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Position Paper

Human Rights Impact Assessment of Trade and Investment Agreements concluded by the European Union

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- [english] - European Union -

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Over the past years, the European Union has been negotiating Trade and Investments agreements with several regions and countries in the world. This strategy has been laid down in the 2006 Communication 'Global Europe: Competing in the world ' which clearly states that the EU should actively pursue markets opening: 'our external priority in this area in recent years has been to (...) liberalise international trade further, opening markets in which European companies can compete and providing new opportunities for growth and development'.

The Commission nevertheless recognizes that liberalisation could have adverse effects on developing countries: 'We will also take into account the development needs of our partners and the potential impact of any agreement on other developing countries, in particular the potential effects on poor countries' preferential access to EU markets'. This is why the EU has decided to carry out Trade Sustainability Impact Assessments before deciding to launch Free Trade Agreements negotiations. These assessments though do not include an evaluation of the potential impact of such agreements on the human rights situation in partner countries.

This note aims at explaining why FIDH considers that the European Union should conductHuman Rights Impact Assessments when negotiating trade and investment agreements and which methodologies should be followed to that effect. Commendable though as they are, Sustainability Impact Assessments are not a substitute for Human Rights Impact Assessments. Trade agreements may deeply affect human rights in partner countries of the EU (I.). They correspond to obligations imposed both on the EU and on its Member States under international law (II.). And they call for specific methodologies and indicators, based on the normative content of human rights and including dimensions of participation, accountability, and non-discrimination (III.).

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