EXECUTIVE SUMMARY

The European Union (EU) has incorporated a commitment to the promotion of democracy and the universality of human rights into its policies for prospective members as well as in its international action. However, it remains limited in its ability to ensure that these principles are coherently and consistently applied. Trade and business interests, especially with large economic partners such as China, sometimes conflict with human rights diplomacy. The fact that all member states must reach consensus on responses to human rights and democracy deficits, such as those in Russia, dilutes criticism. The search for allies on security matters has meant that the EU has not criticized repression in countries like Egypt. Moreover, because foreign policy is still controlled in part by the member states, there are contradictions at the national level. Nevertheless, the EU has taken important steps to engage on these topics and to push for change, especially through EU-level diplomacy and its large foreign assistance budget.

Introduction

The European Union (EU) made the promotion of “democracy, the rule of law, the universality and indivisibility of human rights and individual freedoms” the guiding principle for its international action. The EU’s most significant impact on global democracy has been its own enlargement, which has supported processes of democratization in Portugal and Greece in the 1970s and 1980s, in Central Europe after the end of the Cold War, in Turkey during the 2000s, and today in aspiring members from the Balkan region. But the EU has also made efforts in recent years to include democracy and human rights standards and guidelines in most of its external policies. The EU promotes democracy and human rights through its budget for foreign assistance, which is managed by the European Commission (the EU’s executive institution); through its Development Cooperation and its Humanitarian Aid offices; and through its recently created diplomatic service, the European External Action Service (EEAS), which coordinates EU foreign and security policy.

In practice, however, there is a gap between the EU’s ambitions and its performance. Conflicting priorities in the fields of security and economics often trump good intentions, and member states frequently diverge from the EU’s overall approach to foreign policy. Internally, too, instances of faltering democratic standards have tarnished the EU’s image.
The mismatch between intentions and outcomes can be explained by the complex relationship between the various actors working on foreign policy at different levels of the EU system. EU foreign policy has always suffered from coordination difficulties as well as a lack of commitment and diversity of positions from EU member states. In recent years, for example, the relationship has been strained between the "old" European Commission, traditional guardian of a more integrated community, and the newly created EEAS as a sui generis body.

As opposed to economic policies, EU member states cooperate in foreign and security affairs only to the extent that they are willing. While their size and resources demonstrate the vast potential that further cooperation could have, members continue to be attached to their own national sovereignty and particular interests in this area. This has prevented greater joint action in international affairs.

**Foreign Policy Objectives**

Over the past few years, the EU has strengthened its ability to address human rights and democracy issues. Since the end of the cold war, the EU has included the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law into all its relations and cooperation with third countries. It has also gradually integrated these principles into its external assistance.

In June 2012, the EU approved the ambitious Strategic Framework on Human Rights and Democracy, accompanied by a 36-point action plan. In essence, the framework is designed to integrate human rights and democracy into all external action, to promote them through bilateral and multilateral means, and to make the EU system work together more coherently. The Strategic Framework updated the EU’s approach to the changing global environment: to the three traditional conceptual clusters of political rights, economic and social rights, and group and minority rights, it added lesbian, gay, bisexual, transgender (LGBT), and intersex rights, freedom of religion or belief, freedom of expression on- and offline, the rights of indigenous peoples, and the rights of people with disabilities. The action plan also sets out objectives for integrating human rights into other external policies, with a particular focus on trade, conflict prevention and crisis management, counterterrorism, freedom, security and justice, employment, and social policy. Finally, it indicates the institutions responsible for actions, together with a time frame, in an effort to overcome the long-standing challenge of integrating human rights across the EU’s complex system.

Institutionally, the EU’s 140 delegations around the world were strengthened to include a human rights and democracy focal point by the end of 2012. These are staffed by officials and specialists to manage projects carried out under the European Instrument for Democracy and Human Rights (EIDHR), designed to support local actors directly without interference from government authorities. The delegations also conduct analysis of the situation in their respective countries. Implementing the Strategic Framework also entailed the drafting of 146 country human rights reports in 2013. In addition, in September 2012 Stavros Lambrinidis was appointed special representative for human rights, a new role considered parallel to the U.S. assistant secretary for democracy, human rights, and labor. Lambrinidis has been actively shuttling around the globe to carry out EU human rights diplomacy, meeting with civil society organizations and conducting the human rights dialogues that the EU has institutionalized with many countries.

Ultimately, human rights remains a modest part of EU diplomacy. Even while the EU has improved its ability to address shortcomings in human rights and democracy, the bulk of its foreign relations is determined by economic, security, or energy interests rather than universal principles.

**Development Assistance and Trade**

The EU and its member states together make up the world’s largest donor, despite cuts to national European budgets for development assistance. Support for democracy is spread across different categories of funding. Roughly 10 to 20 percent of EU external assistance targets human rights, democratic reform, good governance, and rule of law. Priorities for good governance and the rule of law are included in all mainstream assistance, and grants are contingent on recipients satisfying human rights and democracy conditions. For example, of the €449 million ($584 million) committed to Egypt in 2011–13, €50 million ($65 million) was earmarked for reforms in the area of human rights, democracy, and justice. This assistance is channeled through national governments, while civil society organizations are directly supported through the EIDHR and the nonstate actor instrument, which have average annual global budgets of €160 million ($212 million) and €230 million ($305 million) respectively.
These instruments have been strengthened in recent years, and their funding will continue to grow; the EIDHR budget will increase from €1.104 billion ($1.463 billion) to €1.33 billion ($1.76 billion) for 2014–20. More than 530 new EIDHR initiatives were developed in 2013, and a small grant scheme gave emergency assistance to hundreds of at-risk human rights defenders. EU delegations in 107 countries have called for project proposals by grassroots civil society organizations in the fields of human rights and democratization, conflict resolution, and political participation.5

The main problems for EU assistance are related to the gap between commitments and actual disbursements, especially in times of change. In 2012, for instance, the EU committed over €1.6 billion ($2.1 billion) to the 16 countries that border it in Eastern Europe and North Africa and the Middle East, but it disbursed only €1 billion ($1.29 billion). Egypt in particular received far less than planned while undergoing postrevolutionary turmoil. Although choices made by the Egyptian government impacted disbursement, the shortfall also reflects the EU’s inability to reach all of its intended targets.

Partially in an effort to better tailor aid disbursements to the principles of human rights and democracy, the EU strengthened the funding mechanisms for 2014–20. Development assistance will now include a rights-based approach, and the EU’s principles for international action cited above have been included in the regulations that govern such funding.6

Europe’s international trade, which is fully under the competence of the EU and managed by the European Commission, will also see its human rights component strengthened. Nearly all of the EU’s trade agreements are part of a broader agreement that includes a human rights clause, which allows the parties to review or suspend the agreement if these principles are violated. However, in practice this clause has rarely been used except in the context of UN sanctions. From 2012 to 2014, trade was withheld for policy reasons only in the extreme cases of Iran and Syria. On the other hand, trade was used as an incentive in the case of Myanmar. In May 2012, about one year after the new civilian government announced its reform path, the EU began suspending its restrictive measures; by April 2013 it had lifted all sanctions except for an arms embargo.

In Bangladesh, the EU was able to improve labor standards by making use of its role as Bangladesh’s largest trading partner. Following the 2013 collapse of an illegally constructed building in which over 1,000 factory workers died, High Representative Catherine Ashton and Trade Commissioner Karel De Gucht issued a joint statement criticizing labor, health, and safety standards. The threat of suspension from the Generalised System of Preferences (a program allowing developing countries preferential access to the EU market through reduced tariffs) led the Bangladeshi government to make commitments toward improving its labor rights and factory conditions. Nevertheless, as the EU’s action was triggered by an especially dramatic episode, it may not represent a change in the EU’s otherwise weak record in this area.

Indeed, where major trade partners are concerned, the picture is different. EU-China relations are a case in point. On paper, the EU has continued its diplomatic activity in support of human rights in China: in multilateral institutions and bilaterally, through statements and declarations, through a long-standing human rights dialogue (in which it is very hard to address the broad range of human rights and democracy shortcomings in the country), and through a September 2013 visit by Lambrinidis, who was granted unprecedented access both in the Tibetan areas and in Beijing. At the end of 2013, however, the EU and China marked the 10th anniversary of their strategic partnership with the EU-China 2020 Strategic Agenda for Cooperation. The agenda calls for greater cooperation on global peace and security, intensified and expanded trade cooperation, sustainable development, and increased people-to-people contacts—while barely mentioning human rights issues, despite a lack of change in Chinese conditions.

China is the EU’s second-largest trading partner after the United States. Intense commercial contacts flourish particularly with Germany—which since the economic crisis has become China’s biggest trading partner among the EU member states—and the United Kingdom. Bilateral visits of German and UK leaders have led to deals that are expected to give an extraordinary boost to trade. Accompanying a new focus on business has been a sharp toning down of criticism of China’s human rights conditions and conditions in Tibet. For example, while European leaders had previously maintained diplomatic contacts with the Dalai Lama, they have not provided...
support when it might in any way jeopardize economic interests with China.\textsuperscript{7}

\textbf{Elections}

The EU has considerably bolstered its capacity for sending election observation missions (EOMs) to monitor the preparation and conduct of elections. However, while the EU defines these as technical missions guided by an internationally accepted methodology, the highly political context in which the missions take place means that, collectively, the EU and its members may send mixed messages to individual countries. Moreover, the focus on electoral procedures often leads to unclear conclusions upon which EU actors can base various responses to elections.

For example, the EU mission's assessment of the March 2013 presidential and legislative elections in Kenya praised the democratic commitment of Kenyans; the ensuing statement from the EU's high representative followed that line, expressing confidence that the country's institutions would be able to address the electoral shortcomings. However, the statements did not deal with the fact that the elected president and vice president are on trial at the International Criminal Court. Although in line with those of the UN and most Western countries, the EU's assessment fails to consider the core question of whether suspects of war crimes should be eligible for election while on trial.

Over the past two years, the EU has sent EOMs to 20 countries around the world (and contributed to Organization for Security and Co-operation in Europe [OSCE] missions in Eastern Europe) mostly headed by a member of the European Parliament. It also has provided technical assistance to more countries. The EU implements these missions upon request from the governments of the countries where elections are taking place, but they can be canceled if the EU deems the situation not conducive to monitoring or when conditions do not allow for a “free and fair” electoral process. Such was the case in Bangladesh, where the EU canceled its EOM in December 2013.

However, in May 2014 the EU monitored the uncontested electoral process in Egypt, which was marked by repression of the opposition by the caretaker government that had assumed power after the forcible removal of President Mohamed Morsi in July 2013. The EU justified its decision to move forward with election monitoring on the grounds that the EOM would allow it to continue engagement with Cairo and press for the improvement of basic political conditions before upcoming parliamentary elections. The decision was seen as legitimizing the new regime and abandoning the liberal opposition that the EU had earlier supported.\textsuperscript{8} Meanwhile, despite the moderate criticism made by the preliminary EOM report, national European leaders reacted with varying degrees of acceptance of the election of Abdel Fattah el-Sisi. In short, whatever the original intentions of the mission, the result was a de facto legitimization of the new regime in Egypt notwithstanding its repression of the opposition.

Another noteworthy case is Azerbaijan in 2013, when President Ilham Aliyev was reelected with over 80 percent of the vote. The praise that members of the European Parliament and the Parliamentary Assembly of the Council of Europe offered to the electoral process was in stark contrast to the assessment of the long-term mission of the OSCE. This undermined the credibility of the European Parliament mission, which some claimed was manipulated, while legitimizing a fraudulent election.\textsuperscript{9}

\textbf{Disruptions of Democratic Processes}

In 2013 and 2014, two large EU neighbors saw severe disruptions of democratic process. In July 2013 the Egyptian military ousted President Morsi in what was a coup in all but name. This was followed by mass repression, including the killing of supporters of the Muslim Brotherhood. Beyond condemning the violence, the EU pursued a twofold strategy in Egypt: it attempted to facilitate a process of dialogue between the various parties and political actors while avoiding condemnation that might alienate the new government. Thus, High Representative Ashton—who had already attempted to persuade then-President Morsi to develop a more inclusive political dialogue following the breakdown in the constitutional process in November 2012—traveled to Egypt and managed to meet Morsi in detention. Through 14 official visits during her mandate, Ashton attempted to mediate among the various parties in Egypt. This is a role in which the EU has promoted itself, following mediations and/or facilitations in Serbia/Kosovo, Yemen, and Myanmar (through support of the Myanmar Peace Center). However, in Egypt, Ashton found a context too polarized for any dialogue. Moreover, engaging all actors
in Egypt somewhat stifled the EU’s ability to criticize the repressive actions of the government.

The other EU neighbor to experience an uprising was Ukraine, where the trigger for the unrest was the nature of its relations with the EU. Beginning in summer 2013, Moscow was sending clear signals to Ukraine (and other countries in Eastern Europe) that political and trade agreements with the EU were not compatible with their relations with Russia. Toward the end of the year, then-President Viktor Yanukovych did a U-turn by refusing to sign previously negotiated agreements with the EU. This prompted a mass mobilization of Ukrainian citizens, leading to state violence, the flight of President Yanukovych to Russia, Russian annexation of Crimea, and an insurgency in eastern Ukraine, where fighting continues. The EU responded with a range of financial and diplomatic tools, including a mediation attempt by three EU foreign ministers. It also supported the presidential election in May 2014, and bolstered the new government by signing the agreements that had sparked the original protests. Nevertheless, the EU was unable to influence Moscow to change course in Crimea and eastern Ukraine, where fighting continues, and it took a backseat to the United States in direct negotiations. Furthermore, the EU struggled to maintain internal unity over relations with Russia, which remains the most divisive country in EU foreign policy. The crisis revealed the depth of the divisions between those more critical of Moscow and more willing to use punitive tools such as sanctions (Poland, the Baltic states, Sweden, and to a lesser extent the United Kingdom), and those keen to maintain a dialogue with Putin (Germany, France, Italy, Bulgaria, Hungary, Greece, and Cyprus).

Outside its so-called neighborhood of Eastern Europe, the South Caucasus, North Africa, and the Middle East, the EU as an institution is less active. Venezuela’s mass street protests and their violent repression by security forces, for example, did not warrant more than a few statements of condemnation from the EU’s external action service. The EU has no structured political dialogue with the Venezuelan government, so discussions on human rights take place on an ad hoc basis during meetings between the EU delegation in Caracas or member state embassies and Venezuelan authorities.

**Editor’s note:** With the continuation of fighting in eastern Ukraine and the shooting down of a civilian flight in July 2014—as well as pressure from Washington—the EU agreed at the end of July on a broader package of sanctions against Russia including restrictive measures on trade, financial assets, access to markets, and arms exports, though excluding Russia’s gas market.

**Gross Human Rights Violations**

Gross human rights violations are addressed through EU delegations, public statements, the diplomacy of its special representative, and its action in international institutions. However, it is extremely rare that such violations are raised in diplomatic relations with governments that perpetrate them, or that relations are affected by violations of international law.

The EU works through multilateral channels at the UN General Assembly and the UN Human Rights Council, where in recent years the EU increasingly has achieved approval of its initiatives. In 2013, the EU claimed to have met all of its objectives in the Human Rights Council: extending the mandates of the special rapporteurs for Myanmar, North Korea, Belarus, and Iran, as well as the special rapporteur for freedom of religion or belief; and renewing the mandate of the Independent International Commission of Inquiry on the Syrian Arab Republic. At the UN General Assembly Third Committee, all four initiatives put forward by the EU were adopted. EU resolutions on Myanmar and North Korea passed without a vote and with broad backing, and resolutions on Iran and Syria were passed with cross-regional support. Still, the EU has failed to provide leadership on key issues such as the war in Syria.

Other violations are also addressed systematically in multilateral forums, such as the use of torture. The EU approved guidelines on torture and other cruel, inhuman, or degrading treatment or punishment in 2001. These are not legally binding on member states, but they direct diplomatic action in cases of violations. They are occasionally complemented by financing of nongovernmental organization (NGO) projects against torture.

**Civil Liberties**

In 2012 the EU approved a strategy to support civil society organizations, reflecting the growing role of these groups as recipients of EU assistance that consult with EU representatives on policy choices and programming strategies. The new strategy includes, among other things, the promotion of an environment of civil liberties in which civil society can operate freely, action at the multilateral level to...
ensure the participation of NGOs in UN meetings, and a stronger focus on understanding the domestic conditions in which civil society organizations work. One example of how this has been implemented is the creation of the human rights focal points in the EU delegations around the world, which support human rights defenders in need and in some cases offer protection.

Marginalized Communities
On paper, the EU has embraced the broadest range of human rights, including ethnic, religious, and linguistic minority groups; however, internally it encompasses different traditions and approaches, and some member states do not recognize collective rights to minorities. In external policy, although the EU has devised approaches in support of children’s rights and economic, social, and cultural rights, as well as indigenous rights, most of its activity is limited to multilateral diplomacy and public statements; its support of marginalized communities rarely plays a role in bilateral relations.

In contrast, the EU has supported numerous programs and projects on gender equality and has a long track record in this field. High Representative Ashton has been particularly active in this regard, meeting women’s groups and leading gender-focused initiatives. In addition, in 2013 the EU approved guidelines to support freedom of religion and belief, as well as the rights of LGBT and intersex people. The only place it has applied the latter to date has been in Uganda, which outlawed homosexuality in 2014.

ENDNOTES
4. Though it remains far from reaching its 0.7 percent Millennium Development Goals (at 0.4 percent of its collective gross national income in 2012).
6. Article 21 of the Lisbon Treaty: “The Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development, and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.”
10. The EU has developed the “European Neighbourhood Policy,” which includes all its neighbors in Eastern Europe and South Caucasus, excluding Russia and Turkey, and all countries in North Africa and the Middle East.