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European Committee B

ACTION PLAN ON HUMAN RIGHTS AND DEMOCRACY

Monday 25 January 2016

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The Committee consisted of the following Members:

Chair: ANDREW ROSINDELL

Blomfield, Paul (*Sheffield Central*) (Lab)
 Clwyd, Ann (*Cynon Valley*) (Lab)
 † Cummins, Judith (*Bradford South*) (Lab)
 † Donaldson, Stuart Blair (*West Aberdeenshire and
 Kincardine*) (SNP)
 † Fox, Dr Liam (*North Somerset*) (Con)
 † Glass, Pat (*North West Durham*) (Lab)
 † Hoey, Kate (*Vauxhall*) (Lab)
 † Hollingbery, George (*Lord Commissioner of Her
 Majesty's Treasury*)

† Holloway, Mr Adam (*Gravesham*) (Con)
 † Lidington, Mr David (*Minister for Europe*)
 † Morris, James (*Halesowen and Rowley Regis*) (Con)
 † Poulter, Dr Daniel (*Central Suffolk and North
 Ipswich*) (Con)
 † Wheeler, Heather (*South Derbyshire*) (Con)

Alda Barry, *Committee Clerk*

† **attended the Committee**

European Committee B

Monday 25 January 2016

[ANDREW ROSINDELL *in the Chair*]

Action Plan on Human Rights and Democracy

4.30 pm

The Chair: Before we begin, I will briefly outline the procedure. First, a member of the European Scrutiny Committee may make a five-minute statement about the decision of that Committee to refer the documents for debate. The Minister will then make a statement of no more than 10 minutes. Questions to the Minister will follow. The total time for the statement and subsequent questions and answers is up to one hour. Once questions have ended, the Minister moves the motion for debate. We must conclude our proceedings by 7 pm.

Does a member of the European Scrutiny Committee wish to make a brief explanatory statement?

Heather Wheeler (South Derbyshire) (Con): It is a pleasure to serve under your chairmanship, Mr Rosindell. It might assist the Committee if I briefly explain the background to the document and why the European Scrutiny Committee recommended it for debate on the Floor of the House.

The newly adopted EU action plan on human rights and democracy for 2015 to 2019 replaces the first such action plan, which covered the period 2012 to 2014. The newly adopted action plan, which is due to be reviewed in 2017, sets out the practical steps that the EU and its member states will take in the next four years to develop existing EU external action on human rights and democracy worldwide. It will be implemented by the EU External Action Service, the Commission, the Council, member states and the EU special representative for human rights.

The plan consists of five strategic objectives, based on five guiding principles and involving 32 actions. The principles broadly cover ways of improving the effectiveness and assessment of external EU human rights activities. One principle requires a focus on the most pressing human rights challenges for the action plan: combating discrimination; respect for freedom of expression and privacy; freedom of religion and belief; combating torture, ill treatment and the death penalty; promoting gender equality, women's rights, children's rights and economic, social and cultural rights; encouraging corporate social responsibility; and ensuring that human rights are upheld in migration, trade or counter-terrorism policies. The Government regard the document as broadly complementary to UK foreign policy, although they have taken some action on the division of competencies between the EU and member states in the plan's implementation.

The European Scrutiny Committee recommended a debate on the document on the Floor of the House because of its evident interest to the wider House,

specifically the Joint Committee on Human Rights, the Justice Committee, the Women and Equalities Committee and the International Development Committee. We shall now put to proof the Government's position that the document is better suited to scrutiny in Committee because that affords a "longer and structured" debate. The European Scrutiny Committee requested a better and more detailed account of the document, which it had not received before this debate, and this debate can explore why.

The European Scrutiny Committee was particularly concerned that the Government have not deposited in the UK Parliament a related document, the 2014 "Annual Report on Human Rights and Democracy in the World", which is a record of how the EU has implemented policy in this area over the past year. It is therefore useful as a benchmark for the action plan, particularly in such areas as the EU's review of its neighbourhood policy. That is crucial because the document not having been placed in the Library meant that the Committee could not do due diligence on the background of the paperwork. That is why we asked for a debate in the Chamber.

Since the debate recommendation, the European Scrutiny Committee has tagged to the debate its reports on transitional justice as an example of actions included in the action plan; on a Court of Auditor's report on the effectiveness of EU funding of action to oppose torture and the death penalty in third countries; and on a new and increased proposed budget for the EU special representative. The Committee wanted the Minister's assessment of whether he considers all the actions within the current action plan to be a good use of EU funding, and how the Government intend to monitor that. Those are matters of high prominence for many Members, so the Committee requested a debate in the Chamber.

The Chair: I call the Minister to make an opening statement. I remind the Committee that interventions are not allowed during the statement.

The Minister for Europe (Mr David Lidington): It is always a pleasure to serve under your chairmanship, Mr Rosindell.

The European Scrutiny Committee has described the EU action plan as "legally and politically important", and I agree. I want to address why and how this area of EU external policy is of vital interest to the United Kingdom and our national interest and why EU action in this area can enhance our ability to tackle the real foreign policy problems confronting us.

In its five chapters and 34 actions, the action plan sets out practical steps to be taken primarily by the European External Action Service, the European Commission, the European Council and member states to implement the EU's commitment to promote and protect human rights and democratic values. As Members will have seen, the clear intention behind the action plan is to describe a set of overarching principles and high-level actions that should inform European Union activity when it comes to particular issues or particular third countries with which the EU is dealing. To avoid any misunderstanding, I stress that we are talking about the European Union's relationship with third countries and not about EU member states and their own human rights legislation.

The range of challenges addressed in the action plan is enormous and consistent with the principle that human rights are universal and indivisible. Many of the issues set out in the action plan align closely with interests that the Government have identified as United Kingdom priorities, such as women's rights and the prevention of sexual violence; freedom of religion or belief; freedom of expression; combating torture; abolition of the death penalty; strengthening electoral processes; and ensuring that civil society organisations can operate free from threats or intimidation.

Tackling those issues is an everyday task for our national diplomatic network. Sometimes we will want a national profile on a human rights problem. Our recently relaunched Magna Carta fund for human rights and democracy aims to show that the UK is at the forefront of the argument that human rights represent a key part of the rules-based international system and that we match our political commitment with a practical response to real world problems. Internationally, however, winning the argument is about building consensus—for example, by putting the Prime Minister's "golden thread" of democracy and good governance at the heart of the United Nations' sustainable development goals. In multilateral discussions of that kind, the EU action plan is an essential point of reference for the international community. It is one of those documents to which countries around the world turn.

When 28 member states together speak out against violations and abuses of human rights, other countries around the world and other international gatherings take note. Important examples include recent statements on executions in Saudi Arabia which made clear the EU's strong opposition to the use of the death penalty in all circumstances, called on the Saudi authorities to promote reconciliation between the different communities in the kingdom, and called on all to show restraint and responsibility. Another example is the EU's statements on Azerbaijan in the Organisation for Security and Co-operation in Europe. Those statements expressed concern about the continued deterioration of the human rights situation there, and because they were EU statements on behalf of all 28 member states, they had more impact than a set of statements by individual countries would have had. In Turkey, the EU has condemned attempts to restrict press freedom and internet access and content. Freedom of expression is explicitly set out in the Lisbon treaty as a requirement for any country that aspires to join the EU. We welcome the work that the EU is doing to support reforms in Turkey through its pre-accession funding programmes.

The EU Special Representative for Human Rights, Stavros Lambrinidis, has done much to enhance the visibility of EU human rights policy. As members of the Committee will be aware, the FCO recently deposited an explanatory memorandum on the proposed budget for the EU special representative, on which we had negotiated rigorously to secure an acceptable outcome. Mr Lambrinidis has engaged extensively with countries that face serious human rights challenges and with countries that are influential partners in the United Nations and other multilateral organisations. In 2015, he led EU delegations in human rights dialogues with Brazil, Burma, Mexico, and the Association of Southeast

Asian Nations, as well as the EU's first meeting with Cuba on human rights. His visits to other countries included China, where he expressed the EU's concerns on a range of issues, as well as our readiness to continue working with China to promote adherence to international human rights obligations. The UK's own dialogue with China on human rights informed the European Union's agreed approach—a clear example of how the EU action plan can add value to our own human rights work.

The EU's engagement is not confined to high-level dialogues and consultations, of which there were 37 in 2014. In many countries, European Union delegations and the embassies of member states work closely together to support the victims of abuses and violations, and individuals under pressure from the authorities and from non-state actors. EU co-ordination through joint case lists ensures consistent messaging, and co-ordination in trial monitoring highlights international interest in individual cases. Although our own diplomatic network endeavours to attend criminal trials of human rights activists, co-ordination within the EU helps to ensure that our views are always represented even if our diplomats cannot be there in person, and it provides additional diplomatic weight.

In addition, in countries where intervention comes with a cost to individual bilateral relationships, being part of an EU bloc lessens the bilateral risk to all individual EU members. In the Occupied Palestinian Territories, the EU organises visits for member states to sites of concern, such as the Cremisan valley and the site of the Duma arson attack. Such visits help draw attention to EU concerns about illegal settlement construction, demolitions and settler violence. The EU also co-ordinates engagement with countries on particular human rights issues. For example, it has systematically raised freedom of religion or belief with many partners at different levels of political dialogue, including in human rights dialogues and consultations. At the United Nations, being part of the EU increases the UK's lobbying power on matters such as our call for a global moratorium on the death penalty, on which there will be a vote in December this year.

The EU also enables us to benefit from the key principle of burden sharing. At the United Nations, for example, Belgium currently leads within the EU in negotiations on a sensitive resolution on counter-terrorism and human rights. Burden sharing also enables us to support EU partners who have specialised in specific areas. For example, some EU member states are able to provide enhanced practical support to human rights defenders because their domestic legislation allows them greater flexibility on matters such as visas.

In addition to global advocacy and dialogue, an important part of the action plan is the funding of programmes by the EU's external financial instruments, notably the European instrument for democracy and human rights, which had a budget of €181 million in 2015. The new EU human rights defenders mechanism, announced in December, provides practical support such as physical protection, legal and medical support, and trial and prison monitoring, as well as support for early warning of risks and training on risk prevention. This aligns well with the UK's pledge to challenge

[Mr David Lidington]

threats to civil society, which is part of our campaign for re-election to the United Nations Human Rights Council for the period 2017 to 2019.

As my hon. Friend the Member for South Derbyshire said, an ambitious action plan and large-scale programmes require close monitoring and evaluation. Last year's report by the European Court of Auditors on EU support for the fight against torture and the abolition of the death penalty provided a broadly positive assessment; however, the report also included some recommendations, the first of which was the need to target resources better. It is therefore important that we continue to engage closely with the EU funding process across all areas of the action plan, to ensure that spending is effective and aligned with UK's objectives.

I welcome the fact that this action plan will be subjected to a mid-term review in 2017, which will coincide with the mid-term review of the external financing instruments. That will give us the chance to make sure that the lessons from the European Court of Auditors' reports and other scrutiny exercises have been learned and applied. Integrating a human rights perspective across the EU's external action is the best way to ensure that the EU maximises its influences on such issues and considers human rights alongside other aspects of external policy. That is after all what we do at the Foreign and Commonwealth Office. In that sense, the action plan complements and amplifies the human rights work that we in the UK already undertake on a national basis.

The Chair: We now have until 5.36 pm for questions to the Minister. I remind Members that questions should be brief. It is open to a Member, subject to the discretion of the Chair, to ask related supplementary questions.

Pat Glass (North West Durham) (Lab): As this is my first outing in one of the European Committees, Mr Rosindell, I hope that the Minister will handle me gently.

I understand that the action plan is about third countries and not our internal EU partners. None of us would have any problems in principle with the action plan, which the Minister described as a document of principles, high-level actions and practical steps. That is where I had a problem when reading through the document, because I think that I got more about what the practical steps are and what is going on from the Minister in a 10-minute speech than I did from two hours of reading that document. When I look at an action plan, I expect high-level actions, milestones, timescales, costs and some numbers detailing how many and by when. I did not see any such reference in this document. When I was a director of education, I had three banned words from action plans—ongoing, developing and progressing, because they mean nothing. In terms of timescales, 75% to 80% of the document before the Committee is ongoing. I had a problem with that.

The Minister referred to the Court of Auditors, so I am assuming that underneath this high-level document are other documents that will tell me exactly how many, by when, who is responsible and the costs, as well as where we are, where we want to get to and how we will get there. I think fellow Committee members were also

looking for those answers. Is there a series of documents beneath this high-level document that will give me those specific, practical answers?

We are working with two different drafts, and my first question relates to objective no. 4 of the table in my version of the new action plan. I appreciate that it relates to third parties and not to our EU partners, but it does feel a little like, "Do as I say, not as I do." Objective 4.b refers to the need to

"Monitor at bilateral and multilateral level the compliance by partner countries of their international obligations in terms of access to justice and fair trial, including legal aid".

How does that sit with our Government's recent action to cut back access to justice and legal aid?

My second question is about item no. 12, "Cultivating an environment of non-discrimination." Objective 12.a is to:

"Develop an 'EU Handbook on Anti-discrimination' in third countries, outlining tools for anti-discrimination measures".

Well, that is going to do it for the Ugandan anti-homosexual laws—that is going to make it happen. I was expecting something more than just a handbook. Who is going to do this? The EEAS, the Commission and the Council. It is a handbook, so surely they have some idea who is going to put it together.

My last point concerns no. 25, "Counter-terrorism", which deals with

"how to prevent radicalisation and extremist violence among young people in third countries...in the field."

I am curious about how that will relate to our Prevent strategy.

Those are my three observations. Overall, I think that the strategy is moving in the right direction, but I have concerns about who will monitor it, how it will be monitored and how we will judge whether it is effective and gives value for money. It will be difficult to judge whether the strategy is successful if we have no idea where we started, where we intend to be or what the milestones are along the way. Presumably, those things are in the low-level documents that the Minister is going to tell me about now.

Mr Lidington: I welcome the hon. Member for North West Durham to her new responsibilities. We miss her predecessor, but during her time in the House she has shown herself to be interested in and committed to European issues. I am sure that we will debate European matters across the Committee and across the Chamber on many enjoyable occasions. I will try to answer her questions briefly.

As I said in my opening comments, the plan is deliberately intended as a high-level statement of objectives and principles that should inform the whole range of external policy activity that the EU and its institutions undertake. Other documents, most obviously the annual reports on the EU's human rights work, are worth looking at. The External Action Service will report on missions to particular countries and it will sometimes report to the European Parliament on the EU's interaction with a specific third country. In those reports, hon. Members will see human rights issues being raised in accordance with the principles set out in the action plan. There are quite a lot of different documents, such as the EU's

human rights guidelines and a recently adopted EU framework policy on transitional justice, which add up to a more complete picture.

On the question of who will monitor this work, the EU institutions and the representatives of member states in Brussels—the permanent representations—have an important role in trying to ensure best value for money at all times. The European Court of Auditors plays a crucial role in monitoring that, as it does every other aspect of EU expenditure.

When I visited the Court of Auditors late last year, I was told that I was the first British Minister they could remember ever visiting the place, which I thought was rather a pity. What impressed me was that the Court of Auditors had a very clear objective to shift its focus from measuring inputs into particular programmes to looking at outcomes and focusing much more on whether the declared objectives of a particular EU programme have been achieved, rather than on how much money might be going into something and whether it had been spent on this particular line rather than that particular line.

I mentioned in my opening comments the European instrument for democracy and human rights as one of the external funding instruments. Precisely because human rights work is meant to be mainstreamed in everything the EU does in terms of its foreign policy, it is not possible to abstract a dedicated budget for human rights work alone. For example, what the EU does in relation to Saudi Arabia or Iran will include a human rights element, but it will include other things as well. The pre-accession funding programmes that are available to Turkey and to western Balkans countries that are moving towards membership, and some of the partnership funds to some of the eastern European countries from the former Soviet Union, will also have a human rights element as we try to encourage those countries to build functioning democracies and entrench the rule of law and human rights in their political culture.

I turn briefly to the three specific items that the hon. Lady raised. In fairness, even with the recent restrictions on legal aid, the United Kingdom's legal aid system remains one of the most generous anywhere in Europe or the democratic world. What the EU is trying to focus on here is the fact that there are too many countries in which it is impossible for defendants to have access to an independent lawyer at all, and where everything that we take for granted in terms of such statutes as the Police and Criminal Evidence Act 1984 or the rules of procedure in court are simply not available in the way that we would understand them. As part of the consular casework that I have dealt with, I have had British citizens, through their families, complaining that they have sometimes not had any opportunity to understand the charges being brought against them in court. That is the sort of issue that this policy is designed to address.

When it comes to anti-discrimination work, the reality is that such work has to proceed through persuasion, good practice and peer group pressure within international organisations. If, for example, we look at the way in which the United Kingdom Government first drove forward preventing sexual violence from being used as a weapon of war, placed that on the international agenda and then used our membership of the EU and of the UN to get other countries to take this issue up and make it a priority, that demonstrates one particular way

in which this approach can work. We certainly see the EU's action plan as complementing our own bilateral efforts to increase women's political participation around the world, from the middle east to north Africa to work with indigenous groups in Latin America.

On the question of counter-terrorism, again we see the EU action plan work complementing what we seek to do under Prevent and other United Kingdom programmes. There are many countries around the world that face a genuine threat from terrorism but that also do not observe the standards in terms of human rights and due process that we would expect from our own police and judicial systems, so part of what we do bilaterally and part of what we do through EU activity is to have a dialogue with those countries and discuss how it is possible to combine effective action against terrorism with respect for the rule of law and for human rights. That is an issue that Members from all parties in the House have raised in the context of Colombia in debates in this House. It is an issue that we raise in our dialogue with Russian authorities, who face a genuine terrorist threat in the north Caucasus but who tackle it in a somewhat different way from how we might tackle terrorism here.

Kate Hoey (Vauxhall) (Lab): I apologise for being late to the Committee, Mr Rosindell. The Minister is well up on how the EU works; I know that he is an expert on all this, so it is good to hear him today. If I have missed this point, please tell me. I am interested, as was our European Scrutiny Committee, in whether he really feels that this scheme is absolutely the right way to spend the money that will be spent on it. Is he confident that that money will be well spent? That is one important issue. Secondly, within all the bodies in the various parts of the European Union that have drawn up the action plan, who actually makes the final decision that a certain amount of money will be spent on a certain part of the overall strategy?

Mr Lidington: To take the second question first, that will depend in part on which spending programme we are talking about, because the decision-making procedures may vary a bit accordingly. The senior-level people in the EEAS and the Commission would have responsibility in the first place for drawing up proposals and allocating funding from the budget agreed by member states under the various headings of the European Union annual budget and multi-annual financial framework. Those positions by the institutions are subject to oversight by the European Union Political and Security Committee ambassadors in Brussels, and ultimately by Ministers in the Foreign Affairs Council and the European Council.

Decisions on foreign policy are taken by unanimity, as the hon. Lady knows, so every member state has a veto, but what would happen is that a paper might be brought forward by the High Representative on foreign policy that would describe the European Union's external actions in relation to a third country, let us say for the sake of example Pakistan. There would probably be a human rights element to that, and there would be an indication of the spending that would be involved to fund the programme. Then the member states could agree or disagree. There would be a process of negotiation, and then the final plan would be signed off.

[*Mr Lidington*]

Clearly, subsequent monitoring and auditing will be important. To answer the hon. Lady's first question, I am always looking for ways to extract better value for money; that applies as much to UK domestic spending as to EU spending. It is a duty on any Minister in any Government. There are always improvements that can be made. Often, when I have had to deal with auditors' reports on some of the common security and defence policy missions, I have said that we need to bring pressure to bear to deal with the shortcomings revealed by the auditor's report. I think that the European Court of Auditors, at its best, acts in the same way as the National Audit Office and the Public Accounts Committee here. That is the principle—we should always be looking for ways to improve matters—but by and large, I think that this area of EU activity amplifies the human rights work that the UK would be trying to do bilaterally.

Heather Wheeler: If we are almost drawing to a close, I ask the Minister again whether, having given us all those answers, he is not as convinced as the European Scrutiny Committee that the measures ought to have a debate in the full Chamber, as there are so many areas in it of great interest across the House.

Mr Lidington: If my hon. Friend looks at the track record of the current Government and their predecessor coalition Government, she will see that many more debates on documents referred by the European Scrutiny Committee have been held on the Floor of the House than was the case under predecessor Governments. It is always a difficult balance for the Government to strike in terms of the allocation of parliamentary time and we feel that we are granting a fair share of the Committee's requests for debates on the Floor of the House. I can remember a previous Chair of the European Scrutiny Committee saying to me that he could remember being told informally by the Whips in the life of a previous Government that he could have two Floor debates a year and that he should decide which two he wanted out of the many documents that came through his Committee. We have had a lot more than two.

Any Member of the House of Commons is entitled to attend and speak at the European Committees. I take my hon. Friend's point that a lot of Members, one would think, might be interested in human rights questions, especially given the number of lobbying campaigns to which we are all subjected by different pressure groups on behalf of human rights defenders of various countries, but our colleagues do not turn up in those numbers. The opportunity is there for hon. Members to take part if they wish to avail themselves of it.

Dr Liam Fox (North Somerset) (Con): I would like to press my right hon. Friend on one issue. The debate is obviously not just about human rights but strays into the whole area of EU competence. I would like to concentrate on value for money. I am clear from what he said about who determines how much money the EU wants and the mechanism by which the money is allocated. Would he say a little bit more about the audit trail? Exactly how is the money audited, by whom and when, to ensure that we, in this House, are able to trace where our taxpayers' money has gone, what it has been used

for and whether we might have been able to use it better ourselves were we not encumbered by this excessive bureaucratic EU cost?

Mr Lidington: Of course we will account, as the second biggest net contributor to the EU, for roughly 15% pro rata of spending on every EU programme. The judgment that the Government have to make—and that all voters will have to make at the forthcoming referendum—is, among other things, whether it is better and more greatly to our advantage in national terms to have some activities carried out collectively at a European level, rather than trying to do that bilaterally. A related question is whether, in the event of the United Kingdom leaving the EU, we would get all of that contribution back or whether, as with Norway and Switzerland, a considerable proportion would still need to be paid to the EU budget in the course of a subsequent relationship.

I am never satisfied with value for money. From the various Court of Auditors reports that I have looked at, more could and should be done at the EU level. I do not think that the EU institutions have adopted the culture that has been forced on this country and on many other EU member states of having to cut the coat to fit the cloth and having to engage in some painful reprioritisation as a consequence of dealing with limited resources.

The procedural reality is that the funds are subject to EU internal audit processes, which are monitored by the EU Court of Auditors. It is up to the Court of Auditors, as with the National Audit Office here, to decide where it wants to focus its attention. The mid-term review of the action plan to assess progress will take place next year. That will give us the opportunity to look more deeply into whether we have secured the value for money and the outcomes that we seek from this expenditure.

My own view is that it does provide a net benefit for the United Kingdom when we are able to speak not just as one country, or even perhaps with France and Germany as three significant European countries, but when we are able to work effectively as a bloc of 28. The reality is that, precisely because of the United Kingdom's diplomatic weight and strength and because we have a global diplomatic network and a global reach to our diplomacy, we, like France, are able to exercise a disproportionate influence upon how EU-level foreign policy positions, including on human rights, are developed. In that sense, we get benefit where we are prepared to be active and where we fight hard to try to ensure that our priorities and objectives are taken up as European priorities and objectives. It is not perfect—I completely accept that—and my right hon. Friend is absolutely correct to warn of the need to be vigilant about competence because there is always a risk of the envelope being pushed by the Brussels institutions, but on balance I think we gain from the amplification of national diplomacy by effective EU action.

The Chair: If no other Member wishes to contribute to the questioning of the Minister, we will now proceed to the motion itself.

Motion made, and Question put,

That the Committee takes note of unnumbered European Union Document, EU Action Plan on Human Rights and Democracy.—(*Mr Lidington.*)

The Committee divided: Ayes 4, Noes 2.

Division No. 1]**AYES**

Hollingbery, George
Lidington, rh Mr David

Morris, James
Poulter, Dr Daniel

NOES

Hoey, Kate

Wheeler, Heather

Question accordingly agreed to.

5.14 pm

Committee rose.

