

Council of the European Union

> Brussels, 13 June 2023 (OR. en)

10580/23

COHOM 129 CFSP/PESC 838 COSCE 9 FREMP 187 INF 149 JAI 849 RELEX 726 DEVGEN 114 CONUN 147

#### COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	9 June 2023
То:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2023) 210 final
Subject:	JOINT STAFF WORKING DOCUMENT on the Mid-term Review of the EU Action Plan on Human Rights and Democracy 2020-2024

Delegations will find attached document SWD(2023) 210 final.

Encl.: SWD(2023) 210 final



EUROPEAN COMMISSION HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY

Brussels, 9.6.2023 SWD(2023) 210 final

# JOINT STAFF WORKING DOCUMENT

on the Mid-term Review of the EU Action Plan on Human Rights and Democracy 2020-2024

# <u>Mid-Term Review of the Action Plan</u> on Human Rights and Democracy 2020-2024

#### **1. Introduction**

The EU Action Plan on Human Rights and Democracy 2020-2024 is the third Action Plan designed to continue the implementation of the EU Strategic Framework for Human Rights and Democracy of 2012. The Action Plan was adopted in November 2020 and implementation started immediately after. With this Action Plan, the EU renewed its commitment to advance its global leadership on human rights and democracy as a core element of its external relations.

Since the adoption of the Action Plan, the world has experienced unprecedented challenges, notably the COVID-19 pandemic, Russia's war of aggression against Ukraine, the persistent backsliding of human rights and democracy, an increase in autocracies and a series of successful or attempted unconstitutional changes of government. Civil society space has been shrinking and new technologies are increasingly pervading our lives, bringing new opportunities but also challenges for human rights and democracy. Environmental degradation and climate change exacerbated inequalities and contributed to increasing poverty.

As highlighted also by the 2022 Strategic Compass of the European Union, "our world is becoming less free with human rights, human security, and democratic values under attack – both at home and abroad". <sup>1</sup>These trends put at risk decades of societal achievements as well as internationally established norms, and call for the EU to redouble its efforts to uphold the universality and indivisibility of human rights, and to demonstrate that democracy delivers for individuals and societies. They have also shown that defending human rights and democracy is a collective responsibility, which needs effective, coherent and strong action at EU and international level. In 2023, the 75th anniversary of the Universal Declaration of Human Rights provides a sense of urgency to accelerate this joined-up action to uphold human rights and promote democracy across the world.

The EU High Representative Josep Borrell, the European External Action Service and its 145 EU Delegations around the world, the Commission and EU Member States coordinated their efforts to implement the Action Plan in partnership with civil society. The EU Special Representative for Human Rights (EUSR HR) had a key role in steering the implementation of the Action Plan, for which the EU mobilized its full range of instruments. A distinctive feature of the Action Plan is its integrated and holistic approach to human rights and democracy that are complementary and mutually reinforcing.

The 2020 Council Conclusions on the Action Plan<sup>2</sup> asked for a "*mid-term review of the implementation of the action plan involving Member States and civil society, and use the results as an input for the future action plan on human rights and democracy*" to be conducted by June 2023.

This mid-term review aims to recognise the progress achieved and to highlight how the EU has responded to new challenges that appeared since the adoption of the Action Plan.

<sup>&</sup>lt;sup>1</sup> https://www.eeas.europa.eu/sites/default/files/documents/strategic\_compass\_en3\_web.pdf

<sup>&</sup>lt;sup>2</sup> https://www.consilium.europa.eu/media/46838/st12848-en20.pdf

In doing so, the midterm review process involved extensive consultations with EU Delegations, Commission Services, EU Member States, the European Parliament, taking also note of its annual report on the situation of human rights and democracy in the world, as well as civil society and the United Nations. The review builds on the Annual Reports on Human Rights and Democracy in the world for 2020, 2021 and 2022, which gave a full account of the progress achieved in the implementation of the Action Plan.

# 2. Review of action plan

The Action plan was designed around the five lines of action:

- I. Protecting and empowering individuals;
- II. Building resilient, inclusive and democratic societies;
- III. Promoting a global system for human rights and democracy;
- IV. New technologies: harnessing opportunities and addressing challenges; and
- V. Delivering by working together.

These lines of action include 20 priorities and 133 action-items, which are closely interconnected across the Action Plan.

The Action Plan combined EU long-standing priorities, with increased emphasis on some specific topics and the inclusion of new elements. It reaffirmed the EU's commitment to deep-rooted priorities such as the abolition of the death penalty; the eradication of torture and ill-treatment; gender equality and women's and girls' empowerment; the elimination of any form of discrimination and of sexual and genderbased violence; the protection of human rights defenders and democracy actors; the protection of civilians in armed conflict and the mainstreaming of human rights and gender in conflict prevention and peace building; the rights of the child; the role and empowerment of children and youth in societies; media freedom and pluralism; election integrity; support to parliaments, political parties, justice systems, civil society and many others.

At the same time, the Action Plan puts increased emphasis on support to democracy, the rule of law and accountability, including anticorruption, and on economic, social and cultural rights (ESCR). For the first time in the current Action Plan a dedicated line of action is entirely focused on democracy (*"Building resilient, inclusive and democratic societies"*). This comes on top of numerous priorities and action items addressing democracy under other lines of action.

The Action Plan also featured some new elements. A line of action was devoted to the opportunities and challenges for human rights and democracy originating from new technologies. Countering the impact of environmental degradation and climate change, recognising business as human rights actors, tackling the impact of corruption on human rights and democracy, and protecting academic freedom were some of the other new elements of the Action Plan. The Action Plan also envisaged the setting up of a global sanctions regime for serious human rights violations and abuses. Strategic communication and public diplomacy featured not only as instruments of the EU human rights and democracy "tool box", but also for the first time as explicit priorities.

The 145 EU Delegations across the world continued to be on the frontline of the implementation of the Action Plan, together with EU Member State Embassies, and with the support of civil society and UN agencies on the ground. The EU Special Representative for Human Rights (EUSR HR) played a central political role in guiding the implementation of the Action Plan, contributing to the coherence,

effectiveness and visibility of the EU human rights action in the EU's external relations, as well as in ensuring compliance with International Humanitarian Law (IHL) and in closing the accountability gap.

Despite the COVID-19 pandemic, the implementation of the Action Plan started immediately after its adoption at end of 2020. In December 2020, the **Global Human Rights Sanctions Regime (GHRSR)** was adopted. Work on new **Human Rights & Democracy Country Strategies,** a key step in the implementation of the Action Plan, started immediately in coordination with Member States at country level, leading to the definition of 131 Country Strategies. In December 2021, the EU launched the **Global Europe Human Rights and Democracy Programme** for the period 2021-2027 worth EUR 1.5 billion, which mirrors the objectives and priorities of the Action Plan. The Human Rights-Based Approach methodology was updated in 2021<sup>3</sup>, strengthening the application of a human rights approach across all programmes under the NDICI-Global Europe instrument. Finally, the European Commission and the High Representative put forward in November 2020 the EU Gender Action Plan (2021-2025) (GAPIII)<sup>4</sup> to promote gender equality and women's empowerment through all external action of the EU.

A more detailed but non-exhaustive analysis of the progress achieved, for which the EU mobilised all instruments at its disposal and worked with EU Member States in a "Team Europe" spirit, is delivered under each of the five lines of action.

# I. Protecting and empowering of individuals

Centred on individuals and local actors, the first line of action is the broadest of the five, with a set of 55 action items under six complementary priorities where the integrated approach to human rights and democracy stands out very visibly.

The implementation of the Action Plan recorded significant progress in all areas of the first priority "**protecting people, eliminating inequalities, discrimination and exclusion**".

The EU continued to work on the **global abolition of the death penalty**, through human rights and political dialogues, in multilateral and regional fora and by mobilising political support. This led to more governments announcing a moratorium on or abolition of the death penalty. The EU also continued to use all its political and financial tools to **eradicate torture and cruel, inhuman or degrading treatment or punishment** globally, urging States to comply with their obligations under international law. It also continued supporting the work of the Global Alliance on Torture Free Trade. The launch of strategic partnerships with consortia of key international NGOs specialised on death penalty and torture will further leverage the capacity of civil society to engage on these topics.

**Support to Human Rights Defenders** (HRDs) has been among the most pursued priorities of the Action Plan. The EU redoubled its efforts by issuing statements and raising individual cases in its political and human rights dialogues, while the EUSR HR met with HRDs during his country visits and in Brussels. The EU provided EUR 35 million for the period 2015-2022 to the EU Mechanism 'ProtectDefenders.eu', and in 2022 it renewed its commitment to the mechanism with additional EUR 30 million for four and a half years. This allows reinforcing assistance in a more flexible and longer-

<sup>&</sup>lt;sup>3</sup> SWD 179 final. https://international-partnerships.ec.europa.eu/system/files/2021-07/swd-2021-human-right-based-approach\_en.pdf

<sup>&</sup>lt;sup>4</sup> https://ec.europa.eu/commission/presscorner/detail/en/IP\_20\_2184

term manner. Since 2015, the EU supported more than 58.000 HRDs at risk and their families. EU Delegations, through the network of human rights focal points, continued to be at the forefront of protecting defenders, responding to HRD's requests for emergency support. The mechanism adopted a gender sensitive approach and over half of its beneficiaries are women HRDs and HRDs belonging to minorities. Land, environmental and indigenous peoples' rights defenders form over 25% of those benefiting from assistance under the mechanism, reflecting the particular risks defenders in these areas are facing worldwide.

The EU continued to work intensively on tackling **multiple and intersecting forms of discrimination**. It enhanced its activity to address racism through the adoption of the EU Anti-Racism Action Plan 2020-2025, held **anti-racism** summits in 2021 and 2022 and appointed the first ever EU Anti-Racism Coordinator in May 2021. It also adopted Council Conclusions on combating racism and antisemitism in March 2022. The EU strategy on Combating Antisemitism and Fostering Jewish Life adopted in 2021 contributed to the EU's efforts to fight against antisemitism globally.

**Freedom of Religion and Belief (FORB)** featured in numerous human rights dialogues and has been a priority for the work of the EUSR HR. In December 2022, the Commission appointed a new Special Envoy for the promotion of FORB outside the EU, who coordinates his work with the EUSR HR. The EU presented resolutions on FORB for the Human Rights Council and the United Nation General Assembly (UNGA) Third Committee and supported the mandate of the UN Special Rapporteur on FORB.

The EU continued to uphold the **rights of persons belonging to national, ethnic, religious and linguistic minorities**, including in UN and regional fora, as well as within the EU.

**Promoting gender equality** was another key priority of the Action Plan. The EU mainstreamed gender equality and women's and girls' empowerment across its external policies, instruments and tools, and assumed an even higher profile at the international level, including in the yearly sessions of the UN Commission on the Status of Women. The **elimination of sexual and gender-based violence**, including in armed conflicts, featured high in the EU's external action, with the continuation of the EU funded (EUR 500 million) EU-UN Spotlight Initiative, along with the EU approach to **women, peace and security**, and through the EU's membership to the Call to Action on Protection from Gender-Based Violence in Emergencies. The EU Ambassador on Gender and Diversity played a key role in engraining the gender perspective in the EU's external actions. Gender equality and women's rights have also been consistently addressed throughout the EUSR HR's engagements, with particular focus on countries where the rights of women and girls are seriously challenged.

The EU continued to implement its Strategy to **Fight Child Sexual Abuse** (CSA) and worked with global partners, including through the EU supported WeProtect Global Alliance, to eradicate online CSA. As part of the Strategy, in 2022 the Commission proposed a regulation to prevent and combat CSA, which, once adopted, will bring about a significant, long-lasting positive change in the fight against CSA in the EU and globally.

The EU continued to step up actions to prevent, denounce and combat all forms of discrimination and harassment against LGBTI persons at bilateral, regional and multilateral level, raising this issue in dialogues, including with countries benefitting from the Generalised System of Preferences, and supported civil society to promote and protect these rights worldwide. Statements were issued on the "International Day against

Homophobia and Transphobia" (IDAHOT) every year and public events were organised across different regions. In this area, human rights defenders received special attention by the EU HRD ProtectDefenders.eu mechanism. Delivering on its commitment to building a union of equality, the Commission adopted in November 2020 the LGBTIQ Equality Strategy 2020-2025<sup>5</sup>, which includes a dedicated chapter on "Leading the call for LBGTIQ equality around the world".

The EU continued to strengthen **child protection** mechanisms around the world, notably to prevent, combat and respond to all forms of violence against children, including the elimination of child marriage, female genital mutilation, child trafficking, and child labour. In the UN Human Rights Council and the UNGA Third Committee, together with the Group of Latin American and Caribbean Countries (GRULAC), the EU sponsored resolutions on the realisation of **the rights of the child**, which were adopted by consensus. A special effort was devoted to actions regarding children and youth participation in EU decision making and on children in armed conflicts.

The Action plan on Integration and Inclusion 2021-2027<sup>6</sup> aims at developing a more inclusive European society for **migrants and people with migrant background** by supporting both migrants and the host societies to create the opportunities for the migrants' full economic, social, cultural, and political participation. Within the Skills and Talent package of April 2022, the Commission also proposed a recast of the Single Permit Directive<sup>7</sup>, which clarifies and strengthens the equal-treatment rights and protection of third-country workers against exploitation.

The implementation of the Action Plan priority "<u>empowering people</u>" delivered on all its action-items, namely on women & girls, children and youth participation, persons with disabilities and indigenous peoples.

Regarding **women and girls**, the EU enhanced its efforts on the role of women in peace processes, including on gender mainstreaming in post-conflict contexts. Women's economic empowerment and gender equal working conditions were the focus of EU action bilaterally and within the International Labour Organisation (ILO) and the World Trade Organization (WTO). The ratification and implementation of international conventions on women's rights and gender equality were part of the EU Generalised System of Preferences (GSP) monitoring work. The Commission has included a specific focus on women's rights in a new call for proposals to support global civil society umbrella organizations. More generally, progress is being achieved in ensuring that 85% of all new actions throughout EU external relations will contribute to gender equality and women's empowerment by 2025.

The EU stepped up its commitment to **empowering children and youth** through the adoption in 2021 of the EU Strategy on the Rights of the Child, which reaffirms the EU global commitment to protect, fulfil and respect the rights of the child in line with the Action Plan. With the adoption of the Youth Action Plan (YAP) in EU external action for the period 2022-2027, the EU commits to empower children and young people across the world and promote the effective engagement of young people and children as a right to sharing the collective responsibility to build more democratic, equal, peaceful societies.

<sup>&</sup>lt;sup>5</sup> https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combattingdiscrimination/lesbian-gay-bi-trans-and-intersex-equality/lgbtiq-equality-strategy-2020-2025\_en

<sup>&</sup>lt;sup>6</sup> https://home-affairs.ec.europa.eu/policies/migration-and-asylum/legal-migration-and-integration/integration/action-plan-integration-and-inclusion\_en

<sup>&</sup>lt;sup>7</sup> https://home-affairs.ec.europa.eu/proposal-directive-single-application-procedure-single-permit-thirdcountry-nationals-reside-work\_en

The EU continued to advocate for the global ratification and implementation of the UN Convention on the **Rights of Persons with Disabilities (UNCRPD)**, and promoted these rights in its dialogues, urging countries to safeguard the equality before the law of persons with disabilities, as well as their social inclusion and right to an independent life. As a State Party to the UNCRPD, the EU is progressing with its implementation through the adoption the **Strategy for the rights of persons with disabilities 2021-2030**<sup>8</sup>, and the initiatives therein, which includes a chapter on "Promoting the rights of persons with disabilities globally"<sup>9</sup>. The EU has increasingly taken a cross-cutting approach to disability across its cooperation programmes and has also stepped-up efforts to support crises-affected persons with disabilities. In addition, the EU continues to be actively involved in the UNCRPD Conference of State Parties and promote the implementation of disability rights. To that end, in June 2022 a side event was organised by the EU with participation of Regional organisations to discuss diverse policies and instruments.

Regarding **indigenous peoples**, the EU's commitment to protect their rights remained firm with relevant UN agencies and the ILO, and in bilateral relations, as well as in the efforts to protect indigenous environmental rights defenders. The EU continued to support the self-determination of indigenous peoples through the Indigenous Navigator project. The EU ProtectDefenders.eu mechanism supported defenders of indigenous peoples' rights through urgent protection and capacity building at local level.

The holistic approach to human rights and democracy guided the implementation of the priority "**promoting fundamental freedoms and strengthening civic and political space**".

Responding to the deterioration of the environment for civil society across the world, the EU stepped-up its support to **freedom of association and of peaceful assembly** and increased the flexibility of its funding for Civil Society Organizations (CSOs) at local level. Support was ensured to CSOs to detect early warning signs of shrinking civic space, such as legal, administrative and fiscal practices hostile to free and independent CSOs.

Like for civil society, the implementation of the Action Plan in the area of **freedom of expression and independent media** underpins once more the interconnection between human rights and democracy. Cases of journalists at risk were raised in political and human rights dialogues and during country visits of the EUSR HR. Political and financial support was mobilised for pluralistic media and independent journalism, embattled media workers and freedom of expression offline and online. Access to information, an open and free internet and fight internet shutdowns continued to be part of EU action at bilateral and multilateral level. Emergency support and funding were channelled through ProtectDefenders.eu and trusted partners like European Endowment for Democracy.

The EU reinforced its action on **academic freedom**, one of the new areas of this Action Plan. It supported academics at risk, promoted practices to tackle foreign interference in research and innovation, and continued its partnership with the Global Campus of Human Rights, upholding its role not only as an academic network, but also as a global community that promotes and defends human rights and democracy.

Through this Action Plan, the EU endeavoured to deliver on a comprehensive agenda for **economic, social and cultural rights (ESCR)**.

<sup>&</sup>lt;sup>8</sup> https://ec.europa.eu/social/main.jsp?catId=1484

<sup>&</sup>lt;sup>9</sup> Monitoring table of the Strategy: https://ec.europa.eu/social/main.jsp?catId=1552&langId=en

Substantial progress was achieved on human rights in relation to **environmental degradation and climate change and on the right to safe drinking water and sanitation**, including in connection with the realization of SDG 6 "Clean Water and Sanitation". The EU also actively engaged in the preparation of the recognition of the "right to a healthy and sustainable environment" through the Human Rights Council and the General Assembly<sup>10</sup> and the support for its implementation through the UN system and at national level. At multilateral level, the EU and Member States supported initiatives promoting economic, social and cultural rights, including digital education. The EU has also continued to invest 10% of its humanitarian aid budget in education in emergencies. In response to the crisis caused by Russia's war of aggression against Ukraine, the EU stepped up its work on **food security** at global level.

Labour rights have also been prominent in EU action, at multilateral and bilateral level, as part of trade policies, and in the context of human rights and labour rights dialogues. In February 2022, the Commission adopted a Communication on Decent Work Worldwide for a Global Just Transition and a Sustainable Recovery<sup>11</sup>, which sets out EU actions in promoting decent work worldwide. In June 2022, the ILO included a safe and healthy working environment as a fifth fundamental principle and right at work and elevated the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) to fundamental. The EU worked with the ILO and other international organizations in order to strengthen international labour standards and supervisory mechanism, promoting the ratification and implementation of ILO Conventions and Protocols.

Human rights including labour rights have also been in the focus of **EU trade policies**. The EU engaged in regular dialogues with partner countries as part of its continuous monitoring of the implementation of human rights, including labour rights commitments under the EU's GSP and Trade and Sustainable Development (TSD) chapters of trade agreements. The Commission's proposal for a new EU GSP regulation requires compliance with additional international human and labour rights conventions, and renders the exports of goods made by internationally prohibited child labour and forced labour a ground to possibly withdraw trade preferences. Additionally, with the adoption in June 2022 of the Communication entitled *"The power of trade partnerships: together for green and just economic growth"*, the EU undertook to strengthen the enforcement of labour-related commitments in free trade agreements. This includes the possibility of applying trade sanctions in serious instances of non-compliance with ILO fundamental principles and rights at work.

Russia's war of aggression against Ukraine generated a **forcible displacement and asylum** crisis that added to the longstanding migratory and refugee crises around the world. The Temporary Protection Directive of the EU was activated for the first time on 4 March 2022 after Russia's aggression and around 4 million registrations of temporary protection were recorded in the EU by February 2023. The Commission has also activated a number of initiatives to help Member States ensure access to education, healthcare, accommodation and employment for those arriving from Ukraine. In order to address the risks of trafficking in human beings for those fleeing the military aggression against Ukraine, a comprehensive **Common Anti-Trafficking Plan** was developed and implemented under the lead of the EU Anti-Trafficking Coordinator.

<sup>&</sup>lt;sup>10</sup> See resolutions of 8 October 2021 and 28 July 2022, respectively.

<sup>&</sup>lt;sup>11</sup> https://ec.europa.eu/commission/presscorner/detail/en/ip\_22\_1187

Under the Action Plan priority <u>"supporting the rule of law and the fair administration</u> <u>of justice</u>", child-friendly justice systems, detention conditions and treatment of persons deprived of liberty were key areas of work. In particular, Russia's war of aggression against Ukraine called for immediate action on its impact on the children deported and forcibly transferred from Ukraine to Russia. The High Representative welcomed the ICC decision to issue an arrest warrant against both the Russian President and the Children Ombudsman of Russia<sup>12</sup>.

The **rule of law** is also a key focus area regularly raised in political and human rights dialogues. Support to the rule of law and justice remained a priority for the EU bilateral and thematic support, with almost all countries setting democratic governance as a priority area and more than half of them identifying specifically rule of law. The rule of law is part of the Team Europe Democracy (TED) global initiative, which was key for the implementation of the line of action *"II. Building resilient, inclusive and democratic societies"*. An evaluation of the last ten years of external support to the Rule of Law and anti-corruption concluded that, despite the deteriorating environment around the world, the EU managed to advance the rule of law agenda. Recommendations included further mainstreaming of rule of law, deepening and systematising analysis, applying the "do no harm principle" and continued development of the Team Europe Approach.

The Action Plan has a strong focus on "closing the accountability gap, fighting impunity and supporting transitional justice". The EU raised these topics in dialogues with countries and regional organisations, stepped up its support to regional organizations, and launched a call for a Global Observatory on the Fight against Impunity, a flagship initiative with a EUR 20 million budget aiming at detecting and reporting serious human rights violations worldwide. The EU provided political and financial support to the International Criminal Court (ICC), including to the Office of the Prosecutor of the ICC, whose work was instrumental in the international response to Russia's war of aggression against Ukraine.

Immediately after the adoption of the Action Plan, in December 2020, the EU established the first **Global Human Rights Sanctions Regime (GHRSR)**, which allows for the targeting of individuals and entities responsible for, involved in or associated with serious human rights violations and abuses. The Regime has been activated several times in situations where serious human rights violations and abuses had been perpetrated, including in Russia, China, Democratic People's Republic of Korea (DPRK), Libya, South Sudan, Eritrea, Central African Republic (CAR) and Sudan, and by the Wagner group. On International Women's Day 2023, the EU adopted a package of sanctions targeting individuals and entities responsible for sexual and gender-based violence in Afghanistan, Russia, Iran, Syria, South Sudan and Myanmar/Burma.

Human Rights, Responsibility to Protect and Atrocity Prevention were also prioritised in the EU action. The EU assesses compliance with human rights and IHL in its analysis of countries at risk of or undergoing conflicts. The EU supports the work of the UN Secretary-General's Special Advisers on Genocide Prevention and on the "Responsibility to Protect" (R2P). As of 2023, the EU also supports the Global Centre for the R2P to build national civil society capacity, advises governments, UN and EU, and works on EU awareness and capacity in EU Delegations.

<sup>&</sup>lt;sup>12</sup> https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimirvladimirovich-putin-and

Presented in April 2021, the EU Strategy on Combatting **Trafficking in Human Beings** 2021-2025 covers prevention, protection of victims, prosecution and conviction of traffickers, as well as international cooperation. The proposed amendment of the Anti-trafficking Directive, once adopted, will strengthen the existing legislation and include an explicit reference to illegal adoption and forced marriages, as well as to the increasing online dimension of the crime. The amendments also foresee mandatory sanctions against legal persons and step up demand reduction by making it a mandatory criminal offence for people who knowingly use services provided by victims of trafficking.

#### II. Building resilient, inclusive and democratic societies

Amidst global democratic backsliding and to deliver on EU's commitment stated in the 2019 Council Conclusions on Democracy, the Action Plan included for the first time a dedicated line of action on democracy. This line of action comprises 4 priorities and 30 action-items that are closely interconnected with other priorities across the Action Plan. The EU is promoting a global and holistic approach to make democracies more resilient. Democracy is therefore present in all sections of the Action Plan either directly or through various human rights areas that are at the heart of a functioning democracy, such as the promotion of fundamental freedoms and the strengthening of civic and political space.

The EU endeavoured to better link its internal and external policies on democracy. The Action Plan on Human Rights and Democracy (external), and the European Democracy Action Plan (internal) complement each other reflecting the fact that domestic and foreign threats to democracy are closely interlinked. The EU also strove to build global alliances with those committed to democracy and played an active role in several multilateral fora such as the Elmau G7 Summit (2022) and the 'Summit for Democracy' convened by the US in December 2021 and March 2023.

In order to enhance coordination and foster democracy support, the first global **Team Europe Democracy (TED)** initiative was launched in 2021. This unprecedented innovative coordination mechanism between the EU and 14 Member States sets common objectives to increase its impact in line with the priorities set in the Action Plan in three key areas: accountability and rule of law; political and civic participation; media and digital.

The EU stepped up its efforts on "<u>enhancing democratic, accountable and</u> <u>transparent institutions</u>" through a range of actions, with particular focus on credible, inclusive and transparent electoral processes. Election observations and their followup remain key democratic priorities. Despite disruptions during the COVID-19 pandemic, the EU deployed 35 election missions (Election Observation Missions (EOM), Expert Missions (EEM) and Follow-up Missions (EFM)) in 2021 and 2022. Since 2020, the EU is also promoting citizens' election observation including through training and technical assistance to citizen observers networks. In order to tackle new challenges, the EU refined its electoral observation methodology to monitor the use of social media and digital technologies during electoral campaigns and processes, and to formulate recommendations on aligning policy frameworks in this area with relevant international and regional human rights standards. Follow up work to electoral missions has also been reinforced in order to strengthen democracy support in between elections and beyond technical assistance.

As a new element of the Action Plan, the **fight against corruption** is a priority for the EU, both internally and externally, following a holistic approach, with a view to addressing the links between corruption, democratic erosion and human rights violations.

This was further made clear in a Joint Communication on the fight against corruption<sup>13</sup> by the Commission and the High Representative, which was adopted on 3 May 2023. Support is provided to third countries, including in the context of justice reforms, to improve transparency, fight impunity, and strengthen anti-corruption institutions, investigative capacity and justice reform, as well as international judicial cooperation and civil society oversight.

Another priority of this line of action is the **promotion of responsive, inclusive, participatory and representative decision making**. The EU engaged with parliaments, which are key institutions of democracy, from every continent. The flagship project "INTER PARES, Parliaments in Partnership - EU Global Project to Strengthen the Capacity of Parliaments" supported 15 parliaments through capacity building and peerto-peer engagement with EU Member States' parliaments.

More than half of the world population is under 30 years of age; still, young people are vastly under-represented in political institutions. The EU is therefore committed to support the **inclusive participation of youth in political and decision-making processes** so that they make their voices heard and contribute to building stable and peaceful societies. The EU also declared 2022 the European Year of Youth, setting an example at global level of an initiative aiming to encourage youth participation in the construction of a better, greener, more inclusive and digital future. The Youth Action Plan (YAP) 2022-2027, mentioned also under the first line of action, and the Women and Youth in Democracy Initiative (WYDE) will support the engagement of young people and women in country-level decision-making, political processes and civic movements, promoting political pluralism and the inclusiveness of democratic processes. Moreover, Youth Focal Points were appointed in EU Delegations and Youth Sounding Boards are being set up in Headquarters and at country level.

The preservation of **independent and pluralistic media**, access to information and the fight against disinformation is vital for resilient and healthy democracies and for holding governments accountable. The EU support in this area exemplifies the Action Plan's integrated approach to human rights and democracy. Several projects were launched to support to journalists and independent media, while cases of journalists and media actors at risk were raised in human rights and political dialogues. Enhanced support to the European Endowment for Democracy (EED) contributed to safeguard democratic actors, including civil society, journalists, independent media and social media platforms in the Enlargement, Neighbourhood countries and beyond. The EED responded swiftly to the Russian war of aggression against Ukraine by setting up a rapid response mechanism to cover the urgent needs of Ukrainian partners where most grants went to media organisations.

In order to <u>reinforce a human rights participative approach to conflict prevention</u> <u>and crisis resolution</u>, the EU promoted compliance with international human rights and IHL for EU crisis management in headquarters and in the field, and in complementarity with the EU commitments on Women, Peace and Security, and Youth, Peace and Security.

The revised EU Disarmament, Demobilisation and Reintegration (DDR) policy<sup>14</sup> committed to the equal and meaningful participation of men, women, boys, and girls of different ages. A special emphasis is put on children affected by armed conflicts and on their demobilisation, long-term rehabilitation and reintegration, in coordination with

<sup>13</sup> https://commission.europa.eu/system/files/2023-05/Communication.pdf

<sup>&</sup>lt;sup>14</sup> https://ec.europa.eu/commission/presscorner/detail/en/IP\_21\_6922

existing UN mechanisms, including the UN Special Representative of the Secretary General (UNSRSG) for Children and Armed Conflict. The EU also strove to ensure the centrality of human rights and gender equality in all aspects of crisis response and conflict prevention, such as CSDP missions and operations, security sector reforms and mediation, with particular attention to the protection of civilians, gender equality and children and armed conflict. Moreover, the majority of civilian missions have human rights and gender advisors.

The EU is working to develop an **EU human rights due diligence policy** that aims to ensure that EU security sector support, including in the context of CSDP missions and operations, is in compliance with human rights law and international humanitarian law, where applicable. IHL modules are included in training third countries' armed forces through EU military training missions, with a focus on child protection where relevant. In addition, the Integrated Methodological Framework (IMF) of the European Peace Facility (EPF) provides the policy framework for assessing and identifying the required measures and controls for assistance measures under the EPF.

Finally, Horizon Europe, the EU 2021-2027 Framework Programme for Research & Innovation, includes for the first time an intervention area dedicated to democracy and governance. Projects, including with third country participation, cover areas such as anticorruption, the impact of inequalities (including gender inequality) on democracy, deliberative democracy and civic participation, the role of the media in democracies, the future of liberal and of representative democracy, global governance in a world in transition, as well as countering foreign interference and manipulation.

# **III.** Promoting a global system for human rights and democracy

This line of action places the promotion of a global system for human rights and democracy at the core of the EU's commitment to multilateralism, overarching and complementing the global dimension of the priorities and action-items featuring in the other lines of the Action Plan. It includes 29 action-items clustered under six priorities focusing on multilateral cooperation, regional partnerships, bilateral cooperation, civil society and national human rights institutions, business sector and compliance with international human rights and IHL.

Responding to the COVID-19 pandemic, Russia's war of aggression against Ukraine and other increasingly confrontational and unilateralist relations among major powers, the EU raised more forcefully its voice and mobilised internationally to uphold the universality, indivisibility and interdependence of human rights and democratic values. It stepped up **multilateral cooperation**, reaffirmed its unwavering support to the UN and pushed back on attempts to change the agreed international human rights framework suggesting that some human rights are more important than others.

The EU delivered on its commitment to continue **supporting the work of the Human Rights Council**, ensuring better links with the **UNGA Third Committee** and stronger synergies with other multilateral and regional human rights fora. The EU demonstrated leadership on resolutions on the most severe cases of human rights violations, including those caused by Russia's war of aggression against Ukraine and other country situations. The EU also led and supported key thematic resolutions on issues such as the Rights of the Child, Freedom of Religion or Belief, environmental degradation and climate change impact on human rights, and economic, social and cultural rights, as noted in other sections of this review.

In addition to continue supporting financially the Office of the High Commissioner for Human Rights (OHCHR), the EU has further enhanced its collaboration with the

OHCHR and launched in 2021 an annual strategic dialogue between the EU and OHCHR, led by the EUSR HR and the High Commissioner for Human Rights.

**<u>Regional partnerships</u>** were strengthened across continents, including with the Council of Europe, through the renewal of strategic cooperation priorities for 2022-2023, where human rights, democracy and the rule of law feature prominently. Cooperation with the Council focused on the consequences of Russia's war of aggression against Ukraine, a priority also in the EU's cooperation with the Organization for Security and Cooperation in Europe (OSCE). The EU continued to work with other regional organizations, such as the Organization of Islamic Cooperation (OIC), the African Union (AU) and ASEAN. The EU-LAC cooperation also gained new traction in 2023.

The pandemic did not halt <u>bilateral cooperation</u>. The EU renewed its Guidelines on human rights dialogues with third countries, which remained crucial to raise relevant topics included in the Action Plan as well as individual cases of HRDs at risk. The EU has in place 64 dialogues, including four new dialogues (with Kuwait, Saudi Arabia, Philippines and Oman) put in place since the adoption of the Action Plan and the resumed dialogues with Israel and China. CSOs are consulted before, and debriefed after the dialogues. The EU has discussed human rights and democracy issues with trading partners as part of its GSP+ and Everything-But-Arms (EBA) monitoring missions.

In addition to enhancing its support to civil society, the EU continued a regular overarching **dialogue with** <u>civil society</u> on the implementation of the Action Plan, as well as frequent civil society consultations and exchanges at country level via EU Delegations on the ground. The EU-NGO Forum focused in 2020 on the impact of new technologies, which was a new priority of the Action Plan, in 2021 on how to ensure a human-rights-based recovery from the pandemic and in 2022 on fighting impunity and building the road to accountability. The EU continued to support civil society involvement in the work of the UNGA, the Human Rights Council and other multilateral and regional fora, and cooperated with the Geneva-based Task Force on civil society.

Regarding independent <u>National Human Rights Institutions</u> (NHRIs), the EU continues to value their role as essential actors in promoting human rights worldwide. While more can be done to counter the effects of shrinking civic space on NHRIs, the EU provided political, operational and financial support to individual NHRIs. This aims to strengthen NHRIs' effectiveness as human rights defenders in accordance with the Paris Principles.

An important novelty of the Action Plan was the enhanced relevance of the **business** sector as a human rights actor. The EU stepped up its work to ensure that business operators active in the EU market respect human rights, with implications for their global value chains. The EU continued to actively promote and support the global implementation of the UN Guiding Principles on Business and Human Rights in UN fora and with partner countries.

Key new initiatives were undertaken since the adoption of the Action Plan. The proposal for a **directive on Corporate Sustainability Due Diligence (CSDD)**, once adopted, will have positive impacts in the EU and in third countries, by requiring companies to identify, prevent, mitigate, bring to an end and account for negative human rights and environmental impacts in their own operations, those of their subsidiaries and their value chains, and promoting international standards in these areas. The Commission proposal for a **forced labour ban regulation** aims at prohibiting the placing of all products made with forced labour on the EU market, including imported goods and goods made in the EU for domestic consumption or export. Furthermore, the forthcoming Regulation on

deforestation-free supply chains<sup>15</sup> contains human rights related elements in its due diligence obligations. These proposals are examples of policy coherence between the internal and external dimension of EU policies, including on internal market, trade, labour and human rights. A **Team Europe Initiative on sustainability in global value chains** has been set up with a view of enhancing coordination and coherence of ongoing and planned accompanying measures.

The EU also continued to participate actively in UN work on business and human rights, including discussions on an **international legally binding instrument** with the aim to enhance the protection of victims of business-related human rights violations and abuses while creating a global level playing field for businesses.

The EU continued to support multi-stakeholder processes, such as the Global Deal Initiative, to develop, implement and strengthen international labour standards in relation to human rights, sustainable supply chains and due diligence. The EU engages in giving effect to the ILO's Multinational Enterprises (MNE) Declaration that provides direct guidance to enterprises on achieving decent work in supply chains.

The EU continued to **promote the respect for IHL** in line with the EU Guidelines on promoting compliance with IHL. The implementation of the Guidelines is presented in annual reports and in 2021 and 2022 events were organised to launch the reports at the international level. In line with the Communication on "the EU's humanitarian action: new challenges, same principles" adopted in 2021<sup>16</sup>, the EU organised in March 2022 and 2023 its first and second European Humanitarian Forum, which gathered Member States, donors and partners with the aim to foster innovative thinking at high and technical level. The EU continued to support the work of the UN and other actors in promoting accountability for IHL violations, including sexual and gender-based violence. The EU advocated for the full implementation of the UN Security Council Resolution 2471 on the need to break the vicious cycle between conflicts and food security.

#### IV. New technologies: harnessing opportunities and addressing challenges

The Action Plan included a specific line of action on the dual impact of new technologies in terms of opportunities and challenges for human rights and democracy. The EU continued to take a strong stance in favour of regulating the digital sphere to ensure that human rights and democratic principles and values are respected both off-line and online. Regarding the right to personal data protection and privacy, the EU promoted convergence towards a high level of protection and strengthened its digital diplomacy at multilateral and bilateral level in close collaboration with its Member States and likeminded partners. The Action Plan on Human Rights and Democracy (external), and the European Democracy Action Plan (internal) were drafted in synergy and reinforce each other including concerning the use of new technologies and their impact on human rights and democracy.

Within the Team Europe Democracy (TED) global initiative, digital impact is one of the focus areas for the cooperation between EU and EU MS. Efforts have also been made to enhance the knowledge in EU Delegations on human rights, democracy and digitalisation through handbooks and trainings, which allowed some Delegations to develop country specific actions in this field. The Digital Democracy Initiative launched in March 2023

<sup>&</sup>lt;sup>15</sup> https://ec.europa.eu/commission/presscorner/detail/en/IP\_22\_7444

<sup>&</sup>lt;sup>16</sup> https://ec.europa.eu/echo/files/aid/hacommunication2021.pdf

will support civil society efforts to harness technology for democracy and step-up protection from digital threats.

The EU Digital Service Act, which entered into force in 2022, is an emblematic example of ensuring coherence between internal and external policies and among different areas of the EU's external policies. The EU continued to counter disinformation and in June 2022 industry and civil society delivered a strengthened Code of Practice on Disinformation. The Artificial Intelligence Act (AI Act), a proposal for a legislative framework for artificial intelligence, presented in 2021, aims at strengthening the EU's role as a rule-setter and promoter of trustworthy, human-centric AI and in the development of AI-related international initiatives and cooperation frameworks. The EU Regulation on addressing the dissemination of terrorist content online became applicable on 7 June 2022.

In December 2022, the EU adopted the European **Declaration on Digital Rights and Principles for the Digital Decade** that aims to promote a human-centric, secure and sustainable digital transformation, reaffirming the universality of human rights, and benefiting all individuals, businesses, and society. The Declaration outlines Europe's vision for the digital transformation putting people and their rights at its centre and presents concrete commitments by the EU Institutions and Member States on how human rights should be applied online. The EU promotes this vision with its international partners including by contributing to the Global Digital Compact, as a roadmap for a human-centric global digital transformation.

The Declaration for the Future of the Internet (DFI), launched in April 2022 and signed by 70 international partners to date, sets out the vision of a trusted, open, free, global, interoperable, reliable and secure Internet. Committed to the protection of human rights online, the partners of the DFI intend to promote the DFI principles within multilateral and multi-stakeholder fora and to translate them into concrete policies and actions. The DFI is closely linked to the EU Declaration on Digital Principles and Rights and the recent EC regulatory proposals.

In its human rights and political dialogues, the EU raised cases of online censorship and arbitrary surveillance targeting in particular HRDs and journalists, as well as internet shutdowns, where the EU joined forces with the OHCHR in a global campaign on internet shutdowns. The EU ProtectDefenders.eu mechanism stepped up its support to HRDs and journalists attacked online, through emergency support and capacity building on digital security and risk assessment. Training on digital issues was stepped up also for staff in EU Delegations and headquarters. This is an area where EU's activity has increased significantly over the past years and where in the future efforts must continue focusing on preventive measures (early warning signals) and post emergency situations.

In June 2022, the **Council Conclusions on EU Digital Diplomacy** affirmed that one of the key objectives of the EU Digital Diplomacy is to actively promote universal human rights, the rule of law and democratic principles in the digital space and advance a human-centric and human rights-based approach to digital technologies in relevant multilateral fora and other platforms. In line with the Communication on the Global Approach to research and innovation<sup>17</sup> and the Council Conclusions on Principles and

<sup>&</sup>lt;sup>17</sup> https://ec.europa.eu/commission/presscorner/detail/en/ip\_21\_2465

Values for international cooperation in research and innovation, on 8 July 2022 the Commission launched a multilateral dialogue with partner countries and international organisations on values and principles for international cooperation in research and innovation.

# V. Delivering by working together

While **public diplomacy and strategic communications** have always featured as instruments in previous Action Plans, the 2020-2024 Action Plan includes them for the first time also as an explicit priority, insisting on the importance of an innovative and collaborative approach with Member States globally and in countries, in partnership with civil society. It emphasises the role of social media to amplify the voice of the EU, raise awareness and drive progress in the area of human rights and democracy.

Since the adoption of the Action Plan, amidst contested narratives and intense global debate on international law, including international human rights and IHL, the EU has redoubled its communication efforts to mobilise support for the global defence of human rights and democracy. In practical terms, the EU produced more communication material than ever before, intensifying its presence in **social media** and launching a multitude of campaigns. Together with Member States, projects and CSDP missions, EU Delegations delivered demarches, organised campaigns and highlighted success stories of EU action to promote human rights and democracy. While a lot has been done, these efforts to raise better awareness on the EU external action on human rights and democracy need to continue, as there is considerable untapped potential to deliver communication and public diplomacy actions closer together, also by joining up with civil society.

Overall, this mid-term review confirmed that effective implementation of the Action Plan will continue to require a more joined-up approach, ensuring greater coherence and impact of EU engagement at all levels and across policy areas. The Team Europe Democracy initiative brings a substantial improvement in this regard and has the potential to further enhance this approach.

Within the framework set by the Action Plan, backed by financial and political resources, the EU Delegations worked with Member States to define, implement and report on concrete priorities in their countries of operation. Pooling political capital and financial resources has already proven effective for reaching shared objectives. Going forward, this approach provides further opportunities to step up EU action and enhance EU presence, as well as visibility of the positive impact of human rights and democracy in times of multiple crises and competing priorities.

# 3. Conclusion and way forward

Since the adoption of the Action Plan, the world has seen unprecedented challenges for international human rights and IHL, democracy and multilateralism. The midterm review confirmed that the Action Plan is a crucial roadmap to deliver on the EU's commitment to defend the universality, indivisibility and interdependence of human rights and to promote democratic values.

The extensive consultations carried out during the midterm review confirmed that the Action Plan has proven to be a valid and flexible policy planning and guiding tool to respond to multiple challenges and new situations as they arose, helping to mobilise the

EU's political and financial instruments, and to coordinate with Member States at global and country level.

While the review process confirmed substantive progress in the implementation of the Action Plan so far, the consultations also gathered recommendations for the remainder of the Action Plan implementation period at political, thematic and operational level, taking into account the different regional and country contexts.

At **political and policy level**, one clear strength of the Action Plan has been its **holistic and integrated approach to human rights and democracy**, which enhanced the complementarity among different components of the Action Plan. The EU should continue to build on this approach for the remainder of the Action Plan implementation, continuously maximising synergies and complementarity among human rights and democracy at local, national and global level.

The review underscored the importance of **policy coherence** between external and internal policies on human rights and democracy. While several positive examples have been illustrated in this review, the EU should continue to step up its efforts to ensure coherence not only at thematic level, but also geographically in its relations and partnerships with different regions of the world, taking into account the different policy approaches and methodologies followed with Enlargement countries.

It will be crucial to communicate more and better the steps taken to implement the Action Plan. As mentioned under the fifth line of action, the EU should further **enhance its public diplomacy and communication** to show the positive impact of human rights and democracy, capitalising on the growing role of social media in today's world, and joining forces with Member States, the UN, other international organizations, likeminded partners, youth and civil society. In a growingly polarised international environment, while the EU has a duty to continue to denounce forcefully all violations of human rights and democracies, it will also need to continue to lead by example by fulfilling its own obligations and by promoting a positive narrative on and around human rights and democracy, tailoring messages to the different audiences.

For the remainder of this Action Plan, the opportunity of multiple and significant human rights anniversaries in 2023 should be harnessed to its full potential. As mentioned at the outset, 2023 is the 75<sup>th</sup> anniversary of the Universal Declaration of Human Rights. It is also the 30<sup>th</sup> anniversary of the Vienna Declaration and Programme of Action, the 25<sup>th</sup> anniversary of the UN Declaration on Human Rights Defenders and the Rome Statute and the 10<sup>th</sup> anniversary of setting up the European Endowment for Democracy. EU communication efforts in this regard have intensified, including with OHCHR, with the aim of reclaiming the narrative on the universality and indivisibility of human rights. In line with this, consideration should be given on how to better utilise the EUSR's Good Human Rights Stories initiative, in order to mobilise a more positive narrative on human rights.

For the remainder of the Action Plan, to enhance efforts on "Delivering by working together", the EUSR is exploring ways of harnessing a more joined up approach to maximise impact through a targeted campaign. This could build on the Team Europe approach, in partnership with civil society, and focus on a specific human rights issue.

The breadth and depth of the Action Plan at **thematic level** was an important feature that provided for flexibility increasing capacity of action and reaction at global and local

level. Based on the implementation progress so far, and taking into account the global democratic and human rights trends, the review suggests keeping focus on some key priorities, all of which feature a close interconnection between human rights and democracy. These include support for HRDs, journalists, independent media and democracy actors, including in conflicts and post-conflict situations, as well as those in exile; digital and human rights and democracy; anti-corruption; fighting impunity and ensuring accountability; and support to civil society.

The EU will continue its engagement on economic, social and cultural rights; fundamental labour rights, including on the newly recognised fundamental right to a safe and healthy work environment; business and human rights; environment, climate and human rights. In bilateral engagements, more focus needs to be put on ESCRs, particularly regarding poverty, climate change, environmental degradation, education, health, social security, social inclusion, work, water and sanitation and basic infrastructure. This needs to be integrated into efforts to assert a more positive narrative on human rights.

The business and human rights agenda needs to be stepped up on the basis of the Commission's proposals for a directive on Corporate Sustainability Due Diligence and for a regulation to prohibit products made with forced labour on the EU market, as well as preparatory work for an EU Framework for the implementation of the UN Guiding Principles on Business and Human Rights. The EU is rightly seen as a leader in this area and consideration needs to be given for the remainder of this Plan on how to continue promoting business and human rights standards and initiatives, and ensure their effective early implementation in the EU and in third countries.

As the EU continues to be seen and perceived in most parts of the world as a **key international actor in conflict prevention and peacebuilding,** it should continue to give particular importance to the specific challenges related to human rights and gender equality in countries affected by crises, fragility and conflict. Similarly, consideration needs to be given on how to communicate and promote a policy on human rights due diligence.

The whole area of new technologies and artificial intelligence has implications across the entire range of human rights, as well as democracy. Again, the EU has become a global leader in setting standards and ensuring a human-rights based approach to the myriad of issues concerned with new technologies. The next Action Plan needs to build on that and deal with ESCRs' impact, which may come with the further development of artificial intelligence.

Gender equality, anti-discrimination, rights of the child, women, youth, and children participation in civic and political processes, women, peace and security, support to democracy and to the integrity of electoral processes will also continue to feature high on the EU human rights and democracy agenda.

The mid-term review also provides some recommendations for improvement at **operational level**, in terms of methodologies, processes and tools.

The **Team Europe approach** has been instrumental to the implementation of the Action Plan. The reminder of the implementation should build on this success and further enhance globally and locally coordination, ownership and coherence of action between EU institutions and Member States. This feature should be maintained in the next Action Plan. As a crucial human rights and democracy actor facing an increasing restrictive environment, **CSOs should continue benefit from flexibility** in EU funding particularly at local level, where heavy legal, administrative and fiscal requirements increase the difficulties of accessing other funding. Building on positive experiences so far, EU Delegations around the world should continuously step-up efforts to ensure a regular and inclusive dialogue with a large spectrum of CSOs and HRDs, including youth and women's organizations, as well as to encourage communication and access, particularly with those in remote or isolated areas.

This Action Plan was well aligned with the financial programming cycle. This alignment proved to be crucial as it allowed relevant thematic and geographic programmes to better mirror the priorities of the Plan, thus ensuring its impact and effectiveness.

These conclusions will orient the remainder of the Action Plan implementation until its term, when the EU will undertake an end-term evaluation of the Action Plan, involving again Member States and civil society, in view of complementing the outcome of this midterm review and providing a direction for the new Action Plan.