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Recommendations for the revision of the European Union (EU) Guidelines on human rights dialogues with third countries

Introduction

In the context of the revision of the guidelines on the human rights dialogues, the Human Rights and Democracy Network (HRDN) would like to share key recommendations. HRDN strongly believes that **improving the consultation and participation of civil society organisations (CSOs), the impactfulness of human rights dialogues¹ and the communication** around them would contribute to strengthening the coherence and consistency of the EU's policy on human rights.

1. Genuine consultations and participation of civil society

HRDN welcomes the EU's acknowledgement of the fundamental contribution made by civil society organisations (CSOs) towards the promotion of human rights, democracy and the rule of law that the EU and its member states have committed to putting at the forefront of its external action. And yet, civil society organisations are sometimes not meaningfully consulted and included. Requests to attend consultations and prepare consultations or prepare inputs are often sent at very short notice and do not always ensure that all relevant stakeholders are included. CSOs are very rarely allowed to participate directly and are not always provided with briefings and debriefings.

Through the revision of the guidelines, the EU and its member states should ensure genuine consultation and participation of civil society in third countries and at EU level by committing to:

- **Give the earliest possible notice to civil society** regarding the dialogues to prepare substantive input
- Ensure that the consultations are **accessible and inclusive of all most excluded groups in society**, including persons with disabilities and their representative organisations, and local communities
- Use consultations not only to prepare for the dialogues, but also as an opportunity for civil society organisations to **discuss directly with the Ambassadors, EU Delegations and concerned EEAS staff as well as other EU Commission staff** when relevant, about the situation on the ground, the EU's relations with the country, and possible bilateral and multilateral action
- **Open space for civil society to intervene in and observe dialogues** where agreed by both sides
- Provide **regular and meaningful briefings and debriefings** as well as the establishment of interim meetings to follow up on deliverables or commitments in third countries and at EU level
- Renew efforts toward realising commitments in the current guidelines (chapter 10) to **include civil society in the assessment of the human rights dialogues**

¹ The term "dialogues" is used in this document with reference to all forms of structured human rights consultations with third countries, including human rights dialogues, joint committees, and the likes

2. Impactfulness of dialogues

Dialogues often appear as a box-ticking exercise during which the same concerns are raised year after year with seemingly little ambition to secure meaningful change. Sometimes some issues are reportedly not discussed during dialogues because of lack of time. Furthermore, dialogues are rarely held above the level of the EU's Heads of Unit level. Such situations are utterly ineffective when dialogues are held with highly repressive or totalitarian regimes (China, Vietnam, Egypt, Turkmenistan, etc.), with a robust apical chain of command, where messages sent below a certain level are equivalent to messages not sent at all.

To make Human Rights Dialogues more effective, the guidelines should commit to :

- Prioritising human rights outcomes with **clear objectives, specific benchmarks and human rights indicators to measure progress** and ensure that the dialogue contributes to concrete human rights improvements in policy and practice. In particular, the EU should strive to secure **concrete commitments** by the third countries, monitor the implementation of those commitments and use each dialogue as an opportunity to follow up.
- **Ensuring policy coherence and consistency**, including consistency in EU positioning toward third countries across dialogues and in the desired outcomes/public positioning. Human rights concerns should be raised at all levels of decision-making, including at highest levels and in EU member state bilateral exchanges with the authorities. At the same time, to achieve internal-external coherence, the EU and its member states should ensure that the competent counterparts from the EU are present at dialogues to respond to actively and exchange on, questions from third countries regarding human rights practices in the EU.
- **Identifying countries with whom consultations only make sense at a high level**, and hold those dialogues only if the country is willing to discuss at that level. Conversely, **suspend the dialogues** when the condition to hold them as a meaningful exercise are not met.
- **Including several aspects as standing agenda items** such as the state of play of civil society space and the situation of human rights defenders, including reprisals.
- **Extending the duration of the dialogues**, including over multiple days if necessary, to ensure that all issues are thoroughly discussed
- **Ensuring systematic incorporation of input from UN human rights bodies into EU human rights dialogues** including United Nations (UN) treaty bodies, the Universal Periodic Review (UPR), Human Rights Council (HRC) and UN General Assembly (UNGA) resolutions and UN Special Procedures. The EU should fully use the human rights dialogues to influence third countries to deliver on commitments made at UN human rights for a and on recommendations formulated by treaty bodies and UN independent experts, as well as work on avenues to boost.
- **Protecting Human Rights Defenders from retaliation.** In some cases (Vietnam, for example), local civil society faces acts of harassment, including surveillance and detention, for participating (or seeking to participate) in human rights dialogues. In other cases (Laos), civil society is not even able to participate for fear of reprisals from the authorities. We enjoin the EU to do more to pre-empt such incidents from occurring and to ensure protection for local participants, including by raising the issue of reprisals directly with the government, similarly to what the UN does for individuals who are targeted for their participation in UN mechanisms.

3. Communication around dialogues

Civil society organisations have often complained about the lack of information around the EU human rights dialogues. The EU should **ensure the highest possible level of transparency regarding the process, timing and content of human rights dialogues** to all interlocutors. Civil society organisations request at least three weeks notice prior to a dialogue to ensure adequate consultation with local members and partners and to prepare substantive contributions in a manner that is mutually beneficial.

Furthermore, joint press releases following the dialogues tend to be vague and lacking in ambition, forgetting that they also serve as a message for civil society and the media. The EU should strive to provide much more informative and ambitious communication, committing to publish :

- All the issues and deliverables of the dialogue
- An overview of the EU's recommendations and the commitments undertaken by each party
- Where feasible, the names of detained HRDs and other detained individuals discussed during the dialogue and a recognition of the importance of their work

Joint statements should be avoided where the outcome would contain overly vague language that fails to grasp the seriousness of the situation on the ground and sends the wrong message to media and civil society.

4. Consultations with ACP countries

The EU does not hold human rights dialogues with African, Caribbean and Pacific (ACP) countries. Art. 8, par. 4 of the Cotonou Agreement foresees a regular political dialogue with ACP states, including on issues related to good governance and human rights. The article has by and large been kept in the new agreement that will replace the current framework. Unfortunately, though, art. 8 consultations are rarely held, with very different degrees of publicity, consultations with civil society, levels of engagement, modalities, intervals, etc.

If properly used and treated as the other human rights consultations are, they could be of great benefit to ACP civil society. They will provide them with the opportunity to bring their concerns to the attention of the EU and, in turn, to that of the concerned government institutions, with the support of the EU and its member states.

We recommend that the EU holds regular, meaningful art. 8 dialogues with ACP governments, with thorough participation of local and international civil society, and applying all the recommendations highlighted above.