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REPORT FROM THE COMMISSION

**ON THE IMPLEMENTATION OF MEASURES INTENDED TO PROMOTE
OBSERVANCE OF HUMAN RIGHTS AND DEMOCRATIC PRINCIPLES IN
EXTERNAL RELATIONS FOR 1996 - 1999**

PREFACE

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**Member of the European Commission
responsible for External Relations**

The principles of liberty, democracy, respect for human rights and the rule of law form a cornerstone of the European Union. At a time in which the Commission is setting out new priorities to consolidate and develop these principles, this report provides a useful overview of the large range of activities supported by the Union through the 'European Initiative for Human Rights and Democracy' (EIDHR). Between 1996 and 1999, over 300 million Euros were allocated to projects throughout the world from EIDHR alone; this figure does not include the contribution from other areas of the EU budget such as that for development cooperation and cooperation with associated countries.

The European Parliament, member States and our partners in civil society have called for more transparency and accountability in the deployment of Community funds. This report responds to that call. It sets out a detailed financial breakdown of where and how money was spent. Furthermore, by highlighting individual projects as examples, the report illustrates the concrete action facilitated by Community finance. It also addresses why particular activities were pursued, drawing attention to the pivotal role of the European Parliament in both the development of policy and the expansion of available resources.

This survey of our activities firstly makes clear that a major priority for the Union has been the development of its partnership with non-governmental organisations and civil society. Unlike in some other areas of Community action, NGOs are the principle implementing partners for projects under EIDHR. Without their essential contribution, the vast majority of activities outlined in this report could never have been realised. In addition to this partnership, it is a fundamental aim of the EU to help strengthen a robust and pluralistic civil society throughout the world.

Secondly, with regard to the development of activities between 1996 and 1999, it can be seen that funding has increased dramatically in certain areas. For example, the priority attached by the Union to promoting awareness and professional competence in the field of human rights is illustrated by a large increase for projects concerning human rights education. Similarly, enhanced assistance for strengthening legal systems reflects a growing emphasis on institution-building and the rule of law. Where certain activities are marked by an apparent decline in resources in 1999, such as those projects described contained in the section on 'target groups', this represents an evolution of projects which focussed on specific categories of individuals towards instruments which better ensure their protection through larger, thematic programmes.

This report can make a significant contribution to the dialogue on human rights issues and activities between the Commission and its partners. Above all, it demonstrates that the European Union will always face a demand for assistance in the human rights field which will outstrip its ability to fund many worthwhile projects. Nevertheless with the help of reports such as this, we will be better able to establish a strategy to make best use of our resources.

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Introduction

This report sets out an overview of the activities in the protection and promotion of human rights and democracy funded by the European Commission in external relations between 1996 and 1999. It examines the major thematic priorities and the regional strategies of such action, and provides an analysis of some procedural aspects. In addition, an assessment of the performance of the Commission in this field is included.

• Background

It is the fourth report of this kind, and describes the main lines of action followed in the use of resources available in the financial years 1996, 1997, 1998 and 1999 under the European Initiative for Democracy and Human Rights (Chapter B7-70 of the EU budget). During the period assessed by this report, approximately 300 million Euros were allocated to human rights and democracy projects from this part of the budget alone.

The period assessed by this report is unusually long, which can be explained by a number of factors. Firstly, the years under review were a time of significant change for the European Union, in its transition from an economic entity to a political body, and in the development of its human rights policy. The Treaty of Amsterdam represented a major advance in this policy, reaffirming that the Union is 'founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law' and stressing the importance of coherence with the European Convention on Human Rights.

1998 was a particularly challenging year for the Commission in implementing the human rights and democracy budget lines. The European Court of Justice's ruling of 12 May in Case C-106/96 concerning the lack of a proper legal base for the implementation of certain Community actions led to suspending the implementation of Chapter B7-70 in June and July 1998. Implementation was only resumed following an inter-institutional agreement reached at the end of July 1998. In 1999 two major developments affected the management of EU funds in support of human rights and democracy: the adoption of a new legal basis and the change of the Commission with the subsequent restructuring of its services. In April 1999, the Council adopted two Regulations (975/99 and 976/99), providing a legal basis for all human rights and democratisation activities under Chapter B7-70 of the EU Budget. The new Commission began to reorganise its administration, with for the first time, a single Commissioner who has responsibility for the promotion of human rights, and a reorganised human rights and democratisation unit covering all regions in the world.

• Reactions to the previous report

In preparing this document, the Commission has taken into account the European Parliament's comments contained in resolution A4-0381/97 and in the report of Parliament Vice-President Imbeni (the 'Imbeni report')¹, which outline a number of recommendations regarding the assessment and evaluation of Commission activities in the promotion of human rights and democracy. This document makes a serious effort to respond to many of these recommendations. Firstly, by describing key projects in-depth in the thematic section, the

¹ European Parliament report on the report from the Commission on the implementation of measures intended to promote observance of human rights and democratic principles (for 1995) (COM (96) 0672 – C4 – 0095/97), of December 1997, A4-0381/97, Rapporteur: Mr. Renzo Imbeni.

Commission seeks to provide an indication of which initiatives were more successful and why, rather than merely 'a catalogue of good works'. Secondly, the 'recapitulation of activities under the thematic and geographic headings' has been avoided as far as possible; instead the geographic section provides a more analytical overview of regional strategies and the weight given to particular activities. Thirdly, assessments of Commission action have been analysed for the first time in the context of this report. It should be made clear, however, that it has not been possible to address all of Mr Imbeni's suggestions in this regard; Commission staff resources have been insufficient for such a task. The Commission nonetheless shares Mr. Imbeni's belief that more progress must be made in the thorough evaluation of projects.

One of the requests made by the Parliament was to clarify the role of the present report and previous Commission reports adopted pursuant to the November 1991 Council resolution on human rights, democracy and development². This document covers all projects funded under the European Initiative for Democracy and Human Rights (Chapter B7-70) in any third country, while the reports pursuant to the November 1991 Council resolution covered human rights and democratisation activities only in developing countries, funded both from Chapter B7-70 and from the co-operation instruments (such as the European Development Fund and the relevant parts of the EU budget dealing with relations with different regions or countries). In fact, this report deals with that part of the 1991 Council resolution concerning Chapter B7-70.

This report covers only projects financed by the Commission as part of the Community's external action; it does not cover other external relations activities concerning human rights and democratisation, nor does it examine human rights activities or operations inside the Community. Similarly, it does not analyse other instruments of the EU budget which also make an important contribution to the protection and promotion of human rights. The reasons for this are two-fold, firstly, historically the predecessors of this report dealt with the same budget lines, and the resources of the Commission did not provide for a wider remit for this document. Secondly, to isolate the human rights or democracy element of large-scale instruments such as those of development cooperation would be complicated and potentially misleading. However, the significance of such instruments for the advancement of human rights and democracy should not be underestimated, both in terms of the scale of this investment and the consistency of such action with the projects and programmes described in this report. The integration of human rights and democratic issues into development policies enhances the awareness of Governments of these issues and promotes coherence and complementarity with other budget lines.

This report is complementary to the EU Annual Report on Human Rights, adopted by the Council in October 1999. While the present document deals with activities funded under the European Initiative for Democracy and Human Rights by the European Commission from 1996 to 1999, the EU Annual Report on Human Rights has a wider remit. However, both reports share the same goals: to enhance the transparency, coherence and consistency of the Union's human rights policies.

- **Community action in support of human rights and democracy**

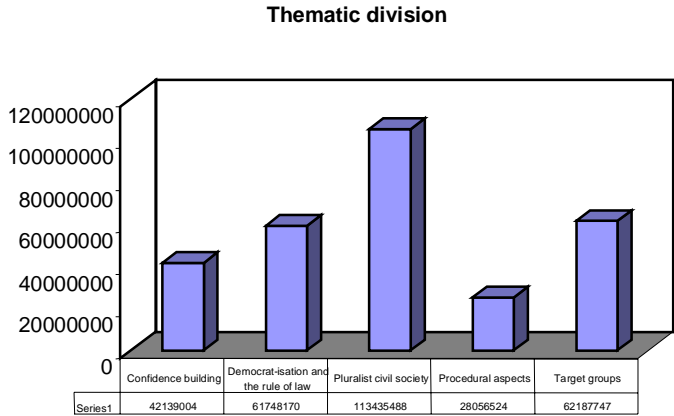
The European Union has, for many years, been committed to respecting and promoting human rights and democratic principles. The Union now has an important legal framework for

² European Parliament Resolution, A4-0381/97, para. 16

the promotion of human rights in its external policy and it recognises that it has an important role to play as an international actor in this field. The Community actively implements its commitment to human rights and democracy by supporting the activities of international, regional and non-governmental organisations specialised in the field of human rights and democracy. An important measure to enhance this commitment was the initiative of the European Parliament in 1994 to collate a series of budget headings specifically dealing with the promotion of human rights together in their own Chapter (B7-707) entitled ‘European Initiative for Democracy and Human Rights.’ Largely thanks to the European Parliament, the Community now has significant resources to back up its policies and declarations. In 1987, the budget available for specific human rights activities was only 200,000 Euros; at the end of 1999, that figure had grown exponentially to 100 million Euros.

Council Regulations 975/99 and 976/99 (the ‘Human Rights Regulations’) cover activities aimed at promoting and defending human rights, supporting the process of democratisation, and supporting measures to prevent conflict³.

This report examines priority actions from both a thematic and geographical point of view. Thematic areas covered include democratisation and the rule of law, the promotion of civil society, conflict prevention, and ‘target group’ initiatives. In each area, the reason for EU intervention in a particular field is highlighted and projects discussed in terms of their goals, activities and achievements.



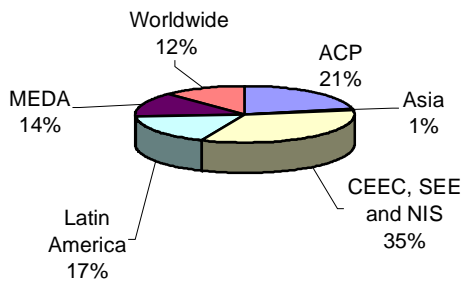
Euros

Democratisation and the rule of law:	61,748,170
Pluralist civil society:	113,435,488
Confidence-building to restore peace:	42,139,004
Target groups:	62,187,747
Procedural aspects:	28,056,524
TOTAL	307,566,933

The geographical summary examines regional strategies and the use of funds in Central and Eastern Europe and the Republics of the former Yugoslavia, South Eastern Europe, the Newly Independent States and Mongolia (CEEC,SEE and NIS), African, Caribbean and Pacific countries including South Africa and Nigeria ACP, Latin America, the Mediterranean and Turkey, and Asia.

³ Council Regulations (EC) No 975 and No 976 of 29 April 1999, OJ L120

Regional distribution



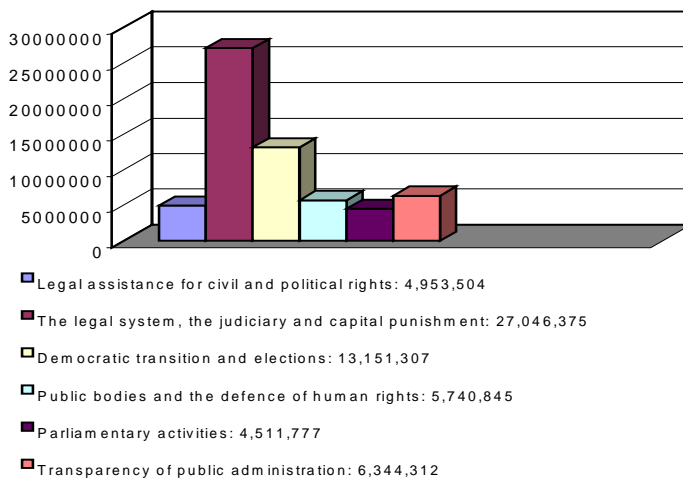
This chart represents a geographic allocation in which all multi-regional cross-references are taken into account.

Part 3 deals with procedural aspects of the financing of such actions, and Part 4 provides an overall assessment of human rights activities funded by the European Commission. The report aims to provide a comprehensive overview of the large range of activities funded by the European Union over the last four years, in its active promotion of the respect for human rights and democracy.

PART 1

1. THEMATIC OVERVIEW

1.1. DEMOCRATISATION AND THE RULE OF LAW



1.1.1. Democratic transition and elections

- **Background**

Article 21 of the Universal Declaration of Human Rights requires elections to be free, genuine and held periodically. The European Parliament has underlined the importance of support for

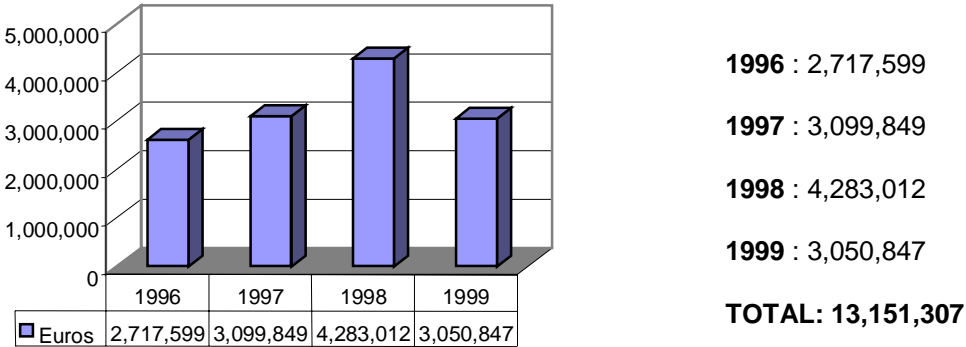
the democratisation process, in particular ‘EU measures to support the electoral process and to allow comprehensive and effective election monitoring.’⁴ In 1997 the Parliament created a specific budget line to combine efforts to support electoral processes and improve coordination,⁵ which is reserved primarily for activities to prepare election observation missions. Nevertheless, activities in support of electoral processes continue to be financed by the other regional lines.⁶

The Human Rights Regulations authorise Community support for the process of democratisation, in particular, for the electoral process and equal participation of the people in this process.⁷ The EU prioritises the development of professional methodology, logistics and training and increasing the visibility of the Union’s support. Following a request from the Parliament the Commission has prepared a Communication on ‘evaluating EU participation in election monitoring missions in recent years, with a view towards enhancing the EU’s capacity to successfully promote democracy through electoral support operations’.⁸ It identifies a number of ways of making the EU’s activities in this area more effective and coordinated and sets down some guidelines and a framework for future EU electoral assistance and observation. The Communication identifies the need for a permanent elections desk in the Commission, an EU elections strategy based on the need for partnership and coordination with other international organisations.

• **Activities and target groups**

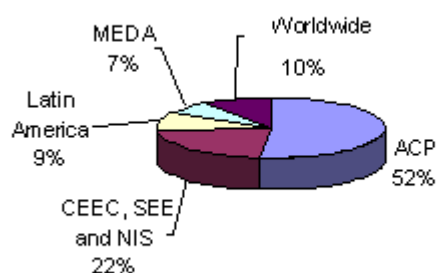
EU support has been provided to civic education programmes aimed at informing citizens, especially women, about electoral participation, their rights as voters and how to use legal instruments to defend those rights. The Commission also supported training courses on election observation and monitoring to establish a well-prepared pool of election observers; training for electoral policemen and journalists; education in democratic parliamentary procedures for politicians and parliamentary staff. Close cooperation between the EC and the European Institute for the Media led to the development of a method of quantitative and qualitative measurement of media coverage and access to the media, and assessments of legal frameworks and media structures.

• **Allocation of funds**



⁴ European Parliament Resolution A4-0410/98, para. 93
⁵ Budget Line B7-709: Support and surveillance of electoral processes
⁶ B7-7702, B7-703, B7-705, B7-7000, B7-706P and B7-701
⁷ Council Regulations (EC) No 975/1999, Article 2.2.f and No 976/1999, Article 3.2.f
⁸ Communication from the Commission on EU election assistance and observation of 11 April 2000, COM (2000) 191 final

- **Regional distribution**



- **Example: Election observation – a common European approach**

In 1999, the Commission provided 990,000 Euros to the Swedish International Development Agency for the implementation of this innovative project in promotion of common European standards for electoral observation.⁹ It aims to provide a common approach for the training activities of electoral observers before their deployment, producing state of the art methodology in this field. An election observation handbook, covering all aspects of short and long-term missions is an important element of this process.

A common standard for electoral observation, state of the art training and a comprehensive web-site

Additional aims include the training of over 200 observers as a European task force ready for field missions, stressing the importance of setting guidelines for a standard final post-mission debriefing and evaluation of observers.

The comprehensive training of observers is an opportunity to test the theoretical framework set up in the handbook, and to form highly prepared observers with a common strategy. Another key component is the web-site on electoral observation issues including regularly updated information for trainers, a list of professional observers, an electronic version of the handbook and information on previous electoral observation missions, field reports scheduled events. The site brings on-line all the relevant information currently available to electoral experts, Commission Delegations and NGOs.

1.1.2. Parliamentary activities

- **Background**

Free and fair elections will not, of themselves, make a country democratic or give it the political stability required for democracy to flourish. They must be part of a broader process, which consolidates the movement towards democracy. This includes ensuring that the central institutions of state, such as the legislature, operate in a legitimate and effective manner. As the Commission stated in a 1998 Communication, legislatures must have the institutional capacity to draft, implement and supervise policies addressing the needs of the people. The Community should therefore provide support for legislative power, to:

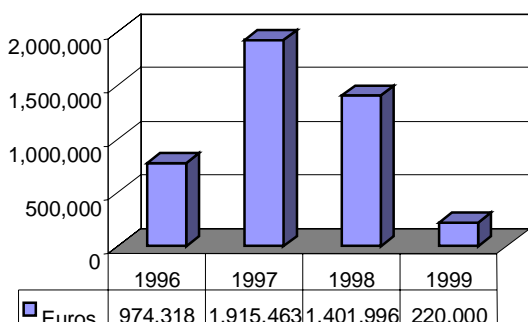
⁹ B7-709, Project No. 99-079, SIDA 'Election observation- A common European Approach'

“...enable parliaments to perform their dual function of counterweight to the executive in an independent and constructive manner.”¹⁰

- **Activities and target groups**

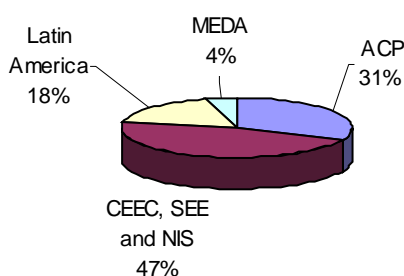
Actions supported within the European Initiative for Democracy and Human Rights aim to empower parliamentarians to perform their proper democratic role. In emerging democracies, training introduced young parliamentarians to the complex history and interdependent relations of human rights and democracy, and the role of parliament in a democracy. Parliamentarians were trained in appropriate legislation and budgetary procedures and in methods of partnership with civil society. Training programmes were complemented by the organisation of study visits and internships in long established parliaments and projects addressed the issue of regional cooperation between parliaments. Other activities focused on the impact of international human rights instruments on national legislation. Support for parliaments in the least developed countries included equipping the parliamentary buildings and contributing to their administration.

- **Allocation of funds**



1996 : 974,318
1997 : 1,915,463
1998 : 1,401,996
1999 : 220,000
TOTAL: 4,511,777

- **Regional distribution**



- **Example: Assistance to the Parliament of Ethiopia**

In an initiative implemented by the Interparliamentary Union, the Ethiopian Parliament was provided 511.860 Euros in assistance from the Commission in 1998,¹¹ The project sought to

¹⁰ Communication from the Commission of 12 March 1998, on Democratisation, the Rule of Law, Respect for Human Rights and Good Governance: the Challenges of the Partnership between the European Union and the ACP States, COM (98) 146 final, at 12

strengthen the capacity of members of the Ethiopian Parliament to make informed decisions throughout the law-making process, to interpret the Constitution and to exercise control of the government.

Strengthening the capacity of the Ethiopian parliament to exercise control of the government

The backbone of any parliamentary system is the provision of information, so the project addressed firstly the general question of the management of parliamentary information and improving its effectiveness.

This included the provision of the technological resources necessary to support this process and contribute to the drive for efficiency. Modernising the handling of information and communications included the improvement of the documentation facilities (notably equipment for the parliamentary library) and the introduction of new information technology in parliamentary procedures.

The project also aimed to improve the human resources available. Training sessions for parliamentarians were scheduled to develop their technical skills in the use of the new tools, as well as seminars on national legislation and on techniques of legal drafting. In addition, the project addressed other aspects of the general functioning of the legislature, including parliamentary administration, reporting of parliamentary debates, protocol, and public and media relations.

1.1.3. The legal system, the judiciary and capital punishment

- **Background**

The link between the rule of law and democratic principles has been clearly established by the EU. In its Annual Report, the EU states that the rule of law and an accessible judicial system are an essential framework for democracy and human rights, and that ‘Governments and public officials must act in accordance with the law and within the limits set by the law’.¹² The Commission has set out certain key components of the rule of law, including a legislature and executive giving full effect to human rights, an independent judiciary, effective access to legal redress, and a legal system which guarantees equality before the law.¹³ The Human Rights Regulations specifically provide for Community support for the process of democratisation, in particular, promoting and strengthening the rule of law, upholding and strengthening the independence of the judiciary and the legislature from the executive, and supporting constitutional and legislative reforms, such as the abolition of the death penalty.¹⁴

The EU has for many years worked to promote the abolition of capital punishment. At the 55th UN Commission on Human Rights, the EU urged member States to ratify the 2nd Optional Protocol to ICCPR on the abolition of the death penalty, arguing that the possibility of judicial error and its disproportionate use against disadvantaged groups present a strong case against its use.¹⁵ The Parliament, a longstanding opponent of the death penalty, treated the subject as a global theme in its Annual Report on human rights. Capital punishment is an

¹¹ B7-702, Project No. ET/ED/69/97, Interparliamentary Union ‘Assistance to the Parliament of Ethiopia’

¹² EU Annual Report on Human Rights 1998-1999, adopted by the Council in October 1999, at 39

¹³ COM (98) 146 final, *ibid*, at 4

¹⁴ Council Regulations (EC) No 975/1999, Article 2.2 (a) & (b) and No 976/1999, Article 3.2 (a) & (b)

¹⁵ UN Commission on Human Rights 55th Session, resolution 1999/61 ‘Question of the Death Penalty’ EU Statement

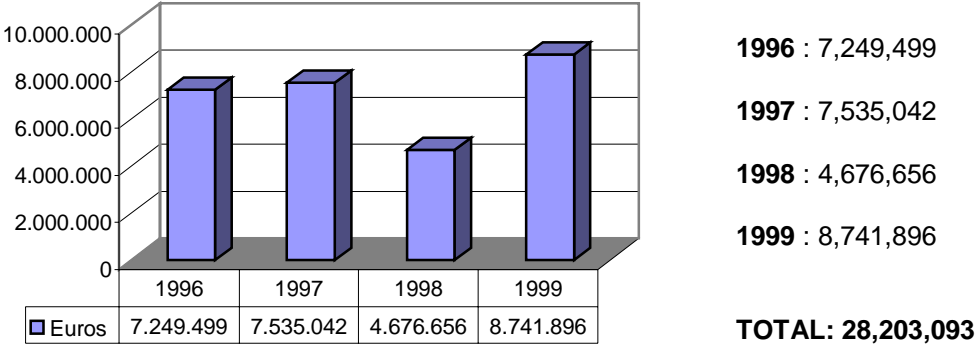
‘inhuman, medieval form of punishment and it is unworthy of modern societies’¹⁶ While the number of countries retaining capital punishment has fallen, it remains on the statute books of almost half of the UN member States. It has no proven deterrent effect, is applied arbitrarily, and is often preceded by a flawed or unfair trial. According to the Parliament, it is a great success that all Central and Eastern European countries which are candidates for EU membership have now abolished the death penalty.

- **Activities and target groups**

The Commission supported assistance from international and national experts in the drafting of new constitutional provisions and national legislation, through working groups, seminars and expert advice. Programmes targeted decision-makers involved in the judicial and legal system. Institution-building within the legal system was a priority, including re-allocation of competencies between ministries of internal affairs and ministries of justice. Capacity building was also supported in the sphere of academic and professional education for lawyers, judges and prosecutors, and in the reform of court procedures, penal codes and prisons. The publication of official journals was also included in the range of supported activities.

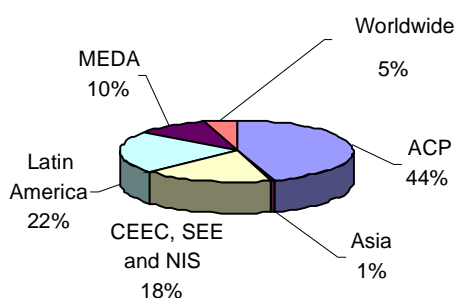
Community funded programmes supporting international efforts for the abolition of the death penalty included awareness campaigns in countries where capital punishment is still practised and direct assistance to prisoners under sentence of death. A joint programme was established between the Commission and the Council of Europe to foster public opinion on various themes related to the abolition of the death penalty in Russia, Turkey, Albania and Ukraine. The programme provided information to parliamentarians, legal experts and the general public about the 2nd Optional Protocol, and on the penal policy arguments against capital punishment.

- **Allocation of funds**



¹⁶ European Parliament Annual Report on Human Rights 1999, *ibid*, at 29

- **Regional distribution**



- **Example: Strengthening human rights protection mechanisms, independence of the judiciary and legal system reform in Russia**

In 1999 the Council of Europe and the European Commission agreed on the fourth joint programme on strengthening human rights protection and the legal system in Russia.¹⁷ 2,500,000 Euros have been allocated to the programmes in 1998 and 1999. A primary objective of the programmes has been to encourage the ratification and proper implementation of human rights conventions by the Russian Federation, including the European Convention on Human Rights, the European Social Charter, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the Framework Convention for the Protection of National Minorities. This has involved publication activities, training instructors and teaching courses on the content and impact of the conventions, and the functioning of protection mechanisms. Studies on compatibility of Russian legislation with the requirements of international conventions were conducted and assessment papers presented at expert seminars and to relevant Russian public institutions. At all stages local experts and partners throughout the Federation were actively included in the process.

Assistance for structural reform, judicial training and improving the penitentiary system

Improving the functioning of the institutions of the legal system has been another main objective. For example, assistance is provided for structural reform in the administration of the Ministry of Justice, concerning the transfer of responsibility for prison administration to the

Ministry of Justice and the reform of the penitentiary system, including training for prison officials. Activities in co-operation with the Ministry of the Interior addressed inter alia co-operation with other law enforcement agencies during the period of preliminary criminal investigations. Dialogue and exchange schemes with the General Prosecutor have been established to bring its working methods into conformity with the principles of the rule of law. Strengthening the independence of the judicial system implies support for institution-building and for the development of professional skills and techniques. The Supreme Court has therefore been assisted with the functioning of its Court Department, which deals with the organisation and management of courts, and with the functioning of the Academy of Justice, which is responsible for the professional training of judges. Help is provided with the drafting of the statutes, the administration of courts and judicial training, for example of lower court judges in the application of European Convention on Human Rights in national jurisdiction.

¹⁷ B7-701, Project No. 99/073c, Council of Europe ‘Joint Programme “Russia IV” ’

1.1.4. *Legal assistance for civil and political rights*

- **Background**

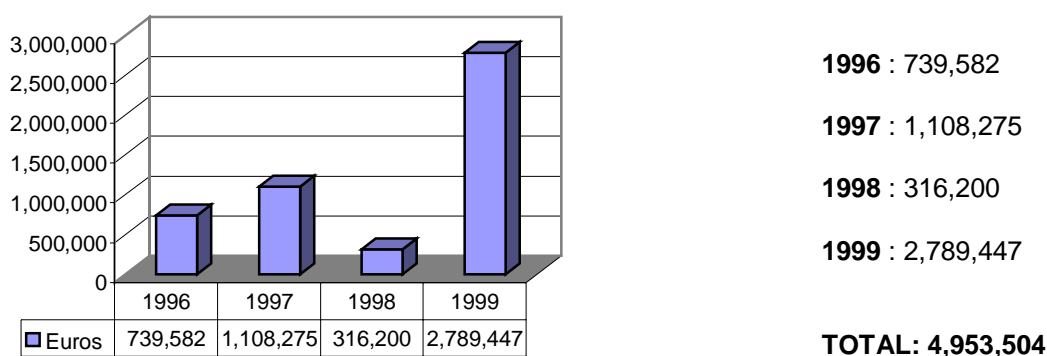
Although legal institutions may have been established in accordance with international standards, for such institutions to be meaningful, full and equal access must be available to all citizens. The Parliament has ‘firmly reiterated its support for the general principle that those subject to criminal proceedings are free and in full possession of their rights’.¹⁸

In addition to provisions on the rule of law and institutional reform, the Human Rights Regulations authorise Community support for ‘organisations offering concrete help to victims of human rights abuse’.¹⁹ For the Commission, a legal system guaranteeing equality before the law and providing ‘effective and accessible means of legal recourse’ is an essential element of the rule of law.²⁰

- **Activities and target groups**

Throughout the world, Community assistance has provided legal aid to the victims of human rights violations. In Europe assistance has been directed at legal support for asylum seekers and minorities such as Roma. The emphasis in ACP countries has been on providing support for national programmes of judicial assistance, and for judicial clinics. Latin American projects have also developed the notion of judicial assistance and have focussed on the coordination of legal aid projects implemented by organisations throughout the region. In Asia, initiatives which provide redress to the victims of violence have been supported, and in the MEDA region, legal assistance concentrated on human rights problems in Israel and Palestine. A range of international human rights organisations, including the Helsinki Committee and the Red Cross helped to implement Community action in this area, in addition, universities, legal documentation centres and local legal aid centres were involved.

- **Allocation of funds**

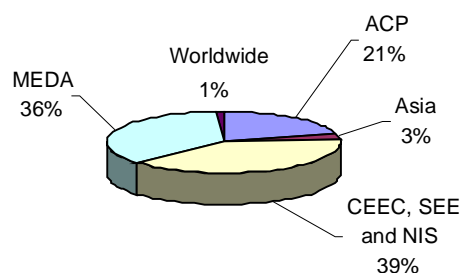


¹⁸ European Parliament resolution A4-0468/98, op. 18

¹⁹ Council Regulations (EC) No 975/1999, Article 2.1 (f) and No 976/1999, Article 3.1 (f)

²⁰ COM (98) 146 final, *ibid*, at 4

- **Regional distribution**



- **Example: Legal aid programme in Armenia**

In 1997, the Commission provided 116,108 Euros to the Fédération Internationale des Droits de l'Homme for a legal aid programme for victims of human rights violations in Armenia.²¹ The aim of the project was to create a service for legal and judicial assistance and advice, with the objective of improved legal protection for the citizens of Armenia. Four law centres were set up in Yerevan, Gyumri, Vanadzor and Kapan. Victims of human rights violations were given information and advice by teams of Armenian lawyers.

Improving legal protection for the citizens of Armenia

In addition, training workshops were provided for the Armenian partner organisation, Avangard, to enhance the expertise of 40 members of staff on the applicability of

international human rights instruments. An eight-day workshop included training on the basic principles and management of human rights NGOs, mechanisms of redress for human rights violations, and information management. Activities connected to the establishment of the law centres included gathering information about violations, setting up a central database, lobbying the authorities, and publishing a bulletin on human rights issues and legal cases.

1.1.5. Public bodies and the defence of human rights

- **Background**

National commissions and ombudspersons are a relatively recent innovation in the protection of human rights. The 55th Session of the UN Commission on Human Rights drew attention to the importance of 'effective, independent, pluralistic national human rights institutions', and for the first time a special session of the Commission was devoted to the participation of national institutions.²² Such bodies often work closely with national government ministries responsible for the protection of human rights, and as, emphasised in the CHR resolution, additional resources are vital to ensure their independence. The status of the institution of ombudsperson was underlined by the Dayton Peace accord which established the Office of the Human Rights Ombudsperson for Bosnia and Herzegovina.

²¹ TACIS D. Project No. 98-4001, Fédération Internationale des Droits de l'Homme 'Legal aid programme for victims of human rights violations in Armenia'

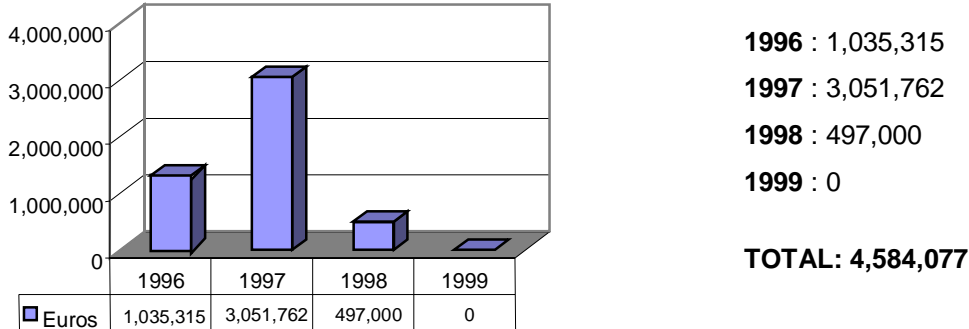
²² UN Commission on Human Rights 55th Session, resolution 1999/72. 'National institutions for the promotion and protection of human rights'

The Human Rights Regulations authorise the support of local, national, regional or international organisations in the protection of human rights.²³ The Commission has set out elements of its positive, constructive approach to human rights, including the priority to ‘support local, national and regional institutions involved in the promotion and protection of human rights, including ombudsmen and others in similar positions’.²⁴

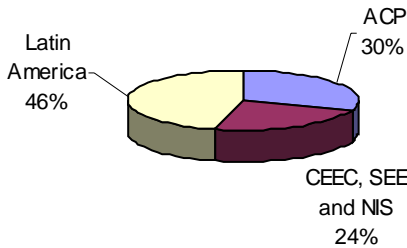
- **Activities and target groups**

In Central and Eastern Europe, a series of local ‘embassies of democracy’ have been supported. Projects in ACP countries included measures to reinforce regional democracy, the training of quasi-judicial ombudsmen and the establishment of offices for the promotion and protection of human rights. In Latin America, emphasis was placed on strengthening national commissions for human rights and regional ombudsmen. Implementing partners were typically national interior or justice ministries, local government municipalities and the offices of ombudspersons themselves.

- **Allocation of funds**



- **Regional distribution**



- **Example: The Ombudsperson’s Office in Ethiopia**

In 1998, in cooperation with the Speaker’s Office of the House of People’s Representatives of the Federal Republic of Ethiopia, the Commission provided 582,355 Euros for a major

²³ Council Regulations (EC) No 975/1999, Article 2.1 (e) and No 976/1999, Article 3.1 (e)
²⁴ European Commission Communication on ‘The European Union and the External Dimension of Human Rights policy: from Rome to Maastricht and beyond’, COM (95) 567 final

conference on a ‘Human Rights Commission and **Ombudsperson**’s Office’.²⁵ The House of People’s Representatives convened the conference in order to fulfil the constitutional mandate of establishing both these institutions.

Learning from international experience of institutions of human rights protection

The purpose of the international conference was to provide an opportunity to Ethiopian federal and state legislators, law enforcement officials and the broader legal and political community to exchange views with

officials and academics from countries which have experience in providing human rights protection through national human rights commissions and ombudsperson institutions. The aim was to assist Ethiopian legislators in the drafting of legislation. Also, the publicity surrounding the process was intended to raise awareness of the issues among the Ethiopian public as a whole. The theme of the conference was ‘International experiences in institutions of human rights protection’ and the specific focus was on the roles of the judiciary, human rights commissions and ombudsmen.

1.1.6. Transparency of public administration

- **Background**

Corruption is not simply a moral problem: it impacts on public administration, distorts decision-making and undermines the legitimacy of Governments, posing a serious threat to democracy. Transparency, accountability and strong measures against corruption are key elements of good government, and an important emphasis of the Commission’s strategy in promoting institutional and administrative reforms connected with democratisation and the rule of law. The Commission set out several reforms which warrant particular attention, including administrative decentralisation, whereby local democracy can develop at a grass-roots level, making citizens ‘the government’s partners rather than its dependants’, and measures to prevent fraud and corruption.²⁶

The Parliament has also made it clear that widespread corruption erodes confidence in the State’s ability to take effective action and that the most important way of countering this is to ‘help boost the openness and transparency of public bodies’.²⁷ The Human Rights Regulations also emphasise that Community operations should aim at promoting good governance, ‘particularly by supporting administrative accountability and the prevention and combating of corruption’.²⁸

- **Activities and target groups**

Community support in this area has mainly funded initiatives aimed at improving accountability at a local level. In Europe, programmes on communal self-administration, and training and assistance to local democratic structures and local elected officials in self-administration, transparency and the provision of information to citizens have been key themes. In ACP countries, multi-regional programmes on corruption, transparency and accountability have been established. The promotion of community leadership and new forms

²⁵ B7-702, Project No.ET/ED/5/97, Office of the Speaker of the Parliament ‘Conference on a Human Rights Conference and Office of the Ombudsperson’

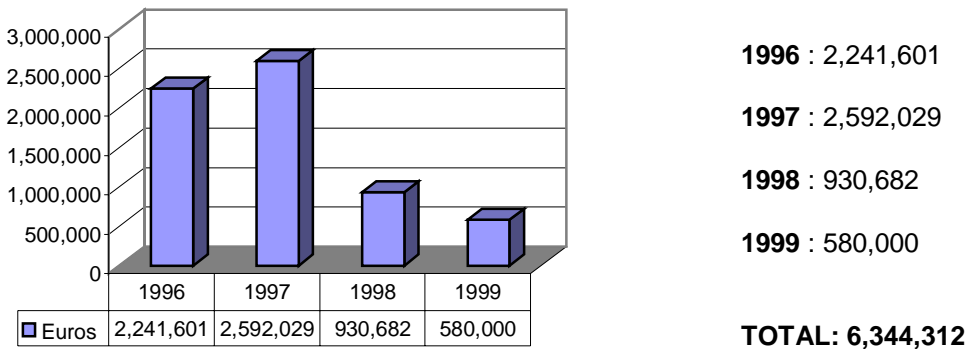
²⁶ COM (98) 146 final, *ibid*, at 15

²⁷ European Parliament resolution A4-0411/98, op5

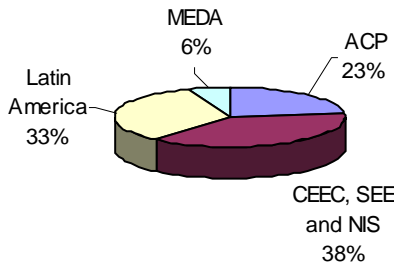
²⁸ Council Regulations (EC) No 975/1999, Article 2.2 (d) and No 976/1999, Article 3.2 (d)

of local democracy has been pursued in the MEDA region, and in Asia, programmes have examined the notion of ‘responsible citizenship’ and the participation of citizens in the management of natural resources. In Latin America the emphasis has been on research into the decentralisation of power and on new movements of political reform in the region. Partners of the Community have typically included universities and research centres, regional peace groups, centres for adult education, international human rights organisations and national government ministries.

• **Allocation of funds**



• **Regional distribution**



• **Example: Transparency and accountability in Zimbabwe**

In light of serious international concern about the high level of corruption in Zimbabwe, in 1999 the Commission provided 580,000 Euros in support of an initiative of the organisation Transparency International Zimbabwe.²⁹ The project aims to expose and curb ‘grand corruption’ in Zimbabwe and is targeted at corrupt practices which have the effect of distorting official decision making, and which impact seriously on the development process in the country.

Lobbying for the creation of a permanent and independent anti-corruption bureau with

The specific objectives of the programme are to raise public awareness on the seriousness of corruption, the damage caused by it and the need to eliminate it. Also, the project lobbied for the creation of a permanent and

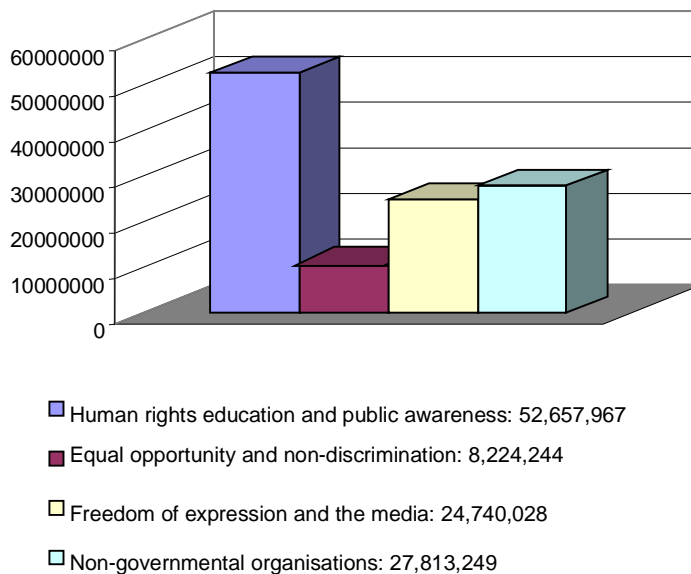
²⁹ B7-7021, Project No.99/0007, Transparency International Zimbabwe ‘Transparency and accountability programme (ZIM)’

adequate powers

independent Anti-Corruption Bureau with adequate enforcement powers, for a code of ethics for MP's,

cabinet ministers and senior Government officials, and for constitutional reform to create and support transparency in the Government. Particular activities organised for the project have included establishing a network of like-minded individuals to work with the government in the implementation of national anti-corruption programmes set out in the Action Plan of Zimbabwe's 'National Integrity Workshop'; organising conferences, seminars, and workshops; setting up an anti-corruption database; instructing schoolchildren; publishing a newsletter and establishing close ties with the media to generate publicity campaigns. The assistance of the Transparency International Head Office in Berlin, and their office in Denmark has provided an international pool of experts on anti-corruption issues.

1.2. PLURALIST CIVIL SOCIETY



1.2.1. Freedom of expression and of the media

- **Background**

The right of everyone to freedom of expression and to receive and impart information through the media are fundamental freedoms recognised by Article 19 of the Universal Declaration. The Vienna World Conference underlined the importance of free press for the provision of 'objective, responsible and impartial' information on human rights. Restrictions on this freedom are symptomatic of serious human rights abuse, and the suppression of free media indicates a profound lack of respect for democracy. As documented by organisations such as Index on Censorship and Article 19, journalists and broadcasters are increasingly subject to censorship, harsh punishment and even execution in the exercise of their profession.

As the European Parliament's Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy has argued,

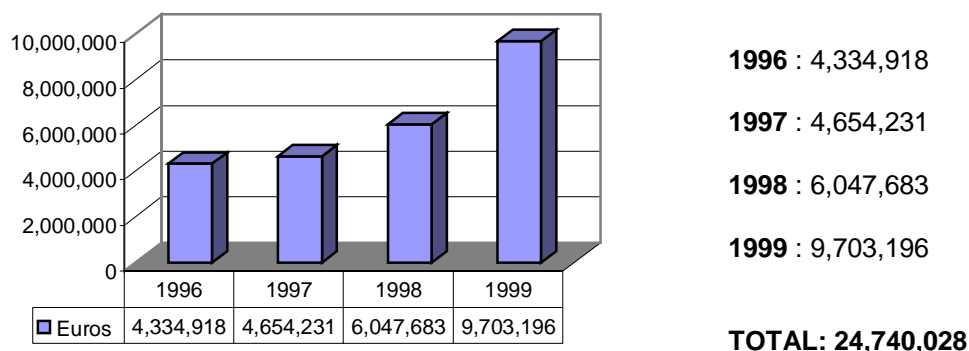
“A free press is essential for a society to work in a democratic way. The existence of independent journalists ensures that governments and institutions are held accountable for their actions.”³⁰

The Human Rights Regulations authorise the promotion and protection of the freedom of opinion, expression and conscience³¹, and the Commission has underlined the increasing support of the Community for the media ‘with projects aimed at promoting their independence and raising awareness of their role in society’.³²

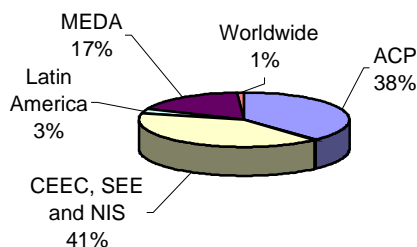
- **Activities and target groups**

Community funding between 1996 and 1999 has supported the development of independent press and broadcasting, the professionalisation of the media and the generation of networks of information and inter-regional exchanges of information on human rights. Projects have included the production of reference materials for journalists, training programmes on issues such as the media and elections and media pluralism, media law, and the role of journalists in conflict situations. Support was also provided for particular publications, for the establishment of journalists’ institutes and networks, media monitoring and professional training on the media and development issues. Partner organisations included journalists associations and press institutes, freedom of expression NGOs, news agencies, individual newspapers and broadcast organisations.

- **Allocation of funds**



- **Regional distribution**



³⁰ European Parliament Annual Report on Human Rights 1999, *ibid*, at 30
³¹ Council Regulations (EC) No 975/1999, Article 2.1(j) and No 976/1999, Article 3.1(j)
³² COM (95) 567 final, *ibid*

- **Example: IPS-Inter Press Service pilot project**

Strengthening a strong, diverse media is a powerful embodiment of democratic values. Promoting better information and enhancing the capacity of media in developing countries underpins global efforts to uphold human rights. In 1999, with funding of 497,000 from the Commission, the international news agency, IPS-Inter Press Service, carried out a pilot project to test ways of increasing professional news reporting about human rights; including political, economic and social rights.³³

In ACP countries, as well as in Asia, IPS, together with over 100 national newspapers and radio stations, formed regional groups to exchange news reports relating to human rights. By pooling scarce journalistic resources, they could offer their readers fresh perspectives on the human rights situation in their region. Civil society was a vital partner; NGOs at every level began supplying these regional media services with press releases and reports.

Enhancing the capacity of media in developing countries underpins global efforts to uphold human rights

One of the key insights of this project has been to demonstrate that debates about ‘universal values’, and the divisions that exist between regions or communities, are not exclusively European concepts, but are shared by countries in the South. Building bridges for greater communication in this way is a valuable and important

contribution to healing division. The project was both ‘high-tech’ and ‘low-tech’. More than a thousand press clippings collected from selected publications showed that there is both a demand and a need for such reporting. The articles were printed world-wide, including in the Zimbabwe Daily News, the Manila Standard, and the Jamaican Observer. Capital Radio Sri Lanka and the public service stations of the South African Broadcasting Corporation were amongst hundreds of participating radio broadcasters. The Internet has also been utilised for the provision of news on a weekly basis and for the creation of a searchable database of human rights information. In the course of 1999, forty Asian, African and Caribbean journalists were trained by professional IPS editors to write about human rights, including an emphasis on a gender perspective. These journalists produced more than 250 articles last year. Leading human rights figures such as UN High Commissioner, Mary Robinson, and Burmese democracy campaigner Aung San Suu Kyi contributed columns, which were syndicated to major newspapers.

1.2.2. Human rights education and public awareness

- **Background**

Human rights education is an essential tool to disseminate knowledge on the existence and applicability of human rights standards and democratic norms. This was recognised in the Vienna Declaration Programme of Action, which identified human rights education as a major priority. The UN General Assembly, establishing the Decade for Human Rights Education in 1994, called on international organisations to increase their involvement in this field.³⁴ Education and training are cornerstones of Community action in the promotion of a pluralist society. The European Parliament has called on the Commission to “take steps to increase the awareness of young Europeans...with a view to promoting genuine human rights

³³ B7-702, Project No.ACP/CO/74/98, IPS ‘Renforcer l’information de la société civile’

³⁴ UN General Assembly resolution 49/184 of 23 December 1994

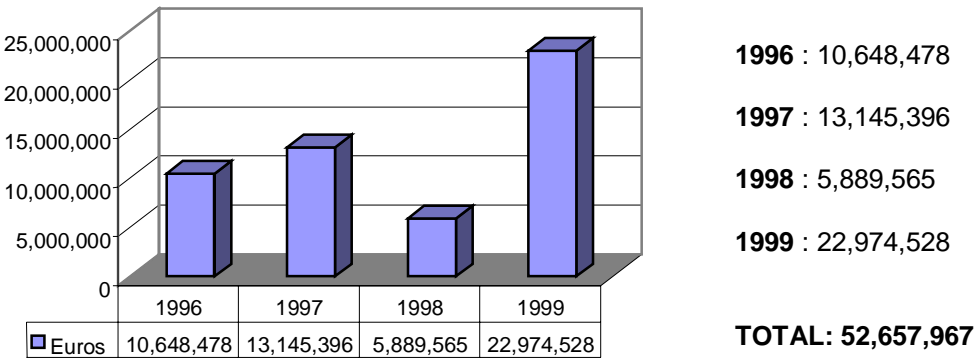
education.”³⁵ Similarly, the Human Rights Regulations authorise technical and financial assistance aimed at “support for education, training and consciousness-raising in the area of human rights.”³⁶

- **Activities and target groups**

Between 1996 and 1999, the Commission has funded a wide range of information networks and educational projects, with the aim of promoting public awareness about the value of human rights and democracy, about Commission activities, and of increasing specialised knowledge for human rights professionals. Human rights education has been targeted to meet specific needs in different regions.

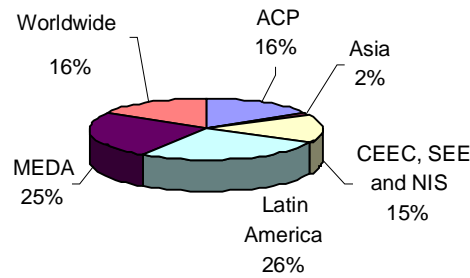
Projects in Eastern Europe reflected the need for civic education on the process of democratisation and for professional training for politicians, the military and police. Special emphasis was also placed on awareness building about the rights of minorities. In Africa, in addition to programmes on democracy, human rights and the media, projects concerning the applicability of regional instruments, such as the African Charter, have been supported. Education programmes in Latin America highlighted the links between human rights and development, and the role of civil society in situations of conflict. In Europe, projects included programmes of higher education, training for human rights defenders, and expert symposiums. In the Middle East, programmes have been targeted towards vulnerable groups such as women and children, and fora for inter-community education and debate are supported in this region. Implementing agencies included local human rights NGOs, jurist and bar associations, human rights institutes, church groups, medical associations, universities and national ministries for human rights.

- **Allocation of funds**



- **Regional distribution**

³⁵ European Parliament Report ‘ TITLE’ A4-0223/96, para.120,
³⁶ Council Regulations (EC) No 975/1999, Article 2.1(g) and No 976/1999, Article 3.1(g)



- **Example: European Masters Degree in Human Rights and Democratisation**

A major contribution of the Community to the goals of human rights education is represented by the European Masters Degree in Human Rights and Democratisation (EMA).³⁷ The Commission provided 1,811,320 Euros for the project in 1999. Established in 1997 in conjunction with 15 leading universities, one in each EU member state, this is the only regional human rights course in the world. The first half of the ten-month Degree takes place in Venice, Italy, where students are taught by visiting academics from the partner universities. In the second half, students are assigned to one of the fifteen universities, according to their research specialisation. The EMA was set up with the aim of training experts to work for international organisations, national institutions and NGOs. To address the needs of such organisations, programmes of education must form links between academic courses and human rights work on the ground. An important element of the EMA therefore is its action-oriented, operational approach.

In addition to high quality academic training, students from a variety of backgrounds (law, political science, history, philosophy) are taught by field officers from international organisations and NGOs, and the EMA also provides training in the field. For example, for the last three years students have gone ‘on mission’ to Bosnia and Herzegovina, where they met field staff from IGOs, NGOs, and lawyers and government officials involved in the effort to rebuild democracy and respect for human rights. The EMA has been a success. The Office of the High Commissioner of Human Rights has signed an official memorandum of understanding with the Degree, and UNESCO, the Council of Europe and the OSCE have associated themselves with it.

Programmes of education must form links between academic courses and human rights work on the ground

This is the first step in building an international network of human rights and democracy experts, comprised not only of graduates, but also by the academics and field workers who participate in the training. Commissioner for External Relations, Chris Patten has described the Degree as “an excellent investment”.³⁸

On the occasion of the 50th Anniversary of the Universal Declaration on Human Rights the European Union pledged to further develop cooperation in the field of human rights, such as education and training activities and to ensure the continuation of the Masters Degree.

³⁷ B7-704, Project No. 99/069, University of Padova ‘Activities in support of the European Masters Programme in Human Rights and Democratisation’

³⁸ Statement of Commissioner Patten to the EU Human Rights Discussion Forum, Brussels, 30 November 1999, Conference report available at http://europa.eu.int/comm/dg1a/human_rights/intro.

Furthermore, the report of the Comité des Sages, the so-called 'Agenda 2000', concluded that the EMA has been "innovative and successful."³⁹

1.2.3. Equal opportunities and non-discrimination

- **Background**

The right to non-discrimination is central to the normative framework of human rights, as set out in the two UN Covenants, the UN Conventions on the Elimination of All Forms of Discrimination Against Women and on the Elimination of All Forms of Racial Discrimination, in the European Convention on Human Rights and in ILO Convention No.111. For the European Union, the defence of the basic principle of non-discrimination is the core of its understanding of human rights and democracy. As the EU Annual Report on Human Rights underlines:

"Among the EU's shared values also figures the firmly held belief that diversity is one of the foundations on which the Union has been built."⁴⁰

Article 13 of the Treaty of Amsterdam introduced provisions making it possible to combat all forms of discrimination. The Parliament has frequently expressed its commitment to equal right and non-discrimination, and emphasised that 'the equal value of all human beings, independently of gender, race, background or sexual preference, is for most of us a self-evident fact.'⁴¹ The Human Rights Regulations specify the promotion of equality of opportunity and non-discriminatory practices, including measures to combat racism and xenophobia.⁴²

Article 13 of the EC Treaty (introduced by the Treaty of Amsterdam) contains provisions on discrimination on the grounds of racial and ethnic origin, religion and belief, disability, age and sexual orientation. The Commission has adopted a proposal for a new anti-discrimination package on the basis of Article 13 of the EC Treaty.⁴³ As part of its wider activities to fight discrimination, the Commission is highly committed to the fight against racism. The Commission adopted an Action Plan on racism in 1998, in which it aims to integrate the fights against racism as an objective into all Community actions and policies.⁴⁴ To further this process, a working group has been set up which brings together different departments of the Commission with the purpose of developing a coherent strategy and promoting joint initiatives.

- **Activities and target groups**

The core values of equality of opportunity and non-discrimination are therefore truly 'cross-cutting' imperatives in the work of the Community, and are expressed in most areas of Commission action, principally in the areas of women's rights, minority rights and education. Specific activities supported in this field include training programmes on equality of opportunity, the promotion of handicapped persons' rights and those of the elderly, projects

³⁹ 'Leading by Example: A Human Rights Agenda for the European Union for the Year 2000', Comité des Sages, European University Institute, 1998, at 22

⁴⁰ EU Annual Report on Human Rights 1999, *ibid*, at 14

⁴¹ European Parliament Annual Report 1999, *ibid*, at 12

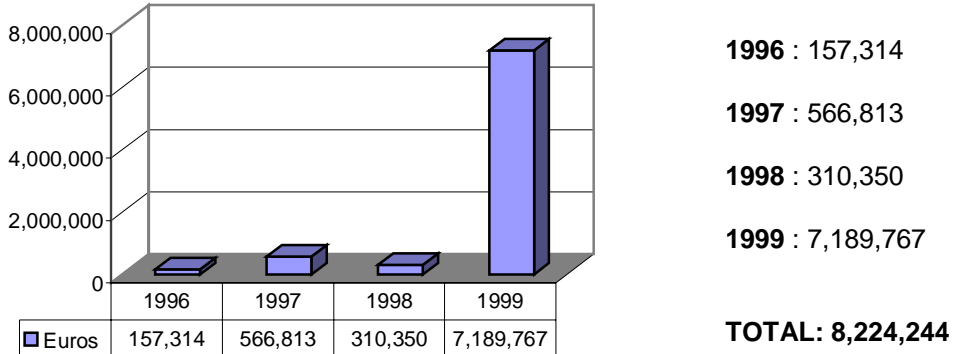
⁴² Council Regulations (EC) No 975/1999, Article 2.1 (i) and No 976/1999, Article 3.1 (i)

⁴³ Communication from the Commission on certain Community measures to combat discrimination COM (1999) 564 final

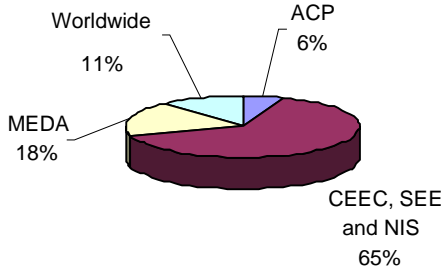
⁴⁴ Communication from the Commission on 'An Action Plan Against Racism' COM (98) 183 final

for the assistance of migrants and refugees, and for the improvement of local Roma communities, and activities in support of the World Conference against Racism. Groups supported have included local community associations and women’s fora, international human rights and development NGOs and regional intergovernmental organisations.

• **Allocation of funds**



• **Regional distribution**



• **Example: Rights of the handicapped in Madagascar**

In 1999, the Commission provided 765,000 Euros for a project seeking to ensure access to rights for handicapped persons in Madagascar in cooperation with the organisation Handicap International.⁴⁵ The project aimed to provide access to their rights for handicapped persons through the creation, and promotion of a national association, public awareness-building throughout Madagascar, and by strengthening the organisational and operational capacity of local associations of handicapped persons.

Increasing respect for the opinions of the handicapped and creating an organised national movement

Long term results expected from the project include the creation of a National Office of Handicapped Persons, informing handicapped persons about their rights; having experts play a role at a national level for the defence of handicapped rights; and the creation of representative unions in all provinces of Madagascar.

⁴⁵ B7-7020, Project No.99/0350, Handicap International ‘Accès aux droits de personnes en situation de handicap’

Further intended results are an increased respect for the opinions of the handicapped; national and regional events organised by associations of handicapped persons; the creation of networks of associations capable of developing projects in a regional context; the provision of highly trained educators to fight against discrimination and the training of such teachers; and the creation of better facilities for the families of handicapped people.

Specific activities include a series of seminars, workshops, training sessions, the publication of guidebooks and documentation for research and training on handicapped rights, and the audio and video broadcast of relevant material. This project also receives funding from UNICEF and the US Embassy in Madagascar.

1.2.4. Non-governmental organisations

- **Background**

Without the contribution of non-governmental organisations, the major advances in the elaboration and promotion of human rights and democratic norms in the last 50 years could not have been achieved. As Rachel Brett comments, an essential role of human rights NGOs is in:

“developing a human rights culture by making people aware of their rights, of their responsibility not to violate the rights of others, and of the possibilities of redress”⁴⁶

The Parliament has frequently underlined the importance of human rights NGOs and called for the establishment of a Human Rights Forum, which would give experts from NGOs an opportunity to make recommendations on the human rights dimension of EU policies.⁴⁷ The resulting EU Human Rights Discussion Forum in November 1999 was an important step forward in developing the partnership of the Union with NGOs. It involved representatives from leading NGOs including Amnesty International, Human Rights Watch and the International Commission of Jurists and was attended by senior figures from the European Institutions, including Parliament Vice-President Imbeni and Commissioner Patten, and member states and the academic world.⁴⁸ The results of the Forum are further examined in Part 4 of this document.

The Human Rights Regulations clearly state that an objective of the Community is to support ‘local, national, regional or international institutions, including NGOs involved in the protection, promotion, or defence of human rights.’ The Regulations further identify ‘non-governmental organisations...community-based organisations and public or private sector organisations’ as partners eligible for financing.⁴⁹ For the Commission, NGOs, voluntary organisations and foundations are the ‘kingpins of our democracy’, in that they now play an essential part as intermediaries in the exchange of information and opinion between government and citizens, and in ‘providing citizens with the means with which they may critically examine Government action.’⁵⁰ The support and strengthening of such organisations is therefore a major concern of the European Initiative for Democracy and Human Rights.

⁴⁶ Brett, R. ‘Non-Governmental Actors in the Field of Human Rights’ in *An Introduction to the International Protection of Human Rights*, Hanski & Suski (eds.) Åbo Akademi University, 1998 at 327
⁴⁷ European Parliament Resolution A4-0409/98, op 13.

⁴⁸ Conference Report available at http://europa.eu.int/comm/dg1a/human_rights/intro.

⁴⁹ Council Regulations (EC) No 975/1999, Article 2.1 (e) and No 976/1999, Article 3.1 (e)

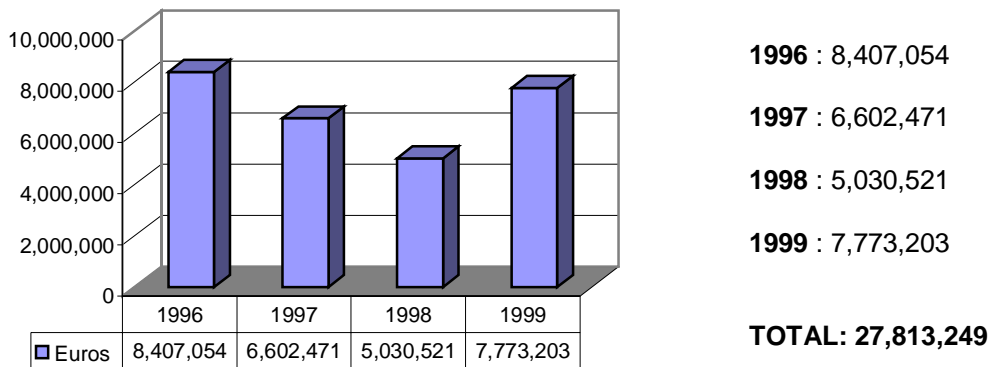
⁵⁰ ‘La promotion du rôle des associations et fondations en Europe’, Communication from the Commission, COM (97) 241 final

- **Activities and target groups**

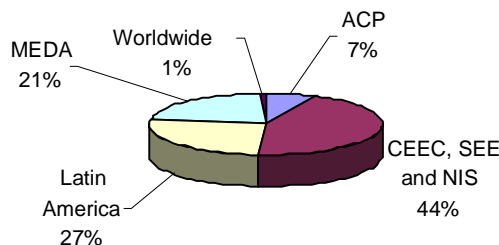
As recognised in the EU Annual Report on Human Rights, extensive support is provided to NGOs and for the strengthening of civil society throughout the world. The Commission has made efforts to ‘enhance the role of civil society and NGOs as participants, promoters and beneficiaries...’⁵¹ Activities between 1996 and 1999 typically involved increasing the effectiveness of NGO operations and ‘capacity building’; setting up or strengthening trade unions, NGOs specialised in, for example, women’s rights or employment law, and local initiatives such as youth centres and civic advice centres.

The increasing possibilities offered by new technologies such as the Internet have been encouraged by the establishment of networks of information exchange between NGOs. Training in human rights advocacy and assistance with managerial control are important elements of enhancing professionalism in the NGO community. Implementing partners have included national trade unions, citizen’s assemblies and consumer associations, research centres and universities, and NGOs ranging from the small and local to established international organisations. A useful mechanism of funding NGOs has been through micro projects; small-scale activities to promote democracy which are identified and managed by the Commission Delegations, especially in the central and eastern European countries, former Yugoslavia, and the former Soviet Union.

- **Allocation of funds**



- **Regional distribution**



⁵¹ EU Annual Report on Human Rights 1999, *ibid*, at 14

- **Example: Technical assistance to Russian human rights NGOs**

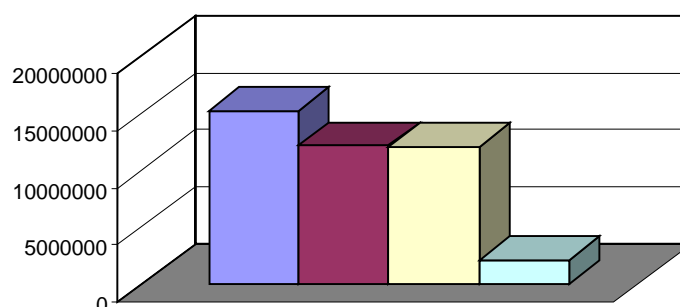
The Moscow Research Centre for Human Rights (MCHR), coordinated by the Moscow-based Human Rights Foundation for Civil Society, is an association of independent human rights NGOs. The Centre was founded in 1993 and received 58,540 Euros from the Commission for its technical assistance programme in 1996.⁵² As most organisations working for the promotion of human rights in Russia are located in Moscow, a key aim of the Centre is to enhance human rights activities throughout all regions of Russia. In strengthening both formal and informal NGO groups, the Centre directly supports activists in areas where NGOs are least developed, for example, lawyers, academics, journalists, women’s rights groups, consumer’s rights advocates, environmentalists, etc.

Directly supporting activities where NGOs are least developed

The project also provided technical assistance related to democratic principles and the rule of law to professional groups in the regions concerned. For example, representatives of the State Prosecutors Office are in

contact with the Centre on a regular basis. Another important role of the Centre is in the dissemination of information to the human rights community. It produces a bi-monthly bulletin ‘Human Rights in Russia’ and regular human rights newsletters. The success of this project was confirmed when the Centre became the recipient of an EU-US Democracy and Civil Society award.

1.3. CONFIDENCE BUILDING TO RESTORE PEACE



- Conflict prevention and resolution: 15,226,679
- Human rights monitoring: 12,157,292
- Measures to bring to justice the perpetrators of serious violations of humanitarian law and human rights: 12,551,835
- National efforts to encourage subordination of the armed forces to civil authorities: 2,203,198

1.3.1. Conflict prevention and resolution

- **Background**

⁵² TACIS D. Project No.97-0234, Human Rights Foundation for Civil Society ‘Technical assistance to Russian regional NGOs’

Since 1990, the nature of armed conflict has changed, partly due to the end of the Cold War, the erosion of nation-states, and, as the OECD explains,

“...the rise of local-level defiance of prevailing political systems on the basis of ethnicity, religion; increased negative effects of globalisation such as migration, social disintegration, and displacement”.⁵³

The Commission has emphasised that the key to handling conflicts is rapid reaction and ‘active prevention’ through the effective implementation of targeted measures.⁵⁴ It has several different instruments of non-military crisis management including technical and financial aid to regional and international organisations, NGOs, national, regional and local authorities and official agencies, community based organisations and public or private-sector institutes and operators. Support for these crisis management actors comes also from other geographical co-operation instruments such as the European Development Fund for ACP Countries and other relevant instruments in Chapter B7 of the EU budget. The Human Rights Regulations expressly provide for Community action for operations aimed at preventing conflict and dealing with its consequences, including supporting capacity building and early warning, confidence-building measures, promoting humanitarian law, and supporting international, regional or local organisations involved in conflict prevention.⁵⁵

- **Activities and target groups**

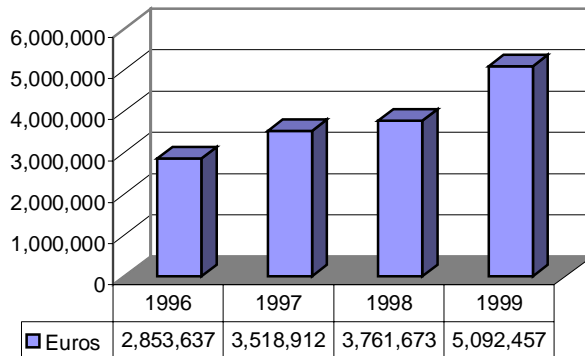
NGOs and civil society actors have always played an important role in the prevention and transformation of violent conflicts. Conflict prevention and resolution require a co-ordinated approach and therefore a strong, active network among all the organisations involved in the field. Between 1996 and 1999, the Commission provided support to many peace-building initiatives world-wide. In the former Yugoslavia, initiatives have included social and economic reintegration of refugees, displaced persons and returnees. In Kosovo, a permanent forum was established for dialogue between Albanians and Serbs to facilitate public and transparent debate upon the most sensitive issues. Campaigns, seminars, discussions and public opinion polls on peace, conflict resolution, dialogue, mediation efforts for reconciliation and projects enabling transition to democracy were also supported. The Commission funded publications on peace initiatives and supported awareness-building with regard to the peace process.

- **Allocation of funds**

⁵³ OECD Development Co-operation Directorate, Informal DAC task force on conflict, peace and development cooperation. Term of reference for a conceptual framework for an integrated approach to security sector reform.

⁵⁴ COM (95) 567 final

⁵⁵ Council Regulations (EC) No 975, Article 2.3 (a) – (e) and No 976, Article 3.3 (a)-(e)



1996 : 2,853,637

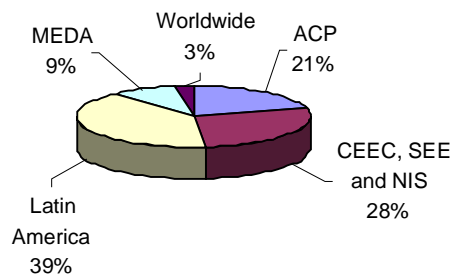
1997 : 3,518,912

1998 : 3,761,673

1999 : 5,092,457

TOTAL : 15,226,679

- **Regional distribution**



- **Example: Cyprus-Israel/Palestine Peace link: conflict resolution training project**

Four organisations were involved in this project: the Cyprus Peace Centre, Stitching COME, Neve Shalom (ISR) and PCPD (PAL).⁵⁶ The total contribution of the Community in 1998 was 100,000 Euros. The project aimed at forging a peace co-operation link between NGOs actively involved in reconciliation between groups in conflict, i.e. Palestinians and Israelis, and Greek and Turkish communities in Cyprus.

Intensive conflict resolution training to promote a civil society based on tolerance

Specific objectives of the project included establishing a peace link between Cyprus and Israel/Palestine through key peace-making organisations; sharing and comparing methodologies on conflict resolution; developing and testing new methods of conflict resolution applicable to

the Middle East and Cyprus; providing training for new Turkish and Greek Cypriot facilitators due to the rapidly growing demand for bicomunal contacts and reconciliation; providing training for new Israeli and Palestinian facilitators of conflict resolution groups addressing the need for more professionals on both sides; bringing youth leaders from Cyprus to Israel for intensive conflict resolution training to enable them to promote effectively a civil society based upon tolerance, mutual respect and understanding.

⁵⁶ B7-705, Project No. 98/MAS10, Cyprus Peace Centre 'NGO network for Peace: conflict resolution groups exchange'

Activities included training for instructors in the Cyprus bi-communal conflict resolution programme. Training programmes and workshops addressed communication problems by teaching more effective communication methodologies, such as developing empathy for the other side and dealing directly with diversity. Exchange visits between the two troubled areas established synergies among the different NGOs for the constructive mutual understanding of the conflict resolution issues.

1.3.2. Measures to bring to justice perpetrators of serious violations of human rights and humanitarian law

- **Background**

In seeking to deal with the aftermath of conflicts certain measures are considered by the EU to be essential components of prevention, particularly with regard to the perpetrators of violence. Impunity creates a climate of fear, and forms a breeding-ground for more violence. There is less danger of conflicts re-erupting when perpetrators of serious violations of humanitarian law and human rights are brought to justice.

Given the importance of bringing the perpetrators of war crimes and crime against humanity to justice, the EU has created a specific budget line to fund programmes through NGOs and other international organisations aiming to support the International Criminal Court (ICC) and its values at national, regional and international level. As the EU emphasised at the 54th UN General Assembly, once in existence and fully operational, the ICC will be ‘a new and powerful tool to address and to deter the most serious crimes of concern to the international community as a whole, thereby helping to create a “climate of compliance” with the fundamental international rules that protect human life and dignity’.⁵⁷

The Rome Statute lays the foundation for an effective and credible International Criminal Court (ICC) which will establish individual accountability for those who have violated international law, including international humanitarian law. The ICC will have an important role in deterring war crimes, crimes against humanity and genocide and in ensuring that perpetrators are brought to justice. The ICC differs from the *ad hoc* tribunals in its new jurisdiction over crimes of an international character and its mandate covering genocide and other crimes against humanity occurring in both internal and international conflicts. The European Parliament has urged member States to ratify the Statute and requested that the Commission and the Council make the signature and ratification of the Statute an essential element of the negotiation of future agreements with third countries.⁵⁸

The Human Rights Regulations provide clear authority for supporting the ‘establishment of *ad hoc* international tribunals and setting up a permanent international criminal court’.⁵⁹ In order to provide an adequate instrument to support the ICC, budget line B7-706 was first created by the Parliament in 1995 (then A-3041) and is intended to provide support to the UN Criminal Tribunals for Rwanda and the former Yugoslavia, and for the preparatory work of setting up the ICC. The specific objectives of budget line B7-706 are the provision of technical assistance to the existing criminal tribunals (Rwanda, former Yugoslavia), the provision of financial support for the preparatory work for the setting up and the functioning of a permanent International Criminal Court; training for the staff of the tribunals, including in the field of gender mainstreaming.

⁵⁷ EU Statement at the Third Committee of the UN General Assembly, New York, 20 October 1999

⁵⁸ European Parliament Resolution B5-0126 of 6 May 1999, OJ C 279

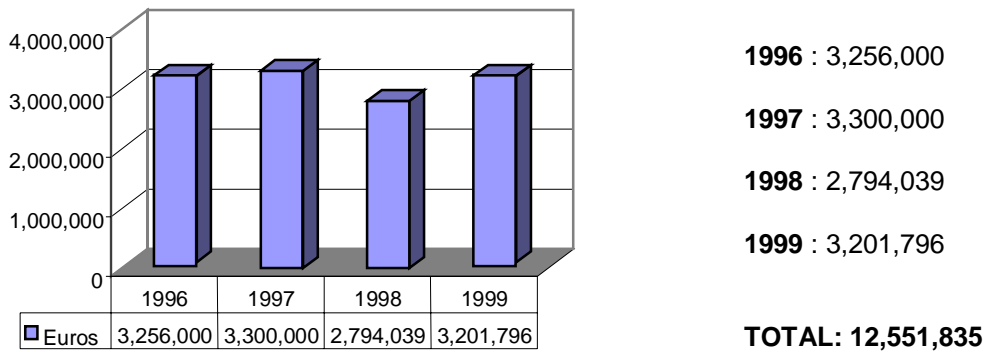
⁵⁹ Council Regulations (EC) No 975/1999 Article 2.3.(e) 976/1999 Article 3.3 (e)

- **Activities and target groups**

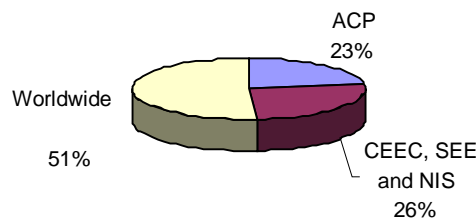
Projects which work to overcome some of the major obstacles to the efficient functioning of the *ad hoc* Tribunals, and which help to secure the next steps within the process of establishing the International Criminal Court have been supported. Between 1996 and 1999, the Commission provided technical assistance to both *ad hoc* Tribunals including the provision of legal assistants, a ‘National Trial Observation Initiative’, support to library and information services and assistance to the victims and witnesses unit.

Initiatives aimed at increasing awareness of the activities of ICTY and ICTR focussed on the work of the ICTY’s Office of the Prosecutor and on publicising the work of the ICTR, in Rwanda, for example informing the media about the ICTR to reduce the propaganda which can generate violence in the region, where the population has no access to alternative sources of information. Other projects focussed on the importance of the identification of missing persons and at the establishment of an ante-mortem database centre in BiH and a monitoring project of exhumations of mass graves by teams of forensic experts.

- **Allocation of funds**



- **Regional distribution**



- **Example: International Criminal tribunal for the former Yugoslavia**

The overall objective of this joint programme with the UN is to address three major problems which have impeded the International Tribunal for the Former Yugoslavia in implementing its

mandate.⁶⁰ Firstly, by attempting to correct the misconceptions shared by a large part of the population in the countries of Former Yugoslavia about the work of the ICTY; secondly, by ensuring proper legal assistance and a fair trial to accused persons, including a training programme for defence lawyers; and finally, by ensuring that judges and Tribunal staff members are able to efficiently conduct legal research.

Overcoming the major obstacles of implementing the mandate of ICTY

The first problem has been tackled by counterbalancing distorted information of the highly partisan media in the area which cover events related

to the ICTY actions in a largely negative way. The presence of field personnel aimed to establish close working relations with the figures who influence public opinion. This confidence-building process also addresses specific target groups in the population. The second problem was addressed by providing the necessary expertise to all the professionals involved in the trials. The ICTY works with a blend of different rules of criminal procedure from both adversarial and inquisitorial systems. Both parties before the court must have 'equality of arms' to work effectively. Expanding research material at disposal of the ICTY personnel, judges and staff members, in order to strengthen legal research, written legal decisions, and the development of jurisprudence addressed the third major impediment to the effective operation of the ICTY. The issues dealt with by the ICTY are furthermore elucidated by extensive comparative research, and the tribunal library has been provided with increased access to law journals, on and off line databases and a complete collection of national laws from common and civil law systems.

1.3.3. National efforts to subordinate the armed forces to civil authorities

- **Background**

Armed forces have a crucial influence on the political stability of many countries. It is necessary therefore to enhance respect for democratic rules within the security forces and to strengthen civilian control over them through legislative improvement and promoting awareness in civil society. The Council cites an objective of Community funding as 'supporting national efforts to separate civilian and military functions, training civilian and military personnel and raising their awareness of human rights'.⁶¹

- **Activities**

Emphasis has been placed on strengthening the democratic management of security forces; by transferring experience in the field of civilian control of the armed forces and by promoting good civil-military relations and civil participation. Not only military officers, but also parliamentarians, government officials, NGOs, journalists and other civil society actors have been involved in training courses on the values of a democratic society and the role of the army.

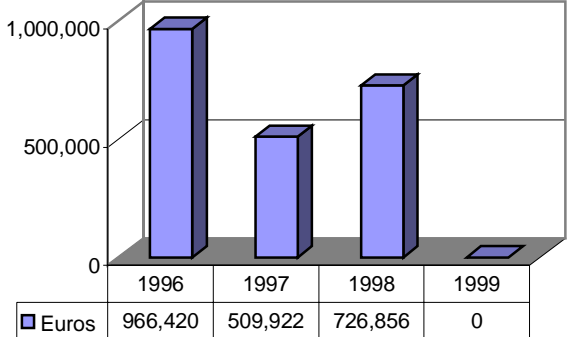
To this end, many educational programmes, seminars and conferences were funded. Another activity has involved improving the transparency and democratic accountability of security forces. Monitoring was an important element of this process, including examining relevant legislative initiatives concerning access to information, flawed legislation as well as violations

⁶⁰ B7-706, Project No. 99-076, United Nations 'Joint Programme: Support to the International Criminal Tribunal for the Former Yugoslavia'

⁶¹ Council Regulations (EC) No 975, Article 2.2 (g) and No 976, Article 3.2 (g)

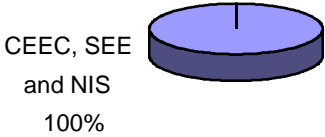
of individual rights by the security services, creating an international network of ‘correspondents’, including NGOs, academics, journalists and members of parliaments to collate and share information on issues involving the security services.

• **Allocation of funds**



1996 : 966,420
 1997 : 509,922
 1998 : 726,856
 1999 : 0
TOTAL: 2,203,198

• **Regional distribution**



• **Example: Civil control over the military and security policy in Georgia**

The Caucasian Institute for Peace, Democracy and Development in Tblisi, Georgia helped implement this 1997 project funded by the Commission to the amount of 148,752 Euros.⁶²

Fostering the development of a democratic model of civil-military relations in Georgia

The aim of this project was to promote civil participation in building a state defence network to foster the development of a democratic model of civil- military relations in Georgia.

Specific objectives were to monitor and collect information on military and security policy in Georgia and the training of different target groups within the security community and civil society on civil-military relations, including MPs, civil servants, military representatives and cadets, NGOs and the media. The distribution of information about the most relevant issues on civil-military relations in a democratic society was an important element of the project. Activities have included workshops; training; the establishment of an Information Centre with a database on civil-military matters; providing assistance to state bodies in their legislative and policy-making activities. The Information Centre has also monitored the media in the

⁶² TACIS D. Project No. 98-4009, The Caucasian Institute for Peace, Democracy and Development ‘Civil control over the military and security policy in Georgia’

region and produced a regular Bulletin, and a textbook which includes feedback information from the training activities. Five television films have been produced to increase public awareness on the issue.

1.3.4. Human rights monitoring

- **Background**

Monitoring is a crucial activity for ensuring compliance with international human rights standards. The role of monitoring, alternatively described as ‘verification’ or ‘fact-finding’, is in the first place preventive; it can act as an early warning of impending disaster and have a dissuasive impact on those who know they will be held accountable. After conflict or serious violations, monitoring can also be a form of assistance to the authorities in rebuilding a human rights infrastructure. As Alston and Weiler suggest, monitoring is:

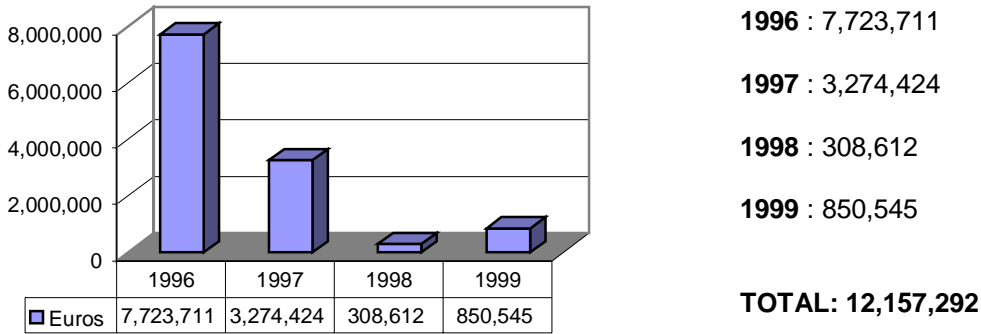
“...a necessary element in any strategy to garner the support of civil society and the community at large for measures to promote and protect the human rights of vulnerable groups.”⁶³

For the European Union, support for such monitoring is an essential component of its human rights strategy. Furthermore, the provision of reliable information about the human rights situation in certain countries is an essential prerequisite to targeting funds to particular needs. The Parliament has called on the Commission to ‘be guided by the information supplied by international bodies and/or institutions charges with the task of monitoring respect for human rights.’⁶⁴ The Human Rights Regulations authorise technical and financial assistance aimed at ‘supporting action to monitor human rights, including the training of monitors.’⁶⁵

- **Activities and target groups**

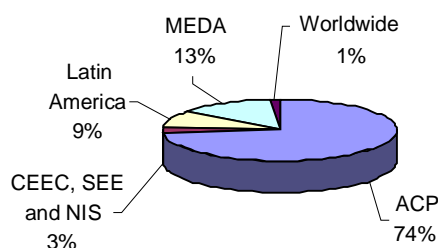
The Commission has supported monitoring by international NGOs specialised in, for example, children’s rights, in areas such as Bangladesh, the Palestinian territories, Croatia and Russia. Funding has also been provided to UN monitoring operations and field missions in Rwanda, Angola and Colombia.

- **Allocation of funds**



⁶³ Alston, P. & Weiler, J.H.H. *An EU Human Rights Policy* in Alston, P. ‘The EU and Human Rights’, Oxford 1999, at 55
⁶⁴ European Parliament Resolution A4-0381:97, *ibid*, op 10
⁶⁵ Council Regulations (EC) No 975/1999, Article 2.1 (h) and No 976/1999, Article 3.1 (h)

- **Regional distribution**



- **Example: The Office of the High Commissioner in Colombia**

In light of a deteriorating human rights situation in Colombia, the UN Commission on Human Rights expressed deep concern about endemic violence, torture, impunity and violations of the right to life.⁶⁶ The Statement of the Chair concluded that, upon the initiative of the Government of Colombia and ‘the identification of adequate sources of financing’, the High Commissioner for Human Rights should establish a permanent office in Colombia with the mandate to assist the Colombian authorities in developing policies for the promotion and protection of human rights. ‘Adequate sources of financing’ were not immediately apparent however. The High Commissioner’s Office was subject to serious financial restrictions and could not have financed such a field operation other than through voluntary contributions, which would have taken an unfeasible length of time given the urgency of the situation. This was an ideal opportunity, therefore, for the European Union to target assistance to a concrete project for the protection of human rights.

The provision of highly qualified experts to implement the mandate of the High Commissioner’s Office

The objectives of the Commission were to assist the High Commissioner in bringing about much needed change to the human rights situation, specifically by the provision of highly-qualified experts to implement the mandate of the Bogota office and evaluate its work. In addition, the Commission envisaged a useful

‘exchange of experience, information and documentation’ between the experts and other Latin American organisations receiving Community support. Following intensive negotiations between the High Commissioner’s Office, the Government of Colombia and the Commission, an Agreement on the establishment of an Office of the High Commissioner was concluded and signed on 26 November 1996. The Community thus facilitated the operation of the office for three years since 1996 by financing five human rights monitors, with a contribution of approximately 1.3 million Euros.⁶⁷

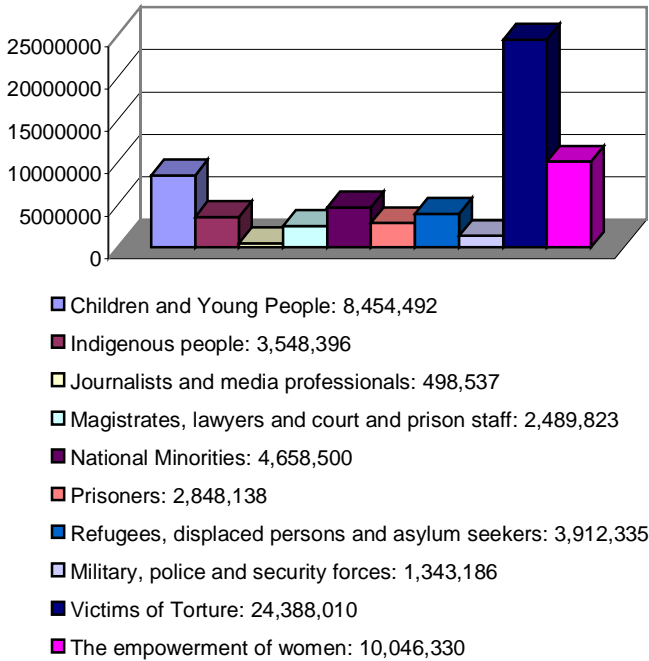
The 5 human rights monitors were chosen for their experience in UN field operations and knowledge of international human rights and humanitarian law. Their tasks included advising the Colombian authorities on formulating and implementing human rights policies and

⁶⁶ 53rd Session of the UN Commission on Human Rights, Statement of the Chair under Item 9, 23 April 1996

⁶⁷ B7-703, Project Nos. DEM/COL/96/57 & DEM/COL/97/39, ICJ ‘High Commissioner for Human Rights Office in Bogota: 5 Human Rights Officers’

programmes in the context of endemic violence, in conjunction with the Government, Colombian NGOs and the ICRC. They were also mandated to receive complaints about alleged violations of human rights and humanitarian law, to provide an analysis of these allegations and transmit them to competent national, regional and international bodies (for example UN Treaty Bodies, Working Groups and Special Rapporteurs). The High Commissioner’s Office has enhanced the awareness of the international community of the human rights situation in Colombia, and without the assistance of the Commission, the Office could not have opened. Human rights monitoring is a in many circumstances a difficult exercise, and careful appraisal for Community involvement in such projects should be emphasised.

1.4. INITIATIVES FOR TARGET GROUPS



Rather than simply ‘viewing the individual in isolation’, the Commission has developed the approach of focussing on the most vulnerable social groups.⁶⁸ This has involved targeting those who are discriminated against or deprived of their fundamental rights, with a view to developing their protection as individuals. These groups include women, children, national minorities, indigenous peoples, refugees and displaced persons, prisoners and victims of torture. This approach is complemented by initiatives targeting professional groups who have an impact on the human rights situation, such as journalists, lawyers and judges, and the military, police and security forces.

⁶⁸ COM (95) 567 final, ibid

1.4.1. Groups requiring special protection

(a) The empowerment of women

- **Background**

The UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Platform for Action of the Beijing Fourth World Conference of Women have received wide ratification and acclaim. The rights they enshrine, however, are frequently unimplemented and women and girls around the world are increasingly the victims of serious discrimination and violence.

The European Union attaches the highest importance to addressing women's rights as part of the human rights agenda and has, at all levels, reiterated the strong message of the Beijing Platform for Action that 'women's rights are human rights'. The Amsterdam Treaty substantially strengthens the legal basis for Community action in favour of gender equality. Articles 2, 3 and 13 formalise the Union's commitment to gender mainstreaming. The EU supported the initiative to supplement CEDAW with an Optional Protocol creating the possibility of individual complaints against States, and it has developed since 1996 a European-wide policy in the fights against trafficking in women. The Tampere Council conclusions on the area of freedom, security and justice make specific reference to the fight against this phenomenon.

Respect for women's human rights has been identified as the major priority for the 21st Century by the Parliament in their first Annual Report on Human Rights, which declared that 'the European Union has a great responsibility to promote women's rights all over the world.'⁶⁹ The Parliament focussed on the prevention of violence against women, and ending social and economic discrimination against them. In order to stop violence against women, the Parliament concluded, close cooperation is needed between international bodies such as the UN and the EU on one hand, and national governments and NGOs on the other.

The Human Rights Regulations also authorise the treatment of women as priority groups for Community support. The new Commission is determined to make full use of the new powers conferred to it by the Treaty. The 'gender mainstreaming' strategy identified by Beijing has become central to the Commission's equality policy. The Commission has been actively involved in the five-year review of the Beijing Platform for Action and it declared 1999 as the year against violence against women. The Commission declared 1999 as the year against violence against women and it has led the European Community delegation to the Special Session of the UN General Assembly on 'Beijing + 5' in June 2000.

- **Activities and target groups**

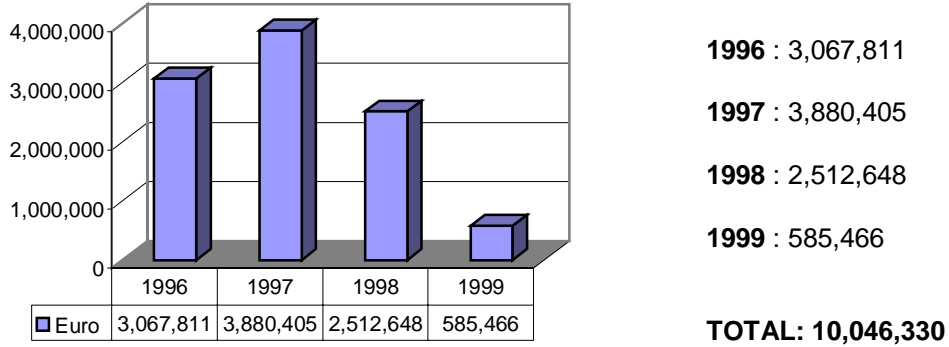
Worldwide, the Commission provided support to enhance the status of women and to protect them from discrimination and violence. Projects in the Middle East have included those supporting the economic and political empowerment of women, including the promotion of equal access to elections, and help for the victims of sexual abuse. In Latin America, legal aid programmes and training courses for the police on gender-based violence has been funded. In Asia, the reintegration of sex workers and other forms of assistance to victims of trafficking

⁶⁹ European Parliament Annual Report on International Human Rights and European Union Human Rights Policy, 1999, PR\387649EN.doc, at 13

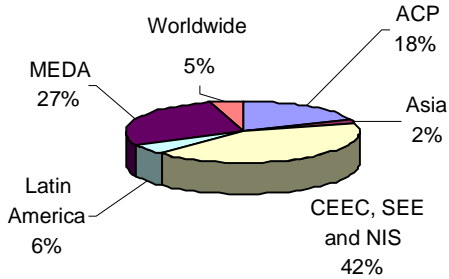
has been a theme, and in the Mediterranean, support has gone to legal aid assistance and projects which promote women’s rights in conflict situations.

Action in Africa has included assistance to women’s self-help groups, for the participation of women in democracy, and for legal advice centres and summer schools on women’s rights. In Europe, supported areas included capacity building for women’s associations, rape trauma counselling and therapy for female victims of war. Training for lawyers, NGOs and local government officials and the prevention of trafficking in women were also key areas of assistance.

• **Allocation of funds**



• **Regional distribution**



• **Example: ‘La Strada’: Prevention of trafficking of women in Central and Eastern Europe**

The Dutch Foundation against Traffic in Women (STV) help develop policies against trafficking in women and provide victim support. Their programme ‘La Strada’ (The Street), which concentrates on the Czech Republic, Poland and the Ukraine has received 400,000 Euros from the Commission since 1996.⁷⁰ The forced supply of women as prostitutes from Central and Eastern European and Newly Independent countries is almost certainly on the increase. The economic situation in these countries and the false promises of traffickers induce women to seek a better life in another country, where they are exposed to serious violations of their human rights. Having entered the new country illegally and been stripped

⁷⁰ PHARE D. Project Nos. 97-0111p & 97-0226T and PHARE D. & TACIS D. 98-3049 STV ‘La Strada programme: prevention of trafficking in women in Central and Eastern Europe’

of their passports, burdened with fraudulent debt or threatened with exposure to the authorities, traffickers keep these women in constant fear.

Developing specialist NGOs in the region to combat trafficking and provide victim support

La Strada aims to bring this problem to the attention of the public and the authorities, to provide support to the victims and warn women of the dangers of this phenomenon. STV cooperates closely with local NGOs

and seeks to develop specialist NGOs in the region to combat trafficking. Three main activities are developed: press and lobby campaigns, prevention/education campaigns and victim support campaigns. In Poland, the ‘youth media’ has been the principle target of a campaign to establish contacts and facilitate exchanges with colleagues from other partner countries. Considerable interest was generated, with a national TV documentary and an audience with the Polish President. The prevention/education campaign targeted young girls and women by distributing leaflets through churches, schools and by opening a telephone help-line. A team of volunteers provided legal, medical and emotional support to victims.

In the Czech Republic, a ‘Czech-Slovak-Dutch’ training seminar on traffic in women raised awareness of the subject with social workers already working with prostitutes, from which an action plan emerged to prevent trafficking and help victims. Building on the expertise developed by La Strada, the International Organisation for Migrations (IOM) is developing two campaigns to fight against the trafficking of women in Hungary and Bulgaria, in the framework of the EU/US Transatlantic Dialogue.

(b) Children

• Background

The UN Convention on the Rights of the Child has the highest number of ratifications of any human rights convention, with only two UN Member States yet to sign. However, the situation of these most vulnerable members of society remains precarious throughout the world. An estimated 2 million children have been killed and 6 million injured in armed conflict since 1990; at least 250 million children between the age of 5 and 14 are obliged to work for a living, often in appalling conditions.⁷¹ Trafficking of children and their sexual exploitation is a matter of serious concern. The Parliament has called on the Commission to integrate the principles of the UN Convention on the Rights of the Child into its work, and to pay particular attention to child labour, and trafficking in children and their sexual exploitation.⁷²

The EU, in conjunction with Latin American countries, introduces a resolution on the rights of the child at the UN Commission on Human Rights and the UN General Assembly every year. As the EU explained at the 55th Session of the UN Commission on Human Rights:

“All aspects of human rights are related to children: the state of children’s rights in a country is an indication of the human rights situation in general”⁷³

⁷¹ EU Annual Report on Human Rights 1999, *ibid*, at 51 & 52

⁷² European Parliament Resolution A4-0486/98 op. 63

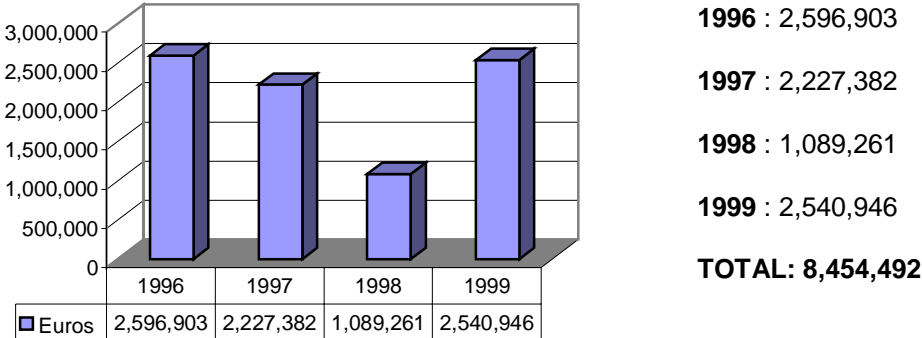
⁷³ 55th Session, 1999, on Res. 1999/80. EU statement on ‘The rights of the child’

The Amsterdam Treaty specifically calls for action on offences against children and the Council has emphasised that the rights of the child are a clear priority for the EU.⁷⁴ It has highlighted several areas of primary importance, namely: the girl child, children in armed conflict, sexual exploitation of children and child labour. The Human Rights Regulations state that Community action should focus on those discriminated against or suffering from poverty or disadvantage, including children.⁷⁵

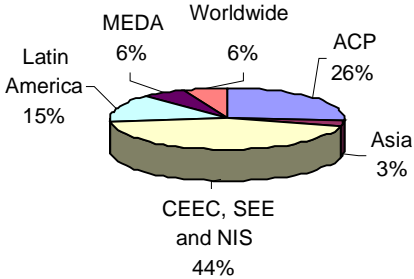
- **Activities and target groups**

Community support has been targeted in six main areas between 1996 and 1999. Firstly on the general promotion of the rights of the child, training programmes, conferences and monitoring exercises on international standards, particularly the Convention on the Rights of the Child were funded. Other main areas of support have been projects which protect and reintegrate street children and combat child labour; initiatives to protect the legal rights of imprisoned minors; projects for the medical and physiological treatment and rehabilitation of child war victims and refugees; programmes to prevent violence and sexual abuse against children; and finally, enterprises which seek to empower children through interactive education. Implementing organisations have included children’s charities, universities, national government ministries, broadcasters, workers associations and local youth centres.

- **Allocation of funds**



- **Regional distribution**



⁷⁴ EU Annual Report on Human Rights 1999, at 50
⁷⁵ Council Regulations (EC) No 975/1999 perambular para.14 and No 976/1999 perambular para.14

- **Example: International Network on Juvenile Justice**

Defence for Children International (DCI) have established a worldwide network for organisations working for the development and improvement of juvenile justice systems in accordance with the Convention on the Rights of the Child. The project was supported by the Commission, to the amount of 75,780 Euros in 1997.⁷⁶ The objectives of this network were to strengthen and coordinate efforts of organisations working directly or indirectly with juvenile justice, and to maintain a forum for organisations and experts working at the national, international and regional levels. There is a need for better coordination between such organisations, and to avoid duplication of work. DCI, a Swiss-based international NGO, has consultative status with ECOSOC, UNESCO, UNICEF and the Council of Europe. It is experienced in issues relating to the Convention, and on the training of social workers, etc on the application of legal instruments related to the rights of the child. Their action in the field is carried out by national sections and associated organisations in over 60 countries. The Network has functioned as a focal point for these organisations, and is open to any group active in the field.

A worldwide network working for the development and improvement of juvenile justice

The network provided an information and documentation centre, a database on children's rights organisations and international events, production and distribution of specialised publications, monitoring the implementation of the Convention, services to State parties on relevant legislation, and technical support to network members.

The Information centre collected relevant national and international legislation and guidelines, and researched 'best practices' in the field of juvenile justice. The database contains information on organisations active in the field, and activities aimed at implementing technical assistance or advisory services, classified according to regions and countries. Publications produced focus on national experience in implementing juvenile justice; the first volume concentrated on children in conflict in Africa. The Network Secretariat analyses State party reports submitted to the UN Committee on the Rights of the Child and the complimentary information provide by NGOs. In terms of technical assistance, the Network provided support for NGO training programmes and fundraising efforts necessary for the Implementation of such initiatives. The network also cooperated with international, regional intergovernmental organisations, including the UN Centre for Human Rights, UNICEF and the UN Division for Crime Prevention and Criminal Justice.

(c) National minorities

- **Background**

Article 27 of the UN Covenant on Civil and Political Rights states that 'minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.' The 1992 UN Declaration on Minorities added specific reference to persons belonging to national minorities. The UN Committee on Human Rights adopted a General Comment in 1994, which made it clear that positive measures of protection are required against the denial or violation of this right.⁷⁷ The Council of Europe Framework Convention for the Protection of National

⁷⁶ B7-7040, Project No. 97/247 Defence for Children International 'International Network on Juvenile Justice'

⁷⁷ General Comment 23 on Article 27 of the Covenant, CCPR/C/21/Rev.1/Add.5. of 26 April 1994

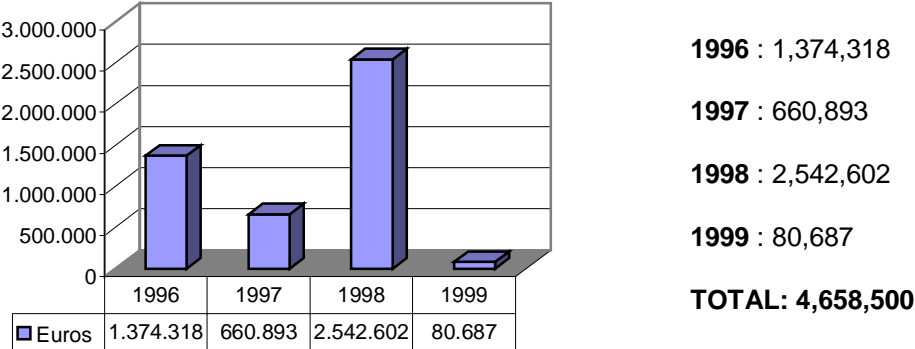
Minorities and the European Charter for Regional and Minority Languages have also been important contributions to international standards in this area. The OSCE has also been at the forefront of standard setting for the protection of minorities; the creation of an OSCE High Commissioner on National Minorities highlighted the significance of this issue as part of the international human rights agenda. At the 55th Session of the UN Commission on Human Rights, Austria, introduced a resolution on the rights of persons belonging to minorities, which was co-sponsored by the other EU members of CHR.⁷⁸ It expresses concern about the ‘victimisation or marginalisation of minorities’ and the tragic consequences of the growing frequency and severity of conflicts regarding minorities in many countries.

The Copenhagen criteria, adopted by the Council in 1993 requires that candidate countries for membership to the EU have ‘established respect for and protection of minorities’ and The Human Rights Regulations authorise Community support for minorities and ethnic groups.⁷⁹ The Commission has underlined the priority accorded to the protection of minorities in its Communication of June 1999 on ‘Countering racism, xenophobia, and anti-Semitism in the candidate countries’.⁸⁰ The Parliament has also expressed itself on this issue, calling for a ‘redoubling of international efforts to end large-scale discrimination against religious, national, linguistic or ethnic minorities.’⁸¹

- **Activities and target groups**

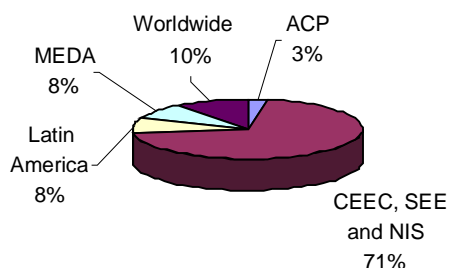
Projects supported by the Commission have included the provision of education and technical services for persons belonging to minority groups including Roma, projects of cultural preservation, local government and judicial training programmes, inter-community reconciliation initiatives, and capacity-building schemes for minority community associations. Partner organisations included established minority rights organisations, community forums and documentation centres.

- **Allocation of funds**



⁷⁸ UN Commission on Human Rights Resolution 1999/48 ‘Rights of persons belonging to national, ethnic, religious or linguistic minorities’
⁷⁹ Council Regulations (EC) No 975/1999 Article 2.1 (d) and No 976/1999 Article 3.1 (d)
⁸⁰ Commission Communication on Countering Racism, Xenophobia and Anti-Semitism in the Candidate Countries COM (1999) 256 final of 26 May 1999
⁸¹ European Parliament Resolution A4-0410/98

- **Regional distribution**



- **Example: Minorities in Estonia and Latvia**

The status of large numbers of Russian minorities in Latvia and Estonia, both of whom are candidate countries to join the EU, has been a controversial matter since the break-up of the Soviet Union. Problems of minority rights and cultural diversity are compounded by disputes over political rights, as many Russians in the Baltic States were not granted automatic citizenship.

Pressing for the adoption of a more inclusive public policy and respect for minorities

Activists from the Latvian Centre for Human Rights and Ethnic Studies, the United Nations Association of Latvia, the Estonian Human Rights Institute, Citizen’s Watch in St. Petersburg and the International Helsinki Federation for Human Rights have exchanged information and

engaged in dialogue, in an attempt to find common solutions to these problems, based on international human rights standards. The Latvian Centre is a respected source of information and analysis on human rights and ethnic relations, and a forceful advocate for minority rights and inter-ethnic dialogue. The partner organisations are widely experienced, and together, represented an impressive pool of expertise.

The Commission has supported the initiative ‘Integration through reconciliation: a Baltic-Russian-Scandinavian co-operation project’, providing 83,642 Euros in 1997.⁸² The objectives of the project were to promote understanding of ethnic issues to a broad audience and press for the adoption of a more inclusive public policy, and respect for minorities in conformity with international standards. The project involves research on the status of minorities and non-citizens, and a series of working group meetings culminating in seminars held outside the capital cities. Provincial cities in Estonia and Latvia with large Russian speaking communities were chosen. Other activities included drafting policy guidelines for legislation on citizenship, language policy, minority education and civil rights, for central and local governments and international organisations. The project has strengthened channels of communication between Governments and NGOs and laid the groundwork for increased cooperation throughout this region.

⁸² PHARE D. and TACIS D. Project Nos. 97-0323P & 97-0244T, Latvian Centre for Human Rights and Ethnic Studies ‘Integration through reconciliation: a Baltic-Russian-Scandinavian co-operation project’

(d) Indigenous people

• Background

Despite similarities between the categories of ethnic minorities and indigenous peoples, indigenous peoples are not covered by Article 27 of ICCPR. ILO Convention No. 169 concerning indigenous and tribal peoples, adopted in 1991, is a legally binding instrument which imposes duties of consultation on governments on matters which will effect indigenous peoples. In 1994, the UN Commission on Human Rights set up an open-ended working group with the purpose of elaborating a draft UN declaration on the rights of indigenous people. The Parliament has called for 'greater recognition and protection...in particular of the rights of indigenous peoples.'⁸³ In November 1998, a Council resolution on indigenous people was adopted, which underlined that cooperation with indigenous peoples is 'essential for the objectives of poverty elimination...the observance of human rights and the development of democracy'.⁸⁴ The Council acknowledged the importance that indigenous people attach to the affirmation of their 'self-development'; the shaping of their own social, economic and cultural development and their own cultural identities, and it noted in particular that indigenous peoples have the right to choose their own development paths. The Human Rights Regulations provide for Community support to indigenous peoples.⁸⁵

In 1998, the Commission adopted a working document which set out a general policy framework on support for indigenous peoples.⁸⁶ It defined priority areas as: assistance in national efforts of recognising indigenous people's rights, training and education, capacity-building, development of long term economic strategies and encouraging the participation of indigenous peoples in international negotiations. At this time, numerous discussions and contacts were established with different actors in the indigenous world, and their proposals and recommendations taken into account to maximise the eventual impact of Commission interventions.

The above exercises have been integrated into the guidelines for selecting programmes of action, which prioritise projects that reinforce capacity-building, so as to provide methods for indigenous people's associations to make their voice heard and to be partners throughout the entire development process. The guidelines aim also for the exchange of information between indigenous groups, development agencies and the Commission, and for the effective implementation of 'micro-projects', which are in themselves very useful tools for communication and public information.

• Activities and target groups

Activities included enhancing the capacity of indigenous peoples' organisations, for example of the International Alliance of Indigenous-Tribal Peoples of the Tropical Forests a platform of organisations covering 49 countries, based in London. Projects were also coordinated by the experienced NGO IWGIA, which carries out micro-projects with indigenous peoples' organisations. The experienced indigenous peoples' organisation the Saami Council carried out regional studies managed by indigenous experts with the aim of disseminating

⁸³ European Parliament Resolution A4-0410/98, para. 23

⁸⁴ Council Resolution of 30 November 1998

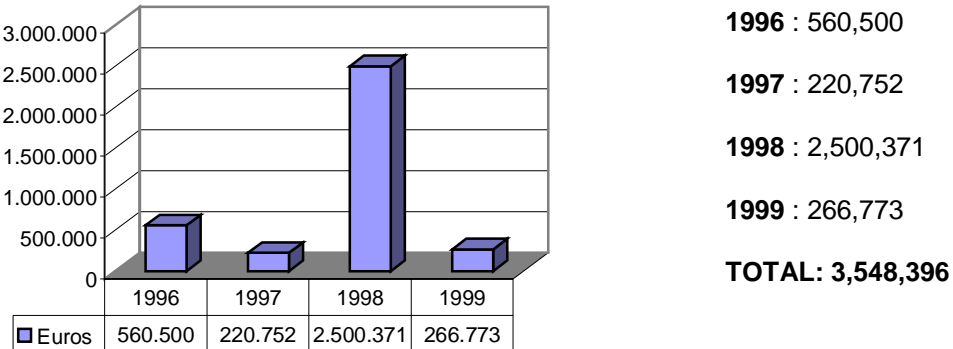
⁸⁵ Council Regulations (EC) No 975/1999 Article 2.1 (d) and No 976/1999 Article 3.1 (d)

⁸⁶ Working document of the Commission of May 1998 on Support for Indigenous Peoples in the Development Cooperation of the Community and the Member States, SEC (98) 773 final

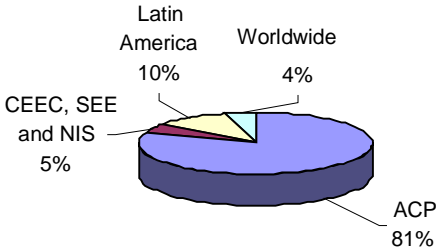
information and recommendations on the ground and to donors, in the spirit of the Council Resolution which underlined the 'right to choose their own developments paths'.

Training programmes for representatives of indigenous communities on international developments in the field of human rights and indigenous politics have also been supported. It has been important to promote coordination between the major NGOs and indigenous peoples' organisations supported by the European Commission to ensure the optimal impact for the indigenous peoples and Community funding. Partner organisations have also included centres of research and resources for indigenous communities and the documentation and dissemination of information such as the projects financed through two European NGOs, FERN and Rainforest foundation.

• Allocation of funds



• Regional distribution



• Example: L'auraveti an indigenous information centre

The Moscow-based organisation Severnye Prostory received 180,752 Euros from the Commission in 1997 for an innovative project to improve the situation of indigenous peoples in Russia.⁸⁷ The initiative trained 48 individuals from indigenous communities on how to use international human rights instruments, with the aim of transferring these skills to members of their communities.

⁸⁷ TACIS D. Project No. 98-4008, Severnye Prostory 'L'auraveti an indigenous information centre'

Training indigenous communities how to use international human rights instruments

The training involved individuals from six regions of Russia with the cooperation of the Indigenous Information Centre in Moscow. The Centre established a data bank of information on international experts in law, finance, management, health care and education involved

in assisting indigenous communities. A juridical database of legal texts relevant to indigenous matters was also created. Other activities included two seminars for Parliamentarians, officials from the Russian Ministry for Nationalities, human rights bodies and the media. The objectives of these events was to demonstrate the need for active participation by indigenous communities in the decision-making process, to inform them of applicable instruments, to discuss international events concerning indigenous rights and to organise future cooperation.

(e) Refugees and displaced persons

• Background

Article 14 of the Universal Declaration on Human Rights states that ‘everyone has the right to seek and to enjoy in other countries asylum from persecution’. This fundamental standard has been supplemented by the 1951 Convention relating to the Status of Refugees, and the 1954 Convention relating to the Status of Stateless Persons, intended to establish a safeguard for the protection of the human rights of refugees.

The 55th Session of the UN Commission on Human Rights, in a resolution introduced by Austria, expressed deep concern at the ‘alarmingly high numbers of displaced persons throughout the world who receive inadequate protection and assistance.’⁸⁸ The Parliament has identified the issue of refugees and asylum seekers as a global theme of EU human rights policy.⁸⁹ There are an estimated 25 million refugees in the world today, including the internally displaced, many of whom live in desperate conditions. In the Parliament’s Annual Report, the plight of women and children refugees is highlighted; they are often the first victims in many refugee communities. Sexual violence against women and girls in refugee camps is frequently reported, and children constitute 52% of the global refugee population. The Council confirmed this as a priority area in its Regulations which outline that Community operations should focus on *inter alia* refugees.⁹⁰

• Activities and target groups

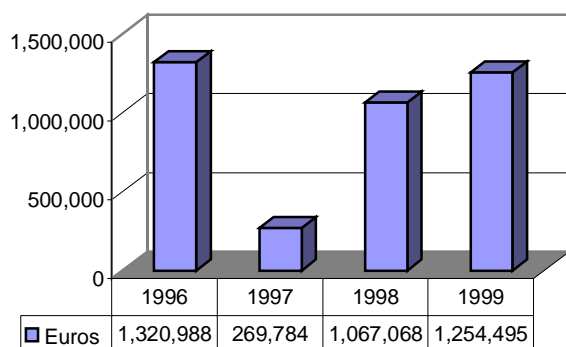
World-wide assistance to refugees, displaced persons and asylum seekers is targeted towards the defence of their legal rights, and on providing medical treatment and psychological support, as they will frequently have been victims of additional abuse. Projects for the return or reintegration of refugees, monitoring and fact-finding missions, and the production of handbooks for refugee organisations have also been supported. Organisations involved included regional human rights NGOs, refugee councils, and support groups for the victims of violence.

⁸⁸ UN Commission on Human Rights 55th Session Resolution 1999/47. ‘Internally displaced persons’

⁸⁹ European Parliament Annual Report on Human Rights 1999 at 31

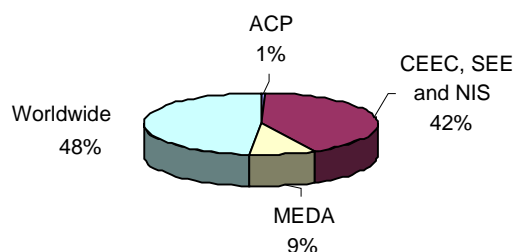
⁹⁰ Council Regulations (EC) No. 975/1999, perambular para. 14 and No. 976/1999, perambular para. 14

- **Allocation of funds**



1996 : 1,320,988
 1997 : 269,784
 1998 : 1,067,068
 1999 : 1,254,495
TOTAL: 3,912,335

- **Regional distribution**



- **Example: Displaced women and children in Tuzla, Bosnia**

In 1999, the Commission provided 1,030,000 Euros to HMD International (Humanitarian Medical and Development Aid) for a programme providing psychological counselling and medical assistance to internally displaced women and children in the Tuzla canton of Bosnia and Herzegovina.⁹¹

Monitoring and improving the health of displaced persons and refugees

The objectives of this project included monitoring and improving the psychological needs and health of displaced persons and refugees, stimulating the social interaction of isolated individuals, targeting the most

marginalised group. HMD cooperate with the activities of the organisation Physicians for Human Rights in offering therapy to the target group of traumatised and raped women, and those suffering trauma from the identification of exhumed bodies. The project aims to develop training techniques and programmes to address these needs. Medical examinations and counselling are provided on a regular basis, through the HMD's Women Centre in Tuzla. In addition, two mobile teams composed of a doctor and social workers provide services to remote and inaccessible communities throughout the Canton. Support is provided to families involved in the identification process of missing relatives, from the first moment of the

⁹¹ B7-704, Project No.99/0015 HMD International 'Medical assistance and psychological services for displaced women and children in Tuzla, Bosnia'

process until after burial. Workers are also trained to identify and provide counselling for victims of rape and torture.

Assistance is also required for families with members suffering from mental health and disability problems. A psychiatrist works with a wide range of mental health illnesses, by providing individual counselling and, where appropriate, drug therapy, and, in conjunction with social workers, to promote a better understanding and tolerance of mentally ill people within the family and the wider community. A special education teacher works alongside a physiotherapist with handicapped children and their families. Their role is to make an initial assessment of each child and develop a programme of care catering to their individual needs. They also contribute to developing the parent's ability to cope with their child's disability and to combating the stigma, which the handicapped and those with learning disabilities often suffer from.

An additional benefit of the project has been the strengthening of the capacity of local associations and organisations to offer support to displaced persons and refugees, and the development of more highly skilled counsellors and medical staff in this region.

(f) Prisoners

• Background

According to Human Rights Watch, conditions in many prisons are so deficient as to constitute cruel, inhuman, or degrading treatment, violating Article 7 of the International Covenant on Civil and Political Rights. Specific failings can also be enumerated under the more detailed provisions of the UN Standard Minimum Rules for the Treatment of Prisoners which, although integrated into the prison laws of many countries, 'few if any prison systems have observed all of their prescriptions in practice.'⁹²

The Parliament has expressed its 'deep shock at the continuing use, in most countries in the world, and even in democracies of reprehensible practices such as...torture and inhuman or degrading treatment in places of imprisonment'⁹³, and has called for special attention to be devoted to particularly vulnerable groups of prisoners. The Parliament stresses the social rehabilitative function of prison; what is sought is the 'human and social reintegration of the prisoner.'⁹⁴

The EU supports efforts under way to adopt a draft optional protocol to the Convention Against Torture, which would provide access to monitoring bodies to places of detention. Standard-setting work is done in this area by the Council of Europe Committee for the Prevention of Torture, which has wide authority to inspect prisons and detention centres throughout Europe. The Human Rights Regulations identify prisoners as a priority group on which Community support should be focused.⁹⁵

• Activities and target groups

Throughout the world, the Commission has supported the protection of detained minors and the production and distribution of reports on prison conditions. Legal aid was provided for

⁹² Human Rights Watch World Report 2000 (November 1998-October 1999) at 488

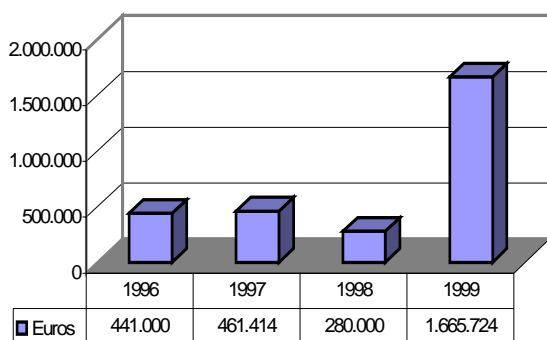
⁹³ European Parliament Resolution A4-0400/96, pp J.

⁹⁴ European Parliament Resolution A4-0468/98, para 78.

⁹⁵ Council Regulations (EC) No. 975/1999, perambular para. 14 and No. 976/1999, perambular para. 14

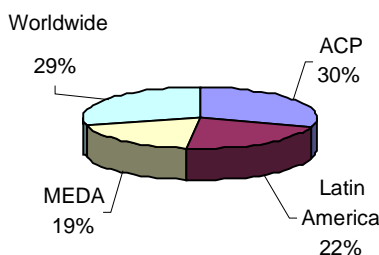
prisoners in Asia, and projects in Europe concentrated on prison monitoring and training for prison staff. In Latin America, ‘alert mechanisms’ for detainees and medical care for abused prisoners were funded. Workshops and training courses on prisoner’s rights were supported in Africa. Special categories of prisoners were assisted in the Middle East through advocacy projects for prisoners detained without trial, and in the Caribbean for prisoners under the sentence of death. Implementing partners included penal reform organisations, national ministries of justice and medical human rights groups.

- **Allocation of funds**



1996 : 441,000
1997 : 461,414
1998 : 280,000
1999 : 1,665,724
TOTAL: 2,848,138

- **Regional distribution**



- **Example: Prisoners in Egypt detained without trial**

The Human Rights Centre for the Assistance of Prisoners is a Cairo-based NGO whose general objective is to improve the criminal system and the laws and regulations which govern prisons in Egypt. The Centre monitors prison conditions, brings legal cases on behalf of detainees, publish reports and hold seminars on prison conditions.

Monitoring prison conditions and investigating violations of the rights of detainees

The project on human rights advocacy for prisoners was funded by the Commission in 1998 to the amount of 160,000 Euros.⁹⁶ It’s objectives are to improve prison laws and regulations in conformity with the UN Standard Minimum Rules for the Treatment of Prisoners and the

⁹⁶ B7-705, Project No. 98Mas24, Human Rights Centre for the Assistance of Prisoners ‘Human rights advocacy project for prisoners in Egypt detained without trial’

Convention against Torture; to encourage the rehabilitation and reintegration of prisoners into society; to ameliorate living, social and health conditions of prisoners; to defend the rights of prisoners and provide them with legal assistance; and to promote awareness of human rights standards among prison staff as well as prisoners. The project comprised of: monitoring prison conditions and investigating violations of the rights of detainees in prisons or police stations through on-site inspections and bringing legal cases on behalf of the victims of such violations, for compensation or against the non-execution of court rulings for the release of detainees. The project provided lawyers to attend interrogations of detainees particularly in cases related to freedom of opinion and expression. Seminars and conferences on prisoners' rights were organised with leading academics and penologists; and periodical reports on prison conditions and legal cases, and educational booklets for the general public were published. The Centre was founded in 1997 by members of the People's Assembly, lawyers, academics, psychiatrists and human rights activists, and it also receives funding from the Canadian Government.

(g) Victims of torture

• **Background**

Torture is prohibited by Article 5 of the Universal Declaration on Human Rights and by the UN Convention against Torture (CAT). It is an absolute prohibition: under no circumstances is the use of torture permissible. Article 1 of CAT defines torture as 'any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person.' Europe has been a standard bearer in the prevention of torture; the Council of Europe's Convention against Torture provides for a Committee which can conduct on-site inspections in any place of detention, without the prior permission of member States. Discussions are under way in the UN to provide for a similar mechanism for CAT, a development which the EU supports.

The EU is very concerned by the continuing widespread use of torture and by the pain and suffering caused to the victims. At the 55th Commission on Human Rights, the EU drew attention to the fact that 73 UN member States have not committed themselves to CAT, and among those who have, it noted with regret that some Governments have failed to respond to requests by the UN Special Rapporteur for visits.⁹⁷ Similarly, at the Third Committee of the 54th General Assembly, the EU recognised that it 'itself is not free from incidents of detention which violate international standards.'⁹⁸

The Parliament has created a special budget line B7-7070 to provide assistance to victims of torture and support for their physical, social and psychological rehabilitation and torture was identified as a global theme by the Parliament's Annual Report on human rights. It emphasised that 'victims of torture are especially vulnerable, since the act is committed by a state agent and they lack any real chance of legal redress'. Rehabilitation of victims of torture must be an integral part of peacemaking and democratisation.⁹⁹ The Human Rights Regulations explicitly state that Community support should go to support for rehabilitation centres for torture victims and for organisations offering concrete help to victims of human rights abuses or to help prevent torture or ill-treatment.¹⁰⁰ The Commission's approach in assisting victims of torture is to 'work with the specialised bodies which help local bodies

⁹⁷ UN Commission on Human Rights 55th Session, EU Statement on civil and political rights, April 1999

⁹⁸ UN General Assembly 54th Session Third Committee, EU Statement on civil and political rights, November 1999

⁹⁹ *ibid*, at 32

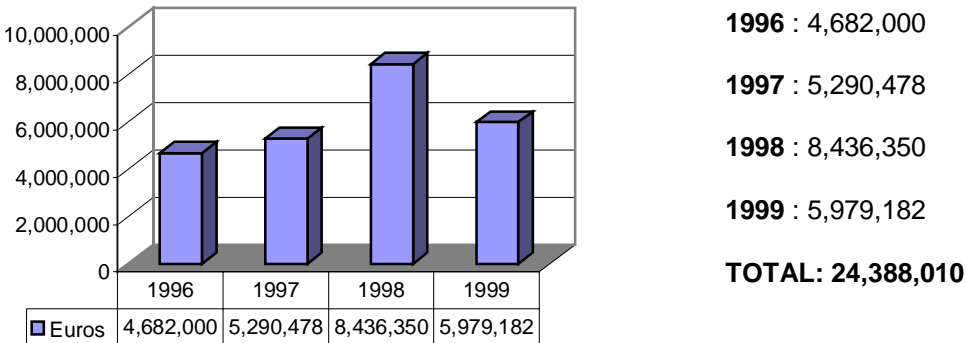
¹⁰⁰ Council Regulations (EC) No 975, Article 2.1 (f) and No 976, Article 3.1 (f)

during the preparatory and initial stages of implementation, and which generate awareness, research and documentation initiatives.’¹⁰¹

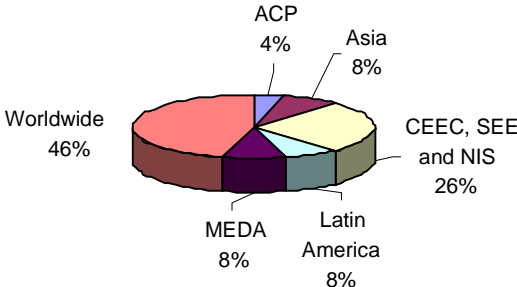
• **Activities and target groups**

The Commission has provided substantial support for the treatment and care of torture victims; it is in fact the largest provider of such assistance in the world. In Europe, emphasis has been placed on the rehabilitation of war and torture survivors from the former Yugoslavia. Funds have supported the treatment and care of special categories of war victims: women and children, refugees and asylum seekers, and victims of sexual violence, including special programmes on male victims. Additional activities in Europe have included research and development of new forms of therapy, such as non-verbal and culturally specific, and medico-legal casework. In the MEDA region, assistance has focussed on countering the abuse of prisoners and detainees, empowering survivors of torture and developing capacity in the area of forensic medicine. Women and children victims were targeted in the ACP region, in projects which included transporting victims from war zones. Emphasis here was also placed on preventative strategies. In Latin America, projects addressed adolescent victims, victims of state-sponsored terrorism and organised political violence, and on specialist training programmes. The training of doctors, lawyers and other professionals was a theme in Asia, where rehabilitation centres for survivors of torture were also supported.

• **Allocation of funds**



• **Regional distribution**



¹⁰¹ COM (95) 567 final, ibid.

- **Example: Treatment and rehabilitation centres in Turkey**

In 1998, only a few days after public inauguration of a fifth rehabilitation centre of the Human Rights Foundation of Turkey (HRFT) in Diyarbarkir, at which the Commission Delegation was represented, the centre was closed by police. This is part of a pattern of harassment and intimidation of the staff and patients of these centres. Between 1996 and 1998, HRFT was granted 630,000 Euros for its Rehabilitation Centres for Torture Victims.¹⁰² The HRFT has been funded by the Commission since 1994, and receives the full support of the Commission Delegation in Ankara.

Free medical and psychological services to torture survivors and their relatives

The centres provide free medical and psychological services in Adana, Ankara, Diyarbarjir, Istanbul and Izir to torture survivors and their relatives, train health personnel on the subject of torture and its consequences, conduct research into the problems of torture survivors,

and provide social assistance to survivors and their families. Torture survivors who apply to the centres are interviewed and medically examined by the professional team at the centre. Medico-legal reports taken at this time serve as an accurate record of human rights abuse, and the taking of testimonies is itself a crucial first step towards recovery. Applicants apply at their own initiative or are referred by medical associations and bar associations. Those who need further examination are referred to specialists working outside the HRFT; all expenses regarding torture related problems of the applicants are paid by the Foundation.

The following services have also been provided: psychotherapy and counselling, clinical psychology, specialist medical care for those who have been sexually tortured and raped, psychiatric care and physical therapy. The HRFT provides a considerable amount of training of health professionals. An international training course was arranged in Stockholm concerning training for care-givers. HRFT is the only organisation carrying out torture rehabilitation work in Turkey, and its work is recognised by experts such as International Rehabilitation Council (IRCT-Copenhagen) and the Swedish Red Cross with whom it collaborates. The organisation also receives support from the UN Voluntary Fund for Victims of Torture and the Swedish Support Committee for Human Rights.

1.4.2. Priority groups for protection and awareness-raising

(a) Journalists and media professionals

- **Background**

The right to freedom of expression and the media was highlighted in part 1.3.1. Journalists and media professionals are uniquely placed to promote human rights and democratic values and are at the forefront of the fight to protect these rights. They are often, as a result, particularly vulnerable to abuse, and deserving of protection. The Parliament has highlighted that in several States journalists are sentenced to jail by the governments as a means to silence criticism.

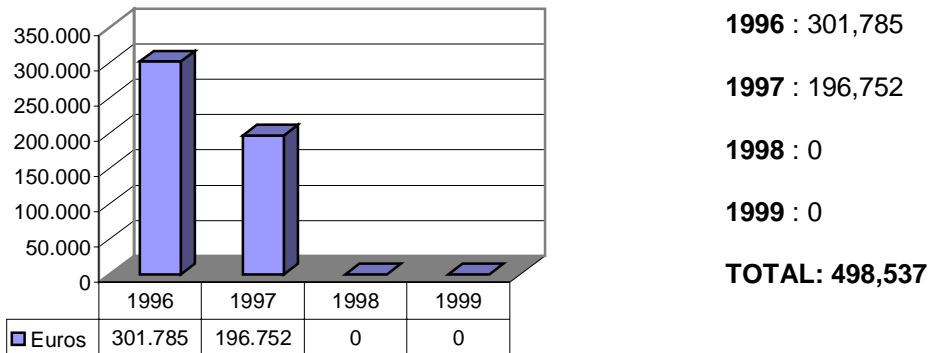
¹⁰² B7-7070, Project No. 96/149 & B7-7040, Project No. 98/002, Human Rights Foundation of Turkey 'Treatment and rehabilitation centres for the survivors of torture'

In 1999, at least 28 journalists were killed.¹⁰³ The Parliament also stressed the importance of providing proper access for the media to new technologies, such as the Internet. The Commission has emphasised that journalists are particular target groups.¹⁰⁴

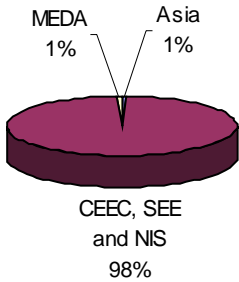
- **Activities and target groups**

The division between activities in support of freedom of expression and those protecting journalists is somewhat artificial, however, actions which address media professions as individuals have been included in this part. In the MEDA region, the particular problems of journalists in war zones were addressed, in Europe, the access of journalists to new technologies and the role of journalist associations in South Eastern Europe received attention.

- **Allocation of funds**



- **Regional distribution**



¹⁰³ European Parliament Annual Report on Human Rights 1999, *ibid*, at 30
¹⁰⁴ COM (95) 567 final, *ibid*.

- **Example: Training journalists in new technology**

The acquisition of knowledge and techniques about democratic principles and the rule of law

The Association for Democracy in the Balkans trains journalists in new technologies and on the role of journalist associations in South-Eastern Europe. This project was supported by the Commission in 1997, to the amount of 196,752 Euros.¹⁰⁵ Its objective was the acquisition of knowledge and techniques about

democratic principles and the rule of law by media professionals. It aimed to provide means of securing a responsible free press for journalists in the Balkans. Specific activities included training journalists from Romania, Moldova, Bulgaria and FYROM in modern mass media techniques, publishing reports and seminars on the comparative experience of European journalists' associations.

(b) Magistrates, lawyers and court and prison staff

- **Background**

Bolstering the rule of law is an essential element of promoting democratisation and respect for human rights. For countries in a state of transition, special assistance is required for legal and penal professionals, not just in human rights matters as touched on in part 1.2.2, but to strengthen their professional skills. The Human Rights Regulations provide for support to uphold the independence of the judiciary and for a humane prison service¹⁰⁶ and the Commission has identified magistrates and the judiciary in general as priority target groups.¹⁰⁷

- **Activities and target groups**

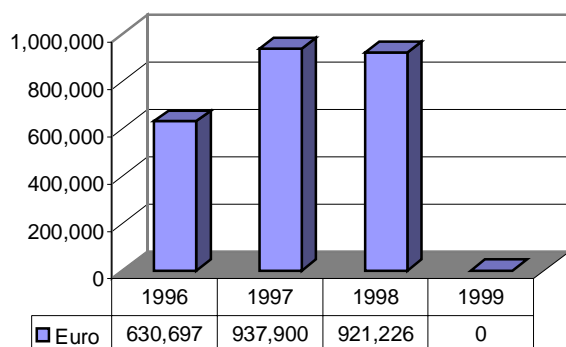
Programmes in support of legal and penal professionals in Europe concentrated on the organisational structures of the legal profession, training of judges in asylum procedures and justice monitoring programmes. In Latin America, training was provided to judges, prosecutors and defence lawyers on the penal process, and regional courses organised to promote judicial consistency. Training for prison guards constituted a priority in Asia and in the MEDA region, university legal training and campaigns for the independence of the judiciary were supported. Implementing partners included judges' organisations, bar associations, international NGOs such as Penal Reform International, universities and legal centres.

¹⁰⁵ PHARE D. & TACIS D. Project Nos. 98-3034P & 98-4024T, The Association for Democracy in the Balkans 'Journalists training on new technologies and the role of journalists associations in South Eastern Europe'

¹⁰⁶ Council Regulations (EC) No. 975, Article 2.2 (a) and No. 976, Article 3.2 (a)

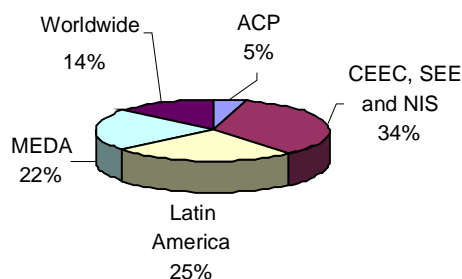
¹⁰⁷ COM (95) 567 final, *ibid.*

- **Allocation of funds**



1996 : 630,697
1997 : 937,900
1998 : 921,226
1999 : 0
TOTAL: 2,489,823

- **Regional distribution**



- **Example: Legal Training in the West Bank and Gaza**

Following the Oslo peace accords, lawyers were nominated as advisors to the ministries and agencies of the new Palestine authority. The lack of experience of legal personnel could therefore have been detrimental to the protection of fundamental rights for Palestinian citizens. There was a clear need to ensure that new lawyers have the proper skills and values to serve the public and restore the rule of law in Palestine. With this in mind, the Commission provided 409,000 Euros in 1997 and 1998 for the Legal Training Unit at the Birzeit University Law Centre.¹⁰⁸

Comprehensive, high-quality legal training to create stability and restore confidence in the rule of law

The objectives of the Unit were to create a tradition of quality legal training, to restore high professional standards for Palestinian lawyers and judges, and to assist in the development of a unified system of law in Palestine. The project was particularly relevant given the complicated legal framework of the region, which is influenced by Jordanian,

Egyptian, Ottoman and Israeli legal tenets. The specific activities of the Unit in implementation of this project include legal training courses focusing on information, skills and values for lawyers, judges and prosecutors, leading to a certificate in legal practice; seminars and ‘legal encounter’ groups; and legal education and orientation workshops for

¹⁰⁸ B7-705, Project Nos. 97-Mas53 & 98Mas102, Birzeit University Law Centre ‘Legal Training Unit’

lawyers and judges on substantive areas of law, new legal developments and the procedural aspects of the legal process in the West Bank and Gaza.

Additionally, the Unit provided a training course for trainers in which innovative educational methods were taught. The Unit’s methodology is based on active and participatory learning focussing on legal writing and drafting, and mock trials including human rights and criminal procedure cases. The Unit has also used video-conferencing technology to overcome the problems of travelling between the West Bank and Gaza, and make joint sessions between the two centres possible. In addition, the legal unit has access to the Internet and the ‘Lexis-Nexis’ legal database.

(c) Military, police and security forces

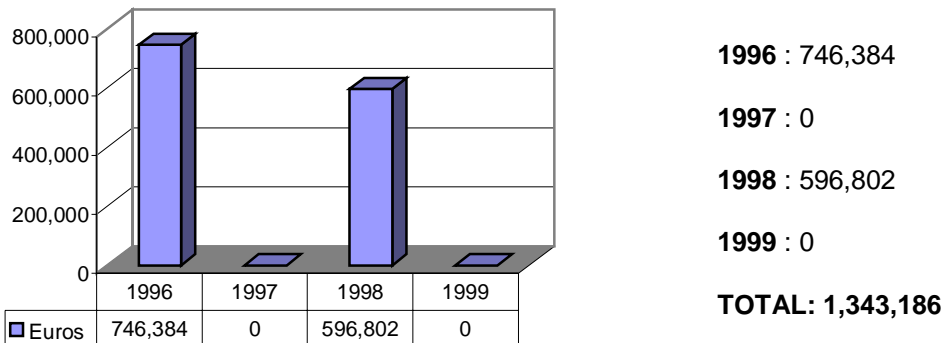
• Background

Abuses by military, police and security forces have been well-documented in many countries, and are almost always symptomatic of wider human rights problems. Just as corrupt, ill-disciplined officers can be a major cause of the serious disregard of human rights; so can highly trained, professionalised and accountable personnel be at the vanguard of human rights protection. As post-conflict experience has shown, local security forces have a pivotal role to play in the reconstruction of peace and confidence-building. The Council cites an objective of Community funding as ‘supporting national efforts to separate civilian and military functions, training civilian and military personnel and raising their awareness of human rights’.¹⁰⁹

• Activities and target groups

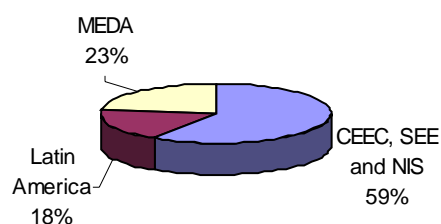
Many of the activities of the Commission in this area are cross-cutting concerns with the fields of human rights education and the subordination of the armed forces to civilian authorities. Other actions include the encouragement of cooperation between different police forces in Central and Eastern Europe, highlighting the role of police with regard to elections in Latin America and providing training to the new security services of the Palestinian authority. Beneficiaries included anti-torture groups, international human rights research centres and an association of soldier’s mothers.

• Allocation of funds



¹⁰⁹ Council Regulations (EC) No 975, Article 2.2 (g) and No 976, Article 3.2 (g)

- **Regional distribution**



- **Example: Military Watch – Consultation centre and task force for assuring the human rights of soldiers and conscripts**

Military torture cases of the 1970s demonstrated that soldiers who are the victims of human rights abuse are more likely themselves to become abusers. The aim of this project was to address the conditions of young recruits in the Ukrainian military by conducting a continuous public relations campaign on ‘Armed Forces and Human Rights’ and to carry out civilian monitoring of security structures. It was organised by the *Association of Soldier’s Mothers* in the town of Spilka and featured workshops and consultations with the target groups of the project: military staff, draftees, lawyers, the media and members of commissions responsible for the appraisal of conscientious objectors, for all of whom training courses were also arranged. The Commission provided 200,000 Euros to the project in 1996.¹¹⁰

Monitoring court cases involving draftees and soldiers

Individual and collective consultations were provided to young people of draft age, draftees, soldiers and their families on their rights and obligations. In addition, relevant Ukrainian legislation was analysed and amended

versions, which would enhance the protection of young soldiers, drafted and promoted, including by lobbying MPs. Court cases involving draftees and soldiers were monitored and a small legal aid fund established.

¹¹⁰ TACIS D. Project No. 97-0240, Association of Soldiers’ Mothers ‘Military Watch- consultation centre and task force for assuring the human rights of soldiers and conscripts’

PART 2

2. GEOGRAPHICAL SUMMARY

2.1. ACP countries, including South Africa and Nigeria

- **Background**

The European Union has, since 1996 reinforced its position as a major actor in the ACP countries. The fourth Lomé Convention, revised in 1995, stated that respect for human rights, democratic principles and the rule of law underpins the relationship of the EU with ACP States. This Convention, moreover, suggested specific financial means for concrete action in the promotion of human rights and for institutional reform, in the context of democratisation and the rule of law.

Against this background, in 1998 the Commission set out to clarify the relationship of the EU with ACP states, highlighting: the increasing focus of the EU of preventing conflict and consolidation of peace in Africa; the development of national capacity to settle disputes; the legitimacy of Governments and their ability to implement policies which respect human rights, democratic principles and the rule of law.¹¹¹ In this respect it suggested ‘stepping up’ action in certain key areas, including:

1. Institutional and administrative reforms connected with democratisation and the rule of law, including constitutional reforms, judicial reform, assistance to local democracy, support to legislative power and the parliamentary system and support for regional systems to protect and monitor human rights.
2. Human rights education
3. Strengthening civil society and women’s participation in the democratisation and development process, including an emphasis on free and independent media, action against the exploitation and abuse of women, and the rights of ethnic, religious and cultural minorities.

These themes received positive support from both the Council¹¹², and the Parliament, which in a resolution specifically on the Communication, approved its recommendations, while emphasising the importance of the participation of civil society.¹¹³ The Human Rights Regulations reinforce the operational capacity of the Community in respect of development cooperation with ACP nations in the field of democracy, human rights and the rule of law.¹¹⁴

¹¹¹ COM (1998) 146 final, *ibid.*

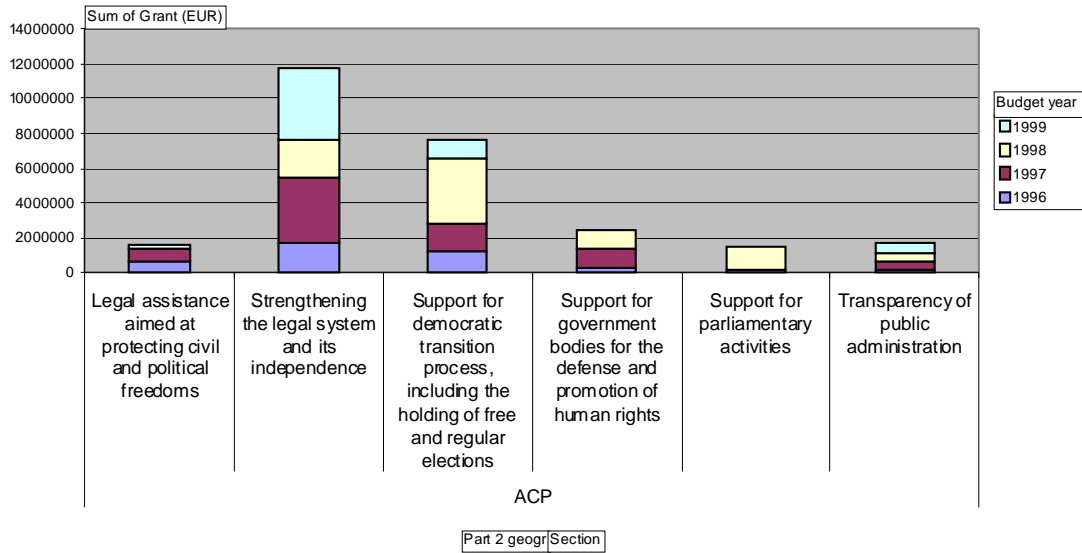
¹¹² Common position on human rights, democratic principles, the rule of law and good governance in Africa, of 25 May 1998, 98/350/CFSP, OJ L 158

¹¹³ European Parliament Resolution A4-0411/98 OJ C 104

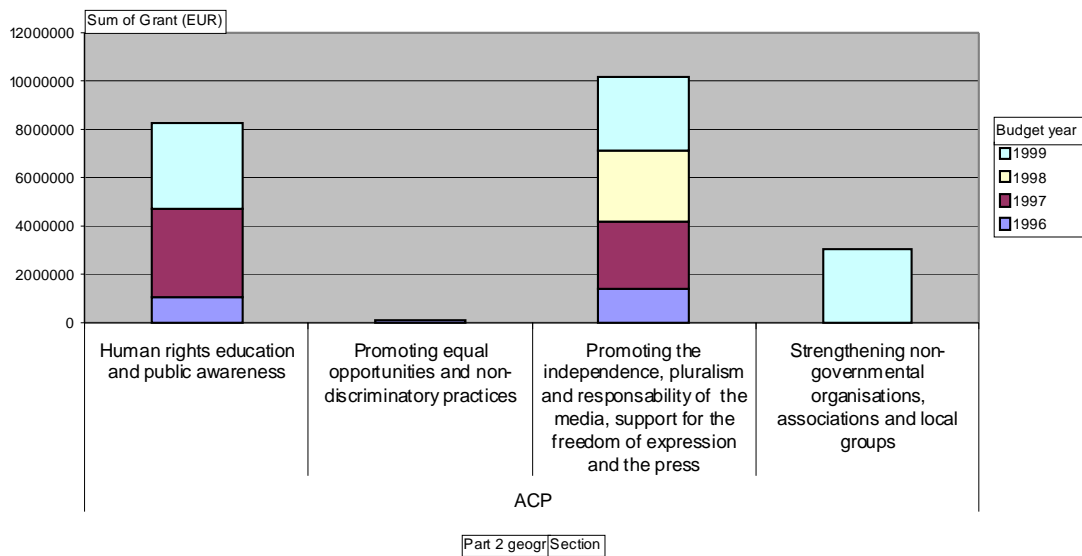
¹¹⁴ Council Regulation 976/1999 of 29 April 1999

- Use of the budget

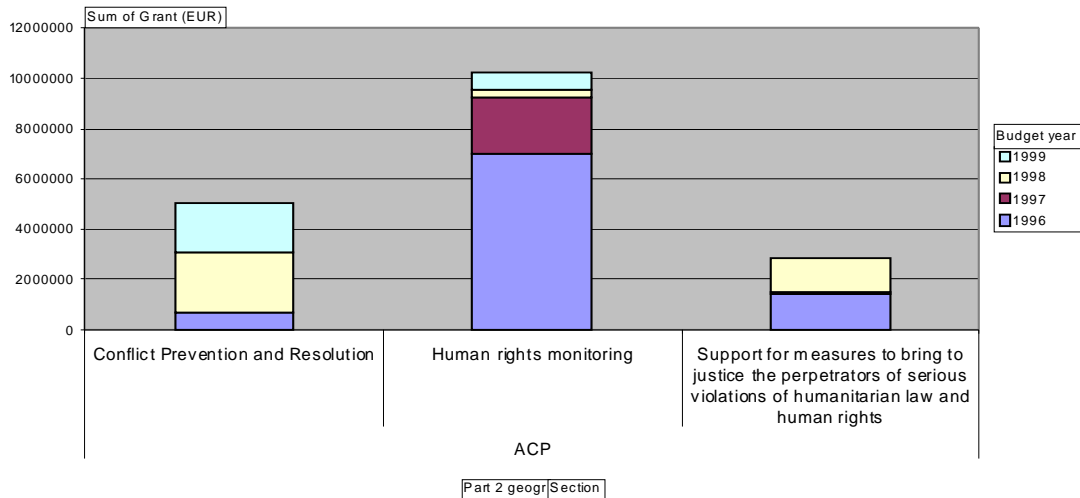
Democratisation and the rule of law



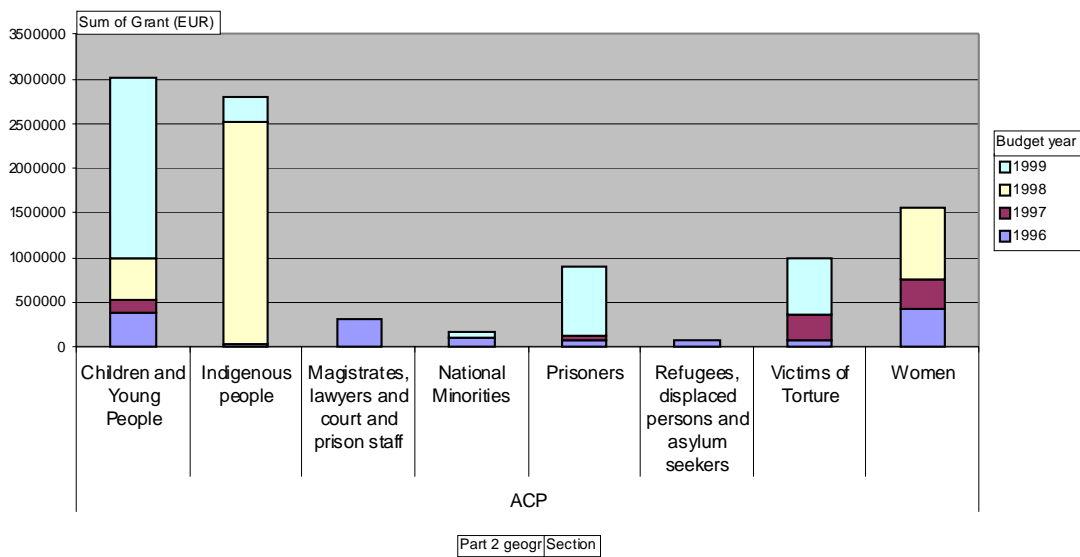
Pluralist civil society



Confidence building to restore peace



Target groups



2.2. Latin America

- **Background**

Financial assistance for the promotion of democracy and human rights activities is provided under the budget line B7-7030, 'Democratisation process in Latin America'. The line was established on the initiative of the Parliament in 1990 to support the democratisation process in Central America and Chile, but was extended after 1992 to all Latin American countries.

In the initial stages of the implementation of this budget line, it responded to the diverse needs of Latin American countries in different stages of the democratisation process. Pilot projects and preparatory activities were developed, and in many cases

this budgetary line played a catalysing role as an initiator of other financial and technical assistance. This was the case notably in action concerning street children, the judicial and penal system, the electoral and parliamentary process and human rights defenders.¹¹⁵

In 1995, the Commission outlined the priorities for its relationship with Latin American countries for the years 1996-2000.¹¹⁶ These guidelines state that the consolidation of the rule of law is 'essential to make the democratic process irreversible at the institutional level', and that the reinforcement of human rights civil society facilitates sustainable economic and social development. The main strategic objectives were set out as:

1. the exercise of public power
2. strengthening and development of a responsible civil society
3. support of vulnerable groups (children, women, indigenous and displaced persons)

In 1998, based on the advice of experts and member states, a new strategy was designed with the objective of developing high impact programmes of a multi-annual nature.¹¹⁷ To concentrate the effectiveness of the limited budgetary resources available, it was decided to devote the budget of 1998 to Central America, and that of 1999 was destined for countries of the Andean Pact. The first multi-annual programme for 1998 was designed in collaboration with Commission Delegations and offices in Central America, civil society organisations and representatives of member States, but due to administrative delays, the programme did not become operational. In 1999, in addition to the programme for the Andean Pact, four independent actions were also approved, for Colombia and Mexico and for two regional projects in Latin America.

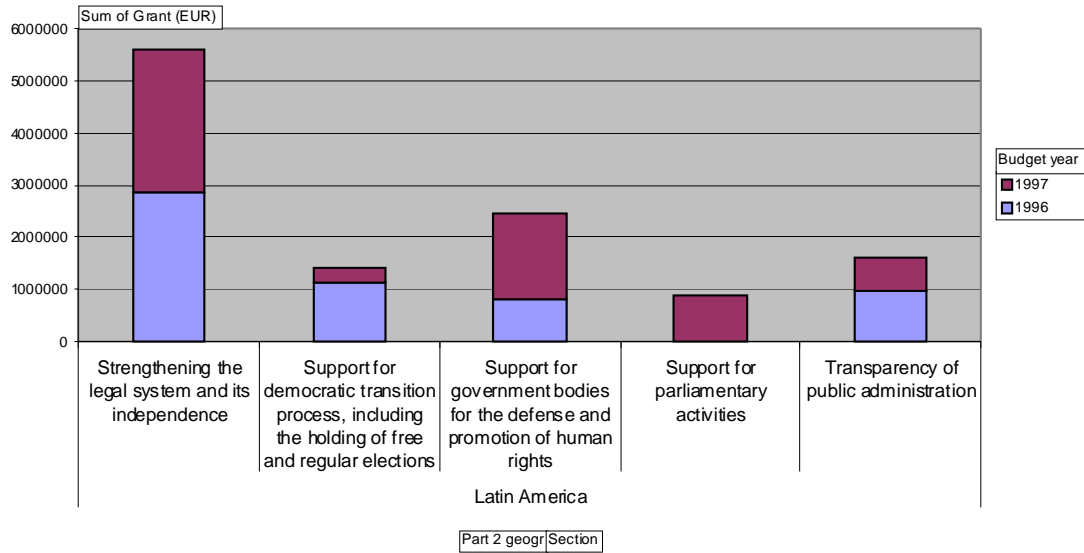
¹¹⁵ European Commission Information note of 9 July 1999, 'The approach of DG 1B concerning cooperation in the field of democratisation and human rights' DG 1B

¹¹⁶ COM (95) 495 final

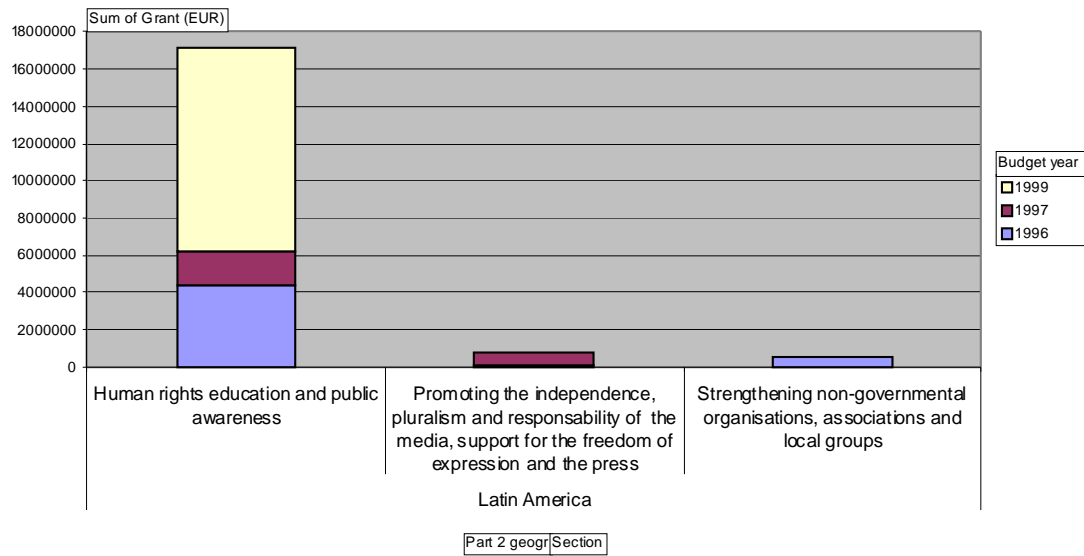
¹¹⁷ Note of 9 July 1999, *ibid.*

- Use of the budget

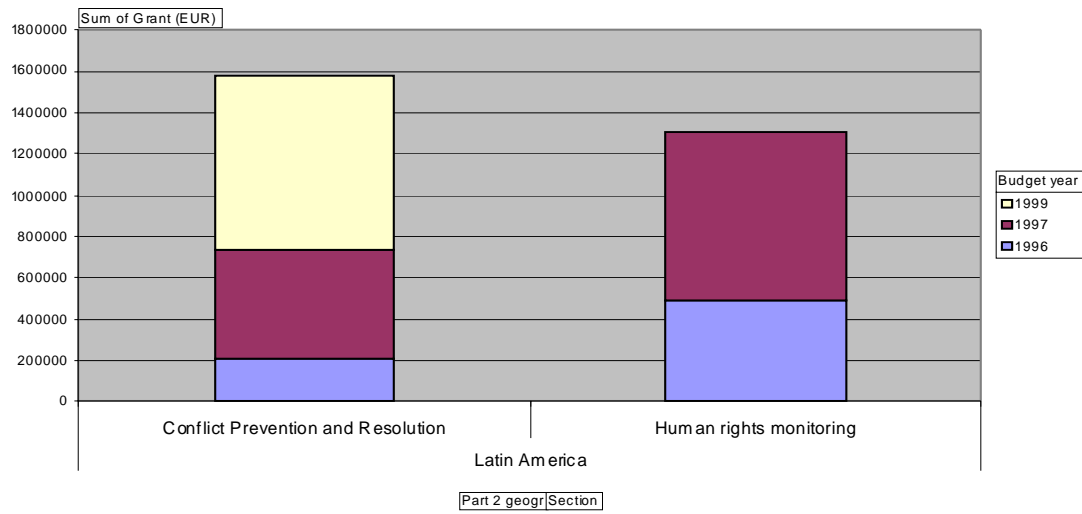
Democratisation and the rule of law



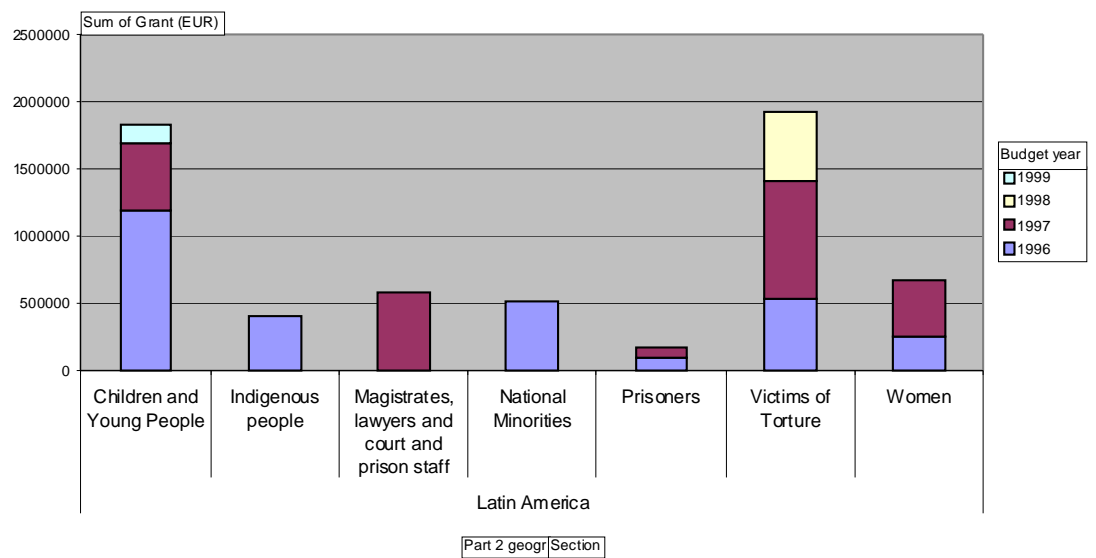
Pluralist civil society



Confidence building to restore peace



Target groups



2.3. Central and Eastern Europe and the Republics of the Former Yugoslavia, the New Independent States and Mongolia

- **Background**

The PHARE / TACIS Democracy Programme (PTDP) was launched by the European Union in 1992 to help promote democratic societies in the countries of Central and Eastern Europe, the New Independent States and Mongolia.¹¹⁸ In 1992 a pilot programme was launched for PHARE countries only. The European Parliament and the European Commission decided to continue the programme in 1993, including also the TACIS countries. The programme now forms part of budget line B7-70. The PHARE Democracy programme covered Albania, Bosnia-Herzegovina, Bulgaria, the Czech Republic, Estonia, the former Yugoslav Republic of Macedonia (FYROM), Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia. The TACIS Democracy programme covered Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, the Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan. The programme complemented mainstream PHARE and TACIS programmes providing a transfer of economic know how and skills related to the private sector and privatisation.

One of the main characteristics of the programmes was the 'bottom-up' approach in the selection of macro- and micro-projects, on the assumption that potential applicants are likely to have a better understanding of their own society than outsiders. In contrast with other Community programmes these projects do not have to be approved by the recipient governments. In PHARE countries the impact of PTDP has been greater than in the TACIS countries. There are several reasons for this. Firstly, more resources have been allocated in the PHARE countries. Secondly, because indigenous NGO capacities are greater in the PHARE countries, the multiplier effect of democracy assistance is also greater. Thirdly, the approach to PHARE countries has put greater emphasis on the bottom-up-approach. The Commission has identified three areas of support for PHARE and TACIS Democracy Programme:

1. The promotion of knowledge of democratic practices at local and national levels;
2. The work of NGOs which promote pluralist democratic societies;
3. The transfer of specific expertise and technical skills concerning democracy and the rule of law to professional groups and associations.

Three kinds of instruments were used between 1993 and 1997.

1. Macro projects: operated through West-East partnerships between non-governmental and non-profit making organisations;

¹¹⁸ PHARE and TACIS Regulation Council Regulation (EEC) No 3906/89 of 18 December 1989 (OJ L 375, 23.12.1989), as last amended by Council Regulation (EC) No 753/96 of 22 April 1996 (OJ L 103, 26.4.1996). Council Regulation (EEC) No 2053/93 of 19 July 1993 (OJ L 187, 29.7.1993); Council Regulation (EC) No 1279/96 of 25 June 1996 (OJ L 165, 4.7.1996).

2. Micro-projects: small sized projects run by the Commission Delegations which promote local action and develop the capabilities of the local civic society;
3. Ad-hoc projects: an important tool for the Commission, through which it has proposed projects on the basis of perceived political requirements or in response to the evolving needs of civil society in specific regions. Ad-hoc projects represented an effective tool to complement the actions undertaken by both macro- and micro- projects. Ad-hoc projects acted horizontally, covering more than one country, and met specific needs such as supporting and monitoring electoral processes or the independence and pluralism of the media.

In 1997 a specific budget line B7-7001 was created to address specifically “Community measures to help democracy and support the peace process in the Republics of the former Yugoslavia”. The main objectives of this budget line were:

1. Support to civil society development and civic dialogue (including minority issues)
2. Strengthening local capacities for human rights protection and advocacy
3. Involvement of young people
4. Confidence-building measures
5. Cross-party support to democratic initiatives
6. Measures aiming at ensuring free and fair elections

Given the non-eligibility for PHARE programmes of Croatia and FRY during previous years budget line B7-7001 focused its support particularly on these two countries. From 1998 on, due to a general reorganisation of the budget lines dealing with human rights, two budget lines have inherited the former PHARE and TACIS Democracy Programme and budget line B7-7001. Budget line B7-7000 (now B7-700) aims at “Support for democracy in the countries of Central and Eastern Europe, including the Republics formerly part of Yugoslavia”. Therefore it has incorporated the objectives of former PHARE Democracy Programme and budget line B7-7001. Budget line B7-700 covers the following countries: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Estonia, the Federal Republic of Yugoslavia, the Former Republic of Macedonia, Hungary, Latvia, Lithuania, Poland, Romania, the Slovak Republic, and Slovenia. The specific objectives for budget line B7-700 are:

1. The development of democracy, the rule of law and civil society;
2. Supporting the peace process, appeasing tensions and developing democracy, including the promotion of free and independent media in the Republics of former Yugoslavia;
3. Promoting freedom of press and the media;
4. Encouraging interethnic dialogue;

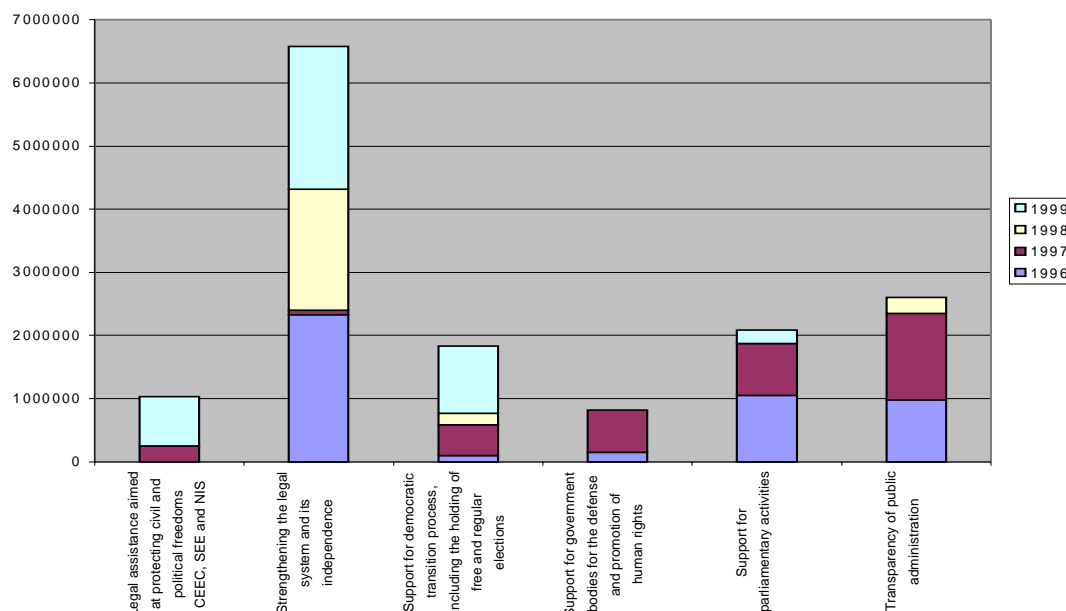
5. Supporting organisations involved in re-establishing democracy in civil society (including regional NGOs, trade unions and women’s organisations);
6. Promoting equal participation of women in the decision-making processes;
7. The protection of vulnerable groups.

Budget line B7-7010 (now B7-701) aims at “Support for Democracy in the NIS and Mongolia”. Budget line B7-7010 cover the following countries: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgystan, Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine, Uzbekistan and Mongolia. The specific objectives of budget line B7-701 are:

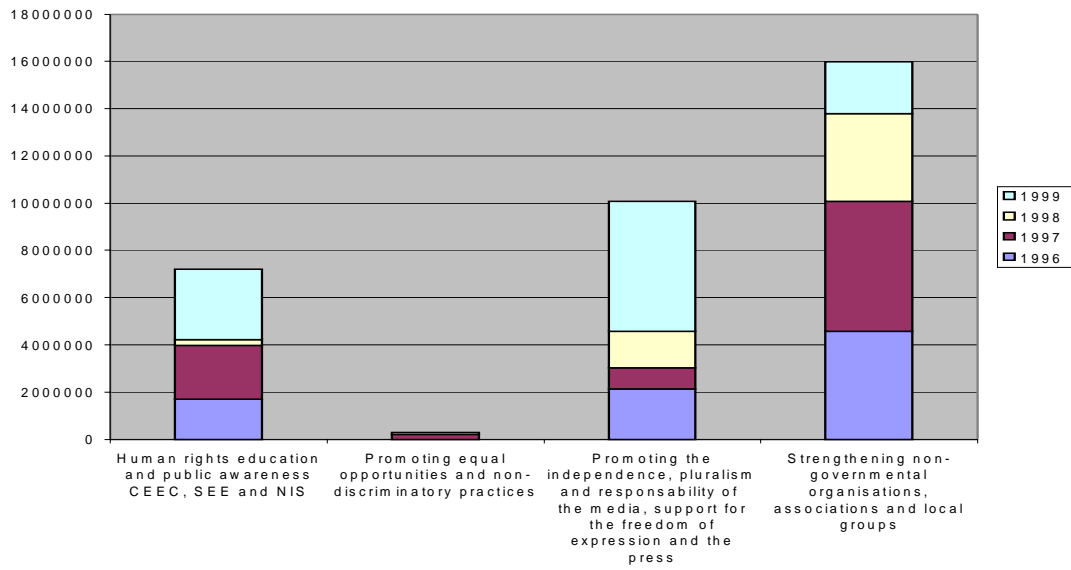
1. The promotion of democracy, the rule of law, the implementation of human rights, the protection of minorities, and the development of civil society in the countries;
2. The establishment of infrastructure necessary for public and democratic life, with the widest participation of NGOs;
3. Supporting awareness-raising measures with a view to strengthening civil society, including through civic education and the independent media.

- **Use of the budget**

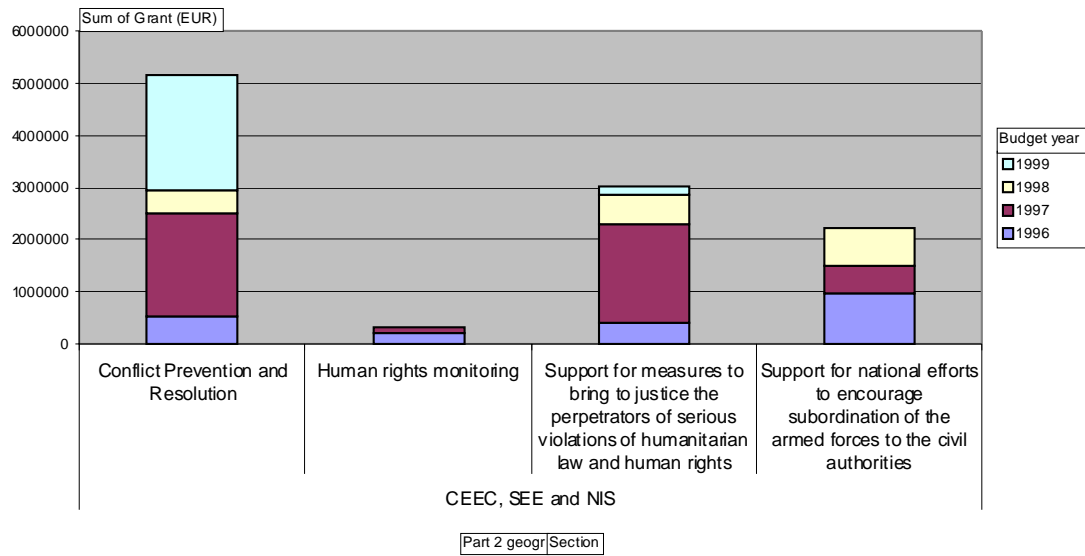
Democratisation and the rule of law



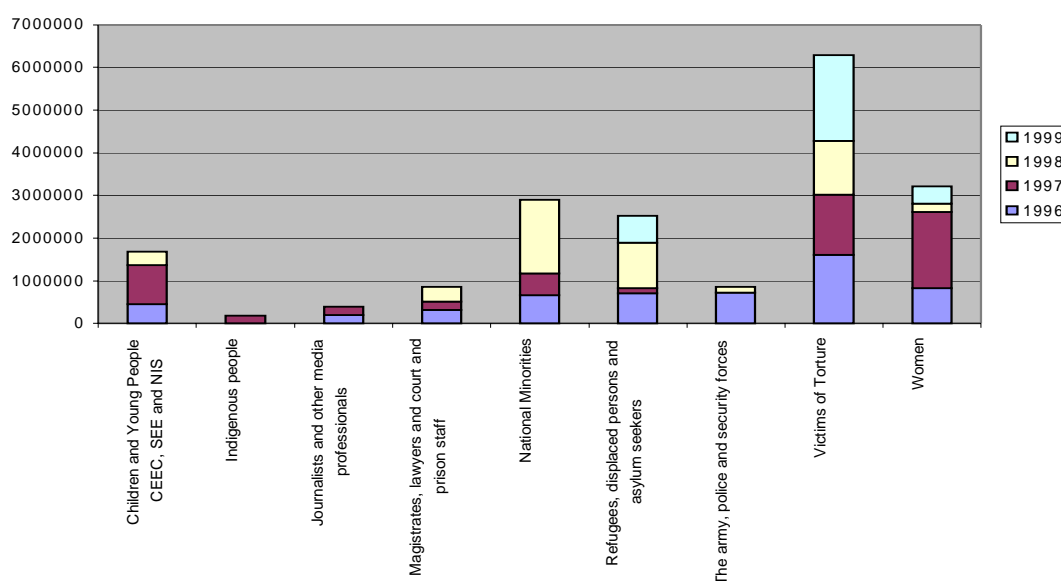
Pluralist civil society



Confidence building to restore peace



Target groups



2.4. Meda countries and Turkey

- **Background**

The Barcelona Conference in 1995 redefined the relationship of the EU with the twelve ‘MEDA’ countries: Algeria, Cyprus, Egypt, Jordan, Israel, the West Bank and Gaza, Lebanon, Malta Morocco, Syria, Turkey and Tunisia. The Barcelona Declaration adopted by the Council, defined a ‘political and security partnership’ and a ‘social, cultural and human affairs partnership’ which establishes that human rights are to be considered a subject of mutual concern between the EU and these countries.

This partnership is given effect through bilateral association agreements and MEDA Framework Conventions, which include a clause defining human rights as an ‘essential element’ of the agreement, constituting therefore a binding legal commitment by each MEDA country to respect human rights. The Framework Conventions explicitly state that not only States, but also NGOs are entitled to receive funding.

The ‘MEDA Regulation’ provides the legal basis for Community support to human rights and democracy activities in these countries, stating that ‘this Regulation is based on respect for democratic principles and the rule of law and also for human rights and fundamental freedoms...and...in particular strengthening democracy and respect for human rights.’¹¹⁹

In implementation of this mandate, the MEDA Democracy Programme (MDP) was established in 1996, under the umbrella of the European Initiative for Democracy and Human Rights, as Budget line B7-705. Funding is granted to NGOs, universities,

¹¹⁹ Council Regulation (EC) No 1488/96 of 23 July 1996 on financial and technical measures to accompany the reform of economic and social structures in the framework of the Euro-Mediterranean partnership, OJ L 189

research centres and public bodies. The Commission has elaborated the objectives of the MDP as supporting:

1. the transition to democracy;
2. consolidating the rule of law;
3. independent and free media;
4. freedom of assembly and freedom of association;
5. pluralist civil society;
6. protection of vulnerable groups (women, children, refugees, minorities);
7. human rights education, training and awareness campaigns;
8. confidence-building measures.¹²⁰

Turkey

Despite the significant steps made by Turkey since 1995 to improve the application of the rule of law, the European Union remained concerned that insufficient practical measures were being taken to protect basic human rights. At the 53rd Session of the UN Commission on Human Rights, the EU expressed its concern about the practice of torture, involuntary disappearances, and extra-judicial executions.¹²¹ It was in this context that, with the agreement of the Turkish authorities, a programme of support was established for national efforts aiming to reinforce the rule of law and respect for fundamental rights, which could have a direct impact in the country and establish a partnership between the public authorities and NGOs.

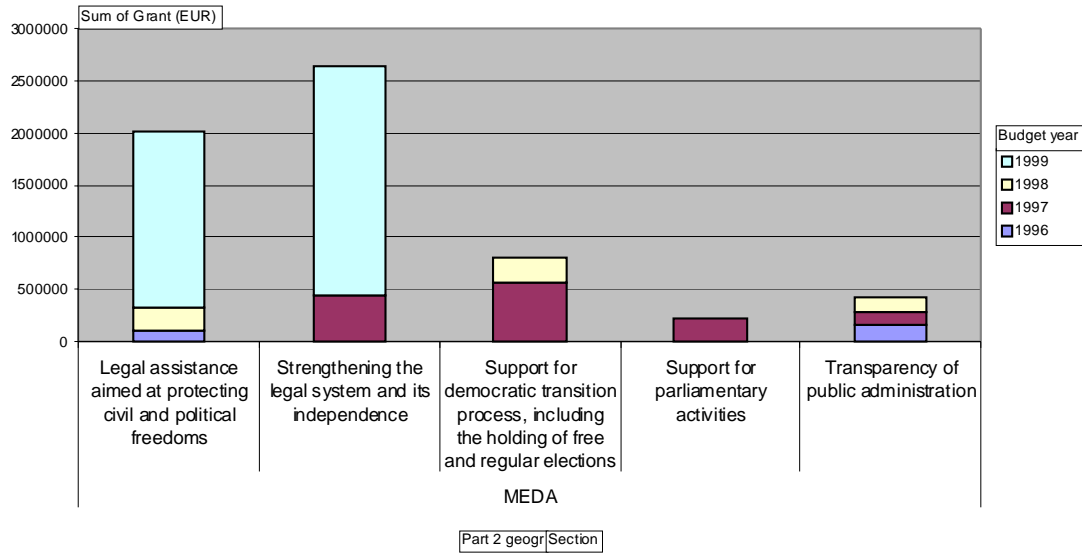
Human rights projects for Turkey are therefore financed through budget line B7-7040, the MEDA programme for Turkey and the MEDA Democracy Programme. It should be noted however that no formal criteria have been laid down regarding which source should be used to fund which specific kind of human rights projects. Activities have underlined the synergies between governmental action and those at the level of civil society. Decentralised initiatives, which support networks of local actors and delivers concrete aid to the promotion of the values of democracy and human rights are favoured. Actions supported combined general technical assistance programmes in different governmental contexts with specific projects of training, judicial support, awareness-building and education.

¹²⁰ Commission document 'MEDA Democracy Programme, Budget Line B7-705N – Criteria and Conditions of Eligibility' of 17 July 1996, DG1B.A1.1

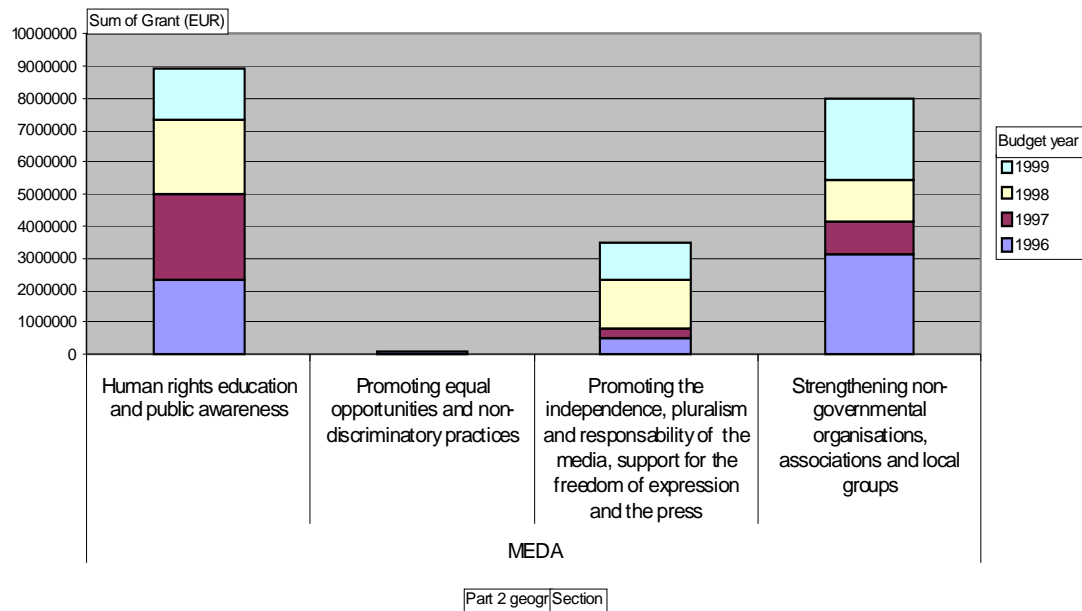
¹²¹ UN Commission on Human Rights 53rd Session, EU Statement under Item 10 'Question of human rights in any part of the world'

- Use of the budget

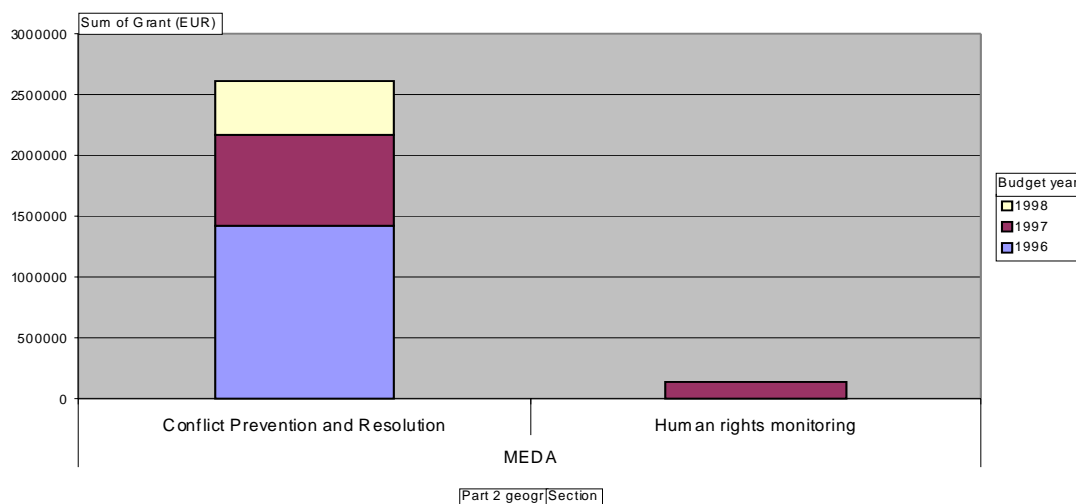
Democratisation and the rule of law



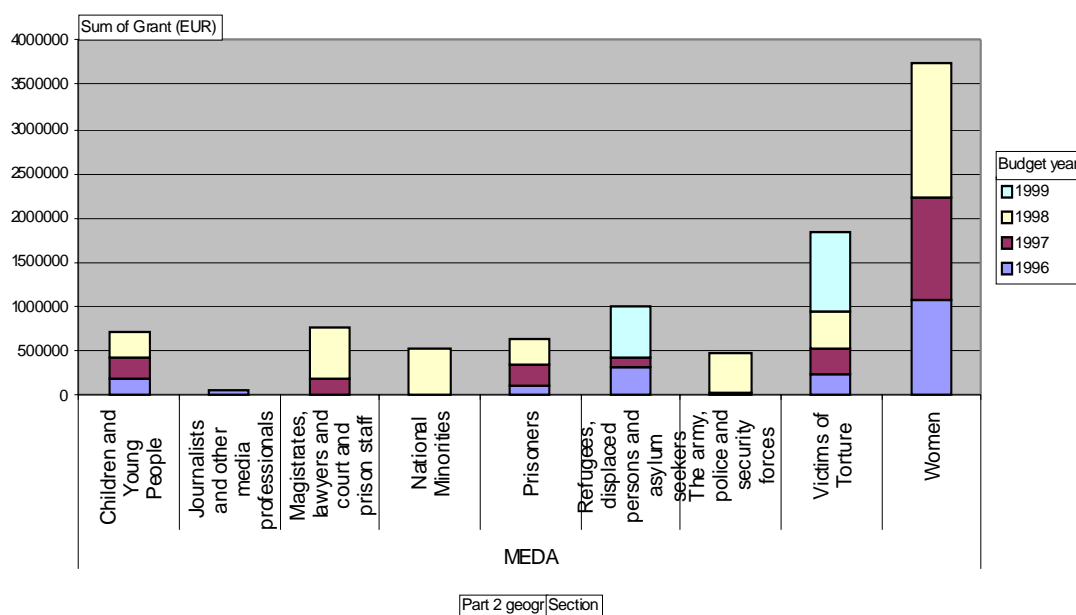
Pluralist civil society



Confidence building to restore peace



Target groups



2.5. Asia

- **Background**

The relationship between Asia and the EU must be understood against the background of the partnership developed through the Asia-Europe Meetings (ASEM), through the EU-ASEAN dialogue, and through bi-lateral relations established between the EU and individual Asian countries.

The inaugural ASEM meeting was held in Bangkok in 1996 between EU heads of State, those of ten Asian nations¹²² and the President of the Commission. The Meeting discussed the need to strive for a common goal of maintaining peace and stability, as well as creating conditions for economic and social development. This process includes fostering political dialogue, including ‘the promotion of fundamental rights’.¹²³ The second ASEM meeting, in London in 1998, reinforced the notion of political dialogue with a commitment to cooperate and promote UN reform in order to strengthen the UN’s capacity to ‘fulfil its mandate on peace, security and sustainable development’ and a commitment to reject all forms of racism and xenophobia.¹²⁴

A 1996 Communication from the Commission on ‘Creating a new dynamic in EU-ASEAN relations’ further explored the nature of this political dialogue, emphasising that the ‘development and consolidation of democracy and the respect for human rights must be important elements of the dialogue between the EU and ASEAN countries’.¹²⁵ It also underlined that in this relationship, the Union gave a high priority to a ‘positive approach’ and ‘open and constructive dialogue’.

An important dialogue for the EU has been conducted with the Government of China. Since 1997, the EU Troika and the Chinese Government have met twice a year during which human rights concerns have routinely been discussed. Areas of particular concern for the EU have included freedom of opinion, expression and assembly, the ratification process of the UN Covenants, the treatment of dissidents and religious minorities, gender issues, arbitrary detention and the use of labour camps, and the situation in Tibet. The excessive use of the death penalty is a matter of particular concern to the EU. The academic community and civil society have also been actively engaged in dialogue with activities such as seminars on women’s rights and the administration of justice.

Under the European Initiative for Democracy and Human Rights, the EU has sought to strengthen civil society in China, through projects aimed at promoting among others the rights of women.

¹²² Thailand, Brunei Darussalam, Indonesia, Korea, Philippines, China, Japan, Malaysia, Singapore, Vietnam

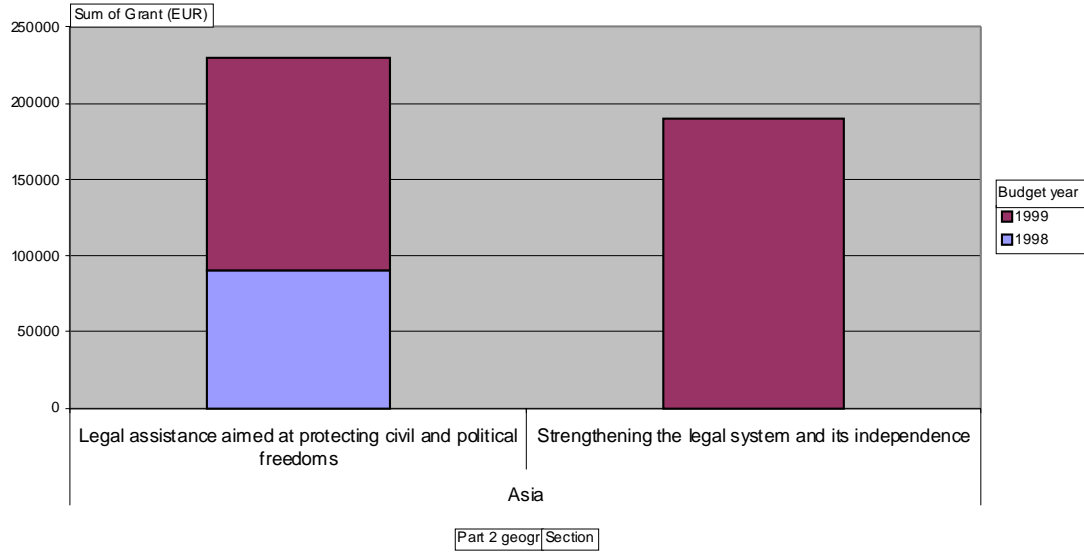
¹²³ Chairman’s statement of the Asia-Europe meeting, Bangkok, 2 March 1996, para. 5

¹²⁴ Chairman’s statement of the Asia-Europe meeting, London 4 April 1998, para. 9

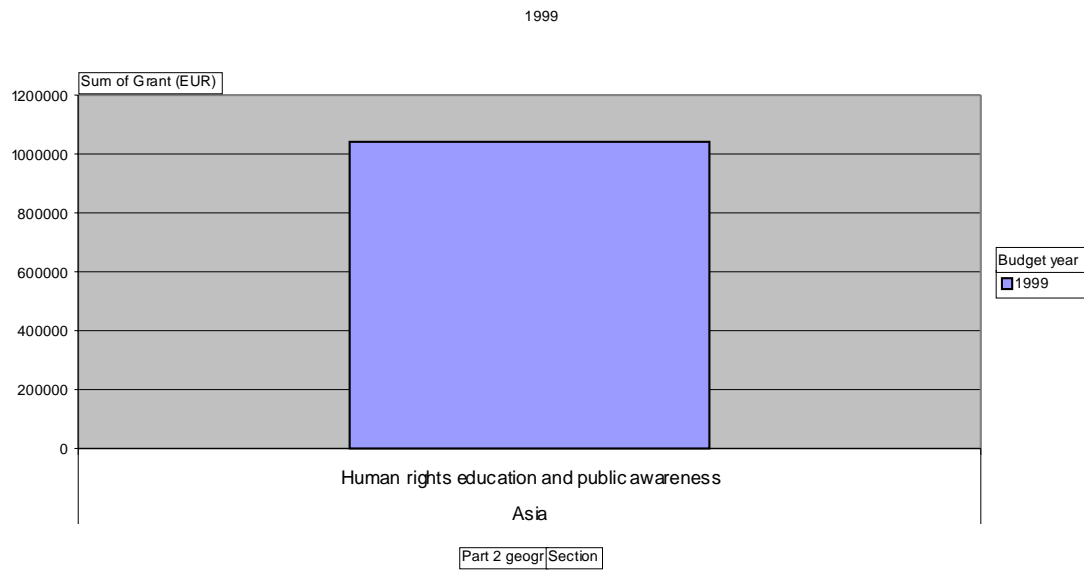
¹²⁵ Commission communication on ‘Creating a new dynamic in EU-Asean relations’ COM(96) 314 final, at 11

- Use of the budget

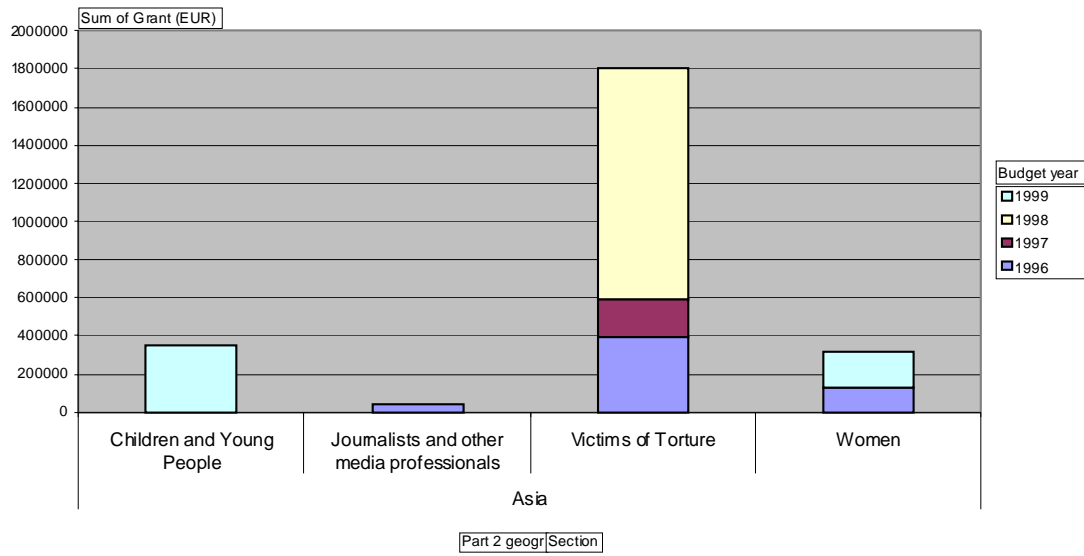
Democratisation and the rule of law



Pluralist civil society



Target groups



PART 3

3. PROCEDURAL ASPECTS

- **Background**

In its review of the predecessor of this report, the Parliament emphasised that the Commission, the Council and itself all share the objective of improving the efficiency and effectiveness of EU action in the field of human rights and of enhancing the coordination and transparency of such operations.¹²⁶ It stressed the need for institutional cooperation, including the coordination of human rights activities by different Commission DG's, a strengthening of relevant departments and the provision of clear guidelines for the acknowledgement of Community subsidies in this area. The report of Vice-President Imbeni on the same subject (the 'Imbeni report') also highlighted the problems of a lack of transparency, geographical compartmentalisation and administrative barriers to greater efficiency.¹²⁷ Imbeni recommended a genuine and thorough exchange of expertise between services, in order to 'encourage a management culture which favours openness and cooperation.'

This chapter therefore concentrates on developments which have impacted on administrative effectiveness, and it presents an overview of the procedural and managerial arrangements which have guided the allocation of Community funds.

- **Challenges and reorganisation**

These issues, concerning the period under review, should be understood with reference to the challenging events of 1998, when the Commission experienced grave difficulties in implementing the human rights budget lines. The European Court of Justice's ruling of 12 May 1998 in Case C-106/96 determined that Community action in the field of human rights and democracy could no longer be carried out in the absence of a proper legal base. This led to doubts about how to proceed with a considerable number of projects and, as a consequence, the Commission's programmes in this area were seriously disrupted. As the Final Project Report of the Comité des Sages concluded,

"Chapter B7-70 was one of those most heavily affected by the ruling...and the subsequent large-scale freeze on many disbursements and new initiatives."

The adoption of new Human Rights Regulations laying down the requirements for implementing Community operations, in April 1999, following an inter-institutional agreement was, therefore, of the highest importance.

The second major development to effect the management of human rights and democracy activities has been the administrative reform instituted by the new

¹²⁶ European Parliament Resolution A4-0381/97, *ibid*, paras 1, 2 and 4

¹²⁷ 'Imbeni report' *ibid* at 9

Commission in 1999. For the first time a new Commissioner for External Relations has sole responsibility for the promotion of human rights. In addition, the reform brought together the various units, described below, dealing with human rights and democratisation in the Commission's external relations. The new unit covers the whole world and all budget lines of the European Initiative for Democracy and Human Rights, thereby ending and geographic 'compartmentalisation' of human rights issues. It works together with the human rights unit of the Common Relex Service (SCR), which is responsible for harmonising procedures and working with partners to implement projects worldwide. It will also liaise with the responsible geographical services to ensure the necessary coordination and coherence between the cooperation and human rights instruments.

- **Consistency, coordination and effectiveness**

The decision of the Parliament in 1994 to bring previously separate human rights budget lines into one, all-inclusive heading B7-70, provided the platform for a more coherent and coordinated approach to the management of external action. Setting out its human rights strategy in 1995, the Commission promised that the various Commission departments involved will 'harmonise procedures for the use of these resources'.¹²⁸ Given the diversity of problems encountered and the multitude of players and instruments involved, the Commission has attempted to be consistent, to rationalise the management and maximise the impact of action in favour of human rights and democracy. The following summary represents arrangements in place between 1996 and 1999.

a) Inter-departmental coordination

The Imbeni report emphasised that the Human Rights Inter-Service Group had an important role in the 'horizontal coordination' of the EU's activities. This group, composed of representatives of all services in the Commission involved in human rights activities inside the EU and in external relations, has facilitated internal coordination and the exchange of information on the work of international and regional organisations, and on initiatives concerning the implementation of Community action. In addition, a Steering Committee brought together all the departments dealing with human rights issues in the field of external action, with the aim of improving the overall consistency of Community operations. In July 1999, a Human Rights and Democracy Committee was established, under Council Regulation 975 and 976, Articles 13 and 14, composed of representatives of Member States and chaired by the Commission. The Committee has a dual purpose: to review the implementation of Budget Chapter B7-70 and approve projects of over 1 million Euros, and to enhance the coherence of human rights activities.

b) Organisation of Commission departments

This outline summarises the responsibility of Commission departments involved in activities under Chapter B7-70. It reflects the position until 1999 under the previous Commission, which was in charge when the guidelines were introduced.

¹²⁸ COM (95) 567 final, *ibid.*

Former DGIA “External relations: Europe and the New Independent States, common foreign and security policy and external missions”

DGIA Human Rights Unit was in charge of coordinating all human rights activities at the Commission. Policy was coordinated by the Steering Committee and day-to-day coordination was handled by an inter-departmental working group, which was also responsible for consistency between external and internal action. The unit was responsible for identifying operations and raising awareness of human rights issues. Financially, it administered five of Chapter B7-70’s eleven budget headings. By virtue of this fact, it also acted as an interface between DGIA’s desk officers and the Commission Delegations. The unit also represented the Commission in international human rights forums in the Council of Europe, the OSCE and the UN, and in ‘COHOM’ the Council working group on human rights.

Former DGI “Commercial policy and relations with North America, the far East, Australia and New Zealand”

Coordination of human rights activities in DGI was handled by the ‘Analysis and Policy Planning Unit’, which liaised between the desk officers and DGIA. The desk officer for China was responsible for all bilateral dealings on human rights, in particular for monitoring and promoting EU-China dialogue on human rights and implementing heading B7-707.

Former DGIB “External relations: Southern Mediterranean, Middle East, Latin America, South and South-East Asia and North-South Cooperation”

The human rights situation in particular countries was monitored by the responsible desk officer. Each geographical directorate (Latin America, South and South-east Asia, the Mediterranean) had a human rights coordinator. The coordinators for Latin America and the Mediterranean coordinated projects in consultation and cooperation with the desk officers concerned, whereas projects in Asia were assigned to the desk officers themselves. One official was assigned to coordinate human rights activities both inside the DG (reporting to the Deputy Director-General) and with the other external relations DGs.

Former DGVIII: “External relations and development cooperation with Africa, the Caribbean and the Pacific – Lomé Convention”

In close cooperation with Commission Delegations, desk officers were responsible for monitoring the human rights situation in their countries. In every Commission Delegation, the person responsible for human rights issues was in direct contact with DGVIII’s Human Rights Unit, which was also consulted at various stages in the drafting of strategy papers, national indicative programmes (NIPs) and regional indicative programmes (RIPs), mid-term reviews and decisions to allocate incentive amounts for institutional reforms. Although the Human Rights Unit was responsible for managing projects, the political dimension of projects and consistency with other Commission and Member States projects and cooperation instruments were supervised by the Commission Delegation and desk officers responsible. The Unit was also responsible for integrating the various cross-sectoral issues into operations, projects and programs and handling interdepartmental communications. It was

likewise involved in relations with international organisations, Community institutions and Member State representatives, negotiations for the Lomé Convention and efforts to prevent or settle conflicts.

The workload of the unit was divided between eight staff on a geographical and thematic basis, one being responsible for coordinating the budget headings and incentive amounts. Coordination with the other external relations DGs was the responsibility of the head of unit.

European Community Humanitarian Office (ECHO)

In ECHO, the desk officer responsible monitored the general situation in a country or region, including the human rights situation, which is often directly linked to an emergency afflicting the country. The emphasis, however, was on humanitarian needs and the immediate response thereto. Humanitarian aid projects may nevertheless have a human rights dimension and a direct impact on the human rights situation on the ground. In addition to the desk officers ECHO has assigned a coordinator to act as an interface between humanitarian aid and human rights. This member of staff is responsible for coordination with other Commission departments and for determining, with the desk officers, how ECHO's humanitarian aid can best serve the protection of human rights.

SCR "Common Service for External relations"

Established in October 1997, the SCR has grown increasingly operational. It is responsible for all aspects of implementation of Community aid to non-member countries: technical and operational, financial and accounting, contractual and legal, auditing and evaluating.

Unit SCR/A5 (CFSP, Human Rights and Democracy, Drugs) is in charge of the implementation and financial monitoring of human rights measures under Chapter B7-70. It coordinates human rights activities within the SCR (in particular with the units responsible for contracts and financing). In May 1999, the Commission decided that a one-year contract should be concluded by direct agreement between DG1A and the European Human Rights Foundation. Technical assistance staff helped the former DG1A select and prepare projects for financing under chapters B7-700, 701, 704, 706, 709. They also assisted the SCR in the monitoring of ongoing projects and provided Commission Delegations with back up for micro-projects.

Several methods and instruments are available for implementing the thematic and geographic priorities elaborated above. None has proven sufficient in itself; in the pursuit of effectiveness, Community action has involved a combination of methods determined by the operational objectives pursued. The different mechanisms employed since 1996 have been as follows.

c) Call for proposals

In July 1998, the Commission's *Vade-mecum* on Grant Management stipulated that the preferred method for project selection was the call for proposals.¹²⁹ The 'call for proposals' is published to mobilise a wide range of actors of civil society in support of Community priorities. This mechanism is particularly appropriate for cooperation with NGOs and enables the Commission to ensure that its strategic priorities are echoed by civil society. Projects are selected on the basis of common principles and identical criteria and priority given to proposals of at least 500,000 Euros. Before 1999, the minimum Community contribution was much lower, but Directorate Generals without the benefit of technical assistance found it difficult to cope with the large volume of projects.

However, up to 30% of the total budget for the 1999 call for proposals may be used to finance a limited number of proposals for small (50,000-150,000 Euros) or medium sized (150,000-500,000 Euros). It provided for a common approach by the former DGIA, DGVIII, and DGI to the selection and management of projects. The formula chosen for the minimum of size of projects does not exclude small priority activities from being supported, but will nonetheless allocate the major proportion of funds to larger proposals.

Following the adoption of the Human Rights Regulations providing a legal basis for external action in this area, at the end of August 1999 a call for large proposals was made (minimum Community contribution of 50.000 Euros) involving 3 of the 4 DGs managing EIDHR funds (DG1, 1A, VIII) but not DG1B – MEDA, Latin America and Asia. The recommendations for projects to be funded was to be reviewed the Human Rights and Democracy Committee, which, as outlined above had to approve any project with an EC contribution of over 1 million Euros. The overall objective was to award grants for no more than 125 operations, covering an implementation period of up to 36 months. Quality projects which, while meeting all the eligibility criteria, cannot be financed under the 1999 budget, could be put on a reserve list for funding in 2000.

The system of selecting projects must take account of the diversity of needs and situations in the field of human rights. It is for this reason that different methods such as the call for proposals, micro projects and targeted projects are used, but in a complementary way. Further discussion of the call for proposals can be found in the section on assessments in Part 4.

d) Ad-hoc projects (targeted projects)

The political importance and urgency of particular measures, and the requirement that the Union be visible when implementing certain political decisions, dictate that some activities be carried out outside the scope of the call for proposals. Given the residual uncertainty related to the timing of the call for proposals, and the acute urgency and political importance of some projects, certain issues need to be funded directly in

¹²⁹ The Vade-Mecum on Grant Management (for applicants and beneficiaries), European Commission, November 1998, available at <http://europa.eu.int/comm/secretariat-general/sgc/info-subv-common/shortvad-en.pdf>

advance or in parallel with the call for proposals. They are treated in the same way as programmes with international organisations. Such activities are obviously politically sensitive and address strategic priorities, including for example the development of the European Human Rights Masters Programme and projects in Kosovo.

e) Micro-projects

Micro projects were designed as small scale activities to promote democracy to be identified and managed by the Commission Delegations, especially in the central and eastern European countries, former Yugoslavia, the former Soviet Union and China. They provide an opportunity for the partner States to have a direct stake in the programme.

f) Co-operation with International Organisations

Between 1996 and 1999, the EU collaborated extensively with other international organisations including the Council of Europe, OSCE, and the UN through Chapter B7-7. Community funds destined for such collaboration are not subsidies or grants to the organisations in question. With regard to the Council of Europe, such funds are contributions to Joint Programmes, jointly financed and coordinated by the Commission and Council of Europe. Cooperation with international organisations is not implemented through calls for proposals; activities of interest to the Commission and its partner organisations are identified and implemented with due regard for the Community's visibility.

g) Multi-annual programming

Having learned from the experience of projects for democratisation and human rights in Latin America, the Commission adopted in July 1998 a coherent and integrated multi-annual programming approach to maximise the impact and visibility of Community action in the region. This approach, initiated in Latin America (Budget line B7-703), has now been extended to South and South-East Asia (Budget line B7-707) and the Mediterranean (Budget line B7-705).

The establishment of multi-annual programming stems from the orientations contained in the new Human Rights Regulations, which provide for close coordination with member States' representatives and dialogue with organisations of civil society in the regions concerned. The approach also guarantees the consistency and complementarity of human rights operations with the Community's development aid strategies. It reaffirms, on the one hand, the indivisibility, universality and interdependence of human rights and, on the other, the link between human rights, democracy and development; basic principles of Community co-operation with third countries.

The first multiannual programme was elaborated for Central America in 1998 and was scheduled to last for four years (1999-2002). This programme was designed in conjunction with the Commission Delegations and offices in Central America, specialist organisations of civil society in the region and the representatives of the Member States, which took part in a series of meetings to determine the priorities for individual countries and the region. More detail on the priorities in this area can be found in Part 2.2.

The methodology followed involves:

1. analysing a country's ratification of international instruments with a view to establishing a standard profile;
2. assessing the current human rights situation in a country, encompassing any bilateral or regional dialogue it may be involved in;
3. designing a multi-annual programme for each country setting out the priority measures to be taken into account on the basis of the above-mentioned analysis and assessment, the experience acquired from past projects and any ongoing dialogue.

h) Incentive amounts

Some more general or multi-sectoral headings and instruments can also be used to implement measures in support of human rights and democracy. Incentive amounts are an important instrument used by budget lines B7-7020, B7-7021, B7-7022. The incentives offered by the budget headings are particularly important when implementing the human rights provisions of the Lomé Convention. These amounts are intended to finance institutional and administrative reforms in pursuit of democratisation and the rule of law. In practice, the pilot projects financed by the budget headings back up more substantial projects funded by the national indicative programme (NIP) and the incentive amounts.

i) Technical assistance

The budget provides for technical and administrative assistance both for the Commission and recipients. Technical assistance includes both assessment of the proposals and the management or monitoring of the projects. Budget lines dealt in different ways with this priority. A number of organisations and consultants have been contracted for this purpose. The PHARE and TACIS programmes had their own monitoring units each of which conducted reviews of the projects funded under budget headings B7-700 & 701. In 1997, responsibility for B7-700 and B-701 were transferred from PHARE and TACIS to the Human Rights Unit of DGIA. As a result of the European Court of Justice's ruling C-106/96 of 12 May 1998, no monitoring or other assessments of projects were undertaken between June 1998 and July 1999. In July 1999, the EHRF was again contracted to supply technical assistance for 12 months to assist with the call for proposals, the implementation of projects and the organisation of the micro-projects in CEEC/NIS.

PART 4

ASSESSMENT

The Parliament has explicitly requested that this report include an assessment of the effectiveness of funded projects.¹³⁰ Vice-President Imbeni also suggested that such reports should be an opportunity for an ‘assessment of human rights-related activities funded by the European Commission’.¹³¹ In light of these comments, some important developments and evaluations completed since the last report should be highlighted.

• Evaluations

When the Common Service for External Relations (SCR) was set up in October 1997, one of the responsibilities it assumed was for the evaluation of Community assistance to third countries. It defines evaluation as an assessment ‘as systematic and objective as possible’ with regard to the design, implementation and results of projects. The objectives of such evaluation are to improve external action, and provide transparency and accountability.

Evaluations assess the implementation of projects and proposals by analysing their relevance, efficiency, effectiveness, impact and sustainability. These reports are public documents and available on the Internet, on the following site:

<http://www.europa.eu.int/comm/scr/evaluation/index.htm>

The work programme of the Evaluation Unit of SCR is built around a ‘rolling’ 1-2 year programme covering several dozen multiproject and multicountry evaluations. There follows a summary of some evaluations of programmes supported through the European Initiative for Democracy and Human Rights.

In April 1999, the MEDA Democracy Programme was appraised.¹³² The evaluation concluded that the programme for the most part effectively and coherently addressed the issues most relevant to human rights and democracy needs in MEDA countries, and that the project mix was largely appropriate. It found projects were well designed and coherent with other programmes. Institutional sustainability was described as generally good, except in the case of single-event conferences, which have little impact beyond the immediate participants. Regional projects were less effective for targeting key groups such as women, refugees and minorities, but were suitable for training and professional capacity building. Donor coordination was found to be inadequate and the procedures for application, selection and reporting were not well understood.

In 1997, in response to a resolution of the Parliament, an interim evaluation of the PHARE Programme was completed.¹³³ It concluded that its objectives and activities have been very relevant in addressing important issues of the transition process in the

¹³⁰ European Parliament resolution A4-0381/97, *ibid*, op 13

¹³¹ ‘Imbeni report’, *ibid*, at 9

¹³² Evaluation of the MEDA Democracy Programme 1996-1998, ref. 951460

¹³³ PHARE interim evaluation, ref. 951466

target countries, such as the development of democracy and civil society. However, the evaluation found that the Programme had realised less than its full potential, with its effectiveness and impact diluted by lack of leverage to ensure good programme performance, by deficiencies in project cycle management and by a preoccupation with financial and procedural control.

An interim evaluation was conducted for the TACIS Programme in 1998.¹³⁴ The Programme was credited with a positive record on project effectiveness in achieving its intended objectives; a 'decisive factor for the positive final assessment of the programme'. Its relevance was limited, however, by shortcomings in terms of management efficiency, transparency and an over-emphasis on financial and administrative procedures. The evaluation also found that the demand-driven principle underlying the programme had weakened the impact of TACIS.

The PHARE and TACIS Democracy Programme (PTDP) was also evaluated in 1997.¹³⁵ The evaluation found that PTDP has contributed to the growth and legitimacy of the NGO sector in beneficiary countries, and that it had facilitated the transfer of know-how and partnerships between Eastern and Western civil societies and has provided great visibility for the EU. It concluded that the 'bottom-up' approach in the selection of projects is very important for accurately reflecting the needs of countries. The evaluation suggested however, that the impact and efficiency of implementation of the programme seemed to have been greater in PHARE countries than in TACIS countries. It cited more funds spent in the PHARE region, the stronger capacity of indigenous NGOs there, and constraints on civil society in TACIS countries as explanations for this discrepancy.

In addition, a number of evaluations have been completed on individual projects. These include projects concerning refugees and displaced persons in Ethiopia, Malawi, Mozambique and Angola¹³⁶, and that for the EU contingent to the UN human rights field operation in Rwanda.¹³⁷ Forthcoming evaluations include those on activities in support of uprooted peoples in Asian and Latin American States, and positive actions in the field of democracy and human rights in ACP States.

• The views of civil society

In the process of evaluating the EU's promotion of human rights and democracy, and of setting priorities for its improvement, a key role must be accorded to the opinion of those representatives of civil society who help implement EU action and witness its operation on the ground. External Relations Commissioner Patten underlined this point at the EU human rights discussion forum in November 1999, when he recognised that the Commission has been criticised for lacking a coherent strategy for its human rights activities.¹³⁸ The knowledge and experience of the human rights NGO community is essential in the process of redefining priorities and learning from

¹³⁴ TACIS interim evaluation, ref. 951415

¹³⁵ Evaluation of the PHARE and TACIS Democracy Programme, ref. 951432

¹³⁶ Evaluation of EU actions under § 255, VII EDF – Assistance to refugees, returnees and displaced persons – Ethiopia, Malawi, Mozambique and Angola, ref. 951178

¹³⁷ Evaluation of the European Union contingent to the UN human rights field operation in Rwanda, ref. 951458

¹³⁸ Human Rights Discussion Forum, *ibid.*

experience; it would be ‘intellectual vandalism’ to ignore their views. Parliament Vice-President Imbeni stated that the purpose of the Forum was to move towards greater coherence in the human rights policy of the EU, and to bring civil society into external relations activities, so that EU institutions can benefit from the wide range of experience that such participants can contribute in examining how effective the EU’s activities have been.

The Discussion Forum provided a valuable opportunity for the Commission to listen and respond to the appraisal of NGO representatives. The working group on EC cooperation in the field of human rights outlined several key areas of concern. The World Organisation against Torture argued that ‘people busy fighting for human rights are having to waste their time with over complicated procedures.’ Clear information on the programme guidelines and application procedures should be readily available and funding should be allocated in a transparent manner, in line with the Commission’s *Vade-mecum* on grant management. Many NGOs had received little information about the 1999 call for proposals, especially those outside the EU. The Commission responded that these were years of transition for it, and that significant changes in the management structure have made coherence difficult.

Two important problems were identified in the managerial culture related to human rights programmes; firstly, delays in Commission payments and secondly, the Commission’s insistence on audit control for even small items of expenditure. The Commission, however, emphasised that it is obliged to practice ‘sound financial management’. With regard to the size of grants, the policy of giving priority to projects with a Community contribution of at least 500,000 Euros was criticised as being beyond the capacity of most NGOs, favouring larger Western groups. The Commission accepted these arguments, but given the ‘severe lack of staff in the competent services of the Commission’, the allocation of fewer, larger funds seemed the only current solution. Furthermore 30% of projects funded from the 1999 budget were smaller than 500,000 Euros, reserved for micro-projects of less than 50,000 Euros.

Concerning consultation, cooperation and discussion, several NGOs suggested that more ‘vertical’ consultation with NGOs should be carried out when developing policies and priorities in the field of human rights, and that consultation with NGOs in the field needed improvement. Communication should also be improved ‘horizontally’, between the Commission and other donors in the field. In this way, duplication of work could be avoided and international funding strategies could compliment one another. The Commission pointed out that measures were being taken to improve the coherence of the human rights strategy; the creation of a single Directorate General for external relations being one example of this. It was agreed that the Human Rights Discussion Forum should become a regular event.

- **Academic analysis**

During the period under review, a number of significant academic studies critically examined the Commission’s performance in the field of human rights. A significant contribution to Commission thinking is represented by the report of the Comité des Sages, consisting of Judge Antonio Cassesse, Mme Catherine Lalumière, Professor

Peter Leuprecht, and Mrs Mary Robinson.¹³⁹ The report, 'Leading by example: a human rights agenda for the year 2000', presented in 1998, argued for an informed, consistent, credible and effective human rights policy for the EU. The attached project report lamented the lack of appropriate political, financial and administrative support, necessary to underpin such a policy. With regard to the role of the Commission in the field of external relations, the report found that in relation to 'a very large number of countries, the Commission has played a vital, constructive and often innovative role in supporting human rights and democracy initiatives, providing funds for election support and observation.'¹⁴⁰ It welcomed that the budget for the European Initiative for democracy and human rights had almost doubled between 1994 and 1998.

The report suggested, however, that the role, impact and effectiveness of the Commission's activities would be considerably enhanced if measures were taken to address three major problems. Firstly, it cited the absence of a proper legal base in the implementation of Community action, as highlighted by the European Court of Justice's ruling C-106/96 of 12 May 1998. The urgent need to propose a solution was emphasised. Secondly, the report criticised 'internal administrative fragmentation' within the Commission, with unduly divided responsibility for human rights matters and a general lack of transparency. Thirdly, it discussed the 'lack of staff, expertise and bureaucratic clout' in that the fragmentation of responsibility means that none of the bureaucratic entities responsible for human rights policy is large enough to develop the range of staff and the development of a 'consistent, transparent, efficient, credible and conspicuous human rights policy.'¹⁴¹

In light of these concerns, the report proposed that human rights become the subject of a 'central and separate portfolio' within the Commission, specifically that a separate Commissioner and Directorate-General for human rights be established, having no major additional portfolio responsibilities. The Directorate-General would have a mainstreaming function for human rights throughout the Commission and would be responsible for 'developing policies and initiatives designed to make the protection of existing human rights more effective in the long run', through coordination with member states, support for and consultation with human rights NGOs, and cooperation and consultation with the other parts of the Commission.¹⁴²

Since 1998, these issues have been addressed in a number of ways. Firstly, the question of a legal basis for the human rights activities of the Commission was settled when the Council adopted Regulations 975 and 976 on 29 April 1999. These regulations, specific provisions of which are referred to throughout the thematic part of this document, provide the clarity and authority necessary for the human rights and democracy activities of the Community. Secondly, administrative reorganisations, following the appointment of the new Commission in 1999, have provided for a new Directorate and Commissioner for External Relations. For the first time in the history of the Commission, a single figure has responsibility for the promotion of human rights. Thirdly, the human rights and democratisation unit within the Directorate has

¹³⁹ Cassese.A, Lalumière.L, Leuprecht.P, Robinson.M 'Leading by example: a human rights agenda for the year 2000' European University Institute, 1998

¹⁴⁰ *ibid*, at 60

¹⁴¹ *ibid*, at 62

¹⁴² *ibid*, at 70

assumed worldwide responsibility for human rights, and for coordination within the Commission. Further details of administrative changes which address transparency and effectiveness are discussed in part three of this document.

In 1999, Professor Phillip Alston of the European University Institute, published 'the most wide-ranging survey yet to be undertaken of the role of the European Union in relation to human rights'.¹⁴³ Decaux, in the chapter on civil society suggests a further expansion of the relationship of the EU with non-governmental organisations.¹⁴⁴ It argues for more structured institutional dialogue between the Community and the organs of civil society, and draws attention to the role of specialist NGOs in the European Monitoring Centre on Racism and Xenophobia. Decaux argues that, in addition to closer cooperation and consultation with NGO, 'inspiration could be drawn from the experience of national organisations for the promotion and protection of human rights' as pluralistic centre-points for the active forces of civil society.

The Community is criticised for current arrangements of 'bureaucratic management of resources', which can create a climate of uncertainty for NGOs. Cooperation with NGOs, Decaux suggests, 'would certainly make it possible to supply a better definition of the objectives to be attained and jointly to try to find the best means of attaining them'. Civil society should participate not only by means of the major NGOs, but also through a targeted approach having regard to specific needs and possibilities, and involving the media, the legal profession, and training and information on human rights. The entire European Union, the assessment concludes, would gain in credibility and effectiveness.

The action undertaken through the human rights and democracy budget line, has only been possible with the enormous commitment of civil society and NGOs as partners of the Commission. Local, regional or international organisations implement the projects in practically every area of Commission support. As outlined in others parts of this report, such organisations do play a significant role in the development of activity. Firstly, through mechanisms like the call for proposals, NGOs provide specific project ideas to implement general policy objectives. The dialogue between the Commission and NGOs therefore takes place not just at the formal level, such as the Forum outlined above, but on a day-to-day basis of shaping projects and designing the activities which put EU policy into action. As highlighted in some of the featured project examples, the Commission Delegations also play a role in supporting implementing partners in civil society.

Decaux makes an important point about not restricting participation in this process to large, established human rights NGOs, and the Parliament too has stressed the need to involve grassroots and new organs of civil society. It is for this reason that a major concern of the Community between 1996 and 1999 has been the strengthening of NGOs throughout the world; projects designed to facilitate a pluralistic and effective civil society account for almost a third of the total human rights and democracy budget.

¹⁴³ Alston, P. 1999, *ibid*.

¹⁴⁴ Decaux, E. 'Human Rights and Civil Society' in Alston, *ibid*, at 899-917

The input of NGOs at the level of policy and coordination is also extremely important. Human rights NGOs and institutions represent an unparalleled source of expertise, and, their views must be listened carefully to. Having regard to some of the evaluations outlined in this report, it is clear that this is an area which must be further developed. As the Commissioner for External Relations asked at the recent Human Rights Forum, ‘how can we work better with NGOs to achieve all this?’

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