

CONCORD INPUT INTO THE REVIEW OF THE EU ACTION PLAN ON HUMAN RIGHTS AND DEMOCRACY

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CONCORD - the European NGO Confederation for Relief and Development representing over 1.800 NGOs in all 28 EU Member States - would like to share with you some initial inputs for the review process of the EU Action Plan on Human Rights and Democracy that will expire at the end of this year.

CONCORD believes it is key that the review contributes to a new ambitious EU Action Plan on Human Rights and Democracy, which sets forth a coherent framework with clear benchmarks for monitoring and accountability. EU Member States were identified by the current action plan as one of the key actors for its implementation, and CONCORD supports their further involvement by ensuring a prominent role in the successor of this Action Plan. The new Action Plan should foster a joined up approach, make use of clear coordination mechanisms and should be backed up by the necessary human and financial resources to take the actions forward and monitor and evaluate progress.

Civil society organisations should keep on playing a key role in shaping EU action outside its borders; and we urge the EU to put in place an inclusive, transparent process leading up to the adoption of the future Action Plan as well as throughout its implementation. CONCORD looks forward to contributing further to these following steps of this important process.

In the text below, the text in *Italic* each time refers to the relevant action formulated in the 2012-2014 EU Action Plan on Human Rights, followed by an assessment and recommendations forward.

I. HUMAN RIGHTS AND DEMOCRACY THROUGHOUT EU POLICY

1. Incorporate human rights in all Impact Assessment

Insert human rights in Impact Assessment, as and when it is carried out for legislative and non-legislative proposals, implementing measures and trade agreements that have significant economic, social and environmental impacts, or define future policies.

The objectiveness and comprehensiveness of the EU's impact assessments must be improved by systematically involving in all stages of the IA process relevant stakeholders, including CSOs and people directly affected by the proposed policies, including in developing countries. CSOs can provide both qualitative and quantitative inputs. Thus, if CSOs' inputs are not used, a justification must be provided.

➤ **Recommendation:** The Commission should publish an operational guidance on how to investigate the external impacts on development and human rights in Commission impact assessments, taking examples on the Operational Guidance on taking account of Fundamental Rights in Commission Impact Assessments.¹

¹ [CONCORD input into consultation on Impact Assessment, September 2014](#)

2. Genuine partnership with civil society, including at the local level

a) Heads of EU Delegations, Heads of Mission of EU Member States, heads of civilian missions and operation commanders shall work closely with human rights NGOs active in the countries of their posting.

A still to be published CONCORD study on the *Engagement between EU Delegations and CSOs*, shows that while moving in the right direction, there is still room for improvement in the way EU Delegations in general and Heads of Delegations in particular can engage with CSOs active in the country of their posting. It is also important to note that human rights and the engagement with civil society are not a sole responsibility of the human rights or civil society focal points within Delegations, but should be mainstreamed within EU and Member State Delegations.

In addition, it is important to note that a genuine partnership with civil society, especially at local level, is only possible if there is an enabling environment for people and organisations to play their respective roles. Therefore it is crucial for the new EU Action Plan to include also actions related to governance and civil and political rights. The action related to freedom of expression included in the current action plan needs to be broadened. Here the order of the current EU Action Plan was kept, but in the future one, this should be linked with this section.

➤ **Recommendation:**

- **A future EU Action Plan should envisage a closer engagement of EU and Member States' Delegations, including of the Heads of Delegations, with different kinds of CSOs operating in the country, including grass roots, local, national and international development NGOs, environmental NGOs, women's organisations, trade unions, cooperatives and many others. They should establish and harmonize a more permanent and ongoing dialogue to ensure regular exchange between EU and Member State representatives and civil society.**
- **This future EU Action Plan should also focus more on issues related to governance and civil and political rights, including on promoting and helping to build a more enabling environment for CSOs.**

b) Ensure effective support to CSOs, including via the Civil Society Facility, the EIDHR and other relevant programmes and instruments.

In its newly released '*Guide to EuropeAid funding instruments 2014-2020 – CSO engagement in EU development cooperation*', CONCORD looks at the role and support foreseen for CSOs for the next 7 years in each of the geographic and thematic instruments and programmes.² The programming for 2014-2020 will use the newly adopted EU toolbox for a rights-based approach. A strong effort will be needed to ensure that the fundamental human rights principles of participation, accountability, non-discrimination & equality, empowerment, link to rights and human rights standards & mechanisms will be applied to all aspects of both the theory and the practice of EU development cooperation. In particular, many aspects of equality/non-discrimination and participation/inclusion need to be strengthened in order to ensure that EU development cooperation empowers women and marginalized groups living in poverty to claim their rights. In addition to operational support, also the political support the EU provides to CSOs should continue and be further reinforced. Lessons should be drawn from good and bad practices.

² [CONCORD Guide to EuropeAid funding instruments 2014-2020 – CSO engagement in EU development cooperation, November 2014](#)

In CONCORD's assessment of the engagement of EU Delegations with CSOs at country level, various examples of valuable political support have also been raised by respondents, such as establishing tripartite dialogue structures, raising CSO concerns in diplomatic relations with the government, involving CSOs in discussing and monitoring budget support, etc. This links again closely to the importance of an enabling environment for civil society. Also this political support should be properly reflected in a new EU Action Plan.

- **Recommendation:** Looking ahead we propose to the EU to include the following more ambitious target: *Ensure (1) effective operational support for CSOs and involvement of CSOs at every stage of the programming cycle (design, implementation, monitoring and evaluation) of all external action instruments and programmes, as well as (2) continuous political support for CSOs.*

II. PROMOTING THE UNIVERSALITY OF HUMAN RIGHTS

4. Universal adherence

We welcome the EU's engagement with the UN General Assembly and Human Rights Council. The EU is paying particular attention to the Universal Periodic Review (UPR)-procedure, which is commendable.

The universality principle should also make clear reference to the key principles of non-discrimination and equality and should therefore also be closer linked to the aim to work more closely towards a rights based approach listed below.

- **Recommendation:**
- **We recommend the EU to increase the support to partner countries to engage with UN bodies and procedures and encourage them to withdraw existing reservations to the treaties.**
 - **Clearer reference should be made to the principles of non-discrimination and equality.**

IV. HUMAN RIGHTS IN ALL EU EXTERNAL POLICIES

10. Working towards a rights based approach in development cooperation

The inclusion of a rights-based approach is a milestone in the EU's human rights work. However, while such rights-based approach may enhance the implementation of national rights, we strongly encourage the EU to adopt a *human rights based approach*, which is anchored in international human rights norms, and the international legal obligations of states. This point is important because 'national rights' may not always be in accordance with 'international human rights', and in some instances national rights may even serve to reinforce existing societal structures, which may be discriminatory or even repressive for certain groups in society, such as women and workers.

10 (a) Develop a toolbox for working towards a rights based approach to development cooperation, with the aim of integrating human rights principles into EU operational activities for development, covering arrangements both at HQ and in the field for the synchronisation of human rights and development cooperation activities.

CONCORD welcomes the adoption of the “Tool-box: A rights-based approach, encompassing all human rights for EU development cooperation”, launched on 30 April 2014, and the related Council Conclusions, as a significant step towards ensuring a human rights based approach to development in the EU’s development cooperation.³ Nevertheless, CONCORD believes that the tool-box should have set out a *human rights-based approach* to development more clearly anchored in international law and international human rights standards and norms. Furthermore, it should have provided practical illustration and guidance for implementation.

➤ **Recommendations:** the updated Action Plan should set out action points to:

- **Develop and roll-out practical training packages, both at HQ and field level, including EU Member States' embassies, and in collaboration with civil society, with a view to building and strengthening inclusive policy dialogue and project cycle management. The training packages should ensure support to capacity building of duty bearers as well as rights holders and must address their respective roles and power relations and existing power imbalances as part of the future actions we would like to see focusing more on governance structures and linked to the points raised below on participation and empowerment.**
- **Set-up a constructive multi-stakeholder dialogue to support and guide in the implementation, monitoring and evaluation of the toolbox in a transparent and accountable manner.**

10. (b) *Include the assessment of human rights as an overarching element in the deployment of EU country aid modalities, in particular regarding budget support.*

In cases of a rapid deterioration of human rights in a certain country, EU donors should ensure a process to address the issue - on a case-by-case basis – providing an opportunity to address the issue in a coordinated, transparent and participatory way. But on a more general level, human rights-based approach principles such as participation and empowerment, equality and non-discrimination, accountability and the legality of rights, should underlie the process for identifying and deploying the most appropriate EU country aid modalities in each country. But budget support arrangements remain characterized by a lack of citizen and parliamentary oversight of agreements, implementation and monitoring, with few civil society processes established to influence decision-making and frameworks, monitor implementation or assess the impact of budget support funds.⁴ Indeed, these principles should also be placed at the heart of decisions regarding other aid modalities, such as grants and public contracts.

➤ **Recommendation:** The selection, deployment and monitoring of the most appropriate EU country aid modalities in a certain country for certain programmes or projects should be based on a human rights based approach.

³ [CONCORD position paper 'From vision to action: operationalizing the EU rights based approach toolbox encompassing all human rights in EU development, June 2014](#)

⁴ [CONCORD position on EU budget support, March 2012](#)

10. (c) Integrate human rights issues in the EU advocacy on the global development agenda and other global issues, in particular the process post the Millennium Development Goals.

CONCORD welcomes the EU's commitment to adopt a human rights-based approach to the post-2015 agenda focusing on global sustainable development. It is of the utmost importance that the EU continues and strengthens its advocacy in this regard. . Clearly, the agenda has now moved forward considerably since the first Action Plan was written and the actions the EU should undertake have evolved accordingly.

➤ **Recommendations:** CONCORD recommends that the EU:

- **Work with partner countries to adopt an ambitious and transformative people- and planet-centred framework. To this end, the EU should avoid recourse to business-as-usual solutions that have been proven not to reduce inequality or poverty or to realise people's rights and which on the contrary aggravate those issues and create huge environmental degradation. One example is the EU's continued reliance on economic growth.**
- **Promote a post 2015 framework that ensures the empowerment and meaningful participation of all people, emphasises equality and non-discrimination and pays particular attention to the most marginalised people in each country.**
- **Ensure that the framework is truly universal in application, with all countries being expected to implement each and every goal and target within the social, economic, environmental and governance dimensions of the framework.**
- **Insist upon robust, independent and appropriate accountability mechanisms being agreed to monitor the implementation of the framework. The different levels of accountability must form a continuum, with the regional and global levels anchored in the local and national level processes. All people must be able to feed in – at the appropriate level – to the accountability mechanisms. This should become an end in itself, creating greater awareness of the framework and its objectives.**

V. IMPLEMENTING EU PRIORITIES ON HUMAN RIGHTS

20. Protection of the rights of women, and protection against gender-based violence

As recognized by the Council, *'gender equality, women's empowerment and the enjoyment of human rights by women and girls should be at the heart of the EU's rights-based approach to development cooperation, encompassing all human rights. Gender issues should be systematically mainstreamed in the identification, design, implementation, monitoring and evaluation of all EU development policies and programmes [...] EU Delegations and Member States' Representations have a key role in ensuring that issues related to gender equality, women's empowerment and the enjoyment of human rights by women and girls are regularly included in political dialogue with all partner countries. With respect to reporting on gender in the context of political dialogue, the Council notes the key relevance of Human Rights Country Strategies.'* ([2013 Report on the Implementation of the EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010-2015](#)).

➤ **Recommendation:**

- **it is crucial for the achievement of the objectives of the EU Action Plan on Human Rights and Democracy, that gender is not only mainstreamed throughout EU external action, development cooperation and assistance, but that specific actions are put in place to**

protect the rights of women and girls, including political, economic and social rights as well as their sexual and reproductive health and rights. This can be achieved also by addressing discriminatory social norms and combating gender stereotypes.

- In the context of the implementation of the EU Action Plan on Human Rights and Democracy, the EU should ensure the promotion, protection and fulfilment of all human rights and to the full and effective implementation of the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development, the outcomes of their review conferences, the United Nations Security Council Resolution 1325 (2000) and all related Resolutions on women, peace and security.

24. Freedom of expression online and offline

Despite the increased global recognition of the important role of CSOs, there is considerable evidence that civil society space is shrinking, as a consequence of growing restrictive laws and policies limiting fundamental civil society rights and freedoms enshrined in international law and necessary for CSOs to play its various roles.

➤ **Recommendation:** Therefore, CONCORD would like to propose to broaden the scope to the following

(a) Respect, protect, fulfil and promote the rights to freedoms of association and assembly, as well as the freedom of expression, including the right to information without discrimination, in accordance with international human rights standards, but also the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding, building on the guarantees provided in the 1994 'UN Declaration on the Rights and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms'

(b) Establish, promote and implement an enabling legal and regulatory environment for CSOs which recognises their independence and right to carry out their peaceful work without fear of harassment, reprisal, intimidation and discrimination or criminalization.

(c) EU Delegations to set up ongoing dialogue mechanisms with CSOs to better understand and provide political, policy and operational support that could help make the environment of CSOs in country more enabling

CONCLUDING REMARK

Once a new EU Action Plan has been agreed on, it will be crucial to monitor and evaluate the implementation taken forward by different stakeholders in an inclusive way, the outcomes of which should also feed into a future review of this EU Action Plan.

➤ **Recommendation:** The new EU Action Plan on Human Rights and Democracy should include SMART targets and indicators, should take into account the data that will need to be collected to measure progress against these indicators and ensure adherence to the human rights based approach principles throughout the different phases of the process, from the design to the monitoring and evaluation of the new EU Action Plan on Human Rights and Democracy.