



**10th AU-EU CSO Seminar
on Human Rights and Democratic
Governance
Brussels, Belgium
1-2 December 2022**



A decade of Human Rights recommendations – where we stand and the way forward

Context and background:

After a gap due to the COVID-19 pandemic in 2020-2021, the tenth African Union (AU)-European Union (EU) civil society seminar took place in late 2022 ahead of the EU-AU human rights dialogue in early 2023. Representatives of African and European civil society proposed to use this opportunity to take stock of the work done in the past ten rounds of the seminar by civil society across both continents.

Importantly, in their [joint communiqué](#) after the last 17th Human Rights Dialogue held on 9 November 2021, the AU and the EU commended the key role of civil society in the AU-EU Human Rights Dialogue: “Both sides [...] welcomed the recommendations put forward by Civil Society representatives of AU-EU Steering Committee and committed to explore concrete ways for further engagement. The AU and the EU commended the work of civil society and human rights defenders on both continents, and stressed the critical importance of preserving a free and open space for their programmes and activities”.

Considering past dialogues and recommendations, the EU [Action Plan](#) on Human Rights and Democracy 2020 – 2024, and the AU [Strategic Plan](#) for the promotion and protection of human and peoples’ rights in Africa (2021-2030), civil society organisations aimed to:

- *Develop a joint overview of the last decade of civil society seminars*
- *Take stock of ten years of collaboration between EU and AU civil society organizations (CSOs) from the perspective of commitments and implementation of recommendations*
- *Draw conclusions on the way forward*
- *Propose concrete actions for the next decade, with the aim of contributing to the EU and AU institutions adopting concrete human rights commitments for the AU, EU, their member states and EU-AU cooperation during and beyond the human rights dialogues. The goal is also to contribute to the institutions’ implementation and delivery on these stated commitments in practice.*
- *Ensure that these recommendations fully include Economic Social and Cultural Rights (ESCR) and new, emerging areas of focus in the EU-AU partnership, including pandemic response/right to health, digital and climate change.*

This year’s seminar assessed the impact of the work undertaken by civil society, as well as monitoring the concrete implementation of civil society recommendations and the commitments expressed by EU and AU institutions at each dialogue. Where possible to do so, the seminar reviewed outputs and outcomes of past human rights dialogues and implementation of the institutions’ commitments during the dialogues.

In doing so, one major challenge has been that the concrete deliverables agreed by the institutions at the dialogues are usually limited either to broad statements of commitment on human rights (e.g.,

language in support of human rights defenders) or to follow-up events and discussions (e.g., workshops on transitional justice or freedom of expression) – rather than concrete proposals for changes in policy and practice. Against this backdrop, the seminar worked to identify key opportunities and good practices of the institutions and civil society to be used in the future, in order to reinforce meaningful action on human rights by the AU and EU, their member states and within the EU-AU partnership, both at inter-continental and at multilateral level.

The 6th EU-Africa summit in 2022 was a crucial step forward in intercontinental relations. As African and European governments discuss the future of their relationship, it is important that civil society organizations on both continents also take stock of their own exchanges and their place in the EU-AU partnership. The 10th EU-AU Civil Society Seminar aimed to serve as a platform for civil society organizations and EU and AU representatives to find common approaches to ensure human rights are at the heart of every policy area in AU-EU relations.

Below, our joint recommendations to the EU, AU and their member states, as well as for the AU-EU partnership.

General recommendations

AU, EU and the AU-EU partnership

One of the key concerns expressed by participants at this ten-year mark of the seminar was achievement of human rights outcomes by the institutions and their implementation of civil society recommendations, including in national and international law provisions.

Recommendations

- Re-affirm the universality and indivisibility of human rights on both continents, in the AU-EU partnership and in cooperation at multilateral level
- In this spirit, cooperate to robustly defend and promote multilateral human rights fora and their important work
- Invest in the transparency and visibility of the human rights work done by both institutions – including diplomatic efforts and financing/programming, their ways of working on policy making, as well as practical information on attribution of responsibilities (e.g., publishing the name and contact information of EU Delegation human rights, civil society, gender and youth focal points). This will be crucial to ensure the institutions' credibility and legitimacy toward their own civil society, while also enabling civil society to better and more meaningfully engage with the institutions.
- Pro-actively involve civil society on key policy developments by both institutions (such as the draft AU protocol on the death penalty) to ensure a meaningful relationship
- Put human rights at the centre of all decision-making on both continents and ensure a human rights-based approach across all policymaking, including development, security and peacekeeping
 - Ensure that the situation of and issues raised by human rights defenders (HRDs) –in particular women human rights defenders – are mainstreamed across all decision-making in the EU, AU and the EU-AU partnership
 - In this spirit, invite HRDs from both continents to address decision-makers at the formal human rights dialogue
 - Ensure that policy and practice are gender responsive on both continents, including provision of health care, sexual and reproductive health and rights
 - With due recognition of national and institutional sovereignty, codify policies which promote international human rights law and standards. Work to repeal or amend legislation or policies impacting on civil society space and/or the work of HRDs (e.g., on topics of counterterrorism, national security, cybersecurity, public health and/or fake news laws), bringing such legislation or policies in line with international human rights law standards
 - Stop using counter terrorism legislation to limit freedom of expression and peaceful activism
 - Ensure that states, national human rights institutions (NHRI) and regional human rights mechanisms redouble efforts to monitor and evaluate human rights action and programming – and in parallel, foster and engage with civil society efforts in this area
 - Adequately give financial, technical and political support to NHRIs and regional human rights mechanisms to ensure their effective functioning and independence
 - Work robustly toward the independence of the judiciary to ensure its functioning and legitimacy
 - Bridge the implementation gap by ensuring balance between funding and support to ESCR and other work of the institutions
 - Respect and fully comply with decisions of regional courts, as well as with communications to states with recommendations from regional and international

human rights bodies

- Make legislative reforms to enable NGOs to receive national and international funding
- Ensure flexible and innovative funding mechanisms to enable civil society organizations to have access to EU and other international funds in restrictive environments
- Cooperate with and facilitate the investigations of the International Criminal Court (ICC) on both continents
- Pay specific attention to delivery on human rights in the pandemic recovery, particularly for marginalized groups or other groups who experienced human rights setbacks during the pandemic, building on lessons learned on the right to health and other rights disparities.

General recommendations

The role of CSOs in the EU-AU partnership

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, independent and diverse civil society, can guarantee delivery and further progress on human rights for all in Africa and Europe.

Recommendations

The EU and AU should ensure the full and meaningful involvement and consultation of civil society organisations at all levels of their decision-making processes and partnership up to highest level, and:

- Work pro-actively to ensure the full and meaningful access of civil society, explicitly including HRDs and activists, to both institutions, including provision of visas and the development of a specific visa policy for HRDs to ensure access to the institutions¹
- Counter all steps taken to exclude specific groups from observer status and/or accreditation processes and/or access to and meaningful participation in the institutions due to the issues they work on (e.g., LGBTIQ+ rights, rights of religious and other minorities, land/environmental activists), taking pro-active steps toward greater inclusiveness in line with their international human rights commitments
- Likewise improve procedures for CSO accreditation and observer status in the EU and AU institutions, ensuring their transparency; and that these are matched by pro-active, practical steps by states to enable CSO access to institutions (visas, language interpretation)
- Ensure HRDs can access information, meetings and decision-making platforms in a timely manner in their own countries and work against reprisals against those engaging with the institutions before, during and after their engagement with the EU and AU institutions, including after return to their home countries
- Ensure that the institutions' special mechanisms can openly and pro-actively engage with civil society without interference of the states where they work
- Establish a tripartite dialogue (or "trilogue") between the AU, EU and civil society to ensure delivery and follow up our recommendations, as is already done for the human rights dialogues between the EU and Tunisia or Mexico; be particularly mindful of diverse participation in these dialogues, including involvement of youth organisations
- Take concrete steps to safeguard civic and democratic space by protecting HRDs/women human rights defenders (WHRDs), LGBTIQ+ groups and journalists on- and off-line and promoting the work of HRDs, activists, journalists and lawyers
- Establish independent observatories aimed at the protection of HRDs at risk and the promotion of their work on both continents, including civil society in their design and function
- Use every joint public statement at the close of the AU-EU human rights dialogue to re-affirm the EU and AU's recognition of the role of HRDs and civil society both for their own societies and in the EU-AU partnership, as has been done in paragraph 13 of the last [joint communiqué](#) issued by the institutions on 16 November 2021 – reinforcing language in this regard and following up on this in policy and practice

¹ In this regard, see European Parliament Research Service, EU Guidelines on Human Rights Defenders - European Implementation Assessment, 24 August 2022, [https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU\(2022\)730345](https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU(2022)730345); and Protect Defenders et al, Joint Statement: International Civil Society Organisations call for an effective and enabling EU Visa framework for At-Risk Human Rights Defenders, 7 September 2022, <https://protectdefenders.eu/wp-content/uploads/2022/06/Visa4HRD-ProtectDefenders.eu-Joint-Statement.pdf>.

- In this spirit, ensure that the recommendations of this seminar are published online and disseminated widely among decision-makers in the AU, EU and their member states.

Thematic recommendations

Over the past ten years, civil society has engaged with both institutions on a variety of human rights issues – this year’s CSO seminar aimed to review progress, develop recommendations and propose concrete next steps on these thematic issues covered in past seminars:

- ***Women affected by armed conflict and the participation of women in the peace process and in political life***
- ***Human rights and elections***
- ***Ensuring an enabling space for civil society organisations (CSOs)***
- ***Freedom of expression***
- ***Counter-terrorism and human rights***
- ***Fight against torture and ill-treatment and redress for victims***
- ***Youth rights to participation***
- ***Human rights in the context of migration and forced displacement***

To reflect the indivisibility of rights and the long-standing challenges around ***Economic Social and Cultural Rights*** (ESCR), an additional thematic strand was added to specifically address ESCR and to consider practical ways of addressing how ESCR intersect with other human rights challenges on the agenda.

Participants highlighted two other key human rights issues in the AU-EU partnership – ***Digital and human rights***, and ***Business and Human Rights*** – and formulated recommendations on these human rights issues included below.

Women affected by armed conflict and the participation of women in the peace process and in political life

Recommendations

- Take collaborative action to prevent and respond to violence against women and girl children, particularly conflict-related sexual violence: including through policies, adapted reporting mechanisms, support to community-based actions, and frank and inclusive dialogue among all different stakeholders, including relevant AU, EU and member state authorities and survivors (with particular attention to conflict related sexual violence and to the situation of women and girls on the move)
- Ensure an integrated approach to support women and girl children's access to ESCR in conflict-affected, post-conflict, and fragile settings (education, women-led humanitarian-development-peace (HDP) action, health services, etc)
- Lend targeted support to an enabling environment to promote women and girl children's participation in peace processes and in civic and political life (diverse inclusion in mediation and peace processes, commitments on safeguarding public participation, support to survivors)
- Adopt EU and AU human rights due diligence policies for all support to and cooperation with third-country armed forces and security actors
- Develop a digital reporting mechanism with the involvement of CSOs to ensure secure submissions from victims and survivors to both institutions on human rights violations
- Protect WHRDs in their efforts to highlight and achieve justice and redress for human rights violations in conflict and crisis settings²; ensure the genuine and active participation of WHRDs in peace processes.

² See UN Women, Recommendations on the protection of women human rights defenders at risk in migration contexts, November 2022, <https://www.unwomen.org/sites/default/files/2022-11/Recommendations-on-the-protection-of-migrant-women-human-rights-defenders-en.pdf>.

Human rights and elections

Recommendations

- Condemn and take pro-active, concrete measures to end the increasing use of internet shutdowns by state authorities in election contexts, respecting existing international human rights standards in this regard and making sure to take into account the consequences these shutdowns have on the enjoyment of many other rights (e.g., rights to freedom of expression, association, peaceful assembly and access to information)
- Pro-actively and preventively reinforce the conduct and outcomes of democratic elections without double standards and in a timely manner, including engaging on unconstitutional term limit changes or unconstitutional changes in government that lead to volatility and violate the institutions' own election guidelines
- Ensure timely access to online and offline electoral information by all, including women and girls, youth, people with disabilities and opposition political actors and journalists, implementing the African Union Guidelines on Access to Information and Elections and ensuring that Election Observation reports cover this issue
- Ensure active participation of everyone by tackling sexual and gender-based violence (SGBV) and other forms of electoral violence (by governments, election management bodies, political parties, law enforcement agencies), including by:
 - The prevention of violence at all stages of the electoral process before, during and after elections
 - Holding perpetrators accountable
 - Measuring participation of women and other vulnerable groups as a benchmark for the right to political participation
 - Promoting political party guidelines on SGBV and other key human rights issues
 - Ratifying and domesticating ILO C190 on SGBV at the workplace
 - Making provisions on affirmative action in electoral processes a reality
- Address serious human rights violations in the context of elections including extra-judicial killings, torture, forced displacement, arbitrary arrests of journalists and human rights defenders, and press for state accountability for these violations
- Adopt prevention and monitoring mechanisms according to regional and international standards/electoral charters to prevent electoral violence and human rights violations in electoral contexts
- Protect civil space by upholding and fulfilling the rights to freedom of expression, association, peaceful assembly and access to information:
 - Prevent adoption and implementation of restrictive and constraining measures
 - Adopt and implement enabling laws and policies
 - Ensure effective monitoring and observation
- Protect all human rights defenders by undertaking legislative and administrative measures to:
 - Investigate human rights violations and bring perpetrators to account
 - Stop harassment, intimidation and (threats of) violence
 - Ensure fair regulation and oversight for the operation of civil society organizations and media agencies in line with international human rights standards
 - Fully uphold media freedom
- Ensure use of force by police and national security forces is solely in line with international human rights standards during elections as a period prone to human rights abuses - and stand for the right to freedom of peaceful assembly in this context.

Ensuring an enabling space for civil society organisations (CSOs)

Recommendations

The AU, EU, their member states and the AU-EU partnership must take a robust stance on the closure of civil society space on both continents:

- Take pro-active steps to establish an EU-AU-civil society trilogue following the precedent of existing trilogues such as the EU-Tunisia-CSO trilogue (through the Association Agreement) or the EU-Mexico-CSO tripartite dialogue (linked to the human rights dialogue). Make sure of genuine, timely consultation of civil society in the design and function of this trilogue.
- Review the modalities of state withdrawal from the African Court for Human Rights, reversing a trend impacting on civil society access to the Court
- Ensure the participation of civil society (or the 'Steering Committee of the civil society seminar of the EU-AU human rights dialogue') with the status of 'auditor' or 'observer' in the formal EU-AU human rights dialogue
- Set up an accountability mechanism, or a commission in charge of monitoring and following up on the recommendations emanating from civil society (and from the CSO seminar) to the EU, AU and the member states.
- Change the statutes of the European Court of Human Rights (ECHR) to allow African citizens/NGOs to lodge appeals when they are victims of European injustice (e.g., push-backs or *refoulement* of migrants by an EU member state - where civil party claims are not yet admissible by NGOs from the South), exploring possibilities with the Council of Europe, or other institutions
- Integrate the recommendations of the EU-AU civil society seminar into the mid-term review of the "EU Action Plan on Human Rights and Democracy"
- While access to information may be legally and exceptionally restricted, the EU, AU and their member states should also ensure there are mechanisms in place for academics and civil society to conduct assessments and monitoring of human rights violations and abuses.

Freedom of expression

Recommendations

- Protect the right to freedom of expression for all, with a specific focus on journalists, human rights defenders, lawyers, academia, and vulnerable groups
- Protect and publicly champion the right to peaceful protest and the space for journalists to report on protests without undue registration or other administrative requirements
- Ensure the safety and security of journalists and media workers and address impunity for (online and offline) crimes against them
- Condemn and act to prohibit the use of unlawful targeted and mass surveillance which result in (self-)censorship and have an adverse impact on human rights
- Stop the development and use of restrictive legislation (e.g., counterterrorism, national security, cybersecurity public health and/or “fake news” laws) and/or abusive use of existing legislation to restrict media freedoms and the individual right to freedom of expression or as a pretext to increase surveillance
- Promote digital and media literacy
- Monitor violations of the right to freedom of expression and set up concrete mechanisms to that effect with a view to ensuring accountability for these violations
- Repeal or amend media laws criminalising press offences and keeping any extraordinary legislation (e.g., pandemic-related legislation) proportional, necessary and time-bound
- Denounce increasing internet shutdowns and proactively engage with member states and governments to refrain from imposing them even in times of crisis
- Create Focal points on freedom of expression in the Office of the AU Chairperson
- Ensure the EU, AU and their member states take concrete steps to uphold and fulfil the rights to freedom of expression and freedom of information
 - Enact laws and national protocols protecting the rights to freedom of expression and information
 - Establish structures for implementation with annual reports to regional political and human rights bodies
 - Ensure genuine consultation of civil society in the development and implementation of laws on the right to freedom of expression.

Fight against torture and ill-treatment and redress for victims

Recommendations

- Accelerate the ratification of the Optional Protocol to the Convention against Torture (OPCAT) and the establishment of efficient and functional National Preventive Mechanisms (NPMs) according to the African Commission on Human and Peoples' Rights (ACHPR) and other international standards
- Respond to torture and ill-treatment wherever it occurs, in places of detention, at arrest and/or policing of assemblies
- Diffuse and implement the [Abidjan rules](#) on early warning of the risk of torture and ill treatment
- Ensure that victims have access to justice and reparation taking into account General Comments 3 of the Committee against Torture (CAT) and 4 of Committee for the Prevention of Torture in Africa (CPTA)
- Work toward harmonisation of and respect for legal safeguards surrounding detention, particularly with regard to health, education, subsistence, and physical activity of detainees. For example, the African Commission should create common standards for minimum space requirements for detainees.
- Establish harmonised tools for documentation and periodic monitoring of the physical and mental health of prisoners, based on the Istanbul Protocol and Mendez principles on effective interviewing
- Involve the sub-regions more in the fight against torture and ill-treatment, for example by funding democratic spaces of exchange, or unions of heads of state
- Establish prison statistical yearbooks to better document prison overcrowding
- Ensure that the EU and AU follow up on CSO work in monitoring torture and ill treatment
- Deliver on the commitment in the 2017 AU-EU human rights dialogue to hold a working level seminar on torture and ill treatment between EU, AU and CSO experts
- Ensure that the institutions' action against torture and ill treatment takes the specific situation and needs of women, refugees and migrants, minorities and racialized groups fully into account.
- Redouble EU and AU support for effective controls on the trade and transfer of the tools of torture and their implementation.

Youth rights to participation

Recommendations

- Act to protect and support youth and young (W)HRDs, ensuring their access to protection mechanisms and their full, genuine and safe participation in the decision-making of both institutions, including working to ensure the institutions are youth-friendly and conduct active outreach to less established HRDs to promote safe access to the institutions
- Ensure all work on youth by EU, AU, member states and CSOs is aimed at the inclusion and protection of all youth, including rural youth, young women, persons with disabilities, diaspora, migrants, asylum-seekers, refugees, displaced youth, young climate activists, young people who are deprived of their liberty and LGBTIQ+ youth, and recognize the importance of education, training, and youth livelihoods
- Foster intergenerational support and dialogue and reinforce core/structural funding and capacity-building resources for a broad range of youth movements including young women and (women) human rights defenders, and provide space for young people to make their own decisions
- Likewise create direct linkages between youth-led civil society organisations and HRDs and their respective political and human rights institutions, by reinforcing independent institutions with a human rights mandate and avoiding unduly restrictive criteria for youth-led civil society observer status
- Establish a statutory quota for youth participation in all EU and AU mechanisms and institutions to further enhance and ensure capacity building and skills transfer for the future
- Provide an enabling digital space for young human rights defenders (especially those working on climate change), marginalised groups and young women – including improving access to the internet for youth in vulnerable communities especially in rural areas and taking steps to stop profiling and crackdown on young activists using social media as an advocacy channel.

Human rights in the context of migration and forced displacement

Recommendations

- Recognize that people on the move - refugees, asylum-seekers, migrants and internally displaced people (IDPs) - are rights holders in policy and practice throughout their entire journey as well as upon arrival
- Deliver on AU and EU member states' obligations when it comes to *non-refoulement* and the right to asylum
- Simplify and harmonise entry and exit procedures such as visas, to allow safe and legal routes for people who wish to migrate legally (indicator: number of visas granted vs. number of visas requested; whether documents required to introduce a request are harmonised)
- Guarantee refugees' and migrants' access to economic, social and cultural rights, in particular the rights to food, water, health, sanitation, decent work and decent housing, equitable access to resources and opportunities, in order to facilitate their integration into host countries, to counter discrimination on the basis of national origin as well as to improve good governance through equal sharing of resources
- Put an end to the externalisation of borders and migration policies, as well as ending the use of the rights of migrants and refugees as bargaining chips in bilateral talks
- Pro-actively make space for civil society in policy-making on asylum and migration, support migrant rights defenders and put an immediate end to the criminalization of those engaged in assisting people on the move
- Step up political efforts to address root causes of displacement in conflict, climate change and crisis
- End bilateral agreements between individual EU member states with third countries leading to human rights violations or *refoulement*, pushback by proxy and failure to respect the Geneva Convention, in violation of the ECHR
- Intensify efforts to protect migrants (including migrant workers) and refugees from slavery, labour rights violations and other human rights violations against people on the move
- Ban biometric surveillance tools such as remote biometric identification systems, emotion recognition and biometric categorisation systems, as well as predictive technologies and automated profiling systems. Where digital solutions are proposed, such as the collection of biometric data to access services, meaningful alternatives must be available.
- Establish protocols to identify torture victims and survivors among refugees, asylum seekers and migrants, responding holistically to their needs for assistance and redress
- Ensure access to justice and a holistic response to sexual and gender-based violence occurring in the context of migration or displacement
- AU member states should adopt the freedom of movement protocol and the EU should support AU member states in its implementation to contribute to a human rights-based approach to migration.

Economic Social and Cultural Rights (ESCR)

Recommendations

- In the spirit of the universality, indivisibility and interdependence of all rights, ESCR should be prioritized and recognized as being as important as civil rights. This should be reflected in the political engagement of the EU, AU and their member states as institutions and in their allocation of resources: research, documentation, advocacy, funding.
- Wherever private actors are involved in delivering ESCR via public service, there should be additional scrutiny and due diligence
- Before implementing any measures that limit access to services under the guise of 'national security', conduct impact assessments which are binding and independent; have a participatory process with CSOs and local communities; and should be done by default
- Act to prevent weaponization of access to food, water, health, land, healthy environment and any essential products or services (e.g., telecommunications, internet, electricity)
- In the context of climate change, the AU and EU should work to safeguard the civil, economic, social and cultural rights of current populations, but also future generations - whose right to live in a habitable environment is immutable. Tackling conflict and crisis today is also an investment in tomorrow.
- Fully implement the African charter on environmental protection
- Promote the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR) by all states on both continents.

Emerging/ongoing issues of concern

Digital and human rights

- Mainstream human rights into all discussions on the digital within the AU, EU and in the partnership, ensuring greater due diligence on use of technologies, including digital surveillance technologies
- Make every effort to ensure all on both continents can access internet affordably and freely, recognizing a right to connectivity and countering the digital divide
- Take steps to end harassment of women online including the targeted surveillance of women activists and human rights defenders
- Hold business and social media platforms responsible for content moderation and curation in conflict and crisis situations (in particular in non-English language settings), with full transparency for the principles and decision-making processes used in this effort. Genuine consultation of civil society on these efforts will be a crucial element.
- Ensure that any content removed by social media that may serve as future evidence of war crimes or crimes against humanity is preserved. Create a secure mechanism granting international accountability mechanisms other than national law enforcement access to this archived material, including the International Criminal Court (ICC), the International Court of Justice (ICJ), and UN-mandated investigative bodies and commissions.
- In addition to in-person outreach, make full use of online communication tools to expand consultation with HRDs and civil society in more remote areas, at the same time as pro-actively providing them with technical and other means to ensure their safe access to online tools. These actions should not be seen in any way as a replacement for in-person outreach by the institutions to HRDs and civil society, nor for a pro-active visa policy enabling access to both institutions.
- Support and implement an immediate moratorium on the export, sale, transfer, servicing and use of digital surveillance technologies until rigorous human rights safeguards are put in place to regulate such practices
- Ensure that any EU funding for digital solutions or tech-based projects in Africa is subject to prior risk and impact assessment to identify any potential human rights violations (as [recommended](#) by the European Ombudsman in relation to how the European Commission assessed human rights impacts before providing support to African countries to develop surveillance capabilities).

Business and Human Rights

- Ensure that the AU, EU and their member states enforce binding laws to ensure businesses respect human rights and engage with multinationals and other businesses where their practices impact on human rights, including on HRDs, rights of women and children, the use of tools of torture, land rights and other key concerns
- To this end, ensure that all EU and AU member states adopt national action plans on business and human rights to protect against adverse human rights impact by business enterprises in conformity with the UN Guiding Principles on Business and Human Rights, as recommended by the UN Working Group on human rights and transnational corporations and other business enterprises
- Work together to establish an international legally binding instrument to regulate the activities of transnational corporations and other companies in line with international human rights law; constructively and actively participate in the work of the UN Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights and adopt a negotiating mandate to this end

- Work toward the adoption of legislation establishing mandatory human rights due diligence; to this end, the EU should introduce key improvements into the legislative proposal for a directive on Corporate Sustainability Due Diligence
 - Align the scope of the Directive with international standards, remove the exemption for certain sectors and ensure the proportionality of the regulatory measures, as the Directive could only be genuinely effective with the extension of its normative scope, of the types of entities covered in the value chain scope and the number of companies who bear due diligence obligations
 - Reinforce the role of civil society and the place of affected people in the due diligence process, drawing a particular attention to indigenous people and human rights defenders
 - Refrain from adopting a box-ticking compliance approach to due diligence obligations by removing over-reliance on contractual assurances for example
 - Reinforce measures on civil liability and guarantee better access to justice through, among others, a reversal of the burden of proof
 - Require enhanced due diligence for companies operating in conflict- affected and high-risk areas
 - Ensure responsible disengagement and specify the requirements to that end.