Plan International’s recommendations on the draft EU Action Plan on Human Rights and Democracy 2015-2019
Overarching Recommendations

• We welcome a number of the principles that the EU will apply in implementing the Action Plan (AP), such as the need to combat discrimination and to improve capacity and consistency within the EU to implement such an agenda. However, if the actors in a given country (e.g. EU Delegation, Member States etc) are given some latitude to choose the areas they focus on – which is a possible interpretation of countries translating the action plan into country-specific priorities – then such principles must be retained in every country-specific plan. They must not become a nice-to-have. Clear guidance must also be given as to how to draw up such plans – for example as regards a minimum package of actions.

• The Action Plan would be greatly strengthened if specific results to be achieved were cited with the action areas, with clear indicators to measure progress towards those results, otherwise the EU will be hard-pressed to measure the success of the AP.

• The EU will need to balance carefully support to endogenous forces supporting human rights in a country with the potentially very negative consequences for them personally – the Middle East and the Arab revolution being a prime example – and be sure that it will support such forces adequately if the situation becomes unstable. The EU must carry out comprehensive risk assessments of support to Human Rights Defenders (HRDs) to ensure they are safe and protected – as the risk of violent backlash against HRDs could cause personal harm to individuals and communities who speak out, these risks must be addressed.

• It is questionable the degree to which ownership of local actors is the problem: rather it is likely to be repressive governments which refuse to engage on and respect human rights and act in such a way as to make other actors’ support of human rights difficult or dangerous. Therefore it could be more accurate to speak of commitment on the one side and capacity or ability on the other.
Chapter 1: Introduction to the EU as a development donor

Recommendations regarding children’s rights

<table>
<thead>
<tr>
<th>14. Upholding Children’s rights</th>
<th>a. Support partner countries’ efforts to promote, protect and fulfil children’s rights with a particular focus on strengthening child protection systems.</th>
<th>By 2017</th>
<th>EEAS, COM</th>
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<td></td>
<td>b. Support partner countries to promote, protect and fulfil children’s rights with a focus on fighting all forms of violence, fighting child labour and promoting survival and development, taking into account economic and social rights such as health and nutrition, education and training and social protection.</td>
<td>By 2017</td>
<td>EEAS, COM</td>
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<tr>
<th>19. Enhancing the capacity to address conflicts and crises at multilateral and regional level</th>
<th>a. Enhance co-operation with and support for the UN Special Adviser on the Prevention of Genocide and the UN Special Adviser on the Responsibility to Protect, as well as other international and regional actors engaged in preventive action.</th>
<th>Ongoing</th>
<th>EEAS, COM, MS</th>
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<tr>
<td>b. Support the work of the UN Special Representative for Children and Armed Conflict and notably support the signature, implementation and monitoring of Action Plans to respond to and further prevent grave violations against children affected by conflict, including by advocacy and programming activities.</td>
<td>Ongoing</td>
<td>EEAS, COM, MS</td>
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- We welcome the rights-based approach taken to the points on children’s rights and particularly the clear reference to strengthening the (local and national) child protection systems. However, given that clear reference in point 14(a), we query why the EU has included points related to child protection in the second point as well and would advise their removal. Violence against children and child labour are fully covered – and better dealt with – under point 14(a) than under a point relating to economic social and cultural rights. Furthermore, the EU has clearly tried to move away from an issues-based approach in point 14(a), which is thoroughly undermined by point 14(b)’s reference to two specific issues. Lastly, if countries are to determine the actions that they will prioritise, they will be in the best position, based on a country situation analysis and in consultation with local civil society, to decide which issues, if any, need particular focus in their context.

- Both actions should apply to EU member states as well.

- Point 19 on Children Affected by Armed Conflict should make reference to child protection systems. It is not clear why the only action in this area concerns supporting UN Action Plans.

Other recommendations

Please refer to Annex I (Draft table of the New Action Plan on Human Rights and Democracy 2015-2019: Extract of Key Points) for the full text of the points referred to below

- **Point 7(c):** Specific outreach efforts must be made to ensure that marginalised people’s interests are better incorporated in relations with governments etc.

- **Point 8:** Include girls in the text of the action and include non-discrimination: “Support women’s and girls’ rights organisations and [HRDs] ... defence of women’s and girls’ rights and their empowerment, and assist them to play …. to account on non-discrimination and gender equality issues such as gender-sensitive budgeting and gender-transformative policies.”

- **Point 10:** Would be preferable to refer to “Addressing threats to civil society space” rather than “Addressing
threats to NGOs’ space” as not all human rights organisations are NGOs.

- **Point 11:** Include freedom of speech for HRDs, CSOs and individuals in any capacity, including girls and women.

- **Point 12:** The most common form of discrimination is that based on gender, i.e. against girls and women. Given that they make up approximately half the world’s population, it is key that this is mainstreamed throughout the plan. It cannot be assumed that if it is not mentioned in certain actions, that it will implicitly be understood and acted upon.

- All references to the post-2015 agenda should describe it as a sustainable development framework since it goes far beyond traditional development topics (e.g. Points 13 and 26).

- **Point 13:** The AP shld make clear that the GAP II – unlike its predecessor – will cover girls as much as women. The AP should include more specific information here on how the EU will step up implementation of its obligations on CEDAW and other agreements. Whenever protection-related points are raised, such as Female Genital Mutliation and Child Early and Forced Marriage or sexual violence, reference should be made to strengthening the local and national protection system to prevent and respond to harm.
  - **Point 13(b):** change ‘consider’ to ‘Develop and implement’
  - **Point 13(c):** add girls when speaking of empowerment.

- **Point 16(b):** More detail is required on how efforts will be stepped up to protect HRDs and social partners.

- **Point 17:** We welcome the inclusion of Business and Human Rights but would urge the EU to go further and pursue a corporate social accountability agenda, rather than Corporate Social Responsibility. The EU should work to ensure that all companies respect human rights and the environment, reducing and reporting on social and environmental costs, pay the correct amount of taxes in the country of operation and collaborate to ensure sustainable supply chains.

- **Points 18(d) and 19(b):** While we welcome the reference to children affected by armed conflict in point 18(d) and 19(b), separating out this area undermines the systemic approach to child protection of point 14(a). A child protection systems approach offers a comprehensive and sustainable approach to the protection of children in all settings both development and emergency. This approach can be combined with work on issues of specific concern depending on the country context. In line with this recommendation, 18(d) should be incorporated into (and is already covered by) point 14(a).

**Contact**

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Plan International EU Office
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## Annex I

**Draft table of the new Action Plan on Human Rights and Democracy 2015-2019: Extract of key points**

<table>
<thead>
<tr>
<th>OBJECTIVE</th>
<th>ACTION</th>
<th>TIMELINE</th>
<th>RESPONSIBILITY</th>
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<tr>
<td>1. BOOSTING OWNERSHIP OF LOCAL ACTORS</td>
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<td>b) Invigorating civil society</td>
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<td>7. Promoting stronger partnership with third countries' Civil Society Organisations (CSO), including social partners and between authorities, parliaments and CSO</td>
<td>c. Improve the quality of consultations organised by the EU at local level, in particular with a view to taking into consideration the views of civil society, including social partners and citizens’ movements, when designing and implementing policies; encourage tripartite dialogues (authorities, CSOs and EU) as part of the EU Delegation’s (EU DELs) roadmaps.</td>
<td>By 2017</td>
<td>COM, EEAS, MS</td>
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<td>8. Empowering CSOs defending women and girls’ rights</td>
<td>Support women’s organisations and Human Rights Defenders (HRDs) in their call for and defence of women’s rights, and encourage them to play a stronger role in holding decision-makers to account on gender equality issues.</td>
<td>Ongoing</td>
<td>EEAS, COM, MS</td>
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<td>10. Addressing threats to NGOs’ space</td>
<td>a. Promote and support legislation, policies and mechanisms designed to protect HRDs; in particular, vigorously implement the relevant EU Guidelines and the EU HRD Mechanism launched under the EIDHR, including by specific awareness-raising and training for HQ and EU DEL staff (political and operational sections).</td>
<td>Ongoing</td>
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<td>b. Actively monitor the legal (e.g. laws and regulations) and enabling (e.g. arbitrary procedural, financial harassment or restrictions, in particular regarding foreign funding) environment for Civil Society including social partners and proactively identify and report on threats to civil society space, and to take steps to counter such threats.</td>
<td>Ongoing</td>
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<td>c. Oppose through public and private messaging unjustified restrictions to freedom of association and assembly, confinement of civil society’s space and attempts to hinder the work of civil society, including HRDs, ensuring these issues are regularly raised in bilateral meetings, HR dialogues, and UN fora such as the UN Human Rights Council.</td>
<td>Ongoing</td>
<td>EEAS, COM, MS</td>
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<tr>
<td>II. ADDRESSING KEY HUMAN RIGHTS CHALLENGES</td>
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<td>11. Promoting freedom of expression and privacy</td>
<td>a. Take active steps to prevent and respond to violence against journalists and other media actors, enabling them to work in safety and security, without fear of violence, political pressure, censorship and persecution.</td>
<td>Ongoing</td>
<td>EEAS, COM, MS</td>
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<td>b. Ensure that the respect for freedom of expression and media freedom is integrated in the development of policies and programmes relating to counter terrorism, cyber security, the fight against cybercrime, access to information and other EU policies in this regard, such as the legislative framework for audio-visual media services.</td>
<td>Ongoing</td>
<td>EEAS, COM, MS</td>
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<td>c. Ensure that the issues of privacy and data protection in a digital era and the impact of mass surveillance programmes are duly addressed at bilateral and multilateral (Council of Europe, UN, OSCE) levels.</td>
<td>Ongoing</td>
<td>EEAS, COM, MS</td>
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<td>b. Increase awareness and proactive handling by key staff of LGBTI issues in Headquarters, EU Delegations and MS Embassies.</td>
<td>Ongoing</td>
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<td>c. Consider a strengthened EU policy on Indigenous peoples in line with the UN Declaration on the Rights of Indigenous peoples and the outcome document of the 2014 World Conference on Indigenous Peoples.</td>
<td>By 2016</td>
<td>EEAS, COM, MS</td>
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<td>d. Ensure and promote equal access and enjoyment of HR by persons with disabilities in compliance with the UNCRPD to which the EU is a party through both mainstreaming disability concerns in HR actions and developing targeted actions to remove barriers to their equal participation; support and strengthen the functioning of the mechanisms to promote, protect and monitor the UNCRPD pursuant to its article 33.2 including their set up in partner countries; take necessary steps for the EU accession to the Optional Protocol to UNCRP; in line with the European Disability Strategy 2010-2020, continue to promote the rights of people with disabilities in EU external Action.</td>
<td>Ongoing</td>
<td>COM, EEAS, MS</td>
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<td>13. Promoting gender equality, empowerment and participation of women and girls</td>
<td>b. Consider an ambitious and robust new EU Action Plan on Gender Equality and Women's Empowerment in International Cooperation and Development 2016-20 (GAP II); through actions targeting (i) their Economic, Social, Cultural Rights and participation (ii) their Civil and Political rights and their exercise (iii) and through activities which help protect women's physical and psychological integrity, with special attention to ending Female Genital Mutilation (FGM), Child Early and Forced Marriage and Sexual Violence in Conflict.</td>
<td>By 2016</td>
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<td>c. Lead by example: strengthen gender equality and women’s empowerment within the EU and increase accountability, by ensuring coherence with the overall EU gender equality policy.</td>
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<td>EEAS, COM</td>
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<td>16. Fostering a comprehensive agenda to promote Economic, Social and Cultural Rights (ESCR)</td>
<td>b. Step up efforts to protect Human Rights Defenders including social partners, who are working to uphold Economic, Social and Cultural Rights, with a particular focus on issues related to land rights, labour rights, including those of indigenous peoples, in the context of inter alia 'land grabbing' and climate change.</td>
<td>Ongoing</td>
<td>EEAS, COM, MS</td>
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<td>17. Advancing on Business and Human Rights</td>
<td>a. Develop capacity and knowledge on the implementation of Business and Human Rights guidelines, in particular as regards the implementation of the UN Guiding Principles (UNGPs) and other tools/initiatives that contribute to the implementation of the UNGPs; strengthen the role and expertise of DELs in this context; raise awareness on the UNGPs and corporate social responsibility in external action and policy dialogue and proactively engage with business, civil society, National Human Rights Institutions, partner governments and regional organisations on issues related to business and human rights, as regards both civil and political rights and economic, cultural and social rights.</td>
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<tr>
<td>b. Develop and implement National Action Plans (NAPs) on the implementation of the UN Guiding principles.</td>
<td>By 2017</td>
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<td>III. ENSURING A COMPREHENSIVE HUMAN RIGHTS APPROACH TO CONFLICTS AND CRISSES</td>
<td>18. Moving from early-warning to preventive action</td>
<td>d. Support the establishment of prevention, response and (long-term) reintegration programmes for children affected by armed conflict in cooperation with local communities, affected children and parents (e.g. psycho-social support, socioeconomic reintegration, education and life-skills training as well as family tracing and reunification).</td>
<td>Ongoing</td>
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<td>19. Enhancing the capacity to address conflicts and crises at multilateral and regional level</td>
<td>b. Support the work of the UN Special Representative for Children and Armed Conflict and notably support the signature, implementation and monitoring of Action Plans to respond to and further prevent grave violations against children affected by conflict, including by advocacy and programming activities.</td>
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