



European Commission

FURTHERING HUMAN RIGHTS AND DEMOCRACY ACROSS THE GLOBE



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THE EUROPEAN UNION: FURTHERING HUMAN RIGHTS AND DEMOCRACY ACROSS THE GLOBE



EUROPEAN COMMISSION
External Relations



Foreword by Commissioner Ferrero-Waldner

It is with great pleasure that I introduce this brochure, which gives a general overview of EU tools and policies in the field of human rights and democratisation. It provides an insight into some of the major concerns which the EU tackles in its external human rights policy and the role it plays in protecting human rights and promoting inclusive democracy across the world.

Central to the EU's approach is the concept of human security – an idea of security which places people at the heart of our policies. It means looking at the comprehensive security of people, not the security of states, encompassing both freedom from fear and freedom from want.

A world in which people can live in freedom, security and dignity, free from poverty and despair, is still a dream for many. Yet only in a world based on the rule of law and the freedom from fear and want can people develop their individual and collective potential. Respect for human rights is one of the most fundamental and universal values of our world. All of us have a responsibility to promote and protect the rights of our fellow members of the human family, be that at home or elsewhere in the world.

The EU takes this obligation seriously. We have been pursuing an active human rights policy with our partners for many years, through political dialogue, human rights clauses in our agreements with partner countries, in the international fora as well as through our development aid programs, in particular the European Initiative for Human Rights and Democracy (EIDHR).¹

We take a two-pronged approach: first, mainstreaming human rights concerns into all our policies and programs, and second, financing specific projects to promote and protect human rights.

By mainstreaming we mean integrating human rights and democratisation throughout the EU policies, programmes and projects. Our work is guided by the human rights guidelines that the EU has issued on the death penalty, torture, dialogues with third countries, children affected by armed conflict, human rights defenders* as well as by the international human rights conventions, which translate into the founding Treaties of the European Union. We have given particular attention to the vulnerable situation of women human rights defenders: in this framework we have implemented a worldwide campaign including meetings with women human rights defenders, issuing démarches, declarations and statements and raising the issue with our partner governments.

Through the European Instrument for Democracy and Human Rights (EIDHR), which currently has an average annual budget of some € 140 million, we fund a broad range of human rights projects across the world.

We have seen a number of positive developments in the human rights field. We have worked hard to implement the 2005 UN Summit's decision to establish a Human Rights Council. Its inauguration last year gave us an important mechanism to better protect and promote human rights around the world - empowering women; helping states meet their international obligations; assisting human rights defenders and children in armed conflict; and sounding the alarm when violations occur. We now need to ensure it is able to work as efficiently and effectively as possible.

Through our European Neighbourhood Policy (ENP) we have, for the first time, been able to set up forums to discuss human rights and democracy issues with Jordan, Morocco, Lebanon and Tunisia and others are in the pipeline. The first progress reports on the implementation of the ENP confirmed that profound reforms are underway as regards legislation, administration and judiciary. These reforms geared to enhance protection of human rights and fundamental freedoms as well as to strengthen democracy and good governance will no doubt make a significant difference in the lives of all people in our neighbour countries.

But of course more remains to be done. The focus of the new EIDHR (2007-2013) is on enhancing respect for human rights, and fundamental freedoms and the protection of human rights defenders worldwide. This new funding instrument will also pay particular attention to activities relating to the EU guidelines on human rights issues and strengthening of civil society. It will seek to promote fundamental rights in countries and regions where they are most at risk. Moreover, it will support the international framework for the protection of human rights, the rule of law and justice, and the promotion of democracy. Confidence in democratic electoral processes will continue to be built through further development of electoral observation.

Human security, democracy and prosperity can only be achieved in societies where fundamental human rights are respected. Humanity will not enjoy security without development; it will not enjoy development without security; and it will not enjoy either without respect for human rights.

As Aung San Suu Kyi so famously wrote, "Please use your liberty to promote ours". That is what the EU, with all the instruments at its disposal, is striving for.

December 2007

Dr. Benita Ferrero-Waldner

Member of the European Commission responsible for
External Relations and European Neighbourhood Policy

¹ As of 2007, EIDHR stands for the "European Instrument for Democracy and Human Rights".

* A new set of EU Guidelines for the Promotion and Protection of the Rights of the Child are at the point of being adopted by the Council.



Introduction

The European Union has made human rights and democracy a central aspect of its external relations: in the political dialogue it holds with third countries; through its development cooperation and assistance; or through its action in multilateral fora such as the United Nations.

Human rights:

- ✓ Universal, indivisible, inter-related and inter-dependent
- ✓ Embrace civil, political, economic, social and cultural rights
- ✓ Set out in a wide range of international and regional instruments

This brochure provides an insight into some of the major concerns which the EU tackles in its external human rights policy, and the role the EU plays on the international scene in shaping the present - and future - protection of human rights across the world.

Why are human rights important?

- ✓ human rights reinforce human dignity and allow individuals to reach their full potential
- ✓ respect for human rights creates peaceful and stable societies
- ✓ States which respect human rights make more reliable international partners
- ✓ no peace without human rights, no development without human rights – and vice versa

Respect for Human Rights begins at Home

The struggle to achieve the protection of the human rights of every man, woman and child has a long history. From their place in landmarks of European development, such as the English Magna Carta (1215) and the French Declaration of the Rights of Man and the Citizen (1789), to the forging of the modern UN system, where the advancement of human rights is of central importance, human rights have been embraced – and violated – by States across the world. The idea of European integration was conceived in the aftermath of the Second World

War, to prevent such massive killing and destruction ever happening again. Liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, are founding principles of the European Union and an indispensable prerequisite for the Union's legitimacy.

In addition, all individual EU Member States have signed up to a wide range of international and regional human rights treaties and their human rights records are subject to the scrutiny of international bodies of the Council of Europe and the United Nations.

The Council of Europe and the Protection of Human Rights

The Council of Europe is the continent's oldest political organisation, founded in 1949. Based in Strasbourg, it is distinct from the 27-nation European Union, but no country has ever joined the European Union without first belonging to the Council of Europe.

The Council of Europe groups together 47 countries, including all EU Member States, and has granted observer status to 5 more countries (the Holy See, the United States, Canada, Japan and Mexico).

Aims

The Council was set up to defend human rights, parliamentary democracy and the rule of law, develop continent-wide agreements to standardise member countries' social and legal practices, and promote awareness of a European identity based on shared values and cutting across different cultures.

The European Convention for the Protection of Human Rights and Fundamental Freedoms

The Council of Europe's most significant achievement is the European Convention for the Protection of Human Rights and Fundamental Freedoms, which was adopted in 1950 and came into force in 1953. It sets out a list of rights and freedoms which States are under an obligation to guarantee to everyone within their jurisdiction (among other things, the right to life, to protection against torture and inhuman treatment, to freedom and safety, to a fair trial, to respect for one's private and family life and correspondence, to freedom of expression (including freedom of the press), thought, conscience and religion). Protocols have added other rights to those set out in the Convention. Two such significant Protocols are the Protocol n°6 on the abolition of the death penalty, and Protocol n°13 on abolition of the death penalty in all circumstances.

The European Court of Human Rights

The European Convention for the Protection of Human Rights and Fundamental Freedoms establishes an international enforcement mechanism, the European Court of Human Rights, whereby States and individuals, regardless of their nationality, may refer alleged violations of the rights guaranteed in the Convention. Its jurisdiction is compulsory for all States which are contracting parties. The Court sits on a permanent basis and is composed of one Judge for each State party to the Convention. *See also "what is what" on page 37*

The Promotion of Human Rights in the EU's legal system

Brief historical overview

The Treaties establishing the three European Communities in the 1950s hardly mentioned human rights in their broadest sense. The focus of concern of the founding Treaties was on 'peoples' rather than 'individuals'. The primary objective then was to lay the foundations of an ever closer union among the peoples of Europe long divided by war and conflicts through initially economic integration.

However, two fundamental rights enshrined both in the Universal Declaration of Human Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms were taken up by the founding Treaties and provided core elements of the integration process: the freedom of movement for workers and self-employed persons and the decidedly innovative prohibition of any discrimination on grounds of nationality or sex. These Treaty provisions served as the basis for very important legislation and case-law in matters of equal treatment, access to employment and the promotion of gender equality from school to working life.

In addition, the developing political cooperation among Member States led to the reaffirmation that the observance, promotion and safeguarding of human rights were an essential aspect of international relations and one of the cornerstones of European political cooperation and of relations between the Community, its Member States and other countries.

The EU took a considerable step in integrating human rights and democratic principles into its external policies with the entry into force of the Treaty on European Union in November 1993. It states that one of the objectives of the EU's Common Foreign and Security Policy is the development and consolidation of "democracy and the rule of law, and respect for human rights and fundamental freedoms".

The Treaty of Amsterdam, which came into force in May 1999, marks another significant step forward in integrating human rights into the EU's legal order. A new Article 6 was added, which reaffirmed that the EU "is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States".

Candidate countries for EU membership must respect the principles laid down by Articles 6 and 49 of the Treaty on the European Union and have to demonstrate that they effectively ensure the protection of the human rights of their own citizens in compliance with the Copenhagen criteria against which applications for EU membership are assessed.

Moreover, Article 177 (2) of the EC Treaty provides that Community development policy shall contribute to the objective of developing and consolidating democracy, rule of law and human rights, while Article 181a makes a similar provision concerning Community economic, financial and technical co-operation with third countries.

The Charter of Fundamental Rights of the European Union

In December 2000, the European institutions¹ solemnly proclaimed a Charter of Fundamental Rights of the European Union, enshrining, in a single text the civil, political, economic and social rights enjoyed by the citizens and residents of the European Union, which were laid down in a variety of international, European and national legal sources. The provisions of this Charter are addressed to the institutions of the Union and apply to the Member States only when they are implementing Union law. The draft Reform Treaty² provides that the Charter shall enjoy the same legal value as the Treaties.

¹ The European Parliament, the Council and the European commission.

² Protocol No 7 provides for certain limitations so far as Poland and the UK are concerned.

Article 6 of the Treaty on European Union is the key provision as far as fundamental rights are concerned. It states that:

1. The Union is founded on the principle of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the Member States.
2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.
3. The Union shall respect the national identities of its Member States.
4. The Union shall provide itself the means necessary to attain its objectives and carry through its policies.

Article 7 of the same Treaty introduces a political mechanism in order to prevent violations of the principles mentioned in Article 6 by the Member States.

The conditions of EU membership – the Copenhagen criteria

In June 1993 in Copenhagen, a summit of EU leaders set a very succinct list of criteria for countries seeking membership of the EU to meet. By the time they join, new EU members must have achieved:

- stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- the existence of a functioning market economy as well as the capacity to cope with competitive pressures and market forces within the Union;
- the ability to take on the obligations of membership, including support for the aims of political, economic and monetary Union.

The EU membership criteria are pursued by Art. 49 (1) of the Treaty on European Union:

“Any European State which respects the principles set out in Article 6(1) may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members.”

How does the EU promote Human Rights and Democratisation in its External Relations?

A wide range of tools

The EU draws on a wide-range of tools to promote human rights and democratisation objectives in its external relations. Some of these tools are instruments of traditional diplomacy and foreign policy, such as declarations, démarches (through diplomatic representations to third countries), as well as resolutions and interventions within the United Nations framework. In addition, the EU promotes human rights and democratisation through various co-operation and assistance programmes it implements with third countries and through the political dialogues that it conducts with them. In doing so it uses a specific legal basis: a “human rights clause” that is incorporated in nearly all EU agreements with third countries, as an essential element.

Common Foreign and Security Policy

In the framework of its Common Foreign and Security Policy, the EU has forged a range of tools which have been used to promote human rights and democratisation. Among these, specific guidelines have been designed and adopted to be able to take swift common action wherever necessary, such as officially approaching a third country with a démarche on a specific case of human rights violation. These guidelines¹ concern the fight against the death penalty, the fight against torture and other cruel, inhuman or degrading treatment or punishment, the support to children in armed conflicts, human rights defenders and the rights of the child.² They allow the taking of rapid and coherent action at EU level when individuals in third countries are in danger and an EU intervention is warranted.

¹ http://ec.europa.eu/external_relations/human_rights/guidelines/index.htm

² EU Guidelines for the Promotion and Protection of the Rights of the Child are at the point of being adopted by the Council (December 2007).



The EU's Common Foreign and Security Policy has a range of tools which are been used to promote human rights and democratisation:

- **Common Strategies, common positions and joint actions**
- **Démarches and declarations**
- **Dialogue and consultations with third countries**
- **Guidelines on EU policy towards third countries on specific human rights themes**, such as regarding the death penalty (1998), torture and other cruel, inhuman or degrading treatment or punishment (2001), human rights dialogues (2001), children in armed conflict (2003), human rights defenders (2004), rights of the child (2007)¹

Extract from the European Union guidelines on Human Rights Dialogues adopted by EU Member States in December 2001:

"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..."

In its action to promote human rights, the EU takes account of the key international instruments which have been adopted in this field, encouraging other countries to sign, ratify and imple-

ment major UN treaties or to respect the Council of Europe or the OSCE commitments.

Key UN human rights instruments:

- ✓ Universal Declaration of Human Rights (1948)
- ✓ International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- ✓ International Covenant on Economic, Social and Cultural Rights (1966)
- ✓ International Covenant on Civil and Political Rights (1966)
- ✓ Convention on the Elimination of All Forms of Discrimination Against Women (1979)
- ✓ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- ✓ Convention on the Rights of the Child (1989)

Human Rights Dialogues/Consultations

Human rights are systematically addressed within the political dialogue that the European Union conducts with third countries or regional groups, in the framework of the Common Foreign and Security Policy (CFSP). In addition, the European Union has engaged in dedicated human rights dialogues¹ with a number of countries.

Human rights dialogues and consultations are an essential tool to intensify the process of integrating human rights and democratisation objectives into all aspects of EU external policies. They take place on a variety of levels: with China and Iran, the EU conducts dialogues focusing exclusively on human rights. These are highly structured dialogues held at the level of senior human rights officials. This type of dialogue has so far only been used with countries with which the European Community has no agreement and/or where the agreement does not contain a human rights clause. With many other third countries, human rights dialogues are held at a local level or in the framework of the agreements the EU has with these countries. Detailed consultations take place

with African, Caribbean and Pacific (ACP) states in the context of the Cotonou Agreement.²

Following endorsement at the EU-Russia Summit in November 2004, the EU and Russia have started to hold consultations on human rights on a regular, bi-annual basis. Both sides have agreed that the consultations are an important part of overall EU-Russia relations.

The EU has also established human rights and democracy sub-committees with a number of partner countries, principally in the European Neighbourhood Policy area.

Regular consultations on human rights issues are also held on the basis of broadly converging view with countries such as the United States of America, Canada, Japan or New Zealand. These take the form of six-monthly meetings of experts, in the run up to key human rights meetings at the United Nations.

¹ http://ec.europa.eu/external_relations/human_rights/guidelines/index.htm

² Partnership Agreement between the Members of African, Caribbean and Pacific Group of States, and the European Community and its Member States often referred to as ACP-EU Partnership Agreement, or Cotonou Agreement.

Cotonou Agreement, article 9:

"...Respect for human rights, democratic principles and the rule of law, which underpin the ACP-EU Partnership, shall underpin the domestic and international policies of the Parties and constitute the essential elements of this Agreement..."



What are the Objectives of the Human Rights Dialogues?

The specific objectives of human rights dialogues may vary from one country to another. In general, they aim at seeking information about the human rights situation in the country concerned; expressing EU concerns about aspects of the country's human rights record; identifying practical steps to improve the human rights situation on the ground, in particular through the setting up of co-operation projects; and discussing questions of mutual interest and enhancing co-operation on human rights in multinational fora such as the United Nations. Moreover,

human rights dialogues can identify at an early stage problems likely to lead to conflict in the future. They can also be useful in exposing governments to international human rights standards and EU practices.

The key challenge is for the human rights dialogues to go beyond a mere recitation of well-known positions and to lead to concrete improvement of the human rights situation on the ground. Detailed benchmarks have been drawn up by the EU for the structured dialogues with China and Iran, or for resuming cooperation with countries under sanctions (art. 96 of the Cotonou agreement) but not yet for the other types of dialogues with other third countries.

EU's structured human rights dialogues with China...

In 1994, the EU accepted a proposal from China to engage in a regular dialogue on human rights. A first meeting took place in January 1995. Since then, with few exceptions, the EU-China human rights dialogue has taken place once every six months, alternately in China and in Europe. The formal dialogue has been complemented by EU-China human rights legal seminars bringing together officials, academics and representatives of the NGO community.

The EU-China human rights dialogue has been a useful channel of communication, a platform for the EU to express concern on a number of issues and to seek information about human rights developments in China. The dialogue has been a way to expose the most reform-minded Chinese decision-makers to international human rights standards and EU practices. It has allowed the Commission to identify human rights co-operation priorities and for both sides to agree on future projects.

On the other hand, the dialogue remains an incremental process which aims to generate long-term improvement. Progress is therefore rather slow. On many issues, the dialogue is not likely to generate immediate change but to contribute to establishing a favourable environment for gradual or experimental improvements. Although the impact of the dialogue is difficult to measure, positive steps have come out of the process, such as China's greater engagement with UN human rights mechanisms (for example invitations to the UN High Commissioner for Human Rights and to UN Special Rapporteurs, signing of the International Covenant on Civil and Political Rights, signing and ratification of the International Covenant on Economic, Social and Cultural Rights).

EU partners carried out in 2004 a comprehensive evaluation of the dialogue. The EU Council of Ministers concluded that the dialogue and its related legal seminars remained useful instruments to engage China on human rights and trigger positive change in the long run.

....and Iran

The EU-Iran dialogue was set up in December 2002, following the beginning of the negotiation of a trade and cooperation agreement, when the EU made clear that deepening economic and commercial relations would have to be matched by similar progress in a number of political fields, including human rights.

This dialogue allows discussing all human rights issues of concern to the EU. Among those are Iran's ratification and implementation of key international human rights conventions; its co-operation with the UN human rights mechanisms and the implementation of their recommendations; access for international observers and international NGOs; enhancement of civil rights and political freedoms; reform of the judicial system; prevention and eradication of torture; criminal punishment; discrimination against women and religious minorities; and the prison system. These areas of concern have also been used as benchmarks to appraise the human rights situation in Iran and to measure the results of the dialogue.

The dialogue is complemented by round-tables which involve representatives of Iranian and EU civil societies, including members of the European Parliament. In October 2004, EU partners concluded that little overall progress had been achieved since the start of the dialogue although there seemed to be promising signs at some points.

Since 2002, the EU has held four sessions of human rights dialogue with Iran, with the last occurring in 2004. In spite of an agreement between the EU and Iran on revised modalities for the dialogue, in December 2006 Iran withdrew its participation in the dialogue, as it had done before, following EU's co-sponsoring of the Iran country resolution in the UN General Assembly. The EU deplores such a withdrawal and remains committed to the dialogue, provided that Iran confirms its willingness to engage seriously in the process.



The Human Rights Clause in Agreements with Third Countries

A “human rights clause” has been systematically included in European Community agreements with third countries since the mid 1990s. The clause stipulates that respect for human rights and democratic principles underpins the internal and external policies of the parties. In the event that those principles are breached, the EU may take certain measures, such as imposing targeted restrictive measures as it has done against Zimbabwe or Uzbekistan. These range from a refusal to give visas to senior members of the regime to freezing assets held in EU countries. The human rights “essential elements” clause also offers the possibility of suspending the agreement. However, the principal rationale for the clause is to form a positive basis for advancing human rights in third countries through dialogue and persuasion. In other words, the preference is to use positive action rather than penalties.

Mainstreaming Human Rights and Democratisation

Mainstreaming is the process of integrating human rights and democratisation issues into all aspects of EU policy decision-making and implementation, including external assistance. European institutions are deeply committed to intensify the mainstreaming of human rights. The European Commission first outlined measures to mainstream human rights in external relations in a Communication of May 2001 on the EU’s role in promoting human rights and democracy in third countries. For example, the Commission’s Country Strategy Papers (CSPs), which are designed to set out a comprehensive overview of important issues in the EU’s relations with specific third countries, and provide the background for external assistance to those countries, now include an assessment of the situation of human rights and democratisation. This assessment must in turn be an integral element of the assistance strategies adopted, with regular reviews providing the opportunity for expanding and refining references to human rights. In 2006 the Political and Security Committee endorsed recommendations on further measures on mainstreaming, such as a more systematic use of reports and recommendations by UN Special Rapporteurs and Treaty monitoring bodies as well as addressing systematically protection of human rights in all phases of European Security and Defence Policy (ESDP) operations.

European Neighbourhood Policy (ENP)

The ENP is based on the shared values such as liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. The objective of the ENP is to share the benefits of the EU’s 2004 enlargement with neighbouring countries in strengthening stability, security and well-being for all concerned. It is designed to prevent the emergence of new dividing lines between the enlarged EU and its neighbours and to offer them the chance to participate in various EU activities, through greater political, security, economic and cultural co-operation.

In the ENP context the EU has also spelled out in concrete terms the progress expected from its neighbours as regards democracy and fundamental freedoms. Each ENP Country Report includes a specific chapter on the aspect for human rights and fundamental freedoms. The political chapter of each ENP Action Plan covers a wide area of human rights, governance and democratisation issues, with a varying emphasis and differentiation, aimed at attaining concrete objectives, such as to strengthen legal guarantees for freedom of speech, freedom of the press or freedom of assembly and association in accordance with international standards. The jointly endorsed Action Plan commitments are discussed in the regular Sub-Committee meetings with the respective authorities, and the progress in implementing the agreed actions is reviewed.

Since the beginning of 2007, the European Commission has at its disposal a profoundly reformed structure for external assistance. There are now ten financing instruments¹ and five thematic programmes based on the Development Cooperation Instrument. These instruments and programmes cover all the EU external assistance in development, economic, financial, technical and humanitarian cooperation worldwide.

- ¹
1. Development Cooperation Instrument
 2. European Instrument for Democracy and Human Rights
 3. European Neighbourhood and Partnership Instrument
 4. European Development Fund
 5. Financing Instrument for Cooperation with Industrialised and other High-income Countries and Territories
 6. Humanitarian Aid Instrument
 7. Instrument for Pre-accession Assistance
 8. Instrument for Stability
 9. Macro-economic Assistance Instrument
 10. Nuclear Safety Instrument

EU-Africa Strategic Partnership

The Joint EU-Africa Strategy, to endorsed by European and African Heads of State in Lisbon in December 2007 will strengthen the political partnership and enhance cooperation at all levels, including the promotion of democratic governance and of human rights which constitutes a central feature. In this regard, “the Partnership will facilitate an open, intensive and comprehensive dialogue on all aspects and concepts of governance, including human rights, children rights, gender equality, democratic principles, the rule of law (...). This dialogue should help both parties to define the issues at stake, agree on common positions on issues of common concern and jointly undertake specific initiatives and actions.”



European Community assistance for Democracy and Human Rights

In many countries of the world, civil society organisations are working with dedication often in difficult conditions, for the effective protection of human rights and the advancement of democratisation processes in their own countries. They are strategic partners of the EU in the conduct of its human rights and democracy policy and, therefore, working directly with such organisations is a priority for the EU. Civil society organisations play a crucial role in monitoring human rights and democratic reform processes in all parts of the world and are therefore actively involved in the implementation of EU human rights and democracy policy.

Between 1994 and 2006, the European Initiative for Democracy and Human Rights (EIDHR) was the complementary financing instrument at the disposal of the EU through which it supported the activities of civil society working for human rights and democracy in third countries. Moreover, the EIDHR supported the efforts in this field of regional and international organisations such as the Council of Europe, the Organisation for Security and Co-operation in Europe (OSCE), the Office of the UN High Commissioner for Human Rights, the United Nations Children's Fund (UNICEF) or the United Nations Development Programme (UNDP). The EIDHR financed with an average of some 120 million euros annually projects related to the improvement of the human rights situation and democracy in third countries worldwide.

EIDHR TOTAL ALLOCATIONS BY BROAD THEME (in EUR) 2002-2006						
	2002	2003	2004	2005	2006	TOTAL
Promoting Justice and the Rule of Law						
Rule of law, international justice, abolition of death penalty, HR mechanisms	18.836.049	22.398.349	21.848.456	10.994.344	11.000.000	85.077.198 15%
<i>incl. International Justice</i>	4.735.939	6.967.504	7.000.000	7.399.244	7.000.000	33.102.687 6%
Fostering a Culture of Human Rights						
HR education & awareness raisons, torture prevention & rehabilitation of victims, marginalised or vulnerable groups	19.848.374	10.572.551	28.809.335	39.885.843	39.000.000	138.116.103 24%
<i>incl. Torture prevention/rehabilitation of victims</i>	14.272.403	no calls	16.000.000	7.000.000	15.610.000	52.882.403 9%
Promoting the Democratic Process						
Good governance, strengthening civil society, freedom of expression, freedom of association, developing democratic electoral processes	30.083.047	57.259.176	56.306.047	61.441.883	54.173.896	259.264.049 45%
<i>incl. Election Observation Missions</i>	14.660.146	14.564.123	9.747.135	26.288.192	30.000.000	95.259.596 17%
Advancing Equality, Tolerance & Peace						
Racism, xenophobia, indigenous peoples	22.646.884	no calls	11.868.297	16.148.060	11.763.896	62.427.137 11%
Conflict Prevention	3.819.454	3.243.780	1.125.000	0	1.500.000	9.688.234 2%
Other	5.225.514	7.272.678	5.000.000	0	5.000.000	22.498.192 4%
TOTAL	100.459.322	100.746.534	124.957.135	128.470.130	122.437.792	577.070.913 100%

Source: EuropeAid Co-operation Office.



**EIDHR REGIONAL BREAKDOWN
FINANCIAL ALLOCATIONS FOR MICRO PROJECTS 2002-2006**

Regions and countries	2002 (in EUR)	2003 (in EUR)	2004 (in EUR)	2005* (in EUR)	2006* (in EUR)	Total 2002-2006 (in EUR)	%
Western Balkans and Candidate Countries	1.600.000	1.600.000	1.390.000	2.640.000	2.187.500	9.417.500	9%
Albania	-	-	-	525.000	402.500	927.500	
Bosnia & Herzegovina	500.000	500.000	870.000	855.000	615.000	3.340.000	
FYROM	-	-	-	-	250.000	250.000	
Serbia and Montenegro	500.000	500.000	-	745.000	535.000	2.280.000	
Turkey	600.000	600.000	520.000	515.000	385.000	2.620.000	
Eastern Europe and Southern Caucasus	2.100.000	2.100.000	1.825.000	4.975.000	4.480.000	15.480.000	15%
Armenia	-	-	-	800.000	765.000	1.565.000	
Belarus	-	-	-	420.000	400.000	820.000	
Georgia	500.000	500.000	435.000	1.175.000	950.000	3.560.000	
Ukraine	600.000	600.000	520.000	1.025.000	950.000	3.695.000	
Russia	1.000.000	1.000.000	870.000	1.555.000	1.415.000	5.840.000	
Mediterranean and Middle East	750.000	1.500.000	5.200.000	6.345.000	5.845.000	19.640.000	19%
Algeria	500.000	500.000	435.000	840.000	765.000	3.040.000	
Egypt	-	-	1.000.000	970.000	1.115.000	3.085.000	
Gaza/West bank	-	500.000	435.000	1.235.000	1.180.000	3.350.000	
Israel	-	500.000	435.000	855.000	615.000	2.405.000	
Jordan	-	-	680.000	875.000	765.000	2.320.000	
Lebanon	-	-	500.000	545.000	280.000	1.325.000	
Morocco	-	-	1.000.000	1.025.000	950.000	2.975.000	
Syria	-	-	500.000	-	-	500.000	
Tunisia	250.000	-	215.000	-	175.000	640.000	
Central Asia			900.000	2.275.000	2.130.000	5.305.000	5%
Kazakhstan	-	-	300.000	1.135.000	1.030.000	2.465.000	
Kyrgyzstan	-	-	350.000	570.000	550.000	1.470.000	
Tajikistan	-	-	250.000	570.000	550.000	1.370.000	
Asia	1.300.000	2.700.000	2.340.000	5.935.000	3.900.000	16.175.000	15%
Afghanistan	-	-	-	570.000	550.000	1.120.000	
Bangladesh	-	-	-	525.000	402.500	927.500	
Cambodia	-	500.000	435.000	680.000	480.000	2.095.000	
China	-	500.000	435.000	800.000	-	1.735.000	
Indonesia	800.000	800.000	690.000	760.000	532.500	3.582.500	
Laos	-	-	-	451.000	375.000	826.000	
Nepal	-	400.000	345.000	490.000	375.000	1.610.000	
Pakistan	500.000	500.000	435.000	745.000	535.000	2.715.000	
Sri Lanka	-	-	-	490.000	375.000	865.000	
Vietnam	-	-	-	424.000	275.000	699.000	
Sub-Saharan Africa, Caribbean, Pacific	800.000	5.400.000	4.795.000	8.410.000	7.972.500	27.377.500	26%
Angola	-	500.000	435.000	645.000	667.500	2.247.500	
Burundi	-	250.000	215.000	490.000	375.000	1.330.000	
DRC	-	400.000	345.000	645.000	667.500	2.057.500	
Eritrea	-	150.000	210.000	150.000	-	510.000	
Ethiopia	400.000	400.000	345.000	800.000	765.000	2.710.000	
Fiji	-	-	260.000	-	-	260.000	
Ivory Coast	400.000	400.000	345.000	745.000	802.500	2.692.500	
Mozambique	-	400.000	345.000	460.000	515.000	1.720.000	
Nigeria	-	600.000	520.000	915.000	980.000	3.015.000	
Rwanda	-	500.000	435.000	615.000	635.000	2.185.000	
Sierra Leone	-	250.000	215.000	-	-	465.000	
Sudan	-	500.000	435.000	1.075.000	940.000	2.950.000	
Uganda	-	-	-	185.000	152.500	337.500	
Zimbabwe	-	650.000	345.000	800.000	870.000	2.665.000	
Haiti	-	400.000	345.000	650.000	452.500	1.847.500	
Cuba	-	-	-	235.000	150.000	385.000	
Latin America	1.300.000	1.300.000	1.130.000	4.920.000	3.485.000	12.135.000	11%
Bolivia	-	-	-	680.000	480.000	1.160.000	
Brazil	-	-	-	680.000	480.000	1.160.000	
Colombia	500.000	500.000	435.000	855.000	615.000	2.905.000	
Ecuador	-	-	-	465.000	300.000	765.000	
Guatemala	300.000	300.000	260.000	525.000	402.500	1.787.500	
Mexico	500.000	500.000	435.000	525.000	402.500	2.362.500	
Peru	-	-	-	575.000	380.000	955.000	
Venezuela	-	-	-	615.000	425.000	1.040.000	
Total	7.850.000 (15 countries)	14.600.000	17.580.000	35.500.000	30.000.000 (54 countries)	105.530.000	100%

* including re-allocations done on 31/12/2006

Source: EuropeAid Co-operation Office.



EIDHR backs up the EU's Human Rights Policy

Over the last few years, the EIDHR has focused on promoting human rights issues of particular importance to the European Union, such as the fight against the death penalty, the prevention of torture and the rehabilitation of torture victims, and work towards an effective system of global justice for human rights violators through support to the ad hoc international criminal tribunals Rwanda or Sierra Leone and the International Criminal Court. The promotion of gender equal-

ity and children's rights has been mainstreamed in all EIDHR thematic priorities. The EIDHR works in complementarity to bilateral assistance, for example promoting civil society input into governmental policy making on human rights.

Increasingly, EIDHR projects are managed locally by European Commission Delegations. In this way, small scale human rights organisations can access effective support for capacity building and implementation of grass-roots projects in their own countries (micro-projects).

EIDHR Strategy 2007-2010 Main objectives and financial allocations

	€
1. Enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk	56.000.000
2. Strengthening the role of civil society in promoting human rights and democratic reform	208.400.000
3. Support to EU Guidelines	76.800.000
4. Supporting the international framework	58.100.000
5. EU Election Observation Missions	131.000.000

Source: Commission Decision on the European Instrument for Democracy and Human Rights (EIDHR) Strategy Paper 2007-2010 (C 2007/3765)

The EIDHR Strategy is available at: http://ec.europa.eu/external_relations/human_rights/doc/2007_eidhr_en.pdf

The Scope of the New EIDHR (2007-2013)

On January 1 2007, a new Regulation for the EIDHR entered into force.¹ Now called the European Instrument for Democracy and Human Rights, it provides continuity with its predecessor while introducing a range of changes, including a strong focus on democracy promotion and support to human rights defenders. The particular focus of the EIDHR will be on:

- promoting and consolidating democracy and democratic reform and enhancing the respect for and observance of human rights and fundamental freedoms in third countries, as proclaimed in the Universal Declaration of Human Rights and other international and regional human rights instruments;
- providing support and solidarity to human rights defenders in terms of Article 1 of the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;
- strengthening the role of civil society in promoting human rights and democratic reform, and in developing political participation and representation;
- supporting and strengthening the international and regional framework for the protection, promotion and monitoring of human rights, the promotion of democracy and the rule of law, and reinforcing an active role of civil society within these frameworks;
- building confidence in and enhancing the reliability of electoral processes, in particular through election observation

missions, and through support of local civil society organisations involved in these processes.

The programming under the new EIDHR is set out in the Commission's Strategy Paper for the period of 2007-2010.² It builds on the EIDHR's vocation to work with and through civil society organisations, defending the fundamental freedoms, which form the basis for all democratic process and helping civil society to become an effective force for political reform and defence of human rights. In this way, it complements and contrasts with the new generation of geographical programmes, which increasingly mainstream democracy and human rights concerns, though with a focus primarily on public institution building. The new EIDHR offers independence of action, allowing for the delivery of assistance without the need for government consent, which is a critical feature of cooperation with civil society organisations at national level, especially in sensitive areas of democracy and human rights. It also offers more flexibility and capacity to respond to changing circumstances or to support innovation, contrasting with the long term programming approach of the geographic programmes.

¹ Regulation (EC) No 1889/2006 of 20 December 2006; http://ec.europa.eu/europeaid/where/worldwide/eidhr/documents/reg_1889_2006_jo_l386_en.pdf.

² Commission Decision on the European Instrument for Democracy and Human Rights (EIDHR) Strategy Paper 2007-2010 (C 2007/3765); http://ec.europa.eu/external_relations/human_rights/doc/2007_eidhr_en.pdf



Also to complement geographical programmes, the programming for the new EIDHR gives priority to supporting the international framework for the protection of human rights, the rule of law and justice and the promotion of democracy, in response to EU guidelines and reflecting the EU's general commitment to multilateralism. Because democracy and human rights are *par excellence* issues of global concern and constitute "public goods", global campaigns may also be foreseen, requiring a transnational approach. Finally, the new EIDHR will continue, through the further development of electoral observation, to contribute to building confidence in electoral processes. This requires a single framework with broad geographical scope, in

order to ensure policy coherence, a unified management system and common operating standards.

Areas of key importance for the EU's human rights policy

EU human rights policy seeks to promote respect for all human rights and fundamental freedoms - civil, political, economic, social and cultural. However, within the wide range of human rights issues which the EU tackles, there are some thematic concerns in relation to which the EU is particularly well placed to act, or has defined particular strategies for making action more effective.

EIDHR success stories:

Support to the free trade union of Burundi

This EIDHR project, implemented by the Italian NGO ISCOS-Cisl, aimed at strengthening the political role and the effectiveness of the Burundi Trade Union - COSYBU (Union Confederation of Burundi), in order to increase the level of the respect for the fundamental labour rights and to support the overall democratic process in the country. This 2-year project foresaw a series of training courses for specific trade union cadres, as well as, training for trainers. Areas covered by the training included organization processes, labour legislation, social dialogue, international cooperation, debt and globalization and communication methodologies. About 50 trade union cadres from different categories participated (50% of the beneficiaries are women). Once the training was concluded, they continued the trainings for other workers. As one of the concrete results of this project, the beneficiaries created, at the end of the activities, their own Trade Union Education Association (A.Fo.Sy), which has now been formally recognized by the local Government.

The European Master's Degree in Human Rights and Democratisation (E.MA)

The European Master' Degree in Human Rights and Democratisation (E.MA) is a high-level programme of co-operation amongst universities with the active support of EU Institutions, the Region of Veneto and leading inter-governmental and non-governmental organisations active in the promotion of human rights and democracy. The programme is a one-year advanced master degree admitting 90 students annually (including 5 to 10 non-EU citizens). More than 800 students have graduated from the European Masters Degree in Human Rights and Democratisation, which was launched in October 1997 on the occasion of the 50th Anniversary of the Universal Declaration of Human Rights. Since 2003, the Programme is implemented by the European Inter-University Centre, which draws together over 40 prestigious universities from EU Member States.

Advancing the rights of Roma in Serbia and Montenegro

In this project, thirty Roma community advocates have been trained on how to secure cooperation of local authorities to overcome legal and administrative constraints on Roma to enjoy their basic rights. In addition, relevant improvements have been initiated in the lives of Roma in 116 settlements within all social sectors.

The project has contributed to the increased awareness of the Roma about their fundamental rights, which has led to a reduction of the discrimination towards Roma and their better integration in the mainstream society. Some of the key achievements of the project are a decrease of the percentage of Roma without medical insurance and identification documents. As a positive outcome of the project, the enrolment rate of Roma children in schools, the number of Roma registered with the Employment Agency and those who obtained an employment have increased.



The Fight against the Death Penalty

All the Member States and the European Commission are strongly opposed to the death penalty in all circumstances. The EU actively campaigns towards the universal abolition of capital punishment. This action is rooted in the belief in the inherent dignity of all human beings and the inviolability of the human person, regardless of the crime committed.

While 129 countries have abolished the death penalty in law or in practice, 68 countries still retain it. According to Amnesty International in 2006, at least 1,591 people were executed in 25 countries and at least 3,861 people were sentenced to death in 55 countries. The true figures are undoubtedly higher given the difficulty in compiling statistics on the use of death penalty in some countries. In 2006, 91 percent of all known executions took place in China, Iran, Pakistan, Iraq, Sudan and the USA.

Although EU Member States abolished the death penalty at different times, they all agree on the inhumane, unnecessary and irreversible character of capital punishment, no matter how cruel the crime committed by the offender. This stance is now shared by a large section of the international community: both the Rome Statute of the International Criminal Court and the United Nations Security Council Resolutions establishing the International Criminal Tribunals for the former Yugoslavia and for Rwanda do not foresee the death penalty as a sanction even for the most serious crimes, including genocide, crimes against humanity and war crimes.

How does the EU fight the Death Penalty?

In its relations with non-member countries, the EU is actively engaged in favour of the abolition of the death penalty, with different instruments at its disposal, as set out in the "Guidelines on EU policy towards third countries on the death penalty", which were adopted in June 1998.

Action at the political level takes place in the context of general dialogue with these countries. The EU calls on the countries

which maintain capital punishment to take all necessary measures to abolish the death penalty and, as a minimum, to introduce a moratorium as a first step towards abolition and to commute all death sentences. The EU also emphasises that the death penalty should only be applied with maximum transparency over its use and in line with the so-called "minimum standards". These standards, agreed at the level of the United Nations, provide, *inter alia*, that capital punishment cannot be imposed on those who are under 18 when committing the crime, pregnant women, or the mentally disabled. Other initiatives include general representations, particularly where a country's use of the death penalty is likely to be ended or reintroduced, and individual representations where the EU is made aware of individual death penalty sentences which violate the UN minimum standards.

EU action at the multilateral level have included in the past initiating resolutions at the UN Commission on Human Rights (replaced by the Human Rights Council in June 2006), as well as making international declarations and statements. Other examples of this are the 'Annual EU Statement on the Death Penalty' on the occasion of the World Day against the Death Penalty held on 10 October and the EU-sponsored "Declaration on the Abolition of the Death Penalty" presented to the UN General Assembly on 19 December 2006. The UN General Assembly Third Committee adopted on 15 November a resolution sponsored by a cross-regional alliance, including the EU, on a moratorium on the use of the death penalty.

The EU's political commitment and diplomatic efforts are matched by substantial project support given under the EIDHR. The European Commission has funded around 30 projects against the death penalty worldwide since 1994, with an overall budget of around € 15 million. The support has including raising awareness in retentionist countries by educating the public, outreach to influence public opinion, studies on how states' death penalty systems comply with minimum standards, efforts to secure access for death-row inmates to appropriate levels of legal support, and the training of lawyers.



The Philippines: Anti-Death Penalty Campaign

EIDHR beneficiaries (three projects): Free Legal Assistance Group (FLAG); the University of Philippines-DNA laboratory; PhilRights Ltd and the Mamamayang Tutol sa Bitay – Movement for Restorative Justice (MTB-MRJ)

On 24 June 2006, after intense debate in both Houses of Congress, the Philippines became the 125th country to abolish the death penalty. Although there were other contributing factors, it is believed that EIDHR project activities were instrumental in influencing the opinion of both key decision-makers and the general public.

The European Commission supported the ‘Anti-Death Penalty Campaign’ launched by FLAG. This project provided legal assistance to convicted people and those on death row who could not afford private defence lawyers. It also offered consultation, representation, prosecution and overall advocacy for the abolition of the death penalty. Shortly after FLAG filed a petition before the Supreme Court seeking to stop executions, a moratorium was declared on the death penalty in the Philippines.

In addition to this campaign, many other civil society groups lobbied vigorously for the repeal of the death penalty law. Supported by the EIDHR, PhilRights Ltd built up a nationwide alliance of human rights organisations and churches, the Mamamayang Tutol sa Bitay – Movement for Restorative Justice, which played a key role in the successful awareness-raising campaign.

These legal assistance and advocacy activities were complemented by a more technical EIDHR project implemented by the University of the Philippines, which aimed to develop DNA forensic testing. In certain cases, the validity and accuracy of DNA results can actually determine the innocence of prisoners sentenced to death. This project has highlighted the need to institutionalise DNA testing in all death penalty cases, and demonstrated the dangers of executing innocent individuals. In fact, one death-row prisoner was released during the project on the basis of this testing.

The Fight against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment

Despite the absolute prohibition placed on the use of torture in international law, *inter alia* in the UN Convention against Torture, the scourge of torture and other forms of ill-treatment remains widespread around the world. The prevention and eradication of all forms of torture and ill-treatment across the world is a priority for the EU.

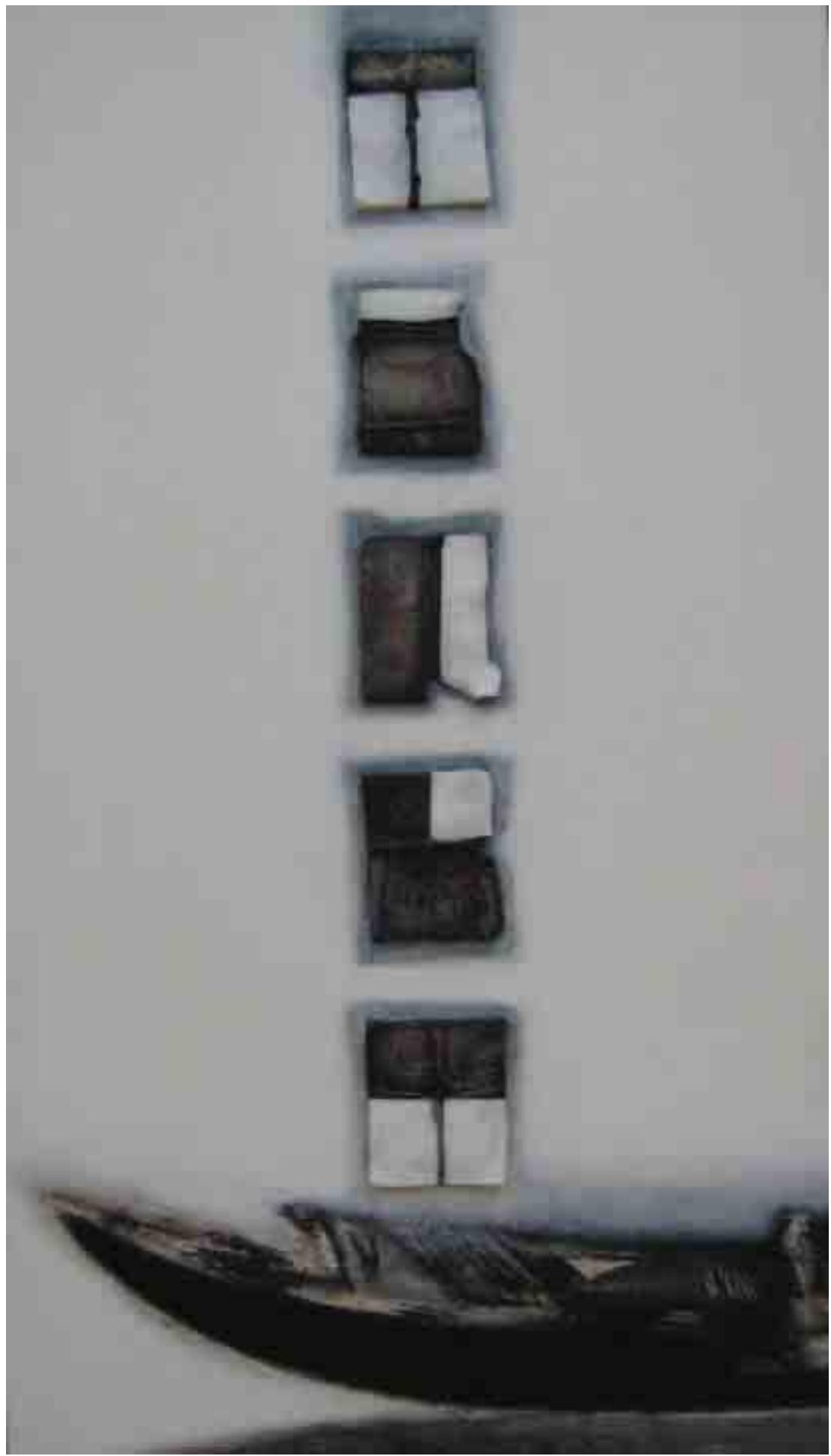
How does the EU Combat Torture?

In line with the EU Guidelines against Torture¹, which were adopted in April 2001, the EU is heavily engaged in the global struggle against torture. The EU consistently raises its concerns on torture with third countries through political dialogue and démarches. Such contacts address both individual cases and wider issues. The EU is also active in regional and multilateral fora, including at the level of the United Nations. The EU played a leading role in the adoption of the Optional Protocol to the UN Convention against Torture in December 2002, which entered into force on 22 June 2006. This Protocol institutes a system of national and international visiting mechanisms to inspect places of detention with a view to the preven-

tion of torture. The EU strongly urges States around the world to ratify as soon as possible this key instrument. The EU has also supported the Resolutions on Torture at the UN Commission on Human Rights and the UN General Assembly Third Committee.

Supporting Projects to combat Torture and to assist Torture Victims

The prevention of torture and the rehabilitation of torture victims is a major priority for funding under the EIDHR. In 2002-06, the EIDHR provided approximately € 53 million to support projects relating to the fight against torture, thereby making the EIDHR one of the leading sources of funding for the prevention of torture and the rehabilitation of torture victims worldwide. Project activities have included education, training and awareness-raising amongst key personnel such as police and prison officers; support for international instruments and mechanisms designed to prevent torture; prison monitoring by NGOs; and the support to a large number of rehabilitation centres for torture victims.



Addressing the Trade in Equipment for Torture and Capital Punishment

The EU adopted on 27 June 2005 a Regulation on trade in goods which could be used for capital punishment or torture (hereafter the Regulation)¹ which prohibits the export and import of goods whose only practical use is to carry out capital punishment or to inflict torture and other cruel, inhuman or degrading treatment or punishment. The export of goods which could be used for such purposes is also subjected to authorisation by EU Member States authorities. Member states are to publish annual reports on activities in connection with the Regulation. This Regulation, which entered into force on 30 July 2006, is seen as an important contribution to the EU's effort in preventing and eradicating torture and ill-treatment in third countries and aims to reinforce the global fight against torture. The EU hopes that other states will introduce similar legislation.

International Criminal Justice and the Fight against Impunity

"The EU has consistently been a strong supporter of the International Criminal Court. Our support to the Court lies at the core of our commitment to promoting a rule-based international order. The EU has consistently taken the view that the setting up of a permanent International Criminal Court to prosecute war-crimes, crimes against humanity and genocide was a development of crucial importance for international peace and security. We see the Court, which applies "blended" legal traditions, as a splendid manifestation of effective multilateralism at work."

Dr. Benita Ferrero-Waldner, Commissioner for External Relations and European Neighbourhood Policy, in speech to "Parliamentarians for Global Action" – ICC Round Table

Strasbourg, 14 April 2005

The **International Criminal Court (ICC)** is a major advance in the creation of an international justice system where perpetrators of international crimes can be held to account for their actions if no action is taken at the national level. The Rome Statute establishing the ICC entered into force in 2002. The ICC is the first permanent international court having jurisdiction to try individuals accused of committing genocide, war crimes and crimes against humanity.

How does the EU promote International Justice?

The EU has set itself the task of convincing countries through diplomatic démarches, awareness-raising initiatives, and financial support to ratify the Rome statute. In total 105 countries have ratified the Rome Statute. The EU policy towards the ICC is contained in a Common Position agreed in 2003, supplemented by an Action Plan in 2004.

A provision on ratifying and implementing the Rome Statute was included in the revision of the Cotonou agreement with the ACP countries signed in 2005. This reflects the commitment of the EU and the ACP States to the institutions of global governance. Similar provisions are included in all partnership agreements with third countries.

In response to the adoption by the US administration in August 2002 of the American Service-members' Protection Act (ASPA) 2002 – which prohibits military aid to countries which have not signed a bilateral immunity agreement with the United States aiming at preventing the surrender of US personnel to the ICC - the Council of the EU adopted on 30 September

2002 "EU Guiding Principles Concerning Arrangements between a State Party to the Rome Statute of the International Criminal Court and the United States Regarding the Conditions to Surrender of Persons to the Court." These guiding principles emphasise the need to preserve the integrity of the Court.

Projects under the EIDHR

Since 1997, through the EIDHR, the European Commission has supported projects carried out by specialised NGOs to support the rapid establishment of the ICC. Support to international justice projects amounted to € 17 million in 2002-2006. Activities include campaigning for ratifications, providing support for the full implementation of the Rome Statute into domestic law, and training key actors for the effective operation of the ICC. In addition, since 2003 over € 3 million has been granted to the ICC by the Commission to fund and exchange programme for legal professionals. This goes directly towards enhancing the complementarity of the court.

EU Member States (which have already faced the challenge of amending their domestic law to make it comply with the Rome Statute) have also pledged to provide technical expertise to assist third countries in the legal adjustments required to allow for the ratification of the Statute.

¹ http://ec.europa.eu/external_relations/human_rights/torture/index.htm
Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (OJ L2000 of 30 July 2005).



Rights of the Child

The international community has adopted a wide range of obligations and commitments in the field of children's rights, including the Convention on the Rights of the Child (CRC) and its two Optional Protocols on children in armed conflict and on the sale of children, child prostitution and child pornography. At the UN General Assembly Special Session on Children (UNGASS) in May 2002, 90 national Delegations agreed on a Declaration and Plan of Action containing goals, to be achieved by 2010, in four broad areas: promoting healthy lives; providing quality education; protecting against abuse, exploitation and violence and combating HIV/AIDS. The Millennium Declaration and Millennium Development Goals also incorporate a strong focus on children.

How does the EU promote the Rights of the Child?

The importance attached by the EU to the promotion of the rights of the child is reflected in the initiatives which it takes in international fora, the policy guidelines which it has adopted and the extensive funding which is channelled to projects through the EC budget. In co-operation with Latin American and Caribbean countries, each year the EU has tabled resolutions on the rights of the child at the annual sessions of the UN Commission on Human Rights (now replaced by the UN Human Rights Council) and UN General Assembly Third Committee. Such resolutions highlight a wide range of concerns related to children's rights, including poverty, health, education, freedom from violence, birth registration, non-discrimination, child labour, sexual exploitation and children affected by armed conflict. On 8 December 2003, the EU adopted Guidelines on Children and Armed Conflict¹ following consultations with the UN Secretary-General's Special Representative on Children and Armed Conflict, UNICEF and NGOs. The Guidelines address the short, medium and long term impact of

armed conflict on children, including through monitoring and reporting by EU Heads of Mission, EU Military Commanders and Special Representatives, démarches, political dialogue, multilateral cooperation, crisis management operations, training and other measures. A new set of EU Guidelines for the Promotion and Protection of the Rights of the Child are on the point of being adopted by the Council: the new Guidelines will also include an Implementation Strategy for the Priority Area "All Forms of Violence against Children". The Group of Commissioners on Fundamental Rights, chaired by President Barroso, decided in April 2005, to work towards a "Pact for the Child" to promote and safeguard children's rights in internal and external EU policy. As a result, a Commission Communication² "Towards an EU Strategy on the Rights of the Child" was adopted in May 2006. It covers both the internal and the external policy fields of the Union, including such aspects as civil and criminal justice, employment, development cooperation, trade negotiations education and health: this Communication also anticipated the upcoming Commission's Action Plan on Children's Rights in the External Action.

Projects to support the Right of the Child

As well as acting under EIDHR, the thematic programme Investing in People and the EU's Rapid Reaction Mechanism to support projects for the rights of the child, the Commission also works for children through its humanitarian operations, efforts to tackle small arms, light weapons and landmines, funding to uprooted people and projects under the European Development Fund.³

¹ http://ec.europa.eu/external_relations/human_rights/child/caafguidelines.pdf

² COM (2006) 367

³ An overview of these projects can be found on http://ec.europa.eu/external_relations/human_rights/child/index.htm#proj

Guiding Principles of the Convention on the Rights of the Child (CRC):

- ✓ Non-discrimination (article 2)
- ✓ The best interest of the child (article 3)
- ✓ The right to survival and development (article 6)
- ✓ The right to express an opinion and to be heard (article 12)



Women's Rights and Gender Equality

Since the 1995 4th World Conference on Women in Beijing, the EU has played a substantive role to promote women's human rights and gender equality both within the Union and towards third countries. The European Commission actively works both at the policy level and through its different funding instruments in order to enhance its commitment to foster women's empowerment, particularly by seeking to integrate the priorities and needs of women and men in all key policies. Most recently, on 8 March 2007 the Commission adopted a communication entitled "Gender Equality and Women's Empowerment in Development Cooperation", as part of a series of EU policy initiatives aiming to coordinate and harmonise the development assistance of Member States and the Commission: the main objective of the document is to provide guidance on ways of promoting gender equality through the new aid modalities, specifically budget support.

The EIDHR includes the equal participation of men and women as a specific theme under its Objective 2 "Strengthening the role of civil society in promoting human rights and democratic reform, in supporting conflict prevention and in consolidating political participation and representation". The new thematic programme Investing in People also contains a separate financial envelope for funding Community's actions in the area of gender equality and women's empowerment.

In April 2007 the European Commission started a 3-year partnership with the United Nations Development Fund for Women (UNIFEM) to build partner country capacity and improve accountability for gender equality. The initiative uses regional and national approaches, with a specific focus on women in peace building and the implementation of United Nations Security Council Resolution 1325 on Women, Peace and Security.

Istanbul Framework of Action

For the first time since the creation of the Euro-Mediterranean Partnership, the Euro-Mediterranean partners came together at a special **Ministerial Conference on Gender Equality** ("Strengthening the role of women in society") in Istanbul on 14-15 November 2006 and agreed upon a framework of action for the promotion of women's rights and gender equality in the civil, political, social, economic and cultural spheres over the next five years. The implementation of the Istanbul framework of action will be evaluated on a yearly basis, covering the 37 Euromed countries and the Commission. A € 5 million regional programme funded by the European Neighbourhood and Partnership Instrument will contribute to the effective implementation of the Istanbul ministerial conclusions.

Racism, Xenophobia and the Protection of Minorities

The fight against racism and xenophobia is both an internal and external priority for the EU. At the international level, key tools in the fight against racism include the UN Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the UN Special Rapporteur on contemporary forms of racism. A landmark event was held in 2001: the Durban World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR), which set out action-oriented and practical steps to eradicate racism, including measures of prevention, education and protection and the provision of effective remedies.

How does the EU Fight Racism and Xenophobia and protect the Rights of Minorities?

The fight against discrimination has been a competence of the European Community since the Treaty of Amsterdam which entered into force in May 1999. The EU Charter on Fundamental Rights also prohibits discrimination on any grounds (Article 21), and requests that the Union protect cultural, religious and linguistic diversity. An active policy to fight discrimination of all kinds within the EU has been put in place, managed by the European Commission Directorate General in charge of Employment and Social Affairs. The relevant anti-dis-

crimination legislation and programmes (including a 100 million € action programme in 2001-2006 managed by Directorate General for Employment and Social Affairs) are an important aspect of EU's response to the Durban World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

This commitment is reflected in the EU's external relations. The fight against racism and the rights of minorities and indigenous peoples are raised on a regular basis in political dialogue with third countries. Individual EU Member States, as well as the European Commission, are actively involved in activities of the United Nations, the Council of Europe and the Organisation for the Security and Co-operation in Europe (OSCE) in this field. For example, the EU strongly supports the goal of universal ratification of the Convention on the Elimination of All Forms of Racial Discrimination and EU Member States voted unanimously in favor of the UN Declaration on the Rights of Indigenous Peoples (2007). The Durban World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance also included provisions for international action and co-operation to tackle racism and the funding extended under EIDHR serves to promote peaceful co-existence amongst different ethnic groups in several regions of the world.

Election Assistance and Observation

The conduct of credible elections is vital to ensure democratic development and therefore, in turn, to protect human rights. Since the early 1990s the European Commission has provided increasing support to elections around the world both through electoral assistance and the deployment of EU Election Observation Missions. These are independent but complementary activities, managed by different Commission services and through different financing instruments.

Electoral Assistance

Electoral assistance is the legal, technical and logistic support provided to electoral events. Electoral assistance interventions can cover technical and financial support to:

- ✓ the establishment of the legal framework for the administration of elections,
- ✓ the institutions called to administer and adjudicate upon the electoral processes through the provision of financial resources, materials, equipment and expert advice (electoral management bodies)
- ✓ public outreach and media communications activities, and to civil society engaged in civic and voter education, domestic election observation, media monitoring and for political parties.

The EU position as a key international donor has strengthened since 2000, with a significant increase in the volume of funding and complexity of operations being registered (more than € 400 million provided in this period). In the last years, the European Commission has been reshaping its approach, rethinking the way electoral assistance is delivered and taking a leading role in the campaign to favor long-term support strategies ahead of supporting *ad-hoc* projects aimed at specific electoral events.

Strong effort has been made by the European Commission to move towards a more comprehensive approach to electoral assistance and the implementation of more effective and sustainable projects through:

- ✓ Development of methodological tools (Electoral Cycle, Methodological Guidelines¹, Training programmes)
- ✓ Coordination and collaboration with other actors (especially UN)
- ✓ Quality support to programme and projects (overall follow-up, feed back, strategic advice)

¹ http://ec.europa.eu/europeaid/projects/eidhr/EC_Methodological_Guide_on_Electoral_Assistance.pdf

EU Election Observation

In 2000, the European Commission adopted a watershed document, in which it consolidated the lessons of previous years and defined a coherent and effective policy for election observation based on long-term presence in country, substantial coverage in country by observers, political independence and professionalism. This policy document, the Communication on Election Assistance and Observation was endorsed by the Council and the European Parliament and has been applied successfully in successive EU Election Observation Missions.

Since 2000 over 60 Election Observation Missions and 10 election support missions have been deployed to countries in Africa, the Middle East, Central and South America and Asia involving the participation of some 5000 experts and observers in these missions.

The aims of election observation are to deter fraud and violence and to build confidence in the electoral process among political contestants, civil society and the wider electorate. EU Election Observation Missions are usually headed by a member of the European Parliament. After the electoral process has been completed, each EU Election Observation Mission produces a detailed report on the electoral process for the country in which observation has taken place. This report will include practical recommendations on the electoral process, and may also touch

on wider democratisation and human rights issues. As such EU Election Observation Missions represent a very significant democracy-building tool. Thanks to the role they can play in confidence-building they can also make a valuable contribution to conflict prevention.

Developing Standards and Training Observers

Since 2002 the European Commission has funded a group of specialist European institutions in the field of elections – the Network of Europeans for Electoral and Democracy Support (NEEDS) – to consolidate a common European approach to election observation among EU practitioners and with EU Member States. The activities of this network have included regular training seminars for long- and short-term observers and members of EU Election Observation Missions Core Teams, the production of a compendium on international election standards, a revision of the Handbook for EU Election Observers¹, as well as support for civil society and domestic observer groups across the world. The NEEDS project expired in October 2007. A new project will be launched early 2008.

¹ Both the Compendium of International Standards and the revised Handbook for EU Election observers are available at http://ec.europa.eu/external_relations/human_rights/eu_election_ass_observers/index.htm

The Main Actors in EU Policy on Human Rights and Democratisation

Who does what to promote human rights in EU's external relations? The Council of the European Union, the European Parliament, the European Commission and its network of 130 Delegations around the world all combine efforts to foster human rights and democratic principles in third countries.

The Council of the European Union

A major impetus to the definition of the general political guidelines of the European Union is provided by the European Council, which, every semester, brings together the Heads of State or Government of the EU Member States and the President of the European Commission.

Human rights issues arising in the EU's external relations through the Common Foreign and Security Policy (CFSP) or through the European Community's trade or development policies are dealt with by EU Foreign Affairs Ministers in the General Affairs and External Relations Council, which meets every month.

At working level within the Council, human rights issues in the EU's external relations are the responsibility of officials who meet in a thematic Working Party on Human Rights (COHOM). This Working Party is composed, as a general rule, of the Heads of human rights divisions of the Ministries of

Foreign Affairs of each of the Member States, as well as of a representative of the Commission. Different Working Parties which deal with the EU's relations with a particular region also look into human rights issues on a case-by-case basis.

The European Council decided in December 2004 to create a post of the Personal Representative of the Secretary General/High Representative on Human Rights in the area of CFSP, as a contribution to the coherence and continuity of the EU Human Rights Policy, with due regard to the responsibilities of the European Commission. In January 2005, the Secretary General/High Representative for CFSP, Javier Solana, appointed Michael Matthiessen as his first Personal Representative for Human Rights in the area of CFSP. Riina Kionka succeeded Mr Matthiessen in February 2007.

The European Commission

The European Commission is fully associated with the work undertaken under the Common Foreign and Security Policy and contributes to the formulation of EU policies and positions on human rights and democratisation. As a participant in the EU Troika (which is composed of EU Presidency, incoming Presidency and the Commission, as well as the Council Secretariat/High Representative), the Commission takes part in the external representation of the EU, for example in conduct-



ing dialogue and démarches on human rights issues with third countries. The Commission also delivers annual statements on human rights as an observer to the UN General Assembly Third Committee.

The promotion of human rights and democracy is a key element of the European Commission's policies and programmes, and the Commission's network of 130 Delegations in third countries play a vital role in the execution of EU policy in these fields. The Delegations have an increasingly important role in managing EU external assistance through the process of devolution whereby responsibility for the implementation of programmes is transferred to the Commission Delegations, including projects funded under the European Instrument for Democracy and Human Rights (EIDHR).

The European Commission maintains a structured and regular dialogue with the European Parliament enabling the two institutions to exchange views on the various issues pertaining to the EIDHR.

The European Parliament

The European Parliament acts as a strong voice for human rights and democracy issues and contributes to the formulation

and implementation of EU policies in this field through its resolutions, reports, missions to third countries, human rights events, and oral and written questions. The Parliament has a sub-committee on human rights within the Foreign Affairs Committee.

The Parliament adopts an Annual Report on Human Rights in the World and the EU's human rights policy. In addition to responses to the report and resolution during the relevant plenary debate, the European Commission provides a detailed written response to the main points in the report. The Parliament also adopts resolutions and reports annually regarding fundamental rights in the EU.

In 1988, the Parliament established the Sakharov Prize for Freedom of Thought. Each year, the prize is awarded to individuals or international organisations who have distinguished themselves in the struggle for human rights. In 2007 the Sakharov Prize winner was Sudanese human rights lawyer Salih Mahmoud Osman.

Relations with the United Nations and other International Organisations

The UN Human Rights Council and the Third Committee of the UN General Assembly

The European Union plays a very active role in the new UN Human Rights Council which has replaced the UN Commission on Human Rights and in the Third Committee of the UN General Assembly. It introduces resolutions and gives statements aiming to protect and promote human rights and fundamental freedoms. In supporting such resolutions, the EU underlines the importance it attaches to the work of UN Special Representatives and Rapporteurs on human rights issues related to specific countries and themes. The Union addresses both the human rights situation in particular countries which may be under discussion, and "thematic" questions which are in need of action in many places in the world.

Despite the risk of politicisation of debates, the UN Human Rights Council remains the key forum in the worldwide promotion and protection of human rights, and the EU contribution to its discussions is a fundamental component of the EU's external action. The UN has decided to double the budget of the Office of the High Commissioner for Human Rights and strengthen the office. The Commission has provided substantial financing to the Office of the High Commissioner for Human Rights under the EIDHR.

Organisation for Security and Co-operation and Council of Europe

The EU also plays an active role in the Organisation for Security and Co-operation in Europe (OSCE). In the human rights field, this entails engagement in the full range of Human Dimension activities. The EU participates and makes statements in the annual implementation meeting which monitors compliance with commitments and the supplementary meetings which tackle specific human rights issues such as trafficking and racism. The EU also attaches great importance to the work of the Council of Europe and its normative work to promote high human rights standards and to pursue common goals. The Council of Europe has also contributed to the reform of legal systems and setting up of effective human rights protection mechanisms in several countries in Central and Eastern Europe.

African Union

The European Commission has adopted in October 2005 a proposal for an EU Strategy for Africa. Under this Strategy, the EU reinforces its dialogue with pan-African institutions such as the African Union (AU). The European Commission has committed itself to support the stated political and institutional commitment to human rights, democracy and good governance

which the AU is fostering, as demonstrated, for example, by the establishment of the Commission for Human and People's Rights, the Pan African Parliament and the Africa Peer Review Mechanism (a reciprocal assessment of member countries' achievements in the area of democracy and political gover-

nance, among others). In addition, joint mechanisms such as permanent political dialogue, increased cooperation in international fora such as the UN, and the regular holding of an EU-AU Human Rights senior officials dialogue will reinforce our common efforts in the promotion of fundamental freedoms.

What's what? A few definitions (reproduced courtesy of the Council of Europe)

□ Council of Europe:

An international organisation based in Strasbourg which comprises 47 democratic countries of Europe. It was set up to promote democracy and protect human rights and the rule of law in Europe.

□ European Council :

Regular meeting (at least twice per year) of the heads of state or government from the member states of the European Union for the purpose of planning Union policy.

□ Parliamentary Assembly:

The deliberative body of the Council of Europe, composed of 318 representatives (and the same number of substitutes) appointed by the 47 member states' national parliaments.

□ European Parliament :

The parliamentary body of the European Union which comprises 785 European Members of Parliament of the 27 European Union countries, elected by universal suffrage.

□ European Commission of Human Rights:

Until November 1998, this international body examined the admissibility of all individual or state applications against a member state in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms; it expressed an opinion on the violations alleged in applications found to be admissible in cases in which no friendly settlement is reached.

□ European Commission :

The executive organ of the European Union, based in Brussels, which monitors the proper application of the Union treaties and the decisions of the Union institutions.

□ European Court of Human Rights :

Based in Strasbourg, this is the only truly judicial organ established by the European Convention for the Protection of Human Rights and Fundamental Freedoms. It is composed of one Judge for each State party to the Convention and ensures, in the last instance, that contracting states observe their obligations under the Convention. Since November 1998, the Court has operated on a full-time basis.

□ Court of Justice of the European Communities:

Meets in Luxembourg and ensures compliance with the law in the interpretation and application of the European Treaties of the European Union.

□ International Court of Justice :

Judicial body of the United Nations which meets in The Hague.

□ European Convention for the Protection of Human Rights and Fundamental Freedoms :

Treaty by which the member states of the Council of Europe undertake to respect fundamental freedoms and rights.

□ Universal Declaration of Human Rights :

Adopted by the United Nations in 1948 in order to strengthen the protection of human rights at international level.

□ The Convention for the Prevention of Torture:

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment came into force in 1989. The Convention supplements the protection available under the European Convention for the Protection of Human Rights and Fundamental Freedoms by establishing a European Committee for the Prevention of Torture (CPT). The Committee for the prevention of torture visits places of detention to see how persons deprived of their liberty are treated. The aim of the committee's work is to strengthen the protection of detainees against torture and inhuman or degrading treatment or punishment rather than to condemn states for abuses. After each visit, the CPT draws up a report setting out its findings and recommendations which is sent to the State concerned.

□ The protection of national minorities:

The Council of Europe adopted the Framework Convention in 1994. Contracting parties undertake to pursue the Convention's objectives through national legislation and policies. These include ensuring equality before the law, preserving and developing cultures, safeguarding identities, religions, minority languages and traditions. Since 1992 European states have been able to confirm their commitment to protection of Regional or Minority Languages by signing the European Charter on this matter.

□ A Commissioner for human rights (Council of Europe):

The post of Commissioner for Human Rights was created in 1999. The Commissioner is responsible for promoting education, awareness and respect for human rights in member states and ensuring full and effective compliance with Council of Europe texts. The Commissioner plays a supporting and essentially preventive role, without legal powers. The first holder of the post was Alvaro Gil-Robles (Spain) elected by the Parliamentary Assembly in September 1999. His successor Thomas Hammarberg (Sweden) was elected in October 2005 and took up his position in April 2006.

Where to find further information?

EUROPEAN COMMISSION

Directorate General for External Relations

http://ec.europa.eu/comm/external_relations/human_rights/intro/index.htm

EC Delegations and Offices

http://ec.europa.eu/external_relations/delegations/intro/index.htm

EuropeAid Co-operation Office

Useful documents (including EU Annual Reports on Human Rights, Communications, EIDHR Regulations, Programming, Annual Action Programme and Reports, Evaluations)
http://ec.europa.eu/europeaid/where/worldwide/eidhr/index_en.htm

Directorate General for Development

http://ec.europa.eu/development/index_en.cfm

Directorate General for Justice, Freedom and Security

http://ec.europa.eu/justice_home/index_en.htm

Directorate-General for Employment , Social Affairs and Equal Opportunities

http://ec.europa.eu/employment_social/index_en.html

COUNCIL OF THE EUROPEAN UNION

<http://www.consilium.europa.eu>

EUROPEAN PARLIAMENT

<http://www.europarl.europa.eu>

COUNCIL OF EUROPE

Council of Europe

<http://www.coe.int>

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

<http://www cpt coe int>

European Court of Human Rights

<http://www.echr.coe.int>

UNITED NATIONS

United Nations

<http://www.un.org>

Office of the High Commissioner for Human Rights

<http://www.ohchr.org/english/>

UN Human Rights Council

<http://www.ohchr.org/english/bodies/hrcouncil/>

INTERNATIONAL CRIMINAL COURT

<http://www.icc-cpi.int/>

UNIVERSITIES - ACADEMIC BODIES

European Masters in Human Rights and Democratization

<http://emahumanrights.org/>

The European Master in Democracy and Human Rights in South East Europe

<http://www.cps.edu.ba/ENGLESKI/postdiplomskistudij.html>

Mediterranean Master's Degree in Human Rights and Democratization

<http://home.um.edu.mt/laws/entrance/index.html>

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The Publications Office has a worldwide network of sales agents. You can obtain their contact details by sending a fax to (352) 29 29-42758.

Costa Lefkochir

The works used to illustrate the present brochure are by Costa Lefkochir. He was born in Heraklion (Greece), August 30, 1952.

In 1976, he became graduate from the Académie Royale des Beaux-Arts de Liège, Belgium. Since then he lives and works in Belgium and on the island of Paros, Cyclads (Greece).

Mainly of his works are in acrylic on various supports. Since many years, he creates "sealed books" (book and sculpture at the same time), as well as transformed books and artists books with poets. Works on installations for specific places like contemporary Art Fairs and on monumental paintings associated with architecture.

The works in this publication are part of a whole artistic work titled "Only the Light could". Works on pages (cover page, 8, 10, 12, 14, 26, 30) are titled "The White Dream", those on pages (24 and 28) are titled "Look" and those on pages (4, 16, 18, 20, 22) are titled "Sealed book".

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