



Civil Society comments on the EU Action Plan on Human Rights and Democracy (2015-2019)

HUMAN RIGHTS DEFENDERS (HRDs) (Actions 9 and 10)

The European External Action Service shared with civil society the 28 April 2015 Joint Communication by the European Commission and the High Representative of the European Union for Foreign Affairs and Security Policy for the elaboration of a new Action Plan on Human Rights and Democracy for the period 2015-2019 (hereafter the Action Plan).

The undersigned civil society organisations would like to express their satisfaction that a number of our proposals¹ have been incorporated to the draft EU Action Plan on Human Rights and Democracy. Still, many of the concrete, strategic recommendations advanced by civil society and by Human Rights Defenders (HRDs) themselves, must urgently be taken forward. Once the Action Plan is finalised with input from various institutions at European Union (EU) and member state level and from civil society, the true challenge will be to deliver on these commitments and to make EU engagement for security, protection and support for Human Rights Defenders a reality.

- The Strategic Framework on HR&D adopted in 2012 is recognised in the introduction of the Action Plan as the embodiment of how the EU planned to fulfill “its Treaty obligation to advance democracy, the rule of law, as well as the universality and indivisibility of human rights”. Our organisations believe that the Action Plan as a whole should reflect this position by referring more clearly to the planned activities as obligations.

Our organisations find it a positive step that the new Action Plan pays particular attention to several categories of HRDs in need of special protection such as those working on economic, social and cultural rights, those working in rural areas or women HRDs.

- Our organisations would like to suggest that HRDs working on Business and Human Rights be likewise specifically mentioned in point 9.b since they constitute one of the most targeted categories of HRD.
- The plan should include specific actions in order to facilitate emergency measures of protection such as relocation and emergency visas for HRDs.

The draft Action Plan also rightly acknowledges the role of HRDs as agents of change and explicitly addresses their need for protection in several parts of the Action Plan.

- At the same time, we believe the protection of HRDs and the promotion of their key role must be fully mainstreamed throughout the whole document. The specific mention of HRDs must be included with respect to the following areas: the promotion of domestic actors’ participation in reform processes (point 5.a); the improvement of the quality of consultations organised by the EU

¹ “Intensifying the European Union’s support to human rights defenders: Civil society proposals for the new EU Action Plan on Human Rights and Democracy”, December 2014.

http://www.omct.org/files/2014/12/22945/cso_proposal_for_new_eu_hr_action_plan___human_rights_defenders.pdf

at local level (point 7.c); the promotion of an enabling environment for civil society (point 10.b); the engagement with civil society for the implementation of the United Nations Guiding Principles (UNGPs) on business and human rights (point 17.a); the mainstreaming of human rights in operational guidance for staff of missions which should explicitly include the particular role and needs of HRDs (point 22.a); the section on trade/investment policy should include an action on integrating the protection of HRDs into bilateral and multilateral agreements, making explicit that space for independent civil society is a prerequisite for anti-corruption efforts, good governance, effective development or peace-building (point 24); the issue of consultation with relevant stakeholder groups exposed to major human rights risks within the human rights impact assessment procedures, where HRDs play a crucial role (point 27.a).

Moreover, our organisations would like to highlight several critical points that should be included in order to achieve a systematic and comprehensive approach to HRDs as stated in point 9.a:

- A coherent and concrete HRD strategy should be developed with the participation of civil society organisations, including a vision for short-term action by the EU as well as more nuanced tools for the mid and long-term cases.
- In order to ensure a more systematic follow-up to individual cases as provided in action 30.b, actions taken on human rights defenders' cases by the EU and member states at headquarters and in delegations should be tracked and documented through a centralised system of follow-up.
- This strategy must feature specific, targeted measures to respond to the detention of HRDs, including a commitment to develop a clear communication policy and to define explicit benchmarks and decision-making processes on how the EU will advocate strongly, effectively and consistently for the release of arbitrarily arrested or imprisoned HRDs. Similarly, in Action number 10 on "Addressing threats to NGO space", the EU and its member states must make a specific commitment to oppose unjustified criminalisation of HRDs through public and private messaging.
- The EU and member states should assist and support governments and promote participation of local civil society in developing and implementing public policies and mechanisms for the protection of HRDs; and/or in advocating for the amendment or abrogation of restrictive laws; and in the fight against impunity for human rights violations committed against HRDs
- In the new Action Plan and in its concrete strategy on HRDs, the EU and its member states should pledge to play a leading role on the international arena regarding HRDs and adopt a pro-active stance that goes beyond solely "continuing to support and cooperate with international mechanisms" and "enhancing support for multilateral initiatives on HRDs".
- A very strong message in this regard would be a commitment to dedicate an annual Foreign Affairs Council meeting to the discussion of EU and member state efforts to achieve the release of jailed HRDs, issuing conclusions on present and planned engagement on HRDs as well as mentioning the most prominent and emblematic cases faced throughout the year.

Finally, our organisations regret that no public assessment of the previous Action Plan has been carried out which we consider as a missed opportunity. Consequently, we would also like to point out that the Action Plan must include a detailed methodology and a strategy detailing objectives, responsibilities and timeframes. Such an approach will enable the EU and member states to better deliver on their commitments on HRDs in the EU Guidelines, the Council Conclusions of June 2014 and this new Action Plan. In addition, this will also allow for meaningful and effective monitoring and evaluation throughout the four years of implementation:

- A strategy with more precise objectives, action points, attribution of responsibilities, timeframes, benchmarks and indicators must be developed to define EU and member state work to protect and support HRDs. All efforts should be made to attribute specific

responsibilities to specific actors within the EU, to reinforce delivery on commitments, and to promote accountability, monitoring, evaluation and follow up of the EU Action Plan.

- The EU and member state strategy, along with annual or bi-annual working plans with specific and measurable actions, must be developed and shared with civil society organisations in order to ensure the complete fulfillment of the commitments included in the Action plan. A regular exchange with civil society and with HRDs on the progress of work under the Action plan (and related strategies / working plans) will be vital to ensuring transparency, accountability and relevance of EU and member state work with HRDs.
- Any monitoring and evaluation strategy for this Action plan should recognise the key role civil society organisations should play in such a process in order to ensure transparency and to promote the sharing of best practices among different EU and member state bodies involved in the implementation of the action plan.

We welcome your engagement to support human rights defenders worldwide and look forward to continuing our positive dialogue to ensure EU and member state action to promote and protect their vital work.

- Frontline Defenders
- International Federation for Human Rights (FIDH)
- Justice and Peace
- Peace Brigades International (PBI)
- Protection International
- World Organisation Against Torture (OMCT)