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EU: Renewed Impetus for International Justice

New Human Rights Representative

(Brussels, March 7, 2019) – A fresh mandate for the European Union’s special representative for human rights is an opportunity to heighten efforts by the EU and its member states to significantly strengthen policies and actions on behalf of justice for international crimes and promote respect for the laws of war, a coalition of nongovernmental organizations said today.

On February 28, 2019, Eamon Gilmore, a former Irish foreign minister, was appointed as the new EU special representative for human rights. The post was initially created in 2012 to “strengthen the effectiveness and the visibility of the EU’s human rights policy.” In negotiations to renew the mandate, EU member states showed an interest in strengthening support for international humanitarian law and international justice. In a first step towards that aim, states added new language to the special representative’s mandate to highlight the office’s role in advancing and implementing EU commitments in these areas.

“Last year the EU and its member states marked the 20th anniversary of the Rome Statute of the International Criminal Court by vowing to use both internal and foreign policy tools to support the fight against impunity,” said Virginie Amato, Europe regional coordinator at the Coalition for the International Criminal Court. “While more is needed, member states’ emphasis on justice in renewing the special representative’s mandate sends a signal that they are looking for ways to deliver on that promise.”

The special representative’s new mandate has added importance given the magnitude of challenges at a time of grave violations of international law, impunity for crimes, and efforts by some governments to undermine international institutions and mechanisms. The United States government under the Trump administration severed ties with the International Criminal Court (ICC) in September 2018, threatening retaliatory action should ICC investigations reach United States nationals or the nationals of US allies.

At the same time, the proliferation of international crimes has meant expert efforts to promote respect for the laws of war and the development of tailor-made justice solutions are more needed than ever. International accountability mechanisms for Myanmar and Syria are examples of recent innovations to advance justice for atrocity crimes.

A group of nongovernmental organizations, including the Coalition for the ICC, Human Rights

Watch, the International Federation for Human Rights, No Peace Without Justice, Open Society Justice Initiative, Women's Initiatives for Gender Justice, and the World Federalist Movement – Institute for Global Policy, had [previously urged](#) the EU to establish a dedicated special representative for international justice and international humanitarian law. They consider a dedicated special representative necessary to provide greater visibility and consistent and coordinated action in these key areas, in response to alarming human rights violations amounting to international crimes that are taking place around the globe. The European Parliament has called for a dedicated post since 2011, including, most recently, in its [annual human rights report](#).

The EU High Representative and member states eventually agreed instead to limited changes to the mandate of the existing EU special representative for human rights. While the previous mandate provided some scope for addressing international justice and international humanitarian law, the revised mandate now makes a more explicit reference to the [EU's decision](#) on the ICC. Other key tools available to the special representative include the EU [Action Plan](#) to follow up on the Decision on the ICC, as well as [EU guidelines](#) on the promotion of compliance with international humanitarian law and [a toolkit](#) aimed at supporting national prosecutions of international crimes.

“Strong EU leadership is needed more than ever as the terrain for delivering justice and respect for international law is getting more and more difficult,” said Lotte Leicht, European Union director at Human Rights Watch. “Advancing justice for atrocity crimes is not cost-neutral. The EU and its member states need to significantly increase the capacities of the office of the new special representative to allow him to implement his mandate to the fullest.”

The EU special representative for human rights already had a broad mandate but limited means. Making the most of an expanded mandate will require added human and financial resources, as well as political backing from the EU High Representative and EU member states at the highest level of government, the groups said. The EU and its members should ensure that adequate resources are provided to the new special representative and his team. They should also keep under review whether a dedicated position may be necessary in the future.

“We look forward to engaging with and providing all possible support to the special representative in implementing his vital mandate,” said Antoine Madelin, director of international advocacy at the International Federation for Human Rights. “Given the valuable contribution that civil society organizations, victims and survivors can make in setting new priorities and goals for justice and human rights, it is of utmost importance that they are thoroughly consulted by the special representative.”