

Submission on the New EU Action Plan for Human Rights and Democracy

1. Introduction

Following the contribution of the [European Network of National Human Rights Institutions \(ENNHRI\)](#) in relation to the new draft Action Plan of the European Union on Human Rights and Democracy ('New Action Plan'), ENNHRI and the [Global Alliance of National Human Rights Institutions \(GANHRI\)](#) have welcomed the opportunity to meet with several EU representatives involved in the development of the New Action Plan. Given the intended approach to include both thematic areas of focus, and also to provide an emphasis on building new partnerships, GANHRI, ENNHRI, the [Asia Pacific Forum of National Human Rights Institutions \(APF\)](#), the [Network of African National Human Rights Institutions \(NANHRI\)](#) and the [Network of National Institutions for the Promotion and Protection of Human Rights in the Americas \(RINDH\)](#) now take the opportunity to clarify how National Human Rights Institutions (NHRIs) could provide the most added value to the New Action Plan and support the EU's actions on human rights and democracy in third countries for the coming years.

2. NHRIs: A Key Partner for the EU on Human Rights and Democracy

We welcome the planned focus on building partnerships in the New Action Plan, including on the multilateral, bilateral and civil society levels. However, we underline that NHRIs sit between the state and civil society, and so are not automatically included in state or civil society engagements. At the same time, building partnerships with NHRIs, as well as their networks, can reinforce engagement with both civil society and the state, as well as supporting multilateral dialogue. **We therefore recommend that NHRIs are explicitly included as a category of actors with whom the EU will build partnerships within its New Action Plan.**

- a) **National Human Rights Institutions (NHRIs) are independent state bodies, with a broad mandate to promote and protect human rights.** They are the only state bodies that are accredited for their independence from the state, pluralism, accountability and effectiveness, according to the UN Paris Principles (A/Res/48/143). NHRIs are trusted actors within the human rights framework, at local, national and international levels, given their regular accreditation by reference to the UN Paris Principles. Their broad mandate ensures

an overview of all human rights (civil, political, economic, social and cultural), for all groups within society and all policy areas.

- b) **NHRIs are local actors, cooperating with all relevant national interlocutors.** Due to their state mandates, NHRIs are trusted by the state and have an official powers to monitor human rights compliance and advise state bodies. At the same time, their cooperation and support for civil society actors, including human rights defenders is an essential requirement of the Paris Principles. As a result, they can provide objective information on the human rights situation, and convene dialogue and joint action with a wide range of national actors.
- c) **NHRIs are key actors of multilateral systems.** They provide a bridge between the national and international arenas, as well as between the civil society and the state. In line with the Paris Principles, they are dedicated to the realisation of international human rights standards at the national level. NHRIs assess the compliance of national policies and regulation with international human rights standards and translate international human rights into local contexts. They follow-up international human rights recommendations with national stakeholders and decision-makers, and feed local human rights expertise into international processes. With their protection and promotion mandate, NHRIs also work to build a culture of rights and ensure that 'no one is left behind'. NHRIs can also support the state in progressing towards the Sustainable Development Goals (SDGs), and NHRIs are also a global indicator under Goal 16 (peace, justice and strong institutions).
- d) **NHRIs enable democratic space, contribute to resilient societies and support human rights defenders.** NHRIs hold public institutions accountable for their international human rights commitments. They are a key feature of a state's good governance. NHRIs can monitor closely and report on any legal development or practice that could have impacts on human rights, the rule of law, and democracy. NHRIs can also be instrumental in supporting groups in a vulnerable situation and human rights defenders. NHRIs can take a holistic approach in addressing human rights violations in (post) conflict situations, and address the root causes of instability to prevent further violence. NHRIs and their staff have also been recognised as being human rights defenders themselves (see UN doc. A/HRC/22/47 and EU Guidelines on Human Rights Defenders), and can come under threat because of their work. Adequate support from international partners should also come in when appropriate.
- e) **NHRIs provide the public access to their human rights, and promote a culture of rights.** NHRIs provide information to individuals about the available channels of redress for human rights violations, including competent authorities, complaints-handling procedures and available remedies. Through NHRIs' promotion activities, including awareness raising

campaigns, human rights education and public statements, they contribute to a culture of rights and democracy.

- f) **Global and regional NHRI networks work to strengthen NHRIs through peer exchange and support to engagement in human rights mechanisms.** These networks are committed to assisting in the cooperation with the EU to facilitate the realisation of our common goals.

3. The embedding of NHRIs in EU Actions on Human Rights and Democracy

The current EU Action Plan has recognised NHRIs as a central actor in the broad human rights architecture, and a key partner to boost the ownership of local actors and public institutions. NHRIs are currently displayed as the first action of the first objective of the Action Plan, which emphasises the EU responsibilities to support the crucial role of NHRIs and strengthen their accreditation status.

During the implementation period of the Action Plan, engagement between NHRIs and the EU in its external action has gradually intensified. At the same time, several interlocutors, including NHRIs in wider Europe and beyond, have reported uneven opportunities for engagement across EU actors and country-contexts. Reportedly, various NHRIs in third countries have not been integrated to the same extent or at all in the EU's political processes, including Human Rights Dialogues and third countries' reforms, consultations, and EU projects and programmes implemented in third countries.

The innovating and ground-breaking potential of NHRIs is yet to be fully explored and operationalised for optimal impacts – both for delivering EU's commitments in the areas of human rights and democracy, and in responding to new, evolving, complex and multidimensional challenges the EU faces in its external action on human rights and democracy. We are committed to building NHRIs' capacity to engage fully with the EU, through EU delegations, at multilateral fora, and in Brussels.

The capacity, visibility and recognition of NHRIs to promote and protect human rights in various states can be reinforced. The exchange of experiences between EU NHRIs and NHRIs from third countries promotes EU values, and enables support for the rule of law, democratic space and human rights defenders, as could be reported in Human Rights Dialogues, enlargement negotiations and the implementation of EU neighbourhood policies' partnership priorities.

Under the Paris Principles, NHRIs must have to be able to address freely any human rights issue upcoming. With their constant monitoring function, NHRIs have access to first-hand information on new challenges to the realisation of human rights, and can highlight key trends in their

national contexts. This can include impacts on individuals of laws and policies, and also of key trends at the national, regional and global levels.

4. Conclusion

We strongly recommend that NHRIs are included as one of the categories of actors with whom the EU will build partnerships within its New Action Plan. We underline that reference to state or civil society actors does not include NHRIs, given NHRIs' unique position between civil society and the state.

Given NHRIs' broad mandate, addressing all human rights through a full spectrum of functions to prevent, promote and protect human rights, building partnerships with NHRIs would have a multiplier impact, reinforcing other actions on human rights and democracy.

We look forward to commenting on the draft New Action Plan, and in the meantime remain available to provide further information.

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Annex: About the Global and Regional NHRI Networks

GANHRI is the global alliance of NHRIs, mandated to support the establishment and strengthening of NHRIs in all regions, in line with the UN Paris Principles. Currently, 79 NHRIs are fully compliant with the Paris Principles (A status) and 35 partially compliant (B status). GANHRI encourages and facilitates cooperation among NHRIs from all regions, including through hosting global meetings of NHRIs and by acting as knowledge broker for NHRIs. GANHRI is the global voice of NHRIs, contributes to UN global policy development, facilitates NHRIs' engagement with the UN system, and coordinates partnerships on NHRIs at the global level.

ENNHRI works to enhance the promotion and protection of human rights across wider Europe through strengthening, supporting and connecting NHRIs. It supports the establishment and accreditation of NHRIs in Europe in compliance with the Paris Principles. It facilitates the exchange of practices, peer support, capacity building, and engagement for its 44 members, including all EU NHRIs and 11 non-EU NHRIs. Its priority areas of thematic work are: rule of law and human rights defenders; economic and social rights; and asylum and migration. It also works on the role of NHRIs in situations of (post-)conflict, SDGs, CRPD, BHR and older persons' human rights.

APF is a network of 25 NHRIs from all corners of the Asia Pacific region. Unlike the other regions in the world, there is no regional court or protection system covering the Asia Pacific that people can turn to when their human rights are violated. This makes the role of NHRIs in the region even more critical. The APF provides practical support and advice to its members in order to help them to be as effective as possible. The APF also provides advice and expertise to governments and civil society groups in the region to support the establishment of independent NHRIs that meet the Paris Principles.

NANHRI brings together 44 NHRIs from across the African continent. NANHRI supports the establishment and strengthening of African NHRIs in addition to facilitating cooperation among them and with key regional and international human rights actors, such as the African Union (AU). This includes joint initiatives to support African NHRIs in advising AU states on the implementation of human rights commitments. NANHRI's key priority areas include prevention of torture, BHR, sexual orientation, gender identity and expression, child rights, rights of people living with disability, migration, conflict management, conflict resolution and peace building.

RINDH brings together the 18 NHRIs of the Americas. The objective of RINDH is to promote a culture of respect for human rights, to strengthen the of human rights, to contribute to democratic development, and to support the establishment and development of NHRIs in accordance with the Paris Principles.