

A contribution by COMECE in view of the renewal of the

**“EU Action Plan on Human Rights and Democracy (2020-2024)”**

*The Commission of the Bishops' Conferences of the European Union (COMECE) brings together the Bishop delegates from the Bishops' Conferences of the EU Member States. COMECE is a partner of the EU institutions in the Dialogue foreseen by Article 17(3) of the Treaty on the Functioning of the European Union. Through its permanent General Secretariat<sup>1</sup>, based in Brussels, COMECE analyses EU policies on a day-by-day basis, striving to bring the specific contribution of the Catholic Church into the debate.*

**1. General considerations**

The Social Teaching of the Church attributes a great importance to the protection and respect for human rights, which “*derive directly from the **dignity as human person and dignity of every person, and which are therefore universal, inviolable and inalienable**”<sup>2</sup>. The Church also stresses that “*human rights are to be defended not only individually but also as a whole*” since they “*apply to every stage of life and to every political, social, economic and cultural situation*”.<sup>3</sup> At the same time in the understanding of the Church, **rights are indissolubly linked with duties**, namely of acknowledging and respecting the rights of others.*

We encourage the Union, including in its External Action, to rediscover a human rights reference framework, rooted in binding international norms, especially in the context of the recent 70th anniversary of the [Universal Declaration of Human Rights](#). In the Statement issued on this occasion, the President of the COMECE Legal Affairs Commission, H.E. Mgr. Theodorus C.M. Hoogenboom has recalled the “*...lasting, **legal and political significance of the Universal Declaration of Human Rights (UDHR) for the promotion and protection of human rights, including on the European continent**”<sup>4</sup>. He underlined that “**Human rights are not conceded by governments, but derive from the inherent human dignity of each person. Human rights are the transposition of the very principle of human dignity in legally binding obligations for public authorities... the***

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<sup>1</sup> COMECE Secretariat, 19 Square de Meeûs – B-1050 Brussels. Transparency Register ID number: **47350036909-69**.

<sup>2</sup> Pope John XXIII, *Pacem In Terris* (145); see also *Catechism of the Catholic Church* (2273, 2274).

<sup>3</sup> Cf. *Compendium of the Social Doctrine of the Church* (154-156).

<sup>4</sup> Statement on the occasion of the 70th Anniversary of the Universal Declaration of Human Rights by H.E. Mgr. Theodorus C.M. Hoogenboom, President of the COMECE Legal Affairs Commission, p. 1.

*primary responsibility of public authorities in promoting and protecting human rights, while involving all stakeholders in the relevant process*"<sup>5</sup>.

In its External Action, the EU, as all public authorities, should primarily ground its policies on a **rights-based approach**. COMECE advocates for a Union of "principles" and of "rights", while being sceptical of the term "*values*", which implies changes (even radical ones) and increasing/decreasing relevance in time, including depending on the context and circumstances<sup>6</sup>.

In view of the renewal of the EU Action Plan on Human Rights and Democracy for the years 2020-2024, we encourage the EU to consider, in particular, the following elements:

- **Rule of law implies Hierarchy of Norms:** the adoption by the EU of human rights rules with the Charter of Fundamental Rights could be seen as a positive step. However, regional norms must be in line with universal ones to avoid conflicting rules, multiplication of standards and potential downgrading of recognised rights.
- COMECE recalls and fully supports the idea that **Human Rights** are **universal, inviolable, inalienable, indivisible, interdependent, interrelated and non-hierarchised**<sup>7</sup>. Today, the Human Rights system is often called into question from outside as well as from inside the EU. What is grounding the **legitimacy of all public authorities** – legislative, executive as well as judicial – is their capacity to **serve the human beings**. No public authority has any legitimacy to privilege or ignore a specific Human Rights area. In order to better protect and promote Human Rights, the EU should fight against the tendency of cherry-picking certain Human Rights over others, which is weakening the legitimacy of public authorities. COMECE recalls the "*...clear need to overcome **current tendencies, according to which the interdependence between human rights can be broken and human rights themselves can be selectively placed in a hierarchy***" with a vision that "*...endangers the entire architecture of human rights*"<sup>8</sup>.

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<sup>5</sup> Statement on the occasion of the 70th Anniversary of the Universal Declaration of Human Rights by H.E. Mgr. Theodorus C.M. Hoogenboom, President of the COMECE Legal Affairs Commission, p. 1.

<sup>6</sup> Cfr. COMECE contribution to the European Commission consultation on "EU funds in the areas of values and mobility" (February 2018).

<sup>7</sup> Statement on the occasion of the 70th Anniversary of the Universal Declaration of Human Rights by H.E. Mgr. Theodorus C.M. Hoogenboom, President of the COMECE Legal Affairs Commission (10 December 2018), p. 2, available at the link <https://bit.ly/2XF7C3c>.

<sup>8</sup> Statement on the occasion of the 70th Anniversary of the Universal Declaration of Human Rights by H.E. Mgr. Theodorus C.M. Hoogenboom, President of the COMECE Legal Affairs Commission, p. 2.

- **Universality of Human Rights** reflects the **unicity of the human community** and the **dignity of every human being**. Adopting specific provisions to allow full enjoyment of Human Rights for all shall not lead to the introduction of sub-categories of human beings, splitting humanity in “silos” or in “sub-communities”. When establishing specific policies, EU authorities must ensure that such mechanisms are not excluding parts of the population from **accessing similar rights in similar circumstances**. Particular provisions might be needed to ensure their enjoyment, but human rights are universal.
- Integrate a third - **Rule of Law** - pillar into the new EU Action Plan besides Human Rights and Democracy. In this regard, COMECE underlines the **need for the EU to be exemplary**, so as to have the necessary credibility, including in the context of human rights dialogues. In a context where the authority of institutions is being questioned, it is essential to maintain their exemplarity.

## 2. Specific areas of concern

### A) Freedom of Religion

The fundamental right to religious freedom is anchored in the ***dignity of the human person*** and it must be guaranteed and protected in all its dimensions – **private** and **public**; at the **individual**<sup>9</sup> as well as at the **collective**<sup>10</sup> level.

We therefore welcomed the adoption of [EU Guidelines on Freedom of Religion or Belief](#) (FoRB) as a first step that requires its full implementation and further developments, in particular in relation to its **collective** dimension. In current times, violations of religious freedom such as religious intolerance, discrimination and harassment, but even religious persecution, are being perpetrated in large number of countries in the

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<sup>9</sup> Cf. Religious Freedom, a report to the Bishops of COMECE (2010), <https://bit.ly/2UZFPHG>: At the level of the **individual**, the right to religious freedom generally includes:

- freedom to hold or not to hold a particular faith
- freedom of worship
- freedom of parents to choose the educational projects for their children in accordance with their religious beliefs
- freedom of action in the name of one’s religious and moral convictions regarding various aspects of living in society
- right to pastoral care in any place
- right to faith-based conscientious objection

<sup>10</sup> At the **collective** level, the right to religious freedom generally includes:

- organisational autonomy of Churches
- recognition of the legal personality
- freedom to exercise one’s ministry
- freedom of worship
- freedom of religious training and teaching
- freedom to carry out charitable activities

world. We are particularly concerned about religious communities who are suffering because of their religious beliefs and practice, including Christians who according to several well grounded reports<sup>11</sup> are considered the largest persecuted religious group worldwide. Given this situation, we suggest for the renewed *EU Action Plan on Human Rights and Democracy* to emphasise and contain more specific actions concerning the **protection and promotion of freedom of religion in third countries.**

In particular, we recommend to:

- set up a **toolkit with detailed instruments** to be used for the implementation of the EU Guidelines on Freedom of Religion or Belief ensuring:
  - that this fundamental right is not only considered in its **individual** dimension but also protected by law in its **collective, social and institutional** aspect according to International Law
  - according to International Law<sup>12</sup>, in articulation with cultural rights, to protect and promote the **parents' capacity to educate their children according to their religion and belief**
- **fully integrate** religious freedom into EU Human Rights Policy and establish pertinent **inter-institutional mechanisms**
- in the line with the European Parliament Resolution of 15 January 2019 [on the EU guidelines and the mandate of the EU Special Envoy on Freedom of Religion outside the European Union](#), **reinforce the mandate and resources** of the **EU Special Envoy**, placing him/her under the responsibility of EU High Representative for Foreign Affairs and Security Policy
- provide a **more intense and regular religious literacy training** amongst EU officers, in dialogue with EU religious actors
- **publish a periodic report** on freedom of religion including a chapter on the situation of persecuted religious communities in the world; these reports should be based on the **information regularly requested from the EU Delegations** from around the world and from the EU Special Envoy on Freedom of Religion or Belief, as well as obtained from religious/human rights actors; such reports should be discussed in an inter-institutional setting involving EU institutions as well as pertinent mechanisms in Member States

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<sup>11</sup> Cf. ACN's *global Religious Freedom in the World Report* (2018), <https://bit.ly/2Se0W3s>, Pew Research Center, *Global Uptick in Government Restrictions on Religion in 2016* (2018), <https://pewsr.ch/2XIQMun>, Open Doors, *Christian Persecution: "Christians remain one of the most persecuted religious groups in the world"*, <https://bit.ly/1wzx7fl>.

<sup>12</sup> Cf. inter alia Art 26/3 of the Universal Declaration of Human Rights and Art 18 /1 of the Convention on the Rights of the Child.

- make religious freedom a **standing item on the agendas of all EU Human Rights dialogues** with third countries worldwide, involving also **high-level officials**
- **intensify cooperation with and support UN, OSCE and Council of Europe** mechanisms on freedom of religion or belief
- in line with the request of the European Parliament made in its Resolution of 12 March 2015<sup>15</sup> “ensure that future **bilateral agreements include effective monitoring mechanisms** for the protection of the human rights of religious (communities)”

It should also be recalled that “*the concept of citizenship is based on the equality of rights and duties, under which all enjoy justice. It is therefore crucial to establish in our societies the **concept of full citizenship** and reject the discriminatory use of the term minorities which engenders feelings of isolation and inferiority.*”<sup>14</sup>

Closely linked to religious freedom is also the **freedom of expression**. There are countries, where blasphemy laws are misused as instrument for repression and persecution of religious communities.

In this respect, we encourage the European Union to:

- **condemn any acts of violence** against persons on the ground of their religious belonging, or any undue limitations of the freedom of expression in this regard
- encourage states having **blasphemy laws to suppress them**
- put in place a **periodic consultation for review of the GSP+ status** of beneficiary countries to monitor the progress in the protection of religious freedom and of freedom of expression

## **B) Rights of Women and Families**

The Social Teaching of the Church promotes the **rights of women**<sup>15</sup> and calls for devoting special attention to the **rights of children**, in particular those that are needy, sick, suffering or handicapped.<sup>16</sup> The **family** contributes “*to the social good in an eminent fashion through responsible motherhood and fatherhood*”<sup>17</sup>

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<sup>15</sup> 2014/2219(INI), para 38.

<sup>14</sup> Cf. Pope Francis and The Grand Imam of Al-Azhar, Ahmad Al-Tayeb, *A Document on Human Fraternity – for world peace and living together* (2019), <https://bit.ly/2MNbp4n> .

<sup>15</sup> Statement of the Holy See during the 42nd Session of the UN Commission on the Status of Women, 3 March 1998.

<sup>16</sup> Pope John Paul II, *Familiaris Consortio* (26).

<sup>17</sup> Compendium of the Social Doctrine of the Church, Part Two, Chapter III, Number 232.

We thus recommend in particular to:

- **support** women and men in their **right to maternity and responsible paternity** through policies of development cooperation
- help **combat cruel, inhuman and degrading birth and population control policies**, namely forced abortion and sterilization
- **promote policies targeting the discrimination and violence against women**, including domestic violence
- **promote family life**<sup>18</sup> in international and bilateral settings, including by foreseeing mechanisms of protection of family life in areas, such as socio-economic policies, migration, work-life balance, tax policies, etc.

### C) Rights of the Child

In the area of rights of the child, COMECE would like to restate its position that the **primacy of the role of guidance that a mother and a father share with respect to their children**, and their unique position in respect of the protection of the **child's best interests**, should be prioritised. The interpretation according to which children and their rights can be seen as separate from their own family and own parents should be rejected. The right of a child to a harmonious upbringing and growth, the protection of his/her **psychological integrity and the development of his/her personality**, are also dependent on the family, the stable and sustainable environment where such needs find unparalleled contributions in the loving care of the mother and the father.

We thus recommend in particular to:

- **promote** policies supporting the *EU Guidelines for the Promotion and Protection of the Rights of the Child* (2017)
- **promote** policies aiming at the **protection of children**, in particular when it comes to child poverty and exploitation for sexual and labour purposes
- **promote** instruments and initiatives for the **protection of the physical, mental and moral development of minors**, in line with EU, Council of Europe and UN standards. This is key in particular with regard to the **most harmful contents, such as pornography and gratuitous violence**, which require the **strictest, binding and effective measures** for child protection
- **avoid replacing the term "child pornography"** (as included in international legal standards) **with "child sexual abuse materials/images"**; the alternative language could create the risk of covering a smaller number of cases - as "child pornography" may go beyond the representation of an act

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<sup>18</sup> Cf. Art. 7 and Art. 33 of the EU Fundamental Rights Charter.

of sexual abuse against a child - and lead to a disconnection from already existing child protection standards

- promote EU policies on **protection of children in migration** by implementing the [EU Communication on the protection of children in migration](#)

#### **D) Rights of migrants and asylum seekers**

Humanity of migrants and asylum seekers shall be respected through **full implementation of their fundamental rights and of international law**. Despite the conclusions of a recent study<sup>19</sup> mandated by the European Parliament showing that the [UN International Convention on the Protection of the rights of all migrant workers and members of their families](#) (ICRMW)<sup>20</sup> “*could help the EU and its Member States to ensure holistic and long-term sustainable migration governance (...) taking into consideration the rights of the individuals*“, EU Member States are still reluctant to ratify this Convention

- The EU should therefore consider to promote the objectives of ICRMW and **encourage Member States to ratify it**.

Some third country nationals persecuted in their own countries are also suffering harassment because of their religious belonging when seeking asylum in the EU.

In this respect we recommend to:

- promote and **raise awareness about the judgment** of the Court of Justice of the European Union of 5 September 2012 ([case](#) Germany v Y and Z<sup>21</sup>) that underlines the two essential dimensions of religious freedom (private and public) and holds that anyone facing a *real risk* of **persecution** for his or her **religious beliefs**, including the public expression, should be qualified and protected as **refugee**
- create a framework for the appropriate **evaluation and recognition of victims of religious persecution in asylum procedures in EU member states**, in particular in religious conversion cases
- give **priority international protection status for victims of recognised international crimes on religious grounds**, and support for the creation of mechanisms to prosecute the perpetrators

**Human trafficking** is a form of modern slavery, which needs to be combated by all means. In this regard, it should be recalled that human trafficking might also occur within the practices of **surrogacy** which is a violent assault on the human dignity of

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<sup>19</sup> <https://bit.ly/2cnNLHH>.

<sup>20</sup> Adopted by the UN General Assembly on 18 December 1990 and entered into force in 2003.

<sup>21</sup> Joined Cases C-71/11 and C-99/11.

all involved in this exchange, in which both the “surrogate mother” and the child, are treated as objects<sup>22</sup>.

We therefore recommend the EU to:

- produce **Guidelines to combat trafficking in human beings**, following the model of other similar documents
- **recognise that surrogacy** usually involves **human trafficking** for reproductive purposes entailing reproductive exploitation<sup>23</sup>
- **prevent reproductive exploitation** through surrogacy and **trafficking in human organs** and elements of the human body by a **strict application** of the general legal **principle of the non-commercialisation** of the human body and its parts, and the principle of **prohibition of financial gain** using the human body and its parts<sup>24</sup>

### **E) Roma People Inclusion**

The Roma are [Europe’s largest ethnic minority](#). Out of an estimated 10-12 million in total in Europe, some 6 million live in the EU, while large parts are remaining in the neighbouring countries.

We recommend that:

- **EU enlargement and neighbourhood policies** systematically address Roma people’s inclusion in the hosting societies in their call for projects, taking into account the integration priority areas (housing, health, education, employment) and the fight against Antigypsyism
- EU institutions **facilitate the sharing of best practices** with third parties in order to strengthen both sides’ policies in the field of Roma people inclusion

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<sup>22</sup> European Parliament resolution of 17 December 2015 on the Annual Report on Human Rights and Democracy in the World 2014 and the European Union’s policy on the matter : <https://bit.ly/2Pv9H98> "115. Condemns the practice of surrogacy, which undermines the human dignity of the woman since her body and its reproductive functions are used as a commodity; considers that the practice of gestational surrogacy which involves reproductive exploitation and use of the human body for financial or other gain, in particular in the case of vulnerable women in developing countries, shall be prohibited and treated as a matter of urgency in human rights instruments;"

<sup>23</sup> Cf. European Parliament resolution of 17 December 2015 on the Annual Report on Human Rights and Democracy in the World 2014 and the European Union’s policy on the matter: <https://bit.ly/2Pv9H98>.

<sup>24</sup> See for example Art 21 of the Convention on Human Rights and Biomedicine (1997). Cf. also the Opinion of the Working Group on Ethics in Research and Healthcare of COMECE (2015), <https://bit.ly/2v0Rgzu>.

## F) Rights of Indigenous People

Indigenous communities are facing a number of human rights, socio-economic and environmental challenges. The Catholic Church is currently preparing for the [Synod of Bishops for the Pan-Amazon region](#), where indigenous peoples' rights will be a major concern.

Therefore, we encourage the EU to include in the new EU Action Plan on Human Rights and Democracy a reinforced emphasis on the rights of indigenous communities, including through following actions:

- Ensure that public and private actors fully respect the **land, cultural, language, intellectual property, social and environmental rights of indigenous communities in all their diversity**; the local reality of indigenous communities should be particularly taken into account by the EU when negotiating (trade) agreements or in case of EU legislation possibly impacting the rights of indigenous communities in areas, such as seed labelling or intellectual property
- Provide **effective access to justice and a fair trial to counter discrimination, inequality and even violent attacks faced by indigenous peoples**
- Strengthen **capacity-building and inclusive participation of indigenous representatives** in consultation, decision-making and implementation processes in all matters affecting them.

## G) Non-discrimination

While we welcome the recent adoption of the [EU Human Rights Guidelines on Non-discrimination in External Action](#), we would like to highlight the following elements as key in the area, including for their implementation, in particular with regard to discrimination on grounds of religion:

- **Establish an open, transparent and regular review of the EU Guidelines at the latest at the end of the period covered by the new Action Plan**, with full involvement of all stakeholders, including Churches, in the process
- EU actions should make it more visible and explicit that the **principle of non-discrimination** entails that discriminating means not only to treat differently similar situations, but also **to treat in the same way different situations**<sup>25</sup>. This element seems to be often neglected in the context of a politicised and ideological concept of non-discrimination

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<sup>25</sup> In this regard reference can be made to the judgment of the European Court of Justice in Case C-422/02 P (Europe Chimi-Con (Deutschland) GmbH v Council of the European Union), 27 January 2005, para 33, available at the link <https://bit.ly/2ZFMDJw>, and to the judgment of the Grand Chamber of the European Court of Human Rights in the case Thlimmenos v. Greece (Application no. 34369/97) and in particular to its para 44, available at the link <https://bit.ly/2vjmG4n>.

- The focus is too often placed on **discrimination "between religions"**. Policies should not be about discrimination between one religion and another one, but about **cases where a person is targeted because of having a religion/of belonging to one**, being discriminated because he/she is a believer or because he/she wants to practice his/her religion. It is a question of protecting "citizens", not of protecting "religions"
- **Avoiding the tendency to present discrimination on grounds of religion as an issue strictly reserved to "minorities"**. This is distortive, as there is an obligation for public authorities (including EU institutions and agencies) to fully apply the prohibition of discrimination with regard to all citizens, whether belonging to majority or minority religious denominations
- Discrimination, including harassment, towards **conscientious objectors** should be countered
- The EU Guidelines refer at p. 14 to **reasonable accommodation on grounds of religion or belief**. Increasing emphasis is placed on "accommodation" of religion, to the detriment of proper protection of the right to freedom of thought, conscience and religion or against discrimination on grounds of religion. **Under no circumstances can reasonable accommodation on grounds of religion be considered as a "substitute"** for these legal instruments. The **complementary and residual nature** of reasonable accommodation on grounds of religion is therefore to be clearly emphasised. The **national level** should be considered as **the only appropriate one** for assuming decisions or options for the integration (or not) of reasonable accommodation on grounds of religion within non-discrimination legislation. On a general level, a **pluralistic interpretation** of the concept is essential. Reasonable accommodation on grounds of religion must remain an open concept, with respect to the many different modalities in which it can be concretely ensured
- A too broad **definition of "harassment"** is problematic, as it risks leading to legal uncertainty. It **may have a negative impact on fundamental rights** such as the right to freedom of thought, conscience and religion and the one to freedom of expression, as people may feel inhibited from making statements (including to explain sincerely held doctrinal religious convictions). Mere expression of a personal opinion or the display of religious symbols or messages should be presumed not to constitute harassment
- **Human rights**, including the one not to be discriminated, **should be applied according to reality**: providing the same level of access to mechanisms for everybody, but taking into consideration the diversity of reality
- The approach based on the idea of a **"clash" between religion and human rights**, including the one to non-discrimination **should be rejected** as not in line with binding international standards.

## H) Economic, Social and Cultural Rights

The Catholic Church underlines the importance of implementing a **rights-based approach** favouring a **sustainable and integral development of persons, families and communities**<sup>26</sup>. In this sense, the actions of the European Union should ensure *coherence* between all its internal and external policies and be put into practice in a way that protects the **dignity of every human being** and addresses the *root causes* of extreme poverty, injustice and inequality, while **respecting the cultural diversity** and the **principles deeply entrenched in local communities**.

### i) Business and Human Rights

The Catholic Church stresses that “*trade should benefit people, not just markets and economies.*”<sup>27</sup> In this area of external relations, it is particularly important that the **trade policy of the EU is fully consistent with its development policy** objectives and does not merely serve the economic interests of major European corporations but fully reflects the **needs of partner countries and their local populations**<sup>28</sup>.

In line with the [Sustainable Development Goals](#), we therefore encourage the EU to take **ambitious steps to ensure policy coherence** between its trade, development and human rights policies, in particular through:

- adopting **binding and effective human rights due diligence legislation**, including a specific **EU Action Plan on Business and Human Rights**, based on the principles of **corporate social responsibility** and foreseeing **accountability** mechanisms for transnational companies domiciled or effectively owned in the European Union to ensure compliance of their actions throughout the entire supply chain with **legal, social and environmental** standards
- playing a **constructive role** in the on-going negotiations on an **international legally binding instrument at the United Nations** to regulate the activities of multinational companies and other business enterprises with respect to human rights.
- in view of **safeguarding land rights of local**, in many cases **indigenous communities**, ensuring that **early warning mechanisms** are in place, and that the principle of **Free Prior Informed Consent** is observed, especially in the context of **mining and extractive activities**
- developing **adequate mechanisms for the protection and promotion** of land, social and environmental **rights defenders** raising concerns about adverse impacts of business operation

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<sup>26</sup> Cf. Pope Paul VI, Encyclical *Populorum Progressio*, <https://bit.ly/1EVoK1z>

<sup>27</sup> *Ethical Guidelines for International trade*, Note of the Holy See, September 2003, <https://bit.ly/22KLfBs>

<sup>28</sup> Cf. COMECE, *Private Investment and Development* (2017), <https://bit.ly/2EZRb6E>.

- promoting **effective redress mechanisms for victims** of human rights violations resulting from business activities
- ensuring effective implementation of **human rights as well as social and environmental clauses in trade agreements** with regard to monitoring, compliance and accountability in case of their violation
- applying the EU’s **Generalised System of Preferences (GSP)** in a **consistent and comprehensive** manner by conducting appropriate human rights **monitoring and impact assessments**, as well as **elaborating roadmaps** for beneficiary countries with **time-bound human and labour rights benchmarks**<sup>29</sup>

## ii. **Social Rights**

The Catholic Church is convinced that men and women are “*the source, the centre and the purpose of all economic and social life*”<sup>30</sup> and that in a world that faces a “*complex crisis which is both social and environmental*”<sup>31</sup>, we have to seek for “*an integrated approach to combating poverty, restoring dignity to the excluded, and at the same time protecting nature*”<sup>32</sup>.

The interdependence and indivisibility of all human rights and the universal approach reflected in the [Sustainable Development Goals](#) shall encourage the EU and its Member States to promote **integral human development** across all its policies, focusing on the following recommendations:

- **Uphold international labour standards**, in particular the [ILO core labour conventions](#), in EU trade, development and neighbourhood policy and introduce systematically labour rights conditionality in trade and investment, development and accession agreements<sup>33</sup>
- **Promote the right to social security**<sup>34</sup> and step up efforts to increase the coverage of adequate national social protection floors and the implementation of internationally agreed principles and guidelines, including the [ILO Tripartite Declaration of Principles concerning Multinational Enterprise and Social Policy](#)

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<sup>29</sup> For further proposals on a more effective application of GSP on Human Rights, [see also here](#).

<sup>30</sup> *Gaudium et Spes*, Pastoral Constitution on the Church in the Modern World (1965), 63, <https://bit.ly/1lmUu1K>

<sup>31</sup> Pope Francis (2015): *Laudato si'*, 139, <https://bit.ly/1Gi1BTu>.

<sup>32</sup> *Ibid.*

<sup>33</sup> Cf. also COMECE (2018): *Shaping the Future of Work, a Reflection of the COMECE Social Affairs Commission*, p. 34, <https://bit.ly/2U869LS>

<sup>34</sup> As enshrined in [Art. 22, 25 of the Universal Declaration of Human Rights \(1948\)](#) and [Art. 9 of the International Covenant on Economic, Social and Cultural Rights \(1966\)](#).

- **Empower workers and employers** to shape the conditions of their work by promoting **social dialogue** and ensuring effectiveness of freedom of associations and assembly at all levels
- **Advocate and apply a holistic understanding of education**, which is not limited to providing technical expertise and skills for the labour market alone, but “*directed to the full development of the human personality*”<sup>35</sup> and promotes a culture of dialogue, tolerance, peace and encounter and empowers people to critically reflect upon their reality<sup>36</sup>
- **Promote the right of all to have continuous access to safe, sufficient and acceptable water**, as well as to **adequate food** as enshrined in **Art 11 of the International Covenant on Economic, Social and Cultural Rights**<sup>37</sup>
- **Actively encourage the ratification and implementation of international legal instruments** concerning the protection of social rights, including the **European Social Charter**, and encourage those member countries of the Council of Europe within the EU as well as beyond which have not ratified it or some of its provisions yet - in particular its **Additional Protocol on collective complaints** - to do so and to ensure its adequate and effective implementation.

### iii. **Right to Health**

Justice should also be promoted in the field of **human access to healthcare and medicines**, particularly regarding the ones to fight illnesses affecting large groups of people in Europe and worldwide.

We recommend in particular to:

- promote EU health policies to ensure **high quality standards of research** into and **manufacturing of medicines** and the **harmonisation** of national drug licensing procedures
- promote EU policies to have a **rapid response capacity** to react to major health threats in a transversal and coordinated manner (e.g. threat of bioterrorism and the potential for worldwide epidemics)
- promote EU policies that always call for **intense human-centered ethical assessments** for all kind of medical techniques, which are based of modern biotechnologies<sup>38</sup>

<sup>35</sup> Cf. Art. 5 International Covenant on Economic, Social and Cultural Rights (1966)

<sup>36</sup> Cf. Pope Francis (2016): Acceptance Speech of the Charlemagne Prize: <https://bit.ly/24BFExe>.

<sup>37</sup> Having “*access to safe drinkable water is a basic and universal rights, since it is essential to human survival and, as such, is a condition for the exercise of other human rights.*” (Pope Francis (2015), [Laudato si'](#), 30).

<sup>38</sup> See Compendium of the Social Doctrine of the Church, Part Two, Chapter Ten, IV, b. “The use of biotechnology”.

- assist through policies of development cooperation countries in **building their own Research & Development capacity** to manage their own priority diseases and health needs
- in case of **clinical trials** resorting to subjects from third countries, to make sure that **scientific and ethical double standards** are **avoided** and that – as a general rule- the community in which the experiment has been undertaken, benefits from it and has **access to any medical developments** that may result from such trials
- make sure that **conditionality** of some EU policies is **not putting at risk** the legitimate right of people to access to healthcare
- ensure that financial considerations do not undermine the right to access to healthcare, and promote **reinforced transparency, monitoring and assessment mechanisms** in this regard
- promote **protection measures against illegal medicines**; protection measures to safeguard health are especially needed in the context of compulsory licensing and labelling of medicines.

## I. Security and Human Rights

Every citizen is entitled to **security** since it protects **human life and dignity**. **True security** can only exist through **sustainable peace**<sup>39</sup>. If not focusing on the **security of persons, families and communities** - including the **respect for human rights and the rule of law** - merely technical security measures may allow or even lead to a new conflict.

**Cross-border crime**, including **terrorism** and **violent extremism**, are a **serious security threat** and a **concern to European citizens**. It should however be highlighted that often, these criminal actions **play on people's fears** and provoke **counter-measures** that might pose a **challenge to the rule of law and civil liberties**.

In the context of EU's recent initiatives in the area of security and defence<sup>40</sup>, the renewed EU Action Plan on Human Rights and Democracy should therefore give a particular attention to the **articulation** of these security measures with regard to the **rule of law** and the **principle of the hierarchy of norms**. The EU should not support policies leading to militarisation of police forces but rather reinforce them as **qualified actors in administration of justice**.

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<sup>39</sup> Cf. COMECE, *Whose Security, Whose Defence?* (2017), <https://bit.ly/2Au0syG>

<sup>40</sup> Such as the European Peace Facility, the Permanent Structured Cooperation or the European Defence Fund.

For **CSDP operations or missions**, or third parties' interventions supported by the EU, it should be made sure that these **fully respect the international legal framework**, including International Human Rights and Humanitarian Law, and that they foresee **adequate training** fitting with local realities to allow actors to effectively strengthen Human Rights in the field. Moreover, strict compliance with International Law should be foreseen with regard to the **development and use of defence technologies**, including armed drones.

## J. Shrinking Civic Space

Over the last decade, we are witnessing an increasing trend of governments **closing down the space for civil society and religious actors**. This often happens by **misusing security measures** as well as **safety, financial or transparency legislation** against civil society as well as Churches and religious associations or communities. Travel bans, arbitrary refusals of registrations or restrictions on funding from abroad can be mentioned as some examples of such restrictions. Many of the international actors are moreover stigmatised as “foreign agents” or falsely accused of performing anti-state and terrorist activities.

**Churches and religious communities or associations, as well as faith-based organisations**, are long-standing prime stakeholders in fostering protection and promotion of fundamental human rights and therefore should be considered as **Human Rights Defenders** in their own right.

In line with the recent [Report of the European Parliament on shrinking civil society space](#)<sup>41</sup>, we therefore encourage the EU to include in its new Action Plan on Human Rights and Democracy intensified efforts, including:

- Ensure **effective implementation of respective EU Guidelines**, including those on *Human Rights Defenders* and on the *promotion and protection of Freedom of Religion or Belief*
- **Monitor counter-terrorism measures** and aspects of anti-money laundering and transparency legislation, and take action to ensure that these do not place **illegitimate limits on funding and activities** of civil society organisations and religious actors
- Set up '**Shrinking Space Monitoring and Early Warning**' mechanisms with the involvement of all key stakeholders, including representatives of civil society and of Churches and religious communities.

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<sup>41</sup> European Parliament *Report on addressing shrinking civil society space in developing countries*, 5 September 2017, <https://bit.ly/2uVTNLw>.

### **3. Multi-stakeholder partnerships for Human Rights**

The renewed EU Action Plan on Human Rights and Democracy should be based on a **broad consultation** and involve all the key stakeholders in its **implementation process**. These should not only involve **public authorities**, but also **economic actors, researchers, civil society** representatives, as well as **Church and religious actors**.

As **worldwide networks deeply rooted in local realities**, **Churches and religious communities** are not only strong **promoters of a rights-based approach** but also key actors on the ground in **defending human rights**, building **peace** and providing **basic social services**, including **healthcare and education**.

We therefore recommend to:

- in line with the European Parliament's recommendations<sup>42</sup>, promote the strengthening of "**partnerships with Churches and faith-based organisations and religious leaders**" as important societal and human rights actors
- set up a **formal partnership framework for cooperation** between the European Commission (in particular DG DEVCO, DG ECHO and DG NEAR) and Churches & religious organisations for development and humanitarian projects, as already exist in international organisations and States
- ensure that Churches and religious organisations **enjoy fair and equal access to EU funds and programmes, including in the areas of External Action**, such as Development, Humanitarian Action and Neighbourhood; their applications for EU funding, also in this area, should be processed without further requirements that may give rise to discrimination against such actors and the final beneficiaries<sup>43</sup>
- on behalf of the High Representative of the Union for Foreign Affairs and Security Policy and the EU Special Representative for Human Rights engage in **open, regular and transparent dialogue with representatives of Churches and religious communities**; the EEAS, in the framework of the implementation of Art 17(3) TFEU should organise dialogues with Churches and religious associations or communities on questions related to EU External Action (e.g. promotion and protection of freedom of religion worldwide, development, peace, children's rights, etc.)

In this regard, it is also to be recalled that **confusion** of Article 17(3) TFEU Dialogue with inter-religious dialogue should be **avoided** on the part of all EU institutions. This provision of EU primary law formulates an obligation for a Dialogue between the EU institutions on one side and Churches, religious associations or communities on the

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<sup>42</sup> Cf. European Parliament *Report on addressing shrinking civil society space in developing countries*, 5 September 2017, para 42, <https://bit.ly/2uVTNLw>.

<sup>43</sup> Cfr. COMECE contribution to the European Commission consultation on "*EU funds in the areas of values and mobility*" (February 2018), <https://bit.ly/2GDDJV9>.

other<sup>44</sup>. Nevertheless, COMECE fully supports **inter-religious dialogue** not only for promoting social harmony in Europe, but also as a key element to solving tensions beyond Europe's borders.

- While the EU has no legal competence in organising inter-religious dialogue, it can create a positive environment to facilitate the gathering of different religious denominations, including in third countries<sup>45</sup>. Therefore, **inter-religious dialogue** should be **explicitly present in any context where intercultural dialogue is raised**.

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<sup>44</sup> Cf. COMECE contribution to the consultation on “*Tolerance and respect: preventing and combating anti-Semitic and anti-Muslim hatred in Europe*” (May 2015), <https://bit.ly/2Dvi4wA>.

<sup>45</sup> Cf. COMECE contribution to the European Commission consultation on “*EU funds in the areas of values and mobility*” (February 2018), <https://bit.ly/2GDDIV9>.