*Roundtable of the 2<sup>nd</sup> working session at the 2015 Valletta Summit on Migration*

Likewise, the firm commitment to respect the dignity of migrants and refugees, and their human rights, was restated at the High Level Conference on the Eastern Mediterranean and Western Balkans Route, held in Luxembourg on 8 October 2015, and translated into concrete operational measures by the EU leaders' statement on refugee flows along the Western Balkans route, adopted on 25 October 2015 <sup>(17)</sup>.

Human rights have long been a priority in the EU's cooperation with third countries under the overarching external migration policy — the global approach to migration and mobility <sup>(18)</sup> — which includes the human rights of migrants and refugees as a cross-cutting issue. In 2015, the EU continued to support projects in partner countries to improve detention conditions for migrants, activities to improve the treatment of unaccompanied child migrants, capacity building projects to support the development of better refugee protection systems, and projects to improve access to justice for migrants. As part of the 9 September 2015 migration package, the European Commission allocated EUR 1.8 billion to set up an EU Trust Fund for Africa <sup>(19)</sup>, which will, *inter alia*, finance projects that ensure better protection of migrants, refugees and asylum seekers, and support communities that host them. The EU Regional Trust Fund

17 Leaders' Meeting on refugee flows along the Western Balkans Route – leaders' statement.

18 Commission Communication 'The global approach to migration and mobility', COM(2011) 743 final.

19 EU Emergency Trust Fund for Africa.

for the Syrian Crisis <sup>(20)</sup>, (the Madad Fund), adopted its first response packages in 2015 with a value of EUR 390 million. The trust fund will provide aid to about 1.5 million Syrian refugees, as well as host communities in Jordan, Lebanon and Turkey, focusing on education, resilience and local development, health, water and sanitation, and food security, and targeting children and young people. In November 2015 the EU launched the Turkey Refugee Facility, which will provide EUR 3 billion in support to Syrian refugees in Turkey. The EU has continued to support a regional development and protection programme in Iraq, Jordan and Lebanon for refugees from Syria, and two new regional development and protection programmes in the Horn of Africa and in North Africa were launched in 2015. The protection of the human rights of migrants and refugees is a key element in these programmes.

The EIDHR 2015 global call for proposals allocated EUR 5 million to projects in support of the human rights of migrants, including asylum seekers in third countries and internally displaced persons, as well as stateless persons. This complements the EUR 11.5 million global civil society action that was launched in 2014, which focused on protecting and promoting the rights of vulnerable migrants and victims of human trafficking.

During the year, migrants' rights issues were systematically addressed in policy dialogues on human rights with partner countries, and the mobility partnerships have provided a framework for addressing human rights issues in a systematic manner in migration policy dialogues with third countries. Eight such mobility partnerships have now been established and negotiations are ongoing with Belarus and Lebanon.

Advisers on human rights, refugee law and gender have been appointed to EUNAVFOR MED Operation Sophia <sup>(21)</sup>, and the operation is committed to ensuring that its personnel receives training on human rights and humanitarian law. By the end of 2015, the operation had saved 7 000 people from the sea.

Trafficking in human beings (THB) is an integral part of the European Agenda on Migration and the European Agenda on Security. In 2015, the EU prioritised THB in the new Action Plan on Human Rights and Democracy, as well as in the new framework for the EU's activities on gender equality and women's empowerment in EU's external relations for 2016-2020, which sets the elimination of trafficking of girls and women for all forms of exploitation as one of its priorities. At the Valletta Summit, political leaders further committed to provide protection, support and assistance to victims of trafficking, with special attention to vulnerable groups, such as women and children.

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20 EU Regional Trust Fund in Response to the Syrian Crisis.

21 European Union Naval Force — Mediterranean. Operation Sophia.



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*European Union Naval Force —  
Mediterranean. Operation Sophia*

The EU also stepped up its fight against forced labour, both internally and externally, actively promoting the ratification of the Protocol of 2014 to the Forced Labour Convention, 1930 (No 29), of the ILO <sup>(22)</sup>.

22 Council Decisions (EU) 2015/2037 and (EU) 2015/2071.

## COUNTER-TERRORISM

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In 2015 Europe was confronted with terrorist attacks and failed attempts in many parts of the continent, which took a heavy toll of human lives and disrupted daily life. Incitement to terrorism came mainly from abroad (ISIL/Da'esh) but the terrorist acts were committed mostly by EU citizens.

Terrorist organisations worldwide continue to be responsible for grave and serious violations of human rights. Acts of extreme violence such as killings, rapes, slavery, torture, abductions and extortions are perpetrated on a daily basis by terrorist organisations such as ISIL/Da'esh, Al Qaida, Boko Haram and others. The EU and its Member States are strongly engaged together with its partners to fight against terrorist organisations and the root causes of terrorism.

Under these extraordinary circumstances, the EU continued to point out that full respect for human rights is at the core of any effective and successful counter-terrorism effort.

Following the January events in Paris, the EU response has been consistently in line with its 2005 Counter-Terrorism Strategy (prevention, protection, pursuit and response) and in full compliance with international law and international human rights standards. Emphasis was put on the prevention of terrorism — in particular by countering radicalisation —, on recruitment, equipment and financing of terrorism, and on the need to address underlying factors such as conflict, poverty, proliferation of arms and state fragility that provide opportunities for terrorist groups to flourish.

Accordingly, the February 2015 Foreign Affairs Council conclusions on counter-terrorism <sup>(23)</sup> called to counter radicalisation and violent extremism by supporting initiatives such as the Global Counter-Terrorism Forum-inspired institutions: the International Centre of Excellence on Countering Violent Extremism, the Global Community Engagement and Resilience Fund and the International Institute for Justice and the Rule of Law. In brief, these institutions support national counter-terrorism strategies, address the root causes of radicalisation, promote tolerance and understanding among people and societies, and deliver innovative training to implement counter-terrorism-related and rule of law-based good practices.

The Radicalisation Awareness Network, an EU network of 2 000 practitioners, has proved a particularly valuable tool for identifying and sharing best practices in preventing radicalisation. This includes developing alternative narratives preventing radicalisation at early stages and countering terrorist propaganda in social media. Fur-

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23 Council conclusions on counter-terrorism, Press Release 43/15.

thermore, the EU is committed to tackling the foreign terrorist fighters' threat with a comprehensive strategic approach, as reflected in its EU Counter-Terrorism Strategy for Syria and Iraq adopted in October 2014.

The new Action Plan on Human Rights and Democracy highlights the need to ensure that respect for freedom of opinion and expression are integrated into the development of policies and programmes relating to counter-terrorism.

Other EU policy papers, including for instance the digital market strategy <sup>(24)</sup>, have underscored that the need for security and fighting against dissemination of illegal content should not be addressed to the detriment of human rights such as freedom of expression.

During the year, human rights issues were addressed in counter-terrorism dialogues with the following third countries: India, Israel, Pakistan, Tunisia and also with the UN. A workshop was also held in Lebanon. During the dialogues, the EU always calls on third countries to entrench human rights in their counter-terrorism activities and invites the judiciary to move from a confession-based to an evidence-based criminal justice system.

The Middle East and North Africa region remains a priority when it comes to developing a strategy that will: (1) take into account all underlying factors of terrorism and radicalisation; (2) take an inclusive approach involving civil society; and (3) comply with the international standards on human rights.

The EU Member States' annual meeting on UN Security Council Resolution 1325 focused on women, peace and security in the context of terrorism and violent extremism. In the margins of the 70th UN General Assembly the EU also hosted a side event on 'Integrating the gender dimension in preventing and countering violent extremism policy and practice'. In October 2015 a new UN Security Council Resolution 2242 was adopted, which incorporated counter-terrorism and violent extremism into the women, peace and security agenda.

The EU's engagement in this area is growing in political importance, geographical scope and financial terms, with actions totalling EUR 142 million of ongoing projects. As counter-terrorism capacity-building projects often take place in countries which have weak human rights records, there is a need to balance security considerations and human rights. In this context, the European Commission developed operational guidance to ensure that human rights are taken into consideration in the whole

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24 Digital single market — bringing down barriers to unlock online opportunities.

project cycle of actions in the fight against terrorism and organised crime including cybercrime as well as in addressing cybersecurity, as prescribed in the EU Regulation establishing the instrument contributing to stability and peace <sup>(25)</sup>.

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25 EU Regulation No 230/2014 establishing an instrument contributing to stability and peace, Article 10.

### 3. ADDRESSING THE MAIN HUMAN RIGHTS AND DEMOCRACY CHALLENGES

#### PROMOTING A FREE SPACE FOR CIVIL SOCIETY AND SUPPORTING HUMAN RIGHTS DEFENDERS (HRDs)

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In recent years, new trends have emerged in this area. While a positive trend is reflected in the proliferation of civil society organisations, notably due to social networks and the use of new information technology, on the negative side restrictive actions by authoritarian governments against civil society organisations have intensified. Smear campaigns, restrictions on access to funding from abroad, and the use of intimidation and violence against activists — including by private companies or militias — are just a few examples of the grave challenges to civil society. In many cases the state fails to protect individuals and organisations, to investigate and prosecute.

In 2015, the EU repeatedly expressed concern, including during bilateral human rights dialogues and in multilateral bodies, at increased restrictions on freedom of association, freedom of expression, freedom of peaceful assembly and more generally at restrictions on the activities of civil society organisations, including social partners.

As regards freedom of expression online and offline, in 2015 the EU focused on the implementation of the 2014 EU guidelines <sup>(26)</sup>. Through its human rights dialogues, the EU raised awareness of the adoption of the guidelines and encouraged third countries to take active steps to prevent violence and harassment and to promote a safe environment for journalists and other media actors. Whenever necessary, the EU has condemned attacks against journalists and bloggers through public statements.

The EU has been engaged in debates at the Internet Corporation for Assigned Names and Numbers, the Internet Governance Forum and in the World Summit on the Information Society 10-year review process as well as in the Global Cyberspace Conference in the Hague that took place on 15 and 16 April 2015, with a view to fostering freedom of opinion and expression in cooperation with civil society and other stakeholders. The EU has also been closely following the work of the Freedom Online Coalition.

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26 EU human rights guidelines on freedom of expression online and offline.

Council conclusions on cyber diplomacy <sup>(27)</sup> were adopted in 2015. These conclusions together with the Council conclusions on internet governance adopted in 2014 <sup>(28)</sup> reflect the need to protect human rights online including freedom of expression and the protection of privacy and personal data.

The guidelines on freedom of expression have also been promoted in all EU delegations with the aim of informing all future programming. A new delegation support programme (EIDHR-financed, to start in 2016) for 'EU support to media and freedom of expression in democracy pilot countries' aims at assisting both the delegations and media actors in third countries in applying the guidelines in their policy actions and operations. The new projects/programmes financed by geographic funding instruments were adopted, for example, in Jordan, Senegal and Tunisia. In addition, in 2014/2015 EIDHR has financed a number of projects in areas relevant to the guidelines, for example in Myanmar/Burma.

The EU is also committed to ensuring a high level of protection of personal data for individuals in the EU as well as fostering high standards of data protection with its external partners. With regard to the EU legal framework, the EU is in the process of revising and strengthening Directive 95/46/EC <sup>(29)</sup> on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

Throughout 2015 the EU has witnessed an increasing number of challenges and obstacles to freedom of peaceful assembly. This included, for example, excessive use of force in the policing of demonstrations and the application of excessive fines and penalties for organising or participating in unauthorised peaceful protests. Several public statements have been issued in 2015 calling for respect for the right to demonstrate peacefully, and stressing the importance of promoting the right of public protest.

As part of the broader dialogue and engagement between the EU and civil society, on 3-4 December the EU organised in Brussels the 2015 EU-NGO Forum on Human Rights, focused entirely on the issue of protecting and promoting civil society space and on identifying ways to achieve policy responses to address threats faced by civil society in many countries. The Forum was attended by over 230 participants, mostly from civil society organisations from around the world.

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27 Council conclusions on cyber diplomacy, 6122/15.

28 Council conclusions on internet governance, 16200/14.

29 Directive 95/46/EC on protection of personal data.

In her address, High Representative of the European Union for Foreign Affairs and Security Policy, Federica Mogherini, gave a strong message of support to NGOs working in the field of human rights, telling participants that ‘civil society has a crucial role to play in EU foreign policy. It is not only a key player, but also a main driver for change in all societies, in terms of democracy, good governance, resilience, cohesion, promotion of fundamental human rights’<sup>(30)</sup>. The High Representative also called for renewed efforts to fight attempts to control the work of civil society in many countries around the world.

Other contributors included Maina Kiai, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association; Michel Forst, UN Special Rapporteur on the situation of HRDs; Emilio Álvarez Icaza Longoria, Executive Secretary of the Inter-American Commission on Human Rights<sup>(31)</sup>, Stavros Lambrinidis, EUSR for Human Rights, and a large number of HRDs. The EU is a strong supporter of the UN Special Rapporteurs working to support HRDs and civil society.



*EU Special Representative for Human Rights, Stavros Lambrinidis, delivering an EU statement at the UN General Assembly*

- 30 Address by High Representative of the European Union for Foreign Affairs and Security Policy, Federica Mogherini, at the EU-NGO Human Rights Forum, 151204\_01\_en, December 2015.
- 31 The Inter-American Commission on Human Rights (the IACHR or, in the three other official languages — Spanish, French, and Portuguese — CIDH, Comisión Interamericana de los Derechos Humanos, Commission Interaméricaine des Droits de l’Homme, Comissão Interamericana de Direitos Humanos).

The European Union acknowledges the important role of national human rights institutions (NHRIs) as human rights actors and development enablers and is enhancing its support for NHRIs, both in political and financial terms.

Support to NHRIs is the first action of the first objective of the new EU Action Plan on Human Rights and Democracy 2015-2019. It is a recognition of the fact that the EU considers NHRIs to be crucial actors in the broader human rights architecture. Promoting ownership of local actors, including support to public institutions (objective 1 of the EU action plan) also reflects the idea of promoting partnership, as human rights and democracy can only fully take root where there is strong local ownership.

When acting independently and with sufficient financial and human resources, NHRIs can be true bridge builders between civil society, population and the government on the one hand and between the national authorities and regional/international human rights bodies on the other.

NHRIs are key stakeholders and constitute a fundamental element in the international, regional and national human rights framework. Through their monitoring, reporting, complaints handling, and advisory mandates NHRIs play important roles in upholding international human rights standards. Indeed, they play an increasingly important role for making human rights a reality on the ground and contributing to development.

EU political commitment is also coupled with financial support to NHRIs under the EIDHR. In 2015, a 3-year targeted programme on 'Capacity building of national human rights institutions' — with an EU contribution of EUR 5 million — started. The aim of the programme is not only to support the capacity of NHRIs, but also to support the cooperation with their regional and international networks. The programme focuses on four thematic areas: economic, social and cultural rights, business and human rights, human rights education and strengthening of core NHRI mandates.

Additionally and in order to raise awareness about the EU's commitment to support NHRIs, the EIDHR financed a high level event with NHRIs in the framework of the European Development Days in Brussels on 3-4 June 2015. With nearly 100 representatives of different NHRIs and regional NHRI networks, participants discussed the role, potential and challenges of NHRIs in development, in particular in the context of discussions for the 2030 Agenda.

During 2015, HRDs continued to face pressure from governments in a range of different countries. EU officials posted in third countries continued to implement the 2004

EU guidelines on HRDs <sup>(32)</sup>, including by regularly meeting with HRDs, monitoring their trials, visiting them in detention and discreetly raising cases with the authorities. During 2015, HRDs' issues and cases were raised in human rights dialogues, subcommittee meetings and consultations with 21 countries, and some imprisoned HRDs were released after their cases were raised.

## **FINANCIAL SUPPORT TO HRDS**

During 2015, over 160 HRDs and their families received EU support through the EIDHR Emergency Fund for HRDs at risk. The grants have been used to pay for legal fees, medical care, the installation of security equipment, emergency relocation and a range of other practical actions in support of human rights defenders. The EIDHR global call for proposals launched in August, aimed at providing support to HRDs working at the grassroots level and focusing in particular on the most difficult situations and remote areas for an amount of EUR 5 million. The new EU HRDs mechanism, entitled 'ProtectDefenders.eu', started its operations on 1 October 2015 and supported more than 85 HRDs by the end of 2015. It was officially launched on 2 December 2015 by the EUSR for Human Rights, Stavros Lambrinidis. The mechanism provides short-, medium- and long-term support, including legal and medical assistance; trial and prison monitoring; relocation; advocacy; support for national networks; and the development of strategies to counter restrictions imposed on HRDs. The mechanism, with a budget of EUR 15 million, is managed by a consortium of 12 independent international NGOs and complements the other ongoing and steady EIDHR support to HRDs.

At a multilateral level, the EU has worked on supporting an enabling environment for civil society in its extensive cooperation with a broad range of regional partners, including for instance the AU, in the November 2015 EU-AU Human Rights Dialogue.

The EU participated in the thematic debate on freedom of assembly and association organised by the Committee of Ministers of the Council of Europe on 7-8 October 2015, and a joint workshop on freedom of opinion and expression and freedom of association and peaceful assembly with the League of Arab States (LAS) was held in Brussels in April 2015, focusing on how best to promote these rights in line with international standards.

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32 Ensuring protection — European Union guidelines on human rights defenders.

A separate workshop on 'Civil Society and Euro-Arab cooperation on achieving the UN Sustainable Development Goals' was organised with the LAS in Brussels to analyse the potentialities of civil society as a transformative force in achieving the sustainable development goals. The first EU-ASEAN policy dialogue on human rights, chaired by EUSR for Human Rights, Stavros Lambrinidis, and held in Brussels as part of a 1-week visit by ASEAN human rights commissions representatives, encouraged dialogue and the exchange of experience on engagement with civil society organisations from the two regions. The EU continued to work to ensure that freedom of expression remains a prominent issue on the UN agenda, working actively in all relevant multilateral fora and supporting the mandate of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and cooperating closely with the special rapporteurs with related mandates from the AU, the Organisation of American States, the OSCE and the Organisation of Islamic Cooperation (OIC). It supports the mandate of the newly-appointed UN Special Rapporteur on the right to privacy. The EU supported the HRC resolution on the safety of journalists, the UN General Assembly resolutions on the right to privacy in the digital age, on human rights and the internet and issued a joint declaration on reaffirming the right to freedom of expression including creative and artistic expression.

On HRDs, the EU supported the relevant resolution at the 70th UN General Assembly. In the margins of the 28th session of the HRC in February, the EU launched the #idefend social media public campaign, in cooperation with the OHCHR and Brazil, the Republic of Korea and Tunisia. The situation of HRDs was addressed in a number of EU statements in multilateral fora, including at the HRC and the OSCE Permanent Council, and the EU hosted a side event on HRDs at the OSCE Human Dimension Implementation Meeting in Warsaw.

## THE #IDEFEND CAMPAIGN

In the margins of the 28th session of the HRC, the European Union, in cooperation with the OHCHR and the permanent missions of Brazil, the Republic of Korea and Tunisia to the UN in Geneva, launched a public campaign to express support for and solidarity with the work of HRDs worldwide. The #idefend campaign aimed at raising public awareness of the valuable contribution which civil society advocates make to the promotion and protection of human rights worldwide, but also of the risks they are exposed to. Over 500 participants in the HRC joined the campaign and expressed their support. Numerous ministers, heads of international organisations and ambassadors had their photo taken at the campaign photo booth, and people from all over

the world posted their own photos on social media, using the #idefend hashtag on Twitter and Facebook.

## FREEDOM OF RELIGION OR BELIEF

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Freedom of religion has been under attack in many parts of the world. Persons belonging to religious minorities have been persecuted and forced to flee from lands they inhabited for centuries. The violations of human rights perpetrated by ISIL/Da'esh and other terrorist groups in Syria and Iraq have been particularly brutal and widespread, and were unreservedly condemned by the EU.

In this context the implementation of the 2013 EU guidelines on freedom of religion or belief (FoRB) remained a priority in 2015. Making full use of these guidelines, numerous statements and calls have been made to remind states of their primary duty to protect everyone, not least persons belonging to religious minorities, from discrimination, violence and other human rights violations. Freedom of religion or belief was systematically raised with many partners at different levels of political dialogue, including in human rights dialogues and consultations. The EU also engaged through public statements and discreet diplomacy on individual cases, such as that of Asia Bibi, the Christian woman convicted of blasphemy by a Pakistani Court.

In multilateral fora, the EU presented initiatives on FoRB, both at the HRC and at the UNGA. At the March session (HRC 28), the EU-led resolution on freedom of religion or belief was adopted by consensus. The resolution included a reference to the report of the Special Rapporteur on FoRB on the need to tackle manifestations of collective religious hatred. The explicit language on the right 'not to have' a religion, which was introduced for the first time in the 2013 resolution, was confirmed. In the margins of HRC 28, the EU delegation in Geneva organised a side event with the Special Rapporteur on FoRB, to explore how to tackle religious hatred within the current international human rights framework.

At the 70<sup>th</sup> session of the UNGA, the EU-led resolution on FoRB was also adopted by consensus. The EU achieved its main objective of focusing on the protection of people belonging to religious communities and minorities around the world, ensuring the inclusion of an explicit reference to religious extremism that affects the rights of individuals, as well as a call to states to provide adequate protection to persons and communities at risk of violent attack on the grounds of their religion or belief.

The EU continued to engage with the OIC on the implementation of Resolution 16/18 <sup>(33)</sup>, and was represented at the 5th Istanbul Process meeting held in Jeddah, Saudi Arabia in June 2015.

As regards the EU's financial instruments, in 2015, FoRB-related projects selected under the EIDHR 2013 global call for proposals on combating discrimination continued to be implemented in Asia, Eurasia and the Middle East. Moreover, additional funding for FoRB was committed to a limited number of reserve-listed projects, bringing total EIDHR support for the promotion of FoRB to more than EUR 11 million. The instrument now covers FoRB-related activities in all regions of the world.

## SUPPORT FOR DEMOCRACY AND ELECTIONS

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Human rights and democracy mutually reinforce each other. While democracies come in many forms, they all aim at realising human rights, be they political and civil, or cultural, economic and social. Against a background of increased challenges to democracies in today's world, with consolidation and increased cooperation among some non-democratic regimes, in 2015 the EU developed and consolidated its work on supporting democracy, in line with one of the objectives enshrined in the TEU. Beyond its work on electoral observation, for which it is today a major and credible actor, the EU also developed its overall democracy support policy dealing with the political processes and the institutions that can enforce and ensure respect for human rights.

Elections form the core of democratic systems. The EU has become a key actor in this context thanks to the credibility of its election observation missions (EOMs) which rigorously apply high standards of integrity and independence, in line with the Declaration of Principles for International Election Observation (DoP) which has set the gold standard for election observation. The DoP celebrated its 10th anniversary in 2015. The EU continued to closely cooperate with all international observer groups committed to the faithful implementation of the DoP.

EU EOMs are independent missions, led by a chief observer who is usually a member of the European Parliament. All EU institutions work closely together throughout the various steps of the process aiming at promoting democratic values worldwide. EOM recommendations are key to engaging with all interlocutors in order to improve future electoral processes, and the EU has strengthened its commitment to a thorough

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33 'Combating intolerance, negative stereotyping and stigmatisation of, and discrimination, incitement to violence and violence against, persons based on religion or belief.'

follow-up to EOM but also OSCE/ODIHR <sup>(34)</sup> recommendations. EOM recommendations are now raised consistently in political dialogues with partner countries and contribute to shaping EU election assistance. The EU's new Action Plan on Human Rights and Democracy further emphasises the need to consolidate best practices to ensure effective follow-up to EU EOMs.

The EU continued during 2015 to support electoral processes across the world by deploying EOMs and electoral expert missions, as well as providing technical and financial assistance to election management bodies and to domestic observers. In 2015, EOMs were conducted in Burkina Faso, Burundi (mission withdrawn because of the lack of minimum conditions for credible elections), Guinea Conakry, Haiti (still underway), Myanmar/Burma, Nigeria, Sri Lanka, and Tanzania (temporary redeployment to Europe because of political deadlock in Zanzibar). In addition, election expert missions were conducted in Côte d'Ivoire, Egypt, Guatemala, Morocco (for the local elections), Tanzania and Togo. Last but not least, electoral follow-up missions were deployed to Cambodia, Honduras and Paraguay.

The EU continued its pilot exercise on democracy support to improve the consistency of its work on democracy. A number of EU delegations, together with Member States on the ground, strengthened the joint analysis of democratic challenges in their part-



*EU Election Observation Mission in Tanzania (October 2015)*

34 OSCE Office for Democratic Institutions and Human Rights.

ner countries. Areas of work with potential to engage with the partner country in a tailor-made and effective manner for democratic reforms have been identified. The development of democracy action plans will follow in 2016.

The pilot exercise indicated the need to broaden EU support for democratic institutions by focusing on interactions between state institutions and citizens, supporting the legislatures, strengthening the link between political parties and citizens, supporting local democracy, as well as reaching out to traditional actors playing a role in strengthening democracy. It has also encouraged more synergies between democracy analysis, human rights country strategies, and civil society roadmaps.

The EU Action Plan on Human Rights and Democracy commits the EU to strengthen its work in support of multi-party systems and the political parties therein, parliaments — with the aim of expanding the political space — and to strengthen the link between the EOMs and the broader democracy support agenda. More systematic follow-up to EOMs' recommendations, including through election assistance, is contributing to this goal.

The European Endowment for Democracy (EED), which concludes its first 3-year cycle of activities in 2015, plays an important complementary role. Initiated through a Council decision in 2012, it operates independently from the EU but in complementarity with other EU instruments. The EED focuses on transition processes and supports actors who cannot be reached through other means, concentrating on countries in the European neighbourhood and beyond. In December 2014, the board of governors had agreed to an expansion of the EED's activities to the 'neighbours of the neighbours', with a ceiling of 15 % of the EED budget. A few grants have been provided during 2015 to activities in Russia and some of the Central Asian countries. EED's direct support to target groups is funded through additional resources coming from voluntary contributions from their Member States and other stakeholders, such as private foundations, etc. In June 2015 a new contribution of EUR 12 million was decided by the Commission for the EED's operating costs from 2015 to 2018.

## THE DEATH PENALTY

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Although 2015 was marked by a sharp rise in executions in some retentionist countries, abolitionist countries still represent the clear global majority. In practice, 101 countries have completely abolished the death penalty. Another 33 countries are abolitionist in practice — meaning they have not executed anyone for at least 10 years and have a long-standing policy of not executing.

Throughout 2015, the EU continued to reaffirm its opposition to the death penalty and used all diplomatic tools at its disposal to advance the cause of worldwide abolition. The Action Plan on Human Rights and Democracy maintains the death penalty, together with torture, at the very heart of its priorities, calling for their comprehensive inclusion in all EU support actions towards partner countries and civil society organisations. The 2015 EIDHR global call for proposals included a specific lot to support civil society projects fighting against death penalty.

The issue of capital punishment was consistently raised with retentionist countries and featured in the agendas of political dialogues or dedicated human rights dialogues. Through public statements, the EU deplored the continuing use of the death penalty in various parts of the world: Belarus, China, Egypt, Indonesia, Iran, Iraq, Japan, Pakistan, Saudi Arabia, Singapore, Taiwan, Vietnam and the USA were a particular focus of attention, but statements were issued and demarches were carried out in many other countries, based on the minimum standards defined by international law and the EU guidelines on the death penalty. The EU has given considerable emphasis to the violation of those minimum standards, stressing the inadmissibility of the use of death penalty for minors, persons with intellectual disabilities and for crimes which are not among the 'most serious', such as drug offences.

The EU continued to actively support the efforts taken by the AU towards the adoption of an Additional Protocol to the African Charter on Human and Peoples' Rights on the Abolition of the Death Penalty, as confirmed in the recent EU-AU Human Rights Dialogue of 24 November 2015. Similarly, the EU is taking a regional approach to support regional and local stakeholders engaging on the death penalty in South-East Asia. It also welcomed the abolition of the death penalty in Fiji, Mongolia, Suriname and the US State of Nebraska.

To mark the European Day against the Death Penalty and the World Day against the Death Penalty on 10 October, the EU and the Council of Europe issued a joint statement reaffirming their opposition to the use of capital punishment in all circumstances, and their commitment to the abolition of the death penalty worldwide. In parallel, numerous EU delegations commemorated this important date by organising various events such as debates, conferences and other public awareness activities.

The EU continued to raise its opposition to the death penalty in all relevant multilateral fora, in particular at the UN, the OSCE and the Council of Europe, building on the success of the adoption of the UNGA 69 Resolution on a moratorium on the use of the death penalty <sup>(35)</sup> with an unprecedented number of votes in favour. The EUSR

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35 UNGA Resolution A/RES/69/186, Moratorium on the use of the death penalty.

for Human Rights, Stavros Lambrinidis, raised the profile of the EU's work against the death penalty, speaking at the biennial panel on the issue of the death penalty at the HRC in March 2015, which focused on regional abolition efforts. The EU also actively participated in the UNGA High Level Ministerial Meeting, organised jointly by the OHCHR, Argentina, Fiji, France, and Italy, on 'Moving away from the death penalty' (New York, 29 September 2015).

## **TORTURE AND OTHER ILL-TREATMENT**

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Reports of enforced disappearances, arbitrary detention and ill-treatment of migrants as well as other accounts from around the world highlighted the persisting use of torture and ill-treatment and the need to address it also outside the conventional prison environment. Against this background, the EU, and in particular the EUSR for Human Rights, Stavros Lambrinidis, systematically raised the matter during visits and human rights dialogues with third countries, encouraging countries to ratify and implement the UN Convention against Torture and its Optional Protocol, and to join efforts to promote universal ratification. The EU urged countries to ensure that torture is criminalised by law and properly prosecuted, victims afforded redress, and the recommendations from international monitoring mechanisms complied with. The EU also addressed issues of enforced disappearances and secret detention. During these dialogues the EU offered concrete ways, including financial support, to assist countries in their efforts to eradicate torture and ill-treatment, depending on their needs.

The EU Action Plan on Human Rights and Democracy emphasises the need to address the matter in a comprehensive manner; mainstream safeguards in EU activities such as counter-terrorism and crisis management; address the links between the death penalty, enforced disappearances and arbitrary arrest and detention; and to undertake joint actions with international and regional organisations and civil society organisations, including the 10-year global initiative (Convention against Torture Initiative), to achieve global ratification and implementation of the UN Convention against Torture by 2024.

Through its bilateral support the EU addresses the need for judiciary reform, aiming at an independent justice sector, access to justice and improved prison conditions in several countries. Support is provided for the training of police, and all other staff involved in the penal system, on human rights and how to detect and report allegations of torture.

Under the EIDHR a number of projects address the prevention of torture and other ill-treatment as well as rehabilitation of its victims. Through capacity building and exchange of best practices, two projects financed under the EIDHR help more than

60 NHRIs in Africa and Asia to adequately undertake their important domestic role in the fight against torture and ill treatment. Another project covering Asia, the Caucasus, the Middle East, the Americas and the EU promotes stronger controls on the supply and use of torture technologies and encourages target governments to develop effective national policies, procedures and laws to control the trade in, use of and accountability for the technologies of torture. Other examples of areas addressed through EU funding are improved prison conditions, raising awareness of specific needs for the protection of vulnerable groups, support for alternative youth detention, and giving a voice to victims of torture, raising public awareness and holding perpetrators accountable.

The EU works with the Council of Europe to provide support and capacity building to the penal systems in several countries, such as the long-term training programme for prison staff in Georgia.

In addition to financial support, delegations also organised events to raise awareness of the importance of combatting torture.

The EU cooperates fruitfully with civil society organisations active in combatting torture. In 2015, training was organised for the staff of EU institutions and Member States, at which civil society organisations<sup>(36)</sup> and the UN Special Fund presented sessions on prevention of torture, monitoring, and rehabilitation of victims and the potential for strengthened cooperation between the UN and the EU. EU representatives also participated in an exchange with the UN Committee against Torture and civil society initiated by Fiacat<sup>(37)</sup> in Geneva in November. The event provided an excellent opportunity to strengthen cohesion in our common effort to address torture and ill-treatment.

In its December conclusions<sup>(38)</sup>, the Council reiterated the priority given to the fight against torture and other ill-treatment and welcomed the Court of Auditors' generally positive Special Report on 'EU support for the fight against torture and the abolition of the death penalty'.

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36 Amnesty International, Association for the Prevention of Torture, *Fédération internationale de l'action des chrétiens pour l'abolition de la torture* (Fiacat), International Rehabilitation Council for Torture, World Organisation against Torture.

37 The International Federation of ACAT (Fiacat) is an international NGO for the defence of human rights whose mandate is to fight for the abolition of torture and of the death penalty.

38 Council conclusions 'The European Court of Auditors' Special Report No 09/2015' on 'EU support for the fight against torture and the abolition of the death penalty', 14640/15.

## ANTI-DISCRIMINATION

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### Gender equality

Gender equality is at the core of European values and enshrined within the EU legal and political framework. The EU has been particularly active to mark 2015 as the landmark year for gender equality and women's empowerment. Women's political participation and economic empowerment, initiatives against gender-based violence and harmful practices (female genital mutilation/cutting; child, early and forced marriage; feminicide), actions to end sexual violence in conflict, the implementation of UN Security Council Resolution 1325 (UNSCR 1325) on women, peace and security, the negotiation of the new development agenda, and integrating a gender dimension into policy and practice for preventing and countering violent extremism were among the areas prioritised by the EU during the reporting period.

The 20th anniversary and review of the Beijing Declaration and Platform for Action (BPfA) coincided with the High-Level Review of UNSCR 1325 on women, peace and security. These instances — also in the context of the adoption of the 2030 Agenda on Sustainable Development, and of the parallel reviews of the UN peacekeeping operations, and of the peacebuilding architecture — provided the promoters of the gender agenda, at the forefront of which stands the EU, with the opportunity to seek the recommitment of states and international organisations; to improve implementation methods in order to deliver better and more quickly on the objective of gender equality; and to firmly anchor a gender dimension into the international peace, security and development architecture.

The High Representative of the European Union for Foreign Affairs and Security Policy, Federica Mogherini, participated in the high-level opening of the 59th session of the UN Commission on the Status of Women (CSW) where a political declaration was negotiated and exceptionally adopted in view of the 20th anniversary of the BPfA. The EUSR for Human Rights, Stavros Lambrinidis, also attended the CSW, intervening for the EU in one of the ministerial round table discussions and several side events. In the Global Leaders' Meeting on Gender Equality and Women's Empowerment held in New York on 27 September 2015, the EU, represented by First Vice-President of the European Commission Frans Timmermans, committed to promote women's economic independence and to fight violence against women through prevention, protection and prosecution. The EU also committed to embedding a strong gender dimension into the 2030 Agenda on Sustainable Development, both as a stand-alone goal and mainstreamed through the other goals and targets. In the UN Security Council Open Debate high-level session marking the 15th anniversary of UNSCR 1325, the EU committed to allocate more than EUR 100 million over the next 7 years to gender equality and women's and girls' empowerment projects.

In 2015 the EU adopted the following policy documents where gender equality and women's empowerment in external relations was put high on the agenda: the Action Plan on Human Rights and Democracy; the Gender Action Plan (2016-2020) which provides a comprehensive list of actions to improve the situation of women with regard to equal rights and empowerment and the Strategic Engagement for Gender Equality (2016-2019) which promotes gender equality and women's rights across the world.

In September 2015, High Representative of the European Union for Foreign Affairs and Security Policy, Federica Mogherini, appointed Ambassador Mara Marinaki as the first-ever EEAS PAG and on the implementation of UNSCR 1325 on women, peace and security.

## **Children**

Millions of children around the world continue to suffer from all forms of violence including the consequences and burden of war and its atrocities, discrimination and poverty. Migrant, refugee and internally displaced children's rights are continuously violated. They are denied their right to education and are at a heightened risk of violence, going missing or being trafficked. The crisis situation has put asylum and child protection systems under particular pressure, or has exacerbated existing system gaps.

Through the United Nations Convention on the Rights of the Child the international community has made an important commitment to respect the rights of all children. The Convention, ratified by 196 countries, is the most widely ratified human rights convention. In 2015, the EU raised states parties' obligation to implement the Convention in its human rights dialogues, subcommittees and informal human rights groups with third countries, and welcomed the ratification of the Convention by Somalia and South Sudan.

The EU strongly supported the inclusion in the 2030 Agenda of target 8.7 which aims at eradicating forced labour, ending modern slavery and human trafficking and securing the prohibition and elimination of the worst forms of child labour, including the recruitment and use of child soldiers, and by 2025 end child labour in all its forms and target 16.2, which aims at ending abuse, exploitation, trafficking and all forms of violence and torture against children. In 2015, the EU carried out extensive preparatory consultations with child focused NGOs, UN bodies and other international organisations on the importance of an action on strengthening child protection systems in third countries in the new EU Action Plan on Human Rights and Democracy.

The EU commitment to ending all violence against children is also reflected in the September 2015 launch of a diplomatic outreach with a global focus on all forms of

violence against children and women and a focus on ending child, early and forced marriage and female genital mutilation/cutting. All EU delegations received instructions to carry out actions in priority areas of their choice and to report by December 2015.

The EU continued its support for the ‘Children, not soldiers’ campaign jointly initiated in 2014 by the UN Special Representative of the Secretary-General for Children and Armed Conflict and the United Nations Children’s Fund (Unicef), which aims at ending the recruitment and use of children by government armed forces in conflict by 2016. Despite the escalation in conflict and increased security challenges in some of the campaign countries in 2015, the campaign has so far resulted in the release of thousands of former child soldiers and a number of governments have demonstrated clear commitments and commendable progress. The Commission also launched a call for proposals in August, with many focusing on support to projects for children associated with armed forces groups and gangs and impacted by armed violence.

In addition to other instruments, the 2014-2020 global public goods and challenge programme <sup>(39)</sup> of the Development Cooperation Instrument <sup>(40)</sup> aims to combat all forms of child labour and to support strategies and interventions to address particular problems and challenges affecting children. At the end of 2015, the European Commission contracted a study to assess the main EU interventions under various instruments with a view to proposing effective measures for future actions to tackle child labour and forced labour in EU international cooperation and development.

Throughout 2015 the EU continued to highlight the release of the ‘EU-Unicef child rights toolkit: integrating child rights in development cooperation’. Training was organised for EU delegation staff, local authorities and civil society organisations on the rights of the child, in cooperation with the German Cooperation Agency.

The EU further strengthened its commitment to education in emergencies. The Commission allocated EUR 11 million to 18 humanitarian projects aimed at supporting children affected by conflict and complex emergencies through education, including EUR 1 million dedicated funding for education for children affected by the Ebola epidemic. This initiative has increased every year since 2012, the year the EU dedicated the Nobel Peace Prize money to children who are denied the chance of growing up in peace. By end 2015, the Directorate-General for Humanitarian Aid and Civil Protection

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39 Annex II — ‘Global public goods and challenges’ programme of the Development Cooperation Instrument (DCI) EU Regulation 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020.

40 Development Cooperation Instrument (DCI).



© UN Photo/Eskinder Debebe

*Reintegration of child soldiers in Kitchanga, North Kivu, Democratic Republic of the Congo*

of the European Commission had allocated over EUR 23 million and reached over 1.5 million children in 26 countries.

A study on the institutionalisation of children and possible alternative care solutions in Asia, Africa, Central and South American countries was launched by the EU. The main objectives of the study are to enhance specific knowledge and guide possible future actions related to the issue of children in institutions worldwide who are deprived of parental care.

In regard to EU multilateral action, every year at the UN the EU tables two resolutions on the rights of the child with Grulac. As well as the HRC resolution 'Towards better investment in the rights of the child', the EU was also in the lead for the 3rd Committee UNGA resolution on the right to education. The latter calls on States, inter alia, to uphold the right of every girl and boy to quality, inclusive and comprehensive education including for children with disabilities; to ensure equal access for indigenous children; and to provide education to children in emergency situations and protect education in situations of armed conflict.

## **Older persons**

The EU fully acknowledges the serious challenges that older persons face, including when it comes to employment, discrimination, abuse and neglect and pensions. In 2015, the EU participated actively in the Open-ended Working Group on Ageing for the purpose of strengthening the protection of the human rights of older persons held in New York in July 2015 as well as in deliberations at the HRC dedicated to older persons. These meetings are important opportunities to exchange experiences, best-practices and policies — including considering substantive proposals for an international legal instrument — between government representatives, experts, and civil society actors.

## **Lesbian, gay, bisexual, transgender and intersex persons (LGBTI)**

In 2015, LGBTI individuals saw some progress toward equality, with important milestones throughout the year. Same-sex marriage was legalised in Mexico and the USA and countries such as Mozambique decriminalised gay and lesbian relationships. However, despite these strides, the global campaign for the enjoyment of all human rights by LGBTI persons has experienced a series of setbacks in other regions including Africa and the Middle East. There are still around eight countries where homosexuality is punishable by death and nearly 80 countries still consider same-sex relationships illegal. Violence against LGBTI people is still rife in many places and discrimination in healthcare, education and other sectors is widespread.

The EU has been increasingly active on this issue. In 2015, the EU raised the rights of LGBTI persons in its human rights dialogues with Brazil, Georgia, Kyrgyzstan, Mexico, Turkmenistan and Ukraine. It was also raised with Canada and the US. Another forum where LGBTI issues were discussed was the political dialogue under Article 8 of the Cotonou Agreement with African, Caribbean and Pacific States. In this context, LGBTI issues were raised with Belize, the Gambia and Uganda throughout 2015. On 17 May, the High Representative of the European Union for Foreign Affairs and Security Policy, Federica Mogherini, issued a statement to mark the International Day against Homophobia, Transphobia and Biphobia showing solidarity with LGBTI people all around the world in the struggle to end discrimination on the grounds of sexual orientation and gender identity.

As regards financial cooperation, 10 EIDHR NGO projects on LGBTI equality are currently supported for an amount of approximately EUR 8 million. The objective of these projects is to improve LGBTI organisations' visibility, acceptance and dialogue with authorities to change laws; to combat homophobia; to protect LGBTI persons from violence; and to offer LGBTI persons and NGOs training, information and legal support.

At the United Nations, the EU continues to support the work of the UN and in particular the Resolution on Human Rights, Sexual Orientation and Gender Identity (41) adopted by the HRC in September 2014. In June 2015, during the 28th HRC Session, all 28 EU Member States signed the joint statement on violence and discrimination based on sexual orientation and gender identity. On 29 September at the 70th General Assembly in New York, the cross-regional LGBTI core group, which includes the EU and some of its Member States, organised a ministerial side event entitled 'Leaving no one behind: equality and inclusion in the post-2015 development agenda'. Participants included Commission Vice-President Frans Timmermans and UN Secretary-General Ban-Ki moon. Together with other partners, the EU also supported the launch of the UN Pacific Campaign against Homophobia and Transphobia in August 2015.

In terms of other regional organisations, the EU was active on this issue at the OSCE and in 2015 once again co-sponsored a side event at the Human Dimension Implementation Meeting on intolerance and discrimination towards LGBTI people in the OSCE region. At the Council of Europe, on 17 June 2015 the EU made a statement during the Committee of Ministers session to draw attention to the need for improvement of human rights of LGBTI persons in Europe and to reaffirm its support for Council of Europe activities designed to combat all forms of discrimination.

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41 HRC resolution — human rights, sexual orientation and gender identity (adopted 26 September 2014) — A/HRC/RES/27/32.

## THE COST OF LGBTI EXCLUSION

The 8th LGBT Core Group annual event took place on International Human Rights Day, on 10 December 2015, focusing on the cost of exclusion and discrimination and the benefits of inclusion of LGBT people for an economy, against the background of a World Bank study on the economic cost of exclusion in India. The EU promoted a debate with LGBTI HRDs from around the world, with the discussion touching upon the invisibility of intersex people, the UN development agenda and the shrinking space for civil society.

The EU also supports #FREEANDEQUAL.



*EU and international partners at the 69th UN General Assembly Ministerial Event 'Free & Equal: LGBT Rights are Human Rights'*

## Persons with disabilities

The EU continued to include the rights of persons with disabilities in the human rights dialogues with a number of partner countries and regional organisations.

The EU is a party to the Convention on the Rights of Persons with Disabilities (CRPD). At the 8th session of the Conference of States Parties to the CRPD in June 2015, the EU presented key advances in the implementation of the CRPD, and expressed its support for the inclusion of disability issues in the Sustainable Development Goals. The EU also organised a side event with the European Disability Forum. In August, the EU implementation of the CRPD was reviewed for the first time by the CRPD Committee, based on the first EU report to the UN on the implementation of the CRPD in the EU. With regard to external relations, the Committee praised the trend to include the rights of persons with disabilities in the financing of the EU external actions; the inclusion of disability in the priority areas of the EU Communication on post-2015 sustainable development goals; and the Council conclusions adopted on the inclusion of persons with disabilities in disaster management and its commitment to the Sendai Framework for Disaster Risk Reduction 2015-2030. The Committee also issued a number of recommendations on how to improve the implementation of Articles 11 (on situations of risk and humanitarian emergencies) and 32 (on international cooperation) of the CRPD. In December, the Commission responded to the recommendations in the Committee's Concluding Observations by adopting the European Accessibility Act — a proposal for a directive concerning the accessibility of certain products and services.

At the ASEM<sup>(42)</sup> High-Level Meeting on Disability, held in Beijing, China on 29-30 October 2015, the EU underlined the importance it attaches to the human rights based approach prescribed by the CRPD and stressed that this approach is also to be applied when addressing the emerging market in assistive technologies.

The EU is stepping up its financial support for the social inclusion and human rights of persons with disabilities in its development cooperation. Support is given through projects targeting persons with disabilities as well as through enhanced mainstreaming of disability concerns in general development cooperation, for example by ensuring accessibility.

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42 The Asia-Europe Meeting (ASEM) was created in 1996 and has since become a key forum for dialogue and cooperation between Europe and Asia.



*A disabled Lebanese child receives physiotherapy through a programme funded by the EU*

### **Rights of indigenous peoples and of persons belonging to minorities**

Persons belonging to minorities in all regions of the world continue to face serious threats, discrimination and racism, and are too often excluded from taking part fully in the economic, political and social life of their countries. The EU has engaged in multi-lateral fora in promoting the rights of persons belonging to minorities. The challenges faced by groups such as Roma people and the Crimean Tatars have been raised with international mandate holders such as the UN Special Rapporteur on Minority Issues and the OSCE High Commissioner on National Minorities. The EU also participated in the Annual Forum on Minority Issues in November 2015, on Minorities in the Criminal Justice System, in which the EU supported several recommendations pertaining inter alia to the impartial and non-discriminatory application of the law. Actions to counter and eliminate discrimination against persons belonging to minorities, including people affected by caste-based discrimination, were also embedded in the EU's co-operation with partner countries and in support for civil society, through the EIDHR in particular.

Indigenous peoples continued to be challenged on their land-related human rights issues, including in relation to 'land grabbing' and climate change.

Through the EIDHR, the EU supports a project with the ILO on improving indigenous peoples' access to justice and development through a community-based monitoring mechanism. The project was instrumental in the inclusion of indigenous peoples in the 2030 Agenda.

The EU expressed its support for the ILO's initiative to promote indigenous peoples' access to inclusive and sustainable development at the 325th Session of the ILO Governing Body in November, 2015.

As set out in the EU Action Plan on Human Rights and Democracy, the EU started drawing up a strengthened policy on indigenous issues in line with the UN Declaration on the Rights of Indigenous Peoples and the Outcome Document of the World Conference on Indigenous Peoples held in New York in 2014. In this connection, the EU organised consultations with indigenous peoples. At the consultations, indigenous peoples welcomed the EU approach, provided valuable input and recommendations, and called for a sustained dialogue with the EU. A renewed EU policy on indigenous issues is expected to be finalised in 2016.



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*Mothers from the Quiché indigenous group in northern Guatemala*

## **Racism, racial discrimination, xenophobia and related intolerance**

The elimination of racism, racial discrimination, xenophobia and related intolerance remained a priority for the EU. The EU continues to be engaged within the UN as well as in dialogues with partner countries and civil society to promote awareness and the exchange of best practices. The EU notably contributed to the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Ad Hoc Committee on the Elaboration of Complementary Standards as well as the Working Group of Experts on People of African Descent. Moreover, the EU takes every opportunity, including interactive dialogues with the HRC mandate holders, to speak out against racism, racial discrimination, xenophobia and related intolerance, and to advocate the promotion and protection of human rights for all, including people of African descent.

## **BUSINESS AND HUMAN RIGHTS**

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Reports of violations of civil and political, economic, social and cultural rights resulting from corporate behaviour continued in many parts of the world in 2015. These included attacks on labour rights, and rural and indigenous communities facing land grabs and forced displacement, in particular in some countries in Asia and Latin America.

Against this background, the EU supported the activities of HRDs, and promoted respect for human rights by business, with a number of third countries, both during regular human rights dialogues and in ad hoc meetings. The EUSR for Human Rights, Stavros Lambrinidis, raised business and human rights as a key priority in his discussions with strategic partners, including Brazil and South Africa, and with the AU. In September, the European Union and Brazil organised a dedicated seminar on business and human rights, during which participants from EU institutions and Member States, the Brazilian administration, the UN, and Brazilian and European companies shared best practices with a view to strengthening bilateral and multilateral cooperation on this issue.

The EU continued to promote the United Nations Guiding Principles on Business and Human Rights (UNGPs), endorsed unanimously in 2011 at the UN level, as the best policy tool to address these issues comprehensively and most effectively, and made progress on their implementation. EU Member States continued preparation of national action plans on business and human rights and/or corporate social responsibility. By the end of 2015 seven Member States had adopted national action plans on business and human rights, and a further twenty had completed or advanced significantly with national action plans on corporate social responsibility. In July 2015, a Commission Staff Working Document on the EU's implementation of the UNGPs was adopted, providing a thorough analysis of the state of their implementation within

the EU and in EU external action since the adoption of the Communication on Corporate Social Responsibility in 2011<sup>(43)</sup>. In supporting the business and human rights agenda, the Commission has been active in further facilitating the uptake of complementary tools such as the UN Global Compact, the Organisation for Economic Cooperation and Development Guidelines for Multinational Enterprises, the International Labour Organisation Multinational Enterprises and Social Policy Declaration (ILO MNE)<sup>(44)</sup> and the ISO 26000 Guidance on Social Responsibility.

As regards technical support, in 2015 the Commission made preparations for an EIDHR call for proposals on the implementation of the UN guiding principles on business and human rights that will be published in July 2016. Similarly, technical support for certain Community of Latin American and Caribbean States countries to prepare national action plans was devised under the partnership instrument. As a follow-up to the 2014 EU-AU seminar in Addis Ababa, Ethiopia, the EU provided technical support for the development of an AU framework on promoting responsible business conduct in Africa.

Within the multilateral framework, the EU is supportive of a consensual approach. This includes supporting the UN Working Group on Business and Human Rights established in 2011. The EU also supports the Accountability and Remedy Project led by the OHCHR which aims at improving access to domestic remedies for victims of severe human rights abuses by business.

In July 2015, an Inter-Governmental Working Group (IGWG) for the preparation of an international legally-binding instrument on business and human rights, chaired by Ecuador, met for the first time at the HRC. At the opening session, the EU called for a renewed commitment to the implementation of the UN guiding principles, and expressed criticism of the fact that the IGWG would in practice only focus on transnational corporations, whereas many human rights abuses are committed by enterprises at the domestic level. The EU regretted that its request that the IGWG focus on all kinds of enterprises was rejected. The IGWG will meet again in October 2016.

Corporate social responsibility and business and human rights were included in dialogues with different countries and regions. For example, the 5th ASEM Labour and Employment Ministerial Conference in December 2015 adopted the 'Sofia Declaration' containing a comprehensive chapter on 'promoting decent work and safer workplaces in global supply chains'.

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43 SWD(2015) 144 final and COM(2011)681.

44 The ILO MNE Declaration is a tripartite declaration of principles concerning multinational enterprises and social policy.

## 4. HUMAN RIGHTS THROUGHOUT EU EXTERNAL POLICIES

### TRADE

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Trade policy can be a powerful tool to support the advancement of human rights in third countries in conjunction with other EU external policies, in particular development cooperation. The EU has been a leader in integrating sustainable development objectives into trade policy and making trade a tool to promote sustainable development worldwide. The importance of the potential contribution of trade policy to sustainable development was reaffirmed at global level in 2015 in the 2030 Agenda for Sustainable Development.

In line with the October 2015 Communication on 'Trade for all, towards a more responsible trade and investment policy' <sup>(45)</sup>, the EU continues to assist developing countries, and particularly least-developed countries and countries most in need, to integrate into the global trading system and benefit as much as possible from trade. This is done through the EU's Aid for Trade policy, the unilateral trade preferences and bilateral and regional trade agreements. Human rights considerations are integrated in unilateral preferences (especially in the GSP+ scheme), in EU export controls policy and in EU bilateral free trade agreements.

As regards unilateral preferences, the current Generalised Scheme of Preferences (GSP) Regulation has been applied since 1 January 2014. Fourteen countries have been granted particularly advantageous trade preferences (GSP+) under the new scheme which promotes compliance with 27 international conventions (including core human and labour rights conventions). During 2015 the dialogue between the EU and GSP+ beneficiaries on the implementation of the conventions was intense, and the EU put in place additional innovative ways to provide support for implementation, enforcement and monitoring of the relevant human rights treaties and ILO Conventions. The first report on the GSP+ monitoring cycle was published in early 2016.

The 2015 EIDHR global call for proposals included a lot dedicated to support and empower civil society actors in contributing to the monitoring and the effective implementation of relevant 27 conventions ratified by GSP+ beneficiary countries (EUR 5

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45 Commission Communication, 'Trade for all — towards a more responsible trade and investment policy', COM(2015) 497 final.

million). The projects selected will contribute to ensuring that human rights violations are properly monitored by civil society organisations in GSP+ beneficiary countries.

As regards export controls, Regulation (EC) No 1236/2005 on trade in goods which could be used for capital punishment or torture <sup>(46)</sup> is being reviewed and good progress was made discussing the Commission proposal for amendments. In the last quarter of 2015 the European Parliament and the Council determined their positions and started a triilogue process with the Commission on the matter, with a view to concluding the process in 2016.

The Commission worked on the update of the Council Regulation 428/2009 <sup>(47)</sup>, setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items, including looking at controls on surveillance technology to mitigate the potential risks associated with the uncontrolled export of information and communications technology products that could be used for human rights violations. An *ex ante* impact assessment (IA) for the revision was initiated in 2015; a proposal for a revised regulation is expected in the autumn of 2016.

The European Commission is committed to incorporating human rights in its IAs, whenever relevant. IAs are carried out for legislative and non-legislative proposals, implementing measures, and trade policy initiatives that have significant economic, social and environmental impacts. A special guidance tool has been developed for fundamental and human rights <sup>(48)</sup>.

For trade and investment agreements an analysis of potential human rights impacts has been systematically included in all IAs and sustainability impact assessment (SIAs) carried out since 2012 by the responsible Commission service <sup>(49)</sup>. SIAs are more detailed assessments conducted for all major trade negotiations, during the negotiation process.

To refine the assessment of the human rights impact of trade and investments initiatives, since 2015 the analysis carried out in IAs and SIAs for new trade policy initiatives has followed the specific guidelines published by the Commission in the same year.

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46 Commission Implementing Regulation (EU) No 1352/2011 (20 December 2011).

47 Council Regulation (EC) No 428/2009 (5 May 2009).

48 Better Regulation tool #24.

49 The methodology used builds on the 2011 guidance developed by Commission services — Operational guidance on taking account of fundamental rights in Commission impact assessments, SEC(2011) 567 final.

This is the case of the SIA on the EU-Myanmar/Burma Investment Protection Agreement, launched in September 2015 and to be concluded in the first half of 2016.

Finally, at a multilateral level the EU supports the Arms Trade Treaty (ATT), which aims at enhancing greater responsibility and transparency in the arms trade and entered into force at the end of 2014. The treaty requires inter alia that the risk of arms being used to commit or facilitate serious violations of human rights or IHL, including acts of gender-based violence, must be assessed in arms export decisions. Such risk assessment comes in addition to the prohibition of arms exports if they could be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Convention, attacks directed against civilians or other war crimes as defined by relevant international conventions.

In this context, in 2015 the EU continued to promote the treaty's ratification by all UN Member States. In addition to these diplomatic efforts, the EU-funded ATT implementation support programme provided technical assistance to a number of beneficiary countries (so far 11) in strengthening their national systems in line with the requirements of the treaty.

## DEVELOPMENT COOPERATION

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The EU is committed to incorporating human rights in its development cooperation. In this context, following the adoption in 2014 of the Commission Staff Working Document on 'a rights-based approach, encompassing all human rights for EU development cooperation' <sup>(50)</sup> and subsequent Council conclusions <sup>(51)</sup> which provided a 'toolbox' of concrete guidance, the EU has started progressively to integrate such a rights-based approach (RBA) in its development programmes. The objective is not only to 'do no harm' by avoiding unintended negative impacts of development activities for the final beneficiaries, but also to 'do maximum good' by concretely and directly contributing to the realisation of their human rights, considered both as a means and a goal of development cooperation. The Commission integrated the RBA in key documents, including for instance the identification fiches for aid modalities, the project monitoring system, the grid of criteria for project evaluation, and roadmaps for engagement with civil society. At local level, some EU delegations have already integrated the RBA in their programming.

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50 SWD(2014) 152 final, Brussels, 30 April 2014.

51 Council conclusions on a rights-based approach to development cooperation, encompassing all human rights.

EU-funded projects are being progressively designed according to the RBA. In addition, in 2015 preparation work was done on a support programme, to be operational by beginning of 2016 for training EU delegations and other EU staff on the implementation of the RBA.

A first assessment of the implementation of the toolbox is envisaged.

## LIST OF ACRONYMS AND INITIALISMS

ASEAN	Association of Southeast Asian Nations
ASEM	Asia-Europe Meeting
ATT	Arms Trade Treaty
AU	African Union
BPfA	Beijing Declaration and Platform for Action
CRPD	Convention on the Rights of Persons with Disabilities
CSDP	Common Security and Defence Policy
CSW	Commission on the Status of Women
DoP	Declaration of Principles for International Election Observation
EEAS	European External Action Service
EED	European Endowment for Democracy
EIDHR	European Instrument for Democracy and Human Rights
EOM	election observation mission
ESDC	European Security and Defence College
EUAM	EU Advisory Mission to Ukraine
EUSR	EU Special Representative
EUNAVFOR MED	European Union Naval Force — Mediterranean

FARC	<i>Fuerzas Armadas Revolucionarias de Colombia</i> (Revolutionary Armed Forces of Colombia)
Fiacat	<i>Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture</i>
FoRB	Freedom of Religion or Belief
Grulac	Group of Latin America and Caribbean Countries
GSP	Generalised Scheme of Preferences
GSP+	EU Generalised Scheme of Preferences (GSP) for developing countries
HRC	United Nations Human Rights Council
HRD	human rights defender
IA	impact assessment
IACHR	Inter-American Commission on Human Rights
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
ICTY	UN International Tribunal for the Former Yugoslavia
IGWG	Open-ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights
IHL	international humanitarian law
ILO	International Labour Organisation
ILO MNE	International Labour Organisation Multinational Enterprises and Social Policy Declaration
LAS	League of Arab States

LGBTI	lesbian, gay, bisexual, transgender, and intersex
NGO	non-governmental organisation
NHRIs	national human rights institutions
ODIHR	Office for Democratic Institutions and Human Rights
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIC	Organisation of Islamic Cooperation
OSCE	Organisation for Security and Co-operation in Europe
PAG	Principal Advisor on Gender
RBA	rights-based approach
SIA	sustainability impact assessments
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
THB	trafficking in human beings
UNGA	United Nations General Assembly
UNGPs	United Nations Guiding Principles on Business and Human Rights
Unicef	United Nations Children's Fund
UNSCR	United Nations Security Council Resolutions





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