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## HRDN's recommendations for a new EU Action Plan on Human Rights and Democracy

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At a time when human rights and democracy are under threat globally, when civil and political rights are in decline, when international institutions and laws are directly attacked by some governments, the EU should assert itself as a key actor to protect, promote and fulfil human rights and fundamental freedoms. HRDN reiterates its call for the EU and its Member States to be at the forefront of the international community in acting and speaking out against human rights violations, international crimes and disrespect for humanitarian law whenever and wherever they occur.

On the occasion of the revision of the EU Action Plan on Human Rights and Democracy, the Human Rights and Democracy Network (HRDN) calls on EU Member States and EU institutions to be ambitious in delivering a strong human rights policy accompanied by a specific set of actions<sup>1</sup>. To that end, not only must the EU reaffirm the strong calls made in the EU Strategic Framework in 2012<sup>2</sup>, but actually reinforce its tools and undertake definite actions for their full implementation.

In November 2018, in view of the upcoming review of the EU's Human Rights and Democracy Action Plan, HRDN carried out a survey to gather information about the processes and implementation at country level of specific and thematic EU policies, including the Action Plan. The survey gathered responses from 44 countries and revealed the lack of implementation and follow-through on many of the actions listed.

To address this gap, the new Action Plan should be framed to enhance its strategic ambition, notably by defining a methodology able to ensure that the main challenges are effectively addressed and the main objectives reached. The new Action Plan needs to identify clear commitments, seek concrete results and achievements and clarify actions in key areas. It also needs to provide a clear commitment to ensure due reporting and assessment of its achievements.

<sup>1</sup> For the past contributions see:

<https://hrdn.eu/2017/wp-content/uploads/2015/06/HRDN-reaction-to-the-Council-Conclusions-on-the-action-plan-on-human-rights-and-democracy-2015-2019-2.pdf>;  
<https://hrdn.eu/2017/wp-content/uploads/2014/06/statement-on-the-second-anniversary-of-the-adoption-of-the-EU-Strategic-Framework-and-Action-Plan-on-Human-Rights-and-Democracy.pdf>;  
<https://hrdn.eu/2017/wp-content/uploads/2012/06/HRDN-statement-on-EU-human-rights-package.pdf>

<sup>2</sup> EU Strategic Framework on Human Rights and Democracy, 25 June 2012,

[https://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/131181.pdf](https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf)

## **Recommit to the key objectives of the 2012 EU Strategic Framework on Human Rights and Democracy**

The EU Strategic Framework and the first Action Plan on Human Rights and Democracy were adopted and endorsed by the EU institutions and Member States in 2012. The Strategic Framework asserted the joint responsibility by the EU and its Member States to promote and speak out on human rights and democracy in the world. It affirmed their political will to promote human rights in all areas of the EU's external action without exception, and to place respect for human rights to the centre of the EU's relations with all third countries.

Yet, seven years after the adoption of this key political declaration, efforts are still needed to identify policy and practical solutions to the declining global trends in human rights and democracy. It is therefore essential that the Strategic Framework commitments be reasserted as transversal objectives pursued in all areas of action and implementation, "including at the highest level" of EU and Member States actions.

### 1. Defending universality

The defence of universality should remain a priority of the new Action Plan. To ensure the defence of universality, the Action Plan must be embedded in international law and must clearly spell out the EU's objective to defend human rights as "**universally applicable legal norms**".

Universality requires better and more systematic efforts in global advocacy towards the ratification and implementation of international human rights law instruments. At bilateral and regional level, the EU must explicitly set out the obligation to obtain the ratification and implementation of key international human rights conventions before the conclusion of cooperation, trade and other agreements.

### 2. Ensuring mainstreaming and coherence of EU policies

The Strategic Framework identifies the purpose of "**pursuing coherent objectives**" and **ensuring that human rights are respected, protected and promoted "in all EU external policies"**.

To ensure that these objectives are reachable, the new Action Plan should:

- a) ensure that ex-ante and ex-post Impact Assessments encompassing human rights and democracy are systematically undertaken
  - before and after the development of legislative and non-legislative processes,
  - during the negotiation and implementation of international agreements,
  - when defining all policies, including trade, investment, Common Security and Defence Policy (CSDP), development cooperation, financial and technical support, migration and counter-terrorism.

The Action Plan should propose the development of a robust and methodologically sound approach to the analysis of human rights impacts, with a better involvement of civil society and human rights defenders in dedicated steering committees.

The Impact Assessments must lead to concrete actions where needed. They should set up tools and mechanisms to prevent violations of human rights and, where violations occur, ensure that victims have access to justice and redress and that those responsible are held to account<sup>3</sup>.

- b) reassert the objective of the 2012 Action Plan to “*intensify cooperation between the Council working parties on fundamental rights (FREMP) and human rights (COHOM) to address issues of coherence and consistency between the EU’s external and internal human rights policy*” (point 8 a).

### 3. Being principled

The new Action Plan should reaffirm the need to “**place human rights at the centre of [the EU’s] relations with all third countries, including its strategic partners**”. In doing so, the EU should also seek to fulfil commitments that did not receive enough attention since their mention in 2012:

- a) Seeking “*impact on the ground through tailor-made approaches*”.
- b) Ensuring that its “*dialogues lead to results*”, raising human rights issues “*vigorously*” “*including at the highest level*”.
- c) Making “**use of the full range of instruments at its disposal**”.

All of this should be sought by seeking an “*effective use and interplay of EU external policy instruments*” and developing “*working methods to ensure the best articulation*” between them, including by improving some of them like the human rights dialogues and the human rights clauses.

### 4. Defending multilateralism

**In face of unprecedented challenges and attacks, multilateralism and the rules-based international order must be efficiently supported and defended.**

The EU should reiterate its commitment to support “*a strong multilateral human rights system which can monitor impartially implementation of human rights norms and call all States to account*” and to “*resist strenuously any attempts to call into question the universal application of human rights*”.

This entails that the EU not only commits to developing a dedicated strategy to respond in a strong and united manner to attacks against multilateralism but tackle this challenge by:

- Better identifying threats to react promptly to attempts to dilute and weaken international standards, laws and institutions.
- Better mobilising against reprisals targeting civil society and defending civil society in international and regional fora.
- Creating alliances, reaching out to partners earlier and daring to submit resolutions to vote rather than hoping for consensus when needed.
- Strengthening democracy in partner countries, as it is an important way to reinforce the sustainability of the rules-based international order and to lay the ground for alliances with like-minded partners that will work with the EU for the defence and promotion of human rights.

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<sup>3</sup> In line with the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 16 December 2005, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>

- Encouraging competitive membership and elections in UN core institutions and mechanisms; advocating for key positions not to be occupied by countries known for their poor human rights records and by countries that will use those platforms to weaken human rights standards.

#### *5. Fighting closing space for civil society*

**The new Action Plan should reiterate the key role of civil society and of human rights defenders – taking stock of the fact that the space for civil society has closed dramatically since 2012 – and propose a reinforcement of the EU’s action in consequence by:**

- Committing to intensify political and financial support of human rights defenders and civil society organisations and step up efforts against all forms of reprisals.
- Making funding operations more flexible and more accessible. Developing creative tools to overcome attacks on foreign funding and deliberate administrative burdens.
- Developing a strategic response and tools to cover the different stages of the closing space (prevention, early actions, emergency actions), multiplying EU-authorities-civil society dialogues, developing participatory monitoring mechanisms when implementing operations and policies, focusing on the involvement of independent NGOs, including as a pre-condition for any enhanced cooperation in more sensitive contexts.
- Developing an institutionalised early warning mechanism able to trigger better cooperation among EU institutions and international organisations, to promote an enabling environment for civil society and ensure a space for flexible and timely interventions to counter attempts at limiting civic space.
- Fighting against the misuse of surveillance technology and “strategic lawsuit against public participation” (“SLAPP”) actions, providing swift protection to whistle blowers.
- Supporting independent media platforms to amplify independent alternative voices; monitoring and investigating attacks on fundamental freedoms and abuse of power.
- Ensuring that any partnership with the private sector is conditioned on the respect of the UN Guiding Principles on Business and Human Rights (UNGPs)<sup>4</sup> during the definition and implementation of the activities and providing follow up mechanisms in that regard.

#### *6. “Ensuring ownership and accountability”*

##### **Result-oriented and regularly assessed actions**

The new Action Plan should be result-oriented: it should define expected outputs and results and foresee regular follow-up to ensure actions are duly implemented. Indeed, too many actions of the past Action Plans have not been fully and duly implemented<sup>5</sup>.

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<sup>4</sup> UN Guiding Principles on Business and Human Rights, 2011, [https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr\\_eN.pdf](https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf)

- It is essential that the new Action Plan foresees a qualitative and quantitative impact assessment of the action points it will propose. This assessment should consider the changes and impacts EU actions have on human rights in each specific context.
- The EU should ensure the continuous involvement of civil society in the drafting and review of the Action Plan in order to improve its implementation. A sustainable, permanent and institutionalised dialogue with civil society should be set up to provide feedback on the results achieved and the impact and follow-up activities required to ensure better results. HRDN urges the EU to reinstate to that end a follow-up mechanism to the implementation of the new Action Plan based on a work plan with indicators/benchmarks, the clear identification of persons and services in charge of the implementation of specific actions, and regular monitoring meetings with the civil society.
- The Annual Report on Human Rights *cannot* be considered as a progress report on the Action Plan. Rather, the EU should set up an appropriate monitoring framework for reporting based on qualitative and quantitative data corresponding to identified indicators, case studies, and links with past Action Plans.

### **Full support by all institutions**

- HRDN insists on the need for the new Action Plan to be shared among EU institutions. The responsibility of the different institutions, DGs, services, Delegations and Member States should be clearly spelled out. This will ensure that the Action Plan is known, used and visible, a key element to ensure human rights mainstreaming in all EU's external actions.
- In addition, the implementation of the new Action Plan should be ensured through the identification and allocation of adequate resources: staff expertise in headquarters, EU Delegations and CSDP missions, as well as funding. To that end, the EU Action Plan should explicitly require that the EU provides due financial support for the implementation of the identified priorities and specify how the implementation of the next Multi-annual Financial Framework (MFF) will be assessed in that regard.

### **Enhancing EU good governance**

The new EU Action Plan should expressly seek to enhance the **participation** of civil society, the **transparency** of EU activities, facilitate **access to information** and enhance the EU's **accountability**.

– ENDS –

*The Human Rights and Democracy Network (HRDN) is an informal grouping of NGOs operating at EU level in the broader areas of human rights, democracy and conflict prevention. Participation in the network is open to non-governmental organizations which engage at EU level in the promotion of human rights, democracy and conflict prevention in and outside the EU.*

*The vision of the HRDN is that human rights and democracy are placed at the heart of the EU's internal and external policy agenda. This vision should manifest itself in a EU that effectively protects human rights at home and is a force for positive change in the world. In pursuit of this vision, the network aims to influence EU and member state human rights policies and the programming of their funding instruments to promote democracy, human rights and sustainable peace.*

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5 For example, this important but easily deliverable action point from the 2012 Action Plan has been only partially implemented: "18 (c) Publish contact details of the human rights focal points of all EU missions, as well as EU Liaison Officers on human rights defenders on the websites of the EEAS and EU Delegations".