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HIGH REPRESENTATIVE
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**EU Action Plan on Human Rights and Democracy (2015-2019): Mid-Term Review
June 2017**

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Introduction

With space for civil society shrinking in many countries and complex humanitarian and political crises emerging, the European Union's global leadership on human rights is more relevant than ever.

2015 and 2016 have been challenging years, but also years in which the EU has set out a clear vision on democracy and human rights, focusing on real people and on concrete action. The Global Strategy on Foreign and Security Policy for the European Union of June 2016¹ presents an agenda for EU external action with human rights at its core; States and societies can only be resilient when democracy is strong and human rights are respected². The 2030 Agenda for Sustainable Development and the new European Consensus for Development³ introduced goals similarly relevant to the EU's human rights and democracy policy.

The EU Action Plan on Human Rights and Democracy (2015-2019)⁴ is a unique and ambitious tool to guide the EU's external policy on human rights and democracy. It is designed to continue implementing the EU Strategic Framework on Human Rights and Democracy of 2012. In line with the April 2015 Communication "Keeping human rights at the heart of the EU agenda," the Action Plan aims to ensure more focused action, coordinated use of instruments, and enhanced impact of policies and tools. It sets out 34 separate actions and almost 100 individual commitments which are divided into five strategic areas.

Through dialogues, diplomacy, and funding, the EU works to uphold the universality and indivisibility of human rights. The responsibility for carrying out the actions listed in the EU Action Plan resides with the High Representative/Vice President (HRVP), assisted by the European External Action Service (EEAS), and with the European Commission, the Council and the Member States, within their respective fields of competence, as defined by the Treaty on European Union. The EU Special Representative (EUSR) for Human Rights contributes to the implementation of the Action Plan, in accordance with his mandate.

Through high-level human rights visits and engagements, the EUSR for Human Rights places considerable emphasis on empowering human rights defenders and institutions locally, enlarging multilateral and regional coalitions on human rights, expanding civil society space and providing support to those persecuted for peaceful activities, and helping promote human rights checks and balances, including independent judiciaries, free and pluralistic media, parliaments and national human rights institutions. The EUSR also endeavours to strengthen coherence and effectiveness of the EU human rights policy by contributing to the integration of human rights considerations in all aspects of the EU external action. In 2015, the EEAS appointed a Principal Advisor on Gender and on the Implementation of UNSCR 1325 on Women, Peace and Security (PAG), thus further strengthening the EU's role in promoting gender mainstreaming across all policies and programmes.

¹ <https://europa.eu/globalstrategy/en/global-strategy-european-union>

² See also the Joint Communication 'A Strategic Approach to Resilience in the EU's external action', JOIN(2017) 21 final

³ New European Consensus on Development, doc. 9459/17, 19 May 2017.

⁴ JOIN(2015) 16 final; Council conclusions, doc. 10897/15

The European Commission manages the European Instrument for Democracy and Human Rights (EIDHR), a unique instrument promoting and supporting democracy and human rights worldwide. The EU's 140 Delegations and Offices worldwide along with Member States' embassies, also play an invaluable role in defending human rights and implementing the Action Plan. Finally, the EU also counts on the support of civil society, with its ability to give a voice to those who otherwise go unheard.

The July 2015 Council conclusions on the Action Plan⁵ provided for a mid-term review of its implementation in 2017. This review systematically examines the progress made on each of the 34 actions and reports on achievements.

This review is an opportunity both to recognise successes and challenges, and to identify how the EU can work better in this area. Overall, the review confirms that the EU has made good progress in implementing the Action Plan. The Action Plan complements recent policy developments – including the EU Global Strategy, the 2030 Agenda for Sustainable Development, and the Review of the European Neighbourhood Policy⁶ of November 2015 – and remains an effective tool to guide EU action on human rights and democracy until 2019. As implementation continues, it will be crucial to better communicate the EU human rights and democracy policy to citizens and partners through strong and effective public diplomacy.

I. Boosting ownership of local actors

Human rights and democracy policy can only be successful if it is based on strong support to, and co-operation with, local institutions and grass-roots organisations, in particular civil society, including social partners. The EU Global Strategy also pointed to the support democracy and good governance, which includes strong democratic institutions at national and local level, as key elements for fostering the resilience of states and societies and in turn empowering individuals and communities.

The Action Plan recognises the strong role played by **National Human Rights Institutions (NHRIs)** (*Action 1*). The EU has engaged with NHRIs from partner countries on the occasion of a number of Human Rights Dialogues in 2015 and 2016. Financial support is also being provided to NHRIs via specific institution building programmes, technical assistance, twinning schemes or in the framework of wider bilateral or regional programmes, especially in the case of enlargement and neighbourhood countries. An EIDHR action to support the capacity of NHRIs at national level and their coordination at regional and international levels began in November 2015. In addition, another EIDHR targeted action to support the European Network of National Human Rights Institutions (ENNHRI) and its member NHRIs in dealing with conflict and post-conflict situations in the wider European area will start in the second half of 2017.

The EU, a major global actor on electoral observation, has worked to enhance public confidence in **Election Management Bodies (EMBs)** and to build their capacities (*Action 2*). The EU's electoral assistance has been anchored in the electoral cycle approach, strengthening institutions and civil society organisations involved

⁵ Doc. 10897/15

⁶ JOIN(2015) 50 final

in elections. In the last three years, the EU has provided funding to electoral assistance projects worth over EUR 150 million in some thirty countries. Thirteen of these projects are focused on increasing the capacity of Electoral Management Bodies (EMB), while most of the rest include activities which support the electoral process. The EU has also supported participatory and inclusive dialogues between Electoral Commissions and stakeholders throughout the electoral cycle, as well as the access of citizen observers to all stages of the election process. Since 2015, the EU has deployed 17 Election Observation Missions (EOM) and 23 Election Expert Missions (EEM). Following the EOMs, the EU has issued concrete recommendations on topics such as improving the communication strategies of EMBs, promoting information-sharing and dialogue with key stakeholders, increasing the participation of political parties and civil society organisations, strengthening capacity and transparency, preventing electoral violence, and improving electoral frameworks. Women and persons belonging to marginalised groups can face particular difficulties in participating in the electoral process. During EOMs, the rights and opportunities for women and minorities to stand for elections and to vote are carefully assessed.

As regards **Parliamentary institutions** (*Action 3*) the EU provides financial and technical support, including through twinning, with the aim of building the capacity of parliamentary institutions. These programmes typically include exchanges between EU and third country parliaments, and between the latter and local civil society. Two major regional projects that have been implemented in partnership with the Council of Europe aim directly at developing the institutional capacities of parliamentary bodies and new legislative frameworks: the Eastern Partnership Programmatic Cooperation Network (2015-2020) and Towards Strengthened Democratic Governance in the Southern Mediterranean (2015-2017). The European Parliament has been offering assistance to parliaments of a number of partner countries, and has stepped up its engagement with parliaments in European Neighbourhood countries. This is illustrated by the "Ukraine Week" and the "Tunisia Week", which were organised in 2016 and 2017 respectively. In addition to its regular capacity-building activities, the European Parliament has developed a specific focus on using mediation to improve inter-party dialogue and consensus-building, thus assisting in addressing political deadlock and preventing breakdowns in dialogue between political parties.

The Action Plan also promotes a stronger focus on **targeted support to justice systems** worldwide (*Action 4*) to enhance their effectiveness, i.e. efficiency, quality and independence and increase compliance with, international human rights standards. Up to 20 dialogues with partner countries provided opportunities to take stock of developments, as well as to share experience and work towards further progress in the justice sector reform. The EU and its Member States have been particularly active in enlargement⁷ and neighbourhood countries through political dialogue and financial assistance. In enlargement countries, compliance with international obligations, access to justice and independence of the judiciary are systematically monitored as part of the "fundamentals first" strategy of the EU. The EU has undertaken a number of joint projects with the CoE: these include capacity-building activities for law enforcement agencies, and initiatives to enhance human rights protection in the Western Balkans and Turkey. In the Southern Mediterranean, a major regional initiative aims to develop a Euro-Mediterranean area of efficient and democratic justice respectful and protective of human rights by the strengthening of the rule of law and continuously progressing towards the alignment to international legal frameworks, principles

⁷ See Enlargement reports: https://ec.europa.eu/neighbourhood-enlargement/countries/package_en

and standards. Assistance instruments in this area strengthen internal and external accountability mechanisms and the participation of civil society, including social partners. Under EIDHR-funded projects, the EU has also regularly provided training to increase legal professionals' awareness of international human rights standards and obligations worldwide. Several Member States also run national financial schemes and projects strengthening democratic processes and institutions.

The EU provides significant **support to public institutions** (*Action 5*) to promote good governance and the rule of law and to fight corruption. In the current 2014-2020 Multiannual Financial Framework, the Commission has programmed actions in the governance sector in at least 69 countries around the world, with rule of law programmes planned or ongoing in 38 countries, and programmes with a clear security component in as many as 16 countries. EU-funded security sector reform programmes have focused on supporting national reform agendas; strengthening legal frameworks; and promoting the accountability, inclusiveness, transparency and openness of security actors. This latter component places a strong emphasis on civilian oversight mechanisms by reinforcing the role of relevant parliamentary bodies, civil society, including social partners and media. The EU has also worked to combat corruption. Anti-corruption is an essential part of the EU work in the enlargement region in terms of political dialogue, peer reviews and financial assistance, and one of the 2016-2017 priorities for EU cooperation with the CoE. Member States have actively supported various initiatives promoting the rule of law and good governance, including capacity-building activities and training programmes.

Despite the increasingly confrontational atmosphere and polarisation at both the United Nations Human Rights Council (HRC) and United Nations General Assembly (UNGA) Third Committee, the EU has kept a steady course and enhanced its **cooperation with the UN and regional mechanisms** which promote human rights and democracy (*Action 6*). The EU action in multilateral fora, in particular on presenting and supporting resolutions and other statements, has been closely and effectively coordinated with MS. Overall, the EU demonstrated leadership on resolutions drawing the attention of the international community to the most severe cases of human rights violations. This is also the case for key thematic resolutions on issues such as the rights of children, freedom of religion or belief, and the moratorium on the application of death penalty. Besides making annual financial contributions to the Office of the High Commissioner for Human Rights (OHCHR) under the EIDHR, the EU has increased its collaboration with the United Nations to support the implementation of Universal Periodic Review (UPR) recommendations. The EU has continued to work closely with the OHCHR and the UN, whilst offering advocacy support to the independence and work of the OHCHR and UN special procedures mandate holders. In 2017 funding from the EIDHR was provided to a targeted action to support the OHCHR in developing human rights indicators, benchmarks and disaggregated statistics in the framework of the Sustainable Development Goals (SDGs). In addition, a targeted action under the EIDHR was started in November 2016 with the aim of supporting the mandates of three UN Special Rapporteurs involved in fighting the shrinking democratic space for civil society organisations worldwide. The EU has collaborated with UN agencies to implement a range of projects: e.g. partnering with UN Women on women's rights in Egypt, with the United Nations Children's Fund (UNICEF) on the rights of the child in Serbia, and with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) on Palestinian refugees. Member States organised high-level UN side events and funded contributions and support to UN Special Rapporteurs. The EU has also an important cooperation with the International Labour Organisation (ILO) in the promotion of Fundamental

Principles and Rights at Work, globally and in individual countries. The EU speaks up with a single voice at the International Labour Conference and ILO Governing Body against violations of core labour standards and to support rights at work.

The EU has also continued close cooperation with regional organisations such as the *Council of Europe*. In 2017 the EU – Council of Europe Memorandum of Understanding celebrates its tenth anniversary. Since the signing of the Memorandum, the EU has contributed EUR 200 million to the work of the Council of Europe. The Programmatic Cooperation Framework (2015-2020) and the second phase of the South Programme (2015-2017) aim at strengthening democratisation in the Eastern Partnership countries and in the Southern Mediterranean region; and the Horizontal Facility for the Western Balkans and Turkey (2016-2019) supports tailor-made reform processes, especially in the field of fighting corruption, economic crime and organised crime. Cooperation with the *African Union* on human rights issues was further enhanced through a dedicated human rights dialogue, with selected civil society projects funded under the EIDHR in late 2015, addressing the work of the Special Rapporteurs on Freedom of Expression, Human Rights Defenders, and Rights of Women in Africa, and the Working Group on Death Penalty. To further a strong African Human Rights System, the EU signed a EUR 10 million programme with the African Union in spring 2016 under the Pan-African Programme (Development Cooperation Instrument - DCI) to facilitate the work of the African Court on Human and Peoples' Rights, the African Committee of Experts on the Rights and Welfare of the Child, and the African Commission on Human and Peoples' Rights. The programme will also support efforts by the Pan-African Parliament to encourage African Union Member States to ratify and implement African human rights instruments.

Promoting a strong **partnership with civil society, including social partners** in third countries is a long-standing EU objective, highlighted in *Action 7*. Civil society organisations (CSOs) have been actively consulted in the process of developing Democracy Action Plans in 2016-2017, including through the 'Supporting Democracy – A Citizens' Organisations Programme', which assisted in increasing the space for civil society in eight countries in 2016. Civil Society Roadmaps have been developed in more than 100 countries, and a number of these focus particularly on developing the capacities of and enabling space for CSOs. An increased role for civil society has also been a crucial part of the implementation of the revised European Neighbourhood Policy (ENP). At the Eastern Partnership Civil Society Forum in November 2016, a new fellowship programme was announced to promote leadership and professionalism amongst civil society activists. In this context, **Civil Society Organisations defending the rights of women and girls** were given special emphasis under *Action 8*. One lot under the 2016 EIDHR global call for proposals was dedicated to providing support to women Human Rights Defenders (HRDs) at risk, or to any HRDs working on women's and girls' rights. This support will help address specific challenges faced by these HRDs because of their work, such as gender-based violence, discrimination, harassment, or other forms of abuse, in both public and private spheres. Several Member States have also supported a broad range of projects strengthening the capacities of CSOs. The Instrument contributing to Stability and Peace also provide significant support to CSOs initiatives to prevent conflict and build peace in conflict affected contexts.

Since the launch of the Action Plan, **Human Rights Defenders (HRDs)** have been facing increasing pressure in many countries and have been in need of more support (*Action 9*). EU officials and diplomats from Member States have been active in meeting with HRDs and supporting them, as well as attending trials. In 2015 and 2016, the EU raised HRDs' cases in dialogues and consultations with over 50 countries. The EU

and its Member States have also provided continuous financial support to HRDs who need to be protected politically, legally or physically. At EU level in 2016 the EIDHR Emergency Fund supported more than 250 HRDs (and their families) who are at risk because of their daily work, which represented an increase of 30% compared to 2015. Moreover, the EU launched an EU mechanism for HRDs, "ProtectDefenders.eu". This includes developing an EU/EIDHR shelter programme which offers protection to HRDs at risk, allowing them to escape from a temporarily threatening situation while they continue their human rights work. Since October 2015, "ProtectDefenders.eu" has granted emergency support to 2500 endangered HRDs. In line with the Action Plan, the EIDHR has also focused on strengthening the capacities of local CSOs and HRDs working at grassroots level, including those working in difficult, remote or rural areas and with marginalised groups. Since late 2015, ProtectDefenders.eu has trained 1600 HRDs to strengthen their ability to respond to threats and challenges related to their work. Support to HRDs also is one of the priorities for EU cooperation with the CoE in 2016-2017. At multilateral level, the EU supported the HRD resolution at the UN General Assembly and the Human Rights Council in autumn 2015 and spring 2016. The EU also raises cases of murders, threats and discrimination of trade union leaders at the International Labour Organisation (ILO).

More broadly, **addressing threats to civil society space** (*Action 10*) has remained a key priority. The EU has opposed restrictions to freedom of peaceful assembly and associations, or to the work of civil society, in its human rights dialogues, via demarches and in bilateral contacts with third country authorities. Under the Technical Assistance to Civil Society Organisations programme covering the Western Balkans and Turkey, various working groups have been established which have helped develop a more fruitful platform for dialogue between CSOs and public institutions. CSOs are the main recipient of financial support from the EIDHR. A new EIDHR Human Rights Crises Facility was also established in the second half of 2015. The facility supports CSOs operating in some of the world's most difficult human rights contexts. The EU and its Member States have developed a joint action at multilateral level to promote a free civil society space.

II. Addressing Human Rights Challenges

In this chapter, the Action Plan identifies eight of the most pressing human rights issues to be addressed.

Among civil and political rights, as also outlined in the previous section, increasingly restrictive actions by many governments around the world have given rise to particular challenges in relation to **freedom of expression (FoE) online and offline** and **freedom of religion or belief (FoRB)** (*Actions 11 and 12*). In these areas, the Action Plan called for active, firm and consistent action to prevent and denounce violence, political pressures and persecutions, in line with the relevant EU Guidelines⁸, adopted in 2014 and 2013 respectively. In this context, the EU has continued its previous actions, including by issuing public statements and demarches, raising FoE and FoRB during human rights dialogues whenever relevant, and engaging actively on individual cases. The EU's action in multilateral fora was also consistent: it supported

⁸ <https://eeas.europa.eu/sites/eeas/files/142549.pdf>; <https://eeas.europa.eu/sites/eeas/files/137585.pdf>

HRC resolutions on the safety of journalists and the promotion, protection and enjoyment of human rights on the internet, as well as the UNGA resolution on "the right to privacy in the digital age". In March 2016, the EU presented a resolution extending the mandate of the Special Rapporteur on Freedom of Religion or Belief for three years. The EU also presented a resolution on FoRB at UNGA in December 2016, which, in addition to maintaining updates made in previous years, refers to the importance of a community-based preventive approach which involves a wide set of actors. As concerns the promotion of interreligious dialogue, which was a specific priority of the Action Plan, in May 2016 the President of the European Commission created the new position of Special Envoy for the promotion of freedom of religion or belief outside the EU, which strongly supports the achievement of this objective.

As regards financial co-operation, since 2015 approximately EUR 27 million worth of new projects directly targeting FoE and the media have been funded under the geographic instruments and thematic programmes. Furthermore, with a view to promoting inter-cultural dialogue and culture, a specific action was funded in 2016 under the Development Cooperation Instrument (DCI). FoE and media components are also increasingly integrated into larger programmes in the field of democratic governance. As FoE and right to privacy are key indicators of a country's readiness to join the EU, the EU has been particularly active in enlargement countries. It has also been active in the eastern and southern neighbourhood. In December 2016 a new EIDHR programme was launched with a specific focus on training EU Delegations and media actors in third countries on applying the Guidelines on freedom of expression. Additional funding was provided for FoRB-related projects under the EIDHR. Financial support to NGOs and FoE- and FoRB-related projects was also provided by many Member States at national level.

In line with *Action 13*, the EU has addressed the fight against **torture and ill-treatment and the death penalty** with a view to promoting a more comprehensive policy approach by addressing the links between the death penalty, torture, extrajudicial executions, enforced disappearances and arbitrary arrest and detention. Third countries were encouraged to ratify and implement the UN Convention against Torture (CAT) and its Optional Protocol, and to enhance the role of independent national prevention mechanisms and NHRIs. The EU and Member States have engaged with and promoted the role of regional monitoring mechanisms, such as the CoE's Committee for the Prevention of Torture (CPT). In addition, it is envisaged to update the Guidelines on torture and other cruel, inhuman or degrading treatment to provide comprehensive guidance and cover latest developments in the field. In the process of updating these new guidelines, the input from the EU-NGO Human Rights Forum held in December 2016, which was dedicated to the topic of torture and ill-treatment, will be considered.

Regarding death penalty, the EU Delegations and Member States' embassies engaged actively with third countries as well as with civil society and other actors to advocate abolition, and in the shorter term the introduction of moratoria. The EU Special Representative on Human Rights played an active role in this context, as well as in raising awareness of the need to fight all forms of torture. The Resolution on a UN moratorium on the use of the death penalty was adopted by the UN General Assembly in December 2016 with the support of 117 countries. In terms of financial support, under the 2015 EIDHR global call for proposals, six projects were selected to support CSOs active in the fight against death penalty worldwide. The projects cover a variety of countries and will contribute to training for the judiciary, public awareness-raising, improved monitoring, advocacy efforts and stimulating a broader dialogue on the death penalty including in relation to counterterrorism and the fight against drugs. Equally, the 2016 EIDHR global call for

proposals included a substantial lot dedicated to the fight against torture and ill-treatment and redress of its victims.

Promoting **gender equality and women's rights and empowerment and participation of women and girls** (*Action 14*) has been a strong priority for the EU and MS alike. At EU level, this was reflected in the Joint Staff Working Document establishing a new EU Gender Action plan (GAP II) for 2016-2020⁹ of September 2015. Council conclusions followed in October 2015¹⁰. The GAP II includes measures to respond to and prevent Sexual and Gender-Based Violence (SGBV), female genital mutilation (FGM) and child early and forced marriage; to promote the economic, social and cultural rights of women; and to increase women's participation in the private and public sphere. The first Annual report on the implementation of the GAP II is being prepared by the Commission. In September 2015, the Commission delivered the EU pledges to promote women's economic independence and to fight violence against women at the Global Leaders' Meeting on Gender Equality and Women's Empowerment. Since the adoption of the Action Plan, the EU has re-committed to the implementation of the Beijing Declaration and Platform for Action, as well as to Agenda 2030, in particular SDG 5, notably as regards the new European Consensus on Development. Moreover, the EEAS reaffirmed its commitment to defend women's rights by appointing a fully-dedicated advisor.

Combatting violence against women also has been a priority. On 11 May 2017 the Council adopted the decision on the signing by the EU of the Istanbul Convention on preventing and combatting violence against women and domestic violence. As regards financial co-operation, the EU provided funding to several development programmes in 2016 to end harmful practices, including child marriage, FGM or cutting, and gender-biased sex selection as well as a survey on violence against women in conflict-affected contexts in South Eastern Europe and eastern Neighbourhood. Moreover, several Member States financially supported programmes and NGOs promoting gender equality and empowerment and participation of women and girls. The EU has also ensured that all its humanitarian assistance systematically takes gender into account by using tools such as a Gender-Age Marker, which assesses to what extent EU-funded humanitarian actions integrate gender considerations. The EU further contributed to the ILO Tripartite Experts meeting on Violence against Women and Men in the World of Work in October 2016 and is preparing for the 2018 International Labour Conference on a standard setting on the same subject.

In *Action 15* on **children's rights**, the Action Plan puts special emphasis on the promotion of a systems-strengthening approach, focusing on the most marginalised children and those in situation of vulnerability. Accordingly, in March 2017, the EU adopted the revised EU Guidelines on the Promotion and Protection of the Rights of the Child¹¹, also fully taking into account the adoption of the 2030 Agenda in the process. In addition, these revised guidelines promote a rights-based approach to development cooperation and further mainstreaming of human rights as underlined in the new European Consensus on Development. On

⁹ SWD(2015) 182 final,

¹⁰ Council conclusions, doc. 13201/15

¹¹ Doc. 6846/17

12 April 2017 the Commission adopted a Communication on the protection of children in migration¹². The EU and its Member States have also promoted the rights of the child through bilateral and multilateral diplomacy. In the UN Third Committee, the EU led resolutions on the Rights of the Child, and promoted the ratification of the Optional Protocols to the UN Convention on the Rights of the Child (UNCRC). Likewise, the ratification and effective implementation of this Convention as well as of the relevant International Labour Organisation (ILO) Conventions on the abolition of child labour were raised systematically in human rights dialogues. In June 2016, the Council adopted Council Conclusions¹³ reaffirming its strong commitment to the eradication of child labour and in April 2017 adopted Council Conclusions on the Promotion and Protection of the Rights of the Child¹⁴ in follow up to the Council adoption of the revised guidelines. Significant funding was also allocated to this area: under the Development Cooperation Instrument, EUR 23 million was invested in 2016 to support UN agencies to carry out four targeted actions on children's rights: eliminating female genital mutilation, ending child early and forced marriage, birth registration and addressing gender biased sex selection. The European Union and its Member States have also stepped up efforts to address the root causes of irregular migration by reinforcing cooperation with partner countries of origin and mainstreaming child protection in the EU external policy and development support. The EU actively prepares for the IV Global Conference on Child Labour to take place in Argentina in November 2017.

The EU has also continued to systematically promote an environment of **non-discrimination** (*Action 16*), including racism, xenophobia and intolerance, through human rights dialogues and by carrying out targeted demarches whenever necessary. Ensuring that countries aspiring to EU membership uphold non-discrimination principles and protect vulnerable groups, including LGBTI persons, is at the heart of the enlargement process. In response to the Action Plan, the EEAS and the Commission services published a joint staff working document on indigenous peoples¹⁵, building on relevant UN documents and instruments. On *lesbian, gay, bisexual, transgender and intersex (LGBTI) issues*, the EU remained actively engaged in multilateral fora by gathering support for the UN resolution on discrimination on the basis of sexual orientation or gender identity (SOGI), which for the first time established an Independent Expert on this issue. EU Delegations around the world raised awareness of LGBTI rights on the International Day against Homophobia, Transphobia and Biphobia in a number of different ways, including by supporting Pride events, hosting conferences, releasing statements, organising film screenings, and raising the rainbow flag. As regards *age-based discrimination*, the EU contributed to the report of the UN Independent Expert on the enjoyment of all human rights by older persons on the implementation of Madrid Plan of Action. The EU showcased best practices and participated in the UN open-ended working group on ageing in July 2016. As regards financial co-operation, the EU financed two new projects – *Bridging the Gap I and II* – to support the OHCHR in developing Human Rights Indicators for the Convention on the *Rights of Persons with Disabilities* (CRPD), to which the EU is a party. In addition, the EIDHR global calls included lots dedicated to the rights of persons with disabilities, persons belonging to minorities and those affected by caste-based discrimination. The EU Toolkit on anti-discrimination remains a priority set out in the Action

¹² see section on migration

¹³ Doc. 10244/16

¹⁴ Doc. 7775/17

¹⁵ SWD(2016) 340 final

Plan to promote a comprehensive approach and raise awareness of discrimination and the normative tools available to fight it. The Commission continues its efforts to implement the UN Convention on the Rights of Persons with Disabilities (UNCRPD) including through the European Disability Strategy 2010-2020. A progress report has been published which inter alia contains how the recommendations to the EU by the UN Committee are being followed.

As provided for by the Action Plan (*Action 17*) the EU has increased its focus on **Economic, Social and Cultural Rights (ESCR)** in its policies and consistently mainstreamed ESCR by taking a rights-based approach in all development instruments and activities. The Communication "Towards an EU strategy for international cultural relations" stipulated that the EU external cooperation on culture is based on promoting cultural diversity and respect for human rights¹⁶. In addition, the EU has funded capacity-building activities to support partner governments in implementing International Labour Organisation (ILO) Conventions, improving national labour rights enforcement systems, national systems of social protection, and developing more refined statistical methods, indicators and research in the area of social protection. Furthermore, the Global Public Goods and Challenges (GPGC) programme of the DCI has provided support to partner countries in 2015 and 2016, with a focus on combatting child labour and forced labour; ensuring occupational health and safety; enhancing social protection globally and in contexts of fragility and forced migration; and supporting research on reducing economic and social inequalities in middle and low income countries. The EU is also an active part of global initiatives such as the Global Partnership for Universal Social Protection and the Social Protection Inter-agency Cooperation Board (SPIAC-B), including the humanitarian informal group.

As a response to the increased attention worldwide on violations of human rights derived from corporate behaviour, the Action Plan focuses more closely than in the past on **business and human rights** (*Action 18*). This topic is closely linked to a broad range of policy areas, including ESCRs. At policy level, Council Conclusions¹⁷ adopted in June 2016 called on all EU institutions and Member States to enhance their action. A number of sector-specific activities are being carried out at EU level on Corporate Social Responsibility (CSR), including on improving environmental and labour conditions and human rights in garment value chains. In 2016 Council conclusions were also adopted on "the EU and responsible value chains". A regulation establishing a due diligence system for the conflict minerals supply chain was adopted in May 2017¹⁸. In May the Council also adopted Conclusions on Sustainable Garment Value Chains¹⁹. The EU also played a determinant role in the adoption of a resolution and a programme of action on decent work in global supply chains at the International Labour Organisation (ILO). While the EU has not established an overall policy framework on business and human rights, the European Commission is committed to intensify its work on Responsible Business Conduct as per in its November 2016 Communication on a Sustainable European Future towards the implementation of the 2030 UN Sustainable development Agenda²⁰. Many Member States continued working on the preparation of their own National Action Plan (NAPs), bringing the total number of NAPs adopted to eight. In line with the Action Plan, the EU

¹⁶ JOIN/2016/029 final

¹⁷ Doc. 10254/16

¹⁸ Regulation EU 2017/821

¹⁹ Doc. 9381/17

²⁰ COM(2016) 739 final

has stepped up its engagement with partner countries and regional organisations in political and human rights dialogues, including for instance with Brazil in 2015. As a follow up, technical assistance under the Partnership Instrument has been made available in many cases to support the preparation of NAPs and/or to promote responsible business conduct, including in certain Latin American and Caribbean countries and the African Union. The EIDHR has also specifically targetted the implementation of the UN Guiding Principles (UNGPs) via a global call for proposals in 2016.

III. Ensuring a comprehensive Human Rights approach to conflicts and crises

In 2015 the EU recognised that addressing violations of human rights and international humanitarian law in crises and conflicts required renewed efforts, and made this issue a priority in the Action Plan. Since the Action Plan was adopted, conflicts and crises worldwide have given rise to grave violations and abuses of human rights. The year 2016 saw the highest number of forcibly displaced persons globally since World War Two, and the protection of civilians in conflict remained an acute concern. The EU has therefore worked to ensure greater coherence in the fields of human rights reporting, early warning and conflict analysis, and to mainstream human rights and gender equality considerations. The EU Global Strategy prioritizes an Integrated Approach to external conflicts and crises. This approach builds on the Comprehensive Approach but expands its scope and ambition. The Integrated Approach sees adherence to human and fundamental rights as crucial in assessing, preventing and resolving conflict.

To **move from early warning to preventive action** (*Action 19*), the EU has been strengthening the use of its Conflict Early Warning System (EWS)²¹ in order to identify long-term risks for violent conflict which may lead to human rights violations and vice versa. To ensure greater coherence in reporting and analysis, the EU has stepped up reporting and information-sharing with EU Delegations and Member States. The EU has continued to support the prevention of atrocity crimes, as set out in the 2016 EU Global Strategy and in line with its commitment to the principle of Responsibility to Protect (R2P). For example, there has been reinforced cooperation with the CoE on prevention of radicalisation, de-radicalisation methods, education on democratic citizenship and human rights. The EU is also supporting NHRIs in conflict and post-conflict situations through the EIDHR.

In order to better **address conflicts and crises at multilateral and regional level** (*Action 20*), the EU has worked closely with the UN Special Adviser on the Prevention of Genocide and the UN Special Adviser on the Responsibility to Protect. In line with the Action Plan, the EU has also worked to address the challenges faced by children in armed conflict, and to support the UN Special Representative (UN SRSG) for Children and Armed Conflict. For example, the EU has supported the "Children, not Soldiers" Campaign jointly initiated in 2014 by this UN SRSG and UNICEF. The campaign focuses on eight countries, all of which have now successfully signed Action Plans with the UN to end and prevent the recruitment and use of children. From 2017, the EU and UN will be focusing on the role of non-state actors and on ensuring the implementation of these Action Plans. Support has also been provided to the UN SRSG on Sexual Violence

²¹ The Staff Working Document "EU Conflict Early Warning System: Objectives, Process and Guidance for Implementation", SWD(2016) 3 final is also relevant in this context.

in Conflict, to the UN Team of Experts, and to UN actions to enhance international efforts against sexual violence in conflict. The EU has committed to develop a new annual reporting mechanism on the EU's efforts to end sexual violence in conflict. Moreover, EEAS representatives participated as observers in the November 2016 Conference on the fight of African armed forces against sexual violence in conflict, in Côte d'Ivoire, which agreed a set of common guidelines for relevant countries.

The EU has remained firm on the need to protect humanitarian workers and those they assist by acting as a strong advocate of **International Humanitarian Law (IHL)** (*Action 21*), in particular the Geneva conventions and their Additional Protocols. In 2016 the EU examined how to improve implementation of the 2010 EU Guidelines on the promotion of compliance with IHL²². The 32nd International Conference of the Red Cross and Red Crescent Movement in December 2015 gave the EU and Member States an opportunity to report on the implementation of the pledges made in 2011. However, this conference did not result in the establishment of an IHL compliance mechanism. The World Humanitarian Summit, which took place in Istanbul in May 2016, was also an important opportunity for the international community to re-commit to IHL. The EU made strong commitments and is working on their implementation. In addition, the EU held consultations to inform the development of a due diligence policy, which will help ensure that human rights and IHL considerations are incorporated into EU support to security forces. In response to evolving humanitarian situations, the EU actively supported the process leading to UN Security Council Resolution 2286 (2016) strongly condemning attacks against medical facilities and personnel in conflict situations, as well as its follow-up, including the recommendations by the UN Secretary General. Furthermore, the EU has continued to promote the ratification by all UN Member States of the 2014 Arms Trade Treaty (ATT), which aims at enhancing greater responsibility and transparency in the arms trade.²³ Finally, the EU has provided training on IHL, the EU Guidelines and IHL reporting obligations to equip EU Heads of Mission and other representatives to include IHL assessments in their reports. It has also promoted training and dissemination of IHL among duty-bearers in armed conflicts.

The EU has a long-standing involvement in **ending impunity, strengthening accountability and promoting and supporting transitional justice (TJ)** (*Action 22*). This includes in particular the EU's support to the International Criminal Court (ICC), which was further strengthened following the decision of the Republic of South Africa, Burundi and the Gambia to initiate their withdrawal from the Rome Statute in October 2016. The EU further extended its diplomatic outreach to these countries and welcomed the decision of the Gambia to rescind their withdrawal notification in February 2017. With this topic having gained a higher profile, the Global Strategy explicitly envisages promotion of international criminal law and the universality of the Rome Statute. In April 2017 these matters were discussed during the third EU-ICC Roundtable in The Hague. The EU provided political support to the Court in the UN Security Council and the HRC by financially supporting the ICC and allocating further funding to civil society actors in support of the ICC. The EU also took the landmark step in November 2015 when the Council adopted Council conclusions²⁴ and an EU policy framework on support to transitional justice, thus becoming the first

²² <https://eeas.europa.eu/sites/eeas/files/srv.pdf>

²³ On trade in other goods and human rights, see the text on Action 25 (p. 15).

²⁴ Doc. 13576/15

regional organisation to have such a policy. In September 2016, Belgium and the EU jointly organised a roundtable on fostering collaboration between the EU and African Union on transitional justice, while the Netherlands arranged a first donor meeting. In terms of funding, the 2016 EIDHR call contains a lot dedicated to impunity and transitional justice, and the Instrument Contributing to Stability and peace (IcSP) supports several transitional justice projects and processes in a number of countries.

In line with the Global Strategy, the EU has aimed to **mainstream human rights in all phases of Common Security and Defence Policy (CSDP) planning, review and conduct (Action 23)**. To develop sector-specific operational guidance for staff in CSDP missions as per the Action Plan, the EEAS has conducted a Baseline Study on integrating human rights and gender into CSDP, which analyses the current situation and establishes a set of indicators to measure progress. The outcomes of this study will now be used to strengthen the existing system. A new Code of Conduct and Discipline for all staff of civilian CSDP missions was endorsed by the Council in July 2016. The implementation process is ongoing, and the EU has made particular efforts to raise awareness in this area, such as through training sessions for human rights and gender advisors and focal points in CSDP missions and operations. The induction training for CSDP mission and operation staff now contains obligatory human rights and IHL components, and human rights and gender equality elements have also been increasingly integrated into CSDP courses organised by the European Security and Defence College (ESDC).

The EU has promoted the role of women in conflict prevention, mediation and peacebuilding. To strengthen its implementation of UNSC resolutions 1325, 1820 and follow-up resolutions, the EU presented new commitments at the High-Level Review of UNSC resolution 1325 in 2015, which focus on the participation of women, with additional emphasis on civilian protection. This translated into a revised set of indicators for assessing the implementation of EU obligations on women, peace and security. In 2016, the informal EU Task Force on women, peace and security began preparatory work for a comprehensive EU implementation report against this renewed set of progress indicators. The EU is also a key actor supporting the implementation of the women, peace and security agenda in conflict affected contexts, including through the IcSP.

IV. Fostering better coherence and consistency

During the development of the Action Plan, the EU recognised that it was crucial to address perceived incoherences in its approach to human rights issues, in the form of double standards or internal-external inconsistencies or contradictions. The Action Plan therefore aims to improve coherence in human rights and democracy policy, and to promote the integration of human rights considerations in all aspects of EU external action.

With significant increases in migratory flows towards the EU since 2015, safeguarding the human rights of **refugees, asylum seekers and irregular migrants (Action 24)** has become all the more important since the adoption of the Action Plan. The EU has upheld its commitment to mainstream human rights safeguards in all migration and mobility dialogues and co-operation frameworks with third countries. Human rights are a key element of each pillar of the European Agenda on Migration of May 2015²⁵, and of EU return policy

²⁵ COM(2015) 240 final

and EU Readmission Agreements with third countries. Likewise, under the ambitious Partnership Framework²⁶ approach adopted in June 2016, the EU has reinforced its cooperation with five priority countries – Mali, Nigeria, Niger, Senegal and Ethiopia – to better manage migration in full respect of human rights obligations. The Joint Communication on Migration on the Central Mediterranean route²⁷ of 25 January 2017 outlines a number of measures to strengthen the EU's work along this route, in particular with and around Libya, by continued engagement to save lives and protect human rights. At the political level the EU continues to engage with the Libyan authorities at all levels addressing the needs of migrants, aiming to ensure that conditions meet international human rights standards. Monitoring of conditions is of particular importance in this context. The EU is also supporting the International Organisation for Migration (IOM) and the UN High Commissioner for Refugees (UNHCR) with a view to extending their protection activities in Libya. At the International Labour Organisation (ILO), the EU is actively contributing to elaborate a standard setting on employment and decent work for peace, security and disaster resilience and has made a key input to the elaboration of Guiding principles on the access of refugees and other forcibly displaced persons to the labour market.

In 2016 the European Commission has proposed a series of legislative instruments which, when adopted, will thoroughly reform the Union's asylum system. This major overhaul of EU asylum law, including asylum procedures, standards for qualification as a beneficiary of international protection, standards of reception conditions, and a mechanism for determining a Member State responsible for processing an asylum application aims at creating, in line with human rights standards, a more efficient Common European Asylum System, adapted to changing circumstances, and facilitating a quick access to international protection for those in need of it.²⁸ The Commission also proposed a regulation establishing the Union Resettlement Framework²⁹, which aims to facilitate a common approach to safe and legal arrival in the EU for people in need of international protection. In terms of capacity-building, advisers on human rights, refugee law and gender have been appointed to the operational headquarters of the EU EUNAVFOR MED operation SOPHIA, and personnel receive training on human rights and international humanitarian law in close co-operation with international organisations, such as UNHCR and IOM. EUNAVFOR MED operation SOPHIA has recently invited OHCHR to enhance cooperation in practical ways in this regard.

The EU has been active in tackling human rights issues related to trafficking in human beings (THB) and smuggling of migrants, addressing this in human rights dialogues whenever relevant. The EU Anti-Trafficking Coordinator has consistently highlighted the gender-specific, human rights and security dimension of THB. Financial support has been offered to partner countries through the Global Action to combat THB and smuggling of migrants, launched in July 2015. Since 2015, a key priority has been implementing the EU Action Plan against migrant smuggling³⁰, which balances assistance to migrants with

²⁶ COM(2016) 385 final

²⁷ JOIN(2017) 4 final

²⁸ See Commission Proposals: COM(2016) 270; COM(2016) 271; COM(2016) 272; COM(2016) 465; COM(2016) 466; COM(2016) 467.

²⁹ COM(2016) 468.

³⁰ COM(2015) 285 final

repressive action against criminal networks. As part of its implementation, first EU cooperation platforms on migrant smuggling in third countries were successfully launched in Pakistan and Nigeria in 2016.

The EU has also supported partner countries to protect the rights of refugees and internally displaced persons (IDPs) through a new policy approach to forced displacement³¹, adopted in April 2016. The aim is to limit dependence on humanitarian assistance and increase self-reliance in existing displacement situations and to prevent forced displacement from becoming protracted.

In April 2017, the Commission published a Communication on the Protection of Children in Migration³² which includes a number of key actions and recommendations to EU Member States, including actions to address the root causes of migration through targeted policy interventions and support for child protection projects in the countries of origin. The EU has also worked to improve conditions for migrants in countries of origin and transit, such as by allocating EUR 120 million for 2015-2016 to regional education and protection programmes for Syrian refugee and host community children in Turkey, Lebanon, Jordan and Iraq. To improve detention conditions for migrants, the EU has supported the UNHCR 'Beyond Detention' campaign. As far as migrant children are concerned, the EU has stressed that their detention should be a measure of last resort, and provided funding to help UNHCR protect child migrants in detention centres.

Meanwhile, statelessness has been raised in human rights dialogues with countries such as Myanmar and the Dominican Republic. The EU is participating in meetings of the Group of Friends of UNHCR's Campaign to End Statelessness, and guidance and training on statelessness has been provided. To combat human rights abuses which act as push factors for migration in countries of origin, the EU Trust Fund for Africa, launched in November 2015, has helped strengthen the rule of law and foster good governance in third countries, and the ongoing building of bilateral partnerships with countries of origin will help further this work.

The EU cooperates with the ILO to promote fair recruitment and reduce the vulnerability of migrant workers to forced labour and other serious labour abuses. The EU promotes the ratification of the 2014 Protocol to the ILO Forced Labour Convention, 1930, and in 2016 contributed to the ILO elaboration of General principles and operational guidelines for fair recruitment. It has further prepared the EU contribution to the general discussion on labour migration of the 2017 International Labour Conference.

As regards **trade and investment policy** (*Action 25*), human and labour rights considerations have been consistently integrated in autonomous preferences, in EU export controls policy and in EU bilateral free trade agreements. The European Commission contributed through various negotiations and monitoring of the implementation of agreements in force to further promote fundamental labour rights, which are part of all recently concluded trade and investment agreements. Moreover, the Commission supported ILO-led research of the to complement an Assessment of Labour Provisions in Trade and Investment Arrangements. This research resulted in a comprehensive handbook for providing guidance for increasing the effectiveness of labour provisions in trade agreements. Research also showed that labour provisions in

³¹ COM(2016) 234 final

³² COM(2017) 211 final

trade agreements ease labour market access, particularly for women and narrow the gender wage gap. Moreover they contribute to responsible supply chains and responsible business.

In 2016, the Commission published the first biennial report on the GSP+ monitoring cycle³³, which demonstrated the impact of GSP+ in improving implementation of 27 core Conventions, including human and labour rights Conventions, strengthening domestic institutions, enhancing human rights and improving relations with and reporting to the UN and ILO. EIDHR funding has been allocated to empower civil society actors, including social partners, to monitor and ensure the implementation of the core human rights and labour conventions listed in the GSP Regulation. The EU has also taken action to manage the risks of human rights abuses associated with trade, in particular by reviewing the Regulation on trade in goods which could be used for capital punishment or torture³⁴. Substantial amendments to the Regulation, which were approved by the European Parliament and by the Council, entered into force in December 2016³⁵. An update of Council Regulation on Dual Use goods³⁶, aims to mitigate the potential risks of human rights violations associated with the uncontrolled export of Information and Communication Technology products.

As the EU and its Member States have responded to evolving terrorist threats since the adoption of the Action Plan in 2015, they have promoted an approach which puts human rights at the core of all programmes, legislation, policies and mechanisms on **counter-terrorism** (*Action 26*.) Human rights issues have been addressed in counter-terrorism dialogues with multiple parties – including India, Israel, Pakistan, Tunisia and also the UN – and third countries were called upon to integrate human rights considerations in counter-terrorism as well as moving from a confession-based to an evidence-based criminal justice system. As an example of how respect for human rights has been mainstreamed into broader EU counter-terrorism policy, the EU's digital single market strategy³⁷ underlines that the need for security and fighting against dissemination of illegal content should not entail limitations to human rights such as freedom of expression. Operational guidance has also been circulated to EU Delegations to equip them to incorporate a rights-based approach in the design and implementation of their counter-terrorism assistance projects to third countries, following up on the counter-terrorism guidance adopted by Member States in 2014.

Since the adoption of the Action Plan, the EU has been working to integrate a **rights-based approach (RBA)** to development cooperation (*Action 27*). January 2016 saw the launch of a dedicated support programme to the RBA, which has offered training and technical assistance on implementing the RBA to 9 EU Delegations. Member States, partner countries implementing the European Development Fund, and local CSOs are also able to benefit from this training. In late 2016, the Commission hosted a meeting with Member States and UN agencies to share experience on a rights-based approach to the implementation of the SDGs. This resulted in agreement to develop a more regular and substantive exchange on RBA methodology between the EU, Member States and the OHCHR. The new European Consensus on

³³ Under the 2014 Generalised Scheme of Preferences (GSP) Regulation, 14 countries were granted advantageous trade preferences (GSP+) on the condition that they ratify and effectively implement 27 international conventions, including core human and labour rights conventions.

³⁴ Council Regulation (EC) No 1236/2005

³⁵ Regulation (EU) 2016/2134 of the European Parliament and of the Council

³⁶ Council Regulation (EC) No 428/2009

³⁷ COM(2015) 192 final

Development makes the implementation of a rights-based approach to development co-operation an obligation for the EU and its Member States.

The EU has worked to strengthen the contribution of **Impact Assessments (IAs) and Sustainability Impact Assessments (SIAs)** to the respect of human rights (*Action 28*). In 2015, a special guidance tool³⁸ was developed for assessing human rights impacts in trade actions, and this guidance was utilised in all assessments conducted in 2016. The 2015 Commission Communication *Trade for All - New EU Trade and Investment Strategy*³⁹ also sets out actions to ensure that fundamental rights concerns are taken into account when designing trade agreements with third countries. There is also a dedicated guidance for assessing fundamental rights aspects of internal EU instrument. The EU Better Regulation Toolbox, an aid for conducting IAs and evaluations, contains a tool dedicated to Fundamental Rights & Human Rights which has consistently been used during IAs. In fact, 25 % of all IAs in 2016 contained fundamental and human rights considerations. The Regulatory Scrutiny Board, which reviews all IAs, commented on this aspect in 10 % of their opinions. This tool requires that IAs for initiatives with a potential effect on fundamental and human rights must address and assess this aspect. The analysis undertaken in IAs has also been linked closely to other human rights and democracy policy instruments.

V. A more effective EU human rights and democracy support policy

In the context of increasing challenges and limited resources, the Action Plan called for more effective use of and interplay between policies, tools and financing instruments, in order to increase their impact and better achieve the EU's overall policy objectives.

The EU pursues **Human Rights Dialogues** (*action 29*) with over 40 countries, and has conducted reviews to analyse their effectiveness. These have demonstrated an encouraging trend overall, with the dialogues gaining in legitimacy and exerting a more positive impact on third countries. Though it is often not possible to establish a direct link, there have been a number of examples of concrete developments in partner countries after issues were raised in dialogues. This includes ratification of international conventions; domestic legal, regulatory or policy initiatives such as the adoption of a National Human Rights Plan; the release from detention of persons of concern whose cases were raised during dialogues; and closer cooperation with civil society, including social partners, as well as regional and multilateral mechanisms. The dialogues systematically incorporate cooperation in multilateral and bilateral human rights fora, as well as the reports of the treaty monitoring bodies, the HRC Universal Periodic Review, HRC special procedures as well as findings from the ILO monitoring bodies. Internal guidance has been developed on incorporating the relevant topics into dialogues. The EU has also extended an open invitation to the Council of Europe to attend specific parts of some dialogues as appropriate. Nonetheless, the existence of a human rights dialogue does not prevent the EU from raising human rights and democracy matters in meetings with a third country at all levels including political dialogues, so that these issues are integral to the overall bilateral strategy.

³⁸ http://trade.ec.europa.eu/doclib/docs/2015/july/tradoc_153591.pdf

³⁹ http://trade.ec.europa.eu/doclib/docs/2015/october/tradoc_153846.pdf

As provided for in *Action 30* of the Action Plan, the **Human Rights and Democracy Country Strategies (HRDCS)** were fully updated for a second cycle from 2016-2020, and now incorporate a focused democracy analysis in addition to human rights elements. The HRDCSs are restricted documents which serve as point of reference for EU and Member State officials in day-to-day work, giving an accurate overview of the human rights and democracy situation in any given country. To assess the implementation of the Strategies, annual implementation reports were produced in 2015 and 2016.

The EU has worked to raise the profile of individual human rights issues and to promote the **implementation of EU Human Rights Guidelines**⁴⁰, a priority outlined under *Action 31* of the Action Plan. The Guidelines on the rights of the child⁴¹ have been reviewed since the adoption of the Action Plan, to optimise their relevance to current challenges. A communication plan was set up to better communicate the adoption of the Guidelines and a launch event was held in Geneva in March. The Guidelines on torture and other cruel, inhuman or degrading treatment or punishment⁴² are being reviewed. Human rights training weeks are held twice a year, equipping attendees to apply an up-to-date understanding of human rights issues to their work, and providing an opportunity to share best practice.

The Action Plan (*Action 32*) requires **the consolidation of best practices** for leveraging EU and Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODHIR) EOM recommendations in EU and EU Member States political dialogues and democracy support activities. In line with this objective the EEAS, in coordination with Commission services, has conducted structured internal discussions and consultations with EU Delegations, Member States' experts, international governmental and non-governmental organisations who have signed the Declaration of Principles for International Observation (DoP partners), European NGOs/CSOs and members of the European Parliament such as former Chief observers. The consultations have been useful to map out successful initiatives that have contributed to the promotion of the implementation of EOMs recommendations as an essential step towards enhancing the elections mission's impact, including political dialogues, programming instruments, and purpose-designed visits and missions such as the EU EOM Chief Observer's return visit and Election Follow up Missions (EFMs). Also, the EU continues its efforts to strengthen the long-term planning and integrated deployment of all aspects of EU and Member State support to the electoral cycle. The EU has explored innovative aid delivery mechanisms in this area, including through financial support to the activities of National Electoral Commissions in countries such as Ghana. The EU has also drawn on a wide range of reporting mechanisms to inform human rights and democracy policy; as an example, relevant EU and OSCE electoral observation mission recommendations provide valuable information to guide future electoral assistance programmes. The brochure "Beyond

⁴⁰ https://eeas.europa.eu/headquarters/headquarters-homepage/8441/human-rights-guidelines_en

⁴¹ https://eeas.europa.eu/sites/eeas/files/eu_guidelines_rights_of_child_0.pdf

⁴² https://eeas.europa.eu/sites/eeas/files/20120626_guidelines_en.pdf

Election day: Best practices for follow-up to EU Elections observation missions"⁴³ highlights best practices for leveraging EOM's recommendations in EU political dialogues and democracy support activities.

Overall, as demonstrated above and throughout this review, the EU has worked to ensure the effective **interplay between policies, tools and financing instruments** in promoting and protecting human rights, as set out in *Action 33*. To take one example of effective mainstreaming, human rights policy tools such as dialogues have increasingly been linked to relevant provisions in ILO Fundamental Conventions within GSP+ and Free Trade and Investment Agreements, specifically on labour rights. The EU has also continued to include human rights clauses in political framework agreements with third countries, as a legally binding shared commitment to human rights and democracy. This serves as a basis for the implementation of positive measures and for discussing human rights as a subject of common priority interest in dialogues.

The Action Plan also recognised the need to **improve public diplomacy and communication on human rights** (*Action 34*). In March 2016, the HR/VP launched the #EU4HumanRights campaign, which aims to improve the visibility of the EU's work on human rights and democracy, and to stimulate public debate on human rights issues. Public events such as conferences, seminars, exhibitions and a documentary film festival were organised by Member States in Brussels, Member State capitals and in third countries, whilst several events organised in Geneva marked the 10th anniversary of the HRC. In addition actions were taken with the aim of improving the visibility of key EU documents and actions on human rights and democracy. EU Delegations have also made a vital contribution to communicating EU priorities. As an example, Delegations made significant efforts every year to mark Human Rights Day with a variety of events, communications, op-eds and social media initiatives, thus raising the profile of EU human rights and democracy policy in their host countries.

Conclusion

Though the situation for human rights and democracy globally remains deeply worrying, this mid-term review has highlighted achievements in implementing the EU Action Plan since 2015, and demonstrates that human rights are a core concern of EU foreign policy.

Like its predecessor in 2012-2015, the Action Plan has proved its value as a policy and planning instrument: it has defined clear areas of focus, and provides flexibility to respond to new challenges as they arise. It is also aligned with new policies and strategies adopted since 2015. The 2015 review of the European Neighbourhood Policy reaffirms the EU commitment to effectively promote democracy, rule of law and human rights as important elements for long-term stability in the Neighbourhood. The areas covered by the Action Plan are also at the heart of the "fundamentals first" approach underlying the enlargement process. The Global Strategy calls for systematic mainstreaming of human rights and gender equality issues, which is a founding principle of the Action Plan. In turn, ongoing policy developments including the new European Consensus on Development and the Joint Communication "Towards a renewed impetus of the EU-Africa partnership" reflect the content and the spirit of the Action Plan. The Action Plan also

⁴³ The brochure was officially launched during the European Development days - 7 and 8 June 2017
https://eeas.europa.eu/sites/eeas/files/eom_brochure_2017.pdf

complements the 2030 Agenda for Sustainable Development: especially Goal 16 on peace, justice and strong institutions; Goal 5 on gender equality; and the fundamental aim to end inequalities and "to leave no one behind".

The April 2015 Joint Communication set out several **guiding principles** to underpin the Action Plan, which the EU has generally upheld well. EU human rights and democracy policy has increasingly been oriented towards empowering third country actors and regional bodies. The EU has continued to demonstrate leadership in multilateral fora, even in a confrontational and polarised context. EU instruments have also been increasingly well-aligned, especially in the case of human rights dialogues.

However, more work is needed to fulfil some of these guiding principles, especially strengthening internal-external coherence; improving communication; and enhancing the EU's capacity to measure and evaluate the human rights impacts of its actions. In this regard, an improved and more systematic monitoring of actions will need to be performed periodically. The Action Plan was intended to focus on priorities where additional political momentum and enhanced commitment are needed. In practice, it comprehensively addresses almost all aspects of EU human rights and democracy policy. The EU has ambitious long-term aims, but the Action Plan could be most effective if fewer actions and commitments were prioritised more selectively.

Overall, good progress has been made in implementing all five chapters of the Action Plan. As work continues until 2019, certain aspects will be given particular priority. This review has led to the following conclusions chapter by chapter.

The EU has made significant efforts on Chapter 1, **boosting ownership of local actors**. The EU operates the largest Human Rights Defenders support programme worldwide and has further expanded it since 2015. Financial co-operation has supported political parties and national parliaments. A strong engagement with local civil society, including via bilateral and multilateral diplomatic tools, financial tools, and public diplomacy, is key to address the shrinking space phenomenon.

Many actions under Chapter 2 on **addressing human rights challenges**, such as freedom of expression and freedom of religion or belief, are regular, recurrent and ongoing. Furthermore the EU upgraded several policies and adopted a more systematic and holistic approach. Work has started on developing an EU Toolkit on anti-discrimination, and on developing a more comprehensive approach to the death penalty and torture. The adoption of the revised Guidelines on children's rights was an important milestone. Continuing to discuss and evaluate the implementation of all other EU guidelines on human rights remains important to ensure their effective operationalisation and their continued relevance with evolving developments. Likewise, the EU will need to ensure that the GAP II⁴⁴ is effectively implemented. Finally, the EU could build more systematically on progress achieved on business and human rights; promoting National Action Plans

Work on a **comprehensive Human Rights approach to conflicts and crises** (Chapter 3) will remain a priority until 2019. Use of the Conflict Early Warning System (EWS) has been strengthened, with the EU looking

⁴⁴ EU Gender Action plan II: https://ec.europa.eu/europeaid/sites/devco/files/staff-working-document-gender-2016-2020-20150922_en.pdf

into further integrating human rights, including by identifying human rights violations as potential risk factors for conflict and by strengthening the links between actors working on these issues both inside the EU and with external partners. Improvements are also needed as regards the EU reporting mechanism on sexual violence in conflict. The Council conclusions on the new EU policy framework on Transitional Justice were a significant achievement, and the focus has now turned to implementation where further work is needed on mapping and evaluating the EU's action in this field. Enhancing IHL compliance at international level by developing a due diligence policy, to ensure that EU support to security forces is compliant with IHL and human rights standards remains a priority, as set out in the Action Plan. Developing sector-specific operational guidance on human rights and gender in CSDP missions is a priority.

The Action Plan is instrumental in **fostering a more coherent approach to mainstreaming human rights in all EU external action** (Chapter 4). Given the challenges of 2015 and 2016, the EU needs to continue to build on its efforts to protect the human rights of all migrants and refugees. Human rights violations acting as a push factor for migration and refugee movements will continue to be addressed through reinforced long-term EU partnerships with countries of origin and transit. The EU remains committed to incorporating human rights in its impact assessments (IAs) for legislative and non-legislative proposals, implementing measures, and trade policy initiatives that have significant economic, social and environmental impacts or define future policies. Meanwhile, the rights-based approach to development cooperation is being effectively implemented with the focus shifting to RBA training, expanding sector-specific guidance, and broadening the RBA to non-development-related external activities which the Action Plan commits the EU to exploring.

Much has been done to ensure **a more effective human rights and democracy support policy** (Chapter 5) through streamlining and coordination of EU instruments. The EU will continue to monitor continuously the implementation of its guidelines, also based on the input of civil society organisations, including social partners. More work is now needed on improving coherence in the application of the human rights clause in international agreements, and on strengthening democracy analysis and support. The EU met its objectives as regards the Country Strategies. Effective communication of the EU's human rights and democracy policy is in itself a tool of human rights promotion and protection. Therefore, public diplomacy and communication remain important. The EU will build on its #EU4HumanRights campaign, and will strive to improve communication both centrally and at country level on its significant work to promote human rights.

The EU will continue to implement the Action Plan until 2019.