Index on Censorship Submission to the Government's Review on the Balance of Competences between the UK and the EU: Foreign Policy Report

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Comparative Advantage in Promoting Human Rights: On the global stage, the EU has long played a key role in promoting and defending human rights – internationally at the UN and elsewhere, in individual countries, and in the application of a range of its external policies. The EU has also supported human rights defenders in countries around the world.

All EU member states are signatories of the Universal Declaration of Human Rights and the European Convention on Human Rights, as well as the EU's own Charter of Fundamental Rights (which became legally binding in the EU treaties in 2009). For the EU's member states to speak and act with one voice to defend fundamental rights including freedom of expression means the member states' joint actions and statements can have much more impact.

Through its emphasis on human rights in a number of EU external policies, the EU ensures that human rights are, to some extent (though more could be done), mainstreamed into other policies. This is done through adding conditionality into development and trade agreements. It is also done through ensuring, and insisting, that fundamental rights are parts of the EU's numerous foreign policy dialogues with third countries – including its strategic partnerships with India, China, Brazil, Russia and others.

The EU's strategic partnerships cover a range of democratic and authoritarian countries and are potentially useful. However, the periodic summits risk being too focused on trade and other commercial benefits with just a cosmetic emphasis on human rights. This cuts across the EU's and the member states' commitment to promote and defend human rights.

Various Positive Policies and Instruments: A number of recent initiatives have strengthened the EU's role in promoting fundamental rights, including freedom of expression, externally. The EU is also now doing more to promote freedom of expression and human rights online – which is also an important component of the UK's external policy agenda.

The EU's commitment to mainstreaming human rights through the European Instrument for Democracy and Human Rights is a long-standing and important policy that can support practically and financially human rights defenders in third countries. The EU's 'No Disconnect Strategy' aims to do the same for online freedom of expression.

In 2013, the EU should agree (as set out in its human rights agenda in 2012) freedom of expression guidelines that will be used in various dimensions of its relations with third countries. These guidelines will cover freedom of expression online and off. Done well, they could be a powerful additional instrument of EU influence.

The 2012 appointment of an EU Special Representative for Human Rights signals the EU's serious commitment to promoting fundamental rights in its foreign policy.

Through its EU membership, and as a leading foreign policy player in the EU, the UK can have significant influence on the development of such policies both at a strategic and a detailed level, including influence in how they are then subsequently applied and used.

Relations with its Neighbourhood: The EU's and member states' support of authoritarian regimes prior to recent revolutions in the Middle East did not win favour in the region. Rebuilding relations and trust with new governments and people of the region will take time and a unified effort. The EU's new approach to countries in the region including its 'more for more' principle is in some ways encouraging although it remains to be seen how effective it really is over time and it is a rather technocratic, limited approach. The EU has not given enough strategic attention with focused, combined effort from the EU's foreign ministers, to the transition countries in North Africa. However, the European Endowment for Democracy, due to become operational this year, is an important new funding commitment signalling serious EU intent to support countries such as Egypt, Tunisia and Libya in their transition processes.

EU Enlargement: The EU's enlargement process has been one of the most effective tools of its foreign policy not least in the ability through the membership negotiations to contribute positively to democratisation processes including respect for freedom of expression and media freedom. However, the EU's lower commitment to enlargement in recent years, visible in the freezing of its talks with Turkey, and the slowness of its talks with the countries of South-East Europe, together with the lack of even a long term perspective on membership for several countries on its eastern borders, means that the EU's ability to impact positively on freedom of expression and democratic change, in its own neighbourhood, has been substantially reduced. The UK, as a full player in the EU, can have a major influence on enlargement decisions and momentum – but this also requires the UK itself not to reduce its support for and emphasis on the benefits of enlargement.

Importance of Internal Policies for External Credibility: To be effective in promoting human rights externally, the EU has to show it is serious about human rights at home. Despite the establishment of the EU Fundamental Rights Agency, the EU has been weak in the face of serious challenges to media freedom in countries including Hungary and Italy. The involvement of several EU member states in the CIA's extraordinary rendition programme also represents a major, reprehensible failing of several democracies to respect human rights – something that the European Parliament played an important role in exposing. Overall, the EU still has too much of a tendency to allow human rights within the EU to be more the purview of its member states and/or the Council of Europe in Strasbourg.