

***Thematic evaluation of the European Commission support to respect of Human Rights and Fundamental Freedoms
(including solidarity with victims of repression)***

2011 Nobel Peace Prize

"for their non-violent struggle for the safety of women and for women's rights to full participation in peace-building work":



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ACRONYMS

ACP	Africa Caribbean and Pacific countries
ACHPR	African Commission on Human and People's Rights
AGA	African Governance Architecture
AIDCO	EuropeAid Co-operation Office
ALA	Community financial instrument for support to Asia and Latin America
ASEAN	Association of Southeast Asian Nations
ASEM	Asia-Europe Meeting
AU	African Union
CAP	Common Agricultural Policy
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CBSS	Country Based Support Schemes
CCI	Cross-Cutting Issue
CD	Capacity Development
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEMAC	Communauté Economique et Monétaire de l'Afrique Centrale
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CFSP	Common Foreign and Security Policy
COE	Council of Europe
COHOM	Human Rights Working Group of the Council of the European Union
COM	Commission Communication
CPR	Civil and Political Right
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organisation
CSP	Country Strategy Paper
DCI	Development Cooperation Instrument
DDH	Democratie et Droits de l'Homme (European Initiative on Democracy and Human Rights)
DG	Directorate General
DG DEV	Directorate General for Development
DG DEVCO	Directorate General for Development – EuropeAid
DG ECFIN	Directorate General for Economic and Financial Affairs
DG ELARG	Directorate General for Enlargement
DG HOME	Directorate General Home Affairs
DG RELEX	Directorate General for External Relations

DG JLS	Directorate General for Justice, Freedom and Security
DIP	Democratic Institutions Program
DP	Death Penalty
EEAS	European External Action Service
EC	European Commission
ECA	Eastern Europe & Central Asia
ECD	European Consensus on Development
ECOWAS	Economic Community of West African States
ECDP	European Community's Development Policy
ECHO	European Commission Humanitarian Office
ECHR	European Court of Human Rights - European Convention on Human Rights
EDF	European Development Fund
EIUC	European Inter-University Centre for Human Rights and Democratisation
EIDHR	European Initiative for Democracy and Human Rights /European Instrument for Democracy and Human Rights
ENP	European Neighbourhood Policy
ENPI	European Neighborhood Partnership Instrument
EOM	Election Observation Mission
EP	European Parliament
EPA	Economic Partnership Agreement
EQ	Evaluation Question
ESCR	Economic, Social and Cultural Rights
ESF	ECOWAS Standby Force
EU	European Union
EUD	Delegation of the EU
FAFA	Financial and Administrative Agreement
FOMUC	CEMAC Multinational Force
GAERC	General Affairs and External Relations Council
GESC	Gender Equality Screening Checklist
GONGO	Government-Operated Non-Governmental Organization
GSP	Generalized System of Preference
HoD	Head of Delegation
HRD	Human Rights Defenders
HRDN	Human Rights and Democracy Network
HR	Human Rights
HRC	Human Rights Council
IA	Inter-American
IACHR	Inter-American Commission on Human Rights

ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRD	International Committee of the Red Cross
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
IfS	Instrument for Stability
IL	Intervention Logic
ILO	International Labour Organization
IMF	International Monetary Fund
IO	International Organisation
IOM	International Organization for Migration
IPA	Instrument for Pre-Accession Assistance
iQSG	Inter-service Quality Support Group
IRFFI	International Reconstruction Fund Facility for Iraq
JPP	Justice Partnership Programme
LA	Local Authority
LIS	Local Implementation Strategy
LOFTA	Law and Order Trust Fund for Afghanistan
MARAC	Early Warning Mechanism for Central Africa
MDG	Millennium Development Goals
MEDA	European financial instrument for the implementation of the Euro-Mediterranean Partnership
MS	Member State
NGO	Non-Governmental Organization
NIP	National Indicative Programme
NSA	Non-State Actor
OAS	Organisation of American States
OECD	Organization for Economic Co-operation and Development
OSCE	Organisation for Security and Co-operation in Europe
OHCHR	Office of the UN High Commissioner for Human Rights
PA-PANDDH	Programme d'appui au plan national en matiere de democratie et droits de l'homme
PCA	Partnership and Cooperation Agreements
PPT	Powerpoint Presentation
PSC	Political and Security Committee
REH	EC budget line on rehabilitation

RG	Reference Group
RO	Regional Organisation
ROM	Result Oriented Monitoring (System)
RRM	Rapid Reaction Mechanism
RSP	Regional Strategy Paper
SEC	Commission Staff Working Document
SECR	Socio-Economic and Cultural Rights
TACIS	Technical Assistance for the Commonwealth of Independent States
TEU	Treaty of the European Union
TF	Trust Fund
TSIA	Trade Sustainability Impact Assessment
3 Cs'	Coordination, Complementarity and Coherence
ToR	Terms of Reference
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UDHR	Universal Declaration of Human Rights
UNESCO	United Nations Educational Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
USAID	Aid Agency of the United States
WB	World Bank
WFP	World Food Programme

ANNEX 8:

HUMAN RIGHTS MAINSTREAMING

MAINSTREAMING

The requirement that human rights be mainstreamed in the internal and external actions of the EC/EU is an obligation flowing from the treaties.

The primary source of the obligation is based in law, and the key *policy* expression of this requirement is the Commission's Communication on *The European Union's in Promoting Human Rights and Democratisation in Third Countries* (COM(2001) 252 final).

The use of the verb "to mainstream" originates in the context of gender commitment of the Beijing Conference and is not specific to the EU/EC context.

In policies, programming documents etc the expression "to mainstream" or "mainstreaming" is typically used to mean to "integrate" or ensure that something (a principle or doctrine or legal norms etc) "permeates" all aspects of policies, is considered at all stages of an activity, etc.

In addition to the policy document on HR mainstreaming the EC produced specific Guidelines to Mainstream HR in the Country Strategy Paper. This obligation is extended to all external assistance financing Instruments, as restated i.e. in the Regulation n.1889/2006 which is the legal basis of the *European Instrument for Democracy and Human Rights - EIDHR* for the period 2007-2013.

The EU has committed itself to integrating human rights provisions in all phases of ESDP missions and operations, inter alia by making use of the human rights fact sheet (a confidential document compiled locally by EU Heads of Mission and Delegation) and seeking advice of relevant UN agencies and NGOs. A handbook on Human Rights and Gender Mainstreaming in ESDP, compiling materials that comprise the guiding principles for planners of EU operations as well as examples of their use, was published under Slovenian presidency as a project of "trio presidency" of Germany, Portugal and Slovenia in June 2008.

Introduction

This chapter presents an overview on EC mainstreaming in HR issues in terms of policy, response strategy, programming and where possible implementation in four different thematic areas (Food, Health, Trade, Migration) and two Regions (ENPI-South and East, Asia).

For each themes and regions the evaluation team has:

- ✓ Analysed the normative and policy framework at thematic and geographical level
- ✓ Analysed the respective EC response strategy through the Country and regional strategy papers and the thematic Instruments. This analysis allowed the evaluation team to have a picture of the implication of HR mainstreaming and on how EC responds to the different contextual situations.
- ✓ This Chapter contribute to the descriptive part of the answer to Evaluation Question 1 and it contribute to give information to the Questions that have non been selected as the following: *former EQ 1 is partly addressed in our six mainstreaming examples but clearly a need to further analyse actual dialogue processes (fieldwork)- former EQ 2 is addressed in our six mainstreaming examples. Quality programming process could be further examined - former EQ 8 and 9 partly are covered in three regional mainstreaming cases (we cannot go further at this stage)*

Box 1 - Legal reference for Mainstreaming

A range of documents reaffirms the legal commitment to mainstreaming human rights in all aspects of EC/EU external relations.

The 2005 **European Consensus on Development** commits the EC to "apply a strengthened approach to mainstream cross-cutting issues such as the promotion of human rights and democracy, gender, children's rights and the rights of indigenous people in its development co-operation."

While in the context of CFSP **Mainstreaming human rights across CFSP and other EU policies**, Council, 10076/06, 7 June 2006 states:

"Based on Article 11 of the TEU, as amplified in the 2001 Council Conclusions and their subsequent reviews, the EU is committed to mainstreaming human rights and Democratization into EU policies and choices, in order to achieve a more informed, credible, coherent, consistent and effective EU human rights policy."

The EU **Guidelines on human rights dialogues** 2005 offer a partial definition stating that: "...The European Union undertakes to intensify the process of integrating human rights and democratisation objectives ("mainstreaming") into all aspects of its external policies. Accordingly, the EU will ensure that the issue of human rights, democracy and the rule of law will be included in all future meetings and discussions with third countries and at all levels, whether ministerial talks, joint committee meetings or formal dialogues led by the Presidency of the Council, the Troika, heads of mission or the Commission. It will further ensure that the issue of human rights, democracy and the rule of law is included in programming discussions and in country strategy papers."

Mainstreaming the right to health

The first selected area to analyse EC policies and practices towards mainstreaming human rights concerns the right to health. This choice seems appropriate considering (i) the existence of a fairly developed international normative framework related to the right to health; (ii) the longstanding EC support to health project and programmes (including through budget support modalities; (iii) the potential link between human rights and the achievement of MDGs; and (iv) the opportunity to check how the EC deals with social rights in its external action/development cooperation. Below a brief overview is provided of both the international normative framework related to the right to health (section 2.2.1) and the evolving EU/EC normative and policy frameworks related to health (section 2.2.2). Due attention is also given to EC practices, i.e. lessons of experience with trying to implement a mainstreaming approach in relation to the right to health, including coherence issues (section 22.3).

International normative framework

The right to health has been gradually defined in a set of international norms. Thus, the 1946 Constitution of the World Health Organization (WHO), defines health as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”¹. It stresses that “the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.” The 1948 Universal Declaration of Human Rights mentions health as part of the right to an adequate standard of living (article 25). The 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) described the right to health as “the enjoyment of the highest attainable standard of physical and mental health”(article 12). Other international human rights treaties further specify the right to health², which is clearly a multi-dimensional right. It encompasses safe drinking water and adequate sanitation; safe food; adequate nutrition and housing; healthy working and environmental conditions; health-related education and information; gender equality, etc. It refers to freedoms (e.g. the right to be free from non-consensual medical treatment) as well as entitlements (e.g. regarding maternal, child and reproductive health; equal and timely access to basic health services; the provision of health-related education and information...).

The ratification of these Treaties creates binding obligations to signatory States, though the ICESCR recognises the principle of progressive realisation of social and economic rights³. This is an implicit recognition that States have resource constraints and that it necessarily takes time to implement the treaty provisions. Taking steps to realize the right to health requires a variety of measures. As the most feasible measures to implement the right to health will vary from State to State, international treaties do not offer set prescriptions. The International Covenant on Economic, Social and Cultural Rights simply states that the full realization of the rights contained in the treaty must be achieved through “all appropriate means, including particularly the adoption of legislative measures” (article 2). The responsibility of the international community is to support States (as primary ‘duty-bearers’) in achieving the realization of these rights, amongst others through the provision of assistance.

The effective implementation of the international normative framework brings along numerous challenges, particularly in environments characterised by poor governance, weak capacities for (poor and equitable) policy formulation and implementation and major resource constraints. This results in deficient health systems and huge inequities in access to health services within and between countries. Also in States that recognised the right to health in their constitutions or established complaints/redress mechanisms, health entitlements and, effective access remain elusive for large parts of the population⁴.

¹ Constitution of the World Health Organization (WHO), 1946

² Such as the 1979 Convention on the Elimination of All Forms of Discrimination against Women: arts. 11 (1) (f), 12 and 14 (2) (b); the 1989 Convention on the Rights of the Child: art. 24, the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families: arts. 28, 43 (e) and 45 (c), the 2006 Convention on the Rights of Persons with Disabilities: art. 25.

³ While the concept of progressive realization applies to all rights under the Covenant, some obligations are of *immediate effect*, in particular the undertaking to guarantee that all rights are exercised on the basis of *nondiscrimination* and the obligation to *take steps* towards the realization of the rights.

⁴ Thus, the South African National Health Act of 2003 foresees a complaints procedure for users with regard to the provision of health-care services. For further details see WHO. 2008. *Human Rights, Health and Poverty Reduction strategies, Legislation and policies to respect, protect and fulfil the right to health*. Health and Human Rights Publications Series, Issue No 5, December 2008

The European normative and policy framework

With regard to the internal human rights regime, the Treaty on the European Union states that the EU shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child⁵. The Charter of Fundamental Rights further stipulates that everyone has the right of access to preventive healthcare and the right to benefit from medical treatment under the conditions established by national laws and practices⁶. As far as EU action to improve health in third countries is concerned, the Treaty specifies that the Union and the Member States shall foster cooperation with third countries and the competent international organizations in the sphere of public health, and that a high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities⁷.

The documentary analysis as well as interviews conducted during the desk phase, indicate that health is a social sector where the EC has displayed a strong sensitivity towards rights- based approaches over the last decade. The right to health has guided much of the EC work on health issues, particularly in terms of developing an increasingly rights-based policy framework:

- The Communication on “Accelerated action targeted at major communicable diseases within the context of Poverty Reduction, issued in 2001 could be considered as a landmark, as it laid the foundation for a ‘first generation’ of right-based policy frameworks and related interventions at country level.
- The October 2004 and the April 2005 Communication with regard to HIV/AIDS, Malaria and Tuberculosis⁸ further elaborate this rights-based approach. They call for a reinforced political and policy dialogue to support country-led strategies to confront the three diseases. This dialogue should address the right to health of vulnerable groups, children’s rights (including orphans), women’s rights, and sexual and reproductive health and rights. Furthermore, the EC commits itself to undertake action at regional and global level to confront the diseases, in partnership with Member States and other key players. Selected areas for action include affordable pharmaceutical products, regulatory capacity, human resources in the health sector, and research and development of new tools and interventions. The EC will also monitor the implementation and the results of the EC Regulation to avoid trade diversion into the EU of certain key medicines.
- The 2005 Communication on the “EU Strategy for Action on the Crisis in Human Resources for Health in Developing Countries”⁹ reflects a shift towards a ‘second generation’ of rights-based approaches, which sought to address the fundamental ‘structural’ problems of health systems in developing countries. It focuses in particular on the severe crisis in human resources in the health sector (further compounded by the impact of the HIV/AIDS pandemic). Sufficient quantity and quality of health professionals is seen to be key to realizing the right to health.
- In line with this ‘second generation’ approach, the EC actively participated in the international debate on ‘Global Health’ in fora such as the WHO and the G-8. It thereby sought to ensure that these new policies would be truly ‘global’, i.e. also incorporate the specific needs and interests of developing countries while promoting the application of rights-based principles such as participation, empowerment, equity, etc.
- Building on these processes, the EC further developed its vision and approach towards the right to health in its March 2010 Communication on the “EU’s role in Global Health”¹⁰ and three related Staff Working Papers. The new Communication, which benefitted from a broad-based consultation process involving a wide range of stakeholders, identifies the major challenges for Global Health. These include growing HEALTH INEQUITIES; need to strengthen COHERENCE between external and internal POLICIES; weak equity and ownership of global health RESEARCH. It explicitly calls for the application of a ‘rights approach’¹¹ in all EU internal and external actions related to global health. It

⁵ Art. 3 of the Treaty of the European Union

⁶ Article 35 OJ C 303/7, 14.12.2007, p.1

⁷ Article 168 of the Treaty on the functioning of the European Union

⁸ COM(2004) 726 final entitled “A Coherent European Policy Framework for External Action to Confront HIV/AIDS, Malaria and Tuberculosis (TB)”, followed by COM (2005) presenting A “EUROPEAN PROGRAMME FOR ACTION TO CONFRONT HIV/AIDS, MALARIA AND TUBERCULOSIS THROUGH EXTERNAL ACTION (2007-2011)”

⁹ COM(2005) 642 final

¹⁰ COM(2010) 128

¹¹ APS GUIDELINES 2009- Annex 3- ROADMAP TEMPLATE , Communication on “The EU role in Global health” .DG Development and relations with African, Caribbean and Pacific States. P9

recognises that health is a universal basic right and all actions should aim at ensuring the rights approach by supporting both, duty bearers (national and global institutions) and right-holders (communities and their representatives).

Mainstreaming the right to health in EC practice

The degree to which the right of health 2008 has been mainstreamed in EC practice can be examined from different perspectives including: (i) development of adequate policy frameworks reflecting the right to health; (ii) integration in programming processes; (iii) application of the right to health across instruments; (iv) use of policy dialogue and (v) efforts dedicated at ensuring consistency and coherence between right to health and other EU policies.

As the section 2 above illustrates, the EC has sought to gradually mainstream the right to health in its own **policy frameworks** (culminating with the 2010 Communication on the EU's role in Global Health) and at the level of the EU as a whole. It has been pro-active in promoting comprehensive approaches to health with a strong focus on rights in the relevant international institutions and processes dealing with health as well as in the various (fragmented) health initiatives (MDG framework, Global Fund, International Health Partnerships). All this suggests that the mainstreaming of the right to health was quite successful, though EC staff interviewed during the desk phase, recognize that much remains to be done to further operationalise these sound policies. This will require the development of clear health sector guidelines related to access of a package of health services as well as to other key components of a rights-based approach (such as participation, voice and accountability).

In terms of translating the right to health in **programming processes** a mixed picture emerges. The figures show that Asia is the region where EC support to health has been most prominent (16%), followed by ENPI (8%). In the ACP only 4% of the resources have been dedicated to health – a rather low figure considering the huge health challenges in sub-Saharan Africa. According to the Court of Auditors, overall EC funding to the health sector has not increased since 2000 as a proportion of its total assistance, despite MDG commitments¹². The report observes that the EC has contributed significant funding to help launch the Global Fund but did not give the same attention to strengthening countries' general health systems. It has made limited use of sector budget support modalities, despite their potential added value in getting better policies and institutions. General budget support has been more often used, yet the link with health expenditures is less direct and evident. However, according to staff interviewed, it is important to look at health support from the perspective of the EU as a whole. The EC has systematically insisted on the need for "collective action" in application of the principle of complementarity and the spirit of the Paris Declaration.

Experience furthermore suggests that mainstreaming is a complex process. The Programming Guide for Strategy Papers¹³ clearly refers to governance and the right to health. Yet in practice, the concept of a rights-based approach is not always adequately understood or may be subject to diverging interpretations. There can be resistance to frame health policies in terms of 'right holders' and 'duty bearers' (which are core to the notion of rights-based approaches). Ambiguity can prevail on the role of civil society organisations as they often combine different roles (i.e. service providers and accountability agents). An additional bottleneck is the limited capacity and expertise on health in EC Delegations.

With regard to **instruments**, the right to health was first primarily promoted through thematic budget lines (particularly in relation to reproductive rights). As EC policy frameworks evolved and a more comprehensive approach to addressing structural health problems emerged, the rights-based approach gained momentum in geographic instruments (though with the limitations mentioned above). The EC Governance Facilities and related governance profiles (in the ACP and ENPI regions) also refer to the right to health and insist on government's provisions to guarantee equitable access to health services. A particular challenge lies with ensuring the strategic and complementary use of these different instruments¹⁴.

It proved difficult to find relevant evidence during the desk phase on the **use of policy dialogue** for promoting rights-based approaches. The analysis could be done at a later stage of the evaluation process. The interviews made it possible to identify interesting EC health support programmes (e.g. in Zambia, Mozambique, Vietnam, Afghanistan) that could be considered as more detailed case studies.

¹² European Court of Auditors. Special Report No 10/2008 on EC Development Assistance to Health Services in Sub-Saharan Africa.

¹³ http://ec.europa.eu/development/icenter/repository/F20_human_rights_en.pdf

¹⁴ European Court of Auditors, Special Report No 10/2008.

With regard to the obligation to ensure consistency and coherence, the EC has been active in formulating policies to address the issue of access to affordable and safe pharmaceutical products through action at global level, particularly at the level of the WTO. The EC has been at the forefront of efforts within the World Trade Organisation (WTO). A first step was the adoption of the Doha Declaration on the TRIPs Agreement (agreement on the trade related aspects of intellectual property) and Public Health in November 2001. This declaration called for rules protecting intellectual property rights (TRIPS) to be supportive of the right to protect public health and, in particular, to promote access to medicines for all. In August 2003 the WTO agreed on a scheme giving poor countries without production capacity access to generics to treat killer diseases such as HIV/Aids, tuberculosis or malaria. The EU has also adopted a new legislation ensuring the delivery of cheap medicines (tiered priced) to developing countries. This legislation encourages the pharmaceutical industry to make products available at near to cost of production price, preventing the re-importation of reduced-price medicines into Europe, thus ensuring that the medicines reach populations in need¹⁵. Yet a recent evaluation on policy coherence for development¹⁶ clearly indicates that many challenges remain to be addressed in terms of ensuring coherence between the right to affordable health care and other EU policies (e.g. on intellectual property rights, custom policies, trade liberalization policies).

Mainstreaming the right to food

The second selected area to analyse EC policies and practices towards mainstreaming human rights concerns the right to food. Access to food is crucial to an adequate standard of living and constitutes therefore one of key social and economic rights. Below an overview is provided of both the international normative framework related to the right to food (section 2.3.1) and the EC policy framework with regard to food and food security (section 2.3.2). On this basis EC practices with regard to mainstreaming the right to food are analysed, including in terms of ensuring policy coherence (section 2.3.3).

International normative framework

Building on the Universal declaration of Human Rights (article 25), the International Covenant on Economic, Social and Cultural Rights (ICESCR) asserts that “states parties to the present Covenant recognize the right of everyone to an adequate standard of living or himself and his family, including **adequate food**, clothing and housing” (article 11). According to Paragraph 6 of the General Comments Number 12 of the Committee for the ICESCR (the body in charge of monitoring the implementation of the Covenant), the right to adequate food is realised when “every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement”. The right to adequate food implies both the availability of and accessibility to (affordable) food.

While the rights under the Covenant are to be realized ‘**progressively**’, States parties have a set of core obligations (as primary ‘duty-bearers’). These are further specified in Paragraph 15 of the General Comments Number 12. Like any other human right, ensuring the right to adequate food imposes “**three levels of obligations on State parties**: the obligations **to respect, to protect and to fulfil**. [...]”. The obligation to respect existing access to adequate food requires States parties not to take any measures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfil (facilitate) means the State must pro-actively engage in activities intended to strengthen people’s access to and utilization of resources and means to ensure their livelihood, including food security. Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligations to fulfil (provide) that right directly. This obligation also applies for persons who are victims of natural or other disasters”. Adopting a human rights perspective on food means guaranteeing ‘**entitlements**’ to citizens as ‘right-holders’ as well as **legal opportunities to claim the right** to food, as foreseen in Paragraph 32 of the General Comments Number 12: “Any person or group who is a victim of a violation of the right to adequate food should have access to effective judicial or other appropriate remedies at both national and international levels. All victims of such violations are entitled to adequate reparation, which may take the form of restitution, compensation, satisfaction or guarantees of non-repetition”.

¹⁵ For more information on trade-related aspects of access to essential medicines:
http://europa.eu.int/comm/trade/issues/global/medecine/index_en.htm

¹⁶ Mackie, J et al (forthcoming). EU 2009 PCD Report: Preparation of MDG Case Studies. Commissioned by DG-DEV

In the spirit of article 56¹⁷ of the Charter of the United Nations, the specific provisions contained in articles 11, 2.1, and 23 of the Covenant and the Rome Declaration of the World Food Summit, States parties should recognize the **essential role of international cooperation** and comply with their commitment to take joint and separate action to achieve the full realization of the right to adequate food¹⁸.

It is also interesting to examine how the **concepts of right to food and food security** are distinguished from each other. According to Paragraph 1 of the 1996 World Food Summit Plan of Action, food security exists when all people at all times have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences in order to maintain an active and healthy life. As can be noticed, this definition integrates many elements of the definition used for the right to food. However, a **right-to-food-based approach complements food-security considerations** with other key components such as dignity, rights acknowledgements, transparency, accountability and empowerment¹⁹. It makes addressing hunger and malnutrition a legal obligation, not simply a policy choice or preference.

In practice there is still a **huge implementation deficit** to be observed in many parts of the world with regard to the right to food. Hunger and malnutrition have increased, affecting human development as well as social and political stability. More than a billion people around the world are suffering from chronic hunger. Although prices have fallen from their peak in 2008, new food shortages are not to be excluded. The international community is therefore far off track on meeting its commitment to securing the right of all persons to food²⁰. A wide range of factors contribute to this state of affairs, including inadequate national policies²¹, often based on a non-acceptance of the right to food; lack of resources; inappropriate responses from the international community; the distortive effects of other policies including trade liberalisation policies²²; the fragility of enforcement mechanisms at national²³, regional²⁴ and international levels²⁵ and global governance challenges with regard to food security. These concerns have been systematically voiced by networks of NGOs and by other specialised agencies. For instance during the World Food Summit 2002, a civil society driven “Forum on Food Sovereignty”, involving more than 400 farmer organisations, defined food sovereignty as “the primacy of people’s and community’s right to food and food protection, over trade concerns”²⁶.

The EC normative and policy framework with regard to right to food

The EU’s definitions of human rights, to be used in its external action, stem directly from international standards. For example, the human rights clause in the Cotonou Agreement with the ACP countries, define human rights as those defined in a wide range of existing legal instruments. It includes fundamental social rights (such as the right to food).

Food aid and (later on) food security have been longstanding policy issues on the EC development agenda. EC policy frameworks on the matter have evolved over time, gradually moving away from on focus on food aid and food production to a much more sophisticated food security approach. The EC is a lead donor in food aid and food security at various levels (global, regional, national), a major voice in the international debate (e.g. on food aid and trade) and a key promoter of agricultural research.

¹⁷ All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55: “ the United Nations shall promote: solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

¹⁸ General Comment 12, paragraph 36.

¹⁹ Mechlem, K. 2004. *Food Security and the right to food in the discourse of the United Nations*. European Law Journal 10 (5): 631-48.

²⁰ Aprovev-CIDSE. 2009. *Briefing Paper on Charting a New Path to Food Security: Food for the Hungry – Our Global Responsibility*. October 2009.

²¹ For an interesting example see Hadiprayitno, I. 2009. Food security and human rights in Indonesia. In: *Development in Practice*, Volume 20, Number 1, February 2010, pp. 122-130.

²² For a detailed analysis see De Schutter, O. 2009. *International Trade in Agriculture and the Right to Food*. Friedrich Ebert Stiftung. Dialogue on Globalisation. Occasional Paper, No 26. Geneva.

²³ While several countries have constitutional provisions referring to the right to food, very few have put in place national legislation and enforcement mechanisms to protect the right to food in a holistic way, as examined in: FAO. 1998. *The right to food in theory and practice*. Rome, FAO, pp. 42-43.

²⁴ An example is the African Charter on Human and Peoples’ Rights, which came into force in 1986, to be monitored by the African Commission on Human and Peoples’ Rights (through non-binding recommendations).

²⁵ Through the Committee on Economic, Social and Cultural Rights, which does not function as a judicial body and can only issue non-binding recommendations.

²⁶ See www.foodfirst.org/progs/global/food/finaldeclaration.html.

However, it could be argued that a **'right-to-food-based approach' emerged only recently in EC policy frameworks**, as evidenced by a close examination of the main policy documents since 2000:

- "Food security and rural development" were retained as one of the six areas where the EC is seen to have an added value (compared to other donors) in the November 2000 European Development Policy Statement²⁷ issued by the Commission. The proposed approach is primarily 'needs-based' and strongly embedded in a poverty reduction strategy (considered as the overriding objective of EC development policy). Human rights are mentioned as a 'value' without further elaboration in operational terms.
- The EC subscribed fully to the UN-driven MDG campaign, which included the fight against hunger and malnutrition (MDG 1, target 1c). Yet certainly in the initial period, the MDG process lacked a clearly articulated human rights focus.
- Food security remains a priority in the 'European Consensus for Development'²⁸. The right to food is presented as an "action theme for the EU" but is not further specified or elaborated in the document.
- The 2006 EC Communication: "A thematic strategy for food security – Advancing the food security agenda to achieve the MDGs"²⁹ outlines how the EC intends to use the new Food Security Thematic Programme. A comprehensive and multi-dimensional approach is proposed to address food security at various levels. Yet there is no clear vision on how to integrate the rights dimension in this instrument. The issue of the "right to food" is only briefly mentioned as one of the "key food security issues " to be addressed by the EC in the global food security agenda (in accordance with the Voluntary Guidelines of the FAO to which the EU subscribes³⁰).
- Soaring food prices on global markets in 2007-2008 sparked a rethink of global food security. The European Union (EU) reacted to the growing food security challenges with an additional €1 billion 'Food Facility' as a temporary measure to support those developing countries worst affected.
- Recent developments have led the Commission to further define a common food security policy with a view to strengthening EU leadership in the global food security agenda and improving the effectiveness of EU assistance. The resulting 2010 EC Communication "An EU policy framework to assist developing countries in addressing food security challenges"³¹ stresses the need to enhance incomes of smallholder farmers and the resilience of vulnerable communities; to promote regionally integrated agricultural policies; and to support the establishment of a sustainable agri-food chain. It recognises explicitly that access to food can be improved by applying the **"right-to-food" approach** in the context of national food security. It calls the EC and Member States to promote its further application through a variety of ways, including support for political and institutional reforms; empowerment of marginalised groups, targeted assistance programmes for smallholder agriculture, land reforms, employment generation programmes, social/food safety nets as well as establishing/strengthening redress mechanisms. This latest Communication clearly achieves a better balance between a "needs" and a "rights"-based approach to food security.

Mainstreaming the right to food in EC practice

The degree to which the right to food has been mainstreamed in EC practice can be examined from different perspectives including: (i) development of adequate policy frameworks reflecting the right to food; (ii) integration in programming processes; (iii) application of the right to food across instruments; (iv) use of policy dialogue and (v) efforts dedicated at ensuring consistency and coherence between right to food and other EU policies.

As the section 2 above illustrates, the EC only recently started to make an explicit reference to the notion of "right to food" in its **policy documents** related to food security. The 2008 food crisis –and related pressures from civil society and multilateral agencies- clearly had the effect of accelerating this incorporation. However, EC staff interviewed recognized that further work is needed to clarify the notion of the right to food. This is perceived to be a complex exercise as food security relates to many sectors and actors. It is often not clear what can be defined as a 'right' and what type of 'entitlements'

²⁷ www.europa.eu.int/comm/development/index_en.htm

²⁸ COM(2005) 311 adopted by the Commission in July 2005 and endorsed by the Council in November 2005.

²⁹ COM (2006) 21, Communication from the Commission to the Council and the European Parliament on 'A Thematic Strategy for Food Security. Advancing the food security agenda to achieve the MDGs.

³⁰ Idem, p14

³¹ COM(2010)127 final

should prevail in a given context. In a similar vein, it is not evident to define what it means to effectively apply a 'rights-based approach' in specific EC interventions such as support to agricultural production.

This process of clarifying what the right to food entails has started, particularly at the level of **programming** the EC thematic budget line for Food Security. The Annual Action Plan in favor of food security for 2009 elaborates on the notion of right to food: "Because the food price crisis, like food insecurity in general, ... affects especially the poorest, landless and female-headed households, it is particularly important to work towards the Right to Food, the **fundamental right of access to adequate food, where the key elements are gender, access to land, participation and non-discrimination**"³². It also states that "All actions under the Programme will help strengthen the Right to Food for impoverished people in developing countries by way of activities which boost the food security of disadvantaged groups, improve their access to resources, develops effective food security strategies and policies, strengthen the appropriate institutions and support various food security players"³³.

These definitions in the programming documents suggest there is quite some overlapping between the concepts of 'right to food' and 'food security' as used by the EC. The distinctive features of a rights-based approach, as put forward in the above mentioned in the 1996 World Food Summit Action Plan, are less visible in the EC definition. It is also interesting to note that the notion of right to food is **not further specified in the downstream programming process of the thematic budget line**. The various priority actions proposed do not refer explicitly to rights-based approaches. According to EC staff interviewed this is consistent with past EC support programmes in the area of food security. These seldom used the label of right to food, yet the actual interventions did contain key elements of a rights-based approach such as attacking the root causes of hunger, participation, empowerment, support to civil society, etc.

The EC can use a variety of instruments to address food security concerns. It can support it as a focal sector, through the thematic budget line for food security, through ECHO, through other budget lines related to civil society as well as through other interventions that are closely related to food security (e.g. agriculture, land reform, fisheries). The above analysis indicates that the right to food is now mainstreamed in the **thematic instrument** for food security, though still in a rather vague way and largely coinciding with the broader concept of food security. The specific features of a rights-based approach (including the notions of 'rights-holders' and 'duty bearers') do not appear clearly in the EC interventions supported by this budget line. This approach also seems to prevail in the **other instruments** used by the EC. The right to food is either not used as a key reference point or encapsulated/amalgamated in the concept of food security itself. The 2004 Thematic Evaluation on food aid and food security offers a case in point. The evaluation covers a wide range of strategic and operational issues yet it does not include a reference to the question of the right to food³⁴.

In order to further examine what the mainstreaming of the right to food actually means in EC interventions targeted at food security (possibly through a variety of instruments), it would be interesting to **select a case study** for a latter phase of the evaluation. This could focus on a country with acute food security challenges in which the EC provides support through various channels and types of intervention (reflecting the multi-dimensional nature of food security). This would make it possible to look at mainstreaming issues, including the use of **political dialogue** to ensure government commitment to the right to food.

From a mainstreaming perspective, it is also important to consider **the question of coherence** with other EU policies. Many non-governmental organizations have since long argued that current approaches to international trade liberalization and globalization have been harmful to food security and the right to food. Specific targets of criticisms include the WTO Agreement on Agriculture³⁵ (urging developing countries to liberalize without ensuring that rich countries will apply the same principles in

³² European Commission. 2008. Summary Annual Action Plan covered by the programming document 'Thematic Strategy Paper and Multiannual Indicative Programme 2007-2010 for the Development Cooperation Instrument in favor of food security for 2009, p. 2

³³ Ibid, p. 2

³⁴ European Commission. 2004. Synthesis Report on the Thematic Evaluation of Food-Aid policy and Food-Aid management and special operations in support of food security.

³⁵ Commission on Human Rights. Fifty-eighth session Item 10 of the provisional agenda. Economic, social and cultural rights. The right to food - Report by the Special Rapporteur on the right to food, Mr. Jean Ziegler, submitted in accordance with Commission on Human Rights resolution 2001/25. E/CN.4/2002/58 10 January 2002.p 32

their own markets) and the TRIPS Agreement³⁶ (as it could limit the access of peasant farmers to seeds for replanting). In the consultation process in preparation of the abovementioned 2010 EC Communication, NGOs and farmer organisation re-iterated their concerns. Especially the CAP and EPAs were mentioned by numerous respondents as having negative impacts on food security in many developing countries³⁷

The EC 2010 Communication responds to these criticisms by recognising the need for greater harmonisation of policies, greater complementarity of instruments, improved coordination with private investments as well as more effective Policy Coherence for Development (PCD) with regard to food security³⁸. The latter should be promoted through a range of policy instruments, including agriculture, trade, fisheries, climate change, environment and research. According to the Commission³⁹, the reform of the Common Agricultural Policy has enhanced coherence, and future reforms will continue to take global food security objectives into account. Future reform of the Common Fisheries Policy will further increase coherence between Europe's fishing policies and practices and development objectives. Finally, a balanced, comprehensive and ambitious conclusion of the Doha Development Agenda would strengthen the international trading system, with beneficial effects on food security.

Mainstreaming human rights in trade

This section reviews EU trade policy and action with a view to addressing the central evaluation question: how the European Community (EC) has mainstreamed human rights in this thematic area through the use of procedures, processes, capacity building initiatives and incentives. This analysis is based on a limited desk review and one interview with Commission staff. It considers mainstreaming in terms of the overall European institutional and policy framework; as well as application in practice through specific schemes and regulations.

The European normative and policy framework

The task of mainstreaming human rights into trade activities falls on all three EU institutions: the Council promotes human rights through external relations; the Commission implements commitments through cooperation and advice to country desks and EC delegations; and Parliament plays a role in oversight and agenda-setting.

This analysis specifically focuses on the Commission apparatus. Trade is handled by the Directorate General (DG) for Trade which comprises of eight directorates dealing with various aspects of the common EU trade policy. Directorate C which deals with sustainable development/bilateral trade relations has overall responsibility for mainstreaming human rights. DG Trade appointed a trade and human rights officer two months ago in order to better coordinate its approach to human rights. This recent development was prompted by the instruction to all Commission DGs to mainstream human rights and due to increasing questions from the European Parliament as a result of its strengthened role as co-legislator under the Lisbon Treaty. There is no overarching strategy paper setting out how the Commission will approach the mainstreaming of human rights into trade. The DG Trade website asserts its commitment to labour standards, as a subset of human rights, and related issues such as sustainable development, but wider human rights are not mentioned, and procedures for systematically applying these standards across all areas of trade activity are not shown. There are nonetheless a number of tools which the EU has at its disposal to promote the mainstreaming of human rights, some are general approaches e.g. human rights dialogues and guidelines, human rights clauses, and others are ad hoc tools of sole application to the trade e.g. special incentive arrangements for sustainable development and good governance etc.

Official EU policy has mandated the inclusion of human rights clauses in all trade and development cooperation agreements since 1995. Such clauses have been written into agreements with a range of Africa Caribbean and Pacific (ACP) countries, as well as countries in Latin America, the former Soviet Union, and Asia. Application is not universal; the clauses do not apply to industrialised nations –

³⁶ WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)- Annex 1C of the Marrakesh Agreement Establishing the World Trade Organization. Morocco on 15 April 1994

³⁷ European Commission. 2010. *Issues Paper – Summaries of the contributions to the Public Consultation on “Towards an EU policy framework to assist developing countries addressing agriculture and food security challenges*. Brussels, 9 February 2010.

³⁸ For more details see the Commission's 'PCD Work programme 2010-2013', April 2010

³⁹ COM(2010)127 final , p 8- 9

human rights clauses are only applicable to two out of 30 OECD countries (Korea and Mexico)⁴⁰. Human rights clauses are most comprehensive in the Lome and Cotonou agreements which regulate relations between the EC and 77 ACP countries and *inter alia* make human rights, democracy and the rule of law an essential element of agreements, permit suspension of agreements including any trade rights, and allow for political dialogue before sanctions are imposed (the latter particularly appears in recent revisions).

In terms of wider coherence with international approaches, the trade and human rights discussion is focused on bilateral, pluri-lateral and regional agreements rather multilateral negotiations. The Commission supported proposals to link trade and labour standards at the World Trade Organisation Singapore Ministerial Conference in 1996. This initiative was squarely defeated; developing countries were collectively opposed to the inclusion of labour standards and suspicious that these measures were motivated by a covert protectionist agenda. In some areas, the EU is genuinely progressive in its approach to linking trade and human rights as will be seen in the schemes discussed below, and therefore not coherent with less advanced approaches in other regimes. Its innovation is recognised by the human rights community. In terms of internal coherence, inter-institutional disagreement exists between the Parliament which favours a stronger and more consistent use of human rights clauses and sanctions while the Council and Commission favours a 'carrot' approach which uses clauses to encourage human rights dialogues with third countries, give legitimacy to demarches, and allow for a more integrated approach⁴¹.

There are a number of issues which arise in terms of the practical application of human rights clauses:

- Inconsistent use of human rights clauses as they do not appear in all sectoral trade agreements such as fisheries, textiles.
- Variability in wording used in different types of agreements leading to criticisms that some agreements are too weak e.g. states are able to negotiate the issues they wish to discuss, to opt out of consideration of individual cases, and to disregard the views of civil society. According to the Commission interview, trade agreements use standard wording which refers to ILO Conventions and the Decent Work agenda.
- Uneven application of conditionality in terms of provisions which allow partial or total suspension of agreements in case of serious breaches of human rights and/or democratic values. Suspension is seen as a last resort by the EU; it has only been invoked 15 times since 1995 and then only partially. This has led to concerns about double standards since the majority of suspensions affect ACP countries - although a recent study found the EU to be more consistent than might first appear and using suspensions in the limited circumstances in which they are known to work⁴². Moreover, the clauses bind both parties in theory but scrutiny does not appear to fall on the conduct of the Commission or EU Member States.
- Weak implementation mechanism. Both Parliament and independent experts have called for a more detailed procedure for interventions and a more coherent, effective and transparent approach. The most advanced system to date is envisaged for the EU agreement with Korea which includes the setting up of domestic advisory groups and civil society forums to monitor compliance, especially of rights pertaining to freedom of association and trade unions. This agreement is not yet public⁴³.

Mainstreaming human rights through specific trade schemes and regulations

Apart from the general inclusion of human rights into trade agreements through human rights clauses, mainstreaming is also achieved through the promotion of human rights compliance via specific schemes. One is a general trade scheme (GSP below) which awards preferential trade terms to countries willing to commit to human rights standards; others are regulations pertaining to the trade in specific goods. Mainstreaming in this thematic area is framed through particular initiatives rather than distinct policy frameworks, programming processes and policy dialogue. This section reviews the schemes which are currently in operation.

⁴⁰ European Parliament, 2008, *The Application of Human Rights Conditionality in the EU's Bilateral Trade Agreements and Other Trade Arrangements with Third Countries*, pp. 3

⁴¹ European Parliament, 2009, Human rights mainstreaming in EU's external relations, pp. 57,59

⁴² European Parliament, 2008, *ibid*, pp. 12

⁴³ European Parliament, 2009, *ibid*, pp. 35-36; 57-59

➤ *Generalised system of preferences (GSP)*

This scheme gives preferential access to the EU market to developing countries with the intention of promoting sustainable development and good governance. There are three arrangements:

- Basic or general GSP for which all 176 developing countries and territories are eligible.
- GSP+ program which offers additional tariff reductions on top of the general GSP to a selected group of developing countries that are vulnerable and are implementing specified core international human, labour and environmental standards and with respect to good governance.
- Everything-but-Arms (EBA) program which offers duty-free and quota-free market access to the 50 Least Developed Countries (LDCs).

GSP+ makes a direct link with human rights and offers special incentives and tariffs to countries willing to ratify 27 conventions (including UN human rights conventions and core ILO conventions). The design of the GSP+ program was motivated in part by an unfavourable WTO ruling against a previous EU scheme which provided special preferences for selected developing countries that were actively implementing anti-narcotics programs. The ruling stated that it was only permissible to differentiate among non-Least Developed Countries (LDCs) on the basis of widely-recognized development, financial, [or] trade need⁴⁴. There are currently 14 states benefitting from this arrangement.

GSP+ includes a regime of both positive and negative conditionality: the special incentives act as a spur to ratification and implementation of human rights conventions; and negative conditionality involves the withdrawal of preferences if conventions are not implemented. It should also be noted that the basic GSP also allows for withdrawal on various grounds including the serious and systematic violation of human rights. This provision is rarely used and even then, not explicitly e.g. GSP was withdrawn from Myanmar (in 1997) and Belarus (2007) due to the 'political situation' despite the fact that the original concerns were to do with violations of labour standards⁴⁵.

The present GSP regulation operates from 1 January 2009 to 31 December 2011. A recent comprehensive mid-term review concluded that *"It is too early to tell whether the GSP+ will become an effective mechanism promoting sustainable development and good governance"*. It has been effective in promoting ratifications of the 27 conventions but de jure implementation beyond ratification faces several constraints, and effects are even more difficult to identify – there may be some positive effects in the sphere of gender equality but no effects in other spheres such as corruption, civil liberties, etc⁴⁶.

There are a number of issues which arise in terms of the practical application of the GSP scheme:

- Concerns about the lack of transparency by which countries are awarded GSP+ preferences and calls for more clarity of the applicable standards and processes.
- Monitoring and suspension procedures need strengthening. The suspension mechanism was recently used in February 2010 when benefits were withdrawn temporarily from Sri Lanka following an investigation by the Commission which identified shortcomings in the implementation of three UN human rights conventions. The decision was based on a year long investigation which relied heavily on documents produced by UN Special Rapporteurs, other UN bodies and reputable human rights NGOs. However, there are a number of unresolved issues regarding the modalities of investigation and standards of evidence required to determine a breach. Parliament has sought a role in investigation and urged the Commission to review the potential impacts on human rights in the country concerned before taken a decision to suspend⁴⁷. The current public consultation for the new regulation due in 2012 asks whether the suspension mechanism should be strengthened e.g. by introducing benchmarks which must be met before beneficiary countries are granted preferences and if so what form this should take and the added value in terms of sustainable development⁴⁸.

➤ *Trade in goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment*

⁴⁴ CARIS, Mid-term Evaluation of the EU's Generalised System of Preferences, pp. 18

⁴⁵ European Parliament, 2008, *ibid*, pp. 9

⁴⁶ CARIS, *ibid*, pp. 11

⁴⁷ European Parliament, 2008, *ibid*, pp. 8-9

⁴⁸ Europa, 2010, Public Consultation exercise on the revision and updating of the European Union's scheme of Generalised System of Preferences (the GSP scheme)

Council Regulation 1236/2005 which entered into force on 30 July 2006 imposed controls on goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment. For certain goods, the export from or import to the EC is prohibited, while other goods are subject to a licensing requirement. It is seen as an unprecedented and landmark piece of legislation by the human rights community. The regulation is implemented by member states who submit annual reports on compliance to the Commission. The regulation came about because of a foreign policy decision to demonstrate the EU's anti-torture stance in a concrete way by banning the export of goods which could be used in torture. Concerns were raised by the European Parliament in 2001 and the regulation coming into force in 2006 following consultations with Member States.

Implementation is uneven. Research carried out by Amnesty International and the Omega Research Foundation reviews practice three years on and finds that it remains unimplemented or only partly implemented in several Member States: traders in some countries continue to offer for sale prohibited equipment; and some Member States have wrongly given export licences for controlled equipment raising questions about the adequacy of their assessment of human rights standards. There are also loopholes in the regulation itself which allow traders to undertake unregulated activities and highlighting a need to update annexes with prohibited items. There are calls on the EU to assess implementation itself⁴⁹.

➤ *Trade in rough diamonds (Kimberley Process)*

The trade in 'conflict diamonds' i.e. rough diamonds used by rebel movements or their allies to undermine legitimate governments is controlled under the Kimberley Process Certification Scheme (KPCS), a scheme set up in 2002 to prevent diamonds fuelling conflict. It is implemented in the EC by Council Regulation (EC) No 2368/2002, and the Commission represents the EC as a whole in the KPCS. It is handled by DG External Relations and not DG Trade. The preamble to the regulation recognises that human rights violations are perpetrated in conflicts which are fuelled by the trade in conflict diamonds but there is no further specific provision.

➤ *Trade in arms*

The Council adopted a Common Position on the control of arms brokering (Council Common Position 2003/468/CFSP) in June 2003 aimed at regulating arms brokering in order to avoid the circumvention of United Nations, EU or OSCE embargoes on arms exports. It sets out certain provisions to be implemented through national legislation and requires Member States to assess brokering licence applications against the EU Code of Conduct on arms exports agreed in June 1998. This Code specifically requires countries to take account of the human rights situation in the countries to which they are exporting. There is also a regulation governing the export of items which can be used for both civil and military purposes (so-called "dual-use items) which are controlled in accordance with Council Regulation (EC) No 428/2009. This regulation also has specific references to human rights enabling a Member State to prohibit or impose an authorisation requirement on any such item.

➤ *Trade Sustainability Impact Assessments*

These assessments are carried out before the launch of Free Trade Agreement negotiations in order to consider the potential effects on developing countries of preferential access to EU markets. They are criticised by some for not assessing the impacts on human rights of EC economic policy⁵⁰. The DG trade website suggests that labour standards are included in these assessments even if wider human rights are not. Commentators suggest that the methodology could be strengthened by the inclusion of human rights indicators e.g. measure the impact of trade agreements on the living conditions of populations and also the extent to which States concluding such agreements comply with international human rights obligations. There are various ways in which the actions of the EU itself could negatively affect the human rights of individuals in developing countries e.g. strict regulation on intellectual property rights could keep goods out of reach of people in developing countries; service and tariff liberalisation may benefit foreign companies but can make it difficult for local producers or for developing country governments to regulate trade in the public interest etc⁵¹.

⁴⁹ Amnesty International, 2010, From words to deeds: Making the EU ban on the trade in 'tools of torture' a reality, pp. 6, 9

⁵⁰ European Parliament, 2008, *ibid*, pp. 1

⁵¹ International Federation for Human Rights, 2008, Human Rights Impact Assessment of Trade and Investment Agreements concluded by the European Union, pp. 2-5, 12-13

Conclusions

The drive within the EU to adhere to its founding principles and to use trade as a mechanism for the promotion of human rights is evident but the approach lacks consistency and coherence. Initiatives emerge and develop in an ad hoc way. There is an absence of strategy and procedure to systemise the consideration of human rights and determine their relevance to EU trade activities across the board, to discuss and present different options (e.g. conditionality, prohibition etc.), and to standardise the approach to monitoring and enforcement. These findings give a provisional view of human rights mainstreaming in trade which needed to be tested at further stages of the evaluation process. Possible next steps include: (a) validation of these findings through interviews with a wider cross-section of Commission staff particularly to explore areas of tension between human rights approaches and trade policies; (b) an exploration of the views of other stakeholders from the European Parliament, European Council and relevant inter-governmental organisations (such as ILO) and civil society groups (such as Amnesty).

HR conditionality and aid in general

As argued by Uvin (2004), political conditionalities (usually including human rights) often fail to produce the desired results and often translate into just 'strategic compliance', leaving fundamental behaviours and relationships unchanged. In addition, they tend to produce results counter to those sought by the Paris Declaration, by focusing on dialogue between governments and foreign donors rather than that between governments and their own citizens.

Research on the application of political conditionality points to limited and circumstantial success, mostly related to good donor coordination and to internal processes already in place. However, the same research tends to confirm that this is usually dysfunctional. This represents a special case of the weaknesses of traditional approaches to aid conditionality, which the aid effectiveness agenda aims to make a thing of the past (ODI, unpublished)

An initial review of EC guidelines on general and sector budget support suggests that in practice, beyond the commitment to HR conditionality in the Cotonou Agreement, there are no concrete agreed conditions that are systematically applied to the way in which resources are allocated and disbursed. In the next phase of the evaluation we will review whether at country level some HR conditionality have actually been agreed and enforced as part of the policy dialogue and negotiations between the Commission and the recipient countries

HR conditionality and Cotonou Agreement

The Cotonou Agreement regulates aid and trade issues between the EU and ACP countries in a 'compact' which emphasises equality, ownership, mutual obligations and dialogue. It contains a specific mention of human rights and corruption as two of the main concerns that can call into question the provision of development assistance. Despite such emphasis, power imbalance and asymmetry of enforcement mechanisms remain embedded in the Agreement. ACP states can voice their concerns in joint institutions, but in reality they do not have any sanction mechanism to hold the EU to account, while the EU can always decide to withhold aid, and has done so on several occasions. Nor is there any independent monitoring process in place.

Mainstreaming human rights in migration

From the approval of the Amsterdam Treaty (1997) and the conclusion of Tampere Council (1999) the external dimension of migration has been included in the EU external action.

This area has been selected as it is one of the most debated in relation to the EU wish to mainstream human rights within migration policies when cooperating with third countries, since there may be appear incoherence between the EU's own priorities as to the safeguarding its borders and the promotion of a rights-based approach to migration policies. In such cases, migrant and refugee protection tends to be given a lesser priority. In addition, EU efforts on mainstreaming human rights in its external policies risk to be diluted by a certain lack of coherence with the internal actions of the EU and its Member States, for example, the treatment of irregular migration. In addition migration actions of interest of MSs resources can have an impact within the EU even if the EC has no responsibility for their condition.

In taking stock of the existing EU legal basis, policy commitments, programming and financing instruments, the EU has at its disposal a remarkable inventory of policies and tools for the promotion

and protection of human rights in its relevant external relation sectors. In the following chapters the degree of mainstreaming is examined at different levels: we will give an overview on how Human Rights mainstreaming commitments are translated in international sector agreements, normative and policy frameworks, dialogue, programming and implementation cycle.

International Normative Framework

Among the nine United Nations core International Human Rights Treaties a specific Convention on migration issues has been included: the **International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families** (entered into force 1 July 2003 – 42 Parties). It is to be noted that no European Union Member States are signatories of this Convention, a sensitive point with some Third Countries and an issue for the coherence of EU external action in the field of migration.

EC Normative and Policy Framework

International Agreements of EU with third Countries

➤ *Community Readmission agreements*

These are one of the main forms of agreement between EU and third Countries in the migration sector. Since the entry into force of the Treaty of Amsterdam in 1999, the European Community has had the power in its own name to enter into such agreements and not just the Member States. A readmission agreement facilitates the expulsion of third-country nationals. Contracting parties will readmit to their territory without any formality persons with the nationality of those countries who are residing without authorization in the other country or who have crossed its frontier illegally. Upon application, transit is possible through the territory of the two contracting parties without any special documents. A Committee of Experts is to be set up to monitor the application and interpretation of the agreement.

The EC also inserted readmission clauses into a number of its association and cooperation agreements since 1995, after 1999 such clauses are mandatory.

HR Mainstreaming in readmission agreement should be assured by the explicit mention to the compliance to the following International agreements. 1951 Geneva Convention and the 1967 Protocol on the status of refugees, internal treaties concerning extradition, transit, readmission of foreign nationals and asylum (in particular the 1990 Dublin Convention) and the 1950 European Human Rights Convention.

The actions in violation to the human rights are subject from the approval of the Lisbon Treaty to the judgment of the European Court of Justice. However the access to Court is not always evident and systematic.

However there are issues that are considered problematic for the respect and protection of HR. These agreements are perceived as they might damage human rights, because the EU agreed with third States to send back migrants to countries of origin which could be not really safe for those persons, or to transit countries which might then breach human rights obligations in the same way. In the absence of any procedure in the EU for examining the human rights record of a country, before agreeing a readmission agreement and during the operation of that agreement, these risks could be concrete.

In addition the focus on migration control in the EU's external relations it can be considered unbalanced. In the absence of a fuller commitment by the EU in most cases to allow easier travel to the EU, fairer rules on migration of further workers and family members or effective rules on equal treatment of migrants living in the EC in return for migration control commitments, the EU is seems as reproducing the flaws in its current internal policy in its external relations.

Some practitioners and law experts suggest to envisage a type of *Ex ante human rights impact assessments* (analogous to what required by the Commission with regard to economic, environmental and social effects of legislation acts) to ensure that this agreements do not harm the rights of people concerned and in order to obtain a larger consensus from third countries in a sector submitted to a strong scrutiny from their part.

In addition, several stakeholders, including the European Parliament, are of the opinion that sectoral agreements (readmission can be included among them) also need to include a human rights clause.

The European Commission has, however, clearly indicated that it is not “convinced that (sectoral agreements) provide a suitable context to negotiate a human rights clause⁵²”

(The list of Community Readmission Agreements is attached)

➤ *Mobility partnership agreement*

A cornerstone of the EC's policy for encouraging labour migration is Mobility Partnerships. However we can notice that also in these more comprehensive and recent agreements the component of protection of Migrants right is not a key issue.

COM(2007)248 final states that mobility partnerships necessarily have a complex legal nature as they involve a series of components that fall in the Community remit and others that are the concern of Member States.

Mobility Partnerships are a new concept aimed at better managing migration, included in the recent Commission Communication on circular migration and mobility partnerships. The underlying thinking is that specific 'packages' could be established between the EU and interested third countries that contain benefits for both sides. Mobility partnerships joint declarations encompass a broad range of issues ranging from development aid, to temporary entry visa facilitation, circular migration schemes and the fight against illegal migration including readmission. Their successful conclusion therefore is also dependant on the level of commitments which the Third Country is ready to take on in terms of action against illegal migration and facilitating re-integration of returnees (re-admission).

The EU has negotiated and mandated four Mobility Partnerships to date (Cape Verde, Georgia, Moldova and Senegal). Senegal has not yet signed. A proposed Mobility Partnership with Ukraine will not enter into force before 2011. Only two Mobility Partnerships have reached the stage of being implemented: Cape Verde and Moldova (List of mobility partnership in attachment).

Policy Framework

The Tampere European Council (1999) laid the foundation for a common EU immigration policy which included an important external dimension. The conclusions clearly state that “The European Union approach to migration needs addressing political, human rights and development issues in countries and regions of origin and transit. The European Council stresses also the need for more efficient management of migration flows at all their stages and of the importance of involving and cooperating with third countries (i.e. transit and destination countries) in border management policies. Border management was from the beginning a focus of this EU common policy. The conclusions underline for example the need to develop “, information campaigns on the actual possibilities for legal immigration, and for the prevention of all forms of trafficking in human beings”. They further call for “assistance to countries of origin and transit to be developed in order to promote voluntary return as well as to help the authorities of those countries to strengthen their ability to combat effectively trafficking in human beings and to cope with their readmission obligations towards the Union and the Member States”. They invite the Council “to conclude readmission agreements or to include standard clauses in other agreements between the European Community and relevant third countries or groups of countries”.

This 'external dimension' of migration has since been growing. There has been rapid evolution in the EC's external engagement with migration issues, characterized in general by a re-orientation from considering migration as primarily a security problem to considering it more as an area of opportunity for constructive cooperation with Third Countries in pursuit of mutually recognized policy goals. Among the major features are:

- A call for political dialogue based on the principle of shared responsibility between countries or origin, transit, and destination.
- Adoption in 2005 of a Global Approach to Migration consisting of three components:
 - management of legal migration,
 - prevention and reduction of illegal migration, and
 - promotion of links between migration and development in the interests of the country of origin.

The dimensions of *migrant's protection and rights* are not specifically included as part of the global approach, nor the asylum, even if strictly speaking, it does not concern migration properly, but it is

⁵² “Human rights in EU external Relations: legal basis, policies and instruments”.- European Parliament policy department 2009

associated to it, as very often asylum seekers and migrants are grouped together in the context of mixed migratory flows

Asylum is also under the purview of the EC according to the Amsterdam Treaty and the Council of Tampere. In strengthening the Hague Programme (COM (2004) 410 final), the European Council acknowledges the need for the EU to contribute in a spirit of shared responsibility to a more accessible, equitable and effective international migrant protection system in partnership with Third Countries. Further to the adoption of the Hague Programme and of its Action Plan (COUNCIL 9778/2/05 dated 10.06.2005), the EC communication COM (2005) 514 final further consolidated Law enforcement and fight against organized crime, protection and assistance to victims as well as reintegration issues, inter-state cooperation are main identified areas of action.

The protection of human rights however remains a fundamental concern with an emphasis on the protection of women and children.

In the following paragraphs, a look at policy in each of the three pillars of the Global Approach.

- Legal migration including labour migration

The need for a comprehensive approach and partnership with Third Countries was laid down by the European Council of Tampere (October 1999). Emerging from the spirit of Tampere were Directives on the status of long-term residents (2003/09/EC), on family reunification (2003/86/EC), and a communication on integration issues (COM (2003) 336 final). Following substantial deliberation and consultation, a landmark Policy Plan on Legal Migration (COM 2005 669) was approved at the end of 2005. The policy promotes, in particular, circular migration and mobility partnerships as instruments aiming to address the labour shortages in the EU and to encourage returning migrants to participate in their countries' development while addressing the danger of the "brain drain" phenomenon through partnerships with countries of origin. Furthermore, the EU will support efforts to strengthen Third Countries capacities to manage legal migration including by facilitating the work of the national services or of autonomous centres in charge of counseling potential migrants and/or their nationals abroad (COM (2008) 611 final).

- Illegal or irregular migration

In the area of irregular migration, the goal of Community policy has been to establish an effective, common policy regime in line with international obligations and recognizing the vulnerable position of many illegal migrants. The November 2001 Communication on Common Policy on Illegal Migration (COM (2001) 672 final) recognised the need for a broad approach, from preventive actions to severe sanctions. This was followed by a Communication on Community Return Policy of Illegal Residents (COM (2002) 564 final). The Communication on a Common Policy on Illegal Migration, Smuggling, and Trafficking of Human Beings, External Border, and Illegal Residents (COM (2003) 323 final) consolidated EC policy in the area. In 2005, the EC adopted a Communication and Action Plan on trafficking. The COM (2008) 611 indicates various fields of assistance offered to Third Countries: strengthening border management, capacity building for border guards and officials, information campaigns, improving the reception conditions and the use of new technologies to secure travel documents.

- Migration and development

On the basis of the Amsterdam Treaty and following the policy orientations established by the European Councils of Tampere and Seville, the integration of migration and development issues in EU relations with Third Countries was reaffirmed in the COM (2002) 703 with the aim to reduce the "push factors" behind migration by supporting sustainable growth and development and reducing poverty. EU policies and actions aim to foster the contribution of migrants to the development of countries of origin, including through remittances; to improve the management of economic migration – including South-South migration – in the mutual interest of countries of origin and destination; to limit brain drain and to foster circular, temporary, seasonal and virtual migration (COM (2005) 390). COM (2008) 611 recommends in particular that Third Countries should ensure that migration policies are incorporated in a structural manner into policies on health, education and human capital, and into social development strategies

Migration in EC cooperation

➤ *Dialogue*

Dialogue is a key component of the Global Approach to Migration, in particular for the migration and development agenda.

In particular at the regional level the EU is active in promote the use of dialogues in migration issues and to link them to the improvement of the judicial mechanism of protection at regional level. Political dialogues are conducted at high ministerial level.

In the relation with ACP political dialogue on migration is guided by the *Article 13 of Cotonou Agreement* that provides the basis for a balanced and comprehensive approach. Individual Member States are increasingly aligning themselves with this EU approach, through reference to Article 13 in bilateral agreements with third countries.

Two major ministerial conferences on migration and development were held in 2006, the first focusing on West Africa in Rabat in July (followed by Paris in 2008), and the second covering the whole of Africa in Tripoli in November. The EU was actively involved in preparing and financing both conferences and for the administrative follow-up. The focus was on the link between migration and development but the Tripoli Conference was also the occasion to adopt the EU-Africa Action Plan to Combat Trafficking in Human Beings, especially women and children with indication of areas of prevention and awareness-raising, protection and assistance to victims, as well as law-making and law enforcement in the Action plan.

In relation to Africa, the EU supported also a number of actions in the areas included in the EU-Africa Partnership on Migration and Employment (MME)

Other high level conferences have been very recently organised with other regions in relation to migration.

In Eastern Europe the EU supported the Ministerial Conference of Prague in April 2009 and the project "Building Migration Partnerships", which aims at ensuring its follow-up.

The EU-Latin American Countries Structured Dialogue on Migration was launched on 30 June 2009. The first High Level Migration Meeting dedicated to migration and development was organised on 25 September 2009 and the EU-LAC Brussels-based working group took place on 14 December 2009.

In relation to Asia, the annual meeting of the EU-ASEM Directors General on Migration was organised in Goa on 1 and 2 December 2009, and there was also a bilateral meeting with authorities of India on 3 December 2009 to develop a bilateral dialogue on migration.

The approach of these dialogues was based on global issues taking more the link between migration and development as a basis of the discussion and very rarely regarded specific issues connected to migrant's rights. They represent in any case advancement in the high level policy commitment in this area.

Support projects to accompany international dialogue on migration and asylum and political commitments are financed by the EU. More actions are still needed to ease the policy dialogue in particular on integration of migrants in EU MS and access to European labour markets.

➤ *Geographic Instruments – Country Strategy Papers*

The EC has produced specific guidelines on how to mainstream democracy and human rights in the programming cycle for the elaboration of the Country strategy papers.

However a relevant part of the financial contributions in the migration sector are given to third countries through thematic instruments and few CSP/RSP included migration within the main objectives. And, specific thematic contributions in a given country are not in general identified in the CSP.

In many cases where migration issues are at the core of national development but flows to Europe are not significant, there was no discussion of migration integrated into the situation analysis of those countries.

Recently in the new programming cycle migration is progressively being integrated into the CSPs but the approaches in the different regions are different.

Migration profiles are now annexed to the new CSPs of relevant ACP countries and migration is mentioned in some 18 ACP CSPs. The migration profile contains any information relevant to the design and management of a joint migration and development policy. It includes information on migratory flows (refugees and economic migrants), taking into account gender issues and the situation

of children. It also provides information on the country's needs in terms of skills available in the diaspora and remittances to the country. Where relevant, the profile analyses the routes taken by illegal migrants and the activities of people-trafficking networks. One of the main issues mentioned is brain drain, particularly in the health sector, trafficking of human beings, and visa restrictions. The entry point is becoming the link between migration and development, but no specific mention on protection of migrant's rights is includedⁱ.

Migration is also mentioned in other developing countries, being addressed in some 19 CSPs in Eastern European, Central Asian, and Latin American countries, but more rarely in the CSPs of Asian and Middle Eastern countries.

➤ *Thematic Instruments*

The main approach used to implement the EC external policy is the **thematic instruments** to finance projects though call for proposals and direct negotiation at central level.

In 2001, the "*Preparatory Actions B7-667 – Cooperation with Third Countries in the Field of Migration*" was established as a pilot programme. The Budget Line was in response to the conclusions and principles of the Tampere Council and calls for proposals were opened annually from 2001-2003. Euro 42.5 million was allocated to 50 projects in these years, the main objectives being the fight against illegal migration, protection of refugees in Third Countries, efficiently managed migration, promoting voluntary sustainable return, and enhancing links between migration and development. An independent evaluation, published in mid-2007, found that this pilot programme had established the potential for European value added in cooperation in the migration field. The coherence with European policy goals was clear overall. The small size of projects, the limited coordination with other EU programmes, the breadth and diversity of the migration field all represented challenges.

Budget Line 7-667 was replaced by the *AENEAS Programme* in March 2004. Originally foreseen to cover 2004-2008, AENEAS was shortened to 2004-2006. 118 projects totalling Euro 118 million were financed. Areas eligible for support were development of legislation in the field of legal immigration, the development of legal migration, the drafting of legislation and development of national practices as regards international protection and asylum, stemming illegal migration, and promoting re-admission and re-integration of returnees.

AENEAS was human right related in the setting of objectives introducing the respect of the specific human rights of migrants and refugees. In terms of mainstreaming human rights and fundamental freedoms, the Council regulation clearly set the tone at the policy level by clarifying that '*the respect of democratic principles and the rule of law, as well as of human and minority rights and fundamental freedoms, constitutes an essential element for the application of this Regulation. If necessary, and as far as possible, the actions financed under this Regulation shall be associated with measures aimed at strengthening democracy, human rights and the rule of law*'.(Regulation (EC) No 491/2004)

On the implementation side, issues that emerged included the difficulty of concretising detailed priority issues through general calls for proposals (CfPs); difficulties in balancing participation of local NGOs against the increased costs of managing many small projects ; the need to better reach Third Country public administrations, especially in the area of preventing illegal migration, and the need to recognise that in the area of refugee protection, general annual calls for proposals may be an inefficient modality.

The objective of the ***Thematic Programme on Migration and Asylum***, dating from 2007, to help Third Countries better manage all aspects of migratory flows, is set forth in Article 16 of Regulation 1905/2006 establishing the DCI. It covers five specific dimensions:

- Fostering links between migration and development,
- Promoting well-managed labour migration,
- Fighting illegal immigration and facilitating the re-admission of illegal immigrants,
- Protecting migrants against exploitation and exclusion and supporting the fight against trafficking in human beings,
- Promoting asylum, international protection, and the protection of the stateless persons.

Indicative funding of Euro 205 million was foreseen in the Strategy Paper for 2007-2010, Euro 157 million for the five migratory routes taken together under the geographic component, Euro 28 million for global and multi-regional initiatives in the five theme areas and Euro 20 million for special

measures. The total number of the projects approved to date is 62, with commitments totalling amount of Euro 93,608,279. 56 of these have been selected through the Call for Proposals mechanism (for a total of Euro 61.6 million) and 7 through direct negotiation (for a total of 31.9 million).

The Strategy Paper for the **Thematic Programme** includes migrants and refugees protection among its priorities but does not dedicate a specific chapter on if and how the protection can be achieved and it does not specify how HR and democratic principles have been mainstreamed into this instrument.

The related **Call for Proposal guidelines** (2007-2008) mentioned links to democratic and HR principles under the chapter 2.1.3, "Eligible actions," where it is stated "*..all actions financed under this Call for Proposals must support the beneficiary countries' efforts to deal with migration and asylum related issues in accordance with international agreements and standards on human rights.* However migrant's protection is not fully supported under the 2007-2008 call for proposals since it was excluded from the scope of the call for Middle East and Latin America more on the base of the dimension migration flows towards EU than on a rights based motivation.

Among projects financed by the Thematic Programme some have been developed on the basis of human rights and relevant international protection instruments (protection of children, of women migrants, trafficking in persons and smuggling of migrants, asylum and protection or support to adherence to these instruments). However, more technical, security- and border management projects (including readmission), which count for more than one third, tend not to explicitly ground themselves in democratic principles. Objectives tend to relate to technical aspects of border management and do not take the next step to relate these to large objectives such as access to justice, transparency, rule of law, end respect for human rights, even if some training on the rights of migrants and asylum protection sometimes are included.

Giving voice and protect vulnerable groups is a crucial part of promotion of HR. It would be difficult to imagine a group more excluded from democratic processes than migrants in irregular situations, readmitted illegal migrants, refugees, etc. The Thematic Programme systematically builds the capacity of NGOs to pursue better protection of vulnerable groups. However, some obvious opportunities have been missed. NGOs accounted for 27 percent of projects implemented nevertheless the majority of the NGOs are European; hence the room for the actors of migration at national and local level is limited and not in line with the real needs and local ownership. This opposed to 41 percent of projects implemented by international organisations, 17 percent by national administrations and state agencies (mainly from EU Member States, and single-digit shares for foundations, local authorities, and research institutions / universities

Special attention is required to some projects financed under the Thematic Programme which includes technical security-related and border management component (including readmission) as, these did not fully comply to EU general measures.

Include, capacity building activities containing training components on respect and application of EU human rights and democratic principles especially for law enforcement agencies working in the areas of irregular migration, counter- trafficking, protection of migrants and processing mixed flows of migrants.

Often simply listing international implementing partners such as Nation organisations, Programme or Agency is regarded as sufficient to establish the democratic bona fides of the project since they are themselves strongly bound to the respect and promotion of human rights applying the "*human rights based approaches*" in all their actions and this is another way for the EC to comply with HR mainstreaming objectives.

In the recent **Annual action plan programme for 2009-2010** there is only one short mention of HR under a chapter on cross-cutting issues referred to the target project to strengthen the capacity of Libyan Authorities to prevent and manage irregular migration. The paragraph states: *HR are at the centre of the this action> All activities will pay special attention to the international standard and to ensuring that migrants in need of international protection at the border and inside Lybia receive greater protection and more humane treatment*, however no indication on how to ensure this and with which means.

At the level of complementarity with other thematic instruments, it is possible to envision a close relationship between EIDHR and the Thematic Programme on M&A, since there are some topics which are the same such as: *migrant's rights, protection women and children, refugees & asylum, labour protection, human trafficking*. In practice there no evidence that the Thematic Programme has achieved synergies or exploited complementarities with EIDHR which is the main programme for

supporting Human Rights in third countries. It happened that groups that are eligible under the Thematic Programme on Migration & Asylum have elected to apply under EIDHR instead because of the administrative complications and for the lack of possibility given to small and voluntary local NGOs which are active in HR protection of the most vulnerable.

Conclusions

In general terms, to mainstream human rights requires the articulation of a *comprehensive strategy*, which should be characterised by the high level policy commitments on overall objectives, the allocation of resources and operational means in all external relation and cooperation sectors.

There has been a lot of advancement concerning the construction of a more coherent policy framework which included also the systematic consideration of HR in the migration related policy documents and high level engagements.

However this evolution it has not followed by the same steps taken at programming and especially at implementation levels with control mechanism to ensure that such programming is effectively undertaken. In the thematic units in charge of the implementation of migration policy in the different General Directorates (JLS, Relex, EuropeAid, and Development) there is no dedicated HR expertise to facilitate cooperation between such units and a broad range of other actors within the organisation (in particular HR Units) in order to advance human rights in their daily work.

It is not sufficient to provide some training on human rights issues at project level or add a dedicated HR chapter in the strategy documents, but is needed to include HR principles in the design of the programming documents as and in the call for proposal mechanism in a more strategic way using the existing guideline. Targeted investments in human rights should not only stand alone as compartmentalised, but at the same time, reinforce the general capacity of the organisation to promote and protect human rights included in the migration sector. The first step should be to increase the complementarity with thematic programme on M&A with others (in particular EIDHR) and with geographic instruments (RSP/CSP)

Mainstreaming human rights in the European Neighborhood Policy

The fifth specific case study concerning mainstreaming of human rights focuses on the EC/EU partnership with the region of ENPI, both South and East. The selection of this region was based on several considerations, including: (i) the privileged partnership with ENP countries based on a broad cooperation agenda (political, economic, security); (ii) the challenging environment in terms of promoting human rights (with the implementation of human rights standards in most ENP countries falling short of compliance with international norms); (iii) the existence in several ENP countries of Sub-Committees dealing with human rights; (iv) the opportunity to compare EC/EU approaches to promoting human rights in the framework of the Euro Mediterranean partnership with those applied in the former Soviet Republics.

The Note starts with examining mainstreaming policies and practices with regard to human rights in ENP-South. This covers Europe's immediate neighbours around the Mediterranean, including Algeria, Egypt, Jordan, Lebanon, Lybia, Morocco, the Occupied Palestinian Territories, Syria and Tunisia⁵³. In the second part, a similar analysis is made for ENP-East, covering Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

⁵³ Israel is also a partner country under ENP-South yet it falls outside the scope of this evaluation.



Mainstreaming human rights in the ENP-SOUTH

In order to assess to what extent and how human rights are mainstreamed in the overall cooperation between EC/EU and its ENP South partners, it is necessary to look at the inclusion of human rights considerations: (i) at the policy level (i.e. in treaties, regulations and EC key policy documents); (ii) in programming processes (i.e. in specific association agreements and action plans); (iii) in political dialogue processes; as well as (iv) at the level of implementation (including the monitoring of performance).

A first level of analysis concerns the **key policy documents** underpinning the partnership and the Southern ENP countries. During the evaluation period covered (2000-2009) two policy frameworks prevailed. Each of them made reference to the issue of human rights:

- The ***Euro-Mediterranean Partnership***, established at the 1995 Barcelona Conference, provided for an ambitious coopération agenda based on mutual interests as well as long-term objectives, to be translated in ‘Association Agreements’ with the respective countries. The ***MEDA programme*** was created as the main financial instrument of the EU for the implementation of the Euro-Mediterranean Partnership. MEDA co-operation was to be based “*on respect for democratic principles and the rule of law and also for Human Rights and fundamental freedoms, the violation of which element will justify the adoption of appropriate measures*”⁵⁴; The partnership included political objectives (e.g. peace and stability; democracy and human rights) which progressively acquired a stronger profile with the deepening of the ‘Barcelona process’ and the growing importance attached by the EC to democracy, human rights, the rule of law as well as governance in its relations with third countries.
- The ***European Neighbourhood Policy (ENP)*** was developed in 2004 with the objective to create an area of peace, stability and prosperity between an enlarged EU and its neighbours. The European Neighbourhood Policy Strategy Paper⁵⁵ indicates that “the privileged relationship with neighbors will build on mutual commitment to common values principally within the fields of the rule of law, good governance, the respect for human rights, including minority rights, the promotion

⁵⁴ Article 16 MEDA regulation amended by Council Regulation No 780/1998 stipulates that “when an essential element for the continuation of support measures to a Mediterranean partner is missing, the Council may, acting by a qualified majority on a proposal from the Commission, decide upon appropriate measures.”

⁵⁵ European Neighbourhood Policy Strategy Paper COM (2004) 373, 12.05.04

of good neighbourly relations, and the principles of market economy and sustainable development.” Importantly, the Strategy also states that the **“level of ambition of the EU’s relationships with its neighbours will take into account the extent to which these values are effectively shared”**⁵⁶. In the Regulation establishing a European Neighbourhood and Partnership Instrument, the Council reiterated the importance it attached to strengthening cooperation [...] on the basis of partnership and joint ownership and building on shared values of democracy and respect for human rights⁵⁷. Community assistance shall, amongst others, be used to support the promotion and protection of human rights and fundamental freedoms, including women’s rights and children’s rights. Programmes and projects financed under this Regulation shall be consistent with European Union policies. They shall comply with the agreements concluded by the Community and its Member States with the partner countries and respect commitments under multilateral agreements and international conventions to which they are parties, including commitments on human rights, democracy and good governance. In the event of crises or threats to democracy, the rule of law, human rights and fundamental freedoms, or of natural or man-made disasters, an emergency procedure may be used to conduct an ad hoc review of strategy papers⁵⁸.

The EC/EU approach to human rights in the ENP South région was further specified in the 2003 Communication on **‘Reinvigorating EU Actions on Human Rights and Democratisation with Mediterranean countries’**⁵⁹. The timing of the Communication was influenced by the publication of the Arab Human Development Report 2002. This report sparked major debates across much of the region, as it clearly captured the need for political liberalisation. It linked the state of « arrested development » in several Arab countries to a shortage of three essentials: lack of freedom, knowledge and women’s rights. In this context, the 2003 Communication is a particularly interesting document as it outlines a comprehensive approach and a set of specific guidelines for the best use of the instruments that are at the disposal of the EU and its Mediterranean partners to effectively promote and protect universal human rights and fundamental freedoms. These covered in particular (i) systematic discussion of Human Rights and democracy in all contacts between the EU and the partners with a view to promoting a structural approach to progress⁶⁰; (ii) closer linkage of MEDA allocations to progress in these fields; (iii) setting up joint working groups of officials between the EU and the partners; (iv) encouraging the signature, ratification and implementation of relevant international instruments; (v) recognition of the role of civil society (at both national and regional level) and (vi) a strategic use of the various instruments (national and regional programmes; EIDHR). The Communication also calls for increased institutional knowledge and documentation on the situation and key issues in each partner country (through ‘EU Human Rights fact sheets’) as well as for greater coherence and consistency (inter alia through strengthening co-ordination between Commission Delegations and Member States’ embassies). Furthermore it includes a clear reference to the need for mainstreaming human rights : “The elaboration of future National Indicative Programmes, beginning with the 2005-2006 exercise, will be used to further mainstream the promotion of good governance, Human Rights and democracy in the MEDA programme” (recommendation 7).

The second level of analysis focuses on the **programming processes in ENP South**, both under MEDA and later on under the ENP. The finalisation in 2001 of Country Strategy Papers (2002-2006) is seen to have been instrumental in terms of mainstreaming human rights in MEDA programmes⁶¹. Most MEDA country allocations include support to good governance programmes, and in some cases to civil society. Regional programmes were seen to be useful for addressing issues that often are too sensitive to be dealt with at the national level, at least at an early stage. Furthermore, regional programmes can allow for fruitful exchanges of experience and best practices between countries sharing similar cultural values, background and experiences⁶².

⁵⁶ *Ibid.* p 3.

⁵⁷ Official Journal of the European Union, REGULATION (EC) No 1638/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument

⁵⁸ *Ibid.* article 19, paragraphe 5.

⁵⁹ As reflected in the EC Communication on ‘Reinvigorating EU Actions on Human Rights and Democratisation with Mediterranean Partners’, COM (2003) 294 final.

⁶⁰ To this end, the Union “should ensure systematic inclusion of Human Rights and democracy issues in all dialogues taking place on an institutionalised basis: within the format of the Association Councils (Ministerial level) and Association Committees (Senior Official level) that monitor the implementation of the Agreements, and in other political dialogue formats such as the Troika. It should explore with partners the possibility of establishing technical sub-groups to address issues related to Human Rights and democratization” (recommendation 1).

⁶¹ COM (2003) 294, 21.05.03, p 17

⁶² *Ibid.*

Considering the difficult environment for human rights in the ENP South region, an effective programming of EIDHR interventions is key. The thematic instrument has been used in most countries of the ENP South (between 2002 and 2004 the region received 19% of the overall available resources). Evidence suggests that the EIDHR has supported interesting initiatives from civil society in the field of human rights, but that the overall political climate remains a major constraining factor. Another limitation is the project approach followed, which reduces the scale, the potential leverage capacity as well as the opportunities for extension/deepening of the initiatives funded.

Under the ENP, the EC/EU concludes Association Agreements with Mediterranean partners. These typically contain commitments to political, economic, trade or human rights reforms. In return, the EU offers enhanced market access, increased assistance, cross-border cooperation and greater integration into European programmes and networks. A key element of the ENP is the bilateral '**ENP Action Plan**' mutually agreed between the EU and each partner country. The Action Plan is preceded by a '**Country Report**' (prepared by the EC) reflecting on the situation of the country and the potential scope for reform. These Reports include a section on 'Human rights and Fundamental Freedoms', providing a fairly detailed and frank analysis of the human rights situation, covering issues such as constitutional provisions; ratification of UN Treaties; the quality of the legal framework for independent civil society (including partnerships with foreign NGOs and related funding⁶³); the space available for trade union action and independent media; as well as issues related to torture, the death penalty, etc. The ENP Action Plan sets out an agenda of political and economic reforms with short and medium-term priorities (3-5 years). These include political dialogue and reform, as well as cooperation on justice, liberty and security. ENP Action Plans have to be ratified by all EU Member States. For most Southern ENP countries an Action Plan has been adopted⁶⁴.

The ENP Action Plans, negotiated from 2004 onwards, contain chapters with specific and agreed reform objectives on basic human rights and fundamental freedoms, the rule of law and political democracy. Further elaboration is provided in the Country Strategy Papers (CSP). As an illustration, the example of Egypt could be given. Building on the CSP 2002-2006, support for reforms in the areas of democracy, human rights and governance constitute one of the three key objectives of the CSP 2007-2013. To promote and protect human rights, EU assistance will be targeted at strengthening the culture of respect for human rights and fundamental freedoms, and the capacity and effectiveness of all competent institutions, including the security apparatus and the police, and at supporting formulation of a national human rights strategy by the authorities. Cooperation will be provided to support protection of women's and children's rights and to enhance the freedom of expression and independence of the media. Specific attention will be paid to enforcement of protocols and international conventions related to human rights to which Egypt is party (on political and civil rights, economic, social and cultural rights, women's rights, children's rights, torture, racial discrimination, the death penalty and the status of refugees).

This CSP reflects an overall programming trend with regard to human rights in ENP South. EC support is not only provided through EIDHR projects but through structural support for reforms, backed up with substantial resources from the geographic budgets. Human rights is generally encapsulated under the broader heading of governance and justice reforms. It is hoped that this may increase the leverage and impact of EC support. Evidence furthermore suggests there has been very limited mainstreaming of human rights in programming assistance in other (social) sectors of cooperation. Governments tend to oppose the adoption of rights-based approaches. Even where openings exist, there is much confusion on what a rights-based approach means in social sectors such as education, health, etc. While it is difficult to detect specific references to human rights in EC supported social programmes (i.e. using the explicit label of 'human rights') in ENP South, it can be reasonably argued that several programmes indirectly contain elements of a rights-based approaches (e.g. empowerment of women; participation of stakeholders in programme design and implementation) thus potentially contributing to a more enabling environment for human rights.

The MEDA Regional Programme (2002-2006) focused mainly on economic and social cooperation. It does not include a focus on human rights, nor an attempt to mainstream human rights in other areas. However, the programme foresees support for exchanges between civil society organizations, with a potential to indirectly create a more enabling environment for the respect of human rights (particularly social and economic rights). Also in the *Regional indicative programme 2007-2010 for the*

⁶³ Thus, the 2004 Country Report Tunisia refers to the restrictive legal framework for local NGOs to obtain external funding. Some Tunisian NGOs dispute these practices while projects of the EC in support to democratisation and human rights have been blocked on this account.

⁶⁴ The ENP is not yet fully activated for Algeria, Lybia and Syria since these have not agreed Action Plans.

Euromediterranean partnership⁶⁵ there are no specific programmes that directly target domestic political reforms and human rights. One of the key areas of the RSP concerns cooperation in the field of 'Justice, Security and Migration'. However, the objectives of this programme component are primarily geared towards the EU's own security agenda and the fight against terrorism. The RSP foresees indirect support to the promotion of human rights culture through programmes in the sphere of 'social development and cultural exchanges', benefitting civil society organizations and media.

In the ENP the EC has also put in place a '**Governance Facility**'. Basic progress in the areas of "respect of human rights and fundamental freedoms" is an essential criterion (*conditio sine qua non*) for receiving an allocation under the Governance Facility. Reforms leading to improved governance in other areas, such as economic governance, would not, by itself, be considered sufficient⁶⁶. The assessment of progress on governance will be made on the basis of the following governance-related issues identified in ENP Action Plans: respect of human rights and fundamental freedoms, abolition of the death penalty, prevention of torture and other forms of ill-treatment; detention and prison conditions; freedom of association (including development and strengthening of civil society); freedom of assembly; freedom of the media and freedom of expression, including access to internet; freedom of thought, conscience and religion; legislative framework on private data protection; fight against discrimination, intolerance, racism and xenophobia; women's rights; children's rights; minority rights.

Interviews with EC staff confirm the **complexity of programming relevant forms of support for human rights in the ENP South**. This is related to (i) political resistance of partner governments to address upfront questions of human rights (both political and social/economic/cultural rights) or to consider their mainstreaming in other areas of cooperation; (ii) the tendency to direct EC support mainly to and through central government, at the exclusion of (independent) civil society organizations; (iii) lack of political leverage to organize a solid political dialogue around the programming process; (iv) inconsistent (final) decision-making processes at headquarters level, reflecting a diversity of views and interests among EU Member States.

A third manner to assess mainstreaming of human rights in ENP South, related to the **political dialogue on human rights**. This dialogue has been taken up at both bilateral and regional level, in the Association Council and Committee meetings, in the discussions on the ENP Action Plans and in the appropriate Euro-Mediterranean meetings (Ministers of Foreign Affairs, Justice and Home Affairs, Euro-Med Senior Officials) that remain the central instrument for partnership and dialogue. A dialogue on human rights and democracy has been initiated with several partners in the context of sub-committees of the Association Committee and the European Neighbourhood Policy Action Plans⁶⁷. The Annual Progress Reports on ENP South (produced by the EC) provide evidence of the work of the various Sub Committees and on the human rights topics that can be discussed in these dialogue structures. However, interviews with EC staff indicate the relevance and impact of the dialogue largely depends on the existence of a real reform agenda at the level of the partner country. If this political traction is missing, the Sub Committees tend to be a rather "ritualistic" event, bereft of meaningful impact. The point was also made that dedicated human rights structures (such as the Sub Committees) bring along the danger of "ghetto-isation" of human rights, i.e. isolating human rights as a separate issue instead of fully integrating the question in mainstream political dialogue.

A last perspective on mainstreaming human rights in ENP can be obtained by focusing on the **implementation of EC support strategies, including monitoring of performance**. The Annual Progress Reports (both the global and country reports) provide a first source of information on the implementation record with regard to mainstreaming human rights. The successive annual reports provide evidence of achievements in several ENP countries. Yet the overall picture remains rather grim. The 2010 Global Progress Report clearly describes the state of affairs and related challenges for EC cooperation: "Whereas accession to human rights and fundamental freedoms conventions have move forward, their implementation raises concern... Advances in the fight against torture are insufficient. Serious problems also persist in many countries as regards the respect for freedom and expression, particularly in the media, freedom of association and freedom of assembly. The space for civil society actors and human right defenders remain unduly limited. The death penalty still exists in Algeria, Egypt, Israel, Jordan, Lebanon, Lybia, Morocco, the occupied Palestinian territories, Syria and Tunisia. Regarding asylum seekers and refugees, most ENP countries do not provide adequate

⁶⁵ European Neighbourhood and partnership instrument (ENPI) regional strategy paper (2007-2013) and regional indicative programme (2007-2010) for the Euro-mediterranean partnership

⁶⁶ Principles for the Implementation of a Governance Facility under ENPI, p. 5

⁶⁷ European Neighbourhood and partnership instrument (ENPI) regional strategy paper (2007-2013) and regional indicative programme (2007-2010) for the Euro-mediterranean partnership , p7

assistance and protection". The Report does not provide a clear analysis of the relevance and impact of EC contributions and mainstreaming efforts. In general, there is very limited evidence of impact on EC support for human rights (across the board).

Another source of information are the EC Country Strategy Evaluations. Such exercises were conducted in Morocco (2003), Egypt (2004) and Jordan (2007). The three reports confirm the difficulties linked to promoting human rights in ENP South through a variety of instruments (political dialogue, programmes, EIDHR projects), including social and economic rights.

Civil society organisations (in Europe and in the ENP) monitor the overall EC policies and interventions with regard to human rights in the ENP. The EC supports the participation of civil society in the ENP South by funding the Euro-Mediterranean Human Rights Network (a group of 64 human rights organisations from Europe and the ENP). However, a recurrent criticism from civil society towards the EC relates to a perceived culture of complacency and a lack of coherence in the area of human rights. As an illustration one could refer to a report by AI for the French Presidency of the EU. It notes that the EU has lately shown a lack of coherence particularly in its approach towards Southern ENP partners. It is essential that negotiations with Libya make it clear from the outset that commitments on human rights and engagement to discuss concerns at different levels is integral to any future Framework agreements... There has been a welcome trend to establish subcommittees with Southern Mediterranean ENP partners to specifically examine human rights concerns... At the same time, such subcommittees are not a substitute for discussing human rights concerns in all political dialogues with Southern partners »⁶⁸. These limitations also hamper EC efforts to ensure the mainstreaming of human rights.

Mainstreaming human rights in the ENPI-EAST

➤ *Regional and country level strategies under the ENP*

This section focuses on the strategies the regional and country level, and on the action plans at the country level, to describe the nature and scope of human rights support that this involves.

The European Neighbourhood Policy is intended as a framework for the development of relations between the EU with neighbouring regions/countries based on the presumption of mutual interests and shared values in tackling common problems of development. The emphasis is on the notions of joint ownership and partnership, through joint agreements around common interests, common goals and shared values. It is intended that ENP is a framework to enable a privileged relationship of better political association, deeper economic integration, increased mobility and more people-to-people contacts between the neighbourhood countries and the EU. The level of ambition of each country relationship will vary as does the depth and nature of each bilateral relationship.

The concept of shared values underlies the idea of partnership, and is premised on the assumption that the EU and the Neighbourhood countries have in common a similar commitment to the values of democracy, the rule of law, human rights and international law, and market based development. The ENP provides the framework to support this commitment through political support, economic aid and technical assistance. The ENPI (European Neighbourhood Policy Instrument) is the financial instrument to channel this support (including the EU relationship with Russia which is treated separately).

The ENP has several regional focuses. Here we focus on the Eastern region, which includes Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine. Russia has a separate arrangement through the EU-Russia Strategic Partnership. Within the ENP there are regional strategies (RSPs) and country level strategies. The latter are guided by country Action Plans that are agreed between the EU and the partner country.

➤ *Regional Strategy Paper*

The *Regional East Programme 2007-2013 strategy paper*⁶⁹ was developed to complement the country Action Plans for the eastern countries – including the agreement between the EU and Russia.. This RSP somewhat replaces the strategies/programmes developed under TACIS. The RSP only covers cross-cutting, regional issues and responses, and aims not to duplicate the Country Strategy Papers (CSPs) which are taken up in the action plans. The ENP is primarily channelled through the national

⁶⁸ Amnesty International. 2008. Critical review instead of complacency. AI's ten-point human rights programme for the French Presidency of the European Union, p . 13.

⁶⁹ [HTTP://EC.EUROPA.EU/WORLD/ENP/PDF/COUNTRY/ENPI_EASTERN_RSP_EN.PDF](http://ec.europa.eu/world/enp/pdf/country/enpi_eastern_rsp_en.pdf)

Action Plans. The RSP has the objective of complementing national agreements by supporting policies that require regional cooperation. It includes working at a regional level with Russia:

The primary regional strategic objectives for the EU are to implement the European Neighbourhood Policy (ENP) and the agreement on the Four Common Spaces with Russia, and to promote cooperation within the region. In addition to these overarching strategic objectives for the region, the EU also has specific sector objectives in which the regional aspect is particularly important. The first of these is sustainable development and environmental protection, which underpins all EU legislation and policies. The second is the need to ensure the diversification and security of energy supplies to the EU, and the ENPI Eastern region represents a key region in this respect. Finally, the further development of transport links between the enlarged European Union and its neighbouring countries is important as trade relations increase.⁷⁰

The RSP at a declaratory level commits the regional partnership to promote democracy and human rights, alongside prosperity, solidarity, security and sustainable development. Beyond this, the RSP remains rather vague on human rights.

The Democracy and Human Rights instrument will provide support to promote freedom of expression and association, and the protection of human rights defenders; anti-Torture measures; promote human rights, Conflict protection and democratic reform; improving the international human rights framework; and Election observation.⁷¹

➤ Country strategies and Action Plans

The implication is that issues of governance and human rights are addressed within the national Action Plans.

The **Action plans** within the ENP framework are the point at which the specific terms and conditions of EU cooperation relations are defined and negotiated. Action plans were preceded by country reports. Significantly ENPI is premised on the notion that there is an advantage to a differential approach to how EU relations with ENP countries should evolve, based on different needs and capacities, levels of ambition, and ultimately political will of the partner country.

The Action Plan reflects an agreement between the EU and the partner country based on what is feasible, and what is acceptable. In the action plans, the intention has been for countries to outline their own development strategies in connection to human rights and governance, rather than these processes being imposed from abroad. The Action Plans have similar structures. It is in the chapters on 'political dialogue and reform', 'cooperation in justice, freedom and security issues'; and the 'human dimension', that issues of human rights appear, and that commitments to concrete actions are outlined. The level of detail varies considerably from country to country. In the Ukraine, Moldova and Georgia the Action Plans develop detailed reform priorities in relation to governance, elections, electoral laws, human rights and fundamental freedoms, but these are less detailed in the case of Azerbaijan. At the same time, the progress report on Ukraine of 2009 continues to show very slow progress on both electoral probity and human rights issues.⁷²

One study indicates that the Action Plans have had very limited impact in promoting democratic reforms or progress in human rights, (Boonstra and Shapovalova; 2010), and that the democracy performance of the eastern neighbours in fact deteriorated in the period 2005-2008, on the basis of the Freedom House index. Here only Belarus showed progress – yet was the only country not to sign an ENP action plan. Nonetheless, there has been some progress on ratification of some international conventions and treaties. For instance, most ENP countries have adopted plans to curb human trafficking. In 2008, Armenia, Georgia and Moldova ratified the Council of Europe 2005 Convention on Action against Trafficking in Human Beings. (But this has not yet been ratified by Azerbaijan or Ukraine). The key factor for limited impact lies in weak EU leverage on political will at the country level to engage in processes of political transformation.

➤ Human rights mainstreaming under ENP –East

A European Parliament report reviewing the ENPI, (2008/2236/INI)⁷³ suggests the need for more explicit conditionality on issues of human rights, democracy, rule of law and good governance at the

⁷⁰ From the RSP at [HTTP://EC.EUROPA.EU/WORLD/ENP/PDF/COUNTRY/ENPI_EASTERN_RSP_EN.PDF](http://ec.europa.eu/world/enp/pdf/country/enpi_eastern_rsp_en.pdf)

⁷¹ From the RSP at [HTTP://EC.EUROPA.EU/WORLD/ENP/PDF/COUNTRY/ENPI_EASTERN_RSP_EN.PDF](http://ec.europa.eu/world/enp/pdf/country/enpi_eastern_rsp_en.pdf)

⁷² [HTTP://EC.EUROPA.EU/WORLD/ENP/PDF/PROGRESS2010/SEC10_524_EN.PDF](http://ec.europa.eu/world/enp/pdf/progress2010/sec10_524_en.pdf)

⁷³ [HTTP://WWW.EUROPARL.EUROPA.EU/SIDES/GETDOC.DO?PUBREF=-//EP//TEXT+REPORT+A6-2009-0037+0+DOC+XML+V0//EN](http://www.europarl.europa.eu/sides/getdoc.do?pubRef=-//EP//TEXT+REPORT+A6-2009-0037+0+DOC+XML+V0//EN)

country level. The connection to justice sector reform as central to advancing rule of law is made, and in this regard the report recommends in-depth and thorough evaluations of 'justice' projects financed under the ENP, to be made public. It also calls for action programmes in the fields of democracy, the rule of law and human rights to be more ambitious, in line with the ENP action plans. There is a sense that more can be done to achieve more commitment by partner countries to make progress on these fronts.⁷⁴

As an incentive to improve democracy and rights commitments, the **Governance Facility**⁷⁵ came into being in 2007. It provides additional EU support to countries in governance areas where most progress in implementing the agreed reform agenda set out in the country Action Plan is seen to have been made. This is derived from the assessment in the annual ENP Country Progress Reports, which provide the basis for the annual allocation decisions. The intention is to provide additional support to key elements of the reform agenda, helping (and effectively rewarding) reformist governments to strengthen their domestic constituencies for reform.

The governance facility allocation decisions were made on the first Country Progress Reports, with the expectation that subsequent allocations will be informed by the evolution in subsequent progress reports on questions of governance, democracy, rule of law and human rights. The document *Principles for the implementation of a Governance Facility under ENPI* provides some guidance on how to assess the governance progress in relation to the Action Plans. Each Action Plan contains a chapter on "Enhanced political dialogue and reform" which covers horizontal aspects of democratic governance. In addition, other governance-related priorities include strengthening democratic practices, respect for human rights and the rule of law and tackling corruption; judicial reform, political and border-management issues aim at curbing fraud and tax-evasion, money laundering and terrorism; improvement in accountability mechanisms are considered.

The Eastern Partnership (EaP) was launched in 2009, with the intention of intensifying for the six countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine) the level of engagement with the EU. The Commission has earmarked €600 million for the period 2010-2013. These are still early days, which makes assessment of the EaP on rights mainstreaming difficult. However, on the basis of the progress reports on the country strategies it is unclear that it will be more effective in encouraging progress on human rights and democracy. In part this is related to the fact that it lacks the incentive of the prospect of accession to the EU. Its main incentives – free trade and free travel remain distant, and the aid amounts may not be strong enough to lead to far-reaching political transformation, (Boonstra and Shapovalova, 2010).

The EaP does open up the scope for more involvement of non-state actors in multilateral fora that can contribute to processes of regional socialisation and sharing of experiences that can enhance democratisation discourses and processes. The creation of the EURONEST and Civil Society Forum are examples of this. The EURONEST parliamentary assembly includes representatives of the European Parliament and the national assemblies of Armenia, Azerbaijan, Georgia, Moldavia and Ukraine, and observers from Belarus. The Civil Society Forum aims to meet on a regular basis and become a platform for dialogue, capacity building and exchanges. (Boonstra and Shapovalova, 2010).

a) Challenges of ENP for human rights (and democracy).

- The assumption of shared values around human rights, democracy, rule of law and good governance has little more than declaratory value, and in a number of cases does not reflect the political interests and process on the ground, (Tocci 2006).
- This is compounded by the fact that EU leverage on human rights issues is limited given that accession is not part of the long-term plan of the ENP or EaP.
- But the political dialogue that is enabled through ENP can encourage progressive advances in signing up to international human rights instruments, even among the more reluctant partners, as Azerbaijan.

b) Questions to take with us to later stages of evaluation process?

- What is the connection between progress on human rights issues and the evolution of the relationship with the EU?

⁷⁴[HTTP://WWW.EUROPARL.EUROPA.EU/SIDES/GETDOC.DO?TYPE=TA&REFERENCE=P6-TA-2009-0078&LANGUAGE=EN&RING=A6-2009-0037](http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2009-0078&language=en&ring=A6-2009-0037)

⁷⁵[HTTP://EC.EUROPA.EU/WORLD/ENP/PDF/GOVERNANCE_FACILITY_EN.PDF](http://ec.europa.eu/world/enp/pdf/governance_facility_en.pdf)

- Is there consistency in terms of conditionality around human rights and democracy across the ENP countries/regions? What are the factors that undermine consistency?
- Does the fact of the ENP framework provide a normative umbrella, through the notion of shared values, which is conducive to effective progress on human rights (and democracy) or does it serve to mask and legitimise poor governance contexts?
- By contrast, does the country level differential and 'staggered' approach of the Action Plans allow for more 'realism' in country programming regarding progress on human rights?

Mainstreaming human rights in the EU-Asia Partnership

Respect for human rights is a key dimension of the EU political relations with the countries in the region and, in many of them, this domain represents a top priority for the EU concerns and intervention.



For instance, in Afghanistan the EU remains committed to working with the Government of Afghanistan to strengthen its human rights institutions and mechanisms to persecute human rights violations related to violence against civilians, as well as to the abolition of the death penalty and the eradication of torture.

Good governance, democracy, human rights and the rule of law are crucial sectors also in the EU's relations with and assistance to Iraq since 2005. In this country the EU promotes the consolidation of security by underpinning the system of the rule of law and the administration of justice and promoting a culture of respect for human rights, including the rights of women and persons belonging to minority and ethnic groups and endorses a model of democratic government that overcomes divisions and supports the implementation of the International Compact with Iraq, with Iraqi commitments on rule-of-law and human rights. If we consider the overall amount financed to Iraq by the donor community, the EC has been so far one of the largest donor with a total amount of around € 190 million.

Besides these examples, the EU follows closely and is actively engaged to condemn and fight a number of human rights abuses, which are regularly reported in Asia, for example:

- In Burma/Myanmar: the overall climate of intimidation and violence against political parties and dissidents by the military regime, such as the house arrest of Daw Aung San Suu Kyi, leader of the National League for Democracy who won the 1990 elections, the violent crackdown/repression of the peaceful demonstrations in September 2007 and the arbitrary arrests and killings of the participants.

- In Cambodia: the lack of rule of law and violations of human rights relating to land and housing disputes as well as the serious situation linked to the trafficking of Cambodian citizens.
- In China: the maltreatment and torture of detainees, the absence of internationally guaranteed fair trial rights and an intensified patriotic re-education campaign, as well as the repression of cultural and religious identity with regard to the Tibetans and the Uighur minority in Xinjiang Province.
- in the Democratic People's Republic of Korea: the grave violations of human rights committed by the authoritarian regime.
- In India: the continuing discrimination and violence faced by minorities and socially vulnerable groups.
- In Indonesia: human rights abuses in the provinces of Papua, West Papua and Aceh and the lack of accountability for past human rights violations and the maltreatment of human rights defenders.
- In Laos: the treatment of Hmong asylum-seekers, who flee persecution by the Laotian authorities.
- In Sri Lanka: the worsening of the humanitarian and human rights situation following the decision by the Government of Sri Lanka to abrogate the ceasefire agreement concluded in 2002 with the Liberation Tigers of Tamil Eelam (LTTE) and the subsequent military campaign. Equally worrying is prevailing climate of impunity with widespread abductions, disappearances, use of torture and arbitrary arrests and targeting of journalists, but also the LTTE acts of terror, including repeated indiscriminate attacks against civilians, targeted killings, use of child soldiers and forced conscription.
- In Thailand: the extrajudicial killings, forced disappearances and torture cases by security forces in the southern regions.
- In Vietnam: the restrictions on freedom of expression (in particular Internet censure and stiff prison sentences for so-called "Internet dissidents") and freedom of religion, as well as the continued use of the death penalty.

Generally speaking, the EU considers that much needs to be done in the Asian countries, in particular regarding the situation of minorities, refugees and socially vulnerable groups, freedom of expression, freedom of association and weak and non-independent justice systems.

The EC normative and policy framework

The EU pursues the promotion of human rights through a whole array of policy instruments, including the mainstreaming of human rights into all aspects of the EU's external relations. The overall framework for the human rights mainstreaming is provided by the EU development policy and as well as by the specific Regulation and Communications governing the Community's external assistance to the Asian countries.

If we consider the "*European Consensus on Development*" (2005)⁷⁶, which is the key expression of the EU development policy, human rights are identified as **cross-cutting issues** which should be systematically mainstreamed into the core instruments for programming EC external assistance, i.e. the Country and the Regional Strategy Papers. The relevant paragraphs of the European Consensus read as follows:

«100. Some issues require more than just specific measures and policies; they also require a mainstreaming approach because they touch on general principles applicable to all initiatives and demand a multi-sectoral response.

*101. In all activities, the Community will apply a **strengthened approach to mainstreaming the following cross-cutting issues: the promotion of human rights, gender equality, democracy, good governance, children's rights and indigenous peoples, environmental sustainability and combating HIV/AIDS. These cross-cutting issues are at once objectives in themselves and vital factors in strengthening the impact and sustainability of cooperation.***

103. Democracy, Good Governance, Human rights and the rights of children will be promoted in partnership with all countries receiving Community development assistance. These issues should

⁷⁶ The "European Consensus on Development" represents the EU Development Policy Statement, which provides, for the first time, a common vision that guides the action of the EU, both at its Member States and Community levels, in development cooperation.

be systematically incorporated into the Community's development instruments through all Country and Regional Strategy Papers⁷⁷ ».

As far as the EU-Asia partnership is specifically concerned, the first relevant document was issued by the Commission in September 2001 with a view of setting out a new strategic framework for co-operation with Asia in the coming decade and for strengthening the EU's presence in Asia, raising it to a level commensurate with the growing global weight of an enlarged Union. We refer to the Communication "Europe and Asia: A Strategic Framework for Enhanced Partnerships" – COM (2001) 469 of September 2001- where the contribution to the protection of human rights and to the spreading of democracy, good governance and the rule of law is identified as one of the six priority areas of the EU-Asia relationship. The EC foresees to pursue such goal by:

- *working together with Asia to uphold the universality and indivisibility of human rights, and pursue a constructive dialogue both in bilateral fora (for example in our human rights dialogue with China), and in regional and multilateral fora, notably in the UN and its different agencies, in particular the ILO. We should also encourage the signing and ratification of the principal human rights instruments by those countries who have not yet done so;*
- *encouraging the strengthening of civil society across the region, and promote a broader civil society dialogue between our two regions;*
- ***mainstreaming human rights and governance issues in our cooperation activities with Asia⁷⁸.***

On 9 July 2003, the European Commission adopted a Communication, entitled "New Partnership with South East Asia" - COM (2003) 399 -, intended to strengthen the EU's partnership with the Association of Southeast Asian Nations (ASEAN)⁷⁹. This Communication outlines a menu with a number of areas in which the Commission and ASEAN may decide to either initiate or intensify the level of their dialogue and co-operation and one of these areas is precisely human rights.

«The promotion of democracy, the rule of law, and respect for human rights and fundamental freedoms constitute core objectives in external relations of the European Union and its development co-operation with third countries. In order to pursue these objectives, we need to build constructive and positive partnerships in this field with ASEAN and the governments of the countries of South East Asia, based on dialogue, encouragement and effective support⁸⁰».

A special attention is dedicated to **the promotion of human rights in all aspects of EC policy dialogue and development co-operation**. Three countries in South East Asia, namely Cambodia, Laos and Vietnam, have signed co-operation agreements, which include an "essential element" clause. This clause stipulates that respect for fundamental human rights and democratic principles, as laid down in the Universal Declaration on Human Rights, underpins the internal and external policies of the parties and constitutes an "essential element" of the agreement⁸¹. For instance, the EC-

⁷⁷ Besides recognizing human rights as cross-cutting issues, the "European Consensus" also consider them as:

(i) **a common objective:** «Development is a central goal by itself; and that sustainable development includes good governance, human rights and political, economic, social and environmental aspects (par. 7)»;

(ii) **a common value:** «EU partnership and dialogue with third countries will promote common values of: respect for human rights, fundamental freedoms, peace, democracy, good governance, gender equality, the rule of law, solidarity and justice (par. 13)»;

(iii) **an area for Community action:** «Progress in the protection of human rights, good governance and democratisation is fundamental for poverty reduction and sustainable development. All people should enjoy all human rights in line with international agreements. The Community will on this basis promote the respect for human rights of all people in cooperation with both states and non-state actors in partner countries. The Community will actively seek to promote human rights as an integral part of participatory in-country dialogue on governance. Fostering good governance requires a pragmatic approach based on the specific context of each country. The Community will actively promote a participatory in-country dialogue on governance, in areas such as anti-corruption, public sector reform, access to justice and reform of the judicial system. This is essential to building country-driven reform programmes in a context of accountability and an institutional environment that upholds human rights, democratic principles and the rule of law (par. 86)».

⁷⁸ Europe and Asia: A Strategic Framework for Enhanced Partnerships - Communication from the Commission to the Council and European Parliament – COM (2001) 469 final of 04.09.2001, p. 18.

⁷⁹ The countries belonging to ASEAN are: Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand and Vietnam.

⁸⁰ A new partnership with South East Asia - Communication from the Commission to the Council and European Parliament – COM (2003) 399 final of Brussels, 09.07.2003, p. 14.

⁸¹ Article 1 of the Co-operation Agreement between the European Community and the Kingdom of Cambodia, OJ L 269, 19.10.1999, p.18; Article 1 of the Co-operation Agreement between the European Community and the Socialist Republic of Vietnam, OJ L 136, 7.6.1996, p.29; Article 1 of the Co-operation Agreement between the European Community and the Lao People's Democratic Republic, OJ L334, 5.12.1997, p. 15; by contrast, the Co-operation Agreement between the European

Cambodia Co-operation Agreement signed in April 1997, and entered into force on 1 November 1999, confirms in its Article 1 that «*respect for the democratic principles and fundamental human rights established by the Universal Declaration on Human Rights inspires the internal and international policies of the Community and of Cambodia and constitutes an essential element of this Agreement*».

According to the Commission the “essential element” clause must be included in all future bilateral agreements with countries of South East Asia. Moreover, even where an agreement including such clause is not in force, the EU’s political and development dialogue with its South East Asian partners will mirror the Treaty provisions on human rights and democracy⁸².

The EC further proposes that the EU and a particular South East Asian country⁸³ may also decide to initiate a bilateral dialogue specifically on human rights in order to examine human rights issues in greater depth. This dialogue should be constructed in such a way as to enable the partners to establish confidence and explore possibilities for co-operation, as well as to join forces on issues of common concern in international fora, including the United Nations. Partners in the bilateral dialogue should jointly establish goals and benchmarks taking into account the particularity of the situation in the partner country. Issues of particular interest are, for instance, the ratification and implementation of fundamental human rights instruments and their implementation, as well as the abolition of the death penalty.

The dialogue processes on human rights should be supported by specific EC co-operation activities by fostering the functioning of democratic structures (including through giving support to electoral processes), building the capacity of institutions, improving the rule of law and governance, strengthening civil society, facilitating the accession to the Rome Statute of the International Criminal Court, and addressing the issues of trafficking in human beings, sexual exploitation of children and women, and indigenous peoples’ rights.

If we now turn our attention to such co-operation assistance, it may be worth mentioning the *Development Co-operation Instrument (DCI)*, which represents the EC legal basis for co-operation with countries of Asia⁸⁴. According to such instrument human rights are identified as:

- **an essential element of the EU-Asia Partnership:**

The Community and its Member States have concluded partnership and cooperation agreements with some of these partner countries and regions aimed at making a significant contribution to the long-term development of the partner countries and the wellbeing of their people. The essential elements on which these partnership and cooperation agreements are based are the common and universal values of respect for, and promotion of, human rights, fundamental freedoms, democratic principles and the rule of law. In this context, attention should also be given to the right to decent work and the rights of people with disabilities. The pursuit and deepening of bilateral relations between the Community and partner countries and the consolidation of multilateral institutions are important factors in making a significant contribution to balancing and developing the world economy and also in strengthening the Community’s and partner countries’ and regions’ role and place in the world. [Preamble, comma 11]

- **an objective of the partnership, but also a constitutive element of development:**

The primary and overarching objective of cooperation under this Regulation shall be the eradication of poverty in partner countries and regions in the context of sustainable development, including pursuit of the Millennium Development Goals (MDGs), as well as the promotion of democracy, good governance and respect for human rights and for the rule of law. Consistently with this objective, cooperation with partner countries and regions shall:

— consolidate and support democracy, the rule of law, human rights and fundamental freedoms, good governance, gender equality and related instruments of international law. [Art. 2 “Objectives”]

A political environment which guarantees peace and stability, respect for human rights, fundamental freedoms, democratic principles, the rule of law, good governance and gender equality is fundamental to long-term development. [Preamble, comma 6]

- **a common value:**

Economic Community and Indonesia, Malaysia, the Philippines, Singapore and Thailand - member countries of the Association of South-East Asian Nations, OJ L 144 , 10.6.1980, p. 2, does not contain an “essential elements” clause.

⁸² Articles 6 and 11 TEU, Articles 177 and 181a TEC.

⁸³ *European Union guidelines on Human Rights dialogues*, Council Conclusions of 13 December 2001.

⁸⁴ The Regulation (EC) N° 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation.

The Community is founded on the values of democracy, the rule of law, respect for human rights and fundamental freedoms and seeks to develop and consolidate commitment to these values in partner countries and regions through dialogue and cooperation.

"The essential elements on which these partnership and cooperation agreements are based are the common and universal values of respect for, and promotion of, human rights, fundamental freedoms, democratic principles and the rule of law. In this context, attention should also be given to the right to decent work and the rights of people with disabilities".[Article 3 (1) "General principles"]

- **a cross-cutting issue:**

Mainstreaming of the following cross-cutting issues shall be undertaken in all programmes: the promotion of human rights, gender equality, democracy, good governance, the rights of the child and indigenous peoples' rights, environmental sustainability and combating HIV/AIDS. In addition, particular attention shall be given to strengthening the rule of law, improving access to justice and supporting civil society, as well as promoting dialogue, participation and reconciliation, and institution-building. [Article 3 (3) "General principles"]

The CSPs for Asia: mainstreaming human rights in EC practice

The mainstreaming of human rights in Asia is promoted through a number of different tools. For instance, at the EU policy level, human rights are taken into account through:

- the discussion of human rights issues in the context of *regular political dialogue meetings*;
- the organisation of *dedicated dialogues on human rights* - for instance in 2005 the EU signed Joint Declarations with Iraq (in September) and Afghanistan (in November), which provide the first formal basis for the cooperation between the two parties. Such Declarations also provide for regular high-level political contacts between the EU and the two partner countries on human rights issues;
- the *discussions within the Asia-Europe Meeting (ASEM)*, a multilateral process including countries from both the European and the Asian regions;
- the *negotiation of Partnership and Cooperation Agreements*. The institutional framework for the EU relations with Asian countries varies: the EC is bound by comprehensive cooperation agreements (including clauses related to the commitment of both partners to human rights, democratic principles and the rule of law, and to the eventual suspension of the agreement) with five countries in Asia – Nepal, Laos, Cambodia, Bangladesh and South Korea; a similar agreement, not yet concluded or signed, has been negotiated with Pakistan. Similar agreements (but without a suspension clause) govern the EC's relations with four countries – India, Mongolia, Sri Lanka and Vietnam. An older style of cooperation agreement is still in force with nine of the member countries of ASEAN (Vietnam, Laos and Cambodia having acceded to this in addition to their separate, later bilateral agreements), and with China. The EU is currently negotiating a Trade and Cooperation Agreement with Iraq which is expected to include a human rights clause, establish a framework for cooperation on human rights issues and address various issues including the rule of law and the International Criminal Court.

At the level of the EC external assistance, the more significant instruments are the *Country and the Regional Strategy Papers (CSPs/RSPs)*, which represent the essential strategic instrument for guiding and managing assistance programs. Within the CSPs and the RSPs human rights issues of specific concern should be expressly identified, analyzed and addressed; in practice this means that human rights should be specifically considered in both the analysis of the partner country's situation and in the EC response strategy, which is intended to cope with the country/region's challenges. The *Programming Fiche on Democracy and Human Rights*⁸⁵ provide some details on how human rights should be integrated in the programming exercise; according to this fiche the analysis of the country situation should:

- examine the main aspects of the process of democratisation and respect for human rights in the country - the full range of indivisible, interdependent and interrelated rights: civil, cultural, economic, political and social should be considered for this purpose;
- analyse and identify the relevant government policies, the institutional framework, as well as the existence and the capacities of the local civil society and political parties;

⁸⁵ Programming fiche "Democracy and Human Rights", DG RELEX, December 2008, [EN](#)

- identify which are the key risks to the realisation of human rights and to the advancement of the democratic process; these risk factors should receive specific attention in the drafting of the programming response as they can undermine the long-term development efforts.

In the response strategy:

- human rights concerns should be specifically addressed through direct intervention or through their integration within the selected area of intervention: (i) in the first case we refer to projects/programs directly targeted at the realization of specific rights; (ii) in the second case the linkages between human rights and the sectors of intervention should be identified. The response strategy should pay specific attention to ensuring the protection of the human rights and the inclusion in the democratic processes of the most vulnerable groups of the society (e.g. when deciding which roads to build, where to construct schools) in order to avoid contributing to the further marginalisation and exclusion of these groups.
- In both cases (mainstreaming or specific interventions), due attention needs to be paid to: (i) the reform of electoral processes whenever an EU Electoral Observation Mission (EOM) has been deployed in the country and has formulated specific recommendations regarding necessary changes to the electoral framework. Such recommendations should serve as the reference point for future electoral assistance programmes. (ii) Commitments from - and recommendations to - the country, formulated in the framework of the Universal Periodic Review at the UN Human Rights Council, which is the new monitoring mechanisms on national Human rights situation, to which each UN member States is subject every four years.

➤ *Analysis of a sample of CSPs in Asia*

In order to verify to what extent EC officials have employed the key elements of the human rights in their analysis of country situations and in the resulting work programs, we have examined the RSP for Asia and 10 out of the 19 CSPs covering the whole region over the two programming exercises 2002-2006 and 2007-2013. The CSPs taken into account concerns the EC external assistance to: *Afghanistan, Bangladesh, Bhutan, Burma/Myanmar, Cambodia, India, Indonesia, Nepal, Sri Lanka and Thailand*⁸⁶.

From the analysis of the document it comes out quite clearly that core human rights concepts have percolated into the CSP/RSP process. For instance, under the sections on the political situation and the partner country's policy agenda we can find pertinent elements of the human rights situation in the country, with an analysis which is based on the human rights framework as set forth in international human rights treaties (i.e. international human rights treaties, regional human rights conventions, major UN international conferences, Millennium Development Goals). Also, a constant attention is dedicated to human rights and claims of the most vulnerable and marginalized groups.

As far as the EC response strategy is concerned, human rights have often been selected within the areas of cooperation: globally, *7 out of 10 CSPs* include human rights related interventions in the response strategy⁸⁷. The types of co-operation foreseen are varied and cover a wide spectrum of civil and political rights, which are mainly promoted through:

- *Aid to uprooted people*: the interventions falling within this domain are meant to assist refugees, internally displaced persons, and returnees as well as demobilized former soldiers and other combatants, including child soldiers, to return to and settle in their country of origin or in a third country. The objective is to reintegrate them into the socio-economic fabric of the relevant country and to provide support to local communities and resettlement areas that are hosts to such integration⁸⁸.

⁸⁶ The other countries of the region are: China, Democratic People's Republic of Korea, Laos, Malaysia, Maldives, Mongolia, Pakistan, Philippines and Vietnam. The countries of Central Asia are covered by a separate Regional Strategy Paper.

⁸⁷ The interventions foreseen by the CSPs for the Asian countries have been gathered in the Annex 2 of the second volume of Desk Report n.1.

⁸⁸ Aid to uprooted people is also a focal area of intervention for the RSP for Asia. A regional approach is justified because, in many cases, crises involve several countries (e.g. the Burmese crisis covers Burma/Myanmar, Thailand and Bangladesh, and the Afghan crisis affects Afghanistan, Pakistan and Iran). As crises can change very quickly, it is necessary to shift the focus of the activities and re-allocate funding between countries. Aid to uprooted people links Relief, Rehabilitation and Development aiming at filling the gap between emergency relief for refugees and longer term development operations. Activities are therefore be closely coordinated with operations carried out by the Humanitarian Aid department of the European Commission, ECHO, and with those carried out in the context of country programmes. As crises involving uprooted people are often highly political, it is necessary to ensure strong links with the activities carried out at bilateral level. In implementing the uprooted people programme, the EC will thus try, whenever possible, to work with local partners, in order to progressively build up local partnership and development capacity.

- *Support to civil society*: the activities foreseen range from facilitating the growth of a vibrant civil society, including the promotion of participatory approaches, to promoting cultural expression and creating a free, independent and open working environment for the media.
- *Good governance*: the promotion of the progressive strengthening of a functioning state governed through accountable, democratic institutions and able to ensure security and the rule of law is a major area of concern for the EC in the region. A special attention is drawn to institutional capacity building and to the justice sector in order to improve the overall human security situation and access to justice, especially for the poor and vulnerable groups in general.
- *National reconciliation and peaceful transition to democracy* to create a political climate conducive to the respect and protection of human rights.
- *Awareness raising and better advocacy for the rights of the most vulnerable people*, both within governmental and non-governmental entities.
- *Electoral support*: i.e. financing electoral observation missions in order to promote free and fair elections and supporting the implementation of the actions recommended in the context of such missions.
- *Addressing human rights issues specifically meaningful for a country* (such as the fight against human-being missing, kidnapping and trafficking in Bangladesh and social protection for disadvantaged people, namely street children, orphans, women, disabled and drug addicts in Afghanistan).

Even when human rights are not directly addressed through specific programs, their promotion is widely incorporated in the Community's assistance work and considered a priority in all CSPs. Human rights, especially the role and status of women and other vulnerable groups, have become *key cross-cutting issues for the EC, not only as reflection of the MDGs and international agreements that place their rights at the heart of poverty alleviation, but also due to the inequalities that pervade many Asian societies and prevent those groups from attaining their rights and access to education, health, participation in politics and opportunities in employment.*

The extent to which human rights are mainstreamed in the CSPs is different, with some documents showing more in-depth analysis than others. For instance, the CSP for Afghanistan, Bangladesh Cambodia, Indonesia and Thailand include specific reference on how human rights should be mainstreamed in EC focal sectors of intervention. In the box below an example is taken from the CSP for Afghanistan 2003-2006 as regards as the promotion of gender equality.

Box 2 - Gender equality in Afghanistan

The status of women has been an issue of contention among different political factions and regimes for several decades. This came to the forefront of the world's attention under the Taliban administration – with the almost total exclusion of females from access to education, employment and, in some areas, even basic health care. There is now an opportunity to enhance Afghan women's role and status within society, so that they are able to participate fully in the development of Afghanistan. Key building blocks are:

- Securing political commitment to change.
- Encouraging women's participation in the political, economic and social arenas.
- Ensuring women's role is enhanced wherever possible through EC projects such as in rural recovery, health and public administration.
- Addressing gender-related violations and human rights, including greater awareness of the rights and responsibilities of both men and women
- Addressing conflict, poverty and underdevelopment, elements that impact dramatically on the role and status of women and their well-being.
- Addressing prevailing attitudes of individuals and communities towards women.
- Promoting access to education, employment and health

Gender is often regarded as solely a political problem in Afghanistan but it allows constrains the country economy by limiting the role women can play. Gender will be addressed through project design (e.g. In the rural development programme, alternative livelihoods is integrated as one of the key objectives, and this will need to take account of the fact that a share of the labour harvesting the opium poppy is off-farm female labour, often seasonally migrating from other regions), and well placed advocacy. In addition, the Commission will fund further projects targeted directly on women - building on actions in 2002 such as the integrated primary health care program in three Afghan regions and the rehabilitation of essential public infrastructure used only by women and girls. In 2002, ECHO has also funded food for work programmes targeted specifically on women.

ANNEX 9:

THE 3 C'S

THE 3Cs'

The EC shares with Council a Treaty Obligation to ensure coordination, complementarity and coherence (i.e. the 3Cs). This evaluation will focus on the application of the 3Cs in the following areas:

- consistency and coherence between relevant Community policies covering respect of human rights;
- consistency and coherence between relevant Community policies and other EU action;
- promotion of consistent and complementary action by the EC, EU and Member States, in particular in the promotion and mainstreaming of HR through dialogue at institutionalised level and through development assistance, provided by these different players;
- 3Cs' in international fora with a specific focus on United Nations Human Rights Council (UNGA) and the African Union.

It is interesting to note that the practice of 3Cs in the field of human rights is not systematically documented. No major studies or evaluations were detected that provide a solid overview of current policies, practices, experiences and lessons learnt. Also the Annual Human Rights Reports do not treat the 3Cs issues in a comprehensive and systematic way. Both the analytical framework to deal with 3Cs in human rights and the collection of evidence will therefore have to be largely constructed from the bottom-up.

Article 188D (amended wording from Consolidated EU treaties published in 2006):

"Union policy in the field of development cooperation shall be conducted within the framework of the principles and objectives of the Union's external action. The Union's development cooperation policy and that of the Member States complement and reinforce each other".

Union development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty. The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries."

"In order to promote the complementarity and efficiency of their action, the Union shall coordinate their policies on development cooperation and shall consult each other on their aid programmes, including in international organisations and during international conferences. They may undertake joint action. Member States shall contribute if necessary to the implementation of Community aid programmes.

The Commission may take any useful initiative to promote the coordination referred to in paragraph 1."

Article 3, Common Policy section:

"The Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies. The Council and the Commission shall be responsible for ensuring such consistency and shall cooperate to this end. They shall ensure the implementation of these policies, each in accordance with its respective powers."

➤ **Legal provisions regarding the 3Cs**

Development cooperation is a shared competence between the European Community and the Member States. The EU competence on development cooperation was established in law by the adoption of the Maastricht Treaty in 1992. The Treaty created a constitutional basis for development cooperation policies, and formalised the existence of a European development policy functioning in liaison with those of Member States, while recognising their interdependence. To guide its practical implementation the Maastricht Treaty established three specific requirements: coordination, complementarity and coherence – the "three Cs". The legal provisions with regard to the 3Cs remain largely unchanged in the Lisbon Treaty. They offer basic definitions of the various concepts involved as can be seen in box below.

Ever since the signing of the Maastricht Treaty there has been a search to clarify the content and operational implications of the 3Cs through a variety of means (EC Communications, parliamentary debates, research, evaluations, etc.). However, there is still an important level of conceptual

confusion, reflected amongst others in an often inaccurate use of terminology. It has been observed that the European Commission, the Member States and the European NGOs “all seem to have their ‘own C’, reading the articles along certain lines, explaining them with a different phraseology and emphasizing those articles or parts of them that, consciously or unconsciously, fits best in their own views and perspectives⁸⁹”.

There is quite a tradition of **coordination** in development cooperation (pre-dating the Maastricht Treaty). Though the legal provision is cast in rather general terms, the formulation is mandatory and the Commission has the right of initiative. In EC policy documents the distinction is made between three levels of coordination: (i) policy coordination; (ii) operational coordination and (iii) coordination in international fora.

The obligation to ensure **complementarity** is a logical outcome of the fact that development cooperation is a shared competence between the EC and the Member States. Complementarity has been the subject of several Communications. Over time, the concept was linked to a better distribution of roles between the Commission and the Member States on the base of their respective comparative advantages. This interpretation is also the basis for the Code of Conduct on Complementarity (2007) emphasizing the need for a ‘division of labour’ (DOL) between the various European actors in delivering aid.

Coherence is undoubtedly the most debated concept of the 3Cs. Attempts were made to define typologies of coherence. One such typology distinguishes between (i) coherence/incoherence of European development policy itself; (ii) coherence/incoherence between different sets of foreign policy; and (iii) coherence/incoherence between development co-operation policies and policies in other fields. Another useful distinction is made between *intended* and *unintended* coherence⁹⁰. In recent years, the concept of ‘policy coherence for development’ (PCD) has gained momentum. In the European Consensus (2005) PCD was defined as “ensuring that the EU takes account of the objectives of development cooperation in all policies that it implements which are likely to affect developing countries, and that these policies support development objectives.” (par 9). To further compound complexity, the term ‘consistency’ is often used in close association with ‘coherence’ (almost as a fourth ‘C’).

➤ **The 3Cs in EU/EC Human Rights policy documents**

This section is based on a review of key EU policy documents on Human Rights, elaborated since 2000. The purpose of the review is to explore to what extent EU policy documents provide guidance on how to maximise positive human rights impact by applying the 3Cs.

Coordination:

Several of the examined policy documents put **coordination as the means** to promote coherence and complementarity⁹¹. This is in line with the GAERC conclusions of October 2000 and the Council and Commission’s joint statement on Development policy of November 2000⁹².

Quite some guidance is provided on how to promote the effective implementation of the three types of coordination mentioned above, i.e. coordination **between EC and EU MS at decision-making level (policy coordination), on the ground (operational coordination) and in relation to other multilateral agencies (coordination in international fora)**. In this framework, EU policy documents propose a menu of possible measures, including: (i) two way exchange of information on cooperation programmes and projects⁹³ during different phases of assistance cycle⁹⁴; (ii) EC convening of EU

⁸⁹ Hoebink, P. Evaluating Maastricht’s Triple C: An Introduction to the development paragraphs of the Treaty on the European Union and suggestions for its evaluation. In: The Treaty of Maastricht and Europe’s Development Co-operation. Evaluation Services of the European Union, 2004, p. 5

⁹⁰ Hoebink, P. *Ibid*, p.8

⁹¹ EC Communication on “The European Union’s Role in promoting human rights and democratization in third countries” (COM 2001 252) and EC Communication on “Reinvigorating EU actions on Human rights and democratization with Mediterranean partners – strategic guidelines” (COM 2003 294 final).

⁹² On 10th November 2000 the Council took a joint statement with the Commission on EC development policy. It established that the Community and its Member States would coordinate their policies and programmes in order to maximize their impact, and that better complementarity would be sought both within the Union and with other donors; in particular in the context of country-by-country strategies. It also made conclusions on a standard framework for Country Strategy Papers, regarded as an essential management instrument for increasing the efficiency and effectiveness of Community aid; promoting its strategic orientation; pursuing a coherent approach and enhancing coordination and complementarity within the European Union and with all other donors and partner countries.

⁹³ EC Communication on “The European Union’s Role in promoting human rights and democratization in third countries” (COM 2001 252).

expert meetings at country level; (iii) EC providing enhanced input to Heads of Missions meetings on Human Rights and democracy; (iv) EC playing an active role in implementing UN resolutions; (v) EC and EU MS organizing regular and coordinated meetings with CSOs in the field of human rights ; (vi) coordination to increase institutional knowledge and documentation⁹⁵; and (vii) increased use of sector-wide approaches to good governance with budget support and basket funding.

Complementarity

EC's commitment to seeking complementarity is reaffirmed in its Communication on Governance and Development (COM 2003 615). Various levels of complementarity can be distinguished in EC/EU legal and policy documents:

- political dialogue and financial assistance (e.g. Cotonou Agreement Art. 96)⁹⁶;
- geographic and thematic programmes (e.g. MEDA and EIDHR)⁹⁷;
- regional and national dimension (e.g. dual focus of EIDHR; NIPs and RIPs);
- instruments and tools for implementing EU policies on democracy and human rights (ranging from political dialogue and diplomatic demarches, to various instruments of financial and technical cooperation)⁹⁸.

Coherence

EC/EU policy documents distinguish between different levels of coherence/consistency in the field of human rights: policy coherence; instruments coherence; and procedures and mechanisms coherence between different EU institutions – EC, EP, Council and MS:

- **Policy coherence:** in different policy areas such as: environment; trade and agriculture⁹⁹; information society and immigration¹⁰⁰; common foreign and security policy (CFSP)¹⁰¹, and development policy¹⁰²; and between EC and EU MS¹⁰³, at Headquarters level through programming of relevant assistance programmes, in Council working parties and in third countries¹⁰⁴. In addition, the EC is to ensure that formulation of policies do not have negative effects on human rights and democratisation and is to adapt policies to ensure positive impact¹⁰⁵.
- **Instruments:** including, traditional diplomacy and foreign policy, financial cooperation and community instruments¹⁰⁶ as well as geographic and thematic instruments¹⁰⁷. For example at the level of political dialogue, by bringing a greater human rights and democratization dimension to

⁹⁴ Regulation EC No 1889/2006 of the European Parliament and the Council of 20 December on “establishing a financing instrument for the promotion of democracy and human rights worldwide”

⁹⁵ EC Communication on “Reinvigorating EU actions on Human rights and democratization with Mediterranean partners – strategic guidelines” (COM 2003 294 final).

⁹⁶ EC Communication on “Governance and Development” (COM 2003 615)

⁹⁷ EC Communication on “Reinvigorating EU actions on Human rights and democratization with Mediterranean partners – strategic guidelines” (COM 2003 294 final) and Regulation EC No 1889/2006 of the European Parliament and the Council of 20 December on “establishing a financing instrument for the promotion of democracy and human rights worldwide”.

⁹⁸ Regulation EC No 1889/2006 of the European Parliament and the Council of 20 December on “establishing a financing instrument for the promotion of democracy and human rights worldwide”.

⁹⁹ EC Communication on “The European Union’s Role in promoting human rights and democratization in third countries” (COM 2001 252).

¹⁰⁰ EC communication on “Governance and Development” (COM 2003 615)

¹⁰¹ Communication on “Reinvigorating EU actions on Human rights and democratization with Mediterranean partners – strategic guidelines” (COM 2003 294 final) and Regulation EC No 1889/2006 of the European Parliament and the Council of 20 December on “establishing a financing instrument for the promotion of democracy and human rights worldwide”.

¹⁰² Regulation EC No 1889/2006 of the European Parliament and the Council of 20 December on “establishing a financing instrument for the promotion of democracy and human rights worldwide”.

¹⁰³ EC communication on “Governance and Development” (COM 2003 615)

¹⁰⁴ EC Communication on “Reinvigorating EU actions on Human rights and democratization with Mediterranean partners – strategic guidelines” (COM 2003 294 final)

¹⁰⁵ EC Communication on “The European Union’s Role in promoting human rights and democratization in third countries” (COM 2001 252).

¹⁰⁶ EC Communication on “The European Union’s Role in promoting human rights and democratization in third countries” (COM 2001 252); Communication on “Governance and Development” (COM 2003 615); Communication on “Reinvigorating EU actions on Human rights and democratization with Mediterranean partners – strategic guidelines” (COM 2003 294 final) and Regulation EC No 1889/2006 of the European Parliament and the Council of 20 December on “establishing a financing instrument for the promotion of democracy and human rights worldwide”.

¹⁰⁷ EC Communication on “The European Union’s Role in promoting human rights and democratization in third countries” (COM 2001 252).

cooperation programmes¹⁰⁸. Coherence of instruments is seen as crucial to achieve synergy and consistency and ensure effective use of resources¹⁰⁹.

- **EU institutions**, including: coherence of EC and EP approaches, by ensuring that views are exchanged regularly and that EP priorities are reflected in EC's approach¹¹⁰; and coherence between Community, EU and Member States activity (for instance by ensuring that EU's position is coherent when applying Art 96 under the Cotonou Agreement¹¹¹).

➤ **The 3Cs in practice**

A wide range of activities are undertaken to promote each of the 3Cs at various levels involving different actors:

Coordination

The categorization used in EU policy documents with regard to the 3Cs (policy coordination; operational coordination; coordination in international fora) seems appropriate to describe the activities undertaken. Another categorization to distinguish forms of coordination is to look at the degree of intensity, including (i) consultation (sharing information); (ii) co-operation (discussing policies, priorities and principles to identify areas for harmonization) and (iii) collaboration (shared implementation, joint action).

Policy coordination

Policy coordination is about harmonizing goals, principles and priorities between the various EU institutional actors involved in human rights. A possible clustering method could be to distinguish three types of policy coordination activities:

- *Policy development.* Both the Inception Note and current Desk Report show that the EC/EU have invested considerably over the last 8 years in the elaboration of a comprehensive policy framework for advancing human rights. (see also the various mainstreaming case studies below).
- *Common Positions.* EU Common Positions are a critical tool to provide coordination, i.e. harmonization of European countries individual positions. It is proposed to use Desk Phase 2 to analyse in greater depth the coordination processes involved around Common Positions, possibly through a sample of cases. Key questions to be included in this analysis are: When does Europe act? What are the main actors involved? How strong is the information base to come to an informed decision? What determines the choice of the EU intervention modality? What factors promote/hamper effective EU responses? How can the demand for more policy coordination be strengthened?
- *Coordination between EU institutional actors.* The Treaty of Maastricht gave the Commission an explicit mandate to promote coordination among the various EU institutional actors. This aspect will be further elaborated in chapter 4 below.

Operational coordination

The analysis of how coordination between the Commission and EU Member states is organized at country level will require access to reliable sources of information on the programming process and related mid-term reviews. Country strategy evaluations can provide an additional source of information.

Coordination in international fora

Unlike other forms of coordination, successive Annual Reports systematically provide information on progress achieved with coordination in international fora. Three main avenues are distinguished: in UN For a, in the Council of Europe and at the level of the Organisation for Security and Cooperation in Europe. Below we mainly focus on EC/EU coordination at the level of the UN

EU coordination on Human Rights in UN fora (UN General Assembly Third Committee and Human Rights Council – formerly United Nations Commission on Human Rights). In the context of the UN's

¹⁰⁸ EC Communication on "Reinvigorating EU actions on Human rights and democratization with Mediterranean partners – strategic guidelines" (COM 2003 294 final)

¹⁰⁹ EC communication on "Governance and Development" (COM 2003 615)

¹¹⁰ EC Communication on "The European Union's Role in promoting human rights and democratization in third countries" (COM 2001 252).

¹¹¹ EC communication on "Governance and Development" (COM 2003 615)

inter-governmental framework, EU Member States have nonetheless developed a culture of exchanging views, developing common views and acting together, in line with the Maastricht Treaty¹¹². There is significant evidence of increased coordination between EU Member States within the UN – and this seems to be leading to increased EU output¹¹³, in terms of: the number of resolutions adopted by the Third Committee and the CHR/HRC at the initiative of the EU; the number of EU Member States' initiatives successfully adopted; the increase in co-sponsored resolutions between Member States; the number of general statements and active participation of the EU Presidency. As put by the 2008 EU Human Rights report “the EU's strength as an actor in the United Nations bodies is based on unity among its Member States, and it is important to make the best possible use of their joint resources”. But despite EU's commitment to coordination in the UN and progress made there are several outstanding challenges. Most of them result from a persistent desire of Member States to act independently at the UN¹¹⁴. Other challenges relate to EU's effectiveness in the UN: (i) EU coordination is done at the expense of 'outreach', i.e. working with other groups or states to support a particular resolution; (ii) Influence of the EU is highly dependent on the Presidency's strength (i.e. its commitment, effectiveness and efficiency); (iii) there is scope for improving consistency between EU's bilateral political dialogue and objectives pursued by the EU in the UN.

Complementarity

The Evaluation team found very limited information on how complementarity -conceived as organized division of labour between EC and Member States- was applied in third countries in relation to the EU human rights agenda. This is surprising to note, considering the growing political attention given to complementarity in the overall aid effectiveness debate (Paris Declaration, Accra Agenda, Seoul High Level meeting in 2011). Yet the focus seems to be primarily on traditional development cooperation programmes (e.g. sector support) and not on what may be seen as political issues such as human rights.

The approach to adopt seems therefore to identify and ensure access to reliable sources of information with regard to the programming process –where decisions are likely to be made on complementarity. The proposed field case studies for the next phase of the evaluation should help to cover this (see Desk report 1, Volume 2).

Coherence

As indicated above, three forms of coherence can be identified: policy, instrumental and institutional. In agreement with the Reference group, the question of human rights and policy coherence will focus on two specific areas: development cooperation and CFSP (through a dedicated EQ). Coherence issues will also be considered in the various mainstreaming cases (see below). The issue of 'institutional coherence' will be analysed in greater depth when considering the EC/EU institutional framework for dealing with human rights (see section 4 below).

Finally, it should be noted that the debate on the 3Cs is rapidly evolving. As a result, there is a tendency to separate PCD (one C) from the Rome-Paris-Accra-Seoul process (the other Cs) and to actualise their meanings respectively in terms of the European Consensus on Development (which is quite explicit on PCD) and the *EU Code of Conduct* (which focuses on coordination and division of labour). Closely related to this is the question what is meant with policy coherence 'for development'. Is the notion of development limited to poverty reduction or does it also encompass essential/fundamental elements such as human rights, governance and democratisation –poverty reduction as the vindication of the full spectrum of human rights?. This is not just a rethorical debate. There is no shortage of contradictions between the development and human rights policies. The first EU Report on Policy Coherence for Development (2007)¹¹⁵ addresses 12 key areas and their multiple interactions with EU development policies. But an explicit human rights approach is largely missing in the report

¹¹² The most important actor in EU coordination at the UN is the Presidency: it chairs all co-ordination meetings and speaks on behalf of the EU. Member States will intervene to support the Presidency. COHOM in Brussels does some advance preparation on resolutions and statements. The European Commission participates in coordination meetings and in some cases help in drafting statements, but does not take a leading position.

¹¹³ Smith, K.E (2006): Speaking with one voice? European Union Coordination on Human Rights Issues at the United Nations, JCMS 2006 Volume 44 no 1m pp. 113-37.

¹¹⁴ Smith, K.E (2006): Speaking with one voice? European Union Coordination on Human Rights Issues at the United Nations, JCMS 2006 Volume 44 no 1m pp. 113-37.

¹¹⁵ European Commission. 2007. EU Report on Policy Coherence for Development.

ANNEX 10:

ANALYSIS OF COUNTRY STRATEGY PAPERS

Country	CSP/NIP	Reference to civil & political rights	Reference to social, economic & cultural rights	HR in the policy agenda of the partner government	Reference to UPR	Reference to the country's position in relation to international Conventions and UN Treaty bodies	Annexes on HR
Afghanistan	2003-2006	X	X	X	No	No	Bonn Agreement, Conference on Reconstruction Assistance to Afghanistan
	2007-2010	X	X	X	No	No	
Belarus	2005-2006	X	X	X	No	No	
	2007-2011	X	X	X	No	No	
Bolivia	2002-2006	X	X	X	No	No	
	2007-2010	X	X	X	No	No	Bolivia's participation in horizontal cooperation programmes; Migración
Burundi	2003-2007	X	X	X	No	No	
	2008-2013	X	X	X	No	Specific Annex	Profil migratoire; Plan de Gouvernance et engagements du Gouvernement; Participation des ANE et des autorités locales dans le DSP /PIN
China	2002-2006	X	X	X	No	No	
	2007-2010	X	X	X	No	No	Projects funded under the thematic budget lines and Aisa-wide programmes; The sectoral dialogues
Colombia	2001-2006	X	X	X	No	No	Agenda FARC

	2007-2013	X	X	X	No (considered in the MTR 2011-2013)	No	Cartagena Declaration, February 2005; Report of the High Commissioner for HRs on the situation of HRs in Colombia for Commission's Chairperson Statement on the situation of HRs in Colombia 21 April 2005; Migration Profile
Congo (DRC)	2003-2007	X	X	X	No	No	Rapport sur la consultation de la société civile
	2008-2013	X	X	X	No	Specific Annex	Profil migration; Plan de Gouvernance et engagements du Gouvernement; Analyse des conflits
Ethiopia	2003-2007	X	X	X	No	No	
	2008-2013	X	X	X	No	Specific Annex	Migration Profile; Process of Developing and Implementing the Country Strategy Paper; List of Government's commitments
Georgia	2002-2006	X	X	X	No	No	
Guatemala	2007-2013	X	X	X	No	No	
	2000-2006	X	X	X	No	No	
Indonesia	2007-2013	X	X	X	No	No	Youth issues; Gender Profile; Migration profile
	2002-2006	X	X	X	No	No	
	2007-2013	X	X	X	No	No	Good Governance Actions under CSP 2002-2006; Projects under Horizontal and Regional Budget Lines
Jamaica	2001-2007	X	X	X	No	No	
	2008-2013	X	X	X	No	Specific Annex	Migration Profile, CSP Drafting process; Governance Commitments Matrix
Jordan	2002-2006	X	X	X	No	No	

Morocco	2007-2010	X	X	X	No	No	
	2002-2006	X	X	X	No	No	
Pakistan	2007-2010	X	X	X	No	No	
	2002-2006	X	X	X	No	No	
	2007-2010	X	X	X	No (considered in the MTR 2011-2013)	No	
Sri Lanka	2003-2006	X	X	X	No	No	
	2007-2013	X	X	X	No	No	
Sudan	2005-2007	X	X	X	No	No	Non-State Actors Involvement Process
	NO CSP						
Uganda	2003-2007	X	X	X	No	No	
	2008-2010	X	X	X	No	Specific Annex	Migration profile; List of Governance commitments; CSP Drafting process; Conflict situation analysis
Vietnam	2002-2006	X	X	X	No	No	
	2007-2013	X	X	X	No	No	

ANNEX 11:

EU PARTNERSHIP WITH

REGIONAL ORGANISATIONS

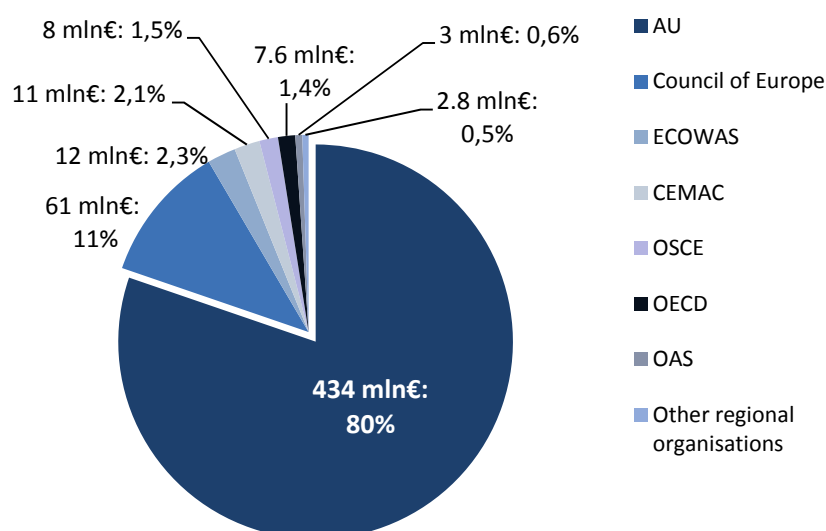
EU partnership and dialogue with regional organizations

The EU has promoted strategic partnerships with several regional organisations to move forward on issues of common interest that are regional or global in nature and can therefore be more effectively addressed through international cooperation.

In this context the EU played a constructive role for the promotion of human rights, democracy, governance, security and peace; indeed, while the situations are various and differ from country to country, shortcomings in those domains are still widespread all over the world and the EU, on account of its comparative advantage, can help and better equip the regional organisations to cope with the existing challenges.

The kind of dialogue, engagement and financial contribution towards the organization in the different regions however vary substantially as indicated by graph 1.

Graph 1 – Overall amounts planned and relative breakdown by main regional organisations (2000 and 2009)



Source: CRIS and DRN analysis

(*) AU: African Union; ECOWAS: Economic Community of West African States; CEMAC: Communauté économique et monétaire de l'Afrique Centrale; OSCE: Organization for Security and Co-operation in Europe ; OECD: Organization for Economic Co-operation and Development; OAS: Organization of American States.

While the overall architecture for the policy dialogue with the regional organizations is well developed and provides a trustworthy arena for facing common challenges, it is not possible at a desk stage to identify its tangible results for an effective institutional empowerment and of the HR situation as results of the EU interventions.

Some reflection can however be done if we move our attention from the political and strategic level of the objectives promoted through the political dialogue to the operation level, by taking into account the EC funded activities. From this point of view we can observe that the regional organizations are important partners in the promotion of human rights, yet they receive a limited amount of the overall EC HR financing during the evaluation period (200-2009), i.e. € 542 mln out of €5.477 mln corresponding to 10% of the total amount.

Regional organisations are supported by the EC through a variety of strategies, including:

- institutional capacity-building (such as support the AU, CEEAC and ECOWAS in building their own capacity in the area of conflict prevention and resolution; the set-up of the ECOWAS Standby Force (ESF); the establishment of the early warning mechanism for Central Africa (MARAC), etc.),

- technical assistance, for instance support for formulating regional policies/policy guidelines and priorities on specific thematic areas;
- pursuing the implementation of the regional programs/initiatives (like the ECOWAS Conflict Prevention Framework; the AU peacekeeping missions in Sudan and Somalia; the operation of the CEMAC multinational force (FOMUC) in the CAR; etc.)
- providing logistic support (organisation of conferences, meetings, working groups, seminars on specific topics and meetings)

Again it is difficult to establish a link among an effective institutional empowerment of the relevant organizations and of the improvement of the HR situation as results of the EU interventions. Secondary data lack of evaluation on the results on these domains.

The paragraphs below present the main mechanisms for dialogue on HR-related issues for the regional organizations that, based on the analysis of *the inventory*, are crucial partners of the EC in implementing interventions in the field of human rights.

➤ AFRICA

The African Union

Based on the information coming from the inventory, the African Union can be singled out as the most important partner in implementing HR-related interventions between 2000 and 2009; indeed, 80% out of the overall amount dedicated by the EC to regional organizations (€541 mln) was directly channeled to this organisation.

As outlined by figure 1, the EU and the AU have jointly set up a comprehensive dialogue architecture, which has been further enriched by the entry in force of the Joint Africa-EU Strategy (JAES) (2007)¹¹⁶. There are various mechanisms and levels around which the dialogue takes place and, for our purposes, we can distinguish between a dialogue which embraces the whole range of themes of the AU-EU Strategy¹¹⁷ and a dialogue focusing exclusively on human rights' issues.

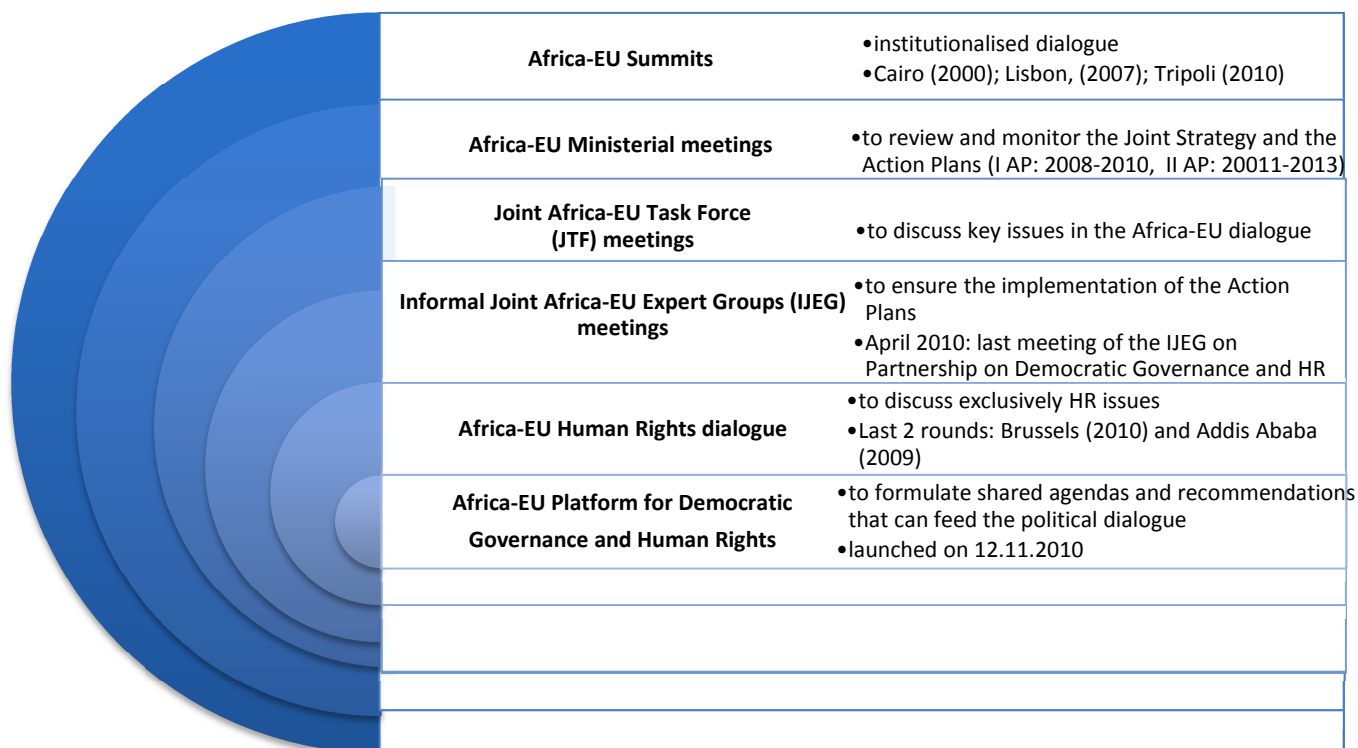
The high-level Summits, the Africa-EU Ministerial meetings, the Joint Africa-EU Task Force (JTF) meetings and the Informal Joint Africa-EU Expert Groups (IJEG) meetings reflect the engagement to deepen the political partnership and are an expression of the first type of dialogue. On top of that, there are dialogue addressing separately the various thematic areas of the partnership, including democratic governance and human rights.

Based on the first Action Plan 2008-2010 of the JAES, the EU and the AU have put in place a Platform for Dialogue on Governance and Human Rights was launched in, November 12th 2010 in the run up to the 3rd Africa-EU Summit (Tripoli, November 2010). The platform reflects the EU-Africa partners' commitment to in-depth dialogue on Democratic Governance and Human Rights, with the aim of promoting these values and strengthening cooperation in this area for tangible improvements in the lives of African and European citizens. Issues of particular relevance in Platform's agenda are EU support for African governance initiatives such as the African Peer Review Mechanism (APRM) and the African Charter on Democracy, Elections and Governance. While considered in the context of two different partnerships, also migration and peace and security are closely interlinked with human rights' concerns; in this context a special attention is dedicated to the effective functioning of the African Peace and Security Architecture.

¹¹⁶ The Joint Africa-EU Strategy (JAES) agreed upon during the Lisbon Summit (2007), reflects a commitment to establish a "strengthened political partnership" between both continents. It is meant to provide an "overarching long-term framework for Africa-EU relations" to be implemented through eight thematic partnerships, successive Action Plans (APs) and a multi-layered institutional architecture.

¹¹⁷ The eight areas of the Strategic Partnership are: (i) Peace and Security; (ii) Democratic Governance and Human Rights; (iii) Regional Economic Integration, Trade and Infrastructure; (iv) Millennium Development Goals; (v) Climate Change; (vi) Energy ; (vii) Migration, Mobility and Employment; (viii) Science, Information Society and Space

Figure 1 - A strengthened dialogue within the 2007 Joint Africa-EU Strategy



On top of that, there is complementary dialogue which had been established by the EU at Working Party on Human Rights (COHOM) troika level: the Africa-EU Human Rights dialogue. The last and 7th session took place in Addis Ababa on the 20th of October 2010 on the eve of the Africa Human Rights Day (October, 21st). It allowed exchanges of views on a number of issues of mutual concern, such as the UNSC resolution 1325, the human rights of migrants, refugees and asylum seekers, freedom of religion and belief, human rights defenders and freedom of association¹¹⁸.

When coming to the specific areas of EC intervention, from the inventory we can observe that during 2000-2009 they have mainly focused on three specific areas of concern: peace keeping operations (AMIS and AMISOM funded by the Peace Facility for Africa¹¹⁹); electoral support in the Comoros and support to the fight against terrorism.

The Economic Community of West African States (ECOWAS)

As regards as political dialogue, there is a formal mechanism for twice-yearly ECOWAS-EU dialogue in the form of a ministerial troika which also includes the United Nations regional office in Dakar (UNOWA). The meetings of the troika¹²⁰ cover political themes, as well as issues related to economic integration and 'cross-cutting' issues such as migration and good governance and are supplemented by regular meetings of the Heads of Mission in Abuja.

The key political themes addressed by the dialogue are peace, security and good governance, which have been identified as priority areas by the long-term Strategy of ECOWAS for West Africa, i.e. the ECOWAS "Vision 2020" (June 2009)¹²¹; this is also the reason why such topics represent one of the pillars of the partnership between the EU and the region as well as a focal area of intervention in both the IX and the X EC RSPs.

During the IX EDF the EC supported two ECOWAS' initiatives: (i) support to the peace process in Liberia; (ii) conflict prevention and peace building in Nigeria

118 For more information see the "Joint Communiqué" at: <http://www.consilium.europa.eu/uedocs/cmsUpload/FinalCommunique-20-10-2010.pdf>

¹¹⁹ The Peace Facility for Africa set up in 2004 supports African-led peacekeeping operations in Africa as well as capacity building for the emerging security structure of the African Union (AU).

¹²⁰ The most recent meeting of the Troika was in Luxembourg on 28 April 2008.

¹²¹ <http://www.spu.ecowas.int/documents/ecowas-vision-2020/final-draft/>

The priorities of the EC strategy for the X EDF (2008-2013) expanded and focus on the ECOWAS capacity to ensure regional stability and prevent conflicts within and between states, together with in-depth political dialogue to promote democratic values, respect for human rights and the development of a regional policy in these areas. Migration, fighting terrorism, combating trafficking in human beings and terrorism increased their importance.

➤ THE ENPI REGION AND CENTRAL ASIA

The Council of Europe

The Council of Europe¹²² is the second most important partner of the EC by receiving € 61 mln, i.e. 11,3% of the funds to regional organisations.

The framework for the relationship between the two bodies was defined during several exchanges of letters between the two organisations. Today, high level meetings – called Quadripartite meetings – are held twice a year; in this context the EU Presidency, the European Commission, the Chairman and Secretary General of the Council of Europe exchange information and views on their programmes, mutual interests and joint activities.

Inter-institutional relations between the EU and the Council of Europe as well as the high-level political dialogue have been intensified since 2007 with the signature of a political agreement on cooperation and political dialogue, and covers issues as diverse as protection of persons belonging to national minorities, the fight against discrimination, racism and xenophobia, the fight against torture and ill-treatment, the fight against trafficking in persons and freedom of expression and information.

In the spirit of the Memorandum of Understanding of 2007, also cooperation between the EU and the Council of Europe has increased in the interest of the values shared promoted by both organisations; examples of this cooperation include, amongst others: the Network of Schools of Political Studies; the promotion of democratic stability in Eastern Europe and Southern Caucasus; equal rights and treatment for Roma in Russia and Eastern Europe; rule of law and justice in Eastern Europe and Central Asia; combating torture, ill-treatment and impunity.

The Organisation for Security and Cooperation in Europe (OSCE)

The relations between the EU and OSCE¹²³ takes place at three different levels: (i) the President of the Commission participates at OSCE Summits; (ii) the Commissioner responsible for external relations participates at the annual Ministerial Council of the OSCE; (iii) a meeting is held at Ministerial level for each EU Presidency, bringing thus together the EU Troika (European Commission, previous Presidency and incoming Presidency) and the OSCE Troika (Chairman-in-Office Foreign Minister, previous CiO, incoming CiO, and the OSCE Secretary-General) to discuss issues of shared interest, most notably: democratization, election observation, Human rights defense, Tolerance and Non-discrimination to combat racism, xenophobia, anti-Semitism and related intolerance, including against Muslims

The EU provides considerable support – both financial and in kind. Some OSCE programs are funded and run jointly. For example, the EU assists the Office for Democratic Institutions and Human Rights (ODIHR) in monitoring elections and building up national electoral and human rights institutions in new democracies, for instance in the case of Moldova (2005) and Ukraine (2005, 2008). Over the period 2000-2009 the EC has also supported projects for promoting democratization and human rights in Eastern Europe and Central Asia and for the rights of the Roma in Eastern Europe.

➤ ASIA

ASEAN (Association of Southeast Asian Nations)

An interesting current test case is the European Union's approach to the creation of a human rights mandate for ASEAN. Until recently, the ASEAN Charter did not provide explicit human rights tasks for

¹²² The Council of Europe is an intergovernmental consultative organisation. The Council has 47 member countries and represents 800 million people, thus covering almost the entire European continent. All 27 EU countries are members. Founded in 1949, it seeks to ensure that fundamental values such as human rights, democracy and the rule of law are respected throughout Europe. It is thus Europe's oldest 'watchdog' on human rights – a priority that remains one of the key areas of collaboration between it and the EU.

¹²³ The OSCE brings together 56 countries, with members 'from Vancouver to Vladivostok'. Since it was established with the signing of the Helsinki Final Act in 1975, it has provided a forum for countries to maintain a political dialogue and to seek solutions together. All EU member states are also members of the Organisation for Security and Cooperation in Europe (OSCE). The significant overlap between the agendas of the two bodies allows them to collaborate on a range of issues, including conflict prevention, crisis management and post-conflict rehabilitation.

the organization. Consequently, the EU (or its member States) raised human rights concerns in national dialogues. Burma/Myanmar has been an exception, as the country was so high on the international human rights agenda that it came up in political dialogues between the regional organizations notwithstanding the lack of clear ASEAN human rights mandate. After the admission of Burma/Myanmar to ASEAN, the human rights situation in the country caused tensions between the regions, and had an overall effect on what has been traditionally the main area of EU-ASEAN cooperation, e.g. trade relations. Negotiations between the EU and ASEAN on a free trade agreement have made little progress.

The new ASEAN Charter (adopted 12 November 2007) provides in its Article 14 for the establishment of an ASEAN human rights body. ASEAN previously adopted a number of non-binding human rights declarations on children (2001), violence against women (2004), trafficking (2004) and migrant workers (2007). On 20 July 2009, the ASEAN Ministerial Meeting adopted the Terms of Reference for the ASEAN Inter-Governmental Commission on Human Rights.

AICHR was launched on 23 October 2009. It is a consultative body of ten government representatives, taking decisions on the basis of consultation and consensus, with modest powers to develop human rights strategies (including the drafting of an ASEAN Human Rights Declaration¹²⁴), to enhance public awareness, to promote capacity building, to provide technical assistance, and to obtain information from ASEAN Member States on the promotion and protection of human rights. The Terms of Reference do not provide AICHR with the power to receive and assess complaints.

The AICHR Terms of Reference do allow for engagement of the Commission with civil society actors. In defining the purposes of AICHR, the terms of reference refer both to the need for the Commission to contribute to friendship and cooperation among Member States and to the well-being, livelihood, welfare and participation of ASEAN peoples - a difficult balancing act taking into account the political context. The AICHR is the object of a vibrant campaign by civil society human rights organizations across the region¹²⁵ that closely monitors the process of establishment and first operational steps of the Commission. While the establishment of the AICHR has been welcomed by SAPA-TFAHR, it has criticized the weak terms of reference of the AICHR that adopts a "promotion first, protection later" approach in human rights and the lack of safeguards for the independence of the commission. Indonesia and Thailand appointed representatives to AICHR with a background in human rights activism, while The Philippines sent a former Chairwoman of the UN Committee on the Elimination of Discrimination against Women. Early in 2009, the network launched a campaign on "we want an ASEAN human rights commission with teeth!: accountable, effective and independent". At the very least, the establishment of the ASEAN Inter-Governmental Commission on Human Rights created a space for South East Asian civil society organisations beyond the domestic level to raise local concerns. Even if the Commission were to prove unresponsive¹²⁶, its mere existence created (perhaps unintentionally) a new sense of urgency among civil society actors to push for local human rights concerns beyond the boundaries of their own domestic States.

On 3 August 2009, the EU Presidency issued a Declaration on the establishment of AICHR:

"The European Union congratulates ASEAN on the establishment of the new Intergovernmental Commission on Human Rights (AICHR). The adoption of the Terms of Reference for AICHR at the ASEAN Ministerial Meeting in Phuket, Thailand, on 20 July 2009, marks a crucial step in the development of ASEAN as an organization that defends universal human rights values.

The European Union acknowledges the importance of the establishment of such regional bodies for the protection and promotion of human rights around the world. The AICHR will be the first organization of this kind in the Asia-Pacific region, and therefore may serve as an example to the broader area.

¹²⁴ The Terms of Reference also indicate more generally that AICHR should 'adopt an evolutionary approach that would contribute to development of human rights norms and standards in ASEAN'. See Terms of Reference of ASEAN Intergovernmental Commission on Human Rights (2009), art. 2.5., available as WWW.ASEANSEC.ORG/DOC-TOR-AHRB.PDF. THE STATEMENT MAY BE CONSIDERED A DANGEROUS ONE, ALLOWING FUTURE ASEAN INSTRUMENTS TO FALL BELOW INTERNATIONAL STANDARDS, BUT CAN ALSO BE INTERPRETED AS OPENING THE DOOR TO RESPOND TO HUMAN RIGHTS NEEDS IDENTIFIED BY CIVIL SOCIETY ACTORS THAT ARE SPECIFIC TO THE REGION.

¹²⁵ Seventy civil society groups established the Solidarity for Asian Peoples Advocacy Taskforce on ASEAN Human Rights (SAPA TFAHR). For more information, consult i.a. the website of Forum Asia, at www.forum-asia.org.

¹²⁶ Hao Duy Phan points out that ASEAN's history of cooperation suggests that when consensus cannot be reached, some members can proceed as a subgroup. ASEAN countries supportive of stronger human rights mechanism could go ahead, and assist others to join later. See a 2-page brief produced by the East-West Centre in Washington: H.D. Phan, 'The ASEAN Inter-Governmental Commission on Human Rights and Beyond' (2009), *Asia Pacific Bulletin* 40.

In this respect, the European Union encourages ASEAN to implement the Terms of Reference and align the future operations of the AICHR in general adherence to the Paris principles, in order to protect the human rights of all individuals in ASEAN.

The appointment of national representatives known for their integrity and expertise in human rights issues, as well as the engagement in dialogue with civil society organizations, will be an important first step in this regard.

The European Union looks forward to continuing working in partnership with ASEAN on human rights issues, and stands ready to offer assistance and share experiences in this field, including in the further development of the AICHR'.

Human rights assistance to the Commission may also be included in the next program for cooperation with ASEAN, although AICHR has so far not asked EU institutions for help. Staff support for AICHR is very limited. Civil society has created an Indonesian based think-tank, the Human Rights Resource Center for ASEAN (HRRCA), forged to conduct training and research that would support the AICHR's work. An NGO, the HRRCA is set up on funding, among others, from USAID, the Canadian International Development Agency and the John D. and Catherine T. MacArthur Foundation. At a more general level, the inclusion of human rights in the ASEAN Charter allows raising human rights to a higher priority in the dialogue between the regional institutions that has traditionally focused on economic cooperation. According to Sriprapha Petcharamesree, the Thai representative and Chairperson for the ASEAN Intergovernmental Commission on Human Rights, the EU has a lot to offer ASEAN in terms of the promotion and protection of human rights and democracy, as long as it ensures that the basic values of the EU, such as human rights, democracy and the rule of law, are not sacrificed for economic imperatives. In a recent publication, he suggests¹²⁷ that the EU should:

- Strengthen the 'track two' dialogue between ASEAN and the EU, focusing more on issues deemed to be 'too sensitive' to include on the normal agenda;
- Make a greater contribution to capacity building on a longer term basis. ASEAN is being encouraged to consider the establishment of an ASEAN Center for Human Rights and Peace Studies. Any contribution to this initiative would not only help raise public awareness about human rights and democracy but also improve the monitoring capacity of any home-grown institution;
- Identify some commonalities and common priorities with ASEAN, such as trafficking in persons, migration/migrant workers, violence against women and children and the environment;
- Pay greater attention to improving judiciaries and empowering civil society;
- Support the movement towards the establishment of an ASEAN Human Rights Body while recognizing the importance of regional specialized arrangements such as an ASEAN Commission on the promotion and protection of the rights of women and children. It is also important for the EU to contribute to the development of an ASEAN normative human rights framework, such as an instrument on the protection of the rights of migrant workers.
- Since corporations and business communities have great influence in ASEAN, these non state actors have a large role to play. Integrating corporate social responsibility into human rights and economic and trade relations between the two regions is one way to engage with ASEAN.

➤ LATIN AMERICA

The Organisation of American States (OAS)

The framework for political dialogue and cooperation between the EU and the OAS has been enhanced by the Memorandum of Understanding signed in December 2009. The priority areas of the dialogue as set down by the Memorandum are: (i) protection and promotion of HR, including freedom of expression, promoting ethnic and racial equality and protection of most vulnerable groups; (ii) strengthening democracy, including good governance, strengthening democratic institutions and genuine elections most notably in the context of ad hoc cooperation between EU and OAS Election Observation Missions; (iii) issues of transnational relevance, such as organised crime, terrorism and trafficking.

¹²⁷ S. Petcharamesree, *The Human Rights Body: A Test for ASEAN* (2009). Stockholm: IDEA, p. 16.

The principles for the inter-institutional dialogue include: (i) developing formal, regular (at least once a year) bilateral consultative meetings with discussions on policy matters of common interest; (ii) engaging in ongoing consultation and reciprocal sharing of information, particularly regarding EU-LAC Summit meetings and the OAS General Assembly

Areas of cooperation between the EU and the OAS over the years 2000-2009 concern primarily projects at regional level for the promotion of freedom of expression, better access to justice and racial tolerance; as well as projects at country level: strengthening democracy in Venezuela and electoral support in Dominican Republic.

The Andean Community

The European Union (EU) political dialogue with the Andean Community¹²⁸ began in 1996 with the Rome Joint Declaration on Political Dialogue (1996) . Once ratified, this will be replaced by the Political Dialogue & Cooperation Agreement approved in Quito on the 15th of October 2003. One of the objective of this agreement is specifically strengthening EU-Andean Community relations by developing political dialogue and reinforcing cooperation

The new Agreement institutionalizes and strengthens the political Dialogue based until now on an informal arrangement and broadens cooperation to include new areas such as human rights, conflict prevention, migration as well as the fight against drugs and terrorism. Special emphasis is placed on cooperation in support of the process of regional integration in the Andean Community.

According to the agreement “*the political dialogue shall cover all aspects of mutual interest and any other international issue. It shall prepare the way for new initiatives for pursuing common goals and establishing common ground in areas such as security, regional development and stability, conflict prevention and resolution, human rights, ways of strengthening democratic governance, the fight against corruption, sustainable development, illegal migration, counter-terrorism and the global problem of illicit drugs, including chemical precursors, asset laundering and the trafficking of small and light weapons in all its aspects*” (art.3). According to the following art. 4 “*the political dialogue shall be conducted: (a) where appropriate and agreed by both Parties, at Heads of State or Government level; (b) at ministerial level; (c) at senior-official level; (d) at working level; and shall make maximum use of diplomatic channels*”.

Dialogue also takes place within the framework of institutional relations between the EU and the Rio Group¹²⁹. The EU and the Rio Group meet at Ministerial level every two years alternatively in each region and on alternate years to the EU-LAC Summits. This dialogue was institutionalized in 1990. Until the creation in 1999 of the EU/Latin America and Caribbean Summit process, the EU-Rio Group meetings were the sole framework of political dialogue between the EU and the Latin American countries on key issues for the partnership.

Over the period 2000-2009 the EC has supported the efforts of the OAS for ensuring regional stability in South America.

➤ THE CARIBBEAN COUNTRIES

The CARIFORUM

The policy dialogue between the Caribbean region and the EU is managed at two levels:

- a the level of the EU-Caribbean partnership through the CARIFORUM¹³⁰;
- at the level of the EU- Latin America and the Caribbean (LAC) strategic partnership, in other words at the bi-annual EU-LAC Summits, which represent major opportunities for EU-Caribbean political dialogue at the highest level for addressing the evolving relationship between the Caribbean, its geographical neighbours and the EU.

¹²⁸ The Andean Community was founded in 1969 and currently comprises 4 countries that straddle the Andes: Bolivia, Colombia, Ecuador & Peru.

¹²⁹ The Rio Group is an INTERNATIONAL ORGANIZATION of LATIN AMERICAN and some CARIBBEAN states. It was created on 18 December 1986 in the BRAZILIAN city of RIO DE JANEIRO by means of the Declaration of Rio de Janeiro, signed by Argentina, Brazil, Colombia, Mexico, Panama, Peru, Uruguay and Venezuela (the members of the CONTADORA GROUP and the CONTADORA SUPPORT GROUP)

¹³⁰ The CARIFORUM mandate is to manage and coordinate, to promote integration and cooperation in the Caribbean and to coordinate the allocation of resources and manage the implementation of Regional Indicative Programmes financed by the European Development Fund and regional programmes financed by Member States of the EU and any other source.

The 2006 Commission Communication on the EU-Caribbean Partnership and the related Council Conclusions have highlighted the need for conducting an enhanced political dialogue within the EU-CARIFORUM and the EU-LAC contexts on a broad range of issues of common concern. The Joint Statement adopted at the 3rd EU-CARIFORUM summit in Lima (May 2008) confirmed the commitment of both regions to establish a structured and comprehensive political dialogue. In particular, according to the 2006 Communication: *“Within the framework of EU political dialogue with CARIFORUM and the LAC, there will be an opportunity to move forward on issues of common concern including a focus on the wider regional integration process, the consolidation of democracy, human rights, social cohesion and decent work opportunities, security, stability, conflict prevention and drug trafficking. Political dialogue can also be of particular use for peace-building and peaceful transformation policies in Haiti, while the door is always open for political dialogue with Cuba on areas where relations and support can be further enhanced”*¹³¹.

The key issues of particular concern in the region are security and good governance. Ensuring security and the rule of law, with equity, justice and full respect for human rights, are now fully recognized as fundamental, shared priorities between the EU and the Caribbean region. To this end the EU and the Caribbean cooperate in addressing security threats, including non-proliferation of weapons of mass destruction (WMD), illicit Small Arms and Light Weapons (SALW) and combating terrorism.

As regards as good governance, the EU is committed to supporting key institutions – such as parliaments, the judiciary system and public financial management systems –; supporting transparency and the fight against corruption and assisting in areas such as countering organised crime, migration and drug trafficking, for instance by accelerating the process of ratification of the UN Convention against International Organised Crime and the UN Convention against Corruption. Such support is mainly intended to prevent the Caribbean from becoming a fragile region

In terms of co-operation, the EC during the IX EDF focused its attention to the support to the regional integration by promoting the establishment of the Caribbean Court of Justice, which was inaugurated in 2005, and by supporting good governance. The need to strengthen the policy dialogue is also specifically mentioned among the non focal areas of intervention.

➤ THE PACIFIC ISLANDS

The Secretariat of the Pacific Community

An enhanced political dialogue is a key feature also for the strengthened Partnership between the EU and the Pacific Islands, as recognized by the EU's Pacific strategy (2006) and the Nuku'Alofa Declaration adopted in Tonga in 2007. The relevant organisation which follows such dialogue is the Secretariat of the Pacific Community (SPC)¹³².

In this context an enhanced political dialogue has been established between the EU and the Pacific Islands Forum (PIF). The first EU-PIF Ministerial Troika took place in Brussels in September 2008 and, among the key areas of concern, the political dialogue covered security and governance, most notably the political developments in the Pacific region, especially in the Solomon Islands, Nauru, Fiji and East Timor, where recent events are reminder that the region is threatened by civil strife, crime and political instability.

In 2009 the EC agreed to finance a project to empower disadvantaged groups through human rights and equality training in the Solomon Islands and the funds of this project will be directly channeled to the SPC.

➤ **Interregional cooperation for HR protection**

Regional organizations take up an intermediate position in the international human rights regime. Effective human rights protection depends primarily on the availability of remedies at the domestic level. The global level is essential in maintaining human rights as a concept of global relevance, but as yet does not provide a human rights court requiring States to provide reparation for human rights violations. Regional systems (at least in Africa, the Americas and Europe) do provide courts that can

¹³¹ Communication from the Commission to the Council, the European Parliament and the Economic and Social Committee of 2 March 2006 entitled “EU-Caribbean partnership for growth, stability and development” [COM(2006) 86 FINAL – Official Journal C 104, 3 May 2006].

¹³² SPC is an intergovernmental organisation that provides technical and policy advice and assistance to its Pacific Island members. SPC was established as an international organisation in 1947 and has 26 member countries and territories.

act when domestic remedies have failed, while at the normative level may provide protection against human rights challenges specific to the particular region. From a political perspective, the regional approach builds on trust and values shared by like-minded States, resulting in an acceptance of forms of monitoring of their domestic human rights situation that they are reluctant to accept at the global level. In sum, ideally, regional human rights mechanisms allow addressing failures in the domestic protection of human rights, and enable an infusion of a welcome degree of plurality within the limits set by global norms.

Cooperation between regional organizations on human rights is not very developed. Clearly, regional human rights courts influence each other: both the Inter-American Court and the African Commission refer regularly and explicitly to the case law of **the European Court of Human rights**; the reverse is less prevalent. In addition, if the constituent documents of the relevant regional organizations define human rights as a task of the organization, there is no reason why political cooperation on human rights should not be possible. Arguably, the following areas are particularly well suited to interregional cooperation:

- The contribution of regional human rights systems to the universal human rights regime, in particular in encouraging Member States to engage in best practice. Examples may include interregional exchanges on Member States' reporting and implementation of the Universal Periodic Review at the UN, or on cooperation with the International Criminal Court;
- Addressing human rights crisis situations in member States that are sufficiently serious to be of international concerns, i.e. country situations involving gross and systematic violations of human rights;
- Cooperation on themes and situations that affect either regions or human rights problems that have an interregional dimension. Examples may include issues such as the human rights consequences of migration, or the human rights impact of foreign direct investment;
- Sharing of experiences on the specificity of the regional contribution to the international human rights regime.

Here below a description of the experience of the Inter-American system.

The Inter-American system of rights

The Inter-American system of rights protection has developed into one of the more active regional spaces for human rights protection in the last two decades. Despite what seemed an un-ambitious beginnings, and the reality of very limited resources, there has been a process of consolidation of the Inter-American system of rights protection as its work has come to be important both at the domestic and regional level in advancing rights issues. Both through the work of the Inter-American Commission of Human Rights, and a rapidly growing body of pro-human rights jurisprudence in the Inter-American Court, the Inter-American system has become a meaningful framework that has concrete impact on domestic politics, legislation and judicial processes in Latin America.

A number of rulings and recommendations have become established references in Latin America in relation to different rights issues and how they play out at the national level. In 1992 the IACHR concluded that the pardons and amnesty decisions in Argentina by which human rights abuses committed under military rule would be left untried, were found to be incompatible with the American Convention. This reading of the incompatibility of amnesty laws following authoritarian rule with contemporary regional rights commitments was further advanced by the Inter-American Court decision in 2001 that the amnesty laws in Peru were invalid and incompatible with the American Convention, (in connection to the *Barrios Altos* case). In 2003, the Court ruled that the Guatemalan state was responsible for the killing of Myrna Mack, anthropologist and activist, and awarded damages to her family. Finally, the Court has also ruled on contemporary rights issues in relation to freedom of speech and indigenous rights in relation to land claims.

Decisions such as these, combined with the body of recommendations from the Commission, and the advisory opinions that the Court can issue on points of law, and the compatibility of domestic legislation with the American Convention, has made of the Inter-American system a relevant regional body that states cannot ignore in Latin America. Increasingly these decisions and documents are beginning to have an impact on domestic judicial reasoning and jurisprudence. Domestic courts are increasingly expected to – and inclined to – take note of the Inter-American system, contributing to changing patterns of judicial decision-making on rights issues in some cases.

On the relationship between the European Court of Human Rights and the IACHR, the literature suggests that a key issue is the degree to which the two bodies take into consideration their respective jurisprudence in their own legal reasoning. This mutual jurisprudential dialogue, which is not formal, is beginning to constitute a growing body of international jurisprudence on human rights issues that is not meaningless. Increasingly the European Court takes into account the body of jurisprudence emerging from the IACHR. The European Court has to some extent for a while been a 'role model' for the IACHR, manifested in the number of references the IACHR has made to the European court. Over time, the relationship has been increasingly one of cross fertilization. By 2010, the European Court had 66 references to IACHR decisions and jurisprudence, 58 of which appeared in concrete cases.¹³³

The European Court is not formally part of the EU, but the Lisbon Treaty established has altered the relationship between EU member states and the Court. The Court came into being in 1959 to rule on individual or State applications alleging violations of the rights set out in the European Convention on Human Rights. Since 1998 it has sat as a full-time court and individuals can apply to it directly. The European Convention on Human Rights is an international treaty under which the member States of the Council of Europe promise to secure fundamental civil and political rights, not only to their own citizens but also to everyone within their jurisdiction. The key innovation of the 1998 reform was the acceptance of the Court's jurisdiction regarding individual complaints as binding on all member states of the Council of Europe – which includes all EU members.

On the Organisation of American States (OAS) and EU Commission

The Inter-American system of rights protection is integrated into the regional body of the Organisation of American States (OAS). On the question of partnerships, the relationship between the EU and OAS is one of ongoing dialogue and cooperation, more recently confirmed in the MoU dated December 2009 between the EU Commission and the General Secretariat of the OAS [I attach this document].¹³⁴ This establishes that particular attention, in relation to the areas of ongoing dialogue and cooperation on human rights, should be paid to issues (among others) as: a) the protection and promotion of human rights, (including freedom of expression, promoting ethnic and racial equality and rights or protection of most vulnerable groups); b) strengthening of democracy (including good governance, strengthening democratic institutions and genuine elections, notably in the context of ad hoc cooperation between EU and OAS Election Observation Missions). This should involved the establishment of a framework for inter-institutional dialogue and cooperation between the EC and the GS/OAS to include some of the following:

“a) formal, regular bilateral consultative meetings where discussion will take place on policy matters of common interest; b) engage in ongoing consultation and reciprocal sharing of information, particularly regarding EU-LAC Summit meetings and the OAS General Assembly; c) exchange experiences and best practice.” (MoU 2009)

It is stated in the MoU that the dialogue is intended to identify opportunities of cooperation between both regional bodies. The modalities for this cooperation is to be born out in further communications, but of note is that the MoU makes sure to state that it “does not contain obligations regarding international law.”

Fundamentally, the relationship between the EU and the OAS is one of cooperation and dialogue, and not one one of donor support to developing region, not least because the OAS sits in Washington and includes the US as member state. The political balance of power within the OAS has changed over time away from US dominance, and interestingly the US is not a signatory to the Inter-American system of rights, despite the fact that this sits within the OAS.

¹³³ See Kerstin Blome, 2010, “Wallflower or Essential Constituent? The Inter-American Court of Human Rights' Role in an Emerging International Judicial Human Rights System” Paper for:SGIR 7th Pan-European International Relations Conference, September 2010

¹³⁴ See [HTTP://WWW.EURUNION.ORG/EU-OAS-MOU-12-17-09.PDF](http://www.eurunion.org/EU-OAS-MOU-12-17-09.pdf) for the MoU. See also Barahona de Brito, A. 2005, “Human rights and democracy: a joint Latin American-European agenda?” Lisbon OBREAL/EULARO background papers.

ANNEX 12:

UNIVERSAL PERIODIC REVIEW

ROLE OF THE EU IN THE IMPLEMENTATION OF THE UPR

Outcome of UPR Process

The Universal Periodic Review process is based on three documents: a State report (that ideally is prepared following a broad national consultation process), a OHCHR report compiling information from UN human rights bodies (treaty bodies, special procedures, specialised agencies), and a report equally compiled by OHCHR containing stakeholder views (regional bodies, national human rights institutions, NGO's). The first objective of the UPR process is "the improvement of the human rights situation on the ground".¹³⁵

An interactive dialogue takes place at the UPR working group. The dialogue prepares the ground for a so-called outcome document adopted at the plenary session of the Human Rights Council. This report consists of a summary of the proceedings of the review process; conclusions and/or recommendations, and the voluntary commitments of the State concerned. Recommendations are made during the interactive process by other States, and may be accepted or rejected by the State under review. The outcome report identifies¹³⁶ recommendations that enjoy the support of the State under review, and also includes the other recommendations, together with the comments of the State concerned thereon.

The quality of the UPR process depends both on the usefulness of the recommendations, and on the response made by the State under review. A recent report by UPR-info.org covering the 2008-2010 period ranges UPR recommendations into five categories from the least action-oriented to the most specific one: recommendations in category 1 are those which request limited action (most of the time to share experience or require the help of the international community); those in category 2 are requesting to continue an action; those in category 3 to consider taking an action; those in category 4 to take a general action (improve the situation of minorities) and those in category 5 to take a specific action (amend a law, set up a mechanism). The report finds that only 30.8% of recommendations made contain a specific action. 40% of recommendations made were of general action, giving "a lot of freedom to the State under review and make it very easy to accept them as one can hardly measure the implementation of those recommendations within a strict timeframe, i.e. by the next cycle"¹³⁷.

In the context of the UPR process, States under review are free to accept or reject recommendations; they can also decide not to respond to a recommendation. A clear obligation to implement only exists for recommendations that were accepted by the State under review. States are not obliged to implement recommendations that were rejected. The UPR-info.org report finds that "over the first seven sessions, out of the 10262 recommendations made, 6962 were accepted, 1338 rejected, 1220 received an unclear response and 742 are still pending"¹³⁸.

The capacity of a State to reject a recommendation is specific to the UPR process. No similar capacity of the State to interfere with the status of recommendations exists either at the level of the treaty monitoring bodies or with respect to reports of the special rapporteurs.

On this issue, an EU Statement to the UN General Assembly with regard to the Report of the Human Rights Council¹³⁹ regretted "that some States have failed to address all recommendations put forward, or have given replies that are not in line with the principles of objectivity and non-politicisation on which this process is based", and insisted on "more clarity on the State's position on the recommendation put forward and/or the state of their implementation".

The section on follow-up to the UPR outcome in the institution-building resolution reads as follows:

a) Follow-up to the review

33. The outcome of the universal periodic review, as a cooperative mechanism, should be implemented primarily by the State concerned and, as appropriate, by other relevant stakeholders.

34. The subsequent review should focus, inter alia, on the implementation of the preceding outcome.

¹³⁵ Human Rights Council resolution 5/1 of 18 June 2007, par. 4.a.

¹³⁶ UPR-info.org, Analytical Assessment of the UPR, 2008-2010 available at http://www.upr-info.org/IMG/pdf/UPR-Info_Analytical_assessment_of_the_UPR_2008-2010_05-10-2010.pdf

¹³⁷ At p.14

¹³⁸ At p.15

¹³⁹ E Statement of 3 November 2010 available at http://www.eu-un.europa.eu/articles/en/article_10311_en.htm

35. The Council should have a standing item on its agenda devoted to the universal periodic review.

36. The international community will assist in implementing the recommendations and conclusions regarding capacity-building and technical assistance, in consultation with, and with the consent of, the country concerned.

37. In considering the outcome of the universal periodic review, the Council will decide if and when any specific follow-up is necessary.

38. After exhausting all efforts to encourage a State to cooperate with the universal periodic review mechanism, the Council will address, as appropriate, cases of persistent non-cooperation with the mechanism.

The review cycle takes four years. This means that in principle all UN Member States should have appeared at the UPR mechanisms before the end of 2011. The review of the Human Rights Council itself takes place in 2011, and will include the UPR process¹⁴⁰.

Reporting back to the Human Rights Council

As part of the UPR process, States are expected to report back on their follow-up to the previous review. The Guidelines on the UPR adopted by the Human Rights Council in 2007 explicitly provided that States should prepare a presentation on follow-up¹⁴¹. This can be done at any session of the Human Rights Council, as the UPR is a standing item on the agenda. Some good practice has emerged, where States report on progress soon after they have been reviewed¹⁴². If EU Member States wish to increase the credibility of the UPR process, one effort they can make is to report back diligently and substantively on follow-up. Reports on the state of implementation of recommendations have so far been produced by Argentina, Bahrain, Bolivia, Chile, Colombia, Ecuador, Finland, France, the Netherlands, Romania and the UK¹⁴³.

As indicated above, the second UPR cycle should, from 2012 onwards, “focus, inter alia, on the implementation of the preceding outcome”.

Implementation on the Ground

According to HRC Resolution 5/1, the outcome of the UPR should be implemented primarily by the State concerned, and, as appropriate, by other relevant stakeholders.

No facility exists at the UN level to proactively gather information on how States are implementing the UPR outcome at the local level, nor have guidelines been adopted defining expectations vis-à-vis the process of implementation, i.e. on dissemination, involvement of other stakeholders etc. In principle, the Human Rights Council would be perfectly able to adopt such guidelines, if it so wished. Similarly, OCHCHR regional offices and other locally represented UN bodies relevant to human rights could be tasked with collecting information on local implementation. This material could then be included in a compilation document specifically dealing with implementation that could become one of the basic reports for the second cycle of the review. The European Union could support relevant UN bodies in overcoming the resource constraints of such information gathering tasks.

With regard to processes that States could engage in at the local level to implement the UPR outcome, it has been suggested that national human rights institutions could play a useful role. Given the intergovernmental nature of the UPR process, and the fact that national human rights institutions are very often the only State institutions with a mandate uniquely addressing human rights, the suggestion makes eminent sense.¹⁴⁴ The European Union may wish to support the activities of national human rights institutions in this respect, in particular in countries where the political opportunity structure to discuss human rights issues is limited. An example of proposals on the role of NHRIs in UPR implementation comes from the Asia Pacific Forum of National Human Rights Institutions. The organisation has for instance suggested that following the completion of the UPR for its State, an NHRI can:

¹⁴⁰ As provided for in a footnote to paragraph 14 of HRC res. 5/1 (18 June 2007).

¹⁴¹ Human Rights Council Decision 6/102 (27 September 2007).

¹⁴² See J. Duggan-Larkin, “Can an inter-governmental mechanism increase the protection of human rights? The potential of universal period review in relation to the realisation of economic, social and cultural rights”, Netherlands Quarterly of Human Rights. Vol. 28/4 (2010), 555.

¹⁴³ See <http://www.upr-info.org/-Follow-up-.html>

¹⁴⁴ See document at http://www.asiapacificforum.net/services/international-regional/un/human-rights-council/upr/downloads/apf-workshop-march-2010/UPR_Good_Practice_Compilation.doc

- “Work to raise awareness of the review process and its outcomes in government and parliamentary fora, as well as in the broader community.
- Use UPR outcomes, as appropriate, to inform and to drive its national activities. Where appropriate, an NHRI can also use UPR recommendations rejected by its Government to inform its own national activities.
- Encourage its Government to use UPR outcomes to inform the development of national strategies, policies and priorities, including a National Human Rights Action Plan.
- Where appropriate, assist its Government to develop concrete, targeted, and time-bound strategies to implement and achieve UPR outcomes.
- Monitor and report on the Government’s implementation of UPR outcomes.
- Adopt the practice of encouraging and assisting its Government to report periodically on the implementation of UPR outcomes at HRC sessions in the standing agenda item on the UPR.
- If an ‘A-status’ institution, adopt the practice of reporting periodically on its State’s implementation of UPR outcomes at future HRC sessions in the standing agenda item on the UPR. Where unable to attend an HRC session, an NHRI could consider preparing an oral statement that could be delivered on its behalf by the ICC representative in Geneva.
- Incorporate relevant UPR outcomes into the shadow or alternative reports that it prepares for the UN human rights treaty bodies and in briefings for Special Procedures, and incorporate treaty body and Special Procedure recommendations into its reports in future UPR cycles”.

UPR-info.org suggests a number of additional best practices in local implementation, that are partly based on practice already developed by States including: the development of a plan of action on all accepted UPR recommendations, the setting-up of an interministerial working group to coordinate the government’s actions, the creation of a steering committee composed of members of the Government, of the National Human Rights Institution and of NGOs to monitor the implementation, and more generally, the involvement of civil society in the implementation process through regular meetings and consultations.¹⁴⁵

Verification

Another difficult issue that will emerge during the second cycle of the UPR process is, that even if sufficient information on implementation would be available, no agreement may exist on how progress should be evaluated. Assessment would certainly be helped by the adoption of a set of criteria against which to evaluate. The Global Observatory on Human Rights, another non-governmental organisation specifically monitoring the UPR process, has suggested the following indicators¹⁴⁶:

- the signature and ratification of treaties;
- the elimination of reservations with regard to treaties;
- the restructuring of national institutions promoting and protecting human rights;
- states’ effective cooperation with UN treaties bodies and Special Procedures.

The indicators are certainly useful, and may also be politically acceptable, but they are also somewhat legalistic in that they provide little information about the human rights situation on the ground. As the organisation points out, an additional difficulty is that the assessment role has not attributed to any existing institution or new mechanism, and that no resources have been allocated to provide for an assessment function.

International Assistance

HRC resolution 5/1 explicitly provides that “the international community will assist in implementing the recommendations and conclusions regarding capacity-building and technical assistance, in consultation with, and with the consent of, the country concerned”.

Footnotes to resolution 5/1 provide that “a Universal Periodic Review Voluntary Trust Fund should be established to facilitate the participation of developing countries, particularly the Least Developed Countries, in the universal periodic review mechanism”, and that “a decision should be taken by the

¹⁴⁵ <http://www.upr-info.org/-Follow-up-.html>

¹⁴⁶ See document at http://upr-epu.com/ENG/medias/implementation_the_UPR_s_imprecise_finality.pdf

Council on whether to resort to existing financing mechanisms or to create a new mechanism with regard to the outcome of the review". The secretariat of the Human Rights Council has published a note stating that funding will be provided for one delegate to attend the UPR working group session where a country does not have diplomatic representation in Geneva. Apparently, no action has yet been taken with regard to the implementation fund.¹⁴⁷

Logically, the task of supporting implementation falls first and foremost to UN institutions providing technical assistance on human rights issues, including OHCHR, UNDP and UN specialised agencies within their relevant field of expertise. In 2010, during the interactive dialogue with the High Commissioner for Human Rights at the Human Rights Council, the EU suggested that OHCHR should invest in a strategy to support States' follow-up on UPR recommendations, and involve other key UN actors, and UN field presences. In the same statement, the EU declared that it increasingly discusses UPR recommendations in its human rights dialogues and consultations with partner countries, including with a view to consider possible initiatives through EU assistance and development cooperation¹⁴⁸.

Clearly, the provision on international assistance in HRC resolution 5/1 can be read as an encouragement to the European Union to use the various instruments at its disposal in the context of the EU external human rights policy in order to contribute to implementation of UPR recommendations, to which, after all, the country under review, has agreed. The EIDHR could, for instance, on a case-by-case basis, and in particular in countries where human rights activities are difficult, be used to support the involvement of relevant stakeholders in consultations at the national level on the implementation of UPR recommendations.

It is not so self-evident however, that the EU external human rights policy should generally focus on supporting UPR outcomes at this particular moment in time. Given the weaknesses of the UPR process, recommendations originating from other parts of the UN human rights system, such as the treaty monitoring bodies and the special rapporteurs may be much more pertinent in addressing the human rights situation on the ground. They may also be of higher relevance for the purpose of informing the human rights activities of EU missions.

From an EU perspective, improvement of the UPR process at the occasion of the 2011 review of the Human Rights Council, should perhaps be a higher priority than assistance to implementation of UPR outcomes at the local level, except when local circumstances are such that references to the UPR recommendations create openings for human rights that would otherwise not be available.

¹⁴⁷ See J. Duggan-Larkin, "Can an inter-governmental mechanism increase the protection of human rights? The potential of universal period review in relation to the realisation of economic, social and cultural rights", *Netherlands Quarterly of Human Rights*. Vol. 28/4 (2010), 579

¹⁴⁸ EU Statement of 4 March 2010 available at http://www.europa-eu-un.com/articles/fr/article_10318_fr.htm

ANNEX 13:

KEY FINDINGS FROM THE REPORT

“EIDHR EVALUATION ON THE ABOLITION OF

DEATH PENALTY PROJECTS”

a) **Context:**

The present report is an evaluation of the projects aiming at the Abolition of the Death Penalty (ADP), financed under the European Initiative on Democracy and Human Rights (EIDHR).

The evaluation covers a portfolio of 28 projects aiming at supporting civil society initiatives on the ADP since 1994 for a total amount of approximately € 11,394,150.

b) **Objective:**

The evaluation's overall objective is *"to help the European Commission to improve the impact of EIDHR projects supporting civil society activities aiming at the abolition of death penalty, by strengthening the Commission's ability to draw on lessons learnt of past and ongoing interventions for future planning, programming and project identification."*

c) **Geographical distribution of projects**

The following remarks may be made from the analysis of the geographical distribution:

Geographical area	N° and type of projects
Worldwide	There were 9 worldwide projects, including a broad range of activities, from legal research to training and advocacy.
Europe	One project has taken place, which targeted four member states of the Council of Europe. This was the only project targeting European countries (and Turkey), although some earlier projects such as the petition campaign by Hands off Cain also included activities in Europe. The project covered mostly lobbying to turn de facto moratoria into formal abolition in law.
Caribbean	7 projects covered that region (mostly Jamaica, Bermuda and other English-speaking Caribbean countries) since 1994 (4 since 1998). The main focus of these projects was always legal work, although in recent years they have involved more work with prisoners (on legal aid and prison conditions) and more public advocacy work
Philippines	3 projects have covered that country. Although there were some overlaps, the projects were mostly complementary.
Iran	1 project concerned this country. On the basis of limited information available, the evaluators are doubtful if the Iran project can truly be classified as a death penalty project. The film that was funded through the project apparently addressed many important social issues including women in detention but, as far as could be discerned, did not directly address the death penalty.
China	1 project covered this country, which is by far the biggest user of the death penalty (a new project, building on the previous one, has recently been initiated).
USA	2 projects were funded in the USA: these are complementary and cover key research and advocacy issues in that country, whose role in the worldwide death penalty debate is essential.
Africa	Most of the work in Africa has focused on Rwanda, and one project covered Commonwealth African countries.
Central Asia	One project in that region covered four of the five countries in the region (Turkmenistan being excluded because NGO activities have been impossible there), with a focus on obtaining, then entrenching, a region-wide moratorium on execution. The project has been mostly successful.
West Bank	One project targeted the Palestinian authority, essentially focussing on training for legal professionals

Summary of the geographical and thematic trends coming out from the geographical distribution of projects:

- The amount of project funding is not directly related to the number of executions (or death sentences) in the target country or region. If it was, 90% of grant funding would target China and another sizeable proportion should focus on Iran, for example. The fact that this is not the case is not an indication of a weakness, because:
 - Some of the countries where executions are most widely used forbid or severely limit the activities of independent NGOs.
 - It makes strategic sense to encourage a continuous worldwide trend towards abolition of the death penalty and moratoria on executions: in this regard, the relevant quantitative criterion is the number of countries which have abolished or enforced a moratorium. As a result, it is often appropriate to campaign for abolition in countries where the death penalty is seldom used if that can help enhance the abolitionist trend.
- Some of the “worldwide” projects are in fact research and information-dissemination activities, which are valuable in their own right and also because they may support other, country- or region-focused, ADP projects.
- Nevertheless, the geographical distribution analysis suggests that the funding of the last decade or so has failed to cover two key countries and regions:
 - The Middle East and North Africa: there has been some coverage of the West Bank and of Iran (where the focus was not really on the death penalty). Despite the existence of a few activities in the Middle East (as part of some worldwide projects), the region has been largely outside the scope of work supported so far. This is regrettable, partly because of the importance of some countries like Saudi Arabia on the worldwide “map” of the use of the death penalty, and partly because of the strategic importance for overall human rights work of addressing many countries in the region where Islam is a source of inspiration for the legislation. A project was agreed in 2006 to address the death penalty in some the region, starting with Morocco: this project will therefore contribute to filling this gap.
 - Japan is the other significant gap: while the number of executions is low (three to seven per year), Japan is significant in relation to the use of the death penalty because of its status as a major developed economy. The abolitionist movement in Japan is determined but very small (bringing together some lawyers, NGOs and people inspired by Buddhist values). Abolitionist groups find it difficult to find financial support in Japan for their work, despite the overall wealth of the country. Funding from the European Commission could help the Japanese abolitionist movement to enhance its activities and reach, in a way similar to what has taken place in the USA with EIDHR ADP grants there.

Finally, the analysis of the geographical distribution of grants suggests that large grants should sometimes be complemented with smaller ones. In particular, the past grants have not covered many countries where the death penalty is not widely used, and where abolition is not widely debated (such as Kenya, Senegal, even Indonesia, etc). It may be appropriate for the EC to use the EIDHR micro-project procedures to encourage small-scale, pilot initiatives in such countries.

d) **Key recommendations**

General remark

The consultants believe that there is a global abolitionist tendency at present. This opportunity should not be missed. It is likely that well-positioned and well-designed projects will make significant contributions in coming years and positively impact on the reputation of the EU.

The death penalty is an iconic human rights issue that is (despite appearances) less contentious and less open to accusations of cultural imperialism than others fundamental human rights standards. The European position is unequivocal and transparent and not subject to accusations of hypocrisy or double standards. The EC's support to projects in countries as diverse as the USA and China are a testament to this. The evaluators see added value in working on death penalty projects, in that they permit access to more difficult but related human rights problem areas such as torture, conditions of detention and fair trials.

The consultants believe that the impact of ADP projects is unnecessarily restricted by weak internal procedures, insufficient strategic overview and a lack of cross-fertilisation amongst projects.

Topic	Recommendation to the European Commission
1. Strategy	<p>It is recommended that the EC should take into account the following two aspects in their approval process of future ADP projects:</p> <ul style="list-style-type: none"> - It does not necessarily matter whether a given project focuses only on one, or a small number of activities, provided the portfolio of ADP projects or activities in the target country or region can amount to an integrated strategy <i>and</i> that the implementing organisation is committed to, and able, to seek and maintain liaison with others working on ADP. - Worldwide projects in particular run the risk of failing to establish linkages between their activities and those of ADP projects at country level. - Project geographical distribution should reflect where the EC believes that it can make an impact and where there is a need. To achieve this, a truly strategic and holistic approach towards project identification and funding is needed. Micro-projects might also be used in this regard, as would the use of tendering for specific projects. - To ensure a balanced approach and with a view to seeking the support and understanding of the community of victims, the EC should consider favourably projects that address the plight of those who have suffered as a result of the most serious crimes
2. Coordination with Delegation's activities	<p>EC Delegations should be encouraged to look at all human rights issues, including ADP, in a regional and sub-regional context. This would facilitate strategic interventions and lead to greater impact. In countries where extrajudicial killings might result from abolition, the EC should carefully monitor any reported incidents of extrajudicial killings or suspicious deaths in custody.</p>
3. Monitoring	<p>The monitoring of worldwide projects should be enhanced, in particular by ensuring that EuropeAid staff visit the site of a project at least once during the project lifetime.</p> <p>EuropeAid should consider altering the format of narrative reports, to highlight strategic challenges faced by projects and reduce the focus on the mere reporting on activities.</p>
4. Reporting	<p>The EC should simplify reporting procedures and ensure that both NGOs and Delegations are provided with an up-to-date procedure manual. Whenever new grant contract conditions are developed by the EC, which lead to simplifying the grant management procedures, the EC should consider introducing such changes in all previously signed contracts, by means for example of a contract amendment letter.</p>
5. Coalition-building and sustainability	<p>Ensure that ADP remains a significant and visible part of the mandate of the new instrument due to replace EIDHR. If funding for death penalty projects is to fall under different headings then the EC is urged to use flexibility to ensure good work continues.</p> <p>To enhance coalition-building on the death penalty, the EC should fund an annual meeting bringing together in Brussels one representative of each NGO being funded under ADP. Not only would this allow NGO representatives to meet with EuropeAid and Relex staff but it would also facilitate the</p>

	<p>establishment of an ad hoc working group who can share experience and best practice.</p> <p>Efforts should be made to enlarge the pool of organisations and individuals working on the death penalty. Specific steps that might help increase the number of organisations seeking funding in this area include:</p> <ul style="list-style-type: none"> - Allow for micro-projects under the EIDHR procedure in countries where the death penalty exists. - Ensure that calls for proposals are issued in local languages and that proposals (or at least preliminary proposals) can be written by applicants in their local language. <p>Larger international NGOs working in this area should be encouraged to offer support where possible to smaller country-based NGOs to apply for EC funding.</p>
<p>6. Focal Point</p>	<p>EuropeAid should appoint a Brussels-based Focal Point for the ADP thematic area, tasked with ensuring systematic monitoring of worldwide ADP projects, following ADP projects managed at delegation level and disseminating the learning from projects within the EC.</p>
<p>7. Thematic areas</p>	<p>The EC should consider favourably projects that address victims and their families, for both moral and strategic reasons as they are the flip-side of working towards moratoria and abolition. For example, it might be important to consider offering additional humanitarian assistance to survivors groups in Rwanda to ensure the perception by Rwandese society of a balanced EU approach. More generally, NGOs/Implementers should ensure that victims and issues of impunity and reparation are not ignored in their work. Indeed, the evaluators feel that the plight of victims and their families has not received enough attention.</p>
<p>8. Negative unintended consequences</p>	<p>In 'at risk' countries, i.e. some abolitionist countries and some countries that have introduced <i>de facto</i> or <i>de jure</i> moratoria, the EC should carefully monitor any reported incidents of extrajudicial killings or suspicious deaths in custody. More generally, it is important to link ADP related activities to the overall promotion and protection of human rights.</p>
<p>9. Project management</p>	<ul style="list-style-type: none"> - Simplify reporting procedures (for example by allowing the use of email for all but the most essential communications such as signed contracts) and ensure that both NGOs and Delegations are provided with an up-to-date procedure manual. - Whenever new grant contract conditions are developed by the EC, which lead to simplifying the grant management procedures, the EC should consider introducing such changes in all previously signed contracts, by means for example of a contract amendment letter. This could ensure that all contracts at any given time are implemented according to the same set of rules, thus simplifying the management tasks of EC staff at Headquarters and Delegation levels.
<p>Topic</p>	<p>Recommendation to implementing organisations</p>
<p>10. Strategy</p>	<p>It is recommended that the NGOs planning ADP activities take account of the following key learning stemming from the analysis of past activities:</p> <ul style="list-style-type: none"> - No single approach has overwhelming superiority over the others. - Worldwide advocacy on its own has negligible impact. - Projects should either adopt an integrated approach, bringing together complementary types of activities, or seek to develop partnerships with other, existing and planned, projects in relation to ADP. Such linkages should be made explicitly in project proposals. <p>To ensure a balanced approach, project implementers should ensure that the situation and views of victims' organisations, and the issues of impunity and reparation, are not ignored in their work. The evaluators feel that the plight of victims and their families has not received enough attention and could be further integrated into work towards moratoria and abolition.</p> <p>Applicants and the EC should ensure that indicators and baseline information gathering are effectively mainstreamed into projects. They should, if necessary,</p>

11. Indicators benchmark	and	<p>encourage beneficiaries to work together to develop a range of appropriate and relevant indicators.</p> <p>Organisations working on the ADP projects should discuss the development of indicators of impact and methodologies to gather baseline information.</p> <p>Applicants and the EC should ensure that indicators and baseline information gathering are effectively mainstreamed into projects. They should, if necessary, encourage beneficiaries to work together to develop a range of appropriate and relevant indicators.</p> <p>Organisations working on the ADP projects should discuss the development of indicators of impact and methodologies to gather baseline information. They could base their discussions on the preliminary work done on death penalty indicators in the Channel Research report.</p> <p><u>Summary of suggested indicators of impact:</u></p> <p>A study of project proposals and reports suggests that future ADP project proposals could use some of the following criteria as indicators of impact:</p> <ul style="list-style-type: none"> - Increase in government commitments on ending or limiting the death penalty (laws, ratification of international standards, moratoria, etc) - Legal changes (number of capital offences, exclusion of the mentally ill, right of appeal, etc) - Improvement in conditions of detention for people at risk of, or awaiting, execution. - Implementation of criminal procedures and trial practice which enhance the right to a fair trial. - Increased use (where legal) of international complaints mechanisms. - Enhanced availability of public information about the death penalty, death sentences, executions, conditions of detention, etc. - Attitudinal surveys, both of public opinion and judicial practitioners. - Surveys of media attention to the ADP issue.
12. Coordination	with Delegation's activities	<p>Implementers of worldwide projects should be requested to contact relevant EC Delegations whenever they implement activities in their country, with a view to inviting an EC representative to observe the activities. Implementers should also send to Delegations and Brussels any post-activity reports.</p>

Typology of interventions

The evaluators divided the activities carried out under the ADP projects into 11 broad categories:

Approach	Description	Comments
Training (general)	Training aimed at judicial practitioners, not specialising in death penalty issues.	Some training and advocacy activities have focused on human rights in general rather than on the death penalty itself. Their impact is impossible to assess; it may be negligible when not combined with other activities.
Training (death penalty)	Aimed at judicial practitioners and focused on the death penalty.	Some worldwide projects have comprised one-off training workshops in countries where no other project activities have taken place. This approach lacks sustainability and risks having little impact.
Legal aid	Provision of legal advice to prisoners sentenced to death (or at risk).	Legal aid can be a powerful tool to create precedents/jurisprudence that can limit the use of the death penalty.
Assistance	Aid and support (other than legal advice) to prisoners and their families.	Assistance has shone a spotlight on prison conditions which often remains an issue of concern even after a moratorium or abolition

Advocacy (worldwide)	Aimed at influencing public opinion around the world.	General advocacy (attempting to influence public opinion) achieves little impact in itself; it must be focused, strategic and combined with other activities. There is little evidence that worldwide advocacy projects have an impact on their own. Those advocating abolition must be conscious of issues such as impunity and reparation for victims and their families. Some projects have successfully incorporated these elements and highlighted the strategic importance of including the voices of victims and their families in the abolitionist cause.
Advocacy (target country)	Aimed at influencing public opinion in a country or region.	
Advocacy (to leaders)	Aimed at convincing opinion formers on the merits of abolition or restriction.	This approach usually means work with the media: publishing articles in the opinion pages of newspapers (or persuading well-known people to sign such articles, for example). In some cases it also involves work with senior politicians, although access to those is difficult. Like other forms of advocacy, it is not effective on its own and achieves noticeable impact only in combination with research, engagement with prisoners, families, victims' groups, etc.
Scientific approaches	Study of forensic evidence, DNA techniques, etc.	The experience of the Philippines suggests that a project on scientific/forensic issues can contribute to the fight against the death penalty in conjunction with other approaches. Arguably, projects which use scientific approach to expose miscarriages of justice, or which contribute to better crime fighting through scientific evidence-gathering, can both contribute to a reduction in the use of the death penalty. However, either of these approaches may also, in isolation, be construed as effectively making the death penalty acceptable for "real" criminals – hence the need for combination with other approaches, as was done in the Philippines.
Lobbying	Lobbying differs from advocacy in that it is specific - aimed at a precise piece of legal reform restricting or abolishing the death penalty, or dealing with an individual case.	To be effective, lobbying is dependent on quality legal research – the credibility of the lobbying being based on unassailable legal arguments. The research (at national and international level) needs to be backed-up by campaigning targeted to specific individuals and/or institutions.
Legal research	Studies of criminal laws, trial procedures, etc.	Lobbying for legal reform is most effective when based on thorough legal research: legislation in the target jurisdiction, legal precedents where relevant, practice in comparable jurisdictions, etc. Research can also be a 'way in' when direct lobbying is not appropriate (China)
Victims	Work with victims of crimes committed by people sentenced to death or executed.	This is a vital constituency to listen to and work with. Victims and their families who speak out in favour of abolition have a particularly powerful voice.

From the analysis of the evaluations it appears that advocacy (in all its forms) and lobbying represented close to half of the activities undertaken. Training represented less than one quarter of the activities, while work with prisoners sentenced to death or at risk of receiving a death sentence (assistance and legal aid) represented about 10% of the activities. The number of projects involved with victims of crime was marginal (three projects included this activity, among several others), and just one project focused on forensic science aspects, probing the reliability of the use of DNA evidence in convictions in the Philippines

List of the 28 projects of the evaluation

1. 94/157 Assistance for prisoners under sentence of death in the Caribbean
Penal Reform International – UK

2. 95/142 Assistance for Prisoners under Sentence of Death in the Caribbean
Penal Reform International – UK

3. 95/178 Initiative against the Death Penalty in Islamic Countries
Hands off Cain – Italy/Belgium (Not included in the evaluation because project is old, and was not followed-up with further EC grants)

4. 96/069 10 Countries, 10 Cities, 100,000 Signatures against the Death Penalty
Hands off Cain – Italy/Belgium (Not included in the evaluation for the same reason as above project 3)

5. 96/187 Assistance for Prisoners under Death Sentence in the Caribbean
Penal Reform International – UK

6. 97/227 United Nations for the Abolition of the Death Penalty
Hands off Cain – Italy/Belgium (Not included in the evaluation for the same reason as above, project 3)

7. 97/237 Assistance for Prisoners under Sentence of Death in the Caribbean
Penal Reform International – UK

8. 99/0341 Training programme aiming at improving conditions of detention and supporting penal reforms worldwide (Création d'un programme adapté de formation visant à l'amélioration des conditions de détention et à l'accompagnement de réformes pénales à travers le monde)
Penal Reform International – UK

9. 99/0739 Joint Programme "Abolition of the Death Penalty: Action to Foster Public Awareness"
Council of Europe

10. 704/2000/T-99/354 Assistance for Prisoners under Sentence of Death in the Caribbean
Leader: Penal Reform International – UK; Partner: Simons Muirhead and Burton – UK

11. 704/2000/t-99/094 Capital Punishment – activities informing and supporting strategies to establish alternatives to the death penalty
University of Westminster – UK

12. 707-2000/005 – Research, training and extension services on forensic DNA analysis

University of the Philippines

13. 707-2000/070 – Anti death penalty campaign of the free legal assistance group (FLAG) HR Foundation Inc.

The free legal assistance group (FLAG) HR Foundation Inc. – Philippines

14. B7-701-3163 2002 – 2003 UN Moratorium on Executions

Hands Off Cain – Italy/Belgium

15. 2001 – 0254 Sector: Promotion and protection of Human Rights in Iran

Article Z – France

16. ADP 07CRIS 031-160, 2002 – The Commonwealth Caribbean Death Penalty Project

Penal Reform International – UK

17. CRIS 031-167 – Strengthening the defence of death penalty cases in the People's Republic of China

Great Britain China Centre – UK

18. CRIS 031-186 – Informing and supporting strategies for replacing the death penalty

University of Westminster – Centre for Capital Punishment Studies – UK

19. CRIS 050-686 Strengthening the abolition of the death penalty. Campaign by Information Drive

Philippines Human rights Information Centre (PhilRights)

20. CRIS 031-204 Soutien aux defenseurs des droits de l'Homme dans leur mobilisation en faveur de l'abolition de la peine de mort Federation Internationale des Ligues des Droits de l'Homme (FIDH) – France

21. CRIS 031-087 A study of How States' Death Penalty Systems Comport with Minimum Standards Designed to Protect Due Process and Fairness

American Bar Association – USA

22. CRIS 031-093 Legal Tools for Commonwealth Africa British Institute of International Comparative Law – UK

23. CRIS 068-267 Laying the Groundwork for Change: A Three-Year Program of Intensive Public Education, Outreach to the Media, and Assistance to Death Penalty Organisations

Death Penalty Information Centre (DPIC) – USA

24. CRIS 098-791, 2004 Advocacy for the abolition of the death penalty

The Independent Jamaica Council of Human Rights Limited – Jamaica

25. CRIS 111-488, 2004 A coordinated Civil Society campaign to abolish the death penalty in Central Asian States

International Helsinki Federation for Human Rights – Austria

26. CRIS 113-354, 2004 Campagne de plaidoyer pour l'abolition de la peine de mort au Rwanda

Collectif des ligues et associations de defense des droits de l'homme au Rwanda

27. CRIS 0980-779 Awareness raising and lobbying against the death penalty in the occupied Palestinian Territory

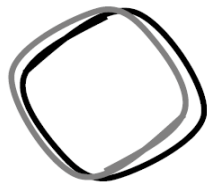
NOVIB – The Netherlands

28. C98787, 18, 2004 Strengthening Awareness on the Abolition of the Death Penalty – A global Media and Communications Project to Promote Human Rights, Democracy and Conflict Prevention.

Inter Press Service International Association – IPS

ANNEX 14:

EU SEMINARS WITH CSOs



Structure Dialogue

support initiative on democracy and human rights

REGIONAL SEMINAR, AMMAN, 28, 29, 30 June 2010

European Neighbourhood

on the Implementation of Democracy and Human Rights
instruments, mainly the European Instrument for Democracy
and Human Rights (EIDHR)

DRAFT AMMAN SEMINAR REPORT

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INTRODUCTION

The European Neighbourhood regional seminar on the Implementation of Democracy and Human Rights Instruments, mainly the European Instrument for Democracy and Human Rights (EIDHR), was held in Amman over three days between the 29th of June and the 1st of July 2010.

The seminar brought together over 150 participants - representatives of Civil Society Organisations (CSOs) from 20 countries from the South and East Neighbourhood region, European and international organisations, participants from EU Delegations from the region and EC Headquarters in Brussels, EU Member State and European Parliament representatives and other international organisations. The seminar was run in parallel with an EU Media programme seminar that involved approximately 30 journalists from the EC project "European Neighbourhood Journalism Network" which also joined some of the seminar's sessions.

The seminar was structured around 10 workshops that were accompanied by an introductory and a concluding plenary session. Each workshop included approximately 40 participants that debated subjects identified in advance. The debates were based on the presentation of good practices of EIDHR implementation by participants. A selection of these good practice examples is presented in the full seminar report below; they are summarized in boxes under each related issue. Each workshop had one nominated moderator and one rapporteur.

MAIN CONCLUSIONS OF THE SEMINAR

The following issues of concern and recommendations were identified by seminar participants in 10 different working groups over the course of the seminar. Each working group was tasked to come up with 3 main issues of concern and 3 main recommendations. These were presented in the Amman Conclusions report that was distributed to participants before entering the final plenary. During the final plenary session, participants decided on the three main recommendations they wanted to present to both the European Commission and Civil Society Organisations. All recommendations are listed below.

ISSUES OF CONCERN

Human Rights and Democracy related issues

- Deterioration of human rights conditions
- Systematic violations against Human Rights Defenders (HRDs) and their families
- Increasingly restrictive legislative frameworks
- Restrictions imposed by national authorities on CSO access to funding
- Multiplication of Governmental NGOs (GONGOs) with an increased presence in international fora
- Volatile political landscapes
- National institutions have difficulties providing adequate protection to women victims of violence
- Using culture and religion to systemically discriminate against women

- Low participation of women in decision-making processes
- Legal frameworks – labour codes in particular – are not conducive to ensuring respect for human rights

European Union related issues

- Insufficient political visibility/presence of the EU
- Incoherence between EU human rights political commitments and their implementation/follow-up
- Lack of an overall strategy to build dialogue with CSOs
- Lack of a realistic, holistic and long-term approach to media development
- Lack of flexibility concerning EC project management procedures

EU and CSO related issues

- Weak sustainability of projects
- Inadequate assessment of local needs and the situation on the ground

CSO related issues

- Inadequate understanding of the role and needs of the media
- Lack of strategic thinking on how to increase their own capacity
- Insufficient networking and collaboration among CSOs due to internal factors such as fragmentation and competition, and external factors such as the political context
- Lack of access to social media
- Generation gap in the human rights movement
- Lack of human rights expertise among young people
- Limited CSO capacity to participate in and influence political dialogue

RECOMMENDATIONS

Seminar participants agreed on the following three main recommendations:

1. Recommendation to the EU as a policy body:

- Ensure coherence between EU human rights political commitments and allocation of funding to implement those commitments

2. Recommendation to the EU as a donor:

- Elaborate more flexible EC project management procedures

3. Recommendation to Civil Society Organisations:

- Develop genuine and sustainable CSO networks at national, regional and international levels

The following recommendations were also made during the seminar. Those marked with the ** symbol indicate the recommendations that were emphasized by participants as being of high relevance (though less relevant than the 3 main recommendations).

EU as a policy body

** Include human rights in all policy areas and funded projects

- Reaffirm the EU's unconditional support to the cause of human rights
- Increase the EU's political visibility: disseminate clear information on EU documents, mechanisms and procedures
- Increase the effectiveness of the implementation of EU policy
- Invoke international commitments made by governments in the EU's political dialogue with governments and in international fora
- Decrease EU funding to governments that are systematically violating human rights
- Reinforce alert mechanisms involving all EU actors (EC, EP, EU, MS), international and local organisations in order to protect HRDs
- Increase coherence and efficiency among EU actors
- Increase genuine dialogue and consultation between EU and CSOs, making it more systematic and strategic; ensure follow-up
- Ensure gender mainstreaming in all EU programmes
- Provide political support to existing local networks, and encourage networking at national and regional levels while respecting the diversity of CSOs
- Maintain the indivisibility of all rights

EU as a funding body

** Identify objective criteria to differentiate GONGOs and NGOs

- Increase financial support to HRDs for legal assistance the rehabilitation of victims of repression, strengthening HRD networks at national and regional levels, and for supporting the independence of the judiciary
- Ensure financial support to HRDs as relevant to their specific needs

- Facilitate coordination among local actors
- Promote cooperation and understanding between the media and CSOs
- Increase financial support for educational projects on violence against women, on women's participation in decision-making processes, and on the needs of victims of gender violence
- Promote a more holistic long-term media programme
- Reconsider the place of economic and social rights in EIDHR and ensure the involvement of all actors, including social partners
- Increase funding for human rights education in schools
- Launch special calls for youth projects

Civil Society Organisations

** Strengthen own capacity

- Enhance coordination between different civil society actors (trade unions, media, etc.)
- Make better use of the flexibility of EU funding mechanisms (informal partners, re-granting)
- Promote cooperation and understanding between the media and CSOs

FULL SEMINAR REPORT

INTRODUCTION & OPENING SESSION

The Democracy and Human Rights seminar in Amman took place in the framework of the Structured Dialogue between the EC, EU Member States, the European Parliament and Civil Society Organizations (CSOs), that aims to further increase the effectiveness of all stakeholders in EC external cooperation. More than 150 participants, including civil society from the neighbourhood region, discussed EU policy issues and operational topics related to implementing projects in the field of democracy and human rights.

EC and CSO representatives, the EU Presidency, and Jordanian authorities each delivered key messages in the opening session. Speakers recognized the high priority the EU places on the promotion and protection of human rights, and noted the worrying trend towards democratic regression in the neighbourhood regions. The Spanish Ambassador to Jordan, Mr. Javier Sangro de Liniers, viewed the consolidation of democratic processes where they are still fragile as an overriding goal for the EU. Ms. Veronique Arnault, Director RELEX B, cautioned against imposing democracy from the outside and advised giving due consideration to the various other models of democracy that exist. Moreover, several speakers underlined the indivisibility of human rights and the need for a common approach.

CSOs appreciated being seen as a true partner by the EU, in contrast to a number of governments in the region who still regard civil society (CS) as a threat and consequently hinder the work of CSOs. According to the Head of the EU Delegation of Jordan, Mr. Patrick Renaud, the EU should develop new strategies to face these realities and must think regionally in adopting a unified approach in efforts to tackle human rights violations. In doing so, the EU should work towards communicating the broad nature of civil society to neighbourhood governments, and its role in creating a situation of greater mutual respect between citizens and authorities. European CSOs were recognized for the crucial role they play in addressing critical situations; they should therefore increase their outreach efforts in the region due to their unique role and experience in Brussels and their ability to not only lobby institutions, but to also provide valuable expertise.

Extending rights and equal opportunities to all citizens regardless of religion, gender, etc., reflects the EU priority of consolidating the strong status of EU citizens through specific provisions in the treaties. Mr. Aristotelis Bouratsis, Director AIDCO F, closed by encouraging CSOs to share their concerns and recommendations during the seminar in order to help the EC pursue this priority more effectively in its external action.

This seminar report seeks to minimize the repetition of themes, issues and main points that were raised and discussed in the ten seminar workshops (see below). Instead, the report takes a more analytical approach and divides the main points raised in the workshops into the following two categories: Policy and Operational Issues.

The core of the seminar consisted of the following ten workshops:

Workshop 1: Support to democratic structures

Workshop 2: Freedom of association – situations, threats, answers

- Workshop 3: Human Rights Defenders (HRDs) – Situations, threats, answers
- Workshop 4: Working together for the promotion of gender equality
- Workshop 5: EIDHR in its broader cooperation context:
- Workshop 6: EIDHR in its environment: working in difficult situations
- Workshop 7: Mapping the added value of the actors and opening up human rights and democracy activities
- Workshop 8: EIDHR implementation
- Workshop 9: Reinforcing civil society
- Workshop 10: Coverage and Visibility of democracy and human rights issues in the media, and EIDHR

POLICY ISSUES

One of the issues debated at length during the seminar concerned the worrying deterioration of human rights conditions in the region. CSO and EC participants alike agreed that there is a sophistication to the repressive methods used by certain governments, which are manifested in increasingly restrictive legislation limiting freedom of association and the imposition of greater administrative burdens on CSOs that want to register; in ever stronger barriers to and control of foreign funding to local NGOs; in systematic violations against Human Rights Defenders (HRD) and their families; in official public campaigns meant to discredit the work done by CSOs; in the considerable increase in the number of Governmental NGOs (GONGOs) that are replacing genuine NGOs not only at home but also in international fora; and in the use of restrictive legislation and tools which adversely affect freedom of expression by limiting access to information and the use of communication tools such as skype and the internet. In addition to the worsening human rights situation, the political volatility of the region and its unpredictability as a whole was considered a significant impediment to project implementation.

Palliating these worrying trends will require greater EU political commitment to human rights and support to local civil society in addition to the financial support already provided to human rights and CS projects. Moreover, the need to enhance coherence between the EU's political and financial role was repeatedly mentioned in the various workshops. Seminar participants judged that the EU was not exploiting the full potential of its political clout to influence governments that are disrespectful of human rights, and felt there is insufficient political backing from EU political representatives. In this regard, they suggested that meetings and press releases etc., could increase their effectiveness. The EU should take the opportunity to use third country political dialogues to raise the difficult questions surrounding restrictions to freedom of association, and should ensure a stronger link with the support provided under the European Instrument for Democracy and Human Rights (EIDHR). Furthermore, the EU should invoke and appeal to international commitments made by governments during the EU's political dialogue with third governments and in international fora. Participants also recommended that the EU consider decreasing funding to governments that are systematically violating human rights.

Human rights and civil society organisations face on-going struggles and believe that additional support from EU delegations and officials could ease some of their work. They noted that this support is especially crucial in protecting human rights defenders targeted by the authorities; such people are often prohibited from participating in

international seminars or activities organized by the EU itself. The need to reinforce alert mechanisms involving all EU actors (EC, EP, EU, MS), international and local organisations in order to protect HRDs was also raised.

Along the same lines, local CSOs expressed a desire to engage in a deeper dialogue with EU officials to bring to the fore issues drawn from their work on the ground, and have these issues recognized as funding priorities. Indeed, while priorities established in Europe are beneficial for the region, participants felt that CSO and local actor agendas should be increasingly taken up by donors, and not the opposite. It was also argued that CSOs should play a more active role in monitoring bilateral EC-third country programmes and adopted policies. In response to this challenge, participants recommended strengthening the dialogue with the EU by making it more systematic and strategic while avoiding the misuse of existing structures and tools.

Increasing the participation of human rights CSOs in the political dialogue was considered a key element for any improvement in the current situation. CSOs see a role for themselves in the dialogue on the progress reports and the participation of human rights organisations in the human rights sub-committees. However, CSOs also recognized that in order to be treated as equal partners in those dialogues, they need to increase their capacity to understand the process and the issues at stake. CSOs also recognized that the EU has contributed to certain achievements; certain EU initiatives were seen both as an accelerator of reform and as an important tool to monitor neighbourhood government political commitments and implementation. In fact, partnerships with local authorities were reinforced through the EIDHR in certain countries.

Reflecting on the realities in their own countries, the group identified the lack of appropriate political environments and partnerships in which to operate as a barrier to results. CSOs therefore suggested that the EU play a role in facilitating cooperation and dialogue between civil society and local authorities, noting that a bigger impact on sensitive issues was observed when there is partnership with local authorities. However, partnerships with local authorities and national authorities are often complicated depending on restrictions and the degree of openness. Further complicating the work of civil society is the fact that local authorities and governments are more interested in security and trade issues than in human rights, thereby effectively sidelining CSOs. Nevertheless, several good practices were identified such as an efficient CS consultation process in some countries, CSO participation in shaping political priorities, and the development of a national strategy with the support of the EU via a committee which includes all stakeholders. Sharing experiences between stakeholders monitoring country action plans was also seen as a good practice. Last but not least, the establishment of a network to help promote action on sensitive issues was highlighted.

Civil Society Monitors the European Neighbourhood Policy (ENP) in Morocco

In many countries involved in the ENP, civil society participation in the elaboration of the ENP strategic documents – Country Strategy Papers, National Indicative Programmes and Annual Action Programmes – is weak, even though such participation can only increase the impact of the ENP on human rights and democracy. The project entitled “Collective Monitoring of the EU-Morocco Action Plan by Civil Society” implemented by the Moroccan Euro-Mediterranean NGO Network with EIDHR funding matches the objective of the EU to increase civil society involvement in ENP monitoring

and brings an answer to this concern. This innovative project was launched shortly after Morocco became the first country in the Southern Mediterranean region to benefit from the advanced status in its relations with the EU, in October 2008. Its global objective is to support the EU-Morocco partnership by providing a periodic civil society assessment of its implementation.

With this two-year “collective monitoring project”, the Moroccan Euro-Mediterranean NGO Network is enabling civil society to participate in various stages of the Morocco-EU political dialogue in the framework of the ENP. About 50 civil society organisations in Morocco have produced an annual evaluation report of the Morocco-EU Action Plan in 2009 and 2010. In order to increase the effectiveness of this monitoring exercise, the Moroccan Euro-Mediterranean NGO Network has also developed a number of capacity building activities for these organisations, on the ENP mechanisms, EU institutions, as well as on reporting and monitoring activities, etc.

The evaluation report on the Morocco-EU Action Plan is the result of an intensive 4 months civil society internal consultation process. The consultation started with a plenary meeting of the network, to decide upon the main topics to be addressed, the evaluation methodology, to appoint eight thematic commissions, their members, rapporteurs and moderators. The eight thematic commissions then hold their working sessions. And finally, a wrap-up plenary session leads to the adoption of the final report.

This consultation involves civil society at large since the Moroccan Euro-Mediterranean NGO Network is a national structure composed of more than 50 non-governmental non-profit organisations and trade unions, working primarily in the areas of protection of human rights, fundamental freedoms, economic, social, and cultural rights, youth, environment, as well as rule of law.

The importance of political society for democracy support was underscored due to the fact that political society includes so many key actors, from CSOs to political parties and trade unions, each with their own roles and approaches to supporting democracy. Participants therefore stressed the need for a more inclusive partnership between these different actors at different levels, as well as the need to find innovative ways of supporting banned/boycotted actors, especially in very restrictive environments. In the framework of the recently adopted Council Conclusions on Democracy Support in EU's external action, the need for a structured dialogue on a strategic and sustainable democratisation agenda was emphasized. This agenda should be domestically-driven, systematically inclusive and should aim for local empowerment with the essential participation of women in political life. The EU was also encouraged to use the experience of its new member states, whose transitions to democracy serve as success stories, especially to partners in the Eastern neighbourhood. Regarding key processes in democratic systems such as elections, and the involvement of civil society in monitoring these processes, an appeal was made to the EU to support follow-up initiatives to recommendations made in the context of EOMs.

Training political parties on election monitoring in Tajikistan

The association "RUSHD" was founded in the region of Khatlon (southwest of Tajikistan) in January 2000. Its mission is to promote the development of democracy and the protection of human rights. Its EIDHR project on "Enhancing the Capacity of Political Parties in Khatlon Region for Electoral Observation" was developed in a difficult context. All 7 opposition political parties were not able to effectively participate in the political race because they lacked funds and experience and also because they faced certain pressure from the government. In addition, there was no mechanism for full domestic observation of elections, as NGOs were barred from carrying out election observation, and elections were not assessed yet by national actors. In this context, citizens felt intimidation and political apathy. Yet, the Tajik authorities adopted legislation allowing for the development of democracy and observance of human rights, in order to meet their international commitments.

RUSHD decided to use this existing national framework and international commitments to enhance capacity of political parties in the rural Khatlon region for electoral observation. There are several reasons why political parties were identified as the target group of the action: they have a right to observe elections, they are motivated to observe elections, they are directly interested in the results of elections, and they are the most politicized group of citizens, who provide sustainability of the action when the project is over.

After a field research to finalise their needs assessment, the project involved 600 potential political party observers during 25 three days trainings in 25 districts of the region of Khatlon. It furthermore developed and disseminated of a guide for political party observers. The project is considered a best practice on democracy support from the point of view of involvement of political society in the project activities.

Numerous actors pointed to the urgent need for coordination and harmonization between donors and institutions. In the same context, there was agreement that the various EU instruments need to be used in a complementary manner. Likewise, ensuring horizontal coherence through the mainstreaming of human rights and democracy promotion in all programmes was deemed a priority.

Supporting co-operation between government institutions and civil society in a transitional process: the European Partnership Fair in Moldova

The result of the early elections in Moldova in summer 2009 brought a new incumbent coalition with a strong pro-European stance and a more open vision on the role of civil society in democratic governance. The victory of opposition forces after a very difficult transitional period signalled the initial stages of a move towards a more open form of government in the poorest country in Europe and has resulted in the establishment of new spaces for the participation of Civil Society Organizations at the national level. The European Partnership Fair for Civil Society Organizations in Moldova, organized by the European Partnership for Democracy (EPD), East-Europe Foundation and Promo-Lex aimed at supporting the emerging strategic partnership between Moldovan CSOs and institutions. The event took place in Chisinau, on June 15-16 2010 and was attended by approximately 150 NGOs and donor representatives from Moldova (88 organisations, including 30 from the Transnistria region) Central Eastern Europe and the CIS countries.

The European Partnership Fair can be considered as an example on how the potential for supporting domestically owned reform agendas. EPD and its counterparts in Moldova have worked together with the Moldovan government and CSOs in order to adjust the goals and mechanisms of intervention of the Partnership Fair to the actual needs of the existing policy dialogue process between CSOs and Public institutions in the country, thus ensuring also final domestic ownership on the outcomes of this action. The conference served as an opportunity to facilitate the alignment of international donors to current needs of Civil Society Organizations and Institutions in Moldova to move forward the current agenda of institutional reform. These exchanges were highly valued by all the parties (donors, government and CSOs) who expressed their will to continue issue-based tri-partite dialogues. In this respect, a basket fund supported by international donors operating in the country was established for joint project implementation as an attempt at bringing together the support of various donors operating in the country to a concrete set of priorities and projects steaming out from the above mentioned dialogue.

The need to mainstream gender issues in all policy areas and to encourage the participation of women in political life was urged, especially in light of the conclusion that the European Commission channels insufficient political commitment and financial resources into the protection of the rights of women, and the protection of women victims of violence in particular. Certain EU Delegations have included the issues of gender equality and violence against women as a priority in their local calls for proposals, but this is not seen as sufficient. Further emphasized was the need for the EU to work on long-term solutions and to create a follow-up system that will ensure continuous support to the implementation of gender policies.

Engaging Euro Mediterranean CSOs in the Istanbul-Marrakech Process IMP to promote women's rights and gender equality in the Euro Med region

Many governments in the region have ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other international instruments for women's rights protection, but do not respect nor implement them adequately or at all. Simultaneously, women's rights and gender equality are some of the few fields in the South Mediterranean region where timid rights reforms have been observed. In this context the adoption by the 2006 Euro-Med Ministerial Conference on Strengthening the Role of Women in Society of a common framework for promoting gender equality in the region, later reconfirmed in Marrakech (2009), was a positive step providing a window of opportunity for promotion of gender equality and women's rights. The Istanbul Framework of Action and the Marrakech Conclusions (hereinafter the Istanbul-Marrakech Process-IMP) contains reference to shared international, regional and national commitments of the Euro-Med Partnership / Union for the Mediterranean (EMP/UfM) partners, including to the CEDAW. The Marrakech Conclusions furthermore linked the implementation of the IMP to the development of National Action Plans, allowing for the process to be embedded in a national context.

However, the IMP suffers from a lack of visibility among civil society, policy makers, the media and the public in the Euro-Med region; its potential in promoting women's rights and gender equality is thus not being exploited. On the other hand, generally, human and women's rights organisations have limited knowledge about their countries' relations with the EU mechanisms for promoting gender equality (association agreements, ENP

action plans) and with the IMP, including how these mechanisms relate to the national frameworks for women's rights and gender equality.

The Euro-Mediterranean Human Rights Network (EMHRN) has addressed this situation by engaging in an awareness-raising and monitoring process of the IMP from 2006-2009 (publication of a shadow report on the implementation of the IMP, organisation of a civil society preparatory conference in Istanbul to the Ministerial meeting in Marrakech in 2009, advocacy work in relation to the EU institutions and Mediterranean countries). This project strengthened the capacity of CSOs in the region to monitor and engage with the IMP nationally and regionally.

The interrelatedness and indivisibility of rights was also discussed among participants. In this regard, the importance of civil, economic, and social rights was emphasized particularly in relation to labour and trade union rights.

There was widespread agreement that the EU should dedicate more resources to the promotion of dialogue, understanding, and cooperation between media and CSOs through awareness-raising programmes and direct, regular meetings and seminars (similar to the Amman seminar) held under the auspices of the EU.

OPERATIONAL ISSUES

Accountability and monitoring of government commitments is often weak. Therefore, the need to increase the capacity of CSOs to participate in the political dialogue (flow of information, training, mastering the existing mechanisms) was raised on numerous occasions by CSO and EC representatives alike. One recommendation called for the translation of EU documents into local languages so that CSOs are more aware of the political commitments made by their governments and the EU, and are thus better able to hold them accountable. The Amman seminar itself was considered to be a best practice since it led to an improvement in the dialogue between CSOs and the EC.

The weak overall capacity of CSOs was an issue that was raised repeatedly. Participants agreed that EU Delegations and European CSOs should focus more on capacity building of local CSOs and that CSOs should think more strategically about how to increase their own capacity and sustainability. The need for training in various technical skills such as project management, drafting of reports, fundraising, evaluation and monitoring, and strategic planning was recognized. The idea of making the trainings compulsory was also discussed in view of the observation made by several EC officials that CSOs are not always eager to take part in training courses. Conducting training courses before a project starts was also thought necessary for improving the management of these projects. CSOs agreed that they should also focus on building capacity in their own countries and encourage solidarity among other local NGOs. However, barriers to capacity building and learning by CSOs were identified. Training courses are sometimes short-term and short-sighted, with no follow up mechanism or long-term view, thereby undermining benefits achieved by such training programmes. Furthermore, many CSOs in the region face difficulties increasing the competence of staff, building a sustainable work methodology and promoting other aspects of organisational development. The group felt this is partially due to hostile political environments (usually in countries with single-party regimes) and the competitive, fragmented and uncoordinated nature of civil society. This aspect was

also cited as a barrier to effective networking. In addition, some of the “western-oriented” trainings offered by European CSOs are not appropriate for local cultures and realities and not sufficiently responsive to the needs of the organisations’ constituents.

Participants determined that the lack of collaboration among CSOs due to the aforementioned internal factors such as fragmentation and competition, and external factors such as the political context, highlights the need for the creation of CSO networks and platforms. The EC could thus play a vital role in the promotion of networks either by providing funding to projects or by bringing together various CSOs, as was done in Amman. There needs to be support and encouragement of networking at the national and regional levels while respecting the diversity of CSOs. The importance of promoting cooperation and understanding between media and CSOs was also stated.

Promoting networking efforts between Civil Society Organizations

The regional Friedrich Naumann Foundation (FNF)-EU co-financed project on freedom of association in the Arab World (2007-2010) is one of the projects that managed to gather a rather broad range of civil society actors in 5 countries of the Arab World (Egypt, Lebanon, Syria, Jordan and the Palestinian National Authority) around a topic of mutual concern: the right to freedom of association. The diversity of the project's stakeholders was of a dual nature: Stakeholders not only represented different sub-groups of civil society (NGOs, trade unions and political parties), but also proponents of sometimes competing political ideologies - rare in a region where civil society is mostly characterized by fragmentation and competition rather than cooperation.

The project operated in a highly challenging context. Many experts have linked the lack of political, economic and social progress in much of the Arab world to the absence of freedoms, and repressive political environments remain to be the norm across the region. Agents that could have initiated urgently needed reform from within were often muted by the local authorities due to perceived or real outside threats à la Iraq. An international political climate characterized over the past years by East-West tension and wars in Iraq, Palestine, Lebanon and elsewhere only served to compound the problem further. In this environment of fear, political participation levels have dropped in general. More often than not, the authorities’ respect of the right to freedom of association (FoA) has not only not seen progress, but rather suffered further setbacks when more restrictive laws and practices were introduced in several key states over the past years (e.g. Egypt, Jordan).

The FNF-EU project worked on the assumption that if development and transition are to be effective and peaceful, it will have to be accompanied by intense and frank social and political dialogue that is characterized by inclusion rather than exclusion of all components that make up the heterogeneous populations of the region. The project also tried to encourage the traditionally reluctant political parties to engage in dialogue with civil society organisations.

The networking efforts between civil society organisations in the framework of the project were driven by the belief that civil society networks including political parties and trade unions, are needed to amplify the otherwise negligible voice of any individual organisation or civil society component – locally, nationally and regionally – and to create leverage.

The need to ensure financial support to HRDs according to their specific needs was promoted. CSOs therefore recommended increasing financial support to HRDs for providing legal assistance to human rights defenders, the rehabilitation of victims of repression, strengthening HRD networks at national and regional levels, and for supporting the independence of the judiciary.

Support to human rights defenders directly provided by the European Commission

EU support to human rights defenders, and in particular those who are at risk or in need of urgent protection, may be provided in various forms. Direct assistance provided through projects managed by specialized international NGOs selected under Calls for Proposals under Objective 3 of the EIDHR, remains the most efficient way for the EU to channel funds to human rights defenders in third countries, in particular through the use of flexibility tools such as re-granting or through the reimbursement of their expenses. Besides this possibility, the European Commission may also provide ad hoc financial support to human rights defenders in urgent cases. Art. 9.1 of EIDHR Regulation provides that: "The Commission may allocate small grants on an ad hoc basis to [individual] human rights defenders responding to urgent protection". On this basis, the EIDHR Annual Action Plans for 2007, 2009 and 2010 have each reserved a €100,000 financial envelope for the Commission, whether at Headquarters level or in Delegations/European External Action Service (EEAS), to allocate small grants of up to €10,000 per grant to human rights defenders in need of urgent protection or assistance. Another €100,000 may be allotted to service providers through procurement contracts (including framework contracts), to provide transport facilities, accommodation, etc. in the shortest possible delays.

Due to the nature of these actions, the very small amounts involved, the emergency of the situations and the relative confidentiality in regard to the implemented activities, simplified implementing rules for contracting are applied. In view of the high political meaning of a Commission's decision to financially assist a human rights defender, prior political validation by the services responsible for external relations (DG Relex) is required, after an assessment has been made on the lack of security risks for the HRD and his/her family's as well as for EU colleagues' in the delegations.

This ad hoc direct support scheme centrally managed by the Commission in support of HRDs was implemented for the first time by the EU Delegation in Honduras in the beginning of 2010. Following the coup d'état that led to the ousting of President Zelaya in 2009, the human rights situation in the country worsened severely and violence against human rights defenders were a matter of serious concern. In this context, the Delegation sur place decided, after obtaining the political endorsement of DG Relex, to support three local human rights organizations with long standing experience in the defence of human rights in order to cover for their pressing financial needs to provide medical, psychological, legal assistance and other expenses of political prisoners, victims of torture etc.

It was widely agreed that an additional challenge in difficult environments is dealing with the alarming proliferation of GONGOs (Governmental NGOs) created by repressive governments in an attempt to marginalize independent NGOs. GONGOs are taking up

increasingly more space in international and regional forums, thus forcing aside genuine NGOs. It was acknowledged that EU Delegations are in some cases forced to work with GONGOs to ensure better collaboration with the governments sponsoring them. There was a request, nevertheless, for the EU to keep this support to a minimum and to establish objective criteria for defining GONGOs, such as their degree of proximity to the government and their capacity to operate independently. Additionally, the EC should try to guarantee that governments treat GONGOs and NGOs equally. For example, if a GONGO can benefit from EC funding (because the government does not retain the funds) then the EC should put pressure on that government to ensure that genuine NGOs are also able to benefit from these funds.

The need for increased use of EIDHR flexibility tools to address difficult situations was also addressed. It was explained that in difficult contexts (those with the most restrictive laws as well as high security risks for civil society working on human rights), both the EC and European NGOs have to be flexible and innovative in their support to civil society. The situation is that in some countries, local organisations must be registered in order to receive external funds, while international NGOs are not so required; therefore local NGOs can only benefit from EU funding through flexible tools such as re-granting and informal partnerships. Local NGOs in these environments must rely on their European partners because local bank accounts are controlled by governments, but this situation creates imbalanced partnerships affecting the local right to initiative. At the same time, European organisations themselves take big security risks. It was noted that partnerships between the EC and EU CSOs have resulted in projects with a focus on security training (including information security) for human rights defenders, which was recognized as a very important issue in such environments. The EC urged European CSOs to use the flexibility tools available under the EIDHR to give maximal support to local NGOs and human rights defenders. While CSOs agreed that re-granting is a good tool, they alerted the EC to the fact that it can also prevent local NGOs from becoming EU beneficiaries and can hinder project implementation. Furthermore, an added administrative burden is placed on NGOs when re-granting is foreseen in the activities, which they have to factor into the project design from the outset.

Engaging authorities in difficult environments

The Friedrich Naumann Foundation (FNF) implemented a capacity building project in a difficult environment from 2001 to 2004 entitled: "Promoting citizenship". The project was co-financed by the EU. Project activities included training workshops, an exhibition on citizenship issues, and the publication of a Guide on Citizenship. Many challenges had to be dealt with throughout the implementation of the project. In particular, beneficiaries included only very few registered organisations whereas the overwhelming majority of beneficiaries were intellectuals, academics, students, and non-registered NGOs. The FNF itself was not officially registered in the country. The political context was also difficult: whereas the project was written during a period of relative opening, at a time when the civil society movement was considered as one of the most exciting political developments in a long while, opponents of reform within the regime soon took over and choked these developments. In this difficult context, the FNF managed to implement the project by developing a constructive relationship with the authorities in order to ensure some involvement of the government in the project. First, the government was clearly informed about the project: the project director always introduced himself as the organisation's representative in the country in all his meetings with officials, and letters to official bodies

also contained clear clarifications of the foundation's objectives and work on the national and regional levels. Throughout the project period, the project director approached several ministries and official organisations, inviting them to certain events within the framework of the project, offering cooperation and capacity building to government employees and representatives of registered civil society organisations. Although no formal answer was given to this offer, the government was involved in several projects activities. For example, an exhibition on citizenship issues was opened under the patronage of the Minister of Higher Education. Later on, the Guide on Citizenship was launched under the Patronage of the Deputy Minister of Information who in his speech thanked FNF for its efforts in promoting concepts of citizenship and for working on strengthening civil society.

Using re-granting as a capacity building tool in difficult situations

Given the sensitivity of the political context in which this project is implemented, the name of the NGO is not mentioned

An NGO has initiated a "Mini-Grants Program" by re-granting the money which it receives from donor organisations. This program was initially funded by the National Endowment for Democracy. Based on the positive results of this experience, it was subsequently expanded and the association was granted €35,000 by the European Commission for re-granting, for a project implemented under Objective 1 of the EIDHR on "Enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk". The main goal of the project was to encourage civic activism at a local level, to promote democratic values, and to contribute to the consolidation of civil society. Grantees have been trained on reporting procedures and provided necessary assistance upon request. Simultaneously, the NGO has been organizing yearly trainings in NGO management, with a focus on project management for the recipients of the mini-grants.

This experience was an efficient way to address the network of problems hampering NGOs development in the targeted country. Civil society there faces constant pressure by the authorities who block their activities or prohibit their contacts abroad. There are no local funding resources available in the region, where only the pro-regime NGOs receive support from the official authorities. In this context, applying for funds from donors is very difficult for activists. First, they have no contact with the major donors, who consequently do not know them. Second, donors are reluctant to award grants to local organisations because they have limited access to the region, making it difficult for them to monitor these NGOs. Third, most donors give grants for projects rather than for institutional development, whereas local NGOs also need core funding. Fourth, the big donor organisations award big grants, while these small regional NGOs seek correspondingly small sums of funding because very few of them can administer big grants, since they cannot afford a professional accountant, and lack professional permanent staff and management abilities. Last, even when donors are willing to support local NGOs, their requirements and regulations are much too complicated for these organisations. The "Mini-Grants Program" has proved a way to answer those concerns.

Using less controversial themes in difficult environments

Arab-Palestinians represent 20% of the country's population in Israel, where they

consistently rank at the bottom of all major national socio- economic indicators. Discrimination is a regular occurrence in resource allocations in nearly every field, particularly land, education, housing, employment and social services. Arab-Palestinian citizens continue to be excluded from centres of power, underrepresented in public institutions and nearly invisible in the public sphere. In this difficult cultural, social and political context, the Arab Center for Law and Policy – Dirasat ('Studies' in Arabic), an NGO founded in 2006 by a group of young Arab policy leaders, academics and social activists, who explain they have been following three basic work strategies - concretization/specification, perseverance and professionalism:

1) Concretization/Specification: According to Dirasat, the first step in making an impact is clarity and specificity regarding organisational goals and spheres of influence. In Dirasat's case, Arab education - which they regard as the key to socio-economic advancement - is a high priority. Arab teacher training, in particular, was identified as having strategic influence on Arab education.

2) Perseverance: Minority and civil rights work can be frustrating and change on the ground is often incremental and difficult to measure. In order to maintain a positive outlook and not lose hope, patience and tenacity are essential. Therefore, the period of time allotted to a project should be sufficient to oversee its full implementation, to follow through with recommendations and to evaluate results. In Dirasat's case, major initiatives tend to span several years.

3) Professionalism: In order to garner credibility and establish oneself or one's group as a driving force both within one's own community and externally, groups must maintain the highest standards of professionalism. Professionalism also promotes consensus among diverse stakeholders, making sustainable and widespread change easier. Based on this principle, Dirasat has been contracting with experts of the highest qualifications with a proven record in the area in which they specialize.

In this difficult context, and in light of these principles, and with EU support, Dirasat is implementing a project on Arab education in Israel, i.e. the role of the Ministry of Education in Arab education and the need for improvement in this field. The project was developed in cooperation with various constituents, academics, activists and institutions to expand the organisation's sphere of influence. Along these lines, training was mainly done by Arab-Palestinian citizens, but it also relied on experts from majority group as well as EU experts, which was also a factor of success. The ultimate goal of the project is to reform Arab teacher training as a strategy for advancing Arab-Palestinian education in general.

Preventing shortages of funds due to account freezes

In 2007 the Russian Federal Registration Service (Rosregistratsiya) suspended the activity of the Russian NGO GOLOS' inter-regional office in Samara after conducting an unscheduled review of their documents. GOLOS believes that this measure was politically motivated since the period of Samara office's inactivity roughly coincided with GOLOS' election monitoring work during the 2007-2008 Federal elections in Russia. Six months later Rosregistratsiya officially allowed the organisation to resume its activity.

GOLOS is structured as a network with different inter-regional offices registered as independent entities, each of them supervising several regional branches. Suspending activity of the inter-regional office in Samara meant that the funding of all the regional branches supervised from Samara was blocked.

During this key 6 months period, however, GOLOS used its specific network structure to ensure that its regional branches supervised from office in Samara could continue to receive the necessary funding to pursue their work. In short, the regions managed under the Samara inter-office were transferred to other inter-regional offices that receive funding separately. This measure enabled GOLOS to provide funding to these offices and conduct its election monitoring activity in those regions while trying to resolve situation in Samara.

Participants called for more flexible EC procedures, and several recommendations were made in this regard, among them the simplification of concepts perceived as too technical or “western”, and the provision of better communication on project cycle management (PCM), with translation into languages other than French and English. Another recommendation was that the use of contingency reserves for unforeseen activities should be more flexible. CSOs also stated that the project activities may have to be reviewed at any time due to the difficult conditions in which they work. However, CSOs have to see that there is a trade-off between flexibility and efficiency, due to the large number of applications received and projects that EU Delegations are in charge of.

Concerning the adequacy of the call for proposals system, participants agreed that the evaluation process should be simplified since the procedures, particularly for in-country calls for proposals, are too difficult. Grants should furthermore vary in size, in order to allow newly registered NGOs to participate in competition for smaller amounts. Furthermore, due to the fact that both EU and local CSOs are eligible for grants under CBSS, the competition has often proven to be too great for local CSOs to be selected for grants. In response to these issues, CSOs made a series of recommendations. First, the EU should give feedback on rejected Concept Notes to promote future improvement in the quality of proposals; feedback letters should not only include reasons for rejection, but also suggestions on how to improve the proposal. Second, it is advisable to consider appointing a Civil Society focal point within the EU delegations because there is not enough staff to provide sufficient feedback for the rejected proposals. Third, information sessions should also be organized locally (in Delegations). Fourth, the vocabulary in the guidelines should be simplified. Fifth, CSOs should be included in an EC Call for proposals information list to be alerted to forthcoming proposals. Sixth, PADOR needs to be improved to allow for simplified registration. EC officials stated that PADOR offline is going to be used, a module to be available soon. It was also decided to accept all applications for derogation. Finally, the number of partners (not less than two etc.) should depend on the project and not be imposed by the Call for proposals guidelines. These recommendations, however, will have to be balanced against requirements for transparency and equal treatment of all potential applicants.

Training applicants to Calls for Proposals and grant beneficiaries

The EU Delegation in Morocco has organised different information sessions, in different regions of Morocco, in relation to the Calls for Proposals launched under the EIDHR and other instruments. Training sessions were opened to all applicants on the preparation of the Concept Notes (in average 3 trainings for each Call for Proposals) and on the need for submitting strategic proposals with an impact on human rights policies and practices. As a second step, CSOs whose concept note was selected were then invited to an information session on the preparation of Full Proposals. As a result, quality and strategic impact of the proposals have improved significantly between 2004 and 2008.

In the end of the selection process, an additional three to four hour working session takes place for each successful applicant before signing the contract. The EU Delegation presents the different contract procedures (terms, recruitment procedures, etc.) as well as the beneficiary's rights and obligations in implementing the contract. Further training on grants management is proposed, after the project has started and the organisation of monitoring missions also brings support to beneficiaries in project implementation. These efforts have resulted in a clear improvement of the quality of contract management and reporting.

Regarding project implementation, EC Delegations stated their wish to be more involved and regularly informed, in line with a true partnership between EC and CSOs. This should, however, not be an additional burden for the CSOs and should not come in the form of the mandatory reports which are to be sent once a year. On the side of CSOs, the EU is considered to be much more demanding than the other donors, placing an undue administrative burden on CSOs. Concerning donor contact and cooperation with EU Delegations, participants suggested inviting donors to activities and keeping more frequent contact with EU delegations to solve problems and share information; budgets should therefore be flexible enough to allow for donor participation in activities.

The sustainability of CSOs was discussed on several occasions with regard to the difficulties that CSOs face in continuing activities after the end of project funding. EC grants provide project-based support and not general organisational support, therefore it is often difficult to continue the project and guarantee its long-term sustainability beyond the period funded. Continuity thus fully depends on the availability of funding and access to sources of funding. There is also the difficulty of finding co-sponsors willing or able to match a CSO's own contributions. It was explained that it is difficult for European NGOs to support local ones because they are also donor dependant. In order to diversify funding sources and resources, the group recommended increasing reliance on volunteers and increasing membership so that membership fees can be used as an additional source of income. Partnering with government agencies to increase sustainability was also recommended. CSOs were also asked to consider hiring professional fundraisers to fill the gap in fundraising capacity.

The issue of evaluation and monitoring was also discussed. Diverse views were presented, with some participants stating that there should be less, or very limited, evaluation, while others argued that evaluation should be compulsory. It was also recommended that beneficiaries should work with international organisations to keep abreast of what is happening after projects are implemented (to monitor and assess the long-term impact of actions).

It was agreed that there needs to be improvements at the level of project design. Participants pointed out that final beneficiaries are insufficiently involved in project design. Furthermore, local organisations suffer from a lack of needs assessments, which reinforces a one-way, top-down, donor-driven agenda.

Concerning the relationship between the media and CSOs, a lack of mutual awareness, understanding, dialogue, cooperation - and sometimes a lack of trust to the point of mutual suspicion - was recognized as a major challenge. This stand-off reduces the effectiveness and impact of both the media and CSOs, and may even negatively impact work carried out by the EU on human rights issues in the region. Participants therefore saw a need to develop and promote more holistic, long-term media development programmes, which include collaboration with CSOs.

The role of youth in the promotion of human rights was also discussed. As youth are very receptive, focusing on youth as a vital element in the promotion of democracy and human rights was highly recommended. This necessarily entails bolstering their knowledge and capacity through long-term support to human rights education and support for systemic programmes rather than one-off projects.

CLOSING SESSION

The Chair, Mr Aristotelis Bouratsis, Director, Directorate for Thematic Operations, EuropeAid, opened the session by noting the recommendation from the seminar concerning increased coherence between EU human rights, political commitments, and the implementation of the financial instruments. Mr. Bouratsis stressed that we need to keep in mind, however, that Europe is a community of 27 countries, each with its own internal contradictions. The European Union is not perfect, and is building gradually, step by step. This seminar is part of this process. He explained that the European Commission is an administrative body that also has the power of initiative. It is based on this power that the EC is able to propose new policies and instruments, though it is the Council and European Parliament who decide. In this game, he explained, the role of CSOs is key both in Brussels and in the field. The EC consults CS on a regular basis; in fact, he added, this dialogue is not ad hoc, but a continuous process. Mr. Bouratsis pointed out that the structured dialogue demonstrates the joint willingness of European institutions to set up a genuine dialogue with civil society organisations covering numerous themes, including democracy and human rights. He assured participants that the EU's commitment will go far beyond this seminar, and that it intends to be accountable to CS and offer specific results. He said that this seminar fits into a broader process that began with the seminar in Bamako and will be followed by the big seminar in Budapest in 2011. He expressed hope for achieving an agreement on a Cooperation Charter between CSO and the EU, and stated that participants' efforts today are a very concrete contribution to that process. Also envisaged is the drafting of a broad communication on the relationship between the EU and CSOs around the world. The conclusions that will be adopted in Budapest in April will be the basis for the new Financial Perspectives from 2013-2020. In closing, Mr. Bouratsis stated that the structured dialogue is therefore a crucial process allowing CS to channel its suggestions and recommendations into that broader political process.

Véronique Arnault, Director Relex B, remarked that within the new EAS, EU Delegations (which have replaced EC delegations) will be of key importance. They will have a stronger political role and will provide an opportunity for more coherence. She stressed that the EU Delegations should be regarded as a hinge for coherence and a frontline partner in listening to concerns. She reminded participants of Ms. Ashton's commitment to meet HRDs, and encouraged Delegations to do the same. Ms. Arnault reminded participants that the seminar has not only provided input on human rights instruments, but also on EU human rights policy.

Ms. Arnault remarked that the seminar has given her much food for thought, namely on:

- The relationship and importance of CSOs in terms of legislation, structures (platforms, CSOs), and the relationship between international, European and national CSOs.
- The issue of how to work with CSOs without compromising their independence.
- The increasing use of restrictive legislative frameworks and the need to take stock of their impact on CSOs as well as the need to make use of all international commitments made by States as a way of counterbalancing this situation.
- The value of a regional approach, the distinction between the Eastern and Southern partnerships, and the need to make national and regional actions complimentary.
- A structured dialogue which needs to take place at the local level, and the need to create platforms for dialogue.
- The need for dialogue to include religious groups and other groups in society with whom one does not agree.
- The role of Delegations: noting that a signal from Brussels will be given to ensure cooperation between the political section and the operational section.
- Local strategies for HRDs which need to be finalised. A contact or focal point for HRDs will be included on the Delegations' website. Quiet diplomacy is often necessary.
- The need to involve CSOs in dialogue both before and after.
- The role of Delegations in local calls.

Ms. Arnault wrapped up her remarks by assuring participants that although EU officials are bureaucrats, the EU nevertheless recognizes its own problems, seeks to learn, and is open and available for contact and dialogue. She concluded by thanking everybody who had contributed to the organisation of the seminar, and thanked the participants for their active involvement.



European Commission

12th EU-NGO Forum on Human Rights

Brussels, 12 & 13 July 2010

Recommendations of the Forum on “EU Human Rights Instruments and the Lisbon Treaty: State of Play and Way Forward”

The 12th EU NGO Forum on Human Rights which addressed the issue of “EU Human Rights Instruments and the Lisbon Treaty: State of Play and Way Forward”, was held in Brussels on 12 and 13 July 2010. It featured four workshops comprising representatives of the EU, EU Member States and civil society, particularly from the global South, as well as international experts. The Forum focused on human rights issues of current concern to the EU and the international community at large, in particular:

Working Group I on	“EU Instruments in the Fight against the Death Penalty”
Working Group II on	“The EU’s Role for the Promotion and Protection of Economic, Social and Cultural Rights”
Working Group III on	“The EU’s Relations with Regional Human Rights Mechanisms”
Working Group IV on	“Lisbon and the EU’s Internal-External Consistency”

Following the Forum’s opening plenary session, each workshop met to discuss challenges and opportunities concerning the EU’s interaction with human rights NGOs against the backdrop of the entry into force of the Lisbon Treaty and the changes the Treaty has introduced into EU structures and functions relating to human rights strategy making, policy formulation and the implementation of programmes and projects. Each workshop drafted and agreed upon a set of recommendations under the guidance of the workshop moderator. Each of the four moderators then provided a synopsis and set forth the recommendations at the Forum’s closing plenary session. The present document sets forth the recommendations that emerged from the rich interaction and debate that characterized the 2010 Forum’s proceedings, according to the workshop themes.

Workshop I: EU Instruments in the Fight against the Death Penalty

The Workshop affirmed that the global abolition of the death penalty ranks among the main objectives of EU human rights policy. Four key elements formed the basis for the Workshop’s recommendations as follows:

- coherence and consistency;
- cooperation;
- education, awareness-raising; and
- efficiency and effectiveness.

1. Coherence and Consistency

The EU should:

- a. ensure consistency in its discourse. Article 6 of the Lisbon Treaty recognises that the rights, freedoms and principles set out in the EU Charter of Fundamental Rights form part of EU law. Furthermore, the EU is obliged to accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Wherever norms and standards appear to conflict, the higher threshold of human rights protection should prevail.
- b. raise regularly the issue of the abolition of the death penalty in its political contacts and discussions with third countries through the High Representative of the Union for Foreign Affairs and Security Policy.
- c. continue calling for compliance with international minimum standards as set out by the UN Safeguards Guaranteeing Protection of the Rights of those facing the Death Penalty and as reaffirmed and further developed by the EU Guidelines on the Death Penalty as regards retentionist countries.
- d. deal with death penalty issues in connection with all other relevant human rights issues such as those relating to due process of law, right to fair trial, the right to appeal, the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment (in connection with methods of execution) and the basic human right to dignity. Human rights are interconnected and issues surrounding the death penalty should be viewed through the human rights lens.
- e. continue to ensure that, as stated in Article 19(2) of the EU Charter of Fundamental Rights, no one may be removed, expelled or extradited to a state where there is a serious risk that he or she will be subjected to the death penalty.
- f. encourage ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and of relevant regional instruments such as Protocol 13 to the European Convention on Human Rights and Fundamental Freedoms, by all States, including EU Member States.
- g. reassess its support and aid policy to retentionist countries and countries which violate human rights. The abolition of the death penalty could be raised in discussions relating to development aid and EU-funded programs. EU humanitarian aid on the other hand should always be unconditional.
- h. take into consideration concrete steps that may have been taken towards human rights protection including the abolition of the death penalty when granting financial assistance and enhancing relations with third countries, in particular with neighbouring countries.
- i. ensure greater coherence among various EU institutions and among EU Member State actions and policies in relation to the death penalty.

2. Cooperation

The EU should:

- a. develop continuous, systematic and strategic consultation with NGOs to reassess local needs and situations on the ground regularly.

- b. support the World Coalition against the Death Penalty initiative to set up an international database that could function as a forum through which the EU and NGOs can publish updates on their respective work and actions.
- c. support the development of an academic community on the abolition of the death penalty.
- d. consult local NGOs and lawyers to identify when EU action is needed on individual cases.
- e. provide technical support to:
 - i. regional bodies such as the African Commission and the Arab League through the sharing of EU knowledge and expertise in the promotion and protection of human rights;
 - ii. NGOs, through the sharing of EU country best practices and lessons learned drawing on EU experience, briefing papers, etc. including for example through the European External Action Service;
 - iii. regional NGO networks.
- f. cooperate with and support UN bodies and especially the work of the UN Human Rights Council Special Rapporteur on the Prevention of Torture and Extrajudicial, Summary or Arbitrary Executions, and draw upon the recommendations arising from the Universal Periodic Review and UN human rights treaty body mechanisms to remind States of their obligations.
- g. provide financial support to enable NGOs and human rights defenders to continue their work on the abolition of the death penalty.
- h. also support States that are taking steps towards a moratorium on the death penalty or the abolition of the death penalty. In this regard, visits of observers from the international community could be particularly effective as well as pressure through the media and other avenues available to the international community.
- i. politically support human rights defenders who call for the abolition of the death penalty and in individual cases, wherever EU guidelines may have been violated.
- j. try to engage companies doing business in retentionist countries in the fight against the death penalty.
- k. close current loopholes in EU regulations banning the trade in death penalty equipment and ensure its better implementation by EU Member States, whilst also actively promoting the development of further regional and international instruments in this area.
- l. cooperate with countries that have adopted a moratorium on the death penalty or which have abolished the death penalty to act as intermediaries to initiate discussions with neighbouring retentionist states.

3. Education and awareness-raising

The EU should:

- a. adopt a human rights based approach to offenders in particular:
 - i. to support the launching of public campaigns, notably in schools and through the media to address public concern over such issues as impunity, reparations, deterrence, and to highlight the value of the possible rehabilitation of criminals through appropriate programs, as well

- as to spread awareness about the realities surrounding the death penalty and conditions of detention; and
 - ii. to support training, seminars and guidelines for judges, lawyers, prosecutors, police and prison personnel.
 - b. take into account fully the needs of victims and issues involving impunity and reparation.
 - c. support the implementation of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.
 - d. foster the organisation of seminars for members of national parliaments as well as the creation of a network of parliamentarians for the abolition of the death penalty.
 - e. support initiatives that encourage education about the abolition of the death penalty.
 - f. finance research and campaigns in retentionist countries.
 - g. promote transparency on the part of retentionist countries by requesting information on executions to be sent to the High Representative of the Union for Foreign Affairs and Security Policy.

4. Efficiency and effectiveness

The EU should:

- a. adopt a strategic approach in particular to pay sufficient attention to the specific conditions of each country setting and the necessity to approach the human rights agenda in a focussed and realistic way, tackling each case with a detailed understanding of the country at hand.
- b. react through diplomatic means in a timely fashion to address individual cases of death penalty threats or political opportunities to move towards abolition.
- c. engage actively and take full advantage of abolitionist action taken through the UN in particular by supporting the upcoming UN resolution on a moratorium of the death penalty in cooperation with all cross-regional partners.

Workshop II: The EU's Role for the Promotion and Protection of Economic, Social and Cultural Rights

Workshop II focussed on numerous issues under the following main themes:

- the adoption of local human rights strategies;
- the full application of EU human rights guidelines to economic, social and cultural rights;
- the enhancement of EU credibility through improved internal / external consistency;
- trade and avoiding double standards;
- dialogue and development cooperation; and
- EU Delegations and EU staff.

1. The Adoption of Local Human Rights Strategies

The EU should:

- a. adopt local human rights strategies that address economic, social and cultural rights in their wider context.
- b. in doing so, consider economic, social and cultural rights in relation to other issues involving human rights, human security and development.

2. The Full Application of EU Human Rights Guidelines to Economic, Social and Cultural Rights

The EU should:

- a. maintain strong focus on the EU Guidelines on Human Rights Defenders.
- b. adjust the EU Guidelines to economic, social and cultural rights. For example, the EU Guidelines on Torture should take into consideration the economic and social root causes of torture.
- c. make full use of other relevant tools, such as the EU Guidelines for Support to Land Policy Design and Land Policy Reform.
- d. provide political support to civil society organisations and human rights defenders to help raise their legitimacy and profile.

3. EU Credibility: Internal / External Consistency

The EU should:

- a. accede to the European Social Charter of the Council of Europe parallel with its accession to the European Convention on Human Rights and Fundamental Freedoms.
- b. make full use of the standards and norms of the Council of Europe and the Organization for Security and Cooperation in Europe when engaging with partner countries belonging to those organisations.
- c. encourage its Member States to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
- d. ensure that all EU legislation that has an external impact should protect economic, social and cultural rights for example by dropping the 'return directive'.
- e. take account of the impact of the EU Charter on Fundamental Rights on the EU's external action and level of accountability.
- f. encourage all Member States to abide by the highest standards and norms, for example, with regard to certain AIDS-related discriminatory practices.

4. EU Credibility: Avoiding Double Standards

The EU should:

- a. encourage EU companies to promote high economic, social and cultural rights standards and refrain from operating in situations of gross human rights violations. EU companies should apply uniform standards and refrain from operating abroad in conditions that differ from the standards that they have to apply at home.
- b. hold companies accountable for respecting economic, social and cultural rights in their operations abroad, moving from corporate social responsibility to business accountability.
- c. together with EU Member States, monitor business behaviour.
- d. look at best practices, such as to check for discrimination of companies from the West, working in India.
- e. be consistent in its engagement towards third countries (situation in Gaza).

5. Trade

The EU should:

- a. observe in its trade policy, as a minimum obligation, a ‘no harm policy’ on human rights, particularly with respect to vulnerable groups and small producers.
- b. make its human rights impact assessment on planned trade and association agreements more systematic.
- c. check to ensure that trade incentive schemes (GSP+) do not produce a discriminatory impact, that they remain transparent and conform to universal UN standards and that they ensure effective implementation through monitoring.
- d. be less reticent in applying conditionality, for example as regards free trade agreements in Colombia and Honduras and admission into the GSP+ framework as well as with regard to the negotiation of human rights clauses in conformity with international human rights law.

6. Dialogue and development cooperation

The EU should:

- a. adopt human rights based approaches in all aspects of its cooperation frameworks, for example, by respecting the right to non-discrimination, access to information, the right of interested parties to be consulted, and for NGOs, social partners and EU experts to be included in a broad-based social dialogue.
- b. champion human rights-based approaches to the UN Millennium Development Goals.
- c. take fully into consideration its obligations on economic, social and cultural rights in the context of multilateral development cooperation and coordination with such bodies as the European Investment Bank, the International Monetary Fund, the World Bank and the European Bank for Reconstruction and Development.
- d. promote close coordination among donors and stakeholders.

- e. promote effective participation of local civil society in the design, implementation, monitoring and evaluation of projects and programmes in all sectors, for example as regards human security in relation to food, water, waste reduction and elimination, health and education.
- f. mainstream in its political and policy dialogues and assistance in third countries key economic, social and cultural rights issues, such as:
 - i. gender and economic, social and cultural rights;
 - ii. sharing of benefits arising from economic activities for example, extractive industries;
 - iii. demographic considerations;
 - iv. human rights education, training, information and awareness raising;
 - v. focussing on prevention in relation to land and resources-related conflicts and forced displacements;
 - vi. best practices on right to food, for example, through cash transfer schemes;
 - vii. indigenous people and the application of customary law;
 - viii. access to education, training, including vocational training and research;
 - ix. HIV and persons with physical or mental disabilities;
 - x. specific situations concerning the rights of minorities and vulnerable populations, for example, the rights of detainees and persons with mental disabilities;
 - xi. the fight against impunity in situations of difficult economic or ecological conditions or rampant organised crime;
 - xii. the fight against corruption;
 - xiii. capacity building in economic, social and cultural rights, notably with regard to national human rights institutions, which should conform to the Paris Principles relating to the Status of National Institutions;
 - xiv. continued political and financial support to NGOs, especially in countries where there may be reduced space for operations, for example, through the European Instrument for Democracy and Human Rights's new strategy which addresses economic, social and cultural rights and the question of corporate social responsibility;
 - xv. the development of specific strategies on cooperation with civil society and the provision of enhanced support to independent civil society organisations. The EU should simplify its funding procedures for grassroots NGOs and consult with NGOs prior to the launch of call for proposals; and
 - xvi. funding of sustainable work of civil society projects.

7. EU Delegations and EU Staff

Further, the EU should:

- a. ensure high level involvement on economic, social and cultural rights through its Ambassadors.
- b. ensure sufficient resources, training and exchange of best practices among EU Delegations.
- c. strengthen the role of EU Delegations on human rights defenders.

- d. encourage its Delegations and the Embassies of Member States to monitor promotion and protection of economic, social and cultural rights.
- e. ensure that EU Delegations and Member States undertake annual monitoring on the status and conduct of EU companies with regard to corporate social responsibility policies and make these reports public.
- f. use all available tools, such as the UN Human Rights Council's Universal Periodic Review recommendations, to promote effective engagement on economic, social and cultural rights.
- g. ensure that EU Delegations encourage partner countries to engage and consult fully with civil society, for example, with regard to preparing for the Universal Periodic Review process and implementing the recommendations arising from this process.

Workshop III: The EU's Relations with Regional Human Rights Mechanisms

Workshop III considered the EU's relations with regional human rights mechanisms according to the following main themes:

- the EU's support to civil society organizations and human rights defenders;
- the EU's cooperation with regional organizations and mechanisms;
- the EU's relations with specific regional human rights mechanisms; and
- the EU and human rights multilateral fora.

1. The EU's Support to Civil Society Organizations and Human Rights Defenders

The EU should:

- a. ensure that human rights monitoring forms an integral part of a credible and coherent EU foreign policy based on ongoing relations with human rights defenders and civil society organizations dealing with human rights;
- b. support and associate more closely with civil society, in its relations with regional organisations and third countries, ensuring and encouraging the participation of civil society organizations and human rights defenders in high-level EU human rights events and dialogues.
- c. support and encourage the participation of civil society organizations into the drafting, implementation and assessment of human rights national and regional action plans in cooperation with regional human rights mechanisms.
- d. support the creation of civil society organization networks at the regional level, with an emphasis on including victims and survivors of human rights violations.
- e. share information on the situation of human rights defenders collected through its delegations with the Council of Europe Commissioner on Human Rights, the Organization for Security and Co-operation in Europe / Office for Democratic Institutions and Human Rights focal point on human rights defenders, the UN Special Rapporteur on the Situation of Human Rights Defenders, and regional intergovernmental bodies as may be appropriate.
- f. support and encourage civil society organizations to spearhead efforts to create, enhance, and support regional human rights mechanisms.

2. The EU's Cooperation with Regional Organizations and Mechanisms

The EU should:

- a. building on its human rights dialogue with the African Union, engage in regular dialogues with other regional actors and human rights mechanisms, for example, those of the Association of Southeast Asian Nations and Organization of American States, with a view to sharing knowledge and expertise and addressing common challenges. The EU should ensure that civil society plays an integral role in these human rights dialogues.
- b. foster the establishment of effective regional mechanisms aimed at the protection of human rights, including at the judicial level.
- c. contribute to meeting the capacity building needs of, and to raising awareness on, existing and emerging regional and national human rights mechanisms.
- d. work with regional human rights mechanisms to encourage their Member States to adopt, review and implement human rights national actions plans, and to follow up on the implementation of UN recommendations, including those emanating from the UN Human Rights Council's Universal Periodic Review process.
- e. share and discuss its human rights guidelines and toolkits, for example the EU Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People, and the EU Guidelines on Human Rights Defenders, with regional organizations, and should support and cooperate in, their implementation.

3. The EU's Relations with Specific Regional Human Rights Mechanisms

The EU should:

- a. address human rights issues in such a way as to avoid any discrepancy between the external and internal dimensions of its human rights policies in its relations with the Organization for Security and Cooperation in Europe and the Council of Europe.
- b. undertake to adhere to other Council of Europe conventions, once it has acceded to the European Convention on Human Rights.
- c. consider its relations with the Council of Europe, as reflected in the Memorandum of Understanding between the EU and the Council of Europe, as an example of best practices, which could serve as a model for framing EU relations with other regional human rights mechanisms.
- d. ensure that further EU human rights instruments and norms it may develop are compatible with existing conventions of the Council of Europe and commitments of the Organization for Security and Cooperation in Europe with a view to promoting the harmonious development of human rights protection in Europe.
- e. endeavour, together with the Organization for Security and Cooperation in Europe and the Council of Europe, to convey a coherent message, for example in the Eastern Partnership area, and to clarify their respective human rights mandates and mechanisms to third countries.
- f. reinforce its human rights mainstreaming efforts in all areas of its relations with regional organizations, in light of the entry into force of the Treaty of Lisbon.

- g. encourage regional human rights mechanisms to share best practices, in particular, to ensure better compliance of judgments and obligations.

4. The EU and Human Rights Multilateral Fora

The EU should:

- a. strengthen its cross-regional approaches in multilateral fora, for example in the UN Human Rights Council.
- b. support the work of the UN Office of the High Commissioner for Human Rights to further strengthen cooperation among regional human rights mechanisms. In particular, the UN's seminars provide an invaluable opportunity to exchange experience among regional organizations, regional human rights mechanisms and civil society organizations. The EU should therefore continue to support these seminars and other types of cooperation between the UN human rights treaty and Charter-based bodies in respect of their regional counterparts.

Workshop IV: Lisbon and the EU's Internal-External Consistency

Workshop IV considered that civil society expected the EU to improve consistency between its internal and external human rights policies which would allow the EU to play a greater, more effective and more credible role at the international level with a view to avoiding double standards. It further noted the following points:

- Despite the many European human rights instruments, numerous human rights problems persist in EU Member States (for example in the area of discrimination, Roma, sexual orientation, restrictions on religious freedom, the rights of asylum-seekers, police brutality, restrictions on press freedoms). While there is no need to add national or European human rights instruments beyond those of the Council of Europe and European Court of Human Rights, UN treaty bodies and Human Rights Council etc., the EU as a whole does not have effective tools to ensure and support human rights protection within its borders.

The EU has numerous bodies, instruments and mechanisms which have been reinforced by the Lisbon Treaty, for example bodies such as, the EU Agency for Fundamental Rights, the European External Action Service, the Council Working Group on Human Rights (COHOM), the Council Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons, and the Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) and Subcommittee on Human Rights (DROI). However, until now the EU has had no functioning mechanism or official "address" for reports on internal human rights violations.

- this lack of mechanism and response has a critical impact on external relations, where the EU as a whole has had no means of responding to criticisms of its own human rights record, even to offer practical information on the measures that are being taken by member states to address existing problems. This is increasingly threatening the EU's credibility and impact through dialogues and other human rights instruments with third countries.

- it would not seem useful to increase further the number of European wide and EU legal mechanisms but rather to reinforce coherence among them, their connections, transparency (external visibility of dialogues) and monitoring. It is about implementing words in actual policies and action;
- a series of testimonies were evoked which require careful attention in terms of protecting human rights defenders in Kazakhstan, Saudi Arabia, Uzbekistan, Kyrgyzstan, China, Moldavia and Africa; and
- among the themes most highlighted were the internet, rights of the child, exploitation, human trafficking, women in Africa, victims of torture and the issue of rehabilitation, the rights of lesbians, gay, bisexual and transgender persons, migrants and asylum seekers, financial and political difficulties of human rights NGOs and corporate accountability.

1. Internal Dimension

The EU should:

- a. introduce into the EU legislative process the respect for international human rights standards, starting from the European Commission's proposal up to the adoption of texts by the European Council and Parliament.
- b. reinforce a cross-EU monitoring mechanism, early warning through the Fundamental Rights Agency, civil society and UN mechanisms, such as the Universal Periodic Review.
- c. make dissuasive use of Article 7 of the Treaty on the European Union according to which the Union can suspend certain rights of a Member State deriving from the application of the Treaty, if it has determined the existence of a serious and persistent breach of the principles of liberty, democracy, respect for human rights and fundamental freedoms, by that Member State.
- d. ensure that the Council working party on Fundamental Rights, Citizens Rights and Free Movement of Persons has a mandate distinct from that of COHOM, which could include, for example, discussing and responding officially to reports of the Fundamental Rights Agency (in addition to recommendations of UN treaty bodies, special procedures and mechanisms); assessing the external human rights impact of internal EU instruments and policies (together with COHOM); ensuring coordination with agencies without a human rights mandate but human rights impact (e.g. EIB or FRONTEX); examining EU and EU member state signature, ratification and compliance with international human rights instruments; and generally providing a forum for Council exchanges on internal human rights matters.
- e. promote transparency and consultation with civil society.

2. Internal / External Dimension

The EU should:

- a. ensure close cooperation between those responsible for internal and external policies, including within the College of Commissioners – most notably between the High Representative of the Union for Foreign Affairs and Security Policy (Catherine Ashton), and European Commissioner for Justice, Fundamental Rights and Citizenship (Viviane Reding) - with an aim to developing coherent internal and external human rights mechanisms.
- b. ensure cooperation between the Council's external and internal mechanisms on human rights, in particular through close cooperation between the Council Working Group on Human Rights (COHOM) and the new Council Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons.
- c. ensure better cooperation among Council, Commission and Parliament as regards reports and humanitarian emergencies etc.
- d. strengthen sharing mechanisms and the judicious use of best practices.
- e. enable external EU officials and spokespeople to respond to human rights criticism by third countries with an acknowledgement of facts and the measures undertaken by the EU and member states to address any violations.

3. External Dimension

The EU should:

- a. create a consistent foreign policy on human rights, including in trade and development through partnership agreements, and drawing upon Articles 8 and 13 of the Cotonou Agreement, knowing that the EU has different leverage options according to agreements or the particular relations it has with certain countries. The EU should avoid that dilemmas such as transparency versus discreet diplomacy, encouragement versus sanctions, etc. create double standards. The EU has to achieve results in this area.
- b. provide support, follow-up, and protection to human rights defenders and journalists reporting on human rights violations / seeking justice around the world.
- c. ensure corporate accountability to create a level playing field for all companies to respect, monitor and do no harm (e.g. Sudan, Burma, Nigeria, internet restrictions etc.).

Conclusion: the new European External Action Service has a pivotal role to play in promoting the integration of foreign policies under the authority of High Representative Ashton, as well as all EU institutions in promoting the consistency between the EU's external and internal policies.

Compiled by:

Lyal S. Sunga / Rome 1 September 2010

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ANNEX 15:

LIST OF PEOPLE MET

INFORMANTS FOR THE STRUCTURING AND THE DESK PHASES	
European External Action Service	
Alexandra Knapton	Cabinet of Ms Ashton - Vice-president and High Representative of the Union for Foreign Affairs and Security Policy
Veronique Arnault	Director, EEAS – Global and Multilateral Issues, HRs and Democracy
Rolf Timans	HoU, EEAS – Global and Multilateral Issues, HRs Programming
Alessio Cappellani	EEAS – Global and Multilateral Issues, HRs Programming
Christian Behrmann	EEAS – Global and Multilateral Issues, HRs Programming
David Zaru	EEAS – Global and Multilateral Issues, HRs Programming
Tobias King	EEAS – Global and Multilateral Issues, HRs Programming
Chadi Sidhom	EEAS – Global and Multilateral Issues, HRs Programming
Patricia Bocchi	EEAS – Global and Multilateral Issues, HRs Programming
Maria Lensu	EEAS – Global and Multilateral Issues, HRs Programming
Malgorzata Gorska	EEAS - Asia Directorate, South-East Unit
Philippe Van Amersfoort	EEAS - Asia Directorate, South-East Unit
Clodagh O'Brien	EEAS - Africa Directorate
European Commission	
Helena Lagerlof	Former staff, DG DEVCO F2 - Central management of thematic budget lines under EIDHR and Ifs
Andrea Pavel	DG DEVCO F2 - Central management of thematic budget lines under EIDHR and Ifs
Erica Gerretsen	DG DEVCO F2 - Central management of thematic budget lines under EIDHR and Ifs
Aurelia Willie	DG DEVCO E4 - Governance, security, human rights and gender
Patrick Doelle	DG DEVCO, E4 - Governance, security, human rights and gender
Sébastien Lorion	DG DEVCO A.2 - Geographical coordination and supervision for the Mediterranean and Middle-East
Snenija Nikolova, DEVCO	DG DEVCO, D1, Geographical coordination and supervision for Asia and Central Asia geographical coordinator Kazakhstan
Wolfram Vetter	DG DEVCO, J2 - Questions et institutions panafricaines, gouvernance et migration
Alfonso Pascual Perez	DG DEVCO, J2 - Questions et institutions panafricaines, gouvernance et migration
Marie-Laure De Berghe	DG DEVCO, J2 - Questions et institutions panafricaines, gouvernance et migration
Franco Conzato	Interservice-Quality Support Group, Coordinator
Carlos Cardao	DG HOME 02 - International affairs
Francesco Luciani	DG HOME 02 - International affairs

<u>EU Delegations</u>	
Annan Ama	EU Delegation Ethiopia
Birgit Vleugels	EU Delegation Guatemala
Caroline Valette	EU Delegation Zimbabwe
<u>EUROPEAN COUNCIL</u>	
Riina Kionka	HR HoU Unit – COHOM Secretariat
<u>European Parliament</u>	
Helena Halldorf Romero	DROI – Unit (EIDHR and other financial instruments – Monitor COHOM)
Emma Achilli	Advisor to MEP in European Parliament
<u>Other Representatives</u>	
Linnéa Arvidsson	United Nations High Commissioner for Human Rights (UNHCHR), Regional Office for Europe
Jan Jarab	United Nations High Commissioner for Human Rights (UNHCHR), Regional Office for Europe
Amine Ait-Chaalal	Director, Centre d'études des crises et conflits internationaux (CECRI)
Sandrine Grenier	Euro-Mediterranean Human Rights Network

The team leader also met various NGO representatives (European and from non-member states countries) during the 12th EU-NGO Forum on HRs held in Brussels on 12th and 13rd of July 2010 and the regional seminar on the structured dialogue held in Amman in July 2010¹⁴⁹.

<u>INFORMANTS FOR ETHIOPIA CASE STUDY</u>	
<u>EU Delegation to Ethiopia</u>	
Xavier Marchal	EU Ambassador and Head of Delegation
Ilaria Mussetti	Programme Manager, Governance section
WACKER Doerthe	Head of Governance section
Juan Villa Chacon	Policy officer, Governance section
Ephraim Zewdie	Economic Section
Herve Del Sol	Food security section
Rene Milas	Political Counsellor
<u>IOS</u>	
Salah Hammad	HR expert, Political Affairs Department, African Union

¹⁴⁹ The list of participant for this event is available at [HTTPS://WEBGATE.EC.EUROPA.EU/FPFIS/MWIKIS/AIDCO/IMAGES/5/55/AMMAN_ANNOTATED_LIST_OF_ATTENDANCE_2006.PDF](https://webgate.ec.europa.eu/FPFIS/MWIKIS/AIDCO/IMAGES/5/55/AMMAN_ANNOTATED_LIST_OF_ATTENDANCE_2006.PDF)

Ama Annan	Political advisor, EU Delegation to the African Union
Linda Engvall	Regional Office of the United Nations High Commissioner for Human Rights (UNHCHR)
Tsegaye Regassa	United Nations Development Programme (UNDP)
David Omozuafoh	United Nations Development Programme (UNDP)
<u>Representatives of EU MSs</u>	
Benjamin Wastenage	Second Secretary, Political Information, British Embassy
Izabela Eriksson	First Secretary, Advisor for Democratisation, Human Rights and Gender, Swedish Embassy
<u>Representatives of the Ethiopian Federal Democratic Republic</u>	
Ambassador Teruneh Zenna	Chief Commissioner, Ethiopian Human Rights Commission (EHRC), Ethiopian Federal Democratic Republic
<u>NGOs</u>	
Thomas Tiedemann	Programme Manager, Civil Society Fund in Ethiopia
Akalewold Bantirgu	Officer, Civil society Fund
	Kembatta Women Association (KMG)
	Vision Ethiopian Congress for Democracy (VECOD)
	People in Need
	Shiny Day Social Services Association (SDSSA)
	Ethiopian Women Lawyers Association (EWLA)
	Ethiopian Human Rights Council (HRCO)

INFORMANTS FOR GUATEMALA CASE STUDY

EU Delegation to Guatemala¹⁵⁰

Henriques Pedro	Jefe de Cooperacion
Manuela Sessa	Focal Point human rights
Antonio dal Borgo	Programme Officer, Justice sector
Claudia Antonelli	Programme Officer, Food Facility and food security
Claudia Barillas	Programme Officer, Food Facility and food security
Lieze Vanwymelbeke	Programme Officer
Birgit Vleugels	Former contractual officer (2009-2011)
<u>Members of the “Grupo Filtro” (EC, Member States, UN)</u>	
Javier Puig	Representative from Spain
Pontus Rosenberg	Representative from Sweden

¹⁵⁰ In addition, a focus group was held on mainstreaming human rights with EC staff and technical assistants involved in various EC supported programmes

Gerard Schulting	Representative from The Netherlands
Rein Koelstra	Representative from The Netherlands
David Mc Naught	Representative from UK
Michael Fabri	Representative from Germany
Idar Instefjord	Representative from Norway
Christina Papadopoulou	Representative from the United Nations
Hanna Bertelman	Representative from the United Nations
<u>Representatives from the Government</u>	
Vidal Requena	Secretario Ejecutivo, Instancia Coordinadora de la Modernizacion del Sector Justicia
Maria Corzantes	MINGOB, Instancia Gubernativa de Analisis de Ataque a los Defensores de Derechos Humanos (including members of the specialized investigation unit)
<u>Representatives from the CiCIG (Comision Internacional contra la Impunidad en Guatemala)</u>	
Anibal Gutierrez	Political Advisor
<u>Representatives from CSOs</u>	
Yuri Giovanni Mellini	Centro de Acción Legal-Ambiental y Social de Guatemala (CALAS)
Mayra Alarcón Alba/Hellen Mack	Fundación Myrna Mack
Álvaro Pop	Organismo Indígena para la Planificación del Desarrollo NALEB
Ramon Cadena	Comisión Internacional de Juristas (CIJ)
Claudia Samayoa	Unidad de Protección a Defensoras y Defensores de Derechos Humanos - Guatemala (UDEFEUGUA)
Maco Canteo	Instituto de Estudios Comparados en Ciencias Penales de Guatemala (ICCPG)
Judith Erazo	Equipo de Estudios Comunitarios y Acción Psicosocial (ECAP)
Sandino Asturias	Conferencia Episcopal de Guatemala (CEG)
Mario Minera	Centro Para la Action en Derechos Humanos (CALDH)
Abner Paredes	Coordinadora Nacional por la Juventud
Carmen Rosa De León	Instituto de Enseñanza para el Desarrollo Sostenible (IEPADES)
Silvia Weber	Brigadas de la Paz
Carmen Lopez de Caceres	Convergencia Cívico Política de Mujeres
Dora Taracena San Juan	Convergencia Cívico Política de Mujeres
Jugo Viera	Asociación Pro Derechos Humanos (APRODEH)

<u>INFORMANTS FOR KAZAKHSTAN CASE STUDY</u>	
<u>EU Delegation to Kazakhstan</u>	
N. Jousten	EU Ambassador and Head of Delegation
H. Petit	Head of Political Press and Information Section
A. Jekabsone	Political Officer
K. Jamankulova	Press and Information Officer
A. Zharylgassova	Project Manager
E. Levchencko	Focal point human rights/EIDHR
D. Rejtharova	Programme Officer, Public Sector Reform
<u>Representatives from Member States and other agencies</u>	
J. Carroll	Representative from the British Foreign and Commonwealth Office (FCO), UK
M. Pauly	Representative from Belgium
F. Potuyt	Representative from The Netherlands
M. Ter Kuyle	Representative from The Netherlands
H. Johansen	Representative from Norway
<u>Representatives from the Government¹⁵¹</u>	
V. Kalyuzhnyy	Commissioner for Human Rights, Head of National Centre of Human Rights Office of the Ombudsman
<u>Representatives from CSOs¹⁵²</u>	
A. Jalilov	Media Alliance, Astana
N. Prenova	Association of Women with Disabilities SHYRAK, Almaty
S. Aidossov	Sociological Research Centre, Shymkent
T. Rakhimbek	Republican Network of Independent Monitors, Almaty
R. Akylbekova and D. Berezovskaya	Kazakhstan International Bureau for Human Rights and Rule of Law K. Aбыsheva, Director NGO "Sana Sezim", Shymkent
S. Mektepbayeva	Regional Director, Penal Reform International office in Central Asia
I. Barykbayeva	Project Coordinator, Penal Reform International office in Central Asia
A. Rustambekova	Public Association Bereke, Shymkent
S. Dyussekeyeva	Head of Program on Civic Participation, Civil Alliance of Kazakhstan
O. Obratsova	ZUBR Social Corporative Foundation
B. Jenalayev	Kinderdorf, Almaty
A. Orlova	PU Women Support Centre, Petropavlovsk

¹⁵¹ Additional meetings with government officials of the Ministry of Foreign Affairs and the Prosecutor's Office were planned but cancelled last minute (due to car accident involving the persons to be interviewed)

¹⁵² A press conference was attended with several human rights activists around Kazakhstan's Presidency of the OSCE, organised by the civil society Coalition OSCE 2010

L. Astanina	Greenwomen
T. Kaleyeva	International Foundation for protection of freedom of speech ADIL SOZ
M. Makhmutova	Public Policy Research Centre
J. Asanova	Association for Civic Society Development ARGO

INFORMANTS FOR MOROCCO CASE STUDY

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ANNEX 16:

BIBLIOGRAPHY

BIBLIOGRAPHY

EC Development Policy Framework

Overall Policy Framework

- 2005 ▪ Joint Statement by the Council and the representatives of the Governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: “The European Consensus” (November 2005), [EN](#)
- 2000 ▪ Statement by the Council and the Commission on the European Community's development policy (November 2000)
- 2000 ▪ The European Community's Development Policy - Communication from the Commission to the Council and the European Parliament COM(2000)0212 final of 26.04.2000 - [EN](#)

Regional Policy Framework

ACP countries

- 2008 ▪ One year after Lisbon: The Africa-EU partnership at work, Communication from the Commission to the Council and the European Parliament - COM (2008) 617 final of 17.10.2008, [EN](#)
- 2007 ▪ First Action Plan (2008-2010) for the implementation of the Africa-EU Strategic Partnership, 2007, [EN](#)
- The Africa-EU Strategic Partnership. A Joint Africa-EU Strategy, [EN](#)¹⁵³
- Lisbon Declaration - EU Africa Summit, Lisbon, 8-9 December 2007, [EN](#)
- Regulation (EC) No 617/2007 of 14 May 2007 on the implementation of the 10th European Development Fund under the ACP-EC Partnership Agreement, [EN](#)
- Nuku’Alofa Declaration adopted in Tonga on 10.10.2007, [EN](#)
- 2006 ▪ EU relations with the Pacific Islands – A Strategy for a Strengthened Partnership – Communication from the Commission to the Council, the European parliament and the European Economic and Social Committee - COM (2006) 248 final of 29.05.2006, [EN](#)
- An EU-Caribbean Partnership for Growth, Stability and Development - Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee- COM (2006) 86 final of 02.03.2006{SEC(2006) 268}, [EN](#)
- 2005 ▪ Council Decision 2005/559/EC of 21 June 2005 concerning the signing, on behalf of the European Community, of the Agreement amending the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, [EN](#)
- EU Strategy for Africa - Towards a Euro-African pact to accelerate Africa's development - Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee - COM (2005) 489 final of 12.10.2005, [EN](#)

¹⁵³ A specific website is dedicated to this partnership: <http://africa-eu-partnership.org>

- 2003
 - The EU-Africa dialogue - Communication from the Commission to the Council: COM(2003) 316 of 23.6.2003, [EN](#)
 - Decision 2003/3 of the ACP-EC Council of Ministers of 11 December 2003 on the use of resources from the long-term development envelope of the ninth EDF for the creation of a Peace Facility for Africa, [EN](#)
 - 2001
 - Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community ('Overseas Association Decision, [EN](#)
 - 2000
 - Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, [EN](#)
 - Cairo Plan of Action, [EN](#)
 - 1998
 - Democratisation, the rule of law, respect for human rights and good governance: the challenges of the partnership between the European Union and the ACP States - Communication from the Commission - COM(1998)146 (March 1998), [EN](#)
 - 1995
 - Agreement amending the fourth ACP-EC convention of Lomé signed in Mauritius on 04.11.1995, [EN](#)
 - 1989
 - Fourth ACP-EEC Convention signed at Lomé on 15 December 1989, [EN](#)
- ENPI countries (Med/Middle East, Eastern Europe and Southern Caucasus)¹⁵⁴**
- 2009
 - Joint Declaration of the Prague Eastern Partnership Summit Prague, 7 May 2009, [EN](#)
 - 2008
 - Eastern Partnership - Communication from the Commission to the European Parliament and the Council - COM(2008) 823 final {SEC(2008) 2974}of 03.12.2008, [EN](#)
 - Final Statement of the Marseille Meeting of the Euro-Mediterranean Ministers of Foreign Affairs, 3-4 November 2008, [EN](#)
 - Joint Declaration of the Paris Summit for the Mediterranean, Paris, 13 July 2008, [EN](#)
 - Barcelona Process: Union for the Mediterranean - Communication from the Commission to the European Parliament and the Council - COM(2008) 319 final of 20.05.2008, [EN](#)
 - Principles for the implementation of a Governance Facility under the ENPI, 22.02.2008, [EN](#)
 - 2007
 - A Strong European Neighbourhood Policy - Communication from the Commission to the European Parliament and the Council, COM(2007) 774 final of 05/12/2007, [EN](#)
 - 2006
 - Strengthening the European Neighbourhood Policy, Communication from Communication to the Council and the European Parliament - COM(2006)726 final of 04.12.2006, [EN](#)
 - Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument, [EN](#)
 - 2005
 - Tenth Anniversary of the Euro-Mediterranean Partnership: A work programme to meet the challenges of the next five years - Communication from the Commission to the Council and the European Parliament COM(2005) 139 of 12.04.2005, [EN](#)
 - 2004
 - European Neighbourhood Policy - Strategy Paper - Communication from the Commission to the Council and the European Parliament, COM(2004) 373 final of

¹⁵⁴ A dedicated and comprehensive website on the ENP is available at: http://ec.europa.eu/world/enp/welcome_en.htm

12.05.2004, [EN](#)

- 2003
- Paving the way for a New Neighbourhood Instrument - Communication from the Commission COM(2003) 393 final of 01.07.2003, [EN](#)
 - Reinvigorating EU actions on Human Rights and Democratisation with Mediterranean Partners – Strategic Guidelines - European Commission communication to the Council and the European Parliament - COM(2003) 294 of 21.05.2003, [EN](#)
 - Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours - Communication from the Commission to the Council and the European Parliament - COM(2003) 104 of 11.03.2003, [EN](#)
- 2002
- The Enlarged Union and its Neighbours – Conclusions of the Presidency, European Council of Copenhagen of 12 and 13 December 2002, [EN](#)
- 2000
- Common strategy of the EU on the Mediterranean Region – Santa Maria da Feira Council 19-20 June 2000: Conclusions of the Presidency, [EN](#)
 - Reinvigorating the Barcelona process - Communication from the Commission to the Council and the European Parliament to prepare the fourth meeting of Euro-mediterranean foreign ministers COM(2000) 497 of 06.09.2000, [EN](#)
- 1999
- Council Regulation (EC, EURATOM) No 99/2000 of 29 December 1999 concerning the provision of assistance to the partner States in Eastern Europe and Central Asia (TACIS), [EN](#)
- 1996
- Council Regulation (EC) No 1488/96 of 23 July 1996 on financial and technical measures to accompany the reform of economic and social structures in the framework of the Euro-Mediterranean partnership (MEDA), [EN](#)
- 1995
- Final Declaration of the Barcelona Euro-Mediterranean Ministerial Conference of 27 and 28 November 1995, [EN](#)¹⁵⁵

Asia¹⁵⁶

- 2006
- Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation, [EN](#)
- 2003
- A new partnership with South East Asia - Communication from the Commission to the Council and European Parliament –COM (2003) 399 final of Brussels, 09.07.2003, [EN](#)
- 2001
- Europe and Asia: A Strategic Framework for Enhanced Partnerships - Communication from the Commission to the Council and European Parliament – COM(2001) 469 final of 04.09.2001, [EN](#)
- 1994
- Towards a new Asia strategy - Communication from the Commission to the Council COM(94)314 of 13.07.1994., [EN](#)
- 1992
- Council Regulation (EEC) No 443/92 of 25 February 1992 on financial and technical assistance to, and economic cooperation with, the developing countries in Asia and Latin America (ALA), [EN](#)

Central Asia¹⁵⁷

- 2008
- Joint Progress Report by the Council and the European Commission to the European Council on the implementation of the EU Central Asia Strategy of 24.06.08, [EN](#)

¹⁵⁵ The key documents related to the Barcelona process can be found at: <http://www.euromed-seminars.org/mt/archive/documents.htm>

¹⁵⁶ The programming documents are available at: http://ec.europa.eu/external_relations/asia/docs/index_en.htm Specific information on the EU relations with China and India can be found at : http://ec.europa.eu/external_relations/china/docs/index_en.htm and http://ec.europa.eu/external_relations/india/docs/index_en.htm

¹⁵⁷ The key EU programmign documents for the region are available at : http://ec.europa.eu/external_relations/central_asia/docs/index_en.htm

- 2008 ▪ EU Human Rights Dialogues with Central Asian countries, [EN](#)
- 2007 ▪ The EU and Central Asia : Strategy for a New Partnership – European Council, June 2007, [EN](#)
- 2006 ▪ Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation, [EN](#)
- 1999 ▪ Council Regulation (EC, EURATOM) No 99/2000 of 29 December 1999 concerning the provision of assistance to the partner States in Eastern Europe and Central Asia (TACIS), [EN](#)

Latin American countries¹⁵⁸

- 2009 ▪ Memorandum of Understanding between the European Union and the General Secretariat of the OAS, 17 December 2009
- 2008 ▪ The Strategic Partnership between the European Union, Latin America and the Caribbean: A Joint Commitment, [EN](#)
- 2006 ▪ Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation, [EN](#)
- 2005 ▪ A Stronger Partnership between the EU and Latin America - Communication from the Commission to the Council and European Parliament – COM (2005) 636 final of 8.12.2005, [EN](#)
- 2004 ▪ The Commission's objectives, in the framework of the relations between the European Union and Latin America, in view of the 3rd Summit of Heads of State and Government of the European Union and Latin America and the Caribbean to be held in Guadalajara (Mexico) on 28 May 2004 - Communication from the Commission to the Council and the European Parliament COM(2004) 220 final of 07.04.2004, [EN](#)
- 2003 ▪ Proposal for a Council Decision on the conclusion of a Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Andean Community and its member countries, the Republics of Bolivia, Colombia, Ecuador, Peru and the Bolivarian Republic of Venezuela, of the other part – COM(2003) 695 final of 14.11.2003, [EN](#)
- Political Dialogue and Cooperation Agreement between the European Community and its Member States, on the one part, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, of the other part, of 02.10.2003, [EN](#)
- 2000 ▪ Follow-up to the first summit between Latin America, the Caribbean and the European Union - Communication from the Commission to the Council and the European Parliament COM (2000) 670 of 31/10/2000, [EN](#)
- 1999 ▪ Rio Declaration, [EN](#)
- Council Decision of 22 March 1999 concerning the conclusion, on behalf of the European Community, of the interregional framework cooperation agreement between the European Community and its Member States, of the one part, and the Southern Common Market and its Party States, of the other part, [EN](#)
- A new European Union-Latin America partnership on the eve of the 21st century - Communication from the Commission of 9 March 1999 COM(99) 105 of 09/03/1999, [EN](#)
- 1995 ▪ Interregional Framework Cooperation Agreement between the European Community and its Member States, of the one part, and the Southern Common Market and its

¹⁵⁸ More documents on: (i) the EU relations with the Andean Community are available at: http://ec.europa.eu/external_relations/andean/docs/index_en.htm; (ii) the EU relations with the Central America at: http://ec.europa.eu/external_relations/ca/docs/index_en.htm; (iii) the EU relations with Mercosur at: http://ec.europa.eu/external_relations/mercosur/docs/index_en.htm.

Party States, of the other part - Joint Declaration on political dialogue between the European Union and Mercosur of 15.12.1995, [EN](#)

- The European Union and Latin America - the present situation and prospects for closer partnership 1996-2000 - Communication from the Commission to the Council and the European Parliament COM (1995)495 of 23 October 1995, [EN](#)
- 1992 ▪ Council Regulation (EEC) No 443/92 of 25 February 1992 on financial and technical assistance to, and economic cooperation with, the developing countries in Asia and Latin America (ALA), [EN](#)

EC/EU Human Rights Policy

EC Human Rights Policy Documents

- 2011 ▪ European Parliament (2011), Directorate-General for External Policies of the Union, Directorate B Policy Department Study, An Assessment of the Balancing of the EU Development Objectives with other Policies and Priorities, Brussels, 25.1.2006 COM(2006) 23 final
- 2009 ▪ Council of the European Union (2009), Democracy Support in the EU's External Relations, conclusions of the 2974th External Relations Council meeting Brussels, 17 November 2009
- Supporting Democratic governance through the Governance Initiative: A Review and the Way Forward - Commission Staff Working Paper SEC(2009) 58 final of 19.1.2009, [EN](#)
- European Parliament (2009), Directorate Citizens' Rights and Constitutional Affairs, External Dimension of the Area of Freedom, Security and Justice Study, General Internal Policies, Policy Department C, March 2009, PE 410.688
- 2008 ▪ Regulation (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011 and amending Regulations (EC) No 552/97, (EC) No 1933/2006 and Commission Regulations (EC) No 1100/2006 and (EC) No 964/2007, [EN](#)
- Council of the European Union (2008), Policy Mainstreaming Human Rights and gender into European Security and Defense Policy
- 2007 ▪ Gender Equality and Women Empowerment in Development Cooperation - Communication from the Commission to the European Parliament and the Council – COM (2007) 100 final of 8.3.2007, [EN](#)
- 2006 ▪ Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide, [EN](#)
- Thematic Programme for the Promotion of Democracy and Human Rights Worldwide under the Future Financial Perspectives (2007-2013) - Communication from The Commission to the Council and the European Parliament - COM (2006) 23 of 25.01.2006, [EN](#)
- Governance in the European Consensus on Development – Towards a Harmonised Approach within the European Union - European Commission communication to the Council, European Parliament, European Economic and Social Committee and the Committee of the Regions - COM(2006) 421 of 30.08.2006, [EN](#)
- Investing in people - Communication from the Commission to the Council and the European Parliament on the thematic programme for human and social development and the financial perspectives for 2007-2013 - COM(2006) 18 final, [EN](#)
- Towards an EU Strategy on the Rights of the Child - Communication from the

Commission – COM (2006) 367 final of 4.7.2006, [EN](#)

- Thematic Programme Non-state Actors and Local Authorities in Development – Communication from the Commission to the Council and the European Parliament, The European Economic and Social Committee and the Committee of the Regions - COM(2006) 19 final of 25.1.2006, [EN](#)
- Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability, [EN](#)
- 2005
 - External Actions through Thematic Programmes under the Future Financial Perspectives 2007-2013 - Communication from The Commission to the Council and the European Parliament - COM(2005) 324 final of 03.08.2005, [EN](#)
- 2004
 - Regulation (EC) No 2240/2004 of the European Parliament and of the Council of 15 December 2004 amending Council Regulation (EC) No 975/1999 laying down the requirements for the implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms, [EN](#)
 - Council Regulation (EC) No 2242/2004 of 22 December 2004 amending Regulation (EC) No 976/1999 laying down the requirements for the implementation of Community operations, other than those of development cooperation, which, within the framework of Community cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries, [EN](#)
- 2003
 - Governance and Development - Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee COM(2003) 615 final of 20.10.2003, [EN](#)
- 2001
 - The European Union's Role in Promoting Human rights and Democratisation in Third Countries – Council Conclusions, GAERC, Luxemburg of 25.06.2001 - [EN](#)
 - The European Union's Role in Promoting Human rights and Democratisation in Third Countries - Communication from the Commission to the Council and European Parliament - COM (2001) 252 of 08.05.2001, [EN](#)
 - Conflict Prevention - Communication from the Commission – COM (2001) 211 final of 11.04.2001, [EN](#)
 - Council Regulation (EC) No 381/2001 of 26.02.2001 creating a rapid-reaction mechanism, [EN](#)
- 2000
 - On EU Election Assistance and Observation - Communication from the Commission - COM(2000) 191 of 11.04.2000, [EN](#)
- 1999
 - Council Regulation (EC) No 975/1999 of 29 April 1999 laying down the requirements for the implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms, [EN](#)
 - Council Regulation (EC) No 976/1999 of 29 April 1999 laying down the requirements for the implementation of Community operations, other than those of development cooperation, which, within the framework of Community cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries, [EN](#)
- 1998
 - Council Regulation (EC) No 2820/98 of 21 December 1998 applying a multiannual scheme of generalised tariff preferences for the period 1 July 1999 to 31 December 2001, [EN](#)
- 1998
 - Council Regulation (EC) No 1658/98 of 17 July 1998 on co-financing operations with European non-governmental development organisations (NGOs) in fields of interest

to the developing countries, [EN](#)

- 1998 ▪ Council Regulation (EC) No 1659/98 of 17 July 1998 on decentralised cooperation, [EN](#)
- 1996 ▪ Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid, [EN](#)
- 1995 ▪ The European Union and the External Dimension of Human Rights Policy: from Rome to Maastricht and Beyond - Communication from the Commission to the Council and European Parliament - COM(1995)567 of 22.11.1995, [EN](#)
- The Inclusion of respect of democratic principles and human rights in agreements between the Community and Third Countries - Communication from the Commission - COM (95) 216 final of 13.05.1995, [EN](#)
- 1991 ▪ Resolution of the EC Council and of the Members States meeting in the Council on Human rights, Democracy and Development of 28 November 1991, [EN](#)
- Declaration on Human Rights, Luxemburg European Council, 28 and 29 June 1991, [EN](#)
- Human Rights, Democracy and Development Cooperation Policy – Commission Communication to the Council and Parliament - COM (1991) 61 final of 25 March 1991, [EN](#)

EU sectoral guidelines¹⁵⁹

- 2009 ▪ Guidelines Human Rights and International Humanitarian Law
- Human rights dialogues with third countries (updated version of 2001 guidelines)
- 2008 ▪ Violence against women and girls and combating all forms of discrimination against them
- Death Penalty
- Torture and other cruel, inhuman or degrading treatment or punishment (updated version of 2001 guidelines)
- Children and Armed Conflict (updated version of 2003 guidelines)
- Human Rights Defenders (updated version of 2004 guidelines)
- 2007 ▪ Promotion and protection of the rights of the child
- 2005 ▪ Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy, doc. 15114/05 of 02.12.2005, [EN](#)

EC Programming Guidelines

- 2008 ▪ Programming fiche “Democracy and Human Rights”, DG RELEX, December 2008, [EN](#)
- Programming fiche “Gender Equality”, November 2008
- Programming fiche “Rights of the Children”, November 2008

¹⁵⁹ The EU sectoral guidelines can be found at: <http://www.consilium.europa.eu/showPage.aspx?id=822&lang=EN>

EIDHR

Overview of the EIDHR

- 2011
 - EU annual report On Human Rights and Democracy in the World in 2010: http://eeas.europa.eu/human_rights/docs/index_en.htm
- 2009
 - Leaflet on the European Instrument for Democracy and Human Rights (EIDHR), [EN](#)
- 2007
 - Brochure "Furthering Human Rights and Democracy Across th Globe 2007", [EN](#)
 - Presentation on the implementation of the European Instrument for Democracy and Human Rights, [EN](#)

EIDHR Strategy Papers and Annual Action Programmes (2002-2010)¹⁶⁰

- 2010
 - European Instrument for Democracy and Human Rights (EIDHR) Strategy Paper 2011 – 2013, 21 April 2010

EIDHR Annual Action Programmes 2011

- 2011
 - 29 March 2011 - Adoption of the EIDHR Annual Action Programme 2011

EIDHR Annual Action Programmes 2010

- 2010
 - 18 March 2010 - Adoption of EIDHR Annual Action Programme 2010 (Decision Reference C/2010/1614)

EIDHR Annual Action Programmes 2009

- 2009
 - 15/04/2009 Adoption of EIDHR Annual Action Programme 2009 - Decision reference C(2009)2635
 - Annual Work Programme 2009

EIDHR Annual Action Programmes 2008

- 2008
 - EIDHR Annual Action Programme 2008 - Memorandum
 - EIDHR Annual Action Programme 2008 - Action Fiches 1 to 7
 - EIDHR Annual Action Programme 2008 - Action Fiches 8-14
 - First Amendment to the 2008 Annual Action Programme - Addition of two Action Fiches and modification of Fiche 3
 - Second Amendment to the EIDHR 2008 Annual Action Programme - Modification of two Action Fiches (1 and 13)
 - Second Amendment to the EIDHR 2008 Annual Action Programme - Addition of two Action Fiches (19 and 20)

EIDHR Annual Action Programmes 2007

- 2007
 - EIDHR Annual Action Programme 2007 - Memorandum
 - EIDHR Annual Action Programme 2007 - Action Fiches
 - EIDHR Strategy Paper 2007-2010
 - Annex I: EIDHR financial allocations 2007 – 2010

¹⁶⁰ All documents related to EIDHR Strategy Papers and Action Programmes are available at: http://ec.europa.eu/europeaid/where/worldwide/eidhr/working-documents_en.htm

- Annex II: Country-based support scheme - Qualifying countries in 2007 and 2008
- Annex III: European Initiative for Democracy and Human Rights - A review of the results of evaluations on the Initiative

EIDHR Annual Action Programmes 2006

- 2006
 - EIDHR Annual Work Programme for 2006
 - Annex 1 : Eligibility of Countries
 - Annex 2: Micro-allocations 2006
 - Amendment of the EIDHR Annual Work Programme for 2006

EIDHR Annual Action Programmes 2005

- 2005
 - EIDHR Annual Work Programme for 2005
 - Annex 1: Eligible Countries and Regions per EIDHR Campaign 2005
 - Annex 2: Country Allocations for Micro Projects 2005
 - European Initiative for Democracy and Human Rights Programming update 2005
 - EIDHR Programming for 2005 and 2006

EIDHR Annual Action Programmes 2004

- 2004
 - EIDHR Annual Work Programme for 2004
 - EIDHR Annual Work Programme: Revised version- 14 May 2004
 - European Initiative for Democracy and Human Rights Programming update 2004: Revised version (30 April 2004)

EIDHR Annual Action Programmes 2003

- 2003
 - European Initiative for Democracy and Human Rights Programming update 2003
 - European Initiative for Democracy and Human Rights Programming Document 2002-2004

Evaluation reports on overall EU HRs policy and specific EIDHR funding

EIDHR Compendium and EC Reports

- 2006
 - Compendium of activities funded under EIDHR 2000-2006 (per theme), [EN](#)
 - Compendium of activities funded under EIDHR 2000-2006 (per country), [EN](#)
 - List of projects funded under EIDHR 2003-2006, [EN](#)
 - Statistics of activities funded under EIDHR 2000-2006, [EN](#)
- 2004
 - Implementation of the Commission Communication on European Union's Role in Promoting Human rights and Democratisation in Third Countries - European Commission Staff working Document - SEC(2004) 1041 of 30.07.2004, [EN](#)
- 2003
 - Impact Assessment of Regulations 975/1999 and 975/1999, [EN](#)
- 2001
 - EIDHR - Compendium 2001 Macro projects and Micro projects, [EN](#)
 - On the implementation of the European Initiative for Democracy & Human Rights in 2000 - Brussels, 22 May 2001, SEC(2001) 801, [EN](#)
- 2000
 - EIDHR - Compendium 2000 Macro projects, [EN](#)
 - On the implementation of measures intended to promote observance of human rights and democratic principles in external relations for 1996-1999 COM(2000) 726 final -

Report from the Commission- 14/11/2000, [EN](#)

- 1996
- Report on the implementation of measures intended to promote observance of human rights and democratic principles (for 1995), [EN](#)

EIDHR Evaluations – thematic priorities and EIDHR programs at country and regional levels¹⁶¹

- 2010
- Evaluation & recommendations on EIDHR support to Human Rights Defenders (May 2010)
 - Capitalisation Study of the EIDHR Programme in Angola
 - Evaluation of the EIDHR Programme in Georgia 2005-2007
- 2008
- Mid-Term Evaluation of EIDHR micro-projects programme in Sri Lanka
 - EIDHR Evaluation on its Support to the Establishment and Functioning of the ICC, HTSPE Limited
 - Evaluation of "Support to Prevention of Torture and Torture Rehabilitation Centres Supported by EIDHR", HTSPE Limited
- 2007
- EIDHR Evaluation on the Abolition of Death Penalty Projects, Cesoci & Sofreco
- 2006
- Evaluation of ongoing micro-projects financed under EIDHR in Ukraine - 14 August 2006
 - Evaluation of the "Programa Andino de derechos humanos y democracia", human european consultancy, January 2006
- 2005
- EIDHR Evaluation "Fight against racism, xenophobia and discrimination", human european consultancy in partnership with the Netherlands Humanist Committee on Human Rights and the Danish Institute for Human Rights
 - Summary of the EIDHR Evaluation "Fight against racism, xenophobia and discrimination", human european consultancy in partnership with the Netherlands Humanist Committee on Human Rights and the Danish Institute for Human Rights
- 2003
- Evaluation report of the Torture Rehabilitation Centres, MEDE European Consultancy in partnership with the Netherlands Humanist Committee on Human Rights And The Danish Institute for Human Rights
 - European Commission' support for the International Criminal Court: Report on the experts Conference held in Naples 25-27 September 2003
- 2000
- External evaluation of Community aid concerning positive actions in the field of human rights and democracy in the ACP countries 1995-1999, PARTICIP GmbH

EIDHR Evaluations - Specific programmes/projects within the thematic priorities¹⁶²

- 2008
- Evaluation of "EIDHR Programme in Russia", IBF International Consulting together with BAa Consultors, June 2008
- 2007
- Evaluation report on "Network of Schools for Political Studies", ECORYS Nederland BV, August 2007
- 2003
- Evaluation report of the Human Rights Masters Programmes, MEDE European consultancy in partnership with Netherlands Humanist Committee on Human Rights The Danish Institute for Human Rights November 2003
 - Evaluation report of the Moscow School of Political Studies, MEDE European Consultancy in partnership with Netherlands Humanist Committee on

¹⁶¹ The documents listed below are available at: http://ec.europa.eu/europeaid/where/worldwide/eidhr/working-documents_en.htm

¹⁶² *Ibid*

Human Rights And The Danish Institute for Human Rights September 2003

Annual Reports

Annual Reports on Human Rights

European Union Annual Reports on Human Rights 1999-2008 (Council of the EU)¹⁶³

- 2008 ▪ European Union Annual Report on Human Rights 2008
- 2007 ▪ European Union Annual Report on Human Rights 2007
- 2006 ▪ European Union Annual Report on Human Rights 2006
- 2005 ▪ European Union Annual Report on Human Rights 2005
- 2004 ▪ European Union Annual Report on Human Rights 2004
- 2003 ▪ European Union Annual Report on Human Rights 2003
- 2002 ▪ European Union Annual Report on Human Rights 2002
- 2001 ▪ European Union Annual Report on Human Rights 2001
- 2000 ▪ European Union Annual Report on Human Rights 2000
- 1999 ▪ European Union Annual Report on Human Rights 1999/1998

Annual Reports on Human Rights 1999-2007 (European Parliament)¹⁶⁴

- 2008 ▪ Human Rights in the World 2007 and the EU's policy on the matter (2007/2274(INI))
- 2007 ▪ Annual Report on Human Rights in the World in 2006 and the EU's policy on the matter (INI/2007/2020)
- 2006 ▪ Annual Report on Human Rights in the World in 2005 and the EU's policy on the matter (2005/2203(INI))
- 2005 ▪ Annual Report on Human Rights in the World in 2004 and the EU's policy on the matter (2004/2151(INI))
- 2004 ▪ Annual Report on Human Rights in the World in 2003 and the EU's policy on the matter (2003/2005(INI))
- 2003 ▪ Annual Report on Human Rights in the World in 2002 and the EU's policy on the matter (2002/2011(INI))
- 2002 ▪ Annual Report on Human Rights in the World in 2001 and the European Union Human Rights Policy (2001/2011(INI))
- 2001 ▪ Annual Report on Human Rights in the World in 2000 and the European Union Human Rights Policy (11317/2000 - C5-0536/2000 and C5-0628/2000 - 2000/2105(INI))
- 2000 ▪ Annual Report on International Human Rights and the European Union Human Rights Policy, 1999 (11350/1999 – C5-0265/1999 – 1999/2002(INI))

¹⁶³ All the Reports are available at: <http://www.consilium.europa.eu/showPage.aspx?id=970&lang=en>

¹⁶⁴ The EP's Reports are accessible at: http://www.europarl.europa.eu/compair/afet/droi/annual_reports.htm

European Union and European Commission: Speeches and Press Releases

- 2011
- Speech by Commissioner Andris Piebalgs at the European Parliament inter-parliamentary committee meeting with national parliaments, Brussel, 11 October 2011
 - Joint declaration by Catherine Ashton, European Union High Representative for Foreign Affairs and Security Policy, and Thorbjørn Jagland, Secretary General of the Council of Europe, on the European and World Day against the Death Penalty, A 402/11, 10 October 2011
 - Statement by High Representative Catherine Ashton on the ratification of the Rome Statute of the International Criminal Court by the Philippines, A 340/11, 31 August 2011
 - Speech of High Representative Catherine Ashton on main aspects and basic choices of the Common Foreign and Security Policy and the Common Security and Defence policy European Parliament – Strasbourg, A 179/11, Brussels, 11 May 2011
 - Remarks by Catherine Ashton, EU High Representative for Foreign Affairs and Security Policy, in the margins of the Human Rights Council, A 080/11, Geneva, 28 February 2011
- 2010
- Press Releases - Catherine Ashton EU High Representative for Foreign Affairs and Security Policy and Vice President of the European Commission « Annual Human Rights Report » European Parliament Strasbourg, 15 December 2010
 - Remarks by High Representative Ashton on Gaza, A 105/10, Brussels, 17 June 2010
 - Catherine Ashton EU High Representative for Foreign Affairs and Security Policy and Vice President of the European Commission, Speech to the European Parliament on the situation in Gaza, 16 June 2010, SPEECH/10/315
 - Catherine Ashton EU High Representative for Foreign Affairs and Security Policy and Vice President of the European Commission, Speech to the European Parliament on human rights, Strasbourg, 16 June 2010, SPEECH/10/317
 - Speech by EU High Representative Catherine Ashton on Behalf of the European Union, to the International Conference on Haiti "A Shared Vision for Haiti – the Next Ten Years" New York, 31 March 2010
 - Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission, Introductory remarks at presentation of the proposal for the European External Action Service (EEAS), SPEECH/10/129, Brussels, 25 March 2010
 - R/VP Ashton Speeches to the European Parliament on human rights: http://www.eu-un.europa.eu/home/index_en.htm

European Union: seminars and field missions

- 2010
- Regional seminar, Amman, 28, 29, 30 June 2010 European Neighbourhood on the Implementation of Democracy and Human Rights instruments, mainly the European Instrument for Democracy and Human Rights (EIDHR), Draft Seminar Report
 - Civil Society Index in Kazakhstan. Strengthening Civil Society'. CIVICUS Civil Society Index 2008-2010. Analytical Country Paper by M. Makhmutova and A. Akhmetowa.
 - Joint Progress Report by the Council and the European Commission to the European Council on the implementation of the EU Strategy for Central Asia'. Council of the European Union, Brussels 28 June 2010, 11402/10.
 - "Ethiopia: Human Rights Watch 2010 Report"

- Universal Periodic Reviews, Ethiopia, 2000-2010
- Universal Periodic Reviews, Vietnam, 2000-2010

International Human Rights Instruments

International Human Rights Instruments

Core Human Rights Treaties

- 2006
- Convention on the Rights of Persons with Disabilities (CRPD), [EN](#)
 - Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006), [EN](#)
 - International Convention for the Protection of All Persons from Enforced Disappearance, [EN](#)
- 1990
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), [EN](#)
- 1989
- Convention on the Rights of the Child (CRC), [EN](#)
 - Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000), [EN](#)
 - Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000), [EN](#)
- 1984
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), [EN](#)
 - Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2002), [EN](#)
 - Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), [EN](#)
- 1979
- Optional Protocol to the Convention on the Elimination of Discrimination against Women (1999), [EN](#)
- 1966
- International Covenant on Civil and Political Rights (ICCPR), [EN](#)
 - Optional Protocol to the International Covenant on Civil and Political Rights (1966), [EN](#)
 - Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (1989), [EN](#)
 - International Covenant on Economic, Social and Cultural Rights (ICESCR), [EN](#)
 - Optional Protocol of the Covenant on Economic, Social and Cultural Rights (2008), [EN](#)
- 1965
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), [EN](#)

Regional Instruments: European Union

- 2007
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, [EN](#)
- 2005
- Council of Europe Convention on Action against Trafficking in Human Beings, [EN](#)
- 2000
- Charter of Fundamental Rights of the European Union, [EN](#)
- 1987
- European Convention on Torture, [EN](#)
- 1961
- European Social Charter, [EN](#)

- 1950
- European Convention for the Protection of Human Rights and Fundamental Freedoms (also known AS European Convention on Human Rights), [EN](#)
Protocols n° 1 to 14 *bis*, [EN](#)

Regional Instruments: Africa

- 2003
- Maputo Protocol, [EN](#)
- 1979
- African Charter on Human and Peoples' Rights, [EN](#)

Regional Instruments: America

- 1999
- Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, [EN](#)
- 1994
- Inter-American Convention on Forced Disappearance of persons, [EN](#)
 - Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, [EN](#)
- 1987
- Inter-American Convention to Prevent and Punish Torture, [EN](#)
- 1969
- American Convention on Human Rights, [EN](#)

Declarations

- 2007
- Declaration on the Rights of Indigenous Peoples, [EN](#)
- 2000
- United Nations Millennium Declaration, [EN](#)
- 1993
- Vienna Declaration and Programme of Action Adopted by the World Conference on Human Rights in Vienna on 25 June 1993, [EN](#)
- 1992
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, [EN](#)
- 1990
- Cairo Declaration of Human Rights, [EN](#)
- 1959
- Declaration of the Rights of the Child, [EN](#)
- 1948
- Universal Declaration of Human Rights, [EN](#)
 - American Declaration of the Rights and Duties of Man, [EN](#)

United Nations: Resolutions, Declarations and Reports

- 2011
- Human Rights Council Sixteenth session (2011), Report of the independent expert on minority issues, Gay McDougall, A/HRC/16/45/Add.2, 24 January 2011
- 2009
- Secretary General, Report of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, 12 August 2009, A/64/289
 - UNESCO (2009), Major International Instruments Status as at 31 May 2009 - Dedicated to the International Year of Human Rights Learning
 - Resolution adopted by the General Assembly, 60/251. Human Rights Council, Sixtieth session A/RES/60/251, 3 April 2006.
 - Resolution adopted by the General Assembly, Moratorium on the use of the death

penalty, A/RES/63/168, 13 February 2009

- Human Rights Council, (2009), Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights including the Right to Development - Report of the Special Rapporteur on the right to food, Mr. Olivier De Schutter* The role of development cooperation and food aid in realizing the right to adequate food: moving from charity to obligation, A/HRC/10/5, 11 February 2009

External sources

- 2011
- A. Papisca, (2011), Human rights in the global space of politics, in K. De Feyter, S. Parmentier, C. Timmerman, G. Ulrich (Eds.) (2011), *The local relevance of human rights*. Cambridge: Cambridge University Press,
 - Brahmhatt, Milan and Otaviano Canuto (2011), Human Rights and Development Practice, Poverty Reduction and Economic Management (PREM) Network, N° 50, February 2011
 - Vandemoortele, Jan (2011), "Do the MDGs Really Need More Targets on Human Rights?"
- 2010
- Gallahue, Patrick and Rick Lines (2010), The Death Penalty for Drug Offences Global Overview 2010, 2010 International Harm Reduction Association
 - EUobserver.com / Foreign Affairs / "Human rights have to be central focus of EEAS 23.12.2010
- 2009
- Jonsson, Urban (2009), "From Poverty Reduction to Disparity Reduction, or From Basic Needs to Human Rights." Presentation to the International Conference on Child Policies and Disparities, Cairo, Egypt, January 19–20.
 - OECD, (2009), Mutual Accountability, Issues Brief 1.
- 2008
- Van Criekinge, Tine (2008) Implications of the Economic Partnership Agreements on the EU-ACP partnership and the possibility of ACP leverage. In: GARNET: The European Union in International Affairs (April 2008 : Brussels, Belgium).
 - S. Speed (2008), *Rights in Rebellion: Indigenous Struggle and Human Rights in Chiapas*, Stanford: Stanford University Press.
 - Gowan, Richard & Franziska Brantner (2008), Global Force for Human Rights? An Audit of European Power at the UN, Policy Paper, European Council on Foreign Relations
 - DANIDA (2008), Thematic Review of Mainstreaming of Cross-Cutting Issues, April 2008
- 2007
- DAC, 2007, DAC Action-Oriented Policy Paper on Human Rights and Development: www.oecd.org/dac/governance/humanrights
 - H.-O. Sano, (2007) "Does Human Rights-based Development make a Difference?" in M. Salomon, A. Tostensen, W. Vandenhoele. (Eds.) (2007), *Casting the Net Wider: Human Rights, Development and New Duty-Bearers*. Antwerp: Intersentia
- 2006
- Wiessala, Georg (2006), "Re-Orienting the Fundamentals: Human. Rights and New Connections in EU-Asia. Relations". Aldershot: Ashgate, 2006
 - S. Engle Merry (2006), *Human Rights and Gender Violence: Translating International Law into Local Justice* (Chicago: University of Chicago, 2006)
 - Koen De Feyter (2006), "Localizing Human Rights", No 2006.02, IOB Discussion Papers from Universiteit Antwerpen, Institute of Development Policy and Management (IOB)

- OHCHR (2006), *Frequently asked questions on a human rights-based approach to development cooperation*. Geneva : United Nations
 - The Development Dimension: Integrating Human Rights into Development: Donor Approaches, Experiences and Challenges, OECD-DAC, June 2006
 - Molenaers, Nadia, Linas Cepinskas and Bert Jacobs (2006), Budget support and policy/political dialogue Donor practices in handling (political) crises, Institute of Development Policy and Management, Discussion Paper 2010.06, ISSN 2033-7329
 - ECDPM (2006), EC Support to Governance is a “Moving Target”: Where do we stand regarding EU-Africa relationships?, Editorial written by Frédéric Ceuppens (fc@ecdpm.org). September 2006.
 - CONCORD (2006), Cotonou Working Group, “Whose Governance?” Available at: <http://www.concordeurope.org/download.cfm?media=pdfUK&id=1576#search=%2c%20concord%20whose%20governance%22>; and
- 2005
- Human Rights and Democracy: A Joint Latin-European Agenda?, by Alexandra Barahona de Brito -Senior Associate Researcher at the Institute of Strategic and International Studies (IEEI), in Lisbon, OBREAL/EULARO background papers, December 2005
 - German Law Journal No. 10 (1 October 2005) - The Application of Human Rights in African Caribbean and Pacific – European Union Development and Trade Partnership
 - Integrating Human Rights into Development - A synthesis of donor approaches and experiences, Laure-Hélène Piron with Tammie O’Neil, ODI - study prepared for the OECD DAC Network on Governance (GOVNET), Sept. 2005
 - Robinson, Mary (2005), “What Rights Can Add to Good Development Practice.” In *Human Rights and Development: Towards Mutual Reinforcement*, ed. Philip Alston and Mary Robinson. New York: Oxford University Press.
- 2003
- The EU’s Approach to Human Rights Conditionality in Practise, Elena Fierro, 2003
 - The Human Rights Clause in the EU’s External Trade and Development Agreements, Der-Chin Horng, *European Law Journal*, vol. 9, pp. 677-701, December 2003
- 2000
- Integrating Human Rights into Development Cooperation : the case of the Lomé Convention, Karin Arts, Kluwer Law International, 2000
- 1999
- The EU and Human Rights, (ed. By Philip Alston with Mara Bustelo and James Heenan), 1999

Websites

EU sectoral policies	
Children's Rights	http://ec.europa.eu/external_relations/human_rights/child/index_en.htm
Death Penalty	http://ec.europa.eu/external_relations/human_rights/adp/index_en.htm
Discrimination	http://ec.europa.eu/external_relations/human_rights/discrimination/index_en.htm
Election Assistance and Observation	http://ec.europa.eu/external_relations/human_rights/election_observation/index_en.htm

The ICC and the fight against Impunity	http://ec.europa.eu/external_relations/human_rights/icc/index_en.htm
Human Rights Defenders	http://ec.europa.eu/external_relations/human_rights/defenders/index_en.htm
Human Rights Dialogues	http://ec.europa.eu/external_relations/human_rights/dialogues/index_en.htm
Human Trafficking	http://ec.europa.eu/external_relations/human_rights/traffic/index_en.htm
Indigenous Peoples	http://ec.europa.eu/external_relations/human_rights/ip/index_en.htm
Torture and Ill-treatment	http://ec.europa.eu/external_relations/human_rights/torture/index_en.htm
Women's Rights	http://ec.europa.eu/external_relations/human_rights/women/index_en.htm
Multilateral Fora	http://ec.europa.eu/external_relations/human_rights/fora/index_en.htm
Cooperation with NGOs	http://ec.europa.eu/external_relations/human_rights/cooperation_with_ngo/index_en.htm

International organisations and NGOs

EU institutions

EC External Relations – promotion of human rights and democratisation in the EU's external relations	http://ec.europa.eu/external_relations/human_rights/intro/index.htm
EuropeAid Office – Democracy and human rights	http://ec.europa.eu/europeaid/where/worldwide/eidhr/working-documents_en.htm
Council of the European Union - EU human rights policy	http://www.consilium.europa.eu/human-rights
European Parliament - Human rights	http://www.europarl.europa.eu/comparl/human_rights/default_en.htm
Council of Europe	http://www.coe.int
Commissioner for Human Rights of the Council of Europe	http://www.coe.int/t/commissioner/default_EN.asp
European Court of Human Rights	http://www.echr.coe.int/echr

Other International Organisations

United Nations	http://www.un.org
UN Office of the High Commissioner for Human rights	http://www.ohchr.org
International Criminal Court	http://www.icc-cpi.int

International Labour Organisation	http://www.ilo.org/global/lang--en/index.htm
Organisation for Security and Cooperation in Europe	http://www.osce.org
African Union	http://www.africa-union.org
African Commission on Human and People's Rights	http://www.achpr.org/
Organisation of American States	http://www.oas.org/
Inter-American Commission on Human Rights	http://www.cidh.org/
International NGOs	
Amnesty International	http://amnesty.org
Human Rights and Democracy Network	http://www.act4europe.org/code/en/sect.asp?Page=41
Human Rights Watch	http://www.hrw.org
International Committee of the Red Cross	http://www.icrc.org
International Federation of Human Rights	http://www.fidh.org
Fundación para las Relaciones Internacionales y el Diálogo Exterior	http://www.fride.org/section/23/peace-security-human-rights