

The EU's new human rights strategy is a step in the right direction, but whether or not it will be implemented and enforced successfully remains to be seen.

Jul 25 2012

At the end of June, the EU launched its new Strategic Framework and Action Plan on human rights, and announced a new special representative for human rights. [Sionaidh Douglas-Scott](#) argues that while the EU's new strategy is strong in its aspirations; its operational details still need to be clarified. It may also need stronger powers to tackle human rights violations within the EU, an area where the EU has often lacked credibility in the past.



At a time of crisis for the Eurozone, which brings a general torrent of bad news for the EU, a successful, focused and high profile human rights policy could be just what the EU needs to lift it out of its recent bad publicity. And *voilà*, at the end of June, the EU adopted a Strategic Framework and Action Plan on human rights and democracy. At the same time, an EU special representative (EUSR) for human rights was also announced – although the actual candidate had yet to be appointed at the time of writing. To be sure, this package of measures is no publicity gesture, but it has been planned for a long time, and was mandated by the Lisbon treaty. It is intended to ensure that, in the words of EU High Representative Baroness Ashton, human rights are to be a 'silver thread' in every area of EU activity.

According to the EU, the key messages of the Strategic Framework are:

- Human rights throughout EU policy
- Promoting universality of human rights
- Pursuing coherent objectives
- Human rights in all EU external policies
- Implementing EU priorities on human rights
- Working with bilateral partners
- Working through multilateral institutions
- The EU working together

The Action Plan has been drawn up to implement the

Strategic Framework. It sets out 96 steps in 36 different areas to be taken over the next two and a half years which on a first reading at least, appear laudable, if extremely vague (for example, who could take exception to action no 11, which reads: 'Make trade work in a way that helps human rights'?) Notably, however, this document does not set priorities for individual countries. It was prepared on the basis of consultations by the European External Action Service, along with the European Commission and EU Member States, which are jointly responsible for its implementation. Informal consultations were also held with MEPs and NGOs. The Action Plan will continue until 31 December 2014 (the end of the mandate of the EU's foreign policy chief, Catherine Ashton). One of the commitments of the Action Plan is that the EU should detail which of its objectives it has actually accomplished each year in an annual report on human rights and democracy, thus enabling the success of the Action Plan to be gauged.



EU High Representative Lady Catherine Ashton © European Union 2012 - European Parliament". (Attribution-NonCommercial-NoDerivs Creative Commons license)

It will be the task of the new Special representative for Human Rights to respond to crises around the world, and they will have to co-operate, and build links with, potential allies in international forums, such as the UN's Human Rights Council. The EUSR's mandate will run for two years, rather than the usual one year, a feature which appears to acknowledge the importance of developing relationships of trust when dealing with human rights issues. Notably, this will be the first *thematic* mandate given to an EU special representative, and it may cause a clash with the agendas of those 10 already existing EU special representatives for particular geographical areas. The EUSR role, and its associated support functions, are expected to cost in the region of €800,000 per annum. This will be met from the EU's existing Common Foreign and Security Policy budget for missions and operations and no further contribution will be expected from member states. (As an aside, we might add that, although there have been mumblings by some MPs, we might be thankful that, so far, it appears the UK Government anticipates no specific impact of the human rights strategic framework on UK law, and thus no trigger for a UK referendum, or further complications.)

The EU declares its new human rights strategy in a document that is strong in rhetoric and aspiration. According to the EU, the adoption of the EU Strategic Framework on Human Rights and Democracy represents 'a watershed in EU policymaking'. The EU has also stressed the fact that this is the first time that a unified, strategic document on human rights has been adopted. Along with the entry into legal force of the EU Charter of Fundamental Rights, and the prospect of the EU's accession to the European Convention on Human Rights, it is no doubt intended to underline the EU's commitment to human rights in all spheres. Indeed, it is hard to be against a comprehensive, unified attempt to handle human rights issues on the part of the EU – and NGOs, such as Amnesty, have already expressed support for the initiative.

However, successful implementation and enforcement will be the true measure of the package, and several important initiatives still need to be more fully worked out. For example, the emphasis in the Strategic Framework is on human rights, but the EU also plans to establish a European Endowment for Democracy, mainly to give financial help to support democratisation. The statutes for this new body were published on 25 June, but its operational details – including its location – are yet to be announced. It is also the case that some of the framework's central elements need further development. The distribution of the various tasks within EU institutions, and between the EU and member states, is not very clear. The objectives and ambitions in the action plan need more specific actions to be detailed. It is also important that the EU develop human rights objectives that are country-specific, and engage with local activists, journalists, and bloggers, in order to demonstrate its support for human rights initiatives, and encourage further political action. Will the resources allocated under the EU budget be sufficient to realise all of these new commitments? Probably not.

The new EU special representative will also need the necessary powers to be able to tackle rights violations. Those EU human rights bodies already in existence, such as the EU Agency for Fundamental Rights, have

unfortunately been set up with only limited powers (namely, to provide and co-ordinate information, but no power to assess and judge the conformity of national and EU institutions with human rights standards) and so have struggled to live up to initial expectations. The new special representative will need greater powers if they are to make a difference.

The focus in the new Strategic Framework is on the provision of an external voice for human rights, yet there is also a need for stronger internal powers – such as the ability to scrutinise the EU's legislation, or even the power to recommend legal action against states that persistently violate the EU Charter on Fundamental Rights. If the EU is to be credible in its external human rights policy, it must also demonstrate compliance with human rights in its own domestic affairs. The EU stated boldly in its press release for the Strategic Framework that, 'Within their own frontiers, the EU and its member states are committed to be exemplary in ensuring respect for human rights.' Yet the EU has more than once been accused of double standards in its human rights policy. The EU will lack the credibility to deal with human rights abroad if it fails to observe them at home – as evidenced by its problems with the Roma, lack of media pluralism, as well as the effacement of social rights, such as collective bargaining, in the wake of austerity measures introduced to deal with the Eurozone crisis. Several EU member states have failed to ratify the Optional Protocol to the Convention Against Torture, although the EU requires its ratification by other countries in its human rights dialogues with them. Critical third country governments, especially Russia and China, will be swift to point to the EU's own human rights failings.

If the EU is to rise above the bad news, lack of effective governance and human suffering that characterise the Eurozone crisis, it must be able to demonstrate that it is truly engaged with human rights and democracy. Unfortunately, its response to the challenges of global terrorism and financial crisis to date does not give one great confidence that this is so.

[Please read our comments policy before commenting.](#)

Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.

Shortened URL for this post: <http://bit.ly/Q0iWH6>

About the author

Sionaidh Douglas-Scott – *University of Oxford*

Sionaidh Douglas-Scott is Professor of European and Human Rights Law at the University of Oxford. Before coming to Oxford, she was Professor of Law at King's College London. She works primarily within the field of EU Public Law and legal and social theory, specializing, in particular, in EU human rights law. She is the author of the monograph, 'Constitutional Law of the EU', (2nd edition, forthcoming 2013). She has published widely on EU human rights law, including articles on freedom of expression (especially on hate speech), and on the importance of maintaining human rights in the face of EU and national fights against terrorism.



Related posts:

1. [Turkey's relationship with the European Court of Human Rights shows that human rights courts play a vital role, but one that can often be vastly improved.](#)
2. [The Conservatives cannot 'wriggle' their way out of the European Convention on Human Rights, even by introducing a British Bill of Rights.](#)