

INTRODUCTION

- Ladies and gentlemen. First of all, let me thank you for inviting me to this event, and for allowing me to comment on the challenges that the EU faces on its way towards a coherent and principled human rights policy.
- As some of you know, I have been active in the field of human rights for some time.
- When I changed sides in 2009, switching from the NGO sector to active politics, I did so because I had come to understand that the EP has more influence on the European human rights policy – and on human rights policy in general – than some may believe.
- My work as DROI chair in the last term has confirmed that impression.
- On the other hand, I have repeatedly experienced that double standards and a lack of cohesion in European politics weaken our credibility and capacity to positively influence our partners in third countries.
- I personally believe, therefore, that the biggest challenge we face is precisely that: creating cohesion and not destroying with the left hand what we build with the right.

- On paper, it looks pretty clear what should guide us, namely the principles which are said to “have inspired the creation of the Union”.
- Human rights and the rule of law coupled with cross-national solidarity and the respect for international law are, according to Article 21 of the Lisbon Treaty, the guidelines for our external actions.
- The Treaty also states that the Union’s external actions shall be consistent and that other (internal) EU policies shall contribute to this consistency and coherence.
- I could therefore re-phrase and say: Our main concern should be to make sure that the priority given to human rights in our treaties – including the 2012 *Strategic Framework on Human Rights and Democracy* – becomes reality.
- Let me grasp the opportunity of today’s key note speech to reveal a number of policy areas where change is particularly urgent.

BUSINESS AND HUMAN RIGHTS

- Less than two weeks ago, on 26 June, the UN Human Rights Council discussed the 2011 *Guiding Principles on Business and Human Rights*.
- Starting point of the discussion was the analysis that implementation had been very slow, particularly in relation to ensuring access to justice.
- Only look at the struggle victims and their families have been going through in Bangladesh after the Rana Plaza disaster, and you'll understand that the status quo is simply unacceptable.
- Countries such as Ecuador and South Africa therefore suggested the development of binding rules for transnational companies, in the framework of the 2011 *Guiding Principles*.
- Their proposal: create a new inter-governmental working group, in which legally binding instruments on business and human rights should be elaborated.
- Fortunately enough, the proposal went through – with 20 yes, 14 no and 13 abstentions.
- Among the 14 no's, however, were all nine EU Member States currently represented in the UNHRC, including Germany and France.
- The EU is the first to criticise labour conditions and poor access to justice in other countries, and rightly so!
- As soon as our own businesses are concerned, however, our (EU and Member State) representatives at the UN prefer using their weight to try and block reforms and progress.
- No wonder that I regularly hear ambassadors denounce our double standards and a lack of credibility when I diplomatically raise concerns in the area of business and human rights – comments that I can only counter by admitting that they are correct.

- Earlier this year, I wanted to know from HRVP Lady Ashton how the follow-up to the so-called Road Map in the context of our *Free Trade Agreement* with Colombia and Peru was being organised.
- You may remember that an FTA was concluded despite the fact that, for instance, nowhere else in the world, more unionists are killed than in Colombia.
- In the beginning, my Socialist colleagues in the EP were on our side: no FTA without tangible progress on human rights.
- In the end, however, they joined the Conservatives and Liberals, and agreed to a vague and wishy-washy Road Map, without the slightest guarantee of any improvement – and accepted the FTA anyway.
- A working group in INTA was then mandated to overlook the Road Map, together with the Commission.
- Since then, no reports, no meetings, no news.
- In her reply, Lady Ashton only confirmed that human rights rank high on her Colombia agenda, and that talks were going on.
- Any trade-related consequences?
- Any reaction to an ever-rising death toll?
- Lady Ashton assured me that she is concerned ...
- But that doesn't help, I'm afraid.
- As soon as trade is concerned, human rights turn secondary at best.
- The contrary should be implemented.
- Our economic weight is the most influential tool we possess.
- We only need to use it in the right manner – not only to facilitate growth and prosperity, but to further the many principles and objectives we have subscribed to in our treaties.

- We should fight for decent labour standards according to the ILO core conventions in the entire production chain of European (and other) products, including by targeting sub-contractors around the world.
- We should increase pressure on an international level towards easier access for everyone to justice who becomes victim to transnational companies, including European ones.
- We should be in favour of any instrument that helps increase accountability in the field of business and human rights, including binding tools.
- We should stick to human rights as being our top priority, even if trade issues or our own businesses are concerned – because we are convinced that prosperity is possible without exploitation or silence over human rights violations.
- More concretely, we should implement Human Rights Impact Assessments before and after signing trade agreements.
- We should make use of human rights clauses in bilateral agreements, and apply human-rights instruments in the framework of GSP/GSP+.
- In other words: we should practice what we preach.
- Instead, when I asked commissioner De Gucht how in the world he could officially start exploring an FTA with Vietnam a few days after the Vietnamese government had launched an unprecedented crackdown on journalists, he replied that free trade automatically leads to prosperity, and that prosperity automatically leads to human rights improvements.
- Economically speaking, this is first school semester thinking, taken straight from the 1980s. In terms of human rights, it is the biggest nonsense you could think of.
- Of course, I am enough of a realist to be pessimistic about the chances and scope for change here. But we should not stop trying.

ARMS AND SURVEILLANCE TECHNOLOGY EXPORTS

- This also holds when we look at European exports of arms and surveillance technology to countries whose human rights record is rather ... unconvincing.
- How can we credibly argue in favour of stability, conflict prevention and peace if we rank first on the global list of arms exporters?
- How can we – from a human-rights point of view – credibly argue in favour of the universality and indivisibility of human rights worldwide if we enact an embargo on arms exports to Iran, but don't hesitate to sell tanks and machine guns to Saudi Arabia or Qatar?
- How can we credibly argue in favour of press freedom and against torture if human rights activists continue to be spied upon by European surveillance technology?
- The answer is: we can try, but we won't be as successful as possible.
- Again, there is a clear need for increased coherence between our principles and demands vis-a-vis third countries on the one hand, and our own behaviour on the other.
- We need to strengthen the EU Common Position on Arms Exports, by introducing binding principles. Currently, the Common Position states in its article 4 that "the decision to transfer or deny the transfer of any military technology or equipment shall remain at the national discretion of each Member State." If the EU takes its own Human Rights Strategy serious, there is no alternative but to change this standpoint.
- Similarly, we need to grasp the chance offered by the upcoming renewal of the EU Dual Use Directive to finally target spyware as well. Torture and persecution should not be facilitated by European products in any way, and there should be no exception to this rule.
- Given the new majorities in the EP, I'm again rather pessimistic.
- But that shouldn't serve as an excuse, all to the contrary.

THE INTERNAL DIMENSION

- What I have described up to now was the external dimension, and the need for cohesion between our principles and actions.
- There is another line of thinking, though: we also need cohesion between our internal and external policies.
- Most importantly, we need fundamental changes in the way we approach migration and refugee protection.
- I personally tend to turn very radical here, in the proper meaning of this term: in my eyes, whatever your political colour or school of thinking, thousands of dead refugees in the Mediterranean should simply be unacceptable for everyone in Europe.
- Nevertheless, when I listen to our Heads of State, and when I read the reform proposals brought forward by the Commission-led Task Force – I mainly see more of the same.
- In the face of crises such as in Syria, we build an increasingly impenetrable fortress to keep refugees out.
- We fund sophisticated surveillance systems, cooperate with countries such as Libya or Morocco, and undergo our legal obligations by performing push-backs and pull-backs.
- We try to fight smuggling by extending our fences, which only makes the smugglers' business more profitable.
- And we ignore demographic change, preferring to refer to securing jobs in Europe when it comes to proposals of legal migration.
- Add to this the way we treat our own minorities, first and foremost Roma in Europe, and the role of some of our Member States in the so-called fight against terror.

- Add our silent acceptance of attacks on fundamental democratic principles in Europe, for instance in Hungary.
- Add our slow response to issues such as trafficking in human beings, or labour exploitation of irregular migrants and you will understand that we should not underestimate the blow given by our internal policies to our credibility in the world.
- And who says credibility, says influence.
- Indeed, we have an important role to play.
- In the fight against impunity, in the struggle for decent work standards, in worldwide efforts towards conflict prevention.
- We should not carelessly risk our leverage in all of these areas for whichever short-term interest – be it economic, geo-strategic or political.

CONCLUSION

- In an era of increasing interconnectivity and declining weight on the global political scene, in times when our economic model is called into question, Europe's standing in world affairs depends more than ever on being credible and being true to our word.
- At the same time, we should make every effort to putting human rights concerns on the agenda of all powerful bodies – including those that control and guide global financial and economic policy.
- We should look ahead and actively promote human rights worldwide, rather than simply react to the proposals of others, or at best hide behind bloomy words as soon as economic or strategic interests are at stake.
- Only then will we maintain our leverage, in neighbouring countries and beyond.
- Not because we should impose and export our own models of governance, economic organisation or culture.
- But because it is in everyone's interest that we help promote what is often described as universal and inalienable, interdependent and indivisible, equal and non-discriminatory ... the human rights of each and every person on this planet.
- Thank you for your attention.