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Balancing Trade and Human Rights

Analysing EU Adherence to the Normative
Agenda in the EU-India Relationship from 2012 to
2024

Master's thesis in European Studies
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Sammendrag

Endringer i den liberale verdensordenen i løpet av de siste to tiårene har ført den Europeiske Unions (EU) fokus mot India. EU har til hensikt å styrke samarbeidet sitt med India, spesielt økonomisk, for å oppnå strategisk autonomi, styrke konkurransevnen sin og ivareta multilateralisme og en multipolar verdensorden. I perioden 2012 til 2024 som denne avhandlingen analyserer, har imidlertid menneskerettighetssituasjonen i India forverret seg betraktelig. Dermed står EU i fare for å bryte med sin normative agenda og løftene gitt til beskyttelsen og promoteringen av menneskerettigheter i sine konstitusjonelle traktater, dersom EU fortsetter å styrke sitt økonomiske samarbeid med India. Denne avhandlingen undersøker først hvilken påvirkning EUs handel- og menneskerettighetspolitikk har på hverandre i EU-India samarbeidet. Deretter evaluerer avhandlingen i hvilken grad EU overholder sin normative agenda innenfor handel og menneskerettigheter i samarbeidet med India. Til slutt søker avhandlingen å avgjøre om handel trumfer menneskerettigheter i EUs forhold til India eller om de eksisterer i en symbiose. Det konkluderes først med at EUs handelspolitikk påvirker hvordan EUs menneskerettighetspolitikk blir utført, og at handelspolitikken ofte undergraver menneskerettighetspolitikken. Deretter konkluderer avhandlingen at mye av EUs menneskerettighetsinstrumenter og -politikk er vagt beskrevet, mangler ambisjon og er ineffektivt. I tillegg adresserer ikke EU i tilstrekkelig grad de menneskerettighetsbruddene som finner sted i India, som fastslått av EUs årsrapporter om menneskerettigheter og demokrati, og av de nyhetsartiklene som presenteres her. Til slutt konkluderes det med at siden EU har vært motvillig til å konfrontere India om disse menneskerettighetsbruddene i frykt for uønskede reaksjoner, så har EU latt økonomiske interesser og handel bli prioritert over beskyttelsen og promoteringen av menneskerettigheter.

Abstract

Changes in the liberal world order have spurred the European Union (EU) to shift its focus towards India, in order to strengthen the relationship and gain strategic autonomy, secure the EU's long-term competitiveness, and maintain multilateralism and a multipolar world order. The EU aspires to reach these goals through increased economic cooperation using a free trade agreement and increased cooperation. However, over the 2012 to 2024 period, the human rights situation in India has increasingly worsened. Thus, the EU faces difficulties adhering to its normative agenda, which is based on the declarations made to promote and protect human rights in its constitutional treaties. This inductive case study first examines the effects the EU's trade and human rights policies have on each other in the India-EU relationship. Secondly, it evaluates the EU's adherence to its normative agenda in its trade and human rights relations with India from 2012 to 2024. Lastly, it seeks to determine whether trade trumps human rights in the EU's relations with India or if they exist in a harmonious relationship. The thesis firstly concludes that the EU trade policy determines how EU human rights policy is executed instead of the other way around, while also often undermining it. Secondly, the thesis concludes that many of the EU's human rights instruments and policies are insufficient because they are vague in description, lack ambition, and are ineffective. Moreover, the EU does not appropriately or proportionally address the increasingly worsened human rights situation in India correspondingly to the status of the situation mapped out in the EU's annual reports on human rights and democracy and by news articles presented in the thesis. Lastly, the thesis concludes that as the EU has been reluctant to confront India with its human rights violations and worsened human rights situation in fear of adverse reactions from India, the EU has let economic interests and trade take precedence over protecting and promoting human rights.

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It is daunting to be at the very beginning of my professional career, but I am nevertheless excited about the future.

Eline Vada Hatlegjerde
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Abbreviations

APHRD	Action Plan on Human Rights and Democracy
BJP	Bharatiya Janata Party
CSO	Civil Society Organisation
EC	European Commission
EEAS	European External Action Service
EP	European Parliament
EU	European Union
FTA	Free Trade Agreement
GSP	Generalised Scheme of Preferences
HRD	Human Rights Dialogue
MEP	Member of European Parliament
TEU	Treaty on European Union
TFEU	Treaty of the Functioning of the European Union
UNGA	United Nations General Assembly

1 Introduction

The last two decades have constituted profound changes in the liberal world order. There are several explanations as to why: Brexit, COVID-19, an aggressive Russia, a Middle East in disarray, uncertainties caused by the Trump Administration, and the authoritative and increasingly assertive China, to name a few.¹ Moreover, power has increasingly shifted from the US and Europe towards Asia. In parallel, the European Union (EU) intends to attain supply chain independence from China to secure strategic autonomy. India has emerged as a “natural partner” for the EU in this changed world order.² India and the EU have been described as natural partners due to their seemingly shared values of respect for human rights, democracy, and the rule of law, which underline their attraction towards each other as strategic partners. However, trade and economics are at the centre of their partnership.³ This thesis examines the EU-India relationship, focusing on the interplay between trade and human rights. It is an exciting area to investigate because whilst human rights are one of the EU’s core values, India—an important strategic and economic partner to the EU—has serious claims of human rights violations against it. The protection of human rights is enshrined in the EU’s constitutional foundation, underpinning the EU’s normative identity and agenda. With a goal to promote and protect human rights in all its cooperation with its existing and future partners, the EU is perceived by many as a diffuser and protector of these norms. Simultaneously, the EU seeks to establish closer connections with states sharing interests with the EU in order to secure strategic autonomy, long-term competitiveness, social model, and global leadership. In this context, the EU-India relationship has gained importance.

With 1.43 billion people, India is not only the world's largest democracy but also the most populated country. This makes India one of the largest markets in the world, with 1.43 billion potential consumers. When the Lisbon Treaty came into effect in 2009, creating the two treaties forming the constitutional foundation of the EU—the *Treaty on European Union* (TEU) and the *Treaty on the Functioning of the European Union* (TFEU)—the EU made proclamations concerning its external actions. Among these proclamations is Article 3 from the TEU, which states that in its external relations, the Union shall contribute to:

[S]olidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.⁴

Moreover, Article 21 from the TEU states that:

The Union's action on the international scene shall be guided by [...] democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for [...] international law.⁵

¹ Dutta, 2021, 30; Schmidt, 2015, 444-445; Kugiel, 2020, 45; Mukherjee, 2020, 183; Nowak & Podstawa, 2020, 543-544; Kaura & Singh, 2022, 552.

² Kaura & Singh, 2022, 551; Dutta, 2021, 30; Srichandan, 2021, 54; Buraga, 2022, 614; Kuang, Orbie & Blancquaert, 2023, 2; Winand & Vicziany, 2015, 26.

³ Dutta, 2021, 30.

⁴ European Union, 2012a, 17.

⁵ European Union, 2012a, 28.

The excerpts touch on the two main themes of this thesis: trade and human rights. The EU commits itself to protecting human rights and facilitating free and fair trade in all its external actions. In Article 207 of the TFEU, the EU further underlines this. It states that the Common Commercial Policy shall be conducted in line with the EU's external action, which is the abovementioned principles.⁶ Based on Article 3 and 21 of the TEU, this also includes human rights. The EU thus acknowledges the impact its trade policies have on the protection of human rights. The promises concerning protecting and respecting human rights and free and fair-trade feed into the EU's normative identity.⁷ At the centre of this identity is the overarching aim internally and externally to "uphold and promote its [the EU's] values" and "contribute to [...] mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights."⁸

Since 2012, the EU has adopted three Action Plans on Human Rights and Democracy (APHRD), whose objective has been to "enhance and hone EU efforts to promote human rights across the world."⁹ The first APHRD was implemented in 2012 for three years, the second Plan covered 2015 to 2019, and the current Plan covers 2020 to 2024. The Action Plans work as frameworks for how the human rights policies and instruments are implemented. The three APHRDs emerged as responses to the challenges posed towards human rights and democracy worldwide, including political and humanitarian crises, the pushback against the idea of human rights as universal, the backsliding of democracy and the closing of civic spaces. In the two latest Action Plans, the EU highlights its commitment to centre its external action and relations with third countries around human rights.¹⁰ This includes the EU's strategic partners; the EU and India launched their strategic partnership in 2004.¹¹

1.1 Aims and Objectives

The aim of this thesis is three-fold:

- 1) To examine the effects the EU's trade and human rights policies have on each other in the India-EU relationship.
- 2) To evaluate the EU's adherence to its normative agenda in its relations with India in the areas of trade and human rights from 2012 to 2024, by providing a comprehensive analysis of the EU's actions and policies during this period.
- 3) To determine whether trade trumps human rights in the EU's relations with India, or if they exist in a harmonious relationship.

In order to achieve the desired aims, it is necessary to address the following research questions:

- 1) How is the role of human rights in the EU's normative agenda affected by its trade relations with India?
- 2) To what extent does the EU uphold its normative agenda in the intersection between Trade and Human Rights in its relationship with India from 2012 to 2024?

⁶ European Union, 2012b, 140.

⁷ Hachez & Marx, 2020, 365-368.

⁸ European Union, 2012c; European Union, n.d.a.

⁹ Council of the European Union, 2012a; European Commission, 2015; European Union, 2020b.

¹⁰ European Commission, 2015, 12; European Union, 2020b, 5, 7, 9-10.

¹¹ European Commission, 2004.

As specified in the methodology section below, the thesis is guided by Ian Manners' theory on the EU as a normative power in the discourse on the EU's normative agenda and identity. The concept of the EU as a normative power is understood the way Manners defines the concept of Normative Power Europe: as "the ability to shape conceptions of 'normal' in international relations."¹² The EU's normative agenda is understood as a framework for how the EU will conduct its internal and external actions, which means, as suggested in TEU and TFEU, spreading the values and norms of democracy, the rule of law, social justice and respect for human rights both within and outside its borders.¹³ Human rights are understood in the way the United Nations define them as inherent to all without discrimination, including "the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education", amongst others.¹⁴

1.2 Justifying the Study

Societal Relevance

This thesis highlights two main areas underpinning the EU-India relationship as an important case to study: trade and human rights. With the world's fastest-growing economy, India has an increasingly important role in global economic governance. Numbers from the European Commission (EC) tell us that the EU is India's second-largest trading partner, with India being the EU's 10th-largest. In its trade with India, the EU accounts for €120 billion worth of trade in goods in 2022, amounting to 10.8% of total Indian trade. If India and the EU agree on a Free Trade Agreement (FTA), they could make out the most significant global market ever. These factors make the EU's partnership with India one of the most critical external relationships now and for the future.¹⁵

As we have seen, the EU has committed itself to protecting human rights in its constitutional treaties and APHRDs, and this is where a problem, in terms of the EU's proclamations in this area, occurs. Whilst outwardly sharing values of democracy, respect for human rights, and the rule of law with the EU, India has for a long time been accused of violating human rights in different areas.¹⁶ In its most recent annual report on human rights practices from 2023, the United States Department of State describes "significant human rights issues" in India, including but not limited to: unlawful and arbitrary killings; lack of investigation of gender-based violence; violence or threats of violence targeting the LGBTIQI community; and existence of forced and compulsory labour.¹⁷ Some of these are explained further in this thesis. Advocacy groups and critics of Indian Prime Minister Narendra Modi point to a deterioration of human rights, which have worsened since 2014 during the years of the Bharatiya Janata Party (BJP) and Modi government. Despite this, the EU is one of India's largest trading partners.

As a part of the EU's aim of becoming strategically autonomous, the EU has started to investigate ways of becoming less dependent on states with diverging interests from its own and has thus started looking towards India. Since 2020, the EU has released an annual Strategic Foresight Report. In the reports, the EU seeks to lay the foundation for future

¹² Manners, 2002, 239-241.

¹³ Manners, 2002, 239-241.

¹⁴ United Nations, 2024.

¹⁵ European Commission, 2023b; European Commission, n.d.c.; Wróbel & Jędrzejowski, 2023, 509; Winand & Vicziány, 2015; 354.

¹⁶ Tomé, 2022, 28; Winand, 2015, 162; Kugiel, 2020, 45; Buraga, 2022, 623.

¹⁷ United States Department of State, 2023, 1-2.

policies based on strategic foresight to prepare the EU for future shocks and crises and to shape a future aligning with the EU's aims and values.¹⁸

In the 2023 Strategic Foresight Report, titled "Sustainability and people's wellbeing at the heart of Europe's Open Strategic Autonomy", the EC highlights the links between sustainability's environmental, social, and economic dimensions on the road to achieving climate neutrality and sustainability. As a part of this, the report focuses on China, highlighting its economic influence and diplomatic assertiveness, whose aim is to change the international order permanently. The report expresses that despite being a multilateral partner, China continues to be a "systemic rival and economic competitor."¹⁹

As a result of the crises that have occurred throughout the last two decades, notably the COVID-19 pandemic resulting in supply chain shortages, the EU is working more intently towards strategic autonomy. Strategic autonomy means the EU can act autonomously without being dependent or overly influenced by other global players such as the USA or China.²⁰ As of 2021, the EU is China's largest trading partner, whilst China is the EU's second-largest trading partner after the USA.²¹ Wanting to gain more strategic autonomy, and with the power shifting from Europe and the United States towards Asia, the EU has consequently shifted its focus towards India. Strengthening EU-India ties aligns with the aim of the 2023 Strategic Foresight Report to reinforce the EU's long-term competitiveness, social model, and global leadership. Underpinning this is how their views align on the preference for multilateralism and a multipolar world order.²²

Amidst the many allegations of human rights violations against India, the EU is faced with a challenging dilemma. It appears to be deviating from its constitutional treaties and Action Plans for Human Rights and Democracy by maintaining strong economic ties with India. This potential deviation raises questions about the EU's normative core. However, the prospect of enhanced strategic autonomy through increased cooperation with India is compelling. If the EU's chances of achieving these strategic goals are higher by partnering with a state violating human rights, but is increasingly influential in the international order, should economic interests take precedence over human rights?

Scholarly Relevance

Several scholars highlight the enormity of the economic, political, and security interests at play in EU-India relations in the 21st century, making it an important subject to study. Trade and investment between them have enormous room for growth, as certain contentious issues constitute bottlenecks for increased trade and investment.²³ Additionally, due to its fast-growing economy, India is an invaluable partner for the EU. It is thus important to scrutinise the relationship.

As many scholars are pointing out the way forward for deeper cooperation between the EU and India and highlighting the strategic reasons behind it, few of them dedicate space in their literature to discuss what effect deeper relations with India have on the role of human rights in an international environment where democracy is in global decline and where authoritarianism is on the rise.²⁴ Is it compatible for the EU to deepen its relations with India while upholding its normative agenda? A case study, with particular focus on human rights and trade, on the EU-India relations' effect on the EU's normative agenda in

¹⁸ European Commission, 2023c.

¹⁹ European Commission, 2023c, 1-3.

²⁰ Helwig, 2023; Schmitz & Seidl, 2022; Kuang et al., 2023, 2.

²¹ EEAS, 2023.

²² Buraga, 2022, 623; European Commission, 2023c, 1.

²³ Ling & Goddeeris 2023, 122-123; Wróbel & Jędrzejowski, 2023, 509; Winand & Vicziany, 2015, 16.

²⁴ Winand, 2021; Grgić, 2023; Dutta, 2021; Buraga, 2022; Müller-Brandeck-Bocquet, Gieg, Lowinger, Pietzko & Zürn, 2021; Mukherjee, 2017.

the years from 2012-2024 adds a new and different perspective to the already existing literature on the EU's normative power, and in extension, a perspective on what role the EU has in global governance.

The thesis investigates this period because it is a fascinating period to investigate in terms of trade and human rights relations between India and the EU. There are several reasons for this: India has an increasingly important role in the world order, in which India and the EU have shared interests. Moreover, along with the stagnant EU-India relationship after 2013, Narendra Modi and the BJP won the Indian election in 2014, and India underwent reforms and rapid economic growth in the following decade.²⁵ In parallel, the first EU Action Plan for Human Rights was launched in 2012, followed by two more in 2015 and 2020. There has not been much focus in the literature on the effects the EU's reinforced focus on human rights have had on the EU-India relationship in this time of significant change, particularly when it comes to investigating the EU's trade and human rights policies and initiatives. Investigating these aspects adds to the existing literature about the EU-India relationship as of 2024 and the period leading up to it from 2012. It also adds to the literature on the role of the EU in global politics, saying something about where the EU positions itself. Although many global actors acknowledge the EU's economic power, many regard the EU as a political dwarf in relative power decline.²⁶ As the EU wants to gain strategic autonomy, reinforce its political and economic power, and uphold its aims and values for a sustainable future, its choices now determine the success of those goals. If the EU-India relations keep getting deeper, what does it say about the EU's normative identity?

1.3 Literature Review

EU-India Relations

Several scholars have mapped out the timeline and contents of the EU-India relationship and its different facets.²⁷ The EU's engagement with India goes back to the 1960s when they established diplomatic relations.²⁸ In 2004, the EU-India Strategic Partnership was launched, and the first Joint Action Plan from 2005 identified common goals and activities to cooperate on. Yet, despite the good start, the EU-India partnership stagnated during the 2010s.²⁹

Many scholars focus on the 2000s and early 2010s in the EU-India relationship. Moreover, much literature also ascertains what did not work and why the EU-India relationship turned sour after 2013. There is less literature, however, on the years after the Hindu nationalist BJP came into power and how the EU-India relationship has evolved from then to now. This thesis investigates the period from 2012 to 2024, trying to fill parts of this gap by exploring the EU's and India's trade and human rights relations.

India and the EU relaunched negotiations for an FTA in 2022. They stalled in 2013 due to various internal and external factors. Several scholars highlight the inadequacies on both the Indian and the EU sides. India experienced a lack of commitment and double standards in the EU's external and internal actions. One example is how differently the EU has treated China compared to India in terms of human rights violations because of the

²⁵ Jain & Sachdeva, 2019, 315.

²⁶ Srichandan, 2021, 60-62; Torrent & Roiron, 2015, 382; Khorana, 2021, 148.

²⁷ Dutta, 2021; Srichandan, 2021; Jain, 2017; Jain & Sachdeva, 2019; Schmidt, 2015; Kugiel, 2020; Khullar, 2020; Mukherjee, 2020; Reis, Gao & Hegde, 2020.

²⁸ Dutta, 2021, 29.

²⁹ Dutta, 2021; Srichandan, 2021; Kugiel, 2020; Khullar, 2020; Mukherjee, 2020; Reis et al., 2020; Schmidt, 2015; Tomé, 2022.

close economic ties between China and the EU. Frustrations from the EU's side included the Indian tendency only to perceive the EU as an economic actor.³⁰ One significant disagreement, however, concerns the EU's wish to include human rights provisions in the FTA. India saw the inclusion of human rights clauses as non-negotiable and did not wish their economic agreements to be shaped by political riders.³¹ Many reasons are identified as to why the EU-India FTA negotiations stopped. Interesting for this thesis, however, is the Indian unwillingness to include politics and human rights clauses in its FTAs.

Regarding dealing with human rights violations, Mukherjee and Kavalski write that India and the EU follow different traditions. The EU is a soft power, whilst India regards hard power as essential in world affairs. Consequently, their approaches to dealing with the rest of the world are different from each other. India has had a long tradition of non-alignment policies, whereas the EU, having alignment principles in the TEU and TFEU, aims to diffuse its principles to its partners.³² This fundamental difference, Kavalski observes, is one of the factors that, despite cooperation efforts, contribute to making the EU-India partnership less successful than its potential indicates.³³ Kavalski argues that India and the EU are so different that "there is little beyond commercial interests" bringing them together.³⁴ Orbie and Khorana state that the EU sees trade agreements with human rights clauses as stepping stones to reach higher social standards. However, their research also shows that partner countries do not support the EU's interest-led motivation or desire to spread multilateral norms through their trading agreements.³⁵ Torrent and Roiron support this, stating that in a world order in which the EU relies on the Asian market, its normative power has diminished.³⁶

Although the EU and India have many differences, the changes to the liberal multilateral world order in the last ten years have led the EU and India to work towards a substantive engagement again. Dutta highlights that neither the EU nor India are immune to the weaknesses in the global economic system, which are connected to overdependence on the China-dominated supply chain, which the COVID-19 pandemic helped expose. As such, India and the EU, like many other countries, have started to prioritise self-reliance. Therefore, becoming part of a reliable supply network is essential for India and the EU.³⁷ Moreover, the EU's relationship with India is crucial in selecting which policy route the EU should take for interacting with Asia in general and to solve issues of global significance more specifically.³⁸ Granted that some see them as natural partners with shared values, many scholars concur that more areas are separating India and the EU from each other than bringing them closer together. Nevertheless, Srichandan points out that both parties are motivated to reach more substantial economic and political cooperation.³⁹ Shared values have not been enough to improve their relationship, but a set of increasingly shared interests might.

³⁰ Schmidt, 2015, 443; Winand, 2015, 211; Srichandan, 2021, 60-63; Altafin, Lukas & Nowa, 2020, 112.

³¹ Jain, 2017, 415-416; Khorana, 2021, 147.

³² Mukherjee, 2017, 216; Kavalski, 2014, 165; Kavalski, 2016, 204-205.

³³ Kavalski, 2016, 193, 204.

³⁴ Kavalski, 2014, 165; Kavalski, 2016, 205.

³⁵ Orbie & Khorana, 2015, 253-255.

³⁶ Torrent & Roiron, 2015, 382.

³⁷ Dutta, 2021, 29-30, 36; Jain, 2017, 412; Kugiel, 2020, 46-47.

³⁸ Srichandan, 2021, 54; Jha, Bansal & Kumar, 2019, 325-326.

³⁹ Srichandan, 2021, 60, 63; Buraga, 2022, 624; Kavalski, 2014, 165; Kugiel, 2020, 44.

EU-India Trade and Human Rights Relations

Many scholars agree trade and economy are essential to the EU-India partnership.⁴⁰ Between the 1990s and the late 2000s, India and the EU worked towards deepening their relationship, but the EU's human rights initiatives were not well received on the Indian side. India had pictured a partnership between equals and did not feel the EU recognised them as an equal partner by including long-term human rights commitments in their agreements. In the 2016 'Agenda for Action 2020', however, they reaffirmed commitments to a human rights dialogue within their strategic partnership.⁴¹ Mukherjee specifies that India sees the protection and promotion of human rights as best pursued through cooperation, and that it abstains from unbalanced resolutions and finger-pointing.⁴² In contrast to the characterisation of the EU's human rights approach, India believes in non-interference in the internal affairs of other states.

Dutta writes that since the economic weight has shifted more and more towards Asia and India, the EU has given renewed attention to Asia in the past years, aiming to deepen economic relations there.⁴³ The 2018 EU-India Strategy underlined a shared responsibility to promote and respect their common values at the multilateral level. Mukherjee highlights several sections in the Communication that have a positive approach to India, revealing a shift in the EU's approach. This shift is evident from a lack of direct reference to the FTA in the strategy. The EU shows a willingness to use the channels and forums available to gain market access and lucrative investment conditions to realise the potential of the two economies.⁴⁴

Further, it underlines the EU's wish to create a multi-faceted relationship with India that will not be affected by their differences regarding including human rights advancements in trade negotiations.⁴⁵ As India is an important global actor with a significant market, it is strategic for the EU to woo India and give the impression of itself as a major global power with similar goals. As mentioned above, projecting itself in this way and shifting its strategy would indicate the EU is moving away from the normative framework in its conditional treaties. How does having a multi-faceted relationship with India, not affected by the latter's human rights violations, align with the EU's normative agenda?

A 2011 Joint Communication by the EC and the European External Action Service (EEAS) states it is challenging to conduct trade policies in a way that furthers human rights protection rather than hinder it. A commitment to do this was made in the 2012, 2015, and 2020 APHRDs. By including human rights clauses in framework agreements, the EU has committed to having human rights at the centre of all external relations between themselves and potential partners. This means the EU's FTAs with third countries should include the human rights apparatus. Seeing as the EU is one of the world's largest trading blocs, this has the potential to make changes in countries trading with the EU. One of the tools the EU uses to protect human rights is conditionality, a legal mechanism where the EU collaborates with third parties if they commit to human rights implementation and enforcement. This means the EU can grant benefits to a third party based on whether they respect human rights.⁴⁶

However, Hachez and Marx highlight the challenges related to inconsistent inclusion and implementation of conditionality, especially. Their research suggests the EU is more

⁴⁰ Dutta, 2021, 30; Srichandan, 2021, 55; Jain & Sachdeva, 2019, 317.

⁴¹ Jain, 2017, 411-416; Dutta, 2021, 34; Altafin et al., 2020, 277.

⁴² Mukherjee, 2020, 169-170.

⁴³ Dutta, 2021, 30-36; Winand & Vicziany, 2015, 354; Srichandan, 2021, 55.

⁴⁴ Mukherjee, 2020, 180-182; Mukherjee, 2017, 224.

⁴⁵ Mukherjee, 2020, 180-182; Mukherjee, 2017, 224.

⁴⁶ Hachez & Marx, 2020, 365-368.

willing to activate conditionality towards less important states than more powerful ones.⁴⁷ Altafin, Lukas, and Nowa point to a schism between the internal and external normative policies of the EU, which makes them work under two different logics. The internal policies work such that they are compliance and solutions-oriented, whereas the external policies are promotion and dialogue-oriented.⁴⁸ This disparity differs from the EU's commitments to universal human rights. Nowak and Podstawa observe something similar, stating that the EU's initiatives are often seen as incoherent and as going against their human rights commitments. They stress, however, when the existing liberal order is under high pressure, the EU is the prominent global actor which the global human rights community looks to.⁴⁹

Although seemingly sharing values, they have often caused disagreements between India and the EU.⁵⁰ Perhaps surprisingly, they made progress on contentious issues in the negotiations for an FTA in 2012. Hiding behind the cover of shared values, these disagreements did not present problems for India or the EU in the negotiations, despite human rights being a fundamental issue for the EU. Khullar states that the EU and the European public are 'great realists', suggesting that if a good trade agreement existed, the EU could live with human rights concerns.⁵¹ Several scholars agree, suggesting that the EU shows signs of wanting to create a relationship with India where their trade relations will not be held hostage by disagreements on human rights and that the EU is indeed driven more towards market liberalisation.⁵² Thus, many scholars agree that at the core of the EU-India relations are predominantly trade and economy, and many go a long way to insinuate that the EU is willing to let trade trump human rights.

All in all, this selection of literature testifies that although identified as a global actor, which the human rights community can look to, the EU is regarded as having little success in diffusing its norms to India. The reasons highlighted as to why that is are a difference in hard versus soft power approach, alignment versus non-alignment, what is seen as interest-led motivation behind the norm diffusion, and inconsistency in their normative policies and implementation. The aim of investigating the EU-India human rights and trade relations closer is to see what these areas can tell us about the role of human rights and trade in the EU's external actions in the years between 2012 and 2024, as well as adding to the discussion on the EU's normative agenda and identity in its relations with India more specifically. There is not a lack of research on the EU-India relationship in general. Many scholars have researched different dimensions of the relationship at different periods in time. Whereas much of the literature on EU-India relations centres on the years up until 2013 and the first years of the BJP government, there is less literature centred on the years between 2012 and 2024. This thesis aims to add to the vast amount of literature by having the focal point of the study in a period and setting in the EU-India relationship that is researched to a lesser extent.

1.4 Methodology

This thesis is conducted as an inductive case study on the EU-India relationship and the EU's adherence to its normative agenda from the EU perspective. Case studies offer a closer inspection and understanding of phenomena that might otherwise be difficult to access.⁵³ It is an inductive case study, as the thesis aims to ascertain connections from

⁴⁷ Hachez & Marx, 2020, 370.

⁴⁸ Altafin et al., 2020, 112.

⁴⁹ Nowak et al. 2020, 543-544.

⁵⁰ Kugiel, 2020, 44; Khullar, 2020, 119.

⁵¹ Khullar, 2020, 116-119.

⁵² Orbie & Khorana, 2015, 261-262; Hachez & Marx, 2020, 365-370; Mukherjee, 2020, 169-170.

⁵³ Thagaard, 2019, 12.

extensive data collection to capture the complexity of the case in question and develop new knowledge from it.⁵⁴ The case study is also comparative in that it investigates two different policy areas: trade and human rights. Although primarily a qualitative study, as that is the most fitting methodological approach to answer the research questions about this concrete entity in its contemporary context, there are also some quantitative elements.

As such, the thesis uses a mixed methods approach to collecting and analysing data. This is done to emphasise the size of the Indian and EU markets and to say something about how the trade relationship has evolved. A mixed methods approach combines strengths from quantitative and qualitative research and often provides a comprehensive understanding of the case rather than using either alone. Combining qualitative EU reports on the human rights situation in India, Action Plans for human rights and democracy, communications from human rights dialogues and summits, and media articles with quantitative trade data warrants a comprehensive analysis of EU-India relations, offering richer insights. It also allows for the triangulation of findings, comparing qualitative insights with quantitative trade data to strengthen the validity of the conclusions made. Qualitative sources are used to understand the political context and dynamics, while quantitative data provide the numerical context to gain an understanding of economic dimensions.⁵⁵

Other data material include online news articles collected through newspaper search engines. These articles include opinion pieces, editorials, and news reports from reputable sources such as the *BBC*, *Reuters*, and the *Hindu*. They give insight into the development of EU-India relations over time and in a broader context through critical perspectives. News articles offer multiple views about an issue, often both at the national and international levels, in so far as the press is free. Using online news articles also allows for a more geographically diverse and, thus, representative set of samples.

The internet has been utilised to gather the data while acknowledging its benefits and limitations. With the advancements of the internet and the risk of fake and artificial intelligence-generated articles and documents, all the material gathered is chosen critically and thoroughly evaluated before being included in the thesis. This includes a document analysis evaluating the material's relevance, authenticity, and credibility. However, the content of a news article can be changed without the updates being notified on the page. This makes information on the internet unstable to some degree. The challenge of evaluation that using the internet entails is the primary weakness of using the internet as the main tool for gathering data. Awareness of these limitations is essential to ensure the research's integrity and validity.⁵⁶

Normative Power Europe

There are many scholarly debates on the role of the EU in world politics, and scholars of various fields have sought to define the EU.⁵⁷ The debates on the EU are topical because the EU is a unique polity whose form, mission and mandate have evolved since the founding of the European Coal and Steel Community in 1951.⁵⁸ Defining what the EU is has become exponentially more complex as its role and form have expanded and changed.⁵⁹ A natural branch springing out of the debates on what the EU is, is the debate on what power the EU has.

⁵⁴ Tjora, 2017, 33; Creswell & Poth, 2018, 96.

⁵⁵ Lund, 2012, 155-157.

⁵⁶ Thagaard, 2019, 117, 146.

⁵⁷ Manners, 2002, 2006 & 2021; Sjursen, 2006; Kavalski, 2013; Keukeleire & Delreux, 2022; Hill, Smith & Vanhoonacker, 2023; Damro, 2012; Whitman, 2013.

⁵⁸ ECSC, 1951.

⁵⁹ Rhinard & Sjöstedt, 2019, 4.

The EU is recognised by many as a market power and an economic power.⁶⁰ Others suggest that defining the EU as being one type of power is inaccurate.⁶¹ It is not disputed, however, that the EU is “a novel kind of power” with civilian rather than military means and with little interest in geographical expansion or military superiority.⁶² In its own words, the EU is a “stabilising, normative power.”⁶³ Ian Manners defines *normative power* as “the ability to shape conceptions of ‘normal’ in international relations.”⁶⁴ The idea of the EU as a normative power, a Normative Power Europe, is one of the theories trying to define the EU that has gained the most foothold in the literature about the EU’s global role. It has created numerous theoretical debates and discussions about the EU’s role and identity—it is also within this context that this thesis exists.

Although it is debated whether the EU is a normative power, it certainly has normative characteristics. The EU’s normative agenda and identity are understood as guided by Manners’ discourse on the EU as a normative power. The constitutional framework of the EU takes the form of a treaty-based legal order, the contents of which are vital in shaping its international identity and the perception of the EU globally. Manners sees the EU’s normative basis as coming from its declarations, treaties, policies, criteria, and conditions. From this basis, he observes five core norms: peace, liberty, democracy, the rule of law, and respect for human rights and fundamental freedoms.⁶⁵ These principles were first outlined in the 1973 Copenhagen Declaration on European identity but were officially incorporated into the TEU in 2007.⁶⁶ With commitments to protecting human rights in its constitutional treaties, the EU places it as one of the principal characteristics of the EU’s international and global identity. The EU’s normative agenda is thus understood as the project of diffusing the values and norms in the EU’s identity, such as respect for human rights, within the EU and to third countries.

Limitations of the Study

This thesis is not without limitations. Firstly, the themes and areas explored here are part of a vast field of study. Investigating all areas of the trade and human rights relations between India and the EU would not be possible in a thesis of this scope. Further, doing a complete mapping exercise of the EU’s human rights instruments and initiatives towards India would not be feasible either. As the fields of trade, human rights, and EU-India relations have many facets, several areas within these fields could have been investigated to reach the aims and objectives of this thesis. However, the initiatives, instruments, documents and news articles analysed here have been critically and specifically selected based on their capacity to contribute to reaching the aims and objectives of the thesis and answering the research questions. However, two of the initiatives chosen for further examination have posed some challenges, namely the EU-India Human Rights Dialogues (HRDs) and the EU-India Summits. There is a lack of transparency from these high-level meetings. As such, there is much of their contents which are unknown to the public. Despite the significant lack of transparency in terms of what was discussed in these meetings, the data it is possible to gather from these meetings are still significant and contribute to the overall findings of the thesis. Despite the limitations, the communications from the meetings serve as testimonies to some of the

⁶⁰ Damro, 2012; Meunier & Nicolaidis, 2023, 178-179.

⁶¹ Andreatta & Zambonardi, 2023, 60; Rhinard & Sjöstedt, 2019, 4.

⁶² Diez & Manners, 2007, 173.

⁶³ European Commission, 2018, 1.

⁶⁴ Manners, 2002, 239-241.

⁶⁵ Manners, 2002, 240-242.

⁶⁶ European Union, 2012a, 17; Manners, 2002, 239-241.

major themes discussed. Importantly, the instances where human rights were not addressed in summits and dialogues with India, also provide significant results.

Secondly, this thesis looks specifically at the bilateral cooperation between India and the EU, and the tools utilised by the EU in its relations with India. It is necessary, therefore, to address the other forums in which India and the EU collaborate in terms of human rights, particularly. India will usually not intervene in another country's domestic affairs and prefers to discuss matters of concern in international forums such as the United Nations Human Rights Council and the UN General Assembly. An example from Chapter 4 from the 55th session of the Human Rights Council in March 2024 demonstrates, however, that India is not necessarily happy to discuss its domestic affairs in these forums either, but that it will discuss other countries' human rights violations.⁶⁷ As the thesis does not investigate India and the EU's interactions in these forums, there is a line of communication between the two, which is omitted and thus not examined in this thesis.

Lastly, it is necessary to address the Strategic Partnership between India and the EU and why it is not given more room in this thesis. The EU's strategic partnership with India is one out of ten EU strategic partnerships. These partnerships between the EU and key global actors constitute a bespoke foreign policy tool. They are an essential part of the EU's international profile and aim to achieve the EU's objectives and safeguard EU interests. One of the areas India and the EU cooperate on in the partnership is human rights. However, the EU-India strategic partnership has been criticised in academia because of the seeming lack of strategic character and priority at both ends. The critics point to India and the EU having different expectations for the content and meaning of the strategic partnership, which leaves it less fruitful than what it has the potential to be.⁶⁸ Although the EU-India Strategic Partnership is unique in that it is one of ten such partnerships, it is not the centre of discussion in this thesis. However, what is discussed are EU-India initiatives that have been agreed on through the strategic partnership and can provide better answers to the research questions.

Thesis Outline

This thesis is structured into three main chapters to achieve the aims and objectives listed under 1.1. Chapter 2 investigates the EU's commitments to human rights and how it conducts its external policy and relations in India according to these commitments. To ascertain the relationship and the role human rights plays, this chapter first takes further interest in the three EU Action Plans on Human Rights and Democracy published between 2012 and 2020. Secondly, the chapter examines the EU Annual Reports on Human Rights and Democracy published from 2012 through 2022. The reports give an overview of how the EU perceives the human rights situation in India, and by examining ten of them, they show the changes over the period which the thesis investigates. Analysing how the EU has chosen to portray the human rights situation in India over the years offers an impression of the EU's strategy for dealing with India. Lastly, Chapter 2 explores the three EU-India HRDs that have taken place since 2012. HRDs are high-level dialogues constituting one example of the instruments in the EU's human rights toolkit. As one of the aims of the thesis is to ascertain the extent to which the EU is upholding its normative agenda in its relations with India, the EU-India HRDs are a natural instrument to examine further.

Chapter 3 explores the EU and India's trade relations and human rights' role in this context. Firstly, the chapter provides a status of the resumed FTA negotiations between

⁶⁷ The Wire, 2024.

⁶⁸ European Council, 2010, 2; European Commission, 2013, 1; Ferreira-Pereira & Vieira, 2016, 3; Buraga, 2022, 624-626; Kavaliski, 2016; Srichandan, 2021; Schmidt, 2015; Ling & Goddeeris, 2023; Singh, 2021, 287.

India and the EU and give an overview of the developments. Secondly, this chapter examines the five EU-India Summits held since 2012. The EU-India Summits are the most high-level meetings in the EU-India relationship. At the Summits, the participants discuss the EU-India Strategic Partnership and lay the ground for new EU-India initiatives. Like the HRDs, these Summits are a chance for the EU and India to bring up issues and concerns for discussion, and it is thus worth investigating in terms of what is said about trade and human rights. Lastly, the chapter looks at the mechanisms from the EU's toolkit created to safeguard human rights in trade.

Chapter 4 offers media perspectives on the human rights situation in India and on the responsibility the EU is considered to have through its wooing of India by not holding it accountable for the human rights violations taking place there, nor through discussions of human rights provisions in FTA negotiations, nor in confrontations. Three main themes are identified in the journalism about the human rights situation in India and factors contributing negatively to it: trade and labour rights, discrimination and caste hierarchies, and internet shutdowns and shrinking of civic spaces.

In the conclusion, the findings from the previous chapters are collected, highlighting their significance for and contribution to the field of European studies on the role of the EU as a promoter and protector of human rights, here in relation to India. Lastly, this chapter offers an opinion on what future research on this topic can look like based on the discussions of this thesis.

2 The EU and Human Rights

Human rights are one of the six values on which the EU was founded, and they are an essential part of EU external action. The EU executes two streams of human rights policies, one of which aims to promote human rights to the rest of the world.⁶⁹ In 2012, the EU was awarded the Nobel Peace Prize for “advancing the causes of peace, reconciliation, democracy and human rights in Europe.”⁷⁰ This recognition of the EU’s work underpins the EU’s normative agenda and identity. Indeed, the EU states that protecting and promoting human rights are at the heart of the EU’s internal and external action. This includes promoting and protecting the rights of women, children, and minorities, opposing the death penalty, torture, and discrimination, and including human rights clauses in all agreements on trade or cooperation with non-EU countries.⁷¹ India’s constitution does serve to safeguard human rights. However, many of them are reported to be violated by journalists, human rights defenders, and the EU, which this chapter displays. Meanwhile, the EU pursues deeper economic and strategic relations with India.⁷²

To ascertain how the role of human rights in the EU’s normative agenda is affected by the EU’s economic relationship with India, it is necessary first to investigate the EU’s human rights initiatives with and towards India and the development in the human rights situation in India over the period. This chapter demonstrates that despite a deteriorating human rights situation in India over the decade this thesis investigates, the EU’s efforts to improve the situation lack strategy and concrete actions and that the EU does not sufficiently hold India accountable for the human rights violations taking place there. To demonstrate this, the chapter first explores the three EU Action Plans on Human Rights and Democracy, particularly the commitments made to abolishing the death penalty and conducting trade policies that further human rights. These commitments are chosen because the abolition of the death penalty is something the EU has had a long-standing campaign against—India still retains the death penalty for ordinary crimes. Additionally, the commitments to trade which furthers human rights align with the framework of the EU’s external action and normative agenda. They are both reoccurring themes of the Action Plans and thematically appropriate for the thesis and, thus, a natural point of investigation. Secondly, the chapter analyses the EU Annual Reports on Human Rights and Democracy from 2012 to 2022, focusing on changes and trends in the human rights situation in India during this period. Lastly, the chapter studies the bilateral EU-India HRDs, specifically the 8th, 9th, and 10th HRDs from 2013, 2021, and 2022, respectively.ⁱ

2.1 EU Action Plans on Human Rights and Democracy

In 2009, the Lisbon Treaty gave the EU’s trade policy a new explicit human rights mandate. The first effort at structuring this mandate came in 2011 with the “Human Rights and Democracy at the Heart of EU External Action” Joint Communication by the Commission and the EEAS. In 2012, the EU published their Strategic Framework on Human Rights and Democracy. The publication is in two parts: one for the Strategic Framework and one for the 2012-2014 Action Plan. The Framework commits, amongst other things, to tackling trade-related human rights concerns for three years. The commitment was

⁶⁹ European Union, n.d.b; European Commission, n.d.a.

⁷⁰ European Union, n.d.a.

⁷¹ European Union, n.d.b.

⁷² United States Department of State, 2023, 1-2, 39-46, 55; Amnesty International, 2023, 41; European Union, 2023, 215.

further operationalised in 2015 and 2020 with the new APHRDs, each addressing trade-related human rights challenges and how to tackle them, for five years.⁷³

The Framework and associated Action Plan were created to respond to a backsliding of human rights and democracy. The Framework forms the basis of all three Action Plans. It highlights the EU's long-standing campaign against the death penalty and torture, discrimination in all its forms, as well as the EU's protection and promotion of freedom of expression and religion. The Framework ensures that human rights will permeate all facets of EU external action without exception, particularly in trade and investment.⁷⁴ The Action Plans' foundation is the existing body of human rights and democracy policies in EU external action, such as the European Instrument for Democracy and Human Rights, (succeeded by the Global Europe Human Rights and Democracy programme in 2021), guidelines, financial instruments, and toolkits. The responsibility for implementing the Strategic Framework and carrying out the actions is with the Commission, the Council, the EU external service organs, and EU Member States.⁷⁵

EU Action Plan on Human Rights and Democracy 2012 – 2014

This first Action Plan on Human Rights and Democracy was created to implement the Strategic Framework, respond to future challenges, and honour the commitments in the EU Treaty, covering the 2012 – 2014 period.

The commitments made to the abolition of the death penalty in this Action Plan are firstly to lobby on the United Nations General Assembly (UNGA) 67 Resolution on the death penalty moratoriumⁱⁱ by the end of 2012. Although it is difficult to measure the exact success rate of the lobbying, the resolution on a moratorium on the use of the death penalty was adopted by the UNGA in December 2012, with 111 states in favour, 41 states against, and 34 states abstaining from voting. Secondly is the commitment to strategically campaign against the death penalty and improve engagement with retentionist countries. Between 2007 and 2013, the EU allocated €100 million for campaigns, preventative measures, and legal support for persons sentenced to capital punishment and victims of torture. Lastly, there is a commitment to contribute to the 2013 World Congress against the Death Penalty. The EU was represented at the Congress through Catherine Ashton, then High Representative of the Union's Foreign Affairs and Security Policy.⁷⁶

It must be emphasized that these three commitments, while admirable, are not as ambitious as they could be. Firstly, adopting the resolution on a moratorium, although successful by a record number of votes in favour, does not stop retentionist states from practising capital punishment. India, for instance, resumed the death penalty in 2012. Secondly, while providing legal help for individuals is a commendable step, it falls short of addressing the root of the problem. Similarly, campaigns, while raising awareness, do not offer a comprehensive solution to the issue at hand. Lastly, the commitment to ensure EU 'input' at the World Congress against the Death Penalty is vague and ambiguous, failing to provide a clear account of the EU's role at the event. Moreover, the Action Plan does not define "input" or discuss the presumed added value of the contribution. As a promoter and protector of human rights worldwide, the EU is expected to be represented at such an event. Including this in the Action Plan therefore leaves the impression that the EU has few other tangible initiatives to showcase.

Regarding commitments to conducting trade policies that furthers human rights, the Action plan lists two aims. Firstly, to review Council Regulation 1236/2005 on trade in

⁷³ Council of the European Union, 2012a; European Commission, 2015.

⁷⁴ Council of the European Union, 2012a; European Commission, 2015.

⁷⁵ Council of the European Union, 2012a, 5.

⁷⁶ Council of the European Union, 2012a, 5-6, 10-21; Behrmann & Yorke, 2013, 5.

goods that can be used for capital punishment. This was done in 2013 by the Council of the EU who made amendments to the Regulation by reason of the accession of Croatia. Secondly, the Action Plan commits to guarantee that human rights and International Humanitarian Law are considered in the review of the Common Position 2008/944/CFSP on Arms Exports.⁷⁷

Again, it is necessary to point out the seeming lack of ambition in this area of the Action Plan. Having rules and regulations on which goods are allowed to be traded based on whether they can be used for torture, capital punishment, and inhumane treatment are tangible and concrete examples of measures which aim to protect and promote human rights. Naturally, reviews of such regulations are required sometime after their adaptation. However, reviewing these regulations as a part of the Action Plan leaves the impression of a lack of other initiatives. Although it is a tangible aim, it is the review of a regulation in which human rights already represent one of the main foundations. The work of creating a regulation that protects human rights was done when Council Regulation 1236/2005 was adopted in 2005, and not at the review of the Council Regulation.⁷⁸

Similarly, the Common Position 2008/944/CFSP on Arms Exports from 2008 established a good framework with criteria for arms export in which the importance of human rights and international humanitarian law plays a significant role. A commitment to guarantee their inclusion in the review thus seems like a minimum requirement. A better aim in the Action Plan would be to commit to creating a more uniform interpretation and implementation of the Common Position 2008/944/CFSP because, as the European Parliament (EP) points out, the eight criteria constituting the causes for refusing arms export, such as potential human rights impacts, are applied and interpreted differently in the EU Member States.⁷⁹

EU Action Plan on Human Rights and Democracy 2015 – 2019

The purpose of the second APHRD is to continue implementing the EU Strategic Framework on Human Rights and Democracy for the 2015-2019 period. Although designed as a new strategy, it does not explain how this Action Plan differs from the previous one. However, as some of the areas in the 2012-2014 Action Plan required extra efforts and political commitment, the goal is to tackle them in the new Plan.⁸⁰

The commitments to the abolition of the death penalty are firstly to fight inhumane treatment such as torture and abolish capital punishment. The EU commits to doing this through all its political and human rights dialogues and activities. Secondly, the EU commits to establish an approach which identifies the connections between extra judiciary killings, enforced disappearances, torture and other forms of ill-treatment.⁸¹

Committing to combating the death penalty, torture, and ill-treatment is a substantial aim, holding the EU to the standards many expect. This ambitious aim notwithstanding, the actions taken to achieve it do not seem to complement the ambition. The mid-term review of the Action Plan states that third countries have been encouraged to ratify and implement the UN Convention against Torture. As it is not declared what “encouraged” means, it is difficult to determine the performance or impact of this effort.

Commitments to conducting trade in line with the EU’s normative agenda and not at the expense of human rights include, firstly, the aim to improve the implementation,

⁷⁷ Council of the European Union, 2013b, 4; Council of the European Union, 2012a, 11.

⁷⁸ European Parliament, 2013a, 113; Council of the European Union, 2008b; Council of the European Union, 2005; Council of the European Union, 2012b.

⁷⁹ European Parliament, 2013a, 113; Council of the European Union, 2008b; Council of the European Union, 2005; Council of the European Union, 2012b.

⁸⁰ European Commission, 2015, 4-6.

⁸¹ European Commission, 2015, 12-13; European Commission, 2017, 9, 22.

enforcement and monitoring of the 27 conventions related to human rights, labour rights, environment, and good governance by the beneficiaries of the Generalised Scheme of Preferences Plus (GSP+). Second, the aim is to continue the development of a sound approach to analyse the human rights impacts of trade and investment agreements. Third is the aim that EU member states should strive to include human rights provisions in negotiating Bilateral Investment Treaties with third countries. The last commitment in the Action Plan is to have frequent reviews and revisions on the Regulations on trade in goods that can be used for capital punishment or torture, as mentioned above.⁸²

The commitment towards improving the GSP+ is a positive one, as the GSP is a programme through which benefits given to countries can be removed if they violate human rights. The GSP promotes and protects human rights by allowing sanctions directed at countries violating them. During the first three years of the Action Plan, 14 states were given trade preferences due to ratifying and effectively implementing the abovementioned conventions, constituting an example of the EU using its market power to promote and protect human rights.⁸³

Improving the use of Sustainability Impact Assessments (SIAs) to analyse the impacts of trade on human rights is also a positive addition to the Action Plan. The SIAs that the EU uses are independent assessments by an independent party that provides the EC with an in-depth analysis of the impact trade can have on human rights, among other areas, to guide them in trade negotiations.⁸⁴

The aim of striving to include human rights provisions in the negotiations of Bilateral Investment Treaties between EU member states and third countries is disappointing, however, as the EU could be more assertive in this area and demand that the provisions must be included and not just to “strive” to include them. By doing this, the EU would ensure coherence within the Union in promoting and protecting human rights in relation with third countries.

Lastly, in late 2016, a substantially amended Regulation on trade in goods that could be used for capital punishment or torture entered into force. It improves the EU’s ability to handle risks to human rights in the context of trade and constricts this market further.⁸⁵

EU Action Plan on Human Rights and Democracy 2020 – 2024

The current APHRD aims to make human rights the core of EU external action. In it, the EU declares its wish to become the global leader in human rights and democracy, wanting to deliver a new geopolitical agenda with human rights and democracy at its centre.⁸⁶

This Action Plan only includes one aim regarding the death penalty, which is to work towards a global abolition of the death penalty and a moratorium on executions in retentionist states. For an actor who wants to become the global leader in human rights and democracy, it is not impressive. It is a reiteration of what has been stated in the previous Action Plans, with no indication or direct plan of what is to be done differently this period for it to be more successful than previously. The mid-term review of the Action Plan states that the EU, through political and human rights dialogues, has influenced states to announce a moratorium on or abolition of the death penalty. However, the review does not disclose which states. Although this is an achievement, HRDs are not always effective in

⁸² European Commission, 2015, 18.

⁸³ European Commission, 2017, 17-19.

⁸⁴ European Commission Directorate-General for Trade, 2016.

⁸⁵ European Commission, 2017, 17-19.

⁸⁶ European Union, 2021a, 6; European Commission, 2020a, 1; European Commission, 2020b.

this capacity, as will be displayed later in this chapter. It would thus be more productive to see more specific ideas on how the EU will strategically work towards reaching the aim of global abolition of the death penalty.⁸⁷

The commitment to trade which protects human rights is firstly made through the aim of partaking in the promotion of the Global Alliance for Torture-Free Trade. Second is the aim of working towards safeguarding labour rights in EU trade relations, through promoting a zero-tolerance policy on child labour, pursuing the eradication of forced labour, and promoting human rights in global supply chains. Last is the aim of working towards implementing human rights provisions in EU trade policy. This includes the improved function of the GSP+ and the promotion of labour rights in FTAs.⁸⁸

Some of the commitments made in this Action Plan are notable, while others are more insubstantial. While the Global Alliance for Torture-Free Trade launched in 2017 is a good initiative, the EU's aim of "promoting" it over five years is not impressive. The EU's wording in the Action Plan opens up for minimal commitment on the EU's side—because it does not define what "promoting" entails. A better commitment would include specifics on strategically recruiting new states to join the alliance and how they will intentionally work against capital punishment.

The second commitment in the Action Plan suffers from the exact wording as the previous one commitment: the EU will work against child labour and forced labour and for human rights in supply chains through *promotion*. Whilst noble on paper—ensuring human rights in global supply chains is a pragmatic way of protecting human rights—these commitments do not hold the EU accountable for carrying them out since the wording is as ambiguous as it is.

Lastly, although the wording in this commitment is inexact, it does have more direction. Strengthening the implementation of human rights provisions in trade policy through the GSP is a palpable commitment directly targeting the state(s) violating human rights. The commitment of promoting labour rights in FTAs, however, displays the EU as being less insistent than it should be on this matter as an aspiring world leader of human rights and democracy. The EU should be more determined in this area.

2.2 EU Annual Reports on Human Rights and Democracy

Every year, the EU publishes a report on human rights and democracy, assessing the status of human rights and democracy in most of the world's states. The EU annual reports oversee the implementation of the EU Action Plans and give an overview of the human rights situation, EU action, and political and financial engagement. The reports give accounts of the EU's main achievements and areas where more progress is needed. The general human rights issues the EU is working against in India are discrimination, gender-based violence, the death penalty, and the shrinking of civic spaces.

Since the report for 2023 has yet to be released, this thesis focuses on the annual reports from 2012-2022. Although some general information from the different reports is given, the focus is on the reported developments in India. Below, the reports are divided into subchapters by which APHRDs they coincide with. The report for 2012 is not structured by countries such as the others and thus only provides a brief overview of the human rights situation in the world that year.

⁸⁷ European Commission, 2020b, 2; European Commission, 2023a, 3.

⁸⁸ European Commission, 2020b, 2, 6, 11.

2012 – 2014 Annual Reports on Human Rights and Democracy

The initiatives launched by the EU in the 2012-2014 period came as responses to human rights concerns around the world, India included, such as the shrinking of civic spaces, many restrictions on the freedom of expression, as well as restrictive rules on foreign funding and bans on non-governmental organisations' operations. This is a trend that will spread more and more to India over the coming decade. The EU's main focus areas in terms of human rights for India for the period were tackling violence against women, attaining abolition or a moratorium on the death penalty, and fighting discrimination.

In 2012, the UNGA Resolution on a moratorium on the death penalty was adopted with an unprecedented number of votes in favour compared to the previous years. The EU undertook extensive lobbying to promote the resolution. However, India is one of the states that has repeatedly voted against this resolution and simultaneously resumed executions in 2012.⁸⁹

In 2013, the 8th EU-India HRD was held in New Delhi in November, allowing the parties to discuss the focus areas. In the 2013 report, the EU states that it has targeted retentionist states such as India bilaterally and multilaterally regarding a moratorium or abolition of capital punishment. However, as displayed below, there is little transparency from the HRD, and it is thus difficult for outsiders to ascertain the EU's success in these focus areas. Moreover, as is displayed in Chapter 2.3 and Chapter 4, India does not respond well to being called out for human rights violations neither multilaterally nor bilaterally, which puts the EU and its ambitions of diffusing its norms in a difficult position.⁹⁰

In 2014, the EP adopted a resolution on the increased advances to criminalise the LGBTQI community and raised questions regarding women's rights and the rights of minorities in India. The EU Delegation in India invited Robert Badinter to lecture and discuss the death penalty. In May 2014, the Indian Law Commission came with the optimistic announcement of a public consultation to review the applicability of capital punishment.⁹¹

All in all, most of the initiatives towards improving the human rights situation listed by the EU are either vague, small in scale, or lack strategic action. The EP raises concerns about the human rights situation in India, but the reports say little about EU action as a response. Moreover, the reports use the same ambiguous wording as the Action Plans: *promote*, *support*, and *address*, but do not define what this entails. As such, these terms give the EU the wriggle room to adapt their actions to what is suitable and convenient at any given time and do not hold the EU accountable for committing to specific strategic actions with definite goals and benchmarks. Some initiatives, such as inviting Badinter to India to discuss with the judiciary, the legal community, the National Human Rights Commission, civil society, parliamentarians and the media, are good, however. It targets the audience needed to reach strategic action.

2015 – 2019 Annual Reports on Human Rights and Democracy

The 2015 report coincides with the new APHRD outlining the priorities and strategic action for the next period of 5 years. As usual, the report on India states it is a democratic country with a constitution and institutions to protect human rights. Nevertheless, many issues are rooted in societal practices, whilst the Indian government facilitates others. From 2015 onwards, there has been an increase in both. Abuse and discrimination—

⁸⁹ Council of the European Union, 2013a, 5-8, 13, 16, 19, 22, 58, 71-72.

⁹⁰ Council of the European Union, 2014, 13-19, 24, 301-302.

⁹¹ European Union, 2015, 239-240.

particularly suffered by the Dalits and women—gender-based violence and religious intolerance are all cases reported by civil society and media.ⁱⁱⁱ Whilst some of these problems are reinforced by Indian society, the government does not contribute enough to combat them. Another human rights issue spurred by the Indian government is the strict rules for foreign funding, which affect many Civil Society Organisations (CSOs). Only 42,000 of the 2 million organisations were licensed to receive foreign funding in 2015. The EU reports that freedom of expression is generally respected. However, this is a contradiction as the removal of foreign funding also contributes to the muzzling of CSOs. One execution was sanctioned in 2015, and a month later, the Indian Law Commission’s report on the death penalty from 2014 was released, suggesting an abolition of the death penalty in all cases except for terrorism and war against the country.⁹² As we will see, this is not a change the Indian government considers. The EU highlights the societal practices that the Indian government cannot fix with affirmative action—such as quota systems in local governments. However, rather than compensating for the deeply entrenched societal practices, the Indian government contributes to human rights violations in other areas by restricting CSOs, for instance.

In 2016, several more CSOs lost their licenses for foreign funding, meaning that civic spaces in India were further restricted. Moreover, improvements have yet to be seen in terms of the rights of women or Dalits. However, the EU reports that police have started to address cases of violence against women more seriously. If that was the case, it was not a permanent change, as we will see below. On the positive side, India passed a Rights of Persons with Disability Bill, and the government started programmes aimed at increasing access to education, housing, health, energy, and water and sanitation.⁹³

In 2017, several more CSOs lost their licenses for foreign funding, and as a result, India has seen a slowdown in the activities of many organisations and human rights defenders. Moreover, women at the bottom of the caste hierarchy and from vulnerable communities are still more exposed to violence, including sexual violence and human trafficking. However, a new benchmark was reached regarding child labour with the ratification of International Labour Organization Conventions 138 and 182 on minimum age and prohibition and elimination of the worst forms of child labour, respectively.⁹⁴ Chapter 4 presents, however, that these conventions are not followed in many places in India as demand for cheap labour has increased.

In 2018, despite augmented attention, sexual abuse of children is an increasing concern.⁹⁵ The shrinking of space for civil society, arrests of human rights activists, and more profound social polarisation also characterise the year.⁹⁶ 2018 was the deadliest and most violent year for civilians in a decade in India, with journalists pointing out that 2019 could turn out to be even worse.⁹⁷

Many actions raised concerns in India in 2019. For instance, article 370 of the Indian constitution was repealed, having previously granted Jammu and Kashmir special status and autonomy in administration. Subsequently, political figures and leaders from Jammu and Kashmir were put in detention with a curfew and no access to the internet or telephones. Media and non-governmental organisations had limited access to this region, which protects India from much of the criticism from the outside world. Moreover, the highly contested Citizenship Amendment Act from December 2019 led to violent protests

⁹² Council of the European Union, 2016.

⁹³ European Union, 2017, 199-200.

⁹⁴ European Union, 2018b, 186-188.

⁹⁵ Biswas, 2018; Arya, 2018; European Union, 2019, 193-195.

⁹⁶ Basu, 2018; European Union, 2019, 193-195.

⁹⁷ Slater & Naseem, 2018; Fareed, 2018; European Union, 2019, 193-195.

around India. The Act facilitates discrimination against immigrants from Bangladesh, Pakistan and Afghanistan who are not of Christian, Sikh, Buddhist, Jain, Parsi or Hindu faith who entered India before 2015. The Act is criticised as being targeted at Muslims and breaking with the Indian Constitution, which protects the freedom of religion and belief.⁹⁸

The prominent human rights issues from 2015 to 2019 include discrimination against minority groups, women, and children, along with gender-based violence. Additionally, there were concerns about the mistreatment of human rights defenders and the shrinking space for civil society. Structural and societal obstacles impeded the implementation of laws and policies, while the government's actions facilitated other human rights violations. During this period, Indian civil society faced growing constraints, leading to reduced freedom of expression and heightened discrimination and violence against women, girls and Muslims.

2020 – 2022 Annual Reports on Human Rights and Democracy

For many reasons, 2020 was a special year, mainly because of the COVID-19 global pandemic. It was also the year the EU adopted its current Action Plan on Human Rights and Democracy. The Union established the first EU global human rights sanctions regime, which allowed the freezing of assets and travel bans on people responsible for and involved in severe human rights violations.⁹⁹ If utilised, this initiative can positively impact people's ability to enjoy their human rights. In India, however, the human rights situation took a turn for the worse. Through the Foreign Contribution (Regulation) Amendment Act passed in September 2020, the space for CSOs shrunk even further; Amnesty International India's bank accounts were frozen from September based on accusations of money laundering. After some time, Amnesty lost most of its activity there. There were many other restrictions on communication and human rights defenders' work, too; journalists had difficulties covering events due to poor internet connections, and CSOs lost their ability to communicate using the internet. From 2019 onwards, the Modi government increased internet blackouts to limit communication from some regions of India.¹⁰⁰ 2020 also saw an increase in reported discrimination, prejudice, and violence against minority groups; 50 people were killed—most of them Muslims—in the Delhi riots at the beginning of the year.¹⁰¹ Moreover, already existing inequalities were exacerbated by the pandemic, affecting women and children primarily.¹⁰² In March 2020, four men were executed for a brutal gang rape in 2012. Several interviewees in the news media point to social attitudes and patriarchy validating masculine superiority as reasons behind increased violence against women.¹⁰³

2021 also constitutes a daunting year for human rights and democracy for several reasons. Especially alarming is the fact that in 2021, the number of autocratic regimes outnumbered democratic regimes in the world.¹⁰⁴ In India, various news media have reported to the EU that there has been an increase in the number of violent and discriminatory episodes, particularly towards religious minorities, in 2021.¹⁰⁵ In December, 14 civilians were killed by soldiers in Nagaland, in north-east India. Miners were mistaken for militants, and the soldiers opened fire, killing six of them. In the protest that followed, seven more civilians were shot and killed. The subsequent uproar caused the authorities

⁹⁸ European Union, 2020a, 202-203; European Parliament, 2021, 114; Ellis-Petersen, 2024; Al Jazeera, 2019.

⁹⁹ European Union, 2021a, 8-9; European Union, 2020a.

¹⁰⁰ Ellis-Petersen & Hassan, 2023; Krishnan, 2021; RSF, 2023.

¹⁰¹ Shekhar & Abhay, 2024.

¹⁰² Chowbey, 2023; Acharya, 2021; Kamdar, 2020.

¹⁰³ European Union, 2021b, 202-204; Al Jazeera, 2020; BBC, 2020; Ellis-Petersen, 2020.

¹⁰⁴ European Union, 2022a, 6-7.

¹⁰⁵ Apoorvanand, 2022; the Wire, 2023a.

to issue curfews and shut down the internet. While the army blames the incident on mistaken identity, locals reject this claim and argue that the intention was to kill civilians.¹⁰⁶ As civic space in India continues to shrink, 2021 was the year in which more civil society organisations' licenses ceased and were cancelled than there were active licenses sanctioned by the Foreign Contribution (Regulation) Amendment Act. The 9th EU-India HRD was finally held again after eight years, which was an essential step for the EU-India bilateral relation and as the human rights situations in India have deteriorated since the last Dialogue. The parties agreed to hold the Dialogue on an annual basis.¹⁰⁷

The latest EU report on human rights in India states that the trends seen over the decade also continued in 2022. Whilst extreme poverty rates in India have decreased, socioeconomic inequality persists. Spaces for civil society and societal diversity have continually shrunk, and the use of anti-terror laws against journalists and human rights defenders has increased; the year started with a further 6000 CSOs losing their licenses for foreign financial support. Further, CSOs risk losing their license from one day to another and having their bank accounts frozen. An *Al Jazeera* article highlights India as one of the most dangerous places in the world for human rights defenders and activists, with 54 attacks against activists in 2022, behind Brazil topping the list of most dangerous countries for activists with 63 recorded attacks.¹⁰⁸

Freedom of religion has weakened over the decade, continuing in 2020-2024, and has been directly impacted by central and state government policies and actions. Although the EU has yet to release the report for 2023, and 2024 is still in its early stages, testimonies from Chapter 4 show that these trends have continued into 2023 and 2024, too. Violations on the rights of women and girls have been exacerbated by the pandemic, rendering many of society's most vulnerable groups in even worse circumstances than earlier. The use of internet shutdowns has increased, limiting contact with the outside world and the spread of information, and India has become the world's second most dangerous state for human rights defenders.

2.3 EU-India Human Rights Dialogues

Human Rights Dialogues (HRDs) are one of the instruments in the EU's human rights toolkit. As of 2021, the EU has around 60 HRDs with partner countries and regional groupings held between human rights experts from each attending party. How often the HRDs are held depends on each agreement; India and the EU have agreed initially to have annual HRDs since 2004. The HRDs aim to discuss the parties' mutual interests and enhance the cooperation on human rights both between themselves and in multilateral forums. The EU's list of priorities includes signing, ratifying and implementing human rights instruments, abolishing the death penalty, combating torture and ill-treatment, as well as all forms of discrimination.¹⁰⁹

The EU is the only entity with which India has a HRD, and there have been 10 EU-India bilateral HRDs since 2004. They agreed to have annual HRDs, but there was no Dialogue in 2007 or 2012. Moreover, after the 8th HRD in 2013, there was an 8-year pause until 2021, when they resumed. Once more, they agreed to hold the HRD annually, but no HRD was held in 2023, and there has yet to be an announcement of an HRD in 2024. Therefore, three HRDs have occurred in the timespan this thesis investigates: the 8th HRD in November 2013, the 9th in April 2021, and the 10th in July 2022.

¹⁰⁶ Bhaumik, 2021; Kalita, 2021; Masih & Naqvi, 2021; Yasir & Kumar, 2021.

¹⁰⁷ European Union, 2022b, 199-201.

¹⁰⁸ European Union, 2023, 215-217; Hale, 2023.

¹⁰⁹ Council of the European Union, 2008a, 1-10; Council of the European Union, 2021b, 2-10.

The Guidelines on HRDs with third countries state that when appropriate, the EU will publish a press release after an HRD has taken place and that the EU, as far as possible, will have a degree of transparency vis-à-vis the public.¹¹⁰ As the dialogues are high-level and happen behind closed doors—often discussing highly sensitive subjects—the communication released after the Dialogues is not extensive. In fact, there is not much official communication on the three HRDs at all. As such, the information about the EU-India HRDs is reported to the extent the available data allows.

The EU – India Human Rights Dialogues: 8th, 9th & 10th

The 8th EU-India HRD finally took place in 2013 after eight postponements. The FRAME^{iv} Report 2016 on EU HRDs states that this HRD had been regarded as the most successful HRD as of 2013, at least from the EU's perspective. This is because of the large amount of senior representation and the answers these persons could give on the issues up for discussion. The FRAME report generally talks about the EU-India HRDs since 2004, not specifically the 8th HRD. However, the report can give a sense of the tone of the Dialogues, including the 8th. In general, the Dialogues are informal and genuine. However, the Indian side tends to be reactive to concerns raised by the EU participants. The report highlights especially the tone of the interaction. The EU participants' way of raising issues, for instance, is perceived as top-down or even condescending, according to interview objects from both parties. One of the main aspects of contestation in the EU-India relationship is the narrative and perception of the EU as a creator of global norms, and this is also reflected in the report's analysis of the HRDs.¹¹¹ India questions the idea of the EU as a diffuser of norms and feels that the Union "engages in the practice of 'othering'."^v

The 9th EU-India HRD was held in April 2021. After the 2021 EU-India Leaders' Meeting, they addressed their enthusiasm for the constructive engagement that the Dialogue nurtured.¹¹² The joint statement is concise and has little transparency; it contains six points where the parties summarised their agreements and highlighted their shared values. The parties agreed to improve their engagement on human rights concerns and to strengthen human rights mechanisms for civil society actors and national human rights institutions. However, they do not share how this will be done. The EU restated its opposition to capital punishment at the Dialogue, which was the only reference to the human rights situation in India. It is a step in the right direction that the Dialogue resumed after so long, and there might be diplomatic reasons behind the lack of discussion surrounding how the human rights situation in India can be improved at the Dialogue. Nevertheless, considering the negative development in the situation in India, including an increasingly shrunk space for civil society and violence against activists, there is not enough strategic action nor accountability bestowed upon India from the EU, considering it is a bilateral HRD between the two largest democracies in the world.¹¹³

The 10th EU-India HRD took place in July 2022. The joint communication from this Dialogue is comparable to that of the 9th. They discuss their efforts and progress, as well as their different approaches, since 2021. Similarly to the previous Dialogue, the EU reiterates its opposition to capital punishment. New in this communication, however, is India reiterating its recognition of the Right to Development, meaning the right to self-determination.¹¹⁴ These two reiterations being together makes it seem as though India's mention of the Right of Development is a response to the EU's mention of the opposition

¹¹⁰ Council of the European Union, 2008a, 10-11; Majtényi et al., 2016, 13-14.

¹¹¹ Majtényi et al., 2016, 14, 18, 25.

¹¹² Council of the European Union, 2021a, 5; EEAS, 2021.

¹¹³ EEAS, 2021; Council of the European Union, 2021a, 5.

¹¹⁴ EEAS, 2022; United Nations, 2011.

to the death penalty, which is still in practice in India. Again, this is the only reference to the human rights situation in India. There is little to decipher from the communications on the 10th EU-India HRD since much of the wording is repetitive and generic. They confirm, however, that they both look forward to the next EU-India HRD in 2023, but as we know, there has not been an 11th EU-India HRD yet. In EP resolution 2023/2781(RSP) on the situation in Manipur, India from July 2023, the EP calls for the reinforcement of the HRD and urges the VP/HR Josep Borrell, the Commission and the Member States to “systematically and publicly raise human rights concerns with India at the highest level,” especially when it comes to freedom of expression and religion and the shrinking space for civil society.¹¹⁵ In an EP recommendation from January 2024, the Parliament recommends that the Council, Commission and the VP/HR upgrade the annual EU-India HRD to a biannual dialogue at the ‘headquarters-level’.¹¹⁶ It also recommends making the Dialogue meaningful by integrating concrete commitments and benchmarks to address specific cases.¹¹⁷ The EP’s dissatisfaction with the discontinuation of the HRD and with the outcomes from the Dialogues echoes the criticism raised in this thesis. Few specific and strategic plans exist for improving the human rights situation in India—specifically that of human rights defenders, journalists, and activists—and the EU does not sufficiently address it in the Dialogues.

2.4 Chapter Conclusions

The EU’s commitments, initiatives, and instruments available to reach the goals in its current and previous Action Plans are many, but they lack concrete action and accountability. In its annual reports, the EU reiterates time and time again that India has a long history of democracy, with legislation and institutions equipped to warrant citizens’ rights. Despite this, what is understood as the “deeply engrained cultural mindset” in India stops the full enjoyment of human rights for all, according to the EU, regardless of the initiatives, actions, guidelines, and financial support implemented. This assessment does not correctly reflect the situation in India, where state and national governments facilitate human rights violations and societal issues. The EU has economic and strategic interests in strengthening its cooperation with India, condemning the Indian society for the deteriorating human rights situation does not suffice. Indian leaders and government need to be held accountable, something which the EU has failed to do.

Over the period from 2012 to 2024, the human rights situation has worsened, with the minimising of civic spaces; increased discrimination of marginalised groups; human rights defenders and journalists in detention; shutdowns and internet blackouts; and CSOs losing their license for foreign funding. 2020 marked for India, like many other places worldwide, a year of drastic changes for the worse human rights-wise. The HRD between India and the EU finally resumed in 2021—a step in the right direction—but has only been repeated once. Based on the scarce information from the HRDs, it is difficult to ascertain where the EU-India relationship on human rights stands at present, especially as there is no agreement on when the next dialogue will be held.

Despite its commitments in the APHRD and assessments in the annual reports on human rights in India, the EU has failed to address the worsening human rights situation in India in the Human Rights Dialogues. As such, the EU cannot be said to sufficiently uphold its normative agenda in its relationship with India in the area of human rights in the period 2012 to 2024.

¹¹⁵ European Parliament, 2023.

¹¹⁶ European Parliament, 2024b.

¹¹⁷ European Parliament, 2024b.

3 EU-India Trade Relations and Human Rights

With a combined population of 23.6% of the world's population combined with the potential for significant economic growth, the EU and India can positively impact the direction of the world and human development by deepening their cooperation. The EU aims to fulfil such ambitions and strengthen the EU-India strategic partnership. The 2004 Communication on the EU-India Strategic Partnership emphasises that trade is one of the cornerstones of the EU-India Relationship.¹¹⁸ The first initiative to strengthen cooperation is to work towards ambitious trade and investment agreements.

Many other strategic reasons exist for the EU's desire to deepen and strengthen its relations with India. As mentioned previously, India has one of the largest and fastest-growing economies in the world; it is predicted by analysts at Goldman Sachs that India may replace China as the second-largest economy by 2075, and analysts at Morgan Stanley predict that India will become the world's third largest economy already by 2027.¹¹⁹ Accordingly, it is a significant actor in global economic governance. India is also negotiating FTAs with several actors, which will allow it to increase its exports and integrate into new value chains. Moreover, India is an important geostrategic partner for the EU now and in the future; India is at the heart of the Europe-Asian trade routes and works as a stabiliser in a complex area. Lastly, India's aims for rules-based global governance, which are fixed on multilateralism, align with the EU's ambitions. The goals for the future of the EU-India partnership are to support economic stability, transition to a green economy, a digital transformation, integration into global value chains, and attract investments from the private sector.¹²⁰ The EU aims to strengthen and deepen its partnership with India so it can more effectively shape multilateral solutions and address global economic, security, and sustainability challenges together in the future.

As this thesis aims to examine the effect trade policies and initiatives have on the role of human rights in the EU's normative agenda and evaluate the extent to which the EU upholds its normative agenda in these areas in its relations with India, it is necessary to inspect India and the EU's trade relations closer. Doing this makes it possible to ascertain the status of their trade relations and their effect, if any, on the EU's human rights policies and commitments towards India. This chapter demonstrates that despite India's and the EU's inability to agree on an FTA with robust provisions meant to safeguard human rights, their trade has increased over the decade. Moreover, the chapter displays that neither the EU-India Summits nor the EU's mechanisms meant to protect human rights in the context of trade work sufficiently, leaving the EU with little power to protect human rights in its external relations with India. To demonstrate this, the chapter first explores EU-India trade and the EU-India FTA negotiations from 2012 to 2024. Secondly, this chapter investigates the five EU-India Summits that have occurred since 2012, specifically what they say about trade and human rights. As the most high-level dialogues in the EU-India relationship, these summits set the partnership's tone and focus and is where decisions such as resuming free trade negotiations are taken. Lastly, the chapter examines some of the EU's instruments meant to safeguard human rights during and after the implementation of an FTA. Examining these areas of the EU-India relationship helps clarify the impact EU trade has on the EU's ability to promote and protect human rights in India.

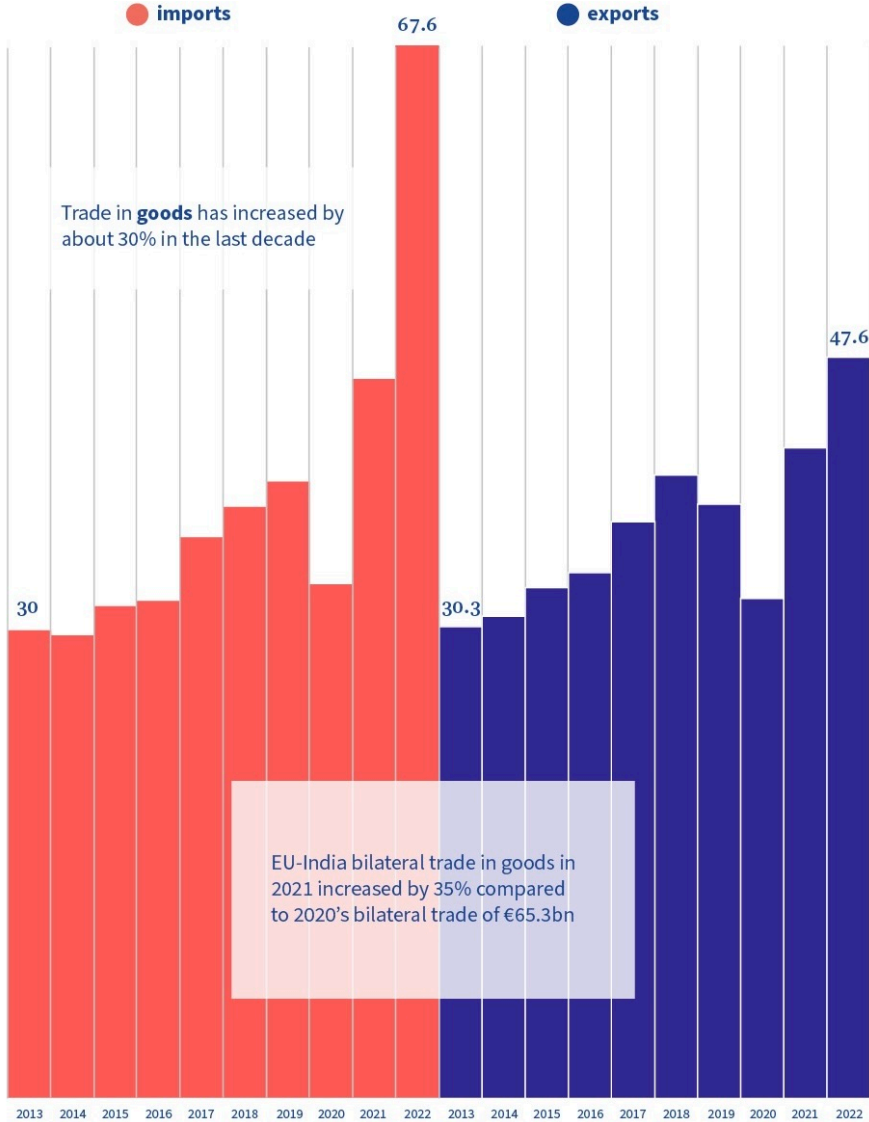
¹¹⁸ European Commission, 2004, 7.

¹¹⁹ Inamdar, 2024; Goldman Sachs, 2023.

¹²⁰ EEAS, 2020, 2-3; European Commission, 2018, 1-2, 7, 9; Council of the European Union, 2018; Council of the European Union, 2024; European Parliament, 2024c, 21.

3.1 EU-India Trade and Free Trade Agreement Negotiations

India's economy has been steadily advancing over the last decade. Since 2021, its GDP has surpassed China's, with predictions indicating this trend will persist into 2024. India ranks as the EU's 10th largest trading partner, with €115 billion in trade accounting for 2% of the EU's total trade in goods. Conversely, the EU is India's 2nd largest trading partner, representing 10.8% of India's total trade and €120 billion worth of goods. The chart below illustrates a more or less consistent upward trajectory in imports and exports to and from India since 2013, except for a dip in 2020 due to the pandemic, followed by a resurgence in 2021. Overall, trade in goods has surged by 30% since 2013, with a remarkable 35% increase from 2020 to 2021. Import figures from India have steadily risen, peaking in 2022 at €67.6 billion, up from €46.2 billion in 2021. Similarly, exports have followed suit, climbing from €30.3 billion in 2013 to €47.6 billion in 2022.¹²¹ Despite stalled BTIA negotiations, economic cooperation between India and the EU has flourished since 2013. However, this growth contrasts sharply with India's deteriorating human rights situation, as evidenced in Chapter 2. This incongruity suggests that the EU's trade policies towards India are at odds with its normative agenda and commitments outlined in its constitutional treaties despite the mobilised human rights instruments.



Source: Council of the European Union, 2024. Value in billion €.

¹²¹ European Parliament, 2024c, 21; Inamdar, 2024; Council of the European Union, 2024.

Free Trade Negotiations

The negotiations for an FTA between India and the EU commenced in 2007. After making significant strides in 2012, the process hit a roadblock in 2013 due to a perceived 'gap in ambition'.¹²² The reasons for this standstill are multifaceted, encompassing disagreements on trade in services and goods, intellectual property rights, data security, tariff reductions, and clauses related to weapons of mass destruction, child labour, and sustainability.¹²³

Another significant disagreement identified in the negotiations is the EU's demand to include human rights clauses in its trade agreements in line with the aims for its external action and normative agenda. India has seen the inclusion of human rights clauses in FTA as intrusive upon its domestic politics and has found the EU's previous attempts at diffusing its norms "utterly unwelcome."¹²⁴ In the negotiations between 2007 and 2013, India deemed it inappropriate to include human rights clauses in FTA negotiations because it did not wish for its economic agreements to be formed by political riders. To this day, India prefers to discuss human rights issues in multilateral forums such as the UN Human Rights Council.

The EU's publications on India consistently acknowledge India's constitution, legislation, and institutions as robust safeguards for the rights of its citizens, emphasising shared values such as democracy, the rule of law, and human rights. However, the shared values trope has not translated effectively into the early rounds of FTA negotiations. India has expressed feeling treated as inferior by the EU in the context of human rights protection.¹²⁵ This suggests that the EU was more assertive in promoting human rights norms during the initial negotiation phases before they ceased in 2013. This might also be one of the reasons why there is less reference to human rights in future communication on India and from the EU-India cooperation, as India increasingly has emerged as an actor with which the EU is eager to cement its relationship.

At the 2021 EU-India Leaders' meeting, the leaders agreed to resume negotiations for a BTIA. The agreement aims to remove barriers, open markets, and create a secure and predictable investment environment.¹²⁶ After negotiating from 2007 to 2013 without success, the EC and India are eager to finalise the negotiations. The goal was initially to finish the negotiations before the Indian and EU elections in Spring/Summer 2024. However, after the 7th round of negotiations in February 2024, it was announced that the next round will be held after the elections. Since resuming the negotiations there have been 7 rounds of FTA negotiations between June 2022 and February 2024.¹²⁷ So far, none of the reports from the negotiations have directly or indirectly mentioned human rights clauses or provisions. Although this might indicate EU neglect of its human rights commitments, it is possible that discussions and negotiations regarding human rights are left for later for diplomatic reasons and so that they do not hinder the negotiations on other conditions of the agreement.

In March 2024, India signed a comprehensive Trade and Economic Partnership Agreement with the EFTA countries Iceland, Liechtenstein, Switzerland, and Norway, marking India's first agreement to include human rights references in a trade agreement.¹²⁸ As such, it will be interesting to see if this constitutes a change in terms of the Indian willingness to combine politics and human rights provisions into their trade

¹²² European Commission Directorate-General for Trade, 2022.

¹²³ Dutta, 2021, 33.

¹²⁴ Jain, 2017, 412.

¹²⁵ Jain, 2017, 415-416, 422-425.

¹²⁶ European Commission, n.d.c.

¹²⁷ European Commission, n.d.e.

¹²⁸ Regjeringen, 2024; Hoskins, 2024; The Hindu, 2024.

agreements or whether it was a change it was willing to make because EFTA is a much smaller ensemble of states, and thus constitute minor economic powers whose sanctions, in case of human rights violations, will not affect India significantly.

As it is unlikely that the EU would agree to an FTA without it including human rights provisions, it is a pivotal time for the India-EU relationship, and the contents of the agreements will say much about India's and the EU's commitments to the protection of human rights for the future. Thus, if or when India and the EU reach an agreement, it will exhibit much about the EU's success, or lack thereof, in the negotiations and its commitment to protecting and promoting human rights. Furthermore, the results of the negotiations will serve as a testament to India's current and future stance on human rights. It offers an opportunity to gain insights into several possibilities: firstly, whether India has changed its stance on human rights provisions, as suggested by its agreement with EFTA, signalling a shift in its strategy for addressing human rights abuses; secondly, whether India will maintain its reluctance towards including human rights clauses in economic agreements so that other solutions will need to be looked at; or thirdly, whether India aims to secure a trade agreement and maintain its current trajectory, particularly as the EU seeks to find a counterbalance to China and as India's trade with the EU has surged over the past decade despite documented concerns about and violations of human rights.

Potential Human Rights Risks in EU-India Free Trade Agreement

The EU's trade policies can impact human rights in India in several ways. In December 2023, the EC released a trade Sustainability Impact Assessment (SIA) on an EU FTA with India, done by an independent expert team. This is done to ascertain the potential impact, in India and EU Member States, on the economy, investments, the environment, and human rights in an EU-India FTA. The report has studied the impact of an FTA on the right to just living and working conditions, the prohibition of forced labour and children's and women's rights. The SIA states that an FTA could lead to better welfare, GDP, and increased trade in India and the EU due to reduced tariffs and non-tariff barriers. Until 2032, if the most ambitious scenarios materialise, the EU and India bilateral merchandise exports will increase by 108% and 87%, respectively.¹²⁹

While the dominant discourse is that trade will increase GDP and, by extension, positively impact people's living standards, trade liberalisation can also negatively affect labour rights and the right to health.¹³⁰ Increased exports from India, while stimulating production, may put pressure on workers, giving them shorter breaks and longer working hours if the provisions related to labour rights are not robust enough. Women, religious minorities, and indigenous people are particularly vulnerable to this. Further, the SIA states that many of the newly created jobs from an increase in production from a potential agreement will likely not provide permanent or formal employment for many workers. Mechanisms to avoid this would have to be created to ensure that these persons' labour rights are being protected in a potential agreement between India and the EU.¹³¹

There are other threats to the human rights of Indians, as well as other people in the Global South, in the case of an Indian FTA with the EU too. One example is the strict protection of intellectual property rights the EU wants to include in the agreement, which would make cheap and generic medicines produced in India inaccessible to many people due to a subsequent price increase. Chapter 4 explains this further. This concern was raised

¹²⁹ European Commission Directorate-General for Trade, 2023, 5-10.

¹³⁰ Hachez & Marx, 2020, 365-366.

¹³¹ European Commission Directorate-General for Trade, 2023, 5-10.

in the first period of the negotiations and again now in the resumed negotiations. As such, it is something the EU is aware of but still pursues.¹³²

An illustration of where the EU is accused of not establishing solid enough human rights provisions to take care of indigenous people's rights in a trade agreement is in the ongoing negotiation of a trade deal between the EU and the Mercosur bloc (Argentina, Brazil, Paraguay, and Uruguay) from 2019, which is yet to be ratified. An article published in 2023 sheds light on the apprehensions of indigenous communities who express concerns that their rights are inadequately safeguarded in this agreement due to a lack of effective monitoring and oversight mechanisms to protect ecosystems. The coordinator an indigenous peoples group asserts that the trade deal reflects an economic model inherently deficient in preserving ecosystems.¹³³ Adivasis, indigenous peoples in India, face much discrimination in India due to being outside of the caste system, as explained further in Chapter 4. If a poorly formulated India-EU FTA lacks sufficient provisions for indigenous rights, they are vulnerable to further violations as heightened production stimulated by increased trade could violate their territorial rights.

The SIA highlights several more elements that can constitute bottlenecks in realising the positive potential of an FTA. These include pre-existing weaknesses connected to human and labour rights-related issues such as discrimination towards vulnerable and marginalised groups, restricted civic space, forced labour, and child labour. Because of these issues, it is challenging to see the potential of the FTA be applied in full, and it is somewhat easier to predict that the potential will not be realised at all.¹³⁴ As such, the human rights issues identified in the previous chapter will likely obstruct the positive effects of a potential FTA. If the EU successfully implements the SIA's recommendations into the agreement, it might facilitate enforceability and mechanisms to protect human rights. However, some of the threats to the Indian people's human rights are supported by the EU through the demands it has in the negotiations. Moreover, many of the bottlenecks are supported and facilitated by the Indian government and might thus be difficult to influence and change without leverage from solid human rights provisions.

3.2 The EU-India Summits

The EU-India Summit is the most high-level dialogue in the EU-India relationship. Since 2012, there have been five EU-India Summits, with reported plans for a summit in early 2024, which has yet to take place.¹³⁵ At the EU-India Summits, high-level participants from India and the EU meet to discuss issues related to their Strategic Partnership. The Summits are often the starting point for many EU-India initiatives, and they consist of updates on previous bilateral consultations, dialogues and meetings and welcoming future initiatives.

The 12th EU-India Summit was the last before Modi became Prime Minister in India. India hosted the summit in February 2012, and Indian Prime Minister Singh met with European Council President Van Rompuy and EC President Barroso. The leaders discussed the negotiation progress of the India-EU Broad-based Trade and Investment Agreement (BTIA), having made substantial progress on it and being "close to completion", before stalling in 2013. Further, the parties reiterated their agreement that the terrorists behind the November 2008 Mumbai attacks should be brought to justice. In November 2012, one of the persons convicted for the attack was hanged, and India thus ended its eight-year

¹³² Ki-Moon & Byanyima, 2023; Douste-Blazy & Broun, 2012.

¹³³ Blenkinsop, 2023.

¹³⁴ European Commission Directorate-General for Trade, 2023, 5-10.

¹³⁵ European Commission, 2012; European Parliament, 2016; Council of the European Union, 2017; Council of the European Union, 2020; European Parliament, 2024d; Council of the European Union, 2021a.

unofficial moratorium on executions.¹³⁶ Judging from the joint statement from the summit, the human rights situation in India was not addressed.

The 13th and 14th EU-India Summits, held in Brussels in 2016 and New Delhi in 2017, respectively, were attended by European Council President Tusk, EC President Juncker and Indian Prime Minister Modi. The BTIA is barely mentioned in either summit, with little substance; both parts are, at their separate ends, *considering* how to approach negotiations again. Human rights are addressed in connection to cooperation in multilateral forums and an agreement over women's and girls' rights. However, the parties mentioned the human rights situations in neither India nor the EU.¹³⁷ In general, this was not a productive period in the EU-India relationship—particularly in terms of human rights—with many misunderstandings and disagreements. As established, the enjoyment of human rights decreased in India these years too.¹³⁸ Not discussing the human rights situation can be understood as the EU trying to appease the Indian side, seeing as the EU should have human rights front and centre in all interactions with a third party.

The 15th Summit between the EU and India was held digitally in July 2020 and was attended by Prime Minister Modi, European Council President Michel and EC President von der Leyen. They agreed to continue improving their trade and investment relations, preparing for a post-COVID-19 climate. They also agreed to establish a High-Level Dialogue guiding the bilateral trade and investment relations, aiming to make progress in terms of trade and investment agreements. Human rights are only mentioned as a reiteration of India and the EU's commitment to them.¹³⁹ The EU and India are making written commitments rather than practical efforts to improve the protection of human rights.

In May 2021, the Indian and EU leaders met again, but this time, they also met with the heads of state or government of the 27 EU member states. The summit was called the EU-India leaders' meeting and is the successor of the EU-India Summits. The most significant outcome from this meeting was the EU and India's agreement to resume the FTA negotiations after being on hold for nine years. Resuming the negotiations is a triumph within the EU-India relations. No new commitments or initiatives were brought up regarding human rights.¹⁴⁰

The EU does not go to great lengths in these summits to promote human rights in all areas of its external action without exception, as promised in the 2012 EU Strategic Framework on Human Rights and Democracy.¹⁴¹ Although disappointing overall, it is particularly conspicuous that human rights were not addressed at the 2020 and 2021 summits, as these were particularly bad years in terms of the human rights situation in India, and the summits should have been the opportunity to address these issues.

3.3 EU Human Rights Conditionality and other Mechanisms

The TEU states that the EU shall contribute to free and fair trade in its relations with the wider world. Moreover, in the 2020-2024 Action Plan, the EU focuses on the interplay between business and human rights to a greater extent and to become a global leader in this area. Human Rights conditionality is a legal mechanism the EU has used since the 1990s, which grants the EU trade preferences through human rights clauses in trade agreements. The EU's use of human rights conditionality stems from "the normative

¹³⁶ European Commission, 2012, 1-5; Human Rights Watch, 2012; Council of the European Union, 2013a, 71-72.

¹³⁷ European Parliament, 2016, 6; Council of the European Union, 2017, 1-10.

¹³⁸ Schmidt, 2015, 443; Winand, 2015, 211; Srichandan, 2021, 60-63; Altafin, Lukas & Nowa, 2020, 112.

¹³⁹ Council of the European Union, 2020, 1-2.

¹⁴⁰ Council of the European Union, 2021a.

¹⁴¹ Council of the European Union, 2012a, 1-3.

vision”, which substantiates its external policies.¹⁴² Conditionality means that the EU will agree on trade with a third party on the condition that the third party commits to, implements, and enforces commitments to protect human rights. The EU has committed to place human rights at the centre of its external action, and FTAs have become part of this effort through human rights conditionality. As such, the EU connects its market power and trade liberalisation to human rights. Conditionality is thus regarded as an important tool in the EU’s efforts to spread its normative agenda to its partner countries and protect human rights. Several EU initiatives and benchmarks are created to promote and safeguard human rights in the area of trade, such as trade preference programmes. Before and during FTA negotiations, the EU uses impact assessments to study the consequences of trade agreements on human rights. Other examples are the GSP and Everything but Arms^{vi}, which give developing countries lower customs duties and other benefits on the condition of protecting human rights. The benefits can be removed if human rights violations of a certain scale occur.¹⁴³

However, the efficacy of these mechanisms varies. Conditionality, for one, is not always an effective or fair tool. Firstly, scholars critiquing conditionality include the rarity of the EU’s use of it even when a trade partner violates human rights. Secondly, what triggers the use of it fluctuates, making it seem selective and unfair.¹⁴⁴ India has criticised the EU for activating conditionality unfairly due to the EU’s close economic relationship with China, which has a poor record of respecting human rights but is one of the EU’s largest trade partners.¹⁴⁵

Moreover, India has also highlighted double standards in how the EU treats human rights and democracy violations in its member states and other powerful countries, compared to how it is handled in less powerful countries. Specifically, India criticises the EU for the way it is tackling its own issues of discrimination, racism, racial profiling, and xenophobia, which India deems insufficient.¹⁴⁶ The inconsistent use of conditionality explained here has created an image of the EU as an actor to whom economic advancement and cooperation with powerful states are more important than protecting human rights.

Further, an analysis of the impact of human rights conditionality in trade agreements with Chile and Mexico, done by the European Parliamentary Research Service, has concluded that it is difficult to ascertain the impact of conditionality. This raises the question of whether it is a helpful tool to protect human rights at all or whether it is a tool that can help the EU further its economic interests. Indeed, the human rights clauses in trade agreements do not automatically lead the EU to place sanctions on its partners, thus denying them access to the EU market.¹⁴⁷ Instead, the clauses give the EU a legal foundation to confront its partners in “more constructive ways”, such as political dialogues and consultations.¹⁴⁸ Unlike economic sanctions, these measures are chosen to create incentives for improving a country’s human rights situation.¹⁴⁹ In this case, the EU tries to balance its interests and the interests of its partners by designing agreements and instruments acceptable to the third party. This makes safeguarding respect for human rights in the trade agreements with Chile and Mexico challenging for the EU because the agreement is not built on the condition that human rights must be respected, or else

¹⁴² European Parliament, 2019, 1-2.

¹⁴³ European Commission, n.d.b; European Commission, 2014, 5; European Union, 2020b, 5, 7; European Union, 2012a, 17.

¹⁴⁴ European Parliament, 2018, 8-9; Hachez & Marx, 2020, 370; Nowak & Podstawa, 2020, 552.

¹⁴⁵ Mukherjee, 2017, 225.

¹⁴⁶ Altafin et al., 2020, 112; Jain, 2017, 417; Reis et al., 2020, 281.

¹⁴⁷ European Parliament, 2019, 1-3, 8.

¹⁴⁸ European Parliament, 2019, 8.

¹⁴⁹ European Parliament, 2017.

economic sanctions would be imposed. Moreover, as established, these political dialogues have various degrees of success.

India currently benefits from the standard GSP, entailing duty suspension and reduction for non-sensitive and sensitive products.¹⁵⁰ However, a study reveals that using the GSP to sanction states violating human rights yields limited results.¹⁵¹ Within the EP, there are voices critical of negotiations for a trade agreement with India, citing concerns over human rights violations in the country. During the EP's plenary session on Manipur in 2023, several Members of the European Parliament (MEPs) voiced their reservations regarding a potential EU-India trade agreement. MEP Bert-Jan Ruissen emphasised the necessity for robust assurances that India will address ethnic and religious violence, stop Hindu extremism, and prosecute offenders before engaging in a new agreement. MEP Pierre Larrouturou stressed the EU's obligation to demand full respect for human rights in its trade relations with India, while MEP Miguel Urbán Crespo underscored the linkage between trade and political relations, advocating for compliance with human rights standards. Finally, MEP Michaela Šojdrovas asserted that as a significant market power, the EU should leverage its influence to ensure the integration of human rights into the strategic partnership with India. An agreement with India cannot continue before human rights are fully integrated into the partnership, as it would leave the EU with little power to influence India's human rights situation and as the EU's constitutional treaties commit them to protect these rights.¹⁵²

Lastly, in July 2021, the European Ombudsman opened a strategic initiative to evaluate how the EC safeguards human rights in EU trade agreements. In July 2022, the Ombudsman concluded that the Single Entry Point—where stakeholders can report EU trade issues, including human rights issues related to trade, to the EU institutions—was insufficient to handle human rights issues. The Ombudsman suggested that the EC establish a separate channel for reporting alleged human rights violations.¹⁵³ The EC responded by saying that the EU has instruments, including the criticised Single Entry Point, the GSP Regulation, and political and human rights dialogues, in place to handle human rights concerns and does not prioritise acting on the Ombudsman's suggestion.

This is worthy of criticism because, as demonstrated in this chapter, several of these instruments, which the EC refers to, do not work sufficiently. The thesis establishes that HRDs with India, for instance, do not work satisfactorily. Firstly, they did not occur between 2013 and 2021. As such, the most critical human rights channel between India and the EU was removed for this period. Secondly, as demonstrated in Chapter 2, when they have been held, the EU has not sufficiently addressed the human rights violations taking place in India.

Moreover, the criticism of the EU's use of human rights conditionality and the limited impact of both conditionality and the GSP were established before the Ombudsman presented its conclusion on the Single Entry Point in 2022. Considering this, it is censurable that the EC does not consider establishing a separate channel for reporting alleged human rights violations. Consequently, the EU is left with many mechanisms which cannot be said to fulfil their function adequately.

¹⁵⁰ European Commission, n.d.d.

¹⁵¹ Zhou & Cuyvers, 2011.

¹⁵² the Wire, 2023b.

¹⁵³ European Commission, 2022, 6.

3.4 Chapter Conclusions

Discussions on the BTIA have been brief and vague in the EU-India summits since 2012, except for in 2021, when it was decided to resume trade negotiations. Human rights were not discussed in the high-level meetings except for the usual written commitments and displays of shared interests for human rights between India and the EU. Moreover, none of the negotiation rounds since the resumption of FTA negotiations have discussed human rights so far. The EU's commitment in its strategic framework to promote human rights in all areas of its external action without exception, can thus not be said to be fulfilled. Consequently, the EU is not upholding its normative agenda in its relationship with India in the area of trade in the period 2012 to 2024.

Moreover, the EU has an extensive toolbox of mechanisms to protect human rights in trade, such as the GSP and human rights conditionality. These mechanisms display the EU's commitment to the protection of human rights. However, many mechanisms are not effective in safeguarding human rights. This raises questions regarding the power these mechanisms have, and whether they are included to let the EU display its efforts of protecting human rights whilst at the same time increase its trade with third countries.

An FTA between India and the EU is predicted to increase GDP, welfare, and trade. However, increased trade might negatively affect working conditions in India. Many problems connected to human rights can be exacerbated by increased trade, which human rights provisions in an FTA might not be able to tackle, such as issues connected to forced labour and discrimination towards vulnerable and marginalised groups.

At the same time as India's human rights situation worsened, the EU's trade with India increased significantly. This has happened despite the parties' inability to agree on an FTA. In fact, increased trade between the two happened during a period when negotiations on an FTA and human rights dialogues were stalled. India and the EU have thus managed to increase their trade while evading difficult bilateral and public conversations on human rights. Based on what is presented in this chapter, it is, therefore, reasonable to state that, despite the EU's many efforts displayed in this and the previous chapter, the role of human rights in the EU's normative agenda is overshadowed by the EU's economic interests in its relationship with India.

4 Media Perspectives: Human Rights in India and EU Accountability

As freedom of expression and the space for civil society in India have become more constricted during the period this thesis investigates, it is essential to bring stories on human rights violations from India forward. By extension, it is necessary to investigate the EU's potential indirect support to this through strengthened economic cooperation. News media is vital in exposing injustices committed by individuals, entities, or states, holding them accountable and informing the public. Additionally, it shapes public opinion, influences policymaking, and upholds democratic principles such as freedom of speech and education. The media offers diverse insights, amplifying voices from all segments of society. It significantly shapes public discourse, and it is therefore concerning when media are censored because it stops the free flow of information.

Moreover, some narratives are highlighted more often than others. This is evident in the EU's narratives surrounding the EU-India relationship, for instance. While the EU was quick to celebrate the resumption of negotiations for an EU-India FTA, it has yet to address the human rights violations in India adequately. This lack of a satisfactory response raises questions about the EU's commitment to its values of protecting human rights. The media has the potential to provide a more nuanced and critical perspective on the situation.

This chapter firstly demonstrates examples of the media calling out the EU for insufficiently honouring the commitments in its normative agenda to protect and promote human rights in its relations with India from 2012 to today. Secondly, the chapter questions the possibility of the EU acting according to the normative agenda even in the case of an FTA with robust human rights provisions, as the developments in India in terms of labour rights and discrimination of marginalised groups, women and girls have steadily worsened over the period this thesis investigates. To demonstrate this, the chapter includes media stories on the EU's relations with India in the context of human rights and trade, adding a third dimension to the examination. This chapter exemplifies the severity of the human rights situation in India, shedding a critical light on the EU's ability to uphold its normative agenda in its pursuit of strengthening its economic relations with India. The chapter is divided into three sections according to three common themes reoccurring in the many news articles addressing human rights violations in India and how the EU can be indirectly complicit in these violations through strengthened cooperation, mainly economic, and without speaking up against them.

4.1 Trade and Labour Rights

Human rights concerns in trade negotiations and HRDs

MEPs have regularly prompted the Commission to take a more explicit stance against human rights violations in India.¹⁵⁴ In 2017, *Euractiv* published an article by former centre-right MEP and member of the Foreign Affairs Committee, Lars Adaktusson, in which he criticises laws enacted in several Indian states, supported by the Modi government, restricting and preventing the rights to freedom of thought, religion, and conscience. The laws are misleadingly called "Freedom of Religion Acts" and work similarly to the Citizenship Amendment Act from 2019, mentioned in Chapter 2. Simultaneously,

¹⁵⁴ European Parliament, 2013b; European Parliament, 2021; European Parliament, 2023; European Parliament, 2024a; European Parliament, 2024b.

Adaktusson criticises the EU for not speaking up against these human rights violations in trade talks with India.¹⁵⁵ Along the same lines as the central questions in this thesis, he questions the possibility of an FTA between the EU and India based on the EU being built on values such as the rule of law and human rights on the one hand, and India facilitating discrimination and persecution through laws targeting Muslims and Christians on the other. Similarly to scholars analysing the EU's inconsistent use of human rights conditionality mentioned in Chapter 3, Adaktusson criticises the EU's lack of conditionality regarding India's unwillingness to include guarantees of the security of religious minorities in FTA negotiations. Having a moral obligation to promote its founding values, the EU cannot accept restrictions on religious minorities' freedom of religion in favour of economic gain and strengthened collaboration.

In an *EUobserver* article from 2021, MEPs Hanna Neumann and Alviina Alametsä also underline the EU's responsibility to support human rights supporters in India.¹⁵⁶ Firstly, the MEPs criticise the lack of willingness to confront India in EU-India bilateral meetings such as the Summits and HRDs and see it as an attempt at wooing India. They highlight EP attempts at passing resolutions on the Citizenship Amendment Act, which failed due to Indian threats of cancelling the upcoming EU-India Summit, and the EU's lack of public stance against shrinking space for civil society and the deteriorating human rights situation prior to the scheduled HRD.^{vii} Secondly, Neumann and Alametsä fear the EU's credibility in asking India to revise discriminatory legislation disappears due to its incoherent stance on the human rights situation in India; in 2019, a group of "extreme-right" MEPs visited the Kashmir region. As neither the UN nor official missions from the EP have been allowed to visit the region, this gained much attention. Although not an official visit, it contributes to polluting the EU's image as a promoter of human rights, undermining EU attempts at remaining a credible human rights protector.

Both articles display MEPs underlining that the EU does not prioritise protecting and promoting human rights in its engagement with India. This aspect is connected to trade because, in the attempt to strengthen its relationship with India, which is cemented mainly through trade, the EU neglects its commitments to human rights in fear of pushing India away. References to the deteriorating human rights situation in India are therefore absent.

Measures on Indian produced generic medicines

In the negotiations for an EU-India FTA, one issue raised several times during the period this thesis investigates concerns patent and border measures. In the FTA negotiations with the EU, questions related to intellectual property are contentious, and this also applies when it comes to Indian-produced medicines. An article in the *Guardian* from 2012 problematises the impact of patent and border measures on the Indian generic medicine industry and their negative effect on the human rights of people living in low-income countries. If agreed upon, these patent measures would cause generic and initially cheap medicines meant to treat tuberculosis, cancer, HIV, and malaria to become too expensive for people coming from poverty and low-income countries. India, working as the "pharmacy of the South", has manufacturers producing quality medicine at a low price point, thus improving people's access to it.¹⁵⁷

The article points out the EU's complicity in potentially removing people's access to medicines through these measures. As established, the EU should front human rights in all its external actions. Simultaneously, an FTA between India and the EU would have to

¹⁵⁵ Adaktusson, 2017.

¹⁵⁶ Neumann & Alametsä, 2021.

¹⁵⁷ Douste-Blazy & Broun, 2012; Dey, 2015. Médecins Sans Frontières, 2023; Torreele, 2011; Ki-Moon & Byanyima, 2023.

secure fair market access. European-produced medicines would not be able to compete with Indian-produced medicines in the case of an FTA. The EU thus negotiates patent measures on Indian-manufactured medicines, which would result in a price increase on generic medicines, making them inaccessible for many. This is an example where human rights and trade collide. Inaccessibility to medicines is a human rights issue because it affects people's *right to health*. Furthermore, it is not just an issue related to public health but also an ethical issue. The article highlights that the EU has made a substantial amount of money from investing in and building a generic industry producing medicines for the developing world and has thus already been able to "reap the largest value for the money it has invested in global public health."¹⁵⁸

Although the negotiations stopped and these measures were not agreed upon in 2012, the issue is still relevant as negotiations have resumed. This case is one example of an instance where the EU seemingly would let trade and market access trump human rights, substantiating the image of the EU as an economic actor working towards personal gain rather than protecting and promoting human rights in its cooperation with a third party. The signals this could send are worrying because they say something about the EU's stance towards human rights besides what the EU itself is communicating to the public. It delegitimises the EU's image as an actor that protects and promotes human rights and signals to actors that other important issues, such as trade, can trump human rights.

Labour rights and child labour

Labour rights and child labour are other issues which human rights defenders are criticising India for. Poor working conditions and rights for adults and children alike are connected to caste-based and gender-based discrimination, explained further below, and children in poverty are forced to work in order to avoid starvation. As shown in Chapter 2, India's human rights situation has worsened from 2012 to 2024. In 2015, guised behind an effort to stimulate economic growth, Modi and his government revealed plans to reform the Indian labour market by changing its governing laws. An article in the *Guardian* describes how these reforms would make trade with India unethical, as the reforms, in practice, remove basic protections from already vulnerable workers.¹⁵⁹ The reforms, potentially leading to children being forced out of school and into child labour—thus ending India's ban on child labour—would also result in the removal of consequences for gender-based discrimination, the restriction of trade unions, and the elimination of labour inspections.¹⁶⁰ The reforms would strip Indian workers of their last protections, adding to the already existing poor labour rights in India.^{viii}

In 2020, the Indian Parliament declared further labour laws intended to end poverty and accelerate economic development. Due to resistance from worker unions, these laws have not been implemented. However, Modi has promised to enforce the labour laws if he wins the 2024 election. The government states that the laws will secure 500 million workers minimum wage, but trade unions say that they are "pro-employer" rather than "pro-labour."¹⁶¹ An article in *Reuters* states that the reforms open for easier firing provisions, as it would allow companies with up to 300 workers to lay-off workers and close plants without government permission. The laws would also restrict trade unions by prohibiting them from striking without notice. Foreign companies and employers are positive to the reforms as strict labour regulations have kept investors from investing at a large scale in

¹⁵⁸ Douste-Blazy & Broun, 2012.

¹⁵⁹ McQuade, 2015.

¹⁶⁰ McQuade, 2015; the Economic Times, 2015.

¹⁶¹ Das, 2024.

India.¹⁶² The new labour laws will allow employers to expand operations, which in turn would make it lucrative for foreign investors. However, they also open up for poorer labour rights and working conditions. Following the guiding principles on business and human rights from the UN and its constitutional commitments, the EU has a responsibility to protect human rights and ensure that its businesses do, too. These reforms thus put extra pressure on the EU to create robust labour rights provisions in the FTA with India.

In many industries in India, the exploitation of children is prevalent. Young children unable to understand that they have been kidnapped are trafficked both for sex and domestic slavery to high-income households in urban districts. Although a prevalent problem in India, the EU Annual Reports on Human Rights and Democracy do not mention child labour as an issue in their assessment of the human rights situation. Close to 10,500 children were reported missing between 2011 and 2013 in one of India's poorest states, Chhattisgarh, according to a the *Guardian* article from 2015. The article gives the accounts of one girl who was sold to a family where she was working from six in the morning until midnight doing domestic work, under the threat of being scolded if her employers were not satisfied.¹⁶³

Another industry exploiting children is India's sandstone industry. Despite specific measures in place to stop employers from hiring children, such as labour inspections, child labour is still endemic. One the *Guardian* article goes in-depth about an eight-year-old child's path into child labour after his father died from lung disease in 2021 caused by working in the sandstone industry without proper protection. The child dropped out of school to help his mother provide for the family. When outsiders are sighted in their village, the employer calls the child's mother and tell them that only adults can come to work on those days to avoid revealing to potential inspectors that the company employs children. The child makes one rupee (equivalent to €0,011) per cobblestone produced, a square metre retailing for €95 in Europe. The working conditions are poor, exposing them to lung diseases caused by inhaling dust whilst also injuring their backs, hands, and feet. The article highlights that some workers are recruited to the industry by being invited on a free trip and the promises of contracts and good salaries, and when they cannot pay for the travel expenses, they are forced to work. Increased focus on modern-day slavery and trafficking has spurred several companies to banish child labour, giving these companies the possibility to brandish anti-slavery in their marketing.¹⁶⁴ However, this article shows that these measures are inadequate and that the efforts have not gone far enough.

Although child labour is illegal in India, with India ratifying of ILO Conventions 138 and 182 in 2017, it has become a coping mechanism for families living in poverty or debt. Hannah Ellis-Petersen and Manoj Chaurasia write in the *Guardian* that India has been set back decades in fighting child labour and trafficking due to the COVID-19 pandemic.¹⁶⁵ One of the districts mentioned in the article is estimated to have 80.000 child workers. As schools have closed due to the pandemic, the surveillance mechanism which looks after children from trafficking has also disappeared. Simultaneously, the demand for cheap labour has increased drastically; children earn less than minimum wage and work 16-hour days, often risking their health and being likely never to go back to school.

The workers mentioned here are at the bottom of the value chains supplying people in Europe and elsewhere with, amongst other things, sandstone to decorate their gardens and cheap clothing. Moreover, trade with India increases the wealth of a small percentage of people who are allowed to buy young children from traffickers and force them to do

¹⁶² Pal & Kumar, 2020.

¹⁶³ Sahariah, 2015.

¹⁶⁴ Saluja, 2024.

¹⁶⁵ Ellis-Petersen & Chaurasia, 2020.

domestic labour. These people are directly impacted by increased trade between India and other countries because the system meant to protect them is chipped away by its government to rapidly gain economic growth. Keeping in mind the labour rights abuses in India, one must consider if it is possible for the EU to both engage in trade with India and fulfil its responsibilities to human rights in a state where workers' rights are stripped away from them time and again, and where the prospect of economic growth trumps the protection of human rights.

These factors are essential to understand in ascertaining how the EU's human rights policies are affected by its trade policies because trade with India has increased significantly since 2012, and it will also increase more in the case of an FTA. Increased trade will lead to increased production, which, according to the SIA, will put more pressure on workers and incentivise employers to use cheap child labour. As demonstrated here, the rights of workers and children have decreased and are in jeopardy in India due to the reforms suggested and approved by the Modi government. As such, by increasing trade with India, it is increasingly difficult for the EU to protect human rights, as the EU's engagement in trade would, by extension, affect these people's enjoyment of human rights negatively.

4.2 Discrimination and Caste Hierarchies

Caste-based discrimination

Although the Indian Constitution legally abolished the caste system when it became independent in 1947, it is still a prevalent issue in Indian society, affecting many peoples' lives—especially in rural areas. It is a system in which the low castes are deemed innately contaminated, and the exclusive high castes are deemed clean. The caste you are born into determines the course of your life, whom you can marry, and what occupation you can have; people born into the lowest caste fall outside of the categories of the system and are often forced into manual scavenging and waste picking. Around 25% of the Indian population—Dalits and Adivasis—fall outside of the four main categories of the caste system, face discrimination in all sectors of Indian society, and are economically and socially marginalised.¹⁶⁶

An article in the *Guardian* from 2013 displays opposition to this system through the EP's resolution on caste-based discrimination. In the resolution, the EP directly states that it condemns the continuation of human rights violations against people in caste hierarchies, as well as identity cards referencing caste, social exclusion of Dalits, and untouchability practices. The wish of human rights defenders was that this resolution would contribute to putting these human rights issues on the agenda in the EU-India FTA negotiations. However, MEPs were unsatisfied with the Commission's work addressing these issues. One MEP questions the quality of the EU human rights instruments, saying that since many people are suffering from caste hierarchies, "we are failing", implying that more than the instruments in place are required.¹⁶⁷

This context is crucial for understanding the human rights challenges faced by marginalised communities in India. It also highlights the complexities of the problems the EU potentially encounters in closer cooperation with India, underlining the need for solid human rights provisions in the FTA, for the EU to protect human rights in its relations with India effectively. The EU has committed to promoting human rights in FTA negotiations, but as established, the EP wanted more from the effort in the negotiations held before they

¹⁶⁶ Sur, 2020.

¹⁶⁷ Grant, 2013; European Parliament, 2013b.

stalled in 2013. The dissatisfaction suggests inadequacies in the strategies and instruments created to protect human rights, including trade negotiations. This contributes to the ineffective improvement of human rights in the EU's cooperation with India.

Muslim discriminatory legislation

When the EU in 2018 published its strategy for a strengthened strategic partnership with India, many activists were hopeful that the EU would address issues related to caste-based discrimination, especially as the EP previously voiced its opposition to the treatment of Dalits in India. However, the communication does not address it, and human rights are generally given little room in the strategy.¹⁶⁸ An article from the *Brussels Times* highlights the fact that, although the EP has shown its opposition to caste-based discrimination and that the EU is said to oppose all kinds of discrimination, the Annual Reports on Human Rights and Democracy prior to the strategy do not address this issue correspondingly to the size of the problem in India.¹⁶⁹ By omitting reference to caste-based discrimination in its guiding strategy on India from 2018, the EU strengthened its relations with India without addressing one of the country's most established and prevalent human rights issues—an issue that is interlinked with child labour and poverty—thus neither promoting nor signalling its commitment to the protection of human rights in practice.¹⁷⁰

On his state visit to the USA in 2023, Modi denied that religious discrimination in India constitutes an issue, hiding behind the Indian Constitution, which protects the right to freedom of religion. When asked about what measures his government is taking to improve the situation of religious minorities in India, Modi alluded that no measures were necessary as they have a constitution which protects these groups.¹⁷¹ Simultaneously, there are many reports of discrimination, religious discrimination included, in India, as described in this chapter. One example is the Citizenship Amendment Act, enacted in 2019. When the law was passed back in 2019, great protests began, and several people were reported to be arrested, and many were reported killed. Although the Indian government maintains that the law gives sanctuary to victims of religious persecution, human rights defenders call out the law for breaking with the secular principles of the Indian Constitution. The law makes Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Pakistan, Afghanistan, and Bangladesh who have immigrated to India before 2015 eligible for Indian citizenship. Critics of the law point out the discrepancy between having the right to freedom of religion enshrined in the Constitution and having certain faiths as a condition of citizenship. Furthermore, critics highlight its discriminatory nature towards Muslims, stating that it should include Muslim minorities if the law aims to protect religious minorities from persecution.¹⁷²

These examples of religious discrimination are relevant for understanding obstacles to the EU's protection of human rights in its relations with India for two reasons. The first example displays another missed opportunity from the EU's side to address human rights violations in the EU-India relationship, this time regarding the lack of reference to caste-based discrimination in the new roadmap for the EU-India strategic partnership. This exclusion can seem like a lack of priority on human rights issues in the EU's dealings with India. Discrimination based on religion has become an increasingly significant problem in India since the BJP came into power, with many protests against anti-Muslim legislation leading to violence towards and killings of Muslims. As such, neglecting to address such a

¹⁶⁸ Council of the European Union, 2018; European Commission, 2018.

¹⁶⁹ European Union, 2018a, 58; European Union, 2018b;186-188.

¹⁷⁰ Apelblat, 2018; The Economic Times, 2022.

¹⁷¹ Singh & Bose, 2023.

¹⁷² BBC, 2024; Ellis-Petersen, 2024; Apoorvanand, 2024; The Guardian, 2019.

significant issue makes the EU appear an unreliable protector of human rights, undermining its commitment to their protection. The second example highlights the Indian government's denial of religious and caste-based discrimination, as evidenced by the enactment of laws such as the Citizen Amendment Act. Equally concerning is the EU's failure to address these issues in their engagement with India. This undermines the EU's capability to advocate for human rights and implies a prioritisation of economic and political interests over human rights issues.

4.3 Internet Shutdowns and Shrinking of Civic Spaces

Blackouts and online censorship

Over the past five years, India has become the “world leader in internet blackouts”, affecting people’s daily work, studies, and access to verified information for the government to gain political control.¹⁷³ One article states that India has shut down the internet more than any other state since 2019, affecting 120 million people.^{ix} A shutdown in the Indian state of Manipur dragged on for almost five months, originally being a short internet blackout sanctioned to maintain law and order, causing a de facto information blackout. The shutdown was devastating for many people’s livelihoods and destructive for the economy in the region. Similar situations arose in Kashmir and Darjeeling a few years earlier, resulting in an 18-month and 100-day shutdown, respectively. Several smaller instances of internet blackouts have happened regularly since 2017, when the BJP drew up new rules for internet shutdowns which do not force the government to go through the courts. From internet blackouts meant to gain control of unrest and violence, it has become a tool of political control utilised at any sign of opposition or protest in India. The internet censorships are excused as measures to prevent bloodshed and protect children. Rather than having these positive effects, the shutdowns are seen as contributors to the deterioration of freedom of speech and encouraging human rights abuses whilst being shielded from the critical eyes of the outside world.¹⁷⁴

In an article published by *Tech Policy Press*, researcher Ifat Gazia blames online censorship not on social media platforms but rather on Western leaders who do not speak up against authoritarian oppression of freedom of speech. Social media platforms are essential for spreading information and counterspeech and addressing human rights violations that do not get much attention in mainstream media. Activists in India, including Gazia herself, are de-platformed^x for speaking up against the government and for highlighting the abuses and violence occurring around them. The consequences for journalists, lawyers, and activists who are speaking up against the government are imprisonment, threats, violence and harassment, scaring people on social media from doing the same and creating an environment where people do not dare to speak up. Gazia points out the lack of consequences and sanctions for the Indian government from other states and blames it on the fact that few world leaders would want to cut ties with the world’s fastest-growing economy and one of the few potential counterweights to China—indeed echoing the EU’s motivation for closer cooperation with India. The social media platforms alone cannot fight the Indian government on the issue of online censorship and maintain the public spheres of the regions experiencing blackouts, Gazia argues. Consequences need to come from Western leaders standing up for freedom of speech if any changes are to happen.¹⁷⁵

¹⁷³ Ellis-Petersen & Hassan, 2023.

¹⁷⁴ Ellis-Petersen & Hassan, 2023; Krishnan, 2021; RSF, 2023.

¹⁷⁵ Gazia, 2024.

Western leaders, including the EU, have not imposed consequences or sanctions on the Indian government for internet blackouts, seemingly due to economic interests and geopolitical considerations. If economic and geopolitical considerations deter EU leaders from acting against India's censorship, the EU cannot be said to adhere to its normative agenda, at least not when it seeks closer cooperation with India. By failing to act, the EU undermines its efforts to promote and protect human rights in India and elsewhere.

Shrinking civic spaces

Internet blackouts and shutdowns lasting several months contribute to India's shrinking of civic spaces. Democratic and diverse societies rely on critical, active, and diverse public engagement. It increases transparency and keeps the governing body, companies, and stakeholders accountable to the public, contributing to maintain the democratic arrangement. However, this space has increasingly diminished over the last decade in India.¹⁷⁶ An article in the *Leaflet* points to two crucial reasons: the rise of non-state actors aiming to gain political power and control over the societal psyche, and the decline of media ethics, academic freedom, and a decrease in legislative body efficiency. Non-state actors are reported to instigate violence against Muslims, and there has been a surge in hate crimes and hate speech. Incidents of hate crimes, in particular, have led to a "moral despondency" in civil society, causing less civic engagement and thus giving space to non-state actors who see India as a weak state in need of a resilient leader willing to protect India's territorial integrity and 'Hindu' honour.

The decline in media ethics has emerged due to political parties and leaders having ownership of different news channels, allowing them to influence the channels' reporting, and due to arbitrary arrests and violence against journalists. Colleges and universities have also experienced weakened academic freedom, with lecturers arrested and one professor resigning due to questions regarding the credibility of his research, which questioned the state of Indian democracy.¹⁷⁷ The harmful interference in civic spaces by the Indian government and anti-social non-state actors has led to the contraction of this space, raising concerns about the implications this will have on the future position of human rights and democracy in India.

Pressure on civic spaces has been particularly criticised in the run-up to the 2024 Indian election. A civic space open to participation is imperative for a democratic society and election. When the UN High Commissioner for Human Rights Volker Turk raised concerns about the shrinking of civic spaces in March 2024, the Indian representation called the concerns "unwarranted", blaming propaganda for Turk's impression. Despite India's rebuttals, its ranking in terms of press freedom is not convincing. In 2013, the world's largest democracy was ranked 140th by *Reporters Without Borders*. Its ranking peaked for the period investigated here in 2016 at 133rd place, marking a significant improvement. However, the trend sharply turned, and India fell from 142nd place in 2021 to 161st two years later, in 2023. Moreover, an article in the *Wire* reports that anti-Muslim hate speech increased by 62% in the second half compared to the first half of 2023.¹⁷⁸

The EU's capacity to address these challenges is limited by the Indian government's resistance to criticism and external pressure. It creates an environment where India feels it can do as it pleases because other global actors, the EU included, do not want to jeopardise their relationship with India because of its geopolitical role and fast-growing economy.

¹⁷⁶ Bendre & Pandit, 2023.

¹⁷⁷ Bendre & Pandit, 2023

¹⁷⁸ RSF, n.d.; the Wire, 2024.

4.4 Chapter Conclusions

Despite increased cooperation between the EU and India, human rights have been insufficiently prioritised in FTA negotiations, in high-level meetings, and at public events. The disconnect between India's human rights violations and its denial of them weakens the EU's justification for closer economic cooperation with India. The pursuit of closer economic cooperation puts the EU's normative core under scrutiny and makes it necessary to question the sincerity of the EU's commitment to human rights protection within its relations with India, and outside of it.

The three overarching themes of human rights abuse and violation in India communicated through a selection of news articles here, portray an image of a country with which the EU would not typically compare. Yet, India and the EU compare themselves in all their joint communication and all EU communication on India; their shared values of democracy, the rule of law, and the protection of human rights are highlighted repeatedly. If these claims of shared values held true, the EU's aim of closer economic cooperation with India would not constitute a problem to its normative core. However, as this chapter demonstrates, the EU's and India's claims of India being a democracy that values the rule of law, democracy and respects human rights need to be revised.

Discrimination based on caste, gender, or religion is a distinct problem in India. Every year, many people lose their lives because of it—be it through poverty, occupational injuries, or different types of violence and abuse. Freedom to the right of religion, freedom of speech, and labour rights are all under pressure. Women and girls, Dalits and Adivasis, in particular, exist in a deterministic reality in which there is little prospect of social mobility. Internet blackouts and shutdowns separate conflict areas in India from the rest of the world, making it possible to hide human rights abuses from the outside world. The Indian government infiltrates academia and the press, and persons practising their freedom of speech in a way that is critical to the Indian government lose their jobs, are arrested, and sometimes killed. When confronted with these realities by outsiders, India denies the claims and says there is no need for improvement as the system in place protects its people.

The EU's reluctance to challenge India during bilateral dialogues and summits, as well as the Indian threat of cancelling these meetings and FTA negotiations in case of confrontation, underscores the EU's prioritisation of trade over human rights concerns. This is further evidenced by the EU's failure to address human rights issues during FTA negotiations, despite a deteriorating situation in India. Additionally, the EU's silence on civic space restrictions and internet blackouts, along with its imposition of strict intellectual property measures affecting access to Indian-produced medicines, highlights its disregard for human rights in this area. Furthermore, the SIA warns of potential labour rights violations under an EU-India FTA. The ability of Modi's government to deny human rights violations without facing consequences reinforces the notion that trade and economic growth take precedence over human rights. As demonstrated in this chapter with news articles spanning from 2012 to 2024, these factors indicate that the EU in its relationship with India prioritises trade over human rights, calling into question the adequacy of its normative agenda.

5 Conclusion

This thesis firstly set out to examine the effects the EU's trade and human rights policies have on each other in the India-EU relationship. In the *Treaty on European Union*, the EU has declared that it will contribute to free and fair trade and the protection of human rights, and that the universality and indivisibility of human rights should guide its action and policy. The *Treaty on the Functioning of the European Union* states that the Common Commercial Policy shall be executed according to the declarations in the TEU. According to these treaties, EU human rights policy should guide and influence EU trade policy. However, in the EU's relationship with India, it is the other way around; the EU trade policy determines the way EU human rights policy is executed while also often undermining it.

Secondly, the thesis sought to evaluate the EU's adherence to its normative agenda in its relations with India in the areas of trade and human rights from 2012 to 2024. The EU's normative agenda ensues from the EU's constitutional treaties—the TEU and TFEU—the contents of which are described above. This thesis provides an analysis of the EU Action Plans on Human Rights and Democracy, EU Annual Reports on Human Rights and Democracy and facets of EU Human Rights Conditionality, as well as EU-India bilateral dialogues and summits and media perspectives on the EU's dialogue and cooperation. The analysis establishes a foundation to conclude that many human rights policies, actions and instruments are insufficient in that they are vague in description and aim, lack ambition and assertiveness, and are ineffective. Moreover, in the EU's communication on India publicly or with India bilaterally, the EU does not appropriately or proportionally address or reference the increasingly worsened human rights situation in India correspondingly to the status of the situation mapped out in the EU's annual reports on human rights and democracy, and as displayed by news articles in the thesis.

Lastly, the thesis aimed to determine whether trade trumps human rights in the EU's relations with India or if they exist in a harmonious relationship. In a scenario such as this, where economic advancement is used to improve the standard of living and create a thriving economy, increased production with subsequent increased investments is the chosen path, as exemplified by Modi's labour reforms. Increased production, as displayed in Chapters 3 and 4, comes at the expense of workers' labour rights and it incentivises employers to utilise child labour. The idea of trade and human rights existing in a harmonious relationship is thus implausible. As the EU works towards closer economic cooperation and increased trade with India, the EU would contribute to putting pressure on the labour rights of Indian workers and the rights of the child. Moreover, as the EU has been reluctant to confront India with its human rights violations and worsened human rights situation in fear of reactions such as cancelled summits or terminated FTA negotiations, the EU has let economic interests and trade take precedence over the protection and promotion of human rights.

Given the findings in this thesis, with an increase in EU trade with India from 2012 to 2024 and the concurrent rise in human rights violations in India, the lack of EU action against India suggests an inadequate commitment to upholding its normative agenda during this period. Furthermore, throughout this thesis, it becomes apparent that economic development and increased trade take precedence over addressing human rights violations and the potential consequences of doing so. India and the EU have not been successful in agreeing on an FTA because of, amongst other factors, human rights provisions. The absence of an FTA renders the EU unable to hold India economically accountable for its human rights abuses other than speaking up against it and confronting India either at their bilateral HRDs and summits or publicly. As this thesis has exemplified, the EU has yet to

prioritise this despite the wishes and urges of many MEPs and human rights defenders. European and EU leaders avoid moving away from wooing India in this geopolitical context. Consequently, human rights are forced to take second place, even for the EU.

However, it is necessary to underline that although the conclusion in this thesis states that the EU does not reach the standards it has set for itself, the EU supports human rights in India and elsewhere through financial support and different initiatives and activities. Moreover, although not consistently effective, the EU's human rights instruments show the EU's continual commitment to protecting human rights. They are established and used even when more strategic action and resources are needed. Ultimately, the human rights of a state's citizens should be the responsibility of the given state. This does not remove the responsibility or accountability of a third party who engages with a state that violates human rights; these states and others should always address these issues. Nevertheless, political commitment needs to come from the state itself. As such, the EU's ability to adhere to its normative agenda and the commitments in its constitutional treaties to protect and promote human rights in all its external actions is destined to be limited by a country's domestic affairs and policies. In a country such as India, where its government is denying the fact that it is committing human rights violations and is sensitive to human rights lessons from an external actor such as the EU, the EU's power and influence are restricted.

2024 is an important year that will impact the world for many years, with much at stake. Over 60 states and the EU hold elections, and around half the world's population is heading to the polls this year. Some of the most significant elections are the EU and India elections, which close at the beginning of June, and the USA's election, which closes in November.¹⁷⁹ While the status quo can be maintained, substantial changes may also occur for better or worse. 2024 is thus also a year of uncertainties. Not only will the results of this year's elections say much about the direction of the world in general, but they will also determine the direction India and the EU take for the elected periods and perhaps even longer. Moreover, the results will contribute to determining the future of the EU-India relationship. Only time will tell whether or not India and the EU eventually reach an agreement on the FTA negotiations. This result will, on its end, be significant for the future role of human rights in global politics and for the positions India and the EU choose to take in the global world order. In an international environment where the EU feels the need to take renewed global leadership for human rights and democracy, secure strategic autonomy and long-term competitiveness, and reinforce its political and economic power, the results of this year's elections will be substantial for the success rate of these goals because of the EU's dependency on its partners.

For future research, it would be fascinating to analyse the EU's adherence to its normative agenda in the actual agreement in the case of an enacted FTA between the EU and India and examine the compromises each party would have to agree to and what effect these compromises would have on the EU's ability to adhere to its normative agenda. Following that, it would be interesting to examine and evaluate the EU's success in protecting human rights in trade through potential human rights provisions and in the case of human rights violations post agreement. Further, as there is little transparency on the contents of the EU-India Human Rights Dialogues, future research could contribute to the understanding of the EU's success in and ability to protect and promote human rights in its bilateral dialogues with India through updated interviews with high-level participants at these meetings from both parties, similarly to what is done in the FRAME 2016 Report on the EU-India HRDs between 2004 and 2013, mentioned in Chapter 2.¹⁸⁰

¹⁷⁹ Ewe, 2023.

¹⁸⁰ Majtényi et al., 2016, 12-30.

Bibliography

Primary Sources

- Council of the European Union. (2012a). EU Strategic Framework and Action Plan on Human Rights and Democracy. https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf
- Council of the European Union. (2013a). EU Annual Report on Human Rights and Democracy in the World in 2012. https://www.eeas.europa.eu/sites/default/files/documents/2012_human-rights-annual_report_thematic_en.pdf
- Council of the European Union. (2014). EU Annual Report on Human Rights and Democracy in the World in 2013. https://www.eeas.europa.eu/sites/default/files/documents/2013_human-rights-annual_report_en.pdf
- Council of the European Union. (2016). EU Annual Report on Human Rights and Democracy in the World in 2015 - Country and Regional Issues. https://www.eeas.europa.eu/sites/default/files/documents/human_rights_and_democracy_in_the_world_in_2015_-_country_and_regional_issues.pdf
- Council of the European Union. (2017). INDIA – EU Joint Statement 14th India-EU Summit. <https://www.consilium.europa.eu/media/23515/eu-india-joint-statement.pdf>
- Council of the European Union. (2020). Joint Statement - 15th EU-India Summit, 15 July 2020. <https://www.consilium.europa.eu/en/press/press-releases/2020/07/15/joint-statement-15th-eu-india-summit-15-july-2020/>
- Council of the European Union. (2021a). Joint Statement EU-India Leaders' Meeting. <https://www.consilium.europa.eu/media/49523/eu-india-leaders-meeting-joint-statement-080521.pdf>
- EEAS. (2021). 9th EU-India Human Rights Dialogue. https://www.eeas.europa.eu/delegations/india/9th-eu-india-human-rights-dialogue_en
- EEAS. (2022). 10th EU-India Human Rights Dialogue. https://www.eeas.europa.eu/delegations/india/10th-eu-india-human-rights-dialogue_en
- European Commission. (2012). India-European Union summit - Joint Statement. https://ec.europa.eu/commission/presscorner/detail/en/MEMO_12_94
- European Commission. (2015). Action Plan on Human Rights and Democracy (2015-2019) "Keeping human rights at the heart of the EU agenda". <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015JC0016>
- European Commission. (2017). EU Action Plan on Human Rights and Democracy (2015-2019): Mid-Term Review. <https://data.consilium.europa.eu/doc/document/ST-11138-2017-INIT/en/pdf>
- European Commission. (2020a). EU Action Plan on Human Rights and Democracy 2020 – 2024. https://eur-lex.europa.eu/resource.html?uri=cellar:e9112a36-6e95-11ea-b735-01aa75ed71a1.0002.02/DOC_3&format=PDF
- European Commission. (2020b). Annex to the Joint Communication to the European Parliament and the Council EU Action Plan on Human Rights and Democracy 2020-2024. https://eur-lex.europa.eu/resource.html?uri=cellar:e9112a36-6e95-11ea-b735-01aa75ed71a1.0002.02/DOC_4&format=PDF

European Commission. (2023a). JOINT STAFF WORKING DOCUMENT on the Mid-term Review of the EU Action Plan on Human Rights and Democracy 2020-2024. <https://data.consilium.europa.eu/doc/document/ST-10580-2023-INIT/en/pdf>

European Parliament. (2016). Joint Statement 13th EU-India Summit. <https://www.europarl.europa.eu/cmsdata/122861/20160330-joint-statement-eu-india.pdf>

European Union. (2015). Human Rights and Democracy in the World Annual Report. https://www.eeas.europa.eu/sites/default/files/documents/2014-human-rights-annual_report_en.pdf

European Union. (2017). Annual Report on Human Rights and Democracy in the World in 2016. https://www.eeas.europa.eu/sites/default/files/documents/annual_report_on_human_rights_and_democracy_in_the_world_2016_.pdf

European Union. (2018a). EU Annual Report on Human Rights and Democracy in the World in 2017. https://www.eeas.europa.eu/sites/default/files/documents/eu_annual_report_on_hr_2017.pdf

European Union. (2018b). Country Updates on Human Rights and Democracy 2017. https://www.eeas.europa.eu/sites/default/files/documents/compiled_country_updates_annual_report_on_human_rights_and_democracy_2017_clean_0.pdf

European Union. (2019). EU Annual Report on Human Rights and Democracy in the World 2018 Country Updates. https://www.eeas.europa.eu/sites/default/files/documents/complete_eu_country_updates_on_human_rights_and_democracy_in_the_world_2018-29.05.pdf

European Union. (2020a). EU Annual Report on Human Rights and Democracy the World 2019 Country Updates. https://www.eeas.europa.eu/sites/default/files/documents/201007_eu_country_updates_on_human_rights_and_democracy_2019.pdf

European Union. (2020b). EU ACTION PLAN ON HUMAN RIGHTS AND DEMOCRACY 2020 – 2024. EEAS. https://www.eeas.europa.eu/sites/default/files/eu_action_plan_on_human_rights_and_democracy_2020-2024.pdf

European Union. (2021a). EU Annual Report on Human Rights and Democracy in The World 2020. EEAS. https://www.eeas.europa.eu/sites/default/files/eeas_annual_report_humanity_2021_web.pdf

European Union. (2021b). EU Annual Report on Human Rights and Democracy in The World 2020 Country Report. https://www.eeas.europa.eu/sites/default/files/documents/2020_eu_human_rights_and_democracy_country_reports.pdf

European Union. (2022a). Report of the EU High Representative for Foreign Affairs and Security Policy 2021 Annual Report on Human Rights and Democracy in the World. <https://www.eeas.europa.eu/sites/default/files/documents/2021%20Annual%20Report%20on%20Human%20Rights%20and%20Democracy%20in%20the%20World%20-%20Report%20by%20the%20European%20Union%20High%20Representative...pdf>

European Union. (2022b). EU Annual Report on Human Rights and Democracy in the World 2021 Country Updates. <https://www.eeas.europa.eu/sites/default/files/documents/2021%20EU%20Annual%20Human%20Rights%20and%20Democracy%20Country%20Report.pdf>

European Union. (2023). EU Annual Report on Human Rights and Democracy in the World 2022 Country Updates. https://www.eeas.europa.eu/sites/default/files/documents/2023/2022%20EU%20Annual%20Human%20Rights%20and%20Democracy%20Country%20Reports_0.pdf

Secondary Sources

- Acharya, N. (2021). India: COVID, climate change pushing Sundarbans women to distress. *Al Jazeera*. <https://www.aljazeera.com/news/2021/4/14/india-covid-climate-change-pushing-sundarbans-women-to-distress>
- Adaktusson, L. (2017). EU must demand respect for human rights in trade talks with India. *Euractiv*. <https://www.euractiv.com/section/freedom-of-thought/opinion/eu-must-demand-respect-for-human-rights-in-trade-talks-with-india/>
- Al Jazeera. (2019). India revokes disputed Kashmir's special status with rush decree. *Al Jazeera*. <https://www.aljazeera.com/news/2019/8/5/india-revokes-disputed-kashmirs-special-status-with-rush-decree>
- Al Jazeera. (2020). India hangs four men over 2012 Delhi bus gang rape and murder. *Al Jazeera*. <https://www.aljazeera.com/news/2020/3/20/india-hangs-four-men-over-2012-delhi-bus-gang-rape-and-murder>
- Altafin, C., Lukas, K. & Nowa, M. (2020). The Normative framework of the EU's commitment to human rights: The Treaties, the Charter, Member State's constitutional traditions, and international law. In Wouters, J., Nowak, M., Chané, A-L. & Hachez, N. (Eds.). *The European Union and Human Rights: Law and Policy*. Oxford.
- Amnesty International. (2023). *Amnesty International Global Report – Death Sentences and Executions 2022*. <https://www.amnesty.org.au/wp-content/uploads/2023/05/Amnesty-International-Death-Sentences-and-Executions-2022-Report.pdf>
- Andreatta, F. & Zambenardi, L. (2023). The European Union and Theories of International Relations. In Hill, Smith & Vanhoonacker (Eds.). *International Relations and the European Union*, 45-63. Oxford University Press.
- Apelblat, M. (2018). EU strengthens relations with India without engaging against caste-based discrimination. *The Brussels Times*. <https://www.brusselstimes.com/52150/eu-strengthens-relations-with-india-without-engaging-against-caste-based-discrimination>
- Apoorvanand. (2022). Majoritarian violence is slowly tearing India apart. *Al Jazeera*. <https://www.aljazeera.com/opinions/2022/1/13/no-respite-in-sight-for-indias-persecuted-religious-minorities>
- Apoorvanand. (2024). India's Citizenship Amendment Act is a devious anti-Muslim dog whistle. *Al Jazeera*. <https://www.aljazeera.com/opinions/2024/3/15/the-devious-anti-muslim-dog-whistle-in-indias-citizenship-amendment-act>
- Arya, D. (2018). Child sex crime: Does India have a growing problem?. *BBC*. <https://www.bbc.com/news/world-asia-india-44497312>
- Basu, K. (2018). A Crackdown on Dissent in India: What's Behind the Recent Arrests of Rights Activists. *The Diplomat*. <https://thediplomat.com/2018/08/a-crackdown-on-dissent-in-india-whats-behind-the-recent-arrests-of-rights-activists/>
- BBC. (2020). Nirbhaya case: Four Indian men executed for 2012 Delhi bus rape and murder. *BBC*. <https://www.bbc.com/news/world-asia-india-51969961>

- BBC. (2024). CAA: India's new citizenship law explained. *BBC*.
<https://www.bbc.com/news/world-asia-india-50670393>
- Behrmann, C. & Yorke, J. (2013). The European Union and the Abolition of the Death Penalty. *Pace International Law Review Online Companion*.
<https://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1038&context=pilro>
 nline
- Bendre, C. & Pandit, N. (2023). #WeThePeople: Is the space for civil society in India contracting? *The Leaflet*. <https://theleaflet.in/wethepeople-is-the-space-for-civil-society-in-india-contracting/>
- Bhaumik, S. (2021). Nagaland: Indian state tense after killing of 14 civilians. *BBC*.
<https://www.bbc.com/news/world-asia-india-59544599>
- Biswas, S. (2018). The horror story inside an Indian children's home. *BBC*.
<https://www.bbc.com/news/world-asia-india-45124802>
- Blenkinsop, P. (2023). EU-Mercosur trade deal threatens Indigenous lands, activist says. *Reuters*. <https://www.reuters.com/world/europe/eu-mercosur-trade-deal-threatens-indigenous-lands-activist-says-2023-06-29/>
- Buraga, M. B. (2022). 'Strategising' the India-EU Partnership. *Strategic Analysis*, 46(6), 614-630. Routledge. <https://doi.org/10.1080/09700161.2022.2157508>
- Chowbey, P. (2023). India: how COVID enabled new forms of economic abuse of women. *The Conversation*. <https://theconversation.com/india-how-covid-enabled-new-forms-of-economic-abuse-of-women-212822>
- Council of the European Union. (2005). COUNCIL REGULATION (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.
<http://data.europa.eu/eli/reg/2005/1236/oj>
- Council of the European Union. (2008a). EU guidelines on human rights dialogues with third countries — Update. <https://data.consilium.europa.eu/doc/document/ST-16526-2008-INIT/en/pdf>
- Council of the European Union. (2008b). COUNCIL COMMON POSITION 2008/944/CFSP defining common rules governing control of exports of military technology and equipment. *Official Journal of the European Union*.
<http://data.europa.eu/eli/compos/2008/944/oj>
- Council of the European Union. (2012b). Council conclusions on the review of Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment.
https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/133569.pdf
- Council of the European Union. (2013b). COUNCIL REGULATION (EU) No 517/2013. *Official Journal of the European Union*. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R0517>
- Council of the European Union. (2018). Council conclusions on the EU Strategy on India Annex. <https://www.consilium.europa.eu/media/37410/st14638-en18.pdf>
- Council of the European Union. (2021b). EU guidelines on human rights dialogues with partner/third countries Annex.
https://www.eeas.europa.eu/sites/default/files/human_rights_dialogue_guidelines_0.pdf
- Council of the European Union. (2024). EU-India trade relations.
<https://www.consilium.europa.eu/en/infographics/eu-india-trade-relations/#0>
- Creswell, J. W. & Poth, C. H. (2018). *Qualitative Inquiry & Research Design: Choosing Among Five Approaches*. Sage.

- Damro, C. (2012). Market power Europe. *Journal of European Public Policy*, 19(5), 682-699. <https://doi.org/10.1080/13501763.2011.646779>
- Das, K. N. (2024). India's Modi may prioritise labour reform if he wins polls, party says. *Reuters*. <https://www.reuters.com/world/india/indias-modi-may-prioritise-labour-reform-if-he-wins-polls-party-says-2024-02-13/>
- Dey, S. (2015). Fears over EU plan for strict drug patent regime. *Times of India*. <https://timesofindia.indiatimes.com/india/fears-over-eu-plan-for-strict-drug-patent-regime/articleshow/46914621.cms>
- Diez, T., & Manners, I. (2007). Reflecting on normative power Europe. In F. Berenskoetter & M.J. Williams (Eds.). *Power in world politics*. Routledge.
- Douste-Blazy, P. & Broun, D. (2012). Health of millions of poor people threatened by EU-India free trade deal. *The Guardian*. <https://www.theguardian.com/global-development/poverty-matters/2012/feb/10/health-threatened-by-india-trade-deal>
- DSW. (2023). *Weltbevölkerungsbericht 2023 – 8 Milliarden Leben, UNENDLICHE MÖGLICHKEITEN – ein Plädoyer für Rechte und freie Entscheidungen, Data Report of the Foundation for World Population*. https://www.dsw.org/wp-content/uploads/2023/06/UNFPA-Weltbevoelkerungsbericht_2023.pdf
- Dutta, A. (2021). Unpacking the India-EU Economic Relationship. In Chakrabarty, M. & Suri, N. (Eds.). *Global Policy: A 2030 Vision for India's Economic Diplomacy*. Wiley-Blackwell.
- ECSC. (1951). *Treaty establishing the European Coal and Steel Community: ECSC Treaty*. <https://eur-lex.europa.eu/EN/legal-content/summary/treaty-establishing-the-european-coal-and-steel-community-ecsc-treaty.html>
- EEAS. (2020). EU-India Strategic Partnership: A Roadmap to 2025. https://www.eeas.europa.eu/eeas/eu-india-strategic-partnership-roadmap-2025_en
- EEAS. (2023). Relations with the EU: Economic Relations, Trade and Investment. https://www.eeas.europa.eu/delegations/china/economic-relations-trade-and-investment_en?s=166
- EEAS. (2024). EP Plenary: Speech by High Representative/Vice-President Josep Borrell on EU-India relations. https://www.eeas.europa.eu/eeas/ep-plenary-speech-high-representativevice-president-josep-borrell-eu-india-relations_en
- Ellis-Petersen, H. (2020). India executes four men convicted of 2012 Delhi bus rape and murder. *The Guardian*. <https://www.theguardian.com/world/2020/mar/20/india-executes-four-men-convicted-of-2012-delhi-bus-and>
- Ellis-Petersen, H. (2024). India enacts citizenship law criticised as 'discriminatory' to Muslims. *The Guardian*. <https://www.theguardian.com/world/2024/mar/11/india-enacts-citizenship-law-criticised-as-discriminatory-to-muslims>
- Ellis-Petersen, H. & Hassan, A. (2023). 'A tool of political control': how India became the world leader in internet blackouts. *The Guardian*. <https://www.theguardian.com/world/2023/sep/25/a-tool-of-political-control-how-india-became-the-world-leader-in-internet-blackouts>
- European Commission. (2004). "An EU-India Strategic Partnership", Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee. COM(2004) 430 Final. <https://eur-lex.europa.eu/LexUriServ/%20LexUriServ.do?uri=COM:2004:0430:FIN:EN:PDF>
- European Commission. (2013). Memo, EU-India relations. European Commission. https://ec.europa.eu/commission/presscorner/detail/en/MEMO_13_44
- European Commission. (2014). *Trade for all: towards a more responsible trade and investment policy*. Publications Office. <https://data.europa.eu/doi/10.2781/1753>

European Commission. (2018). JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL, Elements for an EU strategy on India. https://www.eeas.europa.eu/sites/default/files/jc_elements_for_an_eu_strategy_on_india_-_final_adopted.pdf

European Commission. (2022). Commission reply to the European Ombudsman Complaint ref. SI/5/2021. <https://www.ombudsman.europa.eu/pdf/en/150903>

European Commission. (2023b). First EU-India Trade and Technology Council focused on deepening strategic engagement on trade and technology. https://ec.europa.eu/commission/presscorner/detail/en/ip_23_2728

European Commission. (2023c). Communication from the Commission to the European Parliament and the Council, 2023 Strategic Foresight Report: Sustainability and people's wellbeing at the heart of Europe's Open Strategic Autonomy. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023DC0376>

European Commission. (n.d.a.). Human rights and fundamental values. https://international-partnerships.ec.europa.eu/policies/peace-and-governance/human-rights_en

European Commission. (n.d.b.). Human rights. https://policy.trade.ec.europa.eu/development-and-sustainability/sustainable-development/human-rights_en

European Commission. (n.d.c.). India, EU trade relations with India. Facts, figures and latest developments. https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/india_en

European Commission. (n.d.d.). Generalised Scheme of Preferences. https://policy.trade.ec.europa.eu/development-and-sustainability/generalised-scheme-preferences_en

European Commission. (n.d.e.). EU-India agreements: Documents: Free Trade Agreement: Round reports. https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/india/eu-india-agreement/documents_en

European Commission Directorate-General for Trade. (2016). Handbook for trade sustainability impact assessment, Publications Office. <https://data.europa.eu/doi/10.2781/872987>

European Commission Directorate-General for Trade. (2022). EU and India kick-start ambitious trade agenda. https://policy.trade.ec.europa.eu/news/eu-and-india-kick-start-ambitious-trade-agenda-2022-06-17_en

European Commission Directorate-General for Trade. (2023). Trade sustainability impact assessment (SIA) in support of free trade agreement and investment protection agreement negotiations between the European Union and the republic of India: final report: executive summary. *Publications Office of the European Union*. <https://data.europa.eu/doi/10.2781/26214>

European Council. (2010). European Council Conclusions. EUCO 21/1/10 REV 1, CO EUR 16. https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/116547.pdf

European Parliament. (2013a). Arms exports: implementation of Council Common Position 2008/944/CFSP. *Official Journal of the European Union*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52013IP0324&qid=1711653053576>

European Parliament. (2013b). European Parliament resolution of 10 October 2013 on caste-based discrimination (2013/2676(RSP)). https://www.europarl.europa.eu/doceo/document/TA-7-2013-0420_EN.html

- European Parliament. (2017). The effects of human rights related clauses in the EU-Mexico Global Agreement and the EU-Chile Association Agreement: Ex-Post Impact Assessment. EPRS Study.
[https://www.europarl.europa.eu/RegData/etudes/STUD/2017/558764/EPRS_STU\(2017\)558764_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/558764/EPRS_STU(2017)558764_EN.pdf)
- European Parliament. (2018). Human rights in EU trade policy Unilateral measures applied by the EU. Briefing.
[https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/621905/EPRS_BRI\(2018\)621905_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/621905/EPRS_BRI(2018)621905_EN.pdf)
- European Parliament. (2019). Human rights in EU trade agreements: The human rights clause and its application. Briefing.
[https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/637975/EPRS_BRI\(2019\)637975_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/637975/EPRS_BRI(2019)637975_EN.pdf)
- European Parliament. (2021). European Parliament recommendation of 29 April 2021 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy concerning EU-India relations (2021/2023(INI)). (2021). Official Journal, C 506, 109-118.
 CELEX: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021IP0163> [legislation]
- European Parliament. (2023). European Parliament resolution of 13 July 2023 on India, the situation in Manipur, 2023/2781(RSP).
https://www.europarl.europa.eu/doceo/document/TA-9-2023-0289_EN.html
- European Parliament. (2024a). EU-India relations.
<https://oeil.secure.europarl.europa.eu/oeil/popups/summary.do?id=1772404&t=e&l=en>
- European Parliament. (2024b). European Parliament recommendation of 17 January 2024 to the Council, Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy concerning EU-India relations, 2023/2128(INI).
https://www.europarl.europa.eu/doceo/document/TA-9-2024-0033_EN.html
- European Parliament. (2024c). Ten Issues to Watch in 2024. In-Depth Analysis.
[https://www.europarl.europa.eu/RegData/etudes/IDAN/2024/757592/EPRS_IDA\(2024\)757592_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2024/757592/EPRS_IDA(2024)757592_EN.pdf)
- European Parliament. (2024d). AT A GLANCE Plenary – January 2024 EU-India Relations.
[https://www.europarl.europa.eu/RegData/etudes/ATAG/2024/757600/EPRS_ATA\(2024\)757600_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2024/757600/EPRS_ATA(2024)757600_EN.pdf)
- European Union. (2012a). *Consolidated Version of the Treaty on European Union*.
https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF
- European Union. (2012b). *Consolidated Version of the Treaty on the Functioning of the European Union*. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT>
- European Union. (2012c). *Charter of Fundamental Rights of the European Union*. Official Journal of the European Union. http://data.europa.eu/eli/treaty/char_2012/oj
- European Union. (n.d.a). Aims and Values. https://european-union.europa.eu/principles-countries-history/principles-and-values/aims-and-values_en
- European Union. (n.d.b). Human Rights and Democracy. https://european-union.europa.eu/priorities-and-actions/actions-topic/human-rights-and-democracy_en

- Ewe, K. (2023). The Ultimate Election Year: All the Elections Around the World in 2024. *Time Magazine*. <https://time.com/6550920/world-elections-2024/>
- Fareed, R. (2018). Nine killed as Kashmir reels from its deadliest year since 2009. *Al Jazeera*. <https://www.aljazeera.com/news/2018/11/25/nine-killed-as-kashmir-reels-from-its-deadliest-year-since-2009>
- Ferreira-Pereira, L. C. & Vieira, A. V. G. (2016). Introduction: The European Union's strategic partnerships: conceptual approaches, debates and experiences. *Cambridge Review of International Affairs*, 29(1), 3-17. DOI: 10.1080/09557571.2015.1130341
- Gazia, I. (2024). Silencing Kashmir: The Struggle for Voice in the Face of Social Media Censorship. *Tech Policy Press*. <https://www.techpolicy.press/silencing-kashmir-the-struggle-for-voice-in-the-face-of-social-media-censorship/>
- Goldman Sachs. (2023). How India could rise to the world's second-biggest economy. <https://www.goldmansachs.com/intelligence/pages/how-india-could-rise-to-the-worlds-second-biggest-economy.html>
- Grant, H. (2013). India's caste campaigners win EU backing to end 'apartheid' conditions. *The Guardian*. <https://www.theguardian.com/global-development/2013/oct/11/indian-caste-campaigners-eu-discrimination>
- Grgić, G. (2023). Ambition, meet reality: The European Union's actorness in the Indo-Pacific. *International Political Science Review*. <https://doi.org/10.1177/01925121231191275>
- Hachez, N. & Marx, A. (2020). EU Trade Policy and Human Rights. In Wouters, J., Nowak, M., Chané, A-L. & Hachez, N. (Eds.). *The European Union and Human Rights: Law and Policy*. Oxford.
- Hale, E. (2023). India, Brazil among most dangerous places for activists: Report. *Al Jazeera*. <https://www.aljazeera.com/economy/2023/5/3/india-brazil-among-most-dangerous-places-for-activists-report>
- Helwig, N. (2023). EU Strategic Autonomy after the Russian Invasion of Ukraine: Europe's Capacity to Act in Times of War. *JCMS: Journal of Common Market Studies*, 61, 57–67. <https://doi.org/10.1111/jcms.13527>.
- Hill, C., Smith, M. & Vanhoonacker, S. (Eds.). (2023). *International Relations and the European Union*. Oxford University Press.
- Hoskins, P. (2024). India signs \$100bn free trade deal with four European nations. *BBC*. <https://www.bbc.com/news/world-asia-68531241>
- Human Rights Watch. (2012). India: Reinstate Moratorium on Death Penalty, Hanging of Mumbai Attacker a Step Backwards for Justice System. <https://www.hrw.org/news/2012/11/22/india-reinstate-moratorium-death-penalty>
- Inamdar, N. (2024). India's economy: The good, bad and ugly in six charts. *BBC*. <https://www.bbc.com/news/world-asia-india-68823827>
- Jain, R. K. (2017). India, the European Union and Human Rights. *India Quarterly*, 73(4), 411-429. <https://doi.org/10.1177/0974928417731640>
- Jain, R. K. & Sachdeva, G. (2019). India-EU strategic partnership: a new roadmap. *Asia Europe Journal*, 17, 309–325. <https://doi.org/10.1007/s10308-019-00556-0>
- Jha, V., Bansal, P. & Kumar, V. (2019). India's Position in the International Economic Order. *Global Trade and Customs Journal* 14(7/8). 325-335. <https://doi.org/10.54648/gtcj2019036>
- Kalita, P. (2021). 14 Nagaland civilians killed in botched Army operation, aftermath. *Times of India*. <https://timesofindia.indiatimes.com/india/14-nagaland-civilians-killed-in-botched-army-op-aftermath/articleshow/88111149.cms>

- Kamdar, B. (2020). India's COVID-19 Gender Blind Spot. *The Diplomat*.
<https://thediplomat.com/2020/04/indias-covid-19-gender-blind-spot/>
- Kaura, V. & Singh, P. (2022). European Union's Indo-Pacific Strategy: Policy Implications for India. *Indian Journal of Public Administration*, 68(4), 542-555. Sage.
<https://doi.org/10.1177/00195561221098175>
- Kavalski, E. (2013). The struggle for recognition of normative powers: Normative power Europe and normative power China in context. *Cooperation and conflict*, 48(2), 247-267. <https://www.jstor.org/stable/45084723>
- Kavalski, E. (2014). The European Union and India: Birds of a Feather or Frenemies for Ever? In Winand, P., Benvenuti, A. & Guderzo, M. (Eds.). *The External Relations of the European Union*. P.I.E Peter Lang.
- Kavalski, E. (2016). The EU-India strategic partnership: neither very strategic, nor much of a partnership. *Cambridge Review of International Affairs*, 29(1), 192-208.
<https://doi.org/10.1080/09557571.2015.1007031>
- Keukeleire, S. & Delreux, T. (2022). *The Foreign Policy of the European Union*. Bloomsbury.
- Khorana, S. (2021). The European Union-India Strategic Partnership: An Examination of the Economic Aspects. In Gieg, P., Lowinger, T., Pietzko, M., Zürn, A., Bava, U. S., Müller-Brandeck-Bocquet, G. (Eds.). *EU-India Relations: The Strategic Partnership in the Light of the European Union Global Strategy*. Springer.
- Khosla, R. (2020). By kicking Amnesty out, India is betraying its founding ideals. *The Guardian*. <https://www.theguardian.com/commentisfree/2020/oct/01/amnesty-india-tarnish-reputation>
- Khullar, D. (2020). India-EU Bilateral Trade and Investment Agreement: Process, Issues, Prospects. In Jain, R. K. (Ed.). *India and the European Union in a Turbulent World*. Palgrave Macmillan.
- Ki-Moon, B. & Byanyima, W. (2023). EU trade deals risk affordability of generic medicines for Global South. *Politico*. <https://www.politico.eu/article/eu-trade-deal-risk-affordability-generic-medicine-global-south/>
- Krishnan, M. (2021). Why is India censoring media? *DW*. <https://www.dw.com/en/covid-why-is-india-censoring-media-during-public-health-crisis/a-57353096>
- Kuang, S., Orbie, J. & Blancquaert, S. (2023). The rise and fall of the EU-China Comprehensive Agreement on Investment: 'open strategic autonomy' in action. *Journal of Contemporary European Studies*, 10.1080/14782804.2023.2293779
- Kugiel, P. (2020). India, the European Union and the Postwar Liberal Order. In Jain, R. K. (Ed.). *India and the European Union in a Turbulent World*, 27-58. Palgrave Macmillan.
- Ling, J. & Goddeeris, I. (2023). Modi's India and the European Union: A Perceptions Study. In Jain, R. K. (Ed.). *India and Europe in a Changing World: Context, Confrontation, Cooperation*. Palgrave Macmillan.
- Lund, T. (2012). Combining Qualitative and Quantitative Approaches: Some Arguments for Mixed Methods Research. *Scandinavian Journal of Educational Research*, 56(2,) 155-165. DOI: 10.1080/00313831.2011.568674
- Majtényi, B., Sosa, L. & Timmer, A. (2016). Human Rights Concepts in EU Human Rights Dialogues. European Commission. <https://www.fp7-frame.eu/wp-content/uploads/2016/11/Deliverable-3.5.pdf>
- Manners, I. (2002). Normative Power Europe: A Contradiction in Terms? *JCMS*, 40(2), 235-258. <https://doi.org/10.1111/1468-5965.00353>

- Manners, I. (2006). Normative power Europe reconsidered: beyond the crossroads. *Journal of European Public Policy*, 13(2), 182-199. <https://doi.org/10.1080/13501760500451600>
- Manners, I. (2021). Normative Power Approach to European Union External Action. In Gstöhl, S. & Schunz, S. (Eds.). *The External Action of the European Union: Concepts, Approaches, Theories*. Red Globe Press.
- Masih, N. & Naqvi, S. (2021). Indian troops kill 14 civilians in weekend incidents, spurring demands for repeal of special powers in some regions. *The Washington Post*. <https://www.washingtonpost.com/world/2021/12/06/india-nagaland-encounter/>
- McQuade, A. (2015). India's child labour 'reforms' could make it a dangerous place to invest. *The Guardian*. <https://www.theguardian.com/sustainable-business/2015/may/13/india-child-labour-reforms-dangerous-invest>
- Médecins Sans Frontières. (2023). EU-India FTA negotiations could have negative impact on access to medicines. <https://msfaccess.org/news-update-eu-india-fta-negotiations-could-have-negative-impact-access-medicines>
- Meunier, S. & Nicolaidis, K. (2023). The European Union as a Trade Power. In Hill, Smith & Vanhoonacker (Eds.). *International Relations and the European Union*, 155-180. Oxford University Press.
- Mukherjee, B. (2017). A New Paradigm in India-EU Relations. *Indian Foreign Affairs Journal*, 12(3), 215-226. <http://www.jstor.org/stable/45341994>
- Mukherjee, B. (2020). India and the European Union: A Dialectical Approach to Human Rights. In Jain, R. K. (Ed.). *India and the European Union in a Turbulent World*, 167-185. Palgrave Macmillan.
- Müller-Brandeck-Bocquet, G., Gieg, P., Lowinger, T., Pietzko, M., and Zürn, A. (2021). India and the European Union: A Growing Responsibility to Cooperate in a Changing World. In Gieg, P., Lowinger, T., Pietzko, M., Zürn, A., Bava, U. S., Müller-Brandeck-Bocquet, G. (Eds.). *EU-India Relations: The Strategic Partnership in the Light of the European Union Global Strategy*. Springer.
- Neumann, H. & Alametsä, A. (2021). India's human rights defenders deserve EU support. *EUobserver*. <https://euobserver.com/eu-and-the-world/ar21f9d4ba>
- Nowak, M. & Podstawa, K. (2020). The EU's (strategic) use of human rights tools and instruments. In Wouters, Nowak, Chané & Hachez. (Eds.). *The European Union and Human Rights: Law and Policy*, 542-568. Oxford Academic.
- Orbie, J. & Khorana, S. (2015). Normative versus market power Europe? The EU-India trade agreement. *Asia Europe Journal*, 13, 253-264. <https://doi.org/10.1007/s10308-015-0427-9>
- Pal, A. & Kumar, M. (2020). Businesses cheer, unions fear contentious Indian labour reforms. *Reuters*. <https://www.reuters.com/article/idUSKCN26F1ST/>
- Regjeringen. (2024). Norge inngår historisk handelsavtale med India. <https://www.regjeringen.no/no/aktuelt/handelsavtale-india/id3029192/>
- Reis, F. C., Gao, W. & Hegde, V. (2020). The EU's engagement with foreign powers on human rights: Brazil, China, and India. In Wouters, J., Nowak, M., Chané, A-L. & Hachez, N. (Eds.). *The European Union and Human Rights: Law and Policy*. Oxford.
- Rhinard, M. & Sjöstedt, G. (2019). The EU as a Global Actor: A new conceptualisation four decades after 'actorness'. The Swedish Institute of International Affairs.
- RSF. (2023). Modi ramps up online censorship in India. *Reporters Sans Frontières*. <https://rsf.org/en/modi-ramps-online-censorship-india>
- RSF. (n.d). World Press Freedom Index. <https://rsf.org/en/index?year=2023>

- Sahariah, S. (2015). Child trafficking in India: 'It was only after a few years I realised I had been sold'. *The Guardian*. <https://www.theguardian.com/global-development/2015/apr/28/child-trafficking-india-domestic-labour-chhattisgarh>
- Saluja, R. (2024). How child labour in India makes the paving stones beneath our feet. *The Guardian*. <https://www.theguardian.com/news/2024/mar/28/how-child-labour-in-india-makes-the-paving-stones-beneath-our-feet>
- Schmidt, J.D. (2015). India and the European Union. A precarious relationship. *Asia Europe Journal*, 13, 443–457. <https://doi.org/10.1007/s10308-015-0430-1>
- Schmitz, L. & Seidl, T. (2022). As Open as Possible, as Autonomous as Necessary: Understanding the Rise of Open Strategic Autonomy in EU Trade Policy. *JCMS: Journal of Common Market Studies*, 61(3), 834-852. <https://doi.org/10.1111/jcms.13428>
- Shekhar, R. & Abhay. (2024). 2020 riots flashback: 4 years later, NE Delhi moves on. And doesn't. *Times of India*. <https://timesofindia.indiatimes.com/city/delhi/2020-delhi-riots-4-years-later-northeast-delhi-moves-on/articleshow/107866080.cms>
- Singh, M. (2021) Multilateralism in a Changing Global Order: Prospects for India-EU Cooperation. In Gieg, P., Lowinger, T., Pietzko, M., Zürn, A., Bava, U. S., Müller-Brandeck- Bocquet, G. (Eds.). *EU-India Relations: The Strategic Partnership in the Light of the European Union Global Strategy*. Springer.
- Singh, K. (2023). US report lists 'significant human rights' abuses in India. *Reuters*. <https://www.reuters.com/world/india/us-report-lists-significant-human-rights-abuses-india-2023-03-20/>
- Singh, K. & Bose, N. (2023). Narendra Modi denies religious discrimination exists in India. *Reuters*. <https://www.reuters.com/world/biden-says-will-talk-human-rights-rule-law-with-modi-2023-06-22/>
- Sjursen, H. (2006). The EU as a 'normative' power: how can this be?. *Journal of European Public Policy*, 13(2), 235-251. <https://doi.org/10.1080/13501760500451667>
- Slater, J. & Naseem, I. (2018). 2018 is the deadliest year in a decade in Kashmir. Next year could be worse. *The Washington Post*. https://www.washingtonpost.com/world/asia_pacific/2018-is-the-deadliest-year-in-a-decade-in-kashmir-next-year-could-be-worse/2018/12/22/493ff2e4-03bb-11e9-958c-0a601226ff6b_story.html
- Srichandan, S. P. (2021). India and the European Union Relations. *The IUP Journal of International Relations*, 15(3), 50-63. <https://www.proquest.com/scholarly-journals/india-european-union-relations/docview/2564583431/se-2?accountid=12870>
- Sur, P. (2020). Under India's caste system, Dalits are considered untouchable. The coronavirus is intensifying that slur. *CNN*. <https://edition.cnn.com/2020/04/15/asia/india-coronavirus-lower-castes-hnk-intl/index.html>
- Thagaard, T. (2019). *Systematikk og innlevelse: En Innføring i Kvalitative Metoder*. Fagbokforlaget.
- The Economic Times. (2015). Labour reforms: Proposals pile up as unions act tough. *The Economic Times*. <https://economictimes.indiatimes.com/news/economy/policy/labour-reforms-proposals-pile-up-as-unions-act-tough/articleshow/50216702.cms?from=mdr>
- The Economic Times. (2022). Child labour, caste-based discrimination, poverty closely interlinked in India: UN Special Rapporteur. *The Economic Times*. <https://economictimes.indiatimes.com/news/india/child-labour-caste-based->

- discrimination-poverty-closely-interlinked-in-india-un-special-rapporteur/articleshow/93633050.cms?from=mdr
- The Guardian. (2019). Indian citizenship law discriminatory to Muslims passed. *The Guardian*. <https://www.theguardian.com/world/2019/dec/11/india-to-bring-in-law-denying-citizenship-to-muslim-migrants>
- The Hindu. (2024). A fresh stance: On India and the European Free Trade Association deal. *The Hindu*. <https://www.thehindu.com/opinion/editorial/a-fresh-stance-on-india-and-the-european-free-trade-association-deal/article67947102.ece>
- The Wire. (2023a). Questioned on Minorities, Jaishankar Says 'Show Me Discrimination'. The Facts He Can See. *The Wire*. <https://thewire.in/rights/questioned-on-minorities-jaishankar-says-show-me-discrimination-the-facts-he-can-see>
- The Wire. (2023b). Full Text: What European MPs Said During Debate on Manipur Violence. *The Wire*. <https://thewire.in/world/full-text-european-mp-debate-manipur-violence>
- The Wire. (2024). UN Human Rights Head Calls Out Pressures on Civic Space, Minorities; Modi Govt Says 'Unwarranted'. *The Wire*. <https://thewire.in/rights/unwarranted-india-after-uns-restrictions-on-civic-spaces-remark-ahead-of-lok-sabha-polls>
- Tjora, A. (2017). *Kvalitative Forskningsmetoder i Praksis*. Gyldendal.
- Tomé, L. (2022). European Union-India Relations under pressure from Russia's invasion of Ukraine. *Atlantisch Perspectief*, 2, 26-31. <http://hdl.handle.net/11144/5602>
- Torreele, E. (2011). India and Europe Trading Away Access to Medicines. *Open Society Foundations*. <https://www.opensocietyfoundations.org/voices/india-and-europe-trading-away-access-medicines>
- Torrent, M. & Roiron, V. (2015) Introduction: The Commonwealth and the European Union: Norms, Partnerships, Circulations. *The Round Table*, 104(4), 379-388. <https://doi.org/10.1080/00358533.2015.1063847>
- United Nations. (2011). United Nations Declaration on the Right to Development. https://www.ohchr.org/sites/default/files/Documents/Issues/Development/RTD_booklet_en.pdf
- United Nations. (2024). Human rights. United Nations. <https://www.un.org/en/global-issues/human-rights>
- United States Department of State. (2023). 2022 Country Reports on Human Rights Practices: India. https://www.state.gov/wp-content/uploads/2023/03/415610_INDIA-2022-HUMAN-RIGHTS-REPORT.pdf
- Winand, P. (2015). The rise of Asia and India from the 1990s to the 21st century. In Winand, P, Vicziany, M. & Datar, P. (Eds.). *The European Union and India: Rhetoric or Meaningful Partnership?* EE Publishing.
- Winand, P & Vicziany, M. (2015). Introduction: The Problem of EU-India relations. In Winand, P, Vicziany, M. & Datar, P. (Eds.). *The European Union and India: Rhetoric or Meaningful Partnership?* EE Publishing.
- Winand, P. (2021). A Partnership Between Two Large Elephants? Opportunities and Challenges in India- EU Relations. In Gieg, P., Lowinger, T., Pietzko, M., Zürn, A., Bava, U. S., Müller-Brandeck-Bocquet, G. (Eds.). *EU-India Relations: The Strategic Partnership in the Light of the European Union Global Strategy*. Springer.
- Wróbel, A. & Jędrzejowsk A. K. (2023). India's Trade and Economic Relations with Western Europe. In Jain, R. K. (Ed.). *India and Europe in a Changing World: Context, Confrontation, Cooperation*. Palgrave Macmillan.
- Yasir, S. & Kumar, H. (2021). Anger Spreads in Northeastern India After Security Forces Kill 14 Civilians. *The New York Times*.

<https://www.nytimes.com/2021/12/05/world/asia/india-northeast-nagaland-civilians.html>

Zhou, W. & Cuyvers, L. (2011). Linking International Trade and Labour Standards: The Effectiveness of Sanctions under the European Union's GSP. *Journal of World Trade*, 45(1), 63-85. <https://doi.org/10.54648/trad2011003>

ⁱ There was not held a HRD between EU and India in 2023, nor in 2024 at the time of writing.

ⁱⁱ A temporary suspension of executions and death penalties.

ⁱⁱⁱ See chapter 4.

^{iv} The FRAME project was a research project funded under the EU's 7th Framework Programme 2013-2017.

^v Representing the other part as "different" and "inferior".

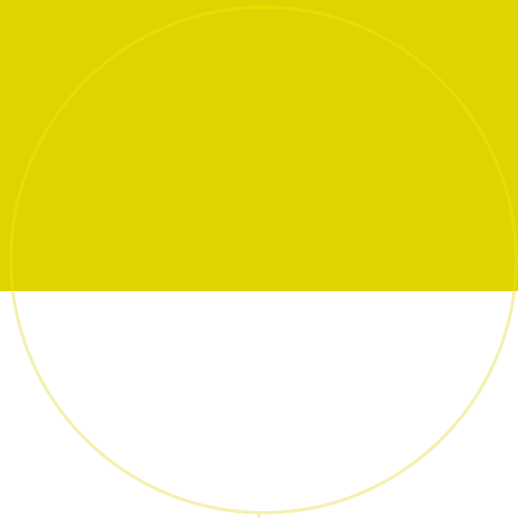
^{vi} A GSP arrangement which grants full duty-free, quota-free access on all products except arms and ammunition.

^{vii} The HRD due to take place in January 2021, was postponed to April the same year.

^{viii} Amongst other forms of labour rights violations, India allows bonded labour—where a person has to work for a landlord or money lender in order to pay off debt—which is recognized as a form of slavery.

^{ix} Here shutdowns also include mobile and broadband, varying in geographic coverage.

^x Losing access to one's social media platforms.



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