Human Rights, Democratisation and Election Observation

EEAS VI / B
Human Rights and Democracy Directorate
EU Human Rights Policy

- Architecture, key messages
  - Human Rights Toolkit
  - Key challenges
  - Democratisation, Election observation
  - Q and A
• Article 21(1) TEU: “The Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity and respect for the principles of the UN Charter and international law”.

• Article 205, Treaty on the functioning of the European Union governs Title II on the Common Commercial Policy - the Union’s actions on the international scene pursuant to that part shall be guided by the principles, pursue the objectives and be conducted in accordance with the general provisions laid down in Chapter I of Title V of the treaty of the Union (ie Article 21 TEU).
Lisbon Treaty: legal matters

- Article 6(2) – legal competence to accede to the European Convention – negotiations ongoing

- Article 6(1) – recognises the legal effect of the EU Charter of Fundamental Rights – impact on external relations?
Lisbon Treaty: institutions

- HR/VP - policy review
- European External Action Service (EEAS)
  - including EU Delegations
  - Directorate Human Rights and Democracy
- VP, Commissioner for Fundamental Freedoms
HR / VP Human Rights Line

- Silver thread / golden standard
- Make a real difference for the people (ie HRDs)
- Efficiency (eg country strategies)
- HR strategy review
Council bodies

- COHOM – human rights working group
- Geographic working groups
- PSC/Coreper
- Council (European Council)
European Parliament

- Annual report on Human Rights
- Human Rights Sub-Committee
- Urgency debates
- Questions
- Consent to agreements
- Visits
- Sakharov Prize
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Toolkit

- EU Guidelines
- Dialogues, consultations, sub-committees
- EU declarations and demarches
- Human Rights country strategies
- Common Security and Defence Policy (CSDP)
- European Union Special Representatives (EUSR)

- Restrictive measures i.e. sanctions
- Human Rights clause
- ACP countries
- Generalised System of Preferences (GSP)
- Multilateral action – UN, CoE, OSCE
- Election observation
- Democracy promotion
- Financial Assistance
- Training
Guidelines

- Death Penalty
- Human Rights Dialogues
- Torture
- Children and Armed Conflict
- Human Rights Defenders
- Rights of Children
- Violence vs Women
- ...IHL
Dialogues and Consultations

- China
- Russia
- Iran
- Uzbekistan, Turkmenistan, Kazakhstan, Kyrgyzstan, Tadzhiistan
- African Union
- (Ad hoc) Israel
- Armenia, Georgia, Azerbaijan
- Belarus
- Moldova
- Indonesia
- India

- United States
- Canada
- Japan
- New Zealand
- Candidate countries
- Hybrid: Brazil, Argentina, Columbia, Chile, Mexico
Sub-Committees

- Lebanon
- Algeria
- Morocco
- Tunisia
- Jordan
- Egypt
- Laos
- Vietnam
- Bangladesh
- Pakistan
- Sri Lanka
- Cambodia
- Palestinian Authority
- Ukraine
Dialogues and Guidelines over time

Number of dialogues

Number of guidelines

2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
Declarations and demarches

- EU has developed a policy of raising key HR issue with third countries through rounds of systematic demarches
- can be general (ICC, UN related issue) or country-specific including individual cases, e.g. death penalty, torture, Human Rights Defenders,
Human Rights country strategies

- **Key objective:** rationalise and integrate the application of EU human rights guidelines, toolboxes or action plans into one coherent policy document

- **Aims:**
  - Better and more comprehensive *understanding* of the key human rights challenges in partner countries
  - Focus EU action on *well-targeted key priorities* with concrete goals to be achieved within 3 years
  - *Facilitate and streamline relevant activities* of Member States and EU diplomatic missions in the field;
  - *Systematise reporting* by the missions and contribute in a more comprehensive manner to the various country and regional strategies

- **Principles of local ownership**
- **FAQ** [http://intradel/eeas/node/2117](http://intradel/eeas/node/2117)
CSDP operations/missions

- Human rights
  - References in planning docs, Joint Actions
  - advisors

- Gender
  - 1325/1820 implementation
  - Comprehensive approach
  - advisors
EUSR’s

- Kosovo
- South Caucasus and Georgia
- South Mediterranean
- Sudan and South Sudan
- Central Asia
- Bosnia and Herzegovina
- Afghanistan
- African Union

- Resident in region or Brussels
- Coherence in CFSP
- Eyes and ears, face and voice
Human Rights Clause

- Standard in most agreements since 1995
- “Respect for human rights and democratic principles as laid down in the Universal Declaration of Human Rights underpins the domestic and international policies of the Parties, and constitutes an essential element of this Agreement”

- Basis for positive and negative measures
ACP Countries

- Regular political dialogue – Article 8
- Art 8 dialogue includes human rights
- ICC clause
- Intensified political dialogue
- Article 96 consultations
- Sanctions
Generalised System of Preferences (GSP)

- GSP may be withdrawn from beneficiaries for violations of human rights or export of goods made by prison labour
- GSP+ incentive arrangements
Multilateral Action

- UN General Assembly 3rd Committee
- UN Human Rights Council
- OSCE
- Council of Europe
- Other regional HR systems
Financial Assistance

- Geographic instruments: bulk of the money available; democracy/governance

- European Instrument for Democracy and Human Rights
  - Direct grants to NGOs worldwide
  - New objective 1
  - Increasing concern from some governments

- Multi annual FP
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Challenges

- Human rights as « spoiler » of relations
- Shaming versus engagement
- Universality versus relativism
- Coherence through our various external policy instruments
- EU « double standards »
- Internal/external coherence
- Economic and social rights (in addition to civil & political rights)
- Actual implementation of obligations
- Relations with NGOs
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Democracy Support

• Commission/Council Secretariat 2009 Joint Paper on Democracy Building - aim to increase coherence, consistency and efficiency of EU action on democracy support using available instruments.

• 5 principles:
  1) A tailor-made, country-specific approach.
  2) The right mix of instruments, depending on the country's situation
  3) Dialogue and partnership
  4) Co-operation with other actors.
  5) Increasing EU visibility

• November 2009 Council Conclusions task services to implement these recommendations on a pilot basis and to identify possible pilot countries (11 countries identified – adopted 13 Dec 2010)
Democracy Support: *latest developments*

- Joint ENP Communication “A new response to a changing neighbourhood”
- De Keyser report calls for a paradigm shift in EU democracy support from “security and stability” to “democracy and human rights”
- European Endowment for democracy to respond to the Arab spring and perceived shortcomings in delivering EU democracy support
Election Observation

- Since 2000, more than 90 EU Election Observation Missions to Africa, Latin America, Asia
- **2011**: Sudan, Niger, Uganda, Chad, Nigeria, Peru, Zambia, Tunisia; on-going: Nicaragua, RDC
- Comprehensive & long term approach with focus on election **process**
- EU EOMs complementary to election assistance as well as broader EU democracy and HR support actions
- Emphasis on impact of EU EOMs: follow up to recommendations, post-EOM political dialogues

- **Inter-institutional co-operation**: Commission & EEAS + regular consultation of MS & close cooperation with EP
- **International co-operation**: EU Institutions signatory of Declaration of Principles on International Election Observation, co-operation other election organizations (e.g. Carter Center, AU, Commonwealth, OAS...)
- **Challenges**: Election observation is a successful tool (Alternatives; links with other political objectives; operational & security issues)
Aim of Election observation

- Not validate results!
- Deter fraud and violence
- Create confidence for contestants and voters to participate in election process
- Evaluate process against international standards for democratic elections
- Provide a « snapshot » analysis of a wide range of issues related to democracy and the rule of law
- Produce constructive recommendations
The Communication of 2000: EU strategy for election observation and assistance

- Annual programming of election observation which takes into account all aspects of the relations with a country.
- A standardised and comprehensive methodology
  - Impartiality
  - Independence
  - Observation of all stages of the electoral process and full geographical coverage
  - Invitation
Election Observation: timeline
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