

Democratisation and Human Rights in Latin America

Building a Culture of Justice and Peace



**Building
a Culture
of Justice
and Peace**



*"Existence is
the first possession.
The second is
the way of life."*

Simón Bolívar

Foreword



Over recent years, the strong historic and cultural ties spanning the Atlantic, which are at the root of our shared values, have developed into a rich network of relations between Latin America and the European Union.

The key factor in the gradual tightening of links between the two regions is undoubtedly Latin America's transition towards democratic, representational systems based on respect for human rights.

The European Union, aware that the move towards peace and democracy is a slow and difficult process, has unreservedly supported the efforts of Latin American countries to meet the challenge of strengthening democracy and achieving a stable and lasting peace.

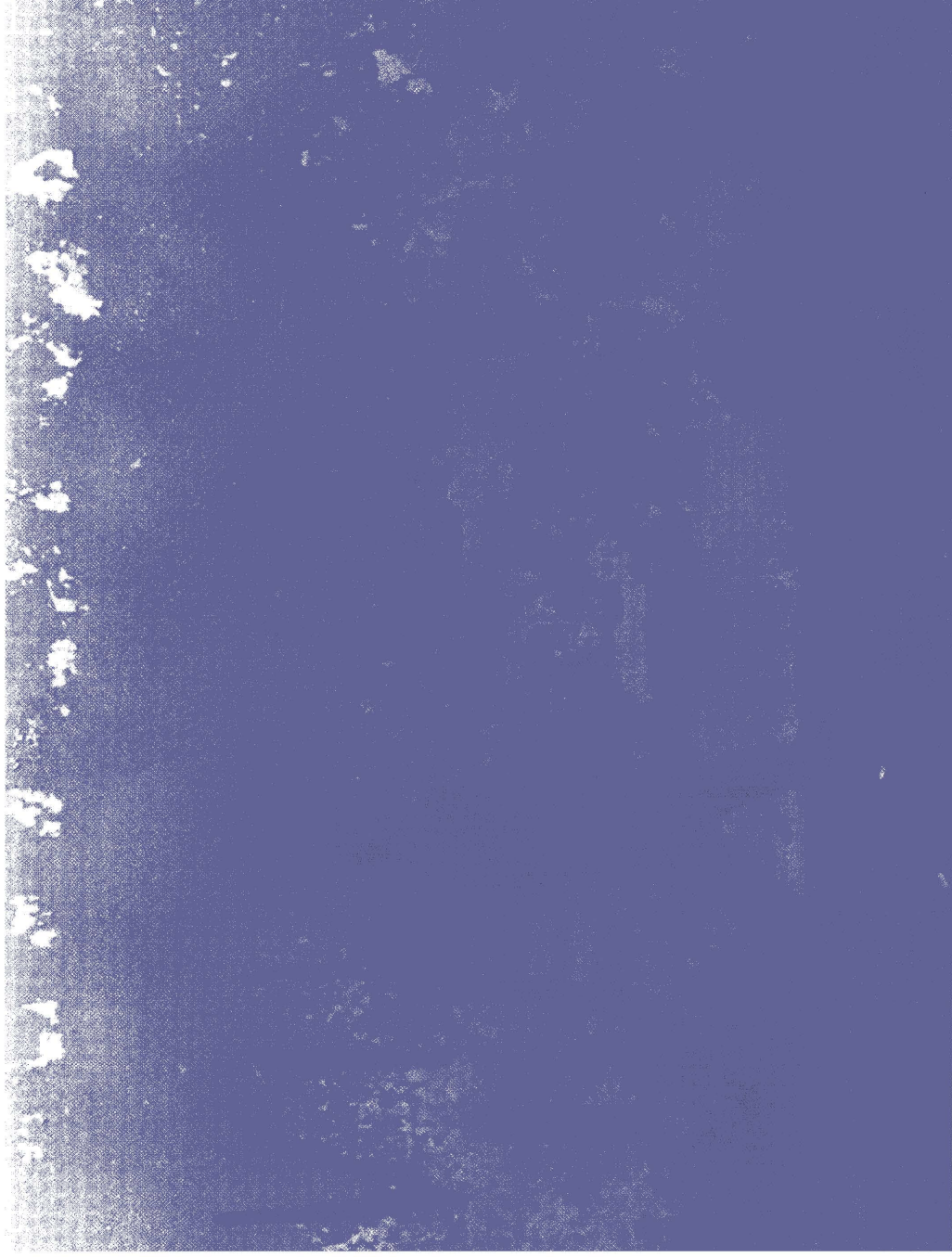
To that end, the European Union has been engaged in a major cooperation exercise involving financial assistance for the many measures undertaken by Latin American institutions to promote the rule of law and the active involvement of a responsible civil society aware of its rights and obligations.

That initiative goes beyond purely economic support to genuine commitment. The motivation behind European Union support for democratic processes is the fact that our policies and funds are unquestionably the product of a democratic integration system.

We have seen 10 years of disinterested solidarity, 10 years of support without imposed models or conditions, with the single exception of respect for constitutional law. The European Union has a responsibility to maintain its contribution to the development of a peaceful and democratic Latin America, autonomous, integrated in its diversity and founded on respect for human dignity.

Manuel Marín
Vice-President of the European Commission

The European Union, democratisation and human rights in Latin America



Support for democratisation and the promotion of human rights has become a determining element in the European Union's external relations, and particularly its cooperation policy with developing countries. This priority is illustrated by the **"democratic clause"**, which was introduced into the EU's cooperation agreements with Latin America in the Nineties and now underlies all Community cooperation with the region. This clause has since been introduced into all the cooperation agreements with other regions in the world. Since EU prerequisites for real and sustainable economic and social development include the respect for and effective exercise of human rights and fundamental freedoms, as well as democratic principles, its **cooperation policy — which is geared to human development** — encourages those countries most-committed to these principles.

This now well-established relationship between Community cooperation and the promotion of the State of law in Latin American countries is regularly reaffirmed in the political dialogue instituted between the two regions.

The fundamental aims of European cooperation with Latin America include the full application of the State of law and total respect for democratic principles and procedures.

The legal bases

Community policy in democratisation and human rights is guided by the universal commitments contained in the **Universal Declaration of Human Rights** of 1948, plus the two **international Pacts** of 1966 on civil and political rights and on economic, social and cultural rights. The European Union is also mindful of the work of major international conferences, such as the 1993 Vienna World Conference on human rights. The EU is among the promoters of this conference's action programme and is committed to the main principles reaffirmed in its final declaration: **universality, indivisibility and the interdependence of human rights**.

In addition to these universal references, the EU has regional instruments such as the **European Convention on Human Rights** of 1950, the **Paris Charter** of 1990 and the **stability Pact** of 1990. It also has its own instruments.

Therefore, the **European Council's Resolution on human rights, democracy and development** of 28 November 1991 is especially committed to the Community's cooperation policy with developing countries, and underlines the importance of a joint and forward-looking approach to promote human rights and democracy in these countries. It advocates active support for: countries striving to establish democracy and to improve the human rights situation; the holding of elections and the creation of new democratic institutions; strengthening the State of law, the judicial system, the role of non-governmental organisations and other institutions necessary to ensure society's pluralistic character; the adoption of a decentralised approach to cooperation; and actions aimed at securing equal opportunities for everyone.

The **Maastricht Treaty** on the European Union stipulates that the Community's cooperation activities should form the "general objective of developing and consolidating democracy and the State of law, as well as respect for human rights and fundamental freedoms".

The Commission approved two communications in this field in 1995. The first concerns the inclusion of respect for democracy and human rights in agreements between the European Union and third countries. In the second, the Commission sets out its position on the Union's human rights policy.

Community support for the processes of peace and democratisation in Latin America

From the start, the EU has supported Latin American efforts in the **search for a negotiated peace in Central America**. This includes support for the Contadora Group (Mexico, Colombia, Venezuela, Panama) set up in 1983, for the "Esquipulas" process which began with the region's 1986 presidential summit, and the regional peace Treaty of 1987 ("Esquipulas II").

The European Union has supported reconstruction and national reconciliation in Latin American countries that have embarked on pacification and democratisation processes. Chile, El Salvador and Nicaragua are among the main beneficiaries of this aid.



Bosio/Gamma-Liaison

Community support for the processes of peace and democratisation in Latin America

Latin America has been involved in annual dialogue with Europe, at ministerial level, since 1984. Known as the "**San José dialogue**", it has undoubtedly accelerated the emergence of the Central American initiative seeking a negotiated peace. This political support has always been accompanied by substantial funds for humanitarian aid, development and economic cooperation.

Throughout the war, the EU was the principal aid donor to Central American refugees, displaced and repatriated persons and demobilised fighters. Once peace had returned to Nicaragua and El Salvador, it was one of the main sponsors of reconstruction and national reconciliation in these countries. The EU provides extensive support to Guatemala, which is still involved in the peace negotiations process.

In addition to supporting pacification and democratisation in Central America, the EU has supported the democratic transition in South America, especially in Chile. Almost all Latin American countries are now governed by democratically-elected governments.

The subcontinent's process of **regional integration** and **political dialogue** is also increasingly well-established and based on democratic principles, again with the active support of the EU. The institutionalised dialogue with the

Rio Group, started in 1990, is part of the political framework of a **growing partnership**.

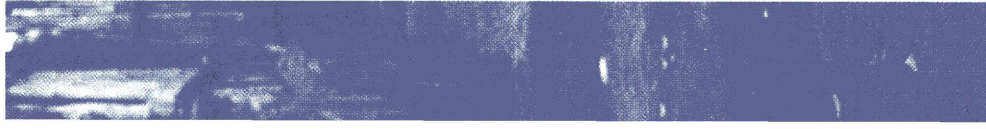
Equal development opportunities, regional solidarity and economic growth are essential conditions for strengthening the democratic processes. The European Union is a reliable partner for Latin America in these fields and its cooperation is growing.



What does this cooperation involve ?

Its advantages

The EU plays a leading role in international cooperation with Latin America and is the main donor of public aid for the region's development. The EU supports the subcontinent's efforts and struggles associated with democratisation and human rights. The aim is to set up genuine States of law in public institutions and civilian societies. The EU has the confidence of its Latin American partners as a result of its unintrusive respect for their initiatives. Among other things, they appreciate EU support for the peace process without interference; its conceptual, historical and practical



experience of democracy and human rights; its experience in exercising public power, and in the organised or individual activities of civilian society; the efficiency of its human rights protection system, which inspired the corresponding inter-American system; and the priority it gives to progressive measures.

European cooperation on human rights takes place in the context of modernising Latin America's state institutions. It also supports the process whereby the application of fundamental democratic principles is extended throughout each country.

Political relations between Europe and Latin America

These relations have developed considerably since 1984. That was the date of the first ministerial meeting between the EU and Central American countries, marking Europe's firm commitment to support the regional peace process, both politically and through humanitarian aid and development. Dialogue with the Central American Isthmus has since been institutionalised, followed in 1990 by the establishment of talks with the Rio Group.

The EU develops political relations with Latin America in the context of its common foreign and security policy (PESC), working through various Community institutions (Commission, Council and Parliament). European Commission delegations have been set up in many countries; its Member States work closely with one another and take a definite position on Latin American events through the Council. Interparliamentary conferences between the Latin American Parliament and European Parliament are held every two years, and the latter frequently adopts resolutions on the political and social problems in Latin American countries (especially on human rights).

Since the 1980s, dialogue between Europe and Latin America has been dominated by the search for a negotiated solution to Central American conflicts and by support for nascent democracies. This has led to cooperation focusing mainly on humanitarian aid. In the Nineties, this dialogue is expressed more in terms of a partnership resolutely based on respect for democratic principles and human rights; hence the increasing importance of these areas in Community cooperation with the region.



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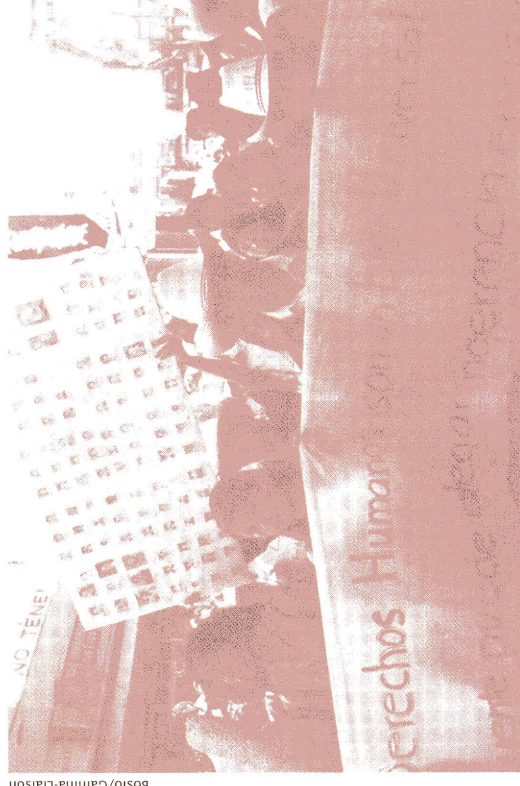
CPDH

European cooperation can pride itself on the emergence of non-governmental authorities and organised signs of "civil society": these are a genuine and effective result of the implementation of EU democratisation and human rights programmes (13 million ECU, or 17 million US dollars).

The fields of activity

Community cooperation's fields of activity in democratisation and human rights take into account the needs of the countries concerned, according to the subjects. Projects concerning the following have therefore been implemented: the strengthening of civilian society and the promotion of human rights within society; the protection of vulnerable groups (street kids, indigenous peoples, women and children, refugees and displaced persons, victims of violence, etc.); support for parliaments and other institutions involved in the peace processes; and good governance. Activities of this kind have improved the electoral processes and the administration of justice, in addition to creating the posts of human rights attorneys (ombudsmen). Training projects in conjunction with the armed and security forces have helped the latter assume the natural role and functions associated with such forces in a State of law.

As a result of various conflicts in the region, Community aid has focused on refugee populations, as well as displaced and repatriated persons.



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Some areas of great importance to the EU are closely monitored:

- **Ombudsmen:** they are a new institution in the legal framework of the Latin American States, and have been supported by the EU since the beginning. Their usefulness and success are unanimously recognised. The Community continues to encourage the financial independence of this institution, so that it can function correctly, and its decentralisation. The EU also supports the creation of ombudsmen in countries where they do not yet exist.
- **Armed and security forces:** the EU has been innovative in this field. For several years it has funded training projects on human rights and democratic principles for Latin American armed and police forces.



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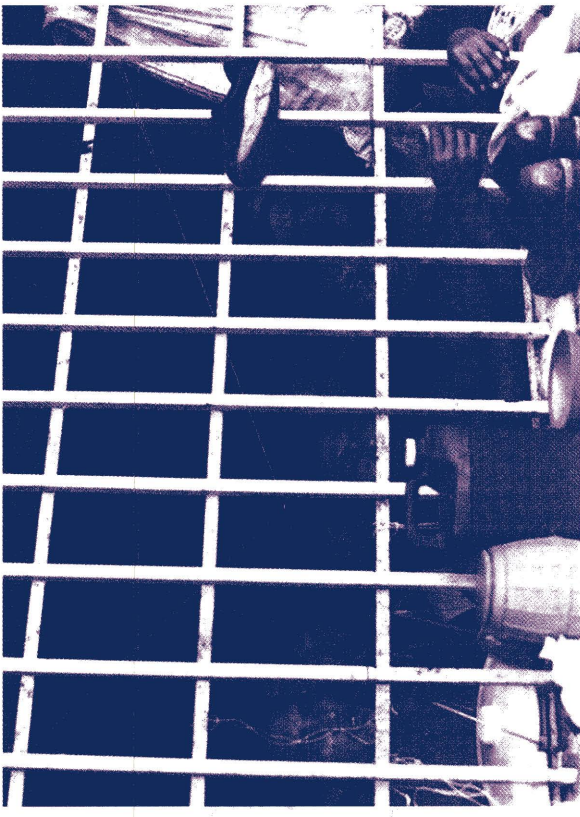
Support for strengthening the full application of the State of law has been conditional upon the fulfilment to several criteria. The most important being a guarantee of the separation of powers, the modernisation of the justice system, support for the "ombudsmen" and human rights training for the armed and security forces. Over recent years, the EU has funded projects in these areas worth 25 million ECU (33 million US dollars).

Under aid for the functioning of justice, European cooperation has channelled 8 million ECU (10.5 million US dollars) into tackling problems within the penal and penitentiary systems, for both minors and adults.

It resolutely supports Latin American initiatives, both in Central America and South America (especially in the Andean Pact countries), aimed at establishing a clear division between the roles of these two institutions within the State of law, and to improve their professional training.

→ **Administration of justice:** the EU supports all reforms facilitating the implementation of a justice system which is modern, transparent, efficient and independent -- a system that results from a genuine separation of the powers. Some specific areas are being closely monitored by the EU, such as the humanisation of the prison system and the improvement of the penal system for minors.

→ **Regional programmes:** dedicated to the spirit of regional integration (one of its key objectives), the EU promotes regional actions that encourage dialogue and exchanges of experience for democratisation and human rights. Regional programmes are therefore being implemented for training (regional seminars), the administration of justice, aid for vulnerable groups (local people), etc.



Goffioni/Gamma

Financial means

Community cooperation with Latin America in this field (in the form of grants, thus avoiding the creation of debts) has continually developed. It is stimulated by aid from a specific budget line created in 1990 at the initiative of the European Parliament, designated "Support for democratisation and human rights in Latin America". Originally limited to Central America, its field of action has been enlarged since 1992 to cover the whole subcontinent.

Over the period 1990-1996, this line helped to fund no fewer than 390 activities totalling 86 million ECU (111 million dollars).

On a wider scale, these specific activities have been complemented by projects funded from other budget lines directly concerned with human rights and democratisation. These lines include aid for the following: refugees, displaced persons, the reinsertion of demobilised fighters, women, street kids, civilian police forces, the strengthening of the State of law, and the fight against poverty. This integral approach to Latin American issues facilitates the implementation of more ambitious and multi-dimensional projects, in keeping with the indivisible nature of human rights (civil, political, economic, social and cultural) and respect for the differences between individual countries.

The EU can act more effectively by mobilising all its available budget instruments, covering "all fronts"; this is of greater benefit to its partners.

In almost every case, the EU's partners in this region -- who are involved in implementing these activities -- are the local or regional, governmental and non-governmental institutions. They are tasked with distributing and increasing this aid to the final beneficiaries of this cooperation. This means **the Latin American citizens who are aware of their rights and duties**, and who are able to defend them before the legitimate and credible public authorities.

European cooperation priorities in the region include the rights of indigenous populations, as well as the rights of minorities and society's most vulnerable groups (children, women). (9 million ECU, or 12 million US dollars.)

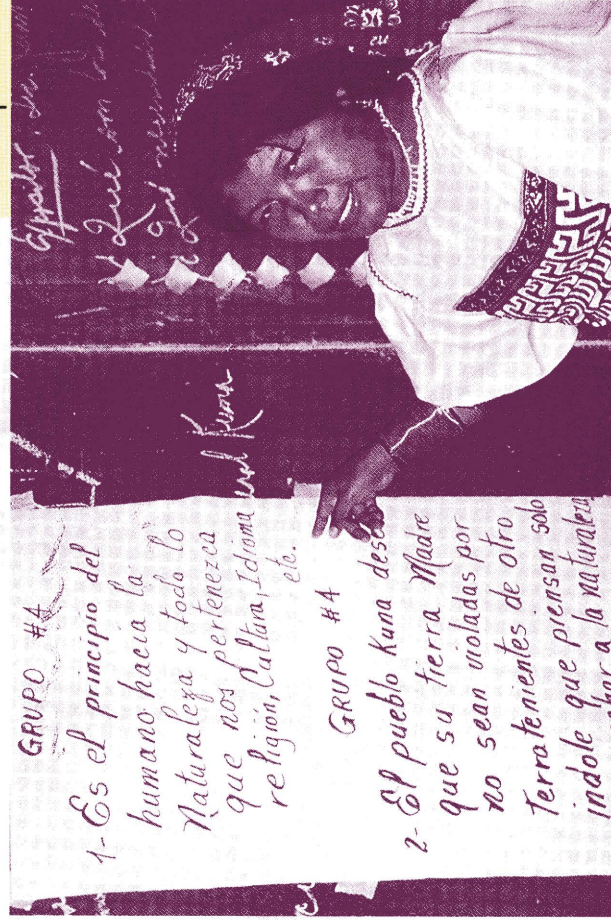
→ **Activities for civil society:** the EU supports all forms of democratic expression in civil society, since they are democratisation factors in Latin American countries. The Community also encourages education and training for civil society movements, enabling them to meet their new responsibilities according to a participative and complementary plan set out by the authorities.

→ **The multi-annual programme for the promotion of human rights in Central America:** this results from a Central American initiative, expressed through political dialogue between the two regions. The programme was launched in 1992 with the participation of independent Central American and European experts, thus meeting the declared needs of the

Isthmus countries and illustrating how fruitful this dialogue is.

The beneficiaries

All Latin American countries receive support from the Community for democratisation and human rights.



Towards the year 2000: new directions to deepen community action under way

The Community's new policy on democratisation and human rights in Latin America until the year 2000 will reinforce ongoing actions, while also taking into account the development of Latin American countries and the new challenges they face. The EU will continue to support and encourage all initiatives promoting structural reforms.

The aim is firstly to ensure the irreversibility of the democratic processes under way, and secondly to set up the legal framework needed for the promotion of human rights and the respect of the State of law, with a view to making civilian society increasingly responsible.

A great deal of effort still has to be made for although Latin America has improved respect for civil and political rights over recent years, it is noticeably lagging behind on economic and social rights.

The State comprises two complementary actors involved in the affirmation and/or setting up of a real State of law that respects and promotes human rights: its diverse institutions and the democratic manifestations of civilian society.

In this context, the main directions of European cooperation with Latin America until the year 2000 can be summarised as follows:

The European Union has supported all recent electoral processes in the region, through cooperation programmes with the electoral institutions and the presence of Community delegations to observe voting procedures.



Neveu/Boyd - Gamma/Liaison



While continuing to support activities in defence of fundamental rights, the Community has enlarged its cooperation to cover other important fields, such as support for training projects advocating a free, pluralistic and ethical press.

- Projects for **public authorities**, which aim to achieve a real separation of powers, good public management and decentralisation. Areas include: electoral processes, pluralism, parliaments, the administration of justice, ombudsmen, the armed forces and the police.
- Projects to strengthen, develop and empower **civil society**: non-governmental organisations and other democratic agencies of civil society, education and training, freedom of expression and media, freedom for trade unions.
- Projects for **vulnerable groups**: women, children, indigenous groups, up-rooted populations (refugees, displaced and repatriated people, demobilised fighters).

The European Union supports efforts by Latin American countries to build a future where the State of law prevails and where human dignity is guaranteed, in the context of a spirit of real cooperation and mutual respect.



The EU will continue to focus on countries with the most serious human rights violations and where the processes of democratisation are still fragile (especially those still in the throes of completing a peace process or undergoing a difficult process of national reconciliation). However, the EU will not neglect countries that need to consolidate and defend their democracy, and which find themselves in an increasingly fragile situation due to creeping poverty.

Moreover, the EU is conscious of emerging and sometimes controversial issues which often involve new ethical questions. Community activities are principally aimed at people and the respect of human dignity. Consequently, like the Member States, the Community also evaluates new rights which will in future reinforce the international system for the protection of human rights.

Projects between 1990 and 1996

AREAS	1990	1991	1992	1993	1994	1995	1996	Totals 90-96	%
Strengthening State Law									
Support for Parliaments and other institutions supporting the peace processes	3.426.418	795.000	928.000	1.052.000	1.375.000	972.000	1.971.028	10.519.446	12%
Justice administration and legal assistance		411.931	1.155.000	740.000	3.620.970	2.195.500	3.454.000	11.577.401	13%
"Good governance"	352.000	2.416.900	3.063.375	2.300.000	245.000	556.737	467.000	9.401.012	11%
Electoral processes	420.000		725.000	2.445.000	1.456.868	592.828	870.000	6.509.696	8%
Strengthening of civil society	5.629.450	1.557.000	424.000	1.529.473	950.000	3.050.212	1.758.757	14.898.892	17%
Promotion and defence of Human Rights									
Ombudsmen		570.000	616.000	650.000	1.108.666	2.089.748	1.109.000	6.143.414	7%
Protection of vulnerable groups (children, indigenous groups, women, victims/violence)	160.400	2.545.100	1.285.238	2.993.500	*693.400	1.108.175	1.607.215	10.393.028	12%
Armed and security forces		350.000	300.000	850.000	474.700	450.000	445.000	2.869.700	3%
Promotion of Human Society / Rights		993.800	996.500	2.440.027	2.872.620	2.984.800	2.218.800	12.505.747	15%
Framework contracts (preparation and implementation)	500	360.269	505.898		202.754		100.000	1.169.421	1%
TOTALS (ECU)	9.988.768	10.000.000	9.999.011	15.000.000	12.999.978	14.000.000	14.000.000	85.987.757	100%

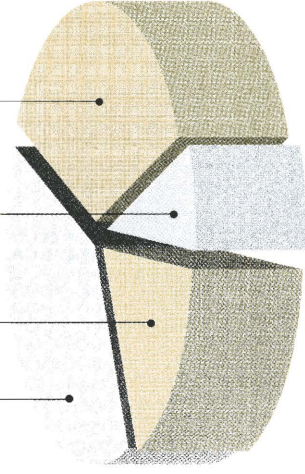
* This figure, which is less than those of preceding years for the vulnerable groups, is explained by the fact that this multisectoral aid is covered by other budget lines.

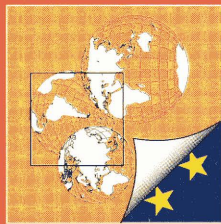
**Promotion and defence
of Human Rights**
33.081.310 ECU

**Strengthening
of civil society**
14.898.892 ECU

**Electoral
processes**
6.509.696 ECU

**Strengthening
State Law**
31.497.859 ECU





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