

## CONSULTATION PAPER

### Thematic Programme for the promotion of democracy and human rights worldwide

#### 1. Summary

The thematic programme for the promotion of democracy and human rights worldwide will be global in scope and based on the four proposed new financial instruments. Building on confirmed EIDHR structures, it will provide a horizontal framework for action to promote democracy and human rights in accordance with EU objectives, thereby complementing geographical programmes and other instruments of cooperation and dialogue.

Though democracy and human rights have become important areas of EC support within geographic programmes, there remain a wide range of possible priority issues and needs where the new thematic programme can provide a specific added value. Four broad strategic objectives are proposed, ensuring continuity with the current activity of EIDHR:

- **To enhance respect for human rights and fundamental freedoms where they are most at risk, through support for campaigns on specific issues in particularly serious situations and in difficult partnerships;**
- **To strengthen the role of civil society in promoting human rights and democratic reform and in developing political participation and representation, through support for civil society networking and dialogue at national and regional level;**
- **To strengthen the international framework for the protection of human rights, the rule of law and the promotion of democracy, by providing support for specific international instruments of human rights, justice and democracy;**
- **To build confidence in democratic electoral processes through further development of EU electoral observation and capacity-building for electoral observation at regional and national level.**

The internal balance of activity within the new programme, as well as priorities within each objective should be the subject of a mid term review before 2010.

#### 2. Introduction

In the context of the next Financial Perspective 2007 – 2013, the Commission has proposed a new, simplified political and administrative structure for the delivery of the Community's external assistance and cooperation programmes. In place of the existing multiplicity of geographical and thematic instruments, which have grown in an *ad hoc* manner over time, four new instruments are proposed for the future. Three of them have geographic scope, designed to implement particular policies (the Instrument for Pre-Accession Assistance (IPA), the European Neighbourhood and Partnership Instrument (ENPI), and the Development Cooperation and Economic Cooperation Instrument (DCECI)). A fourth, the Instrument for Stability, has a horizontal mandate to contribute to peace and stability in third countries.

The three geographic instruments provide for both geographic and thematic programmes. Geographic programming in the form of country and regional strategy papers, currently underway for 2007-13, is intended to be "comprehensive" so as to incorporate all relevant policy objectives and ensure mainstreaming of cross cutting issues, such as democracy and human rights, good governance, gender equality, children's rights and indigenous people, conflict prevention and environmental sustainability.

Thematic programmes, for which also strategy papers are to be drawn up, may address specific challenges common to several countries. In its Communication of 3.8.2005<sup>1</sup>, the Commission has identified seven thematic programmes, one of which will focus on the promotion of democracy and human rights worldwide. The thematic programmes are to be complementary to and supportive of the geographical programmes. They need to show distinctive added value, contributing to policy objectives in ways that cannot otherwise be achieved, enhancing the effectiveness of country and regional strategies, and improving efficiency of European cooperation.

The promotion of democracy and human rights figures among the proposed objectives and eligible measures of all three geographic instruments. The Instrument for Stability, moreover, has as a core objective to provide an effective and integrated response to crises and threats to human rights, democracy and the rule of law with the general aim of re-establishing the necessary conditions for normal cooperation policies and instruments to be applied. Democracy and human rights will undoubtedly constitute an important dimension of the country and regional strategy papers. Indeed, in several countries, national programmes should be able through mainstreaming to support rights-based development and democratic institution building, thereby responding to several of the many demands and challenges that the EIDHR has attempted to deal with hitherto.

There are nevertheless several types of activity in support of democracy and human rights, which cannot be effectively handled through geographic programmes and which justify maintaining a separate facility such as the EIDHR. The Commission has proposed that, in the new regulatory environment, such a facility would take the form of a single thematic programme on the promotion of democracy and human rights worldwide that would be common to all four instruments. It would not need a special legal basis, though it would have a separate budget line, with funds allocated, by the budget authority, from the financial envelopes decided for each of the geographic instruments – ENPI, DCECI and IPA – and the Instrument for Stability. Such a programme would build on and provide continuity with the present EIDHR.

**This consultation document puts forward proposals and options on how the strategic objectives and priorities of the new thematic programme may be defined. Comments are specifically invited on the proposed definition of four strategic objectives, the possible balance to be established between the four objectives, and the suggestions for priority setting within the strategic objectives 1 and 2**

### 3. The context for European support for democracy and human rights

European Community (EC) policy in support of democracy and human rights in third countries has been articulated and developed in Commission communications, European Parliament resolutions and Council conclusions over the years. These reflect in particular a commitment to uphold the universality and indivisibility of human rights - civil, political, economic, social and cultural - as reaffirmed by the 1993 World Conference on Human Rights in Vienna, the 1995 Beijing Declaration and Platform for Action and other international fora. As indicated in the Treaty mandates<sup>2</sup>, the objective of developing and consolidating democracy and the rule of law, and respect for human rights and fundamental freedoms is now a feature of all forms of co-operation with third countries. This is reflected most recently in the new Joint Statement on EU Development Policy which sets democracy, human rights and good governance as a key area for Community action<sup>3</sup>.

The Council has regularly reaffirmed policy principles, emphasizing the mainstreaming of human rights and democratisation into policies and actions and the importance of dialogue with civil society. The

---

<sup>1</sup> Commission Communication *External Actions through Thematic Programmes under the Future Financial Perspectives 2007-2013*, COM(2005) 324 final of 3 August 2005

<sup>2</sup> Article 11(1) TEU; Articles 177(2), 181a(1) TEC

<sup>3</sup> Cf. Communication on the *European Development Policy "The European Consensus"*, COM(2005) 311 final of 13 July 2005; *Joint Statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission "The European Consensus on Development"* adopted on 22 November 2005

EIDHR has had the mandate to provide assistance in meeting human rights and democracy objectives both at international level and national level. Human rights have a particularly high profile, with the Annual EU Report on Human Rights and specific Commission communications and Council positions relating to particular human rights issues and regions. Hence the high priority attached to the universal abolition of the death penalty, the fight against torture and other cruel, inhuman or degrading treatment or punishment, action against racism, racial discrimination, xenophobia and related intolerance, support for human rights defenders and children in armed conflict. EIDHR has been the key instrument for action on these issues. Other issues such as gender and the rights of indigenous people have also been given priority, leading to a range of separate measures, as well as attempts to mainstream within national programmes.

Human rights and democracy have over time become increasingly important in the European Community's national and regional strategies and cooperation programmes. There has been growing emphasis on "state building" and "governance" (terms often preferred to democracy building), especially support for public institutions – public administration at national and local level, the judiciary, the police, and penal institutions. Also noticeable is an emphasis on assistance for public service delivery involving civil society groups and local communities. Democracy, the rule of law and the protection of human rights have been treated in an explicit and integrated way in the context of enlargement and support for the fulfilment of the Copenhagen political criteria. Dialogue and monitoring as well as financial and technical assistance play an important role in the accession strategies, now being echoed in the context of the European Neighbourhood policy.

With a developing EC role in conflict management in recent years, the human rights and democracy dimensions have also been highlighted whether in conflict prevention, peace building or post conflict reconstruction. The Rapid Reaction Mechanism has been designed to intervene upstream from the EIDHR, also working on human rights and democracy with civil society and other local actors.

On the one hand, changes in the international environment brought various pressures and opportunities for work in this field at European level. The concern with security and the fight against terrorism has to some extent shifted attention from human rights issues, yet at the same time highlighted the importance of ensuring human rights, rule of law and inclusive democracy to avoid alienating communities and creating conditions of insecurity. On the other hand, the newly enlarged EU creates a new framework for support for human rights and democracy, since the new Member States have unique experience of political transition, adding credibility and new expertise to efforts in this field. Furthermore, the European Parliament which is concerned to develop democracy assistance has recently addressed the issue of its future role in this area at a hearing in May 2005. Strong civil society voices are also emerging to suggest a much enhanced role for democracy assistance, setting a strong European profile and including greater involvement of "political society".

#### 4. EIDHR to date

The EIDHR, created and so-named in 1994 by the regrouping of several relevant budget lines, has evolved considerably since its creation and has been amply documented and evaluated<sup>4</sup>. The EIDHR fulfils a variety of roles and responsibilities, encompassing specific mandates arising from dedicated budget lines created over time. It is currently based on two regulations<sup>5</sup> and relates to five budget lines under Chapter 19.04 of the budget; its main policy framework set by the 2001 Commission communication<sup>6</sup> and the related positions by the Council and European Parliament<sup>7</sup>.

---

<sup>4</sup> Cf. the most recent thematic evaluation relating to EIDHR support to racism, xenophobia and minorities projects and other such evaluations <http://europa.eu.int/comm/europeaid/projects/eidhr/documents>; cf. also the most recent general evaluation of EIDHR *No lasting peace and prosperity without democracy and human rights* (July 2005) commissioned by the European Parliament's AFET Sub-committee for Human Rights and carried out under the auspices of the Netherlands Institute for Multiparty Democracy (NIMD);

<sup>5</sup> Council Regulation (EC) No 975/1999, OJ L 120, 8.5.1999, p. 1, as amended by Regulation (EC) No 1882/2003, OJ L 284, 31.10.2003, p. 1, and Regulation (EC) No 2240/2004, OJ L 390, 31.12.2004, p. 3; Council Regulation (EC) No 976/1999, OJ L 120, 8.5.1999, p. 8, as amended by Regulation (EC) No 907/2003, OJ L 122, 16.5.2003, p. 36, and Regulation (EC) No 2242/2004, OJ L 390, 31.12.2004, p. 21

<sup>6</sup> *The EU's Role in Promoting Human Rights and Democratisation in Third Countries*, COM(2001) 252 final of 8 May 2001; Cf. *Implementation of the Commission Communication on the EU's Role in Promoting Human Rights and*

Building on its key strength to operate without the need for host government consent, the main vocation of EIDHR has been to support civil society activity in the promotion of human rights and democracy. EIDHR partners are primarily international and local civil society organisations (CSOs)<sup>8</sup>, but also include international intergovernmental bodies with special expertise. A separate but complementary role, which comes under the umbrella of EIDHR, has been to provide the vehicle for support for international instruments of international law and human rights, including direct support for the functioning of the International Criminal Court and special *ad hoc* international criminal tribunals. A quite different third role relates to the organisation and funding of EU Election Observation Missions, which have developed over the years into a major instrument of EU external relations<sup>9</sup>.

Competing demands, combined with high levels of expectation and oversubscription have meant constant pressure on EIDHR to prioritise more severely, improve efficiency and ensure complementarity, as well as keep a balance between the three quite distinct types of EIDHR activity. The current 2005-6 programming<sup>10</sup> seeks to address several of the ongoing challenges of coherence and clarity, synergy with other policies and instruments, flexibility and simplification. It seeks inter alia to extend micro projects and to enhance participation of southern civil society organisations, to strengthen support for regional networking and to improve promotion of gender equality. The programme is divided into four global campaigns - promoting justice and rule of law; fostering a culture of human rights; promoting the democratic process, and advancing equality tolerance and peace. The programming cannot yet be assessed as to its effectiveness but provides the starting point for reflections on the design of a new generation of EIDHR activity.

## 5. Towards a new thematic programme on democracy and human rights

The new regulatory environment presents an opportunity to review the vocation and scope of EIDHR, whilst maintaining due continuity with current programming and building on achievements to date. With necessarily limited resources, the new programme will need to be highly selective in its objectives in order to maintain a distinct profile. In this context, a basic assumption in planning priorities for the thematic programme is that many aspects of democracy and human rights will be effectively integrated into geographic programmes, and that the European Community and other donors will between them provide the technical and financial assistance required for the major tasks of building or strengthening democratic state institutions, including appropriate electoral, parliamentary, judicial, penal and regulatory institutions. The new thematic programme on democracy and human rights can in that way concentrate on complementing and underpinning such assistance, by promoting democratic process and fostering a culture of human rights and democracy, as well as by working to secure basic human rights and freedoms where they are particularly at risk.

### 5.1 General considerations on strategic objectives

#### *Complementarity and independence – two directions*

5.1.1 One defining characteristic of the EIDHR has been, and should undoubtedly continue to be, its capacity to work with and through non-state actors without requiring any endorsement or authorisation from the national authorities of the partner country. This has been a main source of its complementarity with geographic programmes. It has made possible support for activities with and by civil society in

---

*Democratisation in Third Countries (COM(2001) 252 final)*, Commission Staff Working Document SEC(2004)1041 of 30 July 2004

<sup>7</sup> cf. Council conclusions on the European Union's role in promoting Human rights and Democratisation in third countries of 25 June 2001; Resolution of the European Parliament of 25 April 2002, OJ C131 E, 5.6.2002, p. 147; Council conclusions of 23 February 2004

<sup>8</sup> The term "civil society organisation" is intended to include a broad range of partners in civil society, including trade unions, employers' associations, faith based groups, think tanks etc

<sup>9</sup> Commission communication *EU Election Assistance and Observation* COM(2000) 191final of 11 April 2000; Council conclusions of 31 May 2001; Resolution of the European Parliament of 15 March 2001, JO C343, 5.12.2001, p. 270

<sup>10</sup> European Initiative for Democracy and Human Rights Programming for 2005 and 2006, C(2004)4475 of 6 December 2004

countries with which the EU has not yet entered into a contractual relationship, in partner countries with which general cooperation may have been partly or fully suspended, and in other fragile states and difficult partnerships. More broadly, it has enabled work on sensitive issues of democracy and human rights to proceed in situations where civil society has little trust in government impartiality or even where governments themselves may be constrained and lacking in the confidence necessary to take risks on unpopular measures. It is possible to distinguish two distinct paths for the thematic programme in future in relation to its independence and relations with civil society.

5.1.2 The same kind of independence of action will clearly continue to be essential for action in those countries where fundamental freedoms of expression and association are deeply prejudiced or human rights abuses are frequent. It can be argued that it is in fact the main vocation of a thematic programme on democracy and human rights to seek ways of working to enhance respect for human rights and fundamental freedoms precisely in these most difficult situations where democratic process is almost entirely absent<sup>11</sup>. In this area of activity, the challenge for the new programme is to identify what types of action are possible in difficult situations and to define its thematic and geographical priorities in such a way as to avoid fragmentation of resources. It can also be hoped that the new regulatory environment will enable the new programme to respond with more speed and flexibility when circumstances so demand.

5.1.3 In countries with more commitment to an open society and democratic process, however, it should be acknowledged that, over time, mutual trust and cooperation between government and civil society can be developed as a pluralist political culture becomes more embedded and that this is indeed an objective of development cooperation. Though they may be very diverse, many civil society organisations in partner countries are to be valued for their intrinsic qualities, in so far as they represent groups of citizens with common interests and a commitment to democratic values, thus forming part of a developing civil society which, collectively, has an important broader vocation in building democracy and making it work to the benefit of all citizens. In this respect, civil society can be a vivid demonstration of pluralism at work. In terms of campaigning effectiveness, moreover, the interdependence of individual human rights often makes integrated approaches more effective, enabling broader coalitions to be formed, issues like gender and minorities to be mainstreamed, and use of resources optimised.

5.1.4 An issue for the new programme is the degree to which in future there should be a more central focus on strengthening the way local civil society organisations work together as a community, assisting it in developing common agendas for democratic reform and human rights, and in enhancing political participation and accountability at national level.<sup>12</sup> The new programme can help pave the way in this direction, seeking explicitly to build trust within civil society and strengthen the culture of pluralism. It can be argued that, in those countries with a basic commitment to an open society and democratic process, the new programme should contribute to a process leading to greater stability and sustainability of local civil society, which can allow it to phase out its support and use its resources to attain similar objectives elsewhere. As governments also gain confidence, they are more inclined to agree to programme EC (or other donor) financing for civil society support schemes without seeking to control the scheme or undermine the independence of action of the civil society actors.<sup>13</sup> Through expanded national dialogue with civil society and with government, the new programme might be able to develop a more phased approach at national level in this way and build this more explicitly into its objectives for civil society support.

5.1.5 These two directions can provide the basis for two distinct strategic objectives for the new programme:

---

<sup>11</sup> It may well be that many local and international civil society organisations cannot function effectively in such situations and that international intergovernmental organizations may provide the most appropriate partner for EIDHR as intermediary with local partners

<sup>12</sup> The national level is indicated specifically since support for civil society organisations engaged in a similar role at the level of local authorities is envisaged for the Thematic Programme on Support to Non-State Actors in Development.

<sup>13</sup> Mainstream funding for locally based civil society development foundations and grant aid schemes has been a regular feature of EU cooperation with the new democracies of Central and Eastern Europe and in countries such as South Africa.

- **To enhance respect for human rights and fundamental freedoms where they are most at risk, through support for campaigns on specific issues in particularly serious situations and in difficult partnerships.**
- **To strengthen the role of civil society in promoting human rights and democratic reform and in developing political participation and representation, through support for civil society networking and dialogue at national and regional level.**

As with the EIDHR at present, these two strategic objectives will be pursued primarily through cooperation with civil society organisations and should continue to attract the main share of the budget of the new thematic programme.

#### *International instruments*

5.1.6 Quite distinct from its vocation to work without government consent, especially with civil society, the EIDHR has a distinguished record of support for international human rights instruments and mechanisms and the international criminal justice system, including of the International Criminal Court (ICC) and other *ad hoc* international criminal tribunals. This is in accordance with EU policy objectives<sup>14</sup> and reflects its strong commitment to multilateralism. In the new regulatory environment, each of the new financial instruments are likely to embody an unspecific general commitment to multilateral cooperation and international instruments of democracy and human rights, and it will fall to the common thematic programme for the promotion of democracy and human rights worldwide to articulate specific objectives and measures in this field.

5.1.7 The new programme should continue to assist the implementation and functioning of international human rights instruments, international criminal justice mechanisms such as the International Criminal Court and international and national tribunals when set up under an international mediated peace agreement. The training of specialists in the application of international human rights instruments may also be supported in this context. The new programme could also provide support for international democracy instruments, such as the newly established UN Democracy Fund and joint projects with regional organizations, such as the Council of Europe and OSCE/ODIHR. Support might also be considered for civil society campaigns on specific human rights issues in so far as they relate directly to preparations for corresponding international conferences within the UN system (e.g. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance).

5.1.8 The specific objectives for the new programme in this area may thus be formulated in a general way as follows:

- **To strengthen the international framework for the protection of human rights, the rule of law and the promotion of democracy, by providing support for specific international instruments of human rights, justice and democracy.**

#### *Embedding electoral observation*

5.1.9 In parallel with its other functions, the EIDHR has been the instrument through which the European Commission has developed its role as one of the leading organisations in election observation, based on the principles and procedures outlined in the 2000 Communication on EU Election Assistance and Observation and endorsed by Council in 2001<sup>15</sup>. The Commission has also endorsed the newly agreed global principles for international election observation<sup>16</sup>. Electoral observation is a highly sensitive area, which has given the EU a high profile and authority, strengthening its position in political dialogues, and contributing to the promotion of human rights and democracy, by moving the electoral process forward, helping to encourage professionalism and transparency, inspire confidence and discourage irregularities

<sup>14</sup> Cf. Revised Action plan to follow-up on the common position on the International Criminal Court, Council Common Position of 16 June 2003 on the International Criminal Court; Resolution of the European Parliament on the General Affairs Council's position concerning the International Criminal Court of 24 October 2002

<sup>15</sup> COM(2000)191 of 11 April 2000, Council conclusions of 31 May 2001

<sup>16</sup> The Declaration of Principles for International Election Observation and a Code of Conduct for International Observers endorsed under UN auspices on 27.10.05

and abuse. The coordinating and management role of the European Commission has ensured a high level of consistency between various EU Election Observation Missions (EU EOM) thanks to unified programming, as well as political independence and visibility.

5.1.10 The current approach to EU EOMs can be further consolidated in terms of programming and implementation. The new programme should continue to focus on a limited number of polls, which fulfil the criteria of usefulness, advisability and viability as established in the 2000 Communication, improving quality and gradually increasing quantity. Observation of upstream issues (voter registration, media training, voter education) may be developed, reports made more precise and assistance in follow up made more systematic. Observation missions adapted to conflict situations and post conflict elections are also due to be further developed. Over and above EU missions, electoral observation capacity building may also be supported especially at regional level, as now through regional organisations, such as the African Union (AU), or in future with other regions, e.g. the Arab world.. Parallel initiatives in election assistance to develop local capacity for sustainable and professional election management and infrastructure should be supported in due time through geographic programmes. The new programme may, if need be, in its work with civil society actors, contribute to supporting local observer and monitoring capacity as well as wider initiatives to enhance participation and trust in the electoral process.

5.1.11 It seems clear that the new programme should inherit the EIDHR mantle of EU election observation, and given its importance, a specific strategic objective can be defined as

- **contributing to building confidence in democratic electoral processes through further development of EU electoral observation and capacity-building for electoral observation at regional and national level.**

## 5.2 Specific considerations on priority setting

*Which themes, whose needs?*

5.2.1 EIDHR has attempted to encompass a multiplicity of themes relating to human rights echoing specific objectives and policy commitments and suggestions from Council and Parliament. Reflecting EU Guidelines on Human Rights issues<sup>17</sup>, it has in particular given high priority and visibility over the years to the abolition of the death penalty, the fight against torture and the protection and rehabilitation of torture victims, as well as to the fight against racism and discrimination against minorities. It has promoted the International Criminal Court (ICC) and other international tribunals and given support to the work of international human rights mechanisms and the incorporation of international standards into national legislation. It tries to prioritise the rights of women, campaign against trafficking and female genital mutilation (FGM), promote the rights of indigenous peoples, spotlight children's rights, support freedom of expression and association and pluralism in the media, as well as promote the rights of human rights defenders. These various priorities have usually been the subject of "single issue" projects, leading to considerable fragmentation of resources. It is becoming increasingly difficult to select priority themes and focus resources, especially with new issues emerging and pressures to engage more directly in democracy building to accompany work on human rights.

5.2.2 The campaign themes, as currently programmed for EIDHR 2005-6, seek to regroup a series of issues under the headings of promoting justice and the rule of law; fostering a culture of human rights; promoting the democratic process, and advancing equality, tolerance and peace. These four campaigns break down into 17 types of action, with 3 further cross cutting themes (children and women, indigenous peoples, conflict prevention). The essential ideas of these four campaigns are taken up in the four strategic objectives outlined above. As regards priority setting, within these objectives, there is an opportunity to consider whether some different, maybe simplified approaches may be feasible. It would seem useful to consider priorities according to each of the strategic objectives in turn.

---

<sup>17</sup> Guidelines to EU policy towards third countries on the death penalty, June 1998; Guidelines to EU policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment, April 2001; EU Guidelines on children and armed conflict, December 2003; EU Guidelines on human rights defenders, June 2004.

*Solidarity and front line defence of fundamental rights and freedoms*

5.2.3 For the first strategic objective - to enhance respect for human rights and fundamental freedoms, through support for campaigns on specific issues in particularly serious situations and in difficult partnerships – there is continuing debate, as mentioned above, on how to set priorities whilst avoiding a fragmentation of resources. One option might be to narrow the thematic priorities, select a single theme per year (e.g. campaign against torture, campaign for free media) and then devote large resources to it to achieve real critical mass, rotating themes from year to year. Though this might give greater visibility, it would tend to undermine the principle that “all human rights are universal, indivisible and interdependent and interrelated”<sup>18</sup> and no one set of rights should be prioritised over others. It can also be argued that single issue campaigning tends to fragment the efforts of civil society and reduce overall impact. In countries with few freedoms for human rights advocacy, it is especially important to demonstrate how each theme (torture, media etc) forms only one part of a larger body of rights and democratic processes, which are inextricably linked. Taking this approach further, the new programme could seek - for this category of difficult countries - to move beyond single issue activities altogether, placing emphasis on the fundamental freedoms of expression and association and the protection of human rights defenders, since these are the preconditions for normal civil society activity and any advance towards democracy. Education and awareness raising activity could be included alongside advocacy. According to the specifics of each country, issues of torture, media freedom, death penalty, minority rights etc would then be encompassed within a broader campaign.

5.2.4 The notion of geographical priority has evolved as the remit and expectations for EIDHR have expanded. With its 2005-6 programming, EIDHR has enlarged its focus to include 68 countries, of which 54 have a micro project facility. By proposing two distinct strategic objectives, it is envisaged that the new programme would subdivide this large group of countries and establish the principle of a more limited group of countries, corresponding to the first objective, where there are serious problems of respect for human rights and fundamental freedoms, where civil society operates with great difficulty and there is little room for political pluralism. They are the countries where great care has to be taken in involving local civil society organisations, and where international or regional partners, non-governmental or intergovernmental, may be able to offer an appropriate intermediary role. The countries in this group will change over time, as some experience a change of regime, moving onward with democratization, or as some revert to greater repression or restrictions on human rights and freedoms<sup>19</sup>.

5.2.5 A further group of countries may be included where the human rights situation is dire, more as a result of state collapse than state repression, and where support for strong voices from civil society may be important<sup>20</sup>. There may also be situations where, following on from a concerted EU response to a crisis situation (foreseen as a core objective of the proposed Instrument for Stability), there is a need for a more sustained intervention by civil society in the field of conflict prevention and resolution that could be taken up in this context.

5.2.6 The rehabilitation of victims of torture and ill treatment would constitute a quite separate strand of activity under this strategic objective. The EC has for years funded rehabilitation centres, both inside and outside the EU, using two specific budget lines. These will be merged under one budget line for the new programme in future. Recent evaluations of March 2005 and November 2003<sup>21</sup> have proposed a number of measures to enhance the effectiveness of rehabilitation processes, but have acknowledged the difficulties in making the transition from EC funding to other funding. For the foreseeable future, this will remain an important area for transnational support by EIDHR and its successor programme to demonstrate EU solidarity in a practical way and complement advocacy and political demarches at national and international level.

---

<sup>18</sup> Vienna Declaration and Programme of Action as adopted by the World Conference on Human Rights on 25 June 1993 (Vienna Consensus) UNGA document A/CONF.157/23 of 12 July 1993, notably paragraph 5 and paragraph 8

<sup>19</sup> At present, the group could be composed of countries such as Myanmar, Belarus, Cuba, Zimbabwe, Iran and several countries in Central Asia and the Arab world

<sup>20</sup> E.g. Haiti, Somalia, DRC

<sup>21</sup> cf. [europa.eu.int/comm/europeaid/projects/eidhr/documents\\_en.htm#evaluations](http://europa.eu.int/comm/europeaid/projects/eidhr/documents_en.htm#evaluations)

5.2.7 As for prevention of torture, this is one of the specific human rights issues that would in future be merged into more horizontal campaigning, either in difficult countries, under a broader banner of fundamental freedoms, or in more open societies, within the context of common platforms developed by local civil society. This should go hand in hand with the development of an integrated policy including aspects of prevention and rehabilitation, based on open definitions of these two concepts, so that some activities can be eligible under both headings.

*Civil society in the democratic process*

5.2.8 The second strategic objective - to strengthen the role of civil society in promoting human rights and democratic reform and developing political participation and representation, through dialogue and support for civil society networking at national and regional level - can provide a new focus for support for civil society organisations (CSOs), enabling a more integrated approach and, hopefully, encouraging cooperation rather than competition between such organisations at national and regional level.

5.2.9 There are several possible strands of activity under this heading. One priority would concern cooperation between CSOs to work in mutual support, build broad coalitions across different regions, communities and identity groups and engage socio-economic actors in supporting common agendas for human rights and democratic reform, including broad-based co-operation on civic education activities around such common agendas, designed to strengthen a pluralist culture and understanding of democratic processes. Such cooperation should lead to a broader slate of human rights issues, reducing the need to set thematic priorities and yet facilitating the inclusion of cross cutting issues such as gender equality, children's rights and indigenous peoples, conflict prevention etc. In this context, the regional dimension of CSO cooperation and networking should not be neglected though clear priorities would be required, which could for example privilege networking by CSOs from distinct sub-regions plagued by conflict (e.g. Great Lakes, Manu river, Western Balkans) or by deeply divisive political issues that may be best opened up for discussion at transnational level (e.g. religious minorities and secularism, reconciliation and justice). Capacity building support for sub-regional CSO networks may be prioritised in certain circumstances e.g. if working together to produce materials in common regional languages.

5.2.10 Another issue is how far the new programme should put priority on supporting initiatives designed to improve the links between civil and political actors, in order to enhance political participation and representation and generally help to instill democratic values among political elites. With increasing attention on politicians and political parties as a critical area of weakness in the consolidation of young democracies, there is much expectation that the new thematic programme will engage more explicitly with political society. Lack of interaction between civil society and political parties and the weak sense of accountability or responsiveness by parties are among the factors which undermine the efforts of civil society on human rights and political reform, give impunity to political elites and lead to contempt for politics. Human rights promotion at national level, where EIDHR has hitherto given much support, already entails advocacy and dialogue with political actors, though the tendency is to bypass elected representatives and go direct to executive power. As a result, there may be little in the way of sustained improvement in democratic processes or impact on the political culture. Encouraging civil society organisations to focus more attention on political processes, sharpening their demands for representation, participation (including the empowerment of women and other underrepresented groups), responsiveness and accountability could be a suitable priority area for the future. Linked to this, support for political pluralism might also be developed through civil society work with parliamentarians, for example on the role of the opposition in a legislature. A multiparty approach, including all major parties professing a democratic commitment, would need to be the norm. However, direct support for party development would not be envisaged.

5.2.11 Another type of activity involving civil society organisations as a community could be support for national forums in divided or "blocked" societies, so as to assist dialogues between local stakeholders and facilitate consensus on political or institutional reforms. Of interest too are initiatives for inter-communal and interfaith dialogues at national and regional level. These have taken on greater significance as religion has become an increasingly powerful factor in politics, affecting democratic development and the protection of human rights. The new programme could be open to innovation in this respect and give particular support for new types of action based on local dialogue that contribute to inclusive democratic processes and more sustainable protection of human rights.

5.2.12 The particular needs and priorities for civil society networking and dialogue could be defined more precisely in consultations with civil society representatives to ensure greater complementarity of EC interventions at local level as well as enhance local ownership of the democratization process. Situations vary so consultations of this kind could be piloted and developed gradually in conjunction with the new round of programming 2007-13.

5.2.13 There remains the challenge of defining geographical priorities for this strategic objective. A starting point can be to focus on those countries of the 54 which already have an EIDHR micro-project facility, which have a relatively open society (i.e. are not included under the first strategic objective) and where EC support for civil society can be effective. It would be unwise to spread resources more thinly than at present, but the new programme must have the flexibility to be able to respond to “windows of opportunity”, e.g. in cases of regime change. There is, moreover, an increase in “political space” for effective pro-democracy activity by civil society, encouraged by international discourse on open societies and participatory democracy. Hence the widespread interest in grant facilities such as EIDHR has provided. Seen from this perspective, there are several other parts of the world e.g. much of West and Central Africa, Central America, Caribbean, Pacific region which could also in due course be considered for inclusion among the new geographical priorities.

5.2.14 In so far as this strategic objective has validity, therefore, the EU should not try to be too selective in choosing where to offer support to civil society. Instead, for the future, it might be desirable to establish some mechanism for the *rotation* of geographical priorities and resources. It could for instance be argued that a 5-7 year duration for a micro-project facility should be adequate to achieve some targets for sustainability and consolidation of local civil society activity. It might be possible for the new programme to move on from countries where an open society is sufficiently well established and there are good prospects for alternative funding for pro democracy civil society organisations. This would require in-depth discussion and preparation with the major stakeholders in the country concerned.<sup>22</sup>

#### *Other issues of prioritisation*

5.2.15 Priority setting for other strategic objectives is less of an issue for the thematic programme and the consultation process, since these do not involve calls for proposals in the same way as the first two strategic objectives. Priorities for election observation missions are decided in the light of the calendar of elections and political developments, and considerations set out in the Communication on EU Election Assistance and Observation and endorsed by Council in 2001<sup>23</sup>. Priorities for support to international instruments and mechanisms are decided in the light of EU objectives and in dialogue with the UN and other relevant organisations.

---

<sup>22</sup> This might apply in due course to countries such as Turkey, Bosnia, Georgia, Ukraine, Morocco, Mexico, Brazil and Mozambique.)

<sup>23</sup> COM(2000)191 of 11 April 2000, Council conclusions of 31 May 2001