EU's next long-term budget (MFF) – ENNHRI Submission on EU funding for external action: May 2025

EU's external action to promote and protect human rights, democracy and rule of law

As set out in the Treaty on European Union (article 21(1)), through funding for external action, the European Union aims to uphold and promote the Union's value worldwide and promote among others peace, sustainable development, solidarity, and the eradication of poverty. Democracy, rule of law and human rights are indicated as some of the core principles that should guide EU external action. This is embedded in the EU budget and programmes under the external action framework:

- The first objective of the Instrument for Pre-Accession assistance (IPA III) is to strengthen the rule of law, democracy, the respect of human rights and fundamental freedoms in enlargement countries.
- The Neighbourhood, Development and International Cooperation Instrument aims to uphold and promote the Union's values worldwide, thus supporting and promoting democracy, the rule of law and respect for human rights.

The European Network of National Human Rights Institutions (ENNHRI) **highlights the importance of ensuring that EU funding for external action is dedicated to the promotion and protection of human rights, democracy and rule of law in the next EU Multiannual Financial Framework.** In the increasingly challenging and complex global environment, these objectives can be achieved by ensuring a stronger global role for the EU and therefore securing a correspondingly sufficient budget.

This submission sets out **the importance and growing recognition of ENNHRI and National Human Rights Institutions (NHRIs) as key partners and identifies areas for further cooperation.**

Growing recognition of NHRIs at the global level

At the global level, the "existence of independent NHRIs in compliance with the Paris Principles" is a global indicator for the achievement of the Sustainable Development Goal 16 on 'peace, justice

and strong institutions'. This reaffirms that sustainable development cannot be achieved without a strong and independent NHRI.

Sustained consideration of NHRIs and their submissions within international and regional monitoring processes, including the European Commission's annual reports on the rule of law in the EU and annual progress reports on Enlargement and Eastern Partnership countries, confirms the importance of NHRIs' role in the rule of law architecture. It also reaffirms the significance of strengthened cooperation among and with NHRIs to achieve positive change for the rule of law, human rights, and democracy across the wider European region.

This has led to a growing recognition by EU actors of the key role that NHRIs play in advancing human rights, democracy, and rule of law in Europe and beyond:

- The 2020-2027 EU Action Plan on Human Rights and Democracy, recognises NHRIs as key partners of the EU in its commitment to "promote a global system for human rights and democracy." Moreover, it recommends support for independent NHRIs in line with the Paris Principles and EU engagement with NHRIs, especially in the context of human rights dialogues. This builds on the broader direction provided by the Action Plan.

- The Council in its 2024 Conclusions on the Alignment of the EU Action Plan on Human Rights and Democracy and the MFF reaffirmed its commitment to promoting a global and holistic approach to human rights and democracy, including through support of human rights defenders such as NHRIs. The Conclusions also highlighted that the EU seeks to lead by example, aspiring a coherent approach in all its internal and external policies. Council support for NHRIs is indeed mirrored in Council Conclusions on the Charter of Fundamental Rights. In its 2021 Conclusions on the Charter, the Council recognised that "NHRIs are key for the implementation of the Charter, given their broad and horizontal fundamental rights mandate and their proximity to citizens". Subsequent Council conclusions have recognised the role of NHRIs in relation to upholding civic space (2023) and access to justice (2024), and have included calls to EU Member States to establish and strengthen NHRIs in compliance with the UN Paris Principles.

- The European Parliament recognises the added value of NHRIs in different areas of its work, such as its opinions, reports and resolutions. For example, the European Parliament resolutions on the annual report on the state of human rights and democracy in the world consistently recognise HRDs (including NHRIs) as crucial partners in the EU's efforts to safeguard and advance human rights, democracy and the rule of law, as well as to prevent

conflicts globally. In particular, they recognise the importance of meaningful engagement of NHRIs in the context of EU human rights dialogues. In the internal sphere, the LIBE Committee's 2021 report on the shrinking space for civil society in Europe includes the European Parliament call on Member States to provide sufficient resources for their NHRIs. In addition, a 2020 Parliament Resolution recognises NHRIs' key role in monitoring human rights in the forced return of migrants.

- Following its July 2019 Communication, the European Commission established its Rule of Law Review Cycle. Since 2020, ENNHRI and NHRIs have contributed to the Commission's reports through joint annual reports on the state of the rule of law in Europe. This has resulted in the European Commission recognising NHRIs as part of the institutional checks and balances in a state and a Paris Principles-compliant NHRI as an indicator for healthy rule of law, as well as a safeguard for civil society space. Vice versa, a threat to an NHRI is recognised by the European Commission as a threat to the rule of law in a state.

- In 2023, during the Council of Europe's historic Fourth Summit of heads of state and government, Member States adopted the Reykjavik Declaration on the future of the Council of Europe. In the Declaration, heads of states and governments have recognised NHRIs as an integral part of the future of the Council of Europe. Moreover, the Declaration has recognised NHRIs' key role in monitoring compliance with the Convention and judgments from the Court, as well as in protecting the environment and human rights. The 2024 Council conclusions setting the EU priorities at the Council of Europe accordingly include support for NHRIs at the Council of Europe.

Empowering ENNHRI and NHRIs within EU external action(s)

The European Network of National Human Rights Institutions (ENNHRI) brings together 49 Institutions across the EU and wider Europe to enhance the promotion and protection of human rights in the region. Given their unique position in the national and international human rights architecture and the breadth of their mandates, NHRIs, individually and coming together in a network, are key partners of the European Union (EU) in its commitment to further advance human rights and democracy across the world.

The next MFF should focus in this regard on:

1. *Supporting National Human Rights Institutions (NHRIs) as strong and independent state bodies contributing to democracy and human rights*

NHRIs are the only state bodies, with a broad mandate to promote and protect human rights, that are accredited for their independence, pluralism, accountability and effectiveness, according to the UN Paris Principles (A/Res/48/143). UN Sustainable Development Goal 16 embraces strong and independent NHRIs in compliance with the UN Paris Principles as indicators of and contributors to peaceful, just and inclusive societies.

Due to their state mandates, NHRIs are trusted by the state and have official powers to monitor human rights compliance and advise state bodies. At the same time, their cooperation with and support for civil society actors, including human rights defenders, is an essential requirement of the Paris Principles. Further, NHRIs also contribute to access to justice for individuals, including through information provision on available remedies and complaints handling. While supporting individuals and HRDs, NHRIs and their staff have been recognised as being human rights defenders themselves (see UN doc. A/HRC/22/47 and EU Guidelines on Human Rights Defenders).

NHRIs' broad mandate ensures an overview of all human rights (civil, political, economic, social and cultural), for all groups within society and all policy areas. NHRIs are instrumental in supporting groups in a vulnerable situation and in ensuring that 'no one is left behind'. As a result, NHRIs can provide objective information on the human rights situation on the ground, and convene dialogue and joint action with a wide range of national and international actors, contributing to a culture of rights and democracy.
In line with SDG 16, 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 can strengthen institutional resilience of states in transition and promote sustainable peace.

In a global context of increasing challenges for human rights and democracy, NHRIs are facing increasing threats to their independent and effective functioning. Accordingly, NHRIs are in need of greater EU support to carry out their work independently and effectively in compliance with the UN Paris Principles, and to strengthen their institutional resilience, despite increasingly challenging contexts.

2. *Supporting ENNHRI, and the other Regional and Global NHRI Networks as unique bridge-builders between NHRIs and for the EU and the wider multilateral system*

In each region of the world, NHRIs gather in a regional network; the Network of African NHRIs (NANHRI); the Asia-Pacific Forum of NHRIs (APF); the Network of the NHRIs in the Americas (RINDHCA); and ENNHRI covering wider Europe. The four regional NHRI networks also come together globally, under the umbrella of the Global Alliance of NHRIs (GANHRI). The global NHRI accreditation process, notably, is a GANHRI process, taking place under auspices of UN OHCHR, and with support of each of the regional NHRI networks.

While NHRIs are unique in their domestic context, NHRI networks are key to connect and support NHRIs' strengthening in compliance with the Paris Principles. This includes supporting them undergoing and following up the global accreditation process or acting in solidarity and support when NHRIs are facing threats. Further, NHRI networks provide platforms for NHRI peer exchange, mutual learning and in-depth capacity building in using their mandates to address key challenges for human rights and democracy, such as NHRIs' role in supporting civic space and HRDs. Moreover, NHRI networks facilitate NHRI individual and joint contributions to relevant regional and international processes and the multilateral system, including the EU, Council of Europe and United Nations. Due to its geographical remit, for ENNHRI, this support includes particular focus on facilitating NHRIs' contributions to the EU enlargement process.

NHRIs and ENNHRI facilitating EU enlargement

Since 2020, ENNHRI and its members have been reporting on the rule of law situation including in EU Enlargement (and Neighbouring) countries. In these reports, ENNHRI members reported on persisting challenges affecting the European rule of law and human rights environment, namely:

- Follow-up by State authorities to the rule of law recommendations issued by regional actors, such as the European Union, the Council of Europe and the United Nations, is not consistent and need to be strengthened in consultation with NHRIs.
- Numerous issues still negatively impact on the enabling space for NHRIs to carry out their mandates effectively and independently, including: challenges in due consultation of

NHRIs by national authorities in relevant legislative and policy-making processes; undue limitations in access to information; lack of adequate resources to carry out NHRIs' mandates effectively; etc.

- Worsening conditions in which human rights defenders (HRDs) and civil society organisations (CSOs) act: CSOs and HRDs continue to be the object of attacks and harassment; laws restricting civic space and CSOs' activities (namely impacting freedom of association and assembly) and criminalising HRDs' activities; insufficient CSOs' access to and involvement in law and policy making by state authorities; obstacles in access to funding.

- Unsatisfactory level of implementation of European Courts' judgments, which is impacted by the financial, political, legal, structural and organisational obstacles identified across Europe.

- The significant yet relatively unknown impact of the use of Artificial Intelligence (AI) on the rule of law, democracy and human rights. ENNHRI members also flag the general insufficient public awareness regarding the use of AI and its impacts on rule of law, democracy and human rights.

- The significant impact of restrictive national security measures on the rule of law and human rights. Such measures have been introduced in numerous countries in response to various situations, including migration, threats of terrorism and armed conflicts.

Priorities of the enlargement process and NHRIs

The IPA III Regulation recognises that "*strengthening the rule of law, the functioning of independent democratic institutions, the respect of human rights and international law is essential*". In this context, it is flagged that "*support will be given to the establishment and effective and independent functioning of all relevant structures for the promotion and protection of human rights, including National Human Rights Institutions*". This is considered as a key action in order to enable the Enlargement countries to be in a position to implement their human rights obligations in an adequate manner and to ensure that fundamental rights are effectively implemented. In this regard, the EU Enlargement reports reiterate the key role of ENNHRI members in the promotion and protection of human rights in all the Western Balkan countries, while highlighting the challenges that these institutions are still facing.

The next MFF should maintain the specific objective of any IPA to ensure the alignment of the legal framework with EU and international standards as well as to establish a solid track-record in respecting fundamental rights.

As is underlined in the Council of Europe Recommendation on NHRIs (CM Recommendation 2021/1) **NHRIs play a strong role in advancing the effective implementation of judgments of the European Court of Human Rights** that should be strengthened under the next MFF, and through that advancing the respect for fundamental rights.

Need for strengthened regional cooperation

Human rights and the rule of law in Europe are backsliding amidst increasing restrictions on civic space, rising inequalities, and weakening social protection in many European states. NHRIs have had to cope with insufficient or inadequate resources, and many operate in challenging environments. As we live in critical times for human rights, democracy and the rule of law, it is vital to look ahead and to strengthen the role the European Union can play in promoting and protecting human rights, including supporting, connecting and strengthening NHRIs and other rights defenders in Eastern and South-Eastern Europe through enhancing regional cooperation.

ENNHRI's principal value lies in being the only European network of NHRIs, and every Enlargement country has one NHRI albeit with varying accreditation status. Cross-border and regional peer exchanges are a cornerstone of cooperation between these Institutions for capacity development of NHRI functions including: monitoring, research, advising government and parliament, reporting to international treaty bodies, complaints handling, providing legal assistance, human rights education, training, and awareness raising.

Through regional cooperation, NHRIs come together and consider human rights issues that impact the region, bringing the richness of their experience, practices and national contexts together. In doing so, they are able to influence law, policy and their implementation at the regional level, and also be more effective in the implementation of their national mandates, thus contributing to the realisation of human rights.

Given their unique position in the national and international human rights architecture, the weight their voice carries, the breadth of their mandates, and their organisational credibility, independent NHRIs, individually and coming together in a network, have a critical role to play in advancing the Enlargement process.

NHRIs are key partners for the implementation of the EU external policy in relation to democracy and human rights

Cooperation between the EU and NHRIs (individually and through their regional networks) is mutually beneficial. On the one hand, the EU benefits from NHRIs' expertise on human rights in-country, and their unique placing within the national, regional, and international infrastructure. On the other hand, NHRIs can count on the EU's political, technical, and financial support, including for their further strengthening.

ENNHRI highlights five key aspects that reflect past achievements in the implementation of the EU's external action, as required under the Treaty on European Union and operationalised in the current and previous Action Plans on Human Rights and Democracy, and points to expected challenges in the future that the next MFF should address. Overall, this highlights support for democracy and human rights in the EU's external action should be maintained and strengthened under the next MFF, including support for NHRIs in compliance with the UN Paris Principles and their networks.

1. Responding to emerging human rights issues and crises

As recognised in the Council Conclusions on the EU Action Plan, in the current global context "crisis situations are a particular test for the realisation of human rights and respect of democratic values", and "new opportunities and risks also arise, notably linked to technological developments and global environmental challenges". NHRIs have a broad mandate and should work effectively and independently to promote and protect all human rights, including in the context of crises such as shown in the context of the Covid-19 pandemic. NHRIs monitor states' responses to crisis, while advising governments and parliaments on human rights standards, engaging with civil society and informing the public about their rights during crisis. This role for NHRIs is reflected in SDG 16.

Moreover, and specific to the European context, the Council of Europe Recommendation CM/Rec(2024)7 of the Committee of Ministers to Member States on the effective protection of human rights in situations of crisis encourages Member States to ensure the timely, meaningful and inclusive consultation and participation of independent oversight mechanisms, including NHRIs, in crisis-related decision-making processes.

New technologies such as Artificial Intelligence (AI) may present risks for security, and for upholding rule of law, democracy and human rights, including through the amplification of disinformation. NHRIs address these risks, including through ENNHRI which provides a dedicated

platform for cooperation and exchange for NHRIs on AI. This has included contributions to ensure a human rights based approach to AI in regional conventions, including the Council of Europe Framework Convention on AI, Human Rights, Democracy and Rule of Law.

The climate crisis is impacting people's most basic rights, threatening lives and livelihoods, and deepening inequalities across Europe. NHRIs are playing a crucial role in monitoring and calling out its impacts, including in the regional human rights arena. In doing so, they are advocating for an effective and swift response to addressing climate change's impacts using a human rights-based approach. ENNHRI is bringing NHRIs together to ensure that they are at the forefront of initiatives in this area.

With a view to maintain and bolster NHRIs' role in addressing emerging human rights issues and human rights in crises situations, support for NHRIs and their networks needs to be maintained and strengthened, be it through joint projects and/ or financial support.

2. Working in situations of conflict, including armed conflict

Many NHRIs operate in situations related to conflict, in all their complexity. The work of NHRIs in such circumstances is both crucial and challenging, as human rights abuses can be more widespread, and societies divided. In our region, the war against Ukraine had significant impact on the work of European NHRIs, particularly the Ukrainian NHRI (Ukrainian Parliamentary Commissioner for Human Rights).

The work of the Ukrainian Parliament Commissioner for Human Rights shows the importance of maintaining and investing in respect for human rights, democracy and rule of law, including in times of active armed conflict. The NHRI contributes to human rights approaches to security in many ways, including through fact-finding and reporting on war crimes, supporting the rights of internally displaced persons and refugees fleeing the war, and taking care of the rights of civilians remaining in Ukraine such as their right to housing or access to information about missing persons. It also invests in the rights of national minorities, contributing to social cohesion of a country at war and avoiding internal conflict.

The impacts of the war against Ukraine have been occurring across Europe, and NHRIs have addressed emerging challenges, including through cooperation under ENNHRI's umbrella. They have particularly supported the rights of refugees fleeing the war, and have learned from each other, cooperated with peers across borders, and showed solidarity with their Ukrainian counterpart, including through the delivery of emergency support at the outbreak of the war.

ENNHRI welcomes the EU's commitment, under the Action Plan, to "build the capacities of grassroots civil society organisations, human rights defenders and civic movements to conduct regular monitoring and documentation of human rights violations and abuses, including in conflict situations". In the coming years, the work of Human Rights Defenders, such as NHRIs, in situations around conflict will be more necessary than ever. ENNHRI recommends that the EU increase its cooperation and support to NHRIs operating in situations around conflict. This should include cooperation with ENNHRI, building for instance on the activities and findings from the completed project 'on the Role of NHRIs in Situations of Conflict and Post-Conflict'.

3. Supporting civic space and human rights defenders

ENNHRI welcomes the EU's commitment, under the Action Plan, to "address the closing of civic space" while recognising that "enabling civic space and the support and protection of human rights defenders are essential elements" to achieve the priorities from the Action Plan.

In an increasingly hostile environment for civic space and HRDs, dedicated protection and promotion of civic space and HRDs at regional and national level become ever more important. The role of NHRIs– both as HRDs themselves and in protecting and promoting other HRDs and civic space – has been extensively recognised by the EU, as well as by relevant actors at the wider regional and international levels. In the EU's external action, the EU Guidelines on Human Rights Defenders highlight the importance of NHRIs in supporting HRDs. Similarly, at the Council of Europe the Reykjavik Declaration, the Committee of Ministers Recommendation on Civil Society Space and the Secretary-General Roadmap on Civil Society (2024-2027) recognise this key role of NHRIs.

In line with the global Marrakesh Declaration and subsequent ENNHRI Regional Action Plan, ENNHRI supports stronger HRD promotion and protection in Europe in multiple ways. We collect data and report on the situation of civic space and HRDs through our annual rule of law reporting submitted to the EU and Council of Europe. We facilitate peer exchange amongst members on how to strengthen NHRIs' role to protect and we exchange information and cooperate with NGOs, including to map out and develop recommendations on stronger HRD protection in Europe, and the role of NHRIs within.

In the coming years, ENNHRI recommends the EU to maintain and strengthen support for HRDs and civic space in its external action, including through NHRIs and their networks.

4. *Cooperation to support NHRIs under threat*

Regrettably, NHRIs across the globe have been increasingly subject to threats and attacks. This can include smear campaigns, verbal and physical abuse, legislative changes that would compromise their work, significant budget cuts, disregard to their mandate and recommendations, among others.

In Europe and beyond, the EU should be a champion for NHRIs and should use all available tools to support them when they face threats or attacks. ENNHRI has observed an increased cooperation with the EEAS to act in support of NHRIs in such cases. More exchange of information and coordination between NHRI and their networks, desk officers at the EEAS, and EU delegations across the globe, can result in stronger actions in support for NHRIs. Moreover, the EU Special Representative for Human Rights can provide high-level political support to NHRIs at risk. While welcoming the ongoing cooperation, the EU could increase its cooperation with ENNHRI and other NHRI networks to share information and explore actions to support NHRIs facing threats, thereby supporting human rights and democracy.

5. *Political, operational, and financial support to NHRIs*

ENNHRI welcomes that the EU already engages with NHRIs from third countries in a variety of ways, with the level of engagement varying from country to country. In the context of ENNHRI's peer exchange, some NHRIs have emphasised the need for a more formalised approach by EU actors in third countries to facilitate timely, targeted and result-oriented information exchange with NHRIs. Other NHRIs have raised the importance of accessing EU funds to bolster their human rights work in-country. Therefore, ENNHRI recommends that the EU increase its provision of political, operational, and financial support to NHRIs across the globe, including through their networks. Being based in Brussels, ENNHRI could further support awareness raising of relevant EU staff about how to support NHRIs in compliance with the UN Paris Principles in EU third countries, building on previous experience in this respect.

About ENNHRI

ENNHRI is the European Network of National Human Rights Institutions. We bring together 49 National Human Rights Institutions (NHRIs) to enhance the promotion and protection of human rights in Europe. Our network provides a platform for collaboration and solidarity in addressing human rights challenges and a common voice for NHRIs at the European level.