

**Promoting and protecting all human rights globally:
Key civil society recommendations for EU-Africa relations**

(Steering committee of the civil society seminar for the AU-EU human rights dialogue process)

The recently issued Joint Communication [Towards a comprehensive Strategy with Africa](#) is a key moment for the European Union (EU) and Africa to take forward their shared human rights commitments at a crucial time for both continents. At the EU-Africa summit in late October 2020, African and EU decision-makers will agree on the next Joint Africa EU Strategy (JAES), setting the framework for intercontinental relations as human rights face ever more pushback worldwide. In parallel, the negotiations for the post-Cotonou framework are ongoing, and will be a key litmus test for the strength of human rights commitments in EU-Africa relations.

Sustained commitment to promote and protect human rights will be even more urgent against the background of the Coronavirus pandemic and its far-reaching consequences on both continents.

As the steering committee for the civil society seminar of the annual African Union (AU)-EU human rights dialogue, we represent an ongoing, established civil society process drawing on sustained and expert input on human rights from some 400 members of civil society on both continents over the past decade.¹ It is our conviction that the **EU and Africa must explicitly place human rights at the centre of their relations**, in policies such as the JAES, and in practice by the EU, AU, their member states and across all their relations.

The Joint Communication points to the broad and deep ties between Africa and the EU due to shared interests. Indeed, there is no dichotomy between the two continents' shared interests and their shared values - to respect, protect and fulfil their human rights obligations for all on both continents and to collaborate on the global human rights agenda. As the Joint Communication states, "positive developments in one of these areas depend on progress in other areas". Just as human rights rests at the centre of EU external action, it must likewise stand at the very heart of Africa-EU relations.

The Joint Communication rightly underlines the universality, indivisibility, interdependence and interrelated nature of all human rights and affirms EU and African commitments to promote and protect them.

Further exchanges between African and EU leaders must step up action for human rights on both continents:

- **Build human rights into all five partnerships and explicitly affirm the role of civil society and human rights defenders in shaping EU-Africa relations.** Human rights must remain the primary yardstick for all levels of relations including business and investment, migration and mobility, environment², peace and security, and participation of youth and women.
- **Ensure unfettered civil society access to African and European institutions.** Past human rights progress on both continents has resulted above all from the meaningful interactions between civil society and international and/or regional human rights mechanisms that point to gaps and explicitly challenge states to address them in policy and practice. The AU, the EU and their member states must deliver full political and financial support to their respective human rights mechanisms and ensure that these, together with a strong and independent civil society, can guarantee delivery and further progress on human rights for all in Africa and Europe.
- **Create an enabling environment for civil society and address an increasing crackdown on human rights defenders (HRDs).** Any jointly agreed policy on Africa-EU relations must explicitly affirm the importance of civil society and HRDs across all the five partnerships and beyond – as has been recently affirmed by both sides in the joint [communiqué](#) following the last EU-AU human rights dialogue.³
- **Prioritise collaboration at multilateral human rights fora and act in defence of crucial human rights gains at multilateral level.** To this end, both African and EU decision-makers must ensure they have concrete strategies to counter the recent pushback on existing human rights norms at multilateral fora – including the universality and indivisibility of human rights.

In this spirit, we share key recommendations from the EU-AU civil society seminars over the last decade, to

be taken forward in intercontinental exchanges on the future of Africa-EU relations:

Counter-terrorism/security and human rights. The formulation and implementation of security and counter-terrorism policy should adopt a strong human rights-based approach with explicit safeguards and remedies. The objective should be to reach a balance between human rights and security concerns, while acknowledging that the former cannot be sacrificed on behalf of the latter. Among the key elements to tackle terrorism while defending human rights are: more transparent decision-making processes, increased general public awareness about a human rights-based approach and more state engagement with communities affected by counter-terrorism measures.

Recommendations:

- Mainstream human rights in all security policy and counter-terrorism efforts, bringing human rights standards to the highest level to improve human rights protections and overall policy coherence. This should be backed up by commitments to step up human rights safeguards in national and international cooperation, to reinforce community inclusion in security policy and practice and to ensure monitoring, oversight and concrete follow up on the human rights impact of counter-terrorism efforts.
- Security and terrorism challenges must be met through criminal justice rather than through militarised means or the misuse of migration or other laws and policies. At the same time, existing national security or counterterrorism laws must urgently be repealed where they stand in noncompliance with international human rights law.
- EU and AU member states should all adopt and fully resource a National Plan of Action (NAP) on UN Security Council Resolution 1325 on women, peace and security in consultation with national civil society organisations at all stages (design, implementation and monitoring), including provisions to ensure action, such as accountability mechanisms and measurable indicators.
- African and EU leaders should adopt a gender perspective in all programmes and actions, in particular joint civilian, policing and peacekeeping/peacebuilding operations as well as through the African Peace Facility.

Migration and forced displacement. The current approach to cooperation on migration between the EU and AU and their respective member states is deeply flawed. Instead of putting the rights of asylum seekers, refugees and migrants at the heart of relevant policies, the chosen approaches have contributed to making people more vulnerable to abuse, increased detention in deplorable conditions and strengthened the position of unaccountable authorities. In some contexts, the EU and its member states have become complicit in human rights violations through their support to third country governments. Positive examples of cooperation, such as the support for displaced and host communities centred in a rights-based framework, exist but are not the norm. EU and African states must urgently adopt a new approach that delivers on increasing avenues for regular migration, providing access to asylum and strengthening human rights compliance across the two continents.

Recommendations:

- Ensure AU-EU migration related cooperation promotes human rights and applicable international commitments, including by expanding and promoting legal pathways to Europe and within Africa.
- Secure and promote the asylum space and rights-based migration in both EU and AU countries through legislative and policy reforms, including establishing greater transparency and accountability in migration related programmes and funding.
- Challenge racism, discrimination and negative narratives regarding refugees and migration and instead prioritise intersectional representation, inclusion, and participation of refugees and migrants, including vulnerable groups.
- Uphold the right to life at sea and on land.
- Create a safe and enabling environment for civil society organisations and human rights defenders active on migration and forced displacement instead of criminalizing them.

Elections. European and African leaders are charged to ensure preconditions for free and fair elections,

inclusive electoral processes and election related conflict prevention and resolution.

Recommendations:

- States on both continents should take all necessary measures to ensure the conduct of free, fair and credible elections, and guarantee that international and regional election standards are integrated in national law and duly implemented by the independent judiciary, the administration, the police and specialized, independent and adequately resourced electoral, auditing and media management bodies.
- This should include work on: increased coordination of Election Observation Missions (EOMs) based on exchange of good practices; availability of remedy and individual recourse for election-related violations; and meaningful support to the active participation of civil society, HRDs, National Human Rights Institutions and journalists throughout the electoral process.

Enabling environment for civil society. African and EU leaders should jointly recognise the role of civil society and human rights defenders as a catalyst for change and in strengthening the rule of law, as well as promoting human rights, democracy and peace.

Recommendations:

- Any strategy for EU-Africa relations should explicitly provide for, and acknowledge the importance of, full civil society participation in all political processes and institutions at national, continental and intercontinental levels.
- Leaders on both continents should commit to promote and protect civil society and HRDs, ensuring they are safe from state and non-state violations (including from business), and able to access funding, including international funding.

Freedom of expression. African and EU leaders play a key role in supporting the full and unhindered participation of independent civil society in their decision-making and have the opportunity to make the AU and EU truly people-centred institutions.

Recommendations:

- To fulfil this role, the EU and African states must throw their full political weight behind the rights to information and freedom of expression on and offline, fostering a culture of openness as a requirement for democracy, good governance and sustainable development.
- Efforts should include the protection of journalists and other actors of freedom of expression, support to media independence, and access to justice as a *sine qua non* condition for freedom of expression.

Youth rights to participation. European and African states and institutions have a key role to address shrinking space for civil society on both continents, and to legitimise the work of youth movements and young human rights defenders. African and European institutions need to prioritise unhindered access for individuals and civil society, including youth; this implies ensuring the independence of institutions with a human rights mandate.

Recommendations:

- The EU, AU and their member states should step up political backing and reinforce core/structural funding and capacity-building resources for youth movements and young human rights defenders.
- They should likewise create direct linkages between civil society (including youth) and their respective political and human rights institutions, by reinforcing independent institutions with a human rights mandate and avoiding unduly restrictive criteria for civil society observer status.
- All work on youth should ensure the inclusion and protection of all youth, including rural youth, young women, persons with disabilities, diaspora, migrants, asylum-seekers, refugees and displaced youth.

Torture and ill-treatment. The EU and the AU have legal instruments and frameworks to fight torture and impunity, and to ensure rehabilitation to torture victims – and it is high time to fully and effectively implement them on both continents. Several key actions are needed, including: reviewing national laws, reducing the use of torture during investigations by law enforcement officers, employing independent medical experts, and ensuring rehabilitation of victims of torture. As torture continues to persist over the years, it is time to address the issue of accountability of states - and here, the transparency of governments and courts in dealing with torture victims will be crucial.

Recommendations:

- The AU and EU should address torture and ill-treatment in a comprehensive manner including measures of prevention, accountability and rehabilitation, adopting positive measures to realise the absolute prohibition of torture and ensuring the full realisation of the rights of torture victims.
- The risk of torture and ill treatment should be a standing agenda item for the EU, AU and their member states, whenever developing counterterrorism, security, migration and other policy and cooperation.

Land issues – state and corporate responsibilities. Leaders on both continents should recognise the fundamental economic, social and cultural importance of land and access to land.

Recommendations:

- EU and African states need to set up a strong, enforceable framework to regulate largescale transactions on land, systematise impact assessments and address a continued trend toward criminalising land and environmental human rights defenders.

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- 1 Past civil society seminars included intercontinental discussions between African and EU civil society on:
 - Legal frameworks for civil society/NGO laws; fight against torture and role of civil society organisations (CSOs) (April 2009)
 - United Nations Security Council (UNSC) Resolution 1325; the protection of the human rights of migrants, asylum-seekers and refugees (October 2010)
 - Human rights and elections; Right to housing and forced evictions (November 2011)
 - Enabling space for CSOs, Land issues – state and corporate responsibilities; Security and Human Rights (November 2013)
 - [Freedom of expression](#) (November 2015)
 - [Counter-terrorism and human rights](#) (January 2017)
 - [Torture and ill treatment](#) (October 2017)
 - [Youth rights to participation](#) (October 2018)
 - Human rights in the context of migration and forced displacement (October 2019)
 - 2 “Environmental human rights defenders... are true champions working on the ground, often in the face of great adversity at personal cost. And we should continue to do everything we can in order to protect them and to ensure them that they can be working in a safe and enabling environment, free from obstruction and insecurity.” EU-NGO Human Rights Forum: speech by the HR/VP Josep Borrell, 3 December 2019. https://eeas.europa.eu/headquarters/headquarters-homepage/71447/eu-ngo-human-rights-forum-speech-hrvp-josep-borrell_en
 - 3 “The AU and the EU commended the key role of civil society as a crucial component of any democratic system and an important player in fostering peace and security, and achieving inclusive economic growth and sustainable development. Both parties committed to work together to promote and protect an open and enabling space for civil society and Human Rights Defenders and to support their daily work on both continents.” JOINT COMMUNIQUE - European Union and African Union hold 15th human rights dialogue, 19 October 2019. https://eeas.europa.eu/headquarters/headquarters-homepage/69200/european-union-and-african-union-hold-15th-human-rights-dialogue_en